



313906

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2011	.	
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The Committee on Regulated Industries (Altman) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Transfers.—

(1) All of the statutory powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of chapter 550, Florida Statutes, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to the



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13 Department of Gaming Control.

14 (2) All of the statutory powers, duties and functions,  
15 records, personnel, property, and unexpended balances of  
16 appropriations, allocations, or other funds for the  
17 administration of chapter 551, Florida Statutes, are transferred  
18 by a type two transfer, as defined in s. 20.06(2), Florida  
19 Statutes, from the Division of Pari-mutuel Wagering of the  
20 Department of Business and Professional Regulation to the  
21 Department of Gaming Control.

22 (3) All of the statutory powers, duties and functions,  
23 records, personnel, property, and unexpended balances of  
24 appropriations, allocations, or other funds for the  
25 administration of s. 849.086, Florida Statutes, are transferred  
26 by a type two transfer, as defined in s. 20.06(2), Florida  
27 Statutes, from the Division of Pari-mutuel Wagering of the  
28 Department of Business and Professional Regulation to the  
29 Department of Gaming Control.

30 (4) The following trust funds are transferred from the  
31 Division of Pari-mutuel Wagering of the Department of Business  
32 and Professional Regulation to the Department of Gaming Control:

33 (a) Pari-mutuel Wagering Trust Fund.

34 (b) Racing Scholarship Trust Fund.

35 Section 2. Paragraph (c) is added to subsection (8) of  
36 section 11.905, Florida Statutes, to read:

37 11.905 Schedule for reviewing state agencies and advisory  
38 committees.—The following state agencies, including their  
39 advisory committees, or the following advisory committees of  
40 agencies shall be reviewed according to the following schedule:

41 (8) Reviewed by July 1, 2022:



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42           (c) Department of Gaming Control.

43  
44           Upon completion of this cycle, each agency shall again be  
45 subject to sunset review 10 years after its initial review.

46           Section 3. Subsection (2) of section 20.165, Florida  
47 Statutes, is amended to read:

48           20.165 Department of Business and Professional Regulation.-  
49 There is created a Department of Business and Professional  
50 Regulation.

51           (2) The following divisions of the Department of Business  
52 and Professional Regulation are established:

53           (a) Division of Administration.

54           (b) Division of Alcoholic Beverages and Tobacco.

55           (c) Division of Certified Public Accounting.

56           1. The director of the division shall be appointed by the  
57 secretary of the department, subject to approval by a majority  
58 of the Board of Accountancy.

59           2. The offices of the division shall be located in  
60 Gainesville.

61           (d) Division of Florida Condominiums, Timeshares, and  
62 Mobile Homes.

63           (e) Division of Hotels and Restaurants.

64           ~~(f) Division of Pari-mutuel Wagering.~~

65           (f)~~(g)~~ Division of Professions.

66           (g)~~(h)~~ Division of Real Estate.

67           1. The director of the division shall be appointed by the  
68 secretary of the department, subject to approval by a majority  
69 of the Florida Real Estate Commission.

70           2. The offices of the division shall be located in Orlando.



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71 (h)~~(i)~~ Division of Regulation.

72 (i)~~(j)~~ Division of Technology.

73 (j)~~(k)~~ Division of Service Operations.

74 Section 4. Section 20.318, Florida Statutes, is created to  
75 read:

76 20.318 Department of Gaming Control.—There is created a  
77 Department of Gaming Control.

78 (1) GAMING COMMISSION.—There is created the Gaming  
79 Commission, composed of the Governor and Cabinet. The commission  
80 members shall serve as agency head of the Department of Gaming  
81 Control. The commission shall be responsible for appointing and  
82 removing the executive director and general counsel.

83 (2) DIVISIONS.—The Department of Gaming Control shall  
84 consist of the following divisions:

85 (a) The Division Licensing.

86 (b) The Division of Revenue and Audits.

87 (c) The Division of Investigation.

88 (d) The Division of Law Enforcement.

89 (e) The Division of Prosecution.

90 (3) DEFINITIONS.—As used in this section, the term:

91 (a) "Commission" means the Gaming Commission.

92 (b) "Department" means the Department of Gaming Control.

93 (c) "Gaming control" means any gaming activity, occupation,  
94 or profession regulated by the department.

95 (d) "License" means any permit, registration, certificate,  
96 or license issued by the department.

97 (e) "Licensee" means any person issued a permit,  
98 registration, certificate, or license by the department.

99 (4) POWERS AND DUTIES.—



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100        (a) License renewals.—The department shall adopt rules  
101 establishing a procedure for the renewal of licenses.

102        (b) Annual budget.—The department shall submit an annual  
103 budget to the Legislature at a time and in the manner provided  
104 by law.

105        (c) Rulemaking.—The department shall adopt rules to  
106 administer the laws under its authority.

107        (d) The department shall require an oath on application  
108 documents as required by rule, which oath must state that the  
109 information contained in the document is true and complete.

110        (e) The department shall adopt rules for the control,  
111 supervision, and direction of all applicants, permittees, and  
112 licensees and for the holding, conducting, and operating of any  
113 gaming establishment under the jurisdiction of the department in  
114 this state. The department shall have the authority to suspend a  
115 permit or license under the jurisdiction of the department, if  
116 such permitholder or licensee has violated provisions of  
117 chapters 550, 551 and 849 or rules adopted by the department.  
118 Such rules must be uniform in their application and effect, and  
119 the duty of exercising this control and power is made mandatory  
120 upon the department.

121        (f) The department may take testimony concerning any matter  
122 within its jurisdiction and issue summons and subpoenas for any  
123 witness and subpoenas duces tecum in connection with any matter  
124 within the jurisdiction of the department under its seal and  
125 signed by the director.

126        (g) In addition to the power to exclude certain persons  
127 from any pari-mutuel facility in this state, the department may  
128 exclude any person from any and all gaming establishments under



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129 the jurisdiction of the department in this state for conduct  
130 that would constitute, if the person were a licensee, a  
131 violation of this chapter or the rules of the department. The  
132 department may exclude from any gaming establishment under its  
133 jurisdiction within this state any person who has been ejected  
134 from a pari-mutuel facility or other gaming establishment in  
135 this state or who has been excluded from any pari-mutuel  
136 facility or other gaming establishment in another state by the  
137 governmental department, agency, commission, or authority  
138 exercising regulatory jurisdiction over such facilities in such  
139 other state. The department may authorize any person who has  
140 been ejected or excluded from establishments in this state or  
141 another state to enter such facilities in this state upon a  
142 finding that the attendance of such person would not be adverse  
143 to the public interest or to the integrity of the industry;  
144 however, this subsection shall not be construed to abrogate the  
145 common-law right of a pari-mutuel permitholder or a proprietor  
146 of a gaming establishment to exclude absolutely a patron in this  
147 state.

148 (h) The department may collect taxes and require compliance  
149 with reporting requirements for financial information as  
150 authorized by this chapter. In addition, the executive director  
151 of the department may require gaming establishments within its  
152 jurisdiction within the state to remit taxes, including fees, by  
153 electronic funds transfer.

154 (i) The department may conduct investigations necessary for  
155 enforcing this chapter

156 (j) The department may impose an administrative fine for a  
157 violation under this chapter of not more than \$1,000 for each



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158 count or separate offense, except as otherwise provided in this  
159 chapter, and may suspend or revoke a permit, a operating  
160 license, or an occupational license for a violation under this  
161 chapter. All fines imposed and collected under this subsection  
162 must be deposited with the Chief Financial Officer to the credit  
163 of the General Revenue Fund.

164 (k) The department shall have full authority and power to  
165 make, adopt, amend, or repeal rules relating to gaming  
166 operations, to enforce and to carry out the provisions of  
167 chapter 849, and to regulate authorized gaming activities in the  
168 state.

169 (l) Advisory opinions.—The department shall provide  
170 advisory opinions when requested by any law enforcement  
171 official, state attorney, or entity licensed by the department  
172 relating to the application of state gaming laws with respect to  
173 whether a particular act or device constitutes legal or illegal  
174 gambling under state laws and administrative rules adopted  
175 thereunder. A written record shall be retained of all such  
176 opinions issued by the department, which shall be sequentially  
177 numbered, dated, and indexed by subject matter. Any person or  
178 entity acting in good faith upon an advisory opinion that such  
179 person or entity requested and received is not subject to any  
180 criminal penalty provided for under state law for illegal  
181 gambling. The opinion, until amended or revoked, is binding on  
182 any person or entity who sought the opinion, or with reference  
183 to whom the opinion was sought, unless material facts were  
184 omitted or misstated in the request for the advisory opinion.  
185 The department may adopt rules regarding the process for  
186 securing an advisory opinion and may require in those rules the



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187 submission of any potential gaming apparatus for testing by a  
188 licensed testing laboratory to prove or disprove its compliance  
189 with state law before the issuance of an opinion by the  
190 department.

191 (m) Law enforcement officers.—The department may employ  
192 sworn law enforcement officers as defined in s. 943.10 to  
193 enforce the provisions of any statute or any other laws of this  
194 state related to gambling within the Division of Law Enforcement  
195 and to enforce any other criminal law or to conduct any criminal  
196 investigation.

197 1. Each law enforcement officer shall meet the  
198 qualifications for law enforcement officers under s. 943.13 and  
199 shall be certified as a law enforcement officer by the  
200 Department of Law Enforcement under chapter 943. Upon  
201 certification, each law enforcement officer is subject to and  
202 shall have authority provided for law enforcement officers  
203 generally in chapter 901 and shall have statewide jurisdiction.  
204 Each officer shall also have full law enforcement powers.

205 2. The department may also appoint part-time, reserve, or  
206 auxiliary law enforcement officers under chapter 943.

207 3. Each law enforcement officer of the department, upon  
208 certification pursuant to s. 943.1395, has the same right and  
209 authority to carry arms as do the sheriffs of this state.

210 4. Each law enforcement officer in the state who is  
211 certified pursuant to chapter 943 has the same authority as law  
212 enforcement officers designated in this section to enforce the  
213 laws of this state as described in this paragraph.

214 (5) FINANCIALLY DEPENDENT CHILDREN; SUPPORT.—The department  
215 shall work cooperatively with the Department of Revenue to





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216 implement an automated method for periodically disclosing  
217 information relating to current licensees to the Department of  
218 Revenue. The purpose of this subsection is to promote the public  
219 policy of this state as established in s. 409.2551. The  
220 department shall, when directed by the court or the Department  
221 of Revenue pursuant to s. 409.2598, suspend or deny the license  
222 of any licensee found not to be in compliance with a support  
223 order, subpoena, order to show cause, or written agreement  
224 entered into by the licensee with the Department of Revenue. The  
225 department shall issue or reinstate the license without  
226 additional charge to the licensee when notified by the court or  
227 the Department of Revenue that the licensee has complied with  
228 the terms of the support order. The department is not liable for  
229 any license denial or suspension resulting from the discharge of  
230 its duties under this subsection.

231 (6) LICENSING.—The department may:

232 (a) Close and terminate deficient license application files  
233 2 years after the department notifies the applicant of the  
234 deficiency; and

235 (b) Approve gaming-related licenses that meet all statutory  
236 and rule requirements for licensure.

237 Section 5. Subsection (4) of section 120.80, Florida  
238 Statutes, is amended, and subsection (18) is added to that  
239 section to read:

240 120.80 Exceptions and special requirements; agencies.—

241 (4) DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.—

242 ~~(a) Business regulation.—The Division of Pari-mutuel~~  
243 ~~Wagering is exempt from the hearing and notice requirements of~~  
244 ~~ss. 120.569 and 120.57(1) (a), but only for stewards, judges, and~~



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245 ~~boards of judges when the hearing is to be held for the purpose~~  
246 ~~of the imposition of fines or suspensions as provided by rules~~  
247 ~~of the Division of Pari-mutuel Wagering, but not for~~  
248 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~  
249 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~  
250 ~~alternative procedures, including a hearing upon reasonable~~  
251 ~~notice, for the following violations:~~

252 ~~1. Horse riding, harness riding, greyhound interference,~~  
253 ~~and jai alai game actions in violation of chapter 550.~~

254 ~~2. Application and usage of drugs and medication to horses,~~  
255 ~~greyhounds, and jai alai players in violation of chapter 550.~~

256 ~~3. Maintaining or possessing any device which could be used~~  
257 ~~for the injection or other infusion of a prohibited drug to~~  
258 ~~horses, greyhounds, and jai alai players in violation of chapter~~  
259 ~~550.~~

260 ~~4. Suspensions under reciprocity agreements between the~~  
261 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~  
262 ~~other states.~~

263 ~~5. Assault or other crimes of violence on premises licensed~~  
264 ~~for pari-mutuel wagering.~~

265 ~~6. Prearranging the outcome of any race or game.~~

266 ~~(b) Professional regulation.—Notwithstanding s.~~  
267 ~~120.57(1) (a), formal hearings may not be conducted by the~~  
268 ~~Secretary of Business and Professional Regulation or a board or~~  
269 ~~member of a board within the Department of Business and~~  
270 ~~Professional Regulation for matters relating to the regulation~~  
271 ~~of professions, as defined by chapter 455.~~

272 (18) DEPARTMENT OF GAMING CONTROL.—The department is exempt  
273 from the hearing and notice requirements of ss. 120.569 and



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274 120.57(1)(a) as it applies to stewards, judges, and boards of  
275 judges if the hearing is to be held for the purpose of the  
276 imposition of fines or suspension as provided by rules of the  
277 department, but not for revocations, and only to consider  
278 violations of paragraphs (a)-(f). The department shall adopt  
279 rules establishing alternative procedures, including a hearing  
280 upon reasonable notice, for the following violations:

281 (a) Horse riding, harness riding, greyhound interference,  
282 and jai alai game actions in violation of chapter 550.

283 (b) Application and administration of drugs and medication  
284 to horses, greyhounds, and jai alai players in violation of  
285 chapter 550.

286 (c) Maintaining or possessing any device that could be used  
287 for the injection or other infusion of a prohibited drug into  
288 horses, greyhounds, and jai alai players in violation of chapter  
289 550.

290 (d) Suspensions under reciprocity agreements between the  
291 department and regulatory agencies of other states.

292 (e) Assault or other crimes of violence on premises  
293 licensed for pari-mutuel wagering.

294 (f) Prearranging the outcome of any race or game.

295 Section 6. Paragraph (f) of subsection (1) and subsection  
296 (7) of section 285.710, Florida Statutes, are amended to read:  
297 285.710 Compact authorization.—

298 (1) As used in this section, the term:

299 (f) "State compliance agency" means the ~~Division of Pari-~~  
300 ~~mutuel Wagering of the Department of~~ Gaming Control, Business  
301 ~~and Professional Regulation~~ which is designated as the state  
302 agency having the authority to carry out the state's oversight



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303 responsibilities under the compact.

304 (7) The ~~Division of Pari-mutuel Wagering~~ of the Department  
305 of Gaming Control Business and Professional Regulation is  
306 designated as the state compliance agency having the authority  
307 to carry out the state's oversight responsibilities under the  
308 compact authorized by this section.

309 Section 7. Section 455.116, Florida Statutes, is amended to  
310 read:

311 455.116 Regulation trust funds.—The following trust funds  
312 shall be placed in the department:

313 (1) Administrative Trust Fund.

314 (2) Alcoholic Beverage and Tobacco Trust Fund.

315 (3) Cigarette Tax Collection Trust Fund.

316 (4) Hotel and Restaurant Trust Fund.

317 (5) Division of Florida Condominiums, Timeshares, and  
318 Mobile Homes Trust Fund.

319 ~~(6) Pari-mutuel Wagering Trust Fund.~~

320 ~~(6)-(7)~~ Professional Regulation Trust Fund.

321 Section 8. Subsections (6), (7), and (11) of section  
322 550.002, Florida Statutes, are amended, and present subsections  
323 (8) through (39) of that section are renumbered as subsections  
324 (7) through (38), respectively, to read:

325 550.002 Definitions.—As used in this chapter, the term:

326 (6) "Department" means the Department of Gaming Control  
327 ~~Business and Professional Regulation~~.

328 ~~(7) "Division" means the Division of Pari-mutuel Wagering~~  
329 ~~within the Department of Business and Professional Regulation.~~

330 ~~(10)-(11)~~ "Full schedule of live racing or games" means, for  
331 a greyhound or jai alai permitholder, the conduct of a



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332 combination of at least 100 live evening or matinee performances  
333 during the preceding year; for a permitholder who has a  
334 converted permit or filed an application on or before June 1,  
335 1990, for a converted permit, the conduct of a combination of at  
336 least 100 live evening and matinee wagering performances during  
337 either of the 2 preceding years; for a jai alai permitholder who  
338 does not operate slot machines in its pari-mutuel facility, who  
339 has conducted at least 100 live performances per year for at  
340 least 10 years after December 31, 1992, and whose handle on live  
341 jai alai games conducted at its pari-mutuel facility has been  
342 less than \$4 million per state fiscal year for at least 2  
343 consecutive years after June 30, 1992, the conduct of a  
344 combination of at least 40 live evening or matinee performances  
345 during the preceding year; for a jai alai permitholder who  
346 operates slot machines in its pari-mutuel facility, the conduct  
347 of a combination of at least 150 performances during the  
348 preceding year; for a harness permitholder, the conduct of at  
349 least 100 live regular wagering performances during the  
350 preceding year; for a quarter horse permitholder at its facility  
351 unless an alternative schedule of at least 20 live regular  
352 wagering performances is agreed upon by the permitholder and  
353 either the Florida Quarter Horse Racing Association or the  
354 horsemen's association representing the majority of the quarter  
355 horse owners and trainers at the facility and filed with the  
356 department ~~division~~ along with its annual date application, in  
357 the 2010-2011 fiscal year, the conduct of at least 20 regular  
358 wagering performances, in the 2011-2012 and 2012-2013 fiscal  
359 years, the conduct of at least 30 live regular wagering  
360 performances, and for every fiscal year after the 2012-2013



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361 fiscal year, the conduct of at least 40 live regular wagering  
362 performances; for a quarter horse permitholder leasing another  
363 licensed racetrack, the conduct of 160 events at the leased  
364 facility; and for a thoroughbred permitholder, the conduct of at  
365 least 40 live regular wagering performances during the preceding  
366 year. For a permitholder that ~~which~~ is restricted by statute to  
367 certain operating periods within the year when other members of  
368 its same class of permit are authorized to operate throughout  
369 the year, the specified number of live performances that ~~which~~  
370 constitute a full schedule of live racing or games shall be  
371 adjusted pro rata in accordance with the relationship between  
372 its authorized operating period and the full calendar year and  
373 the resulting specified number of live performances shall  
374 constitute the full schedule of live games for such permitholder  
375 and all other permitholders of the same class within 100 air  
376 miles of such permitholder. A live performance must consist of  
377 no fewer than eight races or games conducted live for each of a  
378 minimum of three performances each week at the permitholder's  
379 licensed facility under a single admission charge.

380 Section 9. Section 550.0115, Florida Statutes, is amended  
381 to read:

382 550.0115 Permitholder license.—After a permit has been  
383 issued by the department ~~division~~, and after the permit has been  
384 approved by election, the department ~~division~~ shall issue to the  
385 permitholder an annual license to conduct pari-mutuel operations  
386 at the location specified in the permit pursuant to the  
387 provisions of this chapter.

388 Section 10. Section 550.01215, Florida Statutes, is amended  
389 to read:



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390           550.01215 License application; periods of operation; bond,  
391 conversion of permit.—

392           (1) Each permitholder shall annually, during the period  
393 between December 15 and January 4, file in writing with the  
394 department ~~division~~ its application for a license to conduct  
395 performances during the next state fiscal year. Each application  
396 shall specify the number, dates, and starting times of all  
397 performances that ~~which~~ the permitholder intends to conduct. It  
398 shall also specify which performances will be conducted as  
399 charity or scholarship performances. In addition, each  
400 application for a license shall include, for each permitholder  
401 that ~~which~~ elects to operate a cardroom, the dates and periods  
402 of operation the permitholder intends to operate the cardroom  
403 or, for each thoroughbred permitholder that ~~which~~ elects to  
404 receive or rebroadcast out-of-state races after 7 p.m., the  
405 dates for all performances that ~~which~~ the permitholder intends  
406 to conduct. Permitholders shall be entitled to amend their  
407 applications through February 28.

408           (2) After the first license has been issued to a  
409 permitholder, all subsequent annual applications for a license  
410 shall be accompanied by proof, in such form as the department  
411 ~~division~~ may by rule require, that the permitholder continues to  
412 possess the qualifications prescribed by this chapter, and that  
413 the permit has not been disapproved at a later election.

414           (3) The department ~~division~~ shall issue each license no  
415 later than March 15. Each permitholder shall operate all  
416 performances at the date and time specified on its license. The  
417 department may ~~division shall have the authority to~~ approve  
418 minor changes in racing dates after a license has been issued.



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419 The department ~~division~~ may approve changes in racing dates  
420 after a license has been issued when there is no objection from  
421 any operating permitholder located within 50 miles of the  
422 permitholder requesting the changes in operating dates. In the  
423 event of an objection, the department ~~division~~ shall approve or  
424 disapprove the change in operating dates based upon the impact  
425 on operating permitholders located within 50 miles of the  
426 permitholder requesting the change in operating dates. In making  
427 the determination to change racing dates, the department  
428 ~~division~~ shall consider ~~take into consideration~~ the impact of  
429 such changes on state revenues.

430 (4) If ~~In the event that~~ a permitholder fails to operate  
431 all performances specified on its license at the date and time  
432 specified, the department ~~division~~ shall hold a hearing to  
433 determine whether to fine or suspend the permitholder's license,  
434 unless such failure was the direct result of fire, strike, war,  
435 or other disaster or event beyond the ability of the  
436 permitholder to control. Financial hardship to the permitholder  
437 does shall not, in and of itself, constitute just cause for  
438 failure to operate all performances on the dates and at the  
439 times specified.

440 (5) If ~~In the event that~~ performances licensed to be  
441 operated by a permitholder are vacated, abandoned, or will not  
442 be used for any reason, any permitholder shall be entitled,  
443 pursuant to rules adopted by the department ~~division~~, to apply  
444 to conduct performances on the dates for which the performances  
445 have been abandoned. The department ~~division~~ shall issue an  
446 amended license for all such replacement performances that ~~which~~  
447 have been requested in compliance with the provisions of this





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448 chapter and department ~~division~~ rules.

449 (6) Any permit that ~~which~~ was converted from a jai alai  
450 permit to a greyhound permit may be converted to a jai alai  
451 permit at any time if the permitholder never conducted greyhound  
452 racing or if the permitholder has not conducted greyhound racing  
453 for a period of 12 consecutive months.

454 Section 11. Section 550.0235, Florida Statutes, is amended  
455 to read:

456 550.0235 Limitation of civil liability.—A ~~No~~ permittee  
457 conducting a racing meet pursuant to the provisions of this  
458 chapter; the executive director, ~~no~~ division director, bureau  
459 chief, or an employee of the department ~~division~~; or a ~~and no~~  
460 steward, judge, or other person appointed to act pursuant to  
461 this chapter is not ~~shall be held~~ liable to any person,  
462 partnership, association, corporation, or other business entity  
463 for any cause whatsoever arising out of, or from, the  
464 performance by such permittee, director, employee, steward,  
465 judge, or other person of her or his duties and the exercise of  
466 her or his discretion with respect to the implementation and  
467 enforcement of the statutes and rules governing the conduct of  
468 pari-mutuel wagering, so long as she or he acted in good faith.  
469 This section does ~~shall~~ not limit liability in any situation in  
470 which the negligent maintenance of the premises or the negligent  
471 conduct of a race contributed to an accident and does not; ~~nor~~  
472 ~~shall it~~ limit any contractual liability.

473 Section 12. Section 550.0251, Florida Statutes, is amended  
474 to read:

475 550.0251 The powers and duties of the Department of Gaming  
476 Control ~~Division of Pari-mutuel Wagering of the Department of~~



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477 ~~Business and Professional Regulation.~~—The department division  
478 shall administer this chapter and regulate the pari-mutuel  
479 industry under this chapter and the rules adopted pursuant  
480 thereto, and:

481 (1) The department division shall make an annual report to  
482 the President of the Senate and the Speaker of the House of  
483 Representatives Governor showing its own actions, receipts  
484 derived under the provisions of this chapter, the practical  
485 effects of the application of this chapter, and any suggestions  
486 it may approve for the more effectual accomplishments of the  
487 purposes of this chapter.

488 (2) The department division shall require an oath on  
489 application documents as required by rule, which oath must state  
490 that the information contained in the document is true and  
491 complete.

492 (3) The department division shall adopt reasonable rules  
493 for the control, supervision, and direction of all applicants,  
494 permittees, and licensees and for the holding, conducting, and  
495 operating of all racetracks, race meets, and races held in this  
496 state. Such rules must be uniform in their application and  
497 effect, and the duty of exercising this control and power is  
498 made mandatory upon the department division.

499 (4) The department division may take testimony concerning  
500 any matter within its jurisdiction and issue summons and  
501 subpoenas for any witness and subpoenas duces tecum in  
502 connection with any matter within the jurisdiction of the  
503 department division under its seal and signed by the director.

504 (5) The department division may adopt rules establishing  
505 procedures for testing occupational licenseholders officiating



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506 at or participating in any race or game at any pari-mutuel  
507 facility under the jurisdiction of the department ~~division~~ for a  
508 controlled substance or alcohol and may prescribe procedural  
509 matters not in conflict with s. 120.80(18) ~~s. 120.80(4)(a)~~.

510 (6) In addition to the power to exclude certain persons  
511 from any pari-mutuel facility in this state, the department  
512 ~~division~~ may exclude any person from any and all pari-mutuel  
513 facilities in this state for conduct that would constitute, if  
514 the person were a licensee, a violation of this chapter or the  
515 rules of the department ~~division~~. The department ~~division~~ may  
516 exclude from any pari-mutuel facility within this state any  
517 person who has been ejected from a pari-mutuel facility in this  
518 state or who has been excluded from any pari-mutuel facility in  
519 another state by the governmental department, agency,  
520 commission, or authority exercising regulatory jurisdiction over  
521 pari-mutuel facilities in such other state. The department  
522 ~~division~~ may authorize any person who has been ejected or  
523 excluded from pari-mutuel facilities in this state or another  
524 state to attend the pari-mutuel facilities in this state upon a  
525 finding that the attendance of such person at pari-mutuel  
526 facilities would not be adverse to the public interest or to the  
527 integrity of the sport or industry; however, this subsection  
528 does ~~shall not be construed to~~ abrogate the common-law right of  
529 a pari-mutuel permitholder to exclude absolutely a patron in  
530 this state.

531 (7) The department ~~division~~ may oversee the making of, and  
532 distribution from, all pari-mutuel pools.

533 (8) The department ~~department~~ may collect taxes and require  
534 compliance with reporting requirements for financial information



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535 as authorized by this chapter. In addition, the ~~secretary of the~~  
536 department may require permitholders conducting pari-mutuel  
537 operations within the state to remit taxes, including fees, by  
538 electronic funds transfer if the taxes and fees amounted to  
539 \$50,000 or more in the prior reporting year.

540 (9) The department ~~division~~ may conduct investigations in  
541 enforcing this chapter, except that all information obtained  
542 pursuant to an investigation by the department ~~division~~ for an  
543 alleged violation of this chapter or rules of the department  
544 ~~division~~ is exempt from s. 119.07(1) and from s. 24(a), Art. I  
545 of the State Constitution until an administrative complaint is  
546 issued or the investigation is closed or ceases to be active.  
547 This subsection does not prohibit the department ~~division~~ from  
548 providing such information to any law enforcement agency or to  
549 any other regulatory agency. For the purposes of this  
550 subsection, an investigation is considered to be active while it  
551 is being conducted with reasonable dispatch and with a  
552 reasonable, good faith belief that it could lead to an  
553 administrative, civil, or criminal action by the department  
554 ~~division~~ or another administrative or law enforcement agency.  
555 Except for active criminal intelligence or criminal  
556 investigative information, as defined in s. 119.011, and any  
557 other information that, if disclosed, would jeopardize the  
558 safety of an individual, all information, records, and  
559 transcriptions become public when the investigation is closed or  
560 ceases to be active.

561 (10) The department ~~division~~ may impose an administrative  
562 fine for a violation under this chapter of not more than \$1,000  
563 for each count or separate offense, except as otherwise provided



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564 in this chapter, and may suspend or revoke a permit, a pari-  
565 mutuel license, or an occupational license for a violation under  
566 this chapter. All fines imposed and collected under this  
567 subsection must be deposited with the Chief Financial Officer to  
568 the credit of the General Revenue Fund.

569 (11) The department ~~division~~ shall supervise and regulate  
570 the welfare of racing animals at pari-mutuel facilities.

571 (12) The department ~~may division shall have full authority~~  
572 ~~and power to make, adopt, amend, or repeal~~ rules relating to  
573 cardroom operations, to enforce and to carry out the provisions  
574 of s. 849.086, and to regulate the authorized cardroom  
575 activities in the state.

576 (13) The department ~~may division shall have the authority~~  
577 ~~to~~ suspend a permitholder's permit or license, if such  
578 permitholder is operating a cardroom facility and such  
579 permitholder's cardroom license has been suspended or revoked  
580 pursuant to s. 849.086.

581 Section 13. Section 550.0351, Florida Statutes, is amended  
582 to read:

583 550.0351 Charity racing days.—

584 (1) The department ~~division~~ shall, upon the request of a  
585 permitholder, authorize each horseracing permitholder, dogracing  
586 permitholder, and jai alai permitholder up to five charity or  
587 scholarship days in addition to the regular racing days  
588 authorized by law.

589 (2) The proceeds of charity performances shall be paid to  
590 qualified beneficiaries selected by the permitholders from an  
591 authorized list of charities on file with the department  
592 ~~division~~. Eligible charities include any charity that provides



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593 evidence of compliance with the provisions of chapter 496 and  
594 evidence of possession of a valid exemption from federal  
595 taxation issued by the Internal Revenue Service. In addition,  
596 the authorized list must include the Racing Scholarship Trust  
597 Fund, the Historical Resources Operating Trust Fund, major state  
598 and private institutions of higher learning, and Florida  
599 community colleges.

600 (3) The permitholder shall, within 120 days after the  
601 conclusion of its fiscal year, pay to the authorized charities  
602 the total of all profits derived from the operation of the  
603 charity day performances conducted. If charity days are operated  
604 on behalf of another permitholder pursuant to law, the  
605 permitholder entitled to distribute the proceeds shall  
606 distribute the proceeds to charity within 30 days after the  
607 actual receipt of the proceeds.

608 (4) The total of all profits derived from the conduct of a  
609 charity day performance must include all revenues derived from  
610 the conduct of that racing performance, including all state  
611 taxes that would otherwise be due to the state, except that the  
612 daily license fee as provided in s. 550.0951(1) and the breaks  
613 for the promotional trust funds as provided in s. 550.2625(3),  
614 (4), (5), (7), and (8) shall be paid to the department ~~division~~.  
615 All other revenues from the charity racing performance,  
616 including the commissions, breaks, and admissions and the  
617 revenues from parking, programs, and concessions, shall be  
618 included in the total of all profits.

619 (5) In determining profit, the permitholder may elect to  
620 distribute as proceeds only the amount equal to the state tax  
621 that would otherwise be paid to the state if the charity day



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622 were conducted as a regular or matinee performance.

623 (6) (a) The department ~~division~~ shall authorize one  
624 additional scholarship day for horseracing in addition to the  
625 regular racing days authorized by law and any additional days  
626 authorized by this section, to be conducted at all horse  
627 racetracks located in Hillsborough County. The permitholder  
628 shall conduct a full schedule of racing on the scholarship day.

629 (b) The funds derived from the operation of the additional  
630 scholarship day shall be allocated as provided in this section  
631 and paid to Pasco-Hernando Community College.

632 (c) When a charity or scholarship performance is conducted  
633 as a matinee performance, the department ~~division~~ may authorize  
634 the permitholder to conduct the evening performances of that  
635 operation day as a regular performance in addition to the  
636 regular operating days authorized by law.

637 (7) In addition to the charity days authorized by this  
638 section, any dogracing permitholder may allow its facility to be  
639 used for conducting "hound dog derbies" or "mutt derbies" on any  
640 day during each racing season by any charitable, civic, or  
641 nonprofit organization for the purpose of conducting "hound dog  
642 derbies" or "mutt derbies" if only dogs other than those usually  
643 used in dogracing (greyhounds) are permitted to race and if  
644 adults and minors are allowed to participate as dog owners or  
645 spectators. During these racing events, betting, gambling, and  
646 the sale or use of alcoholic beverages is prohibited.

647 (8) In addition to the eligible charities that meet the  
648 criteria set forth in this section, a jai alai permitholder is  
649 authorized to conduct two additional charity performances each  
650 fiscal year for a fund to benefit retired jai alai players. This



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651 performance shall be known as the "Retired Jai Alai Players  
652 Charity Day." The administration of this fund shall be  
653 determined by rule by the department ~~division~~.

654 Section 14. Section 550.054, Florida Statutes, is amended  
655 to read:

656 550.054 Application for permit to conduct pari-mutuel  
657 wagering.—

658 (1) Any person who possesses the qualifications prescribed  
659 in this chapter may apply to the department ~~division~~ for a  
660 permit to conduct pari-mutuel operations under this chapter.  
661 Applications for a pari-mutuel permit are exempt from the 90-day  
662 licensing requirement of s. 120.60. Within 120 days after  
663 receipt of a complete application, the department ~~division~~ shall  
664 grant or deny the permit. A completed application that is not  
665 acted upon within 120 days after receipt is deemed approved, and  
666 the department ~~division~~ shall grant the permit.

667 (2) Upon each application filed and approved, a permit  
668 shall be issued to the applicant setting forth the name of the  
669 permitholder, the location of the pari-mutuel facility, the type  
670 of pari-mutuel activity desired to be conducted, and a statement  
671 showing qualifications of the applicant to conduct pari-mutuel  
672 performances under this chapter; however, a permit is  
673 ineffectual to authorize any pari-mutuel performances until  
674 approved by a majority of the electors participating in a  
675 ratification election in the county in which the applicant  
676 proposes to conduct pari-mutuel wagering activities. In  
677 addition, an application may not be considered, nor may a permit  
678 be issued by the department ~~division~~ or be voted upon in any  
679 county, to conduct horseraces, harness horse races, or dograces





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680 at a location within 100 miles of an existing pari-mutuel  
681 facility, or for jai alai within 50 miles of an existing pari-  
682 mutuel facility; this distance shall be measured on a straight  
683 line from the nearest property line of one pari-mutuel facility  
684 to the nearest property line of the other facility.

685 (3) The department ~~division~~ shall require that each  
686 applicant submit an application setting forth:

687 (a) The full name of the applicant.

688 (b) If a corporation, the name of the state in which  
689 incorporated and the names and addresses of the officers,  
690 directors, and shareholders holding 5 percent or more equity or,  
691 if a business entity other than a corporation, the names and  
692 addresses of the principals, partners, or shareholders holding 5  
693 percent or more equity.

694 (c) The names and addresses of the ultimate equitable  
695 owners for a corporation or other business entity, if different  
696 from those provided under paragraph (b), unless the securities  
697 of the corporation or entity are registered pursuant to s. 12 of  
698 the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk; and  
699 if such corporation or entity files with the United States  
700 Securities and Exchange Commission the reports required by s. 13  
701 of that act or if the securities of the corporation or entity  
702 are regularly traded on an established securities market in the  
703 United States.

704 (d) The exact location where the applicant will conduct  
705 pari-mutuel performances.

706 (e) Whether the pari-mutuel facility is owned or leased  
707 and, if leased, the name and residence of the fee owner or, if a  
708 corporation, the names and addresses of the directors and



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709 stockholders thereof. However, this chapter does not prevent a  
710 person from applying to the department ~~division~~ for a permit to  
711 conduct pari-mutuel operations, regardless of whether the pari-  
712 mutuel facility has been constructed or not, and having an  
713 election held in any county at the same time that elections are  
714 held for the ratification of any permit in that county.

715 (f) A statement of the assets and liabilities of the  
716 applicant.

717 (g) The names and addresses of any mortgagee of any pari-  
718 mutuel facility and any financial agreement between the parties.  
719 The department ~~division~~ may require the names and addresses of  
720 the officers and directors of the mortgagee, and of those  
721 stockholders who hold more than 10 percent of the stock of the  
722 mortgagee.

723 (h) A business plan for the first year of operation.

724 (i) For each individual listed in the application as an  
725 owner, partner, officer, or director, a complete set of  
726 fingerprints that has been taken by an authorized law  
727 enforcement officer. These sets of fingerprints must be  
728 submitted to the Federal Bureau of Investigation for processing.  
729 Applicants who are foreign nationals shall submit such documents  
730 as necessary to allow the department ~~division~~ to conduct  
731 criminal history records checks in the applicant's home country.  
732 The applicant must pay the cost of processing. The department  
733 ~~division~~ may charge a \$2 handling fee for each set of  
734 fingerprint records.

735 (j) The type of pari-mutuel activity to be conducted and  
736 the desired period of operation.

737 (k) Other information the department ~~division~~ requires.



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738           (4) The department ~~division~~ shall require each applicant to  
739 deposit with the board of county commissioners of the county in  
740 which the election is to be held, a sufficient sum, in currency  
741 or by check certified by a bank licensed to do business in the  
742 state to pay the expenses of holding the election provided in s.  
743 550.0651.

744           (5) Upon receiving an application and any amendments  
745 properly made thereto, the department ~~division~~ shall further  
746 investigate the matters contained in the application. If the  
747 applicant meets all requirements, conditions, and qualifications  
748 set forth in this chapter and the rules of the department  
749 ~~division~~, the department ~~division~~ shall grant the permit.

