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580-03112A-09

Proposed Committee Substitute by the Committee on Regulated  
Industries

1                                   A bill to be entitled  
2           An act relating to gaming; providing legislative  
3           findings and intent; authorizing electronic gaming  
4           machines in certain pari-mutuel facilities; defining  
5           terms; providing powers and duties of the Division of  
6           Pari-mutuel Wagering of the Department of Business and  
7           Professional Regulation and the Department of Law  
8           Enforcement; authorizing the Division of Pari-mutuel  
9           Wagering to adopt rules regulating electronic gaming  
10          activities; authorizing the Division of Pari-mutuel  
11          Wagering and the Department of Law Enforcement to  
12          conduct investigations relating to electronic gaming;  
13          authorizing the Division of Pari-mutuel Wagering to  
14          issue licenses for electronic gaming; specifying  
15          qualifications of licensees; requiring licensees to  
16          provide advance notice of certain ownership changes to  
17          the Division of Pari-mutuel Wagering; specifying  
18          requirements for a licensee's facilities-based  
19          computer system; requiring electronic gaming machines  
20          to maintain a payout percentage of at least 85  
21          percent; requiring licensees to maintain records;  
22          requiring licensees to make and file certain reports  
23          with the Division of Pari-mutuel Wagering; requiring  
24          an applicant for an electronic gaming license to have  
25          certain agreements for live races or games; providing  
26          for arbitration of such agreements; authorizing the  
27          Division of Pari-mutuel Wagering to issue temporary



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28 occupational licenses; providing for the renewal of  
29 electronic gaming machine licenses; specifying a  
30 nonrefundable licensing fee for electronic gaming  
31 licenses; specifying the rate of tax on electronic  
32 gaming machine revenues; providing for penalties for  
33 failure to pay the taxes; requiring electronic gaming  
34 machine licensees and certain persons having access to  
35 gaming areas to submit fingerprints in connection with  
36 certain occupational licenses; specifying grounds for  
37 the Division of Pari-mutuel Wagering to take action  
38 against applicants for and licensees having certain  
39 occupational licenses; authorizing the Division of  
40 Pari-mutuel Wagering to impose fines for violations of  
41 laws relating to electronic gaming; prohibiting  
42 regulators, certain businesses, licensees, and  
43 employees from having certain relationships with each  
44 other; subjecting a person who makes certain false  
45 statements to fines; subjecting a person to fines for  
46 possessing electronic games without a license;  
47 imposing criminal penalties for attempting to  
48 manipulate electronic gaming machines or theft  
49 relating to electronic gaming; authorizing warrantless  
50 arrests by law enforcement officers under certain  
51 circumstances; providing immunity to law enforcement  
52 officers who make such arrests; imposing criminal  
53 penalties for resisting arrest or detention;  
54 prohibiting electronic gaming machines from entering  
55 this state; authorizing the Division of Pari-mutuel  
56 Wagering to exclude certain individuals from the



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57 facility of an electronic gaming machine licensee;  
58 prohibiting persons who are younger than 18 years of  
59 age from playing an electronic gaming machine;  
60 specifying a limit on the number of electronic gaming  
61 machines in a facility; requiring an electronic gaming  
62 machine licensee to provide office space to the  
63 Division of Pari-mutuel Wagering and to the Department  
64 of Law Enforcement free of charge; limiting the hours  
65 that an electronic gaming machine facility may  
66 operate; authorizing the Division of Pari-mutuel  
67 Wagering to revoke or suspend licenses or impose fines  
68 for willful violations of laws or rules regulating  
69 electronic gaming; requiring electronic gaming machine  
70 licensees to train employees about gambling  
71 addictions; imposing a regulatory fee for a gambling  
72 addiction program; entitling electronic gaming machine  
73 licensees to a caterer's license; restricting the  
74 provision of alcoholic beverages, automated teller  
75 machines, and check cashing activities in gaming  
76 machine areas; authorizing the Division of Pari-mutuel  
77 Wagering to adopt rules; preempting to the state the  
78 authority to regulate electronic gaming facilities;  
79 excepting bingo games operated by charitable or  
80 nonprofit organizations from the provisions of the  
81 act; amending s. 215.22, F.S.; exempting taxes imposed  
82 on electronic gaming and electronic gaming machine  
83 revenue from specified service charges; authorizing  
84 the Division of Pari-mutuel Wagering to spend certain  
85 trust funds; requiring repayment of such funds;



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86           amending s. 550.002, F.S.; revising a definitions;  
87           amending s. 550.01215, F.S.; deleting an exception  
88           relating to licensing of thoroughbred racing; amending  
89           s. 550.0951, F.S.; specifying the tax on historical  
90           racing, the take-out of a pari-mutuel pool, an a  
91           payment to a purse account; providing for payments to  
92           certain horse racing associations; specifying the fee  
93           for a permitholder to conduct historical racing;  
94           revising the date on which tax payments are due;  
95           amending s. 550.09511, F.S.; revising the schedule for  
96           the payment of jai alai taxes; amending s. 550.09514,  
97           F.S.; revising the schedule for the payment of  
98           greyhound dog racing taxes; amending s. 550.105, F.S.;  
99           providing for a 3-year occupational license for  
100          certain pari-mutuel employees; specifying maximum  
101          license fees; providing procedures for criminal  
102          history record checks; amending s. 550.135, F.S.;  
103          providing for the reservation of electronic gaming  
104          machine fees in a trust fund; amending s. 550.2415,  
105          F.S.; providing that cruelty to any animal is a  
106          violation of ch. 550, F.S.; authorizing the Division  
107          of Pari-mutuel Wagering to inspect areas are located;  
108          amending s. 550.26165, F.S.; providing legislative  
109          intent to attract thoroughbred training and breeding  
110          to this state; authorizing the Florida Thoroughbred  
111          Breeders' Association to pay certain awards as part of  
112          its pay plan; amending s. 550.2625, F.S.; limiting the  
113          application of requirements for minimum purses and  
114          awards to this state; amending s. 550.334, F.S.;



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115 deleting a provision for issuing a permit to conduct  
116 quarter horse race meetings; deleting a provision for  
117 issuing a license to conduct quarter horse racing;  
118 deleting provisions to revoke such permit or license  
119 for certain violations or failure to conduct live  
120 racing; removing an exception to specified permit  
121 application provisions; amending s. 550.3355, F.S.;  
122 revising the time period for a harness track summer  
123 season; repealing s. 550.3605, F.S., relating to the  
124 use of electronic transmitting equipment on the  
125 premises of a horse or dog racetrack or jai alai  
126 fronton; amending s. 550.5251, F.S.; deleting  
127 provisions relating to racing days and dates for  
128 thoroughbred permitholders that conducted races  
129 between certain dates; revising provisions relating to  
130 thoroughbred racing dates and minimum number of races;  
131 creating s. 550.810, F.S.; specifying requirements for  
132 historical racing systems; limiting the number of  
133 historical terminals in certain pari-mutuel  
134 facilities; authorizing the Division of Pari-mutuel  
135 wagering to adopt rules regulating historical racing;  
136 providing for the disposition of pari-mutuel tickets  
137 that are not redeemed within a certain period of time;  
138 amending s. 551.104, F.S.; providing that the payout  
139 percentage of a slot machine facility must be at least  
140 85 percent; specifying the licensing fee for slot  
141 machine gaming; specifying the rate of tax on slot  
142 machine revenues; revising the due date for slot  
143 machine taxes; amending s. 551.113, F.S.; prohibiting



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144 a person who is younger than 18 years of age from  
145 playing a slot machine; amending s. 551.121, F.S.;  
146 authorizing a progressive system to be used in  
147 conjunction with slot machines between licensed  
148 facilities; amending s. 772.102, F.S.; revising the  
149 definition of "criminal activity"; conforming cross-  
150 references; amending s. 849.161, F.S.; providing that  
151 ch. 849, F.S., does not apply to certain mechanical  
152 historical racing systems; amending s. 849.086, F.S.;  
153 requiring an applicant for a cardroom licensed to have  
154 run a full schedule of live races; specifying maximum  
155 license fees for occupational licenses for cardroom  
156 employees and cardroom businesses; limiting the hours  
157 of cardroom operations; revising the maximum bet and  
158 entry fee for tournaments; expanding the authorization  
159 for cardroom activities contingent upon a compact with  
160 the Seminole Tribe of Florida; amending s. 849.15,  
161 F.S.; authorizing the possession of certain gambling  
162 devices; amending s. 895.02, F.S.; revising the  
163 definitions of "racketeering activity" and "unlawful  
164 debt"; conforming cross-references; providing an  
165 appropriation and the creation of full-time equivalent  
166 positions; providing contingent effective dates.

167

168 Be It Enacted by the Legislature of the State of Florida:

169

170 Section 1. The Legislature finds that the pari-mutuel  
171 industry has played an important part in the development of this  
172 state and that it is a vital part of the state's economy. The



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173 Legislature also recognizes that many individuals and small  
174 businesses provide services to the pari-mutuel industry and rely  
175 upon the continued vigor of the industry to survive. The pari-  
176 mutuel industry and these individuals and small business employ  
177 many Floridians, pay a variety of taxes to support state and  
178 local governmental activities, and contribute to the economy of  
179 this state. Given the important role played by the industry, and  
180 the individuals and small businesses associated with it, as well  
181 as the current state of the economy in the United States in  
182 general and in Florida in particular, the Legislature finds that  
183 in order to preserve the industry, to ensure continued  
184 employment for many Floridians, and to preserve and improve the  
185 state's revenues, measures must be taken to eliminate  
186 unnecessary regulations, encourage business and regulatory  
187 efficiency, reduce unnecessary tax burdens, and increase  
188 revenues to the state.

189       Section 2. Electronic gaming machines authorized.—An  
190 electronic gaming machine licensee may possess electronic gaming  
191 machines and operate electronic gaming machines at an eligible  
192 facility, as defined by section 3. of this act, where the  
193 licensee is authorized to conduct pari-mutuel wagering  
194 activities under to chapter 550, Florida Statutes.  
195 Notwithstanding any other provision of law, it is not a crime  
196 for a person to participate in electronic gaming at a facility  
197 licensed to possess electronic gaming machines or to operate  
198 electronic gaming machines.

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

200       (1) "Bingo" or "game of bingo" means the game of chance  
201 commonly known as "bingo," which may include the use of



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202 electronic, computer, or other technological aids. Such aids may  
203 include entertainment displays, including spinning reels, video  
204 displays, associated bonus displays, and video poker. The game  
205 of bingo requires at least two live players competing for a  
206 common prize. The prizes result from a random draw or electronic  
207 determination and release or announcement of numbers or other  
208 designations necessary to form the predesignated game-winning  
209 pattern on an electronic bingo card. A game of bingo ends when a  
210 player receives a predesignated game-winning pattern and  
211 consolation prizes, if any, are awarded. The game of bingo does  
212 not include house-banked games or electronic or  
213 electromechanical facsimiles of any other game of chance or slot  
214 machine of any kind.

215 (2) "Bonus prize" means a prize awarded in a bingo game in  
216 addition to the game-winning prize. The term includes prizes  
217 based on predesignated and preannounced patterns that differ  
218 from the game-winning pattern, a winning pattern in a specified  
219 quantity of numbers or designations drawn or electronically  
220 determined and released, or any combination of these patterns.  
221 The term includes a prize awarded as an interim prize while  
222 players are competing for the game-winning prize or as a  
223 consolation prize after a player has won the game-winning prize.

224 (3) "Designated electronic gaming machine area" means any  
225 area of a facility of an electronic gaming machine licensee in  
226 which electronic gaming may be conducted.

227 (4) "Distributor" means any person who sells, leases,  
228 offers, or otherwise provides, distributes, or services any  
229 electronic gaming machine or associated equipment, software, or  
230 other functions required for use or play of electronic gaming





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231 machines in this state. The term may include a manufacturer.

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

234 (6) "Electronic game" means an electronically simulated  
235 bingo game that:

236 (a) Is played on an electronic gaming machine that, upon  
237 insertion of a ticket, or an electronic or account-based card,  
238 is available to play or simulate a game of bingo played on a  
239 network of electronic gaming machines;

240 (b) Is not house-banked;

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

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

245 (7) "Electronic gaming machine" means a player station,  
246 machine, or device, including associated equipment that is  
247 required to operate the player station, machine, or device, upon  
248 which an electronic game is played or operated. An electronic  
249 gaming machine:

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

253 (b) Must display one or more bingo cards used in the game  
254 before numbers or other designations for the game are randomly  
255 drawn.

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

258 (d) Must be directly linked to a central computer for  
259 purposes of security, monitoring, and auditing. The central



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260 computer may not limit a facility's ability to deploy its  
261 electronic player tracking or electronic gaming accounting  
262 system. However, such systems must use a widely accepted open  
263 communications protocol to ensure interoperability among all  
264 manufacturers and to provide a player with the ability to  
265 seamlessly alternate play between the electronic gaming machines  
266 and electronic gaming machines of different licensed  
267 manufacturers.

268 (e) Is not a coin-operated amusement machine as defined in  
269 s. 212.02, Florida Statutes, or an amusement game or machine as  
270 described in s. 849.161, Florida Statutes. Electronic gaming  
271 machines are not subject to the tax imposed by s. 212.05(1)(h),  
272 Florida Statutes.

273 (8) "Electronic gaming machine facility" means an eligible  
274 facility at which electronic gaming machines are lawfully  
275 offered for play.

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

280 (10) "Electronic gaming machine revenues" means all cash  
281 and property, except nonredeemable credits, received by the  
282 electronic gaming machine licensee from the operation of  
283 electronic gaming machines, less the amount of cash, cash  
284 equivalents, credits, and prizes paid to winners of electronic  
285 games.

286 (11) "Eligible facility" means a facility at which a  
287 licensee under chapter 550, Florida Statutes, has run a full  
288 schedule of live racing, as defined in s. 550.002(11), Florida



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289 Statutes, for 3 consecutive fiscal years before the date of  
290 application for an electronic gaming license, and which is also  
291 a cardroom license holder, but not a slot machine facility  
292 licensed under chapter 551, Florida Statutes.

293 (12) "Game-winning pattern" means a predetermined pattern  
294 on an electronic bingo card. Each game must have one game-  
295 winning pattern or arrangement that must be common to all  
296 players and may be won by multiple players simultaneously. A  
297 game-winning prize must be awarded in every game. The pattern  
298 designated as the game-winning pattern need not pay the highest  
299 prize available in the game. Other patterns may be designated  
300 for the award of bonus prizes in addition to the prize to  
301 awarded based on the game-winning pattern.

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

306 (14) "Nonredeemable credits" means electronic gaming  
307 machine operating credits that may not be redeemed for cash or  
308 any other thing of value by an electronic gaming machine, kiosk,  
309 or the electronic gaming machine licensee and that are provided  
310 for free to patrons. The credits become nonredeemable credits  
311 when they are metered as credit into an electronic gaming  
312 machine and recorded in the facility-based monitoring system.

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

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



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318 (b) Awarded to a player who obtains a specific  
319 predesignated and preannounced pattern having a specified  
320 quantity of numbers or designations randomly drawn and released  
321 or electronically determined or randomly drawn and released or  
322 electronically determined in a specified sequence; and

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

325 Section 4. Powers and duties of the Division of Pari-Mutuel  
326 Wagering and the Department of Law Enforcement.—

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

330 (a) Procedures for applying for and renewing electronic  
331 gaming machine licenses.

332 (b) Technical requirements and qualifications to receive an  
333 electronic gaming machine license or electronic gaming machine  
334 occupational license.

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

339 (d) Procedures to test, certify, control, and approve  
340 electronic games and electronic gaming machines. The procedures  
341 shall address measures to scientifically test and technically  
342 evaluate electronic gaming machines for compliance with the  
343 applicable laws and rules. The division may contract with an  
344 independent testing laboratory to conduct any necessary testing.  
345 The independent testing laboratory must have a national  
346 reputation indicating that it is demonstrably competent and



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347 qualified to scientifically test and evaluate electronic games  
348 and electronic gaming machines and to perform the functions  
349 required by this act. An independent testing laboratory may not  
350 be owned or controlled by a licensee. The selection of an  
351 independent testing laboratory for any purpose related to the  
352 conduct of electronic gaming machines by a licensee shall be  
353 made from a list of laboratories approved by the division.

354 (e) Procedures relating to electronic gaming machine  
355 revenues, including verifying and accounting for such revenues,  
356 auditing, and collecting taxes and fees.

357 (f)1. Procedures to regulate, manage, and audit the  
358 operation, financial data, and program information relating to  
359 electronic gaming machines which enable the division and the  
360 Department of Law Enforcement to audit the operation, financial  
361 data, and program information of an electronic gaming machine  
362 licensee required by the division or the Department of Law  
363 Enforcement.

364 2. Procedures to allow the division and the Department of  
365 Law Enforcement to:

366 a. Monitor, at any time on a real-time basis, wagering  
367 patterns, payouts, tax collection, and compliance with division  
368 rules;

369 b. Suspend play immediately on particular electronic gaming  
370 machines if the facilities-based computer system indicates  
371 possible tampering with or manipulation of the electronic gaming  
372 machines; and

373 c. Immediately suspend play of the entire operation if the  
374 facilities-based computer system may have been tampered with or  
375 manipulated. The division shall notify the Department of Law



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376 Enforcement or the Department of Law Enforcement shall notify  
377 the division, as appropriate, when there is a suspension of play  
378 under this subparagraph. The division and the Department of Law  
379 Enforcement shall exchange information that is necessary for and  
380 cooperate in the investigation of the circumstances resulting in  
381 suspension of play.

382 (g) Procedures to require each licensee operating  
383 electronic gaming machines, at the licensee's expense, to supply  
384 the division with a bond having the penal sum of \$2 million  
385 payable to the Chief Financial Officer. Any bond shall be issued  
386 by a surety approved by the division and the Chief Financial  
387 Officer, conditioned to pay the Chief Financial Officer as  
388 treasurer of the division. The licensee must keep its books and  
389 records and make reports as provided in this act and conduct  
390 electronic gaming machine operations in conformity with this act  
391 and other provisions of law. Such bond shall be separate from  
392 the bond required in s. 550.125, Florida Statutes.

393 (h) Procedures to require licensees to maintain specified  
394 records and submit any data, information, records, or reports,  
395 including financial and income records, required by this act or  
396 rules of the division.

397 (i) A requirement that the payout percentage of an  
398 electronic gaming machine facility be at least 85 percent. The  
399 theoretical payout percentage shall be determined using standard  
400 methods of probability theory.

