

By the Policy and Steering Committee on Ways and Means; the Committee on Regulated Industries; and Senators Jones and King

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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
28 occupational licenses; providing for the renewal of
29 electronic gaming machine licenses; specifying a

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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
57 facility of an electronic gaming machine licensee;
58 prohibiting persons who are younger than 18 years of

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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;
86 amending s. 550.002, F.S.; revising a definitions;
87 amending s. 550.01215, F.S.; deleting an exception

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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 for the additional tax that a
102 municipality may assess for live racing to apply to
103 additional specified games; providing procedures for
104 criminal history record checks; amending s. 550.135,
105 F.S.; providing for the reservation of electronic
106 gaming machine fees in a trust fund; amending s.
107 550.2415, F.S.; providing that cruelty to any animal
108 is a violation of ch. 550, F.S.; authorizing the
109 Division of Pari-mutuel Wagering to inspect areas are
110 located; amending s. 550.26165, F.S.; providing
111 legislative intent to attract thoroughbred training
112 and breeding to this state; authorizing the Florida
113 Thoroughbred Breeders' Association to pay certain
114 awards as part of its pay plan; amending s. 550.2625,
115 F.S.; limiting the application of requirements for
116 minimum purses and awards to this state; amending s.

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117 550.334, F.S.; deleting a provision for issuing a
118 permit to conduct quarter horse race meetings;
119 deleting a provision for issuing a license to conduct
120 quarter horse racing; deleting provisions to revoke
121 such permit or license for certain violations or
122 failure to conduct live racing; removing an exception
123 to specified permit application provisions; revising
124 the authority of a quarter horse racing permitholder
125 to substitute horse breeds; deleting a requirement for
126 a quarter horse permitholder to have the consent of
127 certain other permitholders within a certain distance
128 to engage in intertrack wagering; amending s.
129 550.3355, F.S.; revising the time period for a harness
130 track summer season; repealing s. 550.3605, F.S.,
131 relating to the use of electronic transmitting
132 equipment on the premises of a horse or dog racetrack
133 or jai alai fronton; amending s. 550.5251, F.S.;
134 deleting provisions relating to racing days and dates
135 for thoroughbred permitholders that conducted races
136 between certain dates; revising provisions relating to
137 thoroughbred racing dates and minimum number of races;
138 creating s. 550.810, F.S.; specifying requirements for
139 historical racing systems; limiting the number of
140 historical terminals in certain pari-mutuel
141 facilities; authorizing the Division of Pari-mutuel
142 wagering to adopt rules regulating historical racing;
143 providing for the disposition of pari-mutuel tickets
144 that are not redeemed within a certain period of time;
145 amending s. 551.102, F.S.; clarifying the definition

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146 of the term "progressive system"; amending s. 551.104,
147 F.S.; providing that the payout percentage of a slot
148 machine facility must be at least 85 percent;
149 specifying the licensing fee for slot machine gaming;
150 specifying the rate of tax on slot machine revenues;
151 revising the due date for slot machine taxes; amending
152 s. 551.113, F.S.; prohibiting a person who is younger
153 than 18 years of age from playing a slot machine;
154 amending s. 551.121, F.S.; authorizing a progressive
155 system to be used in conjunction with slot machines
156 between licensed facilities; amending s. 772.102,
157 F.S.; revising the definition of "criminal activity";
158 conforming cross-references; amending s. 849.161,
159 F.S.; providing that ch. 849, F.S., does not apply to
160 certain mechanical historical racing systems; amending
161 s. 849.086, F.S.; requiring an applicant for a
162 cardroom licensed to have run a full schedule of live
163 races; specifying maximum license fees for
164 occupational licenses for cardroom employees and
165 cardroom businesses; limiting the hours of cardroom
166 operations; revising the maximum bet and entry fee for
167 tournaments; expanding the authorization for cardroom
168 activities contingent upon a compact with the Seminole
169 Tribe of Florida; amending s. 849.15, F.S.;
170 authorizing the possession of certain gambling
171 devices; amending s. 895.02, F.S.; revising the
172 definitions of "racketeering activity" and "unlawful
173 debt"; conforming cross-references; providing an
174 appropriation and the creation of full-time equivalent

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175 positions; providing contingent effective dates.

176
177 Be It Enacted by the Legislature of the State of Florida:

178
179 Section 1. The Legislature finds that the pari-mutuel
180 industry has played an important part in the development of this
181 state and that it is a vital part of the state's economy. The
182 Legislature also recognizes that many individuals and small
183 businesses provide services to the pari-mutuel industry and rely
184 upon the continued vigor of the industry to survive. The pari-
185 mutuel industry and these individuals and small business employ
186 many Floridians, pay a variety of taxes to support state and
187 local governmental activities, and contribute to the economy of
188 this state. Given the important role played by the industry, and
189 the individuals and small businesses associated with it, as well
190 as the current state of the economy in the United States in
191 general and in Florida in particular, the Legislature finds that
192 in order to preserve the industry, to ensure continued
193 employment for many Floridians, and to preserve and improve the
194 state's revenues, measures must be taken to eliminate
195 unnecessary regulations, encourage business and regulatory
196 efficiency, reduce unnecessary tax burdens, and increase
197 revenues to the state.

198 Section 2. Electronic gaming machines authorized.—An
199 electronic gaming machine licensee may possess electronic gaming
200 machines and operate electronic gaming machines at an eligible
201 facility, as defined by section 3. of this act, where the
202 licensee is authorized to conduct pari-mutuel wagering
203 activities under to chapter 550, Florida Statutes.

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204 Notwithstanding any other provision of law, it is not a crime
205 for a person to participate in electronic gaming at a facility
206 licensed to possess electronic gaming machines or to operate
207 electronic gaming machines.

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

209 (1) "Bingo" or "game of bingo" means the game of chance
210 commonly known as "bingo," which may include the use of
211 electronic, computer, or other technological aids. Such aids may
212 include entertainment displays, including spinning reels, video
213 displays, associated bonus displays, and video poker. The game
214 of bingo requires at least two live players competing for a
215 common prize. The prizes result from a random draw or electronic
216 determination and release or announcement of numbers or other
217 designations necessary to form the predesignated game-winning
218 pattern on an electronic bingo card. A game of bingo ends when a
219 player receives a predesignated game-winning pattern and
220 consolation prizes, if any, are awarded. The game of bingo does
221 not include house-banked games or electronic or
222 electromechanical facsimiles of any other game of chance or slot
223 machine of any kind.

224 (2) "Bonus prize" means a prize awarded in a bingo game in
225 addition to the game-winning prize. The term includes prizes
226 based on predesignated and preannounced patterns that differ
227 from the game-winning pattern, a winning pattern in a specified
228 quantity of numbers or designations drawn or electronically
229 determined and released, or any combination of these patterns.
230 The term includes a prize awarded as an interim prize while
231 players are competing for the game-winning prize or as a
232 consolation prize after a player has won the game-winning prize.

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233 (3) "Designated electronic gaming machine area" means any
234 area of a facility of an electronic gaming machine licensee in
235 which electronic gaming may be conducted.

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

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

243 (6) "Electronic game" means an electronically simulated
244 bingo game that:

245 (a) Is played on an electronic gaming machine that, upon
246 insertion of a ticket, or an electronic or account-based card,
247 is available to play or simulate a game of bingo played on a
248 network of electronic gaming machines;

249 (b) Is not house-banked;

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

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

254 (7) "Electronic gaming machine" means a player station,
255 machine, or device, including associated equipment that is
256 required to operate the player station, machine, or device, upon
257 which an electronic game is played or operated. An electronic
258 gaming machine:

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

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262 (b) Must display one or more bingo cards used in the game
263 before numbers or other designations for the game are randomly
264 drawn.

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

267 (d) Must be directly linked to a central computer for
268 purposes of security, monitoring, and auditing. The central
269 computer may not limit a facility's ability to deploy its
270 electronic player tracking or electronic gaming accounting
271 system. However, such systems must use a widely accepted open
272 communications protocol to ensure interoperability among all
273 manufacturers and to provide a player with the ability to
274 seamlessly alternate play between the electronic gaming machines
275 and electronic gaming machines of different licensed
276 manufacturers.

277 (e) Is not a coin-operated amusement machine as defined in
278 s. 212.02, Florida Statutes, or an amusement game or machine as
279 described in s. 849.161, Florida Statutes. Electronic gaming
280 machines are not subject to the tax imposed by s. 212.05(1)(h),
281 Florida Statutes.

282 (8) "Electronic gaming machine facility" means an eligible
283 facility at which electronic gaming machines are lawfully
284 offered for play.

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

289 (10) "Electronic gaming machine revenues" means all cash
290 and property, except nonredeemable credits, received by the

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291 electronic gaming machine licensee from the operation of
292 electronic gaming machines, less the amount of cash, cash
293 equivalents, credits, and prizes paid to winners of electronic
294 games.

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

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

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

313 (14) "Nonredeemable credits" means electronic gaming
314 machine operating credits that may not be redeemed for cash or
315 any other thing of value by an electronic gaming machine, kiosk,
316 or the electronic gaming machine licensee and that are provided
317 for free to patrons. The credits become nonredeemable credits
318 when they are metered as credit into an electronic gaming
319 machine and recorded in the facility-based monitoring system.

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

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

325 (b) Awarded to a player who obtains a specific
326 predesignated and preannounced pattern having a specified
327 quantity of numbers or designations randomly drawn and released
328 or electronically determined or randomly drawn and released or
329 electronically determined in a specified sequence; and

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

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

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

337 (a) Procedures for applying for and renewing electronic
338 gaming machine licenses.

339 (b) Technical requirements and qualifications to receive an
340 electronic gaming machine license or electronic gaming machine
341 occupational license.

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

346 (d) Procedures to test, certify, control, and approve
347 electronic games and electronic gaming machines. The procedures
348 shall address measures to scientifically test and technically

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349 evaluate electronic gaming machines for compliance with the
350 applicable laws and rules. The division may contract with an
351 independent testing laboratory to conduct any necessary testing.
352 The independent testing laboratory must have a national
353 reputation indicating that it is demonstrably competent and
354 qualified to scientifically test and evaluate electronic games
355 and electronic gaming machines and to perform the functions
356 required by this act. An independent testing laboratory may not
357 be owned or controlled by a licensee. The selection of an
358 independent testing laboratory for any purpose related to the
359 conduct of electronic gaming machines by a licensee shall be
360 made from a list of laboratories approved by the division.

361 (e) Procedures relating to electronic gaming machine
362 revenues, including verifying and accounting for such revenues,
363 auditing, and collecting taxes and fees.

364 (f)1. Procedures to regulate, manage, and audit the
365 operation, financial data, and program information relating to
366 electronic gaming machines which enable the division and the
367 Department of Law Enforcement to audit the operation, financial
368 data, and program information of an electronic gaming machine
369 licensee required by the division or the Department of Law
370 Enforcement.

371 2. Procedures to allow the division and the Department of
372 Law Enforcement to:

373 a. Monitor, at any time on a real-time basis, wagering
374 patterns, payouts, tax collection, and compliance with division
375 rules;

376 b. Suspend play immediately on particular electronic gaming
377 machines if the facilities-based computer system indicates

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378 possible tampering with or manipulation of the electronic gaming
379 machines; and

380 c. Immediately suspend play of the entire operation if the
381 facilities-based computer system may have been tampered with or
382 manipulated. The division shall notify the Department of Law
383 Enforcement or the Department of Law Enforcement shall notify
384 the division, as appropriate, when there is a suspension of play
385 under this subparagraph. The division and the Department of Law
386 Enforcement shall exchange information that is necessary for and
387 cooperate in the investigation of the circumstances resulting in
388 suspension of play.

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

400 (h) Procedures to require licensees to maintain specified
401 records and submit any data, information, records, or reports,
402 including financial and income records, required by this act or
403 rules of the division.

404 (i) A requirement that the payout percentage of an
405 electronic gaming machine facility be at least 85 percent. The
406 theoretical payout percentage shall be determined using standard

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407 methods of probability theory.

408 (j) Minimum standards of security for the facilities,
409 including floor plans, security cameras, and other security
410 equipment.

411 (k) Procedures to require electronic gaming machine
412 licensees to implement and establish drug-testing programs for
413 all electronic gaming machine occupational licensees.

414 (2) The division shall conduct investigations necessary to
415 fulfill its responsibilities to regulate electronic gaming
416 machine facilities.

417 (3) The Department of Law Enforcement and local law
418 enforcement agencies have concurrent jurisdiction to investigate
419 criminal violations of laws regulating electronic gaming
420 facilities and may investigate any other criminal violation of
421 law occurring at a facility. Such investigations may be
422 conducted in conjunction with the appropriate state attorney.

423 (4) (a) The division, the Department of Law Enforcement, and
424 local law enforcement agencies have unrestricted access to an
425 electronic gaming machine licensee's facility at all times and
426 shall require each electronic gaming machine licensee to
427 strictly comply with the laws of this state relating to the
428 transaction of such business. The division, the Department of
429 Law Enforcement, and local law enforcement agencies may:

430 1. Inspect and examine premises where electronic gaming
431 machines are offered for play.

432 2. Inspect electronic gaming machines and related equipment
433 and supplies.

434 (b) In addition, the division may:

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

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436 2. Deny, revoke, suspend, or place conditions on the
437 license of a person who violates this act or rules adopted
438 pursuant thereto.

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

442 (6) This section does not:

443 (a) Prohibit the Department of Law Enforcement or any law
444 enforcement authority whose jurisdiction includes a licensed
445 facility from conducting investigations of criminal activities
446 occurring at the facility;

447 (b) Restrict access to an electronic gaming machine
448 licensee's facility by the Department of Law Enforcement or any
449 local law enforcement authority whose jurisdiction includes the
450 electronic gaming machine licensee's facility; or

451 (c) Restrict access by the Department of Law Enforcement or
452 local law enforcement authorities to information and records
453 necessary to the investigation of criminal activity which are
454 contained within the electronic gaming machine licensee's
455 facility.

456 Section 5. License to conduct electronic gaming.-

457 (1) Upon application and a finding by the division after
458 investigation that the application is complete and the applicant
459 is qualified and payment of the initial license fee, the
460 division may issue a license to conduct electronic gaming in any
461 designated electronic gaming machine area of an eligible
462 facility.

463 (2) An electronic gaming machine license may be issued only
464 to a person or entity licensed to conduct pari-mutuel wagering

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465 under chapter 550, Florida Statutes, and electronic gaming may
466 be operated only at the eligible facility at which the licensee
467 is authorized to conduct pari-mutuel wagering activities.

468 (3) As a condition of licensure and to maintain continued
469 authority to conduct electronic gaming, an electronic gaming
470 machine licensee shall:

471 (a) Comply with this act.

472 (b) Comply with chapter 550, Florida Statutes, and maintain
473 the pari-mutuel permit and license in good standing pursuant to
474 chapter 550, Florida Statutes. Notwithstanding any contrary
475 provision of law, a pari-mutuel permitholder may, within 60 days
476 after the effective date of this act, amend its pari-mutuel
477 wagering operating license. The division shall issue a new
478 license to the permitholder to effectuate any approved change.

479 (c) Conduct at least a full schedule of live racing or
480 games as defined in s. 550.002(11), Florida Statutes, including
481 races or games under s. 550.475, Florida Statutes, or be
482 authorized to conduct limited intertrack wagering under s.
483 550.6308, Florida Statutes, at the eligible facility. A
484 licensee's responsibility to conduct such number of live races
485 or games shall be reduced by the number of races or games that
486 could not be conducted due to the direct result of fire, war,
487 hurricane, or other disaster or event beyond the control of the
488 licensee.

489 (d) Provide appropriate current and accurate documentation,
490 on a timely basis, to the division relating to changes in
491 ownership or interest in an electronic gaming machine license.
492 Changes in ownership or interest in an electronic gaming machine
493 license of 5 percent or more of the stock or other evidence of

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

519 (e) Provide the division and the Department of Law
520 Enforcement unrestricted access to inspect the facilities of an
521 electronic gaming machine licensee in which any activity
522 relative to the operation of electronic gaming machines is

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523 conducted.

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

545 (g) Ensure that each electronic gaming machine and
546 electronic game is protected from manipulation or tampering
547 affecting the random probabilities of winning plays. The
548 division or the Department of Law Enforcement may suspend play
549 upon reasonable suspicion of any manipulation or tampering. If
550 play has been suspended on any electronic gaming machine, the
551 division or the Department of Law Enforcement may examine the

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552 machine to determine whether the machine has been tampered with
553 or manipulated and whether the machine should be returned to
554 operation.

555 (h) Submit a security plan, including the facilities' floor
556 plans, the locations of security cameras, and a listing of all
557 security equipment that is capable of observing and
558 electronically recording activities being conducted in the
559 facilities of the electronic gaming machine licensee. The
560 security plan must meet the minimum security requirements as
561 determined by the division by rule, and be implemented before
562 operation of electronic gaming machine games. The electronic
563 gaming machine licensee's facilities must adhere to the security
564 plan at all times. Any changes to the security plan must be
565 submitted by the licensee to the division before they are
566 implemented. The division shall furnish copies of the security
567 plan and changes in the plan to the Department of Law
568 Enforcement.

