

By the Committees on Judiciary; Regulated Industries; and
Senator Jones

590-2256-05

1 A bill to be entitled
2 An act relating to pari-mutuel wagering;
3 amending s. 550.2415, F.S.; requiring the
4 Division of Pari-mutuel Wagering in the
5 Department of Business and Professional
6 Regulation to maintain certain records
7 regarding injuries and the disposition of
8 greyhounds that race in this state; providing
9 guidelines and requirements for injury and
10 disposition report forms; providing for the
11 adoption of rules; providing penalties;
12 creating ch. 551, F.S.; implementing s. 23,
13 Art. X of the State Constitution; authorizing
14 slot machines and slot machine gaming within
15 certain pari-mutuel facilities located in
16 Miami-Dade and Broward Counties upon approval
17 by a local referendum; providing definitions;
18 providing powers and duties of the Division of
19 Pari-mutuel Wagering in the Department of
20 Business and Professional Regulation;
21 clarifying the authority of local law
22 enforcement agencies; providing for licensure
23 to conduct slot machine gaming; providing for
24 slot machine licensure renewal; providing for a
25 license fee, machine fee, and tax rate;
26 providing for a local supplemental tax;
27 requiring occupational licenses and application
28 fees; prohibiting certain business
29 relationships; prohibiting certain acts and
30 providing penalties; providing an exception to
31 prohibitions relating to slot machines;

1 providing for the exclusion of certain persons
2 from facilities; prohibiting minors under 21
3 years of age from playing slot machines;
4 designating slot machine gaming areas;
5 prohibiting automated teller machines on the
6 property of a slot machine licensee; providing
7 for days and hours of operation; providing
8 penalties; providing a compulsive gambling
9 treatment program; providing for a caterer's
10 license; providing for rulemaking; providing
11 for the conduct of a referendum election for
12 slot machines; providing for elections for
13 ratification of slot machine licensing;
14 providing effective dates.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Effective July 1, 2005, subsection (6) of
19 section 550.2415, Florida Statutes, is amended to read:

20 550.2415 Racing of animals under certain conditions
21 prohibited; penalties; exceptions.--

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

27 (b) The division shall, by rule, establish the
28 procedures for euthanizing greyhounds. However, a greyhound
29 may not be put to death by any means other than by lethal
30 injection of the drug sodium pentobarbital. A greyhound may
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1 not be removed from this state for the purpose of being
2 destroyed.

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

8 (d) A conviction of cruelty to animals pursuant to s.
9 828.12 involving a racing animal constitutes a violation of
10 this chapter.

11 (e) The division shall maintain accurate records and
12 statistics regarding injuries incurred by greyhounds that race
13 in this state. The division shall adopt rules requiring the
14 reporting of injuries incurred by greyhounds while racing in
15 this state, including schooling races. Such reports must
16 include:

17 1. The greyhound's registered name and right and left
18 ear tattoo numbers.

19 2. The name, business address, and telephone number of
20 the greyhound owner, trainer, and kennel operator.

21 3. The color, weight, and sex of the greyhound.

22 4. The specific type of injury, the cause of the
23 injury, the estimated recovery time, and the location of the
24 injury on the greyhound.

25 5. Where the injury occurred, whether on a racing
26 track or in another area.

27 6. If the injury occurred while the greyhound was
28 racing, the racetrack where the injury occurred; the distance,
29 grade, race, and post position when the injury occurred; and
30 the weather conditions, time, temperature, and track condition
31 at the time of the injury.

1 7. A certification by the racetrack veterinarian that
2 the form is correct.

3 (f) The division shall maintain accurate records and
4 statistics regarding the disposition of greyhounds that
5 participate in racing in this state. The division shall adopt
6 rules requiring the reporting of the disposition of greyhounds
7 that race in this state, including schooling races. As used in
8 the reporting requirement, the term "disposition" means death,
9 transfer to another jurisdiction, retirement, adoption, sale,
10 or donation for medical research or another purpose. Such
11 reports must include:

12 1. The greyhound's registered name and right and left
13 ear tattoo numbers; the name, business address, and telephone
14 number of the greyhound owner, trainer, and kennel operator;
15 and the name and address of the race track where the greyhound
16 last raced prior to disposition.

17 2. If the greyhound was transferred to another track,
18 the name and address of the track that received the greyhound
19 and the name, business address, telephone number, and driver's
20 license number and state of issuance of the person who
21 received the greyhound on behalf of that track.

22 3. If the greyhound was retired for breeding, the name
23 and address of the facility that received the greyhound and
24 the name, business address, telephone number, and driver's
25 license number and state of issuance of the person who
26 received the greyhound on behalf of that facility.

27 4. If the greyhound was adopted or placed for
28 adoption, the name and address of the person that received the
29 greyhound and, if applicable, the name, business address,
30 telephone number, and driver's license number and state of
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1 issuance of the person who received the greyhound on behalf of
2 the adoption facility.

3 5. If the greyhound was euthanized, the name, address,
4 professional title, professional affiliation of the person
5 performing the euthanasia, method of euthanasia, and reason
6 the greyhound was euthanized rather than adopted.

7 6. If the greyhound was sold or donated, the name of
8 the person to whom the greyhound was sold or donated, and if
9 donated, the name, business address, telephone number, and
10 driver's license number and state of issuance of the person
11 who received the greyhound on behalf of the donee.

12 7. If the disposition of the greyhound does not fit
13 into any of the above categories, the name of the person to
14 whom the greyhound was transferred, and the name, business
15 address, telephone number, and driver's license number and
16 state of issuance of the person who received the greyhound.

