Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION	
ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Select Committee on Gaming
Representative Schenck offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 11.93, Florida Statutes, is created to read:

11.93 Joint Legislative Gaming Control Nominating Committee.—

(1) The Joint Legislative Gaming Control Nominating Committee is created consisting of six members.

(a) The committee shall be composed of three members of the Senate appointed by the President of the Senate and three members of the House of Representatives appointed by the Speaker of the House of Representatives. Each member shall serve at the pleasure of the presiding officer who appointed the member. A committee vacancy shall be filled in the same manner as the

original appointment.

(b) The President of the Senate shall appoint the chair of the committee in even-numbered years and the vice chair in odd-numbered years, and the Speaker of the House of Representatives shall appoint the chair of the committee in odd-numbered years and the vice chair in even-numbered years, from among the committee membership.

(c) The terms of committee members shall be for 2 years and coincide with the 2-year elected terms of members of the House of Representatives.

(2) The committee shall be governed by joint rules of the Senate and the House of Representatives and shall convene as necessary to carry out its responsibilities under this section.

(3)(a) The committee shall nominate to the Governor up to three persons for each of the five positions on the Gaming Control Commission and any vacancy occurring on the commission. The committee shall submit the nominations to the Governor by September 15 of those years in which the terms are to begin the following January, or within 60 days after a vacancy occurs for any reason other than expiration of the term.

(b) A person may not be nominated to the Governor for appointment to the Gaming Control Commission until after a background investigation of the person is conducted by the Department of Law Enforcement and the committee determines that the person is qualified to hold the position. The committee may not nominate to the Governor a person who holds any office in a

political party, who has been convicted of a felony, or who has been convicted of a misdemeanor related to gambling within the previous 10 years. One member of the commission must be an attorney, one member must be a certified public accountant, and three members must be competent and knowledgeable in one or more of the following fields: economics, economic development, public health, technology, tourism, or another field substantially related to the duties and functions of the commission.

(4) Each appointment to the Gaming Control Commission is subject to confirmation by the Senate. If the Senate refuses to confirm or fails to consider the Governor's appointment at the next regular session of the Legislature after the appointment is made, the committee shall initiate the nominating process within 30 days.

(5) The committee shall be staffed by legislative staff members as assigned by the President of the Senate and the Speaker of the House of Representatives.

Section 2. Effective October 1, 2014, paragraph (g) of subsection (2) of section 20.165, Florida Statutes, is amended to read:

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

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

~~(g) Division of Pari-mutuel Wagering.~~

Section 3. Effective July 1, 2014, section 20.222, Florida Statutes, is created to read:

20.222 Department of Gaming Control.—The Department of Gaming Control is created. The head of the department is the Gaming Control Commission created under s. 551.0011.

(1) Effective October 1, 2014, the department, under the Gaming Control Commission, is responsible for implementation, administration, and enforcement of chapters 551 and 849 and any other provisions as provided by law.

(2)(a) The Gaming Control Commission shall appoint an executive director of the department who shall serve at the pleasure of the commission. However, whenever necessary, the Governor may appoint an interim executive director of the department to serve until a permanent executive director is appointed by the Gaming Control Commission.

(b) The operations of the department shall be organized into six divisions as follows:

1. The Division of Administration.

2. The Division of Amusements.

3. The Division of Auditing and Tax Collections.

4. The Division of Enforcement.

5. The Division of Investigations.

6. The Division of Licensing and Permitting.

(c) Each division shall be headed by a director, appointed by the executive director, with approval by the commission.

(d) The Gaming Control Commission may create bureaus within the divisions and allocate the various functions of the department among such divisions and bureaus.

Section 4. Effective July 1, 2014, paragraph (y) is added to subsection (2) of section 110.205, Florida Statutes, to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(y) The executive director, any deputy executive directors, the general counsel, attorneys, official reporters, and division directors within the Department of Gaming Control and the Gaming Control Commission. Unless otherwise fixed by law, the salary and benefits of the executive director, deputy executive directors, general counsel, attorneys, and division directors shall be set by the department in accordance with the rules of the Senior Management Service.

Section 5. Effective October 1, 2014, subsection (4) of section 120.80, Florida Statutes, is amended, and subsection (19) is added to that section, to read:

120.80 Exceptions and special requirements; agencies.—

(4) DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.—

~~(a) Business regulation.—The Division of Pari-mutuel Wagering is exempt from the hearing and notice requirements of ss. 120.569 and 120.57(1)(a), but only for stewards, judges, and boards of judges when the hearing is to be held for the purpose of the imposition of fines or suspensions as provided by rules~~

~~of the Division of Pari-mutuel Wagering, but not for revocations, and only upon violations of subparagraphs 1.-6. The Division of Pari-mutuel Wagering shall adopt rules establishing alternative procedures, including a hearing upon reasonable notice, for the following violations:~~

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

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

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

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

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

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

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

(19) DEPARTMENT OF GAMING CONTROL; PARI-MUTUEL WAGERING.—

(a) The Department of Gaming Control is exempt from the hearing and notice requirements of ss. 120.569 and 120.57(1)(a) as applied to stewards, judges, and boards of judges if the hearing is to be held for the purpose of imposing a fine or suspension as provided by rules of the Department of Gaming Control, but not for revocations, and only to consider violations specified under paragraph (b).

(b) The Department of Gaming Control shall adopt rules establishing alternative procedures, including a hearing upon reasonable notice, for the following:

1. Horse riding, harness riding, greyhound interference, and jai alai game actions in violation of part II of chapter 551.

2. Application and administration of drugs and medication to a horse, greyhound, or jai alai player in violation of part II of chapter 551.

3. Maintaining or possessing any device that could be used for the injection or other infusion of a prohibited drug into a horse, greyhound, or jai alai player in violation of part II of chapter 551.

4. Suspensions under reciprocity agreements between the department and regulatory agencies of other states.

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

6. Prearranging the outcome of any race or game.

Section 6. Effective October 1, 2014, paragraph (f) of subsection (1) and subsection (7) of section 285.710, Florida Statutes, are amended to read:

285.710 Compact authorization.—

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

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

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

Section 7. Effective October 1, 2014, subsection (4) of section 285.712, Florida Statutes, is amended to read:

285.712 Tribal-state gaming compacts.—

(4) Upon receipt of an act ratifying a tribal-state compact, the Secretary of State shall forward a copy of the executed compact and the ratifying act to the United States Secretary of the Interior for his or her review and approval, in accordance with 25 U.S.C. s. 2710(d)(8) ~~s. 2710(8)(d)~~.

Section 8. (1) Effective October 1, 2014, all powers, duties, functions, records, offices, property, pending issues, existing contracts, administrative authority, administrative

rules, and unexpended balance of appropriations, allocations, and other funds relating to the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation are transferred by a type two transfer, as defined in s. 20.06, Florida Statutes, to the Department of Gaming Control. Subsequent to the type two transfer, the Department of Gaming Control is permitted to use the licensing system maintained by the Department of Business and Professional Regulation.

(2) Effective October 1, 2014, the Pari-Mutuel Wagering Trust Fund within the Department of Business and Financial Regulation is transferred to the Department of Gaming Control and renamed the "Gaming Control Trust Fund."

(3) Effective October 1, 2014, all powers, duties, functions, records, offices, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balance of appropriations, allocations, and other funds relating to game promotions under ss. 849.092 and 849.094, Florida Statutes, within the Department of Agriculture and Consumer Services are transferred by a type two transfer, as defined in s. 20.06, Florida Statutes, to the Department of Gaming Control.

Section 9. Effective October 1, 2014, sections 550.001, 550.002, 550.0115, 550.01215, 550.0235, 550.0351, 550.0425, 550.054, 550.0555, 550.0651, 550.0745, 550.0951, 550.09511, 550.09512, 550.09514, 550.09515, 550.1155, 550.125, 550.135, 550.155, 550.1625, 550.1645, 550.1646, 550.1647, 550.1648,

550.175, 550.1815, 550.235, 550.24055, 550.2415, 550.255, 550.2614, 550.26165, 550.2625, 550.2633, 550.26352, 550.2704, 550.285, 550.334, 550.3345, 550.3355, 550.3551, 550.3615, 550.375, 550.475, 550.495, 550.505, 550.5251, 550.615, 550.625, 550.6305, 550.6308, 550.6315, 550.6325, 550.6335, 550.6345, 550.70, and 550.71, Florida Statutes, are repealed.

Section 10. Effective July 1,, 2014, chapter 551, Florida Statutes, is redesignated as the "Florida Gaming Control Act."

Section 11. Effective July 1,, 2014, part I of chapter 551, Florida Statutes, consisting of ss. 551.001-551.0017, Florida Statutes, is created and entitled "FLORIDA GAMING CONTROL."

Section 12. Effective July 1,, 2014, section 551.001, Florida Statutes, is created to read:

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

(1) "Chair" means the chair of the Gaming Control Commission.

(2) "Commission" means the Gaming Control Commission.

(3) "Department" means the Department of Gaming Control.

(4) "Executive director" means the executive director of the department.

(5) "Nominating committee" means the Joint Legislative Gaming Control Nominating Committee.

Section 13. Effective July 1, 2014, section 551.0011, Florida Statutes, is created to read:

551.0011 Gaming Control Commission.—

(1) CREATION.— The Gaming Control Commission is created within the Department of Gaming Control. The commission's headquarters shall be located in Tallahassee.

(2) MEMBERS.— The Governor shall appoint, subject to confirmation by the Senate, each member of the commission from a list of nominees submitted to the Governor by the nominating committee pursuant to s. 11.93. The commission shall be composed of five members who are residents of the state and who shall serve on the commission on a part-time basis.

(a) One member shall be an attorney.

(b) One member shall be a certified public accountant.

(c) Three members shall have experience in economics, economic development, public health, technology, tourism, or another field substantially related to the duties and functions of the commission.

(3) TERMS.—Each commission member shall be appointed to a 4-year term except that, initially, to achieve staggered terms, two members shall each be appointed to a term ending December 31, 2018, and three members shall each be appointed to a term ending December 31, 2016. Before expiration of the term of a member, the Governor shall appoint a successor, subject to confirmation by the Senate, from a list of nominees submitted to the Governor by the nominating committee pursuant to s. 11.93 as provided in subsection (2). The Governor may remove a member for cause, including circumstances in which the member commits gross misconduct or malfeasance in office, substantially neglects or

is unable to discharge his or her duties as a member, or is convicted of a felony or misdemeanor related to gambling. The Governor may remove a member without cause subject to approval by a majority of the nominating committee. Upon the resignation or removal from office of a member, the Governor shall appoint a successor pursuant to subsection (2) who, subject to confirmation by the Senate, shall serve the remainder of the unfinished term. A member may not serve more than two full 4-year terms, exclusive of service as an initial 2-year appointee or service during an unexpired portion of a term due to a vacancy.

(4) CHAIR AND VICE CHAIR.—

(a) The chair and vice chair of the commission shall be elected by the commission members during the first meeting of the commission and during the first meeting on or after January 1 of each year. The chair shall set the agenda for each meeting and approve subpoenas. The chair may approve all notices and reports as required by this part. The chair shall preserve order and decorum and shall have general control of the commission meetings. The chair shall decide all questions of order. The chair may designate a member to perform the duties of the chair for a meeting if such substitution does not extend beyond that meeting.

(b) If the chair is absent, the vice chair shall assume the duties of the chair during the chair's absence. On the death, incapacitation, or resignation of the chair, the vice

chair shall perform the duties of the office until a successor is elected at the next meeting of the commission.

(c) The administrative responsibilities of the chair are to plan, organize, and control administrative support services for the commission, with the assistance of the executive director.

(5) MEETINGS.—Three members of the commission constitute a quorum. Meetings of the commission shall be held in Tallahassee unless the chair determines that special circumstances warrant meeting at another location.

(6) LOBBYING.—A commission member may not lobby the Governor or any agency of the state, members or employees of the Legislature, or any county or municipal government or governmental agency except to represent the commission and department in his or her official capacity as a member.

(7) AGENCY HEAD.—The commission shall serve as the agency head of the department for purposes of chapter 120.

(8) EXECUTIVE DIRECTOR.—The commission shall appoint an executive director of the department, who shall:

(a) Serve at the pleasure of the commission.

(b) Subject to appropriation, receive a salary as may be determined by the commission.

(c) Have skills and experience in management and be responsible for administering and enforcing the provisions of law relative to the department, the commission, and each unit thereof.

(d) Maintain oversight of operations of the department.

(e) Employ such personnel, consultants, agents, and advisors, including legal counsel, as necessary, subject to commission approval and appropriation.

(f) Attend meetings of the commission unless excused by the chair.

(9) FINANCIAL CONTROL.—The chief financial and accounting officer shall be in charge of department funds, books of account, and accounting records. Funds may not be transferred by the department without the approval of the commission and the signatures of the executive director and the chief financial and accounting officer.

(10) INSPECTOR GENERAL.—The commission shall appoint an inspector general pursuant to s. 20.055.

Section 14. Effective July 1,, 2014, section 551.0012, Florida Statutes, is created to read:

551.0012 Commission powers and duties.—

(1) The commission shall:

(a) Keep accurate and complete records of its proceedings and certify records as may be appropriate.

(b) Adopt rules providing for the practices and procedures of the commission within 180 days of the first meeting of the commission.

(c) Shall review all rules for approval before adoption.

(d) Review all actions taken against a permit or license issued by the commission with the exception of occupational

licenses issued by the department under part V.

(2) The commission may:

(a) Investigate applicants for a license or permit, determine the applicants eligibility, and approve or deny the application as provided for in this chapter.

(b) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents as provided by law, and to administer oaths and affirmations to the witnesses, if, in the judgment of the commission, it is necessary to enforce this chapter or department rules. If a person fails to comply with a subpoena, the commission may petition the circuit court of the county in which the person subpoenaed resides or has his or her principal place of business for an order requiring the subpoenaed person to appear and testify and to produce books, records, and documents as specified in the subpoena. The court may grant legal, equitable, or injunctive relief, as the court deems appropriate, until the person subpoenaed has fully complied with the subpoena and the commission has completed the audit, examination, or investigation. The commission is entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on its calendar. Costs incurred by the commission to obtain an order granting, in whole or in part, such petition for enforcement of a subpoena shall be charged against the subpoenaed person.

(c) Require or allow a person to file a statement in

writing, under oath or otherwise as the commission or its designee requires, as to the facts and circumstances concerning the matter to be audited, examined, or investigated.

(d) Apply for injunctive or declaratory relief in a court of competent jurisdiction to enforce this chapter and department rules.

(e) Establish field offices of the department, as deemed necessary by the commission.

(d) Take any other action as may be reasonable or appropriate to enforce this chapter or department rule.

Section 15. Effective October 1, 2014, section 550.0251, Florida Statutes, is transferred, renumbered as section 551.0013, Florida Statutes, and amended to read:

551.0013 ~~550.0251~~ ~~The~~ Powers and duties of the department ~~Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation~~.—

(1) The department, under the supervision of the commission, ~~division~~ shall administer this chapter and regulate the pari-mutuel industry under this chapter and the rules adopted pursuant thereto. The department~~, and~~:

(a) Shall supervise and regulate gaming activities authorized in this chapter, including:

1. The making of and distribution from all pari-mutuel pools.

2. The conduct of horseracing, greyhound racing, and jai alai.

3. The welfare of racing animals and jai alai players at pari-mutuel facilities.

4. The conduct of intertrack wagering, including broadcasts of pari-mutuel events.

5. The conduct of authorized games at cardrooms.

6. The conduct of slot machine gaming.

7. The conduct of miscellaneous activities authorized by part VI.

(b) ~~(8)~~ ~~The department~~ May collect taxes, assessments, fees, and penalties.

(c) May deny, revoke, suspend, or place conditions on the license of a person who violates any provision of this chapter or a rule adopted pursuant to this chapter.

(d) Shall ~~and~~ require compliance with reporting requirements for financial information as authorized by this chapter. In addition, the ~~secretary of the~~ department may require licensees ~~permitholders conducting pari-mutuel operations within the state~~ to remit taxes, including fees, by electronic funds transfer if the taxes and fees amounted to $50,000 or more in the prior reporting year.

(e) ~~(1)~~ ~~The division~~ Shall make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Such report shall include, at a minimum:

1. Recent events in the gaming industry, including pending litigation, pending facility license applications, and new and

pending rules.

2. Actions of the commission and the department relative to the implementation and administration of this chapter.

3. The state revenues and expenses associated with each form of authorized gaming. Revenues and expenses associated with pari-mutuel wagering shall be further delineated by class of license.

4. The performance of each pari-mutuel wagering licensee, cardroom licensee, and slot licensee.

5. A summary of disciplinary actions taken by the department. ~~showing its own actions, receipts derived under the provisions of this chapter, the practical effects of the application of this chapter, and~~

6. Any suggestions to more effectively achieve ~~it may approve for the more effectual accomplishments of~~ the purposes of this chapter.

(f) ~~(2) The division~~ Shall require an oath on application documents as required by rule, which oath must state that the information contained in the document is true and complete.

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

(g) May require each applicant for a permit or license to produce any statements or documentation necessary to establish the integrity of all financial backers, investors, mortgagees, bondholders, and holders of indentures, notes, or other evidences of indebtedness, either in effect or proposed. Any such banking or lending institution and institutional investors may be waived from qualification requirements. However, upon request by the commission, a banking or lending institution or institutional investor shall produce any document or information related to an application for a permit or license.

(h) ~~(4) The division~~ May take testimony concerning any matter within its jurisdiction and issue summons and subpoenas for any witness and subpoenas duces tecum in connection with any matter within the jurisdiction of the department ~~division~~ under its seal and signed by the executive director.

(i) ~~(9)~~ Shall ~~The division may~~ conduct investigations necessary to fulfill its responsibilities under this chapter. ~~in enforcing this chapter, except that~~ All information obtained pursuant to an investigation by the department ~~division~~ for an alleged violation of this chapter or rules of the department ~~division~~ is exempt from s. 119.07(1) and from s. 24(a), Art. I of the State Constitution until an administrative complaint is issued or the investigation is closed or ceases to be active. This paragraph ~~subsection~~ does not prohibit the department ~~division~~ from providing such information to any law enforcement agency or to any other regulatory agency. For the purposes of

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

(j) ~~(10) The division~~ May impose an administrative fine for a violation under this chapter of not more than $1,000 for each count or separate offense, except that the department may impose a fine of more than $1,000 when ~~as otherwise~~ provided for in this chapter, and the department may suspend or revoke a permit or~~, a pari-mutuel~~ license~~,~~ or an occupational license for a violation under this chapter. If a permitholder or licensee fails to pay penalties imposed, the department may suspend or revoke the license of the licensee, cancel the permit of the licensee, or deny issuance of any further license or permit to the licensee. A penalty imposed under this paragraph does not exclude a prosecution for cruelty to animals or for any other criminal act. All fines imposed and collected under this paragraph shall be remitted to ~~subsection must be deposited with~~ the Chief Financial Officer for deposit into ~~to the credit of~~

the General Revenue Fund.

(k) ~~(13)~~ May ~~The division shall have the authority to~~ suspend a permitholder's permit or license~~,~~ if such permitholder is operating a cardroom facility or slot machines and such permitholder's cardroom license or slot machine license has been suspended or revoked ~~pursuant to s. 849.086~~.

(l) ~~(6) In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the division~~ May exclude any person from any and all pari-mutuel or gaming facilities in this state for conduct that, if the person were a licensee, would constitute~~, if the person were a licensee,~~ a violation of this chapter or the rules of the department ~~division~~. The department ~~division~~ may exclude from any pari-mutuel or gaming facility within this state any person who has been ejected from a pari-mutuel or gaming facility in this state or who has been excluded from any pari-mutuel or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel or gaming facilities in such other state. The department ~~division~~ may authorize any person who has been ejected or excluded from pari-mutuel or gaming facilities in this state or another state to attend the pari-mutuel or gaming facilities in this state upon a finding by the commission that the attendance of such person at pari-mutuel or gaming facilities would not be adverse to the public interest or to the integrity of the sport or industry.~~; however,~~ this paragraph

does not ~~subsection shall not be construed to~~ abrogate the common-law right of a licensee or ~~pari-mutuel~~ permitholder to exclude absolutely a patron in this state.

(m)~~(5) The division~~ May adopt rules establishing procedures for testing occupational licensees ~~licenseholders~~ officiating at or participating in any event ~~race or game~~ at any pari-mutuel or gaming facility under the jurisdiction of the department ~~division~~ for a controlled substance or alcohol and may prescribe procedural matters not in conflict with s. 120.80(4)(a).

(n) Shall require sufficient documentation from each licensee to ensure that the purses paid by each licensee on live racing and intertrack and simulcast broadcasts are in compliance with this chapter and department rule.

(o) May conduct investigations and monitor the operation of cardrooms and the playing of games therein.

(p) May review the books, accounts, and records of any current or former cardroom operator.

(q) May monitor and ensure the proper collection of taxes and fees imposed by s. 551.20. Permitholder internal controls are mandated to ensure state funds are not compromised. To that end, a roaming department auditor will monitor and verify the cash flow and accounting of cardroom revenue for any given operating day.

(r) May revoke or suspend any permit or license issued under this part upon the willful violation by the permitholder

or licensee of any provision of this part or of any rule adopted under this part. In lieu of suspending or revoking a permit or license, the commission may impose a civil penalty against the permitholder or licensee for a violation of this part or any rule adopted by the department. The penalty may not exceed $1,000 for each count or separate offense. All penalties imposed and collected shall be remitted to the Chief Financial Officer for deposit into the General Revenue Fund.

(s) May suspend or revoke a license or permit, after a hearing, for a violation of s. 551.20 or the rules adopted pursuant thereto.

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

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

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

Section 16. Effective October 1, 2014, section 551.103, Florida Statutes, is transferred, renumbered as subsections (2) through (6) of section 551.0013, Florida Statutes, as created by this act, and amended to read:

551.0013 ~~551.103~~ Powers and duties of the department ~~division and law enforcement~~.—

(2)~~(1)~~ The department ~~division~~ shall adopt~~, pursuant to the provisions of ss. 120.536(1) and 120.54, all~~ rules necessary to implement, administer, and enforce chapter 849 and ~~regulate slot machine gaming as authorized in~~ this chapter. Such rules must include:

(a) Procedures for applying for permits and licenses governed by this chapter and renewal of such licenses ~~a slot machine license and renewal of a slot machine license~~.

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

(c) Procedures relating to gaming revenues, including verifying and accounting for such revenues, auditing, and collecting taxes and fees consistent with this chapter.

(d) Procedures for requiring licensees to maintain specified records and submit any data, information, record, or report, including financial and income records, required under this chapter or determined by the department to be necessary to the proper implementation and enforcement of this chapter.

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

(f) Procedures for requiring licensees to implement and establish drug-testing programs for all occupational licensees.

(g) Procedures for the control, supervision, and direction

of applicants, permitholders, and licensees and for the conduct and operation of all aspects of pari-mutuel wagering, pari-mutuel facilities, meets, live events, and broadcasts of events held in this state. Such rules shall include, but are not limited to, rules ensuring races and events are conducted consistent with traditional industry practices.

(h) ~~(c)~~ Procedures to scientifically test and technically evaluate slot machines and other gaming technology for compliance with this chapter and chapter 849. The department ~~division~~ may contract with ~~an~~ independent testing laboratories ~~laboratory~~ to conduct any necessary testing under this section. Any ~~The~~ independent testing laboratory must have a national reputation as being ~~which is demonstrably~~ competent and qualified to scientifically test and evaluate slot machines and other gaming technology for compliance with this chapter and to otherwise perform the functions assigned to it in this chapter. An independent testing laboratory may ~~shall~~ not be owned or controlled by a licensee. If an independent testing laboratory is used for a purpose related to the conduct of slot machine gaming by a licensee under this chapter, such laboratory shall be selected from a list of laboratories approved by the department ~~The use of an independent testing laboratory for any purpose related to the conduct of slot machine gaming by a licensee under this chapter shall be made from a list of one or more laboratories approved by the division~~.

~~(d) Procedures relating to slot machine revenues,~~

~~including verifying and accounting for such revenues, auditing, and collecting taxes and fees consistent with this chapter.~~

(i) ~~(c)~~ Procedures for regulating, managing, and auditing the operation, financial data, and program information relating to ~~slot machine~~ gaming. Such procedures shall allow the department ~~that allow the division~~ and the Department of Law Enforcement to audit the operation, financial data, and program information of a slot machine licensee, as required by the department ~~division~~ or the Department of Law Enforcement, and provide the department ~~division~~ and the Department of Law Enforcement with the ability to monitor, at any time on a real-time basis, wagering patterns, payouts, tax collection, and compliance with any rules adopted by the department ~~division~~ for the regulation and control of slot machines operated under this chapter. Such continuous and complete access, at any time on a real-time basis, shall include the ability of either the department ~~division~~ or the Department of Law Enforcement to suspend play immediately on particular slot machines if monitoring of the facilities-based computer system indicates possible tampering with or manipulation of those slot machines or the ability to suspend play immediately of the entire operation if ~~the tampering or manipulation is of~~ the computer system itself is tampered with or manipulated. The department ~~division~~ shall notify the Department of Law Enforcement or the Department of Law Enforcement shall notify the department ~~division~~, as appropriate, whenever there is a suspension of play

under this paragraph. The department ~~division~~ and the Department of Law Enforcement shall exchange such information necessary for and cooperate in the investigation of the circumstances requiring suspension of play under this paragraph.

(j)~~(f)~~ Procedures for requiring each slot machine licensee at his or her own cost and expense to supply the department ~~division~~ with a bond having the penal sum of $2 million payable to the Governor and his or her successors in office for each year of the licensee's slot machine operations. A ~~Any~~ bond shall be issued by a surety or sureties approved by the department ~~division~~ and the Chief Financial Officer, conditioned to faithfully make the payments to the Chief Financial Officer in his or her capacity as treasurer of the department ~~division~~. The licensee shall be required to keep its books and records and make reports as provided in this chapter and to conduct its slot machine operations in conformity with this chapter and all other provisions of law. Such bond shall be separate and distinct from the bond required in s. 551.0321 ~~550.125~~.

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

(k)~~(h)~~ A requirement that the payout percentage of a slot machine be at least ~~no less than~~ 85 percent.

(l) Rules relating to cardroom operations.

(m) Rules for the issuance of cardroom and employee licenses for cardroom operations.

(n) Rules for the collection of all fees and taxes imposed by this chapter.

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

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

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

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

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

Department of Law Enforcement, and local law enforcement agencies may:

(a)~~1.~~ Inspect and examine premises where slot machines are offered for play.

(b)~~2.~~ Inspect slot machines and related equipment and supplies.

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

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

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

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

(6) This section does not:

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

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

(c) Restrict access by the Department of Law Enforcement or local law enforcement authorities to information and records

necessary to the investigation of criminal activity that are contained within the ~~slot machine~~ licensee's facility.

Section 17. Effective July 1, 2014, section 551.0014, Florida Statutes, is created to read:

551.0014 Code of ethics.—

(1) Members of the commission and employees of the department are subject to the code of ethics for public officers and employees as set forth in part III of chapter 112 and to the requirements of the public records law and public meetings law in chapters 119 and 286, respectively.

(2) A commission member or an employee of the department or a relative living in the same household as such member or employee may not hold a direct or indirect interest in, be employed by, or enter into a contract for services with an applicant or person licensed by the commission or department during the person's membership on the commission or employment and for a period of 2 years after the date of termination of the person's membership on the commission or employment.

(3) Employees of the department must obtain prior approval from the executive director before undertaking any outside employment or other work activity. The executive director may not approve outside employment requests if the proposed employment involves working for a licensee or could otherwise create a conflict of interest with the employee's responsibilities.

(4) A member of the commission or an employee of the

department or a relative living in the same household as such member or employee may not place a wager in any facility licensed under this chapter or any facility in the state operated by an Indian tribe.

(5)(a) The department may not hire a prospective employee if the prospective employee has been convicted of a felony; convicted of a misdemeanor within 10 years of the date of his or her application which the commission determines bears a close relationship to the duties and responsibilities of the position for which employment is sought; or dismissed from prior employment for gross misconduct or incompetence or if he or she intentionally made a false statement concerning a material fact in connection with his or her application to the department. If an employee of the department is charged with a felony while employed by the department, the department shall suspend the employee, with or without pay, and terminate employment with the department upon conviction. If an employee of the department is charged with a misdemeanor while employed by the department, the department shall suspend the employee, with or without pay, and may terminate employment with the department upon conviction if the commission determines that the offense for which he or she has been convicted bears a close relationship to the duties and responsibilities of the position held with the department.

(b) A member of the commission or an employee of the department must immediately provide detailed written notice of the circumstances to the commission if the member or employee is

indicted, charged with, convicted of, pleads guilty or nolo contendere to, or forfeits bail for:

1. A misdemeanor involving gambling, dishonesty, theft, or fraud;

2. A violation of any law in any state, or a law of the United States or any other jurisdiction, involving gambling, dishonesty, theft, or fraud which substantially corresponds to a misdemeanor in this state; or

3. A felony under the laws of this or any other state, the United States, or any other jurisdiction.

Section 18. Effective July 1, 2014, section 551.0016, Florida Statutes, is created to read:

551.0016 Ex parte communication.—

(1) As used in this section, the term "ex parte communication" means any communication that:

(a) If it is a written or printed communication or a communication in electronic form, is not served on all parties to a proceeding; or

(b) If it is an oral communication, is made without adequate notice to the parties and without an opportunity for the parties to be present and heard.

(2) Each commissioner shall accord to every person who is legally interested in a proceeding, or the person's lawyer, full right to be heard according to law, and, except as authorized by law, shall not initiate, solicit, or consider ex parte communications concerning a pending proposed agency action

proceeding, pending application, license, or enforcement action, or a proceeding under s. 120.565, s. 120.569, or s. 120.57. An individual may not discuss ex parte with a commissioner the merits of any issue that he or she reasonably foresees will be filed with the commission. The provisions of this subsection shall not apply to department staff.

(3) If a commission member knowingly receives an ex parte communication prohibited by this section, he or she must place on the record of the proceeding copies of all written communication received, copies of all written responses to the communication, and a memorandum stating the substance of all oral communication received and all oral responses made, and shall give written notice to all parties to the communication that such matters have been placed on the record. Any party to the proceeding who desires to respond to the communication may do so. The response must be received by the commission within 10 days after receiving notice that the ex parte communication has been placed on the record. If a commission member deems it necessary to eliminate the effect of an ex parte communication received by him or her, the member may withdraw from the proceeding potentially impacted by the ex parte communication.

(4) An individual who makes an ex parte communication prohibited by this section shall submit to the commission a written statement describing the nature of the communication, including the name of the person making the communication, the name of each commission member receiving the communication,

copies of all written communication, all written responses to such communication, and a memorandum stating the substance of all oral communication received and all oral responses made. The commission shall place on the record of a proceeding all such communication.

(5) A commission member who knowingly fails to place any ex parte communication on the record within 15 days after the date of the communication in violation of this section is subject to removal and may be assessed a civil penalty not to exceed $5,000. A person who knowingly fails to comply with subsection (3) may be assessed a civil penalty not to exceed $5,000.

(6) The Commission on Ethics shall receive and investigate sworn complaints of violations of this section pursuant to ss. 112.321-112.3241.

(7) If the Commission on Ethics finds that a commission member has violated this section, it shall provide the Governor and the nominating committee with a report of its findings and recommendations. The Governor may enforce the findings and recommendations of the Commission on Ethics pursuant to part III of chapter 112.

(8) If a commission member fails or refuses to pay the Commission on Ethics any civil penalties assessed pursuant to this section, the Commission on Ethics may bring an action in any circuit court to enforce such penalty.

(9) If, during the course of an investigation by the

Commission on Ethics into an alleged violation of this section, allegations are made as to the identity of the person who participated in the ex parte communication, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person participated in the ex parte communication, the person may not appear before the commission or otherwise represent anyone before the commission for 2 years.

Section 19. Effective July 1, 2014, section 551.0017, Florida Statutes, is created to read:

551.0017 Penalties for misconduct by a member or employee.—

(1) A violation of this chapter by a commission member may constitute cause for removal by the Governor or other disciplinary action as determined by the commission.

(2) A violation of this chapter by an employee of the department may constitute cause for termination of employment as determined by the executive director.

Section 20. Effective October 1, 2014, part II of chapter 551, Florida Statutes, consisting of sections 551.011-551.095, Florida Statutes, is created and entitled "PARI-MUTUEL WAGERING."

Section 21. Effective October 1, 2014, section 551.011, Florida Statutes, is created to read:

551.011 Short title.—This part may be cited as the

"Florida Pari-mutuel Wagering Act."

Section 22. Effective October 1, 2014, section 551.012, Florida Statutes, is created to read:

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

(1) "Breaks" means the portion of a pari-mutuel pool computed by rounding down to the nearest multiple of 10 cents which is not distributed to the contributors or withheld by the permitholder as takeout.

(2) "Breeder and stallion awards" means financial incentives paid to encourage the agricultural industry of breeding racehorses in this state.

(3) "Broadcast" means an electronic transmission in any medium or manner, including, but not limited to, community antenna systems that receive and retransmit television or radio signals by wire, cable, or otherwise to televisions or radios, and cable origination networks or programmers that transmit programming to community antenna televisions or closed-circuit systems by wire, cable, satellite, or otherwise.

(4) "Contributor" means a person who contributes to a pari-mutuel pool by engaging in a pari-mutuel wager.

(5) "Current meet" or "current race meet" means the conduct of racing or games pursuant to a current year's operating license issued by the commission.

(6) "Event" means a single greyhound race, horserace, or jai alai game within a performance.

(7) "Exotic pools" means wagering pools into which a

contributor may place a wager on more than one entry or on more than one event in the same bet, including, but not limited to, daily doubles, perfectas, quinielas, quiniela daily doubles, exactas, trifectas, and Big Q pools.

(8) "Fronton" means a building or enclosure that contains a playing court with three walls designed and constructed for playing the sport of jai alai.

(9) "Full schedule of live events" means the minimum number of live performances that must be conducted by a permitholder. A live performance, consisting of at least eight events, must be conducted at least three times each week during the licensed meet at the permitholder's licensed facility.

(10) "Guest facility" means a track or fronton receiving or accepting an intertrack wager.

(11) "Handle" means the aggregate contributions to pari-mutuel pools.

(12) "Horserace" or "horseracing" means a head-to-head contest between two or more thoroughbred, quarter horse, or standardbred horses racing with each other in the same event on a flat track with banked turns and a connecting straight chute at least 440 yards in length, which does not require a horse to change its course in response to any obstacles on the racing surface, and is further defined as follows:

(a) "Harness race" or "harness racing" means such a contest between two or more standardbred horses guided by state and U.S. Trotting Association-licensed standardbred drivers

while pulling two-wheeled carts called sulkies and dispatched from a regulation moving barrier. Standardbred racing also includes monte racing, in which a state and U.S. Trotting Association-licensed standardbred monte race driver competes while astride the horse, rather than as a driver.

(b) "Quarter horse race" or "quarter horse racing" means such a contest between two or more quarter horses registered with the American Quarter Horse Association, at distances and under conditions,that qualify those races for race recognition pursuant to the Official Handbook of Rules and Regulations of the American Quarter Horse Association, as effective January 1, 2014, dispatched from a regulation starting gate and mounted by state licensed jockeys.

(c) "Thoroughbred race" or "thoroughbred racing" means such a contest on such a track at least seven furlongs in circumference, between two or more thoroughbreds dispatched from a regulation starting gate and mounted by state licensed jockeys.

The term "horseracing" does not include steeplechases or hurdle races, nor does it include barrel racing, timed events, pole bending, or any other rodeo or gymkhana-style events.

(13) "Horseracing licensee" means:

(a) A thoroughbred racing permitholder licensed under this part to conduct pari-mutuel wagering meets of thoroughbred racing;

(b) A harness racing permitholder licensed under this part to conduct pari-mutuel wagering meets of harness racing; or

(c) A quarter horse racing permitholder licensed under this part to conduct pari-mutuel wagering meets of quarter horse racing.

(14) "Host facility" means a track or fronton that broadcasts a live event or rebroadcasts a simulcast event that is the subject of an intertrack wager.

(15) "Intertrack wager" means a wager accepted at a pari-mutuel facility on a live event that is broadcast to the pari-mutuel facility or on a simulcast event that is rebroadcast to the pari-mutuel facility from an in-state pari-mutuel facility.

(16) "Jai alai" means a ball game of Spanish origin played on a court with three walls and includes the term "pelota."

(17) "Live event," "live game," "live race," or "live performance" means such event or performance conducted live at the referenced pari-mutuel facility and excludes broadcast and simulcast events.

(18) "Live handle" means the handle from wagers placed at a pari-mutuel facility on the live events conducted at that facility and excludes intertrack wagering.

(19) "Market area" means an area within 25 miles of a permitholder's track or fronton.

(20) "Meet" or "meeting" means live events for any stake, purse, prize, or premium.

(21) "Net pool pricing" means a method of calculating

prices awarded to winning wagers relative to the contribution, net of takeouts, to a pool by each participating jurisdiction or, as applicable, each site.

(22) "Operating day" means a continuous period of 24 hours which starts at the beginning of the first performance event. If an operating day starts during one calendar day and extends past midnight, a greyhound race or jai alai game may not begin after 1:30 a.m. on that operating day.

(23) "Pari-mutuel facility" means a racetrack, fronton, or other facility used by a permitholder for the conduct of pari-mutuel wagering.

(24) "Pari-mutuel pool" means the total amount wagered on an event for a single possible result.

(25) "Pari-mutuel wagering" means a system of betting on events in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes.

(26) "Performance" means a series of at least eight events performed consecutively as one program.

(27) "Post time" means the time set for the arrival at the starting point of the horses or greyhounds in a race or the beginning of a game in jai alai.

(28) "Purse" means the cash portion of the prize for which an event is contested.

(29) "Quarter horse" means a breed of horse developed in

the western United States which is capable of high speed for a short distance and used in quarter horse racing registered with the American Quarter Horse Association.

(30) "Racing greyhound" or "greyhound" means a greyhound registered with the National Greyhound Association which is or was used, or is being bred, raised, or trained to be used, in racing at a pari-mutuel facility.

(31) "Same class of races, games, or permit" means:

(a) With respect to a jai alai permitholder, jai alai games or other jai alai permitholders;

(b) With respect to a greyhound racing permitholder, greyhound races or other greyhound racing permitholders;

(c) With respect to a thoroughbred racing permitholder, thoroughbred races or other thoroughbred racing permitholders;

(d) With respect to a harness racing permitholder, harness races or other harness racing permitholders; and

(e) With respect to a quarter horse racing permitholder, quarter horse races or other quarter horse racing permitholders.

(32) "Simulcasting" means the live broadcast of events occurring live at an in-state location to an out-of-state location, or receiving at an in-state location a live broadcast of events occurring live at an out-of-state location.

(33) "Standardbred horse" means a pacing or trotting horse used in harness racing which has been registered as a standardbred by the United States Trotting Association or by a foreign registry whose stud book is recognized by the United

States Trotting Association.

(34) "Takeout" means the percentage of the pari-mutuel pools deducted by the permitholder before the distribution of the pool.

(35) "Thoroughbred" means a purebred horse whose ancestry can be traced back to one of three foundation sires and whose pedigree is registered in the American Stud Book or in a foreign stud book that is recognized by the Jockey Club and the International Stud Book Committee.

(36) "Totalisator" means the computer system used to accumulate wagers, record sales, calculate payoffs, and display wagering data on a display device that is located at a pari-mutuel facility.

(37) "Ultimate equitable owner" means a natural person who, directly or indirectly, owns or controls 5 percent or more of an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such person owns or controls such ownership through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

Section 23. Effective October 1, 2014, section 551.013, Florida Statutes, is created to read:

551.013 Pari-mutuel wagering authorized; distribution of pool; prohibited purchase.—

(1) Wagering on the results of a horserace or greyhound race or on the scores or points of a jai alai game and the sale of tickets or other evidences showing an interest in or a contribution to a pari-mutuel pool are allowed only within the enclosure of a pari-mutuel facility licensed and operating under this part, must be supervised by the department, are subject to such reasonable rules adopted by the commission, and are prohibited elsewhere in this state.

(2) The permitholder's share of the takeout is that portion of the takeout that remains after the pari-mutuel tax imposed upon the contributions to the pari-mutuel pool is deducted from the takeout and paid by the permitholder. The takeout is deducted from all pari-mutuel pools but may be different depending on the type of pari-mutuel pool. The permitholder shall inform the patrons, either through the official program or via the posting of signs at conspicuous locations, as to the takeout currently being applied to handle at the facility.

(3) After deducting the takeout and the breaks, a pari-mutuel pool must be redistributed to the contributors.

(4) Redistribution of funds otherwise distributable to the contributors of a pari-mutuel pool must be a sum equal to the next lowest multiple of 10 on all races and games.

(5) A distribution of a pari-mutuel pool may not be made of the breaks.

(6) A person or corporation may not directly or indirectly

purchase pari-mutuel tickets or participate in the purchase of any part of a pari-mutuel pool for another for hire or for any gratuity. A person may not purchase any part of a pari-mutuel pool through another if she or he gives or pays directly or indirectly such other person anything of value. Any person who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 24. Effective October 1, 2014, section 551.018, Florida Statutes, is created to read:

551.018 Local government taxes and fees on pari-mutuel wagering.—The tax imposed by s. 551.301 is in lieu of all license, excise, or occupational taxes to the state or any county, municipality, or other political subdivision. However, a municipality may assess and collect an additional tax against any person conducting live events within its corporate limits, which tax may not exceed $150 per day for horseracing or $50 per day for greyhound racing or jai alai. Except as provided in this part, a municipality may not assess or collect any additional excise or revenue tax against any person conducting race meetings within the corporate limits of the municipality or against any patron of any such person.

Section 25. Effective October 1, 2014, section 551.021, Florida Statutes, is created to read:

551.021 Application for permit to conduct pari-mutuel wagering.—

(1) Applications for a pari-mutuel wagering permit may be

made to the department in accordance with department rules. Applications for a pari-mutuel permit are exempt from the 90-day licensing requirement of s. 120.60. Within 120 days after receipt of a complete application, the commission shall grant or deny the permit. A completed application that is not acted upon within 120 days after receipt is deemed approved, and the commission shall grant the permit.

(2) If the commission approves the application, it shall issue a permit to the applicant setting forth the name of the permitholder, the location of the pari-mutuel facility, the type of pari-mutuel activity desired to be conducted, and a statement showing qualifications of the applicant to conduct pari-mutuel performances under this part. Such permit authorizes the county in which the applicant seeks to operate to hold an election ratifying such permit pursuant to s. 551.0221 and does not authorize pari-mutuel wagering.

(3) An application for a permit may not be considered, nor may a permit be issued by the commission or be voted upon in any county, to conduct horseraces, harness races, or greyhound races at a location within 100 miles of an existing pari-mutuel facility, or for jai alai within 50 miles of an existing pari-mutuel facility. Such distance shall be measured on a straight line from the nearest property line of one pari-mutuel facility to the nearest property line of the other facility.

(4) The commission shall require that each applicant submit an application that includes, at a minimum:

(a) The full name, business address, e-mail address, telephone number, social security number, and if applicable, federal tax identification number of the applicant.

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

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

(d) Information, documentation, and assurances concerning the applicant's financial background and resources as required to establish the financial stability, integrity, and responsibility of the applicant. This includes a statement of the assets and liabilities of the applicant, business, and personal income and disbursement schedules, tax returns, and other reports filed with governmental agencies, and business and

personal accounting, check records, and ledgers. In addition, each applicant must provide written authorization for the examination of all bank accounts and records as may be deemed necessary by the commission.

(e) For each individual listed in the application as an owner, partner, officer, or director, a complete set of fingerprints taken by an authorized law enforcement officer. The set of fingerprints must be submitted to the Federal Bureau of Investigation for processing. An applicant who is a foreign national shall submit such documents as necessary to allow the department to conduct a criminal history records check in the applicant's home country. The applicant must pay the cost of processing. The department may charge a $2 handling fee for each set of fingerprint records.

(f) The exact location where the applicant will conduct pari-mutuel performances.

(g) Whether the pari-mutuel facility is owned or leased and, if leased, the name and residence of the fee owner or, if a corporation, the names and addresses of the directors and stockholders thereof. However, this part does not prevent a person from applying to the commission for a permit to conduct pari-mutuel operations, regardless of whether the pari-mutuel facility has been constructed, and having an election held in any county at the same time that elections are held for the ratification of any permit in that county.

(h) The names and addresses of any mortgagee of any pari-

mutuel facility and any financial agreement between the parties. The commission may require the names and addresses of the officers and directors of the mortgagee and of those stockholders who hold more than 10 percent of the stock of the mortgagee.

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

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

(k) Other information the commission requires.

(5) The commission shall require each applicant to deposit with the board of county commissioners of the county in which the election is to be held a sufficient sum, in currency or by check certified by a bank licensed to do business in the state, to pay the expenses of holding the election provided in s. 551.0221.

(6) Upon receiving an application and any amendments properly made thereto, the department shall further investigate the matters contained in the application. The department shall present its findings to the commission for review. If the applicant meets all requirements, conditions, and qualifications set forth in this part and the rules of the commission and the commission finds that it would be in the best interests of the state, the commission may grant the permit. In addition to the applicant's qualifications, the commission shall consider the overall impact to state revenues, including those generated under tribal-state gaming compacts.

(7) After initial approval of the permit and the source of financing, the terms and parties of any subsequent refinancing must be disclosed by the applicant or the permitholder to the commission.

(8) If the commission refuses to grant the permit, the money deposited with the board of county commissioners for holding the election must be refunded to the applicant. If the commission grants the permit applied for, the board of county commissioners shall order an election for ratification of the permit in the county, as provided in s. 551.0221.

(9)(a) The department may charge the applicant for reasonable, anticipated costs incurred by the department in determining the eligibility of any person or entity specified in s. 551.029 to hold any pari-mutuel permit.

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

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

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

(e) If the actual costs of investigation exceed anticipated costs, the department shall assess the applicant the

amount necessary to recover all actual costs.

(10) After a permit has been granted by the commission and has been ratified and approved by the majority of the electors participating in the election in the county designated in the permit, the permitholder may apply for, subject to the conditions of this part, a license to conduct pari-mutuel operations under this part at the location fixed in the permit and ratified in the election. After the first license has been issued to the holder of a ratified permit for pari-mutuel operations in any county, all subsequent annual applications for a license by that permitholder must be accompanied by proof, in such form as the commission requires, that the ratified permitholder still possesses all the qualifications prescribed by this part and that the permit has not been recalled at a later election held in the county.

(11)(a) If a permitholder has failed to complete construction of at least 50 percent of the facilities necessary to conduct pari-mutuel operations within 12 months after approval of the permit by the voters or within 12 months after receiving the permit if ratification was not required, the commission shall revoke the permit upon adequate notice to the permitholder. However, the commission, upon good cause shown by the permitholder, may grant one extension of up to 12 months.

(b) If a permitholder has failed to conduct live events for a period of 12 consecutive months, the commission shall revoke the permit upon adequate notice to the permitholder.

However, the commission, upon good cause shown by the permitholder, may grant one extension of up to 12 months.

(c) The permit of a pari-mutuel wagering permitholder that does not pay tax on handle for a full schedule of live events during any 2 consecutive state fiscal years shall be revoked unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, or other disaster or event beyond the permitholder's control. Financial hardship to the permitholder is not, in and of itself, just cause for failure to operate and pay tax on handle.

(d) A permit revoked under this subsection is void and may not be reissued.

(12) A pari-mutuel permitholder may apply to the commission to place the pari-mutuel permit into inactive status for a period of 12 months pursuant to the rules of the department. The commission, upon good cause shown by the permitholder, may renew inactive status for up to 12 months. A permit may not be in inactive status for a period of more than 24 consecutive months. Holders of permits in inactive status are not eligible for licensure for pari-mutuel wagering, slot machines, or cardrooms.

(13)(a) A permit granted under this part may not be transferred or assigned except upon written approval by the commission pursuant to s. 551.029.

(b) If a permit to conduct pari-mutuel wagering is held by a corporation or business entity other than an individual, the

transfer of 10 percent or more of the stock or other evidence of ownership or equity in the permitholder may not be made without the prior approval of the transferee by the commission pursuant to s. 551.029.

(14) Changes in ownership of or interest in a pari-mutuel permit of 5 percent or more of the stock or other evidence of ownership or equity in the permitholder shall be approved by the commission before such change, unless the owner is an existing owner of that permit who was previously approved by the commission. Changes in ownership of or interest in a pari-mutuel permit of less than 5 percent must be reported to the department within 20 days after the change. The department may then conduct an investigation to ensure that the permit is properly updated to show the change in ownership or interest.

Section 26. Effective October 1, 2014, section 551.0221, Florida Statutes, is created to read:

551.0221 Elections for ratification of permits.—

(1) Any permitholder may have submitted to the electors of the county designated therein the question of whether such permit will be ratified. Such question shall be submitted to the electors for approval or rejection at a special election to be called for that purpose only. The board of county commissioners of the county designated, upon the presentation to such board at a regular or special meeting of a written application, accompanied by a certified copy of the permit granted by the commission, and asking for an election in the county in which

the application was made, shall order a special election in the county for the particular purpose of deciding whether such permit shall be approved and a license issued and race or game meetings allowed in the county by such permitholder. The clerk of such board shall give notice of the special election by publishing the same once each week for 2 consecutive weeks in one or more newspapers of general circulation in the county. Each permit for a pari-mutuel facility must be voted upon separately and in separate elections. An election may not be called more often than once every 2 years for the ratification of any permit for the same pari-mutuel facility.

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

(3) If the permitholder has not applied to the board of county commissioners within 6 months after the permit was issued by the commission, the permit is void. The commission shall cancel the permit without notice to the permitholder, and the board of county commissioners holding the deposit for the

election shall refund the deposit to the permitholder upon being notified by the commission that the permit is void and has been canceled.

(4) All electors duly registered and qualified to vote at the last preceding general election held in the county are qualified electors for the ratification election. The registration books for the county shall be opened on the 10th day after the ratification election is ordered and called, however, if the 10th day is a Sunday or a holiday, then on the next day that is not a Sunday or holiday. The registration books must remain open for 10 days. Electors for the ratification election have the same qualifications for and prerequisites to voting in elections as under the general election laws.