750           (6) After initial approval of the permit and the source of  
751 financing, the terms and parties of any subsequent refinancing  
752 must be disclosed by the applicant or the permitholder to the  
753 department ~~division~~.

754           (7) If the department ~~division~~ refuses to grant the permit,  
755 the money deposited with the board of county commissioners for  
756 holding the election must be refunded to the applicant. If the  
757 department ~~division~~ grants the permit applied for, the board of  
758 county commissioners shall order an election in the county to  
759 decide whether the permit will be approved, as provided in s.  
760 550.0651.

761           (8) (a) The department ~~division~~ may charge the applicant for  
762 reasonable, anticipated costs incurred by the department  
763 ~~division~~ in determining the eligibility of any person or entity  
764 specified in s. 550.1815(1) (a) to hold any pari-mutuel permit,  
765 against such person or entity.

766           (b) The department ~~division~~ may, by rule, determine the



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767 manner of paying its anticipated costs associated with  
768 determination of eligibility and the procedure for filing  
769 applications for determination of eligibility.

770 (c) The department ~~division~~ shall furnish to the applicant  
771 an itemized statement of actual costs incurred during the  
772 investigation to determine eligibility.

773 (d) If unused funds remain at the conclusion of such  
774 investigation, they must be returned to the applicant within 60  
775 days after the determination of eligibility has been made.

776 (e) If the actual costs of investigation exceed anticipated  
777 costs, the department ~~division~~ shall assess the applicant the  
778 amount necessary to recover all actual costs.

779 (9) (a) After a permit has been granted by the department  
780 ~~division~~ and has been ratified and approved by the majority of  
781 the electors participating in the election in the county  
782 designated in the permit, the department ~~division~~ shall grant to  
783 the lawful permitholder, subject to the conditions of this  
784 chapter, a license to conduct pari-mutuel operations under this  
785 chapter, and, except as provided in s. 550.5251, the department  
786 ~~division~~ shall fix annually the time, place, and number of days  
787 during which pari-mutuel operations may be conducted by the  
788 permitholder at the location fixed in the permit and ratified in  
789 the election. After the first license has been issued to the  
790 holder of a ratified permit for racing in any county, all  
791 subsequent annual applications for a license by that  
792 permitholder must be accompanied by proof, in such form as the  
793 department ~~division~~ requires, that the ratified permitholder  
794 still possesses all the qualifications prescribed by this  
795 chapter and that the permit has not been recalled at a later



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796 election held in the county.

797 (b) The department ~~division~~ may revoke or suspend any  
798 permit or license issued under this chapter upon the willful  
799 violation by the permitholder or licensee of any provision of  
800 this chapter or of any rule adopted under this chapter. In lieu  
801 of suspending or revoking a permit or license, the department  
802 ~~division~~ may impose a civil penalty against the permitholder or  
803 licensee for a violation of this chapter or any rule adopted by  
804 the department ~~division~~. The penalty so imposed may not exceed  
805 \$1,000 for each count or separate offense. All penalties imposed  
806 and collected must be deposited with the Chief Financial Officer  
807 to the credit of the General Revenue Fund.

808 (10) If a permitholder has failed to complete construction  
809 of at least 50 percent of the facilities necessary to conduct  
810 pari-mutuel operations within 12 months after approval by the  
811 voters of the permit, the department ~~division~~ shall revoke the  
812 permit upon adequate notice to the permitholder. However, the  
813 department ~~division~~, upon good cause shown by the permitholder,  
814 may grant one extension of up to 12 months.

815 (11) (a) A permit granted under this chapter may not be  
816 transferred or assigned except upon written approval by the  
817 department ~~division~~ pursuant to s. 550.1815, except that the  
818 holder of any permit that has been converted to a jai alai  
819 permit may lease or build anywhere within the county in which  
820 its permit is located.

821 (b) If a permit to conduct pari-mutuel wagering is held by  
822 a corporation or business entity other than an individual, the  
823 transfer of 10 percent or more of the stock or other evidence of  
824 ownership or equity in the permitholder may not be made without



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825 the prior approval of the transferee by the department ~~division~~  
826 pursuant to s. 550.1815.

827 (12) Changes in ownership or interest of a pari-mutuel  
828 permit of 5 percent or more of the stock or other evidence of  
829 ownership or equity in the permitholder must ~~shall~~ be approved  
830 by the department before ~~division~~ ~~prior to~~ such change, unless  
831 the owner is an existing owner of that permit who was previously  
832 approved by the department ~~division~~. Changes in ownership or  
833 interest of a pari-mutuel permit of less than 5 percent must  
834 ~~shall~~ be reported to the department ~~division~~ within 20 days of  
835 the change. The department ~~division~~ may then conduct an  
836 investigation to ensure that the permit is properly updated to  
837 show the change in ownership or interest.

838 (13) (a) Notwithstanding any provisions of this chapter, a  
839 ~~ne~~ thoroughbred horse racing permit or license issued under this  
840 chapter may not ~~shall~~ be transferred, or reissued if ~~when~~ such  
841 reissuance is in the nature of a transfer so as to permit or  
842 authorize a licensee to change the location of a thoroughbred  
843 horse racetrack except upon proof in such form as the department  
844 ~~division~~ may prescribe that a referendum election has been held:

845 1. If the proposed new location is within the same county  
846 as the already licensed location, in the county where the  
847 licensee desires to conduct the race meeting and that a majority  
848 of the electors voting on that question in such election voted  
849 in favor of the transfer of such license.

850 2. If the proposed new location is not within the same  
851 county as the already licensed location, in the county where the  
852 licensee desires to conduct the race meeting and in the county  
853 where the licensee is already licensed to conduct the race



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854 meeting and that a majority of the electors voting on that  
855 question in each such election voted in favor of the transfer of  
856 such license.

857 (b) Each referendum held under ~~the provisions of~~ this  
858 subsection shall be held in accordance with the electoral  
859 procedures for ratification of permits, as provided in s.  
860 550.0651. The expense of each such referendum shall be borne by  
861 the licensee requesting the transfer.

862 (14) (a) Any holder of a permit to conduct jai alai may  
863 apply to the department ~~division~~ to convert such permit to a  
864 permit to conduct greyhound racing in lieu of jai alai if:

865 1. Such permit is located in a county in which the  
866 department ~~division~~ has issued only two pari-mutuel permits  
867 pursuant to this section;

868 2. Such permit was not previously converted from any other  
869 class of permit; and

870 3. The holder of the permit has not conducted jai alai  
871 games during a period of 10 years immediately preceding his or  
872 her application for conversion under this subsection.

873 (b) The department ~~division~~, upon application from the  
874 holder of a jai alai permit meeting all conditions of this  
875 section, shall convert the permit and shall issue to the  
876 permitholder a permit to conduct greyhound racing. A  
877 permitholder of a permit converted under this section shall ~~be~~  
878 ~~required to~~ apply for and conduct a full schedule of live racing  
879 each fiscal year to be eligible for any tax credit provided by  
880 this chapter. The holder of a permit converted pursuant to this  
881 subsection or any holder of a permit to conduct greyhound racing  
882 located in a county in which it is the only permit issued



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883 pursuant to this section who operates at a leased facility  
884 pursuant to s. 550.475 may move the location for which the  
885 permit has been issued to another location within a 30-mile  
886 radius of the location fixed in the permit issued in that  
887 county, provided the move does not cross the county boundary and  
888 such location is approved under the zoning regulations of the  
889 county or municipality in which the permit is located, and upon  
890 such relocation may use the permit for the conduct of pari-  
891 mutuel wagering and the operation of a cardroom. The provisions  
892 of s. 550.6305(9) (d) and (f) ~~shall~~ apply to any permit converted  
893 under this subsection and ~~shall~~ continue to apply to any permit  
894 that ~~which~~ was previously included under and subject to such  
895 provisions before a conversion pursuant to this section  
896 occurred.

897 Section 15. Subsection (2) of section 550.0555, Florida  
898 Statutes, is amended to read:

899 550.0555 Greyhound dogracing permits; relocation within a  
900 county; conditions.—

901 (2) Any holder of a valid outstanding permit for greyhound  
902 dogracing in a county in which there is only one dogracing  
903 permit issued, as well as any holder of a valid outstanding  
904 permit for jai alai in a county where only one jai alai permit  
905 is issued, is authorized, without the necessity of an additional  
906 county referendum required under s. 550.0651, to move the  
907 location for which the permit has been issued to another  
908 location within a 30-mile radius of the location fixed in the  
909 permit issued in that county, if provided the move does not  
910 cross the county boundary, ~~that~~ such relocation is approved  
911 under the zoning regulations of the county or municipality in





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912 which the permit is to be located as a planned development use,  
913 consistent with the comprehensive plan, and ~~that~~ such move is  
914 approved by the department after it is determined at a  
915 proceeding pursuant to chapter 120 in the county affected that  
916 the move is necessary to ensure the revenue-producing capability  
917 of the permittee without deteriorating the revenue-producing  
918 capability of any other pari-mutuel permittee within 50 miles;  
919 the distance shall be measured on a straight line from the  
920 nearest property line of one racing plant or jai alai fronton to  
921 the nearest property line of the other.

922 Section 16. Section 550.0651, Florida Statutes, is amended  
923 to read:

924 550.0651 Elections for ratification of permits.-

925 (1) The holder of any permit may have submitted to the  
926 electors of the county designated therein the question whether  
927 or not such permit will be ratified or rejected. Such questions  
928 shall be submitted to the electors for approval or rejection at  
929 a special election to be called for that purpose only. The board  
930 of county commissioners of the county designated, upon the  
931 presentation to such board at a regular or special meeting of a  
932 written application, accompanied by a certified copy of the  
933 permit granted by the department ~~division~~, and asking for an  
934 election in the county in which the application was made, shall  
935 order a special election in the county for the particular  
936 purpose of deciding whether such permit shall be approved and  
937 license issued and race meetings permitted in such county by  
938 such permittee and shall cause the clerk of such board to give  
939 notice of the special election by publishing the same once each  
940 week for 2 consecutive weeks in one or more newspapers of



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941 general circulation in the county. Each permit covering each  
942 track must be voted upon separately and in separate elections,  
943 and an election may not be called more often than once every 2  
944 years for the ratification of any permit covering the same  
945 track.

946 (2) All elections ordered under this chapter must be held  
947 within 90 days and not less than 21 days after the time of  
948 presenting such application to the board of county  
949 commissioners, and the inspectors of election shall be appointed  
950 and qualified as in cases of general elections, and they shall  
951 count the votes cast and make due returns of same to the board  
952 of county commissioners without delay. The board of county  
953 commissioners shall canvass the returns, declare the results,  
954 and cause the same to be recorded as provided in the general law  
955 concerning elections so far as applicable.

956 (3) When a permit has been granted by the department  
957 ~~division~~ and no application to the board of county commissioners  
958 has been made by the permittee within 6 months after the  
959 granting of the permit, the permit becomes void. The department  
960 ~~division~~ shall cancel the permit without notice to the  
961 permitholder, and the board of county commissioners holding the  
962 deposit for the election shall refund the deposit to the  
963 permitholder upon being notified by the department ~~division~~ that  
964 the permit has become void and has been canceled.

965 (4) All electors duly registered and qualified to vote at  
966 the last preceding general election held in such county are  
967 qualified electors for such election, and in addition thereto  
968 the registration books for such county shall be opened on the  
969 10th day (if the 10th day is a Sunday or a holiday, then on the



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970 next day not a Sunday or holiday) after such election is ordered  
971 and called and must remain open for a period of 10 days for  
972 additional registrations of persons qualified for registration  
973 but not already registered. Electors for such special election  
974 have the same qualifications for and prerequisites to voting in  
975 elections as under the general election laws.

976 (5) If at any such special election the majority of the  
977 electors voting on the question of ratification or rejection of  
978 any permit vote against such ratification, such permit is void.  
979 If a majority of the electors voting on the question of  
980 ratification or rejection of any permit vote for such  
981 ratification, such permit becomes effectual and the holder  
982 thereof may conduct racing upon complying with the other  
983 provisions of this chapter. The board of county commissioners  
984 shall immediately certify the results of the election to the  
985 department ~~division~~.

986 Section 17. Subsections (1) and (4) of section 550.0745,  
987 Florida Statutes, are amended to read:

988 550.0745 Conversion of pari-mutuel permit to summer jai  
989 alai permit.—

990 (1) The owner or operator of a pari-mutuel permit who is  
991 authorized by the department ~~division~~ to conduct pari-mutuel  
992 pools on exhibition sports in any county having five or more  
993 such pari-mutuel permits and whose mutuel play from the  
994 operation of such pari-mutuel pools for the 2 consecutive years  
995 next prior to filing an application under this section has had  
996 the smallest play or total pool within the county may apply to  
997 the department ~~division~~ to convert its permit to a permit to  
998 conduct a summer jai alai fronton in such county during the



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999 summer season commencing on May 1 and ending on November 30 of  
1000 each year on such dates as may be selected by such permittee for  
1001 the same number of days and performances as are allowed and  
1002 granted to winter jai alai frontons within such county. If a  
1003 permittee who is eligible under this section to convert a permit  
1004 declines to convert, a new permit is hereby made available in  
1005 that permittee's county to conduct summer jai alai games as  
1006 provided by this section, notwithstanding mileage and permit  
1007 ratification requirements. If a permittee converts a quarter  
1008 horse permit pursuant to this section, nothing in this section  
1009 prohibits the permittee from obtaining another quarter horse  
1010 permit. Such permittee shall pay the same taxes as are fixed and  
1011 required to be paid from the pari-mutuel pools of winter jai  
1012 alai permittees and is bound by all of the rules and provisions  
1013 of this chapter which apply to the operation of winter jai alai  
1014 frontons. Such permittee shall only be permitted to operate a  
1015 jai alai fronton after its application has been submitted to the  
1016 department ~~division~~ and its license has been issued pursuant to  
1017 the application. The license is renewable from year to year as  
1018 provided by law.

1019 (4) The provisions of this chapter which prohibit the  
1020 location and operation of jai alai frontons within a specified  
1021 distance from the location of another jai alai fronton or other  
1022 permittee and which prohibit the department ~~division~~ from  
1023 granting any permit at a location within a certain designated  
1024 area do not apply to the provisions of this section and do not  
1025 prevent the issuance of a license under this section.

1026 Section 18. Section 550.0951, Florida Statutes, is amended  
1027 to read:



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1028           550.0951 Payment of daily license fee and taxes;  
1029 penalties.—

1030           (1) (a) DAILY LICENSE FEE.—Each person engaged in the  
1031 business of conducting race meetings or jai alai games under  
1032 this chapter, hereinafter referred to as the "permitholder,"  
1033 "licensee," or "permittee," shall pay to the department  
1034 ~~division~~, for the use of the department division, a daily  
1035 license fee on each live or simulcast pari-mutuel event of \$100  
1036 for each horserace and \$80 for each dograce and \$40 for each jai  
1037 alai game conducted at a racetrack or fronton licensed under  
1038 this chapter. In addition to the tax exemption specified in s.  
1039 550.09514(1) of \$360,000 or \$500,000 per greyhound permitholder  
1040 per state fiscal year, each greyhound permitholder shall receive  
1041 in the current state fiscal year a tax credit equal to the  
1042 number of live greyhound races conducted in the previous state  
1043 fiscal year times the daily license fee specified for each  
1044 dograce in this subsection applicable for the previous state  
1045 fiscal year. This tax credit and the exemption in s.  
1046 550.09514(1) shall be applicable to any tax imposed by this  
1047 chapter or the daily license fees imposed by this chapter except  
1048 during any charity or scholarship performances conducted  
1049 pursuant to s. 550.0351. Each permitholder shall pay daily  
1050 license fees not to exceed \$500 per day on any simulcast races  
1051 or games on which such permitholder accepts wagers regardless of  
1052 the number of out-of-state events taken or the number of out-of-  
1053 state locations from which such events are taken. This license  
1054 fee shall be deposited with the Chief Financial Officer to the  
1055 credit of the Pari-mutuel Wagering Trust Fund.

1056           (b) Each permitholder that cannot utilize the full amount



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1057 of the exemption of \$360,000 or \$500,000 provided in s.  
1058 550.09514(1) or the daily license fee credit provided in this  
1059 section may, after notifying the department ~~division~~ in writing,  
1060 elect once per state fiscal year on a form provided by the  
1061 department ~~division~~ to transfer such exemption or credit or any  
1062 portion thereof to any greyhound permitholder that ~~which~~ acts as  
1063 a host track to such permitholder for the purpose of intertrack  
1064 wagering. Once an election to transfer such exemption or credit  
1065 is filed with the department ~~division~~, it may ~~shall~~ not be  
1066 rescinded. The department ~~division~~ shall disapprove the transfer  
1067 when the amount of the exemption or credit or portion thereof is  
1068 unavailable to the transferring permitholder or when the  
1069 permitholder who is entitled to transfer the exemption or credit  
1070 or who is entitled to receive the exemption or credit owes taxes  
1071 to the state pursuant to a deficiency letter or administrative  
1072 complaint issued by the department ~~division~~. Upon approval of  
1073 the transfer by the department ~~division~~, the transferred tax  
1074 exemption or credit shall be effective for the first performance  
1075 of the next payment period as specified in subsection (5). The  
1076 exemption or credit transferred to such host track may be  
1077 applied by such host track against any taxes imposed by this  
1078 chapter or daily license fees imposed by this chapter. The  
1079 greyhound permitholder host track to which such exemption or  
1080 credit is transferred shall reimburse such permitholder the  
1081 exact monetary value of such transferred exemption or credit as  
1082 actually applied against the taxes and daily license fees of the  
1083 host track. The department ~~division~~ shall ensure that all  
1084 transfers of exemption or credit are made in accordance with  
1085 this subsection, and the department ~~may~~ ~~shall have the authority~~



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1086 ~~to~~ adopt rules to ensure the implementation of this section.

1087 (2) ADMISSION TAX.—

1088 (a) An admission tax equal to 15 percent of the admission  
1089 charge for entrance to the permitholder's facility and  
1090 grandstand area, or 10 cents, whichever is greater, is imposed  
1091 on each person attending a horserace, dograce, or jai alai game.  
1092 The permitholder shall be responsible for collecting the  
1093 admission tax.

1094 (b) No admission tax under this chapter or chapter 212  
1095 shall be imposed on any free passes or complimentary cards  
1096 issued to persons for which there is no cost to the person for  
1097 admission to pari-mutuel events.

1098 (c) A permitholder may issue tax-free passes to its  
1099 officers, officials, and employees or other persons actually  
1100 engaged in working at the racetrack, including accredited press  
1101 representatives such as reporters and editors, and may also  
1102 issue tax-free passes to other permitholders for the use of  
1103 their officers and officials. The permitholder shall file with  
1104 the department ~~division~~ a list of all persons to whom tax-free  
1105 passes are issued under this paragraph.

1106 (3) TAX ON HANDLE.—Each permitholder shall pay a tax on  
1107 contributions to pari-mutuel pools, the aggregate of which is  
1108 hereinafter referred to as "handle," on races or games conducted  
1109 by the permitholder. The tax is imposed daily and is based on  
1110 the total contributions to all pari-mutuel pools conducted  
1111 during the daily performance. If a permitholder conducts more  
1112 than one performance daily, the tax is imposed on each  
1113 performance separately.

1114 (a) The tax on handle for quarter horse racing is 1.0



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1115 percent of the handle.

1116 (b)1. The tax on handle for dogracing is 5.5 percent of the  
1117 handle, except that for live charity performances held pursuant  
1118 to s. 550.0351, and for intertrack wagering on such charity  
1119 performances at a guest greyhound track within the market area  
1120 of the host, the tax is 7.6 percent of the handle.

1121 2. The tax on handle for jai alai is 7.1 percent of the  
1122 handle.

1123 (c)1. The tax on handle for intertrack wagering is 2.0  
1124 percent of the handle if the host track is a horse track, 3.3  
1125 percent if the host track is a harness track, 5.5 percent if the  
1126 host track is a dog track, and 7.1 percent if the host track is  
1127 a jai alai fronton. The tax on handle for intertrack wagering is  
1128 0.5 percent if the host track and the guest track are  
1129 thoroughbred permitholders or if the guest track is located  
1130 outside the market area of the host track and within the market  
1131 area of a thoroughbred permitholder currently conducting a live  
1132 race meet. The tax on handle for intertrack wagering on  
1133 rebroadcasts of simulcast thoroughbred horseraces is 2.4 percent  
1134 of the handle and 1.5 percent of the handle for intertrack  
1135 wagering on rebroadcasts of simulcast harness horseraces. The  
1136 tax shall be deposited into the Pari-mutuel Wagering Trust Fund.

1137 2. The tax on handle for intertrack wagers accepted by any  
1138 dog track located in an area of the state in which there are  
1139 only three permitholders, all of which are greyhound  
1140 permitholders, located in three contiguous counties, from any  
1141 greyhound permitholder also located within such area or any dog  
1142 track or jai alai fronton located as specified in s. 550.615(6)  
1143 or (9), on races or games received from the same class of





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1144 permitholder located within the same market area is 3.9 percent  
1145 if the host facility is a greyhound permitholder and, if the  
1146 host facility is a jai alai permitholder, the rate shall be 6.1  
1147 percent except that it shall be 2.3 percent on handle at such  
1148 time as the total tax on intertrack handle paid to the  
1149 department ~~division~~ by the permitholder during the current state  
1150 fiscal year exceeds the total tax on intertrack handle paid to  
1151 the department ~~division~~ by the permitholder during the 1992-1993  
1152 state fiscal year.

1153 (d) Notwithstanding any other provision of this chapter, in  
1154 order to protect the Florida jai alai industry, ~~effective July~~  
1155 ~~1, 2000,~~ a jai alai permitholder may not be taxed on live handle  
1156 at a rate higher than 2 percent.

1157 (4) BREAKS TAX. ~~Effective October 1, 1996,~~ Each  
1158 permitholder conducting jai alai performances shall pay a tax  
1159 equal to the breaks. The "breaks" represents that portion of  
1160 each pari-mutuel pool which is not redistributed to the  
1161 contributors or withheld by the permitholder as commission.

1162 (5) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments  
1163 imposed by this section shall be paid to the department  
1164 ~~division~~. The department ~~division~~ shall deposit these sums with  
1165 the Chief Financial Officer, to the credit of the Pari-mutuel  
1166 Wagering Trust Fund, hereby established. The permitholder shall  
1167 remit to the department ~~division~~ payment for the daily license  
1168 fee, the admission tax, the tax on handle, and the breaks tax.  
1169 Such payments shall be remitted by 3 p.m. Wednesday of each week  
1170 for taxes imposed and collected for the preceding week ending on  
1171 Sunday. Beginning on July 1, 2012, such payments shall be  
1172 remitted by 3 p.m. on the 5th day of each calendar month for



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1173 taxes imposed and collected for the preceding calendar month. If  
1174 the 5th day of the calendar month falls on a weekend, payments  
1175 shall be remitted by 3 p.m. the first Monday following the  
1176 weekend. Permitholders shall file a report under oath by the 5th  
1177 day of each calendar month for all taxes remitted during the  
1178 preceding calendar month. Such payments shall be accompanied by  
1179 a report under oath showing the total of all admissions, the  
1180 pari-mutuel wagering activities for the preceding calendar  
1181 month, and such other information as may be prescribed by the  
1182 department ~~division~~.

1183 (6) PENALTIES.—

1184 (a) The failure of any permitholder to make payments as  
1185 prescribed in subsection (5) is a violation of this section, and  
1186 the permitholder may be subjected by the department ~~division~~ to  
1187 a civil penalty of up to \$1,000 for each day the tax payment is  
1188 not remitted. All penalties imposed and collected shall be  
1189 deposited in the General Revenue Fund. If a permitholder fails  
1190 to pay penalties imposed by order of the department ~~division~~  
1191 under this subsection, the department ~~division~~ may suspend or  
1192 revoke the license of the permitholder, cancel the permit of the  
1193 permitholder, or deny issuance of any further license or permit  
1194 to the permitholder.

1195 (b) In addition to the civil penalty prescribed in  
1196 paragraph (a), any willful or wanton failure by any permitholder  
1197 to make payments of the daily license fee, admission tax, tax on  
1198 handle, or breaks tax constitutes sufficient grounds for the  
1199 department ~~division~~ to suspend or revoke the license of the  
1200 permitholder, to cancel the permit of the permitholder, or to  
1201 deny issuance of any further license or permit to the



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1202 permitholder.

1203 Section 19. Subsections (2) and (3) of section 550.09511,  
1204 Florida Statutes, are amended to read:

1205 550.09511 Jai alai taxes; abandoned interest in a permit  
1206 for nonpayment of taxes.-

1207 (2) Notwithstanding the provisions of s. 550.0951(3)(b),  
1208 wagering on live jai alai performances shall be subject to the  
1209 following taxes:

1210 (a)1. The tax on handle per performance for live jai alai  
1211 performances is 4.25 percent of handle per performance. However,  
1212 when the live handle of a permitholder during the preceding  
1213 state fiscal year was less than \$15 million, the tax shall be  
1214 paid on the handle in excess of \$30,000 per performance per day.

1215 2. The tax rate shall be applicable only until the  
1216 requirements of paragraph (b) are met.

1217 (b) At such time as the total of admissions tax, daily  
1218 license fee, and tax on handle for live jai alai performances  
1219 paid to the department ~~division~~ by a permitholder during the  
1220 current state fiscal year exceeds the total state tax revenues  
1221 from wagering on live jai alai performances paid or due by the  
1222 permitholder in fiscal year 1991-1992, the permitholder shall  
1223 pay tax on handle for live jai alai performances at a rate of  
1224 2.55 percent of the handle per performance for the remainder of  
1225 the current state fiscal year. For purposes of this section,  
1226 total state tax revenues on live jai alai wagering in fiscal  
1227 year 1991-1992 shall include any admissions tax, tax on handle,  
1228 surtaxes on handle, and daily license fees.

1229 (c) If no tax on handle for live jai alai performances were  
1230 paid to the department ~~division~~ by a jai alai permitholder



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1231 during the 1991-1992 state fiscal year, then at such time as the  
1232 total of admissions tax, daily license fee, and tax on handle  
1233 for live jai alai performances paid to the department ~~division~~  
1234 by a permitholder during the current state fiscal year exceeds  
1235 the total state tax revenues from wagering on live jai alai  
1236 performances paid or due by the permitholder in the last state  
1237 fiscal year in which the permitholder conducted a full schedule  
1238 of live games, the permitholder shall pay tax on handle for live  
1239 jai alai performances at a rate of 3.3 percent of the handle per  
1240 performance for the remainder of the current state fiscal year.  
1241 For purposes of this section, total state tax revenues on live  
1242 jai alai wagering shall include any admissions tax, tax on  
1243 handle, surtaxes on handle, and daily license fees. ~~This~~  
1244 ~~paragraph shall take effect July 1, 1993.~~

1245 (d) A permitholder who obtains a new permit issued by the  
1246 department ~~division~~ subsequent to the 1991-1992 state fiscal  
1247 year and a permitholder whose permit has been converted to a jai  
1248 alai permit under the provisions of this chapter, shall, at such  
1249 time as the total of admissions tax, daily license fee, and tax  
1250 on handle for live jai alai performances paid to the department  
1251 ~~division~~ by the permitholder during the current state fiscal  
1252 year exceeds the average total state tax revenues from wagering  
1253 on live jai alai performances for the first 3 consecutive jai  
1254 alai seasons paid to or due the department ~~division~~ by the  
1255 permitholder and during which the permitholder conducted a full  
1256 schedule of live games, pay tax on handle for live jai alai  
1257 performances at a rate of 3.3 percent of the handle per  
1258 performance for the remainder of the current state fiscal year.

1259 (e) The payment of taxes pursuant to paragraphs (b), (c),



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1260 and (d) shall be calculated and commence beginning the day in  
1261 which the permitholder is first entitled to the reduced rate  
1262 specified in this section and the report of taxes required by s.  
1263 550.0951(5) is submitted to the department ~~division~~.

1264 (f) A jai alai permitholder paying taxes under this section  
1265 shall retain the breaks and pay an amount equal to the breaks as  
1266 special prize awards, which shall be in addition to the regular  
1267 contracted prize money paid to jai alai players at the  
1268 permitholder's facility. Payment of the special prize money  
1269 shall be made during the permitholder's current meet.

1270 (g) For purposes of this section, "handle" has ~~shall have~~  
1271 the same meaning as in s. 550.0951, and does ~~shall~~ not include  
1272 handle from intertrack wagering.

1273 (3) (a) Notwithstanding the provisions of subsection (2) and  
1274 s. 550.0951(3) (c)1., any jai alai permitholder that ~~which~~ is  
1275 restricted under Florida law from operating live performances on  
1276 a year-round basis is entitled to conduct wagering on live  
1277 performances at a tax rate of 3.85 percent of live handle. Such  
1278 permitholder is also entitled to conduct intertrack wagering as  
1279 a host permitholder on live jai alai games at its fronton at a  
1280 tax rate of 3.3 percent of handle at such time as the total tax  
1281 on intertrack handle paid to the department ~~division~~ by the  
1282 permitholder during the current state fiscal year exceeds the  
1283 total tax on intertrack handle paid to the department ~~division~~  
1284 by the permitholder during the 1992-1993 state fiscal year.

1285 (b) The payment of taxes pursuant to paragraph (a) shall be  
1286 calculated and commence beginning the day in which the  
1287 permitholder is first entitled to the reduced rate specified in  
1288 this subsection.



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1289           Section 20. Section 550.09512, Florida Statutes, is amended  
1290 to read:

1291           550.09512 Harness horse taxes; abandoned interest in a  
1292 permit for nonpayment of taxes.—

1293           (1) Pari-mutuel wagering at harness horse racetracks in  
1294 this state is an important business enterprise, and taxes  
1295 derived therefrom constitute a part of the tax structure which  
1296 funds operation of the state. Harness horse permitholders should  
1297 pay their fair share of these taxes to the state. This business  
1298 interest should not be taxed to such an extent as to cause any  
1299 racetrack that ~~which~~ is operated under sound business principles  
1300 to be forced out of business. Due to the need to protect the  
1301 public health, safety, and welfare, the gaming laws of the state  
1302 provide for the harness horse industry to be highly regulated  
1303 and taxed. The state recognizes that there exist identifiable  
1304 differences between harness horse permitholders based upon their  
1305 ability to operate under such regulation and tax system.

1306           (2) (a) The tax on handle for live harness horse  
1307 performances is 0.5 percent of handle per performance.

1308           (b) For purposes of this section, the term "handle" has  
1309 ~~shall have~~ the same meaning as in s. 550.0951, and does ~~shall~~  
1310 not include handle from intertrack wagering.

1311           (3) (a) The permit of a harness horse permitholder who does  
1312 not pay tax on handle for live harness horse performances for a  
1313 full schedule of live races during any 2 consecutive state  
1314 fiscal years shall be void and shall escheat to and become the  
1315 property of the state unless such failure to operate and pay tax  
1316 on handle was the direct result of fire, strike, war, or other  
1317 disaster or event beyond the ability of the permitholder to



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1318 control. Financial hardship to the permitholder does ~~shall~~ not,  
1319 in and of itself, constitute just cause for failure to operate  
1320 and pay tax on handle.

1321 (b) In order to maximize the tax revenues to the state, the  
1322 department ~~division~~ shall reissue an escheated harness horse  
1323 permit to a qualified applicant pursuant to the provisions of  
1324 this chapter as for the issuance of an initial permit. However,  
1325 the provisions of this chapter relating to referendum  
1326 requirements for a pari-mutuel permit do ~~shall~~ not apply to the  
1327 reissuance of an escheated harness horse permit. As specified in  
1328 the application and upon approval by the department ~~division~~ of  
1329 an application for the permit, the new permitholder is ~~shall be~~  
1330 authorized to operate a harness horse facility anywhere in the  
1331 same county in which the escheated permit was authorized to be  
1332 operated, notwithstanding the provisions of s. 550.054(2)  
1333 relating to mileage limitations.

1334 (4) If ~~In the event that~~ a court of competent jurisdiction  
1335 determines any of the provisions of this section to be  
1336 unconstitutional, it is the intent of the Legislature that the  
1337 provisions contained in this section shall be ~~null and~~ void and  
1338 that the provisions of s. 550.0951 ~~shall~~ apply to all harness  
1339 horse permitholders beginning on the date of such judicial  
1340 determination. To this end, the Legislature declares that it  
1341 would not have enacted any of the provisions of this section  
1342 individually and, to that end, expressly finds them not to be  
1343 severable.

1344 Section 21. Subsection (2) of section 550.09514, Florida  
1345 Statutes, is amended to read:

1346 550.09514 Greyhound dogracing taxes; purse requirements.-



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1347           ~~(2) (a) The division shall determine for each greyhound~~  
1348 ~~permitholder the annual purse percentage rate of live handle for~~  
1349 ~~the state fiscal year 1993-1994 by dividing total purses paid on~~  
1350 ~~live handle by the permitholder, exclusive of payments made from~~  
1351 ~~outside sources, during the 1993-1994 state fiscal year by the~~  
1352 ~~permitholder's live handle for the 1993-1994 state fiscal year.~~  
1353 Each permitholder shall pay as purses for live races conducted  
1354 during its current race meet at least the same ratio of purses  
1355 paid on live handle excluding payments from outside sources  
1356 divided by the permitholder's live handle as it paid during the  
1357 ~~a percentage of its live handle not less than the percentage~~  
1358 ~~determined under this paragraph, exclusive of payments made by~~  
1359 ~~outside sources, for its 1993-1994 state fiscal year, as~~  
1360 determined by the department.

1361           (b) Except as otherwise set forth herein, in addition to  
1362 the minimum purse percentage required by paragraph (a), each  
1363 permitholder shall pay as purses an annual amount equal to 75  
1364 percent of the daily license fees paid by each permitholder for  
1365 the 1994-1995 fiscal year. This purse supplement shall be  
1366 disbursed weekly during the permitholder's race meet in an  
1367 amount determined by dividing the annual purse supplement by the  
1368 number of performances approved for the permitholder pursuant to  
1369 its annual license and multiplying that amount by the number of  
1370 performances conducted each week. For the greyhound  
1371 permitholders in the county where there are two greyhound  
1372 permitholders located as specified in s. 550.615(6), such  
1373 permitholders shall pay in the aggregate an amount equal to 75  
1374 percent of the daily license fees paid by such permitholders for  
1375 the 1994-1995 fiscal year. These permitholders shall be jointly





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1376 and severally liable for such purse payments. The additional  
1377 purses provided by this paragraph must be used exclusively for  
1378 purses other than stakes. The department ~~division~~ shall conduct  
1379 audits necessary to ensure compliance with this section.

1380 (c)1. Each greyhound permitholder when conducting at least  
1381 three live performances during any week shall pay purses in that  
1382 week on wagers it accepts as a guest track on intertrack and  
1383 simulcast greyhound races at the same rate as it pays on live  
1384 races. Each greyhound permitholder when conducting at least  
1385 three live performances during any week shall pay purses in that  
1386 week, at the same rate as it pays on live races, on wagers  
1387 accepted on greyhound races at a guest track that ~~which~~ is not  
1388 conducting live racing and is located within the same market  
1389 area as the greyhound permitholder conducting at least three  
1390 live performances during any week.

1391 2. Each host greyhound permitholder shall pay purses on its  
1392 simulcast and intertrack broadcasts of greyhound races to guest  
1393 facilities that are located outside its market area in an amount  
1394 equal to one quarter of an amount determined by subtracting the  
1395 transmission costs of sending the simulcast or intertrack  
1396 broadcasts from an amount determined by adding the fees received  
1397 for greyhound simulcast races plus 3 percent of the greyhound  
1398 intertrack handle at guest facilities that are located outside  
1399 the market area of the host and that paid contractual fees to  
1400 the host for such broadcasts of greyhound races.

1401 ~~(d) The division shall require sufficient documentation~~  
1402 ~~from each greyhound permitholder regarding purses paid on live~~  
1403 ~~racing to assure that the annual purse percentage rates paid by~~  
1404 ~~each permitholder on the live races are not reduced below those~~



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1405 ~~paid during the 1993-1994 state fiscal year. The division shall~~  
1406 ~~require sufficient documentation from each greyhound~~  
1407 ~~permitholder to assure that the purses paid by each permitholder~~  
1408 ~~on the greyhound intertrack and simulcast broadcasts are in~~  
1409 ~~compliance with the requirements of paragraph (c).~~

1410       ~~(d)-(e)~~ In addition to the purse requirements of paragraphs  
1411 (a)-(c), each greyhound permitholder shall pay as purses an  
1412 amount equal to one-third of the amount of the tax reduction on  
1413 live and simulcast handle applicable to such permitholder as a  
1414 result of the reductions in tax rates on handle made by chapter  
1415 2000-354, Laws of Florida, in ~~provided by this act through the~~  
1416 ~~amendments to s. 550.0951(3).~~ With respect to intertrack  
1417 wagering if ~~when~~ the host and guest tracks are greyhound  
1418 permitholders not within the same market area, an amount equal  
1419 to the tax reduction applicable to the guest track handle as a  
1420 result of the reduction in tax rate on handle made by chapter  
1421 2000-354, Laws of Florida, in ~~provided by this act through the~~  
1422 ~~amendment to s. 550.0951(3)~~ shall be distributed to the guest  
1423 track, one-third of which amount shall be paid as purses at the  
1424 guest track. However, if the guest track is a greyhound  
1425 permitholder within the market area of the host or if the guest  
1426 track is not a greyhound permitholder, an amount equal to such  
1427 tax reduction applicable to the guest track handle shall be  
1428 retained by the host track, one-third of which amount shall be  
1429 paid as purses at the host track. These purse funds shall be  
1430 disbursed in the week received if the permitholder conducts at  
1431 least one live performance during that week. If the permitholder  
1432 does not conduct at least one live performance during the week  
1433 in which the purse funds are received, the purse funds shall be



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1434 disbursed weekly during the permitholder's next race meet in an  
1435 amount determined by dividing the purse amount by the number of  
1436 performances approved for the permitholder pursuant to its  
1437 annual license, and multiplying that amount by the number of  
1438 performances conducted each week. The department ~~division~~ shall  
1439 conduct audits necessary to ensure compliance with this  
1440 paragraph.