17 8. Certification by the owner, trainer, and kennel
18 operator that the disposition forms are correct.

19 (g) The division shall maintain injury and disposition
20 records for 7 years.

21 (h) In addition to other penalties imposed by law, a
22 person who knowingly makes a false statement on an injury or
23 disposition form commits a misdemeanor of the first degree,
24 punishable as provided in s. 775.082 or s. 775.083. A person
25 who knowingly makes a false statement on an injury or
26 disposition form on a second or subsequent occasion commits a
27 felony of the third degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084.

29 Section 2. Chapter 551, Florida Statutes, consisting
30 of sections 551.101, 551.102, 551.103, 551.104, 551.105,
31 551.106, 551.107, 551.108, 551.109, 551.110, 551.111, 551.112,

1 551.113, 551.114, 551.116, 551.117, 551.118, 551.119, 551.120,
2 and 551.121, is created to read:

3 CHAPTER 551

4 SLOT MACHINES

5 551.101 Slot machine gaming authorized.--Any existing,
6 licensed pari-mutuel facility located in Miami-Dade County or
7 Broward County at the time of adoption of s. 23, Art. X of the
8 State Constitution which has conducted live racing or games
9 during calendar years 2002 and 2003 may possess slot machines
10 and conduct slot machine gaming at the location where the
11 pari-mutuel permit holder is authorized to conduct pari-mutuel
12 wagering activities pursuant to such permit holder's valid
13 pari-mutuel permit or as otherwise authorized by law provided
14 a majority of voters in a countywide referendum have approved
15 the possession of slot machines at such facility in the
16 respective county. Notwithstanding any other provision of law,
17 it is not a crime for a person to participate in slot machine
18 gaming at a pari-mutuel facility licensed to possess and
19 conduct slot machine gaming or to participate in slot machine
20 gaming described in this chapter.

21 551.102 Definitions.--As used in this chapter, the
22 term:

23 (1) "Central control computer" means a central site
24 computer controlled and accessible by the division to which
25 all slot machines at a gaming facility communicate for the
26 purposes of auditing capacity; real-time information retrieval
27 of the details of any financial event that occurs in the
28 operation of a slot machine, including, but not limited to,
29 coin in, coin out, ticket in, ticket out, jackpots, machine
30 door openings and power failure; and remote machine activation
31 and disabling of slot machines.

1 (2) "Designated slot machine gaming area" means the
2 area of an eligible facility, which may include any addition,
3 alteration, or new structure located on the premises described
4 in the pari-mutuel permit issued by the division for the
5 conduct of pari-mutuel wagering, in which slot machine gaming
6 may be conducted in accordance with the provisions of this
7 chapter.

8 (3) "Distributor" means any person that sells, leases,
9 or offers, or otherwise provides, distributes, or services,
10 any slot machine or associated equipment for use or play of
11 slot machines in this state. A manufacturer may be a
12 distributor within the state.

13 (4) "Division" means the Division of Pari-mutuel
14 Wagering of the Department of Business and Professional
15 Regulation.

16 (5) "Eligible facility" means any existing licensed
17 pari-mutuel facility located in Miami-Dade County or Broward
18 County at the time of adoption of s. 23, Art. X of the State
19 Constitution which has conducted live racing or games during
20 calendar years 2002 and 2003 and has been approved by a
21 majority of voters in a countywide referendum to have slot
22 machines at such facility in the respective county.

23 (6) "Independent testing laboratory" means a
24 laboratory of national reputation which is demonstrably
25 competent and qualified to scientifically test and evaluate
26 slot machines for compliance with this chapter and to
27 otherwise perform the functions assigned to it in this
28 chapter. An independent testing laboratory shall not be owned
29 or controlled by a licensee. The use of an independent testing
30 laboratory for any purpose related to the conduct of slot
31 machine gaming by a licensee under this chapter shall be made

1 from a list of one or more laboratories approved by the
2 division.

3 (7) "Manufacturer" means any person who manufactures,
4 builds, rebuilds, fabricates, assembles, produces, programs,
5 designs, or otherwise makes modifications to any slot machine
6 or associated equipment for use or play of slot machines in
7 this state for gaming purposes. A manufacturer may be a
8 distributor within the state.

9 (8) "Progressive system" means a computerized system
10 linking slot machines in one or more licensed facilities
11 within this state and offering one or more common progressive
12 payouts based on the amounts wagered.

13 (9) "Slot machine" means any mechanical or electrical
14 contrivance, terminal, machine, or other device that, upon
15 insertion of a coin, bill, ticket, token, or similar object or
16 upon payment of any consideration whatsoever, including the
17 use of any electronic payment system except a credit card or
18 debit card, is available to play or operate, the play or
19 operation of which, whether by reason of skill or application
20 of the element of chance or both, may deliver or entitle the
21 person or persons playing or operating the contrivance,
22 terminal, machine, or other device to receive cash, billets,
23 tickets, tokens, or electronic credits to be exchanged for
24 cash or to receive merchandise or anything of value
25 whatsoever, whether the payoff is made automatically from the
26 machine or manually. A slot machine:

27 (a) May use spinning reels or video displays or both.

28 (b) May or may not dispense coins, tickets, or tokens
29 to winning patrons.

30 (c) May use an electronic credit system for receiving
31 wagers and making payouts.

1
2 The term includes associated equipment necessary to conduct
3 the operation of the contrivance, terminal, machine, or other
4 device.

5 (10) "Slot machine license" means a license issued by
6 the division authorizing an eligible facility to place and
7 operate slot machines as required by the provisions of this
8 chapter and the rules.

9 (11) "Slot machine licensee" means an eligible
10 facility that holds a slot machine license.

