

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**GAMING**  
**Senator Richter, Chair**  
**Senator Sachs, Vice Chair**

**MEETING DATE:** Monday, March 3, 2014  
**TIME:** 1:30 —3:30 p.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Office Building

**MEMBERS:** Senator Richter, Chair; Senator Sachs, Vice Chair; Senators Abruzzo, Benacquisto, Braynon, Clemens, Dean, Galvano, Gardiner, Latvala, Lee, Margolis, Montford, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Consideration of proposed committee bills:			
1	<b>SPB 7050</b>	Gambling; Proposing the creation of a new section of the State Constitution to require that additional gambling, other than gambling already authorized by the State Constitution or by law, be authorized by constitutional amendment or by legislative act approved by a majority of electors in the state voting in a statewide referendum, etc.	Workshop-Discussed
2	<b>SPB 7052</b>	Gaming; Creating the Joint Legislative Gaming Control Oversight Committee; creating the Department of Gaming Control; authorizing and directing the Governor to negotiate and execute an amendment to the Gaming Compact with the Seminole Tribe of Florida; transferring the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to the Gaming Control Board within the Department of Gaming Control by type two transfer; transferring the Pari-mutuel Wagering Trust Fund within the Department of Business and Professional Regulation to the Department of Gaming Control by type two transfer, etc.	Workshop-Discussed
3	<b>SPB 7054</b>	Public Records/Gaming Control Board/Department of Gaming Control; Providing an exemption from public records requirements for such information in license or license renewal applications submitted to the Gaming Control Board or the Department of Gaming Control by a gaming license applicant or licensee; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.	Workshop-Discussed

Other Related Meeting Documents

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Gaming

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BILL: SPB 7050

INTRODUCER: For consideration by the Gaming Committee

SUBJECT: Gambling

DATE: February 28, 2014

REVISED: \_\_\_\_\_

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Kraemer	Guthrie		<b>Pre-meeting</b>

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**I. Summary:**

SPB 7050 proposes an amendment to the State Constitution to require that additional authorized gambling—other than what is authorized by the Constitution, by constitutional amendment, or by general law in effect as of January 6, 2015—will not take effect until enacted by the Legislature and approved by a majority of voters statewide.

This joint resolution creates section 28, Article X of the Florida Constitution.

**II. Present Situation:**

Section 7 of Article X of the 1968 State Constitution provides, “Lotteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution, are hereby prohibited in this state.”

Section 15 of Article X of the State Constitution (adopted by the electors in 1986) provides for state operated lotteries:

Lotteries may be operated by the state.... On the effective date of this amendment, the lotteries shall be known as the Florida Education Lotteries. Net proceeds derived from the lotteries shall be deposited to a state trust fund, to be designated The State Education Lotteries Trust Fund, to be appropriated by the Legislature. The schedule may be amended by general law.

Section 23 of Article X of the State Constitution (adopted by the electors in 2004) provides for slot machines in Miami-Dade and Broward Counties:

After voter approval of this constitutional amendment, the governing bodies of Miami-Dade and Broward Counties each may hold a county-wide referendum in their respective counties on whether to authorize slot machines within existing, licensed parimutuel facilities (thoroughbred and harness racing, greyhound racing, and jai-alai) that have conducted live racing or games in that county during each of the last two calendar years before the effective date of this amendment. If the voters of such county approve the

referendum question by majority vote, slot machines shall be authorized in such parimutuel facilities. If the voters of such county by majority vote disapprove the referendum question, slot machines shall not be so authorized, and the question shall not be presented in another referendum in that county for at least two years.

Chapter 285, F.S., provides for the gaming compact with the Seminole Tribe of Florida. Chapter 550, F.S., provides for state regulation of pari-mutuel wagering. Chapter 551, F.S., provides for state regulation of slot machine gaming at the location of certain pari-mutuel facilities in Miami-Dade County or Broward County. Chapter 849, F.S., provides that gaming or gambling is a crime unless specifically authorized, and it authorizes, with conditions, cardrooms at pari-mutuel facilities, penny-ante games, bingo, charitable drawings, game promotions (sweepstakes), bowling tournaments, and amusement games or machines.

### **III. Effect of Proposed Changes:**

This joint resolution proposes an amendment to Article X of the State Constitution (new Section 28) providing that gambling is prohibited unless authorized by the State Constitution, by a constitutional amendment, by a general law in effect on the effective date of the new Section 28 of Article X, or by an act of the Legislature that does not take effect until a public measure is submitted to the electors at the next general election and approved by a majority vote. The proposed new Section 28 of Article X also specifies the language for a statewide referendum: “Shall ... (additional gambling)... be authorized in this state?”

If approved by at least 60% of the electors, the proposed new Section 28 of Article X of the State Constitution will take effect on January 6, 2015 (the first Tuesday after the first Monday in January following the election), as provided in the State Constitution.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

The provisions Article VII, section 18, of the Florida Constitution, do not apply to a joint resolution amending the Constitution.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. Other Constitutional Issues:**

Article XI, section 1, of the State Constitution provides various methods for proposing amendments to the constitution, along with the methods for approval or rejection of proposals. One method by which constitutional amendments may be proposed is by joint

resolution agreed to by three-fifths of the membership of each house of the Legislature.<sup>1</sup> Any such proposal must be submitted to the electors, either at the next general election held more than 90 days after the joint resolution is filed with the Secretary of State, or, if pursuant to law, enacted by the affirmative vote of three-fourths of the membership of each house of the Legislature and limited to a single amendment or revision, at an earlier special election held more than 90 days after such filing.<sup>2</sup>

Article XI, section 5(d) of the State Constitution, requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the tenth week and again in the sixth week immediately preceding the week the election is held. The Division of Elections (division) within the Department of State estimates the full publication costs for advertising the proposed amendment to be \$108,793.50.<sup>3</sup> The division estimates the cost based on the average cost per word to advertise the proposed constitutional amendment.

Article XI, section 5(e) of the State Constitution, requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective on the date specified in the amendment, which is January 1, 2013.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

##### **C. Government Sector Impact:**

A proposed constitutional amendment must be published in a newspaper of general circulation in each county, once in the sixth week and once in the tenth week preceding the general election.<sup>4</sup> The Department of State (DOS) is responsible for having proposed amendments published in newspapers, and the publication cost depends on length. For a constitutional amendment proposed in the 2013 legislative session, DOS estimated the costs of publishing amendments to be \$67.68 per word.<sup>5</sup> At that rate for a 182-word amendment, the estimated cost to publish is \$12,318.<sup>6</sup> These funds must be spent regardless of whether the amendment passes. Should the amendment be legally

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<sup>1</sup> Fla. Const., art. XI, s. 1.

<sup>2</sup> Fla. Const., art. XI, s. 5(a).

<sup>3</sup> E-mail correspondence with Department of State staff (Jan. 27, 2012) (on file with Senate Judiciary Committee).

<sup>4</sup> Fla. Const., art. XI, s. 5(d).

<sup>5</sup> Fiscal Note on SJR 1740, Florida Department of State, March 22, 2013.

<sup>6</sup> *Id.*

challenged, the DOS is typically the defendant in these suits.<sup>7</sup> Estimates for legal defense range from \$10,000 to \$150,000.<sup>8</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

None.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

FOR CONSIDERATION By the Committee on Gaming

584-01607B-14

20147050\_\_

## Senate Joint Resolution

A joint resolution proposing the creation of Section 28 of Article X of the State Constitution to require that additional gambling, other than gambling already authorized by the State Constitution or by law, be authorized by constitutional amendment or by legislative act approved by a majority of electors in the state voting in a statewide referendum.

Be It Resolved by the Legislature of the State of Florida:

That the following creation of Section 28 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election:

ARTICLE X  
MISCELLANEOUS

SECTION 28. Gambling.—Gambling is prohibited unless authorized:

(a) In this constitution or by amendment thereto;

(b) By general law in effect on the effective date of this section, until superseded in the manner authorized by this section; or

(c) By an act of the legislature authorizing additional gambling which act is not effective until a public measure is submitted to the electors at the next general election and approved by a majority vote of such electors. An act authorizing additional gambling must include the following statement:

This act, which authorizes additional gambling in this

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

584-01607B-14

20147050\_\_

state, is not effective unless the following public measure is approved by a majority of electors in a statewide referendum: Shall ... (additional gambling) ... be authorized in this state?

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

## CONSTITUTIONAL AMENDMENT

## ARTICLE X, SECTION 28

ADDITIONAL LEGAL GAMBLING WILL REQUIRE STATEWIDE VOTE OF ELECTORS.—Proposing an amendment to the State Constitution that any additional gambling authorized by law will not take effect until a public ballot measure is approved by a majority of voters statewide.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Gaming

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BILL: SPB 7052

INTRODUCER: For consideration by the Gaming Committee

SUBJECT: Gaming

DATE: February 28, 2014

REVISED: \_\_\_\_\_

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Kraemer	Guthrie		<b>Pre-meeting</b>

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**I. Summary:**

SPB 7052 is a reorganization of Chapter 550 (Pari-mutuel Wagering), Chapter 551 (Slot Machines), and laws that address authorized cardroom and games (bingo, commercial sweepstakes, amusement arcades, bowling tournaments, and penny-ante games) that are currently addressed in Chapter 849 (Gambling) which is part of the Criminal Code.

In addition, the bill:

- Creates a Joint Legislative Gaming Control Oversight Committee with jurisdiction on gaming control and the state lottery;
- Transfers the Division of Pari-Mutuel Wagering to a new Department of Gaming Control, headed by a 5-member board appointed by the Governor;
- Authorizes the Governor to negotiate amendments to the Seminole Gaming Compact, subject to ratification by the Legislature;
- Authorizes the Gaming Control Board to issue “invitations to negotiate” for awarding one destination casino resort in Miami-Dade County and one destination casino resort in Broward County, subject in each county to approval in a countywide referendum;
- Updates specifications and prize limits for amusement games or machines;
- Provides for injury reporting at greyhound tracks or kennels; and
- Requires a greyhound racing facility operating a cardroom to conduct a full schedule of live races (instead of 90 percent of the number of races in the prior year).

The fiscal impact of this bill is indeterminate at this time. While a type-two transfer provides positions and budget to the new entity, additional workload plus costs associated with creating a new agency also may require additional resources. The Committee on Appropriations will prepare a fiscal impact statement for future staff analyses related to this bill. Similarly, revenue estimates have not been determined. The Spectrum Gambling Impact Study estimated that two destination resorts in Miami-Dade and Broward Counties would net 14,000 jobs and \$365 million per year in net gaming taxes. The Revenue Estimating Conference has not yet determined the revenue impact of this bill. It will use different assumptions than Spectrum and

will get different estimates. Official revenue estimates will be included in future staff analyses related to this bill.

## II. Present Situation:

In general, gambling is illegal in Florida.<sup>1</sup> Chapter 849, F.S., prohibits keeping a gambling house,<sup>2</sup> running a lottery,<sup>3</sup> or the manufacture, sale, lease, play, or possession of slot machines.<sup>4</sup>

Section 7 of Article X of the 1968 State Constitution provides, “Lotteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution, are hereby prohibited in this state.”<sup>5</sup>

Section 15 of Article X of the State Constitution (adopted by the electors in 1986) provides for state operated lotteries:

Lotteries may be operated by the state.... On the effective date of this amendment, the lotteries shall be known as the Florida Education Lotteries. Net proceeds derived from the lotteries shall be deposited to a state trust fund, to be designated The State Education Lotteries Trust Fund, to be appropriated by the Legislature. The schedule may be amended by general law.

Section 24.102, F.S., creates the Department of the Lottery and states the Legislature’s intent that it be self-supporting and revenue-producing and function as an entrepreneurial business enterprise.<sup>6</sup>

Section 23 of Article X of the State Constitution (adopted by the electors in 2004) provides for slot machines in Miami-Dade and Broward Counties:

After voter approval of this constitutional amendment, the governing bodies of Miami-Dade and Broward Counties each may hold a county-wide referendum in their respective counties on whether to authorize slot machines within existing, licensed parimutuel facilities (thoroughbred and harness racing, greyhound racing, and jai-alai) that have conducted live racing or games in that county during each of the last two calendar years before the effective date of this amendment. If the voters of such county approve the referendum question by majority vote, slot machines shall be authorized in such parimutuel facilities. If the voters of such county by majority vote disapprove the referendum question, slot machines shall not be so authorized, and the question shall not be presented in another referendum in that county for at least two years.

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<sup>1</sup> Section 849.08, F.S.

<sup>2</sup> Section 849.01, F.S.

<sup>3</sup> Section 849.09, F.S.

<sup>4</sup> Section 849.16, F.S., defines slot machines for purposes of ch. 849, F.S. Section 849.15(2), F.S., provides an exemption to the transportation of slot machines for the facilities that are authorized to conduct slot machine gaming under ch. 551, F.S.

<sup>5</sup> The pari-mutuel pools that were authorized by law on the effective date of the Florida Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.

<sup>6</sup> The Department of the Lottery is authorized by s. 15, Art. X, Florida Constitution. Chapter 24, F.S., was enacted by ch. 87-65, L.O.F., to establish the state lottery. Section 24.102, F.S., provides the legislative purpose and intent in regard to the lottery.



Chapter 285, F.S., ratified the gaming compact with the Seminole Tribe of Florida. It provides that it is not a crime for a person to participate in raffles, drawings, slot machine gaming, or banked card games (e.g., blackjack or baccarat) at a tribal facility operating under the compact.<sup>7</sup> The compact provides for revenue sharing. For its exclusive authority to offer banked card games on tribal lands at five locations and to offer slot machine gaming outside Miami-Dade and Broward Counties, the Seminole Tribe pays the State of Florida a share of “net win” (approximately \$240 million per year). Section 285.710(1)(f), F.S., designates the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation as the “state compliance agency” having authority to carry out the state’s oversight responsibilities under the compact.

The compact was executed by the Governor and the Tribe on April 7, 2010;<sup>8</sup> ratified by the Legislature, effective April 28, 2010;<sup>9</sup> and approved by U.S. Secretary of the Interior, pursuant to the Indian Gaming Regulatory Act of 1988, on June 24, 2010. It took effect when published in the Federal Register on July 6, 2010. The 20-year compact expires July 31, 2030, unless renewed.

Exclusive authorization to conduct banked card games, however, expires July 31, 2015, unless renewed. If either: (1) authorization for banked card games is not extended beyond five years, or (2) the Legislature authorizes Class III (casino-style) games in Broward or Miami-Dade County other than at the eight existing state-licensed pari-mutuel locations,<sup>10</sup> then “net win” for revenue sharing will exclude amounts from Tribe’s facilities in Broward County (i.e., payments will be reduced by approximately \$120 million per year). If the Legislature authorizes new Class III (casino-style) games outside Broward and Miami-Dade Counties, then all revenue sharing is discontinued.<sup>11</sup>

Chapter 550, F.S., authorizes pari-mutuel wagering at licensed tracks and frontons and provides for state regulation.<sup>12</sup> Chapter 551, F.S., authorizes slot machine gaming at the location of certain

<sup>7</sup> See Section 285.710, F.S., especially subsections (3), (13), and (14). The seven tribal locations where gaming is authorized by the compact are: (1) Seminole Hard Rock Hotel & Casino—Hollywood (Broward); (2) Seminole Indian Casino—Coconut Creek (Broward); (3) Seminole Indian Casino—Hollywood (Broward); (4) Seminole Hard Rock Hotel & Casino—Tampa (Hillsborough); (5) Seminole Indian Casino—Immokalee (Collier); (6) Seminole Indian Casino—Brighton (Glades); and (7) Seminole Indian Casino—Big Cypress (Hendry). Banked card games are not authorized at the Brighton and Big Cypress casinos.

<sup>8</sup> *Gaming Compact Between the Seminole Tribe of Florida and the State of Florida*, April 27, 2010; See [http://www.myfloridalicense.com/dbpr/pmw/documents/2010\\_Compact-Signed1.pdf](http://www.myfloridalicense.com/dbpr/pmw/documents/2010_Compact-Signed1.pdf) (last visited February 27, 2014)

<sup>9</sup> Chapter 2010-29, Laws of Fla.

<sup>10</sup> If new games (e.g., banked card games or other table games) are authorized at any of the eight existing pari-mutuel locations, Tribe’s revenue sharing percentage is reduced by 50% of any decline in net win from its three Broward casinos. The eight existing pari-mutuel locations are: (1) Calder Race Course—Miami Gardens (Miami-Dade); (2) Dania Jai Alai—Dania Beach (Broward); (3) Gulfstream Park—Hallandale Beach (Broward); (4) Hialeah—Hialeah (Miami-Dade); (5) Isle of Capri/Pompano Park—Pompano Beach (Broward); (6) Magic City Jai Alai/Flagler Greyhound Track—Miami (Miami-Dade); (7) Mardi Gras—Hallandale Beach (Broward); (8) Miami Jai Alai—Miami (Miami-Dade).

<sup>11</sup> Revenue sharing will not be terminated by authorization to conduct the following existing games: (1) gaming authorized by compacts with other federally recognized tribes; (2) specified State Lottery games, state-licensed pari-mutuel wagering, and state-licensed card rooms; (3) games authorized pursuant to ch. 849, F.S., as of February 1, 2010 (e.g., card rooms, penny-ante games, charitable bingo, sweepstakes, amusement games or machines); (4) slot machines at eight existing pari-mutuel facilities in Broward and Miami-Dade Counties; and (5) specified historic racing machines.

<sup>12</sup> See ch. 550, F.S., relating to the regulation of pari-mutuel activities.

licensed pari-mutuel locations in Miami-Dade County or Broward County and provides for state regulation.<sup>13</sup> Chapter 849, F.S., authorizes cardrooms at certain pari-mutuel facilities,<sup>14</sup> A license to offer pari-mutuel wagering, slot machine gambling, or a cardroom at a pari-mutuel facility is a privilege granted by the state.<sup>15</sup>

Chapter 849, F.S., also authorizes, with conditions, penny-ante games,<sup>16</sup> bingo,<sup>17</sup> charitable drawings, game promotions (sweepstakes),<sup>18</sup> bowling tournaments, and amusement games and machines.<sup>19</sup>

Except for the Seminole Gaming Compact, free-standing, commercial casinos are not authorized, and gaming activity, other than what is expressly authorized, is illegal.

### III. Effect of Proposed Changes:

**Section 1** amends s. 11.93, F.S., to create the Joint Legislative Gaming Control Oversight Committee (committee). The committee is composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives. All members serve at the pleasure of the appointing officer, and the offices of the chair and the vice chair alternate each year.

The committee is governed by the joint rules of the legislature and must meet at least quarterly at the call of the President and Speaker. A majority of the committee members of each house constitutes a quorum. Action by the committee requires a majority vote of the members appointed by each house. The committee is staffed by legislative staff members assigned by the President and the Speaker.

The committee shall review implementation of and compliance with Chapters 24, 551, and 849, F.S., to ensure that laws are not misinterpreted or abused in any manner that expands gaming or gambling in this state. The committee has subpoena powers and may review any matter within the scope of the jurisdiction of the Department of Gaming Control (department) or the Department of the Lottery, particularly:

- Procedures used by the Department of Gaming Control or the Gaming Control Board qualify applicants for licensure and regulate licensees; and

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<sup>13</sup> See ch. 551, F.S., relating to the regulation of slot machine gaming at pari-mutuel locations.

<sup>14</sup> Section 849.086, F.S. Section 849.086(2)(c), F.S., defines “cardroom” to mean a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charges a fee for participation by the operator of such facility.

<sup>15</sup> See section 550.1625(1), F.S., “...legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state.” See also *Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), review denied, 412 So.2d 470, which states “Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right”, citing *State ex rel. Mason v. Rose*, 122 Fla. 413, 165 So. 347 (1936).

<sup>16</sup> Section 849.085, F.S.

<sup>17</sup> Section 849.0931, F.S.

<sup>18</sup> Section 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

<sup>19</sup> Section 849.161, F.S.

- Procedures used by the Department of the Lottery to select games or to contract for promotions, advertising, vendors, or retailers.

The committee chair may schedule hearings, and if the committee determines that enforcement of gaming laws may be enhanced through additional legislation or other action, it shall deliver written recommendations and proposed statutory changes to the President and the Speaker.

**Section 2** amends s 20.165, F.S., to remove reference to the Division of Pari-Mutuel Wagering as a division of the Department of Business and Professional Regulation (DBPR).

**Section 3** amends s. 20.222, F.S., to create the Department of Gaming Control (department). The head of the department is the Gaming Control Board (board). There are five divisions of the department: the Division of Accounting and Auditing, the Division of Investigations and Security, the Division of Licensing, the Division of Operations, and the Division of Prosecution.

**Section 4** amends s 110.205, F.S., to establish senior management positions in the department that are exempt from career service.

**Section 5** amends s. 120.80, F.S. It transfers from the Division of Pari-mutuel Wagering to the Gaming Control Department current exemptions from hearing and notice requirements in 120.569 and 120.57(1)(a). The exemptions apply to stewards, judges, and boards of judges conducting hearings related to imposition of fines or suspensions for specified violations.

The bill further provides that s. 120.60, F.S., which sets time limits for agency action after receipt of a license application, does not apply to applications for a destination casino resort license, and it exempts rules adopted by the Department of Gaming Control from s. 120.541(3), which provides that a proposed rule may not take effect until ratified by the Legislature if, within 5 years after implementation, it directly or indirectly imposes an aggregate of more than \$1 million in regulatory costs or adverse impacts on economic growth, job creation or employment, private sector investment, business competitiveness, productivity, or innovation.

The bill further provides that the board may not grant any waiver or variance from the statutory requirements of part VI of Chapter 551, Florida Statutes, concerning destination casino resort licenses.

**Section 6** amends s. 285.710, F.S., concerning the Gaming Compact with the Seminole Tribe of Florida. The Department of Gaming Control replaces the Division of Pari-mutuel Wagering (DBPR). The Governor is authorized to negotiate and execute an amendment to the compact regarding the right to operate covered games and to extend the authorization previously granted to the Tribe to offer banked card games through the date of July 23, 2030. Any amendment to the compact requires ratification by both houses of the Legislature by a majority vote of the members present.

**Section 7** corrects a technical error in the citation to 25 U.S.C. s. 2710(8)(d) that is referenced in s. 285.710(4), respecting review and approval by the Secretary of Interior of an act ratifying a tribal-state compact with federally recognized Indian tribes pursuant to the federal Indian Gaming Regulatory Act of 1988.

**Sections 8** transfers the Division of Pari-mutuel Wagering and the Pari-mutuel Wagering Trust Fund within the Department of Business and Professional Regulation to the Department of Gaming Control (type two transfer, as defined in s. 20.06(2), F.S.). It also repeals the provisions of ch. 550, F.S., which are reorganized and rewritten as Part II of ch. 551, F.S. (ss. 551.011-551.095, F.S.). For linkages detailing where particular sections and subsections of ch. 550, F.S., were moved, see pages 1-5 of “[Florida Gaming Reorganization Charts](#).”<sup>20</sup>

**Section 9** addresses administrative issues concerning transfer of the Division of Pari-Mutuel Wagering to the Department of Gaming Control effective January 1, 2015, renaming the associated trust fund, and repealing statutes as necessary.

**Section 10** redesignates ch. 551, F.S., as the “Florida Gaming Control Act.”

**Section 11** creates part I of ch. 551, F.S., consisting of ss. 551.001-551.018, F.S., which is entitled “Florida Gaming Control.”

**Section 12** creates s. 551.001, F.S., and provides definitions for the following terms: affiliate, chair, board (Gaming Control Board), conflict of interest, department, executive director, and financial interest.

**Section 13** creates s. 551.011, F.S., and creates a 5-member Gaming Control Board appointed by the Governor. The bill details requirements for membership, experience and background investigations. At least one board member must be a licensed CPA with 5 years’ experience with enterprise information management, and at least one board member must have 5 years’ experience in law enforcement investigations. Membership is staggered, with 4-year terms and maximum service of 8 years not including service of a portion of a term due to a vacancy. Board members may lobby state of local agencies only in their official capacity. The chair is appointed by the Governor and serves for the balance of a term. The vice chair is elected annually by the board. The board meets at least monthly. The board may hold emergency meetings upon at least 72 hours’ public notice, but any action taken must subsequently be ratified at a regular noticed meeting. The board is the agency head of the Department of Gaming Control. The bill sets parameters the board’s selection of an executive director, an acting executive director, a chief financial and accounting officer, and an Inspector General.

**Section 14** creates s. 551.012, F.S., and describes the powers and duties of the board, including:

- Administer and execute laws relating to gaming, pari-mutuel wagering, slot machines, cardrooms, occupational licensing, and destination casino resorts under ch. 551, F.S.;
- Use an invitation to negotiate process for destination casino resort applicants, based on minimum requirements established by part VI of ch. 551 and department rule;
- Issue subpoenas for attendance of witnesses and production of records;
- Apply for injunctive or declaratory relief;
- Establish field offices

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<sup>20</sup> See [http://cms.flsenate.gov/UserContent/Content/Committees/2012-2014/GM/Links/s7052\\_TracingCharts.pdf](http://cms.flsenate.gov/UserContent/Content/Committees/2012-2014/GM/Links/s7052_TracingCharts.pdf). (visited February 27, 2014). The “Florida Gaming Reorganization Charts” were prepared by professional staff of the Senate Committee on Gaming, with assistance from the Senate Bill Drafting Office.

The bill provides that the department, the Department of Law Enforcement, and local law enforcement agencies shall have unrestricted access to the licensee facilities at all times.

**Section 15** creates s. 551.013, F.S., and describes the powers and duties of the department, including investigations, collection of fees, and adoption of rules and procedures for regulating, managing, and auditing the operation, financial data, and program information relating to gaming which allow the board and the Department of Law Enforcement to audit the operation, financial data, and program information of a licensee, with the ability to monitor, at any time on a real-time basis, wagering patterns, payouts, tax collection, and compliance with rules for the regulation and control of gaming. The bill provides that the board may at any time adopt emergency rules pursuant to s. 120.54, F.S.

**Section 16** creates s. 551.014, F.S., and states the requirements for a code of ethics for board members, employees, and agents. Board members or the executive director may not hold a direct or indirect interest in, be employed by, or enter into a contract for services with an applicant or person licensed by the board or department for a period of 5 years after departing the board or department. An employee of the department may not acquire a direct or indirect interest in, be employed by, or enter into a contract for services with an applicant or person licensed by the board or department for a period of 2 years after departure. Board members and employees may not represent a person other than the state before or against the department for a period of 3 years after departure. Board members and employees may not be a candidate for political office or use official authority to try to affect the result of an election. Board members and employees may not participate in or wager on any game conducted by any licensee or affiliate in Florida or any other jurisdiction, except as required as part of surveillance, security, or other official duties. The executive director must approve outside employment for an employee.

**Section 17** creates s. 551.015, F.S., and addresses required disclosures by members, employees, and agents. Board members must comply with Chapter 112, F.S., and file full and public disclosure of financial interests just like elected constitutional officers, and prior to appointment, must disclose involvement with any gaming interest in the preceding 3 years. The executive director and selected managerial employees must also comply with Chapter 112, F.S., and file a financial disclosure statement pursuant to s. 112.3145, F.S.

Prospective employees must provide a complete criminal history, including convictions and current charges for all felonies and misdemeanors; undergo testing that detects the presence of illegal substances in the body; provide fingerprints and a photograph consistent with standards adopted by state law enforcement agencies; and provide authorization for the department to conduct a credit and background check. The identification, employment and education of each prospective employee must be verified, regardless of graduation status; place of residence; and employment history.

A prospective employee may not be hired if he or she has been convicted of a felony; convicted of a misdemeanor within 10 years if the act bears a close relationship to the duties and responsibilities of the position sought, dismissed from prior employment for gross misconduct or incompetence, or intentionally made a false statement concerning a material fact in the application.

Written disclosure to the executive director and the Inspector General is required for a board member, employees and other select persons if they become aware of a board member, employee or agent of the department who:

- Personally or through a spouse, child, or parent is financially interested in, or employed by, or accepts a gift directly or indirectly from an applicant, licensee, or affiliate;
- Is indicted, charged with, convicted of, plead guilty or nolo contendere to, or forfeited bail for a felony or certain misdemeanors involving gambling, dishonesty, theft, or fraud, or any felony in any jurisdiction;
- Negotiates for an interest in a licensee, applicant, or is affiliate;
- Enters into negotiations for employment with any applicant, licensee, or affiliate;
- Engages in any conduct that constitutes a conflict of interest; or
- Is approached and offered a bribe.

**Section 18** creates s. 551.016, F.S., and prohibits a licensee, applicant, affiliate, or representative of an applicant or licensee from engaging directly or indirectly in ex parte communication concerning a pending application, license, or enforcement action. The bill also provides procedures for handling and disclosing ex parte communications and sets penalties for non-compliance.

**Section 19** creates s. 551.017, F.S., and provides penalties for misconduct by a member, employee, or agent, including removal by the Governor or other disciplinary action as determined by the board. An employee shall be terminated if a financial interest in a licensee, applicant, or affiliate or representative of a licensee or applicant is acquired by the employee or the employee's spouse, parent, or child.

**Section 20** creates s. 551.018, F.S., and provides that the First District Court of Appeal shall review any action of the board.<sup>21</sup>

**Section 21** creates part II of ch. 551, F.S., consisting of ss. 551.011-551.095, which is entitled "Pari-mutuel Wagering," and **Section 22** creates s. 551.011, F.S., and designates part II as the "Florida Pari-mutuel Wagering Act." The provisions of Ch. 550 are reorganized so applicable provisions for each industry follow more logically, and are rewritten as Part II of ch. 551, F.S. (ss. 551.011-551.095, F.S.). For linkages detailing where particular sections and subsections of ch. 550, F.S., were moved, see pages 1-5 of "[Florida Gaming Reorganization Charts](#)"<sup>22</sup> To trace the source statutes for content moved to ch. 551, see pages 7-16 of "[Florida Gaming Reorganization Charts](#)."

**Section 23** creates s. 551.012, F.S., and provides definitions for the following terms: breaks, breeder and stallion awards, broadcast, contributor, current meet, department, event, exotic pools, fronton, full schedule of live events, guest track, handle, harness racing, horseracing permitholder, host track, intertrack wager, jai alai, live even, live handle, market area, meet, net pool pricing, operating day, pari-mutuel facility, pari-mutuel pool, pari-mutuel wagering, post

<sup>21</sup> See Sec. 4(b)(2), Art. V, Fla. Const.

<sup>22</sup> See [http://cms.flsenate.gov/UserContent/Content/Committees/2012-2014/GM/Links/s7052\\_TracingCharts.pdf](http://cms.flsenate.gov/UserContent/Content/Committees/2012-2014/GM/Links/s7052_TracingCharts.pdf). (last visited February 27, 2014). The "Florida Gaming Reorganization Charts" were prepared by professional staff of the Senate Committee on Gaming, with assistance from the Senate Bill Drafting Office.

time, purse, quarter horse, racing greyhound, “same class of races, games, or permit,” standardbred horse, takeout, thoroughbred, totalisator, and ultimate equitable owner.

**Section 24** creates s. 551.013, F.S., and updates provisions moved from s. 550.155, F.S., Pari-mutuel wagering is authorized only within the enclosure of a licensed pari-mutuel facility; pari-mutuel pools are redistributed to contributors after takeout (including taxes and permitholder’s share) and breaks are deducted; a person cannot for hire or gratuity purchase tickets for another.

**Section 25** creates s. 551.014, F.S., and updates provisions moved from s. 550.0251, F.S., and s. 550.1648(3)(b), F.S. The bill transfers powers and duties of the Division of Pari-mutuel Wagering (DBPR) to the Department of Gaming, including powers to collect taxes and require compliance with financial reporting requirements, to regulate the industry, to oversee distribution from pari-mutuel pools, to conduct investigations, to impose fines, to supervise and regulate welfare of racing animals, and to regulate cardroom activities.

**Section 26** creates s. 551.018, F.S., and updates provisions moved from s. 550.105(9), F.S., limiting local government taxes and fees on pari-mutuel wagering to \$150 per day for horseracing or \$50 per day for greyhound racing or jai alai.

**Section 27** creates s. 551.021, F.S., and updates provisions moved from s. 550.054, F.S., regarding applications for permits to conduct pari-mutuel wagering. New horse and greyhound tracks must be more than 100 miles away from any existing pari-mutuel facility. New jai alai frontons must be more than 50 miles away from any existing pari-mutuel facility. Applications are exempt from the 90-day processing requirement in s. 120.60, F.S., but are deemed approved if not acted upon within 120 days. A majority vote in a countywide referendum is required before performances commence. The law specifies financial, background, and business information required in a permit application, and it requires a deposit for paying the expense of the referendum. The permitholder annually must apply for a license fixing the days, times, and places for performances. If a permitholder does not complete 50% or more of facilities construction within 12 months after the referendum, the department may revoke the permit. Permits are transferable only with department approval, however, a converted (summer) jai alai permit may lease or build anywhere in the county where the permit was approved. It may have implications for revenue sharing under the Seminole Gaming Compact if this provision were used to relocate a license to operate slot machines. Changes in ownership must be reported to the department, and significant changes (5% for individual, 10% for corporation) must be approved in advance.

**Section 28** creates s. 551.0221, F.S., and updates provisions moved from s. 550.0651, F.S., regarding countywide referenda to approve/deny a permit. Such referenda must occur within 21 to 90 days after application to the board of county commissioners in a special election where no other matter is on the ballot.

**Section 29** creates s. 551.0222, F.S., and updates provisions moved from s. 550.175, F.S., which provides a petition/election process for revoking a permit. The petition must be signed by 20% of the qualified voters in the county, and every signature must be signed in the presence of the clerk of the board of county commissioners.

**Section 30** creates s. 551.0241 F.S., and updates provisions moved from s. 550.054(13)(a) and (b), F.S., relating to relocation of a thoroughbred racing permit. Relocation of a track within a county must be approved in a countywide referendum. Relocation to a new county must be approved by a majority of voters in the new county and a majority of voters in the former county.

**Section 31** creates s. 551.0242, F.S., and updates provisions moved from s. 550.055, F.S., relating to relocation of a greyhound or jai alai permit. A countywide referendum is not required to relocate within a county and within a 30-mile radius of the old location, provided there are no land use issues, and further provided that the department determines that the move is necessary to preserve the revenue producing ability of the permitholder without harming the revenue producing ability of another permitholder within 50 miles.

**Section 32** creates s. 551.0251, F.S., and updates provisions moved from s. 550.3345, F.S., which provided a window of opportunity (July 1, 2010 to June 30, 2011) to convert a quarter horse racing permit to a limited thoroughbred racing permit issued to a not-for-profit corporation formed to promote thoroughbred purses breeder awards, and the care of retired thoroughbred horses. Two conversions occurred (Gulfstream-GPTARP and Ocala Thoroughbred Racing) within the window of opportunity. For those two permits, s. 551.0251(2)(d), F.S., provides, notwithstanding any other provision of law:

Racing under the permit may take place only at the location for which the original quarter horse racing permit was issued, which may be leased by the corporation for that purpose. However, the corporation may, without any ratification election..., move the location of the permit to another location in the same county....

It may have implications for revenue sharing under the Seminole Gaming Compact if this provision were used to relocate a license to operate slot machines.

**Section 33** creates s. 551.0252, F.S., and updates provisions moved from s. 550.054(14)(a) and (b) and 550.01215(6), F.S., regarding conversion of a jai alai permit that has been inactive for 10 years to a greyhound permit. The current law also authorizes relocation of a greyhound permit within a county if it is the only pari-mutuel wagering permit issued in the county (e.g., Jacksonville Kennel Club) and its races are conducted at a leased facility (e.g., Orange Park). Finally, the law provides that a converted jai alai permit may be converted from a greyhound permit back to a jai alai permit if the permitholder conducted no greyhound racing in the previous year.

**Section 34** creates s. 551.0253, F.S., and updates provisions moved from s. 550.0745, F.S., regarding conversion of the pari-mutuel permit with the smallest handle in the county for two consecutive years to a summer jai alai permit in the same county. Current law also provides that if such conversion is not exercised, a new summer jai alai permit is available in the same county, notwithstanding mileage and permit ratification requirements. Current law further provides that if the converted permit is a quarter horse racing permit, the permitholder may obtain another quarter horse racing permit. Finally, current law provides that the summer jai alai performances operated under the converted permit may operate a new or leased fronton within the county. It may have implications for revenue sharing under the Seminole Gaming Compact if this provision were used to relocate a license to operate slot machines.



**Section 35** creates s. 551.026, F.S., and updates provisions moved from s. 550.505, F.S., regarding “nonwagering permits” for qualified horseraces, greyhound races, or jai alai performances. Daily license fees do not apply.

**Section 36** creates s. 551.029, F.S., and updates provisions moved from s. 550.1815, F.S., relating to suspension or revocation of permits if a permitholder, owner, officer, or employee commits a felony or is convicted of bookmaking.

**Section 37** creates s. 551.0321, F.S., and updates provisions moved from s. 550.0115 and 550.125(3), F.S., requiring each permitholder to post \$50,000 bond as surety for paying fees and taxes, keeping required records and making required reports, and complying with racing requirements. The department, by rule, may assess lesser bonds where warranted by monthly tax liabilities less than \$50,000.

**Section 38** creates s. 551.0322, F.S., and updates provisions moved from s. 550.01215, F.S., regarding annual license to conduct performances on specified days. A permitholder must apply for a schedule of performances for the next fiscal year by February 28 and must indicate dates and periods that cardrooms and simulcast wagering after 7 p.m. will be offered. The license application may be amended until March 15, subject to no objection from an operating permitholder within 50 miles. If a permitholder fails to operate all performances on the dates and times specified, the department will hold a hearing and will suspend or fine the permitholder unless the failure was beyond the permitholder’s control.

**Section 39** creates s. 551.033, F.S., and updates provisions moved from s. 550.0951(5), F.S., relating to payment of daily license fees and taxes. By the 5<sup>th</sup> day of the each month, permitholders remit for the prior calendar month payment for daily license fees, admission taxes, tax on handle, and the breaks tax. Delinquent payment is subject to a penalty of up to \$1,000 per day. Willful failure to pay is grounds for suspension or revocation.

**Section 40** creates s. 551.034, F.S., and updates provisions moved from s. 550.125, F.S., regarding the uniform reporting system for financial data and statistics provided by permitholders.

**Section 41** creates s. 551.035, F.S., and updates provisions moved from s. 550.135, F.S., regarding distribution of funds.

**Section 42** creates s. 551.036, F.S., and updates provisions moved from s. 550.1645, F.S., regarding escheatment of unclaimed pari-mutuel tickets to the state.

**Section 43** creates s. 551.037, F.S., and updates provisions moved from s. 550.475, F.S., regarding lease of pari-mutuel facilities to any other permitholder located within 35 miles who holds a same class valid permit. This provision, together with allowances for relocation, may be used to license standalone cardrooms (e.g., Jacksonville Kennel Club).

**Section 44** creates s. 551.038, F.S., and updates provisions moved from s. 550.155, F.S., relating to proposed capital improvements. Current law provides that a municipality or county shall

approve a proposed capital improvement unless it presents a justifiable and immediate hazard to the health and safety of residents or qualifies as a development of regional impact

**Section 45** creates s. 551.039, F.S., and updates provisions moved from s. 550.0351(6), F.S., relating to charity and scholarship days and authorizing greyhound tracks to host “mutt derbies” by charitable, civic, or nonprofit associations.

**Section 46** creates s. 551.042, and updates provisions moved from ss. F.S., 550.002(11) and 550.09514(2), F.S. regarding minimum requirements for greyhound purses. The provision in paragraph 551.042(1)(b), F.S., relating to “a permitholder restricted by statute to certain operating periods within the year” no longer applies, and that paragraph could be stricken. The greyhound purse calculations in subsection (2) are based on live handle in fiscal year 1993-1994. Subsection (10) is new provision that provides for injury reporting at greyhound tracks or kennels. Certain information about the injury is required to be filed with the department, and the department may assess fines if a person knowingly makes a false statement on an injury report.

**Section 47** creates s. 551.043, F.S., and updates provisions moved from ss. 550.0951 and 550.1647, F.S., relating to greyhound racing fees, taxes, and credits. Most greyhound racing fees and taxes are refunded as credits. Under current law, the tax rate on intertrack wagering (ITW) handle varies among different classes and different areas of the state. Current law provides an annual exemption from the first \$360,000 (\$500,000 for the three tracks closest to another state) in taxes on live handle and intertrack wagering (ITW) handle. If the \$300,000/\$500,000 exemption is greater than the permitholder’s tax liability, the permitholder, with written notice to the department, may transfer the exemption to another greyhound permitholder that is an ITW host track.

**Section 48** creates s. 551.045, F.S., and updates provisions moved from s. 550.1648, F.S., relating to each greyhound track providing booth space for greyhound adoption on weekends when live racing is conducted.

**Section 49** creates s. 551.0511, F.S., and updates provisions moved from s. 550.2625(2) and (6), F.S., relating to horseracing purse requirements and breeder and owner awards.

**Section 50** creates s. 551.0512, F.S., and updates provisions moved from s. 550.26165, F.S., relating to breeder awards.

**Section 51** creates s. 551.0521, F.S., and updates provisions moved from s. 550.002(11) and 550.5251, F.S., relating to thoroughbred racing operations. Current law provides that a full schedule for a thoroughbred track is 40 live regular wagering events. The provision for prorating the number of live performances for a permitholder restricted by statute to a limited portion of the year no longer applies and could be stricken. Current law provides that a thoroughbred race may not begin later than 7 PM. For one race per day Florida-bred horses registered with the Florida Thoroughbred Breeders’ and Owners’ Association get preference for entry in the field.

**Section 52** creates s. 551.0522, F.S., and updates provisions moved from s. 550.2614, F.S., relating to distribution of funds to a horsemen’s association representing the majority of the thoroughbred racehorse owners and trainers.

**Section 53** creates s. 551.0523, F.S., and updates provisions moved from s. 550.2625, F.S., relating to thoroughbred racing. Current law sets minimum requirements for thoroughbred purses and breeders' awards.

**Section 54** creates s. 551.0524, F.S., and updates provisions moved from s. 550.26352, F.S., relating to the Breeders' Cup Meet. Current law provides special tax and fee consideration for a track selected to operate the Breeders' Cup Meet.

**Section 55** creates s. 551.053, F.S., and updates provisions moved from ss. 550.0951 and 550.09515, F.S., relating to thoroughbred racing taxes and fees.

**Section 56** creates s. 551.0541, F.S., and updates provisions moved from s. 550.002 and 550.375, F.S., relating to operation of harness race tracks. Isle Casino and Racing at Pompano Park is the only harness permitholder conducting performances in Florida. Current law provides that a full schedule is at least 100 live regular wagering performances. The provision in paragraph (2)(b) for prorating the number of live performances for a permitholder restricted by statute to a limited portion of the year no longer applies and could be stricken. The transfer authorized in paragraph (3) has occurred and could be stricken.

**Section 57** creates s. 551.0542, F.S., and updates provisions moved from s. 550.2625, F.S., relating to harness races. Current law sets minimum requirements for thoroughbred purses and breeders' awards.

**Section 58** creates s. 551.0543, F.S., and updates provisions moved from ss. 550.0951, 550.0952, and 550.2633, F.S., relating to harness racing fees, taxes, and tax exemptions.

**Section 59** creates s. 551.0551, F.S., and updates provisions moved from ss. 550.002 and 550.334, F.S., relating to quarter horse racing operations. Current law provides that a full schedule is at least 40 live regular wagering performances, but for a quarter horse racing permitholder leasing another licensed racetrack, a full schedule is at least 160 live regular wagering events at the leased facility. The provision in paragraph (1)(c) for prorating the number of live performances for a permitholder restricted by statute to a limited portion of the year no longer applies and could be stricken. The provision in paragraph (6) that "quarter horse racing days...are in addition to other racing" permitted at the same track no longer applies and could be stricken.

**Section 60** creates s. 551.0552, F.S., and updates provisions moved from s. 550.2625, F.S., relating to quarter horse races. Current law sets minimum requirements for thoroughbred purses and breeders' awards.

**Section 61** creates s. 551.0553, F.S., and updates provisions moved from s. 550.0951, F.S., relating to quarter horse racing fees, taxes, and tax exemptions.

**Section 62** creates s. 551.056, F.S., and updates provisions moved from s. 550.2625, F.S., relating to Appaloosa horse races, Arabian horse races, purse requirements, and breeder and owner awards.

**Section 63** creates s. 551.062, F.S., and updates provisions moved from ss. 550.002 and 550.70, F.S., relating to jai alai. Current law provides that a full schedule is at least 100 live evening or matinee performances (150 live evening or matinee performances for a jai alai permitholder that operates slot machines at its location; 40 live evening or matinee performances for a permitholder who meets special requirements). The required number of live performances is prorated for summer jai alai permitholders.

**Section 64** creates s. 551.0622, F.S., and updates provisions moved from s. 550.2704, F.S., relating to Jai Alai Tournament of Champions Meet. Current law provides tax credits for permitholders selected to operate the Jai Alai Tournament of Champions Meet (see section 65 of the bill, which creates s. 551.063(7)(c)&(d), F.S.).

**Section 65** creates s. 551.063, F.S., and updates provisions moved from ss. 550.0951(3), 550.09511, 550.1646, and 550.2704, F.S., relating to jai alai; fees, taxes, tax credits, and tax exemptions. Many of the provisions for calculating tax on live handle in paragraphs (a) through (g) of subsection (4) are trumped by paragraph (h): “Notwithstanding any other provision of this chapter, . . . a jai alai permitholder may not be taxed on live handle at a rate higher than 2 percent.”

**Section 66** creates s. 551.072, F.S., and updates provisions moved from s. 550.3551, F.S., relating to transmission of racing and jai alai information and commingling of pari-mutuel pools. Paragraph (16) provides, “Section 565.02(5) applies to any guest track.” Under current law, this provision authorizes a caterer at track or fronton (\$675 annual license fee) to sell liquor 10 days before, during, and 10 days after the meet.”

**Section 67** creates s. 551.073, F.S., and updates provisions moved from s. 550.615, F.S., relating to intertrack wagering. Language in paragraph (1), regarding a horseracing permitholder conducting a full schedule of live racing does not match language in paragraph (2), regarding a greyhound or jai alai permitholder conducting a full schedule of live racing “in the preceding year”

**Section 68** creates s. 551.074, F.S., and updates provisions moved from s. 550.625, F.S., relating to purses and breeder awards when the host track for intertrack wagering is a horse track.

**Section 69** creates s. 551.075, F.S., and updates provisions moved from s. 550.6305, F.S., relating to guest track payments and accounting rules for intertrack wagering.

**Section 70** creates s. 551.076, F.S., and updates provisions moved from s. 550.6335 and 550.6345, F.S., relating to surcharges collected by guest tracks on winning tickets and supplemental payments by a harness racing host track.

**Section 71** creates s. 551.077, F.S., and updates provisions moved from s. 550.6308, F.S., relating to a limited intertrack wagering license (e.g., Ocala Breeders’ Sales).

**Section 72** creates s. 551.078, F.S., and updates provisions moved from s. 550.495, F.S., relating to totalisator licensing. Under current law, each totalisator company operating in the state must

apply for an annual business license and post a \$250,000 bond as surety against a loss of state tax revenues.

**Section 73** creates s. 551.082, F.S., and updates provisions moved from s. 550.0425, F.S., restrictions on relating to minors attending pari-mutuel performances. A minor accompanied by a parent or guardian may attend a pari-mutuel performance but may not wager, and a minor who is the child of and supervised by a licensed greyhound trainer or operator may access kennel compound areas without being licensed.

**Section 74** creates s. 551.091, F.S., and updates provisions moved from s. 550.054, F.S., relating to penalty for violation. Under current law, the department may revoke or suspend any permit or license upon the willful violation by a permitholder or licensee of any law or rule pursuant to ch. 551, F.S.

**Section 75** creates s. 551.0921, F.S., and updates provisions moved from s. 550.24055, F.S., relating to use of testing and penalties for use of controlled substances or alcohol by occupational licensees.

**Section 76** creates s. 551.0922, F.S., and updates provisions moved from s. 550.1155, F.S., relating to the authority of a steward, judge, panel of judges, or player's manager to impose penalties against occupational licensees.

**Section 77** creates s. 551.0193 F.S., and updates provisions moved from s. 550.2415, F.S., relating to prohibitions against racing animals under certain conditions. Under current law, the department enforces regulations against administering certain drugs or medications to racing animals. The law specifies testing, penalties, and exceptions.

**Section 78** creates s. 551.0941, F.S., and updates provisions moved from s. 550.255, F.S., relating to second degree misdemeanor for conducting unauthorized race.

**Section 79** creates s. 551.0942, F.S., and updates provisions moved from s. 550.235, F.S., relating to third degree felony for conspiring to prearrange result of an event.

**Section 80** creates s. 551.0943, F.S., and updates provisions moved from s. 550.285, F.S., relating to second degree misdemeanor for obtaining goods or services with intent to defraud.

**Section 81** creates s. 551.0944, F.S., and updates provisions moved from s. 550.3615, F.S., relating to third degree felony for bookmaking on the grounds of a permitholder.

**Section 82** creates s. 551.095, F.S., and updates provisions moved from s. 550.0235, F.S., relating to limitation of civil liability for a permitholder conducting a race meet pursuant to this chapter, department employee, steward, or judge.

**Sections 83** creates part III of ch. 551, titled "Slot Machines. The numbering of the subsections (551.101-551.123) is unchanged, but the provisions in former s. 551.1045, F.S., regarding issuance of temporary occupational licenses have been moved to new s. 551.302(10), F.S., in

part V. Similarly, Section 551.107, F.S., regarding occupational licenses is renumbered as s. 551.302, F.S., in part V.

**Section 84** amends s. 551.101, F.S., (Slot machine gaming authorized) and updates and modernizes current provisions. Current law authorizes slot machine gaming at licensed pari-mutuel locations in:

- Miami-Dade or Broward Counties and conducted live racing or games during calendar years 2002 and 2003;
- Miami-Dade County and conducted live racing for 2 consecutive calendar years prior to its application for a slot machine gaming license; and
- A county in which a majority of votes approved slot machines at such facilities in a countywide referendum held in that county, pursuant to specific statutory or constitutional authorization granted after July 1, 2010 [sic; the SPB is in error and the correct date is July 1, 2010], and conducted a full schedule of live racing for 2 consecutive calendar years immediately preceding its application for a slot machine gaming license.

**Section 85** amends s. 551.102, F.S., (Definitions) to update and modernize current provisions.

**Section 86** amends s. 551.103, F.S., (Powers and duties of the department division and law enforcement) to update and modernize current provisions.

**Section 87** amends s. 551.104, F.S., (License to conduct slot machine gaming) to update and modernize current provisions. Current law provides that an application for a license to conduct slot machine gaming by a licensed pari-mutuel permit holder may only be issued after the voters of the county where the pari-mutuel facility is located have authorized slot machines within pari-mutuel facilities in that county.

Current law requires slot machine gaming licensees to disclose ownership information, ensure that the computer system used for operational and accounting functions is structured to facilitate regulatory oversight, so that the department and the Department of Law Enforcement have the ability to monitor, at any time on a real-time basis, wagering patterns, payouts, tax collection, and compliance with rules for the regulation and control of slot machine gaming.

**Section 88** amends s. 551.1045, F.S., (Temporary licenses) updates and modernizes current provisions and has been moved to new s. 551.302(10)(a) in part V in Section 108 of the bill.

**Section 89** amends s. 551.105, F.S., (Slot machine license renewal) to update and modernize current provisions.

**Section 90** amends s. 551.106, F.S., (License fee; tax rate; penalties) to update and modernize current provisions, and to delete obsolete provisions regarding annual slot machine license fees.

**Section 91** amends s. 551.108, F.S., (Prohibited relationships) to update and modernize current provisions.

**Section 92** amends s. 551.109, F.S., (Prohibited acts; penalties) to update and modernize current provisions.

**Section 93** amends s. 551.111, F.S., (Legal devices) to update and modernize current provisions.

**Section 94** amends s. 551.112, F.S., (Exclusions of certain persons) to update and modernize current provisions.

**Section 95** amends s. 551.113, F.S., (Persons prohibited from playing slot machines) to update and modernize current provisions.

**Section 96** amends s. 551.114, F.S., (Slot machine gaming areas) to update and modernize current provisions.

**Section 97** amends s. 551.116, F.S., (Days and hours of operation) to update and modernize current provisions.

**Section 98** amends s. 551.117, F.S., (Penalties) to update and modernize current provisions.

**Section 99** amends s. 551.118, F.S., (Compulsive or addictive gambling prevention program) to update and modernize current provisions.

**Section 100** amends s. 551.119, F.S., (Caterer's license) to update and modernize current provisions.

**Section 101** amends s. 551.121, F.S., (Prohibited activities and devices; exceptions) to update and modernize current provisions.

**Section 102** amends s. 551.122, F.S., (Rulemaking) to update and modernize current provisions.

**Section 103** amends s. 551.123, F.S., (Legislative authority) to update and modernize current provisions.

**Section 104** creates s. 551, part IV, F.S., titled "Cardrooms." The entirety of s. 849.086, F.S., is transferred and amended in Part IV.

**Section 105** creates s. 551.20, F.S., (Cardrooms authorized), which amends s. 849.086, F.S., to update and modernize current language.

**Sections 106 through 122** of the bill constitute part V of ch. 551 titled "Occupational Licensing," which compiles licensing provisions previously located in ch. 550 (pari-mutuel wagering), ch. 551, F.S., (slots), and s. 849.086, F.S. (cardrooms).

**Section 107** of the bill consists of s. 551.301 (transferred and renumbered from s. 550.105, F.S.), stating that each person connected with a racetrack or jai alai fronton must be licensed. This includes vendors, concessionaires, kennels, owners and managers, stables, trainers, officials, veterinarians, doctors, nurses, emergency medical technicians, jockeys, drivers, jai alai

players, grooms, security and maintenance personnel. Also included are all persons who might have access to the jockeys' room, players' quarters, the drivers' room, the backside, racing animals, or kennel compound, as well as all employees and managers required to access mutuels machines, the money room, or totalisator equipment (i.e. the "tote board" that displays data from the automated pari-mutuel betting system that calculates odds and produces tickets based on incoming bets). Attorneys and certified public accountants whose primary place of employment is on the permitholder's premises is also required to hold a pari-mutuel occupational license.

Pursuant to s. 551.301(5)(a), the department may deny, suspend, revoke, or declare ineligible any pari-mutuel occupational license if the licensee has violated the law or applicable administrative rules, been convicted of a capital felony, a felony, a felony involving arson, a crime of trafficking, smuggling, delivery, sale or distribution of a controlled substance, or of a crime involving a lack of moral character. Such action may also be taken if the applicant or licensee has had a pari-mutuel license revoked by this state or any other jurisdiction for an offense related to pari-mutuel wagering, or has been convicted of a felony or misdemeanor for gambling, bookmaking, or animal cruelty.

The above restrictions excluding offenders may be waived upon a showing of good moral character, rehabilitation, and that the conviction is not related to pari-mutuel wagering and is not a capital offense. The department may not take action on or fail to renew a pari-mutuel license on the basis of a conviction occurring before July 1, 2010.

In accordance with s. 551.301(7), pari-mutuel licenses may also be denied, revoked, or suspended for debts, bad checks and other obligations "directly related to the sport of jai alai or racing being conducted in a pari-mutuel facility" in Florida. A licensee who knowingly provides false information under oath in a departmental investigation may be fined or have his pari-mutuel license suspended, revoked, or restricted. Disciplinary actions against persons whose licenses have expired are addressed in s. 551.301(5)(e).

Section 551.301(9) (formerly s. 550.105(10), F.S.,) details the information required to become licensed, including any felony or any conviction for bookmaking, illegal gambling, or cruelty to animals, and enforcement actions by any racing or gaming agency. Fingerprints must be submitted to the Department of Law Enforcement, the Federal Bureau of Investigation or an association of state pari-mutuel regulators. Fingerprinting expenses are borne by the applicant or licensee. A national criminal history records check is to be performed at least once every 5 years after issuance of a license, at the expense of the person being checked.

Rules may be adopted to require reasonably necessary information to regulate the industry or to exempt certain occupations or groups of persons from fingerprinting requirements (e.g. food service staff).

**Section 108** of the bill consists of s. 551.302, F.S., (formerly s. 551.107, F.S.,), concerning slot machine occupational licensing. General licenses are required for specified employees, including food service, maintenance and other similar support employees with access to the slot machine gaming area. Professional occupational licenses are issued to those authorized to manage, supervise or control daily operations, or others who are not employees of the licensee but who



provide services to a slot machine or slot machine equipment. Fees for general or professional occupational licenses may not exceed \$50.

Business occupational licenses are required for slot machine management or other companies associated with slot machine gaming, to persons who manufacture, distribute or sell slot machines, slot machine paraphernalia, or other associated equipment, or those who sell or provide goods or services for slot machine gaming to licensees. Fees for a business occupational license may not exceed \$1,000. Combined licenses may be issued for slot, pari-mutuel and cardroom licenses.

Fingerprints of slot machine licensees must be submitted to the Department of Law Enforcement and the Federal Bureau of Investigation. Fingerprinting expenses are borne by the applicant or licensee. A national criminal history records check is to be performed at least once every 3 years after issuance of a license, at the expense of the person being checked (such histories are checked more frequently than for pari-mutuel licensees).

**Section 109** of the bill consists of s. 551.303, F.S., (formerly s. 849.086(6), F.S.), which addresses occupational licensing of cardroom businesses and employees. Persons employed or working in a cardroom in a position related to cardroom operations while conducting card playing or games of dominoes must be licensed. The license fee may not exceed \$50 for any 12-month period. Cardroom licenses are not required for certain other employees such as food service, maintenance, and security employees, who have passed the background check and have a current pari-mutuel occupational license. Cardroom management companies and distributors associated with cardroom operations must be licensed, and the license fee may not exceed \$250 for any 12-month period.

Pursuant to s. 551.3031(7), the department may deny, revoke, or declare ineligible any cardroom occupational license if the licensee has been found guilty or had adjudication withheld for a felony or misdemeanor involving forgery, larceny, extortion, conspiracy to defraud, or filing a false report with a racing or gaming commission or a government agency.

Fingerprints of cardroom licensees must be submitted to the Department of Law Enforcement and the Federal Bureau of Investigation. Fingerprinting expenses are borne by the applicant or licensee. A national criminal history records check is to be performed at least once every 3 years after issuance of a license, at the expense of the person being checked (same schedule as for slot machines licensees, but more often than for pari-mutuel licensees).

**Sections 110 through 122** concern the Interstate Compact on Licensure of Participants in Pari-mutuel Wagering. Sections 550.901 to 550.913, F.S., are renumbered to ss. 551.31 to 551.322, F.S. The purposes of the compact include establishing uniform requirements for licensing, with a minimum standard of honesty and integrity for licensees.

**Sections 123 through 146** constitute part VI of ch. 551, F.S., titled "Destination Casino Resorts," which addresses the invitation to negotiate procedure for solicitation of proposals for destination casino resorts, consideration of applications from prospective licensees, the required disclosures from affiliated parties, and the award of licenses to qualified applicants.

**Section 125** defines destination casino resort in s. 551.401(4), F.S., as a freestanding, land-based structure that includes a gaming facility located in a zoning district that allows mixed-use development, including but not limited to, restaurants, commercial and retail facilities, convention facilities, and buildings designed for permanent, seasonal, or transient housing such as hotels and condominiums.

Gaming is defined in s. 551.401(6), F.S., as the conducting of the following games by licensed persons in a gaming facility in a destination casino resort: baccarat, 21, poker, craps, slot machines, video games of chance, roulette wheels, faro layout, or their common variants. That section also states that any game of chance, wagering device, or form of gaming must be expressly authorized by the Legislature.

Gaming facility is defined in s. 551.405(8), F.S., as the gaming floor in which gaming may be conducted and all ancillary areas. In turn, gaming floor is defined in s. 551.405(9), F.S., as all areas other than ancillary areas (defined in s. 551.401(1), F.S.) such as lobbies, restaurants, retail spaces, performance venues, accesses, restrooms, back-of-house facilities. The term gaming pit is defined in s. 551.401(10), F.S., as the area from which gaming employees administer and supervise the games.

Section 551.401(2), F.S., states that a public body is prohibited from applying for a destination casino resort license. That term has been defined for purposes of statutory construction in s. 1.01(8), F.S., and includes counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state.

Section 551.401(11), F.S., defines gross gaming revenue as “total receipts of cash or cash equivalents received or retained from the conduct of gaming by a destination casino resort licensee and the compensation received for conducting any gaming in which the destination casino resort licensee is not party to a wager.” Promotional credits or free play provided by a destination casino resort licensee as a means of marketing its gaming facility are not included.

**Section 126** creates s. 551.403, F.S., which states that all matters relating to gaming are preempted to the state for administration by the Gaming Control Board (board), and that a county, municipality, or other political subdivision may not enact ordinances relating to the conducting of gaming. However, a political subdivision may require a person to obtain an occupational license.

**Section 127** creates s. 551.405, F.S., which states that the board may issue an invitation to negotiate, receive and evaluate applications, and select the best qualified proposal for constructing and operating one destination casino resort license in Miami-Dade County and one destination casino resort license in Broward County. The board may only award a license if a majority of the electors voting in a countywide referendum have passed a referendum allowing for gaming in that county.

**Section 128** creates s. 551.407 concerning the process for awarding destination casino resort licenses, and provides that the board is to use an invitation to negotiate process for determining the award of a destination casino resort license.

Section 551.407(3) requires that the board specify in its invitation to negotiate the county in which a destination casino resort will be located. When determining whether to authorize a destination casino resort in a county, the board is required to hold a public hearing in that county to discuss the proposals being considered and to receive public comment. As provided in s. 551.407(4), the board may negotiate with applicants on proposals that best meet certain selection criteria (addressed in Section 129 below). Section 551.407(6) authorizes the board to issue additional invitations to negotiate if it does not award a destination casino resort license at the conclusion of the award process.

**Section 129** states the selection criteria in s. 551.409(1) be considered by the board, in particular, the capacity to increase tourism, generate jobs, provide revenue to the local economy, and generate revenue.

A gaming floor for a destination casino resort may be no more than 10 percent of the destination casino resort's proposed square footage. In turn, square footage is stated as the aggregate of the square footage of certain improvements owned or controlled by the applicant or its affiliates, exclusive of parking areas and accesses, but inclusive of the gaming facility and other areas of the mixed-use development, such as restaurants, commercial and retail facilities, convention facilities, and residential buildings located within a quarter mile of the main entry door of the destination casino resort.

Along with the ability of an applicant to generate substantial gross gaming revenue, the board will evaluate an applicant's demonstrated community investment and development, job training program, local community involvement, financial investment and strength, and other criteria.

Applicants for destination casino resort licenses must also demonstrate a commitment to spend at least \$2 billion for development and construction, including improvements to property, furnishings, and other equipment as determined by the board, but not the purchase price or acquisition costs for real property, or development impact fees. Documentation of such expenditure, in the aggregate, must be completed within 5 years of the award of a license.

Section 551.409(2)(a) requires the board to evaluate applications using the following weighted criteria, as described in the bill:

- Design and location: 20 percent
- Management expertise and speed to market: 40 percent
- Generating tourism from out of state: 30 percent
- Community enhancement plan: 10 percent

Section 551.409(2)(b) requires the board to give preference to applicants that demonstrate that the proposed destination casino resort will not unduly impact public services, existing transportation infrastructure, consumption of natural resources, and the quality of life enjoyed by residents of the surrounding neighborhoods. The ability to begin work as quickly as possible after award of the license, but within 12 months, must be shown.

In terms of impact on the local community, the applicant must include amenities and uses that will allow other businesses to be included within the destination casino resort, and promote local businesses. Workforce development and training plans must be provided for evaluation.

Measures to address problem gambling, such as employee training to recognize problem gamblers and prevention programs targeted toward vulnerable populations, must be included.

The destination casino resort applicants must also provide a market analysis detailing the benefits of the site proposed and the estimated recapture rate of gaming-related spending by residents traveling to out-of-state gaming establishments.

There must also be a marketing program for the use of minority business enterprises, women business enterprises, and veteran business enterprises to participate as contractors in the design and construction of the development, and to participate as vendors.

Public support in the local community must be shown, as demonstrated through public comment received by the board or applicant.

**Section 130** creates s. 551.41, which delineates the contents of an application for a destination casino resort license. In addition to typical identification, experience, licensure, credit and criminal history, and other business information, subsection (1)(c) includes a requirement for documentation, as required by the board, that the applicant has received conceptual approval of the destination casino resort proposal from the municipality and county in which the destination casino resort will be located.

Section 551.41(1)(i) requires a list of the full names and titles of any public officials or officers of any unit of state government or of the local government or governments in the county or municipality in which the proposed destination casino resort is to be located, and the spouses, parents, and children of those public officials or officers, who, directly or indirectly, own any financial interest in, have any beneficial interest in, are the creditors of, hold any debt instrument issued by the applicant or a qualifier, or hold or have an interest in any contractual or service relationship with the applicant or qualifier. The terms “public official” and “officer” do not include a person who would be listed solely because the person is a member of the Florida National Guard.

Section 551.41(1)(j) requires the name and business telephone number of, and a disclosure of fees paid to any attorney, lobbyist, employee, consultant, or other person who has represented the applicant’s interests in the state in the prior 3 years or during the application process.

Section 551.41(1)(l) requires a description of the applicant’s proposed destination casino resort, including a map documenting the location of the proposed destination casino resort within the specific county or counties; a statement regarding the compliance of the applicant with state, regional, and local planning and zoning requirements; a description of the anticipated economic benefit to the community in which the destination casino resort would be located; the anticipated number of jobs generated by construction of the destination casino resort; the anticipated number of employees; a statement regarding how the applicant would comply with federal and state affirmative action guidelines; and a projection of gross gaming revenue.

Proof that a countywide referendum has been approved before the application deadline by the electors of the county authorizing gaming in that county is set forth as a requirement in Section 551.41(1)(m). (Gaming is defined as “the conducting of the following games by licensed persons

in a gaming facility in a destination casino resort: baccarat, 21, poker, craps, slot machines, video games of chance, roulette wheels, faro layout, or their common variants.”)

Section 551.41(1)(n) requires a schedule or timeframe for completing the destination casino resort. Section 551.41(1)(o) requires a plan for training residents for jobs at the destination casino resort, including training to enable low-income persons to qualify for jobs at the destination casino resort.

Section 551.41(1)(p) requires substantial disclosure concerning identification of those involved in the destination casino resort, for each person, association, trust, corporation, or partnership having a direct or indirect equity interest in the applicant of more than 5 percent.

A destination casino resort development plan and projected investment of \$2 billion meeting the selection criteria set forth in s. 551.409 is required by s. 551.41(1)(q). A diversity plan, information on current gaming licenses, and a listing of all affiliated business entities or holding companies, including nongaming interests, are required.

Section 551.41(2) provides that the board is the sole authority for determining the information or documentation that must be included in an application (or renewal application) for a destination casino resort license. Additional documentation and information may relate to: demographics, education, work history, personal background, criminal history, credit history, finances, business information, complaints, inspections, investigations, discipline, bonding, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, and fingerprint requirements.

Section 551.41(4) states the following application fees for a destination casino resort (annual licensing fees are addressed in Section 135):

- a nonrefundable investigative fee of \$1 million to defray costs of evaluation and investigation of the applicant and each qualifier, with the possibility of an additional investigative fee not to exceed \$250,000; and
- an initial license fee of \$125 million; to be refunded if the application is denied.

**Section 131** creates s. 551.411 concerning the handling of incomplete applications for a destination casino resort license.

**Section 132** creates s. 551.413, which exempts from the licensing process lenders that make a loan or hold a security interest in an applicant, licensee, licensed supplier or a parent or subsidiary of those entities, but that do so only as part of their ordinary course of business as a financial institution. Such lenders are not qualifiers with an interest in the applicant or licenses. A qualifier is defined in s. 551.401(18), as set forth in Section 125 of the bill.

**Section 133** creates s. 551.414 which states the conditions for licensure and maintenance of a destination casino resort license. The conditions are that a licensee:

- Comply with the Destination Casino Resort Act and departmental rules;
- Allow unrestricted access and inspection of the licensee’s facilities;

- Complete the destination casino resort in accordance with the plans and in the timeframe proposed in the application, unless extended for good cause by the board for a period not to exceed 1 year;
- Ensure its computer system used for operations and accounting is structured to facilitate regulatory oversight and designed to provide wagering patterns and other information needed to determine compliance with laws and rules;
- Ensure that each gaming device is protected from manipulation or tampering;
- Submit a security plan with minimum security requirements determined by the department;
- File written policies with the board for a variety of issues and activities including purchases from vendors and services from resident and vendors in this state, employment of state residents, compulsive gambling training, and drug-testing programs;
- Use state-offered, Internet-based job-listing systems to advertise employment opportunities;
- Ensure that the payout percent of each slot machine is at least 85 percent;
- Maintain permanent daily records of gaming operations for a period not less than 5 years, for audit and inspection by the department, or other law enforcement agencies; and
- Maintain a designated gaming floor that is segregated from the rest of the facility so patrons may access the destination casino resort facility without entering the gaming floor.

**Section 134** creates s. 551.415, which states the requirements for a surety bond or deposit to secure the obligation of a destination casino resort licensee to make all required payments.

**Section 135** creates s. 551.416 which establishes a nonrefundable \$5 million annual license fee for a destination casino resort licensee. In addition, each licensee pays tax at a rate of 35 percent of gross gaming revenue, to be remitted monthly. The gaming tax is in lieu of any other state taxes on gross or adjusted gross gaming revenue of a licensee.

**Section 136** establishes in s. 551.417 certain restrictions on the conduct of gaming by a destination casino resort licensee, with unlimited access to the gaming facility at all times and prohibits the conduct of business with a junket enterprise, except with a junket operator employed full time by the licensee. A junket enterprise is defined in s. 551.401(13) in Section 125 of the bill, and means any person who for compensation, engages in procurement or referral of persons for a junket (excursion) to a destination casino resort.

Gaming operations are allowed 24 hours per day, every day of the year. A licensee is required to give preference in employment, reemployment, promotion, and retention to veterans and others who possess the minimum qualifications necessary to perform the duties of the positions involved.

**Section 137** creates s. 551.418 which specifies those acts that are prohibited, as follows:

- A person may not willfully fail to report, pay, or truthfully account for and remit any fee, tax, or assessment or attempt in any manner to evade any fee, tax, or assessment;

- A person may not allow a slot machine, table game, or table game device to be operated, transported, repaired, or opened on the premises of a licensed gaming facility by anyone not licensed by the board;
- A person may not manufacture, supply, or place slot machines, table games, table game devices, or associated equipment into play or display slot machines, table games, table game devices, or associated equipment on the premises of a gaming facility without the required license;

There are provisions concerning the method of playing slot machines, possession of cheating devices, use of counterfeited materials, and fraudulent actions. Violators commit a first degree misdemeanor, punishable by imprisonment for a term not exceeding 1 year and a fine not to exceed \$1,000. Anyone convicted of a second or subsequent violation commits a third degree felony, punishable by imprisonment for a term not exceeding 5 years and a fine not to exceed \$5,000.

**Section 138** creates s. 551.42, regarding supplier licenses required for a person to furnish any gaming equipment, devices, or supplies or other goods or services for the operation of gaming.

**Section 139** creates s. 551.422, regarding licenses for the manufacturing of slot machines, table game devices, and associated equipment for use in Florida.

**Section 140** creates s. 551.424 regarding occupational licenses for gaming employees, for which heightened state scrutiny is required. A person may not be employed as a gaming employee unless that person holds an appropriate occupational license. The issuance of temporary supplier and temporary occupational licenses is addressed in **Section 141** in s. 551.426.

**Section 142** creates s. 551.428 concerning disputes between destination casino resort licenses and wagerers and the procedures required to address them. Gaming-related disputes may be resolved only by the board and are not under the jurisdiction of state courts, however, wagerers have the opportunity to make a claim in state court for nongaming-related issues. A wagerer is defined in s. 551.401(21) in Section 125 of the bill as a person who plays a game at an authorized gaming facility.

**Section 143** creates s. 551.43 regarding enforcement of credit instruments between patrons and licensees, and the board may prescribe conditions for redemption or presentation of a credit instrument to a bank, credit union, or other financial institution for collection or payment.

**Section 144** creates s. 551.44 regarding compulsive or addictive gambling prevention. Training must be offered to destination casino resort employees on responsible gaming, and a licensee must work with a gambling prevention program to recognize problem gaming situations and to implement responsible gaming programs and practices. The board must use an invitation to negotiate process for services for the treatment of compulsive and addictive gambling. Each licensee must pay \$250,000 annually without proration to the board by June 30 for these services.

**Section 145** creates s. 551.445, regarding requests to be excluded from a gaming facility. A person may request to be excluded from gaming facilities in this state by personally submitting a

request for self-exclusion from all gaming facilities on a form adopted by board rule. Requirements for the request include contact information, identification issued by certain governmental agencies containing a photograph and a signature, a current photograph, and a physical description. The requester must select the duration of the self-exclusion (one year, five years, or lifetime), and must execute a release confirming that the request is voluntary and acknowledging that the requester has a compulsive or addictive gambling problem. If a person on the exclusion list is discovered on the gaming floor of a gaming facility, the person may be removed and may be arrested and prosecuted for criminal trespass.

The self-exclusion provision in part VI of this bill does not apply to slot machine gaming at pari-mutuel facilities.

**Section 146** creates s 551.45 which requires the board to file an annual report with the Governor, the President of the Senate, and the Speaker of the House of Representatives covering the previous fiscal year, beginning February 1, 2016. Each report must include a statement of receipts and disbursements, a summary of disciplinary actions taken by the board, and any additional information and recommendations that the board believes may improve the regulation of gaming or increase the economic benefits of gaming to this state.

**Sections 147** creates part VII of Ch. 551 titled "Miscellaneous Gaming." Title XLVI of the Florida Statutes is titled "Crimes" and includes Chapter 849, which is titled "Gambling." Over a period of time, amendments to ch. 849 have addressed requirements for authorized, noncriminal activities such as amusement arcades, bowling tournaments, charitable bingo, cardrooms, game promotions, and penny-ante games (poker, dominoes, etc.). Those provisions are transferred as described below; after the transfer to part VII of ch. 551 proposed in the bill, the remaining provisions in ch. 849 describe prohibited criminal gambling activity.

**Section 148** states that the amendments to provisions previously included in ch. 849 that are now located in part VII, are not intended to authorize additional games but to clarify current limitations on authorized games.

**Section 149** renumbers s. 849.094, F.S., regarding game promotions (sweepstakes) in connection with the sale of consumer products or services to s. 551.50. In recent years, electronic sweepstakes establishments, generally called "Internet Cafés," or "Adult Amusement Arcades" proliferated in Florida and other states. The facilities often used casino-style sweepstakes games to promote sales of communications services such as internet access or telephone calling cards. The operations are not regulated by the state, and the games are not taxed.

Law enforcement and local district attorneys raised concerns about whether the use of an electronic simulated gaming machine in a game promotion is an illegal slot machine.

Current law prohibits operators of game promotions from requiring entry fees or proof of purchase to play, having predetermined winners, arbitrarily disqualifying entries, failing to award prizes, and advertising falsely. It contains no explicit exemption from the statutory prohibition on lotteries in s. 849.09, F.S., or any other statutory gambling prohibition.

If the total value of prizes offered in the game promotion exceeds \$5,000, the operator must:



- File with the Department of Agriculture and Consumer Services a copy of the game rules and prizes 7 days before the game promotion begins;
- Establish a trust account equal to the total retail value of the prizes; and
- File a list of winners of prizes exceeding \$25 within 60 days.

Violations of the statute are punishable as second-degree misdemeanors. Persons violating the statute may also be liable for civil fines. The statute does not apply to activities regulated by the Department of Business and Professional Regulation or bingo. Television or radio broadcasting companies licensed by the Federal Communications Commission are exempt from the statute's reporting requirements. The statute defines 'operator' to exclude charitable nonprofit organizations.

The Department of Agriculture and Consumer Services or the Department of Legal Affairs of the Office of the Attorney General are authorized to file suit in circuit court to enjoin a game promotion being operated in violation of s. 550.50(8)(c).

**Sections 150 through 155** address authorized games such as bingo, amusement games and penny-ante games. Those provisions were previously part of ch. 849, but were transferred to part VII under "Miscellaneous Gaming."

**Section 150** transfers and renumbers s. 849.092, F.S., regarding motor fuel retail business prizes, to s. 551.51, F.S. A licensed retailer of motor or diesel fuel may give away prizes if such gifts are solely for the purpose of advertising the retailer's goods and business, and the principal business of the retailer is the sale of fuel. No purchase may be required or any consideration payable in the form of money or anything of value. All promotional material and entry blanks must state that Florida residents are entitled to participate in the promotion and are eligible to win gifts or prizes.

**Section 151** transfers and renumbers s. 551.085, F.S., to s. 551.52, regarding penny-ante games. Penny-ante games are those in which the winnings of any player in a single round, hand, or game do not exceed \$10 in value, and include poker, pinochle, bridge, rummy, canasta, hearts, dominoes, and mah-jongg. Such games must be played in either residential or common premises. Current law does not include the premises of a park or recreation district as a location where penny-ante games may be played or conducted. The bill provides those types of districts are premises where penny-ante games are authorized to be played or conducted, if all other requirements of the law are met.

Residential premises means a unit, room or college dormitory room owned or rented by a game participant and occupied by the participant. Common premises means the common elements or common areas of a condominium, cooperative, residential subdivision, mobile home park, or park or recreation district, or the facilities of an organization that is tax-exempt as a charitable organization under s. 501(c)(7) of the Internal Revenue Code, or the common recreational area of a college dormitory, or a publicly owned community center owned by a municipality or county. The conduct of a penny-ante game in common premises does not create civil liability for damages on the part of an owner who was not a participant in the game.

A person may not receive any consideration for allowing a penny-ante game to occur in residential or common premises, and may not solicit participants by advertising in any form. All participants must be 18 years of age or older. Debts owed as a consequence of a penny-ante game is not legally enforceable.

**Section 152** transfers and renumbers s. 849.0931, F.S., to s. 551.53, concerning authorized bingo. Current law does not include the premises of a park or recreation district as a location where bingo games or instant bingo may be played or conducted. The bill provides that the premises those types of districts are premises where bingo games and instant bingo are authorized to be played or conducted, if all other requirements of the law are met.

Bingo game participants pay for paper or pasteboard bingo cards that contain no fewer than 24 different numbers ranging from 1 to 75. Numbers are randomly drawn and announced one at a time, and players mark their bingo cards if an announced number matches a number on their card. The winner receives a pre-determined prize if a player receives the specified order or a pattern of numbers preannounced for that particular game. Instant bingo is a form of bingo using tickets that are opened to reveal a set of numbers, letters, objects, or pattern, some of which have been designated in advance as prize winners.

Bingo games and instant bingo may be conducted by charitable, nonprofit, or veteran's organizations that are engaged in charitable, civic, community, benevolent, religious or scholastic works or other similar endeavors, and that have been in existence and active for a period of 3 years or more. The entire proceeds, less actual business expenses, must be donated by the organization to the works and endeavors.

A charitable, nonprofit, or veteran's organization may not sponsor bingo games or instant bingo conducted by another organization, and may not conduct a bingo game more than 2 days per week. Such an organization must be located in the county, or within a 15-mile radius of the location where the bingo game or instant bingo is played. Only 3 jackpot prizes with a maximum value of \$250 each may be awarded on a single day of play, and all other game prizes may not exceed \$50 each. A person under 18 years of age may not play or be involved in the conduct of a bingo game or instant bingo.

Organizations not engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar endeavors which conduct bingo games must return all proceeds to players in the form of prizes.

The following entities (qualified associations or districts) may conduct bingo if the net proceeds are returned to players in the form of prizes after deduction the actual business expenses:

- Condominium associations;
- Cooperative associations;
- Homeowners' associations as defined in s. 720.301, F.S.;
- Mobile home owners' associations;
- Residents group of a mobile home park as defined in ch. 720, F.S.,
- Park or recreation district that is an independent special district as defined in s. 403, F.S.;
- A recreation district as defined in ch. 418, F.S., or

- Residents group of a mobile home park or recreational vehicle park as defined in ch. 513, F.S.

Each person conducting a bingo game or instant bingo must be a resident of the community where the organization is located, a bona fide member of the organization sponsoring the game, and may not be compensated in any way for operation of the game.

Any organization conducting a bingo game or instant bingo that is open to the public may refuse entry to a person who is objectionable or undesirable to the organization, but such refusal may not be based on the person's race, creed, color, religion, sex, national origin, marital status, or physical handicap.

Bingo games or instant bingo made be held only on the following premises:

- Property owned by the charitable, nonprofit, or veterans' organization;
- Property owned by the charitable, nonprofit, or veterans' organization that will benefit from the proceeds;
- Property leased for a period of not less than 1 year by a charitable, nonprofit, or veterans' organization, if rent is not based on a percentage of the proceeds generated and does not exceed rates for similar nearby premises;
- Property owned by a municipality or a county when the governing authority has specifically authorized by ordinance or resolution the use of the property for the conduct of such games;
- Property owned by a qualified association or district, or by residents thereof, or property that is a common area within a condominium, mobile home park, or recreational vehicle park.

Section 551.53(10) (formerly s. 849.0931(12), F.S.) states the rules for conducting of bingo games. A caller in a bingo game may not be a participant in that bingo game.

**Section 153** transfers and renumbers s. 849.0935, F.S., to s. 551.54, concerning drawings by chance conducted by certain tax-exempt charitable organizations. Such organizations must have a current determination letter from the Internal Revenue Service recognizing the organization's tax-exempt status. A drawing by chance or raffles is a drawing in which one or more entries submitted by the public to the organization are selected by chance to win a prize.

Drawing by chance do not include game promotions defined under s. 849.094, F.S. (now s. 551.50, addressed in Section 146 of the bill. However, an organization in compliance with the Solicitation of Contributions Act, ss. 496.401 t-496.424, F.S., may conduct drawings by chance.

Promotional materials and tickets must disclose the rules, the name and principal place of business of the organization, the source of the funds used to award or purchase prizes, that no contribution is necessary, and the date of the drawing if tickets are not offered to the public more than 3 days before the drawing.

No organization may conduct a drawing in which the winner is predetermined or the selection of the winners is rigged, or where a donation or payment or proof of purchase is a condition to entry or for selection as a prize winner. An organization may suggest a minimum donation and may

state the suggested minimum on printed material used in connection with the fundraising event or drawing. No disqualification or discrimination may be made between entrants who gave contributions and those who did not. Winners must be promptly notified at the address designated on the entry blank of the fact that he or she won. Any organization that violates s. 551.54 commits a second degree misdemeanor, punishable by imprisonment not exceeding 60 days, and a maximum fine of \$500.

**Section 154** transfers and renumbers s. 849.141, F.S., to s 551.55, concerning bowling tournaments. Notwithstanding any law to the contrary, a person may participate in or conduct a bowling tournament at a bowling center with at least 12 bowling lanes operated for entertainment of the general public to engage in bowling as a sport. Payment of entry fees from which the winner receives a purse or prize is specifically allowed.

**Section 155** transfers and renumbers s. 849.161, F.S., to s. 551.56. The bill revises specifications and prize limits consistent with current law. Current law provides that amusement games or machines:

- Are located at authorized arcade amusement centers (having at least 50 coin-operated amusement games or machines on premises) or truck stops;
- Operate by insertion of a coin;
- May entitle a player, by application of skill, to receive points or coupons—the cost value of which does not exceed 75 cents on any game played—that may be exchanged onsite for merchandise.

The bill provides that “amusement games or machines” as defined in s. 551.56(1), are:  
...games which are operated only for bona fide entertainment of the general public, which are activated by means of the insertion of a coin, currency, slug, token, coupon, card, or similar device, and which, by application of skill, the person playing or operating the game or machine may control the results of play.

The term does not include and s. 551.56 does not authorize:

- Casino-style games in which the outcome is determined by factors unpredictable by the player;
- Games in which the player does not control the outcome through skill;
- Video poker games or any other game or machine that may be construed as a gambling device under Florida law; or
- Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under s. 1178 (i.e. slot machines, but excluding pari-mutuel betting machinery for use at a racetrack, a coin-operated bowling alley, a shuffleboard, marble machine or pinball machine, or mechanical gun, if they are not designed and manufactured primarily for gambling, and which when operated do not deliver any money or property, or entitle a person to receive any money or property, and any so-called claw, crane, or digger machine and similar devices which are not operated by coin, are actuated by a crank, and are designed and manufactured primarily for use at carnivals or county or state fairs.)

The bill defines “game played” as the event from the insertion of a coin, token, card, or similar device until the results of play are determined without insertion of additional devices to continue play. Free replays do not count as separate games played.

**Free replays**—An amusement game or machine may entitle or enable a person, by application of skill, to replay the game without additional coin, token, card, or similar device if the game or machine can accumulate and react to not more than 15 free replays, can be discharged of free replay only by reactivation for one additional play for each accumulated free replay, and does not make a permanent record of free replays.

**Redeemable points or coupons**—An amusement game or machine may entitle or enable a person, by application of skill, to receive points or coupons that can be redeemed onsite for merchandise under the following conditions:

- The amusement game or machine is located at an arcade amusement center, truck stop, bowling center defined in s. 551.53, F.S., or public lodging establishment or public food service facility licensed pursuant to ch. 509, F.S.;
- Points or coupons have no value other than for redemption onsite for merchandise;
- The redemption value of points or coupons a person receives for a single game played does not exceed \$5.25;<sup>23</sup> and
- The redemption value of points or coupons a person receives for playing multiple games simultaneously or competing against others in a multi-player game, does not exceed \$5.25.

**Direct merchandise**—An amusement game or machine may entitle or enable a person, by application of skill, to receive merchandise directly, if:

- The amusement game or machine is located at an arcade amusement center, truck stop, bowling center defined in s. 551.53, public lodging establishment or public food service facility licensed pursuant to chapter 509, or on the premises of a retailer as defined in s. 212.02; and
- The wholesale cost of the merchandise does not exceed \$50.

Merchandise does not include cash equivalents, including gift cards, alcoholic beverages, or coupons, tokens, cards or similar devices that have commercial value, can activate an amusement game or machine, or can be redeemed onsite for merchandise.

The per-game limits on coupons, points, and merchandise shall be reviewed and adjusted by rule of the department, based on the rate of inflation.

**Sections 156 through 203** address prohibited criminal activities in ch. 849.

**Section 204** provides that the department and the board are authorized to enforce the act and cooperate with all agencies in the United States charged with enforcing any law related to prohibited gambling.

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<sup>23</sup> The bill defines “redemption value” as the imputed value of coupons or points, based on the wholesale cost of merchandise for which those coupons or points may be redeemed. *See* s. 551.56(1)(e).

**Sections 205 through 226** detail all conforming revisions and updates to cross references.

**Section 227** states that except as otherwise expressly provided, the effective date of the act is July 1, 2014.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. Other Constitutional Issues:**

Section 127 of the bill states that the board may award one destination casino resort license in Miami-Dade County and one destination casino resort license in Broward County. Therefore, these provisions are designed to operate only in a specific part of the state.

Article III, section 10, of the Florida Constitution forbids the Legislature to pass a special law without either providing advance notice of intent to enact the law or conditioning the law's effectiveness upon a referendum of the electors of the areas affected.<sup>24</sup> As the term is used in the Florida Constitution, a special law is “a special or local law, and case law defines “special law,” “local law,” and “general law” as follows:

[A] special law is one relating to, or designed to operate upon, particular persons or things, or one that purports to operate upon classified persons or things when classification is not permissible or the classification adopted is illegal; a local law is one relating to, or designed to operate only in, a specifically indicated part of the state, or one that purports to operate within classified territory when classification is not permissible or the classification adopted is illegal.<sup>25</sup>

A general law operates universally throughout the state, or uniformly upon subjects as they may exist throughout the state, or uniformly within permissible classifications by

<sup>24</sup> *DeBary Real Estate Holdings, LLC v. State Dept. of Bus. and Prof'l. Reg.*, 12 So.3d 157, (Fla. 1st DCA 2011).

<sup>25</sup> *Id.*

population of counties or otherwise, or is a law relating to a state function or instrumentality.<sup>26</sup>

As the provisions of s. 127 will not operate universally or uniformly throughout the state, the bill requires that prior to any award of a destination casino resort license in a county, the proposal must be submitted as a referendum in that county.

## V. Fiscal Impact Statement:

### A. Tax/Fee Issues:

None.

### B. Private Sector Impact:

The establishment of destination casino resorts in large counties such as Miami-Dade and Broward counties was evaluated in 2013 at the request of the Legislature by Spectrum Gaming Group (Spectrum). A shorthand reference, Scenario I, was used by Spectrum for the evaluation in its Gambling Impact Study.<sup>27</sup>

For Scenario I, Spectrum stated that destination casino resorts restricted to Miami-Dade and Broward counties “could provide a desirable combination of economic benefits via expansion while minimizing the negative consequences because gaming already is prominent in South Florida.”<sup>28</sup> However, Spectrum also stated that the “location and breadth of non-gaming amenities... could pose threats to existing restaurant, hotels and entertainment options—particularly if the resorts failed to attract incremental out-of-market visitors” and cannibalize discretionary spending already destined for existing businesses.<sup>29</sup>

Spectrum concluded that there would “likely to be only mildly positive impacts on local employment and wages” in densely populated urban Florida counties, because casinos would not represent a large expansion of the local economies of those counties.<sup>30</sup>

The filing of required records respecting injuries to racing greyhounds is similar to existing requirements respecting deaths of racing greyhounds, but constitutes an additional cost to greyhound racing permitholders.

The option to greyhound racing permitholders to reduce the number of live races required to maintain cardroom licenses will have some impact on permitholder revenues and expenses.

<sup>26</sup> *Id.* (quoting *State ex rel. Landis v. Harris*, 120 Fla. 555, 163 So. 237, 240 (1934)).

<sup>27</sup> See *Spectrum Gaming Group Gambling Impact Study dated October 28, 2013, prepared for the Florida Legislature, a copy of which is available at [http://www.leg.state.fl.us/gamingstudy/docs/FGIS\\_Spectrum\\_28Oct2013.pdf](http://www.leg.state.fl.us/gamingstudy/docs/FGIS_Spectrum_28Oct2013.pdf)* (Last visited February 26, 2013).

<sup>28</sup> *Id.* at page 101.

<sup>29</sup> *Id.* at page 102.

<sup>30</sup> *Id.* at page xxviii.

**C. Government Sector Impact:**

The implementation of a new Department of Gaming and the establishment of a Gaming Control Board proposed in the bill will impact the government sectors affected. The transfer of the existing Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation will impact that agency and its affected personnel.

The maintenance of records associated with injuries to racing greyhounds is similar to existing requirements respecting deaths of racing greyhounds and should have minimal impact upon administrative expense. The option to greyhound racing permitholders to reduce the number of live races required to maintain cardroom licenses may reduce regulatory expense.

The bill may reduce the complexity and cost of local enforcement actions regarding gambling activities in the state.

**VI. Technical Deficiencies:**

Line 5831 of the bill refers to an incorrect date of July 6, 2010. The date should be corrected to July 1, 2010, which is the correct effective date of Chapter 2009-170, Laws of Florida, as amended by Chapter 2010-29, Law of Florida.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates the following sections of the Florida Statutes: 11.93, 20.222, 551.001, 551.0011, 551.0012, 551.0013, 551.0014, 551.0015, 551.0016, 551.0017, 551.0018, 551.011, 551.012, 551.013, 551.014, 551.018, 551.021, 551.0221, 551.0222, 551.0241, 551.0242, 551.0251, 551.0252, 551.0253, 551.026, 551.029, 551.0321, 551.0322, 551.033, 551.034, 551.035, 551.036, 551.037, 551.038, 551.039, 551.042, 551.043, 551.045, 551.0511, 551.0512, 551.0521, 551.0522, 551.0523, 551.0524, 551.053, 551.0541, 551.0542, 551.0543, 551.0551, 551.0552, 551.0553, 551.056, 551.062, 551.0622, 551.063, 551.072, 551.073, 551.074, 551.075, 551.076, 551.077, 551.078, 551.082, 551.091, 551.0921, 551.0922, 551.093, 551.0941, 551.0942, 551.0943, 551.0944, 551.095, 551.303, 551.401, 551.403, 551.405, 551.407, 551.409, 551.41, 551.411, 551.413, 551.414, 551.415, 551.416, 551.417, 551.418, 551.42, 551.422, 551.424, 551.426, 551.428, 551.43, 551.44, 551.445, 551.45, and 849.47.

This bill substantially amends the following sections of the Florida Statutes: 11.45, 20.165, 72.011, 72.031, 110.205, 120.80, 196.183, 205.0537, 212.02, 212.031, 212.04, 212.05, 212.054, 212.12, 212.20, 267.0617, 285.710, 285.712, 402.82, 455.116, 480.0475, 509.032, 551.101, 551.102, 551.103, 551.104, 551.105, 551.106, 551.108, 551.109, 551.111, 551.112, 551.113, 551.114, 551.116, 551.117, 551.118, 551.119, 551.121, 551.122, and 551.123, 551.1045, 849.086, 550.105, 551.107, 559.801, 561.1105, 772.102, 773.03, 895.02.



This bill transfers and renumbers the following sections of the Florida Statutes: 550.901, 550.902, 550.903, 550.904, 550.905, 550.906, 550.907, 550.908, 550.909, 550.910, 550.911, 550.912, and 550.913.

This bill transfers, renumbers, and amends the following sections of the Florida Statutes: 849.094, 849.092, 849.085, 849.0931, 849.0935, 849.141, 849.161, 849.01, 849.02, 849.03, 849.04, 849.05, 849.07, 849.08, 849.09, 849.091, 849.0915, 849.10, 849.11, 849.12, 849.13, 849.14, 849.15, 849.16, 849.17, 849.18, 849.19, 849.20, 849.21, 849.22, 849.23, 849.231, 849.232, 849.233, 849.235, 849.25, 849.26, 849.29, 849.30, 849.31, 849.32, 849.33, 849.34, 849.35, 849.36, 849.37, 849.38, 849.39, 849.40, 849.41, 849.42, 849.43, 849.44, 849.45, and 849.46.

This bill repeals the following sections of the Florida Statutes: 550.001, 550.002, 550.0115, 550.01215, 550.0235, 550.0251, 550.0351, 550.0425, 550.054, 550.0555, 550.0651, 550.0745, 550.0951, 550.09511, 550.09512, 550.09514, 550.09515, 550.1155, 550.125, 550.135, 550.155, 550.1625, 550.1645, 550.1646, 550.1647, 550.1648, 550.175, 550.1815, 550.235, 550.24055, 550.2415, 550.255, 550.2614, 550.26165, 550.2625, 550.2633, 550.26352, 550.2704, 550.285, 550.334, 550.3345, 550.3355, 550.3551, 550.3615, 550.375, 550.475, 550.495, 550.505, 550.5251, 550.615, 550.625, 550.6305, 550.6308, 550.6315, 550.6325, 550.6335, 550.6345, 550.70, and 550.71.

This bill creates unnumbered sections of the Florida Statutes.

**IX. Additional Information:**

A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.

FOR CONSIDERATION By the Committee on Gaming

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1 A bill to be entitled  
 2 An act relating to gaming; creating s. 11.93, F.S.;  
 3 creating the Joint Legislative Gaming Control  
 4 Oversight Committee; providing for member  
 5 requirements, terms, and meetings; providing that the  
 6 committee is governed by joint rules of the Senate and  
 7 the House of Representatives; providing powers and  
 8 duties of the committee; authorizing the committee to  
 9 schedule hearings; requiring the committee to deliver  
 10 a written recommendation to the President of the  
 11 Senate and the Speaker of the House of Representatives  
 12 upon certain findings; amending s. 20.165, F.S.;  
 13 removing a provision that establishes the Division of  
 14 Pari-mutuel Wagering in the Department of Business and  
 15 Professional Regulation; creating s. 20.222, F.S.;  
 16 creating the Department of Gaming Control; amending s.  
 17 110.205, F.S.; exempting certain positions within the  
 18 Department of Gaming Control and the Gaming Control  
 19 Board; amending s. 120.80, F.S.; removing provisions  
 20 relating to exemptions to the hearing and notice  
 21 requirements for the Division of Pari-mutuel Wagering  
 22 in the Department of Business and Professional  
 23 Regulation; providing exemptions to certain hearing  
 24 and notice requirements for the Department of Gaming  
 25 Control; providing exemptions for the Gaming Control  
 26 Board; amending s. 285.710, F.S.; authorizing and  
 27 directing the Governor to negotiate and execute an  
 28 amendment to the Gaming Compact with the Seminole  
 29 Tribe of Florida; requiring the Governor to provide a

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30 copy of the amendment to the President of the Senate  
 31 and the Speaker of the House of Representatives;  
 32 requiring the compact to be ratified by both houses of  
 33 the Legislature before being sent to the United States  
 34 Department of the Interior; amending s. 285.712, F.S.;  
 35 making a technical change; transferring the Division  
 36 of Pari-mutuel Wagering of the Department of Business  
 37 and Professional Regulation to the Gaming Control  
 38 Board within the Department of Gaming Control by type  
 39 two transfer; transferring the Pari-mutuel Wagering  
 40 Trust Fund within the Department of Business and  
 41 Professional Regulation to the Department of Gaming  
 42 Control by type two transfer; repealing ss. 550.001-  
 43 550.71, F.S., relating to pari-mutuel wagering;  
 44 redesignating ch. 551, F.S., as the "Florida Gaming  
 45 Control Act"; creating part I of ch. 551, F.S.;  
 46 entitling part I "Florida Gaming Control"; creating s.  
 47 551.001, F.S.; defining terms; creating s. 551.0011,  
 48 F.S.; creating the Gaming Control Board; providing  
 49 member requirements and terms; providing chair and  
 50 vice chair requirements; providing for meetings of the  
 51 board; requiring the board to serve as the agency head  
 52 of the department; requiring the board to appoint an  
 53 executive director; authorizing the board to designate  
 54 an acting executive director; providing for financial  
 55 control of department funds; creating s. 551.0012,  
 56 F.S.; providing powers and duties of the board;  
 57 creating s. 551.0013, F.S.; providing duties of the  
 58 department; authorizing the department to adopt rules;

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59 specifying rules that must be adopted; authorizing the  
 60 department to adopt emergency rules; creating s.  
 61 551.0014, F.S.; requiring the department to adopt a  
 62 code of ethics; providing ethical requirements;  
 63 creating s. 551.0015, F.S.; requiring certain  
 64 disclosures by members, employees, and agents of the  
 65 board; creating s. 551.0016, F.S.; prohibiting ex  
 66 parte communication between certain persons; requiring  
 67 certain persons to report such communication;  
 68 providing a procedure for a member to disclose such  
 69 communication; penalizing a member who fails to follow  
 70 such procedure; requiring the Commission on Ethics to  
 71 investigate certain complaints and report its findings  
 72 to the Governor; authorizing the Commission on Ethics  
 73 to enforce certain penalties; creating s. 551.0017,  
 74 F.S.; providing penalties for misconduct by a member,  
 75 employee, or agent of the Gaming Control Board;  
 76 creating s. 551.0018, F.S.; providing for judicial  
 77 review; creating part II of ch. 551, F.S.; entitling  
 78 part II "Pari-Mutuel Wagering"; reorganizing and  
 79 clarifying provisions for pari-mutuel wagering;  
 80 removing obsolete provisions; creating s. 551.011,  
 81 F.S.; providing a short title; creating s. 551.012,  
 82 F.S.; defining terms; creating s. 551.013, F.S.;  
 83 authorizing pari-mutuel wagering; providing for  
 84 wagering pools and distribution thereof; creating s.  
 85 551.014, F.S.; providing powers and duties of the  
 86 Department of Gaming Control; creating s. 551.018,  
 87 F.S.; limiting taxation by counties, municipalities,

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88 and other political subdivisions; creating ss.  
 89 551.021, 551.0221, 551.0222, 551.0241, 551.0242,  
 90 551.0251, 551.0252, 551.0253, 551.026, and 551.029,  
 91 F.S., relating to pari-mutuel permit application,  
 92 issuance, ratification, relocation, conversion,  
 93 suspension, and revocation; creating ss. 551.0321,  
 94 551.0322, 551.033, 551.034, 551.035, 551.036, 551.037,  
 95 551.038, and 551.039, F.S., relating to licensure of  
 96 permitholders to conduct pari-mutuel operations;  
 97 creating ss. 551.042, 551.043, and 551.045, F.S.,  
 98 relating to greyhound racing operations, operating  
 99 periods, pools, purses, injury reporting, takeout,  
 100 taxes, and fees; creating ss. 551.0511, 551.0512,  
 101 551.0521, 551.0522, 551.0523, 551.0524, 551.053,  
 102 551.0541, 551.0542, 551.0543, 551.0551, 551.0552,  
 103 551.0553, and 551.056, F.S., relating to horseracing  
 104 operations, thoroughbred, harness, quarter horse,  
 105 Appaloosa and Arabian horse racing, operating periods,  
 106 pools, purses, takeout, taxes, and fees; creating ss.  
 107 551.062, 551.0622, and 551.063, F.S., relating to jai  
 108 alai operations, operating periods, awards, taxes, and  
 109 fees; creating s. 551.072, F.S., relating to  
 110 transmission of racing and jai alai information,  
 111 broadcast, reception, performances, wagers, pools,  
 112 takeout, purses, taxes, uncashed tickets and breakage,  
 113 and caterers; creating ss. 551.073, 551.074, 551.075,  
 114 551.076, 551.077, 551.078, F.S., relating to  
 115 intertrack wagering, authorization, costs, purses,  
 116 awards, pools, takeout, rebroadcast, broadcast rights,

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117 limited licensure, and totalisators; creating s.  
 118 551.082, F.S., relating to minors attending pari-  
 119 mutuel performances; creating ss. 551.091, 551.0921,  
 120 551.0922, 551.093, 551.0941, 551.0942, 551.0943,  
 121 551.0944, 551.095, F.S., relating to prohibited acts,  
 122 civil and criminal penalties, and liability; creating  
 123 part III of ch. 551, F.S.; entitling part III "Slot  
 124 Machines"; amending ss. 551.101, 551.102, 551.103,  
 125 551.104, 551.105, 551.106, 551.108, 551.109, 551.111,  
 126 551.112, 551.113, 551.114, 551.116, 551.117, 551.118,  
 127 551.119, 551.121, 551.122, and 551.123, F.S.;  
 128 clarifying provisions and making technical changes;  
 129 amending s. 551.1045, F.S.; deleting provisions  
 130 relating to temporary occupational licenses; creating  
 131 part IV of ch. 551, F.S.; entitling part IV  
 132 "Cardrooms"; transferring, renumbering, and amending  
 133 s. 849.086, F.S.; clarifying provisions and making  
 134 technical changes; creating part V of ch. 551, F.S.;  
 135 entitling part V "Occupational Licensing";  
 136 transferring, renumbering, and amending s. 550.105,  
 137 F.S., relating to racetrack and jai alai occupational  
 138 licenses; transferring, renumbering, and amending s.  
 139 551.107, F.S., relating to occupational licenses for  
 140 slot machines; creating s. 551.303, F.S., relating to  
 141 cardroom occupational licenses; transferring and  
 142 renumbering ss. 550.901, 550.902, 550.903, 550.904,  
 143 550.905, 550.906, 550.907, 550.908, 550.909, 550.910,  
 144 550.911, 550.912, and 550.913, F.S., relating to the  
 145 Interstate Compact on Licensure of Participants in

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146 Pari-mutuel Wagering; conforming cross-references to  
 147 changes made in the act; creating part VI of ch. 551,  
 148 F.S.; entitling part VI "Destination Casino Resorts";  
 149 creating s. 551.401, F.S.; defining terms; creating s.  
 150 551.403, F.S.; providing legislative authority for and  
 151 administration of part VI; creating s. 551.405, F.S.;  
 152 authorizing gaming at destination casino resorts;  
 153 creating ss. 551.407, 551.409, 551.41, 551.411,  
 154 551.413, 551.414, and 551.415, F.S., relating to  
 155 destination casino resort licensure; creating s.  
 156 551.416, F.S.; requiring payment of a license fee and  
 157 the remittance of tax; creating s. 551.417, F.S.;  
 158 providing for the conduct of gaming by a licensee;  
 159 creating s. 551.418, F.S.; prohibiting certain acts  
 160 and providing penalties; creating ss. 551.42, 551.422,  
 161 551.424, and 551.426, F.S., relating to supplier,  
 162 manufacturer, and occupational licensure; creating s.  
 163 551.428, F.S.; providing for resolution of disputes  
 164 between licensees and wagerers; creating s. 551.43,  
 165 F.S.; providing for the enforcement of credit  
 166 instruments; creating s. 551.44, F.S.; providing for  
 167 compulsive or addictive gambling prevention; creating  
 168 s. 551.445, F.S.; providing that an individual may  
 169 request to be excluded from a gaming facility;  
 170 creating s. 551.45, F.S.; requiring the Gaming Control  
 171 Board to file an annual report; creating part VII of  
 172 ch. 551, F.S.; entitling part VII "Miscellaneous  
 173 Gaming"; transferring, renumbering, and amending s.  
 174 849.094, F.S.; making technical changes; transferring,

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175 renumbering, and amending s. 849.092, F.S.; making  
 176 technical changes; transferring, renumbering, and  
 177 amending s. 849.085, F.S.; making technical changes;  
 178 transferring, renumbering, and amending s. 849.0931,  
 179 F.S.; making technical changes; transferring,  
 180 renumbering, and amending s. 849.0935, F.S.; making  
 181 technical changes; transferring, renumbering, and  
 182 amending s. 849.141, F.S.; making technical changes;  
 183 transferring, renumbering, and amending s. 849.161,  
 184 F.S.; making technical changes; amending ss. 849.01,  
 185 849.02, 849.03, 849.04, 849.05, 849.07, 849.08,  
 186 849.09, 849.091, 849.0915, 849.10, 849.11, 849.12,  
 187 849.13, 849.14, 849.15, 849.16, 849.17, 849.18,  
 188 849.19, 849.20, 849.21, 849.22, 849.23, 849.231,  
 189 849.232, 849.233, 849.235, 849.25, 849.26, 849.29,  
 190 849.30, 849.31, 849.32, 849.33, 849.34, 849.35,  
 191 849.36, 849.37, 849.38, 849.39, 849.40, 849.41,  
 192 849.42, 849.43, 849.44, 849.45, and 849.46, F.S.;  
 193 reorganizing and clarifying gaming prohibitions;  
 194 removing obsolete provisions; creating s. 849.47,  
 195 F.S.; providing for enforcement of the chapter;  
 196 amending ss. 11.45, 72.011, 72.031, 196.183, 205.0537,  
 197 212.02, 212.031, 212.04, 212.05, 212.054, 212.12  
 198 212.20, 267.0617, 402.82, 455.116, 480.0475, 509.032,  
 199 559.801, 561.1105, 772.102, 773.03, and 895.02, F.S.;  
 200 conforming cross-references and provisions to changes  
 201 made by the act; providing effective dates.