1441 (e) ~~(f)~~ Each greyhound permitholder shall, during the  
1442 permitholder's race meet, supply kennel operators and the  
1443 department ~~Division of Pari-Mutuel Wagering~~ with a weekly report  
1444 showing purses paid on live greyhound races and all greyhound  
1445 intertrack and simulcast broadcasts, including both as a guest  
1446 and a host together with the handle or commission calculations  
1447 on which such purses were paid and the transmission costs of  
1448 sending the simulcast or intertrack broadcasts, so that the  
1449 kennel operators may determine statutory and contractual  
1450 compliance.

1451 (f) ~~(g)~~ Each greyhound permitholder shall make direct  
1452 payment of purses to the greyhound owners who have filed with  
1453 such permitholder appropriate federal taxpayer identification  
1454 information based on the percentage amount agreed upon between  
1455 the kennel operator and the greyhound owner.

1456 (g) ~~(h)~~ At the request of a majority of kennel operators  
1457 under contract with a greyhound permitholder, the permitholder  
1458 shall make deductions from purses paid to each kennel operator  
1459 electing such deduction and shall make a direct payment of such  
1460 deductions to the local association of greyhound kennel  
1461 operators formed by a majority of kennel operators under  
1462 contract with the permitholder. The amount of the deduction



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1463 shall be at least 1 percent of purses, as determined by the  
1464 local association of greyhound kennel operators. No deductions  
1465 may be taken pursuant to this paragraph without a kennel  
1466 operator's specific approval ~~before or after the effective date~~  
1467 ~~of this act.~~

1468 Section 22. Subsection (3) of section 550.09515, Florida  
1469 Statutes, is amended to read:

1470 550.09515 Thoroughbred horse taxes; abandoned interest in a  
1471 permit for nonpayment of taxes.—

1472 (3) (a) The permit of a thoroughbred horse permitholder who  
1473 does not pay tax on handle for live thoroughbred horse  
1474 performances for a full schedule of live races during any 2  
1475 consecutive state fiscal years shall be void and shall escheat  
1476 to and become the property of the state unless such failure to  
1477 operate and pay tax on handle was the direct result of fire,  
1478 strike, war, or other disaster or event beyond the ability of  
1479 the permitholder to control. Financial hardship to the  
1480 permitholder does ~~shall~~ not, in and of itself, constitute just  
1481 cause for failure to operate and pay tax on handle.

1482 (b) In order to maximize the tax revenues to the state, the  
1483 department ~~division~~ shall reissue an escheated thoroughbred  
1484 horse permit to a qualified applicant pursuant to the provisions  
1485 of this chapter as for the issuance of an initial permit.  
1486 However, the provisions of this chapter relating to referendum  
1487 requirements for a pari-mutuel permit do ~~shall~~ not apply to the  
1488 reissuance of an escheated thoroughbred horse permit. As  
1489 specified in the application and upon approval by the department  
1490 ~~division~~ of an application for the permit, the new permitholder  
1491 shall be authorized to operate a thoroughbred horse facility



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1492 anywhere in the same county in which the escheated permit was  
1493 authorized to be operated, notwithstanding the provisions of s.  
1494 550.054(2) relating to mileage limitations.

1495 Section 23. Section 550.105, Florida Statutes, is amended  
1496 to read:

1497 550.105 Occupational licenses of racetrack employees; fees;  
1498 denial, suspension, and revocation of license; penalties and  
1499 fines.—

1500 (1) Each person connected with a racetrack or jai alai  
1501 fronton, as specified in paragraph (2)(a), shall purchase from  
1502 the department ~~division~~ an occupational license. All moneys  
1503 collected pursuant to this section each fiscal year shall be  
1504 deposited into the Pari-mutuel Wagering Trust Fund. Pursuant to  
1505 the rules adopted by the department ~~division~~, an occupational  
1506 license may be valid for a period of up to 3 years for a fee  
1507 that does not exceed the full occupational license fee for each  
1508 of the years for which the license is purchased. The  
1509 occupational license shall be valid during its specified term at  
1510 any pari-mutuel facility.

1511 (2)(a) The following licenses shall be issued to persons or  
1512 entities with access to the backside, racing animals, jai alai  
1513 players' room, jockeys' room, drivers' room, totalisator room,  
1514 the mutuels, or money room, or to persons who, by virtue of the  
1515 position they hold, might be granted access to these areas or to  
1516 any other person or entity in one of the following categories  
1517 and with fees not to exceed the following amounts for any 12-  
1518 month period:

1519 1. Business licenses: any business such as a vendor,  
1520 contractual concessionaire, contract kennel, business owning



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1521 racing animals, trust or estate, totalisator company, stable  
1522 name, or other fictitious name: \$50.

1523         2. Professional occupational licenses: professional persons  
1524 with access to the backside of a racetrack or players' quarters  
1525 in jai alai such as trainers, officials, veterinarians, doctors,  
1526 nurses, emergency medical technicians ~~EMT's~~, jockeys and  
1527 apprentices, drivers, jai alai players, owners, trustees, or any  
1528 management or officer or director or shareholder or any other  
1529 professional-level person who might have access to the jockeys'  
1530 room, the drivers' room, the backside, racing animals, kennel  
1531 compound, or managers or supervisors requiring access to mutuels  
1532 machines, the money room, or totalisator equipment: \$40.

1533         3. General occupational licenses: general employees with  
1534 access to the jockeys' room, the drivers' room, racing animals,  
1535 the backside of a racetrack or players' quarters in jai alai,  
1536 such as grooms, kennel helpers, leadouts, pelota makers, cesta  
1537 makers, or ball boys, or a practitioner of any other occupation  
1538 who would have access to the animals, the backside, or the  
1539 kennel compound, or who would provide the security or  
1540 maintenance of these areas, or mutuel employees, totalisator  
1541 employees, money-room employees, or any employee with access to  
1542 mutuels machines, the money room, or totalisator equipment or  
1543 who would provide the security or maintenance of these areas:  
1544 \$10.

1545  
1546         The individuals and entities that are licensed under this  
1547 paragraph require heightened state scrutiny, including the  
1548 submission by the individual licensees or persons associated  
1549 with the entities described in this chapter of fingerprints for



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1550 a Federal Bureau of Investigation criminal records check.  
1551 (b) The department ~~division~~ shall adopt rules pertaining to  
1552 pari-mutuel occupational licenses, licensing periods, and  
1553 renewal cycles.  
1554 (3) Certified public accountants and attorneys licensed to  
1555 practice in this state are ~~shall~~ not ~~be~~ required to hold an  
1556 occupational license under this section while providing  
1557 accounting or legal services to a permitholder if the certified  
1558 public accountant's or attorney's primary place of employment is  
1559 not on the permitholder premises.  
1560 (4) It is unlawful to take part in or officiate in any way  
1561 at any pari-mutuel facility without first having secured a  
1562 license and paid the occupational license fee.  
1563 (5) (a) The department ~~division~~ may:  
1564 1. Deny a license to or revoke, suspend, or place  
1565 conditions upon or restrictions on a license of any person who  
1566 has been refused a license by any other state racing commission  
1567 or racing authority;  
1568 2. Deny, suspend, or place conditions on a license of any  
1569 person who is under suspension or has unpaid fines in another  
1570 jurisdiction;  
1571  
1572 if the state racing commission or racing authority of such  
1573 other state or jurisdiction extends to the department ~~division~~  
1574 reciprocal courtesy to maintain the disciplinary control.  
1575 (b) The department ~~division~~ may deny, suspend, revoke, or  
1576 declare ineligible any occupational license if the applicant for  
1577 or holder thereof has violated the provisions of this chapter or  
1578 the rules of the department ~~division~~ governing the conduct of



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1579 persons connected with racetracks and frontons. In addition, the  
1580 department ~~division~~ may deny, suspend, revoke, or declare  
1581 ineligible any occupational license if the applicant for such  
1582 license has been convicted in this state, in any other state, or  
1583 under the laws of the United States of a capital felony, a  
1584 felony, or an offense in any other state which would be a felony  
1585 under the laws of this state involving arson; trafficking in,  
1586 conspiracy to traffic in, smuggling, importing, conspiracy to  
1587 smuggle or import, or delivery, sale, or distribution of a  
1588 controlled substance; or a crime involving a lack of good moral  
1589 character, or has had a pari-mutuel license revoked by this  
1590 state or any other jurisdiction for an offense related to pari-  
1591 mutuel wagering.

1592 (c) The department ~~division~~ may deny, declare ineligible,  
1593 or revoke any occupational license if the applicant for such  
1594 license has been convicted of a felony or misdemeanor in this  
1595 state, in any other state, or under the laws of the United  
1596 States, if such felony or misdemeanor is related to gambling or  
1597 bookmaking, as contemplated in s. 849.25, or involves cruelty to  
1598 animals. If the applicant establishes that she or he is of good  
1599 moral character, that she or he has been rehabilitated, and that  
1600 the crime she or he was convicted of is not related to pari-  
1601 mutuel wagering and is not a capital offense, the restrictions  
1602 excluding offenders may be waived by the director of the  
1603 department ~~division~~.

1604 (d) For purposes of this subsection, the term "convicted"  
1605 means having been found guilty, with or without adjudication of  
1606 guilt, as a result of a jury verdict, nonjury trial, or entry of  
1607 a plea of guilty or nolo contendere. However, the term





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1608 "conviction" may ~~shall~~ not be applied to a crime committed prior  
1609 to the effective date of this subsection in a manner that would  
1610 invalidate any occupational license issued prior to the  
1611 effective date of this subsection or subsequent renewal for any  
1612 person holding such a license.

1613 (e) If an occupational license will expire by department  
1614 ~~division~~ rule during the period of a suspension the department  
1615 ~~division~~ intends to impose, or if a license would have expired  
1616 but for pending administrative charges and the occupational  
1617 licensee is found to be in violation of any of the charges, the  
1618 license may be revoked and a time period of license  
1619 ineligibility may be declared. The department ~~division~~ may bring  
1620 administrative charges against any person not holding a current  
1621 license for violations of statutes or rules which occurred while  
1622 such person held an occupational license, and the department  
1623 ~~division~~ may declare such person ineligible to hold a license  
1624 for a period of time. The department ~~division~~ may impose a civil  
1625 fine of up to \$1,000 for each violation of the rules of the  
1626 department ~~division~~ in addition to or in lieu of any other  
1627 penalty provided for in this section. In addition to any other  
1628 penalty provided by law, the department ~~division~~ may exclude  
1629 from all pari-mutuel facilities in this state, for a period not  
1630 to exceed the period of suspension, revocation, or  
1631 ineligibility, any person whose occupational license application  
1632 has been denied by the department ~~division~~, who has been  
1633 declared ineligible to hold an occupational license, or whose  
1634 occupational license has been suspended or revoked by the  
1635 department ~~division~~.

1636 (f) The department ~~division~~ may cancel any occupational



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1637 license that has been voluntarily relinquished by the licensee.  
1638 (6) In order to promote the orderly presentation of pari-  
1639 mutuel meets authorized in this chapter, the department ~~division~~  
1640 may issue a temporary occupational license. The department  
1641 ~~division~~ shall adopt rules to implement this subsection.  
1642 However, no temporary occupational license shall be valid for  
1643 more than 90 days, and no more than one temporary license may be  
1644 issued for any person in any year.  
1645 (7) The department ~~division~~ may deny, revoke, or suspend  
1646 any occupational license if the applicant therefor or holder  
1647 thereof accumulates unpaid obligations or defaults in  
1648 obligations, or issues drafts or checks that are dishonored or  
1649 for which payment is refused without reasonable cause, if such  
1650 unpaid obligations, defaults, or dishonored or refused drafts or  
1651 checks directly relate to the sport of jai alai or racing being  
1652 conducted at a pari-mutuel facility within this state.  
1653 (8) The department ~~division~~ may fine, or suspend or revoke,  
1654 or place conditions upon, the license of any licensee who under  
1655 oath knowingly provides false information regarding an  
1656 investigation by the department ~~division~~.  
1657 (9) The tax imposed by this section is in lieu of all  
1658 license, excise, or occupational taxes to the state or any  
1659 county, municipality, or other political subdivision, except  
1660 that, if a race meeting or game is held or conducted in a  
1661 municipality, the municipality may assess and collect an  
1662 additional tax against any person conducting live racing or  
1663 games within its corporate limits, which tax may not exceed \$150  
1664 per day for horseracing or \$50 per day for dogracing or jai  
1665 alai. Except as provided in this chapter, a municipality may not



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1666 assess or collect any additional excise or revenue tax against  
1667 any person conducting race meetings within the corporate limits  
1668 of the municipality or against any patron of any such person.

1669 (10) (a) Upon application for an occupational license, the  
1670 department division may require the applicant's full legal name;  
1671 any nickname, alias, or maiden name for the applicant; name of  
1672 the applicant's spouse; the applicant's date of birth, residence  
1673 address, mailing address, residence address and business phone  
1674 number, and social security number; disclosure of any felony or  
1675 any conviction involving bookmaking, illegal gambling, or  
1676 cruelty to animals; disclosure of any past or present  
1677 enforcement or actions by any racing or gaming agency against  
1678 the applicant; and any information the department division  
1679 determines is necessary to establish the identity of the  
1680 applicant or to establish that the applicant is of good moral  
1681 character. Fingerprints shall be taken in a manner approved by  
1682 the department division and then shall be submitted to the  
1683 Federal Bureau of Investigation, or to the association of state  
1684 officials regulating pari-mutuel wagering pursuant to the  
1685 Federal Pari-mutuel Licensing Simplification Act of 1988. The  
1686 cost of processing fingerprints shall be borne by the applicant  
1687 and paid to the association of state officials regulating pari-  
1688 mutuel wagering from the trust fund to which the processing fees  
1689 are deposited. The department division, by rule, may require  
1690 additional information from licensees which is reasonably  
1691 necessary to regulate the industry. The department division may,  
1692 by rule, exempt certain occupations or groups of persons from  
1693 the fingerprinting requirements.

1694 (b) All fingerprints required by this section which that



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1695 are submitted to the Department of Law Enforcement shall be  
1696 retained by the Department of Law Enforcement and entered into  
1697 the statewide automated fingerprint identification system as  
1698 authorized by s. 943.05(2)(b) and shall be available for all  
1699 purposes and uses authorized for arrest fingerprint cards  
1700 entered into the statewide automated fingerprint identification  
1701 system pursuant to s. 943.051.

1702 (c) The Department of Law Enforcement shall search all  
1703 arrest fingerprints received pursuant to s. 943.051 against the  
1704 fingerprints retained in the statewide automated fingerprint  
1705 identification system under paragraph (b). Any arrest record  
1706 that is identified with the retained fingerprints of a person  
1707 subject to the criminal history screening requirements of this  
1708 section shall be reported to the department ~~division~~. Each  
1709 licensee shall pay a fee to the department ~~division~~ for the cost  
1710 of retention of the fingerprints and the ongoing searches under  
1711 this paragraph. The department ~~division~~ shall forward the  
1712 payment to the Department of Law Enforcement. The amount of the  
1713 fee to be imposed for performing these searches and the  
1714 procedures for the retention of licensee fingerprints shall be  
1715 as established by rule of the Department of Law Enforcement. The  
1716 department ~~division~~ shall inform the Department of Law  
1717 Enforcement of any change in the license status of licensees  
1718 whose fingerprints are retained under paragraph (b).

1719 (d) The department ~~division~~ shall request the Department of  
1720 Law Enforcement to forward the fingerprints to the Federal  
1721 Bureau of Investigation for a national criminal history records  
1722 check at least once every 5 years following issuance of a  
1723 license. If the fingerprints of a person who is licensed have



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1724 not been retained by the Department of Law Enforcement, the  
1725 person must file a complete set of fingerprints as provided in  
1726 paragraph (a). The department ~~division~~ shall collect the fees  
1727 for the cost of the national criminal history records check  
1728 under this paragraph and forward the payment to the Department  
1729 of Law Enforcement. The cost of processing fingerprints and  
1730 conducting a criminal history records check under this paragraph  
1731 for a general occupational license shall be borne by the  
1732 applicant. The cost of processing fingerprints and conducting a  
1733 criminal history records check under this paragraph for a  
1734 business or professional occupational license shall be borne by  
1735 the person being checked. The Department of Law Enforcement may  
1736 send an invoice to the department ~~division~~ for the fingerprints  
1737 submitted each month. Under penalty of perjury, each person who  
1738 is licensed or who is fingerprinted as required by this section  
1739 must agree to inform the department ~~division~~ within 48 hours if  
1740 he or she is convicted of or has entered a plea of guilty or  
1741 nolo contendere to any disqualifying offense, regardless of  
1742 adjudication.

1743 Section 24. Subsection (1) of section 550.1155, Florida  
1744 Statutes, is amended to read:

1745 550.1155 Authority of stewards, judges, panel of judges, or  
1746 player's manager to impose penalties against occupational  
1747 licensees; disposition of funds collected.-

1748 (1) The stewards at a horse racetrack; the judges at a dog  
1749 track; or the judges, a panel of judges, or a player's manager  
1750 at a jai alai fronton may impose a civil penalty against any  
1751 occupational licensee for violation of the pari-mutuel laws or  
1752 any rule adopted by the department ~~division~~. The penalty may not



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1753 exceed \$1,000 for each count or separate offense or exceed 60  
1754 days of suspension for each count or separate offense.

1755 Section 25. Subsections (2) and (3) of section 550.125,  
1756 Florida Statutes, are amended to read:

1757 550.125 Uniform reporting system; bond requirement.—

1758 (2) (a) Each permitholder that conducts race meetings or jai  
1759 alai exhibitions under this chapter shall keep records that  
1760 clearly show the total number of admissions and the total amount  
1761 of money contributed to each pari-mutuel pool on each race or  
1762 exhibition separately and the amount of money received daily  
1763 from admission fees and, within 120 days after the end of its  
1764 fiscal year, shall submit to the division a complete annual  
1765 report of its accounts, audited by a certified public accountant  
1766 licensed to practice in the state.

1767 (b) The department ~~division~~ shall adopt rules specifying  
1768 the form and content of such reports, including, but not limited  
1769 to, requirements for a statement of assets and liabilities,  
1770 operating revenues and expenses, and net worth, which statement  
1771 must be audited by a certified public accountant licensed to  
1772 practice in this state, and any supporting informational  
1773 schedule found necessary by the department ~~division~~ to verify  
1774 the foregoing financial statement, which informational schedule  
1775 must be attested to under oath by the permitholder or an officer  
1776 of record, to permit the division to:

1777 1. Assess the profitability and financial soundness of  
1778 permitholders, both individually and as an industry;

1779 2. Plan and recommend measures necessary to preserve and  
1780 protect the pari-mutuel revenues of the state; and

1781 3. Completely identify the holdings, transactions, and



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1782 investments of permitholders with other business entities.  
1783 (c) The Auditor General and the Office of Program Policy  
1784 Analysis and Government Accountability may, pursuant to their  
1785 own authority or at the direction of the Legislative Auditing  
1786 Committee, audit, examine, and check the books and records of  
1787 any permitholder. These audit reports shall become part of, and  
1788 be maintained in, the division files.  
1789 (d) The department ~~division~~ shall annually review the books  
1790 and records of each permitholder and verify that the breaks and  
1791 unclaimed ticket payments made by each permitholder are true and  
1792 correct.  
1793 (3) (a) Each permitholder to which a license is granted  
1794 under this chapter, at its own cost and expense, must, before  
1795 the license is delivered, give a bond in the penal sum of  
1796 \$50,000 payable to the Governor of the state and her or his  
1797 successors in office, with a surety or sureties to be approved  
1798 by the department ~~division~~ and the Chief Financial Officer,  
1799 conditioned to faithfully make the payments to the Chief  
1800 Financial Officer in her or his capacity as treasurer of the  
1801 department ~~division~~; to keep its books and records and make  
1802 reports as provided; and to conduct its racing in conformity  
1803 with this chapter. When the greatest amount of tax owed during  
1804 any month in the prior state fiscal year, in which a full  
1805 schedule of live racing was conducted, is less than \$50,000, the  
1806 department ~~division~~ may assess a bond in a sum less than  
1807 \$50,000. The department ~~division~~ may review the bond for  
1808 adequacy and require adjustments each fiscal year. The division  
1809 may ~~has the authority to~~ adopt rules to implement this paragraph  
1810 and establish guidelines for such bonds.



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1811 (b) The provisions of this chapter concerning bonding do  
1812 not apply to nonwagering licenses issued pursuant to s. 550.505.

1813 Section 26. Subsections (1) and (3) of section 550.135,  
1814 Florida Statutes, are amended to read:

1815 550.135 Division of moneys derived under this law.—All  
1816 moneys that are deposited with the Chief Financial Officer to  
1817 the credit of the Pari-mutuel Wagering Trust Fund shall be  
1818 distributed as follows:

1819 (1) The daily license fee revenues collected pursuant to s.  
1820 550.0951(1) shall be used to fund the operating cost of the  
1821 ~~department division and to provide a proportionate share of the~~  
1822 ~~operation of the office of the secretary and the Division of~~  
1823 ~~Administration of the Department of Business and Professional~~  
1824 ~~Regulation; however, other collections in the Pari-mutuel~~  
1825 ~~Wagering Trust Fund may also be used to fund the operation of~~  
1826 ~~the division in accordance with authorized appropriations.~~

1827 (3) The slot machine license fee, the slot machine  
1828 occupational license fee, and the compulsive or addictive  
1829 gambling prevention program fee collected pursuant to ss.  
1830 551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the  
1831 direct and indirect operating expenses of the department's  
1832 ~~division's~~ slot machine regulation operations and to provide  
1833 funding for relevant enforcement activities in accordance with  
1834 authorized appropriations. Funds deposited into the Pari-mutuel  
1835 Wagering Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1.,  
1836 and 551.118 shall be reserved in the trust fund for slot machine  
1837 regulation operations. On June 30, any unappropriated funds in  
1838 excess of those necessary for incurred obligations and  
1839 subsequent year cash flow for slot machine regulation operations





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1840 shall be deposited with the Chief Financial Officer to the  
1841 credit of the General Revenue Fund.

1842 Section 27. Subsection (1) of section 550.155, Florida  
1843 Statutes, is amended to read:

1844 550.155 Pari-mutuel pool within track enclosure; takeouts;  
1845 breaks; penalty for purchasing part of a pari-mutuel pool for or  
1846 through another in specified circumstances.—

1847 (1) Wagering on the results of a horserace, dograce, or on  
1848 the scores or points of a jai alai game and the sale of tickets  
1849 or other evidences showing an interest in or a contribution to a  
1850 pari-mutuel pool are allowed within the enclosure of any pari-  
1851 mutuel facility licensed and conducted under this chapter but  
1852 are not allowed elsewhere in this state, must be supervised by  
1853 the department ~~division~~, and are subject to such reasonable  
1854 rules that the department ~~division~~ prescribes.

1855 Section 28. Subsection (2) and paragraph (a) of subsection  
1856 (3) of section 550.1648, Florida Statutes, are amended to read:

1857 550.1648 Greyhound adoptions.—

1858 (2) In addition to the charity days authorized under s.  
1859 550.0351, a greyhound permitholder may fund the greyhound  
1860 adoption program by holding a charity racing day designated as  
1861 "Greyhound Adopt-A-Pet Day." All profits derived from the  
1862 operation of the charity day must be placed into a fund used to  
1863 support activities at the racing facility which promote the  
1864 adoption of greyhounds. The department ~~division~~ may adopt rules  
1865 for administering the fund. Proceeds from the charity day  
1866 authorized in this subsection may not be used as a source of  
1867 funds for the purposes set forth in s. 550.1647.

1868 (3) (a) Upon a violation of this section by a permitholder



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1869 or licensee, the department ~~division~~ may impose a penalty as  
1870 provided in s. 550.0251(10) and require the permitholder to take  
1871 corrective action.

1872 Section 29. Section 550.175, Florida Statutes, is amended  
1873 to read:

1874 550.175 Petition for election to revoke permit.—Upon  
1875 petition of 20 percent of the qualified electors of any county  
1876 wherein any racing has been licensed and conducted under this  
1877 chapter, the county commissioners of such county shall provide  
1878 for the submission to the electors of such county at the then  
1879 next succeeding general election the question of whether any  
1880 permit or permits theretofore granted shall be continued or  
1881 revoked, and if a majority of the electors voting on such  
1882 question in such election vote to cancel or recall the permit  
1883 theretofore given, the department ~~division~~ may not thereafter  
1884 grant any license on the permit so recalled. Every signature  
1885 upon every recall petition must be signed in the presence of the  
1886 clerk of the board of county commissioners at the office of the  
1887 clerk of the circuit court of the county, and the petitioner  
1888 must present at the time of such signing her or his registration  
1889 receipt showing the petitioner's qualification as an elector of  
1890 the county at the time of the signing of the petition. Not more  
1891 than one permit may be included in any one petition; and, in all  
1892 elections in which the recall of more than one permit is voted  
1893 on, the voters shall be given an opportunity to vote for or  
1894 against the recall of each permit separately. ~~Nothing in~~ This  
1895 chapter does not ~~shall be construed to~~ prevent the holding of  
1896 later referendum or recall elections.

1897 Section 30. Section 550.1815, Florida Statutes, is amended



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1898 to read:

1899 550.1815 Certain persons prohibited from holding racing or  
1900 jai alai permits; suspension and revocation.—

1901 (1) A corporation, general or limited partnership, sole  
1902 proprietorship, business trust, joint venture, or unincorporated  
1903 association, or other business entity may not hold any  
1904 horseracing or dogracing permit or jai alai fronton permit in  
1905 this state if any one of the persons or entities specified in  
1906 paragraph (a) has been determined by the department ~~division~~ not  
1907 to be of good moral character or has been convicted of any  
1908 offense specified in paragraph (b).

1909 (a)1. The permitholder;

1910 2. An employee of the permitholder;

1911 3. The sole proprietor of the permitholder;

1912 4. A corporate officer or director of the permitholder;

1913 5. A general partner of the permitholder;

1914 6. A trustee of the permitholder;

1915 7. A member of an unincorporated association permitholder;

1916 8. A joint venturer of the permitholder;

1917 9. The owner of more than 5 percent of any equity interest  
1918 in the permitholder, whether as a common shareholder, general or  
1919 limited partner, voting trustee, or trust beneficiary; or

1920 10. An owner of any interest in the permit or permitholder,  
1921 including any immediate family member of the owner, or holder of  
1922 any debt, mortgage, contract, or concession from the  
1923 permitholder, who by virtue thereof is able to control the  
1924 business of the permitholder.

1925 (b)1. A felony in this state;

1926 2. Any felony in any other state which would be a felony if



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1927 committed in this state under the laws of this state;  
1928       3. Any felony under the laws of the United States;  
1929       4. A felony under the laws of another state if related to  
1930 gambling which would be a felony under the laws of this state if  
1931 committed in this state; or  
1932       5. Bookmaking as defined in s. 849.25.  
1933       (2) (a) If the applicant for permit as specified under  
1934 subsection (1) or a permitholder as specified in paragraph  
1935 (1) (a) has received a full pardon or a restoration of civil  
1936 rights with respect to the conviction specified in paragraph  
1937 (1) (b), the conviction does not constitute an absolute bar to  
1938 the issuance or renewal of a permit or a ground for the  
1939 revocation or suspension of a permit.  
1940       (b) A corporation that has been convicted of a felony is  
1941 entitled to apply for and receive a restoration of its civil  
1942 rights in the same manner and on the same grounds as an  
1943 individual.  
1944       (3) After notice and hearing, the department ~~division~~ shall  
1945 refuse to issue or renew or shall suspend, as appropriate, any  
1946 permit found in violation of subsection (1). The order shall  
1947 become effective 120 days after service of the order upon the  
1948 permitholder and shall be amended to constitute a final order of  
1949 revocation unless the permitholder has, within that period of  
1950 time, either caused the divestiture, or agreed with the  
1951 convicted person upon a complete immediate divestiture, of her  
1952 or his holding, or has petitioned the circuit court as provided  
1953 in subsection (4) or, in the case of corporate officers or  
1954 directors of the holder or employees of the holder, has  
1955 terminated the relationship between the permitholder and those



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1956 persons mentioned. The department ~~division~~ may, by order, extend  
1957 the 120-day period for divestiture, upon good cause shown, to  
1958 avoid interruption of any jai alai or race meeting or to  
1959 otherwise effectuate this section. If no action has been taken  
1960 by the permitholder within the 120-day period following the  
1961 issuance of the order of suspension, the department ~~division~~  
1962 shall, without further notice or hearing, enter a final order of  
1963 revocation of the permit. When any permitholder or sole  
1964 proprietor of a permitholder is convicted of an offense  
1965 specified in paragraph (1)(b), the department may approve a  
1966 transfer of the permit to a qualified applicant, upon a finding  
1967 that revocation of the permit would impair the state's revenue  
1968 from the operation of the permit or otherwise be detrimental to  
1969 the interests of the state in the regulation of the industry of  
1970 pari-mutuel wagering. In such approval, no public referendum is  
1971 required, notwithstanding any other provision of law. A petition  
1972 for transfer after conviction must be filed with the department  
1973 within 30 days after service upon the permitholder of the final  
1974 order of revocation. The timely filing of such a petition  
1975 automatically stays any revocation order until further order of  
1976 the department.

1977 (4) The circuit courts have jurisdiction to decide a  
1978 petition brought by a holder of a pari-mutuel permit that shows  
1979 that its permit is in jeopardy of suspension or revocation under  
1980 subsection (3) and that it is unable to agree upon the terms of  
1981 divestiture of interest with the person specified in  
1982 subparagraphs (1)(a)3.-9. who has been convicted of an offense  
1983 specified in paragraph (1)(b). The court shall determine the  
1984 reasonable value of the interest of the convicted person and



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1985 order a divestiture upon such terms and conditions as it finds  
1986 just. In determining the value of the interest of the convicted  
1987 person, the court may consider, among other matters, the value  
1988 of the assets of the permitholder, its good will and value as a  
1989 going concern, recent and expected future earnings, and other  
1990 criteria usual and customary in the sale of like enterprises.

1991 (5) The department ~~division~~ shall adopt ~~make~~ such rules for  
1992 the photographing, fingerprinting, and obtaining of personal  
1993 data of individuals described in paragraph (1) (a) and the  
1994 obtaining of such data regarding the business entities described  
1995 in paragraph (1) (a) as ~~is~~ necessary to effectuate the provisions  
1996 of this section.

1997 Section 31. Subsection (2), paragraph (c) of subsection  
1998 (3), and subsections (4) and (6) of section 550.24055, Florida  
1999 Statutes, are amended to read:

2000 550.24055 Use of controlled substances or alcohol  
2001 prohibited; testing of certain occupational licensees; penalty;  
2002 evidence of test or action taken and admissibility for criminal  
2003 prosecution limited.-

2004 (2) The occupational licensees, by applying for and holding  
2005 such licenses, are deemed to have given their consents to submit  
2006 to an approved chemical test of their breath for the purpose of  
2007 determining the alcoholic content of their blood and to a urine  
2008 or blood test for the purpose of detecting the presence of  
2009 controlled substances. Such tests shall ~~only~~ be conducted only  
2010 upon reasonable cause that a violation has occurred as shall be  
2011 determined solely by the stewards at a horseracing meeting or  
2012 the judges or board of judges at a dogtrack or jai alai meet.  
2013 The failure to submit to such test may result in a suspension of



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2014 the person's occupational license for a period of 10 days or  
2015 until this section has been complied with, whichever is longer.

2016 (a) If there was at the time of the test 0.05 percent or  
2017 less by weight of alcohol in the person's blood, the person is  
2018 presumed not to have been under the influence of alcoholic  
2019 beverages to the extent that the person's normal faculties were  
2020 impaired, and no action of any sort may be taken by the  
2021 stewards, judges, or board of judges or the department ~~division~~.

2022 (b) If there was at the time of the test an excess of 0.05  
2023 percent but less than 0.08 percent by weight of alcohol in the  
2024 person's blood, that fact does not give rise to any presumption  
2025 that the person was or was not under the influence of alcoholic  
2026 beverages to the extent that the person's faculties were  
2027 impaired, but the stewards, judges, or board of judges may  
2028 consider that fact in determining whether or not the person will  
2029 be allowed to officiate or participate in any given race or jai  
2030 alai game.

2031 (c) If there was at the time of the test 0.08 percent or  
2032 more by weight of alcohol in the person's blood, that fact is  
2033 prima facie evidence that the person was under the influence of  
2034 alcoholic beverages to the extent that the person's normal  
2035 faculties were impaired, and the stewards or judges may take  
2036 action as set forth in this section, but the person may not  
2037 officiate at or participate in any race or jai alai game on the  
2038 day of such test.

2039  
2040 All tests relating to alcohol must be performed in a manner  
2041 substantially similar, or identical, to the provisions of s.  
2042 316.1934 and rules adopted pursuant to that section. Following a



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2043 test of the urine or blood to determine the presence of a  
2044 controlled substance as defined in chapter 893, if a controlled  
2045 substance is found to exist, the stewards, judges, or board of  
2046 judges may take such action as is permitted in this section.

2047 (3) A violation of subsection (2) is subject to the  
2048 following penalties:

2049 (c) If the second violation occurred within 1 year after  
2050 the first violation, then upon the finding of a third violation  
2051 of this section within 1 year after the second violation, the  
2052 stewards, judges, or board of judges may suspend the licensee  
2053 for up to 120 days; and the stewards, judges, or board of judges  
2054 shall forward the results of the tests under paragraphs (a) and  
2055 (b) and this violation to the department ~~division~~. In addition  
2056 to the action taken by the stewards, judges, or board of judges,  
2057 the department ~~division~~, after a hearing, may deny, suspend, or  
2058 revoke the occupational license of the licensee and may impose a  
2059 civil penalty of up to \$5,000 in addition to, or in lieu of, a  
2060 suspension or revocation, it being the intent of the Legislature  
2061 that the department ~~division~~ shall have no authority over the  
2062 enforcement of this section until a licensee has committed the  
2063 third violation within 2 years after the first violation.

2064 (4) Section 120.80(18) applies ~~The provisions of s.~~  
2065 ~~120.80(4)(a) apply~~ to all actions taken by the stewards, judges,  
2066 or board of judges pursuant to this section without regard to  
2067 the limitation contained therein.

2068 (6) Evidence of any test or actions taken by the stewards,  
2069 judges, or board of judges or the department ~~division~~ under this  
2070 section is inadmissible for any purpose in any court for  
2071 criminal prosecution, it being the intent of the Legislature to





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2072 provide a method and means by which the health, safety, and  
2073 welfare of those officiating at or participating in a race meet  
2074 or a jai alai game are sufficiently protected. However, this  
2075 subsection does not prohibit any person so authorized from  
2076 pursuing an independent investigation as a result of a ruling  
2077 made by the stewards, judges, or board of judges, or the  
2078 department ~~division~~.

2079 Section 32. Section 550.2415, Florida Statutes, is amended  
2080 to read:

2081 550.2415 Racing of animals under certain conditions  
2082 prohibited; penalties; exceptions.—

2083 (1) (a) The racing of an animal with any drug, medication,  
2084 stimulant, depressant, hypnotic, narcotic, local anesthetic, or  
2085 drug-masking agent is prohibited. It is a violation of this  
2086 section for a person to administer or cause to be administered  
2087 any drug, medication, stimulant, depressant, hypnotic, narcotic,  
2088 local anesthetic, or drug-masking agent to an animal which will  
2089 result in a positive test for such substance based on samples  
2090 taken from the animal immediately prior to or immediately after  
2091 the racing of that animal. Test results and the identities of  
2092 the animals being tested and of their trainers and owners of  
2093 record are confidential and exempt from s. 119.07(1) and from s.  
2094 24(a), Art. I of the State Constitution for 10 days after  
2095 testing of all samples collected on a particular day has been  
2096 completed and any positive test results derived from such  
2097 samples have been reported to the director of the department  
2098 ~~division~~ or administrative action has been commenced.

2099 (b) It is a violation of this section for a race-day  
2100 specimen to contain a level of a naturally occurring substance



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2101 ~~that which~~ exceeds normal physiological concentrations. The  
2102 department ~~division~~ may adopt rules that specify normal  
2103 physiological concentrations of naturally occurring substances  
2104 in the natural untreated animal and rules that specify  
2105 acceptable levels of environmental contaminants and trace levels  
2106 of substances in test samples.

2107 (c) The finding of a prohibited substance in a race-day  
2108 specimen constitutes prima facie evidence that the substance was  
2109 administered and was carried in the body of the animal while  
2110 participating in the race.

2111 (2) Administrative action may be taken by the department  
2112 ~~division~~ against an occupational licensee responsible pursuant  
2113 to rule of the department ~~division~~ for the condition of an  
2114 animal that has been impermissibly medicated or drugged in  
2115 violation of this section.