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

570 1. Creating opportunities to purchase from vendors in this
571 state, including minority vendors.

572 2. Creating opportunities for employment of residents of
573 this state, including minority residents.

574 3. Ensuring opportunities for construction services from
575 minority contractors.

576 4. Ensuring that opportunities for employment are offered
577 on an equal, nondiscriminatory basis.

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

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

585
586 The electronic gaming machine licensee shall use the Internet-
587 based job-listing system of the Agency for Workforce Innovation
588 in advertising employment opportunities. Beginning in June 2010,
589 each electronic gaming machine licensee shall submit an annual
590 report to the division containing information indicating
591 compliance with this paragraph in regard to minority persons.

592 (j) Maintain a payout percentage of at least 85 percent per
593 electronic gaming machine facility. The theoretical payout
594 percentage shall be determined using standard methods of
595 probability theory.

596 (4) An electronic gaming machine license is not
597 transferable.

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

607 (6) An electronic gaming machine licensee shall file with
608 the division a monthly report containing the required records of
609 such electronic gaming machine operations. The required reports

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610 shall be submitted on forms prescribed by the division and shall
611 be due at the same time as the monthly pari-mutuel reports are
612 due. Such reports are public records once filed.

613 (7) An electronic gaming machine licensee shall file with
614 the division an audit of the receipt and distribution of all
615 electronic gaming machine revenues. The audit must be performed
616 by an independent certified public accountant who shall verify
617 whether the licensee has complied with the financial and
618 auditing laws and rules applicable to the licensee. The audit
619 must include verification of compliance with all statutes and
620 rules regarding all required records of electronic gaming
621 machine operations. Such audit shall be filed within 120 days
622 after completion of the permit holder's fiscal year.

623 (8) The division may share any information with the
624 Department of Law Enforcement, any other law enforcement agency
625 having jurisdiction over electronic gaming machines or pari-
626 mutuel activities, or any other state or federal law enforcement
627 agency or division that the Department of Law Enforcement deems
628 appropriate. Any law enforcement agency having jurisdiction over
629 electronic gaming machines or pari-mutuel activities may share
630 with the division information obtained or developed by it.

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

638 1. For a thoroughbred licensee, an agreement governing the

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639 payment of purses between the applicant and the Florida
640 Horsemen's Benevolent and Protective Association, Inc., or the
641 association representing a majority of the thoroughbred owners
642 and trainers at the applicant's eligible facility located as
643 described in s. 550.615(9), Florida Statutes, and an agreement
644 governing the payment of awards between the applicant and the
645 Florida Thoroughbred Breeders' Association;

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

649 3. For a greyhound licensee, an agreement governing the
650 payment of purses between the applicant and the Florida
651 Greyhound Association, Inc.;

652 4. For a quarter horse licensee, an agreement governing the
653 payment of purses between the applicant and the Florida Quarter
654 Horse Racing Association or the association representing a
655 majority of the horse owners and trainers at the applicants
656 eligible facility, and an agreement governing the payment of
657 awards between the applicant and the Florida Quarter Horse
658 Breeders and Owners Association; or

659 5. For a jai alai licensee, an agreement governing the
660 payment of player awards between the applicant and the
661 International Jai Alai Players Association or a binding written
662 agreement approved by a majority of the jai alai players at the
663 applicant's eligible facility at which the applicant has a
664 permit issued after January 1, 2000, to conduct jai alai.

665 (b) The agreements may direct the payment of purses and
666 awards from revenues generated by any wagering or games that the
667 applicant is authorized to conduct under state law. All purses

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668 and awards are subject to the terms of chapter 550, Florida
669 Statutes. All sums for breeders', stallion, and special racing
670 awards shall be remitted monthly to the respective breeders
671 association for the payment of awards, subject to the
672 administrative fees authorized under chapter 550, Florida
673 Statutes.

674 (c) An electronic gaming machine license or renewal thereof
675 may not be issued to an applicant licensed to conduct intertrack
676 wagering under s. 550.6308, Florida Statutes, unless the
677 applicant has on file with the division a binding written
678 agreement between the applicant and the Florida Thoroughbred
679 Breeders' Association, Inc., dedicating to the payment of
680 breeders', stallion, and special racing awards on live
681 thoroughbred races conducted in this state at least the same
682 percentage of electronic gaming machine revenues as the highest
683 percentage of electronic gaming machine revenues dedicated to
684 purses and awards in a current agreement under this subsection
685 by an applicant licensed under chapter 550, Florida Statutes, to
686 conduct live thoroughbred races. At least half of such funds
687 must be distributed as special racing awards.

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

694 (e)1. If an agreement required under paragraph (a) cannot
695 be reached prior to the initial issuance of the electronic
696 gaming machine license, either party may request arbitration. In

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697 the case of a renewal, if an agreement is not in place 120 days
698 before the scheduled expiration date of the electronic gaming
699 machine license, the applicant shall immediately ask the
700 American Arbitration Association to furnish a list of 11
701 arbitrators, each of whom shall have at least 5 years of
702 commercial arbitration experience and no financial interest in
703 or prior relationship with any party or with an affiliated or
704 related entity or principal. Each required party to the
705 agreement shall select a single arbitrator from the list within
706 10 days after receipt, and the persons selected shall choose one
707 additional arbitrator from the list within 10 days.

708 2. If an agreement required under paragraph (a) is not in
709 place 60 days after the request under subparagraph 1., in the
710 case of an initial electronic gaming machine license or, in the
711 case of a renewal, 60 days prior to the scheduled expiration
712 date of the license, the matter shall be immediately submitted
713 to mandatory binding arbitration. The three arbitrators selected
714 pursuant to subparagraph 1. shall conduct the arbitration
715 pursuant to the American Arbitration Association Commercial
716 Arbitration Rules and chapter 682, Florida Statutes.

717 3. At the conclusion of the proceedings, which may be no
718 later than 90 days after the request under subparagraph 1. in
719 the case of an initial electronic gaming machine license or, in
720 the case of a renewal, 30 days prior to the scheduled expiration
721 date of the electronic gaming machine license, the arbitration
722 panel shall present to the parties a proposed agreement that the
723 majority of the panel believes equitably balances the rights,
724 interests, obligations, and reasonable expectations of the
725 parties. The parties shall immediately enter into such

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726 agreement, which shall satisfy the requirements of paragraph (a)
727 and permit issuance of the pending annual electronic gaming
728 machine license or renewal. The agreement shall be effective
729 until the last day of the license or renewal period or until the
730 parties enter into a different agreement. Each party shall pay
731 its respective costs of arbitration and shall pay one-half of
732 the costs of the arbitration panel, unless the parties otherwise
733 agree. If the agreement remains in place 120 days prior to the
734 scheduled issuance of the next annual license renewal, the
735 arbitration process established in this paragraph shall begin
736 again.

737 4. If neither agreement required under paragraph (a) is in
738 place by the deadlines established in this paragraph,
739 arbitration regarding each agreement shall proceed
740 independently, with separate lists of arbitrators, arbitration
741 panels, arbitration proceedings, and resulting agreements.

742 5. With respect to the agreement required under paragraph
743 (a) governing the payment of purses, the arbitration and
744 resulting agreement is limited to the payment of purses from
745 electronic gaming machine revenues only.

746 (f) If any provision of this subsection or its application
747 to any person or circumstance is held invalid, the invalidity
748 does not affect other provisions or applications of this
749 subsection or act which can be given effect without the invalid
750 provision or application, and to this end the provisions of this
751 subsection are severable.

752 Section 6. Temporary licenses.—

753 (1) Notwithstanding any provision of s. 120.60, Florida
754 Statutes, to the contrary, the division may issue a temporary

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755 occupational license upon receipt of a complete application and
756 a determination that the applicant has not been convicted of or
757 had adjudication withheld on any disqualifying criminal offense.
758 The temporary occupational license remains valid until the
759 division grants an occupational license or notifies the
760 applicant of its intended decision to deny the license pursuant
761 to the provisions of s. 120.60, Florida Statutes. The division
762 shall adopt rules to administer this section. However, not more
763 than one temporary license may be issued for any person in any
764 year.

765 (2) A temporary license issued under this section is not
766 transferable.

767 Section 7. Electronic gaming machine license renewal.-

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

773 (2) The applicant for renewal must attest that any
774 information changes do not affect such applicant's
775 qualifications for license renewal.

776 (3) Upon determination by the division that the application
777 for renewal is complete and qualifications have been met,
778 including payment of the renewal fee, the license shall be
779 renewed.

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

781 (1) LICENSE FEE.-

782 (a) Upon submission of the initial application for an
783 electronic gaming machine license or upon submission of an

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784 application to renew a license, the licensee must pay to the
785 division a nonrefundable license fee of \$1 million for the
786 succeeding 12 months of licensure. The fee shall be deposited
787 into the Pari-mutuel Wagering Trust Fund of the Department of
788 Business and Professional Regulation to be used by the division
789 and the Department of Law Enforcement for investigations,
790 regulation of electronic gaming, and enforcement of electronic
791 gaming provisions. These payments shall be accounted for
792 separately from taxes or fees paid pursuant to the provisions of
793 chapter 550 or chapter 551, Florida Statutes.

794 (b) The division shall evaluate the license fee and submit
795 recommendations in its legislative budget request identifying
796 the optimum level of electronic gaming machine license fees
797 required to adequately support the electronic gaming machine
798 regulatory program.

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

804 (2) TAX ON ELECTRONIC GAMING MACHINE REVENUES.-

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

807 (b) The electronic gaming machine revenue tax imposed by
808 this section shall be paid to the division for deposit into the
809 Pari-mutuel Wagering Trust Fund for immediate transfer by the
810 Chief Financial Officer for deposit into the Educational
811 Enhancement Trust Fund of the Department of Education. Any
812 interest earnings on the tax revenues shall also be transferred

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813 to the Educational Enhancement Trust Fund.

814 (c)1. Funds transferred to the Educational Enhancement
815 Trust Fund shall be used to supplement public education funding
816 statewide.

817 2. If necessary to comply with any covenant established
818 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),
819 Florida Statutes, funds transferred to the Educational
820 Enhancement Trust Fund shall first be available to pay debt
821 service on lottery bonds issued to fund school construction in
822 the event lottery revenues are insufficient for such purpose or
823 to satisfy debt service reserve requirements established in
824 connection with lottery bonds. Moneys available pursuant to this
825 subparagraph are subject to annual appropriation by the
826 Legislature.

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

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842 (4) FAILURE TO PAY TAX; PENALTIES.—An electronic gaming
843 machine licensee who does not make tax payments required under
844 this section is subject to an administrative penalty of up to
845 \$10,000 for each day the tax payment is not remitted. All
846 administrative penalties imposed and collected shall be
847 deposited into the Pari-mutuel Wagering Trust Fund of the
848 Department of Business and Professional Regulation. If an
849 electronic gaming machine licensee does not pay penalties
850 imposed by the division, the division may suspend, revoke, or
851 refuse to renew the license of the electronic gaming machine
852 licensee.

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

856 Section 9. Electronic gaming machine occupational license;
857 findings; application; fee.—

858 (1) The Legislature finds that licensees and persons
859 associated with licensees require heightened state scrutiny. As
860 such licensees and persons associated with licensees shall
861 submit fingerprints for a criminal history records check.

862 (2) (a) The following electronic gaming machine occupational
863 licenses are required for persons who, by virtue of the
864 positions they hold, potentially may have access to electronic
865 gaming machine areas or to any other person or entity in one of
866 the following categories:

867 1. General occupational licenses for general employees,
868 including food service, maintenance, and other similar service
869 and support employees having access to an electronic gaming
870 machine area.

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871 2. Professional occupational licenses for any person,
872 proprietorship, partnership, corporation, or other entity that
873 is authorized by an electronic gaming machine licensee to
874 manage, oversee, or otherwise control daily operations as an
875 electronic gaming machine manager, floor supervisor, security
876 personnel, or other similar position of oversight of gaming
877 operations, or any person who is not an employee of the
878 electronic gaming machine licensee and who provides maintenance,
879 repair, or upgrades or otherwise services an electronic gaming
880 machine or other electronic gaming machine equipment.

881 3. Business occupational licenses for any electronic gaming
882 machine management company or company associated with electronic
883 gaming, any person who manufactures, distributes, or sells
884 electronic gaming machines, electronic gaming machine
885 paraphernalia, or other associated equipment to electronic
886 gaming machine licensees, or any company that sells or provides
887 goods or services associated with electronic gaming to
888 electronic gaming machine licensees.

889 (b) The division may issue one license in order to combine
890 licenses under this section with pari-mutuel occupational
891 licenses and cardroom licenses pursuant to s. 550.105(2)(b),
892 Florida Statutes. The division shall adopt rules pertaining to
893 occupational licenses under this subsection. Such rules may
894 specify requirements and restrictions for licensed occupations
895 and categories, procedures to apply for a license or combination
896 of licenses, disqualifying criminal offenses for a licensed
897 occupation or categories of occupations, and which types of
898 occupational licenses may be combined into a single license. The
899 fingerprinting requirements of subsection (10) apply to any

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900 combination license that includes electronic gaming machine
901 license privileges. The division may not adopt a rule allowing
902 the issuance of an occupational license to any person who does
903 not meet the minimum background qualifications of this section.

904 (c) Electronic gaming machine occupational licenses are not
905 transferable.

906 (3) An electronic gaming machine licensee may not employ or
907 otherwise allow a person to work at a licensed facility unless
908 such person holds the appropriate valid occupational license. An
909 electronic gaming machine licensee may not contract or otherwise
910 conduct business with a business that is required to hold an
911 electronic gaming machine occupational license unless the
912 business holds such a license. An electronic gaming machine
913 licensee may not employ or otherwise allow a person to work in a
914 supervisory or management professional level at a licensed
915 facility unless such person holds a valid electronic gaming
916 machine occupational license. All electronic gaming machine
917 occupational licensees, while present in electronic gaming
918 machine areas, shall display on their persons their occupational
919 license identification cards.

920 (4) (a) A person seeking an electronic gaming machine
921 occupational license or renewal thereof shall apply on forms
922 prescribed by the division and include payment of the
923 appropriate application fee. Initial and renewal applications
924 for electronic gaming machine occupational licenses must contain
925 all information that the division, by rule, requires.

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

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929 (c) Pursuant to rules adopted by the division, any person
930 may apply for and, if qualified, be issued an electronic gaming
931 machine occupational license. The license shall be valid for a
932 period of 3 years upon payment of the full occupational license
933 fee for each of the 3 years for which the license is issued. The
934 electronic gaming machine occupational license is valid during
935 its specified term at any licensed facility where electronic
936 gaming machine gaming is authorized.

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

952 (5) The division may:

953 (a) Deny an application for, or revoke, suspend, or place
954 conditions or restrictions on, a license of an applicant or
955 licensee that has been refused a license by another state gaming
956 commission, governmental department, agency, or other authority
957 exercising regulatory jurisdiction over the gaming of another

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958 state or jurisdiction; or

959 (b) Deny an application for, or suspend, or place
960 conditions on a license of any applicant or licensee that is
961 under suspension or has unpaid fines in another state or
962 jurisdiction.

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

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

986 (c) As used in this subsection, the term "convicted" means

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987 having been found guilty, with or without adjudication of guilt,
988 as a result of a jury verdict, nonjury trial, or entry of a plea
989 of guilty or nolo contendere.

990 (7) The division may deny, revoke, or suspend any
991 occupational license if the applicant or licensee accumulates
992 unpaid obligations, defaults in obligations, or issues drafts or
993 checks that are dishonored or for which payment is refused
994 without reasonable cause.

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

999 (9) The division may impose a civil fine of up to \$5,000
1000 for each violation of this act or the rules of the division in
1001 addition to or in lieu of any other penalty. The division may
1002 adopt a penalty schedule for violations for which it would
1003 impose a fine in lieu of a suspension and adopt rules allowing
1004 for the issuance of citations, including procedures to address
1005 such citations, to persons who violate such rules. In addition
1006 to any other penalty provided by law, the division may exclude
1007 from all licensed electronic gaming machine facilities in this
1008 state, for a period not to exceed the period of suspension,
1009 revocation, or ineligibility, any person whose occupational
1010 license application has been refused or who has been declared
1011 ineligible to hold an occupational license or whose occupational
1012 license has been suspended or revoked by the division.

1013 (10) Fingerprints for electronic gaming machine
1014 occupational license applications shall be taken in a manner
1015 approved by the division and shall be submitted electronically

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1016 to the Department of Law Enforcement for state processing and to
1017 the Federal Bureau of Investigation for national processing for
1018 a criminal history record check. All persons as specified in s.
1019 550.1815(1) (a), Florida Statutes, who are employed by or working
1020 within licensed premises shall submit fingerprints for a
1021 criminal history records check and may not have been convicted
1022 of any disqualifying criminal offenses specified in subsection
1023 (6). Division employees and law enforcement officers assigned to
1024 work within such premises as part of their official duties are
1025 excluded from the criminal history record check requirements. As
1026 used in this subsection, the term "convicted" means having been
1027 found guilty, with or without adjudication of guilt, as a result
1028 of a jury verdict, nonjury trial, or entry of a plea of guilty
1029 or nolo contendere.

