

FOR CONSIDERATION By the Committee on Gaming

584-00011A-14

20147052\_\_

1                                   A bill to be entitled  
2       An act relating to gaming; creating s. 11.93, F.S.;  
3       creating the Joint Legislative Gaming Control  
4       Oversight Committee; providing for member  
5       requirements, terms, and meetings; providing that the  
6       committee is governed by joint rules of the Senate and  
7       the House of Representatives; providing powers and  
8       duties of the committee; authorizing the committee to  
9       schedule hearings; requiring the committee to deliver  
10      a written recommendation to the President of the  
11      Senate and the Speaker of the House of Representatives  
12      upon certain findings; amending s. 20.165, F.S.;  
13      removing a provision that establishes the Division of  
14      Pari-mutuel Wagering in the Department of Business and  
15      Professional Regulation; creating s. 20.222, F.S.;  
16      creating the Department of Gaming Control; amending s.  
17      110.205, F.S.; exempting certain positions within the  
18      Department of Gaming Control and the Gaming Control  
19      Board; amending s. 120.80, F.S.; removing provisions  
20      relating to exemptions to the hearing and notice  
21      requirements for the Division of Pari-mutuel Wagering  
22      in the Department of Business and Professional  
23      Regulation; providing exemptions to certain hearing  
24      and notice requirements for the Department of Gaming  
25      Control; providing exemptions for the Gaming Control  
26      Board; amending s. 285.710, F.S.; authorizing and  
27      directing the Governor to negotiate and execute an  
28      amendment to the Gaming Compact with the Seminole  
29      Tribe of Florida; requiring the Governor to provide a

584-00011A-14

20147052\_\_

30 copy of the amendment to the President of the Senate  
31 and the Speaker of the House of Representatives;  
32 requiring the compact to be ratified by both houses of  
33 the Legislature before being sent to the United States  
34 Department of the Interior; amending s. 285.712, F.S.;  
35 making a technical change; transferring the Division  
36 of Pari-mutuel Wagering of the Department of Business  
37 and Professional Regulation to the Gaming Control  
38 Board within the Department of Gaming Control by type  
39 two transfer; transferring the Pari-mutuel Wagering  
40 Trust Fund within the Department of Business and  
41 Professional Regulation to the Department of Gaming  
42 Control by type two transfer; repealing ss. 550.001-  
43 550.71, F.S., relating to pari-mutuel wagering;  
44 redesignating ch. 551, F.S., as the "Florida Gaming  
45 Control Act"; creating part I of ch. 551, F.S.;  
46 entitling part I "Florida Gaming Control"; creating s.  
47 551.001, F.S.; defining terms; creating s. 551.0011,  
48 F.S.; creating the Gaming Control Board; providing  
49 member requirements and terms; providing chair and  
50 vice chair requirements; providing for meetings of the  
51 board; requiring the board to serve as the agency head  
52 of the department; requiring the board to appoint an  
53 executive director; authorizing the board to designate  
54 an acting executive director; providing for financial  
55 control of department funds; creating s. 551.0012,  
56 F.S.; providing powers and duties of the board;  
57 creating s. 551.0013, F.S.; providing duties of the  
58 department; authorizing the department to adopt rules;

584-00011A-14

20147052\_\_

59 specifying rules that must be adopted; authorizing the  
60 department to adopt emergency rules; creating s.  
61 551.0014, F.S.; requiring the department to adopt a  
62 code of ethics; providing ethical requirements;  
63 creating s. 551.0015, F.S.; requiring certain  
64 disclosures by members, employees, and agents of the  
65 board; creating s. 551.0016, F.S.; prohibiting ex  
66 parte communication between certain persons; requiring  
67 certain persons to report such communication;  
68 providing a procedure for a member to disclose such  
69 communication; penalizing a member who fails to follow  
70 such procedure; requiring the Commission on Ethics to  
71 investigate certain complaints and report its findings  
72 to the Governor; authorizing the Commission on Ethics  
73 to enforce certain penalties; creating s. 551.0017,  
74 F.S.; providing penalties for misconduct by a member,  
75 employee, or agent of the Gaming Control Board;  
76 creating s. 551.0018, F.S.; providing for judicial  
77 review; creating part II of ch. 551, F.S.; entitling  
78 part II "Pari-Mutuel Wagering"; reorganizing and  
79 clarifying provisions for pari-mutuel wagering;  
80 removing obsolete provisions; creating s. 551.011,  
81 F.S.; providing a short title; creating s. 551.012,  
82 F.S.; defining terms; creating s. 551.013, F.S.;  
83 authorizing pari-mutuel wagering; providing for  
84 wagering pools and distribution thereof; creating s.  
85 551.014, F.S.; providing powers and duties of the  
86 Department of Gaming Control; creating s. 551.018,  
87 F.S.; limiting taxation by counties, municipalities,

584-00011A-14

20147052\_\_

88 and other political subdivisions; creating ss.  
89 551.021, 551.0221, 551.0222, 551.0241, 551.0242,  
90 551.0251, 551.0252, 551.0253, 551.026, and 551.029,  
91 F.S., relating to pari-mutuel permit application,  
92 issuance, ratification, relocation, conversion,  
93 suspension, and revocation; creating ss. 551.0321,  
94 551.0322, 551.033, 551.034, 551.035, 551.036, 551.037,  
95 551.038, and 551.039, F.S., relating to licensure of  
96 permitholders to conduct pari-mutuel operations;  
97 creating ss. 551.042, 551.043, and 551.045, F.S.,  
98 relating to greyhound racing operations, operating  
99 periods, pools, purses, injury reporting, takeout,  
100 taxes, and fees; creating ss. 551.0511, 551.0512,  
101 551.0521, 551.0522, 551.0523, 551.0524, 551.053,  
102 551.0541, 551.0542, 551.0543, 551.0551, 551.0552,  
103 551.0553, and 551.056, F.S., relating to horseracing  
104 operations, thoroughbred, harness, quarter horse,  
105 Appaloosa and Arabian horse racing, operating periods,  
106 pools, purses, takeout, taxes, and fees; creating ss.  
107 551.062, 551.0622, and 551.063, F.S., relating to jai  
108 alai operations, operating periods, awards, taxes, and  
109 fees; creating s. 551.072, F.S., relating to  
110 transmission of racing and jai alai information,  
111 broadcast, reception, performances, wagers, pools,  
112 takeout, purses, taxes, uncashed tickets and breakage,  
113 and caterers; creating ss. 551.073, 551.074, 551.075,  
114 551.076, 551.077, 551.078, F.S., relating to  
115 intertrack wagering, authorization, costs, purses,  
116 awards, pools, takeout, rebroadcast, broadcast rights,

584-00011A-14

20147052\_\_

117 limited licensure, and totalisators; creating s.  
118 551.082, F.S., relating to minors attending pari-  
119 mutuel performances; creating ss. 551.091, 551.0921,  
120 551.0922, 551.093, 551.0941, 551.0942, 551.0943,  
121 551.0944, 551.095, F.S., relating to prohibited acts,  
122 civil and criminal penalties, and liability; creating  
123 part III of ch. 551, F.S.; entitling part III "Slot  
124 Machines"; amending ss. 551.101, 551.102, 551.103,  
125 551.104, 551.105, 551.106, 551.108, 551.109, 551.111,  
126 551.112, 551.113, 551.114, 551.116, 551.117, 551.118,  
127 551.119, 551.121, 551.122, and 551.123, F.S.;  
128 clarifying provisions and making technical changes;  
129 amending s. 551.1045, F.S.; deleting provisions  
130 relating to temporary occupational licenses; creating  
131 part IV of ch. 551, F.S.; entitling part IV  
132 "Cardrooms"; transferring, renumbering, and amending  
133 s. 849.086, F.S.; clarifying provisions and making  
134 technical changes; creating part V of ch. 551, F.S.;  
135 entitling part V "Occupational Licensing";  
136 transferring, renumbering, and amending s. 550.105,  
137 F.S., relating to racetrack and jai alai occupational  
138 licenses; transferring, renumbering, and amending s.  
139 551.107, F.S., relating to occupational licenses for  
140 slot machines; creating s. 551.303, F.S., relating to  
141 cardroom occupational licenses; transferring and  
142 renumbering ss. 550.901, 550.902, 550.903, 550.904,  
143 550.905, 550.906, 550.907, 550.908, 550.909, 550.910,  
144 550.911, 550.912, and 550.913, F.S., relating to the  
145 Interstate Compact on Licensure of Participants in

584-00011A-14

20147052\_\_

146 Pari-mutuel Wagering; conforming cross-references to  
147 changes made in the act; creating part VI of ch. 551,  
148 F.S.; entitling part VI "Destination Casino Resorts";  
149 creating s. 551.401, F.S.; defining terms; creating s.  
150 551.403, F.S.; providing legislative authority for and  
151 administration of part VI; creating s. 551.405, F.S.;  
152 authorizing gaming at destination casino resorts;  
153 creating ss. 551.407, 551.409, 551.41, 551.411,  
154 551.413, 551.414, and 551.415, F.S., relating to  
155 destination casino resort licensure; creating s.  
156 551.416, F.S.; requiring payment of a license fee and  
157 the remittance of tax; creating s. 551.417, F.S.;  
158 providing for the conduct of gaming by a licensee;  
159 creating s. 551.418, F.S.; prohibiting certain acts  
160 and providing penalties; creating ss. 551.42, 551.422,  
161 551.424, and 551.426, F.S., relating to supplier,  
162 manufacturer, and occupational licensure; creating s.  
163 551.428, F.S.; providing for resolution of disputes  
164 between licensees and wagerers; creating s. 551.43,  
165 F.S.; providing for the enforcement of credit  
166 instruments; creating s. 551.44, F.S.; providing for  
167 compulsive or addictive gambling prevention; creating  
168 s. 551.445, F.S.; providing that an individual may  
169 request to be excluded from a gaming facility;  
170 creating s. 551.45, F.S.; requiring the Gaming Control  
171 Board to file an annual report; creating part VII of  
172 ch. 551, F.S.; entitling part VII "Miscellaneous  
173 Gaming"; transferring, renumbering, and amending s.  
174 849.094, F.S.; making technical changes; transferring,

584-00011A-14

20147052\_\_

175 renumbering, and amending s. 849.092, F.S.; making  
176 technical changes; transferring, renumbering, and  
177 amending s. 849.085, F.S.; making technical changes;  
178 transferring, renumbering, and amending s. 849.0931,  
179 F.S.; making technical changes; transferring,  
180 renumbering, and amending s. 849.0935, F.S.; making  
181 technical changes; transferring, renumbering, and  
182 amending s. 849.141, F.S.; making technical changes;  
183 transferring, renumbering, and amending s. 849.161,  
184 F.S.; making technical changes; amending ss. 849.01,  
185 849.02, 849.03, 849.04, 849.05, 849.07, 849.08,  
186 849.09, 849.091, 849.0915, 849.10, 849.11, 849.12,  
187 849.13, 849.14, 849.15, 849.16, 849.17, 849.18,  
188 849.19, 849.20, 849.21, 849.22, 849.23, 849.231,  
189 849.232, 849.233, 849.235, 849.25, 849.26, 849.29,  
190 849.30, 849.31, 849.32, 849.33, 849.34, 849.35,  
191 849.36, 849.37, 849.38, 849.39, 849.40, 849.41,  
192 849.42, 849.43, 849.44, 849.45, and 849.46, F.S.;  
193 reorganizing and clarifying gaming prohibitions;  
194 removing obsolete provisions; creating s. 849.47,  
195 F.S.; providing for enforcement of the chapter;  
196 amending ss. 11.45, 72.011, 72.031, 196.183, 205.0537,  
197 212.02, 212.031, 212.04, 212.05, 212.054, 212.12  
198 212.20, 267.0617, 402.82, 455.116, 480.0475, 509.032,  
199 559.801, 561.1105, 772.102, 773.03, and 895.02, F.S.;

200 conforming cross-references and provisions to changes  
201 made by the act; providing effective dates.

202

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

584-00011A-14

20147052\_\_

204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232

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

11.93 Joint Legislative Gaming Control Oversight Committee.—

(1) The Joint Legislative Gaming Control Oversight Committee is created and shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives. Each member shall serve at the pleasure of the officer who appointed the member. A committee vacancy shall be filled in the same manner as the original appointment. From November of each odd-numbered year through October of each even-numbered year, the chair shall be appointed by the President of the Senate and the vice chair shall be appointed by the Speaker of the House of Representatives. From November of each even-numbered year through October of each odd-numbered year, the chair shall be appointed by the Speaker of the House of Representatives and the vice chair shall be appointed by the President of the Senate. The terms of members shall be for 2 years and must coincide with the 2-year term of the Legislative Regular Session.

(2) The committee shall be governed by joint rules of the Senate and the House of Representatives, which shall remain in effect until repealed or amended by concurrent resolution.

(3) The committee shall convene at least quarterly at the call of the President of the Senate and the Speaker of the House of Representatives. A majority of the committee members of each house constitutes a quorum. Action by the committee requires a



584-00011A-14

20147052\_\_

233 majority vote of the members appointed by each house of the  
234 Legislature.

235 (4) The committee may conduct its meetings through  
236 teleconferences or other similar means.

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

240 (6) The committee shall:

241 (a) Review the implementation of and compliance with this  
242 part to ensure that chapters 24, 551, and 849 are not subject to  
243 abuse or interpreted in any manner that expands gaming or  
244 gambling in this state.

245 (b) Review any matter within the scope of the jurisdiction  
246 of the Department of Gaming Control or the Department of the  
247 Lottery, and, in connection with such investigation, may  
248 exercise the powers of subpoena by law vested in a standing  
249 committee of the Legislature.

250 (c) Review the regulation of licensees of the Department of  
251 Gaming Control or the Gaming Control Board, and the procedures  
252 used by the Department of Gaming Control or the Gaming Control  
253 Board to implement and enforce the law.

254 (d) Review the procedures of the Department of Gaming  
255 Control or Gaming Control Board which are used to qualify  
256 applicants for licensure.

257 (e) Review the procedures of the Department of the Lottery  
258 which are used to select games or contract for promotions,  
259 advertising, vendors, or retailers.

260 (f) Exercise all other powers and perform any other duties  
261 prescribed by the Legislature.

584-00011A-14

20147052\_\_

262       (7) The committee chair may schedule hearings to determine  
263 whether enforcement of the gaming laws of the state is  
264 sufficient to protect residents from abuse and misinterpretation  
265 of the law to create expansion of gaming or gambling in this  
266 state.

267       (8) If the committee determines that enforcement of the  
268 gaming laws of the state should be enhanced through additional  
269 legislation or other action, it shall submit written  
270 recommendations and proposed statutory changes to the President  
271 of the Senate and the Speaker of the House of Representatives.

272       Section 2. Paragraph (g) of subsection (2) of section  
273 20.165, Florida Statutes, is amended to read:

274       20.165 Department of Business and Professional Regulation.—  
275 There is created a Department of Business and Professional  
276 Regulation.

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

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

280       Section 3. Section 20.222, Florida Statutes, is created to  
281 read:

282       20.222 Department of Gaming Control.—The Department of  
283 Gaming Control is created.

284       (1) The head of the department is the Gaming Control Board.

285       (2) The following divisions of the department are  
286 established:

287       (a) Division of Accounting and Auditing.

288       (b) Division of Investigations and Security.

289       (c) Division of Licensing.

290       (d) Division of Operations.

584-00011A-14

20147052\_\_

291 (e) Division of Prosecution.

292 (3) The Gaming Control Board may create bureaus within the  
293 department and allocate the various functions of the department  
294 among such bureaus.

295 Section 4. Paragraph (y) is added to subsection (2) of  
296 section 110.205, Florida Statutes, to read:

297 110.205 Career service; exemptions.—

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

300 (y) The executive director, any deputy executive directors,  
301 the general counsel, attorneys, official reporters, and division  
302 directors within the Department of Gaming Control or the Gaming  
303 Control Board. Unless otherwise fixed by law, the salary and  
304 benefits of the executive director, deputy executive directors,  
305 general counsel, attorneys, and division directors shall be set  
306 by the Department of Management Services in accordance with the  
307 rules of the Senior Management Service.

308 Section 5. Subsection (4) and paragraph (b) of subsection  
309 (14) of section 120.80, Florida Statutes, are amended, and  
310 subsections (19) and (20) are added to that section, to read:

311 120.80 Exceptions and special requirements; agencies.—

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

313 ~~(a) Business regulation. The Division of Pari-mutuel~~  
314 ~~Wagering is exempt from the hearing and notice requirements of~~  
315 ~~ss. 120.569 and 120.57(1) (a), but only for stewards, judges, and~~  
316 ~~boards of judges when the hearing is to be held for the purpose~~  
317 ~~of the imposition of fines or suspensions as provided by rules~~  
318 ~~of the Division of Pari-mutuel Wagering, but not for~~  
319 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~

584-00011A-14

20147052\_\_

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

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

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

327 ~~3. Maintaining or possessing any device which could be used~~  
328 ~~for the injection or other infusion of a prohibited drug to~~  
329 ~~horses, greyhounds, and jai alai players in violation of chapter~~  
330 ~~550.~~

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

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

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

337 ~~(b) Professional regulation.~~ Notwithstanding s.  
338 120.57(1)(a), formal hearings may not be conducted by the  
339 Secretary of Business and Professional Regulation or a board or  
340 member of a board within the Department of Business and  
341 Professional Regulation for matters relating to the regulation  
342 of professions, as defined by chapter 455.

343 (14) DEPARTMENT OF REVENUE.—

344 (b) *Taxpayer contest proceedings.*—

345 1. In any administrative proceeding brought pursuant to  
346 this chapter as authorized by s. 72.011(1), the taxpayer shall  
347 be designated the "petitioner" and the Department of Revenue  
348 shall be designated the "respondent," except that for actions

584-00011A-14

20147052\_\_

349 contesting an assessment or denial of refund under chapter 207,  
350 the Department of Highway Safety and Motor Vehicles shall be  
351 designated the "respondent," and for actions contesting an  
352 assessment or denial of refund under chapters 210, ~~550~~, 561,  
353 562, 563, 564, and 565, the Department of Business and  
354 Professional Regulation shall be designated the "respondent."

355 2. In any such administrative proceeding, the applicable  
356 department's burden of proof, except as otherwise specifically  
357 provided by general law, shall be limited to a showing that an  
358 assessment has been made against the taxpayer and the factual  
359 and legal grounds upon which the applicable department made the  
360 assessment.

361 3.a. Prior to filing a petition under this chapter, the  
362 taxpayer shall pay to the applicable department the amount of  
363 taxes, penalties, and accrued interest assessed by that  
364 department which are not being contested by the taxpayer.  
365 Failure to pay the uncontested amount shall result in the  
366 dismissal of the action and imposition of an additional penalty  
367 of 25 percent of the amount taxed.

368 b. The requirements of s. 72.011(2) and (3)(a) are  
369 jurisdictional for any action under this chapter to contest an  
370 assessment or denial of refund by the Department of Revenue, the  
371 Department of Highway Safety and Motor Vehicles, or the  
372 Department of Business and Professional Regulation.

373 4. Except as provided in s. 220.719, further collection and  
374 enforcement of the contested amount of an assessment for  
375 nonpayment or underpayment of any tax, interest, or penalty  
376 shall be stayed beginning on the date a petition is filed. Upon  
377 entry of a final order, an agency may resume collection and

584-00011A-14

20147052\_\_

378 enforcement action.

379 5. The prevailing party, in a proceeding under ss. 120.569  
380 and 120.57 authorized by s. 72.011(1), may recover all legal  
381 costs incurred in such proceeding, including reasonable  
382 attorney's fees, if the losing party fails to raise a  
383 justiciable issue of law or fact in its petition or response.

384 6. Upon review pursuant to s. 120.68 of final agency action  
385 concerning an assessment of tax, penalty, or interest with  
386 respect to a tax imposed under chapter 212, or the denial of a  
387 refund of any tax imposed under chapter 212, if the court finds  
388 that the Department of Revenue improperly rejected or modified a  
389 conclusion of law, the court may award reasonable attorney's  
390 fees and reasonable costs of the appeal to the prevailing  
391 appellant.

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

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

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

403 1. Horse riding, harness riding, greyhound interference,  
404 and jai alai game actions in violation of part II of chapter  
405 551.

406 2. Application and administration of drugs and medication

584-00011A-14

20147052\_\_

407 to a horse, greyhound, or jai alai player in violation of part  
408 II of chapter 551.

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

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

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

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

418 (20) GAMING CONTROL BOARD.—

419 (a) Section 120.541(3) does not apply to the adoption of  
420 rules by the Department of Gaming Control.

421 (b) Section 120.60 does not apply to applications for a  
422 destination casino resort license.

423 (c) Notwithstanding s. 120.542, the Gaming Control Board  
424 may not grant any waiver or variance from the requirements of  
425 part VI of chapter 551.

426 Section 6. Paragraph (f) of subsection (1) and subsection  
427 (7) of section 285.710, Florida Statutes, are amended, and  
428 subsections (15) and (16) are added to that section, to read:

429 285.710 Compact authorization.—

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

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

584-00011A-14

20147052\_\_

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

441           (15) The Governor is authorized and directed to negotiate  
442 and execute an amendment to the compact on behalf of the state  
443 with the Tribe pursuant to the federal Indian Gaming Regulatory  
444 Act of 1988, 18 U.S.C. ss. 1166-1168, 25 U.S.C. ss. 2701 et  
445 seq., and this section regarding the right of the Tribe  
446 specified in Part XII of the compact to operate covered games as  
447 defined in the compact, and to renew the Tribe's authorization  
448 to offer banked or banking card games as defined in Part III,  
449 Section F(2) of the compact, and agree that such authorization  
450 to offer banked or banking card games terminates on July 31,  
451 2030, concurrently with the term described in Part XVI of the  
452 compact. The Governor is authorized to negotiate an amendment to  
453 the compact that is consistent with the terms and standards in  
454 this section, provided that amendment to provisions relating to  
455 covered games, the amount of revenue-sharing payments,  
456 suspension or reduction of payments, or exclusivity other than  
457 as stated in this section shall require ratification by the  
458 Legislature. An amendment to the compact is not deemed entered  
459 into by the state unless it is ratified by the Legislature.

460           (16) The Governor shall provide a copy of any amendment to  
461 the compact to the President of the Senate and the Speaker of  
462 the House of Representatives immediately upon execution. The  
463 compact may not be submitted to the United States Department of  
464 the Interior by or on behalf of the state or the Tribe until it



584-00011A-14

20147052\_\_

465 has been ratified by both houses of the Legislature by majority  
466 vote of the members present.

467 Section 7. Subsection (4) of section 285.712, Florida  
468 Statutes, is amended to read:

469 285.712 Tribal-state gaming compacts.—

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

475 Section 8. (1) The Division of Pari-mutuel Wagering within  
476 the Department of Business and Professional Regulation created  
477 under chapter 20, Florida Statutes, is transferred by a type two  
478 transfer, as defined in s. 20.06, Florida Statutes, to the  
479 Department of Gaming Control.

480 (2) The Pari-mutuel Wagering Trust Fund within the  
481 Department of Business and Professional Regulation is  
482 transferred by a type two transfer, as defined in s. 20.06,  
483 Florida Statutes, to the Department of Gaming Control and  
484 renamed the "Gaming Control Trust Fund."

485 (3) This section is effective beginning on January 1, 2015.

486 Section 9. Sections 550.001, 550.002, 550.0115, 550.01215,  
487 550.0235, 550.0251, 550.0351, 550.0425, 550.054, 550.0555,  
488 550.0651, 550.0745, 550.0951, 550.09511, 550.09512, 550.09514,  
489 550.09515, 550.1155, 550.125, 550.135, 550.155, 550.1625,  
490 550.1645, 550.1646, 550.1647, 550.1648, 550.175, 550.1815,  
491 550.235, 550.24055, 550.2415, 550.255, 550.2614, 550.26165,  
492 550.2625, 550.2633, 550.26352, 550.2704, 550.285, 550.334,  
493 550.3345, 550.3355, 550.3551, 550.3615, 550.375, 550.475,

584-00011A-14

20147052\_\_

494 550.495, 550.505, 550.5251, 550.615, 550.625, 550.6305,  
495 550.6308, 550.6315, 550.6325, 550.6335, 550.6345, 550.70, and  
496 550.71, Florida Statutes, are repealed.

497 Section 10. Chapter 551, Florida Statutes, is redesignated  
498 as the "Florida Gaming Control Act."

499 Section 11. Part I of chapter 551, Florida Statutes,  
500 consisting of sections ss. 551.001-551.0018, Florida Statutes,  
501 is created and entitled "Florida Gaming Control."

502 Section 12. Section 551.001, Florida Statutes, is created  
503 to read:

504 551.001 Definitions.—As used in this chapter, the term:

505 (1) "Affiliate" means a person or applicant who, directly  
506 or indirectly, through one or more intermediaries:

507 (a) Controls, is controlled by, or is under common control  
508 with;

509 (b) Is in a partnership or joint venture relationship with;  
510 or

511 (c) Is a shareholder of a corporation, a member of a  
512 limited liability company, or a partner in a limited liability  
513 partnership with,

514  
515 an applicant for a destination casino resort license or a  
516 destination casino resort licensee.

517 (2) "Chair" means the chair of the Gaming Control Board.

518 (3) "Board" means the Gaming Control Board.

519 (4) "Conflict of interest" means a situation in which the  
520 private interest of a member of the board or an employee or  
521 agent of the department may influence his or her judgment in the  
522 performance of his or her public duty under this part. A

584-00011A-14

20147052\_\_

523 conflict of interest includes, but is not limited to:

524 (a) Any conduct that would lead a reasonable person having  
525 knowledge of all of the circumstances to conclude that a member  
526 of the board or an employee or agent of the department is biased  
527 against or in favor of an applicant.

528 (b) The acceptance of any form of compensation from a  
529 source other than the department for any services rendered as  
530 part of the official duties of a member of the board or an  
531 employee or agent of the department.

532 (c) Participation in any business transaction with or  
533 before the board or department in which a member of the board or  
534 an employee or agent of the department, or the parent, spouse,  
535 or child of the member, employee, or agent, has a financial  
536 interest.

537 (5) "Department" means the Department of Gaming Control.

538 (6) "Executive director" means the executive director of  
539 the department.

540 (7) "Financial interest" or "financially interested" means  
541 any interest in investments or awarding of contracts, grants,  
542 loans, purchases, leases, sales, or similar matters under  
543 consideration or consummated by the board or the department, or  
544 ownership in an applicant or a licensee. A member of the board  
545 or an employee or agent of the department is deemed to have a  
546 financial interest in a matter if:

547 (a) The individual owns any interest in any class of  
548 outstanding securities that are issued by a party to the matter  
549 under consideration by the board or the department, except  
550 indirect interests such as a mutual fund or stock portfolios; or

551 (b) The individual is employed by or is an independent

584-00011A-14

20147052\_\_

552 contractor for a party to a matter under consideration by the  
553 board or the department.

554 Section 13. Section 551.0011, Florida Statutes, is created  
555 to read:

556 551.0011 Gaming Control Board.—

557 (1) CREATION.—The Gaming Control Board is created within  
558 the department and shall have its headquarters in Tallahassee.

559 (2) MEMBERS.—The board shall be composed of five residents  
560 of the state who are appointed by the Governor, subject to  
561 confirmation by the Senate in the legislative session following  
562 appointment. Before making appointments to the board, the  
563 Governor shall conduct a thorough search to identify candidates  
564 who have experience in corporate finance, accounting,  
565 information technologies, tourism, convention and destination  
566 casino resort management, gaming regulatory administration or  
567 management, law enforcement, legal and policy issues related to  
568 gaming, or related legal experience. At least one board member  
569 must be a certified public accountant licensed in this state who  
570 has at least 5 years' experience with enterprise information  
571 management. At least one board member must have 5 years'  
572 experience in law enforcement investigations. A person may not  
573 be appointed as a board member if he or she has held an elective  
574 or appointed public office in a federal, state, or local  
575 government, or an office in a political party, within the 3  
576 years preceding appointment. Before appointment to the board, a  
577 background investigation must be conducted into the financial  
578 stability, integrity, and responsibility of a candidate,  
579 including the candidate's reputation for good character,  
580 honesty, and integrity. A person who has been convicted of a

584-00011A-14

20147052\_\_

581 felony is not eligible to serve on the board.

582 (3) TERMS.—Each board member shall be appointed to a 4-year  
583 term except that, initially, to achieve staggered terms, one  
584 member shall be appointed to a 4-year term and serve as chair of  
585 the board, one member shall be appointed to a 4-year term, one  
586 member shall be appointed to a 3-year term, one member shall be  
587 appointed to a 2-year term, and one member shall be appointed to  
588 a 1-year term. Members' terms expire on December 31. Before  
589 expiration of the term of a member, the Governor shall appoint a  
590 successor. The Governor may remove a member for cause, including  
591 circumstances in which the member commits gross misconduct or  
592 malfeasance in office, substantially neglects or is unable to  
593 discharge his or her duties as a member, or is convicted of a  
594 felony. Upon the resignation or removal from office of a member,  
595 the Governor shall appoint a successor within 45 days after the  
596 effective date of the resignation or removal to serve the  
597 remainder of the unfinished term. A member may not serve more  
598 than two full terms, exclusive of service during an unexpired  
599 portion of a term due to a vacancy.

600 (4) CHAIR AND VICE CHAIR.—

601 (a) The chair shall be appointed by the Governor and serve  
602 until expiration of the member's term. The vice chair of the  
603 board shall be elected by the members during the first meeting  
604 of the board on or after January 1 of each year. The chair shall  
605 set the agenda for each meeting. The chair shall approve all  
606 notices, vouchers, subpoenas, and reports as required by this  
607 part. The chair shall preserve order and decorum and shall have  
608 general control of the board meetings. The chair shall decide  
609 all questions of order. The chair may designate a member to

584-00011A-14

20147052\_\_

610 perform the duties of the chair for a meeting if such  
611 substitution does not extend beyond that meeting.

612 (b) If the chair is absent, the vice chair shall assume the  
613 duties of the chair during the chair's absence. On the death,  
614 incapacitation, or resignation of the chair, the vice chair  
615 shall perform the duties of the office until the Governor  
616 appoints a successor.

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

620 (5) MEETINGS.—Meetings of the board are open to the public  
621 unless otherwise exempt under chapter 286. The board must meet  
622 at least monthly. Meetings may be called by the chair or by  
623 three members upon at least 72 hours' public notice. Three  
624 members constitute a quorum. Emergency meetings may be held if a  
625 bona fide emergency situation exists as determined by the chair  
626 or by three members, in which case a meeting to deal with the  
627 emergency may be held as necessary, with reasonable notice.  
628 Action taken at an emergency meeting must be subsequently  
629 ratified by the board at a noticed meeting. Meetings of the  
630 board shall be held in Tallahassee unless the chair determines  
631 that special circumstances warrant meeting at another location.  
632 The initial meeting of the board must be held by January 16,  
633 2015.

634 (6) LOBBYING.—A board member may register to lobby state or  
635 local government only in his or her official capacity as a  
636 member.

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

584-00011A-14

20147052\_\_

639 director of the department may serve as the agency head for  
640 purposes of final agency action under chapter 120 for all areas  
641 within the regulatory authority delegated to the executive  
642 director's office.

643 (8) EXECUTIVE DIRECTOR.—The board shall appoint an  
644 executive director, who shall:

645 (a) Serve at the pleasure of the board;

646 (b) Subject to appropriation, receive salary as may be  
647 determined by the board;

648 (c) Devote time and attention to the duties of the office;

649 (d) Have skill and experience in management and be  
650 responsible for administering and enforcing the provisions of  
651 law relative to the department, the board, and each unit  
652 thereof;

653 (e) Employ a chief financial and accounting officer,  
654 subject to board approval and appropriation;

655 (f) Employ other employees, consultants, agents, and  
656 advisors, including legal counsel, subject board approval and  
657 appropriation; and

658 (g) Attend meetings of the board unless excused by the  
659 chair.

660 (9) ACTING EXECUTIVE DIRECTOR.—In the case of an absence or  
661 vacancy in the office of the executive director or in the case  
662 of disability as determined by the board, the board may  
663 designate an acting executive director to serve as executive  
664 director until the vacancy is filled or the absence or  
665 disability ceases. The acting executive director shall have all  
666 of the powers and duties of the executive director and shall  
667 have similar qualifications as the executive director.

584-00011A-14

20147052\_\_

668       (10) FINANCIAL CONTROL.—The board shall appoint a chief  
669 financial and accounting officer who shall be in charge of  
670 department funds, books of account, and accounting records.  
671 Funds may not be transferred by the department without the  
672 approval of the board and the signatures of the executive  
673 director and the chief financial and accounting officer.

674       (11) INSPECTOR GENERAL.—The board shall appoint an  
675 Inspector General pursuant to s. 20.055 to provide a central  
676 point for coordination of and responsibility for activities that  
677 promote accountability, integrity, and efficiency in the  
678 department and public confidence in the conduct of gaming in  
679 this state.

680       Section 14. Section 551.0012, Florida Statutes, is created  
681 to read:

682       551.0012 Board powers and duties.—

683       (1) The board shall:

684       (a) Administer and execute laws relating to gaming, pari-  
685 mutuel wagering, slot machines, cardrooms, occupational  
686 licensing, and destination casino resorts under this chapter.

687       (b) Use an invitation to negotiate process for applicants  
688 based on minimum requirements established by this part and  
689 department rule.

690       (c) Issue subpoenas for the attendance of witnesses and  
691 subpoenas duces tecum for the production of books, records, and  
692 other pertinent documents as provided by law, and to administer  
693 oaths and affirmations to the witnesses, if, in the judgment of  
694 the board, it is necessary to enforce this part or department  
695 rules. If a person fails to comply with a subpoena, the board  
696 may petition the circuit court of the county in which the person



584-00011A-14

20147052\_\_

697 subpoenaed resides or has his or her principal place of business  
698 for an order requiring the subpoenaed person to appear and  
699 testify and to produce books, records, and documents as  
700 specified in the subpoena. The court may grant legal, equitable,  
701 or injunctive relief, which may include, but is not limited to,  
702 issuance of a writ of ne exeat or restraint by injunction or  
703 appointment of a receiver of any transfer, pledge, assignment,  
704 or other disposition of such person's assets or any concealment,  
705 alteration, destruction, or other disposition of subpoenaed  
706 books, records, or documents, as the court deems appropriate,  
707 until the person subpoenaed has fully complied with the subpoena  
708 and the board has completed the audit, examination, or  
709 investigation. The board is entitled to the summary procedure  
710 provided in s. 51.011, and the court shall advance the cause on  
711 its calendar. Costs incurred by the board to obtain an order  
712 granting, in whole or in part, such petition for enforcement of  
713 a subpoena shall be charged against the subpoenaed person, and  
714 failure to comply with such order is a contempt of court.

715 (d) Require each applicant for a license to produce the  
716 information, documentation, and assurances as may be necessary  
717 to establish by clear and convincing evidence the integrity of  
718 all financial backers, investors, mortgagees, bondholders, and  
719 holders of indentures, notes, or other evidences of  
720 indebtedness, either in effect or proposed.

721 (e) Require or permit a person to file a statement in  
722 writing, under oath or otherwise as the board or its designee  
723 requires, as to the facts and circumstances concerning the  
724 matter to be audited, examined, or investigated.

725 (f) Keep accurate and complete records of its proceedings

584-00011A-14

20147052\_\_

726 and certify records as may be appropriate.

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

729 (h) Apply for injunctive or declaratory relief in a court  
730 of competent jurisdiction to enforce this chapter and rules  
731 adopted thereunder.

732 (i) Establish field offices, as deemed necessary by the  
733 board.

734 (j) Coordinate with the Chief Financial Officer and the  
735 Attorney General on implementing any measures necessary to  
736 protect the state's interests.

737 (k) Authorize gaming at destination casino resorts pursuant  
738 to part VI of this chapter.

739 (l) Investigate applicants for a destination casino resort  
740 license, determine their eligibility for licensure, and grant a  
741 license to an applicant that best serves the interests of the  
742 residents of this state, based on the ability to maximize  
743 revenue for the state and the potential for economic development  
744 demonstrated by the applicant's proposed investment in  
745 infrastructure, such as hotels and other nongaming entertainment  
746 facilities.

747 (2) The department, the Department of Law Enforcement, and  
748 local law enforcement agencies shall have unrestricted access to  
749 the facility of a licensee at all times and shall require of  
750 each licensee strict compliance with the laws of this state  
751 relating to the transaction of such business. The Department of  
752 Law Enforcement and local law enforcement agencies may  
753 investigate any criminal violation of law occurring at the  
754 facility of a licensee. Such investigations may be conducted in

584-00011A-14

20147052\_\_

755 conjunction with the appropriate state attorney. The department  
756 and the Department of Law Enforcement may:

757 (a) Inspect and examine premises where authorized gaming  
758 devices are offered for play.

759 (b) Inspect slot machines, other authorized gaming devices,  
760 and related equipment and supplies.

761 (3) This section does not:

762 (a) Prohibit the Department of Law Enforcement or any law  
763 enforcement authority whose jurisdiction includes a licensee  
764 from conducting investigations of criminal activities occurring  
765 at the facilities of a licensee;

766 (b) Restrict access to the gaming facility by the  
767 Department of Law Enforcement or any local law enforcement  
768 authority whose jurisdiction includes a licensee's facility; or

769 (c) Restrict access by the Department of Law Enforcement or  
770 a local law enforcement agency to information and records  
771 necessary for the investigation of criminal activity which are  
772 contained within the facilities of a licensee.

773 Section 15. Section 551.0013, Florida Statutes, is created  
774 to read:

775 551.0013 Department powers and duties.-

776 (1) The department shall:

777 (a) Conduct such investigations as necessary to fulfill its  
778 responsibilities.

779 (b) Establish and collect fees for performing background  
780 checks on applicants for licenses and persons with whom the  
781 department may contract for the providing of goods or services  
782 and for performing, or having performed, tests on equipment and  
783 devices to be used in a gaming facility.

584-00011A-14

20147052\_\_

784       (c) Request and receive from law enforcement and criminal  
785 justice agencies, including, but not limited to, the Federal  
786 Bureau of Investigation and the Internal Revenue Service, all  
787 criminal offender records and related information relating to  
788 criminal and background investigations for the purpose of  
789 evaluating employees of, and applicants for employment by, the  
790 department and any licensee, and evaluating licensees and  
791 applicants for licensure under this part.

792       (d) Be present at all times, through its employees and  
793 agents, in premises licensed under this part for the purposes of  
794 certifying revenue; inspecting and auditing books and records of  
795 licensees; conducting reviews of operations for compliance with  
796 this part and department rule; and conducting its oversight of  
797 all gaming activities.

798       (e) Remove from the premises of any licensee and impound  
799 for examination, inspection, or prosecution, any equipment,  
800 supplies, books, or records.

801       (f) Refer cases for criminal prosecution to the appropriate  
802 federal, state, or local authorities.

803       (g) Maintain an official Internet website.

804       (h) Collect taxes, assessments, fees, and penalties.

805       (i) Deny, revoke, or suspend a license of, or place  
806 conditions on, a licensee who violates this chapter, a rule  
807 adopted by the department, or an order of the board.

808       (j) Revoke or suspend the license of any person who is no  
809 longer qualified or who is found, after receiving a license, to  
810 have been unqualified at the time of application for the  
811 license.

812       (2) The department shall adopt all rules necessary to

584-00011A-14

20147052\_\_

813 implement, administer, and regulate gaming under this chapter,  
814 subject to board approval. The rules must include:

815 (a) The types of gaming activities to be conducted and the  
816 rules for those games, including any restriction upon the time,  
817 place, and structures where gaming is authorized.

818 (b) Requirements, procedures, qualifications, and grounds  
819 for the issuance, renewal, revocation, suspension, and summary  
820 suspension of a license.

821 (c) Requirements for the disclosure of the complete  
822 financial interests of licensees and applicants for licenses.

823 (d) Technical requirements and the qualifications that are  
824 necessary to receive a license.

825 (e) Procedures to scientifically test and technically  
826 evaluate slot machines or other authorized gaming devices,  
827 including all components, hardware, and software, for compliance  
828 with this part and department rule. The department may contract  
829 with an independent testing laboratory to conduct any necessary  
830 testing. The independent testing laboratory must have a national  
831 reputation for being demonstrably competent and qualified to  
832 scientifically test and evaluate slot machines or other  
833 authorized gaming devices. An independent testing laboratory may  
834 not be owned or controlled by a licensee. The use of an  
835 independent testing laboratory for any purpose related to the  
836 conduct of slot machine gaming or other authorized gaming by a  
837 licensee shall be made from a list of laboratories approved by  
838 the department.

839 (f) Procedures relating to gaming revenues, including  
840 verifying and accounting for such revenues, auditing, and  
841 collecting taxes and fees.

584-00011A-14

20147052\_\_

842       (g) Requirements for gaming equipment, including the types  
843 and specifications of equipment and devices that may be used in  
844 gaming facilities.