11 (12) "Slot machine operator" means a person employed
12 or contracted by the owner of an eligible facility to conduct
13 slot machine gaming at that eligible facility.

14 (13) "Slot machine owner" means a person who holds a
15 material interest in the slot machines.

16 (14) "Slot machine revenues" means the total of all
17 cash and property received by the slot machine licensee from
18 slot machine gaming operations less the amount of cash, cash
19 equivalents, credits, and prizes paid to winners of slot
20 machine gaming.

21 551.103 Powers and duties.--

22 (1) The division shall adopt, pursuant to the
23 provisions of ss. 120.536(1) and 120.54, all rules necessary
24 to implement, administer, and regulate slot machine gaming as
25 authorized in this chapter. Such rules shall include:

26 (a) Procedures for applying for a license and renewal
27 of a license.

28 (b) Procedures for establishing technical requirements
29 in addition to the qualifications that are necessary to
30 receive a slot machine license or slot machine occupational
31 license.

1 (c) Procedures relating to slot machine revenues,
2 including verifying and accounting for such revenues,
3 auditing, and collecting taxes and fees consistent with this
4 chapter.

5 (d) Procedures for regulating, managing, and auditing
6 the operation, financial data, and program information
7 relating to slot machines through the central control
8 computer.

9 (e) Procedures for requiring each licensee at his or
10 her own cost and expense to supply the division with a bond
11 having the penal sum of \$2 million payable to the Governor and
12 his or her successors in office for the licensee's first year
13 of slot machine operations; and, thereafter, the licensee
14 shall file a bond with the penal sum as determined by the
15 division pursuant to rules adopted to approximate anticipated
16 state revenues from the licensee's slot machine operations.
17 Any bond shall be issued by a surety or sureties to be
18 approved by the division and the Chief Financial Officer,
19 conditioned to faithfully make the payments to the Chief
20 Financial Officer in his or her capacity as treasurer of the
21 division. The licensee shall be required to keep its books and
22 records and make reports as provided in this chapter and to
23 conduct its slot machine operations in conformity with this
24 chapter and all other provisions of law. The division may
25 review the bond for adequacy and require adjustments each
26 fiscal year. Such bond shall be separate and distinct from the
27 bond required in s. 550.125.

28 (f) Procedures for requiring licensees to maintain
29 specified records and submit any data, information, record, or
30 report, including financial and income records, required by
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1 this chapter or determined by the division to be necessary to
2 the proper implementation and enforcement of this chapter.

3 (g) Procedures for requiring that the payout
4 percentage of a slot machine shall be no less than 85 percent
5 per facility.

6 (2) The division shall conduct such investigations as
7 the division determines necessary to fulfill its
8 responsibilities under the provisions of this chapter.

9 (3) The division shall investigate criminal violations
10 of this chapter and may investigate any other criminal
11 violation of law occurring on the facilities of a slot machine
12 licensee and such investigations may be conducted in
13 conjunction with the appropriate state attorney and
14 appropriate law enforcement agencies. The division and its
15 employees and agents shall have such other law enforcement
16 powers as specified in ss. 943.04 and 943.10.

17 (4) The division shall have unrestricted access to the
18 slot machine licensee facility at all times and shall require
19 of each slot machine licensee strict compliance with the laws
20 of this state relating to the transaction of such business.

21 The division may:

22 (a) Inspect and examine premises where slot machines
23 are offered for play.

24 (b) Inspect slot machines and related equipment and
25 supplies.

26 (c) Collect taxes, assessments, fees, and penalties.

27 (d) Deny, revoke, suspend, or place conditions on the
28 license of a person who violates any provision of this chapter
29 or rule adopted pursuant thereto.

30 (5) The division shall revoke or suspend the license
31 of any person who is no longer qualified or who is found,

1 after receiving a license, to have been unqualified at the
2 time of application for the license.

3 (6) Nothing in this section shall be construed to
4 prohibit law enforcement authorities within the jurisdiction
5 of a slot machine licensee facility from conducting criminal
6 investigations occurring on the facilities of the slot machine
7 licensee.

8 (7) Nothing in this section shall be construed to
9 restrict access to the slot machine licensee facility by local
10 law enforcement authorities within the jurisdiction of the
11 slot machine licensee facility.

12 (8) Nothing in this section shall be construed to
13 restrict access to information and records necessary to the
14 investigation of criminal activity which are contained within
15 the slot machine licensee facility by local law enforcement
16 authorities.

17 551.104 License to conduct slot machine gaming.--

18 (1) Upon application and a finding by the division
19 after investigation that the application is complete and the
20 applicant is qualified and payment of the initial license fee,
21 the division shall issue a license to conduct slot machine
22 gaming in the designated slot machine gaming area of the slot
23 machine licensee's facility. Once licensed, slot machine
24 gaming may be conducted subject to the requirements of this
25 chapter and rules adopted pursuant thereto.

26 (2) An application may be approved by the division
27 only after the voters of the county where the applicant's
28 facility is located have authorized by referendum slot
29 machines within pari-mutuel facilities in that county as
30 specified in s. 23, Art. X of the State Constitution.

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1 (3) A slot machine license may be issued only to a
2 licensed pari-mutuel permitholder, and slot machine gaming may
3 be conducted only at the same facility at which the
4 permitholder is authorized under its valid pari-mutuel
5 wagering permit to conduct pari-mutuel wagering activities.