401 (j) Minimum standards of security for the facilities,  
402 including floor plans, security cameras, and other security  
403 equipment.

404 (k) Procedures to require electronic gaming machine



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405 licensees to implement and establish drug-testing programs for  
406 all electronic gaming machine occupational licensees.

407 (2) The division shall conduct investigations necessary to  
408 fulfill its responsibilities to regulate electronic gaming  
409 machine facilities.

410 (3) The Department of Law Enforcement and local law  
411 enforcement agencies have concurrent jurisdiction to investigate  
412 criminal violations of laws regulating electronic gaming  
413 facilities and may investigate any other criminal violation of  
414 law occurring at a facility. Such investigations may be  
415 conducted in conjunction with the appropriate state attorney.

416 (4) (a) The division, the Department of Law Enforcement, and  
417 local law enforcement agencies have unrestricted access to an  
418 electronic gaming machine licensee's facility at all times and  
419 shall require each electronic gaming machine licensee to  
420 strictly comply with the laws of this state relating to the  
421 transaction of such business. The division, the Department of  
422 Law Enforcement, and local law enforcement agencies may:

423 1. Inspect and examine premises where electronic gaming  
424 machines are offered for play.

425 2. Inspect electronic gaming machines and related equipment  
426 and supplies.

427 (b) In addition, the division may:

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

429 2. Deny, revoke, suspend, or place conditions on the  
430 license of a person who violates this act or rules adopted  
431 pursuant thereto.

432 (5) The division shall revoke or suspend the license of any  
433 person who is no longer qualified or who is found to have been



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434 unqualified at the time of application for the license.

435 (6) This section does not:

436 (a) Prohibit the Department of Law Enforcement or any law  
437 enforcement authority whose jurisdiction includes a licensed  
438 facility from conducting investigations of criminal activities  
439 occurring at the facility;

440 (b) Restrict access to an electronic gaming machine  
441 licensee's facility by the Department of Law Enforcement or any  
442 local law enforcement authority whose jurisdiction includes the  
443 electronic gaming machine licensee's facility; or

444 (c) Restrict access by the Department of Law Enforcement or  
445 local law enforcement authorities to information and records  
446 necessary to the investigation of criminal activity which are  
447 contained within the electronic gaming machine licensee's  
448 facility.

449 Section 5. License to conduct electronic gaming.-

450 (1) Upon application and a finding by the division after  
451 investigation that the application is complete and the applicant  
452 is qualified and payment of the initial license fee, the  
453 division may issue a license to conduct electronic gaming in any  
454 designated electronic gaming machine area of an eligible  
455 facility.

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

461 (3) As a condition of licensure and to maintain continued  
462 authority to conduct electronic gaming, an electronic gaming





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463 machine licensee shall:

464 (a) Comply with this act.

465 (b) Comply with chapter 550, Florida Statutes, and maintain  
466 the pari-mutuel permit and license in good standing pursuant to  
467 chapter 550, Florida Statutes. Notwithstanding any contrary  
468 provision of law, a pari-mutuel permitholder may, within 60 days  
469 after the effective date of this act, amend its pari-mutuel  
470 wagering operating license. The division shall issue a new  
471 license to the permitholder to effectuate any approved change.

472 (c) Conduct at least a full schedule of live racing or  
473 games as defined in s. 550.002(11), Florida Statutes, including  
474 races or games under s. 550.475, Florida Statutes, or be  
475 authorized to conduct limited intertrack wagering under s.  
476 550.6308, Florida Statutes, at the eligible facility. A  
477 licensee's responsibility to conduct such number of live races  
478 or games shall be reduced by the number of races or games that  
479 could not be conducted due to the direct result of fire, war,  
480 hurricane, or other disaster or event beyond the control of the  
481 licensee.

482 (d) Provide appropriate current and accurate documentation,  
483 on a timely basis, to the division relating to changes in  
484 ownership or interest in an electronic gaming machine license.  
485 Changes in ownership or interest in an electronic gaming machine  
486 license of 5 percent or more of the stock or other evidence of  
487 ownership or equity in the electronic gaming machine license or  
488 of any parent corporation or other business entity that owns or  
489 controls the electronic gaming machine license must be approved  
490 by the division prior to such change, unless the owner is an  
491 existing holder of the license who was previously approved by



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492 the division. Any changes in ownership or interest in an  
493 electronic gaming machine license of less than 5 percent, unless  
494 such change results in a cumulative total of 5 percent or more,  
495 shall be reported to the division within 20 days after the  
496 change. The division may conduct an investigation to ensure that  
497 the license is properly updated to show the change in ownership  
498 or interest. Reporting is not required if the person is holding  
499 5 percent or less equity or securities of a corporate owner of  
500 the electronic gaming machine licensee that has its securities  
501 registered pursuant to s. 12 of the Securities Exchange Act of  
502 1934, 15 U.S.C. ss. 78a-78kk, and if such corporation or entity  
503 files with the United States Securities and Exchange Commission  
504 the reports required by s. 13 of that act, or if the securities  
505 of the corporation or entity are regularly traded on an  
506 established securities market in the United States. A change in  
507 ownership or interest of less than 5 percent which results in a  
508 cumulative ownership or interest of 5 percent or more must be  
509 approved by the division prior to such change unless the owner  
510 is an existing holder of the license who was previously approved  
511 by the division.

512 (e) Provide the division and the Department of Law  
513 Enforcement unrestricted access to inspect the facilities of an  
514 electronic gaming machine licensee in which any activity  
515 relative to the operation of electronic gaming machines is  
516 conducted.

517 (f) Ensure that the facilities-based computer system or  
518 operational and accounting functions of the electronic gaming  
519 machine facility is specifically structured to facilitate  
520 regulatory oversight. The facilities-based computer system shall



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521 give the division and the Department of Law Enforcement the  
522 ability to monitor, at any time on a real-time basis, the  
523 wagering patterns, payouts, tax collection, and such other  
524 operations as are necessary to determine whether the facility is  
525 in compliance with statutory provisions and rules adopted by the  
526 division for the regulation and control of electronic gaming  
527 machines. The division and the Department of Law Enforcement  
528 shall have continuous access to this system. The division and  
529 the department shall have the ability to suspend play  
530 immediately on particular electronic gaming machines if the  
531 system indicates possible tampering with or manipulation of  
532 those electronic gaming machines or the ability to immediately  
533 suspend play of the entire operation if the system indicates  
534 that the system has been tampered with or manipulated. The  
535 computer system shall be reviewed and approved by the division  
536 to ensure necessary access, security, and functionality. The  
537 division may adopt rules to provide for the approval process.

538 (g) Ensure that each electronic gaming machine and  
539 electronic game is protected from manipulation or tampering  
540 affecting the random probabilities of winning plays. The  
541 division or the Department of Law Enforcement may suspend play  
542 upon reasonable suspicion of any manipulation or tampering. If  
543 play has been suspended on any electronic gaming machine, the  
544 division or the Department of Law Enforcement may examine the  
545 machine to determine whether the machine has been tampered with  
546 or manipulated and whether the machine should be returned to  
547 operation.

548 (h) Submit a security plan, including the facilities' floor  
549 plans, the locations of security cameras, and a listing of all



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550 security equipment that is capable of observing and  
551 electronically recording activities being conducted in the  
552 facilities of the electronic gaming machine licensee. The  
553 security plan must meet the minimum security requirements as  
554 determined by the division by rule, and be implemented before  
555 operation of electronic gaming machine games. The electronic  
556 gaming machine licensee's facilities must adhere to the security  
557 plan at all times. Any changes to the security plan must be  
558 submitted by the licensee to the division before they are  
559 implemented. The division shall furnish copies of the security  
560 plan and changes in the plan to the Department of Law  
561 Enforcement.

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

563 1. Creating opportunities to purchase from vendors in this  
564 state, including minority vendors.

565 2. Creating opportunities for employment of residents of  
566 this state, including minority residents.

567 3. Ensuring opportunities for construction services from  
568 minority contractors.

569 4. Ensuring that opportunities for employment are offered  
570 on an equal, nondiscriminatory basis.

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

574 6. The implementation of a drug-testing program that  
575 includes, but is not limited to, requiring each employee to sign  
576 an agreement that he or she understands that the electronic  
577 gaming machine facility is a drug-free workplace.  
578



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579 The electronic gaming machine licensee shall use the Internet-  
580 based job-listing system of the Agency for Workforce Innovation  
581 in advertising employment opportunities. Beginning in June 2010,  
582 each electronic gaming machine licensee shall submit an annual  
583 report to the division containing information indicating  
584 compliance with this paragraph in regard to minority persons.

585 (j) Maintain a payout percentage of at least 85 percent per  
586 electronic gaming machine facility. The theoretical payout  
587 percentage shall be determined using standard methods of  
588 probability theory.

589 (4) An electronic gaming machine license is not  
590 transferable.

591 (5) An electronic gaming machine licensee shall keep and  
592 maintain daily records of its electronic gaming machine  
593 operations and shall maintain such records for at least 5 years.  
594 These records must include all financial transactions and  
595 contain sufficient detail to determine compliance with laws and  
596 rules regulating electronic gaming. All records shall be  
597 available for audit and inspection by the division, the  
598 Department of Law Enforcement, or other law enforcement agencies  
599 during the licensee's regular business hours.

600 (6) An electronic gaming machine licensee shall file with  
601 the division a monthly report containing the required records of  
602 such electronic gaming machine operations. The required reports  
603 shall be submitted on forms prescribed by the division and shall  
604 be due at the same time as the monthly pari-mutuel reports are  
605 due. Such reports are public records once filed.

606 (7) An electronic gaming machine licensee shall file with  
607 the division an audit of the receipt and distribution of all



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608 electronic gaming machine revenues. The audit must be performed  
609 by an independent certified public accountant who shall verify  
610 whether the licensee has complied with the financial and  
611 auditing laws and rules applicable to the licensee. The audit  
612 must include verification of compliance with all statutes and  
613 rules regarding all required records of electronic gaming  
614 machine operations. Such audit shall be filed within 120 days  
615 after completion of the permitholder's fiscal year.

616 (8) The division may share any information with the  
617 Department of Law Enforcement, any other law enforcement agency  
618 having jurisdiction over electronic gaming machines or pari-  
619 mutuel activities, or any other state or federal law enforcement  
620 agency or division that the Department of Law Enforcement deems  
621 appropriate. Any law enforcement agency having jurisdiction over  
622 electronic gaming machines or pari-mutuel activities may share  
623 with the division information obtained or developed by it.

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

631 1. For a thoroughbred licensee, an agreement governing the  
632 payment of purses between the applicant and the Florida  
633 Horsemen's Benevolent and Protective Association, Inc., or the  
634 association representing a majority of the thoroughbred owners  
635 and trainers at the applicant's eligible facility located as  
636 described in s. 550.615(9), Florida Statutes, and an agreement



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637 governing the payment of awards between the applicant and the  
638 Florida Thoroughbred Breeders' Association;

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

642 3. For a greyhound licensee, an agreement governing the  
643 payment of purses between the applicant and the Florida  
644 Greyhound Association, Inc.;

645 4. For a quarter horse licensee, an agreement governing the  
646 payment of purses between the applicant and the Florida Quarter  
647 Horse Racing Association and an agreement governing the payment  
648 of awards between the applicant and the Florida Quarter Horse  
649 Breeders and Owners Association; or

650 5. For a jai alai licensee, an agreement governing the  
651 payment of player awards between the applicant and the  
652 International Jai Alai Players Association or a binding written  
653 agreement approved by a majority of the jai alai players at the  
654 applicant's eligible facility at which the applicant has a  
655 permit issued after January 1, 2000, to conduct jai alai.

656 (b) The agreements may direct the payment of purses and  
657 awards from revenues generated by any wagering or games that the  
658 applicant is authorized to conduct under state law. All purses  
659 and awards are subject to the terms of chapter 550, Florida  
660 Statutes. All sums for breeders', stallion, and special racing  
661 awards shall be remitted monthly to the respective breeders  
662 association for the payment of awards, subject to the  
663 administrative fees authorized under chapter 550, Florida  
664 Statutes.

665 (c) An electronic gaming machine license or renewal thereof



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666 may not be issued to an applicant licensed to conduct intertrack  
667 wagering under s. 550.6308, Florida Statutes, unless the  
668 applicant has on file with the division a binding written  
669 agreement between the applicant and the Florida Thoroughbred  
670 Breeders' Association, Inc., dedicating to the payment of  
671 breeders', stallion, and special racing awards on live  
672 thoroughbred races conducted in this state at least the same  
673 percentage of electronic gaming machine revenues as the highest  
674 percentage of electronic gaming machine revenues dedicated to  
675 purses and awards in a current agreement under this subsection  
676 by an applicant licensed under chapter 550, Florida Statutes, to  
677 conduct live thoroughbred races. At least half of such funds  
678 must be distributed as special racing awards.

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

685 (e)1. If an agreement required under paragraph (a) cannot  
686 be reached prior to the initial issuance of the electronic  
687 gaming machine license, either party may request arbitration. In  
688 the case of a renewal, if an agreement is not in place 120 days  
689 before the scheduled expiration date of the electronic gaming  
690 machine license, the applicant shall immediately ask the  
691 American Arbitration Association to furnish a list of 11  
692 arbitrators, each of whom shall have at least 5 years of  
693 commercial arbitration experience and no financial interest in  
694 or prior relationship with any party or with an affiliated or





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695 related entity or principal. Each required party to the  
696 agreement shall select a single arbitrator from the list within  
697 10 days after receipt, and the persons selected shall choose one  
698 additional arbitrator from the list within 10 days.

699 2. If an agreement required under paragraph (a) is not in  
700 place 60 days after the request under subparagraph 1., in the  
701 case of an initial electronic gaming machine license or, in the  
702 case of a renewal, 60 days prior to the scheduled expiration  
703 date of the license, the matter shall be immediately submitted  
704 to mandatory binding arbitration. The three arbitrators selected  
705 pursuant to subparagraph 1. shall conduct the arbitration  
706 pursuant to the American Arbitration Association Commercial  
707 Arbitration Rules and chapter 682, Florida Statutes.

708 3. At the conclusion of the proceedings, which may be no  
709 later than 90 days after the request under subparagraph 1. in  
710 the case of an initial electronic gaming machine license or, in  
711 the case of a renewal, 30 days prior to the scheduled expiration  
712 date of the electronic gaming machine license, the arbitration  
713 panel shall present to the parties a proposed agreement that the  
714 majority of the panel believes equitably balances the rights,  
715 interests, obligations, and reasonable expectations of the  
716 parties. The parties shall immediately enter into such  
717 agreement, which shall satisfy the requirements of paragraph (a)  
718 and permit issuance of the pending annual electronic gaming  
719 machine license or renewal. The agreement shall be effective  
720 until the last day of the license or renewal period or until the  
721 parties enter into a different agreement. Each party shall pay  
722 its respective costs of arbitration and shall pay one-half of  
723 the costs of the arbitration panel, unless the parties otherwise



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724 agree. If the agreement remains in place 120 days prior to the  
725 scheduled issuance of the next annual license renewal, the  
726 arbitration process established in this paragraph shall begin  
727 again.

728 4. If neither agreement required under paragraph (a) is in  
729 place by the deadlines established in this paragraph,  
730 arbitration regarding each agreement shall proceed  
731 independently, with separate lists of arbitrators, arbitration  
732 panels, arbitration proceedings, and resulting agreements.

733 5. With respect to the agreement required under paragraph  
734 (a) governing the payment of purses, the arbitration and  
735 resulting agreement is limited to the payment of purses from  
736 electronic gaming machine revenues only.

737 (f) If any provision of this subsection or its application  
738 to any person or circumstance is held invalid, the invalidity  
739 does not affect other provisions or applications of this  
740 subsection or act which can be given effect without the invalid  
741 provision or application, and to this end the provisions of this  
742 subsection are severable.

743 Section 6. Temporary licenses.—

744 (1) Notwithstanding any provision of s. 120.60, Florida  
745 Statutes, to the contrary, the division may issue a temporary  
746 occupational license upon receipt of a complete application and  
747 a determination that the applicant has not been convicted of or  
748 had adjudication withheld on any disqualifying criminal offense.  
749 The temporary occupational license remains valid until the  
750 division grants an occupational license or notifies the  
751 applicant of its intended decision to deny the license pursuant  
752 to the provisions of s. 120.60, Florida Statutes. The division



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753 shall adopt rules to administer this section. However, not more  
754 than one temporary license may be issued for any person in any  
755 year.

756 (2) A temporary license issued under this section is not  
757 transferable.

758 Section 7. Electronic gaming machine license renewal.-

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

764 (2) The applicant for renewal must attest that any  
765 information changes do not affect such applicant's  
766 qualifications for license renewal.

767 (3) Upon determination by the division that the application  
768 for renewal is complete and qualifications have been met,  
769 including payment of the renewal fee, the license shall be  
770 renewed.

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

772 (1) LICENSE FEE.-

773 (a) Upon submission of the initial application for an  
774 electronic gaming machine license or upon submission of an  
775 application to renew a license, the licensee must pay to the  
776 division a nonrefundable license fee of \$1 million for the  
777 succeeding 12 months of licensure. The fee shall be deposited  
778 into the Pari-mutuel Wagering Trust Fund of the Department of  
779 Business and Professional Regulation to be used by the division  
780 and the Department of Law Enforcement for investigations,  
781 regulation of electronic gaming, and enforcement of electronic



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782 gaming provisions. These payments shall be accounted for  
783 separately from taxes or fees paid pursuant to the provisions of  
784 chapter 550 or chapter 551, Florida Statutes.

785 (b) The division shall evaluate the license fee and submit  
786 recommendations in its legislative budget request identifying  
787 the optimum level of electronic gaming machine license fees  
788 required to adequately support the electronic gaming machine  
789 regulatory program.

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

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

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

798 (b) The electronic gaming machine revenue tax imposed by  
799 this section shall be paid to the division for deposit into the  
800 Pari-mutuel Wagering Trust Fund for immediate transfer by the  
801 Chief Financial Officer for deposit into the Educational  
802 Enhancement Trust Fund of the Department of Education. Any  
803 interest earnings on the tax revenues shall also be transferred  
804 to the Educational Enhancement Trust Fund.

805 (c)1. Funds transferred to the Educational Enhancement  
806 Trust Fund shall be used to supplement public education funding  
807 statewide.