(5) If, at any such ratification election, the majority of electors voting on the question of ratification of a permit vote against ratification, the permit is void. If a majority of the electors voting on the question of ratification vote for ratification, the permit becomes effective, and the permitholder may conduct events upon complying with the other provisions of this part. The board of county commissioners shall immediately certify the results of the election to the department.

Section 27. Effective October 1, 2014, section 551.0222, Florida Statutes, is created to read:

551.0222 Petition for election to revoke permit.—In any county where a permitholder has been licensed and racing or games have been conducted under this part, the county commission

shall, upon petition of 20 percent of the registered electors of the county, provide for the submission to the electors of such county at the next succeeding general election the question of whether a permit shall be revoked. If a majority of the electors voting on such question in such election vote to revoke the permit, the commission may no longer grant any license on the permit. Every signature on every petition to revoke a permit must be signed in the presence of the clerk of the board of county commissioners at the office of the clerk of the circuit court of the county. The petitioner must present at the time of such signing her or his registration receipt showing the petitioner's qualification as an elector of the county at the time of signing the petition. Only one permit may be included in any one petition. In all elections in which the revocation of more than one permit is voted on, the voters shall be given an opportunity to vote for or against the revocation of each permit separately. This part does not prevent the holding of later referendum or revocation elections.

Section 28. Effective October 1, 2014, section 551.0241, Florida Statutes, is created to read:

551.0241 Relocation of permit.—

(1) A licensed pari-mutuel permitholder may apply to the commission to change the location where it is authorized to conduct pari-mutuel wagering under its permit pursuant to the rules of the commission.

(2) The commission may consider a relocation application

only if the relocation is within the same county or within a contiguous county, if a pari-mutuel wagering permit has previously been ratified in that county, and the applicant provides clear and convincing evidence that:

(a) The proposal would not have a net negative impact on state revenues, including those generated under tribal-state gaming compacts.

(b) Pari-mutuel wagering at the proposed location is approved under the zoning and land use regulations of the applicable county or municipality.

(3) The commission may approve a relocation proposal if it determines such relocation is in the best interests of the state. In making such determination, the commission shall consider any impact to state resources, the local community, the industry and other pari-mutuel wagering licensees.

(4) If the commission approves the relocation, it shall issue a revised permit setting forth the new location of the pari-mutuel facility. Pari-mutuel wagering or other gaming may not be conducted at the new location unless the permitholder receives a license for such wagering or gaming at the new location pursuant to this chapter.

Section 29. Effective October 1, 2014, section 551.0251, Florida Statutes, is created to read:

551.0251 Limited thoroughbred racing permit.—

(1) In recognition of the important and long-standing economic contribution of the thoroughbred horse breeding

industry to this state and the state's vested interest in promoting the continued viability of this agricultural activity, the state intends to provide a limited opportunity for the conduct of live thoroughbred racing with the net revenues from such racing dedicated to the enhancement of thoroughbred purses and breeder, stallion, and special racing awards under this part; the general promotion of the thoroughbred horse breeding industry; and the care in this state of thoroughbred horses retired from racing.

(2) A quarter horse racing permit previously converted to a limited thoroughbred racing permit may only be held by a not-for-profit corporation formed under state law to serve the purposes of the state as provided in subsection (1). The board of directors of the not-for-profit corporation must be comprised of 11 members, four of whom shall be designated by the corporation pursuant to its articles and bylaws, four of whom shall be designated by the Florida Thoroughbred Breeders' and Owners' Association, and three of whom shall be designated by the other eight directors, with at least one of these three members being an authorized representative of another thoroughbred racing licensee in this state. A permit converted under former s. 550.3345 and the not-for-profit corporation are subject to the following requirements:

(a) All net revenues derived by the corporation under the thoroughbred racing permit converted under former s. 550.3345, after the funding of operating expenses and capital

improvements, shall be dedicated to the enhancement of thoroughbred racing purses and breeder, stallion, and special racing awards under this part; the general promotion of the thoroughbred horse breeding industry; and the care in this state of thoroughbred horses retired from racing.

(b) From December 1, through April 30, live thoroughbred racing may not be conducted under the permit converted under former s. 550.3345 on any day during which another thoroughbred racing licensee is conducting live thoroughbred racing within 125 air miles of the corporation's pari-mutuel facility unless the other thoroughbred racing licensee gives its written consent.

(c) After the issuance of its initial license to conduct pari-mutuel wagering meets of thoroughbred racing, the corporation must apply annually to the commission for a license pursuant to s. 551.0521.

(d) A permit converted under former s. 550.3345 is not eligible for transfer to another person or entity.

(3) Unless otherwise provided in this section, the permit converted under former s. 550.3345 and the not-for-profit corporation shall be treated under the laws of this state as a thoroughbred racing permit and as a thoroughbred racing permitholder, respectively, with the exception of s. 551.021(11).

Section 30. Effective October 1, 2014, section 551.0252, Florida Statutes, is created to read:

551.0252 Conversion of permit.—

(1) A licensed pari-mutuel wagering permitholder may apply to the commission to convert its permit to another class of pari-mutuel wagering permit pursuant to the rules of the commission.

(2) The commission may consider a conversion application only if the applicant provides clear and convincing evidence that:

(a) The proposal would not have a negative impact on state revenues, including those generated under tribal-state gaming compacts.

(b) The proposed activity is approved under the zoning and land use regulations of the applicable county or municipality.

(3) The commission may approve a conversion proposal if it determines such conversion is in the best interests of the state. In making such determination, the commission shall consider any impact to state resources, the local community, the industry and other pari-mutuel wagering licensees.

(4) If the commission approves the conversion, it shall issue a revised permit setting forth the new type of pari-mutuel activity license.

Section 31. Effective October 1, 2014, section 551.0253, Florida Statutes, is created to read:

551.0253 Summer jai alai.—

(1) A pari-mutuel permitholder that converted its permit under former 550.0745 may conduct a summer jai alai fronton

during the summer season beginning May 1 and ending November 30 of each year on such dates as may be selected by the permitholder for the same number of days and performances as are allowed and granted to winter jai alai frontons within such county. Such permitholder shall pay the same taxes as are fixed and required to be paid from the pari-mutuel pools of winter jai alai permitholders and is bound by all of the rules and provisions of this part which apply to the operation of winter jai alai frontons. Such permitholder may operate a jai alai fronton only after its application has been approved by the commission and its license has been issued pursuant to the application. The license is renewable annually as provided by law.

(2) Such permitholder may apply for a license for the operation of a jai alai fronton during the summer season as provided in this section. A permitholder granted a license under this section may not conduct pari-mutuel pools during the summer season except at a jai alai fronton as provided in this section.

(3) A license issued under subsection (2) may not allow the operation of a jai alai fronton during the jai alai winter season. The jai alai winter licensee and the jai alai summer licensee may not operate on the same days or in competition with each other. This section does not prevent the summer jai alai licensee from leasing the facilities of the winter jai alai licensee for the operation of the summer meet.

Section 32. Effective October 1, 2014, section 551.026,

Florida Statutes, is created to read:

551.026 Nonwagering horseracing licenses.—

(1)(a) Except as provided in this section, permits and licenses issued by the commission are intended to be used for pari-mutuel wagering operations in conjunction with horseraces, greyhound races, or jai alai performances.

(b) Subject to the requirements of this section, the commission may issue annual licenses for the conduct of horserace meets without pari-mutuel wagering or any other form of wagering being conducted in conjunction with such meets. A pari-mutuel wagering permitholder need not obtain an additional permit from the commission for conducting nonwagering racing under this section but must apply to the commission for the issuance of a license under this section. The holder of a nonwagering license is prohibited from conducting pari-mutuel wagering or any other form of wagering in conjunction with racing conducted under the license. This subsection does not prohibit horseracing for any stake, purse, prize, or premium.

(c) The holder of a nonwagering license is exempt from s. 551.301 and is not required to pay daily license fees and admission tax.

(2)(a) A person who is not prohibited from holding any type of pari-mutuel permit under s. 551.029 may apply to the commission for a nonwagering license. The applicant must demonstrate that the location where the nonwagering license will be used is available for such use and that the applicant has the

financial ability to satisfy the reasonably anticipated operational expenses.

(b) The department may conduct an eligibility investigation to determine whether the applicant meets the requirements of paragraph (a).

(3)(a) After receipt of an initial nonwagering license, the licensee may apply to the commission before June 1 of each year to renew the nonwagering license for the next succeeding calendar year. The application must set forth the days and locations at which the licensee will conduct nonwagering horseracing and must indicate any changes in ownership or management of the licensee occurring since the date of application for the prior license. The department may conduct an eligibility investigation to determine the qualifications of any new ownership or management interest in the license.

(b) On or before August 1 of each year and upon approval of the racing dates by the commission, the department shall issue an annual nonwagering license authorizing the permitholder to conduct nonwagering horseracing during the succeeding calendar year during the period and for the number of days set forth in the application, subject to all other provisions of this section.

(4) Only horses registered with an established breed registration organization approved by the commission may be raced at a race meeting authorized under this section.

(5) The commission may order any person participating in a

nonwagering meet to cease and desist from participating in such meet if the commission determines that the person is not of good moral character. The commission may order the operators of a nonwagering meet to cease and desist from operating the meet if the commission determines the meet is being operated for any illegal purpose.

Section 33. Effective October 1, 2014, section 551.029, Florida Statutes, is created to read:

551.029 Certain persons prohibited from holding permits; suspension and revocation.—

(1) A corporation, general or limited partnership, sole proprietorship, business trust, joint venture, unincorporated association, or other business entity may not hold a pari-mutuel permit in this state if any one of the persons or entities specified in paragraph (a) has been determined by the commission not to be of good moral character or has been convicted of any offense specified in paragraph (b).

(a)1. The permitholder;

2. An employee of the permitholder;

3. The sole proprietor of the permitholder;

4. A corporate officer or director of the permitholder;

5. A general partner of the permitholder;

6. A trustee of the permitholder;

7. A member of an unincorporated association permitholder;

8. A joint venturer of the permitholder;

9. The owner of more than 5 percent of any equity interest

in the permitholder, whether as a common shareholder, general or limited partner, voting trustee, or trust beneficiary; or

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

(b)1. A felony in this state;

2. A felony in any other state which would be a felony under the laws of this state if committed in this state;

3. A felony under the laws of the United States;

4. A felony related to gambling in any other state which would be a felony under the laws of this state if committed in this state; or

5. Bookmaking as defined in s. 849.25.

(2)(a) If the applicant for a pari-mutuel permit or a permitholder has received a full pardon or a restoration of civil rights with respect to the conviction specified in paragraph (1)(b), the conviction does not constitute an absolute bar to the issuance or renewal of a permit or a ground for the revocation or suspension of a permit.

(b) A corporation convicted of a felony may apply for and receive a restoration of its civil rights in the same manner and on the same grounds as an individual.

(3)(a) After notice and hearing, the commission shall suspend or refuse to issue or renew, as appropriate, any permit

in violation of subsection (1). The order shall become effective 120 days after service of the order upon the permitholder and shall be amended to constitute a final order of revocation unless the permitholder has, within that 120-day period:

1. Caused the divestiture, or agreed with the convicted person upon a complete immediate divestiture, of her or his holding;

2. Petitioned the circuit court as provided in subsection (4); or

3. In the case of corporate officers or directors of the permitholder or employees of the permitholder, terminated the relationship between the permitholder and such persons.

(b) The commission may, by order, extend the 120-day period for divestiture, upon good cause shown, to avoid interruption of any meet or to otherwise effectuate this section. If action has not been taken by the permitholder within the 120-day period following the issuance of the order of suspension, the commission shall, without further notice or hearing, enter a final order of revocation of the permit.

(c) When any permitholder or sole proprietor of a permitholder is convicted of an offense specified in paragraph (1)(b), the department may approve a transfer of the permit to a qualified applicant upon a finding that revocation of the permit would impair the state's revenue from the operation of the permit or otherwise be detrimental to the interests of the state in the regulation of the industry of pari-mutuel wagering.

Notwithstanding any other provision of law, a public referendum is not required for approval of the transfer under this paragraph. A petition for transfer after conviction must be filed with the department within 30 days after service upon the permitholder of the final order of revocation. The timely filing of such a petition automatically stays any revocation order until further order of the department.

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

(5) The department shall adopt rules for photographing, fingerprinting, and obtaining personal data of individuals described in paragraph (1)(a) and obtaining such data regarding the business entities described in paragraph (1)(a) as necessary to effectuate this section.

Section 34. Effective October 1, 2014, section 551.0321, Florida Statutes, is created to read:

551.0321 Permitholder license; bond.—

(1) Before delivery of an initial license, each permitholder granted a license under this part must, at its own expense, give a bond payable to the Governor and the Governor's successors in the penal sum of $50,000. Such bond must be in the form of a surety or sureties approved by the commission and the Chief Financial Officer and shall be conditioned on the following:

(a) The permitholder faithfully making payments to the Chief Financial Officer acting in his or her capacity as treasurer of the commission and department;

(b) The permitholder keeping books and records and making the required reports; and

(c) The permitholder conducting racing in conformity with this part.

(2) If the greatest amount of tax owed during any month in the prior fiscal year in which a full schedule of live racing was conducted is less than $50,000, the commission may assess a bond less than $50,000. The commission may review the bond for adequacy and require adjustments to the bond amount each fiscal year. The commission may adopt rules to implement this subsection and establish guidelines for such bonds.

(3) The provisions of this part concerning bonding do not apply to nonwagering licenses issued under s. 551.026.

Section 35. Effective October 1, 2014, section 551.0322, Florida Statutes, is created to read:

551.0322 License application; periods of operation.—

(1) After a permit has been issued by the commission and approved by election, the permitholder may apply for an initial annual license to conduct pari-mutuel operations at the location specified in the permit pursuant to this part.

(2) Annually, between December 15, and January 4, each permitholder shall file with the department its written application for a license to conduct performances during the next fiscal year. Each application must specify the number, dates, and starting times of all performances the permitholder intends to conduct and specify which performances will be conducted as charity or scholarship performances. In addition, each application for a license must include:

(a) For each permitholder that is authorized to accept intertrack wagers or receive or rebroadcast out-of-state races, the dates and periods of operation that the licensee intends to operate such wagering.

(b) For each permitholder that holds a cardroom license, the dates and periods of operation that the permitholder intends to operate the cardroom.

(c) For each permitholder that holds a slot machine license, the dates and periods of operation that the permitholder intends to operate slot machines.

(3) After the first license has been issued to a

permitholder, all subsequent annual applications for a license must be accompanied by proof, in such form as the commission may by rule require, that the permitholder continues to possess the qualifications required under this part and that the permit has not been disapproved at a later election.

(4) A permitholder may amend its application through February 28. After February 28, each permitholder must operate the full number of days authorized on each of the dates set forth in its license as a condition precedent to the validity of its license and its right to retain its permit.

(5) The commission shall issue each license no later than March 15. Each permitholder shall operate all performances on the dates and at the times specified on its license. The commission may approve changes in operating dates after a license has been issued. The department may approve minor changes in operating dates after a license has been issued if there is no objection from any operating licensee located within 50 miles of the licensee requesting the changes in operating dates. If there is an objection, the commission shall determine whether to approve the change based upon its impact on operating licensees located within 50 miles of the licensee requesting the change in operating dates. In making the determination whether to change operating dates, the commission shall take into consideration the impact of such changes on state revenues.

(6) If a licensee fails to operate all performances on the dates and at the times specified on its license, the commission

shall hold a hearing to determine whether to penalize the licensee, unless such failure was the direct result of fire, strike, war, or other disaster or event beyond the ability of the licensee to control. Financial hardship to the licensee is not, in and of itself, just cause for failure to operate all performances on the dates and at the times specified.

(7) If performances licensed to be operated by a permitholder are vacated, are abandoned, or will not be used for any reason, any permitholder may, pursuant to department rule, apply to conduct performances on the dates for which the performances have been abandoned. The commission shall issue an amended license for all such replacement performances that have been requested in compliance with this part and department rules.

Section 36. Effective October 1, 2014, section 551.033, Florida Statutes, is created to read:

551.033 Payment of daily license fee and taxes; penalties.—

(1) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments imposed by ss. 551.043, 551.053, 551.0543, 551.0553, and 551.063 shall be paid to the commission for deposit into the Gaming Control Trust Fund, hereby established. The licensee shall remit to the commission payment for the daily license fee, the admission tax, the tax on handle, and the breaks tax. Such payments shall be remitted by 3 p.m. on the 5th day of each calendar month for taxes imposed and collected for the preceding

calendar month. If the 5th day of the calendar month falls on a weekend, payments shall be remitted by 3 p.m. the first Monday following the weekend. Licensees shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing the total of all admissions, the pari-mutuel wagering activities for the preceding calendar month, and such other information required by the commission.

(2) PENALTIES.—

(a) A licensee that fails to make payments as required in subsection (1) may be subjected by the department to a civil penalty of up to $1,000 for each day the tax payment is not remitted.

(b) In addition to the civil penalty in paragraph (a), any willful or wanton failure by a licensee to make payments of the daily license fee, admission tax, tax on handle, or breaks tax constitutes sufficient grounds for the commission to suspend or revoke the license of the licensee, cancel the permit of the licensee, or deny issuance of any further license or permit to the licensee.

Section 37. Effective October 1, 2014, section 551.034, Florida Statutes, is created to read:

551.034 Uniform reporting system.—

(1) The Legislature finds that a uniform reporting system should be developed to provide acceptable uniform financial data

and statistics.

(2)(a) Each permitholder that conducts events under this part shall keep records that clearly show the total number of admissions and the total amount of money contributed to each pari-mutuel pool on each event separately and the amount of money received daily from admission fees and, within 120 days after the end of its fiscal year, shall submit to the department a complete annual report of its accounts, audited by a certified public accountant licensed to practice in the state.

(b) The department shall adopt rules specifying the form and content of such reports, including, but not limited to, requirements for a financial statement of assets and liabilities, operating revenues and expenses, and net worth and any supporting informational schedule found necessary by the commission to verify the financial statement. The financial statement must be audited by a certified public accountant licensed to practice in this state, and any supporting informational schedule must be attested to under oath by the permitholder or an officer of record. The form and content of such reports must permit the commission to:

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

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

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

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

(d) The commission shall annually review the books and records of each permitholder and verify that the breaks and unclaimed ticket payments made by each permitholder are true and correct.

Section 38. Effective October 1, 2014, section 551.035, Florida Statutes, is created to read:

551.035 Distribution of moneys.—

(1) All moneys deposited into the Gaming Control Trust Fund under this part shall be distributed as follows:

(a) The daily license fee revenues collected pursuant to ss. 551.043(2), 551.053(2), 551.0543(2), 551.0553(1), and 551.063(2) shall be used to fund the operating cost of the commission and department; however, other revenues in the Gaming Control Trust Fund may also be used to fund the operation of the commission and department in accordance with authorized appropriations.

(b) All unappropriated funds in excess of $1.5 million shall be deposited into the General Revenue Fund.

(2) The slot machine license fee, the slot machine occupational license fee, and the compulsive or addictive

gambling prevention program fee collected pursuant to ss. 551.106, 551.302(2)(a)1., and 551.118 shall be used to fund the direct and indirect operating expenses of the department's slot machine regulation operations and to provide funding for relevant enforcement activities in accordance with authorized appropriations. Funds deposited into the Gaming Control Trust Fund pursuant to ss. 551.106, 551.302(2)(a)1., and 551.118 shall be reserved in the trust fund for slot machine regulation operations. On June 30, any unappropriated funds in excess of those necessary for incurred obligations and subsequent year cash flow for slot machine regulation operations shall be deposited into the General Revenue Fund.

Section 39. Effective October 1, 2014, section 551.036, Florida Statutes, is created to read:

551.036 Escheat to state of abandoned interest in or contribution to pari-mutuel pools.—

(1) It is the public policy of the state, while protecting the interest of the owners, to possess all unclaimed and abandoned interests in or contributions to certain pari-mutuel pools conducted in this state under this part for the benefit of all the people of the state. This section shall be liberally construed to accomplish the purposes of this section.

(2) Except as otherwise provided in this part, all money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket that has remained in the custody or under the control of any licensee for a period of 1 year after

the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within the 1-year period, shall escheat to and become the property of the state.

(3) Annually, within 60 days after the close of the race meeting of the licensee, all money or other property that has escheated to the state under this section and that is held by the licensee shall be paid by such licensee to the Chief Financial Officer for deposit into the State School Fund to be used for support and maintenance of public free schools as required by s. 6, Art. IX of the State Constitution.

Section 40. Effective October 1, 2014, section 551.037, Florida Statutes, is created to read:

551.037 Lease of pari-mutuel facilities.—Holders of valid pari-mutuel permits for the conduct of any jai alai games, greyhound racing, or thoroughbred or harness racing in this state may lease their facilities to any other holder that is located within a 35-mile radius and holds a same class valid pari-mutuel permit for jai alai games, greyhound racing, or thoroughbred or harness racing. Such lessee is entitled to a license to operate its race meet or jai alai games at the leased premises.

Section 41. Effective October 1, 2014, section 551.038, Florida Statutes, is created to read:

551.038 Proposed capital improvement.—If a permitholder licensed under this part proposes a capital improvement to a

pari-mutuel facility existing on June 23, 1981, which capital improvement requires, pursuant to any municipal or county ordinance, resolution, or regulation, the qualification or approval of the municipality or county in which the permitholder conducts its business operations, the capital improvement shall be approved. Such permitholder must pay the municipality or county the cost of a building permit, and the improvement must be contiguous to or within the existing pari-mutuel facility site. However, the municipality or county shall deny approval of the capital improvement if the municipality or county can show that the proposed improvement presents a justifiable and immediate hazard to the health and safety of municipal or county residents or if the improvement qualifies as a development of regional impact as defined in s. 380.06.

Section 42. Effective October 1, 2014, section 551.039, Florida Statutes, is created to read:

551.039 Charity and scholarship days; derbies.—

(1) The commission may, upon the request of any licensee, authorize the licensee to hold up to five charity or scholarship days in addition to the regular racing or game days authorized by law.

(2) The commission shall maintain a list of charities approved to receive the proceeds of charity and scholarship performances. The commission shall not approve any charity that fails to provide evidence of compliance with chapter 496 and possession of a valid exemption from federal taxation issued by

the Internal Revenue Service. The authorized list must include the Racing Scholarship Trust Fund, the Historical Resources Operating Trust Fund, major state and private institutions of higher learning, and Florida community colleges.

(3) The licensee shall, within 120 days after the conclusion of its fiscal year, pay to the authorized charities the total of all profits derived from the operation of the charity or scholarship day performances conducted. If charity or scholarship days are operated on behalf of another licensee pursuant to law, the licensee entitled to distribute the proceeds shall distribute the proceeds to charity within 30 days after the actual receipt of the proceeds.

(4) The total of all profits derived from the conduct of a charity or scholarship day performance must include all revenues derived from the conduct of that performance, including all state taxes that would otherwise be due to the state, except that the daily license fee as provided in ss. 551.043(2), 551.053(2), 551.0543(2), 551.0553(1), and 551.063(2) and the breaks for the promotional trust funds as provided in ss. 551.0523(2), 551.0542(2), 551.0552(2), and 551.056(1) and (2) shall be paid to the department. All other revenues from the charity or scholarship performance, including the commissions, breaks, and admissions and the revenues from parking, programs, and concessions, shall be included in the total of all profits.

(5) In determining profit, the licensee may elect to distribute as proceeds only the amount equal to the state tax

that would otherwise be paid to the state if the charity or scholarship day were conducted as a regular or matinee performance.

(6)(a) The commission may authorize one additional scholarship day for horseracing in addition to the regular racing days authorized by this part and any additional days authorized by this section, to be conducted at all horse tracks located in Hillsborough County.

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

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

(8) In addition to the eligible charities that meet the criteria set forth in this section, a jai alai licensee may conduct two additional charity performances each fiscal year for a fund to benefit retired jai alai players. This performance shall be known as the "Retired Jai Alai Players Charity Day."

The administration of this fund shall be determined by rule by the department.

Section 43. Effective October 1, 2014, section 551.042, Florida Statutes, is created to read:

551.042 Greyhound racing; purse requirements.—

(1) For a greyhound racing permitholder, a full schedule of live events is a combination of at least 100 live evening or matinee performances during the state fiscal year.

(2) The department shall determine for each greyhound racing permitholder the annual purse percentage rate of live handle for the 1993-1994 state fiscal year by dividing total purses paid on live handle by the permitholder, exclusive of payments made from outside sources, during the 1993-1994 state fiscal year by the permitholder's live handle for the 1993-1994 state fiscal year. Each permitholder shall pay as purses for live races conducted during its current race meet a percentage of its live handle not less than the percentage determined under this subsection, exclusive of payments made by outside sources, for its 1993-1994 state fiscal year.

(3) Except as otherwise set forth in this section, in addition to the minimum purse percentage required under subsection (2), each permitholder shall pay as purses an annual amount equal to 75 percent of the daily license fees paid by each permitholder for the 1994-1995 fiscal year. This purse supplement shall be disbursed weekly during the permitholder's race meet in an amount determined by dividing the annual purse

supplement by the number of performances approved for the permitholder pursuant to its annual license and multiplying that amount by the number of performances conducted each week. The additional purses provided by this subsection must be used exclusively for purses other than stakes. The department shall conduct audits necessary to ensure compliance with this section.

(4)(a) Each greyhound racing licensee, when conducting at least three live performances during any week, shall pay purses in that week on wagers it accepts as a guest facility on intertrack and simulcast greyhound races at the same rate as it pays on live races. Each greyhound racing licensee, when conducting at least three live performances during any week, shall pay purses in that week, at the same rate as it pays on live races, on wagers accepted on greyhound races at a guest facility that is not conducting live racing and that is located within the same market area as the greyhound racing licensee conducting at least three live performances during any week.

(b) Each host greyhound racing licensee shall pay purses on its simulcast and intertrack broadcasts of greyhound races to guest facilities that are located outside its market area in an amount equal to one quarter of an amount determined by subtracting the transmission costs of sending the simulcast or intertrack broadcasts from an amount determined by adding the fees received for greyhound simulcast races plus 3 percent of the greyhound intertrack handle at guest facilities that are located outside the market area of the host and that paid

contractual fees to the host for such broadcasts of greyhound races.

(5) In addition to the purse requirements of subsections (2)-(4), each greyhound racing permitholder shall pay as purses an amount equal to one-third of the amount of the tax reduction on live and simulcast handle applicable to such permitholder as a result of the reductions in tax rates provided through s. 551.043(4). With respect to intertrack wagering when the host and guest facilities are greyhound racing permitholders not within the same market area, an amount equal to the tax reduction applicable to the guest facility handle as a result of the reduction in tax rate provided through s. 551.043(5) shall be distributed to the guest facility, one-third of which amount shall be paid as purses at the guest facility. However, if the guest facility is a greyhound racing permitholder within the market area of the host or if the guest facility is not a greyhound racing permitholder, an amount equal to such tax reduction applicable to the guest facility handle shall be retained by the host facility, one-third of which amount shall be paid as purses at the host facility. These purse funds shall be disbursed in the week received if the permitholder conducts at least one live performance during that week. If the permitholder does not conduct at least one live performance during the week in which the purse funds are received, the purse funds shall be disbursed weekly during the permitholder's next race meet in an amount determined by dividing the purse amount

by the number of performances approved for the permitholder pursuant to its annual license and multiplying that amount by the number of performances conducted each week. The department shall conduct audits as necessary to ensure compliance with this section.

(6) Each greyhound racing licensee shall, during the licensee's race meet, supply kennel operators and the department with a weekly report showing purses paid on live greyhound races and all greyhound intertrack and simulcast broadcasts, including both as a guest and a host together with the handle or commission calculations on which such purses were paid and the transmission costs of sending the simulcast or intertrack broadcasts, so that the kennel operators may determine statutory and contractual compliance.

(7) Each greyhound racing licensee shall make direct payment of purses to the greyhound owners who have filed with such licensee appropriate federal taxpayer identification information based on the percentage amount agreed upon between the kennel operator and the greyhound owner.

(8) At the request of a majority of kennel operators under contract with a greyhound racing licensee, the licensee shall make deductions from purses paid to each kennel operator electing such deduction and shall make a direct payment of such deductions to the local association of greyhound kennel operators formed by a majority of kennel operators under contract with the licensee. The amount of the deduction shall be

at least 1 percent of purses as determined by the local association of greyhound kennel operators. A deduction may not be taken pursuant to this subsection without a kennel operator's specific approval.

Section 44. Effective October 1, 2014, section 551.043, Florida Statutes, is created to read:

551.043 Greyhound racing; taxes and fees.—

(1) FINDINGS.—

(a) The Legislature finds that the operation of a greyhound race track and legalized pari-mutuel betting at greyhound race tracks in this state is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state. Pari-mutuel wagering at greyhound race tracks in this state is a substantial business, and taxes derived from wagering constitute part of the tax structures of the state and the counties. The operators of greyhound race tracks should pay their fair share of taxes to the state but should not be taxed to such an extent as to cause a track that is operated under sound business principles to be forced out of business.

(b) A permitholder that conducts greyhound racing under this part must pay the daily license fee, the admission tax, the breaks tax, and the tax on pari-mutuel handle and is subject to all penalties and sanctions provided in s. 551.033(2).

(2) DAILY LICENSE FEE.— Each licensed permitholder engaged in the business of conducting greyhound race meetings shall pay

to the department, for the use of the department, a daily license fee on each live or simulcast pari-mutuel event of $80 for each greyhound race conducted at the licensee's racetrack. Each permitholder shall pay daily license fees not to exceed $500 per day on any simulcast event on which such permitholder accepts wagers regardless of the number of out-of-state events taken or the number of out-of-state locations from which such events are taken. The daily license fees shall be remitted to the Chief Financial Officer for deposit into the Gaming Control Trust Fund.

(3) ADMISSION TAX.—An admission tax equal to the greater of 15 percent of the admission charge for entrance to the permitholder's facility and grandstand area or 10 cents is imposed on each person attending a greyhound race. The permitholder is responsible for collecting the admission tax.

(4) TAX ON LIVE HANDLE.—Each licensee shall pay a tax on live handle from races conducted by the licensee. The tax is imposed daily and is based on the total contributions to all pari-mutuel pools conducted during the daily live performance. If a licensee conducts more than one live performance daily, the tax is imposed on each live performance separately.

(a) The tax on live handle for greyhound racing performances is 5.5 percent of the handle.

(b) Notwithstanding paragraph (a), the tax on live handle for charity or scholarship greyhound racing performances held pursuant to s. 551.039 is 7.6 percent of the handle.

(5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host facility is a greyhound race track, the tax on handle for intertrack wagering is 5.5 percent of the handle with the following exceptions:

(a) On broadcasts of charity or scholarship performances held pursuant to s. 551.039, if the guest facility is a greyhound race track located within the market area of the host facility, the tax on handle for intertrack wagering at the guest greyhound race track is 7.6 percent of the handle.

(b) If the guest facility is located outside the market area of the host facility and within the market area of a thoroughbred racing licensee currently conducting a live race meet, the tax on handle for intertrack wagering is 0.5 percent of the handle.

(c) If the guest facility is a greyhound race track located in an area of the state in which there are only three permitholders, all of which are greyhound permitholders, located in three contiguous counties, on events received from a greyhound racing permitholder also located within such area, the tax on handle for intertrack wagering is 3.9 percent of the handle.

(d) If the guest facility is a greyhound race track located as specified in s. 551.073(8), on events received from a greyhound racing permitholder located within the same market area, the tax on handle for intertrack wagering is 3.9 percent of the handle.

(6) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL POOLS.—All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any permitholder authorized to conduct greyhound racing pari-mutuel pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within that 1-year period, shall, with respect to live races conducted by the permitholder, be remitted to the state pursuant to s. 551.036.

(7) TAX CREDITS.—

(a) Each greyhound racing permitholder shall receive in the current state fiscal year a tax credit equal to the number of live greyhound races conducted in the preceding state fiscal year multiplied by the daily license fee per race as specified in subsection (2) for the preceding state fiscal year. This tax credit applies to any tax imposed by this part or the daily license fees imposed by this part except during any charity or scholarship performances conducted pursuant to s. 551.039.

(b) A greyhound racing permitholder may receive a tax credit equal to the actual amount remitted to the state in the preceding state fiscal year pursuant to subsection (6) with respect to live races. The credit may be applied against any taxes imposed under this part. Each such greyhound racing permitholder shall pay, from any source, including the proceeds

from performances conducted pursuant to s. 551.039, an amount not less than 10 percent of the amount of the credit provided by this paragraph to any organization that promotes or encourages adoption of greyhounds, provides evidence of compliance with chapter 496, and possesses a valid exemption from federal taxation issued by the Internal Revenue Service. Such organization must, as a condition of adoption, provide sterilization of greyhounds by a licensed veterinarian before giving custody of the greyhound to the adopter. The fee for sterilization may be included in the cost of adoption.

(c)1. After providing written notice to the commission, a permitholder unable to use the full amount of the exemption provided in paragraph (8)(c) or the daily license fee credit provided in this subsection may elect once per state fiscal year, on a form provided by the department, to transfer such exemption or credit or any portion thereof to any greyhound racing permitholder that acts as a host facility to such permitholder for the purpose of intertrack wagering. Once an election to transfer such exemption or credit is filed with the commission, it may not be rescinded. The commission may not approve the transfer if:

a. The amount of the exemption or credit or portion thereof is unavailable to the transferring permitholder; or

b. The permitholder who is entitled to transfer the exemption or credit or who is entitled to receive the exemption or credit owes taxes to the state pursuant to a deficiency

letter or administrative complaint issued by the commission.

2. Upon approval of the transfer by the commission, the transferred tax exemption or credit shall be effective for the first performance of the next payment period as specified in s. 551.033(1). The exemption or credit transferred to such host facility may be applied by the host facility against any taxes imposed by this part or daily license fees imposed by this part. The greyhound racing permitholder host facility to which such exemption or credit is transferred shall reimburse such permitholder the exact monetary value of such transferred exemption or credit as actually applied against the taxes and daily license fees of the host facility.

3. The department shall ensure that all transfers of exemption or credit are made in accordance with this subsection and may adopt rules to implement this section.

(8) TAX EXEMPTIONS.—

(a) An admission tax under this part or chapter 212 may not be imposed on any free passes or complimentary cards issued to persons for which there is no cost to the person for admission to pari-mutuel events.

(b) A permitholder may issue tax-free passes to its officers, officials, and employees; to other persons actually engaged in working at the facility, including accredited press representatives such as reporters and editors; and to other permitholders for the use of their officers and officials. The permitholder shall file with the department a list of all

persons to whom tax-free passes are issued under this paragraph.

(c) A permitholder shall pay no tax on handle until such time as this paragraph has resulted in a tax savings per state fiscal year of $360,000. Thereafter, each permitholder shall pay the tax as specified in subsections (4) and (5) on all handle for the remainder of the permitholder's current race meet. For the three permitholders that conducted a full schedule of live racing in 1995 and that are closest to another state that authorizes greyhound pari-mutuel wagering, the maximum tax savings per state fiscal year shall be $500,000. The provisions of this paragraph relating to tax exemptions do not apply to any charity or scholarship performances conducted pursuant to s. 551.039.

Section 45. Effective October 1, 2014, section 551.045, Florida Statutes, is created to read:

551.045 Greyhound adoptions.—

(1) Each greyhound racing permitholder operating a greyhound racing facility in this state shall provide for a greyhound adoption booth to be located at the facility. The greyhound adoption booth must be operated on weekends by personnel or volunteers from an organization that promotes or encourages the adoption of greyhounds and meets the requirements for such organization specified in s. 551.043. As used in this section, the term "weekend" includes the hours during which live greyhound racing is conducted on Friday, Saturday, or Sunday. Information pamphlets and application forms shall be provided to

the public upon request. The kennel operator or owner shall notify the permitholder that a greyhound is available for adoption, and the permitholder shall provide information concerning the adoption of a greyhound in each race program and shall post adoption information at conspicuous locations throughout the greyhound racing facility. Any greyhound participating in a race which will be available for future adoption must be noted in the race program. The permitholder shall allow greyhounds to be walked through the track facility to publicize the greyhound adoption program.

(2) In addition to the charity days authorized under s. 551.039, a greyhound racing permitholder may fund the greyhound adoption program by holding a charity racing day designated as "Greyhound Adopt-A-Pet Day." All profits derived from the operation of the charity day must be placed into a fund used to support activities at the racing facility which promote the adoption of greyhounds. The department may adopt rules for administering the fund. Proceeds from the charity day authorized in this subsection may not be used as a source of funds for the purposes set forth in s. 551.043.

(3) The commission may impose a penalty as provided in s. 551.0013(1)(h) for a violation of this section by a permitholder or licensee and require the permitholder or licensee to take corrective action.

Section 46. Effective October 1, 2014, section 551.0511, Florida Statutes, is created to read:

551.0511 Horseracing; purse requirement; breeder and owner awards.—

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

(2) Each licensee conducting a horserace meet must pay from the takeout withheld on pari-mutuel pools a sum for purses in accordance with the type of race performed.

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

(b) The licensee shall determine for each qualified race the amount of the owner award for which a registered Florida-bred horse will be eligible. The amount of the available owner award shall be established in the same manner in which purses are established and shall be published in the condition book for the period during which the race is to be conducted. A single award may not exceed 50 percent of the gross purse for the race won.

(c) If the moneys generated under paragraph (a) during the meet exceed owner awards earned during the meet, the excess funds shall be held in a separate interest-bearing account, and

the total interest and principal shall be used to increase the owner awards during the licensee's next meet.

(d) Breeder awards for thoroughbred racing and harness racing authorized by ss. 551.0523(2) and 551.0542(2) may not be paid on owner awards.

(e) This subsection governs only those owner awards paid on thoroughbred races in this state unless a written agreement is filed with the department which establishes the rate, procedures, and eligibility requirements for owner awards, including place of finish, class of race, maximum purse, and maximum award and the agreement is entered into by the licensee, the Florida Thoroughbred Breeders' and Owners' Association, and the association representing a majority of the racehorse owners and trainers at the permitholder's location.

(4) The department shall adopt reasonable rules to ensure the timely and accurate payment of all amounts withheld by horseracing licensees regarding the distribution of purses, owner awards, and other amounts collected for payment to owners and breeders. Each licensee that fails to pay out all moneys collected for payment to owners and breeders shall, within 10 days after the end of the meet during which the licensee underpaid, deposit an amount equal to the underpayment into a separate interest-bearing account to be distributed to owners and breeders in accordance with department rules.

Section 47. Effective October 1, 2014, section 551.0512, Florida Statutes, is created to read:

551.0512 Breeder awards.—

(1) The purpose of this section is to encourage the agricultural activity of breeding and training racehorses in this state. Moneys dedicated in this part for use as breeder awards and stallion awards are to be used for awards to breeders of registered Florida-bred horses winning horseraces and for similar awards to the owners of stallions who sired Florida-bred horses winning stakes races, if the stallions are registered as Florida stallions standing in this state. The awards shall be given at a uniform rate to all winners of the awards. Such awards may not be greater than 20 percent or less than 15 percent of the announced gross purse if funds are available. No less than 17 percent and no more than 40 percent, as determined by the Florida Thoroughbred Breeders' and Owners' Association, of the moneys dedicated in this part for use as breeder awards and stallion awards for thoroughbreds shall be returned pro rata to the licensees that generated the moneys for special racing awards and shall be distributed by the licensees to owners of thoroughbred horses participating in prescribed thoroughbred stakes races, nonstakes races, or both, pursuant to a written agreement establishing the rate, procedure, and eligibility requirements for such awards entered into by the licensee, the Florida Thoroughbred Breeders' and Owners' Association, and the Florida Horsemen's Benevolent and Protective Association, Inc. However, the plan for the distribution by any licensee located in the area described in s. 551.073(8) shall be agreed upon by

that licensee, the Florida Thoroughbred Breeders' and Owners' Association, and the association representing a majority of the thoroughbred racehorse owners and trainers at that location. Awards for thoroughbred races are to be paid through the Florida Thoroughbred Breeders' and Owners' Association, and awards for standardbred races are to be paid through the Florida Standardbred Breeders and Owners Association. Among other sources specified in this part, moneys for thoroughbred breeder awards will come from the 0.955 percent of handle for thoroughbred races conducted, received, broadcast, or simulcast under this part as provided in s. 551.0523(2). The moneys for quarter horse and harness horse breeder awards will come from the breaks and uncashed tickets on live quarter horse and harness racing performances and 1 percent of handle on intertrack wagering. The funds for the breeder awards shall be paid to the respective breeder associations by the licensees conducting the races.

(2) Each breeder association shall develop a plan each year that will provide for a uniform rate of payment and procedure for breeder and stallion awards. The plan for payment of breeder and stallion awards may set a cap on winnings and may limit, exclude, or defer payments on certain classes of races, such as the Florida stallion stakes races, in order to ensure that there are adequate revenues to meet the proposed uniform rate. Priority shall be placed on imposing such restrictions in lieu of allowing the uniform rate for breeder and stallion

awards to be less than 15 percent of the total purse payment. The plan must provide for the maximum possible payments within revenues.

(3) Breeder associations shall submit their plans to the department at least 60 days before the beginning of the payment year. The payment year may be a calendar year or any 12-month period, but once established, the payment year may not be changed except for compelling reasons. Once a plan is approved, the department may not allow the plan to be amended during the year except for the most compelling reasons.

(4) Funds in the breeder association special payment account may not be allowed to grow excessively; however, payment each year is not required to equal receipts each year. The rate each year shall be adjusted to compensate for changing revenues from year to year.

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

(b) Notwithstanding any other provision of law, the Florida Thoroughbred Breeders' and Owners' Association, as part of its annual plan, may:

1. Pay breeder awards on horses finishing in first,

second, or third place in thoroughbred races; pay breeder awards that are greater than 20 percent and less than 15 percent of the announced gross purse; and vary the rates for breeder awards based on the place of finish, class of race, state or country in which the race took place, and state in which the stallion siring the horse was standing when the horse was conceived.

2. Pay stallion awards on horses finishing in first, second, or third place in thoroughbred races; pay stallion awards that are greater than 20 percent and less than 15 percent of the announced gross purse; reduce or eliminate stallion awards to enhance breeder awards or awards under subparagraph 3.; and vary the rates for stallion awards based on the place of finish, class of race, and state or country in which the race took place.

3. Pay awards from the funds dedicated for breeder awards and stallion awards to owners of registered Florida-bred horses finishing in first, second, or third place in thoroughbred races in this state without regard to any awards paid pursuant to s. 551.0511(3).

(c) Breeder awards or stallion awards under this part may not be paid on thoroughbred races taking place in other states or countries unless agreed to in writing by all thoroughbred racing permitholders in this state, the Florida Thoroughbred Breeders' and Owners' Association, and the Florida Horsemen's Benevolent and Protective Association, Inc.

Section 48. Effective October 1, 2014, section 551.0521,

Florida Statutes, is created to read:

551.0521 Thoroughbred racing; operations.—

(1) For a thoroughbred racing permitholder, a full schedule of live events is at least 40 live regular wagering performances during the state fiscal year.

(2) A thoroughbred racing licensee may not begin any race later than 7 p.m.

(3)(a) Each thoroughbred racing licensee in this state must run an average of one race per racing day in which horses bred in this state and duly registered with the Florida Thoroughbred Breeders' and Owners' Association have preference as entries over non-Florida-bred horses unless otherwise agreed to in writing by the licensee, the Florida Thoroughbred Breeders' and Owners' Association, and the association representing a majority of the thoroughbred racehorse owners and trainers at that location. All licensed thoroughbred tracks shall write the conditions for such races in which Florida-bred horses are preferred so as to ensure that all Florida-bred horses available for racing at such tracks are given full opportunity to run in the class of races for which they are qualified. The opportunity of running must be afforded to each class of horses in the proportion that the number of horses in such class bears to the total number of Florida-bred horses available. A track is not required to write conditions for a race to accommodate a class of horses for which a race would otherwise not be run at the track during its meet.

(b) Each thoroughbred racing licensee in this state may run one additional race per racing day composed exclusively of Arabian horses registered with the Arabian Horse Registry of America. A thoroughbred racing licensee that elects to run one additional such race per racing day is not required to provide stables for the Arabian horses racing under this paragraph.

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

Section 49. Effective October 1, 2014, section 551.0523, Florida Statutes, is created to read:

551.0523 Thoroughbred racing; purses and awards.—

(1) PURSES.—

(a) A licensee conducting a thoroughbred race meet must pay from the takeout withheld at least 7.75 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

1. In addition to the 7.75-percent minimum purse payment, licensees conducting live thoroughbred racing performances must pay as additional purses:

a. For performances conducted during the period beginning January 3 and ending March 16, 0.625 percent of live handle.

b. For performances conducted during the period beginning March 17 and ending May 22, 0.225 percent of live handle.

c. For performances conducted during the period beginning

May 23 and ending January 2, 0.85 percent of live handle.

2. Any thoroughbred racing licensee whose total handle on live performances during the 1991-1992 state fiscal year was not greater than $34 million is not subject to the additional purse payment under subparagraph 1.

3. A licensee authorized to conduct thoroughbred racing may withhold from the handle an additional 1 percent of exotic pools for use as owner awards and 2 percent of exotic pools for use as overnight purses. A licensee may not withhold more than 20 percent from the handle unless the licensee withholds the amounts set forth in this subsection.

(b) An amount equal to 8.5 percent of the purse account generated through intertrack wagering and interstate simulcasting will be used for Florida owner awards as set forth in subsection (2). Any thoroughbred racing licensee with an average blended takeout that does not exceed 20 percent and with an average daily purse distribution, excluding sponsorship, entry fees, and nominations, exceeding $225,000 is exempt from this paragraph.

(2) AWARDS.—Each horseracing licensee conducting any thoroughbred racing, including any intertrack race taken pursuant to ss. 551.073-551.075 or any interstate simulcast taken pursuant to s. 551.072(3), shall pay a sum equal to 0.955 percent of all pari-mutuel pools conducted during any such race for the payment of breeder, stallion, or special racing awards as authorized in this part. This subsection also applies to all

Breeder's Cup races conducted outside this state taken pursuant to s. 551.072(3). For any race originating live in this state which is broadcast out-of-state to any location at which wagers are accepted pursuant to s. 551.072(2), the host facility shall pay 3.475 percent of the gross revenue derived from such out-of-state broadcasts as breeder, stallion, or special racing awards. The Florida Thoroughbred Breeders' and Owners' Association may receive these payments from the licensees and make payments of awards earned. The Florida Thoroughbred Breeders' and Owners' Association may withhold up to 10 percent of the licensee's payments under this section as a fee for administering the payments of awards and for general promotion of the industry. The licensee shall remit these payments to the Florida Thoroughbred Breeders' and Owners' Association by the 5th day of each calendar month for such sums accruing during the preceding calendar month and shall report such payments to the department as required by the department. Breeder awards authorized by this subsection may not be paid on owner awards. With the exception of the 10-percent fee, the moneys paid by licensees shall be maintained in a separate, interest-bearing account, and such payments, together with any interest earned, shall be used exclusively for the payment of breeder, stallion, or special racing awards in accordance with the following:

(a) Breeder awards.—

1. The breeder of each Florida-bred thoroughbred winning a thoroughbred race is entitled to an award of up to, but not

exceeding, 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.

2. The breeder of a Florida-bred thoroughbred is eligible to receive a breeder award if the horse is registered as a Florida-bred horse with the Florida Thoroughbred Breeders' and Owners' Association and if the Jockey Club certificate for the horse shows that it is duly registered as a Florida-bred horse as evidenced by the seal and the proper serial number assigned by the Florida Thoroughbred Breeders' and Owners' Association registry. The Florida Thoroughbred Breeders' and Owners' Association may charge the registrant a reasonable fee for the verification and registration.

(b) Stallion awards.—

1. The owner of the sire of a Florida-bred thoroughbred that wins a stakes race is entitled to a stallion award of up to 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.

2. The owner of the sire of a thoroughbred winning a stakes race is eligible to receive a stallion award if:

a. The stallion was registered with the Florida Thoroughbred Breeders' and Owners' Association;

b. The breeding of the registered Florida-bred horse occurred in this state; and

c. The stallion is standing permanently in this state

between February 1 and June 15 of each year, or, if the stallion has died, stood permanently in this state for at least 1 year immediately before its death.

3. If a stallion is removed from this state between February 1 and June 15 of any year for any reason other than for prescribed medical treatment approved by the Florida Thoroughbred Breeders' and Owners' Association, the owner of the stallion is not eligible to receive a stallion award for offspring sired before removal. However, if a removed stallion is returned to this state, the owner of the stallion is eligible to receive stallion awards, but only for those offspring sired after the stallion returned to this state.

4. The Florida Thoroughbred Breeders' and Owners' Association shall maintain a record of all of the following:

a. The date the stallion arrived in this state for the first time.

b. Whether the stallion permanently remained in this state.

c. The location of the stallion.

d. Whether the stallion is still standing in this state.

e. Awards earned, received, and distributed.

5. The association may charge the owner or breeder a reasonable fee for services rendered under this paragraph.

(c) Special racing awards.—The owner of a thoroughbred participating in thoroughbred stakes races, nonstakes races, or both may receive a special racing award in accordance with the

agreement established pursuant to s. 551.0512(1).

(d) Reporting and recordkeeping.—

1. A licensee conducting a thoroughbred race shall, within 30 days after the end of the race meet during which the race is conducted, certify to the Florida Thoroughbred Breeders' and Owners' Association such information relating to the thoroughbred winning a stakes or other horserace at the meet as may be required to determine the eligibility for payment of breeder, stallion, and special racing awards.

2. The Florida Thoroughbred Breeders' Association shall maintain complete records showing the starters and winners in all races conducted at thoroughbred tracks in this state and records showing awards earned, received, and distributed. The association may charge the owner or breeder a reasonable fee for this service.

