

By the Committees on Governmental Oversight and Accountability;
and Regulated Industries; and Senator Ring

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1 A bill to be entitled
2 An act relating to governmental reorganization;
3 transferring and reassigning certain functions and
4 responsibilities, including records, personnel,
5 property, and unexpended balances of appropriations
6 and other resources, from the Division of Pari-mutuel
7 Wagering of the Department of Business and
8 Professional Regulation to the Department of Gaming
9 Control; transferring certain trust funds from the
10 Department of Business and Professional Regulation to
11 the Department of Gaming Control; amending s. 11.905,
12 F.S.; providing for the review of the Department of
13 Gaming Control; amending s. 20.165, F.S.; deleting the
14 Division of Pari-mutuel Wagering within the Department
15 of Business and Professional Regulation; creating s.
16 20.318, F.S.; establishing the Department of Gaming
17 Control; designating the Governor and Cabinet as the
18 Gaming Commission and head of the department; defining
19 terms; specifying powers and duties of the department;
20 authorizing the department to take testimony;
21 authorizing the department to exclude persons from
22 certain gaming establishments; authorizing the
23 department to conduct investigations and collect
24 fines; requiring the department to issue advisory
25 opinions under certain circumstances; authorizing the
26 department to employ law enforcement officers;
27 directing the department to contract with the
28 Department of Revenue for tax collection and financial
29 audit services; authorizing the Department of Revenue

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30 to assist in financial investigations of licensees and
31 applicants for licenses; requiring the department to
32 assist the Department of Revenue for the benefit of
33 financially dependent children; amending s. 120.80,
34 F.S.; deleting certain exceptions and special
35 requirements regarding hearings applicable to the
36 Department of Business and Professional Regulation;
37 creating certain exceptions and special requirements
38 regarding hearings within the Department of Gaming
39 Control; amending s. 212.12, F.S.; revising the
40 information that must be shown on a return for the
41 operation of coin-operated amusement machines;
42 requiring the Department of Revenue to report certain
43 information relating to coin-operated amusement
44 machines to the Department of Gaming Control; amending
45 s. 285.710, F.S.; providing that the Department of
46 Gaming Control is the state compliance agency for
47 purposes of the Indian Gaming Compact; amending s.
48 455.116, F.S.; removing a trust fund from the
49 Department of Business and Professional Regulation;
50 amending ss. 550.002, 550.0115, 550.01215, 550.0235,
51 550.0251, 550.0351, 550.054, 550.0555, 550.0651,
52 550.0745, 550.0951, 550.09511, 550.09512, 550.09514,
53 550.09515, 550.105, 550.1155, 550.125, 550.135,
54 550.155, 550.1648, 550.175, 550.1815, 550.24055,
55 550.2415, 550.2614, 550.26165, 550.2625, 550.26352,
56 550.2704, 550.334, 550.3345, 550.3355, 550.3551,
57 550.3615, 550.375, 550.495, 550.505, 550.5251,
58 550.625, 550.6305, 550.6308, 550.70, 550.902, and

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59 550.907, F.S.; conforming provisions to the transfer
60 of the regulation of pari-mutuel wagering from the
61 Department of Business and Professional Regulation to
62 the Department of Gaming Control; deleting obsolete
63 provisions; conforming cross-references; amending ss.
64 551.102, 551.103, 551.104, 551.1045, 551.105, 551.106,
65 551.107, 551.108, 551.109, 551.112, 551.114, 551.117,
66 551.118, 551.121, 551.122, and 551.123, F.S.;

67 conforming provisions to the transfer of the
68 regulation of slot machines from the Department of
69 Business and Professional Regulation to the Department
70 of Gaming Control; deleting obsolete provisions;
71 conforming cross-references; amending s. 565.02, F.S.;

72 providing for the licensure of caterers at a horse or
73 dog racetrack or jai alai fronton by the Department of
74 Gaming Control; amending s. 616.09, F.S.; providing
75 for the Department of Gaming Control or the Department
76 of Legal Affairs, to prosecute a fair association for
77 illegal gambling activities; amending s. 616.241,
78 F.S.; adding the Department of Gaming Control to the
79 list of entities authorized to enforce the
80 prohibitions against having certain games at
81 interstate fairs and specialized shows; amending s.
82 817.37, F.S.; providing for the enforcement of
83 prohibitions against touting by the Department of
84 Gaming Control; amending s. 849.086, F.S.; providing
85 for the regulation of cardrooms by the Department of
86 Gaming Control; amending s. 849.0915, F.S.; adding the
87 Department of Gaming Control to the group of entities

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88 authorized to seek an injunction against a person who
89 is engaged in referral selling; amending s. 849.094,
90 F.S.; providing for the regulation of game promotions
91 by the Department of Gaming Control, rather than the
92 Department of Agriculture and Consumer Services;
93 deleting a reference to charitable nonprofit
94 organizations; deleting a reference to the Department
95 of Business and Professional Regulation to conform to
96 changes made by the act; amending s. 849.12, F.S.;

97 adding the Department of Gaming Control to the group
98 of entities authorized to recover moneys and other
99 items used in illegal gambling activities; creating s.
100 849.48, F.S.; requiring that a person or entity
101 seeking to operate a gambling business, to allow
102 gambling on the person's or entity's premises, or to
103 lease, manufacture, or distribute gambling devices
104 apply for licensure from the Department of Gaming
105 Control; providing for the application to be made on a
106 form adopted by rule of the Department of Gaming
107 Control; specifying the maximum annual licensure fee;
108 providing for the deposit of the fees into a certain
109 trust fund; providing for a fine if the licenseholder
110 does not renew the license by a certain date each
111 year; prohibiting the department from granting an
112 exemption from the license fees; requiring the
113 Department of Gaming Control to work with the
114 Department of Law Enforcement to conduct background
115 investigations of applicants for a license; providing
116 for a minimum age for the license; specifying grounds

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117 for the Department of Gaming Control to revoke or deny
118 a license; providing that the license is valid only
119 for the person in whose name the license is issued and
120 for the place designated in the license; providing an
121 effective date.

122

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

124

125 Section 1. Transfers.—

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

134 (2) All of the statutory powers, duties and functions,
135 records, personnel, property, and unexpended balances of
136 appropriations, allocations, or other funds for the
137 administration of chapter 551, Florida Statutes, are transferred
138 by a type two transfer, as defined in s. 20.06(2), Florida
139 Statutes, from the Division of Pari-mutuel Wagering of the
140 Department of Business and Professional Regulation to the
141 Department of Gaming Control.

142 (3) All of the statutory powers, duties and functions,
143 records, personnel, property, and unexpended balances of
144 appropriations, allocations, or other funds for the
145 administration of s. 849.086, Florida Statutes, are transferred

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146 by a type two transfer, as defined in s. 20.06(2), Florida
147 Statutes, from the Division of Pari-mutuel Wagering of the
148 Department of Business and Professional Regulation to the
149 Department of Gaming Control.

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

153 (a) Pari-mutuel Wagering Trust Fund.

154 (b) Racing Scholarship Trust Fund.

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

157 11.905 Schedule for reviewing state agencies and advisory
158 committees.—The following state agencies, including their
159 advisory committees, or the following advisory committees of
160 agencies shall be reviewed according to the following schedule:

161 (8) Reviewed by July 1, 2022:

162 (c) Department of Gaming Control.

163

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

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

168 20.165 Department of Business and Professional Regulation.—
169 There is created a Department of Business and Professional
170 Regulation.

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

173 (a) Division of Administration.

174 (b) Division of Alcoholic Beverages and Tobacco.

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175 (c) Division of Certified Public Accounting.

176 1. The director of the division shall be appointed by the
177 secretary of the department, subject to approval by a majority
178 of the Board of Accountancy.

179 2. The offices of the division shall be located in
180 Gainesville.

181 (d) Division of Florida Condominiums, Timeshares, and
182 Mobile Homes.

183 (e) Division of Hotels and Restaurants.

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

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

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

187 1. The director of the division shall be appointed by the
188 secretary of the department, subject to approval by a majority
189 of the Florida Real Estate Commission.

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

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

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

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

194 Section 4. Section 20.318, Florida Statutes, is created to
195 read:

196 20.318 Department of Gaming Control.—There is created a
197 Department of Gaming Control.

198 (1) GAMING COMMISSION.—There is created the Gaming
199 Commission, composed of the Governor and Cabinet. The commission
200 members shall serve as agency head of the Department of Gaming
201 Control. The commission shall be responsible for appointing and
202 removing the executive director and general counsel.

203 (2) DIVISIONS.—The Department of Gaming Control shall

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204 consist of the following divisions:

205 (a) The Division Licensing.

206 (b) The Division of Revenue and Audits.

207 (c) The Division of Investigation.

208 (d) The Division of Law Enforcement.

209 (e) The Division of Prosecution.

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

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

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

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

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

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

219 (4) POWERS AND DUTIES.—

220 (a) The department shall adopt rules establishing a
221 procedure for the renewal of licenses.

222 (b) The department shall submit an annual budget to the
223 Legislature at a time and in the manner provided by law.

224 (c) The department shall adopt rules to administer the laws
225 under its authority.

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

229 (e) The department shall adopt rules for the control,
230 supervision, and direction of all applicants, permittees, and
231 licensees and for the holding, conducting, and operating of any
232 gaming establishment under the jurisdiction of the department in

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233 this state. The department shall have the authority to suspend a
234 permit or license under the jurisdiction of the department if
235 such permitholder or licensee has violated any provision of
236 chapter 550, chapter 551, s. 849.086, or s. 849.094 or rules
237 adopted by the department. Such rules must be uniform in their
238 application and effect, and the duty of exercising this control
239 and power is made mandatory upon the department.

240 (f) The department may take testimony concerning any matter
241 within its jurisdiction and issue summons and subpoenas for any
242 witness and subpoenas duces tecum in connection with any matter
243 within the jurisdiction of the department under its seal and
244 signed by the director.

245 (g) In addition to the power to exclude certain persons
246 from any pari-mutuel facility in this state, the department may
247 exclude any person from any and all gaming establishments under
248 the jurisdiction of the department in this state for conduct
249 that would constitute, if the person were a licensee, a
250 violation of chapter 550, chapter 551, s. 849.086, or s. 849.094
251 or the rules of the department. The department may exclude from
252 any gaming establishment under its jurisdiction within this
253 state any person who has been ejected from a pari-mutuel
254 facility or other gaming establishment in this state or who has
255 been excluded from any pari-mutuel facility or other gaming
256 establishment in another state by the governmental department,
257 agency, commission, or authority exercising regulatory
258 jurisdiction over such facilities in such other state. The
259 department may authorize any person who has been ejected or
260 excluded from establishments in this state or another state to
261 enter such facilities in this state upon a finding that the

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262 attendance of such person would not be adverse to the public
263 interest or to the integrity of the industry; however, this
264 subsection shall not be construed to abrogate the common-law
265 right of a pari-mutuel permitholder or a proprietor of a gaming
266 establishment to exclude absolutely a patron in this state.

267 (h) The department may collect taxes and require compliance
268 with reporting requirements for financial information as
269 authorized by chapter 550, chapter 551, s. 849.086, or s.
270 849.094. In addition, the executive director of the department
271 may require gaming establishments within its jurisdiction within
272 the state to remit taxes, including fees, by electronic funds
273 transfer.

274 (i) The department may conduct investigations necessary for
275 enforcing chapters 550 and 551 and ss. 849.086 and 849.094.

276 (j) The department may impose an administrative fine for a
277 violation under chapter 550, chapter 551, s. 849.086, or s.
278 849.094 of not more than \$1,000 for each count or separate
279 offense, except as otherwise provided in chapter 550, chapter
280 551, s. 849.086, or s. 849.094, and may suspend or revoke a
281 permit, a operating license, or an occupational license for a
282 violation under chapter 550, chapter 551, s. 849.086, or s.
283 849.094. All fines imposed and collected under this paragraph
284 must be deposited with the Chief Financial Officer to the credit
285 of the General Revenue Fund.

286 (k) The department shall have full authority and power to
287 make, adopt, amend, or repeal rules relating to gaming
288 operations, to enforce and to carry out the provisions of
289 chapters 550 and 551 and ss. 849.086 and 849.094, and to
290 regulate authorized gaming activities in the state.

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291 (1) The department shall provide advisory opinions when
292 requested by any law enforcement official, state attorney, or
293 entity licensed by the department relating to the application of
294 state gaming laws with respect to whether a particular act or
295 device constitutes legal or illegal gambling under state laws
296 and administrative rules adopted thereunder. A written record
297 shall be retained of all such opinions issued by the department,
298 which shall be sequentially numbered, dated, and indexed by
299 subject matter. Any person or entity acting in good faith upon
300 an advisory opinion that such person or entity requested and
301 received is not subject to any criminal penalty provided for
302 under state law for illegal gambling. The opinion, until amended
303 or revoked, is binding on any person or entity who sought the
304 opinion, or with reference to whom the opinion was sought,
305 unless material facts were omitted or misstated in the request
306 for the advisory opinion. The department may adopt rules
307 regarding the process for securing an advisory opinion and may
308 require in those rules the submission of any potential gaming
309 apparatus for testing by a licensed testing laboratory to prove
310 or disprove its compliance with state law before the issuance of
311 an opinion by the department.

312 (m) The department may employ sworn law enforcement
313 officers as defined in s. 943.10 to enforce the provisions of
314 any statute or any other laws of this state related to gambling
315 within the Division of Law Enforcement and to enforce any other
316 criminal law or to conduct any criminal investigation.

317 1. Each law enforcement officer shall meet the
318 qualifications for law enforcement officers under s. 943.13 and
319 shall be certified as a law enforcement officer by the

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320 Department of Law Enforcement under chapter 943. Upon
321 certification, each law enforcement officer is subject to and
322 shall have authority provided for law enforcement officers
323 generally in chapter 901 and shall have statewide jurisdiction.
324 Each officer shall also have full law enforcement powers.

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

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

330 4. Each law enforcement officer in the state who is
331 certified pursuant to chapter 943 has the same authority as law
332 enforcement officers designated in this section to enforce the
333 laws of this state as described in this paragraph.

334 (n) The department shall contract with the Department of
335 Revenue, through an interagency agreement, to perform the tax
336 collection and financial audit services for the taxes required
337 to be collected by entities licensed or regulated by chapter
338 550, chapter 551, or chapter 849. The interagency agreement
339 shall also allow the Department of Revenue to assist in any
340 financial investigations of licensees or applications for
341 licenses by the Department of Gaming Control or law enforcement
342 agencies.

343 (5) FINANCIALLY DEPENDENT CHILDREN; SUPPORT.—The department
344 shall work cooperatively with the Department of Revenue to
345 implement an automated method for periodically disclosing
346 information relating to current licensees to the Department of
347 Revenue. The purpose of this subsection is to promote the public
348 policy of this state as established in s. 409.2551. The

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349 department shall, when directed by the court or the Department
350 of Revenue pursuant to s. 409.2598, suspend or deny the license
351 of any licensee found not to be in compliance with a support
352 order, subpoena, order to show cause, or written agreement
353 entered into by the licensee with the Department of Revenue. The
354 department shall issue or reinstate the license without
355 additional charge to the licensee when notified by the court or
356 the Department of Revenue that the licensee has complied with
357 the terms of the support order. The department is not liable for
358 any license denial or suspension resulting from the discharge of
359 its duties under this subsection.

360 (6) LICENSING.—The department may:

361 (a) Close and terminate deficient license application files
362 2 years after the department notifies the applicant of the
363 deficiency; and

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

366 Section 5. Subsection (4) of section 120.80, Florida
367 Statutes, is amended, and subsection (18) is added to that
368 section, to read:

369 120.80 Exceptions and special requirements; agencies.—

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

371 ~~(a) Business regulation. The Division of Pari-mutuel~~
372 ~~Wagering is exempt from the hearing and notice requirements of~~
373 ~~ss. 120.569 and 120.57(1) (a), but only for stewards, judges, and~~
374 ~~boards of judges when the hearing is to be held for the purpose~~
375 ~~of the imposition of fines or suspensions as provided by rules~~
376 ~~of the Division of Pari-mutuel Wagering, but not for~~
377 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~

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378 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~
379 ~~alternative procedures, including a hearing upon reasonable~~
380 ~~notice, for the following violations:~~

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

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

385 ~~3. Maintaining or possessing any device which could be used~~
386 ~~for the injection or other infusion of a prohibited drug to~~
387 ~~horses, greyhounds, and jai alai players in violation of chapter~~
388 ~~550.~~

389 ~~4. Suspensions under reciprocity agreements between the~~
390 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~
391 ~~other states.~~

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

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

395 ~~(b) Professional regulation.—Notwithstanding s.~~

396 ~~120.57(1)(a), formal hearings may not be conducted by the~~
397 ~~Secretary of Business and Professional Regulation or a board or~~
398 ~~member of a board within the Department of Business and~~
399 ~~Professional Regulation for matters relating to the regulation~~
400 ~~of professions, as defined by chapter 455.~~

401 (18) DEPARTMENT OF GAMING CONTROL.—The department is exempt
402 from the hearing and notice requirements of ss. 120.569 and
403 120.57(1)(a) as it applies to stewards, judges, and boards of
404 judges if the hearing is to be held for the purpose of the
405 imposition of fines or suspension as provided by rules of the
406 department, but not for revocations, and only to consider

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407 violations of paragraphs (a)-(f). The department shall adopt
408 rules establishing alternative procedures, including a hearing
409 upon reasonable notice, for the following violations:

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

412 (b) Application and administration of drugs and medication
413 to horses, greyhounds, and jai alai players in violation of
414 chapter 550.

415 (c) Maintaining or possessing any device that could be used
416 for the injection or other infusion of a prohibited drug into
417 horses, greyhounds, and jai alai players in violation of chapter
418 550.

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

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

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

424 Section 6. Paragraph (a) of subsection (1) of section
425 212.12, Florida Statutes, is amended to read:

426 212.12 Dealer's credit for collecting tax; penalties for
427 noncompliance; powers of Department of Revenue in dealing with
428 delinquents; brackets applicable to taxable transactions;
429 records required.—

430 (1) Notwithstanding any other provision of law and for the
431 purpose of compensating persons granting licenses for and the
432 lessors of real and personal property taxed hereunder, for the
433 purpose of compensating dealers in tangible personal property,
434 for the purpose of compensating dealers providing communication
435 services and taxable services, for the purpose of compensating

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436 owners of places where admissions are collected, and for the
437 purpose of compensating remitters of any taxes or fees reported
438 on the same documents utilized for the sales and use tax, as
439 compensation for the keeping of prescribed records, filing
440 timely tax returns, and the proper accounting and remitting of
441 taxes by them, such seller, person, lessor, dealer, owner, and
442 remitter (except dealers who make mail order sales) shall be
443 allowed 2.5 percent of the amount of the tax due and accounted
444 for and remitted to the department, in the form of a deduction
445 in submitting his or her report and paying the amount due by him
446 or her; the department shall allow such deduction of 2.5 percent
447 of the amount of the tax to the person paying the same for
448 remitting the tax and making of tax returns in the manner herein
449 provided, for paying the amount due to be paid by him or her,
450 and as further compensation to dealers in tangible personal
451 property for the keeping of prescribed records and for
452 collection of taxes and remitting the same. However, if the
453 amount of the tax due and remitted to the department for the
454 reporting period exceeds \$1,200, no allowance shall be allowed
455 for all amounts in excess of \$1,200. The executive director of
456 the department is authorized to negotiate a collection
457 allowance, pursuant to rules promulgated by the department, with
458 a dealer who makes mail order sales. The rules of the department
459 shall provide guidelines for establishing the collection
460 allowance based upon the dealer's estimated costs of collecting
461 the tax, the volume and value of the dealer's mail order sales
462 to purchasers in this state, and the administrative and legal
463 costs and likelihood of achieving collection of the tax absent
464 the cooperation of the dealer. However, in no event shall the

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465 collection allowance negotiated by the executive director exceed
466 10 percent of the tax remitted for a reporting period.

467 (a) The Department of Revenue may deny the collection
468 allowance if a taxpayer files an incomplete return or if the
469 required tax return or tax is delinquent at the time of payment.

470 1. An "incomplete return" is, for purposes of this chapter,
471 a return which is lacking such uniformity, completeness, and
472 arrangement that the physical handling, verification, review of
473 the return, or determination of other taxes and fees reported on
474 the return may not be readily accomplished.

475 2. The department shall adopt rules requiring such
476 information as it may deem necessary to ensure that the tax
477 levied hereunder is properly collected, reviewed, compiled,
478 reported, and enforced, including, but not limited to: the
479 amount of gross sales; the amount of taxable sales; the amount
480 of tax collected or due; the amount of lawful refunds,
481 deductions, or credits claimed; the amount claimed as the
482 dealer's collection allowance; the amount of penalty and
483 interest; the amount due with the return; and such other
484 information as the Department of Revenue may specify. The
485 department shall require that transient rentals and agricultural
486 equipment transactions be separately shown. Sales made through
487 vending machines as defined in s. 212.0515 must be separately
488 shown on the return. Sales made through coin-operated amusement
489 machines as defined by s. 212.02 and the number of machines
490 operated in the aggregate and segregated according to machine
491 type based on the exemptions for amusement machines specified
492 under s. 849.161 must be separately shown on the return or on a
493 form prescribed by the department. If a separate form is

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494 required, the same penalties for late filing, incomplete filing,
495 or failure to file as provided for the sales tax return shall
496 apply to said form. The department shall report quarterly to the
497 Department of Gaming Control the businesses operating coin-
498 operated amusement machines, the number of amusement machines
499 operated by each business, and the location of each business.

500 Section 7. Paragraph (f) of subsection (1) and subsection
501 (7) of section 285.710, Florida Statutes, are amended to read:

502 285.710 Compact authorization.—

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

504 (f) "State compliance agency" means the ~~Division of Pari-~~
505 ~~mutuel Wagering of the~~ Department of Gaming Control, ~~Business~~
506 ~~and Professional Regulation~~ which is designated as the state
507 agency having the authority to carry out the state's oversight
508 responsibilities under the compact.

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

514 Section 8. Section 455.116, Florida Statutes, is amended to
515 read:

516 455.116 Regulation trust funds.—The following trust funds
517 shall be placed in the department:

518 (1) Administrative Trust Fund.

519 (2) Alcoholic Beverage and Tobacco Trust Fund.

520 (3) Cigarette Tax Collection Trust Fund.

521 (4) Hotel and Restaurant Trust Fund.

522 (5) Division of Florida Condominiums, Timeshares, and

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523 Mobile Homes Trust Fund.

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

525 (6)~~(7)~~ Professional Regulation Trust Fund.

526 Section 9. Subsections (6), (7), and (11) of section
527 550.002, Florida Statutes, are amended, and present subsections
528 (8) through (39) of that section are renumbered as subsections
529 (7) through (38), respectively, to read:

530 550.002 Definitions.—As used in this chapter, the term:

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

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

535 (10)~~(11)~~ "Full schedule of live racing or games" means, for
536 a greyhound or jai alai permitholder, the conduct of a
537 combination of at least 100 live evening or matinee performances
538 during the preceding year; for a permitholder who has a
539 converted permit or filed an application on or before June 1,
540 1990, for a converted permit, the conduct of a combination of at
541 least 100 live evening and matinee wagering performances during
542 either of the 2 preceding years; for a jai alai permitholder who
543 does not operate slot machines in its pari-mutuel facility, who
544 has conducted at least 100 live performances per year for at
545 least 10 years after December 31, 1992, and whose handle on live
546 jai alai games conducted at its pari-mutuel facility has been
547 less than \$4 million per state fiscal year for at least 2
548 consecutive years after June 30, 1992, the conduct of a
549 combination of at least 40 live evening or matinee performances
550 during the preceding year; for a jai alai permitholder who
551 operates slot machines in its pari-mutuel facility, the conduct

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552 of a combination of at least 150 performances during the
553 preceding year; for a harness permitholder, the conduct of at
554 least 100 live regular wagering performances during the
555 preceding year; for a quarter horse permitholder at its facility
556 unless an alternative schedule of at least 20 live regular
557 wagering performances is agreed upon by the permitholder and
558 either the Florida Quarter Horse Racing Association or the
559 horsemen's association representing the majority of the quarter
560 horse owners and trainers at the facility and filed with the
561 department ~~division~~ along with its annual date application, in
562 the 2010-2011 fiscal year, the conduct of at least 20 regular
563 wagering performances, in the 2011-2012 and 2012-2013 fiscal
564 years, the conduct of at least 30 live regular wagering
565 performances, and for every fiscal year after the 2012-2013
566 fiscal year, the conduct of at least 40 live regular wagering
567 performances; for a quarter horse permitholder leasing another
568 licensed racetrack, the conduct of 160 events at the leased
569 facility; and for a thoroughbred permitholder, the conduct of at
570 least 40 live regular wagering performances during the preceding
571 year. For a permitholder that ~~which~~ is restricted by statute to
572 certain operating periods within the year when other members of
573 its same class of permit are authorized to operate throughout
574 the year, the specified number of live performances that ~~which~~
575 constitute a full schedule of live racing or games shall be
576 adjusted pro rata in accordance with the relationship between
577 its authorized operating period and the full calendar year and
578 the resulting specified number of live performances shall
579 constitute the full schedule of live games for such permitholder
580 and all other permitholders of the same class within 100 air

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581 miles of such permitholder. A live performance must consist of
582 no fewer than eight races or games conducted live for each of a
583 minimum of three performances each week at the permitholder's
584 licensed facility under a single admission charge.

585 Section 10. Section 550.0115, Florida Statutes, is amended
586 to read:

587 550.0115 Permitholder license.—After a permit has been
588 issued by the department ~~division~~, and after the permit has been
589 approved by election, the department ~~division~~ shall issue to the
590 permitholder an annual license to conduct pari-mutuel operations
591 at the location specified in the permit pursuant to the
592 provisions of this chapter.

593 Section 11. Section 550.01215, Florida Statutes, is amended
594 to read:

595 550.01215 License application; periods of operation; bond,
596 conversion of permit.—

597 (1) Each permitholder shall annually, during the period
598 between December 15 and January 4, file in writing with the
599 department ~~division~~ its application for a license to conduct
600 performances during the next state fiscal year. Each application
601 shall specify the number, dates, and starting times of all
602 performances that ~~which~~ the permitholder intends to conduct. It
603 shall also specify which performances will be conducted as
604 charity or scholarship performances. In addition, each
605 application for a license shall include, for each permitholder
606 that ~~which~~ elects to operate a cardroom, the dates and periods
607 of operation the permitholder intends to operate the cardroom
608 or, for each thoroughbred permitholder that ~~which~~ elects to
609 receive or rebroadcast out-of-state races after 7 p.m., the

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610 dates for all performances that ~~which~~ the permitholder intends
611 to conduct. Permitholders shall be entitled to amend their
612 applications through February 28.

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

619 (3) The department ~~division~~ shall issue each license no
620 later than March 15. Each permitholder shall operate all
621 performances at the date and time specified on its license. The
622 department ~~may division~~ ~~shall have the authority to~~ approve
623 minor changes in racing dates after a license has been issued.
624 The department ~~division~~ may approve changes in racing dates
625 after a license has been issued when there is no objection from
626 any operating permitholder located within 50 miles of the
627 permitholder requesting the changes in operating dates. In the
628 event of an objection, the department ~~division~~ shall approve or
629 disapprove the change in operating dates based upon the impact
630 on operating permitholders located within 50 miles of the
631 permitholder requesting the change in operating dates. In making
632 the determination to change racing dates, the department
633 ~~division~~ shall consider ~~take into consideration~~ the impact of
634 such changes on state revenues.

635 (4) If ~~In the event that~~ a permitholder fails to operate
636 all performances specified on its license at the date and time
637 specified, the department ~~division~~ shall hold a hearing to
638 determine whether to fine or suspend the permitholder's license,

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639 unless such failure was the direct result of fire, strike, war,
640 or other disaster or event beyond the ability of the
641 permitholder to control. Financial hardship to the permitholder
642 does ~~shall~~ not, in and of itself, constitute just cause for
643 failure to operate all performances on the dates and at the
644 times specified.

645 (5) If ~~In the event that~~ performances licensed to be
646 operated by a permitholder are vacated, abandoned, or will not
647 be used for any reason, any permitholder shall be entitled,
648 pursuant to rules adopted by the department ~~division~~, to apply
649 to conduct performances on the dates for which the performances
650 have been abandoned. The department ~~division~~ shall issue an
651 amended license for all such replacement performances that ~~which~~
652 have been requested in compliance with the provisions of this
653 chapter and department ~~division~~ rules.

654 (6) Any permit that ~~which~~ was converted from a jai alai
655 permit to a greyhound permit may be converted to a jai alai
656 permit at any time if the permitholder never conducted greyhound
657 racing or if the permitholder has not conducted greyhound racing
658 for a period of 12 consecutive months.

659 Section 12. Section 550.0235, Florida Statutes, is amended
660 to read:

661 550.0235 Limitation of civil liability.—A ~~No~~ permittee
662 conducting a racing meet pursuant to the provisions of this
663 chapter; the executive director, ~~no~~ division director, bureau
664 chief, or an employee of the department ~~division~~; or a ~~and no~~
665 steward, judge, or other person appointed to act pursuant to
666 this chapter is not ~~shall be held~~ liable to any person,
667 partnership, association, corporation, or other business entity

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668 for any cause whatsoever arising out of, or from, the
669 performance by such permittee, director, employee, steward,
670 judge, or other person of her or his duties and the exercise of
671 her or his discretion with respect to the implementation and
672 enforcement of the statutes and rules governing the conduct of
673 pari-mutuel wagering, so long as she or he acted in good faith.
674 This section does ~~shall~~ not limit liability in any situation in
675 which the negligent maintenance of the premises or the negligent
676 conduct of a race contributed to an accident and does not; ~~nor~~
677 ~~shall it~~ limit any contractual liability.

678 Section 13. Section 550.0251, Florida Statutes, is amended
679 to read:

680 550.0251 The powers and duties of the Department of Gaming
681 Control Division of Pari-mutuel Wagering of the Department of
682 Business and Professional Regulation. ~~The department division~~
683 shall administer this chapter and regulate the pari-mutuel
684 industry under this chapter and the rules adopted pursuant
685 thereto, and:

686 (1) The department division shall make an annual report to
687 the President of the Senate and the Speaker of the House of
688 Representatives ~~Governor~~ showing its own actions, receipts
689 derived under the provisions of this chapter, the practical
690 effects of the application of this chapter, and any suggestions
691 it may approve for the more effectual accomplishments of the
692 purposes of this chapter.

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

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697 (3) The department ~~division~~ shall adopt reasonable rules
698 for the control, supervision, and direction of all applicants,
699 permittees, and licensees and for the holding, conducting, and
700 operating of all racetracks, race meets, and races held in this
701 state. Such rules must be uniform in their application and
702 effect, and the duty of exercising this control and power is
703 made mandatory upon the department ~~division~~.

704 (4) The department ~~division~~ may take testimony concerning
705 any matter within its jurisdiction and issue summons and
706 subpoenas for any witness and subpoenas duces tecum in
707 connection with any matter within the jurisdiction of the
708 department ~~division~~ under its seal and signed by the director.

709 (5) The department ~~division~~ may adopt rules establishing
710 procedures for testing occupational licenseholders officiating
711 at or participating in any race or game at any pari-mutuel
712 facility under the jurisdiction of the department ~~division~~ for a
713 controlled substance or alcohol and may prescribe procedural
714 matters not in conflict with s. 120.80(18) ~~s. 120.80(4)(a)~~.

715 (6) In addition to the power to exclude certain persons
716 from any pari-mutuel facility in this state, the department
717 ~~division~~ may exclude any person from any and all pari-mutuel
718 facilities in this state for conduct that would constitute, if
719 the person were a licensee, a violation of this chapter or the
720 rules of the department ~~division~~. The department ~~division~~ may
721 exclude from any pari-mutuel facility within this state any
722 person who has been ejected from a pari-mutuel facility in this
723 state or who has been excluded from any pari-mutuel facility in
724 another state by the governmental department, agency,
725 commission, or authority exercising regulatory jurisdiction over

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726 pari-mutuel facilities in such other state. The department
727 ~~division~~ may authorize any person who has been ejected or
728 excluded from pari-mutuel facilities in this state or another
729 state to attend the pari-mutuel facilities in this state upon a
730 finding that the attendance of such person at pari-mutuel
731 facilities would not be adverse to the public interest or to the
732 integrity of the sport or industry; however, this subsection
733 does ~~shall~~ not be construed to abrogate the common-law right of
734 a pari-mutuel permitholder to exclude absolutely a patron in
735 this state.

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

738 (8) The department ~~department~~ may collect taxes and require
739 compliance with reporting requirements for financial information
740 as authorized by this chapter. In addition, the ~~secretary of the~~
741 department may require permitholders conducting pari-mutuel
742 operations within the state to remit taxes, including fees, by
743 electronic funds transfer if the taxes and fees amounted to
744 \$50,000 or more in the prior reporting year.

745 (9) The department ~~division~~ may conduct investigations in
746 enforcing this chapter, except that all information obtained
747 pursuant to an investigation by the department ~~division~~ for an
748 alleged violation of this chapter or rules of the department
749 ~~division~~ is exempt from s. 119.07(1) and from s. 24(a), Art. I
750 of the State Constitution until an administrative complaint is
751 issued or the investigation is closed or ceases to be active.
752 This subsection does not prohibit the department ~~division~~ from
753 providing such information to any law enforcement agency or to
754 any other regulatory agency. For the purposes of this

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755 subsection, an investigation is considered to be active while it
756 is being conducted with reasonable dispatch and with a
757 reasonable, good faith belief that it could lead to an
758 administrative, civil, or criminal action by the department
759 ~~division~~ or another administrative or law enforcement agency.
760 Except for active criminal intelligence or criminal
761 investigative information, as defined in s. 119.011, and any
762 other information that, if disclosed, would jeopardize the
763 safety of an individual, all information, records, and
764 transcriptions become public when the investigation is closed or
765 ceases to be active.

766 (10) The department ~~division~~ may impose an administrative
767 fine for a violation under this chapter of not more than \$1,000
768 for each count or separate offense, except as otherwise provided
769 in this chapter, and may suspend or revoke a permit, a pari-
770 mutuel license, or an occupational license for a violation under
771 this chapter. All fines imposed and collected under this
772 subsection must be deposited with the Chief Financial Officer to
773 the credit of the General Revenue Fund.

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

776 (12) The department may ~~division shall have full authority~~
777 ~~and power to make, adopt, amend, or repeal~~ rules relating to
778 cardroom operations, to enforce and to carry out the provisions
779 of s. 849.086, and to regulate the authorized cardroom
780 activities in the state.

781 (13) The department may ~~division shall have the authority~~
782 ~~to~~ suspend a permitholder's permit or license, if such
783 permitholder is operating a cardroom facility and such

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784 permitholder's cardroom license has been suspended or revoked
785 pursuant to s. 849.086.

786 Section 14. Section 550.0351, Florida Statutes, is amended
787 to read:

788 550.0351 Charity racing days.—

789 (1) The department ~~division~~ shall, upon the request of a
790 permitholder, authorize each horseracing permitholder, dogracing
791 permitholder, and jai alai permitholder up to five charity or
792 scholarship days in addition to the regular racing days
793 authorized by law.

794 (2) The proceeds of charity performances shall be paid to
795 qualified beneficiaries selected by the permitholders from an
796 authorized list of charities on file with the department
797 ~~division~~. Eligible charities include any charity that provides
798 evidence of compliance with the provisions of chapter 496 and
799 evidence of possession of a valid exemption from federal
800 taxation issued by the Internal Revenue Service. In addition,
801 the authorized list must include the Racing Scholarship Trust
802 Fund, the Historical Resources Operating Trust Fund, major state
803 and private institutions of higher learning, and Florida
804 community colleges.

805 (3) The permitholder shall, within 120 days after the
806 conclusion of its fiscal year, pay to the authorized charities
807 the total of all profits derived from the operation of the
808 charity day performances conducted. If charity days are operated
809 on behalf of another permitholder pursuant to law, the
810 permitholder entitled to distribute the proceeds shall
811 distribute the proceeds to charity within 30 days after the
812 actual receipt of the proceeds.

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813 (4) The total of all profits derived from the conduct of a
814 charity day performance must include all revenues derived from
815 the conduct of that racing performance, including all state
816 taxes that would otherwise be due to the state, except that the
817 daily license fee as provided in s. 550.0951(1) and the breaks
818 for the promotional trust funds as provided in s. 550.2625(3),
819 (4), (5), (7), and (8) shall be paid to the department ~~division~~.
820 All other revenues from the charity racing performance,
821 including the commissions, breaks, and admissions and the
822 revenues from parking, programs, and concessions, shall be
823 included in the total of all profits.

824 (5) In determining profit, the permitholder may elect to
825 distribute as proceeds only the amount equal to the state tax
826 that would otherwise be paid to the state if the charity day
827 were conducted as a regular or matinee performance.

828 (6) (a) The department ~~division~~ shall authorize one
829 additional scholarship day for horseracing in addition to the
830 regular racing days authorized by law and any additional days
831 authorized by this section, to be conducted at all horse
832 racetracks located in Hillsborough County. The permitholder
833 shall conduct a full schedule of racing on the scholarship day.

