



328550

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 1/AD/2R	.	Floor: RC
04/29/2009 03:41 PM	.	04/29/2009 06:26 PM
	.	

Senator Jones moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. The Legislature finds that the pari-mutuel industry has played an important part in the development of this state and that it is a vital part of the state's economy. The Legislature also recognizes that many individuals and small businesses provide services to the pari-mutuel industry and rely upon the continued vigor of the industry to survive. The pari-mutuel industry and these individuals and small business employ many Floridians, pay a variety of taxes to support state and



328550

13 local governmental activities, and contribute to the economy of
14 this state. Given the important role played by the industry, and
15 the individuals and small businesses associated with it, as well
16 as the current state of the economy in the United States in
17 general and in Florida in particular, the Legislature finds that
18 in order to preserve the industry, to ensure continued
19 employment for many Floridians, and to preserve and improve the
20 state's revenues, measures must be taken to eliminate
21 unnecessary regulations, encourage business and regulatory
22 efficiency, reduce unnecessary tax burdens, and increase
23 revenues to the state.

24 Section 2. Electronic gaming machines authorized.—An
25 electronic gaming machine licensee may possess electronic gaming
26 machines and operate electronic gaming machines at an eligible
27 facility, as defined by section 3. of this act, where the
28 licensee is authorized to conduct pari-mutuel wagering
29 activities under to chapter 550, Florida Statutes.
30 Notwithstanding any other provision of law, it is not a crime
31 for a person to participate in electronic gaming at a facility
32 licensed to possess electronic gaming machines or to operate
33 electronic gaming machines.

34 Section 3. As used in this act, the term:

35 (1) "Bingo" or "game of bingo" means the game of chance
36 commonly known as "bingo," which may include the use of
37 electronic, computer, or other technological aids. Such aids may
38 include entertainment displays, including spinning reels, video
39 displays, associated bonus displays, and video poker. The game
40 of bingo requires at least two live players competing for a
41 common prize. The prizes result from a random draw or electronic



328550

42 determination and release or announcement of numbers or other
43 designations necessary to form the predesignated game-winning
44 pattern on an electronic bingo card. A game of bingo ends when a
45 player receives a predesignated game-winning pattern and
46 consolation prizes, if any, are awarded. The game of bingo does
47 not include house-banked games or electronic or
48 electromechanical facsimiles of any other game of chance or slot
49 machine of any kind.

50 (2) "Bonus prize" means a prize awarded in a bingo game in
51 addition to the game-winning prize. The term includes prizes
52 based on predesignated and preannounced patterns that differ
53 from the game-winning pattern, a winning pattern in a specified
54 quantity of numbers or designations drawn or electronically
55 determined and released, or any combination of these patterns.
56 The term includes a prize awarded as an interim prize while
57 players are competing for the game-winning prize or as a
58 consolation prize after a player has won the game-winning prize.

59 (3) "Designated electronic gaming machine area" means any
60 area of a facility of an electronic gaming machine licensee in
61 which electronic gaming may be conducted.

62 (4) "Distributor" means any person who sells, leases,
63 offers, or otherwise provides, distributes, or services any
64 electronic gaming machine or associated equipment, software, or
65 other functions required for use or play of electronic gaming
66 machines in this state. The term may include a manufacturer.

67 (5) "Division" means the Division of Pari-mutuel Wagering
68 of the Department of Business and Professional Regulation.

69 (6) "Electronic game" means an electronically simulated
70 bingo game that:



328550

71 (a) Is played on an electronic gaming machine that, upon
72 insertion of a ticket, or an electronic or account-based card,
73 is available to play or simulate a game of bingo played on a
74 network of electronic gaming machines;

75 (b) Is not house-banked;

76 (c) May award bonus prizes and progressive prizes; and

77 (d) May make provide payoffs to players in the form of
78 tickets or electronic or account-based credits that may be
79 exchanged for cash, merchandise, or other items of value.

80 (7) "Electronic gaming machine" means a player station,
81 machine, or device, including associated equipment that is
82 required to operate the player station, machine, or device, upon
83 which an electronic game is played or operated. An electronic
84 gaming machine:

85 (a) May include spinning reels, video displays, video
86 poker, or other similar technologies to convey outcomes to a
87 player of simulated bingo as approved by the division.

88 (b) Must display one or more bingo cards used in the game
89 before numbers or other designations for the game are randomly
90 drawn.

91 (c) Must display any card in use by a player during game
92 play.

93 (d) Must be directly linked to a central computer for
94 purposes of security, monitoring, and auditing. The central
95 computer may not limit a facility's ability to deploy its
96 electronic player tracking or electronic gaming accounting
97 system. However, such systems must use a widely accepted open
98 communications protocol to ensure interoperability among all
99 manufacturers and to provide a player with the ability to



328550

100 seamlessly alternate play between the electronic gaming machines
101 and electronic gaming machines of different licensed
102 manufacturers.

103 (e) Is not a coin-operated amusement machine as defined in
104 s. 212.02, Florida Statutes, or an amusement game or machine as
105 described in s. 849.161, Florida Statutes. Electronic gaming
106 machines are not subject to the tax imposed by s. 212.05(1)(h),
107 Florida Statutes.

108 (8) "Electronic gaming machine facility" means an eligible
109 facility at which electronic gaming machines are lawfully
110 offered for play.

111 (9) "Electronic gaming machine license" means a license
112 issued by the division authorizing a licensee under chapter 550,
113 Florida Statutes, to place and operate electronic gaming
114 machines in an eligible facility.

115 (10) "Electronic gaming machine revenues" means all cash
116 and property, except nonredeemable credits, received by the
117 electronic gaming machine licensee from the operation of
118 electronic gaming machines, less the amount of cash, cash
119 equivalents, credits, and prizes paid to winners of electronic
120 games.

121 (11) "Eligible facility" means a facility at which a
122 licensee under chapter 550, Florida Statutes, has run a full
123 schedule of live racing, as defined in s. 550.002(11), Florida
124 Statutes, and is a cardroom license holder, but not a slot
125 machine facility licensed under chapter 551, Florida Statutes.

126 (12) "Game-winning pattern" means a predetermined pattern
127 on an electronic bingo card. Each game must have one game-
128 winning pattern or arrangement that must be common to all



328550

129 players and may be won by multiple players simultaneously. A
130 game-winning prize must be awarded in every game. The pattern
131 designated as the game-winning pattern need not pay the highest
132 prize available in the game. Other patterns may be designated
133 for the award of bonus prizes in addition to the prize to
134 awarded based on the game-winning pattern.

135 (13) "Manufacturer" means any person who manufactures,
136 builds, rebuilds, fabricates, assembles, produces, programs,
137 designs, or modifies any electronic gaming machine or associated
138 equipment for use or play in this state for gaming purposes.

139 (14) "Nonredeemable credits" means electronic gaming
140 machine operating credits that may not be redeemed for cash or
141 any other thing of value by an electronic gaming machine, kiosk,
142 or the electronic gaming machine licensee and that are provided
143 for free to patrons. The credits become nonredeemable credits
144 when they are metered as credit into an electronic gaming
145 machine and recorded in the facility-based monitoring system.

146 (15) "Progressive prize" means an established prize for a
147 bingo game that is:

148 (a) Funded by a percentage of each player's purchase or
149 wager within one or more licensed facilities for a specific
150 progressive bingo game;

151 (b) Awarded to a player who obtains a specific
152 predesignated and preannounced pattern having a specified
153 quantity of numbers or designations randomly drawn and released
154 or electronically determined or randomly drawn and released or
155 electronically determined in a specified sequence; and

156 (c) Rolled over to each subsequent specific progressive
157 bingo game until it is won.



328550

158 Section 4. Powers and duties of the Division of Pari-Mutuel
159 Wagering and the Department of Law Enforcement.-

160 (1) The division shall adopt rules necessary to implement,
161 administer, and regulate the operation of electronic gaming
162 machines in this state. The rules shall include:

163 (a) Procedures for applying for and renewing electronic
164 gaming machine licenses.

165 (b) Technical requirements and qualifications to receive an
166 electronic gaming machine license or electronic gaming machine
167 occupational license.

168 (c) Procedures to ensure that an electronic game or
169 electronic gaming machine does not enter the state or is not
170 offered for play until it has been tested and certified by a
171 licensed testing laboratory for play in the state.

172 (d) Procedures to test, certify, control, and approve
173 electronic games and electronic gaming machines. The procedures
174 shall address measures to scientifically test and technically
175 evaluate electronic gaming machines for compliance with the
176 applicable laws and rules. The division may contract with an
177 independent testing laboratory to conduct any necessary testing.
178 The independent testing laboratory must have a national
179 reputation indicating that it is demonstrably competent and
180 qualified to scientifically test and evaluate electronic games
181 and electronic gaming machines and to perform the functions
182 required by this act. An independent testing laboratory may not
183 be owned or controlled by a licensee. The selection of an
184 independent testing laboratory for any purpose related to the
185 conduct of electronic gaming machines by a licensee shall be
186 made from a list of laboratories approved by the division.



328550

187 (e) Procedures relating to electronic gaming machine
188 revenues, including verifying and accounting for such revenues,
189 auditing, and collecting taxes and fees.

190 (f)1. Procedures to regulate, manage, and audit the
191 operation, financial data, and program information relating to
192 electronic gaming machines which enable the division and the
193 Department of Law Enforcement to audit the operation, financial
194 data, and program information of an electronic gaming machine
195 licensee required by the division or the Department of Law
196 Enforcement.

197 2. Procedures to allow the division and the Department of
198 Law Enforcement to:

199 a. Monitor, at any time on a real-time basis, wagering
200 patterns, payouts, tax collection, and compliance with division
201 rules;

202 b. Suspend play immediately on particular electronic gaming
203 machines if the facilities-based computer system indicates
204 possible tampering with or manipulation of the electronic gaming
205 machines; and

206 c. Immediately suspend play of the entire operation if the
207 facilities-based computer system may have been tampered with or
208 manipulated. The division shall notify the Department of Law
209 Enforcement or the Department of Law Enforcement shall notify
210 the division, as appropriate, when there is a suspension of play
211 under this subparagraph. The division and the Department of Law
212 Enforcement shall exchange information that is necessary for and
213 cooperate in the investigation of the circumstances resulting in
214 suspension of play.

215 (g) Procedures to require each licensee operating



328550

216 electronic gaming machines, at the licensee's expense, to supply
217 the division with a bond having the penal sum of \$2 million
218 payable to the Chief Financial Officer. Any bond shall be issued
219 by a surety approved by the division and the Chief Financial
220 Officer, conditioned to pay the Chief Financial Officer as
221 treasurer of the division. The licensee must keep its books and
222 records and make reports as provided in this act and conduct
223 electronic gaming machine operations in conformity with this act
224 and other provisions of law. Such bond shall be separate from
225 the bond required in s. 550.125, Florida Statutes.

226 (h) Procedures to require licensees to maintain specified
227 records and submit any data, information, records, or reports,
228 including financial and income records, required by this act or
229 rules of the division.

230 (i) A requirement that the payout percentage of an
231 electronic gaming machine facility be at least 85 percent. The
232 theoretical payout percentage shall be determined using standard
233 methods of probability theory.

234 (j) Minimum standards of security for the facilities,
235 including floor plans, security cameras, and other security
236 equipment.

237 (k) Procedures to require electronic gaming machine
238 licensees to implement and establish drug-testing programs for
239 all electronic gaming machine occupational licensees.

240 (2) The division shall conduct investigations necessary to
241 fulfill its responsibilities to regulate electronic gaming
242 machine facilities.

243 (3) The Department of Law Enforcement and local law
244 enforcement agencies have concurrent jurisdiction to investigate



328550

245 criminal violations of laws regulating electronic gaming
246 facilities and may investigate any other criminal violation of
247 law occurring at a facility. Such investigations may be
248 conducted in conjunction with the appropriate state attorney.

249 (4) (a) The division, the Department of Law Enforcement, and
250 local law enforcement agencies have unrestricted access to an
251 electronic gaming machine licensee's facility at all times and
252 shall require each electronic gaming machine licensee to
253 strictly comply with the laws of this state relating to the
254 transaction of such business. The division, the Department of
255 Law Enforcement, and local law enforcement agencies may:

256 1. Inspect and examine premises where electronic gaming
257 machines are offered for play.

258 2. Inspect electronic gaming machines and related equipment
259 and supplies.

260 (b) In addition, the division may:

261 1. Collect taxes, assessments, fees, and penalties.

262 2. Deny, revoke, suspend, or place conditions on the
263 license of a person who violates this act or rules adopted
264 pursuant thereto.

265 (5) The division shall revoke or suspend the license of any
266 person who is no longer qualified or who is found to have been
267 unqualified at the time of application for the license.

268 (6) This section does not:

269 (a) Prohibit the Department of Law Enforcement or any law
270 enforcement authority whose jurisdiction includes a licensed
271 facility from conducting investigations of criminal activities
272 occurring at the facility;

273 (b) Restrict access to an electronic gaming machine



328550

274 licensee's facility by the Department of Law Enforcement or any
275 local law enforcement authority whose jurisdiction includes the
276 electronic gaming machine licensee's facility; or

277 (c) Restrict access by the Department of Law Enforcement or
278 local law enforcement authorities to information and records
279 necessary to the investigation of criminal activity which are
280 contained within the electronic gaming machine licensee's
281 facility.

282 Section 5. License to conduct electronic gaming.-

283 (1) Upon application and a finding by the division after
284 investigation that the application is complete and the applicant
285 is qualified and payment of the initial license fee, the
286 division may issue a license to conduct electronic gaming in any
287 designated electronic gaming machine area of an eligible
288 facility.

289 (2) An electronic gaming machine license may be issued only
290 to a person or entity licensed to conduct pari-mutuel wagering
291 under chapter 550, Florida Statutes, and electronic gaming may
292 be operated only at the eligible facility at which the licensee
293 is authorized to conduct pari-mutuel wagering activities.

294 (3) As a condition of licensure and to maintain continued
295 authority to conduct electronic gaming, an electronic gaming
296 machine licensee shall:

297 (a) Comply with this act.

298 (b) Comply with chapter 550, Florida Statutes, and maintain
299 the pari-mutuel permit and license in good standing pursuant to
300 chapter 550, Florida Statutes. Notwithstanding any contrary
301 provision of law, a pari-mutuel permitholder may, within 60 days
302 after the effective date of this act, amend its pari-mutuel



328550

303 wagering operating license. The division shall issue a new
304 license to the permitholder to effectuate any approved change.

305 (c) Conduct at least a full schedule of live racing or
306 games as defined in s. 550.002(11), Florida Statutes, including
307 races or games under s. 550.475, Florida Statutes, or be
308 authorized to conduct limited intertrack wagering under s.
309 550.6308, Florida Statutes, at the eligible facility. A
310 licensee's responsibility to conduct such number of live races
311 or games shall be reduced by the number of races or games that
312 could not be conducted due to the direct result of fire, war,
313 hurricane, or other disaster or event beyond the control of the
314 licensee.

315 (d) Provide appropriate current and accurate documentation,
316 on a timely basis, to the division relating to changes in
317 ownership or interest in an electronic gaming machine license.
318 Changes in ownership or interest in an electronic gaming machine
319 license of 5 percent or more of the stock or other evidence of
320 ownership or equity in the electronic gaming machine license or
321 of any parent corporation or other business entity that owns or
322 controls the electronic gaming machine license must be approved
323 by the division prior to such change, unless the owner is an
324 existing holder of the license who was previously approved by
325 the division. Any changes in ownership or interest in an
326 electronic gaming machine license of less than 5 percent, unless
327 such change results in a cumulative total of 5 percent or more,
328 shall be reported to the division within 20 days after the
329 change. The division may conduct an investigation to ensure that
330 the license is properly updated to show the change in ownership
331 or interest. Reporting is not required if the person is holding



328550

332 5 percent or less equity or securities of a corporate owner of
333 the electronic gaming machine licensee that has its securities
334 registered pursuant to s. 12 of the Securities Exchange Act of
335 1934, 15 U.S.C. ss. 78a-78kk, and if such corporation or entity
336 files with the United States Securities and Exchange Commission
337 the reports required by s. 13 of that act, or if the securities
338 of the corporation or entity are regularly traded on an
339 established securities market in the United States. A change in
340 ownership or interest of less than 5 percent which results in a
341 cumulative ownership or interest of 5 percent or more must be
342 approved by the division prior to such change unless the owner
343 is an existing holder of the license who was previously approved
344 by the division.

345 (e) Provide the division and the Department of Law
346 Enforcement unrestricted access to inspect the facilities of an
347 electronic gaming machine licensee in which any activity
348 relative to the operation of electronic gaming machines is
349 conducted.

350 (f) Ensure that the facilities-based computer system or
351 operational and accounting functions of the electronic gaming
352 machine facility is specifically structured to facilitate
353 regulatory oversight. The facilities-based computer system shall
354 give the division and the Department of Law Enforcement the
355 ability to monitor, at any time on a real-time basis, the
356 wagering patterns, payouts, tax collection, and such other
357 operations as are necessary to determine whether the facility is
358 in compliance with statutory provisions and rules adopted by the
359 division for the regulation and control of electronic gaming
360 machines. The division and the Department of Law Enforcement



328550

361 shall have continuous access to this system. The division and
362 the department shall have the ability to suspend play
363 immediately on particular electronic gaming machines if the
364 system indicates possible tampering with or manipulation of
365 those electronic gaming machines or the ability to immediately
366 suspend play of the entire operation if the system indicates
367 that the system has been tampered with or manipulated. The
368 computer system shall be reviewed and approved by the division
369 to ensure necessary access, security, and functionality. The
370 division may adopt rules to provide for the approval process.

371 (g) Ensure that each electronic gaming machine and
372 electronic game is protected from manipulation or tampering
373 affecting the random probabilities of winning plays. The
374 division or the Department of Law Enforcement may suspend play
375 upon reasonable suspicion of any manipulation or tampering. If
376 play has been suspended on any electronic gaming machine, the
377 division or the Department of Law Enforcement may examine the
378 machine to determine whether the machine has been tampered with
379 or manipulated and whether the machine should be returned to
380 operation.

381 (h) Submit a security plan, including the facilities' floor
382 plans, the locations of security cameras, and a listing of all
383 security equipment that is capable of observing and
384 electronically recording activities being conducted in the
385 facilities of the electronic gaming machine licensee. The
386 security plan must meet the minimum security requirements as
387 determined by the division by rule, and be implemented before
388 operation of electronic gaming machine games. The electronic
389 gaming machine licensee's facilities must adhere to the security



328550

390 plan at all times. Any changes to the security plan must be
391 submitted by the licensee to the division before they are
392 implemented. The division shall furnish copies of the security
393 plan and changes in the plan to the Department of Law
394 Enforcement.

395 (i) Create and file with the division a written policy for:

396 1. Creating opportunities to purchase from vendors in this
397 state, including minority vendors.

398 2. Creating opportunities for employment of residents of
399 this state, including minority residents.