202  
 203 Be It Enacted by the Legislature of the State of Florida:

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204  
 205 Section 1. Section 11.93, Florida Statutes, is created to  
 206 read:  
 207 11.93 Joint Legislative Gaming Control Oversight  
 208 Committee.  
 209 (1) The Joint Legislative Gaming Control Oversight  
 210 Committee is created and shall be composed of seven members of  
 211 the Senate appointed by the President of the Senate and seven  
 212 members of the House of Representatives appointed by the Speaker  
 213 of the House of Representatives. Each member shall serve at the  
 214 pleasure of the officer who appointed the member. A committee  
 215 vacancy shall be filled in the same manner as the original  
 216 appointment. From November of each odd-numbered year through  
 217 October of each even-numbered year, the chair shall be appointed  
 218 by the President of the Senate and the vice chair shall be  
 219 appointed by the Speaker of the House of Representatives. From  
 220 November of each even-numbered year through October of each odd-  
 221 numbered year, the chair shall be appointed by the Speaker of  
 222 the House of Representatives and the vice chair shall be  
 223 appointed by the President of the Senate. The terms of members  
 224 shall be for 2 years and must coincide with the 2-year term of  
 225 the Legislative Regular Session.  
 226 (2) The committee shall be governed by joint rules of the  
 227 Senate and the House of Representatives, which shall remain in  
 228 effect until repealed or amended by concurrent resolution.  
 229 (3) The committee shall convene at least quarterly at the  
 230 call of the President of the Senate and the Speaker of the House  
 231 of Representatives. A majority of the committee members of each  
 232 house constitutes a quorum. Action by the committee requires a

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233 majority vote of the members appointed by each house of the  
 234 Legislature.

235 (4) The committee may conduct its meetings through  
 236 teleconferences or other similar means.

237 (5) The committee shall be staffed by legislative staff  
 238 members, as assigned by the President of the Senate and the  
 239 Speaker of the House of Representatives.

240 (6) The committee shall:

241 (a) Review the implementation of and compliance with this  
 242 part to ensure that chapters 24, 551, and 849 are not subject to  
 243 abuse or interpreted in any manner that expands gaming or  
 244 gambling in this state.

245 (b) Review any matter within the scope of the jurisdiction  
 246 of the Department of Gaming Control or the Department of the  
 247 Lottery, and, in connection with such investigation, may  
 248 exercise the powers of subpoena by law vested in a standing  
 249 committee of the Legislature.

250 (c) Review the regulation of licensees of the Department of  
 251 Gaming Control or the Gaming Control Board, and the procedures  
 252 used by the Department of Gaming Control or the Gaming Control  
 253 Board to implement and enforce the law.

254 (d) Review the procedures of the Department of Gaming  
 255 Control or Gaming Control Board which are used to qualify  
 256 applicants for licensure.

257 (e) Review the procedures of the Department of the Lottery  
 258 which are used to select games or contract for promotions,  
 259 advertising, vendors, or retailers.

260 (f) Exercise all other powers and perform any other duties  
 261 prescribed by the Legislature.

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262 (7) The committee chair may schedule hearings to determine  
 263 whether enforcement of the gaming laws of the state is  
 264 sufficient to protect residents from abuse and misinterpretation  
 265 of the law to create expansion of gaming or gambling in this  
 266 state.

267 (8) If the committee determines that enforcement of the  
 268 gaming laws of the state should be enhanced through additional  
 269 legislation or other action, it shall submit written  
 270 recommendations and proposed statutory changes to the President  
 271 of the Senate and the Speaker of the House of Representatives.

272 Section 2. Paragraph (g) of subsection (2) of section  
 273 20.165, Florida Statutes, is amended to read:  
 274 20.165 Department of Business and Professional Regulation.-  
 275 There is created a Department of Business and Professional  
 276 Regulation.

277 (2) The following divisions of the Department of Business  
 278 and Professional Regulation are established:  
 279 ~~(g) Division of Pari-mutuel Wagering.~~

280 Section 3. Section 20.222, Florida Statutes, is created to  
 281 read:  
 282 20.222 Department of Gaming Control.-The Department of  
 283 Gaming Control is created.

284 (1) The head of the department is the Gaming Control Board.  
 285 (2) The following divisions of the department are  
 286 established:

287 (a) Division of Accounting and Auditing.  
 288 (b) Division of Investigations and Security.  
 289 (c) Division of Licensing.  
 290 (d) Division of Operations.

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291 (e) Division of Prosecution.

292 (3) The Gaming Control Board may create bureaus within the  
 293 department and allocate the various functions of the department  
 294 among such bureaus.

295 Section 4. Paragraph (y) is added to subsection (2) of  
 296 section 110.205, Florida Statutes, to read:

297 110.205 Career service; exemptions.—

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

300 (y) The executive director, any deputy executive directors,  
 301 the general counsel, attorneys, official reporters, and division  
 302 directors within the Department of Gaming Control or the Gaming  
 303 Control Board. Unless otherwise fixed by law, the salary and  
 304 benefits of the executive director, deputy executive directors,  
 305 general counsel, attorneys, and division directors shall be set  
 306 by the Department of Management Services in accordance with the  
 307 rules of the Senior Management Service.

308 Section 5. Subsection (4) and paragraph (b) of subsection  
 309 (14) of section 120.80, Florida Statutes, are amended, and  
 310 subsections (19) and (20) are added to that section, to read:

311 120.80 Exceptions and special requirements; agencies.—

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

313 ~~(a) Business regulation. The Division of Pari-mutuel~~  
 314 ~~Wagering is exempt from the hearing and notice requirements of~~  
 315 ~~ss. 120.569 and 120.57(1)(a), but only for stewards, judges, and~~  
 316 ~~boards of judges when the hearing is to be held for the purpose~~  
 317 ~~of the imposition of fines or suspensions as provided by rules~~  
 318 ~~of the Division of Pari-mutuel Wagering, but not for~~  
 319 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~

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320 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~  
 321 ~~alternative procedures, including a hearing upon reasonable~~  
 322 ~~notice, for the following violations:~~

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

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

327 ~~3. Maintaining or possessing any device which could be used~~  
 328 ~~for the injection or other infusion of a prohibited drug to~~  
 329 ~~horses, greyhounds, and jai alai players in violation of chapter~~  
 330 ~~550.~~

331 ~~4. Suspensions under reciprocity agreements between the~~  
 332 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~  
 333 ~~other states.~~

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

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

337 ~~(b) Professional regulation.—Notwithstanding s.~~  
 338 ~~120.57(1)(a), formal hearings may not be conducted by the~~  
 339 ~~Secretary of Business and Professional Regulation or a board or~~  
 340 ~~member of a board within the Department of Business and~~  
 341 ~~Professional Regulation for matters relating to the regulation~~  
 342 ~~of professions, as defined by chapter 455.~~

343 (14) DEPARTMENT OF REVENUE.—

344 (b) Taxpayer contest proceedings.—

345 1. In any administrative proceeding brought pursuant to  
 346 this chapter as authorized by s. 72.011(1), the taxpayer shall  
 347 be designated the "petitioner" and the Department of Revenue  
 348 shall be designated the "respondent," except that for actions

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349 contesting an assessment or denial of refund under chapter 207,  
 350 the Department of Highway Safety and Motor Vehicles shall be  
 351 designated the "respondent," and for actions contesting an  
 352 assessment or denial of refund under chapters 210, ~~550~~, 561,  
 353 562, 563, 564, and 565, the Department of Business and  
 354 Professional Regulation shall be designated the "respondent."

355 2. In any such administrative proceeding, the applicable  
 356 department's burden of proof, except as otherwise specifically  
 357 provided by general law, shall be limited to a showing that an  
 358 assessment has been made against the taxpayer and the factual  
 359 and legal grounds upon which the applicable department made the  
 360 assessment.

361 3.a. Prior to filing a petition under this chapter, the  
 362 taxpayer shall pay to the applicable department the amount of  
 363 taxes, penalties, and accrued interest assessed by that  
 364 department which are not being contested by the taxpayer.  
 365 Failure to pay the uncontested amount shall result in the  
 366 dismissal of the action and imposition of an additional penalty  
 367 of 25 percent of the amount taxed.

368 b. The requirements of s. 72.011(2) and (3) (a) are  
 369 jurisdictional for any action under this chapter to contest an  
 370 assessment or denial of refund by the Department of Revenue, the  
 371 Department of Highway Safety and Motor Vehicles, or the  
 372 Department of Business and Professional Regulation.

373 4. Except as provided in s. 220.719, further collection and  
 374 enforcement of the contested amount of an assessment for  
 375 nonpayment or underpayment of any tax, interest, or penalty  
 376 shall be stayed beginning on the date a petition is filed. Upon  
 377 entry of a final order, an agency may resume collection and

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378 enforcement action.

379 5. The prevailing party, in a proceeding under ss. 120.569  
 380 and 120.57 authorized by s. 72.011(1), may recover all legal  
 381 costs incurred in such proceeding, including reasonable  
 382 attorney's fees, if the losing party fails to raise a  
 383 justiciable issue of law or fact in its petition or response.

384 6. Upon review pursuant to s. 120.68 of final agency action  
 385 concerning an assessment of tax, penalty, or interest with  
 386 respect to a tax imposed under chapter 212, or the denial of a  
 387 refund of any tax imposed under chapter 212, if the court finds  
 388 that the Department of Revenue improperly rejected or modified a  
 389 conclusion of law, the court may award reasonable attorney's  
 390 fees and reasonable costs of the appeal to the prevailing  
 391 appellant.

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

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

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

403 1. Horse riding, harness riding, greyhound interference,  
 404 and jai alai game actions in violation of part II of chapter  
 405 551.

406 2. Application and administration of drugs and medication

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407 to a horse, greyhound, or jai alai player in violation of part  
408 II of chapter 551.

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

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

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

417 6. Prearranging the outcome of any race or game.

418 (20) GAMING CONTROL BOARD.—

419 (a) Section 120.541(3) does not apply to the adoption of  
420 rules by the Department of Gaming Control.

421 (b) Section 120.60 does not apply to applications for a  
422 destination casino resort license.

423 (c) Notwithstanding s. 120.542, the Gaming Control Board  
424 may not grant any waiver or variance from the requirements of  
425 part VI of chapter 551.

426 Section 6. Paragraph (f) of subsection (1) and subsection  
427 (7) of section 285.710, Florida Statutes, are amended, and  
428 subsections (15) and (16) are added to that section, to read:

429 285.710 Compact authorization.—

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

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

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

441 (15) The Governor is authorized and directed to negotiate  
442 and execute an amendment to the compact on behalf of the state  
443 with the Tribe pursuant to the federal Indian Gaming Regulatory  
444 Act of 1988, 18 U.S.C. ss. 1166-1168, 25 U.S.C. ss. 2701 et  
445 seq., and this section regarding the right of the Tribe  
446 specified in Part XII of the compact to operate covered games as  
447 defined in the compact, and to renew the Tribe's authorization  
448 to offer banked or banking card games as defined in Part III,  
449 Section F(2) of the compact, and agree that such authorization  
450 to offer banked or banking card games terminates on July 31,  
451 2030, concurrently with the term described in Part XVI of the  
452 compact. The Governor is authorized to negotiate an amendment to  
453 the compact that is consistent with the terms and standards in  
454 this section, provided that amendment to provisions relating to  
455 covered games, the amount of revenue-sharing payments,  
456 suspension or reduction of payments, or exclusivity other than  
457 as stated in this section shall require ratification by the  
458 Legislature. An amendment to the compact is not deemed entered  
459 into by the state unless it is ratified by the Legislature.

460 (16) The Governor shall provide a copy of any amendment to  
461 the compact to the President of the Senate and the Speaker of  
462 the House of Representatives immediately upon execution. The  
463 compact may not be submitted to the United States Department of  
464 the Interior by or on behalf of the state or the Tribe until it

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465 has been ratified by both houses of the Legislature by majority  
 466 vote of the members present.

467 Section 7. Subsection (4) of section 285.712, Florida  
 468 Statutes, is amended to read:

469 285.712 Tribal-state gaming compacts.—

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

475 Section 8. (1) The Division of Pari-mutuel Wagering within  
 476 the Department of Business and Professional Regulation created  
 477 under chapter 20, Florida Statutes, is transferred by a type two  
 478 transfer, as defined in s. 20.06, Florida Statutes, to the  
 479 Department of Gaming Control.

480 (2) The Pari-mutuel Wagering Trust Fund within the  
 481 Department of Business and Professional Regulation is  
 482 transferred by a type two transfer, as defined in s. 20.06,  
 483 Florida Statutes, to the Department of Gaming Control and  
 484 renamed the "Gaming Control Trust Fund."

485 (3) This section is effective beginning on January 1, 2015.

486 Section 9. Sections 550.001, 550.002, 550.0115, 550.01215,  
 487 550.0235, 550.0251, 550.0351, 550.0425, 550.054, 550.0555,  
 488 550.0651, 550.0745, 550.0951, 550.09511, 550.09512, 550.09514,  
 489 550.09515, 550.1155, 550.125, 550.135, 550.155, 550.1625,  
 490 550.1645, 550.1646, 550.1647, 550.1648, 550.175, 550.1815,  
 491 550.235, 550.24055, 550.2415, 550.255, 550.2614, 550.26165,  
 492 550.2625, 550.2633, 550.26352, 550.2704, 550.285, 550.334,  
 493 550.3345, 550.3355, 550.3551, 550.3615, 550.375, 550.475,

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494 550.495, 550.505, 550.5251, 550.615, 550.625, 550.6305,  
 495 550.6308, 550.6315, 550.6325, 550.6335, 550.6345, 550.70, and  
 496 550.71, Florida Statutes, are repealed.

497 Section 10. Chapter 551, Florida Statutes, is redesignated  
 498 as the "Florida Gaming Control Act."

499 Section 11. Part I of chapter 551, Florida Statutes,  
 500 consisting of sections ss. 551.001-551.0018, Florida Statutes,  
 501 is created and entitled "Florida Gaming Control."

502 Section 12. Section 551.001, Florida Statutes, is created  
 503 to read:

504 551.001 Definitions.—As used in this chapter, the term:

505 (1) "Affiliate" means a person or applicant who, directly  
 506 or indirectly, through one or more intermediaries:

507 (a) Controls, is controlled by, or is under common control  
 508 with;

509 (b) Is in a partnership or joint venture relationship with;  
 510 or

511 (c) Is a shareholder of a corporation, a member of a  
 512 limited liability company, or a partner in a limited liability  
 513 partnership with,

514 an applicant for a destination casino resort license or a  
 515 destination casino resort licensee.

516 (2) "Chair" means the chair of the Gaming Control Board.

517 (3) "Board" means the Gaming Control Board.

518 (4) "Conflict of interest" means a situation in which the  
 519 private interest of a member of the board or an employee or  
 520 agent of the department may influence his or her judgment in the  
 521 performance of his or her public duty under this part. A  
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523 conflict of interest includes, but is not limited to:

524 (a) Any conduct that would lead a reasonable person having  
 525 knowledge of all of the circumstances to conclude that a member  
 526 of the board or an employee or agent of the department is biased  
 527 against or in favor of an applicant.

528 (b) The acceptance of any form of compensation from a  
 529 source other than the department for any services rendered as  
 530 part of the official duties of a member of the board or an  
 531 employee or agent of the department.

532 (c) Participation in any business transaction with or  
 533 before the board or department in which a member of the board or  
 534 an employee or agent of the department, or the parent, spouse,  
 535 or child of the member, employee, or agent, has a financial  
 536 interest.

537 (5) "Department" means the Department of Gaming Control.

538 (6) "Executive director" means the executive director of  
 539 the department.

540 (7) "Financial interest" or "financially interested" means  
 541 any interest in investments or awarding of contracts, grants,  
 542 loans, purchases, leases, sales, or similar matters under  
 543 consideration or consummated by the board or the department, or  
 544 ownership in an applicant or a licensee. A member of the board  
 545 or an employee or agent of the department is deemed to have a  
 546 financial interest in a matter if:

547 (a) The individual owns any interest in any class of  
 548 outstanding securities that are issued by a party to the matter  
 549 under consideration by the board or the department, except  
 550 indirect interests such as a mutual fund or stock portfolios; or

551 (b) The individual is employed by or is an independent

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552 contractor for a party to a matter under consideration by the  
 553 board or the department.

554 Section 13. Section 551.0011, Florida Statutes, is created  
 555 to read:

556 551.0011 Gaming Control Board.—

557 (1) CREATION.—The Gaming Control Board is created within  
 558 the department and shall have its headquarters in Tallahassee.

559 (2) MEMBERS.—The board shall be composed of five residents  
 560 of the state who are appointed by the Governor, subject to  
 561 confirmation by the Senate in the legislative session following  
 562 appointment. Before making appointments to the board, the  
 563 Governor shall conduct a thorough search to identify candidates  
 564 who have experience in corporate finance, accounting,  
 565 information technologies, tourism, convention and destination  
 566 casino resort management, gaming regulatory administration or  
 567 management, law enforcement, legal and policy issues related to  
 568 gaming, or related legal experience. At least one board member  
 569 must be a certified public accountant licensed in this state who  
 570 has at least 5 years' experience with enterprise information  
 571 management. At least one board member must have 5 years'  
 572 experience in law enforcement investigations. A person may not  
 573 be appointed as a board member if he or she has held an elective  
 574 or appointed public office in a federal, state, or local  
 575 government, or an office in a political party, within the 3  
 576 years preceding appointment. Before appointment to the board, a  
 577 background investigation must be conducted into the financial  
 578 stability, integrity, and responsibility of a candidate,  
 579 including the candidate's reputation for good character,  
 580 honesty, and integrity. A person who has been convicted of a

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581 felony is not eligible to serve on the board.  
 582 (3) TERMS.—Each board member shall be appointed to a 4-year  
 583 term except that, initially, to achieve staggered terms, one  
 584 member shall be appointed to a 4-year term and serve as chair of  
 585 the board, one member shall be appointed to a 4-year term, one  
 586 member shall be appointed to a 3-year term, one member shall be  
 587 appointed to a 2-year term, and one member shall be appointed to  
 588 a 1-year term. Members' terms expire on December 31. Before  
 589 expiration of the term of a member, the Governor shall appoint a  
 590 successor. The Governor may remove a member for cause, including  
 591 circumstances in which the member commits gross misconduct or  
 592 malfeasance in office, substantially neglects or is unable to  
 593 discharge his or her duties as a member, or is convicted of a  
 594 felony. Upon the resignation or removal from office of a member,  
 595 the Governor shall appoint a successor within 45 days after the  
 596 effective date of the resignation or removal to serve the  
 597 remainder of the unfinished term. A member may not serve more  
 598 than two full terms, exclusive of service during an unexpired  
 599 portion of a term due to a vacancy.  
 600 (4) CHAIR AND VICE CHAIR.—  
 601 (a) The chair shall be appointed by the Governor and serve  
 602 until expiration of the member's term. The vice chair of the  
 603 board shall be elected by the members during the first meeting  
 604 of the board on or after January 1 of each year. The chair shall  
 605 set the agenda for each meeting. The chair shall approve all  
 606 notices, vouchers, subpoenas, and reports as required by this  
 607 part. The chair shall preserve order and decorum and shall have  
 608 general control of the board meetings. The chair shall decide  
 609 all questions of order. The chair may designate a member to

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610 perform the duties of the chair for a meeting if such  
 611 substitution does not extend beyond that meeting.  
 612 (b) If the chair is absent, the vice chair shall assume the  
 613 duties of the chair during the chair's absence. On the death,  
 614 incapacitation, or resignation of the chair, the vice chair  
 615 shall perform the duties of the office until the Governor  
 616 appoints a successor.  
 617 (c) The administrative responsibilities of the chair are to  
 618 plan, organize, and control administrative support services for  
 619 the board, with the assistance of the executive director.  
 620 (5) MEETINGS.—Meetings of the board are open to the public  
 621 unless otherwise exempt under chapter 286. The board must meet  
 622 at least monthly. Meetings may be called by the chair or by  
 623 three members upon at least 72 hours' public notice. Three  
 624 members constitute a quorum. Emergency meetings may be held if a  
 625 bona fide emergency situation exists as determined by the chair  
 626 or by three members, in which case a meeting to deal with the  
 627 emergency may be held as necessary, with reasonable notice.  
 628 Action taken at an emergency meeting must be subsequently  
 629 ratified by the board at a noticed meeting. Meetings of the  
 630 board shall be held in Tallahassee unless the chair determines  
 631 that special circumstances warrant meeting at another location.  
 632 The initial meeting of the board must be held by January 16,  
 633 2015.  
 634 (6) LOBBYING.—A board member may register to lobby state or  
 635 local government only in his or her official capacity as a  
 636 member.  
 637 (7) AGENCY HEAD.—The board shall serve as the agency head  
 638 of the department for purposes of chapter 120. The executive

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639 director of the department may serve as the agency head for  
 640 purposes of final agency action under chapter 120 for all areas  
 641 within the regulatory authority delegated to the executive  
 642 director's office.

643 (8) EXECUTIVE DIRECTOR.—The board shall appoint an  
 644 executive director, who shall:

645 (a) Serve at the pleasure of the board;  
 646 (b) Subject to appropriation, receive salary as may be  
 647 determined by the board;

648 (c) Devote time and attention to the duties of the office;  
 649 (d) Have skill and experience in management and be  
 650 responsible for administering and enforcing the provisions of  
 651 law relative to the department, the board, and each unit  
 652 thereof;

653 (e) Employ a chief financial and accounting officer,  
 654 subject to board approval and appropriation;

655 (f) Employ other employees, consultants, agents, and  
 656 advisors, including legal counsel, subject board approval and  
 657 appropriation; and

658 (g) Attend meetings of the board unless excused by the  
 659 chair.

660 (9) ACTING EXECUTIVE DIRECTOR.—In the case of an absence or  
 661 vacancy in the office of the executive director or in the case  
 662 of disability as determined by the board, the board may  
 663 designate an acting executive director to serve as executive  
 664 director until the vacancy is filled or the absence or  
 665 disability ceases. The acting executive director shall have all  
 666 of the powers and duties of the executive director and shall  
 667 have similar qualifications as the executive director.

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668 (10) FINANCIAL CONTROL.—The board shall appoint a chief  
 669 financial and accounting officer who shall be in charge of  
 670 department funds, books of account, and accounting records.  
 671 Funds may not be transferred by the department without the  
 672 approval of the board and the signatures of the executive  
 673 director and the chief financial and accounting officer.

674 (11) INSPECTOR GENERAL.—The board shall appoint an  
 675 Inspector General pursuant to s. 20.055 to provide a central  
 676 point for coordination of and responsibility for activities that  
 677 promote accountability, integrity, and efficiency in the  
 678 department and public confidence in the conduct of gaming in  
 679 this state.

680 Section 14. Section 551.0012, Florida Statutes, is created  
 681 to read:  
 682 551.0012 Board powers and duties.—  
 683 (1) The board shall:

684 (a) Administer and execute laws relating to gaming, pari-  
 685 mutuel wagering, slot machines, cardrooms, occupational  
 686 licensing, and destination casino resorts under this chapter.  
 687 (b) Use an invitation to negotiate process for applicants  
 688 based on minimum requirements established by this part and  
 689 department rule.

690 (c) Issue subpoenas for the attendance of witnesses and  
 691 subpoenas duces tecum for the production of books, records, and  
 692 other pertinent documents as provided by law, and to administer  
 693 oaths and affirmations to the witnesses, if, in the judgment of  
 694 the board, it is necessary to enforce this part or department  
 695 rules. If a person fails to comply with a subpoena, the board  
 696 may petition the circuit court of the county in which the person

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 697 subpoenaed resides or has his or her principal place of business  
 698 for an order requiring the subpoenaed person to appear and  
 699 testify and to produce books, records, and documents as  
 700 specified in the subpoena. The court may grant legal, equitable,  
 701 or injunctive relief, which may include, but is not limited to,  
 702 issuance of a writ of ne exeat or restraint by injunction or  
 703 appointment of a receiver of any transfer, pledge, assignment,  
 704 or other disposition of such person's assets or any concealment,  
 705 alteration, destruction, or other disposition of subpoenaed  
 706 books, records, or documents, as the court deems appropriate,  
 707 until the person subpoenaed has fully complied with the subpoena  
 708 and the board has completed the audit, examination, or  
 709 investigation. The board is entitled to the summary procedure  
 710 provided in s. 51.011, and the court shall advance the cause on  
 711 its calendar. Costs incurred by the board to obtain an order  
 712 granting, in whole or in part, such petition for enforcement of  
 713 a subpoena shall be charged against the subpoenaed person, and  
 714 failure to comply with such order is a contempt of court.

715 (d) Require each applicant for a license to produce the  
 716 information, documentation, and assurances as may be necessary  
 717 to establish by clear and convincing evidence the integrity of  
 718 all financial backers, investors, mortgagees, bondholders, and  
 719 holders of indentures, notes, or other evidences of  
 720 indebtedness, either in effect or proposed.

721 (e) Require or permit a person to file a statement in  
 722 writing, under oath or otherwise as the board or its designee  
 723 requires, as to the facts and circumstances concerning the  
 724 matter to be audited, examined, or investigated.

725 (f) Keep accurate and complete records of its proceedings

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 726 and certify records as may be appropriate.  
 727 (g) Take any other action as may be reasonable or  
 728 appropriate to enforce this chapter or department rule.  
 729 (h) Apply for injunctive or declaratory relief in a court  
 730 of competent jurisdiction to enforce this chapter and rules  
 731 adopted thereunder.  
 732 (i) Establish field offices, as deemed necessary by the  
 733 board.  
 734 (j) Coordinate with the Chief Financial Officer and the  
 735 Attorney General on implementing any measures necessary to  
 736 protect the state's interests.  
 737 (k) Authorize gaming at destination casino resorts pursuant  
 738 to part VI of this chapter.  
 739 (l) Investigate applicants for a destination casino resort  
 740 license, determine their eligibility for licensure, and grant a  
 741 license to an applicant that best serves the interests of the  
 742 residents of this state, based on the ability to maximize  
 743 revenue for the state and the potential for economic development  
 744 demonstrated by the applicant's proposed investment in  
 745 infrastructure, such as hotels and other nongaming entertainment  
 746 facilities.  
 747 (2) The department, the Department of Law Enforcement, and  
 748 local law enforcement agencies shall have unrestricted access to  
 749 the facility of a licensee at all times and shall require of  
 750 each licensee strict compliance with the laws of this state  
 751 relating to the transaction of such business. The Department of  
 752 Law Enforcement and local law enforcement agencies may  
 753 investigate any criminal violation of law occurring at the  
 754 facility of a licensee. Such investigations may be conducted in

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755 conjunction with the appropriate state attorney. The department  
 756 and the Department of Law Enforcement may:

757 (a) Inspect and examine premises where authorized gaming  
 758 devices are offered for play.

759 (b) Inspect slot machines, other authorized gaming devices,  
 760 and related equipment and supplies.

761 (3) This section does not:

762 (a) Prohibit the Department of Law Enforcement or any law  
 763 enforcement authority whose jurisdiction includes a licensee  
 764 from conducting investigations of criminal activities occurring  
 765 at the facilities of a licensee;

766 (b) Restrict access to the gaming facility by the  
 767 Department of Law Enforcement or any local law enforcement  
 768 authority whose jurisdiction includes a licensee's facility; or

769 (c) Restrict access by the Department of Law Enforcement or  
 770 a local law enforcement agency to information and records  
 771 necessary for the investigation of criminal activity which are  
 772 contained within the facilities of a licensee.

773 Section 15. Section 551.0013, Florida Statutes, is created  
 774 to read:

775 551.0013 Department powers and duties.—

776 (1) The department shall:

777 (a) Conduct such investigations as necessary to fulfill its  
 778 responsibilities.

779 (b) Establish and collect fees for performing background  
 780 checks on applicants for licenses and persons with whom the  
 781 department may contract for the providing of goods or services  
 782 and for performing, or having performed, tests on equipment and  
 783 devices to be used in a gaming facility.

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784 (c) Request and receive from law enforcement and criminal  
 785 justice agencies, including, but not limited to, the Federal  
 786 Bureau of Investigation and the Internal Revenue Service, all  
 787 criminal offender records and related information relating to  
 788 criminal and background investigations for the purpose of  
 789 evaluating employees of, and applicants for employment by, the  
 790 department and any licensee, and evaluating licensees and  
 791 applicants for licensure under this part.

792 (d) Be present at all times, through its employees and  
 793 agents, in premises licensed under this part for the purposes of  
 794 certifying revenue; inspecting and auditing books and records of  
 795 licensees; conducting reviews of operations for compliance with  
 796 this part and department rule; and conducting its oversight of  
 797 all gaming activities.

798 (e) Remove from the premises of any licensee and impound  
 799 for examination, inspection, or prosecution, any equipment,  
 800 supplies, books, or records.

801 (f) Refer cases for criminal prosecution to the appropriate  
 802 federal, state, or local authorities.

803 (g) Maintain an official Internet website.

804 (h) Collect taxes, assessments, fees, and penalties.

805 (i) Deny, revoke, or suspend a license of, or place  
 806 conditions on, a licensee who violates this chapter, a rule  
 807 adopted by the department, or an order of the board.

808 (j) Revoke or suspend the license of any person who is no  
 809 longer qualified or who is found, after receiving a license, to  
 810 have been unqualified at the time of application for the  
 811 license.

812 (2) The department shall adopt all rules necessary to

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813 implement, administer, and regulate gaming under this chapter,  
814 subject to board approval. The rules must include:

815 (a) The types of gaming activities to be conducted and the  
816 rules for those games, including any restriction upon the time,  
817 place, and structures where gaming is authorized.

818 (b) Requirements, procedures, qualifications, and grounds  
819 for the issuance, renewal, revocation, suspension, and summary  
820 suspension of a license.

821 (c) Requirements for the disclosure of the complete  
822 financial interests of licensees and applicants for licenses.

823 (d) Technical requirements and the qualifications that are  
824 necessary to receive a license.

825 (e) Procedures to scientifically test and technically  
826 evaluate slot machines or other authorized gaming devices,  
827 including all components, hardware, and software, for compliance  
828 with this part and department rule. The department may contract  
829 with an independent testing laboratory to conduct any necessary  
830 testing. The independent testing laboratory must have a national  
831 reputation for being demonstrably competent and qualified to  
832 scientifically test and evaluate slot machines or other  
833 authorized gaming devices. An independent testing laboratory may  
834 not be owned or controlled by a licensee. The use of an  
835 independent testing laboratory for any purpose related to the  
836 conduct of slot machine gaming or other authorized gaming by a  
837 licensee shall be made from a list of laboratories approved by  
838 the department.

839 (f) Procedures relating to gaming revenues, including  
840 verifying and accounting for such revenues, auditing, and  
841 collecting taxes and fees.

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842 (g) Requirements for gaming equipment, including the types  
843 and specifications of equipment and devices that may be used in  
844 gaming facilities.

845 (h) Standards and procedures for table games and table game  
846 devices or associated equipment.

847 (i) Standards and rules to govern the conduct of gaming and  
848 the system of wagering associated with gaming.

849 (j) Security standards and procedures for the conduct of  
850 gaming, including the standards and procedures relating to  
851 inspections, maintenance of the count room, and drop boxes.

852 (k) The size and uniform color by denomination of all chips  
853 used in the conduct of table games.

854 (l) Internal control systems and audit protocols for the  
855 licensee's gaming operations, including collection and  
856 recordkeeping requirements.

857 (m) The method for calculating gross gaming revenue and  
858 standards for the daily counting and recording of cash and cash  
859 equivalents received in the conduct of gaming.

860 (n) Notice requirements pertaining to minimum and maximum  
861 wagers on games, and other information as the department may  
862 require.

863 (o) Minimum standards relating to the acceptance of tips or  
864 gratuities by dealers and croupiers at a table game.

865 (p) Minimum standards for the training of employees and  
866 potential employees of a licensee in the operation of slot  
867 machines and table games, including minimal proficiency  
868 requirements and standards and practices for the use of training  
869 equipment.

870 (q) Practices and procedures governing the conduct of

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871 tournaments.872 (r) Minimum standards relating to a licensee's extension of  
873 credit to a player.874 (s) Standards for the testing, certification, and  
875 inspection of slot machines, table games, and other authorized  
876 gaming devices.877 (t) Procedures for regulating, managing, and auditing the  
878 operation, financial data, and program information relating to  
879 gaming which allow the department and the Department of Law  
880 Enforcement to audit the operation, financial data, and program  
881 information of a licensee, as required by the department or the  
882 Department of Law Enforcement, and provide the department and  
883 the Department of Law Enforcement with the ability to monitor,  
884 at any time on a real-time basis, wagering patterns, payouts,  
885 tax collection, and compliance with any rules adopted by the  
886 department for the regulation and control of gaming. Such  
887 continuous and complete access, at any time on a real-time  
888 basis, shall include the ability of either the department or the  
889 Department of Law Enforcement to suspend play immediately on  
890 particular slot machines or other gaming devices if monitoring  
891 of the facilities-based computer system indicates possible  
892 tampering or manipulation of those slot machines or gaming  
893 devices or the ability to suspend play immediately of the entire  
894 operation if the tampering or manipulation is of the computer  
895 system itself. The department or the Department of Law  
896 Enforcement shall notify the board and the executive director of  
897 the Department of Law Enforcement whenever there is a suspension  
898 of play pursuant to this paragraph. The department and the  
899 Department of Law Enforcement shall exchange information that is

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900 necessary for, and cooperate in the investigation of, the  
901 circumstances requiring suspension of play pursuant to this  
902 paragraph.903 (u) Procedures for requiring each licensee at his or her  
904 own cost and expense to supply the department with a bond as  
905 required.906 (v) The requirements for a destination casino resort  
907 applicant to demonstrate that it has received conceptual  
908 approval for the destination casino resort proposal from the  
909 municipality and county in which the destination casino resort  
910 will be located.911 (w) Procedures for requiring licensees to maintain and to  
912 provide to the department records, data, information, or  
913 reports, including financial and income records.914 (x) Procedures to calculate the payout percentages of slot  
915 machines.916 (y) Minimum standards for security of the facilities,  
917 including floor plans, security cameras, and other security  
918 equipment.919 (z) The scope and conditions for investigations and  
920 inspections into the conduct of gaming.921 (aa) The standards and procedures for the seizure without  
922 notice or hearing of gaming equipment, supplies, or books and  
923 records for the purpose of examination and inspection.924 (bb) Procedures for requiring destination casino resort  
925 licensees, gaming licensees, and supplier licensees to implement  
926 and establish drug-testing programs for employees.927 (cc) Procedures and guidelines for the continuous recording  
928 of all gaming activities at a gaming facility. The department

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929 may require a licensee to timely provide all or part of the  
 930 original recordings.

931 (dd) The payment of costs incurred by the department or any  
 932 other agencies for investigations or background checks or costs  
 933 associated with testing gaming-related equipment, which must be  
 934 paid by an applicant for a license or by a licensee.

935 (ee) Procedures for the levying of fines for violations of  
 936 this part or any rule adopted by the department, which fines may  
 937 not exceed \$250,000 per violation arising out of a single  
 938 transaction.

939 (ff) Any other rules the department finds necessary for  
 940 safe, honest, and highly regulated gaming in the state. For  
 941 purposes of this paragraph, the department may consider rules  
 942 from any other jurisdiction in which gaming is highly regulated.

943 (gg) Any other rule necessary to accomplish the purposes of  
 944 this part.

945 (3) The board may at any time adopt emergency rules  
 946 pursuant to s. 120.54. The Legislature finds that such emergency  
 947 rulemaking authority is necessary for the preservation of the  
 948 rights and welfare of the people in order to provide additional  
 949 funds to benefit the public. The Legislature further finds that  
 950 the unique nature of gaming operations requires that, in certain  
 951 circumstances, the board be able to respond immediately.  
 952 Therefore, in adopting such emergency rules, the department need  
 953 not make the health, safety, and welfare findings required under  
 954 s. 120.54(4)(a). Emergency rules adopted under this section are  
 955 exempt from s. 120.54(4)(c). However, the emergency rules may  
 956 not remain in effect for more than 180 days except that the  
 957 department may renew the emergency rules during the pendency of

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958 procedures to adopt permanent rules addressing the subject of  
 959 the emergency rules.

960 Section 16. Section 551.0014, Florida Statutes, is created  
 961 to read:

962 551.0014 Code of ethics.—

963 (1) The department shall adopt a code of ethics by rule for  
 964 its board members, employees, and agents.

965 (2) A board member or the executive director may not hold a  
 966 direct or indirect interest in, be employed by, or enter into a  
 967 contract for services with an applicant or person licensed by  
 968 the board or department for a period of 5 years after the date  
 969 of termination of the person's membership on the board or  
 970 employment with the department.

971 (3) An employee of the department may not acquire a direct  
 972 or indirect interest in, be employed by, or enter into a  
 973 contract for services with an applicant or person licensed by  
 974 the board or department for a period of 2 years after the date  
 975 of termination of the person's employment with the department.

976 (4) A board member or a person employed by the department  
 977 may not represent a person or party other than the state before  
 978 or against the board or department for a period of 3 years after  
 979 the date of termination of the board member's term of office or  
 980 the employee's period of employment with the department.

981 (5) A business entity in which a former board member,  
 982 employee, or agent has an interest, and any partner, officer, or  
 983 employee of that business entity, may not appear before or  
 984 represent another person before the board or department if the  
 985 former board member, employee, or agent would be prohibited from  
 986 doing so. As used in this subsection, the term "business entity"

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987 means a corporation, limited liability company, partnership,  
 988 limited liability partnership association, trust, or other form  
 989 of legal entity.

990 (6) A member of the board or an employee or agent of the  
 991 department may not, during the duration of his or her  
 992 appointment or employment:

993 (a) Use his or her official authority or influence for the  
 994 purpose of interfering with or affecting the result of an  
 995 election;

996 (b) Run for nomination or as a candidate for election to a  
 997 partisan or nonpartisan political office; or

998 (c) Knowingly solicit or discourage the participation in a  
 999 political activity of a person who is:

1000 1. Applying for any compensation, grant, contract, ruling,  
 1001 license, permit, or certificate pending before the board or  
 1002 department; or

1003 2. The subject of or a participant in an ongoing audit,  
 1004 investigation, or enforcement action being carried out by the  
 1005 department.

1006 (7) A former member of the board or an employee or agent of  
 1007 the department may appear before the board as a witness  
 1008 testifying as to factual matters or actions handled by the  
 1009 former member, employee, or agent during his or her tenure with  
 1010 the board or department. However, the former member of the board  
 1011 or the employee or agent of the department may not receive  
 1012 compensation for the appearance other than a standard witness  
 1013 fee and reimbursement for travel expenses as established by  
 1014 statute or rules governing administrative proceedings before the  
 1015 Division of Administrative Hearings.

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1016 (8) (a) The executive director must approve outside  
 1017 employment for an employee of the department.

1018 (b) An employee of the department granted permission for  
 1019 outside employment may not conduct any business or perform any  
 1020 activities, including solicitation, related to outside  
 1021 employment on premises used by the department or department or  
 1022 during the employee's working hours for the department.

1023 (c) As used in this subsection, the term "outside  
 1024 employment" includes, but is not limited to:

1025 1. Operating a proprietorship;

1026 2. Participating in a partnership or group business  
 1027 enterprise; or

1028 3. Performing as a director or corporate officer of any  
 1029 for-profit corporation or banking or credit institution.

1030 (9) A member of the board or an employee or agent of the  
 1031 department may not participate in or wager on any game conducted  
 1032 by any destination casino resort licensee or applicant or any  
 1033 affiliate of a licensee or applicant regulated by the department  
 1034 in this state or in any other jurisdiction, except as required  
 1035 as part of his or her surveillance, security, or other official  
 1036 duties.

1037 Section 17. Section 551.0015, Florida Statutes, is created  
 1038 to read:

1039 551.0015 Disclosures by members, employees, and agents.—

1040 (1) BOARD MEMBERS.—

1041 (a) Each member must comply with chapter 112 and shall file  
 1042 full and public disclosure of financial interests at the times  
 1043 and places and in the same manner required of elected  
 1044 constitutional officers under s. 8, Art. II of the State

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1045 Constitution and any law implementing s. 8, Art. II of the State  
1046 Constitution.

1047 (b) Each member must disclose information required by rules  
1048 of the department to ensure the integrity of the board and its  
1049 work.

1050 (c) By January 1 of each year, each member must file a  
1051 statement with the department:

1052 1. Affirming that neither the member, nor the member's  
1053 spouse, parent, child, or child's spouse, is a member of the  
1054 board of directors of, financially interested in, or employed by  
1055 an applicant or destination casino resort licensee.

1056 2. Affirming that the member is in compliance with this  
1057 part and the rules of the department.

1058 3. Disclosing any legal or beneficial interest in real  
1059 property that is or may be directly or indirectly involved with  
1060 activities or persons regulated by the department.

1061 (d) Each member must disclose involvement with any gaming  
1062 interest in the 3 years preceding appointment as a member.

1063 (2) EMPLOYEES AND AGENTS.—

1064 (a) The executive director and each managerial employee and  
1065 agent, as determined by the board, must file a financial  
1066 disclosure statement pursuant to s. 112.3145. All employees and  
1067 agents must comply with chapter 112.

1068 (b) The executive director and each managerial employee and  
1069 agent identified by rule of the department must disclose  
1070 information required by rules of the department to ensure the  
1071 integrity of the department and its work.

1072 (c) By January 31 of each year, each employee and agent of  
1073 the department must file a statement with the department:

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1074 1. Affirming that neither the employee, nor the employee's  
1075 spouse, parent, child, or child's spouse, is financially  
1076 interested in or employed by an applicant or licensee.

1077 2. Affirming that he or she does not have any financial  
1078 interest prohibited by laws or rules administered by the  
1079 department.

1080 3. Disclosing any legal or beneficial interest in real  
1081 property that is or may be directly or indirectly involved with  
1082 activities or persons regulated by the department.

1083 (d) Each employee or agent of the department must disclose  
1084 involvement with any gaming interest during the 3 years before  
1085 employment.

1086 (e) The department shall require a prospective employee to  
1087 submit an application and a personal disclosure on a form  
1088 prescribed by the department, which must include a complete  
1089 criminal history, including convictions and current charges for  
1090 all felonies and misdemeanors; undergo testing that detects the  
1091 presence of illegal substances in the body; provide fingerprints  
1092 and a photograph consistent with standards adopted by state law  
1093 enforcement agencies; and provide authorization for the  
1094 department to conduct a credit and background check. The  
1095 department shall verify the identification, employment and  
1096 education of each prospective employee, including his or her  
1097 legal name and any alias; all secondary and postsecondary  
1098 educational institutions attended, regardless of graduation  
1099 status; place of residence; and employment history.

1100 (3) The department may not hire a prospective employee if  
1101 the prospective employee has been convicted of a felony;  
1102 convicted of a misdemeanor within 10 years of the date of his or

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1103 her application which the board determines bears a close  
 1104 relationship to the duties and responsibilities of the position  
 1105 for which employment is sought; or dismissed from prior  
 1106 employment for gross misconduct or incompetence or if he or she  
 1107 intentionally made a false statement concerning a material fact  
 1108 in connection with his or her application to the department. If  
 1109 an employee of the department is charged with a felony while  
 1110 employed by the department, the department shall suspend the  
 1111 employee, with or without pay, and terminate employment with the  
 1112 department upon conviction. If an employee of the department is  
 1113 charged with a misdemeanor while employed by the department, the  
 1114 department shall suspend the employee, with or without pay, and  
 1115 may terminate employment with the department upon conviction if  
 1116 the board determines that the offense for which he or she has  
 1117 been convicted bears a close relationship to the duties and  
 1118 responsibilities of the position held with the department.

1119 (4) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

1120 (a) A member of the board or an employee or agent of the  
 1121 department who becomes aware that a member of the board or an  
 1122 employee or agent of the department or his or her spouse,  
 1123 parent, or child is a member of the board of directors of,  
 1124 financially interested in, or employed by an applicant or  
 1125 licensee must immediately provide detailed written notice to the  
 1126 Inspector General and the executive director.

1127 (b) A member of the board or an employee or agent of the  
 1128 department must immediately provide detailed written notice of  
 1129 the circumstances to the Inspector General and the executive  
 1130 director if the member, employee, or agent is indicted, charged  
 1131 with, convicted of, pleads guilty or nolo contendere to, or

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1132 forfeits bail for:

1133 1. A misdemeanor involving gambling, dishonesty, theft, or  
 1134 fraud;

1135 2. A violation of any law in any state, or a law of the  
 1136 United States or any other jurisdiction, involving gambling,  
 1137 dishonesty, theft, or fraud which substantially corresponds to a  
 1138 misdemeanor in this state; or

1139 3. A felony under the laws of this or any other state, the  
 1140 United States, or any other jurisdiction.

1141 (c) A member of the board or an employee or agent of the  
 1142 department who is negotiating for an interest in a licensee or  
 1143 an applicant, or is affiliated with such a person, must  
 1144 immediately provide written notice of the details of the  
 1145 interest to the Inspector General and the executive director.  
 1146 The member of the board or the employee or agent of the  
 1147 department may not act on behalf of the board or department with  
 1148 respect to that person.

1149 (d) A member of the board or an employee or agent of the  
 1150 department may not enter into negotiations for employment with  
 1151 any person or affiliate of any person who is an applicant,  
 1152 licensee, or affiliate. If a member of the board or an employee  
 1153 or agent of the department enters into negotiations for  
 1154 employment in violation of this paragraph or receives an  
 1155 invitation, written or oral, to initiate a discussion concerning  
 1156 employment with any person who is a licensee, applicant, or  
 1157 affiliate, he or she must immediately provide written notice of  
 1158 the details of any such negotiations or discussions to the  
 1159 Inspector General and the executive director. The member of the  
 1160 board or the employee or agent of the department may not take

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1161 any action on behalf of the board or department with respect to  
 1162 that licensee or applicant.

1163 (e) A licensee or applicant may not knowingly initiate a  
 1164 negotiation for, or discussion of, employment with a member of  
 1165 the board or an employee or agent of the department. A licensee  
 1166 or applicant who initiates a negotiation or discussion about  
 1167 employment shall immediately provide written notice of the  
 1168 details of the negotiation or discussion to the Inspector  
 1169 General and the executive director as soon as that person  
 1170 becomes aware that the negotiation or discussion has been  
 1171 initiated with a member of the board or an employee or agent of  
 1172 the department.

1173 (f) A member of the board or an employee or agent of the  
 1174 department, or a parent, spouse, sibling, or child of a member  
 1175 of the board or an employee or agent of the department, may not  
 1176 accept any gift, gratuity, compensation, travel, lodging, or  
 1177 anything of value, directly or indirectly, from a licensee,  
 1178 applicant, or affiliate or representative of a person regulated  
 1179 by the department. A licensee, applicant, or affiliate or  
 1180 representative of an applicant or licensee may not, directly or  
 1181 indirectly, knowingly give or offer to give any gift, gratuity,  
 1182 compensation, travel, lodging, or anything of value to a member  
 1183 of the board or an employee or agent of the department, or to a  
 1184 parent, spouse, sibling, or child of a member of the board or an  
 1185 employee or agent of the department, which the member, employee,  
 1186 or agent is prohibited from accepting in this paragraph. A  
 1187 member of the board or an employee or agent of the department  
 1188 who is offered or receives any gift, gratuity, compensation,  
 1189 travel, lodging, or anything of value, directly or indirectly,

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1190 from any licensee, applicant, or affiliate or representative of  
 1191 a person regulated by the department must immediately provide  
 1192 written notice of the details to the Inspector General and the  
 1193 executive director.

1194 (g) A member of the board or an employee or agent of the  
 1195 department may not engage in any conduct that constitutes a  
 1196 conflict of interest and must immediately provide to the  
 1197 Inspector General and the executive director in writing the  
 1198 details of any incident or circumstance that would suggest the  
 1199 existence of a conflict of interest with respect to the  
 1200 performance of department-related work or duty of the member of  
 1201 the board or an employee or agent of the department.

1202 (h) A member of the board or an employee or agent of the  
 1203 department who is approached and offered a bribe must  
 1204 immediately provide written notice of the details of the  
 1205 incident to the Inspector General and the executive director and  
 1206 to a law enforcement agency having jurisdiction over the matter.

1207 Section 18. Section 551.0016, Florida Statutes, is created  
 1208 to read:

1209 551.0016 Ex parte communication.-

1210 (1) A licensee, applicant, or affiliate or representative  
 1211 of an applicant or licensee may not engage directly or  
 1212 indirectly in ex parte communication concerning a pending  
 1213 application, license, or enforcement action with a board member  
 1214 or concerning a matter that likely will be pending before the  
 1215 board. A board member may not engage directly or indirectly in  
 1216 any ex parte communication concerning a pending application,  
 1217 license, or enforcement action with members, or with a licensee,  
 1218 applicant, or affiliate or representative of an applicant or

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1219 licensee, or concerning a matter that likely will be pending  
 1220 before the board.

1221 (2) A board member, licensee, applicant, or affiliate or  
 1222 representative of a board member, licensee, or applicant who  
 1223 receives any ex parte communication in violation of subsection  
 1224 (1), or who is aware of an attempted communication in violation  
 1225 of subsection (1), must immediately report details of the  
 1226 communication or attempted communication in writing to the  
 1227 chair.

1228 (3) If a board member knowingly receives an ex parte  
 1229 communication, he or she must place on the record copies of all  
 1230 written communication received, copies of all written responses  
 1231 to the communication, and a memorandum stating the substance of  
 1232 all oral communication received and all oral responses made, and  
 1233 shall give written notice to all parties to the communication  
 1234 that such matters have been placed on the record. Any party who  
 1235 desires to respond to a notice of an ex parte communication may  
 1236 do so. The response must be received by the board within 10 days  
 1237 after receiving notice that the ex parte communication has been  
 1238 placed on the record. If a board member deems it necessary to  
 1239 eliminate the effect of an ex parte communication received by  
 1240 him or her, the member may withdraw from the proceeding  
 1241 potentially impacted by the ex parte communication. If a board  
 1242 member withdraws from the proceeding, the chair shall designate  
 1243 another member for the proceeding if it was not assigned to the  
 1244 full board.

1245 (4) An individual who makes an ex parte communication must  
 1246 submit to the board a written statement describing the nature of  
 1247 the communication, including the name of the person making the

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1248 communication, the name of the board member or members receiving  
 1249 the communication, copies of all written communication, all  
 1250 written responses to such communication, and a memorandum  
 1251 stating the substance of all oral communication received and all  
 1252 oral responses made. The board shall place on the record of a  
 1253 proceeding all such communication.

1254 (5) A board member who knowingly fails to place any ex  
 1255 parte communication on the record within 15 days after the date  
 1256 of the communication in violation of this section is subject to  
 1257 removal and may be assessed a civil penalty not to exceed  
 1258 \$25,000.

1259 (6) The Commission on Ethics shall receive and investigate  
 1260 sworn complaints of violations of this section pursuant to ss.  
 1261 112.321-112.3241.

1262 (7) If the Commission on Ethics finds that a board member  
 1263 has violated this section, it shall provide the Governor with a  
 1264 report of its findings and recommendations. The Governor may  
 1265 enforce the findings and recommendations of the Commission on  
 1266 Ethics pursuant to part III of chapter 112.

1267 (8) If a board member fails or refuses to pay the  
 1268 Commission on Ethics any civil penalties assessed pursuant to  
 1269 this section, the Commission on Ethics may bring an action in  
 1270 any circuit court to enforce such penalty.

1271 (9) If, during the course of an investigation by the  
 1272 Commission on Ethics into an alleged violation of this section,  
 1273 allegations are made as to the identity of the person who  
 1274 participated in the ex parte communication, that person must be  
 1275 given notice and an opportunity to participate in the  
 1276 investigation and relevant proceedings to present a defense. If

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1277 the Commission on Ethics determines that the person participated  
 1278 in the ex parte communication, the person may not appear before  
 1279 the board or otherwise represent anyone before the board for 2  
 1280 years.

1281 Section 19. Section 551.0017, Florida Statutes, is created  
 1282 to read:

1283 551.0017 Penalties for misconduct by a member, employee, or  
 1284 agent.-

1285 (1) A violation of this chapter by a board member may  
 1286 constitute cause for removal by the Governor or other  
 1287 disciplinary action as determined by the board.

1288 (2) A violation of this chapter by an employee or agent of  
 1289 the department does not require termination of employment or  
 1290 other disciplinary action if:

1291 (a) The board determines that the conduct involved does not  
 1292 violate the purposes of this chapter; or

1293 (b) There was no intentional action on the part of the  
 1294 employee or agent, contingent on divestment of any financial  
 1295 interest within 60 days after the interest was acquired.

1296 (3) Notwithstanding subsection (2), an employee or agent of  
 1297 the department who violates this chapter shall be terminated if  
 1298 a financial interest in a licensee, applicant, or affiliate or  
 1299 representative of a licensee or applicant is acquired by:

1300 (a) An employee of the department; or  
 1301 (b) The employee's or agent's spouse, parent, or child.

1302 (4) A violation of this chapter does not create a civil  
 1303 cause of action.

1304 Section 20. Section 551.0018, Florida Statutes, is created  
 1305 to read:

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1306 551.0018 Judicial review.-

1307 (1) As authorized under s. 4(b)(2), Art. V of the State  
 1308 Constitution, the First District Court of Appeal shall, upon  
 1309 petition, review any action of the board.

1310 (2) Notice of such review shall be given by the petitioner  
 1311 to all parties who entered appearances of record in the  
 1312 proceedings before the board in which the order sought to be  
 1313 reviewed was made.

1314 (3) Such parties may file briefs in support of their  
 1315 interests, as such interests may appear, within the time and in  
 1316 the manner provided by the Florida Rules of Appellate Procedure.

1317 (4) Such parties shall be entitled as a matter of right to  
 1318 make oral argument in support of their interests, as such  
 1319 interests may appear, in any case in which oral argument is  
 1320 granted by the court on the application of the petitioner or the  
 1321 respondent.

1322 Section 21. Part II of chapter 551, Florida Statutes,  
 1323 consisting of sections 551.011-551.095, Florida Statutes, is  
 1324 created and entitled "Pari-mutuel Wagering."

1325 Section 22. Section 551.011, Florida Statutes, is created  
 1326 to read:

1327 551.011 Short title.-This part may be cited as the "Florida  
 1328 Pari-mutuel Wagering Act."

1329 Section 23. Section 551.012, Florida Statutes, is created  
 1330 to read:

1331 551.012 Definitions.-As used in this chapter, the term:

1332 (1) "Breaks" means the portion of a pari-mutuel pool  
 1333 computed by rounding down to the nearest multiple of 10 cents  
 1334 which is not distributed to the contributors or withheld by the



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1335 permitholder as takeout.

1336 (2) "Breeder and stallion awards" means financial  
 1337 incentives paid to encourage the agricultural industry of  
 1338 breeding racehorses in this state.

1339 (3) "Broadcast" means an electronic transmission in any  
 1340 medium or manner, including, but not limited to, community  
 1341 antenna systems that receive and retransmit television or radio  
 1342 signals by wire, cable, or otherwise to televisions or radios,  
 1343 and cable origination networks or programmers that transmit  
 1344 programming to community antenna televisions or closed-circuit  
 1345 systems by wire, cable, satellite, or otherwise.

1346 (4) "Contributor" means a person who contributes to a pari-  
 1347 mutuel pool by engaging in a pari-mutuel wager.

1348 (5) "Current meet" or "current race meet" means the conduct  
 1349 of racing or games pursuant to a current year's operating  
 1350 license issued by the department.

1351 (6) "Department" means the Department of Gaming Control.

1352 (7) "Event" means a single race or game within a  
 1353 performance.

1354 (8) "Exotic pools" means wagering pools into which a  
 1355 contributor may place a wager on more than one entry or on more  
 1356 than one event in the same bet, including, but not limited to,  
 1357 daily doubles, perfectas, quinielas, quiniela daily doubles,  
 1358 exactas, trifectas, and Big Q pools.

1359 (9) "Fronton" means a building or enclosure that contains a  
 1360 playing court with three walls designed and constructed for  
 1361 playing the sport of jai alai.

1362 (10) "Full schedule of live events" means the minimum  
 1363 number of live racing or games that must be conducted by a

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1364 permitholder. A live performance, consisting of at least eight  
 1365 events, must be conducted at least three times each week at the  
 1366 permitholder's licensed facility.

1367 (11) "Guest track" means a track or fronton receiving or  
 1368 accepting an intertrack wager.

1369 (12) "Handle" means the aggregate contributions to pari-  
 1370 mutuel pools.

1371 (13) "Harness racing" means the racing of standardbred  
 1372 horses using a pacing or trotting gait in which each horse pulls  
 1373 a two-wheeled cart, called a sulky, which is guided by a driver.

1374 (14) "Horseracing permitholder" means:

1375 (a) A thoroughbred entity that received a permit under this  
 1376 chapter to conduct pari-mutuel wagering meets of thoroughbred  
 1377 racing;

1378 (b) A harness entity that received a permit under this  
 1379 chapter to conduct pari-mutuel wagering meets of harness racing;  
 1380 or

1381 (c) A quarter horse entity that received a permit under  
 1382 this chapter to conduct pari-mutuel wagering meets of quarter  
 1383 horse racing.

1384 (15) "Host track" means a track or fronton that broadcasts  
 1385 a live event or rebroadcasts a simulcast event that is the  
 1386 subject of an intertrack wager.

1387 (16) "Intertrack wager" means a wager accepted at a pari-  
 1388 mutuel facility on a live event that is broadcast to the pari-  
 1389 mutuel facility or on a simulcast event that is rebroadcast to  
 1390 the pari-mutuel facility from an in-state pari-mutuel facility.

1391 (17) "Jai alai" means a ball game of Spanish origin played  
 1392 on a court with three walls and includes the term "pelota."

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- 1393 (18) "Live event," "live game," "live race," or "live  
 1394 performance" means such event or performance conducted live at  
 1395 the referenced pari-mutuel facility and excludes broadcast and  
 1396 simulcast events.
- 1397 (19) "Live handle" means the handle from wagers placed at a  
 1398 pari-mutuel facility on the live events conducted at that  
 1399 facility and excludes intertrack wagering.
- 1400 (20) "Market area" means an area within 25 miles of a  
 1401 permitholder's track or fronton.
- 1402 (21) "Meet" or "meeting" means live events for any stake,  
 1403 purse, prize, or premium.
- 1404 (22) "Net pool pricing" means a method of calculating  
 1405 prices awarded to winning wagers relative to the contribution,  
 1406 net of takeouts, to a pool by each participating jurisdiction  
 1407 or, as applicable, each site.
- 1408 (23) "Operating day" means a continuous period of 24 hours  
 1409 which starts at the beginning of the first performance event. If  
 1410 an operating day starts during one calendar day and extends past  
 1411 midnight, a greyhound race or jai alai game may not begin after  
 1412 1:30 a.m. on that operating day.
- 1413 (24) "Pari-mutuel facility" means a racetrack, fronton, or  
 1414 other facility used by a permitholder for the conduct of pari-  
 1415 mutuel wagering.
- 1416 (25) "Pari-mutuel pool" means the total amount wagered on  
 1417 an event for a single possible result.
- 1418 (26) "Pari-mutuel wagering" means a system of betting on  
 1419 events in which the winners divide the total amount bet, after  
 1420 deducting management expenses and taxes, in proportion to the  
 1421 sums they have wagered individually and with regard to the odds

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- 1422 assigned to particular outcomes.
- 1423 (27) "Performance" means a series of at least eight events  
 1424 performed consecutively as one program.
- 1425 (28) "Post time" means the time set for the arrival at the  
 1426 starting point of the horses or greyhounds in a race or the  
 1427 beginning of a game in jai alai.
- 1428 (29) "Purse" means the cash portion of the prize for which  
 1429 an event is contested.
- 1430 (30) "Quarter horse" means a breed of horse developed in  
 1431 the western United States which is capable of high speed for a  
 1432 short distance and used in quarter horse racing registered with  
 1433 the American Quarter Horse Association.
- 1434 (31) "Racing greyhound" or "greyhound" means a greyhound  
 1435 dog registered with the National Greyhound Association which is  
 1436 or was used, or is being bred, raised, or trained to be used, in  
 1437 racing at a pari-mutuel facility.
- 1438 (32) "Same class of races, games, or permit" means:
- 1439 (a) With respect to a jai alai permitholder, jai alai games  
 1440 or other jai alai permitholders;
- 1441 (b) With respect to a greyhound racing permitholder,  
 1442 greyhound races or other greyhound racing permitholders;
- 1443 (c) With respect to a thoroughbred racing permitholder,  
 1444 thoroughbred races or other thoroughbred racing permitholders;
- 1445 (d) With respect to a harness racing permitholder, harness  
 1446 races or other harness racing permitholders; and
- 1447 (e) With respect to a quarter horse racing permitholder,  
 1448 quarter horse races or other quarter horse racing permitholders.
- 1449 (33) "Simulcasting" means the live broadcast of events  
 1450 occurring live at an in-state location to an out-of-state

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1451 location, or receiving at an in-state location a live broadcast  
 1452 of events occurring live at an out-of-state location.

1453 (34) "Standardbred horse" means a pacing or trotting horse  
 1454 used in harness racing which has been registered as a  
 1455 standardbred by the United States Trotting Association or by a  
 1456 foreign registry whose stud book is recognized by the United  
 1457 States Trotting Association.

1458 (35) "Takeout" means the percentage of the pari-mutuel  
 1459 pools deducted by the permitholder before the distribution of  
 1460 the pool.

1461 (36) "Thoroughbred" means a purebred horse whose ancestry  
 1462 can be traced back to one of three foundation sires and whose  
 1463 pedigree is registered in the American Stud Book or in a foreign  
 1464 stud book that is recognized by the Jockey Club and the  
 1465 International Stud Book Committee.

1466 (37) "Totalisator" means the computer system used to  
 1467 accumulate wagers, record sales, calculate payoffs, and display  
 1468 wagering data on a display device that is located at a pari-  
 1469 mutuel facility.

1470 (38) "Ultimate equitable owner" means a natural person who,  
 1471 directly or indirectly, owns or controls 5 percent or more of an  
 1472 ownership interest in a corporation, foreign corporation, or  
 1473 alien business organization, regardless of whether such person  
 1474 owns or controls such ownership through one or more natural  
 1475 persons or one or more proxies, powers of attorney, nominees,  
 1476 corporations, associations, partnerships, trusts, joint stock  
 1477 companies, or other entities or devices, or any combination  
 1478 thereof.

1479 Section 24. Section 551.013, Florida Statutes, is created

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1480 to read:

1481 551.013 Pari-mutuel wagering authorized; distribution of  
 1482 pool; prohibited purchase.--

1483 (1) Wagering on the results of a horserace or greyhound  
 1484 race or on the scores or points of a jai alai game and the sale  
 1485 of tickets or other evidences showing an interest in or a  
 1486 contribution to a pari-mutuel pool are allowed only within the  
 1487 enclosure of a pari-mutuel facility licensed and operating under  
 1488 this chapter, must be supervised by the department, are subject  
 1489 to such reasonable rules that the department prescribes, and are  
 1490 prohibited elsewhere in this state.

1491 (2) The permitholder's share of the takeout is that portion  
 1492 of the takeout that remains after the pari-mutuel tax imposed  
 1493 upon the contributions to the pari-mutuel pool is deducted from  
 1494 the takeout and paid by the permitholder. The takeout is  
 1495 deducted from all pari-mutuel pools but may be different  
 1496 depending on the type of pari-mutuel pool. The permitholder  
 1497 shall inform the patrons, either through the official program or  
 1498 via the posting of signs at conspicuous locations, as to the  
 1499 takeout currently being applied to handle at the facility.

1500 (3) After deducting the takeout and the breaks, a pari-  
 1501 mutuel pool must be redistributed to the contributors.

1502 (4) Redistribution of funds otherwise distributable to the  
 1503 contributors of a pari-mutuel pool must be a sum equal to the  
 1504 next lowest multiple of 10 on all races and games.

1505 (5) A distribution of a pari-mutuel pool may not be made of  
 1506 the breaks.

1507 (6) A person or corporation may not directly or indirectly  
 1508 purchase pari-mutuel tickets or participate in the purchase of

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1509 any part of a pari-mutuel pool for another for hire or for any  
 1510 gratuity. A person may not purchase any part of a pari-mutuel  
 1511 pool through another if she or he gives or pays directly or  
 1512 indirectly such other person anything of value. Any person who  
 1513 violates this subsection commits a misdemeanor of the second  
 1514 degree, punishable as provided in s. 775.082 or s. 775.083.

1515 Section 25. Section 551.014, Florida Statutes, is created  
 1516 to read:

1517 551.014 Powers and duties of the department.—

1518 (1) The department may collect taxes and require compliance  
 1519 with reporting requirements for financial information as  
 1520 authorized by this chapter. In addition, the department may  
 1521 require permitholders conducting pari-mutuel operations within  
 1522 the state to remit taxes, including fees, by electronic funds  
 1523 transfer if the total taxes and fees were \$50,000 or more in the  
 1524 preceding reporting year.

1525 (2) The department shall administer this chapter and  
 1526 regulate the pari-mutuel industry under this chapter and the  
 1527 rules adopted pursuant thereto. The department:

1528 (a) Shall make an annual report to the Governor, the  
 1529 President of the Senate, and the Speaker of the House of  
 1530 Representatives showing its own actions, receipts derived under  
 1531 this chapter, the practical effects of the application of this  
 1532 chapter, and any suggestions it may have to more effectively  
 1533 achieve the purposes of this chapter.

1534 (b) Shall require an oath on application documents as  
 1535 required by rule, which oath must state that the information  
 1536 contained in the document is true and complete.

1537 (c) Shall adopt and uniformly apply reasonable rules for

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1538 the control, supervision, and direction of applicants,  
 1539 permitholders, and licensees and for the holding, conducting,  
 1540 and operating of all pari-mutuel events held in this state.

1541 (d) May take testimony concerning any matter within its  
 1542 jurisdiction and issue summons and subpoenas for any witness and  
 1543 subpoenas duces tecum in connection with any matter within the  
 1544 jurisdiction of the department under its seal and signed by the  
 1545 director.

1546 (e) May adopt rules establishing procedures for testing  
 1547 occupational licensees officiating at or participating in any  
 1548 event at any pari-mutuel facility under the jurisdiction of the  
 1549 department for a controlled substance or alcohol and may  
 1550 prescribe procedural matters not in conflict with s.  
 1551 120.80(19)(a).

1552 (f) May exclude any person from any and all pari-mutuel  
 1553 facilities in this state for conduct that, if the person were a  
 1554 licensee, would constitute a violation of this chapter or the  
 1555 rules of the department. The department may exclude from any  
 1556 pari-mutuel facility within this state any person who has been  
 1557 ejected from a pari-mutuel facility in this state or who has  
 1558 been excluded from any pari-mutuel facility in another state by  
 1559 the governmental department, agency, commission, or authority  
 1560 exercising regulatory jurisdiction over pari-mutuel facilities  
 1561 in such other state. The department may authorize any person who  
 1562 has been ejected or excluded from pari-mutuel facilities in this  
 1563 state or another state to attend the pari-mutuel facilities in  
 1564 this state upon a finding that the attendance of such person at  
 1565 pari-mutuel facilities would not be adverse to the public  
 1566 interest or to the integrity of the sport or industry. This

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1567 paragraph does not abrogate the common-law right of a pari-  
 1568 mutuel permitholder to exclude absolutely a patron in this  
 1569 state.

1570 (g) May oversee the making of and distribution from all  
 1571 pari-mutuel pools.

1572 (h) May conduct investigations in enforcing this chapter,  
 1573 except that all information obtained pursuant to an  
 1574 investigation by the department for an alleged violation of this  
 1575 chapter or rules of the department is exempt from s. 119.07(1)  
 1576 and s. 24(a), Art. I of the State Constitution until an  
 1577 administrative complaint is issued or the investigation is  
 1578 closed or ceases to be active. This paragraph does not prohibit  
 1579 the department from providing such information to any law  
 1580 enforcement agency or to any other regulatory agency. For the  
 1581 purposes of this paragraph, an investigation is considered to be  
 1582 active while it is being conducted with reasonable dispatch and  
 1583 with a reasonable, good faith belief that it could lead to an  
 1584 administrative, civil, or criminal action by the department or  
 1585 another administrative or law enforcement agency. Except for  
 1586 active criminal intelligence or criminal investigative  
 1587 information as defined in s. 119.011 and any other information  
 1588 that, if disclosed, would jeopardize the safety of an  
 1589 individual, all information, records, and transcriptions become  
 1590 public when the investigation is closed or ceases to be active.

1591 (i) May impose an administrative fine for a violation under  
 1592 this chapter of not more than \$1,000 for each count or separate  
 1593 offense, except as otherwise provided in this chapter, and may  
 1594 suspend or revoke a permit, a pari-mutuel license, or an  
 1595 occupational license for a violation under this chapter. A

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1596 penalty imposed under this paragraph does not exclude a  
 1597 prosecution for cruelty to animals or for any other criminal  
 1598 act. All fines imposed and collected under this paragraph shall  
 1599 be remitted to the Chief Financial Officer for deposit into the  
 1600 General Revenue Fund.

1601 (j) Shall supervise and regulate the welfare of racing  
 1602 animals at pari-mutuel facilities.

1603 (k) May make, adopt, amend, or repeal rules relating to  
 1604 cardroom operations; enforce and carry out the provisions of s.  
 1605 551.20; and regulate authorized cardroom activities in the  
 1606 state.

1607 (l) May suspend a permitholder's permit or license if such  
 1608 permitholder is operating a cardroom facility and such  
 1609 permitholder's cardroom license has been suspended or revoked  
 1610 pursuant to s. 551.21.

1611 Section 26. Section 551.018, Florida Statutes, is created  
 1612 to read:

1613 551.018 Local government taxes and fees on pari-mutuel  
 1614 wagering.—The tax imposed by s. 551.301 is in lieu of all  
 1615 license, excise, or occupational taxes to the state or any  
 1616 county, municipality, or other political subdivision. However, a  
 1617 municipality may assess and collect an additional tax against  
 1618 any person conducting live events within its corporate limits,  
 1619 which tax may not exceed \$150 per day for horseracing or \$50 per  
 1620 day for greyhound racing or jai alai. Except as provided in this  
 1621 chapter, a municipality may not assess or collect any additional  
 1622 excise or revenue tax against any person conducting race  
 1623 meetings within the corporate limits of the municipality or  
 1624 against any patron of any such person.

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1625 Section 27. Section 551.021, Florida Statutes, is created  
1626 to read:

1627 551.021 Application for permit to conduct pari-mutuel  
1628 wagering.—

1629 (1) Any person who possesses the qualifications prescribed  
1630 in this chapter may apply to the department for a permit to  
1631 conduct pari-mutuel operations under this chapter. Applications  
1632 for a pari-mutuel permit are exempt from the 90-day licensing  
1633 requirement of s. 120.60. Within 120 days after receipt of a  
1634 complete application, the department shall grant or deny the  
1635 permit. A completed application that is not acted upon within  
1636 120 days after receipt is deemed approved, and the department  
1637 shall grant the permit.

1638 (2) Upon each application filed and approved, a permit  
1639 shall be issued to the applicant setting forth the name of the  
1640 permitholder, the location of the pari-mutuel facility, the type  
1641 of pari-mutuel activity desired to be conducted, and a statement  
1642 showing qualifications of the applicant to conduct pari-mutuel  
1643 performances under this chapter; however, a permit does not  
1644 authorize any pari-mutuel performances until approved by a  
1645 majority of the electors participating in a ratification  
1646 election in the county in which the applicant proposes to  
1647 conduct pari-mutuel wagering activities. An application may not  
1648 be considered, nor may a permit be issued by the department or  
1649 be voted upon in any county, to conduct horseraces, harness  
1650 racers, or greyhound races at a location within 100 miles of an  
1651 existing pari-mutuel facility, or for jai alai within 50 miles  
1652 of an existing pari-mutuel facility. Such distance shall be  
1653 measured on a straight line from the nearest property line of

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1654 one pari-mutuel facility to the nearest property line of the  
1655 other facility.

1656 (3) The department shall require that each applicant submit  
1657 an application that includes:

1658 (a) The full name of the applicant.

1659 (b) If a corporation, the name of the state in which  
1660 incorporated and the names and addresses of the officers,  
1661 directors, and shareholders holding 5 percent or more equity or,  
1662 if a business entity other than a corporation, the names and  
1663 addresses of the principals, partners, or shareholders holding 5  
1664 percent or more equity.

1665 (c) The names and addresses of the ultimate equitable  
1666 owners for a corporation or other business entity, if different  
1667 from those provided under paragraph (b), unless the securities  
1668 of the corporation or entity are registered pursuant to s. 12 of  
1669 the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk; and  
1670 if such corporation or entity files with the United States  
1671 Securities and Exchange Commission the reports required by s. 13  
1672 of that act or if the securities of the corporation or entity  
1673 are regularly traded on an established securities market in the  
1674 United States.

1675 (d) The exact location where the applicant will conduct  
1676 pari-mutuel performances.

1677 (e) Whether the pari-mutuel facility is owned or leased  
1678 and, if leased, the name and residence of the fee owner or, if a  
1679 corporation, the names and addresses of the directors and  
1680 stockholders thereof. However, this chapter does not prevent a  
1681 person from applying to the department for a permit to conduct  
1682 pari-mutuel operations, regardless of whether the pari-mutuel

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1683 facility has been constructed, and having an election held in  
 1684 any county at the same time that elections are held for the  
 1685 ratification of any permit in that county.

1686 (f) A statement of the assets and liabilities of the  
 1687 applicant.

1688 (g) The names and addresses of any mortgagee of any pari-  
 1689 mutuel facility and any financial agreement between the parties.  
 1690 The department may require the names and addresses of the  
 1691 officers and directors of the mortgagee and of those  
 1692 stockholders who hold more than 10 percent of the stock of the  
 1693 mortgagee.

1694 (h) A business plan for the first year of operation.

1695 (i) For each individual listed in the application as an  
 1696 owner, partner, officer, or director, a complete set of  
 1697 fingerprints taken by an authorized law enforcement officer. The  
 1698 set of fingerprints must be submitted to the Federal Bureau of  
 1699 Investigation for processing. An applicant who is a foreign  
 1700 national shall submit such documents as necessary to allow the  
 1701 department to conduct a criminal history records check in the  
 1702 applicant's home country. The applicant must pay the cost of  
 1703 processing. The department may charge a \$2 handling fee for each  
 1704 set of fingerprint records.

1705 (j) The type of pari-mutuel activity to be conducted and  
 1706 the desired period of operation.

1707 (k) Other information the department requires.

1708 (4) The department shall require each applicant to deposit  
 1709 with the board of county commissioners of the county in which  
 1710 the election is to be held a sufficient sum, in currency or by  
 1711 check certified by a bank licensed to do business in the state,

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1712 to pay the expenses of holding the election provided in s.  
 1713 551.0221.

1714 (5) Upon receiving an application and any amendments  
 1715 properly made thereto, the department shall further investigate  
 1716 the matters contained in the application. If the applicant meets  
 1717 all requirements, conditions, and qualifications set forth in  
 1718 this chapter and the rules of the department, the department  
 1719 shall grant the permit.

1720 (6) After initial approval of the permit and the source of  
 1721 financing, the terms and parties of any subsequent refinancing  
 1722 must be disclosed by the applicant or the permitholder to the  
 1723 department.

1724 (7) If the department refuses to grant the permit, the  
 1725 money deposited with the board of county commissioners for  
 1726 holding the election must be refunded to the applicant. If the  
 1727 department grants the permit applied for, the board of county  
 1728 commissioners shall order an election for ratification of the  
 1729 permit in the county, as provided in s. 551.0221.

1730 (8) (a) The department may charge the applicant for  
 1731 reasonable, anticipated costs incurred by the department in  
 1732 determining the eligibility of any person or entity specified in  
 1733 s. 551.029 to hold any pari-mutuel permit.

1734 (b) The department may, by rule, determine the manner of  
 1735 paying its anticipated costs associated with determination of  
 1736 eligibility and the procedure for filing applications for  
 1737 determination of eligibility.

1738 (c) The department shall furnish to the applicant an  
 1739 itemized statement of actual costs incurred during the  
 1740 investigation to determine eligibility.

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1741 (d) If unused funds remain at the conclusion of such  
 1742 investigation, they must be returned to the applicant within 60  
 1743 days after the determination of eligibility has been made.

1744 (e) If the actual costs of investigation exceed anticipated  
 1745 costs, the department shall assess the applicant the amount  
 1746 necessary to recover all actual costs.

1747 (9) After a permit has been granted by the department and  
 1748 has been ratified and approved by the majority of the electors  
 1749 participating in the election in the county designated in the  
 1750 permit, the department shall grant to the lawful permitholder,  
 1751 subject to the conditions of 39this chapter, a license to  
 1752 conduct pari-mutuel operations under this chapter, and, except  
 1753 as provided in s. 551.0521, the department shall fix annually  
 1754 the time, place, and number of days during which pari-mutuel  
 1755 operations may be conducted by the permitholder at the location  
 1756 fixed in the permit and ratified in the election. After the  
 1757 first license has been issued to the holder of a ratified permit  
 1758 for pari-mutuel operations in any county, all subsequent annual  
 1759 applications for a license by that permitholder must be  
 1760 accompanied by proof, in such form as the department requires,  
 1761 that the ratified permitholder still possesses all the  
 1762 qualifications prescribed by this chapter and that the permit  
 1763 has not been recalled at a later election held in the county.

1764 (10) If a permitholder has failed to complete construction  
 1765 of at least 50 percent of the facilities necessary to conduct  
 1766 pari-mutuel operations within 12 months after approval of the  
 1767 permit by the voters, the department shall revoke the permit  
 1768 upon adequate notice to the permitholder. However, the  
 1769 department, upon good cause shown by the permitholder, may grant

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1770 one extension of up to 12 months.

1771 (11) (a) A permit granted under this chapter may not be  
 1772 transferred or assigned except upon written approval by the  
 1773 department pursuant to s. 551.029, except that the holder of any  
 1774 permit that has been converted to a jai alai permit may lease or  
 1775 build anywhere within the county in which its permit is located.

1776 (b) If a permit to conduct pari-mutuel wagering is held by  
 1777 a corporation or business entity other than an individual, the  
 1778 transfer of 10 percent or more of the stock or other evidence of  
 1779 ownership or equity in the permitholder may not be made without  
 1780 the prior approval of the transferee by the department pursuant  
 1781 to s. 551.029.

1782 (12) Changes in ownership of or interest in a pari-mutuel  
 1783 permit of 5 percent or more of the stock or other evidence of  
 1784 ownership or equity in the permitholder shall be approved by the  
 1785 department before such change, unless the owner is an existing  
 1786 owner of that permit who was previously approved by the  
 1787 department. Changes in ownership of or interest in a pari-mutuel  
 1788 permit of less than 5 percent must be reported to the department  
 1789 within 20 days after the change. The department may then conduct  
 1790 an investigation to ensure that the permit is properly updated  
 1791 to show the change in ownership or interest.

1792 Section 28. Section 551.0221, Florida Statutes, is created  
 1793 to read:

1794 551.0221 Elections for ratification of permits.-

1795 (1) Any permitholder may have submitted to the electors of  
 1796 the county designated therein the question of whether such  
 1797 permit will be ratified. Such question shall be submitted to the  
 1798 electors for approval or rejection at a special election to be

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 1799 called for that purpose only. The board of county commissioners  
 1800 of the county designated, upon the presentation to such board at  
 1801 a regular or special meeting of a written application,  
 1802 accompanied by a certified copy of the permit granted by the  
 1803 department, and asking for an election in the county in which  
 1804 the application was made, shall order a special election in the  
 1805 county for the particular purpose of deciding whether such  
 1806 permit shall be approved and a license issued and race or game  
 1807 meetings allowed in the county by such permit holder. The clerk  
 1808 of such board shall give notice of the special election by  
 1809 publishing the same once each week for 2 consecutive weeks in  
 1810 one or more newspapers of general circulation in the county.  
 1811 Each permit for a track or fronton must be voted upon separately  
 1812 and in separate elections. An election may not be called more  
 1813 often than once every 2 years for the ratification of any permit  
 1814 for the same track or fronton.

1815 (2) All elections ordered under this chapter must be held  
 1816 within 90 days and not less than 21 days after the time of  
 1817 presenting the application to the board of county commissioners.  
 1818 The inspectors of election shall be appointed and qualified as  
 1819 in cases of general elections, and they shall count the votes  
 1820 cast and make due returns of the votes to the board of county  
 1821 commissioners without delay. The board of county commissioners  
 1822 shall canvass the returns, declare the results, and cause the  
 1823 results to be recorded as provided in the general law concerning  
 1824 elections so far as applicable.

1825 (3) If the permit holder has not applied to the board of  
 1826 county commissioners within 6 months after the permit was issued  
 1827 by the department, the permit is void. The department shall

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 1828 cancel the permit without notice to the permit holder, and the  
 1829 board of county commissioners holding the deposit for the  
 1830 election shall refund the deposit to the permit holder upon being  
 1831 notified by the department that the permit is void and has been  
 1832 canceled.

1833 (4) All electors duly registered and qualified to vote at  
 1834 the last preceding general election held in the county are  
 1835 qualified electors for the ratification election. The  
 1836 registration books for the county shall be opened on the 10th  
 1837 day after the ratification election is ordered and called,  
 1838 however, if the 10th day is a Sunday or a holiday, then on the  
 1839 next day that is not a Sunday or holiday. The registration books  
 1840 must remain open for 10 days. Electors for the ratification  
 1841 election have the same qualifications for and prerequisites to  
 1842 voting in elections as under the general election laws.

1843 (5) If, at any such ratification election, the majority of  
 1844 electors voting on the question of ratification of a permit vote  
 1845 against ratification, the permit is void. If a majority of the  
 1846 electors voting on the question of ratification vote for  
 1847 ratification, the permit becomes effective, and the permit holder  
 1848 may conduct events upon complying with the other provisions of  
 1849 this chapter. The board of county commissioners shall  
 1850 immediately certify the results of the election to the  
 1851 department.

1852 Section 29. Section 551.0222, Florida Statutes, is created  
 1853 to read:

1854 551.0222 Petition for election to revoke permit.—In any  
 1855 county where a permit holder has been licensed and racing or  
 1856 games have been conducted under this chapter, the county

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1857 commission shall, upon petition of 20 percent of the qualified  
 1858 electors of the county, provide for the submission to the  
 1859 electors of such county at the next succeeding general election  
 1860 the question of whether a permit shall be revoked. If a majority  
 1861 of the electors voting on such question in such election vote to  
 1862 revoke the permit, the department may no longer grant any  
 1863 license on the permit. Every signature on every petition to  
 1864 revoke a permit must be signed in the presence of the clerk of  
 1865 the board of county commissioners at the office of the clerk of  
 1866 the circuit court of the county. The petitioner must present at  
 1867 the time of such signing her or his registration receipt showing  
 1868 the petitioner's qualification as an elector of the county at  
 1869 the time of signing the petition. Only one permit may be  
 1870 included in any one petition. In all elections in which the  
 1871 revocation of more than one permit is voted on, the voters shall  
 1872 be given an opportunity to vote for or against the revocation of  
 1873 each permit separately. This chapter does not prevent the  
 1874 holding of later referendum or revocation elections.

1875 Section 30. Section 551.0241, Florida Statutes, is created  
 1876 to read:

1877 551.0241 Relocation of permit; thoroughbred racing.-

1878 (1) Notwithstanding any provision of this chapter, a  
 1879 thoroughbred racing permit or license issued under this chapter  
 1880 may not be transferred, or reissued when such reissuance is in  
 1881 the nature of a transfer, if the transfer or reissuance permits  
 1882 or authorizes a licensee to change the location of a  
 1883 thoroughbred track except upon proof in such form as the  
 1884 department prescribes that a referendum election has been held:

1885 (a) If the proposed new location is within the same county

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1886 as the currently licensed location, in the county where the  
 1887 licensee desires to conduct the race meeting and that a majority  
 1888 of the electors voting on that question in such election voted  
 1889 in favor of the transfer of such license.

1890 (b) If the proposed new location is not within the same  
 1891 county as the currently licensed location, in the county where  
 1892 the licensee desires to conduct the race meeting and in the  
 1893 county where the licensee is currently licensed to conduct the  
 1894 race meeting and that a majority of the electors voting on that  
 1895 question in each such election voted in favor of the transfer of  
 1896 such license.

1897 (2) Each referendum held under this section shall be held  
 1898 in accordance with the electoral procedures for ratification of  
 1899 permits as provided in s. 551.0221. The expense of each such  
 1900 referendum shall be borne by the licensee requesting the  
 1901 transfer.

1902 Section 31. Section 551.0242, Florida Statutes, is created  
 1903 to read:

1904 551.0242 Relocation of permit; greyhound racing; jai alai.-

1905 (1) The Legislature finds that pari-mutuel wagering on  
 1906 greyhound racing provides substantial revenues to the state. The  
 1907 Legislature further finds that, in some cases, this revenue-  
 1908 producing ability is hindered due to the lack of provisions  
 1909 allowing the relocation of existing greyhound racing operations.  
 1910 It is therefore declared that state revenues derived from  
 1911 greyhound racing will continue to be jeopardized if provisions  
 1912 allowing the relocation of such greyhound racing permits are not  
 1913 implemented. This enactment is made for the purpose of  
 1914 implementing such provisions.

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1915 (2) Any holder of a valid outstanding permit for greyhound  
 1916 racing in a county in which there is only one greyhound racing  
 1917 permit issued, as well as any holder of a valid outstanding  
 1918 permit for jai alai in a county where only one jai alai permit  
 1919 is issued, may, without the necessity of an additional county  
 1920 referendum required under s. 551.0221, move the location for  
 1921 which the permit has been issued to another location within a  
 1922 30-mile radius of the location fixed in the permit issued in  
 1923 that county, provided that the move does not cross the county  
 1924 boundary, that such relocation is approved under the zoning  
 1925 regulations of the county or municipality in which the permit is  
 1926 to be located as a planned development use, consistent with the  
 1927 comprehensive plan, and that such move is approved by the  
 1928 department after it is determined at a proceeding pursuant to  
 1929 chapter 120 in the county affected that the move is necessary to  
 1930 ensure the revenue-producing capability of the permitholder  
 1931 without deteriorating the revenue-producing capability of any  
 1932 other pari-mutuel permitholder within 50 miles. Such distance  
 1933 shall be measured on a straight line from the nearest property  
 1934 line of one racetrack or jai alai fronton to the nearest  
 1935 property line of the other.

1936 Section 32. Section 551.0251, Florida Statutes, is created  
 1937 to read:

1938 551.0251 Conversion of permit; quarter horse racing permit  
 1939 to a limited thoroughbred racing permit.-

1940 (1) In recognition of the important and long-standing  
 1941 economic contribution of the thoroughbred horse breeding  
 1942 industry to this state and the state's vested interest in  
 1943 promoting the continued viability of this agricultural activity,

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1944 the state intends to provide a limited opportunity for the  
 1945 conduct of live thoroughbred racing with the net revenues from  
 1946 such racing dedicated to the enhancement of thoroughbred purses  
 1947 and breeder, stallion, and special racing awards under this  
 1948 chapter; the general promotion of the thoroughbred horse  
 1949 breeding industry; and the care in this state of thoroughbred  
 1950 horses retired from racing.

1951 (2) Notwithstanding any other provision of law, the holder  
 1952 of a quarter horse racing permit issued under s. 551.0551 may,  
 1953 within 1 year after July 1, 2010, apply to the department for a  
 1954 transfer of the quarter horse racing permit to a not-for-profit  
 1955 corporation formed under state law to serve the purposes of the  
 1956 state as provided in subsection (1). The board of directors of  
 1957 the not-for-profit corporation must be comprised of 11 members,  
 1958 4 of whom shall be designated by the applicant, 4 of whom shall  
 1959 be designated by the Florida Thoroughbred Breeders' and Owners'  
 1960 Association, and 3 of whom shall be designated by the other 8  
 1961 directors, with at least 1 of these 3 members being an  
 1962 authorized representative of another thoroughbred racing  
 1963 permitholder in this state. The corporation shall submit an  
 1964 application to the department for review and approval of the  
 1965 transfer in accordance with s. 551.021. Upon approval of the  
 1966 transfer by the department, and notwithstanding any other  
 1967 provision of law to the contrary, the corporation may, within 1  
 1968 year after its receipt of the permit, request that the  
 1969 department convert the quarter horse racing permit to a permit  
 1970 authorizing the holder to conduct pari-mutuel wagering meets of  
 1971 thoroughbred racing. Neither the transfer of the quarter horse  
 1972 racing permit nor its conversion to a limited thoroughbred

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1973 racing permit may be subject to the mileage limitation or the  
 1974 ratification election specified in s. 551.021(2) or s. 551.0221.  
 1975 Upon receipt of the request for such conversion, the department  
 1976 shall timely issue a converted permit. The converted permit and  
 1977 the not-for-profit corporation are subject to the following  
 1978 requirements:  
 1979 (a) All net revenues derived by the corporation under the  
 1980 thoroughbred racing permit, after the funding of operating  
 1981 expenses and capital improvements, shall be dedicated to the  
 1982 enhancement of thoroughbred racing purses and breeder, stallion,  
 1983 and special racing awards under this chapter; the general  
 1984 promotion of the thoroughbred horse breeding industry; and the  
 1985 care in this state of thoroughbred horses retired from racing.  
 1986 (b) From December 1 through April 30, live thoroughbred  
 1987 racing may not be conducted under the permit on any day during  
 1988 which another thoroughbred racing permitholder is conducting  
 1989 live thoroughbred racing within 125 air miles of the  
 1990 corporation's pari-mutuel facility unless the other thoroughbred  
 1991 racing permitholder gives its written consent.  
 1992 (c) After the conversion of the quarter horse racing permit  
 1993 and the issuance of its initial license to conduct pari-mutuel  
 1994 wagering meets of thoroughbred racing, the corporation must  
 1995 apply annually to the department for a license pursuant to s.  
 1996 551.0521.  
 1997 (d) Racing under the permit may take place only at the  
 1998 location for which the original quarter horse racing permit was  
 1999 issued, which may be leased by the corporation for that purpose.  
 2000 However, the corporation may, without any ratification election  
 2001 pursuant to s. 551.0241 or s. 551.0221, move the location of the

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2002 permit to another location in the same county if the relocation  
 2003 is approved under the zoning and land use regulations of the  
 2004 applicable county or municipality.  
 2005 (e) A permit converted under this section is not eligible  
 2006 for transfer to another person or entity.  
 2007 (3) Unless otherwise provided in this section, after  
 2008 conversion, the permit and the not-for-profit corporation shall  
 2009 be treated under the laws of this state as a thoroughbred racing  
 2010 permit and as a thoroughbred racing permitholder, respectively,  
 2011 with the exception of s. 551.053(9).  
 2012 Section 33. Section 551.0252, Florida Statutes, is created  
 2013 to read:  
 2014 551.0252 Conversion of permit; jai alai; greyhound racing.-  
 2015 (1) (a) Any holder of a permit to conduct jai alai may apply  
 2016 to the department to convert such permit to a permit to conduct  
 2017 greyhound racing in lieu of jai alai if:  
 2018 1. Such permit is located in a county in which the  
 2019 department has issued only two pari-mutuel permits pursuant to  
 2020 this section;  
 2021 2. Such permit was not previously converted from any other  
 2022 class of permit; and  
 2023 3. The holder of the permit has not conducted jai alai  
 2024 games during the 10 years immediately preceding his or her  
 2025 application for conversion under this subsection.  
 2026 (b) The department, upon receiving an application from a  
 2027 jai alai permitholder that meets all conditions of this section,  
 2028 shall convert the permit and shall issue to the permitholder a  
 2029 permit to conduct greyhound racing. A holder of a permit  
 2030 converted under this section shall be required to apply for and

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2031 conduct a full schedule of live racing each fiscal year to be  
 2032 eligible for any tax credit provided by this chapter. The holder  
 2033 of a permit converted pursuant to this subsection or any holder  
 2034 of a permit to conduct greyhound racing located in a county in  
 2035 which it is the only permit issued pursuant to this section that  
 2036 operates at a leased facility pursuant to s. 551.037 may move  
 2037 the location for which the permit has been issued to another  
 2038 location within a 30-mile radius of the location fixed in the  
 2039 permit issued in that county, provided the move does not cross  
 2040 the county boundary and such location is approved under the  
 2041 zoning regulations of the county or municipality in which the  
 2042 permit is located, and upon such relocation may use the permit  
 2043 for the conduct of pari-mutuel wagering and the operation of a  
 2044 cardroom. Section 551.074(9)(d) and (f) apply to any permit  
 2045 converted under this subsection and shall continue to apply to  
 2046 any permit that was previously included under and subject to  
 2047 such provisions before a conversion pursuant to this section  
 2048 occurred.

2049 (2) Any permit that was converted from a jai alai permit to  
 2050 a greyhound racing permit may be converted to a jai alai permit  
 2051 at any time if the permitholder never conducted greyhound racing  
 2052 or if the permitholder has not conducted greyhound racing for a  
 2053 period of 12 consecutive months.

2054 Section 34. Section 551.0253, Florida Statutes, is created  
 2055 to read:

2056 551.0253 Conversion of permit; summer jai alai.-

2057 (1) A pari-mutuel permitholder, authorized to conduct pari-  
 2058 mutuel pools in any county having five or more such pari-mutuel  
 2059 permits, whose mutuel play from the operation of such pari-

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2060 mutuel pools for the 2 consecutive years immediately before  
 2061 filing an application under this section was the smallest play  
 2062 or total pool within the county may apply to the department to  
 2063 convert its permit to a permit to conduct a summer jai alai  
 2064 fronton in such county during the summer season beginning May 1  
 2065 and ending November 30 of each year on such dates as may be  
 2066 selected by the permitholder for the same number of days and  
 2067 performances as are allowed and granted to winter jai alai  
 2068 frontons within such county. If a permitholder that is eligible  
 2069 under this section to convert a permit chooses not to convert, a  
 2070 new permit is made available in that permitholder's county to  
 2071 conduct summer jai alai games as provided by this section,  
 2072 notwithstanding mileage and permit ratification requirements. If  
 2073 a permitholder converts a quarter horse racing permit pursuant  
 2074 to this section, this section does not prohibit the permitholder  
 2075 from obtaining another quarter horse racing permit. Such  
 2076 permitholder shall pay the same taxes as are fixed and required  
 2077 to be paid from the pari-mutuel pools of winter jai alai  
 2078 permitholders and is bound by all of the rules and provisions of  
 2079 this chapter which apply to the operation of winter jai alai  
 2080 frontons. Such permitholder may operate a jai alai fronton only  
 2081 after its application has been submitted to the department and  
 2082 its license has been issued pursuant to the application. The  
 2083 license is renewable annually as provided by law.

2084 (2) Such permitholder is entitled to the issuance of a  
 2085 license for the operation of a jai alai fronton during the  
 2086 summer season as provided in this section. A permitholder  
 2087 granted a license under this section may not conduct pari-mutuel  
 2088 pools during the summer season except at a jai alai fronton as

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2089 provided in this section. Such license authorizes the  
 2090 permitholder to operate at any jai alai permitholder's facility  
 2091 it may lease or build within such county.

2092 (3) A license issued under subsection (2) may not allow the  
 2093 operation of a jai alai fronton during the jai alai winter  
 2094 season. The jai alai winter licensee and the jai alai summer  
 2095 licensee may not operate on the same days or in competition with  
 2096 each other. This section does not prevent the summer jai alai  
 2097 licensee from leasing the facilities of the winter jai alai  
 2098 licensee for the operation of the summer meet.

2099 (4) The provisions of this chapter prohibiting the location  
 2100 and operation of a jai alai fronton within a specified distance  
 2101 from the location of another jai alai fronton or other  
 2102 permitholder and prohibiting the department from granting any  
 2103 permit at a location within a certain designated area do not  
 2104 apply to this section and do not prevent the issuance of a  
 2105 license under this section.

2106 Section 35. Section 551.026, Florida Statutes, is created  
 2107 to read:

2108 551.026 Nonwagering permits.-

2109 (1) (a) Except as provided in this section, permits and  
 2110 licenses issued by the department are intended to be used for  
 2111 pari-mutuel wagering operations in conjunction with horseraces,  
 2112 greyhound races, or jai alai performances.

2113 (b) Subject to the requirements of this section, the  
 2114 department may issue permits for the conduct of horserace meets  
 2115 without pari-mutuel wagering or any other form of wagering being  
 2116 conducted in conjunction with such meets. Such permits shall be  
 2117 known as "nonwagering permits" and may be issued only for

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2118 horserace meets. A horseracing permitholder need not obtain an  
 2119 additional permit from the department for conducting nonwagering  
 2120 racing under this section but must apply to the department for  
 2121 the issuance of a license under this section. The holder of a  
 2122 nonwagering permit is prohibited from conducting pari-mutuel  
 2123 wagering or any other form of wagering in conjunction with  
 2124 racing conducted under the permit. This subsection does not  
 2125 prohibit horseracing for any stake, purse, prize, or premium.

2126 (c) The holder of a nonwagering permit is exempt from s.  
 2127 551.301 and is not required to pay daily license fees and  
 2128 admission tax.

2129 (2) (a) A person who is not prohibited from holding any type  
 2130 of pari-mutuel permit under s. 551.029 may apply to the  
 2131 department for a nonwagering permit. The applicant must  
 2132 demonstrate that the location where the nonwagering permit will  
 2133 be used is available for such use and that the applicant has the  
 2134 financial ability to satisfy the reasonably anticipated  
 2135 operational expenses of the first racing year following final  
 2136 issuance of the nonwagering permit. If the racing facility is  
 2137 already built, the application must include a statement and  
 2138 reasonable supporting evidence that the nonwagering permit will  
 2139 be used for horseracing within 1 year after the date on which it  
 2140 is granted. If the facility is not already built, the  
 2141 application must include a statement and reasonable supporting  
 2142 evidence that substantial construction will be started within 1  
 2143 year after the issuance of the nonwagering permit.

2144 (b) The department may conduct an eligibility investigation  
 2145 to determine whether the applicant meets the requirements of  
 2146 paragraph (a).

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2147 (3) (a) Upon receipt of a nonwagering permit, the  
 2148 permitholder must apply to the department before June 1 of each  
 2149 year for an annual nonwagering license for the next succeeding  
 2150 calendar year. The application must set forth the days and  
 2151 locations at which the permitholder will conduct nonwagering  
 2152 horseracing and must indicate any changes in ownership or  
 2153 management of the permitholder occurring since the date of  
 2154 application for the prior license. The department may conduct an  
 2155 eligibility investigation to determine the qualifications of any  
 2156 new ownership or management interest in the permit.

2157 (b) On or before August 1 of each year and upon approval of  
 2158 the racing dates by the department, the department shall issue  
 2159 an annual nonwagering license authorizing the permitholder to  
 2160 conduct nonwagering horseracing during the succeeding calendar  
 2161 year during the period and for the number of days set forth in  
 2162 the application, subject to all other provisions of this  
 2163 section.

2164 (4) Only horses registered with an established breed  
 2165 registration organization approved by the department may be  
 2166 raced at a race meeting authorized under this section.

2167 (5) The department may order any person participating in a  
 2168 nonwagering meet to cease and desist from participating in such  
 2169 meet if the department determines that the person is not of good  
 2170 moral character. The department may order the operators of a  
 2171 nonwagering meet to cease and desist from operating the meet if  
 2172 the department determines the meet is being operated for any  
 2173 illegal purpose.

2174 Section 36. Section 551.029, Florida Statutes, is created  
 2175 to read:

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2176 551.029 Certain persons prohibited from holding permits;  
 2177 suspension and revocation.--

2178 (1) A corporation, general or limited partnership, sole  
 2179 proprietorship, business trust, joint venture, unincorporated  
 2180 association, or other business entity may not hold a pari-mutuel  
 2181 permit in this state if any one of the persons or entities  
 2182 specified in paragraph (a) has been determined by the department  
 2183 not to be of good moral character or has been convicted of any  
 2184 offense specified in paragraph (b).

2185 (a)1. The permitholder;

2186 2. An employee of the permitholder;

2187 3. The sole proprietor of the permitholder;

2188 4. A corporate officer or director of the permitholder;

2189 5. A general partner of the permitholder;

2190 6. A trustee of the permitholder;

2191 7. A member of an unincorporated association permitholder;

2192 8. A joint venturer of the permitholder;

2193 9. The owner of more than 5 percent of any equity interest  
 2194 in the permitholder, whether as a common shareholder, general or  
 2195 limited partner, voting trustee, or trust beneficiary; or

2196 10. An owner of any interest in the permit or permitholder,  
 2197 including any immediate family member of the owner, or holder of  
 2198 any debt, mortgage, contract, or concession from the  
 2199 permitholder, who by virtue thereof is able to control the  
 2200 business of the permitholder.