2116 (3) (a) Upon the finding of a violation of this section, the  
2117 department ~~division~~ may revoke or suspend the license or permit  
2118 of the violator or deny a license or permit to the violator;  
2119 impose a fine against the violator in an amount not exceeding  
2120 \$5,000; require the full or partial return of the purse,  
2121 sweepstakes, and trophy of the race at issue; or impose against  
2122 the violator any combination of such penalties. The finding of a  
2123 violation of this section in no way prohibits a prosecution for  
2124 criminal acts committed.

2125 (b) The department ~~division~~, notwithstanding ~~the provisions~~  
2126 ~~of~~ chapter 120, may summarily suspend the license of an  
2127 occupational licensee responsible under this section or  
2128 department ~~division~~ rule for the condition of a race animal if  
2129 the department's ~~division~~ laboratory reports the presence of an



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2130 impermissible substance in the animal or its blood, urine,  
2131 saliva, or any other bodily fluid, either before a race in which  
2132 the animal is entered or after a race the animal has run.

2133 (c) If an occupational licensee is summarily suspended  
2134 under this section, the department ~~division~~ shall offer the  
2135 licensee a prompt postsuspension hearing within 72 hours, at  
2136 which the department ~~division~~ shall produce the laboratory  
2137 report and documentation that ~~which~~, on its face, establishes  
2138 the responsibility of the occupational licensee. Upon production  
2139 of the documentation, the occupational licensee has the burden  
2140 of proving his or her lack of responsibility.

2141 (d) Any proceeding for administrative action against a  
2142 licensee or permittee, other than a proceeding under paragraph  
2143 (c), shall be conducted in compliance with chapter 120.

2144 (4) A prosecution pursuant to this section for a violation  
2145 of this section must be commenced within 2 years after the  
2146 violation was committed. Service of an administrative complaint  
2147 marks the commencement of administrative action.

2148 (5) The department ~~division~~ shall implement a split-sample  
2149 procedure for testing animals under this section.

2150 (a) Upon finding a positive drug test result, the  
2151 department shall notify the owner or trainer of the results. The  
2152 owner may request that each urine and blood sample be split into  
2153 a primary sample and a secondary (split) sample. Such splitting  
2154 must be accomplished in the laboratory under rules approved by  
2155 the department ~~division~~. Custody of both samples must remain  
2156 with the department ~~division~~. However, upon request by the  
2157 affected trainer or owner of the animal from which the sample  
2158 was obtained, the department ~~division~~ shall send the split



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2159 sample to an approved independent laboratory for analysis. The  
2160 department division shall establish standards and rules for  
2161 uniform enforcement and shall maintain a list of at least five  
2162 approved independent laboratories for an owner or trainer to  
2163 select from in the event of a positive test sample.

2164 (b) If the state laboratory's findings are not confirmed by  
2165 the independent laboratory, no further administrative or  
2166 disciplinary action under this section may be pursued. The  
2167 department division may adopt rules identifying substances that  
2168 diminish in a blood or urine sample due to passage of time and  
2169 that must be taken into account in applying this section.

2170 (c) If the independent laboratory confirms the state  
2171 laboratory's positive result, or if there is an insufficient  
2172 quantity of the secondary (split) sample for confirmation of the  
2173 state laboratory's positive result, the department division may  
2174 commence administrative proceedings as prescribed in this  
2175 chapter and consistent with chapter 120. For purposes of this  
2176 subsection, the department shall in good faith attempt to obtain  
2177 a sufficient quantity of the test fluid to allow both a primary  
2178 test and a secondary test to be made.

2179 (6) (a) It is the intent of the Legislature that animals  
2180 that participate in races in this state on which pari-mutuel  
2181 wagering is conducted and animals that are bred and trained in  
2182 this state for racing be treated humanely, both on and off  
2183 racetracks, throughout the lives of the animals.

2184 (b) The department division shall, by rule, adopt ~~establish~~  
2185 the procedures for euthanizing greyhounds. However, a greyhound  
2186 may not be put to death by any means other than by lethal  
2187 injection of the drug sodium pentobarbital. A greyhound may not



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2188 be removed from this state for the purpose of being destroyed.

2189 (c) It is a violation of this chapter for an occupational  
2190 licensee to train a greyhound using live or dead animals. A  
2191 greyhound may not be taken from this state for the purpose of  
2192 being trained through the use of live or dead animals.

2193 (d) Any act committed by any licensee that would constitute  
2194 cruelty to animals as defined in s. 828.02 involving any animal  
2195 constitutes a violation of this chapter. Imposition of any  
2196 penalty by the department ~~division~~ for violation of this chapter  
2197 or any rule adopted by the department ~~division~~ pursuant to this  
2198 chapter does ~~shall~~ not prohibit a criminal prosecution for  
2199 cruelty to animals.

2200 (e) The department ~~division~~ may inspect any area at a pari-  
2201 mutuel facility where racing animals are raced, trained, housed,  
2202 or maintained, including any areas where food, medications, or  
2203 other supplies are kept, to ensure the humane treatment of  
2204 racing animals and compliance with this chapter and the rules of  
2205 the department ~~division~~.

2206 (7) Under no circumstances may any medication be  
2207 administered closer than 24 hours prior to the officially  
2208 scheduled post time of a race except as provided for in this  
2209 section.

2210 (a) The department ~~division~~ shall adopt rules setting  
2211 conditions for the use of furosemide to treat exercise-induced  
2212 pulmonary hemorrhage.

2213 (b) The department ~~division~~ shall adopt rules setting  
2214 conditions for the use of prednisolone sodium succinate, but  
2215 under no circumstances may furosemide or prednisolone sodium  
2216 succinate be administered closer than 4 hours prior to the



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2217 officially scheduled post time for the race.

2218 (c) The department ~~division~~ shall adopt rules setting  
2219 conditions for the use of phenylbutazone and synthetic  
2220 corticosteroids; in no case, except as provided in paragraph  
2221 (b), shall these substances be given closer than 24 hours prior  
2222 to the officially scheduled post time of a race. Oral  
2223 corticosteroids are prohibited except when prescribed by a  
2224 licensed veterinarian and reported to the department ~~division~~ on  
2225 forms prescribed by the department ~~division~~.

2226 (d) ~~Nothing in~~ This section does not ~~shall be interpreted~~  
2227 ~~to~~ prohibit the use of vitamins, minerals, or naturally  
2228 occurring substances so long as they do not exceed ~~none exceeds~~  
2229 the normal physiological concentration in a race-day specimen.

2230 (e) The department ~~division~~ may, by rule, establish  
2231 acceptable levels of permitted medications and shall select the  
2232 appropriate biological specimens by which the administration of  
2233 permitted medication is monitored.

2234 (8) (a) Under no circumstances may any medication be  
2235 administered within 24 hours before the officially scheduled  
2236 post time of the race except as provided in this section.

2237 (b) As an exception to this section, if the department  
2238 ~~division~~ first determines that the use of furosemide,  
2239 phenylbutazone, or prednisolone sodium succinate in horses is in  
2240 the best interest of racing, the department ~~division~~ may adopt  
2241 rules allowing such use. Any rules allowing the use of  
2242 furosemide, phenylbutazone, or prednisolone sodium succinate in  
2243 racing must set the conditions for such use. Under no  
2244 circumstances may a rule be adopted which allows the  
2245 administration of furosemide or prednisolone sodium succinate



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2246 within 4 hours before the officially scheduled post time for the  
2247 race. Under no circumstances may a rule be adopted which allows  
2248 the administration of phenylbutazone or any other synthetic  
2249 corticosteroid within 24 hours before the officially scheduled  
2250 post time for the race. Any administration of synthetic  
2251 corticosteroids is limited to parenteral routes. Oral  
2252 administration of synthetic corticosteroids is expressly  
2253 prohibited. If this paragraph is unconstitutional, it is  
2254 severable from the remainder of this section.

2255 (c) The department ~~division~~ shall, by rule, establish  
2256 acceptable levels of permitted medications and shall select the  
2257 appropriate biological specimen by which the administration of  
2258 permitted medications is monitored.

2259 (9) (a) The department ~~division~~ may conduct a postmortem  
2260 examination of any animal that is injured at a permitted  
2261 racetrack while in training or in competition and that  
2262 subsequently expires or is destroyed. The department ~~division~~  
2263 may conduct a postmortem examination of any animal that expires  
2264 while housed at a permitted racetrack, association compound, or  
2265 licensed kennel or farm. Trainers and owners shall be requested  
2266 to comply with this paragraph as a condition of licensure.

2267 (b) The department ~~division~~ may take possession of the  
2268 animal upon death for postmortem examination. The department  
2269 ~~division~~ may submit blood, urine, other bodily fluid specimens,  
2270 or other tissue specimens collected during a postmortem  
2271 examination for testing by the department ~~division~~ laboratory or  
2272 its designee. Upon completion of the postmortem examination, the  
2273 carcass must be returned to the owner or disposed of at the  
2274 owner's option.



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2275           (10) The presence of a prohibited substance in an animal,  
2276 found by the department's ~~division~~ laboratory in a bodily fluid  
2277 specimen collected during the postmortem examination of the  
2278 animal, which breaks down during a race constitutes a violation  
2279 of this section.

2280           (11) The cost of postmortem examinations, testing, and  
2281 disposal must be borne by the department ~~division~~.

2282           (12) The department ~~division~~ shall adopt rules to implement  
2283 this section. The rules may include a classification system for  
2284 prohibited substances and a corresponding penalty schedule for  
2285 violations.

2286           (13) Except as specifically modified by statute or by rules  
2287 of the department ~~division~~, the Uniform Classification  
2288 Guidelines for Foreign Substances, revised February 14, 1995, as  
2289 promulgated by the Association of Racing Commissioners  
2290 International, Inc., is hereby adopted by reference as the  
2291 uniform classification system for class IV and V medications.

2292           (14) The department ~~division~~ shall utilize only the thin  
2293 layer chromatography (TLC) screening process to test for the  
2294 presence of class IV and V medications in samples taken from  
2295 racehorses except when thresholds of a class IV or class V  
2296 medication have been established and are enforced by rule. Once  
2297 a sample has been identified as suspicious for a class IV or  
2298 class V medication by the TLC screening process, the sample will  
2299 be sent for confirmation by and through additional testing  
2300 methods. All other medications not classified by rule as a class  
2301 IV or class V agent are ~~shall be~~ subject to all forms of testing  
2302 available to the department ~~division~~.

2303           (15) The department ~~division~~ may implement by rule





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2304 medication levels recommended by the University of Florida  
2305 College of Veterinary Medicine developed pursuant to an  
2306 agreement between the department ~~Division of Pari-mutuel~~  
2307 ~~Wagering~~ and the University of Florida College of Veterinary  
2308 Medicine. The University of Florida College of Veterinary  
2309 Medicine may provide written notification to the department  
2310 ~~division~~ that it has completed research or review on a  
2311 particular drug pursuant to the agreement and when the College  
2312 of Veterinary Medicine has completed a final report of its  
2313 findings, conclusions, and recommendations to the department  
2314 ~~division~~.

2315 (16) The testing medium for phenylbutazone in horses shall  
2316 be serum, and the department ~~division~~ may collect up to six full  
2317 15-milliliter blood tubes for each horse being sampled.

2318 Section 33. Section 550.2614, Florida Statutes, is amended  
2319 to read:

2320 550.2614 Distribution of certain funds to a horsemen's  
2321 association.—

2322 (1) Each licensee that holds a permit for thoroughbred  
2323 horse racing in this state shall deduct from the purses required  
2324 by s. 550.2625, an amount of money equal to 1 percent of the  
2325 total purse pool and shall pay that amount to a horsemen's  
2326 association representing the majority of the thoroughbred  
2327 racehorse owners and trainers for its use in accordance with the  
2328 stated goals of its articles of association filed with the  
2329 Department of State.

2330 (2) The funds are payable to the horsemen's association  
2331 only upon presentation of a sworn statement by the officers of  
2332 the association that the horsemen's association represents a



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2333 majority of the owners and trainers of thoroughbred horses  
2334 stabled in the state.

2335 (3) Upon receiving a state license, each thoroughbred owner  
2336 and trainer shall receive automatic membership in the horsemen's  
2337 association as defined in subsection (1) and be counted on the  
2338 membership rolls of that association, unless, within 30 calendar  
2339 days after receipt of license from the state, the individual  
2340 declines membership in writing, to the association as defined in  
2341 subsection (1).

2342 (4) The department ~~division~~ shall adopt rules to facilitate  
2343 the orderly transfer of funds in accordance with this section.  
2344 The department ~~division~~ shall also monitor the membership rolls  
2345 of the horsemen's association to ensure that complete, accurate,  
2346 and timely listings are maintained for the purposes specified in  
2347 this section.

2348 Section 34. Subsection (3) of section 550.26165, Florida  
2349 Statutes, is amended to read:

2350 550.26165 Breeders' awards.—

2351 (3) Breeders' associations shall submit their plans to the  
2352 department ~~division~~ at least 60 days before the beginning of the  
2353 payment year. The payment year may be a calendar year or any 12-  
2354 month period, but once established, the yearly base may not be  
2355 changed except for compelling reasons. Once a plan is approved,  
2356 the department ~~division~~ may not allow the plan to be amended  
2357 during the year, except for the most compelling reasons.

2358 Section 35. Section 550.2625, Florida Statutes, is amended  
2359 to read:

2360 550.2625 Horseracing; minimum purse requirement, Florida  
2361 breeders' and owners' awards.—



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2362           (1) The purse structure and the availability of breeder  
2363 awards are important factors in attracting the entry of well-  
2364 bred horses in racing meets in this state which in turn helps to  
2365 produce maximum racing revenues for the state and the counties.

2366           (2) Each permitholder conducting a horserace meet is  
2367 required to pay from the takeout withheld on pari-mutuel pools a  
2368 sum for purses in accordance with the type of race performed.

2369           (a) A permitholder conducting a thoroughbred horse race  
2370 meet under this chapter must pay from the takeout withheld a sum  
2371 not less than 7.75 percent of all contributions to pari-mutuel  
2372 pools conducted during the race meet as purses. In addition to  
2373 the 7.75 percent minimum purse payment, permitholders conducting  
2374 live thoroughbred performances shall be required to pay as  
2375 additional purses .625 percent of live handle for performances  
2376 conducted during the period beginning on January 3 and ending  
2377 March 16; .225 percent for performances conducted during the  
2378 period beginning March 17 and ending May 22; and .85 percent for  
2379 performances conducted during the period beginning May 23 and  
2380 ending January 2. Except that any thoroughbred permitholder  
2381 whose total handle on live performances during the 1991-1992  
2382 state fiscal year was not greater than \$34 million is not  
2383 subject to this additional purse payment. A permitholder  
2384 authorized to conduct thoroughbred racing may withhold from the  
2385 handle an additional amount equal to 1 percent on exotic  
2386 wagering for use as owners' awards, and may withhold from the  
2387 handle an amount equal to 2 percent on exotic wagering for use  
2388 as overnight purses. A ~~No~~ permitholder may not withhold in  
2389 excess of 20 percent from the handle without withholding the  
2390 amounts set forth in this subsection.



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2391 (b)1. A permitholder conducting a harness horse race meet  
2392 under this chapter must pay to the purse pool from the takeout  
2393 withheld a purse requirement that totals an amount not less than  
2394 8.25 percent of all contributions to pari-mutuel pools conducted  
2395 during the race meet. An amount not less than 7.75 percent of  
2396 the total handle shall be paid from this purse pool as purses.

2397 2. An amount not to exceed 0.5 percent of the total handle  
2398 on all harness horse races that are subject to the purse  
2399 requirement of subparagraph 1., must be available for use to  
2400 provide medical, dental, surgical, life, funeral, or disability  
2401 insurance benefits for occupational licensees who work at tracks  
2402 in this state at which harness horse races are conducted. Such  
2403 insurance benefits must be paid from the purse pool specified in  
2404 subparagraph 1. An annual plan for payment of insurance benefits  
2405 from the purse pool, including qualifications for eligibility,  
2406 must be submitted by the Florida Standardbred Breeders and  
2407 Owners Association for approval to the department ~~division~~. An  
2408 annual report of the implemented plan shall be submitted to the  
2409 department ~~division~~. All records of the Florida Standardbred  
2410 Breeders and Owners Association concerning the administration of  
2411 the plan must be available for audit at the discretion of the  
2412 department ~~division~~ to determine that the plan has been  
2413 implemented and administered as authorized. If the department  
2414 ~~division~~ finds that the Florida Standardbred Breeders and Owners  
2415 Association has not complied with the provisions of this  
2416 section, the department ~~division~~ may order the association to  
2417 cease and desist from administering the plan and shall appoint  
2418 the department ~~division~~ as temporary administrator of the plan  
2419 until the department ~~division~~ reestablishes administration of



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2420 the plan with the association.

2421 (c) A permitholder conducting a quarter horse race meet  
2422 under this chapter shall pay from the takeout withheld a sum not  
2423 less than 6 percent of all contributions to pari-mutuel pools  
2424 conducted during the race meet as purses.

2425 (d) The department ~~division~~ shall adopt reasonable rules to  
2426 ensure the timely and accurate payment of all amounts withheld  
2427 by horserace permitholders regarding the distribution of purses,  
2428 owners' awards, and other amounts collected for payment to  
2429 owners and breeders. Each permitholder that fails to pay out all  
2430 moneys collected for payment to owners and breeders shall,  
2431 within 10 days after the end of the meet during which the  
2432 permitholder underpaid purses, deposit an amount equal to the  
2433 underpayment into a separate interest-bearing account to be  
2434 distributed to owners and breeders in accordance with department  
2435 ~~division~~ rules.

2436 (e) An amount equal to 8.5 percent of the purse account  
2437 generated through intertrack wagering and interstate  
2438 simulcasting will be used for Florida Owners' Awards as set  
2439 forth in subsection (3). Any thoroughbred permitholder with an  
2440 average blended takeout that ~~which~~ does not exceed 20 percent  
2441 and with an average daily purse distribution excluding  
2442 sponsorship, entry fees, and nominations exceeding \$225,000 is  
2443 exempt from the provisions of this paragraph.

2444 (3) Each horseracing permitholder conducting any  
2445 thoroughbred race under this chapter, including any intertrack  
2446 race taken pursuant to ss. 550.615-550.6305 or any interstate  
2447 simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal  
2448 to 0.955 percent on all pari-mutuel pools conducted during any



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2449 such race for the payment of breeders', stallion, or special  
2450 racing awards as authorized in this chapter. This subsection  
2451 also applies to all Breeder's Cup races conducted outside this  
2452 state taken pursuant to s. 550.3551(3). On any race originating  
2453 live in this state which is broadcast out-of-state to any  
2454 location at which wagers are accepted pursuant to s.  
2455 550.3551(2), the host track is required to pay 3.475 percent of  
2456 the gross revenue derived from such out-of-state broadcasts as  
2457 breeders', stallion, or special racing awards. The Florida  
2458 Thoroughbred Breeders' Association is authorized to receive  
2459 these payments from the permitholders and make payments of  
2460 awards earned. The Florida Thoroughbred Breeders' Association  
2461 has the right to withhold up to 10 percent of the permitholder's  
2462 payments under this section as a fee for administering the  
2463 payments of awards and for general promotion of the industry.  
2464 The permitholder shall remit these payments to the Florida  
2465 Thoroughbred Breeders' Association by the 5th day of each  
2466 calendar month for such sums accruing during the preceding  
2467 calendar month and shall report such payments to the department  
2468 ~~division~~ as prescribed by the department ~~division~~. With the  
2469 exception of the 10-percent fee, the moneys paid by the  
2470 permitholders shall be maintained in a separate, interest-  
2471 bearing account, and such payments together with any interest  
2472 earned shall be used exclusively for the payment of breeders',  
2473 stallion, or special racing awards in accordance with the  
2474 following provisions:

2475 (a) The breeder of each Florida-bred thoroughbred horse  
2476 winning a thoroughbred horse race is entitled to an award of up  
2477 to, but not exceeding, 20 percent of the announced gross purse,



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2478 including nomination fees, eligibility fees, starting fees,  
2479 supplementary fees, and moneys added by the sponsor of the race.

2480 (b) The owner or owners of the sire of a Florida-bred  
2481 thoroughbred horse that wins a stakes race is entitled to a  
2482 stallion award of up to, but not exceeding, 20 percent of the  
2483 announced gross purse, including nomination fees, eligibility  
2484 fees, starting fees, supplementary fees, and moneys added by the  
2485 sponsor of the race.

2486 (c) The owners of thoroughbred horses participating in  
2487 thoroughbred stakes races, nonstakes races, or both may receive  
2488 a special racing award in accordance with the agreement  
2489 established pursuant to s. 550.26165(1).

2490 (d) In order for a breeder of a Florida-bred thoroughbred  
2491 horse to be eligible to receive a breeder's award, the horse  
2492 must have been registered as a Florida-bred horse with the  
2493 Florida Thoroughbred Breeders' Association, and the Jockey Club  
2494 certificate for the horse must show that it has been duly  
2495 registered as a Florida-bred horse as evidenced by the seal and  
2496 proper serial number of the Florida Thoroughbred Breeders'  
2497 Association registry. The Florida Thoroughbred Breeders'  
2498 Association shall be permitted to charge the registrant a  
2499 reasonable fee for this verification and registration.

2500 (e) In order for an owner of the sire of a thoroughbred  
2501 horse winning a stakes race to be eligible to receive a stallion  
2502 award, the stallion must have been registered with the Florida  
2503 Thoroughbred Breeders' Association, and the breeding of the  
2504 registered Florida-bred horse must have occurred in this state.  
2505 The stallion must be standing permanently in this state during  
2506 the period of time between February 1 and June 15 of each year



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2507 or, if the stallion is dead, must have stood permanently in this  
2508 state for a period of not less than 1 year immediately prior to  
2509 its death. The removal of a stallion from this state during the  
2510 period of time between February 1 and June 15 of any year for  
2511 any reason, other than exclusively for prescribed medical  
2512 treatment, as approved by the Florida Thoroughbred Breeders'  
2513 Association, renders the owner or owners of the stallion  
2514 ineligible to receive a stallion award under any circumstances  
2515 for offspring sired prior to removal; however, if a removed  
2516 stallion is returned to this state, all offspring sired  
2517 subsequent to the return make the owner or owners of the  
2518 stallion eligible for the stallion award but only for those  
2519 offspring sired subsequent to such return to this state. The  
2520 Florida Thoroughbred Breeders' Association shall maintain  
2521 complete records showing the date the stallion arrived in this  
2522 state for the first time, whether or not the stallion remained  
2523 in the state permanently, the location of the stallion, and  
2524 whether the stallion is still standing in this state and  
2525 complete records showing awards earned, received, and  
2526 distributed. The association may charge the owner, owners, or  
2527 breeder a reasonable fee for this service.

2528 (f) A permitholder conducting a thoroughbred horse race  
2529 under the provisions of this chapter shall, within 30 days after  
2530 the end of the race meet during which the race is conducted,  
2531 certify to the Florida Thoroughbred Breeders' Association such  
2532 information relating to the thoroughbred horses winning a stakes  
2533 or other horserace at the meet as may be required to determine  
2534 the eligibility for payment of breeders', stallion, and special  
2535 racing awards.





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2536 (g) The Florida Thoroughbred Breeders' Association shall  
2537 maintain complete records showing the starters and winners in  
2538 all races conducted at thoroughbred tracks in this state; shall  
2539 maintain complete records showing awards earned, received, and  
2540 distributed; and may charge the owner, owners, or breeder a  
2541 reasonable fee for this service.

2542 (h) The Florida Thoroughbred Breeders' Association shall  
2543 annually establish a uniform rate and procedure for the payment  
2544 of breeders' and stallion awards and shall make breeders' and  
2545 stallion award payments in strict compliance with the  
2546 established uniform rate and procedure plan. The plan may set a  
2547 cap on winnings and may limit, exclude, or defer payments to  
2548 certain classes of races, such as the Florida stallion stakes  
2549 races, in order to assure that there are adequate revenues to  
2550 meet the proposed uniform rate. Such plan must include proposals  
2551 for the general promotion of the industry. Priority shall be  
2552 placed upon imposing such restrictions in lieu of allowing the  
2553 uniform rate to be less than 15 percent of the total purse  
2554 payment. The uniform rate and procedure plan must be approved by  
2555 the department ~~division~~ before implementation. In the absence of  
2556 an approved plan and procedure, the authorized rate for  
2557 breeders' and stallion awards is 15 percent of the announced  
2558 gross purse for each race. Such purse must include nomination  
2559 fees, eligibility fees, starting fees, supplementary fees, and  
2560 moneys added by the sponsor of the race. If the funds in the  
2561 account for payment of breeders' and stallion awards are not  
2562 sufficient to meet all earned breeders' and stallion awards,  
2563 those breeders and stallion owners not receiving payments have  
2564 first call on any subsequent receipts in that or any subsequent



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2565 year.

2566 (i) The Florida Thoroughbred Breeders' Association shall  
2567 keep accurate records showing receipts and disbursements of such  
2568 payments and shall annually file a full and complete report to  
2569 the department ~~division~~ showing such receipts and disbursements  
2570 and the sums withheld for administration. The department  
2571 ~~division~~ may audit the records and accounts of the Florida  
2572 Thoroughbred Breeders' Association to determine that payments  
2573 have been made to eligible breeders and stallion owners in  
2574 accordance with this section.

2575 (j) If the department ~~division~~ finds that the Florida  
2576 Thoroughbred Breeders' Association has not complied with any  
2577 provision of this section, the department ~~division~~ may order the  
2578 association to cease and desist from receiving funds and  
2579 administering funds received under this section. If the  
2580 department ~~division~~ enters such an order, the permitholder shall  
2581 make the payments authorized in this section to the department  
2582 ~~division~~ for deposit into the Pari-mutuel Wagering Trust Fund;  
2583 and any funds in the Florida Thoroughbred Breeders' Association  
2584 account shall be immediately paid to the department ~~Division of~~  
2585 ~~Pari-mutuel Wagering~~ for deposit to the Pari-mutuel Wagering  
2586 Trust Fund. The department ~~division~~ shall authorize payment from  
2587 these funds to any breeder or stallion owner entitled to an  
2588 award that has not been previously paid by the Florida  
2589 Thoroughbred Breeders' Association in accordance with the  
2590 applicable rate.

2591 (4) Each permitholder conducting a harness horse race under  
2592 this chapter shall pay a sum equal to the breaks on all pari-  
2593 mutuel pools conducted during that race for the payment of



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2594 breeders' awards, stallion awards, and stallion stakes and for  
2595 additional expenditures as authorized in this section. The  
2596 Florida Standardbred Breeders and Owners Association is  
2597 authorized to receive these payments from the permitholders and  
2598 make payments as authorized in this subsection. The Florida  
2599 Standardbred Breeders and Owners Association has the right to  
2600 withhold up to 10 percent of the permitholder's payments under  
2601 this section and under s. 550.2633 as a fee for administering  
2602 these payments. The permitholder shall remit these payments to  
2603 the Florida Standardbred Breeders and Owners Association by the  
2604 5th day of each calendar month for such sums accruing during the  
2605 preceding calendar month and shall report such payments to the  
2606 department ~~division~~ as prescribed by the department ~~division~~.  
2607 With the exception of the 10-percent fee for administering the  
2608 payments and the use of the moneys authorized by paragraph (j),  
2609 the moneys paid by the permitholders shall be maintained in a  
2610 separate, interest-bearing account; and such payments together  
2611 with any interest earned shall be allocated for the payment of  
2612 breeders' awards, stallion awards, stallion stakes, additional  
2613 purses, and prizes for, and the general promotion of owning and  
2614 breeding of, Florida-bred standardbred horses. Payment of  
2615 breeders' awards and stallion awards shall be made in accordance  
2616 with the following provisions:

2617 (a) The breeder of each Florida-bred standardbred horse  
2618 winning a harness horse race is entitled to an award of up to,  
2619 but not exceeding, 20 percent of the announced gross purse,  
2620 including nomination fees, eligibility fees, starting fees,  
2621 supplementary fees, and moneys added by the sponsor of the race.

2622 (b) The owner or owners of the sire of a Florida-bred



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2623 standardbred horse that wins a stakes race is entitled to a  
2624 stallion award of up to, but not exceeding, 20 percent of the  
2625 announced gross purse, including nomination fees, eligibility  
2626 fees, starting fees, supplementary fees, and moneys added by the  
2627 sponsor of the race.

2628 (c) In order for a breeder of a Florida-bred standardbred  
2629 horse to be eligible to receive a breeder's award, the horse  
2630 winning the race must have been registered as a Florida-bred  
2631 horse with the Florida Standardbred Breeders and Owners  
2632 Association and a registration certificate under seal for the  
2633 winning horse must show that the winner has been duly registered  
2634 as a Florida-bred horse as evidenced by the seal and proper  
2635 serial number of the United States Trotting Association  
2636 registry. The Florida Standardbred Breeders and Owners  
2637 Association shall be permitted to charge the registrant a  
2638 reasonable fee for this verification and registration.

2639 (d) In order for an owner of the sire of a standardbred  
2640 horse winning a stakes race to be eligible to receive a stallion  
2641 award, the stallion must have been registered with the Florida  
2642 Standardbred Breeders and Owners Association, and the breeding  
2643 of the registered Florida-bred horse must have occurred in this  
2644 state. The stallion must be standing permanently in this state  
2645 or, if the stallion is dead, must have stood permanently in this  
2646 state for a period of not less than 1 year immediately prior to  
2647 its death. The removal of a stallion from this state for any  
2648 reason, other than exclusively for prescribed medical treatment,  
2649 renders the owner or the owners of the stallion ineligible to  
2650 receive a stallion award under any circumstances for offspring  
2651 sired prior to removal; however, if a removed stallion is



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2652 returned to this state, all offspring sired subsequent to the  
2653 return make the owner or owners of the stallion eligible for the  
2654 stallion award but only for those offspring sired subsequent to  
2655 such return to this state. The Florida Standardbred Breeders and  
2656 Owners Association shall maintain complete records showing the  
2657 date the stallion arrived in this state for the first time,  
2658 whether or not the stallion remained in the state permanently,  
2659 the location of the stallion, and whether the stallion is still  
2660 standing in this state and complete records showing awards  
2661 earned, received, and distributed. The association may charge  
2662 the owner, owners, or breeder a reasonable fee for this service.

2663 (e) A permitholder conducting a harness horse race under  
2664 this chapter shall, within 30 days after the end of the race  
2665 meet during which the race is conducted, certify to the Florida  
2666 Standardbred Breeders and Owners Association such information  
2667 relating to the horse winning a stakes or other horserace at the  
2668 meet as may be required to determine the eligibility for payment  
2669 of breeders' awards and stallion awards.

2670 (f) The Florida Standardbred Breeders and Owners  
2671 Association shall maintain complete records showing the starters  
2672 and winners in all races conducted at harness horse racetracks  
2673 in this state; shall maintain complete records showing awards  
2674 earned, received, and distributed; and may charge the owner,  
2675 owners, or breeder a reasonable fee for this service.

2676 (g) The Florida Standardbred Breeders and Owners  
2677 Association shall annually establish a uniform rate and  
2678 procedure for the payment of breeders' awards, stallion awards,  
2679 stallion stakes, additional purses, and prizes for, and for the  
2680 general promotion of owning and breeding of, Florida-bred



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2681 standardbred horses and shall make award payments and  
2682 allocations in strict compliance with the established uniform  
2683 rate and procedure. The plan may set a cap on winnings, and may  
2684 limit, exclude, or defer payments to certain classes of races,  
2685 such as the Florida Breeders' stakes races, in order to assure  
2686 that there are adequate revenues to meet the proposed uniform  
2687 rate. Priority shall be placed on imposing such restrictions in  
2688 lieu of allowing the uniform rate allocated to payment of  
2689 breeder and stallion awards to be less than 10 percent of the  
2690 total purse payment. The uniform rate and procedure must be  
2691 approved by the department ~~division~~ before implementation. In  
2692 the absence of an approved plan and procedure, the authorized  
2693 rate for breeders' and stallion awards is 10 percent of the  
2694 announced gross purse for each race. Such purse must include  
2695 nomination fees, eligibility fees, starting fees, supplementary  
2696 fees, and moneys added by the sponsor of the race. If the funds  
2697 in the account for payment of breeders' and stallion awards are  
2698 not sufficient to meet all earned breeders' and stallion awards,  
2699 those breeders and stallion owners not receiving payments have  
2700 first call on any subsequent receipts in that or any subsequent  
2701 year.

2702 (h) The Florida Standardbred Breeders and Owners  
2703 Association shall keep accurate records showing receipts and  
2704 disbursements of such payments and shall annually file a full  
2705 and complete report to the department ~~division~~ showing such  
2706 receipts and disbursements and the sums withheld for  
2707 administration. The department ~~division~~ may audit the records  
2708 and accounts of the Florida Standardbred Breeders and Owners  
2709 Association to determine that payments have been made to



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2710 eligible breeders, stallion owners, and owners of Florida-bred  
2711 standardbred horses in accordance with this section.

2712 (i) If the department ~~division~~ finds that the Florida  
2713 Standardbred Breeders and Owners Association has not complied  
2714 with any provision of this section, the department ~~division~~ may  
2715 order the association to cease and desist from receiving funds  
2716 and administering funds received under this section and under s.  
2717 550.2633. If the department ~~division~~ enters such an order, the  
2718 permitholder shall make the payments authorized in this section  
2719 and s. 550.2633 to the department ~~division~~ for deposit into the  
2720 Pari-mutuel Wagering Trust Fund; and any funds in the Florida  
2721 Standardbred Breeders and Owners Association account shall be  
2722 immediately paid to the department ~~division~~ for deposit to the  
2723 Pari-mutuel Wagering Trust Fund. The department ~~division~~ shall  
2724 authorize payment from these funds to any breeder, stallion  
2725 owner, or owner of a Florida-bred standardbred horse entitled to  
2726 an award that has not been previously paid by the Florida  
2727 Standardbred Breeders and Owners Association in accordance with  
2728 the applicable rate.

2729 (j) The board of directors of the Florida Standardbred  
2730 Breeders and Owners Association may authorize the release of up  
2731 to 25 percent of the funds available for breeders' awards,  
2732 stallion awards, stallion stakes, additional purses, and prizes  
2733 for, and for the general promotion of owning and breeding of,  
2734 Florida-bred standardbred horses to be used for purses for, and  
2735 promotion of, Florida-bred standardbred horses at race meetings  
2736 at which there is no pari-mutuel wagering unless, and to the  
2737 extent that, such release would render the funds available for  
2738 such awards insufficient to pay the breeders' and stallion



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2739 awards earned pursuant to the annual plan of the association.  
2740 Any such funds so released and used for purses are not  
2741 considered to be an "announced gross purse" as that term is used  
2742 in paragraphs (a) and (b), and no breeders' or stallion awards,  
2743 stallion stakes, or owner awards are required to be paid for  
2744 standardbred horses winning races in meetings at which there is  
2745 no pari-mutuel wagering. The amount of purses to be paid from  
2746 funds so released and the meets eligible to receive such funds  
2747 for purses must be approved by the board of directors of the  
2748 Florida Standardbred Breeders and Owners Association.

2749 (5) (a) Except as provided in subsections (7) and (8), each  
2750 permitholder conducting a quarter horse race meet under this  
2751 chapter shall pay a sum equal to the breaks plus a sum equal to  
2752 1 percent of all pari-mutuel pools conducted during that race  
2753 for supplementing and augmenting purses and prizes and for the  
2754 general promotion of owning and breeding of racing quarter  
2755 horses in this state as authorized in this section. The Florida  
2756 Quarter Horse Breeders and Owners Association is authorized to  
2757 receive these payments from the permitholders and make payments  
2758 as authorized in this subsection. The Florida Quarter Horse  
2759 Breeders and Owners Association, Inc., referred to in this  
2760 chapter as the Florida Quarter Horse Breeders and Owners  
2761 Association, has the right to withhold up to 10 percent of the  
2762 permitholder's payments under this section and under s. 550.2633  
2763 as a fee for administering these payments. The permitholder  
2764 shall remit these payments to the Florida Quarter Horse Breeders  
2765 and Owners Association by the 5th day of each calendar month for  
2766 such sums accruing during the preceding calendar month and shall  
2767 report such payments to the department ~~division~~ as prescribed by





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2768 the department ~~division~~. With the exception of the 5-percent fee  
2769 for administering the payments, the moneys paid by the  
2770 permitholders shall be maintained in a separate, interest-  
2771 bearing account.

2772 (b) The Florida Quarter Horse Breeders and Owners  
2773 Association shall use these funds solely for supplementing and  
2774 augmenting purses and prizes and for the general promotion of  
2775 owning and breeding of racing quarter horses in this state and  
2776 for general administration of the Florida Quarter Horse Breeders  
2777 and Owners Association, Inc., in this state.

2778 (c) In order for an owner or breeder of a Florida-bred  
2779 quarter horse to be eligible to receive an award, the horse  
2780 winning a race must have been registered as a Florida-bred horse  
2781 with the Florida Quarter Horse Breeders and Owners Association  
2782 and a registration certificate under seal for the winning horse  
2783 must show that the winning horse has been duly registered prior  
2784 to the race as a Florida-bred horse as evidenced by the seal and  
2785 proper serial number of the Florida Quarter Horse Breeders and  
2786 Owners Association registry. The Department of Agriculture and  
2787 Consumer Services is authorized to assist the association in  
2788 maintaining this registry. The Florida Quarter Horse Breeders  
2789 and Owners Association may charge the registrant a reasonable  
2790 fee for this verification and registration. Any person who  
2791 registers unqualified horses or misrepresents information in any  
2792 way shall be denied any future participation in breeders'  
2793 awards, and all horses misrepresented will no longer be deemed  
2794 to be Florida-bred.