400 3. Ensuring opportunities for construction services from
401 minority contractors.

402 4. Ensuring that opportunities for employment are offered
403 on an equal, nondiscriminatory basis.

404 5. Providing training for employees on responsible gaming
405 and working with a compulsive or addictive gambling prevention
406 program to further its purposes as provided for in this act.

407 6. The implementation of a drug-testing program that
408 includes, but is not limited to, requiring each employee to sign
409 an agreement that he or she understands that the electronic
410 gaming machine facility is a drug-free workplace.

411
412 The electronic gaming machine licensee shall use the
413 Internet-based job-listing system of the Agency for Workforce
414 Innovation in advertising employment opportunities. Beginning in
415 June 2010, each electronic gaming machine licensee shall submit
416 an annual report to the division containing information
417 indicating compliance with this paragraph in regard to minority
418 persons.



328550

419 (j) Maintain a payout percentage of at least 85 percent per
420 electronic gaming machine facility. The theoretical payout
421 percentage shall be determined using standard methods of
422 probability theory.

423 (4) An electronic gaming machine license is not
424 transferable.

425 (5) An electronic gaming machine licensee shall keep and
426 maintain daily records of its electronic gaming machine
427 operations and shall maintain such records for at least 5 years.
428 These records must include all financial transactions and
429 contain sufficient detail to determine compliance with laws and
430 rules regulating electronic gaming. All records shall be
431 available for audit and inspection by the division, the
432 Department of Law Enforcement, or other law enforcement agencies
433 during the licensee's regular business hours.

434 (6) An electronic gaming machine licensee shall file with
435 the division a monthly report containing the required records of
436 such electronic gaming machine operations. The required reports
437 shall be submitted on forms prescribed by the division and shall
438 be due at the same time as the monthly pari-mutuel reports are
439 due. Such reports are public records once filed.

440 (7) An electronic gaming machine licensee shall file with
441 the division an audit of the receipt and distribution of all
442 electronic gaming machine revenues. The audit must be performed
443 by an independent certified public accountant who shall verify
444 whether the licensee has complied with the financial and
445 auditing laws and rules applicable to the licensee. The audit
446 must include verification of compliance with all statutes and
447 rules regarding all required records of electronic gaming



328550

448 machine operations. Such audit shall be filed within 120 days
449 after completion of the permitholder's fiscal year.

450 (8) The division may share any information with the
451 Department of Law Enforcement, any other law enforcement agency
452 having jurisdiction over electronic gaming machines or pari-
453 mutuel activities, or any other state or federal law enforcement
454 agency or division that the Department of Law Enforcement deems
455 appropriate. Any law enforcement agency having jurisdiction over
456 electronic gaming machines or pari-mutuel activities may share
457 with the division information obtained or developed by it.

458 (9) (a) An electronic gaming machine license or renewal may
459 not be issued to an applicant licensed under chapter 550,
460 Florida Statutes, to conduct live pari-mutuel wagering races or
461 games unless the applicant has on file with the division the
462 following binding written agreements governing the payment of
463 awards and purses on live races or games conducted at the
464 licensee's pari-mutuel facility:

465 1. For a thoroughbred licensee, an agreement governing the
466 payment of purses between the applicant and the Florida
467 Horsemen's Benevolent and Protective Association, Inc., or the
468 association representing a majority of the thoroughbred owners
469 and trainers at the applicant's eligible facility located as
470 described in s. 550.615(9), Florida Statutes, and an agreement
471 governing the payment of awards between the applicant and the
472 Florida Thoroughbred Breeders' Association;

473 2. For a harness licensee, an agreement governing the
474 payment of purses and awards between the applicant and the
475 Florida Standardbred Breeders and Owners Association;

476 3. For a greyhound licensee, an agreement governing the



328550

477 payment of purses between the applicant and the Florida
478 Greyhound Association, Inc.;

479 4. For a quarter horse licensee, an agreement governing the
480 payment of purses between the applicant and the Florida Quarter
481 Horse Racing Association or the association representing a
482 majority of the horse owners and trainers at the applicants
483 eligible facility, and an agreement governing the payment of
484 awards between the applicant and the Florida Quarter Horse
485 Breeders and Owners Association; or

486 5. For a jai alai licensee, an agreement governing the
487 payment of player awards between the applicant and the
488 International Jai Alai Players Association or a binding written
489 agreement approved by a majority of the jai alai players at the
490 applicant's eligible facility at which the applicant has a
491 permit issued after January 1, 2000, to conduct jai alai.

492 (b) The agreements may direct the payment of purses and
493 awards from revenues generated by any wagering or games that the
494 applicant is authorized to conduct under state law. All purses
495 and awards are subject to the terms of chapter 550, Florida
496 Statutes. All sums for breeders', stallion, and special racing
497 awards shall be remitted monthly to the respective breeders
498 association for the payment of awards, subject to the
499 administrative fees authorized under chapter 550, Florida
500 Statutes.

501 (c) An electronic gaming machine license or renewal thereof
502 may not be issued to an applicant licensed to conduct intertrack
503 wagering under s. 550.6308, Florida Statutes, unless the
504 applicant has on file with the division a binding written
505 agreement between the applicant and the Florida Thoroughbred



328550

506 Breeders' Association, Inc., dedicating to the payment of
507 breeders', stallion, and special racing awards on live
508 thoroughbred races conducted in this state at least the same
509 percentage of electronic gaming machine revenues as the highest
510 percentage of electronic gaming machine revenues dedicated to
511 purses and awards in a current agreement under this subsection
512 by an applicant licensed under chapter 550, Florida Statutes, to
513 conduct live thoroughbred races. At least half of such funds
514 must be distributed as special racing awards.

515 (d) The division shall suspend an electronic gaming machine
516 license if any agreement required under paragraph (a) is
517 terminated or otherwise ceases to operate or if the division
518 determines that the licensee is materially failing to comply
519 with the terms of such agreement. Any suspension shall take
520 place in accordance with chapter 120, Florida Statutes.

521 (e)1. If an agreement required under paragraph (a) cannot
522 be reached prior to the initial issuance of the electronic
523 gaming machine license, either party may request arbitration. In
524 the case of a renewal, if an agreement is not in place 120 days
525 before the scheduled expiration date of the electronic gaming
526 machine license, the applicant shall immediately ask the
527 American Arbitration Association to furnish a list of 11
528 arbitrators, each of whom shall have at least 5 years of
529 commercial arbitration experience and no financial interest in
530 or prior relationship with any party or with an affiliated or
531 related entity or principal. Each required party to the
532 agreement shall select a single arbitrator from the list within
533 10 days after receipt, and the persons selected shall choose one
534 additional arbitrator from the list within 10 days.



328550

535 2. If an agreement required under paragraph (a) is not in
536 place 60 days after the request under subparagraph 1., in the
537 case of an initial electronic gaming machine license or, in the
538 case of a renewal, 60 days prior to the scheduled expiration
539 date of the license, the matter shall be immediately submitted
540 to mandatory binding arbitration. The three arbitrators selected
541 pursuant to subparagraph 1. shall conduct the arbitration
542 pursuant to the American Arbitration Association Commercial
543 Arbitration Rules and chapter 682, Florida Statutes.

544 3. At the conclusion of the proceedings, which may be no
545 later than 90 days after the request under subparagraph 1. in
546 the case of an initial electronic gaming machine license or, in
547 the case of a renewal, 30 days prior to the scheduled expiration
548 date of the electronic gaming machine license, the arbitration
549 panel shall present to the parties a proposed agreement that the
550 majority of the panel believes equitably balances the rights,
551 interests, obligations, and reasonable expectations of the
552 parties. The parties shall immediately enter into such
553 agreement, which shall satisfy the requirements of paragraph (a)
554 and permit issuance of the pending annual electronic gaming
555 machine license or renewal. The agreement shall be effective
556 until the last day of the license or renewal period or until the
557 parties enter into a different agreement. Each party shall pay
558 its respective costs of arbitration and shall pay one-half of
559 the costs of the arbitration panel, unless the parties otherwise
560 agree. If the agreement remains in place 120 days prior to the
561 scheduled issuance of the next annual license renewal, the
562 arbitration process established in this paragraph shall begin
563 again.



328550

564 4. If neither agreement required under paragraph (a) is in
565 place by the deadlines established in this paragraph,
566 arbitration regarding each agreement shall proceed
567 independently, with separate lists of arbitrators, arbitration
568 panels, arbitration proceedings, and resulting agreements.

569 5. With respect to the agreement required under paragraph
570 (a) governing the payment of purses, the arbitration and
571 resulting agreement is limited to the payment of purses from
572 electronic gaming machine revenues only.

573 (f) If any provision of this subsection or its application
574 to any person or circumstance is held invalid, the invalidity
575 does not affect other provisions or applications of this
576 subsection or act which can be given effect without the invalid
577 provision or application, and to this end the provisions of this
578 subsection are severable.

579 Section 6. Temporary licenses.-

580 (1) Notwithstanding any provision of s. 120.60, Florida
581 Statutes, to the contrary, the division may issue a temporary
582 occupational license upon receipt of a complete application and
583 a determination that the applicant has not been convicted of or
584 had adjudication withheld on any disqualifying criminal offense.
585 The temporary occupational license remains valid until the
586 division grants an occupational license or notifies the
587 applicant of its intended decision to deny the license pursuant
588 to the provisions of s. 120.60, Florida Statutes. The division
589 shall adopt rules to administer this section. However, not more
590 than one temporary license may be issued for any person in any
591 year.

592 (2) A temporary license issued under this section is not



328550

593 transferable.

594 Section 7. Electronic gaming machine license renewal.-

595 (1) An electronic gaming machine license is effective for 1
596 year after issuance and may be renewed annually. The application
597 for renewal must contain all revisions to the information
598 submitted in the prior year's application which are necessary to
599 maintain such information as accurate and current.

600 (2) The applicant for renewal must attest that any
601 information changes do not affect such applicant's
602 qualifications for license renewal.

603 (3) Upon determination by the division that the application
604 for renewal is complete and qualifications have been met,
605 including payment of the renewal fee, the license shall be
606 renewed.

607 Section 8. License fee; tax rate; penalties.-

608 (1) LICENSE FEE.-

609 (a) Upon submission of the initial application for an
610 electronic gaming machine license or upon submission of an
611 application to renew a license, the licensee must pay to the
612 division a nonrefundable license fee of \$1 million for the
613 succeeding 12 months of licensure. The fee shall be deposited
614 into the Pari-mutuel Wagering Trust Fund of the Department of
615 Business and Professional Regulation to be used by the division
616 and the Department of Law Enforcement for investigations,
617 regulation of electronic gaming, and enforcement of electronic
618 gaming provisions. These payments shall be accounted for
619 separately from taxes or fees paid pursuant to the provisions of
620 chapter 550 or chapter 551, Florida Statutes.

621 (b) The division shall evaluate the license fee and submit



328550

622 recommendations in its legislative budget request identifying
623 the optimum level of electronic gaming machine license fees
624 required to adequately support the electronic gaming machine
625 regulatory program.

626 (c) Notwithstanding s. 550.135(2), Florida Statutes, all
627 fees and fines collected pursuant to this chapter shall remain
628 in the Pari-Mutuel Wagering Trust Fund for use by the division
629 for regulation of electronic gaming machines and electronic
630 games.

631 (2) TAX ON ELECTRONIC GAMING MACHINE REVENUES.—

632 (a) The tax rate on electronic gaming machine revenues at
633 each facility shall be 35 percent.

634 (b) The electronic gaming machine revenue tax imposed by
635 this section shall be paid to the division for deposit into the
636 Pari-mutuel Wagering Trust Fund for immediate transfer by the
637 Chief Financial Officer for deposit into the Educational
638 Enhancement Trust Fund of the Department of Education. Any
639 interest earnings on the tax revenues shall also be transferred
640 to the Educational Enhancement Trust Fund.

641 (c)1. Funds transferred to the Educational Enhancement
642 Trust Fund shall be used to supplement public education funding
643 statewide.

644 2. If necessary to comply with any covenant established
645 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),
646 Florida Statutes, funds transferred to the Educational
647 Enhancement Trust Fund shall first be available to pay debt
648 service on lottery bonds issued to fund school construction in
649 the event lottery revenues are insufficient for such purpose or
650 to satisfy debt service reserve requirements established in



328550

651 connection with lottery bonds. Moneys available pursuant to this
652 subparagraph are subject to annual appropriation by the
653 Legislature.

654 (3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax
655 on electronic gaming machine revenues imposed by this section
656 shall be paid to the division. The division shall deposit such
657 funds with the Chief Financial Officer, to the credit of the
658 Pari-mutuel Wagering Trust Fund. The electronic gaming machine
659 licensee shall remit to the division payment for the tax on
660 electronic gaming machine revenues by 3 p.m. on the 5th calendar
661 day of each month for taxes imposed and collected for the
662 preceding calendar month. The electronic gaming machine licensee
663 shall file a report under oath by the 5th day of each calendar
664 month for all taxes remitted during the preceding calendar
665 month. Such payments shall be accompanied by a report under oath
666 showing all electronic gaming machine activities for the
667 preceding calendar month and such other information as may be
668 prescribed by the division.

669 (4) FAILURE TO PAY TAX; PENALTIES.—An electronic gaming
670 machine licensee who does not make tax payments required under
671 this section is subject to an administrative penalty of up to
672 \$10,000 for each day the tax payment is not remitted. All
673 administrative penalties imposed and collected shall be
674 deposited into the Pari-mutuel Wagering Trust Fund of the
675 Department of Business and Professional Regulation. If an
676 electronic gaming machine licensee does not pay penalties
677 imposed by the division, the division may suspend, revoke, or
678 refuse to renew the license of the electronic gaming machine
679 licensee.



328550

680 (5) SUBMISSION OF FUNDS.—The division may require
681 electronic gaming machine licensees to remit taxes, fees, fines,
682 and assessments by electronic funds transfer.

683 Section 9. Electronic gaming machine occupational license;
684 findings; application; fee.—

685 (1) The Legislature finds that licensees and persons
686 associated with licensees require heightened state scrutiny. As
687 such licensees and persons associated with licensees shall
688 submit fingerprints for a criminal history records check.

689 (2) (a) The following electronic gaming machine occupational
690 licenses are required for persons who, by virtue of the
691 positions they hold, potentially may have access to electronic
692 gaming machine areas or to any other person or entity in one of
693 the following categories:

694 1. General occupational licenses for general employees,
695 including food service, maintenance, and other similar service
696 and support employees having access to an electronic gaming
697 machine area.

698 2. Professional occupational licenses for any person,
699 proprietorship, partnership, corporation, or other entity that
700 is authorized by an electronic gaming machine licensee to
701 manage, oversee, or otherwise control daily operations as an
702 electronic gaming machine manager, floor supervisor, security
703 personnel, or other similar position of oversight of gaming
704 operations, or any person who is not an employee of the
705 electronic gaming machine licensee and who provides maintenance,
706 repair, or upgrades or otherwise services an electronic gaming
707 machine or other electronic gaming machine equipment.

708 3. Business occupational licenses for any electronic gaming



328550

709 machine management company or company associated with electronic
710 gaming, any person who manufactures, distributes, or sells
711 electronic gaming machines, electronic gaming machine
712 paraphernalia, or other associated equipment to electronic
713 gaming machine licensees, or any company that sells or provides
714 goods or services associated with electronic gaming to
715 electronic gaming machine licensees.

716 (b) The division may issue one license in order to combine
717 licenses under this section with pari-mutuel occupational
718 licenses and cardroom licenses pursuant to s. 550.105(2)(b),
719 Florida Statutes. The division shall adopt rules pertaining to
720 occupational licenses under this subsection. Such rules may
721 specify requirements and restrictions for licensed occupations
722 and categories, procedures to apply for a license or combination
723 of licenses, disqualifying criminal offenses for a licensed
724 occupation or categories of occupations, and which types of
725 occupational licenses may be combined into a single license. The
726 fingerprinting requirements of subsection (10) apply to any
727 combination license that includes electronic gaming machine
728 license privileges. The division may not adopt a rule allowing
729 the issuance of an occupational license to any person who does
730 not meet the minimum background qualifications of this section.

731 (c) Electronic gaming machine occupational licenses are not
732 transferable.

733 (3) An electronic gaming machine licensee may not employ or
734 otherwise allow a person to work at a licensed facility unless
735 such person holds the appropriate valid occupational license. An
736 electronic gaming machine licensee may not contract or otherwise
737 conduct business with a business that is required to hold an



328550

738 electronic gaming machine occupational license unless the
739 business holds such a license. An electronic gaming machine
740 licensee may not employ or otherwise allow a person to work in a
741 supervisory or management professional level at a licensed
742 facility unless such person holds a valid electronic gaming
743 machine occupational license. All electronic gaming machine
744 occupational licensees, while present in electronic gaming
745 machine areas, shall display on their persons their occupational
746 license identification cards.

747 (4) (a) A person seeking an electronic gaming machine
748 occupational license or renewal thereof shall apply on forms
749 prescribed by the division and include payment of the
750 appropriate application fee. Initial and renewal applications
751 for electronic gaming machine occupational licenses must contain
752 all information that the division, by rule, requires.

753 (b) An electronic gaming machine license or combination
754 license is valid for the same term as a pari-mutuel occupational
755 license issued pursuant to s. 550.105(1), Florida Statutes.

756 (c) Pursuant to rules adopted by the division, any person
757 may apply for and, if qualified, be issued an electronic gaming
758 machine occupational license. The license shall be valid for a
759 period of 3 years upon payment of the full occupational license
760 fee for each of the 3 years for which the license is issued. The
761 electronic gaming machine occupational license is valid during
762 its specified term at any licensed facility where electronic
763 gaming machine gaming is authorized.

764 (d) The electronic gaming machine occupational license fee
765 for initial application and annual renewal shall be determined
766 by rule of the division, but may not exceed \$50 for a general or



328550

767 professional occupational license for an employee of the
768 electronic gaming machine licensee or \$1,000 for a business
769 occupational license for nonemployees of the licensee who
770 provide goods or services to the electronic gaming machine
771 licensee. License fees for general occupational licenses shall
772 be paid by the electronic gaming machine licensee. Failure to
773 pay the required fee constitutes grounds for disciplinary action
774 by the division against the electronic gaming machine licensee,
775 but it is not a violation of this act or rules of the division
776 by the general occupational licensee and does not prohibit the
777 initial issuance or the renewal of the general occupational
778 license.

779 (5) The division may:

780 (a) Deny an application for, or revoke, suspend, or place
781 conditions or restrictions on, a license of an applicant or
782 licensee that has been refused a license by another state gaming
783 commission, governmental department, agency, or other authority
784 exercising regulatory jurisdiction over the gaming of another
785 state or jurisdiction; or

786 (b) Deny an application for, or suspend, or place
787 conditions on a license of any applicant or licensee that is
788 under suspension or has unpaid fines in another state or
789 jurisdiction.