1030 (a) Fingerprints shall be taken in a manner approved by the
1031 division upon initial application, or as required thereafter by
1032 rule of the division, and shall be submitted electronically to
1033 the Department of Law Enforcement for state processing. The
1034 Department of Law Enforcement shall forward the fingerprints to
1035 the Federal Bureau of Investigation for national processing. The
1036 results of the criminal history record check shall be returned
1037 to the division for screening. Licensees shall provide necessary
1038 equipment, approved by the Department of Law Enforcement, to
1039 facilitate such electronic submission. The division requirements
1040 shall be instituted in consultation with the Department of Law
1041 Enforcement.

1042 (b) The cost of processing fingerprints and conducting a
1043 criminal history records check for a general occupational
1044 license shall be paid by the electronic gaming machine licensee.

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1045 The cost of processing fingerprints and conducting a criminal
1046 history record check for a business or professional occupational
1047 license shall be paid by the person being checked. The
1048 Department of Law Enforcement may invoice the division for the
1049 fingerprints submitted each month.

1050 (c) All fingerprints submitted to the Department of Law
1051 Enforcement shall be retained by the Department of Law
1052 Enforcement and entered into the statewide automated fingerprint
1053 identification system as authorized by s. 943.05(2)(b), Florida
1054 Statutes, and shall be available for all purposes and uses
1055 authorized for arrest fingerprint cards in the statewide
1056 automated fingerprint identification system pursuant to s.
1057 943.051, Florida Statutes.

1058 (d) The Department of Law Enforcement shall search all
1059 arrest fingerprints received pursuant to s. 943.051, Florida
1060 Statutes, against the fingerprints retained in the statewide
1061 automated fingerprint identification system. Any arrest record
1062 that is identified with the retained fingerprints of a person
1063 subject to the criminal history screening requirements shall be
1064 reported to the division. Each licensed facility shall pay a fee
1065 for the cost of retention of the fingerprints and the ongoing
1066 searches under this paragraph. The division shall forward the
1067 fee to the Department of Law Enforcement. The amount of the fee
1068 to be imposed for such searches and the procedures for the
1069 retention of licensee fingerprints shall be as established by
1070 rule of the Department of Law Enforcement. The division shall
1071 inform the Department of Law Enforcement of any change in the
1072 license status of licensees whose fingerprints are retained.

1073 (e) The division shall request the Department of Law

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1074 Enforcement to forward the fingerprints to the Federal Bureau of
1075 Investigation for a national criminal history records check
1076 every 3 years following issuance of a license. If the
1077 fingerprints of a person who is licensed have not been retained
1078 by the Department of Law Enforcement, the person must file a
1079 complete set of fingerprints as provided in paragraph (a). The
1080 division shall collect the fees for the cost of the national
1081 criminal history record check and shall forward the payment to
1082 the Department of Law Enforcement. The cost of processing
1083 fingerprints and conducting a criminal history record check for
1084 a general occupational license shall be paid by the electronic
1085 gaming machine licensee. The cost of processing fingerprints and
1086 conducting a criminal history record check for a business or
1087 professional occupational license shall be paid by the person
1088 being checked. The Department of Law Enforcement may invoice the
1089 division for the fingerprints submitted each month. Under
1090 penalty of perjury, each person who is licensed or fingerprinted
1091 must agree to inform the division within 48 hours if he or she
1092 is convicted of or enters a plea of guilty or nolo contendere to
1093 any disqualifying offense, regardless of adjudication.

1094 (11) All moneys collected pursuant to this section shall be
1095 deposited into the Pari-mutuel Wagering Trust Fund.

1096 Section 10. Prohibited relationships.-

1097 (1) A person employed by or performing any function on
1098 behalf of the division may not:

1099 (a) Be an officer, director, owner, or employee of any
1100 person or entity licensed by the division.

1101 (b) Have or hold any interest, direct or indirect, in or
1102 engage in any commerce or business relationship with any person

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1103 licensed by the division.

1104 (2) A manufacturer or distributor of electronic gaming
1105 machines may not enter into any contract with an electronic
1106 gaming machine licensee which provides for any revenue sharing
1107 that is directly or indirectly calculated on the basis of a
1108 percentage of electronic gaming machine revenues. Any agreement
1109 in violation of this subsection is void.

1110 (3) A manufacturer or distributor of electronic gaming
1111 machines or equipment necessary for the operation of electronic
1112 gaming machines or an officer, director, or employee of any such
1113 manufacturer or distributor may not have any ownership or
1114 financial interest in an electronic gaming machine license or
1115 any business owned by an electronic gaming machine licensee.

1116 (4) An employee of the division or relative living in the
1117 same household as the employee may not wager on an electronic
1118 gaming machine located at a facility licensed by the division.

1119 (5) An occupational licensee or relative living in the same
1120 household as the licensee may not wager on an electronic gaming
1121 machine located at a facility operated by such licensee.

1122 Section 11. Prohibited acts; penalties.—

1123 (1) Except as otherwise provided by law and in addition to
1124 any other penalty, a person who knowingly makes or causes to be
1125 made, or aids, assists, or procures another to make, a false
1126 statement in any report, disclosure, application, or other
1127 document required under any law or rule regulating electronic
1128 gaming is subject to an administrative fine or civil penalty of
1129 up to \$10,000.

1130 (2) Except as otherwise provided by law and in addition to
1131 any other penalty, a person who possesses an electronic gaming

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1132 machine without a license or who possesses an electronic gaming
1133 machine at a location other than at the electronic gaming
1134 machine licensee's facility is subject to an administrative fine
1135 or civil penalty of up to \$10,000 per machine. This prohibition
1136 does not apply to:

1137 (a) Electronic gaming machine manufacturers or distributors
1138 that are licensed and authorized to maintain an electronic
1139 gaming machine storage and maintenance facility in this state.
1140 The division may adopt rules regarding security, inspection, and
1141 access to the storage facility.

1142 (b) Certified educational facilities that are authorized by
1143 the division to maintain electronic gaming machines for the sole
1144 purpose of education and licensure of electronic gaming machine
1145 technicians, inspectors, or investigators. The division and the
1146 Department of Law Enforcement may possess electronic gaming
1147 machines for training and testing purposes. The division may
1148 adopt rules regarding the regulation of such electronic gaming
1149 machines used for the sole purpose of education and licensure of
1150 electronic gaming machine technicians, inspectors, or
1151 investigators.

1152 (3) A person who knowingly excludes or attempts to exclude,
1153 anything of value from the deposit, counting, collection, or
1154 computation of revenues from electronic gaming machine activity,
1155 or a person who by trick, sleight-of-hand performance, fraud or
1156 fraudulent scheme, or device wins or attempts to win, for
1157 himself or herself or for another, money or property or a
1158 combination thereof, or reduces or attempts to reduce a losing
1159 wager in connection with electronic gaming commits a felony of
1160 the third degree, punishable as provided in s. 775.082, s.

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1161 775.083, or s. 775.084, Florida Statutes.

1162 (4) Any person who manipulates or attempts to manipulate
1163 the outcome, payoff, or operation of an electronic gaming
1164 machine by physical tampering or the use of an object,
1165 instrument, or device, whether mechanical, electrical, or
1166 magnetic, or by other means, commits a felony of the third
1167 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1168 775.084, Florida Statutes.

1169 (5) Theft of electronic gaming machine proceeds or property
1170 belonging to an electronic gaming machine operator, licensee, or
1171 licensed facility by an employee of the operator or facility or
1172 by an officer, partner, owner, or employee of a person
1173 contracted to provide services to the operator or facility
1174 constitutes a felony of the third degree, punishable as provided
1175 in s. 775.082 or s. 775.083, Florida Statutes.

1176 (6) (a) A law enforcement officer or electronic gaming
1177 machine operator who has probable cause to believe that a person
1178 has committed a violation of subsection (3), subsection (4), or
1179 subsection (5) and that officer or operator can recover the lost
1180 proceeds from the activity by taking the person into custody
1181 may, for the purpose of attempting to effect the recovery of the
1182 proceeds, take into custody on the premises and detain the
1183 person in a reasonable manner for a reasonable time. If the
1184 operator takes the person into custody, a law enforcement
1185 officer shall be called to the scene immediately. The taking
1186 into custody and detention by a law enforcement officer or
1187 electronic gaming machine operator, if done in compliance with
1188 this subsection, does not render such law enforcement officer,
1189 or the officer's agency, or the electronic gaming machine

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1190 operator criminally or civilly liable for false arrest, false
1191 imprisonment, or unlawful detention.

1192 (b) A law enforcement officer may arrest, on or off the
1193 premises and without warrant, any person if the officer has
1194 probable cause to believe that person has violated subsection
1195 (3), subsection (4), or subsection (5).

1196 (c) A person who resists the reasonable effort of a law
1197 enforcement officer or electronic gaming machine operator to
1198 take into custody a person who is violating subsection (3),
1199 subsection (4), or subsection (5) commits a misdemeanor of the
1200 first degree, punishable as provided in s. 775.082 or s.
1201 775.083, Florida Statutes, unless the person did not know or
1202 have reason to know that the person seeking to take him or her
1203 into custody was a law enforcement officer or electronic gaming
1204 machine operator.

1205 (7) The penalties imposed and collected under this section
1206 must be deposited into the Pari-mutuel Wagering Trust Fund of
1207 the Department of Business and Professional Regulation.

1208 Section 12. Legal devices.—Notwithstanding any provision of
1209 law to the contrary, electronic gaming machines manufactured,
1210 sold, distributed, possessed, or operated pursuant to the laws
1211 and rules regulating electronic gaming are lawful in this state.
1212 An electronic game or electronic gaming machine may not enter
1213 the state until it has been tested and certified by a licensed
1214 testing laboratory, and certified for play in the state. The
1215 division shall adopt rules regarding the testing, certification,
1216 control, and approval of electronic games and electronic gaming
1217 machines entering, departing, or moving within the state.

1218 Section 13. Exclusions of certain persons.—In addition to

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1219 the power to exclude certain persons, the division may exclude
1220 any person from a facility of an electronic gaming machine
1221 licensee in this state for conduct that would constitute, if the
1222 person were a licensee, a violation of this act or the rules of
1223 the division. The division may exclude a person who has been
1224 ejected from a gaming facility or who has been excluded from a
1225 gaming facility in another state by the governmental authority
1226 exercising regulatory jurisdiction over the gaming in such other
1227 state. This section does not abrogate the common law right of an
1228 electronic gaming machine licensee to exclude a patron.

1229 Section 14. Persons prohibited from operating electronic
1230 gaming machines.-

1231 (1) A person who has not attained 18 years of age may not
1232 operate or play an electronic gaming machine or have access to
1233 the designated electronic gaming machine area.

1234 (2) An electronic gaming machine licensee or agent or
1235 employee of an electronic gaming machine licensee may not
1236 knowingly allow a person who has not attained 18 years of age
1237 to:

1238 (a) Play or operate an electronic gaming machine.

1239 (b) Be employed in any position allowing or requiring
1240 access to the designated gaming area of a facility of an
1241 electronic gaming machine licensee.

1242 (c) Have access to the designated electronic gaming machine
1243 area of a facility of an electronic gaming machine licensee.

1244 (3) A licensed facility shall post clear and conspicuous
1245 signage within the designated electronic gaming machine areas
1246 which states:

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1248 THE PLAYING OF ELECTRONIC GAMING MACHINES BY PERSONS UNDER THE
1249 AGE OF 18 IS AGAINST FLORIDA LAW (CITE TO FLORIDA STATUTES
1250 SECTION). PROOF OF AGE MAY BE REQUIRED AT ANY TIME.

1251 Section 15. Electronic gaming machine areas.—

1252 (1) An electronic gaming machine licensee may make
1253 available for play up to 1,000 electronic gaming machines within
1254 an eligible facility in a designated electronic gaming machine
1255 area. No more than 1,000 electronic gaming machines shall be
1256 authorized at a facility regardless of the number of
1257 permitholders conducting operations at that facility.

1258 (2) The electronic gaming machine licensee shall display
1259 pari-mutuel races or games within the designated electronic
1260 gaming machine areas and offer patrons within such areas the
1261 opportunity to wager on live, intertrack, and simulcast races.

1262 (3) The division shall require the posting of signs warning
1263 of the risks and dangers of gambling, showing the odds of
1264 winning, and informing patrons of the toll-free telephone number
1265 available to provide information and referral services regarding
1266 compulsive or problem gambling.

1267 (4) Designated electronic gaming machine areas may be
1268 located within a live gaming facility or an existing building
1269 that is contiguous and connected to the live gaming facility. If
1270 such gaming area is to be located in a building that is not yet
1271 constructed, the new building must be contiguous and connected
1272 to the live gaming facility.

1273 (5) An electronic gaming machine licensee shall provide
1274 adequate office space at no cost to the division and the
1275 Department of Law Enforcement for the oversight of electronic
1276 gaming machine operations. The division shall adopt rules

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1277 establishing criteria for adequate space, configuration, and
1278 location and needed electronic and technological requirements.

1279 Section 16. Days and hours of operation.—Electronic gaming
1280 machine areas may be open daily throughout the year. They may be
1281 open a cumulative total of 18 hours per day on Monday through
1282 Friday and 24 hours per day on Saturday and Sunday and on
1283 holidays specified in s. 110.117(1), Florida Statutes.

1284 Section 17. Penalties.—The division may revoke or suspend
1285 an electronic gaming machine license issued under this act upon
1286 the willful violation by the licensee of any law or rule
1287 regulating electronic gaming. In lieu of suspending or revoking
1288 an electronic gaming machine license, the division may impose a
1289 civil penalty against the licensee for such violation. Except as
1290 otherwise provided in this act, the division may not impose a
1291 penalty that exceeds \$100,000 for each count or separate
1292 offense. All fines collected must be deposited into the Pari-
1293 mutuel Wagering Trust Fund of the Department of Business and
1294 Professional Regulation.

1295 Section 18. Compulsive or addictive gambling prevention
1296 program.—

1297 (1) Each electronic gaming machine licensee shall offer
1298 training to employees on responsible gaming and shall work with
1299 a compulsive or addictive gambling prevention program to
1300 recognize problem gaming situations and implement responsible
1301 gaming programs and practices.

1302 (2) The division shall, subject to competitive bidding,
1303 contract for services related to the prevention of compulsive
1304 and addictive gambling. The contract shall require an
1305 advertising program to encourage responsible gaming practices

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1306 and publicize a gambling telephone help line. Such
1307 advertisements must be made both publicly and inside the
1308 designated electronic gaming machine areas of the licensee's
1309 facilities. The terms of any contract for such services shall
1310 include accountability standards for any private provider. The
1311 failure of a private provider to meet any material term of the
1312 contract, including the accountability standards, constitutes a
1313 breach of contract or grounds for nonrenewal.

1314 (3) The compulsive or addictive gambling prevention program
1315 shall be funded from an annual nonrefundable regulatory fee of
1316 \$250,000 paid by each licensee.

1317 Section 19. Caterer's license.—An electronic gaming machine
1318 licensee is entitled to a caterer's license pursuant to s.
1319 565.02, Florida Statutes, on days on which the pari-mutuel
1320 facility is open to the public for electronic gaming machine
1321 play.

1322 Section 20. Prohibited activities and devices; exceptions.

1323 (1) Complimentary or reduced-cost alcoholic beverages may
1324 not be served to persons in the designated electronic gaming
1325 machine area. Alcoholic beverages served to persons in the
1326 designated electronic gaming machine area shall cost at least
1327 the same amount as alcoholic beverages served to the general
1328 public at any bar within the facility.

1329 (2) An electronic gaming machine licensee may not make
1330 loans, provide credit, or advance cash to enable a person to
1331 play an electronic gaming machine. This subsection does not
1332 prohibit automated ticket redemption machines that dispense cash
1333 from the redemption of tickets from being located in the
1334 designated electronic gaming machine area.

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1335 (3) An automated teller machine or similar device designed
1336 to provide credit or dispense cash may not be located within the
1337 designated electronic gaming machine area.

1338 (4) (a) An electronic gaming machine licensee may not accept
1339 or cash a check from any person within the designated electronic
1340 gaming machine area of a facility.

1341 (b) Except as provided in paragraph (c) for employees of
1342 the facility, an electronic gaming machine licensee may not
1343 accept or cash for any person within the facility a government-
1344 issued check, third-party check, or payroll check made payable
1345 to an individual.

1346 (c) Outside the designated electronic gaming machine area,
1347 an electronic gaming machine licensee or operator may accept or
1348 cash a check for an employee of the facility who is prohibited
1349 from wagering on an electronic gaming machine under s.
1350 551.108(5), Florida Statutes, a check made directly payable to a
1351 person licensed by the division, or a check made directly
1352 payable to the licensee or operator from:

- 1353 1. A pari-mutuel patron; or
- 1354 2. A pari-mutuel facility in any state.