2795 (d) A permitholder conducting a quarter horse race under a  
2796 quarter horse permit under this chapter shall, within 30 days



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2797 after the end of the race meet during which the race is  
2798 conducted, certify to the Florida Quarter Horse Breeders and  
2799 Owners Association such information relating to the horse  
2800 winning a stakes or other horserace at the meet as may be  
2801 required to determine the eligibility for payment of breeders'  
2802 awards under this section.

2803 (e) The Florida Quarter Horse Breeders and Owners  
2804 Association shall maintain complete records showing the starters  
2805 and winners in all quarter horse races conducted under quarter  
2806 horse permits in this state; shall maintain complete records  
2807 showing awards earned, received, and distributed; and may charge  
2808 the owner, owners, or breeder a reasonable fee for this service.

2809 (f) The Florida Quarter Horse Breeders and Owners  
2810 Association shall keep accurate records showing receipts and  
2811 disbursements of payments made under this section and shall  
2812 annually file a full and complete report to the department  
2813 ~~division~~ showing such receipts and disbursements and the sums  
2814 withheld for administration. The department ~~division~~ may audit  
2815 the records and accounts of the Florida Quarter Horse Breeders  
2816 and Owners Association to determine that payments have been made  
2817 in accordance with this section.

2818 (g) The Florida Quarter Horse Breeders and Owners  
2819 Association shall annually establish a plan for supplementing  
2820 and augmenting purses and prizes and for the general promotion  
2821 of owning and breeding Florida-bred racing quarter horses and  
2822 shall make award payments and allocations in strict compliance  
2823 with the annual plan. The annual plan must be approved by the  
2824 department ~~division~~ before implementation. If the funds in the  
2825 account for payment of purses and prizes are not sufficient to



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2826 meet all purses and prizes to be awarded, those breeders and  
2827 owners not receiving payments have first call on any subsequent  
2828 receipts in that or any subsequent year.

2829 (h) If the department ~~division~~ finds that the Florida  
2830 Quarter Horse Breeders and Owners Association has not complied  
2831 with any provision of this section, the department ~~division~~ may  
2832 order the association to cease and desist from receiving funds  
2833 and administering funds received under this section and s.  
2834 550.2633. If the department ~~division~~ enters such an order, the  
2835 permitholder shall make the payments authorized in this section  
2836 and s. 550.2633 to the department ~~division~~ for deposit into the  
2837 Pari-mutuel Wagering Trust Fund, and any funds in the Florida  
2838 Quarter Horse Breeders and Owners Association account shall be  
2839 immediately paid to the department ~~division~~ for deposit to the  
2840 Pari-mutuel Wagering Trust Fund. The department ~~division~~ shall  
2841 authorize payment from these funds to any breeder or owner of a  
2842 quarter horse entitled to an award that has not been previously  
2843 paid by the Florida Quarter Horse Breeders and Owners  
2844 Association pursuant to ~~in accordance with~~ this section.

2845 (6) (a) The takeout may be used for the payment of awards to  
2846 owners of registered Florida-bred horses placing first in a  
2847 claiming race, an allowance race, a maiden special race, or a  
2848 stakes race in which the announced purse, exclusive of entry and  
2849 starting fees and added moneys, does not exceed \$40,000.

2850 (b) The permitholder shall determine for each qualified  
2851 race the amount of the owners' award for which a registered  
2852 Florida-bred horse will be eligible. The amount of the available  
2853 owners' award shall be established in the same manner in which  
2854 purses are established and shall be published in the condition



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2855 book for the period during which the race is to be conducted. No  
2856 single award may exceed 50 percent of the gross purse for the  
2857 race won.

2858 (c) If the moneys generated under paragraph (a) during the  
2859 meet exceed the owners' awards earned during the meet, the  
2860 excess funds shall be held in a separate interest-bearing  
2861 account, and the total interest and principal shall be used to  
2862 increase the owners' awards during the permitholder's next meet.

2863 (d) Breeders' awards authorized by subsections (3) and (4)  
2864 may not be paid on owners' awards.

2865 (e) This subsection governs owners' awards paid on  
2866 thoroughbred horse races only in this state, unless a written  
2867 agreement is filed with the department ~~division~~ establishing the  
2868 rate, procedures, and eligibility requirements for owners'  
2869 awards, including place of finish, class of race, maximum purse,  
2870 and maximum award, and the agreement is entered into by the  
2871 permitholder, the Florida Thoroughbred Breeders' Association,  
2872 and the association representing a majority of the racehorse  
2873 owners and trainers at the permitholder's location.

2874 (7) (a) Each permitholder that conducts race meets under  
2875 this chapter and runs Appaloosa races shall pay to the  
2876 department ~~division~~ a sum equal to the breaks plus a sum equal  
2877 to 1 percent of the total contributions to each pari-mutuel pool  
2878 conducted on each Appaloosa race. The payments shall be remitted  
2879 to the department ~~division~~ by the 5th day of each calendar month  
2880 for sums accruing during the preceding calendar month.

2881 (b) The department ~~division~~ shall deposit these collections  
2882 to the credit of the General Inspection Trust Fund in a special  
2883 account to be known as the "Florida Appaloosa Racing Promotion



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2884 Account." The Department of Agriculture and Consumer Services  
2885 shall administer the funds and adopt suitable and reasonable  
2886 rules for the administration thereof. The moneys in the Florida  
2887 Appaloosa Racing Promotion Account shall be allocated solely for  
2888 supplementing and augmenting purses and prizes and for the  
2889 general promotion of owning and breeding of racing Appaloosas in  
2890 this state; and the moneys may not be used to defray any expense  
2891 of the Department of Agriculture and Consumer Services in the  
2892 administration of this chapter.

2893 (8) (a) Each permitholder that conducts race meets under  
2894 this chapter and runs Arabian horse races shall pay to the  
2895 department ~~division~~ a sum equal to the breaks plus a sum equal  
2896 to 1 percent of the total contributions to each pari-mutuel pool  
2897 conducted on each Arabian horse race. The payments shall be  
2898 remitted to the department ~~division~~ by the 5th day of each  
2899 calendar month for sums accruing during the preceding calendar  
2900 month.

2901 (b) The department ~~division~~ shall deposit these collections  
2902 to the credit of the General Inspection Trust Fund in a special  
2903 account to be known as the "Florida Arabian Horse Racing  
2904 Promotion Account." The Department of Agriculture and Consumer  
2905 Services shall administer the funds and adopt suitable and  
2906 reasonable rules for the administration thereof. The moneys in  
2907 the Florida Arabian Horse Racing Promotion Account shall be  
2908 allocated solely for supplementing and augmenting purses and  
2909 prizes and for the general promotion of owning and breeding of  
2910 racing Arabian horses in this state; and the moneys may not be  
2911 used to defray any expense of the Department of Agriculture and  
2912 Consumer Services in the administration of this chapter, except



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2913 that the moneys generated by Arabian horse registration fees  
2914 received pursuant to s. 570.382 may be used as provided in  
2915 paragraph (5)(b) of that section.

2916 Section 36. Section 550.26352, Florida Statutes, is amended  
2917 to read:

2918 550.26352 Breeders' Cup Meet; pools authorized; conflicts;  
2919 taxes; credits; transmission of races; rules; application.-

2920 (1) Notwithstanding any provision of this chapter to the  
2921 contrary, there is ~~hereby~~ created a special thoroughbred race  
2922 meet that ~~which~~ shall be designated as the "Breeders' Cup Meet."  
2923 The Breeders' Cup Meet shall be conducted at the facility of the  
2924 Florida permitholder selected by Breeders' Cup Limited to  
2925 conduct the Breeders' Cup Meet. The Breeders' Cup Meet shall  
2926 consist of 3 days: the day on which the Breeders' Cup races are  
2927 conducted, the preceding day, and the subsequent day. Upon the  
2928 selection of the Florida permitholder as host for the Breeders'  
2929 Cup Meet and application by the selected permitholder, the  
2930 department ~~division~~ shall issue a license to the selected  
2931 permitholder to operate the Breeders' Cup Meet. Notwithstanding  
2932 s. 550.09515(2)(a), the Breeders' Cup Meet may be conducted on  
2933 dates that ~~which~~ the selected permitholder is not otherwise  
2934 authorized to conduct a race meet.

2935 (2) The permitholder conducting the Breeders' Cup Meet is  
2936 specifically authorized to create pari-mutuel pools during the  
2937 Breeders' Cup Meet by accepting pari-mutuel wagers on the  
2938 thoroughbred horse races run during said meet.

2939 (3) If the permitholder conducting the Breeders' Cup Meet  
2940 is located within 35 miles of one or more permitholders  
2941 scheduled to conduct a thoroughbred race meet on any of the 3



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2942 days of the Breeders' Cup Meet, then operation on any of those 3  
2943 days by the other permitholders is prohibited. As compensation  
2944 for the loss of racing days caused thereby, such operating  
2945 permitholders shall receive a credit against the taxes otherwise  
2946 due and payable to the state under ss. 550.0951 and 550.09515.  
2947 This credit shall be in an amount equal to the operating loss  
2948 determined to have been suffered by the operating permitholders  
2949 as a result of not operating on the prohibited racing days, but  
2950 ~~may shall~~ not exceed a total of \$950,000. The determination of  
2951 the amount to be credited shall be made by the department  
2952 ~~division~~ upon application by the operating permitholder. The tax  
2953 credits provided in this subsection are shall ~~be~~ available  
2954 unless an operating permitholder is required to close a bona  
2955 fide meet consisting in part of no fewer than 10 scheduled  
2956 performances in the 15 days immediately preceding or 10  
2957 scheduled performances in the 15 days immediately following the  
2958 Breeders' Cup Meet. Such tax credit shall be in lieu of any  
2959 other compensation or consideration for the loss of racing days.  
2960 There shall be no replacement or makeup of any lost racing days.

2961 (4) Notwithstanding any provision of ss. 550.0951 and  
2962 550.09515, the permitholder conducting the Breeders' Cup Meet  
2963 shall pay no taxes on the handle included within the pari-mutuel  
2964 pools of said permitholder during the Breeders' Cup Meet.

2965 (5) The permitholder conducting the Breeders' Cup Meet  
2966 shall receive a credit against the taxes otherwise due and  
2967 payable to the state under ss. 550.0951 and 550.09515 generated  
2968 during said permitholder's next ensuing regular thoroughbred  
2969 race meet. This credit shall be in an amount not to exceed  
2970 \$950,000 and shall be used ~~utilized~~ by the permitholder to pay



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2971 the purses offered by the permitholder during the Breeders' Cup  
2972 Meet in excess of the purses that ~~which~~ the permitholder is  
2973 otherwise required by law to pay. The amount to be credited  
2974 shall be determined by the department ~~division~~ upon application  
2975 of the permitholder which is subject to audit by the department  
2976 ~~division~~.

2977 (6) The permitholder conducting the Breeders' Cup Meet  
2978 shall receive a credit against the taxes otherwise due and  
2979 payable to the state under ss. 550.0951 and 550.09515 generated  
2980 during said permitholder's next ensuing regular thoroughbred  
2981 race meet. This credit shall be in an amount not to exceed  
2982 \$950,000 and shall be utilized by the permitholder for such  
2983 capital improvements and extraordinary expenses as may be  
2984 necessary for operation of the Breeders' Cup Meet. The amount to  
2985 be credited shall be determined by the department ~~division~~ upon  
2986 application of the permitholder which is subject to audit by the  
2987 department ~~division~~.

2988 (7) The permitholder conducting the Breeders' Cup Meet is  
2989 ~~shall be~~ exempt from the payment of purses and other payments to  
2990 horsemen on all on-track, intertrack, interstate, and  
2991 international wagers or rights fees or payments arising  
2992 therefrom for all races for which the purse is paid or supplied  
2993 by Breeders' Cup Limited. The permitholder conducting the  
2994 Breeders' Cup Meet is ~~shall~~ not, however, ~~be~~ exempt from  
2995 breeders' awards payments for on-track and intertrack wagers as  
2996 provided in ss. 550.2625(3) and 550.625(2)(a) for races in which  
2997 the purse is paid or supplied by Breeders' Cup Limited.

2998 (8) (a) Pursuant to s. 550.3551(2), the permitholder  
2999 conducting the Breeders' Cup Meet may ~~is authorized to~~ transmit





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3000 broadcasts of the races conducted during the Breeders' Cup Meet  
3001 to locations outside ~~of~~ this state for wagering purposes. The  
3002 department ~~division~~ may approve broadcasts to pari-mutuel  
3003 permitholders and other betting systems authorized under the  
3004 laws of any other state or country. Wagers accepted by any out-  
3005 of-state pari-mutuel permitholder or betting system on any races  
3006 broadcast under this section may be, but are not required to be,  
3007 commingled with the pari-mutuel pools of the permitholder  
3008 conducting the Breeders' Cup Meet. The calculation of any payoff  
3009 on national pari-mutuel pools with commingled wagers may be  
3010 performed by the permitholder's totalisator contractor at a  
3011 location outside ~~of~~ this state. Pool amounts from wagers placed  
3012 at pari-mutuel facilities or other betting systems in foreign  
3013 countries before being commingled with the pari-mutuel pool of  
3014 the Florida permitholder conducting the Breeders' Cup Meet shall  
3015 be calculated by the totalisator contractor and transferred to  
3016 the commingled pool in United States currency in cycles  
3017 customarily used by the permitholder. Pool amounts from wagers  
3018 placed at any foreign pari-mutuel facility or other betting  
3019 system may ~~shall~~ not be commingled with a Florida pool until a  
3020 determination is made by the department ~~division~~ that the  
3021 technology utilized by the totalisator contractor is adequate to  
3022 assure commingled pools will result in the calculation of  
3023 accurate payoffs to Florida bettors. Any totalisator contractor  
3024 at a location outside ~~of~~ this state shall comply with the  
3025 provisions of s. 550.495 relating to totalisator licensing.

3026 (b) The permitholder conducting the Breeders' Cup Meet may  
3027 ~~is authorized to~~ transmit broadcasts of the races conducted  
3028 during the Breeders' Cup Meet to other pari-mutuel facilities



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3029 located in this state for wagering purposes; however, the  
3030 permitholder conducting the Breeders' Cup Meet ~~is shall~~ not be  
3031 required to transmit broadcasts to any pari-mutuel facility  
3032 located within 25 miles of the facility at which the Breeders'  
3033 Cup Meet is conducted.

3034 (9) The exemption from the tax credits provided in  
3035 subsections (5) and (6) ~~may shall~~ not be granted and ~~may shall~~  
3036 not be claimed by the permitholder until an audit is completed  
3037 by the department division. The department division is required  
3038 to complete the audit within 30 days of receipt of the necessary  
3039 documentation from the permitholder to verify the permitholder's  
3040 claim for tax credits. If the documentation submitted by the  
3041 permitholder is incomplete or is insufficient to document the  
3042 permitholder's claim for tax credits, the department division  
3043 may request such additional documentation as is necessary to  
3044 complete the audit. Upon receipt of the department's division's  
3045 written request for additional documentation, the 30-day time  
3046 limitation will commence anew.

3047 (10) The department may division ~~is authorized to~~ adopt  
3048 ~~such~~ rules ~~as are necessary~~ to facilitate the conduct of the  
3049 Breeders' Cup Meet, including ~~as authorized in this section.~~  
3050 ~~Included within this grant of authority shall be the adoption or~~  
3051 ~~waiver of~~ rules regarding the overall conduct of racing during  
3052 the Breeders' Cup Meet so as to ensure the integrity of the  
3053 races, licensing for all participants, special stabling and  
3054 training requirements for foreign horses, commingling of pari-  
3055 mutuel pools, and audit requirements for tax credits and other  
3056 benefits.

3057 (11) Any dispute between the department division and any



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3058 permitholder regarding the tax credits authorized under  
3059 subsection (3), subsection (5), or subsection (6) shall be  
3060 determined by a hearing officer of the Division of  
3061 Administrative Hearings under the provisions of s. 120.57(1).

3062 (12) The provisions of this section shall prevail over any  
3063 conflicting provisions of this chapter.

3064 Section 37. Section 550.2704, Florida Statutes, is amended  
3065 to read:

3066 550.2704 Jai Alai Tournament of Champions Meet.—

3067 (1) Notwithstanding any provision of this chapter, there is  
3068 ~~hereby~~ created a special jai alai meet that ~~which~~ shall be  
3069 designated as the "Jai Alai Tournament of Champions Meet" and  
3070 ~~which~~ shall be hosted by the Florida jai alai permitholders  
3071 selected by the National Association of Jai Alai Frontons, Inc.,  
3072 to conduct such meet. The meet shall consist of three qualifying  
3073 performances and a final performance, each of which is to be  
3074 conducted on different days. Upon the selection of the Florida  
3075 permitholders for the meet, and upon application by the selected  
3076 permitholders, the department ~~Division of Pari-mutuel Wagering~~  
3077 shall issue a license to each of the selected permitholders to  
3078 operate the meet. The meet may be conducted during a season in  
3079 which the permitholders selected to conduct the meet are not  
3080 otherwise authorized to conduct a meet. Notwithstanding anything  
3081 herein to the contrary, any Florida permitholder who is to  
3082 conduct a performance that ~~which~~ is a part of the Jai Alai  
3083 Tournament of Champions Meet is ~~shall~~ not be required to apply  
3084 for the license for said meet if it is to be run during the  
3085 regular season for which such permitholder has a license.

3086 (2) Qualifying performances and the final performance of



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3087 the tournament shall be held at different locations throughout  
3088 the state, and the permitholders selected shall be under  
3089 different ownership to the extent possible.

3090 (3) Notwithstanding any provision of this chapter, each of  
3091 the permitholders licensed to conduct performances comprising  
3092 the Jai Alai Tournament of Champions Meet shall pay no taxes on  
3093 handle under s. 550.0951 or s. 550.09511 for any performance  
3094 conducted by such permitholder as part of the Jai Alai  
3095 Tournament of Champions Meet. The provisions of this subsection  
3096 shall apply to a maximum of four performances.

3097 (4) The Jai Alai Tournament of Champions Meet permitholders  
3098 shall also receive a credit against the taxes, otherwise due and  
3099 payable under s. 550.0951 or s. 550.09511, generated during said  
3100 permitholders' current regular meet. This credit shall be in the  
3101 aggregate amount of \$150,000, shall be prorated equally between  
3102 the permitholders, and shall be used ~~utilized~~ by the  
3103 permitholders solely to supplement awards for the performance  
3104 conducted during the Jai Alai Tournament of Champions Meet. All  
3105 awards shall be paid to the tournament's participating players  
3106 no later than 30 days following the conclusion of said Jai Alai  
3107 Tournament of Champions Meet.

3108 (5) In addition to the credit authorized in subsection (4),  
3109 the Jai Alai Tournament of Champions Meet permitholders shall  
3110 receive a credit against the taxes, otherwise due and payable  
3111 under s. 550.0951 or s. 550.09511, generated during said  
3112 permitholders' current regular meet, in an amount not to exceed  
3113 the aggregate amount of \$150,000, which shall be prorated  
3114 equally between the permitholders, and shall be used ~~utilized~~ by  
3115 the permitholders for such capital improvements and



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3116 extraordinary expenses, including marketing expenses, as may be  
3117 necessary for the operation of the meet. The determination of  
3118 the amount to be credited shall be made by the department  
3119 ~~division~~ upon application of said permitholders.

3120 (6) The permitholder is ~~shall be~~ entitled to said  
3121 permitholder's pro rata share of the \$150,000 tax credit  
3122 provided in subsection (5) without having to make application,  
3123 so long as appropriate documentation to substantiate said  
3124 expenditures thereunder is provided to the department ~~division~~  
3125 within 30 days following said Jai Alai Tournament of Champions  
3126 Meet.

3127 (7) A ~~No~~ Jai Alai Tournament of Champions Meet may not  
3128 ~~shall~~ exceed 4 days in any state fiscal year, and only no more  
3129 ~~than~~ one performance may ~~shall~~ be conducted on any one day of  
3130 the meet. ~~There shall be~~ Only one Jai Alai Tournament of  
3131 Champions Meet may occur in any state fiscal year.

3132 (8) The department may ~~division is authorized to~~ adopt such  
3133 rules ~~as are~~ necessary to facilitate the conduct of the Jai Alai  
3134 Tournament of Champions Meet, including as authorized in this  
3135 ~~section. Included within this grant of authority shall be the~~  
3136 ~~adoption of~~ rules regarding the overall conduct of the  
3137 tournament so as to ensure the integrity of the event, licensing  
3138 for participants, commingling of pari-mutuel pools, and audit  
3139 requirements for tax credits and exemptions.

3140 (9) ~~The provisions of~~ This section prevails ~~shall prevail~~  
3141 over any conflicting provisions of this chapter.

3142 Section 38. Subsections (3) and (5) of section 550.334,  
3143 Florida Statutes, are amended to read:

3144 550.334 Quarter horse racing; substitutions.—



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3145 (3) Quarter horses participating in such races must be duly  
3146 registered by the American Quarter Horse Association, and before  
3147 each race such horses must be examined and declared in fit  
3148 condition by a qualified person designated by the department  
3149 ~~division~~.

3150 (5) Any quarter horse racing permitholder operating under a  
3151 valid permit issued by the department ~~division~~ is authorized to  
3152 substitute races of other breeds of horses which are,  
3153 respectively, registered with the American Paint Horse  
3154 Association, Appaloosa Horse Club, Arabian Horse Registry of  
3155 America, Palomino Horse Breeders of America, United States  
3156 Trotting Association, Florida Cracker Horse Association, or  
3157 Jockey Club for no more than 50 percent of the quarter horse  
3158 races during its meet.

3159 Section 39. Subsection (2) of section 550.3345, Florida  
3160 Statutes, is amended to read:

3161 550.3345 Conversion of quarter horse permit to a limited  
3162 thoroughbred permit.—

3163 (2) Notwithstanding any other provision of law, the holder  
3164 of a quarter horse racing permit issued under s. 550.334 may,  
3165 within 1 year after the effective date of this section, apply to  
3166 the department ~~division~~ for a transfer of the quarter horse  
3167 racing permit to a not-for-profit corporation formed under state  
3168 law to serve the purposes of the state as provided in subsection  
3169 (1). The board of directors of the not-for-profit corporation  
3170 must be comprised of 11 members, 4 of whom shall be designated  
3171 by the applicant, 4 of whom shall be designated by the Florida  
3172 Thoroughbred Breeders' Association, and 3 of whom shall be  
3173 designated by the other 8 directors, with at least 1 of these 3



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3174 members being an authorized representative of another  
3175 thoroughbred permitholder in this state. The not-for-profit  
3176 corporation shall submit an application to the department  
3177 ~~division~~ for review and approval of the transfer in accordance  
3178 with s. 550.054. Upon approval of the transfer by the department  
3179 ~~division~~, and notwithstanding any other provision of law to the  
3180 contrary, the not-for-profit corporation may, within 1 year  
3181 after its receipt of the permit, request that the department  
3182 ~~division~~ convert the quarter horse racing permit to a permit  
3183 authorizing the holder to conduct pari-mutuel wagering meets of  
3184 thoroughbred racing. Neither the transfer of the quarter horse  
3185 racing permit nor its conversion to a limited thoroughbred  
3186 permit shall be subject to the mileage limitation or the  
3187 ratification election as set forth under s. 550.054(2) or s.  
3188 550.0651. Upon receipt of the request for such conversion, the  
3189 department ~~division~~ shall timely issue a converted permit. The  
3190 converted permit and the not-for-profit corporation shall be  
3191 subject to the following requirements:

3192 (a) All net revenues derived by the not-for-profit  
3193 corporation under the thoroughbred horse racing permit, after  
3194 the funding of operating expenses and capital improvements,  
3195 shall be dedicated to the enhancement of thoroughbred purses and  
3196 breeders', stallion, and special racing awards under this  
3197 chapter; the general promotion of the thoroughbred horse  
3198 breeding industry; and the care in this state of thoroughbred  
3199 horses retired from racing.

3200 (b) From December 1 through April 30, no live thoroughbred  
3201 racing may be conducted under the permit on any day during which  
3202 another thoroughbred permitholder is conducting live



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3203 thoroughbred racing within 125 air miles of the not-for-profit  
3204 corporation's pari-mutuel facility unless the other thoroughbred  
3205 permitholder gives its written consent.

3206 (c) After the conversion of the quarter horse racing permit  
3207 and the issuance of its initial license to conduct pari-mutuel  
3208 wagering meets of thoroughbred racing, the not-for-profit  
3209 corporation shall annually apply to the department ~~division~~ for  
3210 a license pursuant to s. 550.5251(2)-(5).

3211 (d) Racing under the permit may take place only at the  
3212 location for which the original quarter horse racing permit was  
3213 issued, which may be leased by the not-for-profit corporation  
3214 for that purpose; however, the not-for-profit corporation may,  
3215 without the conduct of any ratification election pursuant to s.  
3216 550.054(13) or s. 550.0651, move the location of the permit to  
3217 another location in the same county provided that such  
3218 relocation is approved under the zoning and land use regulations  
3219 of the applicable county or municipality.

3220 (e) A ~~No~~ permit converted under this section may not be  
3221 transferred ~~is eligible for transfer~~ to another person or  
3222 entity.

3223 Section 40. Section 550.3355, Florida Statutes, is amended  
3224 to read:

3225 550.3355 Harness track licenses for summer quarter horse  
3226 racing.—Any harness track licensed to operate under the  
3227 provisions of s. 550.375 may make application for, and shall be  
3228 issued by the department ~~division~~, a license to operate not more  
3229 than 50 quarter horse racing days during the summer season,  
3230 which shall extend from July 1 until October 1 of each year.  
3231 However, this license to operate quarter horse racing for 50





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3232 days is in addition to the racing days and dates provided in s.  
3233 550.375 for harness racing during the winter seasons; and, it  
3234 does not affect the right of such licensee to operate harness  
3235 racing at the track as provided in s. 550.375 during the winter  
3236 season. All provisions of this chapter governing quarter horse  
3237 racing not in conflict herewith apply to the operation of  
3238 quarter horse meetings authorized hereunder, except that all  
3239 quarter horse racing permitted hereunder shall be conducted at  
3240 night.

3241 Section 41. Paragraph (a) of subsection (6) and subsections  
3242 (10) and (13) of section 550.3551, Florida Statutes, are amended  
3243 to read:

3244 550.3551 Transmission of racing and jai alai information;  
3245 commingling of pari-mutuel pools.—

3246 (6) (a) A maximum of 20 percent of the total number of races  
3247 on which wagers are accepted by a greyhound permitholder not  
3248 located as specified in s. 550.615(6) may be received from  
3249 locations outside this state. A permitholder may not conduct  
3250 fewer than eight live races or games on any authorized race day  
3251 except as provided in this subsection. A thoroughbred  
3252 permitholder may not conduct fewer than eight live races on any  
3253 race day without the written approval of the Florida  
3254 Thoroughbred Breeders' Association and the Florida Horsemen's  
3255 Benevolent and Protective Association, Inc., unless it is  
3256 determined by the department that another entity represents a  
3257 majority of the thoroughbred racehorse owners and trainers in  
3258 the state. A harness permitholder may conduct fewer than eight  
3259 live races on any authorized race day, except that such  
3260 permitholder must conduct a full schedule of live racing during



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3261 its race meet consisting of at least eight live races per  
3262 authorized race day for at least 100 days. Any harness horse  
3263 permitholder that during the preceding racing season conducted a  
3264 full schedule of live racing may, at any time during its current  
3265 race meet, receive full-card broadcasts of harness horse races  
3266 conducted at harness racetracks outside this state at the  
3267 harness track of the permitholder and accept wagers on such  
3268 harness races. With specific authorization from the department  
3269 ~~division~~ for special racing events, a permitholder may conduct  
3270 fewer than eight live races or games when the permitholder also  
3271 broadcasts out-of-state races or games. The department ~~division~~  
3272 may not grant more than two such exceptions a year for a  
3273 permitholder in any 12-month period, and those two exceptions  
3274 may not be consecutive.

3275 (10) The department ~~division~~ may adopt rules necessary to  
3276 facilitate commingling of pari-mutuel pools, to ensure the  
3277 proper calculation of payoffs in circumstances in which  
3278 different commission percentages are applicable and to regulate  
3279 the distribution of net proceeds between the horse track and, in  
3280 this state, the horsemen's associations.

3281 (13) This section does not prohibit the commingling of  
3282 national pari-mutuel pools by a totalisator company that is  
3283 licensed under this chapter. Such commingling of national pools  
3284 is subject to department ~~division~~ review and approval and must  
3285 be performed pursuant to ~~in accordance with~~ rules adopted by the  
3286 department ~~division~~ to ensure accurate calculation and  
3287 distribution of the pools.

3288 Section 42. Subsections (3), (4), and (5) of section  
3289 550.3615, Florida Statutes, are amended to read:



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3290           550.3615 Bookmaking on the grounds of a permitholder;  
3291 penalties; reinstatement; duties of track employees; penalty;  
3292 exceptions.—

3293           (3) Any person who has been convicted of bookmaking in this  
3294 state or any other state of the United States or any foreign  
3295 country shall be denied admittance to and may ~~shall~~ not attend  
3296 any racetrack or fronton in this state during its racing seasons  
3297 or operating dates, including any practice or preparational  
3298 days, for a period of 2 years after the date of conviction or  
3299 the date of final appeal. Following the conclusion of the period  
3300 of ineligibility, the department ~~director of the division~~ may  
3301 authorize the reinstatement of an individual following a hearing  
3302 on readmittance. Any such person who knowingly violates this  
3303 subsection commits ~~is guilty of~~ a misdemeanor of the first  
3304 degree, punishable as provided in s. 775.082 or s. 775.083.

3305           (4) If the activities of a person show that this law is  
3306 being violated, and such activities are either witnessed or are  
3307 common knowledge by any track or fronton employee, it is the  
3308 duty of that employee to bring the matter to the immediate  
3309 attention of the permitholder, manager, or her or his designee,  
3310 who shall notify a law enforcement agency having jurisdiction.  
3311 Willful failure on the part of any track or fronton employee to  
3312 comply with ~~the provisions of~~ this subsection is a ground for  
3313 the department ~~division~~ to suspend or revoke that employee's  
3314 license for track or fronton employment.

3315           (5) Each permittee shall display, in conspicuous places at  
3316 a track or fronton and in all race and jai alai daily programs,  
3317 a warning to all patrons concerning the prohibition and  
3318 penalties of bookmaking contained in this section and s. 849.25.



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3319 The department ~~division~~ shall adopt rules concerning the uniform  
3320 size of all warnings and the number of placements throughout a  
3321 track or fronton. Failure on the part of the permittee to  
3322 display such warnings may result in the imposition of a \$500  
3323 fine by the department ~~division~~ for each offense.

3324 Section 43. Subsections (2) and (3) of section 550.375,  
3325 Florida Statutes, are amended to read:

3326 550.375 Operation of certain harness tracks.—

3327 (2) Any permittee or licensee authorized under this section  
3328 to transfer the location of its permit may conduct harness  
3329 racing only between the hours of 7 p.m. and 2 a.m. A permit so  
3330 transferred applies only to the locations provided in this  
3331 section. The provisions of this chapter which prohibit the  
3332 location and operation of a licensed harness track permittee and  
3333 licensee within 100 air miles of the location of a racetrack  
3334 authorized to conduct racing under this chapter and which  
3335 prohibit the department ~~division~~ from granting any permit to a  
3336 harness track at a location in the area in which there are three  
3337 horse tracks located within 100 air miles thereof do not apply  
3338 to a licensed harness track that is required by the terms of  
3339 this section to race between the hours of 7 p.m. and 2 a.m.

3340 (3) A permit may not be issued by the department ~~division~~  
3341 for the operation of a harness track within 75 air miles of a  
3342 location of a harness track licensed and operating under this  
3343 chapter.

3344 Section 44. Section 550.495, Florida Statutes, is amended  
3345 to read:

3346 550.495 Totalisator licensing.—

3347 (1) A totalisator may not be operated at a pari-mutuel



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3348 facility in this state, or at a facility located in or out of  
3349 this state which is used as the primary totalisator for a race  
3350 or game conducted in this state, unless the totalisator company  
3351 possesses a business license issued by the department ~~division~~.

3352 (2) (a) Each totalisator company must apply to the  
3353 department ~~division~~ for an annual business license. The  
3354 application must include such information as the department  
3355 ~~division~~ by rule requires.

3356 (b) As a part of its license application, each totalisator  
3357 company must agree in writing to pay to the department ~~division~~  
3358 an amount equal to the loss of any state revenues from missed or  
3359 canceled races, games, or performances due to acts of the  
3360 totalisator company or its agents or employees or failures of  
3361 the totalisator system, except for circumstances beyond the  
3362 control of the totalisator company or agent or employee, as  
3363 determined by the department ~~division~~.

3364 (c) Each totalisator company must file with the department  
3365 ~~division~~ a performance bond, acceptable to the department  
3366 ~~division~~, in the sum of \$250,000 issued by a surety approved by  
3367 the department ~~division~~ or must file proof of insurance,  
3368 acceptable to the department ~~division~~, against financial loss in  
3369 the amount of \$250,000, insuring the state against such a  
3370 revenue loss.

3371 (d) In the event of a loss of state tax revenues, the  
3372 department ~~division~~ shall determine:

3373 1. The estimated revenue lost as a result of missed or  
3374 canceled races, games, or performances;

3375 2. The number of races, games, or performances which is  
3376 practicable for the permitholder to conduct in an attempt to



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3377 mitigate the revenue loss; and

3378         3. The amount of the revenue loss which the makeup races,  
3379 games, or performances will not recover and for which the  
3380 totalisator company is liable.

3381         (e) Upon the making of such determinations, the department  
3382 ~~division~~ shall issue to the totalisator company and to the  
3383 affected permitholder an order setting forth the determinations  
3384 of the department ~~division~~.

3385         (f) If the order is contested by either the totalisator  
3386 company or any affected permitholder, ~~the provisions of chapter~~  
3387 120 applies ~~apply~~. If the totalisator company contests the order  
3388 on the grounds that the revenue loss was due to circumstances  
3389 beyond its control, the totalisator company has the burden of  
3390 proving that circumstances vary in fact beyond its control. For  
3391 purposes of this paragraph, strikes and acts of God are beyond  
3392 the control of the totalisator company.

3393         (g) Upon the failure of the totalisator company to make the  
3394 payment found to be due the state, the department ~~division~~ may  
3395 cause the forfeiture of the bond or may proceed against the  
3396 insurance contract, and the proceeds of the bond or contract  
3397 shall be deposited into the Pari-mutuel Wagering Trust Fund. If  
3398 that bond was not posted or insurance obtained, the department  
3399 ~~division~~ may proceed against any assets of the totalisator  
3400 company to collect the amounts due under this subsection.

3401         (3) If the applicant meets the requirements of this section  
3402 and department ~~division~~ rules and pays the license fee, the  
3403 department ~~division~~ shall issue the license.

3404         (4) Each totalisator company shall conduct operations in  
3405 accordance with rules adopted by the department ~~division~~, in



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3406 such form, content, and frequency as the department ~~division~~ by  
3407 rule determines.

3408 (5) The department ~~division~~ and its representatives may  
3409 enter and inspect any area of the premises of a licensed  
3410 totalisator company, and may examine totalisator records, during  
3411 the licensee's regular business or operating hours.

3412 Section 45. Section 550.505, Florida Statutes, is amended  
3413 to read:

3414 550.505 Nonwagering permits.—

3415 (1) (a) Except as provided in this section, permits and  
3416 licenses issued by the department ~~division~~ are intended to be  
3417 used for pari-mutuel wagering operations in conjunction with  
3418 horseraces, dograces, or jai alai performances.

3419 (b) Subject to the requirements of this section, the  
3420 department ~~may division is authorized to~~ issue permits for the  
3421 conduct of horseracing meets without pari-mutuel wagering or any  
3422 other form of wagering being conducted in conjunction therewith.  
3423 Such permits shall be known as nonwagering permits and may be  
3424 issued only for horseracing meets. A horseracing permitholder  
3425 need not obtain an additional permit from the department  
3426 ~~division~~ for conducting nonwagering racing under this section,  
3427 but must apply to the department ~~division~~ for the issuance of a  
3428 license under this section. The holder of a nonwagering permit  
3429 is prohibited from conducting pari-mutuel wagering or any other  
3430 form of wagering in conjunction with racing conducted under the  
3431 permit. ~~Nothing in~~ This subsection does not prohibit ~~prohibits~~  
3432 horseracing for any stake, purse, prize, or premium.

3433 (c) The holder of a nonwagering permit is exempt from ~~the~~  
3434 ~~provisions of~~ s. 550.105 and is exempt from the imposition of



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3435 daily license fees and admission tax.

3436 (2) (a) Any person not prohibited from holding any type of  
3437 pari-mutuel permit under s. 550.1815 may ~~shall be allowed to~~  
3438 apply to the department ~~division~~ for a nonwagering permit. The  
3439 applicant must demonstrate that the location or locations where  
3440 the nonwagering permit will be used are available for such use  
3441 and that the applicant has the financial ability to satisfy the  
3442 reasonably anticipated operational expenses of the first racing  
3443 year following final issuance of the nonwagering permit. If the  
3444 racing facility is already built, the application must contain a  
3445 statement, with reasonable supporting evidence, that the  
3446 nonwagering permit will be used for horseracing within 1 year  
3447 after the date on which it is granted. If the facility is not  
3448 already built, the application must contain a statement, with  
3449 reasonable supporting evidence, that substantial construction  
3450 will be started within 1 year after the issuance of the  
3451 nonwagering permit.

3452 (b) The department ~~division~~ may conduct an eligibility  
3453 investigation to determine if the applicant meets the  
3454 requirements of paragraph (a).