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

837 (c) When a charity or scholarship performance is conducted
838 as a matinee performance, the department ~~division~~ may authorize
839 the permitholder to conduct the evening performances of that
840 operation day as a regular performance in addition to the
841 regular operating days authorized by law.

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842 (7) In addition to the charity days authorized by this
843 section, any dogracing permitholder may allow its facility to be
844 used for conducting "hound dog derbies" or "mutt derbies" on any
845 day during each racing season by any charitable, civic, or
846 nonprofit organization for the purpose of conducting "hound dog
847 derbies" or "mutt derbies" if only dogs other than those usually
848 used in dogracing (greyhounds) are permitted to race and if
849 adults and minors are allowed to participate as dog owners or
850 spectators. During these racing events, betting, gambling, and
851 the sale or use of alcoholic beverages is prohibited.

852 (8) In addition to the eligible charities that meet the
853 criteria set forth in this section, a jai alai permitholder is
854 authorized to conduct two additional charity performances each
855 fiscal year for a fund to benefit retired jai alai players. This
856 performance shall be known as the "Retired Jai Alai Players
857 Charity Day." The administration of this fund shall be
858 determined by rule by the department ~~division~~.

859 Section 15. Section 550.054, Florida Statutes, is amended
860 to read:

861 550.054 Application for permit to conduct pari-mutuel
862 wagering.—

863 (1) Any person who possesses the qualifications prescribed
864 in this chapter may apply to the department ~~division~~ for a
865 permit to conduct pari-mutuel operations under this chapter.
866 Applications for a pari-mutuel permit are exempt from the 90-day
867 licensing requirement of s. 120.60. Within 120 days after
868 receipt of a complete application, the department ~~division~~ shall
869 grant or deny the permit. A completed application that is not
870 acted upon within 120 days after receipt is deemed approved, and

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871 the department ~~division~~ shall grant the permit.

872 (2) Upon each application filed and approved, a permit
873 shall be issued to the applicant setting forth the name of the
874 permitholder, the location of the pari-mutuel facility, the type
875 of pari-mutuel activity desired to be conducted, and a statement
876 showing qualifications of the applicant to conduct pari-mutuel
877 performances under this chapter; however, a permit is
878 ineffectual to authorize any pari-mutuel performances until
879 approved by a majority of the electors participating in a
880 ratification election in the county in which the applicant
881 proposes to conduct pari-mutuel wagering activities. In
882 addition, an application may not be considered, nor may a permit
883 be issued by the department ~~division~~ or be voted upon in any
884 county, to conduct horseraces, harness horse races, or dograces
885 at a location within 100 miles of an existing pari-mutuel
886 facility, or for jai alai within 50 miles of an existing pari-
887 mutuel facility; this distance shall be measured on a straight
888 line from the nearest property line of one pari-mutuel facility
889 to the nearest property line of the other facility.

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

892 (a) The full name of the applicant.

893 (b) If a corporation, the name of the state in which
894 incorporated and the names and addresses of the officers,
895 directors, and shareholders holding 5 percent or more equity or,
896 if a business entity other than a corporation, the names and
897 addresses of the principals, partners, or shareholders holding 5
898 percent or more equity.

899 (c) The names and addresses of the ultimate equitable

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900 owners for a corporation or other business entity, if different
901 from those provided under paragraph (b), unless the securities
902 of the corporation or entity are registered pursuant to s. 12 of
903 the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk; and
904 if such corporation or entity files with the United States
905 Securities and Exchange Commission the reports required by s. 13
906 of that act or if the securities of the corporation or entity
907 are regularly traded on an established securities market in the
908 United States.

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

911 (e) Whether the pari-mutuel facility is owned or leased
912 and, if leased, the name and residence of the fee owner or, if a
913 corporation, the names and addresses of the directors and
914 stockholders thereof. However, this chapter does not prevent a
915 person from applying to the department ~~division~~ for a permit to
916 conduct pari-mutuel operations, regardless of whether the pari-
917 mutuel facility has been constructed or not, and having an
918 election held in any county at the same time that elections are
919 held for the ratification of any permit in that county.

920 (f) A statement of the assets and liabilities of the
921 applicant.

922 (g) The names and addresses of any mortgagee of any pari-
923 mutuel facility and any financial agreement between the parties.
924 The department ~~division~~ may require the names and addresses of
925 the officers and directors of the mortgagee, and of those
926 stockholders who hold more than 10 percent of the stock of the
927 mortgagee.

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

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929 (i) For each individual listed in the application as an
930 owner, partner, officer, or director, a complete set of
931 fingerprints that has been taken by an authorized law
932 enforcement officer. These sets of fingerprints must be
933 submitted to the Federal Bureau of Investigation for processing.
934 Applicants who are foreign nationals shall submit such documents
935 as necessary to allow the department ~~division~~ to conduct
936 criminal history records checks in the applicant's home country.
937 The applicant must pay the cost of processing. The department
938 ~~division~~ may charge a \$2 handling fee for each set of
939 fingerprint records.

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

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

943 (4) The department ~~division~~ shall require each applicant to
944 deposit with the board of county commissioners of the county in
945 which the election is to be held, a sufficient sum, in currency
946 or by check certified by a bank licensed to do business in the
947 state to pay the expenses of holding the election provided in s.
948 550.0651.

949 (5) Upon receiving an application and any amendments
950 properly made thereto, the department ~~division~~ shall further
951 investigate the matters contained in the application. If the
952 applicant meets all requirements, conditions, and qualifications
953 set forth in this chapter and the rules of the department
954 ~~division~~, the department ~~division~~ shall grant the permit.

955 (6) After initial approval of the permit and the source of
956 financing, the terms and parties of any subsequent refinancing
957 must be disclosed by the applicant or the permitholder to the

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958 department ~~division~~.

959 (7) If the department ~~division~~ refuses to grant the permit,
960 the money deposited with the board of county commissioners for
961 holding the election must be refunded to the applicant. If the
962 department ~~division~~ grants the permit applied for, the board of
963 county commissioners shall order an election in the county to
964 decide whether the permit will be approved, as provided in s.
965 550.0651.

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

971 (b) The department ~~division~~ may, by rule, determine the
972 manner of paying its anticipated costs associated with
973 determination of eligibility and the procedure for filing
974 applications for determination of eligibility.

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

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

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

984 (9) (a) After a permit has been granted by the department
985 ~~division~~ and has been ratified and approved by the majority of
986 the electors participating in the election in the county

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987 designated in the permit, the department ~~division~~ shall grant to
988 the lawful permitholder, subject to the conditions of this
989 chapter, a license to conduct pari-mutuel operations under this
990 chapter, and, except as provided in s. 550.5251, the department
991 ~~division~~ shall fix annually the time, place, and number of days
992 during which pari-mutuel operations may be conducted by the
993 permitholder at the location fixed in the permit and ratified in
994 the election. After the first license has been issued to the
995 holder of a ratified permit for racing in any county, all
996 subsequent annual applications for a license by that
997 permitholder must be accompanied by proof, in such form as the
998 department ~~division~~ requires, that the ratified permitholder
999 still possesses all the qualifications prescribed by this
1000 chapter and that the permit has not been recalled at a later
1001 election held in the county.

1002 (b) The department ~~division~~ may revoke or suspend any
1003 permit or license issued under this chapter upon the willful
1004 violation by the permitholder or licensee of any provision of
1005 this chapter or of any rule adopted under this chapter. In lieu
1006 of suspending or revoking a permit or license, the department
1007 ~~division~~ may impose a civil penalty against the permitholder or
1008 licensee for a violation of this chapter or any rule adopted by
1009 the department ~~division~~. The penalty so imposed may not exceed
1010 \$1,000 for each count or separate offense. All penalties imposed
1011 and collected must be deposited with the Chief Financial Officer
1012 to the credit of the General Revenue Fund.

1013 (10) If a permitholder has failed to complete construction
1014 of at least 50 percent of the facilities necessary to conduct
1015 pari-mutuel operations within 12 months after approval by the

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1016 voters of the permit, the department ~~division~~ shall revoke the
1017 permit upon adequate notice to the permitholder. However, the
1018 department ~~division~~, upon good cause shown by the permitholder,
1019 may grant one extension of up to 12 months.

1020 (11) (a) A permit granted under this chapter may not be
1021 transferred or assigned except upon written approval by the
1022 department ~~division~~ pursuant to s. 550.1815, except that the
1023 holder of any permit that has been converted to a jai alai
1024 permit may lease or build anywhere within the county in which
1025 its permit is located.

1026 (b) If a permit to conduct pari-mutuel wagering is held by
1027 a corporation or business entity other than an individual, the
1028 transfer of 10 percent or more of the stock or other evidence of
1029 ownership or equity in the permitholder may not be made without
1030 the prior approval of the transferee by the department ~~division~~
1031 pursuant to s. 550.1815.

1032 (12) Changes in ownership or interest of a pari-mutuel
1033 permit of 5 percent or more of the stock or other evidence of
1034 ownership or equity in the permitholder must ~~shall~~ be approved
1035 by the department ~~before division prior to~~ such change, unless
1036 the owner is an existing owner of that permit who was previously
1037 approved by the department ~~division~~. Changes in ownership or
1038 interest of a pari-mutuel permit of less than 5 percent must
1039 ~~shall~~ be reported to the department ~~division~~ within 20 days of
1040 the change. The department ~~division~~ may then conduct an
1041 investigation to ensure that the permit is properly updated to
1042 show the change in ownership or interest.

1043 (13) (a) Notwithstanding any provisions of this chapter, a
1044 ~~ne~~ thoroughbred horse racing permit or license issued under this

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1045 chapter may not ~~shall~~ be transferred, or reissued if ~~when~~ such
1046 reissuance is in the nature of a transfer so as to permit or
1047 authorize a licensee to change the location of a thoroughbred
1048 horse racetrack except upon proof in such form as the department
1049 ~~division~~ may prescribe that a referendum election has been held:

1050 1. If the proposed new location is within the same county
1051 as the already licensed location, in the county where the
1052 licensee desires to conduct the race meeting and that a majority
1053 of the electors voting on that question in such election voted
1054 in favor of the transfer of such license.

1055 2. If the proposed new location is not within the same
1056 county as the already licensed location, in the county where the
1057 licensee desires to conduct the race meeting and in the county
1058 where the licensee is already licensed to conduct the race
1059 meeting and that a majority of the electors voting on that
1060 question in each such election voted in favor of the transfer of
1061 such license.

1062 (b) Each referendum held under ~~the provisions of~~ this
1063 subsection shall be held in accordance with the electoral
1064 procedures for ratification of permits, as provided in s.
1065 550.0651. The expense of each such referendum shall be borne by
1066 the licensee requesting the transfer.

1067 (14) (a) Any holder of a permit to conduct jai alai may
1068 apply to the department ~~division~~ to convert such permit to a
1069 permit to conduct greyhound racing in lieu of jai alai if:

1070 1. Such permit is located in a county in which the
1071 department ~~division~~ has issued only two pari-mutuel permits
1072 pursuant to this section;

1073 2. Such permit was not previously converted from any other

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1074 class of permit; and

1075 3. The holder of the permit has not conducted jai alai
1076 games during a period of 10 years immediately preceding his or
1077 her application for conversion under this subsection.

1078 (b) The department ~~division~~, upon application from the
1079 holder of a jai alai permit meeting all conditions of this
1080 section, shall convert the permit and shall issue to the
1081 permitholder a permit to conduct greyhound racing. A
1082 permitholder of a permit converted under this section shall ~~be~~
1083 ~~required to~~ apply for and conduct a full schedule of live racing
1084 each fiscal year to be eligible for any tax credit provided by
1085 this chapter. The holder of a permit converted pursuant to this
1086 subsection or any holder of a permit to conduct greyhound racing
1087 located in a county in which it is the only permit issued
1088 pursuant to this section who operates at a leased facility
1089 pursuant to s. 550.475 may move the location for which the
1090 permit has been issued to another location within a 30-mile
1091 radius of the location fixed in the permit issued in that
1092 county, provided the move does not cross the county boundary and
1093 such location is approved under the zoning regulations of the
1094 county or municipality in which the permit is located, and upon
1095 such relocation may use the permit for the conduct of pari-
1096 mutuel wagering and the operation of a cardroom. The provisions
1097 of s. 550.6305(9)(d) and (f) ~~shall~~ apply to any permit converted
1098 under this subsection and ~~shall~~ continue to apply to any permit
1099 that ~~which~~ was previously included under and subject to such
1100 provisions before a conversion pursuant to this section
1101 occurred.

1102 Section 16. Subsection (2) of section 550.0555, Florida

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1103 Statutes, is amended to read:

1104 550.0555 Greyhound dogracing permits; relocation within a
1105 county; conditions.—

1106 (2) Any holder of a valid outstanding permit for greyhound
1107 dogracing in a county in which there is only one dogracing
1108 permit issued, as well as any holder of a valid outstanding
1109 permit for jai alai in a county where only one jai alai permit
1110 is issued, is authorized, without the necessity of an additional
1111 county referendum required under s. 550.0651, to move the
1112 location for which the permit has been issued to another
1113 location within a 30-mile radius of the location fixed in the
1114 permit issued in that county, if provided the move does not
1115 cross the county boundary, ~~that~~ such relocation is approved
1116 under the zoning regulations of the county or municipality in
1117 which the permit is to be located as a planned development use,
1118 consistent with the comprehensive plan, and ~~that~~ such move is
1119 approved by the department after it is determined at a
1120 proceeding pursuant to chapter 120 in the county affected that
1121 the move is necessary to ensure the revenue-producing capability
1122 of the permittee without deteriorating the revenue-producing
1123 capability of any other pari-mutuel permittee within 50 miles;
1124 the distance shall be measured on a straight line from the
1125 nearest property line of one racing plant or jai alai fronton to
1126 the nearest property line of the other.

1127 Section 17. Section 550.0651, Florida Statutes, is amended
1128 to read:

1129 550.0651 Elections for ratification of permits.—

1130 (1) The holder of any permit may have submitted to the
1131 electors of the county designated therein the question whether

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1132 or not such permit will be ratified or rejected. Such questions
1133 shall be submitted to the electors for approval or rejection at
1134 a special election to be called for that purpose only. The board
1135 of county commissioners of the county designated, upon the
1136 presentation to such board at a regular or special meeting of a
1137 written application, accompanied by a certified copy of the
1138 permit granted by the department ~~division~~, and asking for an
1139 election in the county in which the application was made, shall
1140 order a special election in the county for the particular
1141 purpose of deciding whether such permit shall be approved and
1142 license issued and race meetings permitted in such county by
1143 such permittee and shall cause the clerk of such board to give
1144 notice of the special election by publishing the same once each
1145 week for 2 consecutive weeks in one or more newspapers of
1146 general circulation in the county. Each permit covering each
1147 track must be voted upon separately and in separate elections,
1148 and an election may not be called more often than once every 2
1149 years for the ratification of any permit covering the same
1150 track.

1151 (2) All elections ordered under this chapter must be held
1152 within 90 days and not less than 21 days after the time of
1153 presenting such application to the board of county
1154 commissioners, and the inspectors of election shall be appointed
1155 and qualified as in cases of general elections, and they shall
1156 count the votes cast and make due returns of same to the board
1157 of county commissioners without delay. The board of county
1158 commissioners shall canvass the returns, declare the results,
1159 and cause the same to be recorded as provided in the general law
1160 concerning elections so far as applicable.

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1161 (3) When a permit has been granted by the department
1162 ~~division~~ and no application to the board of county commissioners
1163 has been made by the permittee within 6 months after the
1164 granting of the permit, the permit becomes void. The department
1165 ~~division~~ shall cancel the permit without notice to the
1166 permitholder, and the board of county commissioners holding the
1167 deposit for the election shall refund the deposit to the
1168 permitholder upon being notified by the department ~~division~~ that
1169 the permit has become void and has been canceled.

1170 (4) All electors duly registered and qualified to vote at
1171 the last preceding general election held in such county are
1172 qualified electors for such election, and in addition thereto
1173 the registration books for such county shall be opened on the
1174 10th day (if the 10th day is a Sunday or a holiday, then on the
1175 next day not a Sunday or holiday) after such election is ordered
1176 and called and must remain open for a period of 10 days for
1177 additional registrations of persons qualified for registration
1178 but not already registered. Electors for such special election
1179 have the same qualifications for and prerequisites to voting in
1180 elections as under the general election laws.

1181 (5) If at any such special election the majority of the
1182 electors voting on the question of ratification or rejection of
1183 any permit vote against such ratification, such permit is void.
1184 If a majority of the electors voting on the question of
1185 ratification or rejection of any permit vote for such
1186 ratification, such permit becomes effectual and the holder
1187 thereof may conduct racing upon complying with the other
1188 provisions of this chapter. The board of county commissioners
1189 shall immediately certify the results of the election to the

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1190 department ~~division~~.

1191 Section 18. Subsections (1) and (4) of section 550.0745,
1192 Florida Statutes, are amended to read:

1193 550.0745 Conversion of pari-mutuel permit to summer jai
1194 alai permit.—

1195 (1) The owner or operator of a pari-mutuel permit who is
1196 authorized by the department ~~division~~ to conduct pari-mutuel
1197 pools on exhibition sports in any county having five or more
1198 such pari-mutuel permits and whose mutuel play from the
1199 operation of such pari-mutuel pools for the 2 consecutive years
1200 next prior to filing an application under this section has had
1201 the smallest play or total pool within the county may apply to
1202 the department ~~division~~ to convert its permit to a permit to
1203 conduct a summer jai alai fronton in such county during the
1204 summer season commencing on May 1 and ending on November 30 of
1205 each year on such dates as may be selected by such permittee for
1206 the same number of days and performances as are allowed and
1207 granted to winter jai alai frontons within such county. If a
1208 permittee who is eligible under this section to convert a permit
1209 declines to convert, a new permit is hereby made available in
1210 that permittee's county to conduct summer jai alai games as
1211 provided by this section, notwithstanding mileage and permit
1212 ratification requirements. If a permittee converts a quarter
1213 horse permit pursuant to this section, nothing in this section
1214 prohibits the permittee from obtaining another quarter horse
1215 permit. Such permittee shall pay the same taxes as are fixed and
1216 required to be paid from the pari-mutuel pools of winter jai
1217 alai permittees and is bound by all of the rules and provisions
1218 of this chapter which apply to the operation of winter jai alai

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1219 frontons. Such permittee shall only be permitted to operate a
1220 jai alai fronton after its application has been submitted to the
1221 department ~~division~~ and its license has been issued pursuant to
1222 the application. The license is renewable from year to year as
1223 provided by law.

1224 (4) The provisions of this chapter which prohibit the
1225 location and operation of jai alai frontons within a specified
1226 distance from the location of another jai alai fronton or other
1227 permittee and which prohibit the department ~~division~~ from
1228 granting any permit at a location within a certain designated
1229 area do not apply to the provisions of this section and do not
1230 prevent the issuance of a license under this section.

1231 Section 19. Section 550.0951, Florida Statutes, is amended
1232 to read:

1233 550.0951 Payment of daily license fee and taxes;
1234 penalties.—

1235 (1) (a) DAILY LICENSE FEE.—Each person engaged in the
1236 business of conducting race meetings or jai alai games under
1237 this chapter, hereinafter referred to as the "permitholder,"
1238 "licensee," or "permittee," shall pay to the department
1239 ~~division~~, for the use of the department ~~division~~, a daily
1240 license fee on each live or simulcast pari-mutuel event of \$100
1241 for each horserace and \$80 for each dograce and \$40 for each jai
1242 alai game conducted at a racetrack or fronton licensed under
1243 this chapter. In addition to the tax exemption specified in s.
1244 550.09514(1) of \$360,000 or \$500,000 per greyhound permitholder
1245 per state fiscal year, each greyhound permitholder shall receive
1246 in the current state fiscal year a tax credit equal to the
1247 number of live greyhound races conducted in the previous state

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1248 fiscal year times the daily license fee specified for each
1249 dograce in this subsection applicable for the previous state
1250 fiscal year. This tax credit and the exemption in s.
1251 550.09514(1) shall be applicable to any tax imposed by this
1252 chapter or the daily license fees imposed by this chapter except
1253 during any charity or scholarship performances conducted
1254 pursuant to s. 550.0351. Each permitholder shall pay daily
1255 license fees not to exceed \$500 per day on any simulcast races
1256 or games on which such permitholder accepts wagers regardless of
1257 the number of out-of-state events taken or the number of out-of-
1258 state locations from which such events are taken. This license
1259 fee shall be deposited with the Chief Financial Officer to the
1260 credit of the Pari-mutuel Wagering Trust Fund.

1261 (b) Each permitholder that cannot utilize the full amount
1262 of the exemption of \$360,000 or \$500,000 provided in s.
1263 550.09514(1) or the daily license fee credit provided in this
1264 section may, after notifying the department ~~division~~ in writing,
1265 elect once per state fiscal year on a form provided by the
1266 department ~~division~~ to transfer such exemption or credit or any
1267 portion thereof to any greyhound permitholder that ~~which~~ acts as
1268 a host track to such permitholder for the purpose of intertrack
1269 wagering. Once an election to transfer such exemption or credit
1270 is filed with the department ~~division~~, it may ~~shall~~ not be
1271 rescinded. The department ~~division~~ shall disapprove the transfer
1272 when the amount of the exemption or credit or portion thereof is
1273 unavailable to the transferring permitholder or when the
1274 permitholder who is entitled to transfer the exemption or credit
1275 or who is entitled to receive the exemption or credit owes taxes
1276 to the state pursuant to a deficiency letter or administrative

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1277 complaint issued by the department ~~division~~. Upon approval of
1278 the transfer by the department ~~division~~, the transferred tax
1279 exemption or credit shall be effective for the first performance
1280 of the next payment period as specified in subsection (5). The
1281 exemption or credit transferred to such host track may be
1282 applied by such host track against any taxes imposed by this
1283 chapter or daily license fees imposed by this chapter. The
1284 greyhound permitholder host track to which such exemption or
1285 credit is transferred shall reimburse such permitholder the
1286 exact monetary value of such transferred exemption or credit as
1287 actually applied against the taxes and daily license fees of the
1288 host track. The department ~~division~~ shall ensure that all
1289 transfers of exemption or credit are made in accordance with
1290 this subsection, and the department may ~~shall have the authority~~
1291 ~~to~~ adopt rules to ensure the implementation of this section.

1292 (2) ADMISSION TAX.—

1293 (a) An admission tax equal to 15 percent of the admission
1294 charge for entrance to the permitholder's facility and
1295 grandstand area, or 10 cents, whichever is greater, is imposed
1296 on each person attending a horserace, dograce, or jai alai game.
1297 The permitholder shall be responsible for collecting the
1298 admission tax.

1299 (b) No admission tax under this chapter or chapter 212
1300 shall be imposed on any free passes or complimentary cards
1301 issued to persons for which there is no cost to the person for
1302 admission to pari-mutuel events.

1303 (c) A permitholder may issue tax-free passes to its
1304 officers, officials, and employees or other persons actually
1305 engaged in working at the racetrack, including accredited press

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1306 representatives such as reporters and editors, and may also
1307 issue tax-free passes to other permitholders for the use of
1308 their officers and officials. The permitholder shall file with
1309 the department ~~division~~ a list of all persons to whom tax-free
1310 passes are issued under this paragraph.

1311 (3) TAX ON HANDLE.—Each permitholder shall pay a tax on
1312 contributions to pari-mutuel pools, the aggregate of which is
1313 hereinafter referred to as "handle," on races or games conducted
1314 by the permitholder. The tax is imposed daily and is based on
1315 the total contributions to all pari-mutuel pools conducted
1316 during the daily performance. If a permitholder conducts more
1317 than one performance daily, the tax is imposed on each
1318 performance separately.

1319 (a) The tax on handle for quarter horse racing is 1.0
1320 percent of the handle.

1321 (b)1. The tax on handle for dogracing is 5.5 percent of the
1322 handle, except that for live charity performances held pursuant
1323 to s. 550.0351, and for intertrack wagering on such charity
1324 performances at a guest greyhound track within the market area
1325 of the host, the tax is 7.6 percent of the handle.

1326 2. The tax on handle for jai alai is 7.1 percent of the
1327 handle.

1328 (c)1. The tax on handle for intertrack wagering is 2.0
1329 percent of the handle if the host track is a horse track, 3.3
1330 percent if the host track is a harness track, 5.5 percent if the
1331 host track is a dog track, and 7.1 percent if the host track is
1332 a jai alai fronton. The tax on handle for intertrack wagering is
1333 0.5 percent if the host track and the guest track are
1334 thoroughbred permitholders or if the guest track is located

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1335 outside the market area of the host track and within the market
1336 area of a thoroughbred permitholder currently conducting a live
1337 race meet. The tax on handle for intertrack wagering on
1338 rebroadcasts of simulcast thoroughbred horseraces is 2.4 percent
1339 of the handle and 1.5 percent of the handle for intertrack
1340 wagering on rebroadcasts of simulcast harness horseraces. The
1341 tax shall be deposited into the Pari-mutuel Wagering Trust Fund.

1342 2. The tax on handle for intertrack wagers accepted by any
1343 dog track located in an area of the state in which there are
1344 only three permitholders, all of which are greyhound
1345 permitholders, located in three contiguous counties, from any
1346 greyhound permitholder also located within such area or any dog
1347 track or jai alai fronton located as specified in s. 550.615(6)
1348 or (9), on races or games received from the same class of
1349 permitholder located within the same market area is 3.9 percent
1350 if the host facility is a greyhound permitholder and, if the
1351 host facility is a jai alai permitholder, the rate shall be 6.1
1352 percent except that it shall be 2.3 percent on handle at such
1353 time as the total tax on intertrack handle paid to the
1354 department ~~division~~ by the permitholder during the current state
1355 fiscal year exceeds the total tax on intertrack handle paid to
1356 the department ~~division~~ by the permitholder during the 1992-1993
1357 state fiscal year.

1358 (d) Notwithstanding any other provision of this chapter, in
1359 order to protect the Florida jai alai industry, ~~effective July~~
1360 ~~1, 2000,~~ a jai alai permitholder may not be taxed on live handle
1361 at a rate higher than 2 percent.

1362 (4) BREAKS TAX. ~~Effective October 1, 1996,~~ Each
1363 permitholder conducting jai alai performances shall pay a tax

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1364 equal to the breaks. The "breaks" represents that portion of
1365 each pari-mutuel pool which is not redistributed to the
1366 contributors or withheld by the permitholder as commission.

1367 (5) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments
1368 imposed by this section shall be paid to the department
1369 ~~division~~. The department ~~division~~ shall deposit these sums with
1370 the Chief Financial Officer, to the credit of the Pari-mutuel
1371 Wagering Trust Fund, hereby established. The permitholder shall
1372 remit to the department ~~division~~ payment for the daily license
1373 fee, the admission tax, the tax on handle, and the breaks tax.
1374 Such payments shall be remitted by 3 p.m. Wednesday of each week
1375 for taxes imposed and collected for the preceding week ending on
1376 Sunday. Beginning on July 1, 2012, such payments shall be
1377 remitted by 3 p.m. on the 5th day of each calendar month for
1378 taxes imposed and collected for the preceding calendar month. If
1379 the 5th day of the calendar month falls on a weekend, payments
1380 shall be remitted by 3 p.m. the first Monday following the
1381 weekend. Permitholders shall file a report under oath by the 5th
1382 day of each calendar month for all taxes remitted during the
1383 preceding calendar month. Such payments shall be accompanied by
1384 a report under oath showing the total of all admissions, the
1385 pari-mutuel wagering activities for the preceding calendar
1386 month, and such other information as may be prescribed by the
1387 department ~~division~~.

1388 (6) PENALTIES.—

1389 (a) The failure of any permitholder to make payments as
1390 prescribed in subsection (5) is a violation of this section, and
1391 the permitholder may be subjected by the department ~~division~~ to
1392 a civil penalty of up to \$1,000 for each day the tax payment is

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1393 not remitted. All penalties imposed and collected shall be
1394 deposited in the General Revenue Fund. If a permitholder fails
1395 to pay penalties imposed by order of the department ~~division~~
1396 under this subsection, the department ~~division~~ may suspend or
1397 revoke the license of the permitholder, cancel the permit of the
1398 permitholder, or deny issuance of any further license or permit
1399 to the permitholder.

1400 (b) In addition to the civil penalty prescribed in
1401 paragraph (a), any willful or wanton failure by any permitholder
1402 to make payments of the daily license fee, admission tax, tax on
1403 handle, or breaks tax constitutes sufficient grounds for the
1404 department ~~division~~ to suspend or revoke the license of the
1405 permitholder, to cancel the permit of the permitholder, or to
1406 deny issuance of any further license or permit to the
1407 permitholder.

1408 Section 20. Subsections (2) and (3) of section 550.09511,
1409 Florida Statutes, are amended to read:

1410 550.09511 Jai alai taxes; abandoned interest in a permit
1411 for nonpayment of taxes.—

1412 (2) Notwithstanding the provisions of s. 550.0951(3)(b),
1413 wagering on live jai alai performances shall be subject to the
1414 following taxes:

1415 (a)1. The tax on handle per performance for live jai alai
1416 performances is 4.25 percent of handle per performance. However,
1417 when the live handle of a permitholder during the preceding
1418 state fiscal year was less than \$15 million, the tax shall be
1419 paid on the handle in excess of \$30,000 per performance per day.

1420 2. The tax rate shall be applicable only until the
1421 requirements of paragraph (b) are met.

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1422 (b) At such time as the total of admissions tax, daily
1423 license fee, and tax on handle for live jai alai performances
1424 paid to the department ~~division~~ by a permitholder during the
1425 current state fiscal year exceeds the total state tax revenues
1426 from wagering on live jai alai performances paid or due by the
1427 permitholder in fiscal year 1991-1992, the permitholder shall
1428 pay tax on handle for live jai alai performances at a rate of
1429 2.55 percent of the handle per performance for the remainder of
1430 the current state fiscal year. For purposes of this section,
1431 total state tax revenues on live jai alai wagering in fiscal
1432 year 1991-1992 shall include any admissions tax, tax on handle,
1433 surtaxes on handle, and daily license fees.

1434 (c) If no tax on handle for live jai alai performances were
1435 paid to the department ~~division~~ by a jai alai permitholder
1436 during the 1991-1992 state fiscal year, then at such time as the
1437 total of admissions tax, daily license fee, and tax on handle
1438 for live jai alai performances paid to the department ~~division~~
1439 by a permitholder during the current state fiscal year exceeds
1440 the total state tax revenues from wagering on live jai alai
1441 performances paid or due by the permitholder in the last state
1442 fiscal year in which the permitholder conducted a full schedule
1443 of live games, the permitholder shall pay tax on handle for live
1444 jai alai performances at a rate of 3.3 percent of the handle per
1445 performance for the remainder of the current state fiscal year.
1446 For purposes of this section, total state tax revenues on live
1447 jai alai wagering shall include any admissions tax, tax on
1448 handle, surtaxes on handle, and daily license fees. ~~This~~
1449 ~~paragraph shall take effect July 1, 1993.~~

1450 (d) A permitholder who obtains a new permit issued by the

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1451 department ~~division~~ subsequent to the 1991-1992 state fiscal
1452 year and a permitholder whose permit has been converted to a jai
1453 alai permit under the provisions of this chapter, shall, at such
1454 time as the total of admissions tax, daily license fee, and tax
1455 on handle for live jai alai performances paid to the department
1456 ~~division~~ by the permitholder during the current state fiscal
1457 year exceeds the average total state tax revenues from wagering
1458 on live jai alai performances for the first 3 consecutive jai
1459 alai seasons paid to or due the department ~~division~~ by the
1460 permitholder and during which the permitholder conducted a full
1461 schedule of live games, pay tax on handle for live jai alai
1462 performances at a rate of 3.3 percent of the handle per
1463 performance for the remainder of the current state fiscal year.

1464 (e) The payment of taxes pursuant to paragraphs (b), (c),
1465 and (d) shall be calculated and commence beginning the day in
1466 which the permitholder is first entitled to the reduced rate
1467 specified in this section and the report of taxes required by s.
1468 550.0951(5) is submitted to the department ~~division~~.

1469 (f) A jai alai permitholder paying taxes under this section
1470 shall retain the breaks and pay an amount equal to the breaks as
1471 special prize awards, which shall be in addition to the regular
1472 contracted prize money paid to jai alai players at the
1473 permitholder's facility. Payment of the special prize money
1474 shall be made during the permitholder's current meet.

1475 (g) For purposes of this section, "handle" has ~~shall have~~
1476 the same meaning as in s. 550.0951, and does ~~shall~~ not include
1477 handle from intertrack wagering.

1478 (3) (a) Notwithstanding the provisions of subsection (2) and
1479 s. 550.0951(3)(c)1., any jai alai permitholder that ~~which~~ is

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1480 restricted under Florida law from operating live performances on
1481 a year-round basis is entitled to conduct wagering on live
1482 performances at a tax rate of 3.85 percent of live handle. Such
1483 permitholder is also entitled to conduct intertrack wagering as
1484 a host permitholder on live jai alai games at its fronton at a
1485 tax rate of 3.3 percent of handle at such time as the total tax
1486 on intertrack handle paid to the department ~~division~~ by the
1487 permitholder during the current state fiscal year exceeds the
1488 total tax on intertrack handle paid to the department ~~division~~
1489 by the permitholder during the 1992-1993 state fiscal year.

1490 (b) The payment of taxes pursuant to paragraph (a) shall be
1491 calculated and commence beginning the day in which the
1492 permitholder is first entitled to the reduced rate specified in
1493 this subsection.

1494 Section 21. Section 550.09512, Florida Statutes, is amended
1495 to read:

1496 550.09512 Harness horse taxes; abandoned interest in a
1497 permit for nonpayment of taxes.—

1498 (1) Pari-mutuel wagering at harness horse racetracks in
1499 this state is an important business enterprise, and taxes
1500 derived therefrom constitute a part of the tax structure which
1501 funds operation of the state. Harness horse permitholders should
1502 pay their fair share of these taxes to the state. This business
1503 interest should not be taxed to such an extent as to cause any
1504 racetrack that ~~which~~ is operated under sound business principles
1505 to be forced out of business. Due to the need to protect the
1506 public health, safety, and welfare, the gaming laws of the state
1507 provide for the harness horse industry to be highly regulated
1508 and taxed. The state recognizes that there exist identifiable

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1509 differences between harness horse permitholders based upon their
1510 ability to operate under such regulation and tax system.

1511 (2) (a) The tax on handle for live harness horse
1512 performances is 0.5 percent of handle per performance.

1513 (b) For purposes of this section, the term "handle" has
1514 ~~shall have~~ the same meaning as in s. 550.0951, and does ~~shall~~
1515 not include handle from intertrack wagering.

1516 (3) (a) The permit of a harness horse permitholder who does
1517 not pay tax on handle for live harness horse performances for a
1518 full schedule of live races during any 2 consecutive state
1519 fiscal years shall be void and shall escheat to and become the
1520 property of the state unless such failure to operate and pay tax
1521 on handle was the direct result of fire, strike, war, or other
1522 disaster or event beyond the ability of the permitholder to
1523 control. Financial hardship to the permitholder does ~~shall~~ not,
1524 in and of itself, constitute just cause for failure to operate
1525 and pay tax on handle.

1526 (b) In order to maximize the tax revenues to the state, the
1527 department ~~division~~ shall reissue an escheated harness horse
1528 permit to a qualified applicant pursuant to the provisions of
1529 this chapter as for the issuance of an initial permit. However,
1530 the provisions of this chapter relating to referendum
1531 requirements for a pari-mutuel permit do ~~shall~~ not apply to the
1532 reissuance of an escheated harness horse permit. As specified in
1533 the application and upon approval by the department ~~division~~ of
1534 an application for the permit, the new permitholder is ~~shall be~~
1535 authorized to operate a harness horse facility anywhere in the
1536 same county in which the escheated permit was authorized to be
1537 operated, notwithstanding the provisions of s. 550.054(2)

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1538 relating to mileage limitations.

1539 (4) ~~If in the event that~~ a court of competent jurisdiction
1540 determines any of the provisions of this section to be
1541 unconstitutional, it is the intent of the Legislature that the
1542 provisions contained in this section shall be ~~null and~~ void and
1543 that the provisions of s. 550.0951 ~~shall~~ apply to all harness
1544 horse permitholders beginning on the date of such judicial
1545 determination. To this end, the Legislature declares that it
1546 would not have enacted any of the provisions of this section
1547 individually and, to that end, expressly finds them not to be
1548 severable.

1549 Section 22. Subsection (2) of section 550.09514, Florida
1550 Statutes, is amended to read:

1551 550.09514 Greyhound dogracing taxes; purse requirements.-

1552 (2) (a) ~~The division shall determine for each greyhound~~
1553 ~~permitholder the annual purse percentage rate of live handle for~~
1554 ~~the state fiscal year 1993-1994 by dividing total purses paid on~~
1555 ~~live handle by the permitholder, exclusive of payments made from~~
1556 ~~outside sources, during the 1993-1994 state fiscal year by the~~
1557 ~~permitholder's live handle for the 1993-1994 state fiscal year.~~
1558 Each permitholder shall pay as purses for live races conducted
1559 during its current race meet at least the same ratio of purses
1560 paid on live handle excluding payments from outside sources
1561 divided by the permitholder's live handle as it paid during the
1562 a percentage of its live handle not less than the percentage
1563 determined under this paragraph, exclusive of payments made by
1564 outside sources, for its 1993-1994 state fiscal year, as
1565 determined by the department.