790 (6) (a) The division may deny, suspend, revoke, or refuse to
791 renew any electronic gaming machine occupational license if the
792 applicant or licensee has violated this act or the rules
793 governing the conduct of persons connected with electronic games
794 or electronic gaming. In addition, the division may deny,
795 suspend, revoke, or refuse to renew any electronic gaming



328550

796 machine occupational license if the applicant or licensee has
797 been convicted under the laws of this state or of another state,
798 or under the laws of the United States, of a capital felony, a
799 felony, or an offense in another state which would be a felony
800 under the laws of this state involving arson; trafficking in,
801 conspiracy to traffic in, smuggling, importing, conspiracy to
802 smuggle or import, or delivery, sale, or distribution of a
803 controlled substance; racketeering; or a crime showing a lack of
804 good moral character, or has had a gaming license revoked by
805 this state or another jurisdiction for any gaming-related
806 offense.

807 (b) The division may deny, revoke, or refuse to renew any
808 electronic gaming machine occupational license if the applicant
809 or licensee has been convicted of a felony or misdemeanor in
810 this state, in another state, or under the laws of the United
811 States if such felony or misdemeanor is related to gambling or
812 bookmaking as described in s. 849.25, Florida Statutes.

813 (c) As used in this subsection, the term "convicted" means
814 having been found guilty, with or without adjudication of guilt,
815 as a result of a jury verdict, nonjury trial, or entry of a plea
816 of guilty or nolo contendere.

817 (7) The division may deny, revoke, or suspend any
818 occupational license if the applicant or licensee accumulates
819 unpaid obligations, defaults in obligations, or issues drafts or
820 checks that are dishonored or for which payment is refused
821 without reasonable cause.

822 (8) The division may fine or suspend, revoke, or place
823 conditions upon the license of any licensee who provides false
824 information under oath regarding an application for a license or



328550

825 an investigation by the division.

826 (9) The division may impose a civil fine of up to \$5,000
827 for each violation of this act or the rules of the division in
828 addition to or in lieu of any other penalty. The division may
829 adopt a penalty schedule for violations for which it would
830 impose a fine in lieu of a suspension and adopt rules allowing
831 for the issuance of citations, including procedures to address
832 such citations, to persons who violate such rules. In addition
833 to any other penalty provided by law, the division may exclude
834 from all licensed electronic gaming machine facilities in this
835 state, for a period not to exceed the period of suspension,
836 revocation, or ineligibility, any person whose occupational
837 license application has been refused or who has been declared
838 ineligible to hold an occupational license or whose occupational
839 license has been suspended or revoked by the division.

840 (10) Fingerprints for electronic gaming machine
841 occupational license applications shall be taken in a manner
842 approved by the division and shall be submitted electronically
843 to the Department of Law Enforcement for state processing and to
844 the Federal Bureau of Investigation for national processing for
845 a criminal history record check. All persons as specified in s.
846 550.1815(1)(a), Florida Statutes, who are employed by or working
847 within licensed premises shall submit fingerprints for a
848 criminal history records check and may not have been convicted
849 of any disqualifying criminal offenses specified in subsection
850 (6). Division employees and law enforcement officers assigned to
851 work within such premises as part of their official duties are
852 excluded from the criminal history record check requirements. As
853 used in this subsection, the term "convicted" means having been



328550

854 found guilty, with or without adjudication of guilt, as a result
855 of a jury verdict, nonjury trial, or entry of a plea of guilty
856 or nolo contendere.

857 (a) Fingerprints shall be taken in a manner approved by the
858 division upon initial application, or as required thereafter by
859 rule of the division, and shall be submitted electronically to
860 the Department of Law Enforcement for state processing. The
861 Department of Law Enforcement shall forward the fingerprints to
862 the Federal Bureau of Investigation for national processing. The
863 results of the criminal history record check shall be returned
864 to the division for screening. Licensees shall provide necessary
865 equipment, approved by the Department of Law Enforcement, to
866 facilitate such electronic submission. The division requirements
867 shall be instituted in consultation with the Department of Law
868 Enforcement.

869 (b) The cost of processing fingerprints and conducting a
870 criminal history records check for a general occupational
871 license shall be paid by the electronic gaming machine licensee.
872 The cost of processing fingerprints and conducting a criminal
873 history record check for a business or professional occupational
874 license shall be paid by the person being checked. The
875 Department of Law Enforcement may invoice the division for the
876 fingerprints submitted each month.

877 (c) All fingerprints submitted to the Department of Law
878 Enforcement shall be retained by the Department of Law
879 Enforcement and entered into the statewide automated fingerprint
880 identification system as authorized by s. 943.05(2)(b), Florida
881 Statutes, and shall be available for all purposes and uses
882 authorized for arrest fingerprint cards in the statewide



328550

883 automated fingerprint identification system pursuant to s.
884 943.051, Florida Statutes.

885 (d) The Department of Law Enforcement shall search all
886 arrest fingerprints received pursuant to s. 943.051, Florida
887 Statutes, against the fingerprints retained in the statewide
888 automated fingerprint identification system. Any arrest record
889 that is identified with the retained fingerprints of a person
890 subject to the criminal history screening requirements shall be
891 reported to the division. Each licensed facility shall pay a fee
892 for the cost of retention of the fingerprints and the ongoing
893 searches under this paragraph. The division shall forward the
894 fee to the Department of Law Enforcement. The amount of the fee
895 to be imposed for such searches and the procedures for the
896 retention of licensee fingerprints shall be as established by
897 rule of the Department of Law Enforcement. The division shall
898 inform the Department of Law Enforcement of any change in the
899 license status of licensees whose fingerprints are retained.

900 (e) The division shall request the Department of Law
901 Enforcement to forward the fingerprints to the Federal Bureau of
902 Investigation for a national criminal history records check
903 every 3 years following issuance of a license. If the
904 fingerprints of a person who is licensed have not been retained
905 by the Department of Law Enforcement, the person must file a
906 complete set of fingerprints as provided in paragraph (a). The
907 division shall collect the fees for the cost of the national
908 criminal history record check and shall forward the payment to
909 the Department of Law Enforcement. The cost of processing
910 fingerprints and conducting a criminal history record check for
911 a general occupational license shall be paid by the electronic



328550

912 gaming machine licensee. The cost of processing fingerprints and
913 conducting a criminal history record check for a business or
914 professional occupational license shall be paid by the person
915 being checked. The Department of Law Enforcement may invoice the
916 division for the fingerprints submitted each month. Under
917 penalty of perjury, each person who is licensed or fingerprinted
918 must agree to inform the division within 48 hours if he or she
919 is convicted of or enters a plea of guilty or nolo contendere to
920 any disqualifying offense, regardless of adjudication.

921 (11) All moneys collected pursuant to this section shall be
922 deposited into the Pari-mutuel Wagering Trust Fund.

923 Section 10. Prohibited relationships.-

924 (1) A person employed by or performing any function on
925 behalf of the division may not:

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

928 (b) Have or hold any interest, direct or indirect, in or
929 engage in any commerce or business relationship with any person
930 licensed by the division.

931 (2) A manufacturer or distributor of electronic gaming
932 machines may not enter into any contract with an electronic
933 gaming machine licensee which provides for any revenue sharing
934 that is directly or indirectly calculated on the basis of a
935 percentage of electronic gaming machine revenues. Any agreement
936 in violation of this subsection is void.

937 (3) A manufacturer or distributor of electronic gaming
938 machines or equipment necessary for the operation of electronic
939 gaming machines or an officer, director, or employee of any such
940 manufacturer or distributor may not have any ownership or



328550

941 financial interest in an electronic gaming machine license or
942 any business owned by an electronic gaming machine licensee.

943 (4) An employee of the division or relative living in the
944 same household as the employee may not wager on an electronic
945 gaming machine located at a facility licensed by the division.

946 (5) An occupational licensee or relative living in the same
947 household as the licensee may not wager on an electronic gaming
948 machine located at a facility operated by such licensee.

949 Section 11. Prohibited acts; penalties.—

950 (1) Except as otherwise provided by law and in addition to
951 any other penalty, a person who knowingly makes or causes to be
952 made, or aids, assists, or procures another to make, a false
953 statement in any report, disclosure, application, or other
954 document required under any law or rule regulating electronic
955 gaming is subject to an administrative fine or civil penalty of
956 up to \$10,000.

957 (2) Except as otherwise provided by law and in addition to
958 any other penalty, a person who possesses an electronic gaming
959 machine without a license or who possesses an electronic gaming
960 machine at a location other than at the electronic gaming
961 machine licensee's facility is subject to an administrative fine
962 or civil penalty of up to \$10,000 per machine. This prohibition
963 does not apply to:

964 (a) Electronic gaming machine manufacturers or distributors
965 that are licensed and authorized to maintain an electronic
966 gaming machine storage and maintenance facility in this state.
967 The division may adopt rules regarding security, inspection, and
968 access to the storage facility.

969 (b) Certified educational facilities that are authorized by



328550

970 the division to maintain electronic gaming machines for the sole
971 purpose of education and licensure of electronic gaming machine
972 technicians, inspectors, or investigators. The division and the
973 Department of Law Enforcement may possess electronic gaming
974 machines for training and testing purposes. The division may
975 adopt rules regarding the regulation of such electronic gaming
976 machines used for the sole purpose of education and licensure of
977 electronic gaming machine technicians, inspectors, or
978 investigators.

979 (3) A person who knowingly excludes or attempts to exclude,
980 anything of value from the deposit, counting, collection, or
981 computation of revenues from electronic gaming machine activity,
982 or a person who by trick, sleight-of-hand performance, fraud or
983 fraudulent scheme, or device wins or attempts to win, for
984 himself or herself or for another, money or property or a
985 combination thereof, or reduces or attempts to reduce a losing
986 wager in connection with electronic gaming commits a felony of
987 the third degree, punishable as provided in s. 775.082, s.
988 775.083, or s. 775.084, Florida Statutes.

989 (4) Any person who manipulates or attempts to manipulate
990 the outcome, payoff, or operation of an electronic gaming
991 machine by physical tampering or the use of an object,
992 instrument, or device, whether mechanical, electrical, or
993 magnetic, or by other means, commits a felony of the third
994 degree, punishable as provided in s. 775.082, s. 775.083, or s.
995 775.084, Florida Statutes.

996 (5) Theft of electronic gaming machine proceeds or property
997 belonging to an electronic gaming machine operator, licensee, or
998 licensed facility by an employee of the operator or facility or



328550

999 by an officer, partner, owner, or employee of a person
1000 contracted to provide services to the operator or facility
1001 constitutes a felony of the third degree, punishable as provided
1002 in s. 775.082 or s. 775.083, Florida Statutes.

1003 (6) (a) A law enforcement officer or electronic gaming
1004 machine operator who has probable cause to believe that a person
1005 has committed a violation of subsection (3), subsection (4), or
1006 subsection (5) and that officer or operator can recover the lost
1007 proceeds from the activity by taking the person into custody
1008 may, for the purpose of attempting to effect the recovery of the
1009 proceeds, take into custody on the premises and detain the
1010 person in a reasonable manner for a reasonable time. If the
1011 operator takes the person into custody, a law enforcement
1012 officer shall be called to the scene immediately. The taking
1013 into custody and detention by a law enforcement officer or
1014 electronic gaming machine operator, if done in compliance with
1015 this subsection, does not render such law enforcement officer,
1016 or the officer's agency, or the electronic gaming machine
1017 operator criminally or civilly liable for false arrest, false
1018 imprisonment, or unlawful detention.

1019 (b) A law enforcement officer may arrest, on or off the
1020 premises and without warrant, any person if the officer has
1021 probable cause to believe that person has violated subsection
1022 (3), subsection (4), or subsection (5).

1023 (c) A person who resists the reasonable effort of a law
1024 enforcement officer or electronic gaming machine operator to
1025 take into custody a person who is violating subsection (3),
1026 subsection (4), or subsection (5) commits a misdemeanor of the
1027 first degree, punishable as provided in s. 775.082 or s.



328550

1028 775.083, Florida Statutes, unless the person did not know or
1029 have reason to know that the person seeking to take him or her
1030 into custody was a law enforcement officer or electronic gaming
1031 machine operator.

1032 (7) The penalties imposed and collected under this section
1033 must be deposited into the Pari-mutuel Wagering Trust Fund of
1034 the Department of Business and Professional Regulation.

1035 Section 12. Legal devices.—Notwithstanding any provision of
1036 law to the contrary, electronic gaming machines manufactured,
1037 sold, distributed, possessed, or operated pursuant to the laws
1038 and rules regulating electronic gaming are lawful in this state.
1039 An electronic game or electronic gaming machine may not enter
1040 the state until it has been tested and certified by a licensed
1041 testing laboratory, and certified for play in the state. The
1042 division shall adopt rules regarding the testing, certification,
1043 control, and approval of electronic games and electronic gaming
1044 machines entering, departing, or moving within the state.

1045 Section 13. Exclusions of certain persons.—In addition to
1046 the power to exclude certain persons, the division may exclude
1047 any person from a facility of an electronic gaming machine
1048 licensee in this state for conduct that would constitute, if the
1049 person were a licensee, a violation of this act or the rules of
1050 the division. The division may exclude a person who has been
1051 ejected from a gaming facility or who has been excluded from a
1052 gaming facility in another state by the governmental authority
1053 exercising regulatory jurisdiction over the gaming in such other
1054 state. This section does not abrogate the common law right of an
1055 electronic gaming machine licensee to exclude a patron.

1056 Section 14. Persons prohibited from operating electronic



328550

1057 gaming machines.-

1058 (1) A person who has not attained 18 years of age may not
1059 operate or play an electronic gaming machine or have access to
1060 the designated electronic gaming machine area.

1061 (2) An electronic gaming machine licensee or agent or
1062 employee of an electronic gaming machine licensee may not
1063 knowingly allow a person who has not attained 18 years of age
1064 to:

1065 (a) Play or operate an electronic gaming machine.

1066 (b) Be employed in any position allowing or requiring
1067 access to the designated gaming area of a facility of an
1068 electronic gaming machine licensee.

1069 (c) Have access to the designated electronic gaming machine
1070 area of a facility of an electronic gaming machine licensee.

1071 (3) A licensed facility shall post clear and conspicuous
1072 signage within the designated electronic gaming machine areas
1073 which states:

1074
1075 THE PLAYING OF ELECTRONIC GAMING MACHINES BY PERSONS UNDER
1076 THE AGE OF 18 IS AGAINST FLORIDA LAW (CITE TO FLORIDA STATUTES
1077 SECTION). PROOF OF AGE MAY BE REQUIRED AT ANY TIME.

1078 Section 15. Electronic gaming machine areas.-

1079 (1) An electronic gaming machine licensee may make
1080 available for play up to 1,000 electronic gaming machines within
1081 an eligible facility in a designated electronic gaming machine
1082 area. No more than 1,000 electronic gaming machines shall be
1083 authorized at a facility regardless of the number of
1084 permitholders conducting operations at that facility.

1085 (2) The electronic gaming machine licensee shall display



328550

1086 pari-mutuel races or games within the designated electronic
1087 gaming machine areas and offer patrons within such areas the
1088 opportunity to wager on live, intertrack, and simulcast races.

1089 (3) The division shall require the posting of signs warning
1090 of the risks and dangers of gambling, showing the odds of
1091 winning, and informing patrons of the toll-free telephone number
1092 available to provide information and referral services regarding
1093 compulsive or problem gambling.

1094 (4) Designated electronic gaming machine areas may be
1095 located within a live gaming facility or an existing building
1096 that is contiguous and connected to the live gaming facility. If
1097 such gaming area is to be located in a building that is not yet
1098 constructed, the new building must be contiguous and connected
1099 to the live gaming facility.

1100 (5) An electronic gaming machine licensee shall provide
1101 adequate office space at no cost to the division and the
1102 Department of Law Enforcement for the oversight of electronic
1103 gaming machine operations. The division shall adopt rules
1104 establishing criteria for adequate space, configuration, and
1105 location and needed electronic and technological requirements.

1106 Section 16. Days and hours of operation.—Electronic gaming
1107 machine areas may be open daily throughout the year. They may be
1108 open a cumulative total of 18 hours per day on Monday through
1109 Friday and 24 hours per day on Saturday and Sunday and on
1110 holidays specified in s. 110.117(1), Florida Statutes.

1111 Section 17. Penalties.—The division may revoke or suspend
1112 an electronic gaming machine license issued under this act upon
1113 the willful violation by the licensee of any law or rule
1114 regulating electronic gaming. In lieu of suspending or revoking



328550

1115 an electronic gaming machine license, the division may impose a
1116 civil penalty against the licensee for such violation. Except as
1117 otherwise provided in this act, the division may not impose a
1118 penalty that exceeds \$100,000 for each count or separate
1119 offense. All fines collected must be deposited into the Pari-
1120 mutuel Wagering Trust Fund of the Department of Business and
1121 Professional Regulation.

1122 Section 18. Compulsive or addictive gambling prevention
1123 program.—

1124 (1) Each electronic gaming machine licensee shall offer
1125 training to employees on responsible gaming and shall work with
1126 a compulsive or addictive gambling prevention program to
1127 recognize problem gaming situations and implement responsible
1128 gaming programs and practices.

1129 (2) The division shall, subject to competitive bidding,
1130 contract for services related to the prevention of compulsive
1131 and addictive gambling. The contract shall require an
1132 advertising program to encourage responsible gaming practices
1133 and publicize a gambling telephone help line. Such
1134 advertisements must be made both publicly and inside the
1135 designated electronic gaming machine areas of the licensee's
1136 facilities. The terms of any contract for such services shall
1137 include accountability standards for any private provider. The
1138 failure of a private provider to meet any material term of the
1139 contract, including the accountability standards, constitutes a
1140 breach of contract or grounds for nonrenewal.

1141 (3) The compulsive or addictive gambling prevention program
1142 shall be funded from an annual nonrefundable regulatory fee of
1143 \$250,000 paid by each licensee.



328550

1144 Section 19. Caterer's license.—An electronic gaming machine
1145 licensee is entitled to a caterer's license pursuant to s.
1146 565.02, Florida Statutes, on days on which the pari-mutuel
1147 facility is open to the public for electronic gaming machine
1148 play.

1149 Section 20. Prohibited activities and devices; exceptions.

1150 (1) Complimentary or reduced-cost alcoholic beverages may
1151 not be served to persons in the designated electronic gaming
1152 machine area. Alcoholic beverages served to persons in the
1153 designated electronic gaming machine area shall cost at least
1154 the same amount as alcoholic beverages served to the general
1155 public at any bar within the facility.

1156 (2) An electronic gaming machine licensee may not make
1157 loans, provide credit, or advance cash to enable a person to
1158 play an electronic gaming machine. This subsection does not
1159 prohibit automated ticket redemption machines that dispense cash
1160 from the redemption of tickets from being located in the
1161 designated electronic gaming machine area.

1162 (3) An automated teller machine or similar device designed
1163 to provide credit or dispense cash may not be located within the
1164 designated electronic gaming machine area.

