

HB 867

2006  
CS

CHAMBER ACTION

1 The Business Regulation Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to impact of slot machine gaming; creating  
7 s. 551.1062, F.S.; requiring an annual fee to be  
8 established by the Division of Pari-mutuel Wagering and  
9 collected from slot machine gaming facilities to mitigate  
10 the impact of slot machine gaming on neighboring  
11 municipalities; defining "neighboring municipality";  
12 providing for the use of the revenue collected; providing  
13 procedures for collection and distribution by the division  
14 to neighboring municipalities; providing for mediation of  
15 disputes; providing for adoption of rules; providing an  
16 effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Section 551.1062, Florida Statutes, is created  
21 to read:

22 551.1062 Mitigation of impact; fee; mediation.--

HB 867

2006  
CS

23        (1) An annual fee not to exceed \$1,000, established by the  
24 division, is imposed upon each slot machine approved for use at  
25 any eligible facility whose boundaries are not more than 1 mile  
26 from any neighboring municipality. As used in this section, the  
27 term "neighboring municipality" means a municipality that does  
28 not have an eligible facility but is within 1 mile of an  
29 eligible facility and will have public works and traffic impacts  
30 and public safety, police, and fire and rescue impacts that are  
31 demonstrated by a significant increase in the number of aid  
32 calls to the affected municipality that are not currently  
33 funded. "Neighboring municipality" also means a municipality  
34 that does not have an eligible facility but is within 2.5 miles  
35 of any boundary of any two eligible facilities and will have  
36 public works and traffic impacts and public safety, police, and  
37 fire and rescue impacts that are demonstrated by a significant  
38 increase in the number of aid calls to the affected municipality  
39 that are not currently funded. Revenue from the fees imposed by  
40 this section must be used by the neighboring municipality to  
41 fund the adverse public health, safety, and welfare and public  
42 works and traffic impacts that will be caused by the  
43 implementation of s. 23, Art. X of the State Constitution and  
44 that will occur as a direct result of slot machine operations.

45        (2) The fee required in subsection (1) must be remitted to  
46 the division by February 1 of each year based on the number of  
47 slot machines approved for operation by the division as of  
48 January 1 of that year. The fee shall be deposited into the  
49 Pari-mutuel Wagering Trust Fund and shall be accounted for  
50 separately from taxes or fees paid pursuant to the provisions of

HB 867

2006  
CS

51 chapter 550 and this chapter and shall not be subject to the  
52 provisions of s. 550.135(2). These revenues shall be distributed  
53 on a pro rata basis by the division to any neighboring  
54 municipality that has provided evidence to the division of  
55 significant local impacts from slot machine operations during  
56 the prior year.

57 (3) (a) The division may contract with public or private  
58 entities to mediate disputes between the eligible facility or  
59 facilities and the neighboring municipality or municipalities of  
60 local impacts from slot machine operations. Eligible facilities  
61 are only responsible for impacts occurring within their  
62 neighboring municipality as defined in subsection (1). Mediation  
63 shall be conducted informally and shall not require the use of  
64 formal rules of evidence or procedure. The division shall choose  
65 a mediator from a list provided by an independent conflict  
66 resolution organization, such as the Conflict Resolution  
67 Consortium. Mediators may have no financial interest in or prior  
68 relationship with any of the parties or their affiliated or  
69 related entities or principals.

70 (b) At the conclusion of mediation proceedings, which  
71 shall be within 60 days after the selection of a mediator, the  
72 mediator shall present to the parties and the division a  
73 recommendation concerning the distribution of revenue to a  
74 municipality for local impacts from slot machine operations that  
75 the mediator believes accurately addresses the rights and  
76 obligations of the parties. The division shall implement the  
77 recommendations of the mediator and make disbursements to the  
78 municipality based on the mediator's recommendation within 30

HB 867

2006  
CS

79 | days after the recommendation is received by the division. The  
80 | provisions of this subsection do not preclude the right of  
81 | either party to appeal the division's actions to an appropriate  
82 | court of jurisdiction. Each party shall pay its respective costs  
83 | of mediation and shall pay one-half of the costs of the  
84 | mediator, unless the parties otherwise agree.

85 | (4) At the end of each fiscal year, any revenue remaining  
86 | in the trust fund for 3 years from deposits made pursuant to  
87 | subsection (1) shall be returned to the eligible facility if  
88 | disbursements of those funds to a neighboring municipality have  
89 | not been approved by the division.

90 | (5) The division shall adopt rules pursuant to ss.  
91 | 120.536(1) and 120.54 to administer the provisions of this  
92 | section.

93 | Section 2. This act shall take effect July 1, 2006.