6 (4) As a condition of licensure and to maintain
7 continued authority for the conduct of slot machine gaming,
8 the slot machine licensee shall:

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

10 (b) Continue to be in compliance with chapter 550,
11 where applicable, and maintain the pari-mutuel permit and
12 license in good standing pursuant to the provisions of chapter
13 550. Notwithstanding any contrary provision of law and in
14 order to expedite the operation of slot machines at eligible
15 facilities, any eligible facility shall be entitled within 60
16 days after the effective date of this act to amend its
17 2005-2006 license issued by the Division of Pari-mutuel
18 Wagering and shall be granted the requested changes in its
19 authorized performances pursuant to such amendment. The
20 Division of Pari-mutuel Wagering shall issue a new license to
21 the eligible facility to effectuate an amendment.

22 (c) Conduct no fewer than the greater number of live
23 racers or games which were conducted at that pari-mutuel
24 facility in calendar year 2002 or calendar year 2003. However,
25 a permitholder's failure to conduct such number of live races
26 or games in any year shall be reduced by the number of such
27 racers or games which cannot be conducted due to the direct
28 result of fire, war, or other disaster or event beyond the
29 ability of the permitholder to control.

30 (d) Upon approval of any changes relating to the
31 pari-mutuel permit by the division, be responsible for

1 providing appropriate current and accurate documentation on a
2 timely basis to the division in order to continue the slot
3 machine license in good standing.

4 (e) Allow unrestricted access and right of inspection
5 by the division to facilities of a slot machine licensee in
6 which any activity relative to the conduct of slot machine
7 gaming is conducted.

8 (f) Submit a security plan, including a slot machine
9 floor plan, location of security cameras, and the listing of
10 security equipment that is capable of observing and
11 electronically recording activities being conducted in the
12 designated slot machine gaming area.

13 (g) Use the Internet-based job-listing system of the
14 Agency for Workforce Innovation in advertising employment
15 opportunities. Further, each slot machine licensee in its
16 gaming operations shall create equal employment opportunities
17 that shall be implemented in a nondiscriminatory manner in
18 hiring and promoting employees to achieve the full and fair
19 participation of women, Asians, blacks, Hispanics, Native
20 Americans, persons with disabilities, and other protected
21 groups within the municipality where the pari-mutuel facility
22 is located, and an action plan and programs shall be
23 implemented by each pari-mutuel facility designed to ensure
24 that the percentage of the minority population in the area in
25 which each pari-mutuel facility is located is considered to
26 the extent minority applications are submitted in equal
27 proportion to the number of jobs open for hiring at entry
28 level, managerial, supervisory, and any other positions,
29 unless there is a bona fide occupational qualification
30 requiring a distinct and unique employment expertise that a
31 minority applicant does not possess.

1 (5) A slot machine license is not transferable.
2 551.105 Slot machine license renewal.--
3 (1) Slot machine licenses shall be renewed annually.
4 The application for renewal shall contain all revisions to the
5 information submitted in the prior year's application which is
6 necessary to maintain such information as both accurate and
7 current.
8 (2) The applicant for renewal shall attest that any
9 information changes do not affect the applicant's
10 qualifications for license renewal.
11 (3) Upon determination by the division that the
12 application for renewal is complete and qualifications have
13 been met, including payment of the renewal fee, the slot
14 machine license shall be renewed annually.
15 551.106 License fee; machine fee; tax rate.--
16 (1) LICENSE FEE.--Upon approval of the application for
17 a slot machine license, the licensee must pay to the division
18 an initial license fee of \$1 million for the first year of
19 operation. Thereafter, an annual license fee of \$1,000 per
20 slot machine shall be paid. Such payment shall be made
21 directly to the Pari-mutuel Wagering Trust Fund established
22 pursuant to s. 455.116. Such payments shall be accounted for
23 separately from taxes or fees paid pursuant to the provisions
24 of chapter 550. Such funds in such trust fund may be
25 appropriated annually by the Legislature to the division for
26 its administration of this chapter and carrying out of its
27 regulatory functions set forth in this chapter.
28 (2) TAX ON SLOT MACHINE REVENUES.
29 (a) The tax rate on slot machine revenues on each
30 facility shall be:
31 1. Thirty percent on revenue of \$100 million or less;

1 2. Thirty-two and one-half percent on revenue greater
2 than \$100 million, but less than or equal to \$200 million; and

3 3. Thirty-five percent on all revenue greater than
4 \$200 million.

5 (b) The tax shall be collected on a daily basis and
6 deposited into the Public Education Capital Outlay and Debt
7 Service Trust Fund.

8 (c) The division shall notify the eligible facility
9 concerning the appropriate tax rate to apply to the slot
10 machine revenues.

11 (3) PAYMENT PROCEDURES.--Tax payments shall be
12 remitted daily, as determined by rule of the division. The
13 slot machine licensee shall file a report under oath by the
14 5th day of each calendar month for all taxes remitted during
15 the preceding calendar month which shall show all slot machine
16 activities for the preceding calendar month and such other
17 information as may be required by the division.

18 (4) FAILURE TO PAY TAX; PENALTIES.--A slot machine
19 licensee who fails to make tax payments as required under this
20 section is subject to an administrative penalty of up to
21 \$1,000 for each day the tax payment is not remitted. All
22 administrative penalties imposed and collected shall be
23 deposited into the Pari Mutuel Wagering Trust Fund in the
24 Department of Business and Professional Regulation. If any
25 slot machine licensee fails to pay penalties imposed by order
26 of the division under this subsection, the division may
27 suspend, revoke, or fail to renew the license of the slot
28 machine licensee.

29 (5) FAILURE TO PAY TAX; GROUNDS TO SUSPEND, REVOKE, OR
30 FAIL TO RENEW THE LICENSE.--In addition to the penalties
31 imposed under subsection (4), any willful or wanton failure by

1 a slot machine licensee to make payments of the tax
2 constitutes sufficient grounds for the division to suspend,
3 revoke, or fail to renew the license of the slot machine
4 licensee.