808 2. If necessary to comply with any covenant established  
809 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),  
810 Florida Statutes, funds transferred to the Educational



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811 Enhancement Trust Fund shall first be available to pay debt  
812 service on lottery bonds issued to fund school construction in  
813 the event lottery revenues are insufficient for such purpose or  
814 to satisfy debt service reserve requirements established in  
815 connection with lottery bonds. Moneys available pursuant to this  
816 subparagraph are subject to annual appropriation by the  
817 Legislature.

818 (3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax  
819 on electronic gaming machine revenues imposed by this section  
820 shall be paid to the division. The division shall deposit such  
821 funds with the Chief Financial Officer, to the credit of the  
822 Pari-mutuel Wagering Trust Fund. The electronic gaming machine  
823 licensee shall remit to the division payment for the tax on  
824 electronic gaming machine revenues by 3 p.m. on the 5th calendar  
825 day of each month for taxes imposed and collected for the  
826 preceding calendar month. The electronic gaming machine licensee  
827 shall file a report under oath by the 5th day of each calendar  
828 month for all taxes remitted during the preceding calendar  
829 month. Such payments shall be accompanied by a report under oath  
830 showing all electronic gaming machine activities for the  
831 preceding calendar month and such other information as may be  
832 prescribed by the division.

833 (4) FAILURE TO PAY TAX; PENALTIES.—An electronic gaming  
834 machine licensee who does not make tax payments required under  
835 this section is subject to an administrative penalty of up to  
836 \$10,000 for each day the tax payment is not remitted. All  
837 administrative penalties imposed and collected shall be  
838 deposited into the Pari-mutuel Wagering Trust Fund of the  
839 Department of Business and Professional Regulation. If an



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840 electronic gaming machine licensee does not pay penalties  
841 imposed by the division, the division may suspend, revoke, or  
842 refuse to renew the license of the electronic gaming machine  
843 licensee.

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

847 Section 9. Electronic gaming machine occupational license;  
848 findings; application; fee.—

849 (1) The Legislature finds that licensees and persons  
850 associated with licensees require heightened state scrutiny. As  
851 such licensees and persons associated with licensees shall  
852 submit fingerprints for a criminal history records check.

853 (2) (a) The following electronic gaming machine occupational  
854 licenses are required for persons who, by virtue of the  
855 positions they hold, potentially may have access to electronic  
856 gaming machine areas or to any other person or entity in one of  
857 the following categories:

858 1. General occupational licenses for general employees,  
859 including food service, maintenance, and other similar service  
860 and support employees having access to an electronic gaming  
861 machine area.

862 2. Professional occupational licenses for any person,  
863 proprietorship, partnership, corporation, or other entity that  
864 is authorized by an electronic gaming machine licensee to  
865 manage, oversee, or otherwise control daily operations as an  
866 electronic gaming machine manager, floor supervisor, security  
867 personnel, or other similar position of oversight of gaming  
868 operations, or any person who is not an employee of the



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869 electronic gaming machine licensee and who provides maintenance,  
870 repair, or upgrades or otherwise services an electronic gaming  
871 machine or other electronic gaming machine equipment.

872 3. Business occupational licenses for any electronic gaming  
873 machine management company or company associated with electronic  
874 gaming, any person who manufactures, distributes, or sells  
875 electronic gaming machines, electronic gaming machine  
876 paraphernalia, or other associated equipment to electronic  
877 gaming machine licensees, or any company that sells or provides  
878 goods or services associated with electronic gaming to  
879 electronic gaming machine licensees.

880 (b) The division may issue one license in order to combine  
881 licenses under this section with pari-mutuel occupational  
882 licenses and cardroom licenses pursuant to s. 550.105(2) (b),  
883 Florida Statutes. The division shall adopt rules pertaining to  
884 occupational licenses under this subsection. Such rules may  
885 specify requirements and restrictions for licensed occupations  
886 and categories, procedures to apply for a license or combination  
887 of licenses, disqualifying criminal offenses for a licensed  
888 occupation or categories of occupations, and which types of  
889 occupational licenses may be combined into a single license. The  
890 fingerprinting requirements of subsection (10) apply to any  
891 combination license that includes electronic gaming machine  
892 license privileges. The division may not adopt a rule allowing  
893 the issuance of an occupational license to any person who does  
894 not meet the minimum background qualifications of this section.

895 (c) Electronic gaming machine occupational licenses are not  
896 transferable.

897 (3) An electronic gaming machine licensee may not employ or



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898 otherwise allow a person to work at a licensed facility unless  
899 such person holds the appropriate valid occupational license. An  
900 electronic gaming machine licensee may not contract or otherwise  
901 conduct business with a business that is required to hold an  
902 electronic gaming machine occupational license unless the  
903 business holds such a license. An electronic gaming machine  
904 licensee may not employ or otherwise allow a person to work in a  
905 supervisory or management professional level at a licensed  
906 facility unless such person holds a valid electronic gaming  
907 machine occupational license. All electronic gaming machine  
908 occupational licensees, while present in electronic gaming  
909 machine areas, shall display on their persons their occupational  
910 license identification cards.

911 (4) (a) A person seeking an electronic gaming machine  
912 occupational license or renewal thereof shall apply on forms  
913 prescribed by the division and include payment of the  
914 appropriate application fee. Initial and renewal applications  
915 for electronic gaming machine occupational licenses must contain  
916 all information that the division, by rule, requires.

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

920 (c) Pursuant to rules adopted by the division, any person  
921 may apply for and, if qualified, be issued an electronic gaming  
922 machine occupational license. The license shall be valid for a  
923 period of 3 years upon payment of the full occupational license  
924 fee for each of the 3 years for which the license is issued. The  
925 electronic gaming machine occupational license is valid during  
926 its specified term at any licensed facility where electronic





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927 gaming machine gaming is authorized.

928 (d) The electronic gaming machine occupational license fee  
929 for initial application and annual renewal shall be determined  
930 by rule of the division, but may not exceed \$50 for a general or  
931 professional occupational license for an employee of the  
932 electronic gaming machine licensee or \$1,000 for a business  
933 occupational license for nonemployees of the licensee who  
934 provide goods or services to the electronic gaming machine  
935 licensee. License fees for general occupational licenses shall  
936 be paid by the electronic gaming machine licensee. Failure to  
937 pay the required fee constitutes grounds for disciplinary action  
938 by the division against the electronic gaming machine licensee,  
939 but it is not a violation of this act or rules of the division  
940 by the general occupational licensee and does not prohibit the  
941 initial issuance or the renewal of the general occupational  
942 license.

943 (5) The division may:

944 (a) Deny an application for, or revoke, suspend, or place  
945 conditions or restrictions on, a license of an applicant or  
946 licensee that has been refused a license by another state gaming  
947 commission, governmental department, agency, or other authority  
948 exercising regulatory jurisdiction over the gaming of another  
949 state or jurisdiction; or

950 (b) Deny an application for, or suspend, or place  
951 conditions on a license of any applicant or licensee that is  
952 under suspension or has unpaid fines in another state or  
953 jurisdiction.

954 (6) (a) The division may deny, suspend, revoke, or refuse to  
955 renew any electronic gaming machine occupational license if the



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956 applicant or licensee has violated this act or the rules  
957 governing the conduct of persons connected with electronic games  
958 or electronic gaming. In addition, the division may deny,  
959 suspend, revoke, or refuse to renew any electronic gaming  
960 machine occupational license if the applicant or licensee has  
961 been convicted under the laws of this state or of another state,  
962 or under the laws of the United States, of a capital felony, a  
963 felony, or an offense in another state which would be a felony  
964 under the laws of this state involving arson; trafficking in,  
965 conspiracy to traffic in, smuggling, importing, conspiracy to  
966 smuggle or import, or delivery, sale, or distribution of a  
967 controlled substance; racketeering; or a crime showing a lack of  
968 good moral character, or has had a gaming license revoked by  
969 this state or another jurisdiction for any gaming-related  
970 offense.

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

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

981 (7) The division may deny, revoke, or suspend any  
982 occupational license if the applicant or licensee accumulates  
983 unpaid obligations, defaults in obligations, or issues drafts or  
984 checks that are dishonored or for which payment is refused



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985 without reasonable cause.

986 (8) The division may fine or suspend, revoke, or place  
987 conditions upon the license of any licensee who provides false  
988 information under oath regarding an application for a license or  
989 an investigation by the division.

990 (9) The division may impose a civil fine of up to \$5,000  
991 for each violation of this act or the rules of the division in  
992 addition to or in lieu of any other penalty. The division may  
993 adopt a penalty schedule for violations for which it would  
994 impose a fine in lieu of a suspension and adopt rules allowing  
995 for the issuance of citations, including procedures to address  
996 such citations, to persons who violate such rules. In addition  
997 to any other penalty provided by law, the division may exclude  
998 from all licensed electronic gaming machine facilities in this  
999 state, for a period not to exceed the period of suspension,  
1000 revocation, or ineligibility, any person whose occupational  
1001 license application has been refused or who has been declared  
1002 ineligible to hold an occupational license or whose occupational  
1003 license has been suspended or revoked by the division.

1004 (10) Fingerprints for electronic gaming machine  
1005 occupational license applications shall be taken in a manner  
1006 approved by the division and shall be submitted electronically  
1007 to the Department of Law Enforcement for state processing and to  
1008 the Federal Bureau of Investigation for national processing for  
1009 a criminal history record check. All persons as specified in s.  
1010 550.1815(1) (a), Florida Statutes, who are employed by or working  
1011 within licensed premises shall submit fingerprints for a  
1012 criminal history records check and may not have been convicted  
1013 of any disqualifying criminal offenses specified in subsection



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1014 (6). Division employees and law enforcement officers assigned to  
1015 work within such premises as part of their official duties are  
1016 excluded from the criminal history record check requirements. As  
1017 used in this subsection, the term "convicted" means having been  
1018 found guilty, with or without adjudication of guilt, as a result  
1019 of a jury verdict, nonjury trial, or entry of a plea of guilty  
1020 or nolo contendere.

1021 (a) Fingerprints shall be taken in a manner approved by the  
1022 division upon initial application, or as required thereafter by  
1023 rule of the division, and shall be submitted electronically to  
1024 the Department of Law Enforcement for state processing. The  
1025 Department of Law Enforcement shall forward the fingerprints to  
1026 the Federal Bureau of Investigation for national processing. The  
1027 results of the criminal history record check shall be returned  
1028 to the division for screening. Licensees shall provide necessary  
1029 equipment, approved by the Department of Law Enforcement, to  
1030 facilitate such electronic submission. The division requirements  
1031 shall be instituted in consultation with the Department of Law  
1032 Enforcement.

1033 (b) The cost of processing fingerprints and conducting a  
1034 criminal history records check for a general occupational  
1035 license shall be paid by the electronic gaming machine licensee.  
1036 The cost of processing fingerprints and conducting a criminal  
1037 history record check for a business or professional occupational  
1038 license shall be paid by the person being checked. The  
1039 Department of Law Enforcement may invoice the division for the  
1040 fingerprints submitted each month.

1041 (c) All fingerprints submitted to the Department of Law  
1042 Enforcement shall be retained by the Department of Law



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1043 Enforcement and entered into the statewide automated fingerprint  
1044 identification system as authorized by s. 943.05(2)(b), Florida  
1045 Statutes, and shall be available for all purposes and uses  
1046 authorized for arrest fingerprint cards in the statewide  
1047 automated fingerprint identification system pursuant to s.  
1048 943.051, Florida Statutes.

1049 (d) The Department of Law Enforcement shall search all  
1050 arrest fingerprints received pursuant to s. 943.051, Florida  
1051 Statutes, against the fingerprints retained in the statewide  
1052 automated fingerprint identification system. Any arrest record  
1053 that is identified with the retained fingerprints of a person  
1054 subject to the criminal history screening requirements shall be  
1055 reported to the division. Each licensed facility shall pay a fee  
1056 for the cost of retention of the fingerprints and the ongoing  
1057 searches under this paragraph. The division shall forward the  
1058 fee to the Department of Law Enforcement. The amount of the fee  
1059 to be imposed for such searches and the procedures for the  
1060 retention of licensee fingerprints shall be as established by  
1061 rule of the Department of Law Enforcement. The division shall  
1062 inform the Department of Law Enforcement of any change in the  
1063 license status of licensees whose fingerprints are retained.

1064 (e) The division shall request the Department of Law  
1065 Enforcement to forward the fingerprints to the Federal Bureau of  
1066 Investigation for a national criminal history records check  
1067 every 3 years following issuance of a license. If the  
1068 fingerprints of a person who is licensed have not been retained  
1069 by the Department of Law Enforcement, the person must file a  
1070 complete set of fingerprints as provided in paragraph (a). The  
1071 division shall collect the fees for the cost of the national



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1072 criminal history record check and shall forward the payment to  
1073 the Department of Law Enforcement. The cost of processing  
1074 fingerprints and conducting a criminal history record check for  
1075 a general occupational license shall be paid by the electronic  
1076 gaming machine licensee. The cost of processing fingerprints and  
1077 conducting a criminal history record check for a business or  
1078 professional occupational license shall be paid by the person  
1079 being checked. The Department of Law Enforcement may invoice the  
1080 division for the fingerprints submitted each month. Under  
1081 penalty of perjury, each person who is licensed or fingerprinted  
1082 must agree to inform the division within 48 hours if he or she  
1083 is convicted of or enters a plea of guilty or nolo contendere to  
1084 any disqualifying offense, regardless of adjudication.

1085 (11) All moneys collected pursuant to this section shall be  
1086 deposited into the Pari-mutuel Wagering Trust Fund.

1087 Section 10. Prohibited relationships.-

1088 (1) A person employed by or performing any function on  
1089 behalf of the division may not:

1090 (a) Be an officer, director, owner, or employee of any  
1091 person or entity licensed by the division.

1092 (b) Have or hold any interest, direct or indirect, in or  
1093 engage in any commerce or business relationship with any person  
1094 licensed by the division.

1095 (2) A manufacturer or distributor of electronic gaming  
1096 machines may not enter into any contract with an electronic  
1097 gaming machine licensee which provides for any revenue sharing  
1098 that is directly or indirectly calculated on the basis of a  
1099 percentage of electronic gaming machine revenues. Any agreement  
1100 in violation of this subsection is void.



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1101       (3) A manufacturer or distributor of electronic gaming  
1102 machines or equipment necessary for the operation of electronic  
1103 gaming machines or an officer, director, or employee of any such  
1104 manufacturer or distributor may not have any ownership or  
1105 financial interest in an electronic gaming machine license or  
1106 any business owned by an electronic gaming machine licensee.

1107       (4) An employee of the division or relative living in the  
1108 same household as the employee may not wager on an electronic  
1109 gaming machine located at a facility licensed by the division.

1110       (5) An occupational licensee or relative living in the same  
1111 household as the licensee may not wager on an electronic gaming  
1112 machine located at a facility operated by such licensee.

1113       Section 11. Prohibited acts; penalties.—

1114       (1) Except as otherwise provided by law and in addition to  
1115 any other penalty, a person who knowingly makes or causes to be  
1116 made, or aids, assists, or procures another to make, a false  
1117 statement in any report, disclosure, application, or other  
1118 document required under any law or rule regulating electronic  
1119 gaming is subject to an administrative fine or civil penalty of  
1120 up to \$10,000.

1121       (2) Except as otherwise provided by law and in addition to  
1122 any other penalty, a person who possesses an electronic gaming  
1123 machine without a license or who possesses an electronic gaming  
1124 machine at a location other than at the electronic gaming  
1125 machine licensee's facility is subject to an administrative fine  
1126 or civil penalty of up to \$10,000 per machine. This prohibition  
1127 does not apply to:

1128       (a) Electronic gaming machine manufacturers or distributors  
1129 that are licensed and authorized to maintain an electronic



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1130 gaming machine storage and maintenance facility in this state.  
1131 The division may adopt rules regarding security, inspection, and  
1132 access to the storage facility.

1133 (b) Certified educational facilities that are authorized by  
1134 the division to maintain electronic gaming machines for the sole  
1135 purpose of education and licensure of electronic gaming machine  
1136 technicians, inspectors, or investigators. The division and the  
1137 Department of Law Enforcement may possess electronic gaming  
1138 machines for training and testing purposes. The division may  
1139 adopt rules regarding the regulation of such electronic gaming  
1140 machines used for the sole purpose of education and licensure of  
1141 electronic gaming machine technicians, inspectors, or  
1142 investigators.

1143 (3) A person who knowingly excludes or attempts to exclude,  
1144 anything of value from the deposit, counting, collection, or  
1145 computation of revenues from electronic gaming machine activity,  
1146 or a person who by trick, sleight-of-hand performance, fraud or  
1147 fraudulent scheme, or device wins or attempts to win, for  
1148 himself or herself or for another, money or property or a  
1149 combination thereof, or reduces or attempts to reduce a losing  
1150 wager in connection with electronic gaming commits a felony of  
1151 the third degree, punishable as provided in s. 775.082, s.  
1152 775.083, or s. 775.084, Florida Statutes.

1153 (4) Any person who manipulates or attempts to manipulate  
1154 the outcome, payoff, or operation of an electronic gaming  
1155 machine by physical tampering or the use of an object,  
1156 instrument, or device, whether mechanical, electrical, or  
1157 magnetic, or by other means, commits a felony of the third  
1158 degree, punishable as provided in s. 775.082, s. 775.083, or s.





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1159 775.084, Florida Statutes.

1160 (5) Theft of electronic gaming machine proceeds or property  
1161 belonging to an electronic gaming machine operator, licensee, or  
1162 licensed facility by an employee of the operator or facility or  
1163 by an officer, partner, owner, or employee of a person  
1164 contracted to provide services to the operator or facility  
1165 constitutes a felony of the third degree, punishable as provided  
1166 in s. 775.082 or s. 775.083, Florida Statutes.

1167 (6) (a) A law enforcement officer or electronic gaming  
1168 machine operator who has probable cause to believe that a person  
1169 has committed a violation of subsection (3), subsection (4), or  
1170 subsection (5) and that officer or operator can recover the lost  
1171 proceeds from the activity by taking the person into custody  
1172 may, for the purpose of attempting to effect the recovery of the  
1173 proceeds, take into custody on the premises and detain the  
1174 person in a reasonable manner for a reasonable time. If the  
1175 operator takes the person into custody, a law enforcement  
1176 officer shall be called to the scene immediately. The taking  
1177 into custody and detention by a law enforcement officer or  
1178 electronic gaming machine operator, if done in compliance with  
1179 this subsection, does not render such law enforcement officer,  
1180 or the officer's agency, or the electronic gaming machine  
1181 operator criminally or civilly liable for false arrest, false  
1182 imprisonment, or unlawful detention.