1355 (d) Unless accepting or cashing a check is prohibited by
1356 this subsection, an electronic gaming machine licensee or
1357 operator may accept and deposit in its accounts checks received
1358 in the normal course of business.

1359 (5) An electronic gaming machine, or the computer operating
1360 system linked to an electronic gaming machine, may be linked to
1361 any other electronic gaming machine or computer operating system
1362 within this state.

1363 (6) An electronic gaming machine located within a licensed

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1364 facility may accept tickets or electronic or account-based cards
1365 for wagering. Such machines may return or deliver payouts to the
1366 players in the form of tickets or electronic or account-based
1367 credits that may be exchanged for cash, merchandise, or other
1368 items of value. The use of coins, currency, credit or debit
1369 cards, tokens, or similar objects is prohibited.

1370 Section 21. Rulemaking.—The division may adopt rules to
1371 administer this act.

1372 Section 22. Preemption.—The Legislature finds and declares
1373 that it has exclusive authority over the conduct of all wagering
1374 occurring at electronic gaming machine facilities in this state.
1375 Only the Division of Pari-mutuel Wagering and other authorized
1376 state agencies may administer this act and regulate the
1377 electronic gaming machine industry, including operation of
1378 electronic gaming machine facilities, games, electronic gaming
1379 machines, and facilities-based computer systems authorized in
1380 this act and the rules adopted by the division.

1381 Section 23. Application to bingo games operated by
1382 charitable or nonprofit organizations.—Sections 1 through 22 of
1383 this act do not apply to the use of player-operated bingo aides
1384 used in bingo games conducted by charitable, nonprofit, or
1385 veterans' organizations authorized to conduct bingo under s.
1386 849.0931, Florida Statutes. Sections 1 through 22 of this act do
1387 not apply to game promotions or operators regulated under s.
1388 849.094, Florida Statutes.

1389 Section 24. Paragraph (x) is added to subsection (1) of
1390 section 215.22, Florida Statutes, to read:

1391 215.22 Certain income and certain trust funds exempt.—

1392 (1) The following income of a revenue nature or the

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1393 following trust funds shall be exempt from the appropriation
1394 required by s. 215.20(1):

1395 (x) Taxes imposed on electronic gaming and electronic
1396 gaming machines at eligible pari-mutuel facilities.

1397 Section 25. The Department of Business and Professional
1398 Regulation may expend the unreserved cash balance in the Pari-
1399 mutuel Wagering Trust Fund received from other revenue sources
1400 to implement electronic gaming regulation and investigations
1401 during the 2009-2010 fiscal year. Before the use of such other
1402 revenues, the department shall submit a repayment plan for
1403 approval by the Executive Office of the Governor in consultation
1404 with the chair and vice chair of the Legislative Budget
1405 Commission. The department shall repay such funds using
1406 electronic gaming machine license revenue sources by April 1,
1407 2010. The repaid funds are subject to the requirements of s.
1408 550.135(2), Florida Statutes.

1409 Section 26. Present subsections (11), (32), and (38) of
1410 section 550.002, Florida Statutes, are amended, a new subsection
1411 (15) is added to that section, and present subsections (15)
1412 through (39) of that section are renumbered as subsections (16)
1413 through (40), respectively, to read:

1414 550.002 Definitions.—As used in this chapter, the term:

1415 (11) "Full schedule of live racing or games" means, for a
1416 greyhound or jai alai permitholder, the conduct of a combination
1417 of at least 100 live evening or matinee performances during the
1418 preceding year; for a permitholder who has a converted permit or
1419 filed an application on or before June 1, 1990, for a converted
1420 permit, the conduct of a combination of at least 100 live
1421 evening and matinee wagering performances during either of the 2

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1422 preceding years; for a jai alai permitholder who does not
1423 operate slot machines, electronic gaming machines, or historical
1424 racing systems in its pari-mutuel facility, who has conducted at
1425 least 100 live performances per year for at least 10 years after
1426 December 31, 1992, and whose handle on live jai alai games
1427 conducted at its pari-mutuel facility has been less than \$4
1428 million per state fiscal year for at least 2 consecutive years
1429 after June 30, 1992, the conduct of a combination of at least 40
1430 live evening or matinee performances during the preceding year;
1431 for a jai alai permitholder who operates slot machines
1432 electronic gaming machines, or historical racing systems in its
1433 pari-mutuel facility, the conduct of a combination of at least
1434 150 performances during the preceding year; for a harness
1435 permitholder, the conduct of at least 100 live regular wagering
1436 performances during the preceding year; for a quarter horse
1437 permitholder, at its facility unless an alternative schedule of
1438 at least 20 live regular wagering performances is agreed upon by
1439 the permitholder and the horsemen's association representing the
1440 majority of the quarter horse owners and trainers at the
1441 facility and filed with the division along with its annual date
1442 application, in the 2010-2011 fiscal year, the conduct of at
1443 least 20 regular wagering performances, in the 2011-2012 and
1444 2012-2013 fiscal years, the conduct of at least 30 live regular
1445 wagering performances, and for every fiscal year after the 2012-
1446 2013 fiscal year, the conduct of at least 40 live regular
1447 wagering performances ~~during the preceding year;~~ for a quarter
1448 horse permitholder leasing another licensed racetrack, the
1449 conduct of 160 events at the leased facility; and for a
1450 thoroughbred permitholder, the conduct of at least 40 live

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1451 regular wagering performances during the preceding year. For a
1452 permitholder which is restricted by statute to certain operating
1453 periods within the year when other members of its same class of
1454 permit are authorized to operate throughout the year, the
1455 specified number of live performances which constitute a full
1456 schedule of live racing or games shall be adjusted pro rata in
1457 accordance with the relationship between its authorized
1458 operating period and the full calendar year and the resulting
1459 specified number of live performances shall constitute the full
1460 schedule of live games for such permitholder and all other
1461 permitholders of the same class within 100 air miles of such
1462 permitholder. A live performance must consist of no fewer than
1463 eight races or games conducted live for each of a minimum of
1464 three performances each week at the permitholder's licensed
1465 facility under a single admission charge.

1466 (15) "Historical racing system" means a form of pari-mutuel
1467 wagering based on audio or video signals of in-state or out-of-
1468 state races which are sent from an in-state server and operated
1469 by a licensed totalisator company and which are displayed at
1470 individual wagering terminals at a licensed pari-mutuel
1471 facility.

1472 (33)~~(32)~~ "Simulcasting" means broadcasting events occurring
1473 live at an in-state location to an out-of-state location, or
1474 receiving at an in-state location events occurring live at an
1475 out-of-state location, by the transmittal, retransmittal,
1476 reception, and rebroadcast of television or radio signals by
1477 wire, cable, satellite, microwave, or other electrical or
1478 electronic means for receiving or rebroadcasting the events.

1479 (39)~~(38)~~ "Year," for purposes of determining a full

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1480 schedule of live racing, means the state fiscal ~~calendar~~ year.

1481 Section 27. Subsection (3) of section 550.01215, Florida
1482 Statutes, is amended to read:

1483 550.01215 License application; periods of operation; bond,
1484 conversion of permit.—

1485 (3) ~~Except as provided in s. 550.5251 for thoroughbred~~
1486 ~~racing,~~ The division shall issue each license no later than
1487 March 15. Each permitholder shall operate all performances at
1488 the date and time specified on its license. The division shall
1489 have the authority to approve minor changes in racing dates
1490 after a license has been issued. The division may approve
1491 changes in racing dates after a license has been issued when
1492 there is no objection from any operating permitholder located
1493 within 50 miles of the permitholder requesting the changes in
1494 operating dates. In the event of an objection, the division
1495 shall approve or disapprove the change in operating dates based
1496 upon the impact on operating permitholders located within 50
1497 miles of the permitholder requesting the change in operating
1498 dates. In making the determination to change racing dates, the
1499 division shall take into consideration the impact of such
1500 changes on state revenues.

1501 Section 28. Paragraph (b) of subsection (1) and subsections
1502 (5) and (6) of section 550.0951, Florida Statutes, are amended
1503 to read:

1504 550.0951 Payment of daily license fee and taxes;
1505 penalties.—

1506 (1)

1507 (b) Each permitholder that cannot utilize the full amount
1508 of the exemption of \$360,000 or \$500,000 provided in s.

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1509 550.09514(1) or the daily license fee credit provided in this
1510 section may, after notifying the division in writing, elect once
1511 per state fiscal year on a form provided by the division to
1512 transfer such exemption or credit or any portion thereof to any
1513 greyhound permitholder which acts as a host track to such
1514 permitholder for the purpose of intertrack wagering. Once an
1515 election to transfer such exemption or credit is filed with the
1516 division, it shall not be rescinded. The division shall
1517 disapprove the transfer when the amount of the exemption or
1518 credit or portion thereof is unavailable to the transferring
1519 permitholder or when the permitholder who is entitled to
1520 transfer the exemption or credit or who is entitled to receive
1521 the exemption or credit owes taxes to the state pursuant to a
1522 deficiency letter or administrative complaint issued by the
1523 division. Upon approval of the transfer by the division, the
1524 transferred tax exemption or credit shall be effective for the
1525 first performance of the next payment ~~biweekly~~ pay period as
1526 specified in subsection (5). The exemption or credit transferred
1527 to such host track may be applied by such host track against any
1528 taxes imposed by this chapter or daily license fees imposed by
1529 this chapter. The greyhound permitholder host track to which
1530 such exemption or credit is transferred shall reimburse such
1531 permitholder the exact monetary value of such transferred
1532 exemption or credit as actually applied against the taxes and
1533 daily license fees of the host track. The division shall ensure
1534 that all transfers of exemption or credit are made in accordance
1535 with this subsection and shall have the authority to adopt rules
1536 to ensure the implementation of this section.

1537 (5) (a) Each permitholder conducting historical racing

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1538 pursuant to 550.810 shall pay a tax equal to 4 percent of the
1539 handle from the historical racing system.

1540 (b) The permitholder, upon authorization to conduct
1541 historical racing pursuant to 550.810 and annually thereafter,
1542 on the anniversary date of the authorization, shall pay a fee to
1543 the division of \$1 million. The fee shall be deposited into the
1544 Pari-mutuel Wagering Trust Fund of the Department of Business
1545 and Professional Regulation to be used by the division and the
1546 Department of Law Enforcement for investigations, regulation of
1547 historic racing, and enforcement of historic racing provisions.

1548 (6) ~~(5)~~ PAYMENT AND DISPOSITION OF FEES AND TAXES. ~~Payments~~
1549 ~~Payment for the admission tax, tax on handle, and the breaks tax~~
1550 imposed by this section shall be paid to the division. The
1551 division shall deposit these sums with the Chief Financial
1552 Officer, to the credit of the Pari-mutuel Wagering Trust Fund,
1553 hereby established. The permitholder shall remit to the division
1554 payment for the daily license fee, the admission tax, the tax on
1555 handle, and the breaks tax. Such payments shall be remitted by 3
1556 p.m. Wednesday of each week for taxes imposed and collected for
1557 the preceding week ending on Sunday. Beginning on July 1, 2012,
1558 such payments shall be remitted by 3 p.m. on the 5th day of each
1559 calendar month for taxes imposed and collected for the preceding
1560 calendar month. If the 5th day of the calendar month falls on a
1561 weekend, payments shall be remitted by 3 p.m. the first Monday
1562 following the weekend. Permitholders shall file a report under
1563 oath by the 5th day of each calendar month for all taxes
1564 remitted during the preceding calendar month. Such payments
1565 shall be accompanied by a report under oath showing the total of
1566 all admissions, the pari-mutuel wagering activities for the

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1567 preceding calendar month, and such other information as may be
1568 prescribed by the division.

1569 (7) ~~(6)~~ PENALTIES.—

1570 (a) The failure of any permit holder to make payments as
1571 prescribed in subsection (6) ~~(5)~~ is a violation of this section,
1572 and the permit holder may be subjected by the division to a civil
1573 penalty of up to \$1,000 for each day the tax payment is not
1574 remitted. All penalties imposed and collected shall be deposited
1575 in the General Revenue Fund. If a permit holder fails to pay
1576 penalties imposed by order of the division under this
1577 subsection, the division may suspend or revoke the license of
1578 the permit holder, cancel the permit of the permit holder, or deny
1579 issuance of any further license or permit to the permit holder.

1580 (b) In addition to the civil penalty prescribed in
1581 paragraph (a), any willful or wanton failure by any permit holder
1582 to make payments of the daily license fee, admission tax, tax on
1583 handle, or breaks tax constitutes sufficient grounds for the
1584 division to suspend or revoke the license of the permit holder,
1585 to cancel the permit of the permit holder, or to deny issuance of
1586 any further license or permit to the permit holder.

1587 Section 29. Paragraph (e) of subsection (2) and paragraph
1588 (b) of subsection (3) of section 550.09511, Florida Statutes,
1589 are amended to read:

1590 550.09511 Jai alai taxes; abandoned interest in a permit
1591 for nonpayment of taxes.—

1592 (2) Notwithstanding the provisions of s. 550.0951(3)(b),
1593 wagering on live jai alai performances shall be subject to the
1594 following taxes:

1595 (e) The payment of taxes pursuant to paragraphs (b), (c),

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1596 and (d) shall be calculated and commence beginning the day ~~after~~
1597 ~~the biweekly period~~ in which the permitholder is first entitled
1598 to the reduced rate specified in this section and the report of
1599 taxes required by s. 550.0951(5) is submitted to the division.

1600 (3)

1601 (b) The payment of taxes pursuant to paragraph (a) shall be
1602 calculated and commence beginning the day ~~after the biweekly~~
1603 ~~period~~ in which the permitholder is first entitled to the
1604 reduced rate specified in this subsection.

1605 Section 30. Subsection (1) of section 550.09514, Florida
1606 Statutes, is amended to read:

1607 550.09514 Greyhound dogracing taxes; purse requirements.—

1608 (1) Wagering on greyhound racing is subject to a tax on
1609 handle for live greyhound racing as specified in s. 550.0951(3).
1610 However, each permitholder shall pay no tax on handle until such
1611 time as this subsection has resulted in a tax savings per state
1612 fiscal year of \$360,000. Thereafter, each permitholder shall pay
1613 the tax as specified in s. 550.0951(3) on all handle for the
1614 remainder of the permitholder's current race meet, ~~and the tax~~
1615 ~~must be calculated and commence beginning the day after the~~
1616 ~~biweekly period in which the permitholder reaches the maximum~~
1617 ~~tax savings per state fiscal year provided in this section.~~ For
1618 the three permitholders that conducted a full schedule of live
1619 racing in 1995, and are closest to another state that authorizes
1620 greyhound pari-mutuel wagering, the maximum tax savings per
1621 state fiscal year shall be \$500,000. The provisions of this
1622 subsection relating to tax exemptions shall not apply to any
1623 charity or scholarship performances conducted pursuant to s.
1624 550.0351.

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1625 Section 31. Subsections (1), (2), (5), (6), (9), and (10)
1626 of section 550.105, Florida Statutes, are amended to read:

1627 550.105 Occupational licenses of racetrack employees; fees;
1628 denial, suspension, and revocation of license; penalties and
1629 fines.—

1630 (1) Each person connected with a racetrack or jai alai
1631 fronton, as specified in paragraph (2)(a), shall purchase from
1632 the division an ~~annual~~ occupational license, ~~which license is~~
1633 ~~valid from May 1 until June 30 of the following year~~. All moneys
1634 collected pursuant to this section each fiscal year shall be
1635 deposited into the Pari-mutuel Wagering Trust Fund. ~~Any person~~
1636 ~~may, at her or his option and~~ Pursuant to the rules adopted by
1637 the division, ~~purchase~~ an occupational license may be valid for
1638 a period of up to 3 years for a fee that does not exceed ~~if the~~
1639 ~~purchaser of the license pays~~ the full occupational license fee
1640 for each of the years for which the license is purchased ~~at the~~
1641 ~~time the 3-year license is requested~~. The occupational license
1642 shall be valid during its specified term at any pari-mutuel
1643 facility.

1644 (2)(a) The following licenses shall be issued to persons or
1645 entities with access to the backside, racing animals, jai alai
1646 players' room, jockeys' room, drivers' room, totalisator room,
1647 the mutuels, or money room, or to persons who, by virtue of the
1648 position they hold, might be granted access to these areas or to
1649 any other person or entity in one of the following categories
1650 and with ~~scheduled annual~~ fees not to exceed the following
1651 amounts as follows:

1652 1. Business licenses: any business such as a vendor,
1653 contractual concessionaire, contract kennel, business owning

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1654 racing animals, trust or estate, totalisator company, stable
1655 name, or other fictitious name: \$50.

1656 2. Professional occupational licenses: professional persons
1657 with access to the backside of a racetrack or players' quarters
1658 in jai alai such as trainers, officials, veterinarians, doctors,
1659 nurses, EMT's, jockeys and apprentices, drivers, jai alai
1660 players, owners, trustees, or any management or officer or
1661 director or shareholder or any other professional-level person
1662 who might have access to the jockeys' room, the drivers' room,
1663 the backside, racing animals, kennel compound, or managers or
1664 supervisors requiring access to mutuels machines, the money
1665 room, or totalisator equipment: \$40.