1566 (b) Except as otherwise set forth herein, in addition to

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1567 the minimum purse percentage required by paragraph (a), each
1568 permitholder shall pay as purses an annual amount equal to 75
1569 percent of the daily license fees paid by each permitholder for
1570 the 1994-1995 fiscal year. This purse supplement shall be
1571 disbursed weekly during the permitholder's race meet in an
1572 amount determined by dividing the annual purse supplement by the
1573 number of performances approved for the permitholder pursuant to
1574 its annual license and multiplying that amount by the number of
1575 performances conducted each week. For the greyhound
1576 permitholders in the county where there are two greyhound
1577 permitholders located as specified in s. 550.615(6), such
1578 permitholders shall pay in the aggregate an amount equal to 75
1579 percent of the daily license fees paid by such permitholders for
1580 the 1994-1995 fiscal year. These permitholders shall be jointly
1581 and severally liable for such purse payments. The additional
1582 purses provided by this paragraph must be used exclusively for
1583 purses other than stakes. The department ~~division~~ shall conduct
1584 audits necessary to ensure compliance with this section.

1585 (c)1. Each greyhound permitholder when conducting at least
1586 three live performances during any week shall pay purses in that
1587 week on wagers it accepts as a guest track on intertrack and
1588 simulcast greyhound races at the same rate as it pays on live
1589 races. Each greyhound permitholder when conducting at least
1590 three live performances during any week shall pay purses in that
1591 week, at the same rate as it pays on live races, on wagers
1592 accepted on greyhound races at a guest track that ~~which~~ is not
1593 conducting live racing and is located within the same market
1594 area as the greyhound permitholder conducting at least three
1595 live performances during any week.

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1596 2. Each host greyhound permitholder shall pay purses on its
1597 simulcast and intertrack broadcasts of greyhound races to guest
1598 facilities that are located outside its market area in an amount
1599 equal to one quarter of an amount determined by subtracting the
1600 transmission costs of sending the simulcast or intertrack
1601 broadcasts from an amount determined by adding the fees received
1602 for greyhound simulcast races plus 3 percent of the greyhound
1603 intertrack handle at guest facilities that are located outside
1604 the market area of the host and that paid contractual fees to
1605 the host for such broadcasts of greyhound races.

1606 ~~(d) The division shall require sufficient documentation~~
1607 ~~from each greyhound permitholder regarding purses paid on live~~
1608 ~~racing to assure that the annual purse percentage rates paid by~~
1609 ~~each permitholder on the live races are not reduced below those~~
1610 ~~paid during the 1993-1994 state fiscal year. The division shall~~
1611 ~~require sufficient documentation from each greyhound~~
1612 ~~permitholder to assure that the purses paid by each permitholder~~
1613 ~~on the greyhound intertrack and simulcast broadcasts are in~~
1614 ~~compliance with the requirements of paragraph (c).~~

1615 (d)(e) In addition to the purse requirements of paragraphs
1616 (a)-(c), each greyhound permitholder shall pay as purses an
1617 amount equal to one-third of the amount of the tax reduction on
1618 live and simulcast handle applicable to such permitholder as a
1619 result of the reductions in tax rates on handle made by chapter
1620 2000-354, Laws of Florida, in provided by this act through the
1621 ~~amendments to~~ s. 550.0951(3). With respect to intertrack
1622 wagering if ~~when~~ the host and guest tracks are greyhound
1623 permitholders not within the same market area, an amount equal
1624 to the tax reduction applicable to the guest track handle as a

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1625 result of the reduction in tax rate on handle made by chapter
1626 2000-354, Laws of Florida, in ~~provided by this act through the~~
1627 ~~amendment to~~ s. 550.0951(3) shall be distributed to the guest
1628 track, one-third of which amount shall be paid as purses at the
1629 guest track. However, if the guest track is a greyhound
1630 permitholder within the market area of the host or if the guest
1631 track is not a greyhound permitholder, an amount equal to such
1632 tax reduction applicable to the guest track handle shall be
1633 retained by the host track, one-third of which amount shall be
1634 paid as purses at the host track. These purse funds shall be
1635 disbursed in the week received if the permitholder conducts at
1636 least one live performance during that week. If the permitholder
1637 does not conduct at least one live performance during the week
1638 in which the purse funds are received, the purse funds shall be
1639 disbursed weekly during the permitholder's next race meet in an
1640 amount determined by dividing the purse amount by the number of
1641 performances approved for the permitholder pursuant to its
1642 annual license, and multiplying that amount by the number of
1643 performances conducted each week. The department ~~division~~ shall
1644 conduct audits necessary to ensure compliance with this
1645 paragraph.

1646 (e) ~~(f)~~ Each greyhound permitholder shall, during the
1647 permitholder's race meet, supply kennel operators and the
1648 department ~~Division of Pari-Mutuel Wagering~~ with a weekly report
1649 showing purses paid on live greyhound races and all greyhound
1650 intertrack and simulcast broadcasts, including both as a guest
1651 and a host together with the handle or commission calculations
1652 on which such purses were paid and the transmission costs of
1653 sending the simulcast or intertrack broadcasts, so that the

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1654 kennel operators may determine statutory and contractual
1655 compliance.

1656 (f)~~(g)~~ Each greyhound permitholder shall make direct
1657 payment of purses to the greyhound owners who have filed with
1658 such permitholder appropriate federal taxpayer identification
1659 information based on the percentage amount agreed upon between
1660 the kennel operator and the greyhound owner.

1661 (g)~~(h)~~ At the request of a majority of kennel operators
1662 under contract with a greyhound permitholder, the permitholder
1663 shall make deductions from purses paid to each kennel operator
1664 electing such deduction and shall make a direct payment of such
1665 deductions to the local association of greyhound kennel
1666 operators formed by a majority of kennel operators under
1667 contract with the permitholder. The amount of the deduction
1668 shall be at least 1 percent of purses, as determined by the
1669 local association of greyhound kennel operators. No deductions
1670 may be taken pursuant to this paragraph without a kennel
1671 operator's specific approval ~~before or after the effective date~~
1672 ~~of this act.~~

1673 Section 23. Subsection (3) of section 550.09515, Florida
1674 Statutes, is amended to read:

1675 550.09515 Thoroughbred horse taxes; abandoned interest in a
1676 permit for nonpayment of taxes.—

1677 (3) (a) The permit of a thoroughbred horse permitholder who
1678 does not pay tax on handle for live thoroughbred horse
1679 performances for a full schedule of live races during any 2
1680 consecutive state fiscal years shall be void and shall escheat
1681 to and become the property of the state unless such failure to
1682 operate and pay tax on handle was the direct result of fire,

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1683 strike, war, or other disaster or event beyond the ability of
1684 the permitholder to control. Financial hardship to the
1685 permitholder does ~~shall~~ not, in and of itself, constitute just
1686 cause for failure to operate and pay tax on handle.

1687 (b) In order to maximize the tax revenues to the state, the
1688 department ~~division~~ shall reissue an escheated thoroughbred
1689 horse permit to a qualified applicant pursuant to the provisions
1690 of this chapter as for the issuance of an initial permit.
1691 However, the provisions of this chapter relating to referendum
1692 requirements for a pari-mutuel permit do ~~shall~~ not apply to the
1693 reissuance of an escheated thoroughbred horse permit. As
1694 specified in the application and upon approval by the department
1695 ~~division~~ of an application for the permit, the new permitholder
1696 shall be authorized to operate a thoroughbred horse facility
1697 anywhere in the same county in which the escheated permit was
1698 authorized to be operated, notwithstanding the provisions of s.
1699 550.054(2) relating to mileage limitations.

1700 Section 24. Section 550.105, Florida Statutes, is amended
1701 to read:

1702 550.105 Occupational licenses of racetrack employees; fees;
1703 denial, suspension, and revocation of license; penalties and
1704 fines.—

1705 (1) Each person connected with a racetrack or jai alai
1706 fronton, as specified in paragraph (2)(a), shall purchase from
1707 the department ~~division~~ an occupational license. All moneys
1708 collected pursuant to this section each fiscal year shall be
1709 deposited into the Pari-mutuel Wagering Trust Fund. Pursuant to
1710 the rules adopted by the department ~~division~~, an occupational
1711 license may be valid for a period of up to 3 years for a fee

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1712 that does not exceed the full occupational license fee for each
1713 of the years for which the license is purchased. The
1714 occupational license shall be valid during its specified term at
1715 any pari-mutuel facility.

1716 (2) (a) The following licenses shall be issued to persons or
1717 entities with access to the backside, racing animals, jai alai
1718 players' room, jockeys' room, drivers' room, totalisator room,
1719 the mutuels, or money room, or to persons who, by virtue of the
1720 position they hold, might be granted access to these areas or to
1721 any other person or entity in one of the following categories
1722 and with fees not to exceed the following amounts for any 12-
1723 month period:

1724 1. Business licenses: any business such as a vendor,
1725 contractual concessionaire, contract kennel, business owning
1726 racing animals, trust or estate, totalisator company, stable
1727 name, or other fictitious name: \$50.

1728 2. Professional occupational licenses: professional persons
1729 with access to the backside of a racetrack or players' quarters
1730 in jai alai such as trainers, officials, veterinarians, doctors,
1731 nurses, emergency medical technicians ~~EMT's~~, jockeys and
1732 apprentices, drivers, jai alai players, owners, trustees, or any
1733 management or officer or director or shareholder or any other
1734 professional-level person who might have access to the jockeys'
1735 room, the drivers' room, the backside, racing animals, kennel
1736 compound, or managers or supervisors requiring access to mutuels
1737 machines, the money room, or totalisator equipment: \$40.

1738 3. General occupational licenses: general employees with
1739 access to the jockeys' room, the drivers' room, racing animals,
1740 the backside of a racetrack or players' quarters in jai alai,

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1741 such as grooms, kennel helpers, leadouts, pelota makers, cesta
1742 makers, or ball boys, or a practitioner of any other occupation
1743 who would have access to the animals, the backside, or the
1744 kennel compound, or who would provide the security or
1745 maintenance of these areas, or mutuel employees, totalisator
1746 employees, money-room employees, or any employee with access to
1747 mutuels machines, the money room, or totalisator equipment or
1748 who would provide the security or maintenance of these areas:
1749 \$10.

1750

1751 The individuals and entities that are licensed under this
1752 paragraph require heightened state scrutiny, including the
1753 submission by the individual licensees or persons associated
1754 with the entities described in this chapter of fingerprints for
1755 a Federal Bureau of Investigation criminal records check.

1756 (b) The department ~~division~~ shall adopt rules pertaining to
1757 pari-mutuel occupational licenses, licensing periods, and
1758 renewal cycles.

1759 (3) Certified public accountants and attorneys licensed to
1760 practice in this state are ~~shall~~ not ~~be~~ required to hold an
1761 occupational license under this section while providing
1762 accounting or legal services to a permitholder if the certified
1763 public accountant's or attorney's primary place of employment is
1764 not on the permitholder premises.

1765 (4) It is unlawful to take part in or officiate in any way
1766 at any pari-mutuel facility without first having secured a
1767 license and paid the occupational license fee.

1768 (5) (a) The department ~~division~~ may:

1769 1. Deny a license to or revoke, suspend, or place

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1770 conditions upon or restrictions on a license of any person who
1771 has been refused a license by any other state racing commission
1772 or racing authority;

1773 2. Deny, suspend, or place conditions on a license of any
1774 person who is under suspension or has unpaid fines in another
1775 jurisdiction;

1776
1777 if the state racing commission or racing authority of such other
1778 state or jurisdiction extends to the department ~~division~~
1779 reciprocal courtesy to maintain the disciplinary control.

1780 (b) The department ~~division~~ may deny, suspend, revoke, or
1781 declare ineligible any occupational license if the applicant for
1782 or holder thereof has violated the provisions of this chapter or
1783 the rules of the department ~~division~~ governing the conduct of
1784 persons connected with racetracks and frontons. In addition, the
1785 department ~~division~~ may deny, suspend, revoke, or declare
1786 ineligible any occupational license if the applicant for such
1787 license has been convicted in this state, in any other state, or
1788 under the laws of the United States of a capital felony, a
1789 felony, or an offense in any other state which would be a felony
1790 under the laws of this state involving arson; trafficking in,
1791 conspiracy to traffic in, smuggling, importing, conspiracy to
1792 smuggle or import, or delivery, sale, or distribution of a
1793 controlled substance; or a crime involving a lack of good moral
1794 character, or has had a pari-mutuel license revoked by this
1795 state or any other jurisdiction for an offense related to pari-
1796 mutuel wagering.

1797 (c) The department ~~division~~ may deny, declare ineligible,
1798 or revoke any occupational license if the applicant for such

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1799 license has been convicted of a felony or misdemeanor in this
1800 state, in any other state, or under the laws of the United
1801 States, if such felony or misdemeanor is related to gambling or
1802 bookmaking, as contemplated in s. 849.25, or involves cruelty to
1803 animals. If the applicant establishes that she or he is of good
1804 moral character, that she or he has been rehabilitated, and that
1805 the crime she or he was convicted of is not related to pari-
1806 mutuel wagering and is not a capital offense, the restrictions
1807 excluding offenders may be waived by the director of the
1808 department ~~division~~.

1809 (d) For purposes of this subsection, the term "convicted"
1810 means having been found guilty, with or without adjudication of
1811 guilt, as a result of a jury verdict, nonjury trial, or entry of
1812 a plea of guilty or nolo contendere. However, the term
1813 "conviction" may ~~shall~~ not be applied to a crime committed prior
1814 to the effective date of this subsection in a manner that would
1815 invalidate any occupational license issued prior to the
1816 effective date of this subsection or subsequent renewal for any
1817 person holding such a license.

1818 (e) If an occupational license will expire by department
1819 ~~division~~ rule during the period of a suspension the department
1820 ~~division~~ intends to impose, or if a license would have expired
1821 but for pending administrative charges and the occupational
1822 licensee is found to be in violation of any of the charges, the
1823 license may be revoked and a time period of license
1824 ineligibility may be declared. The department ~~division~~ may bring
1825 administrative charges against any person not holding a current
1826 license for violations of statutes or rules which occurred while
1827 such person held an occupational license, and the department

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1828 ~~division~~ may declare such person ineligible to hold a license
1829 for a period of time. The department ~~division~~ may impose a civil
1830 fine of up to \$1,000 for each violation of the rules of the
1831 department ~~division~~ in addition to or in lieu of any other
1832 penalty provided for in this section. In addition to any other
1833 penalty provided by law, the department ~~division~~ may exclude
1834 from all pari-mutuel facilities in this state, for a period not
1835 to exceed the period of suspension, revocation, or
1836 ineligibility, any person whose occupational license application
1837 has been denied by the department ~~division~~, who has been
1838 declared ineligible to hold an occupational license, or whose
1839 occupational license has been suspended or revoked by the
1840 department ~~division~~.

1841 (f) The department ~~division~~ may cancel any occupational
1842 license that has been voluntarily relinquished by the licensee.

1843 (6) In order to promote the orderly presentation of pari-
1844 mutuel meets authorized in this chapter, the department ~~division~~
1845 may issue a temporary occupational license. The department
1846 ~~division~~ shall adopt rules to implement this subsection.
1847 However, no temporary occupational license shall be valid for
1848 more than 90 days, and no more than one temporary license may be
1849 issued for any person in any year.

1850 (7) The department ~~division~~ may deny, revoke, or suspend
1851 any occupational license if the applicant therefor or holder
1852 thereof accumulates unpaid obligations or defaults in
1853 obligations, or issues drafts or checks that are dishonored or
1854 for which payment is refused without reasonable cause, if such
1855 unpaid obligations, defaults, or dishonored or refused drafts or
1856 checks directly relate to the sport of jai alai or racing being

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1857 conducted at a pari-mutuel facility within this state.

1858 (8) The department ~~division~~ may fine, or suspend or revoke,
1859 or place conditions upon, the license of any licensee who under
1860 oath knowingly provides false information regarding an
1861 investigation by the department ~~division~~.

1862 (9) The tax imposed by this section is in lieu of all
1863 license, excise, or occupational taxes to the state or any
1864 county, municipality, or other political subdivision, except
1865 that, if a race meeting or game is held or conducted in a
1866 municipality, the municipality may assess and collect an
1867 additional tax against any person conducting live racing or
1868 games within its corporate limits, which tax may not exceed \$150
1869 per day for horseracing or \$50 per day for dogracing or jai
1870 alai. Except as provided in this chapter, a municipality may not
1871 assess or collect any additional excise or revenue tax against
1872 any person conducting race meetings within the corporate limits
1873 of the municipality or against any patron of any such person.

1874 (10) (a) Upon application for an occupational license, the
1875 department ~~division~~ may require the applicant's full legal name;
1876 any nickname, alias, or maiden name for the applicant; name of
1877 the applicant's spouse; the applicant's date of birth, residence
1878 address, mailing address, residence address and business phone
1879 number, and social security number; disclosure of any felony or
1880 any conviction involving bookmaking, illegal gambling, or
1881 cruelty to animals; disclosure of any past or present
1882 enforcement or actions by any racing or gaming agency against
1883 the applicant; and any information the department ~~division~~
1884 determines is necessary to establish the identity of the
1885 applicant or to establish that the applicant is of good moral

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1886 character. Fingerprints shall be taken in a manner approved by
1887 the department ~~division~~ and then shall be submitted to the
1888 Federal Bureau of Investigation, or to the association of state
1889 officials regulating pari-mutuel wagering pursuant to the
1890 Federal Pari-mutuel Licensing Simplification Act of 1988. The
1891 cost of processing fingerprints shall be borne by the applicant
1892 and paid to the association of state officials regulating pari-
1893 mutuel wagering from the trust fund to which the processing fees
1894 are deposited. The department ~~division~~, by rule, may require
1895 additional information from licensees which is reasonably
1896 necessary to regulate the industry. The department ~~division~~ may,
1897 by rule, exempt certain occupations or groups of persons from
1898 the fingerprinting requirements.

1899 (b) All fingerprints required by this section which ~~that~~
1900 are submitted to the Department of Law Enforcement shall be
1901 retained by the Department of Law Enforcement and entered into
1902 the statewide automated fingerprint identification system as
1903 authorized by s. 943.05(2)(b) and shall be available for all
1904 purposes and uses authorized for arrest fingerprint cards
1905 entered into the statewide automated fingerprint identification
1906 system pursuant to s. 943.051.

1907 (c) The Department of Law Enforcement shall search all
1908 arrest fingerprints received pursuant to s. 943.051 against the
1909 fingerprints retained in the statewide automated fingerprint
1910 identification system under paragraph (b). Any arrest record
1911 that is identified with the retained fingerprints of a person
1912 subject to the criminal history screening requirements of this
1913 section shall be reported to the department ~~division~~. Each
1914 licensee shall pay a fee to the department ~~division~~ for the cost

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1915 of retention of the fingerprints and the ongoing searches under
1916 this paragraph. The department ~~division~~ shall forward the
1917 payment to the Department of Law Enforcement. The amount of the
1918 fee to be imposed for performing these searches and the
1919 procedures for the retention of licensee fingerprints shall be
1920 as established by rule of the Department of Law Enforcement. The
1921 department ~~division~~ shall inform the Department of Law
1922 Enforcement of any change in the license status of licensees
1923 whose fingerprints are retained under paragraph (b).

1924 (d) The department ~~division~~ shall request the Department of
1925 Law Enforcement to forward the fingerprints to the Federal
1926 Bureau of Investigation for a national criminal history records
1927 check at least once every 5 years following issuance of a
1928 license. If the fingerprints of a person who is licensed have
1929 not been retained by the Department of Law Enforcement, the
1930 person must file a complete set of fingerprints as provided in
1931 paragraph (a). The department ~~division~~ shall collect the fees
1932 for the cost of the national criminal history records check
1933 under this paragraph and forward the payment to the Department
1934 of Law Enforcement. The cost of processing fingerprints and
1935 conducting a criminal history records check under this paragraph
1936 for a general occupational license shall be borne by the
1937 applicant. The cost of processing fingerprints and conducting a
1938 criminal history records check under this paragraph for a
1939 business or professional occupational license shall be borne by
1940 the person being checked. The Department of Law Enforcement may
1941 send an invoice to the department ~~division~~ for the fingerprints
1942 submitted each month. Under penalty of perjury, each person who
1943 is licensed or who is fingerprinted as required by this section

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1944 must agree to inform the department ~~division~~ within 48 hours if
1945 he or she is convicted of or has entered a plea of guilty or
1946 nolo contendere to any disqualifying offense, regardless of
1947 adjudication.

1948 Section 25. Subsection (1) of section 550.1155, Florida
1949 Statutes, is amended to read:

1950 550.1155 Authority of stewards, judges, panel of judges, or
1951 player's manager to impose penalties against occupational
1952 licensees; disposition of funds collected.—

1953 (1) The stewards at a horse racetrack; the judges at a dog
1954 track; or the judges, a panel of judges, or a player's manager
1955 at a jai alai fronton may impose a civil penalty against any
1956 occupational licensee for violation of the pari-mutuel laws or
1957 any rule adopted by the department ~~division~~. The penalty may not
1958 exceed \$1,000 for each count or separate offense or exceed 60
1959 days of suspension for each count or separate offense.

1960 Section 26. Subsections (2) and (3) of section 550.125,
1961 Florida Statutes, are amended to read:

1962 550.125 Uniform reporting system; bond requirement.—

1963 (2) (a) Each permitholder that conducts race meetings or jai
1964 alai exhibitions under this chapter shall keep records that
1965 clearly show the total number of admissions and the total amount
1966 of money contributed to each pari-mutuel pool on each race or
1967 exhibition separately and the amount of money received daily
1968 from admission fees and, within 120 days after the end of its
1969 fiscal year, shall submit to the division a complete annual
1970 report of its accounts, audited by a certified public accountant
1971 licensed to practice in the state.

1972 (b) The department ~~division~~ shall adopt rules specifying

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1973 the form and content of such reports, including, but not limited
1974 to, requirements for a statement of assets and liabilities,
1975 operating revenues and expenses, and net worth, which statement
1976 must be audited by a certified public accountant licensed to
1977 practice in this state, and any supporting informational
1978 schedule found necessary by the department ~~division~~ to verify
1979 the foregoing financial statement, which informational schedule
1980 must be attested to under oath by the permitholder or an officer
1981 of record, to permit the division to:

1982 1. Assess the profitability and financial soundness of
1983 permitholders, both individually and as an industry;

1984 2. Plan and recommend measures necessary to preserve and
1985 protect the pari-mutuel revenues of the state; and

1986 3. Completely identify the holdings, transactions, and
1987 investments of permitholders with other business entities.

1988 (c) The Auditor General and the Office of Program Policy
1989 Analysis and Government Accountability may, pursuant to their
1990 own authority or at the direction of the Legislative Auditing
1991 Committee, audit, examine, and check the books and records of
1992 any permitholder. These audit reports shall become part of, and
1993 be maintained in, the division files.

1994 (d) The department ~~division~~ shall annually review the books
1995 and records of each permitholder and verify that the breaks and
1996 unclaimed ticket payments made by each permitholder are true and
1997 correct.

1998 (3) (a) Each permitholder to which a license is granted
1999 under this chapter, at its own cost and expense, must, before
2000 the license is delivered, give a bond in the penal sum of
2001 \$50,000 payable to the Governor of the state and her or his

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2002 successors in office, with a surety or sureties to be approved
2003 by the department ~~division~~ and the Chief Financial Officer,
2004 conditioned to faithfully make the payments to the Chief
2005 Financial Officer in her or his capacity as treasurer of the
2006 department ~~division~~; to keep its books and records and make
2007 reports as provided; and to conduct its racing in conformity
2008 with this chapter. When the greatest amount of tax owed during
2009 any month in the prior state fiscal year, in which a full
2010 schedule of live racing was conducted, is less than \$50,000, the
2011 department ~~division~~ may assess a bond in a sum less than
2012 \$50,000. The department ~~division~~ may review the bond for
2013 adequacy and require adjustments each fiscal year. The division
2014 may ~~has the authority to~~ adopt rules to implement this paragraph
2015 and establish guidelines for such bonds.

2016 (b) The provisions of this chapter concerning bonding do
2017 not apply to nonwagering licenses issued pursuant to s. 550.505.

2018 Section 27. Subsections (1) and (3) of section 550.135,
2019 Florida Statutes, are amended to read:

2020 550.135 Division of moneys derived under this law.—All
2021 moneys that are deposited with the Chief Financial Officer to
2022 the credit of the Pari-mutuel Wagering Trust Fund shall be
2023 distributed as follows:

2024 (1) The daily license fee revenues collected pursuant to s.
2025 550.0951(1) shall be used to fund the operating cost of the
2026 department ~~division and to provide a proportionate share of the~~
2027 ~~operation of the office of the secretary and the Division of~~
2028 ~~Administration of the Department of Business and Professional~~
2029 ~~Regulation; however, other collections in the Pari-mutuel~~
2030 ~~Wagering Trust Fund may also be used to fund the operation of~~

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2031 ~~the division in accordance with authorized appropriations.~~

2032 (3) The slot machine license fee, the slot machine
2033 occupational license fee, and the compulsive or addictive
2034 gambling prevention program fee collected pursuant to ss.
2035 551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the
2036 direct and indirect operating expenses of the department's
2037 ~~division's~~ slot machine regulation operations and to provide
2038 funding for relevant enforcement activities in accordance with
2039 authorized appropriations. Funds deposited into the Pari-mutuel
2040 Wagering Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1.,
2041 and 551.118 shall be reserved in the trust fund for slot machine
2042 regulation operations. On June 30, any unappropriated funds in
2043 excess of those necessary for incurred obligations and
2044 subsequent year cash flow for slot machine regulation operations
2045 shall be deposited with the Chief Financial Officer to the
2046 credit of the General Revenue Fund.

2047 Section 28. Subsection (1) of section 550.155, Florida
2048 Statutes, is amended to read:

2049 550.155 Pari-mutuel pool within track enclosure; takeouts;
2050 breaks; penalty for purchasing part of a pari-mutuel pool for or
2051 through another in specified circumstances.—

2052 (1) Wagering on the results of a horserace, dograce, or on
2053 the scores or points of a jai alai game and the sale of tickets
2054 or other evidences showing an interest in or a contribution to a
2055 pari-mutuel pool are allowed within the enclosure of any pari-
2056 mutuel facility licensed and conducted under this chapter but
2057 are not allowed elsewhere in this state, must be supervised by
2058 the department ~~division~~, and are subject to such reasonable
2059 rules that the department ~~division~~ prescribes.

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2060 Section 29. Subsection (2) and paragraph (a) of subsection
2061 (3) of section 550.1648, Florida Statutes, are amended to read:
2062 550.1648 Greyhound adoptions.—

2063 (2) In addition to the charity days authorized under s.
2064 550.0351, a greyhound permitholder may fund the greyhound
2065 adoption program by holding a charity racing day designated as
2066 "Greyhound Adopt-A-Pet Day." All profits derived from the
2067 operation of the charity day must be placed into a fund used to
2068 support activities at the racing facility which promote the
2069 adoption of greyhounds. The department ~~division~~ may adopt rules
2070 for administering the fund. Proceeds from the charity day
2071 authorized in this subsection may not be used as a source of
2072 funds for the purposes set forth in s. 550.1647.

2073 (3) (a) Upon a violation of this section by a permitholder
2074 or licensee, the department ~~division~~ may impose a penalty as
2075 provided in s. 550.0251(10) and require the permitholder to take
2076 corrective action.

2077 Section 30. Section 550.175, Florida Statutes, is amended
2078 to read:

2079 550.175 Petition for election to revoke permit.—Upon
2080 petition of 20 percent of the qualified electors of any county
2081 wherein any racing has been licensed and conducted under this
2082 chapter, the county commissioners of such county shall provide
2083 for the submission to the electors of such county at the then
2084 next succeeding general election the question of whether any
2085 permit or permits theretofore granted shall be continued or
2086 revoked, and if a majority of the electors voting on such
2087 question in such election vote to cancel or recall the permit
2088 theretofore given, the department ~~division~~ may not thereafter

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2089 grant any license on the permit so recalled. Every signature
2090 upon every recall petition must be signed in the presence of the
2091 clerk of the board of county commissioners at the office of the
2092 clerk of the circuit court of the county, and the petitioner
2093 must present at the time of such signing her or his registration
2094 receipt showing the petitioner's qualification as an elector of
2095 the county at the time of the signing of the petition. Not more
2096 than one permit may be included in any one petition; and, in all
2097 elections in which the recall of more than one permit is voted
2098 on, the voters shall be given an opportunity to vote for or
2099 against the recall of each permit separately. ~~Nothing in This~~
2100 chapter does not ~~shall be construed to~~ prevent the holding of
2101 later referendum or recall elections.

2102 Section 31. Section 550.1815, Florida Statutes, is amended
2103 to read:

2104 550.1815 Certain persons prohibited from holding racing or
2105 jai alai permits; suspension and revocation.—

2106 (1) A corporation, general or limited partnership, sole
2107 proprietorship, business trust, joint venture, or unincorporated
2108 association, or other business entity may not hold any
2109 horseracing or dogracing permit or jai alai fronton permit in
2110 this state if any one of the persons or entities specified in
2111 paragraph (a) has been determined by the department ~~division~~ not
2112 to be of good moral character or has been convicted of any
2113 offense specified in paragraph (b).

- 2114 (a)1. The permitholder;
2115 2. An employee of the permitholder;
2116 3. The sole proprietor of the permitholder;
2117 4. A corporate officer or director of the permitholder;

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- 2118 5. A general partner of the permitholder;
2119 6. A trustee of the permitholder;
2120 7. A member of an unincorporated association permitholder;
2121 8. A joint venturer of the permitholder;
2122 9. The owner of more than 5 percent of any equity interest
2123 in the permitholder, whether as a common shareholder, general or
2124 limited partner, voting trustee, or trust beneficiary; or
2125 10. An owner of any interest in the permit or permitholder,
2126 including any immediate family member of the owner, or holder of
2127 any debt, mortgage, contract, or concession from the
2128 permitholder, who by virtue thereof is able to control the
2129 business of the permitholder.
- 2130 (b)1. A felony in this state;
2131 2. Any felony in any other state which would be a felony if
2132 committed in this state under the laws of this state;
2133 3. Any felony under the laws of the United States;
2134 4. A felony under the laws of another state if related to
2135 gambling which would be a felony under the laws of this state if
2136 committed in this state; or
2137 5. Bookmaking as defined in s. 849.25.
- 2138 (2) (a) If the applicant for permit as specified under
2139 subsection (1) or a permitholder as specified in paragraph
2140 (1) (a) has received a full pardon or a restoration of civil
2141 rights with respect to the conviction specified in paragraph
2142 (1) (b), the conviction does not constitute an absolute bar to
2143 the issuance or renewal of a permit or a ground for the
2144 revocation or suspension of a permit.
- 2145 (b) A corporation that has been convicted of a felony is
2146 entitled to apply for and receive a restoration of its civil

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2147 rights in the same manner and on the same grounds as an
2148 individual.

2149 (3) After notice and hearing, the department ~~division~~ shall
2150 refuse to issue or renew or shall suspend, as appropriate, any
2151 permit found in violation of subsection (1). The order shall
2152 become effective 120 days after service of the order upon the
2153 permitholder and shall be amended to constitute a final order of
2154 revocation unless the permitholder has, within that period of
2155 time, either caused the divestiture, or agreed with the
2156 convicted person upon a complete immediate divestiture, of her
2157 or his holding, or has petitioned the circuit court as provided
2158 in subsection (4) or, in the case of corporate officers or
2159 directors of the holder or employees of the holder, has
2160 terminated the relationship between the permitholder and those
2161 persons mentioned. The department ~~division~~ may, by order, extend
2162 the 120-day period for divestiture, upon good cause shown, to
2163 avoid interruption of any jai alai or race meeting or to
2164 otherwise effectuate this section. If no action has been taken
2165 by the permitholder within the 120-day period following the
2166 issuance of the order of suspension, the department ~~division~~
2167 shall, without further notice or hearing, enter a final order of
2168 revocation of the permit. When any permitholder or sole
2169 proprietor of a permitholder is convicted of an offense
2170 specified in paragraph (1)(b), the department may approve a
2171 transfer of the permit to a qualified applicant, upon a finding
2172 that revocation of the permit would impair the state's revenue
2173 from the operation of the permit or otherwise be detrimental to
2174 the interests of the state in the regulation of the industry of
2175 pari-mutuel wagering. In such approval, no public referendum is

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2176 required, notwithstanding any other provision of law. A petition
2177 for transfer after conviction must be filed with the department
2178 within 30 days after service upon the permitholder of the final
2179 order of revocation. The timely filing of such a petition
2180 automatically stays any revocation order until further order of
2181 the department.

2182 (4) The circuit courts have jurisdiction to decide a
2183 petition brought by a holder of a pari-mutuel permit that shows
2184 that its permit is in jeopardy of suspension or revocation under
2185 subsection (3) and that it is unable to agree upon the terms of
2186 divestiture of interest with the person specified in
2187 subparagraphs (1)(a)3.-9. who has been convicted of an offense
2188 specified in paragraph (1)(b). The court shall determine the
2189 reasonable value of the interest of the convicted person and
2190 order a divestiture upon such terms and conditions as it finds
2191 just. In determining the value of the interest of the convicted
2192 person, the court may consider, among other matters, the value
2193 of the assets of the permitholder, its good will and value as a
2194 going concern, recent and expected future earnings, and other
2195 criteria usual and customary in the sale of like enterprises.

2196 (5) The department ~~division~~ shall adopt ~~make~~ such rules for
2197 the photographing, fingerprinting, and obtaining of personal
2198 data of individuals described in paragraph (1)(a) and the
2199 obtaining of such data regarding the business entities described
2200 in paragraph (1)(a) as ~~is~~ necessary to effectuate the provisions
2201 of this section.

2202 Section 32. Subsection (2), paragraph (c) of subsection
2203 (3), and subsections (4) and (6) of section 550.24055, Florida
2204 Statutes, are amended to read:

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2205 550.24055 Use of controlled substances or alcohol
2206 prohibited; testing of certain occupational licensees; penalty;
2207 evidence of test or action taken and admissibility for criminal
2208 prosecution limited.-

2209 (2) The occupational licensees, by applying for and holding
2210 such licenses, are deemed to have given their consents to submit
2211 to an approved chemical test of their breath for the purpose of
2212 determining the alcoholic content of their blood and to a urine
2213 or blood test for the purpose of detecting the presence of
2214 controlled substances. Such tests shall ~~only~~ be conducted only
2215 upon reasonable cause that a violation has occurred as shall be
2216 determined solely by the stewards at a horseracing meeting or
2217 the judges or board of judges at a dogtrack or jai alai meet.
2218 The failure to submit to such test may result in a suspension of
2219 the person's occupational license for a period of 10 days or
2220 until this section has been complied with, whichever is longer.

2221 (a) If there was at the time of the test 0.05 percent or
2222 less by weight of alcohol in the person's blood, the person is
2223 presumed not to have been under the influence of alcoholic
2224 beverages to the extent that the person's normal faculties were
2225 impaired, and no action of any sort may be taken by the
2226 stewards, judges, or board of judges or the department ~~division~~.

2227 (b) If there was at the time of the test an excess of 0.05
2228 percent but less than 0.08 percent by weight of alcohol in the
2229 person's blood, that fact does not give rise to any presumption
2230 that the person was or was not under the influence of alcoholic
2231 beverages to the extent that the person's faculties were
2232 impaired, but the stewards, judges, or board of judges may
2233 consider that fact in determining whether or not the person will

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2234 be allowed to officiate or participate in any given race or jai
2235 alai game.

2236 (c) If there was at the time of the test 0.08 percent or
2237 more by weight of alcohol in the person's blood, that fact is
2238 prima facie evidence that the person was under the influence of
2239 alcoholic beverages to the extent that the person's normal
2240 faculties were impaired, and the stewards or judges may take
2241 action as set forth in this section, but the person may not
2242 officiate at or participate in any race or jai alai game on the
2243 day of such test.

2244
2245 All tests relating to alcohol must be performed in a manner
2246 substantially similar, or identical, to the provisions of s.
2247 316.1934 and rules adopted pursuant to that section. Following a
2248 test of the urine or blood to determine the presence of a
2249 controlled substance as defined in chapter 893, if a controlled
2250 substance is found to exist, the stewards, judges, or board of
2251 judges may take such action as is permitted in this section.

2252 (3) A violation of subsection (2) is subject to the
2253 following penalties:

2254 (c) If the second violation occurred within 1 year after
2255 the first violation, then upon the finding of a third violation
2256 of this section within 1 year after the second violation, the
2257 stewards, judges, or board of judges may suspend the licensee
2258 for up to 120 days; and the stewards, judges, or board of judges
2259 shall forward the results of the tests under paragraphs (a) and
2260 (b) and this violation to the department ~~division~~. In addition
2261 to the action taken by the stewards, judges, or board of judges,
2262 the department ~~division~~, after a hearing, may deny, suspend, or

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2263 revoke the occupational license of the licensee and may impose a
2264 civil penalty of up to \$5,000 in addition to, or in lieu of, a
2265 suspension or revocation, it being the intent of the Legislature
2266 that the department ~~division~~ shall have no authority over the
2267 enforcement of this section until a licensee has committed the
2268 third violation within 2 years after the first violation.