1183 (b) A law enforcement officer may arrest, on or off the  
1184 premises and without warrant, any person if the officer has  
1185 probable cause to believe that person has violated subsection  
1186 (3), subsection (4), or subsection (5).

1187 (c) A person who resists the reasonable effort of a law



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1188 enforcement officer or electronic gaming machine operator to  
1189 take into custody a person who is violating subsection (3),  
1190 subsection (4), or subsection (5) commits a misdemeanor of the  
1191 first degree, punishable as provided in s. 775.082 or s.  
1192 775.083, Florida Statutes, unless the person did not know or  
1193 have reason to know that the person seeking to take him or her  
1194 into custody was a law enforcement officer or electronic gaming  
1195 machine operator.

1196 (7) The penalties imposed and collected under this section  
1197 must be deposited into the Pari-mutuel Wagering Trust Fund of  
1198 the Department of Business and Professional Regulation.

1199 Section 12. Legal devices.-Notwithstanding any provision of  
1200 law to the contrary, electronic gaming machines manufactured,  
1201 sold, distributed, possessed, or operated pursuant to the laws  
1202 and rules regulating electronic gaming are lawful in this state.  
1203 An electronic game or electronic gaming machine may not enter  
1204 the state until it has been tested and certified by a licensed  
1205 testing laboratory, and certified for play in the state. The  
1206 division shall adopt rules regarding the testing, certification,  
1207 control, and approval of electronic games and electronic gaming  
1208 machines entering, departing, or moving within the state.

1209 Section 13. Exclusions of certain persons.-In addition to  
1210 the power to exclude certain persons, the division may exclude  
1211 any person from a facility of an electronic gaming machine  
1212 licensee in this state for conduct that would constitute, if the  
1213 person were a licensee, a violation of this act or the rules of  
1214 the division. The division may exclude a person who has been  
1215 ejected from a gaming facility or who has been excluded from a  
1216 gaming facility in another state by the governmental authority



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1217 exercising regulatory jurisdiction over the gaming in such other  
1218 state. This section does not abrogate the common law right of an  
1219 electronic gaming machine licensee to exclude a patron.

1220 Section 14. Persons prohibited from operating electronic  
1221 gaming machines.-

1222 (1) A person who has not attained 18 years of age may not  
1223 operate or play an electronic gaming machine or have access to  
1224 the designated electronic gaming machine area.

1225 (2) An electronic gaming machine licensee or agent or  
1226 employee of an electronic gaming machine licensee may not  
1227 knowingly allow a person who has not attained 18 years of age  
1228 to:

1229 (a) Play or operate an electronic gaming machine.

1230 (b) Be employed in any position allowing or requiring  
1231 access to the designated gaming area of a facility of an  
1232 electronic gaming machine licensee.

1233 (c) Have access to the designated electronic gaming machine  
1234 area of a facility of an electronic gaming machine licensee.

1235 (3) A licensed facility shall post clear and conspicuous  
1236 signage within the designated electronic gaming machine areas  
1237 which states:

1238  
1239 THE PLAYING OF ELECTRONIC GAMING MACHINES BY PERSONS UNDER THE  
1240 AGE OF 18 IS AGAINST FLORIDA LAW (CITE TO FLORIDA STATUTES  
1241 SECTION). PROOF OF AGE MAY BE REQUIRED AT ANY TIME.

1242 Section 15. Electronic gaming machine areas.-

1243 (1) An electronic gaming machine licensee may make  
1244 available for play up to 1,000 electronic gaming machines within  
1245 an eligible facility in a designated electronic gaming machine



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1246 area. No more than 1,000 electronic gaming machines shall be  
1247 authorized at a facility regardless of the number of  
1248 permitholders conducting operations at that facility.

1249 (2) The electronic gaming machine licensee shall display  
1250 pari-mutuel races or games within the designated electronic  
1251 gaming machine areas and offer patrons within such areas the  
1252 opportunity to wager on live, intertrack, and simulcast races.

1253 (3) The division shall require the posting of signs warning  
1254 of the risks and dangers of gambling, showing the odds of  
1255 winning, and informing patrons of the toll-free telephone number  
1256 available to provide information and referral services regarding  
1257 compulsive or problem gambling.

1258 (4) Designated electronic gaming machine areas may be  
1259 located within a live gaming facility or an existing building  
1260 that is contiguous and connected to the live gaming facility. If  
1261 such gaming area is to be located in a building that is not yet  
1262 constructed, the new building must be contiguous and connected  
1263 to the live gaming facility.

1264 (5) An electronic gaming machine licensee shall provide  
1265 adequate office space at no cost to the division and the  
1266 Department of Law Enforcement for the oversight of electronic  
1267 gaming machine operations. The division shall adopt rules  
1268 establishing criteria for adequate space, configuration, and  
1269 location and needed electronic and technological requirements.

1270 Section 16. Days and hours of operation.—Electronic gaming  
1271 machine areas may be open daily throughout the year. They may be  
1272 open a cumulative total of 18 hours per day on Monday through  
1273 Friday and 24 hours per day on Saturday and Sunday and on  
1274 holidays specified in s. 110.117(1), Florida Statutes.



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1275           Section 17. Penalties.—The division may revoke or suspend  
1276 an electronic gaming machine license issued under this act upon  
1277 the willful violation by the licensee of any law or rule  
1278 regulating electronic gaming. In lieu of suspending or revoking  
1279 an electronic gaming machine license, the division may impose a  
1280 civil penalty against the licensee for such violation. Except as  
1281 otherwise provided in this act, the division may not impose a  
1282 penalty that exceeds \$100,000 for each count or separate  
1283 offense. All fines collected must be deposited into the Pari-  
1284 mutuel Wagering Trust Fund of the Department of Business and  
1285 Professional Regulation.

1286           Section 18. Compulsive or addictive gambling prevention  
1287 program.—

1288           (1) Each electronic gaming machine licensee shall offer  
1289 training to employees on responsible gaming and shall work with  
1290 a compulsive or addictive gambling prevention program to  
1291 recognize problem gaming situations and implement responsible  
1292 gaming programs and practices.

1293           (2) The division shall, subject to competitive bidding,  
1294 contract for services related to the prevention of compulsive  
1295 and addictive gambling. The contract shall require an  
1296 advertising program to encourage responsible gaming practices  
1297 and publicize a gambling telephone help line. Such  
1298 advertisements must be made both publicly and inside the  
1299 designated electronic gaming machine areas of the licensee's  
1300 facilities. The terms of any contract for such services shall  
1301 include accountability standards for any private provider. The  
1302 failure of a private provider to meet any material term of the  
1303 contract, including the accountability standards, constitutes a



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1304 breach of contract or grounds for nonrenewal.

1305 (3) The compulsive or addictive gambling prevention program  
1306 shall be funded from an annual nonrefundable regulatory fee of  
1307 \$250,000 paid by each licensee.

1308 Section 19. Caterer's license.—An electronic gaming machine  
1309 licensee is entitled to a caterer's license pursuant to s.  
1310 565.02, Florida Statutes, on days on which the pari-mutuel  
1311 facility is open to the public for electronic gaming machine  
1312 play.

1313 Section 20. Prohibited activities and devices; exceptions.

1314 (1) Complimentary or reduced-cost alcoholic beverages may  
1315 not be served to persons in the designated electronic gaming  
1316 machine area. Alcoholic beverages served to persons in the  
1317 designated electronic gaming machine area shall cost at least  
1318 the same amount as alcoholic beverages served to the general  
1319 public at any bar within the facility.

1320 (2) An electronic gaming machine licensee may not make  
1321 loans, provide credit, or advance cash to enable a person to  
1322 play an electronic gaming machine. This subsection does not  
1323 prohibit automated ticket redemption machines that dispense cash  
1324 from the redemption of tickets from being located in the  
1325 designated electronic gaming machine area.

1326 (3) An automated teller machine or similar device designed  
1327 to provide credit or dispense cash may not be located within the  
1328 designated electronic gaming machine area.

1329 (4) (a) An electronic gaming machine licensee may not accept  
1330 or cash a check from any person within the designated electronic  
1331 gaming machine area of a facility.

1332 (b) Except as provided in paragraph (c) for employees of



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1333 the facility, an electronic gaming machine licensee may not  
1334 accept or cash for any person within the facility a government-  
1335 issued check, third-party check, or payroll check made payable  
1336 to an individual.

1337 (c) Outside the designated electronic gaming machine area,  
1338 an electronic gaming machine licensee or operator may accept or  
1339 cash a check for an employee of the facility who is prohibited  
1340 from wagering on an electronic gaming machine under s.  
1341 551.108(5), Florida Statutes, a check made directly payable to a  
1342 person licensed by the division, or a check made directly  
1343 payable to the licensee or operator from:

- 1344 1. A pari-mutuel patron; or  
1345 2. A pari-mutuel facility in any state.

1346 (d) Unless accepting or cashing a check is prohibited by  
1347 this subsection, an electronic gaming machine licensee or  
1348 operator may accept and deposit in its accounts checks received  
1349 in the normal course of business.

1350 (5) An electronic gaming machine, or the computer operating  
1351 system linked to an electronic gaming machine, may be linked to  
1352 any other electronic gaming machine or computer operating system  
1353 within this state.

1354 (6) An electronic gaming machine located within a licensed  
1355 facility may accept tickets or electronic or account-based cards  
1356 for wagering. Such machines may return or deliver payouts to the  
1357 players in the form of tickets or electronic or account-based  
1358 credits that may be exchanged for cash, merchandise, or other  
1359 items of value. The use of coins, currency, credit or debit  
1360 cards, tokens, or similar objects is prohibited.

1361 Section 21. Rulemaking.—The division may adopt rules to



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1362 administer this act.

1363       Section 22. Preemption.—The Legislature finds and declares  
1364 that it has exclusive authority over the conduct of all wagering  
1365 occurring at electronic gaming machine facilities in this state.  
1366 Only the Division of Pari-mutuel Wagering and other authorized  
1367 state agencies may administer this act and regulate the  
1368 electronic gaming machine industry, including operation of  
1369 electronic gaming machine facilities, games, electronic gaming  
1370 machines, and facilities-based computer systems authorized in  
1371 this act and the rules adopted by the division.

1372       Section 23. Application to bingo games operated by  
1373 charitable or nonprofit organizations.—Sections 1 through 22 of  
1374 this act do not apply to the use of player-operated bingo aides  
1375 used in bingo games conducted by charitable, nonprofit, or  
1376 veterans' organizations authorized to conduct bingo under s.  
1377 849.0931, Florida Statutes. Sections 1 through 22 of this act do  
1378 not apply to game promotions or operators regulated under s.  
1379 849.094, Florida Statutes.

1380       Section 24. Paragraph (x) is added to subsection (1) of  
1381 section 215.22, Florida Statutes, to read:

1382       215.22 Certain income and certain trust funds exempt.—

1383       (1) The following income of a revenue nature or the  
1384 following trust funds shall be exempt from the appropriation  
1385 required by s. 215.20(1):

1386       (x) Taxes imposed on electronic gaming and electronic  
1387 gaming machines at eligible pari-mutuel facilities.

1388       Section 25. The Department of Business and Professional  
1389 Regulation may expend the unreserved cash balance in the Pari-  
1390 mutuel Wagering Trust Fund received from other revenue sources





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1391 to implement electronic gaming regulation and investigations  
1392 during the 2009-2010 fiscal year. Before the use of such other  
1393 revenues, the department shall submit a repayment plan for  
1394 approval by the Executive Office of the Governor in consultation  
1395 with the chair and vice chair of the Legislative Budget  
1396 Commission. The department shall repay such funds using  
1397 electronic gaming machine license revenue sources by April 1,  
1398 2010. The repaid funds are subject to the requirements of s.  
1399 550.135(2), Florida Statutes.

1400 Section 26. Present subsections (11), (32), and (38) of  
1401 section 550.002, Florida Statutes, are amended, a new subsection  
1402 (15) is added to that section, and present subsections (15)  
1403 through (39) of that section are renumbered as subsections (16)  
1404 through (40), respectively, to read:

1405 550.002 Definitions.—As used in this chapter, the term:

1406 (11) "Full schedule of live racing or games" means, for a  
1407 greyhound or jai alai permitholder, the conduct of a combination  
1408 of at least 100 live evening or matinee performances during the  
1409 preceding year; for a permitholder who has a converted permit or  
1410 filed an application on or before June 1, 1990, for a converted  
1411 permit, the conduct of a combination of at least 100 live  
1412 evening and matinee wagering performances during either of the 2  
1413 preceding years; for a jai alai permitholder who does not  
1414 operate slot machines, electronic gaming machines, or historical  
1415 racing systems in its pari-mutuel facility, who has conducted at  
1416 least 100 live performances per year for at least 10 years after  
1417 December 31, 1992, and whose handle on live jai alai games  
1418 conducted at its pari-mutuel facility has been less than \$4  
1419 million per state fiscal year for at least 2 consecutive years



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1420 after June 30, 1992, the conduct of a combination of at least 40  
1421 live evening or matinee performances during the preceding year;  
1422 for a jai alai permitholder who operates slot machines  
1423 electronic gaming machines, or historical racing systems in its  
1424 pari-mutuel facility, the conduct of a combination of at least  
1425 150 performances during the preceding year; for a harness  
1426 permitholder, the conduct of at least 100 live regular wagering  
1427 performances during the preceding year; for a quarter horse  
1428 permitholder, at the permitholder's facility, unless an  
1429 alternative schedule of at least 20 live regular wagering  
1430 performances is agreed upon by the permitholder and the  
1431 horsemen's association representing the majority of the quarter  
1432 racehorse owners and trainers at the facility and filed with the  
1433 division with its annual application, in the year 2009, the  
1434 conduct of at least 20 live regular wagering performances, in  
1435 the years 2010 and 2011, the conduct of at least 30 live regular  
1436 wagering performances, and for every year after the year 2011,  
1437 the conduct of at least 40 live regular wagering performances  
1438 during the preceding year; for a quarter horse permitholder  
1439 leasing another licensed racetrack, the conduct of 160 events at  
1440 the leased facility; and for a thoroughbred permitholder, the  
1441 conduct of at least 40 live regular wagering performances during  
1442 the preceding year. For a permitholder which is restricted by  
1443 statute to certain operating periods within the year when other  
1444 members of its same class of permit are authorized to operate  
1445 throughout the year, the specified number of live performances  
1446 which constitute a full schedule of live racing or games shall  
1447 be adjusted pro rata in accordance with the relationship between  
1448 its authorized operating period and the full calendar year and



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1449 the resulting specified number of live performances shall  
1450 constitute the full schedule of live games for such permitholder  
1451 and all other permitholders of the same class within 100 air  
1452 miles of such permitholder. A live performance must consist of  
1453 no fewer than eight races or games conducted live for each of a  
1454 minimum of three performances each week at the permitholder's  
1455 licensed facility under a single admission charge.

1456 (15) "Historical racing system" means a form of pari-mutuel  
1457 wagering based on audio or video signals of races conducted at  
1458 licensed pari-mutuel facilities in state or out of state which  
1459 are displayed at individual wagering terminals at licensed pari-  
1460 mutuel facilities.

1461 (33)(32) "Simulcasting" means broadcasting events occurring  
1462 live or recorded at an in-state location to an out-of-state  
1463 location, or receiving at an in-state location events occurring  
1464 live or recorded at an out-of-state location, by the  
1465 transmittal, retransmittal, reception, and rebroadcast of  
1466 television or radio signals by wire, cable, satellite,  
1467 microwave, or other electrical or electronic means for receiving  
1468 or rebroadcasting the events.

1469 (39)(38) "Year," for purposes of determining a full  
1470 schedule of live racing, means the state fiscal calendar year.

1471 Section 27. Subsection (3) of section 550.01215, Florida  
1472 Statutes, is amended to read:

1473 550.01215 License application; periods of operation; bond,  
1474 conversion of permit.—

1475 (3) ~~Except as provided in s. 550.5251 for thoroughbred~~  
1476 ~~racing,~~ The division shall issue each license no later than  
1477 March 15. Each permitholder shall operate all performances at



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1478 the date and time specified on its license. The division shall  
1479 have the authority to approve minor changes in racing dates  
1480 after a license has been issued. The division may approve  
1481 changes in racing dates after a license has been issued when  
1482 there is no objection from any operating permitholder located  
1483 within 50 miles of the permitholder requesting the changes in  
1484 operating dates. In the event of an objection, the division  
1485 shall approve or disapprove the change in operating dates based  
1486 upon the impact on operating permitholders located within 50  
1487 miles of the permitholder requesting the change in operating  
1488 dates. In making the determination to change racing dates, the  
1489 division shall take into consideration the impact of such  
1490 changes on state revenues.

1491 Section 28. Paragraph (b) of subsection (1) and subsections  
1492 (5) and (6) of section 550.0951, Florida Statutes, are amended  
1493 to read:

1494 550.0951 Payment of daily license fee and taxes;  
1495 penalties.—

1496 (1)

1497 (b) Each permitholder that cannot utilize the full amount  
1498 of the exemption of \$360,000 or \$500,000 provided in s.  
1499 550.0951(1) or the daily license fee credit provided in this  
1500 section may, after notifying the division in writing, elect once  
1501 per state fiscal year on a form provided by the division to  
1502 transfer such exemption or credit or any portion thereof to any  
1503 greyhound permitholder which acts as a host track to such  
1504 permitholder for the purpose of intertrack wagering. Once an  
1505 election to transfer such exemption or credit is filed with the  
1506 division, it shall not be rescinded. The division shall



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1507 disapprove the transfer when the amount of the exemption or  
1508 credit or portion thereof is unavailable to the transferring  
1509 permitholder or when the permitholder who is entitled to  
1510 transfer the exemption or credit or who is entitled to receive  
1511 the exemption or credit owes taxes to the state pursuant to a  
1512 deficiency letter or administrative complaint issued by the  
1513 division. Upon approval of the transfer by the division, the  
1514 transferred tax exemption or credit shall be effective for the  
1515 first performance of the next payment ~~biweekly pay~~ period as  
1516 specified in subsection (5). The exemption or credit transferred  
1517 to such host track may be applied by such host track against any  
1518 taxes imposed by this chapter or daily license fees imposed by  
1519 this chapter. The greyhound permitholder host track to which  
1520 such exemption or credit is transferred shall reimburse such  
1521 permitholder the exact monetary value of such transferred  
1522 exemption or credit as actually applied against the taxes and  
1523 daily license fees of the host track. The division shall ensure  
1524 that all transfers of exemption or credit are made in accordance  
1525 with this subsection and shall have the authority to adopt rules  
1526 to ensure the implementation of this section.

