

Tab 1	SPB 7076 by RI ; Gaming Enforcement
Tab 2	SPB 7078 by RI ; Public Records and Public Meetings Exemptions/Florida Gaming Control Commission
Tab 3	SPB 7080 by RI ; Requirements for Pari-mutuel Permitholders to Conduct Live Racing or Games

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES
Senator Hutson, Chair
Senator Book, Vice Chair

MEETING DATE: Monday, April 12, 2021
TIME: 3:00—5:00 p.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Hutson, Chair; Senator Book, Vice Chair; Senators Albritton, Gruters, Hooper, Passidomo, Rodrigues, Rouson, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
-----	-------------------------	--	------------------

PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A3 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W. PENSACOLA STREET, TALLAHASSEE, FL 32301

Consideration of proposed bill:

1	SPB 7076	Gaming Enforcement; Creating the Florida Gaming Control Commission within the Office of the Attorney General; providing for membership of the commission; requiring the Commission on Ethics to accept and investigate any alleged violations of the standards of conduct for commissioners; designating the Florida Gaming Control Commission as the state compliance agency having authority to carry out certain responsibilities; transferring all powers, duties, functions, records, offices, personnel, property, pending issues, existing contracts, administrative authority, administrative rules, trust funds, and unexpended balances of appropriations, allocations, and other funds of the Department of Business and Professional Regulation to the commission by a type two transfer, etc.	
---	-----------------	--	--

Consideration of proposed bill:

2	SPB 7078	Public Records and Public Meetings Exemptions/Florida Gaming Control Commission; Specifying that any exempt or confidential and exempt information obtained by the Florida Gaming Control Commission retains its exempt or confidential and exempt status; providing an exemption from public meetings requirements for portions of meetings of the commission wherein confidential or exempt information is discussed; providing for future review and repeal; providing a statement of public necessity, etc.	
---	-----------------	---	--

Consideration of proposed bill:

COMMITTEE MEETING EXPANDED AGENDA

Regulated Industries

Monday, April 12, 2021, 3:00—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SPB 7080	Requirements for Pari-mutuel Permitholders to Conduct Live Racing or Games; Revising the application requirements for an operating license to conduct pari-mutuel wagering for a pari-mutuel facility; prohibiting greyhound permitholders from conducting live racing; authorizing jai alai permitholders, harness horse racing permitholders, and quarter horse racing permitholders to elect not to conduct live racing or games; specifying that certain permitholders that do not conduct live racing or games retain their permit and remain pari-mutuel facilities, etc.	
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.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: SPB 7076

INTRODUCER: For Consideration by the Regulated Industries Committee

SUBJECT: Gaming Enforcement

DATE: April 8, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Kraemer	Imhof	RI	Pre-meeting

I. Summary:

SPB 7076 establishes additional enforcement measures to address violations of gambling laws and the conduct of unauthorized gaming in the state, including the creation of the Florida Gaming Control Commission, and granting additional investigatory and prosecutorial authority to the Office of Statewide Prosecution in the Department of Legal Affairs.

See Section V, Fiscal Impact Statement.

SPB 7078, relating to Public Records and Public Meeting Exemptions/Florida Gaming Control Commission, is linked to this bill.

The bill is effective July 1, 2021.

II. Present Situation:

Background

In general, gambling is illegal in Florida.¹ Chapter 849, F.S., prohibits keeping a gambling house,² running a lottery,³ or the manufacture, sale, lease, play, or possession of slot machines.⁴ However, the following gaming activities are authorized by law and regulated by the state:

- Pari-mutuel⁵ wagering at licensed greyhound and horse tracks and jai alai frontons;⁶

¹ See s. 849.08, F.S.

² See s. 849.01, F.S.

³ See s. 849.09, F.S.

⁴ Section 849.16, F.S.

⁵ “Pari-mutuel” is defined in Florida law as “a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes. See s. 550.002(22), F.S.

⁶ See ch. 550, F.S., relating to the regulation of pari-mutuel activities.

- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;⁷ and
- Cardrooms⁸ at certain pari-mutuel facilities.⁹

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.¹⁰

The 1968 State Constitution states that “[l]otteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution . . .” are prohibited.¹¹ A constitutional amendment approved by the voters in 1986 authorized state-operated lotteries. Net proceeds of the lottery are deposited to the Educational Enhancement Trust Fund (EETF) and appropriated by the Legislature. Lottery operations are self-supporting and function as an entrepreneurial business enterprise.¹²

Chapter 849, F.S., also authorizes, under specific and limited conditions, the conduct of penny-ante games,¹³ bingo,¹⁴ charitable drawings,¹⁵ game promotions (sweepstakes),¹⁶ and bowling tournaments.¹⁷ The Family Amusement Games Act was enacted in 2015 and authorizes skill-based amusement games and machines at specified locations.¹⁸

Regulation of Pari-mutuel Wagering

The Division of Pari-mutuel Wagering (division) in the Department of Business and Professional Regulation (DBPR) regulates pari-mutuel wagering. The division has regulatory oversight of permitted and licensed pari-mutuel wagering facilities, cardrooms located at pari-mutuel facilities, and slot machines at pari-mutuel facilities located in Miami-Dade and Broward counties. According to the division, there were eight license suspensions, and \$19,075 in fines

⁷ See FLA. CONST., art. X, s. 23, and ch. 551, F.S.

⁸ Section 849.086, F.S. See s. 849.086(2)(c), F.S., which 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 charged a fee for participation by the operator of such facility.”

⁹ The Department of Business and Professional Regulation (DBPR) has issued licenses to permitholders with 2021-2022 Operating Licenses to operate 27 cardrooms. See <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/permitholder-operating-licenses-2021-2022/> (last visited Apr. 7, 2021).

¹⁰ See s. 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).

¹¹ 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.

¹² The Department of the Lottery is authorized by s. 15, Art. X, Florida Constitution. Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery. Section 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

¹³ See s. 849.085, F.S.

¹⁴ See s. 849.0931, F.S.

¹⁵ See s. 849.0935, F.S.

¹⁶ See s. 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

¹⁷ See s. 849.141, F.S.

¹⁸ See s. 546.10, F.S.

assessed for violations of all pari-mutuel statutes and administrative rules in Fiscal Year 2019-2020.¹⁹

Ten permitholders were not issued operating licenses for Fiscal Year 2020-2021: two greyhound permitholders,²⁰ two jai alai permitholders,²¹ one limited thoroughbred permitholder,²² and five quarter horse permitholders.²³

Issuance of Pari-mutuel Permits and Annual Licenses

Section 550.054, F.S., provides that any person meeting the qualification requirements of ch. 550, F.S., may apply to the division for a permit to conduct pari-mutuel wagering. Upon approval, a permit must be issued to the applicant that indicates:

- The name of the permitholder;
- The location of the pari-mutuel facility;
- The type of pari-mutuel activity to be conducted; and
- A statement showing qualifications of the applicant to conduct pari-mutuel performances under ch. 550, F.S.

A permit does not authorize any pari-mutuel performances until approved by a majority of voters in a ratification election in the county in which the applicant proposes to conduct pari-mutuel wagering activities. An application may not be considered, nor may a permit be issued by the division or be voted upon in any county, for the conduct of:

- Harness horse racing, quarter horse racing, thoroughbred horse racing, or greyhound racing at a location within 100 miles of an existing pari-mutuel facility; or
- Jai alai games within 50 miles of an existing pari-mutuel facility.

Distances are measured on a straight line from the nearest property line of one pari-mutuel facility to the nearest property line of the other facility.²⁴

After issuance of the permit and a ratification election, the division may issue an annual operating license for wagering at the specified location in a county, indicating the time, place, and number of days during which pari-mutuel operations may be conducted at the specified location.²⁵

¹⁹ See the 89th Annual Report for Fiscal Year 2019-2020 issued by the division at: [AnnualReport-2019-2020--89th--20210224.pdf](#) at page 5 (equivalent to page 3 of the printed Annual Report) (last visited Apr. 7, 2021).

²⁰ Jefferson County Kennel Club (Monticello) and North American Racing Association (Key West).

²¹ Gadsden Jai-alai (Chattahoochee) and Tampa Jai Alai.

²² Under s. 550.3345, F.S., during Fiscal Year 2010-2011 only, holders of quarter horse racing permits were allowed to convert their permits to a thoroughbred racing permit, conditioned upon specific use of racing revenues for enhancement of thoroughbred purses and awards, promotion of the thoroughbred horse industry, and the care of retired thoroughbred horses. Two conversions occurred, Gulfstream Park Thoroughbred After Racing Program (GPTARP) (Hallandale, Broward County), which was licensed to operate in 2019-2020, and Ocala Thoroughbred Racing (Marion County), which was not licensed to operate.

²³ ELH Jefferson (Jefferson County), DeBary Real Estate Holdings (Volusia County), North Florida Racing (Jacksonville), Pompano Park Racing (Pompano Beach), and St. Johns Racing (St. Johns County). See http://www.myfloridalicense.com/dbpr/pmw/documents/PermitholdersList_2020-2021.pdf (last visited Apr. 7, 2021).

²⁴ See s. 550.054(2), F.S.

²⁵ See s. 550.054(9)(a), F.S.

Pursuant to s. 550.054(9)(b), F.S., the division may revoke or suspend any permit or license upon the willful violation by the permitholder or licensee of any provision of ch. 550, F.S., or any administrative rule adopted by the division, and may impose a civil penalty against the permitholder or license up to \$1,000 for each offense.

Slot Machine Gaming Locations and Operations

Section 32 of Art. X of the State Constitution, adopted pursuant to a 2004 initiative petition, authorized slot machines in licensed pari-mutuel facilities in Broward and Miami-Dade, if approved by county referendum. The voters in Broward and Miami-Dade counties approved slot machine gaming. Slot machine gaming in the state is limited to Broward and Miami-Dade counties, and as authorized by federal law, in the tribal gaming facilities of the Seminole Tribe.

Sections 551.104(3), 551.116, and 551.121, F.S., address slot machine gaming operations, and:

- Restrict the issuance of slot machine licenses to licensed pari-mutuel permitholders, for slot machine gaming only at the facility where pari-mutuel wagering is authorized to be conducted by the permitholder;
- Limit slot machine gaming to 18 hours per day, Monday through Friday, and 24 hours on Saturdays and Sundays; and
- Prohibit the service of complimentary or reduced-cost alcoholic beverages to persons playing a slot machine, among other prohibitions.

Cardrooms

Section 849.086, F.S., authorizes cardrooms at certain pari-mutuel facilities.²⁶In Fiscal Year 2021-2022, 27 cardrooms are licensed to operate.²⁷ A license to offer pari-mutuel wagering, slot machine gaming, or a cardroom at a pari-mutuel facility is a privilege granted by the state.²⁸ A cardroom may be open 18 hours per day on Monday through Friday, and 24 hours per day on Saturday and Sunday.²⁹

Sections 849.086(5) and (6), F.S., provide that a licensed pari-mutuel permitholder that holds a valid pari-mutuel permit may hold a cardroom license authorizing the operation of a cardroom and the conduct of authorized games at the cardroom. An authorized game is a game or series of games of poker or dominoes.³⁰ Such games must be played in a non-banking manner,³¹ where the participants play against each other, instead of against the house (cardroom). At least four percent of the gross cardroom receipts of greyhound racing permitholders and jai alai

²⁶ Section 849.086, F.S. Section 849.086(2)(c), F.S., defines “cardroom” to mean a facility where authorized 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.

²⁷ See <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/permitholder-operating-licenses-2021-2022/> (last visited Apr. 7, 2021).

²⁸ *Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), review denied, 412 So.2d 470, 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). See s. 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.”

²⁹ Section 849.086(7)(b), F.S.

³⁰ See s. 849.086(2)(a), F.S.

³¹ *Id.*

permitholders conducting live races or games must supplement greyhound purses, and quarter horse permitholders must have a contract with a horsemen's association governing the payment of purses on live quarter horse races conducted by the permitholder.³²

Gaming Compacts with Seminole Tribe of Florida

In 2010, a gaming compact (2010 Compact) between the Seminole Tribe of Florida (Seminole Tribe) and the State of Florida (state) was ratified by the Legislature.³³ The 2010 Compact authorizes the Seminole Tribe to conduct certain Class III gaming for a 20-year period, and to offer banked card games for five years, through July 31, 2015. The 2010 Compact provides that any expanded gaming (beyond what is specifically acknowledged) allowed in the state relieves the Seminole Tribe of its obligations to make substantial revenue sharing payments.

Pursuant to s. 285.710(13), F.S., 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 2010 Compact. The 2010 Compact provides for revenue sharing in consideration for the exclusive authority granted to the Seminole Tribe to offer banked card games on tribal lands and to offer slot machine gaming outside Miami-Dade and Broward counties.

Section 285.710(9), F.S., provides that money received by the state from a gaming compact is to be deposited into the General Revenue Fund and provides for the distribution of three percent of the amount paid by the Seminole Tribe to the specified local governments. The percentage of the local share distributed to the specified counties and municipalities is based on the Net Win per facility in each county and municipality.

The Seminole Tribe notified the state in May 2019 that it was discontinuing revenue share payments in accordance with the 2010 Compact, based on the results of federal litigation. The 2010 Compact remains in effect through July 31, 2030.

As designated in s. 285.710, F.S., the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation (DBPR) carries out the state's oversight responsibilities under the 2010 Compact.

Class III Gaming under the Indian Gaming Regulatory Act

Gambling on Indian lands is regulated by the Indian Gaming Regulatory Act of 1988 (IGRA).³⁴ The 2010 Compact authorizes the Seminole Tribe to conduct specified Class III gaming activities at its seven tribal facilities in Florida.³⁵

³² See s. 849.086(13)(d), F.S.

³³ Ch. 2010-29, Laws of Fla.

³⁴ See Pub. L. 100-497, 102 Stat. 2467, codified at 18 U.S.C. ss. 1166-1168 and 25 U.S.C. s. 2701 *et seq.*

³⁵ See paragraph F of Part III of the 2010 Compact. The Seminole Tribe has three gaming facilities in Broward County (The Seminole Indian Casinos at Coconut Creek and Hollywood, and the Seminole Hard Rock Hotel & Casino-Hollywood), and gaming facilities in Collier County (Seminole Indian Casino-Immokalee), Glades County (Seminole Indian Casino-Brighton), Hendry County (Seminole Indian Casino-Big Cypress), and Hillsborough County (Seminole Hard Rock Hotel &

Under IGRA, gaming is categorized in three classes:

- **Class I** gaming means social games for minimal value or traditional forms of Indian gaming engaged in by individuals for tribal ceremonies or celebrations;
- **Class II** gaming includes bingo and pull-tabs, lotto, punch boards, tip jars, instant bingo, other games similar to bingo, and certain non-banked card games if not explicitly prohibited by the laws of the state and if played in conformity with state law; and
- **Class III** gaming includes all forms of gaming that are not Class I or Class II gaming, such as banked card games (such as baccarat, chemin de fer, and blackjack (21), casino games such as craps and roulette, electronic or electromechanical facsimiles of games of chance, slot machines, and pari-mutuel wagering.³⁶

Amendment 3 to the State Constitution (Voter Control of Gambling)

At the 2018 General Election, the electorate approved an initiative constitutional amendment (Amendment 3, Voter Control of Gambling in Florida). The amendment is codified in the State Constitution as article X, section 30).³⁷

Amendment 3 requires a vote proposed by citizen’s initiative to amend the State Constitution pursuant to Article XI, section 3 to authorize “casino gambling” in Florida. Casino gambling is defined in section (b) of Amendment 3 as:

- Any of the “types of games typically found in casinos” and that are:
 - Within the definition of Class III gaming in the Federal Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq; and
 - In 25 [Code of Federal Regulations] (C.F.R.) § 502.4 upon the adoption of the amendment and any that are added to such definition of Class III gaming in the future.

Section (b) of Amendment 3 provides that casino gambling includes but is not limited to the following:

- Any house banking game, including but not limited to card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house banking games);
- Any player-banked game that simulates a house banking game, such as California blackjack;
- Casino games such as roulette, craps, and keno;
- Any slot machines as defined in 15 U.S.C. 1171(a)(1); and
- Any other game not authorized by Article X, section 15 [of the State Constitution, relating to state operated lotteries], whether or not defined as a slot machine, in which outcomes are determined by random number generator or are similarly assigned randomly, such as instant or historical racing.

Casino-Tampa). The 2010 Compact was approved by the U.S. Department of the Interior effective July 6, 2010. *See* 75 Fed. Reg. 38833-38834 at <https://www.gpo.gov/fdsys/pkg/FR-2010-07-06/pdf/2010-16213.pdf> (last visited Apr. 7, 2021).

³⁶ *See* 25 U.S.C. s. 2703.

³⁷ *See* the text of Amendment 3, now codified as art. X, s. 30, at

<http://www.leg.state.fl.us/Statutes/index.cfm?Mode=Constitution&Submenu=3&Tab=statutes&CFID=44933245&CFTOKEN=f39b1ca7cab71561-BE329BC7-5056-B837-1A6123F335C4849F#A10S30> (last visited Apr. 7, 2021).

Section (b) of Amendment 3 also further defines “casino gambling” as including the following devices:

- Any electronic gambling devices;
- Simulated gambling devices;
- Video lottery devices;
- Internet sweepstakes devices; and
- Any other form of electronic or electromechanical facsimiles of any game of chance, slot machine, or casino-style game, regardless of how such devices are defined under [the Indian Gaming Regulatory Act].

Under Amendment 3, the term casino “casino gambling” does not include:

pari-mutuel wagering on horse racing, dog racing, or jai alai exhibitions. For the purposes of [Amendment 3], “gambling” and “gaming” are synonymous.

Additionally, Amendment 3 provides:

Nothing in [Amendment 3] shall be deemed to limit the right of the Legislature to exercise its authority through general law to restrict, regulate, or tax any gaming or gambling activities. In addition, nothing in [Amendment 3] shall be construed to limit the ability of the state or Native American tribes to negotiate gaming compacts pursuant to the Federal Indian Gaming Regulatory Act for the conduct of casino gambling on tribal lands, or to affect any existing gambling on tribal lands pursuant to compacts executed by the state and Native American tribes pursuant to [the Indian Gaming Regulatory Act].

By its terms, Amendment 3 became effective on November 6, 2018, is self-executing, and no legislative implementation is required. If any part of Amendment 3 is held invalid for any reason, the remaining portion(s) must be severed from the invalid portion and given “the fullest possible force and effect.”

United States Gaming Regulatory Agencies (Gaming Commissions)

The National Council of Legislators from Gaming States (NCLGS) is an organization of state lawmakers which meets to discuss gaming issues, and includes committees on lotteries, pari-mutuels, casinos, responsible gaming, Indian gaming issues, and telephone/internet wagering.³⁸

Regulatory resources cited by NCLGS include the:

- Association of Racing Commissioners International, Inc. (ARCI), a non-profit corporation founded in the 1930’s to uphold uniform pari-mutuel racing rules and practice, serves as a resource for pari-mutuel rulings, including equine medication issues. The ARCI works to preserve the integrity of horseracing, jai-alai, and dog-racing.³⁹

³⁸ See <https://www.nclgs.org/index.php/about-us> (last visited Apr. 7, 2021).

³⁹ See <http://arci.com/> (last visited Apr. 7, 2021).