2269 (4) Section 120.80(18) applies ~~The provisions of s.~~
2270 ~~120.80(4)(a) apply~~ to all actions taken by the stewards, judges,
2271 or board of judges pursuant to this section without regard to
2272 the limitation contained therein.

2273 (6) Evidence of any test or actions taken by the stewards,
2274 judges, or board of judges or the department ~~division~~ under this
2275 section is inadmissible for any purpose in any court for
2276 criminal prosecution, it being the intent of the Legislature to
2277 provide a method and means by which the health, safety, and
2278 welfare of those officiating at or participating in a race meet
2279 or a jai alai game are sufficiently protected. However, this
2280 subsection does not prohibit any person so authorized from
2281 pursuing an independent investigation as a result of a ruling
2282 made by the stewards, judges, or board of judges, or the
2283 department ~~division~~.

2284 Section 33. Section 550.2415, Florida Statutes, is amended
2285 to read:

2286 550.2415 Racing of animals under certain conditions
2287 prohibited; penalties; exceptions.—

2288 (1) (a) The racing of an animal with any drug, medication,
2289 stimulant, depressant, hypnotic, narcotic, local anesthetic, or
2290 drug-masking agent is prohibited. It is a violation of this
2291 section for a person to administer or cause to be administered

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2292 any drug, medication, stimulant, depressant, hypnotic, narcotic,
2293 local anesthetic, or drug-masking agent to an animal which will
2294 result in a positive test for such substance based on samples
2295 taken from the animal immediately prior to or immediately after
2296 the racing of that animal. Test results and the identities of
2297 the animals being tested and of their trainers and owners of
2298 record are confidential and exempt from s. 119.07(1) and from s.
2299 24(a), Art. I of the State Constitution for 10 days after
2300 testing of all samples collected on a particular day has been
2301 completed and any positive test results derived from such
2302 samples have been reported to the director of the department
2303 ~~division~~ or administrative action has been commenced.

2304 (b) It is a violation of this section for a race-day
2305 specimen to contain a level of a naturally occurring substance
2306 that ~~which~~ exceeds normal physiological concentrations. The
2307 department ~~division~~ may adopt rules that specify normal
2308 physiological concentrations of naturally occurring substances
2309 in the natural untreated animal and rules that specify
2310 acceptable levels of environmental contaminants and trace levels
2311 of substances in test samples.

2312 (c) The finding of a prohibited substance in a race-day
2313 specimen constitutes prima facie evidence that the substance was
2314 administered and was carried in the body of the animal while
2315 participating in the race.

2316 (2) Administrative action may be taken by the department
2317 ~~division~~ against an occupational licensee responsible pursuant
2318 to rule of the department ~~division~~ for the condition of an
2319 animal that has been impermissibly medicated or drugged in
2320 violation of this section.

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2321 (3) (a) Upon the finding of a violation of this section, the
2322 department ~~division~~ may revoke or suspend the license or permit
2323 of the violator or deny a license or permit to the violator;
2324 impose a fine against the violator in an amount not exceeding
2325 \$5,000; require the full or partial return of the purse,
2326 sweepstakes, and trophy of the race at issue; or impose against
2327 the violator any combination of such penalties. The finding of a
2328 violation of this section in no way prohibits a prosecution for
2329 criminal acts committed.

2330 (b) The department ~~division~~, notwithstanding ~~the provisions~~
2331 ~~of~~ chapter 120, may summarily suspend the license of an
2332 occupational licensee responsible under this section or
2333 department ~~division~~ rule for the condition of a race animal if
2334 the department's ~~division~~ laboratory reports the presence of an
2335 impermissible substance in the animal or its blood, urine,
2336 saliva, or any other bodily fluid, either before a race in which
2337 the animal is entered or after a race the animal has run.

2338 (c) If an occupational licensee is summarily suspended
2339 under this section, the department ~~division~~ shall offer the
2340 licensee a prompt postsuspension hearing within 72 hours, at
2341 which the department ~~division~~ shall produce the laboratory
2342 report and documentation that ~~which~~, on its face, establishes
2343 the responsibility of the occupational licensee. Upon production
2344 of the documentation, the occupational licensee has the burden
2345 of proving his or her lack of responsibility.

2346 (d) Any proceeding for administrative action against a
2347 licensee or permittee, other than a proceeding under paragraph
2348 (c), shall be conducted in compliance with chapter 120.

2349 (4) A prosecution pursuant to this section for a violation

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2350 of this section must be commenced within 2 years after the
2351 violation was committed. Service of an administrative complaint
2352 marks the commencement of administrative action.

2353 (5) The department ~~division~~ shall implement a split-sample
2354 procedure for testing animals under this section.

2355 (a) Upon finding a positive drug test result, the
2356 department shall notify the owner or trainer of the results. The
2357 owner may request that each urine and blood sample be split into
2358 a primary sample and a secondary (split) sample. Such splitting
2359 must be accomplished in the laboratory under rules approved by
2360 the department ~~division~~. Custody of both samples must remain
2361 with the department ~~division~~. However, upon request by the
2362 affected trainer or owner of the animal from which the sample
2363 was obtained, the department ~~division~~ shall send the split
2364 sample to an approved independent laboratory for analysis. The
2365 department ~~division~~ shall establish standards and rules for
2366 uniform enforcement and shall maintain a list of at least five
2367 approved independent laboratories for an owner or trainer to
2368 select from in the event of a positive test sample.

2369 (b) If the state laboratory's findings are not confirmed by
2370 the independent laboratory, no further administrative or
2371 disciplinary action under this section may be pursued. The
2372 department ~~division~~ may adopt rules identifying substances that
2373 diminish in a blood or urine sample due to passage of time and
2374 that must be taken into account in applying this section.

2375 (c) If the independent laboratory confirms the state
2376 laboratory's positive result, or if there is an insufficient
2377 quantity of the secondary (split) sample for confirmation of the
2378 state laboratory's positive result, the department ~~division~~ may

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2379 commence administrative proceedings as prescribed in this
2380 chapter and consistent with chapter 120. For purposes of this
2381 subsection, the department shall in good faith attempt to obtain
2382 a sufficient quantity of the test fluid to allow both a primary
2383 test and a secondary test to be made.

2384 (6) (a) It is the intent of the Legislature that animals
2385 that participate in races in this state on which pari-mutuel
2386 wagering is conducted and animals that are bred and trained in
2387 this state for racing be treated humanely, both on and off
2388 racetracks, throughout the lives of the animals.

2389 (b) The department ~~division~~ shall, by rule, adopt ~~establish~~
2390 the procedures for euthanizing greyhounds. However, a greyhound
2391 may not be put to death by any means other than by lethal
2392 injection of the drug sodium pentobarbital. A greyhound may not
2393 be removed from this state for the purpose of being destroyed.

2394 (c) It is a violation of this chapter for an occupational
2395 licensee to train a greyhound using live or dead animals. A
2396 greyhound may not be taken from this state for the purpose of
2397 being trained through the use of live or dead animals.

2398 (d) Any act committed by any licensee that would constitute
2399 cruelty to animals as defined in s. 828.02 involving any animal
2400 constitutes a violation of this chapter. Imposition of any
2401 penalty by the department ~~division~~ for violation of this chapter
2402 or any rule adopted by the department ~~division~~ pursuant to this
2403 chapter does ~~shall~~ not prohibit a criminal prosecution for
2404 cruelty to animals.

2405 (e) The department ~~division~~ may inspect any area at a pari-
2406 mutuel facility where racing animals are raced, trained, housed,
2407 or maintained, including any areas where food, medications, or

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2408 other supplies are kept, to ensure the humane treatment of
2409 racing animals and compliance with this chapter and the rules of
2410 the department ~~division~~.

2411 (7) Under no circumstances may any medication be
2412 administered closer than 24 hours prior to the officially
2413 scheduled post time of a race except as provided for in this
2414 section.

2415 (a) The department ~~division~~ shall adopt rules setting
2416 conditions for the use of furosemide to treat exercise-induced
2417 pulmonary hemorrhage.

2418 (b) The department ~~division~~ shall adopt rules setting
2419 conditions for the use of prednisolone sodium succinate, but
2420 under no circumstances may furosemide or prednisolone sodium
2421 succinate be administered closer than 4 hours prior to the
2422 officially scheduled post time for the race.

2423 (c) The department ~~division~~ shall adopt rules setting
2424 conditions for the use of phenylbutazone and synthetic
2425 corticosteroids; in no case, except as provided in paragraph
2426 (b), shall these substances be given closer than 24 hours prior
2427 to the officially scheduled post time of a race. Oral
2428 corticosteroids are prohibited except when prescribed by a
2429 licensed veterinarian and reported to the department ~~division~~ on
2430 forms prescribed by the department ~~division~~.

2431 (d) ~~Nothing in~~ This section does not ~~shall be interpreted~~
2432 ~~to~~ prohibit the use of vitamins, minerals, or naturally
2433 occurring substances so long as they do not exceed ~~none exceeds~~
2434 the normal physiological concentration in a race-day specimen.

2435 (e) The department ~~division~~ may, by rule, establish
2436 acceptable levels of permitted medications and shall select the

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2437 appropriate biological specimens by which the administration of
2438 permitted medication is monitored.

2439 (8) (a) Under no circumstances may any medication be
2440 administered within 24 hours before the officially scheduled
2441 post time of the race except as provided in this section.

2442 (b) As an exception to this section, if the department
2443 ~~division~~ first determines that the use of furosemide,
2444 phenylbutazone, or prednisolone sodium succinate in horses is in
2445 the best interest of racing, the department ~~division~~ may adopt
2446 rules allowing such use. Any rules allowing the use of
2447 furosemide, phenylbutazone, or prednisolone sodium succinate in
2448 racing must set the conditions for such use. Under no
2449 circumstances may a rule be adopted which allows the
2450 administration of furosemide or prednisolone sodium succinate
2451 within 4 hours before the officially scheduled post time for the
2452 race. Under no circumstances may a rule be adopted which allows
2453 the administration of phenylbutazone or any other synthetic
2454 corticosteroid within 24 hours before the officially scheduled
2455 post time for the race. Any administration of synthetic
2456 corticosteroids is limited to parenteral routes. Oral
2457 administration of synthetic corticosteroids is expressly
2458 prohibited. If this paragraph is unconstitutional, it is
2459 severable from the remainder of this section.

2460 (c) The department ~~division~~ shall, by rule, establish
2461 acceptable levels of permitted medications and shall select the
2462 appropriate biological specimen by which the administration of
2463 permitted medications is monitored.

2464 (9) (a) The department ~~division~~ may conduct a postmortem
2465 examination of any animal that is injured at a permitted

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2466 racetrack while in training or in competition and that
2467 subsequently expires or is destroyed. The department ~~division~~
2468 may conduct a postmortem examination of any animal that expires
2469 while housed at a permitted racetrack, association compound, or
2470 licensed kennel or farm. Trainers and owners shall be requested
2471 to comply with this paragraph as a condition of licensure.

2472 (b) The department ~~division~~ may take possession of the
2473 animal upon death for postmortem examination. The department
2474 ~~division~~ may submit blood, urine, other bodily fluid specimens,
2475 or other tissue specimens collected during a postmortem
2476 examination for testing by the department ~~division~~ laboratory or
2477 its designee. Upon completion of the postmortem examination, the
2478 carcass must be returned to the owner or disposed of at the
2479 owner's option.

2480 (10) The presence of a prohibited substance in an animal,
2481 found by the department's ~~division~~ laboratory in a bodily fluid
2482 specimen collected during the postmortem examination of the
2483 animal, which breaks down during a race constitutes a violation
2484 of this section.

2485 (11) The cost of postmortem examinations, testing, and
2486 disposal must be borne by the department ~~division~~.

2487 (12) The department ~~division~~ shall adopt rules to implement
2488 this section. The rules may include a classification system for
2489 prohibited substances and a corresponding penalty schedule for
2490 violations.

2491 (13) Except as specifically modified by statute or by rules
2492 of the department ~~division~~, the Uniform Classification
2493 Guidelines for Foreign Substances, revised February 14, 1995, as
2494 promulgated by the Association of Racing Commissioners

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2495 International, Inc., is hereby adopted by reference as the
2496 uniform classification system for class IV and V medications.

2497 (14) The department ~~division~~ shall utilize only the thin
2498 layer chromatography (TLC) screening process to test for the
2499 presence of class IV and V medications in samples taken from
2500 racehorses except when thresholds of a class IV or class V
2501 medication have been established and are enforced by rule. Once
2502 a sample has been identified as suspicious for a class IV or
2503 class V medication by the TLC screening process, the sample will
2504 be sent for confirmation by and through additional testing
2505 methods. All other medications not classified by rule as a class
2506 IV or class V agent are ~~shall be~~ subject to all forms of testing
2507 available to the department ~~division~~.

2508 (15) The department ~~division~~ may implement by rule
2509 medication levels recommended by the University of Florida
2510 College of Veterinary Medicine developed pursuant to an
2511 agreement between the department ~~Division of Pari-mutuel~~
2512 ~~Wagering~~ and the University of Florida College of Veterinary
2513 Medicine. The University of Florida College of Veterinary
2514 Medicine may provide written notification to the department
2515 ~~division~~ that it has completed research or review on a
2516 particular drug pursuant to the agreement and when the College
2517 of Veterinary Medicine has completed a final report of its
2518 findings, conclusions, and recommendations to the department
2519 ~~division~~.

2520 (16) The testing medium for phenylbutazone in horses shall
2521 be serum, and the department ~~division~~ may collect up to six full
2522 15-milliliter blood tubes for each horse being sampled.

2523 Section 34. Section 550.2614, Florida Statutes, is amended

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2524 to read:

2525 550.2614 Distribution of certain funds to a horsemen's
2526 association.-

2527 (1) Each licensee that holds a permit for thoroughbred
2528 horse racing in this state shall deduct from the purses required
2529 by s. 550.2625, an amount of money equal to 1 percent of the
2530 total purse pool and shall pay that amount to a horsemen's
2531 association representing the majority of the thoroughbred
2532 racehorse owners and trainers for its use in accordance with the
2533 stated goals of its articles of association filed with the
2534 Department of State.

2535 (2) The funds are payable to the horsemen's association
2536 only upon presentation of a sworn statement by the officers of
2537 the association that the horsemen's association represents a
2538 majority of the owners and trainers of thoroughbred horses
2539 stabled in the state.

2540 (3) Upon receiving a state license, each thoroughbred owner
2541 and trainer shall receive automatic membership in the horsemen's
2542 association as defined in subsection (1) and be counted on the
2543 membership rolls of that association, unless, within 30 calendar
2544 days after receipt of license from the state, the individual
2545 declines membership in writing, to the association as defined in
2546 subsection (1).

2547 (4) The department ~~division~~ shall adopt rules to facilitate
2548 the orderly transfer of funds in accordance with this section.
2549 The department ~~division~~ shall also monitor the membership rolls
2550 of the horsemen's association to ensure that complete, accurate,
2551 and timely listings are maintained for the purposes specified in
2552 this section.

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2553 Section 35. Subsection (3) of section 550.26165, Florida
2554 Statutes, is amended to read:

2555 550.26165 Breeders' awards.—

2556 (3) Breeders' associations shall submit their plans to the
2557 department ~~division~~ at least 60 days before the beginning of the
2558 payment year. The payment year may be a calendar year or any 12-
2559 month period, but once established, the yearly base may not be
2560 changed except for compelling reasons. Once a plan is approved,
2561 the department ~~division~~ may not allow the plan to be amended
2562 during the year, except for the most compelling reasons.

2563 Section 36. Section 550.2625, Florida Statutes, is amended
2564 to read:

2565 550.2625 Horseracing; minimum purse requirement, Florida
2566 breeders' and owners' awards.—

2567 (1) The purse structure and the availability of breeder
2568 awards are important factors in attracting the entry of well-
2569 bred horses in racing meets in this state which in turn helps to
2570 produce maximum racing revenues for the state and the counties.

2571 (2) Each permitholder conducting a horserace meet is
2572 required to pay from the takeout withheld on pari-mutuel pools a
2573 sum for purses in accordance with the type of race performed.

2574 (a) A permitholder conducting a thoroughbred horse race
2575 meet under this chapter must pay from the takeout withheld a sum
2576 not less than 7.75 percent of all contributions to pari-mutuel
2577 pools conducted during the race meet as purses. In addition to
2578 the 7.75 percent minimum purse payment, permitholders conducting
2579 live thoroughbred performances shall be required to pay as
2580 additional purses .625 percent of live handle for performances
2581 conducted during the period beginning on January 3 and ending

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2582 March 16; .225 percent for performances conducted during the
2583 period beginning March 17 and ending May 22; and .85 percent for
2584 performances conducted during the period beginning May 23 and
2585 ending January 2. Except that any thoroughbred permitholder
2586 whose total handle on live performances during the 1991-1992
2587 state fiscal year was not greater than \$34 million is not
2588 subject to this additional purse payment. A permitholder
2589 authorized to conduct thoroughbred racing may withhold from the
2590 handle an additional amount equal to 1 percent on exotic
2591 wagering for use as owners' awards, and may withhold from the
2592 handle an amount equal to 2 percent on exotic wagering for use
2593 as overnight purses. A ~~No~~ permitholder may not withhold in
2594 excess of 20 percent from the handle without withholding the
2595 amounts set forth in this subsection.

2596 (b)1. A permitholder conducting a harness horse race meet
2597 under this chapter must pay to the purse pool from the takeout
2598 withheld a purse requirement that totals an amount not less than
2599 8.25 percent of all contributions to pari-mutuel pools conducted
2600 during the race meet. An amount not less than 7.75 percent of
2601 the total handle shall be paid from this purse pool as purses.

2602 2. An amount not to exceed 0.5 percent of the total handle
2603 on all harness horse races that are subject to the purse
2604 requirement of subparagraph 1., must be available for use to
2605 provide medical, dental, surgical, life, funeral, or disability
2606 insurance benefits for occupational licensees who work at tracks
2607 in this state at which harness horse races are conducted. Such
2608 insurance benefits must be paid from the purse pool specified in
2609 subparagraph 1. An annual plan for payment of insurance benefits
2610 from the purse pool, including qualifications for eligibility,

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2611 must be submitted by the Florida Standardbred Breeders and
2612 Owners Association for approval to the department ~~division~~. An
2613 annual report of the implemented plan shall be submitted to the
2614 department ~~division~~. All records of the Florida Standardbred
2615 Breeders and Owners Association concerning the administration of
2616 the plan must be available for audit at the discretion of the
2617 department ~~division~~ to determine that the plan has been
2618 implemented and administered as authorized. If the department
2619 ~~division~~ finds that the Florida Standardbred Breeders and Owners
2620 Association has not complied with the provisions of this
2621 section, the department ~~division~~ may order the association to
2622 cease and desist from administering the plan and shall appoint
2623 the department ~~division~~ as temporary administrator of the plan
2624 until the department ~~division~~ reestablishes administration of
2625 the plan with the association.

2626 (c) A permitholder conducting a quarter horse race meet
2627 under this chapter shall pay from the takeout withheld a sum not
2628 less than 6 percent of all contributions to pari-mutuel pools
2629 conducted during the race meet as purses.

2630 (d) The department ~~division~~ shall adopt reasonable rules to
2631 ensure the timely and accurate payment of all amounts withheld
2632 by horserace permitholders regarding the distribution of purses,
2633 owners' awards, and other amounts collected for payment to
2634 owners and breeders. Each permitholder that fails to pay out all
2635 moneys collected for payment to owners and breeders shall,
2636 within 10 days after the end of the meet during which the
2637 permitholder underpaid purses, deposit an amount equal to the
2638 underpayment into a separate interest-bearing account to be
2639 distributed to owners and breeders in accordance with department

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2640 ~~division~~ rules.

2641 (e) An amount equal to 8.5 percent of the purse account
2642 generated through intertrack wagering and interstate
2643 simulcasting will be used for Florida Owners' Awards as set
2644 forth in subsection (3). Any thoroughbred permitholder with an
2645 average blended takeout that ~~which~~ does not exceed 20 percent
2646 and with an average daily purse distribution excluding
2647 sponsorship, entry fees, and nominations exceeding \$225,000 is
2648 exempt from the provisions of this paragraph.

2649 (3) Each horseracing permitholder conducting any
2650 thoroughbred race under this chapter, including any intertrack
2651 race taken pursuant to ss. 550.615-550.6305 or any interstate
2652 simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal
2653 to 0.955 percent on all pari-mutuel pools conducted during any
2654 such race for the payment of breeders', stallion, or special
2655 racing awards as authorized in this chapter. This subsection
2656 also applies to all Breeder's Cup races conducted outside this
2657 state taken pursuant to s. 550.3551(3). On any race originating
2658 live in this state which is broadcast out-of-state to any
2659 location at which wagers are accepted pursuant to s.
2660 550.3551(2), the host track is required to pay 3.475 percent of
2661 the gross revenue derived from such out-of-state broadcasts as
2662 breeders', stallion, or special racing awards. The Florida
2663 Thoroughbred Breeders' Association is authorized to receive
2664 these payments from the permitholders and make payments of
2665 awards earned. The Florida Thoroughbred Breeders' Association
2666 has the right to withhold up to 10 percent of the permitholder's
2667 payments under this section as a fee for administering the
2668 payments of awards and for general promotion of the industry.

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2669 The permitholder shall remit these payments to the Florida
2670 Thoroughbred Breeders' Association by the 5th day of each
2671 calendar month for such sums accruing during the preceding
2672 calendar month and shall report such payments to the department
2673 ~~division~~ as prescribed by the department ~~division~~. With the
2674 exception of the 10-percent fee, the moneys paid by the
2675 permitholders shall be maintained in a separate, interest-
2676 bearing account, and such payments together with any interest
2677 earned shall be used exclusively for the payment of breeders',
2678 stallion, or special racing awards in accordance with the
2679 following provisions:

2680 (a) The breeder of each Florida-bred thoroughbred horse
2681 winning a thoroughbred horse race is entitled to an award of up
2682 to, but not exceeding, 20 percent of the announced gross purse,
2683 including nomination fees, eligibility fees, starting fees,
2684 supplementary fees, and moneys added by the sponsor of the race.

2685 (b) The owner or owners of the sire of a Florida-bred
2686 thoroughbred horse that wins a stakes race is entitled to a
2687 stallion award of up to, but not exceeding, 20 percent of the
2688 announced gross purse, including nomination fees, eligibility
2689 fees, starting fees, supplementary fees, and moneys added by the
2690 sponsor of the race.

2691 (c) The owners of thoroughbred horses participating in
2692 thoroughbred stakes races, nonstakes races, or both may receive
2693 a special racing award in accordance with the agreement
2694 established pursuant to s. 550.26165(1).

2695 (d) In order for a breeder of a Florida-bred thoroughbred
2696 horse to be eligible to receive a breeder's award, the horse
2697 must have been registered as a Florida-bred horse with the

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2698 Florida Thoroughbred Breeders' Association, and the Jockey Club
2699 certificate for the horse must show that it has been duly
2700 registered as a Florida-bred horse as evidenced by the seal and
2701 proper serial number of the Florida Thoroughbred Breeders'
2702 Association registry. The Florida Thoroughbred Breeders'
2703 Association shall be permitted to charge the registrant a
2704 reasonable fee for this verification and registration.

2705 (e) In order for an owner of the sire of a thoroughbred
2706 horse winning a stakes race to be eligible to receive a stallion
2707 award, the stallion must have been registered with the Florida
2708 Thoroughbred Breeders' Association, and the breeding of the
2709 registered Florida-bred horse must have occurred in this state.
2710 The stallion must be standing permanently in this state during
2711 the period of time between February 1 and June 15 of each year
2712 or, if the stallion is dead, must have stood permanently in this
2713 state for a period of not less than 1 year immediately prior to
2714 its death. The removal of a stallion from this state during the
2715 period of time between February 1 and June 15 of any year for
2716 any reason, other than exclusively for prescribed medical
2717 treatment, as approved by the Florida Thoroughbred Breeders'
2718 Association, renders the owner or owners of the stallion
2719 ineligible to receive a stallion award under any circumstances
2720 for offspring sired prior to removal; however, if a removed
2721 stallion is returned to this state, all offspring sired
2722 subsequent to the return make the owner or owners of the
2723 stallion eligible for the stallion award but only for those
2724 offspring sired subsequent to such return to this state. The
2725 Florida Thoroughbred Breeders' Association shall maintain
2726 complete records showing the date the stallion arrived in this

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2727 state for the first time, whether or not the stallion remained
2728 in the state permanently, the location of the stallion, and
2729 whether the stallion is still standing in this state and
2730 complete records showing awards earned, received, and
2731 distributed. The association may charge the owner, owners, or
2732 breeder a reasonable fee for this service.

2733 (f) A permitholder conducting a thoroughbred horse race
2734 under the provisions of this chapter shall, within 30 days after
2735 the end of the race meet during which the race is conducted,
2736 certify to the Florida Thoroughbred Breeders' Association such
2737 information relating to the thoroughbred horses winning a stakes
2738 or other horserace at the meet as may be required to determine
2739 the eligibility for payment of breeders', stallion, and special
2740 racing awards.

2741 (g) The Florida Thoroughbred Breeders' Association shall
2742 maintain complete records showing the starters and winners in
2743 all races conducted at thoroughbred tracks in this state; shall
2744 maintain complete records showing awards earned, received, and
2745 distributed; and may charge the owner, owners, or breeder a
2746 reasonable fee for this service.

2747 (h) The Florida Thoroughbred Breeders' Association shall
2748 annually establish a uniform rate and procedure for the payment
2749 of breeders' and stallion awards and shall make breeders' and
2750 stallion award payments in strict compliance with the
2751 established uniform rate and procedure plan. The plan may set a
2752 cap on winnings and may limit, exclude, or defer payments to
2753 certain classes of races, such as the Florida stallion stakes
2754 races, in order to assure that there are adequate revenues to
2755 meet the proposed uniform rate. Such plan must include proposals

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2756 for the general promotion of the industry. Priority shall be
2757 placed upon imposing such restrictions in lieu of allowing the
2758 uniform rate to be less than 15 percent of the total purse
2759 payment. The uniform rate and procedure plan must be approved by
2760 the department ~~division~~ before implementation. In the absence of
2761 an approved plan and procedure, the authorized rate for
2762 breeders' and stallion awards is 15 percent of the announced
2763 gross purse for each race. Such purse must include nomination
2764 fees, eligibility fees, starting fees, supplementary fees, and
2765 moneys added by the sponsor of the race. If the funds in the
2766 account for payment of breeders' and stallion awards are not
2767 sufficient to meet all earned breeders' and stallion awards,
2768 those breeders and stallion owners not receiving payments have
2769 first call on any subsequent receipts in that or any subsequent
2770 year.

2771 (i) The Florida Thoroughbred Breeders' Association shall
2772 keep accurate records showing receipts and disbursements of such
2773 payments and shall annually file a full and complete report to
2774 the department ~~division~~ showing such receipts and disbursements
2775 and the sums withheld for administration. The department
2776 ~~division~~ may audit the records and accounts of the Florida
2777 Thoroughbred Breeders' Association to determine that payments
2778 have been made to eligible breeders and stallion owners in
2779 accordance with this section.

2780 (j) If the department ~~division~~ finds that the Florida
2781 Thoroughbred Breeders' Association has not complied with any
2782 provision of this section, the department ~~division~~ may order the
2783 association to cease and desist from receiving funds and
2784 administering funds received under this section. If the

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2785 department ~~division~~ enters such an order, the permitholder shall
2786 make the payments authorized in this section to the department
2787 ~~division~~ for deposit into the Pari-mutuel Wagering Trust Fund;
2788 and any funds in the Florida Thoroughbred Breeders' Association
2789 account shall be immediately paid to the department ~~Division of~~
2790 ~~Pari-mutuel Wagering~~ for deposit to the Pari-mutuel Wagering
2791 Trust Fund. The department ~~division~~ shall authorize payment from
2792 these funds to any breeder or stallion owner entitled to an
2793 award that has not been previously paid by the Florida
2794 Thoroughbred Breeders' Association in accordance with the
2795 applicable rate.

2796 (4) Each permitholder conducting a harness horse race under
2797 this chapter shall pay a sum equal to the breaks on all pari-
2798 mutuel pools conducted during that race for the payment of
2799 breeders' awards, stallion awards, and stallion stakes and for
2800 additional expenditures as authorized in this section. The
2801 Florida Standardbred Breeders and Owners Association is
2802 authorized to receive these payments from the permitholders and
2803 make payments as authorized in this subsection. The Florida
2804 Standardbred Breeders and Owners Association has the right to
2805 withhold up to 10 percent of the permitholder's payments under
2806 this section and under s. 550.2633 as a fee for administering
2807 these payments. The permitholder shall remit these payments to
2808 the Florida Standardbred Breeders and Owners Association by the
2809 5th day of each calendar month for such sums accruing during the
2810 preceding calendar month and shall report such payments to the
2811 department ~~division~~ as prescribed by the department ~~division~~.
2812 With the exception of the 10-percent fee for administering the
2813 payments and the use of the moneys authorized by paragraph (j),

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2814 the moneys paid by the permitholders shall be maintained in a
2815 separate, interest-bearing account; and such payments together
2816 with any interest earned shall be allocated for the payment of
2817 breeders' awards, stallion awards, stallion stakes, additional
2818 purses, and prizes for, and the general promotion of owning and
2819 breeding of, Florida-bred standardbred horses. Payment of
2820 breeders' awards and stallion awards shall be made in accordance
2821 with the following provisions:

2822 (a) The breeder of each Florida-bred standardbred horse
2823 winning a harness horse race is entitled to an award of up to,
2824 but not exceeding, 20 percent of the announced gross purse,
2825 including nomination fees, eligibility fees, starting fees,
2826 supplementary fees, and moneys added by the sponsor of the race.

2827 (b) The owner or owners of the sire of a Florida-bred
2828 standardbred horse that wins a stakes race is entitled to a
2829 stallion award of up to, but not exceeding, 20 percent of the
2830 announced gross purse, including nomination fees, eligibility
2831 fees, starting fees, supplementary fees, and moneys added by the
2832 sponsor of the race.

2833 (c) In order for a breeder of a Florida-bred standardbred
2834 horse to be eligible to receive a breeder's award, the horse
2835 winning the race must have been registered as a Florida-bred
2836 horse with the Florida Standardbred Breeders and Owners
2837 Association and a registration certificate under seal for the
2838 winning horse must show that the winner has been duly registered
2839 as a Florida-bred horse as evidenced by the seal and proper
2840 serial number of the United States Trotting Association
2841 registry. The Florida Standardbred Breeders and Owners
2842 Association shall be permitted to charge the registrant a

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2843 reasonable fee for this verification and registration.

2844 (d) In order for an owner of the sire of a standardbred
2845 horse winning a stakes race to be eligible to receive a stallion
2846 award, the stallion must have been registered with the Florida
2847 Standardbred Breeders and Owners Association, and the breeding
2848 of the registered Florida-bred horse must have occurred in this
2849 state. The stallion must be standing permanently in this state
2850 or, if the stallion is dead, must have stood permanently in this
2851 state for a period of not less than 1 year immediately prior to
2852 its death. The removal of a stallion from this state for any
2853 reason, other than exclusively for prescribed medical treatment,
2854 renders the owner or the owners of the stallion ineligible to
2855 receive a stallion award under any circumstances for offspring
2856 sired prior to removal; however, if a removed stallion is
2857 returned to this state, all offspring sired subsequent to the
2858 return make the owner or owners of the stallion eligible for the
2859 stallion award but only for those offspring sired subsequent to
2860 such return to this state. The Florida Standardbred Breeders and
2861 Owners Association shall maintain complete records showing the
2862 date the stallion arrived in this state for the first time,
2863 whether or not the stallion remained in the state permanently,
2864 the location of the stallion, and whether the stallion is still
2865 standing in this state and complete records showing awards
2866 earned, received, and distributed. The association may charge
2867 the owner, owners, or breeder a reasonable fee for this service.

2868 (e) A permitholder conducting a harness horse race under
2869 this chapter shall, within 30 days after the end of the race
2870 meet during which the race is conducted, certify to the Florida
2871 Standardbred Breeders and Owners Association such information

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2872 relating to the horse winning a stakes or other horserace at the
2873 meet as may be required to determine the eligibility for payment
2874 of breeders' awards and stallion awards.

2875 (f) The Florida Standardbred Breeders and Owners
2876 Association shall maintain complete records showing the starters
2877 and winners in all races conducted at harness horse racetracks
2878 in this state; shall maintain complete records showing awards
2879 earned, received, and distributed; and may charge the owner,
2880 owners, or breeder a reasonable fee for this service.

2881 (g) The Florida Standardbred Breeders and Owners
2882 Association shall annually establish a uniform rate and
2883 procedure for the payment of breeders' awards, stallion awards,
2884 stallion stakes, additional purses, and prizes for, and for the
2885 general promotion of owning and breeding of, Florida-bred
2886 standardbred horses and shall make award payments and
2887 allocations in strict compliance with the established uniform
2888 rate and procedure. The plan may set a cap on winnings, and may
2889 limit, exclude, or defer payments to certain classes of races,
2890 such as the Florida Breeders' stakes races, in order to assure
2891 that there are adequate revenues to meet the proposed uniform
2892 rate. Priority shall be placed on imposing such restrictions in
2893 lieu of allowing the uniform rate allocated to payment of
2894 breeder and stallion awards to be less than 10 percent of the
2895 total purse payment. The uniform rate and procedure must be
2896 approved by the department ~~division~~ before implementation. In
2897 the absence of an approved plan and procedure, the authorized
2898 rate for breeders' and stallion awards is 10 percent of the
2899 announced gross purse for each race. Such purse must include
2900 nomination fees, eligibility fees, starting fees, supplementary

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2901 fees, and moneys added by the sponsor of the race. If the funds
2902 in the account for payment of breeders' and stallion awards are
2903 not sufficient to meet all earned breeders' and stallion awards,
2904 those breeders and stallion owners not receiving payments have
2905 first call on any subsequent receipts in that or any subsequent
2906 year.

2907 (h) The Florida Standardbred Breeders and Owners
2908 Association shall keep accurate records showing receipts and
2909 disbursements of such payments and shall annually file a full
2910 and complete report to the department ~~division~~ showing such
2911 receipts and disbursements and the sums withheld for
2912 administration. The department ~~division~~ may audit the records
2913 and accounts of the Florida Standardbred Breeders and Owners
2914 Association to determine that payments have been made to
2915 eligible breeders, stallion owners, and owners of Florida-bred
2916 standardbred horses in accordance with this section.

2917 (i) If the department ~~division~~ finds that the Florida
2918 Standardbred Breeders and Owners Association has not complied
2919 with any provision of this section, the department ~~division~~ may
2920 order the association to cease and desist from receiving funds
2921 and administering funds received under this section and under s.
2922 550.2633. If the department ~~division~~ enters such an order, the
2923 permitholder shall make the payments authorized in this section
2924 and s. 550.2633 to the department ~~division~~ for deposit into the
2925 Pari-mutuel Wagering Trust Fund; and any funds in the Florida
2926 Standardbred Breeders and Owners Association account shall be
2927 immediately paid to the department ~~division~~ for deposit to the
2928 Pari-mutuel Wagering Trust Fund. The department ~~division~~ shall
2929 authorize payment from these funds to any breeder, stallion

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2930 owner, or owner of a Florida-bred standardbred horse entitled to
2931 an award that has not been previously paid by the Florida
2932 Standardbred Breeders and Owners Association in accordance with
2933 the applicable rate.

2934 (j) The board of directors of the Florida Standardbred
2935 Breeders and Owners Association may authorize the release of up
2936 to 25 percent of the funds available for breeders' awards,
2937 stallion awards, stallion stakes, additional purses, and prizes
2938 for, and for the general promotion of owning and breeding of,
2939 Florida-bred standardbred horses to be used for purses for, and
2940 promotion of, Florida-bred standardbred horses at race meetings
2941 at which there is no pari-mutuel wagering unless, and to the
2942 extent that, such release would render the funds available for
2943 such awards insufficient to pay the breeders' and stallion
2944 awards earned pursuant to the annual plan of the association.
2945 Any such funds so released and used for purses are not
2946 considered to be an "announced gross purse" as that term is used
2947 in paragraphs (a) and (b), and no breeders' or stallion awards,
2948 stallion stakes, or owner awards are required to be paid for
2949 standardbred horses winning races in meetings at which there is
2950 no pari-mutuel wagering. The amount of purses to be paid from
2951 funds so released and the meets eligible to receive such funds
2952 for purses must be approved by the board of directors of the
2953 Florida Standardbred Breeders and Owners Association.

2954 (5) (a) Except as provided in subsections (7) and (8), each
2955 permitholder conducting a quarter horse race meet under this
2956 chapter shall pay a sum equal to the breaks plus a sum equal to
2957 1 percent of all pari-mutuel pools conducted during that race
2958 for supplementing and augmenting purses and prizes and for the

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2959 general promotion of owning and breeding of racing quarter
2960 horses in this state as authorized in this section. The Florida
2961 Quarter Horse Breeders and Owners Association is authorized to
2962 receive these payments from the permitholders and make payments
2963 as authorized in this subsection. The Florida Quarter Horse
2964 Breeders and Owners Association, Inc., referred to in this
2965 chapter as the Florida Quarter Horse Breeders and Owners
2966 Association, has the right to withhold up to 10 percent of the
2967 permitholder's payments under this section and under s. 550.2633
2968 as a fee for administering these payments. The permitholder
2969 shall remit these payments to the Florida Quarter Horse Breeders
2970 and Owners Association by the 5th day of each calendar month for
2971 such sums accruing during the preceding calendar month and shall
2972 report such payments to the department ~~division~~ as prescribed by
2973 the department ~~division~~. With the exception of the 5-percent fee
2974 for administering the payments, the moneys paid by the
2975 permitholders shall be maintained in a separate, interest-
2976 bearing account.