1666 3. General occupational licenses: general employees with
1667 access to the jockeys' room, the drivers' room, racing animals,
1668 the backside of a racetrack or players' quarters in jai alai,
1669 such as grooms, kennel helpers, leadouts, pelota makers, cesta
1670 makers, or ball boys, or a practitioner of any other occupation
1671 who would have access to the animals, the backside, or the
1672 kennel compound, or who would provide the security or
1673 maintenance of these areas, or mutuel employees, totalisator
1674 employees, money-room employees, or any employee with access to
1675 mutuels machines, the money room, or totalisator equipment or
1676 who would provide the security or maintenance of these areas:
1677 \$10.

1678
1679 The individuals and entities that are licensed under this
1680 paragraph require heightened state scrutiny, including the
1681 submission by the individual licensees or persons associated
1682 with the entities described in this chapter of fingerprints for

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1683 a Federal Bureau of Investigation criminal records check.

1684 (b) The division shall adopt rules pertaining to pari-
1685 mutuel occupational licenses, licensing periods, and renewal
1686 cycles.

1687 (5) (a) The division may:

1688 1. Deny a license to or revoke, suspend, or place
1689 conditions upon or restrictions on a license of any person who
1690 has been refused a license by any other state racing commission
1691 or racing authority;

1692 2. Deny, suspend, or place conditions on a license of any
1693 person who is under suspension or has unpaid fines in another
1694 jurisdiction;

1695

1696 if the state racing commission or racing authority of such other
1697 state or jurisdiction extends to the division reciprocal
1698 courtesy to maintain the disciplinary control.

1699 (b) The division may deny, suspend, revoke, or declare
1700 ineligible any occupational license if the applicant for or
1701 holder thereof has violated the provisions of this chapter or
1702 the rules of the division governing the conduct of persons
1703 connected with racetracks and frontons. In addition, the
1704 division may deny, suspend, revoke, or declare ineligible any
1705 occupational license if the applicant for such license has been
1706 convicted in this state, in any other state, or under the laws
1707 of the United States of a capital felony, a felony, or an
1708 offense in any other state which would be a felony under the
1709 laws of this state involving arson; trafficking in, conspiracy
1710 to traffic in, smuggling, importing, conspiracy to smuggle or
1711 import, or delivery, sale, or distribution of a controlled

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1712 substance; or a crime involving a lack of good moral character,
1713 or has had a pari-mutuel license revoked by this state or any
1714 other jurisdiction for an offense related to pari-mutuel
1715 wagering.

1716 (c) The division may deny, declare ineligible, or revoke
1717 any occupational license if the applicant for such license has
1718 been convicted of a felony or misdemeanor in this state, in any
1719 other state, or under the laws of the United States, if such
1720 felony or misdemeanor is related to gambling or bookmaking, as
1721 contemplated in s. 849.25, or involves cruelty to animals. If
1722 the applicant establishes that she or he is of good moral
1723 character, that she or he has been rehabilitated, and that the
1724 crime she or he was convicted of is not related to pari-mutuel
1725 wagering and is not a capital offense, the restrictions
1726 excluding offenders may be waived by the director of the
1727 division.

1728 (d) For purposes of this subsection, the term "convicted"
1729 means having been found guilty, with or without adjudication of
1730 guilt, as a result of a jury verdict, nonjury trial, or entry of
1731 a plea of guilty or nolo contendere. However, the term
1732 "conviction" does not apply to a crime committed prior to the
1733 effective date of this subsection in a manner that would
1734 invalidate any occupational license issued prior to the
1735 effective date of this subsection or subsequent renewal for any
1736 person holding such a license.

1737 (e)~~(d)~~ If an occupational license will expire by division
1738 rule during the period of a suspension the division intends to
1739 impose, or if a license would have expired but for pending
1740 administrative charges and the occupational licensee is found to

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1741 be in violation of any of the charges, the license may be
1742 revoked and a time period of license ineligibility may be
1743 declared. The division may bring administrative charges against
1744 any person not holding a current license for violations of
1745 statutes or rules which occurred while such person held an
1746 occupational license, and the division may declare such person
1747 ineligible to hold a license for a period of time. The division
1748 may impose a civil fine of up to \$1,000 for each violation of
1749 the rules of the division in addition to or in lieu of any other
1750 penalty provided for in this section. In addition to any other
1751 penalty provided by law, the division may exclude from all pari-
1752 mutuel facilities in this state, for a period not to exceed the
1753 period of suspension, revocation, or ineligibility, any person
1754 whose occupational license application has been denied by the
1755 division, who has been declared ineligible to hold an
1756 occupational license, or whose occupational license has been
1757 suspended or revoked by the division.

1758 (f)~~(e)~~ The division may cancel any occupational license
1759 that has been voluntarily relinquished by the licensee.

1760 (6) In order to promote the orderly presentation of pari-
1761 mutuel meets authorized in this chapter, the division may issue
1762 a temporary occupational license. The division shall adopt rules
1763 to implement this subsection. However, no temporary occupational
1764 license shall be valid for more than 30 days, and no more than
1765 one temporary license may be issued for any person in any year.

1766 (9) The tax imposed by this section is in lieu of all
1767 license, excise, or occupational taxes to the state or any
1768 county, municipality, or other political subdivision, except
1769 that, if a race meeting or game is held or conducted in a

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1770 municipality, the municipality may assess and collect an
1771 additional tax against any person conducting live racing or
1772 games within its corporate limits, which tax may not exceed \$150
1773 per day for horseracing, or \$50 per day for dogracing, or jai
1774 alai, simulcasts, intertrack wagering, cardrooms, slot machines,
1775 or electronic gaming machines. Except as provided in this
1776 chapter, a municipality may not assess or collect any additional
1777 excise or revenue tax against any person conducting race
1778 meetings within the corporate limits of the municipality or
1779 against any patron of any such person.

1780 (10) (a) Upon application for an occupational license, the
1781 division may require the applicant's full legal name; any
1782 nickname, alias, or maiden name for the applicant; name of the
1783 applicant's spouse; the applicant's date of birth, residence
1784 address, mailing address, residence address and business phone
1785 number, and social security number; disclosure of any felony or
1786 any conviction involving bookmaking, illegal gambling, or
1787 cruelty to animals; disclosure of any past or present
1788 enforcement or actions by any racing or gaming agency against
1789 the applicant; and any information the division determines is
1790 necessary to establish the identity of the applicant or to
1791 establish that the applicant is of good moral character.
1792 Fingerprints shall be taken in a manner approved by the division
1793 and then shall be submitted to the Federal Bureau of
1794 Investigation, or to the association of state officials
1795 regulating pari-mutuel wagering pursuant to the Federal Pari-
1796 mutuel Licensing Simplification Act of 1988. The cost of
1797 processing fingerprints shall be borne by the applicant and paid
1798 to the association of state officials regulating pari-mutuel

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1799 wagering from the trust fund to which the processing fees are
1800 deposited. ~~The division shall require each applicant for an~~
1801 ~~occupational license to have the applicant's signature witnessed~~
1802 ~~and notarized or signed in the presence of a division official.~~
1803 The division, by rule, may require additional information from
1804 licensees which is reasonably necessary to regulate the
1805 industry. The division may, by rule, exempt certain occupations
1806 or groups of persons from the fingerprinting requirements.

1807 (b) All fingerprints required by this section which are
1808 submitted to the Department of Law Enforcement shall be retained
1809 by the Department of Law Enforcement and entered into the
1810 statewide automated fingerprint identification system as
1811 authorized by s. 943.05(2)(b) and shall be available for all
1812 purposes and uses authorized for arrest fingerprint cards
1813 entered into the statewide automated fingerprint identification
1814 system pursuant to s. 943.051.

1815 (c) The Department of Law Enforcement shall search all
1816 arrest fingerprints received pursuant to s. 943.051 against the
1817 fingerprints retained in the statewide automated fingerprint
1818 identification system under paragraph (b). Any arrest record
1819 that is identified with the retained fingerprints of a person
1820 subject to the criminal history screening requirements of this
1821 section shall be reported to the division. Each licensee shall
1822 pay a fee to the division for the cost of retention of the
1823 fingerprints and the ongoing searches under this paragraph. The
1824 division shall forward the payment to the Department of Law
1825 Enforcement. The amount of the fee to be imposed for performing
1826 these searches and the procedures for the retention of licensee
1827 fingerprints shall be as established by rule of the Department

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1828 of Law Enforcement. The division shall inform the Department of
1829 Law Enforcement of any change in the license status of licensees
1830 whose fingerprints are retained under paragraph (b).

1831 (d) The division shall request the Department of Law
1832 Enforcement to forward the fingerprints to the Federal Bureau of
1833 Investigation for a national criminal history records check at
1834 least once every 5 years following issuance of a license. If the
1835 fingerprints of a person who is licensed have not been retained
1836 by the Department of Law Enforcement, the person must file a
1837 complete set of fingerprints as provided in paragraph (a). The
1838 division shall collect the fees for the cost of the national
1839 criminal history record check under this paragraph and forward
1840 the payment to the Department of Law Enforcement. The cost of
1841 processing fingerprints and conducting a criminal history record
1842 check under this paragraph for a general occupational license
1843 shall be borne by the applicant. The cost of processing
1844 fingerprints and conducting a criminal history record check
1845 under this paragraph for a business or professional occupational
1846 license shall be borne by the person being checked. The
1847 Department of Law Enforcement may invoice the division for the
1848 fingerprints submitted each month. Under penalty of perjury,
1849 each person who is licensed or who is fingerprinted as required
1850 by this section must agree to inform the division within 48
1851 hours if he or she is convicted of or has entered a plea of
1852 guilty or nolo contendere to any disqualifying offense,
1853 regardless of adjudication.

1854 Section 32. Section 550.135, Florida Statutes, is amended
1855 to read:

1856 550.135 Division of moneys derived under this law.—All

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1857 moneys that are deposited with the Chief Financial Officer to
1858 the credit of the Pari-mutuel Wagering Trust Fund shall be
1859 distributed as follows:

1860 (1) The daily license fee revenues collected pursuant to s.
1861 550.0951(1) shall be used to fund the operating cost of the
1862 division and to provide a proportionate share of the operation
1863 of the office of the secretary and the Division of
1864 Administration of the Department of Business and Professional
1865 Regulation; however, other collections in the Pari-mutuel
1866 Wagering Trust Fund may also be used to fund the operation of
1867 the division in accordance with authorized appropriations.

1868 (2) All unappropriated funds in excess of \$1.5 million in
1869 the Pari-mutuel Wagering Trust Fund, collected pursuant to this
1870 chapter, shall be deposited with the Chief Financial Officer to
1871 the credit of the General Revenue Fund.

1872 (3) The slot machine license fee, the slot machine
1873 occupational license fee, and the compulsive or addictive
1874 gambling prevention program fee collected pursuant to ss.
1875 551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the
1876 direct and indirect operating expenses of the division's slot
1877 machine regulation operations and to provide funding for
1878 relevant enforcement activities in accordance with authorized
1879 appropriations. Funds deposited into the Pari-mutuel Wagering
1880 Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1., and 551.118
1881 shall be reserved in the trust fund for slot machine regulation
1882 operations. On June 30, any unappropriated funds in excess of
1883 those necessary for incurred obligations and subsequent year
1884 cash flow for slot machine regulation operations shall be
1885 deposited with the Chief Financial Officer to the credit of the

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1886 General Revenue Fund.

1887 (4) The electronic gaming machine license fee, the
1888 electronic gaming machine occupational license fee, and the
1889 compulsive or addictive gambling prevention program fee
1890 collected pursuant to subsection (1) of section 7 of this act
1891 and subsection (3) of section 17 of this act shall be used to
1892 fund the direct and indirect operating expenses of the
1893 division's electronic gaming machine regulation operations and
1894 to provide funding for relevant enforcement activities in
1895 accordance with authorized appropriations. Funds deposited into
1896 the Pari-mutuel Wagering Trust Fund pursuant to subsection (1)
1897 of section 7 of this act and subsection (3) of section 17 of
1898 this act shall be reserved in the trust fund for electronic
1899 gaming machine regulation and enforcement operations. On June
1900 30, any unappropriated funds in excess of those necessary for
1901 incurred obligations and subsequent year cash flow for
1902 electronic gaming machine regulation and enforcement operations
1903 shall be deposited with the Chief Financial Officer to the
1904 credit of the General Revenue Fund.

1905 Section 33. Subsection (6) of section 550.2415, Florida
1906 Statutes, is amended to read:

1907 550.2415 Racing of animals under certain conditions
1908 prohibited; penalties; exceptions.—

1909 (6) (a) It is the intent of the Legislature that animals
1910 that participate in races in this state on which pari-mutuel
1911 wagering is conducted and animals that are bred and trained in
1912 this state for racing be treated humanely, both on and off
1913 racetracks, throughout the lives of the animals.

1914 (b) The division shall, by rule, establish the procedures

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1915 for euthanizing greyhounds. However, a greyhound may not be put
1916 to death by any means other than by lethal injection of the drug
1917 sodium pentobarbital. A greyhound may not be removed from this
1918 state for the purpose of being destroyed.

1919 (c) It is a violation of this chapter for an occupational
1920 licensee to train a greyhound using live or dead animals. A
1921 greyhound may not be taken from this state for the purpose of
1922 being trained through the use of live or dead animals.

1923 (d) Any act committed by any licensee which would
1924 constitute A conviction of cruelty to animals as defined in
1925 pursuant to s. 828.12 involving any a racing animal constitutes
1926 a violation of this chapter. Imposition of any penalty by the
1927 division for a violation of this chapter or any rule adopted by
1928 the division pursuant to this chapter does not prohibit a
1929 criminal prosecution for cruelty to animals.

1930 (e) The division may inspect any area at a pari-mutuel
1931 facility where racing animals are raced, trained, housed, or
1932 maintained, including any areas where food, medications, or
1933 other supplies are kept, to ensure the humane treatment of
1934 racing animals and compliance with this chapter and the rules of
1935 the division.

1936 Section 34. Subsection (5) is added to section 550.26165,
1937 Florida Statutes, is amended to read:

1938 550.26165 Breeders' awards.—

1939 (5) (a) The awards programs in this chapter, which are
1940 intended to encourage thoroughbred breeding and training
1941 operations to locate in this state, must be responsive to
1942 rapidly changing incentive programs in other states. To attract
1943 such operations, it is appropriate to provide greater

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1944 flexibility to thoroughbred industry participants in this state
1945 so that they may design competitive awards programs.

1946 (b) Notwithstanding any other provision of law to the
1947 contrary, the Florida Thoroughbred Breeders' Association, as
1948 part of its annual plan, may:

1949 1. Pay breeders' awards on horses finishing in first,
1950 second, or third place in thoroughbred horse races; pay
1951 breeders' awards that are greater than 20 percent and less than
1952 15 percent of the announced gross purse; and vary the rates for
1953 breeders' awards, based upon the place of finish, class of race,
1954 state or country in which the race took place, and the state in
1955 which the stallion siring the horse was standing when the horse
1956 was conceived;

1957 2. Pay stallion awards on horses finishing in first,
1958 second, or third place in thoroughbred horse races; pay stallion
1959 awards that are greater than 20 percent and less than 15 percent
1960 of the announced gross purse; reduce or eliminate stallion
1961 awards to enhance breeders' awards or awards under subparagraph
1962 3.; and vary the rates for stallion awards, based upon the place
1963 of finish, class of race, and state or country in which the race
1964 took place; and

1965 3. Pay awards from the funds dedicated for breeders' awards
1966 and stallion awards to owners of registered Florida-bred horses
1967 finishing in first, second, or third place in thoroughbred horse
1968 racess in this state, without regard to any awards paid pursuant
1969 to s. 550.2625(6).

1970 (c) Breeders' awards or stallion awards under this chapter
1971 may not be paid on thoroughbred horse races taking place in
1972 other states or countries unless agreed to in writing by all

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1973 thoroughbred permitholders in this state, the Florida
 1974 Thoroughbred Breeders' Association, and the Florida Horsemen's
 1975 Benevolent and Protective Association, Inc.

1976 Section 35. Paragraph (e) is added to subsection (6) of
 1977 section 550.2625, Florida Statutes, to read:

1978 550.2625 Horseracing; minimum purse requirement, Florida
 1979 breeders' and owners' awards.—

1980 (6)

1981 (e) This subsection governs owners' awards paid on
 1982 thoroughbred races only in this state, unless a written
 1983 agreement is filed with the division establishing the rate,
 1984 procedures, and eligibility requirements for owners' awards,
 1985 including place of finish, class of race, maximum purse, and
 1986 maximum award, and the agreement is entered into by the
 1987 permitholder, the Florida Thoroughbred Breeders' Association,
 1988 and the association representing a majority of the racehorse
 1989 owners and trainers at the permitholder's location.