1165 (4) (a) An electronic gaming machine licensee may not accept
1166 or cash a check from any person within the designated electronic
1167 gaming machine area of a facility.

1168 (b) Except as provided in paragraph (c) for employees of
1169 the facility, an electronic gaming machine licensee may not
1170 accept or cash for any person within the facility a government-
1171 issued check, third-party check, or payroll check made payable
1172 to an individual.



328550

1173 (c) Outside the designated electronic gaming machine area,
1174 an electronic gaming machine licensee or operator may accept or
1175 cash a check for an employee of the facility who is prohibited
1176 from wagering on an electronic gaming machine under s.
1177 551.108(5), Florida Statutes, a check made directly payable to a
1178 person licensed by the division, or a check made directly
1179 payable to the licensee or operator from:

- 1180 1. A pari-mutuel patron; or
1181 2. A pari-mutuel facility in any state.

1182 (d) Unless accepting or cashing a check is prohibited by
1183 this subsection, an electronic gaming machine licensee or
1184 operator may accept and deposit in its accounts checks received
1185 in the normal course of business.

1186 (5) An electronic gaming machine, or the computer operating
1187 system linked to an electronic gaming machine, may be linked to
1188 any other electronic gaming machine or computer operating system
1189 within this state.

1190 (6) An electronic gaming machine located within a licensed
1191 facility may accept tickets or electronic or account-based cards
1192 for wagering. Such machines may return or deliver payouts to the
1193 players in the form of tickets or electronic or account-based
1194 credits that may be exchanged for cash, merchandise, or other
1195 items of value. The use of coins, currency, credit or debit
1196 cards, tokens, or similar objects is prohibited.

1197 Section 21. Rulemaking.—The division may adopt rules to
1198 administer this act.

1199 Section 22. Preemption.—The Legislature finds and declares
1200 that it has exclusive authority over the conduct of all wagering
1201 occurring at electronic gaming machine facilities in this state.



328550

1202 Only the Division of Pari-mutuel Wagering and other authorized
1203 state agencies may administer this act and regulate the
1204 electronic gaming machine industry, including operation of
1205 electronic gaming machine facilities, games, electronic gaming
1206 machines, and facilities-based computer systems authorized in
1207 this act and the rules adopted by the division.

1208 Section 23. Application to bingo games operated by
1209 charitable or nonprofit organizations.—Sections 1 through 22 of
1210 this act do not apply to the use of player-operated bingo aides
1211 used in bingo games conducted by charitable, nonprofit, or
1212 veterans' organizations authorized to conduct bingo under s.
1213 849.0931, Florida Statutes. Sections 1 through 22 of this act do
1214 not apply to game promotions or operators regulated under s.
1215 849.094, Florida Statutes.

1216 Section 24. Paragraph (x) is added to subsection (1) of
1217 section 215.22, Florida Statutes, to read:

1218 215.22 Certain income and certain trust funds exempt.—

1219 (1) The following income of a revenue nature or the
1220 following trust funds shall be exempt from the appropriation
1221 required by s. 215.20(1):

1222 (x) Taxes imposed on electronic gaming and electronic
1223 gaming machines at eligible pari-mutuel facilities.

1224 Section 25. The Department of Business and Professional
1225 Regulation may expend the unreserved cash balance in the Pari-
1226 mutuel Wagering Trust Fund received from other revenue sources
1227 to implement electronic gaming regulation and investigations
1228 during the 2009-2010 fiscal year. Before the use of such other
1229 revenues, the department shall submit a repayment plan for
1230 approval by the Executive Office of the Governor in consultation



328550

1231 with the chair and vice chair of the Legislative Budget
1232 Commission. The department shall repay such funds using
1233 electronic gaming machine license revenue sources by April 1,
1234 2010. The repaid funds are subject to the requirements of s.
1235 550.135(2), Florida Statutes.

1236 Section 26. Present subsections (11), (32), and (38) of
1237 section 550.002, Florida Statutes, are amended, a new subsection
1238 (15) is added to that section, and present subsections (15)
1239 through (39) of that section are renumbered as subsections (16)
1240 through (40), respectively, to read:

1241 550.002 Definitions.—As used in this chapter, the term:

1242 (11) "Full schedule of live racing or games" means, for a
1243 greyhound or jai alai permitholder, the conduct of a combination
1244 of at least 100 live evening or matinee performances during the
1245 preceding year; for a permitholder who has a converted permit or
1246 filed an application on or before June 1, 1990, for a converted
1247 permit, the conduct of a combination of at least 100 live
1248 evening and matinee wagering performances during either of the 2
1249 preceding years; for a jai alai permitholder who does not
1250 operate slot machines, electronic gaming machines, or historical
1251 racing systems in its pari-mutuel facility, who has conducted at
1252 least 100 live performances per year for at least 10 years after
1253 December 31, 1992, and whose handle on live jai alai games
1254 conducted at its pari-mutuel facility has been less than \$4
1255 million per state fiscal year for at least 2 consecutive years
1256 after June 30, 1992, the conduct of a combination of at least 40
1257 live evening or matinee performances during the preceding year;
1258 for a jai alai permitholder who operates slot machines
1259 electronic gaming machines, or historical racing systems in its



328550

1260 pari-mutuel facility, the conduct of a combination of at least
1261 150 performances during the preceding year; for a harness
1262 permitholder, the conduct of at least 100 live regular wagering
1263 performances during the preceding year; for a quarter horse
1264 permitholder, at its facility unless an alternative schedule of
1265 at least 20 live regular wagering performances is agreed upon by
1266 the permitholder and the horsemen's association representing the
1267 majority of the quarter horse owners and trainers at the
1268 facility and filed with the division along with its annual date
1269 application, in the 2010-2011 fiscal year, the conduct of at
1270 least 20 regular wagering performances, in the 2011-2012 and
1271 2012-2013 fiscal years, the conduct of at least 30 live regular
1272 wagering performances, and for every fiscal year after the 2012-
1273 2013 fiscal year, the conduct of at least 40 live regular
1274 wagering performances during the preceding year; for a quarter
1275 horse permitholder leasing another licensed racetrack, the
1276 conduct of 160 events at the leased facility; and for a
1277 thoroughbred permitholder, the conduct of at least 40 live
1278 regular wagering performances during the preceding year. For a
1279 permitholder which is restricted by statute to certain operating
1280 periods within the year when other members of its same class of
1281 permit are authorized to operate throughout the year, the
1282 specified number of live performances which constitute a full
1283 schedule of live racing or games shall be adjusted pro rata in
1284 accordance with the relationship between its authorized
1285 operating period and the full calendar year and the resulting
1286 specified number of live performances shall constitute the full
1287 schedule of live games for such permitholder and all other
1288 permitholders of the same class within 100 air miles of such



328550

1289 permitholder. A live performance must consist of no fewer than
1290 eight races or games conducted live for each of a minimum of
1291 three performances each week at the permitholder's licensed
1292 facility under a single admission charge.

1293 (15) "Historical racing system" means a form of pari-mutuel
1294 wagering based on audio or video signals of in-state or out-of-
1295 state races which are sent from an in-state server and operated
1296 by a licensed totalisator company and which are displayed at
1297 individual wagering terminals at a licensed pari-mutuel
1298 facility.

1299 (33)~~(32)~~ "Simulcasting" means broadcasting events occurring
1300 live at an in-state location to an out-of-state location, or
1301 receiving at an in-state location events occurring live at an
1302 out-of-state location, by the transmittal, retransmittal,
1303 reception, and rebroadcast of television or radio signals by
1304 wire, cable, satellite, microwave, or other electrical or
1305 electronic means for receiving or rebroadcasting the events.

1306 (39)~~(38)~~ "Year," for purposes of determining a full
1307 schedule of live racing, means the state fiscal calendar year.

1308 Section 27. Subsection (3) of section 550.01215, Florida
1309 Statutes, is amended to read:

1310 550.01215 License application; periods of operation; bond,
1311 conversion of permit.-

1312 (3) ~~Except as provided in s. 550.5251 for thoroughbred~~
1313 ~~racing,~~ The division shall issue each license no later than
1314 March 15. Each permitholder shall operate all performances at
1315 the date and time specified on its license. The division shall
1316 have the authority to approve minor changes in racing dates
1317 after a license has been issued. The division may approve



328550

1318 changes in racing dates after a license has been issued when
1319 there is no objection from any operating permitholder located
1320 within 50 miles of the permitholder requesting the changes in
1321 operating dates. In the event of an objection, the division
1322 shall approve or disapprove the change in operating dates based
1323 upon the impact on operating permitholders located within 50
1324 miles of the permitholder requesting the change in operating
1325 dates. In making the determination to change racing dates, the
1326 division shall take into consideration the impact of such
1327 changes on state revenues.

1328 Section 28. Paragraph (b) of subsection (1) and subsections
1329 (5) and (6) of section 550.0951, Florida Statutes, are amended
1330 to read:

1331 550.0951 Payment of daily license fee and taxes;
1332 penalties.—

1333 (1)

1334 (b) Each permitholder that cannot utilize the full amount
1335 of the exemption of \$360,000 or \$500,000 provided in s.
1336 550.09514(1) or the daily license fee credit provided in this
1337 section may, after notifying the division in writing, elect once
1338 per state fiscal year on a form provided by the division to
1339 transfer such exemption or credit or any portion thereof to any
1340 greyhound permitholder which acts as a host track to such
1341 permitholder for the purpose of intertrack wagering. Once an
1342 election to transfer such exemption or credit is filed with the
1343 division, it shall not be rescinded. The division shall
1344 disapprove the transfer when the amount of the exemption or
1345 credit or portion thereof is unavailable to the transferring
1346 permitholder or when the permitholder who is entitled to



328550

1347 transfer the exemption or credit or who is entitled to receive
1348 the exemption or credit owes taxes to the state pursuant to a
1349 deficiency letter or administrative complaint issued by the
1350 division. Upon approval of the transfer by the division, the
1351 transferred tax exemption or credit shall be effective for the
1352 first performance of the next payment ~~biweekly pay~~ period as
1353 specified in subsection (5). The exemption or credit transferred
1354 to such host track may be applied by such host track against any
1355 taxes imposed by this chapter or daily license fees imposed by
1356 this chapter. The greyhound permitholder host track to which
1357 such exemption or credit is transferred shall reimburse such
1358 permitholder the exact monetary value of such transferred
1359 exemption or credit as actually applied against the taxes and
1360 daily license fees of the host track. The division shall ensure
1361 that all transfers of exemption or credit are made in accordance
1362 with this subsection and shall have the authority to adopt rules
1363 to ensure the implementation of this section.

1364 (5) (a) Each permitholder conducting historical racing
1365 pursuant to 550.810 shall pay a tax equal to 4 percent of the
1366 handle from the historical racing system.

1367 (b) The permitholder, upon authorization to conduct
1368 historical racing pursuant to 550.810 and annually thereafter,
1369 on the anniversary date of the authorization, shall pay a fee to
1370 the division of \$1 million. The fee shall be deposited into the
1371 Pari-mutuel Wagering Trust Fund of the Department of Business
1372 and Professional Regulation to be used by the division and the
1373 Department of Law Enforcement for investigations, regulation of
1374 historic racing, and enforcement of historic racing provisions.

1375 (6) ~~(5)~~ PAYMENT AND DISPOSITION OF FEES AND TAXES. - Payments



328550

1376 ~~Payment for the admission tax, tax on handle, and the breaks tax~~
1377 imposed by this section shall be paid to the division. The
1378 division shall deposit these sums with the Chief Financial
1379 Officer, to the credit of the Pari-mutuel Wagering Trust Fund,
1380 hereby established. The permitholder shall remit to the division
1381 payment for the daily license fee, the admission tax, the tax on
1382 handle, and the breaks tax. Such payments shall be remitted by 3
1383 p.m. Wednesday of each week for taxes imposed and collected for
1384 the preceding week ending on Sunday. Beginning on July 1, 2012,
1385 such payments shall be remitted by 3 p.m. on the 5th day of each
1386 calendar month for taxes imposed and collected for the preceding
1387 calendar month. If the 5th day of the calendar month falls on a
1388 weekend, payments shall be remitted by 3 p.m. the first Monday
1389 following the weekend. Permitholders shall file a report under
1390 oath by the 5th day of each calendar month for all taxes
1391 remitted during the preceding calendar month. Such payments
1392 shall be accompanied by a report under oath showing the total of
1393 all admissions, the pari-mutuel wagering activities for the
1394 preceding calendar month, and such other information as may be
1395 prescribed by the division.

1396 (7)~~(6)~~ PENALTIES.—

1397 (a) The failure of any permitholder to make payments as
1398 prescribed in subsection (6) ~~(5)~~ is a violation of this section,
1399 and the permitholder may be subjected by the division to a civil
1400 penalty of up to \$1,000 for each day the tax payment is not
1401 remitted. All penalties imposed and collected shall be deposited
1402 in the General Revenue Fund. If a permitholder fails to pay
1403 penalties imposed by order of the division under this
1404 subsection, the division may suspend or revoke the license of



328550

1405 the permitholder, cancel the permit of the permitholder, or deny
1406 issuance of any further license or permit to the permitholder.

1407 (b) In addition to the civil penalty prescribed in
1408 paragraph (a), any willful or wanton failure by any permitholder
1409 to make payments of the daily license fee, admission tax, tax on
1410 handle, or breaks tax constitutes sufficient grounds for the
1411 division to suspend or revoke the license of the permitholder,
1412 to cancel the permit of the permitholder, or to deny issuance of
1413 any further license or permit to the permitholder.

1414 Section 29. Paragraph (e) of subsection (2) and paragraph
1415 (b) of subsection (3) of section 550.09511, Florida Statutes,
1416 are amended to read:

1417 550.09511 Jai alai taxes; abandoned interest in a permit
1418 for nonpayment of taxes.—

1419 (2) Notwithstanding the provisions of s. 550.0951(3)(b),
1420 wagering on live jai alai performances shall be subject to the
1421 following taxes:

1422 (e) The payment of taxes pursuant to paragraphs (b), (c),
1423 and (d) shall be calculated and commence beginning the day ~~after~~
1424 ~~the biweekly period~~ in which the permitholder is first entitled
1425 to the reduced rate specified in this section and the report of
1426 taxes required by s. 550.0951(5) is submitted to the division.

1427 (3)

1428 (b) The payment of taxes pursuant to paragraph (a) shall be
1429 calculated and commence beginning the day ~~after the biweekly~~
1430 ~~period~~ in which the permitholder is first entitled to the
1431 reduced rate specified in this subsection.

1432 Section 30. Subsection (1) of section 550.09514, Florida
1433 Statutes, is amended to read:



328550

1434 550.09514 Greyhound dogracing taxes; purse requirements.-

1435 (1) Wagering on greyhound racing is subject to a tax on
1436 handle for live greyhound racing as specified in s. 550.0951(3).
1437 However, each permitholder shall pay no tax on handle until such
1438 time as this subsection has resulted in a tax savings per state
1439 fiscal year of \$360,000. Thereafter, each permitholder shall pay
1440 the tax as specified in s. 550.0951(3) on all handle for the
1441 remainder of the permitholder's current race meet, ~~and the tax~~
1442 ~~must be calculated and commence beginning the day after the~~
1443 ~~biweekly period in which the permitholder reaches the maximum~~
1444 ~~tax savings per state fiscal year provided in this section.~~ For
1445 the three permitholders that conducted a full schedule of live
1446 racing in 1995, and are closest to another state that authorizes
1447 greyhound pari-mutuel wagering, the maximum tax savings per
1448 state fiscal year shall be \$500,000. The provisions of this
1449 subsection relating to tax exemptions shall not apply to any
1450 charity or scholarship performances conducted pursuant to s.
1451 550.0351.

1452 Section 31. Subsections (1), (2), (5), (6), (9), and (10)
1453 of section 550.105, Florida Statutes, are amended to read:

1454 550.105 Occupational licenses of racetrack employees; fees;
1455 denial, suspension, and revocation of license; penalties and
1456 fines.-

1457 (1) Each person connected with a racetrack or jai alai
1458 fronton, as specified in paragraph (2)(a), shall purchase from
1459 the division an ~~annual~~ occupational license, ~~which license is~~
1460 ~~valid from May 1 until June 30 of the following year.~~ All moneys
1461 collected pursuant to this section each fiscal year shall be
1462 deposited into the Pari-mutuel Wagering Trust Fund. ~~Any person~~



328550

1463 ~~may, at her or his option and~~ Pursuant to the rules adopted by
1464 the division, ~~purchase~~ an occupational license may be valid for
1465 a period of up to 3 years for a fee that does not exceed ~~if the~~
1466 ~~purchaser of the license pays~~ the full occupational license fee
1467 for each of the years for which the license is purchased ~~at the~~
1468 ~~time the 3-year license is requested.~~ The occupational license
1469 shall be valid during its specified term at any pari-mutuel
1470 facility.

1471 (2) (a) The following licenses shall be issued to persons or
1472 entities with access to the backside, racing animals, jai alai
1473 players' room, jockeys' room, drivers' room, totalisator room,
1474 the mutuels, or money room, or to persons who, by virtue of the
1475 position they hold, might be granted access to these areas or to
1476 any other person or entity in one of the following categories
1477 and with ~~scheduled annual fees~~ not to exceed the following
1478 amounts as follows:

1479 1. Business licenses: any business such as a vendor,
1480 contractual concessionaire, contract kennel, business owning
1481 racing animals, trust or estate, totalisator company, stable
1482 name, or other fictitious name: \$50.

1483 2. Professional occupational licenses: professional persons
1484 with access to the backside of a racetrack or players' quarters
1485 in jai alai such as trainers, officials, veterinarians, doctors,
1486 nurses, EMT's, jockeys and apprentices, drivers, jai alai
1487 players, owners, trustees, or any management or officer or
1488 director or shareholder or any other professional-level person
1489 who might have access to the jockeys' room, the drivers' room,
1490 the backside, racing animals, kennel compound, or managers or
1491 supervisors requiring access to mutuels machines, the money



328550

1492 room, or totalisator equipment: \$40.

1493 3. General occupational licenses: general employees with
1494 access to the jockeys' room, the drivers' room, racing animals,
1495 the backside of a racetrack or players' quarters in jai alai,
1496 such as grooms, kennel helpers, leadouts, pelota makers, cesta
1497 makers, or ball boys, or a practitioner of any other occupation
1498 who would have access to the animals, the backside, or the
1499 kennel compound, or who would provide the security or
1500 maintenance of these areas, or mutuel employees, totalisator
1501 employees, money-room employees, or any employee with access to
1502 mutuels machines, the money room, or totalisator equipment or
1503 who would provide the security or maintenance of these areas:
1504 \$10.

1505
1506 The individuals and entities that are licensed under this
1507 paragraph require heightened state scrutiny, including the
1508 submission by the individual licensees or persons associated
1509 with the entities described in this chapter of fingerprints for
1510 a Federal Bureau of Investigation criminal records check.