845       (h) Standards and procedures for table games and table game  
846 devices or associated equipment.

847       (i) Standards and rules to govern the conduct of gaming and  
848 the system of wagering associated with gaming.

849       (j) Security standards and procedures for the conduct of  
850 gaming, including the standards and procedures relating to  
851 inspections, maintenance of the count room, and drop boxes.

852       (k) The size and uniform color by denomination of all chips  
853 used in the conduct of table games.

854       (l) Internal control systems and audit protocols for the  
855 licensee's gaming operations, including collection and  
856 recordkeeping requirements.

857       (m) The method for calculating gross gaming revenue and  
858 standards for the daily counting and recording of cash and cash  
859 equivalents received in the conduct of gaming.

860       (n) Notice requirements pertaining to minimum and maximum  
861 wagers on games, and other information as the department may  
862 require.

863       (o) Minimum standards relating to the acceptance of tips or  
864 gratuities by dealers and croupiers at a table game.

865       (p) Minimum standards for the training of employees and  
866 potential employees of a licensee in the operation of slot  
867 machines and table games, including minimal proficiency  
868 requirements and standards and practices for the use of training  
869 equipment.

870       (q) Practices and procedures governing the conduct of

584-00011A-14

20147052\_\_

871 tournaments.

872 (r) Minimum standards relating to a licensee's extension of  
873 credit to a player.

874 (s) Standards for the testing, certification, and  
875 inspection of slot machines, table games, and other authorized  
876 gaming devices.

877 (t) Procedures for regulating, managing, and auditing the  
878 operation, financial data, and program information relating to  
879 gaming which allow the department and the Department of Law  
880 Enforcement to audit the operation, financial data, and program  
881 information of a licensee, as required by the department or the  
882 Department of Law Enforcement, and provide the department and  
883 the Department of Law Enforcement with the ability to monitor,  
884 at any time on a real-time basis, wagering patterns, payouts,  
885 tax collection, and compliance with any rules adopted by the  
886 department for the regulation and control of gaming. Such  
887 continuous and complete access, at any time on a real-time  
888 basis, shall include the ability of either the department or the  
889 Department of Law Enforcement to suspend play immediately on  
890 particular slot machines or other gaming devices if monitoring  
891 of the facilities-based computer system indicates possible  
892 tampering or manipulation of those slot machines or gaming  
893 devices or the ability to suspend play immediately of the entire  
894 operation if the tampering or manipulation is of the computer  
895 system itself. The department or the Department of Law  
896 Enforcement shall notify the board and the executive director of  
897 the Department of Law Enforcement whenever there is a suspension  
898 of play pursuant to this paragraph. The department and the  
899 Department of Law Enforcement shall exchange information that is

584-00011A-14

20147052\_\_

900 necessary for, and cooperate in the investigation of, the  
901 circumstances requiring suspension of play pursuant to this  
902 paragraph.

903 (u) Procedures for requiring each licensee at his or her  
904 own cost and expense to supply the department with a bond as  
905 required.

906 (v) The requirements for a destination casino resort  
907 applicant to demonstrate that it has received conceptual  
908 approval for the destination casino resort proposal from the  
909 municipality and county in which the destination casino resort  
910 will be located.

911 (w) Procedures for requiring licensees to maintain and to  
912 provide to the department records, data, information, or  
913 reports, including financial and income records.

914 (x) Procedures to calculate the payout percentages of slot  
915 machines.

916 (y) Minimum standards for security of the facilities,  
917 including floor plans, security cameras, and other security  
918 equipment.

919 (z) The scope and conditions for investigations and  
920 inspections into the conduct of gaming.

921 (aa) The standards and procedures for the seizure without  
922 notice or hearing of gaming equipment, supplies, or books and  
923 records for the purpose of examination and inspection.

924 (bb) Procedures for requiring destination casino resort  
925 licensees, gaming licensees, and supplier licensees to implement  
926 and establish drug-testing programs for employees.

927 (cc) Procedures and guidelines for the continuous recording  
928 of all gaming activities at a gaming facility. The department



584-00011A-14

20147052\_\_

929 may require a licensee to timely provide all or part of the  
930 original recordings.

931 (dd) The payment of costs incurred by the department or any  
932 other agencies for investigations or background checks or costs  
933 associated with testing gaming-related equipment, which must be  
934 paid by an applicant for a license or by a licensee.

935 (ee) Procedures for the levying of fines for violations of  
936 this part or any rule adopted by the department, which fines may  
937 not exceed \$250,000 per violation arising out of a single  
938 transaction.

939 (ff) Any other rules the department finds necessary for  
940 safe, honest, and highly regulated gaming in the state. For  
941 purposes of this paragraph, the department may consider rules  
942 from any other jurisdiction in which gaming is highly regulated.

943 (gg) Any other rule necessary to accomplish the purposes of  
944 this part.

945 (3) The board may at any time adopt emergency rules  
946 pursuant to s. 120.54. The Legislature finds that such emergency  
947 rulemaking authority is necessary for the preservation of the  
948 rights and welfare of the people in order to provide additional  
949 funds to benefit the public. The Legislature further finds that  
950 the unique nature of gaming operations requires that, in certain  
951 circumstances, the board be able to respond immediately.

952 Therefore, in adopting such emergency rules, the department need  
953 not make the health, safety, and welfare findings required under  
954 s. 120.54(4)(a). Emergency rules adopted under this section are  
955 exempt from s. 120.54(4)(c). However, the emergency rules may  
956 not remain in effect for more than 180 days except that the  
957 department may renew the emergency rules during the pendency of

584-00011A-14

20147052\_\_

958 procedures to adopt permanent rules addressing the subject of  
959 the emergency rules.

960 Section 16. Section 551.0014, Florida Statutes, is created  
961 to read:

962 551.0014 Code of ethics.—

963 (1) The department shall adopt a code of ethics by rule for  
964 its board members, employees, and agents.

965 (2) A board member or the executive director may not hold a  
966 direct or indirect interest in, be employed by, or enter into a  
967 contract for services with an applicant or person licensed by  
968 the board or department for a period of 5 years after the date  
969 of termination of the person's membership on the board or  
970 employment with the department.

971 (3) An employee of the department may not acquire a direct  
972 or indirect interest in, be employed by, or enter into a  
973 contract for services with an applicant or person licensed by  
974 the board or department for a period of 2 years after the date  
975 of termination of the person's employment with the department.

976 (4) A board member or a person employed by the department  
977 may not represent a person or party other than the state before  
978 or against the board or department for a period of 3 years after  
979 the date of termination of the board member's term of office or  
980 the employee's period of employment with the department.

981 (5) A business entity in which a former board member,  
982 employee, or agent has an interest, and any partner, officer, or  
983 employee of that business entity, may not appear before or  
984 represent another person before the board or department if the  
985 former board member, employee, or agent would be prohibited from  
986 doing so. As used in this subsection, the term "business entity"

584-00011A-14

20147052\_\_

987 means a corporation, limited liability company, partnership,  
988 limited liability partnership association, trust, or other form  
989 of legal entity.

990 (6) A member of the board or an employee or agent of the  
991 department may not, during the duration of his or her  
992 appointment or employment:

993 (a) Use his or her official authority or influence for the  
994 purpose of interfering with or affecting the result of an  
995 election;

996 (b) Run for nomination or as a candidate for election to a  
997 partisan or nonpartisan political office; or

998 (c) Knowingly solicit or discourage the participation in a  
999 political activity of a person who is:

1000 1. Applying for any compensation, grant, contract, ruling,  
1001 license, permit, or certificate pending before the board or  
1002 department; or

1003 2. The subject of or a participant in an ongoing audit,  
1004 investigation, or enforcement action being carried out by the  
1005 department.

1006 (7) A former member of the board or an employee or agent of  
1007 the department may appear before the board as a witness  
1008 testifying as to factual matters or actions handled by the  
1009 former member, employee, or agent during his or her tenure with  
1010 the board or department. However, the former member of the board  
1011 or the employee or agent of the department may not receive  
1012 compensation for the appearance other than a standard witness  
1013 fee and reimbursement for travel expenses as established by  
1014 statute or rules governing administrative proceedings before the  
1015 Division of Administrative Hearings.

584-00011A-14

20147052\_\_

1016       (8) (a) The executive director must approve outside  
1017 employment for an employee of the department.

1018       (b) An employee of the department granted permission for  
1019 outside employment may not conduct any business or perform any  
1020 activities, including solicitation, related to outside  
1021 employment on premises used by the department or department or  
1022 during the employee's working hours for the department.

1023       (c) As used in this subsection, the term "outside  
1024 employment" includes, but is not limited to:

1025           1. Operating a proprietorship;

1026           2. Participating in a partnership or group business  
1027 enterprise; or

1028           3. Performing as a director or corporate officer of any  
1029 for-profit corporation or banking or credit institution.

1030       (9) A member of the board or an employee or agent of the  
1031 department may not participate in or wager on any game conducted  
1032 by any destination casino resort licensee or applicant or any  
1033 affiliate of a licensee or applicant regulated by the department  
1034 in this state or in any other jurisdiction, except as required  
1035 as part of his or her surveillance, security, or other official  
1036 duties.

1037       Section 17. Section 551.0015, Florida Statutes, is created  
1038 to read:

1039       551.0015 Disclosures by members, employees, and agents.—

1040       (1) BOARD MEMBERS.—

1041       (a) Each member must comply with chapter 112 and shall file  
1042 full and public disclosure of financial interests at the times  
1043 and places and in the same manner required of elected  
1044 constitutional officers under s. 8, Art. II of the State

584-00011A-14

20147052\_\_

1045 Constitution and any law implementing s. 8, Art. II of the State  
1046 Constitution.

1047 (b) Each member must disclose information required by rules  
1048 of the department to ensure the integrity of the board and its  
1049 work.

1050 (c) By January 1 of each year, each member must file a  
1051 statement with the department:

1052 1. Affirming that neither the member, nor the member's  
1053 spouse, parent, child, or child's spouse, is a member of the  
1054 board of directors of, financially interested in, or employed by  
1055 an applicant or destination casino resort licensee.

1056 2. Affirming that the member is in compliance with this  
1057 part and the rules of the department.

1058 3. Disclosing any legal or beneficial interest in real  
1059 property that is or may be directly or indirectly involved with  
1060 activities or persons regulated by the department.

1061 (d) Each member must disclose involvement with any gaming  
1062 interest in the 3 years preceding appointment as a member.

1063 (2) EMPLOYEES AND AGENTS.—

1064 (a) The executive director and each managerial employee and  
1065 agent, as determined by the board, must file a financial  
1066 disclosure statement pursuant to s. 112.3145. All employees and  
1067 agents must comply with chapter 112.

1068 (b) The executive director and each managerial employee and  
1069 agent identified by rule of the department must disclose  
1070 information required by rules of the department to ensure the  
1071 integrity of the department and its work.

1072 (c) By January 31 of each year, each employee and agent of  
1073 the department must file a statement with the department:

584-00011A-14

20147052\_\_

1074 1. Affirming that neither the employee, nor the employee's  
1075 spouse, parent, child, or child's spouse, is financially  
1076 interested in or employed by an applicant or licensee.

1077 2. Affirming that he or she does not have any financial  
1078 interest prohibited by laws or rules administered by the  
1079 department.

1080 3. Disclosing any legal or beneficial interest in real  
1081 property that is or may be directly or indirectly involved with  
1082 activities or persons regulated by the department.

1083 (d) Each employee or agent of the department must disclose  
1084 involvement with any gaming interest during the 3 years before  
1085 employment.

1086 (e) The department shall require a prospective employee to  
1087 submit an application and a personal disclosure on a form  
1088 prescribed by the department, which must include a complete  
1089 criminal history, including convictions and current charges for  
1090 all felonies and misdemeanors; undergo testing that detects the  
1091 presence of illegal substances in the body; provide fingerprints  
1092 and a photograph consistent with standards adopted by state law  
1093 enforcement agencies; and provide authorization for the  
1094 department to conduct a credit and background check. The  
1095 department shall verify the identification, employment and  
1096 education of each prospective employee, including his or her  
1097 legal name and any alias; all secondary and postsecondary  
1098 educational institutions attended, regardless of graduation  
1099 status; place of residence; and employment history.

1100 (3) The department may not hire a prospective employee if  
1101 the prospective employee has been convicted of a felony;  
1102 convicted of a misdemeanor within 10 years of the date of his or

584-00011A-14

20147052\_\_

1103 her application which the board determines bears a close  
1104 relationship to the duties and responsibilities of the position  
1105 for which employment is sought; or dismissed from prior  
1106 employment for gross misconduct or incompetence or if he or she  
1107 intentionally made a false statement concerning a material fact  
1108 in connection with his or her application to the department. If  
1109 an employee of the department is charged with a felony while  
1110 employed by the department, the department shall suspend the  
1111 employee, with or without pay, and terminate employment with the  
1112 department upon conviction. If an employee of the department is  
1113 charged with a misdemeanor while employed by the department, the  
1114 department shall suspend the employee, with or without pay, and  
1115 may terminate employment with the department upon conviction if  
1116 the board determines that the offense for which he or she has  
1117 been convicted bears a close relationship to the duties and  
1118 responsibilities of the position held with the department.

1119 (4) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

1120 (a) A member of the board or an employee or agent of the  
1121 department who becomes aware that a member of the board or an  
1122 employee or agent of the department or his or her spouse,  
1123 parent, or child is a member of the board of directors of,  
1124 financially interested in, or employed by an applicant or  
1125 licensee must immediately provide detailed written notice to the  
1126 Inspector General and the executive director.

1127 (b) A member of the board or an employee or agent of the  
1128 department must immediately provide detailed written notice of  
1129 the circumstances to the Inspector General and the executive  
1130 director if the member, employee, or agent is indicted, charged  
1131 with, convicted of, pleads guilty or nolo contendere to, or

584-00011A-14

20147052\_\_

1132 forfeits bail for:

1133 1. A misdemeanor involving gambling, dishonesty, theft, or  
1134 fraud;

1135 2. A violation of any law in any state, or a law of the  
1136 United States or any other jurisdiction, involving gambling,  
1137 dishonesty, theft, or fraud which substantially corresponds to a  
1138 misdemeanor in this state; or

1139 3. A felony under the laws of this or any other state, the  
1140 United States, or any other jurisdiction.

1141 (c) A member of the board or an employee or agent of the  
1142 department who is negotiating for an interest in a licensee or  
1143 an applicant, or is affiliated with such a person, must  
1144 immediately provide written notice of the details of the  
1145 interest to the Inspector General and the executive director.  
1146 The member of the board or the employee or agent of the  
1147 department may not act on behalf of the board or department with  
1148 respect to that person.

1149 (d) A member of the board or an employee or agent of the  
1150 department may not enter into negotiations for employment with  
1151 any person or affiliate of any person who is an applicant,  
1152 licensee, or affiliate. If a member of the board or an employee  
1153 or agent of the department enters into negotiations for  
1154 employment in violation of this paragraph or receives an  
1155 invitation, written or oral, to initiate a discussion concerning  
1156 employment with any person who is a licensee, applicant, or  
1157 affiliate, he or she must immediately provide written notice of  
1158 the details of any such negotiations or discussions to the  
1159 Inspector General and the executive director. The member of the  
1160 board or the employee or agent of the department may not take



584-00011A-14

20147052\_\_

1161 any action on behalf of the board or department with respect to  
1162 that licensee or applicant.

1163 (e) A licensee or applicant may not knowingly initiate a  
1164 negotiation for, or discussion of, employment with a member of  
1165 the board or an employee or agent of the department. A licensee  
1166 or applicant who initiates a negotiation or discussion about  
1167 employment shall immediately provide written notice of the  
1168 details of the negotiation or discussion to the Inspector  
1169 General and the executive director as soon as that person  
1170 becomes aware that the negotiation or discussion has been  
1171 initiated with a member of the board or an employee or agent of  
1172 the department.

1173 (f) A member of the board or an employee or agent of the  
1174 department, or a parent, spouse, sibling, or child of a member  
1175 of the board or an employee or agent of the department, may not  
1176 accept any gift, gratuity, compensation, travel, lodging, or  
1177 anything of value, directly or indirectly, from a licensee,  
1178 applicant, or affiliate or representative of a person regulated  
1179 by the department. A licensee, applicant, or affiliate or  
1180 representative of an applicant or licensee may not, directly or  
1181 indirectly, knowingly give or offer to give any gift, gratuity,  
1182 compensation, travel, lodging, or anything of value to a member  
1183 of the board or an employee or agent of the department, or to a  
1184 parent, spouse, sibling, or child of a member of the board or an  
1185 employee or agent of the department, which the member, employee,  
1186 or agent is prohibited from accepting in this paragraph. A  
1187 member of the board or an employee or agent of the department  
1188 who is offered or receives any gift, gratuity, compensation,  
1189 travel, lodging, or anything of value, directly or indirectly,

584-00011A-14

20147052\_\_

1190 from any licensee, applicant, or affiliate or representative of  
1191 a person regulated by the department must immediately provide  
1192 written notice of the details to the Inspector General and the  
1193 executive director.

1194 (g) A member of the board or an employee or agent of the  
1195 department may not engage in any conduct that constitutes a  
1196 conflict of interest and must immediately provide to the  
1197 Inspector General and the executive director in writing the  
1198 details of any incident or circumstance that would suggest the  
1199 existence of a conflict of interest with respect to the  
1200 performance of department-related work or duty of the member of  
1201 the board or an employee or agent of the department.

1202 (h) A member of the board or an employee or agent of the  
1203 department who is approached and offered a bribe must  
1204 immediately provide written notice of the details of the  
1205 incident to the Inspector General and the executive director and  
1206 to a law enforcement agency having jurisdiction over the matter.

1207 Section 18. Section 551.0016, Florida Statutes, is created  
1208 to read:

1209 551.0016 Ex parte communication.-

1210 (1) A licensee, applicant, or affiliate or representative  
1211 of an applicant or licensee may not engage directly or  
1212 indirectly in ex parte communication concerning a pending  
1213 application, license, or enforcement action with a board member  
1214 or concerning a matter that likely will be pending before the  
1215 board. A board member may not engage directly or indirectly in  
1216 any ex parte communication concerning a pending application,  
1217 license, or enforcement action with members, or with a licensee,  
1218 applicant, or affiliate or representative of an applicant or

584-00011A-14

20147052\_\_

1219 licensee, or concerning a matter that likely will be pending  
1220 before the board.

1221 (2) A board member, licensee, applicant, or affiliate or  
1222 representative of a board member, licensee, or applicant who  
1223 receives any ex parte communication in violation of subsection  
1224 (1), or who is aware of an attempted communication in violation  
1225 of subsection (1), must immediately report details of the  
1226 communication or attempted communication in writing to the  
1227 chair.

1228 (3) If a board member knowingly receives an ex parte  
1229 communication, he or she must place on the record copies of all  
1230 written communication received, copies of all written responses  
1231 to the communication, and a memorandum stating the substance of  
1232 all oral communication received and all oral responses made, and  
1233 shall give written notice to all parties to the communication  
1234 that such matters have been placed on the record. Any party who  
1235 desires to respond to a notice of an ex parte communication may  
1236 do so. The response must be received by the board within 10 days  
1237 after receiving notice that the ex parte communication has been  
1238 placed on the record. If a board member deems it necessary to  
1239 eliminate the effect of an ex parte communication received by  
1240 him or her, the member may withdraw from the proceeding  
1241 potentially impacted by the ex parte communication. If a board  
1242 member withdraws from the proceeding, the chair shall designate  
1243 another member for the proceeding if it was not assigned to the  
1244 full board.

1245 (4) An individual who makes an ex parte communication must  
1246 submit to the board a written statement describing the nature of  
1247 the communication, including the name of the person making the

584-00011A-14

20147052\_\_

1248 communication, the name of the board member or members receiving  
1249 the communication, copies of all written communication, all  
1250 written responses to such communication, and a memorandum  
1251 stating the substance of all oral communication received and all  
1252 oral responses made. The board shall place on the record of a  
1253 proceeding all such communication.

1254 (5) A board member who knowingly fails to place any ex  
1255 parte communication on the record within 15 days after the date  
1256 of the communication in violation of this section is subject to  
1257 removal and may be assessed a civil penalty not to exceed  
1258 \$25,000.

1259 (6) The Commission on Ethics shall receive and investigate  
1260 sworn complaints of violations of this section pursuant to ss.  
1261 112.321-112.3241.

1262 (7) If the Commission on Ethics finds that a board member  
1263 has violated this section, it shall provide the Governor with a  
1264 report of its findings and recommendations. The Governor may  
1265 enforce the findings and recommendations of the Commission on  
1266 Ethics pursuant to part III of chapter 112.

1267 (8) If a board member fails or refuses to pay the  
1268 Commission on Ethics any civil penalties assessed pursuant to  
1269 this section, the Commission on Ethics may bring an action in  
1270 any circuit court to enforce such penalty.

1271 (9) If, during the course of an investigation by the  
1272 Commission on Ethics into an alleged violation of this section,  
1273 allegations are made as to the identity of the person who  
1274 participated in the ex parte communication, that person must be  
1275 given notice and an opportunity to participate in the  
1276 investigation and relevant proceedings to present a defense. If

584-00011A-14

20147052\_\_

1277 the Commission on Ethics determines that the person participated  
1278 in the ex parte communication, the person may not appear before  
1279 the board or otherwise represent anyone before the board for 2  
1280 years.

1281 Section 19. Section 551.0017, Florida Statutes, is created  
1282 to read:

1283 551.0017 Penalties for misconduct by a member, employee, or  
1284 agent.-

1285 (1) A violation of this chapter by a board member may  
1286 constitute cause for removal by the Governor or other  
1287 disciplinary action as determined by the board.

1288 (2) A violation of this chapter by an employee or agent of  
1289 the department does not require termination of employment or  
1290 other disciplinary action if:

1291 (a) The board determines that the conduct involved does not  
1292 violate the purposes of this chapter; or

1293 (b) There was no intentional action on the part of the  
1294 employee or agent, contingent on divestment of any financial  
1295 interest within 60 days after the interest was acquired.

1296 (3) Notwithstanding subsection (2), an employee or agent of  
1297 the department who violates this chapter shall be terminated if  
1298 a financial interest in a licensee, applicant, or affiliate or  
1299 representative of a licensee or applicant is acquired by:

1300 (a) An employee of the department; or

1301 (b) The employee's or agent's spouse, parent, or child.

1302 (4) A violation of this chapter does not create a civil  
1303 cause of action.

1304 Section 20. Section 551.0018, Florida Statutes, is created  
1305 to read:

584-00011A-14

20147052\_\_

1306       551.0018 Judicial review.—

1307       (1) As authorized under s. 4(b)(2), Art. V of the State  
1308 Constitution, the First District Court of Appeal shall, upon  
1309 petition, review any action of the board.

1310       (2) Notice of such review shall be given by the petitioner  
1311 to all parties who entered appearances of record in the  
1312 proceedings before the board in which the order sought to be  
1313 reviewed was made.

1314       (3) Such parties may file briefs in support of their  
1315 interests, as such interests may appear, within the time and in  
1316 the manner provided by the Florida Rules of Appellate Procedure.

1317       (4) Such parties shall be entitled as a matter of right to  
1318 make oral argument in support of their interests, as such  
1319 interests may appear, in any case in which oral argument is  
1320 granted by the court on the application of the petitioner or the  
1321 respondent.

1322       Section 21. Part II of chapter 551, Florida Statutes,  
1323 consisting of sections 551.011-551.095, Florida Statutes, is  
1324 created and entitled "Pari-mutuel Wagering."

1325       Section 22. Section 551.011, Florida Statutes, is created  
1326 to read:

1327       551.011 Short title.—This part may be cited as the "Florida  
1328 Pari-mutuel Wagering Act."

1329       Section 23. Section 551.012, Florida Statutes, is created  
1330 to read:

1331       551.012 Definitions.—As used in this chapter, the term:

1332       (1) "Breaks" means the portion of a pari-mutuel pool  
1333 computed by rounding down to the nearest multiple of 10 cents  
1334 which is not distributed to the contributors or withheld by the

584-00011A-14

20147052\_\_

1335 permitholder as takeout.

1336 (2) "Breeder and stallion awards" means financial  
1337 incentives paid to encourage the agricultural industry of  
1338 breeding racehorses in this state.

1339 (3) "Broadcast" means an electronic transmission in any  
1340 medium or manner, including, but not limited to, community  
1341 antenna systems that receive and retransmit television or radio  
1342 signals by wire, cable, or otherwise to televisions or radios,  
1343 and cable origination networks or programmers that transmit  
1344 programming to community antenna televisions or closed-circuit  
1345 systems by wire, cable, satellite, or otherwise.

1346 (4) "Contributor" means a person who contributes to a pari-  
1347 mutuel pool by engaging in a pari-mutuel wager.

1348 (5) "Current meet" or "current race meet" means the conduct  
1349 of racing or games pursuant to a current year's operating  
1350 license issued by the department.

1351 (6) "Department" means the Department of Gaming Control.

1352 (7) "Event" means a single race or game within a  
1353 performance.

1354 (8) "Exotic pools" means wagering pools into which a  
1355 contributor may place a wager on more than one entry or on more  
1356 than one event in the same bet, including, but not limited to,  
1357 daily doubles, perfectas, quinielas, quiniela daily doubles,  
1358 exactas, trifectas, and Big Q pools.

1359 (9) "Fronton" means a building or enclosure that contains a  
1360 playing court with three walls designed and constructed for  
1361 playing the sport of jai alai.

1362 (10) "Full schedule of live events" means the minimum  
1363 number of live racing or games that must be conducted by a

584-00011A-14

20147052\_\_

1364 permitholder. A live performance, consisting of at least eight  
1365 events, must be conducted at least three times each week at the  
1366 permitholder's licensed facility.

1367 (11) "Guest track" means a track or fronton receiving or  
1368 accepting an intertrack wager.

1369 (12) "Handle" means the aggregate contributions to pari-  
1370 mutuel pools.

1371 (13) "Harness racing" means the racing of standardbred  
1372 horses using a pacing or trotting gait in which each horse pulls  
1373 a two-wheeled cart, called a sulky, which is guided by a driver.

1374 (14) "Horseracing permitholder" means:

1375 (a) A thoroughbred entity that received a permit under this  
1376 chapter to conduct pari-mutuel wagering meets of thoroughbred  
1377 racing;

1378 (b) A harness entity that received a permit under this  
1379 chapter to conduct pari-mutuel wagering meets of harness racing;  
1380 or

1381 (c) A quarter horse entity that received a permit under  
1382 this chapter to conduct pari-mutuel wagering meets of quarter  
1383 horse racing.

1384 (15) "Host track" means a track or fronton that broadcasts  
1385 a live event or rebroadcasts a simulcast event that is the  
1386 subject of an intertrack wager.

1387 (16) "Intertrack wager" means a wager accepted at a pari-  
1388 mutuel facility on a live event that is broadcast to the pari-  
1389 mutuel facility or on a simulcast event that is rebroadcast to  
1390 the pari-mutuel facility from an in-state pari-mutuel facility.

1391 (17) "Jai alai" means a ball game of Spanish origin played  
1392 on a court with three walls and includes the term "pelota."



584-00011A-14

20147052\_\_

1393       (18) "Live event," "live game," "live race," or "live  
1394 performance" means such event or performance conducted live at  
1395 the referenced pari-mutuel facility and excludes broadcast and  
1396 simulcast events.

1397       (19) "Live handle" means the handle from wagers placed at a  
1398 pari-mutuel facility on the live events conducted at that  
1399 facility and excludes intertrack wagering.

1400       (20) "Market area" means an area within 25 miles of a  
1401 permitholder's track or fronton.

1402       (21) "Meet" or "meeting" means live events for any stake,  
1403 purse, prize, or premium.

1404       (22) "Net pool pricing" means a method of calculating  
1405 prices awarded to winning wagers relative to the contribution,  
1406 net of takeouts, to a pool by each participating jurisdiction  
1407 or, as applicable, each site.

1408       (23) "Operating day" means a continuous period of 24 hours  
1409 which starts at the beginning of the first performance event. If  
1410 an operating day starts during one calendar day and extends past  
1411 midnight, a greyhound race or jai alai game may not begin after  
1412 1:30 a.m. on that operating day.

1413       (24) "Pari-mutuel facility" means a racetrack, fronton, or  
1414 other facility used by a permitholder for the conduct of pari-  
1415 mutuel wagering.

1416       (25) "Pari-mutuel pool" means the total amount wagered on  
1417 an event for a single possible result.

1418       (26) "Pari-mutuel wagering" means a system of betting on  
1419 events in which the winners divide the total amount bet, after  
1420 deducting management expenses and taxes, in proportion to the  
1421 sums they have wagered individually and with regard to the odds

584-00011A-14

20147052\_\_

1422 assigned to particular outcomes.

1423 (27) "Performance" means a series of at least eight events  
1424 performed consecutively as one program.

1425 (28) "Post time" means the time set for the arrival at the  
1426 starting point of the horses or greyhounds in a race or the  
1427 beginning of a game in jai alai.

1428 (29) "Purse" means the cash portion of the prize for which  
1429 an event is contested.

1430 (30) "Quarter horse" means a breed of horse developed in  
1431 the western United States which is capable of high speed for a  
1432 short distance and used in quarter horse racing registered with  
1433 the American Quarter Horse Association.

1434 (31) "Racing greyhound" or "greyhound" means a greyhound  
1435 dog registered with the National Greyhound Association which is  
1436 or was used, or is being bred, raised, or trained to be used, in  
1437 racing at a pari-mutuel facility.

1438 (32) "Same class of races, games, or permit" means:

1439 (a) With respect to a jai alai permitholder, jai alai games  
1440 or other jai alai permitholders;

1441 (b) With respect to a greyhound racing permitholder,  
1442 greyhound races or other greyhound racing permitholders;

1443 (c) With respect to a thoroughbred racing permitholder,  
1444 thoroughbred races or other thoroughbred racing permitholders;

1445 (d) With respect to a harness racing permitholder, harness  
1446 races or other harness racing permitholders; and

1447 (e) With respect to a quarter horse racing permitholder,  
1448 quarter horse races or other quarter horse racing permitholders.

1449 (33) "Simulcasting" means the live broadcast of events  
1450 occurring live at an in-state location to an out-of-state

584-00011A-14

20147052\_\_

1451 location, or receiving at an in-state location a live broadcast  
1452 of events occurring live at an out-of-state location.

1453 (34) "Standardbred horse" means a pacing or trotting horse  
1454 used in harness racing which has been registered as a  
1455 standardbred by the United States Trotting Association or by a  
1456 foreign registry whose stud book is recognized by the United  
1457 States Trotting Association.

1458 (35) "Takeout" means the percentage of the pari-mutuel  
1459 pools deducted by the permitholder before the distribution of  
1460 the pool.

1461 (36) "Thoroughbred" means a purebred horse whose ancestry  
1462 can be traced back to one of three foundation sires and whose  
1463 pedigree is registered in the American Stud Book or in a foreign  
1464 stud book that is recognized by the Jockey Club and the  
1465 International Stud Book Committee.

1466 (37) "Totalisator" means the computer system used to  
1467 accumulate wagers, record sales, calculate payoffs, and display  
1468 wagering data on a display device that is located at a pari-  
1469 mutuel facility.

1470 (38) "Ultimate equitable owner" means a natural person who,  
1471 directly or indirectly, owns or controls 5 percent or more of an  
1472 ownership interest in a corporation, foreign corporation, or  
1473 alien business organization, regardless of whether such person  
1474 owns or controls such ownership through one or more natural  
1475 persons or one or more proxies, powers of attorney, nominees,  
1476 corporations, associations, partnerships, trusts, joint stock  
1477 companies, or other entities or devices, or any combination  
1478 thereof.

1479 Section 24. Section 551.013, Florida Statutes, is created

584-00011A-14

20147052\_\_

1480 to read:

1481 551.013 Pari-mutuel wagering authorized; distribution of  
1482 pool; prohibited purchase.-

1483 (1) Wagering on the results of a horserace or greyhound  
1484 race or on the scores or points of a jai alai game and the sale  
1485 of tickets or other evidences showing an interest in or a  
1486 contribution to a pari-mutuel pool are allowed only within the  
1487 enclosure of a pari-mutuel facility licensed and operating under  
1488 this chapter, must be supervised by the department, are subject  
1489 to such reasonable rules that the department prescribes, and are  
1490 prohibited elsewhere in this state.

1491 (2) The permitholder's share of the takeout is that portion  
1492 of the takeout that remains after the pari-mutuel tax imposed  
1493 upon the contributions to the pari-mutuel pool is deducted from  
1494 the takeout and paid by the permitholder. The takeout is  
1495 deducted from all pari-mutuel pools but may be different  
1496 depending on the type of pari-mutuel pool. The permitholder  
1497 shall inform the patrons, either through the official program or  
1498 via the posting of signs at conspicuous locations, as to the  
1499 takeout currently being applied to handle at the facility.

1500 (3) After deducting the takeout and the breaks, a pari-  
1501 mutuel pool must be redistributed to the contributors.

1502 (4) Redistribution of funds otherwise distributable to the  
1503 contributors of a pari-mutuel pool must be a sum equal to the  
1504 next lowest multiple of 10 on all races and games.

1505 (5) A distribution of a pari-mutuel pool may not be made of  
1506 the breaks.

1507 (6) A person or corporation may not directly or indirectly  
1508 purchase pari-mutuel tickets or participate in the purchase of

584-00011A-14

20147052\_\_

1509 any part of a pari-mutuel pool for another for hire or for any  
1510 gratuity. A person may not purchase any part of a pari-mutuel  
1511 pool through another if she or he gives or pays directly or  
1512 indirectly such other person anything of value. Any person who  
1513 violates this subsection commits a misdemeanor of the second  
1514 degree, punishable as provided in s. 775.082 or s. 775.083.

1515 Section 25. Section 551.014, Florida Statutes, is created  
1516 to read:

1517 551.014 Powers and duties of the department.-

1518 (1) The department may collect taxes and require compliance  
1519 with reporting requirements for financial information as  
1520 authorized by this chapter. In addition, the department may  
1521 require permitholders conducting pari-mutuel operations within  
1522 the state to remit taxes, including fees, by electronic funds  
1523 transfer if the total taxes and fees were \$50,000 or more in the  
1524 preceding reporting year.

1525 (2) The department shall administer this chapter and  
1526 regulate the pari-mutuel industry under this chapter and the  
1527 rules adopted pursuant thereto. The department:

1528 (a) Shall make an annual report to the Governor, the  
1529 President of the Senate, and the Speaker of the House of  
1530 Representatives showing its own actions, receipts derived under  
1531 this chapter, the practical effects of the application of this  
1532 chapter, and any suggestions it may have to more effectively  
1533 achieve the purposes of this chapter.

1534 (b) Shall require an oath on application documents as  
1535 required by rule, which oath must state that the information  
1536 contained in the document is true and complete.

1537 (c) Shall adopt and uniformly apply reasonable rules for

584-00011A-14

20147052\_\_

1538 the control, supervision, and direction of applicants,  
1539 permitholders, and licensees and for the holding, conducting,  
1540 and operating of all pari-mutuel events held in this state.

1541 (d) May take testimony concerning any matter within its  
1542 jurisdiction and issue summons and subpoenas for any witness and  
1543 subpoenas duces tecum in connection with any matter within the  
1544 jurisdiction of the department under its seal and signed by the  
1545 director.

1546 (e) May adopt rules establishing procedures for testing  
1547 occupational licensees officiating at or participating in any  
1548 event at any pari-mutuel facility under the jurisdiction of the  
1549 department for a controlled substance or alcohol and may  
1550 prescribe procedural matters not in conflict with s.  
1551 120.80(19)(a).

1552 (f) May exclude any person from any and all pari-mutuel  
1553 facilities in this state for conduct that, if the person were a  
1554 licensee, would constitute a violation of this chapter or the  
1555 rules of the department. The department may exclude from any  
1556 pari-mutuel facility within this state any person who has been  
1557 ejected from a pari-mutuel facility in this state or who has  
1558 been excluded from any pari-mutuel facility in another state by  
1559 the governmental department, agency, commission, or authority  
1560 exercising regulatory jurisdiction over pari-mutuel facilities  
1561 in such other state. The department may authorize any person who  
1562 has been ejected or excluded from pari-mutuel facilities in this  
1563 state or another state to attend the pari-mutuel facilities in  
1564 this state upon a finding that the attendance of such person at  
1565 pari-mutuel facilities would not be adverse to the public  
1566 interest or to the integrity of the sport or industry. This

584-00011A-14

20147052\_\_

1567 paragraph does not abrogate the common-law right of a pari-  
1568 mutuel permitholder to exclude absolutely a patron in this  
1569 state.

1570 (g) May oversee the making of and distribution from all  
1571 pari-mutuel pools.

1572 (h) May conduct investigations in enforcing this chapter,  
1573 except that all information obtained pursuant to an  
1574 investigation by the department for an alleged violation of this  
1575 chapter or rules of the department is exempt from s. 119.07(1)  
1576 and s. 24(a), Art. I of the State Constitution until an  
1577 administrative complaint is issued or the investigation is  
1578 closed or ceases to be active. This paragraph does not prohibit  
1579 the department from providing such information to any law  
1580 enforcement agency or to any other regulatory agency. For the  
1581 purposes of this paragraph, an investigation is considered to be  
1582 active while it is being conducted with reasonable dispatch and  
1583 with a reasonable, good faith belief that it could lead to an  
1584 administrative, civil, or criminal action by the department or  
1585 another administrative or law enforcement agency. Except for  
1586 active criminal intelligence or criminal investigative  
1587 information as defined in s. 119.011 and any other information  
1588 that, if disclosed, would jeopardize the safety of an  
1589 individual, all information, records, and transcriptions become  
1590 public when the investigation is closed or ceases to be active.

1591 (i) May impose an administrative fine for a violation under  
1592 this chapter of not more than \$1,000 for each count or separate  
1593 offense, except as otherwise provided in this chapter, and may  
1594 suspend or revoke a permit, a pari-mutuel license, or an  
1595 occupational license for a violation under this chapter. A

584-00011A-14

20147052\_\_

1596 penalty imposed under this paragraph does not exclude a  
1597 prosecution for cruelty to animals or for any other criminal  
1598 act. All fines imposed and collected under this paragraph shall  
1599 be remitted to the Chief Financial Officer for deposit into the  
1600 General Revenue Fund.

1601 (j) Shall supervise and regulate the welfare of racing  
1602 animals at pari-mutuel facilities.

1603 (k) May make, adopt, amend, or repeal rules relating to  
1604 cardroom operations; enforce and carry out the provisions of s.  
1605 551.20; and regulate authorized cardroom activities in the  
1606 state.

1607 (l) May suspend a permitholder's permit or license if such  
1608 permitholder is operating a cardroom facility and such  
1609 permitholder's cardroom license has been suspended or revoked  
1610 pursuant to s. 551.21.

1611 Section 26. Section 551.018, Florida Statutes, is created  
1612 to read:

1613 551.018 Local government taxes and fees on pari-mutuel  
1614 wagering.—The tax imposed by s. 551.301 is in lieu of all  
1615 license, excise, or occupational taxes to the state or any  
1616 county, municipality, or other political subdivision. However, a  
1617 municipality may assess and collect an additional tax against  
1618 any person conducting live events within its corporate limits,  
1619 which tax may not exceed \$150 per day for horseracing or \$50 per  
1620 day for greyhound racing or jai alai. Except as provided in this  
1621 chapter, a municipality may not assess or collect any additional  
1622 excise or revenue tax against any person conducting race  
1623 meetings within the corporate limits of the municipality or  
1624 against any patron of any such person.



584-00011A-14

20147052\_\_

1625 Section 27. Section 551.021, Florida Statutes, is created  
1626 to read:

1627 551.021 Application for permit to conduct pari-mutuel  
1628 wagering.—

1629 (1) Any person who possesses the qualifications prescribed  
1630 in this chapter may apply to the department for a permit to  
1631 conduct pari-mutuel operations under this chapter. Applications  
1632 for a pari-mutuel permit are exempt from the 90-day licensing  
1633 requirement of s. 120.60. Within 120 days after receipt of a  
1634 complete application, the department shall grant or deny the  
1635 permit. A completed application that is not acted upon within  
1636 120 days after receipt is deemed approved, and the department  
1637 shall grant the permit.

1638 (2) Upon each application filed and approved, a permit  
1639 shall be issued to the applicant setting forth the name of the  
1640 permitholder, the location of the pari-mutuel facility, the type  
1641 of pari-mutuel activity desired to be conducted, and a statement  
1642 showing qualifications of the applicant to conduct pari-mutuel  
1643 performances under this chapter; however, a permit does not  
1644 authorize any pari-mutuel performances until approved by a  
1645 majority of the electors participating in a ratification  
1646 election in the county in which the applicant proposes to  
1647 conduct pari-mutuel wagering activities. An application may not  
1648 be considered, nor may a permit be issued by the department or  
1649 be voted upon in any county, to conduct horseraces, harness  
1650 races, or greyhound races at a location within 100 miles of an  
1651 existing pari-mutuel facility, or for jai alai within 50 miles  
1652 of an existing pari-mutuel facility. Such distance shall be  
1653 measured on a straight line from the nearest property line of

584-00011A-14

20147052\_\_

1654 one pari-mutuel facility to the nearest property line of the  
1655 other facility.

