

By Senator Geller

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1 A bill to be entitled

2 An act relating to a tax on revenues from slot machines;
3 amending s. 849.16, F.S.; imposing a tax on revenues from
4 slot machines located in certain pari-mutuel facilities
5 located in Broward County, as authorized by Section 23 of
6 Article X of the State Constitution; defining the term
7 "slot-machine revenues"; providing for remitting the tax
8 proceeds periodically to the Department of Revenue;
9 providing for rulemaking by the department; requiring the
10 tax proceeds to be deposited in the State School Trust
11 Fund and used to supplement public education funding;
12 providing for the distribution of the tax proceeds;
13 providing penalties for a failure to timely pay the tax on
14 slot-machine revenues; requiring that the Department of
15 Revenue coordinate with the Division of Pari-mutuel
16 Wagering in enforcement actions; requiring the division to
17 adopt rules governing suppliers and operators of slot
18 machines; providing that, except for the provisions of the
19 act, ch. 849, F.S., does not apply to a licensed pari-
20 mutuel facility in Broward County which qualifies under
21 Section 23 of Article X of the State Constitution to
22 operate slot machines, if specified conditions are met;
23 regulating the operating hours, number of slot machines
24 allowed, and use of automated teller machines at affected
25 facilities; providing an effective date.

26
27 WHEREAS, the voters of the State of Florida approved Section
28 23 of Article X of the State Constitution on November 4, 2004,
29 and

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30 WHEREAS, Section 23 of Article X of the State Constitution
31 allows the Legislature to regulate and tax the slot-machine
32 proceeds to supplement funds for education, and

33 WHEREAS, the Florida Legislature desires to create a
34 regulatory structure that provides for the taxation of slot-
35 machine proceeds for the benefit of public education, NOW,
36 THEREFORE,

37
38 Be It Enacted by the Legislature of the State of Florida:

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40 Section 1. Subsections (3), (4), and (5) are added to
41 section 849.16, Florida Statutes, to read:

42 849.16 Machines or devices which come within provisions of
43 law defined.--

44 (3) (a) A licensed pari-mutuel facility that conducts slot
45 machine gaming in Broward County, as authorized by s. 23, Art. X
46 of the State Constitution, shall pay to the state a tax of 35
47 percent of slot-machine revenues for the purpose of supplementing
48 public education funding. As used in this subsection, the term
49 "slot-machine revenues" means the total of all cash and property
50 received by the licensed pari-mutuel facility from slot machine
51 gaming minus the amount of cash, cash equivalents, credits, and
52 prizes paid to winners.

53 (b) The pari-mutuel facility shall remit the tax proceeds
54 at the end of each month to the Department of Revenue in such a
55 form and fashion as set forth by the department. The Department
56 of Revenue shall adopt rules for collecting and auditing the tax
57 proceeds remitted under this paragraph.

58 (c) The funds collected by the Department of Revenue under

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59 paragraph (b) shall be deposited in the State School Trust Fund
60 to supplement public education funding. The revenues from slot
61 machines which have been deposited into the trust fund shall be
62 distributed to the counties annually through the General
63 Appropriations Act as follows:

64 1. To offset the effect of slot machines, Broward County
65 shall receive \$75 per full-time equivalent student enrolled
66 within the county.

67 2. The slot-machine revenues that remain after the
68 distribution authorized under subparagraph 1. shall be
69 distributed in accordance with the Florida Education Finance
70 Program as determined by the General Appropriations Act to all
71 counties, including Broward County.

72 (d) The failure to timely pay the tax on slot-machine
73 revenues shall subject the licensed permitholder to enforcement
74 by the Division of Pari-mutuel Wagering and to penalties set
75 forth in s. 550.0951. The Department of Revenue shall coordinate
76 with the Division of Pari-mutuel Wagering in bringing enforcement
77 actions under this paragraph.

78 (e) The Division of Pari-mutuel Wagering shall adopt rules
79 governing licensure and regulation of the suppliers of slot
80 machines to the authorized pari-mutuel facilities and of the
81 operators of those slot machines.

82 (4) Except for subsection (3) and this subsection, this
83 chapter may not be construed, interpreted, or applied to any
84 licensed pari-mutuel facility in Broward County which qualifies
85 under s. 23, Art. X of the State Constitution to operate slot
86 machines if the pari-mutuel facility complies with the payment of
87 taxes under this section.

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88 (5) A pari-mutuel facility that is subject to this section
89 may:

90 (a) Remain open and operate slot machines and allow gaming
91 24 hours a day, 7 days a week;

92 (b) Place an unlimited number of slot machines on the
93 gambling floor; and

94 (c) Place automated teller machines on the premises, except
95 on the gambling floor.

96 Section 2. This act shall take effect upon becoming a law.