1511 (b) The division shall adopt rules pertaining to pari-
1512 mutuel occupational licenses, licensing periods, and renewal
1513 cycles.

1514 (5) (a) The division may:

1515 1. Deny a license to or revoke, suspend, or place
1516 conditions upon or restrictions on a license of any person who
1517 has been refused a license by any other state racing commission
1518 or racing authority;

1519 2. Deny, suspend, or place conditions on a license of any
1520 person who is under suspension or has unpaid fines in another



328550

1521 jurisdiction;

1522

1523 if the state racing commission or racing authority of such
1524 other state or jurisdiction extends to the division reciprocal
1525 courtesy to maintain the disciplinary control.

1526 (b) The division may deny, suspend, revoke, or declare
1527 ineligible any occupational license if the applicant for or
1528 holder thereof has violated the provisions of this chapter or
1529 the rules of the division governing the conduct of persons
1530 connected with racetracks and frontons. In addition, the
1531 division may deny, suspend, revoke, or declare ineligible any
1532 occupational license if the applicant for such license has been
1533 convicted in this state, in any other state, or under the laws
1534 of the United States of a capital felony, a felony, or an
1535 offense in any other state which would be a felony under the
1536 laws of this state involving arson; trafficking in, conspiracy
1537 to traffic in, smuggling, importing, conspiracy to smuggle or
1538 import, or delivery, sale, or distribution of a controlled
1539 substance; or a crime involving a lack of good moral character,
1540 or has had a pari-mutuel license revoked by this state or any
1541 other jurisdiction for an offense related to pari-mutuel
1542 wagering.

1543 (c) The division may deny, declare ineligible, or revoke
1544 any occupational license if the applicant for such license has
1545 been convicted of a felony or misdemeanor in this state, in any
1546 other state, or under the laws of the United States, if such
1547 felony or misdemeanor is related to gambling or bookmaking, as
1548 contemplated in s. 849.25, or involves cruelty to animals. If
1549 the applicant establishes that she or he is of good moral



328550

1550 character, that she or he has been rehabilitated, and that the
1551 crime she or he was convicted of is not related to pari-mutuel
1552 wagering and is not a capital offense, the restrictions
1553 excluding offenders may be waived by the director of the
1554 division.

1555 (d) For purposes of this subsection, the term "convicted"
1556 means having been found guilty, with or without adjudication of
1557 guilt, as a result of a jury verdict, nonjury trial, or entry of
1558 a plea of guilty or nolo contendere. However, the term
1559 "conviction" does not apply to a crime committed prior to the
1560 effective date of this subsection in a manner that would
1561 invalidate any occupational license issued prior to the
1562 effective date of this subsection or subsequent renewal for any
1563 person holding such a license.

1564 (e) ~~(d)~~ If an occupational license will expire by division
1565 rule during the period of a suspension the division intends to
1566 impose, or if a license would have expired but for pending
1567 administrative charges and the occupational licensee is found to
1568 be in violation of any of the charges, the license may be
1569 revoked and a time period of license ineligibility may be
1570 declared. The division may bring administrative charges against
1571 any person not holding a current license for violations of
1572 statutes or rules which occurred while such person held an
1573 occupational license, and the division may declare such person
1574 ineligible to hold a license for a period of time. The division
1575 may impose a civil fine of up to \$1,000 for each violation of
1576 the rules of the division in addition to or in lieu of any other
1577 penalty provided for in this section. In addition to any other
1578 penalty provided by law, the division may exclude from all pari-



328550

1579 mutuel facilities in this state, for a period not to exceed the
1580 period of suspension, revocation, or ineligibility, any person
1581 whose occupational license application has been denied by the
1582 division, who has been declared ineligible to hold an
1583 occupational license, or whose occupational license has been
1584 suspended or revoked by the division.

1585 (f) ~~(e)~~ The division may cancel any occupational license
1586 that has been voluntarily relinquished by the licensee.

1587 (6) In order to promote the orderly presentation of pari-
1588 mutuel meets authorized in this chapter, the division may issue
1589 a temporary occupational license. The division shall adopt rules
1590 to implement this subsection. However, no temporary occupational
1591 license shall be valid for more than 30 days, and no more than
1592 one temporary license may be issued for any person in any year.

1593 (9) The tax imposed by this section is in lieu of all
1594 license, excise, or occupational taxes to the state or any
1595 county, municipality, or other political subdivision, except
1596 that, if a race meeting or game is held or conducted in a
1597 municipality, the municipality may assess and collect an
1598 additional tax against any person conducting live racing or
1599 games within its corporate limits, which tax may not exceed \$150
1600 per day for horseracing, ~~or \$50 per day for dogracing,~~ ~~or jai~~
1601 alai, simulcasts, intertrack wagering, cardrooms, slot machines,
1602 or electronic gaming machines. Except as provided in this
1603 chapter, a municipality may not assess or collect any additional
1604 excise or revenue tax against any person conducting race
1605 meetings within the corporate limits of the municipality or
1606 against any patron of any such person.

1607 (10) (a) Upon application for an occupational license, the



328550

1608 division may require the applicant's full legal name; any
1609 nickname, alias, or maiden name for the applicant; name of the
1610 applicant's spouse; the applicant's date of birth, residence
1611 address, mailing address, residence address and business phone
1612 number, and social security number; disclosure of any felony or
1613 any conviction involving bookmaking, illegal gambling, or
1614 cruelty to animals; disclosure of any past or present
1615 enforcement or actions by any racing or gaming agency against
1616 the applicant; and any information the division determines is
1617 necessary to establish the identity of the applicant or to
1618 establish that the applicant is of good moral character.

1619 Fingerprints shall be taken in a manner approved by the division
1620 and then shall be submitted to the Federal Bureau of
1621 Investigation, or to the association of state officials
1622 regulating pari-mutuel wagering pursuant to the Federal Pari-
1623 mutuel Licensing Simplification Act of 1988. The cost of
1624 processing fingerprints shall be borne by the applicant and paid
1625 to the association of state officials regulating pari-mutuel
1626 wagering from the trust fund to which the processing fees are
1627 deposited. ~~The division shall require each applicant for an~~
1628 ~~occupational license to have the applicant's signature witnessed~~
1629 ~~and notarized or signed in the presence of a division official.~~
1630 The division, by rule, may require additional information from
1631 licensees which is reasonably necessary to regulate the
1632 industry. The division may, by rule, exempt certain occupations
1633 or groups of persons from the fingerprinting requirements.

1634 (b) All fingerprints required by this section which are
1635 submitted to the Department of Law Enforcement shall be retained
1636 by the Department of Law Enforcement and entered into the



328550

1637 statewide automated fingerprint identification system as
1638 authorized by s. 943.05(2)(b) and shall be available for all
1639 purposes and uses authorized for arrest fingerprint cards
1640 entered into the statewide automated fingerprint identification
1641 system pursuant to s. 943.051.

1642 (c) The Department of Law Enforcement shall search all
1643 arrest fingerprints received pursuant to s. 943.051 against the
1644 fingerprints retained in the statewide automated fingerprint
1645 identification system under paragraph (b). Any arrest record
1646 that is identified with the retained fingerprints of a person
1647 subject to the criminal history screening requirements of this
1648 section shall be reported to the division. Each licensee shall
1649 pay a fee to the division for the cost of retention of the
1650 fingerprints and the ongoing searches under this paragraph. The
1651 division shall forward the payment to the Department of Law
1652 Enforcement. The amount of the fee to be imposed for performing
1653 these searches and the procedures for the retention of licensee
1654 fingerprints shall be as established by rule of the Department
1655 of Law Enforcement. The division shall inform the Department of
1656 Law Enforcement of any change in the license status of licensees
1657 whose fingerprints are retained under paragraph (b).

1658 (d) The division shall request the Department of Law
1659 Enforcement to forward the fingerprints to the Federal Bureau of
1660 Investigation for a national criminal history records check at
1661 least once every 5 years following issuance of a license. If the
1662 fingerprints of a person who is licensed have not been retained
1663 by the Department of Law Enforcement, the person must file a
1664 complete set of fingerprints as provided in paragraph (a). The
1665 division shall collect the fees for the cost of the national



328550

1666 criminal history record check under this paragraph and forward
1667 the payment to the Department of Law Enforcement. The cost of
1668 processing fingerprints and conducting a criminal history record
1669 check under this paragraph for a general occupational license
1670 shall be borne by the applicant. The cost of processing
1671 fingerprints and conducting a criminal history record check
1672 under this paragraph for a business or professional occupational
1673 license shall be borne by the person being checked. The
1674 Department of Law Enforcement may invoice the division for the
1675 fingerprints submitted each month. Under penalty of perjury,
1676 each person who is licensed or who is fingerprinted as required
1677 by this section must agree to inform the division within 48
1678 hours if he or she is convicted of or has entered a plea of
1679 guilty or nolo contendere to any disqualifying offense,
1680 regardless of adjudication.

1681 Section 32. Section 550.135, Florida Statutes, is amended
1682 to read:

1683 550.135 Division of moneys derived under this law.—All
1684 moneys that are deposited with the Chief Financial Officer to
1685 the credit of the Pari-mutuel Wagering Trust Fund shall be
1686 distributed as follows:

1687 (1) The daily license fee revenues collected pursuant to s.
1688 550.0951(1) shall be used to fund the operating cost of the
1689 division and to provide a proportionate share of the operation
1690 of the office of the secretary and the Division of
1691 Administration of the Department of Business and Professional
1692 Regulation; however, other collections in the Pari-mutuel
1693 Wagering Trust Fund may also be used to fund the operation of
1694 the division in accordance with authorized appropriations.



328550

1695 (2) All unappropriated funds in excess of \$1.5 million in
1696 the Pari-mutuel Wagering Trust Fund, collected pursuant to this
1697 chapter, shall be deposited with the Chief Financial Officer to
1698 the credit of the General Revenue Fund.

1699 (3) The slot machine license fee, the slot machine
1700 occupational license fee, and the compulsive or addictive
1701 gambling prevention program fee collected pursuant to ss.
1702 551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the
1703 direct and indirect operating expenses of the division's slot
1704 machine regulation operations and to provide funding for
1705 relevant enforcement activities in accordance with authorized
1706 appropriations. Funds deposited into the Pari-mutuel Wagering
1707 Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1., and 551.118
1708 shall be reserved in the trust fund for slot machine regulation
1709 operations. On June 30, any unappropriated funds in excess of
1710 those necessary for incurred obligations and subsequent year
1711 cash flow for slot machine regulation operations shall be
1712 deposited with the Chief Financial Officer to the credit of the
1713 General Revenue Fund.

1714 (4) The electronic gaming machine license fee, the
1715 electronic gaming machine occupational license fee, and the
1716 compulsive or addictive gambling prevention program fee
1717 collected pursuant to subsection (1) of section 7 of this act
1718 and subsection (3) of section 17 of this act shall be used to
1719 fund the direct and indirect operating expenses of the
1720 division's electronic gaming machine regulation operations and
1721 to provide funding for relevant enforcement activities in
1722 accordance with authorized appropriations. Funds deposited into
1723 the Pari-mutuel Wagering Trust Fund pursuant to subsection (1)



328550

1724 of section 7 of this act and subsection (3) of section 17 of
1725 this act shall be reserved in the trust fund for electronic
1726 gaming machine regulation and enforcement operations. On June
1727 30, any unappropriated funds in excess of those necessary for
1728 incurred obligations and subsequent year cash flow for
1729 electronic gaming machine regulation and enforcement operations
1730 shall be deposited with the Chief Financial Officer to the
1731 credit of the General Revenue Fund.

1732 Section 33. Subsection (6) of section 550.2415, Florida
1733 Statutes, is amended to read:

1734 550.2415 Racing of animals under certain conditions
1735 prohibited; penalties; exceptions.—

1736 (6) (a) It is the intent of the Legislature that animals
1737 that participate in races in this state on which pari-mutuel
1738 wagering is conducted and animals that are bred and trained in
1739 this state for racing be treated humanely, both on and off
1740 racetracks, throughout the lives of the animals.

1741 (b) The division shall, by rule, establish the procedures
1742 for euthanizing greyhounds. However, a greyhound may not be put
1743 to death by any means other than by lethal injection of the drug
1744 sodium pentobarbital. A greyhound may not be removed from this
1745 state for the purpose of being destroyed.

1746 (c) It is a violation of this chapter for an occupational
1747 licensee to train a greyhound using live or dead animals. A
1748 greyhound may not be taken from this state for the purpose of
1749 being trained through the use of live or dead animals.

1750 (d) Any act committed by any licensee which would
1751 constitute ~~A conviction of~~ cruelty to animals as defined in
1752 ~~pursuant to s. 828.12 involving any a racing~~ animal constitutes



328550

1753 a violation of this chapter. Imposition of any penalty by the
1754 division for a violation of this chapter or any rule adopted by
1755 the division pursuant to this chapter does not prohibit a
1756 criminal prosecution for cruelty to animals.

1757 (e) The division may inspect any area at a pari-mutuel
1758 facility where racing animals are raced, trained, housed, or
1759 maintained, including any areas where food, medications, or
1760 other supplies are kept, to ensure the humane treatment of
1761 racing animals and compliance with this chapter and the rules of
1762 the division.

1763 Section 34. Subsection (5) is added to section 550.26165,
1764 Florida Statutes, is amended to read:

1765 550.26165 Breeders' awards.—

1766 (5) (a) The awards programs in this chapter, which are
1767 intended to encourage thoroughbred breeding and training
1768 operations to locate in this state, must be responsive to
1769 rapidly changing incentive programs in other states. To attract
1770 such operations, it is appropriate to provide greater
1771 flexibility to thoroughbred industry participants in this state
1772 so that they may design competitive awards programs.

1773 (b) Notwithstanding any other provision of law to the
1774 contrary, the Florida Thoroughbred Breeders' Association, as
1775 part of its annual plan, may:

1776 1. Pay breeders' awards on horses finishing in first,
1777 second, or third place in thoroughbred horse races; pay
1778 breeders' awards that are greater than 20 percent and less than
1779 15 percent of the announced gross purse; and vary the rates for
1780 breeders' awards, based upon the place of finish, class of race,
1781 state or country in which the race took place, and the state in



328550

1782 which the stallion siring the horse was standing when the horse
1783 was conceived;

1784 2. Pay stallion awards on horses finishing in first,
1785 second, or third place in thoroughbred horse races; pay stallion
1786 awards that are greater than 20 percent and less than 15 percent
1787 of the announced gross purse; reduce or eliminate stallion
1788 awards to enhance breeders' awards or awards under subparagraph
1789 3.; and vary the rates for stallion awards, based upon the place
1790 of finish, class of race, and state or country in which the race
1791 took place; and

1792 3. Pay awards from the funds dedicated for breeders' awards
1793 and stallion awards to owners of registered Florida-bred horses
1794 finishing in first, second, or third place in thoroughbred horse
1795 races in this state, without regard to any awards paid pursuant
1796 to s. 550.2625(6).

1797 (c) Breeders' awards or stallion awards under this chapter
1798 may not be paid on thoroughbred horse races taking place in
1799 other states or countries unless agreed to in writing by all
1800 thoroughbred permitholders in this state, the Florida
1801 Thoroughbred Breeders' Association, and the Florida Horsemen's
1802 Benevolent and Protective Association, Inc.

1803 Section 35. Paragraph (e) is added to subsection (6) of
1804 section 550.2625, Florida Statutes, to read:

1805 550.2625 Horseracing; minimum purse requirement, Florida
1806 breeders' and owners' awards.—

1807 (6)

1808 (e) This subsection governs owners' awards paid on
1809 thoroughbred races only in this state, unless a written
1810 agreement is filed with the division establishing the rate,



328550

1811 procedures, and eligibility requirements for owners' awards,
1812 including place of finish, class of race, maximum purse, and
1813 maximum award, and the agreement is entered into by the
1814 permitholder, the Florida Thoroughbred Breeders' Association,
1815 and the association representing a majority of the racehorse
1816 owners and trainers at the permitholder's location.

1817 Section 36. Section 550.334, Florida Statutes, is amended
1818 to read:

1819 550.334 Quarter horse racing; substitutions.—

1820 ~~(1) Subject to all the applicable provisions of this~~
1821 ~~chapter, any person who possesses the qualifications prescribed~~
1822 ~~in this chapter may apply to the division for a permit to~~
1823 ~~conduct quarter horse race meetings and racing under this~~
1824 ~~chapter. The applicant must demonstrate that the location or~~
1825 ~~locations where the permit will be used are available for such~~
1826 ~~use and that she or he has the financial ability to satisfy the~~
1827 ~~reasonably anticipated operational expenses of the first racing~~
1828 ~~year following final issuance of the permit. If the racing~~
1829 ~~facility is already built, the application must contain a~~
1830 ~~statement, with reasonable supporting evidence, that the permit~~
1831 ~~will be used for quarter horse racing within 1 year after the~~
1832 ~~date on which it is granted; if the facility is not already~~
1833 ~~built, the application must contain a statement, with reasonable~~
1834 ~~supporting evidence, that substantial construction will be~~
1835 ~~started within 1 year after the issuance of the permit. After~~
1836 ~~receipt of an application, the division shall convene to~~
1837 ~~consider and act upon permits applied for. The division shall~~
1838 ~~disapprove an application if it fails to meet the requirements~~
1839 ~~of this chapter. Upon each application filed and approved, a~~



328550

1840 ~~permit shall be issued setting forth the name of the applicant~~
1841 ~~and a statement showing qualifications of the applicant to~~
1842 ~~conduct racing under this chapter. If a favorable referendum on~~
1843 ~~a pari-mutuel facility has not been held previously within the~~
1844 ~~county, then, before a quarter horse permit may be issued by the~~
1845 ~~division, a referendum ratified by a majority of the electors in~~
1846 ~~the county is required on the question of allowing quarter horse~~
1847 ~~races within that county.~~

1848 ~~(2) After a quarter horse racing permit has been granted by~~
1849 ~~the division, the department shall grant to the lawful holder of~~
1850 ~~such permit, subject to the conditions of this section, a~~
1851 ~~license to conduct quarter horse racing under this chapter; and~~
1852 ~~the division shall fix annually the time when, place where, and~~
1853 ~~number of days upon which racing may be conducted by such~~
1854 ~~quarter horse racing permitholder. After the first license has~~
1855 ~~been issued to the holder of a permit for quarter horse racing,~~
1856 ~~all subsequent annual applications for a license by a~~
1857 ~~permitholder must be accompanied by proof, in such form as the~~
1858 ~~division requires, that the permitholder still possesses all the~~
1859 ~~qualifications prescribed by this chapter. The division may~~
1860 ~~revoke any permit or license issued under this section upon the~~
1861 ~~willful violation by the licensee of any provision of this~~
1862 ~~chapter or any rule adopted by the division under this chapter.~~
1863 ~~The division shall revoke any quarter horse permit under which~~
1864 ~~no live racing has ever been conducted before July 7, 1990, for~~
1865 ~~failure to conduct a horse meet pursuant to the license issued~~
1866 ~~where a full schedule of horseracing has not been conducted for~~
1867 ~~a period of 18 months commencing on October 1, 1990, unless the~~
1868 ~~permitholder has commenced construction on a facility at which a~~



328550

1869 ~~full schedule of live racing could be conducted as approved by~~
1870 ~~the division. "Commenced construction" means initiation of and~~
1871 ~~continuous activities beyond site preparation associated with~~
1872 ~~erecting or modifying a horseracing facility, including~~
1873 ~~procurement of a building permit applying the use of approved~~
1874 ~~construction documents, proof of an executed owner/contractor~~
1875 ~~agreement or an irrevocable or binding forced account, and~~
1876 ~~actual undertaking of foundation forming with steel installation~~
1877 ~~and concrete placing. The 18-month period shall be extended by~~
1878 ~~the division, to the extent that the applicant demonstrates to~~
1879 ~~the satisfaction of the division that good faith commencement of~~
1880 ~~the construction of the facility is being delayed by litigation~~
1881 ~~or by governmental action or inaction with respect to~~
1882 ~~regulations or permitting precluding commencement of the~~
1883 ~~construction of the facility.~~

1884 (1)~~(3)~~ The operator of any licensed racetrack is authorized
1885 to lease such track to any quarter horse racing permitholder for
1886 the conduct of quarter horse racing under this chapter.