5 (6) SUBMISSION OF FUNDS.--The division may require
6 slot machine licensees to remit taxes, fees, fines, and
7 assessments by electronic funds transfer.

8 (7) LOCAL EDUCATION SUPPLEMENTAL SLOT MACHINE TAX.--

9 (a) On January 1 of each year, an annual tax of \$500
10 per machine shall be imposed upon each slot machine approved
11 for use at any slot machine licensee's facility. The slot
12 machine licensee shall, on or before March 1 of each year, pay
13 the total amount of such tax to the division. The division
14 shall deposit any tax imposed pursuant to this subsection in
15 the Educational Enhancement Trust Fund in the Department of
16 Education on or before July 1 of each year. The Department of
17 Education shall, on or before August 1 of each year, forward
18 to the school district where a slot machine licensee is
19 located, any tax revenues collected from such slot machine
20 licensee pursuant to this subsection. The school district
21 shall use such revenues to pay additional:

22 1. Supplemental public education instruction expenses;

23 2. Classroom and school facilities construction
24 expenses;

25 3. School safety expenses; or

26 4. Educational infrastructure expenses.

27
28 All expenses under this paragraph must have been incurred as a
29 direct result of the slot machine licensee's operation of slot
30 machines in the school district during the immediately
31 preceding school year.

1 (b) On or before June 30 of each year following a
2 school district's receipt of tax revenues, the Department of
3 Education shall conduct a independent audit for purposes of
4 confirming the amount of any additional expenses to the school
5 district which are attributable to such district as a direct
6 result of the slot machine licensee's operations of slot
7 machines in the school district during the immediately
8 preceding school year. The amount of the tax revenues received
9 from a slot machine licensee pursuant to this section, in
10 excess of the amount of any such additional direct expenses,
11 as determined by the Department of Education audit, shall be
12 returned to the Educational Enhancement Trust Fund within 90
13 days after the audit becomes final.

14 551.107 Occupational license required; application;
15 fee.--

16 (1) The individuals and entities that are licensed
17 under this section require heightened state scrutiny,
18 including the submission by the individual licensees or
19 persons associated with the entities described in this chapter
20 of fingerprints for a criminal records check.

21 (2)(a) The following licenses shall be issued to
22 persons or entities having access to the designated slot
23 machine gaming area or to persons who, by virtue of the
24 position they hold, might be granted access to these areas or
25 to any other person or entity in one of the following
26 categories:

27 1. General occupational licenses for general
28 employees, food service, maintenance, and other similar
29 service and support employees having access to the designated
30 slot machine gaming area. Service and support employees with a
31 current pari-mutuel occupational license issued pursuant to

1 chapter 550 and a current background check are not required to
2 submit to an additional background check for a slot machine
3 occupational license as long as the pari-mutuel occupational
4 license remains in good standing.

5 2. Professional occupational licenses for any person,
6 proprietorship, partnership, corporation, or other entity that
7 is authorized by a slot machine licensee to manage, oversee,
8 or otherwise control daily operations as a slot machine
9 manager, floor supervisor, security personnel, or any other
10 similar position of oversight of gaming operations.

11 3. Business occupational licenses for any slot machine
12 management company or slot machine business associated with
13 slot machine gaming or a person who manufactures, distributes,
14 or sells slot machines, slot machine paraphernalia, or other
15 associated equipment to slot machine licensees or any person
16 not an employee of the slot machine licensee who provides
17 maintenance, repair, or upgrades or otherwise services a slot
18 machine or other slot machine equipment.

19 (b) Slot machine occupational licenses are not
20 transferable.

21 (3) A slot machine licensee shall not employ or
22 otherwise allow a person to work at a slot machine facility
23 unless such person holds a valid occupational license. A slot
24 machine licensee shall not contract or otherwise do business
25 with a business required to hold a slot machine occupational
26 license unless the business holds such a license. A slot
27 machine licensee shall not employ or otherwise allow a person
28 to work in a supervisory or management professional level at a
29 slot machine facility unless such person holds a valid
30 occupational license.

31

1 (4)(a) A person seeking a slot machine occupational
2 license, or renewal thereof, shall make application on forms
3 prescribed by the division and include payment of the
4 appropriate application fee. Initial and renewal applications
5 for slot machine occupational licenses shall contain all the
6 information the division, by rule, may determine is required
7 to ensure eligibility.

8 (b) The division shall establish, by rule, a schedule
9 for the annual renewal of slot machine occupational licenses.

10 (c) Pursuant to rules adopted by the division, any
11 person may apply for and, if qualified, be issued an
12 occupational license valid for a period of 3 years upon
13 payment of the full occupational license fee for each of the 3
14 years for which the license is issued. The occupational
15 license shall be valid during its specified term at any slot
16 machine facility where slot machine gaming is authorized to be
17 conducted.

18 (d) The slot machine occupational license fee for
19 initial application and annual renewal shall be determined by
20 rule of the division but shall not exceed \$50 for a general or
21 professional occupational license for an employee of the slot
22 machine licensee or \$1,000 for a business occupational license
23 for nonemployees of the licensee providing goods or services
24 to the slot machine licensee. License fees for general
25 occupational licensees shall be paid for by the slot machine
26 licensee. Failure to pay the required fee shall be grounds for
27 disciplinary action by the division against the slot machine
28 licensee but shall not be considered a violation of this
29 chapter or rules of the division by the general occupational
30 licensee or a prohibition against the initial issuance or the
31 renewal of the general occupational license.