- North American Gaming Regulators Association (NAGRA), created in 1984, includes as members federal, state, local, tribal, and provincial government gaming regulators.⁴⁰
- National Indian Gaming Commission (NIGC), established under the Indian Gaming Regulatory Act, is an independent federal regulatory agency charged with the regulation of Indian gaming on Indian land, specifically to protect tribes from corrupt influences, including organized crime, to make sure it is tribes that are receiving the benefit of Indian gaming, and to ensure that fair playing practices that protect tribes and players are adhered to. The NIGC maintains a list of gaming tribes on its site, searchable by tribe or state.⁴¹
- International Association of Gaming Regulators (IAGR), which is an organization of international government agencies responsible for the regulation of gaming in their home jurisdictions concerned with sharing information and resources among each other on issues relevant to the regulation of gaming.⁴²

According to NAGRA, there are approximately 75 gaming regulatory agencies in the United States and Canada, including lottery commissions, pari-mutuel commissions, racing commissions, casino control commissions, and gambling control commissions.⁴³ Two of the most well-known gaming control entities are the Nevada Gaming Commission and Gaming Control Board,⁴⁴ and the New Jersey Casino Control Commission.⁴⁵

In Nevada, members of the Board and Commission are appointed by the Governor of Nevada to four-year terms. In addition to other requirements, each member must be a resident of Nevada and no member may hold elective office while serving. Members are also not permitted to possess any direct pecuniary interest in gaming activities while serving in their capacity as members.⁴⁶

The New Jersey Casino Control Commission is the independent licensing authority of the state's casinos and key employees, comprised of up to three members, appointed by the governor and confirmed by the state senate.⁴⁷ As a quasi-judicial panel, the commission conducts hearings on contested casino key employee license matters, and appeals from decisions and penalties imposed by the state's division of gaming enforcement. Commissioners serve staggered, five-year terms and may only be removed for cause.⁴⁸ The commission notes:

The success and ongoing viability of the gaming industry remains inextricably linked to the public's confidence that the State of New Jersey will ensure that people in the industry possess good character, honesty and integrity. Stewardship over that public confidence is a principal responsibility of the Commission and its Chairman.

⁴⁰ See <https://www.nagra.org/default.aspx> (last visited Apr. 7, 2021).

⁴¹ See <https://www.nigc.gov/> (last visited Apr. 7, 2021).

⁴² See <https://www.iagr.org/>

⁴³ See links to the numerous state and province gaming regulatory agencies, commissions, control boards, and lotteries at <https://www.nagra.org/State-and-Province-Gaming-Regulatory-Agencies> (last visited Apr. 7, 2021).

⁴⁴ See <https://gaming.nv.gov/> (last visited Apr. 7, 2021).

⁴⁵ See <https://www.nj.gov/casinos/> (last visited Apr. 7, 2021).

⁴⁶ See the Board Information Packet at p. 3, available at <https://gaming.nv.gov/modules/showdocument.aspx?documentid=14995> (last visited Apr. 7, 2021).

⁴⁷ See <https://www.nj.gov/casinos/about/overview/> (last visited Apr. 7, 2021)

⁴⁸ *Id.*

The Commission's regulatory efforts through the years have helped create an environment in which New Jersey's casinos can prosper and from which the citizens of New Jersey benefit. With proper regulatory controls, the industry serves as a catalyst to create economic benefits for Atlantic City, the Greater Atlantic City Region, and the entire State of New Jersey.⁴⁹

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 16.56(1)(a), F.S., relating to the Office of Statewide Prosecution in the Department of Legal Affairs (office), to authorize the office to investigate and prosecute, in addition to gambling offenses, any violation of ch. 24, F.S., (State Lotteries), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling), including violations referred by the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation (DBPR), the Department of the Lottery, the Gaming Control Commission, the Seminole Tribe of Florida, or any person licensed under those chapters.

Section 2 of the bill creates s. 16.71, F.S., to establish a Gaming Control Commission (commission), to be administratively housed in the Department Legal Affairs, Office of the Attorney General. The commission is a separate budget entity and serves as the agency head for all purposes. The commission is not subject to control, supervision, or direction by the Department of Legal Affairs or the Attorney General in the performance of its duties, including but not limited to personnel, purchasing transactions involving real or personal property, and budget matters.

Commissioners

The commission consists of five members, one from each appellate district, to be appointed by the Governor by January 1, 2022, subject to Senate confirmation. Of the five members, at least one member must be experienced in law enforcement and criminal investigation, at least one member must be a certified public accountant licensed in this state and experienced in accounting and auditing, and at least one member must be an attorney admitted and authorized to practice law in this state. After initial appointments to create staggered terms, all members will serve four year terms, but may not serve more than 12 years. The salary of a member is the same as a commissioner serving on the Public Service Commission (approximately \$136,000 annually).

The commission must appoint an executive director, no later than July 1, 2022, to supervise, direct, coordinate, and administer the activities needed to fulfill the commission's responsibilities. The executive director serves at the pleasure of the commission, may not be a commissioner, and must reside in and maintain the commission's headquarters in Leon County. Similarly, the executive director's salary is the same as a commissioner serving on the Public Service Commission (approximately \$136,000 annually).

⁴⁹ *Id.*

Commission Employees

All commission employees, except the executive director and attorneys, are subject to part II of ch. 110, F.S., relating to the Career Service System, which provides uniform personnel rules, guidelines, records, and reports related to employees and positions in career service developed by the Department of Management Services in consultation with affected agencies.

The commission's executive director is subject to part III of ch. 110, F.S., relating to the Senior Management Service System. Section 110.401, F.S., provides:

This part [III] creates a uniform system for attracting, retaining, and developing highly competent senior-level managers at the highest executive-management-level agency positions in order for the highly complex programs and agencies of state government to function effectively, efficiently, and productively. The Legislature recognizes that senior-level management is an established profession and that the public interest is best served by developing and refining the management skills of its Senior Management Service employees. Accordingly, training and management-development programs are regarded as a major administrative function within agencies.

Attorneys employed by the commission are subject to part V of ch. 110, F.S., relating to the Selected Exempt Service System. Section 110.601, F.S., provides:

This part [V] creates a system of personnel management the purpose of which is to deliver high-quality performance by those employees in select exempt classifications by facilitating the state's ability to attract and retain qualified personnel in these positions, while also providing sufficient management flexibility to ensure that the workforce is responsive to agency needs. The Legislature recognizes that the public interest is best served by developing and refining the technical and managerial skills of its Selected Exempt Service employees, and, to this end, technical training and management development programs are regarded as a major administrative function within agencies.

For a period of two years immediately preceding appointment to, or employment with, the commission, and while appointed or employed with the commission, a person may not:

- Hold a permit or license issued under ch. 550, F.S., (Pari-mutuel Wagering), a license issued under ch. 551, F.S., (Slot Machines), ch. 546, F.S., (Amusement Facilities) or ch. 849, F.S., (Gambling); be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), F.S.,⁵⁰ of such permitholder or licensee;

⁵⁰ Section 550.002, F.S., defines the term "ultimate equitable owner" to mean "a natural person who, directly or indirectly, owns or controls 5 percent or more of an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such person owns or controls such ownership through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof."

- Be a member of an Indian tribe that has a valid and active compact with the state; be an officer, official, employee, contractor, or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or be an ultimate equitable owner, as defined in s. 550.002(37), F.S., of such entity; or
- Be a registered lobbyist for the executive or legislative branch, except when solely representing the commission.

Persons who fail to meet or violate the above requirements are ineligible for appointment to or employment with the commission, or if, within the two years immediately preceding such appointment or employment, he or she has solicited or accepted employment with; acquired any direct or indirect interest in; has any direct or indirect business association, partnership, or financial relationship with; or is a relative of, any person or entity who is an applicant, licensee, or registrant with the commission or the Division of Pari-mutuel Wagering (division) in the Department of Business and Professional Regulation (DBPR).

The term “relative” means a spouse, father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

All employees authorized by the commission must have access to and the right to inspect premises licensed by the division, to collect and remit taxes, and to examine the books and records of all licensees and permit holders. The authorized employees must require strict compliance by each licensee and permit holder with Florida law relating to such licenses and permits.

Each employee serving as a law enforcement officer for the commission must meet the qualifications for employment or appointment as a law enforcement officer under s. 943.13, F.S., and be certified as a law enforcement officer by the Department of Law Enforcement under ch. 943, F.S. Upon certification, each law enforcement officer has statewide jurisdiction and is subject to and has the same authority provided in ch. 901, F.S., for law enforcement officers generally. Each officer also has arrest authority pursuant to s. 901.15, F.S., and possesses the full law enforcement powers granted to other peace officers of this state, including the authority to make arrests, carry firearms, serve court process, and seize contraband and the proceeds of illegal activities.

The responsibilities of each officer are:

- Primarily, to investigate, enforce, and prosecute, throughout the state, violations and violators of ch. 24, F.S., (State Lotteries), ch. 285, F.S., (Indian Reservations and Affairs), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling), and the rules adopted thereunder, as well as other state laws that the division officers or all state law enforcement officers are specifically authorized to enforce; and
- Secondly, to enforce all other state laws, provided that the enforcement is incidental to exercising the officer’s primary responsibilities described above.

The bill provides an officer may exercise the powers of a deputy sheriff only after consultation or coordination with the appropriate local sheriff's office or municipal police department, or when the division participates in the Florida Mutual Aid Plan during a declared state emergency.

Commission's Powers and Duties

The commission must meet at the call of the chair, or at the request of a majority of its members, and:

- Exercise all state regulatory and executive powers respecting gambling, including, without limitation, pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts executed by the state pursuant to the Federal Indian Gaming Regulatory Act, and any other forms of gambling authorized by the state constitution or law, but not lottery games operated by the state;
- Establish procedures consistent with ch. 120, F.S., (Administrative Procedure Act) to ensure adequate due process in exercising its regulatory and executive functions;
- Ensure that Florida law is not interpreted in any manner that expands the activities authorized in ch. 24, F.S., (State Lotteries), ch. 285, F.S., (Indian Reservations and Affairs), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling);
- Review any matter within the scope of the jurisdiction of the division;
- Review the regulation of licensees, permitholders, or persons regulated by the division and the procedures used by the division to implement and enforce the law;
- Review the procedures of the division used to qualify applicants for a license, permit, or registration;
- Refer criminal violations of ch. 24, F.S., (State Lotteries), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling) to the appropriate state attorney or to the Office of Statewide Prosecution, as applicable; and
- Exercise all other powers and perform any other duties prescribed by the Legislature.

The bill authorizes the commission to subpoena witnesses and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the commission's duties or powers. The commission may meet in any city or county of the state.

The commission chair may schedule hearings to determine whether enforcement of the gaming laws of this state is sufficient to protect residents from an abuse or misinterpretation of law that may expand gaming or gambling in this state. The chair may direct that a hearing be held before one member or a panel of less than the full commission, and must adopt rules to provide for the filing of a report for hearings held by a single commissioner or a panel and prescribe the requirements for the content and filing of such reports.

The commission may submit written recommendations to enhance the enforcement of Florida gaming laws to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and is authorized to contract or consult with other state agencies as may be needed to discharge its duties.

The commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing must conform to state law. The commission must develop annual budget requests pursuant to ch. 216, F.S., relating to Planning and Budgeting; while a budget is not subject to change by the Department of Legal Affairs or the Attorney General, it must be submitted by the Department of Legal Affairs to the Governor for transmittal to the Legislature.

All rules adopted pursuant to ch. 285, F.S., (Indian Reservations and Affairs), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling), prior to the effective date of the act are preserved and remain in full force and effect.

The commission must exercise all of the regulatory and executive powers granted to it, and apply, construe, and interpret all laws and administrative rules, in a manner consistent with the gaming compact ratified, approved, and described in s. 285.710(3), F.S.

Section 3 of the bill creates s. 16.715, F.S., to provide standards of conduct and prohibit ex parte communications (i.e., communications from only one party to a proceeding). Commissioners are public officers subject to the Code of Ethics for Public Officers and Employees set forth in part III of ch. 112, F.S., (Code of Ethics), but they are also governed by standards of conduct and provisions limiting ex parte communications, as provided in the bill, similar to the standards applicable to commissioners serving on the Public Service Commission. Many of the prohibitions involve activities with persons regulated by the commission (regulated entity).

Standards of Conduct

Under the bill, a commissioner:

- May not accept anything from any business entity which, either directly or indirectly, owns or controls any regulated entity, or from any business entity which, either directly or indirectly, is an affiliate or subsidiary of any regulated entity.
- May attend conferences and associated meals and events that are generally available to all conference participants without payment of fees in addition to the conference fee.
- May attend meetings, meals, or events while attending a conference, that are not sponsored, in whole or in part, by any representative of any regulated entity and that are limited to commissioners only, committee members, or speakers, if the commissioner is a member of a committee of the association of regulatory agencies that organized the conference or is a speaker at the conference;
- May attend a conference for which conference participants who are employed by a regulated entity have paid a higher conference registration fee than the commissioner, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee, and that is sponsored, in whole or in part, by a regulated entity.
 - If during the course of an investigation by the Commission on Ethics into an alleged violation, a person is alleged to have given or provided a prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense; and

- If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the gaming control commission or otherwise represent anyone before that commission for a period of two years.
- May not accept any form of employment with or engage in any business activity with:
 - Any business entity which, either directly or indirectly, owns or controls any regulated entity;
 - Any regulated entity; or
 - Any business entity which, either directly or indirectly, is an affiliate or subsidiary of any regulated entity.
- May not have any financial interest, other than shares in a mutual fund, in:
 - Any regulated entity;
 - Any business entity which, either directly or indirectly, owns or controls any regulated entity; or
 - Any business entity which, either directly or indirectly, is an affiliate or subsidiary of any regulated entity.
- Must immediately, if the commissioner acquires any prohibited financial interest during his or her term of office as a result of events or actions beyond the commissioner's control:
 - Sell such financial interest; or
 - Place such financial interest in a blind trust at a financial institution; and may not attempt to influence, or exercise any control over, decisions regarding the blind trust.
- May not accept anything from a party in a proceeding currently pending before the commission.
 - If, during the course of an investigation by the Commission on Ethics into an alleged violation, a person is alleged to have given or provided a prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense.
 - If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the gaming control commission or otherwise represent anyone before that commission for a period of two years.
- May not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.
- May not make any public comment, during his or her term of office, regarding the merits of any proceeding under ss. 120.569 and 120.57, F.S., relating to decisions affecting substantial interests and hearings involving disputed issues of material fact, currently pending before the commission.
- May not conduct himself or herself in an unprofessional manner at any time during the performance of his or her official duties.
- Must avoid impropriety in all of his or her activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.
- May not directly or indirectly, through staff or other means, solicit anything of value from:
 - Any regulated entity;

- Any business entity that, whether directly or indirectly, is an affiliate or subsidiary of any regulated entity; or
- Any party appearing in a proceeding considered by the commission in the last two years.
- Must annually complete at least four hours of ethics training that addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state; this requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation, if the required subjects are covered.

The above standards of conduct may be more restrictive than the Code of Ethics, but may not be construed to contravene that code's restrictions. In the event of a conflict, the more restrictive provision applies.

The Commission on Ethics must accept and investigate any alleged violations of the above standards of conduct pursuant to the procedures contained in the Code of Ethics as described in ss. 112.322 through 112.3241, F.S. The Commission on Ethics must provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to the Code of Ethics.

A commissioner may request an advisory opinion from the Commission on Ethics, pursuant to s. 112.322(3)(a), F.S., regarding the standards of conduct or the prohibitions set forth in ss. 16.71 and 16.715, F.S., created by the bill.

Ex Parte Communications

Under the bill, a commissioner may not initiate or consider ex parte communications (i.e., communications from only one party to a proceeding) concerning the merits, threat, or offer of reward in any proceeding that is currently pending before the commission, or that the commissioner knows or reasonably expects will be filed with the commission within 180 days after the communication. An individual may not discuss ex parte with a commissioner the merits of any issue that he or she knows will be filed with the commission within 180 days. These prohibitions do not apply to commission staff.

If a commissioner knowingly receives a prohibited ex parte communication relative to a proceeding to which he or she is assigned, the commissioner must place on the record of the proceeding copies of:

- All written communications received;
- All written responses to the communications; and
- A memorandum stating the substance of all oral communications received and all oral responses made.

The commissioner must give written notice to all parties to the ex parte communication that such matters have been placed on the record. Any party who desires to respond to an ex parte communication may do so. The response must be received by the commission within 10 days after receiving notice that the ex parte communication has been placed on the record. The commissioner may, if he or she deems it necessary to eliminate the effect of an ex parte

communication, withdraw from the proceeding, in which case the chair must substitute another commissioner for the proceeding.

Any individual who makes an ex parte communication must submit to the commission a written statement describing the nature of such communication, to include:

- The name of the person making the communication;
- The name of the commissioner or commissioners receiving the communication;
- Copies of all written communications made and all written responses to such communications; and
- A memorandum stating the substance of all oral communications received and all oral responses made.

The commission must place on the record of a proceeding all such communications. Any commissioner who knowingly fails to place on the record any such communications within 15 days of the date of such communication, is subject to removal and may be assessed a civil penalty not to exceed \$5,000.

The Commission on Ethics must receive and investigate sworn complaints of violations of the standards of conduct or prohibitions against ex parte communications, pursuant to the procedures contained in the Code of Ethics as described in ss. 112.322 through 112.3241, F.S.

If the Commission on Ethics finds that there has been a violation of the standards of conduct or prohibitions against ex parte communications by a commissioner, it must provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to the Code of Ethics, and to remove from office a commissioner who is found by the Commission on Ethics to have willfully and knowingly violated the standards is subsection. The Governor must remove from office a commissioner who is found by the Commission on Ethics to have willfully and knowingly violated the standards of conduct or prohibitions against ex parte communications, after a previous finding by the Commission on Ethics that the commissioner willfully and knowingly violated the standards of conduct or the prohibitions against ex parte communications in a separate matter.

If a commissioner fails or refuses to pay the Commission on Ethics any civil penalties for such violations, the Commission on Ethics may bring an action in any circuit court to enforce such penalty.

If, during the course of an investigation by the Commission on Ethics into an alleged violation of the standards of conduct or prohibitions against ex parte communications, allegations are made as to the identity of the person who participated in the ex parte communication, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person participated in the ex parte communication, the person may not appear before the gaming control commission or otherwise represent anyone before that commission for a period of two years.

Section 4 of the bill amends s. 285.710, F.S., effective July 1, 2022, to provide that the commission is the state compliance agency designated as the state agency with authority to carry out the state's oversight responsibilities under the 2010 Compact with the Seminole Tribe, rather than the division.

Section 5 of the bill provides for a Type Two transfer pursuant to s. 20.06(2), F.S., effective July 1, 2022, of all powers and duties, personnel, administrative rules, and funding of the Department of Business and Professional Regulation (DBPR), relating to the regulation of pari-mutuel wagering, slot machines, and cardrooms, and the state compliance agency's oversight responsibilities for authorized gaming compacts. The Department of Legal Affairs will provide administrative support to the commission until the transfer is complete, but the commission is not subject to control, supervision, or direction by the Department of Legal Affairs, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters. Those employees transferred from DBPR to the commission retain and transfer accrued leave balances.

Section 6 of the bill directs the Division of Law Revision to prepare a reviser's bill to conform the Florida Statutes to the Type Two transfer described in **Section 5**.

Section 7 of the bill provides that except as otherwise expressly provided in the bill, it takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There will be a cost to establish the commission and compensate staff. The Revenue Estimating Conference has not yet reviewed this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 16.56 and 285.710.

This bill creates the following sections of the Florida Statutes: 16.71 and 16.715.

The bill creates undesignated sections of the Florida law.

