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LEGISLATIVE ACTION

Senate

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House

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04/29/2009 03:38 PM

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Senator Storms moved the following:

Senate Amendment (with title amendment)

Delete lines 1229 - 2421

and insert:

Section 14. Electronic gaming machine areas.-

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

(2) The electronic gaming machine licensee shall display



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

16 (3) The division shall require the posting of signs warning
17 of the risks and dangers of gambling, showing the odds of
18 winning, and informing patrons of the toll-free telephone number
19 available to provide information and referral services regarding
20 compulsive or problem gambling.

21 (4) Designated electronic gaming machine areas may be
22 located within a live gaming facility or an existing building
23 that is contiguous and connected to the live gaming facility. If
24 such gaming area is to be located in a building that is not yet
25 constructed, the new building must be contiguous and connected
26 to the live gaming facility.

27 (5) An electronic gaming machine licensee shall provide
28 adequate office space at no cost to the division and the
29 Department of Law Enforcement for the oversight of electronic
30 gaming machine operations. The division shall adopt rules
31 establishing criteria for adequate space, configuration, and
32 location and needed electronic and technological requirements.

33 Section 15. Days and hours of operation.—Electronic gaming
34 machine areas may be open daily throughout the year. They may be
35 open a cumulative total of 18 hours per day on Monday through
36 Friday and 24 hours per day on Saturday and Sunday and on
37 holidays specified in s. 110.117(1), Florida Statutes.

38 Section 16. Penalties.—The division may revoke or suspend
39 an electronic gaming machine license issued under this act upon
40 the willful violation by the licensee of any law or rule
41 regulating electronic gaming. In lieu of suspending or revoking



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

49 Section 17. Compulsive or addictive gambling prevention
50 program.—

51 (1) Each electronic gaming machine licensee shall offer
52 training to employees on responsible gaming and shall work with
53 a compulsive or addictive gambling prevention program to
54 recognize problem gaming situations and implement responsible
55 gaming programs and practices.

56 (2) The division shall, subject to competitive bidding,
57 contract for services related to the prevention of compulsive
58 and addictive gambling. The contract shall require an
59 advertising program to encourage responsible gaming practices
60 and publicize a gambling telephone help line. Such
61 advertisements must be made both publicly and inside the
62 designated electronic gaming machine areas of the licensee's
63 facilities. The terms of any contract for such services shall
64 include accountability standards for any private provider. The
65 failure of a private provider to meet any material term of the
66 contract, including the accountability standards, constitutes a
67 breach of contract or grounds for nonrenewal.

68 (3) The compulsive or addictive gambling prevention program
69 shall be funded from an annual nonrefundable regulatory fee of
70 \$250,000 paid by each licensee.



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71 Section 18. Caterer's license.—An electronic gaming machine
72 licensee is entitled to a caterer's license pursuant to s.
73 565.02, Florida Statutes, on days on which the pari-mutuel
74 facility is open to the public for electronic gaming machine
75 play.

76 Section 19. Prohibited activities and devices; exceptions.

77 (1) Complimentary or reduced-cost alcoholic beverages may
78 not be served to persons in the designated electronic gaming
79 machine area. Alcoholic beverages served to persons in the
80 designated electronic gaming machine area shall cost at least
81 the same amount as alcoholic beverages served to the general
82 public at any bar within the facility.

83 (2) An electronic gaming machine licensee may not make
84 loans, provide credit, or advance cash to enable a person to
85 play an electronic gaming machine. This subsection does not
86 prohibit automated ticket redemption machines that dispense cash
87 from the redemption of tickets from being located in the
88 designated electronic gaming machine area.

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

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

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



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100 (c) Outside the designated electronic gaming machine area,
101 an electronic gaming machine licensee or operator may accept or
102 cash a check for an employee of the facility who is prohibited
103 from wagering on an electronic gaming machine under s.
104 551.108(5), Florida Statutes, a check made directly payable to a
105 person licensed by the division, or a check made directly
106 payable to the licensee or operator from:

- 107 1. A pari-mutuel patron; or
108 2. A pari-mutuel facility in any state.

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

113 (5) An electronic gaming machine, or the computer operating
114 system linked to an electronic gaming machine, may be linked to
115 any other electronic gaming machine or computer operating system
116 within this state.

117 (6) An electronic gaming machine located within a licensed
118 facility may accept tickets or electronic or account-based cards
119 for wagering. Such machines may return or deliver payouts to the
120 players in the form of tickets or electronic or account-based
121 credits that may be exchanged for cash, merchandise, or other
122 items of value. The use of coins, currency, credit or debit
123 cards, tokens, or similar objects is prohibited.

124 Section 20. Rulemaking.—The division may adopt rules to
125 administer this act.

126 Section 21. Preemption.—The Legislature finds and declares
127 that it has exclusive authority over the conduct of all wagering
128 occurring at electronic gaming machine facilities in this state.



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129 Only the Division of Pari-mutuel Wagering and other authorized
130 state agencies may administer this act and regulate the
131 electronic gaming machine industry, including operation of
132 electronic gaming machine facilities, games, electronic gaming
133 machines, and facilities-based computer systems authorized in
134 this act and the rules adopted by the division.

135 Section 22. Application to bingo games operated by
136 charitable or nonprofit organizations.—Sections 1 through 22 of
137 this act do not apply to the use of player-operated bingo aides
138 used in bingo games conducted by charitable, nonprofit, or
139 veterans' organizations authorized to conduct bingo under s.
140 849.0931, Florida Statutes. Sections 1 through 22 of this act do
141 not apply to game promotions or operators regulated under s.
142 849.094, Florida Statutes.

143 Section 23. Paragraph (x) is added to subsection (1) of
144 section 215.22, Florida Statutes, to read:

145 215.22 Certain income and certain trust funds exempt.—

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

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

151 Section 24. The Department of Business and Professional
152 Regulation may expend the unreserved cash balance in the Pari-
153 mutuel Wagering Trust Fund received from other revenue sources
154 to implement electronic gaming regulation and investigations
155 during the 2009-2010 fiscal year. Before the use of such other
156 revenues, the department shall submit a repayment plan for
157 approval by the Executive Office of the Governor in consultation



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158 with the chair and vice chair of the Legislative Budget
159 Commission. The department shall repay such funds using
160 electronic gaming machine license revenue sources by April 1,
161 2010. The repaid funds are subject to the requirements of s.
162 550.135(2), Florida Statutes.