1656 (3) The department shall require that each applicant submit  
1657 an application that includes:

1658 (a) The full name of the applicant.

1659 (b) If a corporation, the name of the state in which  
1660 incorporated and the names and addresses of the officers,  
1661 directors, and shareholders holding 5 percent or more equity or,  
1662 if a business entity other than a corporation, the names and  
1663 addresses of the principals, partners, or shareholders holding 5  
1664 percent or more equity.

1665 (c) The names and addresses of the ultimate equitable  
1666 owners for a corporation or other business entity, if different  
1667 from those provided under paragraph (b), unless the securities  
1668 of the corporation or entity are registered pursuant to s. 12 of  
1669 the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk; and  
1670 if such corporation or entity files with the United States  
1671 Securities and Exchange Commission the reports required by s. 13  
1672 of that act or if the securities of the corporation or entity  
1673 are regularly traded on an established securities market in the  
1674 United States.

1675 (d) The exact location where the applicant will conduct  
1676 pari-mutuel performances.

1677 (e) Whether the pari-mutuel facility is owned or leased  
1678 and, if leased, the name and residence of the fee owner or, if a  
1679 corporation, the names and addresses of the directors and  
1680 stockholders thereof. However, this chapter does not prevent a  
1681 person from applying to the department for a permit to conduct  
1682 pari-mutuel operations, regardless of whether the pari-mutuel

584-00011A-14

20147052\_\_

1683 facility has been constructed, and having an election held in  
1684 any county at the same time that elections are held for the  
1685 ratification of any permit in that county.

1686 (f) A statement of the assets and liabilities of the  
1687 applicant.

1688 (g) The names and addresses of any mortgagee of any pari-  
1689 mutuel facility and any financial agreement between the parties.  
1690 The department may require the names and addresses of the  
1691 officers and directors of the mortgagee and of those  
1692 stockholders who hold more than 10 percent of the stock of the  
1693 mortgagee.

1694 (h) A business plan for the first year of operation.

1695 (i) For each individual listed in the application as an  
1696 owner, partner, officer, or director, a complete set of  
1697 fingerprints taken by an authorized law enforcement officer. The  
1698 set of fingerprints must be submitted to the Federal Bureau of  
1699 Investigation for processing. An applicant who is a foreign  
1700 national shall submit such documents as necessary to allow the  
1701 department to conduct a criminal history records check in the  
1702 applicant's home country. The applicant must pay the cost of  
1703 processing. The department may charge a \$2 handling fee for each  
1704 set of fingerprint records.

1705 (j) The type of pari-mutuel activity to be conducted and  
1706 the desired period of operation.

1707 (k) Other information the department requires.

1708 (4) The department shall require each applicant to deposit  
1709 with the board of county commissioners of the county in which  
1710 the election is to be held a sufficient sum, in currency or by  
1711 check certified by a bank licensed to do business in the state,

584-00011A-14

20147052\_\_

1712 to pay the expenses of holding the election provided in s.  
1713 551.0221.

1714 (5) Upon receiving an application and any amendments  
1715 properly made thereto, the department shall further investigate  
1716 the matters contained in the application. If the applicant meets  
1717 all requirements, conditions, and qualifications set forth in  
1718 this chapter and the rules of the department, the department  
1719 shall grant the permit.

1720 (6) After initial approval of the permit and the source of  
1721 financing, the terms and parties of any subsequent refinancing  
1722 must be disclosed by the applicant or the permitholder to the  
1723 department.

1724 (7) If the department refuses to grant the permit, the  
1725 money deposited with the board of county commissioners for  
1726 holding the election must be refunded to the applicant. If the  
1727 department grants the permit applied for, the board of county  
1728 commissioners shall order an election for ratification of the  
1729 permit in the county, as provided in s. 551.0221.

1730 (8) (a) The department may charge the applicant for  
1731 reasonable, anticipated costs incurred by the department in  
1732 determining the eligibility of any person or entity specified in  
1733 s. 551.029 to hold any pari-mutuel permit.

1734 (b) The department may, by rule, determine the manner of  
1735 paying its anticipated costs associated with determination of  
1736 eligibility and the procedure for filing applications for  
1737 determination of eligibility.

1738 (c) The department shall furnish to the applicant an  
1739 itemized statement of actual costs incurred during the  
1740 investigation to determine eligibility.

584-00011A-14

20147052\_\_

1741 (d) If unused funds remain at the conclusion of such  
1742 investigation, they must be returned to the applicant within 60  
1743 days after the determination of eligibility has been made.

1744 (e) If the actual costs of investigation exceed anticipated  
1745 costs, the department shall assess the applicant the amount  
1746 necessary to recover all actual costs.

1747 (9) After a permit has been granted by the department and  
1748 has been ratified and approved by the majority of the electors  
1749 participating in the election in the county designated in the  
1750 permit, the department shall grant to the lawful permitholder,  
1751 subject to the conditions of 39this chapter, a license to  
1752 conduct pari-mutuel operations under this chapter, and, except  
1753 as provided in s. 551.0521, the department shall fix annually  
1754 the time, place, and number of days during which pari-mutuel  
1755 operations may be conducted by the permitholder at the location  
1756 fixed in the permit and ratified in the election. After the  
1757 first license has been issued to the holder of a ratified permit  
1758 for pari-mutuel operations in any county, all subsequent annual  
1759 applications for a license by that permitholder must be  
1760 accompanied by proof, in such form as the department requires,  
1761 that the ratified permitholder still possesses all the  
1762 qualifications prescribed by this chapter and that the permit  
1763 has not been recalled at a later election held in the county.

1764 (10) If a permitholder has failed to complete construction  
1765 of at least 50 percent of the facilities necessary to conduct  
1766 pari-mutuel operations within 12 months after approval of the  
1767 permit by the voters, the department shall revoke the permit  
1768 upon adequate notice to the permitholder. However, the  
1769 department, upon good cause shown by the permitholder, may grant

584-00011A-14

20147052\_\_

1770 one extension of up to 12 months.

1771 (11) (a) A permit granted under this chapter may not be  
1772 transferred or assigned except upon written approval by the  
1773 department pursuant to s. 551.029, except that the holder of any  
1774 permit that has been converted to a jai alai permit may lease or  
1775 build anywhere within the county in which its permit is located.

1776 (b) If a permit to conduct pari-mutuel wagering is held by  
1777 a corporation or business entity other than an individual, the  
1778 transfer of 10 percent or more of the stock or other evidence of  
1779 ownership or equity in the permitholder may not be made without  
1780 the prior approval of the transferee by the department pursuant  
1781 to s. 551.029.

1782 (12) Changes in ownership of or interest in a pari-mutuel  
1783 permit of 5 percent or more of the stock or other evidence of  
1784 ownership or equity in the permitholder shall be approved by the  
1785 department before such change, unless the owner is an existing  
1786 owner of that permit who was previously approved by the  
1787 department. Changes in ownership of or interest in a pari-mutuel  
1788 permit of less than 5 percent must be reported to the department  
1789 within 20 days after the change. The department may then conduct  
1790 an investigation to ensure that the permit is properly updated  
1791 to show the change in ownership or interest.

1792 Section 28. Section 551.0221, Florida Statutes, is created  
1793 to read:

1794 551.0221 Elections for ratification of permits.-

1795 (1) Any permitholder may have submitted to the electors of  
1796 the county designated therein the question of whether such  
1797 permit will be ratified. Such question shall be submitted to the  
1798 electors for approval or rejection at a special election to be

584-00011A-14

20147052\_\_

1799 called for that purpose only. The board of county commissioners  
1800 of the county designated, upon the presentation to such board at  
1801 a regular or special meeting of a written application,  
1802 accompanied by a certified copy of the permit granted by the  
1803 department, and asking for an election in the county in which  
1804 the application was made, shall order a special election in the  
1805 county for the particular purpose of deciding whether such  
1806 permit shall be approved and a license issued and race or game  
1807 meetings allowed in the county by such permitholder. The clerk  
1808 of such board shall give notice of the special election by  
1809 publishing the same once each week for 2 consecutive weeks in  
1810 one or more newspapers of general circulation in the county.  
1811 Each permit for a track or fronton must be voted upon separately  
1812 and in separate elections. An election may not be called more  
1813 often than once every 2 years for the ratification of any permit  
1814 for the same track or fronton.

1815 (2) All elections ordered under this chapter must be held  
1816 within 90 days and not less than 21 days after the time of  
1817 presenting the application to the board of county commissioners.  
1818 The inspectors of election shall be appointed and qualified as  
1819 in cases of general elections, and they shall count the votes  
1820 cast and make due returns of the votes to the board of county  
1821 commissioners without delay. The board of county commissioners  
1822 shall canvass the returns, declare the results, and cause the  
1823 results to be recorded as provided in the general law concerning  
1824 elections so far as applicable.

1825 (3) If the permitholder has not applied to the board of  
1826 county commissioners within 6 months after the permit was issued  
1827 by the department, the permit is void. The department shall

584-00011A-14

20147052\_\_

1828 cancel the permit without notice to the permitholder, and the  
1829 board of county commissioners holding the deposit for the  
1830 election shall refund the deposit to the permitholder upon being  
1831 notified by the department that the permit is void and has been  
1832 canceled.

1833 (4) All electors duly registered and qualified to vote at  
1834 the last preceding general election held in the county are  
1835 qualified electors for the ratification election. The  
1836 registration books for the county shall be opened on the 10th  
1837 day after the ratification election is ordered and called,  
1838 however, if the 10th day is a Sunday or a holiday, then on the  
1839 next day that is not a Sunday or holiday. The registration books  
1840 must remain open for 10 days. Electors for the ratification  
1841 election have the same qualifications for and prerequisites to  
1842 voting in elections as under the general election laws.

1843 (5) If, at any such ratification election, the majority of  
1844 electors voting on the question of ratification of a permit vote  
1845 against ratification, the permit is void. If a majority of the  
1846 electors voting on the question of ratification vote for  
1847 ratification, the permit becomes effective, and the permitholder  
1848 may conduct events upon complying with the other provisions of  
1849 this chapter. The board of county commissioners shall  
1850 immediately certify the results of the election to the  
1851 department.

1852 Section 29. Section 551.0222, Florida Statutes, is created  
1853 to read:

1854 551.0222 Petition for election to revoke permit.—In any  
1855 county where a permitholder has been licensed and racing or  
1856 games have been conducted under this chapter, the county



584-00011A-14

20147052\_\_

1857 commission shall, upon petition of 20 percent of the qualified  
1858 electors of the county, provide for the submission to the  
1859 electors of such county at the next succeeding general election  
1860 the question of whether a permit shall be revoked. If a majority  
1861 of the electors voting on such question in such election vote to  
1862 revoke the permit, the department may no longer grant any  
1863 license on the permit. Every signature on every petition to  
1864 revoke a permit must be signed in the presence of the clerk of  
1865 the board of county commissioners at the office of the clerk of  
1866 the circuit court of the county. The petitioner must present at  
1867 the time of such signing her or his registration receipt showing  
1868 the petitioner's qualification as an elector of the county at  
1869 the time of signing the petition. Only one permit may be  
1870 included in any one petition. In all elections in which the  
1871 revocation of more than one permit is voted on, the voters shall  
1872 be given an opportunity to vote for or against the revocation of  
1873 each permit separately. This chapter does not prevent the  
1874 holding of later referendum or revocation elections.

1875 Section 30. Section 551.0241, Florida Statutes, is created  
1876 to read:

1877 551.0241 Relocation of permit; thoroughbred racing.-

1878 (1) Notwithstanding any provision of this chapter, a  
1879 thoroughbred racing permit or license issued under this chapter  
1880 may not be transferred, or reissued when such reissuance is in  
1881 the nature of a transfer, if the transfer or reissuance permits  
1882 or authorizes a licensee to change the location of a  
1883 thoroughbred track except upon proof in such form as the  
1884 department prescribes that a referendum election has been held:

1885 (a) If the proposed new location is within the same county

584-00011A-14

20147052\_\_

1886 as the currently licensed location, in the county where the  
1887 licensee desires to conduct the race meeting and that a majority  
1888 of the electors voting on that question in such election voted  
1889 in favor of the transfer of such license.

1890 (b) If the proposed new location is not within the same  
1891 county as the currently licensed location, in the county where  
1892 the licensee desires to conduct the race meeting and in the  
1893 county where the licensee is currently licensed to conduct the  
1894 race meeting and that a majority of the electors voting on that  
1895 question in each such election voted in favor of the transfer of  
1896 such license.

1897 (2) Each referendum held under this section shall be held  
1898 in accordance with the electoral procedures for ratification of  
1899 permits as provided in s. 551.0221. The expense of each such  
1900 referendum shall be borne by the licensee requesting the  
1901 transfer.

1902 Section 31. Section 551.0242, Florida Statutes, is created  
1903 to read:

1904 551.0242 Relocation of permit; greyhound racing; jai alai.-

1905 (1) The Legislature finds that pari-mutuel wagering on  
1906 greyhound racing provides substantial revenues to the state. The  
1907 Legislature further finds that, in some cases, this revenue-  
1908 producing ability is hindered due to the lack of provisions  
1909 allowing the relocation of existing greyhound racing operations.  
1910 It is therefore declared that state revenues derived from  
1911 greyhound racing will continue to be jeopardized if provisions  
1912 allowing the relocation of such greyhound racing permits are not  
1913 implemented. This enactment is made for the purpose of  
1914 implementing such provisions.

584-00011A-14

20147052\_\_

1915       (2) Any holder of a valid outstanding permit for greyhound  
1916 racing in a county in which there is only one greyhound racing  
1917 permit issued, as well as any holder of a valid outstanding  
1918 permit for jai alai in a county where only one jai alai permit  
1919 is issued, may, without the necessity of an additional county  
1920 referendum required under s. 551.0221, move the location for  
1921 which the permit has been issued to another location within a  
1922 30-mile radius of the location fixed in the permit issued in  
1923 that county, provided that the move does not cross the county  
1924 boundary, that such relocation is approved under the zoning  
1925 regulations of the county or municipality in which the permit is  
1926 to be located as a planned development use, consistent with the  
1927 comprehensive plan, and that such move is approved by the  
1928 department after it is determined at a proceeding pursuant to  
1929 chapter 120 in the county affected that the move is necessary to  
1930 ensure the revenue-producing capability of the permitholder  
1931 without deteriorating the revenue-producing capability of any  
1932 other pari-mutuel permitholder within 50 miles. Such distance  
1933 shall be measured on a straight line from the nearest property  
1934 line of one racetrack or jai alai fronton to the nearest  
1935 property line of the other.

1936       Section 32. Section 551.0251, Florida Statutes, is created  
1937 to read:

1938       551.0251 Conversion of permit; quarter horse racing permit  
1939 to a limited thoroughbred racing permit.—

1940       (1) In recognition of the important and long-standing  
1941 economic contribution of the thoroughbred horse breeding  
1942 industry to this state and the state's vested interest in  
1943 promoting the continued viability of this agricultural activity,

584-00011A-14

20147052\_\_

1944 the state intends to provide a limited opportunity for the  
1945 conduct of live thoroughbred racing with the net revenues from  
1946 such racing dedicated to the enhancement of thoroughbred purses  
1947 and breeder, stallion, and special racing awards under this  
1948 chapter; the general promotion of the thoroughbred horse  
1949 breeding industry; and the care in this state of thoroughbred  
1950 horses retired from racing.

1951 (2) Notwithstanding any other provision of law, the holder  
1952 of a quarter horse racing permit issued under s. 551.0551 may,  
1953 within 1 year after July 1, 2010, apply to the department for a  
1954 transfer of the quarter horse racing permit to a not-for-profit  
1955 corporation formed under state law to serve the purposes of the  
1956 state as provided in subsection (1). The board of directors of  
1957 the not-for-profit corporation must be comprised of 11 members,  
1958 4 of whom shall be designated by the applicant, 4 of whom shall  
1959 be designated by the Florida Thoroughbred Breeders' and Owners'  
1960 Association, and 3 of whom shall be designated by the other 8  
1961 directors, with at least 1 of these 3 members being an  
1962 authorized representative of another thoroughbred racing  
1963 permitholder in this state. The corporation shall submit an  
1964 application to the department for review and approval of the  
1965 transfer in accordance with s. 551.021. Upon approval of the  
1966 transfer by the department, and notwithstanding any other  
1967 provision of law to the contrary, the corporation may, within 1  
1968 year after its receipt of the permit, request that the  
1969 department convert the quarter horse racing permit to a permit  
1970 authorizing the holder to conduct pari-mutuel wagering meets of  
1971 thoroughbred racing. Neither the transfer of the quarter horse  
1972 racing permit nor its conversion to a limited thoroughbred

584-00011A-14

20147052\_\_

1973 racing permit may be subject to the mileage limitation or the  
1974 ratification election specified in s. 551.021(2) or s. 551.0221.  
1975 Upon receipt of the request for such conversion, the department  
1976 shall timely issue a converted permit. The converted permit and  
1977 the not-for-profit corporation are subject to the following  
1978 requirements:

1979 (a) All net revenues derived by the corporation under the  
1980 thoroughbred racing permit, after the funding of operating  
1981 expenses and capital improvements, shall be dedicated to the  
1982 enhancement of thoroughbred racing purses and breeder, stallion,  
1983 and special racing awards under this chapter; the general  
1984 promotion of the thoroughbred horse breeding industry; and the  
1985 care in this state of thoroughbred horses retired from racing.

1986 (b) From December 1 through April 30, live thoroughbred  
1987 racing may not be conducted under the permit on any day during  
1988 which another thoroughbred racing permitholder is conducting  
1989 live thoroughbred racing within 125 air miles of the  
1990 corporation's pari-mutuel facility unless the other thoroughbred  
1991 racing permitholder gives its written consent.

1992 (c) After the conversion of the quarter horse racing permit  
1993 and the issuance of its initial license to conduct pari-mutuel  
1994 wagering meets of thoroughbred racing, the corporation must  
1995 apply annually to the department for a license pursuant to s.  
1996 551.0521.

1997 (d) Racing under the permit may take place only at the  
1998 location for which the original quarter horse racing permit was  
1999 issued, which may be leased by the corporation for that purpose.  
2000 However, the corporation may, without any ratification election  
2001 pursuant to s. 551.0241 or s. 551.0221, move the location of the

584-00011A-14

20147052\_\_

2002 permit to another location in the same county if the relocation  
2003 is approved under the zoning and land use regulations of the  
2004 applicable county or municipality.

2005 (e) A permit converted under this section is not eligible  
2006 for transfer to another person or entity.

2007 (3) Unless otherwise provided in this section, after  
2008 conversion, the permit and the not-for-profit corporation shall  
2009 be treated under the laws of this state as a thoroughbred racing  
2010 permit and as a thoroughbred racing permitholder, respectively,  
2011 with the exception of s. 551.053(9).

2012 Section 33. Section 551.0252, Florida Statutes, is created  
2013 to read:

2014 551.0252 Conversion of permit; jai alai; greyhound racing.—

2015 (1) (a) Any holder of a permit to conduct jai alai may apply  
2016 to the department to convert such permit to a permit to conduct  
2017 greyhound racing in lieu of jai alai if:

2018 1. Such permit is located in a county in which the  
2019 department has issued only two pari-mutuel permits pursuant to  
2020 this section;

2021 2. Such permit was not previously converted from any other  
2022 class of permit; and

2023 3. The holder of the permit has not conducted jai alai  
2024 games during the 10 years immediately preceding his or her  
2025 application for conversion under this subsection.

2026 (b) The department, upon receiving an application from a  
2027 jai alai permitholder that meets all conditions of this section,  
2028 shall convert the permit and shall issue to the permitholder a  
2029 permit to conduct greyhound racing. A holder of a permit  
2030 converted under this section shall be required to apply for and

584-00011A-14

20147052\_\_

2031 conduct a full schedule of live racing each fiscal year to be  
2032 eligible for any tax credit provided by this chapter. The holder  
2033 of a permit converted pursuant to this subsection or any holder  
2034 of a permit to conduct greyhound racing located in a county in  
2035 which it is the only permit issued pursuant to this section that  
2036 operates at a leased facility pursuant to s. 551.037 may move  
2037 the location for which the permit has been issued to another  
2038 location within a 30-mile radius of the location fixed in the  
2039 permit issued in that county, provided the move does not cross  
2040 the county boundary and such location is approved under the  
2041 zoning regulations of the county or municipality in which the  
2042 permit is located, and upon such relocation may use the permit  
2043 for the conduct of pari-mutuel wagering and the operation of a  
2044 cardroom. Section 551.074(9)(d) and (f) apply to any permit  
2045 converted under this subsection and shall continue to apply to  
2046 any permit that was previously included under and subject to  
2047 such provisions before a conversion pursuant to this section  
2048 occurred.

2049 (2) Any permit that was converted from a jai alai permit to  
2050 a greyhound racing permit may be converted to a jai alai permit  
2051 at any time if the permitholder never conducted greyhound racing  
2052 or if the permitholder has not conducted greyhound racing for a  
2053 period of 12 consecutive months.

2054 Section 34. Section 551.0253, Florida Statutes, is created  
2055 to read:

2056 551.0253 Conversion of permit; summer jai alai.-

2057 (1) A pari-mutuel permitholder, authorized to conduct pari-  
2058 mutuel pools in any county having five or more such pari-mutuel  
2059 permits, whose mutuel play from the operation of such pari-

584-00011A-14

20147052\_\_

2060 mutuel pools for the 2 consecutive years immediately before  
2061 filing an application under this section was the smallest play  
2062 or total pool within the county may apply to the department to  
2063 convert its permit to a permit to conduct a summer jai alai  
2064 fronton in such county during the summer season beginning May 1  
2065 and ending November 30 of each year on such dates as may be  
2066 selected by the permitholder for the same number of days and  
2067 performances as are allowed and granted to winter jai alai  
2068 frontons within such county. If a permitholder that is eligible  
2069 under this section to convert a permit chooses not to convert, a  
2070 new permit is made available in that permitholder's county to  
2071 conduct summer jai alai games as provided by this section,  
2072 notwithstanding mileage and permit ratification requirements. If  
2073 a permitholder converts a quarter horse racing permit pursuant  
2074 to this section, this section does not prohibit the permitholder  
2075 from obtaining another quarter horse racing permit. Such  
2076 permitholder shall pay the same taxes as are fixed and required  
2077 to be paid from the pari-mutuel pools of winter jai alai  
2078 permitholders and is bound by all of the rules and provisions of  
2079 this chapter which apply to the operation of winter jai alai  
2080 frontons. Such permitholder may operate a jai alai fronton only  
2081 after its application has been submitted to the department and  
2082 its license has been issued pursuant to the application. The  
2083 license is renewable annually as provided by law.

2084 (2) Such permitholder is entitled to the issuance of a  
2085 license for the operation of a jai alai fronton during the  
2086 summer season as provided in this section. A permitholder  
2087 granted a license under this section may not conduct pari-mutuel  
2088 pools during the summer season except at a jai alai fronton as



584-00011A-14

20147052\_\_

2089 provided in this section. Such license authorizes the  
2090 permitholder to operate at any jai alai permitholder's facility  
2091 it may lease or build within such county.

2092 (3) A license issued under subsection (2) may not allow the  
2093 operation of a jai alai fronton during the jai alai winter  
2094 season. The jai alai winter licensee and the jai alai summer  
2095 licensee may not operate on the same days or in competition with  
2096 each other. This section does not prevent the summer jai alai  
2097 licensee from leasing the facilities of the winter jai alai  
2098 licensee for the operation of the summer meet.

2099 (4) The provisions of this chapter prohibiting the location  
2100 and operation of a jai alai fronton within a specified distance  
2101 from the location of another jai alai fronton or other  
2102 permitholder and prohibiting the department from granting any  
2103 permit at a location within a certain designated area do not  
2104 apply to this section and do not prevent the issuance of a  
2105 license under this section.

2106 Section 35. Section 551.026, Florida Statutes, is created  
2107 to read:

2108 551.026 Nonwagering permits.-

2109 (1) (a) Except as provided in this section, permits and  
2110 licenses issued by the department are intended to be used for  
2111 pari-mutuel wagering operations in conjunction with horseraces,  
2112 greyhound races, or jai alai performances.

2113 (b) Subject to the requirements of this section, the  
2114 department may issue permits for the conduct of horserace meets  
2115 without pari-mutuel wagering or any other form of wagering being  
2116 conducted in conjunction with such meets. Such permits shall be  
2117 known as "nonwagering permits" and may be issued only for

584-00011A-14

20147052\_\_

2118 horserace meets. A horseracing permitholder need not obtain an  
2119 additional permit from the department for conducting nonwagering  
2120 racing under this section but must apply to the department for  
2121 the issuance of a license under this section. The holder of a  
2122 nonwagering permit is prohibited from conducting pari-mutuel  
2123 wagering or any other form of wagering in conjunction with  
2124 racing conducted under the permit. This subsection does not  
2125 prohibit horseracing for any stake, purse, prize, or premium.

2126 (c) The holder of a nonwagering permit is exempt from s.  
2127 551.301 and is not required to pay daily license fees and  
2128 admission tax.

2129 (2) (a) A person who is not prohibited from holding any type  
2130 of pari-mutuel permit under s. 551.029 may apply to the  
2131 department for a nonwagering permit. The applicant must  
2132 demonstrate that the location where the nonwagering permit will  
2133 be used is available for such use and that the applicant has the  
2134 financial ability to satisfy the reasonably anticipated  
2135 operational expenses of the first racing year following final  
2136 issuance of the nonwagering permit. If the racing facility is  
2137 already built, the application must include a statement and  
2138 reasonable supporting evidence that the nonwagering permit will  
2139 be used for horseracing within 1 year after the date on which it  
2140 is granted. If the facility is not already built, the  
2141 application must include a statement and reasonable supporting  
2142 evidence that substantial construction will be started within 1  
2143 year after the issuance of the nonwagering permit.

2144 (b) The department may conduct an eligibility investigation  
2145 to determine whether the applicant meets the requirements of  
2146 paragraph (a).

584-00011A-14

20147052\_\_

2147       (3) (a) Upon receipt of a nonwagering permit, the  
2148 permitholder must apply to the department before June 1 of each  
2149 year for an annual nonwagering license for the next succeeding  
2150 calendar year. The application must set forth the days and  
2151 locations at which the permitholder will conduct nonwagering  
2152 horseracing and must indicate any changes in ownership or  
2153 management of the permitholder occurring since the date of  
2154 application for the prior license. The department may conduct an  
2155 eligibility investigation to determine the qualifications of any  
2156 new ownership or management interest in the permit.

2157       (b) On or before August 1 of each year and upon approval of  
2158 the racing dates by the department, the department shall issue  
2159 an annual nonwagering license authorizing the permitholder to  
2160 conduct nonwagering horseracing during the succeeding calendar  
2161 year during the period and for the number of days set forth in  
2162 the application, subject to all other provisions of this  
2163 section.

2164       (4) Only horses registered with an established breed  
2165 registration organization approved by the department may be  
2166 raced at a race meeting authorized under this section.

2167       (5) The department may order any person participating in a  
2168 nonwagering meet to cease and desist from participating in such  
2169 meet if the department determines that the person is not of good  
2170 moral character. The department may order the operators of a  
2171 nonwagering meet to cease and desist from operating the meet if  
2172 the department determines the meet is being operated for any  
2173 illegal purpose.

2174       Section 36. Section 551.029, Florida Statutes, is created  
2175 to read:

584-00011A-14

20147052\_\_

2176 551.029 Certain persons prohibited from holding permits;  
2177 suspension and revocation.-

2178 (1) A corporation, general or limited partnership, sole  
2179 proprietorship, business trust, joint venture, unincorporated  
2180 association, or other business entity may not hold a pari-mutuel  
2181 permit in this state if any one of the persons or entities  
2182 specified in paragraph (a) has been determined by the department  
2183 not to be of good moral character or has been convicted of any  
2184 offense specified in paragraph (b).

2185 (a)1. The permitholder;

2186 2. An employee of the permitholder;

2187 3. The sole proprietor of the permitholder;

2188 4. A corporate officer or director of the permitholder;

2189 5. A general partner of the permitholder;

2190 6. A trustee of the permitholder;

2191 7. A member of an unincorporated association permitholder;

2192 8. A joint venturer of the permitholder;

2193 9. The owner of more than 5 percent of any equity interest  
2194 in the permitholder, whether as a common shareholder, general or  
2195 limited partner, voting trustee, or trust beneficiary; or

2196 10. An owner of any interest in the permit or permitholder,  
2197 including any immediate family member of the owner, or holder of  
2198 any debt, mortgage, contract, or concession from the  
2199 permitholder, who by virtue thereof is able to control the  
2200 business of the permitholder.

2201 (b)1. A felony in this state;

2202 2. A felony in any other state which would be a felony  
2203 under the laws of this state if committed in this state;

2204 3. A felony under the laws of the United States;

584-00011A-14

20147052\_\_

2205 4. A felony related to gambling in any other state which  
2206 would be a felony under the laws of this state if committed in  
2207 this state; or

2208 5. Bookmaking as defined in s. 849.25.

2209 (2) (a) If the applicant for a pari-mutuel permit or a  
2210 permitholder has received a full pardon or a restoration of  
2211 civil rights with respect to the conviction specified in  
2212 paragraph (1) (b), the conviction does not constitute an absolute  
2213 bar to the issuance or renewal of a permit or a ground for the  
2214 revocation or suspension of a permit.

2215 (b) A corporation convicted of a felony may apply for and  
2216 receive a restoration of its civil rights in the same manner and  
2217 on the same grounds as an individual.

2218 (3) (a) After notice and hearing, the department shall  
2219 suspend or refuse to issue or renew, as appropriate, any permit  
2220 in violation of subsection (1). The order shall become effective  
2221 120 days after service of the order upon the permitholder and  
2222 shall be amended to constitute a final order of revocation  
2223 unless the permitholder has, within that 120-day period:

2224 1. Caused the divestiture, or agreed with the convicted  
2225 person upon a complete immediate divestiture, of her or his  
2226 holding;

2227 2. Petitioned the circuit court as provided in subsection  
2228 (4); or

2229 3. In the case of corporate officers or directors of the  
2230 permitholder or employees of the permitholder, terminated the  
2231 relationship between the permitholder and such persons.

2232 (b) The department may, by order, extend the 120-day period  
2233 for divestiture, upon good cause shown, to avoid interruption of

584-00011A-14

20147052\_\_

2234 any meet or to otherwise effectuate this section. If action has  
2235 not been taken by the permitholder within the 120-day period  
2236 following the issuance of the order of suspension, the  
2237 department shall, without further notice or hearing, enter a  
2238 final order of revocation of the permit.

2239 (c) When any permitholder or sole proprietor of a  
2240 permitholder is convicted of an offense specified in paragraph  
2241 (1)(b), the department may approve a transfer of the permit to a  
2242 qualified applicant upon a finding that revocation of the permit  
2243 would impair the state's revenue from the operation of the  
2244 permit or otherwise be detrimental to the interests of the state  
2245 in the regulation of the industry of pari-mutuel wagering.  
2246 Notwithstanding any other provision of law, a public referendum  
2247 is not required for approval of the transfer under this  
2248 paragraph. A petition for transfer after conviction must be  
2249 filed with the department within 30 days after service upon the  
2250 permitholder of the final order of revocation. The timely filing  
2251 of such a petition automatically stays any revocation order  
2252 until further order of the department.

2253 (4) The circuit courts have jurisdiction to decide a  
2254 petition brought by the holder of a pari-mutuel permit showing  
2255 that its permit is in jeopardy of suspension or revocation under  
2256 subsection (3) and that it is unable to agree upon the terms of  
2257 divestiture of interest with the person specified in  
2258 subparagraphs (1)(a)3.-9. who has been convicted of an offense  
2259 specified in paragraph (1)(b). The court shall determine the  
2260 reasonable value of the interest of the convicted person and  
2261 order a divestiture upon such terms and conditions as it finds  
2262 just. In determining the value of the interest of the convicted

584-00011A-14

20147052\_\_

2263 person, the court may consider, among other matters, the value  
2264 of the assets of the permitholder, its good will and value as a  
2265 going concern, recent and expected future earnings, and other  
2266 criteria usual and customary in the sale of like enterprises.

2267 (5) The department shall adopt rules for photographing,  
2268 fingerprinting, and obtaining personal data of individuals  
2269 described in paragraph (1)(a) and obtaining such data regarding  
2270 the business entities described in paragraph (1)(a) as necessary  
2271 to effectuate this section.

2272 Section 37. Section 551.0321, Florida Statutes, is created  
2273 to read:

2274 551.0321 Permitholder license; bond.—

2275 (1) After a permit has been issued by the department and  
2276 approved by election, the department shall issue to the  
2277 permitholder an annual license to conduct pari-mutuel operations  
2278 at the location specified in the permit pursuant to this  
2279 chapter.

2280 (2)(a) Before delivery of a license, each permitholder  
2281 granted a license under this chapter must, at its own expense,  
2282 give a bond payable to the Governor and the Governor's  
2283 successors in the penal sum of \$50,000. Such bond must be in the  
2284 form of a surety or sureties approved by the department and the  
2285 Chief Financial Officer and shall be conditioned on the  
2286 following:

2287 1. The permitholder faithfully making payments to the Chief  
2288 Financial Officer acting in his or her capacity as treasurer of  
2289 the department;

2290 2. The permitholder keeping books and records and making  
2291 the required reports; and

584-00011A-14

20147052\_\_

2292 3. The permitholder conducting racing in conformity with  
2293 this chapter.

2294 (b) If the greatest amount of tax owed during any month in  
2295 the prior fiscal year in which a full schedule of live racing  
2296 was conducted is less than \$50,000, the department may assess a  
2297 bond less than \$50,000. The department may review the bond for  
2298 adequacy and require adjustments to the bond amount each fiscal  
2299 year. The department may adopt rules to implement this  
2300 subsection and establish guidelines for such bonds.

2301 (c) The provisions of this chapter concerning bonding do  
2302 not apply to nonwagering permits issued under s. 551.026.

2303 Section 38. Section 551.0322, Florida Statutes, is created  
2304 to read:

2305 551.0322 License application; periods of operation; bond.-

2306 (1) Annually, between December 15 and January 4, each  
2307 permitholder shall file with the department its written  
2308 application for a license to conduct performances during the  
2309 next fiscal year. A permitholder may amend its application  
2310 through February 28. Each application must specify the number,  
2311 dates, and starting times of all performances the permitholder  
2312 intends to conduct and specify which performances will be  
2313 conducted as charity or scholarship performances. In addition,  
2314 each application for a license must include:

2315 (a) For each permitholder that chooses to operate a  
2316 cardroom, the dates and periods of operation that the  
2317 permitholder intends to operate the cardroom.

2318 (b) For each thoroughbred racing permitholder that chooses  
2319 to receive or rebroadcast out-of-state races after 7 p.m., the  
2320 dates for all performances that the permitholder intends to



584-00011A-14

20147052\_\_

2321 conduct.

2322 (2) After the first license has been issued to a  
2323 permitholder, all subsequent annual applications for a license  
2324 must be accompanied by proof, in such form as the department may  
2325 by rule require, that the permitholder continues to possess the  
2326 qualifications required under this chapter and that the permit  
2327 has not been disapproved at a later election.

2328 (3) The department shall issue each license no later than  
2329 March 15. Each permitholder shall operate all performances on  
2330 the dates and at the times specified on its license. The  
2331 department may approve minor changes in operating dates after a  
2332 license has been issued. The department may approve changes in  
2333 operating dates after a license has been issued if there is no  
2334 objection from any operating permitholder located within 50  
2335 miles of the permitholder requesting the changes in operating  
2336 dates. If there is an objection, the department shall determine  
2337 whether to approve the change based upon its impact on operating  
2338 permitholders located within 50 miles of the permitholder  
2339 requesting the change in operating dates. In making the  
2340 determination whether to change operating dates, the department  
2341 shall take into consideration the impact of such changes on  
2342 state revenues.

2343 (4) If a permitholder fails to operate all performances on  
2344 the dates and at the times specified on its license, the  
2345 department shall hold a hearing to determine whether to fine the  
2346 permitholder or suspend the permitholder's license, unless such  
2347 failure was the direct result of fire, strike, war, or other  
2348 disaster or event beyond the ability of the permitholder to  
2349 control. Financial hardship to the permitholder is not, in and

584-00011A-14

20147052\_\_

2350 of itself, just cause for failure to operate all performances on  
2351 the dates and at the times specified.

2352 (5) If performances licensed to be operated by a  
2353 permitholder are vacated, are abandoned, or will not be used for  
2354 any reason, any permitholder may, pursuant to department rule,  
2355 apply to conduct performances on the dates for which the  
2356 performances have been abandoned. The department shall issue an  
2357 amended license for all such replacement performances that have  
2358 been requested in compliance with this chapter and department  
2359 rules.

2360 Section 39. Section 551.033, Florida Statutes, is created  
2361 to read:

2362 551.033 Payment of daily license fee and taxes; penalties.-

2363 (1) PAYMENT AND DISPOSITION OF FEES AND TAXES.-Payments  
2364 imposed by ss. 551.043, 551.053, 551.0543, 551.0553, and 551.063  
2365 shall be paid to the department for deposit into the Gaming  
2366 Control Trust Fund, hereby established. The permitholder shall  
2367 remit to the department payment for the daily license fee, the  
2368 admission tax, the tax on handle, and the breaks tax. Such  
2369 payments shall be remitted by 3 p.m. on the 5th day of each  
2370 calendar month for taxes imposed and collected for the preceding  
2371 calendar month. If the 5th day of the calendar month falls on a  
2372 weekend, payments shall be remitted by 3 p.m. the first Monday  
2373 following the weekend. Permitholders shall file a report under  
2374 oath by the 5th day of each calendar month for all taxes  
2375 remitted during the preceding calendar month. Such payments  
2376 shall be accompanied by a report under oath showing the total of  
2377 all admissions, the pari-mutuel wagering activities for the  
2378 preceding calendar month, and such other information required by

584-00011A-14

20147052\_\_

2379 the department.

2380 (2) PENALTIES.—

2381 (a) A permitholder that fails to make payments as required  
2382 in subsection (1) may be subjected by the department to a civil  
2383 penalty of up to \$1,000 for each day the tax payment is not  
2384 remitted. All penalties imposed and collected shall be deposited  
2385 in the General Revenue Fund. If a permitholder fails to pay  
2386 penalties imposed by order of the department under this  
2387 subsection, the department may suspend or revoke the license of  
2388 the permitholder, cancel the permit of the permitholder, or deny  
2389 issuance of any further license or permit to the permitholder.

2390 (b) In addition to the civil penalty in paragraph (a), any  
2391 willful or wanton failure by a permitholder to make payments of  
2392 the daily license fee, admission tax, tax on handle, or breaks  
2393 tax constitutes sufficient grounds for the department to suspend  
2394 or revoke the license of the permitholder, cancel the permit of  
2395 the permitholder, or deny issuance of any further license or  
2396 permit to the permitholder.

2397 Section 40. Section 551.034, Florida Statutes, is created  
2398 to read:

2399 551.034 Uniform reporting system.—

2400 (1) The Legislature finds that a uniform reporting system  
2401 should be developed to provide acceptable uniform financial data  
2402 and statistics.

2403 (2) (a) Each permitholder that conducts events under this  
2404 chapter shall keep records that clearly show the total number of  
2405 admissions and the total amount of money contributed to each  
2406 pari-mutuel pool on each event separately and the amount of  
2407 money received daily from admission fees and, within 120 days

584-00011A-14

20147052\_\_

2408 after the end of its fiscal year, shall submit to the department  
2409 a complete annual report of its accounts, audited by a certified  
2410 public accountant licensed to practice in the state.

2411 (b) The department shall adopt rules specifying the form  
2412 and content of such reports, including, but not limited to,  
2413 requirements for a financial statement of assets and  
2414 liabilities, operating revenues and expenses, and net worth and  
2415 any supporting informational schedule found necessary by the  
2416 department to verify the financial statement. The financial  
2417 statement must be audited by a certified public accountant  
2418 licensed to practice in this state, and any supporting  
2419 informational schedule must be attested to under oath by the  
2420 permitholder or an officer of record. The form and content of  
2421 such reports must permit the department to:

2422 1. Assess the profitability and financial soundness of  
2423 permitholders, both individually and as an industry;

2424 2. Plan and recommend measures necessary to preserve and  
2425 protect the pari-mutuel revenues of the state; and

2426 3. Completely identify the holdings, transactions, and  
2427 investments of permitholders with other business entities.

2428 (c) The Auditor General and the Office of Program Policy  
2429 Analysis and Government Accountability may, pursuant to their  
2430 own authority or at the direction of the Legislative Auditing  
2431 Committee, audit, examine, and check the books and records of  
2432 any permitholder. These audit reports shall become part of, and  
2433 be maintained in, the department files.

