

By the Committees on Finance and Tax; Regulated Industries; and  
Senator Geller

593-04549-08

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1 A bill to be entitled

2 An act relating to slot machine revenues; amending s.  
3 551.106, F.S.; revising the tax rate on slot machine  
4 revenues at pari-mutuel facilities; requiring certain  
5 licensees to pay a pro rata share of the shortfall in  
6 taxes paid on slot machine tax revenues under certain  
7 conditions; providing a percentage cap on the payment of  
8 taxes on slot machine revenues; providing for the  
9 expiration of the revised tax rate; providing a tax rate  
10 on certain Class III gaming on Indian reservations if  
11 commenced; providing a tax rate on video lottery  
12 terminals, electronic gaming, Class II or Class III gaming  
13 at pari-mutual facilities if authorized by the state;  
14 revising the dates for remitting payment of slot machine  
15 tax revenues; amending s. 551.116, F.S.; providing hours  
16 of operation for sales of alcoholic beverages in slot  
17 machine gaming areas; providing an effective date.

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

20  
21 Section 1. Subsections (2) and (3) of section 551.106,  
22 Florida Statutes, are amended to read:

23 551.106 License fee; tax rate; penalties.--

24 (2) TAX ON SLOT MACHINE REVENUES.--

25 (a) The tax rate on slot machine revenues at each facility  
26 shall be 35 ~~50~~ percent.

27 (b) Beginning July 1, 2008, if the total tax revenues under  
28 paragraph (a) from facilities located in Broward County which  
29 operated for any portion of the 2007-2008 state fiscal year do

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30 not meet or exceed a cumulative amount of \$123 million from the  
31 slot machine licensees in each state fiscal year, an additional  
32 amount shall be paid by each slot machine licensee that conducted  
33 slot machine gaming in such year which is sufficient to make the  
34 total tax under paragraph (a) and this paragraph equal \$123  
35 million per year. The additional amount paid by each licensee  
36 shall be based upon the licensee's pro rata share of the total  
37 taxes paid on slot machine revenues in such year pursuant to  
38 paragraph (a). However, a licensee is not required to pay taxes  
39 due for a state fiscal year under paragraph (a) and this  
40 paragraph in an amount greater than 50 percent of its slot  
41 machine revenues.

42 (c) Beginning July 1, 2008, each slot machine licensee  
43 other than those licensees that are subject to paragraph (b)  
44 shall pay a tax on slot machine revenues equal to the greater of  
45 35 percent of slot machine revenues or \$41 million in cumulative  
46 slot machine tax revenue in each state fiscal year. For licensees  
47 operating less than an entire fiscal year, the \$41-million amount  
48 shall be prorated based on the number of days of operation.  
49 However, a licensee is not required to pay taxes due for a state  
50 fiscal year under paragraph (a) and this paragraph in an amount  
51 greater than 50 percent of its slot machine revenues.

52 (d) Paragraphs (b) and (c) expire July 1, 2012.

53 (e)1. If Class III gaming, other than slot machine gaming,  
54 as defined by the Indian Gaming and Regulatory Act, is commenced  
55 in Broward County or Miami-Dade County on any Indian reservation,  
56 the tax rate under this section shall be 35 percent,  
57 notwithstanding paragraphs (b) and (c).

58 2. If the state authorizes video lottery terminals,

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59 electronic gaming, or Class II or Class III gaming, as defined by  
60 the Indian Gaming and Regulatory Act, at pari-mutuel facilities  
61 in any county in this state, the tax rate shall be the lesser of  
62 35 percent or the tax rate established for such pari-mutuel  
63 facilities, notwithstanding paragraphs (b) and (c).

64 (f) ~~(b)~~ The slot machine revenue tax imposed by this section  
65 shall be paid to the division for deposit into the Pari-mutuel  
66 Wagering Trust Fund for immediate transfer by the Chief Financial  
67 Officer for deposit into the Educational Enhancement Trust Fund  
68 of the Department of Education. Any interest earnings on the tax  
69 revenues shall also be transferred to the Educational Enhancement  
70 Trust Fund.

71 (g) ~~(e)~~ 1. Funds transferred to the Educational Enhancement  
72 Trust Fund under paragraph (f) ~~(b)~~ shall be used to supplement  
73 public education funding statewide.

74 2. If necessary to comply with any covenant established  
75 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),  
76 funds transferred to the Educational Enhancement Trust Fund under  
77 paragraph (f) ~~(b)~~ shall first be available to pay debt service on  
78 lottery bonds issued to fund school construction in the event  
79 lottery revenues are insufficient for such purpose or to satisfy  
80 debt service reserve requirements established in connection with  
81 lottery bonds. Moneys available pursuant to this subparagraph are  
82 subject to annual appropriation by the Legislature.

83 (3) PAYMENT AND DISPOSITION OF TAXES.--

84 (a) Payment for the tax on slot machine revenues imposed by  
85 this section shall be paid to the division. The division shall  
86 deposit these sums with the Chief Financial Officer, to the  
87 credit of the Pari-mutuel Wagering Trust Fund. The slot machine

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88 licensee shall remit to the division payment for the tax on slot  
89 machine revenues. Such payments shall be remitted by 3 p.m. on  
90 the 5th day of each calendar month ~~Wednesday of each week~~ for  
91 taxes imposed and collected for the preceding calendar month ~~week~~  
92 ~~ending on Sunday~~. If the 5th day of the calendar month falls on a  
93 weekend or a state holiday, payments shall be remitted by 3 p.m.  
94 on the first Monday following the weekend or on the first Tuesday  
95 if the first Monday is a state holiday

96 (b) Each licensee shall pay any amounts due as provided in  
97 paragraph (2) (b) or paragraph (2) (c) on or before July 31  
98 immediately following the end of the fiscal year.

99 (c) The slot machine licensee shall file a report under  
100 oath by the 5th day of each calendar month for all taxes remitted  
101 during the preceding calendar month. Such payments shall be  
102 accompanied by a report under oath showing all slot machine  
103 gaming activities for the preceding calendar month and such other  
104 information as may be prescribed by the division.

105 Section 2. Section 551.116, Florida Statutes, is amended to  
106 read:

107 551.116 Days and hours of operation.--Slot machine gaming  
108 areas may be open daily throughout the year. The slot machine  
109 gaming areas, including sales of alcoholic beverages, may be open  
110 a cumulative amount of 18 hours per day on Monday through Friday  
111 and 24 hours per day on Saturday and Sunday and on those holidays  
112 specified in s. 110.117(1), and such hours of operation are not  
113 subject to other regulation.

114 Section 3. This act shall take effect upon becoming a law.