163 Section 25. Present subsections (11), (32), and (38) of
164 section 550.002, Florida Statutes, are amended, a new subsection
165 (15) is added to that section, and present subsections (15)
166 through (39) of that section are renumbered as subsections (16)
167 through (40), respectively, to read:

168 550.002 Definitions.—As used in this chapter, the term:

169 (11) "Full schedule of live racing or games" means, for a
170 greyhound or jai alai permitholder, the conduct of a combination
171 of at least 100 live evening or matinee performances during the
172 preceding year; for a permitholder who has a converted permit or
173 filed an application on or before June 1, 1990, for a converted
174 permit, the conduct of a combination of at least 100 live
175 evening and matinee wagering performances during either of the 2
176 preceding years; for a jai alai permitholder who does not
177 operate slot machines, electronic gaming machines, or historical
178 racing systems in its pari-mutuel facility, who has conducted at
179 least 100 live performances per year for at least 10 years after
180 December 31, 1992, and whose handle on live jai alai games
181 conducted at its pari-mutuel facility has been less than \$4
182 million per state fiscal year for at least 2 consecutive years
183 after June 30, 1992, the conduct of a combination of at least 40
184 live evening or matinee performances during the preceding year;
185 for a jai alai permitholder who operates slot machines
186 electronic gaming machines, or historical racing systems in its



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187 pari-mutuel facility, the conduct of a combination of at least
188 150 performances during the preceding year; for a harness
189 permitholder, the conduct of at least 100 live regular wagering
190 performances during the preceding year; for a quarter horse
191 permitholder, at its facility unless an alternative schedule of
192 at least 20 live regular wagering performances is agreed upon by
193 the permitholder and the horsemen's association representing the
194 majority of the quarter horse owners and trainers at the
195 facility and filed with the division along with its annual date
196 application, in the 2010-2011 fiscal year, the conduct of at
197 least 20 regular wagering performances, in the 2011-2012 and
198 2012-2013 fiscal years, the conduct of at least 30 live regular
199 wagering performances, and for every fiscal year after the 2012-
200 2013 fiscal year, the conduct of at least 40 live regular
201 wagering performances during the preceding year; for a quarter
202 horse permitholder leasing another licensed racetrack, the
203 conduct of 160 events at the leased facility; and for a
204 thoroughbred permitholder, the conduct of at least 40 live
205 regular wagering performances during the preceding year. For a
206 permitholder which is restricted by statute to certain operating
207 periods within the year when other members of its same class of
208 permit are authorized to operate throughout the year, the
209 specified number of live performances which constitute a full
210 schedule of live racing or games shall be adjusted pro rata in
211 accordance with the relationship between its authorized
212 operating period and the full calendar year and the resulting
213 specified number of live performances shall constitute the full
214 schedule of live games for such permitholder and all other
215 permitholders of the same class within 100 air miles of such



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

220 (15) "Historical racing system" means a form of pari-mutuel
221 wagering based on audio or video signals of in-state or out-of-
222 state races which are sent from an in-state server and operated
223 by a licensed totalisator company and which are displayed at
224 individual wagering terminals at a licensed pari-mutuel
225 facility.

226 (33)~~(32)~~ "Simulcasting" means broadcasting events occurring
227 live at an in-state location to an out-of-state location, or
228 receiving at an in-state location events occurring live at an
229 out-of-state location, by the transmittal, retransmittal,
230 reception, and rebroadcast of television or radio signals by
231 wire, cable, satellite, microwave, or other electrical or
232 electronic means for receiving or rebroadcasting the events.

233 (39)~~(38)~~ "Year," for purposes of determining a full
234 schedule of live racing, means the state fiscal calendar year.

235 Section 26. Subsection (3) of section 550.01215, Florida
236 Statutes, is amended to read:

237 550.01215 License application; periods of operation; bond,
238 conversion of permit.-

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



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245 changes in racing dates after a license has been issued when
246 there is no objection from any operating permitholder located
247 within 50 miles of the permitholder requesting the changes in
248 operating dates. In the event of an objection, the division
249 shall approve or disapprove the change in operating dates based
250 upon the impact on operating permitholders located within 50
251 miles of the permitholder requesting the change in operating
252 dates. In making the determination to change racing dates, the
253 division shall take into consideration the impact of such
254 changes on state revenues.

255 Section 27. Paragraph (b) of subsection (1) and subsections
256 (5) and (6) of section 550.0951, Florida Statutes, are amended
257 to read:

258 550.0951 Payment of daily license fee and taxes;
259 penalties.—

260 (1)

261 (b) Each permitholder that cannot utilize the full amount
262 of the exemption of \$360,000 or \$500,000 provided in s.
263 550.09514(1) or the daily license fee credit provided in this
264 section may, after notifying the division in writing, elect once
265 per state fiscal year on a form provided by the division to
266 transfer such exemption or credit or any portion thereof to any
267 greyhound permitholder which acts as a host track to such
268 permitholder for the purpose of intertrack wagering. Once an
269 election to transfer such exemption or credit is filed with the
270 division, it shall not be rescinded. The division shall
271 disapprove the transfer when the amount of the exemption or
272 credit or portion thereof is unavailable to the transferring
273 permitholder or when the permitholder who is entitled to



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274 transfer the exemption or credit or who is entitled to receive
275 the exemption or credit owes taxes to the state pursuant to a
276 deficiency letter or administrative complaint issued by the
277 division. Upon approval of the transfer by the division, the
278 transferred tax exemption or credit shall be effective for the
279 first performance of the next payment ~~biweekly pay~~ period as
280 specified in subsection (5). The exemption or credit transferred
281 to such host track may be applied by such host track against any
282 taxes imposed by this chapter or daily license fees imposed by
283 this chapter. The greyhound permitholder host track to which
284 such exemption or credit is transferred shall reimburse such
285 permitholder the exact monetary value of such transferred
286 exemption or credit as actually applied against the taxes and
287 daily license fees of the host track. The division shall ensure
288 that all transfers of exemption or credit are made in accordance
289 with this subsection and shall have the authority to adopt rules
290 to ensure the implementation of this section.

291 (5) (a) Each permitholder conducting historical racing
292 pursuant to s. 550.810 shall pay a tax equal to 4 percent of the
293 handle from the historical racing system.

294 (b) The permitholder, upon authorization to conduct
295 historical racing pursuant to s. 550.810 and annually
296 thereafter, on the anniversary date of the authorization, shall
297 pay a fee to the division of \$1 million. The fee shall be
298 deposited into the Pari-mutuel Wagering Trust Fund of the
299 Department of Business and Professional Regulation to be used by
300 the division and the Department of Law Enforcement for
301 investigations, regulation of historic racing, and enforcement
302 of historic racing provisions.



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303 (6)~~(5)~~ PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments
304 ~~Payment for the admission tax, tax on handle, and the breaks tax~~
305 imposed by this section shall be paid to the division. The
306 division shall deposit these sums with the Chief Financial
307 Officer, to the credit of the Pari-mutuel Wagering Trust Fund,
308 hereby established. The permitholder shall remit to the division
309 payment for the daily license fee, the admission tax, the tax on
310 handle, and the breaks tax. Such payments shall be remitted by 3
311 p.m. Wednesday of each week for taxes imposed and collected for
312 the preceding week ending on Sunday. Beginning on July 1, 2012,
313 such payments shall be remitted by 3 p.m. on the 5th day of each
314 calendar month for taxes imposed and collected for the preceding
315 calendar month. If the 5th day of the calendar month falls on a
316 weekend, payments shall be remitted by 3 p.m. the first Monday
317 following the weekend. Permitholders shall file a report under
318 oath by the 5th day of each calendar month for all taxes
319 remitted during the preceding calendar month. Such payments
320 shall be accompanied by a report under oath showing the total of
321 all admissions, the pari-mutuel wagering activities for the
322 preceding calendar month, and such other information as may be
323 prescribed by the division.

324 (7)~~(6)~~ PENALTIES.—

325 (a) The failure of any permitholder to make payments as
326 prescribed in subsection (6) ~~(5)~~ is a violation of this section,
327 and the permitholder may be subjected by the division to a civil
328 penalty of up to \$1,000 for each day the tax payment is not
329 remitted. All penalties imposed and collected shall be deposited
330 in the General Revenue Fund. If a permitholder fails to pay
331 penalties imposed by order of the division under this



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332 subsection, the division may suspend or revoke the license of
333 the permitholder, cancel the permit of the permitholder, or deny
334 issuance of any further license or permit to the permitholder.