2434 (d) The department shall annually review the books and  
2435 records of each permitholder and verify that the breaks and  
2436 unclaimed ticket payments made by each permitholder are true and

584-00011A-14

20147052\_\_

2437 correct.

2438 Section 41. Section 551.035, Florida Statutes, is created  
2439 to read:

2440 551.035 Distribution of moneys.-

2441 (1) All moneys deposited into the Gaming Control Trust Fund  
2442 under this part shall be distributed as follows:

2443 (a) The daily license fee revenues collected pursuant to  
2444 this part shall be used to fund the operating cost of the  
2445 department and to provide a proportionate share of the operation  
2446 of the department.

2447 (b) All unappropriated funds in excess of \$1.5 million  
2448 shall be deposited into the General Revenue Fund.

2449 (2) The slot machine license fee, the slot machine  
2450 occupational license fee, and the compulsive or addictive  
2451 gambling prevention program fee collected pursuant to ss.  
2452 551.106, 551.302(2)(a)1., and 551.118 shall be used to fund the  
2453 direct and indirect operating expenses of the department's slot  
2454 machine regulation operations and to provide funding for  
2455 relevant enforcement activities in accordance with authorized  
2456 appropriations. Funds deposited into the Gaming Control Trust  
2457 Fund pursuant to ss. 551.106, 551.302(2)(a)1., and 551.118 shall  
2458 be reserved in the trust fund for slot machine regulation  
2459 operations. On June 30, any unappropriated funds in excess of  
2460 those necessary for incurred obligations and subsequent year  
2461 cash flow for slot machine regulation operations shall be  
2462 deposited into the General Revenue Fund.

2463 Section 42. Section 551.036, Florida Statutes, is created  
2464 to read:

2465 551.036 Escheat to state of abandoned interest in or

584-00011A-14

20147052\_\_

2466 contribution to pari-mutuel pools.-

2467 (1) It is the public policy of the state, while protecting  
2468 the interest of the owners, to possess all unclaimed and  
2469 abandoned interests in or contributions to certain pari-mutuel  
2470 pools conducted in this state under this chapter for the benefit  
2471 of all the people of the state. This section shall be liberally  
2472 construed to accomplish the purposes of this section.

2473 (2) Except as otherwise provided in this chapter, all money  
2474 or other property represented by any unclaimed, uncashed, or  
2475 abandoned pari-mutuel ticket that has remained in the custody or  
2476 under the control of any licensee for a period of 1 year after  
2477 the date the pari-mutuel ticket was issued, if the rightful  
2478 owner or owners thereof have made no claim or demand for such  
2479 money or other property within the 1-year period, shall escheat  
2480 to and become the property of the state.

2481 (3) Annually, within 60 days after the close of the race  
2482 meeting of the licensee, all money or other property that has  
2483 escheated to the state under this section and that is held by  
2484 the licensee shall be paid by such licensee to the Chief  
2485 Financial Officer for deposit into the State School Fund to be  
2486 used for support and maintenance of public free schools as  
2487 required by s. 6, Art. IX of the State Constitution.

2488 Section 43. Section 551.037, Florida Statutes, is created  
2489 to read:

2490 551.037 Lease of pari-mutuel facilities.- Holders of valid  
2491 pari-mutuel permits for the conduct of any jai alai games,  
2492 greyhound racing, or thoroughbred or harness racing in this  
2493 state may lease their facilities to any other holder that is  
2494 located within a 35-mile radius and holds a same class valid

584-00011A-14

20147052\_\_

2495 pari-mutuel permit for jai alai games, greyhound racing, or  
2496 thoroughbred or harness racing. Such lessee is entitled to a  
2497 license to operate its race meet or jai alai games at the leased  
2498 premises.

2499 Section 44. Section 551.038, Florida Statutes, is created  
2500 to read:

2501 551.038 Proposed capital improvement.—If a permitholder  
2502 licensed under this chapter proposes a capital improvement to a  
2503 pari-mutuel facility existing on June 23, 1981, which capital  
2504 improvement requires, pursuant to any municipal or county  
2505 ordinance, resolution, or regulation, the qualification or  
2506 approval of the municipality or county in which the permitholder  
2507 conducts its business operations, the capital improvement shall  
2508 be approved. Such permitholder must pay the municipality or  
2509 county the cost of a building permit, and the improvement must  
2510 be contiguous to or within the existing pari-mutuel facility  
2511 site. However, the municipality or county shall deny approval of  
2512 the capital improvement if the municipality or county is able to  
2513 show that the proposed improvement presents a justifiable and  
2514 immediate hazard to the health and safety of municipal or county  
2515 residents or if the improvement qualifies as a development of  
2516 regional impact as defined in s. 380.06.

2517 Section 45. Section 551.039, Florida Statutes, is created  
2518 to read:

2519 551.039 Charity and scholarship days; derbies.—

2520 (1) The department shall, upon the request of any  
2521 permitholder, authorize the permitholder to hold up to five  
2522 charity or scholarship days in addition to the regular racing or  
2523 game days authorized by law.

584-00011A-14

20147052\_\_

2524       (2) The proceeds of charity and scholarship performances  
2525 shall be paid to qualified beneficiaries selected by the  
2526 permitholders from an authorized list of charities on file with  
2527 the department. Eligible charities include any charity that  
2528 provides evidence of compliance with chapter 496 and possession  
2529 of a valid exemption from federal taxation issued by the  
2530 Internal Revenue Service. The authorized list must include the  
2531 Racing Scholarship Trust Fund, the Historical Resources  
2532 Operating Trust Fund, major state and private institutions of  
2533 higher learning, and Florida community colleges.

2534       (3) The permitholder shall, within 120 days after the  
2535 conclusion of its fiscal year, pay to the authorized charities  
2536 the total of all profits derived from the operation of the  
2537 charity or scholarship day performances conducted. If charity or  
2538 scholarship days are operated on behalf of another permitholder  
2539 pursuant to law, the permitholder entitled to distribute the  
2540 proceeds shall distribute the proceeds to charity within 30 days  
2541 after the actual receipt of the proceeds.

2542       (4) The total of all profits derived from the conduct of a  
2543 charity or scholarship day performance must include all revenues  
2544 derived from the conduct of that performance, including all  
2545 state taxes that would otherwise be due to the state, except  
2546 that the daily license fee as provided in ss. 551.043(2),  
2547 551.053(2), 551.0543(2), 551.0553(1), and 551.063(2) and the  
2548 breaks for the promotional trust funds as provided in ss.  
2549 551.0523(2), 551.0542(2), 551.0552(2), and 551.056(1) and (2)  
2550 shall be paid to the department. All other revenues from the  
2551 charity or scholarship performance, including the commissions,  
2552 breaks, and admissions and the revenues from parking, programs,



584-00011A-14

20147052\_\_

2553 and concessions, shall be included in the total of all profits.

2554 (5) In determining profit, the permitholder may elect to  
2555 distribute as proceeds only the amount equal to the state tax  
2556 that would otherwise be paid to the state if the charity or  
2557 scholarship day were conducted as a regular or matinee  
2558 performance.

2559 (6) (a) 1. The department shall authorize one additional  
2560 scholarship day for horseracing in addition to the regular  
2561 racing days authorized by this chapter and any additional days  
2562 authorized by this section, to be conducted at all horse tracks  
2563 located in Hillsborough County. The permitholder shall conduct a  
2564 full schedule of racing on the scholarship day.

2565 2. The funds derived from the operation of the additional  
2566 scholarship day shall be allocated as provided in this section  
2567 and paid to Pasco-Hernando Community College.

2568 (b) When a charity or scholarship performance is conducted  
2569 as a matinee performance, the department may authorize the  
2570 permitholder to conduct the evening performances of that  
2571 operation day as a regular performance in addition to the  
2572 regular operating days authorized by law.

2573 (7) In addition to the charity or scholarship days  
2574 authorized by this section, any greyhound racing permitholder  
2575 may allow its facility to be used for conducting "hound dog  
2576 derbies" or "mutt derbies" on any day during each racing season  
2577 by any charitable, civic, or nonprofit organization for the  
2578 purpose of conducting "hound dog derbies" or "mutt derbies" if  
2579 only dogs other than greyhounds are permitted to race and if  
2580 adults and minors are allowed to participate as dog owners or  
2581 spectators. During these racing events, betting, gambling, and

584-00011A-14

20147052\_\_

2582 the sale or use of alcoholic beverages are prohibited.

2583 (8) In addition to the eligible charities that meet the  
2584 criteria set forth in this section, a jai alai permitholder may  
2585 conduct two additional charity performances each fiscal year for  
2586 a fund to benefit retired jai alai players. This performance  
2587 shall be known as the "Retired Jai Alai Players Charity Day."  
2588 The administration of this fund shall be determined by rule by  
2589 the department.

2590 Section 46. Section 551.042, Florida Statutes, is created  
2591 to read:

2592 551.042 Greyhound racing; purse requirements.—

2593 (1) (a) For a greyhound racing permitholder, a full schedule  
2594 of live events is a combination of at least 100 live evening or  
2595 matinee performances during the state fiscal year.

2596 (b) For a permitholder restricted by statute to certain  
2597 operating periods within the year when other members of its same  
2598 class of permit are authorized to operate throughout the year, a  
2599 full schedule of live events shall be the specified number of  
2600 live performances adjusted pro rata in accordance with the  
2601 relationship between its authorized operating period and the  
2602 full calendar year. The resulting specified number of live  
2603 performances shall constitute the full schedule of live events  
2604 for such permitholder and all other permitholders of the same  
2605 class within 100 air miles of such permitholder.

2606 (2) The department shall determine for each greyhound  
2607 racing permitholder the annual purse percentage rate of live  
2608 handle for the 1993-1994 state fiscal year by dividing total  
2609 purses paid on live handle by the permitholder, exclusive of  
2610 payments made from outside sources, during the 1993-1994 state

584-00011A-14

20147052\_\_

2611 fiscal year by the permitholder's live handle for the 1993-1994  
2612 state fiscal year. Each permitholder shall pay as purses for  
2613 live races conducted during its current race meet a percentage  
2614 of its live handle not less than the percentage determined under  
2615 this paragraph, exclusive of payments made by outside sources,  
2616 for its 1993-1994 state fiscal year.

2617 (3) Except as otherwise set forth in this section, in  
2618 addition to the minimum purse percentage required under  
2619 subsection (2), each permitholder shall pay as purses an annual  
2620 amount equal to 75 percent of the daily license fees paid by  
2621 each permitholder for the 1994-1995 fiscal year. This purse  
2622 supplement shall be disbursed weekly during the permitholder's  
2623 race meet in an amount determined by dividing the annual purse  
2624 supplement by the number of performances approved for the  
2625 permitholder pursuant to its annual license and multiplying that  
2626 amount by the number of performances conducted each week. For  
2627 the greyhound racing permitholders in the county where there are  
2628 two greyhound racing permitholders located as specified in s.  
2629 551.073(6), such permitholders shall pay in the aggregate an  
2630 amount equal to 75 percent of the daily license fees paid by  
2631 such permitholders for the 1994-1995 fiscal year. These  
2632 permitholders shall be jointly and severally liable for such  
2633 purse payments. The additional purses provided by this paragraph  
2634 must be used exclusively for purses other than stakes. The  
2635 department shall conduct audits necessary to ensure compliance  
2636 with this section.

2637 (4) (a) Each greyhound racing permitholder, when conducting  
2638 at least three live performances during any week, shall pay  
2639 purses in that week on wagers it accepts as a guest track on

584-00011A-14

20147052\_\_

2640 intertrack and simulcast greyhound races at the same rate as it  
2641 pays on live races. Each greyhound racing permitholder, when  
2642 conducting at least three live performances during any week,  
2643 shall pay purses in that week, at the same rate as it pays on  
2644 live races, on wagers accepted on greyhound races at a guest  
2645 track that is not conducting live racing and that is located  
2646 within the same market area as the greyhound racing permitholder  
2647 conducting at least three live performances during any week.

2648 (b) Each host greyhound racing permitholder shall pay  
2649 purses on its simulcast and intertrack broadcasts of greyhound  
2650 races to guest facilities that are located outside its market  
2651 area in an amount equal to one quarter of an amount determined  
2652 by subtracting the transmission costs of sending the simulcast  
2653 or intertrack broadcasts from an amount determined by adding the  
2654 fees received for greyhound simulcast races plus 3 percent of  
2655 the greyhound intertrack handle at guest facilities that are  
2656 located outside the market area of the host and that paid  
2657 contractual fees to the host for such broadcasts of greyhound  
2658 races.

2659 (5) The department shall require sufficient documentation  
2660 from each greyhound racing permitholder regarding purses paid on  
2661 live racing to ensure that the annual purse percentage rates  
2662 paid by each permitholder on the live races are not reduced  
2663 below those paid during the 1993-1994 state fiscal year. The  
2664 department shall require sufficient documentation from each  
2665 greyhound racing permitholder to ensure that the purses paid by  
2666 each permitholder on the greyhound intertrack and simulcast  
2667 broadcasts are in compliance with the requirements of subsection  
2668 (4).

584-00011A-14

20147052\_\_

2669       (6) In addition to the purse requirements of subsections  
2670 (2)-(4), each greyhound racing permitholder shall pay as purses  
2671 an amount equal to one-third of the amount of the tax reduction  
2672 on live and simulcast handle applicable to such permitholder as  
2673 a result of the reductions in tax rates provided by s. 6 of  
2674 chapter 2000-354, Laws of Florida. With respect to intertrack  
2675 wagering when the host and guest tracks are greyhound racing  
2676 permitholders not within the same market area, an amount equal  
2677 to the tax reduction applicable to the guest track handle as a  
2678 result of the reduction in tax rate provided by s. 6 of chapter  
2679 2000-354, Laws of Florida, shall be distributed to the guest  
2680 track, one-third of which amount shall be paid as purses at the  
2681 guest track. However, if the guest track is a greyhound racing  
2682 permitholder within the market area of the host or if the guest  
2683 track is not a greyhound racing permitholder, an amount equal to  
2684 such tax reduction applicable to the guest track handle shall be  
2685 retained by the host track, one-third of which amount shall be  
2686 paid as purses at the host track. These purse funds shall be  
2687 disbursed in the week received if the permitholder conducts at  
2688 least one live performance during that week. If the permitholder  
2689 does not conduct at least one live performance during the week  
2690 in which the purse funds are received, the purse funds shall be  
2691 disbursed weekly during the permitholder's next race meet in an  
2692 amount determined by dividing the purse amount by the number of  
2693 performances approved for the permitholder pursuant to its  
2694 annual license, and multiplying that amount by the number of  
2695 performances conducted each week. The department shall conduct  
2696 audits necessary to ensure compliance with this section.

2697       (7) Each greyhound racing permitholder shall, during the

584-00011A-14

20147052\_\_

2698 permitholder's race meet, supply kennel operators and the  
2699 department with a weekly report showing purses paid on live  
2700 greyhound races and all greyhound intertrack and simulcast  
2701 broadcasts, including both as a guest and a host together with  
2702 the handle or commission calculations on which such purses were  
2703 paid and the transmission costs of sending the simulcast or  
2704 intertrack broadcasts, so that the kennel operators may  
2705 determine statutory and contractual compliance.

2706 (8) Each greyhound racing permitholder shall make direct  
2707 payment of purses to the greyhound owners who have filed with  
2708 such permitholder appropriate federal taxpayer identification  
2709 information based on the percentage amount agreed upon between  
2710 the kennel operator and the greyhound owner.

2711 (9) At the request of a majority of kennel operators under  
2712 contract with a greyhound racing permitholder, the permitholder  
2713 shall make deductions from purses paid to each kennel operator  
2714 electing such deduction and shall make a direct payment of such  
2715 deductions to the local association of greyhound kennel  
2716 operators formed by a majority of kennel operators under  
2717 contract with the permitholder. The amount of the deduction  
2718 shall be at least 1 percent of purses, as determined by the  
2719 local association of greyhound kennel operators. A deduction may  
2720 not be taken pursuant to this paragraph without a kennel  
2721 operator's specific approval.

2722 (10) (a) A greyhound racing permitholder shall file reports  
2723 under oath or affirmation under penalty of perjury by the  
2724 permitholder or an officer of record by the 5th day of each  
2725 calendar month on forms adopted by the department showing all  
2726 injuries to racing greyhounds on the grounds of a greyhound

584-00011A-14

20147052\_\_

2727 track or kennel compound during the prior month. The report must  
2728 contain, at a minimum, the following information: the specific  
2729 type and bodily location of an injury; the cause of injury; the  
2730 track or facility where the injury occurred; the date and  
2731 estimated time of the incident; the greyhound registered name  
2732 and tattoo numbers; the reporting person's name and telephone  
2733 number; the kennel operator, address, and telephone number; the  
2734 trainer's name and telephone number; and the location of the  
2735 injured animal on the last day of the prior month.

2736 (b) Knowingly making a false statement on an injury report  
2737 filed with the department shall result in a fine not to exceed  
2738 \$1,500. A second or subsequent violation of this subsection  
2739 shall result in a fine of at least \$3,000.

2740 Section 47. Section 551.043, Florida Statutes, is created  
2741 to read:

2742 551.043 Greyhound racing; taxes and fees.—

2743 (1) FINDINGS.—

2744 (a) The Legislature finds that the operation of a greyhound  
2745 race track and legalized pari-mutuel betting at greyhound race  
2746 tracks in this state is a privilege and is an operation that  
2747 requires strict supervision and regulation in the best interests  
2748 of the state. Pari-mutuel wagering at greyhound race tracks in  
2749 this state is a substantial business, and taxes derived from  
2750 wagering constitute part of the tax structures of the state and  
2751 the counties. The operators of greyhound race tracks should pay  
2752 their fair share of taxes to the state but should not be taxed  
2753 to such an extent as to cause a track that is operated under  
2754 sound business principles to be forced out of business.

2755 (b) A permitholder that conducts a greyhound race meet

584-00011A-14

20147052\_\_

2756 under this chapter must pay the daily license fee, the admission  
2757 tax, the breaks tax, and the tax on pari-mutuel handle and is  
2758 subject to all penalties and sanctions provided in s.  
2759 551.033(2).

2760 (2) DAILY LICENSE FEE.—Each licensed permitholder engaged  
2761 in the business of conducting greyhound race meetings shall pay  
2762 to the department, for the use of the department, a daily  
2763 license fee on each live or simulcast pari-mutuel event of \$80  
2764 for each greyhound race conducted at the licensee's racetrack.  
2765 Each permitholder shall pay daily license fees not to exceed  
2766 \$500 per day on any simulcast event on which such permitholder  
2767 accepts wagers regardless of the number of out-of-state events  
2768 taken or the number of out-of-state locations from which such  
2769 events are taken. The daily license fees shall be remitted to  
2770 the Chief Financial Officer for deposit into the Gaming Control  
2771 Trust Fund.

2772 (3) ADMISSION TAX.—An admission tax equal to the greater of  
2773 15 percent of the admission charge for entrance to the  
2774 permitholder's facility and grandstand area or 10 cents is  
2775 imposed on each person attending a greyhound race. The  
2776 permitholder is responsible for collecting the admission tax.

2777 (4) TAX ON LIVE HANDLE.—Each permitholder shall pay a tax  
2778 on live handle from races conducted by the permitholder. The tax  
2779 is imposed daily and is based on the total contributions to all  
2780 pari-mutuel pools conducted during the daily live performance.  
2781 If a permitholder conducts more than one live performance daily,  
2782 the tax is imposed on each live performance separately.

2783 (a) The tax on live handle for greyhound racing  
2784 performances is 5.5 percent of the handle.



584-00011A-14

20147052\_\_

2785 (b) Notwithstanding paragraph (a), the tax on live handle  
2786 for charity or scholarship greyhound racing performances held  
2787 pursuant to s. 551.039 is 7.6 percent of the handle.

2788 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
2789 facility is a greyhound race track, the tax on handle for  
2790 intertrack wagering is 5.5 percent of the handle with the  
2791 following exceptions:

2792 (a) On broadcasts of charity or scholarship performances  
2793 held pursuant to s. 551.039, if the guest facility is a  
2794 greyhound race track located within the market area of the host  
2795 facility the tax on handle for intertrack wagering at the guest  
2796 greyhound race track is 7.6 percent of the handle.

2797 (b) If the guest facility is located outside the market  
2798 area of the host facility and within the market area of a  
2799 thoroughbred racing permitholder currently conducting a live  
2800 race meet, the tax on handle for intertrack wagering is 0.5  
2801 percent of the handle.

2802 (c) If the guest facility is a greyhound race track located  
2803 in an area of the state in which there are only three  
2804 permitholders, all of which are greyhound permitholders, located  
2805 in three contiguous counties, on events received from a  
2806 greyhound racing permitholder also located within such area, the  
2807 tax on handle for intertrack wagering is 3.9 percent of the  
2808 handle.

2809 (d) If the guest facility is a greyhound race track located  
2810 as specified in s. 551.073(6) or (9), on events received from a  
2811 greyhound racing permitholder located within the same market  
2812 area the tax on handle for intertrack wagers is 3.9 percent of  
2813 the handle.

584-00011A-14

20147052\_\_

2814       (6) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL  
2815 POOLS.—All money or other property represented by any unclaimed,  
2816 uncashed, or abandoned pari-mutuel ticket which has remained in  
2817 the custody of or under the control of any permitholder  
2818 authorized to conduct greyhound racing pari-mutuel pools in this  
2819 state for a period of 1 year after the date the pari-mutuel  
2820 ticket was issued, if the rightful owner or owners thereof have  
2821 made no claim or demand for such money or other property within  
2822 that 1-year period, shall, with respect to live races conducted  
2823 by the permitholder, be remitted to the state pursuant to s.  
2824 551.036.

2825       (7) TAX CREDITS.—

2826       (a) Each greyhound racing permitholder shall receive in the  
2827 current state fiscal year a tax credit equal to the number of  
2828 live greyhound races conducted in the preceding state fiscal  
2829 year multiplied by the daily license fee per race as specified  
2830 in subsection (2) for the preceding state fiscal year. This tax  
2831 credit applies to any tax imposed by this section or the daily  
2832 license fees imposed by this section except during any charity  
2833 or scholarship performances conducted pursuant to s. 551.039.

2834       (b) A greyhound racing permitholder may receive a tax  
2835 credit equal to the actual amount remitted to the state in the  
2836 preceding state fiscal year pursuant to subsection (6) with  
2837 respect to live races. The credit may be applied against any  
2838 taxes imposed under this section. Each such greyhound racing  
2839 permitholder shall pay, from any source, including the proceeds  
2840 from performances conducted pursuant to s. 551.039, an amount  
2841 not less than 10 percent of the amount of the credit provided by  
2842 this paragraph to any organization that promotes or encourages

584-00011A-14

20147052\_\_

2843 adoption of greyhounds, provides evidence of compliance with  
2844 chapter 496, and possesses a valid exemption from federal  
2845 taxation issued by the Internal Revenue Service. Such  
2846 organization must, as a condition of adoption, provide  
2847 sterilization of greyhounds by a licensed veterinarian before  
2848 giving custody of the greyhound to the adopter. The fee for  
2849 sterilization may be included in the cost of adoption.

2850 (c)1. After providing written notice to the department, a  
2851 permitholder unable to use the full amount of the exemption  
2852 provided in paragraph (8) (c) or the daily license fee credit  
2853 provided in this subsection may elect once per state fiscal  
2854 year, on a form provided by the department, to transfer such  
2855 exemption or credit or any portion thereof to any greyhound  
2856 racing permitholder that acts as a host track to such  
2857 permitholder for the purpose of intertrack wagering. Once an  
2858 election to transfer such exemption or credit is filed with the  
2859 department, it may not be rescinded. The department may not  
2860 approve the transfer if:

2861 a. The amount of the exemption or credit or portion thereof  
2862 is unavailable to the transferring permitholder; or

2863 b. The permitholder who is entitled to transfer the  
2864 exemption or credit or who is entitled to receive the exemption  
2865 or credit owes taxes to the state pursuant to a deficiency  
2866 letter or administrative complaint issued by the department.

2867 2. Upon approval of the transfer by the department, the  
2868 transferred tax exemption or credit shall be effective for the  
2869 first performance of the next payment period as specified in s.  
2870 551.033(1). The exemption or credit transferred to such host  
2871 track may be applied by the host track against any taxes imposed

584-00011A-14

20147052\_\_

2872 by this chapter or daily license fees imposed by this chapter.  
2873 The greyhound racing permitholder host track to which such  
2874 exemption or credit is transferred shall reimburse such  
2875 permitholder the exact monetary value of such transferred  
2876 exemption or credit as actually applied against the taxes and  
2877 daily license fees of the host track.

2878 3. The department shall ensure that all transfers of  
2879 exemption or credit are made in accordance with this subsection  
2880 and may adopt rules to implement this section.

2881 (8) TAX EXEMPTIONS.—

2882 (a) An admission tax under this chapter or chapter 212 may  
2883 not be imposed on any free passes or complimentary cards issued  
2884 to persons for which there is no cost to the person for  
2885 admission to pari-mutuel events.

2886 (b) A permitholder may issue tax-free passes to its  
2887 officers, officials, and employees; to other persons actually  
2888 engaged in working at the facility, including accredited press  
2889 representatives such as reporters and editors; and to other  
2890 permitholders for the use of their officers and officials. The  
2891 permitholder shall file with the department a list of all  
2892 persons to whom tax-free passes are issued under this paragraph.

2893 (c) A permitholder is not required to pay tax on handle  
2894 until such time as this paragraph has resulted in a tax savings  
2895 per state fiscal year of \$360,000. Thereafter, each permitholder  
2896 shall pay the tax as specified in subsections (4) and (5) on all  
2897 handle for the remainder of the permitholder's current race  
2898 meet. For the three permitholders that conducted a full schedule  
2899 of live racing in 1995 and that are closest to another state  
2900 that authorizes greyhound pari-mutuel wagering, the maximum tax

584-00011A-14

20147052\_\_

2901 savings per state fiscal year shall be \$500,000. The provisions  
2902 of this paragraph relating to tax exemptions do not apply to any  
2903 charity or scholarship performances conducted pursuant to s.  
2904 551.039.

2905 Section 48. Section 551.045, Florida Statutes, is created  
2906 to read:

2907 551.045 Greyhound adoptions.-

2908 (1) Each greyhound racing permitholder operating a  
2909 greyhound racing facility in this state shall provide for a  
2910 greyhound adoption booth to be located at the facility. The  
2911 greyhound adoption booth must be operated on weekends by  
2912 personnel or volunteers from an organization that promotes or  
2913 encourages the adoption of greyhounds and meets the requirements  
2914 for such organization specified under s. 551.043. As used in  
2915 this section, the term "weekend" includes the hours during which  
2916 live greyhound racing is conducted on Friday, Saturday, or  
2917 Sunday. Information pamphlets and application forms shall be  
2918 provided to the public upon request. The kennel operator or  
2919 owner shall notify the permitholder that a greyhound is  
2920 available for adoption, and the permitholder shall provide  
2921 information concerning the adoption of a greyhound in each race  
2922 program and shall post adoption information at conspicuous  
2923 locations throughout the greyhound racing facility. Any  
2924 greyhound participating in a race which will be available for  
2925 future adoption must be noted in the race program. The  
2926 permitholder shall allow greyhounds to be walked through the  
2927 track facility to publicize the greyhound adoption program.

2928 (2) In addition to the charity days authorized under s.  
2929 551.039, a greyhound racing permitholder may fund the greyhound

584-00011A-14

20147052\_\_

2930 adoption program by holding a charity racing day designated as  
2931 "Greyhound Adopt-A-Pet Day." All profits derived from the  
2932 operation of the charity day must be placed into a fund used to  
2933 support activities at the racing facility which promote the  
2934 adoption of greyhounds. The department may adopt rules for  
2935 administering the fund. Proceeds from the charity day authorized  
2936 in this subsection may not be used as a source of funds for the  
2937 purposes set forth in s. 551.043.

2938 (3) The department may impose a penalty as provided in s.  
2939 551.014(2) (i) for a violation of this section by a permitholder  
2940 or licensee and require the permitholder or licensee to take  
2941 corrective action.

2942 Section 49. Section 551.0511, Florida Statutes, is created  
2943 to read:

2944 551.0511 Horseracing; purse requirement; breeder and owner  
2945 awards.—

2946 (1) The Legislature finds that the purse structure and the  
2947 availability of breeder awards are important factors in  
2948 attracting the entry of well-bred horses in race meets in this  
2949 state, which in turn helps to produce maximum racing revenues  
2950 for the state and the counties.

2951 (2) Each permitholder conducting a horserace meet must pay  
2952 from the takeout withheld on pari-mutuel pools a sum for purses  
2953 in accordance with the type of race performed.

2954 (3) (a) Takeout may be used for the payment of awards to  
2955 owners of registered Florida-bred horses placing first in a  
2956 claiming race, an allowance race, a maiden special race, or a  
2957 stakes race in which the announced purse, exclusive of entry and  
2958 starting fees and added moneys, does not exceed \$40,000.

584-00011A-14

20147052\_\_

2959       (b) The permitholder shall determine for each qualified  
2960 race the amount of the owner award for which a registered  
2961 Florida-bred horse will be eligible. The amount of the available  
2962 owner award shall be established in the same manner in which  
2963 purses are established and shall be published in the condition  
2964 book for the period during which the race is to be conducted. A  
2965 single award may not exceed 50 percent of the gross purse for  
2966 the race won.

2967       (c) If the moneys generated under paragraph (a) during the  
2968 meet exceed owner awards earned during the meet, the excess  
2969 funds shall be held in a separate interest-bearing account, and  
2970 the total interest and principal shall be used to increase the  
2971 owner awards during the permitholder's next meet.

2972       (d) Breeder awards for thoroughbred racing and harness  
2973 racing authorized by ss. 551.0523(2) and 551.0542 may not be  
2974 paid on owner awards.

2975       (e) This subsection governs only those owner awards paid on  
2976 thoroughbred races in this state, unless a written agreement is  
2977 filed with the department which establishes the rate,  
2978 procedures, and eligibility requirements for owner awards,  
2979 including place of finish, class of race, maximum purse, and  
2980 maximum award, and the agreement is entered into by the  
2981 permitholder, the Florida Thoroughbred Breeders' and Owners'  
2982 Association, and the association representing a majority of the  
2983 racehorse owners and trainers at the permitholder's location.

2984       (4) The department shall adopt reasonable rules to ensure  
2985 the timely and accurate payment of all amounts withheld by  
2986 horseracing permitholders regarding the distribution of purses,  
2987 owner awards, and other amounts collected for payment to owners

584-00011A-14

20147052\_\_

2988 and breeders. Each permitholder that fails to pay out all moneys  
2989 collected for payment to owners and breeders shall, within 10  
2990 days after the end of the meet during which the permitholder  
2991 underpaid, deposit an amount equal to the underpayment into a  
2992 separate interest-bearing account to be distributed to owners  
2993 and breeders in accordance with department rules.

2994 Section 50. Section 551.0512, Florida Statutes, is created  
2995 to read:

2996 551.0512 Breeder awards.-

2997 (1) The purpose of this section is to encourage the  
2998 agricultural activity of breeding and training racehorses in  
2999 this state. Moneys dedicated in this chapter for use as breeder  
3000 awards and stallion awards are to be used for awards to breeders  
3001 of registered Florida-bred horses winning horseraces and for  
3002 similar awards to the owners of stallions who sired Florida-bred  
3003 horses winning stakes races, if the stallions are registered as  
3004 Florida stallions standing in this state. The awards shall be  
3005 given at a uniform rate to all winners of the awards. Such  
3006 awards may not be greater than 20 percent or less than 15  
3007 percent of the announced gross purse if funds are available. No  
3008 less than 17 percent and no more than 40 percent, as determined  
3009 by the Florida Thoroughbred Breeders' and Owners' Association,  
3010 of the moneys dedicated in this chapter for use as breeder  
3011 awards and stallion awards for thoroughbreds shall be returned  
3012 pro rata to the permitholders that generated the moneys for  
3013 special racing awards and shall be distributed by the  
3014 permitholders to owners of thoroughbred horses participating in  
3015 prescribed thoroughbred stakes races, nonstakes races, or both,  
3016 pursuant to a written agreement establishing the rate,



584-00011A-14

20147052\_\_

3017 procedure, and eligibility requirements for such awards entered  
3018 into by the permitholder, the Florida Thoroughbred Breeders' and  
3019 Owners' Association, and the Florida Horsemen's Benevolent and  
3020 Protective Association, Inc. However, the plan for the  
3021 distribution by any permitholder located in the area described  
3022 in s. 551.073(9) shall be agreed upon by that permitholder, the  
3023 Florida Thoroughbred Breeders' and Owners' Association, and the  
3024 association representing a majority of the thoroughbred  
3025 racehorse owners and trainers at that location. Awards for  
3026 thoroughbred races are to be paid through the Florida  
3027 Thoroughbred Breeders' and Owners' Association, and awards for  
3028 standardbred races are to be paid through the Florida  
3029 Standardbred Breeders and Owners Association. Among other  
3030 sources specified in this chapter, moneys for thoroughbred  
3031 breeder awards will come from the 0.955 percent of handle for  
3032 thoroughbred races conducted, received, broadcast, or simulcast  
3033 under this chapter as provided in s. 551.0523(2). The moneys for  
3034 quarter horse and harness horse breeder awards will come from  
3035 the breaks and uncashed tickets on live quarter horse and  
3036 harness racing performances and 1 percent of handle on  
3037 intertrack wagering. The funds for the breeder awards shall be  
3038 paid to the respective breeder associations by the permitholders  
3039 conducting the races.

3040 (2) Each breeder association shall develop a plan each year  
3041 that will provide for a uniform rate of payment and procedure  
3042 for breeder and stallion awards. The plan for payment of breeder  
3043 and stallion awards may set a cap on winnings and may limit,  
3044 exclude, or defer payments on certain classes of races, such as  
3045 the Florida stallion stakes races, in order to ensure that there

584-00011A-14

20147052\_\_

3046 are adequate revenues to meet the proposed uniform rate.  
3047 Priority shall be placed on imposing such restrictions in lieu  
3048 of allowing the uniform rate for breeder and stallion awards to  
3049 be less than 15 percent of the total purse payment. The plan  
3050 must provide for the maximum possible payments within revenues.

3051 (3) Breeder associations shall submit their plans to the  
3052 department at least 60 days before the beginning of the payment  
3053 year. The payment year may be a calendar year or any 12-month  
3054 period, but once established, the payment year may not be  
3055 changed except for compelling reasons. Once a plan is approved,  
3056 the department may not allow the plan to be amended during the  
3057 year except for the most compelling reasons.

3058 (4) Funds in the breeder association special payment  
3059 account may not be allowed to grow excessively; however, payment  
3060 each year is not required to equal receipts each year. The rate  
3061 each year shall be adjusted to compensate for changing revenues  
3062 from year to year.

3063 (5) (a) The awards programs in this chapter are intended to  
3064 encourage thoroughbred breeding and training operations to  
3065 locate in this state and must be responsive to rapidly changing  
3066 incentive programs in other states. To attract such operations,  
3067 it is appropriate to provide greater flexibility to thoroughbred  
3068 industry participants in this state so that they may design  
3069 competitive awards programs.

3070 (b) Notwithstanding any other provision of law, the Florida  
3071 Thoroughbred Breeders' and Owners' Association, as part of its  
3072 annual plan, may:

3073 1. Pay breeder awards on horses finishing in first, second,  
3074 or third place in thoroughbred races; pay breeder awards that

584-00011A-14

20147052\_\_

3075 are greater than 20 percent and less than 15 percent of the  
3076 announced gross purse; and vary the rates for breeder awards  
3077 based on the place of finish, class of race, state or country in  
3078 which the race took place, and the state in which the stallion  
3079 siring the horse was standing when the horse was conceived.

3080 2. Pay stallion awards on horses finishing in first,  
3081 second, or third place in thoroughbred races; pay stallion  
3082 awards that are greater than 20 percent and less than 15 percent  
3083 of the announced gross purse; reduce or eliminate stallion  
3084 awards to enhance breeder awards or awards under subparagraph  
3085 3.; and vary the rates for stallion awards based on the place of  
3086 finish, class of race, and state or country in which the race  
3087 took place.

3088 3. Pay awards from the funds dedicated for breeder awards  
3089 and stallion awards to owners of registered Florida-bred horses  
3090 finishing in first, second, or third place in thoroughbred races  
3091 in this state without regard to any awards paid pursuant to s.  
3092 551.0511(3).

3093 (c) Breeder awards or stallion awards under this chapter  
3094 may not be paid on thoroughbred races taking place in other  
3095 states or countries unless agreed to in writing by all  
3096 thoroughbred racing permitholders in this state, the Florida  
3097 Thoroughbred Breeders' and Owners' Association, and the Florida  
3098 Horsemen's Benevolent and Protective Association, Inc.

3099 Section 51. Section 551.0521, Florida Statutes, is created  
3100 to read:

3101 551.0521 Thoroughbred racing; operations.-

3102 (1) (a) For a thoroughbred racing permitholder, a full  
3103 schedule of live events is at least 40 live regular wagering

584-00011A-14

20147052\_\_

3104 performances during the state fiscal year.

3105 (b) For a permitholder restricted by statute to certain  
3106 operating periods within the year when other members of its same  
3107 class of permit are authorized to operate throughout the year, a  
3108 full schedule of live events shall be the specified number of  
3109 live performances adjusted pro rata in accordance with the  
3110 relationship between its authorized operating period and the  
3111 full calendar year. The resulting specified number of live  
3112 performances shall constitute the full schedule of live events  
3113 for such permitholder and all other permitholders of the same  
3114 class within 100 air miles of such permitholder.

3115 (2) Each thoroughbred racing permitholder, during the  
3116 period beginning December 15 and ending the following January 4,  
3117 shall annually file in writing with the department its  
3118 application to conduct one or more thoroughbred race meetings  
3119 during the thoroughbred racing season beginning the following  
3120 July 1. Each application shall specify the number and dates of  
3121 all performances that the permitholder intends to conduct during  
3122 that thoroughbred racing season. On or before March 15 of each  
3123 year, the department shall issue a license authorizing each  
3124 permitholder to conduct performances on the dates specified in  
3125 its application. Through February 28 of each year, each  
3126 permitholder may request and shall be granted changes in its  
3127 authorized performances. After February 28, each permitholder  
3128 must operate the full number of days authorized on each of the  
3129 dates set forth in its license as a condition precedent to the  
3130 validity of its license and its right to retain its permit.

3131 (3) A thoroughbred racing permitholder may not begin any  
3132 race later than 7 p.m. A thoroughbred racing permitholder in a

584-00011A-14

20147052\_\_

3133 county in which the authority for cardrooms has been approved by  
3134 the board of county commissioners may operate a cardroom and may  
3135 receive and rebroadcast out-of-state races after the hour of 7  
3136 p.m. on any day during which the permitholder conducts live  
3137 races.

3138 (4) (a) Each licensed thoroughbred racing permitholder in  
3139 this state must run an average of one race per racing day in  
3140 which horses bred in this state and duly registered with the  
3141 Florida Thoroughbred Breeders' and Owners' Association have  
3142 preference as entries over non-Florida-bred horses, unless  
3143 otherwise agreed to in writing by the permitholder, the Florida  
3144 Thoroughbred Breeders' and Owners' Association, and the  
3145 association representing a majority of the thoroughbred  
3146 racehorse owners and trainers at that location. All licensed  
3147 thoroughbred tracks shall write the conditions for such races in  
3148 which Florida-bred horses are preferred so as to ensure that all  
3149 Florida-bred horses available for racing at such tracks are  
3150 given full opportunity to run in the class of races for which  
3151 they are qualified. The opportunity of running must be afforded  
3152 to each class of horses in the proportion that the number of  
3153 horses in this class bears to the total number of Florida-bred  
3154 horses available. A track is not required to write conditions  
3155 for a race to accommodate a class of horses for which a race  
3156 would otherwise not be run at the track during its meet.

3157 (b) Each licensed thoroughbred racing permitholder in this  
3158 state may run one additional race per racing day composed  
3159 exclusively of Arabian horses registered with the Arabian Horse  
3160 Registry of America. A licensed thoroughbred racing permitholder  
3161 that elects to run one additional such race per racing day is

584-00011A-14

20147052\_\_

3162 not required to provide stables for the Arabian horses racing  
3163 under this paragraph.

3164 (c) Each licensed thoroughbred racing permit holder in this  
3165 state may run up to three additional races per racing day  
3166 composed exclusively of quarter horses registered with the  
3167 American Quarter Horse Association.

3168 Section 52. Section 551.0522, Florida Statutes, is created  
3169 to read:

3170 551.0522 Distribution of funds to a horsemen's  
3171 association.-

3172 (1) Each licensee that holds a permit for thoroughbred  
3173 racing in this state shall deduct from the purses required under  
3174 this part an amount of money equal to 1 percent of the total  
3175 purse pool and shall pay that amount to a horsemen's association  
3176 representing the majority of the thoroughbred racehorse owners  
3177 and trainers for its use in accordance with the stated goals of  
3178 its articles of association filed with the Department of State.