(e) Rates and procedures.—The Florida Thoroughbred Breeders' and Owners' Association shall annually establish a uniform rate and procedure plan for the payment of breeder and stallion awards and shall make breeder and stallion award payments in strict compliance with the established uniform rate and procedure plan. The plan may set a cap on winnings and may limit, exclude, or defer payments to certain classes of races, such as the Florida stallion stakes races, in order to ensure that there are adequate revenues to meet the proposed uniform rate. Such plan must include proposals for the general promotion of the industry. Priority shall be placed upon imposing such

restrictions in lieu of allowing the uniform rate to be less than 15 percent of the total purse payment. The uniform rate and procedure plan must be approved by the commission before implementation. In the absence of an approved plan and procedure, the authorized rate for breeder and stallion awards is 15 percent of the announced gross purse for each race. Such purse must include nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race. If the funds in the account for payment of breeder and stallion awards are not sufficient to meet all earned breeder and stallion awards, those breeders and stallion owners not receiving payments have first call on any subsequent receipts in that or any subsequent year.

(f) Reports.—The Florida Thoroughbred Breeders' and Owners' Association shall keep accurate records showing receipts and disbursements of such payments and shall annually file a complete report with the department showing such receipts and disbursements and the sums withheld for administration. The commission may audit the records and accounts of the Florida Thoroughbred Breeders' and Owners' Association to determine whether payments have been made to eligible breeders and stallion owners in accordance with this section.

(3) NONCOMPLIANCE.—If the commission finds that the Florida Thoroughbred Breeders' and Owners' Association has not complied with this section, the commission may order the association to cease and desist from receiving and administering

funds under this section. If the commission enters such an order, the licensee shall make the payments authorized in this section to the department for deposit into the Gaming Control Trust Fund, and any funds in the Florida Thoroughbred Breeders' and Owners' Association account shall be immediately paid to the department for deposit into the Gaming Control Trust Fund. The department shall authorize payment from these funds to any breeder or stallion owner entitled to an award that has not been previously paid by the Florida Thoroughbred Breeders' and Owners' Association in accordance with the applicable rate.

Section 50. Effective October 1, 2014, section 551.0524, Florida Statutes, is created to read:

551.0524 Breeders' Cup Meet.—

(1) Notwithstanding any provision of this part, there is created a special thoroughbred race meet designated as the "Breeders' Cup Meet." Breeders' Cup Limited shall select the Florida permitholder to conduct the Breeders' Cup Meet at its facility. Upon selection of the Florida permitholder as host for the Breeders' Cup Meet and application by the selected permitholder, the commission shall issue a license to the selected permitholder to operate the Breeders' Cup Meet. The Breeders' Cup Meet may be conducted on dates on which the selected permitholder is not otherwise authorized to conduct a race meet. The Breeders' Cup Meet shall consist of 3 days: the day on which the Breeders' Cup races are conducted, the preceding day, and the subsequent day.

(2) The permitholder conducting the Breeders' Cup Meet may create pari-mutuel pools during the Breeders' Cup Meet by accepting pari-mutuel wagers on the thoroughbred races run during such meet.

(3) The permitholder conducting the Breeders' Cup Meet is exempt from the payment of purses and other payments to horsemen on all on-track, intertrack, interstate, and international wagers or rights fees or payments arising therefrom for all races for which the purse is paid or supplied by Breeders' Cup Limited. However, the permitholder conducting the Breeders' Cup Meet is not exempt from breeder awards payments for on-track and intertrack wagers as provided in ss. 551.0542(2) and 551.074(2) for races in which the purse is paid or supplied by Breeders' Cup Limited.

(4)(a) Pursuant to s. 551.072(2), the permitholder conducting the Breeders' Cup Meet may transmit broadcasts of the races conducted during the Breeders' Cup Meet to locations outside of this state for wagering purposes. The commission may approve broadcasts to pari-mutuel permitholders and other betting systems authorized under the laws of any other state or country. Wagers accepted by any out-of-state pari-mutuel permitholder or betting system on any races broadcast under this section may be commingled with the pari-mutuel pools of the permitholder conducting the Breeders' Cup Meet. Payoff on national pari-mutuel pools with commingled wagers may be calculated by the permitholder's totalisator contractor at a

location outside of this state. Pool amounts from wagers placed at pari-mutuel facilities or other betting systems in foreign countries before being commingled with the pari-mutuel pool of the Florida permitholder conducting the Breeders' Cup Meet shall be calculated by the totalisator contractor and transferred to the commingled pool in United States currency in cycles customarily used by the permitholder. Pool amounts from wagers placed at any foreign pari-mutuel facility or other betting system may not be commingled with a Florida pool until a determination is made by the commission that the technology used by the totalisator contractor is adequate to ensure commingled pools will result in the calculation of accurate payoffs to Florida bettors. Any totalisator contractor at a location outside of this state shall comply with s. 551.078 relating to totalisator licensing.

(b) The permitholder conducting the Breeders' Cup Meet may transmit broadcasts of the races conducted during the Breeders' Cup Meet to other pari-mutuel facilities located in this state for wagering purposes. However, the permitholder conducting the Breeders' Cup Meet is not required to transmit broadcasts to any pari-mutuel facility located within 25 miles of the facility at which the Breeders' Cup Meet is conducted.

(5) The department may adopt rules necessary to facilitate the Breeders' Cup Meet as authorized in this section and may adopt or waive rules regarding the overall conduct of racing during the Breeders' Cup Meet to ensure the integrity of the

races, licensing for all participants, special stabling and training requirements for foreign horses, commingling of pari-mutuel pools, and audit requirements for tax credits and other benefits.

(6) This section shall prevail over any conflicting provision of this part.

Section 51. Effective October 1, 2014, section 551.053, Florida Statutes, is created to read:

551.053 Thoroughbred racing; taxes and fees.—

(1) REQUIREMENT TO PAY.—

(a) The Legislature finds that pari-mutuel wagering at thoroughbred tracks in this state is an important business enterprise, and taxes derived therefrom constitute a part of the tax structure that funds operations of the state. Thoroughbred racing permitholders should pay their fair share of these taxes to the state but should not be taxed to such an extent as to cause any racetrack that is operated under sound business principles to be forced out of business. Due to the need to protect the public health, safety, and welfare, the gaming laws of the state provide for the thoroughbred industry to be highly regulated and taxed. The state recognizes that identifiable differences exist between thoroughbred racing permitholders based upon their ability to operate under such regulation and tax system and at different periods during the year.

(b) A permitholder that conducts thoroughbred racing under this part must pay the daily license fee, the admission tax, the

breaks tax, and the tax on pari-mutuel handle and is subject to all penalties and sanctions provided in s. 551.033(2).

(2) DAILY LICENSE FEE.—Each licensed permitholder engaged in the business of conducting thoroughbred race meets shall pay to the department, for the use of the department, a daily license fee on each live or simulcast pari-mutuel event of $100 for each thoroughbred race conducted at the licensee's racetrack. Each permitholder shall pay daily license fees not to exceed $500 per day on any simulcast event on which such permitholder accepts wagers regardless of the number of out-of-state events taken or the number of out-of-state locations from which such events are taken. The daily license fees shall be remitted to the Chief Financial Officer for deposit into the Gaming Control Trust Fund.

(3) ADMISSION TAX.—An admission tax equal to the greater of 15 percent of the admission charge for entrance to the permitholder's facility and grandstand area or 10 cents is imposed on each person attending a thoroughbred race. The permitholder is responsible for collecting the admission tax.

(4) TAX ON LIVE HANDLE.—

(a) Each licensee shall pay a tax on live handle from races conducted by the licensee. The tax is imposed daily and is based on the total contributions to all pari-mutuel pools conducted during the daily live performance. If a licensee conducts more than one live performance daily, the tax is imposed on each live performance separately.

(b) The tax on live handle for thoroughbred racing performances is 0.5 percent of the handle.

(5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host facility is a thoroughbred race track, the tax on handle for intertrack wagering is 2 percent of the handle with the following exceptions:

(a) If the host facility and the guest facility are thoroughbred racing permitholders, the tax on handle for intertrack wagering is 0.5 percent of the handle.

(b) If the guest facility is located outside the market area of the host facility and within the market area of a thoroughbred racing licensee currently conducting a live race meet, the tax on handle for intertrack wagering is 0.5 percent of the handle.

(c) On rebroadcasts of simulcast thoroughbred races:

1. The tax on handle for intertrack wagering is 2.4 percent of the handle.

2. If the guest facility is a thoroughbred race track located more than 35 miles from the host facility, the host facility shall pay a tax of 0.5 percent of the handle, and shall pay to the guest facility 1.9 percent of the handle to be used by the guest facility solely for purses.

(6) OTHER TAXES AND FEES.—

(a) All moneys or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket that has remained in the custody of or under the control of any

thoroughbred racing permitholder for 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within the 1-year period, shall escheat to and become the property of the state.

(b) Notwithstanding paragraph (a), uncashed tickets and breaks on live racing conducted by a thoroughbred racing licensee shall be retained by the licensee conducting the live race.

(7) TAX CREDITS.—

(a) Retired jockey funds contributions.—A thoroughbred racing permitholder may receive a credit against taxes on live handle due for a taxable year equal to the amount of contributions it made during the taxable year directly to the Jockeys' Guild or its health and welfare fund to provide health and welfare benefits for active, disabled, and retired Florida jockeys and their dependents pursuant to reasonable rules of eligibility established by the Jockeys' Guild. A thoroughbred racing permitholder may not receive a credit greater than an amount equal to 1 percent of its paid taxes for the preceding taxable year.

(b) Breeders' Cup Meet.—

1. A licensee located within 35 miles of the permitholder conducting the Breeders' Cup Meet may not conduct a thoroughbred race meet on any of the 3 days of the Breeders' Cup Meet. The licensees prohibited from operating during the Breeders' Cup

Meet shall receive a credit against the taxes otherwise due and payable to the state under this section. The credit shall be an amount equal to the operating loss determined to have been suffered by the operating licensees as a result of not operating on the prohibited racing days but shall not exceed $950,000. The determination of the amount to be credited shall be made by the commission upon application by the affected licensee. The tax credits provided in this paragraph shall not be available unless an operating licensee is required to close a meet consisting in part of no fewer than 10 scheduled performances in the 15 days immediately preceding or 10 scheduled performances in the 15 days immediately following the Breeders' Cup Meet. Such tax credit shall be in lieu of any other compensation or consideration for the loss of racing days. There shall be no replacement or makeup of any lost racing days.

2. The permitholder conducting the Breeders' Cup Meet shall receive a credit against the taxes otherwise due and payable to the state under this section generated during the permitholder's next ensuing regular thoroughbred race meet. Such credit shall not exceed $950,000 and shall be used by the permitholder to pay the purses offered by the permitholder during the Breeders' Cup Meet in excess of the purses that the permitholder is otherwise required by law to pay. The amount to be credited shall be determined by the commission upon application of the permitholder which is subject to audit by the department.

3. The permitholder conducting the Breeders' Cup Meet shall receive a credit against the taxes otherwise due and payable to the state under this section generated during the permitholder's next ensuing regular thoroughbred race meet. Such credit shall not exceed $950,000 and shall be used by the permitholder for capital improvements and extraordinary expenses as necessary for operation of the Breeders' Cup Meet. The amount to be credited shall be determined by the commission upon application of the licensee which is subject to audit by the department.

4. The tax credits provided in this paragraph may not be granted to or claimed by the permitholder until an audit is completed by the department. The department must complete the audit within 30 days after receipt of the necessary documentation from the permitholder to verify the permitholder's claim for tax credits. If the documentation submitted by the permitholder is incomplete or is insufficient to document the permitholder's claim for tax credits, the department may request such additional documentation as necessary to complete the audit. Upon receipt by the department of the additional documentation requested, the 30-day time limitation begins anew.

5. Any dispute between the commission and a permitholder regarding the tax credits authorized under this paragraph shall be determined by a hearing officer of the Division of Administrative Hearings under s. 120.57(1).

(8) TAX EXEMPTIONS.—

(a) Free passes.—An admission tax under this part or chapter 212 may not be imposed on any free pass or complimentary card issued to a person for which there is no cost to the person for admission to a pari-mutuel event. A licensee may issue tax-free passes to its officers, officials, and employees; to other persons actually engaged in working at the facility, including accredited press representatives such as reporters and editors; and to other permitholders for use by their officers and officials. The licensee shall file with the department a list of all persons to whom tax-free passes are issued under this paragraph.

(b) Notwithstanding any other provision of this section, the permitholder conducting the Breeders' Cup Meet shall pay no taxes on the handle included within the pari-mutuel pools of the permitholder during the Breeders' Cup Meet.

Section 52. Effective October 1, 2014, section 551.0541, Florida Statutes, is created to read:

551.0541 Harness racing.—

(1) The Legislature finds that the operation of harness race tracks and legalized pari-mutuel betting at harness race tracks in this state will become a substantial business compatible with the best interests of the state and that the taxes derived from such enterprises will constitute an important and integral part of the tax structure of the state and counties. The Legislature further finds that the operation of harness race tracks within the state will establish and

encourage the acquisition and maintenance of breeding farms for the breeding of standardbred horses used in harness races and that this exhibition sport will attract a large tourist business to the state.

(2)(a) For a harness racing permitholder, a full schedule of live events is at least 100 live regular wagering performances during the state fiscal year.

(b) A harness racing licensee may conduct harness racing only between the hours of 7 p.m. and 2 a.m.

(3) A permitholder conducting a harness race meet must pay the daily license fee, the admission tax, the tax on breaks, and the tax on pari-mutuel handle provided in s. 551.0543 and is subject to all penalties and sanctions provided in s. 551.033(2).

(4) Each licensed harness race track in the state must schedule an average of one race per racing day on which horses bred in this state and duly registered as standardbred harness horses have preference as entries over non-Florida-bred horses. All licensed harness race tracks must write the conditions for such races in which Florida-bred horses are preferred to ensure that all Florida-bred horses available for racing at such tracks are given full opportunity to perform in the class races for which they are qualified. The opportunity to perform must be afforded to each class of horses in proportion to the number of horses in such class as compared to the total number of Florida-bred horses available. However, a track is not required to write

conditions for a race to accommodate a class of horses for which a race would otherwise not be scheduled at such track during its meet.

(5) Any harness race track licensed to operate under this section may apply to the commission for a license to operate up to 50 quarter horse racing days during the summer season, which shall extend from July 1 until October 1 of each year. Such license to operate quarter horse racing for up to 50 days is in addition to the racing days and dates provided in this section for harness racing during the winter seasons and does not affect the right of such licensee to operate harness racing at the track as provided in this section during the winter season. All provisions of this part governing quarter horse racing not in conflict with this subsection apply to the operation of quarter horse meets authorized in this subsection. However, all quarter horse racing permitted under this subsection shall be conducted at night.

Section 53. Effective October 1, 2014, section 551.0542, Florida Statutes, is created to read:

551.0542 Harness races; purses and awards.—

(1) PURSES.—

(a) A licensee conducting a harness race meet must pay to the purse pool from the takeout withheld a purse requirement of at least 8.25 percent of all contributions to pari-mutuel pools conducted during the race meet. At least 7.75 percent of the total handle shall be paid from this purse pool as purses.

(b) An amount not to exceed 0.5 percent of the total handle on all harness races that are subject to the purse requirement of paragraph (a) must be available for use to provide medical, dental, surgical, life, funeral, or disability insurance benefits for occupational licensees who work at tracks in this state at which harness races are conducted. Such insurance benefits must be paid from the purse pool specified in paragraph (a). An annual plan for payment of insurance benefits from the purse pool, including qualifications for eligibility, must be submitted by the Florida Standardbred Breeders and Owners Association for approval to the department. An annual report of the implemented plan shall be submitted to the department. All records of the Florida Standardbred Breeders and Owners Association concerning the administration of the plan must be available for audit at the discretion of the commission to determine whether the plan has been implemented and administered as authorized. If the commission finds that the Florida Standardbred Breeders and Owners Association has not complied with this section, the commission may order the association to cease and desist from administering the plan and shall appoint the department as temporary administrator of the plan until the commission reestablishes administration of the plan with the association.

(2) AWARDS.—Each licensee conducting a harness race shall pay a sum equal to the breaks on all pari-mutuel pools conducted during that race for the payment of breeder awards, stallion

awards, and stallion stakes and for additional expenditures as authorized in this section. The Florida Standardbred Breeders and Owners Association may receive these payments from licensees and make payments as authorized in this subsection. The Florida Standardbred Breeders and Owners Association may withhold up to 10 percent of the licensee's payments under this section and under s. 551.0543(6) as a fee for administering the payments. The licensee shall remit these payments to the Florida Standardbred Breeders and Owners Association by the 5th day of each calendar month for such sums accruing during the preceding calendar month and shall report such payments to the department as required by the commission. With the exception of the 10-percent fee for administering the payments and the use of the moneys authorized by paragraph (g), the moneys paid by the licensees shall be maintained in a separate, interest-bearing account, and such payments together with any interest earned shall be allocated for the payment of breeder awards, stallion awards, stallion stakes, additional purses, and prizes for, and the general promotion of owning and breeding, Florida-bred standardbred horses. Breeder awards authorized by this subsection may not be paid on owner awards. Payment of breeder awards and stallion awards shall be made pursuant to the following:

(a) Breeder awards.—

1. The breeder of each Florida-bred standardbred horse that wins a harness race is entitled to an award of up to 20

percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.

2. The breeder of a Florida-bred standardbred horse is eligible to receive a breeder award if the horse winning the race was registered as a Florida-bred horse with the Florida Standardbred Breeders and Owners Association and if a registration certificate under seal for the winning horse shows that the winner is duly registered as a Florida-bred horse as evidenced by the seal and proper serial number of the United States Trotting Association registry. The Florida Standardbred Breeders and Owners Association may charge the registrant a reasonable fee for the verification and registration.

(b) Stallion awards.—

1. The owner of the sire of a Florida-bred standardbred horse that wins a stakes race is entitled to a stallion award of up to 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.

2. The owner of the sire of a standardbred horse that wins a stakes race is eligible to receive a stallion award if:

a. The stallion is registered with the Florida Standardbred Breeders and Owners Association;

b. The breeding of the registered Florida-bred horse occurred in this state; and

c. The stallion is standing permanently in this state or,

if the stallion has died, stood permanently in this state for at least 1 year immediately before its death.

3. If a stallion is removed from this state for any reason other than prescribed medical treatment, the owner of the stallion is not eligible to receive a stallion award under any circumstances for offspring sired before removal. However, if a removed stallion is returned to this state, the owner of the stallion is eligible to receive a stallion award, but only for those offspring sired after the stallion returned to this state.

4. The Florida Standardbred Breeders and Owners Association shall maintain a record of all of the following:

a. The date the stallion arrived in this state for the first time.

b. Whether the stallion remained in this state permanently.

c. The location of the stallion.

d. Whether the stallion is still standing in this state.

e. Awards earned, received, and distributed.

5. The association may charge the owner, owners, or breeder a reasonable fee for services rendered under this paragraph.

(c) Reporting and recordkeeping.—

1. A licensee conducting a harness race shall, within 30 days after the end of the race meet during which the race is conducted, certify to the Florida Standardbred Breeders and Owners Association such information relating to the horse

winning a stakes or other horserace at the meet as may be required to determine the eligibility for payment of breeder awards and stallion awards.

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

(d) Rates and procedures.—The Florida Standardbred Breeders and Owners Association shall annually establish a uniform rate and procedure plan for the payment of breeder awards, stallion awards, stallion stakes, additional purses, and prizes for Florida-bred standardbred horses, and for the general promotion of owning and breeding such horses, and shall make award payments and allocations in strict compliance with the established uniform rate and procedure plan. The plan may set a cap on winnings and may limit, exclude, or defer payments to certain classes of races, such as the Florida Breeders' stakes races, in order to ensure that there are adequate revenues to meet the proposed uniform rate. Priority shall be placed on imposing such restrictions in lieu of allowing the uniform rate allocated to payment of breeder and stallion awards to be less than 10 percent of the total purse payment. The uniform rate and procedure plan must be approved by the commission before implementation. In the absence of an approved plan and

procedure, the authorized rate for breeder and stallion awards is 10 percent of the announced gross purse for each race. Such purse must include nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race. If the funds in the account for payment of breeder and stallion awards are not sufficient to meet all earned breeder and stallion awards, those breeders and stallion owners not receiving payments have first call on any subsequent receipts in that or any subsequent year.

(e) Reports.—The Florida Standardbred Breeders and Owners Association shall keep accurate records showing receipts and disbursements of such payments and shall annually file a complete report with the department showing such receipts and disbursements and the sums withheld for administration. The department may audit the records and accounts of the Florida Standardbred Breeders and Owners Association to determine whether payments have been made to eligible breeders, stallion owners, and owners of Florida-bred standardbred horses in accordance with this section.

(f) Noncompliance.—If the commission finds that the Florida Standardbred Breeders and Owners Association has not complied with this section, the commission may order the association to cease and desist from receiving and administering funds under this section and s. 551.0543(6). If the commission enters such an order, the permitholder shall make the payments authorized under this section and s. 551.0543(6) to the

department for deposit into the Gaming Control Trust Fund, and any funds in the Florida Standardbred Breeders and Owners Association account shall be immediately paid to the department for deposit into the Gaming Control Trust Fund. The commission shall authorize payment from these funds to any breeder, stallion owner, or owner of a Florida-bred standardbred horse entitled to an award that has not been previously paid by the Florida Standardbred Breeders and Owners Association in accordance with the applicable rate.

(g) Additional use of funds.—The board of directors of the Florida Standardbred Breeders and Owners Association may authorize the release of up to 25 percent of the funds available for breeder awards, stallion awards, stallion stakes, additional purses, and prizes for, and for the general promotion of owning and breeding, Florida-bred standardbred horses to be used for purses for, and promotion of, Florida-bred standardbred horses at race meets at which there is no pari-mutuel wagering unless, and to the extent that, such release would render the funds available for such awards insufficient to pay the breeder and stallion awards earned pursuant to the annual plan of the association. Any such funds so released and used for purses are not considered to be an "announced gross purse" as that term is used in paragraphs (a) and (b), and no breeder or stallion awards, stallion stakes, or owner awards are required to be paid for standardbred horses winning races in meets at which there is no pari-mutuel wagering. The amount of purses to be paid from

funds so released and the meets eligible to receive such funds for purses must be approved by the board of directors of the Florida Standardbred Breeders and Owners Association.

Section 54. Effective October 1, 2014, section 551.0543, Florida Statutes, is created to read:

551.0543 Harness racing; taxes and fees.—

(1) FINDINGS.—The Legislature finds that pari-mutuel wagering at harness race tracks in this state is an important business enterprise, and taxes derived therefrom constitute a part of the tax structure that funds operations of the state. Harness racing permitholders should pay their fair share of these taxes to the state but should not be taxed to such an extent as to cause any racetrack that is operated under sound business principles to be forced out of business. Due to the need to protect the public health, safety, and welfare, the gaming laws of the state provide for the harness horse industry to be highly regulated and taxed. The state recognizes that identifiable differences exist between harness racing permitholders based upon their ability to operate under such regulation and tax system.

(2) DAILY LICENSE FEE.—Each harness racing licensee shall pay to the department, for the use of the department, a daily license fee on each live or simulcast pari-mutuel event of $100 for each harness race conducted at the licensee's racetrack. Each licensee shall pay daily license fees not to exceed $500 per day on any simulcast event on which such licensee accepts

wagers regardless of the number of out-of-state events taken or the number of out-of-state locations from which such events are taken. The daily license fees shall be remitted to the Chief Financial Officer for deposit into the Gaming Control Trust Fund.

(3) ADMISSION TAX.—An admission tax equal to the greater of 15 percent of the admission charge for entrance to the licensee's facility and grandstand area or 10 cents is imposed on each person attending a harness race. The licensee is responsible for collecting the admission tax.

(4) TAX ON LIVE HANDLE.—

(a) Each licensee shall pay a tax on live handle from races conducted by the licensee. The tax is imposed daily and is based on the total contributions to all pari-mutuel pools conducted during the daily live performance. If a licensee conducts more than one live performance daily, the tax is imposed on each live performance separately.

(b) The tax on live handle for harness racing performances is 0.5 percent of the handle.

(5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host facility is a harness race track, the tax on handle for intertrack wagering is 3.3 percent of the handle with the following exceptions:

(a) If the guest facility is located outside the market area of the host facility and within the market area of a thoroughbred racing licensee currently conducting a live race

meet, the tax on handle for intertrack wagering is 0.5 percent of the handle.

(b) On rebroadcasts of simulcast harness races, the tax on handle for intertrack wagering is 1.5 percent of the handle.

(6) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL POOLS.—

(a) All moneys or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket that has remained in the custody of or under the control of any harness racing permitholder for 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within the 1-year period, shall escheat to and become the property of the state.

(b) Notwithstanding any other provision of law, all moneys or other property that has escheated to and become the property of the state as provided in this section and that is held by a harness racing permitholder authorized to conduct pari-mutuel pools in this state shall be paid annually by the permitholder to the Florida Standardbred Breeders and Owners Association within 60 days after the close of the race meet of the permitholder and shall be used for the payment of harness horse breeder awards, stallion awards, stallion stakes, additional purses, and prizes and for the general promotion of owning and breeding Florida-bred standardbred horses, as provided for in s. 551.0542.

(7) TAX EXEMPTIONS.—

(a) An admission tax under this part or chapter 212 may not be imposed on any free pass or complimentary card issued to a person for which there is no cost to the person for admission to a pari-mutuel event.

(b) A licensee may issue tax-free passes to its officers, officials, and employees; to other persons actually engaged in working at the facility, including accredited press representatives such as reporters and editors; and to other permitholders for use by their officers and officials. The licensee shall file with the department a list of all persons to whom tax-free passes are issued under this paragraph.

Section 55. Effective October 1, 2014, section 551.0551, Florida Statutes, is created to read:

551.0551 Quarter horse racing; operations.—

(1)(a) For a quarter horse racing permitholder at its facility, a full schedule of live events is:

1. At least 20 live regular wagering performances during the state fiscal year if an alternative schedule of at least 20 live regular wagering performances each state fiscal year is agreed upon by the permitholder and either the Florida Quarter Horse Racing Association or the horsemen's association representing the majority of the quarter horse owners and trainers at the facility and is filed with the department along with its annual date application; or

2.a. During the 2010-2011 fiscal year, at least 20 regular

wagering performances.

b. During the 2011-2012 and 2012-2013 fiscal years, at least 30 live regular wagering performances.

c. During every fiscal year after the 2012-2013 fiscal year, at least 40 live regular wagering performances.

(b) For a quarter horse racing licensee leasing another licensed racetrack, a full schedule of live events is at least 160 live regular wagering events at the leased facility during the state fiscal year.

(2) To be eligible to conduct intertrack wagering, a quarter horse racing permitholder must have conducted a full schedule of live events in the preceding year.

(3) The operator of a licensed racetrack may lease such track to any quarter horse racing licensee located within 35 miles of such track for quarter horse racing under this part. However, a quarter horse racing licensee located in a county where a referendum was conducted to authorize slot machines pursuant to s. 23, Art. X of the State Constitution is not subject to the mileage restriction if the licensee leases the track from a licensed racetrack located within such county.

(4) Quarter horses participating in such races must be duly registered by the American Quarter Horse Association. Before each race, such horses must be examined and declared in fit condition by a qualified person designated by the department.

(5) A quarter horse racing licensee may apply to the

commission to substitute races of other breeds of horses that are registered with the American Paint Horse Association, Appaloosa Horse Club, Arabian Horse Registry of America, Palomino Horse Breeders of America, United States Trotting Association, Florida Cracker Horse Association, or Jockey Club, respectively, for no more than 50 percent of the quarter horse races during its meet.

(6) Any nonprofit corporation organized and incorporated under the laws of this state, including, but not limited to, an agricultural cooperative marketing association, may apply for a quarter horse racing permit and may operate race meets under such permit if all pari-mutuel taxes and fees applicable to such racing are paid by the corporation. However, regarding its pari-mutuel operations, the corporation shall be considered to be a corporation for profit and is subject to taxation on all property used and profits earned in connection with these operations.

Section 56. Effective October 1, 2014, section 551.0552, Florida Statutes, is created to read:

551.0552 Quarter horse races; purses and awards.—

(1) PURSES.—A licensee conducting a quarter horse race meet shall pay from the takeout withheld at least 6 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(2) PROMOTIONS AND AWARDS.—

(a) Purses and prizes.—Except as provided in s. 551.056,

each licensee conducting a quarter horse race meet shall pay a sum equal to the breaks plus a sum equal to 1 percent of all pari-mutuel pools conducted during that race for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding racing quarter horses in this state as authorized in this section. The Florida Quarter Horse Breeders and Owners Association may receive these payments from the licensees and make payments as authorized in this subsection. The Florida Quarter Horse Breeders and Owners Association may withhold up to 10 percent of the licensee's payments under this section and s. 551.0553(5) as a fee for administering the payments. The licensee shall remit these payments to the Florida Quarter Horse Breeders and Owners Association by the 5th day of each calendar month for such sums accruing during the preceding calendar month and shall report such payments to the department as required by the commission. With the exception of the 10-percent fee for administering the payments, the moneys paid by the licensees shall be maintained in a separate, interest-bearing account.

(b) Use of funds.—The Florida Quarter Horse Breeders and Owners Association shall use these funds solely for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding racing quarter horses in this state and for general administration of the Florida Quarter Horse Breeders and Owners Association in this state.

(c) Owner and breeder awards.—

1. The owner or breeder of a Florida-bred quarter horse is eligible to receive an award if the horse winning a race is registered as a Florida-bred horse with the Florida Quarter Horse Breeders and Owners Association and if a registration certificate under seal for the winning horse shows that the winning horse was duly registered before the race as a Florida-bred horse as evidenced by the seal and proper serial number of the Florida Quarter Horse Breeders and Owners Association registry. The Department of Agriculture and Consumer Services may assist the association in maintaining this registry.

2. The Florida Quarter Horse Breeders and Owners Association may charge the registrant a reasonable fee for verification and registration.

3. Any person who registers unqualified horses or misrepresents information shall be denied any future participation in breeder awards, and all horses misrepresented will no longer be deemed to be Florida-bred.

(d) Reporting and recordkeeping.—

1. A licensee conducting a quarter horse race shall, within 30 days after the end of the race meet during which the race is conducted, certify to the Florida Quarter Horse Breeders and Owners Association such information relating to the horse winning a stakes or other horserace at the meet as required to determine the eligibility for payment of breeder awards under this section.

2. The Florida Quarter Horse Breeders and Owners

Association shall maintain records showing the starters and winners in all quarter horse races conducted under quarter horse racing permits in this state and awards earned, received, and distributed, and it may charge the owner or breeder a reasonable fee for this service.

(e) Procedures.—The Florida Quarter Horse Breeders and Owners Association shall annually establish a plan for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding Florida-bred racing quarter horses and shall make award payments and allocations in strict compliance with the annual plan. The annual plan must be approved by the commission before implementation. If the funds in the account for payment of purses and prizes are not sufficient to meet all purses and prizes to be awarded, those breeders and owners not receiving payments have first call on any subsequent receipts in that or any subsequent year.

(f) Reports.—The Florida Quarter Horse Breeders and Owners Association shall keep accurate records showing receipts and disbursements of payments made under this section and shall annually file a full and complete report to the commission showing such receipts and disbursements and the sums withheld for administration. The commission may audit the records and accounts of the Florida Quarter Horse Breeders and Owners Association to determine whether payments have been made in accordance with this section.

(g) Noncompliance.—If the commission finds that the

Florida Quarter Horse Breeders and Owners Association has not complied with this section, the commission may order the association to cease and desist from receiving and administering funds under this section and s. 551.0553(5). If the commission enters such an order, the licensee shall make the payments authorized in this section and s. 551.0553(5) to the department for deposit into the Gaming Control Trust Fund, and any funds in the Florida Quarter Horse Breeders and Owners Association account shall be immediately paid to the department for deposit into the Gaming Control Trust Fund. The commission shall authorize payment from these funds to any breeder or owner of a quarter horse entitled to an award that has not been previously paid by the Florida Quarter Horse Breeders and Owners Association in accordance with this section.

Section 57. Effective October 1, 2014, section 551.0553, Florida Statutes, is created to read:

551.0553 Quarter horse racing; taxes and fees.—

(1) DAILY LICENSE FEE.—Each licensed permitholder engaged in the business of conducting quarter horse race meetings shall pay to the department, for use by the department, a daily license fee on each live or simulcast pari-mutuel event of $100 for each quarter horse race conducted at the licensee's racetrack. Each licensee shall pay daily license fees not to exceed $500 per day on any simulcast event on which such licensee accepts wagers regardless of the number of out-of-state events taken or the number of out-of-state locations from which

such events are taken. The daily license fees shall be remitted to the Chief Financial Officer for deposit into the Gaming Control Trust Fund.

(2) ADMISSION TAX.—An admission tax equal to the greater of 15 percent of the admission charge for entrance to the licensee's facility and grandstand area or 10 cents is imposed on each person attending a quarter horse race. The licensee is responsible for collecting the admission tax.

(3) TAX ON LIVE HANDLE.—

(a) Each licensee shall pay a tax on live handle from races conducted by the licensee. The tax is imposed daily and is based on the total contributions to all pari-mutuel pools conducted during the daily live performance. If a licensee conducts more than one live performance daily, the tax is imposed on each live performance separately.

(b) The tax on live handle for quarter horse racing performances is 1 percent of the handle.

(4) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host facility is a quarter horse race track, the tax on handle for intertrack wagering is 2 percent of the handle. However, if the guest facility is located outside the market area of the host facility and within the market area of a thoroughbred racing licensee currently conducting a live race meet, the tax on handle for intertrack wagering is 0.5 percent of the handle.

(5) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL POOLS.—

(a) All moneys or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket that has remained in the custody of or under the control of any quarter horse racing permitholder for 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within the 1-year period, shall escheat to and become the property of the state.

(b) Notwithstanding s. 551.036, all moneys or other property that has escheated to and become the property of the state as provided in this section and that is held by a quarter horse racing permitholder authorized to conduct pari-mutuel pools in this state shall be paid annually by the permitholder to the Florida Quarter Horse Breeders and Owners Association within 60 days after the close of the race meet of the permitholder and shall be allocated solely for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding racing quarter horses in this state, as provided for in s. 551.0552.

(6) TAX EXEMPTIONS.—

(a) An admission tax under this part or chapter 212 may not be imposed on any free pass or complimentary card issued to a person for which there is no cost to the person for admission to a pari-mutuel event.

(b) A licensee may issue tax-free passes to its officers, officials, and employees; to other persons actually engaged in

working at the facility, including accredited press representatives such as reporters and editors; and to other permitholders for use by their officers and officials. The licensee shall file with the department a list of all persons to whom tax-free passes are issued under this paragraph.

Section 58. Effective October 1, 2014, section 551.056, Florida Statutes, is created to read:

551.056 Appaloosa horse races; Arabian horse races; purse requirement.—

(1) PROMOTIONS; APPALOOSA HORSE RACES.—

(a) Each licensee that conducts race meets under this part and runs Appaloosa horse races shall pay to the department a sum equal to the breaks plus a sum equal to 1 percent of the total contributions to each pari-mutuel pool conducted on each Appaloosa horse race. The payments shall be remitted to the department by the 5th day of each calendar month for sums accruing during the preceding calendar month.

(b) The department shall deposit collections under paragraph (a) into the General Inspection Trust Fund in a special account to be known as the "Florida Appaloosa Racing Promotion Account." The Department of Agriculture and Consumer Services shall administer the funds and adopt suitable and reasonable rules for their administration. The moneys in the Florida Appaloosa Racing Promotion Account shall be allocated solely for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding racing

Appaloosas in this state. The moneys may not be used to defray any expense of the Department of Agriculture and Consumer Services under this section.

(2) PROMOTIONS; ARABIAN HORSE RACES.—Each licensee that conducts race meets under this part and runs Arabian horse races shall pay to the department a sum equal to the breaks plus a sum equal to 1 percent of the total contributions to each pari-mutuel pool conducted on each Arabian horse race. Payments shall be remitted to the department by the 5th day of each calendar month for sums accruing during the preceding calendar month.

Section 59. Effective October 1, 2014, section 551.062, Florida Statutes, is created to read:

551.062 Jai alai; general provisions.—

(1)(a) For a jai alai permitholder, a full schedule of live events is at least 100 live performances during the state fiscal year.

(b) For a jai alai permitholder that does not operate slot machines in its pari-mutuel facility, that has conducted at least 100 live performances per year for at least 10 years after December 31, 1992, and that has had handle on live jai alai games conducted at its pari-mutuel facility of less than $4 million per state fiscal year for at least 2 consecutive years after June 30, 1992, a full schedule of live events is at least 40 live performances during the state fiscal year.

(c) For a jai alai permitholder that operates slot machines in its pari-mutuel facility, a full schedule of live

events is at least 150 live performances during the state fiscal year.

(d) For a permitholder restricted by statute to certain operating periods within the year when other members of its same class of permit are authorized to operate throughout the year, a full schedule of live events shall be the specified number of live performances adjusted pro rata in accordance with the relationship between its authorized operating period and the full calendar year. The resulting specified number of live performances shall constitute the full schedule of live events for such permitholder and all other permitholders of the same class within 100 air miles of such permitholder.

(2) A chief court judge must be present for each jai alai game at which pari-mutuel wagering is authorized. Chief court judges must be able to demonstrate extensive knowledge of the rules and game of jai alai and be able to meet the physical requirements of the position. The decisions of a chief court judge are final as to any incident relating to the playing of a jai alai game.

(3) This part does not prohibit any jai alai fronton or facility from being used to conduct amateur jai alai or pelota contests or games during each fronton season by any charitable, civic, or nonprofit organization if only players other than those usually used in jai alai contests or games are permitted to play and if adults and minors may participate as players or spectators. However, during such jai alai games or contests,

betting and gambling and the sale or use of alcoholic beverages are prohibited.

(4) All jai alai players participating in games at a licensee's jai alai facility must be certified as an eligible professional player by the International Jai Alai Players Association or any other players association that was recognized by the National Labor Relations Board before 1990.

(5) A jai alai permitholder that does not operate slot machines in its pari-mutuel facility must maintain a minimum active roster of at least 16 different professional players. A jai alai permitholder that operates slot machines in its pari-mutuel facility must maintain a minimum active roster of at least 36 different professional players.

(6) Jai alai players may not be required to perform on more than 6 consecutive calendar days.

(7) Section 551.013 allows wagering on points during a game; however, the pari-mutuel machines must be locked upon the start of the serving motion of each serve for wagers on that game.

Section 60. Effective October 1, 2014, section 551.0622, Florida Statutes, is created to read:

551.0622 Jai Alai Tournament of Champions Meet.—

(1) Notwithstanding any provision of this part, there is created a special jai alai meet designated as the "Jai Alai Tournament of Champions Meet," which shall be hosted by Florida jai alai licensees selected by the National Association of Jai

Alai Frontons, Inc., to conduct such meet. The meet shall consist of three qualifying performances and a final performance, each of which is conducted on a different day. Upon the selection of the Florida licensees for the meet and application by the selected licensees, the commission shall issue a license to each of the selected permitholders to operate the meet. The meet may be conducted during a season in which the licensees selected to conduct the meet are not otherwise authorized to conduct a meet. Notwithstanding any provision of this section, a Florida licensee that is to conduct a performance that is a part of the Jai Alai Tournament of Champions Meet is not required to apply for the license for the meet if it will run during the regular season for which such licensee has a license.

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

(3) A Jai Alai Tournament of Champions Meet may not exceed 4 days in any state fiscal year, and only one performance may be conducted on any one day of the meet. There shall be only one Jai Alai Tournament of Champions Meet in any state fiscal year.

(4) The department may adopt rules necessary to facilitate the Jai Alai Tournament of Champions Meet as authorized in this section and may adopt rules regarding the overall conduct of the tournament to ensure the integrity of the event, licensing for

participants, commingling of pari-mutuel pools, and audit requirements for tax credits and exemptions.

(5) This section shall prevail over any conflicting provision of this part.

Section 61. Effective October 1, 2014, section 551.063, Florida Statutes, is created to read:

551.063 Jai alai; taxes and fees.—

(1) FINDINGS.—The Legislature finds that pari-mutuel wagering at jai alai frontons in this state is an important business enterprise, and taxes derived therefrom constitute a part of the tax structure that funds operations of the state. Jai alai permitholders should pay their fair share of these taxes to the state but should not be taxed to such an extent as to cause any fronton that is operated under sound business principles to be forced out of business or be subjected to taxes that might cause it to operate at a loss, impair its ability to service debt or to maintain its fixed assets, or otherwise jeopardize its existence and the jobs of its employees. Due to the need to protect the public health, safety, and welfare, the gaming laws of the state provide for the jai alai industry to be highly regulated and taxed. The state recognizes that identifiable differences exist between jai alai permitholders based upon their ability to operate under such regulation and tax system.

(2) DAILY LICENSE FEE.—Each licensed permitholder engaged in the business of conducting jai alai games shall pay to the

department, for the use of the department, a daily license fee on each live or simulcast pari-mutuel event of $40 for each jai alai game conducted at the licensee's fronton. Each licensee shall pay daily license fees not to exceed $500 per day on any simulcast event on which such licensee accepts wagers regardless of the number of out-of-state events taken or the number of out-of-state locations from which such events are taken. The daily license fees shall be remitted to the Chief Financial Officer for deposit into the Gaming Control Trust Fund.

(3) ADMISSION TAX.—An admission tax equal to the greater of 15 percent of the admission charge for entrance to the licensee's facility and grandstand area or 10 cents is imposed on each person attending a jai alai game. The licensee is responsible for collecting the admission tax.

(4) TAX ON LIVE HANDLE.—

(a) Each licensee shall pay a tax on live handle from games conducted by the licensee. The tax is imposed daily and is based on the total contributions to all pari-mutuel pools conducted during the daily live performance. If a licensee conducts more than one live performance daily, the tax is imposed on each live performance separately.

(b) The tax on live handle for jai alai performances is 2 percent of the handle.

(5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host facility is a jai alai fronton, the tax on handle for intertrack wagering is 7.1 percent of the handle with the following

exceptions:

(a) If the guest facility is located outside the market area of the host facility and within the market area of a thoroughbred racing licensee currently conducting a live race meet, the tax on handle for intertrack wagering is 0.5 percent of the handle.

(b) If the guest facility is a jai alai fronton located as specified in s. 551.073(8), on games received from any jai alai permitholder located within the same market area, the tax on handle for intertrack wagers is 6.1 percent.

(c) Notwithstanding paragraph (b), if the guest facility is a jai alai fronton located as specified in s. 551.073(8), on games received from any jai alai permitholder located within the same market area, the tax on handle for intertrack wagers shall be 2.3 percent of the handle when the total tax on intertrack handle paid to the department by the permitholder during the current state fiscal year exceeds the total tax on intertrack handle paid to the department by the permitholder during the 1992-1993 state fiscal year.

(d)1. Any jai alai permitholder that is prohibited under this part from operating live performances on a year-round basis may conduct intertrack wagering as a host permitholder on live jai alai games at its fronton at a tax rate of 3.3 percent of handle when the total tax on intertrack handle paid to the department by the permitholder during the current state fiscal year exceeds the total tax on intertrack handle paid to the

state by the permitholder during the 1992-1993 state fiscal year.

2. The payment of taxes under subparagraph 1. shall be calculated and begin the day the permitholder is first entitled to the reduced rate specified in this paragraph.

(6) OTHER TAXES AND FEES.—

(a) All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket that has remained in the custody of or under the control of any permitholder authorized to conduct jai alai pari-mutuel pools in this state for 1 year after the date the pari-mutuel ticket was issued, if the rightful owners thereof have made no claim or demand for such money or other property within that 1-year period, shall, with respect to live games conducted by the permitholder, be remitted to the state pursuant to s. 551.036.

(b)1. Each licensee conducting jai alai performances shall pay a tax equal to the breaks.

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

(c) A jai alai permitholder conducting fewer than 100 live performances in any calendar year shall pay to the state the same aggregate amount of daily license fees on live jai alai

games, admissions tax, and tax on live handle that it paid to the state during the most recent prior calendar year in which the jai alai permitholder conducted at least 100 live performances.

(7) TAX CREDITS.—

(a) A jai alai permitholder that has incurred state taxes on handle and admissions in an amount that exceeds its operating earnings in a fiscal year may credit the excess amount of the taxes against state pari-mutuel taxes due and payable during its next ensuing meets. As used in this paragraph, the term "operating earnings" means total revenues from pari-mutuel operations net of state taxes and fees less total expenses; however, deductions for interest, depreciation and amortization, payments to affiliated entities other than for reimbursement of expenses related to pari-mutuel operations, and any increase in an officer's or director's annual compensation above the amount paid during calendar year 1997 are excluded from total expenses.

(b) A jai alai permitholder may receive a tax credit equal to 25 percent of the actual amount remitted to the state in the preceding state fiscal year pursuant to paragraph (6)(a) with respect to live games. The credit may be applied against any taxes imposed under this part. Funds equal to such credit from any live jai alai games shall be paid by the permitholder to the National Association of Jai Alai Frontons to be used for the general promotion of the sport of jai alai in the state, including professional tournaments and amateur jai alai youth

programs. Such youth programs must focus on benefiting children in after-school and anti-drug programs with special attention to inner-city areas.

(c)1. Jai Alai Tournament of Champions Meet permitholders shall also receive a credit against the taxes, otherwise due and payable under this section, generated during the permitholders' current regular meet. The credit shall be:

a. In the aggregate amount of $150,000;

b. Prorated equally among the permitholders; and

c. Used by the permitholders solely to supplement awards for the performance conducted during the Jai Alai Tournament of Champions Meet.

2. All awards shall be paid to the tournament's participating players no later than 30 days after the conclusion of the Jai Alai Tournament of Champions Meet.

(d)1. In addition to the credit authorized in paragraph (c), Jai Alai Tournament of Champions Meet permitholders shall receive a credit against the taxes, otherwise due and payable under this section, generated during the permitholders' current regular meet, not to exceed the aggregate amount of $150,000, which shall be prorated equally among the permitholders and used by the permitholders for such capital improvements and extraordinary expenses, including marketing expenses, necessary for the operation of the meet. The determination of the amount to be credited shall be made by the commission upon application of the permitholders.

2. The permitholder may receive the permitholder's pro rata share of the $150,000 tax credit provided in subparagraph 1. without making application if appropriate documentation to substantiate the expenditures is provided to the commission within 30 days after the Jai Alai Tournament of Champions Meet.

(8) TAX EXEMPTIONS.—

(a) An admission tax under this part or chapter 212 may not be imposed on any free pass or complimentary card issued to a person for which there is no cost to the person for admission to a pari-mutuel event.

(b) A licensee may issue tax-free passes to its officers, officials, and employees; to other persons actually engaged in working at the facility, including accredited press representatives such as reporters and editors; and to other permitholders for use by their officers and officials. The licensee shall file with the department a list of all persons to whom tax-free passes are issued under this paragraph.

(c) When the live handle of a permitholder during the preceding state fiscal year was less than $15 million, the tax shall be paid on the handle in excess of $30,000 per performance per day.

(d) Notwithstanding any provision of this part, each permitholder licensed to conduct performances as part of the Jai Alai Tournament of Champions Meet shall pay no taxes on handle under subsection (4) or subsection (5) for any performance conducted by such permitholder as part of the Jai Alai

Tournament of Champions Meet. This paragraph applies to a maximum of four performances.

Section 62. Effective October 1, 2014, section 551.072, Florida Statutes, is created to read:

551.072 Transmission of racing and jai alai information; commingling of pari-mutuel pools.—

(1)(a) A person who transmits racing information to any person or relays such information to any person by word of mouth, by signal, or by use of telephone, telegraph, radio, or any other means knowing that the information is used or intended to be used for illegal gambling purposes or in furtherance of illegal gambling commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Paragraph (a) is an exercise of the police power of the state for the protection of the public welfare, health, peace, safety, and morals of the people of the state, and this section shall be liberally construed for the accomplishment of such purpose.

(2) A pari-mutuel licensee in this state may broadcast events conducted at the enclosure of the licensee to locations outside this state.

(a) All broadcasts of horseraces to locations outside this state must comply with the Interstate Horseracing Act of 1978, 15 U.S.C. ss. 3001 et seq.

(b) Wagers accepted by any out-of-state pari-mutuel licensee or licensed betting system on a race broadcast under

this subsection may be included in the pari-mutuel pools of the horse track in this state that broadcasts the race upon which wagers are accepted. The handle referenced in ss. 551.043(4), 551.053(4), 551.0543(4), 551.0553(3), and 551.063(4) does not include any wagers accepted by an out-of-state pari-mutuel licensee or licensed betting system, irrespective of whether such wagers are included in the pari-mutuel pools of the Florida licensee under this subsection.

(3) A horserace licensee in this state may receive broadcasts of horseraces conducted at other horse tracks located outside this state at the racetrack enclosure of the licensee during its race meet.

(a) All broadcasts of horseraces received from locations outside this state must comply with the Interstate Horseracing Act of 1978, 15 U.S.C. ss. 3001 et seq.

(b) Wagers accepted at the horse track in this state may be included in the pari-mutuel pools of the out-of-state horse track that broadcasts the race. Notwithstanding any provision of this part, if the horse track in this state includes wagers accepted on such races in the pari-mutuel pools of the out-of-state horse track that broadcasts the race, from the amount wagered by patrons at the horse track in this state and included in the pari-mutuel pools of the out-of-state horse track, the horse track in this state shall deduct as the takeout from the amount wagered by patrons at the horse track in this state and included in the pari-mutuel pools of the out-of-state horse

track a percentage equal to the percentage deducted from the amount wagered at the out-of-state racetrack as is authorized by the laws of the jurisdiction exercising regulatory authority over the out-of-state horse track.

(c) All forms of pari-mutuel wagering are allowed on races broadcast under this section, and all money wagered by patrons on such races shall be computed as part of the total amount of money wagered at each racing performance for purposes of taxation under ss. 551.043, 551.053, 551.0543, 551.0553, and 551.063. Sections 551.0523(1)(a), 551.0542(1), and 551.0552(1) do not apply to any money wagered on races broadcast under this section. The takeout shall be increased by breaks and uncashed tickets for wagers on races broadcast under this section, notwithstanding any provision of this part.

(4) A greyhound racing licensee or jai alai permitholder in this state may receive broadcasts of greyhound races or jai alai games conducted at other greyhound tracks or frontons located outside the state at the track enclosure of the licensee during its operational meeting. All forms of pari-mutuel wagering are allowed on greyhound races or jai alai games broadcast under this subsection. All money wagered by patrons on greyhound races broadcast under this subsection shall be computed in the amount of money wagered each performance for purposes of taxation under this part.