2201 (b)1. A felony in this state;

2202 2. A felony in any other state which would be a felony  
 2203 under the laws of this state if committed in this state;

2204 3. A felony under the laws of the United States;

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2205 4. A felony related to gambling in any other state which  
 2206 would be a felony under the laws of this state if committed in  
 2207 this state; or  
 2208 5. Bookmaking as defined in s. 849.25.  
 2209 (2) (a) If the applicant for a pari-mutuel permit or a  
 2210 permitholder has received a full pardon or a restoration of  
 2211 civil rights with respect to the conviction specified in  
 2212 paragraph (1) (b), the conviction does not constitute an absolute  
 2213 bar to the issuance or renewal of a permit or a ground for the  
 2214 revocation or suspension of a permit.  
 2215 (b) A corporation convicted of a felony may apply for and  
 2216 receive a restoration of its civil rights in the same manner and  
 2217 on the same grounds as an individual.  
 2218 (3) (a) After notice and hearing, the department shall  
 2219 suspend or refuse to issue or renew, as appropriate, any permit  
 2220 in violation of subsection (1). The order shall become effective  
 2221 120 days after service of the order upon the permitholder and  
 2222 shall be amended to constitute a final order of revocation  
 2223 unless the permitholder has, within that 120-day period:  
 2224 1. Caused the divestiture, or agreed with the convicted  
 2225 person upon a complete immediate divestiture, of her or his  
 2226 holding;  
 2227 2. Petitioned the circuit court as provided in subsection  
 2228 (4); or  
 2229 3. In the case of corporate officers or directors of the  
 2230 permitholder or employees of the permitholder, terminated the  
 2231 relationship between the permitholder and such persons.  
 2232 (b) The department may, by order, extend the 120-day period  
 2233 for divestiture, upon good cause shown, to avoid interruption of

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2234 any meet or to otherwise effectuate this section. If action has  
 2235 not been taken by the permitholder within the 120-day period  
 2236 following the issuance of the order of suspension, the  
 2237 department shall, without further notice or hearing, enter a  
 2238 final order of revocation of the permit.  
 2239 (c) When any permitholder or sole proprietor of a  
 2240 permitholder is convicted of an offense specified in paragraph  
 2241 (1) (b), the department may approve a transfer of the permit to a  
 2242 qualified applicant upon a finding that revocation of the permit  
 2243 would impair the state's revenue from the operation of the  
 2244 permit or otherwise be detrimental to the interests of the state  
 2245 in the regulation of the industry of pari-mutuel wagering.  
 2246 Notwithstanding any other provision of law, a public referendum  
 2247 is not required for approval of the transfer under this  
 2248 paragraph. A petition for transfer after conviction must be  
 2249 filed with the department within 30 days after service upon the  
 2250 permitholder of the final order of revocation. The timely filing  
 2251 of such a petition automatically stays any revocation order  
 2252 until further order of the department.  
 2253 (4) The circuit courts have jurisdiction to decide a  
 2254 petition brought by the holder of a pari-mutuel permit showing  
 2255 that its permit is in jeopardy of suspension or revocation under  
 2256 subsection (3) and that it is unable to agree upon the terms of  
 2257 divestiture of interest with the person specified in  
 2258 subparagraphs (1) (a) 3.-9. who has been convicted of an offense  
 2259 specified in paragraph (1) (b). The court shall determine the  
 2260 reasonable value of the interest of the convicted person and  
 2261 order a divestiture upon such terms and conditions as it finds  
 2262 just. In determining the value of the interest of the convicted

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2263 person, the court may consider, among other matters, the value  
 2264 of the assets of the permitholder, its good will and value as a  
 2265 going concern, recent and expected future earnings, and other  
 2266 criteria usual and customary in the sale of like enterprises.

2267 (5) The department shall adopt rules for photographing,  
 2268 fingerprinting, and obtaining personal data of individuals  
 2269 described in paragraph (1) (a) and obtaining such data regarding  
 2270 the business entities described in paragraph (1) (a) as necessary  
 2271 to effectuate this section.

2272 Section 37. Section 551.0321, Florida Statutes, is created  
 2273 to read:

2274 551.0321 Permitholder license; bond.-

2275 (1) After a permit has been issued by the department and  
 2276 approved by election, the department shall issue to the  
 2277 permitholder an annual license to conduct pari-mutuel operations  
 2278 at the location specified in the permit pursuant to this  
 2279 chapter.

2280 (2) (a) Before delivery of a license, each permitholder  
 2281 granted a license under this chapter must, at its own expense,  
 2282 give a bond payable to the Governor and the Governor's  
 2283 successors in the penal sum of \$50,000. Such bond must be in the  
 2284 form of a surety or sureties approved by the department and the  
 2285 Chief Financial Officer and shall be conditioned on the  
 2286 following:

2287 1. The permitholder faithfully making payments to the Chief  
 2288 Financial Officer acting in his or her capacity as treasurer of  
 2289 the department;

2290 2. The permitholder keeping books and records and making  
 2291 the required reports; and

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2292 3. The permitholder conducting racing in conformity with  
 2293 this chapter.

2294 (b) If the greatest amount of tax owed during any month in  
 2295 the prior fiscal year in which a full schedule of live racing  
 2296 was conducted is less than \$50,000, the department may assess a  
 2297 bond less than \$50,000. The department may review the bond for  
 2298 adequacy and require adjustments to the bond amount each fiscal  
 2299 year. The department may adopt rules to implement this  
 2300 subsection and establish guidelines for such bonds.

2301 (c) The provisions of this chapter concerning bonding do  
 2302 not apply to nonwagering permits issued under s. 551.026.

2303 Section 38. Section 551.0322, Florida Statutes, is created  
 2304 to read:

2305 551.0322 License application; periods of operation; bond.-

2306 (1) Annually, between December 15 and January 4, each  
 2307 permitholder shall file with the department its written  
 2308 application for a license to conduct performances during the  
 2309 next fiscal year. A permitholder may amend its application  
 2310 through February 28. Each application must specify the number,  
 2311 dates, and starting times of all performances the permitholder  
 2312 intends to conduct and specify which performances will be  
 2313 conducted as charity or scholarship performances. In addition,  
 2314 each application for a license must include:

2315 (a) For each permitholder that chooses to operate a  
 2316 cardroom, the dates and periods of operation that the  
 2317 permitholder intends to operate the cardroom.

2318 (b) For each thoroughbred racing permitholder that chooses  
 2319 to receive or rebroadcast out-of-state races after 7 p.m., the  
 2320 dates for all performances that the permitholder intends to

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2321 conduct.

2322 (2) After the first license has been issued to a  
 2323 permitholder, all subsequent annual applications for a license  
 2324 must be accompanied by proof, in such form as the department may  
 2325 by rule require, that the permitholder continues to possess the  
 2326 qualifications required under this chapter and that the permit  
 2327 has not been disapproved at a later election.

2328 (3) The department shall issue each license no later than  
 2329 March 15. Each permitholder shall operate all performances on  
 2330 the dates and at the times specified on its license. The  
 2331 department may approve minor changes in operating dates after a  
 2332 license has been issued. The department may approve changes in  
 2333 operating dates after a license has been issued if there is no  
 2334 objection from any operating permitholder located within 50  
 2335 miles of the permitholder requesting the changes in operating  
 2336 dates. If there is an objection, the department shall determine  
 2337 whether to approve the change based upon its impact on operating  
 2338 permitholders located within 50 miles of the permitholder  
 2339 requesting the change in operating dates. In making the  
 2340 determination whether to change operating dates, the department  
 2341 shall take into consideration the impact of such changes on  
 2342 state revenues.

2343 (4) If a permitholder fails to operate all performances on  
 2344 the dates and at the times specified on its license, the  
 2345 department shall hold a hearing to determine whether to fine the  
 2346 permitholder or suspend the permitholder's license, unless such  
 2347 failure was the direct result of fire, strike, war, or other  
 2348 disaster or event beyond the ability of the permitholder to  
 2349 control. Financial hardship to the permitholder is not, in and

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2350 of itself, just cause for failure to operate all performances on  
 2351 the dates and at the times specified.

2352 (5) If performances licensed to be operated by a  
 2353 permitholder are vacated, are abandoned, or will not be used for  
 2354 any reason, any permitholder may, pursuant to department rule,  
 2355 apply to conduct performances on the dates for which the  
 2356 performances have been abandoned. The department shall issue an  
 2357 amended license for all such replacement performances that have  
 2358 been requested in compliance with this chapter and department  
 2359 rules.

2360 Section 39. Section 551.033, Florida Statutes, is created  
 2361 to read:

2362 551.033 Payment of daily license fee and taxes; penalties.-

2363 (1) PAYMENT AND DISPOSITION OF FEES AND TAXES.-Payments  
 2364 imposed by ss. 551.043, 551.053, 551.0543, 551.0553, and 551.063  
 2365 shall be paid to the department for deposit into the Gaming  
 2366 Control Trust Fund, hereby established. The permitholder shall  
 2367 remit to the department payment for the daily license fee, the  
 2368 admission tax, the tax on handle, and the breaks tax. Such  
 2369 payments shall be remitted by 3 p.m. on the 5th day of each  
 2370 calendar month for taxes imposed and collected for the preceding  
 2371 calendar month. If the 5th day of the calendar month falls on a  
 2372 weekend, payments shall be remitted by 3 p.m. the first Monday  
 2373 following the weekend. Permitholders shall file a report under  
 2374 oath by the 5th day of each calendar month for all taxes  
 2375 remitted during the preceding calendar month. Such payments  
 2376 shall be accompanied by a report under oath showing the total of  
 2377 all admissions, the pari-mutuel wagering activities for the  
 2378 preceding calendar month, and such other information required by

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2379 the department.2380 (2) PENALTIES.—

2381 (a) A permitholder that fails to make payments as required  
 2382 in subsection (1) may be subjected by the department to a civil  
 2383 penalty of up to \$1,000 for each day the tax payment is not  
 2384 remitted. All penalties imposed and collected shall be deposited  
 2385 in the General Revenue Fund. If a permitholder fails to pay  
 2386 penalties imposed by order of the department under this  
 2387 subsection, the department may suspend or revoke the license of  
 2388 the permitholder, cancel the permit of the permitholder, or deny  
 2389 issuance of any further license or permit to the permitholder.

2390 (b) In addition to the civil penalty in paragraph (a), any  
 2391 willful or wanton failure by a permitholder to make payments of  
 2392 the daily license fee, admission tax, tax on handle, or breaks  
 2393 tax constitutes sufficient grounds for the department to suspend  
 2394 or revoke the license of the permitholder, cancel the permit of  
 2395 the permitholder, or deny issuance of any further license or  
 2396 permit to the permitholder.

2397 Section 40. Section 551.034, Florida Statutes, is created  
 2398 to read:

2399 551.034 Uniform reporting system.—

2400 (1) The Legislature finds that a uniform reporting system  
 2401 should be developed to provide acceptable uniform financial data  
 2402 and statistics.

2403 (2) (a) Each permitholder that conducts events under this  
 2404 chapter shall keep records that clearly show the total number of  
 2405 admissions and the total amount of money contributed to each  
 2406 pari-mutuel pool on each event separately and the amount of  
 2407 money received daily from admission fees and, within 120 days

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2408 after the end of its fiscal year, shall submit to the department  
 2409 a complete annual report of its accounts, audited by a certified  
 2410 public accountant licensed to practice in the state.

2411 (b) The department shall adopt rules specifying the form  
 2412 and content of such reports, including, but not limited to,  
 2413 requirements for a financial statement of assets and  
 2414 liabilities, operating revenues and expenses, and net worth and  
 2415 any supporting informational schedule found necessary by the  
 2416 department to verify the financial statement. The financial  
 2417 statement must be audited by a certified public accountant  
 2418 licensed to practice in this state, and any supporting  
 2419 informational schedule must be attested to under oath by the  
 2420 permitholder or an officer of record. The form and content of  
 2421 such reports must permit the department to:

2422 1. Assess the profitability and financial soundness of  
 2423 permitholders, both individually and as an industry;

2424 2. Plan and recommend measures necessary to preserve and  
 2425 protect the pari-mutuel revenues of the state; and

2426 3. Completely identify the holdings, transactions, and  
 2427 investments of permitholders with other business entities.

2428 (c) The Auditor General and the Office of Program Policy  
 2429 Analysis and Government Accountability may, pursuant to their  
 2430 own authority or at the direction of the Legislative Auditing  
 2431 Committee, audit, examine, and check the books and records of  
 2432 any permitholder. These audit reports shall become part of, and  
 2433 be maintained in, the department files.

2434 (d) The department shall annually review the books and  
 2435 records of each permitholder and verify that the breaks and  
 2436 unclaimed ticket payments made by each permitholder are true and

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2437 correct.

2438 Section 41. Section 551.035, Florida Statutes, is created  
2439 to read:

2440 551.035 Distribution of moneys.—

2441 (1) All moneys deposited into the Gaming Control Trust Fund  
2442 under this part shall be distributed as follows:

2443 (a) The daily license fee revenues collected pursuant to  
2444 this part shall be used to fund the operating cost of the  
2445 department and to provide a proportionate share of the operation  
2446 of the department.

2447 (b) All unappropriated funds in excess of \$1.5 million  
2448 shall be deposited into the General Revenue Fund.

2449 (2) The slot machine license fee, the slot machine  
2450 occupational license fee, and the compulsive or addictive  
2451 gambling prevention program fee collected pursuant to ss.  
2452 551.106, 551.302(2)(a)1., and 551.118 shall be used to fund the  
2453 direct and indirect operating expenses of the department's slot  
2454 machine regulation operations and to provide funding for  
2455 relevant enforcement activities in accordance with authorized  
2456 appropriations. Funds deposited into the Gaming Control Trust  
2457 Fund pursuant to ss. 551.106, 551.302(2)(a)1., and 551.118 shall  
2458 be reserved in the trust fund for slot machine regulation  
2459 operations. On June 30, any unappropriated funds in excess of  
2460 those necessary for incurred obligations and subsequent year  
2461 cash flow for slot machine regulation operations shall be  
2462 deposited into the General Revenue Fund.

2463 Section 42. Section 551.036, Florida Statutes, is created  
2464 to read:

2465 551.036 Escheat to state of abandoned interest in or

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2466 contribution to pari-mutuel pools.—

2467 (1) It is the public policy of the state, while protecting  
2468 the interest of the owners, to possess all unclaimed and  
2469 abandoned interests in or contributions to certain pari-mutuel  
2470 pools conducted in this state under this chapter for the benefit  
2471 of all the people of the state. This section shall be liberally  
2472 construed to accomplish the purposes of this section.

2473 (2) Except as otherwise provided in this chapter, all money  
2474 or other property represented by any unclaimed, uncashed, or  
2475 abandoned pari-mutuel ticket that has remained in the custody or  
2476 under the control of any licensee for a period of 1 year after  
2477 the date the pari-mutuel ticket was issued, if the rightful  
2478 owner or owners thereof have made no claim or demand for such  
2479 money or other property within the 1-year period, shall escheat  
2480 to and become the property of the state.

2481 (3) Annually, within 60 days after the close of the race  
2482 meeting of the licensee, all money or other property that has  
2483 escheated to the state under this section and that is held by  
2484 the licensee shall be paid by such licensee to the Chief  
2485 Financial Officer for deposit into the State School Fund to be  
2486 used for support and maintenance of public free schools as  
2487 required by s. 6, Art. IX of the State Constitution.

2488 Section 43. Section 551.037, Florida Statutes, is created  
2489 to read:

2490 551.037 Lease of pari-mutuel facilities.— Holders of valid  
2491 pari-mutuel permits for the conduct of any jai alai games,  
2492 greyhound racing, or thoroughbred or harness racing in this  
2493 state may lease their facilities to any other holder that is  
2494 located within a 35-mile radius and holds a same class valid

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2495 pari-mutuel permit for jai alai games, greyhound racing, or  
 2496 thoroughbred or harness racing. Such lessee is entitled to a  
 2497 license to operate its race meet or jai alai games at the leased  
 2498 premises.

2499 Section 44. Section 551.038, Florida Statutes, is created  
 2500 to read:

2501 551.038 Proposed capital improvement.—If a permit holder  
 2502 licensed under this chapter proposes a capital improvement to a  
 2503 pari-mutuel facility existing on June 23, 1981, which capital  
 2504 improvement requires, pursuant to any municipal or county  
 2505 ordinance, resolution, or regulation, the qualification or  
 2506 approval of the municipality or county in which the permit holder  
 2507 conducts its business operations, the capital improvement shall  
 2508 be approved. Such permit holder must pay the municipality or  
 2509 county the cost of a building permit, and the improvement must  
 2510 be contiguous to or within the existing pari-mutuel facility  
 2511 site. However, the municipality or county shall deny approval of  
 2512 the capital improvement if the municipality or county is able to  
 2513 show that the proposed improvement presents a justifiable and  
 2514 immediate hazard to the health and safety of municipal or county  
 2515 residents or if the improvement qualifies as a development of  
 2516 regional impact as defined in s. 380.06.

2517 Section 45. Section 551.039, Florida Statutes, is created  
 2518 to read:

2519 551.039 Charity and scholarship days; derbies.—

2520 (1) The department shall, upon the request of any  
 2521 permit holder, authorize the permit holder to hold up to five  
 2522 charity or scholarship days in addition to the regular racing or  
 2523 game days authorized by law.

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2524 (2) The proceeds of charity and scholarship performances  
 2525 shall be paid to qualified beneficiaries selected by the  
 2526 permit holders from an authorized list of charities on file with  
 2527 the department. Eligible charities include any charity that  
 2528 provides evidence of compliance with chapter 496 and possession  
 2529 of a valid exemption from federal taxation issued by the  
 2530 Internal Revenue Service. The authorized list must include the  
 2531 Racing Scholarship Trust Fund, the Historical Resources  
 2532 Operating Trust Fund, major state and private institutions of  
 2533 higher learning, and Florida community colleges.

2534 (3) The permit holder shall, within 120 days after the  
 2535 conclusion of its fiscal year, pay to the authorized charities  
 2536 the total of all profits derived from the operation of the  
 2537 charity or scholarship day performances conducted. If charity or  
 2538 scholarship days are operated on behalf of another permit holder  
 2539 pursuant to law, the permit holder entitled to distribute the  
 2540 proceeds shall distribute the proceeds to charity within 30 days  
 2541 after the actual receipt of the proceeds.

2542 (4) The total of all profits derived from the conduct of a  
 2543 charity or scholarship day performance must include all revenues  
 2544 derived from the conduct of that performance, including all  
 2545 state taxes that would otherwise be due to the state, except  
 2546 that the daily license fee as provided in ss. 551.043(2),  
 2547 551.053(2), 551.0543(2), 551.0553(1), and 551.063(2) and the  
 2548 breaks for the promotional trust funds as provided in ss.  
 2549 551.0523(2), 551.0542(2), 551.0552(2), and 551.056(1) and (2)  
 2550 shall be paid to the department. All other revenues from the  
 2551 charity or scholarship performance, including the commissions,  
 2552 breaks, and admissions and the revenues from parking, programs,

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2553 and concessions, shall be included in the total of all profits.

2554 (5) In determining profit, the permitholder may elect to  
 2555 distribute as proceeds only the amount equal to the state tax  
 2556 that would otherwise be paid to the state if the charity or  
 2557 scholarship day were conducted as a regular or matinee  
 2558 performance.

2559 (6) (a) 1. The department shall authorize one additional  
 2560 scholarship day for horseracing in addition to the regular  
 2561 racing days authorized by this chapter and any additional days  
 2562 authorized by this section, to be conducted at all horse tracks  
 2563 located in Hillsborough County. The permitholder shall conduct a  
 2564 full schedule of racing on the scholarship day.

2565 2. The funds derived from the operation of the additional  
 2566 scholarship day shall be allocated as provided in this section  
 2567 and paid to Pasco-Hernando Community College.

2568 (b) When a charity or scholarship performance is conducted  
 2569 as a matinee performance, the department may authorize the  
 2570 permitholder to conduct the evening performances of that  
 2571 operation day as a regular performance in addition to the  
 2572 regular operating days authorized by law.

2573 (7) In addition to the charity or scholarship days  
 2574 authorized by this section, any greyhound racing permitholder  
 2575 may allow its facility to be used for conducting "hound dog  
 2576 derbies" or "mutt derbies" on any day during each racing season  
 2577 by any charitable, civic, or nonprofit organization for the  
 2578 purpose of conducting "hound dog derbies" or "mutt derbies" if  
 2579 only dogs other than greyhounds are permitted to race and if  
 2580 adults and minors are allowed to participate as dog owners or  
 2581 spectators. During these racing events, betting, gambling, and

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2582 the sale or use of alcoholic beverages are prohibited.

2583 (8) In addition to the eligible charities that meet the  
 2584 criteria set forth in this section, a jai alai permitholder may  
 2585 conduct two additional charity performances each fiscal year for  
 2586 a fund to benefit retired jai alai players. This performance  
 2587 shall be known as the "Retired Jai Alai Players Charity Day."  
 2588 The administration of this fund shall be determined by rule by  
 2589 the department.

2590 Section 46. Section 551.042, Florida Statutes, is created  
 2591 to read:

2592 551.042 Greyhound racing; purse requirements.-

2593 (1) (a) For a greyhound racing permitholder, a full schedule  
 2594 of live events is a combination of at least 100 live evening or  
 2595 matinee performances during the state fiscal year.

2596 (b) For a permitholder restricted by statute to certain  
 2597 operating periods within the year when other members of its same  
 2598 class of permit are authorized to operate throughout the year, a  
 2599 full schedule of live events shall be the specified number of  
 2600 live performances adjusted pro rata in accordance with the  
 2601 relationship between its authorized operating period and the  
 2602 full calendar year. The resulting specified number of live  
 2603 performances shall constitute the full schedule of live events  
 2604 for such permitholder and all other permitholders of the same  
 2605 class within 100 air miles of such permitholder.

2606 (2) The department shall determine for each greyhound  
 2607 racing permitholder the annual purse percentage rate of live  
 2608 handle for the 1993-1994 state fiscal year by dividing total  
 2609 purses paid on live handle by the permitholder, exclusive of  
 2610 payments made from outside sources, during the 1993-1994 state

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 2611 fiscal year by the permitholder's live handle for the 1993-1994  
 2612 state fiscal year. Each permitholder shall pay as purses for  
 2613 live races conducted during its current race meet a percentage  
 2614 of its live handle not less than the percentage determined under  
 2615 this paragraph, exclusive of payments made by outside sources,  
 2616 for its 1993-1994 state fiscal year.

(3) Except as otherwise set forth in this section, in  
 2617 addition to the minimum purse percentage required under  
 2618 subsection (2), each permitholder shall pay as purses an annual  
 2619 amount equal to 75 percent of the daily license fees paid by  
 2620 each permitholder for the 1994-1995 fiscal year. This purse  
 2621 supplement shall be disbursed weekly during the permitholder's  
 2622 race meet in an amount determined by dividing the annual purse  
 2623 supplement by the number of performances approved for the  
 2624 permitholder pursuant to its annual license and multiplying that  
 2625 amount by the number of performances conducted each week. For  
 2626 the greyhound racing permitholders in the county where there are  
 2627 two greyhound racing permitholders located as specified in s.  
 2628 551.073(6), such permitholders shall pay in the aggregate an  
 2629 amount equal to 75 percent of the daily license fees paid by  
 2630 such permitholders for the 1994-1995 fiscal year. These  
 2631 permitholders shall be jointly and severally liable for such  
 2632 purse payments. The additional purses provided by this paragraph  
 2633 must be used exclusively for purses other than stakes. The  
 2634 department shall conduct audits necessary to ensure compliance  
 2635 with this section.

(4) (a) Each greyhound racing permitholder, when conducting  
 2637 at least three live performances during any week, shall pay  
 2638 purses in that week on wagers it accepts as a guest track on  
 2639

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 2640 intertrack and simulcast greyhound races at the same rate as it  
 2641 pays on live races. Each greyhound racing permitholder, when  
 2642 conducting at least three live performances during any week,  
 2643 shall pay purses in that week, at the same rate as it pays on  
 2644 live races, on wagers accepted on greyhound races at a guest  
 2645 track that is not conducting live racing and that is located  
 2646 within the same market area as the greyhound racing permitholder  
 2647 conducting at least three live performances during any week.

(b) Each host greyhound racing permitholder shall pay  
 2648 purses on its simulcast and intertrack broadcasts of greyhound  
 2649 races to guest facilities that are located outside its market  
 2650 area in an amount equal to one quarter of an amount determined  
 2651 by subtracting the transmission costs of sending the simulcast  
 2652 or intertrack broadcasts from an amount determined by adding the  
 2653 fees received for greyhound simulcast races plus 3 percent of  
 2654 the greyhound intertrack handle at guest facilities that are  
 2655 located outside the market area of the host and that paid  
 2656 contractual fees to the host for such broadcasts of greyhound  
 2657 races.

(5) The department shall require sufficient documentation  
 2659 from each greyhound racing permitholder regarding purses paid on  
 2660 live racing to ensure that the annual purse percentage rates  
 2661 paid by each permitholder on the live races are not reduced  
 2662 below those paid during the 1993-1994 state fiscal year. The  
 2663 department shall require sufficient documentation from each  
 2664 greyhound racing permitholder to ensure that the purses paid by  
 2665 each permitholder on the greyhound intertrack and simulcast  
 2666 broadcasts are in compliance with the requirements of subsection  
 2667 (4).  
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2669 (6) In addition to the purse requirements of subsections  
 2670 (2)-(4), each greyhound racing permitholder shall pay as purses  
 2671 an amount equal to one-third of the amount of the tax reduction  
 2672 on live and simulcast handle applicable to such permitholder as  
 2673 a result of the reductions in tax rates provided by s. 6 of  
 2674 chapter 2000-354, Laws of Florida. With respect to intertrack  
 2675 wagering when the host and guest tracks are greyhound racing  
 2676 permitholders not within the same market area, an amount equal  
 2677 to the tax reduction applicable to the guest track handle as a  
 2678 result of the reduction in tax rate provided by s. 6 of chapter  
 2679 2000-354, Laws of Florida, shall be distributed to the guest  
 2680 track, one-third of which amount shall be paid as purses at the  
 2681 guest track. However, if the guest track is a greyhound racing  
 2682 permitholder within the market area of the host or if the guest  
 2683 track is not a greyhound racing permitholder, an amount equal to  
 2684 such tax reduction applicable to the guest track handle shall be  
 2685 retained by the host track, one-third of which amount shall be  
 2686 paid as purses at the host track. These purse funds shall be  
 2687 disbursed in the week received if the permitholder conducts at  
 2688 least one live performance during that week. If the permitholder  
 2689 does not conduct at least one live performance during the week  
 2690 in which the purse funds are received, the purse funds shall be  
 2691 disbursed weekly during the permitholder's next race meet in an  
 2692 amount determined by dividing the purse amount by the number of  
 2693 performances approved for the permitholder pursuant to its  
 2694 annual license, and multiplying that amount by the number of  
 2695 performances conducted each week. The department shall conduct  
 2696 audits necessary to ensure compliance with this section.  
 2697 (7) Each greyhound racing permitholder shall, during the

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2698 permitholder's race meet, supply kennel operators and the  
 2699 department with a weekly report showing purses paid on live  
 2700 greyhound races and all greyhound intertrack and simulcast  
 2701 broadcasts, including both as a guest and a host together with  
 2702 the handle or commission calculations on which such purses were  
 2703 paid and the transmission costs of sending the simulcast or  
 2704 intertrack broadcasts, so that the kennel operators may  
 2705 determine statutory and contractual compliance.  
 2706 (8) Each greyhound racing permitholder shall make direct  
 2707 payment of purses to the greyhound owners who have filed with  
 2708 such permitholder appropriate federal taxpayer identification  
 2709 information based on the percentage amount agreed upon between  
 2710 the kennel operator and the greyhound owner.  
 2711 (9) At the request of a majority of kennel operators under  
 2712 contract with a greyhound racing permitholder, the permitholder  
 2713 shall make deductions from purses paid to each kennel operator  
 2714 electing such deduction and shall make a direct payment of such  
 2715 deductions to the local association of greyhound kennel  
 2716 operators formed by a majority of kennel operators under  
 2717 contract with the permitholder. The amount of the deduction  
 2718 shall be at least 1 percent of purses, as determined by the  
 2719 local association of greyhound kennel operators. A deduction may  
 2720 not be taken pursuant to this paragraph without a kennel  
 2721 operator's specific approval.  
 2722 (10) (a) A greyhound racing permitholder shall file reports  
 2723 under oath or affirmation under penalty of perjury by the  
 2724 permitholder or an officer of record by the 5th day of each  
 2725 calendar month on forms adopted by the department showing all  
 2726 injuries to racing greyhounds on the grounds of a greyhound

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 2727 track or kennel compound during the prior month. The report must  
 2728 contain, at a minimum, the following information: the specific  
 2729 type and bodily location of an injury; the cause of injury; the  
 2730 track or facility where the injury occurred; the date and  
 2731 estimated time of the incident; the greyhound registered name  
 2732 and tattoo numbers; the reporting person's name and telephone  
 2733 number; the kennel operator, address, and telephone number; the  
 2734 trainer's name and telephone number; and the location of the  
 2735 injured animal on the last day of the prior month.

2736 (b) Knowingly making a false statement on an injury report  
 2737 filed with the department shall result in a fine not to exceed  
 2738 \$1,500. A second or subsequent violation of this subsection  
 2739 shall result in a fine of at least \$3,000.

2740 Section 47. Section 551.043, Florida Statutes, is created  
 2741 to read:

2742 551.043 Greyhound racing; taxes and fees.—

2743 (1) FINDINGS.—

2744 (a) The Legislature finds that the operation of a greyhound  
 2745 race track and legalized pari-mutuel betting at greyhound race  
 2746 tracks in this state is a privilege and is an operation that  
 2747 requires strict supervision and regulation in the best interests  
 2748 of the state. Pari-mutuel wagering at greyhound race tracks in  
 2749 this state is a substantial business, and taxes derived from  
 2750 wagering constitute part of the tax structures of the state and  
 2751 the counties. The operators of greyhound race tracks should pay  
 2752 their fair share of taxes to the state but should not be taxed  
 2753 to such an extent as to cause a track that is operated under  
 2754 sound business principles to be forced out of business.

2755 (b) A permitholder that conducts a greyhound race meet

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 2756 under this chapter must pay the daily license fee, the admission  
 2757 tax, the breaks tax, and the tax on pari-mutuel handle and is  
 2758 subject to all penalties and sanctions provided in s.  
 2759 551.033(2).

2760 (2) DAILY LICENSE FEE.—Each licensed permitholder engaged  
 2761 in the business of conducting greyhound race meetings shall pay  
 2762 to the department, for the use of the department, a daily  
 2763 license fee on each live or simulcast pari-mutuel event of \$80  
 2764 for each greyhound race conducted at the licensee's racetrack.  
 2765 Each permitholder shall pay daily license fees not to exceed  
 2766 \$500 per day on any simulcast event on which such permitholder  
 2767 accepts wagers regardless of the number of out-of-state events  
 2768 taken or the number of out-of-state locations from which such  
 2769 events are taken. The daily license fees shall be remitted to  
 2770 the Chief Financial Officer for deposit into the Gaming Control  
 2771 Trust Fund.

2772 (3) ADMISSION TAX.—An admission tax equal to the greater of  
 2773 15 percent of the admission charge for entrance to the  
 2774 permitholder's facility and grandstand area or 10 cents is  
 2775 imposed on each person attending a greyhound race. The  
 2776 permitholder is responsible for collecting the admission tax.

2777 (4) TAX ON LIVE HANDLE.—Each permitholder shall pay a tax  
 2778 on live handle from races conducted by the permitholder. The tax  
 2779 is imposed daily and is based on the total contributions to all  
 2780 pari-mutuel pools conducted during the daily live performance.  
 2781 If a permitholder conducts more than one live performance daily,  
 2782 the tax is imposed on each live performance separately.

2783 (a) The tax on live handle for greyhound racing  
 2784 performances is 5.5 percent of the handle.

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2785 (b) Notwithstanding paragraph (a), the tax on live handle  
 2786 for charity or scholarship greyhound racing performances held  
 2787 pursuant to s. 551.039 is 7.6 percent of the handle.

2788 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
 2789 facility is a greyhound race track, the tax on handle for  
 2790 intertrack wagering is 5.5 percent of the handle with the  
 2791 following exceptions:

2792 (a) On broadcasts of charity or scholarship performances  
 2793 held pursuant to s. 551.039, if the guest facility is a  
 2794 greyhound race track located within the market area of the host  
 2795 facility the tax on handle for intertrack wagering at the guest  
 2796 greyhound race track is 7.6 percent of the handle.

2797 (b) If the guest facility is located outside the market  
 2798 area of the host facility and within the market area of a  
 2799 thoroughbred racing permitholder currently conducting a live  
 2800 race meet, the tax on handle for intertrack wagering is 0.5  
 2801 percent of the handle.

2802 (c) If the guest facility is a greyhound race track located  
 2803 in an area of the state in which there are only three  
 2804 permitholders, all of which are greyhound permitholders, located  
 2805 in three contiguous counties, on events received from a  
 2806 greyhound racing permitholder also located within such area, the  
 2807 tax on handle for intertrack wagering is 3.9 percent of the  
 2808 handle.

2809 (d) If the guest facility is a greyhound race track located  
 2810 as specified in s. 551.073(6) or (9), on events received from a  
 2811 greyhound racing permitholder located within the same market  
 2812 area the tax on handle for intertrack wagers is 3.9 percent of  
 2813 the handle.

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2814 (6) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL  
 2815 POOLS.—All money or other property represented by any unclaimed,  
 2816 uncashed, or abandoned pari-mutuel ticket which has remained in  
 2817 the custody of or under the control of any permitholder  
 2818 authorized to conduct greyhound racing pari-mutuel pools in this  
 2819 state for a period of 1 year after the date the pari-mutuel  
 2820 ticket was issued, if the rightful owner or owners thereof have  
 2821 made no claim or demand for such money or other property within  
 2822 that 1-year period, shall, with respect to live races conducted  
 2823 by the permitholder, be remitted to the state pursuant to s.  
 2824 551.036.

2825 (7) TAX CREDITS.—

2826 (a) Each greyhound racing permitholder shall receive in the  
 2827 current state fiscal year a tax credit equal to the number of  
 2828 live greyhound races conducted in the preceding state fiscal  
 2829 year multiplied by the daily license fee per race as specified  
 2830 in subsection (2) for the preceding state fiscal year. This tax  
 2831 credit applies to any tax imposed by this section or the daily  
 2832 license fees imposed by this section except during any charity  
 2833 or scholarship performances conducted pursuant to s. 551.039.

2834 (b) A greyhound racing permitholder may receive a tax  
 2835 credit equal to the actual amount remitted to the state in the  
 2836 preceding state fiscal year pursuant to subsection (6) with  
 2837 respect to live races. The credit may be applied against any  
 2838 taxes imposed under this section. Each such greyhound racing  
 2839 permitholder shall pay, from any source, including the proceeds  
 2840 from performances conducted pursuant to s. 551.039, an amount  
 2841 not less than 10 percent of the amount of the credit provided by  
 2842 this paragraph to any organization that promotes or encourages

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2843 adoption of greyhounds, provides evidence of compliance with  
 2844 chapter 496, and possesses a valid exemption from federal  
 2845 taxation issued by the Internal Revenue Service. Such  
 2846 organization must, as a condition of adoption, provide  
 2847 sterilization of greyhounds by a licensed veterinarian before  
 2848 giving custody of the greyhound to the adopter. The fee for  
 2849 sterilization may be included in the cost of adoption.

2850 (c)1. After providing written notice to the department, a  
 2851 permitholder unable to use the full amount of the exemption  
 2852 provided in paragraph (8)(c) or the daily license fee credit  
 2853 provided in this subsection may elect once per state fiscal  
 2854 year, on a form provided by the department, to transfer such  
 2855 exemption or credit or any portion thereof to any greyhound  
 2856 racing permitholder that acts as a host track to such  
 2857 permitholder for the purpose of intertrack wagering. Once an  
 2858 election to transfer such exemption or credit is filed with the  
 2859 department, it may not be rescinded. The department may not  
 2860 approve the transfer if:

2861 a. The amount of the exemption or credit or portion thereof  
 2862 is unavailable to the transferring permitholder; or

2863 b. The permitholder who is entitled to transfer the  
 2864 exemption or credit or who is entitled to receive the exemption  
 2865 or credit owes taxes to the state pursuant to a deficiency  
 2866 letter or administrative complaint issued by the department.

2867 2. Upon approval of the transfer by the department, the  
 2868 transferred tax exemption or credit shall be effective for the  
 2869 first performance of the next payment period as specified in s.  
 2870 551.033(1). The exemption or credit transferred to such host  
 2871 track may be applied by the host track against any taxes imposed

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2872 by this chapter or daily license fees imposed by this chapter.  
 2873 The greyhound racing permitholder host track to which such  
 2874 exemption or credit is transferred shall reimburse such  
 2875 permitholder the exact monetary value of such transferred  
 2876 exemption or credit as actually applied against the taxes and  
 2877 daily license fees of the host track.

2878 3. The department shall ensure that all transfers of  
 2879 exemption or credit are made in accordance with this subsection  
 2880 and may adopt rules to implement this section.

2881 (8) TAX EXEMPTIONS.—

2882 (a) An admission tax under this chapter or chapter 212 may  
 2883 not be imposed on any free passes or complimentary cards issued  
 2884 to persons for which there is no cost to the person for  
 2885 admission to pari-mutuel events.

2886 (b) A permitholder may issue tax-free passes to its  
 2887 officers, officials, and employees; to other persons actually  
 2888 engaged in working at the facility, including accredited press  
 2889 representatives such as reporters and editors; and to other  
 2890 permitholders for the use of their officers and officials. The  
 2891 permitholder shall file with the department a list of all  
 2892 persons to whom tax-free passes are issued under this paragraph.

2893 (c) A permitholder is not required to pay tax on handle  
 2894 until such time as this paragraph has resulted in a tax savings  
 2895 per state fiscal year of \$360,000. Thereafter, each permitholder  
 2896 shall pay the tax as specified in subsections (4) and (5) on all  
 2897 handle for the remainder of the permitholder's current race  
 2898 meet. For the three permitholders that conducted a full schedule  
 2899 of live racing in 1995 and that are closest to another state  
 2900 that authorizes greyhound pari-mutuel wagering, the maximum tax

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 2901 savings per state fiscal year shall be \$500,000. The provisions  
 2902 of this paragraph relating to tax exemptions do not apply to any  
 2903 charity or scholarship performances conducted pursuant to s.  
 2904 551.039.

2905 Section 48. Section 551.045, Florida Statutes, is created  
 2906 to read:

2907 551.045 Greyhound adoptions.-

2908 (1) Each greyhound racing permitholder operating a  
 2909 greyhound racing facility in this state shall provide for a  
 2910 greyhound adoption booth to be located at the facility. The  
 2911 greyhound adoption booth must be operated on weekends by  
 2912 personnel or volunteers from an organization that promotes or  
 2913 encourages the adoption of greyhounds and meets the requirements  
 2914 for such organization specified under s. 551.043. As used in  
 2915 this section, the term "weekend" includes the hours during which  
 2916 live greyhound racing is conducted on Friday, Saturday, or  
 2917 Sunday. Information pamphlets and application forms shall be  
 2918 provided to the public upon request. The kennel operator or  
 2919 owner shall notify the permitholder that a greyhound is  
 2920 available for adoption, and the permitholder shall provide  
 2921 information concerning the adoption of a greyhound in each race  
 2922 program and shall post adoption information at conspicuous  
 2923 locations throughout the greyhound racing facility. Any  
 2924 greyhound participating in a race which will be available for  
 2925 future adoption must be noted in the race program. The  
 2926 permitholder shall allow greyhounds to be walked through the  
 2927 track facility to publicize the greyhound adoption program.

2928 (2) In addition to the charity days authorized under s.  
 2929 551.039, a greyhound racing permitholder may fund the greyhound

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 2930 adoption program by holding a charity racing day designated as  
 2931 "Greyhound Adopt-A-Pet Day." All profits derived from the  
 2932 operation of the charity day must be placed into a fund used to  
 2933 support activities at the racing facility which promote the  
 2934 adoption of greyhounds. The department may adopt rules for  
 2935 administering the fund. Proceeds from the charity day authorized  
 2936 in this subsection may not be used as a source of funds for the  
 2937 purposes set forth in s. 551.043.

2938 (3) The department may impose a penalty as provided in s.  
 2939 551.014(2)(i) for a violation of this section by a permitholder  
 2940 or licensee and require the permitholder or licensee to take  
 2941 corrective action.

2942 Section 49. Section 551.0511, Florida Statutes, is created  
 2943 to read:

2944 551.0511 Horseracing; purse requirement; breeder and owner  
 2945 awards.-

2946 (1) The Legislature finds that the purse structure and the  
 2947 availability of breeder awards are important factors in  
 2948 attracting the entry of well-bred horses in race meets in this  
 2949 state, which in turn helps to produce maximum racing revenues  
 2950 for the state and the counties.

2951 (2) Each permitholder conducting a horserace meet must pay  
 2952 from the takeout withheld on pari-mutuel pools a sum for purses  
 2953 in accordance with the type of race performed.

2954 (3)(a) Takeout may be used for the payment of awards to  
 2955 owners of registered Florida-bred horses placing first in a  
 2956 claiming race, an allowance race, a maiden special race, or a  
 2957 stakes race in which the announced purse, exclusive of entry and  
 2958 starting fees and added moneys, does not exceed \$40,000.

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2959 (b) The permitholder shall determine for each qualified  
 2960 race the amount of the owner award for which a registered  
 2961 Florida-bred horse will be eligible. The amount of the available  
 2962 owner award shall be established in the same manner in which  
 2963 purses are established and shall be published in the condition  
 2964 book for the period during which the race is to be conducted. A  
 2965 single award may not exceed 50 percent of the gross purse for  
 2966 the race won.

2967 (c) If the moneys generated under paragraph (a) during the  
 2968 meet exceed owner awards earned during the meet, the excess  
 2969 funds shall be held in a separate interest-bearing account, and  
 2970 the total interest and principal shall be used to increase the  
 2971 owner awards during the permitholder's next meet.

2972 (d) Breeder awards for thoroughbred racing and harness  
 2973 racing authorized by ss. 551.0523(2) and 551.0542 may not be  
 2974 paid on owner awards.

2975 (e) This subsection governs only those owner awards paid on  
 2976 thoroughbred races in this state, unless a written agreement is  
 2977 filed with the department which establishes the rate,  
 2978 procedures, and eligibility requirements for owner awards,  
 2979 including place of finish, class of race, maximum purse, and  
 2980 maximum award, and the agreement is entered into by the  
 2981 permitholder, the Florida Thoroughbred Breeders' and Owners'  
 2982 Association, and the association representing a majority of the  
 2983 racehorse owners and trainers at the permitholder's location.

2984 (4) The department shall adopt reasonable rules to ensure  
 2985 the timely and accurate payment of all amounts withheld by  
 2986 horseracing permitholders regarding the distribution of purses,  
 2987 owner awards, and other amounts collected for payment to owners

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2988 and breeders. Each permitholder that fails to pay out all moneys  
 2989 collected for payment to owners and breeders shall, within 10  
 2990 days after the end of the meet during which the permitholder  
 2991 underpaid, deposit an amount equal to the underpayment into a  
 2992 separate interest-bearing account to be distributed to owners  
 2993 and breeders in accordance with department rules.

2994 Section 50. Section 551.0512, Florida Statutes, is created  
 2995 to read:

2996 551.0512 Breeder awards.-

2997 (1) The purpose of this section is to encourage the  
 2998 agricultural activity of breeding and training racehorses in  
 2999 this state. Moneys dedicated in this chapter for use as breeder  
 3000 awards and stallion awards are to be used for awards to breeders  
 3001 of registered Florida-bred horses winning horseraces and for  
 3002 similar awards to the owners of stallions who sired Florida-bred  
 3003 horses winning stakes races, if the stallions are registered as  
 3004 Florida stallions standing in this state. The awards shall be  
 3005 given at a uniform rate to all winners of the awards. Such  
 3006 awards may not be greater than 20 percent or less than 15  
 3007 percent of the announced gross purse if funds are available. No  
 3008 less than 17 percent and no more than 40 percent, as determined  
 3009 by the Florida Thoroughbred Breeders' and Owners' Association,  
 3010 of the moneys dedicated in this chapter for use as breeder  
 3011 awards and stallion awards for thoroughbreds shall be returned  
 3012 pro rata to the permitholders that generated the moneys for  
 3013 special racing awards and shall be distributed by the  
 3014 permitholders to owners of thoroughbred horses participating in  
 3015 prescribed thoroughbred stakes races, nonstakes races, or both,  
 3016 pursuant to a written agreement establishing the rate,

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3017 procedure, and eligibility requirements for such awards entered  
 3018 into by the permitholder, the Florida Thoroughbred Breeders' and  
 3019 Owners' Association, and the Florida Horsemen's Benevolent and  
 3020 Protective Association, Inc. However, the plan for the  
 3021 distribution by any permitholder located in the area described  
 3022 in s. 551.073(9) shall be agreed upon by that permitholder, the  
 3023 Florida Thoroughbred Breeders' and Owners' Association, and the  
 3024 association representing a majority of the thoroughbred  
 3025 racehorse owners and trainers at that location. Awards for  
 3026 thoroughbred races are to be paid through the Florida  
 3027 Thoroughbred Breeders' and Owners' Association, and awards for  
 3028 standardbred races are to be paid through the Florida  
 3029 Standardbred Breeders and Owners Association. Among other  
 3030 sources specified in this chapter, moneys for thoroughbred  
 3031 breeder awards will come from the 0.955 percent of handle for  
 3032 thoroughbred races conducted, received, broadcast, or simulcast  
 3033 under this chapter as provided in s. 551.0523(2). The moneys for  
 3034 quarter horse and harness horse breeder awards will come from  
 3035 the breaks and uncashed tickets on live quarter horse and  
 3036 harness racing performances and 1 percent of handle on  
 3037 intertrack wagering. The funds for the breeder awards shall be  
 3038 paid to the respective breeder associations by the permitholders  
 3039 conducting the races.

3040 (2) Each breeder association shall develop a plan each year  
 3041 that will provide for a uniform rate of payment and procedure  
 3042 for breeder and stallion awards. The plan for payment of breeder  
 3043 and stallion awards may set a cap on winnings and may limit,  
 3044 exclude, or defer payments on certain classes of races, such as  
 3045 the Florida stallion stakes races, in order to ensure that there

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3046 are adequate revenues to meet the proposed uniform rate.  
 3047 Priority shall be placed on imposing such restrictions in lieu  
 3048 of allowing the uniform rate for breeder and stallion awards to  
 3049 be less than 15 percent of the total purse payment. The plan  
 3050 must provide for the maximum possible payments within revenues.

3051 (3) Breeder associations shall submit their plans to the  
 3052 department at least 60 days before the beginning of the payment  
 3053 year. The payment year may be a calendar year or any 12-month  
 3054 period, but once established, the payment year may not be  
 3055 changed except for compelling reasons. Once a plan is approved,  
 3056 the department may not allow the plan to be amended during the  
 3057 year except for the most compelling reasons.

3058 (4) Funds in the breeder association special payment  
 3059 account may not be allowed to grow excessively; however, payment  
 3060 each year is not required to equal receipts each year. The rate  
 3061 each year shall be adjusted to compensate for changing revenues  
 3062 from year to year.

3063 (5) (a) The awards programs in this chapter are intended to  
 3064 encourage thoroughbred breeding and training operations to  
 3065 locate in this state and must be responsive to rapidly changing  
 3066 incentive programs in other states. To attract such operations,  
 3067 it is appropriate to provide greater flexibility to thoroughbred  
 3068 industry participants in this state so that they may design  
 3069 competitive awards programs.

3070 (b) Notwithstanding any other provision of law, the Florida  
 3071 Thoroughbred Breeders' and Owners' Association, as part of its  
 3072 annual plan, may:

3073 1. Pay breeder awards on horses finishing in first, second,  
 3074 or third place in thoroughbred races; pay breeder awards that

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3075 are greater than 20 percent and less than 15 percent of the  
 3076 announced gross purse; and vary the rates for breeder awards  
 3077 based on the place of finish, class of race, state or country in  
 3078 which the race took place, and the state in which the stallion  
 3079 siring the horse was standing when the horse was conceived.

3080 2. Pay stallion awards on horses finishing in first,  
 3081 second, or third place in thoroughbred races; pay stallion  
 3082 awards that are greater than 20 percent and less than 15 percent  
 3083 of the announced gross purse; reduce or eliminate stallion  
 3084 awards to enhance breeder awards or awards under subparagraph  
 3085 3.; and vary the rates for stallion awards based on the place of  
 3086 finish, class of race, and state or country in which the race  
 3087 took place.

3088 3. Pay awards from the funds dedicated for breeder awards  
 3089 and stallion awards to owners of registered Florida-bred horses  
 3090 finishing in first, second, or third place in thoroughbred races  
 3091 in this state without regard to any awards paid pursuant to s.  
 3092 551.0511(3).

3093 (c) Breeder awards or stallion awards under this chapter  
 3094 may not be paid on thoroughbred races taking place in other  
 3095 states or countries unless agreed to in writing by all  
 3096 thoroughbred racing permitholders in this state, the Florida  
 3097 Thoroughbred Breeders' and Owners' Association, and the Florida  
 3098 Horsemen's Benevolent and Protective Association, Inc.

3099 Section 51. Section 551.0521, Florida Statutes, is created  
 3100 to read:

3101 551.0521 Thoroughbred racing; operations.—

3102 (1) (a) For a thoroughbred racing permitholder, a full  
 3103 schedule of live events is at least 40 live regular wagering

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3104 performances during the state fiscal year.

3105 (b) For a permitholder restricted by statute to certain  
 3106 operating periods within the year when other members of its same  
 3107 class of permit are authorized to operate throughout the year, a  
 3108 full schedule of live events shall be the specified number of  
 3109 live performances adjusted pro rata in accordance with the  
 3110 relationship between its authorized operating period and the  
 3111 full calendar year. The resulting specified number of live  
 3112 performances shall constitute the full schedule of live events  
 3113 for such permitholder and all other permitholders of the same  
 3114 class within 100 air miles of such permitholder.

3115 (2) Each thoroughbred racing permitholder, during the  
 3116 period beginning December 15 and ending the following January 4,  
 3117 shall annually file in writing with the department its  
 3118 application to conduct one or more thoroughbred race meetings  
 3119 during the thoroughbred racing season beginning the following  
 3120 July 1. Each application shall specify the number and dates of  
 3121 all performances that the permitholder intends to conduct during  
 3122 that thoroughbred racing season. On or before March 15 of each  
 3123 year, the department shall issue a license authorizing each  
 3124 permitholder to conduct performances on the dates specified in  
 3125 its application. Through February 28 of each year, each  
 3126 permitholder may request and shall be granted changes in its  
 3127 authorized performances. After February 28, each permitholder  
 3128 must operate the full number of days authorized on each of the  
 3129 dates set forth in its license as a condition precedent to the  
 3130 validity of its license and its right to retain its permit.

3131 (3) A thoroughbred racing permitholder may not begin any  
 3132 race later than 7 p.m. A thoroughbred racing permitholder in a

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3133 county in which the authority for cardrooms has been approved by  
 3134 the board of county commissioners may operate a cardroom and may  
 3135 receive and rebroadcast out-of-state races after the hour of 7  
 3136 p.m. on any day during which the permitholder conducts live  
 3137 races.

3138 (4) (a) Each licensed thoroughbred racing permitholder in  
 3139 this state must run an average of one race per racing day in  
 3140 which horses bred in this state and duly registered with the  
 3141 Florida Thoroughbred Breeders' and Owners' Association have  
 3142 preference as entries over non-Florida-bred horses, unless  
 3143 otherwise agreed to in writing by the permitholder, the Florida  
 3144 Thoroughbred Breeders' and Owners' Association, and the  
 3145 association representing a majority of the thoroughbred  
 3146 racehorse owners and trainers at that location. All licensed  
 3147 thoroughbred tracks shall write the conditions for such races in  
 3148 which Florida-bred horses are preferred so as to ensure that all  
 3149 Florida-bred horses available for racing at such tracks are  
 3150 given full opportunity to run in the class of races for which  
 3151 they are qualified. The opportunity of running must be afforded  
 3152 to each class of horses in the proportion that the number of  
 3153 horses in this class bears to the total number of Florida-bred  
 3154 horses available. A track is not required to write conditions  
 3155 for a race to accommodate a class of horses for which a race  
 3156 would otherwise not be run at the track during its meet.

3157 (b) Each licensed thoroughbred racing permitholder in this  
 3158 state may run one additional race per racing day composed  
 3159 exclusively of Arabian horses registered with the Arabian Horse  
 3160 Registry of America. A licensed thoroughbred racing permitholder  
 3161 that elects to run one additional such race per racing day is

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3162 not required to provide stables for the Arabian horses racing  
 3163 under this paragraph.

3164 (c) Each licensed thoroughbred racing permitholder in this  
 3165 state may run up to three additional races per racing day  
 3166 composed exclusively of quarter horses registered with the  
 3167 American Quarter Horse Association.

3168 Section 52. Section 551.0522, Florida Statutes, is created  
 3169 to read:

3170 551.0522 Distribution of funds to a horsemen's  
 3171 association.-

3172 (1) Each licensee that holds a permit for thoroughbred  
 3173 racing in this state shall deduct from the purses required under  
 3174 this part an amount of money equal to 1 percent of the total  
 3175 purse pool and shall pay that amount to a horsemen's association  
 3176 representing the majority of the thoroughbred racehorse owners  
 3177 and trainers for its use in accordance with the stated goals of  
 3178 its articles of association filed with the Department of State.

3179 (2) The funds are payable to the horsemen's association  
 3180 only upon presentation of a sworn statement by the officers of  
 3181 the association that the horsemen's association represents a  
 3182 majority of the owners and trainers of thoroughbred horses  
 3183 stabled in the state.

3184 (3) Upon receiving a state license, each thoroughbred owner  
 3185 and trainer shall receive automatic membership in the horsemen's  
 3186 association as defined in subsection (1) and be counted on the  
 3187 membership rolls of that association unless, within 30 calendar  
 3188 days after receipt of license from the state, the owner or  
 3189 trainer declines membership in writing to the association.

3190 (4) The department shall adopt rules to facilitate the

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3191 orderly transfer of funds in accordance with this section. The  
 3192 department shall also monitor the membership rolls of the  
 3193 horsemen's association to ensure that complete, accurate, and  
 3194 timely listings are maintained for the purposes specified in  
 3195 this section.

3196 Section 53. Section 551.0523, Florida Statutes, is created  
 3197 to read:

3198 551.0523 Thoroughbred racing.--

3199 (1) THOROUGHBRED RACES.--

3200 (a) Purses.--

3201 1. A permitholder conducting a thoroughbred race meet must  
 3202 pay from the takeout withheld at least 7.75 percent of all  
 3203 contributions to pari-mutuel pools conducted during the race  
 3204 meet as purses. In addition to the 7.75-percent minimum purse  
 3205 payment, permitholders conducting live thoroughbred racing  
 3206 performances must pay as additional purses:

3207 a. For performances conducted during the period beginning  
 3208 January 3 and ending March 16, 0.625 percent of live handle.

3209 b. For performances conducted during the period beginning  
 3210 March 17 and ending May 22, 0.225 percent of live handle.

3211 c. For performances conducted during the period beginning  
 3212 May 23 and ending January 2, 0.85 percent of live handle.

3213 2. Any thoroughbred racing permitholder whose total handle  
 3214 on live performances during the 1991-1992 state fiscal year was  
 3215 not greater than \$34 million is not subject to the additional  
 3216 purse payment under subparagraph 1.

3217 3. A permitholder authorized to conduct thoroughbred racing  
 3218 may withhold from the handle an additional 1 percent of exotic  
 3219 pools for use as owner awards and 2 percent of exotic pools for

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3220 use as overnight purses. A permitholder may not withhold in  
 3221 excess of 20 percent from the handle unless the permitholder  
 3222 withholds the amounts set forth in this subsection.

3223 (b) Intertrack Wagering; withholding from purse account.--An  
 3224 amount equal to 8.5 percent of the purse account generated  
 3225 through intertrack wagering and interstate simulcasting will be  
 3226 used for Florida owner awards as set forth in subsection (2).  
 3227 Any thoroughbred racing permitholder with an average blended  
 3228 takeout that does not exceed 20 percent and with an average  
 3229 daily purse distribution, excluding sponsorship, entry fees, and  
 3230 nominations, exceeding \$225,000 is exempt from this subsection.

3231 (2) AWARDS.--Each horseracing permitholder conducting any  
 3232 thoroughbred racing, including any intertrack race taken  
 3233 pursuant to this part or any interstate simulcast taken pursuant  
 3234 to s. 551.072(3), shall pay a sum equal to 0.955 percent of all  
 3235 pari-mutuel pools conducted during any such race for the payment  
 3236 of breeder, stallion, or special racing awards as authorized in  
 3237 this chapter. This subsection also applies to all Breeder's Cup  
 3238 racers conducted outside this state taken pursuant to s.  
 3239 551.072(3). For any race originating live in this state which is  
 3240 broadcast out-of-state to any location at which wagers are  
 3241 accepted pursuant to s. 551.072(2), the host track shall pay  
 3242 3.475 percent of the gross revenue derived from such out-of-  
 3243 state broadcasts as breeder, stallion, or special racing awards.  
 3244 The Florida Thoroughbred Breeders' and Owners' Association may  
 3245 receive these payments from the permitholders and make payments  
 3246 of awards earned. The Florida Thoroughbred Breeders' and Owners'  
 3247 Association may withhold up to 10 percent of the permitholder's  
 3248 payments under this section as a fee for administering the

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3249 payments of awards and for general promotion of the industry.  
 3250 The permitholder shall remit these payments to the Florida  
 3251 Thoroughbred Breeders' and Owners' Association by the 5th day of  
 3252 each calendar month for such sums accruing during the preceding  
 3253 calendar month and shall report such payments to the department  
 3254 as required by the department. Breeder awards authorized by this  
 3255 subsection may not be paid on owner awards. With the exception  
 3256 of the 10-percent fee, the moneys paid by the permitholders  
 3257 shall be maintained in a separate, interest-bearing account, and  
 3258 such payments together with any interest earned shall be used  
 3259 exclusively for the payment of breeder, stallion, or special  
 3260 racing awards in accordance with the following:

3261 (a) Breeder awards.—

3262 1. The breeder of each Florida-bred thoroughbred winning a  
 3263 thoroughbred race is entitled to an award of up to, but not  
 3264 exceeding, 20 percent of the announced gross purse, including  
 3265 nomination fees, eligibility fees, starting fees, supplementary  
 3266 fees, and moneys added by the sponsor of the race.

3267 2. The breeder of a Florida-bred thoroughbred is eligible  
 3268 to receive a breeder award if the horse is registered as a  
 3269 Florida-bred horse with the Florida Thoroughbred Breeders' and  
 3270 Owners' Association and if the Jockey Club certificate for the  
 3271 horse shows that it is duly registered as a Florida-bred horse  
 3272 as evidenced by the seal and the proper serial number assigned  
 3273 by the Florida Thoroughbred Breeders' and Owners' Association  
 3274 registry. The Florida Thoroughbred Breeders' and Owners'  
 3275 Association may charge the registrant a reasonable fee for the  
 3276 verification and registration.

3277 (b) Stallion awards and recordkeeping.—

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3278 1. The owner of the sire of a Florida-bred thoroughbred  
 3279 that wins a stakes race is entitled to a stallion award of up to  
 3280 20 percent of the announced gross purse, including nomination  
 3281 fees, eligibility fees, starting fees, supplementary fees, and  
 3282 moneys added by the sponsor of the race.

3283 2. The owner of the sire of a thoroughbred winning a stakes  
 3284 race is eligible to receive a stallion award if:

3285 a. The stallion was registered with the Florida  
 3286 Thoroughbred Breeders' and Owners' Association;

3287 b. The breeding of the registered Florida-bred horse  
 3288 occurred in this state; and

3289 c. The stallion is standing permanently in this state  
 3290 between February 1 and June 15 of each year, or, if the stallion  
 3291 has died, it stood permanently in this state for a period of at  
 3292 least 1 year immediately before its death.

3293 3. If a stallion is removed from this state between  
 3294 February 1 and June 15 of any year for any reason other than for  
 3295 prescribed medical treatment approved by the Florida  
 3296 Thoroughbred Breeders' and Owners' Association, the owner of the  
 3297 stallion is not eligible to receive a stallion award for  
 3298 offspring sired before removal. However, if a removed stallion  
 3299 is returned to this state, the owner of the stallion is eligible  
 3300 to receive stallion awards, but only for those offspring sired  
 3301 after the stallion returned to this state.

3302 4. The Florida Thoroughbred Breeders' and Owners'  
 3303 Association shall maintain a record of all of the following:

3304 a. The date the stallion arrived in this state for the  
 3305 first time.

3306 b. Whether the stallion permanently remained in this state.

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3307 c. The location of the stallion.  
 3308 d. Whether the stallion is still standing in this state.  
 3309 e. Awards earned, received, and distributed.  
 3310 5. The association may charge the owner or breeder a  
 3311 reasonable fee for services rendered under this paragraph.  
 3312 (c) Special racing awards.—The owner of a thoroughbred  
 3313 participating in thoroughbred stakes races, nonstakes races, or  
 3314 both may receive a special racing award in accordance with the  
 3315 agreement established pursuant to s. 551.0512(1).  
 3316 (d) Reporting and recordkeeping requirements.—  
 3317 1. A permitholder conducting a thoroughbred race shall,  
 3318 within 30 days after the end of the race meet during which the  
 3319 race is conducted, certify to the Florida Thoroughbred Breeders’  
 3320 and Owners’ Association such information relating to the  
 3321 thoroughbred winning a stakes or other horserace at the meet as  
 3322 may be required to determine the eligibility for payment of  
 3323 breeder, stallion, and special racing awards.  
 3324 2. The Florida Thoroughbred Breeders’ Association shall  
 3325 maintain complete records showing the starters and winners in  
 3326 all races conducted at thoroughbred tracks in this state and  
 3327 records showing awards earned, received, and distributed. The  
 3328 association may charge the owner or breeder a reasonable fee for  
 3329 this service.  
 3330 (e) Rates and procedures.—The Florida Thoroughbred  
 3331 Breeders’ and Owners’ Association shall annually establish a  
 3332 uniform rate and procedure plan for the payment of breeder and  
 3333 stallion awards and shall make breeder and stallion award  
 3334 payments in strict compliance with the established uniform rate  
 3335 and procedure plan. The plan may set a cap on winnings and may

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3336 limit, exclude, or defer payments to certain classes of races,  
 3337 such as the Florida stallion stakes races, in order to ensure  
 3338 that there are adequate revenues to meet the proposed uniform  
 3339 rate. Such plan must include proposals for the general promotion  
 3340 of the industry. Priority shall be placed upon imposing such  
 3341 restrictions in lieu of allowing the uniform rate to be less  
 3342 than 15 percent of the total purse payment. The uniform rate and  
 3343 procedure plan must be approved by the department before  
 3344 implementation. In the absence of an approved plan and  
 3345 procedure, the authorized rate for breeder and stallion awards  
 3346 is 15 percent of the announced gross purse for each race. Such  
 3347 purse must include nomination fees, eligibility fees, starting  
 3348 fees, supplementary fees, and moneys added by the sponsor of the  
 3349 race. If the funds in the account for payment of breeder and  
 3350 stallion awards are not sufficient to meet all earned breeder  
 3351 and stallion awards, those breeders and stallion owners not  
 3352 receiving payments have first call on any subsequent receipts in  
 3353 that or any subsequent year.  
 3354 (f) Reports.—The Florida Thoroughbred Breeders’ and Owners’  
 3355 Association shall keep accurate records showing receipts and  
 3356 disbursements of such payments and shall annually file a  
 3357 complete report with the department showing such receipts and  
 3358 disbursements and the sums withheld for administration. The  
 3359 department may audit the records and accounts of the Florida  
 3360 Thoroughbred Breeders’ and Owners’ Association to determine  
 3361 whether payments have been made to eligible breeders and  
 3362 stallion owners in accordance with this section.  
 3363 (g) Noncompliance.—If the department finds that the Florida  
 3364 Thoroughbred Breeders’ and Owners’ Association has not complied

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3365 with this section, the department may order the association to  
 3366 cease and desist from receiving and administering funds under  
 3367 this section. If the department enters such an order, the  
 3368 permitholder shall make the payments authorized in this section  
 3369 to the department for deposit into the Gaming Control Trust  
 3370 Fund, and any funds in the Florida Thoroughbred Breeders' and  
 3371 Owners' Association account shall be immediately paid to the  
 3372 department for deposit into the Gaming Control Trust Fund. The  
 3373 department shall authorize payment from these funds to any  
 3374 breeder or stallion owner entitled to an award that has not been  
 3375 previously paid by the Florida Thoroughbred Breeders' and  
 3376 Owners' Association in accordance with the applicable rate.

3377 Section 54. Section 551.0524, Florida Statutes, is created  
 3378 to read:

3379 551.0524 Breeders' Cup Meet.-

3380 (1) Notwithstanding any provision of this chapter, there is  
 3381 created a special thoroughbred race meet designated as the  
 3382 "Breeders' Cup Meet." Breeders' Cup Limited shall select the  
 3383 Florida permitholder to conduct the Breeders' Cup Meet at its  
 3384 facility. Upon selection of the Florida permitholder as host for  
 3385 the Breeders' Cup Meet and application by the selected  
 3386 permitholder, the department shall issue a license to the  
 3387 selected permitholder to operate the Breeders' Cup Meet. The  
 3388 Breeders' Cup Meet may be conducted on dates that the selected  
 3389 permitholder is not otherwise authorized to conduct a race meet.  
 3390 The Breeders' Cup Meet shall consist of 3 days: the day on which  
 3391 the Breeders' Cup races are conducted, the preceding day, and  
 3392 the subsequent day.

3393 (2) The permitholder conducting the Breeders' Cup Meet may

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3394 create pari-mutuel pools during the Breeders' Cup Meet by  
 3395 accepting pari-mutuel wagers on the thoroughbred races run  
 3396 during such meet.

3397 (3) The permitholder conducting the Breeders' Cup Meet is  
 3398 exempt from the payment of purses and other payments to horsemen  
 3399 on all on-track, intertrack, interstate, and international  
 3400 wagers or rights fees or payments arising therefrom for all  
 3401 races for which the purse is paid or supplied by Breeders' Cup  
 3402 Limited. However, the permitholder conducting the Breeders' Cup  
 3403 Meet is not exempt from breeder awards payments for on-track and  
 3404 intertrack wagers as provided in ss. 551.0542(2) and 551.074(2)  
 3405 for races in which the purse is paid or supplied by Breeders'  
 3406 Cup Limited.

3407 (4) (a) Pursuant to s. 551.072(2), the permitholder  
 3408 conducting the Breeders' Cup Meet may transmit broadcasts of the  
 3409 races conducted during the Breeders' Cup Meet to locations  
 3410 outside of this state for wagering purposes. The department may  
 3411 approve broadcasts to pari-mutuel permitholders and other  
 3412 betting systems authorized under the laws of any other state or  
 3413 country. Wagers accepted by any out-of-state pari-mutuel  
 3414 permitholder or betting system on any races broadcast under this  
 3415 section may be commingled with the pari-mutuel pools of the  
 3416 permitholder conducting the Breeders' Cup Meet. Payoff on  
 3417 national pari-mutuel pools with commingled wagers may be  
 3418 calculated by the permitholder's totalisator contractor at a  
 3419 location outside of this state. Pool amounts from wagers placed  
 3420 at pari-mutuel facilities or other betting systems in foreign  
 3421 countries before being commingled with the pari-mutuel pool of  
 3422 the Florida permitholder conducting the Breeders' Cup Meet shall

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3423 be calculated by the totalisator contractor and transferred to  
 3424 the commingled pool in United States currency in cycles  
 3425 customarily used by the permitholder. Pool amounts from wagers  
 3426 placed at any foreign pari-mutuel facility or other betting  
 3427 system may not be commingled with a Florida pool until a  
 3428 determination is made by the department that the technology used  
 3429 by the totalisator contractor is adequate to ensure commingled  
 3430 pools will result in the calculation of accurate payoffs to  
 3431 Florida bettors. Any totalisator contractor at a location  
 3432 outside of this state shall comply with s. 551.078 relating to  
 3433 totalisator licensing.

3434 (b) The permitholder conducting the Breeders' Cup Meet may  
 3435 transmit broadcasts of the races conducted during the Breeders'  
 3436 Cup Meet to other pari-mutuel facilities located in this state  
 3437 for wagering purposes. However, the permitholder conducting the  
 3438 Breeders' Cup Meet is not required to transmit broadcasts to any  
 3439 pari-mutuel facility located within 25 miles of the facility at  
 3440 which the Breeders' Cup Meet is conducted.

3441 (5) The department may adopt rules necessary to facilitate  
 3442 the Breeders' Cup Meet as authorized in this section and may  
 3443 adopt or waive rules regarding the overall conduct of racing  
 3444 during the Breeders' Cup Meet to ensure the integrity of the  
 3445 races, licensing for all participants, special stabling and  
 3446 training requirements for foreign horses, commingling of pari-  
 3447 mutuel pools, and audit requirements for tax credits and other  
 3448 benefits.

3449 (6) This section shall prevail over any conflicting  
 3450 provisions of this chapter.

3451 Section 55. Section 551.053, Florida Statutes, is created

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3452 to read:

3453 551.053 Thoroughbred racing; taxes and fees.--

3454 (1) FINDINGS.--The Legislature finds that pari-mutuel  
 3455 wagering at thoroughbred tracks in this state is an important  
 3456 business enterprise, and taxes derived therefrom constitute a  
 3457 part of the tax structure that funds operations of the state.  
 3458 Thoroughbred racing permitholders should pay their fair share of  
 3459 these taxes to the state but should not be taxed to such an  
 3460 extent as to cause any racetrack that is operated under sound  
 3461 business principles to be forced out of business. Due to the  
 3462 need to protect the public health, safety, and welfare, the  
 3463 gaming laws of the state provide for the thoroughbred industry  
 3464 to be highly regulated and taxed. The state recognizes that  
 3465 identifiable differences exist between thoroughbred racing  
 3466 permitholders based upon their ability to operate under such  
 3467 regulation and tax system and at different periods during the  
 3468 year.

3469 (2) DAILY LICENSE FEE.--Each licensed permitholder engaged  
 3470 in the business of conducting thoroughbred race meetings shall  
 3471 pay to the department, for the use of the department, a daily  
 3472 license fee on each live or simulcast pari-mutuel event of \$100  
 3473 for each thoroughbred race conducted at the licensee's  
 3474 racetrack. Each permitholder shall pay daily license fees not to  
 3475 exceed \$500 per day on any simulcast event on which such  
 3476 permitholder accepts wagers regardless of the number of out-of-  
 3477 state events taken or the number of out-of-state locations from  
 3478 which such events are taken. The daily license fees shall be  
 3479 remitted to the Chief Financial Officer for deposit into the  
 3480 Gaming Control Trust Fund.

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3481 (3) ADMISSION TAX.—An admission tax equal to the greater of  
 3482 15 percent of the admission charge for entrance to the  
 3483 permitholder's facility and grandstand area or 10 cents is  
 3484 imposed on each person attending a thoroughbred race. The  
 3485 permitholder is responsible for collecting the admission tax.

3486 (4) TAX ON LIVE HANDLE.—

3487 (a) Each permitholder shall pay a tax on live handle from  
 3488 races conducted by the permitholder. The tax is imposed daily  
 3489 and is based on the total contributions to all pari-mutuel pools  
 3490 conducted during the daily live performance. If a permitholder  
 3491 conducts more than one live performance daily, the tax is  
 3492 imposed on each live performance separately.

3493 (b) The tax on live handle for thoroughbred racing  
 3494 performances is 0.5 percent of the handle.

3495 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
 3496 facility is a thoroughbred race track, the tax on handle for  
 3497 intertrack wagering is 2.0 percent of the handle with the  
 3498 following exceptions:

3499 (a) If the host facility and the guest facility are  
 3500 thoroughbred racing permitholders, the tax on handle for  
 3501 intertrack wagering is 0.5 percent of the handle.

3502 (b) If the guest facility is located outside the market  
 3503 area of the host facility and within the market area of a  
 3504 thoroughbred racing permitholder currently conducting a live  
 3505 race meet, the tax on handle for intertrack wagering is 0.5  
 3506 percent of the handle.

3507 (c) On rebroadcasts of simulcast thoroughbred races:

3508 1. The tax on handle for intertrack wagering is 2.4 percent  
 3509 of the handle.

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3510 2. If the guest facility is a thoroughbred race track  
 3511 located more than 35 miles from the host facility, the host  
 3512 track shall pay a tax of 0.5 percent of the handle, and shall  
 3513 pay to the guest track 1.9 percent of the handle to be used by  
 3514 the guest track solely for purses.

3515 (6) OTHER TAXES AND FEES.—

3516 (a) All moneys or other property represented by any  
 3517 unclaimed, uncashed, or abandoned pari-mutuel ticket that has  
 3518 remained in the custody of or under the control of any  
 3519 thoroughbred racing permitholder for 1 year after the date the  
 3520 pari-mutuel ticket was issued, if the rightful owner or owners  
 3521 thereof have made no claim or demand for such money or other  
 3522 property within the 1-year period, shall escheat to and become  
 3523 the property of the state.

3524 (b) Notwithstanding paragraph (a), uncashed tickets and  
 3525 breaks on live racing conducted by a thoroughbred racing  
 3526 permitholder shall be retained by the permitholder conducting  
 3527 the live race.

3528 (7) TAX CREDITS.—

3529 (a) Retired jockey funds contributions.—A thoroughbred  
 3530 racing permitholder may receive a credit against taxes on live  
 3531 handle due for a taxable year equal to the amount of  
 3532 contributions it made during the taxable year directly to the  
 3533 Jockeys' Guild or its health and welfare fund to provide health  
 3534 and welfare benefits for active, disabled, and retired Florida  
 3535 jockeys and their dependents pursuant to reasonable rules of  
 3536 eligibility established by the Jockeys' Guild. A thoroughbred  
 3537 racing permitholder may not receive a credit greater than an  
 3538 amount equal to 1 percent of its paid taxes for the preceding

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3539 taxable year.3540 (b) Breeders' Cup.—

3541 1. A permitholder located within 35 miles of the  
 3542 permitholder conducting the Breeders' Cup Meet may not conduct a  
 3543 thoroughbred race meet on any of the 3 days of the Breeders' Cup  
 3544 Meet. The permitholders prohibited from operating during the  
 3545 Breeders' Cup Meet shall receive a credit against the taxes  
 3546 otherwise due and payable to the state under this part. The  
 3547 credit shall be an amount equal to the operating loss determined  
 3548 to have been suffered by the operating permitholders as a result  
 3549 of not operating on the prohibited racing days but shall not  
 3550 exceed \$950,000. The determination of the amount to be credited  
 3551 shall be made by the department upon application by the affected  
 3552 permitholder. The tax credits provided in this subsection shall  
 3553 not be available unless an operating permitholder is required to  
 3554 close a meet consisting in part of no fewer than 10 scheduled  
 3555 performances in the 15 days immediately preceding or 10  
 3556 scheduled performances in the 15 days immediately following the  
 3557 Breeders' Cup Meet. Such tax credit shall be in lieu of any  
 3558 other compensation or consideration for the loss of racing days.  
 3559 There shall be no replacement or makeup of any lost racing days.

3560 2. The permitholder conducting the Breeders' Cup Meet shall  
 3561 receive a credit against the taxes otherwise due and payable to  
 3562 the state under this section generated during the permitholder's  
 3563 next ensuing regular thoroughbred race meet. Such credit shall  
 3564 not exceed \$950,000 and shall be used by the permitholder to pay  
 3565 the purses offered by the permitholder during the Breeders' Cup  
 3566 Meet in excess of the purses that the permitholder is otherwise  
 3567 required by law to pay. The amount to be credited shall be

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3568 determined by the department upon application of the3569 permitholder which is subject to audit by the department.

3570 3. The permitholder conducting the Breeders' Cup Meet shall  
 3571 receive a credit against the taxes otherwise due and payable to  
 3572 the state under this part which are generated during the  
 3573 permitholder's next ensuing regular thoroughbred race meet. Such  
 3574 credit shall not exceed \$950,000 and shall be used by the  
 3575 permitholder for capital improvements and extraordinary expenses  
 3576 as necessary for operation of the Breeders' Cup Meet. The amount  
 3577 to be credited shall be determined by the department upon  
 3578 application of the permitholder which is subject to audit by the  
 3579 department.

3580 4. The tax credits provided in this paragraph may not be  
 3581 granted to or claimed by the permitholder until an audit is  
 3582 completed by the department. The department must complete the  
 3583 audit within 30 days after receipt of the necessary  
 3584 documentation from the permitholder to verify the permitholder's  
 3585 claim for tax credits. If the documentation submitted by the  
 3586 permitholder is incomplete or is insufficient to document the  
 3587 permitholder's claim for tax credits, the department may request  
 3588 such additional documentation as necessary to complete the  
 3589 audit. Upon receipt by the department of the additional  
 3590 documentation requested, the 30-day time limitation begins anew.

3591 5. Any dispute between the department and a permitholder  
 3592 regarding the tax credits authorized under this paragraph shall  
 3593 be determined by a hearing officer of the Division of  
 3594 Administrative Hearings under s. 120.57(1).

3595 (8) TAX EXEMPTIONS.—3596 (a) Free passes.—An admission tax under this chapter or

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3597 chapter 212 may not be imposed on any free passes or  
 3598 complimentary cards issued to persons for which there is no cost  
 3599 to the person for admission to pari-mutuel events. A  
 3600 permitholder may issue tax-free passes to its officers,  
 3601 officials, and employees; to other persons actually engaged in  
 3602 working at the facility, including accredited press  
 3603 representatives such as reporters and editors; and to other  
 3604 permitholders for the use of their officers and officials. The  
 3605 permitholder shall file with the department a list of all  
 3606 persons to whom tax-free passes are issued under this paragraph.

3607 (b) Breeders' Cup.—Notwithstanding any other provision of  
 3608 this section, the permitholder conducting the Breeders' Cup Meet  
 3609 shall pay no taxes on the handle included within the pari-mutuel  
 3610 pools of the permitholder during the Breeders' Cup Meet.

3611 (9) FAILURE TO PAY TAXES.—

3612 (a) The permit of a thoroughbred racing permitholder that  
 3613 does not pay tax on handle for live thoroughbred racing  
 3614 performances for a full schedule of live racing during any 2  
 3615 consecutive fiscal years shall be void and shall escheat to and  
 3616 become the property of the state unless such failure to operate  
 3617 and pay tax on handle was the direct result of fire, strike,  
 3618 war, or other disaster or event beyond the ability of the  
 3619 permitholder to control. Financial hardship to the permitholder  
 3620 is not, in and of itself, just cause for failure to operate and  
 3621 pay tax on handle.

3622 (b) In order to maximize the tax revenues to the state, the  
 3623 department shall reissue an escheated thoroughbred racing permit  
 3624 to a qualified applicant pursuant to this chapter as for the  
 3625 issuance of an initial permit. However, the provisions of this

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3626 chapter relating to referendum requirements for a pari-mutuel  
 3627 permit do not apply to the reissuance of an escheated  
 3628 thoroughbred racing permit. As specified in the application and  
 3629 upon approval by the department of an application for the  
 3630 permit, the new permitholder may operate a thoroughbred racing  
 3631 facility anywhere in the same county in which the escheated  
 3632 permit was authorized to be operated, notwithstanding the  
 3633 provisions of s. 551.021(2) relating to mileage limitations.

3634 (10) If a court determines any provision of subsection (1),  
 3635 paragraph (4) (b), subparagraph (5) (c)2., paragraph (7) (a), or  
 3636 subsection (9) to be unconstitutional, it is the intent of the  
 3637 Legislature that all such provisions be void and that the  
 3638 remaining provisions of this section shall apply to all  
 3639 thoroughbred racing permitholders beginning on the date of such  
 3640 judicial determination. To this end, the Legislature declares  
 3641 that it would not have enacted any of the provisions listed in  
 3642 this subsection individually and, to that end, expressly finds  
 3643 them not to be severable.

3644 Section 56. Section 551.0541, Florida Statutes, is created  
 3645 to read:

3646 551.0541 Operation of certain harness race tracks.—

3647 (1) The Legislature finds that the operation of harness  
 3648 race tracks and legalized pari-mutuel betting at harness race  
 3649 tracks in this state will become a substantial business  
 3650 compatible with the best interests of the state and that the  
 3651 taxes derived from such enterprises will constitute an important  
 3652 and integral part of the tax structure of the state and  
 3653 counties. The Legislature further finds that the operation of  
 3654 harness race tracks within the state will establish and

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3655 encourage the acquisition and maintenance of breeding farms for  
 3656 the breeding of standardbred horses used in harness races and  
 3657 that this exhibition sport will attract a large tourist business  
 3658 to the state.

3659 (2) (a) For a harness racing permitholder, a full schedule  
 3660 of live events is at least 100 live regular wagering  
 3661 performances during the fiscal year.

3662 (b) For a permitholder restricted by statute to certain  
 3663 operating periods within the year when other members of its same  
 3664 class of permit are authorized to operate throughout the year, a  
 3665 full schedule of live events shall be the specified number of  
 3666 live performances adjusted pro rata in accordance with the  
 3667 relationship between its authorized operating period and the  
 3668 full calendar year. The resulting specified number of live  
 3669 performances shall constitute the full schedule of live events  
 3670 for such permitholder and all other permitholders of the same  
 3671 class within 100 air miles of such permitholder.

3672 (3) Notwithstanding any contrary provisions of this  
 3673 chapter, a permitholder or licensee may transfer the location of  
 3674 its permit and may conduct harness racing only between the hours  
 3675 of 7 p.m. and 2 a.m. pursuant to the following:

3676 (a) The permit so transferred applies only to the location  
 3677 and operation of a licensed harness race track within 100 air  
 3678 miles of the location of a racetrack authorized to conduct  
 3679 racing under this chapter; and

3680 (b) The harness race track must be located in an area in  
 3681 which three horse tracks are located within 100 air miles.

3682 (4) A permit may not be issued for the operation of a  
 3683 harness race track within 75 air miles of a harness race track

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3684 licensed and operating under this chapter.

3685 (5) The permitholder conducting a harness race meet must  
 3686 pay the daily license fee, the admission tax, the tax on breaks,  
 3687 and the tax on pari-mutuel handle provided in s. 551.0543 and is  
 3688 subject to all penalties and sanctions provided in s.  
 3689 551.033(2).

3690 (6) Each licensed harness race track in the state must  
 3691 schedule an average of one race per racing day in which horses  
 3692 bred in this state and duly registered as standardbred harness  
 3693 horses have preference as entries over non-Florida-bred horses.  
 3694 All licensed harness race tracks must write the conditions for  
 3695 such races in which Florida-bred horses are preferred to ensure  
 3696 that all Florida-bred horses available for racing at such tracks  
 3697 are given full opportunity to perform in the class races for  
 3698 which they are qualified. The opportunity to perform must be  
 3699 afforded to each class of horses in proportion with the number  
 3700 of horses in this class as compared to the total number of  
 3701 Florida-bred horses available. However, a track is not required  
 3702 to write conditions for a race to accommodate a class of horses  
 3703 for which a race would otherwise not be scheduled at such track  
 3704 during its meeting.

3705 (7) If a permit has been transferred from a county under  
 3706 this section, no other transfer is permitted from such county.

3707 (8) Any harness race track licensed to operate under  
 3708 subsections (1)-(7) may make application for, and shall be  
 3709 issued by the department, a license to operate not more than 50  
 3710 quarter horse racing days during the summer season, which shall  
 3711 extend from July 1 until October 1 of each year. Such license to  
 3712 operate quarter horse racing for up to 50 days is in addition to

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 3713 the racing days and dates provided in subsections (1)-(7) for  
 3714 harness racing during the winter seasons and does not affect the  
 3715 right of such licensee to operate harness racing at the track as  
 3716 provided in subsections (1)-(7) during the winter season. All  
 3717 provisions of this chapter governing quarter horse racing not in  
 3718 conflict with this subsection apply to the operation of quarter  
 3719 horse meetings authorized in this subsection. However, all  
 3720 quarter horse racing permitted under this subsection shall be  
 3721 conducted at night.

3722 Section 57. Section 551.0542, Florida Statutes, is created  
 3723 to read:

3724 551.0542 Harness races.-

3725 (1) PURSE REQUIREMENT.-

3726 (a) A permitholder conducting a harness race meet must pay  
 3727 to the purse pool from the takeout withheld a purse requirement  
 3728 of at least 8.25 percent of all contributions to pari-mutuel  
 3729 pools conducted during the race meet. At least 7.75 percent of  
 3730 the total handle shall be paid from this purse pool as purses.

3731 (b) An amount not to exceed 0.5 percent of the total handle  
 3732 on all harness races that are subject to the purse requirement  
 3733 of paragraph (a) must be available for use to provide medical,  
 3734 dental, surgical, life, funeral, or disability insurance  
 3735 benefits for occupational licensees who work at tracks in this  
 3736 state at which harness races are conducted. Such insurance  
 3737 benefits must be paid from the purse pool specified in  
 3738 subparagraph 1. An annual plan for payment of insurance benefits  
 3739 from the purse pool, including qualifications for eligibility,  
 3740 must be submitted by the Florida Standardbred Breeders and  
 3741 Owners Association for approval to the department. An annual

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 3742 report of the implemented plan shall be submitted to the  
 3743 department. All records of the Florida Standardbred Breeders and  
 3744 Owners Association concerning the administration of the plan  
 3745 must be available for audit at the discretion of the department  
 3746 to determine whether the plan has been implemented and  
 3747 administered as authorized. If the department finds that the  
 3748 Florida Standardbred Breeders and Owners Association has not  
 3749 complied with this section, the department may order the  
 3750 association to cease and desist from administering the plan and  
 3751 shall appoint the department as temporary administrator of the  
 3752 plan until the department reestablishes administration of the  
 3753 plan with the association.

3754 (2) AWARDS; STANDARDBRED HORSES.-Each permitholder  
 3755 conducting a harness race shall pay a sum equal to the breaks on  
 3756 all pari-mutuel pools conducted during that race for the payment  
 3757 of breeder awards, stallion awards, and stallion stakes and for  
 3758 additional expenditures as authorized in this section. The  
 3759 Florida Standardbred Breeders and Owners Association may receive  
 3760 these payments from permitholders and make payments as  
 3761 authorized in this subsection. The Florida Standardbred Breeders  
 3762 and Owners Association may withhold up to 10 percent of the  
 3763 permitholder's payments under this section and under s. 551.0543  
 3764 as a fee for administering the payments. The permitholder shall  
 3765 remit these payments to the Florida Standardbred Breeders and  
 3766 Owners Association by the 5th day of each calendar month for  
 3767 such sums accruing during the preceding calendar month and shall  
 3768 report such payments to the department as required by the  
 3769 department. With the exception of the 10-percent fee for  
 3770 administering the payments and the use of the moneys authorized

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3771 by paragraph (g), the moneys paid by the permitholders shall be  
 3772 maintained in a separate, interest-bearing account, and such  
 3773 payments together with any interest earned shall be allocated  
 3774 for the payment of breeder awards, stallion awards, stallion  
 3775 stakes, additional purses, and prizes for, and the general  
 3776 promotion of owning and breeding, Florida-bred standardbred  
 3777 horses. Breeder awards authorized by this subsection may not be  
 3778 paid on owner awards. Payment of breeder awards and stallion  
 3779 awards shall be made pursuant to the following:

3780 (a) Breeder awards.—

3781 1. The breeder of each Florida-bred standardbred horse that  
 3782 wins a harness race is entitled to an award of up to 20 percent  
 3783 of the announced gross purse, including nomination fees,  
 3784 eligibility fees, starting fees, supplementary fees, and moneys  
 3785 added by the sponsor of the race.

3786 2. The breeder of a Florida-bred standardbred horse is  
 3787 eligible to receive a breeder award if the horse winning the  
 3788 race was registered as a Florida-bred horse with the Florida  
 3789 Standardbred Breeders and Owners Association and if a  
 3790 registration certificate under seal for the winning horse shows  
 3791 that the winner is duly registered as a Florida-bred horse as  
 3792 evidenced by the seal and proper serial number of the United  
 3793 States Trotting Association registry. The Florida Standardbred  
 3794 Breeders and Owners Association may charge the registrant a  
 3795 reasonable fee for the verification and registration.

3796 (b) Stallion awards and recordkeeping.—

3797 1. The owner of the sire of a Florida-bred standardbred  
 3798 horse that wins a stakes race is entitled to a stallion award of  
 3799 up to 20 percent of the announced gross purse, including

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3800 nomination fees, eligibility fees, starting fees, supplementary  
 3801 fees, and moneys added by the sponsor of the race.

3802 2. The owner of the sire of a standardbred horse that wins  
 3803 a stakes race is eligible to receive a stallion award if:

3804 a. The stallion is registered with the Florida Standardbred  
 3805 Breeders and Owners Association;

3806 b. The breeding of the registered Florida-bred horse  
 3807 occurred in this state; and

3808 c. The stallion is standing permanently in this state or,  
 3809 if the stallion has died, it stood permanently in this state for  
 3810 a period of at least 1 year immediately before its death.

3811 3. If a stallion is removed from this state for any reason  
 3812 other than prescribed medical treatment, the owner of the  
 3813 stallion is not eligible to receive a stallion award under any  
 3814 circumstances for offspring sired before removal. However, if a  
 3815 removed stallion is returned to this state, the owner of the  
 3816 stallion is eligible to receive a stallion award, but only for  
 3817 those offspring sired after the stallion returned to this state.

3818 4. The Florida Standardbred Breeders and Owners Association  
 3819 shall maintain a record of all of the following:

3820 a. The date the stallion arrived in this state for the  
 3821 first time.

3822 b. Whether the stallion remained in this state permanently.

3823 c. The location of the stallion.

3824 d. Whether the stallion is still standing in this state.

3825 e. Awards earned, received, and distributed.

3826 5. The association may charge the owner, owners, or breeder  
 3827 a reasonable fee for services rendered under this paragraph.

3828 (c) Reporting.—

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3829 1. A permitholder conducting a harness race shall, within  
 3830 30 days after the end of the race meet during which the race is  
 3831 conducted, certify to the Florida Standardbred Breeders and  
 3832 Owners Association such information relating to the horse  
 3833 winning a stakes or other horserace at the meet as may be  
 3834 required to determine the eligibility for payment of breeder  
 3835 awards and stallion awards.

3836 2. The Florida Standardbred Breeders and Owners Association  
 3837 shall maintain complete records showing the starters and winners  
 3838 in all races conducted at harness horse racetracks in this  
 3839 state; shall maintain complete records showing awards earned,  
 3840 received, and distributed; and may charge the owner, owners, or  
 3841 breeder a reasonable fee for this service.

3842 (d) Rates and procedures.—The Florida Standardbred Breeders  
 3843 and Owners Association shall annually establish a uniform rate  
 3844 and procedure plan for the payment of breeder awards, stallion  
 3845 awards, stallion stakes, additional purses, and prizes for  
 3846 Florida-bred standardbred horses, and for the general promotion  
 3847 of owning and breeding such horses, and shall make award  
 3848 payments and allocations in strict compliance with the  
 3849 established uniform rate and procedure plan. The plan may set a  
 3850 cap on winnings and may limit, exclude, or defer payments to  
 3851 certain classes of races, such as the Florida Breeders' stakes  
 3852 races, in order to ensure that there are adequate revenues to  
 3853 meet the proposed uniform rate. Priority shall be placed on  
 3854 imposing such restrictions in lieu of allowing the uniform rate  
 3855 allocated to payment of breeder and stallion awards to be less  
 3856 than 10 percent of the total purse payment. The uniform rate and  
 3857 procedure plan must be approved by the department before

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3858 implementation. In the absence of an approved plan and  
 3859 procedure, the authorized rate for breeder and stallion awards  
 3860 is 10 percent of the announced gross purse for each race. Such  
 3861 purse must include nomination fees, eligibility fees, starting  
 3862 fees, supplementary fees, and moneys added by the sponsor of the  
 3863 race. If the funds in the account for payment of breeder and  
 3864 stallion awards are not sufficient to meet all earned breeder  
 3865 and stallion awards, those breeders and stallion owners not  
 3866 receiving payments have first call on any subsequent receipts in  
 3867 that or any subsequent year.

3868 (e) Reports.—The Florida Standardbred Breeders and Owners  
 3869 Association shall keep accurate records showing receipts and  
 3870 disbursements of such payments and shall annually file a  
 3871 complete report with the department showing such receipts and  
 3872 disbursements and the sums withheld for administration. The  
 3873 department may audit the records and accounts of the Florida  
 3874 Standardbred Breeders and Owners Association to determine  
 3875 whether payments have been made to eligible breeders, stallion  
 3876 owners, and owners of Florida-bred standardbred horses in  
 3877 accordance with this section.

3878 (f) Noncompliance.—If the department finds that the Florida  
 3879 Standardbred Breeders and Owners Association has not complied  
 3880 with this section, the department may order the association to  
 3881 cease and desist from receiving and administering funds under  
 3882 this section and s. 551.0543. If the department enters such an  
 3883 order, the permitholder shall make the payments authorized under  
 3884 this section and s. 551.0543 to the department for deposit into  
 3885 the Gaming Control Trust Fund, and any funds in the Florida  
 3886 Standardbred Breeders and Owners Association account shall be

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3887 immediately paid to the department for deposit into the Gaming  
 3888 Control Trust Fund. The department shall authorize payment from  
 3889 these funds to any breeder, stallion owner, or owner of a  
 3890 Florida-bred standardbred horse entitled to an award that has  
 3891 not been previously paid by the Florida Standardbred Breeders  
 3892 and Owners Association in accordance with the applicable rate.

3893 (g) Additional use of funds.—The board of directors of the  
 3894 Florida Standardbred Breeders and Owners Association may  
 3895 authorize the release of up to 25 percent of the funds available  
 3896 for breeder awards, stallion awards, stallion stakes, additional  
 3897 purses, and prizes for, and for the general promotion of owning  
 3898 and breeding, Florida-bred standardbred horses to be used for  
 3899 purses for, and promotion of, Florida-bred standardbred horses  
 3900 at race meetings at which there is no pari-mutuel wagering  
 3901 unless, and to the extent that, such release would render the  
 3902 funds available for such awards insufficient to pay the breeder  
 3903 and stallion awards earned pursuant to the annual plan of the  
 3904 association. Any such funds so released and used for purses are  
 3905 not considered to be an “announced gross purse” as that term is  
 3906 used in paragraphs (a) and (b), and no breeder or stallion  
 3907 awards, stallion stakes, or owner awards are required to be paid  
 3908 for standardbred horses winning races in meetings at which there  
 3909 is no pari-mutuel wagering. The amount of purses to be paid from  
 3910 funds so released and the meets eligible to receive such funds  
 3911 for purses must be approved by the board of directors of the  
 3912 Florida Standardbred Breeders and Owners Association.

3913 Section 58. Section 551.0543, Florida Statutes, is created  
 3914 to read:

3915 551.0543 Harness racing; taxes and fees.—

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3916 (1) FINDINGS.—The Legislature finds that pari-mutuel  
 3917 wagering at harness race tracks in this state is an important  
 3918 business enterprise, and taxes derived therefrom constitute a  
 3919 part of the tax structure that funds operations of the state.  
 3920 Harness racing permitholders should pay their fair share of  
 3921 these taxes to the state but should not be taxed to such an  
 3922 extent as to cause any racetrack that is operated under sound  
 3923 business principles to be forced out of business. Due to the  
 3924 need to protect the public health, safety, and welfare, the  
 3925 gaming laws of the state provide for the harness horse industry  
 3926 to be highly regulated and taxed. The state recognizes that  
 3927 identifiable differences exist between harness racing  
 3928 permitholders based upon their ability to operate under such  
 3929 regulation and tax system.

3930 (2) DAILY LICENSE FEE.—Each licensed permitholder engaged  
 3931 in the business of conducting harness race meetings shall pay to  
 3932 the department, for the use of the department, a daily license  
 3933 fee on each live or simulcast pari-mutuel event of \$100 for each  
 3934 harness race conducted at the licensee’s racetrack. Each  
 3935 permitholder shall pay daily license fees not to exceed \$500 per  
 3936 day on any simulcast event on which such permitholder accepts  
 3937 wagers regardless of the number of out-of-state events taken or  
 3938 the number of out-of-state locations from which such events are  
 3939 taken. The daily license fees shall be remitted to the Chief  
 3940 Financial Officer for deposit into the Gaming Control Trust  
 3941 Fund.

3942 (3) ADMISSION TAX.—An admission tax equal to the greater of  
 3943 15 percent of the admission charge for entrance to the  
 3944 permitholder’s facility and grandstand area or 10 cents is

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3945 imposed on each person attending a harness race. The  
 3946 permitholder is responsible for collecting the admission tax.

3947 (4) TAX ON LIVE HANDLE.—

3948 (a) Each permitholder shall pay a tax on live handle from  
 3949 races conducted by the permitholder. The tax is imposed daily  
 3950 and is based on the total contributions to all pari-mutuel pools  
 3951 conducted during the daily live performance. If a permitholder  
 3952 conducts more than one live performance daily, the tax is  
 3953 imposed on each live performance separately.

3954 (b) The tax on live handle for harness racing performances  
 3955 is 0.5 percent of the handle.

3956 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
 3957 facility is a harness race track, the tax on handle for  
 3958 intertrack wagering is 3.3 percent of the handle with the  
 3959 following exceptions:

3960 (a) If the guest facility is located outside the market  
 3961 area of the host facility and within the market area of a  
 3962 thoroughbred racing permitholder currently conducting a live  
 3963 race meet, the tax on handle for intertrack wagering is 0.5  
 3964 percent of the handle.

3965 (b) On rebroadcasts of simulcast harness races, the tax on  
 3966 handle for intertrack wagering is 1.5 percent of the handle.

3967 (6) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL  
 3968 POOLS.—

3969 (a) All moneys or other property represented by any  
 3970 unclaimed, uncashed, or abandoned pari-mutuel ticket that has  
 3971 remained in the custody of or under the control of any harness  
 3972 racing permitholder for 1 year after the date the pari-mutuel  
 3973 ticket was issued, if the rightful owner or owners thereof have

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3974 made no claim or demand for such money or other property within  
 3975 the 1-year period, shall escheat to and become the property of  
 3976 the state.

3977 (b) Notwithstanding any other provision of law, all moneys  
 3978 or other property that has escheated to and become the property  
 3979 of the state as provided in this section and that is held by a  
 3980 harness racing permitholder authorized to conduct pari-mutuel  
 3981 pools in this state shall be paid annually by the permitholder  
 3982 to the Florida Standardbred Breeders and Owners Association  
 3983 within 60 days after the close of the race meeting of the  
 3984 permitholder and shall be used for the payment of harness horse  
 3985 breeder awards, stallion awards, stallion stakes, additional  
 3986 purses, and prizes and for the general promotion of owning and  
 3987 breeding Florida-bred standardbred horses, as provided under  
 3988 this part.

3989 (7) TAX EXEMPTIONS.—

3990 (a) An admission tax under this chapter or chapter 212 may  
 3991 not be imposed on any free passes or complimentary cards issued  
 3992 to persons for which there is no cost to the person for  
 3993 admission to pari-mutuel events.

3994 (b) A permitholder may issue tax-free passes to its  
 3995 officers, officials, and employees; to other persons actually  
 3996 engaged in working at the facility, including accredited press  
 3997 representatives such as reporters and editors; and to other  
 3998 permitholders for the use of their officers and officials. The  
 3999 permitholder shall file with the department a list of all  
 4000 persons to whom tax-free passes are issued under this paragraph.

4001 (8) FAILURE TO PAY TAXES.—

4002 (a) The permit of a harness racing permitholder that does

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4003 not pay tax on handle for live harness racing performances for a  
 4004 full schedule of live races during any 2 consecutive state  
 4005 fiscal years shall be void and shall escheat to and become the  
 4006 property of the state unless such failure to operate and pay tax  
 4007 on handle was the direct result of fire, strike, war, or other  
 4008 disaster or event beyond the ability of the permitholder to  
 4009 control. Financial hardship to the permitholder is not, in and  
 4010 of itself, just cause for failure to operate and pay tax on  
 4011 handle.

4012 (b) In order to maximize the tax revenues to the state, the  
 4013 department shall reissue an escheated harness racing permit to a  
 4014 qualified applicant pursuant to this chapter as for the issuance  
 4015 of an initial permit. However, the provisions of this chapter  
 4016 relating to referendum requirements for a pari-mutuel permit do  
 4017 not apply to the reissuance of an escheated harness racing  
 4018 permit. As specified in the application and upon approval by the  
 4019 department of an application for the permit, the new  
 4020 permitholder may operate a harness racing facility anywhere in  
 4021 the same county in which the escheated permit was authorized to  
 4022 be operated, notwithstanding the provisions of s. 551.021(2)  
 4023 relating to mileage limitations.

4024 (9) If a court determines any provision of subsection (1),  
 4025 paragraph (4)(b), or subsection (8) to be unconstitutional, it  
 4026 is the intent of the Legislature that all such provisions be  
 4027 void and that the remaining provisions of this section apply to  
 4028 all harness racing permitholders beginning on the date of such  
 4029 judicial determination. To this end, the Legislature declares  
 4030 that it would not have enacted any of the provisions listed in  
 4031 this subsection individually and, to that end, expressly finds

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4032 them not to be severable.

4033 Section 59. Section 551.0551, Florida Statutes, is created  
 4034 to read:

4035 551.0551 Quarter horse racing; operations.—  
 4036 (1) (a) For a quarter horse racing permitholder at its  
 4037 facility, a full schedule of live events is:

4038 1. At least 20 live regular wagering performances during  
 4039 the state fiscal year if an alternative schedule of at least 20  
 4040 live regular wagering performances each state fiscal year is  
 4041 agreed upon by the permitholder and either the Florida Quarter  
 4042 Horse Racing Association or the horsemen's association  
 4043 representing the majority of the quarter horse owners and  
 4044 trainers at the facility and is filed with the department along  
 4045 with its annual date application; or

4046 2.a. During the 2010-2011 fiscal year, at least 20 regular  
 4047 wagering performances.

4048 b. During the 2011-2012 and 2012-2013 fiscal years, at  
 4049 least 30 live regular wagering performances.

4050 c. During every fiscal year after the 2012-2013 fiscal  
 4051 year, at least 40 live regular wagering performances.

4052 (b) For a quarter horse racing permitholder leasing another  
 4053 licensed racetrack, a full schedule of live events is at least  
 4054 160 live regular wagering events at the leased facility during  
 4055 the state fiscal year.

4056 (c) For a permitholder restricted by statute to certain  
 4057 operating periods within the year when other members of its same  
 4058 class of permit are authorized to operate throughout the year, a  
 4059 full schedule of live events shall be the specified number of  
 4060 live performances adjusted pro rata in accordance with the

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4061 relationship between its authorized operating period and the  
 4062 full calendar year. The resulting specified number of live  
 4063 performances shall constitute the full schedule of live events  
 4064 for such permitholder and all other permitholders of the same  
 4065 class within 100 air miles of such permitholder.

4066 (2) To be eligible to conduct intertrack wagering, a  
 4067 quarter horse racing permitholder must have conducted a full  
 4068 schedule of live events in the preceding year.

4069 (3) The operator of a licensed racetrack may lease such  
 4070 track to any quarter horse racing permitholder located within 35  
 4071 miles of such track for quarter horse racing under this chapter.  
 4072 However, a quarter horse racing permitholder located in a county  
 4073 where a referendum was conducted to authorize slot machines  
 4074 pursuant to s. 23, Art. X of the State Constitution is not  
 4075 subject to the mileage restriction if the permitholder leases  
 4076 the track from a licensed racetrack located within such county.

4077 (4) All other provisions of this chapter apply to, govern,  
 4078 and control such racing.

4079 (5) Quarter horses participating in such races must be duly  
 4080 registered by the American Quarter Horse Association. Before  
 4081 each race, such horses must be examined and declared in fit  
 4082 condition by a qualified person designated by the department.

4083 (6) Any quarter horse racing days permitted under this  
 4084 chapter are in addition to any other racing permitted under the  
 4085 license issued to the track where such quarter horse racing is  
 4086 conducted.

4087 (7) Any quarter horse racing permitholder operating under a  
 4088 valid permit issued by the department may substitute races of  
 4089 other breeds of horses that are registered with the American

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4090 Paint Horse Association, Appaloosa Horse Club, Arabian Horse  
 4091 Registry of America, Palomino Horse Breeders of America, United  
 4092 States Trotting Association, Florida Cracker Horse Association,  
 4093 or Jockey Club, respectively, for no more than 50 percent of the  
 4094 quarter horse races during its meet.

4095 (8) Except as provided in s. 551.0251, a quarter horse  
 4096 racing permit issued pursuant to this section is not eligible  
 4097 for transfer or conversion to another type of pari-mutuel  
 4098 operation.