3179 (2) The funds are payable to the horsemen's association  
3180 only upon presentation of a sworn statement by the officers of  
3181 the association that the horsemen's association represents a  
3182 majority of the owners and trainers of thoroughbred horses  
3183 stabled in the state.

3184 (3) Upon receiving a state license, each thoroughbred owner  
3185 and trainer shall receive automatic membership in the horsemen's  
3186 association as defined in subsection (1) and be counted on the  
3187 membership rolls of that association unless, within 30 calendar  
3188 days after receipt of license from the state, the owner or  
3189 trainer declines membership in writing to the association.

3190 (4) The department shall adopt rules to facilitate the

584-00011A-14

20147052\_\_

3191 orderly transfer of funds in accordance with this section. The  
3192 department shall also monitor the membership rolls of the  
3193 horsemen's association to ensure that complete, accurate, and  
3194 timely listings are maintained for the purposes specified in  
3195 this section.

3196 Section 53. Section 551.0523, Florida Statutes, is created  
3197 to read:

3198 551.0523 Thoroughbred racing.-

3199 (1) THOROUGHBRED RACES.-

3200 (a) Purses.-

3201 1. A permitholder conducting a thoroughbred race meet must  
3202 pay from the takeout withheld at least 7.75 percent of all  
3203 contributions to pari-mutuel pools conducted during the race  
3204 meet as purses. In addition to the 7.75-percent minimum purse  
3205 payment, permitholders conducting live thoroughbred racing  
3206 performances must pay as additional purses:

3207 a. For performances conducted during the period beginning  
3208 January 3 and ending March 16, 0.625 percent of live handle.

3209 b. For performances conducted during the period beginning  
3210 March 17 and ending May 22, 0.225 percent of live handle.

3211 c. For performances conducted during the period beginning  
3212 May 23 and ending January 2, 0.85 percent of live handle.

3213 2. Any thoroughbred racing permitholder whose total handle  
3214 on live performances during the 1991-1992 state fiscal year was  
3215 not greater than \$34 million is not subject to the additional  
3216 purse payment under subparagraph 1.

3217 3. A permitholder authorized to conduct thoroughbred racing  
3218 may withhold from the handle an additional 1 percent of exotic  
3219 pools for use as owner awards and 2 percent of exotic pools for

584-00011A-14

20147052\_\_

3220 use as overnight purses. A permitholder may not withhold in  
3221 excess of 20 percent from the handle unless the permitholder  
3222 withholds the amounts set forth in this subsection.

3223 (b) Intertrack Wagering; withholding from purse account.—An  
3224 amount equal to 8.5 percent of the purse account generated  
3225 through intertrack wagering and interstate simulcasting will be  
3226 used for Florida owner awards as set forth in subsection (2).  
3227 Any thoroughbred racing permitholder with an average blended  
3228 takeout that does not exceed 20 percent and with an average  
3229 daily purse distribution, excluding sponsorship, entry fees, and  
3230 nominations, exceeding \$225,000 is exempt from this subsection.

3231 (2) AWARDS.—Each horseracing permitholder conducting any  
3232 thoroughbred racing, including any intertrack race taken  
3233 pursuant to this part or any interstate simulcast taken pursuant  
3234 to s. 551.072(3), shall pay a sum equal to 0.955 percent of all  
3235 pari-mutuel pools conducted during any such race for the payment  
3236 of breeder, stallion, or special racing awards as authorized in  
3237 this chapter. This subsection also applies to all Breeder's Cup  
3238 racers conducted outside this state taken pursuant to s.  
3239 551.072(3). For any race originating live in this state which is  
3240 broadcast out-of-state to any location at which wagers are  
3241 accepted pursuant to s. 551.072(2), the host track shall pay  
3242 3.475 percent of the gross revenue derived from such out-of-  
3243 state broadcasts as breeder, stallion, or special racing awards.  
3244 The Florida Thoroughbred Breeders' and Owners' Association may  
3245 receive these payments from the permitholders and make payments  
3246 of awards earned. The Florida Thoroughbred Breeders' and Owners'  
3247 Association may withhold up to 10 percent of the permitholder's  
3248 payments under this section as a fee for administering the



584-00011A-14

20147052\_\_

3249 payments of awards and for general promotion of the industry.  
3250 The permitholder shall remit these payments to the Florida  
3251 Thoroughbred Breeders' and Owners' Association by the 5th day of  
3252 each calendar month for such sums accruing during the preceding  
3253 calendar month and shall report such payments to the department  
3254 as required by the department. Breeder awards authorized by this  
3255 subsection may not be paid on owner awards. With the exception  
3256 of the 10-percent fee, the moneys paid by the permitholders  
3257 shall be maintained in a separate, interest-bearing account, and  
3258 such payments together with any interest earned shall be used  
3259 exclusively for the payment of breeder, stallion, or special  
3260 racing awards in accordance with the following:

3261 (a) Breeder awards.—

3262 1. The breeder of each Florida-bred thoroughbred winning a  
3263 thoroughbred race is entitled to an award of up to, but not  
3264 exceeding, 20 percent of the announced gross purse, including  
3265 nomination fees, eligibility fees, starting fees, supplementary  
3266 fees, and moneys added by the sponsor of the race.

3267 2. The breeder of a Florida-bred thoroughbred is eligible  
3268 to receive a breeder award if the horse is registered as a  
3269 Florida-bred horse with the Florida Thoroughbred Breeders' and  
3270 Owners' Association and if the Jockey Club certificate for the  
3271 horse shows that it is duly registered as a Florida-bred horse  
3272 as evidenced by the seal and the proper serial number assigned  
3273 by the Florida Thoroughbred Breeders' and Owners' Association  
3274 registry. The Florida Thoroughbred Breeders' and Owners'  
3275 Association may charge the registrant a reasonable fee for the  
3276 verification and registration.

3277 (b) Stallion awards and recordkeeping.—

584-00011A-14

20147052\_\_

3278       1. The owner of the sire of a Florida-bred thoroughbred  
3279 that wins a stakes race is entitled to a stallion award of up to  
3280 20 percent of the announced gross purse, including nomination  
3281 fees, eligibility fees, starting fees, supplementary fees, and  
3282 moneys added by the sponsor of the race.

3283       2. The owner of the sire of a thoroughbred winning a stakes  
3284 race is eligible to receive a stallion award if:

3285           a. The stallion was registered with the Florida  
3286 Thoroughbred Breeders' and Owners' Association;

3287           b. The breeding of the registered Florida-bred horse  
3288 occurred in this state; and

3289           c. The stallion is standing permanently in this state  
3290 between February 1 and June 15 of each year, or, if the stallion  
3291 has died, it stood permanently in this state for a period of at  
3292 least 1 year immediately before its death.

3293       3. If a stallion is removed from this state between  
3294 February 1 and June 15 of any year for any reason other than for  
3295 prescribed medical treatment approved by the Florida  
3296 Thoroughbred Breeders' and Owners' Association, the owner of the  
3297 stallion is not eligible to receive a stallion award for  
3298 offspring sired before removal. However, if a removed stallion  
3299 is returned to this state, the owner of the stallion is eligible  
3300 to receive stallion awards, but only for those offspring sired  
3301 after the stallion returned to this state.

3302       4. The Florida Thoroughbred Breeders' and Owners'  
3303 Association shall maintain a record of all of the following:

3304           a. The date the stallion arrived in this state for the  
3305 first time.

3306           b. Whether the stallion permanently remained in this state.

584-00011A-14

20147052\_\_

3307 c. The location of the stallion.

3308 d. Whether the stallion is still standing in this state.

3309 e. Awards earned, received, and distributed.

3310 5. The association may charge the owner or breeder a  
3311 reasonable fee for services rendered under this paragraph.

3312 (c) Special racing awards.—The owner of a thoroughbred  
3313 participating in thoroughbred stakes races, nonstakes races, or  
3314 both may receive a special racing award in accordance with the  
3315 agreement established pursuant to s. 551.0512(1).

3316 (d) Reporting and recordkeeping requirements.—

3317 1. A permitholder conducting a thoroughbred race shall,  
3318 within 30 days after the end of the race meet during which the  
3319 race is conducted, certify to the Florida Thoroughbred Breeders'  
3320 and Owners' Association such information relating to the  
3321 thoroughbred winning a stakes or other horserace at the meet as  
3322 may be required to determine the eligibility for payment of  
3323 breeder, stallion, and special racing awards.

3324 2. The Florida Thoroughbred Breeders' Association shall  
3325 maintain complete records showing the starters and winners in  
3326 all races conducted at thoroughbred tracks in this state and  
3327 records showing awards earned, received, and distributed. The  
3328 association may charge the owner or breeder a reasonable fee for  
3329 this service.

3330 (e) Rates and procedures.—The Florida Thoroughbred  
3331 Breeders' and Owners' Association shall annually establish a  
3332 uniform rate and procedure plan for the payment of breeder and  
3333 stallion awards and shall make breeder and stallion award  
3334 payments in strict compliance with the established uniform rate  
3335 and procedure plan. The plan may set a cap on winnings and may

584-00011A-14

20147052\_\_

3336 limit, exclude, or defer payments to certain classes of races,  
3337 such as the Florida stallion stakes races, in order to ensure  
3338 that there are adequate revenues to meet the proposed uniform  
3339 rate. Such plan must include proposals for the general promotion  
3340 of the industry. Priority shall be placed upon imposing such  
3341 restrictions in lieu of allowing the uniform rate to be less  
3342 than 15 percent of the total purse payment. The uniform rate and  
3343 procedure plan must be approved by the department before  
3344 implementation. In the absence of an approved plan and  
3345 procedure, the authorized rate for breeder and stallion awards  
3346 is 15 percent of the announced gross purse for each race. Such  
3347 purse must include nomination fees, eligibility fees, starting  
3348 fees, supplementary fees, and moneys added by the sponsor of the  
3349 race. If the funds in the account for payment of breeder and  
3350 stallion awards are not sufficient to meet all earned breeder  
3351 and stallion awards, those breeders and stallion owners not  
3352 receiving payments have first call on any subsequent receipts in  
3353 that or any subsequent year.

3354 (f) Reports.—The Florida Thoroughbred Breeders' and Owners'  
3355 Association shall keep accurate records showing receipts and  
3356 disbursements of such payments and shall annually file a  
3357 complete report with the department showing such receipts and  
3358 disbursements and the sums withheld for administration. The  
3359 department may audit the records and accounts of the Florida  
3360 Thoroughbred Breeders' and Owners' Association to determine  
3361 whether payments have been made to eligible breeders and  
3362 stallion owners in accordance with this section.

3363 (g) Noncompliance.—If the department finds that the Florida  
3364 Thoroughbred Breeders' and Owners' Association has not complied

584-00011A-14

20147052\_\_

3365 with this section, the department may order the association to  
3366 cease and desist from receiving and administering funds under  
3367 this section. If the department enters such an order, the  
3368 permitholder shall make the payments authorized in this section  
3369 to the department for deposit into the Gaming Control Trust  
3370 Fund, and any funds in the Florida Thoroughbred Breeders' and  
3371 Owners' Association account shall be immediately paid to the  
3372 department for deposit into the Gaming Control Trust Fund. The  
3373 department shall authorize payment from these funds to any  
3374 breeder or stallion owner entitled to an award that has not been  
3375 previously paid by the Florida Thoroughbred Breeders' and  
3376 Owners' Association in accordance with the applicable rate.

3377 Section 54. Section 551.0524, Florida Statutes, is created  
3378 to read:

3379 551.0524 Breeders' Cup Meet.-

3380 (1) Notwithstanding any provision of this chapter, there is  
3381 created a special thoroughbred race meet designated as the  
3382 "Breeders' Cup Meet." Breeders' Cup Limited shall select the  
3383 Florida permitholder to conduct the Breeders' Cup Meet at its  
3384 facility. Upon selection of the Florida permitholder as host for  
3385 the Breeders' Cup Meet and application by the selected  
3386 permitholder, the department shall issue a license to the  
3387 selected permitholder to operate the Breeders' Cup Meet. The  
3388 Breeders' Cup Meet may be conducted on dates that the selected  
3389 permitholder is not otherwise authorized to conduct a race meet.  
3390 The Breeders' Cup Meet shall consist of 3 days: the day on which  
3391 the Breeders' Cup races are conducted, the preceding day, and  
3392 the subsequent day.

3393 (2) The permitholder conducting the Breeders' Cup Meet may

584-00011A-14

20147052\_\_

3394 create pari-mutuel pools during the Breeders' Cup Meet by  
3395 accepting pari-mutuel wagers on the thoroughbred races run  
3396 during such meet.

3397 (3) The permitholder conducting the Breeders' Cup Meet is  
3398 exempt from the payment of purses and other payments to horsemen  
3399 on all on-track, intertrack, interstate, and international  
3400 wagers or rights fees or payments arising therefrom for all  
3401 races for which the purse is paid or supplied by Breeders' Cup  
3402 Limited. However, the permitholder conducting the Breeders' Cup  
3403 Meet is not exempt from breeder awards payments for on-track and  
3404 intertrack wagers as provided in ss. 551.0542(2) and 551.074(2)  
3405 for races in which the purse is paid or supplied by Breeders'  
3406 Cup Limited.

3407 (4) (a) Pursuant to s. 551.072(2), the permitholder  
3408 conducting the Breeders' Cup Meet may transmit broadcasts of the  
3409 races conducted during the Breeders' Cup Meet to locations  
3410 outside of this state for wagering purposes. The department may  
3411 approve broadcasts to pari-mutuel permitholders and other  
3412 betting systems authorized under the laws of any other state or  
3413 country. Wagers accepted by any out-of-state pari-mutuel  
3414 permitholder or betting system on any races broadcast under this  
3415 section may be commingled with the pari-mutuel pools of the  
3416 permitholder conducting the Breeders' Cup Meet. Payoff on  
3417 national pari-mutuel pools with commingled wagers may be  
3418 calculated by the permitholder's totalisator contractor at a  
3419 location outside of this state. Pool amounts from wagers placed  
3420 at pari-mutuel facilities or other betting systems in foreign  
3421 countries before being commingled with the pari-mutuel pool of  
3422 the Florida permitholder conducting the Breeders' Cup Meet shall

584-00011A-14

20147052\_\_

3423 be calculated by the totalisator contractor and transferred to  
3424 the commingled pool in United States currency in cycles  
3425 customarily used by the permitholder. Pool amounts from wagers  
3426 placed at any foreign pari-mutuel facility or other betting  
3427 system may not be commingled with a Florida pool until a  
3428 determination is made by the department that the technology used  
3429 by the totalisator contractor is adequate to ensure commingled  
3430 pools will result in the calculation of accurate payoffs to  
3431 Florida bettors. Any totalisator contractor at a location  
3432 outside of this state shall comply with s. 551.078 relating to  
3433 totalisator licensing.

3434 (b) The permitholder conducting the Breeders' Cup Meet may  
3435 transmit broadcasts of the races conducted during the Breeders'  
3436 Cup Meet to other pari-mutuel facilities located in this state  
3437 for wagering purposes. However, the permitholder conducting the  
3438 Breeders' Cup Meet is not required to transmit broadcasts to any  
3439 pari-mutuel facility located within 25 miles of the facility at  
3440 which the Breeders' Cup Meet is conducted.

3441 (5) The department may adopt rules necessary to facilitate  
3442 the Breeders' Cup Meet as authorized in this section and may  
3443 adopt or waive rules regarding the overall conduct of racing  
3444 during the Breeders' Cup Meet to ensure the integrity of the  
3445 races, licensing for all participants, special stabling and  
3446 training requirements for foreign horses, commingling of pari-  
3447 mutuel pools, and audit requirements for tax credits and other  
3448 benefits.

3449 (6) This section shall prevail over any conflicting  
3450 provisions of this chapter.

3451 Section 55. Section 551.053, Florida Statutes, is created

584-00011A-14

20147052\_\_

3452 to read:

3453 551.053 Thoroughbred racing; taxes and fees.-

3454 (1) FINDINGS.-The Legislature finds that pari-mutuel  
3455 wagering at thoroughbred tracks in this state is an important  
3456 business enterprise, and taxes derived therefrom constitute a  
3457 part of the tax structure that funds operations of the state.  
3458 Thoroughbred racing permitholders should pay their fair share of  
3459 these taxes to the state but should not be taxed to such an  
3460 extent as to cause any racetrack that is operated under sound  
3461 business principles to be forced out of business. Due to the  
3462 need to protect the public health, safety, and welfare, the  
3463 gaming laws of the state provide for the thoroughbred industry  
3464 to be highly regulated and taxed. The state recognizes that  
3465 identifiable differences exist between thoroughbred racing  
3466 permitholders based upon their ability to operate under such  
3467 regulation and tax system and at different periods during the  
3468 year.

3469 (2) DAILY LICENSE FEE.-Each licensed permitholder engaged  
3470 in the business of conducting thoroughbred race meetings shall  
3471 pay to the department, for the use of the department, a daily  
3472 license fee on each live or simulcast pari-mutuel event of \$100  
3473 for each thoroughbred race conducted at the licensee's  
3474 racetrack. Each permitholder shall pay daily license fees not to  
3475 exceed \$500 per day on any simulcast event on which such  
3476 permitholder accepts wagers regardless of the number of out-of-  
3477 state events taken or the number of out-of-state locations from  
3478 which such events are taken. The daily license fees shall be  
3479 remitted to the Chief Financial Officer for deposit into the  
3480 Gaming Control Trust Fund.



584-00011A-14

20147052\_\_

3481       (3) ADMISSION TAX.—An admission tax equal to the greater of  
3482 15 percent of the admission charge for entrance to the  
3483 permitholder's facility and grandstand area or 10 cents is  
3484 imposed on each person attending a thoroughbred race. The  
3485 permitholder is responsible for collecting the admission tax.

3486       (4) TAX ON LIVE HANDLE.—

3487       (a) Each permitholder shall pay a tax on live handle from  
3488 racetracks conducted by the permitholder. The tax is imposed daily  
3489 and is based on the total contributions to all pari-mutuel pools  
3490 conducted during the daily live performance. If a permitholder  
3491 conducts more than one live performance daily, the tax is  
3492 imposed on each live performance separately.

3493       (b) The tax on live handle for thoroughbred racing  
3494 performances is 0.5 percent of the handle.

3495       (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
3496 facility is a thoroughbred race track, the tax on handle for  
3497 intertrack wagering is 2.0 percent of the handle with the  
3498 following exceptions:

3499       (a) If the host facility and the guest facility are  
3500 thoroughbred racing permitholders, the tax on handle for  
3501 intertrack wagering is 0.5 percent of the handle.

3502       (b) If the guest facility is located outside the market  
3503 area of the host facility and within the market area of a  
3504 thoroughbred racing permitholder currently conducting a live  
3505 race meet, the tax on handle for intertrack wagering is 0.5  
3506 percent of the handle.

3507       (c) On rebroadcasts of simulcast thoroughbred races:

3508       1. The tax on handle for intertrack wagering is 2.4 percent  
3509 of the handle.

584-00011A-14

20147052\_\_

3510       2. If the guest facility is a thoroughbred race track  
3511 located more than 35 miles from the host facility, the host  
3512 track shall pay a tax of 0.5 percent of the handle, and shall  
3513 pay to the guest track 1.9 percent of the handle to be used by  
3514 the guest track solely for purses.

3515       (6) OTHER TAXES AND FEES.—

3516       (a) All moneys or other property represented by any  
3517 unclaimed, uncashed, or abandoned pari-mutuel ticket that has  
3518 remained in the custody of or under the control of any  
3519 thoroughbred racing permitholder for 1 year after the date the  
3520 pari-mutuel ticket was issued, if the rightful owner or owners  
3521 thereof have made no claim or demand for such money or other  
3522 property within the 1-year period, shall escheat to and become  
3523 the property of the state.

3524       (b) Notwithstanding paragraph (a), uncashed tickets and  
3525 breaks on live racing conducted by a thoroughbred racing  
3526 permitholder shall be retained by the permitholder conducting  
3527 the live race.

3528       (7) TAX CREDITS.—

3529       (a) Retired jockey funds contributions.—A thoroughbred  
3530 racing permitholder may receive a credit against taxes on live  
3531 handle due for a taxable year equal to the amount of  
3532 contributions it made during the taxable year directly to the  
3533 Jockeys' Guild or its health and welfare fund to provide health  
3534 and welfare benefits for active, disabled, and retired Florida  
3535 jockeys and their dependents pursuant to reasonable rules of  
3536 eligibility established by the Jockeys' Guild. A thoroughbred  
3537 racing permitholder may not receive a credit greater than an  
3538 amount equal to 1 percent of its paid taxes for the preceding

584-00011A-14

20147052\_\_

3539 taxable year.

3540 (b) Breeders' Cup.-

3541 1. A permitholder located within 35 miles of the  
3542 permitholder conducting the Breeders' Cup Meet may not conduct a  
3543 thoroughbred race meet on any of the 3 days of the Breeders' Cup  
3544 Meet. The permitholders prohibited from operating during the  
3545 Breeders' Cup Meet shall receive a credit against the taxes  
3546 otherwise due and payable to the state under this part. The  
3547 credit shall be an amount equal to the operating loss determined  
3548 to have been suffered by the operating permitholders as a result  
3549 of not operating on the prohibited racing days but shall not  
3550 exceed \$950,000. The determination of the amount to be credited  
3551 shall be made by the department upon application by the affected  
3552 permitholder. The tax credits provided in this subsection shall  
3553 not be available unless an operating permitholder is required to  
3554 close a meet consisting in part of no fewer than 10 scheduled  
3555 performances in the 15 days immediately preceding or 10  
3556 scheduled performances in the 15 days immediately following the  
3557 Breeders' Cup Meet. Such tax credit shall be in lieu of any  
3558 other compensation or consideration for the loss of racing days.  
3559 There shall be no replacement or makeup of any lost racing days.

3560 2. The permitholder conducting the Breeders' Cup Meet shall  
3561 receive a credit against the taxes otherwise due and payable to  
3562 the state under this section generated during the permitholder's  
3563 next ensuing regular thoroughbred race meet. Such credit shall  
3564 not exceed \$950,000 and shall be used by the permitholder to pay  
3565 the purses offered by the permitholder during the Breeders' Cup  
3566 Meet in excess of the purses that the permitholder is otherwise  
3567 required by law to pay. The amount to be credited shall be

584-00011A-14

20147052\_\_

3568 determined by the department upon application of the  
3569 permitholder which is subject to audit by the department.

3570 3. The permitholder conducting the Breeders' Cup Meet shall  
3571 receive a credit against the taxes otherwise due and payable to  
3572 the state under this part which are generated during the  
3573 permitholder's next ensuing regular thoroughbred race meet. Such  
3574 credit shall not exceed \$950,000 and shall be used by the  
3575 permitholder for capital improvements and extraordinary expenses  
3576 as necessary for operation of the Breeders' Cup Meet. The amount  
3577 to be credited shall be determined by the department upon  
3578 application of the permitholder which is subject to audit by the  
3579 department.

3580 4. The tax credits provided in this paragraph may not be  
3581 granted to or claimed by the permitholder until an audit is  
3582 completed by the department. The department must complete the  
3583 audit within 30 days after receipt of the necessary  
3584 documentation from the permitholder to verify the permitholder's  
3585 claim for tax credits. If the documentation submitted by the  
3586 permitholder is incomplete or is insufficient to document the  
3587 permitholder's claim for tax credits, the department may request  
3588 such additional documentation as necessary to complete the  
3589 audit. Upon receipt by the department of the additional  
3590 documentation requested, the 30-day time limitation begins anew.

3591 5. Any dispute between the department and a permitholder  
3592 regarding the tax credits authorized under this paragraph shall  
3593 be determined by a hearing officer of the Division of  
3594 Administrative Hearings under s. 120.57(1).

3595 (8) TAX EXEMPTIONS.—

3596 (a) Free passes.—An admission tax under this chapter or

584-00011A-14

20147052\_\_

3597 chapter 212 may not be imposed on any free passes or  
3598 complimentary cards issued to persons for which there is no cost  
3599 to the person for admission to pari-mutuel events. A  
3600 permitholder may issue tax-free passes to its officers,  
3601 officials, and employees; to other persons actually engaged in  
3602 working at the facility, including accredited press  
3603 representatives such as reporters and editors; and to other  
3604 permitholders for the use of their officers and officials. The  
3605 permitholder shall file with the department a list of all  
3606 persons to whom tax-free passes are issued under this paragraph.

3607 (b) Breeders' Cup.—Notwithstanding any other provision of  
3608 this section, the permitholder conducting the Breeders' Cup Meet  
3609 shall pay no taxes on the handle included within the pari-mutuel  
3610 pools of the permitholder during the Breeders' Cup Meet.

3611 (9) FAILURE TO PAY TAXES.—

3612 (a) The permit of a thoroughbred racing permitholder that  
3613 does not pay tax on handle for live thoroughbred racing  
3614 performances for a full schedule of live racing during any 2  
3615 consecutive fiscal years shall be void and shall escheat to and  
3616 become the property of the state unless such failure to operate  
3617 and pay tax on handle was the direct result of fire, strike,  
3618 war, or other disaster or event beyond the ability of the  
3619 permitholder to control. Financial hardship to the permitholder  
3620 is not, in and of itself, just cause for failure to operate and  
3621 pay tax on handle.

3622 (b) In order to maximize the tax revenues to the state, the  
3623 department shall reissue an escheated thoroughbred racing permit  
3624 to a qualified applicant pursuant to this chapter as for the  
3625 issuance of an initial permit. However, the provisions of this

584-00011A-14

20147052\_\_

3626 chapter relating to referendum requirements for a pari-mutuel  
3627 permit do not apply to the reissuance of an escheated  
3628 thoroughbred racing permit. As specified in the application and  
3629 upon approval by the department of an application for the  
3630 permit, the new permitholder may operate a thoroughbred racing  
3631 facility anywhere in the same county in which the escheated  
3632 permit was authorized to be operated, notwithstanding the  
3633 provisions of s. 551.021(2) relating to mileage limitations.

3634 (10) If a court determines any provision of subsection (1),  
3635 paragraph (4) (b), subparagraph (5) (c)2., paragraph (7) (a), or  
3636 subsection (9) to be unconstitutional, it is the intent of the  
3637 Legislature that all such provisions be void and that the  
3638 remaining provisions of this section shall apply to all  
3639 thoroughbred racing permitholders beginning on the date of such  
3640 judicial determination. To this end, the Legislature declares  
3641 that it would not have enacted any of the provisions listed in  
3642 this subsection individually and, to that end, expressly finds  
3643 them not to be severable.

3644 Section 56. Section 551.0541, Florida Statutes, is created  
3645 to read:

3646 551.0541 Operation of certain harness race tracks.-

3647 (1) The Legislature finds that the operation of harness  
3648 race tracks and legalized pari-mutuel betting at harness race  
3649 tracks in this state will become a substantial business  
3650 compatible with the best interests of the state and that the  
3651 taxes derived from such enterprises will constitute an important  
3652 and integral part of the tax structure of the state and  
3653 counties. The Legislature further finds that the operation of  
3654 harness race tracks within the state will establish and

584-00011A-14

20147052\_\_

3655 encourage the acquisition and maintenance of breeding farms for  
3656 the breeding of standardbred horses used in harness races and  
3657 that this exhibition sport will attract a large tourist business  
3658 to the state.

3659 (2) (a) For a harness racing permitholder, a full schedule  
3660 of live events is at least 100 live regular wagering  
3661 performances during the fiscal year.

3662 (b) For a permitholder restricted by statute to certain  
3663 operating periods within the year when other members of its same  
3664 class of permit are authorized to operate throughout the year, a  
3665 full schedule of live events shall be the specified number of  
3666 live performances adjusted pro rata in accordance with the  
3667 relationship between its authorized operating period and the  
3668 full calendar year. The resulting specified number of live  
3669 performances shall constitute the full schedule of live events  
3670 for such permitholder and all other permitholders of the same  
3671 class within 100 air miles of such permitholder.

3672 (3) Notwithstanding any contrary provisions of this  
3673 chapter, a permitholder or licensee may transfer the location of  
3674 its permit and may conduct harness racing only between the hours  
3675 of 7 p.m. and 2 a.m. pursuant to the following:

3676 (a) The permit so transferred applies only to the location  
3677 and operation of a licensed harness race track within 100 air  
3678 miles of the location of a racetrack authorized to conduct  
3679 racing under this chapter; and

3680 (b) The harness race track must be located in an area in  
3681 which three horse tracks are located within 100 air miles.

3682 (4) A permit may not be issued for the operation of a  
3683 harness race track within 75 air miles of a harness race track

584-00011A-14

20147052\_\_

3684 licensed and operating under this chapter.

3685 (5) The permitholder conducting a harness race meet must  
3686 pay the daily license fee, the admission tax, the tax on breaks,  
3687 and the tax on pari-mutuel handle provided in s. 551.0543 and is  
3688 subject to all penalties and sanctions provided in s.  
3689 551.033(2).

3690 (6) Each licensed harness race track in the state must  
3691 schedule an average of one race per racing day in which horses  
3692 bred in this state and duly registered as standardbred harness  
3693 horses have preference as entries over non-Florida-bred horses.  
3694 All licensed harness race tracks must write the conditions for  
3695 such races in which Florida-bred horses are preferred to ensure  
3696 that all Florida-bred horses available for racing at such tracks  
3697 are given full opportunity to perform in the class races for  
3698 which they are qualified. The opportunity to perform must be  
3699 afforded to each class of horses in proportion with the number  
3700 of horses in this class as compared to the total number of  
3701 Florida-bred horses available. However, a track is not required  
3702 to write conditions for a race to accommodate a class of horses  
3703 for which a race would otherwise not be scheduled at such track  
3704 during its meeting.

3705 (7) If a permit has been transferred from a county under  
3706 this section, no other transfer is permitted from such county.

3707 (8) Any harness race track licensed to operate under  
3708 subsections (1)-(7) may make application for, and shall be  
3709 issued by the department, a license to operate not more than 50  
3710 quarter horse racing days during the summer season, which shall  
3711 extend from July 1 until October 1 of each year. Such license to  
3712 operate quarter horse racing for up to 50 days is in addition to



584-00011A-14

20147052\_\_

3713 the racing days and dates provided in subsections (1)-(7) for  
3714 harness racing during the winter seasons and does not affect the  
3715 right of such licensee to operate harness racing at the track as  
3716 provided in subsections (1)-(7) during the winter season. All  
3717 provisions of this chapter governing quarter horse racing not in  
3718 conflict with this subsection apply to the operation of quarter  
3719 horse meetings authorized in this subsection. However, all  
3720 quarter horse racing permitted under this subsection shall be  
3721 conducted at night.

3722 Section 57. Section 551.0542, Florida Statutes, is created  
3723 to read:

3724 551.0542 Harness races.-

3725 (1) PURSE REQUIREMENT.-

3726 (a) A permitholder conducting a harness race meet must pay  
3727 to the purse pool from the takeout withheld a purse requirement  
3728 of at least 8.25 percent of all contributions to pari-mutuel  
3729 pools conducted during the race meet. At least 7.75 percent of  
3730 the total handle shall be paid from this purse pool as purses.

3731 (b) An amount not to exceed 0.5 percent of the total handle  
3732 on all harness races that are subject to the purse requirement  
3733 of paragraph (a) must be available for use to provide medical,  
3734 dental, surgical, life, funeral, or disability insurance  
3735 benefits for occupational licensees who work at tracks in this  
3736 state at which harness races are conducted. Such insurance  
3737 benefits must be paid from the purse pool specified in  
3738 subparagraph 1. An annual plan for payment of insurance benefits  
3739 from the purse pool, including qualifications for eligibility,  
3740 must be submitted by the Florida Standardbred Breeders and  
3741 Owners Association for approval to the department. An annual

584-00011A-14

20147052\_\_

3742 report of the implemented plan shall be submitted to the  
3743 department. All records of the Florida Standardbred Breeders and  
3744 Owners Association concerning the administration of the plan  
3745 must be available for audit at the discretion of the department  
3746 to determine whether the plan has been implemented and  
3747 administered as authorized. If the department finds that the  
3748 Florida Standardbred Breeders and Owners Association has not  
3749 complied with this section, the department may order the  
3750 association to cease and desist from administering the plan and  
3751 shall appoint the department as temporary administrator of the  
3752 plan until the department reestablishes administration of the  
3753 plan with the association.

3754 (2) AWARDS; STANDARDBRED HORSES.—Each permitholder  
3755 conducting a harness race shall pay a sum equal to the breaks on  
3756 all pari-mutuel pools conducted during that race for the payment  
3757 of breeder awards, stallion awards, and stallion stakes and for  
3758 additional expenditures as authorized in this section. The  
3759 Florida Standardbred Breeders and Owners Association may receive  
3760 these payments from permitholders and make payments as  
3761 authorized in this subsection. The Florida Standardbred Breeders  
3762 and Owners Association may withhold up to 10 percent of the  
3763 permitholder's payments under this section and under s. 551.0543  
3764 as a fee for administering the payments. The permitholder shall  
3765 remit these payments to the Florida Standardbred Breeders and  
3766 Owners Association by the 5th day of each calendar month for  
3767 such sums accruing during the preceding calendar month and shall  
3768 report such payments to the department as required by the  
3769 department. With the exception of the 10-percent fee for  
3770 administering the payments and the use of the moneys authorized

584-00011A-14

20147052\_\_

3771 by paragraph (g), the moneys paid by the permitholders shall be  
3772 maintained in a separate, interest-bearing account, and such  
3773 payments together with any interest earned shall be allocated  
3774 for the payment of breeder awards, stallion awards, stallion  
3775 stakes, additional purses, and prizes for, and the general  
3776 promotion of owning and breeding, Florida-bred standardbred  
3777 horses. Breeder awards authorized by this subsection may not be  
3778 paid on owner awards. Payment of breeder awards and stallion  
3779 awards shall be made pursuant to the following:

3780 (a) Breeder awards.—

3781 1. The breeder of each Florida-bred standardbred horse that  
3782 wins a harness race is entitled to an award of up to 20 percent  
3783 of the announced gross purse, including nomination fees,  
3784 eligibility fees, starting fees, supplementary fees, and moneys  
3785 added by the sponsor of the race.

3786 2. The breeder of a Florida-bred standardbred horse is  
3787 eligible to receive a breeder award if the horse winning the  
3788 race was registered as a Florida-bred horse with the Florida  
3789 Standardbred Breeders and Owners Association and if a  
3790 registration certificate under seal for the winning horse shows  
3791 that the winner is duly registered as a Florida-bred horse as  
3792 evidenced by the seal and proper serial number of the United  
3793 States Trotting Association registry. The Florida Standardbred  
3794 Breeders and Owners Association may charge the registrant a  
3795 reasonable fee for the verification and registration.

3796 (b) Stallion awards and recordkeeping.—

3797 1. The owner of the sire of a Florida-bred standardbred  
3798 horse that wins a stakes race is entitled to a stallion award of  
3799 up to 20 percent of the announced gross purse, including

584-00011A-14

20147052\_\_

3800 nomination fees, eligibility fees, starting fees, supplementary  
3801 fees, and moneys added by the sponsor of the race.

3802 2. The owner of the sire of a standardbred horse that wins  
3803 a stakes race is eligible to receive a stallion award if:

3804 a. The stallion is registered with the Florida Standardbred  
3805 Breeders and Owners Association;

3806 b. The breeding of the registered Florida-bred horse  
3807 occurred in this state; and

3808 c. The stallion is standing permanently in this state or,  
3809 if the stallion has died, it stood permanently in this state for  
3810 a period of at least 1 year immediately before its death.

3811 3. If a stallion is removed from this state for any reason  
3812 other than prescribed medical treatment, the owner of the  
3813 stallion is not eligible to receive a stallion award under any  
3814 circumstances for offspring sired before removal. However, if a  
3815 removed stallion is returned to this state, the owner of the  
3816 stallion is eligible to receive a stallion award, but only for  
3817 those offspring sired after the stallion returned to this state.

3818 4. The Florida Standardbred Breeders and Owners Association  
3819 shall maintain a record of all of the following:

3820 a. The date the stallion arrived in this state for the  
3821 first time.

3822 b. Whether the stallion remained in this state permanently.

3823 c. The location of the stallion.

3824 d. Whether the stallion is still standing in this state.

3825 e. Awards earned, received, and distributed.

3826 5. The association may charge the owner, owners, or breeder  
3827 a reasonable fee for services rendered under this paragraph.

3828 (c) Reporting.—

584-00011A-14

20147052\_\_

3829       1. A permitholder conducting a harness race shall, within  
3830 30 days after the end of the race meet during which the race is  
3831 conducted, certify to the Florida Standardbred Breeders and  
3832 Owners Association such information relating to the horse  
3833 winning a stakes or other horserace at the meet as may be  
3834 required to determine the eligibility for payment of breeder  
3835 awards and stallion awards.

3836       2. The Florida Standardbred Breeders and Owners Association  
3837 shall maintain complete records showing the starters and winners  
3838 in all races conducted at harness horse racetracks in this  
3839 state; shall maintain complete records showing awards earned,  
3840 received, and distributed; and may charge the owner, owners, or  
3841 breeder a reasonable fee for this service.

3842       (d) Rates and procedures.—The Florida Standardbred Breeders  
3843 and Owners Association shall annually establish a uniform rate  
3844 and procedure plan for the payment of breeder awards, stallion  
3845 awards, stallion stakes, additional purses, and prizes for  
3846 Florida-bred standardbred horses, and for the general promotion  
3847 of owning and breeding such horses, and shall make award  
3848 payments and allocations in strict compliance with the  
3849 established uniform rate and procedure plan. The plan may set a  
3850 cap on winnings and may limit, exclude, or defer payments to  
3851 certain classes of races, such as the Florida Breeders' stakes  
3852 races, in order to ensure that there are adequate revenues to  
3853 meet the proposed uniform rate. Priority shall be placed on  
3854 imposing such restrictions in lieu of allowing the uniform rate  
3855 allocated to payment of breeder and stallion awards to be less  
3856 than 10 percent of the total purse payment. The uniform rate and  
3857 procedure plan must be approved by the department before

584-00011A-14

20147052\_\_

3858 implementation. In the absence of an approved plan and  
3859 procedure, the authorized rate for breeder and stallion awards  
3860 is 10 percent of the announced gross purse for each race. Such  
3861 purse must include nomination fees, eligibility fees, starting  
3862 fees, supplementary fees, and moneys added by the sponsor of the  
3863 race. If the funds in the account for payment of breeder and  
3864 stallion awards are not sufficient to meet all earned breeder  
3865 and stallion awards, those breeders and stallion owners not  
3866 receiving payments have first call on any subsequent receipts in  
3867 that or any subsequent year.

3868 (e) Reports.—The Florida Standardbred Breeders and Owners  
3869 Association shall keep accurate records showing receipts and  
3870 disbursements of such payments and shall annually file a  
3871 complete report with the department showing such receipts and  
3872 disbursements and the sums withheld for administration. The  
3873 department may audit the records and accounts of the Florida  
3874 Standardbred Breeders and Owners Association to determine  
3875 whether payments have been made to eligible breeders, stallion  
3876 owners, and owners of Florida-bred standardbred horses in  
3877 accordance with this section.

3878 (f) Noncompliance.—If the department finds that the Florida  
3879 Standardbred Breeders and Owners Association has not complied  
3880 with this section, the department may order the association to  
3881 cease and desist from receiving and administering funds under  
3882 this section and s. 551.0543. If the department enters such an  
3883 order, the permitholder shall make the payments authorized under  
3884 this section and s. 551.0543 to the department for deposit into  
3885 the Gaming Control Trust Fund, and any funds in the Florida  
3886 Standardbred Breeders and Owners Association account shall be

584-00011A-14

20147052\_\_

3887 immediately paid to the department for deposit into the Gaming  
3888 Control Trust Fund. The department shall authorize payment from  
3889 these funds to any breeder, stallion owner, or owner of a  
3890 Florida-bred standardbred horse entitled to an award that has  
3891 not been previously paid by the Florida Standardbred Breeders  
3892 and Owners Association in accordance with the applicable rate.

3893 (g) Additional use of funds.—The board of directors of the  
3894 Florida Standardbred Breeders and Owners Association may  
3895 authorize the release of up to 25 percent of the funds available  
3896 for breeder awards, stallion awards, stallion stakes, additional  
3897 purses, and prizes for, and for the general promotion of owning  
3898 and breeding, Florida-bred standardbred horses to be used for  
3899 purses for, and promotion of, Florida-bred standardbred horses  
3900 at race meetings at which there is no pari-mutuel wagering  
3901 unless, and to the extent that, such release would render the  
3902 funds available for such awards insufficient to pay the breeder  
3903 and stallion awards earned pursuant to the annual plan of the  
3904 association. Any such funds so released and used for purses are  
3905 not considered to be an "announced gross purse" as that term is  
3906 used in paragraphs (a) and (b), and no breeder or stallion  
3907 awards, stallion stakes, or owner awards are required to be paid  
3908 for standardbred horses winning races in meetings at which there  
3909 is no pari-mutuel wagering. The amount of purses to be paid from  
3910 funds so released and the meets eligible to receive such funds  
3911 for purses must be approved by the board of directors of the  
3912 Florida Standardbred Breeders and Owners Association.