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 Regulated Industries

580-03770-21

20217076pb

1 A bill to be entitled
 2 An act relating to gaming enforcement; amending s.
 3 16.56, F.S.; expanding the authority of the Office of
 4 Statewide Prosecution within the Department of Legal
 5 Affairs to investigate and prosecute the offenses of
 6 certain crimes; creating s. 16.71, F.S.; creating the
 7 Florida Gaming Control Commission within the Office of
 8 the Attorney General; providing for membership of the
 9 commission; providing rights for certain employees of
 10 the commission; providing requirements and powers for
 11 employees serving as law enforcement officers for the
 12 commission; providing powers and duties of the
 13 commission; providing requirements for hearings
 14 relating to the commission; authorizing the commission
 15 to submit certain written recommendations to the
 16 Governor and the Legislature upon certain findings;
 17 requiring the commission to annually develop a budget
 18 request; requiring the department to submit the budget
 19 request to the Governor for transmittal to the
 20 Legislature; authorizing the commission to contract or
 21 consult with certain agencies; creating s. 16.715,
 22 F.S.; providing construction; providing standards of
 23 conduct for commissioners; requiring commissioners to
 24 complete specified annual training; requiring the
 25 Commission on Ethics to accept and investigate any
 26 alleged violations of the standards of conduct for
 27 commissioners; providing requirements for such
 28 investigations; authorizing a commissioner to request
 29 an advisory opinion from the Commission on Ethics;

Page 1 of 20

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

580-03770-21

20217076pb

30 providing requirements relating to ex parte
 31 communications; providing civil penalties; amending s.
 32 285.710, F.S.; revising the definition of the term
 33 "state compliance agency"; designating the Florida
 34 Gaming Control Commission as the state compliance
 35 agency having authority to carry out certain
 36 responsibilities; transferring all powers, duties,
 37 functions, records, offices, personnel, property,
 38 pending issues, existing contracts, administrative
 39 authority, administrative rules, trust funds, and
 40 unexpended balances of appropriations, allocations,
 41 and other funds of the Department of Business and
 42 Professional Regulation to the commission by a type
 43 two transfer; requiring the Department of Legal
 44 Affairs to provide administrative support to the
 45 commission until such transfer is complete; providing
 46 a directive to the Division of Law Revision; providing
 47 effective dates.

48
 49 Be It Enacted by the Legislature of the State of Florida:

50
 51 Section 1. Paragraph (a) of subsection (1) of section
 52 16.56, Florida Statutes, is amended to read:

53 16.56 Office of Statewide Prosecution.—

54 (1) There is created in the Department of Legal Affairs an
 55 Office of Statewide Prosecution. The office shall be a separate
 56 "budget entity" as that term is defined in chapter 216. The
 57 office may:

58 (a) Investigate and prosecute the offenses of:

Page 2 of 20

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

580-03770-21

20217076pb

- 59 1. Bribery, burglary, criminal usury, extortion, gambling,
60 kidnapping, larceny, murder, prostitution, perjury, robbery,
61 carjacking, home-invasion robbery, and patient brokering;
62 2. Any crime involving narcotic or other dangerous drugs;
63 3. Any violation of the Florida RICO (Racketeer Influenced
64 and Corrupt Organization) Act, including any offense listed in
65 the definition of racketeering activity in s. 895.02(8) (a),
66 providing such listed offense is investigated in connection with
67 a violation of s. 895.03 and is charged in a separate count of
68 an information or indictment containing a count charging a
69 violation of s. 895.03, the prosecution of which listed offense
70 may continue independently if the prosecution of the violation
71 of s. 895.03 is terminated for any reason;
72 4. Any violation of the Florida Anti-Fencing Act;
73 5. Any violation of the Florida Antitrust Act of 1980, as
74 amended;
75 6. Any crime involving, or resulting in, fraud or deceit
76 upon any person;
77 7. Any violation of s. 847.0135, relating to computer
78 pornography and child exploitation prevention, or any offense
79 related to a violation of s. 847.0135 or any violation of
80 chapter 827 where the crime is facilitated by or connected to
81 the use of the Internet or any device capable of electronic data
82 storage or transmission;
83 8. Any violation of chapter 815;
84 9. Any criminal violation of part I of chapter 499;
85 10. Any violation of the Florida Motor Fuel Tax Relief Act
86 of 2004;
87 11. Any criminal violation of s. 409.920 or s. 409.9201;

Page 3 of 20

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

580-03770-21

20217076pb

- 88 12. Any crime involving voter registration, voting, or
89 candidate or issue petition activities;
90 13. Any criminal violation of the Florida Money Laundering
91 Act;
92 14. Any criminal violation of the Florida Securities and
93 Investor Protection Act; ~~or~~
94 15. Any violation of chapter 787, as well as any and all
95 offenses related to a violation of chapter 787; or
96 16. Any violation of chapter 24, chapter 546, chapter 550,
97 chapter 551, or chapter 849, including violations referred by
98 the Department of Agriculture and Consumer Services, the
99 Department of Business and Professional Regulation, the
100 Department of the Lottery, the Florida Gaming Control
101 Commission, the Seminole Tribe of Florida, or any person
102 licensed under those chapters.
103
104 or any attempt, solicitation, or conspiracy to commit any of the
105 crimes specifically enumerated above. The office shall have such
106 power only when any such offense is occurring, or has occurred,
107 in two or more judicial circuits as part of a related
108 transaction, or when any such offense is connected with an
109 organized criminal conspiracy affecting two or more judicial
110 circuits. Informations or indictments charging such offenses
111 shall contain general allegations stating the judicial circuits
112 and counties in which crimes are alleged to have occurred or the
113 judicial circuits and counties in which crimes affecting such
114 circuits or counties are alleged to have been connected with an
115 organized criminal conspiracy.
116 Section 2. Section 16.71, Florida Statutes, is created to

Page 4 of 20

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

580-03770-21

20217076pb

117 read:

118 16.71 Florida Gaming Control Commission.-

119 (1) There is created within the Department of Legal
 120 Affairs, Office of the Attorney General, a Florida Gaming
 121 Control Commission, hereinafter referred to as the commission.
 122 The commission shall be a separate budget entity and the agency
 123 head for all purposes. The commission is not subject to control,
 124 supervision, or direction by the Department of Legal Affairs or
 125 the Attorney General in the performance of its duties,
 126 including, but not limited to, personnel, purchasing
 127 transactions involving real or personal property, and budgetary
 128 matters.

129 (2) (a) The commission shall consist of five members
 130 appointed by the Governor, subject to confirmation by the
 131 Senate, for terms of 4 years. For the purpose of providing
 132 staggered terms, of the initial appointments, 2 members shall be
 133 appointed to 4-year terms, 2 members shall be appointed to 3-
 134 year terms, and 1 member shall be appointed to a 2-year term. Of
 135 the five members at least one member must be experienced in law
 136 enforcement and criminal investigation, at least one member must
 137 be a certified public accountant licensed in this state and
 138 experienced in accounting and auditing, and at least one member
 139 must be an attorney admitted and authorized to practice law in
 140 this state. Such appointments must be made by January 1, 2022.

141 (b) A commissioner shall serve until a successor is
 142 appointed, but commissioners may not serve more than 12 years.
 143 Vacancies shall be filled for the unexpired portion of the term.
 144 Of the five members, each appellate district shall have one
 145 member appointed from the district to the commission who is a

Page 5 of 20

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

580-03770-21

20217076pb

146 resident of the district at the time of the original
 147 appointment. The salary of each commissioner is equal to that
 148 paid under state law to a commissioner on the Florida Public
 149 Service Commission. The commission shall elect a chair and a
 150 vice chair.

151 (c) To aid the commission in its duties, the commission
 152 must appoint a person who is not a member of the commission to
 153 serve as the executive director of the commission. The executive
 154 director shall supervise, direct, coordinate, and administer all
 155 activities necessary to fulfill the commission's
 156 responsibilities. The commission must appoint the executive
 157 director by July 1, 2022. The executive director, with the
 158 consent of the commission, shall employ such staff as are
 159 necessary to adequately perform the functions of the commission,
 160 within budgetary limitations. All employees, except the
 161 executive director and attorneys, are subject to part II of
 162 chapter 110. The executive director shall serve at the pleasure
 163 of the commission and be subject to part III of chapter 110.
 164 Attorneys employed by the commission shall be subject to part V
 165 of chapter 110. The executive director shall maintain
 166 headquarters in and reside in Leon County. The salary of the
 167 executive director is equal to that paid under state law to a
 168 commissioner on the Florida Public Service Commission.

169 (d)1. A person may not, for the 2 years immediately
 170 preceding the date of appointment to or employment with the
 171 commission and while appointed to or employed with the
 172 commission:

173 a. Hold a permit or license issued under chapter 550, or a
 174 license issued under chapter 551, chapter 546, or chapter 849;

Page 6 of 20

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

580-03770-21

20217076pb

175 be an officer, official, or employee of such permitholder or
 176 licensee; or be an ultimate equitable owner, as defined in s.
 177 550.002(37), of such permitholder or licensee;
 178 b. Be a member of an Indian tribe that has a valid and
 179 active compact with the state; be an officer, official,
 180 employee, contractor, or subcontractor of such tribe or an
 181 entity employed, licensed, or contracted by such tribe; or be an
 182 ultimate equitable owner, as defined in s. 550.002(37), of such
 183 entity; or
 184 c. Be a registered lobbyist for the executive or
 185 legislative branch, except when solely representing the
 186 commission.
 187 2. A person is ineligible for appointment to or employment
 188 with the commission if, within the 2 years immediately preceding
 189 such appointment or employment, he or she has violated
 190 subparagraph 1. or has solicited or accepted employment with,
 191 acquired any direct or indirect interest in, or has had any
 192 direct or indirect business association, partnership, or
 193 financial relationship with, or is a relative of, any person or
 194 entity who is an applicant, licensee, or registrant with the
 195 Division of Pari-mutuel Wagering or the commission.
 196
 197 For the purposes of this paragraph, the term "relative" means a
 198 spouse, father, mother, son, daughter, grandfather, grandmother,
 199 brother, sister, uncle, aunt, cousin, nephew, niece, father-in-
 200 law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,
 201 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
 202 stepbrother, stepsister, half-brother, or half-sister.
 203 (e)1. All employees authorized by the commission shall have

Page 7 of 20

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

580-03770-21

20217076pb

204 access to, and shall have the right to inspect, premises
 205 licensed by the Department of Business and Professional
 206 Regulation, to collect taxes and remit them to the officer
 207 entitled to them, and to examine the books and records of all
 208 persons subject to chapter 24, chapter 285, chapter 546, chapter
 209 550, chapter 551, or chapter 849. The authorized employees shall
 210 require of each such person strict compliance with the laws of
 211 this state relating to the license or permit of the licensee.
 212 2. Each employee serving as a law enforcement officer for
 213 the commission must meet the qualifications for employment or
 214 appointment as a law enforcement officer set forth under s.
 215 943.13 and must be certified as a law enforcement officer by the
 216 Department of Law Enforcement under chapter 943. Upon
 217 certification, each law enforcement officer is subject to and
 218 has the same authority as provided for law enforcement officers
 219 generally in chapter 901 and has statewide jurisdiction. Each
 220 officer also has arrest authority as provided for state law
 221 enforcement officers in s. 901.15. Each officer possesses the
 222 full law enforcement powers granted to other peace officers of
 223 this state, including the authority to make arrests, carry
 224 firearms, serve court process, and seize contraband and the
 225 proceeds of illegal activities.
 226 a. The primary responsibility of each officer appointed
 227 under this paragraph is to investigate, enforce, and prosecute,
 228 throughout the state, violations and violators of chapter 24,
 229 chapter 285, chapter 546, chapter 550, chapter 551, or chapter
 230 849, and the rules adopted thereunder, as well as other state
 231 laws that the commission or all state law enforcement officers
 232 are specifically authorized to enforce.

Page 8 of 20

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

580-03770-21

20217076pb

233 b. The secondary responsibility of each officer appointed
 234 under this paragraph is to enforce all other state laws,
 235 provided that the enforcement is incidental to exercising the
 236 officer's primary responsibility as provided in sub-subparagraph
 237 a., and the officer exercises the powers of a deputy sheriff,
 238 only after consultation or coordination with the appropriate
 239 local sheriff's office or municipal police department or when
 240 the commission participates in the Florida Mutual Aid Plan
 241 during a declared state emergency.

242 (3) The commission shall convene at the call of its chair
 243 or at the request of a majority of the members of the
 244 commission. The presence of three members is required to
 245 constitute a quorum, and the affirmative vote of the majority of
 246 the members present is required for any action or recommendation
 247 by the commission. The commission may meet in any city or county
 248 of the state. The commission shall do all of the following:

249 (a) Exercise all of the regulatory and executive powers of
 250 the state with respect to gambling, including, without
 251 limitation thereto, pari-mutuel wagering, cardrooms, slot
 252 machine facilities, oversight of gaming compacts executed by the
 253 state pursuant to the Federal Indian Gaming Regulatory Act, and
 254 any other forms of gambling authorized by the State Constitution
 255 or law, excluding games authorized by s. 15, Art. X of the State
 256 Constitution.

257 (b) Establish procedures consistent with chapter 120 to
 258 ensure adequate due process in the exercise of its regulatory
 259 and executive functions.

260 (c) Ensure that the laws of this state are not interpreted
 261 in any manner that expands the activities authorized in chapter

580-03770-21

20217076pb

262 24, chapter 285, chapter 546, chapter 550, chapter 551, or
 263 chapter 849.

264 (d) Review any matter within the scope of the jurisdiction
 265 of the Division of Pari-mutuel Wagering.

266 (e) Review the regulation of licensees, permitholders, or
 267 persons regulated by the Division of Pari-mutuel Wagering and
 268 the procedures used by the division to implement and enforce the
 269 law.

270 (f) Review the procedures of the Division of Pari-mutuel
 271 Wagering which are used to qualify applicants applying for a
 272 license, permit, or registration.

273 (g) Refer criminal violations of chapter 24, chapter 546,
 274 chapter 550, chapter 551, or chapter 849 to the appropriate
 275 state attorney or to the Office of Statewide Prosecution, as
 276 applicable.

277 (h) Exercise all other powers and perform any other duties
 278 prescribed by the Legislature.

279 The commission may subpoena witnesses and compel their
 280 attendance and testimony, administer oaths and affirmations,
 281 take evidence, and require by subpoena the production of any
 282 books, papers, records, or other items relevant to the
 283 performance of the duties of the commission or to the exercise
 284 of its powers.

285 (4) Hearings shall be held before the commission, except
 286 that the chair may direct that any hearing be held before one
 287 member of the commission or a panel of less than the full
 288 commission. The commission shall adopt rules to provide for the
 289 filing of a report when hearings are held by a single
 290 member of the commission.

580-03770-21

20217076pb

291 commissioner or a panel, which rules shall prescribe the time
 292 for filing the report and the contents of the report. The chair
 293 may schedule hearings to determine whether enforcement of the
 294 gaming laws of this state is sufficient to protect residents
 295 from abuse and misinterpretation of the law to create expansion
 296 of gaming or gambling in this state.

297 (5) The commission may submit written recommendations to
 298 enhance the enforcement of gaming laws of the state to the
 299 Governor, the President of the Senate, and the Speaker of the
 300 House of Representatives.

301 (6) The commission's exercise of executive powers in the
 302 area of planning, budgeting, personnel management, and
 303 purchasing shall be as provided by law.

304 (7) The commission shall develop a budget request pursuant
 305 to chapter 216 annually. The budget is not subject to change by
 306 the Department of Legal Affairs or the Attorney General, but it
 307 shall be submitted by the Department of Legal Affairs to the
 308 Governor for transmittal to the Legislature.

309 (8) The commission is authorized to contract or consult
 310 with appropriate agencies of state government for such
 311 professional assistance as may be needed in the discharge of its
 312 duties.

313 (9) All rules adopted pursuant to chapters 285, 546, 550,
 314 551, and 849 prior to the effective date of this act are
 315 preserved and remain in full force and effect.

316 (10) The commission shall exercise all of its regulatory
 317 and executive powers and shall apply, construe, and interpret
 318 all laws and administrative rules in a manner consistent with
 319 the gaming compact ratified, approved, and described in s.

Page 11 of 20

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

580-03770-21

20217076pb

320 285.710(3).

321 Section 3. Section 16.715, Florida Statutes, is created to
 322 read:

323 16.715 Florida Gaming Control Commission standards of
 324 conduct; ex parte communications.-

325 (1) STANDARDS OF CONDUCT.-

326 (a) In addition to the provisions of part III of chapter
 327 112, which are applicable to commissioners on the Florida Gaming
 328 Control Commission by virtue of their being public officers, the
 329 conduct of commissioners shall be governed by the standards of
 330 conduct provided in this subsection. Nothing shall prohibit the
 331 standards of conduct from being more restrictive than part III
 332 of chapter 112. Further, this subsection may not be construed to
 333 contravene the restrictions of part III of chapter 112. In the
 334 event of a conflict between this subsection and part III of
 335 chapter 112, the more restrictive provision shall apply.

336 (b)1. A commissioner may not accept anything from any
 337 business entity which, either directly or indirectly, owns or
 338 controls any person regulated by the commission or from any
 339 business entity which, either directly or indirectly, is an
 340 affiliate or subsidiary of any person regulated by the
 341 commission. A commissioner may attend conferences and associated
 342 meals and events that are generally available to all conference
 343 participants without payment of any fees in addition to the
 344 conference fee. Additionally, while attending a conference, a
 345 commissioner may attend meetings, meals, or events that are not
 346 sponsored, in whole or in part, by any representative of any
 347 person regulated by the commission and that are limited to
 348 commissioners only, committee members, or speakers if the

Page 12 of 20

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

580-03770-21

20217076pb

349 commissioner is a member of a committee of the association of
 350 regulatory agencies that organized the conference or is a
 351 speaker at the conference. It is not a violation of this
 352 subparagraph for a commissioner to attend a conference for which
 353 conference participants who are employed by a person regulated
 354 by the commission have paid a higher conference registration fee
 355 than the commissioner, or to attend a meal or event that is
 356 generally available to all conference participants without
 357 payment of any fees in addition to the conference fee and that
 358 is sponsored, in whole or in part, by a person regulated by the
 359 commission. If, during the course of an investigation by the
 360 Commission on Ethics into an alleged violation of this
 361 subparagraph, allegations are made as to the identity of the
 362 person giving or providing the prohibited gift, that person must
 363 be given notice and an opportunity to participate in the
 364 investigation and relevant proceedings to present a defense. If
 365 the Commission on Ethics determines that the person gave or
 366 provided a prohibited gift, the person may not appear before the
 367 commission or otherwise represent anyone before the commission
 368 for a period of 2 years.

369 2. A commissioner may not accept any form of employment
 370 with or engage in any business activity with any business entity
 371 which, either directly or indirectly, owns or controls any
 372 person regulated by the commission, any person regulated by the
 373 commission, or any business entity which, either directly or
 374 indirectly, is an affiliate or subsidiary of any person
 375 regulated by the commission.

376 3. A commissioner may not have any financial interest,
 377 other than shares in a mutual fund, in any person regulated by

580-03770-21

20217076pb

378 the commission, in any business entity which, either directly or
 379 indirectly, owns or controls any person regulated by the
 380 commission, or in any business entity which, either directly or
 381 indirectly, is an affiliate or subsidiary of any person
 382 regulated by the commission. If a commissioner acquires any
 383 financial interest prohibited by this subsection during his or
 384 her term of office as a result of events or actions beyond the
 385 commissioner's control, he or she shall immediately sell such
 386 financial interest or place such financial interest in a blind
 387 trust at a financial institution. A commissioner may not attempt
 388 to influence, or exercise any control over, decisions regarding
 389 the blind trust.

390 4. A commissioner may not accept anything from a party in a
 391 proceeding currently pending before the commission. If, during
 392 the course of an investigation by the Commission on Ethics into
 393 an alleged violation of this subparagraph, allegations are made
 394 as to the identity of the person giving or providing the
 395 prohibited gift, that person must be given notice and an
 396 opportunity to participate in the investigation and relevant
 397 proceedings to present a defense. If the Commission on Ethics
 398 determines that the person gave or provided a prohibited gift,
 399 the person may not appear before the commission or otherwise
 400 represent anyone before the commission for a period of 2 years.