4099 (9) Any nonprofit corporation organized and incorporated  
 4100 under the laws of this state, including, but not limited to, an  
 4101 agricultural cooperative marketing association, may apply for a  
 4102 quarter horse racing permit and may operate race meets under  
 4103 such permit if all pari-mutuel taxes and fees applicable to such  
 4104 racing are paid by the corporation. However, regarding its pari-  
 4105 mutuel operations, the corporation shall be considered to be a  
 4106 corporation for profit and is subject to taxation on all  
 4107 property used and profits earned in connection with these  
 4108 operations.

4109 Section 60. Section 551.0552, Florida Statutes, is created  
 4110 to read:

4111 551.0552 Quarter horse races.—

4112 (1) QUARTER HORSE RACES.—A permitholder conducting a  
 4113 quarter horse race meet shall pay from the takeout withheld at  
 4114 least 6 percent of all contributions to pari-mutuel pools  
 4115 conducted during the race meet as purses.

4116 (2) PROMOTIONS AND AWARDS; QUARTER HORSES.—

4117 (a) Purses and prizes.—Except as provided in 551.056 each  
 4118 permitholder conducting a quarter horse race meet shall pay a

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4119 sum equal to the breaks plus a sum equal to 1 percent of all  
 4120 pari-mutuel pools conducted during that race for supplementing  
 4121 and augmenting purses and prizes and for the general promotion  
 4122 of owning and breeding racing quarter horses in this state as  
 4123 authorized in this section. The Florida Quarter Horse Breeders  
 4124 and Owners Association may receive these payments from the  
 4125 permitholders and make payments as authorized in this  
 4126 subsection. The Florida Quarter Horse Breeders and Owners  
 4127 Association may withhold up to 10 percent of the permitholder's  
 4128 payments under this section and s. 551.0553 as a fee for  
 4129 administering the payments. The permitholder shall remit these  
 4130 payments to the Florida Quarter Horse Breeders and Owners  
 4131 Association by the 5th day of each calendar month for such sums  
 4132 accruing during the preceding calendar month and shall report  
 4133 such payments to the department as required by the department.  
 4134 With the exception of the 10-percent fee for administering the  
 4135 payments, the moneys paid by the permitholders shall be  
 4136 maintained in a separate, interest-bearing account.

4137 (b) Use of funds.—The Florida Quarter Horse Breeders and  
 4138 Owners Association shall use these funds solely for  
 4139 supplementing and augmenting purses and prizes and for the  
 4140 general promotion of owning and breeding racing quarter horses  
 4141 in this state and for general administration of the Florida  
 4142 Quarter Horse Breeders and Owners Association in this state.

4143 (c) Owner and breeder awards.—

4144 1. The owner or breeder of a Florida-bred quarter horse is  
 4145 eligible to receive an award if the horse winning a race is  
 4146 registered as a Florida-bred horse with the Florida Quarter  
 4147 Horse Breeders and Owners Association and if a registration

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4148 certificate under seal for the winning horse shows that the  
 4149 winning horse was duly registered before the race as a Florida-  
 4150 bred horse as evidenced by the seal and proper serial number of  
 4151 the Florida Quarter Horse Breeders and Owners Association  
 4152 registry. The Department of Agriculture and Consumer Services  
 4153 may assist the association in maintaining this registry.

4154 2. The Florida Quarter Horse Breeders and Owners  
 4155 Association may charge the registrant a reasonable fee for  
 4156 verification and registration.

4157 3. Any person who registers unqualified horses or  
 4158 misrepresents information shall be denied any future  
 4159 participation in breeder awards, and all horses misrepresented  
 4160 will no longer be deemed to be Florida-bred.

4161 (d) Reporting.—A permitholder conducting a quarter horse  
 4162 race shall, within 30 days after the end of the race meet during  
 4163 which the race is conducted, certify to the Florida Quarter  
 4164 Horse Breeders and Owners Association such information relating  
 4165 to the horse winning a stakes or other horserace at the meet as  
 4166 required to determine the eligibility for payment of breeder  
 4167 awards under this section.

4168 (e) Recordkeeping.—The Florida Quarter Horse Breeders and  
 4169 Owners Association shall maintain records showing the starters  
 4170 and winners in all quarter horse races conducted under quarter  
 4171 horse racing permits in this state and awards earned, received,  
 4172 and distributed, and it may charge the owner or breeder a  
 4173 reasonable fee for this service.

4174 (f) Rates and procedures.—The Florida Quarter Horse  
 4175 Breeders and Owners Association shall annually establish a plan  
 4176 for supplementing and augmenting purses and prizes and for the

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4177 general promotion of owning and breeding Florida-bred racing  
 4178 quarter horses and shall make award payments and allocations in  
 4179 strict compliance with the annual plan. The annual plan must be  
 4180 approved by the department before implementation. If the funds  
 4181 in the account for payment of purses and prizes are not  
 4182 sufficient to meet all purses and prizes to be awarded, those  
 4183 breeders and owners not receiving payments have first call on  
 4184 any subsequent receipts in that or any subsequent year.

4185 (g) Reports.—The Florida Quarter Horse Breeders and Owners  
 4186 Association shall keep accurate records showing receipts and  
 4187 disbursements of payments made under this section and shall  
 4188 annually file a full and complete report to the department  
 4189 showing such receipts and disbursements and the sums withheld  
 4190 for administration. The department may audit the records and  
 4191 accounts of the Florida Quarter Horse Breeders and Owners  
 4192 Association to determine whether payments have been made in  
 4193 accordance with this section.

4194 (h) Noncompliance.—If the department finds that the Florida  
 4195 Quarter Horse Breeders and Owners Association has not complied  
 4196 with this section, the department may order the association to  
 4197 cease and desist from receiving and administering funds under  
 4198 this section and s. 551.0553. If the department enters such an  
 4199 order, the permitholder shall make the payments authorized in  
 4200 this section and s. 551.0553 to the department for deposit into  
 4201 the Gaming Control Trust Fund, and any funds in the Florida  
 4202 Quarter Horse Breeders and Owners Association account shall be  
 4203 immediately paid to the department for deposit into the Gaming  
 4204 Control Trust Fund. The department shall authorize payment from  
 4205 these funds to any breeder or owner of a quarter horse entitled

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4206 to an award that has not been previously paid by the Florida  
 4207 Quarter Horse Breeders and Owners Association in accordance with  
 4208 this section.

4209 Section 61. Section 551.0553, Florida Statutes, is created  
 4210 to read:

4211 551.0553 Quarter horse racing; taxes and fees.—

4212 (1) DAILY LICENSE FEE.—Each licensed permitholder engaged  
 4213 in the business of conducting quarter horse race meetings shall  
 4214 pay to the department, for the use of the department, a daily  
 4215 license fee on each live or simulcast pari-mutuel event of \$100  
 4216 for each quarter horse race conducted at the licensee's  
 4217 racetrack. Each permitholder shall pay daily license fees not to  
 4218 exceed \$500 per day on any simulcast event on which such  
 4219 permitholder accepts wagers regardless of the number of out-of-  
 4220 state events taken or the number of out-of-state locations from  
 4221 which such events are taken. The daily license fees shall be  
 4222 remitted to the Chief Financial Officer for deposit into the  
 4223 Gaming Control Trust Fund.

4224 (2) ADMISSION TAX.—An admission tax equal to the greater of  
 4225 15 percent of the admission charge for entrance to the  
 4226 permitholder's facility and grandstand area or 10 cents is  
 4227 imposed on each person attending a quarter horse race. The  
 4228 permitholder is responsible for collecting the admission tax.

4229 (3) TAX ON LIVE HANDLE.—

4230 (a) Each permitholder shall pay a tax on live handle from  
 4231 racetracks conducted by the permitholder. The tax is imposed daily  
 4232 and is based on the total contributions to all pari-mutuel pools  
 4233 conducted during the daily live performance. If a permitholder  
 4234 conducts more than one live performance daily, the tax is

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4235 imposed on each live performance separately.

4236 (b) The tax on live handle for quarter horse racing  
4237 performances is 1.0 percent of the handle.

4238 (4) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
4239 facility is a quarter horse race track, the tax on handle for  
4240 intertrack wagering is 2.0 percent of the handle. However, if  
4241 the guest facility is located outside the market area of the  
4242 host facility and within the market area of a thoroughbred  
4243 racing permitholder currently conducting a live race meet, the  
4244 tax on handle for intertrack wagering is 0.5 percent of the  
4245 handle.

4246 (5) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL  
4247 POOLS.—

4248 (a) All moneys or other property represented by any  
4249 unclaimed, uncashed, or abandoned pari-mutuel ticket that has  
4250 remained in the custody of or under the control of any quarter  
4251 horse racing permitholder for 1 year after the date the pari-  
4252 mutuel ticket was issued, if the rightful owner or owners  
4253 thereof have made no claim or demand for such money or other  
4254 property within the 1-year period, shall escheat to and become  
4255 the property of the state.

4256 (b) Notwithstanding section 551.036, all moneys or other  
4257 property that has escheated to and become the property of the  
4258 state as provided in this section and that is held by a quarter  
4259 horse racing permitholder authorized to conduct pari-mutuel  
4260 pools in this state shall be paid annually by the permitholder  
4261 to the Florida Quarter Horse Breeders and Owners Association  
4262 within 60 days after the close of the race meeting of the  
4263 permitholder and shall be allocated solely for supplementing and

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4264 augmenting purses and prizes and for the general promotion of  
4265 owning and breeding racing quarter horses in this state, as  
4266 provided under this part.

4267 (6) TAX EXEMPTIONS.—

4268 (a) An admission tax under this chapter or chapter 212 may  
4269 not be imposed on any free passes or complimentary cards issued  
4270 to persons for which there is no cost to the person for  
4271 admission to pari-mutuel events.

4272 (b) A permitholder may issue tax-free passes to its  
4273 officers, officials, and employees; to other persons actually  
4274 engaged in working at the facility, including accredited press  
4275 representatives such as reporters and editors; and to other  
4276 permitholders for the use of their officers and officials. The  
4277 permitholder shall file with the department a list of all  
4278 persons to whom tax-free passes are issued under this paragraph.

4279 Section 62. Section 551.056, Florida Statutes, is created  
4280 to read:

4281 551.056 Appaloosa horse races; Arabian horse races; purse  
4282 requirement; breeder and owner awards.—

4283 (1) PROMOTIONS; APPALOOSA HORSE RACES.—

4284 (a) Each permitholder that conducts race meets under this  
4285 chapter and runs Appaloosa horse races shall pay to the  
4286 department a sum equal to the breaks plus a sum equal to 1  
4287 percent of the total contributions to each pari-mutuel pool  
4288 conducted on each Appaloosa horse race. The payments shall be  
4289 remitted to the department by the 5th day of each calendar month  
4290 for sums accruing during the preceding calendar month.

4291 (b) The department shall deposit collections under  
4292 paragraph (a) into the General Inspection Trust Fund in a

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4293 special account to be known as the "Florida Appaloosa Racing  
 4294 Promotion Account." The Department of Agriculture and Consumer  
 4295 Services shall administer the funds and adopt suitable and  
 4296 reasonable rules for their administration. The moneys in the  
 4297 Florida Appaloosa Racing Promotion Account shall be allocated  
 4298 solely for supplementing and augmenting purses and prizes and  
 4299 for the general promotion of owning and breeding racing  
 4300 Appaloosas in this state. The moneys may not be used to defray  
 4301 any expense of the Department of Agriculture and Consumer  
 4302 Services under this section.

4303 (2) PROMOTIONS; ARABIAN HORSE RACES.—Each permitholder that  
 4304 conducts race meets under this chapter and runs Arabian horse  
 4305 races shall pay to the department a sum equal to the breaks plus  
 4306 a sum equal to 1 percent of the total contributions to each  
 4307 pari-mutuel pool conducted on each Arabian horse race. Payments  
 4308 shall be remitted to the department by the 5th day of each  
 4309 calendar month for sums accruing during the preceding calendar  
 4310 month.

4311 Section 63. Section 551.062, Florida Statutes, is created  
 4312 to read:

4313 551.062 Jai alai; general provisions.—

4314 (1) (a) For a jai alai permitholder, a full schedule of live  
 4315 events is a combination of at least 100 live evening or matinee  
 4316 performances during the state fiscal year.

4317 (b) For a jai alai permitholder that does not operate slot  
 4318 machines in its pari-mutuel facility, that has conducted at  
 4319 least 100 live performances per year for at least 10 years after  
 4320 December 31, 1992, and that has had handle on live jai alai  
 4321 games conducted at its pari-mutuel facility of less than \$4

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4322 million per state fiscal year for at least 2 consecutive years  
 4323 after June 30, 1992, a full schedule of live events is a  
 4324 combination of at least 40 live evening or matinee performances  
 4325 during the state fiscal year.

4326 (c) For a jai alai permitholder that operates slot machines  
 4327 in its pari-mutuel facility, a full schedule of live events is a  
 4328 combination of at least 150 live evening or matinee performances  
 4329 during the state fiscal year.

4330 (d) For a permitholder restricted by statute to certain  
 4331 operating periods within the year when other members of its same  
 4332 class of permit are authorized to operate throughout the year, a  
 4333 full schedule of live events shall be the specified number of  
 4334 live performances adjusted pro rata in accordance with the  
 4335 relationship between its authorized operating period and the  
 4336 full calendar year. The resulting specified number of live  
 4337 performances shall constitute the full schedule of live events  
 4338 for such permitholder and all other permitholders of the same  
 4339 class within 100 air miles of such permitholder.

4340 (2) A chief court judge must be present for each jai alai  
 4341 game at which pari-mutuel wagering is authorized. Chief court  
 4342 judges must be able to demonstrate extensive knowledge of the  
 4343 rules and game of jai alai and be able to meet the physical  
 4344 requirements of the position. The decisions of a chief court  
 4345 judge are final as to any incident relating to the playing of a  
 4346 jai alai game.

4347 (3) Notwithstanding any other provision of law, the time  
 4348 within which the holder of a ratified permit for jai alai has to  
 4349 construct and complete a fronton may be extended by the  
 4350 department for a period of 24 months after the date of the

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4351 issuance of the permit.

4352 (4) This chapter does not prohibit any jai alai fronton or  
 4353 facility from being used to conduct amateur jai alai or pelota  
 4354 contests or games during each fronton season by any charitable,  
 4355 civic, or nonprofit organization if only players other than  
 4356 those usually used in jai alai contests or games are permitted  
 4357 to play and if adults and minors may participate as players or  
 4358 spectators. However, during such jai alai games or contests,  
 4359 betting and gambling and the sale or use of alcoholic beverages  
 4360 are prohibited.

4361 (5) A jai alai player may not be required to perform on  
 4362 more than 6 consecutive calendar days.

4363 (6) Section 551.013 allows wagering on points during a  
 4364 game; however, the pari-mutuel machines must be locked upon the  
 4365 start of the serving motion of each serve for wagers on that  
 4366 game.

4367 Section 64. Section 551.0622, Florida Statutes, is created  
 4368 to read:

4369 551.0622 Jai Alai Tournament of Champions Meet.-

4370 (1) Notwithstanding any provision of this chapter, there is  
 4371 created a special jai alai meet designated as the "Jai Alai  
 4372 Tournament of Champions Meet," that shall be hosted by Florida  
 4373 jai alai permitholders selected by the National Association of  
 4374 Jai Alai Frontons, Inc., to conduct such meet. The meet shall  
 4375 consist of three qualifying performances and a final  
 4376 performance, each of which is conducted on a different day. Upon  
 4377 the selection of the Florida permitholders for the meet and  
 4378 application by the selected permitholders, the department shall  
 4379 issue a license to each of the selected permitholders to operate

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4380 the meet. The meet may be conducted during a season in which the  
 4381 permitholders selected to conduct the meet are not otherwise  
 4382 authorized to conduct a meet. Notwithstanding anything in this  
 4383 section to the contrary, a Florida permitholder that is to  
 4384 conduct a performance that is a part of the Jai Alai Tournament  
 4385 of Champions Meet is not required to apply for the license for  
 4386 the meet if it will run during the regular season for which such  
 4387 permitholder has a license.

4388 (2) Qualifying performances and the final performance of  
 4389 the tournament shall be held at different locations throughout  
 4390 the state, and the permitholders selected shall be under  
 4391 different ownership to the extent possible.

4392 (3) A Jai Alai Tournament of Champions Meet may not exceed  
 4393 4 days in any state fiscal year, and only one performance may be  
 4394 conducted on any one day of the meet. There shall be only one  
 4395 Jai Alai Tournament of Champions Meet in any state fiscal year.

4396 (4) The department may adopt rules necessary to facilitate  
 4397 the Jai Alai Tournament of Champions Meet as authorized in this  
 4398 section and may adopt rules regarding the overall conduct of the  
 4399 tournament to ensure the integrity of the event, licensing for  
 4400 participants, commingling of pari-mutuel pools, and audit  
 4401 requirements for tax credits and exemptions.

4402 (5) This section shall prevail over any conflicting  
 4403 provisions of this chapter.

4404 Section 65. Section 551.063, Florida Statutes, is created  
 4405 to read:

4406 551.063 Jai alai; taxes and fees.-

4407 (1) FINDINGS.-The Legislature finds that pari-mutuel  
 4408 wagering at jai alai frontons in this state is an important

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4409 business enterprise, and taxes derived therefrom constitute a  
 4410 part of the tax structure that funds operations of the state.  
 4411 Jai alai permitholders should pay their fair share of these  
 4412 taxes to the state but should not be taxed to such an extent as  
 4413 to cause any fronton that is operated under sound business  
 4414 principles to be forced out of business or be subjected to taxes  
 4415 that might cause it to operate at a loss, impair its ability to  
 4416 service debt or to maintain its fixed assets, or otherwise  
 4417 jeopardize its existence and the jobs of its employees. Due to  
 4418 the need to protect the public health, safety, and welfare, the  
 4419 gaming laws of the state provide for the jai alai industry to be  
 4420 highly regulated and taxed. The state recognizes that  
 4421 identifiable differences exist between jai alai permitholders  
 4422 based upon their ability to operate under such regulation and  
 4423 tax system.

4424 (2) DAILY LICENSE FEE.—Each licensed permitholder engaged  
 4425 in the business of conducting jai alai games shall pay to the  
 4426 department, for the use of the department, a daily license fee  
 4427 on each live or simulcast pari-mutuel event of \$40 for each jai  
 4428 alai game conducted at the licensee's fronton. Each permitholder  
 4429 shall pay daily license fees not to exceed \$500 per day on any  
 4430 simulcast event on which such permitholder accepts wagers  
 4431 regardless of the number of out-of-state events taken or the  
 4432 number of out-of-state locations from which such events are  
 4433 taken. The daily license fees shall be remitted to the Chief  
 4434 Financial Officer for deposit into the Gaming Control Trust  
 4435 Fund.

4436 (3) ADMISSION TAX.—An admission tax equal to the greater of  
 4437 15 percent of the admission charge for entrance to the

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4438 permitholder's facility and grandstand area or 10 cents is  
 4439 imposed on each person attending a jai alai game. The  
 4440 permitholder is responsible for collecting the admission tax.  
 4441 (4) TAX ON LIVE HANDLE.—Each permitholder shall pay a tax  
 4442 on live handle from games conducted by the permitholder. The tax  
 4443 is imposed daily and is based on the total contributions to all  
 4444 pari-mutuel pools conducted during the daily live performance.  
 4445 If a permitholder conducts more than one live performance daily,  
 4446 the tax is imposed on each live performance separately.

4447 (a) The tax on live handle for jai alai performances is 7.1  
 4448 percent of the handle.

4449 (b) Notwithstanding paragraph (a), the tax on live handle  
 4450 for live jai alai performances is 4.25 percent of handle. This  
 4451 tax rate shall be applicable only until the requirements of  
 4452 paragraph (c) are met.

4453 (c) Notwithstanding paragraph (a), when the total of  
 4454 admissions tax, daily license fee, and tax on handle for live  
 4455 jai alai performances paid to the department by a permitholder  
 4456 during the current state fiscal year exceeds the total state tax  
 4457 revenues from wagering on live jai alai performances paid or due  
 4458 by the permitholder in the 1991-1992 state fiscal year, the  
 4459 permitholder shall pay tax on live handle for jai alai  
 4460 performances at a rate of 2.55 percent of the handle for the  
 4461 remainder of the current state fiscal year. For purposes of this  
 4462 section, total state tax revenues on live jai alai wagering in  
 4463 the 1991-1992 state fiscal year includes any admissions tax, tax  
 4464 on handle, surtaxes on handle, and daily license fees.

4465 (d) Notwithstanding paragraph (a), if no tax on handle for  
 4466 live jai alai performances was paid to the department by a jai

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4467 alai permitholder during the 1991-1992 state fiscal year, when  
 4468 the total of admissions tax, daily license fee, and tax on  
 4469 handle for live jai alai performances paid to the department by  
 4470 a permitholder during the current state fiscal year exceeds the  
 4471 total state tax revenues from wagering on live jai alai  
 4472 performances paid or due by the permitholder in the last state  
 4473 fiscal year in which the permitholder conducted a full schedule  
 4474 of live games, the permitholder shall pay tax on live handle for  
 4475 live jai alai performances at a rate of 3.3 percent of the  
 4476 handle per performance for the remainder of the current state  
 4477 fiscal year. For purposes of this section, total state tax  
 4478 revenues on live jai alai wagering includes any admissions tax,  
 4479 tax on handle, surtaxes on handle, and daily license fees.

4480 (e) Notwithstanding paragraph (a), a permitholder that  
 4481 obtains a new permit issued by the department subsequent to the  
 4482 1991-1992 state fiscal year and a permitholder that converted  
 4483 its permit to a jai alai permit under this chapter shall, when  
 4484 the total of admissions tax, daily license fee, and tax on  
 4485 handle for live jai alai performances paid to the department by  
 4486 the permitholder during the current state fiscal year exceeds  
 4487 the average total state tax revenues from wagering on live jai  
 4488 alai performances for the first 3 consecutive jai alai seasons  
 4489 paid to or due the department by the permitholder and during  
 4490 which the permitholder conducted a full schedule of live games,  
 4491 pay tax on live handle for jai alai performances at a rate of  
 4492 3.3 percent of the handle for the remainder of the current state  
 4493 fiscal year.

4494 (f) The payment of taxes pursuant to paragraphs (c), (d),  
 4495 and (e) shall be calculated and begin the day the permitholder

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4496 is first entitled to the reduced rate specified in such  
 4497 paragraphs and the report of taxes required under s. 551.033 is  
 4498 submitted to the department.

4499 (g)1. Notwithstanding paragraphs (a), (b), (c), and (d), a  
 4500 jai alai permitholder that is prohibited under this chapter from  
 4501 operating live performances on a year-round basis may conduct  
 4502 wagering on live performances at a tax rate of 3.85 percent of  
 4503 live handle.

4504 2. The payment of taxes under subparagraph 1. shall be  
 4505 calculated and begin the day the permitholder is first entitled  
 4506 to the reduced rate specified in this paragraph.

4507 (h) Notwithstanding any other provision of this chapter, in  
 4508 order to protect the Florida jai alai industry, a jai alai  
 4509 permitholder may not be taxed on live handle at a rate higher  
 4510 than 2 percent.

4511 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
 4512 facility is a jai alai fronton, the tax on handle for intertrack  
 4513 wagering is 7.1 percent of the handle with the following  
 4514 exceptions:

4515 (a) If the guest facility is located outside the market  
 4516 area of the host facility and within the market area of a  
 4517 thoroughbred racing permitholder currently conducting a live  
 4518 race meet, the tax on handle for intertrack wagering is 0.5  
 4519 percent of the handle.

4520 (b) If the guest facility is a jai alai fronton located as  
 4521 specified in s. 551.073(6) or (9), on games received from any  
 4522 jai alai permitholder located within the same market area the  
 4523 tax on handle for intertrack wagers is 6.1 percent.

4524 (c) Notwithstanding paragraph (b), if the guest facility is

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4525 a jai alai fronton located as specified in s. 551.073(6) or (9),  
 4526 on games received from any jai alai permitholder located within  
 4527 the same market area the tax on handle for intertrack wagers  
 4528 shall be 2.3 percent of the handle when the total tax on  
 4529 intertrack handle paid to the department by the permitholder  
 4530 during the current state fiscal year exceeds the total tax on  
 4531 intertrack handle paid to the department by the permitholder  
 4532 during the 1992-1993 state fiscal year.

4533 (d)1. Any jai alai permitholder that is prohibited under  
 4534 this chapter from operating live performances on a year-round  
 4535 basis may conduct intertrack wagering as a host permitholder on  
 4536 live jai alai games at its fronton at a tax rate of 3.3 percent  
 4537 of handle when the total tax on intertrack handle paid to the  
 4538 department by the permitholder during the current state fiscal  
 4539 year exceeds the total tax on intertrack handle paid to the  
 4540 department by the permitholder during the 1992-1993 state fiscal  
 4541 year.

4542 2. The payment of taxes under subparagraph 1. shall be  
 4543 calculated and begin the day the permitholder is first entitled  
 4544 to the reduced rate specified in this paragraph.

4545 (6) OTHER TAXES AND FEES.—

4546 (a) All money or other property represented by any  
 4547 unclaimed, uncashed, or abandoned pari-mutuel ticket that has  
 4548 remained in the custody of or under the control of any  
 4549 permitholder authorized to conduct jai alai pari-mutuel pools in  
 4550 this state for a period of 1 year after the date the pari-mutuel  
 4551 ticket was issued, if the rightful owners thereof have made no  
 4552 claim or demand for such money or other property within that 1-  
 4553 year period, shall, with respect to live games conducted by the

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4554 permitholder, be remitted to the state pursuant to s. 551.036.

4555 (b)1. Each permitholder conducting jai alai performances  
 4556 shall pay a tax equal to the breaks.

4557 2. A jai alai permitholder paying taxes under this section  
 4558 shall retain the breaks and pay an amount equal to the breaks as  
 4559 special prize awards, which shall be in addition to the regular  
 4560 contracted prize money paid to jai alai players at the  
 4561 permitholder's facility. Payment of the special prize money  
 4562 shall be made during the permitholder's current meet.

4563 (c) A jai alai permitholder conducting fewer than 100 live  
 4564 performances in any calendar year shall pay to the state the  
 4565 same aggregate amount of daily license fees on live jai alai  
 4566 games, admissions tax, and tax on live handle that it paid to  
 4567 the state during the most recent prior calendar year in which  
 4568 the jai alai permitholder conducted at least 100 live  
 4569 performances.

4570 (7) TAX CREDITS.—

4571 (a) A jai alai permitholder that has incurred state taxes  
 4572 on handle and admissions in an amount that exceeds its operating  
 4573 earnings in a fiscal year may credit the excess amount of the  
 4574 taxes against state pari-mutuel taxes due and payable during its  
 4575 next ensuing meets. As used in this paragraph, the term  
 4576 "operating earnings" means total revenues from pari-mutuel  
 4577 operations net of state taxes and fees less total expenses;  
 4578 however, deductions for interest, depreciation and amortization,  
 4579 payments to affiliated entities other than for reimbursement of  
 4580 expenses related to pari-mutuel operations, and any increase in  
 4581 an officer's or director's annual compensation above the amount  
 4582 paid during calendar year 1997 are excluded from total expenses.

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4583 (b) A jai alai permitholder may receive a tax credit equal  
 4584 to 25 percent of the actual amount remitted to the state in the  
 4585 preceding state fiscal year pursuant to paragraph (6) (a) with  
 4586 respect to live games. The credit may be applied against any  
 4587 taxes imposed under this chapter. Funds equal to such credit  
 4588 from any live jai alai games shall be paid by the permitholder  
 4589 to the National Association of Jai Alai Frontons, to be used for  
 4590 the general promotion of the sport of jai alai in the state,  
 4591 including professional tournaments and amateur jai alai youth  
 4592 programs. Such youth programs must focus on benefiting children  
 4593 in after-school and anti-drug programs with special attention to  
 4594 inner-city areas.

4595 (c)1. Jai Alai Tournament of Champions Meet permitholders  
 4596 shall also receive a credit against the taxes, otherwise due and  
 4597 payable under this section, generated during the permitholders'  
 4598 current regular meet. The credit shall be:

4599 a. In the aggregate amount of \$150,000;

4600 b. Prorated equally among the permitholders; and

4601 c. Used by the permitholders solely to supplement awards  
 4602 for the performance conducted during the Jai Alai Tournament of  
 4603 Champions Meet.

4604 2. All awards shall be paid to the tournament's  
 4605 participating players no later than 30 days after the conclusion  
 4606 of the Jai Alai Tournament of Champions Meet.

4607 (d)1. In addition to the credit authorized in paragraph  
 4608 (c), Jai Alai Tournament of Champions Meet permitholders shall  
 4609 receive a credit against the taxes, otherwise due and payable  
 4610 under this section, generated during the permitholders' current  
 4611 regular meet, not to exceed the aggregate amount of \$150,000,

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4612 which shall be prorated equally among the permitholders and used  
 4613 by the permitholders for such capital improvements and  
 4614 extraordinary expenses, including marketing expenses, necessary  
 4615 for the operation of the meet. The determination of the amount  
 4616 to be credited shall be made by the department upon application  
 4617 of the permitholders.

4618 2. The permitholder may receive the permitholder's pro rata  
 4619 share of the \$150,000 tax credit provided in subparagraph 1.  
 4620 without making application if appropriate documentation to  
 4621 substantiate the expenditures is provided to the department  
 4622 within 30 days after the Jai Alai Tournament of Champions Meet.

4623 (8) TAX EXEMPTIONS.—

4624 (a) An admission tax under this chapter or chapter 212 may  
 4625 not be imposed on any free passes or complimentary cards issued  
 4626 to persons for which there is no cost to the person for  
 4627 admission to pari-mutuel events.

4628 (b) A permitholder may issue tax-free passes to its  
 4629 officers, officials, and employees; to other persons actually  
 4630 engaged in working at the facility, including accredited press  
 4631 representatives such as reporters and editors; and to other  
 4632 permitholders for the use of their officers and officials. The  
 4633 permitholder shall file with the department a list of all  
 4634 persons to whom tax-free passes are issued under this paragraph.

4635 (c) When the live handle of a permitholder during the  
 4636 preceding state fiscal year was less than \$15 million, the tax  
 4637 shall be paid on the handle in excess of \$30,000 per performance  
 4638 per day.

4639 (d) Notwithstanding any other provision of this chapter,  
 4640 each permitholder licensed to conduct performances as part of

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4641 the Jai Alai Tournament of Champions Meet shall pay no taxes on  
 4642 handle under subsection (4) or subsection (5) for any  
 4643 performance conducted by such permitholder as part of the Jai  
 4644 Alai Tournament of Champions Meet. This paragraph applies to a  
 4645 maximum of four performances.

4646 (9) If a court determines that subsection (1), paragraphs  
 4647 (4) (b)-(g), paragraph (5) (d), subparagraph (6) (b)2., paragraph  
 4648 (6) (c), paragraph (7) (a), or paragraph (8) (c) is  
 4649 unconstitutional, it is the intent of the Legislature that all  
 4650 such provisions be void and that the remaining provisions of  
 4651 this section apply to all jai alai permitholders beginning on  
 4652 the date of such judicial determination. To this end, the  
 4653 Legislature declares that it would not have enacted any  
 4654 provision listed in this subsection individually and, to that  
 4655 end, expressly finds them not to be severable.

4656 Section 66. Section 551.072, Florida Statutes, is created  
 4657 to read:

4658 551.072 Transmission of racing and jai alai information;  
 4659 commingling of pari-mutuel pools.-

4660 (1) (a) A person who transmits racing information to any  
 4661 person or relays such information to any person by word of  
 4662 mouth, by signal, or by use of telephone, telegraph, radio, or  
 4663 any other means knowing that the information is used or intended  
 4664 to be used for illegal gambling purposes or in furtherance of  
 4665 illegal gambling commits a felony of the third degree,  
 4666 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4667 (b) Paragraph (a) is an exercise of the police power of the  
 4668 state for the protection of the public welfare, health, peace,  
 4669 safety, and morals of the people of the state, and this section

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4670 shall be liberally construed for the accomplishment of such  
 4671 purpose.

4672 (2) A pari-mutuel facility licensed under this chapter may  
 4673 broadcast events conducted at the enclosure of the licensee to  
 4674 locations outside this state.

4675 (a) All broadcasts of horseraces to locations outside this  
 4676 state must comply with the Interstate Horseracing Act of 1978,  
 4677 15 U.S.C. ss. 3001 et seq.

4678 (b) Wagers accepted by any out-of-state pari-mutuel  
 4679 permitholder or licensed betting system on a race broadcast  
 4680 under this subsection may be included in the pari-mutuel pools  
 4681 of the horse track in this state that broadcasts the race upon  
 4682 which wagers are accepted. The tax on handle in this part does  
 4683 not include wagers accepted by an out-of-state pari-mutuel  
 4684 permitholder or licensed betting system, irrespective of whether  
 4685 such wagers are included in the pari-mutuel pools of the Florida  
 4686 permitholder under this subsection.

4687 (3) Any horse track licensed under this chapter may receive  
 4688 broadcasts of horseraces conducted at other horse tracks located  
 4689 outside this state at the racetrack enclosure of the licensee  
 4690 during its race meet.

4691 (a) All broadcasts of horseraces received from locations  
 4692 outside this state must comply with the Interstate Horseracing  
 4693 Act of 1978, 15 U.S.C. ss. 3001 et seq.

4694 (b) Wagers accepted at the horse track in this state may be  
 4695 included in the pari-mutuel pools of the out-of-state horse  
 4696 track that broadcasts the race. Notwithstanding any contrary  
 4697 provision of this chapter, if the horse track in this state  
 4698 includes wagers accepted on such races in the pari-mutuel pools

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4699 of the out-of-state horse track that broadcasts the race, from  
 4700 the amount wagered by patrons at the horse track in this state  
 4701 and included in the pari-mutuel pools of the out-of-state horse  
 4702 track, the horse track in this state shall deduct as the takeout  
 4703 from the amount wagered by patrons at the horse track in this  
 4704 state and included in the pari-mutuel pools of the out-of-state  
 4705 horse track a percentage equal to the percentage deducted from  
 4706 the amount wagered at the out-of-state racetrack as is  
 4707 authorized by the laws of the jurisdiction exercising regulatory  
 4708 authority over the out-of-state horse track.

4709 (c) All forms of pari-mutuel wagering are allowed on races  
 4710 broadcast under this section, and all money wagered by patrons  
 4711 on such races shall be computed as part of the total amount of  
 4712 money wagered at each racing performance for purposes of  
 4713 taxation under this part. Sections 551.0523(1)(a), 551.0542(1),  
 4714 and 551.0552(1) do not apply to money wagered on races broadcast  
 4715 under this section. The takeout shall be increased by breaks and  
 4716 uncashed tickets for wagers on races broadcast under this  
 4717 section, notwithstanding any contrary provision of this chapter.

4718 (4) A greyhound track or fronton licensed under this  
 4719 chapter may receive broadcasts of greyhound races or jai alai  
 4720 games conducted at other greyhound tracks or frontons located  
 4721 outside the state at the track enclosure of the licensee during  
 4722 its operational meeting. All forms of pari-mutuel wagering are  
 4723 allowed on greyhound races or jai alai games broadcast under  
 4724 this subsection. All money wagered by patrons on greyhound races  
 4725 broadcast under this subsection shall be computed in the amount  
 4726 of money wagered each performance for purposes of taxation under  
 4727 this part.

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4728 (5) A pari-mutuel permitholder licensed under this chapter  
 4729 may not receive broadcasts of events from outside this state  
 4730 except from an out-of-state pari-mutuel permitholder that holds  
 4731 the same type or class of pari-mutuel permit as the pari-mutuel  
 4732 permitholder licensed under this chapter that intends to receive  
 4733 the broadcast.

4734 (6) (a) A maximum of 20 percent of the total number of races  
 4735 on which wagers are accepted by a greyhound racing permitholder  
 4736 not located as specified in s. 551.073(6) may be received from  
 4737 locations outside this state. A permitholder may not conduct  
 4738 fewer than eight live events on any authorized race day except  
 4739 as provided in this subsection. A thoroughbred racing  
 4740 permitholder may not conduct fewer than eight live races on any  
 4741 race day without the written approval of the Florida  
 4742 Thoroughbred Breeders' and Owners' Association and the Florida  
 4743 Horsemen's Benevolent and Protective Association, Inc., unless  
 4744 it is determined by the department that another entity  
 4745 represents a majority of the thoroughbred racehorse owners and  
 4746 trainers in the state. A harness racing permitholder may conduct  
 4747 fewer than eight live races on any authorized race day, except  
 4748 that such permitholder must conduct a full schedule of live  
 4749 racing during its race meet consisting of at least eight live  
 4750 races per authorized race day for at least 100 days. A harness  
 4751 racing permitholder that, during the preceding racing season,  
 4752 conducted a full schedule of live racing may receive, at any  
 4753 time during its current race meet, full-card broadcasts of  
 4754 harness races conducted at harness race tracks outside this  
 4755 state at the harness race track of the permitholder and accept  
 4756 wagers on such harness races. With specific authorization from

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4757 the department for special racing events, a permitholder may  
 4758 conduct fewer than eight live events if the permitholder also  
 4759 broadcasts out-of-state events. The department may not authorize  
 4760 more than two such exceptions a year for a permitholder in any  
 4761 12-month period, and those two exceptions may not be  
 4762 consecutive.

4763 (b) Notwithstanding any other provision of this part, a  
 4764 harness racing permitholder that accepts broadcasts of out-of-  
 4765 state harness races when not conducting live races must make the  
 4766 out-of-state signal available to all permitholders eligible to  
 4767 conduct intertrack wagering and shall pay to guest tracks  
 4768 located as specified in ss. 551.073(6) and 551.074(9) (d) 50  
 4769 percent of the net proceeds after taxes and fees to the out-of-  
 4770 state host track on harness race wagers that they accept. A  
 4771 harness racing permitholder shall pay into its purse account 50  
 4772 percent of the net income retained by the permitholder on  
 4773 wagering on the out-of-state broadcasts received pursuant to  
 4774 this subsection. Nine-tenths of a percent of all harness race  
 4775 wagering proceeds on the broadcasts received pursuant to this  
 4776 subsection shall be paid to the Florida Standardbred Breeders  
 4777 and Owners Association under the provisions of s. 551.0552(2)  
 4778 for the purposes specified in that subsection.

4779 (7) A racetrack or fronton may not pay a patron for any  
 4780 pari-mutuel ticket purchased on any event transmitted pursuant  
 4781 to this section until the stewards, judges, or panel of judges  
 4782 or other similarly constituted body at the racetrack or fronton  
 4783 where the event originates confirms the event as official.

4784 (8) By entering and participating in a race for a purse or  
 4785 any other prize of any racing animal, the owner of the animal

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4786 and the jockey or driver agree to accept such purse or prize as  
 4787 full and complete remuneration and payment, including the  
 4788 broadcast of such event, except as otherwise provided in this  
 4789 section.

4790 (9) The rights, privileges, or immunities granted under  
 4791 this section prevail over any conflicting provision to the  
 4792 extent that such rights, privileges, or immunities conflict with  
 4793 any other law or affect any order or rule of the Florida Public  
 4794 Service Commission relating to the regulation of public  
 4795 utilities and the furnishing to others of any communication,  
 4796 wire service, or other similar service or equipment.

4797 (10) The department may adopt rules necessary to facilitate  
 4798 commingling of pari-mutuel pools, to ensure the proper  
 4799 calculation of payoffs in circumstances in which different  
 4800 commission percentages are applicable, and to regulate  
 4801 distribution of net proceeds between the horse track and, in  
 4802 this state, the horsemen's associations.

4803 (11) Greyhound tracks and jai alai frontons have the same  
 4804 privileges as provided in this section to horse tracks, subject  
 4805 to rules adopted under subsection (10).

4806 (12) All permitholders licensed under this chapter have  
 4807 standing to enforce subsections (2) and (3) in the courts of  
 4808 this state.

4809 (13) This section does not prohibit the commingling of  
 4810 national pari-mutuel pools by a totalisator company that is  
 4811 licensed under this chapter. Such commingling of national pools  
 4812 is subject to department review and approval and must be  
 4813 performed in accordance with rules adopted by the department to  
 4814 ensure accurate calculation and distribution of the pools.

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4815 (14) Notwithstanding the provisions of paragraph (3) (b)  
 4816 pertaining to takeout, takeouts different from those of the host  
 4817 track may be used when the totalisator is programmed for net  
 4818 pool pricing and the host track elects to use net pool pricing  
 4819 in the calculation of its pools. This subsection also applies to  
 4820 greyhound intertrack and simulcast wagers.

4821 (15) Uncashed tickets and breakage tax on intertrack wagers  
 4822 shall be retained by the permitholder conducting the live event.

4823 (16) Section 565.02(5) applies to any guest track.

4824 Section 67. Section 551.073, Florida Statutes, is created  
 4825 to read:

4826 551.073 Intertrack wagering.-

4827 (1) A licensed horseracing permitholder that has conducted  
 4828 a full schedule of live racing may, at any time, receive at its  
 4829 facility broadcasts of and accept wagers on horseraces conducted  
 4830 by horseracing permitholders licensed under this chapter.

4831 (2) Any licensed track or fronton that, in the preceding  
 4832 year, conducted a full schedule of live events may, at any time,  
 4833 receive broadcasts of any class of pari-mutuel event and accept  
 4834 wagers on such events conducted by any class of licensed  
 4835 permitholder.

4836 (3) If a permitholder broadcasts to any permitholder in  
 4837 this state, any permitholder that is eligible to conduct  
 4838 intertrack wagering under this part may receive the broadcast  
 4839 and conduct intertrack wagering under this section. A host track  
 4840 may require a guest track within the market area of another  
 4841 permitholder to accept within any week at least 60 percent of  
 4842 the live races that the host track is making available  
 4843 regardless of whether the guest track is operating live events.

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4844 A person may not restrain or attempt to restrain any  
 4845 permitholder that is otherwise authorized to conduct intertrack  
 4846 wagering from receiving the signal of any other permitholder or  
 4847 sending its signal to any permitholder.

4848 (4) A guest track within the market area of an operating  
 4849 permitholder may not take an intertrack wager on the same class  
 4850 of live events without the written consent of such operating  
 4851 permitholders conducting the same class of live events.

4852 (5) A permitholder within the market area of the host track  
 4853 may not take an intertrack wager on the host track without the  
 4854 consent of the host track.

4855 (6) Notwithstanding subsection (3), in any area of the  
 4856 state where there are three or more horseracing permitholders  
 4857 within 25 miles of each other, intertrack wagering between  
 4858 permitholders may only be authorized under the following  
 4859 conditions:

4860 (a) A permitholder, other than a thoroughbred racing  
 4861 permitholder, may accept intertrack wagers on live events  
 4862 conducted by a permitholder of the same class or any harness  
 4863 racing permitholder located within such area;

4864 (b) A harness racing permitholder may accept wagers on  
 4865 games conducted live by any jai alai permitholder located within  
 4866 its market area and may accept wagers on games from a jai alai  
 4867 permitholder located within the area specified in this  
 4868 subsection when no jai alai permitholder located within its  
 4869 market area is conducting live jai alai performances; and

4870 (c) A greyhound racing or jai alai permitholder may receive  
 4871 broadcasts of and accept wagers on any permitholder of the other  
 4872 class if a permitholder, other than the host track, of such

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4873 other class is not operating a contemporaneous live performance  
 4874 within the market area.

4875 (7) In any county of the state where there are only two  
 4876 permits, one for greyhound racing and one for jai alai, an  
 4877 intertrack wager may not be taken during the period of time when  
 4878 a permitholder is not licensed to conduct live events without  
 4879 the written consent of the other permitholder that is conducting  
 4880 live events. However, if neither permitholder is conducting live  
 4881 events, either permitholder may accept intertrack wagers on  
 4882 horseraces or on the same class of events, or on both horseraces  
 4883 and the same class of events, as is authorized by its permit.

4884 (8) In any three contiguous counties of the state where  
 4885 there are only three permitholders, all of which are greyhound  
 4886 racing permitholders, if a permitholder leases the facility of  
 4887 another permitholder for all or any portion of its live race  
 4888 meet pursuant to s. 551.037, such lessee may conduct intertrack  
 4889 wagering at its prelease permitted facility throughout the  
 4890 entire year, including while its live meet is being conducted at  
 4891 the leased facility, if such permitholder has conducted a full  
 4892 schedule of live racing during the preceding fiscal year at its  
 4893 pre-lease permitted facility, at a leased facility, or at both.

4894 (9) In any two contiguous counties of the state in which  
 4895 only four active permits have been issued, one for thoroughbred  
 4896 racing, two for greyhound racing, and one for jai alai games, an  
 4897 intertrack wager may not be accepted on the same class of live  
 4898 events as those of any permitholder within the same market area  
 4899 without the written consent of each such permitholder conducting  
 4900 the same class of live events within the market area of the  
 4901 quest track.

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4902 (10) All costs of receiving broadcasts shall be borne by  
 4903 the quest track, and all costs of sending broadcasts shall be  
 4904 borne by the host track.

4905 Section 68. Section 551.074, Florida Statutes, is created  
 4906 to read:

4907 551.074 Intertrack wagering; purses; breeder awards.—If a  
 4908 host track is a horse track:

4909 (1) A host track racing under a thoroughbred racing permit  
 4910 or quarter horse racing permit shall pay as purses during its  
 4911 current race meet an amount equal to 7 percent of all wagers  
 4912 placed pursuant to s. 551.073. At the option of the host track,  
 4913 up to 0.50 percent of all wagers placed pursuant to s. 551.073  
 4914 may be deducted from the amount retained by the host track for  
 4915 purses to supplement the awards program for owners of Florida-  
 4916 bred horses as specified in s. 551.0511(3). A host track racing  
 4917 under a harness racing permit shall pay an amount equal to 7  
 4918 percent of all wagers placed pursuant to s. 551.073 as purses  
 4919 during its current race meet. If a host track underpays or  
 4920 overpays purses required by this section and s. 551.0511, then  
 4921 s. 551.0511 applies to the overpayment or underpayment.

4922 (2) For all wagers placed under s. 551.073:

4923 (a) If the host track is a thoroughbred race track, an  
 4924 amount equal to 0.75 percent of such wagers shall be paid to the  
 4925 Florida Thoroughbred Breeders' and Owners' Association, Inc.,  
 4926 for the payment of breeder awards.

4927 (b) If the host track is a harness race track, an amount  
 4928 equal to 1 percent of such wagers shall be paid to the Florida  
 4929 Standardbred Breeders and Owners Association, Inc., for the  
 4930 payment of breeder awards, stallion awards, stallion stakes,

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4931 additional purses, and prizes for, and the general promotion of  
 4932 owning and breeding, Florida-bred standardbred horses.

4933 (c) If the host track is a quarter horse race track, an  
 4934 amount equal to 1 percent of such wagers shall be paid to the  
 4935 Florida Quarter Horse Breeders and Owners Association, Inc., for  
 4936 the payment of breeder awards and general promotion.

4937 (3) The payment to a breeder organization shall be combined  
 4938 with any other amounts received by the respective breeder and  
 4939 owner associations as designated. Each breeder and owner  
 4940 association receiving such funds may withhold the same  
 4941 percentage specified in s 551.0523, s. 551.0542, s. 551.0552, or  
 4942 s. 551.056 to be used for administering the payment of awards  
 4943 and for the general promotion of its respective industry.  
 4944 Notwithstanding any other provision of law, if the total  
 4945 combined amount received for thoroughbred breeder awards exceeds  
 4946 15 percent of the purse required to be paid under subsection  
 4947 (1), the breeder and owner association, as designated, shall  
 4948 submit a plan to the department for approval which would use the  
 4949 excess funds in promoting the breeding industry by increasing  
 4950 the purse structure for Florida-bred horses. Preference shall be  
 4951 given to the track generating such excess.

4952 Section 69. Section 551.075, Florida Statutes, is created  
 4953 to read:

4954 551.075 Intertrack wagering; guest track payments;  
 4955 accounting rules.—

4956 (1) (a) All guest tracks receiving broadcasts of:

4957 1. Horseraces from a host track racing under a thoroughbred  
 4958 racing permit or quarter horse racing permit are entitled to 7  
 4959 percent of the total contributions to the pari-mutuel pool on

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4960 wagers accepted at the guest track.

4961 2. Greyhound races or jai alai games from a host track  
 4962 other than a thoroughbred racing or harness racing permitholder  
 4963 are entitled to at least 5 percent of the total contributions to  
 4964 the daily pari-mutuel pool on wagers accepted at the guest  
 4965 track.

4966 3. Horseraces from a host track racing under a harness  
 4967 racing permit are entitled to 5 percent of the total  
 4968 contributions to the daily pari-mutuel pool on wagers accepted  
 4969 at the guest track.

4970 (b)1. If the guest track is a horseracing permitholder that  
 4971 accepts intertrack wagers during its current race meet, one-half  
 4972 of the amount provided in this subsection and s. 551.076 shall  
 4973 be paid as purses during its current race meet; or

4974 2. If the host track is a thoroughbred racing permitholder,  
 4975 and the guest track is also a thoroughbred racing permitholder  
 4976 and accepts intertrack wagers on thoroughbred races during its  
 4977 current race meet, one-third of the amount provided in this  
 4978 subsection shall be paid as purses during its current race meet.  
 4979 In addition, an amount equal to 2 percent of the intertrack  
 4980 handle at the guest track shall be deducted from the purses  
 4981 required to be paid by the host track and remitted by the host  
 4982 track to the guest track and paid by the guest track as purses  
 4983 during its current race meet.

4984 (c) If intertrack wagering on thoroughbred racing is taken  
 4985 at any guest track, including a thoroughbred guest track, which  
 4986 is located within the market area of any thoroughbred racing  
 4987 permitholder that is not conducting live racing, an amount equal  
 4988 to 2 percent of the intertrack handle at all such guest tracks,

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4989 including the thoroughbred guest track, shall be deducted from  
 4990 the purses otherwise required to be paid by the host track and  
 4991 remitted by the host track to the thoroughbred racing  
 4992 permitholder that was not conducting live racing. The amount  
 4993 paid under this paragraph to the thoroughbred racing  
 4994 permitholder that was not conducting live racing shall be used  
 4995 to pay purses during its next race meet.

4996 (2) For the purpose of calculating odds and payoffs and  
 4997 distributing pari-mutuel pools, all intertrack wagers shall be  
 4998 combined with the pari-mutuel pools at the host track.  
 4999 Notwithstanding this subsection or subsection (4), a greyhound  
 5000 racing permitholder may conduct intertrack wagering without  
 5001 combining pari-mutuel pools on not more than three races in any  
 5002 week, not to exceed 20 races in a year. All other provisions  
 5003 concerning pari-mutuel takeout and payments, including state tax  
 5004 payments, apply as if the pool had been combined.

5005 (3) All forms of pari-mutuel wagering are allowed on all  
 5006 wagering authorized by s. 551.073 and this section.

5007 (4) The takeout on all intertrack wagering shall be the  
 5008 same as the takeout on similar pari-mutuel pools conducted at  
 5009 the host track.

5010 (5) The department shall adopt rules providing an expedient  
 5011 accounting procedure for the transfer of the pari-mutuel pool in  
 5012 order to properly account for payment of state taxes and purses  
 5013 and payment to the guest track, the host track, breeder  
 5014 associations, horsemen's associations, and the public.

5015 (6) Each host track or quest track conducting intertrack  
 5016 wagering shall annually file an audit that complies with s.  
 5017 551.034 which distinguishes intertrack wagering from wagering

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5018 conducted live.

5019 (7) A guest track may not make any payment on a pari-mutuel  
 5020 ticket purchased on any event broadcast until the stewards,  
 5021 judges, or panel of judges at the host track where the event  
 5022 originated confirms the event as official.

5023 (8) By entering and participating in a race for a purse or  
 5024 other prize of any racing animal, the owner of the animal and  
 5025 the jockey or driver agree to accept such purse or prize as full  
 5026 and complete remuneration and payment for such entry and  
 5027 participation, including the broadcast of such event.

5028 (9) A host track that has contracted with an out-of-state  
 5029 horse track to broadcast live races conducted at the out-of-  
 5030 state horse track pursuant to s. 551.072(5) may rebroadcast  
 5031 simulcasts of such races to any guest track and accept wagers  
 5032 thereon in the same manner as is provided in s. 551.072.

5033 (a) Definition.—For purposes of this section, the term "net  
 5034 proceeds" means the amount of takeout remaining after payment of  
 5035 state taxes, purses required under this part, the amount paid to  
 5036 the out-of-state horse track, and breeder awards paid to the  
 5037 Florida Thoroughbred Breeders' and Owners' Association and the  
 5038 Florida Standardbred Breeders and Owners Association, to be used  
 5039 as set forth in s. 551.074(2).

5040 (b) Thoroughbred racing host track; distribution.—  
 5041 Notwithstanding subsection (1) and s. 551.074(1) and (2),  
 5042 distribution of the net proceeds that are retained by a  
 5043 thoroughbred racing host track from the takeout on a simulcast  
 5044 race rebroadcast under this subsection shall be as follows:

5045 1. One-third shall be paid to the guest track;

5046 2. One-third shall be retained by the host track; and

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5047 3. One-third shall be paid by the host track as purses at  
5048 the host track.

5049 (c) Guest tracks not thoroughbred; distribution.—All guest  
5050 tracks, other than thoroughbred racing permitholders, receiving  
5051 wagers on simulcast horseraces rebroadcast from a thoroughbred  
5052 racing host track are subject to the distribution of net  
5053 proceeds specified in paragraph (b) unless the host track and  
5054 guest track permitholders and the recognized horseman's group  
5055 agree by contract to a different distribution of their  
5056 respective portions of the proceeds.

5057 (d) Guest track distribution exception.—A permitholder  
5058 located in any market area of the state where there are only two  
5059 permits, one for greyhound racing and one for jai alai, may  
5060 accept wagers on rebroadcasts of simulcast thoroughbred races  
5061 from an in-state thoroughbred racing permitholder and is not  
5062 subject to paragraph (b) if the thoroughbred racing permitholder  
5063 is both conducting live races and accepting wagers on out-of-  
5064 state horseraces. In such case, the guest permitholder is  
5065 entitled to 45 percent of the net proceeds on wagers accepted at  
5066 the guest facility. Of the remaining net proceeds, one-half  
5067 shall be retained by the host facility and one-half shall be  
5068 paid by the host facility as purses at the host facility.

5069 (e) Harness racing host.—Notwithstanding subsection (1) and  
5070 s. 551.074(1) and (2), the proceeds that are retained by a  
5071 harness racing host facility from the takeout on a race  
5072 broadcast under this subsection shall be distributed as follows:

5073 1. Of the total intertrack handle on the broadcast, 1  
5074 percent shall be deducted from the proceeds and paid to the  
5075 Florida Standardbred Breeders and Owners Association to be used

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5076 as set forth in s. 551.074(2).

5077 2. After the deduction under subparagraph 1., one-third of  
5078 the proceeds shall be paid to the guest facility, one-third  
5079 shall be retained by the host facility, and one-third shall be  
5080 paid by the host facility as purses at the host facility.

5081 (f) Greyhound racing and jai alai guest tracks.—A  
5082 permitholder located in any market area of the state where there  
5083 are only two permits, one for greyhound racing and one for jai  
5084 alai, may accept wagers on rebroadcasts of simulcast harness  
5085 races from an in-state harness racing permitholder and is not  
5086 subject to paragraph (b) if the harness racing permitholder is  
5087 conducting live races. In such case, the guest permitholder is  
5088 entitled to 45 percent of the net proceeds on wagers accepted at  
5089 the guest facility. Of the remaining net proceeds, one-half  
5090 shall be retained by the host facility and one-half shall be  
5091 paid by the host facility as purses at the host facility.

5092 (g) Simulcast wagers on thoroughbred racing.—

5093 1. A thoroughbred racing permitholder that accepts wagers  
5094 on a simulcast signal must make the signal available to any  
5095 permitholder that is eligible to conduct intertrack wagering  
5096 under this part. Notwithstanding any other provision of this  
5097 part to the contrary, a permitholder located as specified in s.  
5098 551.073(6) which receives the rebroadcast after 6 p.m. may  
5099 accept wagers on such rebroadcast simulcast signal. A  
5100 permitholder licensed under s. 551.077 which receives the  
5101 rebroadcast after 6 p.m. may accept wagers on such rebroadcast  
5102 simulcast signals for a number of performances not exceeding  
5103 that which constitutes a full schedule of live races for a  
5104 quarter horse racing permitholder pursuant to s. 551.012,

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5105 notwithstanding any other provision of this chapter to the  
 5106 contrary, except that the restrictions provided in s. 551.077(1)  
 5107 apply to wagers on such rebroadcast simulcast signals.

5108 2. A thoroughbred permitholder is not required to continue  
 5109 to rebroadcast a simulcast signal to any in-state permitholder  
 5110 if the average per performance gross receipts returned to the  
 5111 host permitholder over the preceding 30-day period were less  
 5112 than \$100. Subject to the provisions of s. 551.073(4), as a  
 5113 condition of receiving rebroadcasts of thoroughbred simulcast  
 5114 signals under this paragraph, a guest permitholder must accept  
 5115 intertrack wagers on all live races conducted by all then-  
 5116 operating thoroughbred racing permitholders.

5117 (10) All events conducted at a permitholder's facility, all  
 5118 broadcasts of such events, and all related broadcast rights are  
 5119 owned by the permitholder at whose facility such events are  
 5120 conducted and are the permitholder's property as defined in s.  
 5121 812.012(4). Transmission, reception of a transmission,  
 5122 exhibition, use, or other appropriation of such events,  
 5123 broadcasts of such events, or related broadcast rights without  
 5124 the written consent of the permitholder is theft of such  
 5125 property under s. 812.014, and, in addition to the penal  
 5126 sanctions contained in s. 812.014, the permitholder may avail  
 5127 itself of the civil remedies specified in ss. 772.104, 772.11,  
 5128 and 812.035 in addition to any other remedies available under  
 5129 applicable state or federal law.

5130 (11) To the extent that any rights, privileges, or  
 5131 immunities granted to pari-mutuel permitholders in this section  
 5132 conflict with any provision of any other law or affect any order  
 5133 or rule of the Florida Public Service Commission relating to the

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5134 regulation of public utilities and the furnishing to others of  
 5135 any communication, wire service, or other similar service or  
 5136 equipment, the rights, privileges, and immunities granted under  
 5137 this section prevail over such conflicting provision.

5138 Section 70. Section 551.076, Florida Statutes, is created  
 5139 to read:

5140 551.076 Surcharge; supplement payments.-

5141 (1) SURCHARGE ON INTERTRACK POOL.-

5142 (a) Any guest track that accepts intertrack wagers may  
 5143 collect and retain a surcharge on any intertrack pool in an  
 5144 amount not to exceed 3 percent of each winning pari-mutuel  
 5145 ticket cashed.

5146 (b) A thoroughbred racing permitholder that accepts wagers  
 5147 on out-of-state races may impose a surcharge on each winning  
 5148 ticket, or interstate pool, on such out-of-state race in an  
 5149 amount not to exceed 5 percent of each winning pari-mutuel  
 5150 winning ticket cashed. If a permitholder rebroadcasts such  
 5151 signal and elects to impose a surcharge, the surcharge shall be  
 5152 imposed on any winning ticket at any guest facility at the same  
 5153 rate as the surcharge on wagers accepted at its own facility.  
 5154 The proceeds from the surcharge shall be distributed as follows:

5155 1. If the wager is made at the host facility, one-half of  
 5156 the proceeds shall be retained by the host permitholder and one-  
 5157 half shall be paid as purses at the host facility.

5158 2. If the wager is made at a guest facility, one-half of  
 5159 the proceeds shall be retained by the guest permitholder, one-  
 5160 quarter shall be paid to the host permitholder, and one-quarter  
 5161 shall be paid as purses at the host facility.

5162 (c) Any surcharge taken under this section must be

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5163 calculated after breakage is deducted from the wagering pool.  
 5164 (2) SUPPLEMENTAL PAYMENTS BY HARNESS RACING HOST TRACK.—A  
 5165 harness racing permitholder host track may pay any guest track  
 5166 that receives broadcasts and accepts wagers on races from the  
 5167 host track an additional percentage of the total contribution to  
 5168 the pari-mutuel pool on wagers accepted at that guest track as a  
 5169 supplement to the payment authorized in s. 551.075. A harness  
 5170 racing permitholder host track that supplements payments to a  
 5171 guest track may reduce the account available for payment of  
 5172 purses during its current race meet by 50 percent of the  
 5173 supplemental amount paid to the guest track, but the total  
 5174 reduction may not exceed 1 percent of the intertrack wagers  
 5175 placed on races that are part of the regular ontrack program of  
 5176 the host track during its current race meet pursuant to s.  
 5177 551.073.

5178 Section 71. Section 551.077, Florida Statutes, is created  
 5179 to read:

5180 551.077 Limited intertrack wagering license.—In recognition  
 5181 of the economic importance of the thoroughbred breeding industry  
 5182 to this state, its positive impact on tourism, and the  
 5183 importance of a permanent thoroughbred sales facility as a key  
 5184 focal point for the activities of the industry, a limited  
 5185 license to conduct intertrack wagering is established to ensure  
 5186 the continued viability and public interest in thoroughbred  
 5187 breeding in Florida.

5188 (1) (a) Upon application to the department on or before  
 5189 January 31 of each year, a person who is licensed to conduct  
 5190 public sales of thoroughbred horses under s. 535.01, who has  
 5191 conducted thoroughbred horse sales for at least 15 days at a

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5192 permanent sales facility in this state for at least 3  
 5193 consecutive years, and who has conducted at least 1 day of  
 5194 nonwagering thoroughbred racing in this state with a purse  
 5195 structure of at least \$250,000 per year for 2 consecutive years  
 5196 before applying shall be issued a license, subject to the  
 5197 conditions specified in this section, to conduct intertrack  
 5198 wagering at such a permanent sales facility during all of the  
 5199 following periods:

5200 1. Up to 21 days in connection with thoroughbred sales.

5201 2. Between November 1 and May 8.

5202 3. Between May 9 and October 31 at such times and on such  
 5203 days as any thoroughbred, jai alai, or a greyhound racing  
 5204 permitholder in the same county is not conducting live  
 5205 performances. Such permitholder may waive this requirement, in  
 5206 whole or in part, and allow the licensee under this section to  
 5207 conduct intertrack wagering during one or more of the  
 5208 permitholder's live performances.

5209 4. During the weekend of the Kentucky Derby, the Preakness,  
 5210 the Belmont, and a Breeders' Cup Meet that is conducted before  
 5211 November 1 and after May 8.

5212 (b) Only one license may be issued under this subsection,  
 5213 and the license may not be issued for a facility located within  
 5214 50 miles of any thoroughbred racing permitholder's track.

5215 (2) If more than one application is submitted for such  
 5216 license, the department shall determine which applicant is  
 5217 granted the license. In making its determination, the department  
 5218 shall grant the license to the applicant demonstrating superior  
 5219 capabilities, as measured by the length of time the applicant  
 5220 has been conducting thoroughbred horse sales within this state

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5221 or elsewhere, the applicant's total volume of thoroughbred horse  
 5222 sales within this state or elsewhere, the length of time the  
 5223 applicant has maintained a permanent thoroughbred sales facility  
 5224 in this state, and the quality of the facility.

5225 (3) The applicant must comply with ss. 551.034 and 551.029.

5226 (4) Intertrack wagering under this section may be conducted  
 5227 only on thoroughbred races, except that intertrack wagering may  
 5228 be conducted on any class of pari-mutuel event conducted by any  
 5229 class of permitholder licensed under this chapter if all  
 5230 thoroughbred racing, jai alai, and greyhound racing  
 5231 permitholders in the same county as the licensee under this  
 5232 section give their consent.

5233 (5) The licensee shall be considered a guest track under  
 5234 this chapter. The licensee shall pay 2.5 percent of the total  
 5235 contributions to the daily pari-mutuel pool on wagers accepted  
 5236 at the licensee's facility on greyhound races or jai alai games  
 5237 to the thoroughbred racing permitholder that is conducting live  
 5238 races for purses to be paid during its current race meet. If  
 5239 more than one thoroughbred racing permitholder is conducting  
 5240 live races on a day during which the licensee is conducting  
 5241 intertrack wagering on greyhound races or jai alai games, the  
 5242 licensee shall allocate these funds between the operating  
 5243 thoroughbred racing permitholders on a pro rata basis based on  
 5244 the total live handle at the operating permitholders'  
 5245 facilities.

5246 Section 72. Section 551.078, Florida Statutes, is created  
 5247 to read:

5248 551.078 Totalisator licensing.-

5249 (1) A totalisator may not be operated at a pari-mutuel

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5250 facility in this state, or at a facility located in or out of  
 5251 this state which is used as the primary totalisator for an event  
 5252 conducted in this state, unless the totalisator company  
 5253 possesses a business license issued by the department.

5254 (2) (a) Each totalisator company must apply to the  
 5255 department for an annual business license. The application must  
 5256 include such information as the department by rule requires.

5257 (b) As a part of its license application, each totalisator  
 5258 company must agree in writing to pay to the department an amount  
 5259 equal to the loss of any state revenues due to missed or  
 5260 canceled events or performances due to acts of the totalisator  
 5261 company or its agents or employees or failures of the  
 5262 totalisator system, except for circumstances beyond the control  
 5263 of the totalisator company or agent or employee, as determined  
 5264 by the department.

5265 (c) Each totalisator company must file with the department  
 5266 a performance bond, acceptable to the department, in the sum of  
 5267 \$250,000 issued by a surety approved by the department or must  
 5268 file acceptable proof of insurance in the amount of \$250,000 to  
 5269 insure the state against such a revenue loss.

5270 (d) If there is a loss of state tax revenues, the  
 5271 department shall determine:

5272 1. The estimated revenue lost as a result of missed or  
 5273 canceled events or performances;

5274 2. The number of events or performances which is  
 5275 practicable for the permitholder to conduct in an attempt to  
 5276 mitigate the revenue loss; and

5277 3. The amount of the revenue loss that the makeup events or  
 5278 performances will not recover and for which the totalisator

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5279 company is liable.

5280 (e) Upon making the determinations under paragraph (d), the  
 5281 department shall issue to the totalisator company and to the  
 5282 affected permitholder an order setting forth the determinations  
 5283 of the department.

5284 (f) If the order is contested by the totalisator company or  
 5285 any affected permitholder, chapter 120 applies. If the  
 5286 totalisator company contests the order on the grounds that the  
 5287 revenue loss was due to circumstances beyond its control, the  
 5288 totalisator company has the burden of proving that circumstances  
 5289 were in fact beyond its control. For purposes of this paragraph,  
 5290 strikes and acts of God are beyond the control of the  
 5291 totalisator company.

5292 (g) Upon the failure of the totalisator company to make the  
 5293 payment found to be due the state, the department may cause the  
 5294 forfeiture of the bond or may proceed against the insurance  
 5295 contract, and the proceeds of the bond or contract shall be  
 5296 deposited into the Gaming Control Trust Fund. If the bond was  
 5297 not posted or insurance was not obtained, the department may  
 5298 proceed against any assets of the totalisator company to collect  
 5299 the amounts due under this subsection.

5300 (3) If the applicant meets the requirements of this section  
 5301 and of the department rules and pays the license fee, the  
 5302 department shall issue the license.

5303 (4) Each totalisator company shall conduct operations in  
 5304 accordance with rules adopted by the department in such form,  
 5305 content, and frequency as the department by rule determines.

5306 (5) The department and its representatives may enter and  
 5307 inspect any area of the premises of a licensed totalisator

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5308 company, and may examine totalisator records, during the  
 5309 licensee's regular business or operating hours.

5310 Section 73. Section 551.082, Florida Statutes, is created  
 5311 to read:

5312 551.082 Minors' attendance at pari-mutuel performances;  
 5313 restrictions.—

5314 (1) A minor, when accompanied by one or both parents or by  
 5315 her or his legal guardian, may attend pari-mutuel performances  
 5316 under the conditions and at the times specified by each  
 5317 permitholder conducting the pari-mutuel performance.

5318 (2) A person under the age of 18 may not place a wager at  
 5319 any pari-mutuel performance.

5320 (3) Notwithstanding subsections (1) and (2), a minor may be  
 5321 employed at a pari-mutuel facility except in a position directly  
 5322 involving wagering or alcoholic beverages or except as otherwise  
 5323 prohibited by law.

5324 (4) A minor child of a licensed greyhound trainer, kennel  
 5325 operator, or other licensed person employed in the kennel  
 5326 compound areas may be granted access to kennel compound areas  
 5327 without being licensed if the minor is in no way employed at the  
 5328 facility and only when the minor is under the direct supervision  
 5329 of her or his parent or legal guardian.

5330 Section 74. Section 551.091, Florida Statutes, is created  
 5331 to read:

5332 551.091 Penalty for violation.—The department may revoke or  
 5333 suspend any permit or license issued under this chapter upon the  
 5334 willful violation by the permitholder or licensee of any  
 5335 provision of this chapter or of any rule adopted under this  
 5336 chapter. In lieu of suspending or revoking a permit or license,

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5337 the department may impose a civil penalty against the  
 5338 permitholder or licensee for a violation of this chapter or any  
 5339 rule adopted by the department. The penalty may not exceed  
 5340 \$1,000 for each count or separate offense. All penalties imposed  
 5341 and collected shall be remitted to the Chief Financial Officer  
 5342 for deposit into the General Revenue Fund.

5343 Section 75. Section 551.0921, Florida Statutes, is created  
 5344 to read:

5345 551.0921 Use of controlled substances or alcohol  
 5346 prohibited; testing of certain occupational licensees.-

5347 (1) The use of a controlled substance as defined in chapter  
 5348 893 or of alcohol by any occupational licensees officiating at  
 5349 or participating in an event is prohibited.

5350 (2) (a) An occupational licensee, by applying for and  
 5351 holding such license, is deemed to have given consent to submit  
 5352 to an approved chemical test of her or his breath for the  
 5353 purpose of determining the alcoholic content of the person's  
 5354 blood and to a urine or blood test for the purpose of detecting  
 5355 the presence of a controlled substance. Such tests shall be  
 5356 conducted only upon reasonable cause that a violation has  
 5357 occurred as determined by the stewards at a horserace meeting or  
 5358 the judges or board of judges at a greyhound track or jai alai  
 5359 meet. Failure to submit to such test may result in a suspension  
 5360 of the person's occupational license for a period of 10 days or  
 5361 until this section has been complied with, whichever is longer.

5362 1. If at the time of the test the person's blood contained  
 5363 0.05 percent or less by weight of alcohol, the person is  
 5364 presumed not to have been under the influence of alcoholic  
 5365 beverages to the extent that the person's normal faculties were

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5366 impaired, and no action may be taken by the stewards, judges, or  
 5367 board of judges or the department.

5368 2. If at the time of the test the person's blood contained  
 5369 more than 0.05 percent but less than 0.08 percent by weight of  
 5370 alcohol, it may not be presumed that the person was under the  
 5371 influence of alcoholic beverages to the extent that the person's  
 5372 faculties were impaired. In this instance, the stewards, judges,  
 5373 or board of judges may consider that fact in determining whether  
 5374 the person will be allowed to officiate or participate in a  
 5375 given event.

5376 3. If at the time of the test the person's blood contained  
 5377 0.08 percent or more by weight of alcohol, this fact is prima  
 5378 facie evidence that the person was under the influence of  
 5379 alcoholic beverages to the extent that the person's normal  
 5380 faculties were impaired, and the stewards or judges may take  
 5381 action as specified in this section, but the person may not  
 5382 officiate at or participate in any event on the day of such  
 5383 test.

5384 (b) All tests relating to alcohol must be performed in a  
 5385 manner identical or substantially similar to the provisions of  
 5386 s. 316.1934 and rules adopted pursuant to that section.  
 5387 Following a test of the urine or blood to determine the presence  
 5388 of a controlled substance as defined in chapter 893, if a  
 5389 controlled substance is found to exist, the stewards, judges, or  
 5390 board of judges may take such action as is permitted in this  
 5391 section.

5392 (3) (a) For the first violation of subsection (2), the  
 5393 stewards, judges, or board of judges may suspend a licensee for  
 5394 up to 10 days or, in lieu of suspension, may impose a civil fine

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 5395 of up to \$500.  
 5396 (b) For a second violation of subsection (2) within 1 year  
 5397 after the first violation, the stewards, judges, or board of  
 5398 judges may suspend a licensee for up to 30 days and, in addition  
 5399 to or in lieu of suspension, may impose a civil fine of up to  
 5400 \$2,000.  
 5401 (c) In lieu of or in addition to the penalties prescribed  
 5402 under paragraph (a) for a first offense or paragraph (b) for a  
 5403 second offense, the stewards, judges, or board of judges may  
 5404 require the licensee to participate in a drug or alcohol  
 5405 rehabilitation program and to be retested.  
 5406 (d) If the second violation occurred within 1 year after  
 5407 the first violation, upon the finding of a third violation of  
 5408 this section within 1 year after the second violation, the  
 5409 stewards, judges, or board of judges may suspend the licensee  
 5410 for up to 120 days, and the stewards, judges, or board of judges  
 5411 shall forward the results of the tests under paragraphs (a) and  
 5412 (b) and this violation to the department. In addition to the  
 5413 action taken by the stewards, judges, or board of judges, the  
 5414 department, after a hearing, may deny, suspend, or revoke the  
 5415 occupational license of the licensee and may impose a civil  
 5416 penalty of up to \$5,000 in addition to or in lieu of a  
 5417 suspension or revocation. The department shall have no authority  
 5418 over the enforcement of this section until a licensee commits a  
 5419 third violation within 2 years after the first violation.  
 5420 (4) Section 120.80(19)(a) applies to all actions taken by  
 5421 the stewards, judges, or board of judges pursuant to this  
 5422 section without regard to the limitation imposed in that  
 5423 section.

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 5424 (5) This section does not apply to the possession and use  
 5425 of controlled or chemical substances that are prescribed as part  
 5426 of the care and treatment of a disease or injury by a  
 5427 practitioner licensed under chapter 458, chapter 459, part I of  
 5428 chapter 464, or chapter 466.  
 5429 (6) It is the intent of the Legislature to protect the  
 5430 health, safety, and welfare of those officiating at or  
 5431 participating in an event. Therefore, evidence of any test or  
 5432 actions taken by the stewards, judges, or board of judges or the  
 5433 department under this section is inadmissible in court for  
 5434 criminal prosecution. However, this subsection does not prohibit  
 5435 any person so authorized from pursuing an independent  
 5436 investigation as a result of a ruling made by the stewards,  
 5437 judges, board of judges, or department.  
 5438 Section 76. Section 551.0922, Florida Statutes, is created  
 5439 to read:  
 5440 551.0922 Authority of stewards, judges, panel of judges, or  
 5441 player's manager to impose penalties against occupational  
 5442 licensees; disposition of funds collected.-  
 5443 (1) The stewards at a horse track; the judges at a  
 5444 greyhound track; or the judges, a panel of judges, or a player's  
 5445 manager at a jai alai fronton may impose a civil penalty against  
 5446 any occupational licensee for violation of the pari-mutuel laws  
 5447 or any rule adopted by the department. The penalty may not  
 5448 exceed \$1,000 for each count or separate offense or exceed 60  
 5449 days of suspension for each count or separate offense.  
 5450 (2) All penalties imposed and collected pursuant to this  
 5451 section at each pari-mutuel facility shall be deposited into a  
 5452 board of relief fund established by the pari-mutuel

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5453 permitholder. Each association shall name a board of relief  
 5454 composed of three of its officers, with the general manager of  
 5455 the permitholder being the ex officio treasurer of such board.  
 5456 Moneys deposited into the board of relief fund shall be  
 5457 disbursed by the board for the specific purpose of aiding  
 5458 occupational licensees and their immediate family members at  
 5459 each pari-mutuel facility.

5460 Section 77. Section 551.093, Florida Statutes, is created  
 5461 to read:

5462 551.093 Racing animals under certain conditions prohibited;  
 5463 penalties; exceptions.-

5464 (1) (a) Racing an animal that has been administered any  
 5465 drug, medication, stimulant, depressant, hypnotic, narcotic,  
 5466 local anesthetic, or drug-masking agent is prohibited. A person  
 5467 may not administer or cause to be administered any drug,  
 5468 medication, stimulant, depressant, hypnotic, narcotic, local  
 5469 anesthetic, or drug-masking agent to an animal which will result  
 5470 in a positive test for such substance based on samples taken  
 5471 from the animal immediately before or immediately after racing  
 5472 that animal. Test results and the identities of animals being  
 5473 tested and of their trainers and owners of record are  
 5474 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 5475 of the State Constitution for 10 days after testing of all  
 5476 samples collected on a particular day has been completed and any  
 5477 positive test results derived from such samples have been  
 5478 reported to the executive director or administrative action has  
 5479 begun.

5480 (b) A race-day specimen may not contain a level of a  
 5481 naturally occurring substance which exceeds normal physiological

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5482 concentrations. The department may adopt rules that specify  
 5483 normal physiological concentrations of naturally occurring  
 5484 substances in the natural untreated animal and rules that  
 5485 specify acceptable levels of environmental contaminants and  
 5486 trace levels of substances in test samples.

5487 (c) The finding of a prohibited substance in a race-day  
 5488 specimen constitutes prima facie evidence that the substance was  
 5489 administered and was carried in the body of the animal while  
 5490 participating in the race.

5491 (2) The department may take administrative action against  
 5492 an occupational licensee responsible under department rule for  
 5493 the condition of an animal that has been medicated or drugged in  
 5494 violation of this section.

5495 (3) (a) Upon the finding of a violation of this section, the  
 5496 department may:

5497 1. Revoke or suspend the license or permit of the violator  
 5498 or deny a license or permit to the violator;

5499 2. Impose a fine against the violator in an amount not  
 5500 exceeding \$5,000;

5501 3. Require the full or partial return of the purse,  
 5502 sweepstakes, and trophy of the race at issue; or

5503 4. Impose any combination of the penalties in subparagraphs  
 5504 1.-3.

5505 (b) Notwithstanding chapter 120, the department may  
 5506 summarily suspend the license of an occupational licensee  
 5507 responsible under this section or department rule for the  
 5508 condition of a race animal if the department laboratory reports  
 5509 the presence of a prohibited substance in the animal or its  
 5510 blood, urine, saliva, or any other bodily fluid, either before a

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5511 race in which the animal is entered or after a race the animal  
 5512 has run.

5513 (c) If an occupational licensee is summarily suspended  
 5514 under this section, the department shall offer the licensee a  
 5515 postsuspension hearing within 72 hours, at which the department  
 5516 shall produce the laboratory report and documentation that, on  
 5517 its face, establishes the responsibility of the occupational  
 5518 licensee. Upon production of the documentation, the occupational  
 5519 licensee has the burden of proving his or her lack of  
 5520 responsibility.

5521 (d) Any proceeding for administrative action against a  
 5522 licensee or permitholder, other than a proceeding under  
 5523 paragraph (c), shall be conducted in compliance with chapter  
 5524 120.

5525 (e) The finding of a violation of this section does not  
 5526 prohibit a prosecution for any criminal act committed.

5527 (4) A prosecution brought under this section must begin  
 5528 within 2 years after the violation was committed. Service of an  
 5529 administrative complaint marks the beginning of administrative  
 5530 action.

5531 (5) The department shall implement a split-sample procedure  
 5532 for testing animals under this section.

5533 (a) Upon finding a positive drug test result, the  
 5534 department shall notify the owner or trainer of the results. The  
 5535 owner may request that each urine and blood sample be split into  
 5536 a primary sample and a secondary sample, which must be  
 5537 accomplished in the laboratory under rules approved by the  
 5538 department. Custody of both samples must remain with the  
 5539 department. However, upon request by the affected trainer or

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5540 owner of the animal from which the sample was obtained, the  
 5541 department shall send the secondary sample to an approved  
 5542 independent laboratory for analysis. The department shall  
 5543 establish standards and rules for uniform enforcement and shall  
 5544 maintain a list of at least five approved independent  
 5545 laboratories from which an owner or trainer shall select in the  
 5546 event that a sample tests positive.

5547 (b) If the state laboratory's findings are not confirmed by  
 5548 the independent laboratory, further administrative or  
 5549 disciplinary action under this section may not be pursued. The  
 5550 department may adopt rules identifying substances that diminish  
 5551 in a blood or urine sample due to passage of time and that must  
 5552 be taken into account in applying this section.

5553 (c) If the independent laboratory confirms the state  
 5554 laboratory's positive result or if there is an insufficient  
 5555 quantity of the secondary sample for confirmation of the state  
 5556 laboratory's positive result, the department may begin  
 5557 administrative proceedings under this chapter and consistent  
 5558 with chapter 120.

5559 (d) For purposes of this subsection, the department shall  
 5560 in good faith attempt to obtain a sufficient quantity of the  
 5561 test fluid to allow both a primary test and a secondary test to  
 5562 be conducted.

5563 (6) (a) It is the intent of the Legislature that animals  
 5564 that participate in races in this state on which pari-mutuel  
 5565 wagering is conducted and animals that are bred and trained in  
 5566 this state for racing be treated humanely, both on and off  
 5567 racetracks, throughout the lives of the animals.

5568 (b) The department shall, by rule, establish the procedures

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5569 for euthanizing greyhounds. However, a greyhound may not be put  
 5570 to death by any means other than by lethal injection of the drug  
 5571 sodium pentobarbital. A greyhound may not be removed from this  
 5572 state for the purpose of being destroyed.

5573 (c) An occupational licensee may not train a greyhound  
 5574 using live or dead animals. A greyhound may not be taken from  
 5575 this state for the purpose of being trained through the use of  
 5576 live or dead animals.

5577 (d) Any act committed by any licensee that would constitute  
 5578 cruelty to animals as defined in s. 828.02 involving any animal  
 5579 is a violation of this chapter. Imposition of any penalty by the  
 5580 department for violation of this chapter or any rule adopted by  
 5581 the department pursuant to this chapter does not prohibit a  
 5582 criminal prosecution for cruelty to animals.

5583 (e) The department may inspect any area at a pari-mutuel  
 5584 facility where racing animals are raced, trained, housed, or  
 5585 maintained, including any areas where food, medications, or  
 5586 other supplies are kept, to ensure the humane treatment of  
 5587 racing animals and compliance with this chapter and the rules of  
 5588 the department.

5589 (7) (a) Medication may not be administered to an animal  
 5590 within 24 hours before the officially scheduled post time of a  
 5591 race in which the animal is participating except as provided for  
 5592 in this section. The department shall, by rule:

5593 1. Establish conditions for the use of furosemide to treat  
 5594 exercise-induced pulmonary hemorrhage.

5595 2. Establish conditions for the use of prednisolone sodium  
 5596 succinate. Furosemide or prednisolone sodium succinate may not  
 5597 be administered to an animal within 4 hours before the

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5598 officially scheduled post time for the race.

5599 3. Establish conditions for the use of phenylbutazone and  
 5600 synthetic corticosteroids. Except as provided in subparagraph  
 5601 2., phenylbutazone and synthetic corticosteroids may not be  
 5602 given to an animal within 24 hours before the officially  
 5603 scheduled post time of a race. Oral corticosteroids are  
 5604 prohibited unless prescribed by a licensed veterinarian and  
 5605 reported to the department on forms prescribed by the  
 5606 department.

5607 4. Establish acceptable levels of allowed medications and  
 5608 identify the appropriate biological specimens by which the  
 5609 administration of such medication is monitored.

5610 (b) This section does not prohibit the use of vitamins,  
 5611 minerals, or naturally occurring substances in an amount that  
 5612 does not exceed the normal physiological concentration in a  
 5613 race-day specimen.

5614 (8) (a) Medication may not be administered to an animal  
 5615 within 24 hours before the officially scheduled post time of the  
 5616 race except as provided in this section.

5617 (b) If the department first determines that the use of  
 5618 furosemide, phenylbutazone, or prednisolone sodium succinate in  
 5619 horses is in the best interest of racing, the department may  
 5620 adopt rules allowing such use, but the rules must specify the  
 5621 conditions for such use. A rule may not allow the administration  
 5622 of furosemide or prednisolone sodium succinate within 4 hours  
 5623 before the officially scheduled post time for the race. A rule  
 5624 may not allow the administration of phenylbutazone or any other  
 5625 synthetic corticosteroid within 24 hours before the officially  
 5626 scheduled post time for the race. Any administration of

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5627 synthetic corticosteroids is limited to parenteral routes. Oral  
 5628 administration of synthetic corticosteroids is expressly  
 5629 prohibited. If this paragraph is unconstitutional, it is  
 5630 severable from the remainder of this section.

5631 (9) (a) The department may conduct a postmortem examination  
 5632 of any animal that is injured while in training or in  
 5633 competition at a permitted racetrack and that subsequently  
 5634 expires or is destroyed. The department may conduct a postmortem  
 5635 examination of any animal that expires while housed at a  
 5636 permitted racetrack, association compound, or licensed kennel or  
 5637 farm. Trainers and owners must comply with this paragraph as a  
 5638 condition of licensure.

5639 (b) Upon the death of an animal specified in paragraph (a),  
 5640 the department may take possession of the animal for postmortem  
 5641 examination. The department may submit blood, urine, other  
 5642 bodily fluid specimens, or other tissue specimens collected  
 5643 during a postmortem examination for testing by the department  
 5644 laboratory or its designee. Upon completion of the postmortem  
 5645 examination, the carcass must be returned to the owner or  
 5646 disposed of at the owner's option.

5647 (10) The presence in an animal of a prohibited substance  
 5648 that breaks down during a race, found by the department  
 5649 laboratory in a bodily fluid specimen collected during the  
 5650 postmortem examination of the animal, constitutes a violation of  
 5651 this section.

5652 (11) The cost of postmortem examinations, testing, and  
 5653 disposal shall be borne by the department.

5654 (12) Except as specifically modified by statute or by rule  
 5655 of the department, the Uniform Classification Guidelines for

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5656 Foreign Substances, revised February 14, 1995, as promulgated by  
 5657 the Association of Racing Commissioners International, Inc., is  
 5658 adopted by reference as the uniform classification system for  
 5659 class IV and V medications.

5660 (13) The department shall use only the thin layer  
 5661 chromatography (TLC) screening process to test for the presence  
 5662 of class IV and V medications in samples taken from racehorses  
 5663 except when thresholds of a class IV or class V medication have  
 5664 been established and are enforced by rule. Once a sample has  
 5665 been identified as suspicious for a class IV or class V  
 5666 medication by the TLC screening process, the sample will be sent  
 5667 for confirmation by and through additional testing methods. All  
 5668 other medications not classified by rule as a class IV or class  
 5669 V medication shall be subject to all forms of testing available  
 5670 to the department.

5671 (14) The department may implement by rule medication levels  
 5672 recommended by the University of Florida College of Veterinary  
 5673 Medicine developed pursuant to an agreement between the  
 5674 department and the University of Florida College of Veterinary  
 5675 Medicine. The University of Florida College of Veterinary  
 5676 Medicine may provide written notification to the department that  
 5677 it has completed research or review on a particular drug  
 5678 pursuant to the agreement and when the College of Veterinary  
 5679 Medicine has completed a final report of its findings,  
 5680 conclusions, and recommendations to the department.

5681 (15) The testing medium for phenylbutazone in horses shall  
 5682 be serum, and the department may collect up to six full 15-  
 5683 milliliter blood tubes for each horse being sampled.

5684 (16) The department shall adopt rules to implement this

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5685 section. The rules may include a classification system for  
 5686 prohibited substances and a corresponding penalty schedule for  
 5687 violations.

5688 Section 78. Section 551.0941, Florida Statutes, is created  
 5689 to read:

5690 551.0941 Penalty for conducting unauthorized race.—Every  
 5691 horserace or greyhound race conducted for any stake, purse,  
 5692 prize, or premium, except as allowed by this chapter, is  
 5693 prohibited and declared to be a public nuisance, and a person  
 5694 who conducts, attempts to conduct, or assists in the conduct or  
 5695 attempted conduct of horseracing or greyhound racing in this  
 5696 state in violation of this chapter commits a misdemeanor of the  
 5697 second degree, punishable as provided in s. 775.082 or s.  
 5698 775.083.

5699 Section 79. Section 551.0942, Florida Statutes, is created  
 5700 to read:

5701 551.0942 Conspiring to prearrange result of an event; using  
 5702 medication or drugs on a horse or greyhound; penalty.—

5703 (1) Any person who influences or conspires with an owner,  
 5704 jockey, groom, or other person associated with or interested in  
 5705 any stable, kennel, or event to prearrange or predetermine the  
 5706 results of an event involving a horse, greyhound, or jai alai  
 5707 player commits a felony of the third degree, punishable as  
 5708 provided in s. 775.082, s. 775.083, or s. 775.084.

5709 (2) Any person who attempts to affect the outcome of a  
 5710 horse race or greyhound race by unlawfully administering  
 5711 medication or drugs to a race animal or by administering  
 5712 prohibited medication or drugs to a race animal or who conspires  
 5713 to administer or attempt to administer such medication or drugs

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5714 commits a felony of the third degree, punishable as provided in  
 5715 s. 775.082, s. 775.083, or s. 775.084.

5716 Section 80. Section 551.0943, Florida Statutes, is created  
 5717 to read:

5718 551.0943 Obtaining goods or services with intent to  
 5719 defraud.—

5720 (1) Any owner, trainer, or custodian of any horse or  
 5721 greyhound being used, or being bred, raised, or trained to be  
 5722 used, in racing at a pari-mutuel facility who obtains food,  
 5723 drugs, transportation, veterinary services, or supplies for the  
 5724 use or benefit of the horse or greyhound with intent to defraud  
 5725 the person from whom the food, drugs, transportation, veterinary  
 5726 services, or supplies are obtained commits a misdemeanor of the  
 5727 second degree, punishable as provided in s. 775.082 or s.  
 5728 775.083.

5729 (2) In a prosecution under this section, proof that the  
 5730 food, drugs, transportation, veterinary services, or supplies  
 5731 had been furnished and not paid for, and that the owner,  
 5732 trainer, or custodian of the horse or greyhound was removing or  
 5733 attempting to remove any horse or greyhound from the state and  
 5734 beyond the jurisdiction of the courts of this state, is prima  
 5735 facie evidence of intent to defraud under this section.

5736 Section 81. Section 551.0944, Florida Statutes, is created  
 5737 to read:

5738 551.0944 Bookmaking on the grounds of a permitholder;  
 5739 duties of employees.—

5740 (1) Any person who engages in bookmaking, as defined in s.  
 5741 849.25, on the grounds or property of a permitholder of a horse  
 5742 or greyhound track or jai alai fronton commits a felony of the

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5743 third degree, punishable as provided in s. 775.082, s. 775.083,  
 5744 or s. 775.084. A second or subsequent violation under this  
 5745 subsection is a felony of the second degree, punishable as  
 5746 provided in s. 775.082, s. 775.083, or s. 775.084.  
 5747 Notwithstanding s. 948.01, a person convicted under this  
 5748 subsection may not have adjudication of guilt suspended,  
 5749 deferred, or withheld.

5750 (2) A person convicted of bookmaking in this state or any  
 5751 other state of the United States or any foreign country shall be  
 5752 denied admittance to and may not attend any racetrack or fronton  
 5753 in this state during its racing seasons or operating dates,  
 5754 including any practice or preparation days, for a period of 2  
 5755 years after the date of conviction or the date of final appeal.  
 5756 After the period of ineligibility expires, the executive  
 5757 director may authorize admittance of such person after a hearing  
 5758 on the matter. Any such person who knowingly violates this  
 5759 subsection commits a misdemeanor of the first degree, punishable  
 5760 as provided in s. 775.082 or s. 775.083.

5761 (3) If the activities of a person show that this section is  
 5762 being violated and such activities are witnessed by or are  
 5763 common knowledge of any track or fronton employee, that employee  
 5764 shall bring the activities of the person to the immediate  
 5765 attention of the permitholder or manager, or her or his  
 5766 designee, who shall notify a law enforcement agency having  
 5767 jurisdiction. Willful failure on the part of any track or  
 5768 fronton employee to comply with this subsection is a ground for  
 5769 the department to suspend or revoke that employee's occupational  
 5770 license.

5771 (4) Each permitholder shall display, in conspicuous places

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5772 at its track or fronton and in all race and jai alai daily  
 5773 programs, a warning to all patrons concerning the prohibition  
 5774 and penalties of bookmaking contained in this section and s.  
 5775 849.25. The department shall adopt rules concerning the uniform  
 5776 size of all warnings and the number of placements throughout a  
 5777 track or fronton. Failure on the part of the permitholder to  
 5778 display such warnings may result in the imposition of a \$500  
 5779 fine by the department for each offense.

5780 (5) The prohibition of and penalties for bookmaking  
 5781 contained in this section do not apply to a person attending a  
 5782 track or fronton, or employed by a track or fronton, who places  
 5783 a bet through the legalized pari-mutuel pool for another person,  
 5784 if such service is rendered gratuitously and without fee or  
 5785 other reward.

5786 (6) This section does not apply to prosecutions filed and  
 5787 pending on December 16, 1992, but all such cases shall be  
 5788 disposed of under existing law at the time of institution of  
 5789 such prosecutions.

5790 Section 82. Section 551.095, Florida Statutes, is created  
 5791 to read:

5792 551.095 Limitation of civil liability.—A permittee  
 5793 conducting a race meet pursuant to this chapter; a division  
 5794 director or an employee of the department; or a steward, a  
 5795 judge, or any other person appointed to act pursuant to this  
 5796 part may not be held liable to any person, partnership,  
 5797 association, corporation, or other business entity for any cause  
 5798 whatsoever arising out of or from her or his performance of her  
 5799 or his duties and the exercise of her or his discretion with  
 5800 respect to the implementation and enforcement of the statutes

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 5801 and rules governing the conduct of pari-mutuel wagering, if she  
 5802 or he acted in good faith. This section does not limit liability  
 5803 if negligent maintenance of the premises or negligent conduct of  
 5804 a race contributed to an accident and does not limit any  
 5805 contractual liability.

5806 Section 83. Part III of chapter 551, Florida Statutes,  
 5807 consisting of sections 551.101-551.123, is created and entitled  
 5808 "SLOT MACHINES."

5809 Section 84. Section 551.101, Florida Statutes, is amended  
 5810 to read:

5811 551.101 Slot machine gaming authorized.-

5812 (1) Pursuant to s. 23, Art. X of the State Constitution, a  
 5813 licensed pari-mutuel permitholder operating a facility Any  
 5814 licensed pari-mutuel facility located in Miami-Dade County or  
 5815 Broward County on November 9, 2004, where live racing or games  
 5816 were conducted existing at the time of adoption of s. 23, Art. X  
 5817 of the State Constitution that has conducted live racing or  
 5818 games during calendar years 2002 and 2003 may possess slot  
 5819 machines and conduct slot machine gaming at such facility  
 5820 pursuant to this chapter and department rule.

5821 (2) A licensed pari-mutuel permitholder operating a  
 5822 facility located within a county as defined in s. 125.011 which  
 5823 has conducted live racing for 2 consecutive calendar years  
 5824 immediately preceding its application for a slot machine license  
 5825 may possess slot machines and conduct slot machine gaming at  
 5826 such facility pursuant to this chapter and department rule.

5827 (3) A pari-mutuel permitholder operating a facility located  
 5828 in a county in which a majority of voters have approved slot  
 5829 machines at such facilities in a countywide referendum held

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 5830 pursuant to a statutory or constitutional authorization granted  
 5831 after July 6, 2010, in the respective county, which facility has  
 5832 conducted a full schedule of live racing for 2 consecutive  
 5833 calendar years immediately preceding its application for a slot  
 5834 machine license, may possess slot machines and conduct slot  
 5835 machine gaming at such facility pursuant to this chapter and  
 5836 department rule the location where the pari-mutuel permitholder  
 5837 is authorized to conduct pari-mutuel wagering activities  
 5838 pursuant to such permitholder's valid pari-mutuel permit  
 5839 provided that a majority of voters in a countywide referendum  
 5840 have approved slot machines at such facility in the respective  
 5841 county.

5842 (4) Notwithstanding any other provision of law, it is not a  
 5843 crime for a person to participate in slot machine gaming at a  
 5844 pari-mutuel facility licensed to possess slot machines and  
 5845 conduct slot machine gaming or to participate in slot machine  
 5846 gaming described in this chapter.

5847 Section 85. Section 551.102, Florida Statutes, is amended  
 5848 to read:

5849 551.102 Definitions.-As used in this chapter, the term:

5850 ~~(1) "Distributor" means any person who sells, leases, or~~  
 5851 ~~offers or otherwise provides, distributes, or services any slot~~  
 5852 ~~machine or associated equipment for use or play of slot machines~~  
 5853 ~~in this state. A manufacturer may be a distributor within the~~  
 5854 ~~state.~~

5855 (1)(2) "Designated slot machine gaming area" means the area  
 5856 or areas of a facility of a slot machine licensee in which slot  
 5857 machine gaming may be conducted in accordance with the  
 5858 provisions of this chapter.

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5859 (2) "Distributor" means a person who sells, leases, or  
 5860 offers or otherwise provides, distributes, or services a slot  
 5861 machine or associated equipment for use or play of slot machines  
 5862 in this state. A manufacturer may be a distributor within the  
 5863 state.

5864 ~~(3) "Division" means the Division of Pari-mutuel Wagering~~  
 5865 ~~of the Department of Business and Professional Regulation.~~

5866 (3)(4) "Eligible facility" means a any licensed pari-mutuel  
 5867 facility that meets the requirements of s. 551.101 located in  
 5868 Miami-Dade County or Broward County existing at the time of  
 5869 adoption of s. 23, Art. X of the State Constitution that has  
 5870 conducted live racing or games during calendar years 2002 and  
 5871 2003 and has been approved by a majority of voters in a  
 5872 countywide referendum to have slot machines at such facility in  
 5873 the respective county; any licensed pari-mutuel facility located  
 5874 within a county as defined in s. 125.011, provided such facility  
 5875 has conducted live racing for 2 consecutive calendar years  
 5876 immediately preceding its application for a slot machine  
 5877 license, pays the required license fee, and meets the other  
 5878 requirements of this chapter; or any licensed pari-mutuel  
 5879 facility in any other county in which a majority of voters have  
 5880 approved slot machines at such facilities in a countywide  
 5881 referendum held pursuant to a statutory or constitutional  
 5882 authorization after the effective date of this section in the  
 5883 respective county, provided such facility has conducted a full  
 5884 schedule of live racing for 2 consecutive calendar years  
 5885 immediately preceding its application for a slot machine  
 5886 license, pays the required license licensed fee, and meets the  
 5887 other requirements of this chapter.

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5888 ~~(4)(5)~~ "Manufacturer" means a any person who manufactures,  
 5889 builds, rebuilds, fabricates, assembles, produces, programs,  
 5890 designs, or otherwise makes modifications to a any slot machine  
 5891 or associated equipment for use or play of slot machines in this  
 5892 state for gaming purposes. A manufacturer may be a distributor  
 5893 within the state.

5894 ~~(5)(6)~~ "Nonredeemable credits" means slot machine operating  
 5895 credits that cannot be redeemed for cash or any other thing of  
 5896 value by a slot machine, a kiosk, or the slot machine licensee  
 5897 and that are provided free of charge to patrons. Such operating  
 5898 credits ~~become do not constitute~~ "nonredeemable credits" when  
 5899 until such time as they are metered as credit into a slot  
 5900 machine and recorded in the facility-based monitoring system.

5901 ~~(6)(7)~~ "Progressive system" means a computerized system  
 5902 linking slot machines in one or more licensed facilities within  
 5903 this state or other jurisdictions and offering one or more  
 5904 common progressive payouts based on the amounts wagered.

5905 ~~(7)(8)~~ "Slot machine" means a any mechanical or electrical  
 5906 contrivance, terminal that may ~~or may not~~ be capable of  
 5907 downloading slot games from a central server system, machine, or  
 5908 other device that, upon insertion of a coin, bill, ticket,  
 5909 token, or similar object or upon payment of any consideration  
 5910 whatsoever, including the use of an any electronic payment  
 5911 system except a credit card or debit card, is available to play  
 5912 or operate, the play or operation of which, whether by reason of  
 5913 skill or application of the element of chance or both, may  
 5914 deliver or entitle the person or persons playing or operating  
 5915 the contrivance, terminal, machine, or other device to receive  
 5916 cash, billets, tickets, tokens, or electronic credits to be

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5917 exchanged for cash or to receive merchandise or anything of  
 5918 value whatsoever, whether the payoff is made automatically from  
 5919 the machine or manually. The term includes associated equipment  
 5920 necessary to conduct the operation of the contrivance, terminal,  
 5921 machine, or other device. Slot machines may use spinning reels,  
 5922 video displays, or both. A slot machine is not an a "~~coin-~~  
 5923 ~~operated amusement game or machine~~" as defined in s. 212.02(24)  
 5924 or ~~an amusement game or machine~~ as described in s. 849.161, and  
 5925 slot machines are not subject to the tax imposed under by s.  
 5926 212.05(1)(h).

5927 ~~(8)(9)~~ "Slot machine facility" means a facility at which  
 5928 slot machines ~~as defined in this chapter~~ are lawfully offered  
 5929 for play.

5930 ~~(9)(10)~~ "Slot machine license" means a license issued by  
 5931 the department division authorizing a pari-mutuel permitholder  
 5932 to place and operate slot machines as provided by s. 23, Art. X  
 5933 of the State Constitution, ~~the provisions of this chapter,~~ and  
 5934 department division rules.

5935 ~~(10)(11)~~ "Slot machine licensee" means a pari-mutuel  
 5936 permitholder who holds a slot machine license ~~issued by the~~  
 5937 ~~division pursuant to this chapter that authorizes such person to~~  
 5938 ~~possess a slot machine within facilities specified in s. 23,~~  
 5939 ~~Art. X of the State Constitution and allows slot machine gaming.~~

5940 ~~(11)(12)~~ "Slot machine operator" means a person employed or  
 5941 contracted by a slot machine licensee ~~the owner of a licensed~~  
 5942 ~~facility~~ to conduct slot machine gaming at a slot machine ~~that~~  
 5943 ~~licensed~~ facility.

5944 ~~(12)(13)~~ "Slot machine revenues" means the total of all  
 5945 cash and property, except nonredeemable credits, received by the

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5946 slot machine licensee from the operation of slot machines less  
 5947 the amount of cash, cash equivalents, credits, and prizes paid  
 5948 to winners of slot machine gaming.

5949 Section 86. Section 551.103, Florida Statutes, is amended  
 5950 to read:

5951 551.103 Powers and duties of the department division and  
 5952 law enforcement.—

5953 (1) The department division shall adopt, pursuant to ~~the~~  
 5954 ~~provisions of~~ ss. 120.536(1) and 120.54, ~~all~~ rules necessary to  
 5955 implement, administer, and regulate slot machine gaming as  
 5956 authorized by ~~in~~ by this chapter. Such rules must include:

5957 (a) Procedures for applying for a slot machine license and  
 5958 renewal of a slot machine license.

5959 (b) Technical requirements and the qualifications specified  
 5960 ~~contained~~ in this chapter which ~~that~~ are necessary to receive a  
 5961 slot machine license or slot machine occupational license.

5962 (c) Procedures to scientifically test and technically  
 5963 evaluate slot machines for compliance with this chapter. The  
 5964 department division may contract with an independent testing  
 5965 laboratory to conduct any necessary testing under this section.  
 5966 The independent testing laboratory must have a national  
 5967 reputation as being ~~which is demonstrably~~ competent and  
 5968 qualified to scientifically test and evaluate slot machines for  
 5969 compliance with this chapter and to otherwise perform the  
 5970 functions assigned to it in this chapter. An independent testing  
 5971 laboratory may ~~shall~~ not be owned or controlled by a licensee.  
 5972 If ~~The use of~~ an independent testing laboratory is used for a  
 5973 ~~any~~ purpose related to the conduct of slot machine gaming by a  
 5974 licensee under this chapter, such laboratory shall be selected



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5975 made from a list of ~~one or more~~ laboratories approved by the  
5976 department division.

5977 (d) Procedures relating to slot machine revenues, including  
5978 verifying and accounting for such revenues, auditing, and  
5979 collecting taxes and fees consistent with this chapter.