1887 ~~(4) Section 550.054 is inapplicable to quarter horse racing~~
1888 ~~as permitted under this section. All other provisions of this~~
1889 ~~chapter apply to, govern, and control such racing, and the same~~
1890 ~~must be conducted in compliance therewith.~~

1891 (2)~~(5)~~ Quarter horses participating in such races must be
1892 duly registered by the American Quarter Horse Association, and
1893 before each race such horses must be examined and declared in
1894 fit condition by a qualified person designated by the division.

1895 (3)~~(6)~~ Any quarter horse racing days permitted under this
1896 chapter are in addition to any other racing permitted under the
1897 license issued the track where such quarter horse racing is



328550

1898 conducted.

1899 ~~(4)-(7)(a)~~ Any quarter horse racing permit holder operating
1900 under a valid permit issued by the division is authorized to
1901 substitute races of other breeds of horses, ~~except~~
1902 ~~thoroughbreds,~~ which are, respectively, registered with the
1903 American Paint Horse Association, Appaloosa Horse Club, Arabian
1904 Horse Registry of America, Palomino Horse Breeders of America,
1905 ~~or~~ United States Trotting Association, Florida Cracker Horse
1906 Association, or for no more than 50 percent of the quarter horse
1907 races daily, and may substitute races of thoroughbreds
1908 registered with the Jockey Club for no more than 50 percent of
1909 the quarter horse races conducted by the permit holder during the
1910 year daily with the written consent of all greyhound, harness,
1911 and thoroughbred permit holders whose pari-mutuel facilities are
1912 located within 50 air miles of such quarter horse racing
1913 permit holder's pari-mutuel facility.

1914 ~~(b)~~ Any permittee operating within an area of 50 air miles
1915 of a licensed thoroughbred track may not substitute thoroughbred
1916 races under this section while a thoroughbred horse race meet is
1917 in progress within that 50 miles. Any permittee operating within
1918 an area of 125 air miles of a licensed thoroughbred track may
1919 not substitute live thoroughbred races under this section while
1920 a thoroughbred permittee who pays taxes under s. 550.09515(2)(a)
1921 is conducting a thoroughbred meet within that 125 miles. These
1922 mileage restrictions do not apply to any permittee that holds a
1923 nonwagering permit issued pursuant to s. 550.505.

1924 ~~(5)-(8)~~ A quarter horse permit issued pursuant to this
1925 section is not eligible for transfer or conversion to another
1926 type of pari-mutuel operation.



328550

1927 (6)~~(9)~~ Any nonprofit corporation, including, but not
1928 limited to, an agricultural cooperative marketing association,
1929 organized and incorporated under the laws of this state may
1930 apply for a quarter horse racing permit and operate racing meets
1931 under such permit, provided all pari-mutuel taxes and fees
1932 applicable to such racing are paid by the corporation. However,
1933 insofar as its pari-mutuel operations are concerned, the
1934 corporation shall be considered to be a corporation for profit
1935 and is subject to taxation on all property used and profits
1936 earned in connection with its pari-mutuel operations.

1937 ~~(10) Intertrack wagering shall not be authorized for any~~
1938 ~~quarter horse permitholder without the written consent of all~~
1939 ~~greyhound, harness, and thoroughbred permitholders whose pari-~~
1940 ~~mutuel facilities are located within 50 air miles of such~~
1941 ~~quarter horse permitholder's pari-mutuel facility.~~

1942 Section 37. Section 550.3355, Florida Statutes, is amended
1943 to read:

1944 550.3355 Harness track licenses for summer quarter horse
1945 racing.—Any harness track licensed to operate under the
1946 provisions of s. 550.375 may make application for, and shall be
1947 issued by the division, a license to operate not more than 50
1948 quarter horse racing days during the summer season, which shall
1949 extend from July 1 ~~June 1~~ until October 1 ~~September 1~~ of each
1950 year. However, this license to operate quarter horse racing for
1951 50 days is in addition to the racing days and dates provided in
1952 s. 550.375 for harness racing during the winter seasons; and, it
1953 does not affect the right of such licensee to operate harness
1954 racing at the track as provided in s. 550.375 during the winter
1955 season. All provisions of this chapter governing quarter horse



328550

1956 racing not in conflict herewith apply to the operation of
1957 quarter horse meetings authorized hereunder, except that all
1958 quarter horse racing permitted hereunder shall be conducted at
1959 night.

1960 Section 38. Section 550.3605, Florida Statutes, is
1961 repealed.

1962 Section 39. Section 550.5251, Florida Statutes, is amended
1963 to read:

1964 550.5251 Florida thoroughbred racing; certain permits;
1965 operating days.—

1966 ~~(1) Each thoroughbred permitholder under whose permit~~
1967 ~~thoroughbred racing was conducted in this state at any time~~
1968 ~~between January 1, 1987, and January 1, 1988, shall annually be~~
1969 ~~entitled to apply for and annually receive thoroughbred racing~~
1970 ~~days and dates as set forth in this section. As regards such~~
1971 ~~permitholders, the annual thoroughbred racing season shall be~~
1972 ~~from June 1 of any year through May 31 of the following year and~~
1973 ~~shall be known as the "Florida Thoroughbred Racing Season."~~

1974 (1) ~~(2)~~ Each thoroughbred permitholder ~~referred to in~~
1975 ~~subsection (1)~~ shall annually, during the period commencing
1976 December 15 of each year and ending January 4 of the following
1977 year, file in writing with the division its application to
1978 conduct one or more thoroughbred racing meetings during the
1979 thoroughbred racing season commencing on the following July ~~June~~
1980 1. Each application shall specify the number and dates of all
1981 performances that the permitholder intends to conduct during
1982 that thoroughbred racing season. On or before February 15 of
1983 each year, the division shall issue a license authorizing each
1984 permitholder to conduct performances on the dates specified in



328550

1985 its application. By February 28 ~~Up to March 31~~ of each year,
1986 each permitholder may request and shall be granted changes in
1987 its authorized performances; but thereafter, as a condition
1988 precedent to the validity of its license and its right to retain
1989 its permit, each permitholder must operate the full number of
1990 days authorized on each of the dates set forth in its license.

1991 ~~(3) Each thoroughbred permit referred to in subsection (1),~~
1992 ~~including, but not limited to, any permit originally issued as a~~
1993 ~~summer thoroughbred horse racing permit, is hereby validated and~~
1994 ~~shall continue in full force and effect.~~

1995 (2)~~(4)~~ A thoroughbred racing permitholder may not begin any
1996 race later than 7 p.m. Any thoroughbred permitholder in a county
1997 in which the authority for cardrooms has been approved by the
1998 board of county commissioners may operate a cardroom and, when
1999 conducting live races during its current race meet, may receive
2000 and rebroadcast out-of-state races after the hour of 7 p.m. on
2001 any day during which the permitholder conducts live races.

2002 (3)~~(5)~~ (a) Each licensed thoroughbred permitholder in this
2003 state must run an average of one race per racing day in which
2004 horses bred in this state and duly registered with the Florida
2005 Thoroughbred Breeders' Association have preference as entries
2006 over non-Florida-bred horses, unless otherwise agreed to in
2007 writing by the permitholder, the Florida Thoroughbred Breeders'
2008 Association, and the association representing a majority of the
2009 thoroughbred racehorse owners and trainers at that location. All
2010 licensed thoroughbred racetracks shall write the conditions for
2011 such races in which Florida-bred horses are preferred so as to
2012 assure that all Florida-bred horses available for racing at such
2013 tracks are given full opportunity to run in the class of races



328550

2014 for which they are qualified. The opportunity of running must be
2015 afforded to each class of horses in the proportion that the
2016 number of horses in this class bears to the total number of
2017 Florida-bred horses available. A track is not required to write
2018 conditions for a race to accommodate a class of horses for which
2019 a race would otherwise not be run at the track during its meet
2020 meeting.

2021 (b) Each licensed thoroughbred permitholder in this state
2022 may run one additional race per racing day composed exclusively
2023 of Arabian horses registered with the Arabian Horse Registry of
2024 America. Any licensed thoroughbred permitholder that elects to
2025 run one additional race per racing day composed exclusively of
2026 Arabian horses registered with the Arabian Horse Registry of
2027 America is not required to provide stables for the Arabian
2028 horses racing under this paragraph.

2029 (c) Each licensed thoroughbred permitholder in this state
2030 may run up to three additional races per racing day composed
2031 exclusively of quarter horses registered with the American
2032 Quarter Horse Association.

2033 ~~(6) Notwithstanding the provisions of subsection (2), a~~
2034 ~~thoroughbred permitholder who fails to operate all performances~~
2035 ~~on its 2001-2002 license does not lose its right to retain its~~
2036 ~~permit. Such thoroughbred permitholder is eligible for issuance~~
2037 ~~of an annual license pursuant to s. 550.0115 for subsequent~~
2038 ~~thoroughbred racing seasons. The division shall take no~~
2039 ~~disciplinary action against such thoroughbred permitholder for~~
2040 ~~failure to operate all licensed performances for the 2001-2002~~
2041 ~~license pursuant to this section or s. 550.01215. This section~~
2042 ~~may not be interpreted to prohibit the division from taking~~



328550

2043 ~~disciplinary action against a thoroughbred permitholder for~~
2044 ~~failure to pay taxes on performances operated pursuant to its~~
2045 ~~2001-2002 license. This subsection expires July 1, 2003.~~

2046 ~~(7) A thoroughbred permitholder shall file an amendment~~
2047 ~~with the division no later than July 1, 2002, that indicates~~
2048 ~~that it will not be able to operate the performances scheduled~~
2049 ~~on its 2002-2003 license without imposition of any penalty for~~
2050 ~~failure to operate all licensed performances provided in this~~
2051 ~~chapter. This subsection expires July 1, 2003.~~

2052 Section 40. Section 550.810, Florida Statutes, is created
2053 to read:

2054 550.810 Historical racing.-

2055 (1) Subject to the requirements of this section and
2056 compliance with the rules adopted by the division, a licensed
2057 pari-mutuel facility may operate a historical racing system if:

2058 (a) No identifying information about any race or the
2059 competing horses or dogs in that race is revealed to a patron
2060 until after the patron's wagers is irrevocably placed;

2061 (b) The results of a patron's wager are shown to the patron
2062 using video or mechanical displays, or both, and the patron has
2063 the opportunity to view all or any portion of the race;

2064 (c) The historical racing takes place under a licensed
2065 pari-mutuel permit and the pari-mutuel permitholder also holds a
2066 cardroom license; and

2067 (d) The licensed pari-mutuel permit holder has paid the fee
2068 in s. 550.0951(5)(d).

2069 (2)(a) Historic racing may not be authorized to a
2070 permitholder licensed under chapter 550, Florida Statutes, to
2071 conduct live pari-mutuel wagering races or games unless the



328550

2072 permitholder has on file with the division the following binding
2073 written agreements governing the payment of awards and purses on
2074 the handle generated from historic racing conducted at the
2075 licensee's pari-mutuel facility:

2076 1. For a thoroughbred permitholder, an agreement governing
2077 the payment of purses between the permitholder and the Florida
2078 Horsemen's Benevolent and Protective Association, Inc., or the
2079 association representing a majority of the thoroughbred owners
2080 and trainers at the permitholder's eligible facility located as
2081 described in s. 550.615(9), Florida Statutes, and an agreement
2082 governing the payment of awards between the permitholder and the
2083 Florida Thoroughbred Breeders' Association;

2084 2. For a harness permitholder, an agreement governing the
2085 payment of purses and awards between the permitholder and the
2086 Florida Standardbred Breeders and Owners Association;

2087 3. For a greyhound permitholder, an agreement governing the
2088 payment of purses between the permitholder and the Florida
2089 Greyhound Association, Inc.;

2090 4. For a quarter horse permitholder, an agreement governing
2091 the payment of purses between the applicant and the Florida
2092 Quarter Horse Racing Association or the association representing
2093 a majority of the horse owners and trainers at the applicants
2094 eligible facility, and an agreement governing the payment of
2095 awards between the permitholder and the Florida Quarter Horse
2096 Breeders and Owners Association; or

2097 5. For a jai alai permitholder, an agreement governing the
2098 payment of player awards between the permitholder and the
2099 International Jai Alai Players Association or a binding written
2100 agreement approved by a majority of the jai alai players at the



328550

2101 permitholder's eligible facility at which the applicant has a
2102 permit issued after January 1, 2000, to conduct jai alai.

2103 (b) The agreements may direct the payment of purses and
2104 awards from revenues generated by any wagering or games the
2105 applicant is authorized to conduct under state law. All purses
2106 and awards are subject to the terms of chapter 550, Florida
2107 Statutes. All sums for breeders', stallion, and special racing
2108 awards shall be remitted monthly to the respective breeders
2109 association for the payment of awards, subject to the
2110 administrative fees authorized under chapter 550, Florida
2111 Statutes.

2112 (3) The amount of historical racing wagering terminals may
2113 be:

2114 (a) A licensed greyhound facility may have 500 historical
2115 racing terminals.

2116 (b) A licensed thoroughbred facility may have 500
2117 historical racing terminals.

2118 (c) A licensed harness track facility may have 500
2119 historical racing terminals.

2120 (d) A licensed quarter horse facility may have 500
2121 historical racing terminals.

2122 (e) A licensed jai alai facility may have 500 historical
2123 racing terminals.

2124 (4) The moneys wagered on races via the historical racing
2125 system shall be separated from the moneys wagered on live races
2126 conducted at, and on other races simulcast to, the licensee's
2127 facility.

2128 (5) The division shall adopt rules necessary to implement,
2129 administer, and regulate the operation of historical racing



328550

2130 systems in this state. The rules must include:

2131 (a) Procedures for regulating, managing, and auditing the
2132 operation, financial data, and program information relating to
2133 historical racing systems that enable the division to audit the
2134 operation, financial data, and program information of pari-
2135 mutuel facility authorized to operate a historical racing
2136 system.

2137 (b) Technical requirements to operate a historical racing
2138 system.

2139 (c) Procedures to require licensees to maintain specified
2140 records and submit any data, information, record, or report,
2141 including financial and income records, required by this act or
2142 rules of the division.

2143 (d) Procedures relating to historical racing system
2144 revenues, including verifying and accounting for such revenues,
2145 auditing, and collecting taxes and fees.

2146 (e) Minimum standards for security of the facilities,
2147 including floor plans, security cameras, and other security
2148 equipment.

2149 (f) Procedures to ensure that a historical racing machine
2150 does not enter the state and be offered for play until it has
2151 been tested and certified by a licensed testing laboratory for
2152 play in the state. The procedures shall address measures to
2153 scientifically test and technically evaluate electronic gaming
2154 machines for compliance with laws and rules regulating
2155 historical racing machines. The division may contract with an
2156 independent testing laboratory to conduct any necessary testing.
2157 The independent testing laboratory must have a national
2158 reputation indicating that it is demonstrably competent and



328550

2159 qualified to scientifically test and evaluate that the
2160 historical racing systems perform the functions required by laws
2161 and rules regulating historical racing machines. An independent
2162 testing laboratory may not be owned or controlled by a licensee.
2163 The selection of an independent laboratory for any purpose
2164 related to the conduct of historical racing systems by a
2165 licensee shall be made from a list of laboratories approved by
2166 the division. The division shall adopt rules regarding the
2167 testing, certification, control, and approval of historical
2168 racing systems.

2169 (6) Notwithstanding any other provision of the law, the
2170 proceeds of pari-mutuel tickets purchased for historical racing
2171 that are not redeemed within 1 year after purchase shall be
2172 divided as follows:

2173 (a) Fifty percent shall be retained by the permit holder;
2174 and

2175 (b) Fifty percent shall be paid into the permit holder's
2176 purse account.

2177 Section 41. Subsection (7) of section 551.102, Florida
2178 Statutes, is amended to read:

2179 551.102 Definitions.—As used in this chapter, the term:

2180 (7) "Progressive system" means a computerized system
2181 linking slot machines in one or more licensed facilities within
2182 this state or other jurisdictions and offering one or more
2183 common progressive payouts based on the amounts wagered.

2184 Section 42. Paragraph (j) of subsection (4) of section
2185 551.104, Florida Statutes, is amended to read:

2186 551.104 License to conduct slot machine gaming.—

2187 (4) As a condition of licensure and to maintain continued



328550

2188 authority for the conduct of slot machine gaming, the slot
2189 machine licensee shall:

2190 (j) Ensure that the payout percentage of a slot machine
2191 gaming facility is at least ~~no less than~~ 85 percent.

2192 Section 43. Paragraph (a) of subsection (1), paragraph (a)
2193 of subsection (2), and subsection (3) of section 551.106,
2194 Florida Statutes, are amended to read:

2195 551.106 License fee; tax rate; penalties.—

2196 (1) LICENSE FEE.—

2197 (a) Upon submission of the initial application for a slot
2198 machine license and annually thereafter, on the anniversary date
2199 of the issuance of the initial license, the licensee must pay to
2200 the division a nonrefundable license fee of \$3 million for the
2201 succeeding 12 months of licensure. In the 2010-2011 fiscal year,
2202 the licensee must pay the division a nonrefundable license fee
2203 of \$2.5 million for the succeeding 12 months of licensure. In
2204 the 2011-2012 fiscal year and for every fiscal year thereafter,
2205 the licensee must pay the division a nonrefundable license fee
2206 of \$2 million for the succeeding 12 months of licensure. The
2207 license fee shall be deposited into the Pari-mutuel Wagering
2208 Trust Fund of the Department of Business and Professional
2209 Regulation to be used by the division and the Department of Law
2210 Enforcement for investigations, regulation of slot machine
2211 gaming, and enforcement of slot machine gaming provisions under
2212 this chapter. These payments shall be accounted for separately
2213 from taxes or fees paid pursuant to the provisions of chapter
2214 550.