335 (b) In addition to the civil penalty prescribed in
336 paragraph (a), any willful or wanton failure by any permitholder
337 to make payments of the daily license fee, admission tax, tax on
338 handle, or breaks tax constitutes sufficient grounds for the
339 division to suspend or revoke the license of the permitholder,
340 to cancel the permit of the permitholder, or to deny issuance of
341 any further license or permit to the permitholder.

342 Section 28. Paragraph (e) of subsection (2) and paragraph
343 (b) of subsection (3) of section 550.09511, Florida Statutes,
344 are amended to read:

345 550.09511 Jai alai taxes; abandoned interest in a permit
346 for nonpayment of taxes.—

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

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

355 (3)

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

360 Section 29. Subsection (1) of section 550.09514, Florida



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361 Statutes, is amended to read:

362 550.09514 Greyhound dogracing taxes; purse requirements.—

363 (1) Wagering on greyhound racing is subject to a tax on
364 handle for live greyhound racing as specified in s. 550.0951(3).
365 However, each permitholder shall pay no tax on handle until such
366 time as this subsection has resulted in a tax savings per state
367 fiscal year of \$360,000. Thereafter, each permitholder shall pay
368 the tax as specified in s. 550.0951(3) on all handle for the
369 remainder of the permitholder's current race meet, ~~and the tax~~
370 ~~must be calculated and commence beginning the day after the~~
371 ~~biweekly period in which the permitholder reaches the maximum~~
372 ~~tax savings per state fiscal year provided in this section.~~ For
373 the three permitholders that conducted a full schedule of live
374 racing in 1995, and are closest to another state that authorizes
375 greyhound pari-mutuel wagering, the maximum tax savings per
376 state fiscal year shall be \$500,000. The provisions of this
377 subsection relating to tax exemptions shall not apply to any
378 charity or scholarship performances conducted pursuant to s.
379 550.0351.

380 Section 30. Subsections (1), (2), (5), (6), (9), and (10)
381 of section 550.105, Florida Statutes, are amended to read:

382 550.105 Occupational licenses of racetrack employees; fees;
383 denial, suspension, and revocation of license; penalties and
384 fines.—

385 (1) Each person connected with a racetrack or jai alai
386 fronton, as specified in paragraph (2)(a), shall purchase from
387 the division an ~~annual~~ occupational license, ~~which license is~~
388 ~~valid from May 1 until June 30 of the following year.~~ All moneys
389 collected pursuant to this section each fiscal year shall be



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390 deposited into the Pari-mutuel Wagering Trust Fund. ~~Any person~~
391 ~~may, at her or his option and~~ Pursuant to the rules adopted by
392 the division, ~~purchase~~ an occupational license may be valid for
393 a period of up to 3 years for a fee that does not exceed ~~if the~~
394 ~~purchaser of the license pays~~ the full occupational license fee
395 for each of the years for which the license is purchased ~~at the~~
396 ~~time the 3-year license is requested.~~ The occupational license
397 shall be valid during its specified term at any pari-mutuel
398 facility.

399 (2) (a) The following licenses shall be issued to persons or
400 entities with access to the backside, racing animals, jai alai
401 players' room, jockeys' room, drivers' room, totalisator room,
402 the mutuels, or money room, or to persons who, by virtue of the
403 position they hold, might be granted access to these areas or to
404 any other person or entity in one of the following categories
405 and with ~~scheduled annual~~ fees not to exceed the following
406 amounts as follows:

407 1. Business licenses: any business such as a vendor,
408 contractual concessionaire, contract kennel, business owning
409 racing animals, trust or estate, totalisator company, stable
410 name, or other fictitious name: \$50.

411 2. Professional occupational licenses: professional persons
412 with access to the backside of a racetrack or players' quarters
413 in jai alai such as trainers, officials, veterinarians, doctors,
414 nurses, EMT's, jockeys and apprentices, drivers, jai alai
415 players, owners, trustees, or any management or officer or
416 director or shareholder or any other professional-level person
417 who might have access to the jockeys' room, the drivers' room,
418 the backside, racing animals, kennel compound, or managers or



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419 supervisors requiring access to mutuels machines, the money
420 room, or totalisator equipment: \$40.

421 3. General occupational licenses: general employees with
422 access to the jockeys' room, the drivers' room, racing animals,
423 the backside of a racetrack or players' quarters in jai alai,
424 such as grooms, kennel helpers, leadouts, pelota makers, cesta
425 makers, or ball boys, or a practitioner of any other occupation
426 who would have access to the animals, the backside, or the
427 kennel compound, or who would provide the security or
428 maintenance of these areas, or mutuel employees, totalisator
429 employees, money-room employees, or any employee with access to
430 mutuels machines, the money room, or totalisator equipment or
431 who would provide the security or maintenance of these areas:
432 \$10.

433
434 The individuals and entities that are licensed under this
435 paragraph require heightened state scrutiny, including the
436 submission by the individual licensees or persons associated
437 with the entities described in this chapter of fingerprints for
438 a Federal Bureau of Investigation criminal records check.

439 (b) The division shall adopt rules pertaining to pari-
440 mutuel occupational licenses, licensing periods, and renewal
441 cycles.

442 (5) (a) The division may:

443 1. Deny a license to or revoke, suspend, or place
444 conditions upon or restrictions on a license of any person who
445 has been refused a license by any other state racing commission
446 or racing authority;

447 2. Deny, suspend, or place conditions on a license of any



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448 person who is under suspension or has unpaid fines in another
449 jurisdiction;

450
451 if the state racing commission or racing authority of such other
452 state or jurisdiction extends to the division reciprocal
453 courtesy to maintain the disciplinary control.

454 (b) The division may deny, suspend, revoke, or declare
455 ineligible any occupational license if the applicant for or
456 holder thereof has violated the provisions of this chapter or
457 the rules of the division governing the conduct of persons
458 connected with racetracks and frontons. In addition, the
459 division may deny, suspend, revoke, or declare ineligible any
460 occupational license if the applicant for such license has been
461 convicted in this state, in any other state, or under the laws
462 of the United States of a capital felony, a felony, or an
463 offense in any other state which would be a felony under the
464 laws of this state involving arson; trafficking in, conspiracy
465 to traffic in, smuggling, importing, conspiracy to smuggle or
466 import, or delivery, sale, or distribution of a controlled
467 substance; or a crime involving a lack of good moral character,
468 or has had a pari-mutuel license revoked by this state or any
469 other jurisdiction for an offense related to pari-mutuel
470 wagering.

471 (c) The division may deny, declare ineligible, or revoke
472 any occupational license if the applicant for such license has
473 been convicted of a felony or misdemeanor in this state, in any
474 other state, or under the laws of the United States, if such
475 felony or misdemeanor is related to gambling or bookmaking, as
476 contemplated in s. 849.25, or involves cruelty to animals. If



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477 the applicant establishes that she or he is of good moral
478 character, that she or he has been rehabilitated, and that the
479 crime she or he was convicted of is not related to pari-mutuel
480 wagering and is not a capital offense, the restrictions
481 excluding offenders may be waived by the director of the
482 division.

483 (d) For purposes of this subsection, the term "convicted"
484 means having been found guilty, with or without adjudication of
485 guilt, as a result of a jury verdict, nonjury trial, or entry of
486 a plea of guilty or nolo contendere. However, the term
487 "conviction" does not apply to a crime committed prior to the
488 effective date of this subsection in a manner that would
489 invalidate any occupational license issued prior to the
490 effective date of this subsection or subsequent renewal for any
491 person holding such a license.