401 5. A commissioner may not serve as the representative of
 402 any political party or on any executive committee or other
 403 governing body of a political party; serve as an executive
 404 officer or employee of any political party, committee,
 405 organization, or association; receive remuneration for
 406 activities on behalf of any candidate for public office; engage

580-03770-21

20217076pb

407 on behalf of any candidate for public office in the solicitation
 408 of votes or other activities on behalf of such candidacy; or
 409 become a candidate for election to any public office without
 410 first resigning from office.

411 6. A commissioner, during his or her term of office, may
 412 not make any public comment regarding the merits of any
 413 proceeding under ss. 120.569 and 120.57 currently pending before
 414 the commission.

415 7. A commissioner may not conduct himself or herself in an
 416 unprofessional manner at any time during the performance of his
 417 or her official duties.

418 8. A commissioner must avoid impropriety in all of his or
 419 her activities and must act at all times in a manner that
 420 promotes public confidence in the integrity and impartiality of
 421 the commission.

422 9. A commissioner may not directly or indirectly, through
 423 staff or other means, solicit anything of value from any person
 424 regulated by the commission, or from any business entity that,
 425 whether directly or indirectly, is an affiliate or subsidiary of
 426 any person regulated by the commission, or from any party
 427 appearing in a proceeding considered by the commission in the
 428 last 2 years.

429 (c) A commissioner must annually complete at least 4 hours
 430 of ethics training that addresses, at a minimum, s. 8, Art. II
 431 of the State Constitution, the Code of Ethics for Public
 432 Officers and Employees, and the public records and public
 433 meetings laws of this state. This requirement may be satisfied
 434 by completion of a continuing legal education class or other
 435 continuing professional education class, seminar, or

580-03770-21

20217076pb

436 presentation, if the required subjects are covered.

437 (d) The Commission on Ethics shall accept and investigate
 438 any alleged violations of this subsection pursuant to the
 439 procedures contained in ss. 112.322-112.3241. The Commission on
 440 Ethics shall provide the Governor, the President of the Senate,
 441 and the Speaker of the House of Representatives with a report of
 442 its findings and recommendations. The Governor is authorized to
 443 enforce the findings and recommendations of the Commission on
 444 Ethics, pursuant to part III of chapter 112. A commissioner may
 445 request an advisory opinion from the Commission on Ethics,
 446 pursuant to s. 112.322(3)(a), regarding the standards of conduct
 447 or prohibitions set forth in this section or s. 16.71.

448 (2) EX PARTE COMMUNICATIONS.-

449 (a) A commissioner may not initiate or consider ex parte
 450 communications concerning the merits, threat, or offer of reward
 451 in any proceeding that is currently pending before the
 452 commission or that he or she knows or reasonably expects will be
 453 filed with the commission within 180 days after the date of any
 454 such communication. An individual may not discuss ex parte with
 455 a commissioner the merits of any issue that he or she knows will
 456 be filed with the commission within 180 days. This paragraph
 457 does not apply to commission staff.

458 (b) If a commissioner knowingly receives an ex parte
 459 communication relative to a proceeding other than as set forth
 460 in paragraph (a), to which he or she is assigned, he or she must
 461 place on the record of the proceeding copies of all written
 462 communications received, all written responses to the
 463 communications, and a memorandum stating the substance of all
 464 oral communications received and all oral responses made, and

580-03770-21

20217076pb

465 shall give written notice to all parties to the communication
 466 that such matters have been placed on the record. Any party who
 467 desires to respond to an ex parte communication may do so. The
 468 response must be received by the commission within 10 days after
 469 receiving notice that the ex parte communication has been placed
 470 on the record. The commissioner may, if he or she deems it
 471 necessary to eliminate the effect of an ex parte communication
 472 received by him or her, withdraw from the proceeding, in which
 473 case the chair shall substitute another commissioner for the
 474 proceeding.

475 (c) Any individual who makes an ex parte communication
 476 shall submit to the commission a written statement describing
 477 the nature of such communication, to include the name of the
 478 person making the communication, the name of the commissioner or
 479 commissioners receiving the communication, copies of all written
 480 communications made, all written responses to such
 481 communications, and a memorandum stating the substance of all
 482 oral communications received and all oral responses made. The
 483 commission shall place on the record of a proceeding all such
 484 communications.

485 (d) Any commissioner who knowingly fails to place on the
 486 record any such communications, in violation of this subsection,
 487 within 15 days of the date of such communication is subject to
 488 removal and may be assessed a civil penalty not to exceed
 489 \$5,000.

490 (e)1. It shall be the duty of the Commission on Ethics to
 491 receive and investigate sworn complaints of violations of this
 492 subsection pursuant to the procedures contained in ss. 112.322-
 493 112.3241.

Page 17 of 20

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

580-03770-21

20217076pb

494 2. If the Commission on Ethics finds that there has been a
 495 violation of this subsection by a commissioner, it shall provide
 496 the Governor, the President of the Senate, and the Speaker of
 497 the House of Representatives with a report of its findings and
 498 recommendations. The Governor is authorized to enforce the
 499 findings and recommendations of the Commission on Ethics,
 500 pursuant to part III of chapter 112 and to remove from office a
 501 commissioner who is found by the Commission on Ethics to have
 502 willfully and knowingly violated this subsection. The Governor
 503 shall remove from office a commissioner who is found by the
 504 Commission on Ethics to have willfully and knowingly violated
 505 this subsection after a previous finding by the Commission on
 506 Ethics that the commissioner willfully and knowingly violated
 507 this subsection in a separate matter.

508 3. If a commissioner fails or refuses to pay the Commission
 509 on Ethics any civil penalties assessed pursuant to this
 510 subsection, the Commission on Ethics may bring an action in any
 511 circuit court to enforce such penalty.

512 4. If, during the course of an investigation by the
 513 Commission on Ethics into an alleged violation of this
 514 subsection, allegations are made as to the identity of the
 515 person who participated in the ex parte communication, that
 516 person must be given notice and an opportunity to participate in
 517 the investigation and relevant proceedings to present a defense.
 518 If the Commission on Ethics determines that the person
 519 participated in the ex parte communication, the person may not
 520 appear before the commission or otherwise represent anyone
 521 before the commission for a period of 2 years.

522 Section 4. Effective July 1, 2022, paragraph (f) of

Page 18 of 20

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

580-03770-21

20217076pb

523 subsection (1) and subsection (7) of section 285.710, Florida
524 Statutes, are amended to read:

525 285.710 Compact authorization.—

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

527 (f) "State compliance agency" means the Florida Gaming
528 Control Commission ~~Division of Pari-mutuel Wagering of the~~
529 ~~Department of Business and Professional Regulation~~ which is
530 designated as the state agency having the authority to carry out
531 the state's oversight responsibilities under the compact.

532 (7) ~~The Florida Gaming Control Commission~~ ~~The Division of~~
533 ~~Pari-mutuel Wagering of the Department of Business and~~
534 ~~Professional Regulation~~ is designated as the state compliance
535 agency having the authority to carry out the state's oversight
536 responsibilities under the compact authorized by this section.

537 Section 5. (1) Effective July 1, 2022, all powers, duties,
538 functions, records, offices, personnel, associated
539 administrative support positions, property, pending issues,
540 existing contracts, administrative authority, administrative
541 rules, and unexpended balances of appropriations, allocations,
542 and other funds in the Department of Business and Professional
543 Regulation related to the oversight responsibilities by the
544 state compliance agency for authorized gaming compacts under s.
545 285.710, Florida Statutes, the regulation of pari-mutuel
546 wagering under chapter 550, Florida Statutes, the regulation of
547 slot machines and slot machine gaming under chapter 551, Florida
548 Statutes, and the regulation of cardrooms under s. 849.086,
549 Florida Statutes, are transferred by a type two transfer, as
550 defined in s. 20.06(2), Florida Statutes, to the Florida Gaming
551 Control Commission within the Department of Legal Affairs,

580-03770-21

20217076pb

552 Office of the Attorney General.

553 (2) Notwithstanding chapter 60L-34, Florida Administrative
554 Code, or any law to the contrary, employees who are transferred
555 from the Department of Business and Professional Regulation to
556 the Florida Gaming Control Commission within the Department of
557 Legal Affairs, Office of the Attorney General to fill positions
558 transferred by this act, retain and transfer any accrued annual
559 leave, sick leave, and regular and special compensatory leave
560 balances.

561 (3) The Department of Legal Affairs shall provide
562 administrative support to the Florida Gaming Control Commission
563 until the transfer in subsection (1) is complete.

564 Section 6. The Division of Law Revision shall prepare a
565 reviser's bill to conform the Florida Statutes to the transfer
566 described in section 3 of this act.

567 Section 7. Except as otherwise expressly provided in this
568 act, this act shall take effect July 1, 2021.

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.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: SPB 7078

INTRODUCER: For consideration by the Regulated Industries Committee

SUBJECT: Public Records and Public Meetings/Gaming Control Commission

DATE: April 8, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>		Pre-meeting

I. Summary:

SPB 7078, which is linked to the passage of SPB 7076 (2021), related to Gaming Enforcement, makes confidential and exempt from public copying and inspection requirements certain information obtained by the Florida Gaming Control Commission (commission). Portions of the commission's meetings during which exempted or confidential and exempt information is discussed are also exempt from open meeting requirements.

The bill provides that the public record exemptions are subject to the Open Government Sunset Review Act and will repeal on October 2, 2026, unless the Legislature reviews and reenacts the exemptions by that date.

The bill will become effective on the same date that SPB 7076 (2021) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Section 24(c) of Article I of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates public record exemptions; thus, it requires a two-thirds vote for final passage.

II. Present Situation:

Public Records

Section 24(a) of Article I of the State Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of section 24(a) of Article I of the State Constitution.¹ The general law must state with specificity

¹ FLA. CONST. art. I, s. 24(c).

the public necessity justifying the exemption² and must be no broader than necessary to accomplish its purpose.³

Public policy regarding access to government records is addressed further in s. 119.07(1)(a), F.S., which guarantees every person a right to inspect and copy any state, county, or municipal record, unless the record is exempt. Furthermore, the Open Government Sunset Review Act⁴ provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; and
- Protect trade or business secrets.⁵

The Open Government Sunset Review Act requires the automatic repeal of a newly created public record exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.⁶

Open Meetings Laws

The State Constitution also provides that the public has a right to access governmental meetings.⁷ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.⁸ This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.⁹

Public policy regarding access to government meetings is also addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the "Government in the Sunshine Law,"¹⁰ or the "Sunshine Law,"¹¹ requires all meetings of any board or commission of any state or local agency

² This portion of a public record exemption is commonly referred to as a "public necessity statement."

³ FLA. CONST. art. I, s. 24(c).

⁴ Section 119.15, F.S.

⁵ Section 119.15(6)(b), F.S.

⁶ Section 119.15(3), F.S.

⁷ FLA. CONST. art. I, s. 24(b).

⁸ *Id.*

⁹ FLA. CONST. art. I, s. 24(b). Meetings of the Legislature are governed by section 4(e) of Article III of the State Constitution, which states: "The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public."

¹⁰ *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

¹¹ *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

or authority at which official acts are to be taken, to be open to the public.¹² The board or commission must provide the public reasonable notice of such meetings.¹³ Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status, or which operates in a manner that unreasonably restricts the public's access to the facility.¹⁴ Minutes of a public meeting must be promptly recorded and open to public inspection.¹⁵

Failure to abide by open meetings requirements will invalidate any resolution, rule, or formal action adopted at a meeting.¹⁶ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.¹⁷

The Legislature may create an exemption to open meetings requirements by passing a general law by at least a two-thirds vote of both the Senate and the House of Representatives.¹⁸ The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁹ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.²⁰

III. Effect of Proposed Changes:

Section 1 of the bill creates s. 16.71(11), F.S., to make information obtained by the Florida Gaming Control Commission that is exempt or confidential and exempt²¹ from s. 119.07(1), F.S. or s. 24(a) Art I. of the State Constitution retains its exempt or confidential and exempt status. The information may be released by the commission to other governmental entities as needed in the performance of its official duties and responsibilities, but such entities must maintain the exempt or confidential and exempt status of the information.

The bill provides portions of commission meetings during which information that is exempt or confidential and exempt is discussed are exempt from s. 286.011 and s. 24(b), Art I. of the State Constitution.

Under the bill, the commission is a criminal justice agency, as defined in s. 119.011, F.S., which states a criminal justice agency is:

¹² Section 286.011(1)-(2), F.S.

¹³ *Id.*

¹⁴ Section 286.011(6), F.S.

¹⁵ Section 286.011(2), F.S.

¹⁶ Section 286.011(1), F.S.

¹⁷ Section 286.011(3), F.S.

¹⁸ FLA. CONST. art. I, s. 24(c).

¹⁹ *Id.*

²⁰ *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999).

²¹ There is a difference between records the Legislature designates exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied* 892 So.2d 1015 (Fla. 2004); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records, to anyone other than the persons or entities specifically designated in statute. See Op. Att'y Gen. Fla. (1985).

- Any law enforcement agency, court, or prosecutor;
- Any other agency charged by law with criminal law enforcement duties;
- Any agency having custody of criminal intelligence information or criminal investigative information for the purpose of assisting such law enforcement agencies in the conduct of active criminal investigation or prosecution or for the purpose of litigating civil actions under the Racketeer Influenced and Corrupt Organization Act, during the time that such agencies are in possession of criminal intelligence information or criminal investigative information pursuant to their criminal law enforcement duties; or
- The Department of Corrections.

The bill authorizes the commission to close portions of meetings during which the commission will hear or discuss active criminal intelligence information or active criminal investigative information, as those terms are defined in s. 119.011(3), F.S., and such portions of meetings shall be exempt from the provisions of s. 286.011, F.S., and s. 24(b), Art. I of the State Constitution, provided the following conditions are met:

- The commission chair must advise the commission at a public meeting that, in connection with the performance of a commission duty, it is necessary that the commission hear or discuss active criminal investigative information or active criminal intelligence information.
- The chair's declaration of necessity for closure and the specific reasons for such necessity must be stated in a document that is a public record that must be filed with the official records of the commission.
- The entire closed session must be recorded. The recording must be maintained by the commission and include the times of commencement and termination of the closed session, all discussion and proceedings, and the names of all persons present. No portion of the session may be off the record.

Further, only members of the commission, Department of Law Enforcement staff supporting the commission's function, and other persons whose presence has been authorized by the chair may be allowed to attend the exempted portions of the commission meetings. The commission must assure that any authorized closure of its meetings is limited, in order to maintain the general policy in Florida in favor of public meetings.

The bill provides the tape recording of, and any minutes and notes generated during a closed portion of a commission meeting are confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, until the criminal investigative information or criminal intelligence information ceases to be active.

This section provides that the exemptions are subject to the Open Government Sunset Review Act and will repeal on October 2, 2026, unless the Legislature reviews and reenacts the exemptions by that date.

Section 2 of the bill provides public necessity statements as required by section 24(c) of Article I of the State Constitution. As to information obtained by the commission, the public necessity statement provides in the absence of this exemption, sensitive confidential or exempt information would be disclosed. As to portions of meetings of the commission at which confidential and exempt information is discussed, the public necessity statement provides the release of

confidential and exempt information via a public meeting defeats the purpose of a public records exemption, and the harm to the public that would result from the release of such information substantially outweighs any minimal public benefit derived therefrom.

The bill provides the following findings of the Legislature:

[D]uring limited portions of the meetings of the Florida Gaming Control Commission it is necessary that the commission be presented with and discuss details, information, and documents related to active criminal intelligence information or active criminal investigative information. These presentations and discussions are necessary for the commission to make its decisions for licensing of persons for pari-mutuel and gaming activities, and for decisions related to gaming enforcement and enforcement of gambling laws as required by the Legislature under this act.

The Legislature finds that to reveal the contents of documents containing active criminal investigative or intelligence information or to allow active criminal investigative or active criminal intelligence matters to be discussed in a meeting open to the public negatively impacts the ability of law enforcement agencies to efficiently continue their investigative or intelligence gathering activities.

The Legislature finds that information coming before the commission that pertains to active criminal investigations or intelligence should remain confidential and exempt from public disclosure.

The Legislature finds that the Florida Gaming Control Commission may, by declaring only those portions of commission meetings in which active criminal investigative or active criminal intelligence information is to be presented or discussed closed to the public, assure an appropriate balance between the policy of this state that meetings be public and the policy of this state to facilitate efficient law enforcement efforts.

Accordingly, the Legislature finds that the harm to the public that would result from the release of such information substantially outweighs any minimal public benefit derived therefrom.

The bill takes effect on the same date that SPB 7076 (2021) 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 mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:***Vote Requirement***

Section 24(c) of Article I of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates new public record exemptions. Thus, the bill requires a two-thirds vote for final passage.

Public Necessity Statement

Section 24(c) of Article I of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates new public record exemptions. Thus, the bill includes a public necessity statement.

Breadth of Exemption

Section 24(c) of Article I of the State Constitution requires a newly created or expanded public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates public record exemptions for sensitive investigative materials, which does not appear to be broader than necessary to accomplish its purpose.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The commission may experience increased workload and incur associated costs in complying with the exemptions created by the bill in handling public records requests, redacting confidential and exempt information prior to releasing a record, and closing portions of commission meetings.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates a new subsection (11) in section 16.71 of the Florida Statutes, which is created by the linked bill, SPB 7076.

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 Regulated Industries

580-02528-21

20217078pb

A bill to be entitled

An act relating to public records and public meetings exemptions; amending s. 16.71, F.S.; specifying that any exempt or confidential and exempt information obtained by the Florida Gaming Control Commission retains its exempt or confidential and exempt status; providing an exemption from public meetings requirements for portions of meetings of the commission wherein confidential or exempt information is discussed; specifying the commission is a criminal justice agency; authorizing the commission to close portions of meetings during which certain criminal matters are discussed if certain requirements are met; providing an exemption from public meetings requirements for such portions of meetings; providing an exemption from public records requirements for documents and recordings relating to such exempt portions of meetings; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (11) is added to section 16.71, as created by SB ____, 2021 Regular Session, to read:

16.71 Florida Gaming Control Commission.—

(11) (a) 1. Information made exempt or confidential and exempt from s. 119.07(1) or s. 24(a) Art I. of the State Constitution which is obtained by the Florida Gaming Control

Page 1 of 5

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

580-02528-21

20217078pb

Commission shall retain its exempt or confidential and exempt status. The information may be released by the commission to other governmental entities as needed in the performance of its official duties and responsibilities. The governmental entity shall maintain the exempt or confidential and exempt status of the information.

2. Portions of meetings of the commission during which information made exempt or confidential and exempt is discussed are exempt from s. 286.011 and s. 24(b), Art I. of the State Constitution.

(b)1. The Florida Gaming Control Commission is a criminal justice agency as defined in s. 119.011.

2.a. The Florida Gaming Control Commission may close portions of meetings during which the commission will hear or discuss active criminal intelligence information or active criminal investigative information, as those terms are defined in s. 119.011(3), and such portions of meetings shall be exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution, provided that the following conditions are met:

(I) The chair of the commission shall advise the commission at a public meeting that, in connection with the performance of a commission duty, it is necessary that the commission hear or discuss active criminal investigative information or active criminal intelligence information.

(II) The chair's declaration of necessity for closure and the specific reasons for such necessity shall be stated in writing in a document that shall be a public record and shall be filed with the official records of the commission.

Page 2 of 5

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

580-02528-21

20217078pb

59 (III) The entire closed session shall be recorded. The
 60 recording shall include the times of commencement and
 61 termination of the closed session, all discussion and
 62 proceedings, and the names of all persons present. No portion of
 63 the session shall be off the record. Such recording shall be
 64 maintained by the commission.

65 b. Only members of the commission, Department of Law
 66 Enforcement staff supporting the commission's function, and
 67 other persons whose presence has been authorized by the chair of
 68 the commission shall be allowed to attend the exempted portions
 69 of the commission meetings. The commission shall assure that any
 70 closure of its meetings as authorized by this paragraph is
 71 limited so that the general policy of this state in favor of
 72 public meetings is maintained.