3455 (3) (a) Upon receipt of a nonwagering permit, the  
3456 permitholder must apply to the department ~~division~~ before June 1  
3457 of each year for an annual nonwagering license for the next  
3458 succeeding calendar year. Such application must set forth the  
3459 days and locations at which the permitholder will conduct  
3460 nonwagering horseracing and must indicate any changes in  
3461 ownership or management of the permitholder occurring since the  
3462 date of application for the prior license.

3463 (b) On or before August 1 of each year, the department





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3464 ~~division~~ shall issue a license authorizing the nonwagering  
3465 permitholder to conduct nonwagering horseracing during the  
3466 succeeding calendar year during the period and for the number of  
3467 days set forth in the application, subject to all other  
3468 provisions of this section.

3469 (c) The department ~~division~~ may conduct an eligibility  
3470 investigation to determine the qualifications of any new  
3471 ownership or management interest in the permit.

3472 (4) Upon the approval of racing dates by the department  
3473 ~~division~~, the department ~~division~~ shall issue an annual  
3474 nonwagering license to the nonwagering permitholder.

3475 (5) Only horses registered with an established breed  
3476 registration organization, which organization shall be approved  
3477 by the department ~~division~~, shall be raced at any race meeting  
3478 authorized by this section.

3479 (6) The department ~~division~~ may order any person  
3480 participating in a nonwagering meet to cease and desist from  
3481 participating in such meet if the department ~~division~~ determines  
3482 the person to be not of good moral character in accordance with  
3483 s. 550.1815. The department ~~division~~ may order the operators of  
3484 a nonwagering meet to cease and desist from operating the meet  
3485 if the department ~~division~~ determines the meet is being operated  
3486 for any illegal purpose.

3487 Section 46. Subsection (1) of section 550.5251, Florida  
3488 Statutes, is amended to read:

3489 550.5251 Florida thoroughbred racing; certain permits;  
3490 operating days.—

3491 (1) Each thoroughbred permitholder shall annually, during  
3492 the period commencing December 15 of each year and ending



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3493 January 4 of the following year, file in writing with the  
3494 department ~~division~~ its application to conduct one or more  
3495 thoroughbred racing meetings during the thoroughbred racing  
3496 season commencing on the following July 1. Each application  
3497 shall specify the number and dates of all performances that the  
3498 permitholder intends to conduct during that thoroughbred racing  
3499 season. On or before March 15 of each year, the department  
3500 ~~division~~ shall issue a license authorizing each permitholder to  
3501 conduct performances on the dates specified in its application.  
3502 Up to February 28 of each year, each permitholder may request  
3503 and shall be granted changes in its authorized performances; but  
3504 thereafter, as a condition precedent to the validity of its  
3505 license and its right to retain its permit, each permitholder  
3506 must operate the full number of days authorized on each of the  
3507 dates set forth in its license.

3508 Section 47. Subsection (3) of section 550.625, Florida  
3509 Statutes, is amended to read:

3510 550.625 Intertrack wagering; purses; breeders' awards.—If a  
3511 host track is a horse track:

3512 (3) The payment to a breeders' organization shall be  
3513 combined with any other amounts received by the respective  
3514 breeders' and owners' associations as so designated. Each  
3515 breeders' and owners' association receiving these funds shall be  
3516 allowed to withhold the same percentage as set forth in s.  
3517 550.2625 to be used for administering the payment of awards and  
3518 for the general promotion of their respective industries. If the  
3519 total combined amount received for thoroughbred breeders' awards  
3520 exceeds 15 percent of the purse required to be paid under  
3521 subsection (1), the breeders' and owners' association, as so



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3522 designated, notwithstanding any other provision of law, shall  
3523 submit a plan to the department ~~division~~ for approval which  
3524 would use the excess funds in promoting the breeding industry by  
3525 increasing the purse structure for Florida-breds. Preference  
3526 shall be given to the track generating such excess.

3527 Section 48. Subsection (5) and paragraph (g) of subsection  
3528 (9) of section 550.6305, Florida Statutes, are amended to read:

3529 550.6305 Intertrack wagering; guest track payments;  
3530 accounting rules.—

3531 (5) The department ~~division~~ shall adopt rules providing an  
3532 expedient accounting procedure for the transfer of the pari-  
3533 mutuel pool in order to properly account for payment of state  
3534 taxes, payment to the guest track, payment to the host track,  
3535 payment of purses, payment to breeders' associations, payment to  
3536 horsemen's associations, and payment to the public.

3537 (9) A host track that has contracted with an out-of-state  
3538 horse track to broadcast live races conducted at such out-of-  
3539 state horse track pursuant to s. 550.3551(5) may broadcast such  
3540 out-of-state races to any guest track and accept wagers thereon  
3541 in the same manner as is provided in s. 550.3551.

3542 (g)1. Any thoroughbred permitholder which accepts wagers on  
3543 a simulcast signal must make the signal available to any  
3544 permitholder that is eligible to conduct intertrack wagering  
3545 under the provisions of ss. 550.615-550.6345.

3546 2. Any thoroughbred permitholder which accepts wagers on a  
3547 simulcast signal received after 6 p.m. must make such signal  
3548 available to any permitholder that is eligible to conduct  
3549 intertrack wagering under the provisions of ss. 550.615-  
3550 550.6345, including any permitholder located as specified in s.



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3551 550.615(6). Such guest permitholders are authorized to accept  
3552 wagers on such simulcast signal, notwithstanding any other  
3553 provision of this chapter to the contrary.

3554 3. Any thoroughbred permitholder which accepts wagers on a  
3555 simulcast signal received after 6 p.m. must make such signal  
3556 available to any permitholder that is eligible to conduct  
3557 intertrack wagering under the provisions of ss. 550.615-  
3558 550.6345, including any permitholder located as specified in s.  
3559 550.615(9). Such guest permitholders are authorized to accept  
3560 wagers on such simulcast signals for a number of performances  
3561 not to exceed that which constitutes a full schedule of live  
3562 races for a quarter horse permitholder pursuant to s.  
3563 550.002(10)(~~11~~), notwithstanding any other provision of this  
3564 chapter to the contrary, except that the restrictions provided  
3565 in s. 550.615(9)(a) apply to wagers on such simulcast signals.  
3566

3567 No thoroughbred permitholder shall be required to continue  
3568 to rebroadcast a simulcast signal to any in-state permitholder  
3569 if the average per performance gross receipts returned to the  
3570 host permitholder over the preceding 30-day period were less  
3571 than \$100. Subject to the provisions of s. 550.615(4), as a  
3572 condition of receiving rebroadcasts of thoroughbred simulcast  
3573 signals under this paragraph, a guest permitholder must accept  
3574 intertrack wagers on all live races conducted by all then-  
3575 operating thoroughbred permitholders.

3576 Section 49. Subsections (1) and (2) of section 550.6308,  
3577 Florida Statutes, are amended to read:

3578 550.6308 Limited intertrack wagering license.—In  
3579 recognition of the economic importance of the thoroughbred



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3580 breeding industry to this state, its positive impact on tourism,  
3581 and of the importance of a permanent thoroughbred sales facility  
3582 as a key focal point for the activities of the industry, a  
3583 limited license to conduct intertrack wagering is established to  
3584 ensure the continued viability and public interest in  
3585 thoroughbred breeding in Florida.

3586 (1) Upon application to the department ~~division~~ on or  
3587 before January 31 of each year, any person that is licensed to  
3588 conduct public sales of thoroughbred horses pursuant to s.  
3589 535.01, that has conducted at least 15 days of thoroughbred  
3590 horse sales at a permanent sales facility in this state for at  
3591 least 3 consecutive years, and that has conducted at least 1 day  
3592 of nonwagering thoroughbred racing in this state, with a purse  
3593 structure of at least \$250,000 per year for 2 consecutive years  
3594 before such application, shall be issued a license, subject to  
3595 the conditions set forth in this section, to conduct intertrack  
3596 wagering at such a permanent sales facility during the following  
3597 periods:

3598 (a) Up to 21 days in connection with thoroughbred sales;

3599 (b) Between November 1 and May 8;

3600 (c) Between May 9 and October 31 at such times and on such  
3601 days as any thoroughbred, jai alai, or a greyhound permitholder  
3602 in the same county is not conducting live performances; provided  
3603 that any such permitholder may waive this requirement, in whole  
3604 or in part, and allow the licensee under this section to conduct  
3605 intertrack wagering during one or more of the permitholder's  
3606 live performances; and

3607 (d) During the weekend of the Kentucky Derby, the  
3608 Preakness, the Belmont, and a Breeders' Cup Meet that is



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3609 conducted before November 1 and after May 8.

3610

3611 No more than one such license may be issued, and no such  
3612 license may be issued for a facility located within 50 miles of  
3613 any thoroughbred permitholder's track.

3614 (2) If more than one application is submitted for such  
3615 license, the department ~~division~~ shall determine which applicant  
3616 shall be granted the license. In making its determination, the  
3617 department ~~division~~ shall grant the license to the applicant  
3618 demonstrating superior capabilities, as measured by the length  
3619 of time the applicant has been conducting thoroughbred sales  
3620 within this state or elsewhere, the applicant's total volume of  
3621 thoroughbred horse sales, within this state or elsewhere, the  
3622 length of time the applicant has maintained a permanent  
3623 thoroughbred sales facility in this state, and the quality of  
3624 the facility.

3625 Section 50. Subsection (2) of section 550.70, Florida  
3626 Statutes, is amended to read:

3627 550.70 Jai alai general provisions; chief court judges  
3628 required; extension of time to construct fronton; amateur jai  
3629 alai contests permitted under certain conditions; playing days'  
3630 limitations; locking of pari-mutuel machines.—

3631 (2) The time within which the holder of a ratified permit  
3632 for jai alai or pelota has to construct and complete a fronton  
3633 may be extended by the department ~~division~~ for a period of 24  
3634 months after the date of the issuance of the permit, anything to  
3635 the contrary in any statute notwithstanding.

3636 Section 51. Subsection (3) of section 550.902, Florida  
3637 Statutes, is amended to read:



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3638 550.902 Purposes.—The purposes of this compact are to:  
3639 (3) Authorize the Department of Gaming Control ~~Business and~~  
3640 ~~Professional Regulation~~ to participate in this compact.

3641 Section 52. Subsection (1) of section 550.907, Florida  
3642 Statutes, is amended to read:

3643 550.907 Compact committee.—

3644 (1) There is created an interstate governmental entity to  
3645 be known as the “compact committee,” which shall be composed of  
3646 one official from the racing commission, or the equivalent  
3647 thereof, in each party state who shall be appointed, serve, and  
3648 be subject to removal in accordance with the laws of the party  
3649 state that she or he represents. The official from Florida shall  
3650 be appointed by the Gaming Commission ~~Secretary of Business and~~  
3651 ~~Professional Regulation~~. Pursuant to the laws of her or his  
3652 party state, each official shall have the assistance of her or  
3653 his state’s racing commission, or the equivalent thereof, in  
3654 considering issues related to licensing of participants in pari-  
3655 mutuel wagering and in fulfilling her or his responsibilities as  
3656 the representative from her or his state to the compact  
3657 committee.

3658 Section 53. Subsections (1), (3), (10), and (11) of section  
3659 551.102, Florida Statutes, are amended, present subsection (1)  
3660 of that section is renumbered as subsection (3), and a new  
3661 subsection (1) is added to that section, to read:

3662 551.102 Definitions.—As used in this chapter, the term:

3663 (1) “Department” means the Department of Gaming Control.

3664 (3)~~(1)~~ “Distributor” means any person who sells, leases, or  
3665 offers or otherwise provides, distributes, or services any slot  
3666 machine or associated equipment for use or play of slot machines



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3667 in this state. A manufacturer may be a distributor within the  
3668 state.

3669 ~~(3) "Division" means the Division of Pari-mutuel Wagering~~  
3670 ~~of the Department of Business and Professional Regulation.~~

3671 (10) "Slot machine license" means a license issued by the  
3672 department ~~division~~ authorizing a pari-mutuel permitholder to  
3673 place and operate slot machines as provided by s. 23, Art. X of  
3674 the State Constitution, the provisions of this chapter, and  
3675 department ~~division~~ rules.

3676 (11) "Slot machine licensee" means a pari-mutuel  
3677 permitholder who holds a license issued by the department  
3678 ~~division~~ pursuant to this chapter which ~~that~~ authorizes such  
3679 person to possess a slot machine within facilities specified in  
3680 s. 23, Art. X of the State Constitution and allows slot machine  
3681 gaming.

3682 Section 54. Section 551.103, Florida Statutes, is amended  
3683 to read:

3684 551.103 Powers and duties of the department ~~division~~ and  
3685 law enforcement.-

3686 (1) The department ~~division~~ shall adopt, pursuant to the  
3687 provisions of ss. 120.536(1) and 120.54, all rules necessary to  
3688 implement, administer, and regulate slot machine gaming as  
3689 authorized in this chapter. Such rules must include:

3690 (a) Procedures for applying for a slot machine license and  
3691 renewal of a slot machine license.

3692 (b) Technical requirements and the qualifications contained  
3693 in this chapter which ~~that~~ are necessary to receive a slot  
3694 machine license or slot machine occupational license.

3695 (c) Procedures to scientifically test and technically





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3696 evaluate slot machines for compliance with this chapter. The  
3697 department division may contract with an independent testing  
3698 laboratory to conduct any necessary testing under this section.  
3699 The independent testing laboratory must have a national  
3700 reputation and be ~~which is~~ demonstrably competent and qualified  
3701 to scientifically test and evaluate slot machines for compliance  
3702 with this chapter and to otherwise perform the functions  
3703 assigned to it in this chapter. An independent testing  
3704 laboratory may ~~shall~~ not be owned or controlled by a licensee.  
3705 The use of an independent testing laboratory for any purpose  
3706 related to the conduct of slot machine gaming by a licensee  
3707 under this chapter must ~~shall~~ be made from a list of one or more  
3708 laboratories approved by the department division.

3709 (d) Procedures relating to slot machine revenues, including  
3710 verifying and accounting for such revenues, auditing, and  
3711 collecting taxes and fees consistent with this chapter.

3712 (e) Procedures for regulating, managing, and auditing the  
3713 operation, financial data, and program information relating to  
3714 slot machine gaming which ~~that~~ allow the department division and  
3715 the Department of Law Enforcement to audit the operation,  
3716 financial data, and program information of a slot machine  
3717 licensee, as required by the department division or the  
3718 Department of Law Enforcement, and provide the department  
3719 ~~division~~ and the Department of Law Enforcement with the ability  
3720 to monitor, at any time on a real-time basis, wagering patterns,  
3721 payouts, tax collection, and compliance with any rules adopted  
3722 by the department division for the regulation and control of  
3723 slot machines operated under this chapter. Such continuous and  
3724 complete access, at any time on a real-time basis, shall include



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3725 the ability of ~~either~~ the department ~~division~~ or the Department  
3726 of Law Enforcement to suspend play immediately on particular  
3727 slot machines if monitoring of the facilities-based computer  
3728 system indicates possible tampering or manipulation of those  
3729 slot machines or the ability to suspend play immediately of the  
3730 entire operation if the tampering or manipulation is of the  
3731 computer system itself. The department ~~division~~ shall notify the  
3732 Department of Law Enforcement or the Department of Law  
3733 Enforcement shall notify the division, as appropriate, whenever  
3734 there is a suspension of play under this paragraph. The  
3735 department ~~division~~ and the Department of Law Enforcement shall  
3736 exchange such information necessary for and cooperate in the  
3737 investigation of the circumstances requiring suspension of play  
3738 under this paragraph.

3739 (f) Procedures for requiring each licensee at his or her  
3740 own cost and expense to supply the department ~~division~~ with a  
3741 bond having the penal sum of \$2 million payable to the Governor  
3742 and his or her successors in office for each year of the  
3743 licensee's slot machine operations. Any bond shall be issued by  
3744 a surety or sureties approved by the department ~~division~~ and the  
3745 Chief Financial Officer, conditioned to faithfully make the  
3746 payments to the Chief Financial Officer in his or her capacity  
3747 as treasurer of the department ~~division~~. The licensee shall be  
3748 required to keep its books and records and make reports as  
3749 provided in this chapter and to conduct its slot machine  
3750 operations in conformity with this chapter and all other  
3751 provisions of law. Such bond shall be separate and distinct from  
3752 the bond required in s. 550.125.

3753 (g) Procedures for requiring licensees to maintain



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3754 specified records and submit any data, information, record, or  
3755 report, including financial and income records, required by this  
3756 chapter or determined by the department ~~division~~ to be necessary  
3757 to the proper implementation and enforcement of this chapter.

3758 (h) A requirement that the payout percentage of a slot  
3759 machine be no less than 85 percent.

3760 (i) Minimum standards for security of the facilities,  
3761 including floor plans, security cameras, and other security  
3762 equipment.

3763 (j) Procedures for requiring slot machine licensees to  
3764 implement and establish drug-testing programs for all slot  
3765 machine occupational licensees.

3766 (2) The department ~~division~~ shall conduct such  
3767 investigations necessary to fulfill its responsibilities under  
3768 the provisions of this chapter.

3769 (3) The Department of Law Enforcement and local law  
3770 enforcement agencies ~~shall~~ have concurrent jurisdiction to  
3771 investigate criminal violations of this chapter and may  
3772 investigate any other criminal violation of law occurring at the  
3773 facilities of a slot machine licensee, and such investigations  
3774 may be conducted in conjunction with the appropriate state  
3775 attorney.

3776 (4) (a) The department ~~division~~, the Department of Law  
3777 Enforcement, and local law enforcement agencies shall have  
3778 unrestricted access to the slot machine licensee's facility at  
3779 all times and shall require of each slot machine licensee strict  
3780 compliance with the laws of this state relating to the  
3781 transaction of such business. The department ~~division~~, the  
3782 Department of Law Enforcement, and local law enforcement



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3783 agencies may:

3784 1. Inspect and examine premises where slot machines are  
3785 offered for play.

3786 2. Inspect slot machines and related equipment and  
3787 supplies.

3788 (b) In addition, the department ~~division~~ may:

3789 1. Collect taxes, assessments, fees, and penalties.

3790 2. Deny, revoke, suspend, or place conditions on the  
3791 license of a person who violates any provision of this chapter  
3792 or rule adopted pursuant thereto.

3793 (5) The department ~~division~~ shall revoke or suspend the  
3794 license of any person who is no longer qualified or who is  
3795 found, after receiving a license, to have been unqualified at  
3796 the time of application for the license.

3797 (6) This section does not:

3798 (a) Prohibit the Department of Law Enforcement or any law  
3799 enforcement authority whose jurisdiction includes a licensed  
3800 facility from conducting investigations of criminal activities  
3801 occurring at the facility of the slot machine licensee;

3802 (b) Restrict access to the slot machine licensee's facility  
3803 by the Department of Law Enforcement or any local law  
3804 enforcement authority whose jurisdiction includes the slot  
3805 machine licensee's facility; or

3806 (c) Restrict access by the Department of Law Enforcement or  
3807 local law enforcement authorities to information and records  
3808 necessary to the investigation of criminal activity which ~~that~~  
3809 are contained within the slot machine licensee's facility.

3810 Section 55. Section 551.104, Florida Statutes, is amended  
3811 to read:



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3812 551.104 License to conduct slot machine gaming.-

3813 (1) Upon application and a finding by the department  
3814 ~~division~~ after investigation that the application is complete  
3815 and the applicant is qualified and payment of the initial  
3816 license fee, the department ~~division~~ may issue a license to  
3817 conduct slot machine gaming in the designated slot machine  
3818 gaming area of the eligible facility. Once licensed, slot  
3819 machine gaming may be conducted subject to the requirements of  
3820 this chapter and rules adopted pursuant thereto.

3821 (2) An application may be approved by the department  
3822 ~~division~~ only after the voters of the county where the  
3823 applicant's facility is located have authorized by referendum  
3824 slot machines within pari-mutuel facilities in that county as  
3825 specified in s. 23, Art. X of the State Constitution.

3826 (3) A slot machine license may be issued only to a licensed  
3827 pari-mutuel permitholder, and slot machine gaming may be  
3828 conducted only at the eligible facility at which the  
3829 permitholder is authorized under its valid pari-mutuel wagering  
3830 permit to conduct pari-mutuel wagering activities.

3831 (4) As a condition of licensure and to maintain continued  
3832 authority for the conduct of slot machine gaming, the slot  
3833 machine licensee shall:

3834 (a) Continue to be in compliance with this chapter.

3835 (b) Continue to be in compliance with chapter 550, where  
3836 applicable, and maintain the pari-mutuel permit and license in  
3837 good standing pursuant to the provisions of chapter 550.

3838 ~~Notwithstanding any contrary provision of law and in order to~~  
3839 ~~expedite the operation of slot machines at eligible facilities,~~  
3840 ~~any eligible facility shall be entitled within 60 days after the~~



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3841 ~~effective date of this act to amend its 2006-2007 pari-mutuel~~  
3842 ~~wagering operating license issued by the division under ss.~~  
3843 ~~550.0115 and 550.01215. The division shall issue a new license~~  
3844 ~~to the eligible facility to effectuate any approved change.~~

3845 (c) Conduct no fewer than a full schedule of live racing or  
3846 games as defined in s. 550.002 (10) ~~(11)~~. A permitholder's  
3847 responsibility to conduct such number of live races or games  
3848 shall be reduced by the number of races or games that could not  
3849 be conducted due to the direct result of fire, war, hurricane,  
3850 or other disaster or event beyond the control of the  
3851 permitholder.

3852 (d) Upon approval of any changes relating to the pari-  
3853 mutuel permit by the department ~~division~~, be responsible for  
3854 providing appropriate current and accurate documentation on a  
3855 timely basis to the department ~~division~~ in order to continue the  
3856 slot machine license in good standing. Changes in ownership or  
3857 interest of a slot machine license of 5 percent or more of the  
3858 stock or other evidence of ownership or equity in the slot  
3859 machine license or any parent corporation or other business  
3860 entity that in any way owns or controls the slot machine license  
3861 shall be approved by the department ~~division~~ prior to such  
3862 change, unless the owner is an existing holder of that license  
3863 who was previously approved by the department ~~division~~. Changes  
3864 in ownership or interest of a slot machine license of less than  
3865 5 percent, unless such change results in a cumulative total of 5  
3866 percent or more, shall be reported to the department ~~division~~  
3867 within 20 days after the change. The department ~~division~~ may  
3868 then conduct an investigation to ensure that the license is  
3869 properly updated to show the change in ownership or interest. No



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3870 reporting is required if the person is holding 5 percent or less  
3871 equity or securities of a corporate owner of the slot machine  
3872 licensee that has its securities registered pursuant to s. 12 of  
3873 the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and  
3874 if such corporation or entity files with the United States  
3875 Securities and Exchange Commission the reports required by s. 13  
3876 of that act or if the securities of the corporation or entity  
3877 are regularly traded on an established securities market in the  
3878 United States. A change in ownership or interest of less than 5  
3879 percent which results in a cumulative ownership or interest of 5  
3880 percent or more must ~~shall~~ be approved by the department before  
3881 ~~division prior to~~ such change unless the owner is an existing  
3882 holder of the license who was previously approved by the  
3883 department ~~division~~.

3884 (e) Allow the department ~~division~~ and the Department of Law  
3885 Enforcement unrestricted access to and right of inspection of  
3886 facilities of a slot machine licensee in which any activity  
3887 relative to the conduct of slot machine gaming is conducted.

3888 (f) Ensure that the facilities-based computer system that  
3889 the licensee will use for operational and accounting functions  
3890 of the slot machine facility is specifically structured to  
3891 facilitate regulatory oversight. The facilities-based computer  
3892 system shall be designed to provide the department ~~division~~ and  
3893 the Department of Law Enforcement with the ability to monitor,  
3894 at any time on a real-time basis, the wagering patterns,  
3895 payouts, tax collection, and such other operations as necessary  
3896 to determine whether the facility is in compliance with  
3897 statutory provisions and rules adopted by the department  
3898 ~~division~~ for the regulation and control of slot machine gaming.



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3899 The department ~~division~~ and the Department of Law Enforcement  
3900 shall have complete and continuous access to this system. Such  
3901 access shall include the ability of ~~either~~ the department  
3902 ~~division~~ or the Department of Law Enforcement to suspend play  
3903 immediately on particular slot machines if monitoring of the  
3904 system indicates possible tampering or manipulation of those  
3905 slot machines or the ability to suspend play immediately of the  
3906 entire operation if the tampering or manipulation is of the  
3907 computer system itself. The computer system shall be reviewed  
3908 and approved by the department ~~division~~ to ensure necessary  
3909 access, security, and functionality. The department ~~division~~ may  
3910 adopt rules to provide for the approval process.

3911 (g) Ensure that each slot machine is protected from  
3912 manipulation or tampering to affect the random probabilities of  
3913 winning plays. The department ~~division~~ or the Department of Law  
3914 Enforcement may ~~shall have the authority to~~ suspend play upon  
3915 reasonable suspicion of any manipulation or tampering. When play  
3916 has been suspended on any slot machine, the department ~~division~~  
3917 or the Department of Law Enforcement may examine any slot  
3918 machine to determine whether the machine has been tampered with  
3919 or manipulated and whether the machine should be returned to  
3920 operation.

3921 (h) Submit a security plan, including the facilities' floor  
3922 plan, the locations of security cameras, and a listing of all  
3923 security equipment that is capable of observing and  
3924 electronically recording activities being conducted in the  
3925 facilities of the slot machine licensee. The security plan must  
3926 meet the minimum security requirements as determined by the  
3927 department ~~division~~ under s. 551.103(1)(i) and be implemented





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3928 prior to operation of slot machine gaming. The slot machine  
3929 licensee's facilities must adhere to the security plan at all  
3930 times. Any changes to the security plan must be submitted by the  
3931 licensee to the department before ~~division prior to~~  
3932 implementation. The department ~~division~~ shall furnish copies of  
3933 the security plan and changes in the plan to the Department of  
3934 Law Enforcement.

3935 (i) Create and file with the department ~~division~~ a written  
3936 policy for:

3937 1. Creating opportunities to purchase from vendors in this  
3938 state, including minority vendors.

3939 2. Creating opportunities for employment of residents of  
3940 this state, including minority residents.

3941 3. Ensuring opportunities for construction services from  
3942 minority contractors.

3943 4. Ensuring that opportunities for employment are offered  
3944 on an equal, nondiscriminatory basis.

3945 5. Training for employees on responsible gaming and working  
3946 with a compulsive or addictive gambling prevention program to  
3947 further its purposes as provided for in s. 551.118.

3948 6. The implementation of a drug-testing program that  
3949 includes, but is not limited to, requiring each employee to sign  
3950 an agreement that he or she understands that the slot machine  
3951 facility is a drug-free workplace.

3952  
3953 The slot machine licensee shall use the Internet-based job-  
3954 listing system of the Agency for Workforce Innovation in  
3955 advertising employment opportunities. ~~Beginning in June 2007,~~  
3956 Each slot machine licensee shall provide an annual report to the



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3957 department ~~division~~ containing information indicating compliance  
3958 with this paragraph in regard to minority persons.

3959 (j) Ensure that the payout percentage of a slot machine  
3960 gaming facility is at least 85 percent.

3961 (5) A slot machine license is not transferable.

3962 (6) A slot machine licensee shall keep and maintain  
3963 permanent daily records of its slot machine operation and shall  
3964 maintain such records for a period of not less than 5 years.  
3965 These records must include all financial transactions and  
3966 contain sufficient detail to determine compliance with the  
3967 requirements of this chapter. All records shall be available for  
3968 audit and inspection by the department ~~division~~, the Department  
3969 of Law Enforcement, or other law enforcement agencies during the  
3970 licensee's regular business hours.

3971 (7) A slot machine licensee shall file with the department  
3972 ~~division~~ a monthly report containing the required records of  
3973 such slot machine operation. The required reports shall be  
3974 submitted on forms prescribed by the department ~~division~~ and  
3975 shall be due at the same time as the monthly pari-mutuel reports  
3976 are due to the department ~~division~~, and the reports shall be  
3977 deemed public records once filed.

3978 (8) A slot machine licensee shall file with the department  
3979 ~~division~~ an audit of the receipt and distribution of all slot  
3980 machine revenues provided by an independent certified public  
3981 accountant verifying compliance with all financial and auditing  
3982 provisions of this chapter and the associated rules adopted  
3983 under this chapter. The audit must include verification of  
3984 compliance with all statutes and rules regarding all required  
3985 records of slot machine operations. Such audit shall be filed



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3986 within 60 days after the completion of the permit holder's pari-  
3987 mutuel meet.

3988 (9) The department ~~division~~ may share any information with  
3989 the Department of Law Enforcement, any other law enforcement  
3990 agency having jurisdiction over slot machine gaming or pari-  
3991 mutuel activities, or any other state or federal law enforcement  
3992 agency the department ~~division~~ or the Department of Law  
3993 Enforcement deems appropriate. Any law enforcement agency having  
3994 jurisdiction over slot machine gaming or pari-mutuel activities  
3995 may share any information obtained or developed by it with the  
3996 department ~~division~~.

3997 (10) (a) 1. No slot machine license or renewal thereof shall  
3998 be issued to an applicant holding a permit under chapter 550 to  
3999 conduct pari-mutuel wagering meets of thoroughbred racing unless  
4000 the applicant has on file with the department ~~division~~ a binding  
4001 written agreement between the applicant and the Florida  
4002 Horsemen's Benevolent and Protective Association, Inc.,  
4003 governing the payment of purses on live thoroughbred races  
4004 conducted at the licensee's pari-mutuel facility. In addition,  
4005 no slot machine license or renewal thereof shall be issued to  
4006 such an applicant unless the applicant has on file with the  
4007 department ~~division~~ a binding written agreement between the  
4008 applicant and the Florida Thoroughbred Breeders' Association,  
4009 Inc., governing the payment of breeders', stallion, and special  
4010 racing awards on live thoroughbred races conducted at the  
4011 licensee's pari-mutuel facility. The agreement governing purses  
4012 and the agreement governing awards may direct the payment of  
4013 such purses and awards from revenues generated by any wagering  
4014 or gaming the applicant is authorized to conduct under Florida



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4015 law. All purses and awards shall be subject to the terms of  
4016 chapter 550. All sums for breeders', stallion, and special  
4017 racing awards shall be remitted monthly to the Florida  
4018 Thoroughbred Breeders' Association, Inc., for the payment of  
4019 awards subject to the administrative fee authorized in s.  
4020 550.2625(3).

4021 2. No slot machine license or renewal thereof shall be  
4022 issued to an applicant holding a permit under chapter 550 to  
4023 conduct pari-mutuel wagering meets of quarter horse racing  
4024 unless the applicant has on file with the department ~~division~~ a  
4025 binding written agreement between the applicant and the Florida  
4026 Quarter Horse Racing Association or the association representing  
4027 a majority of the horse owners and trainers at the applicant's  
4028 eligible facility, governing the payment of purses on live  
4029 quarter horse races conducted at the licensee's pari-mutuel  
4030 facility. The agreement governing purses may direct the payment  
4031 of such purses from revenues generated by any wagering or gaming  
4032 the applicant is authorized to conduct under Florida law. All  
4033 purses are ~~shall be~~ subject to the terms of chapter 550.

4034 (b) The department ~~division~~ shall suspend a slot machine  
4035 license if one or more of the agreements required under  
4036 paragraph (a) are terminated or otherwise cease to operate or if  
4037 the department ~~division~~ determines that the licensee is  
4038 materially failing to comply with the terms of such an  
4039 agreement. Any such suspension shall take place in accordance  
4040 with chapter 120.

4041 (c)1. If an agreement required under paragraph (a) cannot  
4042 be reached before ~~prior to~~ the initial issuance of the slot  
4043 machine license, either party may request arbitration or, in the



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4044 case of a renewal, if an agreement required under paragraph (a)  
4045 is not in place 120 days prior to the scheduled expiration date  
4046 of the slot machine license, the applicant shall immediately ask  
4047 the American Arbitration Association to furnish a list of 11  
4048 arbitrators, each of whom shall have at least 5 years of  
4049 commercial arbitration experience and no financial interest in  
4050 or prior relationship with any of the parties or their  
4051 affiliated or related entities or principals. Each required  
4052 party to the agreement shall select a single arbitrator from the  
4053 list provided by the American Arbitration Association within 10  
4054 days of receipt, and the individuals so selected shall choose  
4055 one additional arbitrator from the list within the next 10 days.

4056 2. If an agreement required under paragraph (a) is not in  
4057 place 60 days after the request under subparagraph 1. in the  
4058 case of an initial slot machine license or, in the case of a  
4059 renewal, 60 days before ~~prior to~~ the scheduled expiration date  
4060 of the slot machine license, the matter shall be immediately  
4061 submitted to mandatory binding arbitration to resolve the  
4062 disagreement between the parties. The three arbitrators selected  
4063 pursuant to subparagraph 1. shall constitute the panel that  
4064 shall arbitrate the dispute between the parties pursuant to the  
4065 American Arbitration Association Commercial Arbitration Rules  
4066 and chapter 682.

4067 3. At the conclusion of the proceedings, which shall be no  
4068 later than 90 days after the request under subparagraph 1. in  
4069 the case of an initial slot machine license or, in the case of a  
4070 renewal, 30 days before ~~prior to~~ the scheduled expiration date  
4071 of the slot machine license, the arbitration panel shall present  
4072 to the parties a proposed agreement that the majority of the



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4073 panel believes equitably balances the rights, interests,  
4074 obligations, and reasonable expectations of the parties. The  
4075 parties shall immediately enter into such agreement, which shall  
4076 satisfy the requirements of paragraph (a) and permit issuance of  
4077 the pending annual slot machine license or renewal. The  
4078 agreement produced by the arbitration panel under this  
4079 subparagraph shall be effective until the last day of the  
4080 license or renewal period or until the parties enter into a  
4081 different agreement. Each party shall pay its respective costs  
4082 of arbitration and shall pay one-half of the costs of the  
4083 arbitration panel, unless the parties otherwise agree. If the  
4084 agreement produced by the arbitration panel under this  
4085 subparagraph remains in place 120 days prior to the scheduled  
4086 issuance of the next annual license renewal, then the  
4087 arbitration process established in this paragraph will begin  
4088 again.

4089 4. ~~If in the event that neither of~~ the agreements required  
4090 under subparagraph (a)1. or the agreement required under  
4091 subparagraph (a)2. are not in place by the deadlines established  
4092 in this paragraph, arbitration regarding each agreement shall  
4093 ~~will~~ proceed independently, with separate lists of arbitrators,  
4094 arbitration panels, arbitration proceedings, and resulting  
4095 agreements.

4096 5. With respect to the agreements required under paragraph  
4097 (a) governing the payment of purses, the arbitration and  
4098 resulting agreement called for under this paragraph shall be  
4099 limited to the payment of purses from slot machine revenues  
4100 only.

4101 (d) If any provision of this subsection or its application



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4102 to any person or circumstance is held invalid, the invalidity  
4103 does not affect other provisions or applications of this  
4104 subsection or chapter which can be given effect without the  
4105 invalid provision or application, and to this end the provisions  
4106 of this subsection are severable.

4107 Section 56. Section 551.1045, Florida Statutes, is amended  
4108 to read:

4109 551.1045 Temporary licenses.—

4110 (1) Notwithstanding any provision of s. 120.60 to the  
4111 contrary, the department ~~division~~ may issue a temporary  
4112 occupational license upon the receipt of a complete application  
4113 from the applicant and a determination that the applicant has  
4114 not been convicted of or had adjudication withheld on any  
4115 disqualifying criminal offense. The temporary occupational  
4116 license remains valid until such time as the department ~~division~~  
4117 grants an occupational license or notifies the applicant of its  
4118 intended decision to deny the applicant a license pursuant to  
4119 the provisions of s. 120.60. The department ~~division~~ shall adopt  
4120 rules to administer this subsection. However, not more than one  
4121 temporary license may be issued for any person in any year.

4122 (2) A temporary license issued under this section is  
4123 nontransferable.

4124 Section 57. Subsection (3) of section 551.105, Florida  
4125 Statutes, is amended to read:

4126 551.105 Slot machine license renewal.—

4127 (3) Upon determination by the department ~~division~~ that the  
4128 application for renewal is complete and qualifications have been  
4129 met, including payment of the renewal fee, the slot machine  
4130 license shall be renewed annually.



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4131 Section 58. Section 551.106, Florida Statutes, is amended  
4132 to read:

4133 551.106 License fee; tax rate; penalties.—

4134 (1) LICENSE FEE.—

4135 ~~(a)~~ Upon submission of the initial application for a slot  
4136 machine license and annually thereafter, on the anniversary date  
4137 of the issuance of the initial license, the licensee must pay to  
4138 the department ~~division~~ a nonrefundable license fee of \$3  
4139 million for the succeeding 12 months of licensure. In the 2010-  
4140 2011 fiscal year, the licensee must pay the department ~~division~~  
4141 a nonrefundable license fee of \$2.5 million for the succeeding  
4142 12 months of licensure. In the 2011-2012 fiscal year and for  
4143 every fiscal year thereafter, the licensee must pay the  
4144 department ~~division~~ a nonrefundable license fee of \$2 million  
4145 for the succeeding 12 months of licensure. The license fee shall  
4146 be deposited into the Pari-mutuel Wagering Trust Fund ~~of the~~  
4147 ~~Department of Business and Professional Regulation~~ to be used by  
4148 the department ~~division~~ and the Department of Law Enforcement  
4149 for investigations, regulation of slot machine gaming, and  
4150 enforcement of slot machine gaming provisions under this  
4151 chapter. These payments shall be accounted for separately from  
4152 taxes or fees paid pursuant to ~~the provisions of~~ chapter 550.