492 (e)~~(d)~~ If an occupational license will expire by division
493 rule during the period of a suspension the division intends to
494 impose, or if a license would have expired but for pending
495 administrative charges and the occupational licensee is found to
496 be in violation of any of the charges, the license may be
497 revoked and a time period of license ineligibility may be
498 declared. The division may bring administrative charges against
499 any person not holding a current license for violations of
500 statutes or rules which occurred while such person held an
501 occupational license, and the division may declare such person
502 ineligible to hold a license for a period of time. The division
503 may impose a civil fine of up to \$1,000 for each violation of
504 the rules of the division in addition to or in lieu of any other
505 penalty provided for in this section. In addition to any other



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506 penalty provided by law, the division may exclude from all pari-
507 mutuel facilities in this state, for a period not to exceed the
508 period of suspension, revocation, or ineligibility, any person
509 whose occupational license application has been denied by the
510 division, who has been declared ineligible to hold an
511 occupational license, or whose occupational license has been
512 suspended or revoked by the division.

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

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

521 (9) The tax imposed by this section is in lieu of all
522 license, excise, or occupational taxes to the state or any
523 county, municipality, or other political subdivision, except
524 that, if a race meeting or game is held or conducted in a
525 municipality, the municipality may assess and collect an
526 additional tax against any person conducting live racing or
527 games within its corporate limits, which tax may not exceed \$150
528 per day for horseracing, or \$50 per day for dogracing, or jai
529 alai, simulcasts, intertrack wagering, cardrooms, slot machines,
530 or electronic gaming machines. Except as provided in this
531 chapter, a municipality may not assess or collect any additional
532 excise or revenue tax against any person conducting race
533 meetings within the corporate limits of the municipality or
534 against any patron of any such person.



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535 (10) (a) Upon application for an occupational license, the
536 division may require the applicant's full legal name; any
537 nickname, alias, or maiden name for the applicant; name of the
538 applicant's spouse; the applicant's date of birth, residence
539 address, mailing address, residence address and business phone
540 number, and social security number; disclosure of any felony or
541 any conviction involving bookmaking, illegal gambling, or
542 cruelty to animals; disclosure of any past or present
543 enforcement or actions by any racing or gaming agency against
544 the applicant; and any information the division determines is
545 necessary to establish the identity of the applicant or to
546 establish that the applicant is of good moral character.
547 Fingerprints shall be taken in a manner approved by the division
548 and then shall be submitted to the Federal Bureau of
549 Investigation, or to the association of state officials
550 regulating pari-mutuel wagering pursuant to the Federal Pari-
551 mutuel Licensing Simplification Act of 1988. The cost of
552 processing fingerprints shall be borne by the applicant and paid
553 to the association of state officials regulating pari-mutuel
554 wagering from the trust fund to which the processing fees are
555 deposited. ~~The division shall require each applicant for an~~
556 ~~occupational license to have the applicant's signature witnessed~~
557 ~~and notarized or signed in the presence of a division official.~~
558 The division, by rule, may require additional information from
559 licensees which is reasonably necessary to regulate the
560 industry. The division may, by rule, exempt certain occupations
561 or groups of persons from the fingerprinting requirements.

562 (b) All fingerprints required by this section which are
563 submitted to the Department of Law Enforcement shall be retained



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564 by the Department of Law Enforcement and entered into the
565 statewide automated fingerprint identification system as
566 authorized by s. 943.05(2)(b) and shall be available for all
567 purposes and uses authorized for arrest fingerprint cards
568 entered into the statewide automated fingerprint identification
569 system pursuant to s. 943.051.

570 (c) The Department of Law Enforcement shall search all
571 arrest fingerprints received pursuant to s. 943.051 against the
572 fingerprints retained in the statewide automated fingerprint
573 identification system under paragraph (b). Any arrest record
574 that is identified with the retained fingerprints of a person
575 subject to the criminal history screening requirements of this
576 section shall be reported to the division. Each licensee shall
577 pay a fee to the division for the cost of retention of the
578 fingerprints and the ongoing searches under this paragraph. The
579 division shall forward the payment to the Department of Law
580 Enforcement. The amount of the fee to be imposed for performing
581 these searches and the procedures for the retention of licensee
582 fingerprints shall be as established by rule of the Department
583 of Law Enforcement. The division shall inform the Department of
584 Law Enforcement of any change in the license status of licensees
585 whose fingerprints are retained under paragraph (b).

586 (d) The division shall request the Department of Law
587 Enforcement to forward the fingerprints to the Federal Bureau of
588 Investigation for a national criminal history records check at
589 least once every 5 years following issuance of a license. If the
590 fingerprints of a person who is licensed have not been retained
591 by the Department of Law Enforcement, the person must file a
592 complete set of fingerprints as provided in paragraph (a). The



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593 division shall collect the fees for the cost of the national
594 criminal history record check under this paragraph and forward
595 the payment to the Department of Law Enforcement. The cost of
596 processing fingerprints and conducting a criminal history record
597 check under this paragraph for a general occupational license
598 shall be borne by the applicant. The cost of processing
599 fingerprints and conducting a criminal history record check
600 under this paragraph for a business or professional occupational
601 license shall be borne by the person being checked. The
602 Department of Law Enforcement may invoice the division for the
603 fingerprints submitted each month. Under penalty of perjury,
604 each person who is licensed or who is fingerprinted as required
605 by this section must agree to inform the division within 48
606 hours if he or she is convicted of or has entered a plea of
607 guilty or nolo contendere to any disqualifying offense,
608 regardless of adjudication.

609 Section 31. Section 550.135, Florida Statutes, is amended
610 to read:

611 550.135 Division of moneys derived under this law.—All
612 moneys that are deposited with the Chief Financial Officer to
613 the credit of the Pari-mutuel Wagering Trust Fund shall be
614 distributed as follows:

615 (1) The daily license fee revenues collected pursuant to s.
616 550.0951(1) shall be used to fund the operating cost of the
617 division and to provide a proportionate share of the operation
618 of the office of the secretary and the Division of
619 Administration of the Department of Business and Professional
620 Regulation; however, other collections in the Pari-mutuel
621 Wagering Trust Fund may also be used to fund the operation of



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622 the division in accordance with authorized appropriations.

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

627 (3) The slot machine license fee, the slot machine
628 occupational license fee, and the compulsive or addictive
629 gambling prevention program fee collected pursuant to ss.
630 551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the
631 direct and indirect operating expenses of the division's slot
632 machine regulation operations and to provide funding for
633 relevant enforcement activities in accordance with authorized
634 appropriations. Funds deposited into the Pari-mutuel Wagering
635 Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1., and 551.118
636 shall be reserved in the trust fund for slot machine regulation
637 operations. On June 30, any unappropriated funds in excess of
638 those necessary for incurred obligations and subsequent year
639 cash flow for slot machine regulation operations shall be
640 deposited with the Chief Financial Officer to the credit of the
641 General Revenue Fund.

642 (4) The electronic gaming machine license fee, the
643 electronic gaming machine occupational license fee, and the
644 compulsive or addictive gambling prevention program fee
645 collected pursuant to subsection (1) of section 7 of this act
646 and subsection (3) of section 17 of this act shall be used to
647 fund the direct and indirect operating expenses of the
648 division's electronic gaming machine regulation operations and
649 to provide funding for relevant enforcement activities in
650 accordance with authorized appropriations. Funds deposited into



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651 the Pari-mutuel Wagering Trust Fund pursuant to subsection (1)
652 of section 7 of this act and subsection (3) of section 17 of
653 this act shall be reserved in the trust fund for electronic
654 gaming machine regulation and enforcement operations. On June
655 30, any unappropriated funds in excess of those necessary for
656 incurred obligations and subsequent year cash flow for
657 electronic gaming machine regulation and enforcement operations
658 shall be deposited with the Chief Financial Officer to the
659 credit of the General Revenue Fund.