1 (5) If the state gaming commission or other similar
2 regulatory authority of another state or jurisdiction extends
3 to the division reciprocal courtesy to maintain disciplinary
4 control, the division may:

5 (a) Deny an application for or revoke, suspend, or
6 place conditions or restrictions on a license of a person or
7 entity who has been refused a license by any other state
8 gaming commission or similar authority; or

9 (b) Deny an application for or suspend or place
10 conditions on a license of any person or entity who is under
11 suspension or has unpaid fines in another jurisdiction.

12 (6)(a) The division may deny, suspend, revoke, or
13 declare ineligible any occupational license if the applicant
14 for or holder thereof has violated the provisions of this
15 chapter or the rules of the division governing the conduct of
16 persons connected with slot machine gaming. In addition, the
17 division may deny, suspend, revoke, or declare ineligible any
18 occupational license if the applicant for such license has
19 been convicted in this state, in any other state, or under the
20 laws of the United States of a capital felony, a felony, or an
21 offense in any other state which would be a felony under the
22 laws of this state involving arson; trafficking in, conspiracy
23 to traffic in, smuggling, importing, conspiracy to smuggle or
24 import, or delivery, sale, or distribution of a controlled
25 substance; or a crime involving a lack of good moral
26 character, or has had a slot machine gaming license revoked by
27 this state or any other jurisdiction for an offense related to
28 slot machine gaming.

29 (b) The division may deny, declare ineligible, or
30 revoke any occupational license if the applicant for such
31 license or the licensee has been convicted of a felony or

1 misdemeanor in this state, in any other state, or under the
2 laws of the United States, if such felony or misdemeanor is
3 related to gambling or bookmaking as contemplated in s.
4 849.25.

5 (7) Fingerprints for all slot machine occupational
6 license applications shall be taken in a manner approved by
7 the division and shall be submitted to the Department of Law
8 Enforcement and the Federal Bureau of Investigation for a
9 level II criminal records check upon initial application and
10 every 5 years thereafter. The division may by rule require an
11 annual or less frequent records check not to exceed every 5
12 years of all renewal applications for a slot machine
13 occupational license. The cost of processing fingerprints and
14 conducting a records check shall be borne by the applicant.

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

17 551.108 Prohibited relationships.--

18 (1) A person employed by or performing any function on
19 behalf of the division shall not:

20 (a) Be an officer, director, owner, or employee of any
21 person or entity licensed by the division.

22 (b) Have or hold any interest, direct or indirect, in
23 or engage in any commerce or business relationship with any
24 person licensed by the division.

25 (2) A manufacturer or distributor of slot machines
26 shall not enter into any contract with a slot machine licensee
27 which provides for any revenue sharing of any kind or nature
28 which is, directly or indirectly, calculated on the basis of a
29 percentage of slot machine revenues. Any maneuver, shift, or
30 device whereby this provision is violated shall be a violation
31 of this chapter and shall render any such agreement void.

1 (3) A manufacturer or distributor of slot machines or
2 any equipment necessary for the operation of slot machines or
3 an officer, director, or employee of any such manufacturer or
4 distributor shall not have any ownership or financial interest
5 in a slot machine license or in any business owned by the slot
6 machine licensee.

7 551.109 Prohibited acts.--

8 (1) Except as otherwise provided by law and in
9 addition to any other penalty, any person who intentionally
10 makes or causes to be made or aids, assists, or procures
11 another to make a false statement in any report, disclosure,
12 application, or any other document required under this chapter
13 or any rule adopted under this chapter is subject to an
14 administrative fine or civil penalty of up to \$10,000.

15 (2) Except as otherwise provided by law and in
16 addition to any other penalty, any person who possesses a slot
17 machine without the license required by this chapter or who
18 possesses a slot machine at any location other than at the
19 slot machine licensee facility is subject to an administrative
20 fine or civil penalty of up to \$10,000.

21 (3) Except as otherwise provided by law and in
22 addition to any other penalty, any person who intentionally
23 excludes, or takes any action in an attempt to exclude,
24 anything or its value from the deposit, counting, collection,
25 or computation of revenues from slot machine activity is
26 subject to an administrative fine or civil penalty of up to
27 \$25,000.

28 (4) Any person who, with intent to manipulate the
29 outcome, payoff, or operation of a slot machine by physical
30 tampering, or by use of any object, instrument, or device,
31 whether mechanical, electrical, magnetic, or involving other

1 means, manipulates the outcome, payoff, or operation of a slot
2 machine commits a felony of the third degree, punishable as
3 provided in s. 775.082, s. 775.083, or s. 775.084.

4 (5) All penalties imposed and collected must be
5 deposited into the Pari-mutuel Wagering Trust Fund in the
6 department.

7 551.110 Illegal devices.--Notwithstanding any
8 provision of law to the contrary, no slot machine
9 manufactured, sold, distributed, possessed, or operated
10 according to the provisions of this chapter shall be
11 considered unlawful.

12 551.111 Exclusions of certain persons.--

13 (1) In addition to the power to exclude certain
14 persons from any facility of a slot machine licensee in this
15 state, the division may exclude any person from any facility
16 of a slot machine licensee in this state for conduct that
17 would constitute, if the person were a licensee, a violation
18 of this chapter or the rules of the division. The division may
19 exclude from any facility of a slot machine licensee any
20 person who has been ejected from a facility of a slot machine
21 licensee in this state or who has been excluded from any
22 facility of a slot machine licensee or gaming facility in
23 another state by the governmental department, agency,
24 commission, or authority exercising regulatory jurisdiction
25 over the gaming in such other state.