73 3. A tape recording of, and any minutes and notes generated
 74 during, that portion of a Florida Gaming Control Commission
 75 meeting which is closed to the public pursuant to this paragraph
 76 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 77 I of the State Constitution until such time as the criminal
 78 investigative information or criminal intelligence information
 79 ceases to be active.

80 (c) This subsection is subject to the Open Government
 81 Sunset Review Act in accordance with s. 119.115 and is repealed
 82 on October 2, 2026, unless reviewed and saved from repeal
 83 through reenactment by the Legislature.

84 Section 2. (1) The Legislature finds that it is a public
 85 necessity to maintain the exempt or confidential and exempt
 86 status of any exempt or confidential and exempt information
 87 obtained by the Florida Gaming Control Commission. In the

580-02528-21

20217078pb

88 absence of this exemption, sensitive confidential or exempt
 89 information would be disclosed. In addition, the Legislature
 90 finds that it is a public necessity that portions of meetings of
 91 the Florida Gaming Control Commission wherein confidential and
 92 exempt information is discussed be made exempt from public
 93 meetings requirements. The release of confidential and exempt
 94 information via a public meeting defeats the purpose of a public
 95 records exemption. Accordingly, the Legislature finds that the
 96 harm to the public that would result from the release of such
 97 information substantially outweighs any minimal public benefit
 98 derived therefrom.

99 (2) The Legislature finds that during limited portions of
 100 the meetings of the Florida Gaming Control Commission it is
 101 necessary that the commission be presented with and discuss
 102 details, information, and documents related to active criminal
 103 intelligence information or active criminal investigative
 104 information. These presentations and discussions are necessary
 105 for the commission to make its decisions for licensing of
 106 persons for pari-mutuel and gaming activities, and for decisions
 107 related to gaming enforcement and enforcement of gambling laws
 108 as required by the Legislature under this act. The Legislature
 109 finds that to reveal the contents of documents containing active
 110 criminal investigative or intelligence information or to allow
 111 active criminal investigative or active criminal intelligence
 112 matters to be discussed in a meeting open to the public
 113 negatively impacts the ability of law enforcement agencies to
 114 efficiently continue their investigative or intelligence
 115 gathering activities. The Legislature finds that information
 116 coming before the commission that pertains to active criminal

580-02528-21

20217078pb

117 investigations or intelligence should remain confidential and
118 exempt from public disclosure. The Legislature finds that the
119 Florida Gaming Control Commission may, by declaring only those
120 portions of commission meetings in which active criminal
121 investigative or active criminal intelligence information is to
122 be presented or discussed closed to the public, assure an
123 appropriate balance between the policy of this state that
124 meetings be public and the policy of this state to facilitate
125 efficient law enforcement efforts. Accordingly, the Legislature
126 finds that the harm to the public that would result from the
127 release of such information substantially outweighs any minimal
128 public benefit derived therefrom.

129 Section 3. This act shall take effect on the same date that
130 SB ___ or similar legislation takes effect, if such legislation
131 is adopted in the same legislative session or an extension
132 thereof and becomes a law.

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.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: SPB 7080

INTRODUCER: For Consideration by the Regulated Industries Committee

SUBJECT: Requirements for Pari-mutuel Permitholders to Conduct Live Racing or Games

DATE: April 8, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	<u>Pre-meeting</u>

I. Summary:

SPB 7080 updates provisions in Florida law that are inconsistent with the prohibition of live racing of greyhounds codified in s. 32 of Art. X of the State Constitution, titled “Prohibition on Racing of and Wagering on Greyhounds or other Dogs.”

The bill revises requirements for greyhound permitholders, jai alai permitholders, and harness horse permitholders to conduct live racing or games, by amending ch. 550, F.S. (Pari-Mutuel Wagering), ch. 551, F.S. (Slot Machines), and ch. 849, F.S. (Gambling). The bill also includes technical drafting changes, conforming changes, and eliminates obsolete language related to requirements for live racing or games.

See Section V, Fiscal Impact Statement.

The bill is effective July 1, 2021.

II. Present Situation:

Background

In general, gambling is illegal in Florida.¹ Chapter 849, F.S., prohibits keeping a gambling house,² running a lottery,³ or the manufacture, sale, lease, play, or possession of slot machines.⁴ However, the following gaming activities are authorized by law and regulated by the state:

- Pari-mutuel⁵ wagering at licensed greyhound and horse tracks and jai alai frontons;⁶

¹ See s. 849.08, F.S.

² See s. 849.01, F.S.

³ See s. 849.09, F.S.

⁴ Section 849.16, F.S.

⁵ “Pari-mutuel” is defined in Florida law as “a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes. See s. 550.002(22), F.S.

⁶ See ch. 550, F.S., relating to the regulation of pari-mutuel activities.

- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;⁷ and
- Cardrooms⁸ at certain pari-mutuel facilities.⁹

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.¹⁰

The 1968 State Constitution states that “[l]otteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution . . .” are prohibited.¹¹ A constitutional amendment approved by the voters in 1986 authorized state-operated lotteries. Net proceeds of the lottery are deposited to the Educational Enhancement Trust Fund (EETF) and appropriated by the Legislature. Lottery operations are self-supporting and function as an entrepreneurial business enterprise.¹²

Chapter 849, F.S., also authorizes, under specific and limited conditions, the conduct of penny-ante games,¹³ bingo,¹⁴ charitable drawings,¹⁵ game promotions (sweepstakes),¹⁶ and bowling tournaments.¹⁷ The Family Amusement Games Act was enacted in 2015 and authorizes skill-based amusement games and machines at specified locations.¹⁸

Regulation of Pari-mutuel Wagering

The Division of Pari-mutuel Wagering (division) in the Department of Business and Professional Regulation (DBPR) regulates pari-mutuel wagering. The division has regulatory oversight of permitted and licensed pari-mutuel wagering facilities, cardrooms located at pari-mutuel facilities, and slot machines at pari-mutuel facilities located in Miami-Dade and Broward counties. According to the division, there were eight license suspensions, and \$19,075 in fines

⁷ See FLA. CONST., art. X, s. 23, and ch. 551, F.S.

⁸ Section 849.086, F.S. See s. 849.086(2)(c), F.S., which 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 charged a fee for participation by the operator of such facility.”

⁹ The Department of Business and Professional Regulation (DBPR) has issued licenses to permitholders with 2021-2022 Operating Licenses to operate 27 cardrooms. See <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/permitholder-operating-licenses-2021-2022/> (last visited Apr. 7, 2021).

¹⁰ See s. 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).

¹¹ The pari-mutuel pools that were authorized by law on the effective date of the State Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.

¹² The Department of the Lottery is authorized by s. 15, Art. X of the State Constitution. Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery. Section 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

¹³ See s. 849.085, F.S.

¹⁴ See s. 849.0931, F.S.

¹⁵ See s. 849.0935, F.S.

¹⁶ See s. 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

¹⁷ See s. 849.141, F.S.

¹⁸ See s. 546.10, F.S.

assessed for violations of all pari-mutuel statutes and administrative rules in Fiscal Year 2019-2020.¹⁹

Ten permitholders were not issued operating licenses for Fiscal Year 2020-2021: two greyhound permitholders,²⁰ two jai alai permitholders,²¹ one limited thoroughbred permitholder,²² and five quarter horse permitholders.²³

Issuance of Pari-mutuel Permits and Annual Licenses

Section 550.054, F.S., provides that any person meeting the qualification requirements of ch. 550, F.S., may apply to the division for a permit to conduct pari-mutuel wagering. Upon approval, a permit must be issued to the applicant that indicates:

- The name of the permitholder;
- The location of the pari-mutuel facility;
- The type of pari-mutuel activity to be conducted; and
- A statement showing qualifications of the applicant to conduct pari-mutuel performances under ch. 550, F.S.

A permit does not authorize any pari-mutuel performances until approved by a majority of voters in a ratification election in the county in which the applicant proposes to conduct pari-mutuel wagering activities. An application may not be considered, nor may a permit be issued by the division or be voted upon in any county, for the conduct of:

- Harness horse racing, quarter horse racing, thoroughbred horse racing, or greyhound racing at a location within 100 miles of an existing pari-mutuel facility; or
- Jai alai games within 50 miles of an existing pari-mutuel facility.

Distances are measured on a straight line from the nearest property line of one pari-mutuel facility to the nearest property line of the other facility.²⁴

After issuance of the permit and a ratification election, the division may issue an annual operating license for wagering at the specified location in a county, indicating the time, place,

¹⁹ See the 89th Annual Report for Fiscal Year 2019-2020 issued by the division at:

<http://www.myfloridalicense.com/dbpr/pmw/documents/AnnualReports/AnnualReport-2019-2020--89th--20210224.pdf> at page 5 (equivalent to page 3 of the printed Annual Report) (last visited Apr. 7, 2021).

²⁰ Jefferson County Kennel Club (Monticello) and North American Racing Association (Key West).

²¹ Gadsden Jai-alai (Chattahoochee) and Tampa Jai Alai.

²² Under s. 550.3345, F.S., during Fiscal Year 2010-2011 only, holders of quarter horse racing permits were allowed to convert their permits to a thoroughbred racing permit, conditioned upon specific use of racing revenues for enhancement of thoroughbred purses and awards, promotion of the thoroughbred horse industry, and the care of retired thoroughbred horses. Two conversions occurred, Gulfstream Park Thoroughbred After Racing Program (GPTARP) (Hallandale, Broward County), which was licensed to operate in 2019-2020, and Ocala Thoroughbred Racing (Marion County), which was not licensed to operate.

²³ ELH Jefferson (Jefferson County), DeBary Real Estate Holdings (Volusia County), North Florida Racing (Jacksonville), Pompano Park Racing (Pompano Beach), and St. Johns Racing (St. Johns County). See http://www.myfloridalicense.com/dbpr/pmw/documents/PermitholdersList_2020-2021.pdf (last visited Apr. 7, 2021).

²⁴ See s. 550.054(2), F.S.

and number of days during which pari-mutuel operations may be conducted at the specified location.²⁵

Pursuant to s. 550.054(9)(b), F.S., the division may revoke or suspend any permit or license upon the willful violation by the permitholder or licensee of any provision of ch. 550, F.S., or any administrative rule adopted by the division, and may impose a civil penalty against the permitholder or license up to \$1,000 for each offense.

Slot Machine Gaming Locations and Operations

Section 32 of Art. X of the State Constitution, adopted pursuant to a 2004 initiative petition, authorized slot machines in licensed pari-mutuel facilities in Broward and Miami-Dade, if approved by county referendum. The voters in Broward and Miami-Dade counties approved slot machine gaming. Slot machine gaming in the state is limited to Broward and Miami-Dade counties, and as authorized by federal law, in the tribal gaming facilities of the Seminole Tribe.

Sections 551.104, F.S., addresses slot machine gaming operations, and:

- Restricts the issuance of slot machine licenses to licensed pari-mutuel permitholders, for slot machine gaming only at the facility where pari-mutuel wagering is authorized to be conducted by the permitholder;
- Requires the licensee to be in compliance with chs. 551 and 550, F.S.;
- Conducts a full schedule of live racing or games as defined in s. 550.002(11), F.S.; and
- Provides other requirements regarding ownership, law enforcement access, computer systems, security, records, and audits.

Cardrooms

Section 849.086, F.S., authorizes cardrooms at certain pari-mutuel facilities.²⁶ In Fiscal Year 2021-2022, 27 cardrooms are licensed to operate.²⁷ A license to offer pari-mutuel wagering, slot machine gaming, or a cardroom at a pari-mutuel facility is a privilege granted by the state.²⁸ A cardroom may be open 18 hours per day on Monday through Friday, and 24 hours per day on Saturday and Sunday.²⁹ An initial cardroom license may be issued to a pari-mutuel permitholder only after its facilities are in place and it has conducted its first day of live racing. In order to renew a cardroom license, the licensee must have requested, as part of its annual pari-mutuel license application, to conduct at least 90 percent of the total performances it had conducted in the prior fiscal year.

²⁵ See s. 550.054(9)(a), F.S.

²⁶ Section 849.086, F.S. Section 849.086(2)(c), F.S., defines “cardroom” to mean a facility where authorized 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.

²⁷ See <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/permitholder-operating-licenses-2021-2022/> (last visited Apr. 7, 2021).

²⁸ *Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), review denied, 412 So.2d 470, 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). See s. 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.”

²⁹ Section 849.086(7)(b), F.S.

Sections 849.086(5) and (6), F.S., provide that a licensed pari-mutuel permitholder that holds a valid pari-mutuel permit may hold a cardroom license authorizing the operation of a cardroom and the conduct of authorized games at the cardroom. An authorized game is a game or series of games of poker or dominoes.³⁰ Such games must be played in a non-banking manner,³¹ where the participants play against each other, instead of against the house (cardroom). At least four percent of the gross cardroom receipts of greyhound racing permitholders and jai alai permitholders conducting live races or games must supplement greyhound purses, and quarter horse permitholders must have a contract with a horsemen's association governing the payment of purses on live quarter horse races conducted by the permitholder.³²

Prohibition on Racing of and Wagering on Greyhounds or other Dogs

Amendment 13 was adopted in 2018 with 69.06 percent support of the electorate. The amendment, titled "Prohibition on Racing of and Wagering on Greyhounds or other Dogs, is codified in s. 32, Art. X of the Florida Constitution.³³ The amendment bans all racing of and wagering on live dog racing in Florida after December 31, 2020, and allows greyhound permitholders to stop racing after December 31, 2018 without affecting other pari-mutuel activities as authorized by law. The Legislature is directed to specify civil or criminal penalties for violations.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 550.002, F.S., to revise live racing requirements affected by the adoption of s. 32, Art. X of the State Constitution (popularly known as Amendment 13). The constitutional amendment prohibits, after December 31, 2020, the conduct of live racing of greyhounds in Florida by gaming or pari-mutuel permitholders, and wagering by any person on the outcome of such racing in the state. Technical drafting changes, conforming changes, and elimination of obsolete language are also included.

Section 2 of the bill is a technical revision amending s. 550.0115, F.S., relating to operating licenses, to clarify references to annual operating licenses.

Section 3 of the bill amends s. 550.01215, F.S., relating to operating license applications filed annually with the Division of Pari-Mutuel Wagering (division) of the Florida Department of Business and Professional Regulation (DBPR), for the conduct of pari-mutuel wagering, including intertrack and simulcast wagering. The application of each permitholder must indicate whether the permitholder intends to accept wagers on intertrack and simulcast events.

The requirement for pari-mutuel permitholders to conduct live racing or games is revised by the bill to provide:

- A greyhound permitholder may not conduct live racing, as such racing is prohibited in Florida after December 31, 2020.

³⁰ See s. 849.086(2)(a), F.S.

³¹ *Id.*

³² See s. 849.086(13)(d), F.S.

³³ See <http://www.leg.state.fl.us/Statutes/index.cfm?Mode=Constitution&Submenu=3&Tab=statutes#A10S32> (last visited Dec. 15, 2020).

- A jai alai permitholder, harness horse racing permitholder, or quarter horse racing permitholder may elect not to conduct live racing or games.
- A thoroughbred permitholder must conduct live racing.

A greyhound permitholder, jai alai permitholder, harness horse racing permitholder, or quarter horse racing permitholder that does not conduct live racing or games:

- Retains its permit;
- Is a pari-mutuel facility as defined in s. 550.002(23), F.S.
- Is eligible, but not required, to be a guest track, and if the permitholder is a harness horse racing permitholder, is eligible to be a host track for purposes of intertrack wagering and simulcasting pursuant to ss. 550.3551, 550.615, 550.625, and 550.6305; and
- Remains eligible for a cardroom license.

For a greyhound permitholder, jai alai permitholder, harness horse racing permitholder, or quarter horse racing permitholder that does not conduct live racing or games, but has been issued a slot machine license, the facility where such permit is located:

- Remains an eligible facility as defined in s. 551.102(4), F.S.;
- Continues to be eligible for a slot machine license pursuant to s. 551.104(3), F.S.; and
- Is exempt from ss. 551.104(4)(c) and (10), F.S., and s. 551.114(2) and (4); F.S.

The bill further provides that for Fiscal Year 2021-2022 only, the division may approve changes to a permitholder's operating dates if the request is received before July 1, 2021.

The bill repeals an obsolete provision relating to greyhound racing permits.

Section 4 of the bill is a technical revision amending s. 550.0235, F.S., to substitute the term "a permitholder licensed to conduct pari-mutuel wagering," and delete the obsolete term "a permittee conducting a racing meet."

Section 5 of the bill amends s. 550.0351, F.S., to delete the authorization for a "dogracing" permitholder to hold charity or scholarship racing days. In addition, the authorization for "hound dog derby" racing events at greyhound permitholder facilities is deleted.

Section 6 of the bill amends s. 550.0425, F.S., relating to the attendance of minors to pari-mutuel events, to delete an exception for the minor children of greyhound trainers, kennel operators, or other licensees employed in the kennel, when supervised by a parent or legal guardian.

Section 7 of the bill amends s. 550.054, F.S., to revise the obsolete term "dograces" to "pari-mutuel wagering," and to delete subsection (14), relating to conversion of permits to conduct greyhound racing.

Section 8 of the bill amends s. 550.09511(4), F.S., to delete a requirement for payment of daily license fees and tax on admissions and bets, if fewer than 100 live jai alai games are conducted in a calendar year.

Section 9 of the bill amends s. 550.09512, F.S., to amend a provision relating to taxes payable by harness horse permitholders who conduct live racing.

Section 10 of the bill is a technical revision amending s. 550.105, F.S., related to occupational licenses, to delete references to kennels, kennel helpers, and greyhound racing.

Section 11 of the bill is a technical revision amending s. 550.1155, F.S., related to stewards and judges, to delete references to dog tracks and dogtrack judges.

Section 12 of the bill is a technical revision amending s. 550.1647, F.S., related to unclaimed pari-mutuel tickets, to delete references to greyhound racing.

Section 13 of the bill repeals s. 550.1648, F.S., related to obsolete provisions concerning greyhound adoption booths at pari-mutuel facilities and associated charity racing days.

Section 14 of the bill is a technical revision amending s. 550.175, F.S., related to a county's revocation of a permit, to substitute the term "pari-mutuel wagering" for "racing."

Section 15 of the bill is a technical revision amending s. 550.1815, F.S., relating to a prohibition against holding a pari-mutuel permit, to substitute the term "greyhound permit" for "dogracing permit."

Section 16 of the bill amends s. 550.24055, F.S., relating to the prohibited use of controlled substances and alcohol by occupational licensees officiating at or participating in a race or game, to delete a reference to dogtracks.

Section 17 of the bill amends s. 550.2415, F.S., relating to testing of racing animals for medications and other substances, to delete provisions relating to greyhounds and to training and euthanizing greyhounds.

Section 18 of the bill amends s. 550.3551, F.S., relating to broadcasting of racing and jai alai information, to conform references to permitholders and to delete a limitation on the number of broadcasts that may be received from outside the state by certain greyhound permitholders. The bill amends current law that all permitholders conduct at least eight live races or games on a race day, and meet certain minimum live racing or games requirements, to limit application of those requirements to permitholders who conduct live races or games. The bill deletes the requirement that a permitholder obtain authorization from the division for special racing events, and deletes the associated approval process and limits on such authorization.

Section 19 of the bill amends s. 550.3615, F.S., relating to bookmaking on the grounds of a permitholder, to refer to tracks and frontons as pari-mutuel facilities.

Section 20 of the bill amends s. 550.475, F.S., relating to the leasing of pari-mutuel facilities by permitholders, to conform references to permitholders and to ensure a lessee may conduct intertrack wagering.