660 Section 32. Subsection (6) of section 550.2415, Florida
661 Statutes, is amended to read:

662 550.2415 Racing of animals under certain conditions
663 prohibited; penalties; exceptions.—

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

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

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

678 (d) Any act committed by any licensee which would
679 constitute ~~A conviction of~~ cruelty to animals as defined in



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680 ~~pursuant to s. 828.12 involving any a racing~~ animal constitutes
681 a violation of this chapter. Imposition of any penalty by the
682 division for a violation of this chapter or any rule adopted by
683 the division pursuant to this chapter does not prohibit a
684 criminal prosecution for cruelty to animals.

685 (e) The division may inspect any area at a pari-mutuel
686 facility where racing animals are raced, trained, housed, or
687 maintained, including any areas where food, medications, or
688 other supplies are kept, to ensure the humane treatment of
689 racing animals and compliance with this chapter and the rules of
690 the division.

691 Section 33. Subsection (5) is added to section 550.26165,
692 Florida Statutes, to read:

693 550.26165 Breeders' awards.—

694 (5) (a) The awards programs in this chapter, which are
695 intended to encourage thoroughbred breeding and training
696 operations to locate in this state, must be responsive to
697 rapidly changing incentive programs in other states. To attract
698 such operations, it is appropriate to provide greater
699 flexibility to thoroughbred industry participants in this state
700 so that they may design competitive awards programs.

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

704 1. Pay breeders' awards on horses finishing in first,
705 second, or third place in thoroughbred horse races; pay
706 breeders' awards that are greater than 20 percent and less than
707 15 percent of the announced gross purse; and vary the rates for
708 breeders' awards, based upon the place of finish, class of race,



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709 state or country in which the race took place, and the state in
710 which the stallion siring the horse was standing when the horse
711 was conceived;

712 2. Pay stallion awards on horses finishing in first,
713 second, or third place in thoroughbred horse races; pay stallion
714 awards that are greater than 20 percent and less than 15 percent
715 of the announced gross purse; reduce or eliminate stallion
716 awards to enhance breeders' awards or awards under subparagraph
717 3.; and vary the rates for stallion awards, based upon the place
718 of finish, class of race, and state or country in which the race
719 took place; and

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

725 (c) Breeders' awards or stallion awards under this chapter
726 may not be paid on thoroughbred horse races taking place in
727 other states or countries unless agreed to in writing by all
728 thoroughbred permitholders in this state, the Florida
729 Thoroughbred Breeders' Association, and the Florida Horsemen's
730 Benevolent and Protective Association, Inc.

731 Section 34. Paragraph (e) is added to subsection (6) of
732 section 550.2625, Florida Statutes, to read:

733 550.2625 Horseracing; minimum purse requirement, Florida
734 breeders' and owners' awards.—

735 (6)

736 (e) This subsection governs owners' awards paid on
737 thoroughbred races only in this state, unless a written



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738 agreement is filed with the division establishing the rate,
739 procedures, and eligibility requirements for owners' awards,
740 including place of finish, class of race, maximum purse, and
741 maximum award, and the agreement is entered into by the
742 permitholder, the Florida Thoroughbred Breeders' Association,
743 and the association representing a majority of the racehorse
744 owners and trainers at the permitholder's location.

745 Section 35. Section 550.334, Florida Statutes, is amended
746 to read:

747 550.334 Quarter horse racing; substitutions.—

748 ~~(1) Subject to all the applicable provisions of this~~
749 ~~chapter, any person who possesses the qualifications prescribed~~
750 ~~in this chapter may apply to the division for a permit to~~
751 ~~conduct quarter horse race meetings and racing under this~~
752 ~~chapter. The applicant must demonstrate that the location or~~
753 ~~locations where the permit will be used are available for such~~
754 ~~use and that she or he has the financial ability to satisfy the~~
755 ~~reasonably anticipated operational expenses of the first racing~~
756 ~~year following final issuance of the permit. If the racing~~
757 ~~facility is already built, the application must contain a~~
758 ~~statement, with reasonable supporting evidence, that the permit~~
759 ~~will be used for quarter horse racing within 1 year after the~~
760 ~~date on which it is granted; if the facility is not already~~
761 ~~built, the application must contain a statement, with reasonable~~
762 ~~supporting evidence, that substantial construction will be~~
763 ~~started within 1 year after the issuance of the permit. After~~
764 ~~receipt of an application, the division shall convene to~~
765 ~~consider and act upon permits applied for. The division shall~~
766 ~~disapprove an application if it fails to meet the requirements~~



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767 ~~of this chapter. Upon each application filed and approved, a~~
768 ~~permit shall be issued setting forth the name of the applicant~~
769 ~~and a statement showing qualifications of the applicant to~~
770 ~~conduct racing under this chapter. If a favorable referendum on~~
771 ~~a pari-mutuel facility has not been held previously within the~~
772 ~~county, then, before a quarter horse permit may be issued by the~~
773 ~~division, a referendum ratified by a majority of the electors in~~
774 ~~the county is required on the question of allowing quarter horse~~
775 ~~races within that county.~~

776 ~~(2) After a quarter horse racing permit has been granted by~~
777 ~~the division, the department shall grant to the lawful holder of~~
778 ~~such permit, subject to the conditions of this section, a~~
779 ~~license to conduct quarter horse racing under this chapter; and~~
780 ~~the division shall fix annually the time when, place where, and~~
781 ~~number of days upon which racing may be conducted by such~~
782 ~~quarter horse racing permitholder. After the first license has~~
783 ~~been issued to the holder of a permit for quarter horse racing,~~
784 ~~all subsequent annual applications for a license by a~~
785 ~~permitholder must be accompanied by proof, in such form as the~~
786 ~~division requires, that the permitholder still possesses all the~~
787 ~~qualifications prescribed by this chapter. The division may~~
788 ~~revoke any permit or license issued under this section upon the~~
789 ~~willful violation by the licensee of any provision of this~~
790 ~~chapter or any rule adopted by the division under this chapter.~~
791 ~~The division shall revoke any quarter horse permit under which~~
792 ~~no live racing has ever been conducted before July 7, 1990, for~~
793 ~~failure to conduct a horse meet pursuant to the license issued~~
794 ~~where a full schedule of horseracing has not been conducted for~~
795 ~~a period of 18 months commencing on October 1, 1990, unless the~~



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796 ~~permitholder has commenced construction on a facility at which a~~
797 ~~full schedule of live racing could be conducted as approved by~~
798 ~~the division. "Commenced construction" means initiation of and~~
799 ~~continuous activities beyond site preparation associated with~~
800 ~~erecting or modifying a horseracing facility, including~~
801 ~~procurement of a building permit applying the use of approved~~
802 ~~construction documents, proof of an executed owner/contractor~~
803 ~~agreement or an irrevocable or binding forced account, and~~
804 ~~actual undertaking of foundation forming with steel installation~~
805 ~~and concrete placing. The 18-month period shall be extended by~~
806 ~~the division, to the extent that the applicant demonstrates to~~
807 ~~the satisfaction of the division that good faith commencement of~~
808 ~~the construction of the facility is being delayed by litigation~~
809 ~~or by governmental action or inaction with respect to~~
810 ~~regulations or permitting precluding commencement of the~~
811 ~~construction of the facility.~~

812 (1)~~(3)~~ The operator of any licensed racetrack is authorized
813 to lease such track to any quarter horse racing permitholder for
814 the conduct of quarter horse racing under this chapter.