2977 (b) The Florida Quarter Horse Breeders and Owners
2978 Association shall use these funds solely for supplementing and
2979 augmenting purses and prizes and for the general promotion of
2980 owning and breeding of racing quarter horses in this state and
2981 for general administration of the Florida Quarter Horse Breeders
2982 and Owners Association, Inc., in this state.

2983 (c) In order for an owner or breeder of a Florida-bred
2984 quarter horse to be eligible to receive an award, the horse
2985 winning a race must have been registered as a Florida-bred horse
2986 with the Florida Quarter Horse Breeders and Owners Association
2987 and a registration certificate under seal for the winning horse

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2988 must show that the winning horse has been duly registered prior
2989 to the race as a Florida-bred horse as evidenced by the seal and
2990 proper serial number of the Florida Quarter Horse Breeders and
2991 Owners Association registry. The Department of Agriculture and
2992 Consumer Services is authorized to assist the association in
2993 maintaining this registry. The Florida Quarter Horse Breeders
2994 and Owners Association may charge the registrant a reasonable
2995 fee for this verification and registration. Any person who
2996 registers unqualified horses or misrepresents information in any
2997 way shall be denied any future participation in breeders'
2998 awards, and all horses misrepresented will no longer be deemed
2999 to be Florida-bred.

3000 (d) A permitholder conducting a quarter horse race under a
3001 quarter horse permit under this chapter shall, within 30 days
3002 after the end of the race meet during which the race is
3003 conducted, certify to the Florida Quarter Horse Breeders and
3004 Owners Association such information relating to the horse
3005 winning a stakes or other horserace at the meet as may be
3006 required to determine the eligibility for payment of breeders'
3007 awards under this section.

3008 (e) The Florida Quarter Horse Breeders and Owners
3009 Association shall maintain complete records showing the starters
3010 and winners in all quarter horse races conducted under quarter
3011 horse permits in this state; shall maintain complete records
3012 showing awards earned, received, and distributed; and may charge
3013 the owner, owners, or breeder a reasonable fee for this service.

3014 (f) The Florida Quarter Horse Breeders and Owners
3015 Association shall keep accurate records showing receipts and
3016 disbursements of payments made under this section and shall

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3017 annually file a full and complete report to the department
3018 ~~division~~ showing such receipts and disbursements and the sums
3019 withheld for administration. The department ~~division~~ may audit
3020 the records and accounts of the Florida Quarter Horse Breeders
3021 and Owners Association to determine that payments have been made
3022 in accordance with this section.

3023 (g) The Florida Quarter Horse Breeders and Owners
3024 Association shall annually establish a plan for supplementing
3025 and augmenting purses and prizes and for the general promotion
3026 of owning and breeding Florida-bred racing quarter horses and
3027 shall make award payments and allocations in strict compliance
3028 with the annual plan. The annual plan must be approved by the
3029 department ~~division~~ before implementation. If the funds in the
3030 account for payment of purses and prizes are not sufficient to
3031 meet all purses and prizes to be awarded, those breeders and
3032 owners not receiving payments have first call on any subsequent
3033 receipts in that or any subsequent year.

3034 (h) If the department ~~division~~ finds that the Florida
3035 Quarter Horse Breeders and Owners Association has not complied
3036 with any provision of this section, the department ~~division~~ may
3037 order the association to cease and desist from receiving funds
3038 and administering funds received under this section and s.
3039 550.2633. If the department ~~division~~ enters such an order, the
3040 permitholder shall make the payments authorized in this section
3041 and s. 550.2633 to the department ~~division~~ for deposit into the
3042 Pari-mutuel Wagering Trust Fund, and any funds in the Florida
3043 Quarter Horse Breeders and Owners Association account shall be
3044 immediately paid to the department ~~division~~ for deposit to the
3045 Pari-mutuel Wagering Trust Fund. The department ~~division~~ shall

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3046 authorize payment from these funds to any breeder or owner of a
3047 quarter horse entitled to an award that has not been previously
3048 paid by the Florida Quarter Horse Breeders and Owners
3049 Association pursuant to ~~in accordance with~~ this section.

3050 (6) (a) The takeout may be used for the payment of awards to
3051 owners of registered Florida-bred horses placing first in a
3052 claiming race, an allowance race, a maiden special race, or a
3053 stakes race in which the announced purse, exclusive of entry and
3054 starting fees and added moneys, does not exceed \$40,000.

3055 (b) The permitholder shall determine for each qualified
3056 race the amount of the owners' award for which a registered
3057 Florida-bred horse will be eligible. The amount of the available
3058 owners' award shall be established in the same manner in which
3059 purses are established and shall be published in the condition
3060 book for the period during which the race is to be conducted. No
3061 single award may exceed 50 percent of the gross purse for the
3062 race won.

3063 (c) If the moneys generated under paragraph (a) during the
3064 meet exceed the owners' awards earned during the meet, the
3065 excess funds shall be held in a separate interest-bearing
3066 account, and the total interest and principal shall be used to
3067 increase the owners' awards during the permitholder's next meet.

3068 (d) Breeders' awards authorized by subsections (3) and (4)
3069 may not be paid on owners' awards.

3070 (e) This subsection governs owners' awards paid on
3071 thoroughbred horse races only in this state, unless a written
3072 agreement is filed with the department ~~division~~ establishing the
3073 rate, procedures, and eligibility requirements for owners'
3074 awards, including place of finish, class of race, maximum purse,

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3075 and maximum award, and the agreement is entered into by the
3076 permitholder, the Florida Thoroughbred Breeders' Association,
3077 and the association representing a majority of the racehorse
3078 owners and trainers at the permitholder's location.

3079 (7) (a) Each permitholder that conducts race meets under
3080 this chapter and runs Appaloosa races shall pay to the
3081 department ~~division~~ a sum equal to the breaks plus a sum equal
3082 to 1 percent of the total contributions to each pari-mutuel pool
3083 conducted on each Appaloosa race. The payments shall be remitted
3084 to the department ~~division~~ by the 5th day of each calendar month
3085 for sums accruing during the preceding calendar month.

3086 (b) The department ~~division~~ shall deposit these collections
3087 to the credit of the General Inspection Trust Fund in a special
3088 account to be known as the "Florida Appaloosa Racing Promotion
3089 Account." The Department of Agriculture and Consumer Services
3090 shall administer the funds and adopt suitable and reasonable
3091 rules for the administration thereof. The moneys in the Florida
3092 Appaloosa Racing Promotion Account shall be allocated solely for
3093 supplementing and augmenting purses and prizes and for the
3094 general promotion of owning and breeding of racing Appaloosas in
3095 this state; and the moneys may not be used to defray any expense
3096 of the Department of Agriculture and Consumer Services in the
3097 administration of this chapter.

3098 (8) (a) Each permitholder that conducts race meets under
3099 this chapter and runs Arabian horse races shall pay to the
3100 department ~~division~~ a sum equal to the breaks plus a sum equal
3101 to 1 percent of the total contributions to each pari-mutuel pool
3102 conducted on each Arabian horse race. The payments shall be
3103 remitted to the department ~~division~~ by the 5th day of each

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3104 calendar month for sums accruing during the preceding calendar
3105 month.

3106 (b) The department ~~division~~ shall deposit these collections
3107 to the credit of the General Inspection Trust Fund in a special
3108 account to be known as the "Florida Arabian Horse Racing
3109 Promotion Account." The Department of Agriculture and Consumer
3110 Services shall administer the funds and adopt suitable and
3111 reasonable rules for the administration thereof. The moneys in
3112 the Florida Arabian Horse Racing Promotion Account shall be
3113 allocated solely for supplementing and augmenting purses and
3114 prizes and for the general promotion of owning and breeding of
3115 racing Arabian horses in this state; and the moneys may not be
3116 used to defray any expense of the Department of Agriculture and
3117 Consumer Services in the administration of this chapter, except
3118 that the moneys generated by Arabian horse registration fees
3119 received pursuant to s. 570.382 may be used as provided in
3120 paragraph (5) (b) of that section.

3121 Section 37. Section 550.26352, Florida Statutes, is amended
3122 to read:

3123 550.26352 Breeders' Cup Meet; pools authorized; conflicts;
3124 taxes; credits; transmission of races; rules; application.—

3125 (1) Notwithstanding any provision of this chapter to the
3126 contrary, there is ~~hereby~~ created a special thoroughbred race
3127 meet that ~~which~~ shall be designated as the "Breeders' Cup Meet."
3128 The Breeders' Cup Meet shall be conducted at the facility of the
3129 Florida permitholder selected by Breeders' Cup Limited to
3130 conduct the Breeders' Cup Meet. The Breeders' Cup Meet shall
3131 consist of 3 days: the day on which the Breeders' Cup races are
3132 conducted, the preceding day, and the subsequent day. Upon the

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3133 selection of the Florida permitholder as host for the Breeders'
3134 Cup Meet and application by the selected permitholder, the
3135 department ~~division~~ shall issue a license to the selected
3136 permitholder to operate the Breeders' Cup Meet. Notwithstanding
3137 s. 550.09515(2) (a), the Breeders' Cup Meet may be conducted on
3138 dates that ~~which~~ the selected permitholder is not otherwise
3139 authorized to conduct a race meet.

3140 (2) The permitholder conducting the Breeders' Cup Meet is
3141 specifically authorized to create pari-mutuel pools during the
3142 Breeders' Cup Meet by accepting pari-mutuel wagers on the
3143 thoroughbred horse races run during said meet.

3144 (3) If the permitholder conducting the Breeders' Cup Meet
3145 is located within 35 miles of one or more permitholders
3146 scheduled to conduct a thoroughbred race meet on any of the 3
3147 days of the Breeders' Cup Meet, then operation on any of those 3
3148 days by the other permitholders is prohibited. As compensation
3149 for the loss of racing days caused thereby, such operating
3150 permitholders shall receive a credit against the taxes otherwise
3151 due and payable to the state under ss. 550.0951 and 550.09515.
3152 This credit shall be in an amount equal to the operating loss
3153 determined to have been suffered by the operating permitholders
3154 as a result of not operating on the prohibited racing days, but
3155 may ~~shall~~ not exceed a total of \$950,000. The determination of
3156 the amount to be credited shall be made by the department
3157 ~~division~~ upon application by the operating permitholder. The tax
3158 credits provided in this subsection are ~~shall~~ not be available
3159 unless an operating permitholder is required to close a bona
3160 fide meet consisting in part of no fewer than 10 scheduled
3161 performances in the 15 days immediately preceding or 10

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3162 scheduled performances in the 15 days immediately following the
3163 Breeders' Cup Meet. Such tax credit shall be in lieu of any
3164 other compensation or consideration for the loss of racing days.
3165 There shall be no replacement or makeup of any lost racing days.

3166 (4) Notwithstanding any provision of ss. 550.0951 and
3167 550.09515, the permitholder conducting the Breeders' Cup Meet
3168 shall pay no taxes on the handle included within the pari-mutuel
3169 pools of said permitholder during the Breeders' Cup Meet.

3170 (5) The permitholder conducting the Breeders' Cup Meet
3171 shall receive a credit against the taxes otherwise due and
3172 payable to the state under ss. 550.0951 and 550.09515 generated
3173 during said permitholder's next ensuing regular thoroughbred
3174 race meet. This credit shall be in an amount not to exceed
3175 \$950,000 and shall be used ~~utilized~~ by the permitholder to pay
3176 the purses offered by the permitholder during the Breeders' Cup
3177 Meet in excess of the purses that ~~which~~ the permitholder is
3178 otherwise required by law to pay. The amount to be credited
3179 shall be determined by the department ~~division~~ upon application
3180 of the permitholder which is subject to audit by the department
3181 ~~division~~.

3182 (6) The permitholder conducting the Breeders' Cup Meet
3183 shall receive a credit against the taxes otherwise due and
3184 payable to the state under ss. 550.0951 and 550.09515 generated
3185 during said permitholder's next ensuing regular thoroughbred
3186 race meet. This credit shall be in an amount not to exceed
3187 \$950,000 and shall be utilized by the permitholder for such
3188 capital improvements and extraordinary expenses as may be
3189 necessary for operation of the Breeders' Cup Meet. The amount to
3190 be credited shall be determined by the department ~~division~~ upon

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3191 application of the permitholder which is subject to audit by the
3192 department ~~division~~.

3193 (7) The permitholder conducting the Breeders' Cup Meet is
3194 ~~shall be~~ exempt from the payment of purses and other payments to
3195 horsemen on all on-track, intertrack, interstate, and
3196 international wagers or rights fees or payments arising
3197 therefrom for all races for which the purse is paid or supplied
3198 by Breeders' Cup Limited. The permitholder conducting the
3199 Breeders' Cup Meet is ~~shall~~ not, however, ~~be~~ exempt from
3200 breeders' awards payments for on-track and intertrack wagers as
3201 provided in ss. 550.2625(3) and 550.625(2) (a) for races in which
3202 the purse is paid or supplied by Breeders' Cup Limited.

3203 (8) (a) Pursuant to s. 550.3551(2), the permitholder
3204 conducting the Breeders' Cup Meet may ~~is authorized to~~ transmit
3205 broadcasts of the races conducted during the Breeders' Cup Meet
3206 to locations outside ~~of~~ this state for wagering purposes. The
3207 department ~~division~~ may approve broadcasts to pari-mutuel
3208 permitholders and other betting systems authorized under the
3209 laws of any other state or country. Wagers accepted by any out-
3210 of-state pari-mutuel permitholder or betting system on any races
3211 broadcast under this section may be, but are not required to be,
3212 commingled with the pari-mutuel pools of the permitholder
3213 conducting the Breeders' Cup Meet. The calculation of any payoff
3214 on national pari-mutuel pools with commingled wagers may be
3215 performed by the permitholder's totalisator contractor at a
3216 location outside ~~of~~ this state. Pool amounts from wagers placed
3217 at pari-mutuel facilities or other betting systems in foreign
3218 countries before being commingled with the pari-mutuel pool of
3219 the Florida permitholder conducting the Breeders' Cup Meet shall

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3220 be calculated by the totalisator contractor and transferred to
3221 the commingled pool in United States currency in cycles
3222 customarily used by the permitholder. Pool amounts from wagers
3223 placed at any foreign pari-mutuel facility or other betting
3224 system may ~~shall~~ not be commingled with a Florida pool until a
3225 determination is made by the department ~~division~~ that the
3226 technology utilized by the totalisator contractor is adequate to
3227 assure commingled pools will result in the calculation of
3228 accurate payoffs to Florida bettors. Any totalisator contractor
3229 at a location outside of this state shall comply with the
3230 provisions of s. 550.495 relating to totalisator licensing.

3231 (b) The permitholder conducting the Breeders' Cup Meet may
3232 ~~is authorized to~~ transmit broadcasts of the races conducted
3233 during the Breeders' Cup Meet to other pari-mutuel facilities
3234 located in this state for wagering purposes; however, the
3235 permitholder conducting the Breeders' Cup Meet is ~~shall~~ not be
3236 required to transmit broadcasts to any pari-mutuel facility
3237 located within 25 miles of the facility at which the Breeders'
3238 Cup Meet is conducted.

3239 (9) The exemption from the tax credits provided in
3240 subsections (5) and (6) may ~~shall~~ not be granted and may ~~shall~~
3241 not be claimed by the permitholder until an audit is completed
3242 by the department ~~division~~. The department ~~division~~ is required
3243 to complete the audit within 30 days of receipt of the necessary
3244 documentation from the permitholder to verify the permitholder's
3245 claim for tax credits. If the documentation submitted by the
3246 permitholder is incomplete or is insufficient to document the
3247 permitholder's claim for tax credits, the department ~~division~~
3248 may request such additional documentation as is necessary to

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3249 complete the audit. Upon receipt of the department's ~~division's~~
3250 written request for additional documentation, the 30-day time
3251 limitation will commence anew.

3252 (10) The department may ~~division is authorized to~~ adopt
3253 ~~such rules as are necessary~~ to facilitate the conduct of the
3254 Breeders' Cup Meet, including ~~as authorized in this section.~~
3255 ~~Included within this grant of authority shall be the adoption or~~
3256 ~~waiver of~~ rules regarding the overall conduct of racing during
3257 the Breeders' Cup Meet so as to ensure the integrity of the
3258 races, licensing for all participants, special stabling and
3259 training requirements for foreign horses, commingling of pari-
3260 mutuel pools, and audit requirements for tax credits and other
3261 benefits.

3262 (11) Any dispute between the department ~~division~~ and any
3263 permitholder regarding the tax credits authorized under
3264 subsection (3), subsection (5), or subsection (6) shall be
3265 determined by a hearing officer of the Division of
3266 Administrative Hearings under the provisions of s. 120.57(1).

3267 (12) The provisions of this section shall prevail over any
3268 conflicting provisions of this chapter.

3269 Section 38. Section 550.2704, Florida Statutes, is amended
3270 to read:

3271 550.2704 Jai Alai Tournament of Champions Meet.—

3272 (1) Notwithstanding any provision of this chapter, there is
3273 ~~hereby~~ created a special jai alai meet that ~~which~~ shall be
3274 designated as the "Jai Alai Tournament of Champions Meet" and
3275 ~~which~~ shall be hosted by the Florida jai alai permitholders
3276 selected by the National Association of Jai Alai Frontons, Inc.,
3277 to conduct such meet. The meet shall consist of three qualifying

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3278 performances and a final performance, each of which is to be
3279 conducted on different days. Upon the selection of the Florida
3280 permitholders for the meet, and upon application by the selected
3281 permitholders, the department ~~Division of Pari-mutuel Wagering~~
3282 shall issue a license to each of the selected permitholders to
3283 operate the meet. The meet may be conducted during a season in
3284 which the permitholders selected to conduct the meet are not
3285 otherwise authorized to conduct a meet. Notwithstanding anything
3286 herein to the contrary, any Florida permitholder who is to
3287 conduct a performance that ~~which~~ is a part of the Jai Alai
3288 Tournament of Champions Meet is ~~shall~~ not ~~be~~ required to apply
3289 for the license for said meet if it is to be run during the
3290 regular season for which such permitholder has a license.

3291 (2) Qualifying performances and the final performance of
3292 the tournament shall be held at different locations throughout
3293 the state, and the permitholders selected shall be under
3294 different ownership to the extent possible.

3295 (3) Notwithstanding any provision of this chapter, each of
3296 the permitholders licensed to conduct performances comprising
3297 the Jai Alai Tournament of Champions Meet shall pay no taxes on
3298 handle under s. 550.0951 or s. 550.09511 for any performance
3299 conducted by such permitholder as part of the Jai Alai
3300 Tournament of Champions Meet. The provisions of this subsection
3301 shall apply to a maximum of four performances.

3302 (4) The Jai Alai Tournament of Champions Meet permitholders
3303 shall also receive a credit against the taxes, otherwise due and
3304 payable under s. 550.0951 or s. 550.09511, generated during said
3305 permitholders' current regular meet. This credit shall be in the
3306 aggregate amount of \$150,000, shall be prorated equally between

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3307 the permitholders, and shall be used ~~utilized~~ by the
3308 permitholders solely to supplement awards for the performance
3309 conducted during the Jai Alai Tournament of Champions Meet. All
3310 awards shall be paid to the tournament's participating players
3311 no later than 30 days following the conclusion of said Jai Alai
3312 Tournament of Champions Meet.

3313 (5) In addition to the credit authorized in subsection (4),
3314 the Jai Alai Tournament of Champions Meet permitholders shall
3315 receive a credit against the taxes, otherwise due and payable
3316 under s. 550.0951 or s. 550.09511, generated during said
3317 permitholders' current regular meet, in an amount not to exceed
3318 the aggregate amount of \$150,000, which shall be prorated
3319 equally between the permitholders, and shall be used ~~utilized~~ by
3320 the permitholders for such capital improvements and
3321 extraordinary expenses, including marketing expenses, as may be
3322 necessary for the operation of the meet. The determination of
3323 the amount to be credited shall be made by the department
3324 ~~division~~ upon application of said permitholders.

3325 (6) The permitholder is ~~shall be~~ entitled to said
3326 permitholder's pro rata share of the \$150,000 tax credit
3327 provided in subsection (5) without having to make application,
3328 so long as appropriate documentation to substantiate said
3329 expenditures thereunder is provided to the department ~~division~~
3330 within 30 days following said Jai Alai Tournament of Champions
3331 Meet.

3332 (7) A ~~No~~ Jai Alai Tournament of Champions Meet may not
3333 ~~shall~~ exceed 4 days in any state fiscal year, and only ~~no more~~
3334 ~~than~~ one performance may ~~shall~~ be conducted on any one day of
3335 the meet. ~~There shall be~~ Only one Jai Alai Tournament of

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3336 Champions Meet may occur in any state fiscal year.

3337 (8) The department may ~~division is authorized to~~ adopt such
3338 rules ~~as are~~ necessary to facilitate the conduct of the Jai Alai
3339 Tournament of Champions Meet, including as authorized in this
3340 ~~section. Included within this grant of authority shall be the~~
3341 ~~adoption of~~ rules regarding the overall conduct of the
3342 tournament so as to ensure the integrity of the event, licensing
3343 for participants, commingling of pari-mutuel pools, and audit
3344 requirements for tax credits and exemptions.

3345 (9) ~~The provisions of~~ This section prevails ~~shall prevail~~
3346 over any conflicting provisions of this chapter.

3347 Section 39. Subsections (3) and (5) of section 550.334,
3348 Florida Statutes, are amended to read:

3349 550.334 Quarter horse racing; substitutions.—

3350 (3) Quarter horses participating in such races must be duly
3351 registered by the American Quarter Horse Association, and before
3352 each race such horses must be examined and declared in fit
3353 condition by a qualified person designated by the department
3354 ~~division~~.

3355 (5) Any quarter horse racing permitholder operating under a
3356 valid permit issued by the department ~~division~~ is authorized to
3357 substitute races of other breeds of horses which are,
3358 respectively, registered with the American Paint Horse
3359 Association, Appaloosa Horse Club, Arabian Horse Registry of
3360 America, Palomino Horse Breeders of America, United States
3361 Trotting Association, Florida Cracker Horse Association, or
3362 Jockey Club for no more than 50 percent of the quarter horse
3363 races during its meet.

3364 Section 40. Subsection (2) of section 550.3345, Florida

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3365 Statutes, is amended to read:

3366 550.3345 Conversion of quarter horse permit to a limited
3367 thoroughbred permit.—

3368 (2) Notwithstanding any other provision of law, the holder
3369 of a quarter horse racing permit issued under s. 550.334 may,
3370 within 1 year after the effective date of this section, apply to
3371 the department ~~division~~ for a transfer of the quarter horse
3372 racing permit to a not-for-profit corporation formed under state
3373 law to serve the purposes of the state as provided in subsection
3374 (1). The board of directors of the not-for-profit corporation
3375 must be comprised of 11 members, 4 of whom shall be designated
3376 by the applicant, 4 of whom shall be designated by the Florida
3377 Thoroughbred Breeders' Association, and 3 of whom shall be
3378 designated by the other 8 directors, with at least 1 of these 3
3379 members being an authorized representative of another
3380 thoroughbred permitholder in this state. The not-for-profit
3381 corporation shall submit an application to the department
3382 ~~division~~ for review and approval of the transfer in accordance
3383 with s. 550.054. Upon approval of the transfer by the department
3384 ~~division~~, and notwithstanding any other provision of law to the
3385 contrary, the not-for-profit corporation may, within 1 year
3386 after its receipt of the permit, request that the department
3387 ~~division~~ convert the quarter horse racing permit to a permit
3388 authorizing the holder to conduct pari-mutuel wagering meets of
3389 thoroughbred racing. Neither the transfer of the quarter horse
3390 racing permit nor its conversion to a limited thoroughbred
3391 permit shall be subject to the mileage limitation or the
3392 ratification election as set forth under s. 550.054(2) or s.
3393 550.0651. Upon receipt of the request for such conversion, the

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3394 department ~~division~~ shall timely issue a converted permit. The
3395 converted permit and the not-for-profit corporation shall be
3396 subject to the following requirements:

3397 (a) All net revenues derived by the not-for-profit
3398 corporation under the thoroughbred horse racing permit, after
3399 the funding of operating expenses and capital improvements,
3400 shall be dedicated to the enhancement of thoroughbred purses and
3401 breeders', stallion, and special racing awards under this
3402 chapter; the general promotion of the thoroughbred horse
3403 breeding industry; and the care in this state of thoroughbred
3404 horses retired from racing.

3405 (b) From December 1 through April 30, no live thoroughbred
3406 racing may be conducted under the permit on any day during which
3407 another thoroughbred permitholder is conducting live
3408 thoroughbred racing within 125 air miles of the not-for-profit
3409 corporation's pari-mutuel facility unless the other thoroughbred
3410 permitholder gives its written consent.

3411 (c) After the conversion of the quarter horse racing permit
3412 and the issuance of its initial license to conduct pari-mutuel
3413 wagering meets of thoroughbred racing, the not-for-profit
3414 corporation shall annually apply to the department ~~division~~ for
3415 a license pursuant to s. 550.5251(2)-(5).

3416 (d) Racing under the permit may take place only at the
3417 location for which the original quarter horse racing permit was
3418 issued, which may be leased by the not-for-profit corporation
3419 for that purpose; however, the not-for-profit corporation may,
3420 without the conduct of any ratification election pursuant to s.
3421 550.054(13) or s. 550.0651, move the location of the permit to
3422 another location in the same county provided that such

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3423 relocation is approved under the zoning and land use regulations
3424 of the applicable county or municipality.

3425 (e) A ~~No~~ permit converted under this section may not be
3426 transferred ~~is eligible for transfer~~ to another person or
3427 entity.

3428 Section 41. Section 550.3355, Florida Statutes, is amended
3429 to read:

3430 550.3355 Harness track licenses for summer quarter horse
3431 racing.—Any harness track licensed to operate under the
3432 provisions of s. 550.375 may make application for, and shall be
3433 issued by the department ~~division~~, a license to operate not more
3434 than 50 quarter horse racing days during the summer season,
3435 which shall extend from July 1 until October 1 of each year.
3436 However, this license to operate quarter horse racing for 50
3437 days is in addition to the racing days and dates provided in s.
3438 550.375 for harness racing during the winter seasons; and, it
3439 does not affect the right of such licensee to operate harness
3440 racing at the track as provided in s. 550.375 during the winter
3441 season. All provisions of this chapter governing quarter horse
3442 racing not in conflict herewith apply to the operation of
3443 quarter horse meetings authorized hereunder, except that all
3444 quarter horse racing permitted hereunder shall be conducted at
3445 night.

3446 Section 42. Paragraph (a) of subsection (6) and subsections
3447 (10) and (13) of section 550.3551, Florida Statutes, are amended
3448 to read:

3449 550.3551 Transmission of racing and jai alai information;
3450 commingling of pari-mutuel pools.—

3451 (6) (a) A maximum of 20 percent of the total number of races

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3452 on which wagers are accepted by a greyhound permitholder not
3453 located as specified in s. 550.615(6) may be received from
3454 locations outside this state. A permitholder may not conduct
3455 fewer than eight live races or games on any authorized race day
3456 except as provided in this subsection. A thoroughbred
3457 permitholder may not conduct fewer than eight live races on any
3458 race day without the written approval of the Florida
3459 Thoroughbred Breeders' Association and the Florida Horsemen's
3460 Benevolent and Protective Association, Inc., unless it is
3461 determined by the department that another entity represents a
3462 majority of the thoroughbred racehorse owners and trainers in
3463 the state. A harness permitholder may conduct fewer than eight
3464 live races on any authorized race day, except that such
3465 permitholder must conduct a full schedule of live racing during
3466 its race meet consisting of at least eight live races per
3467 authorized race day for at least 100 days. Any harness horse
3468 permitholder that during the preceding racing season conducted a
3469 full schedule of live racing may, at any time during its current
3470 race meet, receive full-card broadcasts of harness horse races
3471 conducted at harness racetracks outside this state at the
3472 harness track of the permitholder and accept wagers on such
3473 harness races. With specific authorization from the department
3474 ~~division~~ for special racing events, a permitholder may conduct
3475 fewer than eight live races or games when the permitholder also
3476 broadcasts out-of-state races or games. The department ~~division~~
3477 may not grant more than two such exceptions a year for a
3478 permitholder in any 12-month period, and those two exceptions
3479 may not be consecutive.

3480 (10) The department ~~division~~ may adopt rules necessary to

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3481 facilitate commingling of pari-mutuel pools, to ensure the
3482 proper calculation of payoffs in circumstances in which
3483 different commission percentages are applicable and to regulate
3484 the distribution of net proceeds between the horse track and, in
3485 this state, the horsemen's associations.

3486 (13) This section does not prohibit the commingling of
3487 national pari-mutuel pools by a totalisator company that is
3488 licensed under this chapter. Such commingling of national pools
3489 is subject to department ~~division~~ review and approval and must
3490 be performed pursuant to ~~in accordance with~~ rules adopted by the
3491 department ~~division~~ to ensure accurate calculation and
3492 distribution of the pools.

3493 Section 43. Subsections (3), (4), and (5) of section
3494 550.3615, Florida Statutes, are amended to read:

3495 550.3615 Bookmaking on the grounds of a permitholder;
3496 penalties; reinstatement; duties of track employees; penalty;
3497 exceptions.—

3498 (3) Any person who has been convicted of bookmaking in this
3499 state or any other state of the United States or any foreign
3500 country shall be denied admittance to and may ~~shall~~ not attend
3501 any racetrack or fronton in this state during its racing seasons
3502 or operating dates, including any practice or preparational
3503 days, for a period of 2 years after the date of conviction or
3504 the date of final appeal. Following the conclusion of the period
3505 of ineligibility, the department ~~director of the division~~ may
3506 authorize the reinstatement of an individual following a hearing
3507 on readmittance. Any such person who knowingly violates this
3508 subsection commits ~~is guilty of~~ a misdemeanor of the first
3509 degree, punishable as provided in s. 775.082 or s. 775.083.

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3510 (4) If the activities of a person show that this law is
3511 being violated, and such activities are either witnessed or are
3512 common knowledge by any track or fronton employee, it is the
3513 duty of that employee to bring the matter to the immediate
3514 attention of the permit holder, manager, or her or his designee,
3515 who shall notify a law enforcement agency having jurisdiction.
3516 Willful failure on the part of any track or fronton employee to
3517 comply with ~~the provisions of~~ this subsection is a ground for
3518 the department ~~division~~ to suspend or revoke that employee's
3519 license for track or fronton employment.

3520 (5) Each permittee shall display, in conspicuous places at
3521 a track or fronton and in all race and jai alai daily programs,
3522 a warning to all patrons concerning the prohibition and
3523 penalties of bookmaking contained in this section and s. 849.25.
3524 The department ~~division~~ shall adopt rules concerning the uniform
3525 size of all warnings and the number of placements throughout a
3526 track or fronton. Failure on the part of the permittee to
3527 display such warnings may result in the imposition of a \$500
3528 fine by the department ~~division~~ for each offense.

3529 Section 44. Subsections (2) and (3) of section 550.375,
3530 Florida Statutes, are amended to read:

3531 550.375 Operation of certain harness tracks.—

3532 (2) Any permittee or licensee authorized under this section
3533 to transfer the location of its permit may conduct harness
3534 racing only between the hours of 7 p.m. and 2 a.m. A permit so
3535 transferred applies only to the locations provided in this
3536 section. The provisions of this chapter which prohibit the
3537 location and operation of a licensed harness track permittee and
3538 licensee within 100 air miles of the location of a racetrack

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3539 authorized to conduct racing under this chapter and which
3540 prohibit the department ~~division~~ from granting any permit to a
3541 harness track at a location in the area in which there are three
3542 horse tracks located within 100 air miles thereof do not apply
3543 to a licensed harness track that is required by the terms of
3544 this section to race between the hours of 7 p.m. and 2 a.m.

3545 (3) A permit may not be issued by the department ~~division~~
3546 for the operation of a harness track within 75 air miles of a
3547 location of a harness track licensed and operating under this
3548 chapter.

3549 Section 45. Section 550.495, Florida Statutes, is amended
3550 to read:

3551 550.495 Totalisator licensing.—

3552 (1) A totalisator may not be operated at a pari-mutuel
3553 facility in this state, or at a facility located in or out of
3554 this state which is used as the primary totalisator for a race
3555 or game conducted in this state, unless the totalisator company
3556 possesses a business license issued by the department ~~division~~.

3557 (2) (a) Each totalisator company must apply to the
3558 department ~~division~~ for an annual business license. The
3559 application must include such information as the department
3560 ~~division~~ by rule requires.

3561 (b) As a part of its license application, each totalisator
3562 company must agree in writing to pay to the department ~~division~~
3563 an amount equal to the loss of any state revenues from missed or
3564 canceled races, games, or performances due to acts of the
3565 totalisator company or its agents or employees or failures of
3566 the totalisator system, except for circumstances beyond the
3567 control of the totalisator company or agent or employee, as

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3568 determined by the department ~~division~~.

3569 (c) Each totalisator company must file with the department
3570 ~~division~~ a performance bond, acceptable to the department
3571 ~~division~~, in the sum of \$250,000 issued by a surety approved by
3572 the department ~~division~~ or must file proof of insurance,
3573 acceptable to the department ~~division~~, against financial loss in
3574 the amount of \$250,000, insuring the state against such a
3575 revenue loss.

3576 (d) In the event of a loss of state tax revenues, the
3577 department ~~division~~ shall determine:

3578 1. The estimated revenue lost as a result of missed or
3579 canceled races, games, or performances;

3580 2. The number of races, games, or performances which is
3581 practicable for the permitholder to conduct in an attempt to
3582 mitigate the revenue loss; and

3583 3. The amount of the revenue loss which the makeup races,
3584 games, or performances will not recover and for which the
3585 totalisator company is liable.

3586 (e) Upon the making of such determinations, the department
3587 ~~division~~ shall issue to the totalisator company and to the
3588 affected permitholder an order setting forth the determinations
3589 of the department ~~division~~.

3590 (f) If the order is contested by either the totalisator
3591 company or any affected permitholder, ~~the provisions of chapter~~
3592 120 applies ~~apply~~. If the totalisator company contests the order
3593 on the grounds that the revenue loss was due to circumstances
3594 beyond its control, the totalisator company has the burden of
3595 proving that circumstances vary in fact beyond its control. For
3596 purposes of this paragraph, strikes and acts of God are beyond

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3597 the control of the totalisator company.

3598 (g) Upon the failure of the totalisator company to make the
3599 payment found to be due the state, the department ~~division~~ may
3600 cause the forfeiture of the bond or may proceed against the
3601 insurance contract, and the proceeds of the bond or contract
3602 shall be deposited into the Pari-mutuel Wagering Trust Fund. If
3603 that bond was not posted or insurance obtained, the department
3604 ~~division~~ may proceed against any assets of the totalisator
3605 company to collect the amounts due under this subsection.

3606 (3) If the applicant meets the requirements of this section
3607 and department ~~division~~ rules and pays the license fee, the
3608 department ~~division~~ shall issue the license.

3609 (4) Each totalisator company shall conduct operations in
3610 accordance with rules adopted by the department ~~division~~, in
3611 such form, content, and frequency as the department ~~division~~ by
3612 rule determines.

3613 (5) The department ~~division~~ and its representatives may
3614 enter and inspect any area of the premises of a licensed
3615 totalisator company, and may examine totalisator records, during
3616 the licensee's regular business or operating hours.

3617 Section 46. Section 550.505, Florida Statutes, is amended
3618 to read:

3619 550.505 Nonwagering permits.—

3620 (1) (a) Except as provided in this section, permits and
3621 licenses issued by the department ~~division~~ are intended to be
3622 used for pari-mutuel wagering operations in conjunction with
3623 horseraces, dograces, or jai alai performances.

3624 (b) Subject to the requirements of this section, the
3625 department may ~~division is authorized to~~ issue permits for the

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3626 conduct of horseracing meets without pari-mutuel wagering or any
3627 other form of wagering being conducted in conjunction therewith.
3628 Such permits shall be known as nonwagering permits and may be
3629 issued only for horseracing meets. A horseracing permitholder
3630 need not obtain an additional permit from the department
3631 ~~division~~ for conducting nonwagering racing under this section,
3632 but must apply to the department ~~division~~ for the issuance of a
3633 license under this section. The holder of a nonwagering permit
3634 is prohibited from conducting pari-mutuel wagering or any other
3635 form of wagering in conjunction with racing conducted under the
3636 permit. ~~Nothing in~~ This subsection does not prohibit ~~prohibits~~
3637 horseracing for any stake, purse, prize, or premium.

3638 (c) The holder of a nonwagering permit is exempt from ~~the~~
3639 ~~provisions of~~ s. 550.105 and is exempt from the imposition of
3640 daily license fees and admission tax.