1527 (5) (a) Each permitholder conducting historical racing  
1528 pursuant to 550.810 shall pay a tax equal to 4 percent of the  
1529 handle from the historical racing system.

1530 (b) The takeout of a pari-mutuel pool is 12 percent of the  
1531 handle from the historical racing system.

1532 (c) The permitholder shall pay 0.9 percent of the handle to  
1533 the permit holder's purse account.

1534 (d) The permitholder shall pay 0.1 percent of the handle to  
1535 the:



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1536 1. Florida Thoroughbred Breeders' Association, Inc., for  
1537 the payment of breeders' awards, if the host track is a  
1538 thoroughbred track;

1539 2. Florida Standardbred Breeders and Owners Association,  
1540 Inc., for the payment of breeders' awards, stallion awards,  
1541 stallion stakes, additional purses, and prizes for, and the  
1542 general promotion of owning and breeding, Florida-bred  
1543 standardbred horses, if the host track is a harness track; or

1544 3. Florida Quarter Horse Breeders and Owners Association,  
1545 Inc., for the payment of breeders' awards and general promotion,  
1546 if the host track is a quarter horse track.

1547 (e) The permitholder, upon authorization to conduct  
1548 historical racing pursuant to 550.810 and annually thereafter,  
1549 on the anniversary date of the authorization, shall pay a fee to  
1550 the division of \$1 million. The fee shall be deposited into the  
1551 Pari-mutuel Wagering Trust Fund of the Department of Business  
1552 and Professional Regulation to be used by the division and the  
1553 Department of Law Enforcement for investigations, regulation of  
1554 historic racing, and enforcement of historic racing provisions.

1555 (6) ~~(5)~~ PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments  
1556 Payment for the admission tax, tax on handle, and the breaks tax  
1557 imposed by this section shall be paid to the division. The  
1558 division shall deposit these sums with the Chief Financial  
1559 Officer, to the credit of the Pari-mutuel Wagering Trust Fund,  
1560 hereby established. The permitholder shall remit to the division  
1561 payment for the daily license fee, the admission tax, the tax on  
1562 handle, and the breaks tax. Such payments shall be remitted by 3  
1563 p.m. on the 5th day of each calendar month ~~Wednesday of each~~  
1564 ~~week~~ for taxes imposed and collected for the preceding calendar



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1565 month week ending on Sunday. If the 5th day of the calendar  
1566 month falls on a weekend, payments shall be remitted by 3 p.m.  
1567 the first Monday following the weekend. Permitholders shall file  
1568 a report under oath by the 5th day of each calendar month for  
1569 all taxes remitted during the preceding calendar month. Such  
1570 payments shall be accompanied by a report under oath showing the  
1571 total of all admissions, the pari-mutuel wagering activities for  
1572 the preceding calendar month, and such other information as may  
1573 be prescribed by the division.

1574 (7)(6) PENALTIES.—

1575 (a) The failure of any permitholder to make payments as  
1576 prescribed in subsection (6) ~~(5)~~ is a violation of this section,  
1577 and the permitholder may be subjected by the division to a civil  
1578 penalty of up to \$1,000 for each day the tax payment is not  
1579 remitted. All penalties imposed and collected shall be deposited  
1580 in the General Revenue Fund. If a permitholder fails to pay  
1581 penalties imposed by order of the division under this  
1582 subsection, the division may suspend or revoke the license of  
1583 the permitholder, cancel the permit of the permitholder, or deny  
1584 issuance of any further license or permit to the permitholder.

1585 (b) In addition to the civil penalty prescribed in  
1586 paragraph (a), any willful or wanton failure by any permitholder  
1587 to make payments of the daily license fee, admission tax, tax on  
1588 handle, or breaks tax constitutes sufficient grounds for the  
1589 division to suspend or revoke the license of the permitholder,  
1590 to cancel the permit of the permitholder, or to deny issuance of  
1591 any further license or permit to the permitholder.

1592 Section 29. Paragraph (e) of subsection (2) and paragraph  
1593 (b) of subsection (3) of section 550.09511, Florida Statutes,



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1594 are amended to read:

1595       550.09511 Jai alai taxes; abandoned interest in a permit  
1596 for nonpayment of taxes.—

1597       (2) Notwithstanding the provisions of s. 550.0951(3)(b),  
1598 wagering on live jai alai performances shall be subject to the  
1599 following taxes:

1600       (e) The payment of taxes pursuant to paragraphs (b), (c),  
1601 and (d) shall be calculated and commence beginning the day ~~after~~  
1602 ~~the biweekly period~~ in which the permitholder is first entitled  
1603 to the reduced rate specified in this section and the report of  
1604 taxes required by s. 550.0951(5) is submitted to the division.

1605       (3)

1606       (b) The payment of taxes pursuant to paragraph (a) shall be  
1607 calculated and commence beginning the day ~~after the biweekly~~  
1608 ~~period~~ in which the permitholder is first entitled to the  
1609 reduced rate specified in this subsection.

1610       Section 30. Subsection (1) of section 550.09514, Florida  
1611 Statutes, is amended to read:

1612       550.09514 Greyhound dogracing taxes; purse requirements.—

1613       (1) Wagering on greyhound racing is subject to a tax on  
1614 handle for live greyhound racing as specified in s. 550.0951(3).  
1615 However, each permitholder shall pay no tax on handle until such  
1616 time as this subsection has resulted in a tax savings per state  
1617 fiscal year of \$360,000. Thereafter, each permitholder shall pay  
1618 the tax as specified in s. 550.0951(3) on all handle for the  
1619 remainder of the permitholder's current race meet, ~~and the tax~~  
1620 ~~must be calculated and commence beginning the day after the~~  
1621 ~~biweekly period in which the permitholder reaches the maximum~~  
1622 ~~tax savings per state fiscal year provided in this section. For~~





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1623 the three permitholders that conducted a full schedule of live  
1624 racing in 1995, and are closest to another state that authorizes  
1625 greyhound pari-mutuel wagering, the maximum tax savings per  
1626 state fiscal year shall be \$500,000. The provisions of this  
1627 subsection relating to tax exemptions shall not apply to any  
1628 charity or scholarship performances conducted pursuant to s.  
1629 550.0351.

1630 Section 31. Subsections (1), (2), (5), (6), and (10) of  
1631 section 550.105, Florida Statutes, are amended to read:

1632 550.105 Occupational licenses of racetrack employees; fees;  
1633 denial, suspension, and revocation of license; penalties and  
1634 fines.-

1635 (1) Each person connected with a racetrack or jai alai  
1636 fronton, as specified in paragraph (2)(a), shall purchase from  
1637 the division an ~~annual~~ occupational license, ~~which license is~~  
1638 ~~valid from May 1 until June 30 of the following year.~~ All moneys  
1639 collected pursuant to this section each fiscal year shall be  
1640 deposited into the Pari-mutuel Wagering Trust Fund. ~~Any person~~  
1641 ~~may, at her or his option and~~ Pursuant to the rules adopted by  
1642 the division, ~~purchase~~ an occupational license may be valid for  
1643 a period of up to 3 years for a fee that does not exceed ~~if the~~  
1644 ~~purchaser of the license pays~~ the full occupational license fee  
1645 for each of the years for which the license is purchased ~~at the~~  
1646 ~~time the 3-year license is requested.~~ The occupational license  
1647 shall be valid during its specified term at any pari-mutuel  
1648 facility.

1649 (2)(a) The following licenses shall be issued to persons or  
1650 entities with access to the backside, racing animals, jai alai  
1651 players' room, jockeys' room, drivers' room, totalisator room,



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1652 the mutuels, or money room, or to persons who, by virtue of the  
1653 position they hold, might be granted access to these areas or to  
1654 any other person or entity in one of the following categories  
1655 and with ~~scheduled annual fees~~ not to exceed the following  
1656 amounts as follows:

1657 1. Business licenses: any business such as a vendor,  
1658 contractual concessionaire, contract kennel, business owning  
1659 racing animals, trust or estate, totalisator company, stable  
1660 name, or other fictitious name: \$50.

1661 2. Professional occupational licenses: professional persons  
1662 with access to the backside of a racetrack or players' quarters  
1663 in jai alai such as trainers, officials, veterinarians, doctors,  
1664 nurses, EMT's, jockeys and apprentices, drivers, jai alai  
1665 players, owners, trustees, or any management or officer or  
1666 director or shareholder or any other professional-level person  
1667 who might have access to the jockeys' room, the drivers' room,  
1668 the backside, racing animals, kennel compound, or managers or  
1669 supervisors requiring access to mutuels machines, the money  
1670 room, or totalisator equipment: \$40.

1671 3. General occupational licenses: general employees with  
1672 access to the jockeys' room, the drivers' room, racing animals,  
1673 the backside of a racetrack or players' quarters in jai alai,  
1674 such as grooms, kennel helpers, leadouts, pelota makers, cesta  
1675 makers, or ball boys, or a practitioner of any other occupation  
1676 who would have access to the animals, the backside, or the  
1677 kennel compound, or who would provide the security or  
1678 maintenance of these areas, or mutuel employees, totalisator  
1679 employees, money-room employees, or any employee with access to  
1680 mutuels machines, the money room, or totalisator equipment or



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1681 who would provide the security or maintenance of these areas:  
1682 \$10.

1683  
1684 The individuals and entities that are licensed under this  
1685 paragraph require heightened state scrutiny, including the  
1686 submission by the individual licensees or persons associated  
1687 with the entities described in this chapter of fingerprints for  
1688 a Federal Bureau of Investigation criminal records check.

1689 (b) The division shall adopt rules pertaining to pari-  
1690 mutuel occupational licenses, licensing periods, and renewal  
1691 cycles.

1692 (5) (a) The division may:

1693 1. Deny a license to or revoke, suspend, or place  
1694 conditions upon or restrictions on a license of any person who  
1695 has been refused a license by any other state racing commission  
1696 or racing authority;

1697 2. Deny, suspend, or place conditions on a license of any  
1698 person who is under suspension or has unpaid fines in another  
1699 jurisdiction;

1700  
1701 if the state racing commission or racing authority of such other  
1702 state or jurisdiction extends to the division reciprocal  
1703 courtesy to maintain the disciplinary control.

1704 (b) The division may deny, suspend, revoke, or declare  
1705 ineligible any occupational license if the applicant for or  
1706 holder thereof has violated the provisions of this chapter or  
1707 the rules of the division governing the conduct of persons  
1708 connected with racetracks and frontons. In addition, the  
1709 division may deny, suspend, revoke, or declare ineligible any



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1710 occupational license if the applicant for such license has been  
1711 convicted in this state, in any other state, or under the laws  
1712 of the United States of a capital felony, a felony, or an  
1713 offense in any other state which would be a felony under the  
1714 laws of this state involving arson; trafficking in, conspiracy  
1715 to traffic in, smuggling, importing, conspiracy to smuggle or  
1716 import, or delivery, sale, or distribution of a controlled  
1717 substance; or a crime involving a lack of good moral character,  
1718 or has had a pari-mutuel license revoked by this state or any  
1719 other jurisdiction for an offense related to pari-mutuel  
1720 wagering.

1721 (c) The division may deny, declare ineligible, or revoke  
1722 any occupational license if the applicant for such license has  
1723 been convicted of a felony or misdemeanor in this state, in any  
1724 other state, or under the laws of the United States, if such  
1725 felony or misdemeanor is related to gambling or bookmaking, as  
1726 contemplated in s. 849.25, or involves cruelty to animals. If  
1727 the applicant establishes that she or he is of good moral  
1728 character, that she or he has been rehabilitated, and that the  
1729 crime she or he was convicted of is not related to pari-mutuel  
1730 wagering and is not a capital offense, the restrictions  
1731 excluding offenders may be waived by the director of the  
1732 division.

1733 (d) For purposes of this subsection, the term "convicted"  
1734 means having been found guilty, with or without adjudication of  
1735 guilt, as a result of a jury verdict, nonjury trial, or entry of  
1736 a plea of guilty or nolo contendere. However, the term  
1737 "conviction" does not apply to a crime committed prior to the  
1738 effective date of this subsection in a manner that would



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1739 invalidate any occupational license issued prior to the  
1740 effective date of this subsection or subsequent renewal for any  
1741 person holding such a license.

1742 ~~(e)~~ (d) If an occupational license will expire by division  
1743 rule during the period of a suspension the division intends to  
1744 impose, or if a license would have expired but for pending  
1745 administrative charges and the occupational licensee is found to  
1746 be in violation of any of the charges, the license may be  
1747 revoked and a time period of license ineligibility may be  
1748 declared. The division may bring administrative charges against  
1749 any person not holding a current license for violations of  
1750 statutes or rules which occurred while such person held an  
1751 occupational license, and the division may declare such person  
1752 ineligible to hold a license for a period of time. The division  
1753 may impose a civil fine of up to \$1,000 for each violation of  
1754 the rules of the division in addition to or in lieu of any other  
1755 penalty provided for in this section. In addition to any other  
1756 penalty provided by law, the division may exclude from all pari-  
1757 mutuel facilities in this state, for a period not to exceed the  
1758 period of suspension, revocation, or ineligibility, any person  
1759 whose occupational license application has been denied by the  
1760 division, who has been declared ineligible to hold an  
1761 occupational license, or whose occupational license has been  
1762 suspended or revoked by the division.

1763 ~~(f)~~ (e) The division may cancel any occupational license  
1764 that has been voluntarily relinquished by the licensee.

1765 (6) In order to promote the orderly presentation of pari-  
1766 mutuel meets authorized in this chapter, the division may issue  
1767 a temporary occupational license. The division shall adopt rules



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1768 to implement this subsection. However, no temporary occupational  
1769 license shall be valid for more than 30 days, and no more than  
1770 one temporary license may be issued for any person in any year.

1771 (10) (a) Upon application for an occupational license, the  
1772 division may require the applicant's full legal name; any  
1773 nickname, alias, or maiden name for the applicant; name of the  
1774 applicant's spouse; the applicant's date of birth, residence  
1775 address, mailing address, residence address and business phone  
1776 number, and social security number; disclosure of any felony or  
1777 any conviction involving bookmaking, illegal gambling, or  
1778 cruelty to animals; disclosure of any past or present  
1779 enforcement or actions by any racing or gaming agency against  
1780 the applicant; and any information the division determines is  
1781 necessary to establish the identity of the applicant or to  
1782 establish that the applicant is of good moral character.

1783 Fingerprints shall be taken in a manner approved by the division  
1784 and then shall be submitted to the Federal Bureau of  
1785 Investigation, or to the association of state officials  
1786 regulating pari-mutuel wagering pursuant to the Federal Pari-  
1787 mutuel Licensing Simplification Act of 1988. The cost of  
1788 processing fingerprints shall be borne by the applicant and paid  
1789 to the association of state officials regulating pari-mutuel  
1790 wagering from the trust fund to which the processing fees are  
1791 deposited. ~~The division shall require each applicant for an~~  
1792 ~~occupational license to have the applicant's signature witnessed~~  
1793 ~~and notarized or signed in the presence of a division official.~~  
1794 The division, by rule, may require additional information from  
1795 licensees which is reasonably necessary to regulate the  
1796 industry. The division may, by rule, exempt certain occupations



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1797 or groups of persons from the fingerprinting requirements.

1798 (b) All fingerprints required by this section which are  
1799 submitted to the Department of Law Enforcement shall be retained  
1800 by the Department of Law Enforcement and entered into the  
1801 statewide automated fingerprint identification system as  
1802 authorized by s. 943.05(2) (b) and shall be available for all  
1803 purposes and uses authorized for arrest fingerprint cards  
1804 entered into the statewide automated fingerprint identification  
1805 system pursuant to s. 943.051.

1806 (c) The Department of Law Enforcement shall search all  
1807 arrest fingerprints received pursuant to s. 943.051 against the  
1808 fingerprints retained in the statewide automated fingerprint  
1809 identification system under paragraph (b). Any arrest record  
1810 that is identified with the retained fingerprints of a person  
1811 subject to the criminal history screening requirements of this  
1812 section shall be reported to the division. Each licensee shall  
1813 pay a fee to the division for the cost of retention of the  
1814 fingerprints and the ongoing searches under this paragraph. The  
1815 division shall forward the payment to the Department of Law  
1816 Enforcement. The amount of the fee to be imposed for performing  
1817 these searches and the procedures for the retention of licensee  
1818 fingerprints shall be as established by rule of the Department  
1819 of Law Enforcement. The division shall inform the Department of  
1820 Law Enforcement of any change in the license status of licensees  
1821 whose fingerprints are retained under paragraph (b).

1822 (d) The division shall request the Department of Law  
1823 Enforcement to forward the fingerprints to the Federal Bureau of  
1824 Investigation for a national criminal history records check at  
1825 least once every 5 years following issuance of a license. If the



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1826 fingerprints of a person who is licensed have not been retained  
1827 by the Department of Law Enforcement, the person must file a  
1828 complete set of fingerprints as provided in paragraph (a). The  
1829 division shall collect the fees for the cost of the national  
1830 criminal history record check under this paragraph and forward  
1831 the payment to the Department of Law Enforcement. The cost of  
1832 processing fingerprints and conducting a criminal history record  
1833 check under this paragraph for a general occupational license  
1834 shall be borne by the applicant. The cost of processing  
1835 fingerprints and conducting a criminal history record check  
1836 under this paragraph for a business or professional occupational  
1837 license shall be borne by the person being checked. The  
1838 Department of Law Enforcement may invoice the division for the  
1839 fingerprints submitted each month. Under penalty of perjury,  
1840 each person who is licensed or who is fingerprinted as required  
1841 by this section must agree to inform the division within 48  
1842 hours if he or she is convicted of or has entered a plea of  
1843 guilty or nolo contendere to any disqualifying offense,  
1844 regardless of adjudication.

1845 Section 32. Section 550.135, Florida Statutes, is amended  
1846 to read:

1847 550.135 Division of moneys derived under this law.—All  
1848 moneys that are deposited with the Chief Financial Officer to  
1849 the credit of the Pari-mutuel Wagering Trust Fund shall be  
1850 distributed as follows:

1851 (1) The daily license fee revenues collected pursuant to s.  
1852 550.0951(1) shall be used to fund the operating cost of the  
1853 division and to provide a proportionate share of the operation  
1854 of the office of the secretary and the Division of





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1855 Administration of the Department of Business and Professional  
1856 Regulation; however, other collections in the Pari-mutuel  
1857 Wagering Trust Fund may also be used to fund the operation of  
1858 the division in accordance with authorized appropriations.