Section 21 of the bill amends s. 550.615, F.S., relating to intertrack wagering, to conform references to pari-mutuel facilities and live racing or games requirements, and to provide that a permitholder that has met the live racing or games requirement applicable to that permitholder under s. 550.01215(1)(b), F.S., is qualified to receive broadcasts of any class of pari-mutuel races or games and to accept wagers on such races or games. The bill provides any greyhound permitholder licensed under ch. 550, F.S., to conduct pari-mutuel wagering is qualified to, at any time, receive broadcasts and accept wagers on any class of pari-mutuel race or game.

Section 22 of the bill is a technical revision amending s. 550.6305, F.S., relating to intertrack wagering, to delete certain pari-mutuel pool accounting requirements for greyhound permitholders.

Section 23 of the bill amends s. 551.104(4)(c), F.S., relating to the requirement that a permitholder conduct full schedule of live racing or games as a condition for eligibility to obtain a license to conduct slot machine gaming. The live racing requirements for such eligibility are applicable only to thoroughbred permitholders, as under the bill, greyhound permitholders may not conduct live racing, jai alai permitholders may elect not to conduct live games, and harness horse and quarter horse permitholders may elect not to conduct live racing.

Section 24 of the bill amends s. 551.114, F.S., relating to slot machine gaming areas, respecting the locations at which designated slot machine gaming areas may be located. The undefined term “live gaming facility” in current law is no longer applicable to greyhound permitholders prohibited from conducting live racing after December 31, 2020. The bill provides that slot machine gaming areas must be located at the location specified in the licensed permitholder’s operating license. Provisions relating to the types of buildings and the connection of such buildings to the live gaming facility are deleted as obsolete.

Section 25 of the bill amends s. 565.02, F.S., relating to the licensing of caterers, to remove a reference to dog racetracks.

Section 26 of the bill amends s. 849.086, F.S., relating to cardrooms, to:

- Delete a requirement that pari-mutuel permitholders seeking renewal of a cardroom operating license must have conducted a certain number of live races or games in the previous year (the 90 percent rule);
- Revise provisions in current law that are no longer applicable to greyhound permitholders prohibited from conducting live racing after December 31, 2020; and
- Revise provisions relating to required contributions to purse pools, and required horsemen’s agreements, to clarify that such contributions and agreements are required only if a permitholder conducts live races or games.

Section 27 of the bill re-enacts s. 380.0651, F.S., relating to developments of regional impact, for the purpose of incorporating the definitions in s. 550.002, F.S., amended by the bill. A pari-mutuel facility continues to be subject to certain statewide guidelines and standards for developments of regional impact, as set forth in s. 380.06, F.S.

Section 28 of the bill re-enacts s. 402.82, F.S., relating to the electronic benefits transfer program, for the purpose of incorporating the definitions in s. 550.002, F.S., amended by the bill. The use of electronic benefits transfer cards continues to be prohibited at pari-mutuel facilities.

Section 29 of the bill re-enacts s. 480.0475, F.S., relating to certain overnight hours that massage establishments are prohibited from operating, for the purpose of incorporating the definitions in s. 550.002, F.S., amended by the bill. Massage establishments at pari-mutuel facilities continue to be exempt from the prohibition, and may operate between the hours of midnight and 5 a.m.

Section 30 of the bill provides it takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons associated with jai alai, harness horse, and quarter horse racing will be affected by the election by permitholders to conduct or not conduct live racing or games.

C. Government Sector Impact:

There may be impacts to the state contingent upon the election of certain authorized permitholders to conduct or not conduct live racing or games. The Revenue Estimating Conference has not yet reviewed this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 16.56 and 285.710.

This bill creates the following sections of the Florida Statutes: 16.71 and 16.715.

The bill creates undesignated sections of Florida law.

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 Regulated Industries

580-03771-21

20217080pb

1 A bill to be entitled
 2 An act relating to requirements for pari-mutuel
 3 permitholders to conduct live racing or games;
 4 amending s. 550.002, F.S.; revising definitions;
 5 defining the terms "permitholder" and "permittee";
 6 deleting the term "racing greyhound"; amending s.
 7 550.0115, F.S.; making technical changes; amending s.
 8 550.01215, F.S.; revising the application requirements
 9 for an operating license to conduct pari-mutuel
 10 wagering for a pari-mutuel facility; prohibiting
 11 greyhound permitholders from conducting live racing;
 12 authorizing jai alai permitholders, harness horse
 13 racing permitholders, and quarter horse racing
 14 permitholders to elect not to conduct live racing or
 15 games; requiring thoroughbred permitholders to conduct
 16 live racing; specifying that certain permitholders
 17 that do not conduct live racing or games retain their
 18 permit and remain pari-mutuel facilities; specifying
 19 that, if such permitholder has been issued a slot
 20 machine license, the permitholder's facility remains
 21 an eligible facility, continues to be eligible for a
 22 slot machine license, is exempt from certain
 23 provisions of ch. 551, F.S., is eligible to be a guest
 24 track, and, if the permitholder is a harness horse
 25 racing permitholder, is eligible to be a host track
 26 for intertrack wagering and simulcasting, and remains
 27 eligible for a cardroom license; authorizing the
 28 Division of Pari-mutuel Wagering to approve a change
 29 in racing dates for a permitholder if the request for

Page 1 of 36

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

580-03771-21

20217080pb

30 a change is received before a specified date and under
 31 certain circumstances; deleting a provision
 32 authorizing the conversion of certain permits to a jai
 33 alai permit under certain circumstances; amending s.
 34 550.0235, F.S.; conforming provisions to changes made
 35 by the act; amending s. 550.0351, F.S.; deleting a
 36 provision relating to hound dog derbies and mutt
 37 derbies; amending s. 550.0425, F.S.; deleting a
 38 provision authorizing certain children to be granted
 39 access to kennel compound areas under certain
 40 circumstances; amending s. 550.054, F.S.; deleting
 41 provisions relating to the conversion of jai alai
 42 permits to greyhound racing permits; conforming a
 43 provision to changes made by the act; amending s.
 44 550.09511, F.S.; deleting a provision relating to the
 45 payment of certain taxes and fees by jai alai
 46 permitholders conducting fewer than a specified number
 47 of live performances; amending s. 550.09512, F.S.;
 48 revising the circumstances for which a harness horse
 49 permitholder's permit is voided for failing to pay
 50 certain taxes; amending ss. 550.105 and 550.1155,
 51 F.S.; conforming provisions to changes made by the
 52 act; amending s. 550.1647, F.S.; conforming a
 53 provision to changes made by the act; repealing s.
 54 550.1648, F.S., relating to greyhound adoptions;
 55 amending ss. 550.175 and 550.1815, F.S.; conforming
 56 provisions to changes made by the act; amending s.
 57 550.24055, F.S.; conforming provisions to changes made
 58 by the act; amending s. 550.2415, F.S.; deleting

Page 2 of 36

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

580-03771-21

20217080pb

59 provisions relating to the testing, euthanasia, and
 60 training of racing greyhounds; amending s. 550.3551,
 61 F.S.; making technical changes; conforming provisions
 62 to changes made by the act; amending s. 550.3615,
 63 F.S.; making technical changes; prohibiting a person
 64 convicted of bookmaking from attending or being
 65 admitted to a pari-mutuel facility; requiring pari-
 66 mutuel facility employees to notify certain persons of
 67 unlawful activities; providing civil penalties;
 68 requiring a permittee to display certain warnings
 69 relating to bookmaking at his or her pari-mutuel
 70 facility; revising applicability; amending s. 550.475,
 71 F.S.; revising provisions relating to leasing pari-
 72 mutuel facilities; amending s. 550.615, F.S.; revising
 73 requirements relating to intertrack wagering;
 74 specifying that greyhound permitholders are qualified
 75 to receive certain broadcasts and accept specified
 76 wagers; amending s. 550.6305, F.S.; conforming
 77 provisions to changes made by the act; amending s.
 78 551.104, F.S.; conforming provisions to changes made
 79 by the act; amending s. 551.114, F.S.; revising
 80 requirements for the locations of designated slot
 81 machine gaming areas; amending s. 565.02, F.S.;
 82 conforming provisions to changes made by the act;
 83 amending s. 849.086, F.S.; revising requirements
 84 relating to the annual renewal of a cardroom license;
 85 conforming provisions to changes made by the act;
 86 reenacting ss. 380.0651(2)(c), 402.82(4)(c), and
 87 480.0475(1), F.S., relating to statewide guidelines,

Page 3 of 36

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

580-03771-21

20217080pb

88 the electronic benefits transfer program, and massage
 89 establishments, respectively, to incorporate the
 90 amendments made to s. 550.002, F.S., in references
 91 thereto; providing an effective date.
 92

93 Be It Enacted by the Legislature of the State of Florida:
 94

95 Section 1. Present subsections (24) through (28) of section
 96 550.002, Florida Statutes, are redesignated as subsections (25)
 97 through (29), respectively, a new subsection (24) is added to
 98 that section, and subsections (11), (17), (20), (21), (22),
 99 (23), and (31) and present subsections (26) and (29) of that
 100 section are amended, to read:

101 550.002 Definitions.—As used in this chapter, the term:

102 (11) "Full schedule of live racing or games" means, for a
 103 ~~greyhound or~~ jai alai permitholder, the conduct of a combination
 104 of at least 100 live evening or matinee performances during the
 105 preceding year; for a permitholder who has a converted permit or
 106 filed an application on or before June 1, 1990, for a converted
 107 permit, the conduct of a combination of at least 100 live
 108 evening and matinee wagering performances during either of the 2
 109 preceding years; for a jai alai permitholder who does not
 110 operate slot machines in its pari-mutuel facility, who has
 111 conducted at least 100 live performances per year for at least
 112 10 years after December 31, 1992, and whose handle on live jai
 113 alai games conducted at its pari-mutuel facility has been less
 114 than \$4 million per state fiscal year for at least 2 consecutive
 115 years after June 30, 1992, the conduct of a combination of at
 116 least 40 live evening or matinee performances during the

Page 4 of 36

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

580-03771-21

20217080pb

117 preceding year; for a jai alai permitholder who operates slot
 118 machines in its pari-mutuel facility, the conduct of a
 119 combination of at least 150 performances during the preceding
 120 year; for a harness permitholder, the conduct of at least 100
 121 live regular wagering performances during the preceding year;
 122 for a quarter horse permitholder at its facility unless an
 123 alternative schedule of at least 20 live regular wagering
 124 performances is agreed upon by the permitholder and either the
 125 Florida Quarter Horse Racing Association or the horsemen's
 126 association representing the majority of the quarter horse
 127 owners and trainers at the facility and filed with the division
 128 along with its annual date application, in the 2010-2011 fiscal
 129 year, the conduct of at least 20 regular wagering performances,
 130 in the 2011-2012 and 2012-2013 fiscal years, the conduct of at
 131 least 30 live regular wagering performances, and for every
 132 fiscal year after the 2012-2013 fiscal year, the conduct of at
 133 least 40 live regular wagering performances; for a quarter horse
 134 permitholder leasing another licensed racetrack, the conduct of
 135 160 events at the leased facility; and for a thoroughbred
 136 permitholder, the conduct of at least 40 live regular wagering
 137 performances during the preceding year. For a permitholder which
 138 is restricted by statute to certain operating periods within the
 139 year when other members of its same class of permit are
 140 authorized to operate throughout the year, the specified number
 141 of live performances which constitute a full schedule of live
 142 racing or games shall be adjusted pro rata in accordance with
 143 the relationship between its authorized operating period and the
 144 full calendar year and the resulting specified number of live
 145 performances shall constitute the full schedule of live games

Page 5 of 36

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

580-03771-21

20217080pb

146 for such permitholder and all other permitholders of the same
 147 class within 100 air miles of such permitholder. A live
 148 performance must consist of no fewer than eight races or games
 149 conducted live for each of a minimum of three performances each
 150 week at the permitholder's licensed facility under a single
 151 admission charge.

152 (17) "Intertrack wager" or "intertrack wagering" means a
 153 particular form of pari-mutuel wagering in which wagers are
 154 accepted at a permitted, in-state track, fronton, or pari-mutuel
 155 facility on a race or game transmitted from and performed live
 156 at, or simulcast signal rebroadcast from, another in-state pari-
 157 mutuel facility.

158 (20) "Meet" or "meeting" means the conduct of live racing
 159 or jai alai, or wagering on intertrack or simulcast events, for
 160 any stake, purse, prize, or premium.

161 (21) "Operating day" means a continuous period of 24 hours
 162 starting with the beginning of the first performance of a race
 163 or game, even though the operating day may start during one
 164 calendar day and extend past midnight except that no ~~greyhound~~
 165 ~~race or~~ jai alai game may commence after 1:30 a.m.

166 (22) "Pari-mutuel" or "pari-mutuel wagering" means a system
 167 of betting on races or games in which the winners divide the
 168 total amount bet, after deducting management expenses and taxes,
 169 in proportion to the sums they have wagered individually and
 170 with regard to the odds assigned to particular outcomes.

171 (23) "Pari-mutuel facility" means the grounds or property
 172 of a cardroom, racetrack, fronton, or other facility used by a
 173 licensed permitholder for the conduct of pari-mutuel wagering.

174 (24) "Permitholder" or "permittee" means a holder of a

Page 6 of 36

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

580-03771-21

20217080pb

175 permit to conduct pari-mutuel wagering in this state as
 176 authorized in this chapter.

177 ~~(27)-(26)~~ "Post time" means the time set for the arrival at
 178 the starting point of the horses ~~or greyhounds~~ in a race or the
 179 beginning of a game in jai alai.

180 ~~(29) "Racing greyhound" means a greyhound that is or was~~
 181 ~~used, or is being bred, raised, or trained to be used, in racing~~
 182 ~~at a pari-mutuel facility and is registered with the National~~
 183 ~~Greyhound Association.~~

184 (31) "Same class of races, games, or permit" means, with
 185 respect to a jai alai permitholder, jai alai games or other jai
 186 alai permitholders; with respect to a greyhound permitholder,
 187 greyhound races or other greyhound permitholders conducting
 188 pari-mutuel wagering; with respect to a thoroughbred
 189 permitholder, thoroughbred races or other thoroughbred
 190 permitholders; with respect to a harness permitholder, harness
 191 races or other harness permitholders; with respect to a quarter
 192 horse permitholder, quarter horse races or other quarter horse
 193 permitholders.

194 Section 2. Section 550.0115, Florida Statutes, is amended
 195 to read:

196 550.0115 Permitholder operating license.—After a permit has
 197 been issued by the division, and after the permit has been
 198 approved by election, the division shall issue to the
 199 permitholder an annual operating license to conduct pari-mutuel
 200 wagering operations at the location specified in the permit
 201 pursuant to the provisions of this chapter.

202 Section 3. Section 550.01215, Florida Statutes, is amended
 203 to read:

580-03771-21

20217080pb

204 550.01215 License application; periods of operation;
 205 license fees; bond, conversion of permit.—

206 (1) Each permitholder shall annually, during the period
 207 between December 15 and January 4, file in writing with the
 208 division its application for an operating ~~a~~ license for a pari-
 209 mutuel facility for the conduct of pari-mutuel wagering during
 210 the next state fiscal year, including intertrack and simulcast
 211 race wagering to conduct performances during the next state
 212 fiscal year. Each application for live performances must shall
 213 specify the number, dates, and starting times of all live
 214 performances that which the permitholder intends to conduct. It
 215 must shall also specify which performances will be conducted as
 216 charity or scholarship performances.

217 (a) ~~In addition,~~ Each application for an operating ~~a~~
 218 license also must shall include:—

219 1. For each permitholder, whether the permitholder intends
 220 to accept wagers on intertrack or simulcast events.

221 2. For each permitholder that which elects to operate a
 222 cardroom, the dates and periods of operation the permitholder
 223 intends to operate the cardroom. ~~or~~

224 3. For each thoroughbred racing permitholder that which
 225 elects to receive or rebroadcast out-of-state races after 7
 226 p.m., the dates for all performances that which the permitholder
 227 intends to conduct.

228 (b) A greyhound permitholder may not conduct live racing. A
 229 jai alai permitholder, harness horse racing permitholder, or
 230 quarter horse racing permitholder may elect not to conduct live
 231 racing or games. A thoroughbred permitholder must conduct live
 232 racing. A greyhound permitholder, jai alai permitholder, harness

580-03771-21

20217080pb

233 horse racing permit holder, or quarter horse racing permit holder
 234 that does not conduct live racing or games retains its permit;
 235 is a pari-mutuel facility as defined in s. 550.002(23); if such
 236 permit holder has been issued a slot machine license, the
 237 facility where such permit is located remains an eligible
 238 facility as defined in s. 551.102(4), continues to be eligible
 239 for a slot machine license pursuant to s. 551.104(3), and is
 240 exempt from ss. 551.104(4)(c) and (10) and 551.114(2) and (4);
 241 is eligible, but not required, to be a guest track and, if the
 242 permit holder is a harness horse racing permit holder, to be a
 243 host track for purposes of intertrack wagering and simulcasting
 244 pursuant to ss. 550.3551, 550.615, 550.625, and 550.6305; and
 245 remains eligible for a cardroom license.

246 (c) Permit holders may ~~shall be entitled to~~ amend their
 247 applications through February 28.

248 (2) After the first license has been issued to a
 249 permit holder, all subsequent annual applications for a license
 250 shall be accompanied by proof, in such form as the division may
 251 by rule require, that the permit holder continues to possess the
 252 qualifications prescribed by this chapter, and that the permit
 253 has not been disapproved at a later election.

254 (3) The division shall issue each license no later than
 255 March 15. Each permit holder shall operate all performances at
 256 the date and time specified on its license. The division shall
 257 have the authority to approve minor changes in racing dates
 258 after a license has been issued. The division may approve
 259 changes in racing dates after a license has been issued when
 260 there is no objection from any operating permit holder located
 261 within 50 miles of the permit holder requesting the changes in

580-03771-21

20217080pb

262 operating dates. In the event of an objection, the division
 263 shall approve or disapprove the change in operating dates based
 264 upon the impact on operating permit holders located within 50
 265 miles of the permit holder requesting the change in operating
 266 dates. In making the determination to change racing dates, the
 267 division shall take into consideration the impact of such
 268 changes on state revenues. Notwithstanding any other provision
 269 of law, and for the 2021-2022 state fiscal year only, the
 270 division may approve changes in operating dates for
 271 permit holders if the request for such changes is received before
 272 July 1, 2021.

273 (4) In the event that a permit holder fails to operate all
 274 performances specified on its license at the date and time
 275 specified, the division shall hold a hearing to determine
 276 whether to fine or suspend the permit holder's license, unless
 277 such failure was the direct result of fire, strike, war, or
 278 other disaster or event beyond the ability of the permit holder
 279 to control. Financial hardship to the permit holder shall not, in
 280 and of itself, constitute just cause for failure to operate all
 281 performances on the dates and at the times specified.

282 (5) In the event that performances licensed to be operated
 283 by a permit holder are vacated, abandoned, or will not be used
 284 for any reason, any permit holder shall be entitled, pursuant to
 285 rules adopted by the division, to apply to conduct performances
 286 on the dates for which the performances have been abandoned. The
 287 division shall issue an amended license for all such replacement
 288 performances which have been requested in compliance with ~~the~~
 289 ~~provisions of~~ this chapter and division rules.

290 ~~(6) Any permit which was converted from a jai-alai permit~~

580-03771-21

20217080pb

291 to a greyhound permit may be converted to a jai alai permit at
 292 any time if the permitholder never conducted greyhound racing or
 293 if the permitholder has not conducted greyhound racing for a
 294 period of 12 consecutive months.