(5) A pari-mutuel licensee under this part may not receive broadcasts of events from outside this state except from an out-

of-state pari-mutuel permitholder that holds the same type or class of pari-mutuel permit as the pari-mutuel permitholder licensed under this part that intends to receive the broadcast.

(6)(a) A maximum of 20 percent of the total number of races on which wagers are accepted by a greyhound racing licensee may be received from locations outside this state. A licensee may not conduct fewer than eight live events on any authorized race day except as provided in this subsection. A thoroughbred racing licensee may not conduct fewer than eight live races on any race day without the written approval of the Florida Thoroughbred Breeders' and Owners' Association and the Florida Horsemen's Benevolent and Protective Association, Inc., unless it is determined by the commission that another entity represents a majority of the thoroughbred racehorse owners and trainers in the state. A harness racing licensee may conduct fewer than eight live races on any authorized race day, except that such licensee must conduct a full schedule of live racing during its race meet consisting of at least eight live races per authorized race day for at least 100 days. A harness racing licensee that, during the preceding racing season, conducted a full schedule of live racing may receive, at any time during its current race meet, full-card broadcasts of harness races conducted at harness race tracks outside this state at the harness race track of the permitholder and accept wagers on such harness races. With specific authorization from the commission for special racing events, a licensee may conduct fewer than

eight live events if the licensee also broadcasts out-of-state events. The commission may not authorize more than two such exceptions a year for a licensee in any 12-month period, and those two exceptions may not be consecutive.

(b) Notwithstanding any provision of this part, a harness racing licensee that accepts broadcasts of out-of-state harness races when not conducting live races must make the out-of-state signal available to all licensees eligible to conduct intertrack wagering and shall pay to guest facilities located as specified in s. 551.073(8) 50 percent of the net proceeds after taxes and fees to the out-of-state host facility on harness race wagers that they accept. A harness racing licensee shall pay into its purse account 50 percent of the net income retained by the licensee on wagering on the out-of-state broadcasts received pursuant to this subsection. Nine-tenths of a percent of all harness race wagering proceeds on the broadcasts received pursuant to this subsection shall be paid to the Florida Standardbred Breeders and Owners Association under s. 551.0552(2) for the purposes specified in that subsection.

(7) A racetrack or fronton may not pay a patron for any pari-mutuel ticket purchased on any event transmitted pursuant to this section until the stewards, judges, or panel of judges or other similarly constituted body at the racetrack or fronton where the event originates confirms the event as official.

(8) By entering and participating in a race for a purse or any other prize of any racing animal, the owner of the animal

and the jockey or driver agree to accept such purse or prize as full and complete remuneration and payment, including the broadcast of such event, except as otherwise provided in this section.

(9) The rights, privileges, or immunities granted under this section prevail over any conflicting provision to the extent that such rights, privileges, or immunities conflict with any other law or affect any order or rule of the Florida Public Service Commission relating to the regulation of public utilities and the furnishing to others of any communication, wire service, or other similar service or equipment.

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

(11) Greyhound tracks and jai alai frontons have the same privileges as provided in this section to horse tracks, subject to rules adopted under subsection (10).

(12) All permitholders licensed under this part have standing to enforce subsections (2) and (3) in the courts of this state.

(13) This section does not prohibit the commingling of national pari-mutuel pools by a totalisator company that is licensed under this part. Such commingling of national pools is

subject to commission review and approval and must be performed in accordance with rules adopted by the department to ensure accurate calculation and distribution of the pools.

(14) Notwithstanding the provisions of paragraph (3)(b) pertaining to takeout, takeouts different from those of the host facility may be used when the totalisator is programmed for net pool pricing and the host facility elects to use net pool pricing in the calculation of its pools. This subsection also applies to greyhound intertrack and simulcast wagers.

(15) Section 565.02(5) applies to any guest facility.

Section 63. Effective October 1, 2014, section 551.073, Florida Statutes, is created to read:

551.073 Intertrack wagering.—

(1) A horseracing licensee that has conducted a full schedule of live events may, at any time, receive at its facility broadcasts of and accept wagers on horseraces conducted by horseracing permitholders licensed under this part.

(2) Any licensed track or fronton that, in the preceding year, conducted a full schedule of live events may, at any time, receive broadcasts of any class of pari-mutuel events and accept wagers on such events conducted by any class of licensed permitholder.

(3) If a licensee broadcasts to any licensee in this state, any licensee that is eligible to conduct intertrack wagering under ss. 551.073-551.077 may receive the broadcast and conduct intertrack wagering under this section. A host facility

may require a guest facility within the market area of another licensee to accept within any week at least 60 percent of the live races that the host facility is making available regardless of whether the guest facility is operating live events. A person may not restrain or attempt to restrain any licensee that is otherwise authorized to conduct intertrack wagering from receiving the signal of any other licensee or sending its signal to any licensee.

(4) A guest facility within the market area of an operating licensee may not take an intertrack wager on the same class of live events without the written consent of such operating licensee conducting the same class of live events.

(5) A licensee within the market area of the host facility may not take an intertrack wager on the host facility without the consent of the host facility.

(6) In any county of the state where there are only two permits, one for greyhound racing and one for jai alai, an intertrack wager may not be taken during the period of time when a permitholder is not licensed to conduct live events without the written consent of the other permitholder that is conducting live events. However, if neither permitholder is conducting live events, either permitholder may accept intertrack wagers on horseraces or on the same class of events, or on both horseraces and the same class of events, as is authorized by its permit.

(7) In any three contiguous counties of the state where there are only three licensees, all of which are greyhound

racing permitholders, if a licensee leases the facility of another permitholder for all or any portion of its live race meet pursuant to s. 551.037, such lessee may conduct intertrack wagering at its prelease permitted facility throughout the entire year, including while its live meet is being conducted at the leased facility, if such permitholder has conducted a full schedule of live racing during the preceding fiscal year at its prelease permitted facility, at a leased facility, or at both.

(8) In any two contiguous counties of the state in which only four licensees are operating, one for thoroughbred racing, two for greyhound racing, and one for jai alai games, an intertrack wager may not be accepted on the same class of live events as those of any licensee within the same market area without the written consent of each such licensee conducting the same class of live events within the market area of the guest facility.

(9) Uncashed tickets and breakage tax on intertrack wagers shall be retained by the licensee conducting the live event.

(10) All costs of receiving broadcasts shall be borne by the guest facility, and all costs of sending broadcasts shall be borne by the host facility.

Section 64. Effective October 1, 2014, section 551.074, Florida Statutes, is created to read:

551.074 Intertrack wagering; purses; breeder awards.—If a host facility is a horse track:

(1) A host facility racing under a thoroughbred racing

permit or quarter horse racing permit shall pay as purses during its current race meet an amount equal to 7 percent of all wagers placed pursuant to s. 551.073. At the option of the host facility, up to 0.5 percent of all wagers placed pursuant to s. 551.073 may be deducted from the amount retained by the host facility for purses to supplement the awards program for owners of Florida-bred horses as specified in s. 551.0511(3). A host facility racing under a harness racing permit shall pay an amount equal to 7 percent of all wagers placed pursuant to s. 551.073 as purses during its current race meet. If a host facility underpays or overpays purses required by this part, then s. 551.0511 applies to the overpayment or underpayment.

(2) For all wagers placed under s. 551.073:

(a) If the host facility is a thoroughbred race track, an amount equal to 0.75 percent of such wagers shall be paid to the Florida Thoroughbred Breeders' and Owners' Association for the payment of breeder awards.

(b) If the host facility is a harness race track, an amount equal to 1 percent of such wagers shall be paid to the Florida Standardbred Breeders and Owners Association for the payment of breeder awards, stallion awards, stallion stakes, additional purses, and prizes for, and the general promotion of owning and breeding, Florida-bred standardbred horses.

(c) If the host facility is a quarter horse race track, an amount equal to 1 percent of such wagers shall be paid to the Florida Quarter Horse Breeders and Owners Association for the

payment of breeder awards and general promotion.

(3) The payment to a breeder organization shall be combined with any other amounts received by the respective breeder and owner associations as designated. Each breeder and owner association receiving such funds may withhold the same percentage specified in ss. 551.0523, 551.0542, and 551.0552 to be used for administering the payment of awards and for the general promotion of its respective industry. Notwithstanding any other provision of law, if the total combined amount received for thoroughbred breeder awards exceeds 15 percent of the purse required to be paid under subsection (1), the breeder and owner association, as designated, shall submit a plan to the commission for approval which would use the excess funds in promoting the breeding industry by increasing the purse structure for Florida-bred horses. Preference shall be given to the track generating such excess.

Section 65. Effective October 1, 2014, section 551.075, Florida Statutes, is created to read:

551.075 Intertrack wagering; guest facility payments; accounting rules.—

(1)(a) All guest facilities receiving broadcasts of:

1. Horseraces from a host facility racing under a thoroughbred racing license or quarter horse racing license are entitled to 7 percent of the total contributions to the pari-mutuel pool on wagers accepted at the guest facility.

2. Greyhound races or jai alai games from a host facility

other than a thoroughbred racing or harness racing licensee are entitled to at least 5 percent of the total contributions to the daily pari-mutuel pool on wagers accepted at the guest facility.

3. Horseraces from a host facility racing under a harness racing license are entitled to 5 percent of the total contributions to the daily pari-mutuel pool on wagers accepted at the guest facility.

(b)1. If the guest facility is a horseracing licensee that accepts intertrack wagers during its current race meet, one-half of the amount provided in this subsection and s. 551.076 shall be paid as purses during its current race meet; or

2. If the host facility is a thoroughbred racing licensee, and the guest facility is also a thoroughbred racing licensee and accepts intertrack wagers on thoroughbred races during its current race meet, one-third of the amount provided in this subsection shall be paid as purses during its current race meet. In addition, an amount equal to 2 percent of the intertrack handle at the guest facility shall be deducted from the purses required to be paid by the host facility and remitted by the host facility to the guest facility and paid by the guest facility as purses during its current race meet.

(c) If intertrack wagering on thoroughbred racing is taken at any guest facility, including a thoroughbred guest facility, which is located within the market area of any thoroughbred racing licensee that is not conducting live racing, an amount equal to 2 percent of the intertrack handle at all such guest

facilities, including the thoroughbred guest facility, shall be deducted from the purses otherwise required to be paid by the host facility and remitted by the host facility to the thoroughbred racing licensee that was not conducting live racing. The amount paid under this paragraph to the thoroughbred racing licensee that was not conducting live racing shall be used to pay purses during its next race meet.

(2) For the purpose of calculating odds and payoffs and distributing pari-mutuel pools, all intertrack wagers shall be combined with the pari-mutuel pools at the host facility. Notwithstanding this subsection or subsection (4), a greyhound racing licensee may conduct intertrack wagering without combining pari-mutuel pools on not more than three races in any week, not to exceed 20 races in a year. All other provisions concerning pari-mutuel takeout and payments, including state tax payments, apply as if the pool had been combined.

(3) All forms of pari-mutuel wagering are allowed on all wagering authorized by s. 551.073 and this section.

(4) The takeout on all intertrack wagering shall be the same as the takeout on similar pari-mutuel pools conducted at the host facility.

(5) The department shall adopt rules providing an expedient accounting procedure for the transfer of the pari-mutuel pool in order to properly account for payment of state taxes and purses and payment to the guest facility, the host facility, breeder associations, horsemen's associations, and the

public.

(6) Each host facility or guest facility conducting intertrack wagering shall annually file an audit that complies with s. 551.034 which distinguishes intertrack wagering from wagering conducted live.

(7) A guest facility may not make any payment on a pari-mutuel ticket purchased on any event broadcast until the stewards, judges, or panel of judges at the host facility where the event originated confirms the event as official.

(8) By entering and participating in a race for a purse or other prize of any racing animal, the owner of the animal and the jockey or driver agree to accept such purse or prize as full and complete remuneration and payment for such entry and participation, including the broadcast of such event.

(9) A host facility that has contracted with an out-of-state horse track to broadcast live races conducted at the out-of-state horse track pursuant to s. 551.072(5) may rebroadcast simulcasts of such races to any guest facility and accept wagers thereon in the same manner as is provided in s. 551.072.

(a) For purposes of this section, the term "net proceeds" means the amount of takeout remaining after payment of state taxes and purses, the amount paid to the out-of-state horse track, and breeder awards paid to the Florida Thoroughbred Breeders' and Owners' Association and the Florida Standardbred Breeders and Owners Association, to be used as set forth in s. 551.074(2).

(b) Notwithstanding subsection (1) and s. 551.074(1) and (2), distribution of the net proceeds that are retained by a thoroughbred racing host facility from the takeout on a simulcast race rebroadcast under this subsection shall be as follows:

1. One-third shall be paid to the guest facility;

2. One-third shall be retained by the host facility; and

3. One-third shall be paid by the host facility as purses at the host facility.

(c) All guest facilities, other than thoroughbred racing licensees, receiving wagers on simulcast horseraces rebroadcast from a thoroughbred racing host facility are subject to the distribution of net proceeds specified in paragraph (b) unless the host facility and guest facility licensees and the recognized horseman's group agree by contract to a different distribution of their respective portions of the proceeds.

(d) A licensee located in any market area of the state where there are only two permits, one for greyhound racing and one for jai alai, may accept wagers on rebroadcasts of simulcast thoroughbred races from an in-state thoroughbred racing licensee and is not subject to paragraph (b) if the thoroughbred racing licensee is both conducting live races and accepting wagers on out-of-state horseraces. In such case, the guest licensee is entitled to 45 percent of the net proceeds on wagers accepted at the guest facility. Of the remaining net proceeds, one-half shall be retained by the host facility and one-half shall be

paid by the host facility as purses at the host facility.

(e) Notwithstanding subsection (1) and s. 551.074(1) and (2), the proceeds that are retained by a harness racing host facility from the takeout on a race broadcast under this subsection shall be distributed as follows:

1. Of the total intertrack handle on the broadcast, 1 percent shall be deducted from the proceeds and paid to the Florida Standardbred Breeders and Owners Association to be used as set forth in s. 551.074(2).

2. After the deduction under subparagraph 1., one-third of the proceeds shall be paid to the guest facility, one-third shall be retained by the host facility, and one-third shall be paid by the host facility as purses at the host facility.

(f) A licensee located in any market area of the state where there are only two permits, one for greyhound racing and one for jai alai, may accept wagers on rebroadcasts of simulcast harness races from an in-state harness racing licensee and is not subject to paragraph (b) if the harness racing licensee is conducting live races. In such case, the guest licensee is entitled to 45 percent of the net proceeds on wagers accepted at the guest facility. Of the remaining net proceeds, one-half shall be retained by the host facility and one-half shall be paid by the host facility as purses at the host facility.

(g)1. A thoroughbred racing licensee that accepts wagers on a simulcast signal must make the signal available to any licensee that is eligible to conduct intertrack wagering under

ss. 551.073-551.077. A licensee licensed under s. 551.077 which receives the rebroadcast after 6 p.m. may accept wagers on such rebroadcast simulcast signals for a number of performances not exceeding that which constitutes a full schedule of live races for a quarter horse racing permitholder pursuant to s. 551.0551, notwithstanding any provision of this part, except that the restrictions provided in s. 551.077(1) apply to wagers on such rebroadcast simulcast signals.

2. A thoroughbred licensee is not required to continue to rebroadcast a simulcast signal to any in-state permitholder if the average per performance gross receipts returned to the host licensee over the preceding 30-day period were less than $100. Subject to s. 551.073(4), as a condition of receiving rebroadcasts of thoroughbred simulcast signals under this paragraph, a guest licensee must accept intertrack wagers on all live races conducted by all then-operating thoroughbred racing licensees.

(10) All events conducted at a permitholder's facility, all broadcasts of such events, and all related broadcast rights are owned by the permitholder at whose facility such events are conducted and are the permitholder's property as defined in s. 812.012(4). Transmission, reception of a transmission, exhibition, use, or other appropriation of such events, broadcasts of such events, or related broadcast rights without the written consent of the permitholder is theft of such property under s. 812.014, and, in addition to the penal

sanctions contained in s. 812.014, the permitholder may avail itself of the civil remedies specified in ss. 772.104, 772.11, and 812.035 in addition to any other remedies available under applicable state or federal law.

(11) To the extent that any rights, privileges, or immunities granted to pari-mutuel permitholders in this section conflict with any provision of any other law or affect any order or rule of the Florida Public Service Commission relating to the regulation of public utilities and the furnishing to others of any communication, wire service, or other similar service or equipment, the rights, privileges, and immunities granted under this section prevail over such conflicting provision.

Section 66. Effective October 1, 2014, section 551.076, Florida Statutes, is created to read:

551.076 Surcharge; supplement payments.—

(1) SURCHARGE ON INTERTRACK POOL.—

(a) Any guest facility that accepts intertrack wagers may collect and retain a surcharge on any intertrack pool in an amount not to exceed 3 percent of each winning pari-mutuel ticket cashed.

(b) A thoroughbred racing licensee that accepts wagers on out-of-state races may impose a surcharge on each winning ticket, or interstate pool, on such out-of-state race in an amount not to exceed 5 percent of each winning pari-mutuel winning ticket cashed. If a licensee rebroadcasts such signal and elects to impose a surcharge, the surcharge shall be imposed

on any winning ticket at any guest facility at the same rate as the surcharge on wagers accepted at its own facility. The proceeds from the surcharge shall be distributed as follows:

1. If the wager is made at the host facility, one-half of the proceeds shall be retained by the host licensee and one-half shall be paid as purses at the host facility.

2. If the wager is made at a guest facility, one-half of the proceeds shall be retained by the guest licensee, one-quarter shall be paid to the host licensee, and one-quarter shall be paid as purses at the host facility.

(c) Any surcharge taken under this subsection must be calculated after breakage is deducted from the wagering pool.

(2) SUPPLEMENTAL PAYMENTS BY HARNESS RACING HOST FACILITY.—A harness racing permitholder host facility may pay any guest facility that receives broadcasts and accepts wagers on races from the host facility an additional percentage of the total contribution to the pari-mutuel pool on wagers accepted at that guest facility as a supplement to the payment authorized in s. 551.075. A harness racing permitholder host facility that supplements payments to a guest facility may reduce the account available for payment of purses during its current race meet by 50 percent of the supplemental amount paid to the guest facility, but the total reduction may not exceed 1 percent of the intertrack wagers placed on races that are part of the regular ontrack program of the host facility during its current race meet pursuant to s. 551.073.

Section 67. Effective October 1, 2014, section 551.077, Florida Statutes, is created to read:

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

(1)(a) Upon application to the commission on or before January 31 of each year, a person who is licensed to conduct public sales of thoroughbred horses under s. 535.01 and who has conducted thoroughbred horse sales for at least 8 days at a permanent sales facility in this state for at least 3 consecutive years may be issued a license, subject to the conditions specified in this section and department rule, to conduct intertrack wagering at such a permanent sales facility.

(b) Only one license may be issued under this subsection, and the license may not be issued for a facility located within 50 miles of any for-profit thoroughbred racing licensee's track.

(2) If more than one application is submitted for such license, the commission shall determine which applicant is granted the license. In making its determination, the commission shall grant the license to the applicant demonstrating superior capabilities, as measured by the length of time the applicant

has been conducting thoroughbred horse sales within this state or elsewhere, the applicant's total volume of thoroughbred horse sales within this state or elsewhere, the length of time the applicant has maintained a permanent thoroughbred sales facility in this state, and the quality of the facility.

(3) The applicant must comply with ss. 551.0321(2), 551.034, and 551.029.

(4) The licensee shall be considered a guest facility under this part.

Section 68. Effective October 1, 2014, section 551.078, Florida Statutes, is created to read:

551.078 Totalisator licensing.—

(1) A totalisator may not be operated at a pari-mutuel facility in this state, or at a facility located in or out of this state which is used as the primary totalisator for an event conducted in this state, unless the totalisator company possesses a business license issued by the department.

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

(b) As a part of its license application, each totalisator company must agree in writing to pay to the department an amount equal to the loss of any state revenues due to missed or canceled events or performances due to acts of the totalisator company or its agents or employees or failures of the totalisator system, except for circumstances beyond the control

of the totalisator company or agent or employee, as determined by the commission.

(c) Each totalisator company must file with the department a performance bond, acceptable to the department, in the sum of $250,000 issued by a surety approved by the department or must file acceptable proof of insurance in the amount of $250,000 to insure the state against such a revenue loss.

(d) If there is a loss of state tax revenues, the department shall determine:

1. The estimated revenue lost as a result of missed or canceled events or performances;

2. The number of events or performances which is practicable for the permitholder to conduct in an attempt to mitigate the revenue loss; and

3. The amount of the revenue loss that the makeup events or performances will not recover and for which the totalisator company is liable.

(e) Upon making the determinations under paragraph (d), the department shall issue to the totalisator company and to the affected permitholder an order setting forth the determinations of the department.

(f) If the order is contested by the totalisator company or any affected permitholder, chapter 120 applies. If the totalisator company contests the order on the grounds that the revenue loss was due to circumstances beyond its control, the totalisator company has the burden of proving that circumstances

were in fact beyond its control. For purposes of this paragraph, strikes and acts of God are beyond the control of the totalisator company.

(g) Upon the failure of the totalisator company to make the payment found to be due the state, the department may cause the forfeiture of the bond or may proceed against the insurance contract, and the proceeds of the bond or contract shall be deposited into the Gaming Control Trust Fund. If the bond was not posted or insurance was not obtained, the department may proceed against any assets of the totalisator company to collect the amounts due under this subsection.

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

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

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

Section 69. Effective October 1, 2014, section 551.082, Florida Statutes, is created to read:

551.082 Minors' attendance at pari-mutuel performances; restrictions.—

(1) A minor, when accompanied by one or both parents or by

her or his legal guardian, may attend pari-mutuel performances under the conditions and at the times specified by each permitholder conducting the pari-mutuel performance.

(2) A person under the age of 18 may not place a wager at any pari-mutuel performance.

(3) Notwithstanding subsections (1) and (2), a minor may be employed at a pari-mutuel facility except in a position directly involving wagering or alcoholic beverages or except as otherwise prohibited by law.

(4) A minor child of a licensed greyhound trainer, kennel operator, or other licensed person employed in the kennel compound areas may be granted access to kennel compound areas without being licensed if the minor is in no way employed at the facility and only when the minor is under the direct supervision of her or his parent or legal guardian.

Section 70. Effective October 1, 2014, section 551.0921, Florida Statutes, is created to read:

551.0921 Use of controlled substances or alcohol prohibited; testing of certain occupational licensees.—

(1) The use of a controlled substance as defined in chapter 893 or of alcohol by any occupational licensees officiating at or participating in an event is prohibited.

(2)(a) An occupational licensee, by applying for and holding such license, is deemed to have given consent to submit to an approved chemical test of her or his breath for the purpose of determining the alcoholic content of the person's

blood and to a urine or blood test for the purpose of detecting the presence of a controlled substance. Such tests shall be conducted only upon reasonable cause that a violation has occurred as determined by the stewards at a horserace meeting or the judges or board of judges at a greyhound track or jai alai meet. Failure to submit to such test may result in a suspension of the person's occupational license for 10 days or until this section has been complied with, whichever is longer.

1. If at the time of the test the person's blood contained 0.05 percent or less by weight of alcohol, the person is presumed not to have been under the influence of alcoholic beverages to the extent that the person's normal faculties were impaired, and no action may be taken by the stewards, judges, or board of judges or the commission.

2. If at the time of the test the person's blood contained more than 0.05 percent but less than 0.08 percent by weight of alcohol, it may not be presumed that the person was under the influence of alcoholic beverages to the extent that the person's faculties were impaired. In this instance, the stewards, judges, or board of judges may consider that fact in determining whether the person will be allowed to officiate or participate in a given event.

3. If at the time of the test the person's blood contained 0.08 percent or more by weight of alcohol, this fact is prima facie evidence that the person was under the influence of alcoholic beverages to the extent that the person's normal

faculties were impaired, and the stewards or judges may take action as specified in this section, but the person may not officiate at or participate in any event on the day of such test.

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

(3)(a) For the first violation of subsection (2), the stewards, judges, or board of judges may suspend a licensee for up to 10 days or, in lieu of suspension, may impose a civil fine of up to $500.

(b) For a second violation of subsection (2) within 1 year after the first violation, the stewards, judges, or board of judges may suspend a licensee for up to 30 days and, in addition to or in lieu of suspension, may impose a civil fine of up to $2,000.

(c) In lieu of or in addition to the penalties prescribed under paragraph (a) for a first offense or paragraph (b) for a second offense, the stewards, judges, or board of judges may require the licensee to participate in a drug or alcohol rehabilitation program and to be retested.

(d) If the second violation occurred within 1 year after the first violation, upon the finding of a third violation of this section within 1 year after the second violation, the stewards, judges, or board of judges may suspend the licensee for up to 120 days, and the stewards, judges, or board of judges shall forward the results of the tests under paragraphs (a) and (b) and this violation to the commission. In addition to the action taken by the stewards, judges, or board of judges, the commission, after a hearing, may deny, suspend, or revoke the occupational license of the licensee and may impose a civil penalty of up to $5,000 in addition to or in lieu of a suspension or revocation. The commission shall have no authority over the enforcement of this section until a licensee commits a third violation within 2 years after the first violation.

(4) Section 120.80(4)(a) applies to all actions taken by the stewards, judges, or board of judges pursuant to this section without regard to the limitation imposed in that section.

(5) This section does not apply to the possession and use of controlled or chemical substances that are prescribed as part of the care and treatment of a disease or injury by a practitioner licensed under chapter 458, chapter 459, part I of chapter 464, or chapter 466.

(6) It is the intent of the Legislature to protect the health, safety, and welfare of those officiating at or participating in an event. Therefore, evidence of any test or

actions taken by the stewards, judges, or board of judges or the commission under this section is inadmissible in court for criminal prosecution. However, this subsection does not prohibit any person so authorized from pursuing an independent investigation as a result of a ruling made by the stewards, judges, board of judges, or commission.

Section 71. Effective October 1, 2014, section 551.0922, Florida Statutes, is created to read:

551.0922 Authority of stewards, judges, panel of judges, or player's manager to impose penalties against occupational licensees; disposition of funds collected.—

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

(2) All penalties imposed and collected pursuant to this section at each pari-mutuel facility shall be deposited into a board of relief fund established by the pari-mutuel permitholder. Each association shall name a board of relief composed of three of its officers, with the general manager of the permitholder being the ex officio treasurer of such board. Moneys deposited into the board of relief fund shall be disbursed by the board for the specific purpose of aiding

occupational licensees and their immediate family members at each pari-mutuel facility.

Section 72. Effective October 1, 2014, section 551.093, Florida Statutes, is created to read:

551.093 Racing animals under certain conditions prohibited; penalties; exceptions.—

(1)(a) Racing an animal that has been administered any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug-masking agent is prohibited. A person may not administer or cause to be administered any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug-masking agent to an animal which will result in a positive test for such substance based on samples taken from the animal immediately before or immediately after racing that animal. Test results and the identities of animals being tested and of their trainers and owners of record are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 10 days after testing of all samples collected on a particular day has been completed and any positive test results derived from such samples have been reported to the executive director of the department or administrative action has begun.

(b) A race-day specimen may not contain a level of a naturally occurring substance which exceeds normal physiological concentrations. The department may adopt rules that specify normal physiological concentrations of naturally occurring

substances in the natural untreated animal and rules that specify acceptable levels of environmental contaminants and trace levels of substances in test samples.

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

(2) The department may take administrative action against an occupational licensee responsible under department rule for the condition of an animal that has been medicated or drugged in violation of this section.

(3)(a) Upon the finding of a violation of this section, the department may:

1. Revoke or suspend the license or permit of the violator or deny a license or permit to the violator;

2. Impose a fine against the violator in an amount not exceeding $5,000;

3. Require the full or partial return of the purse, sweepstakes, and trophy of the race at issue; or

4. Impose any combination of the penalties in subparagraphs 1.-3.

(b) Notwithstanding chapter 120, the department may summarily suspend the license of an occupational licensee responsible under this section or department rule for the condition of a race animal if the department laboratory reports the presence of a prohibited substance in the animal or its

blood, urine, saliva, or any other bodily fluid, either before a race in which the animal is entered or after a race the animal has run.

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

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

(e) The finding of a violation of this section does not prohibit a prosecution for any criminal act committed.

(4) A prosecution brought under this section must begin within 2 years after the violation was committed. Service of an administrative complaint marks the beginning of administrative action.

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

(a) Upon finding a positive drug test result, the department shall notify the owner or trainer of the results. The owner may request that each urine and blood sample be split into

a primary sample and a secondary sample, which must be accomplished in the laboratory under rules approved by the commission. Custody of both samples must remain with the department. However, upon request by the affected trainer or owner of the animal from which the sample was obtained, the department shall send the secondary sample to an approved independent laboratory for analysis. The department shall establish standards and rules for uniform enforcement and shall maintain a list of at least five approved independent laboratories from which an owner or trainer shall select in the event that a sample tests positive.

(b) If the state laboratory's findings are not confirmed by the independent laboratory, further administrative or disciplinary action under this section may not be pursued. The department may adopt rules identifying substances that diminish in a blood or urine sample due to passage of time and that must be taken into account in applying this section.

(c) If the independent laboratory confirms the state laboratory's positive result or if there is an insufficient quantity of the secondary sample for confirmation of the state laboratory's positive result, the department may begin administrative proceedings under this part and consistent with chapter 120.

(d) For purposes of this subsection, the department shall in good faith attempt to obtain a sufficient quantity of the test fluid to allow both a primary test and a secondary test to

be conducted.

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

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

(c) An occupational licensee may not train a greyhound using live or dead animals. A greyhound may not be taken from this state for the purpose of being trained through the use of live or dead animals.

(d) Any act committed by any licensee that would constitute cruelty to animals as defined in s. 828.02 involving any animal is a violation of this part. Imposition of any penalty by the department for violation of this part or any rule adopted by the department pursuant to this part does not prohibit a criminal prosecution for cruelty to animals.

(e) The department may inspect any area at a pari-mutuel facility where racing animals are raced, trained, housed, or maintained, including any areas where food, medications, or other supplies are kept, to ensure the humane treatment of racing animals and compliance with this part and the rules of

the department.

(7)(a) Medication may not be administered to an animal within 24 hours before the officially scheduled post time of a race in which the animal is participating except as provided for in this section. The department shall, by rule:

1. Establish conditions for the use of furosemide to treat exercise-induced pulmonary hemorrhage.

2. Establish conditions for the use of prednisolone sodium succinate. Furosemide or prednisolone sodium succinate may not be administered to an animal within 4 hours before the officially scheduled post time for the race.

3. Establish conditions for the use of phenylbutazone and synthetic corticosteroids. Except as provided in subparagraph 2., phenylbutazone and synthetic corticosteroids may not be given to an animal within 24 hours before the officially scheduled post time of a race. Oral corticosteroids are prohibited unless prescribed by a licensed veterinarian and reported to the department on forms prescribed by the department.

4. Establish acceptable levels of allowed medications and identify the appropriate biological specimens by which the administration of such medication is monitored.

(b) This section does not prohibit the use of vitamins, minerals, or naturally occurring substances in an amount that does not exceed the normal physiological concentration in a race-day specimen.

(8)(a) Medication may not be administered to an animal within 24 hours before the officially scheduled post time of the race except as provided in this section.

(b) If the department first determines that the use of furosemide, phenylbutazone, or prednisolone sodium succinate in horses is in the best interest of racing, the department may adopt rules allowing such use, but the rules must specify the conditions for such use. A rule may not allow the administration of furosemide or prednisolone sodium succinate within 4 hours before the officially scheduled post time for the race. A rule may not allow the administration of phenylbutazone or any other synthetic corticosteroid within 24 hours before the officially scheduled post time for the race. Any administration of synthetic corticosteroids is limited to parenteral routes. Oral administration of synthetic corticosteroids is expressly prohibited. If this paragraph is unconstitutional, it is severable from the remainder of this section.

(9)(a) The department may conduct a postmortem examination of any animal that is injured while in training or in competition at a permitted racetrack and that subsequently expires or is destroyed. The department may conduct a postmortem examination of any animal that expires while housed at a permitted racetrack, association compound, or licensed kennel or farm. Trainers and owners must comply with this paragraph as a condition of licensure.

(b) Upon the death of an animal specified in paragraph

(a), the department may take possession of the animal for postmortem examination. The department may submit blood, urine, other bodily fluid specimens, or other tissue specimens collected during a postmortem examination for testing by the department laboratory or its designee. Upon completion of the postmortem examination, the carcass must be returned to the owner or disposed of at the owner's option.

(10) The presence in an animal of a prohibited substance that breaks down during a race, found by the department laboratory in a bodily fluid specimen collected during the postmortem examination of the animal, constitutes a violation of this section.

(11) The cost of postmortem examinations, testing, and disposal shall be borne by the department.

(12) Except as specifically modified by statute or by rule of the department, the Uniform Classification Guidelines for Foreign Substances, revised February 14, 1995, as promulgated by the Association of Racing Commissioners International, Inc., is adopted by reference as the uniform classification system for class IV and V medications.

(13) The department shall use only the thin layer chromatography (TLC) screening process to test for the presence of class IV and V medications in samples taken from racehorses except when thresholds of a class IV or class V medication have been established and are enforced by rule. Once a sample has been identified as suspicious for a class IV or class V

4750 medication by the TLC screening process, the sample shall be
4751 sent for confirmation by and through additional testing methods.
4752 All other medications not classified by rule as a class IV or
4753 class V medication shall be subject to all forms of testing
4754 available to the department.
4755 (14) The department may implement by rule medication
4756 levels recommended by the University of Florida College of
4757 Veterinary Medicine developed pursuant to an agreement between
4758 the department and the University of Florida College of
4759 Veterinary Medicine. The University of Florida College of
4760 Veterinary Medicine may provide written notification to the
4761 department that it has completed research or review on a
4762 particular drug pursuant to the agreement and when the College
4763 of Veterinary Medicine has completed a final report of its
4764 findings, conclusions, and recommendations to the department.
4765 (15) The testing medium for phenylbutazone in horses shall
4766 be serum, and the department may collect up to six full 15-
4767 milliliter blood tubes for each horse being sampled.
4768 (16) The department shall adopt rules to implement this
4769 section. The rules may include a classification system for
4770 prohibited substances and a corresponding penalty schedule for
4771 violations.
4772 Section 73. Effective October 1, 2014, section 551.0941,
4773 Florida Statutes, is created to read:
4774 551.0941 Penalty for conducting unauthorized race.—Every
4775 horserace or greyhound race conducted for any stake, purse,

prize, or premium, except as allowed by this part, is prohibited and declared to be a public nuisance, and a person who conducts, attempts to conduct, or assists in the conduct or attempted conduct of horseracing or greyhound racing in this state in violation of this part commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 74. Effective October 1, 2014, section 551.0942, Florida Statutes, is created to read:

551.0942 Conspiring to prearrange result of an event; using medication or drugs on horse or greyhound; penalty.—

(1) Any person who influences or conspires with an owner, jockey, groom, or other person associated with or interested in any stable, kennel, or event to prearrange or predetermine the results of an event involving a horse, greyhound, or jai alai player commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who attempts to affect the outcome of a horse race or greyhound race by unlawfully administering medication or drugs to a race animal or by administering prohibited medication or drugs to a race animal or who conspires to administer or attempt to administer such medication or drugs commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 75. Effective October 1, 2014, section 551.0943, Florida Statutes, is created to read:

551.0943 Obtaining goods or services with intent to

defraud.—

(1) Any owner, trainer, or custodian of any horse or greyhound being used, or being bred, raised, or trained to be used, in racing at a pari-mutuel facility who obtains food, drugs, transportation, veterinary services, or supplies for the use or benefit of the horse or greyhound with intent to defraud the person from whom the food, drugs, transportation, veterinary services, or supplies are obtained commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) In a prosecution under this section, proof that the food, drugs, transportation, veterinary services, or supplies had been furnished and not paid for, and that the owner, trainer, or custodian of the horse or greyhound was removing or attempting to remove any horse or greyhound from the state and beyond the jurisdiction of the courts of this state, is prima facie evidence of intent to defraud under this section.

Section 76. Effective October 1, 2014, section 551.0944, Florida Statutes, is created to read:

551.0944 Bookmaking on the grounds of a permitholder; duties of employees.—

(1) Any person who engages in bookmaking, as defined in s. 849.25, on the grounds or property of a permitholder of a horse or greyhound track or jai alai fronton commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A second or subsequent violation under this

subsection is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding s. 948.01, a person convicted under this subsection may not have adjudication of guilt suspended, deferred, or withheld.

(2) A person convicted of bookmaking in this state or any other state of the United States or any foreign country shall be denied admittance to and may not attend any racetrack or fronton in this state during its racing seasons or operating dates, including any practice or preparation days, for 2 years after the date of conviction or the date of final appeal. After the period of ineligibility expires, the executive director of the department may authorize admittance of such person after a hearing on the matter. Any such person who knowingly violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If the activities of a person show that this section is being violated and such activities are witnessed by or are common knowledge of any track or fronton employee, that employee shall bring the activities of the person to the immediate attention of the permitholder or manager, or her or his designee, who shall notify a law enforcement agency having jurisdiction. Willful failure on the part of any track or fronton employee to comply with this subsection is a ground for the department to suspend or revoke that employee's occupational license.

(4) Each permitholder shall display, in conspicuous places at its track or fronton and in all race and jai alai daily programs, a warning to all patrons concerning the prohibition and penalties of bookmaking contained in this section and s. 849.25. The department shall adopt rules concerning the uniform size of all warnings and the number of placements throughout a track or fronton. Failure on the part of the permitholder to display such warnings may result in the imposition of a $500 fine by the department for each offense.

(5) The prohibition of and penalties for bookmaking contained in this section do not apply to a person attending a track or fronton, or employed by a track or fronton, who places a bet through the legalized pari-mutuel pool for another person if such service is rendered gratuitously and without fee or other reward.

(6) This section does not apply to prosecutions filed and pending on December 16, 1992, but all such cases shall be disposed of under existing law at the time of institution of such prosecutions.

Section 77. Effective October 1, 2014, section 551.095, Florida Statutes, is created to read:

551.095 Limitation of civil liability.—A permittee conducting a race meet pursuant to this part, a commissioner or an employee of the department, or a steward, a judge, or any other person appointed to act pursuant to this part may not be held liable to any person, partnership, association,

corporation, or other business entity for any cause whatsoever arising out of or from her or his performance of her or his duties and the exercise of her or his discretion with respect to the implementation and enforcement of the statutes and rules governing the conduct of pari-mutuel wagering if she or he acted in good faith. This section does not limit liability if negligent maintenance of the premises or negligent conduct of a race contributed to an accident and does not limit any contractual liability.

Section 78. Effective October 1, 2014, part III of chapter 551, Florida Statutes, consisting of sections 551.101-551.123, is created and entitled "SLOT MACHINES."

Section 79. Effective October 1, 2014, section 551.101, Florida Statutes, is amended to read:

551.101 Slot machine gaming authorized.—

(1) Possession of slot machines and conduct of slot machine gaming is only allowed at licensed eligible facilities pursuant to this part and department rule. ~~Any licensed pari-mutuel facility located in Miami-Dade County or Broward County existing at the time of adoption of s. 23, Art. X of the State Constitution that has conducted live racing or games during calendar years 2002 and 2003 may possess slot machines and conduct slot machine gaming at the location where the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to such permitholder's valid pari-mutuel permit provided that a majority of voters in a countywide~~

~~referendum have approved slot machines at such facility in the respective county.~~ Notwithstanding any other provision of law, it is not a crime for a person to participate in slot machine gaming at a pari-mutuel facility licensed to possess slot machines and conduct slot machine gaming or to participate in slot machine gaming described in this part ~~chapter~~.

Section 80. Effective October 1, 2014, section 551.102, Florida Statutes, is amended to read:

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

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

(1)~~(2)~~ "Designated slot machine gaming area" means the area or areas of a facility of a slot machine licensee in which slot machine gaming may be conducted ~~in accordance with the provisions of this chapter~~.

(2) "Distributor" means a person who sells, leases, or offers or otherwise provides, distributes, or services a slot machine or associated equipment for use or play of slot machines in this state. A manufacturer may be a distributor within the state.

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

(3) ~~(4)~~ "Eligible facility" means a ~~any~~ licensed pari-mutuel facility that meets the requirements of s. 551.104(3) ~~located in Miami-Dade County or Broward County existing at the time of adoption of s. 23, Art. X of the State Constitution that has conducted live racing or games during calendar years 2002 and 2003 and has been approved by a majority of voters in a countywide referendum to have slot machines at such facility in the respective county; any licensed pari-mutuel facility located within a county as defined in s. 125.011, provided such facility has conducted live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of this chapter; or any licensed pari-mutuel facility in any other county in which a majority of voters have approved slot machines at such facilities in a countywide referendum held pursuant to a statutory or constitutional authorization after the effective date of this section in the respective county, provided such facility has conducted a full schedule of live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license~~, pays the required license ~~licensed~~ fee, and meets the other requirements of this part ~~chapter~~.

(4) ~~(5)~~ "Manufacturer" means a ~~any~~ person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, or otherwise makes modifications to a ~~any~~ slot machine or associated equipment for use or play of slot machines in this

state for gaming purposes. A manufacturer may be a distributor within the state.

(5) ~~(6)~~ "Nonredeemable credits" means slot machine operating credits that cannot be redeemed for cash or any other thing of value by a slot machine, a kiosk, or the slot machine licensee and that are provided free of charge to patrons. Such operating credits become ~~do not constitute~~ "nonredeemable credits" when ~~until such time as~~ they are metered as credit into a slot machine and recorded in the facility-based monitoring system.

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

(7) ~~(8)~~ "Slot machine" means a ~~any~~ mechanical or electrical contrivance, terminal that may ~~or may not~~ be capable of downloading slot games from a central server system, machine, or other device that, upon insertion of a coin, bill, ticket, token, or similar object or upon payment of any consideration whatsoever, including the use of an ~~any~~ electronic payment system except a credit card or debit card, is available to play or operate, the play or operation of which, whether by reason of skill or application of the element of chance or both, may deliver or entitle the person or persons playing or operating the contrivance, terminal, machine, or other device to receive cash, billets, tickets, tokens, or electronic credits to be

exchanged for cash or to receive merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually. The term includes associated equipment necessary to conduct the operation of the contrivance, terminal, machine, or other device. Slot machines may use spinning reels, video displays, or both. A slot machine is not a "coin-operated amusement machine" as defined in s. 212.02(24) or an amusement game or machine as described in s. 551.56 ~~s. 849.161~~, and slot machines are not subject to the tax imposed under ~~by~~ s. 212.05(1)(h).

(8) ~~(9)~~ "Slot machine facility" means a facility at which slot machines ~~as defined in this chapter~~ are lawfully offered for play.

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

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

(11) ~~(12)~~ "Slot machine operator" means a person employed or contracted by a slot machine licensee ~~the owner of a licensed~~

~~facility~~ to conduct slot machine gaming at a slot machine ~~that licensed~~ facility.

(12)~~(13)~~ "Slot machine revenues" means the total of all cash and property, except nonredeemable credits, received by the slot machine licensee from the operation of slot machines less the amount of cash, cash equivalents, credits, and prizes paid to winners of slot machine gaming.

Section 81. Effective October 1, 2014, section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

(1) Applications for a slot machine licensure may be made to the commission in accordance with the rules of the department.

(2) Upon receiving an application, any amendments properly made thereto, and payment of the initial license fee, the department shall further investigate the matters contained in the application and present itdeletes findings to ~~and a finding by~~ the commission for review. If ~~division after investigation that the application is complete and~~ the applicant is qualified pursuant to this chapter and the rules of the department and the commission finds that it would be in the best interests of the state ~~and payment of the initial license fee~~, the commission ~~division~~ may issue a license to conduct slot machine gaming in the designated slot machine gaming area of the eligible facility. Once licensed, slot machine gaming may be conducted subject to ~~the requirements of~~ this part ~~chapter~~ and the rules

adopted pursuant to this part ~~thereto~~.

(3)~~(2)~~ An application may be considered or approved by the commission ~~division~~ only if the applicant provides clear and convincing evidence that:

(a) The facility at which the applicant seeks to operate slot machines is:

1. A licensed pari-mutuel facility where live racing or games were conducted during calendar years 2002 and 2003, located in Miami-Dade County or Broward County, and authorized for slot machine licensure pursuant to s. 23, Art. X of the State Constitution if ~~after~~ the voters of the county where the applicant's facility is located have authorized by referendum slot machines within pari-mutuel facilities in that county; or

2. A licensed pari-mutuel facility where live horseracing has been conducted for two consecutive calendar years immediately preceding its application for a slot machine license and located within a county as defined in s. 125.011 ~~as specified in s. 23, Art. X of the State Constitution~~.

(b) Issuance of the license would not have a net negative impact on state revenues, including those generated under tribal-state gaming compacts.

(c) Slot machine gaming at the proposed location is approved under the zoning and land use regulations of the applicable county or municipality.

(3) A slot machine license may be issued only to a licensed pari-mutuel permitholder, and slot machine gaming may

be conducted only at the eligible facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities.

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

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

(b) Continue to be in compliance with part II ~~chapter 550~~, where applicable, and maintain the pari-mutuel permit and license in good standing pursuant to part II ~~the provisions of chapter 550~~. ~~Notwithstanding any contrary provision of law and in order to expedite the operation of slot machines at eligible facilities, any eligible facility shall be entitled within 60 days after the effective date of this act to amend its 2006-2007 pari-mutuel wagering operating license issued by the division under ss. 550.0115 and 550.01215. The division shall issue a new license to the eligible facility to effectuate any approved change.~~

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

(d) Upon approval of a change ~~any changes~~ relating to the

pari-mutuel permit by the commission ~~division~~, be responsible for providing appropriate current and accurate documentation on a timely basis to the department ~~division~~ in order to continue the slot machine license in good standing. Changes in ownership or interest of a slot machine license of 5 percent or more of the stock or other evidence of ownership or equity in the slot machine license or any parent corporation or other business entity that in any way owns or controls the slot machine license shall be approved by the commission before ~~division prior to~~ such change, unless the owner is an existing holder of that license who was previously approved ~~by the division~~. Changes in ownership or interest of a slot machine license of less than 5 percent, unless such change results in a cumulative total change of 5 percent or more, shall be reported to the department ~~division~~ within 20 days after such ~~the~~ change. The department ~~division~~ may then conduct an investigation to ensure that the license is properly updated to show the change in ownership or interest. ~~No~~ Reporting is not required if the person holds ~~is holding~~ 5 percent or less equity or securities of a corporate owner of the slot machine licensee that has its securities registered pursuant to s. 12 of the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and if such corporation or entity files with the United States Securities and Exchange Commission the reports required by s. 13 of that act or if the securities of the corporation or entity are regularly traded on an established securities market in the United States. A change in

ownership or interest of less than 5 percent which results in a cumulative ownership or interest of 5 percent or more shall be approved by the commission before ~~division prior to~~ such change unless the owner is an existing holder of the license who was previously approved ~~by the division~~.

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

(f) Ensure that the facilities-based computer system that the licensee will use for operational and accounting functions of the slot machine facility is specifically structured to facilitate regulatory oversight. The facilities-based computer system must ~~shall be designed to~~ provide the department ~~division~~ and the Department of Law Enforcement with the ability to monitor, at any time on a real-time basis, the wagering patterns, payouts, tax collection, and such other operations as necessary to determine whether the facility is in compliance with this part ~~statutory provisions~~ and rules adopted by the department pursuant to this part ~~division for the regulation and control of slot machine gaming~~. The commission ~~division~~ and the Department of Law Enforcement shall have complete and continuous access to the ~~this~~ system. Such access shall include the ability of either the department ~~division~~ or the Department of Law Enforcement to suspend play immediately on particular slot

machines if monitoring of the system indicates possible tampering or manipulation of those slot machines or the ability to suspend play immediately of the entire operation if the tampering or manipulation is of the computer system itself. The computer system shall be reviewed and approved by the department ~~division~~ to ensure necessary access, security, and functionality. The department ~~division~~ may adopt rules to provide for the approval process.

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

(h) Submit a security plan, including the facilities' floor plans ~~plan~~, the locations of security cameras, and a listing of all security equipment that is capable of observing and electronically recording activities being conducted in the facilities of the slot machine licensee. The security plan must meet the minimum security requirements as determined by department rule ~~the division under s. 551.103(1)(i)~~ and be implemented before ~~prior to~~ operation of slot machine gaming.

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

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

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

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

3. Ensuring opportunities for construction services from minority contractors.

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

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

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

(j) ~~The slot machine licensee shall~~ Use the Internet-based job-listing system of the Department of Economic Opportunity to

advertise ~~in advertising~~ employment opportunities.

(k) ~~Beginning in June 2007, each slot machine licensee shall~~ Provide an annual report to the department ~~division~~ containing information indicating compliance with ~~this~~ paragraph (i) regarding ~~in regard to~~ minority persons.

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

(5) A slot machine license is not transferable.

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

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

(8) A slot machine licensee shall file with the department

~~division~~ an audit of the receipt and distribution of all slot machine revenues provided by an independent certified public accountant verifying compliance with all financial and auditing provisions of this part ~~chapter~~ and the associated rules adopted under this part ~~chapter~~. The audit must include verification of compliance with all statutes and rules regarding all required records of slot machine operations. The ~~Such~~ audit shall be filed within 60 days after ~~the~~ completion of the permitholder's pari-mutuel meet.

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

(10)(a)1. A ~~No~~ slot machine license or renewal license may not ~~thereof shall~~ be issued to an applicant holding a permit under part II ~~chapter 550~~ to conduct pari-mutuel wagering meets of thoroughbred racing unless the applicant has on file with the department ~~division~~ a binding written agreement between the applicant and the Florida Horsemen's Benevolent and Protective Association, Inc., governing the payment of purses on live thoroughbred races conducted at the licensee's pari-mutuel

facility. In addition, a ~~no~~ slot machine license or renewal license may not ~~thereof shall~~ be issued to such an applicant unless the applicant has on file with the department ~~division~~ a binding written agreement between the applicant and the Florida Thoroughbred Breeders' Association, Inc., governing the payment of breeder ~~breeders'~~, stallion, and special racing awards on live thoroughbred races conducted at the licensee's pari-mutuel facility. The agreement governing purses and the agreement governing awards may direct the payment of such purses and awards from revenues generated by any wagering or gaming the applicant is authorized to conduct ~~under Florida law~~. All purses and awards are ~~shall be~~ subject to part II ~~the terms of chapter 550~~. All sums for breeder ~~breeders'~~, stallion, and special racing awards shall be remitted monthly to the Florida Thoroughbred Breeders' Association, Inc., for the payment of awards subject to the administrative fee authorized under part II ~~in s. 550.2625(3)~~.