1859 (2) All unappropriated funds in excess of \$1.5 million in  
1860 the Pari-mutuel Wagering Trust Fund, collected pursuant to this  
1861 chapter, shall be deposited with the Chief Financial Officer to  
1862 the credit of the General Revenue Fund.

1863 (3) The slot machine license fee, the slot machine  
1864 occupational license fee, and the compulsive or addictive  
1865 gambling prevention program fee collected pursuant to ss.  
1866 551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the  
1867 direct and indirect operating expenses of the division's slot  
1868 machine regulation operations and to provide funding for  
1869 relevant enforcement activities in accordance with authorized  
1870 appropriations. Funds deposited into the Pari-mutuel Wagering  
1871 Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1., and 551.118  
1872 shall be reserved in the trust fund for slot machine regulation  
1873 operations. On June 30, any unappropriated funds in excess of  
1874 those necessary for incurred obligations and subsequent year  
1875 cash flow for slot machine regulation operations shall be  
1876 deposited with the Chief Financial Officer to the credit of the  
1877 General Revenue Fund.

1878 (4) The electronic gaming machine license fee, the  
1879 electronic gaming machine occupational license fee, and the  
1880 compulsive or addictive gambling prevention program fee  
1881 collected pursuant to subsection (1) of section 7 of this act  
1882 and subsection (3) of section 17 of this act shall be used to  
1883 fund the direct and indirect operating expenses of the



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1884 division's electronic gaming machine regulation operations and  
1885 to provide funding for relevant enforcement activities in  
1886 accordance with authorized appropriations. Funds deposited into  
1887 the Pari-mutuel Wagering Trust Fund pursuant to subsection (1)  
1888 of section 7 of this act and subsection (3) of section 17 of  
1889 this act shall be reserved in the trust fund for electronic  
1890 gaming machine regulation and enforcement operations. On June  
1891 30, any unappropriated funds in excess of those necessary for  
1892 incurred obligations and subsequent year cash flow for  
1893 electronic gaming machine regulation and enforcement operations  
1894 shall be deposited with the Chief Financial Officer to the  
1895 credit of the General Revenue Fund.

1896 Section 33. Subsection (6) of section 550.2415, Florida  
1897 Statutes, is amended to read:

1898 550.2415 Racing of animals under certain conditions  
1899 prohibited; penalties; exceptions.—

1900 (6) (a) It is the intent of the Legislature that animals  
1901 that participate in races in this state on which pari-mutuel  
1902 wagering is conducted and animals that are bred and trained in  
1903 this state for racing be treated humanely, both on and off  
1904 racetracks, throughout the lives of the animals.

1905 (b) The division shall, by rule, establish the procedures  
1906 for euthanizing greyhounds. However, a greyhound may not be put  
1907 to death by any means other than by lethal injection of the drug  
1908 sodium pentobarbital. A greyhound may not be removed from this  
1909 state for the purpose of being destroyed.

1910 (c) It is a violation of this chapter for an occupational  
1911 licensee to train a greyhound using live or dead animals. A  
1912 greyhound may not be taken from this state for the purpose of



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1913 being trained through the use of live or dead animals.

1914       (d) Any act committed by any licensee which would  
1915 constitute A conviction of cruelty to animals as defined in  
1916 pursuant to s. 828.12 involving any a racing animal constitutes  
1917 a violation of this chapter. Imposition of any penalty by the  
1918 division for a violation of this chapter or any rule adopted by  
1919 the division pursuant to this chapter does not prohibit a  
1920 criminal prosecution for cruelty to animals.

1921       (e) The division may inspect any area at a pari-mutuel  
1922 facility where racing animals are raced, trained, housed, or  
1923 maintained, including any areas where food, medications, or  
1924 other supplies are kept, to ensure the humane treatment of  
1925 racing animals and compliance with this chapter and the rules of  
1926 the division.

1927       Section 34. Subsection (5) is added to section 550.26165,  
1928 Florida Statutes, is amended to read:

1929       550.26165 Breeders' awards.—

1930       (5) (a) The awards programs in this chapter, which are  
1931 intended to encourage thoroughbred breeding and training  
1932 operations to locate in this state, must be responsive to  
1933 rapidly changing incentive programs in other states. To attract  
1934 such operations, it is appropriate to provide greater  
1935 flexibility to thoroughbred industry participants in this state  
1936 so that they may design competitive awards programs.

1937       (b) Notwithstanding any other provision of law to the  
1938 contrary, the Florida Thoroughbred Breeders' Association, as  
1939 part of its annual plan, may:

1940       1. Pay breeders' awards on horses finishing in first,  
1941 second, or third place in thoroughbred horse races; pay



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1942 breeders' awards that are greater than 20 percent and less than  
1943 15 percent of the announced gross purse; and vary the rates for  
1944 breeders' awards, based upon the place of finish, class of race,  
1945 state or country in which the race took place, and the state in  
1946 which the stallion siring the horse was standing when the horse  
1947 was conceived;

1948 2. Pay stallion awards on horses finishing in first,  
1949 second, or third place in thoroughbred horse races; pay stallion  
1950 awards that are greater than 20 percent and less than 15 percent  
1951 of the announced gross purse; reduce or eliminate stallion  
1952 awards to enhance breeders' awards or awards under subparagraph  
1953 3.; and vary the rates for stallion awards, based upon the place  
1954 of finish, class of race, and state or country in which the race  
1955 took place; and

1956 3. Pay awards from the funds dedicated for breeders' awards  
1957 and stallion awards to owners of registered Florida-bred horses  
1958 finishing in first, second, or third place in thoroughbred horse  
1959 rates in this state, without regard to any awards paid pursuant  
1960 to s. 550.2625(6).

1961 (c) Breeders' awards or stallion awards under this chapter  
1962 may not be paid on thoroughbred horse races taking place in  
1963 other states or countries unless agreed to in writing by all  
1964 thoroughbred permitholders in this state, the Florida  
1965 Thoroughbred Breeders' Association, and the Florida Horsemen's  
1966 Benevolent and Protective Association, Inc.

1967 Section 35. Paragraph (e) is added to subsection (6) of  
1968 section 550.2625, Florida Statutes, to read:

1969 550.2625 Horseracing; minimum purse requirement, Florida  
1970 breeders' and owners' awards.-



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1971 (6)

1972 (e) This subsection governs owners' awards paid on  
1973 thoroughbred races only in this state, unless a written  
1974 agreement is filed with the division establishing the rate,  
1975 procedures, and eligibility requirements for owners' awards,  
1976 including place of finish, class of race, maximum purse, and  
1977 maximum award, and the agreement is entered into by the  
1978 permitholder, the Florida Thoroughbred Breeders' Association,  
1979 and the association representing a majority of the racehorse  
1980 owners and trainers at the permitholder's location.

1981 Section 36. Section 550.334, Florida Statutes, is amended  
1982 to read:

1983 550.334 Quarter horse racing; substitutions.-

1984 ~~(1) Subject to all the applicable provisions of this~~  
1985 ~~chapter, any person who possesses the qualifications prescribed~~  
1986 ~~in this chapter may apply to the division for a permit to~~  
1987 ~~conduct quarter horse race meetings and racing under this~~  
1988 ~~chapter. The applicant must demonstrate that the location or~~  
1989 ~~locations where the permit will be used are available for such~~  
1990 ~~use and that she or he has the financial ability to satisfy the~~  
1991 ~~reasonably anticipated operational expenses of the first racing~~  
1992 ~~year following final issuance of the permit. If the racing~~  
1993 ~~facility is already built, the application must contain a~~  
1994 ~~statement, with reasonable supporting evidence, that the permit~~  
1995 ~~will be used for quarter horse racing within 1 year after the~~  
1996 ~~date on which it is granted; if the facility is not already~~  
1997 ~~built, the application must contain a statement, with reasonable~~  
1998 ~~supporting evidence, that substantial construction will be~~  
1999 ~~started within 1 year after the issuance of the permit. After~~



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2000 ~~receipt of an application, the division shall convene to~~  
2001 ~~consider and act upon permits applied for. The division shall~~  
2002 ~~disapprove an application if it fails to meet the requirements~~  
2003 ~~of this chapter. Upon each application filed and approved, a~~  
2004 ~~permit shall be issued setting forth the name of the applicant~~  
2005 ~~and a statement showing qualifications of the applicant to~~  
2006 ~~conduct racing under this chapter. If a favorable referendum on~~  
2007 ~~a pari-mutuel facility has not been held previously within the~~  
2008 ~~county, then, before a quarter horse permit may be issued by the~~  
2009 ~~division, a referendum ratified by a majority of the electors in~~  
2010 ~~the county is required on the question of allowing quarter horse~~  
2011 ~~racers within that county.~~

2012 ~~(2) After a quarter horse racing permit has been granted by~~  
2013 ~~the division, the department shall grant to the lawful holder of~~  
2014 ~~such permit, subject to the conditions of this section, a~~  
2015 ~~license to conduct quarter horse racing under this chapter; and~~  
2016 ~~the division shall fix annually the time when, place where, and~~  
2017 ~~number of days upon which racing may be conducted by such~~  
2018 ~~quarter horse racing permitholder. After the first license has~~  
2019 ~~been issued to the holder of a permit for quarter horse racing,~~  
2020 ~~all subsequent annual applications for a license by a~~  
2021 ~~permitholder must be accompanied by proof, in such form as the~~  
2022 ~~division requires, that the permitholder still possesses all the~~  
2023 ~~qualifications prescribed by this chapter. The division may~~  
2024 ~~revoke any permit or license issued under this section upon the~~  
2025 ~~willful violation by the licensee of any provision of this~~  
2026 ~~chapter or any rule adopted by the division under this chapter.~~  
2027 ~~The division shall revoke any quarter horse permit under which~~  
2028 ~~no live racing has ever been conducted before July 7, 1990, for~~



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2029 ~~failure to conduct a horse meet pursuant to the license issued~~  
2030 ~~where a full schedule of horseracing has not been conducted for~~  
2031 ~~a period of 18 months commencing on October 1, 1990, unless the~~  
2032 ~~permitholder has commenced construction on a facility at which a~~  
2033 ~~full schedule of live racing could be conducted as approved by~~  
2034 ~~the division. "Commenced construction" means initiation of and~~  
2035 ~~continuous activities beyond site preparation associated with~~  
2036 ~~erecting or modifying a horseracing facility, including~~  
2037 ~~procurement of a building permit applying the use of approved~~  
2038 ~~construction documents, proof of an executed owner/contractor~~  
2039 ~~agreement or an irrevocable or binding forced account, and~~  
2040 ~~actual undertaking of foundation forming with steel installation~~  
2041 ~~and concrete placing. The 18-month period shall be extended by~~  
2042 ~~the division, to the extent that the applicant demonstrates to~~  
2043 ~~the satisfaction of the division that good faith commencement of~~  
2044 ~~the construction of the facility is being delayed by litigation~~  
2045 ~~or by governmental action or inaction with respect to~~  
2046 ~~regulations or permitting precluding commencement of the~~  
2047 ~~construction of the facility.~~

2048       (1)~~(3)~~ The operator of any licensed racetrack is authorized  
2049 to lease such track to any quarter horse racing permitholder for  
2050 the conduct of quarter horse racing under this chapter.

2051       (4)~~Section 550.054 is inapplicable to quarter horse racing~~  
2052 ~~as permitted under this section. All other provisions of this~~  
2053 ~~chapter apply to, govern, and control such racing, and the same~~  
2054 ~~must be conducted in compliance therewith.~~

2055       (2)~~(5)~~ Quarter horses participating in such races must be  
2056 duly registered by the American Quarter Horse Association, and  
2057 before each race such horses must be examined and declared in



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2058 fit condition by a qualified person designated by the division.

2059 ~~(3)~~(6) Any quarter horse racing days permitted under this  
2060 chapter are in addition to any other racing permitted under the  
2061 license issued the track where such quarter horse racing is  
2062 conducted.

2063 ~~(4)~~(7)(a) Any quarter horse racing permitholder operating  
2064 under a valid permit issued by the division is authorized to  
2065 substitute races of other breeds of horses, except  
2066 thoroughbreds, which are, respectively, registered with the  
2067 American Paint Horse Association, Appaloosa Horse Club, Arabian  
2068 Horse Registry of America, Palomino Horse Breeders of America,  
2069 or United States Trotting Association, for no more than 50  
2070 percent of the quarter horse races daily, and may substitute  
2071 races of thoroughbreds registered with the Jockey Club for no  
2072 more than 50 percent of the quarter horse races daily with the  
2073 written consent of all greyhound, harness, and thoroughbred  
2074 permitholders whose pari-mutuel facilities are located within 50  
2075 air miles of such quarter horse racing permitholder's pari-  
2076 mutuel facility.

2077 (b) Any permittee operating within an area of 50 air miles  
2078 of a licensed thoroughbred track may not substitute thoroughbred  
2079 races under this section while a thoroughbred horse race meet is  
2080 in progress within that 50 miles. Any permittee operating within  
2081 an area of 125 air miles of a licensed thoroughbred track may  
2082 not substitute live thoroughbred races under this section while  
2083 a thoroughbred permittee who pays taxes under s. 550.09515(2)(a)  
2084 is conducting a thoroughbred meet within that 125 miles. These  
2085 mileage restrictions do not apply to any permittee that holds a  
2086 nonwagering permit issued pursuant to s. 550.505.





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2087        ~~(5)-(8)~~ A quarter horse permit issued pursuant to this  
2088 section is not eligible for transfer or conversion to another  
2089 type of pari-mutuel operation.

2090        ~~(6)-(9)~~ Any nonprofit corporation, including, but not  
2091 limited to, an agricultural cooperative marketing association,  
2092 organized and incorporated under the laws of this state may  
2093 apply for a quarter horse racing permit and operate racing meets  
2094 under such permit, provided all pari-mutuel taxes and fees  
2095 applicable to such racing are paid by the corporation. However,  
2096 insofar as its pari-mutuel operations are concerned, the  
2097 corporation shall be considered to be a corporation for profit  
2098 and is subject to taxation on all property used and profits  
2099 earned in connection with its pari-mutuel operations.

2100        ~~(7)-(10)~~ Intertrack wagering shall not be authorized for any  
2101 quarter horse permitholder without the written consent of all  
2102 greyhound, harness, and thoroughbred permitholders whose pari-  
2103 mutuel facilities are located within 50 air miles of such  
2104 quarter horse permitholder's pari-mutuel facility.

2105        Section 37. Section 550.3355, Florida Statutes, is amended  
2106 to read:

2107        550.3355 Harness track licenses for summer quarter horse  
2108 racing.—Any harness track licensed to operate under the  
2109 provisions of s. 550.375 may make application for, and shall be  
2110 issued by the division, a license to operate not more than 50  
2111 quarter horse racing days during the summer season, which shall  
2112 extend from July 1 ~~June 1~~ until October 1 ~~September 1~~ of each  
2113 year. However, this license to operate quarter horse racing for  
2114 50 days is in addition to the racing days and dates provided in  
2115 s. 550.375 for harness racing during the winter seasons; and, it



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2116 does not affect the right of such licensee to operate harness  
2117 racing at the track as provided in s. 550.375 during the winter  
2118 season. All provisions of this chapter governing quarter horse  
2119 racing not in conflict herewith apply to the operation of  
2120 quarter horse meetings authorized hereunder, except that all  
2121 quarter horse racing permitted hereunder shall be conducted at  
2122 night.

2123 Section 38. Section 550.3605, Florida Statutes, is  
2124 repealed.

2125 Section 39. Section 550.5251, Florida Statutes, is amended  
2126 to read:

2127 550.5251 Florida thoroughbred racing; certain permits;  
2128 operating days.-

2129 ~~(1) Each thoroughbred permitholder under whose permit~~  
2130 ~~thoroughbred racing was conducted in this state at any time~~  
2131 ~~between January 1, 1987, and January 1, 1988, shall annually be~~  
2132 ~~entitled to apply for and annually receive thoroughbred racing~~  
2133 ~~days and dates as set forth in this section. As regards such~~  
2134 ~~permitholders, the annual thoroughbred racing season shall be~~  
2135 ~~from June 1 of any year through May 31 of the following year and~~  
2136 ~~shall be known as the "Florida Thoroughbred Racing Season."~~

2137 (1)(2) Each thoroughbred permitholder referred to in  
2138 ~~subsection (1)~~ shall annually, during the period commencing  
2139 December 15 of each year and ending January 4 of the following  
2140 year, file in writing with the division its application to  
2141 conduct one or more thoroughbred racing meetings during the  
2142 thoroughbred racing season commencing on the following June 1.  
2143 Each application shall specify the number and dates of all  
2144 performances that the permitholder intends to conduct during



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2145 that thoroughbred racing season. On or before February 15 of  
2146 each year, the division shall issue a license authorizing each  
2147 permitholder to conduct performances on the dates specified in  
2148 its application. By February 28 ~~Up to March 31~~ of each year,  
2149 each permitholder may request and shall be granted changes in  
2150 its authorized performances; but thereafter, as a condition  
2151 precedent to the validity of its license and its right to retain  
2152 its permit, each permitholder must operate the full number of  
2153 days authorized on each of the dates set forth in its license.

2154 ~~(3) Each thoroughbred permit referred to in subsection (1),~~  
2155 ~~including, but not limited to, any permit originally issued as a~~  
2156 ~~summer thoroughbred horse racing permit, is hereby validated and~~  
2157 ~~shall continue in full force and effect.~~

2158 (2)~~(4)~~ A thoroughbred racing permitholder may not begin any  
2159 race later than 7 p.m. Any thoroughbred permitholder in a county  
2160 in which the authority for cardrooms has been approved by the  
2161 board of county commissioners may operate a cardroom and, when  
2162 conducting live races during its current race meet, may receive  
2163 and rebroadcast out-of-state races after the hour of 7 p.m. on  
2164 any day during which the permitholder conducts live races.

2165 (3)~~(5)~~(a) Each licensed thoroughbred permitholder in this  
2166 state must run an average of one race per racing day in which  
2167 horses bred in this state and duly registered with the Florida  
2168 Thoroughbred Breeders' Association have preference as entries  
2169 over non-Florida-bred horses, unless otherwise agreed to in  
2170 writing by the permitholder, the Florida Thoroughbred Breeders'  
2171 Association, and the association representing a majority of the  
2172 thoroughbred racehorse owners and trainers at that location. All  
2173 licensed thoroughbred racetracks shall write the conditions for



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2174 such races in which Florida-bred horses are preferred so as to  
2175 assure that all Florida-bred horses available for racing at such  
2176 tracks are given full opportunity to run in the class of races  
2177 for which they are qualified. The opportunity of running must be  
2178 afforded to each class of horses in the proportion that the  
2179 number of horses in this class bears to the total number of  
2180 Florida-bred horses available. A track is not required to write  
2181 conditions for a race to accommodate a class of horses for which  
2182 a race would otherwise not be run at the track during its meet  
2183 meeting.