5980 (e) Procedures for regulating, managing, and auditing the  
5981 operation, financial data, and program information relating to  
5982 slot machine gaming which that allow the department division and  
5983 the Department of Law Enforcement to audit the operation,  
5984 financial data, and program information of a slot machine  
5985 licensee, as required by the department division or the  
5986 Department of Law Enforcement, and provide the department  
5987 division and the Department of Law Enforcement with the ability  
5988 to monitor, at any time on a real-time basis, wagering patterns,  
5989 payouts, tax collection, and compliance with department rules  
5990 governing any rules adopted by the division for the regulation  
5991 and control of slot machines operated under this chapter. Such  
5992 continuous and complete access, at any time on a real-time  
5993 basis, shall include the ability of either the department  
5994 division or the Department of Law Enforcement to suspend play  
5995 immediately on particular slot machines if monitoring of the  
5996 facilities-based computer system indicates possible tampering  
5997 with or manipulation of those slot machines or the ability to  
5998 suspend play immediately of the entire operation if the computer  
5999 system itself is tampered with or manipulated ~~tampering or~~  
6000 ~~manipulation is of the computer system itself~~. The department  
6001 division shall notify the Department of Law Enforcement or the  
6002 Department of Law Enforcement shall notify the department  
6003 division, as appropriate, whenever there is a suspension of play

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6004 under this paragraph. The department division and the Department  
6005 of Law Enforcement shall exchange such information necessary for  
6006 and cooperate in the investigation of the circumstances  
6007 requiring suspension of play under this paragraph.

6008 (f) Procedures for requiring each licensee at his or her  
6009 own cost and expense to supply the department division with a  
6010 bond having the penal sum of \$2 million payable to the Governor  
6011 and his or her successors in office for each year of the  
6012 licensee's slot machine operations. A ~~Any~~ bond shall be issued  
6013 by a surety or sureties approved by the department division and  
6014 the Chief Financial Officer, conditioned to faithfully make the  
6015 payments to the Chief Financial Officer in his or her capacity  
6016 as treasurer of the department division. The licensee shall be  
6017 required to keep its books and records and make reports as  
6018 provided in this chapter and to conduct its slot machine  
6019 operations in conformity with this chapter and all other  
6020 provisions of law. Such bond shall be separate and distinct from  
6021 the bond required in s. 551.034 ~~s. 550.125~~.

6022 (g) Procedures for requiring licensees to maintain  
6023 specified records and submit any data, information, record, or  
6024 report, including financial and income records, required under  
6025 by this chapter or determined by the department division to be  
6026 necessary to the proper implementation and enforcement of this  
6027 chapter.

6028 (h) A requirement that the payout percentage of a slot  
6029 machine be at least ~~no less than~~ 85 percent.

6030 (i) Minimum standards for security of the facilities,  
6031 including floor plans, security cameras, and other security  
6032 equipment.

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- 6033 (j) Procedures for requiring slot machine licensees to  
 6034 implement and establish drug-testing programs for all slot  
 6035 machine occupational licensees.
- 6036 (2) The ~~department division~~ shall conduct such  
 6037 investigations necessary to fulfill its responsibilities under  
 6038 ~~the provisions of this chapter.~~
- 6039 (3) The Department of Law Enforcement and local law  
 6040 enforcement agencies shall have concurrent jurisdiction to  
 6041 investigate criminal violations of this chapter and may  
 6042 investigate any other criminal violation of law occurring at the  
 6043 facilities of a slot machine licensee, ~~and~~ Such investigations  
 6044 may be conducted in conjunction with the appropriate state  
 6045 attorney.
- 6046 (4) (a) The ~~department division~~, the Department of Law  
 6047 Enforcement, and local law enforcement agencies ~~shall~~ have  
 6048 unrestricted access to the slot machine licensee's facility at  
 6049 all times and shall require of each slot machine licensee strict  
 6050 compliance with the laws of this state relating to the  
 6051 transaction of such business. The ~~department division~~, the  
 6052 Department of Law Enforcement, and local law enforcement  
 6053 agencies may:
- 6054 1. Inspect and examine premises where slot machines are  
 6055 offered for play.
  - 6056 2. Inspect slot machines and related equipment and  
 6057 supplies.
- 6058 (b) ~~In addition~~, The ~~department division~~ may:
- 6059 1. Collect taxes, assessments, fees, and penalties.
  - 6060 2. Deny, revoke, suspend, or place conditions on the  
 6061 license of a person who violates ~~any provision of~~ this chapter

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- 6062 or a rule adopted pursuant to this chapter ~~thereto.~~
- 6063 (5) The ~~department division~~ shall revoke or suspend the  
 6064 license of a any person who is no longer qualified or who is  
 6065 found, after receiving a license, to have been unqualified at  
 6066 the time of application for the license.
- 6067 (6) This section does not:
- 6068 (a) Prohibit the Department of Law Enforcement or a any law  
 6069 enforcement authority whose jurisdiction includes a licensed  
 6070 facility from conducting investigations of criminal activities  
 6071 occurring at the facility of the slot machine licensee;
  - 6072 (b) Restrict access to the slot machine licensee's facility  
 6073 by the Department of Law Enforcement or a any local law  
 6074 enforcement authority whose jurisdiction includes the slot  
 6075 machine licensee's facility; or
  - 6076 (c) Restrict access by the Department of Law Enforcement or  
 6077 local law enforcement authorities to information and records  
 6078 necessary to the investigation of criminal activity that are  
 6079 contained within the slot machine licensee's facility.
- 6080 Section 87. Section 551.104, Florida Statutes, is amended  
 6081 to read:
- 6082 551.104 License to conduct slot machine gaming.—
- 6083 (1) Upon application and payment of the initial license fee  
 6084 and a finding by the ~~department division~~ after investigation  
 6085 that the application is complete and the applicant is qualified  
 6086 ~~and payment of the initial license fee~~, the ~~department division~~  
 6087 may issue a license to conduct slot machine gaming in the  
 6088 designated slot machine gaming area of the eligible facility.  
 6089 Once licensed, slot machine gaming may be conducted subject to  
 6090 ~~the requirements of~~ this chapter and the rules adopted pursuant

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6091 ~~to this chapter thereto.~~

6092 (2) An application may be approved by the department  
 6093 ~~division~~ only after the voters of the county where the  
 6094 applicant's facility is located have authorized by referendum  
 6095 slot machines within pari-mutuel facilities in that county ~~as~~  
 6096 ~~specified in s. 23, Art. X of the State Constitution.~~

6097 (3) A slot machine license may be issued only to a licensed  
 6098 pari-mutuel permitholder, and slot machine gaming may be  
 6099 conducted only at the eligible facility at which the  
 6100 permitholder is authorized under its valid pari-mutuel wagering  
 6101 permit to conduct pari-mutuel wagering activities.

6102 (4) As a condition of licensure and to maintain continued  
 6103 authority to ~~for the~~ conduct ~~of~~ slot machine gaming, the slot  
 6104 machine licensee must ~~shall~~:

6105 (a) Continue to be in compliance with this chapter.

6106 (b) ~~Continue to be in compliance with chapter 550, where~~  
 6107 ~~applicable, and~~ Maintain the pari-mutuel permit and license in  
 6108 good standing pursuant to this chapter ~~the provisions of chapter~~  
 6109 ~~550. Notwithstanding any contrary provision of law and in order~~  
 6110 ~~to expedite the operation of slot machines at eligible~~  
 6111 ~~facilities, any eligible facility shall be entitled within 60~~  
 6112 ~~days after the effective date of this act to amend its 2006-2007~~  
 6113 ~~pari-mutuel wagering operating license issued by the division~~  
 6114 ~~under ss. 550.0115 and 550.01215. The division shall issue a new~~  
 6115 ~~license to the eligible facility to effectuate any approved~~  
 6116 ~~change.~~

6117 (c) Conduct at least ~~no fewer than~~ a full schedule of live  
 6118 racing or games as defined in s. 551.012 ~~s. 550.002(11)~~. A  
 6119 permitholder's responsibility to conduct such number of live

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6120 races or games shall be reduced by the number of races or games  
 6121 that could not be conducted due to the direct result of fire,  
 6122 war, hurricane, or other disaster or event beyond the control of  
 6123 the permitholder.

6124 (d) Upon approval of a change ~~any changes~~ relating to the  
 6125 pari-mutuel permit by the department ~~division~~, be responsible  
 6126 for providing appropriate current and accurate documentation on  
 6127 a timely basis to the department ~~division~~ in order to continue  
 6128 the slot machine license in good standing. Changes in ownership  
 6129 or interest of a slot machine license of 5 percent or more of  
 6130 the stock or other evidence of ownership or equity in the slot  
 6131 machine license or any parent corporation or other business  
 6132 entity that in any way owns or controls the slot machine license  
 6133 shall be approved by the department ~~before~~ ~~division~~ ~~prior to~~  
 6134 such change, unless the owner is an existing holder of that  
 6135 license who was previously approved by the department ~~division~~.  
 6136 Changes in ownership or interest of a slot machine license of  
 6137 less than 5 percent, unless such change results in a cumulative  
 6138 total change of 5 percent or more, shall be reported to the  
 6139 department ~~division~~ within 20 days after such ~~the~~ change. The  
 6140 department ~~division~~ may then conduct an investigation to ensure  
 6141 that the license is properly updated to show the change in  
 6142 ownership or interest. ~~Ne~~ Reporting is not required if the  
 6143 person holds ~~is holding~~ 5 percent or less equity or securities  
 6144 of a corporate owner of the slot machine licensee that has its  
 6145 securities registered pursuant to s. 12 of the Securities  
 6146 Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and if such  
 6147 corporation or entity files with the United States Securities  
 6148 and Exchange Commission the reports required by s. 13 of that

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6149 act or if the securities of the corporation or entity are  
 6150 regularly traded on an established securities market in the  
 6151 United States. A change in ownership or interest of less than 5  
 6152 percent which results in a cumulative ownership or interest of 5  
 6153 percent or more shall be approved by the department before  
 6154 ~~division prior to~~ such change unless the owner is an existing  
 6155 holder of the license who was previously approved by the  
 6156 department division.

6157 (e) Allow the department division and the Department of Law  
 6158 Enforcement unrestricted access to and right of inspection of  
 6159 facilities of a slot machine licensee in which an any activity  
 6160 relative to the conduct of slot machine gaming is conducted.

6161 (f) Ensure that the facilities-based computer system that  
 6162 the licensee will use for operational and accounting functions  
 6163 of the slot machine facility is specifically structured to  
 6164 facilitate regulatory oversight. The facilities-based computer  
 6165 system must shall be designed to provide the department division  
 6166 and the Department of Law Enforcement with the ability to  
 6167 monitor, at any time on a real-time basis, the wagering  
 6168 patterns, payouts, tax collection, and such other operations as  
 6169 necessary to determine whether the facility is in compliance  
 6170 with this chapter statutory provisions and rules adopted by the  
 6171 department pursuant to this chapter division for the regulation  
 6172 and control of slot machine gaming. The department division and  
 6173 the Department of Law Enforcement shall have complete and  
 6174 continuous access to the this system. Such access shall include  
 6175 the ability of either the department division or the Department  
 6176 of Law Enforcement to suspend play immediately on particular  
 6177 slot machines if monitoring of the system indicates possible

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6178 tampering or manipulation of those slot machines or the ability  
 6179 to suspend play immediately of the entire operation if the  
 6180 tampering or manipulation is of the computer system itself. The  
 6181 computer system shall be reviewed and approved by the department  
 6182 ~~division~~ to ensure necessary access, security, and  
 6183 functionality. The department division may adopt rules to  
 6184 provide for the approval process.

6185 (g) Ensure that each slot machine is protected from  
 6186 manipulation or tampering to affect the random probabilities of  
 6187 winning plays. The department division or the Department of Law  
 6188 Enforcement may shall have the authority to suspend play upon  
 6189 reasonable suspicion of any manipulation or tampering. When play  
 6190 has been suspended on a any slot machine, the department  
 6191 ~~division~~ or the Department of Law Enforcement may examine the  
 6192 any slot machine to determine whether the machine has been  
 6193 tampered with or manipulated and whether the machine should be  
 6194 returned to operation.

6195 (h) Submit a security plan, including the facilities' floor  
 6196 plans plan, the locations of security cameras, and a listing of  
 6197 all security equipment that is capable of observing and  
 6198 electronically recording activities being conducted in the  
 6199 facilities of the slot machine licensee. The security plan must  
 6200 meet the minimum security requirements as determined by the  
 6201 department division under s. 551.103(1)(i) and be implemented  
 6202 before prior to operation of slot machine gaming. The slot  
 6203 machine licensee's facilities must adhere to the security plan  
 6204 at all times. Any changes to the security plan must be submitted  
 6205 by the licensee to the department before division prior to  
 6206 implementation. The department division shall furnish copies of

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6207 the security plan and changes in the plan to the Department of  
6208 Law Enforcement.

6209 (i) Create and file with the department division a written  
6210 policy for:

6211 1. Creating opportunities to purchase from vendors in this  
6212 state, including minority vendors.

6213 2. Creating opportunities for employment of residents of  
6214 this state, including minority residents.

6215 3. Ensuring opportunities for construction services from  
6216 minority contractors.

6217 4. Ensuring that opportunities for employment are offered  
6218 on an equal, nondiscriminatory basis.

6219 5. Training ~~for~~ employees on responsible gaming and on a  
6220 prevention program for working with a compulsive or addictive  
6221 gambling prevention program to further its purposes as provided  
6222 for in s. 551.118.

6223 6. Implementing ~~The implementation of~~ a drug-testing  
6224 program that includes, but is not limited to, requiring each  
6225 employee to sign an agreement that he or she understands that  
6226 the slot machine facility is a drug-free workplace.

6227 ~~The slot machine licensee shall~~

6228 (j) Use the Internet-based job-listing system of the  
6229 Department of Economic Opportunity to advertise ~~in advertising~~  
6230 employment opportunities.

6231 (k) ~~Beginning in June 2007, each slot machine licensee~~  
6232 ~~shall~~ Provide an annual report to the department division  
6233 containing information indicating compliance with ~~this~~ paragraph  
6234 (i) in regard to minority persons.  
6235

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6236 (1)(j) Ensure that the payout percentage of a slot machine  
6237 gaming facility is at least 85 percent.

6238 (5) A slot machine license is not transferable.

6239 (6) A slot machine licensee shall keep and maintain  
6240 permanent daily records of its slot machine operation and shall  
6241 maintain such records for a period of at least ~~not less than~~ 5  
6242 years. These records must include all financial transactions and  
6243 contain sufficient detail to determine compliance with ~~the~~  
6244 ~~requirements of~~ this chapter. All records must ~~shall~~ be  
6245 available during the licensee's regular business hours for audit  
6246 and inspection by the department division, the Department of Law  
6247 Enforcement, or other law enforcement agencies during the  
6248 licensee's regular business hours.

6249 (7) A slot machine licensee shall file with the department  
6250 division a monthly report containing the required records of  
6251 such slot machine operation. The required reports shall be  
6252 submitted on forms prescribed by the department division and are  
6253 ~~shall be~~ due at the same time as the monthly pari-mutuel reports  
6254 are due to the department division, and The reports become  
6255 ~~shall be deemed~~ public records when once filed.

6256 (8) A slot machine licensee shall file with the department  
6257 division an audit of the receipt and distribution of all slot  
6258 machine revenues provided by an independent certified public  
6259 accountant verifying compliance with all financial and auditing  
6260 provisions of this chapter and the associated rules adopted  
6261 under this chapter. The audit must include verification of  
6262 compliance with all statutes and rules regarding all required  
6263 records of slot machine operations. ~~The~~ Such audit shall be  
6264 filed within 60 days after ~~the~~ completion of the permitholder's

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6265 pari-mutuel meet.

6266 (9) The ~~department division~~ may share any information with  
6267 the Department of Law Enforcement, any other law enforcement  
6268 agency having jurisdiction over slot machine gaming or pari-  
6269 mutuel activities, or any other state or federal law enforcement  
6270 agency the ~~department division~~ or the Department of Law  
6271 Enforcement deems appropriate. A Any law enforcement agency  
6272 having jurisdiction over slot machine gaming or pari-mutuel  
6273 activities may share any information obtained or developed by it  
6274 with the ~~department division~~.

6275 (10)(a)1. A No slot machine license or renewal license may  
6276 not thereof shall be issued to an applicant holding a permit  
6277 under part II of chapter 551 ~~chapter 550~~ to conduct pari-mutuel  
6278 wagering meets of thoroughbred racing unless the applicant has  
6279 on file with the ~~department division~~ a binding written agreement  
6280 between the applicant and the Florida Horsemen's Benevolent and  
6281 Protective Association, Inc., governing the payment of purses on  
6282 live thoroughbred races conducted at the licensee's pari-mutuel  
6283 facility. In addition, a no slot machine license or renewal  
6284 license may not thereof shall be issued to such an applicant  
6285 unless the applicant has on file with the ~~department division~~ a  
6286 binding written agreement between the applicant and the Florida  
6287 Thoroughbred Breeders' Association, Inc., governing the payment  
6288 of ~~breeder breeders'~~, stallion, and special racing awards on  
6289 live thoroughbred races conducted at the licensee's pari-mutuel  
6290 facility. The agreement governing purses and the agreement  
6291 governing awards may direct the payment of such purses and  
6292 awards from revenues generated by any wagering or gaming the  
6293 applicant is authorized to conduct ~~under Florida law~~. All purses

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6294 and awards are shall be subject to part II of chapter 551 ~~the~~  
6295 ~~terms of chapter 550~~. All sums for breeder breeders', stallion,  
6296 and special racing awards shall be remitted monthly to the  
6297 Florida Thoroughbred Breeders' Association, Inc., for the  
6298 payment of awards subject to the administrative fee authorized  
6299 under s. 551.0523(2) ~~in s. 550.2625(3)~~.

6300 2. A No slot machine license or renewal license may not  
6301 ~~thereof shall~~ be issued to an applicant holding a permit under  
6302 part II of chapter 551 ~~chapter 550~~ to conduct pari-mutuel  
6303 wagering meets of quarter horse racing unless the applicant has  
6304 on file with the ~~department division~~ a binding written agreement  
6305 between the applicant and the Florida Quarter Horse Racing  
6306 Association or the association representing a majority of the  
6307 horse owners and trainers at the applicant's eligible facility,  
6308 governing the payment of purses on live quarter horse races  
6309 conducted at the licensee's pari-mutuel facility. The agreement  
6310 governing purses may direct the payment of such purses from  
6311 revenues generated by any wagering or gaming the applicant is  
6312 authorized to conduct ~~under Florida law~~. All purses are shall be  
6313 subject to part II of chapter 551 ~~the terms of chapter 550~~.

6314 (b) The ~~department division~~ shall suspend a slot machine  
6315 license if one or more of the agreements required under  
6316 paragraph (a) are terminated or otherwise cease to operate or if  
6317 the ~~department division~~ determines that the licensee is  
6318 materially failing to comply with the terms of such an  
6319 agreement. ~~Any~~ Such suspension shall take place pursuant to ~~in~~  
6320 ~~accordance with~~ chapter 120.

6321 (c)1. If an agreement required under paragraph (a) cannot  
6322 be reached before ~~prior to~~ the initial issuance of the slot

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6323 machine license, either party may request arbitration or, in the  
 6324 case of a renewal, if an agreement required under paragraph (a)  
 6325 is not in place 120 days ~~before~~ ~~prior to~~ the scheduled  
 6326 expiration date of the slot machine license, the applicant shall  
 6327 immediately ask the American Arbitration Association to furnish  
 6328 a list of 11 arbitrators, each of whom shall have at least 5  
 6329 years of commercial arbitration experience and no financial  
 6330 interest in or prior relationship with any of the parties or  
 6331 their affiliated or related entities or principals. Each  
 6332 required party to the agreement shall select a single arbitrator  
 6333 from the list provided by the American Arbitration Association  
 6334 within 10 days after ~~of~~ receipt, and the individuals so selected  
 6335 shall choose one additional arbitrator from the list within the  
 6336 next 10 days.

6337 2. If an agreement required under paragraph (a) is not in  
 6338 place 60 days after the request under subparagraph 1. in the  
 6339 case of an initial slot machine license or, in the case of a  
 6340 renewal, 60 days before ~~prior to~~ the scheduled expiration date  
 6341 of the slot machine license, the matter shall be immediately  
 6342 submitted to mandatory binding arbitration to resolve the  
 6343 disagreement between the parties. The three arbitrators selected  
 6344 pursuant to subparagraph 1. shall constitute the panel that  
 6345 shall arbitrate the dispute between the parties pursuant to the  
 6346 American Arbitration Association Commercial Arbitration Rules  
 6347 and chapter 682.

6348 3. At the conclusion of the proceedings, which shall be no  
 6349 later than 90 days after the request under subparagraph 1. in  
 6350 the case of an initial slot machine license or, in the case of a  
 6351 renewal, 30 days before ~~prior to~~ the scheduled expiration date

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6352 of the slot machine license, the arbitration panel shall present  
 6353 to the parties a proposed agreement that the majority of the  
 6354 panel believes equitably balances the rights, interests,  
 6355 obligations, and reasonable expectations of the parties. The  
 6356 parties shall immediately enter into such agreement, which shall  
 6357 satisfy the requirements of paragraph (a) and permit issuance of  
 6358 the pending annual slot machine license or renewal. The  
 6359 agreement produced by the arbitration panel under this  
 6360 subparagraph shall be effective until the last day of the  
 6361 license or renewal period or until the parties enter into a  
 6362 different agreement. Each party shall pay its respective costs  
 6363 of arbitration and shall pay one-half of the costs of the  
 6364 arbitration panel, unless the parties otherwise agree. If the  
 6365 agreement produced by the arbitration panel under this  
 6366 subparagraph remains in place 120 days before ~~prior to~~ the  
 6367 scheduled issuance of the next annual license renewal, then the  
 6368 arbitration process established in this paragraph will begin  
 6369 again.

6370 4. If ~~In the event that~~ neither of the agreements required  
 6371 under subparagraph (a)1. or the agreement required under  
 6372 subparagraph (a)2. are in place by the deadlines established in  
 6373 this paragraph, arbitration regarding each agreement will  
 6374 proceed independently, with separate lists of arbitrators,  
 6375 arbitration panels, arbitration proceedings, and resulting  
 6376 agreements.

6377 5. With respect to the agreements required under paragraph  
 6378 (a) governing the payment of purses, the arbitration and  
 6379 resulting agreement called for under this paragraph shall be  
 6380 limited to the payment of purses from slot machine revenues

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6381 only.

6382 (d) If ~~a any~~ provision of this subsection or its  
6383 application to ~~a any~~ person or circumstance is held invalid, the  
6384 invalidity does not affect other provisions or applications of  
6385 this subsection or chapter which can be given effect without the  
6386 invalid provision or application, and to this end the provisions  
6387 of this subsection are severable.

6388 Section 88. Section 551.1045, Florida Statutes, is amended  
6389 to read:

6390 ~~551.1045 Temporary licenses.-~~

6391 ~~(1) Notwithstanding any provision of s. 120.60 to the~~  
6392 ~~contrary, the division may issue a temporary occupational~~  
6393 ~~license upon the receipt of a complete application from the~~  
6394 ~~applicant and a determination that the applicant has not been~~  
6395 ~~convicted of or had adjudication withheld on any disqualifying~~  
6396 ~~criminal offense. The temporary occupational license remains~~  
6397 ~~valid until such time as the division grants an occupational~~  
6398 ~~license or notifies the applicant of its intended decision to~~  
6399 ~~deny the applicant a license pursuant to the provisions of s.~~  
6400 ~~120.60. The division shall adopt rules to administer this~~  
6401 ~~subsection. However, not more than one temporary license may be~~  
6402 ~~issued for any person in any year.~~

6403 ~~(2) A temporary license issued under this section is~~  
6404 ~~nontransferable.~~

6405 Section 89. Section 551.105, Florida Statutes, is amended  
6406 to read:

6407 551.105 Slot machine license renewal.-

6408 (1) Slot machine licenses are ~~shall be~~ effective for 1 year  
6409 after issuance and ~~shall be renewed annually.~~ The annual

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6410 application for renewal must contain all revisions to the  
6411 information submitted in the prior year's application which ~~that~~  
6412 are necessary to maintain such information as both accurate and  
6413 current.

6414 (2) The applicant for renewal shall attest that a change in  
6415 ~~any information does changes de~~ not affect the applicant's  
6416 qualifications for license renewal.

6417 (3) Upon determination by the department ~~division~~ that the  
6418 application for renewal is complete and qualifications have been  
6419 met, including payment of the renewal fee, the slot machine  
6420 license shall be renewed annually.

6421 Section 90. Section 551.106, Florida Statutes, is amended  
6422 to read:

6423 551.106 License fee; tax rate; penalties.-

6424 (1) LICENSE FEE.-

6425 (a) Upon submission of the initial application for a slot  
6426 machine license ~~and annually thereafter, on the anniversary date~~  
6427 ~~of the issuance of the initial license, the licensee shall must~~  
6428 ~~pay to the department division a nonrefundable license fee of \$3~~  
6429 ~~million for the succeeding 12 months of licensure. On the first~~  
6430 ~~annual anniversary date in the 2010-2011 fiscal year, the~~  
6431 ~~licensee must pay the department division a nonrefundable~~  
6432 ~~license fee of \$2.5 million for the succeeding 12 months of~~  
6433 ~~licensure. On the second annual anniversary date in the 2011-~~  
6434 ~~2012 fiscal year and for every fiscal year thereafter, the~~  
6435 ~~licensee must pay the department division a nonrefundable~~  
6436 ~~license fee of \$2 million for the succeeding 12 months of~~  
6437 ~~licensure. The license fee shall be deposited into the Gaming~~  
6438 ~~Control Pari-mutuel Wagering Trust Fund of the department of~~

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6439 ~~Gaming Control and Business and Professional Regulation to be~~  
 6440 used by the ~~department division~~ and the Department of Law  
 6441 Enforcement for investigations, regulation of slot machine  
 6442 gaming, and enforcement of ~~slot machine gaming provisions under~~  
 6443 this chapter. ~~The These~~ payments shall be accounted for  
 6444 separately from taxes or fees paid pursuant to part II of  
 6445 chapter 551 ~~the provisions of chapter 550.~~

6446 (b) ~~Prior to January 1, 2007,~~ The ~~department division~~ shall  
 6447 biennially evaluate the license fee and shall make  
 6448 recommendations to the President of the Senate and the Speaker  
 6449 of the House of Representatives regarding the optimum level of  
 6450 slot machine license fees necessary to ~~in order to adequately~~  
 6451 support the slot machine regulatory program.

6452 (2) TAX ON SLOT MACHINE REVENUES.—

6453 (a) Rate of tax.—Each facility shall be taxed at a rate of  
 6454 ~~The tax rate on slot machine revenues at each facility shall be~~  
 6455 35 percent of slot machine revenues. If, during a any state  
 6456 fiscal year, the aggregate amount of tax paid to the state by  
 6457 all slot machine licensees in Broward and Miami-Dade Counties is  
 6458 less than the aggregate amount of tax paid to the state by all  
 6459 slot machine licensees in the 2008-2009 fiscal year, each slot  
 6460 machine licensee shall pay to the state within 45 days after the  
 6461 end of the state fiscal year a surcharge equal to its pro rata  
 6462 share of an amount equal to the difference between the aggregate  
 6463 amount of tax paid to the state by all slot machine licensees in  
 6464 the 2008-2009 fiscal year and the amount of tax paid during the  
 6465 fiscal year. Each licensee's pro rata share shall be ~~an amount~~  
 6466 determined by dividing the number 1 by the number of facilities  
 6467 licensed to operate slot machines during the applicable fiscal

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6468 year, regardless of whether the facility is operating such  
 6469 machines.

6470 (b) Disposition.—~~The slot machine revenue~~ tax imposed by  
 6471 this section shall be paid by the slot machine licensee to the  
 6472 ~~department division~~ for deposit into the Gaming Control Pari-  
 6473 ~~mutuel Wagering Trust Fund of the department and immediately~~  
 6474 transferred for immediate transfer by the Chief Financial  
 6475 Officer ~~for deposit~~ into the Educational Enhancement Trust Fund  
 6476 of the Department of Education. ~~Any~~ Interest earnings on the tax  
 6477 revenues shall also be transferred to the Educational  
 6478 Enhancement Trust Fund.

6479 (c) Use of revenues.—

6480 1. Funds transferred to the Educational Enhancement Trust  
 6481 Fund under paragraph (b) shall be used to supplement public  
 6482 education funding statewide.

6483 2. If necessary to comply with a any covenant established  
 6484 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),  
 6485 funds transferred to the Educational Enhancement Trust Fund  
 6486 under paragraph (b) shall first be available to pay debt service  
 6487 on lottery bonds issued to fund school construction in the event  
 6488 lottery revenues are insufficient for such purpose or to satisfy  
 6489 debt service reserve requirements established in connection with  
 6490 lottery bonds. Moneys available pursuant to this subparagraph  
 6491 are subject to annual appropriation by the Legislature.

6492 ~~(d)(3) Payment of taxes.—PAYMENT AND DISPOSITION OF TAXES.—~~  
 6493 ~~Payment for the tax on slot machine revenues imposed by this~~  
 6494 ~~section shall be paid to the division. The division shall~~  
 6495 ~~deposit these sums with the Chief Financial Officer, to the~~  
 6496 ~~credit of the Pari-mutuel Wagering Trust Fund. The slot machine~~

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6497 licensee shall pay remit to the division payment for the tax on  
 6498 slot machine revenues. ~~Such payments shall be remitted by 3 p.m.~~  
 6499 ~~Wednesday of each week for taxes imposed and collected for the~~  
 6500 ~~preceding week ending on Sunday. Beginning on July 1, 2012, the~~  
 6501 ~~slot machine licensee shall remit to the division payment for~~  
 6502 ~~the tax on slot machine revenues by 3 p.m. on the 5th day of~~  
 6503 each calendar month for taxes imposed and collected for the  
 6504 preceding calendar month. If the 5th day of the calendar month  
 6505 falls on a weekend, payments shall be remitted by 3 p.m. the  
 6506 first Monday following the weekend. The slot machine licensee  
 6507 shall file a report under oath by the 5th day of each calendar  
 6508 month for all taxes remitted during the preceding calendar  
 6509 month. Such payments shall be accompanied by a report under oath  
 6510 showing all slot machine gaming activities for the preceding  
 6511 calendar month and such other information as may be prescribed  
 6512 by the department division.

6513 (e)(4) Failure to pay tax; penalties. ~~TO PAY TAX;~~  
 6514 ~~PENALTIES.~~ A slot machine licensee who fails to make tax  
 6515 payments as required under this section is subject to an  
 6516 administrative penalty of up to \$10,000 for each day the tax  
 6517 payment is not remitted. All administrative penalties imposed  
 6518 and collected shall be deposited into the Gaming Control Pari-  
 6519 ~~mutuel Wagering Trust Fund of the department of Business and~~  
 6520 ~~Professional Regulation~~. If a any slot machine licensee fails to  
 6521 pay penalties imposed by order of the department division under  
 6522 this paragraph subsection, the department division may suspend,  
 6523 revoke, or refuse to renew the license of the slot machine  
 6524 licensee.

6525 (3)(5) SUBMISSION OF FUNDS.—The department division may

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6526 require slot machine licensees to remit taxes, fees, fines, and  
 6527 assessments by electronic funds transfer.

6528 Section 91. Section 551.108, Florida Statutes, is amended  
 6529 to read:

6530 551.108 Prohibited relationships.—

6531 (1) A person employed by or performing a any function on  
 6532 behalf of the department division may not:

6533 (a) Be an officer, director, owner, or employee of a any  
 6534 person or entity licensed by the department division.

6535 (b) Have or hold a direct or indirect any interest, ~~direct~~  
 6536 ~~or indirect~~, in, or engage in a any commerce or business  
 6537 relationship with, a any person licensed by the department  
 6538 division.

6539 (2) A manufacturer or distributor of slot machines may not  
 6540 enter into a any contract with a slot machine licensee which  
 6541 ~~that~~ provides for any revenue sharing of any kind or nature that  
 6542 is directly or indirectly calculated on the basis of a  
 6543 percentage of slot machine revenues. A Any maneuver, shift, or  
 6544 device that violates this subsection ~~whereby this subsection is~~  
 6545 ~~violated is a violation of this chapter and renders any such~~  
 6546 agreement void.

6547 (3) A manufacturer or distributor of slot machines or any  
 6548 equipment necessary for the operation of slot machines or an  
 6549 officer, a director, or an employee of any such manufacturer or  
 6550 distributor may not have an any ownership or financial interest  
 6551 in a slot machine license or in a any business owned by the slot  
 6552 machine licensee.

6553 (4) An employee of the department division or relative  
 6554 living in the same household as such employee of the department

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6555 ~~division~~ may not wager at any time on a slot machine located at  
6556 a facility licensed by the department division.

6557 (5) An occupational licensee or a relative of such licensee  
6558 who lives living in the same household ~~as such occupational~~  
6559 ~~licensee~~ may not wager at any time on a slot machine located at  
6560 a facility where the licensee that person is employed.

6561 Section 92. Section 551.109, Florida Statutes, is amended  
6562 to read:

6563 551.109 Prohibited acts; penalties.—

6564 (1) Except as otherwise provided by law, and in addition to  
6565 any other penalty, a any person who knowingly makes or causes to  
6566 be made, or who aids, assists, or procures another to make, a  
6567 false statement in a any report, a disclosure, an application,  
6568 or any other document required under this chapter or applicable  
6569 any rule adopted under this chapter is subject to an  
6570 administrative fine or civil penalty of up to \$10,000.

6571 (2) Except as otherwise provided by law, and in addition to  
6572 any other penalty, a any person who possesses a slot machine  
6573 without the license required under by this chapter or who  
6574 possesses a slot machine at a any location other than at the  
6575 slot machine licensee's facility is subject to an administrative  
6576 fine or civil penalty of up to \$10,000 per machine. The  
6577 prohibition in this subsection does not apply to:

6578 (a) Slot machine manufacturers or slot machine distributors  
6579 that hold appropriate licenses issued by the department and that  
6580 ~~division who~~ are authorized to maintain a slot machine storage  
6581 and maintenance facility at a any location in a county in which  
6582 slot machine gaming is authorized by this chapter. The  
6583 department division may adopt rules regarding security and

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6584 access to the storage facility and inspections by the department  
6585 ~~division~~.

6586 (b) Certified educational facilities that are authorized to  
6587 maintain slot machines for the sole purpose of education and  
6588 licensure, if any, of slot machine technicians, inspectors, or  
6589 investigators. The department division and the Department of Law  
6590 Enforcement may possess slot machines for training and testing  
6591 purposes. The department division may adopt rules regarding the  
6592 regulation of any such slot machines used for educational,  
6593 training, or testing purposes.

6594 (3) A Any person who knowingly excludes, or attempts takes  
6595 ~~any action in an attempt~~ to exclude, anything of value from the  
6596 deposit, counting, collection, or computation of revenues from  
6597 slot machine activity, or a any person who by trick, sleight-of-  
6598 hand performance, a fraud or fraudulent scheme, or device wins  
6599 or attempts to win, for himself, ~~or~~ herself, ~~or~~ for another,  
6600 money or property or a combination thereof or reduces or  
6601 attempts to reduce a losing wager in connection with slot  
6602 machine gaming commits a felony of the third degree, punishable  
6603 as provided in s. 775.082, s. 775.083, or s. 775.084.

6604 (4) A Any person who manipulates or attempts to manipulate  
6605 the outcome, payoff, or operation of a slot machine by physical  
6606 tampering or by use of an any object, an instrument, or a  
6607 device, whether mechanical, electrical, magnetic, or involving  
6608 other means, commits a felony of the third degree, punishable as  
6609 provided in s. 775.082, s. 775.083, or s. 775.084.

6610 (5) Theft of ~~any~~ slot machine proceeds or ~~of~~ property  
6611 belonging to a the slot machine operator or a licensed facility  
6612 by an employee of the operator or facility or by an employee of

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6613 a person, firm, or entity that has contracted to provide  
6614 services to the operator or facility is ~~constitutes~~ a felony of  
6615 the third degree, punishable as provided in s. 775.082 or s.  
6616 775.083.

6617 (6) (a) A ~~Any~~ law enforcement officer or slot machine  
6618 operator who has probable cause to believe that a violation of  
6619 subsection (3), subsection (4), or subsection (5) has been  
6620 committed ~~by a person~~ and that he or she ~~the officer or operator~~  
6621 can recover the lost proceeds from such activity by taking the  
6622 person who committed the violation into custody ~~may~~, for the  
6623 purpose of attempting to effect such recovery or for  
6624 prosecution, may take the person into custody on the premises  
6625 and detain the person in a reasonable manner and for a  
6626 reasonable period of time. If the operator takes the person into  
6627 custody, a law enforcement officer shall be called to the scene  
6628 immediately. The act of taking into custody and detention by a  
6629 law enforcement officer or slot machine operator, if done in  
6630 compliance with this subsection, does not render such law  
6631 enforcement officer, ~~or~~ the officer's agency, or the slot  
6632 machine operator criminally or civilly liable for false arrest,  
6633 false imprisonment, or unlawful detention.

6634 (b) A ~~Any~~ law enforcement officer may arrest, either on or  
6635 off the premises and without warrant, a ~~any~~ person if there is  
6636 probable cause to believe that person has violated subsection  
6637 (3), subsection (4), or subsection (5).

6638 (c) A ~~Any~~ person who resists the reasonable effort of a law  
6639 enforcement officer or slot machine operator to recover the lost  
6640 slot machine proceeds that the law enforcement officer or slot  
6641 machine operator had probable cause to believe had been stolen

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6642 from the licensed facility and who is subsequently found to be  
6643 guilty of violating subsection (3), subsection (4), or  
6644 subsection (5) commits a misdemeanor of the first degree,  
6645 punishable as provided in s. 775.082 or s. 775.083, unless such  
6646 person did not know or did not have reason to know that the  
6647 person seeking to recover the lost proceeds was a law  
6648 enforcement officer or slot machine operator.

6649 (7) All penalties imposed and collected under this section  
6650 must be deposited into the Gaming Control Pari-mutuel Wagering  
6651 Trust Fund of the department ~~of Business and Professional~~  
6652 Regulation.

6653 Section 93. Section 551.111, Florida Statutes, is amended  
6654 to read:

6655 551.111 Legal devices.—Notwithstanding a ~~any~~ provision of  
6656 law to the contrary, a slot machine manufactured, sold,  
6657 distributed, possessed, or operated according to ~~the provisions~~  
6658 of this chapter is lawful ~~not unlawful~~.

6659 Section 94. Section 551.112, Florida Statutes, is amended  
6660 to read:

6661 551.112 Exclusions of certain persons.—In addition to the  
6662 power to exclude certain persons from a ~~any~~ facility of a slot  
6663 machine licensee ~~in this state~~, the department division may  
6664 exclude a ~~any~~ person from a ~~any~~ facility of a slot machine  
6665 licensee in this state for conduct that would constitute, if the  
6666 person were a licensee, a violation of this chapter or the rules  
6667 adopted thereto ~~of the division~~. The department division may  
6668 exclude from a ~~any~~ facility of a slot machine licensee a ~~any~~  
6669 person who has been ejected from a facility of a slot machine  
6670 licensee in this state or who has been excluded from a ~~any~~

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6671 facility of a slot machine licensee or gaming facility in  
 6672 another state by the governmental department, agency,  
 6673 commission, or authority exercising regulatory jurisdiction over  
 6674 ~~the~~ gaming in ~~that~~ such other state. This section does not  
 6675 abrogate the common law right of a slot machine licensee to  
 6676 exclude a patron absolutely in this state.

6677 Section 95. Section 551.113, Florida Statutes, is amended  
 6678 to read:

6679 551.113 Persons prohibited from playing slot machines.—

6680 (1) A person who has not attained 21 years of age may not  
 6681 play or operate a slot machine or have access to the designated  
 6682 slot machine gaming area of a facility of a slot machine  
 6683 licensee.

6684 (2) A slot machine licensee or an agent or employee of a  
 6685 slot machine licensee may not knowingly allow a person who has  
 6686 not attained 21 years of age:

6687 (a) To play or operate a ~~any~~ slot machine.

6688 (b) To be employed in a ~~any~~ position allowing or requiring  
 6689 access to the designated slot machine gaming area of a facility  
 6690 of a slot machine licensee.

6691 (c) To have access to the designated slot machine gaming  
 6692 area of a facility of a slot machine licensee.

6693 (3) The licensed facility shall post clear and conspicuous  
 6694 signage within the designated slot machine gaming areas that  
 6695 states the following:

6696

6697 THE PLAYING OF SLOT MACHINES BY PERSONS UNDER THE AGE  
 6698 OF 21 IS AGAINST FLORIDA LAW (SECTION 551.113, FLORIDA  
 6699 STATUTES). PROOF OF AGE MAY BE REQUIRED AT ANY TIME.

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6700 Section 96. Section 551.114, Florida Statutes, is amended  
 6701 to read:

6702 551.114 Slot machine gaming areas.—

6703 (1) A slot machine licensee may make available for play up  
 6704 to 2,000 slot machines within the property of the facilities of  
 6705 the slot machine licensee.

6706 (2) The slot machine licensee shall display pari-mutuel  
 6707 races or games within the designated slot machine gaming areas  
 6708 and offer patrons within the designated slot machine gaming  
 6709 areas the ability to engage in pari-mutuel wagering on live,  
 6710 intertrack, and simulcast races conducted or offered to patrons  
 6711 of the licensed facility.

6712 (3) The department ~~division~~ shall require the posting of  
 6713 signs warning of the risks and dangers of gambling, showing the  
 6714 odds of winning, and informing patrons of the toll-free  
 6715 telephone number available to provide information and referral  
 6716 services regarding compulsive or problem gambling.

6717 (4) Designated slot machine gaming areas may be located  
 6718 within the current live gaming facility or in an existing  
 6719 building, which ~~that~~ must be contiguous and connected to the  
 6720 live gaming facility. If a designated slot machine gaming area  
 6721 is to be located in a building that is to be constructed, the  
 6722 ~~that~~ new building must be contiguous and connected to the live  
 6723 gaming facility.

6724 (5) The permitholder shall provide adequate office space at  
 6725 no cost to the department ~~division~~ and the Department of Law  
 6726 Enforcement for the oversight of slot machine operations. The  
 6727 department ~~division~~ shall adopt rules establishing ~~the~~ criteria  
 6728 for adequate space, configuration, and location and needed

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6729 electronic and technological requirements for office space  
6730 required under ~~by~~ this subsection.

6731 Section 97. Section 551.116, Florida Statutes, is amended  
6732 to read:

6733 551.116 Days and hours of operation.—Slot machine gaming  
6734 areas may be open daily throughout the year. The slot machine  
6735 gaming areas may be open a cumulative amount of 18 hours per day  
6736 on Monday through Friday and 24 hours per day on Saturday and  
6737 Sunday and on those holidays specified in s. 110.117(1).

6738 Section 98. Section 551.117, Florida Statutes, is amended  
6739 to read:

6740 551.117 Penalties.—The department division may revoke or  
6741 suspend a any slot machine license issued under this chapter  
6742 upon the willful violation by the slot machine licensee of any  
6743 provision of this chapter or ~~of any rule adopted thereto under~~  
6744 ~~this chapter~~. In lieu of suspending or revoking a slot machine  
6745 license, the department division may impose a civil penalty  
6746 against the slot machine licensee for a violation of this  
6747 chapter or any rule adopted thereto ~~by the division~~. Except as  
6748 otherwise provided in this chapter, the penalty ~~so~~ imposed may  
6749 not exceed \$100,000 for each count or separate offense. ~~All~~  
6750 Penalties imposed and collected must be deposited into the  
6751 Gaming Control Pari-mutuel Wagering Trust Fund of the department  
6752 ~~of Business and Professional Regulation~~.

6753 Section 99. Section 551.118, Florida Statutes, is amended  
6754 to read:

6755 551.118 Compulsive or addictive gambling prevention  
6756 program.—

6757 (1) The slot machine licensee shall offer training to

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6758 employees on responsible gaming and shall work with a compulsive  
6759 or addictive gambling prevention program to recognize problem  
6760 gaming situations and to implement responsible gaming programs  
6761 and practices.

6762 (2) The department division ~~shall~~, subject to competitive  
6763 bidding, contract for provision of services related to the  
6764 prevention of compulsive and addictive gambling. The contract  
6765 shall provide for an advertising program to encourage  
6766 responsible gaming practices and to publicize a gambling  
6767 telephone help line for compulsive and addictive gambling. Such  
6768 advertisements must be made both publicly and inside the  
6769 designated slot machine gaming areas of the licensee's  
6770 facilities. The terms of a any contract ~~for the provision of~~  
6771 such services must shall include accountability standards that  
6772 must be met by a any private provider. The failure of a any  
6773 private provider to meet a any material term terms of the  
6774 contract, including the accountability standards, is shall  
6775 ~~constitute~~ a breach of contract or grounds for nonrenewal. The  
6776 department division may consult with the Department of the  
6777 Lottery in the development of the program and the development  
6778 and analysis of the any procurement for contractual services for  
6779 the compulsive or addictive gambling prevention program.

6780 (3) The compulsive or addictive gambling prevention program  
6781 shall be funded from an annual nonrefundable regulatory fee of  
6782 \$250,000 paid by the licensee to the department division.

6783 Section 100. Section 551.119, Florida Statutes, is amended  
6784 to read:

6785 551.119 Caterer's license.—A slot machine licensee is  
6786 entitled to a caterer's license pursuant to s. 565.02 on days on

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6787 which the pari-mutuel facility is open to the public for slot  
6788 machine game play as authorized by this chapter.

6789 Section 101. Section 551.121, Florida Statutes, is amended  
6790 to read:

6791 551.121 Prohibited activities and devices; exceptions.—

6792 (1) A complimentary or reduced-cost alcoholic beverage  
6793 ~~beverages~~ may not be served to a person ~~persons~~ playing a slot  
6794 machine. Alcoholic beverages served to a person ~~persons~~ playing  
6795 a slot machine must ~~shall~~ cost at least the same amount as  
6796 alcoholic beverages served to the general public at a bar within  
6797 the facility.

6798 (2) A slot machine licensee may not make a ~~any~~ loan,  
6799 provide credit, or advance cash in order to enable a person to  
6800 play a slot machine. This subsection does ~~shall~~ not prohibit  
6801 automated ticket redemption machines that dispense cash  
6802 resulting from the redemption of tickets from being located in  
6803 the designated slot machine gaming area of the slot machine  
6804 licensee.

6805 (3) A slot machine licensee may not allow an ~~any~~ automated  
6806 teller machine or similar device designed to provide credit or  
6807 dispense cash to be located within the designated slot machine  
6808 gaming areas of a facility of a slot machine licensee.

6809 (4) (a) A slot machine licensee may not accept or cash a ~~any~~  
6810 check from a ~~any~~ person within the designated slot machine  
6811 gaming areas of a facility of a slot machine licensee.

6812 (b) Except as provided in paragraph (c) for employees of  
6813 the facility, a slot machine licensee or operator may ~~shall~~ not  
6814 accept or cash for a ~~any~~ person within the property of the  
6815 facility a ~~any~~ government-issued check, third-party check, or

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6816 payroll check made payable to an individual.

6817 (c) Outside the designated slot machine gaming areas, a  
6818 slot machine licensee or operator may accept or cash a check for  
6819 an employee of the facility who is prohibited from wagering on a  
6820 slot machine under s. 551.108(5), a check made directly payable  
6821 to a person licensed by the department ~~division~~, or a check made  
6822 directly payable to the slot machine licensee or operator from:

6823 1. A pari-mutuel patron; or

6824 2. A pari-mutuel facility in this state or in another  
6825 state.

6826 (d) Unless accepting or cashing a check is prohibited under  
6827 ~~by~~ this subsection, ~~nothing shall prohibit~~ a slot machine  
6828 licensee or operator may accept and deposit ~~from accepting and~~  
6829 ~~depositing~~ in its accounts checks received in the normal course  
6830 of business.

6831 (5) A slot machine, or the computer operating system  
6832 linking the slot machine, may be linked by any means to another  
6833 ~~any other~~ slot machine or computer operating system within the  
6834 facility of a slot machine licensee. A progressive system may be  
6835 used in conjunction with slot machines between licensed  
6836 facilities in this state ~~Florida~~ or in other jurisdictions.

6837 (6) A slot machine located within a licensed facility may  
6838 ~~shall~~ accept only tickets, ~~or~~ paper currency, ~~or an~~ electronic  
6839 payment ~~system~~ for wagering and must return or deliver payouts  
6840 to the player in the form of electronic credit or tickets that  
6841 may be exchanged for cash, merchandise, or other items of value.  
6842 The use of coins, credit or debit cards, tokens, or similar  
6843 objects is specifically prohibited. ~~However, an electronic~~  
6844 ~~credit system may be used for receiving wagers and making~~

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6845 ~~payouts.~~

6846 Section 102. Section 551.122, Florida Statutes, is amended  
6847 to read:

6848 551.122 Rulemaking.—The ~~department division~~ may adopt rules  
6849 pursuant to ss. 120.536(1) and 120.54 to administer ~~the~~  
6850 ~~provisions of~~ this chapter.

6851 Section 103. Section 551.123, Florida Statutes, is amended  
6852 to read:

6853 551.123 Legislative authority; administration of part  
6854 ~~chapter.~~—The Legislature finds and declares that it has  
6855 exclusive authority over the conduct of all wagering occurring  
6856 at a slot machine facility in this state. As provided by law,  
6857 only the department Division of Pari-mutuel Wagering and other  
6858 authorized state agencies may shall administer this part chapter  
6859 and regulate the slot machine gaming industry, including  
6860 operation of slot machine facilities, games, slot machines, and  
6861 facilities-based computer systems authorized in this part  
6862 ~~chapter~~ and the rules adopted by the department division.

6863 Section 104. Part IV of chapter 551, Florida Statutes,  
6864 consisting of section 551.20, is created and entitled  
6865 "Cardrooms."

6866 Section 105. Section 849.086, Florida Statutes, is  
6867 transferred, renumbered as section 551.20, Florida Statutes,  
6868 reordered, and amended to read:

6869 551.20 849.086 Cardrooms authorized.—

6870 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
6871 to provide additional entertainment choices for the residents of  
6872 and visitors to this the state, promote tourism ~~in the state,~~  
6873 and provide additional state revenues by authorizing through the

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6874 ~~authorization of~~ the playing of certain games ~~in the state at~~  
6875 facilities known as cardrooms, which are ~~to be~~ located at  
6876 licensed pari-mutuel facilities in this state. This act is  
6877 intended to ensure the public confidence in the integrity of  
6878 authorized cardroom operations ~~by, this act is designed to~~  
6879 strictly regulating regulate the facilities, persons, and  
6880 procedures related to cardroom operations. ~~Further~~ Furthermore,  
6881 the Legislature intends finds that, as defined in this section,  
6882 authorized games be deemed as herein defined are considered to  
6883 be pari-mutuel style games rather than and not casino gaming,  
6884 since because the participants play against each other instead  
6885 of against the house.

6886 (2) DEFINITIONS.—As used in this section:

6887 (a) "Authorized game" means a game or series of games of  
6888 poker or dominoes which are played in a nonbanking manner.

6889 (b) "Banking game" means a game in which the house is a  
6890 participant in the game, taking on players, paying winners, and  
6891 collecting from losers, or in which the cardroom establishes a  
6892 bank against which participants play.

6893 (c) "Cardroom" means a facility where authorized games are  
6894 played for money or anything of value and to which the public is  
6895 invited to participate in such games and charged a fee for  
6896 participation by the operator of such facility. Authorized games  
6897 and cardrooms ~~are do not constitute~~ casino gaming operations.

6898 (d) "Cardroom management company" means a person that is  
6899 ~~any individual~~ not an employee of the cardroom operator but who  
6900 is at any proprietorship, partnership, corporation, or other  
6901 entity that enters into an agreement with a cardroom operator to  
6902 manage, operate, or otherwise control the daily operation of a

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6903 cardroom.

6904 (e) "Cardroom distributor" means a any business that  
 6905 distributes cardroom equipment paraphernalia such as card  
 6906 tables, betting chips, chip holders, dominoes, domino dominoes  
 6907 tables, drop boxes, banking supplies, playing cards, card  
 6908 shufflers, and other related associated equipment to authorized  
 6909 cardrooms.

6910 (f) "Cardroom operator" means a licensed pari-mutuel  
 6911 permitholder that which holds a valid permit and license issued  
 6912 by the department division pursuant to part II of chapter 551  
 6913 and chapter 550 and which also holds a valid cardroom license  
 6914 issued by the department division pursuant to this section which  
 6915 authorize the permitholder authorizes such person to operate a  
 6916 cardroom and ~~to~~ conduct authorized games in such cardroom.

6917 (g) "Department" ~~"Division"~~ means the Department of Gaming  
 6918 Control Division of Pari-mutuel Wagering of the Department of  
 6919 Business and Professional Regulation.

6920 (h) "Dominoes" means a game ~~of dominoes~~ typically played  
 6921 with a set of 28 flat rectangular blocks, called "bones," which  
 6922 are marked on one side and divided into two equal parts that are  
 6923 blank or that each have up, with zero to six dots, called  
 6924 "pips." ~~"pips," in each part.~~ The term also means the set of  
 6925 blocks used to play the game and includes larger sets of blocks  
 6926 that contain a correspondingly higher number of pips. ~~The term~~  
 6927 ~~also means the set of blocks used to play the game.~~

6928 (i) "Gross receipts" means the total amount of money  
 6929 received by a cardroom from persons participating any person for  
 6930 participation in authorized games. For purposes of tournament  
 6931 play only, "gross receipts" means the total amount received by

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6932 the cardroom operator for all entry fees, player re-buys, and  
 6933 fees for participating in the tournament, less the total amount  
 6934 paid out in prizes.

6935 (j) "House" means the cardroom operator and all employees  
 6936 of the cardroom operator.

6937 (k) "Net proceeds" means the total amount of gross receipts  
 6938 received by a cardroom operator from cardroom operations less  
 6939 direct operating expenses related to cardroom operations, τ  
 6940 including

6941 1. Direct operating expenses include:

6942 a. Labor costs;τ

6943 b. Admission taxes only if a separate admission fee is  
 6944 charged for entry to the cardroom facility;τ

6945 c. Gross receipts taxes imposed on cardroom operators by  
 6946 this section;τ the

6947 d. Annual cardroom license fees imposed by this section on  
 6948 each table operated at a cardroom;τ and

6949 e. Reasonable promotional costs, excluding

6950 2. Direct operating expenses do not include:

6951 a. Officer and director compensation;τ

6952 b. Interest on capital debt;τ

6953 c. Legal fees;τ

6954 d. Real estate taxes;τ

6955 e. Bad debts;τ

6956 f. Contributions or donations;τ or

6957 g. Overhead and depreciation expenses not directly related  
 6958 to the operation of the cardrooms.

6959 (l) "Rake" means a set fee or percentage of the pot  
 6960 assessed by a cardroom operator for providing the services of a

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6961 dealer, table, or location for playing the authorized game.  
 6962 (m) "Tournament" means a series of games that have more  
 6963 than one betting round involving one or more tables and where  
 6964 ~~prizes the winners or others receive a prize or cash are awarded~~  
 6965 ~~award~~.

6966 (3) CARDROOM AUTHORIZED.—Notwithstanding any other  
 6967 ~~provision of law, it is not a crime for a person may to~~  
 6968 participate in ~~a an~~ authorized game at a licensed cardroom or ~~to~~  
 6969 operate a cardroom as defined described in this section if such  
 6970 game and cardroom operation are conducted strictly in accordance  
 6971 with ~~the provisions of~~ this section.

6972 (4) AUTHORITY OF DEPARTMENT DIVISION.—

6973 (a) The department division of Pari mutuel Wagering of the  
 6974 Department of Business and Professional Regulation shall  
 6975 administer this section and may adopt rules pursuant thereto,  
 6976 including, but not limited to, rules governing regulate the  
 6977 operation of cardrooms under this section and the rules adopted  
 6978 pursuant thereto, and is hereby authorized to:

6979 (a) ~~Adopt rules, including, but not limited to:~~

6980 1. The issuance of cardroom and employee licenses for  
 6981 cardroom operations;

6982 2. The operation of a cardroom;

6983 3. Recordkeeping and reporting requirements; and

6984 4. The collection of all fees and taxes imposed by this  
 6985 section.

6986 (b) The department may do any of the following:

6987 1. Conduct investigations and monitor the operation of  
 6988 cardrooms and the playing of ~~authorized~~ games therein.

6989 2. ~~(e)~~ Review the books, accounts, and records of a any

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6990 current or former cardroom operator.

6991 3. ~~(d)~~ Suspend or revoke a any license or permit, after a  
 6992 hearing, for a any violation of ~~the provisions of~~ this section  
 6993 or the ~~administrative~~ rules adopted pursuant thereto.

6994 4. ~~(e)~~ Take testimony, issue summons and subpoenas for a any  
 6995 witness, and issue subpoenas duces tecum in connection with a  
 6996 ~~any~~ matter within its jurisdiction.

6997 5. ~~(f)~~ Monitor and ensure the proper collection of taxes and  
 6998 fees imposed by this section. Permitholder internal controls are  
 6999 mandated to ensure ~~no compromise of~~ state funds are not  
 7000 compromised. To that end, a roaming department division auditor  
 7001 must will monitor and verify the cash flow and accounting of  
 7002 cardroom revenue for any given operating day.

7003 (6) ~~(5)~~ LICENSE REQUIREMENTS REQUIRED; APPLICATION; FEES.—A  
 7004 No person may not operate a cardroom in this state unless such  
 7005 person holds a valid cardroom license issued by the department  
 7006 pursuant to this section.

7007 (a) ~~Only those persons holding a valid cardroom license~~  
 7008 ~~issued by the division may operate a cardroom.~~ A cardroom  
 7009 license may only be issued to a licensed pari-mutuel  
 7010 permitholder. Such permitholder may not operate a cardroom at a  
 7011 facility other than the facility it and an authorized cardroom  
 7012 may only be operated at the same facility at which the  
 7013 permitholder is authorized to operate under its valid pari-  
 7014 mutuel wagering permit ~~to conduct pari-mutuel wagering~~  
 7015 ~~activities.~~ An initial cardroom license may not shall be issued  
 7016 until the to a pari-mutuel permitholder completes construction  
 7017 of only after its facilities ~~are in place~~ and ~~after it~~ conducts  
 7018 its first day of live racing or games.

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7019 (b) After an ~~the~~ initial cardroom license is granted, the  
7020 application for the annual license renewal shall be made in  
7021 conjunction with the applicant's annual application to renew ~~for~~  
7022 its pari-mutuel license.

7023 1. An applicant for renewal of a cardroom license must  
7024 demonstrate that it requested permission in its annual pari-  
7025 mutuel license application to conduct at least 90 percent of the  
7026 total number of live performances conducted by such permit holder  
7027 during either the state fiscal year in which its initial  
7028 cardroom license was issued or the immediately preceding state  
7029 fiscal year if the permit holder ran at least a full schedule of  
7030 live racing or games in the prior year. However, if the  
7031 applicant for renewal is a harness racing permit holder, the  
7032 applicant must demonstrate that it requested permission in its  
7033 annual pari-mutuel license application to conduct a minimum of  
7034 140 live performances during the immediately preceding state  
7035 fiscal year. If the applicant for renewal is a greyhound racing  
7036 permit holder that requested permission in its annual pari-mutuel  
7037 license application to conduct at least a full schedule of live  
7038 racing, this subparagraph does not apply.

7039 2. If ~~if~~ A permit holder that ~~that~~ has operated a cardroom during  
7040 any of the previous 3 previous ~~previous~~ fiscal years that ~~and~~ fails to  
7041 include a renewal request for the operation of the cardroom in  
7042 its annual license renewal ~~application for license renewal~~, the  
7043 ~~permit holder~~ may amend its ~~annual~~ application to include  
7044 operation of the cardroom. ~~In order for a cardroom license to be~~  
7045 ~~renewed the applicant must have requested, as part of its pari-~~  
7046 ~~mutuel annual license application, to conduct at least 90~~  
7047 ~~percent of the total number of live performances conducted by~~

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7048 ~~such permit holder during either the state fiscal year in which~~  
7049 ~~its initial cardroom license was issued or the state fiscal year~~  
7050 ~~immediately prior thereto if the permit holder ran at least a~~  
7051 ~~full schedule of live racing or games in the prior year. If the~~  
7052 ~~application is for a harness permit holder cardroom, the~~  
7053 ~~applicant must have requested authorization to conduct a minimum~~  
7054 ~~of 140 live performances during the state fiscal year~~  
7055 ~~immediately prior thereto.~~

7056 3. If more than one pari-mutuel permit holder is operating  
7057 at a facility, each permit holder must have applied for a license  
7058 to conduct a full schedule of live racing.

7059 (c) Application for an initial or renewal license to  
7060 operate a cardroom must be made ~~Persons seeking a license or a~~  
7061 ~~renewal thereof to operate a cardroom shall make application on~~  
7062 ~~forms prescribed by the department and must~~ division.  
7063 ~~Applications for cardroom licenses shall contain all of the~~  
7064 ~~information required by department rule~~ the division, by rule,  
7065 ~~may determine is required to ensure eligibility.~~

7066 (d) The annual cardroom license fee for each facility is  
7067 ~~shall be~~ \$1,000 for each table to be operated at the cardroom.  
7068 The license fee shall be paid to the department and ~~deposited by~~  
7069 ~~the division~~ with the Chief Financial Officer to the credit of  
7070 the Gaming Control Pari-mutuel Wagering ~~Trust Fund.~~

7071 (e) The holder of a cardroom license is responsible for the  
7072 operation of the cardroom and for the conduct of any manager,  
7073 dealer, or other employee involved in the operation of the  
7074 cardroom. Before the issuance of a cardroom license, the  
7075 applicant for such license must provide evidence that it has  
7076 purchased a \$50,000 surety bond, payable to the state, from a

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7077 corporate surety authorized to do business in this state or  
 7078 evidence that the bond required under s. 551.034 has been  
 7079 expanded to include the applicant's cardroom operation. The bond  
 7080 must guarantee that the cardroom operator will redeem, for cash,  
 7081 all tokens or chips used in games. Such bond shall be kept in  
 7082 full force and effect by the operator during the term of the  
 7083 license.

7084 ~~(6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED;~~  
 7085 ~~APPLICATION; FEES.—~~

7086 ~~(a) A person employed or otherwise working in a cardroom as~~  
 7087 ~~a cardroom manager, floor supervisor, pit boss, dealer, or any~~  
 7088 ~~other activity related to cardroom operations while the facility~~  
 7089 ~~is conducting card playing or games of dominoes must hold a~~  
 7090 ~~valid cardroom employee occupational license issued by the~~  
 7091 ~~division. Food service, maintenance, and security employees with~~  
 7092 ~~a current pari-mutuel occupational license and a current~~  
 7093 ~~background check will not be required to have a cardroom~~  
 7094 ~~employee occupational license.~~

7095 ~~(b) Any cardroom management company or cardroom distributor~~  
 7096 ~~associated with cardroom operations must hold a valid cardroom~~  
 7097 ~~business occupational license issued by the division.~~

7098 ~~(c) No licensed cardroom operator may employ or allow to~~  
 7099 ~~work in a cardroom any person unless such person holds a valid~~  
 7100 ~~occupational license. No licensed cardroom operator may~~  
 7101 ~~contract, or otherwise do business with, a business required to~~  
 7102 ~~hold a valid cardroom business occupational license, unless the~~  
 7103 ~~business holds such a valid license.~~

7104 ~~(d) The division shall establish, by rule, a schedule for~~  
 7105 ~~the renewal of cardroom occupational licenses. Cardroom~~

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7106 ~~occupational licenses are not transferable.~~

7107 ~~(e) Persons seeking cardroom occupational licenses, or~~  
 7108 ~~renewal thereof, shall make application on forms prescribed by~~  
 7109 ~~the division. Applications for cardroom occupational licenses~~  
 7110 ~~shall contain all of the information the division, by rule, may~~  
 7111 ~~determine is required to ensure eligibility.~~

7112 ~~(f) The division shall adopt rules regarding cardroom~~  
 7113 ~~occupational licenses. The provisions specified in s.~~  
 7114 ~~550.105(4), (5), (6), (7), (8), and (10) relating to licensure~~  
 7115 ~~shall be applicable to cardroom occupational licenses.~~

7116 ~~(g) The division may deny, declare ineligible, or revoke~~  
 7117 ~~any cardroom occupational license if the applicant or holder~~  
 7118 ~~thereof has been found guilty or had adjudication withheld in~~  
 7119 ~~this state or any other state, or under the laws of the United~~  
 7120 ~~States of a felony or misdemeanor involving forgery, larceny,~~  
 7121 ~~extortion, conspiracy to defraud, or filing false reports to a~~  
 7122 ~~government agency, racing or gaming commission or authority.~~

7123 ~~(h) Fingerprints for all cardroom occupational license~~  
 7124 ~~applications shall be taken in a manner approved by the division~~  
 7125 ~~and then shall be submitted to the Florida Department of Law~~  
 7126 ~~Enforcement and the Federal Bureau of Investigation for a~~  
 7127 ~~criminal records check upon initial application and at least~~  
 7128 ~~every 5 years thereafter. The division may by rule require an~~  
 7129 ~~annual record check of all renewal applications for a cardroom~~  
 7130 ~~occupational license. The cost of processing fingerprints and~~  
 7131 ~~conducting a record check shall be borne by the applicant.~~

7132 ~~(i) The cardroom employee occupational license fee shall~~  
 7133 ~~not exceed \$50 for any 12-month period. The cardroom business~~  
 7134 ~~occupational license fee shall not exceed \$250 for any 12-month~~

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7135 ~~period.~~7136 (8)(7) CONDITIONS FOR OPERATING A CARDROOM.-

7137 (a) A cardroom may be operated only at the location  
7138 specified on the cardroom license issued by the department  
7139 ~~division, which must and such location may only~~ be the location  
7140 at which the pari-mutuel permitholder is authorized to conduct  
7141 pari-mutuel wagering activities pursuant to its such  
7142 ~~permitholder's~~ valid pari-mutuel permit or as otherwise  
7143 authorized by law. ~~Cardroom operations may not be allowed beyond~~  
7144 ~~the hours provided in paragraph (b) regardless of the number of~~  
7145 ~~cardroom licenses issued for permitholders operating at the~~  
7146 ~~pari-mutuel facility.~~

7147 (b) A licensed ~~Any~~ cardroom operator may operate a cardroom  
7148 at the pari-mutuel facility daily throughout the year, ~~if the~~  
7149 ~~permitholder meets the requirements under paragraph (5)(b). The~~  
7150 ~~cardroom may be operated open a cumulative amount of 18~~  
7151 cumulative hours per day on Monday through Friday and 24 hours  
7152 per day on Saturday, ~~and~~ Sunday, ~~and on~~ the holidays specified  
7153 in s. 110.117(1). This limitation applies regardless of the  
7154 number of cardroom licenses issued for permitholders operating  
7155 at the pari-mutuel facility.

7156 (c) A cardroom operator must at all times employ and  
7157 provide a nonplaying dealer for each table on which authorized  
7158 card games ~~that which~~ traditionally use a dealer are conducted  
7159 at the cardroom. A dealer ~~Such dealers~~ may not have a  
7160 participatory interest in a any game other than the dealing of  
7161 cards and may not have an interest in the outcome of the game.  
7162 ~~The~~ Providing of such dealers by a licensee does not constitute  
7163 the conducting of a banking game by the cardroom operator.

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7164 (d) A cardroom operator may award giveaways, jackpots, and  
7165 prizes to a player who holds certain combinations of cards  
7166 specified by the cardroom operator.

7167 (e) Each cardroom operator shall conspicuously post upon  
7168 the premises of the cardroom a notice ~~that which~~ contains a copy  
7169 of the cardroom license; a list of authorized games offered by  
7170 the cardroom; the wagering limits imposed by the house, if any;  
7171 any additional house rules regarding operation of the cardroom  
7172 or the playing of any game; and all costs to players to  
7173 participate, including any rake by the house. ~~In addition,~~ Each  
7174 cardroom operator shall also conspicuously post at each table a  
7175 notice of the minimum and maximum bets authorized at such table  
7176 and the fee for participation in the game conducted.

7177 (f) The cardroom facility ~~may be inspected is subject to~~  
7178 ~~inspection~~ by the department division or any law enforcement  
7179 agency during the licensee's regular business hours. The  
7180 inspection must ~~specifically~~ include a review of the pari-mutuel  
7181 permitholder internal control procedures approved by the  
7182 department division.

7183 (g) A cardroom operator may refuse entry to a person or  
7184 refuse to allow a any person to play, if the person ~~who~~ is  
7185 objectionable, undesirable, or disruptive to play, but such  
7186 refusal may not be based on the ~~basis of~~ race, creed, color,  
7187 religion, gender, national origin, marital status, physical  
7188 handicap, or age of that person, ~~except as provided in this~~  
7189 ~~section.~~

7190 (10)(6) METHOD OF WAGERS; LIMITATION.-

7191 (a) ~~No~~ Wagering may not be conducted using money or other  
7192 negotiable currency. Games may only be played using ~~utilizing~~ a

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7193 wagering system whereby all players' money is first converted by  
7194 the house to tokens or chips that are ~~which shall be~~ used for  
7195 wagering only at that ~~specific~~ cardroom.

7196 (b) The cardroom operator may limit the amount wagered in  
7197 any game or series of games.

7198 (c) A tournament shall consist of a series of games. The  
7199 entry fee for a tournament may be set by the cardroom operator.  
7200 Tournaments may be played only with tournament chips that are  
7201 provided to all participants upon payment of in-exchange for an  
7202 entry fee and any subsequent rebuys ~~re-buys~~. All players must be  
7203 given the same ~~receive an equal~~ number of tournament chips for  
7204 their entry fee. Tournament chips do not have ~~no~~ cash value, but  
7205 instead and represent tournament points only. The cardroom  
7206 operator shall determine any ~~There is no~~ limitation on the  
7207 number of tournament chips that may be used for a bet except as  
7208 otherwise determined by the cardroom operator. Tournament chips  
7209 may not ~~never~~ be redeemed for cash or for any other thing of  
7210 value. The distribution of prizes and cash awards must be  
7211 determined by the cardroom operator before entry fees are  
7212 accepted. ~~For purposes of tournament play only, the term "gross~~  
7213 ~~receipts" means the total amount received by the cardroom~~  
7214 ~~operator for all entry fees, player re-buys, and fees for~~  
7215 ~~participating in the tournament less the total amount paid to~~  
7216 ~~the winners or others as prizes.~~

7217 ~~(9) BOND REQUIRED. The holder of a cardroom license shall~~  
7218 ~~be financially and otherwise responsible for the operation of~~  
7219 ~~the cardroom and for the conduct of any manager, dealer, or~~  
7220 ~~other employee involved in the operation of the cardroom. Prior~~  
7221 ~~to the issuance of a cardroom license, each applicant for such~~

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7222 ~~license shall provide evidence of a surety bond in the amount of~~  
7223 ~~\$50,000, payable to the state, furnished by a corporate surety~~  
7224 ~~authorized to do business in the state or evidence that the~~  
7225 ~~licensee's pari-mutuel bond required by s. 550.125 has been~~  
7226 ~~expanded to include the applicant's cardroom operation. The bond~~  
7227 ~~shall guarantee that the cardroom operator will redeem, for~~  
7228 ~~cash, all tokens or chips used in games. Such bond shall be kept~~  
7229 ~~in full force and effect by the operator during the term of the~~  
7230 ~~license.~~

7231 ~~(9)(10) FEE FOR PARTICIPATION.~~—The cardroom operator may  
7232 charge a fee ~~for the right~~ to participate in games conducted at  
7233 the cardroom. Such fee may be ~~either~~ a flat fee or hourly rate  
7234 fee for the use of a seat at a table or a rake subject to the  
7235 posted maximum amount. Such fee ~~but~~ may not be based on the  
7236 amount won by players. Any rake ~~The rake-off, if any,~~ must be  
7237 made in an obvious manner and placed in a designated rake area  
7238 that which is clearly visible to all players. ~~Notice of the~~  
7239 ~~amount of the participation fee charged shall be posted in a~~  
7240 ~~conspicuous place in the cardroom and at each table at all~~  
7241 ~~times.~~

7242 ~~(12)(11) RECORDS AND REPORTS.~~—

7243 (a) Each licensee operating a cardroom shall ~~keep and~~  
7244 maintain permanent daily records of its cardroom operation and  
7245 shall maintain such records for a period of at least ~~not less~~  
7246 ~~than~~ 3 years. Such ~~These~~ records must ~~shall~~ include all  
7247 financial transactions and contain sufficient detail to  
7248 determine compliance with ~~the requirements of~~ this section. All  
7249 records shall be available for audit and inspection by the  
7250 department division or other law enforcement agencies during the

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7251 licensee's regular business hours. The information required in  
7252 such records shall be determined by department division rule.

7253 (b) Monthly, each licensee operating a cardroom shall file  
7254 with the department division a report containing the required  
7255 records of such cardroom operation, which. ~~Such report shall be~~  
7256 ~~filed monthly by licensees. The required reports shall be~~  
7257 submitted to the department on forms prescribed by the  
7258 department division and shall be due at the same time as the  
7259 monthly pari-mutuel reports are due. ~~to the division, and~~ Such  
7260 reports shall contain any additional information required deemed  
7261 necessary by the department and are division, and the reports  
7262 shall be deemed public records when once filed.

7263 (13)(12) PROHIBITED ACTIVITIES.-

7264 (a) A ~~No~~ person licensed to operate a cardroom may not  
7265 conduct any banking game or any other game not specifically  
7266 authorized by this section.

7267 (b) A ~~No~~ person under 18 years of age may not be permitted  
7268 ~~to~~ hold a cardroom or employee license, or engage in any game  
7269 conducted in a cardroom therein.

7270 (c) ~~No~~ Electronic or mechanical devices, except mechanical  
7271 card shufflers, may not be used to conduct any authorized game  
7272 in a cardroom.

7273 (d) ~~No~~ Cards, game components, or game implements may not  
7274 be used in playing an authorized game unless they have such has  
7275 been furnished or provided to the players by the cardroom  
7276 operator.

7277 (11)(13) TAXES AND OTHER PAYMENTS.-

7278 (a) Each cardroom operator shall pay a tax to the state of  
7279 10 percent of the cardroom operation's monthly gross receipts.

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7280 (b) An admission tax equal to 15 percent of the admission  
7281 charge for entrance to the licensee's cardroom facility, or 10  
7282 cents, whichever is greater, is imposed on each person entering  
7283 the cardroom. This admission tax applies shall apply only if a  
7284 separate admission fee is charged for entry to the cardroom  
7285 facility. If a single admission fee is charged which authorizes  
7286 entry to ~~both or either~~ the pari-mutuel facility and the  
7287 cardroom facility, the admission tax is shall be payable only  
7288 once and is shall be payable pursuant to part II of chapter 551  
7289 ~~chapter 550~~. The cardroom licensee shall collect be responsible  
7290 ~~for collecting~~ the admission tax, which. ~~An admission tax is~~  
7291 imposed on any free passes or complimentary cards issued to  
7292 guests by a licensee licensees in an amount equal to the tax  
7293 imposed on the regular and usual admission charge for entrance  
7294 to the licensee's cardroom facility. A cardroom licensee may  
7295 issue tax-free passes to its officers, officials, and employees  
7296 or other persons actually engaged in working at the cardroom,  
7297 including accredited media press representatives such as  
7298 ~~reporters and editors~~, and may also issue tax-free passes to  
7299 other cardroom licensees for the use of their officers and  
7300 officials. The licensee shall file with the department division  
7301 a list of all persons to whom tax-free passes are issued.

7302 (c) ~~Payment of~~ The admission tax and gross receipts tax  
7303 imposed by this section shall be paid to the department, which  
7304 ~~division. The division shall deposit them these sums~~ with the  
7305 Chief Financial Officer. The funds shall be equally distributed  
7306 ~~between, one half being credited to the Gaming Control Pari-~~  
7307 ~~mutuel Wagering Trust Fund and one half being credited to the~~  
7308 General Revenue Fund. On the fifth day of each calendar month, a

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7309 The cardroom licensee shall remit to the department division  
 7310 payment for the admission tax ~~and~~, the gross receipts tax  
 7311 collected on the preceding month's cardroom activities, ~~and the~~  
 7312 licensee fees. On the fifth day of each calendar month, the  
 7313 ~~licensee~~ Such payments shall be remitted to the division on the  
 7314 ~~fifth day of each calendar month for taxes and fees imposed for~~  
 7315 ~~the preceding month's cardroom activities. Licensees shall also~~  
 7316 file a sworn report that states the ~~under oath by the fifth day~~  
 7317 ~~of each calendar month for all taxes collected remitted during~~  
 7318 the preceding calendar month, ~~Such report shall, under oath,~~  
 7319 ~~indicate the total of all admissions, the cardroom activities~~  
 7320 for the preceding calendar month, and such other information as  
 7321 may be required ~~prescribed~~ by the department division.

7322 (d)1. Each greyhound racing and jai alai permitholder that  
 7323 operates a cardroom facility shall use at least 4 percent of  
 7324 such permitholder's cardroom monthly gross receipts to  
 7325 supplement greyhound purses or jai alai prize money,  
 7326 respectively, during the permitholder's next ensuing pari-mutuel  
 7327 meet.

7328 2. Each thoroughbred horse racing and harness ~~horse~~ racing  
 7329 permitholder that operates a cardroom facility shall, during the  
 7330 permitholder's next ensuing racing meet, reserve use at least 50  
 7331 percent of such permitholder's cardroom monthly net proceeds and  
 7332 use as follows: 47 percent of such funds to supplement purses  
 7333 and 3 percent to supplement breeders' awards ~~during the~~  
 7334 ~~permitholder's next ensuing racing meet.~~

7335 3. A ~~No~~ cardroom license or renewal license may not thereof  
 7336 ~~shall~~ be issued to an applicant holding a quarter horse racing  
 7337 permit under part II of chapter 551 ~~chapter 550 to conduct pari-~~

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7338 ~~mutuel wagering meets of quarter horse racing~~ unless the  
 7339 applicant has filed ~~on file~~ with the department division a  
 7340 binding written agreement between the applicant and the Florida  
 7341 Quarter Horse Racing Association or the association that  
 7342 ~~represents~~ representing a majority of the horse owners and  
 7343 trainers at the applicant's eligible facility which governs,  
 7344 ~~governing~~ the payment of purses on live quarter horse races  
 7345 conducted at the licensee's pari-mutuel facility. Such ~~The~~  
 7346 agreement ~~governing~~ purses may direct the payment of such purses  
 7347 from revenues generated by any wagering or gaming the applicant  
 7348 is authorized to conduct under Florida law. All purses are ~~shall~~  
 7349 ~~be~~ subject to part II of chapter 551 ~~the terms of chapter 550~~.

7350 (e) A ~~The~~ failure of any licensee that fails to make  
 7351 payments as prescribed in paragraph (c) violates ~~is a violation~~  
 7352 of this section, and ~~the licensee~~ may be required ~~subjected~~ by  
 7353 the department division to pay a civil penalty of up to \$1,000  
 7354 for each day the tax payment is not remitted. All penalties  
 7355 ~~imposed and~~ collected shall be deposited in the General Revenue  
 7356 Fund. If a licensee fails to pay penalties imposed by order of  
 7357 the department division under this subsection, the department  
 7358 ~~division~~ may suspend or revoke the license of the cardroom  
 7359 operator or deny issuance of any additional ~~further~~ license to  
 7360 the cardroom operator.

7361 (f) The cardroom ~~is~~ ~~shall be deemed~~ an accessory use to a  
 7362 licensed pari-mutuel operation and, except as provided in part  
 7363 II of chapter 551 ~~chapter 550~~, a municipality, county, or  
 7364 political subdivision may not assess or collect any additional  
 7365 license tax, sales tax, or excise tax on such cardroom  
 7366 operation.

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7367 (g) All ~~of the~~ moneys deposited in the Gaming Control Pari-  
 7368 ~~mutuel Wagering~~ Trust Fund, except as set forth in paragraph  
 7369 (h), shall be ~~utilized and distributed and used~~ in the manner  
 7370 specified in s. 551.035(1) ~~s. 550.135(1) and (2)~~. However,  
 7371 cardroom tax revenues shall be kept separate from pari-mutuel  
 7372 tax revenues ~~and shall not be used for making the disbursement~~  
 7373 ~~to counties provided in former s. 550.135(1)~~.

7374 (h) By October 1 of each year, 25 percent ~~One-quarter~~ of  
 7375 the moneys deposited into the Gaming Control Pari-mutuel  
 7376 Wagering Trust Fund under this subsection ~~pursuant to paragraph~~  
 7377 ~~(g)~~ shall, ~~by October 1 of each year,~~ be distributed to the  
 7378 local government that approved the cardroom under subsection  
 7379 (5). ~~(16)~~ However, if two or more pari-mutuel racetracks are  
 7380 located within the same incorporated municipality, the ~~cardroom~~  
 7381 funds shall be distributed to the municipality. If a pari-mutuel  
 7382 facility is situated in such a manner that it is located in more  
 7383 than one county, the site of the cardroom facility shall  
 7384 determine the location for purposes of disbursement of tax  
 7385 revenues under this paragraph. ~~The division shall,~~ By September  
 7386 1 of each year, the department shall determine:

7387 1. The amount of taxes deposited into the Gaming Control  
 7388 ~~Pari-mutuel Wagering~~ Trust Fund pursuant to this section from  
 7389 each cardroom licensee;

7390 2. ~~The location by county in which~~ of each cardroom is  
 7391 located;

7392 3. Whether the cardroom is located in the unincorporated  
 7393 area of the county or within an incorporated municipality; and

7394 4. The total amount to be distributed to each eligible  
 7395 county and municipality.

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7396 (14) SUSPENSION, REVOCATION, OR DENIAL OF LICENSE; FINE.-  
 7397 (a) The department division may deny an initial a license  
 7398 or a license ~~the renewal thereof~~, or may suspend or revoke a any  
 7399 license, if ~~when~~ the applicant has:

7400 1. Violated or failed to comply with ~~the provisions of~~ this  
 7401 section or department rule ~~any rules adopted pursuant thereto~~;

7402 2. Knowingly caused, aided, abetted, or conspired with  
 7403 another to cause a any person to violate this section or  
 7404 department rule ~~any rules adopted pursuant thereto~~; ~~or~~

7405 3. Obtained a license or permit by fraud,  
 7406 misrepresentation, or concealment; or

7407 4. Otherwise become ineligible ~~if the holder of such~~  
 7408 ~~license or permit is no longer eligible~~ under this section.

7409 (b) If a pari-mutuel permitholder's pari-mutuel permit or  
 7410 license is suspended or revoked by the department division  
 7411 pursuant to part II of chapter 551 ~~chapter 550~~, the department  
 7412 division may, but is not required to, suspend or revoke such  
 7413 permitholder's cardroom license. If a cardroom operator's  
 7414 license is suspended or revoked pursuant to this section, the  
 7415 department division may, but is not required to, suspend or  
 7416 revoke such licensee's pari-mutuel permit or license.

7417 (c) Notwithstanding any other provision of this section,  
 7418 the department division may impose an administrative fine of up  
 7419 to not to exceed \$1,000 for each violation against a any person  
 7420 who has violated or failed to comply with ~~the provisions of~~ this  
 7421 section or department rule ~~any rules adopted pursuant thereto~~.

7422 (15) CRIMINAL PENALTY; INJUNCTION.-

7423 (a)1. A Any person who operates a cardroom without a valid  
 7424 license issued under ~~as provided in~~ this section commits a

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7425 felony of the third degree, punishable as provided in s.  
7426 775.082, s. 775.083, or s. 775.084.

7427 2. ~~A Any~~ licensee or pari-mutuel permitholder who violates  
7428 ~~any provision of~~ this section commits a misdemeanor of the first  
7429 degree, punishable as provided in s. 775.082 or s. 775.083. A  
7430 ~~Any~~ licensee or pari-mutuel permitholder who commits a second or  
7431 subsequent violation of the same paragraph or subsection within  
7432 a period of 3 years after ~~from~~ the date of a prior conviction  
7433 for the same offense ~~a violation of such paragraph or subsection~~  
7434 commits a felony of the third degree, punishable as provided in  
7435 s. 775.082, s. 775.083, or s. 775.084.

7436 (b) The department division, ~~a any~~ state attorney, the  
7437 statewide prosecutor, or the Attorney General may apply for a  
7438 temporary or permanent injunction restraining further violation  
7439 of this section, and such injunction shall issue without bond.

7440 (5)(16) LOCAL GOVERNMENT APPROVAL.—The department may  
7441 ~~Division of Pari-mutuel Wagering~~ shall not issue any initial  
7442 license under this section unless the applicant shows ~~except~~  
7443 upon proof in such form as the department division may prescribe  
7444 that the local government where it the applicant for such  
7445 ~~license~~ desires to conduct cardroom gaming has voted to approve  
7446 such activity by a majority vote of the governing body of the  
7447 municipality or, if the facility is not located in a  
7448 municipality, the governing body of the county ~~if the facility~~  
7449 ~~is not located in a municipality~~.

7450 (7)(17) CHANGE OF LOCATION; REFERENDUM.—

7451 (a) Notwithstanding ~~the any~~ provisions of this section, a  
7452 ~~no~~ cardroom gaming license issued under this section may not  
7453 ~~shall~~ be transferred, or reissued if when such reissuance is in

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7454 the nature of a transfer, so as to ~~permit or~~ authorize a  
7455 licensee to change the location of the cardroom except upon  
7456 proof in such form as the department division may prescribe that  
7457 a referendum election has been held:

7458 1. If the proposed new location is within the same county  
7459 as the already licensed location, in the county where the  
7460 licensee desires to conduct cardroom gaming and that a majority  
7461 of the electors voting on the question in such election voted in  
7462 favor of the transfer of such license. However, the department  
7463 ~~division~~ shall transfer, without requirement of a referendum  
7464 election, the cardroom license of any permitholder that  
7465 relocated its permit pursuant to s. 551.0242 ~~s. 550.0555~~.

7466 2. If the proposed new location is not within the same  
7467 county as the already licensed location, in the county where the  
7468 licensee desires to conduct cardroom gaming and that a majority  
7469 of the electors voting on that question in ~~each~~ such election  
7470 voted in favor of the transfer of such license.

7471 (b) The expense of each referendum held under the  
7472 provisions of this subsection shall be borne by the licensee  
7473 requesting the transfer.

7474 Section 106. Part V of chapter 551, Florida Statutes,  
7475 consisting of sections 551.301-551.322, Florida Statutes, is  
7476 created and entitled "OCCUPATIONAL LICENSING."

7477 Section 107. Section 550.105, Florida Statutes, is  
7478 transferred, renumbered as section 551.301, Florida Statutes,  
7479 and amended to read:

7480 551.301 ~~550.105~~ Racetrack and jai alai occupational  
7481 ~~licenses of racetrack employees; fees; denial, suspension, and~~  
7482 ~~revocation of license; penalties and fines.~~—

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7483 (1) Each person connected with a racetrack or jai alai  
 7484 fronton, as specified in paragraph (2) (a), shall purchase from  
 7485 the ~~department division~~ an occupational license. License fee  
 7486 collections ~~All moneys collected pursuant to this section each~~  
 7487 ~~fiscal year~~ shall be deposited into the Gaming Control Pari-  
 7488 ~~mutuel Wagering~~ Trust Fund. The department may adopt rules that  
 7489 allow ~~Pursuant to the rules adopted by the division,~~ an  
 7490 occupational license to ~~may~~ be valid for a ~~period of~~ up to 3  
 7491 years. The fee for a multi-year license may ~~for a fee that does~~  
 7492 not exceed the full occupational license fee for each of the  
 7493 years for which the license is purchased. The occupational  
 7494 license shall be valid during its specified term at any pari-  
 7495 mutuel facility.

7496 (2) (a) The following licenses shall be issued to persons or  
 7497 entities with access to the backside, racing animals, jai alai  
 7498 players' room, jockeys' room, drivers' room, totalisator room,  
 7499 ~~the mutuels, or money room;~~ ~~or~~ to persons who, by virtue of the  
 7500 positions ~~position~~ they hold, might be granted access to such  
 7501 these areas; or to any other person or entity in one of the  
 7502 following categories ~~and~~ with fees not to exceed the following  
 7503 amounts for any 12-month period:

7504 1. Business licenses for+ any business such as a vendor,  
 7505 contractual concessionaire, contract kennel, business owning  
 7506 racing animals, trust or estate, totalisator company, stable  
 7507 name, or other fictitious name: \$50.

7508 2. Professional occupational licenses for+ professional  
 7509 persons with access to the backside of a racetrack or players'  
 7510 quarters in jai alai such as trainers, officials, veterinarians,  
 7511 doctors, nurses, emergency medical technicians ~~EMT's~~, jockeys

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7512 and apprentices, drivers, jai alai players, owners, trustees, or  
 7513 any management or officer or director or shareholder or any  
 7514 other professional-level person who might have access to the  
 7515 jockeys' room, the drivers' room, the backside, racing animals,  
 7516 kennel compound, or managers or supervisors requiring access to  
 7517 mutuels machines, the money room, or totalisator equipment: \$40.

7518 3. General occupational licenses for+ general employees  
 7519 with access to the jockeys' room, the drivers' room, racing  
 7520 animals, the backside of a racetrack, or players' quarters in  
 7521 jai alai, such as grooms, kennel helpers, leadouts, pelota  
 7522 makers, cesta makers, or ball boys, or a practitioner of any  
 7523 other occupation who would have access to the animals, the  
 7524 backside, or the kennel compound, or who would provide the  
 7525 security or maintenance of these areas, or mutuel employees,  
 7526 totalisator employees, money-room employees, or any employee  
 7527 with access to mutuels machines, the money room, or totalisator  
 7528 equipment or who would provide the security or maintenance of  
 7529 these areas: \$10.

7530 (b) The individuals and entities that are licensed under  
 7531 this subsection ~~paragraph~~ require heightened state scrutiny,  
 7532 including the submission by the individual licensees or persons  
 7533 associated with the entities described in this chapter of  
 7534 fingerprints for a Federal Bureau of Investigation criminal  
 7535 records check.

7536 (c) ~~(b)~~ The department division shall adopt rules pertaining  
 7537 to pari-mutuel occupational licenses, licensing periods, and  
 7538 renewal cycles.

7539 (3) Certified public accountants and attorneys licensed to  
 7540 practice in this state are ~~shall~~ not be required to hold an

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7541 occupational license under this section while providing  
 7542 accounting or legal services to a permitholder if the certified  
 7543 public accountant's or attorney's primary place of employment is  
 7544 not on the ~~permitholder's permitholder~~ premises.

7545 (4) A person may not ~~It is unlawful to~~ take part in or  
 7546 officiate in any way at any pari-mutuel facility without first  
 7547 having secured a license and paid the occupational license fee.

7548 (5) (a) If the state racing commission or racing authority  
 7549 in another state or jurisdiction extends to the department  
 7550 reciprocal courtesy to maintain the disciplinary control, the  
 7551 department division may:

7552 1. Deny a license to or revoke, suspend, or place  
 7553 conditions ~~upon~~ or restrictions on a license of any person who  
 7554 has been refused a license by any other state racing commission  
 7555 or racing authority; or

7556 2. Deny, suspend, or place conditions on a license of any  
 7557 person who is under suspension or has unpaid fines in another  
 7558 jurisdiction;

7559 ~~if the state racing commission or racing authority of such other~~  
 7560 ~~state or jurisdiction extends to the division reciprocal~~  
 7561 ~~courtesy to maintain the disciplinary control.~~

7562 (b) The ~~department division~~ may deny, suspend, revoke, or  
 7563 declare ineligible any occupational license if the applicant ~~for~~  
 7564 or holder: ~~thereof~~

7565 1. Has violated the provisions of this chapter or the rules  
 7566 of the ~~department division~~ governing the conduct of persons  
 7567 connected with racetracks and frontons; ~~In addition, the~~  
 7568 ~~division may deny, suspend, revoke, or declare ineligible any~~  
 7569

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7570 ~~occupational license if the applicant for such license~~

7571 2. Has been convicted in this state, in any other state, or  
 7572 under the laws of the United States of:

7573 a. A capital felony, a felony, or an offense in any other  
 7574 state which would be a felony under the laws of this state  
 7575 involving arson;

7576 b. Trafficking in, conspiracy to traffic in, smuggling,  
 7577 importing, conspiracy to smuggle or import, or delivery, sale,  
 7578 or distribution of a controlled substance; or

7579 c. A crime involving a lack of good moral character; ~~or~~  
 7580 3. Has had a pari-mutuel license revoked by this state or  
 7581 any other jurisdiction for an offense related to pari-mutuel  
 7582 wagering.

7583 (c) The ~~department division~~ may deny, declare ineligible,  
 7584 or revoke any occupational license if the licensee or applicant  
 7585 for such license has been convicted of a felony or misdemeanor  
 7586 in this state, in any other state, or under the laws of the  
 7587 United States, if such felony or misdemeanor is related to  
 7588 gambling or bookmaking, as contemplated in s. 849.25, or  
 7589 involves cruelty to animals. If the applicant establishes that  
 7590 she or he is of good moral character, that she or he has been  
 7591 rehabilitated, and that the crime she or he was convicted of is  
 7592 not related to pari-mutuel wagering and is not a capital  
 7593 offense, the restrictions excluding offenders may be waived by  
 7594 the director of the department division.

7595 (d) For purposes of this subsection, the term "convicted"  
 7596 means having been found guilty, with or without adjudication of  
 7597 guilt, as a result of a jury verdict, nonjury trial, or entry of  
 7598 a plea of guilty or nolo contendere. However, this paragraph may

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7599 ~~the term "conviction" shall not be applied to a crime committed~~  
 7600 ~~before July 1, 2010, prior to the effective date of this~~  
 7601 ~~subsection in a manner that would invalidate any occupational~~  
 7602 ~~license issued before July 1, 2010, prior to the effective date~~  
 7603 ~~of this subsection or subsequent renewal for any person holding~~  
 7604 such a license.

7605 (e) If an occupational license will expire by department  
 7606 ~~division~~ rule during the period of a suspension the department  
 7607 ~~division~~ intends to impose, or if a license would have expired  
 7608 but for pending administrative charges and the occupational  
 7609 licensee is found to be in violation of any of the charges, the  
 7610 license may be revoked and a time period of license  
 7611 ineligibility may be declared. The department division may bring  
 7612 administrative charges against any person not holding a current  
 7613 license for violations of statutes or rules which occurred while  
 7614 such person held an occupational license, and the department  
 7615 ~~division~~ may declare such person ineligible to hold a license  
 7616 for a period of time. The department division may impose a civil  
 7617 fine of up to \$1,000 for each violation of the rules of the  
 7618 department division in addition to or in lieu of any other  
 7619 penalty provided for in this section. In addition to any other  
 7620 penalty provided by law, the department division may exclude  
 7621 from all pari-mutuel facilities in this state, for a period not  
 7622 to exceed the period of suspension, revocation, or  
 7623 ineligibility, any person whose occupational license application  
 7624 has been denied by the department division, who has been  
 7625 declared ineligible to hold an occupational license, or whose  
 7626 occupational license has been suspended or revoked by the  
 7627 department division.

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7628 (f) The department division may cancel any occupational  
 7629 license that has been voluntarily relinquished by the licensee.  
 7630 (6) In order to promote the orderly presentation of pari-  
 7631 mutuel meets authorized in this chapter, the department division  
 7632 may issue a temporary occupational license. The department  
 7633 ~~division~~ shall adopt rules to implement this subsection. A  
 7634 ~~However, No~~ temporary occupational license may not shall be  
 7635 valid for more than 90 days, and only no more than one temporary  
 7636 license may be issued for any person in any year.  
 7637 (7) The department division may deny, revoke, or suspend  
 7638 any occupational license if the applicant ~~therefor~~ or ~~holder~~  
 7639 thereof accumulates unpaid obligations or defaults in  
 7640 obligations, or issues drafts or checks that are dishonored or  
 7641 for which payment is refused without reasonable cause, if such  
 7642 unpaid obligations, defaults, or dishonored or refused drafts or  
 7643 checks directly relate to the sport of jai alai or racing being  
 7644 conducted at a pari-mutuel facility within this state.  
 7645 (8) The department division may fine a licensee, or  
 7646 suspend, ~~or~~ revoke, or place conditions on upon, the license of  
 7647 a any licensee, who under oath knowingly provides false  
 7648 information regarding an investigation by the department  
 7649 ~~division~~.  
 7650 ~~(9) The tax imposed by this section is in lieu of all~~  
 7651 ~~license, excise, or occupational taxes to the state or any~~  
 7652 ~~county, municipality, or other political subdivision, except~~  
 7653 ~~that, if a race meeting or game is held or conducted in a~~  
 7654 ~~municipality, the municipality may assess and collect an~~  
 7655 ~~additional tax against any person conducting live racing or~~  
 7656 ~~games within its corporate limits, which tax may not exceed \$150~~

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7657 ~~per day for horseracing or \$50 per day for dogracing or jai~~  
 7658 ~~alai. Except as provided in this chapter, a municipality may not~~  
 7659 ~~assess or collect any additional excise or revenue tax against~~  
 7660 ~~any person conducting race meetings within the corporate limits~~  
 7661 ~~of the municipality or against any patron of any such person.~~

7662 ~~(9)(10)~~ (a) Upon application for an occupational license:  
 7663 1. The department division may require:

7664 a. The applicant's full legal name ~~and~~ any nickname,

7665 alias, or maiden name for the applicant;

7666 b. The name of the applicant's spouse;

7667 c. The applicant's date of birth, residence address,  
 7668 mailing address, residence ~~address~~ and business telephone phone  
 7669 number, and social security number;

7670 d. Disclosure of any felony or any conviction involving  
 7671 bookmaking, illegal gambling, or cruelty to animals;

7672 e. Disclosure of any past or present enforcement or actions  
 7673 by any racing or gaming agency against the applicant; and

7674 f. Any information the department division determines ~~is~~  
 7675 necessary to establish the identity of the applicant or to  
 7676 establish that the applicant is of good moral character.

7677 2. Fingerprints shall be taken in a manner approved by the  
 7678 department division and ~~then shall be~~ submitted to the Federal  
 7679 Bureau of Investigation, or to the association of state  
 7680 officials regulating pari-mutuel wagering pursuant to the  
 7681 Federal Pari-mutuel Licensing Simplification Act of 1988.

7682 (b)1. The cost of processing fingerprints shall be borne by  
 7683 the applicant and paid to the association of state officials  
 7684 regulating pari-mutuel wagering from the trust fund to which the  
 7685 processing fees are deposited. ~~The division, by rule, may~~

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7686 ~~require additional information from licensees which is~~  
 7687 ~~reasonably necessary to regulate the industry. The division may,~~  
 7688 ~~by rule, exempt certain occupations or groups of persons from~~  
 7689 ~~the fingerprinting requirements.~~

7690 2.(b) All fingerprints required ~~under~~ by this section which  
 7691 ~~that~~ are submitted to the Department of Law Enforcement shall be  
 7692 retained by the Department of Law Enforcement and entered into  
 7693 the statewide automated biometric identification system as  
 7694 authorized under ~~by~~ s. 943.05(2)(b) and shall be available for  
 7695 all purposes and uses authorized for arrest fingerprints entered  
 7696 into the statewide automated biometric identification system  
 7697 pursuant to s. 943.051.

7698 3.(e) The Department of Law Enforcement shall search all  
 7699 arrest fingerprints received pursuant to s. 943.051 against the  
 7700 fingerprints retained in the statewide automated biometric  
 7701 identification system under subparagraph 2 ~~paragraph (b)~~. Any  
 7702 arrest record that is identified with the retained fingerprints  
 7703 of a person subject to the criminal history screening  
 7704 requirements of this section shall be reported to the department  
 7705 ~~division~~. Each licensee shall pay a fee to the department  
 7706 ~~division~~ for the cost of retention of the fingerprints and the  
 7707 ongoing searches under this subparagraph ~~paragraph~~. The  
 7708 department division shall forward the payment to the Department  
 7709 of Law Enforcement. The amount of the fee to be imposed for  
 7710 performing these searches and the procedures for the retention  
 7711 of licensee fingerprints shall be as established by rule of the  
 7712 Department of Law Enforcement. The department division shall  
 7713 inform the Department of Law Enforcement of any change in the  
 7714 license status of licensees whose fingerprints are retained

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7715 under subparagraph 2 ~~paragraph (b)~~.

7716 4.(d) ~~The department division~~ shall request the Department  
7717 of Law Enforcement to forward the fingerprints to the Federal  
7718 Bureau of Investigation for a national criminal history records  
7719 check at least once every 5 years following issuance of a  
7720 license. If the fingerprints of a person who is licensed have  
7721 not been retained by the Department of Law Enforcement, the  
7722 person must file a complete set of fingerprints as provided in  
7723 paragraph (a). The ~~department division~~ shall collect the fees  
7724 for the cost of the national criminal history records check  
7725 under this ~~subparagraph paragraph~~ and forward the payment to the  
7726 Department of Law Enforcement. The cost of processing  
7727 fingerprints and conducting a criminal history records check  
7728 under this ~~subparagraph paragraph~~ for a general occupational  
7729 license shall be borne by the applicant. The cost of processing  
7730 fingerprints and conducting a criminal history records check  
7731 under this ~~subparagraph paragraph~~ for a business or professional  
7732 occupational license shall be borne by the person being checked.  
7733 The Department of Law Enforcement may invoice the ~~department~~  
7734 ~~division~~ for the fingerprints submitted each month. Under  
7735 penalty of perjury, each person who is licensed or who is  
7736 fingerprinted as required by this section must agree to inform  
7737 the ~~department division~~ within 48 hours if he or she is  
7738 convicted of or has entered a plea of guilty or nolo contendere  
7739 to any disqualifying offense, regardless of adjudication.

7740 (c)1. The department may adopt rules that require  
7741 additional information from licensees which is reasonably  
7742 necessary to regulate the industry.

7743 2. The department may adopt rules that exempt certain

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7744 occupations or groups of persons from the fingerprinting  
7745 requirements.

7746 Section 108. Section 551.107, Florida Statutes, is  
7747 transferred, renumbered as section 551.302, Florida Statutes,  
7748 and amended to read:

7749 551.302 ~~551.107~~ Slot machine occupational license;  
7750 findings; application; fee.—

7751 (1) The Legislature finds that individuals and entities  
7752 that are licensed under this section require heightened state  
7753 scrutiny, including the submission by the individual licensees  
7754 or persons associated with the entities described in this  
7755 chapter of fingerprints for a criminal history record check.

7756 (2) (a) The following slot machine occupational licenses  
7757 shall be issued to persons or entities that, by virtue of the  
7758 positions they hold, might be granted access to slot machine  
7759 gaming areas or to any other person or entity in one of the  
7760 following categories:

7761 1. General occupational licenses for general employees,  
7762 including food service, maintenance, and other similar service  
7763 and support employees having access to the slot machine gaming  
7764 area.

7765 2. Professional occupational licenses for a any person,  
7766 proprietorship, partnership, corporation, or other entity that  
7767 is authorized by a slot machine licensee to manage, oversee, or  
7768 otherwise control daily operations as a slot machine manager, a  
7769 floor supervisor, security personnel, or any other similar  
7770 position of oversight of gaming operations, or a any person who  
7771 is not an employee of the slot machine licensee and who provides  
7772 maintenance, repair, or upgrades to, or otherwise services, a

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7773 slot machine or other slot machine equipment.

7774 3. Business occupational licenses for a any slot machine  
7775 management company or company associated with slot machine  
7776 gaming, a any person who manufactures, distributes, or sells  
7777 slot machines, slot machine paraphernalia, or other associated  
7778 equipment to slot machine licensees, or a any company that sells  
7779 or provides goods or services associated with slot machine  
7780 gaming to slot machine licensees.

7781 (b) The department division may issue one license to  
7782 combine licenses under this section with pari-mutuel  
7783 occupational licenses and cardroom licenses pursuant to s.  
7784 551.301(2)(c) ~~s. 550.105(2)(b)~~. The department division shall  
7785 adopt rules pertaining to occupational licenses under this  
7786 subsection. Such rules may specify, but need not be limited to,  
7787 requirements and restrictions for licensed occupations and  
7788 categories, procedures to apply for a any license or combination  
7789 of licenses, disqualifying criminal offenses for a licensed  
7790 occupation or categories of occupations, and which types of  
7791 occupational licenses may be combined into a single license  
7792 under this section. The fingerprinting requirements of  
7793 subsection (6) ~~(7)~~ apply to a any combination license that  
7794 includes slot machine license privileges under this section. The  
7795 department division may not adopt a rule allowing the issuance  
7796 of an occupational license to a any person who does not meet the  
7797 minimum background qualifications under this section.

7798 (c) Slot machine occupational licenses are not  
7799 transferable.