2. A ~~No~~ slot machine license or renewal license may not ~~thereof shall~~ be issued to an applicant holding a permit under part II ~~chapter 550~~ to conduct pari-mutuel wagering meets of quarter horse racing unless the applicant has on file with the department ~~division~~ a binding written agreement between the applicant and the Florida Quarter Horse Racing Association or the association representing a majority of the horse owners and trainers at the applicant's eligible facility, governing the payment of purses on live quarter horse races conducted at the

licensee's pari-mutuel facility. The agreement governing purses may direct the payment of such purses from revenues generated by any wagering or gaming the applicant is authorized to conduct ~~under Florida law~~. All purses are ~~shall be~~ subject to part II ~~the terms of chapter 550~~.

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

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

shall choose one additional arbitrator from the list within the next 10 days.

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

3. At the conclusion of the proceedings, which shall be no later than 90 days after the request under subparagraph 1. in the case of an initial slot machine license or, in the case of a renewal, 30 days before ~~prior to~~ the scheduled expiration date of the slot machine license, the arbitration panel shall present to the parties a proposed agreement that the majority of the panel believes equitably balances the rights, interests, obligations, and reasonable expectations of the parties. The parties shall immediately enter into such agreement, which shall satisfy the requirements of paragraph (a) and permit issuance of the pending annual slot machine license or renewal. The agreement produced by the arbitration panel under this subparagraph shall be effective until the last day of the

license or renewal period or until the parties enter into a different agreement. Each party shall pay its respective costs of arbitration and shall pay one-half of the costs of the arbitration panel, unless the parties otherwise agree. If the agreement produced by the arbitration panel under this subparagraph remains in place 120 days before ~~prior to~~ the scheduled issuance of the next annual license renewal, then the arbitration process established in this paragraph will begin again.

4. If ~~In the event that~~ neither of the agreements required under subparagraph (a)1. or the agreement required under subparagraph (a)2. are in place by the deadlines established in this paragraph, arbitration regarding each agreement will proceed independently, with separate lists of arbitrators, arbitration panels, arbitration proceedings, and resulting agreements.

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

(d) If a ~~any~~ provision of this subsection or its application to a ~~any~~ person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this subsection or part ~~chapter~~ which can be given effect without the invalid provision or application, and to this end

the provisions of this subsection are severable.

Section 82. (1) Subsection (3) of section 551.104, Florida Statutes, as amended by this act, is amended to read:

551.104 License to conduct slot machine gaming.—

(3) An application may be considered or approved by the commission only if the applicant provides clear and convincing evidence that:

(a) The facility at which the applicant seeks to operate slot machines is:

1. A licensed pari-mutuel facility where live racing or games were conducted during calendar years 2002 and 2003, located in Miami-Dade County or Broward County, and authorized for slot machine licensure pursuant to s. 23, Art. X of the State Constitution if the voters of the county where the applicant's facility is located have authorized by referendum slot machines within pari-mutuel facilities in that county; ~~or~~

2. A licensed pari-mutuel facility where live horseracing has been conducted for two consecutive calendar years immediately preceding its application for a slot machine license and located within a county as defined in s. 125.011; or

3. A licensed pari-mutuel facility located in a county in which a majority of voters have approved slot machines at pari-mutuel facilities in a countywide referendum held concurrently with a general election in which the offices of President and Vice President of the United States were on the ballot, if:

a. The applicant has conducted at least 250 live

performances under the permit for which slot machine licensure is sought for each of the 10 consecutive calendar years immediately preceding its application and

b. The permitholder presents to the commission for revocation all permits for pari-mutuel wagering, other than the permit for which slot machine licensure is sought, in which the permitholder directly or indirectly maintains a majority ownership interest.

(b) Issuance of the license would not have a net negative impact on state revenues, including those generated under tribal-state gaming compacts. This paragraph does not apply to such an applicant under subparagraph (a)3., if the operation of slot machines at the facility is specifically contemplated by a compact ratified in part II of chapter 285 and approved by the Department of the Interior.

(c) Slot machine gaming at the proposed location is approved under the zoning and land use regulations of the applicable county or municipality.

(2) This section shall take effect only if the Governor and an authorized representative of the Seminole Tribe of Florida execute an amended Indian Gaming Compact pursuant to the Indian Gaming Regulatory Act of 1988 and part II of chapter 285, the compact is ratified by the Legislature, and approved or deemed approved by the Department of the Interior, and only if such compact provides for the operation of slot machines at state-licensed facilities outside of Miami-Dade and Broward

counties without the suspension of all revenue sharing payments. This section shall take effect on the date that such a compact is published in the Federal Register.

Section 83. Effective October 1, 2014, section 551.105, Florida Statutes, is amended to read:

551.105 Slot machine license renewal.—

(1) Slot machine licenses are ~~shall be~~ effective for 1 year after issuance ~~and shall be renewed annually~~. The annual application for renewal must contain all revisions to the information submitted in the prior year's application which ~~that~~ are necessary to maintain such information as both accurate and current.

(2) The applicant for renewal shall attest that a change in ~~any~~ information does ~~changes do~~ not affect the applicant's qualifications for license renewal.

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

Section 84. Effective October 1, 2014, section 551.106, Florida Statutes, is amended to read:

551.106 License fee; tax rate; penalties.—

(1) LICENSE FEE.—

(a) Upon submission of the initial application for a slot machine license, the applicant shall pay to the department a nonrefundable license fee of $3 million. Each year ~~and annually~~

thereafter, on the anniversary date of the issuance of the initial license, the licensee shall ~~must~~ pay to the department ~~division~~ a nonrefundable license fee of $2 ~~$3~~ million for the succeeding 12 months of licensure. ~~In the 2010-2011 fiscal year, the licensee must pay the division a nonrefundable license fee of $2.5 million for the succeeding 12 months of licensure. In the 2011-2012 fiscal year and for every fiscal year thereafter, the licensee must pay the division a nonrefundable license fee of $2 million for the succeeding 12 months of licensure.~~ The license fee shall be deposited into the Gaming Control Trust Fund ~~Pari-mutuel Wagering Trust Fund~~ of the department and ~~of Business and Professional Regulation to be~~ used by the department ~~division~~ and the Department of Law Enforcement for investigations, regulation of slot machine gaming, and enforcement of ~~slot machine gaming provisions under~~ this part ~~chapter~~. The ~~These~~ payments shall be accounted for separately from taxes or fees paid pursuant to part II ~~the provisions of chapter 550~~.

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

(2) TAX ON SLOT MACHINE REVENUES.—

(a) Each facility shall be taxed at a rate of ~~The tax rate~~

~~on slot machine revenues at each facility shall be~~ 35 percent of slot machine revenues. If, during a ~~any~~ state fiscal year, the aggregate amount of tax paid to the state by all slot machine licensees in Broward and Miami-Dade Counties is less than the aggregate amount of tax paid to the state by all slot machine licensees in the 2008-2009 fiscal year, each slot machine licensee shall pay to the state within 45 days after the end of the state fiscal year a surcharge equal to its pro rata share of an amount equal to the difference between the aggregate amount of tax paid to the state by all slot machine licensees in the 2008-2009 fiscal year and the amount of tax paid during the fiscal year. Each licensee's pro rata share shall be ~~an amount~~ determined by dividing the number 1 by the number of facilities licensed to operate slot machines during the applicable fiscal year, regardless of whether the facility is operating such machines.

(b) The ~~slot machine revenue~~ tax imposed by this section shall be paid by the slot machine licensee to the department ~~division~~ for deposit into the Gaming Control Trust Fund of the Department of Business and Professional Regulation and immediately transferred ~~Pari-mutuel Wagering Trust Fund for immediate transfer~~ by the Chief Financial Officer ~~for deposit~~ into the Educational Enhancement Trust Fund of the Department of Education. ~~Any~~ Interest earnings on the tax revenues shall also be transferred to the Educational Enhancement Trust Fund.

(c)1. Funds transferred to the Educational Enhancement

Trust Fund under paragraph (b) shall be used to supplement public education funding statewide.

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

(d) ~~(3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax on slot machine revenues imposed by this section shall be paid to the division. The division shall deposit these sums with the Chief Financial Officer, to the credit of the Pari-mutuel Wagering Trust Fund.~~ The slot machine licensee shall pay ~~remit to the division payment for~~ the tax on slot machine revenues~~.~~ ~~Such payments shall be remitted by 3 p.m. Wednesday of each week for taxes imposed and collected for the preceding week ending on Sunday. Beginning on July 1, 2012, the slot machine licensee shall remit to the division payment for the tax on slot machine revenues~~ by 3 p.m. on the 5th day of each calendar month for taxes imposed and collected for the preceding calendar month. If the 5th day of the calendar month falls on a weekend, payments shall be remitted by 3 p.m. the first Monday following the weekend. The slot machine licensee shall file a report under

oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing all slot machine gaming activities for the preceding calendar month and such other information as may be prescribed by the department ~~division~~.

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

Section 85. Effective October 1, 2014, section 551.108, Florida Statutes, is amended to read:

551.108 Prohibited relationships.—

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

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

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

~~licensed by the division.~~

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

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

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

(4)~~(5)~~ An occupational licensee or a relative of such licensee who lives ~~living~~ in the same household ~~as such occupational licensee~~ may not wager at any time on a slot machine located at a facility where the licensee ~~that person~~ is employed.

Section 86. Effective October 1, 2014, section 551.109,

Florida Statutes, is amended to read:

551.109 Prohibited acts; penalties.—

(1) Except as otherwise provided by law, and in addition to any other penalty, a ~~any~~ person who knowingly makes or causes to be made~~,~~ or who aids, assists, or procures another to make~~,~~ a false statement in a ~~any~~ report, a disclosure, an application, or any other document required under this part ~~chapter~~ or applicable ~~any~~ rule ~~adopted under this chapter~~ is subject to an administrative fine or civil penalty of up to $10,000.

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

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

(b) Certified educational facilities that are authorized to maintain slot machines for the sole purpose of education and

licensure, if any, of slot machine technicians, inspectors, or investigators. The department ~~division~~ and the Department of Law Enforcement may possess slot machines for training and testing purposes. The department ~~division~~ may adopt rules regarding the regulation of any such slot machines used for educational, training, or testing purposes.

(3) A ~~Any~~ person who knowingly excludes, or attempts ~~takes any action in an attempt~~ to exclude, anything of value from the deposit, counting, collection, or computation of revenues from slot machine activity, or a ~~any~~ person who by trick, sleight-of-hand performance, ~~a~~ fraud or fraudulent scheme, or device wins or attempts to win, for himself or herself or ~~for~~ another, money or property or a combination thereof or reduces or attempts to reduce a losing wager in connection with slot machine gaming commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A ~~Any~~ person who manipulates or attempts to manipulate the outcome, payoff, or operation of a slot machine by physical tampering or by use of an ~~any~~ object, an instrument, or a device, whether mechanical, electrical, magnetic, or involving other means, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Theft of ~~any~~ slot machine proceeds or ~~of~~ property belonging to a ~~the~~ slot machine operator or a licensed facility by an employee of the operator or facility or by an employee of a person, firm, or entity that has contracted to provide

services to the operator or facility is ~~constitutes~~ a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(6)(a) A ~~Any~~ law enforcement officer or slot machine operator who has probable cause to believe that a violation of subsection (3), subsection (4), or subsection (5) has been committed ~~by a person~~ and that he or she ~~the officer or operator~~ can recover the lost proceeds from such activity by taking the person who committed the violation into custody ~~may~~, for the purpose of attempting to effect such recovery or for prosecution, may take the person into custody on the premises and detain the person in a reasonable manner and for a reasonable period of time. If the operator takes the person into custody, a law enforcement officer shall be called to the scene immediately. The act of taking into custody and detention by a law enforcement officer or slot machine operator, if done in compliance with this subsection, does not render such law enforcement officer, ~~or~~ the officer's agency, or the slot machine operator criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(b) A ~~Any~~ law enforcement officer may arrest, either on or off the premises and without warrant, a ~~any~~ person if there is probable cause to believe that person has violated subsection (3), subsection (4), or subsection (5).

(c) A ~~Any~~ person who resists the reasonable effort of a law enforcement officer or slot machine operator to recover the

lost slot machine proceeds that the law enforcement officer or slot machine operator had probable cause to believe had been stolen from the licensed facility and who is subsequently found to be guilty of violating subsection (3), subsection (4), or subsection (5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, unless such person did not know or did not have reason to know that the person seeking to recover the lost proceeds was a law enforcement officer or slot machine operator.

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

Section 87. Effective October 1, 2014, section 551.111, Florida Statutes, is amended to read:

551.111 Legal devices.—Notwithstanding a ~~any provision of~~ law to the contrary, a slot machine manufactured, sold, distributed, possessed, or operated according to ~~the provisions of~~ this part ~~chapter~~ is lawful ~~not unlawful~~.

Section 88. Effective October 1, 2014, section 551.112, Florida Statutes, is amended to read:

551.112 Exclusions of certain persons.—In addition to the power to exclude certain persons from a ~~any~~ facility of a slot machine licensee ~~in this state~~, the department ~~division~~ may exclude a ~~any~~ person from a ~~any~~ facility of a slot machine licensee in this state for conduct that would constitute, if the

person were a licensee, a violation of this part ~~chapter~~ or the rules adopted thereto ~~of the division~~. The department ~~division~~ may exclude from a ~~any~~ facility of a slot machine licensee a ~~any~~ person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from a ~~any~~ facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over ~~the~~ gaming in that ~~such other~~ state. This section does not abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

Section 89. Effective October 1, 2014, section 551.113, Florida Statutes, is amended to read:

551.113 Persons prohibited from playing slot machines.—

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

(2) A slot machine licensee or an agent or employee of a slot machine licensee may not knowingly allow a person who has not attained 21 years of age:

(a) To play or operate a ~~any~~ slot machine.

(b) To be employed in a ~~any~~ position allowing or requiring access to the designated slot machine gaming area of a facility of a slot machine licensee.

(c) To have access to the designated slot machine gaming

area of a facility of a slot machine licensee.

(3) The licensed facility shall post clear and conspicuous signage within the designated slot machine gaming areas that states the following:

THE PLAYING OF SLOT MACHINES BY PERSONS UNDER THE AGE OF 21 IS AGAINST FLORIDA LAW (SECTION 551.113, FLORIDA STATUTES). PROOF OF AGE MAY BE REQUIRED AT ANY TIME.

Section 90. Effective October 1, 2014, section 551.114, Florida Statutes, is amended to read:

551.114 Slot machine gaming areas.—

(1) A slot machine licensee may make available for play up to 2,000 slot machines within the property of the facilities of the slot machine licensee.

(2) The slot machine licensee shall display pari-mutuel races or games within the designated slot machine gaming areas and offer patrons within the designated slot machine gaming areas the ability to engage in pari-mutuel wagering on live, intertrack, and simulcast races conducted or offered to patrons of the licensed facility.

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

(4) Designated slot machine gaming areas may be located

within the current live gaming facility or in an existing building that must be contiguous and connected to the live gaming facility. If a designated slot machine gaming area is to be located in a building that is to be constructed, the ~~that~~ new building must be contiguous and connected to the live gaming facility.

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

Section 91. Effective October 1, 2014, section 551.116, Florida Statutes, reads:

551.116 Days and hours of operation.—Slot machine gaming areas may be open daily throughout the year. The slot machine gaming areas may be open a cumulative amount of 18 hours per day on Monday through Friday and 24 hours per day on Saturday and Sunday and on those holidays specified in s. 110.117(1).

Section 92. Effective October 1, 2014, section 551.117, Florida Statutes, is amended to read:

551.117 Penalties.—The commission ~~division~~ may revoke or suspend a ~~any~~ slot machine license issued under this part ~~chapter~~ upon the willful violation by the slot machine licensee of any provision of this part ~~chapter~~ or a ~~of any~~ rule adopted

thereto ~~under this chapter~~. In lieu of suspending or revoking a slot machine license, the commission ~~division~~ may impose a civil penalty against the slot machine licensee for a violation of this part ~~chapter~~ or a ~~any~~ rule adopted thereto ~~by the division~~. Except as otherwise provided in this part ~~chapter~~, the penalty ~~so~~ imposed may not exceed $100,000 for each count or separate offense. ~~All~~ Penalties imposed and collected must be deposited into the General Revenue Fund ~~Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation~~.

Section 93. Effective October 1, 2014, section 551.118, Florida Statutes, is amended to read:

551.118 Compulsive or addictive gambling prevention program.—

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

(2) The department ~~division~~ shall, subject to competitive bidding, contract for provision of services related to the prevention of compulsive and addictive gambling. The contract shall provide for an advertising program to encourage responsible gaming practices and to publicize a ~~gambling~~ telephone help line for compulsive and addictive gambling. Such advertisements must be made both publicly and inside the designated slot machine gaming areas of the licensee's

facilities. The terms of a ~~any~~ contract for ~~the provision of~~ such services must ~~shall~~ include accountability standards that must be met by a ~~any~~ private provider. The failure of a ~~any~~ private provider to meet a ~~any~~ material term ~~terms~~ of the contract, including the accountability standards, is ~~shall constitute~~ a breach of contract or grounds for nonrenewal. The department ~~division~~ may consult with the Department of the Lottery in the development of the program and the development and analysis of the ~~any~~ procurement for contractual services for the compulsive or addictive gambling prevention program.

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

Section 94. Effective October 1, 2014, section 551.119, Florida Statutes, is amended to read:

551.119 Caterer's license.—A slot machine licensee is entitled to a caterer's license pursuant to s. 565.02 on days on which the pari-mutuel facility is open to the public for slot machine game play as authorized by this part ~~chapter~~.

Section 95. Effective October 1, 2014, section 551.121, Florida Statutes, is amended to read:

551.121 Prohibited activities and devices; exceptions.—

(1) A complimentary or reduced-cost alcoholic beverage ~~beverages~~ may not be served to a person ~~persons~~ playing a slot machine. Alcoholic beverages served to a person ~~persons~~ playing a slot machine must ~~shall~~ cost at least the same amount as

alcoholic beverages served to the general public at a bar within the facility.

(2) A slot machine licensee may not make a ~~any~~ loan, provide credit, or advance cash in order to enable a person to play a slot machine. This subsection does ~~shall~~ not prohibit automated ticket redemption machines that dispense cash resulting from the redemption of tickets from being located in the designated slot machine gaming area of the slot machine licensee.

(3) A slot machine licensee may not allow an ~~any~~ automated teller machine or similar device designed to provide credit or dispense cash to be located within the designated slot machine gaming areas of a facility of a slot machine licensee.

(4)(a) A slot machine licensee may not accept or cash a ~~any~~ check from a ~~any~~ person within the designated slot machine gaming areas of a facility of a slot machine licensee.

(b) Except as provided in paragraph (c) for employees of the facility, a slot machine licensee or operator may ~~shall~~ not accept or cash for a ~~any~~ person within the property of the facility a ~~any~~ government-issued check, third-party check, or payroll check made payable to an individual.

(c) Outside the designated slot machine gaming areas, a slot machine licensee or operator may accept or cash a check for an employee of the facility who is prohibited from wagering on a slot machine under s. 551.108(4) ~~s. 551.108(5)~~, a check made directly payable to a person licensed by the commission

~~division~~, or a check made directly payable to the slot machine licensee or operator from:

1. A pari-mutuel patron; or

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

(d) Unless accepting or cashing a check is prohibited under ~~by~~ this subsection, ~~nothing shall prohibit~~ a slot machine licensee or operator may accept and deposit ~~from accepting and depositing~~ in its accounts checks received in the normal course of business.

(5) A slot machine, or the computer operating system linking the slot machine, may be linked by any means to another ~~any other~~ slot machine or computer operating system within the facility of a slot machine licensee. A progressive system may be used in conjunction with slot machines between licensed facilities in this state ~~Florida~~ or in other jurisdictions.

(6) A slot machine located within a licensed facility may ~~shall~~ accept only tickets, ~~or~~ paper currency, or ~~an~~ electronic payment ~~system~~ for wagering and must return or deliver payouts to the player in the form of electronic credit or tickets that may be exchanged for cash, merchandise, or other items of value. The use of coins, credit or debit cards, tokens, or similar objects is specifically prohibited. ~~However, an electronic credit system may be used for receiving wagers and making payouts.~~

Section 96. Effective October 1, 2014, section 551.122,

Florida Statutes, is amended to read:

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

Section 97. Effective October 1, 2014, section 551.123, Florida Statutes, is amended to read:

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

Section 98. Effective October 1, 2014, part IV of chapter 551, Florida Statutes, consisting of section 551.20, is created and entitled "CARDROOMS."

Section 99. Effective October 1, 2014, section 849.086, Florida Statutes, is transferred, renumbered as section 551.20, Florida Statutes, and amended to read:

551.20 ~~849.086~~ Cardrooms authorized.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to provide additional entertainment choices for the

residents of and visitors to this ~~the~~ state, promote tourism ~~in the state~~, and provide additional state revenues by authorizing ~~through the authorization of~~ the playing of certain games ~~in the state~~ at facilities known as cardrooms, which are ~~to be~~ located at licensed pari-mutuel facilities in this state. This act is intended to ensure the public confidence in the integrity of authorized cardroom operations by~~, this act is designed to~~ strictly regulating ~~regulate the~~ facilities, persons, and procedures related to cardroom operations. Further ~~Furthermore~~, the Legislature intends ~~finds~~ that, as defined in this section, authorized games be deemed ~~as herein defined are considered to be~~ pari-mutuel style games rather than ~~and not~~ casino gaming, since ~~because the~~ participants play against each other instead of against the house.

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

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

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

(c) "Cardroom" means a facility where authorized games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility. Authorized games and cardrooms are ~~do~~ not ~~constitute~~ casino gaming operations.

(d) "Cardroom management company" means a person that is ~~any individual~~ not an employee of the cardroom operator but who is a~~,~~ ~~any~~ proprietorship, partnership, corporation, or other entity that enters into an agreement with a cardroom operator to manage, operate, or otherwise control the daily operation of a cardroom.

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

(f) "Cardroom operator" means a licensed pari-mutuel permitholder that ~~which~~ holds a valid permit and license issued by the commission ~~division~~ pursuant to part II ~~chapter 550~~ and ~~which also holds~~ a valid cardroom license issued by the commission ~~division~~ pursuant to this section which authorizes the permitholder ~~such person~~ to operate a cardroom and ~~to~~ conduct authorized games in such cardroom.

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

(g)~~(h)~~ "Dominoes" means a game ~~of dominoes~~ typically played with a set of 28 flat rectangular blocks, called "bones," which are marked on one side and divided into two equal parts that are blank or that each have up~~, with zero~~ to six dots, called "pips." ~~"pips," in each part.~~ The term also means the set

of blocks used to play the game and includes larger sets of blocks that contain a correspondingly higher number of pips. ~~The term also means the set of blocks used to play the game.~~

(h)~~(i)~~ "Gross receipts" means the total amount of money received by a cardroom from persons participating ~~any person for participation~~ in authorized games. For purposes of tournament play only, "gross receipts" means the total amount received by the cardroom operator for all entry fees, player re-buys, and fees for participating in the tournament, less the total amount paid out in prizes.

(i)~~(j)~~ "House" means the cardroom operator and all employees of the cardroom operator.

(j)~~(k)~~ "Net proceeds" means the total amount of gross receipts received by a cardroom operator from cardroom operations less direct operating expenses related to cardroom operations.~~, including~~

1. Direct operating expenses include:

a. Labor costs;~~,~~

b. Admission taxes ~~only~~ if a separate admission fee is charged for entry to the cardroom facility;~~,~~

c. Gross receipts taxes imposed on cardroom operators by this section;~~, the~~

d. Annual cardroom license fees imposed by this section on each table operated at a cardroom;~~,~~ and

e. Reasonable promotional costs. ~~excluding~~

2. Direct operating expenses do not include:

a. Officer and director compensation;~~,~~

b. Interest on capital debt;~~,~~

c. Legal fees;~~,~~

d. Real estate taxes;~~,~~

e. Bad debts;~~,~~

f. Contributions or donations;~~,~~ or

g. Overhead and depreciation expenses not directly related to the operation of the cardrooms.

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

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

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

~~(4) AUTHORITY OF DIVISION.—The Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation shall administer this section and regulate the operation of cardrooms under this section and the rules adopted pursuant thereto, and is hereby authorized to:~~

~~(a) Adopt rules, including, but not limited to: the~~

~~issuance of cardroom and employee licenses for cardroom operations; the operation of a cardroom; recordkeeping and reporting requirements; and the collection of all fees and taxes imposed by this section.~~

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

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

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

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

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

(4)~~(5)~~ LICENSE REQUIREMENTS ~~REQUIRED; APPLICATION~~; FEES; BOND.—A ~~No~~ person may not operate a cardroom in this state unless such person holds a valid cardroom license issued by the commission pursuant to this section.

(a) ~~Only those persons holding a valid cardroom license issued by the division may operate a cardroom.~~ A cardroom license may only be issued to a licensed pari-mutuel

permitholder. Such permitholder may not operate a cardroom at a facility other than the facility it ~~and an authorized cardroom may only be operated at the same facility at which the permitholder~~ is authorized to operate under its ~~valid~~ pari-mutuel wagering permit ~~to conduct pari-mutuel wagering activities~~. An initial cardroom license may not ~~shall~~ be issued until the ~~to a pari-mutuel~~ permitholder completes construction of ~~only after~~ its facilities ~~are in place~~ and ~~after it~~ conducts its first day of live events ~~racing or games~~.

(b) After an ~~the~~ initial cardroom license is granted, the application for the annual cardroom license renewal shall be made in conjunction with the applicant's annual application for its pari-mutuel license.

1. For a cardroom license to be renewed, the applicant must have requested, as part of its annual pari-mutuel license application, to conduct at least 90 percent of the total number of live performances conducted by the permitholder during the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately preceding the state fiscal year in which its initial cardroom license was issued if the permitholder conducted at least a full schedule of live events in that preceding year.

2. If the application is for a harness racing permitholder cardroom, the applicant must have requested authorization to conduct a minimum of 140 live performances during the immediately preceding state fiscal year.

3. If a permitholder has operated a cardroom during any of the previous 3 ~~previous~~ fiscal years and fails to include a renewal request for the operation of the cardroom in its annual application for license renewal, the permitholder may amend its annual license renewal application to include operation of the cardroom. ~~In order for a cardroom license to be renewed the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto if the permitholder ran at least a full schedule of live racing or games in the prior year. If the application is for a harness permitholder cardroom, the applicant must have requested authorization to conduct a minimum of 140 live performances during the state fiscal year immediately prior thereto.~~

4. If more than one pari-mutuel permitholder is operating at a facility, each permitholder must have applied for a license to conduct a full schedule of live racing.

(c) An application for an initial or renewal license to operate a cardroom must be made ~~Persons seeking a license or a renewal thereof to operate a cardroom shall make application~~ on forms prescribed by the department and must ~~division . Applications for cardroom licenses shall~~ contain all of the information required by department ~~the division, by~~ rule~~, may~~

~~determine is required to ensure eligibility~~.

(d) The annual cardroom license fee for each facility is ~~shall be~~ $1,000 for each table to be operated at the cardroom. The license fee shall be paid to the department and deposited ~~by the division~~ with the Chief Financial Officer to the credit of the Gaming Control Trust Fund ~~Pari-mutuel Wagering Trust Fund~~.

(e) The holder of a cardroom license is responsible for the operation of the cardroom and for the conduct of any manager, dealer, or other employee involved in the operation of the cardroom. Before the issuance of a cardroom license, the applicant for such license must provide evidence that it has purchased a $50,000 surety bond, payable to the state, from a corporate surety authorized to do business in this state or evidence that the bond required under s. 551.0321 has been expanded to include the applicant's cardroom operation. The bond must guarantee that the cardroom operator will redeem, for cash, all tokens or chips used in games. Such bond shall be kept in full force and effect by the operator during the term of the license.

(5) ~~(16)~~ LOCAL GOVERNMENT APPROVAL.—The department may ~~Division of Pari-mutuel Wagering shall~~ not issue any initial license under this section unless the applicant shows ~~except upon~~ proof in such form as the department ~~division~~ may prescribe that the local government where it ~~the applicant for such license~~ desires to conduct cardroom gaming has voted to approve such activity by a majority vote of the governing body of the

municipality or, if the facility is not located in a municipality, the governing body of the county ~~if the facility is not located in a municipality~~.

(6) ~~(13)~~ TAXES AND OTHER PAYMENTS.—

(a) Each cardroom operator shall pay a tax to the state of 10 percent of the cardroom operation's monthly gross receipts.

(b) An admission tax equal to 15 percent of the admission charge for entrance to the licensee's cardroom facility, or 10 cents, whichever is greater, is imposed on each person entering the cardroom. This admission tax applies ~~shall apply~~ only if a separate admission fee is charged for entry to the cardroom facility. If a single admission fee is charged which authorizes entry to ~~both or either~~ the pari-mutuel facility and the cardroom facility, the admission tax is ~~shall be~~ payable only once and is ~~shall be~~ payable pursuant to part II ~~chapter 550~~. The cardroom licensee shall collect ~~be responsible for collecting~~ the admission tax, which~~. An admission tax~~ is imposed on ~~any~~ free passes or complimentary cards issued to guests by a licensee ~~licensees~~ in an amount equal to the tax imposed on the regular and usual admission charge for entrance to the licensee's cardroom facility. A cardroom licensee may issue tax-free passes to its officers, officials, and employees or other persons ~~actually engaged in~~ working at the cardroom, including accredited media ~~press~~ representatives ~~such as reporters and editors~~, and may also issue tax-free passes to other cardroom licensees for the use of their officers and officials. The

licensee shall file with the department ~~division~~ a list of all persons to whom tax-free passes are issued.

(c) The ~~Payment of the~~ admission tax and gross receipts tax imposed by this section shall be paid to the department ~~division~~. The department ~~division~~ shall deposit these sums with the Chief Financial Officer, one-half being credited to the Gaming Control ~~Pari-mutuel Wagering~~ Trust Fund and one-half being credited to the General Revenue Fund. The cardroom licensee shall remit to the department ~~division~~ payment for the admission tax, the gross receipts tax, and the licensee fees~~.~~ ~~Such payments shall be remitted to the division~~ on the 5th ~~fifth~~ day of each calendar month for taxes and fees imposed for the preceding month's cardroom activities. Licensees shall file a report under oath by the 5th ~~fifth~~ day of each calendar month for all taxes remitted during the preceding calendar month. Such report shall, under oath, indicate the total of all admissions, the cardroom activities for the preceding calendar month, and such other information as may be required ~~prescribed~~ by the commission ~~division~~.

(d)1. Each greyhound racing and jai alai permitholder that operates a cardroom facility shall use at least 4 percent of such permitholder's cardroom monthly gross receipts to supplement greyhound purses or jai alai prize money, respectively, during the permitholder's next ~~ensuing~~ pari-mutuel meet.

2. Each thoroughbred and harness horse racing permitholder

that operates a cardroom facility shall, during the permitholder's next racing meet, use at least 50 percent of such permitholder's cardroom monthly net proceeds as follows: ~~47 percent to supplement purses and 3 percent to supplement breeders' awards during the permitholder's next ensuing racing meet.~~

a. Forty-seven percent to supplement purses; and

b. Three percent to supplement breeders' awards.

3. A ~~No~~ cardroom license, or renewal thereof, may not ~~shall~~ be issued to an applicant holding a ~~permit under chapter 550 to conduct pari-mutuel wagering meets of~~ quarter horse racing permit under this chapter unless the applicant has on file with the commission ~~division~~ a binding written agreement, between the applicant and the Florida Quarter Horse Racing Association or the association representing a majority of the horse owners and trainers at the applicant's eligible facility, governing the payment of purses on live quarter horse races conducted at the licensee's pari-mutuel facility. The agreement governing purses may direct the payment of such purses from revenues generated by any wagering or gaming the applicant is authorized to conduct ~~under Florida law~~. All purses are ~~shall be~~ subject to the terms of part II ~~chapter 550~~.

(e) A ~~The failure of any~~ licensee that fails to make payments as prescribed in paragraph (c) violates ~~is a violation of~~ this section~~,~~ and ~~the licensee~~ may be required ~~subjected~~ by the commission ~~division~~ to pay a civil penalty of up to $1,000

for each day the tax payment is not remitted. All penalties ~~imposed and~~ collected shall be deposited in the General Revenue Fund. If a licensee fails to pay penalties imposed by order of the commission ~~division~~ under this subsection, the commission ~~division~~ may suspend or revoke the license of the cardroom operator or deny issuance of any additional ~~further~~ license to the cardroom operator.

(f) The cardroom is ~~shall be deemed~~ an accessory use to a licensed pari-mutuel operation and, except as provided in part II ~~chapter 550~~, a municipality, county, or political subdivision may not assess or collect any additional license tax, sales tax, or excise tax on such cardroom operation.

(g) All ~~of the~~ moneys deposited in the Gaming Control ~~Pari-mutuel Wagering~~ Trust Fund, except as set forth in paragraph (h), shall be ~~utilized and~~ distributed and used in the manner specified in s. 551.035(1) ~~s. 550.135(1) and (2)~~. However, cardroom tax revenues shall be kept separate from pari-mutuel tax revenues ~~and shall not be used for making the disbursement to counties provided in former s. 550.135(1)~~.

(h) By October 1 of each year, 25 percent ~~One-quarter~~ of the moneys deposited into the Gaming Control ~~Pari-mutuel Wagering~~ Trust Fund pursuant to paragraph (g) shall~~, by October 1 of each year,~~ be distributed to the local government that approved the cardroom under subsection (5). ~~(16);~~ However, if two or more pari-mutuel racetracks are located within the same incorporated municipality, the ~~cardroom~~ funds shall be

distributed to the municipality. If a pari-mutuel facility is situated in such a manner that it is located in more than one county, the site of the cardroom facility shall determine the location for purposes of disbursement of tax revenues under this paragraph. ~~The division shall,~~ By September 1 of each year, the commission shall determine:

1. The amount of taxes deposited into the Gaming Control ~~Pari-mutuel Wagering~~ Trust Fund pursuant to this section from each cardroom licensee;

2. The ~~location by~~ county in which ~~of~~ each cardroom is located;

3. Whether the cardroom is located in the unincorporated area of the county or within an incorporated municipality; and~~,~~

4. The total amount to be distributed to each eligible county and municipality.

(7) CONDITIONS FOR OPERATING A CARDROOM.—

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

(b) A licensed ~~Any~~ cardroom operator may operate a cardroom at the pari-mutuel facility daily throughout the year~~,~~ ~~if the permitholder meets the requirements under paragraph (5)(b)~~. The cardroom may be operated ~~open a cumulative amount of~~ 18 cumulative hours per day on Monday through Friday and 24 hours per day on Saturday, ~~and~~ Sunday, and ~~on~~ the holidays specified in s. 110.117(1). This limitation applies regardless of the number of cardroom licenses issued for permitholders operating at the pari-mutuel facility.

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

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

(e)1. Each cardroom operator shall conspicuously post upon the premises of the cardroom a notice that ~~which~~ contains:

a. A copy of the cardroom license.~~;~~

b. A list of authorized games offered by the cardroom.~~;~~

c. The wagering limits imposed by the house, if any.~~;~~

d. Any additional house rules regarding operation of the

cardroom or the playing of any game.~~; and~~

e. All costs to players to participate, including any rake by the house.

2. ~~In addition,~~ Each cardroom operator shall post at each table a notice of the minimum and maximum bets authorized at such table and the fee for participation in the game conducted.

(f) The cardroom facility may be inspected ~~is subject to inspection~~ by the department ~~division~~ or any law enforcement agency during the licensee's regular business hours. The inspection must ~~specifically~~ include a review of the pari-mutuel permitholder internal control procedures approved by the commission ~~division~~.

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

(8)~~(10)~~ FEE FOR PARTICIPATION.—The cardroom operator may charge a fee ~~for the right~~ to participate in games conducted at the cardroom. Such fee may be ~~either~~ a flat fee or hourly rate for the use of a seat at a table or a rake subject to the posted maximum amount. Such fee ~~but~~ may not be based on the amount won by players. Any rake ~~The rake-off, if any,~~ must be made in an obvious manner and placed in a designated rake area that ~~which~~

is clearly visible to all players. Notice of the amount of the participation fee charged shall be posted in a conspicuous place in the cardroom and at each table at all times.

(9)~~(8)~~ METHOD OF WAGERS; LIMITATION.—

(a) ~~No~~ Wagering may not be conducted using money or other negotiable currency. Games may only be played using ~~utilizing~~ a wagering system whereby all players' money is first converted by the house to tokens or chips that are ~~which shall be~~ used for wagering only at that ~~specific~~ cardroom.

(b) The cardroom operator may limit the amount wagered in any game or series of games.

(c) A tournament shall consist of a series of games. The entry fee for a tournament may be set by the cardroom operator. Tournaments may be played only with tournament chips that are provided to ~~all~~ participants upon payment of ~~in exchange for~~ an entry fee and any subsequent rebuys ~~re-buys~~. Each player ~~All players~~ must receive an equal number of tournament chips for his or her ~~their~~ entry fee. Tournament chips do not have ~~no~~ cash value, but instead ~~and~~ represent tournament points ~~only~~. The cardroom operator shall determine any ~~There is no~~ limitation on the number of tournament chips that may be used for a bet ~~except as otherwise determined by the cardroom operator~~. Tournament chips may not ~~never~~ be redeemed for cash or for any other thing of value. The distribution of prizes and cash awards must be determined by the cardroom operator before entry fees are accepted. ~~For purposes of tournament play only, the term "gross~~

~~receipts" means the total amount received by the cardroom operator for all entry fees, player re-buys, and fees for participating in the tournament less the total amount paid to the winners or others as prizes.~~

~~(9) BOND REQUIRED.—The holder of a cardroom license shall be financially and otherwise responsible for the operation of the cardroom and for the conduct of any manager, dealer, or other employee involved in the operation of the cardroom. Prior to the issuance of a cardroom license, each applicant for such license shall provide evidence of a surety bond in the amount of $50,000, payable to the state, furnished by a corporate surety authorized to do business in the state or evidence that the licensee's pari-mutuel bond required by s. 550.125 has been expanded to include the applicant's cardroom operation. The bond shall guarantee that the cardroom operator will redeem, for cash, all tokens or chips used in games. Such bond shall be kept in full force and effect by the operator during the term of the license.~~

(10)~~(11)~~ RECORDS AND REPORTS.—

(a) Each licensee operating a cardroom shall ~~keep and~~ maintain permanent daily records of its cardroom operation and shall maintain such records for at least ~~a period of not less than~~ 3 years. Such ~~These~~ records must ~~shall~~ include all financial transactions and contain sufficient detail to determine compliance with ~~the requirements of~~ this section. All records shall be available for audit and inspection by the

department ~~division~~ or other law enforcement agencies during the licensee's regular business hours. The information required in such records shall be determined by department ~~division~~ rule.

(b) Each month, each licensee operating a cardroom shall file with the department ~~division~~ a report containing the required records of such cardroom operation. ~~Such report shall be filed monthly by licensees.~~ The report ~~required reports~~ shall:

1. Be due at the same time as the monthly pari-mutuel reports are due to the commission.

2. Be submitted on forms prescribed by the department. ~~division and shall be due at the same time as the monthly pari-mutuel reports are due to the division, and such reports shall~~

3. Contain any additional information required ~~deemed necessary~~ by the department. ~~division, and the reports shall be deemed~~

4. Be a public record ~~records~~ once filed.

(11)~~(12)~~ PROHIBITED ACTIVITIES.—

(a) A ~~No~~ person licensed to operate a cardroom may not conduct any banking game or any other game not specifically authorized by this section.

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

(c) ~~No~~ Electronic or mechanical devices, except mechanical card shufflers, may not be used to conduct any authorized game

in a cardroom.

(d) ~~No~~ Cards, game components, or game implements may not be used in playing an authorized game unless the cards, game components, or game implements have ~~such has~~ been furnished or provided to the players by the cardroom operator.

(12)~~(14)~~ SUSPENSION, REVOCATION, OR DENIAL OF LICENSE; FINE.—

(a)1. The commission ~~division~~ may deny a license or the renewal thereof, or may suspend or revoke a ~~any~~ license, when the applicant has:

a. Violated or failed to comply with ~~the provisions of~~ this section or any rules adopted pursuant to this section ~~thereto~~;

b. Knowingly caused, aided, abetted, or conspired with another to cause any person to violate this section or any rules adopted pursuant to this section ~~thereto~~; or

c. Obtained a license or permit by fraud, misrepresentation, or concealment.~~; or~~

2. The commission may deny the renewal of a license or may suspend or revoke a license if the holder of such license ~~or permit~~ is no longer eligible under this section.

(b) If a pari-mutuel permitholder's pari-mutuel permit or license is suspended or revoked by the commission ~~division~~ pursuant to part II ~~chapter 550~~, the commission shall ~~division may, but is not required to,~~ suspend or revoke such permitholder's cardroom license. If a cardroom operator's

license is suspended or revoked pursuant to this section, the commission ~~division~~ may, but is not required to, suspend or revoke such licensee's pari-mutuel permit or license.

(c) Notwithstanding any other provision of this section, the commission ~~division~~ may impose an administrative fine of up to ~~not to exceed~~ $1,000 for each violation against any person who has violated or failed to comply with ~~the provisions of~~ this section or any rules adopted pursuant to this section ~~thereto~~.

(13)~~(15)~~ CRIMINAL PENALTY; INJUNCTION.—

(a)1. A ~~Any~~ person who operates a cardroom without a valid license issued under ~~as provided in~~ this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A ~~Any~~ licensee or pari-mutuel permitholder who violates ~~any provision of~~ this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A ~~Any~~ licensee or pari-mutuel permitholder who commits a second or subsequent violation of the same paragraph or subsection within a period of 3 years after ~~from~~ the date of a prior conviction for the same offense ~~a violation of such paragraph or subsection~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The department ~~division~~, a ~~any~~ state attorney, the statewide prosecutor, or the Attorney General may apply for a temporary or permanent injunction restraining further violation of this section, and such injunction shall issue without bond.

~~(17) CHANGE OF LOCATION; REFERENDUM.~~

~~(a) Notwithstanding any provisions of this section, no cardroom gaming license issued under this section shall be transferred, or reissued when such reissuance is in the nature of a transfer, so as to permit or authorize a licensee to change the location of the cardroom except upon proof in such form as the division may prescribe that a referendum election has been held:~~

~~1. If the proposed new location is within the same county as the already licensed location, in the county where the licensee desires to conduct cardroom gaming and that a majority of the electors voting on the question in such election voted in favor of the transfer of such license. However, the division shall transfer, without requirement of a referendum election, the cardroom license of any permitholder that relocated its permit pursuant to s. 550.0555.~~

~~2. If the proposed new location is not within the same county as the already licensed location, in the county where the licensee desires to conduct cardroom gaming and that a majority of the electors voting on that question in each such election voted in favor of the transfer of such license.~~

~~(b) The expense of each referendum held under the provisions of this subsection shall be borne by the licensee requesting the transfer.~~

Section 100. Effective October 1, 2014, part V of chapter 551, Florida Statutes, consisting of sections 551.301-551.322,

is created and entitled "OCCUPATIONAL EMPLOYEES AND ASSOCIATES."

Section 101. Effective October 1, 2014, section 550.105, Florida Statutes, is transferred, renumbered as section 551.301, Florida Statutes, and amended to read:

551.301 ~~550.105~~ Racetrack and jai alai occupational licenses ~~of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines~~.—

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

(2)(a) The following licenses shall be issued to persons or entities with access to the backside, racing animals, jai alai players' room, jockeys' room, drivers' room, totalisator room, ~~the~~ mutuels, or money room;~~, or~~ to persons who, by virtue of the positions ~~position~~ they hold, might be granted access to such ~~these~~ areas; or to any other person or entity in one of the

following categories ~~and~~ with fees not to exceed the following amounts for any 12-month period:

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

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

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

equipment or who would provide the security or maintenance of these areas: $10.

(b) The individuals and entities that are licensed under this subsection ~~paragraph~~ require heightened state scrutiny, including the submission by the individual licensees or persons associated with the entities described in this chapter of fingerprints for a Federal Bureau of Investigation criminal records check.

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

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

(4) A person may not ~~It is unlawful to~~ take part in or officiate in any way at any pari-mutuel facility without first having secured a license and paid the occupational license fee.

(5)(a) If the state racing commission or racing authority in another state or jurisdiction extends to the commission reciprocal courtesy to maintain the disciplinary control, the department ~~division~~ may:

1. Deny a license to or revoke, suspend, or place conditions ~~upon~~ or restrictions on a license of any person who

has been refused a license by any other state racing commission or racing authority; or

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

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

(b) The department ~~division~~ may deny, suspend, revoke, or declare ineligible any occupational license if the applicant ~~for~~ or holder: ~~thereof~~

1. Has violated the provisions of this chapter or the rules of the department ~~division~~ governing the conduct of persons connected with racetracks and frontons;~~. In addition, the division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for such license~~

2. Has been convicted in this state, in any other state, or under the laws of the United States of:

a. A capital felony, a felony, or an offense in any other state which would be a felony under the laws of this state involving arson;

b. Trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; or

c. A crime involving a lack of good moral character;~~,~~ or

3. Has had a pari-mutuel license revoked by this state or any other jurisdiction for an offense related to pari-mutuel wagering.

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

(d) For purposes of this subsection, the term "convicted" means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere. However, this paragraph may ~~the term "conviction" shall~~ not be applied to a crime committed before July 1, 2010, ~~prior to the effective date of this subsection~~ in a manner that would invalidate any occupational license issued before July 1, 2010, ~~prior to the effective date of this subsection~~ or subsequent renewal for any person holding such a license.

(e) If an occupational license will expire by department

~~division~~ rule during the period of a suspension the department ~~division~~ intends to impose, or if a license would have expired but for pending administrative charges and the occupational licensee is found to be in violation of any of the charges, the license may be revoked and a time period of license ineligibility may be declared. The department ~~division~~ may bring administrative charges against any person not holding a current license for violations of statutes or rules which occurred while such person held an occupational license, and the commission ~~division~~ may declare such person ineligible to hold a license for a period of time. The department ~~division~~ may impose a civil fine of up to $1,000 for each violation of the rules of the department ~~division~~ in addition to or in lieu of any other penalty provided for in this section. In addition to any other penalty provided by law, the department ~~division~~ may exclude from all pari-mutuel facilities in this state, for a period not to exceed the period of suspension, revocation, or ineligibility, any person whose occupational license application has been denied by the department ~~division~~, who has been declared ineligible to hold an occupational license, or whose occupational license has been suspended or revoked by the department ~~division~~.

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

(6) In order to promote the orderly presentation of pari-mutuel meets authorized in this chapter, the department ~~division~~

may issue a temporary occupational license. The department ~~division~~ shall adopt rules to implement this subsection. A ~~However, No~~ temporary occupational license may not ~~shall~~ be valid for more than 90 days, and only ~~no more than~~ one temporary license may be issued for any person in any year.

(7) The department ~~division~~ may deny, revoke, or suspend any occupational license if the applicant ~~therefor~~ or ~~holder~~ thereof accumulates unpaid obligations or defaults in obligations, or issues drafts or checks that are dishonored or for which payment is refused without reasonable cause, if such unpaid obligations, defaults, or dishonored or refused drafts or checks directly relate to the sport of jai alai or racing being conducted at a pari-mutuel facility within this state.

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

~~(9) The tax imposed by this section is in lieu of all license, excise, or occupational taxes to the state or any county, municipality, or other political subdivision, except that, if a race meeting or game is held or conducted in a municipality, the municipality may assess and collect an additional tax against any person conducting live racing or games within its corporate limits, which tax may not exceed $150 per day for horseracing or $50 per day for dogracing or jai~~

~~alai. Except as provided in this chapter, a municipality may not assess or collect any additional excise or revenue tax against any person conducting race meetings within the corporate limits of the municipality or against any patron of any such person.~~

(9) ~~(10)~~ (a) Upon application for an occupational license:~~,~~

1. The department ~~division~~ may require:

a. The applicant's full legal name and~~,~~ any nickname, alias, or maiden name for the applicant;

b. The name of the applicant's spouse;

c. The applicant's date of birth, residence address, mailing address, residence ~~address~~ and business telephone ~~phone~~ number, and social security number;

d. Disclosure of any felony or any conviction involving bookmaking, illegal gambling, or cruelty to animals;

e. Disclosure of any past or present enforcement or actions by any racing or gaming agency against the applicant; and

f. Any information the department ~~division~~ determines ~~is~~ necessary to establish the identity of the applicant or to establish that the applicant is of good moral character.

2. Fingerprints shall be taken in a manner approved by the department ~~division~~ and ~~then shall be~~ submitted to the Federal Bureau of Investigation~~,~~ or to the association of state officials regulating pari-mutuel wagering pursuant to the Federal Pari-mutuel Licensing Simplification Act of 1988.

(b)1. The cost of processing fingerprints shall be borne by

the applicant and paid to the association of state officials regulating pari-mutuel wagering from the trust fund to which the processing fees are deposited. ~~The division, by rule, may require additional information from licensees which is reasonably necessary to regulate the industry. The division may, by rule, exempt certain occupations or groups of persons from the fingerprinting requirements.~~

2.~~(b)~~ All fingerprints required under ~~by~~ this section which ~~that~~ are submitted to the Department of Law Enforcement shall be retained by the Department of Law Enforcement and entered into the statewide automated biometric identification system as authorized under ~~by~~ s. 943.05(2)(b) and shall be available for all purposes and uses authorized for arrest fingerprints entered into the statewide automated biometric identification system pursuant to s. 943.051.