2184 (b) Each licensed thoroughbred permitholder in this state  
2185 may run one additional race per racing day composed exclusively  
2186 of Arabian horses registered with the Arabian Horse Registry of  
2187 America. Any licensed thoroughbred permitholder that elects to  
2188 run one additional race per racing day composed exclusively of  
2189 Arabian horses registered with the Arabian Horse Registry of  
2190 America is not required to provide stables for the Arabian  
2191 horses racing under this paragraph.

2192 (c) Each licensed thoroughbred permitholder in this state  
2193 may run up to three additional races per racing day composed  
2194 exclusively of quarter horses registered with the American  
2195 Quarter Horse Association.

2196 ~~(6) Notwithstanding the provisions of subsection (2), a~~  
2197 ~~thoroughbred permitholder who fails to operate all performances~~  
2198 ~~on its 2001-2002 license does not lose its right to retain its~~  
2199 ~~permit. Such thoroughbred permitholder is eligible for issuance~~  
2200 ~~of an annual license pursuant to s. 550.0115 for subsequent~~  
2201 ~~thoroughbred racing seasons. The division shall take no~~  
2202 ~~disciplinary action against such thoroughbred permitholder for~~



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2203 ~~failure to operate all licensed performances for the 2001-2002~~  
2204 ~~license pursuant to this section or s. 550.01215. This section~~  
2205 ~~may not be interpreted to prohibit the division from taking~~  
2206 ~~disciplinary action against a thoroughbred permitholder for~~  
2207 ~~failure to pay taxes on performances operated pursuant to its~~  
2208 ~~2001-2002 license. This subsection expires July 1, 2003.~~

2209 ~~(7) A thoroughbred permitholder shall file an amendment~~  
2210 ~~with the division no later than July 1, 2002, that indicates~~  
2211 ~~that it will not be able to operate the performances scheduled~~  
2212 ~~on its 2002-2003 license without imposition of any penalty for~~  
2213 ~~failure to operate all licensed performances provided in this~~  
2214 ~~chapter. This subsection expires July 1, 2003.~~

2215 Section 40. Section 550.810, Florida Statutes, is created  
2216 to read:

2217 550.810 Historical racing.-

2218 (1) Subject to the requirements of this section and  
2219 compliance with the rules adopted by the division, a licensed  
2220 pari-mutuel facility may operate a historical racing system if:

2221 (a) No identifying information about any race or the  
2222 competing horses or dogs in that race is revealed to a patron  
2223 until after the patron's wagers is irrevocably placed;

2224 (b) The results of a patron's wager are shown to the patron  
2225 using video or mechanical displays, or both, and the patron has  
2226 the opportunity to view all or any portion of the race;

2227 (c) The historical racing takes place under a licensed  
2228 pari-mutuel permit that has run a full schedules of live racing  
2229 3 years prior to the date of application for licensure for  
2230 historic racing, and the pari-mutuel permitholder also holds a  
2231 cardroom license; and



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2232       (d) The licensed pari-mutuel permit holder has paid the fee  
2233 in s. 550.0951(5) (d).

2234       (2) The following number of historical racing wagering  
2235 terminals may be located in the following facilities:

2236       (a) A licensed greyhound facility may have 500 historical  
2237 racing terminals.

2238       (b) A licensed thoroughbred facility may have 500  
2239 historical racing terminals.

2240       (c) A licensed harness track facility may have 500  
2241 historical racing terminals.

2242       (d) A licensed quarter horse facility may have 500  
2243 historical racing terminals.

2244       (3) The moneys wagered on races via the historical racing  
2245 system shall be separated from the moneys wagered on live races  
2246 conducted at, and on other races simulcast to, the licensee's  
2247 facility.

2248       (4) The division shall adopt rules necessary to implement,  
2249 administer, and regulate the operation of historical racing  
2250 systems in this state. The rules must include:

2251       (a) Procedures for regulating, managing, and auditing the  
2252 operation, financial data, and program information relating to  
2253 historical racing systems that enable the division to audit the  
2254 operation, financial data, and program information of pari-  
2255 mutuel facility authorized to operate a historical racing  
2256 system.

2257       (b) Technical requirements to operate a historical racing  
2258 system.

2259       (c) Procedures to require licensees to maintain specified  
2260 records and submit any data, information, record, or report,



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2261 including financial and income records, required by this act or  
2262 rules of the division.

2263 (d) Procedures relating to historical racing system  
2264 revenues, including verifying and accounting for such revenues,  
2265 auditing, and collecting taxes and fees.

2266 (e) Minimum standards for security of the facilities,  
2267 including floor plans, security cameras, and other security  
2268 equipment.

2269 (f) Procedures to ensure that a historical racing machine  
2270 does not enter the state or be offered for play until it has  
2271 been tested and certified by a licensed testing laboratory for  
2272 play in the state. The procedures shall address measures to  
2273 scientifically test and technically evaluate electronic gaming  
2274 machines for compliance with laws and rules regulating  
2275 historical racing machines. The division may contract with an  
2276 independent testing laboratory to conduct any necessary testing.  
2277 The independent testing laboratory must have a national  
2278 reputation indicating that it is demonstrably competent and  
2279 qualified to scientifically test and evaluate that the  
2280 historical racing systems perform the functions required by laws  
2281 and rules regulating historical racing machines. An independent  
2282 testing laboratory may not be owned or controlled by a licensee.  
2283 The selection of an independent laboratory for any purpose  
2284 related to the conduct of historical racing systems by a  
2285 licensee shall be made from a list of laboratories approved by  
2286 the division. The division shall adopt rules regarding the  
2287 testing, certification, control, and approval of historical  
2288 racing systems.

2289 (5) Notwithstanding any other provision of the law, the



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2290 proceeds of pari-mutuel tickets purchased for historical racing  
2291 that are not redeemed within 1 year after purchase shall be  
2292 divided as follows:

2293 (a) Fifty percent shall be retained by the permitholder;  
2294 and

2295 (b) Fifty percent shall be paid into the permitholder's  
2296 purse account.

2297 Section 41. Paragraph (j) of subsection (4) of section  
2298 551.104, Florida Statutes, is amended to read:

2299 551.104 License to conduct slot machine gaming.—

2300 (4) As a condition of licensure and to maintain continued  
2301 authority for the conduct of slot machine gaming, the slot  
2302 machine licensee shall:

2303 (j) Ensure that the payout percentage of a slot machine  
2304 gaming facility is at least ~~no less than~~ 85 percent.

2305 Section 42. Paragraph (a) of subsection (1), paragraph (a)  
2306 of subsection (2), and subsection (3) of section 551.106,  
2307 Florida Statutes, are amended to read:

2308 551.106 License fee; tax rate; penalties.—

2309 (1) LICENSE FEE.—

2310 (a) Upon submission of the initial application for a slot  
2311 machine license and annually thereafter, on the anniversary date  
2312 of the issuance of the initial license, the licensee must pay to  
2313 the division a nonrefundable license fee of \$2 million ~~\$3~~  
2314 ~~million~~ for the succeeding 12 months of licensure. The license  
2315 fee shall be deposited into the Pari-mutuel Wagering Trust Fund  
2316 of the Department of Business and Professional Regulation to be  
2317 used by the division and the Department of Law Enforcement for  
2318 investigations, regulation of slot machine gaming, and





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2319 enforcement of slot machine gaming provisions under this  
2320 chapter. These payments shall be accounted for separately from  
2321 taxes or fees paid pursuant to the provisions of chapter 550.

2322 (2) TAX ON SLOT MACHINE REVENUES.—

2323 (a) The tax rate on slot machine revenues at each facility  
2324 shall be 35 percent ~~50 percent~~.

2325 (3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax  
2326 on slot machine revenues imposed by this section shall be paid  
2327 to the division. The division shall deposit these sums with the  
2328 Chief Financial Officer, to the credit of the Pari-mutuel  
2329 Wagering Trust Fund. The slot machine licensee shall remit to  
2330 the division payment for the tax on slot machine revenues. Such  
2331 payments shall be remitted by 3 p.m. on the 5th day of each  
2332 calendar month ~~Wednesday of each week~~ for taxes imposed and  
2333 collected for the preceding calendar month ~~week ending on~~  
2334 ~~Sunday~~. The slot machine licensee shall file a report under oath  
2335 by the 5th day of each calendar month for all taxes remitted  
2336 during the preceding calendar month. Such payments shall be  
2337 accompanied by a report under oath showing all slot machine  
2338 gaming activities for the preceding calendar month and such  
2339 other information as may be prescribed by the division.

2340 Section 43. Subsection (1) of section 551.113, Florida  
2341 Statutes, is amended to read:

2342 551.113 Persons prohibited from playing slot machines.—

2343 (1) A person who has not attained 18 ~~21~~ years of age may  
2344 not play or operate a slot machine or have access to the  
2345 designated slot machine gaming area of a facility of a slot  
2346 machine licensee.

2347 Section 44. Subsection (5) of section 551.121, Florida



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2348 Statutes, is amended to read:

2349 551.121 Prohibited activities and devices; exceptions.—

2350 (5) A slot machine, or the computer operating system  
2351 linking the slot machine, may be linked by any means to any  
2352 other slot machine or computer operating system within the  
2353 facility of a slot machine licensee. A progressive system may  
2354 ~~not~~ be used in conjunction with slot machines between licensed  
2355 facilities.

2356 Section 45. Paragraph (a) of subsection (1) and paragraph  
2357 (a) of subsection (2) of section 772.102, Florida Statutes, are  
2358 amended to read:

2359 772.102 Definitions.—As used in this chapter, the term:

2360 (1) "Criminal activity" means to commit, to attempt to  
2361 commit, to conspire to commit, or to solicit, coerce, or  
2362 intimidate another person to commit:

2363 (a) Any crime that is chargeable by indictment or  
2364 information under the following provisions:

2365 1. Section 210.18, relating to evasion of payment of  
2366 cigarette taxes.

2367 2. Section 414.39, relating to public assistance fraud.

2368 3. Section 440.105 or s. 440.106, relating to workers'  
2369 compensation.

2370 4. Part IV of chapter 501, relating to telemarketing.

2371 5. Chapter 517, relating to securities transactions.

2372 6. Section 550.235 or s. 550.3551, ~~or s. 550.3605~~,  
2373 relating to dogracing and horseracing.

2374 7. Chapter 550, relating to jai alai frontons.

2375 8. Chapter 552, relating to the manufacture, distribution,  
2376 and use of explosives.



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- 2377 9. Chapter 562, relating to beverage law enforcement.
- 2378 10. Section 624.401, relating to transacting insurance
- 2379 without a certificate of authority, s. 624.437(4)(c)1., relating
- 2380 to operating an unauthorized multiple-employer welfare
- 2381 arrangement, or s. 626.902(1)(b), relating to representing or
- 2382 aiding an unauthorized insurer.
- 2383 11. Chapter 687, relating to interest and usurious
- 2384 practices.
- 2385 12. Section 721.08, s. 721.09, or s. 721.13, relating to
- 2386 real estate timeshare plans.
- 2387 13. Chapter 782, relating to homicide.
- 2388 14. Chapter 784, relating to assault and battery.
- 2389 15. Chapter 787, relating to kidnapping or human
- 2390 trafficking.
- 2391 16. Chapter 790, relating to weapons and firearms.
- 2392 17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, or s.
- 2393 796.07, relating to prostitution.
- 2394 18. Chapter 806, relating to arson.
- 2395 19. Section 810.02(2)(c), relating to specified burglary of
- 2396 a dwelling or structure.
- 2397 20. Chapter 812, relating to theft, robbery, and related
- 2398 crimes.
- 2399 21. Chapter 815, relating to computer-related crimes.
- 2400 22. Chapter 817, relating to fraudulent practices, false
- 2401 pretenses, fraud generally, and credit card crimes.
- 2402 23. Section 827.071, relating to commercial sexual
- 2403 exploitation of children.
- 2404 24. Chapter 831, relating to forgery and counterfeiting.
- 2405 25. Chapter 832, relating to issuance of worthless checks



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2406 and drafts.

2407 26. Section 836.05, relating to extortion.

2408 27. Chapter 837, relating to perjury.

2409 28. Chapter 838, relating to bribery and misuse of public  
2410 office.

2411 29. Chapter 843, relating to obstruction of justice.

2412 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
2413 s. 847.07, relating to obscene literature and profanity.

2414 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
2415 849.25, relating to gambling.

2416 32. Chapter 893, relating to drug abuse prevention and  
2417 control.

2418 33. Section 914.22 or s. 914.23, relating to witnesses,  
2419 victims, or informants.

2420 34. Section 918.12 or s. 918.13, relating to tampering with  
2421 jurors and evidence.

2422 (2) "Unlawful debt" means any money or other thing of value  
2423 constituting principal or interest of a debt that is legally  
2424 unenforceable in this state in whole or in part because the debt  
2425 was incurred or contracted:

2426 (a) In violation of any one of the following provisions of  
2427 law:

2428 1. Section 550.235 or s. 550.3551, ~~or s. 550.3605,~~  
2429 relating to dogracing and horseracing.

2430 2. Chapter 550, relating to jai alai frontons.

2431 3. Section 687.071, relating to criminal usury, loan  
2432 sharking, and shylocking.

2433 4. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
2434 849.25, relating to gambling.



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2435           Section 46. Paragraphs (a) and (b) of subsection (5),  
2436 subsections (6) and (7), paragraphs (b) and (c) of subsection  
2437 (8), and paragraphs (a) and (b) of subsection (12) of section  
2438 849.086, Florida Statutes, are amended to read:

2439           849.086 Cardrooms authorized.—

2440           (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may  
2441 operate a cardroom in this state unless such person holds a  
2442 valid cardroom license issued pursuant to this section.

2443           (a) Only those persons holding a valid cardroom license  
2444 issued by the division may operate a cardroom. A cardroom  
2445 license may only be issued to a licensed pari-mutuel  
2446 permitholder and an authorized cardroom may only be operated at  
2447 the same facility at which the permitholder is authorized under  
2448 its valid pari-mutuel wagering permit to conduct pari-mutuel  
2449 wagering activities. An initial cardroom license only shall be  
2450 issued to a pari-mutuel permitholder that has run a full  
2451 schedule of live races as defined in s. 550.002(11) for the  
2452 previous 2 fiscal years prior to application for a license and  
2453 only if the permitholder is licensed to conduct a full schedule  
2454 of live races or games during the state fiscal year in which the  
2455 initial cardroom license is issued.

2456           (b) After the initial cardroom license is granted, the  
2457 application for the annual license renewal shall be made in  
2458 conjunction with the applicant's annual application for its  
2459 pari-mutuel license. If a permitholder has operated a cardroom  
2460 during any of the 3 previous fiscal years and fails to include a  
2461 renewal request for the operation of the cardroom in its annual  
2462 application for license renewal, the permitholder may amend its  
2463 annual application to include operation of the cardroom. In



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2464 order for a cardroom license to be renewed the applicant must  
2465 have requested, as part of its pari-mutuel annual license  
2466 application, to conduct at least 90 percent of the total number  
2467 of live performances conducted by such permitholder during  
2468 either the state fiscal year in which its initial cardroom  
2469 license was issued or the state fiscal year immediately prior  
2470 thereto if the permitholder ran at least a full schedule of live  
2471 races or games in the prior year. If the application is for a  
2472 harness permitholder cardroom, the applicant must have requested  
2473 authorization to conduct a minimum of 140 live performances  
2474 during the state fiscal year immediately prior thereto. If more  
2475 than one permitholder is operating at a facility, each  
2476 permitholder must have applied for a license to conduct a full  
2477 schedule of live racing.

2478 (6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED;  
2479 APPLICATION; FEES.—

2480 (a) A person employed or otherwise working in a cardroom as  
2481 a cardroom manager, floor supervisor, pit boss, dealer, or any  
2482 other activity related to cardroom operations while the facility  
2483 is conducting card playing or games of dominoes must hold a  
2484 valid cardroom employee occupational license issued by the  
2485 division. Food service, maintenance, and security employees with  
2486 a current pari-mutuel occupational license and a current  
2487 background check will not be required to have a cardroom  
2488 employee occupational license.

2489 (b) Any cardroom management company or cardroom distributor  
2490 associated with cardroom operations must hold a valid cardroom  
2491 business occupational license issued by the division.

2492 (c) No licensed cardroom operator may employ or allow to



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2493 work in a cardroom any person unless such person holds a valid  
2494 occupational license. No licensed cardroom operator may  
2495 contract, or otherwise do business with, a business required to  
2496 hold a valid cardroom business occupational license, unless the  
2497 business holds such a valid license.

2498 (d) The division shall establish, by rule, a schedule for  
2499 the ~~annual~~ renewal of cardroom occupational licenses. Cardroom  
2500 occupational licenses are not transferable.

2501 (e) Persons seeking cardroom occupational licenses, or  
2502 renewal thereof, shall make application on forms prescribed by  
2503 the division. Applications for cardroom occupational licenses  
2504 shall contain all of the information the division, by rule, may  
2505 determine is required to ensure eligibility.

2506 (f) The division shall promulgate rules regarding cardroom  
2507 occupational licenses. The provisions specified in s.  
2508 550.105(4), (5), (6), (7), (8), and (10) relating to licensure  
2509 shall be applicable to cardroom occupational licenses.

2510 (g) The division may deny, declare ineligible, or revoke  
2511 any cardroom occupational license if the applicant or holder  
2512 thereof has been found guilty or had adjudication withheld in  
2513 this state or any other state, or under the laws of the United  
2514 States of a felony or misdemeanor involving forgery, larceny,  
2515 extortion, conspiracy to defraud, or filing false reports to a  
2516 government agency, racing or gaming commission or authority.

2517 (h) Fingerprints for all cardroom occupational license  
2518 applications shall be taken in a manner approved by the division  
2519 and then shall be submitted to the Florida Department of Law  
2520 Enforcement and the Federal Bureau of Investigation for a  
2521 criminal records check upon initial application and every 5



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2522 years thereafter. The division may by rule require an annual  
2523 record check of all renewal applications for a cardroom  
2524 occupational license. The cost of processing fingerprints and  
2525 conducting a record check shall be borne by the applicant.