7800 (3) A slot machine licensee may not employ or otherwise  
7801 allow a person to work at a licensed facility unless such person

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7802 holds the appropriate valid occupational license. A slot machine  
7803 licensee may not contract or otherwise do business with a  
7804 business required to hold a slot machine occupational license  
7805 unless the business holds such a license. A slot machine  
7806 licensee may not employ or otherwise allow a person to work in a  
7807 supervisory or management professional level at a licensed  
7808 facility unless such person holds a valid slot machine  
7809 occupational license. All slot machine occupational licensees,  
7810 while present in slot machine gaming areas, shall display on  
7811 their persons their occupational license identification cards.

7812 (4) (a) A person seeking a slot machine occupational license  
7813 or renewal thereof shall make application on forms prescribed by  
7814 the department division and pay include payment of the  
7815 appropriate application fee. Initial and renewal applications  
7816 for slot machine occupational licenses must contain all  
7817 information that the department division, by rule, determines is  
7818 required to ensure eligibility.

7819 (b) A slot machine license or combination license is valid  
7820 for the same term as a pari-mutuel occupational license issued  
7821 pursuant to s. 551.301(1) ~~s. 550.105(1)~~.

7822 (c) Pursuant to rules adopted by the department division, a  
7823 any person may apply for and, if qualified, be issued a slot  
7824 machine occupational license valid for a period of 3 years upon  
7825 payment of the full occupational license fee for each of the 3  
7826 years for which the license is issued. The slot machine  
7827 occupational license is valid during its specified term at a any  
7828 licensed facility where slot machine gaming is authorized to be  
7829 conducted.

7830 (d) The slot machine occupational license fee for initial

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7831 application and annual renewal shall be determined by rule of  
 7832 the ~~department division~~ but may not exceed \$50 for a general or  
 7833 professional occupational license for an employee of the slot  
 7834 machine licensee or \$1,000 for a business occupational license  
 7835 for nonemployees of the licensee providing goods or services to  
 7836 the slot machine licensee. License fees for general occupational  
 7837 licensees shall be paid by the slot machine licensee. Failure to  
 7838 pay the required fee constitutes grounds for disciplinary action  
 7839 by the ~~department division~~ against the slot machine licensee,  
 7840 but ~~it~~ is not a violation of this chapter or department rule  
 7841 ~~rules of the division~~ by the general occupational licensee and  
 7842 does not prohibit the initial issuance or the renewal of the  
 7843 general occupational license.

7844 (5) (a) The ~~department division~~ may deny an application for,  
 7845 or revoke, suspend, or place conditions or restrictions on, a  
 7846 license of a person or entity that:

7847 1. (a) Deny an application for, or revoke, suspend, or place  
 7848 conditions or restrictions on, a license of a person or entity  
 7849 that Has been refused a license by any other state gaming  
 7850 commission, governmental department, agency, or other authority  
 7851 exercising regulatory jurisdiction over the gaming of another  
 7852 state or jurisdiction; or

7853 2. (b) Deny an application for, or suspend or place  
 7854 conditions on, a license of any person or entity that Is under  
 7855 suspension or has unpaid fines in another state or jurisdiction.

7856 (b) (6) (a) The ~~department division~~ may deny an application  
 7857 for, or suspend, revoke, or refuse to renew, a any slot machine  
 7858 occupational license if the applicant for such license or the  
 7859 licensee;

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7860 1. Has violated the provisions of this chapter or the rules  
 7861 of the ~~department division~~ governing the conduct of persons  
 7862 connected with slot machine gaming; ~~In addition, the division~~  
 7863 ~~may deny, suspend, revoke, or refuse to renew any slot machine~~  
 7864 ~~occupational license if the applicant for such license or the~~  
 7865 ~~licensee~~

7866 2. Has been convicted in this state, in any other state, or  
 7867 under the laws of the United States of a capital felony, a  
 7868 felony, or an offense in any other state that would be a felony  
 7869 under the laws of this state involving arson; trafficking in,  
 7870 conspiracy to traffic in, smuggling, importing, conspiracy to  
 7871 smuggle or import, or delivery, sale, or distribution of a  
 7872 controlled substance; racketeering; or a crime involving a lack  
 7873 of good moral character; ~~or~~

7874 3. Has had a gaming license revoked by this state or any  
 7875 other jurisdiction for a any gaming-related offense;

7876 4. (b) The division may deny, revoke, or refuse to renew any  
 7877 slot machine occupational license if the applicant for such  
 7878 license or the licensee Has been convicted of a felony or  
 7879 misdemeanor in this state, in any other state, or under the laws  
 7880 of the United States if such felony or misdemeanor is related to  
 7881 gambling or bookmaking as described in s. 849.25; or

7882 5. Accumulates unpaid obligations, defaults in obligations,  
 7883 or issues drafts or checks that are dishonored or for which  
 7884 payment is refused without reasonable cause.

7885 ~~(c) For purposes of this subsection, the term "convicted"~~  
 7886 ~~means having been found guilty, with or without adjudication of~~  
 7887 ~~guilt, as a result of a jury verdict, nonjury trial, or entry of~~  
 7888 ~~a plea of guilty or nolo contendere.~~

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7889 ~~(6)(7)~~ Fingerprints for all slot machine occupational  
 7890 license applications shall be taken in a manner approved by the  
 7891 ~~department division~~ and shall be submitted electronically to the  
 7892 Department of Law Enforcement for state processing and the  
 7893 Federal Bureau of Investigation for national processing for a  
 7894 criminal history record check. All persons ~~as~~ specified in s.  
 7895 551.029 who are s. 550.1815(1)(a) employed by or working within  
 7896 a licensed premises shall submit fingerprints for a criminal  
 7897 history record check and may not have been convicted of a any  
 7898 disqualifying criminal offense offenses specified in subsection  
 7899 (5) (6). Department Division employees and law enforcement  
 7900 officers assigned by their employing agencies to work within the  
 7901 premises as part of their official duties are excluded from the  
 7902 criminal history record check requirements under this  
 7903 subsection. The cost of processing fingerprints and conducting a  
 7904 criminal history record check for a general occupational license  
 7905 shall be borne by the slot machine licensee. The cost of  
 7906 processing fingerprints and conducting a criminal history record  
 7907 check for a business or professional occupational license shall  
 7908 be borne by the person being checked. The Department of Law  
 7909 Enforcement may invoice the department for the fingerprints  
 7910 submitted each month. For purposes of this subsection, the term  
 7911 "convicted" means having been found guilty, with or without  
 7912 adjudication of guilt, as a result of a jury verdict, nonjury  
 7913 trial, or entry of a plea of guilty or nolo contendere.  
 7914 (a) Fingerprints shall be taken in a manner approved by the  
 7915 ~~department division~~ upon initial application, or as required  
 7916 thereafter by rule of the ~~department division~~, and shall be  
 7917 submitted electronically to the Department of Law Enforcement

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7918 for state processing. The Department of Law Enforcement shall  
 7919 forward the fingerprints to the Federal Bureau of Investigation  
 7920 for national processing. The results of the criminal history  
 7921 record check shall be returned to the ~~department division~~ for  
 7922 purposes of screening. Licensees shall provide necessary  
 7923 equipment approved by the Department of Law Enforcement to  
 7924 facilitate such electronic submission. The ~~department division~~  
 7925 requirements under this subsection shall be instituted in  
 7926 consultation with the Department of Law Enforcement.  
 7927 (b) The cost of processing fingerprints and conducting a  
 7928 criminal history record check for a general occupational license  
 7929 shall be borne by the slot machine licensee. The cost of  
 7930 processing fingerprints and conducting a criminal history record  
 7931 check for a business or professional occupational license shall  
 7932 be borne by the person being checked. The Department of Law  
 7933 Enforcement may invoice the ~~department division~~ for the  
 7934 fingerprints submitted each month.  
 7935 (c) All fingerprints required by this section which are  
 7936 submitted to the Department of Law Enforcement and required by  
 7937 this section shall be retained by the Department of Law  
 7938 Enforcement and entered into the statewide automated biometric  
 7939 identification system as authorized under by s. 943.05(2)(b) and  
 7940 shall be available for all purposes and uses authorized for  
 7941 arrest fingerprints entered into the statewide automated  
 7942 biometric identification system pursuant to s. 943.051.  
 7943 (d) The Department of Law Enforcement shall search all  
 7944 arrest fingerprints received pursuant to s. 943.051 against the  
 7945 fingerprints retained in the statewide automated biometric  
 7946 identification system under paragraph (c). An Any arrest record

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7947 that is identified with the retained fingerprints of a person  
 7948 subject to the criminal history screening requirements of this  
 7949 section shall be reported to the department division. Each  
 7950 licensed facility shall pay a fee to the department division for  
 7951 the cost of retention of the fingerprints and the ongoing  
 7952 searches under this paragraph. The department division shall  
 7953 forward the payment to the Department of Law Enforcement. The  
 7954 amount of the fee to be imposed for performing such these  
 7955 searches and the procedures for the retention of licensee  
 7956 fingerprints shall be as established by rule of the Department  
 7957 of Law Enforcement. The department division shall inform the  
 7958 Department of Law Enforcement of a any change in the license  
 7959 status of licensees whose fingerprints are retained under  
 7960 paragraph (c).

7961 (e) The department division shall request the Department of  
 7962 Law Enforcement to forward the fingerprints to the Federal  
 7963 Bureau of Investigation for a national criminal history records  
 7964 check every 3 years following issuance of a license. If the  
 7965 fingerprints of a person who is licensed have not been retained  
 7966 by the Department of Law Enforcement, the person must file a  
 7967 complete set of fingerprints as provided ~~for~~ in paragraph (a).  
 7968 The department division shall collect the fees for the cost of  
 7969 the national criminal history record check under this paragraph  
 7970 and shall forward the payment to the Department of Law  
 7971 Enforcement. ~~The cost of processing fingerprints and conducting~~  
 7972 ~~a criminal history record check under this paragraph for a~~  
 7973 ~~general occupational license shall be borne by the slot machine~~  
 7974 ~~licensee. The cost of processing fingerprints and conducting a~~  
 7975 ~~criminal history record check under this paragraph for a~~

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7976 ~~business or professional occupational license shall be borne by~~  
 7977 ~~the person being checked.~~ The Department of Law Enforcement may  
 7978 invoice the department division for the fingerprints submitted  
 7979 each month. Under penalty of perjury, each person who is  
 7980 licensed or who is fingerprinted as required by this section  
 7981 must agree to inform the department division within 48 hours if  
 7982 he or she is convicted of or has entered a plea of guilty or  
 7983 nolo contendere to a any disqualifying offense, regardless of  
 7984 adjudication.

7985 ~~(7)(8)~~ All moneys collected pursuant to this section shall  
 7986 be deposited into the Gaming Control Pari-mutuel Wagering Trust  
 7987 Fund.

7988 ~~(9)~~ The division may deny, revoke, or suspend any  
 7989 occupational license if the applicant or holder of the license  
 7990 accumulates unpaid obligations, defaults in obligations, or  
 7991 issues drafts or checks that are dishonored or for which payment  
 7992 is refused without reasonable cause.

7993 ~~(8)(10)~~ The department division may fine a licensee or  
 7994 suspend, revoke, or place conditions upon his or her the  
 7995 license, if the of any licensee who provides false information  
 7996 under oath regarding an application for a license or an  
 7997 investigation by the department division.

7998 ~~(9)(11)~~ The department division may impose a civil fine of  
 7999 up to \$5,000 for each violation of this chapter or department  
 8000 rule the rules of the division in addition to or in lieu of any  
 8001 other penalty provided for in this section. The department  
 8002 division may adopt a penalty schedule for violations of this  
 8003 chapter or applicable any rule adopted pursuant to this chapter  
 8004 for which it would impose a fine in lieu of a suspension and may

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 8005 adopt rules allowing for the issuance of citations, including  
 8006 procedures to address such citations, to persons who violate  
 8007 such rules. In addition to any other penalty provided by law,  
 8008 the ~~department division~~ may exclude from all licensed slot  
 8009 machine facilities in this state, for a period not to exceed the  
 8010 period of suspension, revocation, or ineligibility, ~~a any~~ person  
 8011 declared ineligible to hold an occupational license whose  
 8012 occupational license application has been ~~denied~~ declared  
 8013 ~~ineligible to hold an occupational license~~ or whose occupational  
 8014 license has been suspended or revoked by the department  
 8015 division.

(10) (a) Notwithstanding s. 120.60, the department may issue  
 8016 a temporary occupational license upon receipt of a complete  
 8017 application from the applicant and a determination that the  
 8018 applicant has not been convicted of or had adjudication withheld  
 8019 on a disqualifying criminal offense. The temporary occupational  
 8020 license remains valid until such time as the department grants  
 8021 an occupational license or notifies the applicant of its  
 8022 intended decision to deny the applicant a license pursuant to s.  
 8023 120.60. The department shall adopt rules to administer this  
 8024 subsection. However, not more than one temporary license may be  
 8025 issued for a person in a year.

(b) A temporary license issued under this section is  
 8026 nontransferable.

(11) For purposes of this section, the term "convicted"  
 8029 means having been found guilty, with or without adjudication of  
 8030 guilt, as a result of a jury verdict, nonjury trial, or entry of  
 8031 a plea of guilty or nolo contendere.

8032 Section 109. Section 551.303, Florida Statutes, is created  
 8033

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 8034 to read:  
 8035 551.303 Cardroom business and employee occupational  
 8036 license.—  
 8037 (1) A person employed or otherwise working in a cardroom as  
 8038 a cardroom manager, floor supervisor, pit boss, dealer, or any  
 8039 other position related to cardroom operations while the facility  
 8040 is conducting authorized must hold a valid cardroom employee  
 8041 occupational license issued by the department. Food service,  
 8042 maintenance, and security employees who hold a current pari-  
 8043 mutuel occupational license and who passed the required  
 8044 background check are not required to have a cardroom employee  
 8045 occupational license.  
 8046 (2) A cardroom management company or cardroom distributor  
 8047 associated with cardroom operations must hold a valid cardroom  
 8048 business occupational license issued by the department.  
 8049 (3) A licensed cardroom operator may not employ or allow to  
 8050 work in a cardroom a person who does not hold a valid  
 8051 occupational license. A licensed cardroom operator may not  
 8052 contract with, or otherwise do business with, a business that  
 8053 does not hold a required valid cardroom business occupational  
 8054 license.  
 8055 (4) The department shall establish, by rule, a schedule for  
 8056 the renewal of cardroom occupational licenses. Cardroom  
 8057 occupational licenses are not transferable.  
 8058 (5) An application for an initial or renewal cardroom  
 8059 occupational license must be made on forms prescribed by the  
 8060 department and must contain all of the information for  
 8061 eligibility determination required by department rule.  
 8062 (6) The department shall adopt rules regarding cardroom

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8063 occupational licenses. The provisions specified in s.  
 8064 551.301(4)-(9) relating to licensure apply to cardroom  
 8065 occupational licenses.

8066 (7) The department may declare an applicant for or holder  
 8067 of a license ineligible and deny or revoke his or her cardroom  
 8068 occupational license if, in this or any other state or under the  
 8069 laws of the United States, he or she has been found guilty of or  
 8070 has had adjudication withheld for a felony or misdemeanor  
 8071 involving forgery, larceny, extortion, conspiracy to defraud, or  
 8072 filing a false report to a government agency or a racing or  
 8073 gaming commission or authority.

8074 (8) Upon initial application, and at least every 5 years  
 8075 thereafter, the applicant's or licensee's fingerprints shall be  
 8076 taken in a manner approved by the department and submitted to  
 8077 the Department of Law Enforcement and the Federal Bureau of  
 8078 Investigation for a criminal background check. The department  
 8079 may by rule require an annual background check of all applicants  
 8080 for a cardroom occupational license renewal. The cost of  
 8081 processing fingerprints and conducting a record check shall be  
 8082 borne by the applicant.

8083 (9) The cardroom employee occupational license fee may not  
 8084 exceed \$50 for any 12-month period. The cardroom business  
 8085 occupational license fee may not exceed \$250 for any 12-month  
 8086 period.

8087 Section 110. Section 550.901, Florida Statutes, is  
 8088 transferred and renumbered as section 551.31, Florida Statutes.

8089 Section 111. Section 550.902, Florida Statutes, is  
 8090 transferred and renumbered as section 551.311, Florida Statutes.

8091 Section 112. Section 550.903, Florida Statutes, is

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8092 transferred and renumbered as section 551.312, Florida Statutes.

8093 Section 113. Section 550.904, Florida Statutes, is  
 8094 transferred, renumbered as section 551.313, Florida Statutes,  
 8095 and amended to read:

8096 551.313 ~~550.904~~ Entry into force.—This compact shall come  
 8097 into force when enacted by any four states. Thereafter, this  
 8098 compact shall become effective in any other state upon that  
 8099 state's enactment of this compact and upon the affirmative vote  
 8100 of a majority of the officials on the compact committee as  
 8101 provided in s. 551.318 ~~s. 550.909~~.

8102 Section 114. Section 550.905, Florida Statutes, is  
 8103 transferred and renumbered as section 551.314, Florida Statutes.

8104 Section 115. Section 550.906, Florida Statutes, is  
 8105 transferred and renumbered as section 551.315, Florida Statutes.

8106 Section 116. Section 550.907, Florida Statutes, is  
 8107 transferred and renumbered as section 551.316, Florida Statutes.

8108 Section 117. Section 550.908, Florida Statutes, is  
 8109 transferred and renumbered as section 551.317, Florida Statutes.

8110 Section 118. Section 550.909, Florida Statutes, is  
 8111 transferred and renumbered as section 551.318, Florida Statutes.

8112 Section 119. Section 550.910, Florida Statutes, is  
 8113 transferred and renumbered as section 551.319, Florida Statutes.

8114 Section 120. Section 550.911, Florida Statutes, is  
 8115 transferred and renumbered as section 551.32, Florida Statutes.

8116 Section 121. Section 550.912, Florida Statutes, is  
 8117 transferred and renumbered as section 551.321, Florida Statutes,  
 8118 and paragraph (b) of subsection (1) of that section is amended  
 8119 to read:

8120 551.321 ~~550.912~~ Rights and responsibilities of each party

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8121 state.-

8122 (1) By enacting this compact, each party state:

8123 (b) Agrees not to treat a notification to an applicant by  
8124 the compact committee described in s. 551.317 ~~s. 550.908~~ as the  
8125 denial of a license, or to penalize such an applicant in any  
8126 other way based solely on such a decision by the compact  
8127 committee.

8128 Section 122. Section 550.913, Florida Statutes, is  
8129 transferred and renumbered as section 551.322, Florida Statutes.

8130 Section 123. Part VI of chapter 551, Florida Statutes,  
8131 consisting of sections 551.401-551.45, Florida Statutes, is  
8132 created and entitled "Destination Casino Resorts."

8133 Section 124. The Legislature intends to provide additional  
8134 entertainment choices for the residents of and visitors to this  
8135 state, to promote tourism, and to provide additional state  
8136 revenues by authorizing the playing of certain games at  
8137 facilities known as destination casino resorts. This section is  
8138 intended to ensure public confidence in the integrity of  
8139 authorized destination casino resort operations by strictly  
8140 regulating all facilities, persons, and procedures related to  
8141 destination casino resorts. The Legislature intends that the  
8142 number of destination casino resort licenses issued in this  
8143 state be restricted to enhance their economic impact in this  
8144 state and to the host communities.

8145 Section 125. Section 551.401, Florida Statutes, is created  
8146 to read:

8147 551.401 Definitions.—As used in this part, the term:

8148 (1) "Ancillary areas," unless the context otherwise  
8149 requires, includes the following areas within a gaming facility:

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8150 (a) A reception or information counter.

8151 (b) An area designated for the serving or consumption of  
8152 food and beverages.

8153 (c) An area designated for retail space.8154 (d) An area designated for performances.

8155 (e) An area designated for aesthetic or decorative  
8156 displays.

8157 (f) A staircase, staircase landing, escalator, elevator,  
8158 and elevator lobby.

8159 (g) A back-of-house facility not designated for use by  
8160 patrons.

8161 (h) A bathroom.

8162 (i) Any other area that is not intended to be used for the  
8163 conduct or playing of games or as a gaming pit as defined by  
8164 department rule or specified in an application for a destination  
8165 casino resort license.

8166 (2) "Applicant," as the context requires, means a person  
8167 who applies for a license to engage in activity regulated under  
8168 this part. A public body is prohibited from applying for a  
8169 destination casino resort license.

8170 (3) "Credit" means the method by which a licensee issues  
8171 chips or tokens to a wagerer of the licensee to play games or  
8172 slot machines, in return for which the wagerer executes a credit  
8173 instrument to evidence the debt owed. The issuance of credit to  
8174 a wagerer is not deemed to be a loan from the licensee to the  
8175 wagerer.

8176 (4) "Destination casino resort" means a freestanding, land-  
8177 based structure that includes a gaming facility located in a  
8178 zoning district that allows mixed-use development, including but

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8179 not limited to, restaurants, commercial and retail facilities,  
 8180 convention facilities, and buildings designed for permanent,  
 8181 seasonal, or transient housing such as hotels and condominiums.  
 8182 (5) "Destination casino resort license" means a license to  
 8183 operate and maintain a destination casino resort that includes a  
 8184 gaming facility.  
 8185 (6) "Gaming" means the conducting of the following games by  
 8186 licensed persons in a gaming facility in a destination casino  
 8187 resort: baccarat, 21, poker, craps, slot machines, video games  
 8188 of chance, roulette wheels, faro layout, or their common  
 8189 variants. Any game of chance, wagering device, or form of gaming  
 8190 must be expressly authorized by the Legislature.  
 8191 (7) "Gaming employee" means an individual employed by a  
 8192 destination casino resort and working in its gaming facility,  
 8193 including, but not limited to:  
 8194 (a) Cashiers.  
 8195 (b) Change personnel.  
 8196 (c) Count room personnel.  
 8197 (d) Slot machine attendants.  
 8198 (e) Hosts or other persons authorized to extend  
 8199 complimentary services, including employees performing functions  
 8200 similar to those performed by a representative for a junket  
 8201 enterprise.  
 8202 (f) Machine mechanics and computer technicians performing  
 8203 duties on machines with gaming-related functions or table game  
 8204 device technicians.  
 8205 (g) Security personnel.  
 8206 (h) Surveillance personnel.  
 8207 (i) Promotional play supervisors, credit supervisors, game

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8208 pit supervisors, cashier supervisors, gaming shift supervisors,  
 8209 table game managers, assistant managers, and other supervisors  
 8210 and managers.  
 8211 (j) Boxmen.  
 8212 (k) Dealers or croupiers.  
 8213 (l) Floormen.  
 8214 (m) Personnel authorized to issue promotional credits.  
 8215 (n) Personnel authorized to issue credit.  
 8216 (o) Individuals who are employed by a person other than a  
 8217 destination casino resort licensee and who perform a function of  
 8218 a gaming employee specified under this subsection.  
 8219  
 8220 The term does not include bartenders, cocktail servers, or other  
 8221 persons engaged in preparing or serving food or beverages,  
 8222 clerical or administrative personnel, parking attendants,  
 8223 janitorial staff, stage hands, sound and light technicians, or  
 8224 other nongaming personnel as determined by the department.  
 8225 (8) "Gaming facility" means the gaming floor in which  
 8226 gaming may be conducted and all ancillary areas.  
 8227 (9) "Gaming floor" means the area exclusive of ancillary  
 8228 areas in a gaming facility.  
 8229 (10) "Gaming pit" means the area from which gaming  
 8230 employees administer and supervise the games.  
 8231 (11) "Gross gaming revenue" means the total receipts of  
 8232 cash or cash equivalents received or retained from the conduct  
 8233 of gaming by a destination casino resort licensee and the  
 8234 compensation received for conducting any gaming in which the  
 8235 destination casino resort licensee is not party to a wager. The  
 8236 term does not include promotional credits or free play provided

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8237 by a destination casino resort licensee as a means of marketing  
8238 its gaming facility.

8239 (12) "Institutional investor" means, but is not limited to:

8240 (a) A retirement fund administered by a public agency for  
8241 the exclusive benefit of federal, state, or county public  
8242 employees.

8243 (b) An employee benefit plan or pension fund that is  
8244 subject to the Employee Retirement Income Security Act of 1974.

8245 (c) An investment company registered under the Investment  
8246 Company Act of 1940.

8247 (d) A collective investment trust organized by a bank under  
8248 12 C.F.R. part 9, s. 9.18.

8249 (e) A closed-end investment trust.

8250 (f) A life insurance company or property and casualty  
8251 insurance company.

8252 (g) A financial institution.

8253 (h) An investment advisor registered under 15 U.S.C. s.  
8254 80b-1-80b-21, the Investment Advisers Act of 1940.

8255 (i) Such other persons as the department may determine for  
8256 reasons consistent with the policies of this part.

8257 (13) "Junket enterprise" means any person who, for  
8258 compensation, employs or otherwise engages in the procurement or  
8259 referral of persons for a junket to a destination casino resort  
8260 licensed under this part regardless of whether those activities  
8261 occur within this state. The term does not include a destination  
8262 casino resort licensee or applicant for a destination casino  
8263 resort license or a person holding an occupational license.

8264 (14) "License," as the context requires, means a  
8265 destination casino resort license, supplier license,

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8266 manufacturer license, or occupational license.

8267 (15) "Licensee," as the context requires, means a person

8268 who is licensed as a destination casino resort licensee,  
8269 supplier licensee, manufacturer licensee, or occupational  
8270 licensee.

8271 (16) "Managerial employee" means an employee who performs a  
8272 job that is not of a routine, clerical, or ministerial nature  
8273 and who exercises independent judgment in the performance of his  
8274 or her job.

8275 (17) "Occupational licensee" means a person who is licensed  
8276 to be a gaming employee.

8277 (18) "Qualifier" means an affiliate, affiliated company,  
8278 officer, director, or managerial employee of an applicant for a  
8279 destination casino resort license, or a person who holds a  
8280 direct or indirect equity interest in the applicant. The term  
8281 may include an institutional investor. As used in this  
8282 subsection, the terms "affiliate," "affiliated company," and "a  
8283 person who holds a direct or indirect equity interest in the  
8284 applicant" do not include a partnership, a joint venture  
8285 relationship, a shareholder of a corporation, a member of a  
8286 limited liability company, or a partner in a limited liability  
8287 partnership that has a direct or indirect equity interest in the  
8288 applicant for a destination casino resort license of 5 percent  
8289 or less and is not involved in the gaming operations as defined  
8290 by department rule.

8291 (19) "Supplier licensee" or "supplier" means a person who  
8292 is licensed to furnish gaming equipment, devices, supplies, or  
8293 other goods or services to a destination casino resort licensee.

8294 (20) "Tournament" means an organized series of contests

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8295 approved by the department in which an overall winner is  
 8296 ultimately determined.

8297 (21) "Wagerer" means a person who plays a game at a gaming  
 8298 facility authorized under this part.

8299 Section 126. Section 551.403, Florida Statutes, is created  
 8300 to read:

8301 551.403 Legislative authority; administration of part.-All  
 8302 matters relating to gaming are preempted to the state, and a  
 8303 county, municipality, or other political subdivision of the  
 8304 state may not enact an ordinance relating to the conducting of  
 8305 gaming authorized by this part. However, this part does not  
 8306 prohibit a political subdivision of the state from requiring a  
 8307 person to obtain an occupational license. The department shall  
 8308 administer this part, including the assessment of fees or taxes.

8309 Section 127. Section 551.405, Florida Statutes, is created  
 8310 to read:

8311 551.405 Authorization of gaming at destination casino  
 8312 resorts.-The issuance of a destination casino resort license in  
 8313 a county is conditioned upon a countywide referendum, as  
 8314 follows:

8315 (1) The board may issue an invitation to negotiate, receive  
 8316 and evaluate applications, and select the best qualified  
 8317 proposal for constructing and operating one destination resort  
 8318 casino in Miami-Dade County as provided under this part. The  
 8319 board may award a license only after the proposal is submitted  
 8320 as a referendum in that county and approved by a majority of the  
 8321 electors.

8322 (2) The board may issue an invitation to negotiate, receive  
 8323 and evaluate applications, and select the best qualified

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8324 proposal for constructing and operating one destination resort  
 8325 casino in Broward County as provided under this part. The board  
 8326 may award a license only after the proposal is submitted as a  
 8327 referendum in that county and approved by a majority of the  
 8328 electors.

8329 (3) A destination casino resort licensee may possess  
 8330 devices for and conduct gaming in the gaming facility at the  
 8331 destination casino resort.

8332 Section 128. Section 551.407, Florida Statutes, is created  
 8333 to read:

8334 551.407 Process for awarding destination casino resort  
 8335 licenses.-

8336 (1) The board shall adopt by rule an invitation to  
 8337 negotiate process for determining the award of a destination  
 8338 casino resort license. The application, review, and issuance  
 8339 procedures for awarding a license shall be by a process in which  
 8340 applicants rely on forms adopted by department rule in response  
 8341 to an invitation to negotiate issued by the board.

8342 (2) Proposals in response to the invitation to negotiate  
 8343 must be received by the board no later than 90 days after the  
 8344 issuance of the invitation to negotiate.

8345 (3) The board may specify in its invitation to negotiate  
 8346 the county in which a destination casino resort will be located.  
 8347 When determining whether to authorize a destination casino  
 8348 resort located within a specific county, the board shall hold a  
 8349 public hearing in such county to discuss the proposals and  
 8350 receive public comment.

8351 (4) The board shall review all complete responses timely  
 8352 received pursuant to an invitation to negotiate. The board may

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8353 commence negotiations with one or more applicants whose  
 8354 proposals are determined to best meet the selection criteria  
 8355 specified in s. 551.409.

8356 (5) The board, by rule, may extend the deadlines  
 8357 established under this section if it finds that the deadlines  
 8358 cannot be met and identifies specific reasons why the deadlines  
 8359 cannot be met.

8360 (6) If the board does not award a destination casino resort  
 8361 license at the conclusion of the process set forth in  
 8362 subsections (1)-(5), the board may issue additional invitations  
 8363 to negotiate, pursuant to deadlines established by the board.

8364 Section 129. Section 551.409, Florida Statutes, is created  
 8365 to read:

8366 551.409 Criteria for the award of a destination casino  
 8367 resort license.—

8368 (1) The board shall consider awarding a destination casino  
 8369 resort license to an applicant that demonstrates the ability to  
 8370 meet the following minimum criteria:

8371 (a) The capacity to increase tourism, generate jobs,  
 8372 provide revenue to the local economy, and provide revenue to the  
 8373 Gaming Control Trust Fund.

8374 (b) A gaming floor that constitutes no more than 10 percent  
 8375 of the destination casino resort's proposed square footage for  
 8376 which certificates of occupancy will be issued by the  
 8377 appropriate local government authority before gaming is  
 8378 conducted. A destination casino resort's square footage is the  
 8379 aggregate of the square footage of the improvements in the  
 8380 mixed-use development for which certificates of occupancy will  
 8381 be issued before gaming is conducted, which is owned or

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8382 controlled by the applicant or its affiliates, exclusive of  
 8383 parking areas and accesses, but inclusive of the gaming facility  
 8384 and other areas of the mixed-use development, such as  
 8385 restaurants, commercial and retail facilities, convention  
 8386 facilities, and buildings designed for permanent, seasonal or  
 8387 transient housing located within a quarter mile of the main  
 8388 entry door of the destination casino resort.

8389 (c) A demonstrated history of, or a bona fide plan for,  
 8390 community involvement or investment in the community where the  
 8391 destination casino resort will be located.

8392 (d) A demonstrated history of investment in the communities  
 8393 in which its previous developments have been located.

8394 (e) A demonstrated financial ability to purchase and  
 8395 maintain an adequate surety bond.

8396 (f) Demonstration of adequate capitalization to develop,  
 8397 construct, maintain, and operate the proposed destination casino  
 8398 resort and to responsibly meet its secured and unsecured debt  
 8399 obligations in accordance with its financial and other  
 8400 contractual agreements.

8401 (g) Demonstrated ability to implement a program to train  
 8402 and employ residents of this state for jobs that will be  
 8403 available at the destination casino resort, including its  
 8404 ability to implement a program for the training of low-income  
 8405 persons.

8406 (h) Demonstration of a plan to integrate with local  
 8407 businesses in the community, including local restaurants,  
 8408 hotels, and retail outlets.

8409 (i) Demonstrated ability to build a premier destination  
 8410 casino resort that offers a variety of high-quality amenities,

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8411 that will strengthen the state's tourism industry, and that will  
 8412 attract at least 50 percent of its patrons from out of state.

8413 (j) Demonstration of its plan for contracting with local  
 8414 business owners for the provision of goods and services,  
 8415 including the development of plans designed to benefit  
 8416 businesses locally and statewide.

8417 (k) Demonstration of a commitment, as determined by the  
 8418 board, to spend at least \$2 billion for development and  
 8419 construction of the proposed destination casino resort, which  
 8420 may include improvements to property, furnishings, and other  
 8421 equipment excluding any purchase price and costs associated with  
 8422 the acquisition of real property on the destination casino  
 8423 resort will be developed and any impact fees. Such expenditure,  
 8424 in the aggregate, must be completed within 5 years after the  
 8425 award of any such license, with supporting documentation  
 8426 provided in a format adopted by department rule.

8427 (l) Demonstrated ability to generate substantial gross  
 8428 gaming revenue.

8429 (m) Any other criteria the applicant deems necessary to  
 8430 assist the board in its evaluation as outlined in this part.

8431 (2) (a) The board shall evaluate applications using the  
 8432 following weighted criteria:

8433 1. Design and location: 20 percent.

8434 a. The location shall be evaluated based on the ability of  
 8435 the community to sustain such a development, support of the  
 8436 local community for the development, and an analysis of the  
 8437 revenue that will be generated by the destination casino resort.

8438 b. Design shall be evaluated based on the potential  
 8439 operator's ability to integrate the facility's design into the

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8440 local community and whether the size and scope of the project  
 8441 can be properly integrated into the community..

8442 c. The board may assess the quality of the aesthetic  
 8443 appearance of the proposed destination casino resort in the  
 8444 context of its potential to provide substantial economic  
 8445 benefits to the community and the people of this state,  
 8446 including, but not limited to, its potential to provide  
 8447 substantial employment opportunities.

8448 2. Management expertise and speed to market: 40 percent.  
 8449 The criteria for evaluation shall be:

8450 a. The applicant's experience in building and managing a  
 8451 destination casino resort the scope and size of the proposed  
 8452 destination casino resort.

8453 b. The applicant's plan to build and manage the destination  
 8454 casino resort and the operator's timeline for completion of the  
 8455 destination casino resort.

8456 c. The applicant's experience and plan to generate  
 8457 nongaming revenue from other amenities of the destination casino  
 8458 resort.

8459 d. The applicant's access to capital and financial ability  
 8460 to construct the proposed project.

8461 e. The evaluation of the criteria specified in paragraphs  
 8462 (1) (a)-(k).

8463 3. Generating tourism from out of state: 30 percent. The  
 8464 criteria for evaluation shall be:

8465 a. The applicant's demonstrated history of attracting  
 8466 visitors from out-of-state and international tourists.

8467 b. The applicant's history of attracting visitors to other  
 8468 similar properties in an area.

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- 8469 c. The applicant's plan for attracting visitors from out-  
 8470 of-state and generating international tourism.  
 8471 d. The applicant's plan for maximizing tourism to the  
 8472 destination casino resort that will also attract visitors to  
 8473 other properties in the local community.  
 8474 4. Community enhancement plan: 10 percent. The criteria for  
 8475 evaluation shall be:  
 8476 a. The applicant's demonstrated history of community  
 8477 partnerships in local communities where it is located.  
 8478 b. The applicant's demonstrated plan to enhance the local  
 8479 community where the destination casino resort will be located.  
 8480 c. The applicant's demonstrated plan for local hiring.  
 8481 d. The applicant's demonstrated history of working with  
 8482 local schools and colleges to train prospective job applicants  
 8483 for careers in the hospitality field.  
 8484 e. The applicant's demonstrated history of and plan for  
 8485 diversity in hiring and purchasing from minority vendors.  
 8486 (b) The board shall give preference to applicants that  
 8487 demonstrate that:  
 8488 1. The roads, water, sanitation, utilities, and related  
 8489 services to the proposed location of the destination casino  
 8490 resort are adequate and the proposed destination casino resort  
 8491 will not unduly impact public services, existing transportation  
 8492 infrastructure, consumption of natural resources, and the  
 8493 quality of life enjoyed by residents of the surrounding  
 8494 neighborhoods.  
 8495 2. They will be able to commence construction as soon after  
 8496 awarding of the destination casino resort license as possible,  
 8497 but, in any event, no later than 12 months after the award of

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- 8498 the destination casino resort license.  
 8499 3. The destination casino resort will include amenities and  
 8500 uses that will allow other businesses to be included within the  
 8501 destination casino resort.  
 8502 4. The destination casino resort will promote local  
 8503 businesses, including developing cross-marketing strategies with  
 8504 local restaurants, small businesses, hotels, and retail outlets.  
 8505 5. The destination casino resort will implement a workforce  
 8506 development plan that utilizes the existing labor force,  
 8507 including the estimated number of construction jobs the  
 8508 destination casino resort will generate, the development of  
 8509 workforce training programs that serve the unemployed, and  
 8510 methods for accessing employment at the destination casino  
 8511 resort development.  
 8512 6. The destination casino resort will take measures to  
 8513 address problem gambling, including, but not limited to,  
 8514 training of gaming employees to identify patrons exhibiting  
 8515 problems with gambling and providing prevention programs  
 8516 targeted toward vulnerable populations.  
 8517 7. The destination casino resort will provide a market  
 8518 analysis detailing the benefits of the site location and the  
 8519 estimated recapture rate of gaming-related spending by residents  
 8520 traveling to out-of-state gaming establishments.  
 8521 8. The destination casino resort will use sustainable  
 8522 development principles.  
 8523 9. The destination casino resort will contract with local  
 8524 business owners for the provision of goods and services,  
 8525 including developing plans designed to assist businesses in this  
 8526 state in identifying the needs for goods and services to the

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8527 destination casino resort.

8528 10. The destination casino resort will mitigate potential  
 8529 impacts on the local community which might result from the  
 8530 development or operation of the destination casino resort.

8531 11. The destination casino resort will purchase and  
 8532 install, whenever possible, domestically manufactured equipment.

8533 12. The destination casino resort will implement a  
 8534 marketing program that identifies specific goals, expressed as  
 8535 an overall program goal applicable to the total dollar amount of  
 8536 contracts, for the use of:

8537 a. Minority business enterprises, women business  
 8538 enterprises, and veteran business enterprises to participate as  
 8539 contractors in the design of the development;

8540 b. Minority business enterprises, women business  
 8541 enterprises, and veteran business enterprises to participate as  
 8542 contractors in the construction of the development; and

8543 c. Minority business enterprises, women business  
 8544 enterprises, and veteran business enterprises to participate as  
 8545 vendors in the provision of goods and services procured by the  
 8546 development and any businesses operated as part of the  
 8547 development.

8548 13. The destination casino resort will have public support  
 8549 in the local community which may be demonstrated through public  
 8550 comment received by the board or applicant.

8551 (3) The gaming floor must be designed so that patrons of  
 8552 the destination casino resort may have ingress and egress to the  
 8553 gaming facility without accessing the gaming floor.

8554 (4) A destination casino resort license may be issued only  
 8555 to persons of good moral character who are at least 21 years of

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8556 age. A destination casino resort license may be issued to a  
 8557 corporation only if its officers are of good moral character and  
 8558 are at least 21 years of age.

8559 (5) A destination casino resort license may not be issued  
 8560 to an applicant if the applicant, qualifier, or institutional  
 8561 investor:

8562 (a) Has, within the last 5 years, been adjudicated by a  
 8563 court or tribunal for failure to pay income, sales, or gaming  
 8564 tax due and payable under any federal, state, or local law,  
 8565 after exhaustion of all appeals or administrative remedies.

8566 (b) Has been convicted of a felony under the laws of this  
 8567 state, any other state, or the United States.

8568 (c) Has been convicted of any violation under chapter 817  
 8569 or under a substantially similar law of another jurisdiction.

8570 (d) Knowingly submitted false information in the  
 8571 application for the license.

8572 (e) Is a member of the board or an employee of the  
 8573 department.

8574 (f) Was licensed to own or operate gaming or pari-mutuel  
 8575 facilities in this state or another jurisdiction and had that  
 8576 license revoked.

8577 (g) Fails to meet any other criteria for licensure set  
 8578 forth in this part.

8579  
 8580 As used in this subsection, the term "convicted" includes an  
 8581 adjudication of guilt on a plea of guilty or nolo contendere or  
 8582 the forfeiture of a bond when charged with a crime.

8583 Section 130. Section 551.41, Florida Statutes, is created  
 8584 to read:

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8585 551.41 Application for destination casino resort license.-  
 8586 (1) APPLICATION.-A reply submitted in response to an  
 8587 invitation to negotiate must include a sworn application in the  
 8588 format adopted by department rule. The application must include,  
 8589 at a minimum, the following information:

8590 (a)1. The name, business address, e-mail address, telephone  
 8591 number, social security number, and, if applicable, federal tax  
 8592 identification number of the applicant and each qualifier; and

8593 2. Information, documentation, and assurances concerning  
 8594 the applicant's financial background and resources as required  
 8595 to establish the financial stability, integrity, and  
 8596 responsibility of the applicant. This includes business and  
 8597 personal income and disbursement schedules, tax returns, and  
 8598 other reports filed with governmental agencies, and business and  
 8599 personal accounting, check records, and ledgers. In addition,  
 8600 each applicant must provide written authorization for the  
 8601 examination of all bank accounts and records as may be deemed  
 8602 necessary by the board.

8603 (b) The identity and, if applicable, the state of  
 8604 incorporation or registration of any business in which the  
 8605 applicant or a qualifier has an equity interest of more than 5  
 8606 percent. If the applicant or qualifier is a corporation,  
 8607 partnership, or other business entity, the applicant or  
 8608 qualifier must identify any other corporation, partnership, or  
 8609 other business entity in which it has an equity interest of more  
 8610 than 5 percent, including, if applicable, the state of  
 8611 incorporation or registration.

8612 (c) Documentation, as required by the board, that the  
 8613 applicant has received conceptual approval of the destination

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8614 casino resort proposal from the municipality and county in which  
 8615 the destination casino resort will be located.

8616 (d) A statement as to whether the applicant or a qualifier  
 8617 has developed and operated a similar gaming facility within a  
 8618 highly regulated domestic jurisdiction that allows similar forms  
 8619 of development, including a description of the gaming facility,  
 8620 the gaming facility's gross gaming revenue, and the amount of  
 8621 revenue the gaming facility has generated for state and local  
 8622 governments within that jurisdiction.

8623 (e) A statement as to whether the applicant or a qualifier  
 8624 has been indicted, convicted of, pled guilty or nolo contendere  
 8625 to, or forfeited bail for any felony or for a misdemeanor  
 8626 involving gambling, theft, or fraud. The statement must include  
 8627 the date, the name and location of the court, the arresting  
 8628 agency, the prosecuting agency, the case caption, the docket  
 8629 number, the nature of the offense, the disposition of the case,  
 8630 and, if applicable, the location and length of incarceration.

8631 (f) A statement as to whether the applicant or a qualifier  
 8632 has ever been granted any license or certificate in any  
 8633 jurisdiction which has been restricted, suspended, revoked, not  
 8634 renewed, or otherwise subjected to discipline. The statement  
 8635 must describe the facts and circumstances relating to that  
 8636 restriction, suspension, revocation, nonrenewal, or discipline,  
 8637 including the licensing authority, the date each action was  
 8638 taken, and an explanation of the circumstances for each  
 8639 disciplinary action.

8640 (g) A statement as to whether, within the last 10 years,  
 8641 the applicant or qualifier has, as a principal or a controlling  
 8642 shareholder, filed for protection under the Federal Bankruptcy

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8643 Code or had an involuntary bankruptcy petition filed against it.

8644 (h) A statement as to whether the applicant or qualifier  
 8645 has, within the last 5 years, been adjudicated by a court or  
 8646 tribunal for failure to pay any income, sales, or gaming tax due  
 8647 and payable under federal, state, or local law, or under the  
 8648 laws of any applicable foreign jurisdiction, after exhaustion of  
 8649 all appeals or administrative remedies. This statement must  
 8650 identify the amount and type of the tax and the time periods  
 8651 involved and must describe the resolution of the nonpayment.

8652 (i) A list of the full names and titles of any public  
 8653 officials or officers of any unit of state government or of the  
 8654 local government or governments in the county or municipality in  
 8655 which the proposed destination casino resort is to be located,  
 8656 and the spouses, parents, and children of those public officials  
 8657 or officers, who, directly or indirectly, own any financial  
 8658 interest in, have any beneficial interest in, are the creditors  
 8659 of, hold any debt instrument issued by the applicant or a  
 8660 qualifier, or hold or have an interest in any contractual or  
 8661 service relationship with the applicant or qualifier. As used in  
 8662 this paragraph, the terms "public official" and "officer" do not  
 8663 include a person who would be listed solely because the person  
 8664 is a member of the Florida National Guard.

8665 (j) The name and business telephone number of, and a  
 8666 disclosure of fees paid to any attorney, lobbyist, employee,  
 8667 consultant, or other person who has represented the applicant's  
 8668 interests in the state for 3 years before the effective date of  
 8669 this section or who is representing an applicant before the  
 8670 department during the application process.

8671 (k) A description of the applicant's history of and

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8672 proposed plan for community involvement or investment in the  
 8673 community where the destination casino resort would be located.

8674 (l) A description of the applicant's proposed destination  
 8675 casino resort, including a map documenting the location of the  
 8676 proposed destination casino resort within the specific county or  
 8677 counties; a statement regarding the compliance of the applicant  
 8678 with state, regional, and local planning and zoning  
 8679 requirements; a description of the anticipated economic benefit  
 8680 to the community in which the destination casino resort would be  
 8681 located; the anticipated number of jobs generated by  
 8682 construction of the destination casino resort; the anticipated  
 8683 number of employees; a statement regarding how the applicant  
 8684 would comply with federal and state affirmative action  
 8685 guidelines; and a projection of gross gaming revenue.

8686 (m) Proof that a countywide referendum has been approved  
 8687 before the application deadline by the electors of the county  
 8688 authorizing gaming as defined in this chapter in that county.

8689 (n) A schedule or timeframe for completing the destination  
 8690 casino resort.

8691 (o) A plan for training residents for jobs at the  
 8692 destination casino resort. The job-training plan must provide  
 8693 training to enable low-income persons to qualify for jobs at the  
 8694 destination casino resort.

8695 (p) The identity of each person, association, trust,  
 8696 corporation, or partnership having a direct or indirect equity  
 8697 interest in the applicant of more than 5 percent. If disclosure  
 8698 of a trust is required under this paragraph, the names and  
 8699 addresses of the beneficiaries of the trust must also be  
 8700 disclosed. If the identity of a corporation must be disclosed,

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8701 the names and addresses of all stockholders and directors must  
 8702 also be disclosed. If the identity of a partnership must be  
 8703 disclosed, the names and addresses of all partners, both general  
 8704 and limited, must also be disclosed.

8705 (q) A destination casino resort development plan and  
 8706 projected investment of \$2 billion pursuant to s. 551.409 for a  
 8707 destination casino resort.

8708 (r) The fingerprints of all officers or directors of the  
 8709 applicant and qualifiers, and any persons exercising operational  
 8710 or managerial control of the applicant, as determined by  
 8711 department rule, for a criminal history record check.

8712 (s) A statement outlining the organization's diversity  
 8713 plan.

8714 (t) A listing of all gaming licenses and permits the  
 8715 applicant or qualifier currently possesses.

8716 (u) A listing of former or inactive officers, directors,  
 8717 partners, and trustees.

8718 (v) A listing of all affiliated business entities or  
 8719 holding companies, including nongaming interests.

8720 (w) Any other information the board may deem appropriate or  
 8721 require during the application process as provided by rule.

8722 (2) DISCRETION TO REQUIRE INFORMATION.—The board may  
 8723 require that additional information or documentation be included  
 8724 in an application for a destination casino resort license or in  
 8725 an application to renew a destination casino resort license.  
 8726 Such documentation and information may relate to: demographics,  
 8727 education, work history, personal background, criminal history,  
 8728 credit history, finances, business information, complaints,  
 8729 inspections, investigations, discipline, bonding, photographs,

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8730 performance periods, reciprocity, local government approvals,  
 8731 supporting documentation, periodic reporting requirements, and  
 8732 fingerprint requirements.

8733 (3) DUTY TO SUPPLEMENT APPLICATION.—The application shall  
 8734 be supplemented as needed to reflect any material change in any  
 8735 circumstance or condition stated in the application which takes  
 8736 place between the initial filing of the application and the  
 8737 final grant or denial of the license. Any submission required to  
 8738 be in writing may also be required by the department to be made  
 8739 by electronic means.

8740 (4) INVESTIGATIVE AND INITIAL LICENSE FEES.—

8741 (a) The application for a destination casino resort license  
 8742 must be submitted along with a nonrefundable investigative fee  
 8743 of \$1 million to be used by the department to defray costs  
 8744 associated with the evaluation and investigation of the  
 8745 applicant and each qualifier. If the cost of the evaluation and  
 8746 investigation exceeds \$1 million, the applicant must pay an  
 8747 additional investigative fee not to exceed \$250,000 to the  
 8748 department within 30 days after the receipt of a request for the  
 8749 additional investigative fee, or the application shall be denied  
 8750 without a refund of the initial investigative fee.

8751 (b) The application for a destination casino resort license  
 8752 must be submitted with an initial license fee of \$125 million.  
 8753 If the application is denied, the department must refund the  
 8754 initial license fee within 60 days after the denial. If the  
 8755 applicant withdraws the application after the deadline for  
 8756 submission of applications, the department must refund 80  
 8757 percent of the initial license fee within 60 days after the  
 8758 application is withdrawn.

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8759 (c) All fees collected under this subsection shall be  
 8760 deposited into the Gaming Control Trust Fund.  
 8761 Section 131. Section 551.411, Florida Statutes, is created  
 8762 to read:  
 8763 551.411 Incomplete applications.-  
 8764 (1) An incomplete application for a destination casino  
 8765 resort license may be grounds for the denial of the application.  
 8766 (2)(a) If the department determines that an application for  
 8767 a destination casino resort license is incomplete, the executive  
 8768 director shall immediately provide written notice to the  
 8769 applicant of the incomplete items. The applicant may then  
 8770 request an informal conference with the executive director or  
 8771 his or her designee to discuss the application.  
 8772 (b) The executive director may provide the applicant an  
 8773 extension of 30 days to complete the application following the  
 8774 date of the informal conference. If the executive director finds  
 8775 that the application has not been completed within the  
 8776 extension, the applicant may appeal the finding to the board.  
 8777 During an extension or the pendency of an appeal to the board,  
 8778 the award of destination casino resort licenses in the  
 8779 applicable county is stayed.  
 8780 Section 132. Section 551.413, Florida Statutes, is created  
 8781 to read:  
 8782 551.413 Lenders and underwriters; exemption as qualifiers.-  
 8783 A bank, lending institution, or underwriter in connection with  
 8784 any bank or lending institution that, in the ordinary course of  
 8785 business, makes a loan to, or holds a security interest in, a  
 8786 licensee or applicant, a supplier licensee or applicant or its  
 8787 subsidiary, or direct or indirect parent company of any such

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8788 bank, lending institution, or underwriter is not a qualifier and  
 8789 is not required to be licensed.  
 8790 Section 133. Section 551.414, Florida Statutes, is created  
 8791 to read:  
 8792 551.414 Conditions for a destination casino resort  
 8793 license.-As a condition to licensure and to maintain continuing  
 8794 authority to conduct gaming, a licensee must:  
 8795 (1) Comply with this part and rules adopted by the  
 8796 department to administer this part.  
 8797 (2) Allow the department and the Department of Law  
 8798 Enforcement unrestricted access to and right of inspection of  
 8799 facilities of the licensee in which any activity relative to the  
 8800 conduct of gaming is conducted.  
 8801 (3) Complete the destination casino resort in accordance  
 8802 with the plans and timeframe proposed in its application, unless  
 8803 an extension is granted by the board. The board may grant such  
 8804 an extension, not to exceed 1 year after the original planned  
 8805 completion date, upon good cause shown by the licensee.  
 8806 (4) Ensure that the facilities-based computer system that  
 8807 the licensee will use for operational and accounting functions  
 8808 of the destination casino resort is specifically structured to  
 8809 facilitate regulatory oversight. The facilities-based computer  
 8810 system shall be designed to provide the department with the  
 8811 ability to monitor, at any time on a real-time basis, the  
 8812 wagering patterns, payouts, tax collection, and such other  
 8813 operations as necessary to determine whether the destination  
 8814 casino resort is in compliance with statutory provisions and  
 8815 rules adopted by the department for the regulation and control  
 8816 of gaming. The department shall have complete and continuous

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8817 access to this system. Such access shall include the ability of  
 8818 either the department or its agents to suspend play immediately  
 8819 on particular slot machines or gaming devices if monitoring of  
 8820 the system indicates possible tampering or manipulation of those  
 8821 slot machines or gaming devices or the ability to suspend play  
 8822 immediately of the entire operation if the tampering or  
 8823 manipulation is of the computer system itself. The computer  
 8824 system shall be reviewed and approved by the department to  
 8825 ensure necessary access, security, and functionality. However,  
 8826 the department may not alter any data. The department may adopt  
 8827 rules to provide for the approval process.

8828 (5) Ensure that each table game, slot machine, or other  
 8829 gaming device is protected from manipulation or tampering that  
 8830 may affect the random probabilities of winning plays. The  
 8831 department or its agents may suspend play upon reasonable  
 8832 suspicion of any manipulation or tampering. If play has been  
 8833 suspended on any table game, slot machine, or other gaming  
 8834 device, the department or its agents may conduct an examination  
 8835 to determine whether the table game, machine, or other gaming  
 8836 device has been tampered with or manipulated and whether the  
 8837 table game, machine, or other gaming device should be returned  
 8838 to operation.

8839 (6) Submit a security plan, including the facilities' floor  
 8840 plans, the locations of security cameras, and a listing of all  
 8841 security equipment that is capable of observing and  
 8842 electronically recording activities being conducted in the  
 8843 facilities of the licensee. The security plan must meet the  
 8844 minimum security requirements as determined by the department  
 8845 and be implemented before the operation of gaming. The

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8846 licensee's facilities must adhere to the security plan at all  
 8847 times. Any changes to the security plan must be submitted by the  
 8848 licensee to the department before implementation.

8849 (7) Create and file with the board a written policy for:

8850 (a) Creating opportunities to purchase from vendors in this  
 8851 state.

8852 (b) Creating opportunities for the employment of residents  
 8853 of this state.

8854 (c) Ensuring opportunities for obtaining construction  
 8855 services from residents and vendors in this state.

8856 (d) Ensuring that opportunities for employment are offered  
 8857 on an equal, nondiscriminatory basis.

8858 (e) Training employees on responsible gaming and working  
 8859 with a compulsive or addictive gambling prevention program.

8860 (f) Implementing a drug-testing program for each  
 8861 occupational licensee which includes, but is not limited to,  
 8862 requiring such person to sign an agreement that he or she  
 8863 understands that the gaming facility is a drug-free workplace.

8864 (g) Using available Internet-based job-listing systems  
 8865 offered by the state in advertising employment opportunities.

8866 (h) Ensuring that the payout percentage of each slot  
 8867 machine is at least 85 percent.

8868 (8) File with the board detailed documentation of the  
 8869 applicant's, its affiliates', or any holding company's history  
 8870 of using labor in any jurisdiction that would fall outside the  
 8871 ages defined in chapter 450.

8872 (9) Keep and maintain permanent daily records of its gaming  
 8873 operations and maintain such records for a period of not less  
 8874 than 5 years. These records must include all financial

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8875 transactions and contain sufficient detail to determine  
 8876 compliance with the requirements of this part. All records shall  
 8877 be available for audit and inspection by the department, its  
 8878 agents, or other law enforcement agencies during the licensee's  
 8879 regular business hours.

8880 (10) Maintain a designated gaming floor that is segregated  
 8881 from the rest of the destination casino resort facility so that  
 8882 patrons may have ingress and egress to the destination casino  
 8883 resort facility without entering the designated gaming floor.

8884 Section 134. Section 551.415, Florida Statutes, is created  
 8885 to read:

8886 551.415 Surety bond.—A destination casino resort licensee  
 8887 must, at its own cost and expense, before the license is  
 8888 delivered, give a bond in a penal sum to be determined by the  
 8889 board payable to the Governor of the state and his or her  
 8890 successors in office. The bond must be issued by a surety or  
 8891 sureties approved by the board and the bond must be conditioned  
 8892 on the licensee faithfully making all required payments required  
 8893 under this part, keeping the licensee's books and records, and  
 8894 making reports as provided, and conducting its gaming activities  
 8895 in conformity with this part. The board shall fix the amount of  
 8896 the bond at the total amount of annual license fees and the  
 8897 taxes estimated to become due as determined by the board. In  
 8898 lieu of a bond, an applicant or licensee may deposit with the  
 8899 department a like amount of funds, a savings certificate, a  
 8900 certificate of deposit, an investment certificate, or a letter  
 8901 of credit from a bank, savings bank, credit union, or savings  
 8902 and loan association situated in this state which meets the  
 8903 requirements set for that purpose by the department. If security

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8904 is provided in the form of a savings certificate, a certificate  
 8905 of deposit, or an investment certificate, the certificate must  
 8906 state that the amount is unavailable for withdrawal except upon  
 8907 order of the board. The board may review the bond or other  
 8908 security for adequacy and require adjustments, including  
 8909 increasing the amount of the bond and other security. The  
 8910 department may adopt rules to administer this section and  
 8911 establish guidelines for such bonds or other securities.

8912 Section 135. Section 551.416, Florida Statutes, is created  
 8913 to read:

8914 551.416 License fee; tax rate; disposition.—

8915 (1) ANNUAL LICENSE FEE.—On the anniversary date of the  
 8916 issuance of a destination casino resort license and annually  
 8917 thereafter, the licensee shall pay to the department a  
 8918 nonrefundable annual license fee of \$5 million. The license  
 8919 shall be renewed annually unless the board has revoked the  
 8920 license for a violation of this part or department rule. The  
 8921 license fee shall be deposited into the Gaming Control Trust  
 8922 Fund for the purpose of enabling the department to carry out its  
 8923 duties and responsibilities under this part.

8924 (2) GROSS GAMING REVENUE TAX.—

8925 (a) Each licensee shall pay to the state a tax on its gross  
 8926 gaming revenue. The gaming tax rate shall be 35 percent of gross  
 8927 gaming revenue. Payment for the tax imposed by this section  
 8928 shall be paid to the department. Annual license fees paid  
 8929 pursuant to this section and payments for the treatment of  
 8930 compulsive or addictive gambling pursuant to s. 551.44 may be  
 8931 applied as credits against the tax on gross gaming revenue.

8932 (b) The licensee shall remit to the department payment for

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8933 the gaming tax by 3 p.m. on the 5th day of each calendar month.  
 8934 If the 5th day of the calendar month falls on a weekend,  
 8935 payments shall be remitted by 3 p.m. on the first Monday  
 8936 following the weekend. The licensee shall file a report under  
 8937 oath by the 5th day of each calendar month for all taxes  
 8938 remitted during the preceding calendar month. Such report shall  
 8939 be made under oath showing all gaming activities for the  
 8940 preceding calendar month and such other information as may be  
 8941 required by department rule.

8942 (c) The department may require licensees to remit taxes,  
 8943 fees, fines, and assessments by electronic funds transfer.

8944 (d) The gaming tax is in lieu of any other state taxes on  
 8945 gross or adjusted gross gaming revenue of a licensee.

8946 Section 136. Section 551.417, Florida Statutes, is created  
 8947 to read:

8948 551.417 Conduct of gaming.—

8949 (1) Gaming may be conducted by a licensee, subject to the  
 8950 following restrictions:

8951 (a) The site of the gaming facility is limited to the  
 8952 licensee's site location as approved by the department.

8953 (b) The department's agents and employees may enter and  
 8954 inspect a gaming facility or other ancillary areas in the  
 8955 destination casino resort at any time for the purpose of  
 8956 determining whether the licensee is in compliance with this  
 8957 chapter.

8958 (c) A licensee may lease or purchase gaming devices,  
 8959 equipment, or supplies customarily used in conducting gaming  
 8960 only from a licensed supplier.

8961 (d) A licensee may not allow any form of wagering on games

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8962 except as authorized under this part.

8963 (e) A licensee may receive wagers only from a person  
 8964 physically present in the gaming facility.

8965 (f) A licensee may not permit wagering using money or other  
 8966 negotiable currency except for wagering on slot machines.

8967 (g) A licensee may not permit a person who has not attained  
 8968 21 years of age to engage in gaming or enter the gaming floor,  
 8969 except for a gaming employee of the destination casino resort  
 8970 licensee who is at least 18 years of age.

8971 (h) A licensee may not sell or distribute outside the  
 8972 gaming facility tokens, chips, or electronic cards used to make  
 8973 wagers. The tokens, chips, or electronic cards may be purchased  
 8974 by means of an agreement under which the licensee extends credit  
 8975 to a wagerer. The tokens, chips, or electronic cards may be used  
 8976 only for the purpose of making wagers on games within the gaming  
 8977 facility.

8978 (i) A licensee may not conduct business with a junket  
 8979 enterprise, except for a junket operator employed full time by  
 8980 that licensee.

8981 (j) All gaming activities must be conducted in accordance  
 8982 with department rule.

8983 (k) Gaming may not be conducted by a destination casino  
 8984 resort licensee until the destination casino resort is completed  
 8985 according to the proposal approved by the board.

8986 (2) A gaming facility may operate 24 hours per day, every  
 8987 day of the year.

8988 (3) A licensee may set the minimum and maximum wagers on  
 8989 all games.

8990 (4) A licensee shall give preference in employment,

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8991 reemployment, promotion, and retention to veterans and to the  
 8992 persons included under s. 295.07(1) who possess the minimum  
 8993 qualifications necessary to perform the duties of the positions  
 8994 involved.

8995 (5) A licensee and its affiliates, directors, and employees  
 8996 are subject to all applicable federal, state, and local laws.  
 8997 Such licensees, affiliates, directors, and employees shall  
 8998 subject themselves to jurisdiction of the Federal Government and  
 8999 the government of this state and acceptance of a license shall  
 9000 be considered an affirmative waiver of extradition to the United  
 9001 States from a foreign country.

9002 (6) A licensee shall report any suspicious transaction or  
 9003 activity to the department and other law enforcement agency, as  
 9004 appropriate.

9005 (7) A licensee may not install, own, or operate, or allow  
 9006 another person to install, own, or operate on the premises of  
 9007 the licensed facility a slot machine or table game that is  
 9008 played with a device that allows a player to operate the slot  
 9009 machine or table game by transferring funds electronically from  
 9010 a debit card or credit card or by means of an electronic funds  
 9011 transfer terminal. As used in this subsection, the term  
 9012 "electronic funds transfer terminal" means an information-  
 9013 processing device or an automatic teller machine used for  
 9014 executing deposit account transactions between financial  
 9015 institutions and their account holders by either the direct  
 9016 transmission of electronic impulses or the recording of  
 9017 electronic impulses for delayed processing. The fact that a  
 9018 device is used for other purposes does not prevent it from being  
 9019 considered an electronic funds transfer terminal under this

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9020 definition.

9021 (8) The board may renew a destination casino resort license  
 9022 if the destination casino resort licensee has demonstrated an  
 9023 effort to increase tourism, generate jobs, provide revenue to  
 9024 the local economy, and provide revenue to the Gaming Control  
 9025 Trust Fund.

9026 (9) The board shall renew a destination casino resort  
 9027 license if:

9028 (a) The board has not suspended or revoked the license of  
 9029 the licensee.

9030 (b) The licensee continues to satisfy all the requirements  
 9031 for licensure.

9032 Section 137. Section 551.418, Florida Statutes, is created  
 9033 to read:

9034 551.418 Prohibited acts; penalties.-

9035 (1) A person may not willfully:

9036 (a) Fail to report, pay, or truthfully account for and  
 9037 remit any fee, tax, or assessment imposed under this part; or  
 9038 (b) Attempt in any manner to evade any fee, tax, or  
 9039 assessment imposed under this part.

9040 (2) A gaming employee, key employee, or any other person  
 9041 may not allow a slot machine, table game, or table game device  
 9042 to be operated, transported, repaired, or opened on the premises  
 9043 of a licensed gaming facility by a person other than a person  
 9044 licensed by the department under this part.

9045 (3) A person may not manufacture, supply, or place slot  
 9046 machines, table games, table game devices, or associated  
 9047 equipment into play or display slot machines, table games, table  
 9048 game devices, or associated equipment on the premises of a

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9049 gaming facility without the license required under this part.

9050 (4) A licensee may not manufacture, supply, operate, carry  
 9051 on, or expose for play any slot machine, table game, table game  
 9052 device, or associated equipment after the person's license has  
 9053 expired and before the actual renewal of the license.

9054 (5) Except as set forth in this subsection, a person on the  
 9055 premises of a licensed gaming facility may not knowingly use  
 9056 currency other than lawful coin or legal tender of the United  
 9057 States or a coin not of the same denomination as the coin  
 9058 intended to be used in a slot machine with the intent to cheat  
 9059 or defraud a destination casino resort licensee or the  
 9060 department or damage the slot machine. In the playing of a slot  
 9061 machine, a person may use gaming billets, tokens, or similar  
 9062 objects issued by the destination casino resort licensee which  
 9063 are approved by the board.

9064 (6) Except for an authorized employee of a licensee or the  
 9065 department who is performing duties of employment, a person may  
 9066 not use or possess a cheating or thieving device, a counterfeit  
 9067 or altered billet, a ticket, a token, or similar objects  
 9068 accepted by a slot machine, or counterfeit or altered slot  
 9069 machine-issued tickets or vouchers at a licensed gaming  
 9070 facility.

9071 (7) A person may not use or possess counterfeit, marked,  
 9072 loaded, or tampered with table game devices or associated  
 9073 equipment, chips, or other cheating devices in the conduct of  
 9074 gaming under this part, except that an authorized employee of a  
 9075 licensee or of the department may possess and use counterfeit  
 9076 chips, table game devices, or associated equipment that has been  
 9077 marked, loaded, or tampered with, or other cheating devices in

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9078 the performance of duties of employment for training,  
 9079 investigative, or testing purposes only.

9080 (8) A person may not knowingly, by a trick or sleight of  
 9081 hand performance or by fraud or fraudulent scheme, table game  
 9082 device, or other device, for himself or herself or for another,  
 9083 win or attempt to win any cash, property, or prize at a licensed  
 9084 gaming facility or to reduce or attempt to reduce a losing  
 9085 wager.

9086 (9) Except for an authorized employee of a licensee or the  
 9087 department who is performing duties of employment, a person may  
 9088 not knowingly use or possess while on the premises of a licensed  
 9089 gaming facility a key or device designed for the purpose of and  
 9090 suitable for opening or entering any slot machine, drop box, or  
 9091 coin box that is located in the licensed gaming facility.

9092 (10) A person may not possess any device, equipment, or  
 9093 material that the person knows has been manufactured,  
 9094 distributed, sold, tampered with, or serviced in violation of  
 9095 this part with the intent to use the device, equipment, or  
 9096 material as though it had been manufactured, distributed, sold,  
 9097 tampered with, or serviced pursuant to this part.

9098 (11) A person may not sell, offer for sale, represent, or  
 9099 pass off as lawful any device, equipment, or material that the  
 9100 person knows has been manufactured, distributed, sold, tampered  
 9101 with, or serviced in violation of this part.

9102 (12) A person may not work or be employed in a position  
 9103 whose duties would require licensure under this part without  
 9104 first obtaining the requisite license.

9105 (13) A licensee may not employ or continue to employ a  
 9106 person in a position whose duties require a license under this

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9107 part if the person:9108 (a) Is not licensed under this part; or9109 (b) Is prohibited from accepting employment from a  
9110 licensee.9111 (14) A person may not claim, collect, or take, or attempt  
9112 to claim, collect, or take, money or anything of value in or  
9113 from a slot machine, gaming table, or other table game device,  
9114 with the intent to defraud, or to claim, collect, or take an  
9115 amount greater than the amount won, or to manipulate with the  
9116 intent to cheat, any component of any slot machine, table game,  
9117 or table game device in a manner contrary to the designed and  
9118 normal operational purpose.9119 (15) A person who violates this section commits a  
9120 misdeemeanor of the first degree, punishable as provided in s.  
9121 775.082 or s. 775.083. A person who is convicted of a second or  
9122 subsequent violation of this section commits a felony of the  
9123 third degree, punishable as provided in s. 775.082, s. 775.083,  
9124 or s. 775.084.9125 Section 138. Section 551.42, Florida Statutes, is created  
9126 to read:9127 551.42 Supplier licenses.—9128 (1) A person must have a supplier license in order to  
9129 furnish on a regular or continuing basis to a licensee or an  
9130 applicant for a license gaming equipment, devices, or supplies  
9131 or other goods or services regarding the operation of gaming at  
9132 a destination casino resort.9133 (2) An applicant for a supplier license must apply to the  
9134 department on forms adopted by department rule. The licensing  
9135 fee for the initial issuance and annual renewal of the license

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9136 shall be a scale of fees determined by department rule based on  
9137 the type of goods or service provided by the supplier but may  
9138 not exceed \$25,000.9139 (3) An applicant for a supplier license must include in the  
9140 application the fingerprints of the persons identified by  
9141 department rule for the processing of state and national  
9142 criminal background and credit history record checks.9143 (4) (a) An applicant for a supplier license is not eligible  
9144 for licensure if:9145 1. A person for whom fingerprinting is required under  
9146 subsection (3) has been convicted of a felony under the laws of  
9147 this state, any other state, or the United States;9148 2. The applicant knowingly submitted false information in  
9149 the application for a supplier license;9150 3. The applicant is a member of the board or an employee of  
9151 the department;9152 4. The applicant is not a natural person and an officer,  
9153 director, or managerial employee of that person is a person  
9154 described in subparagraphs 1.-3.;9155 5. The applicant is not a natural person and an employee of  
9156 the applicant participates in the management or operation of  
9157 gaming authorized under this part; or9158 6. The applicant has had a license to own or operate a  
9159 destination casino resort licensee or pari-mutuel facility in  
9160 this state, or a similar license in any other jurisdiction,  
9161 revoked.9162 (b) The department may revoke a supplier license at any  
9163 time it determines that the licensee no longer satisfies the  
9164 eligibility requirements in this subsection.

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- 9165 (5) The department may deny an application for a supplier  
 9166 license for any person who:  
 9167 (a) Is not qualified to perform the duties required of a  
 9168 licensee;  
 9169 (b) Fails to disclose information or knowingly submits  
 9170 false information in the application;  
 9171 (c) Has violated this part or department rule; or  
 9172 (d) Has had a gaming-related license or application  
 9173 suspended, restricted, revoked, or denied for misconduct in any  
 9174 other jurisdiction.  
 9175 (6) A supplier licensee shall:  
 9176 (a) Furnish to the department a list of all equipment,  
 9177 devices, and supplies it offers for sale or lease in connection  
 9178 with gaming authorized in this part;  
 9179 (b) Keep books and records documenting the furnishing of  
 9180 gaming equipment, devices, and supplies to licensees separate  
 9181 and distinct from any other business that the supplier operates;  
 9182 (c) File quarterly returns with the department listing all  
 9183 sales or leases of equipment, devices, or supplies to licensees;  
 9184 and  
 9185 (d) Permanently affix its name to all equipment, devices,  
 9186 or supplies sold or leased to licensees.  
 9187 (7) All gaming equipment, devices, or supplies furnished by  
 9188 a licensed supplier must conform to standards adopted by  
 9189 department rule.  
 9190 (8) (a) The department may suspend, revoke, or restrict the  
 9191 supplier license of a licensee who:  
 9192 1. Violates this part or department rule; or  
 9193 2. Defaults on the payment of any obligation or debt due to

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- 9194 this state or a public body.  
 9195 (b) The department must revoke the supplier license of a  
 9196 licensee for any cause that, if known to the department, would  
 9197 have disqualified the applicant from receiving a license.  
 9198 (9) A supplier licensee may repair gaming equipment,  
 9199 devices, or supplies in a facility owned or leased by the  
 9200 licensee.  
 9201 (10) Gaming devices, equipment, or supplies owned by a  
 9202 supplier licensee which are used in an unauthorized gaming  
 9203 operation shall be forfeited to the county where the equipment  
 9204 is found.  
 9205 (11) The department may revoke the license or deny the  
 9206 application for a supplier license of a person who fails to  
 9207 comply with this section.  
 9208 (12) A person who knowingly makes a false statement on an  
 9209 application for a supplier license commits a misdemeanor of the  
 9210 first degree, punishable as provided in s. 775.082 or s.  
 9211 775.083.  
 9212 Section 139. Section 551.422, Florida Statutes, is created  
 9213 to read:  
 9214 551.422 Manufacturer licenses.—  
 9215 (1) A person seeking to manufacture slot machines, table  
 9216 game devices, and associated equipment for use in this state  
 9217 shall apply to the department for a manufacturer license.  
 9218 (2) The licensing fee for the initial issuance and annual  
 9219 renewal of the license shall be based on a scale of fees  
 9220 determined by department rule based on the type of goods or  
 9221 service provided by the manufacturer but may not exceed  
 9222 \$100,000.

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9223 (3) An application for a manufacturer license shall be on a  
 9224 form adopted by department rule, accompanied by the application  
 9225 fee, and shall include all of the following:

9226 (a) The name and business address of the applicant and the  
 9227 applicant's affiliates, intermediaries, subsidiaries, and  
 9228 holding companies; the principals and key employees of each  
 9229 business; and a list of employees and their positions within  
 9230 each business, as well as any financial information required by  
 9231 the department.

9232 (b) A statement that the applicant and each affiliate,  
 9233 intermediary, subsidiary, or holding company of the applicant  
 9234 are not slot machine or destination casino resort licensees.

9235 (c) The consent to a criminal background and credit history  
 9236 investigation of the applicant, its principals, and key  
 9237 employees or other persons required by the department and a  
 9238 release to obtain any and all information necessary for the  
 9239 completion of the criminal background and credit history  
 9240 investigation.

9241 (d) The details of any equivalent license granted or denied  
 9242 by other jurisdictions where gaming activities as authorized by  
 9243 this part are permitted and consent for the department to  
 9244 acquire copies of applications submitted or licenses issued in  
 9245 connection therewith.

9246 (e) The type of slot machines, table game devices, or  
 9247 associated equipment to be manufactured or repaired.

9248 (f) Any other information determined by the department to  
 9249 be appropriate.

9250 (4) Upon being satisfied that the requirements of  
 9251 subsection (3) have been met, the department may approve the

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9252 application and grant the applicant a manufacturer license  
 9253 consistent with all of the following:

9254 (a) The initial license shall be for a period of 1 year,  
 9255 and, if approved under subsection (6), the license renewal shall  
 9256 be for a period of 1 year. This paragraph does not relieve the  
 9257 licensee of the affirmative duty to notify the department of any  
 9258 changes relating to the status of its license or to any other  
 9259 information contained in application materials on file with the  
 9260 department.

9261 (b) The license may not be transferable.

9262 (c) The applicant must comply with any other condition  
 9263 established by the department.

9264 (5) In the event an applicant for a manufacturer license to  
 9265 manufacture table game devices or associated equipment used in  
 9266 connection with table games is licensed by the department under  
 9267 this section to manufacture slot machines or associated  
 9268 equipment used in connection with slot machines, the department  
 9269 may determine to use an abbreviated process requiring only that  
 9270 information determined by the department to be necessary to  
 9271 consider the issuance of a license to manufacture table game  
 9272 devices or associated equipment used in connection with table  
 9273 games, including financial viability of the applicant. This  
 9274 section may not be construed to waive any fees associated with  
 9275 obtaining a license through the normal application process. The  
 9276 department may use the abbreviated process only if all of the  
 9277 following apply:

9278 (a) The manufacturer license was issued by the department  
 9279 within a 24-month period immediately preceding the date the  
 9280 manufacturer licensee files an application to manufacture table

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9281 game devices or associated equipment.

9282 (b) The person to whom the manufacturer license was issued  
 9283 affirms there has not been a material change in circumstances  
 9284 relating to the license.

9285 (c) The department determines, in its sole discretion, that  
 9286 there has not been a material change in circumstances relating  
 9287 to the licensee which necessitates that the abbreviated process  
 9288 not be used.

9289 (6) Two months before the expiration of a manufacturer  
 9290 license, the manufacturer licensee seeking renewal of its  
 9291 license shall submit a renewal application accompanied by the  
 9292 renewal fee to the department. If the renewal application  
 9293 satisfies the requirements of this section and department rule,  
 9294 the department may renew the licensee's manufacturer license. If  
 9295 the department receives a complete renewal application but the  
 9296 department fails to act upon the renewal application before the  
 9297 expiration of the manufacturer license, the manufacturer license  
 9298 shall continue in effect for an additional 6-month period or  
 9299 until acted upon by the department, whichever occurs first.

9300 (7) The following shall apply to a licensed manufacturer:

9301 (a) A manufacturer or its designee, as licensed by the  
 9302 department, may supply or repair any slot machine, table game  
 9303 device, or associated equipment manufactured by the manufacturer  
 9304 if the manufacturer holds the appropriate manufacturer license.

9305 (b) A manufacturer of slot machines may contract with a  
 9306 supplier to provide slot machines or associated equipment to a  
 9307 slot machine licensee within this state if the supplier is  
 9308 licensed to supply slot machines or associated equipment used in  
 9309 connection with slot machines.

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9310 (c) A manufacturer may contract with a supplier to provide  
 9311 table game devices or associated equipment to a certificate  
 9312 holder if the supplier is licensed to supply table game devices  
 9313 or associated equipment used in connection with table games.

9314 (8) A person may not manufacture slot machines, table game  
 9315 devices, or associated equipment for use within this state by a  
 9316 licensee unless the person has been issued the appropriate  
 9317 manufacturer license under this section. Except for training  
 9318 equipment conspicuously identified as required by department  
 9319 rule, a licensee may not use slot machines, table game devices,  
 9320 or associated equipment unless the slot machines, table game  
 9321 devices, or associated equipment were manufactured by a person  
 9322 who has been issued the appropriate manufacturer license under  
 9323 this section.

9324 (9) The department may revoke the license or deny the  
 9325 application for a manufacturer license of a person who fails to  
 9326 comply with this section.

9327 (10) A person who knowingly makes a false statement on an  
 9328 application for a manufacturer license commits a misdemeanor of  
 9329 the first degree, punishable as provided in s. 775.082 or s.  
 9330 775.083.

9331 Section 140. Section 551.424, Florida Statutes, is created  
 9332 to read:

9333 551.424 Occupational licenses.—

9334 (1) The Legislature finds that, due to the nature of their  
 9335 employment, some gaming employees require heightened state  
 9336 scrutiny, including licensing and criminal history record  
 9337 checks.

9338 (2) Any person who desires to be a gaming employee and has

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9339 a bona fide offer of employment from a licensed gaming facility  
 9340 shall apply to the department for an occupational license. A  
 9341 person may not be employed as a gaming employee unless that  
 9342 person holds an appropriate occupational license issued under  
 9343 this section. The department may adopt rules to reclassify a  
 9344 category of nongaming employees or gaming employees upon a  
 9345 finding that the reclassification is in the public interest and  
 9346 consistent with the objectives of this part.

9347 (3) An applicant for an occupational license must apply to  
 9348 the department on forms adopted by department rule. An  
 9349 occupational license is valid for 4 years following issuance.  
 9350 The application must be accompanied by the licensing fee set by  
 9351 the department. The licensing fee may not exceed \$250 for an  
 9352 employee of a destination casino resort licensee.

9353 (a) The applicant shall set forth in the application  
 9354 whether the applicant:

9355 1. Has been issued a gaming-related license in any  
 9356 jurisdiction.

9357 2. Has been issued a gaming-related license in any other  
 9358 jurisdiction under any other name and, if so, the name and the  
 9359 applicant's age at the time of licensure.

9360 3. Has had a permit or license issued by another  
 9361 jurisdiction suspended, restricted, or revoked and, if so, for  
 9362 what period of time.

9363 (b) An applicant for an occupational license must include  
 9364 his or her fingerprints in the application.

9365 (4) To be eligible for an occupational license, an  
 9366 applicant must:

9367 (a) Be at least 21 years of age to perform any function

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9368 directly relating to gaming by patrons;

9369 (b) Be at least 18 years of age to perform nongaming  
 9370 functions;

9371 (c) Not have been convicted of a felony or a crime  
 9372 involving dishonesty or moral turpitude in any jurisdiction; and

9373 (d) Meet the standards for the occupational license as  
 9374 provided in department rule.

9375 (5) The department shall deny an application for an  
 9376 occupational license for any person who:

9377 (a) Is not qualified to perform the duties required of a  
 9378 licensee;

9379 (b) Fails to disclose or knowingly submits false  
 9380 information in the application;

9381 (c) Has violated this part; or

9382 (d) Has had a gaming-related license or application  
 9383 suspended, revoked, or denied in any other jurisdiction.

9384 (6) (a) The department may suspend, revoke, or restrict the  
 9385 occupational license of a licensee:

9386 1. Who violates this part or department rule;

9387 2. Who defaults on the payment of any obligation or debt  
 9388 due to this state or a county; or

9389 3. For any just cause.

9390 (b) The department shall revoke the occupational license of  
 9391 a licensee for any cause that, if known to the department, would  
 9392 have disqualified the applicant from receiving a license.

9393 (7) Any training provided for an occupational licensee may  
 9394 be conducted in the gaming facility of a destination casino  
 9395 resort licensee or at a school with which the licensee has  
 9396 entered into an agreement for that purpose.

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9397 (8) A licensed travel agent whose board or compensation  
 9398 from a licensee is derived solely from the price of the  
 9399 transportation or lodging arranged for by the travel agent is  
 9400 not required to have an occupational license.

9401 (9) A person who knowingly makes a false statement on an  
 9402 application for an occupational license commits a misdemeanor of  
 9403 the first degree, punishable as provided in s. 775.082 or s.  
 9404 775.083.

9405 Section 141. Section 551.426, Florida Statutes, is created  
 9406 to read:

9407 551.426 Temporary supplier license; temporary occupational  
 9408 license.—

9409 (1) Upon the written request of an applicant for a supplier  
 9410 license or an occupational license, the executive director shall  
 9411 issue a temporary license to the applicant and permit the  
 9412 applicant to undertake employment with or provide gaming  
 9413 equipment, devices, or supplies or other goods or services to a  
 9414 gaming facility or an applicant for a destination casino resort  
 9415 if:

9416 (a) The applicant has submitted a completed application, an  
 9417 application fee, all required disclosure forms, and other  
 9418 required written documentation and materials;

9419 (b) A preliminary review of the application and the  
 9420 criminal history record check does not reveal that the applicant  
 9421 or a person subject to a criminal history record check has been  
 9422 convicted of a crime that would require denial of the  
 9423 application;

9424 (c) A deficiency does not appear to exist in the  
 9425 application which may require denial of the application; and

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9426 (d) The applicant has an offer of employment from, or an  
 9427 agreement to begin providing gaming devices, equipment, or  
 9428 supplies or other goods and services to, a destination casino  
 9429 resort licensee or an applicant for a destination casino resort  
 9430 license, or the applicant for a temporary license shows good  
 9431 cause for being granted a temporary license.

9432 (2) An initial temporary occupational license or supplier's  
 9433 license may not be valid for more than 90 days; however, a  
 9434 temporary occupational license may be renewed one time for an  
 9435 additional 90 days.

9436 (3) An applicant who receives a temporary license may  
 9437 undertake employment with or supply a destination casino resort  
 9438 licensee with gaming devices, equipment, or supplies or other  
 9439 goods or services until a license is issued or denied or until  
 9440 the temporary license expires or is suspended or revoked.

9441 Section 142. Section 551.428, Florida Statutes, is created  
 9442 to read:

9443 551.428 Resolution of disputes between licensees and  
 9444 wagerers.—

9445 (1) (a) The licensee must immediately notify the department  
 9446 of a dispute whenever a licensee has a dispute with a wagerer  
 9447 which is not resolved to the satisfaction of the patron if the  
 9448 amount disputed is \$500 or more and involves:

9449 1. Alleged winnings, alleged losses, or the award or  
 9450 distribution of cash, prizes, benefits, tickets, or any other  
 9451 item in a game, tournament, contest, drawing, promotion, race,  
 9452 or similar activity or event; or

9453 2. The manner in which a game, tournament, contest,  
 9454 drawing, promotion, race, or similar activity or event was

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9455 conducted.

9456 (b) If the dispute involves an amount less than \$500, the  
 9457 licensee must immediately notify the wagerer of his or her right  
 9458 to file a complaint with the department.

9459 (2) Upon notice of a dispute or receipt of a complaint, the  
 9460 department shall conduct any investigation it deems necessary  
 9461 and may order the licensee to make a payment to the wagerer upon  
 9462 a finding that the licensee is liable for the disputed amount.  
 9463 The decision of the department is effective on the date the  
 9464 aggrieved party receives notice of the decision. Notice of the  
 9465 decision is deemed sufficient if it is mailed to the last known  
 9466 address of the licensee and the wagerer. The notice is deemed to  
 9467 have been received by the licensee or the wagerer 5 days after  
 9468 it is deposited with the United States Postal Service with  
 9469 postage prepaid.

9470 (3) The failure of a licensee to notify the department of  
 9471 the dispute or the wagerer of the right to file a complaint is  
 9472 grounds for disciplinary action.

9473 (4) Gaming-related disputes may be resolved only by the  
 9474 department and are not under the jurisdiction of state courts.

9475 (5) This section may not be construed to deny a wagerer an  
 9476 opportunity to make a claim in state court for nongaming-related  
 9477 issues.

9478 Section 143. Section 551.43, Florida Statutes, is created  
 9479 to read:

9480 551.43 Enforcement of credit instruments.—

9481 (1) A credit instrument and the debt that instrument  
 9482 represents are valid and may be enforced by legal process.

9483 (2) A licensee may accept an incomplete credit instrument

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9484 that is signed by the patron and states the amount of the debt  
 9485 in numbers and may complete the instrument as is necessary for  
 9486 the instrument to be presented for payment.

9487 (3) A licensee may accept a credit instrument that is  
 9488 payable to an affiliate or may complete a credit instrument  
 9489 payable to an affiliate if the credit instrument otherwise  
 9490 complies with this section and the records of the affiliate  
 9491 pertaining to the credit instrument are made available to the  
 9492 department upon request.

9493 (4) A licensee may accept a credit instrument before,  
 9494 during, or after the patron incurs the debt. The credit  
 9495 instrument and the debt that the instrument represents are  
 9496 enforceable without regard to whether the credit instrument was  
 9497 accepted before, during, or after the incurring of the debt.

9498 (5) This section does not prohibit the establishment of an  
 9499 account by a deposit of cash, recognized traveler's check, or  
 9500 any other instrument that is equivalent to cash.

9501 (6) If a credit instrument is lost or destroyed, the debt  
 9502 represented by the credit instrument may be enforced if the  
 9503 destination casino resort licensee or person acting on behalf of  
 9504 the licensee can prove the existence of the credit instrument.

9505 (7) The existence of a mental disorder in a patron who  
 9506 provides a credit instrument to a licensee:

9507 (a) Is not a defense in any action by a licensee to enforce  
 9508 a credit instrument or the debt that the credit instrument  
 9509 represents.

9510 (b) Is not a valid counterclaim in an action to enforce the  
 9511 credit instrument or the debt that the credit instrument  
 9512 represents.

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9513 (8) The failure of a licensee to comply with this section  
 9514 or department rule does not invalidate a credit instrument or  
 9515 affect its ability to enforce the credit instrument or the debt  
 9516 that the credit instrument represents.

9517 (9) The department may adopt rules prescribing the  
 9518 conditions under which a credit instrument may be redeemed or  
 9519 presented to a bank, credit union, or other financial  
 9520 institution for collection or payment.

9521 (10) A violation of these regulatory requirements only  
 9522 states a basis for disciplinary action by the department.

9523 Section 144. Section 551.44, Florida Statutes, is created  
 9524 to read:

9525 551.44 Compulsive or addictive gambling prevention.-

9526 (1) A destination casino resort licensee shall offer  
 9527 training to employees on responsible gaming and shall work with  
 9528 a compulsive or addictive gambling prevention program to  
 9529 recognize problem gaming situations and to implement responsible  
 9530 gaming programs and practices.

9531 (2) The department shall adopt by rule an invitation to  
 9532 negotiate process for services for the treatment of compulsive  
 9533 and addictive gambling.

9534 (3) As a condition of licensing, each destination casino  
 9535 resort licensee shall pay to the department, without proration,  
 9536 \$250,000 annually by June 30, to be used by the department for  
 9537 services related to the treatment of compulsive or addictive  
 9538 gambling.

9539 Section 145. Section 551.445, Florida Statutes, is created  
 9540 to read:

9541 551.445 Voluntary self-exclusion from a gaming facility.-

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9542 (1) A person may request that he or she be excluded from  
 9543 gaming facilities in this state by personally submitting a  
 9544 request for self-exclusion from all gaming facilities on a form  
 9545 adopted by department rule. At a minimum, the form must require  
 9546 the person requesting exclusion to:

9547 (a) State his or her:

9548 1. Name, including any aliases or nicknames;

9549 2. Date of birth;

9550 3. Current residential address;

9551 4. Current electronic mail address, if any;

9552 5. Telephone number;

9553 6. Social security number; and

9554 7. Physical description, including height, weight, gender,  
 9555 hair color, eye color, and any other physical characteristic  
 9556 that may assist in the identification of the person.

9557

9558 A self-excluded person must update the information in this  
 9559 paragraph on forms or other methods provided by the department  
 9560 within 30 days after any change.

9561 (b) Select one of the following as the duration of the  
 9562 self-exclusion:

9563 1. One year.

9564 2. Five years.

9565 3. Lifetime.

9566 (c) Execute a release in which the person does all of the  
 9567 following:

9568 1. Acknowledges that the request for exclusion has been  
 9569 made voluntarily.

9570 2. Certifies that the information provided in the request

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9571 for self-exclusion is true and correct.

9572 3. Acknowledges that the person requesting self-exclusion  
 9573 has a compulsive or addictive gambling problem.

9574 4. Acknowledges that a person requesting a lifetime  
 9575 exclusion will be included on the self-exclusion list maintained  
 9576 by the department until the person's death, or for 75 years from  
 9577 the date of receipt by the department of the request for self-  
 9578 exclusion.

9579 5. Acknowledges that a person requesting a 1-year or 5-year  
 9580 exclusion will remain on the self-exclusion list maintained by  
 9581 the department until a request for removal on a form adopted by  
 9582 department rule is approved in writing.

9583 6. Acknowledges that, if the person is discovered on the  
 9584 gaming floor of a gaming facility, the person may be removed and  
 9585 may be arrested and prosecuted for criminal trespass.

9586 7. Releases, indemnifies, holds harmless, and forever  
 9587 discharges the state, department, and all licensees from any  
 9588 claims, damages, losses, expenses, or liability arising out of,  
 9589 by reason of or relating to the self-excluded person or to any  
 9590 other party for any harm, monetary or otherwise, which may arise  
 9591 as a result of one or more of the following:

9592 a. The failure of a licensee to withhold gaming privileges  
 9593 from or restore gaming privileges to a self-excluded person.

9594 b. Permitting or prohibiting a self-excluded person from  
 9595 engaging in gaming activity in a gaming facility.

9596 (2) A person submitting a self-exclusion request must  
 9597 present to the department a photo identification issued by an  
 9598 agency of the United States, or a state, or a political  
 9599 subdivision thereof containing the person's signature.

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9600 (3) A person requesting a self-exclusion request shall  
 9601 submit a photograph or digital image of himself or herself as  
 9602 required by department rule.

9603 Section 146. Section 551.45, Florida Statutes, is created  
 9604 to read:

9605 551.45 Annual report.—Beginning February 1, 2016, and  
 9606 annually thereafter, the board shall file an annual report with  
 9607 the Governor, the President of the Senate, and the Speaker of  
 9608 the House of Representatives covering the previous fiscal year.  
 9609 Each report must include:

9610 (1) A statement of receipts and disbursements.

9611 (2) A summary of disciplinary actions taken by the  
 9612 department.

9613 (3) Any additional information and recommendations that the  
 9614 board believes may improve the regulation of gaming or increase  
 9615 the economic benefits of gaming to this state.

9616 Section 147. Part VII of chapter 551, Florida Statutes,  
 9617 consisting of sections 551.50-551.56, is created and entitled  
 9618 "MISCELLANEOUS GAMING."

9619 Section 148. The amendments to the sections of chapter 849,  
 9620 Florida Statutes, that are transferred, renumbered, and amended  
 9621 in part VII of this act are not intended to authorize additional  
 9622 games but rather to clarify current limitations under which  
 9623 authorized games may be operated.

9624 Section 149. Section 849.094, Florida Statutes, is  
 9625 transferred, renumbered as section 551.50, Florida Statutes, and  
 9626 amended to read:

9627 551.50 849.094 Game promotion in connection with sale of  
 9628 consumer products or services.—

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9629 (1) As used in this section, the term:

9630 (a) "Game promotion" means, but is not limited to, a  
9631 contest, game of chance, sweepstakes, or gift enterprise,  
9632 conducted ~~in this by an operator within or throughout the state~~  
9633 and other states in connection with and incidental to the sale  
9634 of consumer products or services, ~~and~~ in which the elements of  
9635 chance and prize are present. The term does ~~However,~~ "game  
9636 promotion" ~~may not be construed to~~ apply to bingo games  
9637 conducted pursuant to s. 849.0931.

9638 (b) "Operator" means a retailer who operates a game  
9639 promotion or a ~~any~~ person, firm, corporation, organization, or  
9640 association, or an agent or employee thereof, who promotes,  
9641 operates, or conducts a nationally advertised game promotion.

9642 (2) It is unlawful for any operator to:

9643 (a) Design ~~To design~~, engage in, promote, or conduct such a  
9644 game promotion, in connection with the promotion or sale of  
9645 consumer products or services, in which ~~wherein~~ the winner may  
9646 be predetermined or the game may be manipulated or rigged so as  
9647 to:

9648 1. Allocate a winning game or any portion thereof to  
9649 certain lessees, agents, or franchises; or  
9650 2. Allocate a winning game or part thereof to a particular  
9651 period of the game promotion or to a particular geographic area;

9652 (b) Arbitrarily ~~to~~ remove, disqualify, disallow, or reject  
9653 any entry;

9654 (c) Fail ~~To fail~~ to award prizes offered;

9655 (d) Print ~~To print~~, publish, or circulate false, deceptive,  
9656 or misleading literature or advertising material ~~used~~ in  
9657 connection with such game promotions ~~which is false, deceptive,~~

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9658 ~~or misleading;~~ or

9659 (e) Require ~~To require~~ an entry fee, payment, or proof of  
9660 purchase as a condition of entering a game promotion.

9661 (3) The operator of a game promotion in which the total  
9662 announced value of the prizes offered is greater than \$5,000  
9663 shall file with the Department of Agriculture and Consumer  
9664 Services a copy of the rules and regulations of the game  
9665 promotion and a list of all prizes and prize categories offered  
9666 at least 7 days before the beginning ~~commencement~~ of the game  
9667 promotion. Such rules and regulations may not thereafter be  
9668 changed, modified, or altered. The operator of a game promotion  
9669 shall conspicuously post the rules and regulations of such game  
9670 promotion in each ~~and every~~ retail outlet or place where such  
9671 game promotion may be played or participated in by the public  
9672 and shall also publish the rules and regulations in all  
9673 advertising copy used in connection therewith. However, such  
9674 advertising copy need only include the material terms of the  
9675 rules and regulations if the advertising copy includes a website  
9676 address, a toll-free telephone number, or a mailing address  
9677 where the full rules and regulations will be made available ~~may~~  
9678 ~~be viewed, heard, or obtained~~ for the full duration of the game  
9679 promotion. Written ~~Such~~ disclosures must be legible. Radio and  
9680 television announcements may indicate that the rules and  
9681 regulations are available at retail outlets or from the operator  
9682 of the promotion. A nonrefundable filing fee of \$100 shall  
9683 accompany each filing and shall be used to pay the costs  
9684 incurred to administer and enforce ~~in administering and~~  
9685 ~~enforcing the provisions of~~ this section.

9686 (4) (a) The ~~Every~~ operator of such a game promotion in which

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9687 the total announced value of the prizes offered is greater than  
 9688 \$5,000 shall establish a trust account, in a national or state-  
 9689 chartered financial institution, with a balance sufficient to  
 9690 pay or purchase the total value of all prizes offered. ~~On a form~~  
 9691 ~~supplied by the Department of Agriculture and Consumer Services,~~  
 9692 An official of the financial institution holding the trust  
 9693 account shall specify, on a form supplied by the Department of  
 9694 Agriculture and Consumer Services, set forth the dollar amount  
 9695 of the trust account, the identity of the entity or individual  
 9696 establishing the trust account, and the name of the game  
 9697 promotion for which the trust account has been established. Such  
 9698 form shall be filed with the Department of Agriculture and  
 9699 Consumer Services at least 7 days before the beginning in  
 9700 advance of the commencement of the game promotion. In lieu of  
 9701 establishing such trust account, the operator may obtain a  
 9702 surety bond in an amount equivalent to the total value of all  
 9703 prizes offered; and such bond shall be filed with the Department  
 9704 of Agriculture and Consumer Services at least 7 days before the  
 9705 beginning in advance of the commencement of the game promotion.

9706 1. The moneys held in the trust account may be withdrawn in  
 9707 order to pay the prizes offered only upon certification to the  
 9708 Department of Agriculture and Consumer Services of the name of  
 9709 the winner or winners and the amount of the prize or prizes and  
 9710 the value thereof.

9711 2. If the operator of a game promotion has obtained a  
 9712 surety bond in lieu of establishing a trust account, the amount  
 9713 of the surety bond must shall equal ~~at all times~~ the total  
 9714 amount of the prizes offered.

9715 (b) The Department of Agriculture and Consumer Services may

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9716 waive the provisions of this subsection for any operator who has  
 9717 conducted game promotions in this ~~the~~ state for at least not  
 9718 ~~less than~~ 5 consecutive years and who has not had any civil,  
 9719 criminal, or administrative action instituted against him or her  
 9720 by the state or an agency of the state for violation of this  
 9721 section within that 5-year period. Such waiver may be revoked  
 9722 upon determination by the Department of Agriculture and Consumer  
 9723 Services that the operator committed the commission of a  
 9724 violation of this section ~~by such operator, as determined by the~~  
 9725 ~~Department of Agriculture and Consumer Services.~~

9726 (5) Every operator of a game promotion in which the total  
 9727 announced value of the prizes offered is greater than \$5,000  
 9728 shall, within 60 days after the final determination of winners,  
 9729 provide the Department of Agriculture and Consumer Services with  
 9730 a certified list of the names and addresses of all such persons,  
 9731 regardless of state residency, whether from this state or from  
 9732 ~~another state,~~ who have won prizes that which have a value of  
 9733 more than \$25, the value of such prizes, and the dates when the  
 9734 prizes were won ~~within 60 days after such winners have been~~  
 9735 ~~finally determined.~~ The operator shall provide a copy of the  
 9736 list of winners at no, without charge, to a any person who  
 9737 requests it or. ~~In lieu of the foregoing, the operator of a game~~  
 9738 ~~promotion may, at his or her option, publish the same~~  
 9739 information ~~about the winners~~ in a Florida newspaper of general  
 9740 circulation within 60 days after such winners have been  
 9741 determined. If such information is published, the operator and  
 9742 shall provide to the Department of Agriculture and Consumer  
 9743 Services a certified copy of the publication ~~containing the~~  
 9744 ~~information about the winners.~~ The operator of a game promotion

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9745 is not required to notify a winner by mail or by telephone when  
 9746 the winner is already in possession of a game card from which  
 9747 the winner can determine that he or she has won a designated  
 9748 prize. ~~All~~ Winning entries shall be held by the operator for a  
 9749 period of 90 days after the close or completion of the game.

9750 (6) The Department of Agriculture and Consumer Services  
 9751 shall keep the certified list of winners for a period of at  
 9752 least 6 months after receipt and of the certified list. ~~The~~  
 9753 ~~department thereafter~~ may dispose of ~~all~~ records and lists after  
 9754 that time period.

9755 (7) ~~An~~ No operator ~~may not~~ shall force, directly or  
 9756 indirectly, a lessee, agent, or franchise dealer to purchase or  
 9757 participate in any game promotion. For the purpose of this  
 9758 section, coercion or force is ~~shall be~~ presumed when in these  
 9759 ~~circumstances in which~~ a course of business extending over a  
 9760 period of 1 year or longer is materially changed coincident with  
 9761 a failure or refusal of a lessee, agent, or franchise dealer to  
 9762 participate in such game promotions. Such force or coercion  
 9763 shall also further be presumed when an operator advertises  
 9764 generally that game promotions are available at its lessee  
 9765 dealers or agent dealers.

9766 (8) (a) The Department of Agriculture and Consumer Services  
 9767 ~~may adopt~~ shall have the power to promulgate such rules for and  
 9768 ~~regulations respecting~~ the operation of game promotions ~~as it~~  
 9769 ~~deems advisable~~.

9770 (b) Compliance with such ~~the rules of the Department of~~  
 9771 ~~Agriculture and Consumer Services~~ does not authorize, and is not  
 9772 a defense to a charge of, possession of a slot machine or device  
 9773 or any other device or a violation of any other law.

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9774 (c) ~~If Whenever~~ the Department of Agriculture and Consumer  
 9775 Services or the Department of Legal Affairs has reason to  
 9776 believe that a game promotion is being operated in violation of  
 9777 this section, it may bring an action in the circuit court of any  
 9778 judicial circuit in which the game promotion is being operated  
 9779 ~~in the name and on behalf of the people of the state~~ against the  
 9780 ~~any operator thereof~~ to enjoin the continued operation of such  
 9781 game promotion in this anywhere within the state.

9782 (9) (a) A ~~Any~~ person, firm, or corporation, or an  
 9783 ~~association, or agent, or employee thereof, who violates this~~  
 9784 section or a rule engages in any acts or practices stated in  
 9785 ~~this section to be unlawful, or who violates any of the rules~~  
 9786 and regulations made pursuant to this section, is guilty of a  
 9787 misdemeanor of the second degree, punishable as provided in s.  
 9788 775.082 or s. 775.083.

9789 (b) A ~~Any~~ person, firm, or corporation, or an association,  
 9790 agent, or employee thereof, who violates ~~any provision of this~~  
 9791 section or a rule ~~any of the rules and regulations~~ made pursuant  
 9792 to this section is shall be liable for a civil penalty of up to  
 9793 ~~not more than~~ \$1,000 for each ~~such~~ violation, which shall accrue  
 9794 to the state and may be recovered in a civil action brought by  
 9795 the Department of Agriculture and Consumer Services or the  
 9796 Department of Legal Affairs.

9797 (10) This section does not apply to actions or transactions  
 9798 regulated by the Department of Gaming Control, Business and  
 9799 ~~Professional Regulation~~ or to the activities of nonprofit  
 9800 organizations, or to any other organization engaged in any  
 9801 enterprise other than the sale of consumer products or services.  
 9802 Subsections (3) ~~, (4), (5), (6), and (7)~~ and paragraph (8) (a)

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 9803 and ~~any of the~~ rules adopted ~~made~~ pursuant thereto, do not apply  
 9804 to television or radio broadcasting companies licensed by the  
 9805 Federal Communications Commission.

9806 (11) A violation of this section, or soliciting another  
 9807 person to commit an act that violates this section, constitutes  
 9808 a deceptive and unfair trade practice actionable under the  
 9809 Florida Deceptive and Unfair Trade Practices Act.