3641 (2) (a) Any person not prohibited from holding any type of
3642 pari-mutuel permit under s. 550.1815 may ~~shall be allowed to~~
3643 apply to the department ~~division~~ for a nonwagering permit. The
3644 applicant must demonstrate that the location or locations where
3645 the nonwagering permit will be used are available for such use
3646 and that the applicant has the financial ability to satisfy the
3647 reasonably anticipated operational expenses of the first racing
3648 year following final issuance of the nonwagering permit. If the
3649 racing facility is already built, the application must contain a
3650 statement, with reasonable supporting evidence, that the
3651 nonwagering permit will be used for horseracing within 1 year
3652 after the date on which it is granted. If the facility is not
3653 already built, the application must contain a statement, with
3654 reasonable supporting evidence, that substantial construction

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3655 will be started within 1 year after the issuance of the
3656 nonwagering permit.

3657 (b) The department ~~division~~ may conduct an eligibility
3658 investigation to determine if the applicant meets the
3659 requirements of paragraph (a).

3660 (3) (a) Upon receipt of a nonwagering permit, the
3661 permitholder must apply to the department ~~division~~ before June 1
3662 of each year for an annual nonwagering license for the next
3663 succeeding calendar year. Such application must set forth the
3664 days and locations at which the permitholder will conduct
3665 nonwagering horseracing and must indicate any changes in
3666 ownership or management of the permitholder occurring since the
3667 date of application for the prior license.

3668 (b) On or before August 1 of each year, the department
3669 ~~division~~ shall issue a license authorizing the nonwagering
3670 permitholder to conduct nonwagering horseracing during the
3671 succeeding calendar year during the period and for the number of
3672 days set forth in the application, subject to all other
3673 provisions of this section.

3674 (c) The department ~~division~~ may conduct an eligibility
3675 investigation to determine the qualifications of any new
3676 ownership or management interest in the permit.

3677 (4) Upon the approval of racing dates by the department
3678 ~~division~~, the department ~~division~~ shall issue an annual
3679 nonwagering license to the nonwagering permitholder.

3680 (5) Only horses registered with an established breed
3681 registration organization, which organization shall be approved
3682 by the department ~~division~~, shall be raced at any race meeting
3683 authorized by this section.

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3684 (6) The department ~~division~~ may order any person
3685 participating in a nonwagering meet to cease and desist from
3686 participating in such meet if the department ~~division~~ determines
3687 the person to be not of good moral character in accordance with
3688 s. 550.1815. The department ~~division~~ may order the operators of
3689 a nonwagering meet to cease and desist from operating the meet
3690 if the department ~~division~~ determines the meet is being operated
3691 for any illegal purpose.

3692 Section 47. Subsection (1) of section 550.5251, Florida
3693 Statutes, is amended to read:

3694 550.5251 Florida thoroughbred racing; certain permits;
3695 operating days.—

3696 (1) Each thoroughbred permitholder shall annually, during
3697 the period commencing December 15 of each year and ending
3698 January 4 of the following year, file in writing with the
3699 department ~~division~~ its application to conduct one or more
3700 thoroughbred racing meetings during the thoroughbred racing
3701 season commencing on the following July 1. Each application
3702 shall specify the number and dates of all performances that the
3703 permitholder intends to conduct during that thoroughbred racing
3704 season. On or before March 15 of each year, the department
3705 ~~division~~ shall issue a license authorizing each permitholder to
3706 conduct performances on the dates specified in its application.
3707 Up to February 28 of each year, each permitholder may request
3708 and shall be granted changes in its authorized performances; but
3709 thereafter, as a condition precedent to the validity of its
3710 license and its right to retain its permit, each permitholder
3711 must operate the full number of days authorized on each of the
3712 dates set forth in its license.

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3713 Section 48. Subsection (3) of section 550.625, Florida
3714 Statutes, is amended to read:

3715 550.625 Intertrack wagering; purses; breeders' awards.—If a
3716 host track is a horse track:

3717 (3) The payment to a breeders' organization shall be
3718 combined with any other amounts received by the respective
3719 breeders' and owners' associations as so designated. Each
3720 breeders' and owners' association receiving these funds shall be
3721 allowed to withhold the same percentage as set forth in s.
3722 550.2625 to be used for administering the payment of awards and
3723 for the general promotion of their respective industries. If the
3724 total combined amount received for thoroughbred breeders' awards
3725 exceeds 15 percent of the purse required to be paid under
3726 subsection (1), the breeders' and owners' association, as so
3727 designated, notwithstanding any other provision of law, shall
3728 submit a plan to the department ~~division~~ for approval which
3729 would use the excess funds in promoting the breeding industry by
3730 increasing the purse structure for Florida-breds. Preference
3731 shall be given to the track generating such excess.

3732 Section 49. Subsection (5) and paragraph (g) of subsection
3733 (9) of section 550.6305, Florida Statutes, are amended to read:

3734 550.6305 Intertrack wagering; guest track payments;
3735 accounting rules.—

3736 (5) The department ~~division~~ shall adopt rules providing an
3737 expedient accounting procedure for the transfer of the pari-
3738 mutuel pool in order to properly account for payment of state
3739 taxes, payment to the guest track, payment to the host track,
3740 payment of purses, payment to breeders' associations, payment to
3741 horsemen's associations, and payment to the public.

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3742 (9) A host track that has contracted with an out-of-state
3743 horse track to broadcast live races conducted at such out-of-
3744 state horse track pursuant to s. 550.3551(5) may broadcast such
3745 out-of-state races to any guest track and accept wagers thereon
3746 in the same manner as is provided in s. 550.3551.

3747 (g)1. Any thoroughbred permitholder which accepts wagers on
3748 a simulcast signal must make the signal available to any
3749 permitholder that is eligible to conduct intertrack wagering
3750 under the provisions of ss. 550.615-550.6345.

3751 2. Any thoroughbred permitholder which accepts wagers on a
3752 simulcast signal received after 6 p.m. must make such signal
3753 available to any permitholder that is eligible to conduct
3754 intertrack wagering under the provisions of ss. 550.615-
3755 550.6345, including any permitholder located as specified in s.
3756 550.615(6). Such guest permitholders are authorized to accept
3757 wagers on such simulcast signal, notwithstanding any other
3758 provision of this chapter to the contrary.

3759 3. Any thoroughbred permitholder which accepts wagers on a
3760 simulcast signal received after 6 p.m. must make such signal
3761 available to any permitholder that is eligible to conduct
3762 intertrack wagering under the provisions of ss. 550.615-
3763 550.6345, including any permitholder located as specified in s.
3764 550.615(9). Such guest permitholders are authorized to accept
3765 wagers on such simulcast signals for a number of performances
3766 not to exceed that which constitutes a full schedule of live
3767 races for a quarter horse permitholder pursuant to s.
3768 550.002(10) ~~(11)~~, notwithstanding any other provision of this
3769 chapter to the contrary, except that the restrictions provided
3770 in s. 550.615(9) (a) apply to wagers on such simulcast signals.

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3771
3772 No thoroughbred permitholder shall be required to continue to
3773 rebroadcast a simulcast signal to any in-state permitholder if
3774 the average per performance gross receipts returned to the host
3775 permitholder over the preceding 30-day period were less than
3776 \$100. Subject to the provisions of s. 550.615(4), as a condition
3777 of receiving rebroadcasts of thoroughbred simulcast signals
3778 under this paragraph, a guest permitholder must accept
3779 intertrack wagers on all live races conducted by all then-
3780 operating thoroughbred permitholders.

3781 Section 50. Subsections (1) and (2) of section 550.6308,
3782 Florida Statutes, are amended to read:

3783 550.6308 Limited intertrack wagering license.—In
3784 recognition of the economic importance of the thoroughbred
3785 breeding industry to this state, its positive impact on tourism,
3786 and of the importance of a permanent thoroughbred sales facility
3787 as a key focal point for the activities of the industry, a
3788 limited license to conduct intertrack wagering is established to
3789 ensure the continued viability and public interest in
3790 thoroughbred breeding in Florida.

3791 (1) Upon application to the department ~~division~~ on or
3792 before January 31 of each year, any person that is licensed to
3793 conduct public sales of thoroughbred horses pursuant to s.
3794 535.01, that has conducted at least 15 days of thoroughbred
3795 horse sales at a permanent sales facility in this state for at
3796 least 3 consecutive years, and that has conducted at least 1 day
3797 of nonwagering thoroughbred racing in this state, with a purse
3798 structure of at least \$250,000 per year for 2 consecutive years
3799 before such application, shall be issued a license, subject to

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3800 the conditions set forth in this section, to conduct intertrack
3801 wagering at such a permanent sales facility during the following
3802 periods:

3803 (a) Up to 21 days in connection with thoroughbred sales;

3804 (b) Between November 1 and May 8;

3805 (c) Between May 9 and October 31 at such times and on such
3806 days as any thoroughbred, jai alai, or a greyhound permitholder
3807 in the same county is not conducting live performances; provided
3808 that any such permitholder may waive this requirement, in whole
3809 or in part, and allow the licensee under this section to conduct
3810 intertrack wagering during one or more of the permitholder's
3811 live performances; and

3812 (d) During the weekend of the Kentucky Derby, the
3813 Preakness, the Belmont, and a Breeders' Cup Meet that is
3814 conducted before November 1 and after May 8.

3815
3816 No more than one such license may be issued, and no such license
3817 may be issued for a facility located within 50 miles of any
3818 thoroughbred permitholder's track.

3819 (2) If more than one application is submitted for such
3820 license, the department ~~division~~ shall determine which applicant
3821 shall be granted the license. In making its determination, the
3822 department ~~division~~ shall grant the license to the applicant
3823 demonstrating superior capabilities, as measured by the length
3824 of time the applicant has been conducting thoroughbred sales
3825 within this state or elsewhere, the applicant's total volume of
3826 thoroughbred horse sales, within this state or elsewhere, the
3827 length of time the applicant has maintained a permanent
3828 thoroughbred sales facility in this state, and the quality of

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3829 the facility.

3830 Section 51. Subsection (2) of section 550.70, Florida
3831 Statutes, is amended to read:

3832 550.70 Jai alai general provisions; chief court judges
3833 required; extension of time to construct fronton; amateur jai
3834 alai contests permitted under certain conditions; playing days'
3835 limitations; locking of pari-mutuel machines.—

3836 (2) The time within which the holder of a ratified permit
3837 for jai alai or pelota has to construct and complete a fronton
3838 may be extended by the department ~~division~~ for a period of 24
3839 months after the date of the issuance of the permit, anything to
3840 the contrary in any statute notwithstanding.

3841 Section 52. Subsection (3) of section 550.902, Florida
3842 Statutes, is amended to read:

3843 550.902 Purposes.—The purposes of this compact are to:

3844 (3) Authorize the Department of Gaming Control ~~Business and~~
3845 ~~Professional Regulation~~ to participate in this compact.

3846 Section 53. Subsection (1) of section 550.907, Florida
3847 Statutes, is amended to read:

3848 550.907 Compact committee.—

3849 (1) There is created an interstate governmental entity to
3850 be known as the "compact committee," which shall be composed of
3851 one official from the racing commission, or the equivalent
3852 thereof, in each party state who shall be appointed, serve, and
3853 be subject to removal in accordance with the laws of the party
3854 state that she or he represents. The official from Florida shall
3855 be appointed by the Gaming Commission ~~Secretary of Business and~~
3856 ~~Professional Regulation~~. Pursuant to the laws of her or his
3857 party state, each official shall have the assistance of her or

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3858 his state's racing commission, or the equivalent thereof, in
3859 considering issues related to licensing of participants in pari-
3860 mutuel wagering and in fulfilling her or his responsibilities as
3861 the representative from her or his state to the compact
3862 committee.

3863 Section 54. Subsections (1), (3), (10), and (11) of section
3864 551.102, Florida Statutes, are amended, present subsection (1)
3865 of that section is renumbered as subsection (3), and a new
3866 subsection (1) is added to that section, to read:

3867 551.102 Definitions.—As used in this chapter, the term:

3868 (1) "Department" means the Department of Gaming Control.

3869 (3)~~(1)~~ "Distributor" means any person who sells, leases, or
3870 offers or otherwise provides, distributes, or services any slot
3871 machine or associated equipment for use or play of slot machines
3872 in this state. A manufacturer may be a distributor within the
3873 state.

3874 ~~(3) "Division" means the Division of Pari-mutuel Wagering
3875 of the Department of Business and Professional Regulation.~~

3876 (10) "Slot machine license" means a license issued by the
3877 department ~~division~~ authorizing a pari-mutuel permitholder to
3878 place and operate slot machines as provided by s. 23, Art. X of
3879 the State Constitution, the provisions of this chapter, and
3880 department ~~division~~ rules.

3881 (11) "Slot machine licensee" means a pari-mutuel
3882 permitholder who holds a license issued by the department
3883 ~~division~~ pursuant to this chapter which ~~that~~ authorizes such
3884 person to possess a slot machine within facilities specified in
3885 s. 23, Art. X of the State Constitution and allows slot machine
3886 gaming.

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3887 Section 55. Section 551.103, Florida Statutes, is amended
3888 to read:

3889 551.103 Powers and duties of the department ~~division~~ and
3890 law enforcement.-

3891 (1) The department ~~division~~ shall adopt, pursuant to the
3892 provisions of ss. 120.536(1) and 120.54, all rules necessary to
3893 implement, administer, and regulate slot machine gaming as
3894 authorized in this chapter. Such rules must include:

3895 (a) Procedures for applying for a slot machine license and
3896 renewal of a slot machine license.

3897 (b) Technical requirements and the qualifications contained
3898 in this chapter which ~~that~~ are necessary to receive a slot
3899 machine license or slot machine occupational license.

3900 (c) Procedures to scientifically test and technically
3901 evaluate slot machines for compliance with this chapter. The
3902 department ~~division~~ may contract with an independent testing
3903 laboratory to conduct any necessary testing under this section.
3904 The independent testing laboratory must have a national
3905 reputation and be ~~which is~~ demonstrably competent and qualified
3906 to scientifically test and evaluate slot machines for compliance
3907 with this chapter and to otherwise perform the functions
3908 assigned to it in this chapter. An independent testing
3909 laboratory may ~~shall~~ not be owned or controlled by a licensee.
3910 The use of an independent testing laboratory for any purpose
3911 related to the conduct of slot machine gaming by a licensee
3912 under this chapter must ~~shall~~ be made from a list of one or more
3913 laboratories approved by the department ~~division~~.

3914 (d) Procedures relating to slot machine revenues, including
3915 verifying and accounting for such revenues, auditing, and

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3916 collecting taxes and fees consistent with this chapter.

3917 (e) Procedures for regulating, managing, and auditing the
3918 operation, financial data, and program information relating to
3919 slot machine gaming which ~~that~~ allow the department ~~division~~ and
3920 the Department of Law Enforcement to audit the operation,
3921 financial data, and program information of a slot machine
3922 licensee, as required by the department ~~division~~ or the
3923 Department of Law Enforcement, and provide the department
3924 ~~division~~ and the Department of Law Enforcement with the ability
3925 to monitor, at any time on a real-time basis, wagering patterns,
3926 payouts, tax collection, and compliance with any rules adopted
3927 by the department ~~division~~ for the regulation and control of
3928 slot machines operated under this chapter. Such continuous and
3929 complete access, at any time on a real-time basis, shall include
3930 the ability of ~~either~~ the department ~~division~~ or the Department
3931 of Law Enforcement to suspend play immediately on particular
3932 slot machines if monitoring of the facilities-based computer
3933 system indicates possible tampering or manipulation of those
3934 slot machines or the ability to suspend play immediately of the
3935 entire operation if the tampering or manipulation is of the
3936 computer system itself. The department ~~division~~ shall notify the
3937 Department of Law Enforcement or the Department of Law
3938 Enforcement shall notify the division, as appropriate, whenever
3939 there is a suspension of play under this paragraph. The
3940 department ~~division~~ and the Department of Law Enforcement shall
3941 exchange such information necessary for and cooperate in the
3942 investigation of the circumstances requiring suspension of play
3943 under this paragraph.

3944 (f) Procedures for requiring each licensee at his or her

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3945 own cost and expense to supply the department ~~division~~ with a
3946 bond having the penal sum of \$2 million payable to the Governor
3947 and his or her successors in office for each year of the
3948 licensee's slot machine operations. Any bond shall be issued by
3949 a surety or sureties approved by the department ~~division~~ and the
3950 Chief Financial Officer, conditioned to faithfully make the
3951 payments to the Chief Financial Officer in his or her capacity
3952 as treasurer of the department ~~division~~. The licensee shall be
3953 required to keep its books and records and make reports as
3954 provided in this chapter and to conduct its slot machine
3955 operations in conformity with this chapter and all other
3956 provisions of law. Such bond shall be separate and distinct from
3957 the bond required in s. 550.125.

3958 (g) Procedures for requiring licensees to maintain
3959 specified records and submit any data, information, record, or
3960 report, including financial and income records, required by this
3961 chapter or determined by the department ~~division~~ to be necessary
3962 to the proper implementation and enforcement of this chapter.

3963 (h) A requirement that the payout percentage of a slot
3964 machine be no less than 85 percent.

3965 (i) Minimum standards for security of the facilities,
3966 including floor plans, security cameras, and other security
3967 equipment.

3968 (j) Procedures for requiring slot machine licensees to
3969 implement and establish drug-testing programs for all slot
3970 machine occupational licensees.

3971 (2) The department ~~division~~ shall conduct such
3972 investigations necessary to fulfill its responsibilities under
3973 the provisions of this chapter.

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3974 (3) The Department of Law Enforcement and local law
3975 enforcement agencies ~~shall~~ have concurrent jurisdiction to
3976 investigate criminal violations of this chapter and may
3977 investigate any other criminal violation of law occurring at the
3978 facilities of a slot machine licensee, and such investigations
3979 may be conducted in conjunction with the appropriate state
3980 attorney.

3981 (4) (a) The department division, the Department of Law
3982 Enforcement, and local law enforcement agencies shall have
3983 unrestricted access to the slot machine licensee's facility at
3984 all times and shall require of each slot machine licensee strict
3985 compliance with the laws of this state relating to the
3986 transaction of such business. The department division, the
3987 Department of Law Enforcement, and local law enforcement
3988 agencies may:

3989 1. Inspect and examine premises where slot machines are
3990 offered for play.

3991 2. Inspect slot machines and related equipment and
3992 supplies.

3993 (b) In addition, the department division may:

3994 1. Collect taxes, assessments, fees, and penalties.

3995 2. Deny, revoke, suspend, or place conditions on the
3996 license of a person who violates any provision of this chapter
3997 or rule adopted pursuant thereto.

3998 (5) The department division shall revoke or suspend the
3999 license of any person who is no longer qualified or who is
4000 found, after receiving a license, to have been unqualified at
4001 the time of application for the license.

4002 (6) This section does not:

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4003 (a) Prohibit the Department of Law Enforcement or any law
4004 enforcement authority whose jurisdiction includes a licensed
4005 facility from conducting investigations of criminal activities
4006 occurring at the facility of the slot machine licensee;

4007 (b) Restrict access to the slot machine licensee's facility
4008 by the Department of Law Enforcement or any local law
4009 enforcement authority whose jurisdiction includes the slot
4010 machine licensee's facility; or

4011 (c) Restrict access by the Department of Law Enforcement or
4012 local law enforcement authorities to information and records
4013 necessary to the investigation of criminal activity which ~~that~~
4014 are contained within the slot machine licensee's facility.

4015 Section 56. Section 551.104, Florida Statutes, is amended
4016 to read:

4017 551.104 License to conduct slot machine gaming.-

4018 (1) Upon application and a finding by the department
4019 ~~division~~ after investigation that the application is complete
4020 and the applicant is qualified and payment of the initial
4021 license fee, the department ~~division~~ may issue a license to
4022 conduct slot machine gaming in the designated slot machine
4023 gaming area of the eligible facility. Once licensed, slot
4024 machine gaming may be conducted subject to the requirements of
4025 this chapter and rules adopted pursuant thereto.

4026 (2) An application may be approved by the department
4027 ~~division~~ only after the voters of the county where the
4028 applicant's facility is located have authorized by referendum
4029 slot machines within pari-mutuel facilities in that county as
4030 specified in s. 23, Art. X of the State Constitution.

4031 (3) A slot machine license may be issued only to a licensed

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4032 pari-mutuel permitholder, and slot machine gaming may be
4033 conducted only at the eligible facility at which the
4034 permitholder is authorized under its valid pari-mutuel wagering
4035 permit to conduct pari-mutuel wagering activities.

4036 (4) As a condition of licensure and to maintain continued
4037 authority for the conduct of slot machine gaming, the slot
4038 machine licensee shall:

4039 (a) Continue to be in compliance with this chapter.

4040 (b) Continue to be in compliance with chapter 550, where
4041 applicable, and maintain the pari-mutuel permit and license in
4042 good standing pursuant to the provisions of chapter 550.

4043 ~~Notwithstanding any contrary provision of law and in order to~~
4044 ~~expedite the operation of slot machines at eligible facilities,~~
4045 ~~any eligible facility shall be entitled within 60 days after the~~
4046 ~~effective date of this act to amend its 2006-2007 pari-mutuel~~
4047 ~~wagering operating license issued by the division under ss.~~
4048 ~~550.0115 and 550.01215. The division shall issue a new license~~
4049 ~~to the eligible facility to effectuate any approved change.~~

4050 (c) Conduct no fewer than a full schedule of live racing or
4051 games as defined in s. 550.002 (10) ~~(11)~~. A permitholder's
4052 responsibility to conduct such number of live races or games
4053 shall be reduced by the number of races or games that could not
4054 be conducted due to the direct result of fire, war, hurricane,
4055 or other disaster or event beyond the control of the
4056 permitholder.

4057 (d) Upon approval of any changes relating to the pari-
4058 mutuel permit by the department ~~division~~, be responsible for
4059 providing appropriate current and accurate documentation on a
4060 timely basis to the department ~~division~~ in order to continue the

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4061 slot machine license in good standing. Changes in ownership or
4062 interest of a slot machine license of 5 percent or more of the
4063 stock or other evidence of ownership or equity in the slot
4064 machine license or any parent corporation or other business
4065 entity that in any way owns or controls the slot machine license
4066 shall be approved by the department ~~division~~ prior to such
4067 change, unless the owner is an existing holder of that license
4068 who was previously approved by the department ~~division~~. Changes
4069 in ownership or interest of a slot machine license of less than
4070 5 percent, unless such change results in a cumulative total of 5
4071 percent or more, shall be reported to the department ~~division~~
4072 within 20 days after the change. The department ~~division~~ may
4073 then conduct an investigation to ensure that the license is
4074 properly updated to show the change in ownership or interest. No
4075 reporting is required if the person is holding 5 percent or less
4076 equity or securities of a corporate owner of the slot machine
4077 licensee that has its securities registered pursuant to s. 12 of
4078 the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and
4079 if such corporation or entity files with the United States
4080 Securities and Exchange Commission the reports required by s. 13
4081 of that act or if the securities of the corporation or entity
4082 are regularly traded on an established securities market in the
4083 United States. A change in ownership or interest of less than 5
4084 percent which results in a cumulative ownership or interest of 5
4085 percent or more must ~~shall~~ be approved by the department ~~before~~
4086 ~~division prior to~~ such change unless the owner is an existing
4087 holder of the license who was previously approved by the
4088 department ~~division~~.

4089 (e) Allow the department ~~division~~ and the Department of Law

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4090 Enforcement unrestricted access to and right of inspection of
4091 facilities of a slot machine licensee in which any activity
4092 relative to the conduct of slot machine gaming is conducted.

4093 (f) Ensure that the facilities-based computer system that
4094 the licensee will use for operational and accounting functions
4095 of the slot machine facility is specifically structured to
4096 facilitate regulatory oversight. The facilities-based computer
4097 system shall be designed to provide the department ~~division~~ and
4098 the Department of Law Enforcement with the ability to monitor,
4099 at any time on a real-time basis, the wagering patterns,
4100 payouts, tax collection, and such other operations as necessary
4101 to determine whether the facility is in compliance with
4102 statutory provisions and rules adopted by the department
4103 ~~division~~ for the regulation and control of slot machine gaming.
4104 The department ~~division~~ and the Department of Law Enforcement
4105 shall have complete and continuous access to this system. Such
4106 access shall include the ability of ~~either~~ the department
4107 ~~division~~ or the Department of Law Enforcement to suspend play
4108 immediately on particular slot machines if monitoring of the
4109 system indicates possible tampering or manipulation of those
4110 slot machines or the ability to suspend play immediately of the
4111 entire operation if the tampering or manipulation is of the
4112 computer system itself. The computer system shall be reviewed
4113 and approved by the department ~~division~~ to ensure necessary
4114 access, security, and functionality. The department ~~division~~ may
4115 adopt rules to provide for the approval process.

4116 (g) Ensure that each slot machine is protected from
4117 manipulation or tampering to affect the random probabilities of
4118 winning plays. The department ~~division~~ or the Department of Law

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4119 Enforcement may ~~shall have the authority to~~ suspend play upon
4120 reasonable suspicion of any manipulation or tampering. When play
4121 has been suspended on any slot machine, the department ~~division~~
4122 or the Department of Law Enforcement may examine any slot
4123 machine to determine whether the machine has been tampered with
4124 or manipulated and whether the machine should be returned to
4125 operation.

4126 (h) Submit a security plan, including the facilities' floor
4127 plan, the locations of security cameras, and a listing of all
4128 security equipment that is capable of observing and
4129 electronically recording activities being conducted in the
4130 facilities of the slot machine licensee. The security plan must
4131 meet the minimum security requirements as determined by the
4132 department ~~division~~ under s. 551.103(1)(i) and be implemented
4133 prior to operation of slot machine gaming. The slot machine
4134 licensee's facilities must adhere to the security plan at all
4135 times. Any changes to the security plan must be submitted by the
4136 licensee to the department ~~before division~~ prior to
4137 implementation. The department ~~division~~ shall furnish copies of
4138 the security plan and changes in the plan to the Department of
4139 Law Enforcement.

4140 (i) Create and file with the department ~~division~~ a written
4141 policy for:

- 4142 1. Creating opportunities to purchase from vendors in this
4143 state, including minority vendors.
- 4144 2. Creating opportunities for employment of residents of
4145 this state, including minority residents.
- 4146 3. Ensuring opportunities for construction services from
4147 minority contractors.

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4148 4. Ensuring that opportunities for employment are offered
4149 on an equal, nondiscriminatory basis.

4150 5. Training for employees on responsible gaming and working
4151 with a compulsive or addictive gambling prevention program to
4152 further its purposes as provided for in s. 551.118.

4153 6. The implementation of a drug-testing program that
4154 includes, but is not limited to, requiring each employee to sign
4155 an agreement that he or she understands that the slot machine
4156 facility is a drug-free workplace.

4157

4158 The slot machine licensee shall use the Internet-based job-
4159 listing system of the Agency for Workforce Innovation in
4160 advertising employment opportunities. ~~Beginning in June 2007,~~
4161 Each slot machine licensee shall provide an annual report to the
4162 department ~~division~~ containing information indicating compliance
4163 with this paragraph in regard to minority persons.

4164 (j) Ensure that the payout percentage of a slot machine
4165 gaming facility is at least 85 percent.

4166 (5) A slot machine license is not transferable.

4167 (6) A slot machine licensee shall keep and maintain
4168 permanent daily records of its slot machine operation and shall
4169 maintain such records for a period of not less than 5 years.
4170 These records must include all financial transactions and
4171 contain sufficient detail to determine compliance with the
4172 requirements of this chapter. All records shall be available for
4173 audit and inspection by the department ~~division~~, the Department
4174 of Law Enforcement, or other law enforcement agencies during the
4175 licensee's regular business hours.

4176 (7) A slot machine licensee shall file with the department

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4177 ~~division~~ a monthly report containing the required records of
4178 such slot machine operation. The required reports shall be
4179 submitted on forms prescribed by the department ~~division~~ and
4180 shall be due at the same time as the monthly pari-mutuel reports
4181 are due to the department ~~division~~, and the reports shall be
4182 deemed public records once filed.

4183 (8) A slot machine licensee shall file with the department
4184 ~~division~~ an audit of the receipt and distribution of all slot
4185 machine revenues provided by an independent certified public
4186 accountant verifying compliance with all financial and auditing
4187 provisions of this chapter and the associated rules adopted
4188 under this chapter. The audit must include verification of
4189 compliance with all statutes and rules regarding all required
4190 records of slot machine operations. Such audit shall be filed
4191 within 60 days after the completion of the permit holder's pari-
4192 mutuel meet.

4193 (9) The department ~~division~~ may share any information with
4194 the Department of Law Enforcement, any other law enforcement
4195 agency having jurisdiction over slot machine gaming or pari-
4196 mutuel activities, or any other state or federal law enforcement
4197 agency the department ~~division~~ or the Department of Law
4198 Enforcement deems appropriate. Any law enforcement agency having
4199 jurisdiction over slot machine gaming or pari-mutuel activities
4200 may share any information obtained or developed by it with the
4201 department ~~division~~.

4202 (10) (a)1. No slot machine license or renewal thereof shall
4203 be issued to an applicant holding a permit under chapter 550 to
4204 conduct pari-mutuel wagering meets of thoroughbred racing unless
4205 the applicant has on file with the department ~~division~~ a binding

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4206 written agreement between the applicant and the Florida
4207 Horsemen's Benevolent and Protective Association, Inc.,
4208 governing the payment of purses on live thoroughbred races
4209 conducted at the licensee's pari-mutuel facility. In addition,
4210 no slot machine license or renewal thereof shall be issued to
4211 such an applicant unless the applicant has on file with the
4212 department ~~division~~ a binding written agreement between the
4213 applicant and the Florida Thoroughbred Breeders' Association,
4214 Inc., governing the payment of breeders', stallion, and special
4215 racing awards on live thoroughbred races conducted at the
4216 licensee's pari-mutuel facility. The agreement governing purses
4217 and the agreement governing awards may direct the payment of
4218 such purses and awards from revenues generated by any wagering
4219 or gaming the applicant is authorized to conduct under Florida
4220 law. All purses and awards shall be subject to the terms of
4221 chapter 550. All sums for breeders', stallion, and special
4222 racing awards shall be remitted monthly to the Florida
4223 Thoroughbred Breeders' Association, Inc., for the payment of
4224 awards subject to the administrative fee authorized in s.
4225 550.2625(3).

4226 2. No slot machine license or renewal thereof shall be
4227 issued to an applicant holding a permit under chapter 550 to
4228 conduct pari-mutuel wagering meets of quarter horse racing
4229 unless the applicant has on file with the department ~~division~~ a
4230 binding written agreement between the applicant and the Florida
4231 Quarter Horse Racing Association or the association representing
4232 a majority of the horse owners and trainers at the applicant's
4233 eligible facility, governing the payment of purses on live
4234 quarter horse races conducted at the licensee's pari-mutuel

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4235 facility. The agreement governing purses may direct the payment
4236 of such purses from revenues generated by any wagering or gaming
4237 the applicant is authorized to conduct under Florida law. All
4238 purses are ~~shall be~~ subject to the terms of chapter 550.

4239 (b) The department ~~division~~ shall suspend a slot machine
4240 license if one or more of the agreements required under
4241 paragraph (a) are terminated or otherwise cease to operate or if
4242 the department ~~division~~ determines that the licensee is
4243 materially failing to comply with the terms of such an
4244 agreement. Any such suspension shall take place in accordance
4245 with chapter 120.

4246 (c)1. If an agreement required under paragraph (a) cannot
4247 be reached before ~~prior to~~ the initial issuance of the slot
4248 machine license, either party may request arbitration or, in the
4249 case of a renewal, if an agreement required under paragraph (a)
4250 is not in place 120 days prior to the scheduled expiration date
4251 of the slot machine license, the applicant shall immediately ask
4252 the American Arbitration Association to furnish a list of 11
4253 arbitrators, each of whom shall have at least 5 years of
4254 commercial arbitration experience and no financial interest in
4255 or prior relationship with any of the parties or their
4256 affiliated or related entities or principals. Each required
4257 party to the agreement shall select a single arbitrator from the
4258 list provided by the American Arbitration Association within 10
4259 days of receipt, and the individuals so selected shall choose
4260 one additional arbitrator from the list within the next 10 days.

4261 2. If an agreement required under paragraph (a) is not in
4262 place 60 days after the request under subparagraph 1. in the
4263 case of an initial slot machine license or, in the case of a

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4264 renewal, 60 days before ~~prior to~~ the scheduled expiration date
4265 of the slot machine license, the matter shall be immediately
4266 submitted to mandatory binding arbitration to resolve the
4267 disagreement between the parties. The three arbitrators selected
4268 pursuant to subparagraph 1. shall constitute the panel that
4269 shall arbitrate the dispute between the parties pursuant to the
4270 American Arbitration Association Commercial Arbitration Rules
4271 and chapter 682.

4272 3. At the conclusion of the proceedings, which shall be no
4273 later than 90 days after the request under subparagraph 1. in
4274 the case of an initial slot machine license or, in the case of a
4275 renewal, 30 days before ~~prior to~~ the scheduled expiration date
4276 of the slot machine license, the arbitration panel shall present
4277 to the parties a proposed agreement that the majority of the
4278 panel believes equitably balances the rights, interests,
4279 obligations, and reasonable expectations of the parties. The
4280 parties shall immediately enter into such agreement, which shall
4281 satisfy the requirements of paragraph (a) and permit issuance of
4282 the pending annual slot machine license or renewal. The
4283 agreement produced by the arbitration panel under this
4284 subparagraph shall be effective until the last day of the
4285 license or renewal period or until the parties enter into a
4286 different agreement. Each party shall pay its respective costs
4287 of arbitration and shall pay one-half of the costs of the
4288 arbitration panel, unless the parties otherwise agree. If the
4289 agreement produced by the arbitration panel under this
4290 subparagraph remains in place 120 days prior to the scheduled
4291 issuance of the next annual license renewal, then the
4292 arbitration process established in this paragraph will begin

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4293 again.

4294 4. ~~If In the event that neither of~~ the agreements required
4295 under subparagraph (a)1. or the agreement required under
4296 subparagraph (a)2. are not in place by the deadlines established
4297 in this paragraph, arbitration regarding each agreement shall
4298 ~~will~~ proceed independently, with separate lists of arbitrators,
4299 arbitration panels, arbitration proceedings, and resulting
4300 agreements.

4301 5. With respect to the agreements required under paragraph
4302 (a) governing the payment of purses, the arbitration and
4303 resulting agreement called for under this paragraph shall be
4304 limited to the payment of purses from slot machine revenues
4305 only.

4306 (d) If any provision of this subsection or its application
4307 to any person or circumstance is held invalid, the invalidity
4308 does not affect other provisions or applications of this
4309 subsection or chapter which can be given effect without the
4310 invalid provision or application, and to this end the provisions
4311 of this subsection are severable.

4312 Section 57. Section 551.1045, Florida Statutes, is amended
4313 to read:

4314 551.1045 Temporary licenses.—

4315 (1) Notwithstanding any provision of s. 120.60 to the
4316 contrary, the department ~~division~~ may issue a temporary
4317 occupational license upon the receipt of a complete application
4318 from the applicant and a determination that the applicant has
4319 not been convicted of or had adjudication withheld on any
4320 disqualifying criminal offense. The temporary occupational
4321 license remains valid until such time as the department ~~division~~

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4322 grants an occupational license or notifies the applicant of its
4323 intended decision to deny the applicant a license pursuant to
4324 the provisions of s. 120.60. The department ~~division~~ shall adopt
4325 rules to administer this subsection. However, not more than one
4326 temporary license may be issued for any person in any year.

4327 (2) A temporary license issued under this section is
4328 nontransferable.

4329 Section 58. Subsection (3) of section 551.105, Florida
4330 Statutes, is amended to read:

4331 551.105 Slot machine license renewal.-

4332 (3) Upon determination by the department ~~division~~ that the
4333 application for renewal is complete and qualifications have been
4334 met, including payment of the renewal fee, the slot machine
4335 license shall be renewed annually.

4336 Section 59. Section 551.106, Florida Statutes, is amended
4337 to read:

4338 551.106 License fee; tax rate; penalties.-

4339 (1) LICENSE FEE.-

4340 ~~(a)~~ Upon submission of the initial application for a slot
4341 machine license and annually thereafter, on the anniversary date
4342 of the issuance of the initial license, the licensee must pay to
4343 the department ~~division~~ a nonrefundable license fee of \$3
4344 million for the succeeding 12 months of licensure. In the 2010-
4345 2011 fiscal year, the licensee must pay the department ~~division~~
4346 a nonrefundable license fee of \$2.5 million for the succeeding
4347 12 months of licensure. In the 2011-2012 fiscal year and for
4348 every fiscal year thereafter, the licensee must pay the
4349 department ~~division~~ a nonrefundable license fee of \$2 million
4350 for the succeeding 12 months of licensure. The license fee shall

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4351 be deposited into the Pari-mutuel Wagering Trust Fund ~~of the~~
4352 ~~Department of Business and Professional Regulation~~ to be used by
4353 the department ~~division~~ and the Department of Law Enforcement
4354 for investigations, regulation of slot machine gaming, and
4355 enforcement of slot machine gaming provisions under this
4356 chapter. These payments shall be accounted for separately from
4357 taxes or fees paid pursuant to ~~the provisions of~~ chapter 550.