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

819 (2)~~(5)~~ Quarter horses participating in such races must be
820 duly registered by the American Quarter Horse Association, and
821 before each race such horses must be examined and declared in
822 fit condition by a qualified person designated by the division.

823 (3)~~(6)~~ Any quarter horse racing days permitted under this
824 chapter are in addition to any other racing permitted under the



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825 license issued the track where such quarter horse racing is
826 conducted.

827 ~~(4)(7)(a)~~ Any quarter horse racing permit holder operating
828 under a valid permit issued by the division is authorized to
829 substitute races of other breeds of horses, ~~except~~
830 ~~thoroughbreds~~, which are, respectively, registered with the
831 American Paint Horse Association, Appaloosa Horse Club, Arabian
832 Horse Registry of America, Palomino Horse Breeders of America,
833 ~~or~~ United States Trotting Association, Florida Cracker Horse
834 Association, or for no more than 50 percent of the quarter horse
835 races daily, and may substitute races of thoroughbreds
836 registered with the Jockey Club for no more than 50 percent of
837 the quarter horse races conducted by the permit holder during the
838 year daily with the written consent of all greyhound, harness,
839 and thoroughbred permit holders whose pari-mutuel facilities are
840 located within 50 air miles of such quarter horse racing
841 permit holder's pari-mutuel facility.

842 ~~(b)~~ Any permittee operating within an area of 50 air miles
843 of a licensed thoroughbred track may not substitute thoroughbred
844 races under this section while a thoroughbred horse race meet is
845 in progress within that 50 miles. Any permittee operating within
846 an area of 125 air miles of a licensed thoroughbred track may
847 not substitute live thoroughbred races under this section while
848 a thoroughbred permittee who pays taxes under s. 550.09515(2)(a)
849 is conducting a thoroughbred meet within that 125 miles. These
850 mileage restrictions do not apply to any permittee that holds a
851 nonwagering permit issued pursuant to s. 550.505.

852 ~~(5)(8)~~ A quarter horse permit issued pursuant to this
853 section is not eligible for transfer or conversion to another



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854 type of pari-mutuel operation.

855 ~~(6)-(9)~~ Any nonprofit corporation, including, but not
856 limited to, an agricultural cooperative marketing association,
857 organized and incorporated under the laws of this state may
858 apply for a quarter horse racing permit and operate racing meets
859 under such permit, provided all pari-mutuel taxes and fees
860 applicable to such racing are paid by the corporation. However,
861 insofar as its pari-mutuel operations are concerned, the
862 corporation shall be considered to be a corporation for profit
863 and is subject to taxation on all property used and profits
864 earned in connection with its pari-mutuel operations.

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

870 Section 36. Section 550.3355, Florida Statutes, is amended
871 to read:

872 550.3355 Harness track licenses for summer quarter horse
873 racing.—Any harness track licensed to operate under the
874 provisions of s. 550.375 may make application for, and shall be
875 issued by the division, a license to operate not more than 50
876 quarter horse racing days during the summer season, which shall
877 extend from July 1 ~~June 1~~ until October 1 ~~September 1~~ of each
878 year. However, this license to operate quarter horse racing for
879 50 days is in addition to the racing days and dates provided in
880 s. 550.375 for harness racing during the winter seasons; and, it
881 does not affect the right of such licensee to operate harness
882 racing at the track as provided in s. 550.375 during the winter



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883 season. All provisions of this chapter governing quarter horse
884 racing not in conflict herewith apply to the operation of
885 quarter horse meetings authorized hereunder, except that all
886 quarter horse racing permitted hereunder shall be conducted at
887 night.

888 Section 37. Section 550.3605, Florida Statutes, is
889 repealed.

890 Section 38. Section 550.5251, Florida Statutes, is amended
891 to read:

892 550.5251 Florida thoroughbred racing; certain permits;
893 operating days.-

894 ~~(1) Each thoroughbred permit holder under whose permit~~
895 ~~thoroughbred racing was conducted in this state at any time~~
896 ~~between January 1, 1987, and January 1, 1988, shall annually be~~
897 ~~entitled to apply for and annually receive thoroughbred racing~~
898 ~~days and dates as set forth in this section. As regards such~~
899 ~~permit holders, the annual thoroughbred racing season shall be~~
900 ~~from June 1 of any year through May 31 of the following year and~~
901 ~~shall be known as the "Florida Thoroughbred Racing Season."~~

902 (1)(2) Each thoroughbred permit holder ~~referred to in~~
903 ~~subsection (1)~~ shall annually, during the period commencing
904 December 15 of each year and ending January 4 of the following
905 year, file in writing with the division its application to
906 conduct one or more thoroughbred racing meetings during the
907 thoroughbred racing season commencing on the following July ~~June~~
908 1. Each application shall specify the number and dates of all
909 performances that the permit holder intends to conduct during
910 that thoroughbred racing season. On or before February 15 of
911 each year, the division shall issue a license authorizing each



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912 permitholder to conduct performances on the dates specified in
913 its application. By February 28 ~~Up to March 31~~ of each year,
914 each permitholder may request and shall be granted changes in
915 its authorized performances; but thereafter, as a condition
916 precedent to the validity of its license and its right to retain
917 its permit, each permitholder must operate the full number of
918 days authorized on each of the dates set forth in its license.

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

923 (2)~~(4)~~ A thoroughbred racing permitholder may not begin any
924 race later than 7 p.m. Any thoroughbred permitholder in a county
925 in which the authority for cardrooms has been approved by the
926 board of county commissioners may operate a cardroom and, when
927 conducting live races during its current race meet, may receive
928 and rebroadcast out-of-state races after the hour of 7 p.m. on
929 any day during which the permitholder conducts live races.

930 (3)~~(5)~~(a) Each licensed thoroughbred permitholder in this
931 state must run an average of one race per racing day in which
932 horses bred in this state and duly registered with the Florida
933 Thoroughbred Breeders' Association have preference as entries
934 over non-Florida-bred horses, unless otherwise agreed to in
935 writing by the permitholder, the Florida Thoroughbred Breeders'
936 Association, and the association representing a majority of the
937 thoroughbred racehorse owners and trainers at that location. All
938 licensed thoroughbred racetracks shall write the conditions for
939 such races in which Florida-bred horses are preferred so as to
940 assure that all Florida-bred horses available for racing at such



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941 tracks are given full opportunity to run in the class of races
942 for which they are qualified. The opportunity of running must be
943 afforded to each class of horses in the proportion that the
944 number of horses in this class bears to the total number of
945 Florida-bred horses available. A track is not required to write
946 conditions for a race to accommodate a class of horses for which
947 a race would otherwise not be run at the track during its meet
948 ~~meeting~~.

949 (b) Each licensed thoroughbred permitholder in this state
950 may run one additional race per racing day composed exclusively
951 of Arabian horses registered with the Arabian Horse Registry of
952 America. Any licensed thoroughbred permitholder that elects to
953 run one additional race per racing day composed exclusively of
954 Arabian horses registered with the Arabian Horse Registry of
955 America is not required to provide stables for the Arabian
956 horses racing under this paragraph.