4153 ~~(b) Prior to January 1, 2007, the division shall evaluate~~  
4154 ~~the license fee and shall make recommendations to the President~~  
4155 ~~of the Senate and the Speaker of the House of Representatives~~  
4156 ~~regarding the optimum level of slot machine license fees in~~  
4157 ~~order to adequately support the slot machine regulatory program.~~

4158 (2) TAX ON SLOT MACHINE REVENUES.—

4159 (a) The tax rate on slot machine revenues at each facility





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4160 shall be 35 percent. If, during any state fiscal year, the  
4161 aggregate amount of tax paid to the state by all slot machine  
4162 licensees in Broward and Miami-Dade Counties is less than the  
4163 aggregate amount of tax paid to the state by all slot machine  
4164 licensees in the 2008-2009 fiscal year, each slot machine  
4165 licensee shall pay to the state within 45 days after the end of  
4166 the state fiscal year a surcharge equal to its pro rata share of  
4167 an amount equal to the difference between the aggregate amount  
4168 of tax paid to the state by all slot machine licensees in the  
4169 2008-2009 fiscal year and the amount of tax paid during the  
4170 fiscal year. Each licensee's pro rata share shall be an amount  
4171 determined by dividing the number 1 by the number of facilities  
4172 licensed to operate slot machines during the applicable fiscal  
4173 year, regardless of whether the facility is operating such  
4174 machines.

4175 (b) The slot machine revenue tax imposed by this section  
4176 shall be paid to the department ~~division~~ for deposit into the  
4177 Pari-mutuel Wagering Trust Fund for immediate transfer by the  
4178 Chief Financial Officer for deposit into the Educational  
4179 Enhancement Trust Fund of the Department of Education. Any  
4180 interest earnings on the tax revenues shall also be transferred  
4181 to the Educational Enhancement Trust Fund.

4182 (c)1. Funds transferred to the Educational Enhancement  
4183 Trust Fund under paragraph (b) shall be used to supplement  
4184 public education funding statewide.

4185 2. If necessary to comply with any covenant established  
4186 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),  
4187 funds transferred to the Educational Enhancement Trust Fund  
4188 under paragraph (b) shall first be available to pay debt service



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4189 on lottery bonds issued to fund school construction in the event  
4190 lottery revenues are insufficient for such purpose or to satisfy  
4191 debt service reserve requirements established in connection with  
4192 lottery bonds. Moneys available pursuant to this subparagraph  
4193 are subject to annual appropriation by the Legislature.

4194 (3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax  
4195 on slot machine revenues imposed by this section shall be paid  
4196 to the department ~~division~~. The department ~~division~~ shall  
4197 deposit these sums with the Chief Financial Officer, to the  
4198 credit of the Pari-mutuel Wagering Trust Fund. The slot machine  
4199 licensee shall remit to the department ~~division~~ payment for the  
4200 tax on slot machine revenues. Such payments shall be remitted by  
4201 3 p.m. Wednesday of each week for taxes imposed and collected  
4202 for the preceding week ending on Sunday. Beginning on July 1,  
4203 2012, the slot machine licensee shall remit to the department  
4204 ~~division~~ payment for the tax on slot machine revenues by 3 p.m.  
4205 on the 5th day of each calendar month for taxes imposed and  
4206 collected for the preceding calendar month. If the 5th day of  
4207 the calendar month falls on a weekend, payments shall be  
4208 remitted by 3 p.m. the first Monday following the weekend. The  
4209 slot machine licensee shall file a report under oath by the 5th  
4210 day of each calendar month for all taxes remitted during the  
4211 preceding calendar month. Such payments shall be accompanied by  
4212 a report under oath showing all slot machine gaming activities  
4213 for the preceding calendar month and such other information as  
4214 may be prescribed by the department ~~division~~.

4215 (4) TO PAY TAX; PENALTIES.—A slot machine licensee who  
4216 fails to make tax payments as required under this section is  
4217 subject to an administrative penalty of up to \$10,000 for each



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4218 day the tax payment is not remitted. All administrative  
4219 penalties imposed and collected shall be deposited into the  
4220 Pari-mutuel Wagering Trust Fund ~~of the Department of Business~~  
4221 ~~and Professional Regulation~~. If any slot machine licensee fails  
4222 to pay penalties imposed by order of the department ~~division~~  
4223 under this subsection, the department ~~division~~ may suspend,  
4224 revoke, or refuse to renew the license of the slot machine  
4225 licensee.

4226 (5) SUBMISSION OF FUNDS.—The department ~~division~~ may  
4227 require slot machine licensees to remit taxes, fees, fines, and  
4228 assessments by electronic funds transfer.

4229 Section 59. Section 551.107, Florida Statutes, is amended  
4230 to read:

4231 551.107 Slot machine occupational license; findings;  
4232 application; fee.—

4233 (1) The Legislature finds that individuals and entities  
4234 that are licensed under this section require heightened state  
4235 scrutiny, including the submission by the individual licensees  
4236 or persons associated with the entities described in this  
4237 chapter of fingerprints for a criminal history record check.

4238 (2) (a) The following slot machine occupational licenses  
4239 shall be issued to persons or entities that, by virtue of the  
4240 positions they hold, might be granted access to slot machine  
4241 gaming areas or to any other person or entity in one of the  
4242 following categories:

4243 1. General occupational licenses for general employees,  
4244 including food service, maintenance, and other similar service  
4245 and support employees having access to the slot machine gaming  
4246 area.



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4247           2. Professional occupational licenses for any person,  
4248 proprietorship, partnership, corporation, or other entity that  
4249 is authorized by a slot machine licensee to manage, oversee, or  
4250 otherwise control daily operations as a slot machine manager, a  
4251 floor supervisor, security personnel, or any other similar  
4252 position of oversight of gaming operations, or any person who is  
4253 not an employee of the slot machine licensee and who provides  
4254 maintenance, repair, or upgrades or otherwise services a slot  
4255 machine or other slot machine equipment.

4256           3. Business occupational licenses for any slot machine  
4257 management company or company associated with slot machine  
4258 gaming, any person who manufactures, distributes, or sells slot  
4259 machines, slot machine paraphernalia, or other associated  
4260 equipment to slot machine licensees, or any company that sells  
4261 or provides goods or services associated with slot machine  
4262 gaming to slot machine licensees.

4263           (b) The department ~~division~~ may issue one license to  
4264 combine licenses under this section with pari-mutuel  
4265 occupational licenses and cardroom licenses pursuant to s.  
4266 550.105(2)(b). The department ~~division~~ shall adopt rules  
4267 pertaining to occupational licenses under this subsection. Such  
4268 rules may specify, but need not be limited to, requirements and  
4269 restrictions for licensed occupations and categories, procedures  
4270 to apply for any license or combination of licenses,  
4271 disqualifying criminal offenses for a licensed occupation or  
4272 categories of occupations, and which types of occupational  
4273 licenses may be combined into a single license under this  
4274 section. The fingerprinting requirements of subsection (7) apply  
4275 to any combination license that includes slot machine license



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4276 privileges under this section. The department ~~division~~ may not  
4277 adopt a rule allowing the issuance of an occupational license to  
4278 any person who does not meet the minimum background  
4279 qualifications under this section.

4280 (c) Slot machine occupational licenses are not  
4281 transferable.

4282 (3) A slot machine licensee may not employ or otherwise  
4283 allow a person to work at a licensed facility unless such person  
4284 holds the appropriate valid occupational license. A slot machine  
4285 licensee may not contract or otherwise do business with a  
4286 business required to hold a slot machine occupational license  
4287 unless the business holds such a license. A slot machine  
4288 licensee may not employ or otherwise allow a person to work in a  
4289 supervisory or management professional level at a licensed  
4290 facility unless such person holds a valid slot machine  
4291 occupational license. All slot machine occupational licensees,  
4292 while present in slot machine gaming areas, shall display on  
4293 their persons their occupational license identification cards.

4294 (4) (a) A person seeking a slot machine occupational license  
4295 or renewal thereof shall make application on forms prescribed by  
4296 the department ~~division~~ and include payment of the appropriate  
4297 application fee. Initial and renewal applications for slot  
4298 machine occupational licenses must contain all information that  
4299 the department ~~division~~, by rule, determines is required to  
4300 ensure eligibility.

4301 (b) A slot machine license or combination license is valid  
4302 for the same term as a pari-mutuel occupational license issued  
4303 pursuant to s. 550.105(1).

4304 (c) Pursuant to rules adopted by the department ~~division~~,



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4305 any person may apply for and, if qualified, be issued a slot  
4306 machine occupational license valid for a period of 3 years upon  
4307 payment of the full occupational license fee for each of the 3  
4308 years for which the license is issued. The slot machine  
4309 occupational license is valid during its specified term at any  
4310 licensed facility where slot machine gaming is authorized to be  
4311 conducted.

4312 (d) The slot machine occupational license fee for initial  
4313 application and annual renewal shall be determined by rule of  
4314 the department ~~division~~ but may not exceed \$50 for a general or  
4315 professional occupational license for an employee of the slot  
4316 machine licensee or \$1,000 for a business occupational license  
4317 for nonemployees of the licensee providing goods or services to  
4318 the slot machine licensee. License fees for general occupational  
4319 licensees shall be paid by the slot machine licensee. Failure to  
4320 pay the required fee constitutes grounds for disciplinary action  
4321 by the department ~~division~~ against the slot machine licensee,  
4322 but it is not a violation of this chapter or rules of the  
4323 department ~~division~~ by the general occupational licensee and  
4324 does not prohibit the initial issuance or the renewal of the  
4325 general occupational license.

4326 (5) The department ~~division~~ may:

4327 (a) Deny an application for, or revoke, suspend, or place  
4328 conditions or restrictions on, a license of a person or entity  
4329 that has been refused a license by any other state gaming  
4330 commission, governmental department, agency, or other authority  
4331 exercising regulatory jurisdiction over the gaming of another  
4332 state or jurisdiction; or

4333 (b) Deny an application for, or suspend or place conditions



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4334 on, a license of any person or entity that is under suspension  
4335 or has unpaid fines in another state or jurisdiction.

4336 (6) (a) The department ~~division~~ may deny, suspend, revoke,  
4337 or refuse to renew any slot machine occupational license if the  
4338 applicant for such license or the licensee has violated the  
4339 provisions of this chapter or the rules of the department  
4340 ~~division~~ governing the conduct of persons connected with slot  
4341 machine gaming. In addition, the department ~~division~~ may deny,  
4342 suspend, revoke, or refuse to renew any slot machine  
4343 occupational license if the applicant for such license or the  
4344 licensee has been convicted in this state, in any other state,  
4345 or under the laws of the United States of a capital felony, a  
4346 felony, or an offense in any other state which ~~that~~ would be a  
4347 felony under the laws of this state involving arson; trafficking  
4348 in, conspiracy to traffic in, smuggling, importing, conspiracy  
4349 to smuggle or import, or delivery, sale, or distribution of a  
4350 controlled substance; racketeering; or a crime involving a lack  
4351 of good moral character, or has had a gaming license revoked by  
4352 this state or any other jurisdiction for any gaming-related  
4353 offense.

4354 (b) The department ~~division~~ may deny, revoke, or refuse to  
4355 renew any slot machine occupational license if the applicant for  
4356 such license or the licensee has been convicted of a felony or  
4357 misdemeanor in this state, in any other state, or under the laws  
4358 of the United States if such felony or misdemeanor is related to  
4359 gambling or bookmaking as described in s. 849.25.

4360 (c) For purposes of this subsection, the term "convicted"  
4361 means having been found guilty, with or without adjudication of  
4362 guilt, as a result of a jury verdict, nonjury trial, or entry of



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4363 a plea of guilty or nolo contendere.

4364 (7) Fingerprints for all slot machine occupational license  
4365 applications shall be taken in a manner approved by the  
4366 department ~~division~~ and shall be submitted electronically to the  
4367 Department of Law Enforcement for state processing and the  
4368 Federal Bureau of Investigation for national processing for a  
4369 criminal history record check. All persons as specified in s.  
4370 550.1815(1)(a) employed by or working within a licensed premises  
4371 shall submit fingerprints for a criminal history record check  
4372 and may not have been convicted of any disqualifying criminal  
4373 offenses specified in subsection (6). Department ~~Division~~  
4374 employees and law enforcement officers assigned by their  
4375 employing agencies to work within the premises as part of their  
4376 official duties are excluded from the criminal history record  
4377 check requirements under this subsection. For purposes of this  
4378 subsection, the term "convicted" means having been found guilty,  
4379 with or without adjudication of guilt, as a result of a jury  
4380 verdict, nonjury trial, or entry of a plea of guilty or nolo  
4381 contendere.

4382 (a) Fingerprints shall be taken in a manner approved by the  
4383 department ~~division~~ upon initial application, or as required  
4384 thereafter by rule of the department ~~division~~, and shall be  
4385 submitted electronically to the Department of Law Enforcement  
4386 for state processing. The Department of Law Enforcement shall  
4387 forward the fingerprints to the Federal Bureau of Investigation  
4388 for national processing. The results of the criminal history  
4389 record check shall be returned to the department ~~division~~ for  
4390 purposes of screening. Licensees shall provide necessary  
4391 equipment approved by the Department of Law Enforcement to





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4392 facilitate such electronic submission. The department ~~division~~  
4393 requirements under this subsection shall be instituted in  
4394 consultation with the Department of Law Enforcement.

4395 (b) The cost of processing fingerprints and conducting a  
4396 criminal history record check for a general occupational license  
4397 shall be borne by the slot machine licensee. The cost of  
4398 processing fingerprints and conducting a criminal history record  
4399 check for a business or professional occupational license shall  
4400 be borne by the person being checked. The Department of Law  
4401 Enforcement may submit an invoice to the department ~~division~~ for  
4402 the cost of fingerprints submitted each month.

4403 (c) All fingerprints submitted to the Department of Law  
4404 Enforcement and required by this section shall be retained by  
4405 the Department of Law Enforcement and entered into the statewide  
4406 automated fingerprint identification system as authorized by s.  
4407 943.05(2)(b) and shall be available for all purposes and uses  
4408 authorized for arrest fingerprint cards entered into the  
4409 statewide automated fingerprint identification system pursuant  
4410 to s. 943.051.

4411 (d) The Department of Law Enforcement shall search all  
4412 arrest fingerprints received pursuant to s. 943.051 against the  
4413 fingerprints retained in the statewide automated fingerprint  
4414 identification system under paragraph (c). Any arrest record  
4415 that is identified with the retained fingerprints of a person  
4416 subject to the criminal history screening requirements of this  
4417 section shall be reported to the department ~~division~~. Each  
4418 licensed facility shall pay a fee to the department ~~division~~ for  
4419 the cost of retention of the fingerprints and the ongoing  
4420 searches under this paragraph. The department ~~division~~ shall



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4421 forward the payment to the Department of Law Enforcement. The  
4422 amount of the fee to be imposed for performing these searches  
4423 and the procedures for the retention of licensee fingerprints  
4424 shall be as established by rule of the Department of Law  
4425 Enforcement. The department ~~division~~ shall inform the Department  
4426 of Law Enforcement of any change in the license status of  
4427 licensees whose fingerprints are retained under paragraph (c).

4428 (e) The department ~~division~~ shall request the Department of  
4429 Law Enforcement to forward the fingerprints to the Federal  
4430 Bureau of Investigation for a national criminal history records  
4431 check every 3 years following issuance of a license. If the  
4432 fingerprints of a person who is licensed have not been retained  
4433 by the Department of Law Enforcement, the person must file a  
4434 complete set of fingerprints as provided for in paragraph (a).  
4435 The department ~~division~~ shall collect the fees for the cost of  
4436 the national criminal history record check under this paragraph  
4437 and shall forward the payment to the Department of Law  
4438 Enforcement. The cost of processing fingerprints and conducting  
4439 a criminal history record check under this paragraph for a  
4440 general occupational license shall be borne by the slot machine  
4441 licensee. The cost of processing fingerprints and conducting a  
4442 criminal history record check under this paragraph for a  
4443 business or professional occupational license shall be borne by  
4444 the person being checked. The Department of Law Enforcement may  
4445 submit an invoice to the department ~~division~~ for the cost of  
4446 fingerprints submitted each month. Under penalty of perjury,  
4447 each person who is licensed or who is fingerprinted as required  
4448 by this section must agree to inform the department ~~division~~  
4449 within 48 hours if he or she is convicted of or has entered a



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4450 plea of guilty or nolo contendere to any disqualifying offense,  
4451 regardless of adjudication.

4452 (8) All moneys collected pursuant to this section shall be  
4453 deposited into the Pari-mutuel Wagering Trust Fund.

4454 (9) The department ~~division~~ may deny, revoke, or suspend  
4455 any occupational license if the applicant or holder of the  
4456 license accumulates unpaid obligations, defaults in obligations,  
4457 or issues drafts or checks that are dishonored or for which  
4458 payment is refused without reasonable cause.

4459 (10) The department ~~division~~ may fine or suspend, revoke,  
4460 or place conditions upon the license of any licensee who  
4461 provides false information under oath regarding an application  
4462 for a license or an investigation by the department ~~division~~.

4463 (11) The department ~~division~~ may impose a civil fine of up  
4464 to \$5,000 for each violation of this chapter or the rules of the  
4465 department ~~division~~ in addition to or in lieu of any other  
4466 penalty provided for in this section. The department ~~division~~  
4467 may adopt a penalty schedule for violations of this chapter or  
4468 any rule adopted pursuant to this chapter for which it would  
4469 impose a fine in lieu of a suspension and adopt rules allowing  
4470 for the issuance of citations, including procedures to address  
4471 such citations, to persons who violate such rules. In addition  
4472 to any other penalty provided by law, the department ~~division~~  
4473 may exclude from all licensed slot machine facilities in this  
4474 state, for a period not to exceed the period of suspension,  
4475 revocation, or ineligibility, any person whose occupational  
4476 license application has been declared ineligible to hold an  
4477 occupational license or whose occupational license has been  
4478 suspended or revoked by the department ~~division~~.



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4479 Section 60. Section 551.108, Florida Statutes, is amended  
4480 to read:

4481 551.108 Prohibited relationships.—

4482 (1) A person employed by or performing any function on  
4483 behalf of the department ~~division~~ may not:

4484 (a) Be an officer, director, owner, or employee of any  
4485 person or entity licensed by the department ~~division~~.

4486 (b) Have or hold any interest, direct or indirect, in or  
4487 engage in any commerce or business relationship with any person  
4488 licensed by the department ~~division~~.

4489 (2) A manufacturer or distributor of slot machines may not  
4490 enter into any contract with a slot machine licensee which ~~that~~  
4491 provides for any revenue sharing of any kind or nature or which  
4492 ~~that~~ is directly or indirectly calculated on the basis of a  
4493 percentage of slot machine revenues. Any maneuver, shift, or  
4494 device whereby this subsection is violated is a violation of  
4495 this chapter and renders any such agreement void.

4496 (3) A manufacturer or distributor of slot machines or any  
4497 equipment necessary for the operation of slot machines or an  
4498 officer, director, or employee of any such manufacturer or  
4499 distributor may not have any ownership or financial interest in  
4500 a slot machine license or in any business owned by the slot  
4501 machine licensee.

4502 (4) An employee of the department ~~division~~ or relative  
4503 living in the same household as such employee of the department  
4504 ~~division~~ may not wager at any time on a slot machine located at  
4505 a facility licensed by the department ~~division~~.

4506 (5) An occupational licensee or relative living in the same  
4507 household as such occupational licensee may not wager at any



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4508 time on a slot machine located at a facility where that person  
4509 is employed.

4510 Section 61. Subsections (2) and (7) of section 551.109,  
4511 Florida Statutes, are amended to read:

4512 551.109 Prohibited acts; penalties.—

4513 (2) Except as otherwise provided by law and in addition to  
4514 any other penalty, any person who possesses a slot machine  
4515 without the license required by this chapter or who possesses a  
4516 slot machine at any location other than at the slot machine  
4517 licensee's facility is subject to an administrative fine or  
4518 civil penalty of up to \$10,000 per machine. The prohibition in  
4519 this subsection does not apply to:

4520 (a) Slot machine manufacturers or slot machine distributors  
4521 that hold appropriate licenses issued by the department ~~division~~  
4522 who are authorized to maintain a slot machine storage and  
4523 maintenance facility at any location in a county in which slot  
4524 machine gaming is authorized by this chapter. The department  
4525 ~~division~~ may adopt rules regarding security and access to the  
4526 storage facility and inspections by the department ~~division~~.

4527 (b) Certified educational facilities that are authorized to  
4528 maintain slot machines for the sole purpose of education and  
4529 licensure, if any, of slot machine technicians, inspectors, or  
4530 investigators. The department ~~division~~ and the Department of Law  
4531 Enforcement may possess slot machines for training and testing  
4532 purposes. The department ~~division~~ may adopt rules regarding the  
4533 regulation of any such slot machines used for educational,  
4534 training, or testing purposes.

4535 (7) All penalties imposed and collected under this section  
4536 must be deposited into the Pari-mutuel Wagering Trust Fund ~~of~~



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4537 ~~the Department of Business and Professional Regulation.~~

4538       Section 62. Section 551.112, Florida Statutes, is amended  
4539 to read:

4540       551.112 Exclusions of certain persons.—In addition to the  
4541 power to exclude certain persons from any facility of a slot  
4542 machine licensee in this state, the department ~~division~~ may  
4543 exclude any person from any facility of a slot machine licensee  
4544 in this state for conduct that would constitute, if the person  
4545 were a licensee, a violation of this chapter or the rules of the  
4546 department ~~division~~. The department ~~division~~ may exclude from  
4547 any facility of a slot machine licensee any person who has been  
4548 ejected from a facility of a slot machine licensee in this state  
4549 or who has been excluded from any facility of a slot machine  
4550 licensee or gaming facility in another state by the governmental  
4551 department, agency, commission, or authority exercising  
4552 regulatory jurisdiction over the gaming in such other state.  
4553 This section does not abrogate the common law right of a slot  
4554 machine licensee to exclude a patron absolutely in this state.

4555       Section 63. Subsections (3) and (5) of section 551.114,  
4556 Florida Statutes, are amended to read:

4557       551.114 Slot machine gaming areas.—

4558       (3) The department ~~division~~ shall require the posting of  
4559 signs warning of the risks and dangers of gambling, showing the  
4560 odds of winning, and informing patrons of the toll-free  
4561 telephone number available to provide information and referral  
4562 services regarding compulsive or problem gambling.

4563       (5) The permitholder shall provide adequate office space at  
4564 no cost to the department ~~division~~ and the Department of Law  
4565 Enforcement for the oversight of slot machine operations. The



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4566 department ~~division~~ shall adopt rules establishing the criteria  
4567 for adequate space, configuration, and location and needed  
4568 electronic and technological requirements for office space  
4569 required by this subsection.

4570 Section 64. Section 551.117, Florida Statutes, is amended  
4571 to read:

4572 551.117 Penalties.—The department ~~division~~ may revoke or  
4573 suspend any slot machine license issued under this chapter upon  
4574 the willful violation by the slot machine licensee of any  
4575 provision of this chapter or of any rule adopted under this  
4576 chapter. In lieu of suspending or revoking a slot machine  
4577 license, the department ~~division~~ may impose a civil penalty  
4578 against the slot machine licensee for a violation of this  
4579 chapter or any rule adopted by the department ~~division~~. Except  
4580 as otherwise provided in this chapter, the penalty so imposed  
4581 may not exceed \$100,000 for each count or separate offense. All  
4582 penalties imposed and collected must be deposited into the Pari-  
4583 mutuel Wagering Trust Fund ~~of the Department of Business and~~  
4584 ~~Professional Regulation.~~

4585 Section 65. Section 551.118, Florida Statutes, is amended  
4586 to read:

4587 551.118 Compulsive or addictive gambling prevention  
4588 program.—

4589 (1) The slot machine licensee shall offer training to  
4590 employees on responsible gaming and shall work with a compulsive  
4591 or addictive gambling prevention program to recognize problem  
4592 gaming situations and to implement responsible gaming programs  
4593 and practices.

4594 (2) The department ~~division~~ shall, subject to competitive



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4595 bidding, contract for provision of services related to the  
4596 prevention of compulsive and addictive gambling. The contract  
4597 shall provide for an advertising program to encourage  
4598 responsible gaming practices and to publicize a gambling  
4599 telephone help line. Such advertisements must be made both  
4600 publicly and inside the designated slot machine gaming areas of  
4601 the licensee's facilities. The terms of any contract for the  
4602 provision of such services shall include accountability  
4603 standards that must be met by any private provider. The failure  
4604 of any private provider to meet any material terms of the  
4605 contract, including the accountability standards, shall  
4606 constitute a breach of contract or grounds for nonrenewal. The  
4607 department ~~division~~ may consult with the Department of the  
4608 Lottery in the development of the program and the development  
4609 and analysis of any procurement for contractual services for the  
4610 compulsive or addictive gambling prevention program.

4611 (3) The compulsive or addictive gambling prevention program  
4612 shall be funded from an annual nonrefundable regulatory fee of  
4613 \$250,000 paid by the licensee to the department ~~division~~.

4614 Section 66. Paragraph (c) of subsection (4) of section  
4615 551.121, Florida Statutes, is amended to read:

4616 551.121 Prohibited activities and devices; exceptions.—

4617 (4)

4618 (c) Outside the designated slot machine gaming areas, a  
4619 slot machine licensee or operator may accept or cash a check for  
4620 an employee of the facility who is prohibited from wagering on a  
4621 slot machine under s. 551.108(5), a check made directly payable  
4622 to a person licensed by the department ~~division~~, or a check made  
4623 directly payable to the slot machine licensee or operator from:





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- 4624           1. A pari-mutuel patron; or  
4625           2. A pari-mutuel facility in this state or in another  
4626 state.

4627           Section 67. Section 551.122, Florida Statutes, is amended  
4628 to read:

4629           551.122 Rulemaking.—The department ~~division~~ may adopt rules  
4630 pursuant to ss. 120.536(1) and 120.54 to administer the  
4631 provisions of this chapter.

4632           Section 68. Section 551.123, Florida Statutes, is amended  
4633 to read:

4634           551.123 Legislative authority; administration of chapter.—  
4635 The Legislature finds and declares that it has exclusive  
4636 authority over the conduct of all wagering occurring at a slot  
4637 machine facility in this state. As provided by law, only the  
4638 department ~~Division of Pari-mutuel Wagering~~ and other authorized  
4639 state agencies shall administer this chapter and regulate the  
4640 slot machine gaming industry, including operation of slot  
4641 machine facilities, games, slot machines, and facilities-based  
4642 computer systems authorized in this chapter and the rules  
4643 adopted by the department ~~division~~.

4644           Section 69. Subsection (5) of section 565.02, Florida  
4645 Statutes, is amended to read:

4646           565.02 License fees; vendors; clubs; caterers; and others.—

4647           (5) A caterer at a horse or dog racetrack or jai alai  
4648 fronton may obtain a license upon the payment of an annual state  
4649 license tax of \$675. Such caterer's license shall permit sales  
4650 only within the enclosure in which such races or jai alai games  
4651 are conducted, and such licensee shall be permitted to sell only  
4652 during the period beginning 10 days before and ending 10 days



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4653 after racing or jai alai under the authority of the ~~Division of~~  
4654 ~~Pari-mutuel Wagering of the~~ Department of Gaming Control  
4655 ~~Business and Professional Regulation~~ is conducted at such  
4656 racetrack or jai alai fronton. Except as otherwise provided in  
4657 this subsection ~~otherwise provided~~, caterers licensed hereunder  
4658 shall be treated as vendors licensed to sell by the drink the  
4659 beverages mentioned herein and shall be subject to all the  
4660 provisions hereof relating to such vendors.

4661 Section 70. Section 616.09, Florida Statutes, is amended to  
4662 read:

4663 616.09 Not authorized to carry on gambling, etc.;

4664 forfeiture of charter for violations; annulment proceedings.-  
4665 ~~Nothing in This chapter does not shall be held or construed to~~  
4666 authorize or permit any fair association to carry on, conduct,  
4667 supervise, permit, or suffer any gambling or game of chance,  
4668 lottery, betting, or other act in violation of the criminal laws  
4669 of the state; and ~~nothing in this chapter does not shall~~ permit  
4670 horseracing or dogracing or any other pari-mutuel wagering, for  
4671 money or upon which money is placed. Any fair association that  
4672 ~~which~~ violates any such law or that ~~which~~ knowingly permits the  
4673 violation of any such law is subject to forfeiture of its  
4674 charter; and if any citizen complains to the Department of Legal  
4675 Affairs or the Department of Gaming Control that the association  
4676 was organized for or is being used as a cover to evade any of  
4677 the laws of Florida against crime, and submits prima facie  
4678 evidence to sustain the charge, the Department of Legal Affairs  
4679 or the Department of Gaming Control shall institute, and in due  
4680 time prosecute to final judgment, such proceedings as may be  
4681 necessary to annul the charter and incorporation of the



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4682 association. A writ of injunction or other extraordinary process  
4683 shall be issued by a court of competent jurisdiction on the  
4684 application of the Department of Legal Affairs or the Department  
4685 of Gaming Control on complaint pending the annulment proceeding  
4686 and in aid thereof, and the case shall be given precedence over  
4687 all civil cases pending in that court and shall be heard and  
4688 disposed of with as little delay as practicable.

4689 Section 71. Subsection (9) of section 616.241, Florida  
4690 Statutes, is amended to read:

4691 616.241 Trade standards for operation at public fairs and  
4692 expositions.—Trade standards for the operation of shows or games  
4693 in connection with public fairs and expositions are as follows:

4694 (9) VIOLATIONS; REPORTING.—Florida law forbids lotteries,  
4695 gambling, raffles, and other games of chance at community,  
4696 county, district, state, regional, or interstate fairs and  
4697 specialized shows. Enforcement is the responsibility of the  
4698 Department of Gaming Control, local boards, and authorities.

4699 Section 72. Section 817.37, Florida Statutes, is amended to  
4700 read:

4701 817.37 Touting; defining; providing punishment; ejection  
4702 from racetracks.—

4703 (1) Any person who knowingly and designedly by false  
4704 representation attempts to, or does persuade, procure, or cause  
4705 another person to wager on a horse in a race to be run in this  
4706 state or elsewhere, and upon which money is wagered in this  
4707 state, and who asks or demands compensation as a reward for  
4708 information or purported information given in such case is a  
4709 tout, and commits ~~is guilty of~~ touting.

4710 (2) Any person who is a tout, or who attempts or conspires



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4711 to commit touting, commits ~~shall be guilty of~~ a misdemeanor of  
4712 the second degree, punishable as provided in s. 775.082 or s.  
4713 775.083.

4714 (3) Any person who in the commission of touting falsely  
4715 uses the name of any official of the Department of Gaming  
4716 Control ~~Florida Division of Pari-mutuel Wagering~~, its inspectors  
4717 or attaches, or of any official of any racetrack association, or  
4718 the names of any owner, trainer, jockey, or other person  
4719 licensed by the Department of Gaming Control ~~Florida Division of~~  
4720 ~~Pari-mutuel Wagering~~, as the source of any information or  
4721 purported information commits ~~shall be guilty of~~ a felony of the  
4722 third degree, punishable as provided in s. 775.082, s. 775.083,  
4723 or s. 775.084.

4724 (4) Any person who has been convicted of touting by any  
4725 court, and the record of whose conviction on such charge is on  
4726 file in the office of the Department of Gaming Control ~~Florida~~  
4727 ~~Division of Pari-mutuel Wagering~~, any court of this state, or of  
4728 the Federal Bureau of Investigation, or any person who has been  
4729 ejected from any racetrack of this or any other state for  
4730 touting or practices inimical to the public interest shall be  
4731 excluded from all racetracks in this state and if such person  
4732 returns to a racetrack he or she commits ~~shall be guilty of~~ a  
4733 misdemeanor of the second degree, punishable as provided in s.  
4734 775.082 or s. 775.083. Any such person who refuses to leave such  
4735 track when ordered to do so by inspectors of the Department of  
4736 Gaming Control ~~Florida Division of Pari-mutuel Wagering~~ or by  
4737 any peace officer, or by an accredited attache of a racetrack or  
4738 association commits ~~shall be guilty of~~ a separate offense that  
4739 ~~which~~ shall be a misdemeanor of the second degree, punishable as



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4740 provided in s. 775.083.

4741 Section 73. Section 849.086, Florida Statutes, is amended  
4742 to read:

4743 849.086 Cardrooms authorized.—

4744 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
4745 to provide additional entertainment choices for the residents of  
4746 and visitors to the state, promote tourism in the state, and  
4747 provide additional state revenues through the authorization of  
4748 the playing of certain games in the state at facilities known as  
4749 cardrooms which are to be located at licensed pari-mutuel  
4750 facilities. To ensure the public confidence in the integrity of  
4751 authorized cardroom operations, this act is designed to strictly  
4752 regulate the facilities, persons, and procedures related to  
4753 cardroom operations. Furthermore, the Legislature finds that  
4754 authorized games as herein defined are considered to be pari-  
4755 mutuel style games and not casino gaming because the  
4756 participants play against each other instead of against the  
4757 house.

4758 (2) DEFINITIONS.—As used in this section:

4759 (a) "Authorized game" means a game or series of games of  
4760 poker or dominoes which are played in a nonbanking manner.

4761 (b) "Banking game" means a game in which the house is a  
4762 participant in the game, taking on players, paying winners, and  
4763 collecting from losers or in which the cardroom establishes a  
4764 bank against which participants play.

4765 (c) "Cardroom" means a facility where authorized games are  
4766 played for money or anything of value and to which the public is  
4767 invited to participate in such games and charged a fee for  
4768 participation by the operator of such facility. Authorized games



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4769 and cardrooms do not constitute casino gaming operations.

4770 (d) "Cardroom management company" means any individual not  
4771 an employee of the cardroom operator, any proprietorship,  
4772 partnership, corporation, or other entity that enters into an  
4773 agreement with a cardroom operator to manage, operate, or  
4774 otherwise control the daily operation of a cardroom.

4775 (e) "Cardroom distributor" means any business that  
4776 distributes cardroom paraphernalia such as card tables, betting  
4777 chips, chip holders, dominoes, dominoes tables, drop boxes,  
4778 banking supplies, playing cards, card shufflers, and other  
4779 associated equipment to authorized cardrooms.

4780 (f) "Cardroom operator" means a licensed pari-mutuel  
4781 permitholder that ~~which~~ holds a valid permit and license issued  
4782 by the department division pursuant to chapter 550 and that  
4783 ~~which~~ also holds a valid cardroom license issued by the  
4784 department division pursuant to this section which authorizes  
4785 such person to operate a cardroom and to conduct authorized  
4786 games in such cardroom.

4787 (g) "Department" ~~"Division"~~ means ~~the Division of Pari-~~  
4788 ~~mutuel Wagering of the Department of~~ Gaming Control ~~Business and~~  
4789 ~~Professional Regulation.~~

4790 (h) "Dominoes" means a game of dominoes typically played  
4791 with a set of 28 flat rectangular blocks, called "bones," which  
4792 are marked on one side and divided into two equal parts, with  
4793 zero to six dots, called "pips," in each part. The term also  
4794 includes larger sets of blocks that contain a correspondingly  
4795 higher number of pips. The term also means the set of blocks  
4796 used to play the game.

4797 (i) "Gross receipts" means the total amount of money



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4798 received by a cardroom from any person for participation in  
4799 authorized games.

4800 (j) "House" means the cardroom operator and all employees  
4801 of the cardroom operator.

4802 (k) "Net proceeds" means the total amount of gross receipts  
4803 received by a cardroom operator from cardroom operations less  
4804 direct operating expenses related to cardroom operations,  
4805 including labor costs, admission taxes only if a separate  
4806 admission fee is charged for entry to the cardroom facility,  
4807 gross receipts taxes imposed on cardroom operators by this  
4808 section, the annual cardroom license fees imposed by this  
4809 section on each table operated at a cardroom, and reasonable  
4810 promotional costs excluding officer and director compensation,  
4811 interest on capital debt, legal fees, real estate taxes, bad  
4812 debts, contributions or donations, or overhead and depreciation  
4813 expenses not directly related to the operation of the cardrooms.

4814 (l) "Rake" means a set fee or percentage of the pot  
4815 assessed by a cardroom operator for providing the services of a  
4816 dealer, table, or location for playing the authorized game.

4817 (m) "Tournament" means a series of games that have more  
4818 than one betting round involving one or more tables and where  
4819 the winners or others receive a prize or cash award.

4820 (3) CARDROOM AUTHORIZED.—Notwithstanding any other  
4821 provision of law, it is not a crime for a person to participate  
4822 in an authorized game at a licensed cardroom or to operate a  
4823 cardroom described in this section if such game and cardroom  
4824 operation are conducted strictly in accordance with the  
4825 provisions of this section.

4826 (4) AUTHORITY OF DEPARTMENT ~~DIVISION~~.—The department



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4827 ~~Division of Pari-mutuel Wagering of the Department of Business~~  
4828 ~~and Professional Regulation~~ shall administer this section and  
4829 regulate the operation of cardrooms under this section and the  
4830 rules adopted pursuant thereto, and is hereby authorized to:

4831 (a) Adopt rules, including, but not limited to: the  
4832 issuance of cardroom and employee licenses for cardroom  
4833 operations; the operation of a cardroom; recordkeeping and  
4834 reporting requirements; and the collection of all fees and taxes  
4835 imposed by this section.

4836 (b) Conduct investigations and monitor the operation of  
4837 cardrooms and the playing of authorized games therein.

4838 (c) Review the books, accounts, and records of any current  
4839 or former cardroom operator.