3913 Section 58. Section 551.0543, Florida Statutes, is created  
3914 to read:

3915 551.0543 Harness racing; taxes and fees.—

584-00011A-14

20147052\_\_

3916       (1) FINDINGS.—The Legislature finds that pari-mutuel  
3917 wagering at harness race tracks in this state is an important  
3918 business enterprise, and taxes derived therefrom constitute a  
3919 part of the tax structure that funds operations of the state.  
3920 Harness racing permitholders should pay their fair share of  
3921 these taxes to the state but should not be taxed to such an  
3922 extent as to cause any racetrack that is operated under sound  
3923 business principles to be forced out of business. Due to the  
3924 need to protect the public health, safety, and welfare, the  
3925 gaming laws of the state provide for the harness horse industry  
3926 to be highly regulated and taxed. The state recognizes that  
3927 identifiable differences exist between harness racing  
3928 permitholders based upon their ability to operate under such  
3929 regulation and tax system.

3930       (2) DAILY LICENSE FEE.—Each licensed permitholder engaged  
3931 in the business of conducting harness race meetings shall pay to  
3932 the department, for the use of the department, a daily license  
3933 fee on each live or simulcast pari-mutuel event of \$100 for each  
3934 harness race conducted at the licensee's racetrack. Each  
3935 permitholder shall pay daily license fees not to exceed \$500 per  
3936 day on any simulcast event on which such permitholder accepts  
3937 wagers regardless of the number of out-of-state events taken or  
3938 the number of out-of-state locations from which such events are  
3939 taken. The daily license fees shall be remitted to the Chief  
3940 Financial Officer for deposit into the Gaming Control Trust  
3941 Fund.

3942       (3) ADMISSION TAX.—An admission tax equal to the greater of  
3943 15 percent of the admission charge for entrance to the  
3944 permitholder's facility and grandstand area or 10 cents is



584-00011A-14

20147052\_\_

3945 imposed on each person attending a harness race. The  
3946 permitholder is responsible for collecting the admission tax.

3947 (4) TAX ON LIVE HANDLE.—

3948 (a) Each permitholder shall pay a tax on live handle from  
3949 racers conducted by the permitholder. The tax is imposed daily  
3950 and is based on the total contributions to all pari-mutuel pools  
3951 conducted during the daily live performance. If a permitholder  
3952 conducts more than one live performance daily, the tax is  
3953 imposed on each live performance separately.

3954 (b) The tax on live handle for harness racing performances  
3955 is 0.5 percent of the handle.

3956 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
3957 facility is a harness race track, the tax on handle for  
3958 intertrack wagering is 3.3 percent of the handle with the  
3959 following exceptions:

3960 (a) If the guest facility is located outside the market  
3961 area of the host facility and within the market area of a  
3962 thoroughbred racing permitholder currently conducting a live  
3963 race meet, the tax on handle for intertrack wagering is 0.5  
3964 percent of the handle.

3965 (b) On rebroadcasts of simulcast harness races, the tax on  
3966 handle for intertrack wagering is 1.5 percent of the handle.

3967 (6) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL  
3968 POOLS.—

3969 (a) All moneys or other property represented by any  
3970 unclaimed, uncashed, or abandoned pari-mutuel ticket that has  
3971 remained in the custody of or under the control of any harness  
3972 racing permitholder for 1 year after the date the pari-mutuel  
3973 ticket was issued, if the rightful owner or owners thereof have

584-00011A-14

20147052\_\_

3974 made no claim or demand for such money or other property within  
3975 the 1-year period, shall escheat to and become the property of  
3976 the state.

3977 (b) Notwithstanding any other provision of law, all moneys  
3978 or other property that has escheated to and become the property  
3979 of the state as provided in this section and that is held by a  
3980 harness racing permitholder authorized to conduct pari-mutuel  
3981 pools in this state shall be paid annually by the permitholder  
3982 to the Florida Standardbred Breeders and Owners Association  
3983 within 60 days after the close of the race meeting of the  
3984 permitholder and shall be used for the payment of harness horse  
3985 breeder awards, stallion awards, stallion stakes, additional  
3986 purses, and prizes and for the general promotion of owning and  
3987 breeding Florida-bred standardbred horses, as provided under  
3988 this part.

3989 (7) TAX EXEMPTIONS.—

3990 (a) An admission tax under this chapter or chapter 212 may  
3991 not be imposed on any free passes or complimentary cards issued  
3992 to persons for which there is no cost to the person for  
3993 admission to pari-mutuel events.

3994 (b) A permitholder may issue tax-free passes to its  
3995 officers, officials, and employees; to other persons actually  
3996 engaged in working at the facility, including accredited press  
3997 representatives such as reporters and editors; and to other  
3998 permitholders for the use of their officers and officials. The  
3999 permitholder shall file with the department a list of all  
4000 persons to whom tax-free passes are issued under this paragraph.

4001 (8) FAILURE TO PAY TAXES.—

4002 (a) The permit of a harness racing permitholder that does

584-00011A-14

20147052\_\_

4003 not pay tax on handle for live harness racing performances for a  
4004 full schedule of live races during any 2 consecutive state  
4005 fiscal years shall be void and shall escheat to and become the  
4006 property of the state unless such failure to operate and pay tax  
4007 on handle was the direct result of fire, strike, war, or other  
4008 disaster or event beyond the ability of the permitholder to  
4009 control. Financial hardship to the permitholder is not, in and  
4010 of itself, just cause for failure to operate and pay tax on  
4011 handle.

4012 (b) In order to maximize the tax revenues to the state, the  
4013 department shall reissue an escheated harness racing permit to a  
4014 qualified applicant pursuant to this chapter as for the issuance  
4015 of an initial permit. However, the provisions of this chapter  
4016 relating to referendum requirements for a pari-mutuel permit do  
4017 not apply to the reissuance of an escheated harness racing  
4018 permit. As specified in the application and upon approval by the  
4019 department of an application for the permit, the new  
4020 permitholder may operate a harness racing facility anywhere in  
4021 the same county in which the escheated permit was authorized to  
4022 be operated, notwithstanding the provisions of s. 551.021(2)  
4023 relating to mileage limitations.

4024 (9) If a court determines any provision of subsection (1),  
4025 paragraph (4) (b), or subsection (8) to be unconstitutional, it  
4026 is the intent of the Legislature that all such provisions be  
4027 void and that the remaining provisions of this section apply to  
4028 all harness racing permitholders beginning on the date of such  
4029 judicial determination. To this end, the Legislature declares  
4030 that it would not have enacted any of the provisions listed in  
4031 this subsection individually and, to that end, expressly finds

584-00011A-14

20147052\_\_

4032 them not to be severable.

4033 Section 59. Section 551.0551, Florida Statutes, is created  
4034 to read:

4035 551.0551 Quarter horse racing; operations.-

4036 (1) (a) For a quarter horse racing permitholder at its  
4037 facility, a full schedule of live events is:

4038 1. At least 20 live regular wagering performances during  
4039 the state fiscal year if an alternative schedule of at least 20  
4040 live regular wagering performances each state fiscal year is  
4041 agreed upon by the permitholder and either the Florida Quarter  
4042 Horse Racing Association or the horsemen's association  
4043 representing the majority of the quarter horse owners and  
4044 trainers at the facility and is filed with the department along  
4045 with its annual date application; or

4046 2.a. During the 2010-2011 fiscal year, at least 20 regular  
4047 wagering performances.

4048 b. During the 2011-2012 and 2012-2013 fiscal years, at  
4049 least 30 live regular wagering performances.

4050 c. During every fiscal year after the 2012-2013 fiscal  
4051 year, at least 40 live regular wagering performances.

4052 (b) For a quarter horse racing permitholder leasing another  
4053 licensed racetrack, a full schedule of live events is at least  
4054 160 live regular wagering events at the leased facility during  
4055 the state fiscal year.

4056 (c) For a permitholder restricted by statute to certain  
4057 operating periods within the year when other members of its same  
4058 class of permit are authorized to operate throughout the year, a  
4059 full schedule of live events shall be the specified number of  
4060 live performances adjusted pro rata in accordance with the

584-00011A-14

20147052\_\_

4061 relationship between its authorized operating period and the  
4062 full calendar year. The resulting specified number of live  
4063 performances shall constitute the full schedule of live events  
4064 for such permitholder and all other permitholders of the same  
4065 class within 100 air miles of such permitholder.

4066 (2) To be eligible to conduct intertrack wagering, a  
4067 quarter horse racing permitholder must have conducted a full  
4068 schedule of live events in the preceding year.

4069 (3) The operator of a licensed racetrack may lease such  
4070 track to any quarter horse racing permitholder located within 35  
4071 miles of such track for quarter horse racing under this chapter.  
4072 However, a quarter horse racing permitholder located in a county  
4073 where a referendum was conducted to authorize slot machines  
4074 pursuant to s. 23, Art. X of the State Constitution is not  
4075 subject to the mileage restriction if the permitholder leases  
4076 the track from a licensed racetrack located within such county.

4077 (4) All other provisions of this chapter apply to, govern,  
4078 and control such racing.

4079 (5) Quarter horses participating in such races must be duly  
4080 registered by the American Quarter Horse Association. Before  
4081 each race, such horses must be examined and declared in fit  
4082 condition by a qualified person designated by the department.

4083 (6) Any quarter horse racing days permitted under this  
4084 chapter are in addition to any other racing permitted under the  
4085 license issued to the track where such quarter horse racing is  
4086 conducted.

4087 (7) Any quarter horse racing permitholder operating under a  
4088 valid permit issued by the department may substitute races of  
4089 other breeds of horses that are registered with the American

584-00011A-14

20147052\_\_

4090 Paint Horse Association, Appaloosa Horse Club, Arabian Horse  
4091 Registry of America, Palomino Horse Breeders of America, United  
4092 States Trotting Association, Florida Cracker Horse Association,  
4093 or Jockey Club, respectively, for no more than 50 percent of the  
4094 quarter horse races during its meet.

4095 (8) Except as provided in s. 551.0251, a quarter horse  
4096 racing permit issued pursuant to this section is not eligible  
4097 for transfer or conversion to another type of pari-mutuel  
4098 operation.

4099 (9) Any nonprofit corporation organized and incorporated  
4100 under the laws of this state, including, but not limited to, an  
4101 agricultural cooperative marketing association, may apply for a  
4102 quarter horse racing permit and may operate race meets under  
4103 such permit if all pari-mutuel taxes and fees applicable to such  
4104 racing are paid by the corporation. However, regarding its pari-  
4105 mutuel operations, the corporation shall be considered to be a  
4106 corporation for profit and is subject to taxation on all  
4107 property used and profits earned in connection with these  
4108 operations.

4109 Section 60. Section 551.0552, Florida Statutes, is created  
4110 to read:

4111 551.0552 Quarter horse races.—

4112 (1) QUARTER HORSE RACES.—A permitholder conducting a  
4113 quarter horse race meet shall pay from the takeout withheld at  
4114 least 6 percent of all contributions to pari-mutuel pools  
4115 conducted during the race meet as purses.

4116 (2) PROMOTIONS AND AWARDS; QUARTER HORSES.—

4117 (a) Purses and prizes.—Except as provided in 551.056 each  
4118 permitholder conducting a quarter horse race meet shall pay a

584-00011A-14

20147052\_\_

4119 sum equal to the breaks plus a sum equal to 1 percent of all  
4120 pari-mutuel pools conducted during that race for supplementing  
4121 and augmenting purses and prizes and for the general promotion  
4122 of owning and breeding racing quarter horses in this state as  
4123 authorized in this section. The Florida Quarter Horse Breeders  
4124 and Owners Association may receive these payments from the  
4125 permitholders and make payments as authorized in this  
4126 subsection. The Florida Quarter Horse Breeders and Owners  
4127 Association may withhold up to 10 percent of the permitholder's  
4128 payments under this section and s. 551.0553 as a fee for  
4129 administering the payments. The permitholder shall remit these  
4130 payments to the Florida Quarter Horse Breeders and Owners  
4131 Association by the 5th day of each calendar month for such sums  
4132 accruing during the preceding calendar month and shall report  
4133 such payments to the department as required by the department.  
4134 With the exception of the 10-percent fee for administering the  
4135 payments, the moneys paid by the permitholders shall be  
4136 maintained in a separate, interest-bearing account.

4137 (b) Use of funds.—The Florida Quarter Horse Breeders and  
4138 Owners Association shall use these funds solely for  
4139 supplementing and augmenting purses and prizes and for the  
4140 general promotion of owning and breeding racing quarter horses  
4141 in this state and for general administration of the Florida  
4142 Quarter Horse Breeders and Owners Association in this state.

4143 (c) Owner and breeder awards.—

4144 1. The owner or breeder of a Florida-bred quarter horse is  
4145 eligible to receive an award if the horse winning a race is  
4146 registered as a Florida-bred horse with the Florida Quarter  
4147 Horse Breeders and Owners Association and if a registration

584-00011A-14

20147052\_\_

4148 certificate under seal for the winning horse shows that the  
4149 winning horse was duly registered before the race as a Florida-  
4150 bred horse as evidenced by the seal and proper serial number of  
4151 the Florida Quarter Horse Breeders and Owners Association  
4152 registry. The Department of Agriculture and Consumer Services  
4153 may assist the association in maintaining this registry.

4154 2. The Florida Quarter Horse Breeders and Owners  
4155 Association may charge the registrant a reasonable fee for  
4156 verification and registration.

4157 3. Any person who registers unqualified horses or  
4158 misrepresents information shall be denied any future  
4159 participation in breeder awards, and all horses misrepresented  
4160 will no longer be deemed to be Florida-bred.

4161 (d) Reporting.—A permitholder conducting a quarter horse  
4162 race shall, within 30 days after the end of the race meet during  
4163 which the race is conducted, certify to the Florida Quarter  
4164 Horse Breeders and Owners Association such information relating  
4165 to the horse winning a stakes or other horserace at the meet as  
4166 required to determine the eligibility for payment of breeder  
4167 awards under this section.

4168 (e) Recordkeeping.—The Florida Quarter Horse Breeders and  
4169 Owners Association shall maintain records showing the starters  
4170 and winners in all quarter horse races conducted under quarter  
4171 horse racing permits in this state and awards earned, received,  
4172 and distributed, and it may charge the owner or breeder a  
4173 reasonable fee for this service.

4174 (f) Rates and procedures.—The Florida Quarter Horse  
4175 Breeders and Owners Association shall annually establish a plan  
4176 for supplementing and augmenting purses and prizes and for the



584-00011A-14

20147052\_\_

4177 general promotion of owning and breeding Florida-bred racing  
4178 quarter horses and shall make award payments and allocations in  
4179 strict compliance with the annual plan. The annual plan must be  
4180 approved by the department before implementation. If the funds  
4181 in the account for payment of purses and prizes are not  
4182 sufficient to meet all purses and prizes to be awarded, those  
4183 breeders and owners not receiving payments have first call on  
4184 any subsequent receipts in that or any subsequent year.

4185 (g) Reports.—The Florida Quarter Horse Breeders and Owners  
4186 Association shall keep accurate records showing receipts and  
4187 disbursements of payments made under this section and shall  
4188 annually file a full and complete report to the department  
4189 showing such receipts and disbursements and the sums withheld  
4190 for administration. The department may audit the records and  
4191 accounts of the Florida Quarter Horse Breeders and Owners  
4192 Association to determine whether payments have been made in  
4193 accordance with this section.

4194 (h) Noncompliance.—If the department finds that the Florida  
4195 Quarter Horse Breeders and Owners Association has not complied  
4196 with this section, the department may order the association to  
4197 cease and desist from receiving and administering funds under  
4198 this section and s. 551.0553. If the department enters such an  
4199 order, the permitholder shall make the payments authorized in  
4200 this section and s. 551.0553 to the department for deposit into  
4201 the Gaming Control Trust Fund, and any funds in the Florida  
4202 Quarter Horse Breeders and Owners Association account shall be  
4203 immediately paid to the department for deposit into the Gaming  
4204 Control Trust Fund. The department shall authorize payment from  
4205 these funds to any breeder or owner of a quarter horse entitled

584-00011A-14

20147052\_\_

4206 to an award that has not been previously paid by the Florida  
4207 Quarter Horse Breeders and Owners Association in accordance with  
4208 this section.

4209 Section 61. Section 551.0553, Florida Statutes, is created  
4210 to read:

4211 551.0553 Quarter horse racing; taxes and fees.—

4212 (1) DAILY LICENSE FEE.—Each licensed permitholder engaged  
4213 in the business of conducting quarter horse race meetings shall  
4214 pay to the department, for the use of the department, a daily  
4215 license fee on each live or simulcast pari-mutuel event of \$100  
4216 for each quarter horse race conducted at the licensee's  
4217 racetrack. Each permitholder shall pay daily license fees not to  
4218 exceed \$500 per day on any simulcast event on which such  
4219 permitholder accepts wagers regardless of the number of out-of-  
4220 state events taken or the number of out-of-state locations from  
4221 which such events are taken. The daily license fees shall be  
4222 remitted to the Chief Financial Officer for deposit into the  
4223 Gaming Control Trust Fund.

4224 (2) ADMISSION TAX.—An admission tax equal to the greater of  
4225 15 percent of the admission charge for entrance to the  
4226 permitholder's facility and grandstand area or 10 cents is  
4227 imposed on each person attending a quarter horse race. The  
4228 permitholder is responsible for collecting the admission tax.

4229 (3) TAX ON LIVE HANDLE.—

4230 (a) Each permitholder shall pay a tax on live handle from  
4231 races conducted by the permitholder. The tax is imposed daily  
4232 and is based on the total contributions to all pari-mutuel pools  
4233 conducted during the daily live performance. If a permitholder  
4234 conducts more than one live performance daily, the tax is

584-00011A-14

20147052\_\_

4235 imposed on each live performance separately.

4236 (b) The tax on live handle for quarter horse racing  
4237 performances is 1.0 percent of the handle.

4238 (4) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
4239 facility is a quarter horse race track, the tax on handle for  
4240 intertrack wagering is 2.0 percent of the handle. However, if  
4241 the guest facility is located outside the market area of the  
4242 host facility and within the market area of a thoroughbred  
4243 racing permitholder currently conducting a live race meet, the  
4244 tax on handle for intertrack wagering is 0.5 percent of the  
4245 handle.

4246 (5) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL  
4247 POOLS.—

4248 (a) All moneys or other property represented by any  
4249 unclaimed, uncashed, or abandoned pari-mutuel ticket that has  
4250 remained in the custody of or under the control of any quarter  
4251 horse racing permitholder for 1 year after the date the pari-  
4252 mutuel ticket was issued, if the rightful owner or owners  
4253 thereof have made no claim or demand for such money or other  
4254 property within the 1-year period, shall escheat to and become  
4255 the property of the state.

4256 (b) Notwithstanding section 551.036, all moneys or other  
4257 property that has escheated to and become the property of the  
4258 state as provided in this section and that is held by a quarter  
4259 horse racing permitholder authorized to conduct pari-mutuel  
4260 pools in this state shall be paid annually by the permitholder  
4261 to the Florida Quarter Horse Breeders and Owners Association  
4262 within 60 days after the close of the race meeting of the  
4263 permitholder and shall be allocated solely for supplementing and

584-00011A-14

20147052\_\_

4264 augmenting purses and prizes and for the general promotion of  
4265 owning and breeding racing quarter horses in this state, as  
4266 provided under this part.

4267 (6) TAX EXEMPTIONS.—

4268 (a) An admission tax under this chapter or chapter 212 may  
4269 not be imposed on any free passes or complimentary cards issued  
4270 to persons for which there is no cost to the person for  
4271 admission to pari-mutuel events.

4272 (b) A permitholder may issue tax-free passes to its  
4273 officers, officials, and employees; to other persons actually  
4274 engaged in working at the facility, including accredited press  
4275 representatives such as reporters and editors; and to other  
4276 permitholders for the use of their officers and officials. The  
4277 permitholder shall file with the department a list of all  
4278 persons to whom tax-free passes are issued under this paragraph.

4279 Section 62. Section 551.056, Florida Statutes, is created  
4280 to read:

4281 551.056 Appaloosa horse races; Arabian horse races; purse  
4282 requirement; breeder and owner awards.—

4283 (1) PROMOTIONS; APPALOOSA HORSE RACES.—

4284 (a) Each permitholder that conducts race meets under this  
4285 chapter and runs Appaloosa horse races shall pay to the  
4286 department a sum equal to the breaks plus a sum equal to 1  
4287 percent of the total contributions to each pari-mutuel pool  
4288 conducted on each Appaloosa horse race. The payments shall be  
4289 remitted to the department by the 5th day of each calendar month  
4290 for sums accruing during the preceding calendar month.

4291 (b) The department shall deposit collections under  
4292 paragraph (a) into the General Inspection Trust Fund in a

584-00011A-14

20147052\_\_

4293 special account to be known as the "Florida Appaloosa Racing  
4294 Promotion Account." The Department of Agriculture and Consumer  
4295 Services shall administer the funds and adopt suitable and  
4296 reasonable rules for their administration. The moneys in the  
4297 Florida Appaloosa Racing Promotion Account shall be allocated  
4298 solely for supplementing and augmenting purses and prizes and  
4299 for the general promotion of owning and breeding racing  
4300 Appaloosas in this state. The moneys may not be used to defray  
4301 any expense of the Department of Agriculture and Consumer  
4302 Services under this section.

4303 (2) PROMOTIONS; ARABIAN HORSE RACES.—Each permitholder that  
4304 conducts race meets under this chapter and runs Arabian horse  
4305 racers shall pay to the department a sum equal to the breaks plus  
4306 a sum equal to 1 percent of the total contributions to each  
4307 pari-mutuel pool conducted on each Arabian horse race. Payments  
4308 shall be remitted to the department by the 5th day of each  
4309 calendar month for sums accruing during the preceding calendar  
4310 month.

4311 Section 63. Section 551.062, Florida Statutes, is created  
4312 to read:

4313 551.062 Jai alai; general provisions.—

4314 (1) (a) For a jai alai permitholder, a full schedule of live  
4315 events is a combination of at least 100 live evening or matinee  
4316 performances during the state fiscal year.

4317 (b) For a jai alai permitholder that does not operate slot  
4318 machines in its pari-mutuel facility, that has conducted at  
4319 least 100 live performances per year for at least 10 years after  
4320 December 31, 1992, and that has had handle on live jai alai  
4321 games conducted at its pari-mutuel facility of less than \$4

584-00011A-14

20147052\_\_

4322 million per state fiscal year for at least 2 consecutive years  
4323 after June 30, 1992, a full schedule of live events is a  
4324 combination of at least 40 live evening or matinee performances  
4325 during the state fiscal year.

4326 (c) For a jai alai permitholder that operates slot machines  
4327 in its pari-mutuel facility, a full schedule of live events is a  
4328 combination of at least 150 live evening or matinee performances  
4329 during the state fiscal year.

4330 (d) For a permitholder restricted by statute to certain  
4331 operating periods within the year when other members of its same  
4332 class of permit are authorized to operate throughout the year, a  
4333 full schedule of live events shall be the specified number of  
4334 live performances adjusted pro rata in accordance with the  
4335 relationship between its authorized operating period and the  
4336 full calendar year. The resulting specified number of live  
4337 performances shall constitute the full schedule of live events  
4338 for such permitholder and all other permitholders of the same  
4339 class within 100 air miles of such permitholder.

4340 (2) A chief court judge must be present for each jai alai  
4341 game at which pari-mutuel wagering is authorized. Chief court  
4342 judges must be able to demonstrate extensive knowledge of the  
4343 rules and game of jai alai and be able to meet the physical  
4344 requirements of the position. The decisions of a chief court  
4345 judge are final as to any incident relating to the playing of a  
4346 jai alai game.

4347 (3) Notwithstanding any other provision of law, the time  
4348 within which the holder of a ratified permit for jai alai has to  
4349 construct and complete a fronton may be extended by the  
4350 department for a period of 24 months after the date of the

584-00011A-14

20147052\_\_

4351 issuance of the permit.

4352 (4) This chapter does not prohibit any jai alai fronton or  
4353 facility from being used to conduct amateur jai alai or pelota  
4354 contests or games during each fronton season by any charitable,  
4355 civic, or nonprofit organization if only players other than  
4356 those usually used in jai alai contests or games are permitted  
4357 to play and if adults and minors may participate as players or  
4358 spectators. However, during such jai alai games or contests,  
4359 betting and gambling and the sale or use of alcoholic beverages  
4360 are prohibited.

4361 (5) A jai alai player may not be required to perform on  
4362 more than 6 consecutive calendar days.

4363 (6) Section 551.013 allows wagering on points during a  
4364 game; however, the pari-mutuel machines must be locked upon the  
4365 start of the serving motion of each serve for wagers on that  
4366 game.

4367 Section 64. Section 551.0622, Florida Statutes, is created  
4368 to read:

4369 551.0622 Jai Alai Tournament of Champions Meet.-

4370 (1) Notwithstanding any provision of this chapter, there is  
4371 created a special jai alai meet designated as the "Jai Alai  
4372 Tournament of Champions Meet," that shall be hosted by Florida  
4373 jai alai permitholders selected by the National Association of  
4374 Jai Alai Frontons, Inc., to conduct such meet. The meet shall  
4375 consist of three qualifying performances and a final  
4376 performance, each of which is conducted on a different day. Upon  
4377 the selection of the Florida permitholders for the meet and  
4378 application by the selected permitholders, the department shall  
4379 issue a license to each of the selected permitholders to operate

584-00011A-14

20147052\_\_

4380 the meet. The meet may be conducted during a season in which the  
4381 permitholders selected to conduct the meet are not otherwise  
4382 authorized to conduct a meet. Notwithstanding anything in this  
4383 section to the contrary, a Florida permitholder that is to  
4384 conduct a performance that is a part of the Jai Alai Tournament  
4385 of Champions Meet is not required to apply for the license for  
4386 the meet if it will run during the regular season for which such  
4387 permitholder has a license.

4388 (2) Qualifying performances and the final performance of  
4389 the tournament shall be held at different locations throughout  
4390 the state, and the permitholders selected shall be under  
4391 different ownership to the extent possible.

4392 (3) A Jai Alai Tournament of Champions Meet may not exceed  
4393 4 days in any state fiscal year, and only one performance may be  
4394 conducted on any one day of the meet. There shall be only one  
4395 Jai Alai Tournament of Champions Meet in any state fiscal year.

4396 (4) The department may adopt rules necessary to facilitate  
4397 the Jai Alai Tournament of Champions Meet as authorized in this  
4398 section and may adopt rules regarding the overall conduct of the  
4399 tournament to ensure the integrity of the event, licensing for  
4400 participants, commingling of pari-mutuel pools, and audit  
4401 requirements for tax credits and exemptions.

4402 (5) This section shall prevail over any conflicting  
4403 provisions of this chapter.

4404 Section 65. Section 551.063, Florida Statutes, is created  
4405 to read:

4406 551.063 Jai alai; taxes and fees.-

4407 (1) FINDINGS.-The Legislature finds that pari-mutuel  
4408 wagering at jai alai frontons in this state is an important



584-00011A-14

20147052\_\_

4409 business enterprise, and taxes derived therefrom constitute a  
4410 part of the tax structure that funds operations of the state.  
4411 Jai alai permitholders should pay their fair share of these  
4412 taxes to the state but should not be taxed to such an extent as  
4413 to cause any fronton that is operated under sound business  
4414 principles to be forced out of business or be subjected to taxes  
4415 that might cause it to operate at a loss, impair its ability to  
4416 service debt or to maintain its fixed assets, or otherwise  
4417 jeopardize its existence and the jobs of its employees. Due to  
4418 the need to protect the public health, safety, and welfare, the  
4419 gaming laws of the state provide for the jai alai industry to be  
4420 highly regulated and taxed. The state recognizes that  
4421 identifiable differences exist between jai alai permitholders  
4422 based upon their ability to operate under such regulation and  
4423 tax system.

4424 (2) DAILY LICENSE FEE.—Each licensed permitholder engaged  
4425 in the business of conducting jai alai games shall pay to the  
4426 department, for the use of the department, a daily license fee  
4427 on each live or simulcast pari-mutuel event of \$40 for each jai  
4428 alai game conducted at the licensee's fronton. Each permitholder  
4429 shall pay daily license fees not to exceed \$500 per day on any  
4430 simulcast event on which such permitholder accepts wagers  
4431 regardless of the number of out-of-state events taken or the  
4432 number of out-of-state locations from which such events are  
4433 taken. The daily license fees shall be remitted to the Chief  
4434 Financial Officer for deposit into the Gaming Control Trust  
4435 Fund.

4436 (3) ADMISSION TAX.—An admission tax equal to the greater of  
4437 15 percent of the admission charge for entrance to the

584-00011A-14

20147052\_\_

4438 permitholder's facility and grandstand area or 10 cents is  
4439 imposed on each person attending a jai alai game. The  
4440 permitholder is responsible for collecting the admission tax.

4441 (4) TAX ON LIVE HANDLE.—Each permitholder shall pay a tax  
4442 on live handle from games conducted by the permitholder. The tax  
4443 is imposed daily and is based on the total contributions to all  
4444 pari-mutuel pools conducted during the daily live performance.  
4445 If a permitholder conducts more than one live performance daily,  
4446 the tax is imposed on each live performance separately.

4447 (a) The tax on live handle for jai alai performances is 7.1  
4448 percent of the handle.

4449 (b) Notwithstanding paragraph (a), the tax on live handle  
4450 for live jai alai performances is 4.25 percent of handle. This  
4451 tax rate shall be applicable only until the requirements of  
4452 paragraph (c) are met.

4453 (c) Notwithstanding paragraph (a), when the total of  
4454 admissions tax, daily license fee, and tax on handle for live  
4455 jai alai performances paid to the department by a permitholder  
4456 during the current state fiscal year exceeds the total state tax  
4457 revenues from wagering on live jai alai performances paid or due  
4458 by the permitholder in the 1991-1992 state fiscal year, the  
4459 permitholder shall pay tax on live handle for jai alai  
4460 performances at a rate of 2.55 percent of the handle for the  
4461 remainder of the current state fiscal year. For purposes of this  
4462 section, total state tax revenues on live jai alai wagering in  
4463 the 1991-1992 state fiscal year includes any admissions tax, tax  
4464 on handle, surtaxes on handle, and daily license fees.

4465 (d) Notwithstanding paragraph (a), if no tax on handle for  
4466 live jai alai performances was paid to the department by a jai

584-00011A-14

20147052\_\_

4467 alai permitholder during the 1991-1992 state fiscal year, when  
4468 the total of admissions tax, daily license fee, and tax on  
4469 handle for live jai alai performances paid to the department by  
4470 a permitholder during the current state fiscal year exceeds the  
4471 total state tax revenues from wagering on live jai alai  
4472 performances paid or due by the permitholder in the last state  
4473 fiscal year in which the permitholder conducted a full schedule  
4474 of live games, the permitholder shall pay tax on live handle for  
4475 live jai alai performances at a rate of 3.3 percent of the  
4476 handle per performance for the remainder of the current state  
4477 fiscal year. For purposes of this section, total state tax  
4478 revenues on live jai alai wagering includes any admissions tax,  
4479 tax on handle, surtaxes on handle, and daily license fees.

4480 (e) Notwithstanding paragraph (a), a permitholder that  
4481 obtains a new permit issued by the department subsequent to the  
4482 1991-1992 state fiscal year and a permitholder that converted  
4483 its permit to a jai alai permit under this chapter shall, when  
4484 the total of admissions tax, daily license fee, and tax on  
4485 handle for live jai alai performances paid to the department by  
4486 the permitholder during the current state fiscal year exceeds  
4487 the average total state tax revenues from wagering on live jai  
4488 alai performances for the first 3 consecutive jai alai seasons  
4489 paid to or due the department by the permitholder and during  
4490 which the permitholder conducted a full schedule of live games,  
4491 pay tax on live handle for jai alai performances at a rate of  
4492 3.3 percent of the handle for the remainder of the current state  
4493 fiscal year.

4494 (f) The payment of taxes pursuant to paragraphs (c), (d),  
4495 and (e) shall be calculated and begin the day the permitholder

584-00011A-14

20147052\_\_

4496 is first entitled to the reduced rate specified in such  
4497 paragraphs and the report of taxes required under s. 551.033 is  
4498 submitted to the department.

4499 (g)1. Notwithstanding paragraphs (a), (b), (c), and (d), a  
4500 jai alai permitholder that is prohibited under this chapter from  
4501 operating live performances on a year-round basis may conduct  
4502 wagering on live performances at a tax rate of 3.85 percent of  
4503 live handle.

4504 2. The payment of taxes under subparagraph 1. shall be  
4505 calculated and begin the day the permitholder is first entitled  
4506 to the reduced rate specified in this paragraph.

4507 (h) Notwithstanding any other provision of this chapter, in  
4508 order to protect the Florida jai alai industry, a jai alai  
4509 permitholder may not be taxed on live handle at a rate higher  
4510 than 2 percent.

4511 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
4512 facility is a jai alai fronton, the tax on handle for intertrack  
4513 wagering is 7.1 percent of the handle with the following  
4514 exceptions:

4515 (a) If the guest facility is located outside the market  
4516 area of the host facility and within the market area of a  
4517 thoroughbred racing permitholder currently conducting a live  
4518 race meet, the tax on handle for intertrack wagering is 0.5  
4519 percent of the handle.

4520 (b) If the guest facility is a jai alai fronton located as  
4521 specified in s. 551.073(6) or (9), on games received from any  
4522 jai alai permitholder located within the same market area the  
4523 tax on handle for intertrack wagers is 6.1 percent.

4524 (c) Notwithstanding paragraph (b), if the guest facility is

584-00011A-14

20147052\_\_

4525 a jai alai fronton located as specified in s. 551.073(6) or (9),  
4526 on games received from any jai alai permitholder located within  
4527 the same market area the tax on handle for intertrack wagers  
4528 shall be 2.3 percent of the handle when the total tax on  
4529 intertrack handle paid to the department by the permitholder  
4530 during the current state fiscal year exceeds the total tax on  
4531 intertrack handle paid to the department by the permitholder  
4532 during the 1992-1993 state fiscal year.

4533 (d)1. Any jai alai permitholder that is prohibited under  
4534 this chapter from operating live performances on a year-round  
4535 basis may conduct intertrack wagering as a host permitholder on  
4536 live jai alai games at its fronton at a tax rate of 3.3 percent  
4537 of handle when the total tax on intertrack handle paid to the  
4538 department by the permitholder during the current state fiscal  
4539 year exceeds the total tax on intertrack handle paid to the  
4540 department by the permitholder during the 1992-1993 state fiscal  
4541 year.

4542 2. The payment of taxes under subparagraph 1. shall be  
4543 calculated and begin the day the permitholder is first entitled  
4544 to the reduced rate specified in this paragraph.

4545 (6) OTHER TAXES AND FEES.—

4546 (a) All money or other property represented by any  
4547 unclaimed, uncashed, or abandoned pari-mutuel ticket that has  
4548 remained in the custody of or under the control of any  
4549 permitholder authorized to conduct jai alai pari-mutuel pools in  
4550 this state for a period of 1 year after the date the pari-mutuel  
4551 ticket was issued, if the rightful owners thereof have made no  
4552 claim or demand for such money or other property within that 1-  
4553 year period, shall, with respect to live games conducted by the

584-00011A-14

20147052\_\_

4554 permitholder, be remitted to the state pursuant to s. 551.036.

4555 (b)1. Each permitholder conducting jai alai performances  
4556 shall pay a tax equal to the breaks.

4557 2. A jai alai permitholder paying taxes under this section  
4558 shall retain the breaks and pay an amount equal to the breaks as  
4559 special prize awards, which shall be in addition to the regular  
4560 contracted prize money paid to jai alai players at the  
4561 permitholder's facility. Payment of the special prize money  
4562 shall be made during the permitholder's current meet.

4563 (c) A jai alai permitholder conducting fewer than 100 live  
4564 performances in any calendar year shall pay to the state the  
4565 same aggregate amount of daily license fees on live jai alai  
4566 games, admissions tax, and tax on live handle that it paid to  
4567 the state during the most recent prior calendar year in which  
4568 the jai alai permitholder conducted at least 100 live  
4569 performances.

4570 (7) TAX CREDITS.-

4571 (a) A jai alai permitholder that has incurred state taxes  
4572 on handle and admissions in an amount that exceeds its operating  
4573 earnings in a fiscal year may credit the excess amount of the  
4574 taxes against state pari-mutuel taxes due and payable during its  
4575 next ensuing meets. As used in this paragraph, the term  
4576 "operating earnings" means total revenues from pari-mutuel  
4577 operations net of state taxes and fees less total expenses;  
4578 however, deductions for interest, depreciation and amortization,  
4579 payments to affiliated entities other than for reimbursement of  
4580 expenses related to pari-mutuel operations, and any increase in  
4581 an officer's or director's annual compensation above the amount  
4582 paid during calendar year 1997 are excluded from total expenses.

584-00011A-14

20147052\_\_

4583       (b) A jai alai permitholder may receive a tax credit equal  
4584 to 25 percent of the actual amount remitted to the state in the  
4585 preceding state fiscal year pursuant to paragraph (6) (a) with  
4586 respect to live games. The credit may be applied against any  
4587 taxes imposed under this chapter. Funds equal to such credit  
4588 from any live jai alai games shall be paid by the permitholder  
4589 to the National Association of Jai Alai Frontons, to be used for  
4590 the general promotion of the sport of jai alai in the state,  
4591 including professional tournaments and amateur jai alai youth  
4592 programs. Such youth programs must focus on benefiting children  
4593 in after-school and anti-drug programs with special attention to  
4594 inner-city areas.

4595       (c)1. Jai Alai Tournament of Champions Meet permitholders  
4596 shall also receive a credit against the taxes, otherwise due and  
4597 payable under this section, generated during the permitholders'  
4598 current regular meet. The credit shall be:

4599           a. In the aggregate amount of \$150,000;  
4600           b. Prorated equally among the permitholders; and  
4601           c. Used by the permitholders solely to supplement awards  
4602 for the performance conducted during the Jai Alai Tournament of  
4603 Champions Meet.

4604       2. All awards shall be paid to the tournament's  
4605 participating players no later than 30 days after the conclusion  
4606 of the Jai Alai Tournament of Champions Meet.

4607       (d)1. In addition to the credit authorized in paragraph  
4608 (c), Jai Alai Tournament of Champions Meet permitholders shall  
4609 receive a credit against the taxes, otherwise due and payable  
4610 under this section, generated during the permitholders' current  
4611 regular meet, not to exceed the aggregate amount of \$150,000,

584-00011A-14

20147052\_\_

4612 which shall be prorated equally among the permit holders and used  
4613 by the permit holders for such capital improvements and  
4614 extraordinary expenses, including marketing expenses, necessary  
4615 for the operation of the meet. The determination of the amount  
4616 to be credited shall be made by the department upon application  
4617 of the permit holders.

4618 2. The permit holder may receive the permit holder's pro rata  
4619 share of the \$150,000 tax credit provided in subparagraph 1.  
4620 without making application if appropriate documentation to  
4621 substantiate the expenditures is provided to the department  
4622 within 30 days after the Jai Alai Tournament of Champions Meet.

4623 (8) TAX EXEMPTIONS.—

4624 (a) An admission tax under this chapter or chapter 212 may  
4625 not be imposed on any free passes or complimentary cards issued  
4626 to persons for which there is no cost to the person for  
4627 admission to pari-mutuel events.

4628 (b) A permit holder may issue tax-free passes to its  
4629 officers, officials, and employees; to other persons actually  
4630 engaged in working at the facility, including accredited press  
4631 representatives such as reporters and editors; and to other  
4632 permit holders for the use of their officers and officials. The  
4633 permit holder shall file with the department a list of all  
4634 persons to whom tax-free passes are issued under this paragraph.

4635 (c) When the live handle of a permit holder during the  
4636 preceding state fiscal year was less than \$15 million, the tax  
4637 shall be paid on the handle in excess of \$30,000 per performance  
4638 per day.

4639 (d) Notwithstanding any other provision of this chapter,  
4640 each permit holder licensed to conduct performances as part of



584-00011A-14

20147052\_\_

4641 the Jai Alai Tournament of Champions Meet shall pay no taxes on  
4642 handle under subsection (4) or subsection (5) for any  
4643 performance conducted by such permitholder as part of the Jai  
4644 Alai Tournament of Champions Meet. This paragraph applies to a  
4645 maximum of four performances.

4646 (9) If a court determines that subsection (1), paragraphs  
4647 (4) (b)-(g), paragraph (5) (d), subparagraph (6) (b)2., paragraph  
4648 (6) (c), paragraph (7) (a), or paragraph (8) (c) is  
4649 unconstitutional, it is the intent of the Legislature that all  
4650 such provisions be void and that the remaining provisions of  
4651 this section apply to all jai alai permitholders beginning on  
4652 the date of such judicial determination. To this end, the  
4653 Legislature declares that it would not have enacted any  
4654 provision listed in this subsection individually and, to that  
4655 end, expressly finds them not to be severable.