3.~~(c)~~ The Department of Law Enforcement shall search all arrest fingerprints received pursuant to s. 943.051 against the fingerprints retained in the statewide automated biometric identification system under subparagraph 2 ~~paragraph (b)~~. Any arrest record that is identified with the retained fingerprints of a person subject to the criminal history screening requirements of this section shall be reported to the department ~~division~~. Each licensee shall pay a fee to the department ~~division~~ for the cost of retention of the fingerprints and the ongoing searches under this subparagraph ~~paragraph~~. The department ~~division~~ shall forward the payment to the Department

of Law Enforcement. The amount of the fee to be imposed for performing these searches and the procedures for the retention of licensee fingerprints shall be as established by rule of the Department of Law Enforcement. The department ~~division~~ shall inform the Department of Law Enforcement of any change in the license status of licensees whose fingerprints are retained under subparagraph 2 ~~paragraph (b)~~.

4.~~(d)~~ The department ~~division~~ shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check at least once every 5 years following issuance of a license. If the fingerprints of a person who is licensed have not been retained by the Department of Law Enforcement, the person must file a complete set of fingerprints as provided in paragraph (a). The department ~~division~~ shall collect the fees for the cost of the national criminal history records check under this subparagraph ~~paragraph~~ and forward the payment to the Department of Law Enforcement. The cost of processing fingerprints and conducting a criminal history records check under this subparagraph ~~paragraph~~ for a general occupational license shall be borne by the applicant. The cost of processing fingerprints and conducting a criminal history records check under this subparagraph ~~paragraph~~ for a business or professional occupational license shall be borne by the person being checked. The Department of Law Enforcement may invoice the department ~~division~~ for the fingerprints submitted each month. Under

penalty of perjury, each person who is licensed or who is fingerprinted as required by this section must agree to inform the department ~~division~~ within 48 hours if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.

(c)1. The department may adopt rules that require additional information from licensees which is reasonably necessary to regulate the industry.

2. The department may adopt rules that exempt certain occupations or groups of persons from the fingerprinting requirements.

Section 102. Effective October 1, 2014, section 551.107, Florida Statutes, is transferred, renumbered as section 551.302, Florida Statutes, and amended to read:

551.302 ~~551.107~~ Slot machine occupational license; findings; application; fee.—

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

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

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

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

3. Business occupational licenses for a ~~any~~ slot machine management company or company associated with slot machine gaming; a~~, any~~ person who manufactures, distributes, or sells slot machines, slot machine paraphernalia, or other associated equipment to slot machine licensees;~~,~~ or a ~~any~~ company that sells or provides goods or services associated with slot machine gaming to slot machine licensees.

(b) The department ~~division~~ may issue one license to combine licenses under this section with pari-mutuel occupational licenses and cardroom licenses pursuant to s. 551.301(2)(c) ~~550.105(2)(b)~~. The department ~~division~~ shall adopt rules pertaining to occupational licenses under this subsection. Such rules may specify, but need not be limited to, requirements

and restrictions for licensed occupations and categories, procedures to apply for a ~~any~~ license or combination of licenses, disqualifying criminal offenses for a licensed occupation or categories of occupations, and which types of occupational licenses may be combined into a single license under this section. The fingerprinting requirements of subsection (6) ~~(7)~~ apply to a ~~any~~ combination license that includes slot machine license privileges under this section. The department ~~division~~ may not adopt a rule allowing the issuance of an occupational license to a ~~any~~ person who does not meet the minimum background qualifications under this section.

(c) Slot machine occupational licenses are not transferable.

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

(4)(a) A person seeking a slot machine occupational

license or renewal thereof shall make application on forms prescribed by the department ~~division~~ and pay ~~include payment of~~ the appropriate application fee. Initial and renewal applications for slot machine occupational licenses must contain all information that the department ~~division~~, by rule, determines is required to ensure eligibility.

(b) A slot machine license or combination license is valid for the same term as a pari-mutuel occupational license issued pursuant to s. 551.301(1) ~~550.105(1)~~.

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

(d) The slot machine occupational license fee for initial application and annual renewal shall be determined by rule of the department ~~division~~ but may not exceed $50 for a general or professional occupational license for an employee of the slot machine licensee or $1,000 for a business occupational license for nonemployees of the licensee providing goods or services to the slot machine licensee. License fees for general occupational licensees shall be paid by the slot machine licensee. Failure to pay the required fee constitutes grounds for disciplinary action

by the department ~~division~~ against the slot machine licensee~~,~~ but ~~it~~ is not a violation of this chapter or ~~rules of the~~ department rule ~~division~~ by the general occupational licensee and does not prohibit the initial issuance or the renewal of the general occupational license.

(5)(a) The department ~~division~~ may deny an application for, or revoke, suspend, or place conditions or restrictions on, a license of a person or entity that:

1.~~(a) Deny an application for, or revoke, suspend, or place conditions or restrictions on, a license of a person or entity that~~ Has been refused a license by any other state gaming commission, governmental department, agency, or other authority exercising regulatory jurisdiction over the gaming of another state or jurisdiction; or

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

(b)~~(6)(a)~~ The department ~~division~~ may deny an application for, or suspend, revoke, or refuse to renew, a ~~any~~ slot machine occupational license if the applicant for such license or the licensee:

1. Has violated ~~the provisions of~~ this chapter or the rules of the department ~~division~~ governing the conduct of persons connected with slot machine gaming;~~. In addition, the division may deny, suspend, revoke, or refuse to renew any slot machine occupational license if the applicant for such license~~

~~or the licensee~~

2. Has been convicted in this state, in any other state, or under the laws of the United States of a capital felony, a felony, or an offense in any other state that would be a felony under the laws of this state involving arson; trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; racketeering; or a crime involving a lack of good moral character;~~, or~~

3. Has had a gaming license revoked by this state or any other jurisdiction for a ~~any~~ gaming-related offense;~~.~~

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

5. Accumulates unpaid obligations, defaults in obligations, or issues drafts or checks that are dishonored or for which payment is refused without reasonable cause.

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

(6)~~(7)~~ Fingerprints for all slot machine occupational license applications shall be taken in a manner approved by the

department ~~division~~ and shall be submitted electronically to the Department of Law Enforcement for state processing and the Federal Bureau of Investigation for national processing for a criminal history record check. All persons ~~as~~ specified in s. 551.029(1)(a) who are ~~550.1815(1)(a)~~ employed by or working within a licensed premises shall submit fingerprints for a criminal history record check and may not have been convicted of a ~~any~~ disqualifying criminal offense ~~offenses~~ specified in subsection (5) ~~(6)~~. Department ~~Division~~ employees and law enforcement officers assigned by their employing agencies to work within the premises as part of their official duties are excluded from the criminal history record check requirements under this subsection. The cost of processing fingerprints and conducting a criminal history record check for a general occupational license shall be borne by the slot machine licensee. The cost of processing fingerprints and conducting a criminal history record check for a business or professional occupational license shall be borne by the person being checked. The Department of Law Enforcement may invoice the department for the fingerprints submitted each month. ~~For purposes of this subsection, the term "convicted" means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.~~

(a) Fingerprints shall be taken in a manner approved by the department ~~division~~ upon initial application, or as required

thereafter by rule of the department ~~division~~, and shall be submitted electronically to the Department of Law Enforcement for state processing. The Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. The results of the criminal history record check shall be returned to the department ~~division~~ for purposes of screening. Licensees shall provide necessary equipment approved by the Department of Law Enforcement to facilitate such electronic submission. The department ~~division~~ requirements under this subsection shall be instituted in consultation with the Department of Law Enforcement.

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

(c) All fingerprints required by this section which are submitted to the Department of Law Enforcement ~~and required by this section~~ shall be retained by the Department of Law Enforcement and entered into the statewide automated biometric identification system as authorized under ~~by~~ s. 943.05(2)(b) and shall be available for all purposes and uses authorized for arrest fingerprints entered into the statewide automated

biometric identification system pursuant to s. 943.051.

(d) The Department of Law Enforcement shall search all arrest fingerprints received pursuant to s. 943.051 against the fingerprints retained in the statewide automated biometric identification system under paragraph (c). An ~~Any~~ arrest record that is identified with the retained fingerprints of a person subject to the criminal history screening requirements of this section shall be reported to the department ~~division~~. Each licensed facility shall pay a fee to the commission ~~division~~ for the cost of retention of the fingerprints and the ongoing searches under this paragraph. The department ~~division~~ shall forward the payment to the Department of Law Enforcement. The amount of the fee to be imposed for performing such ~~these~~ searches and the procedures for the retention of licensee fingerprints shall be as established by rule of the Department of Law Enforcement. The department ~~division~~ shall inform the Department of Law Enforcement of a ~~any~~ change in the license status of licensees whose fingerprints are retained under paragraph (c).

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

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

(7)~~(8)~~ All moneys collected pursuant to this section shall be deposited into the Gaming Control Trust Fund ~~Pari-mutuel Wagering Trust Fund~~.

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

(8)~~(10)~~ The department ~~division~~ may fine a licensee or

suspend, revoke, or place conditions upon his or her ~~the~~ license, if the ~~of any~~ licensee ~~who~~ provides false information under oath regarding an application for a license or an investigation by the department ~~division~~.

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

(10)(a) Notwithstanding s. 120.60, the department may issue a temporary occupational license upon receipt of a complete application from the applicant and a determination that the applicant has not been convicted of or had adjudication

withheld on a disqualifying criminal offense. The temporary occupational license remains valid until such time as the department grants an occupational license or notifies the applicant of its intended decision to deny the applicant a license pursuant to s. 120.60. The department shall adopt rules to administer this subsection. However, not more than one temporary license may be issued for a person in a year.

(b) A temporary license issued under this section is nontransferable.

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

Section 103. Effective October 1, 2014, section 551.1045, Florida Statutes, is repealed.

Section 104. Effective October 1, 2014, subsection (6) of section 849.086, Florida Statutes, is transferred, renumbered as section 551.303, Florida Statutes, and amended to read:

551.303 ~~(6)~~ Cardroom business and employee occupational license ~~required; application; fees~~.—

(1)~~(a)~~ A person employed or otherwise working in a cardroom as a cardroom manager, floor supervisor, pit boss, dealer, or any other position ~~activity~~ related to cardroom operations while the facility is conducting authorized ~~card playing or~~ games ~~of dominoes~~ must hold a valid cardroom employee occupational license issued by the department ~~division~~. Food

service, maintenance, and security employees who hold ~~with~~ a current pari-mutuel occupational license and who passed the required ~~a current~~ background check are ~~will~~ not ~~be~~ required to have a cardroom employee occupational license.

(2)~~(b)~~ A ~~Any~~ cardroom management company or cardroom distributor associated with cardroom operations must hold a valid cardroom business occupational license issued by the department ~~division~~.

(3)~~(c)~~ A ~~No~~ licensed cardroom operator may not employ or allow to work in a cardroom a ~~any~~ person who does not hold ~~unless such person holds~~ a valid occupational license. A ~~No~~ licensed cardroom operator may not contract with, or otherwise do business with, a business that does not ~~required to~~ hold a required valid cardroom business occupational license~~, unless the business holds such a valid license~~.

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

(5)~~(e)~~ An application for an initial or renewal ~~Persons seeking~~ cardroom occupational license must be made ~~licenses, or renewal thereof, shall make application~~ on forms prescribed by the department and must ~~division. Applications for cardroom occupational licenses shall~~ contain all of the information for eligibility determination required by department ~~the division, by~~ rule~~, may determine is required to ensure eligibility~~.

(6)~~(f)~~ The department ~~division~~ shall adopt rules regarding

cardroom occupational licenses. The provisions specified in s. 551.301(4) ~~550.105(4)~~, (5), (6), (7), (8), and (9)~~(10)~~ relating to licensure apply ~~shall be applicable~~ to cardroom occupational licenses.

(7)~~(g)~~ The department ~~division~~ may declare an applicant for or holder of a license ineligible and deny~~, declare ineligible,~~ or revoke his or her ~~any~~ cardroom occupational license if, in this or any other state or under the laws of the United States, he or she ~~the applicant or holder thereof~~ has been found guilty of or has had adjudication withheld for ~~in this state or any other state, or under the laws of the United States of~~ a felony or misdemeanor involving forgery, larceny, extortion, conspiracy to defraud, or filing a false report ~~reports~~ to a government agency or a~~,~~ racing or gaming commission or authority.

(8)~~(h)~~ Upon initial application, and at least every 5 years thereafter, the applicant's or licenseholder's fingerprints ~~for all cardroom occupational license applications~~ shall be taken in a manner approved by the department ~~division~~ and ~~then shall be~~ submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for a criminal background ~~records~~ check ~~upon initial application and at least every 5 years thereafter~~. The department ~~division~~ may by rule require an annual background ~~record~~ check of all applicants ~~renewal applications~~ for a cardroom occupational license renewal. The cost of processing fingerprints and

conducting a record check shall be borne by the applicant.

(9) ~~(i)~~ The cardroom employee occupational license fee may ~~shall~~ not exceed $50 for any 12-month period. The cardroom business occupational license fee may ~~shall~~ not exceed $250 for any 12-month period.

Section 105. Effective October 1, 2014, section 550.901, Florida Statutes, is transferred and renumbered as section 551.31, Florida Statutes.

Section 106. Effective October 1, 2014, section 550.902, Florida Statutes, is transferred and renumbered as section 551.311, Florida Statutes.

Section 107. Effective October 1, 2014, section 550.903, Florida Statutes, is transferred and renumbered as section 551.312, Florida Statutes.

Section 108. Effective October 1, 2014, section 550.904, Florida Statutes, is transferred, renumbered as section 551.313, Florida Statutes, and amended to read:

551.313 ~~550.904~~ Entry into force.—This compact shall come into force when enacted by any four states. Thereafter, this compact shall become effective in any other state upon that state's enactment of this compact and upon the affirmative vote of a majority of the officials on the compact committee as provided in s. 551.318 ~~s. 550.909~~.

Section 109. Effective October 1, 2014, section 550.905, Florida Statutes, is transferred and renumbered as section 551.314, Florida Statutes.

Section 110. Effective October 1, 2014, section 550.906, Florida Statutes, is transferred and renumbered as section 551.315, Florida Statutes.

Section 111. Effective October 1, 2014, section 550.907, Florida Statutes, is transferred and renumbered as section 551.316, Florida Statutes.

Section 112. Effective October 1, 2014, section 550.908, Florida Statutes, is transferred and renumbered as section 551.317, Florida Statutes.

Section 113. Effective October 1, 2014, section 550.909, Florida Statutes, is transferred and renumbered as section 551.318, Florida Statutes.

Section 114. Effective October 1, 2014, section 550.910, Florida Statutes, is transferred and renumbered as section 551.319, Florida Statutes.

Section 115. Effective October 1, 2014, section 550.911, Florida Statutes, is transferred and renumbered as section 551.32, Florida Statutes.

Section 116. Effective October 1, 2014, section 550.912, Florida Statutes, is transferred and renumbered as section 551.321, Florida Statutes, and paragraph (b) of subsection (1) of that section is amended to read:

551.321 ~~550.912~~ Rights and responsibilities of each party state.—

(1) By enacting this compact, each party state:

(b) Agrees not to treat a notification to an applicant by

the compact committee described in s. 551.317 ~~s. 550.908~~ as the denial of a license, or to penalize such an applicant in any other way based solely on such a decision by the compact committee.

Section 117. Effective October 1, 2014, section 550.913, Florida Statutes, is transferred and renumbered as section 551.322, Florida Statutes.

Section 118. Effective October 1, 2014, part VI of chapter 551, Florida Statutes, consisting of sections 551.50-551.56, is created and entitled "MISCELLANEOUS GAMING."

Section 119. Effective October 1, 2014, the amendments to the sections of chapter 849, Florida Statutes, that are transferred, renumbered, and amended in part VI of this act are not intended to authorize additional games but rather to clarify current limitations under which authorized games may be operated.

Section 120. Effective October 1, 2014, section 849.092, Florida Statutes, is repealed.

Section 121. Effective October 1, 2014, section 849.094, Florida Statutes, is transferred, renumbered as section 551.50, Florida Statutes, and amended to read:

551.50 ~~849.094~~ Game promotion in connection with sale of consumer products or services.—

(1) The Legislature finds that this section was enacted to allow for the limited and occasional use of game promotions to advertise and market bona fide sales of consumer products or

services, which would otherwise be unlawful lotteries under chapter 849 and *Little River Theatre Corp. v. State ex rel. Hodge*, 185 So. 855 (Fla. 1939). This section shall be strictly construed and shall not be relied upon to sanction establishments of ongoing gambling.

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

(a) "Division" means the Division of Amusements within the department.

(b) ~~(a)~~ "Game promotion" means a contest in which prizes are given to persons selected by lot for the purpose of advertising or promoting bona fide substantial sales of consumer goods or services and which is~~, but is not limited to, a contest, game of chance, sweepstakes, or gift enterprise,~~ conducted ~~by an operator within or throughout the state and other states~~ in connection with and incidental to the sale of consumer products or services~~, and in which the elements of chance and prize are present~~. However, "game promotion" does ~~may~~ not ~~be construed to~~ apply to bingo games conducted pursuant to s. 551.53 ~~s. 849.0931~~.

(c) ~~(b)~~ "Operator" means a ~~retailer who operates a game promotion or any~~ person, firm, corporation, organization, or association, or agent or employee thereof, who promotes, operates, or conducts a ~~nationally advertised~~ game promotion.

(3) Notwithstanding any other provision of law, a person may conduct a game promotion if the following conditions are met:

(a) The game promotion is conducted as a temporary advertising and promotional undertaking, in good faith, solely for the purpose of advertising the goods, wares, merchandise, or services of an ongoing business.

(b) The principal business of the person is the sale of consumer goods or services which are primarily offered for sale without the use of game promotions.

(c) To receive a prize, a person is not required to:

1. Pay any tangible consideration in the form of money or other property or thing of value; or

2. Purchase any goods, wares, merchandise, or thing of value.

(d) The person selected to receive any prize offered in connection with the game promotion is notified of his or her selection. Newspapers, magazines, and television and radio stations may publish or broadcast advertising matter describing a game promotion which may contain instructions for a person desiring to become eligible for the prize to make his or her name and address known to the operator.

(e) All brochures, advertisements, promotional material, and entry blanks for the promotion contain a statement that residents of this state are entitled to participate and eligible to win the prize.

(4) ~~(2)~~ It is unlawful for any operator to:

(a) ~~To~~ Design, engage in, promote, or conduct such a game promotion if~~, in connection with the promotion or sale of~~

~~consumer products or services, wherein~~ the winner may be predetermined or the game may be manipulated or rigged so as to:

1. Allocate a winning game or any portion thereof to certain lessees, agents, or franchises; or

2. Allocate a winning game or part thereof to a particular period of the game promotion or to a particular geographic area;

(b) Arbitrarily ~~to~~ remove, disqualify, disallow, or reject any entry;

(c) ~~To~~ Fail to award prizes offered;

(d) ~~To~~ Print, publish, or circulate literature or advertising material used in connection with such game promotions which is false, deceptive, or misleading; ~~or~~

(e) ~~To~~ Require an entry fee, payment, or proof of purchase as a condition of entering a game promotion; or

(f) Conduct a game promotion using a slot machine, electronic facsimile of any game of chance, electronically assisted pull-tab game, or any similar electronic gaming device.

(5)~~(3)~~ The operator of a game promotion in which the total announced value of the prizes offered is greater than $5,000 shall file with the division ~~Department of Agriculture and Consumer Services~~ a copy of the rules and regulations of the game promotion and a list of all prizes and prize categories offered at least 7 days before the beginning ~~commencement~~ of the game promotion. Thereafter, such rules and regulations may not ~~thereafter~~ be changed, modified, or altered. The operator of a game promotion shall conspicuously post the rules and

regulations of the ~~such~~ game promotion in each and every retail outlet or place where such game promotion may be played or participated in by the public and shall also publish the rules and regulations in all advertising copy used in connection with the promotion ~~therewith~~. However, such advertising copy need only include the material terms of the rules and regulations if the advertising copy includes a website address, a toll-free telephone number, or a mailing address where the complete ~~full~~ rules and regulations may be viewed, heard, or obtained for the entire ~~full~~ duration of the game promotion. Such disclosures must be legible. Radio and television announcements may indicate that the rules and regulations are available at retail outlets or from the operator of the promotion. A nonrefundable filing fee of $100 shall accompany each filing and shall be used to pay the costs incurred to administer and enforce ~~in administering and enforcing the provisions of~~ this section.

(6)~~(4)~~(a) Every operator of ~~such~~ a game promotion in which the total announced value of the prizes offered is greater than $5,000 shall establish a trust account, in a national or state-chartered financial institution, with a balance sufficient to pay or purchase the total value of all prizes offered. On a form supplied by the division ~~Department of Agriculture and Consumer Services~~, an official of the financial institution holding the trust account shall set forth the dollar amount of the trust account, the identity of the entity or individual establishing the trust account, and the name of the game promotion for which

the trust account has been established. Such form shall be filed with the division ~~Department of Agriculture and Consumer Services~~ at least 7 days before the beginning ~~in advance of the commencement~~ of the game promotion. In lieu of establishing such trust account, the operator may obtain a surety bond in an amount equivalent to the total value of all prizes offered,~~;~~ and such bond shall be filed with the department ~~of Agriculture and Consumer Services~~ at least 7 days before the beginning ~~in advance of the commencement~~ of the game promotion.

1. The moneys held in the trust account may be withdrawn in order to pay the prizes offered only upon certification to the division ~~Department of Agriculture and Consumer Services~~ of the name of the winner or winners and the amount of the prize or prizes and the value thereof.

2. If the operator ~~of a game promotion~~ has obtained a surety bond in lieu of establishing a trust account, the amount of the surety bond shall equal at all times the total amount of the prizes offered.

(b) The commission ~~Department of Agriculture and Consumer Services~~ may waive the provisions of this subsection for any operator who has conducted game promotions in the state for at least ~~not less than~~ 5 consecutive years and who has not had any civil, criminal, or administrative action instituted against him or her by the state or an agency of the state for violation of this section within that 5-year period. Such waiver may be revoked upon the commission of a violation of this section by

such operator, as determined by the commission ~~Department of Agriculture and Consumer Services~~.

(7)~~(5)~~ Every operator of a game promotion in which the total announced value of the prizes offered is greater than $5,000 shall provide the division ~~Department of Agriculture and Consumer Services~~ with a certified list of the names and addresses of all persons, whether from this state or from another state, who have won prizes that ~~which~~ have a value of more than $25, the value of such prizes, and the dates when the prizes were won within 60 days after such winners have been finally determined. The operator shall provide a copy of the list of winners, without charge, to any person who requests it. In lieu of the foregoing, the operator of a game promotion may~~, at his or her option,~~ publish the same information about the winners in a Florida newspaper of general circulation within 60 days after such winners have been determined and shall provide to the department ~~of Agriculture and Consumer Services~~ a certified copy of the publication containing the information about the winners. The operator ~~of a game promotion~~ is not required to notify a winner by mail or by telephone when the winner is already in possession of a game card from which the winner can determine that he or she has won a designated prize. All winning entries shall be held by the operator for ~~a period of~~ 90 days after the close or completion of the game.

(8)~~(6)~~ The division ~~Department of Agriculture and Consumer Services~~ shall keep the certified list of winners for ~~a period~~

~~of~~ at least 6 months after receipt of the certified list. Thereafter, the division ~~department thereafter~~ may dispose of all records and lists.

(9)~~(7)~~ An ~~No~~ operator may not ~~shall~~ force, directly or indirectly, a lessee, agent, or franchise dealer to purchase or participate in any game promotion. For the purpose of this section, coercion or force shall be presumed when ~~in these circumstances in which~~ a course of business extending over a period of 1 year or longer is materially changed coincident with a failure or refusal of a lessee, agent, or franchise dealer to participate in such game promotions. Such force or coercion shall further be presumed when an operator advertises generally that game promotions are available at its lessee dealers or agent dealers.

(10)~~(8)~~(a) The department may adopt ~~of Agriculture and Consumer Services shall have the power to promulgate~~ such rules and regulations for ~~respecting~~ the operation of game promotions as it deems advisable.

(b) Compliance with the rules of the department ~~of Agriculture and Consumer Services~~ does not authorize and is not a defense to a charge of possession of a slot machine or device or any other device or a violation of any other law.

~~(c) Whenever the department of Agriculture and Consumer Services or the Department of Legal Affairs has reason to believe that a game promotion is being operated in violation of this section, it may bring an action in the circuit court of any~~

~~judicial circuit in which the game promotion is being operated in the name and on behalf of the people of the state against any operator thereof to enjoin the continued operation of such game promotion anywhere within the state.~~

(11)~~(9)~~(a) Any person, firm, ~~or~~ corporation, or association, or any agent or employee thereof, who violates this section or ~~engages in any acts or practices stated in this section to be unlawful, or who violates~~ any of the rules adopted ~~and regulations made~~ pursuant to this section commits~~, is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person, firm, corporation, or association, or any agent~~,~~ or employee thereof, who violates ~~any provision of~~ this section or any of the rules adopted ~~and regulations made~~ pursuant to this section is ~~shall be~~ liable for a civil penalty of not more than $1,000 for each such violation~~, which shall accrue to the state and may be recovered in a civil action brought by the department of Agriculture and Consumer Services or the Department of Legal Affairs~~.

(12)~~(10) This section does not apply to actions or transactions regulated by the Department of Business and Professional Regulation, or to the activities of nonprofit organizations, or to any other organization engaged in any enterprise other than the sale of consumer products or services.~~ Subsections (5)-(9), ~~(3), (4), (5), (6), and (7) and~~ paragraph (10)(a), ~~(8)(a)~~ and any of the rules adopted ~~made~~ pursuant

thereto do not apply to television or radio broadcasting companies licensed by the Federal Communications Commission.

(13) ~~(11)~~ A violation of this section, or soliciting another to commit an act that violates this section, constitutes a deceptive and unfair trade practice actionable under the Florida Deceptive and Unfair Trade Practices Act.

Section 122. Effective October 1, 2014, section 849.085, Florida Statutes, is transferred, renumbered as section 551.52, Florida Statutes, and amended to read:

551.52 ~~849.085~~ Certain penny-ante games not crimes; restrictions.—

(1) Notwithstanding any other provision of law, ~~it is not a crime for~~ a person may ~~to~~ participate in a game described in this section if such game is conducted strictly in accordance with this section.

(2) As used in this section:

(a) "Penny-ante game" means a game or series of games of poker, pinochle, bridge, rummy, canasta, hearts, dominoes, or mah-jongg in which the winnings of any player in a single round, hand, or game do not exceed $10 in value.

(b) "Dwelling" means residential premises ~~owned or rented by a participant in a penny-ante game and occupied by such participant or the common elements or common areas of a condominium, cooperative, residential subdivision, or mobile home park of which a participant in a penny-ante game is a unit owner, or the facilities of an organization which is tax-exempt~~

~~under s. 501(c)(7) of the Internal Revenue Code. The term "dwelling" also includes a college dormitory room or the common recreational area of a college dormitory or a publicly owned community center owned by a municipality or county.~~

(3) A penny-ante game is subject to the following restrictions:

(a) The game must be conducted in:

1. A dwelling owned or rented by a participant in the game and occupied by such participant;

2. A college dormitory room or the common recreational area of a college dormitory;

3. A public community center owned by a municipality or county;

4. The common elements or common areas of a condominium, cooperative, residential subdivision, or mobile home park of which a participant in the game is a unit owner; or

5. The facilities of an organization that is exempt from taxation under s. 501(c)(7) of the Internal Revenue Code.

(b) A person may not receive any consideration or commission for allowing a penny-ante game to occur in his or her dwelling.

(c) A person may not directly or indirectly charge admission or any other fee for participation in a penny-ante ~~the~~ game.

(d) A person may not solicit participants by means of advertising in any form, advertise the time or place of any

penny-ante game, or advertise the fact that he or she will be a participant in any penny-ante game.

(e) A penny-ante game may not be conducted in which any participant is under 18 years of age.

(4) A debt created or owed as a consequence of any penny-ante game is not legally enforceable.

(5) The conduct of any penny-ante game within an area listed in paragraph (3)(a) does not create a ~~the common elements or common area of a condominium, cooperative, residential subdivision, or mobile home park or the conduct of any penny-ante game within the dwelling of an eligible organization as defined in subsection (2) or within a publicly owned community center owned by a municipality or county creates no~~ civil liability for damages arising from the penny-ante game on the part of a college, condominium association, cooperative association, ~~a~~ homeowners' association as defined in s. 720.301, mobile home owners' association, dwelling owner, or municipality or county or on the part of a unit owner who was not a participant in the game.

Section 123. Effective October 1, 2014, section 849.0931, Florida Statutes, is transferred, renumbered as section 551.53, Florida Statutes, and amended to read:

551.53 ~~849.0931~~ Bingo authorized; conditions for conduct; permitted uses of proceeds; limitations.—

(1) As used in this section:

(a) "Bingo" or "bingo game" means ~~and refers to~~ the

activity~~, commonly known as "bingo,"~~ in which participants pay a sum of money for the use of one or more bingo cards. When the game commences, numbers are drawn by chance, one by one, and announced. The players cover or mark those numbers on the bingo cards ~~which~~ they have purchased until a player receives a given order of numbers in sequence that has been preannounced for that particular game. This player calls out "bingo" and is declared the winner of a predetermined prize. More than one game may be played upon a bingo card, and numbers called for one game may be used for a succeeding game or games.

(b) "Bingo card" means ~~and refers to~~ the flat piece of paper or thin pasteboard used ~~employed~~ by players engaged in the game of bingo. The bingo card must ~~shall~~ have not fewer than 24 playing numbers printed on it. These playing numbers shall range from 1 through 75, inclusive. More than one set of bingo numbers may be printed on any single bingo card ~~piece of paper~~.

(c) "Charitable, nonprofit, or veterans' organization" means an organization that ~~which~~ has qualified for exemption from federal income tax as an exempt organization under ~~the provisions of~~ s. 501(c) of the Internal Revenue Code of 1954 or s. 528 of the Internal Revenue Code of 1986, as amended; that ~~which~~ is engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar activities; and that ~~which~~ has been in existence and active for ~~a period of~~ 3 years or more.

(d) "Deal" means a separate set or package of not more

than 4,000 instant bingo tickets in which the predetermined minimum prize payout is at least 65 percent of the total receipts from the sale of the entire deal.

(e) "Flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information:

1. The game name.

2. The manufacturer's name or distinctive logo.

3. The form number.

4. The ticket count.

5. The prize structure, including the number of symbols or number combinations for winning instant bingo tickets by denomination, with their respective winning symbols or number combinations.

6. The cost per play.

7. The game serial number.

(f) "Instant bingo" means a form of bingo that is played at the same location as bingo, using tickets by which a player wins a prize by opening and removing a cover from the ticket to reveal a set of numbers, letters, objects, or patterns, some of which have been designated in advance as prize winners.

(g) "Objects" means a set of 75 balls or other precision shapes that are imprinted with letters and numbers in such a way that numbers 1 through 15 are marked with the letter "B," numbers 16 through 30 are marked with the letter "I," numbers 31 through 45 are marked with the letter "N," numbers 46 through 60

are marked with the letter "G," and numbers 61 through 75 are marked with the letter "O."

(h) "Rack" means the container in which the objects are placed after being drawn and announced.

(i) "Receptacle" means the container from which the objects are drawn or ejected.

(j) "Session" means a designated set of games played in a day or part of a day.

(2)(a) Notwithstanding any other provision of law, a ~~None of the provisions of this chapter shall be construed to prohibit or prevent~~ charitable, nonprofit, or veterans' organization that is ~~organizations~~ engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar endeavors and that has~~, which organizations have~~ been in existence and active for ~~a period of~~ 3 years or more may conduct~~, from conducting~~ bingo games or instant bingo; however, ~~provided~~ the entire proceeds derived from the conduct of such games, less actual business expenses for articles designed for and essential to the operation, conduct, and playing of bingo or instant bingo, must be ~~are~~ donated by such organization to such charitable, civic, community, benevolent, religious, or scholastic works or other similar endeavors ~~organizations to the endeavors mentioned above~~. ~~In no case may~~ The net proceeds from the conduct of such games may not be used for any other purpose whatsoever. The proceeds derived from the conduct of bingo games or instant bingo are ~~shall~~ not ~~be~~ considered solicitation of

public donations.

(b) It is the express intent of the Legislature that a ~~no~~ charitable, nonprofit, or veterans' organization not serve as a sponsor of a bingo game or instant bingo conducted by another, but that such organization ~~may~~ only be directly involved in the conduct of such a game as provided in this section ~~act~~.

(3) ~~If~~ An organization ~~is~~ not engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar endeavors that conducts ~~efforts of the type set out above, its right to conduct~~ bingo games under this section must ~~hereunder is conditioned upon the~~ return ~~of~~ all ~~the~~ proceeds from such games to the players in the form of prizes. If, at the conclusion of play on any day during which a bingo game is allowed to be played under this subsection, ~~section~~ there remain proceeds that ~~which~~ have not been paid out as prizes, the organization conducting the game shall, at the next scheduled day of play, conduct bingo games without any charge to the players and shall continue to do so until the proceeds carried over from the previous days played have been exhausted. This subsection does not extend ~~provision in no way extends~~ the limitation on the number of prize or jackpot games allowed in 1 ~~one~~ day as provided for in subsection (5).

(4) ~~The right of~~ A condominium association, ~~a~~ cooperative association, ~~a~~ homeowners' association as defined in s. 720.301, ~~a~~ mobile home owners' association, ~~a~~ group of residents of a mobile home park as defined in chapter 723, or ~~a~~ group of

residents of a mobile home park or recreational vehicle park as defined in chapter 513 that conducts ~~to conduct~~ bingo games must ~~is conditioned upon the~~ return ~~of~~ the net proceeds from such games to players in the form of prizes after having deducted the actual business expenses for such games for articles designed for and essential to the operation, conduct, and playing of bingo. Any net proceeds remaining after paying prizes may be used as specified in subsection (3) or may be donated by the association to a charitable, nonprofit, or veterans' organization that ~~which~~ is exempt from federal income tax under ~~the provisions of~~ s. 501(c) of the Internal Revenue Code to be used in such recipient organization's charitable, civic, community, benevolent, religious, or scholastic works or similar activities ~~or, in the alternative, such remaining proceeds shall be used as specified in subsection (3)~~.

(5)(a)1. ~~Except for instant bingo prizes, which are limited to the amounts displayed on the ticket or on the game flare,~~ A jackpot may ~~shall~~ not exceed ~~the value of~~ $250 in actual money or its equivalent, and there may not ~~shall~~ be ~~no~~ more than three jackpots in any one session of bingo.

2.~~(6) Except for instant bingo, which is not limited by this subsection, the number of days per week during which~~ Organizations authorized under this section may conduct bingo no more than 2 days per week ~~shall not exceed two~~.

3.~~(7) Except for instant bingo prizes, which are limited to the amounts displayed on the ticket or on the game flare,~~

There may not ~~shall~~ be ~~no~~ more than three jackpots on any one day of play. All other game prizes may ~~shall~~ not exceed $50.

4. Subparagraphs 1.-3. do not apply to instant bingo prizes.

(b) An instant bingo prize is limited to the amount displayed on the ticket or on the game flare.

(6)~~(8)~~ Each person involved in conducting a ~~the conduct of any~~ bingo game or instant bingo must be a resident of the community where the organization is located and a bona fide member of the organization sponsoring such game and may not be compensated in any way for operation of such game. When bingo games or instant bingo is conducted by a charitable, nonprofit, or veterans' organization, the organization conducting the games must designate up to three members of that organization to be in charge of the games, one of whom shall be present during the entire session at which the games are conducted. The organization conducting the games is responsible for posting in a conspicuous place on the premises at which the session is held or instant bingo is played a notice stating~~, which notice states~~ the name of the organization and the designated member or members~~, in a conspicuous place on the premises at which the session is held or instant bingo is played~~. ~~A caller in a bingo game may not be a participant in that bingo game.~~

(7)~~(9)~~ Every charitable, nonprofit, or veterans' organization involved in the conduct of a bingo game or instant bingo must be located in the county, or within a 15-mile radius

of, where the bingo game or instant bingo is conducted ~~located~~.

(8)~~(10)~~(a) A person ~~No one~~ under 18 years of age may not ~~shall be allowed to~~ play any bingo game or instant bingo or be involved in the conduct of a bingo game or instant bingo in any way.

(b) Any organization conducting bingo open to the public may refuse entry to any person who is objectionable or undesirable to the sponsoring organization, but such refusal of entry shall not be on the basis of race, creed, color, religion, sex, national origin, marital status, or physical handicap.

(9)~~(11)~~ Bingo games or instant bingo may be held only on the following premises:

(a) Property owned by the charitable, nonprofit, or veterans' organization.

(b) Property owned by the charitable, nonprofit, or veterans' organization that will benefit from ~~by~~ the proceeds.

(c) Property leased for a period of not less than 1 year by a charitable, nonprofit, or veterans' organization, providing the lease or rental agreement does not provide for the payment of a percentage of the proceeds generated at such premises to the lessor or any other party and providing the rental rate for such premises does not exceed the rental rates charged for similar premises in the same locale.

(d) Property owned by a municipality or a county when the governing authority has, by appropriate ordinance or resolution, specifically authorized the use of such property for the conduct

of such games.

(e) With respect to bingo games conducted by a condominium association, a cooperative association, a homeowners' association as defined in s. 720.301, a mobile home owners' association, a group of residents of a mobile home park as defined in chapter 723, or a group of residents of a mobile home park or recreational vehicle park as defined in chapter 513, property owned by the association, property owned by the residents of the mobile home park or recreational vehicle park, or property that ~~which~~ is a common area located within the condominium, mobile home park, or recreational vehicle park.

(10) ~~(12)~~ Each bingo game shall be conducted in accordance with the following rules:

(a) The objects, whether drawn or ejected, shall be essentially equal as to size, shape, weight, and balance and as to all other characteristics that may control their selection from the receptacle. The caller shall cancel any game if, during the course of a game, the mechanism used in the drawing or ejection of objects malfunctions ~~becomes jammed~~ in such a manner as to interfere with the accurate determination of the next number to be announced or if the caller determines that more than one object is labeled with the same number or that there is a number to be drawn without a corresponding object. Any player in a game canceled pursuant to this paragraph shall be permitted to play the next game free of charge.

(b) Before ~~Prior to commencement of~~ any bingo session, the

member in charge shall cause a verification to be made of all objects to be placed in the receptacle and shall inspect the objects in the presence of a disinterested person to ensure that all objects are present and that there are no duplications or omissions of numbers on the objects. Any player shall be entitled to call for a verification of numbers before, during, and after a session.

(c) The card or sheet on which the game is played shall be part of a deck, group, or series, no two of which may be alike in any given game.

(d) All numbers shall be visibly displayed after being drawn and before being placed in the rack.

(e) A bona fide bingo shall consist of a predesignated arrangement of numbers on a card or sheet that correspond with the numbers on the objects drawn from the receptacle and announced. Errors in numbers announced or misplaced in the rack may not be recognized as a bingo.

(f) When a caller has begun ~~started~~ to vocally announce a number, the caller shall complete the call. If any player has obtained a bingo on a previous number, such player will share the prize with the player who gained bingo on the last number called.

(g) Numbers on the winning cards or sheets shall be announced and verified in the presence of another player. Any player shall be entitled at the time the winner is determined to call for a verification of numbers drawn. The verification shall

be in the presence of the member designated to be in charge of the occasion or, if such person is also the caller, in the presence of an officer of the licensee.

(h) Upon determining a winner, the caller shall ask, "Are there any other winners?" If no one replies, the caller shall declare the game closed. No other player is entitled to share the prize unless she or he has declared a bingo before ~~prior to~~ this announcement.

(i) Seats may not be held or reserved by an organization or person involved in the conduct of any bingo game for players not present, nor may any cards be set aside, held, or reserved from one session to another for any player.

(j) A caller in a bingo game may not be a participant in that bingo game.

(11) ~~(13)~~(a) Instant bingo tickets must be sold at the price printed on the ticket or on the game flare by the manufacturer, not to exceed $1. Discounts may not be given for the purchase of multiple tickets, nor may tickets be given away free of charge.

(b) Each deal of instant bingo tickets must be accompanied by a flare, and the flare must be posted before the sale of any tickets in that deal.

(c) Each instant bingo ticket in a deal must bear the same serial number, and there may not be more than one serial number in each deal. Serial numbers printed on a deal of instant bingo tickets may not be repeated by the manufacturer on the same form

for ~~a period of~~ 3 years.

(d) The serial number for each deal must be clearly and legibly placed on the outside of each deal's package, box, or other container.

(e) Instant bingo tickets manufactured, sold, or distributed in this state must comply with the applicable standards on pull-tabs of the North American Gaming Regulators Association, as amended.

(f) Except as provided in ~~under~~ paragraph (e), an instant bingo ticket manufactured, sold, or distributed in this state must:

1. Be manufactured so that it is not possible to identify whether it is a winning or losing instant bingo ticket until it has been opened by the player as intended.

2. Be manufactured using at least a two-ply paper stock construction so that the instant bingo ticket is opaque.

3. Have the form number, the deal's serial number, and the name or logo of the manufacturer conspicuously printed on its ~~the~~ face or cover ~~of the instant bingo ticket~~.

4. Have a form of winner protection that allows the organization to verify, after the instant bingo ticket has been played, that the winning instant bingo ticket presented for payment is an authentic winning instant bingo ticket for the deal in play. The manufacturer shall provide a written description of the winner protection with each deal of instant bingo tickets.

(g) Each manufacturer and distributor that sells or distributes instant bingo tickets in this state to charitable, nonprofit, or veterans' organizations shall prepare an invoice that contains the following information:

1. Date of sale.

2. Form number and serial number of each deal sold.

3. Number of instant bingo tickets in each deal sold.

4. Name of distributor or organization to whom each deal is sold.

5. Price of each deal sold.

All information contained on an invoice must be maintained by the distributor or manufacturer for 3 years.

(h) The invoice, or a true and accurate copy thereof, must be on the premises where any deal of instant bingo tickets is stored or in play.

(12) ~~(14)~~ An ~~Any~~ organization or ~~other~~ person who willfully and knowingly violates ~~any provision of~~ this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For a second or subsequent offense, the organization or other person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 124. Effective October 1, 2014, section 849.0935, Florida Statutes, is transferred, renumbered as section 551.54, Florida Statutes, and amended to read:

551.54 ~~849.0935~~ Charitable, nonprofit organizations; drawings by chance; required disclosures; unlawful acts and practices; penalties.—

(1) The Legislature finds that this section was enacted to allow specified charitable or nonprofit organizations the opportunity to raise funds to carry out their charitable or nonprofit purpose by conducting a raffle for prizes by eliminating the element of monetary consideration and allowing the receipt of voluntary donations or contributions. This section shall be strictly construed and shall not be relied upon to sanction establishments of ongoing gambling.

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

(a) "Drawing by chance," "drawing," or "raffle" means an enterprise in which, from the entries submitted by the public to the organization conducting the drawing, one or more entries are selected by chance to win a prize. The term "drawing" does not include those enterprises~~,~~ commonly known as "game promotions," as defined by s. 551.50 ~~s. 849.094~~, "matching," "instant winner," or "preselected sweepstakes," which involve the distribution of winning numbers, previously designated as such, to the public.

(b) "Organization" means an organization that ~~which~~ is exempt from federal income taxation pursuant to 26 U.S.C. s. 501(c)(3), (4), (7), (8), (10), or (19), and that ~~which~~ has a current determination letter from the Internal Revenue Service, and its bona fide members or officers.

(3)~~(2)~~ Notwithstanding any other provision of law, ~~Section 849.09 does not prohibit~~ an organization may conduct ~~from conducting~~ drawings by chance pursuant to ~~the authority granted by~~ this section~~,~~ if the organization has complied with all applicable provisions of chapter 496 and this section.

(4)~~(3)~~ All brochures, advertisements, notices, tickets, or entry blanks used in connection with a drawing by chance must ~~shall~~ conspicuously disclose:

(a) The rules governing the conduct and operation of the drawing.

(b) The full name of the organization and its principal place of business.

(c) The source of the funds used to award cash prizes or to purchase prizes.

(d) The date, hour, and place where the winner will be chosen and the prizes will be awarded, unless the brochures, advertisements, notices, tickets, or entry blanks are not offered to the public more than 3 days before ~~prior to~~ the drawing.

(e) That no purchase or contribution is necessary.

(5)~~(4)~~ It is unlawful for any organization that~~, pursuant to the authority granted by this section,~~ promotes, operates, or conducts a drawing by chance under this section to:

(a) ~~To~~ Design, engage in, promote, or conduct any drawing in which the winner is predetermined by means of matching, instant win, ~~or~~ preselected sweepstakes, or otherwise or in

which the selection of the winners is in any way rigged;

(b) ~~To~~ Require an entry fee, donation, substantial consideration, payment, proof of purchase, or contribution as a condition of entering the drawing or of being selected to win a prize. However, this paragraph does not prohibit an organization from suggesting a minimum donation or from including a statement of such suggested minimum donation on any printed material used in connection with the fundraising event or drawing;

(c) ~~To~~ Condition the drawing on a minimum number of tickets having been disbursed to contributors or on a minimum amount of contributions having been received;

(d) ~~To~~ Arbitrarily remove, disqualify, disallow, or reject any entry or ~~to~~ discriminate in any manner between entrants who gave contributions to the organization and those who did not ~~give such contributions~~;

(e) ~~To~~ Fail to promptly notify, at the address set forth on the entry blank, any person whose entry is selected to win of the fact that he or she won;

(f) ~~To~~ Fail to award all prizes offered;

(g) ~~To~~ Print, publish, or circulate literature or advertising material used in connection with the drawing that ~~which~~ is false, deceptive, or misleading;

(h) ~~To~~ Cancel a drawing; ~~or~~

(i) ~~To~~ Condition the acquisition or giveaway of any prize upon the receipt of voluntary donations or contributions; or

(j) Conduct a charitable drawing using a slot machine,

electronic facsimile of any game of chance, electronically assisted pull-tab game, or any similar electronic gaming device.

(6) ~~(5)~~ The organization conducting the drawing may limit the number of tickets distributed to each drawing entrant.

(7) ~~(6)~~ A violation of this section is a deceptive and unfair trade practice.

(8) ~~(7)~~ Any organization that engages in any act or practice in violation of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. ~~Any organization or other person who sells or offers for sale in this state a ticket or entry blank for a raffle or other drawing by chance, without complying with the requirements of paragraph (3)(d), commits a misdemeanor of the second degree, punishable by fine only as provided in s. 775.083.~~

(9) ~~(8)~~ This section does not apply to the state lottery operated pursuant to chapter 24.

Section 125. Effective October 1, 2014, section 849.141, Florida Statutes, is transferred, renumbered as section 551.55, Florida Statutes, and amended to read:

551.55 ~~849.141~~ Bowling tournaments ~~exempted from chapter~~.—

(1) Notwithstanding any other provision of law, a person may participate ~~Nothing contained in this chapter shall be applicable to participation~~ in or ~~the~~ conduct ~~of~~ a bowling tournament ~~conducted~~ at a bowling center which requires the payment of entry fees, from which fees the winner receives a purse or prize.

(2) As used in this section, the term:

(a) "Bowling tournament" means a contest in which participants engage in the sport of bowling, wherein a heavy ball is bowled along a bowling lane in an attempt to knock over 10 bowling pins~~, 10 in number,~~ set upright at the far end of the lane~~,~~ according to specified regulations and rules of the American Bowling Congress, the Women's ~~Womens~~ International Bowling Congress, or the Bowling Proprietors Association of America.

(b) "Bowling center" means a place of business having at least 12 bowling lanes on the premises that ~~which~~ are operated for the entertainment of the general public for the purpose of engaging in the sport of bowling.

Section 126. Effective October 1, 2014, section 849.161, Florida Statutes, is transferred, renumbered as section 551.56, Florida Statutes, and amended to read:

551.56 ~~849.161~~ Amusement games or machines~~; when chapter inapplicable~~.—

(1) The Legislature finds that this section was enacted to regulate the operation of skill-based arcade games offered at specified locations if they comply with the requirements of law and was not provided as a vehicle for the conduct of casino-style gambling.

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

(a) "Amusement games or machines" means games that are operated only for bona fide entertainment of the general public;

which are activated ~~which operate~~ by means of the insertion of a coin, token, currency, or gift certificate, as defined in s. 501.95; and which, by application of skill, ~~may entitle~~ the person playing or operating the game or machine may control the results of play ~~to receive points or coupons, the cost value of which does not exceed 75 cents on any game played, which may be exchanged for merchandise~~. The term does not include:

1. Casino-style games in which the outcome is determined by factors unpredictable by the player; ~~or~~

2. Games in which the player does ~~may~~ not control the outcome of the game through skill;

3. Video poker games or any other game or machine that may be construed as a gambling device under the laws of this state; or

4. Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under s. 1178.

(b) "Arcade amusement center" means a place of business having at least 50 ~~coin-operated~~ amusement games or machines on premises which are operated for the entertainment of the general public ~~and tourists~~ as a bona fide amusement facility.

(c) "Division" means the Division of Amusements within the department.

(d) ~~(c)~~ "Game played" means the event occurring from the ~~initial~~ activation of the amusement game or machine until the results of play are determined without payment of additional

consideration. Free replays do not count as separate games played ~~constitute additional consideration~~.

(e)~~(d)~~ "Merchandise" means noncash prizes, including toys and novelties maintained onsite. The term does not include:

1. Cash or any equivalent thereof, including gift cards or certificates;

2. ~~, or~~ Alcoholic beverages;

3. Cards, coupons, points, slugs, tokens or similar devices that can be used to activate an amusement game or machine; or

4. Points or coupons that have redemption value greater than the cap calculated pursuant to subsection (7).

(f) "Redemption value" means the imputed value of coupons or points, based on the wholesale cost of merchandise for which those coupons or points may be redeemed.

(g)~~(e)~~ "Truck stop" means a ~~any~~ dealer registered pursuant to chapter 212, excluding marinas, which:

1. Declared its primary fuel business to be the sale of diesel fuel; and

2. Operates a minimum of six functional diesel fuel pumps~~; and~~

~~3. Has coin-operated amusement games or machines on premises which are operated for the entertainment of the general public and tourists as bona fide amusement games or machines~~.