1990 Section 36. Section 550.334, Florida Statutes, is amended
 1991 to read:

1992 550.334 Quarter horse racing; substitutions.—

1993 ~~(1) Subject to all the applicable provisions of this~~
 1994 ~~chapter, any person who possesses the qualifications prescribed~~
 1995 ~~in this chapter may apply to the division for a permit to~~
 1996 ~~conduct quarter horse race meetings and racing under this~~
 1997 ~~chapter. The applicant must demonstrate that the location or~~
 1998 ~~locations where the permit will be used are available for such~~
 1999 ~~use and that she or he has the financial ability to satisfy the~~
 2000 ~~reasonably anticipated operational expenses of the first racing~~
 2001 ~~year following final issuance of the permit. If the racing~~

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2002 ~~facility is already built, the application must contain a~~
2003 ~~statement, with reasonable supporting evidence, that the permit~~
2004 ~~will be used for quarter horse racing within 1 year after the~~
2005 ~~date on which it is granted; if the facility is not already~~
2006 ~~built, the application must contain a statement, with reasonable~~
2007 ~~supporting evidence, that substantial construction will be~~
2008 ~~started within 1 year after the issuance of the permit. After~~
2009 ~~receipt of an application, the division shall convene to~~
2010 ~~consider and act upon permits applied for. The division shall~~
2011 ~~disapprove an application if it fails to meet the requirements~~
2012 ~~of this chapter. Upon each application filed and approved, a~~
2013 ~~permit shall be issued setting forth the name of the applicant~~
2014 ~~and a statement showing qualifications of the applicant to~~
2015 ~~conduct racing under this chapter. If a favorable referendum on~~
2016 ~~a pari-mutuel facility has not been held previously within the~~
2017 ~~county, then, before a quarter horse permit may be issued by the~~
2018 ~~division, a referendum ratified by a majority of the electors in~~
2019 ~~the county is required on the question of allowing quarter horse~~
2020 ~~races within that county.~~

2021 ~~(2) After a quarter horse racing permit has been granted by~~
2022 ~~the division, the department shall grant to the lawful holder of~~
2023 ~~such permit, subject to the conditions of this section, a~~
2024 ~~license to conduct quarter horse racing under this chapter; and~~
2025 ~~the division shall fix annually the time when, place where, and~~
2026 ~~number of days upon which racing may be conducted by such~~
2027 ~~quarter horse racing permitholder. After the first license has~~
2028 ~~been issued to the holder of a permit for quarter horse racing,~~
2029 ~~all subsequent annual applications for a license by a~~
2030 ~~permitholder must be accompanied by proof, in such form as the~~

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2031 ~~division requires, that the permitholder still possesses all the~~
2032 ~~qualifications prescribed by this chapter. The division may~~
2033 ~~revoke any permit or license issued under this section upon the~~
2034 ~~willful violation by the licensee of any provision of this~~
2035 ~~chapter or any rule adopted by the division under this chapter.~~
2036 ~~The division shall revoke any quarter horse permit under which~~
2037 ~~no live racing has ever been conducted before July 7, 1990, for~~
2038 ~~failure to conduct a horse meet pursuant to the license issued~~
2039 ~~where a full schedule of horseracing has not been conducted for~~
2040 ~~a period of 18 months commencing on October 1, 1990, unless the~~
2041 ~~permitholder has commenced construction on a facility at which a~~
2042 ~~full schedule of live racing could be conducted as approved by~~
2043 ~~the division. "Commenced construction" means initiation of and~~
2044 ~~continuous activities beyond site preparation associated with~~
2045 ~~erecting or modifying a horseracing facility, including~~
2046 ~~procurement of a building permit applying the use of approved~~
2047 ~~construction documents, proof of an executed owner/contractor~~
2048 ~~agreement or an irrevocable or binding forced account, and~~
2049 ~~actual undertaking of foundation forming with steel installation~~
2050 ~~and concrete placing. The 18-month period shall be extended by~~
2051 ~~the division, to the extent that the applicant demonstrates to~~
2052 ~~the satisfaction of the division that good faith commencement of~~
2053 ~~the construction of the facility is being delayed by litigation~~
2054 ~~or by governmental action or inaction with respect to~~
2055 ~~regulations or permitting precluding commencement of the~~
2056 ~~construction of the facility.~~

2057 (1)~~(3)~~ The operator of any licensed racetrack is authorized
2058 to lease such track to any quarter horse racing permitholder for
2059 the conduct of quarter horse racing under this chapter.

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2060 ~~(4) Section 550.054 is inapplicable to quarter horse racing~~
2061 ~~as permitted under this section. All other provisions of this~~
2062 ~~chapter apply to, govern, and control such racing, and the same~~
2063 ~~must be conducted in compliance therewith.~~

2064 (2)~~(5)~~ Quarter horses participating in such races must be
2065 duly registered by the American Quarter Horse Association, and
2066 before each race such horses must be examined and declared in
2067 fit condition by a qualified person designated by the division.

2068 (3)~~(6)~~ Any quarter horse racing days permitted under this
2069 chapter are in addition to any other racing permitted under the
2070 license issued the track where such quarter horse racing is
2071 conducted.

2072 (4)~~(7)~~~~(a)~~ Any quarter horse racing permitholder operating
2073 under a valid permit issued by the division is authorized to
2074 substitute races of other breeds of horses, ~~except~~
2075 ~~thoroughbreds~~, which are, respectively, registered with the
2076 American Paint Horse Association, Appaloosa Horse Club, Arabian
2077 Horse Registry of America, Palomino Horse Breeders of America,
2078 ~~or~~ United States Trotting Association, Florida Cracker Horse
2079 Association, or for no more than 50 percent of the quarter horse
2080 races daily, and may substitute races of thoroughbreds
2081 registered with the Jockey Club for no more than 50 percent of
2082 the quarter horse races conducted by the permitholder during the
2083 year daily with the written consent of all greyhound, harness,
2084 and thoroughbred permitholders whose pari-mutuel facilities are
2085 located within 50 air miles of such quarter horse racing
2086 permitholder's pari-mutuel facility.

2087 ~~(b) Any permittee operating within an area of 50 air miles~~
2088 ~~of a licensed thoroughbred track may not substitute thoroughbred~~

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2089 ~~races under this section while a thoroughbred horse race meet is~~
2090 ~~in progress within that 50 miles. Any permittee operating within~~
2091 ~~an area of 125 air miles of a licensed thoroughbred track may~~
2092 ~~not substitute live thoroughbred races under this section while~~
2093 ~~a thoroughbred permittee who pays taxes under s. 550.09515(2) (a)~~
2094 ~~is conducting a thoroughbred meet within that 125 miles. These~~
2095 ~~mileage restrictions do not apply to any permittee that holds a~~
2096 ~~nonwagering permit issued pursuant to s. 550.505.~~

2097 (5)~~(8)~~ A quarter horse permit issued pursuant to this
2098 section is not eligible for transfer or conversion to another
2099 type of pari-mutuel operation.

2100 (6)~~(9)~~ Any nonprofit corporation, including, but not
2101 limited to, an agricultural cooperative marketing association,
2102 organized and incorporated under the laws of this state may
2103 apply for a quarter horse racing permit and operate racing meets
2104 under such permit, provided all pari-mutuel taxes and fees
2105 applicable to such racing are paid by the corporation. However,
2106 insofar as its pari-mutuel operations are concerned, the
2107 corporation shall be considered to be a corporation for profit
2108 and is subject to taxation on all property used and profits
2109 earned in connection with its pari-mutuel operations.

2110 ~~(10) Intertrack wagering shall not be authorized for any~~
2111 ~~quarter horse permitholder without the written consent of all~~
2112 ~~greyhound, harness, and thoroughbred permitholders whose pari-~~
2113 ~~mutuel facilities are located within 50 air miles of such~~
2114 ~~quarter horse permitholder's pari-mutuel facility.~~

2115 Section 37. Section 550.3355, Florida Statutes, is amended
2116 to read:

2117 550.3355 Harness track licenses for summer quarter horse

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2118 racing.—Any harness track licensed to operate under the
2119 provisions of s. 550.375 may make application for, and shall be
2120 issued by the division, a license to operate not more than 50
2121 quarter horse racing days during the summer season, which shall
2122 extend from July 1 ~~June 1~~ until October 1 ~~September 1~~ of each
2123 year. However, this license to operate quarter horse racing for
2124 50 days is in addition to the racing days and dates provided in
2125 s. 550.375 for harness racing during the winter seasons; and, it
2126 does not affect the right of such licensee to operate harness
2127 racing at the track as provided in s. 550.375 during the winter
2128 season. All provisions of this chapter governing quarter horse
2129 racing not in conflict herewith apply to the operation of
2130 quarter horse meetings authorized hereunder, except that all
2131 quarter horse racing permitted hereunder shall be conducted at
2132 night.

2133 Section 38. Section 550.3605, Florida Statutes, is
2134 repealed.

2135 Section 39. Section 550.5251, Florida Statutes, is amended
2136 to read:

2137 550.5251 Florida thoroughbred racing; certain permits;
2138 operating days.—

2139 ~~(1) Each thoroughbred permit holder under whose permit~~
2140 ~~thoroughbred racing was conducted in this state at any time~~
2141 ~~between January 1, 1987, and January 1, 1988, shall annually be~~
2142 ~~entitled to apply for and annually receive thoroughbred racing~~
2143 ~~days and dates as set forth in this section. As regards such~~
2144 ~~permit holders, the annual thoroughbred racing season shall be~~
2145 ~~from June 1 of any year through May 31 of the following year and~~
2146 ~~shall be known as the "Florida Thoroughbred Racing Season."~~

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2147 (1)~~(2)~~ Each thoroughbred permitholder ~~referred to in~~
2148 ~~subsection (1)~~ shall annually, during the period commencing
2149 December 15 of each year and ending January 4 of the following
2150 year, file in writing with the division its application to
2151 conduct one or more thoroughbred racing meetings during the
2152 thoroughbred racing season commencing on the following July ~~June~~
2153 1. Each application shall specify the number and dates of all
2154 performances that the permitholder intends to conduct during
2155 that thoroughbred racing season. On or before February 15 of
2156 each year, the division shall issue a license authorizing each
2157 permitholder to conduct performances on the dates specified in
2158 its application. By February 28 ~~Up to March 31~~ of each year,
2159 each permitholder may request and shall be granted changes in
2160 its authorized performances; but thereafter, as a condition
2161 precedent to the validity of its license and its right to retain
2162 its permit, each permitholder must operate the full number of
2163 days authorized on each of the dates set forth in its license.

2164 ~~(3) Each thoroughbred permit referred to in subsection (1),~~
2165 ~~including, but not limited to, any permit originally issued as a~~
2166 ~~summer thoroughbred horse racing permit, is hereby validated and~~
2167 ~~shall continue in full force and effect.~~

2168 (2)~~(4)~~ A thoroughbred racing permitholder may not begin any
2169 race later than 7 p.m. Any thoroughbred permitholder in a county
2170 in which the authority for cardrooms has been approved by the
2171 board of county commissioners may operate a cardroom and, when
2172 conducting live races during its current race meet, may receive
2173 and rebroadcast out-of-state races after the hour of 7 p.m. on
2174 any day during which the permitholder conducts live races.

2175 (3)~~(5)~~(a) Each licensed thoroughbred permitholder in this

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2176 state must run an average of one race per racing day in which
2177 horses bred in this state and duly registered with the Florida
2178 Thoroughbred Breeders' Association have preference as entries
2179 over non-Florida-bred horses, unless otherwise agreed to in
2180 writing by the permitholder, the Florida Thoroughbred Breeders'
2181 Association, and the association representing a majority of the
2182 thoroughbred racehorse owners and trainers at that location. All
2183 licensed thoroughbred racetracks shall write the conditions for
2184 such races in which Florida-bred horses are preferred so as to
2185 assure that all Florida-bred horses available for racing at such
2186 tracks are given full opportunity to run in the class of races
2187 for which they are qualified. The opportunity of running must be
2188 afforded to each class of horses in the proportion that the
2189 number of horses in this class bears to the total number of
2190 Florida-bred horses available. A track is not required to write
2191 conditions for a race to accommodate a class of horses for which
2192 a race would otherwise not be run at the track during its meet
2193 meeting.

2194 (b) Each licensed thoroughbred permitholder in this state
2195 may run one additional race per racing day composed exclusively
2196 of Arabian horses registered with the Arabian Horse Registry of
2197 America. Any licensed thoroughbred permitholder that elects to
2198 run one additional race per racing day composed exclusively of
2199 Arabian horses registered with the Arabian Horse Registry of
2200 America is not required to provide stables for the Arabian
2201 horses racing under this paragraph.

2202 (c) Each licensed thoroughbred permitholder in this state
2203 may run up to three additional races per racing day composed
2204 exclusively of quarter horses registered with the American

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2205 Quarter Horse Association.

2206 ~~(6) Notwithstanding the provisions of subsection (2), a~~
2207 ~~thoroughbred permitholder who fails to operate all performances~~
2208 ~~on its 2001-2002 license does not lose its right to retain its~~
2209 ~~permit. Such thoroughbred permitholder is eligible for issuance~~
2210 ~~of an annual license pursuant to s. 550.0115 for subsequent~~
2211 ~~thoroughbred racing seasons. The division shall take no~~
2212 ~~disciplinary action against such thoroughbred permitholder for~~
2213 ~~failure to operate all licensed performances for the 2001-2002~~
2214 ~~license pursuant to this section or s. 550.01215. This section~~
2215 ~~may not be interpreted to prohibit the division from taking~~
2216 ~~disciplinary action against a thoroughbred permitholder for~~
2217 ~~failure to pay taxes on performances operated pursuant to its~~
2218 ~~2001-2002 license. This subsection expires July 1, 2003.~~

2219 ~~(7) A thoroughbred permitholder shall file an amendment~~
2220 ~~with the division no later than July 1, 2002, that indicates~~
2221 ~~that it will not be able to operate the performances scheduled~~
2222 ~~on its 2002-2003 license without imposition of any penalty for~~
2223 ~~failure to operate all licensed performances provided in this~~
2224 ~~chapter. This subsection expires July 1, 2003.~~

2225 Section 40. Section 550.810, Florida Statutes, is created
2226 to read:

2227 550.810 Historical racing.-

2228 (1) Subject to the requirements of this section and
2229 compliance with the rules adopted by the division, a licensed
2230 pari-mutuel facility may operate a historical racing system if:

2231 (a) No identifying information about any race or the
2232 competing horses or dogs in that race is revealed to a patron
2233 until after the patron's wagers is irrevocably placed;

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2234 (b) The results of a patron's wager are shown to the patron
2235 using video or mechanical displays, or both, and the patron has
2236 the opportunity to view all or any portion of the race;

2237 (c) The historical racing takes place under a licensed
2238 pari-mutuel permit and the pari-mutuel permitholder also holds a
2239 cardroom license; and

2240 (d) The licensed pari-mutuel permit holder has paid the fee
2241 in s. 550.0951(5) (d).

2242 (2) (a) Historic racing may not be authorized to a
2243 permitholder licensed under chapter 550, Florida Statutes, to
2244 conduct live pari-mutuel wagering races or games unless the
2245 permitholder has on file with the division the following binding
2246 written agreements governing the payment of awards and purses on
2247 the handle generated from historic racing conducted at the
2248 licensee's pari-mutuel facility:

2249 1. For a thoroughbred permitholder, an agreement governing
2250 the payment of purses between the permitholder and the Florida
2251 Horsemen's Benevolent and Protective Association, Inc., or the
2252 association representing a majority of the thoroughbred owners
2253 and trainers at the permitholder's eligible facility located as
2254 described in s. 550.615(9), Florida Statutes, and an agreement
2255 governing the payment of awards between the permitholder and the
2256 Florida Thoroughbred Breeders' Association;

2257 2. For a harness permitholder, an agreement governing the
2258 payment of purses and awards between the permitholder and the
2259 Florida Standardbred Breeders and Owners Association;

2260 3. For a greyhound permitholder, an agreement governing the
2261 payment of purses between the permitholder and the Florida
2262 Greyhound Association, Inc.;

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2263 4. For a quarter horse permitholder, an agreement governing
2264 the payment of purses between the applicant and the Florida
2265 Quarter Horse Racing Association or the association representing
2266 a majority of the horse owners and trainers at the applicants
2267 eligible facility, and an agreement governing the payment of
2268 awards between the permitholder and the Florida Quarter Horse
2269 Breeders and Owners Association; or

2270 5. For a jai alai permitholder, an agreement governing the
2271 payment of player awards between the permitholder and the
2272 International Jai Alai Players Association or a binding written
2273 agreement approved by a majority of the jai alai players at the
2274 permitholder's eligible facility at which the applicant has a
2275 permit issued after January 1, 2000, to conduct jai alai.

2276 (b) The agreements may direct the payment of purses and
2277 awards from revenues generated by any wagering or games the
2278 applicant is authorized to conduct under state law. All purses
2279 and awards are subject to the terms of chapter 550, Florida
2280 Statutes. All sums for breeders', stallion, and special racing
2281 awards shall be remitted monthly to the respective breeders
2282 association for the payment of awards, subject to the
2283 administrative fees authorized under chapter 550, Florida
2284 Statutes.