4656 Section 66. Section 551.072, Florida Statutes, is created  
4657 to read:

4658 551.072 Transmission of racing and jai alai information;  
4659 commingling of pari-mutuel pools.-

4660 (1) (a) A person who transmits racing information to any  
4661 person or relays such information to any person by word of  
4662 mouth, by signal, or by use of telephone, telegraph, radio, or  
4663 any other means knowing that the information is used or intended  
4664 to be used for illegal gambling purposes or in furtherance of  
4665 illegal gambling commits a felony of the third degree,  
4666 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4667 (b) Paragraph (a) is an exercise of the police power of the  
4668 state for the protection of the public welfare, health, peace,  
4669 safety, and morals of the people of the state, and this section

584-00011A-14

20147052\_\_

4670 shall be liberally construed for the accomplishment of such  
4671 purpose.

4672 (2) A pari-mutuel facility licensed under this chapter may  
4673 broadcast events conducted at the enclosure of the licensee to  
4674 locations outside this state.

4675 (a) All broadcasts of horseraces to locations outside this  
4676 state must comply with the Interstate Horseracing Act of 1978,  
4677 15 U.S.C. ss. 3001 et seq.

4678 (b) Wagers accepted by any out-of-state pari-mutuel  
4679 permitholder or licensed betting system on a race broadcast  
4680 under this subsection may be included in the pari-mutuel pools  
4681 of the horse track in this state that broadcasts the race upon  
4682 which wagers are accepted. The tax on handle in this part does  
4683 not include wagers accepted by an out-of-state pari-mutuel  
4684 permitholder or licensed betting system, irrespective of whether  
4685 such wagers are included in the pari-mutuel pools of the Florida  
4686 permitholder under this subsection.

4687 (3) Any horse track licensed under this chapter may receive  
4688 broadcasts of horseraces conducted at other horse tracks located  
4689 outside this state at the racetrack enclosure of the licensee  
4690 during its race meet.

4691 (a) All broadcasts of horseraces received from locations  
4692 outside this state must comply with the Interstate Horseracing  
4693 Act of 1978, 15 U.S.C. ss. 3001 et seq.

4694 (b) Wagers accepted at the horse track in this state may be  
4695 included in the pari-mutuel pools of the out-of-state horse  
4696 track that broadcasts the race. Notwithstanding any contrary  
4697 provision of this chapter, if the horse track in this state  
4698 includes wagers accepted on such races in the pari-mutuel pools

584-00011A-14

20147052\_\_

4699 of the out-of-state horse track that broadcasts the race, from  
4700 the amount wagered by patrons at the horse track in this state  
4701 and included in the pari-mutuel pools of the out-of-state horse  
4702 track, the horse track in this state shall deduct as the takeout  
4703 from the amount wagered by patrons at the horse track in this  
4704 state and included in the pari-mutuel pools of the out-of-state  
4705 horse track a percentage equal to the percentage deducted from  
4706 the amount wagered at the out-of-state racetrack as is  
4707 authorized by the laws of the jurisdiction exercising regulatory  
4708 authority over the out-of-state horse track.

4709 (c) All forms of pari-mutuel wagering are allowed on races  
4710 broadcast under this section, and all money wagered by patrons  
4711 on such races shall be computed as part of the total amount of  
4712 money wagered at each racing performance for purposes of  
4713 taxation under this part. Sections 551.0523(1)(a), 551.0542(1),  
4714 and 551.0552(1) do not apply to money wagered on races broadcast  
4715 under this section. The takeout shall be increased by breaks and  
4716 uncashed tickets for wagers on races broadcast under this  
4717 section, notwithstanding any contrary provision of this chapter.

4718 (4) A greyhound track or fronton licensed under this  
4719 chapter may receive broadcasts of greyhound races or jai alai  
4720 games conducted at other greyhound tracks or frontons located  
4721 outside the state at the track enclosure of the licensee during  
4722 its operational meeting. All forms of pari-mutuel wagering are  
4723 allowed on greyhound races or jai alai games broadcast under  
4724 this subsection. All money wagered by patrons on greyhound races  
4725 broadcast under this subsection shall be computed in the amount  
4726 of money wagered each performance for purposes of taxation under  
4727 this part.

584-00011A-14

20147052\_\_

4728       (5) A pari-mutuel permitholder licensed under this chapter  
4729 may not receive broadcasts of events from outside this state  
4730 except from an out-of-state pari-mutuel permitholder that holds  
4731 the same type or class of pari-mutuel permit as the pari-mutuel  
4732 permitholder licensed under this chapter that intends to receive  
4733 the broadcast.

4734       (6) (a) A maximum of 20 percent of the total number of races  
4735 on which wagers are accepted by a greyhound racing permitholder  
4736 not located as specified in s. 551.073(6) may be received from  
4737 locations outside this state. A permitholder may not conduct  
4738 fewer than eight live events on any authorized race day except  
4739 as provided in this subsection. A thoroughbred racing  
4740 permitholder may not conduct fewer than eight live races on any  
4741 race day without the written approval of the Florida  
4742 Thoroughbred Breeders' and Owners' Association and the Florida  
4743 Horsemen's Benevolent and Protective Association, Inc., unless  
4744 it is determined by the department that another entity  
4745 represents a majority of the thoroughbred racehorse owners and  
4746 trainers in the state. A harness racing permitholder may conduct  
4747 fewer than eight live races on any authorized race day, except  
4748 that such permitholder must conduct a full schedule of live  
4749 racing during its race meet consisting of at least eight live  
4750 races per authorized race day for at least 100 days. A harness  
4751 racing permitholder that, during the preceding racing season,  
4752 conducted a full schedule of live racing may receive, at any  
4753 time during its current race meet, full-card broadcasts of  
4754 harness races conducted at harness race tracks outside this  
4755 state at the harness race track of the permitholder and accept  
4756 wagers on such harness races. With specific authorization from

584-00011A-14

20147052\_\_

4757 the department for special racing events, a permitholder may  
4758 conduct fewer than eight live events if the permitholder also  
4759 broadcasts out-of-state events. The department may not authorize  
4760 more than two such exceptions a year for a permitholder in any  
4761 12-month period, and those two exceptions may not be  
4762 consecutive.

4763 (b) Notwithstanding any other provision of this part, a  
4764 harness racing permitholder that accepts broadcasts of out-of-  
4765 state harness races when not conducting live races must make the  
4766 out-of-state signal available to all permitholders eligible to  
4767 conduct intertrack wagering and shall pay to guest tracks  
4768 located as specified in ss. 551.073(6) and 551.074(9) (d) 50  
4769 percent of the net proceeds after taxes and fees to the out-of-  
4770 state host track on harness race wagers that they accept. A  
4771 harness racing permitholder shall pay into its purse account 50  
4772 percent of the net income retained by the permitholder on  
4773 wagering on the out-of-state broadcasts received pursuant to  
4774 this subsection. Nine-tenths of a percent of all harness race  
4775 wagering proceeds on the broadcasts received pursuant to this  
4776 subsection shall be paid to the Florida Standardbred Breeders  
4777 and Owners Association under the provisions of s. 551.0552(2)  
4778 for the purposes specified in that subsection.

4779 (7) A racetrack or fronton may not pay a patron for any  
4780 pari-mutuel ticket purchased on any event transmitted pursuant  
4781 to this section until the stewards, judges, or panel of judges  
4782 or other similarly constituted body at the racetrack or fronton  
4783 where the event originates confirms the event as official.

4784 (8) By entering and participating in a race for a purse or  
4785 any other prize of any racing animal, the owner of the animal

584-00011A-14

20147052\_\_

4786 and the jockey or driver agree to accept such purse or prize as  
4787 full and complete remuneration and payment, including the  
4788 broadcast of such event, except as otherwise provided in this  
4789 section.

4790 (9) The rights, privileges, or immunities granted under  
4791 this section prevail over any conflicting provision to the  
4792 extent that such rights, privileges, or immunities conflict with  
4793 any other law or affect any order or rule of the Florida Public  
4794 Service Commission relating to the regulation of public  
4795 utilities and the furnishing to others of any communication,  
4796 wire service, or other similar service or equipment.

4797 (10) The department may adopt rules necessary to facilitate  
4798 commingling of pari-mutuel pools, to ensure the proper  
4799 calculation of payoffs in circumstances in which different  
4800 commission percentages are applicable, and to regulate  
4801 distribution of net proceeds between the horse track and, in  
4802 this state, the horsemen's associations.

4803 (11) Greyhound tracks and jai alai frontons have the same  
4804 privileges as provided in this section to horse tracks, subject  
4805 to rules adopted under subsection (10).

4806 (12) All permitholders licensed under this chapter have  
4807 standing to enforce subsections (2) and (3) in the courts of  
4808 this state.

4809 (13) This section does not prohibit the commingling of  
4810 national pari-mutuel pools by a totalisator company that is  
4811 licensed under this chapter. Such commingling of national pools  
4812 is subject to department review and approval and must be  
4813 performed in accordance with rules adopted by the department to  
4814 ensure accurate calculation and distribution of the pools.

584-00011A-14

20147052\_\_

4815       (14) Notwithstanding the provisions of paragraph (3) (b)  
4816 pertaining to takeout, takeouts different from those of the host  
4817 track may be used when the totalisator is programmed for net  
4818 pool pricing and the host track elects to use net pool pricing  
4819 in the calculation of its pools. This subsection also applies to  
4820 greyhound intertrack and simulcast wagers.

4821       (15) Uncashed tickets and breakage tax on intertrack wagers  
4822 shall be retained by the permitholder conducting the live event.

4823       (16) Section 565.02(5) applies to any guest track.

4824       Section 67. Section 551.073, Florida Statutes, is created  
4825 to read:

4826       551.073 Intertrack wagering.—

4827       (1) A licensed horseracing permitholder that has conducted  
4828 a full schedule of live racing may, at any time, receive at its  
4829 facility broadcasts of and accept wagers on horseraces conducted  
4830 by horseracing permitholders licensed under this chapter.

4831       (2) Any licensed track or fronton that, in the preceding  
4832 year, conducted a full schedule of live events may, at any time,  
4833 receive broadcasts of any class of pari-mutuel event and accept  
4834 wagers on such events conducted by any class of licensed  
4835 permitholder.

4836       (3) If a permitholder broadcasts to any permitholder in  
4837 this state, any permitholder that is eligible to conduct  
4838 intertrack wagering under this part may receive the broadcast  
4839 and conduct intertrack wagering under this section. A host track  
4840 may require a guest track within the market area of another  
4841 permitholder to accept within any week at least 60 percent of  
4842 the live races that the host track is making available  
4843 regardless of whether the guest track is operating live events.

584-00011A-14

20147052\_\_

4844 A person may not restrain or attempt to restrain any  
4845 permitholder that is otherwise authorized to conduct intertrack  
4846 wagering from receiving the signal of any other permitholder or  
4847 sending its signal to any permitholder.

4848 (4) A guest track within the market area of an operating  
4849 permitholder may not take an intertrack wager on the same class  
4850 of live events without the written consent of such operating  
4851 permitholders conducting the same class of live events.

4852 (5) A permitholder within the market area of the host track  
4853 may not take an intertrack wager on the host track without the  
4854 consent of the host track.

4855 (6) Notwithstanding subsection (3), in any area of the  
4856 state where there are three or more horseracing permitholders  
4857 within 25 miles of each other, intertrack wagering between  
4858 permitholders may only be authorized under the following  
4859 conditions:

4860 (a) A permitholder, other than a thoroughbred racing  
4861 permitholder, may accept intertrack wagers on live events  
4862 conducted by a permitholder of the same class or any harness  
4863 racing permitholder located within such area;

4864 (b) A harness racing permitholder may accept wagers on  
4865 games conducted live by any jai alai permitholder located within  
4866 its market area and may accept wagers on games from a jai alai  
4867 permitholder located within the area specified in this  
4868 subsection when no jai alai permitholder located within its  
4869 market area is conducting live jai alai performances; and

4870 (c) A greyhound racing or jai alai permitholder may receive  
4871 broadcasts of and accept wagers on any permitholder of the other  
4872 class if a permitholder, other than the host track, of such



584-00011A-14

20147052\_\_

4873 other class is not operating a contemporaneous live performance  
4874 within the market area.

4875 (7) In any county of the state where there are only two  
4876 permits, one for greyhound racing and one for jai alai, an  
4877 intertrack wager may not be taken during the period of time when  
4878 a permitholder is not licensed to conduct live events without  
4879 the written consent of the other permitholder that is conducting  
4880 live events. However, if neither permitholder is conducting live  
4881 events, either permitholder may accept intertrack wagers on  
4882 horseraces or on the same class of events, or on both horseraces  
4883 and the same class of events, as is authorized by its permit.

4884 (8) In any three contiguous counties of the state where  
4885 there are only three permitholders, all of which are greyhound  
4886 racing permitholders, if a permitholder leases the facility of  
4887 another permitholder for all or any portion of its live race  
4888 meet pursuant to s. 551.037, such lessee may conduct intertrack  
4889 wagering at its prelease permitted facility throughout the  
4890 entire year, including while its live meet is being conducted at  
4891 the leased facility, if such permitholder has conducted a full  
4892 schedule of live racing during the preceding fiscal year at its  
4893 pre-lease permitted facility, at a leased facility, or at both.

4894 (9) In any two contiguous counties of the state in which  
4895 only four active permits have been issued, one for thoroughbred  
4896 racing, two for greyhound racing, and one for jai alai games, an  
4897 intertrack wager may not be accepted on the same class of live  
4898 events as those of any permitholder within the same market area  
4899 without the written consent of each such permitholder conducting  
4900 the same class of live events within the market area of the  
4901 quest track.

584-00011A-14

20147052\_\_

4902       (10) All costs of receiving broadcasts shall be borne by  
4903 the guest track, and all costs of sending broadcasts shall be  
4904 borne by the host track.

4905       Section 68. Section 551.074, Florida Statutes, is created  
4906 to read:

4907       551.074 Intertrack wagering; purses; breeder awards.—If a  
4908 host track is a horse track:

4909       (1) A host track racing under a thoroughbred racing permit  
4910 or quarter horse racing permit shall pay as purses during its  
4911 current race meet an amount equal to 7 percent of all wagers  
4912 placed pursuant to s. 551.073. At the option of the host track,  
4913 up to 0.50 percent of all wagers placed pursuant to s. 551.073  
4914 may be deducted from the amount retained by the host track for  
4915 purses to supplement the awards program for owners of Florida-  
4916 bred horses as specified in s. 551.0511(3). A host track racing  
4917 under a harness racing permit shall pay an amount equal to 7  
4918 percent of all wagers placed pursuant to s. 551.073 as purses  
4919 during its current race meet. If a host track underpays or  
4920 overpays purses required by this section and s. 551.0511, then  
4921 s. 551.0511 applies to the overpayment or underpayment.

4922       (2) For all wagers placed under s. 551.073:

4923       (a) If the host track is a thoroughbred race track, an  
4924 amount equal to 0.75 percent of such wagers shall be paid to the  
4925 Florida Thoroughbred Breeders' and Owners' Association, Inc.,  
4926 for the payment of breeder awards.

4927       (b) If the host track is a harness race track, an amount  
4928 equal to 1 percent of such wagers shall be paid to the Florida  
4929 Standardbred Breeders and Owners Association, Inc., for the  
4930 payment of breeder awards, stallion awards, stallion stakes,

584-00011A-14

20147052\_\_

4931 additional purses, and prizes for, and the general promotion of  
4932 owning and breeding, Florida-bred standardbred horses.

4933 (c) If the host track is a quarter horse race track, an  
4934 amount equal to 1 percent of such wagers shall be paid to the  
4935 Florida Quarter Horse Breeders and Owners Association, Inc., for  
4936 the payment of breeder awards and general promotion.

4937 (3) The payment to a breeder organization shall be combined  
4938 with any other amounts received by the respective breeder and  
4939 owner associations as designated. Each breeder and owner  
4940 association receiving such funds may withhold the same  
4941 percentage specified in s 551.0523, s. 551.0542, s. 551.0552, or  
4942 s. 551.056 to be used for administering the payment of awards  
4943 and for the general promotion of its respective industry.  
4944 Notwithstanding any other provision of law, if the total  
4945 combined amount received for thoroughbred breeder awards exceeds  
4946 15 percent of the purse required to be paid under subsection  
4947 (1), the breeder and owner association, as designated, shall  
4948 submit a plan to the department for approval which would use the  
4949 excess funds in promoting the breeding industry by increasing  
4950 the purse structure for Florida-bred horses. Preference shall be  
4951 given to the track generating such excess.

4952 Section 69. Section 551.075, Florida Statutes, is created  
4953 to read:

4954 551.075 Intertrack wagering; guest track payments;  
4955 accounting rules.-

4956 (1) (a) All guest tracks receiving broadcasts of:

4957 1. Horseraces from a host track racing under a thoroughbred  
4958 racing permit or quarter horse racing permit are entitled to 7  
4959 percent of the total contributions to the pari-mutuel pool on

584-00011A-14

20147052\_\_

4960 wagers accepted at the guest track.

4961 2. Greyhound races or jai alai games from a host track  
4962 other than a thoroughbred racing or harness racing permitholder  
4963 are entitled to at least 5 percent of the total contributions to  
4964 the daily pari-mutuel pool on wagers accepted at the guest  
4965 track.

4966 3. Horseraces from a host track racing under a harness  
4967 racing permit are entitled to 5 percent of the total  
4968 contributions to the daily pari-mutuel pool on wagers accepted  
4969 at the guest track.

4970 (b)1. If the guest track is a horseracing permitholder that  
4971 accepts intertrack wagers during its current race meet, one-half  
4972 of the amount provided in this subsection and s. 551.076 shall  
4973 be paid as purses during its current race meet; or

4974 2. If the host track is a thoroughbred racing permitholder,  
4975 and the guest track is also a thoroughbred racing permitholder  
4976 and accepts intertrack wagers on thoroughbred races during its  
4977 current race meet, one-third of the amount provided in this  
4978 subsection shall be paid as purses during its current race meet.  
4979 In addition, an amount equal to 2 percent of the intertrack  
4980 handle at the guest track shall be deducted from the purses  
4981 required to be paid by the host track and remitted by the host  
4982 track to the guest track and paid by the guest track as purses  
4983 during its current race meet.

4984 (c) If intertrack wagering on thoroughbred racing is taken  
4985 at any guest track, including a thoroughbred guest track, which  
4986 is located within the market area of any thoroughbred racing  
4987 permitholder that is not conducting live racing, an amount equal  
4988 to 2 percent of the intertrack handle at all such guest tracks,

584-00011A-14

20147052\_\_

4989 including the thoroughbred guest track, shall be deducted from  
4990 the purses otherwise required to be paid by the host track and  
4991 remitted by the host track to the thoroughbred racing  
4992 permitholder that was not conducting live racing. The amount  
4993 paid under this paragraph to the thoroughbred racing  
4994 permitholder that was not conducting live racing shall be used  
4995 to pay purses during its next race meet.

4996 (2) For the purpose of calculating odds and payoffs and  
4997 distributing pari-mutuel pools, all intertrack wagers shall be  
4998 combined with the pari-mutuel pools at the host track.

4999 Notwithstanding this subsection or subsection (4), a greyhound  
5000 racing permitholder may conduct intertrack wagering without  
5001 combining pari-mutuel pools on not more than three races in any  
5002 week, not to exceed 20 races in a year. All other provisions  
5003 concerning pari-mutuel takeout and payments, including state tax  
5004 payments, apply as if the pool had been combined.

5005 (3) All forms of pari-mutuel wagering are allowed on all  
5006 wagering authorized by s. 551.073 and this section.

5007 (4) The takeout on all intertrack wagering shall be the  
5008 same as the takeout on similar pari-mutuel pools conducted at  
5009 the host track.

5010 (5) The department shall adopt rules providing an expedient  
5011 accounting procedure for the transfer of the pari-mutuel pool in  
5012 order to properly account for payment of state taxes and purses  
5013 and payment to the guest track, the host track, breeder  
5014 associations, horsemen's associations, and the public.

5015 (6) Each host track or guest track conducting intertrack  
5016 wagering shall annually file an audit that complies with s.  
5017 551.034 which distinguishes intertrack wagering from wagering

584-00011A-14

20147052\_\_

5018 conducted live.

5019 (7) A guest track may not make any payment on a pari-mutuel  
5020 ticket purchased on any event broadcast until the stewards,  
5021 judges, or panel of judges at the host track where the event  
5022 originated confirms the event as official.

5023 (8) By entering and participating in a race for a purse or  
5024 other prize of any racing animal, the owner of the animal and  
5025 the jockey or driver agree to accept such purse or prize as full  
5026 and complete remuneration and payment for such entry and  
5027 participation, including the broadcast of such event.

5028 (9) A host track that has contracted with an out-of-state  
5029 horse track to broadcast live races conducted at the out-of-  
5030 state horse track pursuant to s. 551.072(5) may rebroadcast  
5031 simulcasts of such races to any guest track and accept wagers  
5032 thereon in the same manner as is provided in s. 551.072.

5033 (a) Definition.—For purposes of this section, the term “net  
5034 proceeds” means the amount of takeout remaining after payment of  
5035 state taxes, purses required under this part, the amount paid to  
5036 the out-of-state horse track, and breeder awards paid to the  
5037 Florida Thoroughbred Breeders’ and Owners’ Association and the  
5038 Florida Standardbred Breeders and Owners Association, to be used  
5039 as set forth in s. 551.074(2).

5040 (b) Thoroughbred racing host track; distribution.—  
5041 Notwithstanding subsection (1) and s. 551.074(1) and (2),  
5042 distribution of the net proceeds that are retained by a  
5043 thoroughbred racing host track from the takeout on a simulcast  
5044 race rebroadcast under this subsection shall be as follows:

- 5045 1. One-third shall be paid to the guest track;  
5046 2. One-third shall be retained by the host track; and

584-00011A-14

20147052\_\_

5047 3. One-third shall be paid by the host track as purses at  
5048 the host track.

5049 (c) Guest tracks not thoroughbred; distribution.—All guest  
5050 tracks, other than thoroughbred racing permitholders, receiving  
5051 wagers on simulcast horseraces rebroadcast from a thoroughbred  
5052 racing host track are subject to the distribution of net  
5053 proceeds specified in paragraph (b) unless the host track and  
5054 guest track permitholders and the recognized horseman's group  
5055 agree by contract to a different distribution of their  
5056 respective portions of the proceeds.

5057 (d) Guest track distribution exception.—A permitholder  
5058 located in any market area of the state where there are only two  
5059 permits, one for greyhound racing and one for jai alai, may  
5060 accept wagers on rebroadcasts of simulcast thoroughbred races  
5061 from an in-state thoroughbred racing permitholder and is not  
5062 subject to paragraph (b) if the thoroughbred racing permitholder  
5063 is both conducting live races and accepting wagers on out-of-  
5064 state horseraces. In such case, the guest permitholder is  
5065 entitled to 45 percent of the net proceeds on wagers accepted at  
5066 the guest facility. Of the remaining net proceeds, one-half  
5067 shall be retained by the host facility and one-half shall be  
5068 paid by the host facility as purses at the host facility.

5069 (e) Harness racing host.—Notwithstanding subsection (1) and  
5070 s. 551.074(1) and (2), the proceeds that are retained by a  
5071 harness racing host facility from the takeout on a race  
5072 broadcast under this subsection shall be distributed as follows:

5073 1. Of the total intertrack handle on the broadcast, 1  
5074 percent shall be deducted from the proceeds and paid to the  
5075 Florida Standardbred Breeders and Owners Association to be used

584-00011A-14

20147052\_\_

5076 as set forth in s. 551.074(2).

5077 2. After the deduction under subparagraph 1., one-third of  
5078 the proceeds shall be paid to the guest facility, one-third  
5079 shall be retained by the host facility, and one-third shall be  
5080 paid by the host facility as purses at the host facility.

5081 (f) Greyhound racing and jai alai guest tracks.—A  
5082 permitholder located in any market area of the state where there  
5083 are only two permits, one for greyhound racing and one for jai  
5084 alai, may accept wagers on rebroadcasts of simulcast harness  
5085 racers from an in-state harness racing permitholder and is not  
5086 subject to paragraph (b) if the harness racing permitholder is  
5087 conducting live races. In such case, the guest permitholder is  
5088 entitled to 45 percent of the net proceeds on wagers accepted at  
5089 the guest facility. Of the remaining net proceeds, one-half  
5090 shall be retained by the host facility and one-half shall be  
5091 paid by the host facility as purses at the host facility.

5092 (g) Simulcast wagers on thoroughbred racing.—

5093 1. A thoroughbred racing permitholder that accepts wagers  
5094 on a simulcast signal must make the signal available to any  
5095 permitholder that is eligible to conduct intertrack wagering  
5096 under this part. Notwithstanding any other provision of this  
5097 part to the contrary, a permitholder located as specified in s.  
5098 551.073(6) which receives the rebroadcast after 6 p.m. may  
5099 accept wagers on such rebroadcast simulcast signal. A  
5100 permitholder licensed under s. 551.077 which receives the  
5101 rebroadcast after 6 p.m. may accept wagers on such rebroadcast  
5102 simulcast signals for a number of performances not exceeding  
5103 that which constitutes a full schedule of live races for a  
5104 quarter horse racing permitholder pursuant to s. 551.012,



584-00011A-14

20147052\_\_

5105 notwithstanding any other provision of this chapter to the  
5106 contrary, except that the restrictions provided in s. 551.077(1)  
5107 apply to wagers on such rebroadcast simulcast signals.

5108 2. A thoroughbred permitholder is not required to continue  
5109 to rebroadcast a simulcast signal to any in-state permitholder  
5110 if the average per performance gross receipts returned to the  
5111 host permitholder over the preceding 30-day period were less  
5112 than \$100. Subject to the provisions of s. 551.073(4), as a  
5113 condition of receiving rebroadcasts of thoroughbred simulcast  
5114 signals under this paragraph, a guest permitholder must accept  
5115 intertrack wagers on all live races conducted by all then-  
5116 operating thoroughbred racing permitholders.

5117 (10) All events conducted at a permitholder's facility, all  
5118 broadcasts of such events, and all related broadcast rights are  
5119 owned by the permitholder at whose facility such events are  
5120 conducted and are the permitholder's property as defined in s.  
5121 812.012(4). Transmission, reception of a transmission,  
5122 exhibition, use, or other appropriation of such events,  
5123 broadcasts of such events, or related broadcast rights without  
5124 the written consent of the permitholder is theft of such  
5125 property under s. 812.014, and, in addition to the penal  
5126 sanctions contained in s. 812.014, the permitholder may avail  
5127 itself of the civil remedies specified in ss. 772.104, 772.11,  
5128 and 812.035 in addition to any other remedies available under  
5129 applicable state or federal law.

5130 (11) To the extent that any rights, privileges, or  
5131 immunities granted to pari-mutuel permitholders in this section  
5132 conflict with any provision of any other law or affect any order  
5133 or rule of the Florida Public Service Commission relating to the

584-00011A-14

20147052\_\_

5134 regulation of public utilities and the furnishing to others of  
5135 any communication, wire service, or other similar service or  
5136 equipment, the rights, privileges, and immunities granted under  
5137 this section prevail over such conflicting provision.

5138 Section 70. Section 551.076, Florida Statutes, is created  
5139 to read:

5140 551.076 Surcharge; supplement payments.-

5141 (1) SURCHARGE ON INTERTRACK POOL.-

5142 (a) Any guest track that accepts intertrack wagers may  
5143 collect and retain a surcharge on any intertrack pool in an  
5144 amount not to exceed 3 percent of each winning pari-mutuel  
5145 ticket cashed.

5146 (b) A thoroughbred racing permitholder that accepts wagers  
5147 on out-of-state races may impose a surcharge on each winning  
5148 ticket, or interstate pool, on such out-of-state race in an  
5149 amount not to exceed 5 percent of each winning pari-mutuel  
5150 winning ticket cashed. If a permitholder rebroadcasts such  
5151 signal and elects to impose a surcharge, the surcharge shall be  
5152 imposed on any winning ticket at any guest facility at the same  
5153 rate as the surcharge on wagers accepted at its own facility.  
5154 The proceeds from the surcharge shall be distributed as follows:

5155 1. If the wager is made at the host facility, one-half of  
5156 the proceeds shall be retained by the host permitholder and one-  
5157 half shall be paid as purses at the host facility.

5158 2. If the wager is made at a guest facility, one-half of  
5159 the proceeds shall be retained by the guest permitholder, one-  
5160 quarter shall be paid to the host permitholder, and one-quarter  
5161 shall be paid as purses at the host facility.

5162 (c) Any surcharge taken under this section must be

584-00011A-14

20147052\_\_

5163 calculated after breakage is deducted from the wagering pool.

5164 (2) SUPPLEMENTAL PAYMENTS BY HARNESS RACING HOST TRACK.—A  
5165 harness racing permitholder host track may pay any guest track  
5166 that receives broadcasts and accepts wagers on races from the  
5167 host track an additional percentage of the total contribution to  
5168 the pari-mutuel pool on wagers accepted at that guest track as a  
5169 supplement to the payment authorized in s. 551.075. A harness  
5170 racing permitholder host track that supplements payments to a  
5171 guest track may reduce the account available for payment of  
5172 purses during its current race meet by 50 percent of the  
5173 supplemental amount paid to the guest track, but the total  
5174 reduction may not exceed 1 percent of the intertrack wagers  
5175 placed on races that are part of the regular ontrack program of  
5176 the host track during its current race meet pursuant to s.  
5177 551.073.

5178 Section 71. Section 551.077, Florida Statutes, is created  
5179 to read:

5180 551.077 Limited intertrack wagering license.—In recognition  
5181 of the economic importance of the thoroughbred breeding industry  
5182 to this state, its positive impact on tourism, and the  
5183 importance of a permanent thoroughbred sales facility as a key  
5184 focal point for the activities of the industry, a limited  
5185 license to conduct intertrack wagering is established to ensure  
5186 the continued viability and public interest in thoroughbred  
5187 breeding in Florida.

5188 (1) (a) Upon application to the department on or before  
5189 January 31 of each year, a person who is licensed to conduct  
5190 public sales of thoroughbred horses under s. 535.01, who has  
5191 conducted thoroughbred horse sales for at least 15 days at a

584-00011A-14

20147052\_\_

5192 permanent sales facility in this state for at least 3  
5193 consecutive years, and who has conducted at least 1 day of  
5194 nonwagering thoroughbred racing in this state with a purse  
5195 structure of at least \$250,000 per year for 2 consecutive years  
5196 before applying shall be issued a license, subject to the  
5197 conditions specified in this section, to conduct intertrack  
5198 wagering at such a permanent sales facility during all of the  
5199 following periods:

5200 1. Up to 21 days in connection with thoroughbred sales.

5201 2. Between November 1 and May 8.

5202 3. Between May 9 and October 31 at such times and on such  
5203 days as any thoroughbred, jai alai, or a greyhound racing  
5204 permitholder in the same county is not conducting live  
5205 performances. Such permitholder may waive this requirement, in  
5206 whole or in part, and allow the licensee under this section to  
5207 conduct intertrack wagering during one or more of the  
5208 permitholder's live performances.

5209 4. During the weekend of the Kentucky Derby, the Preakness,  
5210 the Belmont, and a Breeders' Cup Meet that is conducted before  
5211 November 1 and after May 8.

5212 (b) Only one license may be issued under this subsection,  
5213 and the license may not be issued for a facility located within  
5214 50 miles of any thoroughbred racing permitholder's track.

5215 (2) If more than one application is submitted for such  
5216 license, the department shall determine which applicant is  
5217 granted the license. In making its determination, the department  
5218 shall grant the license to the applicant demonstrating superior  
5219 capabilities, as measured by the length of time the applicant  
5220 has been conducting thoroughbred horse sales within this state

584-00011A-14

20147052\_\_

5221 or elsewhere, the applicant's total volume of thoroughbred horse  
5222 sales within this state or elsewhere, the length of time the  
5223 applicant has maintained a permanent thoroughbred sales facility  
5224 in this state, and the quality of the facility.

5225 (3) The applicant must comply with ss. 551.034 and 551.029.

5226 (4) Intertrack wagering under this section may be conducted  
5227 only on thoroughbred races, except that intertrack wagering may  
5228 be conducted on any class of pari-mutuel event conducted by any  
5229 class of permitholder licensed under this chapter if all  
5230 thoroughbred racing, jai alai, and greyhound racing  
5231 permitholders in the same county as the licensee under this  
5232 section give their consent.

5233 (5) The licensee shall be considered a guest track under  
5234 this chapter. The licensee shall pay 2.5 percent of the total  
5235 contributions to the daily pari-mutuel pool on wagers accepted  
5236 at the licensee's facility on greyhound races or jai alai games  
5237 to the thoroughbred racing permitholder that is conducting live  
5238 races for purses to be paid during its current race meet. If  
5239 more than one thoroughbred racing permitholder is conducting  
5240 live races on a day during which the licensee is conducting  
5241 intertrack wagering on greyhound races or jai alai games, the  
5242 licensee shall allocate these funds between the operating  
5243 thoroughbred racing permitholders on a pro rata basis based on  
5244 the total live handle at the operating permitholders'  
5245 facilities.

5246 Section 72. Section 551.078, Florida Statutes, is created  
5247 to read:

5248 551.078 Totalisator licensing.—

5249 (1) A totalisator may not be operated at a pari-mutuel

584-00011A-14

20147052\_\_

5250 facility in this state, or at a facility located in or out of  
5251 this state which is used as the primary totalisator for an event  
5252 conducted in this state, unless the totalisator company  
5253 possesses a business license issued by the department.

5254 (2) (a) Each totalisator company must apply to the  
5255 department for an annual business license. The application must  
5256 include such information as the department by rule requires.

5257 (b) As a part of its license application, each totalisator  
5258 company must agree in writing to pay to the department an amount  
5259 equal to the loss of any state revenues due to missed or  
5260 canceled events or performances due to acts of the totalisator  
5261 company or its agents or employees or failures of the  
5262 totalisator system, except for circumstances beyond the control  
5263 of the totalisator company or agent or employee, as determined  
5264 by the department.

5265 (c) Each totalisator company must file with the department  
5266 a performance bond, acceptable to the department, in the sum of  
5267 \$250,000 issued by a surety approved by the department or must  
5268 file acceptable proof of insurance in the amount of \$250,000 to  
5269 insure the state against such a revenue loss.

5270 (d) If there is a loss of state tax revenues, the  
5271 department shall determine:

5272 1. The estimated revenue lost as a result of missed or  
5273 canceled events or performances;

5274 2. The number of events or performances which is  
5275 practicable for the permitholder to conduct in an attempt to  
5276 mitigate the revenue loss; and

5277 3. The amount of the revenue loss that the makeup events or  
5278 performances will not recover and for which the totalisator

584-00011A-14

20147052\_\_

5279 company is liable.

5280 (e) Upon making the determinations under paragraph (d), the  
5281 department shall issue to the totalisator company and to the  
5282 affected permitholder an order setting forth the determinations  
5283 of the department.

5284 (f) If the order is contested by the totalisator company or  
5285 any affected permitholder, chapter 120 applies. If the  
5286 totalisator company contests the order on the grounds that the  
5287 revenue loss was due to circumstances beyond its control, the  
5288 totalisator company has the burden of proving that circumstances  
5289 were in fact beyond its control. For purposes of this paragraph,  
5290 strikes and acts of God are beyond the control of the  
5291 totalisator company.

5292 (g) Upon the failure of the totalisator company to make the  
5293 payment found to be due the state, the department may cause the  
5294 forfeiture of the bond or may proceed against the insurance  
5295 contract, and the proceeds of the bond or contract shall be  
5296 deposited into the Gaming Control Trust Fund. If the bond was  
5297 not posted or insurance was not obtained, the department may  
5298 proceed against any assets of the totalisator company to collect  
5299 the amounts due under this subsection.

5300 (3) If the applicant meets the requirements of this section  
5301 and of the department rules and pays the license fee, the  
5302 department shall issue the license.

5303 (4) Each totalisator company shall conduct operations in  
5304 accordance with rules adopted by the department in such form,  
5305 content, and frequency as the department by rule determines.

5306 (5) The department and its representatives may enter and  
5307 inspect any area of the premises of a licensed totalisator

584-00011A-14

20147052\_\_

5308 company, and may examine totalisator records, during the  
5309 licensee's regular business or operating hours.

5310 Section 73. Section 551.082, Florida Statutes, is created  
5311 to read:

5312 551.082 Minors' attendance at pari-mutuel performances;  
5313 restrictions.—

5314 (1) A minor, when accompanied by one or both parents or by  
5315 her or his legal guardian, may attend pari-mutuel performances  
5316 under the conditions and at the times specified by each  
5317 permitholder conducting the pari-mutuel performance.

5318 (2) A person under the age of 18 may not place a wager at  
5319 any pari-mutuel performance.

5320 (3) Notwithstanding subsections (1) and (2), a minor may be  
5321 employed at a pari-mutuel facility except in a position directly  
5322 involving wagering or alcoholic beverages or except as otherwise  
5323 prohibited by law.

5324 (4) A minor child of a licensed greyhound trainer, kennel  
5325 operator, or other licensed person employed in the kennel  
5326 compound areas may be granted access to kennel compound areas  
5327 without being licensed if the minor is in no way employed at the  
5328 facility and only when the minor is under the direct supervision  
5329 of her or his parent or legal guardian.

5330 Section 74. Section 551.091, Florida Statutes, is created  
5331 to read:

5332 551.091 Penalty for violation.—The department may revoke or  
5333 suspend any permit or license issued under this chapter upon the  
5334 willful violation by the permitholder or licensee of any  
5335 provision of this chapter or of any rule adopted under this  
5336 chapter. In lieu of suspending or revoking a permit or license,



584-00011A-14

20147052\_\_

5337 the department may impose a civil penalty against the  
5338 permitholder or licensee for a violation of this chapter or any  
5339 rule adopted by the department. The penalty may not exceed  
5340 \$1,000 for each count or separate offense. All penalties imposed  
5341 and collected shall be remitted to the Chief Financial Officer  
5342 for deposit into the General Revenue Fund.

5343 Section 75. Section 551.0921, Florida Statutes, is created  
5344 to read:

5345 551.0921 Use of controlled substances or alcohol  
5346 prohibited; testing of certain occupational licensees.-

5347 (1) The use of a controlled substance as defined in chapter  
5348 893 or of alcohol by any occupational licensees officiating at  
5349 or participating in an event is prohibited.

5350 (2) (a) An occupational licensee, by applying for and  
5351 holding such license, is deemed to have given consent to submit  
5352 to an approved chemical test of her or his breath for the  
5353 purpose of determining the alcoholic content of the person's  
5354 blood and to a urine or blood test for the purpose of detecting  
5355 the presence of a controlled substance. Such tests shall be  
5356 conducted only upon reasonable cause that a violation has  
5357 occurred as determined by the stewards at a horserace meeting or  
5358 the judges or board of judges at a greyhound track or jai alai  
5359 meet. Failure to submit to such test may result in a suspension  
5360 of the person's occupational license for a period of 10 days or  
5361 until this section has been complied with, whichever is longer.

5362 1. If at the time of the test the person's blood contained  
5363 0.05 percent or less by weight of alcohol, the person is  
5364 presumed not to have been under the influence of alcoholic  
5365 beverages to the extent that the person's normal faculties were

584-00011A-14

20147052\_\_

5366 impaired, and no action may be taken by the stewards, judges, or  
5367 board of judges or the department.

5368 2. If at the time of the test the person's blood contained  
5369 more than 0.05 percent but less than 0.08 percent by weight of  
5370 alcohol, it may not be presumed that the person was under the  
5371 influence of alcoholic beverages to the extent that the person's  
5372 faculties were impaired. In this instance, the stewards, judges,  
5373 or board of judges may consider that fact in determining whether  
5374 the person will be allowed to officiate or participate in a  
5375 given event.

5376 3. If at the time of the test the person's blood contained  
5377 0.08 percent or more by weight of alcohol, this fact is prima  
5378 facie evidence that the person was under the influence of  
5379 alcoholic beverages to the extent that the person's normal  
5380 faculties were impaired, and the stewards or judges may take  
5381 action as specified in this section, but the person may not  
5382 officiate at or participate in any event on the day of such  
5383 test.

5384 (b) All tests relating to alcohol must be performed in a  
5385 manner identical or substantially similar to the provisions of  
5386 s. 316.1934 and rules adopted pursuant to that section.  
5387 Following a test of the urine or blood to determine the presence  
5388 of a controlled substance as defined in chapter 893, if a  
5389 controlled substance is found to exist, the stewards, judges, or  
5390 board of judges may take such action as is permitted in this  
5391 section.

5392 (3) (a) For the first violation of subsection (2), the  
5393 stewards, judges, or board of judges may suspend a licensee for  
5394 up to 10 days or, in lieu of suspension, may impose a civil fine

584-00011A-14

20147052\_\_

5395 of up to \$500.