2215 (2) TAX ON SLOT MACHINE REVENUES.—

2216 (a) The tax rate on slot machine revenues at each facility



328550

2217 shall be 50 percent. In the 2010-2011 fiscal year, the tax rate
2218 on slot machine revenues at each facility shall be 42 percent.
2219 In the 2011-2012 fiscal year and every year thereafter, the tax
2220 rate on slot machine revenue at each facility shall be 35
2221 percent.

2222 (3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax
2223 on slot machine revenues imposed by this section shall be paid
2224 to the division. The division shall deposit these sums with the
2225 Chief Financial Officer, to the credit of the Pari-mutuel
2226 Wagering Trust Fund. The slot machine licensee shall remit to
2227 the division payment for the tax on slot machine revenues. Such
2228 payments shall be remitted by 3 p.m. Wednesday of each week for
2229 taxes imposed and collected for the preceding week ending on
2230 Sunday. Beginning on July 1, 2012, the slot machine licensee
2231 shall remit to the division payment for the tax on slot machine
2232 revenues by 3 p.m. on the 5th day of each calendar month for
2233 taxes imposed and collected for the preceding calendar month. If
2234 the 5th day of the calendar month falls on a weekend, payments
2235 shall be remitted by 3 p.m. the first Monday following the
2236 weekend. The slot machine licensee shall file a report under
2237 oath by the 5th day of each calendar month for all taxes
2238 remitted during the preceding calendar month. Such payments
2239 shall be accompanied by a report under oath showing all slot
2240 machine gaming activities for the preceding calendar month and
2241 such other information as may be prescribed by the division.

2242 Section 44. Subsection (1) of section 551.113, Florida
2243 Statutes, is amended to read:

2244 551.113 Persons prohibited from playing slot machines.—

2245 (1) A person who has not attained 18 ~~21~~ years of age may



328550

2246 not play or operate a slot machine or have access to the
2247 designated slot machine gaming area of a facility of a slot
2248 machine licensee.

2249 Section 45. Subsection (5) of section 551.121, Florida
2250 Statutes, is amended to read:

2251 551.121 Prohibited activities and devices; exceptions.—

2252 (5) A slot machine, or the computer operating system
2253 linking the slot machine, may be linked by any means to any
2254 other slot machine or computer operating system within the
2255 facility of a slot machine licensee. A progressive system may
2256 ~~not~~ be used in conjunction with slot machines between licensed
2257 facilities in Florida or in other jurisdictions.

2258 Section 46. Paragraph (a) of subsection (1) and paragraph
2259 (a) of subsection (2) of section 772.102, Florida Statutes, are
2260 amended to read:

2261 772.102 Definitions.—As used in this chapter, the term:

2262 (1) "Criminal activity" means to commit, to attempt to
2263 commit, to conspire to commit, or to solicit, coerce, or
2264 intimidate another person to commit:

2265 (a) Any crime that is chargeable by indictment or
2266 information under the following provisions:

2267 1. Section 210.18, relating to evasion of payment of
2268 cigarette taxes.

2269 2. Section 414.39, relating to public assistance fraud.

2270 3. Section 440.105 or s. 440.106, relating to workers'
2271 compensation.

2272 4. Part IV of chapter 501, relating to telemarketing.

2273 5. Chapter 517, relating to securities transactions.

2274 6. Section 550.235 or s. 550.3551, ~~or s. 550.3605,~~



328550

- 2275 relating to dogracing and horseracing.
- 2276 7. Chapter 550, relating to jai alai frontons.
- 2277 8. Chapter 552, relating to the manufacture, distribution,
2278 and use of explosives.
- 2279 9. Chapter 562, relating to beverage law enforcement.
- 2280 10. Section 624.401, relating to transacting insurance
2281 without a certificate of authority, s. 624.437(4)(c)1., relating
2282 to operating an unauthorized multiple-employer welfare
2283 arrangement, or s. 626.902(1)(b), relating to representing or
2284 aiding an unauthorized insurer.
- 2285 11. Chapter 687, relating to interest and usurious
2286 practices.
- 2287 12. Section 721.08, s. 721.09, or s. 721.13, relating to
2288 real estate timeshare plans.
- 2289 13. Chapter 782, relating to homicide.
- 2290 14. Chapter 784, relating to assault and battery.
- 2291 15. Chapter 787, relating to kidnapping or human
2292 trafficking.
- 2293 16. Chapter 790, relating to weapons and firearms.
- 2294 17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, or s.
2295 796.07, relating to prostitution.
- 2296 18. Chapter 806, relating to arson.
- 2297 19. Section 810.02(2)(c), relating to specified burglary of
2298 a dwelling or structure.
- 2299 20. Chapter 812, relating to theft, robbery, and related
2300 crimes.
- 2301 21. Chapter 815, relating to computer-related crimes.
- 2302 22. Chapter 817, relating to fraudulent practices, false
2303 pretenses, fraud generally, and credit card crimes.



328550

- 2304 23. Section 827.071, relating to commercial sexual
2305 exploitation of children.
- 2306 24. Chapter 831, relating to forgery and counterfeiting.
- 2307 25. Chapter 832, relating to issuance of worthless checks
2308 and drafts.
- 2309 26. Section 836.05, relating to extortion.
- 2310 27. Chapter 837, relating to perjury.
- 2311 28. Chapter 838, relating to bribery and misuse of public
2312 office.
- 2313 29. Chapter 843, relating to obstruction of justice.
- 2314 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
2315 s. 847.07, relating to obscene literature and profanity.
- 2316 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
2317 849.25, relating to gambling.
- 2318 32. Chapter 893, relating to drug abuse prevention and
2319 control.
- 2320 33. Section 914.22 or s. 914.23, relating to witnesses,
2321 victims, or informants.
- 2322 34. Section 918.12 or s. 918.13, relating to tampering with
2323 jurors and evidence.
- 2324 (2) "Unlawful debt" means any money or other thing of value
2325 constituting principal or interest of a debt that is legally
2326 unenforceable in this state in whole or in part because the debt
2327 was incurred or contracted:
- 2328 (a) In violation of any one of the following provisions of
2329 law:
- 2330 1. Section 550.235 ~~or~~ s. 550.3551, ~~or s. 550.3605,~~
2331 relating to dogracing and horseracing.
- 2332 2. Chapter 550, relating to jai alai frontons.



328550

2333 3. Section 687.071, relating to criminal usury, loan
2334 sharking, and shylocking.
2335 4. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
2336 849.25, relating to gambling.
2337 Section 47. Paragraphs (a) and (b) of subsection (5),
2338 subsections (6) and (7), paragraphs (b) and (c) of subsection
2339 (8), and paragraphs (a) and (b) of subsection (12) of section
2340 849.086, Florida Statutes, are amended to read:
2341 849.086 Cardrooms authorized.—
2342 (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may
2343 operate a cardroom in this state unless such person holds a
2344 valid cardroom license issued pursuant to this section.
2345 (a) Only those persons holding a valid cardroom license
2346 issued by the division may operate a cardroom. A cardroom
2347 license may only be issued to a licensed pari-mutuel
2348 permitholder and an authorized cardroom may only be operated at
2349 the same facility at which the permitholder is authorized under
2350 its valid pari-mutuel wagering permit to conduct pari-mutuel
2351 wagering activities. An initial cardroom license only shall be
2352 issued to a pari-mutuel permitholder that has run a full
2353 schedule of live races as defined in s. 550.002(11) for the
2354 previous 2 fiscal years prior to application for a license and
2355 only if the permitholder is licensed to conduct a full schedule
2356 of live races or games during the state fiscal year in which the
2357 initial cardroom license is issued.
2358 (b) After the initial cardroom license is granted, the
2359 application for the annual license renewal shall be made in
2360 conjunction with the applicant's annual application for its
2361 pari-mutuel license. If a permitholder has operated a cardroom



328550

2362 during any of the 3 previous fiscal years and fails to include a
2363 renewal request for the operation of the cardroom in its annual
2364 application for license renewal, the permitholder may amend its
2365 annual application to include operation of the cardroom. In
2366 order for a cardroom license to be renewed the applicant must
2367 have requested, as part of its pari-mutuel annual license
2368 application, to conduct at least 90 percent of the total number
2369 of live performances conducted by such permitholder during
2370 either the state fiscal year in which its initial cardroom
2371 license was issued or the state fiscal year immediately prior
2372 thereto. If the application is for a harness permitholder
2373 cardroom, the applicant must have requested authorization to
2374 conduct a minimum of 140 live performances during the state
2375 fiscal year immediately prior thereto. If more than one
2376 permitholder is operating at a facility, each permitholder must
2377 have applied for a license to conduct a full schedule of live
2378 racing.

2379 (6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED;
2380 APPLICATION; FEES.—

2381 (a) A person employed or otherwise working in a cardroom as
2382 a cardroom manager, floor supervisor, pit boss, dealer, or any
2383 other activity related to cardroom operations while the facility
2384 is conducting card playing or games of dominoes must hold a
2385 valid cardroom employee occupational license issued by the
2386 division. Food service, maintenance, and security employees with
2387 a current pari-mutuel occupational license and a current
2388 background check will not be required to have a cardroom
2389 employee occupational license.

2390 (b) Any cardroom management company or cardroom distributor



328550

2391 associated with cardroom operations must hold a valid cardroom
2392 business occupational license issued by the division.

2393 (c) No licensed cardroom operator may employ or allow to
2394 work in a cardroom any person unless such person holds a valid
2395 occupational license. No licensed cardroom operator may
2396 contract, or otherwise do business with, a business required to
2397 hold a valid cardroom business occupational license, unless the
2398 business holds such a valid license.

2399 (d) The division shall establish, by rule, a schedule for
2400 the ~~annual~~ renewal of cardroom occupational licenses. Cardroom
2401 occupational licenses are not transferable.

2402 (e) Persons seeking cardroom occupational licenses, or
2403 renewal thereof, shall make application on forms prescribed by
2404 the division. Applications for cardroom occupational licenses
2405 shall contain all of the information the division, by rule, may
2406 determine is required to ensure eligibility.

2407 (f) The division shall promulgate rules regarding cardroom
2408 occupational licenses. The provisions specified in s.
2409 550.105(4), (5), (6), (7), (8), and (10) relating to licensure
2410 shall be applicable to cardroom occupational licenses.

2411 (g) The division may deny, declare ineligible, or revoke
2412 any cardroom occupational license if the applicant or holder
2413 thereof has been found guilty or had adjudication withheld in
2414 this state or any other state, or under the laws of the United
2415 States of a felony or misdemeanor involving forgery, larceny,
2416 extortion, conspiracy to defraud, or filing false reports to a
2417 government agency, racing or gaming commission or authority.

2418 (h) Fingerprints for all cardroom occupational license
2419 applications shall be taken in a manner approved by the division



328550

2420 and then shall be submitted to the Florida Department of Law
2421 Enforcement and the Federal Bureau of Investigation for a
2422 criminal records check upon initial application and every 5
2423 years thereafter. The division may by rule require an annual
2424 record check of all renewal applications for a cardroom
2425 occupational license. The cost of processing fingerprints and
2426 conducting a record check shall be borne by the applicant.

2427 (i) The cardroom employee occupational license fee shall
2428 not exceed ~~be~~ \$50 for any 12-month period. The cardroom business
2429 occupational license fee shall not exceed ~~be~~ \$250 for any 12-
2430 month period.

2431 (7) CONDITIONS FOR OPERATING A CARDROOM.—

2432 (a) A cardroom may be operated only at the location
2433 specified on the cardroom license issued by the division, and
2434 such location may only be the location at which the pari-mutuel
2435 permitholder is authorized to conduct pari-mutuel wagering
2436 activities pursuant to such permitholder's valid pari-mutuel
2437 permit or as otherwise authorized by law. Cardroom operations
2438 may not be allowed beyond the hours provided in paragraph (b)
2439 regardless of the number of cardroom licenses issued for
2440 permitholders operating at the pari-mutuel facility.

2441 (b) Any cardroom operator ~~horserace, greyhound race, or jai~~
2442 ~~alai permitholder licensed under this section~~ may operate a
2443 cardroom at the pari-mutuel facility daily throughout the year,
2444 ~~on any day for a cumulative amount of 12 hours~~ if the
2445 permitholder meets the requirements under paragraph (5) (b). The
2446 cardroom may be open a cumulative amount of 18 hours per day on
2447 Monday through Friday and 24 hours per day on Saturday and
2448 Sunday and on the holidays specified in s. 110.117(1).



328550

2449 (c) A cardroom operator must at all times employ and
2450 provide a nonplaying dealer for each table on which authorized
2451 card games which traditionally use a dealer are conducted at the
2452 cardroom. Such dealers may not have a participatory interest in
2453 any game other than the dealing of cards and may not have an
2454 interest in the outcome of the game. The providing of such
2455 dealers by a licensee does not constitute the conducting of a
2456 banking game by the cardroom operator.

2457 (d) A cardroom operator may award giveaways, jackpots, and
2458 prizes to a player who holds certain combinations of cards
2459 specified by the cardroom operator.

2460 (e) Each cardroom operator shall conspicuously post upon
2461 the premises of the cardroom a notice which contains a copy of
2462 the cardroom license; a list of authorized games offered by the
2463 cardroom; the wagering limits imposed by the house, if any; any
2464 additional house rules regarding operation of the cardroom or
2465 the playing of any game; and all costs to players to
2466 participate, including any rake by the house. In addition, each
2467 cardroom operator shall post at each table a notice of the
2468 minimum and maximum bets authorized at such table and the fee
2469 for participation in the game conducted.

2470 (f) The cardroom facility is subject to inspection by the
2471 division or any law enforcement agency during the licensee's
2472 regular business hours. The inspection must specifically include
2473 the permitholder internal control procedures approved by the
2474 division.

2475 (g) A cardroom operator may refuse entry to or refuse to
2476 allow any person who is objectionable, undesirable, or
2477 disruptive to play, but such refusal may not be on the basis of



328550

2478 race, creed, color, religion, gender, national origin, marital
2479 status, physical handicap, or age, except as provided in this
2480 section.

2481 (8) METHOD OF WAGERS; LIMITATION.-

2482 (b) The cardroom operator may limit the amount wagered in
2483 any game or series of games, ~~but the maximum bet may not exceed~~
2484 ~~\$5 in value.~~ There may not be more than three raises in any
2485 round of betting. The fee charged by the cardroom for
2486 participation in the game shall not be included in the
2487 calculation of the limitation on the bet amount provided in this
2488 paragraph. ~~However,~~ A cardroom operator may conduct games of
2489 Texas Hold-em without a betting limit ~~if the required player~~
2490 ~~buy in is no more than \$100.~~

2491 (c) A tournament shall consist of a series of games. The
2492 entry fee for a tournament may be set by the cardroom operator,
2493 ~~including any re-buys, may not exceed the maximum amount that~~
2494 ~~could be wagered by a participant in 10 like-kind, nontournament~~
2495 ~~games under paragraph (b).~~ Tournaments may be played only with
2496 tournament chips that are provided to all participants in
2497 exchange for an entry fee and any subsequent re-buys. All
2498 players must receive an equal number of tournament chips for
2499 their entry fee. Tournament chips have no cash value and
2500 represent tournament points only. There is no limitation on the
2501 number of tournament chips that may be used for a bet except as
2502 otherwise determined by the cardroom operator. Tournament chips
2503 may never be redeemed for cash or for any other thing of value.
2504 The distribution of prizes and cash awards must be determined by
2505 the cardroom operator before entry fees are accepted. For
2506 purposes of tournament play only, the term "gross receipts"



328550

2507 means the total amount received by the cardroom operator for all
2508 entry fees, player re-buys, and fees for participating in the
2509 tournament less the total amount paid to the winners or others
2510 as prizes.

2511 (12) PROHIBITED ACTIVITIES.—

2512 (a) 1. A ~~No~~ person licensed to operate a cardroom may not
2513 conduct any banking game or any game not specifically authorized
2514 by this section except as provided in subparagraph (b)2.

2515 (b) A ~~No~~ person under 18 years of age may not be permitted
2516 to hold a cardroom or employee license, or engage in any game
2517 conducted therein.

2518 2. Cardroom licensees located in Miami-Dade County and
2519 Broward County who are slot machine licensees pursuant to
2520 chapter 551 and have conducted a full schedule of live racing
2521 pursuant to s. 550.002(11) for the prior 2 fiscal years may
2522 conduct the game of blackjack if the Governor and the Seminole
2523 Tribe of Florida enter into a signed compact that permits the
2524 Seminole Tribe of Florida the ability to play roulette or
2525 roulette-style games or craps or craps-style games, and only if
2526 the compact is approved or deemed approved by the Department of
2527 the Interior and properly noticed in the Federal Register.
2528 Cardroom licensees who are authorized to conduct the game of
2529 blackjack shall pay a tax to the state of 10 percent of the
2530 cardroom operation's monthly gross receipts, which shall include
2531 blackjack revenue.

2532 Section 48. Subsection (2) of section 849.15, Florida
2533 Statutes, is amended to read:

2534 849.15 Manufacture, sale, possession, etc., of coin-
2535 operated devices prohibited.—



328550

2536 (2) Pursuant to section 2 of that chapter of the Congress
2537 of the United States entitled "An act to prohibit transportation
2538 of gaming devices in interstate and foreign commerce," approved
2539 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
2540 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
2541 acting by and through the duly elected and qualified members of
2542 its Legislature, does hereby in this section, and in accordance
2543 with and in compliance with the provisions of section 2 of such
2544 chapter of Congress, declare and proclaim that any county of the
2545 State of Florida within which slot machine gaming is authorized
2546 pursuant to chapter 551 or electronic gaming or historical
2547 racing is authorized at eligible pari-mutuel facilities is
2548 exempt from the provisions of section 2 of that chapter of the
2549 Congress of the United States entitled "An act to prohibit
2550 transportation of gaming devices in interstate and foreign
2551 commerce," designated as 15 U.S.C. ss. 1171-1177, approved
2552 January 2, 1951. All shipments of gaming devices, including slot
2553 machines, electronic gaming machines, and historical racing
2554 systems, into any county of this state within which slot machine
2555 gaming is authorized pursuant to chapter 551 or electronic
2556 gaming or historical racing is authorized at eligible pari-
2557 mutuel facilities and the registering, recording, and labeling
2558 of which have been duly performed by the manufacturer or
2559 distributor thereof in accordance with sections 3 and 4 of that
2560 chapter of the Congress of the United States entitled "An act to
2561 prohibit transportation of gaming devices in interstate and
2562 foreign commerce," approved January 2, 1951, being ch. 1194, 64
2563 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,
2564 shall be deemed legal shipments thereof into this state provided



328550

2565 the destination of such shipments is an eligible facility as
2566 defined in s. 551.102 or the facility of a slot machine
2567 manufacturer or slot machine distributor as provided in s.
2568 551.109(2), a certified educational facility, or the facility of
2569 an electronic gaming machine or hitorical racing system
2570 manufacturer or electronic gaming machine or historical racing
2571 system distributor authorized to possess electronic gaming
2572 machines as provided in the act authorizing electronic gaming
2573 machines or historical racing systems at eligible pari-mutuel
2574 facilities ~~s. 551.109(2)(a).~~

2575 Section 49. Subsection (3) is added to section 849.161,
2576 Florida Statutes, to read:

2577 849.161 Amusement games or machines; when chapter
2578 inapplicable.—

2579 (3) This chapter does not apply to licensed cardroom
2580 operators having historical racing systems pursuant to chapter
2581 550 which operate by means of the insertion of coin, currency,
2582 or voucher and which by application of an element of skill may
2583 entitle the person playing or operating the game or machine to
2584 receive payouts from one or more pari-mutuel pools.