26 (2) This section shall not be construed to abrogate
27 the common law right of a slot machine licensee to exclude a
28 patron absolutely in this state.

29 (3) The division may authorize any person who has been
30 ejected or excluded from a facility of a slot machine licensee
31 in this state or another state to attend a facility of a slot

1 machine licensee in this state upon a finding that the
2 attendance of such person at a facility of a slot machine
3 licensee would not be adverse to the public interest or to the
4 integrity of the industry; however, this section shall not be
5 construed to abrogate the common law right of a slot machine
6 licensee to exclude a patron absolutely in this state.

7 551.112 Minors prohibited from playing slot
8 machines.--

9 (1) A slot machine licensee or agent or employee of a
10 slot machine licensee shall not:

11 (a) Allow a person who has not attained 21 years of
12 age to play any slot machine.

13 (b) Allow a person who has not attained 21 years of
14 age access to the designated slot machine gaming area of a
15 facility of a slot machine licensee.

16 (c) Allow a person who has not attained 21 years of
17 age to be employed in any position allowing or requiring
18 access to the designated slot machine gaming area of a
19 facility of a slot machine licensee.

20 (2) No person licensed under this chapter, or any
21 agent or employee of a licensee under this chapter, shall
22 intentionally allow a person who has not attained 21 years of
23 age to play or operate a slot machine or have access to the
24 designated slot machine area of a facility of a slot machine
25 licensee.

26 (3) The eligible facility shall post clear and
27 conspicuous signage within the designated slot machine gaming
28 areas that states the following:

29 THE PLAYING OF SLOT MACHINES BY PERSONS

30 UNDER THE AGE OF 21 IS AGAINST FLORIDA LAW

31 (SECTION 551.112, FLORIDA STATUTES).

1 PROOF OF AGE MAY BE REQUIRED AT ANYTIME

2 A PERSON IS WITHIN THIS AREA.

3 551.113 Designated slot machine gaming areas.--

4 (1) A slot machine licensee may make available for
5 play slot machines within its designated slot machine gaming
6 areas.

7 (2) A slot machine licensee shall not allow any
8 automated teller machine or similar device designed to provide
9 credit or dispense cash to be located on the property of the
10 facilities of the slot machine licensee.

11 (3) A slot machine licensee shall not make any loan or
12 provide credit or advance cash to enable a person to play a
13 slot machine.

14 (4) The slot machine operator shall display
15 pari-mutuel races or games within the designated slot machine
16 gaming areas and offer within the designated slot machine
17 gaming areas the ability for patrons to engage in pari-mutuel
18 wagering on live and simulcast races conducted or offered to
19 patrons of the eligible facility.

20 (5) No complimentary alcoholic beverages shall be
21 served to patrons within the designated slot machine gaming
22 areas.

23 (6) The slot machine operator shall offer training to
24 employees on responsible gaming and shall work with the
25 compulsive gambling treatment program within the Mental Health
26 Program Office of the Department of Children and Family
27 Services to recognize problem gaming situations and to
28 implement responsible gaming programs and practices.

29 (7) The division shall require the posting of signs in
30 the designated slot machine gaming areas warning of the risks
31 and dangers of gambling, showing the odds of winning, and

1 informing patrons of the toll-free telephone number available
2 to provide information and referral services regarding
3 compulsive or problem gambling.

4 (8) The division shall establish standards of approval
5 for the physical layout and construction of any facility or
6 building devoted to slot machine operations. The standards
7 shall require that the slot machine gaming area be connected
8 to and contiguous within the operation of the live gaming
9 facility. It is the intent of the Legislature that each
10 facility:

11 (a) Possess superior consumer amenities and
12 conveniences to encourage and attract the patronage of
13 tourists and other visitors from across the region, state, and
14 nation.

15 (b) Have adequate motor vehicle parking facilities to
16 satisfy patron requirements.

17 (c) Have a physical layout and location that
18 facilitates access to the pari-mutuel portion of the facility.

19 551.114 Days and hours of operation.--Slot machine
20 gaming areas may be open 365 days a year. The slot machine
21 gaming areas may be open for a maximum of 16 hours per day.

22 551.116 Penalties.--The division may revoke or suspend
23 any license issued under this chapter upon the willful
24 violation by the licensee of any provision of this chapter or
25 of any rule adopted under this chapter. In lieu of suspending
26 or revoking a license, the division may impose a civil penalty
27 against the licensee for a violation of this chapter or any
28 rule adopted by the division. Except as otherwise provided in
29 this chapter, the penalty so imposed may not exceed \$1,000 for
30 each count or separate offense. All penalties imposed and
31

1 collected must be deposited into the Pari-mutuel Wagering
2 Trust Fund in the department.

3 551.117 Compulsive gambling treatment program.--The
4 Mental Health Program Office within the Department of Children
5 and Family Services shall establish a program for public
6 education, awareness, and training regarding problem and
7 compulsive gambling and the treatment and prevention of
8 problem and compulsive gambling. The program shall include:

9 (1) Maintenance of a compulsive gambling advocacy
10 organization's toll-free, problem-gambling telephone number to
11 provide crisis counseling and referral services to families
12 experiencing difficulty as a result of problem or compulsive
13 gambling.

14 (2) The promotion of public awareness regarding the
15 recognition and prevention of problem or compulsive gambling.

16 (3) Facilitation, through in-service training and
17 other means, of the availability of effective assistance
18 programs for problem and compulsive gamblers and family
19 members affected by problem and compulsive gambling.

20 (4) Studies to identify adults and juveniles in this
21 state who are, or are at risk of becoming, problem or
22 compulsive gamblers.