2285 (3) The amount of historical racing wagering terminals may
2286 be:

2287 (a) A licensed greyhound facility may have 500 historical
2288 racing terminals.

2289 (b) A licensed thoroughbred facility may have 500
2290 historical racing terminals.

2291 (c) A licensed harness track facility may have 500

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2292 historical racing terminals.

2293 (d) A licensed quarter horse facility may have 500
2294 historical racing terminals.

2295 (e) A licensed jai alai facility may have 500 historical
2296 racing terminals.

2297 (4) The moneys wagered on races via the historical racing
2298 system shall be separated from the moneys wagered on live races
2299 conducted at, and on other races simulcast to, the licensee's
2300 facility.

2301 (5) The division shall adopt rules necessary to implement,
2302 administer, and regulate the operation of historical racing
2303 systems in this state. The rules must include:

2304 (a) Procedures for regulating, managing, and auditing the
2305 operation, financial data, and program information relating to
2306 historical racing systems that enable the division to audit the
2307 operation, financial data, and program information of pari-
2308 mutuel facility authorized to operate a historical racing
2309 system.

2310 (b) Technical requirements to operate a historical racing
2311 system.

2312 (c) Procedures to require licensees to maintain specified
2313 records and submit any data, information, record, or report,
2314 including financial and income records, required by this act or
2315 rules of the division.

2316 (d) Procedures relating to historical racing system
2317 revenues, including verifying and accounting for such revenues,
2318 auditing, and collecting taxes and fees.

2319 (e) Minimum standards for security of the facilities,
2320 including floor plans, security cameras, and other security

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2321 equipment.

2322 (f) Procedures to ensure that a historical racing machine
2323 does not enter the state and be offered for play until it has
2324 been tested and certified by a licensed testing laboratory for
2325 play in the state. The procedures shall address measures to
2326 scientifically test and technically evaluate electronic gaming
2327 machines for compliance with laws and rules regulating
2328 historical racing machines. The division may contract with an
2329 independent testing laboratory to conduct any necessary testing.
2330 The independent testing laboratory must have a national
2331 reputation indicating that it is demonstrably competent and
2332 qualified to scientifically test and evaluate that the
2333 historical racing systems perform the functions required by laws
2334 and rules regulating historical racing machines. An independent
2335 testing laboratory may not be owned or controlled by a licensee.
2336 The selection of an independent laboratory for any purpose
2337 related to the conduct of historical racing systems by a
2338 licensee shall be made from a list of laboratories approved by
2339 the division. The division shall adopt rules regarding the
2340 testing, certification, control, and approval of historical
2341 racing systems.

2342 (6) Notwithstanding any other provision of the law, the
2343 proceeds of pari-mutuel tickets purchased for historical racing
2344 that are not redeemed within 1 year after purchase shall be
2345 divided as follows:

2346 (a) Fifty percent shall be retained by the permitholder;
2347 and

2348 (b) Fifty percent shall be paid into the permitholder's
2349 purse account.

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2350 Section 41. Subsection (7) of section 551.102, Florida
2351 Statutes, is amended to read:

2352 551.102 Definitions.—As used in this chapter, the term:

2353 (7) "Progressive system" means a computerized system
2354 linking slot machines in one or more licensed facilities within
2355 this state or other jurisdictions and offering one or more
2356 common progressive payouts based on the amounts wagered.

2357 Section 42. Paragraph (j) of subsection (4) of section
2358 551.104, Florida Statutes, is amended to read:

2359 551.104 License to conduct slot machine gaming.—

2360 (4) As a condition of licensure and to maintain continued
2361 authority for the conduct of slot machine gaming, the slot
2362 machine licensee shall:

2363 (j) Ensure that the payout percentage of a slot machine
2364 gaming facility is at least ~~no less than~~ 85 percent.

2365 Section 43. Paragraph (a) of subsection (1), paragraph (a)
2366 of subsection (2), and subsection (3) of section 551.106,
2367 Florida Statutes, are amended to read:

2368 551.106 License fee; tax rate; penalties.—

2369 (1) LICENSE FEE.—

2370 (a) Upon submission of the initial application for a slot
2371 machine license and annually thereafter, on the anniversary date
2372 of the issuance of the initial license, the licensee must pay to
2373 the division a nonrefundable license fee of \$3 million for the
2374 succeeding 12 months of licensure. In the 2010-2011 fiscal year,
2375 the licensee must pay the division a nonrefundable license fee
2376 of \$2.5 million for the succeeding 12 months of licensure. In
2377 the 2011-2012 fiscal year and for every fiscal year thereafter,
2378 the licensee must pay the division a nonrefundable license fee

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2379 of \$2 million for the succeeding 12 months of licensure. The
2380 license fee shall be deposited into the Pari-mutuel Wagering
2381 Trust Fund of the Department of Business and Professional
2382 Regulation to be used by the division and the Department of Law
2383 Enforcement for investigations, regulation of slot machine
2384 gaming, and enforcement of slot machine gaming provisions under
2385 this chapter. These payments shall be accounted for separately
2386 from taxes or fees paid pursuant to the provisions of chapter
2387 550.

2388 (2) TAX ON SLOT MACHINE REVENUES.—

2389 (a) The tax rate on slot machine revenues at each facility
2390 shall be 50 percent. In the 2010-2011 fiscal year, the tax rate
2391 on slot machine revenues at each facility shall be 42 percent.
2392 In the 2011-2012 fiscal year and every year thereafter, the tax
2393 rate on slot machine revenue at each facility shall be 35
2394 percent.

2395 (3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax
2396 on slot machine revenues imposed by this section shall be paid
2397 to the division. The division shall deposit these sums with the
2398 Chief Financial Officer, to the credit of the Pari-mutuel
2399 Wagering Trust Fund. The slot machine licensee shall remit to
2400 the division payment for the tax on slot machine revenues. Such
2401 payments shall be remitted by 3 p.m. Wednesday of each week for
2402 taxes imposed and collected for the preceding week ending on
2403 Sunday. Beginning on July 1, 2012, the slot machine licensee
2404 shall remit to the division payment for the tax on slot machine
2405 revenues by 3 p.m. on the 5th day of each calendar month for
2406 taxes imposed and collected for the preceding calendar month. If
2407 the 5th day of the calendar month falls on a weekend, payments

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2408 shall be remitted by 3 p.m. the first Monday following the
2409 weekend. The slot machine licensee shall file a report under
2410 oath by the 5th day of each calendar month for all taxes
2411 remitted during the preceding calendar month. Such payments
2412 shall be accompanied by a report under oath showing all slot
2413 machine gaming activities for the preceding calendar month and
2414 such other information as may be prescribed by the division.

2415 Section 44. Subsection (1) of section 551.113, Florida
2416 Statutes, is amended to read:

2417 551.113 Persons prohibited from playing slot machines.—

2418 (1) A person who has not attained 18 ~~21~~ years of age may
2419 not play or operate a slot machine or have access to the
2420 designated slot machine gaming area of a facility of a slot
2421 machine licensee.

2422 Section 45. Subsection (5) of section 551.121, Florida
2423 Statutes, is amended to read:

2424 551.121 Prohibited activities and devices; exceptions.—

2425 (5) A slot machine, or the computer operating system
2426 linking the slot machine, may be linked by any means to any
2427 other slot machine or computer operating system within the
2428 facility of a slot machine licensee. A progressive system may
2429 ~~not~~ be used in conjunction with slot machines between licensed
2430 facilities in Florida or in other jurisdictions.

2431 Section 46. Paragraph (a) of subsection (1) and paragraph
2432 (a) of subsection (2) of section 772.102, Florida Statutes, are
2433 amended to read:

2434 772.102 Definitions.—As used in this chapter, the term:

2435 (1) "Criminal activity" means to commit, to attempt to
2436 commit, to conspire to commit, or to solicit, coerce, or

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2437 intimidate another person to commit:

2438 (a) Any crime that is chargeable by indictment or
2439 information under the following provisions:

2440 1. Section 210.18, relating to evasion of payment of
2441 cigarette taxes.

2442 2. Section 414.39, relating to public assistance fraud.

2443 3. Section 440.105 or s. 440.106, relating to workers'
2444 compensation.

2445 4. Part IV of chapter 501, relating to telemarketing.

2446 5. Chapter 517, relating to securities transactions.

2447 6. Section 550.235 or s. 550.3551, ~~or s. 550.3605,~~

2448 relating to dogracing and horseracing.

2449 7. Chapter 550, relating to jai alai frontons.

2450 8. Chapter 552, relating to the manufacture, distribution,
2451 and use of explosives.

2452 9. Chapter 562, relating to beverage law enforcement.

2453 10. Section 624.401, relating to transacting insurance
2454 without a certificate of authority, s. 624.437(4)(c)1., relating
2455 to operating an unauthorized multiple-employer welfare
2456 arrangement, or s. 626.902(1)(b), relating to representing or
2457 aiding an unauthorized insurer.

2458 11. Chapter 687, relating to interest and usurious
2459 practices.

2460 12. Section 721.08, s. 721.09, or s. 721.13, relating to
2461 real estate timeshare plans.

2462 13. Chapter 782, relating to homicide.

2463 14. Chapter 784, relating to assault and battery.

2464 15. Chapter 787, relating to kidnapping or human
2465 trafficking.

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- 2466 16. Chapter 790, relating to weapons and firearms.
- 2467 17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, or s.
- 2468 796.07, relating to prostitution.
- 2469 18. Chapter 806, relating to arson.
- 2470 19. Section 810.02(2)(c), relating to specified burglary of
- 2471 a dwelling or structure.
- 2472 20. Chapter 812, relating to theft, robbery, and related
- 2473 crimes.
- 2474 21. Chapter 815, relating to computer-related crimes.
- 2475 22. Chapter 817, relating to fraudulent practices, false
- 2476 pretenses, fraud generally, and credit card crimes.
- 2477 23. Section 827.071, relating to commercial sexual
- 2478 exploitation of children.
- 2479 24. Chapter 831, relating to forgery and counterfeiting.
- 2480 25. Chapter 832, relating to issuance of worthless checks
- 2481 and drafts.
- 2482 26. Section 836.05, relating to extortion.
- 2483 27. Chapter 837, relating to perjury.
- 2484 28. Chapter 838, relating to bribery and misuse of public
- 2485 office.
- 2486 29. Chapter 843, relating to obstruction of justice.
- 2487 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 2488 s. 847.07, relating to obscene literature and profanity.
- 2489 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 2490 849.25, relating to gambling.
- 2491 32. Chapter 893, relating to drug abuse prevention and
- 2492 control.
- 2493 33. Section 914.22 or s. 914.23, relating to witnesses,
- 2494 victims, or informants.

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2495 34. Section 918.12 or s. 918.13, relating to tampering with
2496 jurors and evidence.

2497 (2) "Unlawful debt" means any money or other thing of value
2498 constituting principal or interest of a debt that is legally
2499 unenforceable in this state in whole or in part because the debt
2500 was incurred or contracted:

2501 (a) In violation of any one of the following provisions of
2502 law:

2503 1. Section 550.235 or s. 550.3551, ~~or s. 550.3605,~~
2504 relating to dogracing and horseracing.

2505 2. Chapter 550, relating to jai alai frontons.

2506 3. Section 687.071, relating to criminal usury, loan
2507 sharking, and shylocking.

2508 4. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
2509 849.25, relating to gambling.

2510 Section 47. Paragraphs (a) and (b) of subsection (5),
2511 subsections (6) and (7), paragraphs (b) and (c) of subsection
2512 (8), and paragraphs (a) and (b) of subsection (12) of section
2513 849.086, Florida Statutes, are amended to read:

2514 849.086 Cardrooms authorized.—

2515 (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may
2516 operate a cardroom in this state unless such person holds a
2517 valid cardroom license issued pursuant to this section.

2518 (a) Only those persons holding a valid cardroom license
2519 issued by the division may operate a cardroom. A cardroom
2520 license may only be issued to a licensed pari-mutuel
2521 permitholder and an authorized cardroom may only be operated at
2522 the same facility at which the permitholder is authorized under
2523 its valid pari-mutuel wagering permit to conduct pari-mutuel

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2524 wagering activities. An initial cardroom license only shall be
2525 issued to a pari-mutuel permitholder that has run a full
2526 schedule of live races as defined in s. 550.002(11) for the
2527 previous 2 fiscal years prior to application for a license and
2528 only if the permitholder is licensed to conduct a full schedule
2529 of live races or games during the state fiscal year in which the
2530 initial cardroom license is issued.

2531 (b) After the initial cardroom license is granted, the
2532 application for the annual license renewal shall be made in
2533 conjunction with the applicant's annual application for its
2534 pari-mutuel license. If a permitholder has operated a cardroom
2535 during any of the 3 previous fiscal years and fails to include a
2536 renewal request for the operation of the cardroom in its annual
2537 application for license renewal, the permitholder may amend its
2538 annual application to include operation of the cardroom. In
2539 order for a cardroom license to be renewed the applicant must
2540 have requested, as part of its pari-mutuel annual license
2541 application, to conduct at least 90 percent of the total number
2542 of live performances conducted by such permitholder during
2543 either the state fiscal year in which its initial cardroom
2544 license was issued or the state fiscal year immediately prior
2545 thereto. If the application is for a harness permitholder
2546 cardroom, the applicant must have requested authorization to
2547 conduct a minimum of 140 live performances during the state
2548 fiscal year immediately prior thereto. If more than one
2549 permitholder is operating at a facility, each permitholder must
2550 have applied for a license to conduct a full schedule of live
2551 racing.

2552 (6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED;

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2553 APPLICATION; FEES.—

2554 (a) A person employed or otherwise working in a cardroom as
2555 a cardroom manager, floor supervisor, pit boss, dealer, or any
2556 other activity related to cardroom operations while the facility
2557 is conducting card playing or games of dominoes must hold a
2558 valid cardroom employee occupational license issued by the
2559 division. Food service, maintenance, and security employees with
2560 a current pari-mutuel occupational license and a current
2561 background check will not be required to have a cardroom
2562 employee occupational license.

2563 (b) Any cardroom management company or cardroom distributor
2564 associated with cardroom operations must hold a valid cardroom
2565 business occupational license issued by the division.

2566 (c) No licensed cardroom operator may employ or allow to
2567 work in a cardroom any person unless such person holds a valid
2568 occupational license. No licensed cardroom operator may
2569 contract, or otherwise do business with, a business required to
2570 hold a valid cardroom business occupational license, unless the
2571 business holds such a valid license.

2572 (d) The division shall establish, by rule, a schedule for
2573 the ~~annual~~ renewal of cardroom occupational licenses. Cardroom
2574 occupational licenses are not transferable.

2575 (e) Persons seeking cardroom occupational licenses, or
2576 renewal thereof, shall make application on forms prescribed by
2577 the division. Applications for cardroom occupational licenses
2578 shall contain all of the information the division, by rule, may
2579 determine is required to ensure eligibility.

2580 (f) The division shall promulgate rules regarding cardroom
2581 occupational licenses. The provisions specified in s.

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2582 550.105(4), (5), (6), (7), (8), and (10) relating to licensure
2583 shall be applicable to cardroom occupational licenses.

2584 (g) The division may deny, declare ineligible, or revoke
2585 any cardroom occupational license if the applicant or holder
2586 thereof has been found guilty or had adjudication withheld in
2587 this state or any other state, or under the laws of the United
2588 States of a felony or misdemeanor involving forgery, larceny,
2589 extortion, conspiracy to defraud, or filing false reports to a
2590 government agency, racing or gaming commission or authority.

2591 (h) Fingerprints for all cardroom occupational license
2592 applications shall be taken in a manner approved by the division
2593 and then shall be submitted to the Florida Department of Law
2594 Enforcement and the Federal Bureau of Investigation for a
2595 criminal records check upon initial application and every 5
2596 years thereafter. The division may by rule require an annual
2597 record check of all renewal applications for a cardroom
2598 occupational license. The cost of processing fingerprints and
2599 conducting a record check shall be borne by the applicant.

2600 (i) The cardroom employee occupational license fee shall
2601 not exceed ~~be~~ \$50 for any 12-month period. The cardroom business
2602 occupational license fee shall not exceed ~~be~~ \$250 for any 12-
2603 month period.

2604 (7) CONDITIONS FOR OPERATING A CARDROOM.—

2605 (a) A cardroom may be operated only at the location
2606 specified on the cardroom license issued by the division, and
2607 such location may only be the location at which the pari-mutuel
2608 permitholder is authorized to conduct pari-mutuel wagering
2609 activities pursuant to such permitholder's valid pari-mutuel
2610 permit or as otherwise authorized by law. Cardroom operations

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2611 may not be allowed beyond the hours provided in paragraph (b)
2612 regardless of the number of cardroom licenses issued for
2613 permitholders operating at the pari-mutuel facility.