4840 (d) Suspend or revoke any license or permit, after hearing,  
4841 for any violation of the provisions of this section or the  
4842 administrative rules adopted pursuant thereto.

4843 (e) Take testimony, issue summons and subpoenas for any  
4844 witness, and issue subpoenas duces tecum in connection with any  
4845 matter within its jurisdiction.

4846 (f) Monitor and ensure the proper collection of taxes and  
4847 fees imposed by this section. Permitholder internal controls are  
4848 mandated to ensure no compromise of state funds. To that end, a  
4849 roaming department ~~division~~ auditor will monitor and verify the  
4850 cash flow and accounting of cardroom revenue for any given  
4851 operating day.

4852 (5) LICENSE REQUIRED; APPLICATION; FEES.—A ~~No~~ person may  
4853 not operate a cardroom in this state unless such person holds a  
4854 valid cardroom license issued pursuant to this section.

4855 (a) Only those persons holding a valid cardroom license





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4856 issued by the department ~~division~~ may operate a cardroom. A  
4857 cardroom license may ~~only~~ be issued only to a licensed pari-  
4858 mutuel permitholder and an authorized cardroom may ~~only~~ be  
4859 operated only at the same facility at which the permitholder is  
4860 authorized under its valid pari-mutuel wagering permit to  
4861 conduct pari-mutuel wagering activities. An initial cardroom  
4862 license shall be issued to a pari-mutuel permitholder only after  
4863 its facilities are in place and after it conducts its first day  
4864 of live racing or games.

4865 (b) After the initial cardroom license is granted, the  
4866 application for the annual license renewal shall be made in  
4867 conjunction with the applicant's annual application for its  
4868 pari-mutuel license. If a permitholder has operated a cardroom  
4869 during any of the 3 previous fiscal years and fails to include a  
4870 renewal request for the operation of the cardroom in its annual  
4871 application for license renewal, the permitholder may amend its  
4872 annual application to include operation of the cardroom. In  
4873 order for a cardroom license to be renewed the applicant must  
4874 have requested, as part of its pari-mutuel annual license  
4875 application, to conduct at least 90 percent of the total number  
4876 of live performances conducted by such permitholder during  
4877 either the state fiscal year in which its initial cardroom  
4878 license was issued or the state fiscal year immediately prior  
4879 thereto if the permitholder ran at least a full schedule of live  
4880 racing or games in the prior year. If the application is for a  
4881 harness permitholder cardroom, the applicant must have requested  
4882 authorization to conduct a minimum of 140 live performances  
4883 during the state fiscal year immediately prior thereto. If more  
4884 than one permitholder is operating at a facility, each



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4885 permitholder must have applied for a license to conduct a full  
4886 schedule of live racing.

4887 (c) Persons seeking a license or a renewal thereof to  
4888 operate a cardroom shall make application on forms prescribed by  
4889 the department ~~division~~. Applications for cardroom licenses  
4890 shall contain all of the information the department ~~division~~, by  
4891 rule, may determine is required to ensure eligibility.

4892 (d) The annual cardroom license fee for each facility shall  
4893 be \$1,000 for each table to be operated at the cardroom. The  
4894 license fee shall be deposited by the department ~~division~~ with  
4895 the Chief Financial Officer to the credit of the Pari-mutuel  
4896 Wagering Trust Fund.

4897 (6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED;  
4898 APPLICATION; FEES.—

4899 (a) A person employed or otherwise working in a cardroom as  
4900 a cardroom manager, floor supervisor, pit boss, dealer, or any  
4901 other activity related to cardroom operations while the facility  
4902 is conducting card playing or games of dominoes must hold a  
4903 valid cardroom employee occupational license issued by the  
4904 department ~~division~~. Food service, maintenance, and security  
4905 employees with a current pari-mutuel occupational license and a  
4906 current background check will not be required to have a cardroom  
4907 employee occupational license.

4908 (b) Any cardroom management company or cardroom distributor  
4909 associated with cardroom operations must hold a valid cardroom  
4910 business occupational license issued by the department ~~division~~.

4911 (c) A ~~No~~ licensed cardroom operator may not employ or allow  
4912 to work in a cardroom any person unless such person holds a  
4913 valid occupational license. A ~~No~~ licensed cardroom operator may



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4914 not contract, or otherwise do business with, a business required  
4915 to hold a valid cardroom business occupational license, unless  
4916 the business holds such a valid license.

4917 (d) The department ~~division~~ shall establish, by rule, a  
4918 schedule for the renewal of cardroom occupational licenses.  
4919 Cardroom occupational licenses are not transferable.

4920 (e) Persons seeking cardroom occupational licenses, or  
4921 renewal thereof, shall make application on forms prescribed by  
4922 the department ~~division~~. Applications for cardroom occupational  
4923 licenses shall contain all of the information the department  
4924 ~~division~~, by rule, may determine is required to ensure  
4925 eligibility.

4926 (f) The department ~~division~~ shall adopt rules regarding  
4927 cardroom occupational licenses. The provisions specified in s.  
4928 550.105(4), (5), (6), (7), (8), and (10) relating to licensure  
4929 shall be applicable to cardroom occupational licenses.

4930 (g) The department ~~division~~ may deny, declare ineligible,  
4931 or revoke any cardroom occupational license if the applicant or  
4932 holder thereof has been found guilty or had adjudication  
4933 withheld in this state or any other state, or under the laws of  
4934 the United States of a felony or misdemeanor involving forgery,  
4935 larceny, extortion, conspiracy to defraud, or filing false  
4936 reports to a government agency, racing or gaming commission or  
4937 authority.

4938 (h) Fingerprints for all cardroom occupational license  
4939 applications shall be taken in a manner approved by the  
4940 department ~~division~~ and ~~then~~ shall be submitted to the Florida  
4941 Department of Law Enforcement and the Federal Bureau of  
4942 Investigation for a criminal records check upon initial



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4943 application and at least every 5 years thereafter. The  
4944 department ~~division~~ may by rule require an annual record check  
4945 of all renewal applications for a cardroom occupational license.  
4946 The cost of processing fingerprints and conducting a record  
4947 check shall be borne by the applicant.

4948 (i) The cardroom employee occupational license fee may  
4949 ~~shall~~ not exceed \$50 for any 12-month period. The cardroom  
4950 business occupational license fee may ~~shall~~ not exceed \$250 for  
4951 any 12-month period.

4952 (7) CONDITIONS FOR OPERATING A CARDROOM.—

4953 (a) A cardroom may be operated only at the location  
4954 specified on the cardroom license issued by the department  
4955 ~~division~~, and such location may only be the location at which  
4956 the pari-mutuel permitholder is authorized to conduct pari-  
4957 mutuel wagering activities pursuant to such permitholder's valid  
4958 pari-mutuel permit or as otherwise authorized by law. Cardroom  
4959 operations may not be allowed beyond the hours provided in  
4960 paragraph (b) regardless of the number of cardroom licenses  
4961 issued for permitholders operating at the pari-mutuel facility.

4962 (b) Any cardroom operator may operate a cardroom at the  
4963 pari-mutuel facility daily throughout the year, if the  
4964 permitholder meets the requirements under paragraph (5) (b). The  
4965 cardroom may be open a cumulative amount of 18 hours per day on  
4966 Monday through Friday and 24 hours per day on Saturday and  
4967 Sunday and on the holidays specified in s. 110.117(1).

4968 (c) A cardroom operator must at all times employ and  
4969 provide a nonplaying dealer for each table on which authorized  
4970 card games that ~~which~~ traditionally use a dealer are conducted  
4971 at the cardroom. Such dealers may not have a participatory



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4972 interest in any game other than the dealing of cards and may not  
4973 have an interest in the outcome of the game. The providing of  
4974 such dealers by a licensee does not constitute the conducting of  
4975 a banking game by the cardroom operator.

4976 (d) A cardroom operator may award giveaways, jackpots, and  
4977 prizes to a player who holds certain combinations of cards  
4978 specified by the cardroom operator.

4979 (e) Each cardroom operator shall conspicuously post upon  
4980 the premises of the cardroom a notice that ~~which~~ contains a copy  
4981 of the cardroom license; a list of authorized games offered by  
4982 the cardroom; the wagering limits imposed by the house, if any;  
4983 any additional house rules regarding operation of the cardroom  
4984 or the playing of any game; and all costs to players to  
4985 participate, including any rake by the house. In addition, each  
4986 cardroom operator shall post at each table a notice of the  
4987 minimum and maximum bets authorized at such table and the fee  
4988 for participation in the game conducted.

4989 (f) The cardroom facility is subject to inspection by the  
4990 department ~~division~~ or any law enforcement agency during the  
4991 licensee's regular business hours. The inspection must  
4992 specifically include the permitholder internal control  
4993 procedures approved by the department ~~division~~.

4994 (g) A cardroom operator may refuse entry to or refuse to  
4995 allow any person who is objectionable, undesirable, or  
4996 disruptive to play, but such refusal may not be on the basis of  
4997 race, creed, color, religion, gender, national origin, marital  
4998 status, physical handicap, or age, except as provided in this  
4999 section.

5000 (8) METHOD OF WAGERS; LIMITATION.—



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5001 (a) ~~No~~ Wagering may not be conducted using money or other  
5002 negotiable currency. Games may only be played utilizing a  
5003 wagering system whereby all players' money is first converted by  
5004 the house to tokens or chips that ~~which~~ shall be used for  
5005 wagering only at that specific cardroom.

5006 (b) The cardroom operator may limit the amount wagered in  
5007 any game or series of games.

5008 (c) A tournament shall consist of a series of games. The  
5009 entry fee for a tournament may be set by the cardroom operator.  
5010 Tournaments may be played only with tournament chips that are  
5011 provided to all participants in exchange for an entry fee and  
5012 any subsequent re-buys. All players must receive an equal number  
5013 of tournament chips for their entry fee. Tournament chips have  
5014 no cash value and represent tournament points only. There is no  
5015 limitation on the number of tournament chips that may be used  
5016 for a bet except as otherwise determined by the cardroom  
5017 operator. Tournament chips may never be redeemed for cash or for  
5018 any other thing of value. The distribution of prizes and cash  
5019 awards must be determined by the cardroom operator before entry  
5020 fees are accepted. For purposes of tournament play only, the  
5021 term "gross receipts" means the total amount received by the  
5022 cardroom operator for all entry fees, player re-buys, and fees  
5023 for participating in the tournament less the total amount paid  
5024 to the winners or others as prizes.

5025 (9) BOND REQUIRED.—The holder of a cardroom license shall  
5026 be financially and otherwise responsible for the operation of  
5027 the cardroom and for the conduct of any manager, dealer, or  
5028 other employee involved in the operation of the cardroom. Prior  
5029 to the issuance of a cardroom license, each applicant for such



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5030 license shall provide evidence of a surety bond in the amount of  
5031 \$50,000, payable to the state, furnished by a corporate surety  
5032 authorized to do business in the state or evidence that the  
5033 licensee's pari-mutuel bond required by s. 550.125 has been  
5034 expanded to include the applicant's cardroom operation. The bond  
5035 shall guarantee that the cardroom operator will redeem, for  
5036 cash, all tokens or chips used in games. Such bond shall be kept  
5037 in full force and effect by the operator during the term of the  
5038 license.

5039 (10) FEE FOR PARTICIPATION.—The cardroom operator may  
5040 charge a fee for the right to participate in games conducted at  
5041 the cardroom. Such fee may be either a flat fee or hourly rate  
5042 for the use of a seat at a table or a rake subject to the posted  
5043 maximum amount but may not be based on the amount won by  
5044 players. The rake-off, if any, must be made in an obvious manner  
5045 and placed in a designated rake area that ~~which~~ is clearly  
5046 visible to all players. Notice of the amount of the  
5047 participation fee charged shall be posted in a conspicuous place  
5048 in the cardroom and at each table at all times.

5049 (11) RECORDS AND REPORTS.—

5050 (a) Each licensee operating a cardroom shall keep and  
5051 maintain permanent daily records of its cardroom operation and  
5052 shall maintain such records for a period of not less than 3  
5053 years. These records shall include all financial transactions  
5054 and contain sufficient detail to determine compliance with the  
5055 requirements of this section. All records shall be available for  
5056 audit and inspection by the department ~~division~~ or other law  
5057 enforcement agencies during the licensee's regular business  
5058 hours. The information required in such records shall be



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5059 determined by department ~~division~~ rule.

5060 (b) Each licensee operating a cardroom shall file with the  
5061 department ~~division~~ a report containing the required records of  
5062 such cardroom operation. Such report shall be filed monthly by  
5063 licensees. The required reports shall be submitted on forms  
5064 prescribed by the department ~~division~~ and shall be due at the  
5065 same time as the monthly pari-mutuel reports are due to the  
5066 department ~~division~~, and such reports shall contain any  
5067 additional information deemed necessary by the department  
5068 ~~division~~, and the reports shall be deemed public records once  
5069 filed.

5070 (12) PROHIBITED ACTIVITIES.—

5071 (a) A ~~No~~ person licensed to operate a cardroom may not  
5072 conduct any banking game or any game not specifically authorized  
5073 by this section.

5074 (b) A ~~No~~ person under 18 years of age may not be permitted  
5075 to hold a cardroom or employee license, or engage in any game  
5076 conducted therein.

5077 (c) With the exception of mechanical card shufflers, an ~~No~~  
5078 electronic or mechanical device ~~devices, except mechanical card~~  
5079 ~~shufflers~~, may not be used to conduct any authorized game in a  
5080 cardroom.

5081 (d) ~~No~~ Cards, game components, or game implements may not  
5082 be used in playing an authorized game unless such has been  
5083 furnished or provided to the players by the cardroom operator.

5084 (13) TAXES AND OTHER PAYMENTS.—

5085 (a) Each cardroom operator shall pay a tax to the state of  
5086 10 percent of the cardroom operation's monthly gross receipts.

5087 (b) An admission tax equal to 15 percent of the admission





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5088 charge for entrance to the licensee's cardroom facility, or 10  
5089 cents, whichever is greater, is imposed on each person entering  
5090 the cardroom. This admission tax applies ~~shall apply~~ only if a  
5091 separate admission fee is charged for entry to the cardroom  
5092 facility. If a single admission fee is charged which authorizes  
5093 entry to both or either the pari-mutuel facility and the  
5094 cardroom facility, the admission tax shall be payable only once  
5095 and shall be payable pursuant to chapter 550. The cardroom  
5096 licensee is ~~shall be~~ responsible for collecting the admission  
5097 tax. An admission tax is imposed on any free passes or  
5098 complimentary cards issued to guests by licensees in an amount  
5099 equal to the tax imposed on the regular and usual admission  
5100 charge for entrance to the licensee's cardroom facility. A  
5101 cardroom licensee may issue tax-free passes to its officers,  
5102 officials, and employees or other persons actually engaged in  
5103 working at the cardroom, including accredited press  
5104 representatives such as reporters and editors, and may also  
5105 issue tax-free passes to other cardroom licensees for the use of  
5106 their officers and officials. The licensee shall file with the  
5107 department ~~division~~ a list of all persons to whom tax-free  
5108 passes are issued.

5109 (c) Payment of the admission tax and gross receipts tax  
5110 imposed by this section shall be paid to the department  
5111 ~~division~~. The department ~~division~~ shall deposit these sums with  
5112 the Chief Financial Officer, one-half being credited to the  
5113 Pari-mutuel Wagering Trust Fund and one-half being credited to  
5114 the General Revenue Fund. The cardroom licensee shall remit to  
5115 the department ~~division~~ payment for the admission tax, the gross  
5116 receipts tax, and the licensee fees. Such payments shall be



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5117 remitted to the department ~~division~~ on the fifth day of each  
5118 calendar month for taxes and fees imposed for the preceding  
5119 month's cardroom activities. Licensees shall file a report under  
5120 oath by the fifth day of each calendar month for all taxes  
5121 remitted during the preceding calendar month. Such report shall,  
5122 under oath, indicate the total of all admissions, the cardroom  
5123 activities for the preceding calendar month, and such other  
5124 information as may be prescribed by the department ~~division~~.

5125 (d)1. Each greyhound and jai alai permitholder that  
5126 operates a cardroom facility shall use at least 4 percent of  
5127 such permitholder's cardroom monthly gross receipts to  
5128 supplement greyhound purses or jai alai prize money,  
5129 respectively, during the permitholder's next ensuing pari-mutuel  
5130 meet.

5131 2. Each thoroughbred and harness horse racing permitholder  
5132 that operates a cardroom facility shall use at least 50 percent  
5133 of such permitholder's cardroom monthly net proceeds as follows:  
5134 47 percent to supplement purses and 3 percent to supplement  
5135 breeders' awards during the permitholder's next ensuing racing  
5136 meet.

5137 3. No cardroom license or renewal thereof shall be issued  
5138 to an applicant holding a permit under chapter 550 to conduct  
5139 pari-mutuel wagering meets of quarter horse racing unless the  
5140 applicant has on file with the department ~~division~~ a binding  
5141 written agreement between the applicant and the Florida Quarter  
5142 Horse Racing Association or the association representing a  
5143 majority of the horse owners and trainers at the applicant's  
5144 eligible facility, governing the payment of purses on live  
5145 quarter horse races conducted at the licensee's pari-mutuel



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5146 facility. The agreement governing purses may direct the payment  
5147 of such purses from revenues generated by any wagering or gaming  
5148 the applicant is authorized to conduct under Florida law. All  
5149 purses shall be subject to the terms of chapter 550.

5150 (e) The failure of any licensee to make payments as  
5151 prescribed in paragraph (c) is a violation of this section, and  
5152 the licensee may be subjected by the department ~~division~~ to a  
5153 civil penalty of up to \$1,000 for each day the tax payment is  
5154 not remitted. All penalties imposed and collected shall be  
5155 deposited in the General Revenue Fund. If a licensee fails to  
5156 pay penalties imposed by order of the department ~~division~~ under  
5157 this subsection, the department ~~division~~ may suspend or revoke  
5158 the license of the cardroom operator or deny issuance of any  
5159 further license to the cardroom operator.

5160 (f) The cardroom shall be deemed an accessory use to a  
5161 licensed pari-mutuel operation and, except as provided in  
5162 chapter 550, a municipality, county, or political subdivision  
5163 may not assess or collect any additional license tax, sales tax,  
5164 or excise tax on such cardroom operation.

5165 (g) All of the moneys deposited in the Pari-mutuel Wagering  
5166 Trust Fund, except as set forth in paragraph (h), shall be  
5167 utilized and distributed in the manner specified in s.  
5168 550.135(1) and (2). However, cardroom tax revenues shall be kept  
5169 separate from pari-mutuel tax revenues and may ~~shall~~ not be used  
5170 for making the disbursement to counties provided in former s.  
5171 550.135(1).

5172 (h) One-quarter of the moneys deposited into the Pari-  
5173 mutuel Wagering Trust Fund pursuant to paragraph (g) shall, by  
5174 October 1 of each year, be distributed to the local government



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5175 that approved the cardroom under subsection (16); however, if  
5176 two or more pari-mutuel racetracks are located within the same  
5177 incorporated municipality, the cardroom funds shall be  
5178 distributed to the municipality. If a pari-mutuel facility is  
5179 situated in such a manner that it is located in more than one  
5180 county, the site of the cardroom facility shall determine the  
5181 location for purposes of disbursement of tax revenues under this  
5182 paragraph. The department ~~division~~ shall, by September 1 of each  
5183 year, determine: the amount of taxes deposited into the Pari-  
5184 mutuel Wagering Trust Fund pursuant to this section from each  
5185 cardroom licensee; the location by county of each cardroom;  
5186 whether the cardroom is located in the unincorporated area of  
5187 the county or within an incorporated municipality; and, the  
5188 total amount to be distributed to each eligible county and  
5189 municipality.

5190 (14) SUSPENSION, REVOCATION, OR DENIAL OF LICENSE; FINE.—

5191 (a) The department ~~division~~ may deny a license or the  
5192 renewal thereof, or may suspend or revoke any license, when the  
5193 applicant has: violated or failed to comply with the provisions  
5194 of this section or any rules adopted pursuant thereto; knowingly  
5195 caused, aided, abetted, or conspired with another to cause any  
5196 person to violate this section or any rules adopted pursuant  
5197 thereto; or obtained a license or permit by fraud,  
5198 misrepresentation, or concealment; or if the holder of such  
5199 license or permit is no longer eligible under this section.

5200 (b) If a pari-mutuel permitholder's pari-mutuel permit or  
5201 license is suspended or revoked by the department ~~division~~  
5202 pursuant to chapter 550, the department ~~division~~ may, but is not  
5203 required to, suspend or revoke such permitholder's cardroom



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5204 license. If a cardroom operator's license is suspended or  
5205 revoked pursuant to this section, the department ~~division~~ may,  
5206 but is not required to, suspend or revoke such licensee's pari-  
5207 mutuel permit or license.

5208 (c) Notwithstanding any other provision of this section,  
5209 the department ~~division~~ may impose an administrative fine not to  
5210 exceed \$1,000 for each violation against any person who has  
5211 violated or failed to comply with the provisions of this section  
5212 or any rules adopted pursuant thereto.

5213 (15) CRIMINAL PENALTY; INJUNCTION.—

5214 (a)1. Any person who operates a cardroom without a valid  
5215 license issued as provided in this section commits a felony of  
5216 the third degree, punishable as provided in s. 775.082, s.  
5217 775.083, or s. 775.084.

5218 2. Any licensee or permitholder who violates any provision  
5219 of this section commits a misdemeanor of the first degree,  
5220 punishable as provided in s. 775.082 or s. 775.083. Any licensee  
5221 or permitholder who commits a second or subsequent violation of  
5222 the same paragraph or subsection within a period of 3 years from  
5223 the date of a prior conviction for a violation of such paragraph  
5224 or subsection commits a felony of the third degree, punishable  
5225 as provided in s. 775.082, s. 775.083, or s. 775.084.

5226 (b) The department ~~division~~, any state attorney, the  
5227 statewide prosecutor, or the Attorney General may apply for a  
5228 temporary or permanent injunction restraining further violation  
5229 of this section, and such injunction shall issue without bond.

5230 (16) LOCAL GOVERNMENT APPROVAL.—The department ~~may~~ ~~Division~~  
5231 ~~of Pari-mutuel Wagering~~ shall not issue any initial license  
5232 under this section except upon proof in such form as the



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5233 department ~~division~~ may prescribe that the local government  
5234 where the applicant for such license desires to conduct cardroom  
5235 gaming has voted to approve such activity by a majority vote of  
5236 the governing body of the municipality or the governing body of  
5237 the county if the facility is not located in a municipality.

5238 (17) CHANGE OF LOCATION; REFERENDUM.—

5239 (a) Notwithstanding any provisions of this section, no  
5240 cardroom gaming license issued under this section shall be  
5241 transferred, or reissued when such reissuance is in the nature  
5242 of a transfer, so as to permit or authorize a licensee to change  
5243 the location of the cardroom except upon proof in such form as  
5244 the department ~~division~~ may prescribe that a referendum election  
5245 has been held:

5246 1. If the proposed new location is within the same county  
5247 as the already licensed location, in the county where the  
5248 licensee desires to conduct cardroom gaming and that a majority  
5249 of the electors voting on the question in such election voted in  
5250 favor of the transfer of such license. However, the department  
5251 ~~division~~ shall transfer, without requirement of a referendum  
5252 election, the cardroom license of any permit holder that  
5253 relocated its permit pursuant to s. 550.0555.

5254 2. If the proposed new location is not within the same  
5255 county as the already licensed location, in the county where the  
5256 licensee desires to conduct cardroom gaming and that a majority  
5257 of the electors voting on that question in each such election  
5258 voted in favor of the transfer of such license.

5259 (b) The expense of each referendum held under the  
5260 provisions of this subsection shall be borne by the licensee  
5261 requesting the transfer.



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5262 Section 74. Section 849.094, Florida Statutes, is amended  
5263 to read:

5264 849.094 Game promotion in connection with sale of consumer  
5265 products or services.—

5266 (1) As used in this section, the term:

5267 (a) "Department" means the Department of Gaming Control.

5268 (b) ~~(a)~~ "Game promotion" means, but is not limited to, a  
5269 contest, game of chance, or gift enterprise, conducted within or  
5270 throughout the state and other states in connection with the  
5271 sale of consumer products or services, and in which the elements  
5272 of chance and prize are present. However, the term does not  
5273 ~~"game promotion" shall not be construed to~~ apply to bingo games  
5274 conducted pursuant to s. 849.0931.

5275 (c) ~~(b)~~ "Operator" means any person, firm, corporation, or  
5276 association or agent or employee thereof who promotes, operates,  
5277 or conducts a game promotion, ~~except any charitable nonprofit~~  
5278 ~~organization.~~

5279 (2) It is unlawful for any operator:

5280 (a) To design, engage in, promote, or conduct such a game  
5281 promotion, in connection with the promotion or sale of consumer  
5282 products or services, wherein the winner may be predetermined or  
5283 the game may be manipulated or rigged so as to:

5284 1. Allocate a winning game or any portion thereof to  
5285 certain lessees, agents, or franchises; or

5286 2. Allocate a winning game or part thereof to a particular  
5287 period of the game promotion or to a particular geographic area;

5288 (b) Arbitrarily to remove, disqualify, disallow, or reject  
5289 any entry;

5290 (c) To fail to award prizes offered;



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5291 (d) To print, publish, or circulate literature or  
5292 advertising material used in connection with such game  
5293 promotions which is false, deceptive, or misleading; or  
5294 (e) To require an entry fee, payment, or proof of purchase  
5295 as a condition of entering a game promotion.  
5296 (3) The operator of a game promotion in which the total  
5297 announced value of the prizes offered is greater than \$5,000  
5298 shall file with the Department of Gaming Control ~~Agriculture and~~  
5299 ~~Consumer Services~~ a copy of the rules and regulations of the  
5300 game promotion and a list of all prizes and prize categories  
5301 offered at least 7 days before the commencement of the game  
5302 promotion. Such rules and regulations may not thereafter be  
5303 changed, modified, or altered. The operator of a game promotion  
5304 shall conspicuously post the rules and regulations of such game  
5305 promotion in each and every retail outlet or place where such  
5306 game promotion may be played or participated in by the public  
5307 and shall also publish the rules and regulations in all  
5308 advertising copy used in connection therewith. However, such  
5309 advertising copy need only include the material terms of the  
5310 rules and regulations if the advertising copy includes a website  
5311 address, a toll-free telephone number, or a mailing address  
5312 where the full rules and regulations may be viewed, heard, or  
5313 obtained for the full duration of the game promotion. Such  
5314 disclosures must be legible. Radio and television announcements  
5315 may indicate that the rules and regulations are available at  
5316 retail outlets or from the operator of the promotion. A  
5317 nonrefundable filing fee of \$100 shall accompany each filing and  
5318 shall be used to pay the costs incurred in administering and  
5319 enforcing the provisions of this section.





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5320 (4) (a) Every operator of ~~such~~ a game promotion in which the  
5321 total announced value of the prizes offered is greater than  
5322 \$5,000 shall establish a trust account, in a national or state-  
5323 chartered financial institution, with a balance sufficient to  
5324 pay or purchase the total value of all prizes offered. On a form  
5325 supplied by the Department of Gaming Control ~~Agriculture and~~  
5326 ~~Consumer Services~~, an official of the financial institution  
5327 holding the trust account shall set forth the dollar amount of  
5328 the trust account, the identity of the entity or individual  
5329 establishing the trust account, and the name of the game  
5330 promotion for which the trust account has been established. Such  
5331 form shall be filed with the Department of Gaming Control  
5332 ~~Agriculture and Consumer Services~~ at least 7 days in advance of  
5333 the commencement of the game promotion. In lieu of establishing  
5334 such trust account, the operator may obtain a surety bond in an  
5335 amount equivalent to the total value of all prizes offered; and  
5336 such bond shall be filed with the Department of Gaming Control  
5337 ~~Agriculture and Consumer Services~~ at least 7 days in advance of  
5338 the commencement of the game promotion.

5339 1. The moneys held in the trust account may be withdrawn in  
5340 order to pay the prizes offered only upon certification to the  
5341 Department of Gaming Control ~~Agriculture and Consumer Services~~  
5342 of the name of the winner or winners and the amount of the prize  
5343 or prizes and the value thereof.

5344 2. If the operator of a game promotion has obtained a  
5345 surety bond in lieu of establishing a trust account, the amount  
5346 of the surety bond shall equal at all times the total amount of  
5347 the prizes offered.

5348 (b) The Department of Gaming Control ~~Agriculture and~~



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5349 ~~Consumer Services~~ may waive the provisions of this subsection  
5350 for any operator who has conducted game promotions in the state  
5351 for not less than 5 consecutive years and who has not had any  
5352 civil, criminal, or administrative action instituted against him  
5353 or her by the state or an agency of the state for violation of  
5354 this section within that 5-year period. Such waiver may be  
5355 revoked upon the commission of a violation of this section by  
5356 such operator, as determined by the Department of Gaming Control  
5357 ~~Agriculture and Consumer Services~~.

5358 (5) Every operator of a game promotion in which the total  
5359 announced value of the prizes offered is greater than \$5,000  
5360 shall provide the Department of Gaming Control ~~Agriculture and~~  
5361 ~~Consumer Services~~ with a certified list of the names and  
5362 addresses of all persons, whether from this state or from  
5363 another state, who have won prizes which have a value of more  
5364 than \$25, the value of such prizes, and the dates when the  
5365 prizes were won within 60 days after such winners have been  
5366 finally determined. The operator shall provide a copy of the  
5367 list of winners, without charge, to any person who requests it.  
5368 In lieu of the foregoing, the operator of a game promotion may,  
5369 at his or her option, publish the same information about the  
5370 winners in a Florida newspaper of general circulation within 60  
5371 days after such winners have been determined and shall provide  
5372 to the Department of Gaming Control ~~Agriculture and Consumer~~  
5373 ~~Services~~ a certified copy of the publication containing the  
5374 information about the winners. The operator of a game promotion  
5375 is not required to notify a winner by mail or by telephone when  
5376 the winner is already in possession of a game card from which  
5377 the winner can determine that he or she has won a designated



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5378 prize. All winning entries shall be held by the operator for a  
5379 period of 90 days after the close or completion of the game.

5380 (6) The Department of Gaming Control ~~Agriculture and~~  
5381 ~~Consumer Services~~ shall keep the certified list of winners for a  
5382 period of at least 6 months after receipt of the certified list.  
5383 The department thereafter may dispose of all records and lists.

5384 (7) No operator shall force, directly or indirectly, a  
5385 lessee, agent, or franchise dealer to purchase or participate in  
5386 any game promotion. For the purpose of this section, coercion or  
5387 force shall be presumed in these circumstances in which a course  
5388 of business extending over a period of 1 year or longer is  
5389 materially changed coincident with a failure or refusal of a  
5390 lessee, agent, or franchise dealer to participate in such game  
5391 promotions. Such force or coercion shall further be presumed  
5392 when an operator advertises generally that game promotions are  
5393 available at its lessee dealers or agent dealers.

5394 (8) (a) The Department of Gaming Control ~~Agriculture and~~  
5395 ~~Consumer Services~~ shall have the power to promulgate such rules  
5396 and regulations respecting the operation of game promotions as  
5397 it may deem advisable.

5398 (b) Whenever the Department of Gaming Control ~~Agriculture~~  
5399 ~~and Consumer Services~~ or the Department of Legal Affairs has  
5400 reason to believe that a game promotion is being operated in  
5401 violation of this section, it may bring an action in the circuit  
5402 court of any judicial circuit in which the game promotion is  
5403 being operated in the name and on behalf of the people of the  
5404 state against any operator thereof to enjoin the continued  
5405 operation of such game promotion anywhere within the state.

5406 (9) (a) Any person, firm, or corporation, or association or



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5407 agent or employee thereof, who engages in any acts or practices  
5408 stated in this section to be unlawful, or who violates any of  
5409 the rules and regulations made pursuant to this section, is  
5410 guilty of a misdemeanor of the second degree, punishable as  
5411 provided in s. 775.082 or s. 775.083.

5412 (b) Any person, firm, corporation, association, agent, or  
5413 employee who violates any provision of this section or any of  
5414 the rules and regulations made pursuant to this section shall be  
5415 liable for a civil penalty of not more than \$1,000 for each such  
5416 violation, which shall accrue to the state and may be recovered  
5417 in a civil action brought by the Department of Gaming Control  
5418 ~~Agriculture and Consumer Services~~ or the Department of Legal  
5419 Affairs.

5420 (10) This section does not apply to ~~actions or transactions~~  
5421 ~~regulated by the Department of Business and Professional~~  
5422 ~~Regulation or to the activities of nonprofit organizations or to~~  
5423 any other organization engaged in any enterprise other than the  
5424 sale of consumer products or services. Subsections (3), (4),  
5425 (5), (6), and (7) and paragraph (8) (a) and any of the rules made  
5426 pursuant thereto do not apply to television or radio  
5427 broadcasting companies licensed by the Federal Communications  
5428 Commission.

5429 Section 75. This act shall take effect October 1, 2011.

5430  
5431  
5432 ===== T I T L E A M E N D M E N T =====

5433 And the title is amended as follows:

5434 Delete everything before the enacting clause  
5435 and insert:



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5436                                   A bill to be entitled  
5437           An act relating to governmental reorganization;  
5438           transferring and reassigning certain functions and  
5439           responsibilities, including records, personnel,  
5440           property, and unexpended balances of appropriations  
5441           and other resources, from the Division of Pari-mutuel  
5442           Wagering of the Department of Business and  
5443           Professional Regulation to the Department of Gaming  
5444           Control; transferring certain trust funds from the  
5445           Department of Business and Professional Regulation to  
5446           the Department of Gaming Control; amending s. 11.905,  
5447           F.S.; providing for the review of the Department of  
5448           Gaming Control; amending s. 20.165, F.S.; deleting the  
5449           Division of Pari-mutuel Wagering within the Department  
5450           of Business and Professional Regulation; creating s.  
5451           20.318, F.S.; establishing the Department of Gaming  
5452           Control; designating the Governor and Cabinet as the  
5453           Gaming Commission and head of the department; defining  
5454           terms; specifying powers and duties of the department;  
5455           authorizing the department to take testimony;  
5456           authorizing the department to exclude persons from  
5457           certain gaming establishments; authorizing the  
5458           department to conduct investigations and collect  
5459           fines; requiring the department to issue advisory  
5460           opinions under certain circumstances; authorizing the  
5461           department to employ law enforcement officers;  
5462           requiring the department to assist the Department of  
5463           Revenue for the benefit of financially dependent  
5464           children; amending s. 120.80, F.S.; deleting certain



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5465 exceptions and special requirements regarding hearings  
5466 applicable to the Department of Business and  
5467 Professional Regulation; creating certain exceptions  
5468 and special requirements regarding hearings within the  
5469 Department of Gaming Control; amending s. 285.710,  
5470 F.S.; providing that the Department of Gaming Control  
5471 is the state compliance agency for purposes of the  
5472 Indian Gaming Compact; amending s. 455.116, F.S.;  
5473 removing a trust fund from the Department of Business  
5474 and Professional Regulation; amending ss. 550.002,  
5475 550.0115, 550.01215, 550.0235, 550.0251, 550.0351,  
5476 550.054, 550.0555, 550.0651, 550.0745, 550.0951,  
5477 550.09511, 550.09512, 550.09514, 550.09515, 550.105,  
5478 550.1155, 550.125, 550.135, 550.155, 550.1648,  
5479 550.175, 550.1815, 550.24055, 550.2415, 550.2614,  
5480 550.26165, 550.2625, 550.26352, 550.2704, 550.334,  
5481 550.3345, 550.3355, 550.3551, 550.3615, 550.375,  
5482 550.495, 550.505, 550.5251, 550.625, 550.6305,  
5483 550.6308, 550.70, 550.902, and 550.907, F.S.;  
5484 conforming provisions to the transfer of the  
5485 regulation of pari-mutuel wagering from the Department  
5486 of Business and Professional Regulation to the  
5487 Department of Gaming Control; deleting obsolete  
5488 provisions; conforming cross-references; amending ss.  
5489 551.102, 551.103, 551.104, 551.1045, 551.105, 551.106,  
5490 551.107, 551.108, 551.109, 551.112, 551.114, 551.117,  
5491 551.118, 551.121, 551.122, and 551.123, F.S.;  
5492 conforming provisions to the transfer of the  
5493 regulation of slot machines from the Department of



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5494 Business and Professional Regulation to the Department  
5495 of Gaming Control; deleting obsolete provisions;  
5496 conforming cross-references; amending s. 565.02, F.S.;  
5497 providing for the licensure of caterers at a horse or  
5498 dog racetrack or jai alai fronton by the Department of  
5499 Gaming Control; amending s. 616.09, F.S.; providing  
5500 for the Department of Gaming Control or the Department  
5501 of Legal Affairs, to prosecute a fair association for  
5502 illegal gambling activities; amending s. 616.241,  
5503 F.S.; adding the Department of Gaming Control to the  
5504 list of entities authorized to enforce the  
5505 prohibitions against having certain games at  
5506 interstate fairs and specialized shows; amending s.  
5507 817.37, F.S.; providing for the enforcement of  
5508 prohibitions against touting by the Department of  
5509 Gaming Control; amending s. 849.086, F.S.; providing  
5510 for the regulation of cardrooms by the Department of  
5511 Gaming Control; amending s. 849.094, F.S.; providing  
5512 for the regulation of game promotions by the  
5513 Department of Gaming Control, rather than the  
5514 Department of Agriculture and Consumer Services;  
5515 deleting a reference to charitable nonprofit  
5516 organizations; deleting a reference to the Department  
5517 of Business and Professional Regulation to conform to  
5518 changes made by the act; providing an effective date.