4358 ~~(b) Prior to January 1, 2007, the division shall evaluate~~
4359 ~~the license fee and shall make recommendations to the President~~
4360 ~~of the Senate and the Speaker of the House of Representatives~~
4361 ~~regarding the optimum level of slot machine license fees in~~
4362 ~~order to adequately support the slot machine regulatory program.~~

4363 (2) TAX ON SLOT MACHINE REVENUES.—

4364 (a) The tax rate on slot machine revenues at each facility
4365 shall be 35 percent. If, during any state fiscal year, the
4366 aggregate amount of tax paid to the state by all slot machine
4367 licensees in Broward and Miami-Dade Counties is less than the
4368 aggregate amount of tax paid to the state by all slot machine
4369 licensees in the 2008-2009 fiscal year, each slot machine
4370 licensee shall pay to the state within 45 days after the end of
4371 the state fiscal year a surcharge equal to its pro rata share of
4372 an amount equal to the difference between the aggregate amount
4373 of tax paid to the state by all slot machine licensees in the
4374 2008-2009 fiscal year and the amount of tax paid during the
4375 fiscal year. Each licensee's pro rata share shall be an amount
4376 determined by dividing the number 1 by the number of facilities
4377 licensed to operate slot machines during the applicable fiscal
4378 year, regardless of whether the facility is operating such
4379 machines.

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4380 (b) The slot machine revenue tax imposed by this section
4381 shall be paid to the department ~~division~~ for deposit into the
4382 Pari-mutuel Wagering Trust Fund for immediate transfer by the
4383 Chief Financial Officer for deposit into the Educational
4384 Enhancement Trust Fund of the Department of Education. Any
4385 interest earnings on the tax revenues shall also be transferred
4386 to the Educational Enhancement Trust Fund.

4387 (c)1. Funds transferred to the Educational Enhancement
4388 Trust Fund under paragraph (b) shall be used to supplement
4389 public education funding statewide.

4390 2. If necessary to comply with any covenant established
4391 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),
4392 funds transferred to the Educational Enhancement Trust Fund
4393 under paragraph (b) shall first be available to pay debt service
4394 on lottery bonds issued to fund school construction in the event
4395 lottery revenues are insufficient for such purpose or to satisfy
4396 debt service reserve requirements established in connection with
4397 lottery bonds. Moneys available pursuant to this subparagraph
4398 are subject to annual appropriation by the Legislature.

4399 (3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax
4400 on slot machine revenues imposed by this section shall be paid
4401 to the department ~~division~~. The department ~~division~~ shall
4402 deposit these sums with the Chief Financial Officer, to the
4403 credit of the Pari-mutuel Wagering Trust Fund. The slot machine
4404 licensee shall remit to the department ~~division~~ payment for the
4405 tax on slot machine revenues. Such payments shall be remitted by
4406 3 p.m. Wednesday of each week for taxes imposed and collected
4407 for the preceding week ending on Sunday. Beginning on July 1,
4408 2012, the slot machine licensee shall remit to the department

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4409 ~~division~~ payment for the tax on slot machine revenues by 3 p.m.
4410 on the 5th day of each calendar month for taxes imposed and
4411 collected for the preceding calendar month. If the 5th day of
4412 the calendar month falls on a weekend, payments shall be
4413 remitted by 3 p.m. the first Monday following the weekend. The
4414 slot machine licensee shall file a report under oath by the 5th
4415 day of each calendar month for all taxes remitted during the
4416 preceding calendar month. Such payments shall be accompanied by
4417 a report under oath showing all slot machine gaming activities
4418 for the preceding calendar month and such other information as
4419 may be prescribed by the department ~~division~~.

4420 (4) TO PAY TAX; PENALTIES.—A slot machine licensee who
4421 fails to make tax payments as required under this section is
4422 subject to an administrative penalty of up to \$10,000 for each
4423 day the tax payment is not remitted. All administrative
4424 penalties imposed and collected shall be deposited into the
4425 Pari-mutuel Wagering Trust Fund ~~of the Department of Business~~
4426 ~~and Professional Regulation~~. If any slot machine licensee fails
4427 to pay penalties imposed by order of the department ~~division~~
4428 under this subsection, the department ~~division~~ may suspend,
4429 revoke, or refuse to renew the license of the slot machine
4430 licensee.

4431 (5) SUBMISSION OF FUNDS.—The department ~~division~~ may
4432 require slot machine licensees to remit taxes, fees, fines, and
4433 assessments by electronic funds transfer.

4434 Section 60. Section 551.107, Florida Statutes, is amended
4435 to read:

4436 551.107 Slot machine occupational license; findings;
4437 application; fee.—

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4438 (1) The Legislature finds that individuals and entities
4439 that are licensed under this section require heightened state
4440 scrutiny, including the submission by the individual licensees
4441 or persons associated with the entities described in this
4442 chapter of fingerprints for a criminal history record check.

4443 (2) (a) The following slot machine occupational licenses
4444 shall be issued to persons or entities that, by virtue of the
4445 positions they hold, might be granted access to slot machine
4446 gaming areas or to any other person or entity in one of the
4447 following categories:

4448 1. General occupational licenses for general employees,
4449 including food service, maintenance, and other similar service
4450 and support employees having access to the slot machine gaming
4451 area.

4452 2. Professional occupational licenses for any person,
4453 proprietorship, partnership, corporation, or other entity that
4454 is authorized by a slot machine licensee to manage, oversee, or
4455 otherwise control daily operations as a slot machine manager, a
4456 floor supervisor, security personnel, or any other similar
4457 position of oversight of gaming operations, or any person who is
4458 not an employee of the slot machine licensee and who provides
4459 maintenance, repair, or upgrades or otherwise services a slot
4460 machine or other slot machine equipment.

4461 3. Business occupational licenses for any slot machine
4462 management company or company associated with slot machine
4463 gaming, any person who manufactures, distributes, or sells slot
4464 machines, slot machine paraphernalia, or other associated
4465 equipment to slot machine licensees, or any company that sells
4466 or provides goods or services associated with slot machine

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4467 gaming to slot machine licensees.

4468 (b) The department ~~division~~ may issue one license to
4469 combine licenses under this section with pari-mutuel
4470 occupational licenses and cardroom licenses pursuant to s.
4471 550.105(2) (b). The department ~~division~~ shall adopt rules
4472 pertaining to occupational licenses under this subsection. Such
4473 rules may specify, but need not be limited to, requirements and
4474 restrictions for licensed occupations and categories, procedures
4475 to apply for any license or combination of licenses,
4476 disqualifying criminal offenses for a licensed occupation or
4477 categories of occupations, and which types of occupational
4478 licenses may be combined into a single license under this
4479 section. The fingerprinting requirements of subsection (7) apply
4480 to any combination license that includes slot machine license
4481 privileges under this section. The department ~~division~~ may not
4482 adopt a rule allowing the issuance of an occupational license to
4483 any person who does not meet the minimum background
4484 qualifications under this section.

4485 (c) Slot machine occupational licenses are not
4486 transferable.

4487 (3) A slot machine licensee may not employ or otherwise
4488 allow a person to work at a licensed facility unless such person
4489 holds the appropriate valid occupational license. A slot machine
4490 licensee may not contract or otherwise do business with a
4491 business required to hold a slot machine occupational license
4492 unless the business holds such a license. A slot machine
4493 licensee may not employ or otherwise allow a person to work in a
4494 supervisory or management professional level at a licensed
4495 facility unless such person holds a valid slot machine

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4496 occupational license. All slot machine occupational licensees,
4497 while present in slot machine gaming areas, shall display on
4498 their persons their occupational license identification cards.

4499 (4) (a) A person seeking a slot machine occupational license
4500 or renewal thereof shall make application on forms prescribed by
4501 the department ~~division~~ and include payment of the appropriate
4502 application fee. Initial and renewal applications for slot
4503 machine occupational licenses must contain all information that
4504 the department ~~division~~, by rule, determines is required to
4505 ensure eligibility.

4506 (b) A slot machine license or combination license is valid
4507 for the same term as a pari-mutuel occupational license issued
4508 pursuant to s. 550.105(1).

4509 (c) Pursuant to rules adopted by the department ~~division~~,
4510 any person may apply for and, if qualified, be issued a slot
4511 machine occupational license valid for a period of 3 years upon
4512 payment of the full occupational license fee for each of the 3
4513 years for which the license is issued. The slot machine
4514 occupational license is valid during its specified term at any
4515 licensed facility where slot machine gaming is authorized to be
4516 conducted.

4517 (d) The slot machine occupational license fee for initial
4518 application and annual renewal shall be determined by rule of
4519 the department ~~division~~ but may not exceed \$50 for a general or
4520 professional occupational license for an employee of the slot
4521 machine licensee or \$1,000 for a business occupational license
4522 for nonemployees of the licensee providing goods or services to
4523 the slot machine licensee. License fees for general occupational
4524 licensees shall be paid by the slot machine licensee. Failure to

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4525 pay the required fee constitutes grounds for disciplinary action
4526 by the department ~~division~~ against the slot machine licensee,
4527 but it is not a violation of this chapter or rules of the
4528 department ~~division~~ by the general occupational licensee and
4529 does not prohibit the initial issuance or the renewal of the
4530 general occupational license.

4531 (5) The department ~~division~~ may:

4532 (a) Deny an application for, or revoke, suspend, or place
4533 conditions or restrictions on, a license of a person or entity
4534 that has been refused a license by any other state gaming
4535 commission, governmental department, agency, or other authority
4536 exercising regulatory jurisdiction over the gaming of another
4537 state or jurisdiction; or

4538 (b) Deny an application for, or suspend or place conditions
4539 on, a license of any person or entity that is under suspension
4540 or has unpaid fines in another state or jurisdiction.

4541 (6) (a) The department ~~division~~ may deny, suspend, revoke,
4542 or refuse to renew any slot machine occupational license if the
4543 applicant for such license or the licensee has violated the
4544 provisions of this chapter or the rules of the department
4545 ~~division~~ governing the conduct of persons connected with slot
4546 machine gaming. In addition, the department ~~division~~ may deny,
4547 suspend, revoke, or refuse to renew any slot machine
4548 occupational license if the applicant for such license or the
4549 licensee has been convicted in this state, in any other state,
4550 or under the laws of the United States of a capital felony, a
4551 felony, or an offense in any other state which ~~that~~ would be a
4552 felony under the laws of this state involving arson; trafficking
4553 in, conspiracy to traffic in, smuggling, importing, conspiracy

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4554 to smuggle or import, or delivery, sale, or distribution of a
4555 controlled substance; racketeering; or a crime involving a lack
4556 of good moral character, or has had a gaming license revoked by
4557 this state or any other jurisdiction for any gaming-related
4558 offense.

4559 (b) The department ~~division~~ may deny, revoke, or refuse to
4560 renew any slot machine occupational license if the applicant for
4561 such license or the licensee has been convicted of a felony or
4562 misdemeanor in this state, in any other state, or under the laws
4563 of the United States if such felony or misdemeanor is related to
4564 gambling or bookmaking as described in s. 849.25.

4565 (c) For purposes of this subsection, the term "convicted"
4566 means having been found guilty, with or without adjudication of
4567 guilt, as a result of a jury verdict, nonjury trial, or entry of
4568 a plea of guilty or nolo contendere.

4569 (7) Fingerprints for all slot machine occupational license
4570 applications shall be taken in a manner approved by the
4571 department ~~division~~ and shall be submitted electronically to the
4572 Department of Law Enforcement for state processing and the
4573 Federal Bureau of Investigation for national processing for a
4574 criminal history record check. All persons as specified in s.
4575 550.1815(1) (a) employed by or working within a licensed premises
4576 shall submit fingerprints for a criminal history record check
4577 and may not have been convicted of any disqualifying criminal
4578 offenses specified in subsection (6). Department ~~Division~~
4579 employees and law enforcement officers assigned by their
4580 employing agencies to work within the premises as part of their
4581 official duties are excluded from the criminal history record
4582 check requirements under this subsection. For purposes of this

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4583 subsection, the term "convicted" means having been found guilty,
4584 with or without adjudication of guilt, as a result of a jury
4585 verdict, nonjury trial, or entry of a plea of guilty or nolo
4586 contendere.

4587 (a) Fingerprints shall be taken in a manner approved by the
4588 department ~~division~~ upon initial application, or as required
4589 thereafter by rule of the department ~~division~~, and shall be
4590 submitted electronically to the Department of Law Enforcement
4591 for state processing. The Department of Law Enforcement shall
4592 forward the fingerprints to the Federal Bureau of Investigation
4593 for national processing. The results of the criminal history
4594 record check shall be returned to the department ~~division~~ for
4595 purposes of screening. Licensees shall provide necessary
4596 equipment approved by the Department of Law Enforcement to
4597 facilitate such electronic submission. The department ~~division~~
4598 requirements under this subsection shall be instituted in
4599 consultation with the Department of Law Enforcement.

4600 (b) The cost of processing fingerprints and conducting a
4601 criminal history record check for a general occupational license
4602 shall be borne by the slot machine licensee. The cost of
4603 processing fingerprints and conducting a criminal history record
4604 check for a business or professional occupational license shall
4605 be borne by the person being checked. The Department of Law
4606 Enforcement may submit an invoice to the department ~~division~~ for
4607 the cost of fingerprints submitted each month.

4608 (c) All fingerprints submitted to the Department of Law
4609 Enforcement and required by this section shall be retained by
4610 the Department of Law Enforcement and entered into the statewide
4611 automated fingerprint identification system as authorized by s.

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4612 943.05(2)(b) and shall be available for all purposes and uses
4613 authorized for arrest fingerprint cards entered into the
4614 statewide automated fingerprint identification system pursuant
4615 to s. 943.051.

4616 (d) The Department of Law Enforcement shall search all
4617 arrest fingerprints received pursuant to s. 943.051 against the
4618 fingerprints retained in the statewide automated fingerprint
4619 identification system under paragraph (c). Any arrest record
4620 that is identified with the retained fingerprints of a person
4621 subject to the criminal history screening requirements of this
4622 section shall be reported to the department ~~division~~. Each
4623 licensed facility shall pay a fee to the department ~~division~~ for
4624 the cost of retention of the fingerprints and the ongoing
4625 searches under this paragraph. The department ~~division~~ shall
4626 forward the payment to the Department of Law Enforcement. The
4627 amount of the fee to be imposed for performing these searches
4628 and the procedures for the retention of licensee fingerprints
4629 shall be as established by rule of the Department of Law
4630 Enforcement. The department ~~division~~ shall inform the Department
4631 of Law Enforcement of any change in the license status of
4632 licensees whose fingerprints are retained under paragraph (c).

4633 (e) The department ~~division~~ shall request the Department of
4634 Law Enforcement to forward the fingerprints to the Federal
4635 Bureau of Investigation for a national criminal history records
4636 check every 3 years following issuance of a license. If the
4637 fingerprints of a person who is licensed have not been retained
4638 by the Department of Law Enforcement, the person must file a
4639 complete set of fingerprints as provided for in paragraph (a).
4640 The department ~~division~~ shall collect the fees for the cost of

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4641 the national criminal history record check under this paragraph
4642 and shall forward the payment to the Department of Law
4643 Enforcement. The cost of processing fingerprints and conducting
4644 a criminal history record check under this paragraph for a
4645 general occupational license shall be borne by the slot machine
4646 licensee. The cost of processing fingerprints and conducting a
4647 criminal history record check under this paragraph for a
4648 business or professional occupational license shall be borne by
4649 the person being checked. The Department of Law Enforcement may
4650 submit an invoice to the department ~~division~~ for the cost of
4651 fingerprints submitted each month. Under penalty of perjury,
4652 each person who is licensed or who is fingerprinted as required
4653 by this section must agree to inform the department ~~division~~
4654 within 48 hours if he or she is convicted of or has entered a
4655 plea of guilty or nolo contendere to any disqualifying offense,
4656 regardless of adjudication.

4657 (8) All moneys collected pursuant to this section shall be
4658 deposited into the Pari-mutuel Wagering Trust Fund.

4659 (9) The department ~~division~~ may deny, revoke, or suspend
4660 any occupational license if the applicant or holder of the
4661 license accumulates unpaid obligations, defaults in obligations,
4662 or issues drafts or checks that are dishonored or for which
4663 payment is refused without reasonable cause.

4664 (10) The department ~~division~~ may fine or suspend, revoke,
4665 or place conditions upon the license of any licensee who
4666 provides false information under oath regarding an application
4667 for a license or an investigation by the department ~~division~~.

4668 (11) The department ~~division~~ may impose a civil fine of up
4669 to \$5,000 for each violation of this chapter or the rules of the

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4670 department ~~division~~ in addition to or in lieu of any other
4671 penalty provided for in this section. The department ~~division~~
4672 may adopt a penalty schedule for violations of this chapter or
4673 any rule adopted pursuant to this chapter for which it would
4674 impose a fine in lieu of a suspension and adopt rules allowing
4675 for the issuance of citations, including procedures to address
4676 such citations, to persons who violate such rules. In addition
4677 to any other penalty provided by law, the department ~~division~~
4678 may exclude from all licensed slot machine facilities in this
4679 state, for a period not to exceed the period of suspension,
4680 revocation, or ineligibility, any person whose occupational
4681 license application has been declared ineligible to hold an
4682 occupational license or whose occupational license has been
4683 suspended or revoked by the department ~~division~~.

4684 Section 61. Section 551.108, Florida Statutes, is amended
4685 to read:

4686 551.108 Prohibited relationships.—

4687 (1) A person employed by or performing any function on
4688 behalf of the department ~~division~~ may not:

4689 (a) Be an officer, director, owner, or employee of any
4690 person or entity licensed by the department ~~division~~.

4691 (b) Have or hold any interest, direct or indirect, in or
4692 engage in any commerce or business relationship with any person
4693 licensed by the department ~~division~~.

4694 (2) A manufacturer or distributor of slot machines may not
4695 enter into any contract with a slot machine licensee which ~~that~~
4696 provides for any revenue sharing of any kind or nature or which
4697 ~~that~~ is directly or indirectly calculated on the basis of a
4698 percentage of slot machine revenues. Any maneuver, shift, or

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4699 device whereby this subsection is violated is a violation of
4700 this chapter and renders any such agreement void.

4701 (3) A manufacturer or distributor of slot machines or any
4702 equipment necessary for the operation of slot machines or an
4703 officer, director, or employee of any such manufacturer or
4704 distributor may not have any ownership or financial interest in
4705 a slot machine license or in any business owned by the slot
4706 machine licensee.

4707 (4) An employee of the department ~~division~~ or relative
4708 living in the same household as such employee of the department
4709 ~~division~~ may not wager at any time on a slot machine located at
4710 a facility licensed by the department ~~division~~.

4711 (5) An occupational licensee or relative living in the same
4712 household as such occupational licensee may not wager at any
4713 time on a slot machine located at a facility where that person
4714 is employed.

4715 Section 62. Subsections (2) and (7) of section 551.109,
4716 Florida Statutes, are amended to read:

4717 551.109 Prohibited acts; penalties.—

4718 (2) Except as otherwise provided by law and in addition to
4719 any other penalty, any person who possesses a slot machine
4720 without the license required by this chapter or who possesses a
4721 slot machine at any location other than at the slot machine
4722 licensee's facility is subject to an administrative fine or
4723 civil penalty of up to \$10,000 per machine. The prohibition in
4724 this subsection does not apply to:

4725 (a) Slot machine manufacturers or slot machine distributors
4726 that hold appropriate licenses issued by the department ~~division~~
4727 who are authorized to maintain a slot machine storage and

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4728 maintenance facility at any location in a county in which slot
4729 machine gaming is authorized by this chapter. The department
4730 ~~division~~ may adopt rules regarding security and access to the
4731 storage facility and inspections by the department ~~division~~.

4732 (b) Certified educational facilities that are authorized to
4733 maintain slot machines for the sole purpose of education and
4734 licensure, if any, of slot machine technicians, inspectors, or
4735 investigators. The department ~~division~~ and the Department of Law
4736 Enforcement may possess slot machines for training and testing
4737 purposes. The department ~~division~~ may adopt rules regarding the
4738 regulation of any such slot machines used for educational,
4739 training, or testing purposes.

4740 (7) All penalties imposed and collected under this section
4741 must be deposited into the Pari-mutuel Wagering Trust Fund ~~of~~
4742 ~~the Department of Business and Professional Regulation~~.

4743 Section 63. Section 551.112, Florida Statutes, is amended
4744 to read:

4745 551.112 Exclusions of certain persons.—In addition to the
4746 power to exclude certain persons from any facility of a slot
4747 machine licensee in this state, the department ~~division~~ may
4748 exclude any person from any facility of a slot machine licensee
4749 in this state for conduct that would constitute, if the person
4750 were a licensee, a violation of this chapter or the rules of the
4751 department ~~division~~. The department ~~division~~ may exclude from
4752 any facility of a slot machine licensee any person who has been
4753 ejected from a facility of a slot machine licensee in this state
4754 or who has been excluded from any facility of a slot machine
4755 licensee or gaming facility in another state by the governmental
4756 department, agency, commission, or authority exercising

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4757 regulatory jurisdiction over the gaming in such other state.
4758 This section does not abrogate the common law right of a slot
4759 machine licensee to exclude a patron absolutely in this state.

4760 Section 64. Subsections (3) and (5) of section 551.114,
4761 Florida Statutes, are amended to read:

4762 551.114 Slot machine gaming areas.—

4763 (3) The department ~~division~~ shall require the posting of
4764 signs warning of the risks and dangers of gambling, showing the
4765 odds of winning, and informing patrons of the toll-free
4766 telephone number available to provide information and referral
4767 services regarding compulsive or problem gambling.

4768 (5) The permitholder shall provide adequate office space at
4769 no cost to the department ~~division~~ and the Department of Law
4770 Enforcement for the oversight of slot machine operations. The
4771 department ~~division~~ shall adopt rules establishing the criteria
4772 for adequate space, configuration, and location and needed
4773 electronic and technological requirements for office space
4774 required by this subsection.

4775 Section 65. Section 551.117, Florida Statutes, is amended
4776 to read:

4777 551.117 Penalties.—The department ~~division~~ may revoke or
4778 suspend any slot machine license issued under this chapter upon
4779 the willful violation by the slot machine licensee of any
4780 provision of this chapter or of any rule adopted under this
4781 chapter. In lieu of suspending or revoking a slot machine
4782 license, the department ~~division~~ may impose a civil penalty
4783 against the slot machine licensee for a violation of this
4784 chapter or any rule adopted by the department ~~division~~. Except
4785 as otherwise provided in this chapter, the penalty so imposed

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4786 may not exceed \$100,000 for each count or separate offense. All
4787 penalties imposed and collected must be deposited into the Pari-
4788 mutuel Wagering Trust Fund ~~of the Department of Business and~~
4789 ~~Professional Regulation.~~

4790 Section 66. Section 551.118, Florida Statutes, is amended
4791 to read:

4792 551.118 Compulsive or addictive gambling prevention
4793 program.—

4794 (1) The slot machine licensee shall offer training to
4795 employees on responsible gaming and shall work with a compulsive
4796 or addictive gambling prevention program to recognize problem
4797 gaming situations and to implement responsible gaming programs
4798 and practices.

4799 (2) The department ~~division~~ shall, subject to competitive
4800 bidding, contract for provision of services related to the
4801 prevention of compulsive and addictive gambling. The contract
4802 shall provide for an advertising program to encourage
4803 responsible gaming practices and to publicize a gambling
4804 telephone help line. Such advertisements must be made both
4805 publicly and inside the designated slot machine gaming areas of
4806 the licensee's facilities. The terms of any contract for the
4807 provision of such services shall include accountability
4808 standards that must be met by any private provider. The failure
4809 of any private provider to meet any material terms of the
4810 contract, including the accountability standards, shall
4811 constitute a breach of contract or grounds for nonrenewal. The
4812 department ~~division~~ may consult with the Department of the
4813 Lottery in the development of the program and the development
4814 and analysis of any procurement for contractual services for the

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4815 compulsive or addictive gambling prevention program.

4816 (3) The compulsive or addictive gambling prevention program
4817 shall be funded from an annual nonrefundable regulatory fee of
4818 \$250,000 paid by the licensee to the department ~~division~~.

4819 Section 67. Paragraph (c) of subsection (4) of section
4820 551.121, Florida Statutes, is amended to read:

4821 551.121 Prohibited activities and devices; exceptions.—

4822 (4)

4823 (c) Outside the designated slot machine gaming areas, a
4824 slot machine licensee or operator may accept or cash a check for
4825 an employee of the facility who is prohibited from wagering on a
4826 slot machine under s. 551.108(5), a check made directly payable
4827 to a person licensed by the department ~~division~~, or a check made
4828 directly payable to the slot machine licensee or operator from:

4829 1. A pari-mutuel patron; or

4830 2. A pari-mutuel facility in this state or in another
4831 state.

4832 Section 68. Section 551.122, Florida Statutes, is amended
4833 to read:

4834 551.122 Rulemaking.—The department ~~division~~ may adopt rules
4835 pursuant to ss. 120.536(1) and 120.54 to administer the
4836 provisions of this chapter.

4837 Section 69. Section 551.123, Florida Statutes, is amended
4838 to read:

4839 551.123 Legislative authority; administration of chapter.—

4840 The Legislature finds and declares that it has exclusive
4841 authority over the conduct of all wagering occurring at a slot
4842 machine facility in this state. As provided by law, only the
4843 department ~~Division of Pari-mutuel Wagering~~ and other authorized

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4844 state agencies shall administer this chapter and regulate the
4845 slot machine gaming industry, including operation of slot
4846 machine facilities, games, slot machines, and facilities-based
4847 computer systems authorized in this chapter and the rules
4848 adopted by the department ~~division~~.

4849 Section 70. Subsection (5) of section 565.02, Florida
4850 Statutes, is amended to read:

4851 565.02 License fees; vendors; clubs; caterers; and others.—

4852 (5) A caterer at a horse or dog racetrack or jai alai
4853 fronton may obtain a license upon the payment of an annual state
4854 license tax of \$675. Such caterer's license shall permit sales
4855 only within the enclosure in which such races or jai alai games
4856 are conducted, and such licensee shall be permitted to sell only
4857 during the period beginning 10 days before and ending 10 days
4858 after racing or jai alai under the authority of the ~~Division of~~
4859 ~~Pari-mutuel Wagering of the~~ Department of Gaming Control
4860 ~~Business and Professional Regulation~~ is conducted at such
4861 racetrack or jai alai fronton. Except as otherwise provided in
4862 this subsection ~~otherwise provided~~, caterers licensed hereunder
4863 shall be treated as vendors licensed to sell by the drink the
4864 beverages mentioned herein and shall be subject to all the
4865 provisions hereof relating to such vendors.

4866 Section 71. Section 616.09, Florida Statutes, is amended to
4867 read:

4868 616.09 Not authorized to carry on gambling, etc.;
4869 forfeiture of charter for violations; annulment proceedings.—
4870 ~~Nothing in~~ This chapter does not ~~shall be held or construed to~~
4871 authorize or permit any fair association to carry on, conduct,
4872 supervise, permit, or suffer any gambling or game of chance,

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4873 lottery, betting, or other act in violation of the criminal laws
4874 of the state; and ~~nothing in this chapter~~ does not shall permit
4875 horseracing or dogracing or any other pari-mutuel wagering, for
4876 money or upon which money is placed. Any fair association that
4877 ~~which~~ violates any such law or that ~~which~~ knowingly permits the
4878 violation of any such law is subject to forfeiture of its
4879 charter; and if any citizen complains to the Department of Legal
4880 Affairs or the Department of Gaming Control that the association
4881 was organized for or is being used as a cover to evade any of
4882 the laws of Florida against crime, and submits prima facie
4883 evidence to sustain the charge, the Department of Legal Affairs
4884 or the Department of Gaming Control shall institute, and in due
4885 time prosecute to final judgment, such proceedings as may be
4886 necessary to annul the charter and incorporation of the
4887 association. A writ of injunction or other extraordinary process
4888 shall be issued by a court of competent jurisdiction on the
4889 application of the Department of Legal Affairs or the Department
4890 of Gaming Control on complaint pending the annulment proceeding
4891 and in aid thereof, and the case shall be given precedence over
4892 all civil cases pending in that court and shall be heard and
4893 disposed of with as little delay as practicable.

4894 Section 72. Subsection (9) of section 616.241, Florida
4895 Statutes, is amended to read:

4896 616.241 Trade standards for operation at public fairs and
4897 expositions.—Trade standards for the operation of shows or games
4898 in connection with public fairs and expositions are as follows:

4899 (9) VIOLATIONS; REPORTING.—Florida law forbids lotteries,
4900 gambling, raffles, and other games of chance at community,
4901 county, district, state, regional, or interstate fairs and

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4902 specialized shows. Enforcement is the responsibility of the
4903 Department of Gaming Control, local boards, and authorities.

4904 Section 73. Section 817.37, Florida Statutes, is amended to
4905 read:

4906 817.37 Touting; defining; providing punishment; ejection
4907 from racetracks.—

4908 (1) Any person who knowingly and designedly by false
4909 representation attempts to, or does persuade, procure, or cause
4910 another person to wager on a horse in a race to be run in this
4911 state or elsewhere, and upon which money is wagered in this
4912 state, and who asks or demands compensation as a reward for
4913 information or purported information given in such case is a
4914 tout, and commits ~~is guilty of~~ touting.

4915 (2) Any person who is a tout, or who attempts or conspires
4916 to commit touting, commits ~~shall be guilty of~~ a misdemeanor of
4917 the second degree, punishable as provided in s. 775.082 or s.
4918 775.083.

4919 (3) Any person who in the commission of touting falsely
4920 uses the name of any official of the Department of Gaming
4921 Control ~~Florida Division of Pari-mutuel Wagering~~, its inspectors
4922 or attaches, or of any official of any racetrack association, or
4923 the names of any owner, trainer, jockey, or other person
4924 licensed by the Department of Gaming Control ~~Florida Division of~~
4925 ~~Pari-mutuel Wagering~~, as the source of any information or
4926 purported information commits ~~shall be guilty of~~ a felony of the
4927 third degree, punishable as provided in s. 775.082, s. 775.083,
4928 or s. 775.084.

4929 (4) Any person who has been convicted of touting by any
4930 court, and the record of whose conviction on such charge is on

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4931 file in the office of the Department of Gaming Control Florida
4932 ~~Division of Pari-mutuel Wagering~~, any court of this state, or of
4933 the Federal Bureau of Investigation, or any person who has been
4934 ejected from any racetrack of this or any other state for
4935 touting or practices inimical to the public interest shall be
4936 excluded from all racetracks in this state and if such person
4937 returns to a racetrack he or she commits ~~shall be guilty of~~ a
4938 misdemeanor of the second degree, punishable as provided in s.
4939 775.082 or s. 775.083. Any such person who refuses to leave such
4940 track when ordered to do so by inspectors of the Department of
4941 Gaming Control Florida ~~Division of Pari-mutuel Wagering~~ or by
4942 any peace officer, or by an accredited attache of a racetrack or
4943 association commits ~~shall be guilty of~~ a separate offense that
4944 ~~which~~ shall be a misdemeanor of the second degree, punishable as
4945 provided in s. 775.083.

4946 Section 74. Section 849.086, Florida Statutes, is amended
4947 to read:

4948 849.086 Cardrooms authorized.—

4949 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
4950 to provide additional entertainment choices for the residents of
4951 and visitors to the state, promote tourism in the state, and
4952 provide additional state revenues through the authorization of
4953 the playing of certain games in the state at facilities known as
4954 cardrooms which are to be located at licensed pari-mutuel
4955 facilities. To ensure the public confidence in the integrity of
4956 authorized cardroom operations, this act is designed to strictly
4957 regulate the facilities, persons, and procedures related to
4958 cardroom operations. Furthermore, the Legislature finds that
4959 authorized games as herein defined are considered to be pari-

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4960 mutuel style games and not casino gaming because the
4961 participants play against each other instead of against the
4962 house.

4963 (2) DEFINITIONS.—As used in this section:

4964 (a) "Authorized game" means a game or series of games of
4965 poker or dominoes which are played in a nonbanking manner.

4966 (b) "Banking game" means a game in which the house is a
4967 participant in the game, taking on players, paying winners, and
4968 collecting from losers or in which the cardroom establishes a
4969 bank against which participants play.

4970 (c) "Cardroom" means a facility where authorized games are
4971 played for money or anything of value and to which the public is
4972 invited to participate in such games and charged a fee for
4973 participation by the operator of such facility. Authorized games
4974 and cardrooms do not constitute casino gaming operations.

4975 (d) "Cardroom management company" means any individual not
4976 an employee of the cardroom operator, any proprietorship,
4977 partnership, corporation, or other entity that enters into an
4978 agreement with a cardroom operator to manage, operate, or
4979 otherwise control the daily operation of a cardroom.

4980 (e) "Cardroom distributor" means any business that
4981 distributes cardroom paraphernalia such as card tables, betting
4982 chips, chip holders, dominoes, dominoes tables, drop boxes,
4983 banking supplies, playing cards, card shufflers, and other
4984 associated equipment to authorized cardrooms.

4985 (f) "Cardroom operator" means a licensed pari-mutuel
4986 permitholder that ~~which~~ holds a valid permit and license issued
4987 by the department ~~division~~ pursuant to chapter 550 and that
4988 ~~which~~ also holds a valid cardroom license issued by the

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4989 department ~~division~~ pursuant to this section which authorizes
4990 such person to operate a cardroom and to conduct authorized
4991 games in such cardroom.

4992 (g) "Department" ~~"Division"~~ means ~~the Division of Pari-~~
4993 ~~mutuel Wagering of the Department of~~ Gaming Control ~~Business and~~
4994 ~~Professional Regulation.~~

4995 (h) "Dominoes" means a game of dominoes typically played
4996 with a set of 28 flat rectangular blocks, called "bones," which
4997 are marked on one side and divided into two equal parts, with
4998 zero to six dots, called "pips," in each part. The term also
4999 includes larger sets of blocks that contain a correspondingly
5000 higher number of pips. The term also means the set of blocks
5001 used to play the game.

5002 (i) "Gross receipts" means the total amount of money
5003 received by a cardroom from any person for participation in
5004 authorized games.

5005 (j) "House" means the cardroom operator and all employees
5006 of the cardroom operator.

5007 (k) "Net proceeds" means the total amount of gross receipts
5008 received by a cardroom operator from cardroom operations less
5009 direct operating expenses related to cardroom operations,
5010 including labor costs, admission taxes only if a separate
5011 admission fee is charged for entry to the cardroom facility,
5012 gross receipts taxes imposed on cardroom operators by this
5013 section, the annual cardroom license fees imposed by this
5014 section on each table operated at a cardroom, and reasonable
5015 promotional costs excluding officer and director compensation,
5016 interest on capital debt, legal fees, real estate taxes, bad
5017 debts, contributions or donations, or overhead and depreciation

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5018 expenses not directly related to the operation of the cardrooms.

5019 (1) "Rake" means a set fee or percentage of the pot
5020 assessed by a cardroom operator for providing the services of a
5021 dealer, table, or location for playing the authorized game.

5022 (m) "Tournament" means a series of games that have more
5023 than one betting round involving one or more tables and where
5024 the winners or others receive a prize or cash award.

5025 (3) CARDROOM AUTHORIZED.—Notwithstanding any other
5026 provision of law, it is not a crime for a person to participate
5027 in an authorized game at a licensed cardroom or to operate a
5028 cardroom described in this section if such game and cardroom
5029 operation are conducted strictly in accordance with the
5030 provisions of this section.

5031 (4) AUTHORITY OF DEPARTMENT ~~DIVISION~~.—The department
5032 ~~Division of Pari-mutuel Wagering of the Department of Business~~
5033 ~~and Professional Regulation~~ shall administer this section and
5034 regulate the operation of cardrooms under this section and the
5035 rules adopted pursuant thereto, and is hereby authorized to:

5036 (a) Adopt rules, including, but not limited to: the
5037 issuance of cardroom and employee licenses for cardroom
5038 operations; the operation of a cardroom; recordkeeping and
5039 reporting requirements; and the collection of all fees and taxes
5040 imposed by this section.

5041 (b) Conduct investigations and monitor the operation of
5042 cardrooms and the playing of authorized games therein.

5043 (c) Review the books, accounts, and records of any current
5044 or former cardroom operator.

5045 (d) Suspend or revoke any license or permit, after hearing,
5046 for any violation of the provisions of this section or the

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5047 administrative rules adopted pursuant thereto.

5048 (e) Take testimony, issue summons and subpoenas for any
5049 witness, and issue subpoenas duces tecum in connection with any
5050 matter within its jurisdiction.

5051 (f) Monitor and ensure the proper collection of taxes and
5052 fees imposed by this section. Permitholder internal controls are
5053 mandated to ensure no compromise of state funds. To that end, a
5054 roaming department ~~division~~ auditor will monitor and verify the
5055 cash flow and accounting of cardroom revenue for any given
5056 operating day.

5057 (5) LICENSE REQUIRED; APPLICATION; FEES.—A ~~No~~ person may
5058 not operate a cardroom in this state unless such person holds a
5059 valid cardroom license issued pursuant to this section.

5060 (a) Only those persons holding a valid cardroom license
5061 issued by the department ~~division~~ may operate a cardroom. A
5062 cardroom license may ~~only~~ be issued only to a licensed pari-
5063 mutuel permitholder and an authorized cardroom may ~~only~~ be
5064 operated only at the same facility at which the permitholder is
5065 authorized under its valid pari-mutuel wagering permit to
5066 conduct pari-mutuel wagering activities. An initial cardroom
5067 license shall be issued to a pari-mutuel permitholder only after
5068 its facilities are in place and after it conducts its first day
5069 of live racing or games.

