

By the Committee on Rules & Calendar and Representative
Bitner

1 A bill to be entitled
2 An act relating to the Florida Statutes;
3 repealing or deleting various statutory
4 provisions that have become obsolete, have had
5 their effect, have served their purpose, or
6 have been impliedly repealed or superseded;
7 amending s. 24.104, F.S.; removing duplicative
8 provisions relating to organization of the
9 Department of the Lottery; repealing s.
10 24.105(2)(b), F.S., relating to dates for
11 initiation of the public sale of lottery
12 tickets for instant and on-line games; amending
13 s. 210.10, F.S., relating to general powers of
14 the Division of Alcoholic Beverages and
15 Tobacco; correcting an obsolete cross
16 reference; amending ss. 210.151, 210.1605,
17 210.405, and 210.51, F.S.; revising provisions
18 relating to initial temporary permits and
19 renewal of permits to separate provisions
20 relating solely to cigarettes from those
21 relating to other tobacco products; correcting
22 terminology; repealing s. 550.01215(2), (3),
23 and (10), F.S., relating to conduct of
24 performances during fiscal year 1996-1997 for
25 horserace and greyhound permitholders and
26 during fiscal year 1998-1999 for jai alai
27 permitholders; amending s. 550.09514, F.S.;
28 deleting a provision that established the purse
29 requirements for greyhound permitholders for
30 fiscal year 1996-1997; repealing s. 550.72,
31 F.S., relating to a feasibility study of state

1 or municipal ownership of Hialeah Park;
2 amending s. 552.093, F.S.; deleting a provision
3 that allowed persons holding a valid explosives
4 license or permit for the period 1976-1977 to
5 be issued a license or permit without taking a
6 competency examination; providing an effective
7 date.

8

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

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11 Section 1. Section 24.104, Florida Statutes, is
12 amended to read:

13 24.104 Purpose of department of the Lottery.--~~There is~~
14 ~~created a Department of the Lottery.~~

15 ~~(1)(a) The head of the Department of the Lottery is~~
16 ~~the Secretary of the Department of the Lottery. The secretary~~
17 ~~shall be appointed by the Governor subject to the confirmation~~
18 ~~of the Senate. The secretary shall serve at the pleasure of~~
19 ~~the Governor. The compensation of the secretary shall be set~~
20 ~~annually by executive order of the Governor.~~

21 ~~(b) It is the intent of the Legislature that, prior to~~
22 ~~appointing a secretary of the department, the Governor conduct~~
23 ~~a thorough search to find the most qualified appointee~~
24 ~~available. In conducting such search, the Governor shall~~
25 ~~emphasize such considerations as business management~~
26 ~~experience, marketing experience, computer experience, and~~
27 ~~lottery management experience.~~

28 ~~(2)~~ The purpose of the department is to operate the
29 state lottery as authorized by s. 15, Art. X of the State
30 Constitution so as to maximize revenues in a manner consonant
31 with the dignity of the state and the welfare of its citizens.

1 ~~(3) Any provision of law to the contrary~~
2 ~~notwithstanding, the secretary may create divisions and~~
3 ~~bureaus within the department and allocate the various~~
4 ~~functions of the department among such divisions and bureaus.~~
5 ~~However, in order to promote and protect the integrity of and~~
6 ~~the public confidence in the state lottery, there is created a~~
7 ~~Division of Security within the department.~~

8 ~~(4) The headquarters of the department shall be~~
9 ~~located in Tallahassee. However, the department may establish~~
10 ~~such regional offices throughout the state as the secretary~~
11 ~~deems necessary to the efficient operation of the state~~
12 ~~lottery.~~

13 Section 2. Paragraph (b) of subsection (2) of section
14 24.105, Florida Statutes, is repealed.

15 Section 3. Subsection (2) of section 210.10, Florida
16 Statutes, is amended to read:

17 210.10 General powers of the Division of Alcoholic
18 Beverages and Tobacco.--

19 (2) The division and all officers and employees under
20 this part shall, in the administration thereof and in the
21 administration of the State Beverage Law, have all the
22 authority and power vested in officers and employees of the
23 division as provided by s. 20.165(9)561.07, and such power
24 and authority is hereby conferred upon the division and all
25 officers and employees under this part with respect to the
26 administration of this part and also with respect to the
27 administration of the Beverage Law.