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

961 ~~(6) Notwithstanding the provisions of subsection (2), a~~
962 ~~thoroughbred permitholder who fails to operate all performances~~
963 ~~on its 2001-2002 license does not lose its right to retain its~~
964 ~~permit. Such thoroughbred permitholder is eligible for issuance~~
965 ~~of an annual license pursuant to s. 550.0115 for subsequent~~
966 ~~thoroughbred racing seasons. The division shall take no~~
967 ~~disciplinary action against such thoroughbred permitholder for~~
968 ~~failure to operate all licensed performances for the 2001-2002~~
969 ~~license pursuant to this section or s. 550.01215. This section~~



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970 ~~may not be interpreted to prohibit the division from taking~~
971 ~~disciplinary action against a thoroughbred permitholder for~~
972 ~~failure to pay taxes on performances operated pursuant to its~~
973 ~~2001-2002 license. This subsection expires July 1, 2003.~~

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

980 Section 39. Section 550.810, Florida Statutes, is created
981 to read:

982 550.810 Historical racing.-

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

986 (a) No identifying information about any race or the
987 competing horses or dogs in that race is revealed to a patron
988 until after the patron's wager is irrevocably placed;

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

992 (c) The historical racing takes place under a licensed
993 pari-mutuel permit and the pari-mutuel permitholder also holds a
994 cardroom license; and

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

997 (2)(a) Historic racing may not be authorized to a
998 permitholder licensed under chapter 550, Florida Statutes, to



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999 conduct live pari-mutuel wagering races or games unless the
1000 permitholder has on file with the division the following binding
1001 written agreements governing the payment of awards and purses on
1002 the handle generated from historic racing conducted at the
1003 licensee's pari-mutuel facility:

1004 1. For a thoroughbred permitholder, an agreement governing
1005 the payment of purses between the permitholder and the Florida
1006 Horsemen's Benevolent and Protective Association, Inc., or the
1007 association representing a majority of the thoroughbred owners
1008 and trainers at the permitholder's eligible facility located as
1009 described in s. 550.615(9), Florida Statutes, and an agreement
1010 governing the payment of awards between the permitholder and the
1011 Florida Thoroughbred Breeders' Association;

1012 2. For a harness permitholder, an agreement governing the
1013 payment of purses and awards between the permitholder and the
1014 Florida Standardbred Breeders and Owners Association;

1015 3. For a greyhound permitholder, an agreement governing the
1016 payment of purses between the permitholder and the Florida
1017 Greyhound Association, Inc.;

1018 4. For a quarter horse permitholder, an agreement governing
1019 the payment of purses between the applicant and the Florida
1020 Quarter Horse Racing Association or the association representing
1021 a majority of the horse owners and trainers at the applicants
1022 eligible facility, and an agreement governing the payment of
1023 awards between the permitholder and the Florida Quarter Horse
1024 Breeders and Owners Association; or

1025 5. For a jai alai permitholder, an agreement governing the
1026 payment of player awards between the permitholder and the
1027 International Jai Alai Players Association or a binding written



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1028 agreement approved by a majority of the jai alai players at the
1029 permitholder's eligible facility at which the applicant has a
1030 permit issued after January 1, 2000, to conduct jai alai.

1031 (b) The agreements may direct the payment of purses and
1032 awards from revenues generated by any wagering or games the
1033 applicant is authorized to conduct under state law. All purses
1034 and awards are subject to the terms of chapter 550, Florida
1035 Statutes. All sums for breeders', stallion, and special racing
1036 awards shall be remitted monthly to the respective breeders
1037 association for the payment of awards, subject to the
1038 administrative fees authorized under chapter 550, Florida
1039 Statutes.

1040 (3) The amount of historical racing wagering terminals may
1041 be:

1042 (a) A licensed greyhound facility may have 500 historical
1043 racing terminals.

1044 (b) A licensed thoroughbred facility may have 500
1045 historical racing terminals.

1046 (c) A licensed harness track facility may have 500
1047 historical racing terminals.

1048 (d) A licensed quarter horse facility may have 500
1049 historical racing terminals.

1050 (e) A licensed jai alai facility may have 500 historical
1051 racing terminals.

1052 (4) The moneys wagered on races via the historical racing
1053 system shall be separated from the moneys wagered on live races
1054 conducted at, and on other races simulcast to, the licensee's
1055 facility.

1056 (5) The division shall adopt rules necessary to implement,



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1057 administer, and regulate the operation of historical racing
1058 systems in this state. The rules must include:

1059 (a) Procedures for regulating, managing, and auditing the
1060 operation, financial data, and program information relating to
1061 historical racing systems that enable the division to audit the
1062 operation, financial data, and program information of the pari-
1063 mutuel facility authorized to operate a historical racing
1064 system.

1065 (b) Technical requirements to operate a historical racing
1066 system.

1067 (c) Procedures to require licensees to maintain specified
1068 records and submit any data, information, record, or report,
1069 including financial and income records, required by this act or
1070 rules of the division.

1071 (d) Procedures relating to historical racing system
1072 revenues, including verifying and accounting for such revenues,
1073 auditing, and collecting taxes and fees.

1074 (e) Minimum standards for security of the facilities,
1075 including floor plans, security cameras, and other security
1076 equipment.

1077 (f) Procedures to ensure that a historical racing machine
1078 does not enter the state and be offered for play until it has
1079 been tested and certified by a licensed testing laboratory for
1080 play in the state. The procedures shall address measures to
1081 scientifically test and technically evaluate electronic gaming
1082 machines for compliance with laws and rules regulating
1083 historical racing machines. The division may contract with an
1084 independent testing laboratory to conduct any necessary testing.
1085 The independent testing laboratory must have a national



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1086 reputation indicating that it is demonstrably competent and
1087 qualified to scientifically test and evaluate that the
1088 historical racing systems perform the functions required by laws
1089 and rules regulating historical racing machines. An independent
1090 testing laboratory may not be owned or controlled by a licensee.
1091 The selection of an independent laboratory for any purpose
1092 related to the conduct of historical racing systems by a
1093 licensee shall be made from a list of laboratories approved by
1094 the division. The division shall adopt rules regarding the
1095 testing, certification, control, and approval of historical
1096 racing systems.

1097 (6) Notwithstanding any other provision of the law, the
1098 proceeds of pari-mutuel tickets purchased for historical racing
1099 that are not redeemed within 1 year after purchase shall be
1100 divided as follows:

1101 (a) Fifty percent shall be retained by the permitholder;
1102 and

1103 (b) Fifty percent shall be paid into the permitholder's
1104 purse account.

1105 Section 40. Subsection (7) of section 551.102, Florida
1106 Statutes, is amended to read:

1107 551.102 Definitions.—As used in this chapter, the term:

1108 (7) "Progressive system" means a computerized system
1109 linking slot machines in one or more licensed facilities within
1110 this state or other jurisdictions and offering one or more
1111 common progressive payouts based on the amounts wagered.

1112 Section 41. Paragraph (j) of subsection (4) of section
1113 551.104, Florida Statutes, is amended to read:

1114 551.104 License to conduct slot machine gaming.—



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1115 (4) As a condition of licensure and to maintain continued
1116 authority for the conduct of slot machine gaming, the slot
1117 machine licensee shall:

1118 (j) Ensure that the payout percentage of a slot machine
1119 gaming facility is at least ~~no less than~~ 85 percent.