23 551.118 Catering license.--A slot machine retailer is
24 entitled to a caterer's license pursuant to s. 565.02 on days
25 in which the pari-mutuel facility is open to the public for
26 slot machine game play as authorized by this chapter.

27 551.119 Rulemaking.--

28 (1) The division may adopt rules pursuant to ss.
29 120.536(1) and 120.54 to implement the provisions of this
30 chapter.

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1 (2) In order to expedite the licensing requirements of
2 this chapter, the division may adopt emergency rules pursuant
3 to s. 120.54(4). The Legislature finds that such emergency
4 rules are necessary for the preservation of the rights and
5 welfare of the people in order to provide additional funds to
6 the benefit of the public. Therefore, in adopting such
7 emergency rules, the division need not make the findings
8 required by s. 120.54(4)(a).

9 551.120 Conduct of referendum election for slot
10 machines.--

11 (1) Any person who possesses the qualifications
12 prescribed by s. 23, Art. X of the State Constitution may
13 apply to the division for a license to conduct slot machine
14 operations under this chapter. Applications for a license to
15 conduct slot machine operations shall be subject to the
16 provisions of this chapter. Such license does not authorize
17 any operation of slot machines until approved by the majority
18 of electors participating in a referendum election in the
19 county in which the applicant proposes to conduct slot machine
20 activities.

21 (2) Each referendum held under the provisions of this
22 section shall be held in accordance with the provisions of
23 chapters 97-106, except as otherwise provided in this chapter.
24 A referendum may be held for more than one licensee for slot
25 machine operation in a given county if the written
26 applications for each such licensee under s. 551.121 are filed
27 simultaneously or are otherwise filed within the times
28 specified by said provision to allow the conduct of a single
29 referendum. The expense of such referendum shall be borne by
30 the licensee or licensees requesting the referendum. For
31 purposes of this section, the expense of conducting a

1 referendum is the incremental expense in excess of routine
2 operating expenses that are incurred by the governing body,
3 the supervisor of elections, and other essential governmental
4 entities in conducting the election. If the referendum is
5 being held at the request of more than one licensee, each
6 applicant shall be responsible for an equal share of the
7 expense.

8 551.121 Elections for ratification of slot machine
9 licenses.--

10 (1) The holder of any license to conduct slot machine
11 operations may have the question of whether that slot machine
12 license will be ratified or rejected submitted to the electors
13 of the county designated in s. 23, Art. X of the State
14 Constitution. Such question shall be submitted to the electors
15 for approval or rejection at a special, primary, or general
16 election. The licensee shall present a written application to
17 the governing body of the county that requests a referendum
18 election in that county pursuant to s. 551.120 and this
19 section, accompanied by a certified copy of the license
20 granted by the division. Within 30 days after receipt of the
21 application and license, the governing body shall order a
22 special referendum election. The election shall be scheduled
23 for no sooner than 21 days nor more than 90 days from the date
24 on which it is ordered. Provided, the referendum election will
25 be held in conjunction with the primary election if the
26 application is received within not more than 90 nor less than
27 60 days of such election or in conjunction with the general
28 election if the application is received not more than 90 nor
29 less than 60 days prior to that election. The governing body
30 shall give notice of the referendum election by publishing

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1 notice once each week for 2 consecutive weeks in one or more
2 newspapers of general circulation in the county.

3 (2)(a) Once the slot machine license has been issued,
4 the licensee shall have a period of 2 years in which to
5 request a referendum election pursuant to this section or such
6 license shall become void and shall be cancelled. If the
7 majority of the electors voting on the question of
8 ratification or rejection of the slot machine licenses vote
9 for such ratification, such license shall become effective
10 immediately, and the holder of the license may conduct slot
11 machine operations upon complying with the other provision of
12 this chapter. If the majority of electors voting on the
13 question of ratification or rejection of any slot machine
14 licenses ratify the license, such license shall become
15 effective, and the licensee shall pay to the division within
16 10 days the license fee set out in this chapter.

17 (b) If the majority of electors voting on the question
18 of ratification or rejection of any slot machine licenses
19 reject the ratification of the license, such license shall
20 become void. The governing board of the county shall
21 immediately certify the results of the election to the
22 division.

23 Section 3. Except as otherwise expressly provided in
24 this act, this act shall take effect upon becoming a law.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/Senate Bill 1174

4 The committee substitute for committee substitute differs from
5 the underlying committee substitute in that it:

6 -- Requires the Division of Pari-mutuel Wagering (division)
7 to maintain records of injuries to and the disposition of
8 greyhounds used for racing;

9 -- Clarifies the authority of the division and law
10 enforcement agencies to investigate criminal activity at
11 the facility of a slot machine licensee;

12 -- Authorizes slot machine licensees to make changes to
13 their authorized pari-mutuel performances;

14 -- Directs taxes on slot machine revenues to the Public
15 Education Capital Outlay and Debt Service Trust Fund
16 instead of the Education Enhancement Trust Fund;

17 -- Imposes an annual local education impact tax of \$500 per
18 slot machine to offset additional local education costs
19 resulting from slot machines;

20 -- Prohibits automated teller machines on the property of a
21 slot machine licensee;

22 -- Allows slot machine licensees to be open 16 hours per
23 day;

24 -- Requires pari-mutuels in Miami-Dade County to pay the
25 cost of future slot machine referendums;

26 -- Removes the discretion of Miami-Dade County to determine
27 whether or when another slot machine referendum should be
28 held; and

29 -- Allows a slot machine licensee in Miami-Dade County to
30 apply for a slot machine referendum that must be held
31 within 120 days of the application.