2614 (b) Any cardroom operator ~~horserace, greyhound race, or jai~~
2615 ~~alai permitholder licensed under this section~~ may operate a
2616 cardroom at the pari-mutuel facility daily throughout the year,
2617 ~~on any day for a cumulative amount of 12 hours~~ if the
2618 permitholder meets the requirements under paragraph (5) (b). The
2619 cardroom may be open a cumulative amount of 18 hours per day on
2620 Monday through Friday and 24 hours per day on Saturday and
2621 Sunday and on the holidays specified in s. 110.117(1).

2622 (c) A cardroom operator must at all times employ and
2623 provide a nonplaying dealer for each table on which authorized
2624 card games which traditionally use a dealer are conducted at the
2625 cardroom. Such dealers may not have a participatory interest in
2626 any game other than the dealing of cards and may not have an
2627 interest in the outcome of the game. The providing of such
2628 dealers by a licensee does not constitute the conducting of a
2629 banking game by the cardroom operator.

2630 (d) A cardroom operator may award giveaways, jackpots, and
2631 prizes to a player who holds certain combinations of cards
2632 specified by the cardroom operator.

2633 (e) Each cardroom operator shall conspicuously post upon
2634 the premises of the cardroom a notice which contains a copy of
2635 the cardroom license; a list of authorized games offered by the
2636 cardroom; the wagering limits imposed by the house, if any; any
2637 additional house rules regarding operation of the cardroom or
2638 the playing of any game; and all costs to players to
2639 participate, including any rake by the house. In addition, each

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2640 cardroom operator shall post at each table a notice of the
2641 minimum and maximum bets authorized at such table and the fee
2642 for participation in the game conducted.

2643 (f) The cardroom facility is subject to inspection by the
2644 division or any law enforcement agency during the licensee's
2645 regular business hours. The inspection must specifically include
2646 the permitholder internal control procedures approved by the
2647 division.

2648 (g) A cardroom operator may refuse entry to or refuse to
2649 allow any person who is objectionable, undesirable, or
2650 disruptive to play, but such refusal may not be on the basis of
2651 race, creed, color, religion, gender, national origin, marital
2652 status, physical handicap, or age, except as provided in this
2653 section.

2654 (8) METHOD OF WAGERS; LIMITATION.—

2655 (b) The cardroom operator may limit the amount wagered in
2656 any game or series of games, ~~but the maximum bet may not exceed~~
2657 ~~\$5 in value.~~ There may not be more than three raises in any
2658 round of betting. The fee charged by the cardroom for
2659 participation in the game shall not be included in the
2660 calculation of the limitation on the bet amount provided in this
2661 paragraph. ~~However,~~ A cardroom operator may conduct games of
2662 Texas Hold-em without a betting limit ~~if the required player~~
2663 ~~buy-in is no more than \$100.~~

2664 (c) A tournament shall consist of a series of games. The
2665 entry fee for a tournament may be set by the cardroom operator,
2666 ~~including any re-buys, may not exceed the maximum amount that~~
2667 ~~could be wagered by a participant in 10 like-kind, nontournament~~
2668 ~~games under paragraph (b).~~ Tournaments may be played only with

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2669 tournament chips that are provided to all participants in
2670 exchange for an entry fee and any subsequent re-buys. All
2671 players must receive an equal number of tournament chips for
2672 their entry fee. Tournament chips have no cash value and
2673 represent tournament points only. There is no limitation on the
2674 number of tournament chips that may be used for a bet except as
2675 otherwise determined by the cardroom operator. Tournament chips
2676 may never be redeemed for cash or for any other thing of value.
2677 The distribution of prizes and cash awards must be determined by
2678 the cardroom operator before entry fees are accepted. For
2679 purposes of tournament play only, the term "gross receipts"
2680 means the total amount received by the cardroom operator for all
2681 entry fees, player re-buys, and fees for participating in the
2682 tournament less the total amount paid to the winners or others
2683 as prizes.

2684 (12) PROHIBITED ACTIVITIES.—

2685 (a) 1. ~~A~~ No person licensed to operate a cardroom may not
2686 conduct any banking game or any game not specifically authorized
2687 by this section except as provided in subparagraph (b)2.

2688 (b) A ~~No~~ person under 18 years of age may not be permitted
2689 to hold a cardroom or employee license, or engage in any game
2690 conducted therein.

2691 2. Cardroom licensees located in Miami-Dade County and
2692 Broward County who are slot machine licensees pursuant to
2693 chapter 551 and have conducted a full schedule of live racing
2694 pursuant to s. 550.002(11) for the prior 2 fiscal years may
2695 conduct the game of blackjack if the Governor and the Seminole
2696 Tribe of Florida enter into a signed compact that permits the
2697 Seminole Tribe of Florida the ability to play roulette or

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2698 roulette-style games or craps or craps-style games, and only if
2699 the compact is approved or deemed approved by the Department of
2700 the Interior and properly noticed in the Federal Register.
2701 Cardroom licensees who are authorized to conduct the game of
2702 blackjack shall pay a tax to the state of 10 percent of the
2703 cardroom operation's monthly gross receipts, which shall include
2704 blackjack revenue.

2705 Section 48. Subsection (2) of section 849.15, Florida
2706 Statutes, is amended to read:

2707 849.15 Manufacture, sale, possession, etc., of coin-
2708 operated devices prohibited.—

2709 (2) Pursuant to section 2 of that chapter of the Congress
2710 of the United States entitled "An act to prohibit transportation
2711 of gaming devices in interstate and foreign commerce," approved
2712 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
2713 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
2714 acting by and through the duly elected and qualified members of
2715 its Legislature, does hereby in this section, and in accordance
2716 with and in compliance with the provisions of section 2 of such
2717 chapter of Congress, declare and proclaim that any county of the
2718 State of Florida within which slot machine gaming is authorized
2719 pursuant to chapter 551 or electronic gaming or historical
2720 racing is authorized at eligible pari-mutuel facilities is
2721 exempt from the provisions of section 2 of that chapter of the
2722 Congress of the United States entitled "An act to prohibit
2723 transportation of gaming devices in interstate and foreign
2724 commerce," designated as 15 U.S.C. ss. 1171-1177, approved
2725 January 2, 1951. All shipments of gaming devices, including slot
2726 machines, electronic gaming machines, and historical racing

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2727 systems, into any county of this state within which slot machine
2728 gaming is authorized pursuant to chapter 551 or electronic
2729 gaming or historical racing is authorized at eligible pari-
2730 mutuel facilities and the registering, recording, and labeling
2731 of which have been duly performed by the manufacturer or
2732 distributor thereof in accordance with sections 3 and 4 of that
2733 chapter of the Congress of the United States entitled "An act to
2734 prohibit transportation of gaming devices in interstate and
2735 foreign commerce," approved January 2, 1951, being ch. 1194, 64
2736 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,
2737 shall be deemed legal shipments thereof into this state provided
2738 the destination of such shipments is an eligible facility as
2739 defined in s. 551.102 or the facility of a slot machine
2740 manufacturer or slot machine distributor as provided in s.
2741 551.109(2), a certified educational facility, or the facility of
2742 an electronic gaming machine or hitorical racing system
2743 manufacturer or electronic gaming machine or historical racing
2744 system distributor authorized to possess electronic gaming
2745 machines as provided in the act authorizing electronic gaming
2746 machines or historical racing systems at eligible pari-mutuel
2747 facilities s. ~~551.109(2)(a)~~.

2748 Section 49. Subsection (3) is added to section 849.161,
2749 Florida Statutes, to read:

2750 849.161 Amusement games or machines; when chapter
2751 inapplicable.—

2752 (3) This chapter does not apply to licensed cardroom
2753 operators having historical racing systems pursuant to chapter
2754 550 which operate by means of the insertion of coin, currency,
2755 or voucher and which by application of an element of skill may

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2756 entitle the person playing or operating the game or machine to
2757 receive payouts from one or more pari-mutuel pools.

2758 Section 50. Subsections (1) and (2) of section 895.02,
2759 Florida Statutes, are amended to read:

2760 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

2761 (1) "Racketeering activity" means to commit, to attempt to
2762 commit, to conspire to commit, or to solicit, coerce, or
2763 intimidate another person to commit:

2764 (a) Any crime that is chargeable by petition, indictment,
2765 or information under the following provisions of the Florida
2766 Statutes:

2767 1. Section 210.18, relating to evasion of payment of
2768 cigarette taxes.

2769 2. Section 316.1935, relating to fleeing or attempting to
2770 elude a law enforcement officer and aggravated fleeing or
2771 eluding.

2772 3. Section 403.727(3)(b), relating to environmental
2773 control.

2774 4. Section 409.920 or s. 409.9201, relating to Medicaid
2775 fraud.

2776 5. Section 414.39, relating to public assistance fraud.

2777 6. Section 440.105 or s. 440.106, relating to workers'
2778 compensation.

2779 7. Section 443.071(4), relating to creation of a fictitious
2780 employer scheme to commit unemployment compensation fraud.

2781 8. Section 465.0161, relating to distribution of medicinal
2782 drugs without a permit as an Internet pharmacy.

2783 9. Section 499.0051, relating to crimes involving
2784 contraband and adulterated drugs.

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- 2785 10. Part IV of chapter 501, relating to telemarketing.
- 2786 11. Chapter 517, relating to sale of securities and
2787 investor protection.
- 2788 12. Section 550.235 or, s. 550.3551, ~~or s. 550.3605~~,
2789 relating to dogracing and horseracing.
- 2790 13. Chapter 550, relating to jai alai frontons.
- 2791 14. Section 551.109, relating to slot machine gaming.
- 2792 15. Chapter 552, relating to the manufacture, distribution,
2793 and use of explosives.
- 2794 16. Chapter 560, relating to money transmitters, if the
2795 violation is punishable as a felony.
- 2796 17. Chapter 562, relating to beverage law enforcement.
- 2797 18. Section 624.401, relating to transacting insurance
2798 without a certificate of authority, s. 624.437(4)(c)1., relating
2799 to operating an unauthorized multiple-employer welfare
2800 arrangement, or s. 626.902(1)(b), relating to representing or
2801 aiding an unauthorized insurer.
- 2802 19. Section 655.50, relating to reports of currency
2803 transactions, when such violation is punishable as a felony.
- 2804 20. Chapter 687, relating to interest and usurious
2805 practices.
- 2806 21. Section 721.08, s. 721.09, or s. 721.13, relating to
2807 real estate timeshare plans.
- 2808 22. Section 775.13(5)(b), relating to registration of
2809 persons found to have committed any offense for the purpose of
2810 benefiting, promoting, or furthering the interests of a criminal
2811 gang.
- 2812 23. Section 777.03, relating to commission of crimes by
2813 accessories after the fact.

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- 2814 24. Chapter 782, relating to homicide.
- 2815 25. Chapter 784, relating to assault and battery.
- 2816 26. Chapter 787, relating to kidnapping or human
2817 trafficking.
- 2818 27. Chapter 790, relating to weapons and firearms.
- 2819 28. Chapter 794, relating to sexual battery, but only if
2820 such crime was committed with the intent to benefit, promote, or
2821 further the interests of a criminal gang, or for the purpose of
2822 increasing a criminal gang member's own standing or position
2823 within a criminal gang.
- 2824 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
2825 796.05, or s. 796.07, relating to prostitution and sex
2826 trafficking.
- 2827 30. Chapter 806, relating to arson and criminal mischief.
- 2828 31. Chapter 810, relating to burglary and trespass.
- 2829 32. Chapter 812, relating to theft, robbery, and related
2830 crimes.
- 2831 33. Chapter 815, relating to computer-related crimes.
- 2832 34. Chapter 817, relating to fraudulent practices, false
2833 pretenses, fraud generally, and credit card crimes.
- 2834 35. Chapter 825, relating to abuse, neglect, or
2835 exploitation of an elderly person or disabled adult.
- 2836 36. Section 827.071, relating to commercial sexual
2837 exploitation of children.
- 2838 37. Chapter 831, relating to forgery and counterfeiting.
- 2839 38. Chapter 832, relating to issuance of worthless checks
2840 and drafts.
- 2841 39. Section 836.05, relating to extortion.
- 2842 40. Chapter 837, relating to perjury.

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- 2843 41. Chapter 838, relating to bribery and misuse of public
2844 office.
- 2845 42. Chapter 843, relating to obstruction of justice.
- 2846 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
2847 s. 847.07, relating to obscene literature and profanity.
- 2848 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
2849 849.25, relating to gambling.
- 2850 45. Chapter 874, relating to criminal gangs.
- 2851 46. Chapter 893, relating to drug abuse prevention and
2852 control.
- 2853 47. Chapter 896, relating to offenses related to financial
2854 transactions.
- 2855 48. Sections 914.22 and 914.23, relating to tampering with
2856 or harassing a witness, victim, or informant, and retaliation
2857 against a witness, victim, or informant.
- 2858 49. Sections 918.12 and 918.13, relating to tampering with
2859 jurors and evidence.
- 2860 50. Provisions of law relating to electronic gaming and
2861 electronic gaming machines or historical racing systems at
2862 eligible pari-mutuel facilities.
- 2863 (b) Any conduct defined as "racketeering activity" under 18
2864 U.S.C. s. 1961(1).
- 2865 (2) "Unlawful debt" means any money or other thing of value
2866 constituting principal or interest of a debt that is legally
2867 unenforceable in this state in whole or in part because the debt
2868 was incurred or contracted:
- 2869 (a) In violation of any one of the following provisions of
2870 law:
- 2871 1. Section 550.235 or, s. 550.3551, ~~or s. 550.3605,~~

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2872 relating to dogracing and horseracing.

2873 2. Chapter 550, relating to jai alai frontons.

2874 3. Section 551.109, relating to slot machine gaming.

2875 4. Chapter 687, relating to interest and usury.

2876 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
2877 849.25, relating to gambling.

2878 6. Provisions of law relating to electronic gaming and
2879 electronic gaming machines or historical racing systems at
2880 eligible pari-mutuel facilities.

2881 (b) In gambling activity in violation of federal law or in
2882 the business of lending money at a rate usurious under state or
2883 federal law.

2884 Section 51. (1) (a) For the 2009-2010 fiscal year, 51 full-
2885 time equivalent positions and 2,150,146 in associated salary
2886 rate are authorized, and the sums of \$2,269,319 in recurring
2887 funds and \$893,689 in nonrecurring funds are appropriated from
2888 the Pari-mutuel Wagering Trust Fund of the Department of
2889 Business and Professional Regulation for the purpose of carrying
2890 out all regulatory activities provided in this act. The
2891 Executive Office of the Governor shall place these positions,
2892 associated rate, and funds in reserve until the Executive Office
2893 of the Governor has approved an expenditure plan and a budget
2894 amendment submitted by the Department of Business and
2895 Professional Regulation recommending the transfer of such funds
2896 to traditional appropriation categories. Any action proposed
2897 pursuant to this paragraph is subject to the procedures set
2898 forth in s. 216.177, Florida Statutes.

2899 (b) For the 2009-2010 fiscal year, the sum of \$2,777,606 in
2900 recurring funds is appropriated from the Pari-mutuel Wagering

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2901 Trust Fund of the Department of Business and Professional
2902 Regulation for transfer to the Operating Trust Fund of the
2903 Department of Law Enforcement for the purpose of investigations,
2904 intelligence gathering, background investigations, and any other
2905 responsibilities as provided in this act.

2906 (2) For the 2009-2010 fiscal year, 39 full-time equivalent
2907 positions and 1,700,939 in associated salary rate are
2908 authorized, and the sum of \$2,777,606 in recurring funds is
2909 appropriated from the Operating Trust Fund of the Department of
2910 Law Enforcement for the purpose of investigations, intelligence
2911 gathering, background investigations, and any other
2912 responsibilities as provided by this act. The Executive Office
2913 of the Governor shall place these positions, associated rate,
2914 and funds in reserve until the Executive Office of the Governor
2915 has approved an expenditure plan and a budget amendment
2916 submitted by the Department of Law Enforcement recommending the
2917 transfer of such funds to traditional appropriation categories.
2918 Any action proposed pursuant to this subsection is subject to
2919 the procedures set forth in s. 216.177, Florida Statutes.

2920 (3) For the 2009-2010 fiscal year, the sum of \$1 million in
2921 recurring funds is appropriated from the Pari-mutuel Wagering
2922 Trust Fund of the Department of Business and Professional
2923 Regulation from revenues received pursuant to s. 551.118,
2924 Florida Statutes, for contract services related to the
2925 prevention of compulsive and addictive gambling.

2926 Section 52. Sections 1 and 52 of this act shall take effect
2927 upon becoming a law if SB 788 or substantially similar
2928 legislation is adopted during the 2009 legislative session, or
2929 an extension thereof, and becomes law; except that, sections 2

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2930 through 51 of this act shall take effect only if the Governor
2931 and an authorized representative of the Seminole Tribe of
2932 Florida execute an Indian gaming compact pursuant to the Indian
2933 Gaming Regulatory Act of 1988 and the requirements of SB 788, or
2934 similar legislation, and only if such compact is approved or
2935 deemed approved by the United States Department of the Interior,
2936 and such sections shall take effect on the date that the
2937 approved compact is published in the Federal Register.