28 Section 4. Section 210.151, Florida Statutes, is
29 amended to read:

30 210.151 Initial temporary cigarette ~~and other tobacco~~
31 ~~products~~ permits.--When a person has filed a completed

1 application which does not on its face disclose any reason for
2 denying a cigarette permit under s. 210.15, ~~or other tobacco~~
3 ~~products permit under s. 210.40~~, the Division of Alcoholic
4 Beverages and Tobacco of the Department of Business and
5 Professional Regulation shall issue a temporary initial permit
6 of the same type and series for which the application has been
7 submitted, which is valid for all purposes under this chapter.

8 (1) A temporary initial permit shall be valid for up
9 to 90 days and may be extended by the division for up to an
10 additional 90 days for good cause. The division may at any
11 time during such period grant or deny the permit applied for,
12 notwithstanding s. 120.60.

13 (2) A temporary initial permit expires and may not be
14 continued or extended beyond the date the division denies the
15 permit applied for; beyond 14 days after the date the division
16 approves the permit applied for; beyond the date the applicant
17 pays the permit fee and the division issues the permit applied
18 for; or beyond the date the temporary permit otherwise expires
19 by law, whichever date occurs first.

20 (3) Each applicant seeking a temporary initial
21 cigarette permit shall pay to the division for such permit a
22 fee of \$100. ~~Each applicant seeking a temporary initial permit~~
23 ~~for other tobacco products shall pay to the division for such~~
24 ~~permit a fee of \$25.~~

25 (4) Any fee or penalty collected under the provisions
26 of this section ~~act~~ shall be deposited into the Alcoholic
27 Beverage and Tobacco Trust Fund.

28 Section 5. Subsection (2) of section 210.1605, Florida
29 Statutes, is amended to read:

30 210.1605 Renewal of permit.--

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1 (2) Any fee or penalty collected under the provisions
2 of this section ~~act~~ shall be deposited into the Alcoholic
3 Beverage and Tobacco Trust Fund.

4 Section 6. Section 210.405, Florida Statutes, is
5 amended to read:

6 210.405 Initial temporary permits for ~~cigarette and~~
7 other tobacco products ~~permits~~.--When a person has filed a
8 completed application which does not on its face disclose any
9 reason for denying a ~~cigarette~~ permit for ~~under s. 210.15, or~~
10 other tobacco products ~~permit~~ under s. 210.40, the Division of
11 Alcoholic Beverages and Tobacco of the Department of Business
12 and Professional Regulation shall issue a temporary initial
13 permit of the same type and series for which the application
14 has been submitted, which is valid for all purposes under this
15 chapter.

16 (1) A temporary initial permit shall be valid for up
17 to 90 days and may be extended by the division for up to an
18 additional 90 days for good cause. The division may at any
19 time during such period grant or deny the permit applied for,
20 notwithstanding s. 120.60.

21 (2) A temporary initial permit expires and may not be
22 continued or extended beyond the date the division denies the
23 permit applied for; beyond 14 days after the date the division
24 approves the permit applied for; beyond the date the applicant
25 pays the permit fee and the division issues the permit applied
26 for; or beyond the date the temporary permit otherwise expires
27 by law, whichever date occurs first.

28 (3) ~~Each applicant seeking a temporary initial~~
29 ~~cigarette permit shall pay to the division for such permit a~~
30 ~~fee of \$100.~~Each applicant seeking a temporary initial permit
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1 for other tobacco products shall pay to the division for such
2 permit a fee of \$25.

3 (4) Any fee or penalty collected under the provisions
4 of this section act shall be deposited into the Alcoholic
5 Beverage and Tobacco Trust Fund.

6 Section 7. Subsection (2) of section 210.51, Florida
7 Statutes, is amended to read:

8 210.51 Renewal of permit.--

9 (2) Any fee or penalty collected under the provisions
10 of this section act shall be deposited into the Alcoholic
11 Beverage and Tobacco Trust Fund.