5070 (b) After the initial cardroom license is granted, the
5071 application for the annual license renewal shall be made in
5072 conjunction with the applicant's annual application for its
5073 pari-mutuel license. If a permitholder has operated a cardroom
5074 during any of the 3 previous fiscal years and fails to include a
5075 renewal request for the operation of the cardroom in its annual

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5076 application for license renewal, the permitholder may amend its
5077 annual application to include operation of the cardroom. In
5078 order for a cardroom license to be renewed the applicant must
5079 have requested, as part of its pari-mutuel annual license
5080 application, to conduct at least 90 percent of the total number
5081 of live performances conducted by such permitholder during
5082 either the state fiscal year in which its initial cardroom
5083 license was issued or the state fiscal year immediately prior
5084 thereto if the permitholder ran at least a full schedule of live
5085 racing or games in the prior year. If the application is for a
5086 harness permitholder cardroom, the applicant must have requested
5087 authorization to conduct a minimum of 140 live performances
5088 during the state fiscal year immediately prior thereto. If more
5089 than one permitholder is operating at a facility, each
5090 permitholder must have applied for a license to conduct a full
5091 schedule of live racing.

5092 (c) Persons seeking a license or a renewal thereof to
5093 operate a cardroom shall make application on forms prescribed by
5094 the department ~~division~~. Applications for cardroom licenses
5095 shall contain all of the information the department ~~division~~, by
5096 rule, may determine is required to ensure eligibility.

5097 (d) The annual cardroom license fee for each facility shall
5098 be \$1,000 for each table to be operated at the cardroom. The
5099 license fee shall be deposited by the department ~~division~~ with
5100 the Chief Financial Officer to the credit of the Pari-mutuel
5101 Wagering Trust Fund.

5102 (6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED;
5103 APPLICATION; FEES.—

5104 (a) A person employed or otherwise working in a cardroom as

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5105 a cardroom manager, floor supervisor, pit boss, dealer, or any
5106 other activity related to cardroom operations while the facility
5107 is conducting card playing or games of dominoes must hold a
5108 valid cardroom employee occupational license issued by the
5109 department ~~division~~. Food service, maintenance, and security
5110 employees with a current pari-mutuel occupational license and a
5111 current background check will not be required to have a cardroom
5112 employee occupational license.

5113 (b) Any cardroom management company or cardroom distributor
5114 associated with cardroom operations must hold a valid cardroom
5115 business occupational license issued by the department ~~division~~.

5116 (c) A ~~No~~ licensed cardroom operator may not employ or allow
5117 to work in a cardroom any person unless such person holds a
5118 valid occupational license. A ~~No~~ licensed cardroom operator may
5119 not contract, or otherwise do business with, a business required
5120 to hold a valid cardroom business occupational license, unless
5121 the business holds such a valid license.

5122 (d) The department ~~division~~ shall establish, by rule, a
5123 schedule for the renewal of cardroom occupational licenses.
5124 Cardroom occupational licenses are not transferable.

5125 (e) Persons seeking cardroom occupational licenses, or
5126 renewal thereof, shall make application on forms prescribed by
5127 the department ~~division~~. Applications for cardroom occupational
5128 licenses shall contain all of the information the department
5129 ~~division~~, by rule, may determine is required to ensure
5130 eligibility.

5131 (f) The department ~~division~~ shall adopt rules regarding
5132 cardroom occupational licenses. The provisions specified in s.
5133 550.105(4), (5), (6), (7), (8), and (10) relating to licensure

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5134 shall be applicable to cardroom occupational licenses.

5135 (g) The department ~~division~~ may deny, declare ineligible,
5136 or revoke any cardroom occupational license if the applicant or
5137 holder thereof has been found guilty or had adjudication
5138 withheld in this state or any other state, or under the laws of
5139 the United States of a felony or misdemeanor involving forgery,
5140 larceny, extortion, conspiracy to defraud, or filing false
5141 reports to a government agency, racing or gaming commission or
5142 authority.

5143 (h) Fingerprints for all cardroom occupational license
5144 applications shall be taken in a manner approved by the
5145 department ~~division~~ and ~~then~~ shall be submitted to the Florida
5146 Department of Law Enforcement and the Federal Bureau of
5147 Investigation for a criminal records check upon initial
5148 application and at least every 5 years thereafter. The
5149 department ~~division~~ may by rule require an annual record check
5150 of all renewal applications for a cardroom occupational license.
5151 The cost of processing fingerprints and conducting a record
5152 check shall be borne by the applicant.

5153 (i) The cardroom employee occupational license fee may
5154 ~~shall~~ not exceed \$50 for any 12-month period. The cardroom
5155 business occupational license fee may ~~shall~~ not exceed \$250 for
5156 any 12-month period.

5157 (7) CONDITIONS FOR OPERATING A CARDROOM.—

5158 (a) A cardroom may be operated only at the location
5159 specified on the cardroom license issued by the department
5160 ~~division~~, and such location may only be the location at which
5161 the pari-mutuel permitholder is authorized to conduct pari-
5162 mutuel wagering activities pursuant to such permitholder's valid

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5163 pari-mutuel permit or as otherwise authorized by law. Cardroom
5164 operations may not be allowed beyond the hours provided in
5165 paragraph (b) regardless of the number of cardroom licenses
5166 issued for permitholders operating at the pari-mutuel facility.

5167 (b) Any cardroom operator may operate a cardroom at the
5168 pari-mutuel facility daily throughout the year, if the
5169 permitholder meets the requirements under paragraph (5) (b). The
5170 cardroom may be open a cumulative amount of 18 hours per day on
5171 Monday through Friday and 24 hours per day on Saturday and
5172 Sunday and on the holidays specified in s. 110.117(1).

5173 (c) A cardroom operator must at all times employ and
5174 provide a nonplaying dealer for each table on which authorized
5175 card games that ~~which~~ traditionally use a dealer are conducted
5176 at the cardroom. Such dealers may not have a participatory
5177 interest in any game other than the dealing of cards and may not
5178 have an interest in the outcome of the game. The providing of
5179 such dealers by a licensee does not constitute the conducting of
5180 a banking game by the cardroom operator.

5181 (d) A cardroom operator may award giveaways, jackpots, and
5182 prizes to a player who holds certain combinations of cards
5183 specified by the cardroom operator.

5184 (e) Each cardroom operator shall conspicuously post upon
5185 the premises of the cardroom a notice that ~~which~~ contains a copy
5186 of the cardroom license; a list of authorized games offered by
5187 the cardroom; the wagering limits imposed by the house, if any;
5188 any additional house rules regarding operation of the cardroom
5189 or the playing of any game; and all costs to players to
5190 participate, including any rake by the house. In addition, each
5191 cardroom operator shall post at each table a notice of the

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5192 minimum and maximum bets authorized at such table and the fee
5193 for participation in the game conducted.

5194 (f) The cardroom facility is subject to inspection by the
5195 department ~~division~~ or any law enforcement agency during the
5196 licensee's regular business hours. The inspection must
5197 specifically include the permitholder internal control
5198 procedures approved by the department ~~division~~.

5199 (g) A cardroom operator may refuse entry to or refuse to
5200 allow any person who is objectionable, undesirable, or
5201 disruptive to play, but such refusal may not be on the basis of
5202 race, creed, color, religion, gender, national origin, marital
5203 status, physical handicap, or age, except as provided in this
5204 section.

5205 (8) METHOD OF WAGERS; LIMITATION.—

5206 (a) ~~No~~ Wagering may not be conducted using money or other
5207 negotiable currency. Games may only be played utilizing a
5208 wagering system whereby all players' money is first converted by
5209 the house to tokens or chips that ~~which~~ shall be used for
5210 wagering only at that specific cardroom.

5211 (b) The cardroom operator may limit the amount wagered in
5212 any game or series of games.

5213 (c) A tournament shall consist of a series of games. The
5214 entry fee for a tournament may be set by the cardroom operator.
5215 Tournaments may be played only with tournament chips that are
5216 provided to all participants in exchange for an entry fee and
5217 any subsequent re-buys. All players must receive an equal number
5218 of tournament chips for their entry fee. Tournament chips have
5219 no cash value and represent tournament points only. There is no
5220 limitation on the number of tournament chips that may be used

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5221 for a bet except as otherwise determined by the cardroom
5222 operator. Tournament chips may never be redeemed for cash or for
5223 any other thing of value. The distribution of prizes and cash
5224 awards must be determined by the cardroom operator before entry
5225 fees are accepted. For purposes of tournament play only, the
5226 term "gross receipts" means the total amount received by the
5227 cardroom operator for all entry fees, player re-buys, and fees
5228 for participating in the tournament less the total amount paid
5229 to the winners or others as prizes.

5230 (9) BOND REQUIRED.—The holder of a cardroom license shall
5231 be financially and otherwise responsible for the operation of
5232 the cardroom and for the conduct of any manager, dealer, or
5233 other employee involved in the operation of the cardroom. Prior
5234 to the issuance of a cardroom license, each applicant for such
5235 license shall provide evidence of a surety bond in the amount of
5236 \$50,000, payable to the state, furnished by a corporate surety
5237 authorized to do business in the state or evidence that the
5238 licensee's pari-mutuel bond required by s. 550.125 has been
5239 expanded to include the applicant's cardroom operation. The bond
5240 shall guarantee that the cardroom operator will redeem, for
5241 cash, all tokens or chips used in games. Such bond shall be kept
5242 in full force and effect by the operator during the term of the
5243 license.

5244 (10) FEE FOR PARTICIPATION.—The cardroom operator may
5245 charge a fee for the right to participate in games conducted at
5246 the cardroom. Such fee may be either a flat fee or hourly rate
5247 for the use of a seat at a table or a rake subject to the posted
5248 maximum amount but may not be based on the amount won by
5249 players. The rake-off, if any, must be made in an obvious manner

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5250 and placed in a designated rake area that ~~which~~ is clearly
5251 visible to all players. Notice of the amount of the
5252 participation fee charged shall be posted in a conspicuous place
5253 in the cardroom and at each table at all times.

5254 (11) RECORDS AND REPORTS.—

5255 (a) Each licensee operating a cardroom shall keep and
5256 maintain permanent daily records of its cardroom operation and
5257 shall maintain such records for a period of not less than 3
5258 years. These records shall include all financial transactions
5259 and contain sufficient detail to determine compliance with the
5260 requirements of this section. All records shall be available for
5261 audit and inspection by the department ~~division~~ or other law
5262 enforcement agencies during the licensee's regular business
5263 hours. The information required in such records shall be
5264 determined by department ~~division~~ rule.

5265 (b) Each licensee operating a cardroom shall file with the
5266 department ~~division~~ a report containing the required records of
5267 such cardroom operation. Such report shall be filed monthly by
5268 licensees. The required reports shall be submitted on forms
5269 prescribed by the department ~~division~~ and shall be due at the
5270 same time as the monthly pari-mutuel reports are due to the
5271 department ~~division~~, and such reports shall contain any
5272 additional information deemed necessary by the department
5273 ~~division~~, and the reports shall be deemed public records once
5274 filed.

5275 (12) PROHIBITED ACTIVITIES.—

5276 (a) A ~~No~~ person licensed to operate a cardroom may not
5277 conduct any banking game or any game not specifically authorized
5278 by this section.

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5279 (b) A ~~No~~ person under 18 years of age may not be permitted
5280 to hold a cardroom or employee license, or engage in any game
5281 conducted therein.

5282 (c) With the exception of mechanical card shufflers, an ~~No~~
5283 electronic or mechanical device ~~devices, except mechanical card~~
5284 ~~shufflers,~~ may not be used to conduct any authorized game in a
5285 cardroom.

5286 (d) ~~No~~ Cards, game components, or game implements may not
5287 be used in playing an authorized game unless such has been
5288 furnished or provided to the players by the cardroom operator.

5289 (13) TAXES AND OTHER PAYMENTS.—

5290 (a) Each cardroom operator shall pay a tax to the state of
5291 10 percent of the cardroom operation's monthly gross receipts.

5292 (b) An admission tax equal to 15 percent of the admission
5293 charge for entrance to the licensee's cardroom facility, or 10
5294 cents, whichever is greater, is imposed on each person entering
5295 the cardroom. This admission tax applies ~~shall apply~~ only if a
5296 separate admission fee is charged for entry to the cardroom
5297 facility. If a single admission fee is charged which authorizes
5298 entry to both or either the pari-mutuel facility and the
5299 cardroom facility, the admission tax shall be payable only once
5300 and shall be payable pursuant to chapter 550. The cardroom
5301 licensee is ~~shall be~~ responsible for collecting the admission
5302 tax. An admission tax is imposed on any free passes or
5303 complimentary cards issued to guests by licensees in an amount
5304 equal to the tax imposed on the regular and usual admission
5305 charge for entrance to the licensee's cardroom facility. A
5306 cardroom licensee may issue tax-free passes to its officers,
5307 officials, and employees or other persons actually engaged in

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5308 working at the cardroom, including accredited press
5309 representatives such as reporters and editors, and may also
5310 issue tax-free passes to other cardroom licensees for the use of
5311 their officers and officials. The licensee shall file with the
5312 department ~~division~~ a list of all persons to whom tax-free
5313 passes are issued.

5314 (c) Payment of the admission tax and gross receipts tax
5315 imposed by this section shall be paid to the department
5316 ~~division~~. The department ~~division~~ shall deposit these sums with
5317 the Chief Financial Officer, one-half being credited to the
5318 Pari-mutuel Wagering Trust Fund and one-half being credited to
5319 the General Revenue Fund. The cardroom licensee shall remit to
5320 the department ~~division~~ payment for the admission tax, the gross
5321 receipts tax, and the licensee fees. Such payments shall be
5322 remitted to the department ~~division~~ on the fifth day of each
5323 calendar month for taxes and fees imposed for the preceding
5324 month's cardroom activities. Licensees shall file a report under
5325 oath by the fifth day of each calendar month for all taxes
5326 remitted during the preceding calendar month. Such report shall,
5327 under oath, indicate the total of all admissions, the cardroom
5328 activities for the preceding calendar month, and such other
5329 information as may be prescribed by the department ~~division~~.

5330 (d)1. Each greyhound and jai alai permitholder that
5331 operates a cardroom facility shall use at least 4 percent of
5332 such permitholder's cardroom monthly gross receipts to
5333 supplement greyhound purses or jai alai prize money,
5334 respectively, during the permitholder's next ensuing pari-mutuel
5335 meet.

5336 2. Each thoroughbred and harness horse racing permitholder

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5337 that operates a cardroom facility shall use at least 50 percent
5338 of such permitholder's cardroom monthly net proceeds as follows:
5339 47 percent to supplement purses and 3 percent to supplement
5340 breeders' awards during the permitholder's next ensuing racing
5341 meet.

5342 3. No cardroom license or renewal thereof shall be issued
5343 to an applicant holding a permit under chapter 550 to conduct
5344 pari-mutuel wagering meets of quarter horse racing unless the
5345 applicant has on file with the department ~~division~~ a binding
5346 written agreement between the applicant and the Florida Quarter
5347 Horse Racing Association or the association representing a
5348 majority of the horse owners and trainers at the applicant's
5349 eligible facility, governing the payment of purses on live
5350 quarter horse races conducted at the licensee's pari-mutuel
5351 facility. The agreement governing purses may direct the payment
5352 of such purses from revenues generated by any wagering or gaming
5353 the applicant is authorized to conduct under Florida law. All
5354 purses shall be subject to the terms of chapter 550.

5355 (e) The failure of any licensee to make payments as
5356 prescribed in paragraph (c) is a violation of this section, and
5357 the licensee may be subjected by the department ~~division~~ to a
5358 civil penalty of up to \$1,000 for each day the tax payment is
5359 not remitted. All penalties imposed and collected shall be
5360 deposited in the General Revenue Fund. If a licensee fails to
5361 pay penalties imposed by order of the department ~~division~~ under
5362 this subsection, the department ~~division~~ may suspend or revoke
5363 the license of the cardroom operator or deny issuance of any
5364 further license to the cardroom operator.

5365 (f) The cardroom shall be deemed an accessory use to a

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5366 licensed pari-mutuel operation and, except as provided in
5367 chapter 550, a municipality, county, or political subdivision
5368 may not assess or collect any additional license tax, sales tax,
5369 or excise tax on such cardroom operation.

5370 (g) All of the moneys deposited in the Pari-mutuel Wagering
5371 Trust Fund, except as set forth in paragraph (h), shall be
5372 utilized and distributed in the manner specified in s.
5373 550.135(1) and (2). However, cardroom tax revenues shall be kept
5374 separate from pari-mutuel tax revenues and may ~~shall~~ not be used
5375 for making the disbursement to counties provided in former s.
5376 550.135(1).

5377 (h) One-quarter of the moneys deposited into the Pari-
5378 mutuel Wagering Trust Fund pursuant to paragraph (g) shall, by
5379 October 1 of each year, be distributed to the local government
5380 that approved the cardroom under subsection (16); however, if
5381 two or more pari-mutuel racetracks are located within the same
5382 incorporated municipality, the cardroom funds shall be
5383 distributed to the municipality. If a pari-mutuel facility is
5384 situated in such a manner that it is located in more than one
5385 county, the site of the cardroom facility shall determine the
5386 location for purposes of disbursement of tax revenues under this
5387 paragraph. The department ~~division~~ shall, by September 1 of each
5388 year, determine: the amount of taxes deposited into the Pari-
5389 mutuel Wagering Trust Fund pursuant to this section from each
5390 cardroom licensee; the location by county of each cardroom;
5391 whether the cardroom is located in the unincorporated area of
5392 the county or within an incorporated municipality; and, the
5393 total amount to be distributed to each eligible county and
5394 municipality.

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5395 (14) SUSPENSION, REVOCATION, OR DENIAL OF LICENSE; FINE.—

5396 (a) The department ~~division~~ may deny a license or the
5397 renewal thereof, or may suspend or revoke any license, when the
5398 applicant has: violated or failed to comply with the provisions
5399 of this section or any rules adopted pursuant thereto; knowingly
5400 caused, aided, abetted, or conspired with another to cause any
5401 person to violate this section or any rules adopted pursuant
5402 thereto; or obtained a license or permit by fraud,
5403 misrepresentation, or concealment; or if the holder of such
5404 license or permit is no longer eligible under this section.

5405 (b) If a pari-mutuel permitholder's pari-mutuel permit or
5406 license is suspended or revoked by the department ~~division~~
5407 pursuant to chapter 550, the department ~~division~~ may, but is not
5408 required to, suspend or revoke such permitholder's cardroom
5409 license. If a cardroom operator's license is suspended or
5410 revoked pursuant to this section, the department ~~division~~ may,
5411 but is not required to, suspend or revoke such licensee's pari-
5412 mutuel permit or license.

5413 (c) Notwithstanding any other provision of this section,
5414 the department ~~division~~ may impose an administrative fine not to
5415 exceed \$1,000 for each violation against any person who has
5416 violated or failed to comply with the provisions of this section
5417 or any rules adopted pursuant thereto.

5418 (15) CRIMINAL PENALTY; INJUNCTION.—

5419 (a)1. Any person who operates a cardroom without a valid
5420 license issued as provided in this section commits a felony of
5421 the third degree, punishable as provided in s. 775.082, s.
5422 775.083, or s. 775.084.

5423 2. Any licensee or permitholder who violates any provision

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5424 of this section commits a misdemeanor of the first degree,
5425 punishable as provided in s. 775.082 or s. 775.083. Any licensee
5426 or permitholder who commits a second or subsequent violation of
5427 the same paragraph or subsection within a period of 3 years from
5428 the date of a prior conviction for a violation of such paragraph
5429 or subsection commits a felony of the third degree, punishable
5430 as provided in s. 775.082, s. 775.083, or s. 775.084.

5431 (b) The department ~~division~~, any state attorney, the
5432 statewide prosecutor, or the Attorney General may apply for a
5433 temporary or permanent injunction restraining further violation
5434 of this section, and such injunction shall issue without bond.

5435 (16) LOCAL GOVERNMENT APPROVAL.—The department ~~may Division~~
5436 ~~of Pari-mutuel Wagering~~ shall not issue any initial license
5437 under this section except upon proof in such form as the
5438 department ~~division~~ may prescribe that the local government
5439 where the applicant for such license desires to conduct cardroom
5440 gaming has voted to approve such activity by a majority vote of
5441 the governing body of the municipality or the governing body of
5442 the county if the facility is not located in a municipality.

5443 (17) CHANGE OF LOCATION; REFERENDUM.—

5444 (a) Notwithstanding any provisions of this section, no
5445 cardroom gaming license issued under this section shall be
5446 transferred, or reissued when such reissuance is in the nature
5447 of a transfer, so as to permit or authorize a licensee to change
5448 the location of the cardroom except upon proof in such form as
5449 the department ~~division~~ may prescribe that a referendum election
5450 has been held:

5451 1. If the proposed new location is within the same county
5452 as the already licensed location, in the county where the

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5453 licensee desires to conduct cardroom gaming and that a majority
5454 of the electors voting on the question in such election voted in
5455 favor of the transfer of such license. However, the department
5456 ~~division~~ shall transfer, without requirement of a referendum
5457 election, the cardroom license of any permit holder that
5458 relocated its permit pursuant to s. 550.0555.

5459 2. If the proposed new location is not within the same
5460 county as the already licensed location, in the county where the
5461 licensee desires to conduct cardroom gaming and that a majority
5462 of the electors voting on that question in each such election
5463 voted in favor of the transfer of such license.

5464 (b) The expense of each referendum held under the
5465 provisions of this subsection shall be borne by the licensee
5466 requesting the transfer.

5467 Section 75. Section 849.0915, Florida Statutes, is amended
5468 to read:

5469 849.0915 Referral selling.—

5470 (1) Referral selling, whereby the seller gives or offers a
5471 rebate or discount to the buyer as an inducement for a sale in
5472 consideration of the buyer's providing the seller with the names
5473 of prospective purchasers, is declared to be a lottery if
5474 earning the rebate or discount is contingent upon the occurrence
5475 of an event subsequent to the time the buyer agrees to buy.

5476 (2) Any person conducting a lottery by referral selling
5477 commits ~~is guilty of~~ a misdemeanor of the first degree,
5478 punishable as provided in s. 775.082 or s. 775.083.

5479 (3) In addition to the penalty provided herein, the
5480 Attorney General and her or his assistants, the state attorneys
5481 and their assistants, and the Department of Gaming Control

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5482 ~~Division of Consumer Services of the Department of Agriculture~~
5483 ~~and Consumer Services~~ are authorized to apply to the circuit
5484 court within their respective jurisdictions, and such court
5485 shall have jurisdiction, upon hearing and for cause shown, to
5486 grant a temporary or permanent injunction restraining any person
5487 from violating the provisions of this section, whether or not
5488 there exists an adequate remedy at law, and such injunction
5489 shall issue without bond.

5490 Section 76. Section 849.094, Florida Statutes, is amended
5491 to read:

5492 849.094 Game promotion in connection with sale of consumer
5493 products or services.—

5494 (1) As used in this section, the term:

5495 (a) "Department" means the Department of Gaming Control.

5496 (b) ~~(a)~~ "Game promotion" means, but is not limited to, a
5497 contest, game of chance, or gift enterprise, conducted within or
5498 throughout the state and other states in connection with the
5499 sale of consumer products or services, and in which the elements
5500 of chance and prize are present. However, the term does not
5501 ~~"game promotion" shall not be construed to~~ apply to bingo games
5502 conducted pursuant to s. 849.0931.

5503 (c) ~~(b)~~ "Operator" means any person, firm, corporation, or
5504 association or agent or employee thereof who promotes, operates,
5505 or conducts a game promotion, ~~except any charitable nonprofit~~
5506 ~~organization.~~

5507 (2) It is unlawful for any operator:

5508 (a) To design, engage in, promote, or conduct such a game
5509 promotion, in connection with the promotion or sale of consumer
5510 products or services, wherein the winner may be predetermined or

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5511 the game may be manipulated or rigged so as to:

5512 1. Allocate a winning game or any portion thereof to
5513 certain lessees, agents, or franchises; or

5514 2. Allocate a winning game or part thereof to a particular
5515 period of the game promotion or to a particular geographic area;

5516 (b) Arbitrarily to remove, disqualify, disallow, or reject
5517 any entry;

5518 (c) To fail to award prizes offered;

5519 (d) To print, publish, or circulate literature or
5520 advertising material used in connection with such game
5521 promotions which is false, deceptive, or misleading; or

5522 (e) To require an entry fee, payment, or proof of purchase
5523 as a condition of entering a game promotion.

5524 (3) The operator of a game promotion in which the total
5525 announced value of the prizes offered is greater than \$5,000
5526 shall file with the Department of Gaming Control ~~Agriculture and~~
5527 ~~Consumer Services~~ a copy of the rules and regulations of the
5528 game promotion and a list of all prizes and prize categories
5529 offered at least 7 days before the commencement of the game
5530 promotion. Such rules and regulations may not thereafter be
5531 changed, modified, or altered. The operator of a game promotion
5532 shall conspicuously post the rules and regulations of such game
5533 promotion in each and every retail outlet or place where such
5534 game promotion may be played or participated in by the public
5535 and shall also publish the rules and regulations in all
5536 advertising copy used in connection therewith. However, such
5537 advertising copy need only include the material terms of the
5538 rules and regulations if the advertising copy includes a website
5539 address, a toll-free telephone number, or a mailing address

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5540 where the full rules and regulations may be viewed, heard, or
5541 obtained for the full duration of the game promotion. Such
5542 disclosures must be legible. Radio and television announcements
5543 may indicate that the rules and regulations are available at
5544 retail outlets or from the operator of the promotion. A
5545 nonrefundable filing fee of \$100 shall accompany each filing and
5546 shall be used to pay the costs incurred in administering and
5547 enforcing the provisions of this section.

5548 (4) (a) Every operator of ~~such~~ a game promotion in which the
5549 total announced value of the prizes offered is greater than
5550 \$5,000 shall establish a trust account, in a national or state-
5551 chartered financial institution, with a balance sufficient to
5552 pay or purchase the total value of all prizes offered. On a form
5553 supplied by the Department of Gaming Control ~~Agriculture and~~
5554 ~~Consumer Services~~, an official of the financial institution
5555 holding the trust account shall set forth the dollar amount of
5556 the trust account, the identity of the entity or individual
5557 establishing the trust account, and the name of the game
5558 promotion for which the trust account has been established. Such
5559 form shall be filed with the Department of Gaming Control
5560 ~~Agriculture and Consumer Services~~ at least 7 days in advance of
5561 the commencement of the game promotion. In lieu of establishing
5562 such trust account, the operator may obtain a surety bond in an
5563 amount equivalent to the total value of all prizes offered; and
5564 such bond shall be filed with the Department of Gaming Control
5565 ~~Agriculture and Consumer Services~~ at least 7 days in advance of
5566 the commencement of the game promotion.

5567 1. The moneys held in the trust account may be withdrawn in
5568 order to pay the prizes offered only upon certification to the

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5569 Department of Gaming Control ~~Agriculture and Consumer Services~~
5570 of the name of the winner or winners and the amount of the prize
5571 or prizes and the value thereof.

5572 2. If the operator of a game promotion has obtained a
5573 surety bond in lieu of establishing a trust account, the amount
5574 of the surety bond shall equal at all times the total amount of
5575 the prizes offered.

5576 (b) The Department of Gaming Control ~~Agriculture and~~
5577 ~~Consumer Services~~ may waive the provisions of this subsection
5578 for any operator who has conducted game promotions in the state
5579 for not less than 5 consecutive years and who has not had any
5580 civil, criminal, or administrative action instituted against him
5581 or her by the state or an agency of the state for violation of
5582 this section within that 5-year period. Such waiver may be
5583 revoked upon the commission of a violation of this section by
5584 such operator, as determined by the Department of Gaming Control
5585 ~~Agriculture and Consumer Services~~.

5586 (5) Every operator of a game promotion in which the total
5587 announced value of the prizes offered is greater than \$5,000
5588 shall provide the Department of Gaming Control ~~Agriculture and~~
5589 ~~Consumer Services~~ with a certified list of the names and
5590 addresses of all persons, whether from this state or from
5591 another state, who have won prizes which have a value of more
5592 than \$25, the value of such prizes, and the dates when the
5593 prizes were won within 60 days after such winners have been
5594 finally determined. The operator shall provide a copy of the
5595 list of winners, without charge, to any person who requests it.
5596 In lieu of the foregoing, the operator of a game promotion may,
5597 at his or her option, publish the same information about the

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5598 winners in a Florida newspaper of general circulation within 60
5599 days after such winners have been determined and shall provide
5600 to the Department of Gaming Control ~~Agriculture and Consumer~~
5601 ~~Services~~ a certified copy of the publication containing the
5602 information about the winners. The operator of a game promotion
5603 is not required to notify a winner by mail or by telephone when
5604 the winner is already in possession of a game card from which
5605 the winner can determine that he or she has won a designated
5606 prize. All winning entries shall be held by the operator for a
5607 period of 90 days after the close or completion of the game.

5608 (6) The Department of Gaming Control ~~Agriculture and~~
5609 ~~Consumer Services~~ shall keep the certified list of winners for a
5610 period of at least 6 months after receipt of the certified list.
5611 The department thereafter may dispose of all records and lists.

5612 (7) No operator shall force, directly or indirectly, a
5613 lessee, agent, or franchise dealer to purchase or participate in
5614 any game promotion. For the purpose of this section, coercion or
5615 force shall be presumed in these circumstances in which a course
5616 of business extending over a period of 1 year or longer is
5617 materially changed coincident with a failure or refusal of a
5618 lessee, agent, or franchise dealer to participate in such game
5619 promotions. Such force or coercion shall further be presumed
5620 when an operator advertises generally that game promotions are
5621 available at its lessee dealers or agent dealers.

5622 (8) (a) The Department of Gaming Control ~~Agriculture and~~
5623 ~~Consumer Services~~ shall have the power to promulgate such rules
5624 and regulations respecting the operation of game promotions as
5625 it may deem advisable.

5626 (b) Whenever the Department of Gaming Control ~~Agriculture~~

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5627 ~~and Consumer Services~~ or the Department of Legal Affairs has
5628 reason to believe that a game promotion is being operated in
5629 violation of this section, it may bring an action in the circuit
5630 court of any judicial circuit in which the game promotion is
5631 being operated in the name and on behalf of the people of the
5632 state against any operator thereof to enjoin the continued
5633 operation of such game promotion anywhere within the state.

5634 (9) (a) Any person, firm, or corporation, or association or
5635 agent or employee thereof, who engages in any acts or practices
5636 stated in this section to be unlawful, or who violates any of
5637 the rules and regulations made pursuant to this section, is
5638 guilty of a misdemeanor of the second degree, punishable as
5639 provided in s. 775.082 or s. 775.083.

5640 (b) Any person, firm, corporation, association, agent, or
5641 employee who violates any provision of this section or any of
5642 the rules and regulations made pursuant to this section shall be
5643 liable for a civil penalty of not more than \$1,000 for each such
5644 violation, which shall accrue to the state and may be recovered
5645 in a civil action brought by the Department of Gaming Control
5646 ~~Agriculture and Consumer Services~~ or the Department of Legal
5647 Affairs.

5648 (10) This section does not apply to ~~actions or transactions~~
5649 ~~regulated by the Department of Business and Professional~~
5650 ~~Regulation or to the activities of nonprofit organizations or to~~
5651 any other organization engaged in any enterprise other than the
5652 sale of consumer products or services. Subsections (3), (4),
5653 (5), (6), and (7) and paragraph (8) (a) and any of the rules made
5654 pursuant thereto do not apply to television or radio
5655 broadcasting companies licensed by the Federal Communications

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5656 Commission.

5657 Section 77. Section 849.12, Florida Statutes, is amended to
5658 read:

5659 849.12 Money and prizes to be forfeited.—All sums of money
5660 and every other valuable thing drawn and won as a prize, or as a
5661 share of a prize, or as a share, percentage or profit of the
5662 principal promoter or operator, in any lottery, and all money,
5663 currency or property of any kind to be disposed of, or offered
5664 to be disposed of, by chance or device in any scheme or under
5665 any pretext by any person, and all sums of money or other thing
5666 of value received by any person by reason of her or his being
5667 the owner or holder of any ticket or share of a ticket in a
5668 lottery, or pretended lottery, or of a share or right in any
5669 such schemes of chance or device and all sums of money and other
5670 thing of value used in the setting up, conducting or operation
5671 of a lottery, and all money or other thing of value at stake, or
5672 used or displayed in or in connection with any illegal gambling
5673 or any illegal gambling device contrary to the laws of this
5674 state, shall be forfeited, and may be recovered by civil
5675 proceedings, filed, or by action for money had and received, to
5676 be brought by the Department of Gaming Control, the Department
5677 of Legal Affairs, or any state attorney, or other prosecuting
5678 officer, in the circuit courts in the name and on behalf of the
5679 state; the same to be applied when collected as all other penal
5680 forfeitures are disposed of.

5681 Section 78. Section 849.48, Florida Statutes, is created to
5682 read:

5683 849.48 Gambling operator, manufacturer, distributor
5684 licenses; application; qualifications; fees; renewal;

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5685 duplicates.-

5686 (1) (a) Unless exempt under the rules of the Department of
5687 Gaming Control, each person, firm, association, partnership, or
5688 corporate entity that seeks to operate a gambling business or to
5689 allow gambling to occur on its premises must obtain a license
5690 from the department. Any person, firm, association, partnership,
5691 or corporate entity owning, leasing, furnishing, manufacturing,
5692 distributing, or operating gambling devices must obtain a
5693 license from the Department of Gaming Control.

5694 (b) An application for a license must be made on a form
5695 adopted by rule of the department. The form must require the
5696 applicant to set forth the name under which the applicant
5697 transacts or intends to transact business, the address of the
5698 location of the applicant's place of business, and any other
5699 information the department requires. If the applicant has, or
5700 intends to have, more than one place of business where gambling
5701 will occur or gambling devices will be located, a separate
5702 application must be made for each place of business. If the
5703 applicant is a firm, association, partnership, or corporate
5704 entity, the application must set forth the names and addresses
5705 of the persons owning more than 5 percent of, or exercising any
5706 decisionmaking control over, the business. If the applicant is a
5707 corporate entity, the application must additionally set forth
5708 the names and addresses of the principal officers of the
5709 corporation. The application must also set forth any other
5710 information prescribed by the department for the purpose of
5711 identifying the applicant, its owners, or its decisionmaking
5712 principals. The application must be signed and verified by oath
5713 or affirmation by the owner. If the owner is a firm,

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5714 association, or partnership, the application must be signed by
5715 the members or partners thereof, or, if the owner is a corporate
5716 entity, by a decisionmaking principal authorized by the entity
5717 to sign the application, together with the written evidence of
5718 the principal's authority. The application must be accompanied
5719 by the annual license fee prescribed by the department.

5720 (c) Licenses shall be issued annually, upon payment of the
5721 annual license fee prescribed by the department. The department
5722 shall fix the fee in an amount sufficient to meet the costs of
5723 carrying out its licensing, enforcement, and administrative
5724 responsibilities under this chapter, but the fee may not exceed
5725 \$1,000. The proceeds of the fee shall be deposited into the
5726 Department of Gaming Control Trust Fund.

5727 (d) The holder of a license may renew the license each
5728 year, on or before January 15, upon payment of the annual
5729 license fee. A licensee that does not timely renew its license
5730 must pay a delinquent renewal fee of \$500 for each month or
5731 portion of a month occurring after expiration, and before
5732 renewal, of the license.

5733 (e) The department may not grant an exemption from the
5734 license fees prescribed in this subsection to any applicant.

5735 (f) The department shall establish a procedural rule that,
5736 to the greatest extent possible, provides for the Department of
5737 Law Enforcement to conduct background investigations for the
5738 initial licensing and licensing renewals.

5739 (2) (a) A license may be issued only to a person who is at
5740 least 18 years of age or to a corporation having officers who
5741 are at least 18 years of age.

5742 (b) The department may refuse to issue a license to:

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5743 1. Any person, firm, association, partnership, or corporate
5744 entity whose license has been revoked by the department;

5745 2. Any corporation having an officer whose license has been
5746 revoked by the department; or

5747 3. Any person who is or has been an officer of a
5748 corporation whose license has been revoked by the department or
5749 who is or has been an officer of a corporation whose license
5750 relating to gambling activities has been revoked in another
5751 jurisdiction.

5752 (c) The department shall revoke any license issued to a
5753 firm, association, partnership, or corporate entity that is
5754 prohibited from licensure under this section.

5755 (3) Upon approval of an application for a license, the
5756 Department of Gaming Control shall issue to the applicant a
5757 license for the place of business or premises specified in the
5758 application. A license is not assignable and is valid only for
5759 the person in whose name the license is issued and for the place
5760 designated in the license. The license must be conspicuously
5761 displayed at all times at the place for which issued.

5762 (4) If a license has been destroyed or lost, the licensee
5763 may apply to the Department of Gaming Control for the issuance
5764 of a duplicate license. The department shall issue a duplicate
5765 license upon payment of a \$150 fee, which the department shall
5766 deposit into the Department of Gaming Control Trust Fund.

5767 Section 79. This act shall take effect October 1, 2011.