1120 Section 42. Paragraph (a) of subsection (1), paragraph (a)
1121 of subsection (2), and subsection (3) of section 551.106,
1122 Florida Statutes, are amended to read:

1123 551.106 License fee; tax rate; penalties.—

1124 (1) LICENSE FEE.—

1125 (a) Upon submission of the initial application for a slot
1126 machine license and annually thereafter, on the anniversary date
1127 of the issuance of the initial license, the licensee must pay to
1128 the division a nonrefundable license fee of \$3 million for the
1129 succeeding 12 months of licensure. In the 2010-2011 fiscal year,
1130 the licensee must pay the division a nonrefundable license fee
1131 of \$2.5 million for the succeeding 12 months of licensure. In
1132 the 2011-2012 fiscal year and for every fiscal year thereafter,
1133 the licensee must pay the division a nonrefundable license fee
1134 of \$2 million for the succeeding 12 months of licensure. The
1135 license fee shall be deposited into the Pari-mutuel Wagering
1136 Trust Fund of the Department of Business and Professional
1137 Regulation to be used by the division and the Department of Law
1138 Enforcement for investigations, regulation of slot machine
1139 gaming, and enforcement of slot machine gaming provisions under
1140 this chapter. These payments shall be accounted for separately
1141 from taxes or fees paid pursuant to the provisions of chapter
1142 550.

1143 (2) TAX ON SLOT MACHINE REVENUES.—



1144 (a) The tax rate on slot machine revenues at each facility
1145 shall be 50 percent. In the 2010-2011 fiscal year, the tax rate
1146 on slot machine revenues at each facility shall be 42 percent.
1147 In the 2011-2012 fiscal year and every year thereafter, the tax
1148 rate on slot machine revenue at each facility shall be 35
1149 percent.

1150 (3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax
1151 on slot machine revenues imposed by this section shall be paid
1152 to the division. The division shall deposit these sums with the
1153 Chief Financial Officer, to the credit of the Pari-mutuel
1154 Wagering Trust Fund. The slot machine licensee shall remit to
1155 the division payment for the tax on slot machine revenues. Such
1156 payments shall be remitted by 3 p.m. Wednesday of each week for
1157 taxes imposed and collected for the preceding week ending on
1158 Sunday. Beginning on July 1, 2012, the slot machine licensee
1159 shall remit to the division payment for the tax on slot machine
1160 revenues by 3 p.m. on the 5th day of each calendar month for
1161 taxes imposed and collected for the preceding calendar month. If
1162 the 5th day of the calendar month falls on a weekend, payments
1163 shall be remitted by 3 p.m. the first Monday following the
1164 weekend. The slot machine licensee shall file a report under
1165 oath by the 5th day of each calendar month for all taxes
1166 remitted during the preceding calendar month. Such payments
1167 shall be accompanied by a report under oath showing all slot
1168 machine gaming activities for the preceding calendar month and
1169 such other information as may be prescribed by the division.

1170
1171 ===== T I T L E A M E N D M E N T =====

1172 And the title is amended as follows:



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1173 Delete lines 58 - 153
1174 and insert:
1175 specifying a limit on the number of electronic gaming
1176 machines in a facility; requiring an electronic gaming
1177 machine licensee to provide office space to the
1178 Division of Pari-mutuel Wagering and to the Department
1179 of Law Enforcement free of charge; limiting the hours
1180 that an electronic gaming machine facility may
1181 operate; authorizing the Division of Pari-mutuel
1182 Wagering to revoke or suspend licenses or impose fines
1183 for willful violations of laws or rules regulating
1184 electronic gaming; requiring electronic gaming machine
1185 licensees to train employees about gambling
1186 addictions; imposing a regulatory fee for a gambling
1187 addiction program; entitling electronic gaming machine
1188 licensees to a caterer's license; restricting the
1189 provision of alcoholic beverages, automated teller
1190 machines, and check cashing activities in gaming
1191 machine areas; authorizing the Division of Pari-mutuel
1192 Wagering to adopt rules; preempting to the state the
1193 authority to regulate electronic gaming facilities;
1194 excepting bingo games operated by charitable or
1195 nonprofit organizations from the provisions of the
1196 act; amending s. 215.22, F.S.; exempting taxes imposed
1197 on electronic gaming and electronic gaming machine
1198 revenue from specified service charges; authorizing
1199 the Division of Pari-mutuel Wagering to spend certain
1200 trust funds; requiring repayment of such funds;
1201 amending s. 550.002, F.S.; revising a definitions;



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1202 amending s. 550.01215, F.S.; deleting an exception
1203 relating to licensing of thoroughbred racing; amending
1204 s. 550.0951, F.S.; specifying the tax on historical
1205 racing, the take-out of a pari-mutuel pool, and a
1206 payment to a purse account; providing for payments to
1207 certain horse racing associations; specifying the fee
1208 for a permitholder to conduct historical racing;
1209 revising the date on which tax payments are due;
1210 amending s. 550.09511, F.S.; revising the schedule for
1211 the payment of jai alai taxes; amending s. 550.09514,
1212 F.S.; revising the schedule for the payment of
1213 greyhound dog racing taxes; amending s. 550.105, F.S.;
1214 providing for a 3-year occupational license for
1215 certain pari-mutuel employees; specifying maximum
1216 license fees; providing for the additional tax that a
1217 municipality may assess for live racing to apply to
1218 additional specified games; providing procedures for
1219 criminal history record checks; amending s. 550.135,
1220 F.S.; providing for the reservation of electronic
1221 gaming machine fees in a trust fund; amending s.
1222 550.2415, F.S.; providing that cruelty to any animal
1223 is a violation of ch. 550, F.S.; authorizing the
1224 Division of Pari-mutuel Wagering to inspect areas
1225 where racing animals are raced, trained, housed, or
1226 maintained; amending s. 550.26165, F.S.; providing
1227 legislative intent to attract thoroughbred training
1228 and breeding to this state; authorizing the Florida
1229 Thoroughbred Breeders' Association to pay certain
1230 awards as part of its pay plan; amending s. 550.2625,



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1231 F.S.; limiting the application of requirements for
1232 minimum purses and awards to this state; amending s.
1233 550.334, F.S.; deleting a provision for issuing a
1234 permit to conduct quarter horse race meetings;
1235 deleting a provision for issuing a license to conduct
1236 quarter horse racing; deleting provisions to revoke
1237 such permit or license for certain violations or
1238 failure to conduct live racing; removing an exception
1239 to specified permit application provisions; revising
1240 the authority of a quarter horse racing permitholder
1241 to substitute horse breeds; deleting a requirement for
1242 a quarter horse permitholder to have the consent of
1243 certain other permitholders within a certain distance
1244 to engage in intertrack wagering; amending s.
1245 550.3355, F.S.; revising the time period for a harness
1246 track summer season; repealing s. 550.3605, F.S.,
1247 relating to the use of electronic transmitting
1248 equipment on the premises of a horse or dog racetrack
1249 or jai alai fronton; amending s. 550.5251, F.S.;
1250 deleting provisions relating to racing days and dates
1251 for thoroughbred permitholders that conducted races
1252 between certain dates; revising provisions relating to
1253 thoroughbred racing dates and minimum number of races;
1254 creating s. 550.810, F.S.; specifying requirements for
1255 historical racing systems; limiting the number of
1256 historical terminals in certain pari-mutuel
1257 facilities; authorizing the Division of Pari-mutuel
1258 wagering to adopt rules regulating historical racing;
1259 providing for the disposition of pari-mutuel tickets



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1260 that are not redeemed within a certain period of time;
1261 amending s. 551.102, F.S.; clarifying the definition
1262 of the term "progressive system"; amending s. 551.104,
1263 F.S.; providing that the payout percentage of a slot
1264 machine facility must be at least 85 percent;
1265 specifying the licensing fee for slot machine gaming;
1266 specifying the rate of tax on slot machine revenues;
1267 revising the due date for slot machine taxes;