12 Section 8. Subsections (2), (3), and (10) of section
13 550.01215, Florida Statutes, are repealed.

14 Section 9. Paragraph (b) of subsection (2) of section
15 550.09514, Florida Statutes, is amended to read:

16 550.09514 Greyhound dogracing taxes; purse
17 requirements.--

18 (2)

19 ~~(b)1. Except as otherwise provided herein, in addition~~
20 ~~to the minimum purse percentage required by paragraph (a),~~
21 ~~each permitholder shall pay as purses, for fiscal year~~
22 ~~1996-1997, an amount equal to 75 percent of the permitholder's~~
23 ~~tax credit pursuant to s. 550.0951(1).~~

24 ~~2.~~ Except as otherwise set forth herein, in addition
25 to the minimum purse percentage required by paragraph (a),
26 ~~beginning July 1, 1997,~~ each permitholder shall pay as purses
27 an annual amount equal to 75 percent of the daily license fees
28 paid by each permitholder for the 1994-1995 fiscal year. This
29 purse supplement shall be disbursed weekly during the
30 permitholder's race meet in an amount determined by dividing
31 the annual purse supplement by the number of performances

1 approved for the permitholder pursuant to its annual license
2 and multiplying that amount by the number of performances
3 conducted each week. For the greyhound permitholders in the
4 county where there are two greyhound permitholders located as
5 specified in s. 550.615(6), such permitholders shall pay in
6 the aggregate an amount equal to 75 percent of the daily
7 license fees paid by such permitholders for the 1994-1995
8 fiscal year. These permitholders shall be jointly and
9 severally liable for such purse payments. The additional
10 purses provided by this paragraph must be used exclusively for
11 purses other than stakes. The division shall conduct audits
12 necessary to ensure compliance with this section.

13 Section 10. Section 550.72, Florida Statutes, is
14 repealed.

15 Section 11. Subsections (2) and (3) of section
16 552.093, Florida Statutes, are amended to read:

17 552.093 Competency examinations required+
18 exceptions.--

19 (2) ~~Any licensee or permittee who possesses, on~~
20 ~~October 1, 1977, a valid license or permit for the period~~
21 ~~1976-1977 shall, upon proper application, be issued a license~~
22 ~~or permit without being required to submit to an examination~~
23 ~~of competency.~~Any licensee or permittee who allows his or her
24 license to lapse or whose license or permit is suspended or
25 revoked shall be required to submit to and satisfactorily pass
26 an examination prior to issuance of a license or permit.

27 (3) Each applicant ~~required to submit to a competency~~
28 ~~examination~~ shall be required to pay an examination fee of \$30
29 upon application for the required license or permit, which fee
30 shall apply to one scheduled examination attempt. Such fee
31 shall not be refundable in the event the applicant does not

1 appear for examination or does not successfully pass the
2 examination. If the applicant does not appear for examination
3 or does not successfully pass the examination, the applicant
4 shall submit an additional \$30 fee for each examination
5 scheduled.

6 Section 12. This act shall take effect upon becoming a
7 law.

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HOUSE SUMMARY

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12 Repeals or deletes various statutory provisions that have
13 become obsolete, have had their effect, have served their
14 purpose, or have been impliedly repealed or superseded.
15 Repeals or deletes provisions relating to organization of
16 the Department of the Lottery; conduct of performances
17 during fiscal year 1996-1997 for horserace and greyhound
18 permitholders and during fiscal year 1998-1999 for jai
19 alai permitholders; a provision that established the
20 purse requirements for greyhound permitholders for fiscal
21 year 1996-1997; a feasibility study of state or municipal
22 ownership of Hialeah Park; and a provision that allowed
23 persons holding a valid explosives license or permit for
24 the period 1976-1977 to be issued such a license or
25 permit without taking a competency examination. Revises
26 provisions relating to initial temporary permits and
27 renewal of permits to separate provisions relating solely
28 to cigarettes from those relating to other tobacco
29 products.

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