2526 (i) The cardroom employee occupational license fee shall  
2527 not exceed ~~be~~ \$50 for any 12-month period. The cardroom business  
2528 occupational license fee shall not exceed ~~be~~ \$250 for any 12-  
2529 month period.

2530 (7) CONDITIONS FOR OPERATING A CARDROOM.—

2531 (a) A cardroom may be operated only at the location  
2532 specified on the cardroom license issued by the division, and  
2533 such location may only be the location at which the pari-mutuel  
2534 permitholder is authorized to conduct pari-mutuel wagering  
2535 activities pursuant to such permitholder's valid pari-mutuel  
2536 permit or as otherwise authorized by law. Cardroom operations  
2537 may not be allowed beyond the hours provided in paragraph (b)  
2538 regardless of the number of cardroom licenses issued for  
2539 permitholders operating at the pari-mutuel facility.

2540 (b) Any cardroom operator ~~horserace, greyhound race, or jai~~  
2541 ~~alai permitholder licensed under this section~~ may operate a  
2542 cardroom at the pari-mutuel facility daily throughout the year,  
2543 ~~on any day for a cumulative amount of 12 hours~~ if the  
2544 permitholder meets the requirements under paragraph (5) (b). The  
2545 cardroom may be open a cumulative amount of 18 hours per day on  
2546 Monday through Friday and 24 hours per day on Saturday and  
2547 Sunday and on the holidays specified in s. 110.117(1).

2548 (c) A cardroom operator must at all times employ and  
2549 provide a nonplaying dealer for each table on which authorized  
2550 card games which traditionally use a dealer are conducted at the





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2551 cardroom. Such dealers may not have a participatory interest in  
2552 any game other than the dealing of cards and may not have an  
2553 interest in the outcome of the game. The providing of such  
2554 dealers by a licensee does not constitute the conducting of a  
2555 banking game by the cardroom operator.

2556 (d) A cardroom operator may award giveaways, jackpots, and  
2557 prizes to a player who holds certain combinations of cards  
2558 specified by the cardroom operator.

2559 (e) Each cardroom operator shall conspicuously post upon  
2560 the premises of the cardroom a notice which contains a copy of  
2561 the cardroom license; a list of authorized games offered by the  
2562 cardroom; the wagering limits imposed by the house, if any; any  
2563 additional house rules regarding operation of the cardroom or  
2564 the playing of any game; and all costs to players to  
2565 participate, including any rake by the house. In addition, each  
2566 cardroom operator shall post at each table a notice of the  
2567 minimum and maximum bets authorized at such table and the fee  
2568 for participation in the game conducted.

2569 (f) The cardroom facility is subject to inspection by the  
2570 division or any law enforcement agency during the licensee's  
2571 regular business hours. The inspection must specifically include  
2572 the permitholder internal control procedures approved by the  
2573 division.

2574 (g) A cardroom operator may refuse entry to or refuse to  
2575 allow any person who is objectionable, undesirable, or  
2576 disruptive to play, but such refusal may not be on the basis of  
2577 race, creed, color, religion, gender, national origin, marital  
2578 status, physical handicap, or age, except as provided in this  
2579 section.



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2580 (8) METHOD OF WAGERS; LIMITATION.-

2581 (b) The cardroom operator may limit the amount wagered in  
2582 any game or series of games, ~~but the maximum bet may not exceed~~  
2583 ~~\$5 in value.~~ There may not be more than three raises in any  
2584 round of betting. The fee charged by the cardroom for  
2585 participation in the game shall not be included in the  
2586 calculation of the limitation on the bet amount provided in this  
2587 paragraph. ~~However,~~ A cardroom operator may conduct games of  
2588 Texas Hold-em without a betting limit ~~if the required player~~  
2589 ~~buy in is no more than \$100.~~

2590 (c) A tournament shall consist of a series of games. The  
2591 entry fee for a tournament may be set by the cardroom operator,  
2592 ~~including any re-buys,~~ may not exceed the maximum amount that  
2593 ~~could be wagered by a participant in 10 like-kind, nontournament~~  
2594 ~~games under paragraph (b).~~ Tournaments may be played only with  
2595 tournament chips that are provided to all participants in  
2596 exchange for an entry fee and any subsequent re-buys. All  
2597 players must receive an equal number of tournament chips for  
2598 their entry fee. Tournament chips have no cash value and  
2599 represent tournament points only. There is no limitation on the  
2600 number of tournament chips that may be used for a bet except as  
2601 otherwise determined by the cardroom operator. Tournament chips  
2602 may never be redeemed for cash or for any other thing of value.  
2603 The distribution of prizes and cash awards must be determined by  
2604 the cardroom operator before entry fees are accepted. For  
2605 purposes of tournament play only, the term "gross receipts"  
2606 means the total amount received by the cardroom operator for all  
2607 entry fees, player re-buys, and fees for participating in the  
2608 tournament less the total amount paid to the winners or others



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2609 as prizes.

2610 (12) PROHIBITED ACTIVITIES.—

2611 (a) 1. A ~~Ne~~ person licensed to operate a cardroom may not  
2612 conduct any banking game or any game not specifically authorized  
2613 by this section except as provided in subparagraph (b)2.

2614 (b) A ~~Ne~~ person under 18 years of age may not be permitted  
2615 to hold a cardroom or employee license, or engage in any game  
2616 conducted therein.

2617 2. Cardroom licensees located in Miami-Dade County and  
2618 Broward County who are slot machine licensees pursuant to  
2619 chapter 551 and have conducted a full schedule of live racing  
2620 pursuant to s. 550.002(11) for the prior 2 fiscal years may  
2621 conduct the game of blackjack if the Governor and the Seminole  
2622 Tribe of Florida enter into a signed compact that permits the  
2623 Seminole Tribe of Florida the ability to play roulette or  
2624 roulette-style games or craps or craps-style games, and only if  
2625 the compact is approved or deemed approved by the Department of  
2626 the Interior and properly noticed in the Federal Register.

2627 Section 47. Subsection (2) of section 849.15, Florida  
2628 Statutes, is amended to read:

2629 849.15 Manufacture, sale, possession, etc., of coin-  
2630 operated devices prohibited.—

2631 (2) Pursuant to section 2 of that chapter of the Congress  
2632 of the United States entitled "An act to prohibit transportation  
2633 of gaming devices in interstate and foreign commerce," approved  
2634 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also  
2635 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,  
2636 acting by and through the duly elected and qualified members of  
2637 its Legislature, does hereby in this section, and in accordance



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2638 with and in compliance with the provisions of section 2 of such  
2639 chapter of Congress, declare and proclaim that any county of the  
2640 State of Florida within which slot machine gaming is authorized  
2641 pursuant to chapter 551 or electronic gaming or historical  
2642 racing is authorized at eligible pari-mutuel facilities is  
2643 exempt from the provisions of section 2 of that chapter of the  
2644 Congress of the United States entitled "An act to prohibit  
2645 transportation of gaming devices in interstate and foreign  
2646 commerce," designated as 15 U.S.C. ss. 1171-1177, approved  
2647 January 2, 1951. All shipments of gaming devices, including slot  
2648 machines, electronic gaming machines, and historical racing  
2649 systems, into any county of this state within which slot machine  
2650 gaming is authorized pursuant to chapter 551 or electronic  
2651 gaming or historical racing is authorized at eligible pari-  
2652 mutuel facilities and the registering, recording, and labeling  
2653 of which have been duly performed by the manufacturer or  
2654 distributor thereof in accordance with sections 3 and 4 of that  
2655 chapter of the Congress of the United States entitled "An act to  
2656 prohibit transportation of gaming devices in interstate and  
2657 foreign commerce," approved January 2, 1951, being ch. 1194, 64  
2658 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,  
2659 shall be deemed legal shipments thereof into this state provided  
2660 the destination of such shipments is an eligible facility as  
2661 defined in s. 551.102 or the facility of a slot machine  
2662 manufacturer or slot machine distributor as provided in s.  
2663 551.109(2), a certified educational facility, or the facility of  
2664 an electronic gaming machine or hitorical racing system  
2665 manufacturer or electronic gaming machine or historical racing  
2666 system distributor authorized to possess electronic gaming



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2667 machines as provided in the act authorizing electronic gaming  
2668 machines or historical racing systems at eligible pari-mutuel  
2669 facilities s. 551.109(2)(a).

2670 Section 48. Subsection (3) is added to section 849.161,  
2671 Florida Statutes, to read:

2672 849.161 Amusement games or machines; when chapter  
2673 inapplicable.—

2674 (3) This chapter does not apply to licensed cardroom  
2675 operators having historical racing systems pursuant to chapter  
2676 550 which operate by means of the insertion of coin, currency,  
2677 or voucher and which by application of an element of skill may  
2678 entitle the person playing or operating the game or machine to  
2679 receive payouts from one or more pari-mutuel pools.

2680 Section 49. Subsections (1) and (2) of section 895.02,  
2681 Florida Statutes, are amended to read:

2682 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

2683 (1) "Racketeering activity" means to commit, to attempt to  
2684 commit, to conspire to commit, or to solicit, coerce, or  
2685 intimidate another person to commit:

2686 (a) Any crime that is chargeable by petition, indictment,  
2687 or information under the following provisions of the Florida  
2688 Statutes:

2689 1. Section 210.18, relating to evasion of payment of  
2690 cigarette taxes.

2691 2. Section 316.1935, relating to fleeing or attempting to  
2692 elude a law enforcement officer and aggravated fleeing or  
2693 eluding.

2694 3. Section 403.727(3)(b), relating to environmental  
2695 control.



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- 2696 4. Section 409.920 or s. 409.9201, relating to Medicaid  
2697 fraud.
- 2698 5. Section 414.39, relating to public assistance fraud.
- 2699 6. Section 440.105 or s. 440.106, relating to workers'  
2700 compensation.
- 2701 7. Section 443.071(4), relating to creation of a fictitious  
2702 employer scheme to commit unemployment compensation fraud.
- 2703 8. Section 465.0161, relating to distribution of medicinal  
2704 drugs without a permit as an Internet pharmacy.
- 2705 9. Section 499.0051, relating to crimes involving  
2706 contraband and adulterated drugs.
- 2707 10. Part IV of chapter 501, relating to telemarketing.
- 2708 11. Chapter 517, relating to sale of securities and  
2709 investor protection.
- 2710 12. Section 550.235 ~~or~~ s. 550.3551, ~~or s. 550.3605~~,  
2711 relating to dogracing and horseracing.
- 2712 13. Chapter 550, relating to jai alai frontons.
- 2713 14. Section 551.109, relating to slot machine gaming.
- 2714 15. Chapter 552, relating to the manufacture, distribution,  
2715 and use of explosives.
- 2716 16. Chapter 560, relating to money transmitters, if the  
2717 violation is punishable as a felony.
- 2718 17. Chapter 562, relating to beverage law enforcement.
- 2719 18. Section 624.401, relating to transacting insurance  
2720 without a certificate of authority, s. 624.437(4)(c)1., relating  
2721 to operating an unauthorized multiple-employer welfare  
2722 arrangement, or s. 626.902(1)(b), relating to representing or  
2723 aiding an unauthorized insurer.
- 2724 19. Section 655.50, relating to reports of currency



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- 2725 transactions, when such violation is punishable as a felony.  
2726       20. Chapter 687, relating to interest and usurious  
2727 practices.  
2728       21. Section 721.08, s. 721.09, or s. 721.13, relating to  
2729 real estate timeshare plans.  
2730       22. Section 775.13(5)(b), relating to registration of  
2731 persons found to have committed any offense for the purpose of  
2732 benefiting, promoting, or furthering the interests of a criminal  
2733 gang.  
2734       23. Section 777.03, relating to commission of crimes by  
2735 accessories after the fact.  
2736       24. Chapter 782, relating to homicide.  
2737       25. Chapter 784, relating to assault and battery.  
2738       26. Chapter 787, relating to kidnapping or human  
2739 trafficking.  
2740       27. Chapter 790, relating to weapons and firearms.  
2741       28. Chapter 794, relating to sexual battery, but only if  
2742 such crime was committed with the intent to benefit, promote, or  
2743 further the interests of a criminal gang, or for the purpose of  
2744 increasing a criminal gang member's own standing or position  
2745 within a criminal gang.  
2746       29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.  
2747 796.05, or s. 796.07, relating to prostitution and sex  
2748 trafficking.  
2749       30. Chapter 806, relating to arson and criminal mischief.  
2750       31. Chapter 810, relating to burglary and trespass.  
2751       32. Chapter 812, relating to theft, robbery, and related  
2752 crimes.  
2753       33. Chapter 815, relating to computer-related crimes.



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- 2754           34. Chapter 817, relating to fraudulent practices, false  
2755 pretenses, fraud generally, and credit card crimes.
- 2756           35. Chapter 825, relating to abuse, neglect, or  
2757 exploitation of an elderly person or disabled adult.
- 2758           36. Section 827.071, relating to commercial sexual  
2759 exploitation of children.
- 2760           37. Chapter 831, relating to forgery and counterfeiting.
- 2761           38. Chapter 832, relating to issuance of worthless checks  
2762 and drafts.
- 2763           39. Section 836.05, relating to extortion.
- 2764           40. Chapter 837, relating to perjury.
- 2765           41. Chapter 838, relating to bribery and misuse of public  
2766 office.
- 2767           42. Chapter 843, relating to obstruction of justice.
- 2768           43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
2769 s. 847.07, relating to obscene literature and profanity.
- 2770           44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
2771 849.25, relating to gambling.
- 2772           45. Chapter 874, relating to criminal gangs.
- 2773           46. Chapter 893, relating to drug abuse prevention and  
2774 control.
- 2775           47. Chapter 896, relating to offenses related to financial  
2776 transactions.
- 2777           48. Sections 914.22 and 914.23, relating to tampering with  
2778 or harassing a witness, victim, or informant, and retaliation  
2779 against a witness, victim, or informant.
- 2780           49. Sections 918.12 and 918.13, relating to tampering with  
2781 jurors and evidence.
- 2782           50. Provisions of law relating to electronic gaming and





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2783 electronic gaming machines or historical racing systems at  
2784 eligible pari-mutuel facilities.

2785 (b) Any conduct defined as "racketeering activity" under 18  
2786 U.S.C. s. 1961(1).

2787 (2) "Unlawful debt" means any money or other thing of value  
2788 constituting principal or interest of a debt that is legally  
2789 unenforceable in this state in whole or in part because the debt  
2790 was incurred or contracted:

2791 (a) In violation of any one of the following provisions of  
2792 law:

2793 1. Section 550.235 or, s. 550.3551, ~~or s. 550.3605~~,  
2794 relating to dogracing and horseracing.

2795 2. Chapter 550, relating to jai alai frontons.

2796 3. Section 551.109, relating to slot machine gaming.

2797 4. Chapter 687, relating to interest and usury.

2798 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
2799 849.25, relating to gambling.

2800 6. Provisions of law relating to electronic gaming and  
2801 electronic gaming machines or historical racing systems at  
2802 eligible pari-mutuel facilities.

2803 (b) In gambling activity in violation of federal law or in  
2804 the business of lending money at a rate usurious under state or  
2805 federal law.

2806 Section 50. (1) (a) For the 2009-2010 fiscal year, 110 full-  
2807 time equivalent positions and 3,551,808 in associated salary  
2808 rate are authorized, and the sums of \$9,281,870 in recurring  
2809 funds and \$4,514,405 in nonrecurring funds are appropriated from  
2810 the Pari-mutuel Wagering Trust Fund of the Department of  
2811 Business and Professional Regulation for the purpose of carrying



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2812 out all regulatory activities provided in this act. The  
2813 Executive Office of the Governor shall place these positions,  
2814 associated rate, and funds in reserve until the Executive Office  
2815 of the Governor has approved an expenditure plan and a budget  
2816 amendment submitted by the Department of Business and  
2817 Professional Regulation recommending the transfer of such funds  
2818 to traditional appropriation categories. Any action proposed  
2819 pursuant to this paragraph is subject to the procedures set  
2820 forth in s. 216.177, Florida Statutes.

2821 (b) For the 2009-2010 fiscal year, the sums of \$4,849,500  
2822 in recurring funds and \$1,176,308 in nonrecurring funds are  
2823 appropriated from the Pari-mutuel Wagering Trust Fund of the  
2824 Department of Business and Professional Regulation for transfer  
2825 to the Operating Trust Fund of the Department of Law Enforcement  
2826 for the purpose of investigations, intelligence gathering,  
2827 background investigations, and any other responsibilities as  
2828 provided in this act.

2829 (2) For the 2009-2010 fiscal year, 61 full-time equivalent  
2830 positions and 2,604,216 in associated salary rate are  
2831 authorized, and the sums of \$4,849,500 in recurring funds and  
2832 \$1,176,308 in nonrecurring funds are appropriated from the  
2833 Operating Trust Fund of the Department of Law Enforcement for  
2834 the purpose of investigations, intelligence gathering,  
2835 background investigations, and any other responsibilities as  
2836 provided by this act. The Executive Office of the Governor shall  
2837 place these positions, associated rate, and funds in reserve  
2838 until the Executive Office of the Governor has approved an  
2839 expenditure plan and a budget amendment submitted by the  
2840 Department of Law Enforcement recommending the transfer of such



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2841 funds to traditional appropriation categories. Any action  
2842 proposed pursuant to this subsection is subject to the  
2843 procedures set forth in s. 216.177, Florida Statutes.

2844 (3) For the 2009-2010 fiscal year, the sum of \$1 million in  
2845 recurring funds is appropriated from the Pari-mutuel Wagering  
2846 Trust Fund of the Department of Business and Professional  
2847 Regulation from revenues received pursuant to s. 551.118,  
2848 Florida Statutes, for contract services related to the  
2849 prevention of compulsive and addictive gambling.

2850 Section 51. Sections 1 and 51 of this act shall take effect  
2851 upon becoming a law if SB 788 or substantially similar  
2852 legislation is adopted during the 2009 legislative session, or  
2853 an extension thereof, and becomes law; except that, sections 2  
2854 through 50 of this act shall take effect only if the Governor  
2855 and an authorized representative of the Seminole Tribe of  
2856 Florida execute an Indian gaming compact pursuant to the Indian  
2857 Gaming Regulatory Act of 1988 and the requirements of SB 788, or  
2858 similar legislation, and only if such compact is approved or  
2859 deemed approved by the United States Department of the Interior,  
2860 and such sections shall take effect on the date that the  
2861 approved compact is published in the Federal Register.