(3)~~(2)~~ Notwithstanding chapter 849, ~~Nothing contained in This chapter shall be taken or construed to prohibit an arcade~~

~~amusement center or truck stop from operating~~ amusement games or machines may be operated in conformance with this section.

(4) A person may not award merchandise under this section unless the person is registered with the division.

(a) A person awarding merchandise must register annually with the division on forms prescribed by the department and pay the annual registration fee. The registration forms must include the registrant's name and address, the location of each center operated by the registrant, the number of machines operated at each location, the type and title of each game at each location, and the types and values of merchandise available.

(b) The department shall, by rule, set an annual registration fee of up to $100 to be collected for each location operated by the registrant.

(c) The registration issued by the division must be displayed so as to be easily viewed by patrons at each arcade center location.

(5)~~(3)~~ This section applies only to amusement games or ~~and~~ machines which are operated for the entertainment of the general public ~~and tourists~~ as bona fide amusement games or machines.

(6)~~(4)~~ This section does ~~shall~~ not ~~be construed to~~ authorize:

(a) Casino-style games in which the outcome is determined by factors unpredictable by the player;

(b) Games in which the player does not control the outcome of the game through skill;

(c) Video poker games or any other game or machine that may be construed as a gambling device under the laws of this state; or

(d) Any game or device defined as a gambling device in 15 U.S.C. s. 1171, ~~which requires identification of each device by permanently affixing seriatim numbering and name, trade name, and date of manufacture under s. 1173, and registration with the United States Attorney General,~~ unless excluded ~~from applicability of the chapter~~ under s. 1178~~, or video poker games or any other game or machine that may be construed as a gambling device under Florida law~~.

(7)~~(5)~~ An amusement game or machine may entitle or enable a person, by application of skill, ~~This section does not apply to a coin-operated game or device designed and manufactured only for bona fide amusement purposes which game or device may by application of skill entitle the player~~ to replay the game or device at no additional cost, if ~~the game or device~~:

(a) The amusement game or machine can accumulate and react to no more than 15 free replays;

(b) The amusement game or machine can be discharged of accumulated free replays only by reactivating the game or device for one additional play for such accumulated free replay; and

(c) The amusement game or machine cannot ~~Can~~ make a ~~no~~ permanent record, directly or indirectly, of free replays~~; and is not classified by the United States as a gambling device in 15 U.S.C. s. 1171, which requires identification of each device~~

~~by permanently affixing seriatim numbering and name, trade name, and date of manufacture under s. 1173, and registration with the United States Attorney General, unless excluded from applicability of the chapter under s. 1178. This subsection shall not be construed to authorize video poker games, or any other game or machine that may be construed as a gambling device under Florida law.~~

(8) An amusement game or machine may entitle or enable a person, by application of skill, to receive points or coupons that can be redeemed for merchandise, if:

(a) The amusement game or machine is located at an arcade amusement center, truck stop, bowling center defined in s. 551.55, or public lodging establishment or public food service facility licensed pursuant to chapter 509;

(b) Points or coupons have no value other than for redemption onsite for merchandise; and

(c) The redemption value of points or coupons a person receives does not exceed:

1. For a single game played, 75 cents.

2. For playing multiple games simultaneously, 75 cents.

3. For competing against others in a multiplayer game, 75 cents.

(9) An amusement game or machine may entitle or enable a person, by application of skill, to receive merchandise directly, if:

(a) The amusement game or machine is located at an arcade amusement center, a truck stop, a bowling center defined in s. 551.55, or a public lodging establishment or public food service facility licensed pursuant to chapter 509 or located on the premises of a retailer as defined in s. 212.02; and

(b) The wholesale cost of the merchandise does not exceed $50.

(10) The commission shall review the per-game redemption value of points or coupons allowed under subsection (8) and provide a report to the President of the Senate and the Speaker of the House of Representatives regarding the sufficiency of those amounts and recommending any changes the department finds necessary.

(11) The commission and the department may enter and inspect a registrant's facilities, machines, or system of machines and may adopt rules and take all appropriate action to administer and enforce this section.

Section 127. Effective October 1, 2014, section 849.01, Florida Statutes, is amended to read:

849.01 ~~Keeping~~ Gambling operations prohibited ~~houses, etc~~.—

(1) A person, individually or through or with any other person or entity, may not:

(a) Have, maintain, or operate ~~Whoever by herself or himself, her or his servant, clerk or agent, or in any other manner has, keeps, exercises or maintains~~ a gaming table or

room;~~, or~~ gaming implements or apparatus;~~,~~ or a physical structure or location of any kind ~~house, booth, tent, shelter or other place~~ for the purpose of gaming or gambling. ~~or~~

(b) Procure or allow a ~~in any place of which she or he may directly or indirectly have charge, control or management, either exclusively or with others, procures, suffers or permits any~~ person to play a game for money or any other ~~valuable~~ thing of value in a place that he or she may directly or indirectly manage or control.

(c) Knowingly rent to another a physical structure or location for the purpose of gaming or gambling.

(2) A person may not act as a servant, clerk, agent, or employee of a person violating subsection (1).

(3) The proprietor, owner, or holder of an even-odd, roulette, keno, pool, or billiard table; a wheel of fortune; or any other game of chance kept for the purpose of betting may not aid, abet, or otherwise encourage or willfully and knowingly allow a minor or a person who is mentally incompetent or under guardianship to play or bet on such game. For the purpose of this subsection, the term "person who is mentally incompetent" means a person who, because of mental illness, intellectual disability, senility, excessive use of drugs or alcohol, or other mental incapacity, is incapable of managing his or her property or caring for herself or himself.

(4) The presence of implements, devices, or apparatus commonly used in games of chance in a gambling house or by a

gambler in any physical structure or location is prima facie evidence that such structure or location is used for the purpose of gambling.

(5) A person who violates this section commits ~~at any game whatever, whether heretofore prohibited or not, shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 128. Effective October 1, 2014, sections 849.02, 849.03, 849.04, and 849.05, Florida Statutes, are repealed.

Section 129. Effective October 1, 2014, section 849.07, Florida Statutes, is amended to read:

849.07 Permitting gambling on billiard or pool table by holder of license.—

(1) The operator of ~~If any holder of a license to operate~~ a billiard or pool table may not allow a ~~shall permit any~~ person to play billiards, ~~or~~ pool, or any other game upon such table for money~~,~~ or any other thing of value.~~, upon such~~

(2) Except as otherwise provided by law, a person may not play or engage in a game of cards, keno, roulette, faro, or other game of chance at any location, by any device, for money or any other thing of value.

(3) A person who violates this section commits ~~tables, she or he shall be deemed guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 130. Effective October 1, 2014, section 849.08, Florida Statutes, is repealed.

Section 131. Effective October 1, 2014, section 849.09, Florida Statutes, is amended to read:

849.09 Lottery prohibited; exceptions.—

(1)(a) A person may not ~~It is unlawful for any person in this state to~~:

1.~~(a)~~ Set up, promote, or conduct any lottery for money or for anything of value;

2.~~(b)~~ Dispose of any money or other property of any kind whatsoever by means of any lottery;

3.~~(c)~~ Conduct any lottery drawing for the distribution of a prize or prizes by lot or chance, or advertise any such lottery scheme or device in any newspaper or by circulars, posters, pamphlets, radio, telegraph, telephone, or otherwise; or

4.~~(d)~~ Aid or assist in the setting up, promoting, or conducting of any lottery or lottery drawing, whether by writing, printing, or in any other manner whatsoever, or be interested in or connected in any way with any lottery or lottery drawing.~~;~~

(b) A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) A person may not:

1.~~(e)~~ Attempt to operate, conduct, or advertise any lottery scheme or device;

2.~~(f)~~ Have in her or his possession any lottery wheel,

implement, or device ~~whatsoever~~ for conducting any lottery or scheme for the disposal by lot or chance of anything of value;

3.~~(g)~~ Sell, offer for sale, or transmit, in person or by mail or in any other manner ~~whatsoever~~, any lottery ticket, coupon, or share, or any share in or fractional part of any lottery ticket, coupon, or share, whether such ticket, coupon, or share represents an interest in a live lottery not yet played or ~~whether it~~ represents, or has represented, an interest in a lottery that has already been played;

4.~~(h)~~ Have in her or his possession any lottery ticket, or any evidence of any share or right in any lottery ticket, or in any lottery scheme or device, whether such ticket or evidence of share or right represents an interest in a live lottery not yet played or ~~whether it~~ represents, or has represented, an interest in a lottery that has already been played;

5.~~(i)~~ Aid or assist in the sale, disposal, or procurement of any lottery ticket, coupon, or share~~,~~ or any right to any drawing in a lottery;

6.~~(j)~~ Have in her or his possession any lottery advertisement, circular, poster, or pamphlet~~,~~ or any list or schedule of any lottery prizes, gifts, or drawings; or

7.~~(k)~~ Have in her or his possession any so-called "run down sheets," tally sheets, or other papers, records, instruments, or paraphernalia designed for use, ~~either~~ directly or indirectly, in~~, or in connection with, the~~ violation of the laws of this state prohibiting lotteries and gambling.

(b) A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) Except as otherwise provided by law, it is unlawful:

1. For any person in any dwelling, office, shop, or building in this state to write, typewrite, print, or publish any lottery ticket or advertisement, circular, bill, poster, pamphlet, list or schedule, announcement, or notice of lottery prizes or drawings or any other matter or thing in any way connected with any lottery drawing, scheme, or device, or set up any type or plate for any such printing or writing, to be used or distributed in this state or to be sent out of this state.

2. For the owner or lessee of any such dwelling, shop, or building knowingly to permit the printing, typewriting, writing, or publishing therein of any lottery ticket or advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice of lottery prizes or drawings, or any other matter or thing in any way connected with any lottery drawing, scheme, or device, or knowingly to permit therein the setting up of any type or plate for any such purpose to be used or distributed in this state or to be sent out of the state.

(b) A person who violates this subsection commits a felony

of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)(a) This chapter does not prohibit the printing or production of any advertisement or any lottery ticket for a lottery conducted in any other state or nation where such lottery is not prohibited by the laws of such state or nation, or the sale of such materials by the manufacturer thereof to any person or entity conducting or participating in the conduct of such a lottery in any other state or nation. This section does not authorize any advertisement within this state relating to lotteries of any other state or nation, or the sale or resale within Florida of such lottery tickets, chances, or shares to individuals or any other acts otherwise in violation of any laws of the state.

(b) This section does not prohibit participation in a nationally advertised contest, drawing, game, or puzzle of skill or chance for a prize or prizes unless it can be construed as a lottery under this section. This paragraph does not apply to any such contest based upon the outcome or results of any horserace, harness race, dog race, or jai alai game.

(c) This section does not apply to bingo as provided for in s. 551.53.

~~Provided, that nothing in this section shall prohibit participation in any nationally advertised contest, drawing, game or puzzle of skill or chance for a prize or prizes unless~~

~~it can be construed as a lottery under this section; and,~~ ~~provided further, that This exemption for national contests shall not apply to any such contest based upon the outcome or results of any horserace, harness race, dograce, or jai alai game.~~

~~(2) Any person who is convicted of violating any of the provisions of paragraph (a), paragraph (b), paragraph (c), or paragraph (d) of subsection (1) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(3) Any person who is convicted of violating any of the provisions of paragraph (e), paragraph (f), paragraph (g), paragraph (i), or paragraph (k) of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who, having been convicted of violating any provision thereof, thereafter violates any provision thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The provisions of this section do not apply to bingo as provided for in s. 849.0931.~~

~~(4) Any person who is convicted of violating any of the provisions of paragraph (h) or paragraph (j) of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who, having been convicted of violating any provision thereof, thereafter violates any provision thereof is guilty of a felony of the~~

~~third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 132. Effective October 1, 2014, section 849.091, Florida Statutes, is amended to read:

849.091 Chain letters, pyramid clubs, etc., declared a lottery; prohibited; penalties.—

(1) The organization of any chain letter club, pyramid club, or other group organized or brought together under any plan or device whereby fees or dues or anything of material value to be paid or given by members thereof are to be paid or given to any other member thereof, which plan or device includes any provision for the increase in such membership through a chain process of new members securing other new members and thereby advancing themselves in the group to a position where such members in turn receive fees, dues, or things of material value from other members, is ~~hereby~~ declared to be a lottery. A person who participates~~, and~~ ~~whoever shall participate~~ in any such lottery by becoming a member of, or affiliating with, any such group or organization or who solicits ~~shall solicit~~ any person for membership or affiliation in any such group or organization commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) ~~A "pyramid sales scheme," which is~~ Any sales or marketing plan or operation whereby a person pays a consideration of any kind, or makes an investment of any kind, in excess of $100 and acquires the opportunity to receive a

benefit or thing of value that ~~which~~ is not primarily contingent on the volume or quantity of goods, services, or other property sold in bona fide sales to consumers, and that ~~which~~ is related to the inducement of additional persons, by himself or herself or others, regardless of number, to participate in the same sales or marketing plan or operation~~,~~ is ~~hereby~~ declared to be a pyramid sales scheme and a lottery. A person who participates~~,~~ ~~and whoever shall participate~~ in any such lottery by becoming a member of or affiliating with~~,~~ any such group or organization or who solicits ~~shall solicit~~ any person for membership or affiliation in any such group or organization commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For purposes of this subsection, the term "consideration" and the term "investment" do not include the purchase of goods or services furnished at cost for use in making sales, but not for resale, or time and effort spent in the pursuit of sales or recruiting activities.

Section 133. Effective October 1, 2014, section 849.0915, Florida Statutes, is amended to read:

849.0915 Referral selling.—

(1) Giving or offering ~~Referral selling, whereby the seller gives or offers~~ a rebate or discount to a ~~the~~ buyer as an inducement for a sale in consideration of the buyer's providing the seller with the names of prospective purchasers~~,~~ is declared to be referral selling and a lottery if earning the rebate or discount is contingent upon the occurrence of an event

subsequent to the time the buyer agrees to buy.

(2) A ~~Any~~ person who conducts ~~conducting~~ a lottery by referral selling commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) In addition to the penalty provided in this section ~~herein~~, the Attorney General and her or his assistants, the state attorneys and their assistants, and the Division of Consumer Services of the Department of Agriculture and Consumer Services may ~~are authorized to~~ apply to the circuit court within their respective jurisdictions, and such court shall have jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating ~~the provisions of~~ this section, regardless of whether ~~or not there exists~~ an adequate remedy at law exists, and such injunction shall issue without bond.

Section 134. Effective October 1, 2014, section 849.10, Florida Statutes, is repealed.

Section 135. Effective October 1, 2014, section 849.11, Florida Statutes, is amended to read:

849.11 Plays at games of chance by lot.—

(1) A person who ~~Whoever~~ sets up, promotes, or plays at any game of chance by lot or with dice, cards, numbers, hazards, or any other gambling device ~~whatever for~~, ~~or~~ for the disposal of money or other thing of value or under the pretext of a sale, gift, or delivery thereof, or for any right, share, or interest therein commits~~, shall be guilty of~~ a misdemeanor of the second

degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 136. Effective October 1, 2014, section 849.12, Florida Statutes, is transferred and renumbered as subsection (2) of section 849.11, Florida Statutes, to read:

~~849.12 Money and prizes to be forfeited.—~~

(2) All sums of money and every other valuable thing drawn and won as a prize, ~~or~~ as a share of a prize, or as a share, percentage, or profit of the principal promoter or operator, in any lottery, and all money, currency, or property of any kind to be disposed of, or offered to be disposed of, by chance or device in any scheme or under any pretext by any person, and all sums of money or other thing of value received by any person by reason of her or his being the owner or holder of any ticket or share of a ticket in a lottery, or pretended lottery, or of a share or right in any such schemes of chance or device and all sums of money and other thing of value used in the setting up, conducting, or operation of a lottery, and all money or other thing of value at stake, or used or displayed in or in connection with any illegal gambling or any illegal gambling device contrary to the laws of this state, shall be forfeited~~,~~ and may be recovered by civil proceedings, filed, or by action for money had and received, to be brought by the Department of Legal Affairs or any state attorney, or other prosecuting

officer, in the circuit courts in the name and on behalf of the state; the same to be applied when collected as all other penal forfeitures are disposed of.

Section 137. Effective October 1, 2014, section 849.13, Florida Statutes, is repealed.

Section 138. Effective October 1, 2014, section 849.14, Florida Statutes, is amended to read:

849.14 ~~Unlawful to~~ Bet on result of trial or contest of skill~~, etc~~.—A person who ~~Whoever~~ stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, speed, or power or endurance of human or beast;~~, or~~ who ~~whoever~~ receives in any manner whatsoever any money or other thing of value staked, bet, or wagered, or offered for the purpose of being staked, bet, or wagered, by or for any other person upon any such result;~~, or~~ who ~~whoever~~ knowingly becomes the custodian or depositary of any money or other thing of value so staked, bet, or wagered upon any such result;~~,~~ or who ~~whoever~~ aids, ~~or~~ assists, or abets in any manner in any of such acts commits ~~all of which are hereby forbidden, shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 139. Effective October 1, 2014, section 849.15, Florida Statutes, is amended to read:

849.15 Slot machine or device ~~Manufacture, sale, possession, etc., of coin-operated devices~~ prohibited.—

(1) It is unlawful:

(a) To manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of any slot machine or device or any part thereof;~~, or~~

(b) For a ~~any~~ person to permit any slot machine or device or any part thereof to be placed, maintained, ~~or~~ used, or kept in any room, space, or building owned, leased, or occupied by the person or under the person's management or control~~, any slot machine or device or any part thereof~~; or

(c)~~(b)~~ To make or to permit to be made with any person any agreement with reference to any slot machine or device~~,~~ pursuant to which the user thereof, as a result of any element of chance or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device~~,~~ or to receive any check, slug, token, or memorandum entitling the holder to receive any money, credit, allowance, or thing of value.

(2) Pursuant to ~~section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as~~ 15 U.S.C. s. 1172 ~~ss. 1171-1177~~, ~~the State of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in~~

~~accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that~~ any county ~~of the State of Florida~~ within which slot machine gaming is authorized pursuant to chapter 551 is exempt from ~~the provisions of section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as~~ 15 U.S.C. ss. 1171-1177, ~~approved January 2,~~ 1951. All shipments of gaming devices, including slot machines, into any county of this state within which slot machine gaming is authorized pursuant to chapter 551 and the registering, recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with ~~sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as~~ 15 U.S.C. ss. 1173 and 1174 are ~~1171-1177, shall be deemed~~ legal shipments thereof into this state if ~~provided~~ the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a).

Section 140. Effective October 1, 2014, section 849.16, Florida Statutes, is transferred, renumbered as subsection (3) of section 849.15, Florida Statutes, and amended to read:

849.15 Slot machine or device ~~Manufacture, sale,~~

~~possession, etc., of coin-operated devices~~ prohibited.—

~~849.16 Machines or devices which come within provisions of law defined.—~~

(3)(a)~~(1)~~ As used in this section ~~chapter~~, the term "slot machine or device" means any machine or device or system or network of devices that is adapted for use in such a way that, upon activation, which may be achieved by, but is not limited to, the insertion of any piece of money, coin, account number, code, or other object or information, such device or system is directly or indirectly caused to operate or may be operated and ~~if~~ the user, whether by application of skill or by reason of any element of chance or any other outcome unpredictable by the user, may:

1.~~(a)~~ Receive or become entitled to receive any piece of money, credit, allowance, or thing of value, or any check, slug, token, or memorandum, whether of value or otherwise, that ~~which~~ may be exchanged for any money, credit, allowance, or thing of value or that ~~which~~ may be given in trade; or

2.~~(b)~~ Secure additional chances or rights to use such machine, apparatus, or device~~,~~

even though the device or system may be available for free play or, in addition to any element of chance or unpredictable outcome of such operation, may also sell, deliver, or present some merchandise, indication of weight, entertainment, or other thing of value. The term "slot machine or device" includes, but

is not limited to, devices regulated as slot machines pursuant to chapter 551.

(b) ~~(2)~~ This section does not apply ~~chapter may not be construed, interpreted, or applied~~ to the possession of a reverse vending machine. As used in this section, the term "reverse vending machine" means a machine into which empty beverage containers are deposited for recycling and that ~~which~~ provides a payment of money, merchandise, vouchers, or other incentives. At a frequency less than upon the deposit of each beverage container, a reverse vending machine may pay out a random incentive bonus greater than that guaranteed payment in the form of money, merchandise, vouchers, or other incentives. The deposit of an ~~any~~ empty beverage container into a reverse vending machine is ~~does~~ not a ~~constitute~~ consideration, and a reverse vending machine is ~~may~~ not ~~be deemed~~ a slot machine as defined in this section.

(c) ~~(3)~~ There is a rebuttable presumption that a device, system, or network is a prohibited slot machine or device if it is used to display images of games of chance and is part of a scheme involving any payment or donation of money or its equivalent and awarding anything of value.

Section 141. Effective October 1, 2014, section 849.17, Florida Statutes, is transferred, renumbered as subsection (4) of section 849.15, Florida Statutes, and amended to read:

849.15 Slot machine or device ~~Manufacture, sale, possession, etc., of coin-operated devices~~ prohibited.—

~~849.17 Confiscation of machines by arresting officer.—~~

(4) Upon the arrest of any person charged with a ~~the~~ violation of this section, ~~any of the provisions of ss. 849.15-849.23~~ the arresting officer shall take into his or her custody any such machine, apparatus, or device, and its contents, and the arresting agency, at the place of seizure, shall make a complete and correct list and inventory of all such things ~~so~~ taken into ~~his or her~~ custody~~,~~ and deliver to the person from whom such article or articles ~~may~~ have been seized~~,~~ a true copy of the list of all such articles. The arresting agency shall retain all evidence seized and ~~shall~~ have such evidence provided for ~~the same forthcoming at~~ any investigation, prosecution, or other proceedings relating to the~~, incident to charges of~~ violation ~~of any of the provisions of ss. 849.15-849.23~~.

Section 142. Effective October 1, 2014, section 849.18, Florida Statutes, is transferred, renumbered as subsection (5) of section 849.15, Florida Statutes, and amended to read:

849.15 Slot machine or device ~~Manufacture, sale, possession, etc., of coin-operated devices~~ prohibited.—

~~849.18 Disposition of machines upon conviction.—~~

(5) Upon conviction of a ~~the~~ person arrested for a ~~the~~ violation of this section ~~any of the provisions of ss. 849.15-849.23~~, the judge of the court trying the case, after ~~such~~ notice to the person convicted~~,~~ and to any other person whom the judge determines ~~may be of the opinion~~ is entitled to such notice, ~~and~~ as the judge deems ~~may deem~~ reasonable, shall issue

to the sheriff of the county a written order ~~adjudging and~~ declaring any such seized machine, apparatus, or device forfeited~~,~~ and directing the ~~such~~ sheriff to destroy the same, with the exception of any ~~the~~ money seized. The order of the court shall state the time, ~~and~~ place, and ~~the~~ manner in which the ~~such~~ property shall be destroyed, and the sheriff shall destroy the seized property ~~same~~ in the presence of the clerk of the circuit court of such county.

Section 143. Effective October 1, 2014, section 849.19, Florida Statutes, is transferred, renumbered as subsection (6) of section 849.15, Florida Statutes, and amended to read:

849.15 Slot machine or device ~~Manufacture, sale, possession, etc., of coin-operated devices~~ prohibited.—

~~849.19 Property rights in confiscated machine.—~~

(6) The right of property in and to any machine, apparatus, or device as defined in subsection (4) ~~s. 849.16~~ and to all money and other things of value therein~~,~~ is declared not to exist in any person, and such machine, apparatus, or device ~~the same shall be forfeited~~ and such money or other things of value shall be forfeited to the county in which the seizure was made and shall be delivered forthwith to the clerk of the circuit court. The clerk ~~and~~ shall place such money or other things of value ~~by her or him be placed~~ in the fine and forfeiture fund of the ~~said~~ county.

Section 144. Effective October 1, 2014, section 849.20, Florida Statutes, is transferred, renumbered as subsection (7)

of section 849.15, Florida Statutes, and amended to read:

849.15 Slot machine or device ~~Manufacture, sale, possession, etc., of coin-operated devices~~ prohibited.—

~~849.20 Machines and devices declared nuisance; place of operation subject to lien for fine.—~~

(7) Any room, house, building, boat, vehicle, structure, or place in which ~~wherein~~ any machine or device, or any part thereof, the possession, operation, or use of which is prohibited by this section is ~~ss. 849.15-849.23, shall be~~ maintained or operated, and each of such machines or devices, is declared to be a common nuisance. If a person has knowledge~~,~~ or reason to believe~~,~~ that his or her room, house, building, boat, vehicle, structure, or place is occupied or used in violation of this section ~~the provisions of ss. 849.15-849.23~~ and by acquiescence or consent allows ~~suffers~~ the same to be used, such room, house, building, boat, vehicle, structure, or place shall be subject to a lien for and may be sold to pay all fines or costs assessed against the person guilty of such nuisance~~,~~ for such violation, and the several state attorneys shall enforce such lien in the courts of this state having jurisdiction.

Section 145. Effective October 1, 2014, section 849.21, Florida Statutes, is transferred, renumbered as subsection (8) of section 849.15, Florida Statutes, and amended to read:

849.15 Slot machine or device ~~Manufacture, sale, possession, etc., of coin-operated devices~~ prohibited.—

~~849.21 Injunction to restrain violation.—~~

(8) An action to enjoin any nuisance as ~~herein~~ defined in this section may be brought by any person in the courts of equity in this state. If it is made to appear by affidavit or otherwise~~,~~ to the satisfaction of the court~~,~~ or judge in vacation~~,~~ that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the action. Upon application of the complainant in such a proceeding, the court or judge may also enter an order restraining the defendant and all other persons from removing~~,~~ or in any way interfering with the machines or devices or other things used in connection with the violation of this section ~~ss. 849.15-849.23~~ constituting such a nuisance. A ~~No~~ bond is not ~~shall be~~ required in instituting such proceedings.

Section 146. Effective October 1, 2014, section 849.22, Florida Statutes, is transferred, renumbered as subsection (9) of section 849.15, Florida Statutes, and amended to read:

849.15 Slot machine or device ~~Manufacture, sale, possession, etc., of coin-operated devices~~ prohibited.—

~~849.22 Fees of clerk of circuit court and sheriff.—~~

(9) The clerks of the court ~~courts~~ and the sheriffs performing duties under this section ~~the provisions of ss. 849.15-849.23~~ shall receive the same fees as prescribed by general law for the performance of similar duties, and such fees shall be paid out of the fine and forfeiture fund of the county

as costs are paid upon conviction of an insolvent person.

Section 147. Effective October 1, 2014, section 849.23, Florida Statutes, is transferred, renumbered as subsection (10) of section 849.15, Florida Statutes, and amended to read:

849.15 Slot machine or device ~~Manufacture, sale, possession, etc., of coin-operated devices~~ prohibited.—

~~849.23 Penalty for violations of ss. 849.15-849.22.—~~

(10) A person who violates this section commits ~~Whoever shall violate any of the provisions of ss. 849.15-849.22 shall, upon conviction thereof, be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second violation of this section commits ~~Any person convicted of violating any provision of ss. 849.15-849.22, a second time shall, upon conviction thereof, be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a third violation of this section is ~~Any person violating any provision of ss. 849.15-849.22 after having been twice convicted already shall be deemed~~ a "common offender~~,~~" and commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 148. Effective October 1, 2014, section 849.231, Florida Statutes, is amended to read:

849.231 Gambling devices; manufacture, sale, purchase or possession unlawful; penalties.—

(1)(a) ~~Except in instances when the following described~~

~~implements or apparatus are being held or transported by authorized persons for the purpose of destruction, as hereinafter provided, and except in instances when the following described instruments or apparatus are being held, sold, transported, or manufactured by persons who have registered with the United States Government pursuant to the provisions of Title 15 of the United States Code, ss. 1171 et seq., as amended, so long as the described implements or apparatus are not displayed to the general public, sold for use in Florida, or held or manufactured in contravention of the requirements of 15 U.S.C. ss. 1171 et seq.,~~ It is ~~shall be~~ unlawful for any person to manufacture, sell, transport, offer for sale, purchase, own, or have in his or her possession any roulette wheel or table, faro layout, crap table or layout, chemin de fer table or layout, chuck-a-luck wheel, bird cage such as used for gambling, bolita balls, chips with house markings, or any other device, implement, apparatus, or paraphernalia ordinarily or commonly used or designed to be used in the operation of gambling houses or establishments, excepting ordinary dice and playing cards.

(b) ~~(2)~~ In addition to any other penalties provided for a ~~the~~ violation of this section, any occupational license held by a person found guilty of violating this section shall be suspended for a period not to exceed 5 years.

(c)1. This section does not apply to implements or apparatus being held or transported by authorized persons for the purpose of destruction, as provided in this section, or when

the implements or apparatus are being held, sold, transported, or manufactured by persons who have registered with the Federal Government pursuant to 15 U.S.C. ss. 1171 et seq., as amended, so long as the described implements or apparatus are not displayed to the general public, sold for use in this state, or held or manufactured in contravention of the requirements of 15 U.S.C. ss. 1171 et seq.

2.~~(3)~~ This section and s. 849.01(4) ~~849.05~~ do not apply to a vessel of foreign registry or a vessel operated under the authority of a country except the United States, while docked in this state or transiting in the territorial waters of this state.

Section 149. Effective October 1, 2014, section 849.232, Florida Statutes, is transferred, renumbered as subsection (2) of section 849.231, Florida Statutes, and amended to read:

849.231 Gambling devices; manufacture, sale, purchase or possession unlawful; penalties.—

~~849.232 Property right in gambling devices; confiscation.—~~

(2) There is ~~shall be~~ no right of property in any of the implements or devices enumerated or included in subsection (1). ~~s. 849.231 and~~ Upon the seizure of any such implement, device, apparatus, or paraphernalia by an authorized enforcement officer, the same shall be delivered to and held by the clerk of the court having jurisdiction of such offenses and may ~~shall~~ not be released by the ~~such~~ clerk until he or she is ~~shall be~~ advised by the prosecuting officer of the ~~such~~ court that the

~~said~~ implement is no longer required as evidence. ~~and thereupon~~ The ~~said~~ clerk shall then deliver the ~~said~~ implement to the sheriff of the county, who shall immediately cause the destruction of such implement in the presence of the ~~said~~ clerk or his or her authorized deputy.

Section 150. Effective October 1, 2014, section 849.233, Florida Statutes, is transferred, renumbered as subsection (3) of section 849.231, Florida Statutes, and amended to read:

849.231 Gambling devices; manufacture, sale, purchase or possession unlawful; penalties.—

~~849.233 Penalty for violation of s. 849.231.—~~

(3) Any person, including any enforcement officer, clerk, or prosecuting official, who violates this section commits ~~shall violate the provisions of s. 849.231 shall be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 151. Effective October 1, 2014, section 849.235, Florida Statutes, is transferred, renumbered as subsection (11) of section 849.15, Florida Statutes, and amended to read:

849.15 Slot machine or device ~~Manufacture, sale, possession, etc., of coin-operated devices~~ prohibited.—

~~849.235 Possession of certain gambling devices; defense.—~~

(11)(a) ~~(1)~~ It is a defense to any action or prosecution under this section and s. 849.231 ~~ss. 849.15-849.233~~ for the possession of any gambling device specified in this section and s. 849.231 ~~therein~~ that the device is an antique slot machine

and that it is not being used for gambling. For the purpose of this section, an antique slot machine is one that ~~which~~ was manufactured at least 20 years before ~~prior to~~ such action or prosecution.

(b)~~(2)~~ Notwithstanding any other provision of law ~~this chapter~~ to the contrary, upon a successful defense to a prosecution for the possession of a gambling device pursuant to ~~the provisions of~~ this section, the antique slot machine shall be returned to the person from whom it was seized.

Section 152. Effective October 1, 2014, section 849.25, Florida Statutes, is amended to read:

849.25 "Bookmaking" defined; penalties; exceptions.—

(1)(a) The term "bookmaking" means the act of taking or receiving, while engaged in the business or profession of gambling, any bet or wager upon the result of any trial or contest of skill, speed, power, or endurance of human, beast, fowl, motor vehicle, or mechanical apparatus or upon the result of any chance, casualty, unknown, or contingent event whatsoever.

(b) The following factors shall be considered in determining whether ~~making a determination that~~ a person has engaged in the offense of bookmaking:

1. Taking advantage of betting odds created to produce a profit for the bookmaker or charging a percentage on accepted wagers.

2. Placing all or part of accepted wagers with other

bookmakers to reduce the chance of financial loss.

3. Taking or receiving more than five wagers in any single day.

4. Taking or receiving wagers totaling more than $500 in any single day~~,~~ or more than $1,500 in any single week.

5. Engaging in a common scheme with two or more persons to take or receive wagers.

6. Taking or receiving wagers on both sides on a contest at the identical point spread.

7. Any other factor relevant to establishing that the operating procedures of such person are commercial in nature.

(c) The existence of any two factors listed in paragraph (b) may constitute prima facie evidence of a commercial bookmaking operation.

(2) A ~~Any~~ person who engages in bookmaking commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding ~~the provisions of~~ s. 948.01, a ~~any~~ person convicted under ~~the provisions of~~ this subsection may ~~shall~~ not have adjudication of guilt suspended, deferred, or withheld.

(3) A ~~Any~~ person who commits a second violation ~~has been convicted of bookmaking and thereafter violates the provisions~~ of this section commits ~~shall be guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding ~~the provisions of~~ s. 948.01, a ~~any~~ person convicted under ~~the provisions of~~ this subsection may

~~shall~~ not have adjudication of guilt suspended, deferred, or withheld.

(4) Notwithstanding the provisions of s. 777.04, a ~~any~~ person who commits ~~is guilty of~~ conspiracy to commit bookmaking is ~~shall be~~ subject to the penalties imposed by subsections (2) and (3).

(5) This section does ~~shall~~ not apply to pari-mutuel wagering ~~in Florida~~ as authorized under chapter 550.

~~(6) This section shall not apply to any prosecutions filed and pending at the time of the passage hereof, but all such cases shall be disposed of under existing laws at the time of the institution of such prosecutions.~~

Section 153. Effective October 1, 2014, section 849.26, Florida Statutes, is amended to read:

849.26 Gambling contracts ~~declared void; exception~~.—

(1) All promises, agreements, notes, bills, bonds or other contracts, or mortgages or other securities, when the whole or part of the consideration is ~~if~~ for money or other valuable thing won or lost, laid, staked, betted, or wagered in any gambling transaction ~~whatsoever~~, regardless of its name or nature, whether ~~heretofore~~ prohibited or not prohibited, or for the repayment of money lent or advanced at the time of a gambling transaction for the purpose of being laid, betted, staked, or wagered, are void and of no effect.~~; provided, that~~ This section does ~~act shall~~ not apply to wagering on pari-mutuels or any gambling transaction expressly authorized by law.

Section 154. Effective October 1, 2014, section 849.29, Florida Statutes, is transferred, renumbered as subsection (2) of section 849.26, Florida Statutes, and amended to read:

849.26 Gambling contracts ~~declared void; exception~~.—

~~849.29 Persons against whom suits may be brought to recover on gambling contracts.—~~

(2) The following persons shall be jointly and severally liable for the items that ~~which~~ are authorized by this section ~~act~~ to be sued for and recovered, and any suit brought under the authorization of this section ~~act~~ may be brought against all or any of such persons~~, to wit~~:

(a) The winner of the money or property lost in the gambling transaction;

(b) Every person who, having direct or indirect charge, control, or management, either exclusively or with others, of the place where the gambling transaction occurs, procures, allows, ~~suffers~~ or permits such place to be used for gambling purposes;

(c) Whoever promotes, sets up, or conducts the gambling transaction in which the loss occurs or has an interest in it as backer, vendor, owner, or otherwise; ~~and,~~

(d) As to anything of value other than money, the transferees and assignees, with notice, of the persons ~~hereinabove~~ specified in paragraphs (a)-(c) ~~this section~~; and

(e) The personal representatives of the persons specified in paragraphs (a)-(c) ~~this section~~.

Section 155. Effective October 1, 2014, section 849.30, Florida Statutes, is transferred, renumbered as subsection (3) of section 849.26, Florida Statutes, and amended to read:

849.26 Gambling contracts ~~declared void; exception~~.—

~~849.30 Plaintiff entitled to writs of attachment, garnishment and replevin.—~~

(3) In any suit under this section ~~ss. 849.26-849.34~~, the plaintiff shall be entitled to writs of attachment and garnishment for the sums of money, exclusive of attorney ~~attorney's~~ fees, sued for the use and benefit of persons other than the state, in the same manner and to the same extent as in an action on contract.~~; and,~~ In any suit under this section ~~chapter~~ for the recovery of a thing of value other than money, the plaintiff shall be entitled to a writ of replevin for the recovery of such thing of value, in the manner and to the extent provided by the replevin statutes of the state.

Section 156. Effective October 1, 2014, section 849.31, Florida Statutes, is transferred, renumbered as subsection (4) of section 849.26, Florida Statutes, and amended to read:

849.26 Gambling contracts ~~declared void; exception~~.—

~~849.31 Loser's testimony not to be used against her or him.—~~

(4) If a ~~In the event that~~ suit is brought under this section ~~the authorization of ss. 849.26-849.34~~ by someone other than the loser of the money or thing of value involved in the suit, such loser shall not be excused from being required to

attend and testify or produce any book, paper, or other document or evidence in such suit~~,~~ upon the ground or for the reason that the testimony or evidence required of the loser may tend to convict her or him of a crime or to subject her or him to a penalty or forfeiture, but the loser shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which she or he may so be required to testify or produce evidence, and no testimony so given or produced shall be received against the loser upon any criminal investigation or prosecution. If the loser of money or thing of value involved in a suit brought under this section ~~authorization of ss. 849.26-849.34~~, whether by her or him or by someone else, voluntarily attends or produces evidence in such suit, the loser shall not be prosecuted or subjected to any penalty for or on account of any transaction, matter, or thing concerning which she or he may so testify or produce evidence, and no testimony so given or produced shall be received against her or him upon any criminal investigation or prosecution. Also, neither the fact of the bringing of suit under this section ~~act~~ by a loser nor any statement or admission in her or his pleadings which is material and relevant to the subject matter of the suit shall be received against the loser upon any criminal investigation or proceeding.

Section 157. Effective October 1, 2014, section 849.32, Florida Statutes, is transferred, renumbered as subsection (5) of section 849.26, Florida Statutes, and amended to read:

849.26 Gambling contracts ~~declared void; exception.~~

~~849.32 Notice to state attorney; prosecution of suit.~~

(5) The summons in any such suit, ~~and~~ copies of all pleadings and notices of all hearings in the suit, and notice of the trial and of application for the entry of final judgment~~,~~ shall be served on the state attorney, who ~~whose duty it~~ shall ~~be to~~ protect the interests of the state and, if the plaintiff fails to diligently prosecute the suit, ~~to~~ bring such failure to the attention of the court. If the plaintiff fails to effectively prosecute any such suit without collusion or deceit and without unnecessary delay, the court shall direct the state attorney to proceed with the action. ~~No~~ Such suit may not ~~shall~~ be dismissed except upon a sworn statement filed by the plaintiff or the state attorney which satisfies the court that the suit should be dismissed.

Section 158. Effective October 1, 2014, section 849.33, Florida Statutes, is transferred, renumbered as subsection (6) of section 849.26, Florida Statutes, and amended to read:

849.26 Gambling contracts ~~declared void; exception.~~

~~849.33 Judgment and collection of money; execution.~~

(6) Any judgment recovered in such a suit shall adjudge separately the amounts recovered for the use of the state, ~~and~~ the plaintiff shall not have execution therefor, and such amounts may ~~shall~~ not be paid to the plaintiff~~,~~ but shall be payable to the state attorney, who shall promptly transmit the sums collected by him or her to the Chief Financial Officer. The

state attorney shall diligently seek the collection of such amounts and may cause a separate execution to issue for the collection thereof.

Section 159. Effective October 1, 2014, section 849.34, Florida Statutes, is transferred, renumbered as subsection (7) of section 849.26, Florida Statutes, and amended to read:

849.26 Gambling contracts ~~declared void; exception.~~

~~849.34 Loser's judgment; recovery of property; writ of assistance.~~

(7) If the plaintiff in any such suit seeks ~~seek~~ to recover property lost~~,~~ and prevails ~~if the plaintiff shall prevail~~ as to any such property, he or she shall take judgment for the property itself and for the value thereof, the judgment as to such property to be satisfied by the recovery of the property or of the value thereof. The plaintiff may, at his or her option, sue out a separate writ of possession for the property and a separate execution for any other moneys and costs adjudged in his or her favor~~,~~ or ~~the plaintiff~~ may sue out an execution for the value of the property and any other moneys and costs adjudged in his or her favor. If the plaintiff elects ~~elect~~ to sue out a writ of possession for the property~~,~~ and ~~if~~ the officer ~~shall return that he or she~~ is unable to find the property~~, or any of it~~, the plaintiff may ~~thereupon~~ sue out execution for the value of the property not found. In any proceeding to ascertain the value of the property, the value of each article shall be found so that judgment for such value may

be entered.

Section 160. Effective October 1, 2014, section 849.35, Florida Statutes, is amended to read:

849.35 Seizure and forfeiture of property used in the violation of lottery and gambling statutes.—

(1) DEFINITIONS.—As used in this section, the term ~~In construing ss. 849.36-849.46 and each and every word, phrase, or part thereof, where the context permits~~:

~~(1) The singular includes the plural and vice versa.~~

~~(2) Gender-specific language includes the other gender and neuter.~~

(a)~~(3) The term~~ "Vessel" includes every description of watercraft, vessel, or contrivance used, or capable of being used, as a means of transportation in or on water~~,~~ or in or on the water and in the air.

(b)~~(4) The term~~ "Vehicle" includes every description of vehicle, carriage, animal, or contrivance used, or capable of being used, as a means of transportation on land, in the air, or on land and in the air.

(c)~~(5) The term~~ "Gambling paraphernalia" includes every description of apparatus, implement, machine, device, or contrivance used in~~,~~ or in connection with~~,~~ any violation of the lottery, gaming, and gambling statutes~~,~~ and laws of this state, except facilities and equipment furnished by a public utility in the regular course of business that~~, and which~~ remain the property of such utility while so furnished.

(d) ~~(6) The term~~ "Lottery ticket" includes ~~shall include~~ every ticket, token, emblem, card, paper, or other evidence of a chance, interest, prize, or share in~~,~~ or in connection with any lottery, game of chance, or hazard or other things in violation of the lottery and gambling statutes and laws of this state (including bolita, cuba, bond, New York bond, butter and eggs, night house, and other ~~like and~~ similar operations, but not excluding others). The ~~said~~ term ~~shall~~ also includes ~~include~~ so-called "rundown sheets," tally sheets, and all other papers, records, instruments, and things designed for use, either directly or indirectly, in~~, or in connection with, the~~ violation of the statutes and laws of this state prohibiting lotteries and gambling in this state.

Section 161. Effective October 1, 2014, section 849.36, Florida Statutes, is transferred, renumbered as subsection (2) of section 849.35, Florida Statutes, and amended to read:

849.35 Seizure and forfeiture of property used in the violation of lottery and gambling statutes.—

(2) ~~849.36~~ SEIZURE AND FORFEITURE OF PROPERTY ~~used in the violation of lottery and gambling statutes~~.—

(a) ~~(1)~~ Every vessel or vehicle used for~~,~~ or in connection with~~,~~ the removal, transportation, storage, deposit, or concealment of any lottery tickets~~,~~ or used in connection with any lottery or game in violation of the statutes and laws of this state is~~, shall be~~ subject to seizure and forfeiture~~,~~ as provided by the Florida Contraband Forfeiture Act.

(b) ~~(2)~~ All gambling paraphernalia and lottery tickets ~~as herein defined~~ used in connection with a lottery, gambling, unlawful game of chance, or hazard~~,~~ in violation of the statutes and laws of this state~~,~~ found by an officer in searching a vessel or vehicle used in the violation of the gambling laws shall be safely kept so long as it is necessary for the purpose of being used as evidence in any case~~,~~ and, as soon as may be practicable ~~afterwards~~, shall be destroyed by order of the court before whom the case is brought or certified to any other court having jurisdiction, either state or federal.

(c) ~~(3)~~ The presence of any lottery ticket in any vessel or vehicle owned or being operated by any person charged with a violation of the gambling laws of the state~~,~~ shall be prima facie evidence that such vessel or vehicle was or is being used in connection with a violation of the lottery and gambling statutes and laws of this state and as a means of removing, transporting, depositing, or concealing lottery tickets and shall be sufficient evidence for the seizure of such vessel or vehicle.

(d) ~~(4)~~ The presence of lottery tickets in any room or place, including vessels and vehicles, shall be prima facie evidence that such room, place, vessel, or vehicle~~,~~ and all gambling paraphernalia ~~apparatus, implements, machines, contrivances, or devices~~ therein are~~, (herein referred to as "gambling paraphernalia")~~ capable of being used in connection with a violation of the lottery and gambling statutes and laws

of this state and shall be sufficient evidence for the seizure of such gambling paraphernalia.

(e) ~~(5)~~ A ~~It shall be the duty of every~~ peace officer in this state who finds ~~finding~~ any vessel, vehicle, or gambling paraphernalia being used in violation of the statutes and laws of this state shall ~~as aforesaid to~~ seize and take possession of such property for disposition as ~~hereinafter~~ provided in this section. ~~It shall also be the duty of every peace officer finding any such property being so used, in connection with any lawful search made by her or him, to seize and take possession of the same for disposition as hereinafter provided.~~

Section 162. Effective October 1, 2014, section 849.37, Florida Statutes, is transferred, renumbered as subsection (3) of section 849.35, Florida Statutes, and amended to read:

849.35 Seizure and forfeiture of property used in the violation of lottery and gambling statutes.—

(3) ~~849.37~~ DISPOSITION AND APPRAISAL OF PROPERTY ~~seized under this chapter~~.—

(a) ~~(1)~~ A ~~Every~~ peace officer, other than the sheriff, who seizes ~~seizing~~ property pursuant to this section ~~the provisions of ss. 849.36-849.46~~ shall forthwith make return of the seizure thereof and deliver the ~~said~~ property to the sheriff of the county in which ~~wherein~~ the property ~~same~~ was seized. The ~~said~~ return to the sheriff shall describe the property seized, ~~and~~ give in detail the facts and circumstances under which the property ~~same~~ was seized, and state in full the reason ~~why~~ the

seizing officer knew~~,~~ or was led to believe~~,~~ that the ~~said~~ property was ~~being~~ used for or in connection with a violation of the statutes and laws of this state prohibiting lotteries and gambling in this state. The ~~said~~ return shall contain the names of all persons, firms, and corporations known to the seizing officer to be interested in the seized property.

(b)~~(2)~~ When property is seized by the sheriff pursuant to this chapter, or when property seized by another is delivered to the sheriff as provided in paragraph (a) ~~aforesaid~~, the sheriff shall forthwith fix the approximate value thereof and make return thereof to the clerk of the circuit court as ~~hereinafter~~ provided in this section.

(c)~~(3)~~ The return of the sheriff provided in paragraph (b) ~~aforesaid~~ shall describe ~~contain a schedule of~~ the property seized, ~~describing the same in reasonable detail and~~ give in detail the facts and circumstances under which the property ~~it~~ was seized, and state in full the reason ~~why~~ the seizing officer knew or was led to believe that the property was being used for or in connection with a violation of the statutes and laws of this state prohibiting lotteries or gambling in this state. The return shall contain~~; and a statement of~~ the names of all persons, firms, and corporations known to the sheriff to be interested in the seized property.~~; and~~ In cases in which ~~where~~ the ~~said~~ property was seized by another, the sheriff shall attach to his or her ~~said~~ return, as an exhibit thereto, the return of the seizing officer to the sheriff ~~him or her~~.

(d) ~~(4)~~ The sheriff shall hold the ~~said~~ property seized pending its disposal by the court as ~~hereinafter~~ provided in this section.

Section 163. Effective October 1, 2014, section 849.38, Florida Statutes, is transferred, renumbered as subsection (4) of section 849.35, Florida Statutes, and amended to read:

849.35 Seizure and forfeiture of property used in the violation of lottery and gambling statutes.—

(4) ~~849.38~~ PROCEEDINGS FOR FORFEITURE; NOTICE OF SEIZURE AND ORDER TO SHOW CAUSE.—

(a) ~~(1)~~ The return of the sheriff ~~aforesaid~~ to the clerk of the circuit court shall be taken and considered as the state's petition or libel in rem for the forfeiture of the property therein described, of which the circuit court of the county shall have jurisdiction without regard to value. The ~~said~~ return shall be sufficient as the state's ~~said~~ petition or libel notwithstanding the fact that it may contain no formal prayer or demand for forfeiture, it being the intention of the Legislature that forfeiture may be decreed without a formal prayer or demand therefor. The ~~said~~ return shall be subject to amendment at any time before final hearing, provided that copies thereof shall be served upon all persons, firms, or corporations that ~~who~~ may have filed a claim before ~~prior to~~ such amendment.

(b) ~~(2)~~ Upon the filing of the ~~said~~ return, the clerk of the circuit court shall issue a citation, directed to all persons, firms, and corporations owning, having, or claiming an

interest in or a lien upon the seized property, giving notice of the seizure and directing ~~that~~ all persons, firms, or corporations owning, having, or claiming an interest therein or lien thereon~~,~~ to file their claim to, on, or in the ~~said~~ property within the time fixed in the ~~said~~ citation~~,~~ as to persons, firms, and corporations not personally served, and within 20 days from personal service of the ~~said~~ citation~~,~~ when personal service is had. Personal service shall be made on all parties~~,~~ in Florida~~,~~ having liens noted upon a certificate of title as shown by the records in the office of the Department of Highway Safety and Motor Vehicles.

(c) ~~(3)~~ The ~~said~~ citation must ~~may~~ be ~~in, or~~ substantially in~~,~~ the following form:

IN THE CIRCUIT COURT OF THE .... JUDICIAL CIRCUIT, IN AND FOR .... COUNTY, FLORIDA.

IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY:

(Here describe property)

THE STATE OF FLORIDA TO:

ALL PERSONS, FIRMS, AND CORPORATIONS OWNING, HAVING, OR CLAIMING AN INTEREST IN OR LIEN ON THE ABOVE DESCRIBED PROPERTY.