9810 Section 150. Section 849.092, Florida Statutes, is  
 9811 transferred, renumbered as section 551.51, Florida Statutes, and  
 9812 amended to read:

9813 551.51 ~~849.092~~ Motor fuel retail business prizes; ~~certain~~  
 9814 ~~activities permitted. Notwithstanding s. 849.09, a person~~ The  
 9815 ~~provisions of s. 849.09 shall not be construed to prohibit or~~  
 9816 ~~prevent persons who are~~ licensed to conduct business under s.  
 9817 206.404, may give from giving away prizes to a person ~~persons~~  
 9818 selected by lot, if such prizes are conditioned ~~made~~ on the  
 9819 following conditions:

9820 (1) Such gifts are conducted as advertising and promotional  
 9821 undertakings, in good faith, solely for the purpose of  
 9822 advertising the goods, wares, merchandise, and business of such  
 9823 licensee, ~~and~~

9824 (2) The principal business of such licensee is the business  
 9825 permitted to be licensed under s. 206.404, ~~and~~

9826 (3) ~~No person~~ To be eligible to receive such gift, a person  
 9827 may not ~~shall ever~~ be required to:

9828 (a) Pay ~~any~~ tangible consideration to such licensee in the  
 9829 form of money or other property or thing of value; ~~or~~

9830 (b) Purchase ~~any~~ goods, wares, merchandise, or anything of  
 9831 value from such licensee.

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 9832 (4) The person selected to receive ~~any~~ such gift or prize  
 9833 offered by a ~~any such~~ licensee in connection with ~~any~~ such  
 9834 advertising or promotion is notified of his or her selection at  
 9835 his or her last known address. Newspapers, magazines, and  
 9836 television and radio stations may, ~~without violating any law,~~  
 9837 publish or ~~and~~ broadcast advertising matter describing such  
 9838 advertising and promotional undertakings of a licensee. The  
 9839 publishing or broadcasting of such advertising matter ~~such~~  
 9840 licensees which may contain instructions for a person to make  
 9841 his or her pursuant to which persons desiring to become eligible  
 9842 ~~for such gifts or prizes may make their name and address known~~  
 9843 to such licensee.

9844 (5) All brochures, advertisements, promotional material,  
 9845 and entry blanks promoting such undertakings must ~~shall~~ contain  
 9846 a clause stating that residents of this state ~~Florida~~ are  
 9847 entitled to participate in such undertakings and are eligible to  
 9848 win gifts or prizes.

9849 Section 151. Section 849.085, Florida Statutes, is  
 9850 transferred, renumbered as section 551.52, Florida Statutes, and  
 9851 amended to read:

9852 551.52 ~~849.085~~ Certain Penny-ante games ~~not crimes,~~  
 9853 ~~restrictions.~~

9854 (1) Notwithstanding any other ~~provision of law, it is not a~~  
 9855 ~~crime for~~ a person may ~~to~~ participate in a game described in  
 9856 this section if such game is conducted strictly in accordance  
 9857 with this section.

9858 (2) As used in this section:

9859 (b)(a) "Penny-ante game" means a game or series of games of  
 9860 poker, pinochle, bridge, rummy, canasta, hearts, dominoes, or

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9861 mah-jongg in which the winnings of any player in a single round,  
9862 hand, or game do not exceed \$10 in value.

9863 ~~(c)(b)~~ "Residential premises" ~~"Dwelling"~~ means a unit,  
9864 room, or college dormitory room ~~residential premises~~ owned or  
9865 rented by a participant in a penny-ante game and occupied by  
9866 such participant.

9867 (a) "Common premises" means ~~or~~ the common elements or  
9868 common areas of a condominium, cooperative, residential  
9869 subdivision, ~~or mobile home park, or park or recreation district~~  
9870 of which a participant in a penny-ante game is a unit owner, or  
9871 the facilities of an organization which is tax-exempt under s.  
9872 501(c)(7) of the Internal Revenue Code. ~~The term "dwelling"~~  
9873 ~~also includes a college dormitory room or the common~~  
9874 recreational area of a college dormitory, or a publicly owned  
9875 community center owned by a municipality or county.

9876 (3) A penny-ante game is subject to the following  
9877 restrictions:

9878 (a) The game must be conducted in a residential premises or  
9879 a common premises ~~dwelling~~.

9880 (b) A person may not receive any consideration or  
9881 commission for allowing a penny-ante game to occur in a  
9882 residential premises or a common premises ~~his or her dwelling~~.

9883 (c) A person may not directly or indirectly charge  
9884 admission or any other fee for participation in the penny-ante  
9885 game.

9886 (d) A person may not solicit participants by ~~means of~~  
9887 advertising in any form, ~~advertise~~ the time or place of any  
9888 penny-ante game, or ~~advertise~~ the fact that he or she will be a  
9889 participant in any penny-ante game.

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9890 (e) A penny-ante game may not be conducted unless each in  
9891 ~~which any~~ participant is ~~under~~ 18 years of age or older.

9892 (4) A debt created or owed as a consequence of any penny-  
9893 ante game is not legally enforceable.

9894 (5) The conduct of ~~a~~ any penny-ante game within a common  
9895 premises does not create ~~the common elements or common area of a~~  
9896 ~~condominium, cooperative, residential subdivision, or mobile~~  
9897 ~~home park or the conduct of any penny-ante game within the~~  
9898 ~~dwelling of an eligible organization as defined in subsection~~  
9899 ~~(2) or within a publicly owned community center owned by a~~  
9900 ~~municipality or county creates no~~ civil liability for damages  
9901 arising from the penny-ante game on the part of an owner a  
9902 condominium association, cooperative association, a homeowners'  
9903 association, dwelling owner, or municipality or county or on the  
9904 part of a unit owner who was not a participant in the game.

9905 Section 152. Section 849.0931, Florida Statutes, is  
9906 transferred, renumbered as section 551.53, Florida Statutes, and  
9907 amended to read:

9908 551.53 ~~849.0931~~ Bingo authorized; conditions for conduct;  
9909 use permitted uses of proceeds; limitations.-

9910 (1) As used in this section, the term:

9911 (a) "Bingo game" means ~~and refers to~~ the activity, commonly  
9912 known as "bingo," in which the following occurs:

9913 1. A participant pays ~~Participants pay~~ a sum of money for  
9914 the use of one or more bingo cards that contain different  
9915 numbers.

9916 2. When the game commences, Numbers are randomly drawn, one  
9917 at a time by chance, one by one, and announced.

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9919 3. The Players cover or mark their those numbers on the  
 9920 bingo cards if an announced number matches a number on their  
 9921 card which they have purchased until a player receives the  
 9922 specified a given order or pattern of numbers in sequence that  
 9923 has been preannounced for that particular game.

9924 4. This player calls out "bingo" and is declared The winner  
 9925 receives of a predetermined prize. More than one game may be  
 9926 played upon a bingo card, and numbers called for one game may be  
 9927 used for a succeeding game or games.

9928 (b) "Bingo card" means and refers to the flat piece of  
 9929 paper or thin pasteboard used employed by players engaged in the  
 9930 game of bingo. The bingo card may not contain shall have not  
 9931 fewer than 24 playing numbers, which printed on it. These  
 9932 playing numbers shall range from 1 through 75, inclusive. More  
 9933 than one set of bingo card numbers may be printed on a any  
 9934 single piece of paper.

9935 (c) "Charitable, nonprofit, or veterans' organization"  
 9936 means an organization that which has qualified for exemption  
 9937 from federal income tax as an exempt organization under the  
 9938 provisions of s. 501(c) of the Internal Revenue Code of 1954 or  
 9939 s. 528 of the Internal Revenue Code of 1986, as amended; that  
 9940 which is engaged in charitable, civic, community, benevolent,  
 9941 religious, or scholastic works or other similar endeavors  
 9942 activities; and that which has been in existence and active for  
 9943 a period of 3 years or more.

9944 (d) "Deal" means a separate set or package of not more than  
 9945 4,000 instant bingo tickets in which the predetermined minimum  
 9946 prize payout is at least 65 percent of the total receipts from  
 9947 the sale of the entire deal.

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9948 (e) "Flare" means the board or placard that accompanies  
 9949 each deal of instant bingo tickets and that has printed on or  
 9950 affixed to it the following information:

- 9951 1. The game name.
- 9952 2. The manufacturer's name or distinctive logo.
- 9953 3. The form number.
- 9954 4. The ticket count.
- 9955 5. The prize structure, including the number of symbols or
- 9956 number combinations for winning instant bingo tickets by
- 9957 denomination, with their respective winning symbols or number
- 9958 combinations.
- 9959 6. The cost per play.
- 9960 7. The game serial number.

9961 (f) "Instant bingo" means a form of bingo that is played at  
 9962 the same location as bingo in which a player uses, using tickets  
 9963 to win by which a player wins a prize by opening and removing a  
 9964 cover from the ticket to reveal a set of numbers, letters,  
 9965 objects, or patterns, some of which have been designated in  
 9966 advance as prize winners.

9967 (g) "Objects" means a set of 75 balls or other precision  
 9968 shapes that are imprinted with letters and numbers in such a way  
 9969 that numbers 1 through 15 are marked with the letter "B,"  
 9970 numbers 16 through 30 are marked with the letter "I," numbers 31  
 9971 through 45 are marked with the letter "N," numbers 46 through 60  
 9972 are marked with the letter "G," and numbers 61 through 75 are  
 9973 marked with the letter "O."

9974 (h) "Rack" means the container in which the objects are  
 9975 placed after being drawn and announced.

9976 (i) "Receptacle" means the container from which the objects

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9977 are drawn or ejected.

9978 (j) "Session" means a designated set of games played in a  
9979 day or part of a day.

9980 (2) (a) ~~Notwithstanding chapter 849, a None of the~~  
9981 ~~provisions of this chapter shall be construed to prohibit or~~  
9982 ~~prevent~~ charitable, nonprofit, or veterans' organization that is  
9983 ~~organizations~~ engaged in charitable, civic, community,  
9984 benevolent, religious, or scholastic works or other similar  
9985 endeavors and that has, which organizations have been in  
9986 ~~existence and active for a period of 3 years or more may~~  
9987 ~~conduct, from conducting~~ bingo games or instant bingo; however,  
9988 provided the entire proceeds derived from the conduct of such  
9989 games, less actual business expenses for articles designed for  
9990 and essential to the operation, conduct, and playing of bingo or  
9991 instant bingo, must be are donated by the organization to such  
9992 works or endeavors such organizations to the endeavors mentioned  
9993 above. In no case may the net proceeds from the conduct of such  
9994 games be used for any other purpose whatsoever. The proceeds are  
9995 derived from the conduct of bingo games or instant bingo shall  
9996 not be considered solicitation of public donations.

9997 (b) ~~A~~ It is the express intent of the Legislature that no  
9998 charitable, nonprofit, or veterans' organization may not serve  
9999 as a sponsor of a bingo game or instant bingo conducted by  
10000 another, but such organization may only be directly involved in  
10001 the conduct of such a game as provided in this act.

10002 (3) ~~If~~ An organization is not engaged in charitable, civic,  
10003 community, benevolent, religious, or scholastic works or other  
10004 similar endeavors which conducts efforts of the type set out  
10005 above, its right to conduct bingo games under this section must

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10006 ~~hereunder is conditioned upon the return of all the proceeds~~  
10007 ~~from such games to the players in the form of prizes. If, at the~~  
10008 ~~conclusion of play on any day during which a bingo game is~~  
10009 ~~allowed to be played under this subsection, proceeds section~~  
10010 ~~there remain proceeds~~ which have not been paid out as prizes,  
10011 the organization conducting the game shall, on at the next  
10012 scheduled day of play, conduct bingo games without any charge to  
10013 the players and shall continue to do so until the proceeds  
10014 carried over ~~from the previous days played~~ have been exhausted.  
10015 This subsection does not extend ~~provision in no way extends~~ the  
10016 limitation on the number of prize or jackpot games allowed in a  
10017 single one day as provided under ~~for in~~ subsection (5).

10018 (4) ~~The right of~~ A condominium association, a cooperative  
10019 association, a homeowners' association as defined in s. 720.301,  
10020 a mobile home owners' association, a group of residents of a  
10021 mobile home park as defined in chapter 723, a park or recreation  
10022 district that is an independent special district as defined in  
10023 s. 189.403, a recreation district as defined in chapter 418, or  
10024 a group of residents of a mobile home park or recreational  
10025 vehicle park as defined in chapter 513 may ~~to~~ conduct bingo if  
10026 is conditioned upon the return of the net proceeds from such  
10027 games are returned to players in the form of prizes after having  
10028 deducted the actual business expenses for such games ~~for~~  
10029 ~~articles designed for and essential to the operation, conduct,~~  
10030 ~~and playing of bingo.~~ Any net proceeds remaining after paying  
10031 prizes are paid may be donated by the association to a  
10032 charitable, nonprofit, or veterans' organization that which is  
10033 exempt from federal income tax under ~~the provisions of~~ s. 501(c)  
10034 of the Internal Revenue Code to be used in such recipient

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10035 organization's charitable, civic, community, benevolent,  
10036 religious, or scholastic works or similar endeavors ~~activities~~  
10037 or, in the alternative, such remaining proceeds shall be used as  
10038 specified in subsection (3).

10039 (5) ~~(a) 1. Except for instant bingo prizes, which are limited~~  
10040 ~~to the amounts displayed on the ticket or on the game flare, A~~  
10041 ~~jackpot may shall not exceed the value of \$250 in actual money~~  
10042 ~~or its equivalent, and there may not shall be no more than three~~  
10043 ~~jackpots in any one session of bingo.~~

10044 2. (6) An organization ~~Except for instant bingo, which is~~  
10045 ~~not limited by this subsection, the number of days per week~~  
10046 ~~during which organizations authorized under this section may not~~  
10047 ~~conduct a bingo game more than 2 days per week shall not exceed~~  
10048 ~~two.~~

10049 3. (7) Only three jackpot prizes may be awarded ~~Except for~~  
10050 ~~instant bingo prizes, which are limited to the amounts displayed~~  
10051 ~~on the ticket or on the game flare, there shall be no more than~~  
10052 ~~three jackpots on a single any one day of play. All other game~~  
10053 ~~prizes may shall not exceed \$50 each.~~

10054 4. Subparagraphs 1.-3. do not apply to instant bingo  
10055 prizes.

10056 (b) Instant bingo prizes are limited to the amounts  
10057 displayed on the ticket or on the game flare.

10058 ~~(6) (8)~~ Each person involved in conducting a ~~the conduct of~~  
10059 ~~any~~ bingo game or instant bingo must be a resident of the  
10060 community where the organization is located and a bona fide  
10061 member of the organization sponsoring such game and may not be  
10062 compensated in any way for operation of such game. When a bingo  
10063 game ~~games~~ or instant bingo is conducted by a charitable,

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10064 nonprofit, or veterans' organization, the organization  
10065 conducting the games shall ~~must~~ designate up to three members of  
10066 that organization to be in charge of the games, one of whom  
10067 shall be present during the entire session ~~at which the games~~  
10068 ~~are conducted~~. The organization conducting the games is  
10069 responsible for posting a notice, which must state ~~notice states~~  
10070 the name of the organization and the designated member or  
10071 members, in a conspicuous place on the premises at which the  
10072 session is held or instant bingo is played. ~~A caller in a bingo~~  
10073 ~~game may not be a participant in that bingo game.~~

10074 (7) (9) A Every charitable, nonprofit, or veterans'  
10075 organization involved in the conduct of a bingo game or instant  
10076 bingo must be located in the county, or within a 15-mile radius  
10077 of the location where, ~~where~~ the bingo game or instant bingo is  
10078 played ~~located~~.

10079 (8) (10) (a) A person ~~No one~~ under 18 years of age may not  
10080 shall be allowed to play or be involved in the conduct of a any  
10081 bingo game or instant bingo ~~or be involved in the conduct of a~~  
10082 ~~bingo game or instant bingo in any way.~~

10083 (b) Any organization conducting a bingo game or instant  
10084 bingo that is open to the public may refuse entry to a any  
10085 person who is objectionable or undesirable to the sponsoring  
10086 organization, but such refusal may of entry shall not be based  
10087 on the person's ~~basis of~~ race, creed, color, religion, sex,  
10088 national origin, marital status, or physical handicap.

10089 (9) (11) A bingo game ~~games~~ or instant bingo may be held  
10090 only on the following premises:

10091 (a) Property owned by the charitable, nonprofit, or  
10092 veterans' organization.

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10093 (b) Property owned by the charitable, nonprofit, or  
10094 veterans' organization that will benefit from ~~by~~ the proceeds.

10095 (c) Property leased for a period of not less than 1 year by  
10096 a charitable, nonprofit, or veterans' organization, ~~if providing~~  
10097 the lease or rental agreement does not provide for the payment  
10098 of a percentage of the proceeds generated at such premises to  
10099 the lessor or any other party and ~~providing~~ the rental rate for  
10100 such premises does not exceed ~~the rental~~ rates charged for  
10101 similar premises in the same locale.

10102 (d) Property owned by a municipality or a county when the  
10103 governing authority has, by appropriate ordinance or resolution,  
10104 specifically authorized the use of such property for the conduct  
10105 of such games.

10106 (e) With respect to bingo games conducted by a condominium  
10107 association, a cooperative association, a homeowners'  
10108 association as defined in s. 720.301, a mobile home owners'  
10109 association, a group of residents of a mobile home park as  
10110 defined in chapter 723, a park or recreation district that is an  
10111 independent special district as defined in s. 189.403, a  
10112 recreation district as defined in chapter 418, or a group of  
10113 residents of a mobile home park or recreational vehicle park as  
10114 defined in chapter 513, property owned by the association ~~or,~~  
10115 property owned by the residents of the mobile home park, park or  
10116 recreation district, or recreational vehicle park, or property  
10117 that ~~which~~ is a common area located within the condominium,  
10118 mobile home park, or recreational vehicle park.

10119 ~~(10)(12)~~ Each bingo game shall be conducted in accordance  
10120 with the following rules:

10121 (a) The objects, whether drawn or ejected, shall be

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10122 essentially equal as to size, shape, weight, and balance and as  
10123 to all other characteristics that may control their selection  
10124 from the receptacle. The caller shall cancel ~~a any~~ game if,  
10125 during the course of ~~the a~~ game, the mechanism used in the  
10126 drawing or ejection of objects becomes jammed in such a manner  
10127 as to interfere with the accurate determination of the next  
10128 number to be announced or if the caller determines that more  
10129 than one object is labeled with the same number or that there is  
10130 a number to be drawn without a corresponding object. A Any  
10131 player in a game canceled pursuant to this paragraph shall be  
10132 allowed ~~permitted~~ to play the next game free of charge.

10133 (b) ~~Before~~ Prior to commencement of any bingo session, the  
10134 member in charge shall verify ~~cause a verification to be made of~~  
10135 all objects to be placed in the receptacle and ~~shall~~ inspect the  
10136 objects in the presence of a disinterested person to ensure that  
10137 all objects are present and that there are no duplications or  
10138 omissions of numbers on the objects. A Any player ~~is shall be~~  
10139 entitled to call for a verification of numbers before, during,  
10140 and after a session.

10141 (c) The card or sheet on which the game is played must  
10142 ~~shall~~ be part of a deck, group, or series, no two of which may  
10143 be alike in any given game.

10144 (d) All numbers shall be visibly displayed after being  
10145 drawn and before being placed in the rack.

10146 (e) A bona fide bingo consists ~~shall consist~~ of a  
10147 predesignated arrangement of numbers on a card or sheet which  
10148 ~~that~~ correspond with the numbers on the objects drawn from the  
10149 receptacle and announced. Errors in numbers announced or  
10150 misplaced in the rack may not be recognized as a bingo.

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10151 (f) When a caller begins to announce ~~has started to vocally~~  
 10152 ~~announce~~ a number, ~~he or she the caller~~ shall complete the call.  
 10153 If a ~~any~~ player obtains ~~has obtained~~ a bingo on ~~the~~ a previous  
 10154 ~~call but is not recognized until the next number is called~~  
 10155 ~~number~~, such player will share the prize with the player who  
 10156 attained ~~gained~~ bingo on the last number called.

10157 (g) Numbers on the winning cards or sheets shall be  
 10158 announced and verified in the presence of another player. Any  
 10159 player may ~~shall be entitled at the time the winner is~~  
 10160 ~~determined to call for a verification of the~~ numbers drawn. The  
 10161 verification shall be conducted in the presence of the  
 10162 designated member ~~designated to be in charge of the occasion or,~~  
 10163 if such person is also the caller, in the presence of an officer  
 10164 of the licensee.

10165 (h) Upon determining a winner, the caller shall ask, "Are  
 10166 there any other winners?" If no one replies, the caller shall  
 10167 announce that declare the game is closed. No other player is  
 10168 entitled to share the prize unless ~~she or~~ he or she has also  
 10169 declared a bingo before ~~prior to~~ this announcement.

10170 (i) Seats may not be held or reserved by an organization or  
 10171 a person involved in the conduct of any bingo game for players  
 10172 not present, and ~~nor may any~~ cards may not be set aside, held,  
 10173 or reserved from one session to another for any player.

10174 (j) A caller in a bingo game may not be a participant in  
 10175 that bingo game.

10176 ~~(11)(13)~~ (a) Instant bingo tickets shall ~~must~~ be sold at the  
 10177 price printed on the ticket or on the game flare by the  
 10178 manufacturer, not to exceed \$1. Discounts may not be given for  
 10179 the purchase of multiple tickets, and ~~nor may~~ tickets may not be

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10180 given away free of charge.

10181 (b) Each deal of instant bingo tickets must be accompanied  
 10182 by a flare, which ~~and the flare~~ must be posted before the sale  
 10183 of any tickets in that deal.

10184 (c) Each instant bingo ticket in a deal must bear the same  
 10185 serial number, and there may not be more than one serial number  
 10186 in each deal. Serial numbers printed on a deal of instant bingo  
 10187 tickets may not be repeated by the manufacturer on the same form  
 10188 for a period of 3 years.

10189 (d) The serial number for each deal must be clearly and  
 10190 legibly placed on the outside of each deal's package, box, or  
 10191 other container.

10192 (e) Instant bingo tickets manufactured, sold, or  
 10193 distributed in this state must comply with the applicable  
 10194 standards on pull-tabs of the North American Gaming Regulators  
 10195 Association, as amended.

10196 (f) Except as provided under paragraph (e), an instant  
 10197 bingo ticket manufactured, sold, or distributed in this state  
 10198 must:

10199 1. Be manufactured so that it is not possible to identify  
 10200 whether it is a winning or losing instant bingo ticket until it  
 10201 has been opened by the player as intended.

10202 2. Be manufactured using at least a two-ply paper stock  
 10203 construction so that the instant bingo ticket is opaque.

10204 3. Have the form number, the deal's serial number, and the  
 10205 name or logo of the manufacturer conspicuously printed on the  
 10206 face or cover of the instant bingo ticket.

10207 4. Have a form of winner protection that allows the  
 10208 organization to verify, after the instant bingo ticket has been

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10209 played, that the ~~winning instant bingo~~ ticket presented for  
 10210 payment is an authentic winning instant bingo ticket for the  
 10211 deal in play. The manufacturer shall provide a written  
 10212 description of the winner protection with each deal of instant  
 10213 bingo tickets.

10214 (g) Each manufacturer and distributor that sells or  
 10215 distributes instant bingo tickets in this state to charitable,  
 10216 nonprofit, or veterans' organizations shall prepare an invoice  
 10217 that contains the following information:

- 10218 1. The date of sale.
- 10219 2. The form number and serial number of each deal sold.
- 10220 3. The number of instant bingo tickets in each deal sold.
- 10221 4. The name of distributor or organization to whom each  
 10222 deal is sold.
- 10223 5. The price of each deal sold.

10224 All information contained on an invoice must be maintained by  
 10225 the distributor or manufacturer for 3 years.

10226 (h) The invoice, or a true and accurate copy of the invoice  
 10227 ~~thereof~~, must be on the premises where any deal of instant bingo  
 10228 tickets is stored or in play.

10229 ~~(12)-(14) An~~ Any organization or ~~other~~ person who willfully  
 10230 and knowingly violates ~~any provision of~~ this section commits a  
 10231 misdemeanor of the first degree, punishable as provided in s.  
 10232 775.082 or s. 775.083. For a second or subsequent offense, the  
 10233 organization or ~~other~~ person commits a felony of the third  
 10234 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 10235 775.084.

10236 Section 153. Section 849.0935, Florida Statutes, is  
 10237

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10238 transferred, renumbered as section 551.54, Florida Statutes, and  
 10239 amended to read:

10240 551.54 ~~849.0935~~ Charitable, nonprofit organizations;  
 10241 drawings by chance; required disclosures; unlawful acts and  
 10242 practices; penalties.-

10243 (1) As used in this section, the term:

10244 (a) "Drawing by chance," "drawing," or "raffle" means a  
 10245 drawing an enterprise in which, ~~from the entries submitted by~~  
 10246 ~~the public to the organization conducting the drawing~~, one or  
 10247 more entries submitted by the public to the organization are  
 10248 selected by chance to win a prize. The term "drawing" does not  
 10249 include ~~those enterprises, commonly known as "game promotions,"~~  
 10250 as defined under by s. 849.094 which use the terms, "matching,"  
 10251 "instant winner," or "preselected sweepstakes," and which  
 10252 involve the distribution of previously designated winning  
 10253 numbers, ~~previously designated as such~~, to the public.

10254 (b) "Organization" means an organization, including its  
 10255 members or officers, which is exempt from federal income  
 10256 taxation pursuant to 26 U.S.C. s. 501(c)(3), (4), (7), (8),  
 10257 (10), or (19), ~~and which~~ has a current determination letter from  
 10258 the Internal Revenue Service, ~~and its bona fide members or~~  
 10259 ~~officers~~.

10260 (2) Notwithstanding s. 849.09, ~~Section 849.09 does not~~  
 10261 ~~prohibit~~ an organization may conduct ~~from conducting~~ drawings by  
 10262 chance pursuant to ~~the authority granted by~~ this section, if the  
 10263 organization has complied with all applicable provisions of  
 10264 chapter 496 and this section.

10265 (3) ~~All~~ Brochures, advertisements, notices, tickets, or  
 10266 entry blanks used in connection with a drawing by chance must

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10267 ~~shall~~ conspicuously disclose:

10268 (a) The rules governing the conduct and operation of the  
10269 drawing.

10270 (b) The full name of the organization and its principal  
10271 place of business.

10272 (c) The source of the funds used to award cash prizes or to  
10273 purchase prizes.

10274 (d) The date, hour, and place where the winner will be  
10275 chosen and the prizes will be awarded, unless the brochures,  
10276 advertisements, notices, tickets, or entry blanks are not  
10277 offered to the public more than 3 days before ~~prior to~~ the  
10278 drawing.

10279 (e) That no purchase or contribution is necessary.

10280 (4) It is unlawful for an any organization that, ~~pursuant~~  
10281 ~~to the authority granted by this section,~~ promotes, operates, or  
10282 conducts a drawing by chance under this section to:

10283 (a) ~~Design, engage in, promote, or conduct any drawing~~  
10284 ~~in which the winner is predetermined by means of matching,~~  
10285 ~~instant win, or preselected sweepstakes or otherwise~~ or in which  
10286 the selection of the winners is ~~in any way~~ rigged;

10287 (b) ~~Require an entry fee, donation, substantial~~  
10288 ~~consideration, payment, proof of purchase, or contribution as a~~  
10289 ~~condition of entering the drawing or of being selected to win a~~  
10290 ~~prize. However, this paragraph does not prohibit an organization~~  
10291 ~~from suggesting a minimum donation or from including a statement~~  
10292 ~~of such suggested minimum donation on any printed material used~~  
10293 ~~in connection with the fundraising event or drawing;~~

10294 (c) ~~Condition the drawing on disbursement of a minimum~~  
10295 ~~number of tickets having been disbursed to contributors or~~

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10296 receipt of ~~on~~ a minimum amount of contributions ~~having been~~  
10297 ~~received;~~

10298 (d) ~~To~~ Arbitrarily remove, disqualify, disallow, or reject  
10299 any entry or to discriminate ~~in any manner~~ between entrants who  
10300 gave contributions to the organization and those who did not  
10301 ~~give such contributions;~~

10302 (e) ~~To~~ Fail to promptly notify, ~~at the address set forth on~~  
10303 ~~the entry blank, a winner any person, at the address designated~~  
10304 ~~on the entry blank, whose entry is selected to win~~ of the fact  
10305 that he or she won;

10306 (f) ~~To~~ Fail to award all prizes offered;

10307 (g) ~~To~~ Print, publish, or circulate literature or  
10308 advertising material used in connection with the drawing which  
10309 is false, deceptive, or misleading;

10310 (h) ~~To~~ Cancel a drawing; or

10311 (i) ~~To~~ Condition the acquisition or giveaway of any prize  
10312 upon the receipt of voluntary donations or contributions.

10313 (5) The organization conducting the drawing may limit the  
10314 number of tickets distributed to each drawing entrant.

10315 (6) A violation of this section is a deceptive and unfair  
10316 trade practice.

10317 (7) Any organization that violates ~~engages in any act or~~  
10318 ~~practice in violation of~~ this section commits a misdemeanor of  
10319 the second degree, punishable as provided in s. 775.082 or s.  
10320 775.083. ~~Any organization or other person who sells or offers~~  
10321 ~~for sale in this state a ticket or entry blank for a raffle or~~  
10322 ~~other drawing by chance, without complying with the requirements~~  
10323 ~~of paragraph (3) (d), commits a misdemeanor of the second degree,~~  
10324 ~~punishable by fine only as provided in s. 775.083.~~

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10325 (8) This section does not apply to the state lottery  
10326 operated pursuant to chapter 24.

10327 Section 154. Section 849.141, Florida Statutes, is  
10328 transferred, renumbered as section 551.55, Florida Statutes, and  
10329 amended to read:

10330 ~~551.55 849.141~~ Bowling tournaments ~~exempted from chapter.-~~

10331 (1) Notwithstanding any law to the contrary, a person may  
10332 participate ~~Nothing contained in this chapter shall be~~  
10333 ~~applicable to participation in or the conduct of a bowling~~  
10334 ~~tournament conducted at a bowling center which requires the~~  
10335 ~~payment of entry fees, from which fees the winner receives a~~  
10336 ~~purse or prize.~~

10337 (2) As used in this section, the term:

10338 (b)(a) "Bowling tournament" means a contest in which  
10339 participants engage in the sport of bowling, wherein a heavy  
10340 ball is bowled along a bowling lane in an attempt to knock over  
10341 10 upright bowling pins, 10 in number, set upright at the far  
10342 end of the lane as, according to specified in the regulations  
10343 and rules of the United States American Bowling Congress, the  
10344 ~~Womens International Bowling Congress,~~ or the Bowling  
10345 Proprietors Association of America.

10346 (a)(b) "Bowling center" means a place of business having at  
10347 least 12 bowling lanes on the premises which are operated for  
10348 the entertainment of the general public for the purpose of  
10349 engaging in the sport of bowling.

10350 Section 155. Section 849.161, Florida Statutes, is  
10351 transferred, renumbered as section 551.56, Florida Statutes, and  
10352 amended to read:

10353 ~~551.56 849.161~~ Amusement games or machines; ~~when chapter~~

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10354 ~~inapplicable.-~~

10355 (1) As used in this section, the term:

10356 (a) "Amusement games or machines" means games which are  
10357 operated only for bona fide entertainment of the general public,  
10358 which are activated ~~which operate~~ by means of the insertion of a  
10359 coin, currency, slug, token, coupon, card, or similar device,  
10360 and which, by application of skill, ~~may entitle~~ the person  
10361 playing or operating the game or machine may control the results  
10362 of play to receive points or coupons, the cost value of which  
10363 ~~does not exceed 75 cents on any game played, which may be~~  
10364 ~~exchanged for merchandise.~~ The term does not include:

10365 1. Casino-style games in which the outcome is determined by  
10366 factors unpredictable by the player;

10367 2. ~~or~~ Games in which the player does ~~may~~ not control the  
10368 outcome of the game through skill;

10369 3. Video poker games or any other game or machine that may  
10370 be construed as a gambling device under the laws of this state;  
10371 or

10372 4. Any game or device defined as a gambling device in 15  
10373 U.S.C. s. 1171, unless excluded under s. 1178.

10374 (b) "Arcade amusement center" means a place of business  
10375 having at least 50 ~~coin-operated~~ amusement games or machines on  
10376 premises which are operated for the entertainment of the general  
10377 public ~~and tourists~~ as a bona fide amusement facility.

10378 (c) "Game played" means the event occurring from the  
10379 ~~initial~~ activation of the amusement game or machine by insertion  
10380 of a coin, currency, slug, token, coupon, card, or similar  
10381 device until the results of play are determined without  
10382 insertion of additional coin, currency, slug, token, coupon,

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10383 ~~card, or similar device to continue play payment of additional~~  
 10384 ~~consideration. Free replays do not count as separate games~~  
 10385 ~~played constitute additional consideration.~~

10386 (d) "Merchandise" means noncash prizes, including toys and  
 10387 novelties. The term does not include:

10388 1. Cash equivalents or any equivalent thereof, including  
 10389 gift cards or certificates;

10390 2. ~~or~~ Alcoholic beverages; or

10391 3. Coupons, points, slugs, tokens, cards, or similar  
 10392 devices that have commercial value, can be used to activate an  
 10393 amusement game or machine, or can be redeemed onsite for  
 10394 merchandise.

10395 (e) "Redemption value" means the imputed value of coupons  
 10396 or points, based on the wholesale cost of merchandise for which  
 10397 those coupons or points may be redeemed.

10398 (f)(e) "Truck stop" means a any dealer registered pursuant  
 10399 to chapter 212, excluding marinas, which:

10400 1. Declared its primary fuel business to be the sale of  
 10401 diesel fuel; and

10402 2. Operates a minimum of six functional diesel fuel pumps;  
 10403 and

10404 ~~3. Has coin-operated amusement games or machines on~~  
 10405 ~~premises which are operated for the entertainment of the general~~  
 10406 ~~public and tourists as bona fide amusement games or machines.~~

10407 (2) Notwithstanding chapter 849, ~~Nothing contained in This~~  
 10408 ~~chapter shall be taken or construed to prohibit an arcade~~  
 10409 ~~amusement center or truck stop from operating~~ amusement games or  
 10410 machines may be operated in conformance with this section.

10411 (3) This section applies only to amusement games or ~~and~~

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10412 machines which are operated for the entertainment of the general  
 10413 public ~~and tourists~~ as bona fide amusement games or machines.

10414 (4) This section ~~does shall~~ not be ~~construed to~~ authorize:

10415 1. Casino-style games in which the outcome is determined by  
 10416 factors unpredictable by the player;

10417 2. Games in which the player does not control the outcome  
 10418 of the game through skill;

10419 3. Video poker games or any other game or machine that may  
 10420 be construed as a gambling device under the laws of this state;  
 10421 or

10422 4. Any game or device defined as a gambling device in 15  
 10423 U.S.C. s. 1171, which requires identification of each device by  
 10424 permanently affixing seriatim numbering and name, trade name,  
 10425 and date of manufacture under s. 1173, and registration with the  
 10426 United States Attorney General, unless excluded from  
 10427 applicability of the chapter under s. 1178, or video poker games  
 10428 or any other game or machine that may be construed as a gambling  
 10429 device under Florida law.

10430 (5) An amusement game or machine may entitle or enable a  
 10431 person, by application of skill, This section does not apply to  
 10432 a coin-operated game or device designed and manufactured only  
 10433 for bona fide amusement purposes which game or device may by  
 10434 application of skill entitle the player to replay the game or  
 10435 device without insertion of an at no additional coin, currency,  
 10436 slug, token, coupon, card, or similar device, if east, if the  
 10437 game or device:

10438 (a) The amusement game or machine can accumulate and react  
 10439 to no more than 15 free replays;

10440 (b) The amusement game or machine can be discharged of

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10441 accumulated free replays only by reactivating the game or device  
 10442 for one additional play for such accumulated free replay; and  
 10443 (c) The amusement game or machine cannot ~~can~~ make a ~~no~~  
 10444 permanent record, directly or indirectly, of free replays; and  
 10445 is not classified by the United States as a gambling device in  
 10446 15 U.S.C. s. 1171, which requires identification of each device  
 10447 by permanently affixing seriatim numbering and name, trade name,  
 10448 and date of manufacture under s. 1173, and registration with the  
 10449 United States Attorney General, unless excluded from  
 10450 applicability of the chapter under s. 1178. This subsection  
 10451 shall not be construed to authorize video poker games, or any  
 10452 other game or machine that may be construed as a gambling device  
 10453 under Florida law.  
 10454 (6) An amusement game or machine may entitle or enable a  
 10455 person, by application of skill, to receive points or coupons  
 10456 that can be redeemed onsite for merchandise, if:  
 10457 (a) The amusement game or machine is located at an arcade  
 10458 amusement center, truck stop, bowling center defined in s.  
 10459 551.53, or public lodging establishment or public food service  
 10460 facility licensed pursuant to chapter 509;  
 10461 (b) Points or coupons have no value other than for  
 10462 redemption onsite for merchandise;  
 10463 (c) The redemption value of points or coupons a person  
 10464 receives for a single game played does not exceed \$5.25; and  
 10465 (d) The redemption value of points or coupons a person  
 10466 receives for playing multiple games simultaneously or competing  
 10467 against others in a multi-player game, does not exceed \$5.25.  
 10468 (7) An amusement game or machine may entitle or enable a  
 10469 person, by application of skill, to receive merchandise

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10470 directly, if:  
 10471 (a) The amusement game or machine is located at an arcade  
 10472 amusement center, truck stop, bowling center defined in s.  
 10473 551.53, public lodging establishment or public food service  
 10474 facility licensed pursuant to chapter 509, or on the premises of  
 10475 a retailer as defined in s. 212.02; and  
 10476 (b) The wholesale cost of the merchandise does not exceed  
 10477 \$50.  
 10478 (8) The department, by rule, shall review and adjust per-  
 10479 game limits on coupons, points, and merchandise based on the  
 10480 rate of inflation.  
 10481 Section 156. Section 849.01, Florida Statutes, is amended  
 10482 to read:  
 10483 849.01 Keeping Gambling operations prohibited houses, etc.-  
 10484 (1) A person, individually or through or with any other  
 10485 person or entity, may not:  
 10486 (a) Have, maintain, or operate ~~Whoever by herself or~~  
 10487 ~~himself, her or his servant, clerk or agent, or in any other~~  
 10488 ~~manner has, keeps, exercises or maintains~~ a gaming table or  
 10489 ~~room; ~~or~~ gaming implements or apparatus; an online or offline~~  
 10490 system or network; ~~or~~ a physical structure or location of any  
 10491 kind house, booth, tent, shelter or other place for the purpose  
 10492 of gaming or gambling. ~~or~~  
 10493 (b) Procure or allow a ~~in any place of which she or he may~~  
 10494 ~~directly or indirectly have charge, control or management,~~  
 10495 ~~either exclusively or with others, procures, suffers or permits~~  
 10496 ~~any person to play a game for money or any other valuable thing~~  
 10497 of value in a place that he or she may directly or indirectly  
 10498 manage or control.

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10499 (c) Knowingly rent to another a physical structure or  
 10500 location or an online or offline system or network for the  
 10501 purpose of gaming or gambling.

10502 (2) A person may not act as a servant, clerk, agent, or  
 10503 employee of a person violating subsection (1).

10504 (3) A person may not aid, abet, or otherwise encourage or  
 10505 willfully and knowingly allow a minor or a person who is  
 10506 mentally incompetent or under guardianship to play or bet on a  
 10507 game of chance. For the purpose of this subsection, the term  
 10508 "person who is mentally incompetent" means a person who, because  
 10509 of mental illness, intellectual disability, senility, excessive  
 10510 use of drugs or alcohol, or other mental incapacity, is  
 10511 incapable of managing his or her property or caring for herself  
 10512 or himself.

10513 (4) The presence of implements, devices, or apparatus  
 10514 commonly used in games of chance in a gambling house or by a  
 10515 gambler, in any physical structure or location is prima facie  
 10516 evidence that such structure or location is used for the purpose  
 10517 of gambling.

10518 (5) A person who violates this section commits at any game  
 10519 whatever, whether heretofore prohibited or not, shall be guilty  
 10520 of a felony of the third degree, punishable as provided in s.  
 10521 775.082, s. 775.083, or s. 775.084.

10522 Section 157. Section 849.02, Florida Statutes, is amended  
 10523 to read:

10524 ~~849.02 Agents or employees of keeper of gambling house.—~~  
 10525 ~~Whoever acts as servant, clerk, agent, or employee of any person~~  
 10526 ~~in the violation of s. 849.01 shall be punished in the manner~~  
 10527 ~~and to the extent therein mentioned.~~

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10528 Section 158. Section 849.03, Florida Statutes, is amended  
 10529 to read:

10530 ~~849.03 Renting house for gambling purposes.—Whoever,~~  
 10531 ~~whether as owner or agent, knowingly rents to another a house,~~  
 10532 ~~room, booth, tent, shelter or place for the purpose of gaming~~  
 10533 ~~shall be punished in the manner and to the extent mentioned in~~  
 10534 ~~s. 849.01.~~

10535 Section 159. Section 849.04, Florida Statutes, is amended  
 10536 to read:

10537 ~~849.04 Permitting minors and persons under guardianship to~~  
 10538 ~~gamble. The proprietor, owner, or keeper of any E. O., keno or~~  
 10539 ~~pool table, or billiard table, wheel of fortune, or other game~~  
 10540 ~~of chance kept for the purpose of betting, who willfully and~~  
 10541 ~~knowingly allows a minor or person who is mentally incompetent~~  
 10542 ~~or under guardianship to play at such game or to bet on such~~  
 10543 ~~game of chance; or whoever aids or abets or otherwise encourages~~  
 10544 ~~such playing or betting of any money or other valuable thing~~  
 10545 ~~upon the result of such game of chance by a minor or person who~~  
 10546 ~~is mentally incompetent or under guardianship, commits a felony~~  
 10547 ~~of the third degree, punishable as provided in s. 775.082, s.~~  
 10548 ~~775.083, or s. 775.084. For the purpose of this section, the~~  
 10549 ~~term "person who is mentally incompetent" means a person who~~  
 10550 ~~because of mental illness, intellectual disability, senility,~~  
 10551 ~~excessive use of drugs or alcohol, or other mental incapacity is~~  
 10552 ~~incapable of managing his or her property or caring for himself~~  
 10553 ~~or herself or both.~~

10554 Section 160. Section 849.05, Florida Statutes, is amended  
 10555 to read:

10556 ~~849.05 Prima facie evidence.—If any of the implements,~~

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10557 ~~devices or apparatus commonly used in games of chance in~~  
 10558 ~~gambling houses or by gamblers, are found in any house, room,~~  
 10559 ~~booth, shelter or other place it shall be prima facie evidence~~  
 10560 ~~that the said house, room, booth, shelter or other place where~~  
 10561 ~~the same are found is kept for the purpose of gambling.~~

10562 Section 161. Section 849.07, Florida Statutes, is amended  
 10563 to read:

10564 849.07 ~~Permitting~~ Gambling on game of chance, billiards,  
 10565 billiard or pool prohibited table by holder of license.-

10566 (1) A person may not play or engage in a game of cards,  
 10567 keno, roulette, faro, or other game of chance at any location,  
 10568 by any device, for money or any other thing of value.

10569 (2) The operator of ~~If any holder of a license to operate a~~  
 10570 ~~billiard or pool table may not allow a shall permit any person~~  
 10571 ~~to play billiards or pool or any other game for money, or any~~  
 10572 ~~other thing of value, upon such table.~~

10573 (3) A person who violates this section commits ~~tables, she~~  
 10574 ~~or he shall be deemed guilty of a misdemeanor of the second~~  
 10575 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

10576 Section 162. Section 849.08, Florida Statutes, is amended  
 10577 to read:

10578 ~~849.08 Gambling. Whoever plays or engages in any game at~~  
 10579 ~~cards, keno, roulette, faro or other game of chance, at any~~  
 10580 ~~place, by any device whatever, for money or other thing of~~  
 10581 ~~value, shall be guilty of a misdemeanor of the second degree,~~  
 10582 ~~punishable as provided in s. 775.082 or s. 775.083.~~

10583 Section 163. Section 849.09, Florida Statutes, is amended  
 10584 to read:

10585 849.09 Lottery prohibited; exceptions.-

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10586 (1) (a) It is unlawful ~~for any person in this state to:~~  
 10587 1.(a) ~~Establish~~ Set up, promote, or conduct a any lottery  
 10588 for money or for anything of value;  
 10589 2.(b) ~~Dispose of any money or other property of any kind~~  
 10590 ~~whatsoever~~ by means of any lottery;  
 10591 3.(c) ~~Conduct a any~~ lottery drawing for the distribution of  
 10592 a prize ~~or prizes~~ by lot or chance, or advertise any such  
 10593 lottery scheme or device ~~in any newspaper or by circulars,~~  
 10594 ~~posters, pamphlets, radio, telegraph, telephone, or otherwise;~~  
 10595 ~~or~~  
 10596 4.(d) ~~Aid or assist in the setting up, promoting, or~~  
 10597 ~~conducting of any lottery or lottery drawing, whether by~~  
 10598 ~~writing, printing, or in any other manner whatsoever, or be~~  
 10599 ~~interested in or connected in any way with any lottery or~~  
 10600 ~~lottery drawing.~~  
 10601 (b) ~~A person who violates this subsection commits a felony~~  
 10602 ~~of the third degree, punishable as provided in s. 775.082, s.~~  
 10603 ~~775.083, or s. 775.084.~~  
 10604 (2) (a) It is unlawful to:  
 10605 1.(e) ~~Attempt to operate, conduct, or advertise any lottery~~  
 10606 ~~scheme or device;~~  
 10607 2.(f) ~~Possess a~~ Have in her or his possession any lottery  
 10608 wheel, implement, or device ~~whatsoever~~ for conducting any  
 10609 lottery or scheme for the disposal by lot or chance of anything  
 10610 of value;  
 10611 3.(g) ~~Sell, offer for sale, or transmit, in person or by~~  
 10612 ~~mail or in any other manner whatsoever, a any~~ lottery ticket,  
 10613 coupon, or share, or a any share in or fractional part of such  
 10614 ~~any lottery ticket, coupon, or share, whether it such ticket,~~

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10615 ~~coupon, or share~~ represents an interest in a live lottery not  
 10616 yet played or ~~whether it represents, or has represented,~~ an  
 10617 interest in a lottery that has already been played;

10618 ~~4.(h) Possess a Have in her or his possession any~~ lottery  
 10619 ticket, or ~~any~~ evidence of a ~~any~~ share or right in a ~~any~~ lottery  
 10620 ticket, or in a ~~any~~ lottery scheme or device, whether ~~it such~~  
 10621 ~~ticket or evidence of share or right~~ represents an interest in a  
 10622 live lottery not yet played or ~~whether it represents, or has~~  
 10623 ~~represented, an interest in~~ a lottery that has already been  
 10624 played;

10625 ~~5.(i) Aid or Assist~~ in the sale, disposal, or procurement  
 10626 of a ~~any~~ lottery ticket, coupon, or share, or any right to any  
 10627 drawing in a lottery;

10628 ~~6.(j) Possess a Have in her or his possession any~~ lottery  
 10629 advertisement, circular, poster, or pamphlet, or a ~~any~~ list or  
 10630 schedule of a ~~any~~ lottery prize, gift, or drawing ~~prizes, gifts,~~  
 10631 ~~or drawings;~~ or

10632 ~~7.(k) Possess a Have in her or his possession any~~ so-called  
 10633 "run down ~~sheet sheets,~~" tally ~~sheet sheets,~~ or other ~~paper,~~  
 10634 ~~record, instrument papers, records, instruments,~~ or  
 10635 paraphernalia designed for use, ~~either directly or indirectly,~~  
 10636 ~~in, or~~ in connection with ~~a,~~ the violation of ~~this chapter or~~  
 10637 ~~chapter 551 the laws of this state prohibiting~~ lotteries and  
 10638 ~~gambling.~~

10639 (b) A person who violates this subsection commits a  
 10640 misdemeanor of the first degree, punishable as provided in s.  
 10641 775.082 or s. 775.083. A person who commits a second or  
 10642 subsequent violation of this subsection commits a felony of the  
 10643 third degree, punishable as provided in s. 775.082, s. 775.083,

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10644 or s. 775.084.

10645 (3) (a) Except as otherwise provided by law, a person may  
 10646 not:

10647 1. Produce a lottery ticket or advertisement, circular,  
 10648 bill, poster, pamphlet, list, schedule, announcement, or notice  
 10649 of a lottery prize or drawing or any other item connected with a  
 10650 lottery drawing, scheme, or device, or set up a type or plate  
 10651 for such printing or writing, to be used or distributed in this  
 10652 state or to be sent out of this state.

10653 2. As an owner or lessee of a building in this state,  
 10654 knowingly allow in such building the writing, typewriting,  
 10655 printing, or publishing of a lottery ticket or advertisement,  
 10656 circular, bill, poster, pamphlet, list, schedule, announcement,  
 10657 or notice of a lottery prize or drawing or any other item  
 10658 connected with a lottery drawing, scheme, or device, or  
 10659 knowingly allow the setting up of a type or plate for such  
 10660 printing or writing, to be used or distributed in this state or  
 10661 to be sent out of this state.

10662 (b) A person who violates this subsection commits a felony  
 10663 of the third degree, punishable as provided in s. 775.082, s.  
 10664 775.083, or s. 775.084.

10665 (4) (a) This chapter does not prohibit the printing or  
 10666 production of an advertisement or a lottery ticket for a lottery  
 10667 conducted in another state or nation where such lottery is not  
 10668 prohibited by its laws, or the sale of such materials by the  
 10669 manufacturer to a person or entity conducting or participating  
 10670 in the conduct of such a lottery in another state or nation.  
 10671 This section does not authorize an advertisement within this  
 10672 state relating to lotteries of another state or nation, the sale

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10673 or resale within this state of such lottery tickets, chances, or  
 10674 shares to individuals, or any other acts otherwise in violation  
 10675 of the laws of this state.

10676 (b) This section does not prohibit participation in a  
 10677 nationally advertised contest, drawing, game, or puzzle of skill  
 10678 or chance for a prize unless it can be construed as a lottery  
 10679 under this section. This paragraph does not apply to any such  
 10680 contest based upon the outcome or results of any horserace,  
 10681 harness race, dog race, or jai alai game.

10682 (c) This section does not apply to bingo as authorized in  
 10683 s. 849.0931.

10684 ~~Provided, that nothing in this section shall prohibit~~  
 10685 ~~participation in any nationally advertised contest, drawing,~~  
 10686 ~~game or puzzle of skill or chance for a prize or prizes unless~~  
 10687 ~~it can be construed as a lottery under this section; and,~~  
 10688 ~~provided further, that this exemption for national contests~~  
 10689 ~~shall not apply to any such contest based upon the outcome or~~  
 10690 ~~results of any horserace, harness race, dog race, or jai alai~~  
 10691 ~~game.~~

10693 ~~(2) Any person who is convicted of violating any of the~~  
 10694 ~~provisions of paragraph (a), paragraph (b), paragraph (c), or~~  
 10695 ~~paragraph (d) of subsection (1) is guilty of a felony of the~~  
 10696 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~  
 10697 ~~or s. 775.084.~~

10698 ~~(3) Any person who is convicted of violating any of the~~  
 10699 ~~provisions of paragraph (e), paragraph (f), paragraph (g),~~  
 10700 ~~paragraph (i), or paragraph (k) of subsection (1) is guilty of a~~  
 10701 ~~misdemeanor of the first degree, punishable as provided in s.~~

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10702 ~~775.082 or s. 775.083. Any person who, having been convicted of~~  
 10703 ~~violating any provision thereof, thereafter violates any~~  
 10704 ~~provision thereof is guilty of a felony of the third degree,~~  
 10705 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~  
 10706 ~~The provisions of this section do not apply to bingo as provided~~  
 10707 ~~for in s. 849.0931.~~

10708 ~~(4) Any person who is convicted of violating any of the~~  
 10709 ~~provisions of paragraph (h) or paragraph (j) of subsection (1)~~  
 10710 ~~is guilty of a misdemeanor of the first degree, punishable as~~  
 10711 ~~provided in s. 775.082 or s. 775.083. Any person who, having~~  
 10712 ~~been convicted of violating any provision thereof, thereafter~~  
 10713 ~~violates any provision thereof is guilty of a felony of the~~  
 10714 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~  
 10715 ~~or s. 775.084.~~

10716 Section 164. Section 849.091, Florida Statutes, is amended  
 10717 to read:

10718 849.091 Certain groups ~~Chain letters, pyramid clubs, etc.,~~  
 10719 ~~declared a lottery; prohibited,~~ penalties.-

10720 (1) The organization of a any chain letter club, pyramid  
 10721 club, or other group organized ~~or brought together~~ under a any  
 10722 plan or device in which whereby fees, ~~or~~ dues, or anything of  
 10723 material value ~~to be~~ paid or given by members thereof are ~~to be~~  
 10724 paid or given to any other member of such group thereof, which  
 10725 plan or device includes a any provision for the increase in such  
 10726 membership through a chain process in which ~~of new~~ members who  
 10727 secure ~~securing~~ other new members advance and ~~thereby~~ advancing  
 10728 themselves in the group to a position where they ~~such members in~~  
 10729 ~~turn~~ receive fees, dues, or things of material value from other  
 10730 members, is deemed hereby ~~declared to be~~ a lottery. A person who

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10731 ~~participates, and whoever shall participate~~ in any such lottery  
 10732 by becoming a member of, or affiliating with, ~~any~~ such group or  
 10733 organization or who ~~solicits a shall solicit any~~ person for  
 10734 membership or affiliation in any such group or organization  
 10735 commits a misdemeanor of the first degree, punishable as  
 10736 provided in s. 775.082 or s. 775.083.

10737 (2) ~~A "pyramid sales scheme," which is~~ Any sales or  
 10738 marketing plan or operation in which ~~whereby~~ a person pays a  
 10739 consideration or makes an investment of any kind, ~~or makes an~~  
 10740 ~~investment of any kind,~~ in excess of \$100 and acquires the  
 10741 opportunity to receive a benefit or thing of value that ~~which~~ is  
 10742 not primarily contingent on the volume or quantity of goods,  
 10743 services, or other property sold in bona fide sales to  
 10744 consumers, and which is related to the inducement of additional  
 10745 persons, by himself or herself or others, regardless of number,  
 10746 to participate in the same sales or marketing plan or operation,  
 10747 is deemed hereby declared to be a pyramid sales scheme and a  
 10748 lottery. A person who participates, and whoever shall  
 10749 participate in any such lottery by becoming a member or  
 10750 affiliate of ~~or affiliating with,~~ any such group or  
 10751 organization, or who ~~solicits a shall solicit any~~ person for  
 10752 membership or affiliation in any such group or organization,  
 10753 commits a misdemeanor of the first degree, punishable as  
 10754 provided in s. 775.082 or s. 775.083. For purposes of this  
 10755 subsection, the ~~terms term~~ "consideration" and ~~the term~~  
 10756 "investment" do not include the purchase of goods or services  
 10757 furnished at cost for use in making sales, but not for resale,  
 10758 or time and effort spent in the pursuit of sales or recruiting  
 10759 activities.

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10760 Section 165. Section 849.0915, Florida Statutes, is amended  
 10761 to read:  
 10762 849.0915 Referral selling.—  
 10763 (1) ~~Giving or offering~~ Referral selling, ~~whereby the seller~~  
 10764 ~~gives or offers~~ a rebate or discount to a ~~the~~ buyer as an  
 10765 inducement for a sale in consideration of the buyer's providing  
 10766 the seller with the names of prospective purchasers, ~~is declared~~  
 10767 to be referral selling and a lottery if earning the rebate or  
 10768 discount is contingent upon the occurrence of an event  
 10769 subsequent to the time the buyer agrees to buy.

10770 (2) ~~A~~ Any person conducting a lottery by referral selling  
 10771 ~~commits is guilty of~~ a misdemeanor of the first degree,  
 10772 punishable as provided in s. 775.082 or s. 775.083.

10773 (3) In addition to the penalty provided in this section  
 10774 ~~herein,~~ the Attorney General and ~~her or~~ his or her assistants,  
 10775 the state attorneys and their assistants, and the Division of  
 10776 Consumer Services of the Department of Agriculture and Consumer  
 10777 Services ~~may are authorized to~~ apply to the circuit court within  
 10778 their respective jurisdictions, and such court shall have  
 10779 jurisdiction, upon hearing and for cause shown, to grant a  
 10780 temporary or permanent injunction restraining a ~~any~~ person from  
 10781 violating ~~the provisions of~~ this section, regardless of the  
 10782 ~~existence of whether or not there exists~~ an adequate remedy at  
 10783 law, and such injunction shall issue without bond.

10784 Section 166. Section 849.10, Florida Statutes, is amended  
 10785 to read:  
 10786 ~~849.10 Printing lottery tickets, etc., prohibited.—~~  
 10787 ~~(1) Except as otherwise provided by law, it is unlawful for~~  
 10788 ~~any person, in any house, office, shop or building in this state~~

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10789 to write, typewrite, print, or publish any lottery ticket or  
 10790 advertisement, circular, bill, poster, pamphlet, list or  
 10791 schedule, announcement or notice, of lottery prizes or drawings  
 10792 or any other matter or thing in any way connected with any  
 10793 lottery drawing, scheme or device, or to set up any type or  
 10794 plate for any such purpose, to be used or distributed in this  
 10795 state, or to be sent out of this state.

10796 (2) ~~Except as otherwise provided by law, it is unlawful for~~  
 10797 ~~the owner or lessee of any such house, shop or building~~  
 10798 ~~knowingly to permit the printing, typewriting, writing or~~  
 10799 ~~publishing therein of any lottery ticket or advertisement,~~  
 10800 ~~circular, bill, poster, pamphlet, list, schedule, announcement~~  
 10801 ~~or notice of lottery prizes or drawings, or any other matter or~~  
 10802 ~~thing in any way connected with any lottery drawing, scheme or~~  
 10803 ~~device, or knowingly to permit therein the setting up of any~~  
 10804 ~~type or plate for any such purpose to be used or distributed in~~  
 10805 ~~this state, or to be sent out of the state.~~

10806 (3) ~~Nothing in this chapter shall make unlawful the~~  
 10807 ~~printing or production of any advertisement or any lottery~~  
 10808 ~~ticket for a lottery conducted in any other state or nation~~  
 10809 ~~where such lottery is not prohibited by the laws of such state~~  
 10810 ~~or nation, or the sale of such materials by the manufacturer~~  
 10811 ~~thereof to any person or entity conducting or participating in~~  
 10812 ~~the conduct of such a lottery in any other state or nation. This~~  
 10813 ~~section does not authorize any advertisement within Florida~~  
 10814 ~~relating to lotteries of any other state or nation, or the sale~~  
 10815 ~~or resale within Florida of such lottery tickets, chances, or~~  
 10816 ~~shares to individuals, or any other acts otherwise in violation~~  
 10817 ~~of any laws of the state.~~

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10818 (4) ~~Any violation of this section shall be a felony of the~~  
 10819 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~  
 10820 ~~or s. 775.084.~~

10821 Section 167. Section 849.11, Florida Statutes, is amended  
 10822 to read:

10823 849.11 Plays at games of chance by lot.-

10824 (1) A person who ~~Whoever~~ sets up, promotes, or plays a at  
 10825 ~~any~~ game of chance by lot or with dice, cards, numbers, hazards,  
 10826 or any other gambling device ~~whatever~~ for, or for the disposal  
 10827 of money or other thing of value or under the pretext of a sale,  
 10828 gift, or delivery thereof, or for any right, share, or interest  
 10829 therein, commits ~~shall be guilty of~~ a misdemeanor of the second  
 10830 degree, punishable as provided in s. 775.082 or s. 775.083. A  
 10831 person who commits a second violation of this section commits a  
 10832 misdemeanor of the first degree, punishable as provided in s.  
 10833 775.082 or s. 775.083.

10834 (2) (a) The following are subject to seizure and forfeiture  
 10835 under the Florida Contraband Forfeiture Act:

10836 1. Money and anything of value drawn and won as a prize, or  
 10837 as a share of a prize, or as a share, percentage, or profit of  
 10838 the principal promoter or operator, in a lottery;

10839 2. Money, currency, or property to be disposed of, or  
 10840 offered to be disposed of, by chance or device in a scheme or  
 10841 under a pretext;

10842 3. Money or other thing of value received by the owner or  
 10843 holder of a ticket or share of a ticket in a lottery, or  
 10844 pretended lottery, or the owner or holder of a share or right in  
 10845 such schemes of chance or device;

10846 4. Money and other thing of value used to set up, conduct,

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10847 or operate a lottery; and

10848 5. Money or other thing of value at stake, or used or  
 10849 displayed in connection with illegal gambling or an illegal  
 10850 gambling device.

10851 (b) Items forfeited under paragraph (a) may be recovered in  
 10852 a civil action brought by the Department of Legal Affairs, a  
 10853 state attorney, or other prosecuting officer in the circuit  
 10854 courts on behalf of the state.

10855 Section 168. Section 849.12, Florida Statutes, is amended  
 10856 to read:

10857 ~~849.12 Money and prizes to be forfeited. All sums of money~~  
 10858 ~~and every other valuable thing drawn and won as a prize, or as a~~  
 10859 ~~share of a prize, or as a share, percentage or profit of the~~  
 10860 ~~principal promoter or operator, in any lottery, and all money,~~  
 10861 ~~currency or property of any kind to be disposed of, or offered~~  
 10862 ~~to be disposed of, by chance or device in any scheme or under~~  
 10863 ~~any pretext by any person, and all sums of money or other thing~~  
 10864 ~~of value received by any person by reason of her or his being~~  
 10865 ~~the owner or holder of any ticket or share of a ticket in a~~  
 10866 ~~lottery, or pretended lottery, or of a share or right in any~~  
 10867 ~~such schemes of chance or device and all sums of money and other~~  
 10868 ~~thing of value used in the setting up, conducting or operation~~  
 10869 ~~of a lottery, and all money or other thing of value at stake, or~~  
 10870 ~~used or displayed in or in connection with any illegal gambling~~  
 10871 ~~or any illegal gambling device contrary to the laws of this~~  
 10872 ~~state, shall be forfeited, and may be recovered by civil~~  
 10873 ~~proceedings, filed, or by action for money had and received, to~~  
 10874 ~~be brought by the Department of Legal Affairs or any state~~  
 10875 ~~attorney, or other prosecuting officer, in the circuit courts in~~

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10876 ~~the name and on behalf of the state; the same to be applied when~~  
 10877 ~~collected as all other penal forfeitures are disposed of.~~

10878 Section 169. Section 849.13, Florida Statutes, is amended  
 10879 to read:

10880 ~~849.13 Punishment on second conviction. Whoever, after~~  
 10881 ~~being convicted of an offense forbidden by law in connection~~  
 10882 ~~with lotteries, commits the like offense, shall be guilty of a~~  
 10883 ~~misdemeanor of the first degree, punishable as provided in s.~~  
 10884 ~~775.082 or s. 775.083.~~

10885 Section 170. Section 849.14, Florida Statutes, is amended  
 10886 to read:

10887 849.14 Betting Unlawful to bet on the result of a trial or  
 10888 contest of skill, etc. ~~The following acts constitute a~~  
 10889 misdemeanor of the second degree, punishable as provided in s.  
 10890 775.082 or s. 775.083:

10891 (1) Staking, betting, or wagering ~~Whoever stakes, bets or~~  
 10892 ~~wagers any money or any other thing of value on upon the result~~  
 10893 ~~of a any trial or contest of skill, speed, or power, or~~  
 10894 ~~endurance of a human or animal; beast, or~~

10895 (2) Receiving ~~whoever receives in any manner whatsoever any~~  
 10896 ~~money or any other thing of value that is staked, bet, or~~  
 10897 ~~wagered, or offered for the purpose of being staked, bet or~~  
 10898 ~~wagered, by or for another any other person upon any such~~  
 10899 ~~result; or~~

10900 (3) whoever ~~Knowingly becoming becomes the custodian or~~  
 10901 ~~depository of any money or any other thing of value so staked,~~  
 10902 ~~bet, or wagered upon any such result; or~~

10903 (4) Aiding, assisting, or abetting ~~whoever aids, or~~  
 10904 ~~assists, or abets in any manner in any of such acts all of which~~

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10905 are hereby forbidden, shall be guilty of a misdemeanor of the  
10906 second degree, punishable as provided in s. 775.082 or s.  
10907 775.083.

10908 Section 171. Section 849.15, Florida Statutes, is amended  
10909 to read:

10910 849.15 Slot machine or device Manufacture, sale,  
10911 possession, etc., of coin-operated devices prohibited.-

10912 (1) It is unlawful:

10913 (a) To manufacture, own, store, keep, possess, sell, rent,  
10914 lease, let on shares, lend, ~~or~~ give away, transport, or expose  
10915 for sale or lease, or to offer to sell, rent, lease, let on  
10916 shares, lend, ~~or~~ give away, or allow permit the operation of a  
10917 slot machine or device or any part thereof; ~~or~~

10918 (b) For a any person to allow permit to be placed,  
10919 maintained, ~~or~~ used, or kept in any room, space, or building  
10920 owned, leased, or occupied by the person or under the person's  
10921 management or control, a any slot machine or device or any part  
10922 thereof; or

10923 (c) ~~(b)~~ To make or to allow permit to be made with a any  
10924 person an any agreement with reference to a any slot machine or  
10925 device, pursuant to which the user thereof, as a result of an  
10926 any element of chance or other outcome unpredictable to him or  
10927 her, may become entitled to receive any money, credit,  
10928 allowance, or other thing of value or additional chance or right  
10929 to use such machine or device, or to receive a any check, slug,  
10930 token, or memorandum entitling the holder to receive any money,  
10931 credit, allowance, or other thing of value.

10932 (2) Pursuant to ~~section 2 of that chapter of the Congress~~  
10933 ~~of the United States entitled "An act to prohibit transportation~~

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10934 of gaming devices in interstate and foreign commerce," approved  
10935 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also  
10936 designated as 15 U.S.C. s. 1172 ~~ss. 1171-1177~~, a the State of  
10937 Florida, acting by and through the duly elected and qualified  
10938 ~~members of its Legislature, does hereby in this section, and in~~  
10939 ~~accordance with and in compliance with the provisions of section~~  
10940 ~~2 of such chapter of Congress, declare and proclaim that any~~  
10941 ~~county of the State of Florida within which slot machine gaming~~  
10942 ~~is authorized pursuant to chapter 551 is exempt from the~~  
10943 ~~provisions of section 2 of that chapter of the Congress of the~~  
10944 ~~United States entitled "An act to prohibit transportation of~~  
10945 ~~gaming devices in interstate and foreign commerce," designated~~  
10946 ~~as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All~~  
10947 ~~shipments of gaming devices, including slot machines, into a any~~  
10948 ~~county of this state within which slot machine gaming is~~  
10949 ~~authorized pursuant to chapter 551 which have been registered,~~  
10950 ~~recorded, and labeled and the registering, recording, and~~  
10951 ~~labeling of which have been duly performed by the manufacturer~~  
10952 ~~or distributor thereof in accordance with sections 3 and 4 of~~  
10953 ~~that chapter of the Congress of the United States entitled "An~~  
10954 ~~act to prohibit transportation of gaming devices in interstate~~  
10955 ~~and foreign commerce," approved January 2, 1951, being ch. 1194,~~  
10956 ~~64 Stat. 1134, and also designated as 15 U.S.C. ss. 1173 and~~  
10957 ~~1174 are 1171-1177, shall be deemed legal, shipments thereof~~  
10958 ~~into this state provided the destination of such shipments is an~~  
10959 ~~eligible facility as defined in s. 551.102 or the facility of a~~  
10960 ~~slot machine manufacturer or slot machine distributor as~~  
10961 ~~provided in s. 551.109(2)(a).~~

10962 (3) (a) It is a defense to any action or prosecution under

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10963 this section for the possession of a gambling device that such  
 10964 device is an antique slot machine that is not being used for  
 10965 gambling. For the purpose of this section, a slot machine is  
 10966 considered an antique if it was manufactured at least 20 years  
 10967 before the action or prosecution.

10968 (b) Notwithstanding law to the contrary, upon a successful  
 10969 defense to a prosecution for the possession of a gambling device  
 10970 pursuant to this section, the antique slot machine shall be  
 10971 returned to the person from whom it was seized.

10972 (4) (a) The term "slot machine or device" means a machine,  
 10973 apparatus, or device, or a system or network of devices, which  
 10974 is adapted for use in such a way that, upon activation, it is  
 10975 directly or indirectly caused to operate. Such operation may be  
 10976 achieved by the insertion of any piece of money, coin, account  
 10977 number, code, or other object or information. Such machine,  
 10978 apparatus, device, system, or network is not a slot machine  
 10979 unless the user, whether by application of skill or by reason of  
 10980 an element of chance or any other outcome unpredictable by the  
 10981 user, may:

10982 1. Receive or become entitled to receive any piece of  
 10983 money, credit, allowance, or thing of value, or any check, slug,  
 10984 token, or memorandum, whether of value or otherwise, which may  
 10985 be exchanged for any money, credit, allowance, or thing of value  
 10986 or which may be given in trade; or

10987 2. Secure additional chances or rights to use such machine,  
 10988 apparatus, device, system, or network even though the machine,  
 10989 apparatus, device, system, or network may be available for free  
 10990 play or, in addition to an element of chance or unpredictable  
 10991 outcome of such operation, may also sell, deliver, or present

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10992 some merchandise, indication of weight, entertainment, or other  
 10993 thing of value.

10994 (b) The term "slot machine or device" includes, but is not  
 10995 limited to, devices regulated as slot machines pursuant to  
 10996 chapter 551.

10997 (c) This section does not apply to the possession of a  
 10998 reverse vending machine. As used in this section, the term  
 10999 "reverse vending machine" means a machine into which empty  
 11000 beverage containers are deposited for recycling and which  
 11001 provides a payment of money, merchandise, vouchers, or other  
 11002 incentives. At a frequency less than upon the deposit of each  
 11003 beverage container, a reverse vending machine may pay out a  
 11004 random incentive bonus greater than that guaranteed payment in  
 11005 the form of money, merchandise, vouchers, or other incentives.  
 11006 The deposit of an empty beverage container into a reverse  
 11007 vending machine does not constitute consideration, and a reverse  
 11008 vending machine may not be deemed a slot machine as defined in  
 11009 this section.

11010 (d) There is a rebuttable presumption that a machine,  
 11011 apparatus, device, system, or network is a prohibited slot  
 11012 machine or device if it is used to display images of games of  
 11013 chance and is part of a scheme involving a payment or donation  
 11014 of money or its equivalent and the award of anything of value.

11015 (5) Upon the arrest of a person charged with violating this  
 11016 section, the arresting officer shall take into his or her  
 11017 custody any such machine, apparatus, device, system or network,  
 11018 including its contents, and the arresting agency, at the place  
 11019 of seizure, shall make a complete list and inventory of all  
 11020 items taken into custody. A copy of such list shall be delivered

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11021 to the person from whom the items have been seized. The  
 11022 arresting agency shall retain all evidence seized and shall  
 11023 provide it to investigators, prosecutors, or other officials  
 11024 involved in the proceedings.

11025 (6) After a conviction for a violation of this section, the  
 11026 judge of the court trying the case shall provide notice to the  
 11027 person convicted, and to any other person whom the judge  
 11028 determines is entitled to such notice, advising him or her that  
 11029 the court will issue to the sheriff of the county a written  
 11030 order declaring the seized machine, apparatus, device, system,  
 11031 or network forfeited and directing the sheriff to destroy it.  
 11032 The order of the court shall state the time, place, and manner  
 11033 in which the property will be destroyed, and, accordingly, the  
 11034 sheriff shall destroy the seized property in the presence of the  
 11035 clerk of the circuit court of such county.

11036 (7) There is no right of property in and to a machine,  
 11037 apparatus, device, system, or network and to money and other  
 11038 things of value that were contained therein, and the same shall  
 11039 be forfeited to the county in which the seizure was made and  
 11040 expeditiously delivered to the clerk of the circuit court and  
 11041 placed in the fine and forfeiture fund of such county.

11042 (8) A room, house, building, boat, vehicle, structure, or  
 11043 place in which a machine, apparatus, device, system, or network,  
 11044 or any part thereof, the possession, operation, or use of which  
 11045 is prohibited by this section, is maintained or operated, and  
 11046 each such machine, apparatus, device, system, or network is  
 11047 declared to be a common nuisance. If a person has knowledge, or  
 11048 reason to believe, that his or her room, house, building, boat,  
 11049 vehicle, structure, or place is occupied or used in violation of

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11050 this section and by acquiescence or consent allows it to be  
 11051 used, such room, house, building, boat, vehicle, structure, or  
 11052 place shall be subject to a lien for, and may be sold to pay,  
 11053 all fines or costs assessed against the person guilty of such  
 11054 nuisance, for such violation, and the several state attorneys  
 11055 shall enforce such lien in the courts of this state having  
 11056 jurisdiction.

11057 (9) A civil action may be brought to enjoin a nuisance as  
 11058 defined in this section. If a plaintiff demonstrates to the  
 11059 satisfaction of the court that such nuisance exists, the court  
 11060 shall immediately issue a temporary writ of injunction  
 11061 restraining the defendant from conducting or allowing the  
 11062 continuance of such nuisance until the conclusion of the action.  
 11063 The plaintiff may seek, and the court may enter, an order  
 11064 restraining the defendant and all other persons from removing,  
 11065 or in any way interfering with, the machines, devices, or other  
 11066 items used in connection with the violation of this section  
 11067 which constitutes such a nuisance. Bond may not be required in  
 11068 instituting such proceedings.

11069 (10) A clerk of the courts or sheriff performing duties  
 11070 under this section shall receive the same fees as prescribed by  
 11071 general law for the performance of similar duties, and such fees  
 11072 shall be paid out of the fine and forfeiture fund of the county  
 11073 in the same manner as costs are paid upon conviction of an  
 11074 insolvent person.

11075 (11) A person who violates this section commits a  
 11076 misdemeanor of the second degree, punishable as provided in s.  
 11077 775.082 or s. 775.083. A person who commits a second violation  
 11078 of this section commits a misdemeanor of the first degree,

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11079 punishable as provided in s. 775.082 or s. 775.083. A person who  
 11080 commits a third violation of this section is a "common  
 11081 offender," and commits a felony of the third degree, punishable  
 11082 as provided in s. 775.082, s. 775.083, or s. 775.084.

11083 Section 172. Section 849.16, Florida Statutes, is amended  
 11084 to read:

11085 ~~849.16 Machines or devices which come within provisions of~~  
 11086 ~~law defined.—~~

11087 ~~(1) As used in this chapter, the term "slot machine or~~  
 11088 ~~device" means any machine or device or system or network of~~  
 11089 ~~devices that is adapted for use in such a way that, upon~~  
 11090 ~~activation, which may be achieved by, but is not limited to, the~~  
 11091 ~~insertion of any piece of money, coin, account number, code, or~~  
 11092 ~~other object or information, such device or system is directly~~  
 11093 ~~or indirectly caused to operate or may be operated and if the~~  
 11094 ~~user, whether by application of skill or by reason of any~~  
 11095 ~~element of chance or any other outcome unpredictable by the~~  
 11096 ~~user, may:~~

11097 ~~(a) Receive or become entitled to receive any piece of~~  
 11098 ~~money, credit, allowance, or thing of value, or any check, slug,~~  
 11099 ~~token, or memorandum, whether of value or otherwise, which may~~  
 11100 ~~be exchanged for any money, credit, allowance, or thing of value~~  
 11101 ~~or which may be given in trade; or~~

11102 ~~(b) Secure additional chances or rights to use such~~  
 11103 ~~machine, apparatus, or device, even though the device or system~~  
 11104 ~~may be available for free play or, in addition to any element of~~  
 11105 ~~chance or unpredictable outcome of such operation, may also~~  
 11106 ~~sell, deliver, or present some merchandise, indication of~~  
 11107 ~~weight, entertainment, or other thing of value. The term "slot~~

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11108 ~~machine or device" includes, but is not limited to, devices~~  
 11109 ~~regulated as slot machines pursuant to chapter 551.~~

11110 ~~(2) This chapter may not be construed, interpreted, or~~  
 11111 ~~applied to the possession of a reverse vending machine. As used~~  
 11112 ~~in this section, the term "reverse vending machine" means a~~  
 11113 ~~machine into which empty beverage containers are deposited for~~  
 11114 ~~recycling and which provides a payment of money, merchandise,~~  
 11115 ~~vouchers, or other incentives. At a frequency less than upon the~~  
 11116 ~~deposit of each beverage container, a reverse vending machine~~  
 11117 ~~may pay out a random incentive bonus greater than that~~  
 11118 ~~guaranteed payment in the form of money, merchandise, vouchers,~~  
 11119 ~~or other incentives. The deposit of any empty beverage container~~  
 11120 ~~into a reverse vending machine does not constitute~~  
 11121 ~~consideration, and a reverse vending machine may not be deemed a~~  
 11122 ~~slot machine as defined in this section.~~

11123 ~~(3) There is a rebuttable presumption that a device,~~  
 11124 ~~system, or network is a prohibited slot machine or device if it~~  
 11125 ~~is used to display images of games of chance and is part of a~~  
 11126 ~~scheme involving any payment or donation of money or its~~  
 11127 ~~equivalent and awarding anything of value.~~

11128 Section 173. Section 849.17, Florida Statutes, is amended  
 11129 to read:

11130 ~~849.17 Confiscation of machines by arresting officer. Upon~~  
 11131 ~~the arrest of any person charged with the violation of any of~~  
 11132 ~~the provisions of ss. 849.15-849.23 the arresting officer shall~~  
 11133 ~~take into his or her custody any such machine, apparatus or~~  
 11134 ~~device, and its contents, and the arresting agency, at the place~~  
 11135 ~~of seizure, shall make a complete and correct list and inventory~~  
 11136 ~~of all such things so taken into his or her custody, and deliver~~

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11137 to the person from whom such article or articles may have been  
 11138 seized, a true copy of the list of all such articles. The  
 11139 arresting agency shall retain all evidence seized and shall have  
 11140 the same forthcoming at any investigation, prosecution or other  
 11141 proceedings, incident to charges of violation of any of the  
 11142 provisions of ss. 849.15-849.23.

11143 Section 174. Section 849.18, Florida Statutes, is amended  
 11144 to read:

11145 ~~849.18 Disposition of machines upon conviction. Upon~~  
 11146 ~~conviction of the person arrested for the violation of any of~~  
 11147 ~~the provisions of ss. 849.15-849.23, the judge of the court~~  
 11148 ~~trying the case, after such notice to the person convicted, and~~  
 11149 ~~any other person whom the judge may be of the opinion is~~  
 11150 ~~entitled to such notice, and as the judge may deem reasonable,~~  
 11151 ~~shall issue to the sheriff of the county a written order~~  
 11152 ~~adjudging and declaring any such machine, apparatus or device~~  
 11153 ~~forfeited, and directing such sheriff to destroy the same, with~~  
 11154 ~~the exception of the money. The order of the court shall state~~  
 11155 ~~the time and place and the manner in which such property shall~~  
 11156 ~~be destroyed, and the sheriff shall destroy the same in the~~  
 11157 ~~presence of the clerk of the circuit court of such county.~~

11158 Section 175. Section 849.19, Florida Statutes, is amended  
 11159 to read:

11160 ~~849.19 Property rights in confiscated machine. The right of~~  
 11161 ~~property in and to any machine, apparatus or device as defined~~  
 11162 ~~in s. 849.16 and to all money and other things of value therein,~~  
 11163 ~~is declared not to exist in any person, and the same shall be~~  
 11164 ~~forfeited and such money or other things of value shall be~~  
 11165 ~~forfeited to the county in which the seizure was made and shall~~

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11166 be delivered forthwith to the clerk of the circuit court and  
 11167 shall by her or him be placed in the fine and forfeiture fund of  
 11168 said county.

11169 Section 176. Section 849.20, Florida Statutes, is amended  
 11170 to read:

11171 ~~849.20 Machines and devices declared nuisance; place of~~  
 11172 ~~operation subject to lien for fine. Any room, house, building,~~  
 11173 ~~boat, vehicle, structure or place wherein any machine or device,~~  
 11174 ~~or any part thereof, the possession, operation or use of which~~  
 11175 ~~is prohibited by ss. 849.15-849.23, shall be maintained or~~  
 11176 ~~operated, and each of such machines or devices, is declared to~~  
 11177 ~~be a common nuisance. If a person has knowledge, or reason to~~  
 11178 ~~believe, that his or her room, house, building, boat, vehicle,~~  
 11179 ~~structure or place is occupied or used in violation of the~~  
 11180 ~~provisions of ss. 849.15-849.23 and by acquiescence or consent~~  
 11181 ~~suffers the same to be used, such room, house, building, boat,~~  
 11182 ~~vehicle, structure or place shall be subject to a lien for and~~  
 11183 ~~may be sold to pay all fines or costs assessed against the~~  
 11184 ~~person guilty of such nuisance, for such violation, and the~~  
 11185 ~~several state attorneys shall enforce such lien in the courts of~~  
 11186 ~~this state having jurisdiction.~~

11187 Section 177. Section 849.21, Florida Statutes, is amended  
 11188 to read:

11189 ~~849.21 Injunction to restrain violation. An action to~~  
 11190 ~~enjoin any nuisance as herein defined may be brought by any~~  
 11191 ~~person in the courts of equity in this state. If it is made to~~  
 11192 ~~appear by affidavit or otherwise, to the satisfaction of the~~  
 11193 ~~court, or judge in vacation, that such nuisance exists, a~~  
 11194 ~~temporary writ of injunction shall forthwith issue restraining~~

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11195 ~~the defendant from conducting or permitting the continuance of~~  
 11196 ~~such nuisance until the conclusion of the action. Upon~~  
 11197 ~~application of the complainant in such a proceeding, the court~~  
 11198 ~~or judge may also enter an order restraining the defendant and~~  
 11199 ~~all other persons from removing, or in any way interfering with~~  
 11200 ~~the machines or devices or other things used in connection with~~  
 11201 ~~the violation of ss. 849.15-849.23 constituting such a nuisance.~~  
 11202 ~~No bond shall be required in instituting such proceedings.~~

11203 Section 178. Section 849.22, Florida Statutes, is amended  
 11204 to read:

11205 ~~849.22 Fees of clerk of circuit court and sheriff.-The~~  
 11206 ~~clerks of the courts and the sheriffs performing duties under~~  
 11207 ~~the provisions of ss. 849.15-849.23 shall receive the same fees~~  
 11208 ~~as prescribed by general law for the performance of similar~~  
 11209 ~~duties, and such fees shall be paid out of the fine and~~  
 11210 ~~forfeiture fund of the county as costs are paid upon conviction~~  
 11211 ~~of an insolvent person.~~

11212 Section 179. Section 849.23, Florida Statutes, is amended  
 11213 to read:

11214 ~~849.23 Penalty for violations of ss. 849.15-849.22. Whoever~~  
 11215 ~~shall violate any of the provisions of ss. 849.15-849.22 shall,~~  
 11216 ~~upon conviction thereof, be guilty of a misdemeanor of the~~  
 11217 ~~second degree, punishable as provided in s. 775.082 or s.~~  
 11218 ~~775.083. Any person convicted of violating any provision of ss.~~  
 11219 ~~849.15-849.22, a second time shall, upon conviction thereof, be~~  
 11220 ~~guilty of a misdemeanor of the first degree, punishable as~~  
 11221 ~~provided in s. 775.082 or s. 775.083. Any person violating any~~  
 11222 ~~provision of ss. 849.15-849.22 after having been twice convicted~~  
 11223 ~~already shall be deemed a "common offender," and shall be guilty~~

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11224 ~~of a felony of the third degree, punishable as provided in s.~~  
 11225 ~~775.082, s. 775.083, or s. 775.084.~~

11226 Section 180. Section 849.231, Florida Statutes, is amended  
 11227 to read:

11228 849.231 Gambling devices; manufacture, sale, purchase, or  
 11229 possession unlawful.-

11230 (1) (a) With the exception of ordinary dice or playing  
 11231 cards, a person may not ~~Except in instances when the following~~  
 11232 ~~described implements or apparatus are being held or transported~~  
 11233 ~~by authorized persons for the purpose of destruction, as~~  
 11234 ~~hereinafter provided, and except in instances when the following~~  
 11235 ~~described instruments or apparatus are being held, sold,~~  
 11236 ~~transported, or manufactured by persons who have registered with~~  
 11237 ~~the United States Government pursuant to the provisions of Title~~  
 11238 ~~15 of the United States Code, ss. 1171 et seq., as amended, so~~  
 11239 ~~long as the described implements or apparatus are not displayed~~  
 11240 ~~to the general public, sold for use in Florida, or held or~~  
 11241 ~~manufactured in contravention of the requirements of 15 U.S.C.~~  
 11242 ~~ss. 1171 et seq., it shall be unlawful for any person to~~  
 11243 ~~manufacture, sell, transport, offer for sale, purchase, own, or~~  
 11244 ~~have in his or her possession a any roulette wheel or table,~~  
 11245 ~~faro layout, crap table or layout, chemin de fer table or~~  
 11246 ~~layout, chuck-a-luck wheel, bird cage such as used for gambling,~~  
 11247 ~~bolita balls, chips with house markings, or any other device,~~  
 11248 ~~implement, apparatus, or paraphernalia ordinarily or commonly~~  
 11249 ~~used or designed to be used in the operation of a gambling house~~  
 11250 ~~houses or establishment establishments, excepting ordinary dice~~  
 11251 ~~and playing cards.~~

11252 (b) (2) In addition to any other penalties provided for the

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11253 violation of this section, any occupational license held by a  
 11254 person who commits a violation of ~~found guilty of violating~~ this  
 11255 section shall be suspended for a period not to exceed 5 years.

11256 (c)1. This section does not apply to implements or  
 11257 apparatus held or transported by authorized persons for the  
 11258 purpose of destruction as provided in this section or if the  
 11259 instruments or apparatus are being held, sold, transported, or  
 11260 manufactured by persons who have registered with the United  
 11261 States Government pursuant to the provisions of 15 U.S.C. ss.  
 11262 1171 et seq., as amended, and are not displayed to the general  
 11263 public, sold for use in this state, or held or manufactured in  
 11264 contravention of the requirements of 15 U.S.C. ss. 1171 et seq.

11265 ~~2.(3)~~ This section and subsection 849.01(4) ~~s. 849.05~~ do  
 11266 not apply to a vessel of foreign registry or a vessel operated  
 11267 under the authority of a country other than ~~except~~ the United  
 11268 States, while docked in, this state or transiting in the  
 11269 territorial waters of, this state.

11270 (2) There is no right of property in the implements or  
 11271 devices enumerated or included in subsection (1) and, upon the  
 11272 seizure of any such implement, device, apparatus, or  
 11273 paraphernalia by an authorized law enforcement officer, such  
 11274 implements or devices shall be delivered to and held by the  
 11275 clerk of the court having jurisdiction over such offenses and  
 11276 may not be released by the clerk until he or she is notified by  
 11277 the prosecuting officer of the court that it is no longer  
 11278 required as evidence. Upon such notice, the clerk shall deliver  
 11279 the seized items to the sheriff who shall immediately destroy  
 11280 them in the presence of the clerk or his or her authorized  
 11281 deputy.

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11282 (3) A person, including a law enforcement officer, clerk,  
 11283 or prosecuting official, who violates this section commits a  
 11284 misdemeanor of the first degree, punishable as provided in s.  
 11285 775.082 or s. 775.083.

11286 Section 181. Section 849.232, Florida Statutes, is amended  
 11287 to read:

11288 ~~849.232 Property right in gambling devices; confiscation.~~  
 11289 ~~There shall be no right of property in any of the implements or~~  
 11290 ~~devices enumerated or included in s. 849.231 and upon the~~  
 11291 ~~seizure of any such implement, device, apparatus or~~  
 11292 ~~paraphernalia by an authorized enforcement officer the same~~  
 11293 ~~shall be delivered to and held by the clerk of the court having~~  
 11294 ~~jurisdiction of such offenses and shall not be released by such~~  
 11295 ~~clerk until he or she shall be advised by the prosecuting~~  
 11296 ~~officer of such court that the said implement is no longer~~  
 11297 ~~required as evidence and thereupon the said clerk shall deliver~~  
 11298 ~~the said implement to the sheriff of the county who shall~~  
 11299 ~~immediately cause the destruction of such implement in the~~  
 11300 ~~presence of the said clerk or his or her authorized deputy.~~

11301 Section 182. Section 849.233, Florida Statutes, is amended  
 11302 to read:

11303 ~~849.233 Penalty for violation of s. 849.231. Any person,~~  
 11304 ~~including any enforcement officer, clerk or prosecuting official~~  
 11305 ~~who shall violate the provisions of s. 849.231 shall be guilty~~  
 11306 ~~of a misdemeanor of the first degree, punishable as provided in~~  
 11307 ~~s. 775.082 or s. 775.083.~~

11308 Section 183. Section 849.235, Florida Statutes, is amended  
 11309 to read:

11310 ~~849.235 Possession of certain gambling devices; defense.~~

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11311 ~~(1) It is a defense to any action or prosecution under ss.~~  
 11312 ~~849.15-849.233 for the possession of any gambling device~~  
 11313 ~~specified therein that the device is an antique slot machine and~~  
 11314 ~~that it is not being used for gambling. For the purpose of this~~  
 11315 ~~section, an antique slot machine is one which was manufactured~~  
 11316 ~~at least 20 years prior to such action or prosecution.~~

11317 ~~(2) Notwithstanding any provision of this chapter to the~~  
 11318 ~~contrary, upon a successful defense to a prosecution for the~~  
 11319 ~~possession of a gambling device pursuant to the provisions of~~  
 11320 ~~this section, the antique slot machine shall be returned to the~~  
 11321 ~~person from whom it was seized.~~

11322 Section 184. Section 849.25, Florida Statutes, is amended  
 11323 to read:

11324 849.25 "Bookmaking" defined; penalties; exceptions.-

11325 (1) (a) The term "bookmaking" means the act of taking or  
 11326 receiving, while engaged in the business or profession of  
 11327 gambling, a any bet or wager upon the result of a any trial or  
 11328 contest of skill, speed, power, or endurance of human, animal  
 11329 ~~beast~~, fowl, motor vehicle, or mechanical apparatus, or upon the  
 11330 result of any chance, casualty, unknown, or contingent event  
 11331 ~~whatsoever~~.

11332 (b) The following factors shall be considered in  
 11333 ~~determining whether making a determination that~~ a person has  
 11334 engaged in the offense of bookmaking:

11335 1. Taking advantage of betting odds created to produce a  
 11336 profit for the bookmaker or charging a percentage on accepted  
 11337 wagers.

11338 2. Placing all or part of accepted wagers with other  
 11339 bookmakers to reduce the chance of financial loss.

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11340 3. Taking or receiving more than five wagers in a any  
 11341 single day.

11342 4. Taking or receiving wagers totaling more than \$500 in a  
 11343 any single day, or more than \$1,500 in a any single week.

11344 5. Engaging in a common scheme with two or more persons to  
 11345 take or receive wagers.

11346 6. Taking or receiving wagers on both sides on a contest at  
 11347 the identical point spread.

11348 7. Any other factor relevant to establishing that the  
 11349 operating procedures of such person are commercial in nature.

11350 (c) The existence of any two factors listed in paragraph  
 11351 (b) ~~constitutes~~ may constitute prima facie evidence of a  
 11352 commercial bookmaking operation.

11353 (2) A Any person who engages in bookmaking commits shall be  
 11354 ~~guilty of~~ a felony of the third degree, punishable as provided  
 11355 in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding the  
 11356 provisions of s. 948.01, a any person convicted under the  
 11357 provisions of this subsection may shall not have adjudication of  
 11358 guilt suspended, deferred, or withheld.

11359 (3) A Any person who commits a second violation ~~has been~~  
 11360 ~~convicted of bookmaking and thereafter violates the provisions~~  
 11361 of this section commits shall be guilty of a felony of the  
 11362 second degree, punishable as provided in s. 775.082, s. 775.083,  
 11363 or s. 775.084. Notwithstanding ~~the provisions of~~ s. 948.01, a  
 11364 any person convicted under ~~the provisions of~~ this subsection may  
 11365 ~~shall~~ not have adjudication of guilt suspended, deferred, or  
 11366 withheld.

11367 (4) Notwithstanding ~~the provisions of~~ s. 777.04, a any  
 11368 person who commits is guilty of conspiracy to commit bookmaking

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11369 ~~is shall be~~ subject to the penalties imposed by subsections (2)  
11370 and (3).

11371 (5) This section ~~does shall~~ not apply to pari-mutuel  
11372 wagering ~~in Florida as authorized~~ under part II of chapter 551  
11373 ~~chapter 550~~.

11374 ~~(6) This section shall not apply to any prosecutions filed~~  
11375 ~~and pending at the time of the passage hereof, but all such~~  
11376 ~~cases shall be disposed of under existing laws at the time of~~  
11377 ~~the institution of such prosecutions.~~

11378 Section 185. Section 849.26, Florida Statutes, is amended  
11379 to read:

11380 849.26 Gambling contracts ~~declared void; exception.~~-

11381 (1) All Promises, agreements, notes, bills, bonds or other  
11382 contracts, mortgages, or other securities are void if all, when  
11383 the whole or part of the consideration is the if for money or  
11384 other valuable thing won or lost, laid, staked, betted, or  
11385 wagered in a any gambling transaction whatsoever, regardless of  
11386 its name or nature, whether heretofore prohibited or not, or for  
11387 the repayment of money lent or advanced at the time of a  
11388 gambling transaction for the purpose of being laid, betted,  
11389 staked, or wagered, are void and of no effect; provided, that  
11390 This section does act shall not apply to wagering on pari-  
11391 mutuels or a any gambling transaction expressly authorized by  
11392 law.

11393 (2) The following persons are jointly and severally liable  
11394 for the items that are authorized by this section to be sued for  
11395 and recovered, and any suit brought under the authorization of  
11396 this section may be brought against any or all such persons:

11397 (a) The winner of the money or property lost in the

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11398 gambling transaction;

11399 (b) Every person having direct or indirect charge, control,  
11400 or management, either exclusively or with others, of the place  
11401 where the gambling transaction occurs who procures or allows  
11402 such place to be used for gambling purposes;

11403 (c) Every person who promotes, sets up, or conducts the  
11404 gambling transaction in which the loss occurs or who has an  
11405 interest in it as backer, vendor, owner, or otherwise;

11406 (d) As to anything of value other than money, the  
11407 transferees and assignees, with notice, of the persons specified  
11408 in paragraphs (a)-(c); and

11409 (e) The personal representatives of the persons specified  
11410 in paragraphs (a)-(c).

11411 (3) In an action brought under this section, the plaintiff  
11412 is entitled to writs of attachment and garnishment for the sums  
11413 of money sought, excluding attorney fees, for the use and  
11414 benefit of persons other than the state in the same manner and  
11415 to the same extent as in an action brought under contract law.  
11416 In any such suit seeking recovery of a thing of value other than  
11417 money, the plaintiff is entitled to a writ of replevin in the  
11418 manner and to the extent provided by this state's replevin  
11419 statutes.

11420 (4) In an action brought under this section by a person  
11421 other than the loser of the money or thing of value involved,  
11422 the loser is not excused from attending, testifying, or  
11423 producing evidence in such suit if his or her excuse is that the  
11424 testimony or evidence provided may incriminate him or her or  
11425 subject him or her to a penalty or forfeiture. The loser of the  
11426 money or thing of value involved may not be prosecuted or

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11427 subjected to a penalty or forfeiture for or on account of a  
 11428 transaction, matter, or thing concerning which he or she may so  
 11429 be required to testify or produce evidence, and no testimony so  
 11430 given or produced shall be received against the loser upon a  
 11431 criminal investigation or prosecution. If the loser of money or  
 11432 thing of value involved in an action brought under this section  
 11433 voluntarily attends or produces evidence in such suit, the loser  
 11434 may not be prosecuted or subjected to any penalty for or on  
 11435 account of a transaction, matter, or thing concerning which he  
 11436 or she may so testify or produce evidence, and no testimony so  
 11437 given or produced shall be received against him or her upon a  
 11438 criminal investigation or prosecution. Also, neither the fact of  
 11439 the bringing of suit under this section by a loser of the money  
 11440 or thing of value involved nor a statement or admission in his  
 11441 or her pleadings which is material and relevant to the subject  
 11442 matter of the suit may be received against the loser upon a  
 11443 criminal investigation or proceeding.

11444 (5) The summons in any such suit, copies of all pleadings  
 11445 and notices of all hearings in the suit, and notice of the trial  
 11446 and of application for the entry of final judgment shall be  
 11447 served on the state attorney, who shall protect the interests of  
 11448 the state and, if the plaintiff fails to diligently prosecute  
 11449 the suit, bring such failure to the attention of the court. If  
 11450 the plaintiff fails to effectively prosecute any such suit  
 11451 without collusion or deceit and without unnecessary delay, the  
 11452 court shall direct the state attorney to proceed with the  
 11453 action. Such suit may not be dismissed except upon a sworn  
 11454 statement filed by the plaintiff or the state attorney which  
 11455 satisfies the court that the suit should be dismissed.

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11456 (6) A judgment recovered in such a suit shall adjudge  
 11457 separately the amounts recovered for the use of the state. The  
 11458 plaintiff may not have execution therefor, and such amounts may  
 11459 not be paid to the plaintiff, but shall be payable to the state  
 11460 attorney, who shall promptly transmit the sums collected to the  
 11461 Chief Financial Officer. The state attorney shall diligently  
 11462 seek the collection of such amounts and may cause a separate  
 11463 execution to issue for the collection thereof.

11464 (7) If the plaintiff prevails in any such suit seeking to  
 11465 recover lost property, he or she shall take judgment for the  
 11466 property itself and for the value thereof, and the judgment  
 11467 shall be satisfied by the recovery of the property or of the  
 11468 value thereof. The plaintiff may sue out a separate writ of  
 11469 possession for the property and a separate execution for any  
 11470 other moneys and costs adjudged in his or her favor, or may sue  
 11471 out an execution for the value of the property and any other  
 11472 moneys and costs adjudged in his or her favor. If the plaintiff  
 11473 elects to sue out a writ of possession for the property, and if  
 11474 the officer is unable to find any of the property, the plaintiff  
 11475 may sue out execution for the value of such property. In a  
 11476 proceeding to ascertain the value of the property, the value of  
 11477 each article shall be determined so that judgment for such value  
 11478 may be entered.

11479 Section 186. Section 849.29, Florida Statutes, is amended  
 11480 to read:

11481 ~~849.29 Persons against whom suits may be brought to recover~~  
 11482 ~~on gambling contracts. The following persons shall be jointly~~  
 11483 ~~and severally liable for the items which are authorized by this~~  
 11484 ~~act to be sued for and recovered, and any suit brought under the~~

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11485 authorization of this act may be brought against all or any of  
 11486 such persons, to wit: The winner of the money or property lost  
 11487 in the gambling transaction; every person who, having direct or  
 11488 indirect charge, control or management, either exclusively or  
 11489 with others, of the place where the gambling transaction occurs,  
 11490 procures, suffers or permits such place to be used for gambling  
 11491 purposes; whoever promotes, sets up or conducts the gambling  
 11492 transaction in which the loss occurs or has an interest in it as  
 11493 backer, vendor, owner or otherwise; and, as to anything of value  
 11494 other than money, the transferees and assignees, with notice, of  
 11495 the persons hereinabove specified in this section; and the  
 11496 personal representatives of the persons specified in this  
 11497 section.

11498 Section 187. Section 849.30, Florida Statutes, is amended  
 11499 to read:

11500 849.30 Plaintiff entitled to writs of attachment,  
 11501 garnishment and replevin. In any suit under ss. 849.26-849.34,  
 11502 the plaintiff shall be entitled to writs of attachment and  
 11503 garnishment for the sums of money, exclusive of attorney's fees,  
 11504 sued for the use and benefit of persons other than the state, in  
 11505 the same manner and to the same extent as in an action on  
 11506 contract; and, in any suit under this chapter for the recovery  
 11507 of a thing of value other than money, the plaintiff shall be  
 11508 entitled to a writ of replevin for the recovery of such thing of  
 11509 value, in the manner and to the extent provided by the replevin  
 11510 statutes of the state.

11511 Section 188. Section 849.31, Florida Statutes, is amended  
 11512 to read:

11513 849.31 Loser's testimony not to be used against her or

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11514 him. In the event that suit is brought under the authorization  
 11515 of ss. 849.26-849.34 by someone other than the loser of the  
 11516 money or thing of value involved in the suit, such loser shall  
 11517 not be excused from being required to attend and testify or  
 11518 produce any book, paper or other document or evidence in such  
 11519 suit, upon the ground or for the reason that the testimony or  
 11520 evidence required of the loser may tend to convict her or him of  
 11521 a crime or to subject her or him to a penalty or forfeiture, but  
 11522 the loser shall not be prosecuted or subjected to any penalty or  
 11523 forfeiture for or on account of any transaction, matter or thing  
 11524 concerning which she or he may so be required to testify or  
 11525 produce evidence, and no testimony so given or produced shall be  
 11526 received against the loser upon any criminal investigation or  
 11527 prosecution. If the loser of money or thing of value involved in  
 11528 a suit brought under authorization of ss. 849.26-849.34, whether  
 11529 by her or him or by someone else, voluntarily attends or  
 11530 produces evidence in such suit, the loser shall not be  
 11531 prosecuted or subjected to any penalty for or on account of any  
 11532 transaction, matter or thing concerning which she or he may so  
 11533 testify or produce evidence, and no testimony so given or  
 11534 produced shall be received against her or him upon any criminal  
 11535 investigation or prosecution. Also, neither the fact of the  
 11536 bringing of suit under this act by a loser nor any statement or  
 11537 admission in her or his pleadings which is material and relevant  
 11538 to the subject matter of the suit shall be received against the  
 11539 loser upon any criminal investigation or proceeding.

11540 Section 189. Section 849.32, Florida Statutes, is amended  
 11541 to read:

11542 849.32 Notice to state attorney; prosecution of suit. The

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11543 ~~summons in any such suit, and copies of all pleadings and~~  
 11544 ~~notices of all hearings in the suit, and notice of the trial and~~  
 11545 ~~of application for the entry of final judgment, shall be served~~  
 11546 ~~on the state attorney, whose duty it shall be to protect the~~  
 11547 ~~interests of the state and, if the plaintiff fails to diligently~~  
 11548 ~~prosecute the suit, to bring such failure to the attention of~~  
 11549 ~~the court. If the plaintiff fails to effectively prosecute any~~  
 11550 ~~such suit without collusion or deceit and without unnecessary~~  
 11551 ~~delay, the court shall direct the state attorney to proceed with~~  
 11552 ~~the action. No such suit shall be dismissed except upon a sworn~~  
 11553 ~~statement filed by the plaintiff or the state attorney which~~  
 11554 ~~satisfies the court that the suit should be dismissed.~~

11555 Section 190. Section 849.33, Florida Statutes, is amended  
 11556 to read:

11557 849.33 Judgment and collection of money; execution. Any  
 11558 judgment recovered in such a suit shall adjudge separately the  
 11559 amounts recovered for the use of the state, and the plaintiff  
 11560 shall not have execution therefor, and such amounts shall not be  
 11561 paid to the plaintiff, but shall be payable to the state  
 11562 attorney, who shall promptly transmit the sums collected by him  
 11563 or her to the Chief Financial Officer. The state attorney shall  
 11564 diligently seek the collection of such amounts and may cause a  
 11565 separate execution to issue for the collection thereof.

11566 Section 191. Section 849.34, Florida Statutes, is amended  
 11567 to read:

11568 ~~849.34 Loser's judgment; recovery of property; writ of~~  
 11569 ~~assistance. If the plaintiff in any such suit seek to recover~~  
 11570 ~~property lost, and if the plaintiff shall prevail as to any such~~  
 11571 ~~property, he or she shall take judgment for the property itself~~

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11572 ~~and for the value thereof, the judgment as to such property to~~  
 11573 ~~be satisfied by the recovery of the property or of the value~~  
 11574 ~~thereof. The plaintiff may, at his or her option, sue out a~~  
 11575 ~~separate writ of possession for the property and a separate~~  
 11576 ~~execution for any other moneys and costs adjudged in his or her~~  
 11577 ~~favor, or the plaintiff may sue out an execution for the value~~  
 11578 ~~of the property and any other moneys and costs adjudged in his~~  
 11579 ~~or her favor. If the plaintiff elect to sue out a writ of~~  
 11580 ~~possession for the property, and if the officer shall return~~  
 11581 ~~that he or she is unable to find the property, or any of it, the~~  
 11582 ~~plaintiff may thereupon sue out execution for the value of the~~  
 11583 ~~property not found. In any proceeding to ascertain the value of~~  
 11584 ~~the property, the value of each article shall be found so that~~  
 11585 ~~judgment for such value may be entered.~~

11586 Section 192. Section 849.35, Florida Statutes, is amended  
 11587 to read:

11588 849.35 Seizure and forfeiture of property used in the  
 11589 violation of lottery and gambling statutes Definitions.-

11590 (1) DEFINITIONS.-As used in this section, the term In  
 11591 construing ss. 849.36-849.46 and each and every word, phrase, or  
 11592 part thereof, where the context permits:

11593 ~~(1) The singular includes the plural and vice versa.~~

11594 ~~(2) Gender-specific language includes the other gender and~~  
 11595 ~~neuter.~~

11596 (d)(3) The term "Vessel" means includes every description  
 11597 of watercraft, vessel, or contrivance used, or capable of being  
 11598 used, as a means of transportation in or on water, or in or on  
 11599 the water and in the air.