295 Section 4. Section 550.0235, Florida Statutes, is amended
 296 to read:

297 550.0235 Limitation of civil liability.—No permitholder
 298 licensed to conduct pari-mutuel wagering permittee conducting a
 299 raeing meet pursuant to the provisions of this chapter; no
 300 division director or employee of the division; and no steward,
 301 judge, or other person appointed to act pursuant to this chapter
 302 shall be held liable to any person, partnership, association,
 303 corporation, or other business entity for any cause whatsoever
 304 arising out of, or from, the performance by such permittee,
 305 director, employee, steward, judge, or other person of her or
 306 his duties and the exercise of her or his discretion with
 307 respect to the implementation and enforcement of the statutes
 308 and rules governing the conduct of pari-mutuel wagering, so long
 309 as she or he acted in good faith. This section shall not limit
 310 liability in any situation in which the negligent maintenance of
 311 the premises or the negligent conduct of a race contributed to
 312 an accident; nor shall it limit any contractual liability.

313 Section 5. Subsections (1) and (7) of section 550.0351,
 314 Florida Statutes, are amended to read:

315 550.0351 Charity racing days.—

316 (1) The division shall, upon the request of a permitholder,
 317 authorize each horseracing permitholder, ~~dogracing permitholder,~~
 318 and jai alai permitholder up to five charity or scholarship days
 319 in addition to the regular racing days authorized by law.

580-03771-21

20217080pb

320 (7) In addition to the charity days authorized by this
 321 section, any dogracing permitholder may allow its facility to be
 322 used for conducting "hound dog derbies" or "mutt derbies" on any
 323 day during each racing season by any charitable, civic, or
 324 nonprofit organization for the purpose of conducting "hound dog
 325 derbies" or "mutt derbies" if only dogs other than those usually
 326 used in dogracing (greyhounds) are permitted to race and if
 327 adults and minors are allowed to participate as dog owners or
 328 spectators. During these racing events, betting, gambling, and
 329 the sale or use of alcoholic beverages is prohibited.

330 Section 6. Subsection (4) of section 550.0425, Florida
 331 Statutes, is amended to read:

332 550.0425 Minors attendance at pari-mutuel performances;
 333 restrictions.—

334 (4) ~~Minor children of licensed greyhound trainers, kennel~~
 335 ~~operators, or other licensed persons employed in the kennel~~
 336 ~~compound areas may be granted access to kennel compound areas~~
 337 ~~without being licensed, provided they are in no way employed~~
 338 ~~unless properly licensed, and only when under the direct~~
 339 ~~supervision of one of their parents or legal guardian.~~

340 Section 7. Subsections (2) and (14) of section 550.054,
 341 Florida Statutes, are amended to read:

342 550.054 Application for permit to conduct pari-mutuel
 343 wagering.—

344 (2) Upon each application filed and approved, a permit
 345 shall be issued to the applicant setting forth the name of the
 346 permitholder, the location of the pari-mutuel facility, the type
 347 of pari-mutuel activity desired to be conducted, and a statement
 348 showing qualifications of the applicant to conduct pari-mutuel

580-03771-21

20217080pb

349 performances under this chapter; however, a permit is
 350 ineffectual to authorize any pari-mutuel performances until
 351 approved by a majority of the electors participating in a
 352 ratification election in the county in which the applicant
 353 proposes to conduct pari-mutuel wagering activities. In
 354 addition, an application may not be considered, nor may a permit
 355 be issued by the division or be voted upon in any county, to
 356 conduct horseraces, harness horse races, or pari-mutuel wagering
 357 ~~degraces~~ at a location within 100 miles of an existing pari-
 358 mutuel facility, or for jai alai within 50 miles of an existing
 359 pari-mutuel facility; this distance shall be measured on a
 360 straight line from the nearest property line of one pari-mutuel
 361 facility to the nearest property line of the other facility.

362 ~~(14) (a) Any holder of a permit to conduct jai alai may~~
 363 ~~apply to the division to convert such permit to a permit to~~
 364 ~~conduct greyhound racing in lieu of jai alai if:~~

365 1. ~~Such permit is located in a county in which the division~~
 366 ~~has issued only two pari-mutuel permits pursuant to this~~
 367 ~~section;~~

368 2. ~~Such permit was not previously converted from any other~~
 369 ~~class of permit; and~~

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

373 ~~(b) The division, upon application from the holder of a jai~~
 374 ~~alai permit meeting all conditions of this section, shall~~
 375 ~~convert the permit and shall issue to the permit holder a permit~~
 376 ~~to conduct greyhound racing. A permit holder of a permit~~
 377 ~~converted under this section shall be required to apply for and~~

Page 13 of 36

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

580-03771-21

20217080pb

378 ~~conduct a full schedule of live racing each fiscal year to be~~
 379 ~~eligible for any tax credit provided by this chapter. The holder~~
 380 ~~of a permit converted pursuant to this subsection or any holder~~
 381 ~~of a permit to conduct greyhound racing located in a county in~~
 382 ~~which it is the only permit issued pursuant to this section who~~
 383 ~~operates at a leased facility pursuant to s. 550.475 may move~~
 384 ~~the location for which the permit has been issued to another~~
 385 ~~location within a 30-mile radius of the location fixed in the~~
 386 ~~permit issued in that county, provided the move does not cross~~
 387 ~~the county boundary and such location is approved under the~~
 388 ~~zoning regulations of the county or municipality in which the~~
 389 ~~permit is located, and upon such relocation may use the permit~~
 390 ~~for the conduct of pari mutuel wagering and the operation of a~~
 391 ~~cardroom. The provisions of s. 550.6305(9) (d) and (f) shall~~
 392 ~~apply to any permit converted under this subsection and shall~~
 393 ~~continue to apply to any permit which was previously included~~
 394 ~~under and subject to such provisions before a conversion~~
 395 ~~pursuant to this section occurred.~~

396 Section 8. Subsection (4) of section 550.09511, Florida
 397 Statutes, is amended to read:

398 550.09511 Jai alai taxes; abandoned interest in a permit
 399 for nonpayment of taxes.—

400 ~~(4) A jai alai permit holder conducting fewer than 100 live~~
 401 ~~performances in any calendar year shall pay to the state the~~
 402 ~~same aggregate amount of daily license fees on live jai alai~~
 403 ~~games, admissions tax, and tax on live handle as that~~
 404 ~~permit holder paid to the state during the most recent prior~~
 405 ~~calendar year in which the jai alai permit holder conducted at~~
 406 ~~least 100 live performances.~~

Page 14 of 36

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

580-03771-21

20217080pb

407 Section 9. Paragraph (a) of subsection (3) of section
408 550.09512, Florida Statutes, is amended to read:

409 550.09512 Harness horse taxes; abandoned interest in a
410 permit for nonpayment of taxes.—

411 (3) (a) The permit of a harness horse permitholder who is
412 conducting live harness horse performances and who does not pay
413 tax on handle for any such live harness horse performances
414 conducted for a full schedule of live races during any 2
415 consecutive state fiscal years shall be void and shall escheat
416 to and become the property of the state unless such failure to
417 operate and pay tax on handle was the direct result of fire,
418 strike, war, or other disaster or event beyond the ability of
419 the permitholder to control. Financial hardship to the
420 permitholder shall not, in and of itself, constitute just cause
421 for failure to operate and pay tax on handle.

422 Section 10. Subsections (2) and (9) of section 550.105,
423 Florida Statutes, are amended to read:

424 550.105 Occupational licenses of racetrack employees; fees;
425 denial, suspension, and revocation of license; penalties and
426 fines.—

427 (2) (a) The following licenses shall be issued to persons or
428 entities with access to the backside, racing animals, jai alai
429 players' room, jockeys' room, drivers' room, totalisator room,
430 the mutuels, or money room, or to persons who, by virtue of the
431 position they hold, might be granted access to these areas or to
432 any other person or entity in one of the following categories
433 and with fees not to exceed the following amounts for any 12-
434 month period:

435 1. Business licenses: any business such as a vendor,

580-03771-21

20217080pb

436 contractual concessionaire, ~~contract kennel~~, business owning
437 racing animals, trust or estate, totalisator company, stable
438 name, or other fictitious name: \$50.

439 2. Professional occupational licenses: professional persons
440 with access to the backside of a racetrack or players' quarters
441 in jai alai such as trainers, officials, veterinarians, doctors,
442 nurses, EMT's, jockeys and apprentices, drivers, jai alai
443 players, owners, trustees, or any management or officer or
444 director or shareholder or any other professional-level person
445 who might have access to the jockeys' room, the drivers' room,
446 the backside, racing animals, ~~kennel compound~~, or managers or
447 supervisors requiring access to mutuels machines, the money
448 room, or totalisator equipment: \$40.

449 3. General occupational licenses: general employees with
450 access to the jockeys' room, the drivers' room, racing animals,
451 the backside of a racetrack or players' quarters in jai alai,
452 such as grooms, ~~kennel helpers~~, leadouts, pelota makers, cesta
453 makers, or ball boys, or a practitioner of any other occupation
454 who would have access to the animals or the backside, ~~or the~~
455 ~~kennel compound~~, or who would provide the security or
456 maintenance of these areas, or mutuel employees, totalisator
457 employees, money-room employees, or any employee with access to
458 mutuels machines, the money room, or totalisator equipment or
459 who would provide the security or maintenance of these areas:
460 \$10.

461
462 The individuals and entities that are licensed under this
463 paragraph require heightened state scrutiny, including the
464 submission by the individual licensees or persons associated

580-03771-21

20217080pb

465 with the entities described in this chapter of fingerprints for
466 a Federal Bureau of Investigation criminal records check.

467 (b) The division shall adopt rules pertaining to pari-
468 mutuel occupational licenses, licensing periods, and renewal
469 cycles.

470 (9) The tax imposed by this section is in lieu of all
471 license, excise, or occupational taxes to the state or any
472 county, municipality, or other political subdivision, except
473 that, if a race meeting or game is held or conducted in a
474 municipality, the municipality may assess and collect an
475 additional tax against any person conducting live racing or
476 games within its corporate limits, which tax may not exceed \$150
477 per day for horseracing or \$50 per day for ~~dogracing or jai~~
478 alai. Except as provided in this chapter, a municipality may not
479 assess or collect any additional excise or revenue tax against
480 any person conducting race meetings within the corporate limits
481 of the municipality or against any patron of any such person.

482 Section 11. Section 550.1155, Florida Statutes, is amended
483 to read:

484 550.1155 Authority of stewards, judges, panel of judges, or
485 player's manager to impose penalties against occupational
486 licensees; disposition of funds collected.—

487 (1) The stewards at a horse racetrack; ~~the judges at a dog~~
488 ~~track~~; or the judges, a panel of judges, or a player's manager
489 at a jai alai fronton may impose a civil penalty against any
490 occupational licensee for violation of the pari-mutuel laws or
491 any rule adopted by the division. The penalty may not exceed
492 \$1,000 for each count or separate offense or exceed 60 days of
493 suspension for each count or separate offense.

Page 17 of 36

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

580-03771-21

20217080pb

494 (2) All penalties imposed and collected pursuant to this
495 section at each horse ~~or dog~~ racetrack or jai alai fronton shall
496 be deposited into a board of relief fund established by the
497 pari-mutuel permitholder. Each association shall name a board of
498 relief composed of three of its officers, with the general
499 manager of the permitholder being the ex officio treasurer of
500 such board. Moneys deposited into the board of relief fund shall
501 be disbursed by the board for the specific purpose of aiding
502 occupational licenseholders and their immediate family members
503 at each pari-mutuel facility.

504 Section 12. Section 550.1647, Florida Statutes, is amended
505 to read:

506 550.1647 Greyhound permitholders; unclaimed tickets;
507 breaks.—All money or other property represented by any
508 unclaimed, uncashed, or abandoned pari-mutuel ticket which has
509 remained in the custody of or under the control of any greyhound
510 permitholder authorized to conduct ~~greyhound racing~~ pari-mutuel
511 wagering pools in this state for a period of 1 year after the
512 date the pari-mutuel ticket was issued, if the rightful owner or
513 owners thereof have made no claim or demand for such money or
514 other property within that period of time, shall, ~~with respect~~
515 ~~to live races conducted by the permitholder~~, be remitted to the
516 state pursuant to s. 550.1645; however, such permitholder shall
517 be entitled to a credit in each state fiscal year in an amount
518 equal to the actual amount remitted in the prior state fiscal
519 year which may be applied against any taxes imposed pursuant to
520 this chapter. In addition, each permitholder shall pay, from any
521 source, ~~including the proceeds from performances conducted~~
522 ~~pursuant to s. 550.0351~~, an amount not less than 10 percent of

Page 18 of 36

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

580-03771-21

20217080pb

523 the amount of the credit provided by this section to any bona
 524 fide organization that promotes or encourages the adoption of
 525 greyhounds. As used in this chapter, the term "bona fide
 526 organization that promotes or encourages the adoption of
 527 greyhounds" means any organization that provides evidence of
 528 compliance with chapter 496 and possesses a valid exemption from
 529 federal taxation issued by the Internal Revenue Service. Such
 530 bona fide organization, as a condition of adoption, must provide
 531 sterilization of greyhounds by a licensed veterinarian before
 532 relinquishing custody of the greyhound to the adopter. The fee
 533 for sterilization may be included in the cost of adoption.

534 Section 13. Section 550.1648, Florida Statutes, is
 535 repealed.

536 Section 14. Section 550.175, Florida Statutes, is amended
 537 to read:

538 550.175 Petition for election to revoke permit.—Upon
 539 petition of 20 percent of the qualified electors of any county
 540 wherein any pari-mutuel wagering racing ~~racing~~ has been licensed and
 541 conducted under this chapter, the county commissioners of such
 542 county shall provide for the submission to the electors of such
 543 county at the then next succeeding general election the question
 544 of whether any permit or permits theretofore granted shall be
 545 continued or revoked, and if a majority of the electors voting
 546 on such question in such election vote to cancel or recall the
 547 permit theretofore given, the division may not thereafter grant
 548 any license on the permit so recalled. Every signature upon
 549 every recall petition must be signed in the presence of the
 550 clerk of the board of county commissioners at the office of the
 551 clerk of the circuit court of the county, and the petitioner

Page 19 of 36

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

580-03771-21

20217080pb

552 must present at the time of such signing her or his registration
 553 receipt showing the petitioner's qualification as an elector of
 554 the county at the time of the signing of the petition. Not more
 555 than one permit may be included in any one petition; and, in all
 556 elections in which the recall of more than one permit is voted
 557 on, the voters shall be given an opportunity to vote for or
 558 against the recall of each permit separately. Nothing in this
 559 chapter shall be construed to prevent the holding of later
 560 referendum or recall elections.

561 Section 15. Subsection (1) of section 550.1815, Florida
 562 Statutes, is amended to read:

563 550.1815 Certain persons prohibited from holding racing or
 564 jai alai permits; suspension and revocation.—

565 (1) A corporation, general or limited partnership, sole
 566 proprietorship, business trust, joint venture, or unincorporated
 567 association, or other business entity may not hold any
 568 horseracing or greyhound ~~degrading~~ permit or jai alai fronton
 569 permit in this state if any one of the persons or entities
 570 specified in paragraph (a) has been determined by the division
 571 not to be of good moral character or has been convicted of any
 572 offense specified in paragraph (b).

- 573 (a)1. The permitholder;
 574 2. An employee of the permitholder;
 575 3. The sole proprietor of the permitholder;
 576 4. A corporate officer or director of the permitholder;
 577 5. A general partner of the permitholder;
 578 6. A trustee of the permitholder;
 579 7. A member of an unincorporated association permitholder;
 580 8. A joint venturer of the permitholder;

Page 20 of 36

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

580-03771-21

20217080pb

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

584 10. An owner of any interest in the permit or permitholder,
585 including any immediate family member of the owner, or holder of
586 any debt, mortgage, contract, or concession from the
587 permitholder, who by virtue thereof is able to control the
588 business of the permitholder.

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

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

592 3. Any felony under the laws of the United States;

593 4. A felony under the laws of another state if related to
594 gambling which would be a felony under the laws of this state if
595 committed in this state; or

596 5. Bookmaking as defined in s. 849.25.

597 Section 16. Subsection (2) of section 550.24055, Florida
598 Statutes, is amended to read:

599 550.24055 Use of controlled substances or alcohol
600 prohibited; testing of certain occupational licensees; penalty;
601 evidence of test or action taken and admissibility for criminal
602 prosecution limited.—

603 (2) The occupational licensees, by applying for and holding
604 such licenses, are deemed to have given their consents to submit
605 to an approved chemical test of their breath for the purpose of
606 determining the alcoholic content of their blood and to a urine
607 or blood test for the purpose of detecting the presence of
608 controlled substances. Such tests shall only be conducted upon
609 reasonable cause that a violation has occurred as shall be

580-03771-21

20217080pb

610 determined solely by the stewards at a horseracing meeting or
611 the judges or board of judges at a ~~dog track~~ or jai alai meet.
612 The failure to submit to such test may result in a suspension of
613 the person's occupational license for a period of 10 days or
614 until this section has been complied with, whichever is longer.

615 (a) If there was at the time of the test 0.05 percent or
616 less by weight of alcohol in the person's blood, the person is
617 presumed not to have been under the influence of alcoholic
618 beverages to the extent that the person's normal faculties were
619 impaired, and no action of any sort may be taken by the
620 stewards, judges, or board of judges or the division.

621 (b) If there was at the time of the test an excess of 0.05
622 percent but less than 0.08 percent by weight of alcohol in the
623 person's blood, that fact does not give rise to any presumption
624 that the person was or was not under the influence of alcoholic
625 beverages to the extent that the person's faculties were
626 impaired, but the stewards, judges, or board of judges may
627 consider that fact in determining whether or not the person will
628 be allowed to officiate or participate in any given race or jai
629 alai game.

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

638

580-03771-21

20217080pb

639 All tests relating to alcohol must be performed in a manner
 640 substantially similar, or identical, to the provisions of s.
 641 316.1934 and rules adopted pursuant to that section. Following a
 642 test of the urine or blood to determine the presence of a
 643 controlled substance as defined in chapter 893, if a controlled
 644 substance is found to exist, the stewards, judges, or board of
 645 judges may take such action as is permitted in this section.

646 Section 17. Paragraph (d) of subsection (5), paragraphs (b)
 647 and (c) of subsection (6), paragraph (a) of subsection (9), and
 648 subsection (13) of section 550.2415, Florida Statutes, are
 649 amended to read:

650 550.2415 Racing of animals under certain conditions
 651 prohibited; penalties; exceptions.-

652 (5) The division shall implement a split-sample procedure
 653 for testing animals under this section.

654 ~~(d) For the testing of a racing greyhound, if there is an~~
 655 ~~insufficient quantity of the secondary (split) sample for~~
 656 ~~confirmation of the division laboratory's positive result, the~~
 657 ~~division may commence administrative proceedings as prescribed~~
 658 ~~in this chapter and consistent with chapter 120.~~

659 (6)

660 ~~(b) The division shall, by rule, establish the procedures~~
 661 ~~for euthanizing greyhounds. However, a greyhound may not be put~~
 662 ~~to death by any means other than by lethal injection of the drug~~
 663 ~~sodium pentobarbital. A greyhound may not be removed from this~~
 664 ~~state for the purpose of being destroyed.~~

665 ~~(c) It is a violation of this chapter for an occupational~~
 666 ~~licensee to train a greyhound using live or dead animals. A~~
 667 ~~greyhound may not be taken from this state for the purpose of~~

580-03771-21

20217080pb

668 ~~being trained through the use of live or dead animals.~~

669 (9) (a) The division may conduct a postmortem examination of
 670 any animal that is injured at a permitted racetrack while in
 671 training or in competition and that subsequently expires or is
 672 destroyed. The division may conduct a postmortem examination of
 673 any animal that expires while housed at a permitted racetrack,
 674 association compound, or licensed ~~kenel~~~~or~~ farm. Trainers and
 675 owners shall be requested to comply with this paragraph as a
 676 condition of licensure.