2585 Section 50. Subsections (1) and (2) of section 895.02,
2586 Florida Statutes, are amended to read:

2587 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

2588 (1) "Racketeering activity" means to commit, to attempt to
2589 commit, to conspire to commit, or to solicit, coerce, or
2590 intimidate another person to commit:

2591 (a) Any crime that is chargeable by petition, indictment,
2592 or information under the following provisions of the Florida
2593 Statutes:



328550

- 2594 1. Section 210.18, relating to evasion of payment of
2595 cigarette taxes.
- 2596 2. Section 316.1935, relating to fleeing or attempting to
2597 elude a law enforcement officer and aggravated fleeing or
2598 eluding.
- 2599 3. Section 403.727(3)(b), relating to environmental
2600 control.
- 2601 4. Section 409.920 or s. 409.9201, relating to Medicaid
2602 fraud.
- 2603 5. Section 414.39, relating to public assistance fraud.
- 2604 6. Section 440.105 or s. 440.106, relating to workers'
2605 compensation.
- 2606 7. Section 443.071(4), relating to creation of a fictitious
2607 employer scheme to commit unemployment compensation fraud.
- 2608 8. Section 465.0161, relating to distribution of medicinal
2609 drugs without a permit as an Internet pharmacy.
- 2610 9. Section 499.0051, relating to crimes involving
2611 contraband and adulterated drugs.
- 2612 10. Part IV of chapter 501, relating to telemarketing.
- 2613 11. Chapter 517, relating to sale of securities and
2614 investor protection.
- 2615 12. Section 550.235 or s. 550.3551, ~~or s. 550.3605~~,
2616 relating to dogracing and horseracing.
- 2617 13. Chapter 550, relating to jai alai frontons.
- 2618 14. Section 551.109, relating to slot machine gaming.
- 2619 15. Chapter 552, relating to the manufacture, distribution,
2620 and use of explosives.
- 2621 16. Chapter 560, relating to money transmitters, if the
2622 violation is punishable as a felony.



328550

- 2623 17. Chapter 562, relating to beverage law enforcement.
- 2624 18. Section 624.401, relating to transacting insurance
2625 without a certificate of authority, s. 624.437(4)(c)1., relating
2626 to operating an unauthorized multiple-employer welfare
2627 arrangement, or s. 626.902(1)(b), relating to representing or
2628 aiding an unauthorized insurer.
- 2629 19. Section 655.50, relating to reports of currency
2630 transactions, when such violation is punishable as a felony.
- 2631 20. Chapter 687, relating to interest and usurious
2632 practices.
- 2633 21. Section 721.08, s. 721.09, or s. 721.13, relating to
2634 real estate timeshare plans.
- 2635 22. Section 775.13(5)(b), relating to registration of
2636 persons found to have committed any offense for the purpose of
2637 benefiting, promoting, or furthering the interests of a criminal
2638 gang.
- 2639 23. Section 777.03, relating to commission of crimes by
2640 accessories after the fact.
- 2641 24. Chapter 782, relating to homicide.
- 2642 25. Chapter 784, relating to assault and battery.
- 2643 26. Chapter 787, relating to kidnapping or human
2644 trafficking.
- 2645 27. Chapter 790, relating to weapons and firearms.
- 2646 28. Chapter 794, relating to sexual battery, but only if
2647 such crime was committed with the intent to benefit, promote, or
2648 further the interests of a criminal gang, or for the purpose of
2649 increasing a criminal gang member's own standing or position
2650 within a criminal gang.
- 2651 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.



328550

2652 796.05, or s. 796.07, relating to prostitution and sex
2653 trafficking.
2654 30. Chapter 806, relating to arson and criminal mischief.
2655 31. Chapter 810, relating to burglary and trespass.
2656 32. Chapter 812, relating to theft, robbery, and related
2657 crimes.
2658 33. Chapter 815, relating to computer-related crimes.
2659 34. Chapter 817, relating to fraudulent practices, false
2660 pretenses, fraud generally, and credit card crimes.
2661 35. Chapter 825, relating to abuse, neglect, or
2662 exploitation of an elderly person or disabled adult.
2663 36. Section 827.071, relating to commercial sexual
2664 exploitation of children.
2665 37. Chapter 831, relating to forgery and counterfeiting.
2666 38. Chapter 832, relating to issuance of worthless checks
2667 and drafts.
2668 39. Section 836.05, relating to extortion.
2669 40. Chapter 837, relating to perjury.
2670 41. Chapter 838, relating to bribery and misuse of public
2671 office.
2672 42. Chapter 843, relating to obstruction of justice.
2673 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
2674 s. 847.07, relating to obscene literature and profanity.
2675 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
2676 849.25, relating to gambling.
2677 45. Chapter 874, relating to criminal gangs.
2678 46. Chapter 893, relating to drug abuse prevention and
2679 control.
2680 47. Chapter 896, relating to offenses related to financial



328550

2681 transactions.

2682 48. Sections 914.22 and 914.23, relating to tampering with
2683 or harassing a witness, victim, or informant, and retaliation
2684 against a witness, victim, or informant.

2685 49. Sections 918.12 and 918.13, relating to tampering with
2686 jurors and evidence.

2687 50. Provisions of law relating to electronic gaming and
2688 electronic gaming machines or historical racing systems at
2689 eligible pari-mutuel facilities.

2690 (b) Any conduct defined as "racketeering activity" under 18
2691 U.S.C. s. 1961(1).

2692 (2) "Unlawful debt" means any money or other thing of value
2693 constituting principal or interest of a debt that is legally
2694 unenforceable in this state in whole or in part because the debt
2695 was incurred or contracted:

2696 (a) In violation of any one of the following provisions of
2697 law:

2698 1. Section 550.235 or s. 550.3551, ~~or s. 550.3605,~~
2699 relating to dogracing and horseracing.

2700 2. Chapter 550, relating to jai alai frontons.

2701 3. Section 551.109, relating to slot machine gaming.

2702 4. Chapter 687, relating to interest and usury.

2703 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
2704 849.25, relating to gambling.

2705 6. Provisions of law relating to electronic gaming and
2706 electronic gaming machines or historical racing systems at
2707 eligible pari-mutuel facilities.

2708 (b) In gambling activity in violation of federal law or in
2709 the business of lending money at a rate usurious under state or



328550

2710 federal law.

2711 Section 51. (1) (a) For the 2009-2010 fiscal year, 51 full-
2712 time equivalent positions and 2,150,146 in associated salary
2713 rate are authorized, and the sums of \$2,269,319 in recurring
2714 funds and \$893,689 in nonrecurring funds are appropriated from
2715 the Pari-mutuel Wagering Trust Fund of the Department of
2716 Business and Professional Regulation for the purpose of carrying
2717 out all regulatory activities provided in this act. The
2718 Executive Office of the Governor shall place these positions,
2719 associated rate, and funds in reserve until the Executive Office
2720 of the Governor has approved an expenditure plan and a budget
2721 amendment submitted by the Department of Business and
2722 Professional Regulation recommending the transfer of such funds
2723 to traditional appropriation categories. Any action proposed
2724 pursuant to this paragraph is subject to the procedures set
2725 forth in s. 216.177, Florida Statutes.

2726 (b) For the 2009-2010 fiscal year, the sum of \$2,777,606 in
2727 recurring funds is appropriated from the Pari-mutuel Wagering
2728 Trust Fund of the Department of Business and Professional
2729 Regulation for transfer to the Operating Trust Fund of the
2730 Department of Law Enforcement for the purpose of investigations,
2731 intelligence gathering, background investigations, and any other
2732 responsibilities as provided in this act.

2733 (2) For the 2009-2010 fiscal year, 39 full-time equivalent
2734 positions and 1,700,939 in associated salary rate are
2735 authorized, and the sum of \$2,777,606 in recurring funds is
2736 appropriated from the Operating Trust Fund of the Department of
2737 Law Enforcement for the purpose of investigations, intelligence
2738 gathering, background investigations, and any other



328550

2739 responsibilities as provided by this act. The Executive Office
2740 of the Governor shall place these positions, associated rate,
2741 and funds in reserve until the Executive Office of the Governor
2742 has approved an expenditure plan and a budget amendment
2743 submitted by the Department of Law Enforcement recommending the
2744 transfer of such funds to traditional appropriation categories.
2745 Any action proposed pursuant to this subsection is subject to
2746 the procedures set forth in s. 216.177, Florida Statutes.

2747 (3) For the 2009-2010 fiscal year, the sum of \$1 million in
2748 recurring funds is appropriated from the Pari-mutuel Wagering
2749 Trust Fund of the Department of Business and Professional
2750 Regulation from revenues received pursuant to s. 551.118,
2751 Florida Statutes, for contract services related to the
2752 prevention of compulsive and addictive gambling.

2753 Section 52. Sections 1 and 52 of this act shall take effect
2754 upon becoming a law if SB 788 or substantially similar
2755 legislation is adopted during the 2009 legislative session, or
2756 an extension thereof, and becomes law; except that, sections 2
2757 through 51 of this act shall take effect only if the Governor
2758 and an authorized representative of the Seminole Tribe of
2759 Florida execute an Indian gaming compact pursuant to the Indian
2760 Gaming Regulatory Act of 1988 and the requirements of SB 788, or
2761 similar legislation, and only if such compact is approved or
2762 deemed approved by the United States Department of the Interior,
2763 and such sections shall take effect on the date that the
2764 approved compact is published in the Federal Register.

2765
2766
2767 ===== T I T L E A M E N D M E N T =====



328550

2768 And the title is amended as follows:

2769 Delete everything before the enacting clause
2770 and insert:

2771 An act relating to gaming; providing legislative findings
2772 and intent; authorizing electronic gaming machines in certain
2773 pari-mutuel facilities; defining terms; providing powers and
2774 duties of the Division of Pari-mutuel Wagering of the Department
2775 of Business and Professional Regulation and the Department of
2776 Law Enforcement; authorizing the Division of Pari-mutuel
2777 Wagering to adopt rules regulating electronic gaming activities;
2778 authorizing the Division of Pari-mutuel Wagering and the
2779 Department of Law Enforcement to conduct investigations relating
2780 to electronic gaming; authorizing the Division of Pari-mutuel
2781 Wagering to issue licenses for electronic gaming; specifying
2782 qualifications of licensees; requiring licensees to provide
2783 advance notice of certain ownership changes to the Division of
2784 Pari-mutuel Wagering; specifying requirements for a licensee's
2785 facilities-based computer system; requiring electronic gaming
2786 machines to maintain a payout percentage of at least 85 percent;
2787 requiring licensees to maintain records; requiring licensees to
2788 make and file certain reports with the Division of Pari-mutuel
2789 Wagering; requiring an applicant for an electronic gaming
2790 license to have certain agreements for live races or games;
2791 providing for arbitration of such agreements; authorizing the
2792 Division of Pari-mutuel Wagering to issue temporary occupational
2793 licenses; providing for the renewal of electronic gaming machine
2794 licenses; specifying a nonrefundable licensing fee for
2795 electronic gaming licenses; specifying the rate of tax on
2796 electronic gaming machine revenues; providing for penalties for



328550

2797 failure to pay the taxes; requiring electronic gaming machine
2798 licensees and certain persons having access to gaming areas to
2799 submit fingerprints in connection with certain occupational
2800 licenses; specifying grounds for the Division of Pari-mutuel
2801 Wagering to take action against applicants for and licensees
2802 having certain occupational licenses; authorizing the Division
2803 of Pari-mutuel Wagering to impose fines for violations of laws
2804 relating to electronic gaming; prohibiting regulators, certain
2805 businesses, licensees, and employees from having certain
2806 relationships with each other; subjecting a person who makes
2807 certain false statements to fines; subjecting a person to fines
2808 for possessing electronic games without a license; imposing
2809 criminal penalties for attempting to manipulate electronic
2810 gaming machines or theft relating to electronic gaming;
2811 authorizing warrantless arrests by law enforcement officers
2812 under certain circumstances; providing immunity to law
2813 enforcement officers who make such arrests; imposing criminal
2814 penalties for resisting arrest or detention; prohibiting
2815 electronic gaming machines from entering this state; authorizing
2816 the Division of Pari-mutuel Wagering to exclude certain
2817 individuals from the facility of an electronic gaming machine
2818 licensee; prohibiting persons who are younger than 18 years of
2819 age from playing an electronic gaming machine; specifying a
2820 limit on the number of electronic gaming machines in a facility;
2821 requiring an electronic gaming machine licensee to provide
2822 office space to the Division of Pari-mutuel Wagering and to the
2823 Department of Law Enforcement free of charge; limiting the hours
2824 that an electronic gaming machine facility may operate;
2825 authorizing the Division of Pari-mutuel Wagering to revoke or



328550

2826 suspend licenses or impose fines for willful violations of laws
2827 or rules regulating electronic gaming; requiring electronic
2828 gaming machine licensees to train employees about gambling
2829 addictions; imposing a regulatory fee for a gambling addiction
2830 program; entitling electronic gaming machine licensees to a
2831 caterer's license; restricting the provision of alcoholic
2832 beverages, automated teller machines, and check cashing
2833 activities in gaming machine areas; authorizing the Division of
2834 Pari-mutuel Wagering to adopt rules; preempting to the state the
2835 authority to regulate electronic gaming facilities; excepting
2836 bingo games operated by charitable or nonprofit organizations
2837 from the provisions of the act; amending s. 215.22, F.S.;
2838 exempting taxes imposed on electronic gaming and electronic
2839 gaming machine revenue from specified service charges;
2840 authorizing the Division of Pari-mutuel Wagering to spend
2841 certain trust funds; requiring repayment of such funds; amending
2842 s. 550.002, F.S.; revising a definitions; amending s. 550.01215,
2843 F.S.; deleting an exception relating to licensing of
2844 thoroughbred racing; amending s. 550.0951, F.S.; specifying the
2845 tax on historical racing, the take-out of a pari-mutuel pool, an
2846 a payment to a purse account; providing for payments to certain
2847 horse racing associations; specifying the fee for a permit holder
2848 to conduct historical racing; revising the date on which tax
2849 payments are due; amending s. 550.09511, F.S.; revising the
2850 schedule for the payment of jai alai taxes; amending s.
2851 550.09514, F.S.; revising the schedule for the payment of
2852 greyhound dog racing taxes; amending s. 550.105, F.S.; providing
2853 for a 3-year occupational license for certain pari-mutuel
2854 employees; specifying maximum license fees; providing for the



328550

2855 additional tax that a municipality may assess for live racing to
2856 apply to additional specified games; providing procedures for
2857 criminal history record checks; amending s. 550.135, F.S.;
2858 providing for the reservation of electronic gaming machine fees
2859 in a trust fund; amending s. 550.2415, F.S.; providing that
2860 cruelty to any animal is a violation of ch. 550, F.S.;
2861 authorizing the Division of Pari-mutuel Wagering to inspect
2862 areas are located; amending s. 550.26165, F.S.; providing
2863 legislative intent to attract thoroughbred training and breeding
2864 to this state; authorizing the Florida Thoroughbred Breeders'
2865 Association to pay certain awards as part of its pay plan;
2866 amending s. 550.2625, F.S.; limiting the application of
2867 requirements for minimum purses and awards to this state;
2868 amending s. 550.334, F.S.; deleting a provision for issuing a
2869 permit to conduct quarter horse race meetings; deleting a
2870 provision for issuing a license to conduct quarter horse racing;
2871 deleting provisions to revoke such permit or license for certain
2872 violations or failure to conduct live racing; removing an
2873 exception to specified permit application provisions; revising
2874 the authority of a quarter horse racing permitholder to
2875 substitute horse breeds; deleting a requirement for a quarter
2876 horse permitholder to have the consent of certain other
2877 permitholders within a certain distance to engage in intertrack
2878 wagering; amending s. 550.3355, F.S.; revising the time period
2879 for a harness track summer season; repealing s. 550.3605, F.S.,
2880 relating to the use of electronic transmitting equipment on the
2881 premises of a horse or dog racetrack or jai alai fronton;
2882 amending s. 550.5251, F.S.; deleting provisions relating to
2883 racing days and dates for thoroughbred permitholders that



328550

2884 conducted races between certain dates; revising provisions
2885 relating to thoroughbred racing dates and minimum number of
2886 races; creating s. 550.810, F.S.; specifying requirements for
2887 historical racing systems; limiting the number of historical
2888 terminals in certain pari-mutuel facilities; authorizing the
2889 Division of Pari-mutuel wagering to adopt rules regulating
2890 historical racing; providing for the disposition of pari-mutuel
2891 tickets that are not redeemed within a certain period of time;
2892 amending s. 551.102, F.S.; clarifying the definition of the term
2893 "progressive system"; amending s. 551.104, F.S.; providing that
2894 the payout percentage of a slot machine facility must be at
2895 least 85 percent; specifying the licensing fee for slot machine
2896 gaming; specifying the rate of tax on slot machine revenues;
2897 revising the due date for slot machine taxes; amending s.
2898 551.113, F.S.; prohibiting a person who is younger than 18 years
2899 of age from playing a slot machine; amending s. 551.121, F.S.;
2900 authorizing a progressive system to be used in conjunction with
2901 slot machines between licensed facilities; amending s. 772.102,
2902 F.S.; revising the definition of "criminal activity"; conforming
2903 cross-references; amending s. 849.161, F.S.; providing that ch.
2904 849, F.S., does not apply to certain mechanical historical
2905 racing systems; amending s. 849.086, F.S.; requiring an
2906 applicant for a cardroom licensed to have run a full schedule of
2907 live races; specifying maximum license fees for occupational
2908 licenses for cardroom employees and cardroom businesses;
2909 limiting the hours of cardroom operations; revising the maximum
2910 bet and entry fee for tournaments; expanding the authorization
2911 for cardroom activities contingent upon a compact with the
2912 Seminole Tribe of Florida; amending s. 849.15, F.S.; authorizing



328550

2913 the possession of certain gambling devices; amending s. 895.02,
2914 F.S.; revising the definitions of "racketeering activity" and
2915 "unlawful debt"; conforming cross-references; providing an
2916 appropriation and the creation of full-time equivalent
2917 positions; providing contingent effective dates.
2918