11600 (c)(4) The term "Vehicle" means includes every description

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11601 of vehicle, carriage, animal, or contrivance used, or capable of  
 11602 being used, as a means of transportation on land, in the air, or  
 11603 on land and in the air.

11604 ~~(a)(5) The term "Gambling paraphernalia" means includes~~  
 11605 every description of apparatus, implement, machine, device, or  
 11606 contrivance used in, or in connection with, any violation of the  
 11607 lottery, gaming and gambling statutes, and laws of this state,  
 11608 except facilities and equipment furnished by a public utility in  
 11609 the regular course of business, ~~and~~ which remain the property of  
 11610 such utility while so furnished.

11611 ~~(b)(6) The term "Lottery ticket" means shall include~~ every  
 11612 ticket, token, emblem, card, paper, or other evidence of a  
 11613 chance, interest, prize or share in, or in connection with any  
 11614 lottery, game of chance or hazard or other things in violation  
 11615 of the lottery and gambling statutes and laws of this state  
 11616 (including bolita, cuba, bond, New York bond, butter and eggs,  
 11617 night house and other like and similar operations, but not  
 11618 excluding others). The term "lottery ticket" ~~The said term shall~~  
 11619 also includes ~~include so-called~~ rundown sheets, tally sheets,  
 11620 and all other papers, records, instruments, and things designed  
 11621 for use, either directly or indirectly, in, or in connection  
 11622 with, the violation of ~~the statutes and~~ laws of this state  
 11623 prohibiting lotteries and gambling ~~in this state~~.

11624 (2) SEIZURE AND FORFEITURE OF PROPERTY.-

11625 (a) Every vessel or vehicle used for, or in connection  
 11626 with, the removal, transportation, storage, deposit, or  
 11627 concealment of lottery tickets, or used in connection with a  
 11628 lottery or game in violation of the laws of this state, shall be  
 11629 subject to seizure and forfeiture under the Florida Contraband

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11630 Forfeiture Act.

11631 (b) All gambling paraphernalia and lottery tickets used in  
 11632 connection with gambling or a lottery or an unlawful game of  
 11633 chance or hazard, in violation of laws of this state, found by  
 11634 an officer in searching a vessel or vehicle that is used in the  
 11635 violation of the gambling laws shall be safely kept so long as  
 11636 it is necessary for the purpose of being used as evidence in any  
 11637 case. Immediately after the case, such gambling paraphernalia or  
 11638 lottery tickets shall be destroyed by an order of the court that  
 11639 heard the case or certified to any other state or federal court  
 11640 having jurisdiction.

11641 (c) The presence of a lottery ticket in a vessel or vehicle  
 11642 owned or being operated by a person charged with a violation of  
 11643 the gambling laws of the state, is prima facie evidence that  
 11644 such vessel or vehicle was or is being used in connection with a  
 11645 violation of the lottery and gambling laws of this state and as  
 11646 a means of removing, transporting, depositing, or concealing  
 11647 lottery tickets and is sufficient evidence for the seizure of  
 11648 such vessel or vehicle.

11649 (d) The presence of lottery tickets in any room or place,  
 11650 including vessels and vehicles, is prima facie evidence that  
 11651 such room, place, vessel, or vehicle, and gambling paraphernalia  
 11652 is sufficient evidence for the seizure of such gambling  
 11653 paraphernalia.

11654 (e) It shall be the duty of every peace officer in this  
 11655 state finding any vessel, vehicle, or paraphernalia being used  
 11656 in violation of the statutes and laws of this state as aforesaid  
 11657 to seize and take possession of such property for disposition as  
 11658 hereinafter provided. It shall also be the duty of every peace

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11659 officer finding any such property being so used, in connection  
 11660 with any lawful search made by her or him, to seize and take  
 11661 possession of the same for disposition as provided in this  
 11662 section.

11663 (3) DISPOSITION AND APPRAISAL OF PROPERTY.—

11664 (a) A law enforcement officer other than the sheriff which  
 11665 seizes property pursuant to this section shall immediately  
 11666 deliver such property to the sheriff of the county where it was  
 11667 seized. In returning the seized property to the sheriff, the law  
 11668 enforcement officer shall describe the property seized and state  
 11669 the facts and circumstances under which it was seized and the  
 11670 reason why the seizing officer suspected or knew that such  
 11671 property was being used for or in connection with a violation of  
 11672 the laws of this state which prohibit lotteries and gambling.  
 11673 The statement shall include the names of all persons, firms, and  
 11674 corporations known to the seizing officer to have an interest in  
 11675 the seized property.

11676 (b) When property is seized by the sheriff pursuant to this  
 11677 chapter, or when property seized by another person is delivered  
 11678 to the sheriff pursuant to paragraph (a), the sheriff shall  
 11679 immediately estimate the approximate value of such property and  
 11680 return it to the clerk of the circuit court as provided in this  
 11681 section.

11682 (c) The return of the sheriff aforesaid shall contain a  
 11683 schedule of the property seized describing the same in  
 11684 reasonable detail and give in detail the facts and circumstances  
 11685 under which it was seized and state in full the reason why the  
 11686 seizing officer knew or was led to believe that the property was  
 11687 being used for or in connection with a violation of the statutes

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11688 and laws of this state prohibiting lotteries or gambling in this  
 11689 state; and a statement of the names of all persons, firms, and  
 11690 corporations known to the sheriff to be interested in the seized  
 11691 property; and in cases where the said property was seized by  
 11692 another person, the sheriff shall attach to his or her said  
 11693 return, as an exhibit thereto, the return of the seizing officer  
 11694 to him or her.

11695 (d) The sheriff shall hold the said property seized pending  
 11696 its disposal by the court as hereinafter provided.

11697 (4) PROCEEDINGS FOR FORFEITURE; NOTICE OF SEIZURE AND ORDER  
 11698 TO SHOW CAUSE.—

11699 (a) The return of the sheriff aforesaid to the clerk of the  
 11700 circuit court shall be taken and considered as the state's  
 11701 petition or libel in rem for the forfeiture of the property  
 11702 therein described, of which the circuit court of the county  
 11703 shall have jurisdiction without regard to value. The said return  
 11704 shall be sufficient as said petition or libel notwithstanding  
 11705 the fact that it may contain no formal prayer or demand for  
 11706 forfeiture, it being the intention of the Legislature that  
 11707 forfeiture may be decreed without a formal prayer or demand  
 11708 therefor. The said return shall be subject to amendment at any  
 11709 time before final hearing, provided that copies thereof shall be  
 11710 served upon all persons, firms, or corporations who may have  
 11711 filed a claim before such amendment.

11712 (b) Upon the filing of said return the clerk of the circuit  
 11713 court shall issue a citation, directed to all persons, firms,  
 11714 and corporations owning, having or claiming an interest in or a  
 11715 lien upon the seized property, giving notice of the seizure and  
 11716 directing that all persons, firms, or corporations owning,

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11717 having or claiming an interest therein or lien thereon, to file  
 11718 their claim to, on, or in said property within the time fixed in  
 11719 said citation, as to persons, firms, and corporations not  
 11720 personally served, and within 20 days from personal service of  
 11721 said citation, when personal service is had. Personal service  
 11722 shall be made on all parties, in this state, having liens noted  
 11723 upon a certificate of title as shown by the records in the  
 11724 office of the Department of Highway Safety and Motor Vehicles.  
 11725 (c) The said citation may be in, or substantially in, the  
 11726 following form:  
 11727  
 11728 IN THE CIRCUIT COURT OF THE .... JUDICIAL CIRCUIT, IN AND FOR  
 11729 .... COUNTY, FLORIDA.  
 11730 IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY:  
 11731 (Here describe property)  
 11732 THE STATE OF FLORIDA TO:  
 11733  
 11734 ALL PERSONS, FIRMS AND CORPORATIONS OWNING, HAVING OR  
 11735 CLAIMING AN INTEREST IN OR LIEN ON THE ABOVE DESCRIBED PROPERTY.  
 11736  
 11737 YOU AND EACH OF YOU are hereby notified that the above  
 11738 described property has been seized, under and by virtue of  
 11739 chapter ...., Laws of Florida, and is now in the possession of  
 11740 the sheriff of this county, and you, and each of you, are hereby  
 11741 further notified that a petition, under said chapter, has been  
 11742 filed in the Circuit Court of the .... Judicial Circuit, in and  
 11743 for .... County, Florida, seeking the forfeiture of the said  
 11744 property, and you are hereby directed and required to file your  
 11745 claim, if any you have, and show cause, on or before ....,

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11746 ...(year)..., if not personally served with process herein, and  
 11747 within 20 days from personal service if personally served with  
 11748 process herein, why the said property should not be forfeited  
 11749 pursuant to said chapter ...., Laws of Florida, 1955. Should you  
 11750 fail to file claim as herein directed judgment will be entered  
 11751 herein against you in due course. Persons not personally served  
 11752 with process may obtain a copy of the petition for forfeiture  
 11753 filed herein from the undersigned clerk of court.  
 11754 WITNESS my hand and the seal of the above mentioned court,  
 11755 at ... Florida, this ...., ...(year)....  
 11756 (COURT SEAL)  
 11757 ...(Clerk of the above-mentioned Court.)...  
 11758 By ...(Deputy Clerk)...  
 11759  
 11760 (d) Such citation shall be returnable, as to persons served  
 11761 constructively, as therein directed, not less than 21 nor more  
 11762 than 30 days, from the posting or publication thereof, and as to  
 11763 personally served with process within 20 days from service  
 11764 thereof. A copy of the petition shall be served with the process  
 11765 when personally served. Personal service of process may be made  
 11766 in the same manner as a summons in chancery.  
 11767 (e) If the value of the property seized is shown by the  
 11768 sheriff's return to have an appraised value of \$1,000 or less,  
 11769 the above citation shall be served by posting at three public  
 11770 places in the county, one of which shall be the front door of  
 11771 the courthouse; if the value of the property is shown by the  
 11772 sheriff's return to have an approximate value of more than  
 11773 \$1,000, the citation shall be published at least once each week  
 11774 for 2 consecutive weeks in some newspaper of general publication

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11775 published in the county, if there be such a newspaper published  
 11776 in the county and if not, then said notice of such publication  
 11777 shall be made by certificate of the clerk if publication is made  
 11778 by posting, and by affidavit as provided in chapter 50, if made  
 11779 by publication in a newspaper, which affidavit or certificate  
 11780 shall be filed and become a part of the record in the cause.  
 11781 Failure of the record to show proof of such publication shall  
 11782 not affect any judgment made in the cause unless it shall  
 11783 affirmatively appear that no such publication was made.

11784 (5) DELIVERY OF PROPERTY TO CLAIMANT.—A person, firm, or  
 11785 corporation filing a claim in the cause, which claim shall state  
 11786 fully his or her right, title, claim, or interest, in and to the  
 11787 seized property, may, at any time after said claim is filed with  
 11788 the clerk of the court, obtain possession of the seized property  
 11789 by filing a petition therefor with the sheriff and posting with  
 11790 her or him, to be approved by her or him, a surety bond, payable  
 11791 to the Governor of the state in twice the amount of the value of  
 11792 the said property as fixed in the sheriff's return to the clerk  
 11793 of the circuit court, with a corporate surety duly authorized to  
 11794 transact business in this state as surety, conditioned upon his  
 11795 or her paying to the sheriff the value of the property together  
 11796 with costs of the proceeding, if judgment of forfeiture be  
 11797 entered by the court. Upon the posting of such bond with the  
 11798 sheriff and the release of the property to the applicant the  
 11799 cause shall proceed to final judgment in the same manner as it  
 11800 would have had no such bond been filed, except that any  
 11801 execution to be issued in the cause pursuant to judgment may run  
 11802 against and be enforced against the person posting said bond and  
 11803 the person's surety.

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11804 (6) PROCEEDING WHEN NO CLAIM FILED.—When no claim is filed  
 11805 in the cause within the time required the clerk shall enter a  
 11806 default against all persons, firms, and corporations owning,  
 11807 claiming, or having an interest in and to the property seized  
 11808 and the cause may then proceed in the same manner as a common-  
 11809 law cause after default, and final judgment shall be entered  
 11810 therein ex parte, except as may be herein otherwise provided.

11811 (7) PROCEEDING WHEN CLAIM FILED.—When one or more claims  
 11812 are filed in the cause, the cause shall be tried upon the issues  
 11813 made thereby with the petition for forfeiture with any  
 11814 affirmative defenses being deemed denied without further  
 11815 pleading. Judgment by default shall be entered against all other  
 11816 persons, firms, and corporations owning, claiming, or having an  
 11817 interest in and to the property seized, after which the cause  
 11818 shall proceed as in other common-law cases; except any claimant  
 11819 shall prove to the satisfaction of the court that he or she did  
 11820 not know or have any reason to believe, at the time his or her  
 11821 right, title, interest, or lien arose, that the property was  
 11822 being used for or in connection with the violation of any of the  
 11823 statutes or laws of this state prohibiting lotteries and  
 11824 gambling and further that at said time there was no reasonable  
 11825 reason to believe that the said property might be used for such  
 11826 purpose. Where the owner of the property has been convicted of a  
 11827 violation of the statutes and laws of this state prohibiting  
 11828 lotteries or gambling such conviction shall be prima facie  
 11829 evidence that each claimant had reason to believe that the  
 11830 property might be used for or in connection with a violation of  
 11831 such statutes and laws, and it shall be incumbent upon such  
 11832 claimant to satisfy the court that he or she was without

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11833 knowledge of such conviction. Trial of all such causes shall be  
 11834 without a jury, except in such cases as a trial by jury may be  
 11835 guaranteed by the State Constitution and in such cases trial by  
 11836 jury shall be deemed waived unless demanded in the claim filed.

11837 (8) STATE ATTORNEY TO REPRESENT STATE.—Upon the filing of  
 11838 the sheriff's return with the clerk of the circuit court the  
 11839 said clerk shall furnish the state attorney with a copy thereof  
 11840 and the said state attorney shall represent the state in the  
 11841 forfeiture proceedings. The Department of Legal Affairs shall  
 11842 represent the state in all appeals from judgments of forfeiture  
 11843 to the appropriate district court of appeal or direct to the  
 11844 Supreme Court when authorized by s. 3, Art. V of the State  
 11845 Constitution. The state may appeal any judgment denying  
 11846 forfeiture in whole or in part or that may be otherwise adverse  
 11847 to the state.

11848 (9) JUDGMENT OF FORFEITURE.—On final hearing the return of  
 11849 the sheriff to the clerk of the circuit court shall be taken as  
 11850 prima facie evidence that the property seized was or had been  
 11851 used in, or in connection with, the violation of the statutes  
 11852 and laws of this state prohibiting lotteries and gambling in  
 11853 this state and shall be sufficient predicate for a judgment of  
 11854 forfeiture in the absence of other proofs and evidence. The  
 11855 burden shall be upon the claimants to show that the property was  
 11856 not so used or if so used that they had no knowledge of such  
 11857 violation and no reason to believe that the seized property was  
 11858 or would be used for the violation of such statutes and laws.  
 11859 Where such property is encumbered by a lien or retained title  
 11860 agreement under circumstances wherein the lienholder had no  
 11861 knowledge that the property was or would be used in violating

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11862 such statutes and laws, and no reasonable reason to believe that  
 11863 it might be so used, then the court may declare a forfeiture of  
 11864 all other rights, titles and interests, subject, however, to the  
 11865 lien of such innocent lienholder, or may direct the payment of  
 11866 such lien from the proceeds of any sale of the said property.  
 11867 The proceedings and the judgment of forfeiture shall be in rem  
 11868 and shall be primarily against the property itself. Upon the  
 11869 entry of a judgment of forfeiture the court shall determine the  
 11870 disposition to be made of the property, which may include the  
 11871 destruction thereof, the sale thereof, the allocation thereof to  
 11872 some governmental function or use, or otherwise as the court may  
 11873 determine. Sales of such property shall be at public sale to the  
 11874 highest and best bidder therefor for cash after 2 weeks' public  
 11875 notice as the court may direct. Where the property has been  
 11876 delivered to a claimant upon the posting of a bond the court  
 11877 shall determine the value of the property or portion thereof  
 11878 subject to forfeiture and shall enter judgment against the  
 11879 principal and surety of the bond in such amount for which  
 11880 execution shall issue in the usual manner. Upon the application  
 11881 of any claimant the court may fix the value of the forfeitable  
 11882 interest or interests in the seized property and permit such  
 11883 claimant to redeem the said property upon the payment of a sum  
 11884 equal to said value, which sum shall be disposed of as would the  
 11885 proceeds of a sale of the said property under a judgment of  
 11886 forfeiture.

11887 (10) DISPOSITION OF PROCEEDS OF FORFEITURE.—All sums  
 11888 received from a sale or other disposition of the seized property  
 11889 shall be paid into the county fine and forfeiture fund and shall  
 11890 become a part thereof; provided, however, that in instances

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11891 ~~where the seizure is by a municipal police officer within the~~  
 11892 ~~limits of any municipality having an ordinance requiring such~~  
 11893 ~~vehicles, vessels, or conveyances to be forfeited, the city~~  
 11894 ~~attorney shall act on behalf of the city in lieu of the state~~  
 11895 ~~attorney and shall proceed to forfeit the property as herein~~  
 11896 ~~provided, and all sums received therefrom shall go into the~~  
 11897 ~~general operating fund of the city.~~

11898 (11) FEES FOR SERVICES.—Fees for services required  
 11899 hereunder shall be the same as provided for sheriffs and clerks  
 11900 for like and similar services in other cases and matters.

11901 (12) EXERCISE OF POLICE POWER.—The Legislature finds that  
 11902 this chapter is necessary for the more efficient and proper  
 11903 enforcement of the laws of this state which prohibit lotteries  
 11904 and gambling, and a lawful exercise of the police power of this  
 11905 state for the protection of the public welfare, health, safety,  
 11906 and morals of the people of this state. This chapter shall be  
 11907 liberally construed to accomplish these purposes.

11908 Section 193. Section 849.36, Florida Statutes, is amended  
 11909 to read:

11910 ~~849.36 Seizure and forfeiture of property used in the~~  
 11911 ~~violation of lottery and gambling statutes.—~~

11912 ~~(1) Every vessel or vehicle used for, or in connection~~  
 11913 ~~with, the removal, transportation, storage, deposit, or~~  
 11914 ~~concealment of any lottery tickets, or used in connection with~~  
 11915 ~~any lottery or game in violation of the statutes and laws of~~  
 11916 ~~this state, shall be subject to seizure and forfeiture, as~~  
 11917 ~~provided by the Florida Contraband Forfeiture Act.—~~

11918 ~~(2) All gambling paraphernalia and lottery tickets as~~  
 11919 ~~herein defined used in connection with a lottery, gambling,~~

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11920 ~~unlawful game of chance or hazard, in violation of the statutes~~  
 11921 ~~and laws of this state, found by an officer in searching a~~  
 11922 ~~vessel or vehicle used in the violation of the gambling laws~~  
 11923 ~~shall be safely kept so long as it is necessary for the purpose~~  
 11924 ~~of being used as evidence in any case, and as soon as may be~~  
 11925 ~~afterwards, shall be destroyed by order of the court before whom~~  
 11926 ~~the case is brought or certified to any other court having~~  
 11927 ~~jurisdiction, either state or federal.~~

11928 ~~(3) The presence of any lottery ticket in any vessel or~~  
 11929 ~~vehicle owned or being operated by any person charged with a~~  
 11930 ~~violation of the gambling laws of the state, shall be prima~~  
 11931 ~~facie evidence that such vessel or vehicle was or is being used~~  
 11932 ~~in connection with a violation of the lottery and gambling~~  
 11933 ~~statutes and laws of this state and as a means of removing,~~  
 11934 ~~transporting, depositing, or concealing lottery tickets and~~  
 11935 ~~shall be sufficient evidence for the seizure of such vessel or~~  
 11936 ~~vehicle.—~~

11937 ~~(4) The presence of lottery tickets in any room or place,~~  
 11938 ~~including vessels and vehicles, shall be prima facie evidence~~  
 11939 ~~that such room, place, vessel, or vehicle, and all apparatus,~~  
 11940 ~~implements, machines, contrivances, or devices therein, (herein~~  
 11941 ~~referred to as "gambling paraphernalia") capable of being used~~  
 11942 ~~in connection with a violation of the lottery and gambling~~  
 11943 ~~statutes and laws of this state and shall be sufficient evidence~~  
 11944 ~~for the seizure of such gambling paraphernalia.—~~

11945 ~~(5) It shall be the duty of every peace officer in this~~  
 11946 ~~state finding any vessel, vehicle, or paraphernalia being used~~  
 11947 ~~in violation of the statutes and laws of this state as aforesaid~~  
 11948 ~~to seize and take possession of such property for disposition as~~

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11949 hereinafter provided. It shall also be the duty of every peace  
 11950 officer finding any such property being so used, in connection  
 11951 with any lawful search made by her or him, to seize and take  
 11952 possession of the same for disposition as hereinafter provided.

11953 Section 194. Section 849.37, Florida Statutes, is amended  
 11954 to read:

11955 ~~849.37 Disposition and appraisal of property seized under~~  
 11956 ~~this chapter.~~

11957 ~~(1) Every peace officer, other than the sheriff, seizing~~  
 11958 ~~property pursuant to the provisions of ss. 849.36-849.46 shall~~  
 11959 ~~forthwith make return of the seizure thereof and deliver the~~  
 11960 ~~said property to the sheriff of the county wherein the same was~~  
 11961 ~~seized. The said return to the sheriff shall describe the~~  
 11962 ~~property seized and give in detail the facts and circumstances~~  
 11963 ~~under which the same was seized and state in full the reason why~~  
 11964 ~~the seizing officer knew, or was led to believe, that the said~~  
 11965 ~~property was being used for or in connection with a violation of~~  
 11966 ~~the statutes and laws of this state prohibiting lotteries and~~  
 11967 ~~gambling in this state. The said return shall contain the names~~  
 11968 ~~of all persons, firms and corporations known to the seizing~~  
 11969 ~~officer to be interested in the seized property.~~

11970 ~~(2) When property is seized by the sheriff pursuant to this~~  
 11971 ~~chapter, or when property seized by another is delivered to the~~  
 11972 ~~sheriff as aforesaid, the sheriff shall forthwith fix the~~  
 11973 ~~approximate value thereof and make return thereof to the clerk~~  
 11974 ~~of the circuit court as hereinafter provided.~~

11975 ~~(3) The return of the sheriff aforesaid shall contain a~~  
 11976 ~~schedule of the property seized describing the same in~~  
 11977 ~~reasonable detail and give in detail the facts and circumstances~~

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11978 under which it was seized and state in full the reason why the  
 11979 seizing officer knew or was led to believe that the property was  
 11980 being used for or in connection with a violation of the statutes  
 11981 and laws of this state prohibiting lotteries or gambling in this  
 11982 state, and a statement of the names of all persons, firms and  
 11983 corporations known to the sheriff to be interested in the seized  
 11984 property; and in cases where the said property was seized by  
 11985 another the sheriff shall attach to his or her said return, as  
 11986 an exhibit thereto, the return of the seizing officer to him or  
 11987 her.

11988 ~~(4) The sheriff shall hold the said property seized pending~~  
 11989 ~~its disposal by the court as hereinafter provided.~~

11990 Section 195. Section 849.38, Florida Statutes, is amended  
 11991 to read:

11992 ~~849.38 Proceedings for forfeiture; notice of seizure and~~  
 11993 ~~order to show cause.~~

11994 ~~(1) The return of the sheriff aforesaid to the clerk of the~~  
 11995 ~~circuit court shall be taken and considered as the state's~~  
 11996 ~~petition or libel in rem for the forfeiture of the property~~  
 11997 ~~therein described, of which the circuit court of the county~~  
 11998 ~~shall have jurisdiction without regard to value. The said return~~  
 11999 ~~shall be sufficient as said petition or libel notwithstanding~~  
 12000 ~~the fact that it may contain no formal prayer or demand for~~  
 12001 ~~forfeiture, it being the intention of the Legislature that~~  
 12002 ~~forfeiture may be decreed without a formal prayer or demand~~  
 12003 ~~therefor. The said return shall be subject to amendment at any~~  
 12004 ~~time before final hearing, provided that copies thereof shall be~~  
 12005 ~~served upon all persons, firms or corporations who may have~~  
 12006 ~~filed a claim prior to such amendment.~~

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12007 ~~(2) Upon the filing of said return the clerk of the circuit~~  
 12008 ~~court shall issue a citation, directed to all persons, firms and~~  
 12009 ~~corporations owning, having or claiming an interest in or a lien~~  
 12010 ~~upon the seized property, giving notice of the seizure and~~  
 12011 ~~directing that all persons, firms or corporations owning, having~~  
 12012 ~~or claiming an interest therein or lien thereon, to file their~~  
 12013 ~~claim to, on, or in said property within the time fixed in said~~  
 12014 ~~citation, as to persons, firms and corporations not personally~~  
 12015 ~~served, and within 20 days from personal service of said~~  
 12016 ~~citation, when personal service is had. Personal service shall~~  
 12017 ~~be made on all parties, in Florida, having liens noted upon a~~  
 12018 ~~certificate of title as shown by the records in the office of~~  
 12019 ~~the Department of Highway Safety and Motor Vehicles.~~

12020 ~~(3) The said citation may be in, or substantially in, the~~  
 12021 ~~following form:~~

12022  
 12023 ~~IN THE CIRCUIT COURT OF THE .... JUDICIAL CIRCUIT, IN AND FOR~~  
 12024 ~~.... COUNTY, FLORIDA.~~

12025 ~~IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY:~~

12026 ~~(Here describe property)~~

12027 ~~THE STATE OF FLORIDA TO:~~

12028  
 12029 ~~ALL PERSONS, FIRMS AND CORPORATIONS OWNING, HAVING OR~~  
 12030 ~~CLAIMING AN INTEREST IN OR LIEN ON THE ABOVE DESCRIBED PROPERTY.~~

12031  
 12032 ~~YOU AND EACH OF YOU are hereby notified that the above~~  
 12033 ~~described property has been seized, under and by virtue of~~  
 12034 ~~chapter ...., Laws of Florida, and is now in the possession of~~  
 12035 ~~the sheriff of this county, and you, and each of you, are hereby~~

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12036 ~~further notified that a petition, under said chapter, has been~~  
 12037 ~~filed in the Circuit Court of the .... Judicial Circuit, in and~~  
 12038 ~~for .... County, Florida, seeking the forfeiture of the said~~  
 12039 ~~property, and you are hereby directed and required to file your~~  
 12040 ~~claim, if any you have, and show cause, on or before ....,~~  
 12041 ~~...(year)..., if not personally served with process herein, and~~  
 12042 ~~within 20 days from personal service if personally served with~~  
 12043 ~~process herein, why the said property should not be forfeited~~  
 12044 ~~pursuant to said chapter ...., Laws of Florida, 1955. Should you~~  
 12045 ~~fail to file claim as herein directed judgment will be entered~~  
 12046 ~~herein against you in due course. Persons not personally served~~  
 12047 ~~with process may obtain a copy of the petition for forfeiture~~  
 12048 ~~filed herein from the undersigned clerk of court.~~

12049 ~~WITNESS my hand and the seal of the above mentioned court,~~  
 12050 ~~at .... Florida, this ...., ...(year)....~~

12051 ~~(COURT SEAL)~~

12052 ~~...(Clerk of the above-mentioned Court.)...~~

12053 ~~By ... (Deputy Clerk)...~~

12054  
 12055 ~~(4) Such citation shall be returnable, as to persons served~~  
 12056 ~~constructively, as therein directed, not less than 21 nor more~~  
 12057 ~~than 30 days, from the posting or publication thereof, and as to~~  
 12058 ~~personally served with process within 20 days from service~~  
 12059 ~~thereof. A copy of the petition shall be served with the process~~  
 12060 ~~when personally served. Personal service of process may be made~~  
 12061 ~~in the same manner as a summons in chancery.~~

12062 ~~(5) If the value of the property seized is shown by the~~  
 12063 ~~sheriff's return to have an appraised value of \$1,000 or less,~~  
 12064 ~~the above citation shall be served by posting at three public~~

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12065 places in the county, one of which shall be the front door of  
 12066 the courthouse; if the value of the property is shown by the  
 12067 sheriff's return to have an approximate value of more than  
 12068 \$1,000, the citation shall be published at least once each week  
 12069 for 2 consecutive weeks in some newspaper of general publication  
 12070 published in the county, if there be such a newspaper published  
 12071 in the county and if not, then said notice of such publication  
 12072 shall be made by certificate of the clerk if publication is made  
 12073 by posting, and by affidavit as provided in chapter 50, if made  
 12074 by publication in a newspaper, which affidavit or certificate  
 12075 shall be filed and become a part of the record in the cause.  
 12076 Failure of the record to show proof of such publication shall  
 12077 not affect any judgment made in the cause unless it shall  
 12078 affirmatively appear that no such publication was made.

12079 Section 196. Section 849.39, Florida Statutes, is amended  
 12080 to read:

12081 ~~849.39 Delivery of property to claimant. Any person, firm,~~  
 12082 ~~or corporation filing a claim in the cause, which claim shall~~  
 12083 ~~state fully her or his right, title, claim, or interest, in and~~  
 12084 ~~to the seized property, may, at any time after said claim is~~  
 12085 ~~filed with the clerk of the court, obtain possession of the~~  
 12086 ~~seized property by filing a petition therefor with the sheriff~~  
 12087 ~~and posting with her or him, to be approved by her or him, a~~  
 12088 ~~surety bond, payable to the Governor of the state in twice the~~  
 12089 ~~amount of the value of the said property as fixed in the~~  
 12090 ~~sheriff's return to the clerk of the circuit court, with a~~  
 12091 ~~corporate surety duly authorized to transact business in this~~  
 12092 ~~state as surety, conditioned upon her or his paying to the~~  
 12093 ~~sheriff the value of the property together with costs of the~~

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12094 proceeding, if judgment of forfeiture be entered by the court.  
 12095 Upon the posting of such bond with the sheriff and the release  
 12096 of the property to the applicant the cause shall proceed to  
 12097 final judgment in the same manner as it would have had no such  
 12098 bond been filed, except that any execution to be issued in the  
 12099 cause pursuant to judgment may run against and be enforced  
 12100 against the person posting said bond and the person's surety.

12101 Section 197. Section 849.40, Florida Statutes, is amended  
 12102 to read:

12103 ~~849.40 Proceeding when no claim filed. When no claim is~~  
 12104 ~~filed in the cause within the time required the clerk shall~~  
 12105 ~~enter a default against all persons, firms and corporations~~  
 12106 ~~owning, claiming or having an interest in and to the property~~  
 12107 ~~seized and the cause may then proceed in the same manner as a~~  
 12108 ~~common-law cause after default, and final judgment shall be~~  
 12109 ~~entered therein ex parte, except as may be herein otherwise~~  
 12110 ~~provided.~~

12111 Section 198. Section 849.41, Florida Statutes, is amended  
 12112 to read:

12113 ~~849.41 Proceeding when claim filed. When one or more claims~~  
 12114 ~~are filed in the cause the cause shall be tried upon the issues~~  
 12115 ~~made thereby with the petition for forfeiture with any~~  
 12116 ~~affirmative defenses being deemed denied without further~~  
 12117 ~~pleading. Judgment by default shall be entered against all other~~  
 12118 ~~persons, firms and corporations owning, claiming or having an~~  
 12119 ~~interest in and to the property seized, after which the cause~~  
 12120 ~~shall proceed as in other common law cases; except any claimant~~  
 12121 ~~shall prove to the satisfaction of the court that he or she did~~  
 12122 ~~not know or have any reason to believe, at the time his or her~~

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12123 ~~right, title, interest, or lien arose, that the property was~~  
 12124 ~~being used for or in connection with the violation of any of the~~  
 12125 ~~statutes or laws of this state prohibiting lotteries and~~  
 12126 ~~gambling and further that at said time there was no reasonable~~  
 12127 ~~reason to believe that the said property might be used for such~~  
 12128 ~~purpose. Where the owner of the property has been convicted of a~~  
 12129 ~~violation of the statutes and laws of this state prohibiting~~  
 12130 ~~lotteries or gambling such conviction shall be prima facie~~  
 12131 ~~evidence that each claimant had reason to believe that the~~  
 12132 ~~property might be used for or in connection with a violation of~~  
 12133 ~~such statutes and laws, and it shall be incumbent upon such~~  
 12134 ~~claimant to satisfy the court that he or she was without~~  
 12135 ~~knowledge of such conviction. Trial of all such causes shall be~~  
 12136 ~~without a jury, except in such cases as a trial by jury may be~~  
 12137 ~~guaranteed by the State Constitution and in such cases trial by~~  
 12138 ~~jury shall be deemed waived unless demanded in the claim filed.~~

12139 Section 199. Section 849.42, Florida Statutes, is amended  
 12140 to read:

12141 ~~849.42 State attorney to represent state. Upon the filing~~  
 12142 ~~of the sheriff's return with the clerk of the circuit court the~~  
 12143 ~~said clerk shall furnish the state attorney with a copy thereof~~  
 12144 ~~and the said state attorney shall represent the state in the~~  
 12145 ~~forfeiture proceedings. The Department of Legal Affairs shall~~  
 12146 ~~represent the state in all appeals from judgments of forfeiture~~  
 12147 ~~to the appropriate district court of appeal or direct to the~~  
 12148 ~~Supreme Court when authorized by s. 3, Art. V of the State~~  
 12149 ~~Constitution. The state may appeal any judgment denying~~  
 12150 ~~forfeiture in whole or in part or that may be otherwise adverse~~  
 12151 ~~to the state.~~

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12152 Section 200. Section 849.43, Florida Statutes, is amended  
 12153 to read:

12154 ~~849.43 Judgment of forfeiture. On final hearing the return~~  
 12155 ~~of the sheriff to the clerk of the circuit court shall be taken~~  
 12156 ~~as prima facie evidence that the property seized was or had been~~  
 12157 ~~used in, or in connection with, the violation of the statutes~~  
 12158 ~~and laws of this state prohibiting lotteries and gambling in~~  
 12159 ~~this state and shall be sufficient predicate for a judgment of~~  
 12160 ~~forfeiture in the absence of other proofs and evidence. The~~  
 12161 ~~burden shall be upon the claimants to show that the property was~~  
 12162 ~~not so used or if so used that they had no knowledge of such~~  
 12163 ~~violation and no reason to believe that the seized property was~~  
 12164 ~~or would be used for the violation of such statutes and laws.~~  
 12165 ~~Where such property is encumbered by a lien or retained title~~  
 12166 ~~agreement under circumstances wherein the lienholder had no~~  
 12167 ~~knowledge that the property was or would be used in violating~~  
 12168 ~~such statutes and laws, and no reasonable reason to believe that~~  
 12169 ~~it might be so used, then the court may declare a forfeiture of~~  
 12170 ~~all other rights, titles and interests, subject, however, to the~~  
 12171 ~~lien of such innocent lienholder, or may direct the payment of~~  
 12172 ~~such lien from the proceeds of any sale of the said property.~~  
 12173 ~~The proceedings and the judgment of forfeiture shall be in rem~~  
 12174 ~~and shall be primarily against the property itself. Upon the~~  
 12175 ~~entry of a judgment of forfeiture the court shall determine the~~  
 12176 ~~disposition to be made of the property, which may include the~~  
 12177 ~~destruction thereof, the sale thereof, the allocation thereof to~~  
 12178 ~~some governmental function or use, or otherwise as the court may~~  
 12179 ~~determine. Sales of such property shall be at public sale to the~~  
 12180 ~~highest and best bidder therefor for cash after 2 weeks' public~~

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12181 notice as the court may direct. Where the property has been  
 12182 delivered to a claimant upon the posting of a bond the court  
 12183 shall determine the value of the property or portion thereof  
 12184 subject to forfeiture and shall enter judgment against the  
 12185 principal and surety of the bond in such amount for which  
 12186 execution shall issue in the usual manner. Upon the application  
 12187 of any claimant the court may fix the value of the forfeitable  
 12188 interest or interests in the seized property and permit such  
 12189 claimant to redeem the said property upon the payment of a sum  
 12190 equal to said value, which sum shall be disposed of as would the  
 12191 proceeds of a sale of the said property under a judgment of  
 12192 forfeiture.

12193 Section 201. Section 849.44, Florida Statutes, is amended  
 12194 to read:

12195 849.44 Disposition of proceeds of forfeiture. All sums  
 12196 received from a sale or other disposition of the seized property  
 12197 shall be paid into the county fine and forfeiture fund and shall  
 12198 become a part thereof; provided, however, that in instances  
 12199 where the seizure is by a municipal police officer within the  
 12200 limits of any municipality having an ordinance requiring such  
 12201 vehicles, vessels or conveyances to be forfeited, the city  
 12202 attorney shall act in behalf of the city in lieu of the state  
 12203 attorney and shall proceed to forfeit the property as herein  
 12204 provided, and all sums received therefrom shall go into the  
 12205 general operating fund of the city.

12206 Section 202. Section 849.45, Florida Statutes, is amended  
 12207 to read:

12208 849.45 Fees for services. Fees for services required  
 12209 hereunder shall be the same as provided for sheriffs and clerks

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12210 ~~for like and similar services in other cases and matters.~~

12211 Section 203. Section 849.46, Florida Statutes, is amended  
 12212 to read:

12213 ~~849.46 Exercise of police power.~~ It is deemed by the  
 12214 Legislature that this chapter is necessary for the more  
 12215 efficient and proper enforcement of the statutes and laws of  
 12216 this state prohibiting lotteries and gambling, and a lawful  
 12217 exercise of the police power of the state for the protection of  
 12218 the public welfare, health, safety and morals of the people of  
 12219 the state. All the provisions of this chapter shall be liberally  
 12220 construed for the accomplishment of these purposes.

12221 Section 204. Section 849.47, Florida Statutes, is created  
 12222 to read:

12223 849.47 Enforcement of chapter.—

12224 (1) Employees and agents of the Department of Gaming  
 12225 Control and the Gaming Control Commission are authorized to take  
 12226 all appropriate action to enforce this chapter and to cooperate  
 12227 with all agencies charged with the enforcement of the laws of  
 12228 the United States, this state, and all other states relating to  
 12229 prohibited gambling.

12230 (2) Employees and agents of the Department of Gaming  
 12231 Control and the Gaming Control Commission, and law enforcement  
 12232 officers whose duty it is to enforce this chapter, may  
 12233 administer oaths in connection with their official duties, and  
 12234 any person making a material false statement under oath before  
 12235 them shall be deemed guilty of perjury and subject to the same  
 12236 punishment as prescribed for perjury.

12237 Section 205. Paragraph (u) of subsection (3) of section  
 12238 11.45, Florida Statutes, is amended to read:

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12239 11.45 Definitions; duties; authorities; reports; rules.-

12240 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor

12241 General may, pursuant to his or her own authority, or at the

12242 direction of the Legislative Auditing Committee, conduct audits

12243 or other engagements as determined appropriate by the Auditor

12244 General of:

12245 (u) The books and records of any permitholder that conducts

12246 race meetings or jai alai exhibitions under part II of chapter

12247 551 ~~550~~.

12248 Section 206. Paragraph (a) of subsection (1) and paragraph

12249 (b) of subsection (2) of section 72.011, Florida Statutes, is

12250 amended to read:

12251 72.011 Jurisdiction of circuit courts in specific tax

12252 matters; administrative hearings and appeals; time for

12253 commencing action; parties; deposits.—

12254 (1) (a) A taxpayer may contest the legality of any

12255 assessment or denial of refund of tax, fee, surcharge, permit,

12256 interest, or penalty provided for under s. 125.0104, s.

12257 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,

12258 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,

12259 chapter 212, chapter 213, chapter 220, s. 379.362(3), chapter

12260 376, s. 403.717, s. 403.718, s. 403.7185, s. 538.09, s. 538.25,

12261 part II of chapter 551 ~~550~~, chapter 561, chapter 562, chapter

12262 563, chapter 564, chapter 565, chapter 624, or s. 681.117 by

12263 filing an action in circuit court; or, alternatively, the

12264 taxpayer may file a petition under the applicable provisions of

12265 chapter 120. However, once an action has been initiated under s.

12266 120.56, s. 120.565, s. 120.569, s. 120.57, or s. 120.80(14)(b),

12267 no action relating to the same subject matter may be filed by

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12268 the taxpayer in circuit court, and judicial review shall be

12269 exclusively limited to appellate review pursuant to s. 120.68;

12270 and once an action has been initiated in circuit court, no

12271 action may be brought under chapter 120.

12272 (2)

12273 (b) The date on which an assessment or a denial of refund

12274 becomes final and procedures by which a taxpayer must be

12275 notified of the assessment or of the denial of refund must be

12276 established:

12277 1. By rule adopted by the Department of Revenue;

12278 2. With respect to assessments or refund denials under

12279 chapter 207, by rule adopted by the Department of Highway Safety

12280 and Motor Vehicles;

12281 3. With respect to assessments or refund denials under

12282 chapters 210, ~~550~~, 561, 562, 563, 564, and 565, by rule adopted

12283 by the Department of Business and Professional Regulation; or

12284 4. With respect to taxes that a county collects or enforces

12285 under s. 125.0104(10) or s. 212.0305(5), by an ordinance that

12286 may additionally provide for informal dispute resolution

12287 procedures in accordance with s. 213.21.

12288 Section 207. Subsection (1) of section 72.031, Florida

12289 Statutes, is amended to read:

12290 72.031 Actions under s. 72.011(1); parties; service of

12291 process.—

12292 (1) In any action brought in circuit court pursuant to s.

12293 72.011(1), the person initiating the action shall be the

12294 plaintiff and the Department of Revenue shall be the defendant,

12295 except that for actions contesting an assessment or denial of

12296 refund under chapter 207 the Department of Highway Safety and

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12297 Motor Vehicles shall be the defendant, for actions contesting an  
 12298 assessment or denial of refund under chapters 210, ~~550~~, 561,  
 12299 562, 563, 564, and 565 the Department of Business and  
 12300 Professional Regulation shall be the defendant, and for actions  
 12301 contesting an assessment or denial of refund of a tax imposed  
 12302 under s. 125.0104 or s. 212.0305 by a county that has elected  
 12303 under s. 125.0104(10) or s. 212.0305(5), respectively, to  
 12304 administer the tax, the defendant shall be the county and the  
 12305 Department of Revenue. It shall not be necessary for the  
 12306 Governor and Cabinet, constituting the Department of Revenue, to  
 12307 be named as party defendants or named separately as individual  
 12308 parties; nor shall it be necessary for the executive director of  
 12309 the department to be named as an individual party.

12310 Section 208. Subsection (1) of section 196.183, Florida  
 12311 Statutes, is amended to read:

12312 196.183 Exemption for tangible personal property.—

12313 (1) Each tangible personal property tax return is eligible  
 12314 for an exemption from ad valorem taxation of up to \$25,000 of  
 12315 assessed value. A single return must be filed for each site in  
 12316 the county where the owner of tangible personal property  
 12317 transacts business. Owners of freestanding property placed at  
 12318 multiple sites, other than sites where the owner transacts  
 12319 business, must file a single return, including all such property  
 12320 located in the county. Freestanding property placed at multiple  
 12321 sites includes vending machines and amusement games or machines,  
 12322 LP/propane tanks, utility and cable company property,  
 12323 billboards, leased equipment, and similar property that is not  
 12324 customarily located in the offices, stores, or plants of the  
 12325 owner, but is placed throughout the county. Railroads, private

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12326 carriers, and other companies assessed pursuant to s. 193.085  
 12327 shall be allowed one \$25,000 exemption for each county to which  
 12328 the value of their property is allocated. The \$25,000 exemption  
 12329 for freestanding property placed at multiple locations and for  
 12330 centrally assessed property shall be allocated to each taxing  
 12331 authority based on the proportion of just value of such property  
 12332 located in the taxing authority; however, the amount of the  
 12333 exemption allocated to each taxing authority may not change  
 12334 following the extension of the tax roll pursuant to s. 193.122.

12335 Section 209. Section 205.0537, Florida Statutes, is amended  
 12336 to read:

12337 205.0537 Vending machines and amusement games or machines.—  
 12338 The business premises where a coin-operated or token-operated  
 12339 vending machine that dispenses products, merchandise, or  
 12340 services or where an amusement ~~or~~ game or machine is operated  
 12341 must assure that any required municipal or county business tax  
 12342 receipt for the machine is secured. The term "vending machine"  
 12343 does not include coin-operated telephone sets owned by persons  
 12344 who are in the business of providing local exchange telephone  
 12345 service and who pay the business tax under the category  
 12346 designated for telephone companies in the municipality or county  
 12347 or a pay telephone service provider certified pursuant to s.  
 12348 364.3375. The business tax for vending machines and amusement  
 12349 games or machines must be assessed based on the highest number  
 12350 of machines located on the business premises on any single day  
 12351 during the previous receipted year or, in the case of new  
 12352 businesses, be based on an estimate for the current year.  
 12353 Replacement of one vending machine with another machine during a  
 12354 receipted year does not affect the tax assessment for that year,

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12355 unless the replacement machine belongs to a business tax  
 12356 classification that requires a higher tax rate. For the first  
 12357 year in which a municipality or county assesses a business tax  
 12358 on vending machines, each business owning machines located in  
 12359 the municipality or county must notify the municipality or  
 12360 county, upon request, of the location of such machines. Each  
 12361 business owning machines must provide notice of the provisions  
 12362 of this section to each affected business premises where the  
 12363 machines are located. The business premises must secure the  
 12364 receipt if it is not otherwise secured.

12365 Section 210. Subsection (24) of section 212.02, Florida  
 12366 Statutes, is amended to read:

12367 212.02 Definitions.—The following terms and phrases when  
 12368 used in this chapter have the meanings ascribed to them in this  
 12369 section, except where the context clearly indicates a different  
 12370 meaning:

12371 (24) "~~Coin-operated~~ amusement game or machine" means any  
 12372 machine operated by coin, currency, slug, token, coupon, card,  
 12373 or similar device for the purposes of entertainment or  
 12374 amusement. The term includes, but is not limited to, ~~coin-~~  
 12375 ~~operated~~ pinball machines, music machines, juke boxes,  
 12376 mechanical games, video games, arcade games, billiard tables,  
 12377 moving picture viewers, shooting galleries, and all other  
 12378 similar amusement devices.

12379 Section 211. Paragraph (a) of subsection (1) of section  
 12380 212.031, Florida Statutes, is amended to read:

12381 212.031 Tax on rental or license fee for use of real  
 12382 property.—

12383 (1)(a) It is declared to be the legislative intent that

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12384 every person is exercising a taxable privilege who engages in  
 12385 the business of renting, leasing, letting, or granting a license  
 12386 for the use of any real property unless such property is:

12387 1. Assessed as agricultural property under s. 193.461.  
 12388 2. Used exclusively as dwelling units.  
 12389 3. Property subject to tax on parking, docking, or storage  
 12390 spaces under s. 212.03(6).

12391 4. Recreational property or the common elements of a  
 12392 condominium when subject to a lease between the developer or  
 12393 owner thereof and the condominium association in its own right  
 12394 or as agent for the owners of individual condominium units or  
 12395 the owners of individual condominium units. However, only the  
 12396 lease payments on such property shall be exempt from the tax  
 12397 imposed by this chapter, and any other use made by the owner or  
 12398 the condominium association shall be fully taxable under this  
 12399 chapter.

12400 5. A public or private street or right-of-way and poles,  
 12401 conduits, fixtures, and similar improvements located on such  
 12402 streets or rights-of-way, occupied or used by a utility or  
 12403 provider of communications services, as defined by s. 202.11,  
 12404 for utility or communications or television purposes. For  
 12405 purposes of this subparagraph, the term "utility" means any  
 12406 person providing utility services as defined in s. 203.012. This  
 12407 exception also applies to property, wherever located, on which  
 12408 the following are placed: towers, antennas, cables, accessory  
 12409 structures, or equipment, not including switching equipment,  
 12410 used in the provision of mobile communications services as  
 12411 defined in s. 202.11. For purposes of this chapter, towers used  
 12412 in the provision of mobile communications services, as defined

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12413 in s. 202.11, are considered to be fixtures.

12414 6. A public street or road which is used for transportation  
12415 purposes.

12416 7. Property used at an airport exclusively for the purpose  
12417 of aircraft landing or aircraft taxiing or property used by an  
12418 airline for the purpose of loading or unloading passengers or  
12419 property onto or from aircraft or for fueling aircraft.

12420 8.a. Property used at a port authority, as defined in s.  
12421 315.02(2), exclusively for the purpose of oceangoing vessels or  
12422 tugs docking, or such vessels mooring on property used by a port  
12423 authority for the purpose of loading or unloading passengers or  
12424 cargo onto or from such a vessel, or property used at a port  
12425 authority for fueling such vessels, or to the extent that the  
12426 amount paid for the use of any property at the port is based on  
12427 the charge for the amount of tonnage actually imported or  
12428 exported through the port by a tenant.

12429 b. The amount charged for the use of any property at the  
12430 port in excess of the amount charged for tonnage actually  
12431 imported or exported shall remain subject to tax except as  
12432 provided in sub-subparagraph a.

12433 9. Property used as an integral part of the performance of  
12434 qualified production services. As used in this subparagraph, the  
12435 term "qualified production services" means any activity or  
12436 service performed directly in connection with the production of  
12437 a qualified motion picture, as defined in s. 212.06(1)(b), and  
12438 includes:

12439 a. Photography, sound and recording, casting, location  
12440 managing and scouting, shooting, creation of special and optical  
12441 effects, animation, adaptation (language, media, electronic, or

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12442 otherwise), technological modifications, computer graphics, set  
12443 and stage support (such as electricians, lighting designers and  
12444 operators, greensmen, prop managers and assistants, and grips),  
12445 wardrobe (design, preparation, and management), hair and makeup  
12446 (design, production, and application), performing (such as  
12447 acting, dancing, and playing), designing and executing stunts,  
12448 coaching, consulting, writing, scoring, composing,  
12449 choreographing, script supervising, directing, producing,  
12450 transmitting dailies, dubbing, mixing, editing, cutting,  
12451 looping, printing, processing, duplicating, storing, and  
12452 distributing;

12453 b. The design, planning, engineering, construction,  
12454 alteration, repair, and maintenance of real or personal property  
12455 including stages, sets, props, models, paintings, and facilities  
12456 principally required for the performance of those services  
12457 listed in sub-subparagraph a.; and

12458 c. Property management services directly related to  
12459 property used in connection with the services described in sub-  
12460 subparagraphs a. and b.

12461  
12462 This exemption will inure to the taxpayer upon presentation of  
12463 the certificate of exemption issued to the taxpayer under the  
12464 provisions of s. 288.1258.

12465 10. Leased, subleased, licensed, or rented to a person  
12466 providing food and drink concessionaire services within the  
12467 premises of a convention hall, exhibition hall, auditorium,  
12468 stadium, theater, arena, civic center, performing arts center,  
12469 publicly owned recreational facility, or any business operated  
12470 under a permit issued pursuant to part II of chapter 551 550. A

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 12471 person providing retail concessionaire services involving the  
 12472 sale of food and drink or other tangible personal property  
 12473 within the premises of an airport shall be subject to tax on the  
 12474 rental of real property used for that purpose, but shall not be  
 12475 subject to the tax on any license to use the property. For  
 12476 purposes of this subparagraph, the term "sale" shall not include  
 12477 the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for  
 12478 payments which the department has declared, in a Technical  
 12479 Assistance Advisement issued on or before March 15, 1993, to be  
 12480 nontaxable pursuant to rule 12A-1.070(19)(c), Florida  
 12481 Administrative Code; provided that this subparagraph shall only  
 12482 apply to property occupied by the same person before and after  
 12483 the execution of the subject instrument and only to those  
 12484 payments made pursuant to such instrument, exclusive of renewals  
 12485 and extensions thereof occurring after March 15, 1993.

12. Property used or occupied predominantly for space  
 12487 flight business purposes. As used in this subparagraph, "space  
 12488 flight business" means the manufacturing, processing, or  
 12489 assembly of a space facility, space propulsion system, space  
 12490 vehicle, satellite, or station of any kind possessing the  
 12491 capacity for space flight, as defined by s. 212.02(23), or  
 12492 components thereof, and also means the following activities  
 12493 supporting space flight: vehicle launch activities, flight  
 12494 operations, ground control or ground support, and all  
 12495 administrative activities directly related thereto. Property  
 12496 shall be deemed to be used or occupied predominantly for space  
 12497 flight business purposes if more than 50 percent of the  
 12498 property, or improvements thereon, is used for one or more space  
 12499

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 12500 flight business purposes. Possession by a landlord, lessor, or  
 12501 licensor of a signed written statement from the tenant, lessee,  
 12502 or licensee claiming the exemption shall relieve the landlord,  
 12503 lessor, or licensor from the responsibility of collecting the  
 12504 tax, and the department shall look solely to the tenant, lessee,  
 12505 or licensee for recovery of such tax if it determines that the  
 12506 exemption was not applicable.

13. Rented, leased, subleased, or licensed to a person  
 12507 providing telecommunications, data systems management, or  
 12508 Internet services at a publicly or privately owned convention  
 12509 hall, civic center, or meeting space at a public lodging  
 12510 establishment as defined in s. 509.013. This subparagraph  
 12511 applies only to that portion of the rental, lease, or license  
 12512 payment that is based upon a percentage of sales, revenue  
 12513 sharing, or royalty payments and not based upon a fixed price.  
 12514 This subparagraph is intended to be clarifying and remedial in  
 12515 nature and shall apply retroactively. This subparagraph does not  
 12516 provide a basis for an assessment of any tax not paid, or create  
 12517 a right to a refund of any tax paid, pursuant to this section  
 12518 before July 1, 2010.

Section 212. Paragraph (c) of subsection (2) of section  
 12520 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)

(c) The taxes imposed by this section shall be collected in  
 12524 addition to the admission tax collected pursuant to part II of  
 12525 chapter 551 ~~s. 550.0951~~, but the amount collected under part II  
 12526 of chapter 551 is ~~s. 550.0951~~ shall not be subject to taxation  
 12527 under this chapter.  
 12528

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12529 Section 213. Paragraph (h) of subsection (1) of section  
12530 212.05, Florida Statutes, is amended to read:

12531 212.05 Sales, storage, use tax.—It is hereby declared to be  
12532 the legislative intent that every person is exercising a taxable  
12533 privilege who engages in the business of selling tangible  
12534 personal property at retail in this state, including the  
12535 business of making mail order sales, or who rents or furnishes  
12536 any of the things or services taxable under this chapter, or who  
12537 stores for use or consumption in this state any item or article  
12538 of tangible personal property as defined herein and who leases  
12539 or rents such property within the state.

12540 (1) For the exercise of such privilege, a tax is levied on  
12541 each taxable transaction or incident, which tax is due and  
12542 payable as follows:

12543 (h)1. A tax is imposed at the rate of 4 percent on the  
12544 charges for the use of ~~coin-operated~~ amusement games or  
12545 machines. The tax shall be calculated by dividing the gross  
12546 receipts from such charges for the applicable reporting period  
12547 by a divisor, determined as provided in this subparagraph, to  
12548 compute gross taxable sales, and then subtracting gross taxable  
12549 sales from gross receipts to arrive at the amount of tax due.  
12550 For counties that do not impose a discretionary sales surtax,  
12551 the divisor is equal to 1.04; for counties that impose a 0.5  
12552 percent discretionary sales surtax, the divisor is equal to  
12553 1.045; for counties that impose a 1 percent discretionary sales  
12554 surtax, the divisor is equal to 1.050; and for counties that  
12555 impose a 2 percent sales surtax, the divisor is equal to 1.060.  
12556 If a county imposes a discretionary sales surtax that is not  
12557 listed in this subparagraph, the department shall make the

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12558 applicable divisor available in an electronic format or  
12559 otherwise. Additional divisors shall bear the same mathematical  
12560 relationship to the next higher and next lower divisors as the  
12561 new surtax rate bears to the next higher and next lower surtax  
12562 rates for which divisors have been established. When a game or  
12563 machine is activated by a slug, token, coupon, or any similar  
12564 device which has been purchased, the tax is on the price paid by  
12565 the user of the device for such device.

12566 2. As used in this paragraph, the term "operator" means any  
12567 person who possesses an ~~a coin-operated~~ amusement game or  
12568 machine for the purpose of generating sales through that game or  
12569 machine and who is responsible for removing the receipts from  
12570 the game or machine.

12571 a. If the owner of the game or machine is also the operator  
12572 of it, he or she shall be liable for payment of the tax without  
12573 any deduction for rent or a license fee paid to a location owner  
12574 for the use of any real property on which the game or machine is  
12575 located.

12576 b. If the owner or lessee of the game or machine is also  
12577 its operator, he or she shall be liable for payment of the tax  
12578 on the purchase or lease of the game or machine, as well as the  
12579 tax on sales generated through the game or machine.

12580 c. If the proprietor of the business where the game or  
12581 machine is located does not own the game or machine, he or she  
12582 shall be deemed to be the lessee and operator of the game or  
12583 machine and is responsible for the payment of the tax on sales,  
12584 unless such responsibility is otherwise provided for in a  
12585 written agreement between him or her and the game or machine  
12586 owner.

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12587 3.a. An operator of a ~~coin-operated~~ amusement game or  
 12588 machine may not operate or cause to be operated in this state  
 12589 any such game or machine until the operator has registered with  
 12590 the department and has conspicuously displayed an identifying  
 12591 certificate issued by the department. The identifying  
 12592 certificate shall be issued by the department upon application  
 12593 from the operator. The identifying certificate shall include a  
 12594 unique number, and the certificate shall be permanently marked  
 12595 with the operator's name, the operator's sales tax number, and  
 12596 the maximum number of games or machines to be operated under the  
 12597 certificate. An identifying certificate shall not be transferred  
 12598 from one operator to another. The identifying certificate must  
 12599 be conspicuously displayed on the premises where the ~~coin-~~  
 12600 ~~operated~~ amusement games or machines are being operated.

12601 b. The operator of the game or machine must obtain an  
 12602 identifying certificate before the game or machine is first  
 12603 operated in the state and by July 1 of each year thereafter. The  
 12604 annual fee for each certificate shall be based on the number of  
 12605 games or machines identified on the application times \$30 and is  
 12606 due and payable upon application for the identifying device. The  
 12607 application shall contain the operator's name, sales tax number,  
 12608 business address where the games or machines are being operated,  
 12609 and the number of games or machines in operation at that place  
 12610 of business by the operator. No operator may operate more games  
 12611 or machines than are listed on the certificate. A new  
 12612 certificate is required if more games or machines are being  
 12613 operated at that location than are listed on the certificate.  
 12614 The fee for the new certificate shall be based on the number of  
 12615 additional games or machines identified on the application form

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12616 times \$30.

12617 c. A penalty of \$250 per game or machine is imposed on the  
 12618 operator for failing to properly obtain and display the required  
 12619 identifying certificate. A penalty of \$250 is imposed on the  
 12620 lessee of any game or machine placed in a place of business  
 12621 without a proper current identifying certificate. Such penalties  
 12622 shall apply in addition to all other applicable taxes, interest,  
 12623 and penalties.

12624 d. Operators of ~~coin-operated~~ amusement games or machines  
 12625 must obtain a separate sales and use tax certificate of  
 12626 registration for each county in which such games or machines are  
 12627 located. One sales and use tax certificate of registration is  
 12628 sufficient for all of the operator's games or machines within a  
 12629 single county.

12630 4. ~~The provisions of~~ This paragraph does ~~de~~ not apply to  
 12631 ~~coin-operated~~ amusement games or machines owned and operated by  
 12632 churches or synagogues.

12633 5. In addition to any other penalties imposed by this  
 12634 chapter, a person who knowingly and willfully violates ~~any~~  
 12635 ~~provision of~~ this paragraph commits a misdemeanor of the second  
 12636 degree, punishable as provided in s. 775.082 or s. 775.083.

12637 6. The department may adopt rules necessary to administer  
 12638 ~~the provisions of~~ this paragraph.

12639 Section 214. Paragraph (1) of subsection (3) of section  
 12640 212.054, Florida Statutes, is amended to read:  
 12641 212.054 Discretionary sales surtax; limitations,  
 12642 administration, and collection.-  
 12643 (3) For the purpose of this section, a transaction shall be  
 12644 deemed to have occurred in a county imposing the surtax when:

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12645 (1) The ~~coin-operated~~ amusement game or machine or vending  
12646 machine is located in the county.

12647 Section 215. Paragraph (b) of subsection (1) of section  
12648 212.12, Florida Statutes, is amended to read:

12649 212.12 Dealer's credit for collecting tax; penalties for  
12650 noncompliance; powers of Department of Revenue in dealing with  
12651 delinquents; brackets applicable to taxable transactions;  
12652 records required.—

12653 (1)

12654 (b) The Department of Revenue may deny the collection  
12655 allowance if a taxpayer files an incomplete return or if the  
12656 required tax return or tax is delinquent at the time of payment.

12657 1. An "incomplete return" is, for purposes of this chapter,  
12658 a return which is lacking such uniformity, completeness, and  
12659 arrangement that the physical handling, verification, review of  
12660 the return, or determination of other taxes and fees reported on  
12661 the return may not be readily accomplished.

12662 2. The department shall adopt rules requiring such  
12663 information as it may deem necessary to ensure that the tax  
12664 levied hereunder is properly collected, reviewed, compiled,  
12665 reported, and enforced, including, but not limited to: the  
12666 amount of gross sales; the amount of taxable sales; the amount  
12667 of tax collected or due; the amount of lawful refunds,  
12668 deductions, or credits claimed; the amount claimed as the  
12669 dealer's collection allowance; the amount of penalty and  
12670 interest; the amount due with the return; and such other  
12671 information as the Department of Revenue may specify. The  
12672 department shall require that transient rentals and agricultural  
12673 equipment transactions be separately shown. Sales made through

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12674 vending machines as defined in s. 212.0515 must be separately  
12675 shown on the return. Sales made through ~~coin-operated~~ amusement  
12676 games or machines as defined by s. 212.02 and the number of  
12677 machines operated must be separately shown on the return or on a  
12678 form prescribed by the department. If a separate form is  
12679 required, the same penalties for late filing, incomplete filing,  
12680 or failure to file as provided for the sales tax return shall  
12681 apply to the form.

12682 Section 216. Paragraph (d) of subsection (6) of section  
12683 212.20, Florida Statutes, is amended to read:

12684 212.20 Funds collected, disposition; additional powers of  
12685 department; operational expense; refund of taxes adjudicated  
12686 unconstitutionally collected.—

12687 (6) Distribution of all proceeds under this chapter and s.  
12688 202.18(1)(b) and (2)(b) shall be as follows:

12689 (d) The proceeds of all other taxes and fees imposed  
12690 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
12691 and (2)(b) shall be distributed as follows:

12692 1. In any fiscal year, the greater of \$500 million, minus  
12693 an amount equal to 4.6 percent of the proceeds of the taxes  
12694 collected pursuant to chapter 201, or 5.2 percent of all other  
12695 taxes and fees imposed pursuant to this chapter or remitted  
12696 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
12697 monthly installments into the General Revenue Fund.

12698 2. After the distribution under subparagraph 1., 8.814  
12699 percent of the amount remitted by a sales tax dealer located  
12700 within a participating county pursuant to s. 218.61 shall be  
12701 transferred into the Local Government Half-cent Sales Tax  
12702 Clearing Trust Fund. Beginning July 1, 2003, the amount to be

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12703 transferred shall be reduced by 0.1 percent, and the department  
 12704 shall distribute this amount to the Public Employees Relations  
 12705 Commission Trust Fund less \$5,000 each month, which shall be  
 12706 added to the amount calculated in subparagraph 3. and  
 12707 distributed accordingly.

12708 3. After the distribution under subparagraphs 1. and 2.,  
 12709 0.095 percent shall be transferred to the Local Government Half-  
 12710 cent Sales Tax Clearing Trust Fund and distributed pursuant to  
 12711 s. 218.65.

12712 4. After the distributions under subparagraphs 1., 2., and  
 12713 3., 2.0440 percent of the available proceeds shall be  
 12714 transferred monthly to the Revenue Sharing Trust Fund for  
 12715 Counties pursuant to s. 218.215.

12716 5. After the distributions under subparagraphs 1., 2., and  
 12717 3., 1.3409 percent of the available proceeds shall be  
 12718 transferred monthly to the Revenue Sharing Trust Fund for  
 12719 Municipalities pursuant to s. 218.215. If the total revenue to  
 12720 be distributed pursuant to this subparagraph is at least as  
 12721 great as the amount due from the Revenue Sharing Trust Fund for  
 12722 Municipalities and the former Municipal Financial Assistance  
 12723 Trust Fund in state fiscal year 1999-2000, no municipality shall  
 12724 receive less than the amount due from the Revenue Sharing Trust  
 12725 Fund for Municipalities and the former Municipal Financial  
 12726 Assistance Trust Fund in state fiscal year 1999-2000. If the  
 12727 total proceeds to be distributed are less than the amount  
 12728 received in combination from the Revenue Sharing Trust Fund for  
 12729 Municipalities and the former Municipal Financial Assistance  
 12730 Trust Fund in state fiscal year 1999-2000, each municipality  
 12731 shall receive an amount proportionate to the amount it was due

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12732 in state fiscal year 1999-2000.

12733 6. Of the remaining proceeds:

12734 a. In each fiscal year, the sum of \$29,915,500 shall be  
 12735 divided into as many equal parts as there are counties in the  
 12736 state, and one part shall be distributed to each county. The  
 12737 distribution among the several counties must begin each fiscal  
 12738 year on or before January 5th and continue monthly for a total  
 12739 of 4 months. If a local or special law required that any moneys  
 12740 accruing to a county in fiscal year 1999-2000 under the then-  
 12741 existing provisions of s. 551.035 ~~s. 550.135~~ be paid directly to  
 12742 the district school board, special district, or a municipal  
 12743 government, such payment must continue until the local or  
 12744 special law is amended or repealed. The state covenants with  
 12745 holders of bonds or other instruments of indebtedness issued by  
 12746 local governments, special districts, or district school boards  
 12747 before July 1, 2000, that it is not the intent of this  
 12748 subparagraph to adversely affect the rights of those holders or  
 12749 relieve local governments, special districts, or district school  
 12750 boards of the duty to meet their obligations as a result of  
 12751 previous pledges or assignments or trusts entered into which  
 12752 obligated funds received from the distribution to county  
 12753 governments under then-existing s. 551.035 ~~s. 550.135~~. This  
 12754 distribution specifically is in lieu of funds distributed under  
 12755 s. 551.035 ~~s. 550.135~~ before July 1, 2000.

12756 b. The department shall distribute \$166,667 monthly  
 12757 pursuant to s. 288.1162 to each applicant certified as a  
 12758 facility for a new or retained professional sports franchise  
 12759 pursuant to s. 288.1162. Up to \$41,667 shall be distributed  
 12760 monthly by the department to each certified applicant as defined

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12761 in s. 288.11621 for a facility for a spring training franchise.  
 12762 However, not more than \$416,670 may be distributed monthly in  
 12763 the aggregate to all certified applicants for facilities for  
 12764 spring training franchises. Distributions begin 60 days after  
 12765 such certification and continue for not more than 30 years,  
 12766 except as otherwise provided in s. 288.11621. A certified  
 12767 applicant identified in this sub-subparagraph may not receive  
 12768 more in distributions than expended by the applicant for the  
 12769 public purposes provided for in s. 288.1162(5) or s.  
 12770 288.11621(3).

12771 c. Beginning 30 days after notice by the Department of  
 12772 Economic Opportunity to the Department of Revenue that an  
 12773 applicant has been certified as the professional golf hall of  
 12774 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
 12775 shall be distributed monthly, for up to 300 months, to the  
 12776 applicant.

12777 d. Beginning 30 days after notice by the Department of  
 12778 Economic Opportunity to the Department of Revenue that the  
 12779 applicant has been certified as the International Game Fish  
 12780 Association World Center facility pursuant to s. 288.1169, and  
 12781 the facility is open to the public, \$83,333 shall be distributed  
 12782 monthly, for up to 168 months, to the applicant. This  
 12783 distribution is subject to reduction pursuant to s. 288.1169. A  
 12784 lump sum payment of \$999,996 shall be made, after certification  
 12785 and before July 1, 2000.

12786 e. The department shall distribute up to \$55,555 monthly to  
 12787 each certified applicant as defined in s. 288.11631 for a  
 12788 facility used by a single spring training franchise, or up to  
 12789 \$111,110 monthly to each certified applicant as defined in s.

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12790 288.11631 for a facility used by more than one spring training  
 12791 franchise. Monthly distributions begin 60 days after such  
 12792 certification or July 1, 2016, whichever is later, and continue  
 12793 for not more than 30 years, except as otherwise provided in s.  
 12794 288.11631. A certified applicant identified in this sub-  
 12795 subparagraph may not receive more in distributions than expended  
 12796 by the applicant for the public purposes provided in s.  
 12797 288.11631(3).

12798 7. All other proceeds must remain in the General Revenue  
 12799 Fund.

12800 Section 217. Subsection (1) of section 267.0617, Florida  
 12801 Statutes, is amended to read:

12802 267.0617 Historic Preservation Grant Program.—

12803 (1) There is hereby created within the division the  
 12804 Historic Preservation Grant Program, which shall make grants of  
 12805 moneys appropriated by the Legislature, moneys deposited  
 12806 pursuant to s. 551.039(2) ~~s. 550.0351(2)~~, and moneys contributed  
 12807 for that purpose from any other source. The program funds shall  
 12808 be used by the division for the purpose of financing grants in  
 12809 furtherance of the purposes of this section.

12810 Section 218. Paragraph (c) of subsection (4) of section  
 12811 402.82, Florida Statutes, is amended to read:

12812 402.82 Electronic benefits transfer program.—

12813 (4) Use or acceptance of an electronic benefits transfer  
 12814 card is prohibited at the following locations or for the  
 12815 following activities:

12816 (c) A pari-mutuel facility as defined in s. 551.012 ~~s.~~  
 12817 ~~550.002~~.

12818 Section 219. Subsection (6) of section 455.116, Florida

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12819 Statutes, is amended to read:  
 12820 455.116 Regulation trust funds.—The following trust funds  
 12821 shall be placed in the department:  
 12822 ~~(6) Pari-mutuel Wagering Trust Fund.~~  
 12823 Section 220. Subsection (1) of section 480.0475, Florida  
 12824 Statutes, is amended to read:  
 12825 480.0475 Massage establishments; prohibited practices.—  
 12826 (1) A person may not operate a massage establishment  
 12827 between the hours of midnight and 5 a.m. This subsection does  
 12828 not apply to a massage establishment:  
 12829 (a) Located on the premises of a health care facility as  
 12830 defined in s. 408.07; a health care clinic as defined in s.  
 12831 400.9905(4); a hotel, motel, or bed and breakfast inn, as those  
 12832 terms are defined in s. 509.242; a timeshare property as defined  
 12833 in s. 721.05; a public airport as defined in s. 330.27; or a  
 12834 pari-mutuel facility as defined in s. 551.012 ~~s. 550.002~~;  
 12835 (b) In which every massage performed between the hours of  
 12836 midnight and 5 a.m. is performed by a massage therapist acting  
 12837 under the prescription of a physician or physician assistant  
 12838 licensed under chapter 458, an osteopathic physician or  
 12839 physician assistant licensed under chapter 459, a chiropractic  
 12840 physician licensed under chapter 460, a podiatric physician  
 12841 licensed under chapter 461, an advanced registered nurse  
 12842 practitioner licensed under part I of chapter 464, or a dentist  
 12843 licensed under chapter 466; or  
 12844 (c) Operating during a special event if the county or  
 12845 municipality in which the establishment operates has approved  
 12846 such operation during the special event.  
 12847 Section 221. Paragraph (f) of subsection (2) of section

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12848 509.032, Florida Statutes, is amended to read:  
 12849 509.032 Duties.—  
 12850 (2) INSPECTION OF PREMISES.—  
 12851 (f) In conducting inspections of establishments licensed  
 12852 under this chapter, the division shall determine if each ~~coin-~~  
 12853 ~~operated~~ amusement game or machine that is operated on the  
 12854 premises of a licensed establishment is properly registered with  
 12855 the Department of Revenue. Each month the division shall report  
 12856 to the Department of Revenue the sales tax registration number  
 12857 of the operator of any licensed establishment that has on  
 12858 location an ~~a coin-operated~~ amusement game or machine and that  
 12859 does not have an identifying certificate conspicuously displayed  
 12860 as required by s. 212.05(1)(h).  
 12861 Section 222. Paragraph (a) of subsection (1) of section  
 12862 559.801, Florida Statutes, is amended to read:  
 12863 559.801 Definitions.—For the purpose of ss. 559.80-559.815,  
 12864 the term:  
 12865 (1) (a) "Business opportunity" means the sale or lease of  
 12866 any products, equipment, supplies, or services which are sold or  
 12867 leased to a purchaser to enable the purchaser to start a  
 12868 business for which the purchaser is required to pay an initial  
 12869 fee or sum of money which exceeds \$500 to the seller, and in  
 12870 which the seller represents:  
 12871 1. That the seller or person or entity affiliated with or  
 12872 referred by the seller will provide locations or assist the  
 12873 purchaser in finding locations for the use or operation of  
 12874 vending machines, racks, display cases, currency or card  
 12875 operated equipment, or other similar devices or ~~currency-~~  
 12876 ~~operated~~ amusement games or machines or devices on premises

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12877 neither owned nor leased by the purchaser or seller;

12878 2. That the seller will purchase any or all products made,  
12879 produced, fabricated, grown, bred, or modified by the purchaser  
12880 using in whole or in part the supplies, services, or chattels  
12881 sold to the purchaser;

12882 3. That the seller guarantees that the purchaser will  
12883 derive income from the business opportunity which exceeds the  
12884 price paid or rent charged for the business opportunity or that  
12885 the seller will refund all or part of the price paid or rent  
12886 charged for the business opportunity, or will repurchase any of  
12887 the products, equipment, supplies, or chattels supplied by the  
12888 seller, if the purchaser is unsatisfied with the business  
12889 opportunity; or

12890 4. That the seller will provide a sales program or  
12891 marketing program that will enable the purchaser to derive  
12892 income from the business opportunity, except that this paragraph  
12893 does not apply to the sale of a sales program or marketing  
12894 program made in conjunction with the licensing of a trademark or  
12895 service mark that is registered under the laws of any state or  
12896 of the United States if the seller requires use of the trademark  
12897 or service mark in the sales agreement.

12898 For the purpose of subparagraph 1., the term "assist the  
12899 purchaser in finding locations" means, but is not limited to,  
12900 supplying the purchaser with names of locator companies,  
12901 contracting with the purchaser to provide assistance or supply  
12902 names, or collecting a fee on behalf of or for a locator  
12903 company.

12904 Section 223. Section 561.1105, Florida Statutes, is amended  
12905

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12906 to read:

12907 561.1105 Inspection of licensed premises; ~~coin-operated~~  
12908 amusement games or machines.—In conducting inspections of  
12909 establishments licensed under the Beverage Law, the division  
12910 shall determine if each ~~coin-operated~~ amusement game or machine  
12911 that is operated on the licensed premises is properly registered  
12912 with the Department of Revenue. Each month, the division shall  
12913 report to the Department of Revenue the sales tax registration  
12914 number of the operator of any licensed premises that has on  
12915 location a ~~coin-operated~~ amusement game or machine and that does  
12916 not have an identifying certificate conspicuously displayed as  
12917 required by s. 212.05(1) (h).

12918 Section 224. Paragraph (a) of subsection (1) and paragraph  
12919 (a) of subsection (2) of section 772.102, Florida Statutes, is  
12920 amended to read:

12921 772.102 Definitions.—As used in this chapter, the term:

12922 (1) "Criminal activity" means to commit, to attempt to  
12923 commit, to conspire to commit, or to solicit, coerce, or  
12924 intimidate another person to commit:

12925 (a) Any crime that is chargeable by indictment or  
12926 information under the following provisions:

12927 1. Section 210.18, relating to evasion of payment of  
12928 cigarette taxes.

12929 2. Section 414.39, relating to public assistance fraud.

12930 3. Section 440.105 or s. 440.106, relating to workers'  
12931 compensation.

12932 4. Part IV of chapter 501, relating to telemarketing.

12933 5. Chapter 517, relating to securities transactions.

12934 6. Section 551.0942 or s. 551.072 ~~550.235 or s. 550.3551~~,

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12935 relating to dogracing and horseracing.  
 12936 7. Part I of chapter 551 ~~550~~, relating to jai alai  
 12937 frontons.  
 12938 8. Chapter 552, relating to the manufacture, distribution,  
 12939 and use of explosives.  
 12940 9. Chapter 562, relating to beverage law enforcement.  
 12941 10. Section 624.401, relating to transacting insurance  
 12942 without a certificate of authority, s. 624.437(4)(c)1., relating  
 12943 to operating an unauthorized multiple-employer welfare  
 12944 arrangement, or s. 626.902(1)(b), relating to representing or  
 12945 aiding an unauthorized insurer.  
 12946 11. Chapter 687, relating to interest and usurious  
 12947 practices.  
 12948 12. Section 721.08, s. 721.09, or s. 721.13, relating to  
 12949 real estate timeshare plans.  
 12950 13. Chapter 782, relating to homicide.  
 12951 14. Chapter 784, relating to assault and battery.  
 12952 15. Chapter 787, relating to kidnapping or human  
 12953 trafficking.  
 12954 16. Chapter 790, relating to weapons and firearms.  
 12955 17. Section 796.03, s. 796.04, s. 796.05, or s. 796.07,  
 12956 relating to prostitution.  
 12957 18. Chapter 806, relating to arson.  
 12958 19. Section 810.02(2)(c), relating to specified burglary of  
 12959 a dwelling or structure.  
 12960 20. Chapter 812, relating to theft, robbery, and related  
 12961 crimes.  
 12962 21. Chapter 815, relating to computer-related crimes.  
 12963 22. Chapter 817, relating to fraudulent practices, false

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12964 pretenses, fraud generally, and credit card crimes.  
 12965 23. Section 827.071, relating to commercial sexual  
 12966 exploitation of children.  
 12967 24. Chapter 831, relating to forgery and counterfeiting.  
 12968 25. Chapter 832, relating to issuance of worthless checks  
 12969 and drafts.  
 12970 26. Section 836.05, relating to extortion.  
 12971 27. Chapter 837, relating to perjury.  
 12972 28. Chapter 838, relating to bribery and misuse of public  
 12973 office.  
 12974 29. Chapter 843, relating to obstruction of justice.  
 12975 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
 12976 s. 847.07, relating to obscene literature and profanity.  
 12977 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
 12978 849.25, relating to gambling.  
 12979 32. Chapter 893, relating to drug abuse prevention and  
 12980 control.  
 12981 33. Section 914.22 or s. 914.23, relating to witnesses,  
 12982 victims, or informants.  
 12983 34. Section 918.12 or s. 918.13, relating to tampering with  
 12984 jurors and evidence.  
 12985 (2) "Unlawful debt" means any money or other thing of value  
 12986 constituting principal or interest of a debt that is legally  
 12987 unenforceable in this state in whole or in part because the debt  
 12988 was incurred or contracted:  
 12989 (a) In violation of any one of the following provisions of  
 12990 law:  
 12991 1. Section 551.0942 or s. 551.072 ~~550.235~~ or s. ~~550.3551~~,  
 12992 relating to dogracing and horseracing.

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12993 2. Part I of chapter 551 550, relating to jai alai  
 12994 frontons.  
 12995 3. Section 687.071, relating to criminal usury and loan  
 12996 sharking.  
 12997 4. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
 12998 849.25, relating to gambling.  
 12999 Section 225. Subsection (1) of section 773.03, Florida  
 13000 Statutes, is amended to read:  
 13001 773.03 Limitation on liability for equine activity;  
 13002 exceptions.—  
 13003 (1) This section applies to the horseracing industry as  
 13004 defined in part I of chapter 551 550.  
 13005 Section 226. Paragraph (a) of subsection (1) and paragraph  
 13006 (a) of subsection (2) of section 895.02, Florida Statutes, is  
 13007 amended to read:  
 13008 895.02 Definitions.—As used in ss. 895.01-895.08, the term:  
 13009 (1) "Racketeering activity" means to commit, to attempt to  
 13010 commit, to conspire to commit, or to solicit, coerce, or  
 13011 intimidate another person to commit:  
 13012 (a) Any crime that is chargeable by petition, indictment,  
 13013 or information under the following provisions of the Florida  
 13014 Statutes:  
 13015 1. Section 210.18, relating to evasion of payment of  
 13016 cigarette taxes.  
 13017 2. Section 316.1935, relating to fleeing or attempting to  
 13018 elude a law enforcement officer and aggravated fleeing or  
 13019 eluding.  
 13020 3. Section 403.727(3)(b), relating to environmental  
 13021 control.

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13022 4. Section 409.920 or s. 409.9201, relating to Medicaid  
 13023 fraud.  
 13024 5. Section 414.39, relating to public assistance fraud.  
 13025 6. Section 440.105 or s. 440.106, relating to workers'  
 13026 compensation.  
 13027 7. Section 443.071(4), relating to creation of a fictitious  
 13028 employer scheme to commit reemployment assistance fraud.  
 13029 8. Section 465.0161, relating to distribution of medicinal  
 13030 drugs without a permit as an Internet pharmacy.  
 13031 9. Section 499.0051, relating to crimes involving  
 13032 contraband and adulterated drugs.  
 13033 10. Part IV of chapter 501, relating to telemarketing.  
 13034 11. Chapter 517, relating to sale of securities and  
 13035 investor protection.  
 13036 12. Section 551.0942 or s. 551.072 550.235 or s. 550.3551,  
 13037 relating to dogracing and horseracing.  
 13038 13. Part I of chapter 551 550, relating to jai alai  
 13039 frontons.  
 13040 14. Section 551.109, relating to slot machine gaming.  
 13041 15. Chapter 552, relating to the manufacture, distribution,  
 13042 and use of explosives.  
 13043 16. Chapter 560, relating to money transmitters, if the  
 13044 violation is punishable as a felony.  
 13045 17. Chapter 562, relating to beverage law enforcement.  
 13046 18. Section 624.401, relating to transacting insurance  
 13047 without a certificate of authority, s. 624.437(4)(c)1., relating  
 13048 to operating an unauthorized multiple-employer welfare  
 13049 arrangement, or s. 626.902(1)(b), relating to representing or  
 13050 aiding an unauthorized insurer.

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- 13051 19. Section 655.50, relating to reports of currency  
13052 transactions, when such violation is punishable as a felony.
- 13053 20. Chapter 687, relating to interest and usurious  
13054 practices.
- 13055 21. Section 721.08, s. 721.09, or s. 721.13, relating to  
13056 real estate timeshare plans.
- 13057 22. Section 775.13(5)(b), relating to registration of  
13058 persons found to have committed any offense for the purpose of  
13059 benefiting, promoting, or furthering the interests of a criminal  
13060 gang.
- 13061 23. Section 777.03, relating to commission of crimes by  
13062 accessories after the fact.
- 13063 24. Chapter 782, relating to homicide.
- 13064 25. Chapter 784, relating to assault and battery.
- 13065 26. Chapter 787, relating to kidnapping or human  
13066 trafficking.
- 13067 27. Chapter 790, relating to weapons and firearms.
- 13068 28. Chapter 794, relating to sexual battery, but only if  
13069 such crime was committed with the intent to benefit, promote, or  
13070 further the interests of a criminal gang, or for the purpose of  
13071 increasing a criminal gang member's own standing or position  
13072 within a criminal gang.
- 13073 29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or s.  
13074 796.07, relating to prostitution and sex trafficking.
- 13075 30. Chapter 806, relating to arson and criminal mischief.
- 13076 31. Chapter 810, relating to burglary and trespass.
- 13077 32. Chapter 812, relating to theft, robbery, and related  
13078 crimes.
- 13079 33. Chapter 815, relating to computer-related crimes.

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- 13080 34. Chapter 817, relating to fraudulent practices, false  
13081 pretenses, fraud generally, and credit card crimes.
- 13082 35. Chapter 825, relating to abuse, neglect, or  
13083 exploitation of an elderly person or disabled adult.
- 13084 36. Section 827.071, relating to commercial sexual  
13085 exploitation of children.
- 13086 37. Section 828.122, relating to fighting or baiting  
13087 animals.
- 13088 38. Chapter 831, relating to forgery and counterfeiting.
- 13089 39. Chapter 832, relating to issuance of worthless checks  
13090 and drafts.
- 13091 40. Section 836.05, relating to extortion.
- 13092 41. Chapter 837, relating to perjury.
- 13093 42. Chapter 838, relating to bribery and misuse of public  
13094 office.
- 13095 43. Chapter 843, relating to obstruction of justice.
- 13096 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
13097 s. 847.07, relating to obscene literature and profanity.
- 13098 45. Chapter 849, relating to gambling, lottery, gambling or  
13099 gaming devices, slot machines, or any of the provisions within  
13100 that chapter.
- 13101 46. Chapter 874, relating to criminal gangs.
- 13102 47. Chapter 893, relating to drug abuse prevention and  
13103 control.
- 13104 48. Chapter 896, relating to offenses related to financial  
13105 transactions.
- 13106 49. Sections 914.22 and 914.23, relating to tampering with  
13107 or harassing a witness, victim, or informant, and retaliation  
13108 against a witness, victim, or informant.

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13109 50. Sections 918.12 and 918.13, relating to tampering with  
13110 jurors and evidence.

13111 (2) "Unlawful debt" means any money or other thing of value  
13112 constituting principal or interest of a debt that is legally  
13113 unenforceable in this state in whole or in part because the debt  
13114 was incurred or contracted:

13115 (a) In violation of any one of the following provisions of  
13116 law:

13117 1. Section 551.0942 or s. 551.072 ~~550.235~~ or s. ~~550.3551~~,  
13118 relating to dogracing and horseracing.

13119 2. Part I of chapter 551 ~~550~~, relating to jai alai  
13120 frontons.

13121 3. Section 551.109, relating to slot machine gaming.

13122 4. Chapter 687, relating to interest and usury.

13123 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
13124 849.25, relating to gambling.

13125 Section 227. Except as otherwise provided in this act, this  
13126 act shall take effect July 1, 2014.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Gaming

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BILL: SPB 7054

INTRODUCER: For consideration by the Gaming Committee

SUBJECT: Public Records/Gaming Control

DATE: February 28, 2014

REVISED: \_\_\_\_\_

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Kraemer</u>	<u>Guthrie</u>	_____	<b>Pre-meeting</b>

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**I. Summary:**

SPB 7054 creates a public records exemption for proprietary confidential business information submitted in an application for licensure or renewal by a destination casino resort owner/operator, supplier, or manufacturer. It is linked to SPB 7052, which authorizes a newly created Gaming Control Board, through a competitive “invitation to negotiate” process, to license one destination casino resort in Miami-Dade County and one in Broward County. The exemption is subject to the Open Government Sunset Review Act and will repeal on October 2, 2019, unless reviewed and saved from repeal by the Legislature.

As required by the State Constitution, the bill contains a statement of public necessity and must be passed by a two-thirds vote of each house.

The bill is not anticipated to have a significant fiscal impact on state funds.

**II. Present Situation:**

The Florida Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.<sup>1</sup> The records of the legislative, executive, and judicial branches are specifically included.<sup>2</sup>

The Florida Statutes also specify conditions under which public access must be provided to government records. The Public Records Act<sup>3</sup> guarantees every person’s right to inspect and copy any state or local government public record<sup>4</sup> at any reasonable time, under reasonable

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<sup>1</sup> Fla. Const., art. I, s. 24(a).

<sup>2</sup> *Id.*

<sup>3</sup> Chapter 119, F.S.

<sup>4</sup> Section 119.011(12), F.S., defines “public records” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction

conditions, and under supervision by the custodian of the public records.<sup>5</sup> However, under separation of powers principles, neither the Legislature nor the judiciary is an “agency” for purposes of the Public Records Act.<sup>6</sup> There is a distinction between records designated by law as exempt from disclosure and those designated as *confidential and exempt*. A record classified as confidential and exempt from public disclosure is not subject to inspection by the public<sup>7</sup>

Only the Legislature may create an exemption to public records requirements.<sup>8</sup> Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.<sup>9</sup> Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.<sup>10</sup>

The Open Government Sunset Review Act (act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.<sup>11</sup> It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>12</sup> The act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.<sup>13</sup>

The term “trade secret” is defined in the Florida Statutes in several contexts. In the Uniform Trade Secrets Act, ch. 688.001-688.009, trade secret is defined as information which is maintained with reasonable secrecy, and consisting of a formula, pattern, compilation, program, device, method, technique, or process that derives independent economic value from not being generally known and not being readily ascertainable.<sup>14</sup>

A more detailed definition for trade secret is applicable to prosecutions for stolen, embezzled, or copied information:

“Trade secret” means the whole or any portion or phase of any formula, pattern, device, combination of devices, or compilation of information which is for use, or is used, in the

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of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>5</sup> Section 119.07(1)(a), F.S.

<sup>6</sup> See, e.g., *Times Publishing Company v. Ake*, 660 So. 2d 255 (Fla. 1995) and (*Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992).

<sup>7</sup> See *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), *review denied* 892 So.2d 1015 (Fla. 2004).

<sup>8</sup> Fla. Const., art. I, s. 24(c).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

<sup>12</sup> Section 119.15(3), F.S.

<sup>13</sup> Section 119.15(6)(b), F.S.

<sup>14</sup> Section 688.004, F.S.

operation of a business and which provides the business an advantage, or an opportunity to obtain an advantage, over those who do not know or use it. “Trade secret” includes any scientific, technical, or commercial information, including any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof. Irrespective of novelty, invention, patentability, the state of the prior art, and the level of skill in the business, art, or field to which the subject matter pertains, a trade secret is considered to be:

1. Secret;
2. Of value;
3. For use or in use by the business; and
4. Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it.

when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.<sup>15</sup>

There are a number of exemptions for “trade secrets” from the Public Records Act,<sup>16</sup> as well as for certain proprietary confidential business information submitted to and held by certain agencies.<sup>17</sup>

Section 624.4213, F.S., details a specific procedure for a person to claim that a portion of a submission to the Department of Financial Services, the Financial Services Commission, or the Office of Insurance Regulation of the Financial Services Commission contains a trade secret. Each such page must be marked as a trade secret. All such material must be segregated in a separate envelope, with a certificate under oath. The procedure to be followed if there is a public records request puts the obligation to file an action in court to bar disclosure of requested material on the person who submitted it.

There are similar requirements and procedures for information claimed to be proprietary confidential business information.<sup>18</sup>

### III. Effect of Proposed Changes:

The bill creates a public records exemption for proprietary confidential business information submitted in an application for licensure or renewal by a destination casino resort owner/operator, supplier, or manufacturer. It is linked to SPB 7052, which authorizes a newly created Gaming Control Board, through a competitive “invitation to negotiate” process, to license one destination casino resort in Miami-Dade County and one in Broward County.

The bill provides that proprietary confidential business information will be confidential and exempt from public disclosure if an applicant:

- Requests that proprietary confidential business information submitted in an application for licensure or renewal be confidential and exempt from inspection and copying;

<sup>15</sup> Section 812.081(1)(c), F.S.

<sup>16</sup> Office of Attorney General Pam Bondi, *Government in the Sunshine Manual*, pages 132-133 (2014).

<sup>17</sup> *Id.* at pages 134-134.

<sup>18</sup> See, e.g. s. 288.075, F.S., (Department of Economic Opportunity and other economic development agencies), s. 288.9626, F.S., (the Florida Opportunity Fund defined in s. 288.9623, F.S.), and ss. 364.183, 366.093, 367.156, and 368.108, F.S. (the Public Service Commission).

- Describes the basis for the claim; and
- Marks each page or portion of a document containing information claimed to be proprietary confidential business information.

The term “proprietary confidential business information” is defined as information that is treated by applicants as private which, if disclosed would cause harm to business operations and which has not been disclosed previously except pursuant to a statutory provision, a court or administrative order, or a private agreement that provides that the information will not be released to the public. The term is defined to include, but is not limited to:

- Trade secrets;
- Business plans;
- Internal auditing controls and reports of internal auditors;
- Security measures, systems, or procedures; and
- Information relating to competitive interests, the disclosure of which would impair the competitive business of the person providing the information.

The bill provides that if there is a public records request, the Department of Gaming Control must notify the applicant/licensee, who within 30 days must file a circuit court action to bar disclosure. Pending the outcome, the Department of Gaming Control may not disclose the proprietary confidential business information. Failure by the applicant/licensee to file a circuit court action within 30 days constitutes a waiver of any claim of confidentiality.

The bill provides that proprietary confidential business information may be disclosed to government employees performing official duties or to a hearing officer or judge involved in a proceeding relating to disclosure.

The bill provides for repeal of the exemption on October 2, 2019, unless reviewed and saved from repeal by the Legislature.

The statement of public necessity as required by the Florida Constitution is the advantage given to competitors if an applicant or licensee’s financial status and business plan is made public, thereby putting the applicant or licensee at a disadvantage.

The bill’s effective date is on the same date that SPB 7052 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The bill does not require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.



**B. Public Records/Open Meetings Issues:****Vote Requirement**

Article I, s. 24(c) of the Florida Constitution requires a newly created or expanded public records or open meetings exemption to pass by a two-thirds vote of the members present and voting in each house of the Legislature. This bill creates a public records exemption, and a two-thirds vote in each house is required.

**Public Necessity Statement**

Article I, s. 24(c) of the Florida Constitution requires a bill creating or expanding a public records or open meetings exemption to contain a public necessity statement. This bill contains a public necessity statement.

**Single Subject Requirement**

Article I, s. 24(c) of the Florida Constitution requires a bill creating or expanding a public records or open meetings exemption to contain no other substantive provisions. This bill contains no other substantive provisions.

**Breadth of Exemption**

Article I, s. 24(c) of the Florida Constitution requires a newly created or expanded public records or open meetings exemption to be no broader than necessary to accomplish the stated purpose of the law. This bill creates a public records exemption by allowing specified applicants for licensure or renewal associated with a destination casino resort to mark specific pages or portions of pages of an application as proprietary confidential business information. If a public records request is made for such information, the applicant/licensee bears the burden to seek a circuit court order to: (1) determine the records in question to be proprietary confidential business information, and (2) bar disclosure.

The public necessity statement provides that the exemption is necessary to prevent a competitive disadvantage to applicants for license or license renewal as a destination casino resort, or supplier or manufacturer associated with destination casino resorts. The public necessity statement further provides that harm to applicants significantly outweighs any public benefit derived from disclosure.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill allows certain applicants and licensees associated with destination casino resorts to request that proprietary confidential business information submitted in their license applications or renewal applications be confidential and exempt from inspection and copying. The applicants and licensees must mark each page or portion of a document containing information claimed to be propriety confidential business information in order to claim the exemption.

**C. Government Sector Impact:**

The bill will create an impact on the staff handling applications for licenses or renewals submitted by persons associated with destination casino resorts. Staff responsible for complying with public records requests will require training related to the exemption. The cost will be absorbed as are part of the day-to-day responsibilities of the department. The bill also will create an indeterminate impact on circuit courts hearing cases relating to public records disclosure of documents claimed as propriety confidential business information.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 551.427 of the Florida Statutes:

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

FOR CONSIDERATION By the Committee on Gaming

584-01589-14

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1 A bill to be entitled  
 2 An act relating to public records; creating s.  
 3 551.427, F.S.; defining the term "proprietary  
 4 confidential business information"; providing an  
 5 exemption from public records requirements for such  
 6 information in license or license renewal applications  
 7 submitted to the Gaming Control Board or the  
 8 Department of Gaming Control by a gaming license  
 9 applicant or licensee; providing for future  
 10 legislative review and repeal of the exemption;  
 11 providing a statement of public necessity; providing a  
 12 contingent effective date.

14 Be It Enacted by the Legislature of the State of Florida:

15  
 16 Section 1. Section 551.427, Florida Statutes, is created to  
 17 read:

18 551.427 Public records exemption.-

19 (1) As used in this section, the term "proprietary  
 20 confidential business information" means information that is  
 21 submitted to the board or department pursuant to ss. 551.41,  
 22 551.42, and 551.422 in an application for license or license  
 23 renewal, that is treated by the applicant or licensee as private  
 24 information because the disclosure of the information would  
 25 cause harm to the applicant or licensee or the applicant's or  
 26 licensee's business operations, and that has not been disclosed  
 27 unless disclosed pursuant to a statutory provision, an order of  
 28 a court or administrative body, or a private agreement that  
 29 provides that the information will not be released to the

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30 public. The term includes, but is not limited to:  
 31 (a) Trade secrets.  
 32 (b) Business plans.  
 33 (c) Internal auditing controls and reports of internal  
 34 auditors.  
 35 (d) Security measures, systems, or procedures.  
 36 (e) Information relating to competitive interests, the  
 37 disclosure of which would impair the competitive business of the  
 38 person providing the information.  
 39 (2) Proprietary confidential business information submitted  
 40 in an application for license or license renewal pursuant to s.  
 41 551.41, s. 551.42, or s. 551.422 is confidential and exempt from  
 42 s. 119.07(1) and s. 24(a), Art. I of the State Constitution if  
 43 the person submitting such information to the board or  
 44 department:  
 45 (a) Requests that the information be kept confidential and  
 46 exempt;  
 47 (b) Informs the board or department of the basis for the  
 48 claim of the proprietary confidential business information; and  
 49 (c) Clearly marks each page of a document or specific  
 50 portion of a document containing information claimed to be  
 51 proprietary confidential business information as "proprietary  
 52 confidential business information."  
 53 (3) If the department receives a public records request for  
 54 a document or portion of a document that is marked "proprietary  
 55 confidential business information" under this section, the  
 56 department must promptly notify the applicant or licensee who  
 57 submitted the information and identified it as proprietary  
 58 confidential business information. The notice must inform the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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 59 applicant or licensee that the applicant or licensee has 30 days  
 60 following receipt of such notice to file an action in circuit  
 61 court seeking a determination whether the document or portion of  
 62 the document in question contains proprietary confidential  
 63 business information and an order barring public disclosure of  
 64 the document or portion of the document. If the applicant or  
 65 licensee files an action within 30 days after receipt of notice  
 66 of the public records request, the department may not release  
 67 the document or portion of the document pending the outcome of  
 68 the legal action. The failure to file an action within 30 days  
 69 constitutes a waiver of any claim of confidentiality, and the  
 70 department shall release the document or portion of the document  
 71 as requested.

72 (4) Information made confidential and exempt under this  
 73 subsection may be disclosed:

74 (a) To an officer or employee of another governmental  
 75 entity in the performance of his or her duties or  
 76 responsibilities; or

77 (b) If relevant, in a proceeding under this section. Those  
 78 persons involved in a proceeding under this section, including,  
 79 but not limited to, an administrative law judge, a hearing  
 80 officer, or a judge or justice, must maintain the  
 81 confidentiality of any proprietary confidential business  
 82 information revealed at such proceeding.

83 (5) This section is subject to the Open Government Sunset  
 84 Review Act in accordance with s. 119.15 and shall stand repealed  
 85 on October 2, 2019, unless reviewed and saved from repeal  
 86 through reenactment by the Legislature.

87 Section 2. The Legislature finds that it is a public

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 88 necessity that proprietary confidential business information be  
 89 made confidential and exempt from public records requirements.  
 90 The disclosure of proprietary confidential business information  
 91 could harm an applicant for license or license renewal in the  
 92 marketplace by giving competitors insights into the applicant or  
 93 licensee's financial status and business plan, thereby putting  
 94 the applicant or licensee at a competitive disadvantage. The  
 95 Legislature finds that requiring the applicant or licensee to  
 96 identify the information the applicant or licensee considers  
 97 proprietary confidential business information under the  
 98 statutory definition is appropriate as the applicant or licensee  
 99 is the owner of such information. Identification of proprietary  
 100 confidential business information by the applicant or licensee  
 101 puts the department on notice without requiring the department  
 102 to have to attempt to determine what the applicant or licensee  
 103 might consider confidential. The Legislature also finds that the  
 104 harm to an applicant for license or license renewal in  
 105 disclosing proprietary confidential business information  
 106 significantly outweighs any public benefit derived from  
 107 disclosure of the information. For these reasons, the  
 108 Legislature declares that any proprietary confidential business  
 109 information identified by an applicant for license or license  
 110 renewal in the application submitted to the board or department  
 111 pursuant to ss. 551.41, 551.42, and 551.422, Florida Statutes,  
 112 is confidential and exempt from s. 119.07(1), Florida Statutes,  
 113 and s. 24(a), Article I of the State Constitution.

114 Section 3. This act shall take effect on the same date that  
 115 SB \_\_ or similar legislation takes effect, if such legislation  
 116 is adopted in the same legislative session or an extension

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117 | thereof and becomes a law.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-3-14

Meeting Date

Topic Gaming

Bill Number ~~7050~~<sup>7</sup> 7052  
*(if applicable)*

Name Tolan H. Rutherford

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Sheriff, Duval Co. Jacksonville

Address 501 E. Bay St.  
Street

Phone \_\_\_\_\_

JAX FL 32202  
City State Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing Florida Sheriff's Assoc.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/3/14  
Meeting Date

Topic Greyhound Injury Reporting/Decoupling

Bill Number SPB 7052  
*(if applicable)*

Name Carey Theil

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Executive Director - GREYHOUND USA

Address PO Box F

Phone 617-501-6276

*Street*  
Arlington, MA 02476  
*City State Zip*

E-mail Carey@greyhoundusa.org

Speaking:  For  Against  Information

Representing GREYHOUND USA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

# CourtSmart Tag Report

**Room:** EL 110  
**Caption:** Senate Gaming Committee

**Case:**  
**Judge:**

**Type:**

**Started:** 3/3/2014 1:35:16 PM  
**Ends:** 3/3/2014 2:57:24 PM **Length:** 01:22:09

1:35:18 PM Meeting called to order  
1:35:33 PM Roll call  
1:36:23 PM Comments from the Chairman  
1:52:45 PM Senator Braynon questioning  
1:53:22 PM Senator Richter responding  
1:53:31 PM Senator Richter responding  
1:57:57 PM Senator Margolis questioning  
1:58:50 PM Senator Margolis comments  
2:03:38 PM Senator Richter responding  
2:04:33 PM Senator Montford commenting and questioning  
2:05:15 PM Senator Richter responding  
2:08:56 PM Senator Latvala questioning and commenting  
2:09:36 PM Senator Richter responding  
2:10:04 PM Staff Director John Guthrie responding to Sen. Latvala  
2:12:35 PM Senator Latvala  
2:13:52 PM Staff Director John Guthrie replying  
2:14:22 PM Senator Richter commenting  
2:18:52 PM Staff Director John Guthrie responding to Senator Latvala question  
2:21:04 PM Mary Kreamer replying to Senator Latvala question  
2:22:36 PM Senator Dean  
2:22:56 PM Mary Kreamer responding  
2:23:32 PM Senator Gardiner questioning  
2:24:04 PM Senator Richter responding  
2:26:47 PM Senator Richter Commenting  
2:28:44 PM Senator Clemens questioning  
2:30:01 PM Senator Richter responding  
2:34:00 PM Senator Thrasher responding and commenting  
2:36:41 PM Senator Richter commenting  
2:37:12 PM Senator Margolis commenting  
2:38:42 PM Senator Latvala Commenting  
2:42:30 PM Senator Richter responding  
2:44:12 PM Senator Clemens responding to Senator Thrasher  
2:45:24 PM Senator Sachs commenting  
2:50:41 PM Senator Richter commenting  
2:51:53 PM Sheriff Rutherford, FL Sheriff Association  
2:54:56 PM Carey Theil, Executive Director, Grey2K - USA  
2:57:08 PM Meeting adjourned