677 ~~(13) The division may implement by rule medication levels~~
 678 ~~for racing greyhounds recommended by the University of Florida~~
 679 ~~College of Veterinary Medicine developed pursuant to an~~
 680 ~~agreement between the Division of Pari mutuel Wagering and the~~
 681 ~~University of Florida College of Veterinary Medicine. The~~
 682 ~~University of Florida College of Veterinary Medicine may provide~~
 683 ~~written notification to the division that it has completed~~
 684 ~~research or review on a particular drug pursuant to the~~
 685 ~~agreement and when the College of Veterinary Medicine has~~
 686 ~~completed a final report of its findings, conclusions, and~~
 687 ~~recommendations to the division.~~

688 Section 18. Subsections (2) and (4), paragraph (a) of
 689 subsection (6), and subsection (11) of section 550.3551, Florida
 690 Statutes, are amended to read:

691 550.3551 Transmission of racing and jai alai information;
 692 commingling of pari-mutuel pools.-

693 (2) Any horse track, ~~dog track~~, or fronton licensed under
 694 this chapter may transmit broadcasts of races or games conducted
 695 at the enclosure of the licensee to locations outside this
 696 state.

580-03771-21

20217080pb

697 (a) All broadcasts of horseraces transmitted to locations
698 outside this state must comply with the provisions of the
699 Interstate Horseracing Act of 1978, 92 Stat. 1811, 15 U.S.C. ss.
700 3001 et seq.

701 (b) Wagers accepted by any out-of-state pari-mutuel
702 permitholder or licensed betting system on a race broadcasted
703 under this subsection may be, but are not required to be,
704 included in the pari-mutuel pools of the horse track in this
705 state that broadcasts the race upon which wagers are accepted.
706 The handle, as referred to in s. 550.0951(3), does not include
707 any wagers accepted by an out-of-state pari-mutuel permitholder
708 or licensed betting system, irrespective of whether such wagers
709 are included in the pari-mutuel pools of the Florida
710 permitholder as authorized by this subsection.

711 (4) Any greyhound permitholder or jai alai permitholder ~~dog~~
712 ~~track or fronton~~ licensed under this chapter may receive at its
713 licensed location broadcasts of dograces or jai alai games
714 conducted at other tracks or frontons located outside the state
715 ~~at the track enclosure of the licensee during its operational~~
716 ~~meeting~~. All forms of pari-mutuel wagering are allowed on
717 dograces or jai alai games broadcast under this subsection. All
718 money wagered by patrons on dograces broadcast under this
719 subsection shall be computed in the amount of money wagered each
720 performance for purposes of taxation under ss. 550.0951 and
721 550.09511.

722 (6) (a) ~~A maximum of 20 percent of the total number of races~~
723 ~~on which wagers are accepted by a greyhound permitholder not~~
724 ~~located as specified in s. 550.615(6) may be received from~~
725 ~~locations outside this state.~~ A permitholder conducting live

Page 25 of 36

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

580-03771-21

20217080pb

726 aces or games may not conduct fewer than eight live races or
727 games on any authorized race day except as provided in this
728 subsection. A thoroughbred permitholder may not conduct fewer
729 than eight live races on any race day without the written
730 approval of the Florida Thoroughbred Breeders' Association and
731 the Florida Horsemen's Benevolent and Protective Association,
732 Inc., unless it is determined by the department that another
733 entity represents a majority of the thoroughbred racehorse
734 owners and trainers in the state. If conducting live racing, a
735 harness permitholder may conduct fewer than eight live races on
736 any authorized race day, ~~except that such permitholder must~~
737 ~~conduct a full schedule of live racing during its race meet~~
738 ~~consisting of at least eight live races per authorized race day~~
739 ~~for at least 100 days.~~ Any harness horse permitholder ~~that~~
740 ~~during the preceding racing season conducted a full schedule of~~
741 ~~live racing may, at any time during its current race meet,~~
742 receive full-card broadcasts of harness horse races conducted at
743 harness racetracks outside this state at the harness track of
744 the permitholder and accept wagers on such harness races. ~~With~~
745 ~~specific authorization from the division for special racing~~
746 ~~events, a permitholder may conduct fewer than eight live races~~
747 ~~or games when the permitholder also broadcasts out of state~~
748 ~~races or games. The division may not grant more than two such~~
749 ~~exceptions a year for a permitholder in any 12-month period, and~~
750 ~~those two exceptions may not be consecutive.~~

751 (11) Greyhound permitholders ~~tracks~~ and jai alai
752 permitholders ~~frontons~~ have the same privileges as provided in
753 this section to horserace permitholders ~~horse tracks~~, as
754 applicable, subject to rules adopted under subsection (10).

Page 26 of 36

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

580-03771-21

20217080pb

755 Section 19. Subsections (1), (3), (4), (5), and (6) of
756 section 550.3615, Florida Statutes, are amended to read:

757 550.3615 Bookmaking on the grounds of a permitholder;
758 penalties; reinstatement; duties of track employees; penalty;
759 exceptions.—

760 (1) Any person who engages in bookmaking, as defined in s.
761 849.25, on the grounds or property of a pari-mutuel facility
762 ~~commits permitholder of a horse or dog track or jai alai fronton~~
763 ~~is guilty of~~ a felony of the third degree, punishable as
764 provided in s. 775.082, s. 775.083, or s. 775.084.
765 Notwithstanding the provisions of s. 948.01, any person
766 convicted under the provisions of this subsection shall not have
767 adjudication of guilt suspended, deferred, or withheld.

768 (3) Any person who has been convicted of bookmaking in this
769 state or any other state of the United States or any foreign
770 country shall be denied admittance to and shall not attend any
771 pari-mutuel facility ~~racetrack or fronton~~ in this state during
772 its racing seasons or operating dates, including any practice or
773 preparational days, for a period of 2 years after the date of
774 conviction or the date of final appeal. Following the conclusion
775 of the period of ineligibility, the director of the division may
776 authorize the reinstatement of an individual following a hearing
777 on readmittance. Any such person who knowingly violates this
778 subsection ~~commits is guilty of~~ a misdemeanor of the first
779 degree, punishable as provided in s. 775.082 or s. 775.083.

780 (4) If the activities of a person show that this law is
781 being violated, and such activities are either witnessed or are
782 common knowledge by any pari-mutuel facility ~~track or fronton~~
783 employee, it is the duty of that employee to bring the matter to

Page 27 of 36

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

580-03771-21

20217080pb

784 the immediate attention of the permitholder, manager, or her or
785 his designee, who shall notify a law enforcement agency having
786 jurisdiction. Willful failure ~~by the pari-mutuel facility on the~~
787 ~~part of any track or fronton~~ employee to comply with the
788 provisions of this subsection is a ground for the division to
789 suspend or revoke that employee's license for pari-mutuel
790 facility ~~track or fronton~~ employment.

791 (5) Each permittee shall display, in conspicuous places at
792 a pari-mutuel facility ~~track or fronton~~ and in all race and jai
793 alai daily programs, a warning to all patrons concerning the
794 prohibition and penalties of bookmaking contained in this
795 section and s. 849.25. The division shall adopt rules concerning
796 the uniform size of all warnings and the number of placements
797 throughout a pari-mutuel facility ~~track or fronton~~. Failure on
798 the part of the permittee to display such warnings may result in
799 the imposition of a \$500 fine by the division for each offense.

800 (6) This section does not apply to any person ~~attending a~~
801 ~~track or fronton or~~ employed by or attending a pari-mutuel
802 facility ~~a track or fronton~~ who places a bet through the
803 legalized pari-mutuel pool for another person, provided such
804 service is rendered gratuitously and without fee or other
805 reward.

806 Section 20. Section 550.475, Florida Statutes, is amended
807 to read:

808 550.475 Lease of pari-mutuel facilities by pari-mutuel
809 permitholders.—Holders of valid pari-mutuel permits for the
810 conduct of any pari-mutuel wagering jai alai games, dogracing,
811 ~~or thoroughbred and standardbred horse racing~~ in this state are
812 entitled to lease any and all of their facilities to any other

Page 28 of 36

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

580-03771-21

20217080pb

813 holder of a same class valid pari-mutuel permit ~~for jai alai~~
 814 ~~games, dogracing, or thoroughbred or standardbred horse racing,~~
 815 when located within a 35-mile radius of each other; and such
 816 lessee is entitled to a permit and license to conduct intertrack
 817 wagering and operate its race meet or jai alai games at the
 818 leased premises.

819 Section 21. Subsections (2) and (8) of section 550.615,
 820 Florida Statutes, are amended, and subsection (11) is added to
 821 that section, to read:

822 550.615 Intertrack wagering.-

823 (2) A pari-mutuel permitholder that has met the applicable
 824 requirement for that permitholder to conduct live racing or
 825 games under s. 550.01215(1)(b), if any, Any track or fronton
 826 licensed under this chapter which in the preceding year
 827 conducted a full schedule of live racing is qualified to, at any
 828 time, receive broadcasts of any class of pari-mutuel race or
 829 game and accept wagers on such races or games conducted by any
 830 class of permitholders licensed under this chapter.

831 (8) In any three contiguous counties of the state where
 832 there are only three permitholders, all of which are greyhound
 833 permitholders, if any permitholder leases the facility of
 834 another permitholder for all or any portion of the conduct of
 835 its live race meet pursuant to s. 550.475, such lessee may
 836 conduct intertrack wagering at its pre-lease permitted facility
 837 throughout the entire year, ~~including while its live meet is~~
 838 ~~being conducted at the leased facility, if such permitholder has~~
 839 ~~conducted a full schedule of live racing during the preceding~~
 840 ~~fiscal year at its pre lease permitted facility or at a leased~~
 841 ~~facility, or combination thereof.~~

Page 29 of 36

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

580-03771-21

20217080pb

842 (11) Any greyhound permitholder licensed under this chapter
 843 to conduct pari-mutuel wagering is qualified to, at any time,
 844 receive broadcasts of any class of pari-mutuel race or game and
 845 accept wagers on such races or games conducted by any class of
 846 permitholders licensed under this chapter.

847 Section 22. Subsection (2) of section 550.6305, Florida
 848 Statutes, is amended to read:

849 550.6305 Intertrack wagering; guest track payments;
 850 accounting rules.-

851 (2) For the purposes of calculation of odds and payoffs and
 852 distribution of the pari-mutuel pools, all intertrack wagers
 853 shall be combined with the pari-mutuel pools at the host track.
 854 ~~Notwithstanding this subsection or subsection (4), a greyhound~~
 855 ~~pari-mutuel permitholder may conduct intertrack wagering without~~
 856 ~~combining pari-mutuel pools on not more than three races in any~~
 857 ~~week, not to exceed 20 races in a year. All other provisions~~
 858 ~~concerning pari-mutuel takeout and payments, including state tax~~
 859 ~~payments, apply as if the pool had been combined.~~

860 Section 23. Paragraph (c) of subsection (4) of section
 861 551.104, Florida Statutes, is amended to read:

862 551.104 License to conduct slot machine gaming.-

863 (4) As a condition of licensure and to maintain continued
 864 authority for the conduct of slot machine gaming, the slot
 865 machine licensee shall:

866 (c) If a thoroughbred permitholder, conduct no fewer than a
 867 full schedule of live racing or games as defined in s.
 868 550.002(11). A permitholder's responsibility to conduct ~~such~~
 869 ~~number of~~ live races or games shall be reduced by the number of
 870 races or games that could not be conducted due to the direct

Page 30 of 36

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

580-03771-21

20217080pb

871 result of fire, war, hurricane, or other disaster or event
872 beyond the control of the permittholder.

873 Section 24. Subsection (4) of section 551.114, Florida
874 Statutes, is amended to read:

875 551.114 Slot machine gaming areas.—

876 (4) Designated slot machine gaming areas must ~~may~~ be
877 located at the location specified in the licensed permittholder's
878 operating license within the current live gaming facility or in
879 an existing building that must be contiguous and connected to
880 the live gaming facility. If a designated slot machine gaming
881 area is to be located in a building that is to be constructed,
882 that new building must be contiguous and connected to the live
883 gaming facility.

884 Section 25. Subsection (5) of section 565.02, Florida
885 Statutes, is amended to read:

886 565.02 License fees; vendors; clubs; caterers; and others.—

887 (5) A caterer at a horse ~~or dog~~ racetrack or jai alai
888 fronton may obtain a license upon the payment of an annual state
889 license tax of \$675. Such caterer's license shall permit sales
890 only within the enclosure in which such races or jai alai games
891 are conducted, and such licensee shall be permitted to sell only
892 during the period beginning 10 days before and ending 10 days
893 after racing or jai alai under the authority of the Division of
894 Pari-mutuel Wagering of the Department of Business and
895 Professional Regulation is conducted at such racetrack or jai
896 alai fronton. Except as in this subsection otherwise provided,
897 caterers licensed hereunder shall be treated as vendors licensed
898 to sell by the drink the beverages mentioned herein and shall be
899 subject to all the provisions hereof relating to such vendors.

Page 31 of 36

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

580-03771-21

20217080pb

900 Section 26. Paragraphs (a) and (b) of subsection (5) and
901 paragraph (d) of subsection (13) of section 849.086, Florida
902 Statutes, are amended to read:

903 849.086 Cardrooms authorized.—

904 (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may
905 operate a cardroom in this state unless such person holds a
906 valid cardroom license issued pursuant to this section.

907 (a) Only those persons holding a valid cardroom license
908 issued by the division may operate a cardroom. A cardroom
909 license may only be issued to a licensed pari-mutuel
910 permittholder and an authorized cardroom may only be operated at
911 the same facility at which the permittholder is authorized under
912 its valid pari-mutuel wagering permit to conduct pari-mutuel
913 wagering activities. An initial cardroom license shall be issued
914 to a pari-mutuel permittholder only after its facilities are in
915 place and after it conducts its first day of pari-mutuel
916 activities on live racing or games.

917 (b) After the initial cardroom license is granted, the
918 application for the annual license renewal shall be made in
919 conjunction with the applicant's annual application for its
920 pari-mutuel license. If a permittholder has operated a cardroom
921 during any of the 3 previous fiscal years and fails to include a
922 renewal request for the operation of the cardroom in its annual
923 application for license renewal, the permittholder may amend its
924 annual application to include operation of the cardroom. ~~In~~
925 ~~order for a cardroom license to be renewed the applicant must~~
926 ~~have requested, as part of its pari-mutuel annual license~~
927 ~~application, to conduct at least 90 percent of the total number~~
928 ~~of live performances conducted by such permittholder during~~

Page 32 of 36

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

580-03771-21

20217080pb

929 ~~either the state fiscal year in which its initial cardroom~~
 930 ~~license was issued or the state fiscal year immediately prior~~
 931 ~~thereto if the permitholder ran at least a full schedule of live~~
 932 ~~racing or games in the prior year. If the application is for a~~
 933 ~~harness permitholder cardroom, the applicant must have requested~~
 934 ~~authorization to conduct a minimum of 140 live performances~~
 935 ~~during the state fiscal year immediately prior thereto. If more~~
 936 ~~than one permitholder is operating at a facility, each~~
 937 ~~permitholder must have applied for a license to conduct a full~~
 938 ~~schedule of live racing.~~

939 (13) TAXES AND OTHER PAYMENTS.—

940 (d)1. Each ~~greyhound and jai alai~~ permitholder that
 941 conducts live performances and operates a cardroom facility
 942 shall use at least 4 percent of such permitholder's cardroom
 943 monthly gross receipts to supplement ~~greyhound purses or jai~~
 944 ~~alai prize money, respectively,~~ during the permitholder's next
 945 ensuing pari-mutuel meet.

946 2. Each thoroughbred permitholder or an harness horse
 947 racing permitholder that conducts live performances and operates
 948 a cardroom facility shall use at least 50 percent of such
 949 permitholder's cardroom monthly net proceeds as follows: 47
 950 percent to supplement purses and 3 percent to supplement
 951 breeders' awards during the permitholder's next ensuing racing
 952 meet.

953 3. No cardroom license or renewal thereof shall be issued
 954 to an applicant holding a permit under chapter 550 to conduct
 955 pari-mutuel wagering meets of quarter horse racing and
 956 conducting live performances unless the applicant has on file
 957 with the division a binding written agreement between the

Page 33 of 36

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

580-03771-21

20217080pb

958 applicant and the Florida Quarter Horse Racing Association or
 959 the association representing a majority of the horse owners and
 960 trainers at the applicant's eligible facility, governing the
 961 payment of purses on live quarter horse races conducted at the
 962 licensee's pari-mutuel facility. The agreement governing purses
 963 may direct the payment of such purses from revenues generated by
 964 any wagering or gaming the applicant is authorized to conduct
 965 under Florida law. All purses shall be subject to the terms of
 966 chapter 550.

967 Section 27. For the purpose of incorporating the amendment
 968 made by this act to section 550.002, Florida Statutes, in a
 969 reference thereto, paragraph (c) of subsection (2) of section
 970 380.0651, Florida Statutes, is reenacted to read:

971 380.0651 Statewide guidelines, standards, and exemptions.—

972 (2) STATUTORY EXEMPTIONS.—The following developments are
 973 exempt from s. 380.06:

974 (c) Any proposed addition to an existing sports facility
 975 complex if the addition meets the following characteristics:

976 1. It would not operate concurrently with the scheduled
 977 hours of operation of the existing facility;

978 2. Its seating capacity would be no more than 75 percent of
 979 the capacity of the existing facility; and

980 3. The sports facility complex property was owned by a
 981 public body before July 1, 1983.

982
 983 This exemption does not apply to any pari-mutuel facility as
 984 defined in s. 550.002.

985
 986 If a use is exempt from review pursuant to paragraphs (a)-(u),

Page 34 of 36

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

580-03771-21

20217080pb

987 but will be part of a larger project that is subject to review
 988 pursuant to s. 380.06(12), the impact of the exempt use must be
 989 included in the review of the larger project, unless such exempt
 990 use involves a development that includes a landowner, tenant, or
 991 user that has entered into a funding agreement with the state
 992 land planning agency under the Innovation Incentive Program and
 993 the agreement contemplates a state award of at least \$50
 994 million.

995 Section 28. For the purpose of incorporating the amendment
 996 made by this act to section 550.002, Florida Statutes, in a
 997 reference thereto, paragraph (c) of subsection (4) of section
 998 402.82, Florida Statutes, is reenacted to read:

999 402.82 Electronic benefits transfer program.—

1000 (4) Use or acceptance of an electronic benefits transfer
 1001 card is prohibited at the following locations or for the
 1002 following activities:

1003 (c) A pari-mutuel facility as defined in s. 550.002.

1004 Section 29. For the purpose of incorporating the amendment
 1005 made by this act to section 550.002, Florida Statutes, in a
 1006 reference thereto, subsection (1) of section 480.0475, Florida
 1007 Statutes, is reenacted to read:

1008 480.0475 Massage establishments; prohibited practices.—

1009 (1) A person may not operate a massage establishment
 1010 between the hours of midnight and 5 a.m. This subsection does
 1011 not apply to a massage establishment:

1012 (a) Located on the premises of a health care facility as
 1013 defined in s. 408.07; a health care clinic as defined in s.
 1014 400.9905(4); a hotel, motel, or bed and breakfast inn, as those
 1015 terms are defined in s. 509.242; a timeshare property as defined

580-03771-21

20217080pb

1016 in s. 721.05; a public airport as defined in s. 330.27; or a
 1017 pari-mutuel facility as defined in s. 550.002;

1018 (b) In which every massage performed between the hours of
 1019 midnight and 5 a.m. is performed by a massage therapist acting
 1020 under the prescription of a physician or physician assistant
 1021 licensed under chapter 458, an osteopathic physician or
 1022 physician assistant licensed under chapter 459, a chiropractic
 1023 physician licensed under chapter 460, a podiatric physician
 1024 licensed under chapter 461, an advanced practice registered
 1025 nurse licensed under part I of chapter 464, or a dentist
 1026 licensed under chapter 466; or

1027 (c) Operating during a special event if the county or
 1028 municipality in which the establishment operates has approved
 1029 such operation during the special event.

1030 Section 30. This act shall take effect July 1, 2021.