YOU ~~AND EACH OF YOU~~ ARE hereby notified that the above described property has been seized~~,~~ under and by virtue of chapter ...., Laws of Florida, and is now in the possession of the sheriff of this county, and you~~, and each of you,~~ are hereby further notified that a petition~~,~~ under said chapter~~,~~ has been filed in the Circuit Court of the .... Judicial Circuit, in and

for .... County, Florida, seeking the forfeiture of the ~~said~~ property, and you are hereby directed and required to file your claim, if any ~~you have~~, and show cause, on or before ...., ...(year)..., if not personally served with process herein, and within 20 days from personal service if personally served with process herein, why the ~~said~~ property should not be forfeited pursuant to ~~said~~ chapter ...., Laws of Florida, 1955. Should you fail to file claim as herein directed, judgment will be entered herein against you in due course. Persons not personally served with process may obtain a copy of the petition for forfeiture filed herein from the undersigned clerk of court.

WITNESS my hand and the seal of the above mentioned court, at .... Florida, this ...., ...(year)....

(COURT SEAL)

...(Clerk of the above-mentioned Court.)...

By ...(Deputy Clerk)...

(d) ~~(4)~~ Such citation shall be returnable, as to persons served constructively, as therein directed, not less than 21 or ~~nor~~ more than 30 days~~,~~ from the posting or publication thereof, and as to personally served with process, within 20 days from service thereof. A copy of the petition shall be served with the process when personally served. Personal service of process may be made in the same manner as a summons in chancery.

(e) ~~(5)~~ If the value of the property seized is shown by the sheriff's return to have an appraised value of $1,000 or less, the above citation shall be served by posting at three public

places in the county, one of which shall be the front door of the courthouse.~~;~~ If the value of the property is shown by the sheriff's return to have an approximate value of more than $1,000, the citation shall be published at least once each week for 2 consecutive weeks in a ~~some~~ newspaper of general circulation ~~publication~~ published in the county, if any exists, ~~there be such a newspaper published in the county~~ and if not, ~~then said~~ notice of such publication shall be made by certificate of the clerk if publication is made by posting, and by affidavit as provided in chapter 50~~,~~ if made by publication in a newspaper, which affidavit or certificate shall be filed and become a part of the record in the cause. Failure of the record to show proof of such publication does ~~shall~~ not affect any judgment made in the cause unless it ~~shall~~ affirmatively appears ~~appear~~ that no such publication was made.

Section 164. Effective October 1, 2014, section 849.39, Florida Statutes, is transferred, renumbered as subsection (5) of section 849.35, Florida Statutes, and amended to read:

849.35 Seizure and forfeiture of property used in the violation of lottery and gambling statutes.—

(5) ~~849.39~~ DELIVERY OF PROPERTY TO CLAIMANT.—Any person, firm, or corporation filing a claim in the cause, which claim shall state fully her or his right, title, claim, or interest~~,~~ in and to the seized property, may, at any time after the ~~said~~ claim is filed with the clerk of the court, obtain possession of the seized property by filing a petition therefor with the

sheriff and posting with her or him, to be approved by her or him, a surety bond, payable to the Governor ~~of the state~~ in twice the amount of the value of the ~~said~~ property as fixed in the sheriff's return to the clerk of the circuit court, with a corporate surety duly authorized to transact business in this state as surety, conditioned upon her or his paying to the sheriff the value of the property together with costs of the proceeding, if judgment of forfeiture is ~~be~~ entered by the court. Upon the posting of such bond with the sheriff and the release of the property to the applicant, the cause shall proceed to final judgment ~~in the same manner~~ as if ~~it would have had~~ no such bond been filed, except that any execution to be issued in the cause pursuant to judgment may run against and be enforced against the person posting the ~~said~~ bond and the person's surety.

Section 165. Effective October 1, 2014, section 849.40, Florida Statutes, is transferred, renumbered as subsection (6) of section 849.35, Florida Statutes, and amended to read:

849.35 Seizure and forfeiture of property used in the violation of lottery and gambling statutes.—

(6)~~849.40~~ PROCEEDING WHEN NO CLAIM FILED.—When no claim is filed in the cause within the time required, the clerk shall enter a default against all persons, firms, and corporations owning, claiming, or having an interest in and to the property seized. ~~and~~ The cause may then proceed in the same manner as a common-law cause after default, and final judgment shall be

entered therein ex parte, except as may be ~~herein~~ otherwise provided in this section.

Section 166. Effective October 1, 2014, section 849.41, Florida Statutes, is transferred, renumbered as subsection (7) of section 849.35, Florida Statutes, and amended to read:

849.35 Seizure and forfeiture of property used in the violation of lottery and gambling statutes.—

(7) ~~849.41~~ PROCEEDING WHEN CLAIM FILED.—When one or more claims are filed in the cause, the cause shall be tried upon the issues made thereby with the petition for forfeiture with any affirmative defenses being deemed denied without further pleading. Judgment by default shall be entered against all other persons, firms, and corporations owning, claiming, or having an interest in and to the property seized, after which the cause shall proceed as in other common-law cases, ~~;~~ except that any claimant shall prove to the satisfaction of the court that he or she did not know or have any reason to believe, at the time his or her right, title, interest, or lien arose, that the property was being used for or in connection with the violation of any of the statutes or laws of this state prohibiting lotteries and gambling and, further, that at such ~~said~~ time there was no reasonable reason to believe that the ~~said~~ property might be used for such purpose. Where the owner of the property has been convicted of a violation of the statutes and laws of this state prohibiting lotteries or gambling, such conviction shall be prima facie evidence that each claimant had reason to believe

that the property might be used for or in connection with a violation of such statutes and laws, and it shall be incumbent upon such claimant to satisfy the court that he or she was without knowledge of such conviction. Trial of all such causes shall be without a jury, except in such cases for which ~~as~~ a trial by jury is ~~may be~~ guaranteed by the State Constitution, and in such cases, trial by jury shall be deemed waived unless demanded in the claim filed.

Section 167. Effective October 1, 2014, section 849.42, Florida Statutes, is transferred, renumbered as subsection (8) of section 849.35, Florida Statutes, and amended to read:

849.35 Seizure and forfeiture of property used in the violation of lottery and gambling statutes.—

(8)~~849.42~~ STATE ATTORNEY TO REPRESENT STATE.—Upon the filing of the sheriff's return with the clerk of the circuit court, the ~~said~~ clerk shall furnish the state attorney with a copy thereof, and the ~~said~~ state attorney shall represent the state in the forfeiture proceedings. The Department of Legal Affairs shall represent the state in all appeals from judgments of forfeiture to the appropriate district court of appeal or direct to the Supreme Court when authorized by s. 3, Art. V of the State Constitution. The state may appeal any judgment denying forfeiture in whole or in part or that may be otherwise adverse to the state.

Section 168. Effective October 1, 2014, section 849.43, Florida Statutes, is transferred, renumbered as subsection (9)

of section 849.35, Florida Statutes, and amended to read:

849.35 Seizure and forfeiture of property used in the violation of lottery and gambling statutes.—

(9) ~~849.43~~ JUDGMENT OF FORFEITURE.—On final hearing, the return of the sheriff to the clerk of the circuit court shall be taken as prima facie evidence that the property seized was or had been used in~~,~~ or in connection with~~,~~ the violation of the statutes and laws of this state prohibiting lotteries and gambling in this state and shall be sufficient predicate for a judgment of forfeiture in the absence of other proofs and evidence. The burden shall be upon the claimants to show that the property was not so used or, if so used, that they had no knowledge of such violation and no reason to believe that the seized property was or would be used for the violation of such statutes and laws. Where such property is encumbered by a lien or retained title agreement under circumstances wherein the lienholder had no knowledge that the property was or would be used in violating such statutes and laws~~,~~ and no reasonable reason to believe that it might be so used, ~~then~~ the court may declare a forfeiture of all other rights, titles, and interests, subject, however, to the lien of such innocent lienholder, or may direct the payment of such lien from the proceeds of any sale of the ~~said~~ property. The proceedings and the judgment of forfeiture shall be in rem and shall be primarily against the property itself. Upon the entry of a judgment of forfeiture, the court shall determine the disposition to be made of the

property, which may include the destruction thereof, the sale thereof, the allocation thereof to some governmental function or use, or otherwise as the court may determine. Sales of such property shall be at public sale to the highest and best bidder therefor for cash after 2 weeks' public notice as the court may direct. Where the property has been delivered to a claimant upon the posting of a bond, the court shall determine the value of the property or portion thereof subject to forfeiture and shall enter judgment against the principal and surety of the bond in such amount for which execution shall issue in the usual manner. Upon the application of any claimant, the court may fix the value of the forfeitable interest or interests in the seized property and permit such claimant to redeem the ~~said~~ property upon the payment of a sum equal to such ~~said~~ value, which sum shall be disposed of as would the proceeds of a sale of the ~~said~~ property under a judgment of forfeiture.

Section 169. Effective October 1, 2014, section 849.44, Florida Statutes, is transferred, renumbered as subsection (10) of section 849.35, Florida Statutes, and amended to read:

849.35 Seizure and forfeiture of property used in the violation of lottery and gambling statutes.—

(10) ~~849.44~~ DISPOSITION OF PROCEEDS OF FORFEITURE.—All sums received from a sale or other disposition of the seized property shall be paid into the county fine and forfeiture fund. ~~and shall become a part thereof; provided,~~ However, ~~that~~ in instances where the seizure is by a municipal police officer

within the limits of any municipality having an ordinance requiring such vehicles, vessels, or conveyances to be forfeited, the city attorney shall act in behalf of the city in lieu of the state attorney and shall proceed to forfeit the property as ~~herein~~ provided in this section, and all sums received therefrom shall go into the general operating fund of the city.

Section 170. Effective October 1, 2014, section 849.45, Florida Statutes, is transferred, renumbered as subsection (11) of section 849.35, Florida Statutes, and amended to read:

849.35 Seizure and forfeiture of property used in the violation of lottery and gambling statutes.—

(11) ~~849.45~~ FEES FOR SERVICES.—Fees for services required under this section ~~hereunder~~ shall be the same as provided for sheriffs and clerks for ~~like and~~ similar services in other cases and matters.

Section 171. Effective October 1, 2014, section 849.46, Florida Statutes, is transferred, renumbered as subsection (12) of section 849.35, Florida Statutes, and amended to read:

849.35 Seizure and forfeiture of property used in the violation of lottery and gambling statutes.—

(12) ~~849.46~~ EXERCISE OF POLICE POWER.—~~It is deemed by~~ The Legislature finds that this chapter is necessary for the more efficient and proper enforcement of the statutes and laws of this state prohibiting lotteries and gambling~~,~~ and a lawful exercise of the police power of the state for the protection of

the public welfare, health, safety, and morals of the people of the state. ~~All the provisions of~~ This chapter shall be liberally construed for the accomplishment of these purposes.

Section 172. Effective October 1, 2014, section 849.47, Florida Statutes, is created to read:

849.47 Enforcement of chapter.—

(1) The Department of Gaming Control and the Gaming Control Commission are authorized to take all appropriate action to enforce this chapter and to cooperate with all agencies charged with the enforcement of the laws of the United States, this state, and all other states relating to prohibited gambling.

(2) The Department of Gaming Control and the Gaming Control Commission, and law enforcement officers whose duty it is to enforce this chapter, may administer oaths in connection with their official duties, and any person making a material false statement under oath before them shall be deemed guilty of perjury and subject to the same punishment as prescribed for perjury.

Section 173. The Gaming Control Commission is directed to conduct a study of greyhound racing in the state, including the current tax and purse structures and safety. The study should consider practices in competing markets within and outside the state and recommend changes to simplify the tax and purse structures, ensure licensure fees are sufficient to cover the cost of regulation and promote safety. The commission shall

submit the findings and recommendations of the study to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by December 1, 2015.

Section 174. The Gaming Control Commission is directed to conduct a study of the usage of medication in horseracing. The study shall include an assessment of the current drug testing program, the types of medications used in horseracing, the types of drug tests commonly used in the horseracing industry and the sensitivity and costs of these tests. The study should consider practices in competing markets within and outside the state and recommend changes to enhance the state's drug testing program. The commission shall submit the findings and recommendations of the study to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by December 1, 2015.

Section 175. Effective October 1, 2014, paragraph (u) of subsection (3) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

(u) The books and records of any permitholder that

conducts race meetings or jai alai exhibitions under part II of chapter 551 ~~550~~.

Section 176. Effective October 1, 2014, paragraph (a) of subsection (1) and paragraph (b) of subsection (2) of section 72.011, Florida Statutes, are amended to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; deposits.—

(1)(a) A taxpayer may contest the legality of any assessment or denial of refund of tax, fee, surcharge, permit, interest, or penalty provided for under s. 125.0104, s. 125.0108, chapter 198, chapter 199, chapter 201, chapter 202, chapter 203, chapter 206, chapter 207, chapter 210, chapter 211, chapter 212, chapter 213, chapter 220, s. 379.362(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 538.09, s. 538.25, part II of chapter 551 ~~550~~, chapter 561, chapter 562, chapter 563, chapter 564, chapter 565, chapter 624, or s. 681.117 by filing an action in circuit court; or, alternatively, the taxpayer may file a petition under the applicable provisions of chapter 120. However, once an action has been initiated under s. 120.56, s. 120.565, s. 120.569, s. 120.57, or s. 120.80(14)(b), no action relating to the same subject matter may be filed by the taxpayer in circuit court, and judicial review shall be exclusively limited to appellate review pursuant to s. 120.68; and once an action has been initiated in circuit court, no action may be brought under chapter 120.

(2)

(b) The date on which an assessment or a denial of refund becomes final and procedures by which a taxpayer must be notified of the assessment or of the denial of refund must be established:

1. By rule adopted by the Department of Revenue;

2. With respect to assessments or refund denials under chapter 207, by rule adopted by the Department of Highway Safety and Motor Vehicles;

3. With respect to assessments or refund denials under chapters 210, ~~550,~~ 561, 562, 563, 564, and 565, by rule adopted by the Department of Business and Professional Regulation; ~~or~~

4. With respect to taxes that a county collects or enforces under s. 125.0104(10) or s. 212.0305(5), by an ordinance that may additionally provide for informal dispute resolution procedures in accordance with s. 213.21; or

5. With respect to assessments or refund denials under part II of chapter 551, by rule adopted by the Department of Gaming Control.

Section 177. Effective October 1, 2014, subsection (1) of section 72.031, Florida Statutes, is amended to read:

72.031 Actions under s. 72.011(1); parties; service of process.—

(1) In any action brought in circuit court pursuant to s. 72.011(1), the person initiating the action shall be the plaintiff and the Department of Revenue shall be the defendant,

except that for actions contesting an assessment or denial of refund under chapter 207 the Department of Highway Safety and Motor Vehicles shall be the defendant, for actions contesting an assessment or denial of refund under chapters 210, ~~550,~~ 561, 562, 563, 564, and 565 the Department of Business and Professional Regulation shall be the defendant, and for actions contesting an assessment or denial of refund of a tax imposed under s. 125.0104 or s. 212.0305 by a county that has elected under s. 125.0104(10) or s. 212.0305(5), respectively, to administer the tax, the defendant shall be the county and the Department of Revenue. It shall not be necessary for the Governor and Cabinet, constituting the Department of Revenue, to be named as party defendants or named separately as individual parties; nor shall it be necessary for the executive director of the department to be named as an individual party.

Section 178. Effective October 1, 2014, subsection (1) of section 196.183, Florida Statutes, is amended to read:

196.183 Exemption for tangible personal property.—

(1) Each tangible personal property tax return is eligible for an exemption from ad valorem taxation of up to $25,000 of assessed value. A single return must be filed for each site in the county where the owner of tangible personal property transacts business. Owners of freestanding property placed at multiple sites, other than sites where the owner transacts business, must file a single return, including all such property located in the county. Freestanding property placed at multiple

sites includes vending machines and amusement games or machines, LP/propane tanks, utility and cable company property, billboards, leased equipment, and similar property that is not customarily located in the offices, stores, or plants of the owner, but is placed throughout the county. Railroads, private carriers, and other companies assessed pursuant to s. 193.085 shall be allowed one $25,000 exemption for each county to which the value of their property is allocated. The $25,000 exemption for freestanding property placed at multiple locations and for centrally assessed property shall be allocated to each taxing authority based on the proportion of just value of such property located in the taxing authority; however, the amount of the exemption allocated to each taxing authority may not change following the extension of the tax roll pursuant to s. 193.122.

Section 179. Effective October 1, 2014, section 205.0537, Florida Statutes, is amended to read:

205.0537 Vending machines and amusement games or machines.—The business premises where a coin-operated or token-operated vending machine that dispenses products, merchandise, or services or where an amusement ~~or~~ game or machine is operated must assure that any required municipal or county business tax receipt for the machine is secured. The term "vending machine" does not include coin-operated telephone sets owned by persons who are in the business of providing local exchange telephone service and who pay the business tax under the category designated for telephone companies in the municipality or county

or a pay telephone service provider certified pursuant to s. 364.3375. The business tax for vending machines and amusement games or machines must be assessed based on the highest number of machines located on the business premises on any single day during the previous receipted year or, in the case of new businesses, be based on an estimate for the current year. Replacement of one vending machine with another machine during a receipted year does not affect the tax assessment for that year, unless the replacement machine belongs to a business tax classification that requires a higher tax rate. For the first year in which a municipality or county assesses a business tax on vending machines, each business owning machines located in the municipality or county must notify the municipality or county, upon request, of the location of such machines. Each business owning machines must provide notice of the provisions of this section to each affected business premises where the machines are located. The business premises must secure the receipt if it is not otherwise secured.

Section 180. Effective October 1, 2014, subsection (24) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(24) "~~Coin-operated~~ Amusement game or machine" means any machine operated by coin, currency, slug, token, coupon, card,

or similar device for the purposes of entertainment or amusement. The term includes, but is not limited to, ~~coin-operated~~ pinball machines, music machines, juke boxes, mechanical games, video games, arcade games, billiard tables, moving picture viewers, shooting galleries, and all other similar amusement devices.

Section 181. Effective October 1, 2014, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is amended to read:

212.031 Tax on rental or license fee for use of real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or

the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or provider of communications services, as defined by s. 202.11, for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or

cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing,

transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to part II of chapter 551 ~~550~~. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For

purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee,

or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

13. Rented, leased, subleased, or licensed to a person providing telecommunications, data systems management, or Internet services at a publicly or privately owned convention hall, civic center, or meeting space at a public lodging establishment as defined in s. 509.013. This subparagraph applies only to that portion of the rental, lease, or license payment that is based upon a percentage of sales, revenue sharing, or royalty payments and not based upon a fixed price. This subparagraph is intended to be clarifying and remedial in nature and shall apply retroactively. This subparagraph does not provide a basis for an assessment of any tax not paid, or create a right to a refund of any tax paid, pursuant to this section before July 1, 2010.

Section 182. Effective October 1, 2014, paragraph (c) of subsection (2) of section 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)

(c) The taxes imposed by this section shall be collected in addition to the admission tax collected pursuant to <u>part II of chapter 551</u> ~~s. 550.0951~~, but the amount collected under <u>part</u>

II of chapter 551 is ~~s. 550.0951 shall~~ not ~~be~~ subject to taxation under this chapter.

Section 183. Effective October 1, 2014, paragraph (h) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(h)1. A tax is imposed at the rate of 4 percent on the charges for the use of ~~coin-operated~~ amusement games or machines. The tax shall be calculated by dividing the gross receipts from such charges for the applicable reporting period by a divisor, determined as provided in this subparagraph, to compute gross taxable sales, and then subtracting gross taxable sales from gross receipts to arrive at the amount of tax due. For counties that do not impose a discretionary sales surtax, the divisor is equal to 1.04; for counties that impose a 0.5

percent discretionary sales surtax, the divisor is equal to 1.045; for counties that impose a 1 percent discretionary sales surtax, the divisor is equal to 1.050; and for counties that impose a 2 percent sales surtax, the divisor is equal to 1.060. If a county imposes a discretionary sales surtax that is not listed in this subparagraph, the department shall make the applicable divisor available in an electronic format or otherwise. Additional divisors shall bear the same mathematical relationship to the next higher and next lower divisors as the new surtax rate bears to the next higher and next lower surtax rates for which divisors have been established. When a game or machine is activated by a slug, token, coupon, or any similar device which has been purchased, the tax is on the price paid by the user of the device for such device.

2. As used in this paragraph, the term "operator" means any person who possesses an ~~a coin-operated~~ amusement game or machine for the purpose of generating sales through that game or machine and who is responsible for removing the receipts from the game or machine.

a. If the owner of the game or machine is also the operator of it, he or she shall be liable for payment of the tax without any deduction for rent or a license fee paid to a location owner for the use of any real property on which the game or machine is located.

b. If the owner or lessee of the game or machine is also its operator, he or she shall be liable for payment of the tax

on the purchase or lease of the game or machine, as well as the tax on sales generated through the game or machine.

c. If the proprietor of the business where the game or machine is located does not own the game or machine, he or she shall be deemed to be the lessee and operator of the game or machine and is responsible for the payment of the tax on sales, unless such responsibility is otherwise provided for in a written agreement between him or her and the game or machine owner.

3.a. An operator of an ~~a coin-operated~~ amusement game or machine may not operate or cause to be operated in this state any such game or machine until the operator has registered with the department and has conspicuously displayed an identifying certificate issued by the department. The identifying certificate shall be issued by the department upon application from the operator. The identifying certificate shall include a unique number, and the certificate shall be permanently marked with the operator's name, the operator's sales tax number, and the maximum number of games or machines to be operated under the certificate. An identifying certificate shall not be transferred from one operator to another. The identifying certificate must be conspicuously displayed on the premises where the ~~coin-operated~~ amusement games or machines are being operated.

b. The operator of the game or machine must obtain an identifying certificate before the game or machine is first operated in the state and by July 1 of each year thereafter. The

annual fee for each certificate shall be based on the number of games or machines identified on the application times $30 and is due and payable upon application for the identifying device. The application shall contain the operator's name, sales tax number, business address where the games or machines are being operated, and the number of games or machines in operation at that place of business by the operator. An ~~No~~ operator may not operate more games or machines than are listed on the certificate. A new certificate is required if more games or machines are being operated at that location than are listed on the certificate. The fee for the new certificate shall be based on the number of additional games or machines identified on the application form times $30.

c. A penalty of $250 per game or machine is imposed on the operator for failing to properly obtain and display the required identifying certificate. A penalty of $250 is imposed on the lessee of any game or machine placed in a place of business without a proper current identifying certificate. Such penalties shall apply in addition to all other applicable taxes, interest, and penalties.

d. Operators of ~~coin-operated~~ amusement games or machines must obtain a separate sales and use tax certificate of registration for each county in which such games or machines are located. One sales and use tax certificate of registration is sufficient for all of the operator's games or machines within a single county.

4. ~~The provisions of~~ This paragraph does ~~do~~ not apply to ~~coin-operated~~ amusement games or machines owned and operated by churches or synagogues.

5. In addition to any other penalties imposed by this chapter, a person who knowingly and willfully violates ~~any provision of~~ this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

6. The department may adopt rules necessary to administer ~~the provisions of~~ this paragraph.

Section 184. Effective October 1, 2014, paragraph (l) of subsection (3) of section 212.054, Florida Statutes, is amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(3) For the purpose of this section, a transaction shall be deemed to have occurred in a county imposing the surtax when:

(l) The ~~coin-operated~~ amusement game or machine or vending machine is located in the county.

Section 185. Effective October 1, 2014, paragraph (b) of subsection (1) of section 212.12, Florida Statutes, is amended to read:

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

(1)

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

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

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, reported, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify. The department shall require that transient rentals and agricultural equipment transactions be separately shown. Sales made through vending machines as defined in s. 212.0515 must be separately shown on the return. Sales made through ~~coin-operated~~ amusement games or machines as defined by s. 212.02 and the number of machines operated must be separately shown on the return or on a form prescribed by the department. If a separate form is

required, the same penalties for late filing, incomplete filing, or failure to file as provided for the sales tax return shall apply to the form.

Section 186. Effective October 1, 2014, paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department

shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0440 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3409 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance

Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 551.035 ~~s. 550.135~~ be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 551.035 ~~s. 550.135~~. This distribution specifically is in lieu of funds distributed under s. 551.035 ~~s. 550.135~~ before July 1, 2000.

b. The department shall distribute $166,667 monthly pursuant to s. 288.1162 to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than $416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided for in s. 288.1162(5) or s. 288.11621(3).

c. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed

monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made, after certification and before July 1, 2000.

e. The department shall distribute up to $55,555 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to $111,110 monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 30 years, except as otherwise provided in s. 288.11631. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

7. All other proceeds must remain in the General Revenue Fund.

Section 187. Effective October 1, 2014, subsection (1) of section 267.0617, Florida Statutes, is amended to read:

267.0617 Historic Preservation Grant Program.—

(1) There is hereby created within the division the Historic Preservation Grant Program, which shall make grants of moneys appropriated by the Legislature, moneys deposited pursuant to s. 551.039(2) ~~s. 550.0351(2)~~, and moneys contributed for that purpose from any other source. The program funds shall

be used by the division for the purpose of financing grants in furtherance of the purposes of this section.

Section 188. Effective October 1, 2014, subsection (1) of section 338.234, Florida Statutes, is amended to read:

338.234 Granting concessions or selling along the turnpike system; immunity from taxation.—

(1) The department may enter into contracts or licenses with any person for the sale of services or products or business opportunities on the turnpike system, or the turnpike enterprise may sell services, products, or business opportunities on the turnpike system, which benefit the traveling public or provide additional revenue to the turnpike system. Services, business opportunities, and products authorized to be sold include, but are not limited to, motor fuel, vehicle towing, and vehicle maintenance services; food with attendant nonalcoholic beverages; lodging, meeting rooms, and other business services opportunities; advertising and other promotional opportunities, which advertising and promotions must be consistent with the dignity and integrity of the state; state lottery tickets sold by authorized retailers; games and amusements that operate by the application of skill, not including games of chance as defined in s. 849.15 ~~849.16~~ or other illegal gambling games; Florida citrus, goods promoting the state, or handmade goods produced within the state; and travel information, tickets, reservations, or other related services. However, the department, pursuant to the grants of authority to the turnpike

enterprise under this section, shall not exercise the power of eminent domain solely for the purpose of acquiring real property in order to provide business services or opportunities, such as lodging and meeting-room space on the turnpike system.

Section 189. Effective October 1, 2014, paragraphs (c) and (e) of subsection (4) of section 402.82, Florida Statutes, are amended to read:

402.82 Electronic benefits transfer program.—

(4) Use or acceptance of an electronic benefits transfer card is prohibited at the following locations or for the following activities:

(c) A pari-mutuel facility as defined in s. 551.012 ~~s. 550.002~~.

(e) A commercial bingo facility that operates outside the provisions of s. 551.53 ~~849.0931~~.

Section 190. Effective October 1, 2014, subsection (6) of section 455.116, Florida Statutes, is amended to read:

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

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

Section 191. Effective October 1, 2014, subsection (1) of section 480.0475, Florida Statutes, is amended to read:

480.0475 Massage establishments; prohibited practices.—

(1) A person may not operate a massage establishment between the hours of midnight and 5 a.m. This subsection does not apply to a massage establishment:

(a) Located on the premises of a health care facility as defined in s. 408.07; a health care clinic as defined in s. 400.9905(4); a hotel, motel, or bed and breakfast inn, as those terms are defined in s. 509.242; a timeshare property as defined in s. 721.05; a public airport as defined in s. 330.27; or a pari-mutuel facility as defined in s. 551.012 ~~s. 550.002~~;

(b) In which every massage performed between the hours of midnight and 5 a.m. is performed by a massage therapist acting under the prescription of a physician or physician assistant licensed under chapter 458, an osteopathic physician or physician assistant licensed under chapter 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an advanced registered nurse practitioner licensed under part I of chapter 464, or a dentist licensed under chapter 466; or

(c) Operating during a special event if the county or municipality in which the establishment operates has approved such operation during the special event.

Section 192. Effective October 1, 2014, paragraph (f) of subsection (2) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

(f) In conducting inspections of establishments licensed under this chapter, the division shall determine if each ~~coin-operated~~ amusement game or machine that is operated on the

premises of a licensed establishment is properly registered with the Department of Revenue and Department of Gaming Control. Each month the division shall report to the Department of Revenue the sales tax registration number of the operator of any licensed establishment that has on location an ~~a coin-operated~~ amusement game or machine and that does not have an identifying certificate conspicuously displayed as required by s. 212.05(1)(h). Each month the division shall report to the Department of Gaming the name and address of the operator of any licensed establishment that has on location an amusement game or machine and that does not have a certificate of registration conspicuously displayed as required by chapter 551.

Section 193. Effective October 1, 2014, paragraph (a) of subsection (1) of section 559.801, Florida Statutes, is amended to read:

559.801 Definitions.—For the purpose of ss. 559.80-559.815, the term:

(1)(a) "Business opportunity" means the sale or lease of any products, equipment, supplies, or services which are sold or leased to a purchaser to enable the purchaser to start a business for which the purchaser is required to pay an initial fee or sum of money which exceeds $500 to the seller, and in which the seller represents:

1. That the seller or person or entity affiliated with or referred by the seller will provide locations or assist the purchaser in finding locations for the use or operation of

vending machines, racks, display cases, currency or card operated equipment, or other similar devices or ~~currency-operated~~ amusement games or machines or devices on premises neither owned nor leased by the purchaser or seller;

2. That the seller will purchase any or all products made, produced, fabricated, grown, bred, or modified by the purchaser using in whole or in part the supplies, services, or chattels sold to the purchaser;

3. That the seller guarantees that the purchaser will derive income from the business opportunity which exceeds the price paid or rent charged for the business opportunity or that the seller will refund all or part of the price paid or rent charged for the business opportunity, or will repurchase any of the products, equipment, supplies, or chattels supplied by the seller, if the purchaser is unsatisfied with the business opportunity; or

4. That the seller will provide a sales program or marketing program that will enable the purchaser to derive income from the business opportunity, except that this paragraph does not apply to the sale of a sales program or marketing program made in conjunction with the licensing of a trademark or service mark that is registered under the laws of any state or of the United States if the seller requires use of the trademark or service mark in the sales agreement.

For the purpose of subparagraph 1., the term "assist the

purchaser in finding locations" means, but is not limited to, supplying the purchaser with names of locator companies, contracting with the purchaser to provide assistance or supply names, or collecting a fee on behalf of or for a locator company.

Section 194. Effective October 1, 2014, section 561.1105, Florida Statutes, is amended to read:

561.1105 Inspection of licensed premises; ~~coin-operated~~ amusement games or machines.—In conducting inspections of establishments licensed under the Beverage Law, the division shall determine if each ~~coin-operated~~ amusement game or machine that is operated on the licensed premises is properly registered with the Department of Revenue and the Department of Gaming. Each month, the division shall report to the Department of Revenue the sales tax registration number of the operator of any licensed premises that has on location an ~~a coin-operated~~ amusement game or machine and that does not have an identifying certificate conspicuously displayed as required by s. 212.05(1)(h). Each month the division shall report to the Department of Gaming the name and address of the operator of any licensed establishment that has on location an amusement game or machine and that does not have a certificate of registration conspicuously displayed as required by chapter 551.

Section 195. Effective October 1, 2014, section 718.114, Florida Statutes, is amended to read:

718.114 Association powers.—An association may enter into

agreements to acquire leaseholds, memberships, and other possessory or use interests in lands or facilities such as country clubs, golf courses, marinas, and other recreational facilities, regardless of whether the lands or facilities are contiguous to the lands of the condominium, if such lands and facilities are intended to provide enjoyment, recreation, or other use or benefit to the unit owners. All of these leaseholds, memberships, and other possessory or use interests existing or created at the time of recording the declaration must be stated and fully described in the declaration. Subsequent to the recording of the declaration, agreements acquiring these leaseholds, memberships, or other possessory or use interests which are not entered into within 12 months of the date of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e) or the recording of an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first, are a material alteration or substantial addition to the real property that is association property, and the association may not acquire or enter into such agreements except upon a vote of, or written consent by, a majority of the total voting interests or as authorized by the declaration as provided in s. 718.113. The declaration may provide that the rental, membership fees, operations, replacements, and other expenses are common expenses and may impose covenants and restrictions concerning

their use and may contain other provisions not inconsistent with this chapter. A condominium association may conduct bingo games as provided in s. 551.53 ~~849.0931~~.

Section 196. Effective October 1, 2014, subsection (2) of section 721.111, Florida Statutes, is amended to read:

721.111 Prize and gift promotional offers.—

(2) A game promotion, such as a contest of chance, gift enterprise, or sweepstakes, in which the elements of chance and prize are present may not be used in connection with the offering or sale of timeshare interests, except for drawings, as that term is defined in s. 551.54 ~~849.0935(1)(a)~~, in which no more than 26 prizes are promoted and in which all promoted prizes are actually awarded. All such drawings must meet all requirements of this chapter and of s. 551.50 ~~ss. 849.092 and 849.094(1), (2), and (7)~~.

Section 197. Effective October 1, 2014, subsection (8) of section 723.079, Florida Statutes, is amended to read:

723.079 Powers and duties of homeowners' association.—

(8) Any mobile home owners' association or group of residents of a mobile home park as defined in this chapter may conduct bingo games as provided in s. 551.53 ~~849.0931~~.

Section 198. Effective October 1, 2014, paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 772.102, Florida Statutes, are amended to read:

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

(1) "Criminal activity" means to commit, to attempt to

commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

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

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

2. Section 414.39, relating to public assistance fraud.

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

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

5. Chapter 517, relating to securities transactions.

6. Section 551.0942 or s. 551.072 ~~550.235 or s. 550.3551~~, relating to dogracing and horseracing.

7. Part II of chapter 551 ~~550~~, relating to jai alai frontons.

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

9. Chapter 562, relating to beverage law enforcement.

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

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

12. Section 721.08, s. 721.09, or s. 721.13, relating to

real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

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

16. Chapter 790, relating to weapons and firearms.

17. Section 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

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

29. Chapter 843, relating to obstruction of justice.

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

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

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

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

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

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

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

1. Section 551.0942 or s. 551.072 ~~550.235 or s. 550.3551~~, relating to dogracing and horseracing.

2. Part II of chapter 551 ~~550~~, relating to jai alai frontons.

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

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

Section 199. Effective October 1, 2014, subsection (1) of section 773.03, Florida Statutes, is amended to read:

773.03 Limitation on liability for equine activity; exceptions.—

(1) This section applies to the horseracing industry as defined in part II of chapter 551 ~~550~~.

Section 200. Effective October 1, 2014, paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 895.02, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

5. Section 414.39, relating to public assistance fraud.

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

compensation.

7. Section 443.071(4), relating to creation of a fictitious employer scheme to commit reemployment assistance fraud.

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

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

10. Part IV of chapter 501, relating to telemarketing.

11. Chapter 517, relating to sale of securities and investor protection.

12. Section 551.0942 or s. 551.072 ~~550.235 or s. 550.3551~~, relating to dogracing and horseracing.

13. Part II of chapter 551 ~~550~~, relating to jai alai frontons.

14. Section 551.109, relating to slot machine gaming.

15. Chapter 552, relating to the manufacture, distribution, and use of explosives.

16. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

17. Chapter 562, relating to beverage law enforcement.

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

19. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

20. Chapter 687, relating to interest and usurious practices.

21. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

22. Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

23. Section 777.03, relating to commission of crimes by accessories after the fact.

24. Chapter 782, relating to homicide.

25. Chapter 784, relating to assault and battery.

26. Chapter 787, relating to kidnapping or human trafficking.

27. Chapter 790, relating to weapons and firearms.

28. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purpose of increasing a criminal gang member's own standing or position within a criminal gang.

29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution and sex trafficking.

30. Chapter 806, relating to arson and criminal mischief.

31. Chapter 810, relating to burglary and trespass.

32. Chapter 812, relating to theft, robbery, and related crimes.

33. Chapter 815, relating to computer-related crimes.

34. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

35. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

36. Section 827.071, relating to commercial sexual exploitation of children.

37. Section 828.122, relating to fighting or baiting animals.

38. Chapter 831, relating to forgery and counterfeiting.

39. Chapter 832, relating to issuance of worthless checks and drafts.

40. Section 836.05, relating to extortion.

41. Chapter 837, relating to perjury.

42. Chapter 838, relating to bribery and misuse of public office.

43. Chapter 843, relating to obstruction of justice.

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

45. Chapter 849, relating to gambling, lottery, gambling or gaming devices, slot machines, or any of the provisions within that chapter.

46. Chapter 874, relating to criminal gangs.

47. Chapter 893, relating to drug abuse prevention and

control.

48. Chapter 896, relating to offenses related to financial transactions.

49. Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

50. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

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

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

1. Section 551.0942 or s. 551.072 ~~550.235 or s. 550.3551~~, relating to dogracing and horseracing.

2. Part II of chapter 551 ~~550~~, relating to jai alai frontons.

3. Section 551.109, relating to slot machine gaming.

4. Chapter 687, relating to interest and usury.

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

Section 201. Effective October 1, 2014, paragraph (a) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity

ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than $300 but less than $20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc.,

			an odometer.
10270			
	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
10271			
	322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
10272			
	322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
10273			
	322.212(5)(a)	3rd	False application for driver's license or identification card.
10274			
	414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than $200.
10275			
	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by

		employee/official, value more than $200.
443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than $300.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
562.27(1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than $50.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).

812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
817.569(2)	3rd	Use of public record or public records information to facilitate commission of a felony.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud $150 or more.
832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.

849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.15(10) ~~849.23~~	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any

wire or oral communication.

Section 202. (1) The Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation shall revoke any for-profit permit issued before January 1, 2012, under which pari-mutuel wagering on live events has not occurred since January 1, 2012. A permit revoked under this section may not be reissued.

(2) Notwithstanding any other provision of law, the Division of Pari-mutuel Wagering may not approve or issue any new permit authorizing pari-mutuel wagering or new license authorizing slot machines.

Section 203. Reorganization implementation process.—In order to best achieve the legislative purpose of this act:

(1) The Governor shall appoint the members of the Gaming Control Commission in accordance with s. 551.0011.

(2) Effective July 1, 2014, the Gaming Control Commission shall appoint an executive director of the Department of Gaming Control. If the commission does not appoint an executive director by August 1, 2014, the Governor shall appoint an interim executive director. The executive director shall serve as secretary to the commission and as the commission's primary liaison with all entities involved in the reorganization of gaming. The executive director shall be responsible directly to the commission and shall serve as staff to the commission on all action items relating to the reorganization. During the

reorganization implementation period, the executive director shall:

(a) Be responsible for proposing actions regarding all gaming reorganization implementation issues.

(b) Be responsible for integration of gaming oversight in the Department of Gaming Control.

(3) The Gaming Control Commission shall establish a detailed procedure for the implementation of this act.

(4) Effective July 1, 2014, the Department of Business and Professional Regulation shall work with the Gaming Control Commission and its executive director to achieve full implementation of this act.

Section 204. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to gaming; creating s. 11.93, F.S.; creating the Joint Legislative Gaming Control Nominating Committee to be governed by joint rules of the Legislature; providing for membership and organization; providing procedures for nomination to the Governor of candidates for membership on the

Gaming Control Commission; providing that commission members shall be appointed by the Governor subject to confirmation by the Senate; amending s. 20.165, F.S.; removing a provision that establishes the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; creating s. 20.222, F.S.; creating the Department of Gaming Control; providing that the commission is head of the department; providing for appointment of an executive director; authorizing the Governor to appoint an interim executive director under certain circumstances; providing for organization of the department; amending s. 110.205, F.S., relating to the career service system; exempting certain positions within the Department of Gaming Control and the Gaming Control Commission; amending s. 120.80, F.S.; removing provisions relating to exemptions to the hearing and notice requirements for the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; providing exemptions to certain hearing and notice requirements for the Department of Gaming Control; directing the department to adopt certain rules; amending s. 285.710, F.S., relating to the Gaming Compact between the Seminole Tribe of Florida and the State of Florida; specifying the commission as the state compliance agency;

amending s. 285.712, F.S.; correcting a reference; transferring the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to the Department of Gaming Control by type two transfer; transferring the Pari-mutuel Wagering Trust Fund within the Department of Business and Professional Regulation to the Department of Gaming Control by type two transfer; transferring the specified responsibilities and functions relating to game promotions within Department of Agriculture and Consumer Services to the Department of Gaming Control by type two transfer; repealing ss. 550.001-550.0235 and 550.0351-550.71, F.S., relating to pari-mutuel wagering; designating chapter 551, F.S., as the "Florida Gaming Control Act"; creating part I of chapter 551, F.S., entitled "Florida Gaming Control"; creating s. 551.001, F.S.; defining terms; creating s. 551.0011, F.S.; creating the Gaming Control Commission; providing for membership and organization; prohibiting lobbying by the members of the commission; specifying the commission as the agency head of the department; providing for an executive director of the department to be appointed by the commission; providing for financial control of department funds; directing the commission to appoint an inspector general; creating s. 551.0012, F.S.; providing powers

and duties of the commission; renumbering and amending ss. 550.0251 and 551.103, F.S.; providing powers and duties of the department to implement, administer, and enforce provisions for gaming activities; directing the department to adopt rules; creating s. 551.0014, F.S.; providing for application of the code of ethics for public officers and employees under specified provisions; prohibiting certain acts and relationships; providing procedures if a commission member or an employee or prospective employee is charged or convicted of a criminal act; creating s. 551.0016, F.S.; prohibiting ex parte communication with a commission member; providing procedures for disclosure of such communication; providing penalties and authorizing the Commission on Ethics to enforce penalties; directing the Commission on Ethics to investigate complaints and report its findings to the Governor and the nominating committee; restricting appearance before the commission of person determined to have participated in ex parte communication; creating s. 551.0017, F.S.; providing penalties for violations of specified provisions by commission members and department employees; creating part II of chapter 551, F.S., entitled "Pari-mutuel Wagering"; reorganizing and revising provisions for pari-mutuel wagering; removing obsolete provisions; creating s.

551.011, F.S.; providing a short title; creating s. 551.012, F.S.; providing definitions; creating s. 551.013, F.S.; authorizing pari-mutuel wagering; providing for wagering pools and distribution thereof; 551.018, F.S.; limiting taxation by counties, municipalities, and other political subdivisions; creating ss. 551.021, 551.0221, 551.0222, 551.0241, 551.0251, 551.0252, 551.0253, F.S., relating to pari-mutuel permit application, issuance, ratification and revocation, relocation, conversion, and transfer; creating s. 551.026, F.S., providing for nonwagering licenses; creating s. 551.029, F.S., relating to persons prohibited from holding permits; creating ss. 551.0321, 551.0322, 551.033, 551.034, 551.035, F.S., relating to requirements for licensure of permitholders to conduct pari-mutuel operations, bond, periods of operation, inactive status, payment and disposition of fees and taxes, penalties for failure to pay, reporting, review, and auditing; creating s. 551.036, F.S., relating to escheat to state of abandoned interest in pari-mutuel pools; creating ss. 551.037 and 551.038, F.S., relating to lease of pari-mutuel facilities and capital improvements; creating s. 551.039, F.S., relating to charity and scholarship days; creating ss. 551.042, 551.043, and 551.045, F.S., relating to greyhound racing operations,

operating periods, pools, purses, takeout, taxes, and fees, and greyhound adoptions; creating ss. 551.0511, 551.0512, 551.0521, 551.0523, 551.0524, 551.053, 551.0541, 551.0542, 551.0543, 551.0551, 551.0552, 551.0553, and 551.056, F.S., relating to horseracing operations, thoroughbred, harness, quarter horse, and Appaloosa and Arabian horse racing, operating periods, pools, purses, takeout, awards, horsemen's associations, taxes, and fees; creating ss. 551.062, 551.0622, and 551.063, F.S., relating to jai alai operations, operating periods, awards, taxes, and fees; creating s. 551.072, F.S., relating to transmission of racing and jai alai information, broadcast, reception, performances, wagers, pools, takeout, purses, taxes, uncashed tickets and breakage, and caterers; creating ss. 551.073, 551.074, 551.075, 551.076, 551.077, and 551.078, F.S., relating to intertrack wagering, authorization, costs, purses, awards, pools, takeout, rebroadcast, broadcast rights, limited licensure, and totalisators; creating s. 551.082, F.S., relating to minors attending pari-mutuel performances; creating ss. 551.0921, 551.0922, 551.093, 551.0941, 551.0942, 551.0943, 551.0944, and 551.095, F.S., relating to prohibited acts, civil and criminal penalties, penalties against occupational licensees, and liability; creating part III of chapter

551, F.S., entitled "Slot Machines"; amending ss. 551.101, 551.102, 551.104, 551.105, 551.106, 551.108, 551.109, 551.111, 551.112, 551.113, 551.114, 551.116, 551.117, 551.118, 551.119, 551.121, 551.122, and 551.123, F.S.; revising provisions for slot machine licensure and operation; revising definitions and provisions relating to authorization to possess slot machines and conduct slot machine gaming, licensing requirements and procedures, fees and taxes, prohibited relationships, exclusions, persons prohibited from playing, facilities, penalties, compulsive gambling, caterers, prohibited acts and devices, and oversight authority; providing rulemaking authority; creating part IV of chapter 551, F.S., entitled "Cardrooms"; transferring, renumbering, and amending s. 849.086, F.S.; revising provisions for licensing and operation of cardrooms; creating part V of chapter 551, F.S., entitled "Occupational Employees and Associates"; transferring, renumbering, and amending s. 550.105, F.S., relating to racetrack and jai alai occupational licenses; transferring, renumbering, and amending s. 551.107, F.S., relating to occupational licenses for slot machines; repealing s. 551.1045, F.S., relating to temporary licenses; transferring, renumbering, and amending s. 849.086(6), F.S., relating to business and employee occupational

licenses; transferring and renumbering ss. 550.901, 550.902, 550.903, 550.905, 550.906, 550.907, 550.908, 550.909, 550.910, 550.911, and 550.913, F.S., and transferring, renumbering, and amending ss. 550.904 and 550.912, F.S., relating to the Interstate Compact on Licensure of Participants in Pari-mutuel Wagering; conforming cross-references to changes made by the act; creating part VI of chapter 551, F.S., entitled "Miscellaneous Gaming"; repealing s. 849.092, F.S., and transferring, renumbering, and amending s. 849.094, F.S., relating to retail promotions; revising and consolidating provisions for prizes given away by lot for advertising or promotional purposes; providing for oversight by the commission; transferring, renumbering, and amending ss. 849.085, 849.0931, 849.0935, and 849.141, F.S., relating to penny-ante games, bingo, charitable drawings by chance, and bowling tournaments; making technical changes and conforming cross-references to changes made by the act; transferring, renumbering, and amending s. 849.161, F.S.; revising provisions for amusement games or machines; revising definitions; requiring registration with the department; providing for a fee; requiring the department to review the sufficiency of allowed redemption value of points or coupons awarded and provide a report to the Legislature; specifying

the authority of the commission and department to enter and inspect facilities and machines; authorizing the department to adopt rules; amending s. 849.01, F.S., and repealing ss. 849.02, 849.03, 849.04, and 849.05, F.S.; revising and consolidating provisions relating to prohibited gambling operations, prohibited acts relating to such operations, prima facie evidence that a location is used for such gambling, and penalties for violations; amending s. 849.07, F.S., and repealing s. 849.08, F.S.; revising and consolidating provisions prohibiting playing certain games for money or thing of value and the penalties for violations; amending s. 849.09, F.S., and repealing s. 849.10, F.S.; revising and consolidating provisions prohibiting lotteries and certain actions related to lotteries and the penalties for violations; amending ss. 849.091 and 849.0915, F.S.; revising provisions prohibiting pyramid sales schemes and referral selling; amending s. 849.11, F.S., transferring and renumbering 849.12, F.S., and repealing s. 849.13; revising and consolidating provisions prohibiting games of chance by lot or with other gambling device and the penalties for violations; amending s. 849.14, F.S.; revising provisions prohibiting wagering on the result of certain types of events and the penalties for

violations; amending s. 849.15, F.S., and transferring, renumbering, and amending ss. 849.16, 849.17, 849.18, 849.19, 849.20, 849.21, 849.22, 849.23, and 849.235, F.S.; revising and consolidating provisions prohibiting manufacture, possession, and distribution of slot machines or devices and provisions for seizure of such devices, lien on place of operations, a declaration of common nuisance, injunction for restraint, enforcement fees, penalties for violations, and a defense to action or prosecution; amending s. 849.231, F.S., and transferring, renumbering, and amending ss. 849.232 and 849.233, F.S.; revising and consolidating provisions prohibiting manufacture, possession, and distribution of certain gambling devices and provisions for seizure of such devices, application, and penalties for violations; amending s. 849.25, F.S.; revising provisions prohibiting bookmaking and penalties for violations; amending s. 849.26, F.S., and transferring, renumbering, and amending ss. 849.29, 849.30, 849.31, 849.32, 849.33, and 849.34, F.S., relating to gambling contracts, liability, recovery, losers, procedures, and judgments; amending s. 849.35, F.S., and transferring, renumbering, and amending ss. 849.36, 849.37, 849.38, 849.39, 849.40, 849.41, 849.42, 849.43, 849.44, 849.45, and 849.46,

F.S.; relating to seizure and forfeiture of property used in the violation of lottery and gambling prohibitions, procedures for disposition, representation by state attorney, judgments, and fees; creating s. 849.47, F.S.; providing for enforcement of the chapter; prohibiting the Division of Pari-mutuel Wagering from issuing new permit authorizing pari-mutuel wagering or new license authorizing slot machines; directing the commission to conduct studies of greyhound racing and medication in horseracing and to make reports to the Governor and the Legislature; amending ss. 11.45, 72.011, 72.031, 196.183, 205.0537, 212.02, 212.031, 212.04, 212.05, 212.054, 212.12, 212.20, 267.0617, 338.234, 402.82, 455.116, 480.0475, 509.032, 559.801, 561.1105, 718.114, 721.111, 723.079, 772.102, 773.03, 895.02, and 921.0022, F.S.; conforming cross-references and provisions to changes made by the act; directing the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to revoke certain permits; providing for transition; providing effective dates.