5396 (b) For a second violation of subsection (2) within 1 year  
5397 after the first violation, the stewards, judges, or board of  
5398 judges may suspend a licensee for up to 30 days and, in addition  
5399 to or in lieu of suspension, may impose a civil fine of up to  
5400 \$2,000.

5401 (c) In lieu of or in addition to the penalties prescribed  
5402 under paragraph (a) for a first offense or paragraph (b) for a  
5403 second offense, the stewards, judges, or board of judges may  
5404 require the licensee to participate in a drug or alcohol  
5405 rehabilitation program and to be retested.

5406 (d) If the second violation occurred within 1 year after  
5407 the first violation, upon the finding of a third violation of  
5408 this section within 1 year after the second violation, the  
5409 stewards, judges, or board of judges may suspend the licensee  
5410 for up to 120 days, and the stewards, judges, or board of judges  
5411 shall forward the results of the tests under paragraphs (a) and  
5412 (b) and this violation to the department. In addition to the  
5413 action taken by the stewards, judges, or board of judges, the  
5414 department, after a hearing, may deny, suspend, or revoke the  
5415 occupational license of the licensee and may impose a civil  
5416 penalty of up to \$5,000 in addition to or in lieu of a  
5417 suspension or revocation. The department shall have no authority  
5418 over the enforcement of this section until a licensee commits a  
5419 third violation within 2 years after the first violation.

5420 (4) Section 120.80(19)(a) applies to all actions taken by  
5421 the stewards, judges, or board of judges pursuant to this  
5422 section without regard to the limitation imposed in that  
5423 section.

584-00011A-14

20147052\_\_

5424       (5) This section does not apply to the possession and use  
5425 of controlled or chemical substances that are prescribed as part  
5426 of the care and treatment of a disease or injury by a  
5427 practitioner licensed under chapter 458, chapter 459, part I of  
5428 chapter 464, or chapter 466.

5429       (6) It is the intent of the Legislature to protect the  
5430 health, safety, and welfare of those officiating at or  
5431 participating in an event. Therefore, evidence of any test or  
5432 actions taken by the stewards, judges, or board of judges or the  
5433 department under this section is inadmissible in court for  
5434 criminal prosecution. However, this subsection does not prohibit  
5435 any person so authorized from pursuing an independent  
5436 investigation as a result of a ruling made by the stewards,  
5437 judges, board of judges, or department.

5438       Section 76. Section 551.0922, Florida Statutes, is created  
5439 to read:

5440       551.0922 Authority of stewards, judges, panel of judges, or  
5441 player's manager to impose penalties against occupational  
5442 licensees; disposition of funds collected.-

5443       (1) The stewards at a horse track; the judges at a  
5444 greyhound track; or the judges, a panel of judges, or a player's  
5445 manager at a jai alai fronton may impose a civil penalty against  
5446 any occupational licensee for violation of the pari-mutuel laws  
5447 or any rule adopted by the department. The penalty may not  
5448 exceed \$1,000 for each count or separate offense or exceed 60  
5449 days of suspension for each count or separate offense.

5450       (2) All penalties imposed and collected pursuant to this  
5451 section at each pari-mutuel facility shall be deposited into a  
5452 board of relief fund established by the pari-mutuel

584-00011A-14

20147052\_\_

5453 permitholder. Each association shall name a board of relief  
5454 composed of three of its officers, with the general manager of  
5455 the permitholder being the ex officio treasurer of such board.  
5456 Moneys deposited into the board of relief fund shall be  
5457 disbursed by the board for the specific purpose of aiding  
5458 occupational licensees and their immediate family members at  
5459 each pari-mutuel facility.

5460 Section 77. Section 551.093, Florida Statutes, is created  
5461 to read:

5462 551.093 Racing animals under certain conditions prohibited;  
5463 penalties; exceptions.-

5464 (1) (a) Racing an animal that has been administered any  
5465 drug, medication, stimulant, depressant, hypnotic, narcotic,  
5466 local anesthetic, or drug-masking agent is prohibited. A person  
5467 may not administer or cause to be administered any drug,  
5468 medication, stimulant, depressant, hypnotic, narcotic, local  
5469 anesthetic, or drug-masking agent to an animal which will result  
5470 in a positive test for such substance based on samples taken  
5471 from the animal immediately before or immediately after racing  
5472 that animal. Test results and the identities of animals being  
5473 tested and of their trainers and owners of record are  
5474 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
5475 of the State Constitution for 10 days after testing of all  
5476 samples collected on a particular day has been completed and any  
5477 positive test results derived from such samples have been  
5478 reported to the executive director or administrative action has  
5479 begun.

5480 (b) A race-day specimen may not contain a level of a  
5481 naturally occurring substance which exceeds normal physiological

584-00011A-14

20147052\_\_

5482 concentrations. The department may adopt rules that specify  
5483 normal physiological concentrations of naturally occurring  
5484 substances in the natural untreated animal and rules that  
5485 specify acceptable levels of environmental contaminants and  
5486 trace levels of substances in test samples.

5487 (c) The finding of a prohibited substance in a race-day  
5488 specimen constitutes prima facie evidence that the substance was  
5489 administered and was carried in the body of the animal while  
5490 participating in the race.

5491 (2) The department may take administrative action against  
5492 an occupational licensee responsible under department rule for  
5493 the condition of an animal that has been medicated or drugged in  
5494 violation of this section.

5495 (3) (a) Upon the finding of a violation of this section, the  
5496 department may:

5497 1. Revoke or suspend the license or permit of the violator  
5498 or deny a license or permit to the violator;

5499 2. Impose a fine against the violator in an amount not  
5500 exceeding \$5,000;

5501 3. Require the full or partial return of the purse,  
5502 sweepstakes, and trophy of the race at issue; or

5503 4. Impose any combination of the penalties in subparagraphs  
5504 1.-3.

5505 (b) Notwithstanding chapter 120, the department may  
5506 summarily suspend the license of an occupational licensee  
5507 responsible under this section or department rule for the  
5508 condition of a race animal if the department laboratory reports  
5509 the presence of a prohibited substance in the animal or its  
5510 blood, urine, saliva, or any other bodily fluid, either before a

584-00011A-14

20147052\_\_

5511 race in which the animal is entered or after a race the animal  
5512 has run.

5513 (c) If an occupational licensee is summarily suspended  
5514 under this section, the department shall offer the licensee a  
5515 postsuspension hearing within 72 hours, at which the department  
5516 shall produce the laboratory report and documentation that, on  
5517 its face, establishes the responsibility of the occupational  
5518 licensee. Upon production of the documentation, the occupational  
5519 licensee has the burden of proving his or her lack of  
5520 responsibility.

5521 (d) Any proceeding for administrative action against a  
5522 licensee or permit holder, other than a proceeding under  
5523 paragraph (c), shall be conducted in compliance with chapter  
5524 120.

5525 (e) The finding of a violation of this section does not  
5526 prohibit a prosecution for any criminal act committed.

5527 (4) A prosecution brought under this section must begin  
5528 within 2 years after the violation was committed. Service of an  
5529 administrative complaint marks the beginning of administrative  
5530 action.

5531 (5) The department shall implement a split-sample procedure  
5532 for testing animals under this section.

5533 (a) Upon finding a positive drug test result, the  
5534 department shall notify the owner or trainer of the results. The  
5535 owner may request that each urine and blood sample be split into  
5536 a primary sample and a secondary sample, which must be  
5537 accomplished in the laboratory under rules approved by the  
5538 department. Custody of both samples must remain with the  
5539 department. However, upon request by the affected trainer or

584-00011A-14

20147052\_\_

5540 owner of the animal from which the sample was obtained, the  
5541 department shall send the secondary sample to an approved  
5542 independent laboratory for analysis. The department shall  
5543 establish standards and rules for uniform enforcement and shall  
5544 maintain a list of at least five approved independent  
5545 laboratories from which an owner or trainer shall select in the  
5546 event that a sample tests positive.

5547 (b) If the state laboratory's findings are not confirmed by  
5548 the independent laboratory, further administrative or  
5549 disciplinary action under this section may not be pursued. The  
5550 department may adopt rules identifying substances that diminish  
5551 in a blood or urine sample due to passage of time and that must  
5552 be taken into account in applying this section.

5553 (c) If the independent laboratory confirms the state  
5554 laboratory's positive result or if there is an insufficient  
5555 quantity of the secondary sample for confirmation of the state  
5556 laboratory's positive result, the department may begin  
5557 administrative proceedings under this chapter and consistent  
5558 with chapter 120.

5559 (d) For purposes of this subsection, the department shall  
5560 in good faith attempt to obtain a sufficient quantity of the  
5561 test fluid to allow both a primary test and a secondary test to  
5562 be conducted.

5563 (6) (a) It is the intent of the Legislature that animals  
5564 that participate in races in this state on which pari-mutuel  
5565 wagering is conducted and animals that are bred and trained in  
5566 this state for racing be treated humanely, both on and off  
5567 racetracks, throughout the lives of the animals.

5568 (b) The department shall, by rule, establish the procedures



584-00011A-14

20147052\_\_

5569 for euthanizing greyhounds. However, a greyhound may not be put  
5570 to death by any means other than by lethal injection of the drug  
5571 sodium pentobarbital. A greyhound may not be removed from this  
5572 state for the purpose of being destroyed.

5573 (c) An occupational licensee may not train a greyhound  
5574 using live or dead animals. A greyhound may not be taken from  
5575 this state for the purpose of being trained through the use of  
5576 live or dead animals.

5577 (d) Any act committed by any licensee that would constitute  
5578 cruelty to animals as defined in s. 828.02 involving any animal  
5579 is a violation of this chapter. Imposition of any penalty by the  
5580 department for violation of this chapter or any rule adopted by  
5581 the department pursuant to this chapter does not prohibit a  
5582 criminal prosecution for cruelty to animals.

5583 (e) The department may inspect any area at a pari-mutuel  
5584 facility where racing animals are raced, trained, housed, or  
5585 maintained, including any areas where food, medications, or  
5586 other supplies are kept, to ensure the humane treatment of  
5587 racing animals and compliance with this chapter and the rules of  
5588 the department.

5589 (7) (a) Medication may not be administered to an animal  
5590 within 24 hours before the officially scheduled post time of a  
5591 race in which the animal is participating except as provided for  
5592 in this section. The department shall, by rule:

5593 1. Establish conditions for the use of furosemide to treat  
5594 exercise-induced pulmonary hemorrhage.

5595 2. Establish conditions for the use of prednisolone sodium  
5596 succinate. Furosemide or prednisolone sodium succinate may not  
5597 be administered to an animal within 4 hours before the

584-00011A-14

20147052\_\_

5598 officially scheduled post time for the race.

5599 3. Establish conditions for the use of phenylbutazone and  
5600 synthetic corticosteroids. Except as provided in subparagraph  
5601 2., phenylbutazone and synthetic corticosteroids may not be  
5602 given to an animal within 24 hours before the officially  
5603 scheduled post time of a race. Oral corticosteroids are  
5604 prohibited unless prescribed by a licensed veterinarian and  
5605 reported to the department on forms prescribed by the  
5606 department.

5607 4. Establish acceptable levels of allowed medications and  
5608 identify the appropriate biological specimens by which the  
5609 administration of such medication is monitored.

5610 (b) This section does not prohibit the use of vitamins,  
5611 minerals, or naturally occurring substances in an amount that  
5612 does not exceed the normal physiological concentration in a  
5613 race-day specimen.

5614 (8) (a) Medication may not be administered to an animal  
5615 within 24 hours before the officially scheduled post time of the  
5616 race except as provided in this section.

5617 (b) If the department first determines that the use of  
5618 furosemide, phenylbutazone, or prednisolone sodium succinate in  
5619 horses is in the best interest of racing, the department may  
5620 adopt rules allowing such use, but the rules must specify the  
5621 conditions for such use. A rule may not allow the administration  
5622 of furosemide or prednisolone sodium succinate within 4 hours  
5623 before the officially scheduled post time for the race. A rule  
5624 may not allow the administration of phenylbutazone or any other  
5625 synthetic corticosteroid within 24 hours before the officially  
5626 scheduled post time for the race. Any administration of

584-00011A-14

20147052\_\_

5627 synthetic corticosteroids is limited to parenteral routes. Oral  
5628 administration of synthetic corticosteroids is expressly  
5629 prohibited. If this paragraph is unconstitutional, it is  
5630 severable from the remainder of this section.

5631 (9) (a) The department may conduct a postmortem examination  
5632 of any animal that is injured while in training or in  
5633 competition at a permitted racetrack and that subsequently  
5634 expires or is destroyed. The department may conduct a postmortem  
5635 examination of any animal that expires while housed at a  
5636 permitted racetrack, association compound, or licensed kennel or  
5637 farm. Trainers and owners must comply with this paragraph as a  
5638 condition of licensure.

5639 (b) Upon the death of an animal specified in paragraph (a),  
5640 the department may take possession of the animal for postmortem  
5641 examination. The department may submit blood, urine, other  
5642 bodily fluid specimens, or other tissue specimens collected  
5643 during a postmortem examination for testing by the department  
5644 laboratory or its designee. Upon completion of the postmortem  
5645 examination, the carcass must be returned to the owner or  
5646 disposed of at the owner's option.

5647 (10) The presence in an animal of a prohibited substance  
5648 that breaks down during a race, found by the department  
5649 laboratory in a bodily fluid specimen collected during the  
5650 postmortem examination of the animal, constitutes a violation of  
5651 this section.

5652 (11) The cost of postmortem examinations, testing, and  
5653 disposal shall be borne by the department.

5654 (12) Except as specifically modified by statute or by rule  
5655 of the department, the Uniform Classification Guidelines for

584-00011A-14

20147052\_\_

5656 Foreign Substances, revised February 14, 1995, as promulgated by  
5657 the Association of Racing Commissioners International, Inc., is  
5658 adopted by reference as the uniform classification system for  
5659 class IV and V medications.

5660 (13) The department shall use only the thin layer  
5661 chromatography (TLC) screening process to test for the presence  
5662 of class IV and V medications in samples taken from racehorses  
5663 except when thresholds of a class IV or class V medication have  
5664 been established and are enforced by rule. Once a sample has  
5665 been identified as suspicious for a class IV or class V  
5666 medication by the TLC screening process, the sample will be sent  
5667 for confirmation by and through additional testing methods. All  
5668 other medications not classified by rule as a class IV or class  
5669 V medication shall be subject to all forms of testing available  
5670 to the department.

5671 (14) The department may implement by rule medication levels  
5672 recommended by the University of Florida College of Veterinary  
5673 Medicine developed pursuant to an agreement between the  
5674 department and the University of Florida College of Veterinary  
5675 Medicine. The University of Florida College of Veterinary  
5676 Medicine may provide written notification to the department that  
5677 it has completed research or review on a particular drug  
5678 pursuant to the agreement and when the College of Veterinary  
5679 Medicine has completed a final report of its findings,  
5680 conclusions, and recommendations to the department.

5681 (15) The testing medium for phenylbutazone in horses shall  
5682 be serum, and the department may collect up to six full 15-  
5683 milliliter blood tubes for each horse being sampled.

5684 (16) The department shall adopt rules to implement this

584-00011A-14

20147052\_\_

5685 section. The rules may include a classification system for  
5686 prohibited substances and a corresponding penalty schedule for  
5687 violations.

5688 Section 78. Section 551.0941, Florida Statutes, is created  
5689 to read:

5690 551.0941 Penalty for conducting unauthorized race.—Every  
5691 horserace or greyhound race conducted for any stake, purse,  
5692 prize, or premium, except as allowed by this chapter, is  
5693 prohibited and declared to be a public nuisance, and a person  
5694 who conducts, attempts to conduct, or assists in the conduct or  
5695 attempted conduct of horseracing or greyhound racing in this  
5696 state in violation of this chapter commits a misdemeanor of the  
5697 second degree, punishable as provided in s. 775.082 or s.  
5698 775.083.

5699 Section 79. Section 551.0942, Florida Statutes, is created  
5700 to read:

5701 551.0942 Conspiring to prearrange result of an event; using  
5702 medication or drugs on a horse or greyhound; penalty.—

5703 (1) Any person who influences or conspires with an owner,  
5704 jockey, groom, or other person associated with or interested in  
5705 any stable, kennel, or event to prearrange or predetermine the  
5706 results of an event involving a horse, greyhound, or jai alai  
5707 player commits a felony of the third degree, punishable as  
5708 provided in s. 775.082, s. 775.083, or s. 775.084.

5709 (2) Any person who attempts to affect the outcome of a  
5710 horse race or greyhound race by unlawfully administering  
5711 medication or drugs to a race animal or by administering  
5712 prohibited medication or drugs to a race animal or who conspires  
5713 to administer or attempt to administer such medication or drugs

584-00011A-14

20147052\_\_

5714 commits a felony of the third degree, punishable as provided in  
5715 s. 775.082, s. 775.083, or s. 775.084.

5716 Section 80. Section 551.0943, Florida Statutes, is created  
5717 to read:

5718 551.0943 Obtaining goods or services with intent to  
5719 defraud.—

5720 (1) Any owner, trainer, or custodian of any horse or  
5721 greyhound being used, or being bred, raised, or trained to be  
5722 used, in racing at a pari-mutuel facility who obtains food,  
5723 drugs, transportation, veterinary services, or supplies for the  
5724 use or benefit of the horse or greyhound with intent to defraud  
5725 the person from whom the food, drugs, transportation, veterinary  
5726 services, or supplies are obtained commits a misdemeanor of the  
5727 second degree, punishable as provided in s. 775.082 or s.  
5728 775.083.

5729 (2) In a prosecution under this section, proof that the  
5730 food, drugs, transportation, veterinary services, or supplies  
5731 had been furnished and not paid for, and that the owner,  
5732 trainer, or custodian of the horse or greyhound was removing or  
5733 attempting to remove any horse or greyhound from the state and  
5734 beyond the jurisdiction of the courts of this state, is prima  
5735 facie evidence of intent to defraud under this section.

5736 Section 81. Section 551.0944, Florida Statutes, is created  
5737 to read:

5738 551.0944 Bookmaking on the grounds of a permitholder;  
5739 duties of employees.—

5740 (1) Any person who engages in bookmaking, as defined in s.  
5741 849.25, on the grounds or property of a permitholder of a horse  
5742 or greyhound track or jai alai fronton commits a felony of the

584-00011A-14

20147052\_\_

5743 third degree, punishable as provided in s. 775.082, s. 775.083,  
5744 or s. 775.084. A second or subsequent violation under this  
5745 subsection is a felony of the second degree, punishable as  
5746 provided in s. 775.082, s. 775.083, or s. 775.084.  
5747 Notwithstanding s. 948.01, a person convicted under this  
5748 subsection may not have adjudication of guilt suspended,  
5749 deferred, or withheld.

5750 (2) A person convicted of bookmaking in this state or any  
5751 other state of the United States or any foreign country shall be  
5752 denied admittance to and may not attend any racetrack or fronton  
5753 in this state during its racing seasons or operating dates,  
5754 including any practice or preparation days, for a period of 2  
5755 years after the date of conviction or the date of final appeal.  
5756 After the period of ineligibility expires, the executive  
5757 director may authorize admittance of such person after a hearing  
5758 on the matter. Any such person who knowingly violates this  
5759 subsection commits a misdemeanor of the first degree, punishable  
5760 as provided in s. 775.082 or s. 775.083.

5761 (3) If the activities of a person show that this section is  
5762 being violated and such activities are witnessed by or are  
5763 common knowledge of any track or fronton employee, that employee  
5764 shall bring the activities of the person to the immediate  
5765 attention of the permitholder or manager, or her or his  
5766 designee, who shall notify a law enforcement agency having  
5767 jurisdiction. Willful failure on the part of any track or  
5768 fronton employee to comply with this subsection is a ground for  
5769 the department to suspend or revoke that employee's occupational  
5770 license.

5771 (4) Each permitholder shall display, in conspicuous places

584-00011A-14

20147052\_\_

5772 at its track or fronton and in all race and jai alai daily  
5773 programs, a warning to all patrons concerning the prohibition  
5774 and penalties of bookmaking contained in this section and s.  
5775 849.25. The department shall adopt rules concerning the uniform  
5776 size of all warnings and the number of placements throughout a  
5777 track or fronton. Failure on the part of the permit holder to  
5778 display such warnings may result in the imposition of a \$500  
5779 fine by the department for each offense.

5780 (5) The prohibition of and penalties for bookmaking  
5781 contained in this section do not apply to a person attending a  
5782 track or fronton, or employed by a track or fronton, who places  
5783 a bet through the legalized pari-mutuel pool for another person,  
5784 if such service is rendered gratuitously and without fee or  
5785 other reward.

5786 (6) This section does not apply to prosecutions filed and  
5787 pending on December 16, 1992, but all such cases shall be  
5788 disposed of under existing law at the time of institution of  
5789 such prosecutions.

5790 Section 82. Section 551.095, Florida Statutes, is created  
5791 to read:

5792 551.095 Limitation of civil liability.—A permittee  
5793 conducting a race meet pursuant to this chapter; a division  
5794 director or an employee of the department; or a steward, a  
5795 judge, or any other person appointed to act pursuant to this  
5796 part may not be held liable to any person, partnership,  
5797 association, corporation, or other business entity for any cause  
5798 whatsoever arising out of or from her or his performance of her  
5799 or his duties and the exercise of her or his discretion with  
5800 respect to the implementation and enforcement of the statutes



584-00011A-14

20147052\_\_

5801 and rules governing the conduct of pari-mutuel wagering, if she  
5802 or he acted in good faith. This section does not limit liability  
5803 if negligent maintenance of the premises or negligent conduct of  
5804 a race contributed to an accident and does not limit any  
5805 contractual liability.

5806 Section 83. Part III of chapter 551, Florida Statutes,  
5807 consisting of sections 551.101-551.123, is created and entitled  
5808 "SLOT MACHINES."

5809 Section 84. Section 551.101, Florida Statutes, is amended  
5810 to read:

5811 551.101 Slot machine gaming authorized.-

5812 (1) Pursuant to s. 23, Art. X of the State Constitution, a  
5813 licensed pari-mutuel permitholder operating a facility Any  
5814 licensed pari-mutuel facility located in Miami-Dade County or  
5815 Broward County on November 9, 2004, where live racing or games  
5816 were conducted existing at the time of adoption of s. 23, Art. X  
5817 of the State Constitution that has conducted live racing or  
5818 games during calendar years 2002 and 2003 may possess slot  
5819 machines and conduct slot machine gaming at such facility  
5820 pursuant to this chapter and department rule.

5821 (2) A licensed pari-mutuel permitholder operating a  
5822 facility located within a county as defined in s. 125.011 which  
5823 has conducted live racing for 2 consecutive calendar years  
5824 immediately preceding its application for a slot machine license  
5825 may possess slot machines and conduct slot machine gaming at  
5826 such facility pursuant to this chapter and department rule.

5827 (3) A pari-mutuel permitholder operating a facility located  
5828 in a county in which a majority of voters have approved slot  
5829 machines at such facilities in a countywide referendum held

584-00011A-14

20147052\_\_

5830 pursuant to a statutory or constitutional authorization granted  
5831 after July 6, 2010, in the respective county, which facility has  
5832 conducted a full schedule of live racing for 2 consecutive  
5833 calendar years immediately preceding its application for a slot  
5834 machine license, may possess slot machines and conduct slot  
5835 machine gaming at such facility pursuant to this chapter and  
5836 department rule ~~the location where the pari-mutuel permit holder~~  
5837 ~~is authorized to conduct pari-mutuel wagering activities~~  
5838 ~~pursuant to such permit holder's valid pari-mutuel permit~~  
5839 ~~provided that a majority of voters in a countywide referendum~~  
5840 ~~have approved slot machines at such facility in the respective~~  
5841 ~~county.~~

5842 (4) ~~Notwithstanding any other provision of law, it is not a~~  
5843 ~~crime for a person to participate in slot machine gaming at a~~  
5844 ~~pari-mutuel facility licensed to possess slot machines and~~  
5845 ~~conduct slot machine gaming or to participate in slot machine~~  
5846 ~~gaming described in this chapter.~~

5847 Section 85. Section 551.102, Florida Statutes, is amended  
5848 to read:

5849 551.102 Definitions.—As used in this chapter, the term:

5850 (1) ~~"Distributor" means any person who sells, leases, or~~  
5851 ~~offers or otherwise provides, distributes, or services any slot~~  
5852 ~~machine or associated equipment for use or play of slot machines~~  
5853 ~~in this state. A manufacturer may be a distributor within the~~  
5854 ~~state.~~

5855 (1)(2) ~~"Designated slot machine gaming area" means the area~~  
5856 ~~or areas of a facility of a slot machine licensee in which slot~~  
5857 ~~machine gaming may be conducted in accordance with the~~  
5858 ~~provisions of this chapter.~~

584-00011A-14

20147052\_\_

5859       (2) "Distributor" means a person who sells, leases, or  
5860 offers or otherwise provides, distributes, or services a slot  
5861 machine or associated equipment for use or play of slot machines  
5862 in this state. A manufacturer may be a distributor within the  
5863 state.

5864       ~~(3) "Division" means the Division of Pari-mutuel Wagering~~  
5865 ~~of the Department of Business and Professional Regulation.~~

5866       (3)(4) "Eligible facility" means a any licensed pari-mutuel  
5867 facility that meets the requirements of s. 551.101 located in  
5868 Miami-Dade County or Broward County existing at the time of  
5869 adoption of s. 23, Art. X of the State Constitution that has  
5870 conducted live racing or games during calendar years 2002 and  
5871 2003 and has been approved by a majority of voters in a  
5872 countywide referendum to have slot machines at such facility in  
5873 the respective county; any licensed pari-mutuel facility located  
5874 within a county as defined in s. 125.011, provided such facility  
5875 has conducted live racing for 2 consecutive calendar years  
5876 immediately preceding its application for a slot machine  
5877 license, pays the required license fee, and meets the other  
5878 requirements of this chapter; or any licensed pari-mutuel  
5879 facility in any other county in which a majority of voters have  
5880 approved slot machines at such facilities in a countywide  
5881 referendum held pursuant to a statutory or constitutional  
5882 authorization after the effective date of this section in the  
5883 respective county, provided such facility has conducted a full  
5884 schedule of live racing for 2 consecutive calendar years  
5885 immediately preceding its application for a slot machine  
5886 license, pays the required license ~~licensed~~ fee, and meets the  
5887 other requirements of this chapter.

584-00011A-14

20147052\_\_

5888        (4)~~(5)~~ "Manufacturer" means a ~~any~~ person who manufactures,  
5889 builds, rebuilds, fabricates, assembles, produces, programs,  
5890 designs, or otherwise makes modifications to a ~~any~~ slot machine  
5891 or associated equipment for use or play of slot machines in this  
5892 state for gaming purposes. A manufacturer may be a distributor  
5893 within the state.

5894        (5)~~(6)~~ "Nonredeemable credits" means slot machine operating  
5895 credits that cannot be redeemed for cash or any other thing of  
5896 value by a slot machine, a kiosk, or the slot machine licensee  
5897 and that are provided free of charge to patrons. Such operating  
5898 credits become ~~do not constitute~~ "nonredeemable credits" when  
5899 ~~until such time as~~ they are metered as credit into a slot  
5900 machine and recorded in the facility-based monitoring system.

5901        (6)~~(7)~~ "Progressive system" means a computerized system  
5902 linking slot machines in one or more licensed facilities within  
5903 this state or other jurisdictions and offering one or more  
5904 common progressive payouts based on the amounts wagered.

5905        (7)~~(8)~~ "Slot machine" means a ~~any~~ mechanical or electrical  
5906 contrivance, terminal that may ~~or may not~~ be capable of  
5907 downloading slot games from a central server system, machine, or  
5908 other device that, upon insertion of a coin, bill, ticket,  
5909 token, or similar object or upon payment of any consideration  
5910 whatsoever, including the use of an ~~any~~ electronic payment  
5911 system except a credit card or debit card, is available to play  
5912 or operate, the play or operation of which, whether by reason of  
5913 skill or application of the element of chance or both, may  
5914 deliver or entitle the person or persons playing or operating  
5915 the contrivance, terminal, machine, or other device to receive  
5916 cash, billets, tickets, tokens, or electronic credits to be

584-00011A-14

20147052\_\_

5917 exchanged for cash or to receive merchandise or anything of  
5918 value whatsoever, whether the payoff is made automatically from  
5919 the machine or manually. The term includes associated equipment  
5920 necessary to conduct the operation of the contrivance, terminal,  
5921 machine, or other device. Slot machines may use spinning reels,  
5922 video displays, or both. A slot machine is not an a "~~coin-~~  
5923 ~~operated~~ amusement game or machine" as defined in s. 212.02(24)  
5924 or ~~an amusement game or machine~~ as described in s. 849.161, and  
5925 slot machines are not subject to the tax imposed under ~~by~~ s.  
5926 212.05(1) (h).

5927 (8)~~(9)~~ "Slot machine facility" means a facility at which  
5928 slot machines ~~as defined in this chapter~~ are lawfully offered  
5929 for play.

5930 (9)~~(10)~~ "Slot machine license" means a license issued by  
5931 the department ~~division~~ authorizing a pari-mutuel permitholder  
5932 to place and operate slot machines as provided by s. 23, Art. X  
5933 of the State Constitution, ~~the provisions of~~ this chapter, and  
5934 department ~~division~~ rules.

5935 (10)~~(11)~~ "Slot machine licensee" means a pari-mutuel  
5936 permitholder who holds a slot machine license ~~issued by the~~  
5937 ~~division pursuant to this chapter that authorizes such person to~~  
5938 ~~possess a slot machine within facilities specified in s. 23,~~  
5939 ~~Art. X of the State Constitution and allows slot machine gaming.~~

5940 (11)~~(12)~~ "Slot machine operator" means a person employed or  
5941 contracted by a slot machine licensee ~~the owner of a licensed~~  
5942 ~~facility~~ to conduct slot machine gaming at a slot machine ~~that~~  
5943 ~~licensed~~ facility.

5944 (12)~~(13)~~ "Slot machine revenues" means the total of all  
5945 cash and property, except nonredeemable credits, received by the

584-00011A-14

20147052\_\_

5946 slot machine licensee from the operation of slot machines less  
5947 the amount of cash, cash equivalents, credits, and prizes paid  
5948 to winners of slot machine gaming.

5949 Section 86. Section 551.103, Florida Statutes, is amended  
5950 to read:

5951 551.103 Powers and duties of the department ~~division~~ and  
5952 law enforcement.—

5953 (1) The department ~~division~~ shall adopt, pursuant to ~~the~~  
5954 ~~provisions of~~ ss. 120.536(1) and 120.54, ~~all~~ rules necessary to  
5955 implement, administer, and regulate slot machine gaming as  
5956 authorized by ~~in~~ this chapter. Such rules must include:

5957 (a) Procedures for applying for a slot machine license and  
5958 renewal of a slot machine license.

5959 (b) Technical requirements and the qualifications specified  
5960 ~~contained~~ in this chapter which ~~that~~ are necessary to receive a  
5961 slot machine license or slot machine occupational license.

5962 (c) Procedures to scientifically test and technically  
5963 evaluate slot machines for compliance with this chapter. The  
5964 department ~~division~~ may contract with an independent testing  
5965 laboratory to conduct any necessary testing under this section.  
5966 The independent testing laboratory must have a national  
5967 reputation as being ~~which is demonstrably~~ competent and  
5968 qualified to scientifically test and evaluate slot machines for  
5969 compliance with this chapter and to otherwise perform the  
5970 functions assigned to it in this chapter. An independent testing  
5971 laboratory may ~~shall~~ not be owned or controlled by a licensee.  
5972 If ~~The use of~~ an independent testing laboratory is used for a  
5973 ~~any~~ purpose related to the conduct of slot machine gaming by a  
5974 licensee under this chapter, such laboratory shall be selected

584-00011A-14

20147052\_\_

5975 ~~made~~ from a list of ~~one or more~~ laboratories approved by the  
5976 department division.

5977 (d) Procedures relating to slot machine revenues, including  
5978 verifying and accounting for such revenues, auditing, and  
5979 collecting taxes and fees consistent with this chapter.

5980 (e) Procedures for regulating, managing, and auditing the  
5981 operation, financial data, and program information relating to  
5982 slot machine gaming which ~~that~~ allow the department division and  
5983 the Department of Law Enforcement to audit the operation,  
5984 financial data, and program information of a slot machine  
5985 licensee, as required by the department division or the  
5986 Department of Law Enforcement, and provide the department  
5987 ~~division~~ and the Department of Law Enforcement with the ability  
5988 to monitor, at any time on a real-time basis, wagering patterns,  
5989 payouts, tax collection, and compliance with department rules  
5990 governing any rules adopted by the division for the regulation  
5991 and control of slot machines operated under this chapter. Such  
5992 continuous and complete access, at any time on a real-time  
5993 basis, shall include the ability of either the department  
5994 ~~division~~ or the Department of Law Enforcement to suspend play  
5995 immediately on particular slot machines if monitoring of the  
5996 facilities-based computer system indicates possible tampering  
5997 with or manipulation of those slot machines or the ability to  
5998 suspend play immediately of the entire operation if the computer  
5999 system itself is tampered with or manipulated ~~tampering or~~  
6000 ~~manipulation is of the computer system itself~~. The department  
6001 ~~division~~ shall notify the Department of Law Enforcement or the  
6002 Department of Law Enforcement shall notify the department  
6003 ~~division~~, as appropriate, whenever there is a suspension of play

584-00011A-14

20147052\_\_

6004 under this paragraph. The department ~~division~~ and the Department  
6005 of Law Enforcement shall exchange such information necessary for  
6006 and cooperate in the investigation of the circumstances  
6007 requiring suspension of play under this paragraph.

6008 (f) Procedures for requiring each licensee at his or her  
6009 own cost and expense to supply the department ~~division~~ with a  
6010 bond having the penal sum of \$2 million payable to the Governor  
6011 and his or her successors in office for each year of the  
6012 licensee's slot machine operations. A ~~Any~~ bond shall be issued  
6013 by a surety or sureties approved by the department ~~division~~ and  
6014 the Chief Financial Officer, conditioned to faithfully make the  
6015 payments to the Chief Financial Officer in his or her capacity  
6016 as treasurer of the department ~~division~~. The licensee shall be  
6017 required to keep its books and records and make reports as  
6018 provided in this chapter and to conduct its slot machine  
6019 operations in conformity with this chapter and all other  
6020 provisions of law. Such bond shall be separate and distinct from  
6021 the bond required in s. 551.034 ~~s. 550.125~~.

6022 (g) Procedures for requiring licensees to maintain  
6023 specified records and submit any data, information, record, or  
6024 report, including financial and income records, required under  
6025 ~~by~~ this chapter or determined by the department ~~division~~ to be  
6026 necessary to the proper implementation and enforcement of this  
6027 chapter.

6028 (h) A requirement that the payout percentage of a slot  
6029 machine be at least ~~no less than~~ 85 percent.

6030 (i) Minimum standards for security of the facilities,  
6031 including floor plans, security cameras, and other security  
6032 equipment.



584-00011A-14

20147052\_\_

6033 (j) Procedures for requiring slot machine licensees to  
6034 implement and establish drug-testing programs for all slot  
6035 machine occupational licensees.

6036 (2) The department ~~division~~ shall conduct such  
6037 investigations necessary to fulfill its responsibilities under  
6038 ~~the provisions of~~ this chapter.

6039 (3) The Department of Law Enforcement and local law  
6040 enforcement agencies shall have concurrent jurisdiction to  
6041 investigate criminal violations of this chapter and may  
6042 investigate any other criminal violation of law occurring at the  
6043 facilities of a slot machine licensee, ~~and~~ Such investigations  
6044 may be conducted in conjunction with the appropriate state  
6045 attorney.

6046 (4) (a) The department ~~division~~, the Department of Law  
6047 Enforcement, and local law enforcement agencies ~~shall~~ have  
6048 unrestricted access to the slot machine licensee's facility at  
6049 all times and shall require of each slot machine licensee strict  
6050 compliance with the laws of this state relating to the  
6051 transaction of such business. The department ~~division~~, the  
6052 Department of Law Enforcement, and local law enforcement  
6053 agencies may:

6054 1. Inspect and examine premises where slot machines are  
6055 offered for play.

6056 2. Inspect slot machines and related equipment and  
6057 supplies.

6058 (b) ~~In addition,~~ The department ~~division~~ may:

6059 1. Collect taxes, assessments, fees, and penalties.

6060 2. Deny, revoke, suspend, or place conditions on the  
6061 license of a person who violates ~~any provision of~~ this chapter

584-00011A-14

20147052\_\_

6062 or a rule adopted pursuant to this chapter ~~thereto~~.

6063 (5) The department ~~division~~ shall revoke or suspend the  
6064 license of a ~~any~~ person who is no longer qualified or who is  
6065 found, after receiving a license, to have been unqualified at  
6066 the time of application for the license.

6067 (6) This section does not:

6068 (a) Prohibit the Department of Law Enforcement or a ~~any~~ law  
6069 enforcement authority whose jurisdiction includes a licensed  
6070 facility from conducting investigations of criminal activities  
6071 occurring at the facility of the slot machine licensee;

6072 (b) Restrict access to the slot machine licensee's facility  
6073 by the Department of Law Enforcement or a ~~any~~ local law  
6074 enforcement authority whose jurisdiction includes the slot  
6075 machine licensee's facility; or

6076 (c) Restrict access by the Department of Law Enforcement or  
6077 local law enforcement authorities to information and records  
6078 necessary to the investigation of criminal activity that are  
6079 contained within the slot machine licensee's facility.

6080 Section 87. Section 551.104, Florida Statutes, is amended  
6081 to read:

6082 551.104 License to conduct slot machine gaming.-

6083 (1) Upon application and payment of the initial license fee  
6084 and a finding by the department ~~division~~ after investigation  
6085 that the application is complete and the applicant is qualified  
6086 ~~and payment of the initial license fee~~, the department ~~division~~  
6087 may issue a license to conduct slot machine gaming in the  
6088 designated slot machine gaming area of the eligible facility.  
6089 Once licensed, slot machine gaming may be conducted subject to  
6090 ~~the requirements of~~ this chapter and the rules adopted pursuant

584-00011A-14

20147052\_\_

6091 to this chapter ~~thereto~~.

6092 (2) An application may be approved by the department  
6093 ~~division~~ only after the voters of the county where the  
6094 applicant's facility is located have authorized by referendum  
6095 slot machines within pari-mutuel facilities in that county ~~as~~  
6096 ~~specified in s. 23, Art. X of the State Constitution.~~

6097 (3) A slot machine license may be issued only to a licensed  
6098 pari-mutuel permitholder, and slot machine gaming may be  
6099 conducted only at the eligible facility at which the  
6100 permitholder is authorized under its valid pari-mutuel wagering  
6101 permit to conduct pari-mutuel wagering activities.

6102 (4) As a condition of licensure and to maintain continued  
6103 authority to ~~for the~~ conduct of slot machine gaming, the slot  
6104 machine licensee must ~~shall~~:

6105 (a) Continue to be in compliance with this chapter.

6106 (b) ~~Continue to be in compliance with chapter 550, where~~  
6107 ~~applicable, and~~ Maintain the pari-mutuel permit and license in  
6108 good standing pursuant to this chapter ~~the provisions of chapter~~  
6109 ~~550. Notwithstanding any contrary provision of law and in order~~  
6110 ~~to expedite the operation of slot machines at eligible~~  
6111 ~~facilities, any eligible facility shall be entitled within 60~~  
6112 ~~days after the effective date of this act to amend its 2006-2007~~  
6113 ~~pari-mutuel wagering operating license issued by the division~~  
6114 ~~under ss. 550.0115 and 550.01215. The division shall issue a new~~  
6115 ~~license to the eligible facility to effectuate any approved~~  
6116 ~~change.~~

6117 (c) Conduct at least ~~no fewer than~~ a full schedule of live  
6118 racing or games as defined in s. 551.012 ~~s. 550.002(11)~~. A  
6119 permitholder's responsibility to conduct such number of live

584-00011A-14

20147052\_\_

6120 races or games shall be reduced by the number of races or games  
6121 that could not be conducted due to the direct result of fire,  
6122 war, hurricane, or other disaster or event beyond the control of  
6123 the permitholder.

6124 (d) Upon approval of a change ~~any changes~~ relating to the  
6125 pari-mutuel permit by the department ~~division~~, be responsible  
6126 for providing appropriate current and accurate documentation on  
6127 a timely basis to the department ~~division~~ in order to continue  
6128 the slot machine license in good standing. Changes in ownership  
6129 or interest of a slot machine license of 5 percent or more of  
6130 the stock or other evidence of ownership or equity in the slot  
6131 machine license or any parent corporation or other business  
6132 entity that in any way owns or controls the slot machine license  
6133 shall be approved by the department before ~~division prior to~~  
6134 such change, unless the owner is an existing holder of that  
6135 license who was previously approved by the department ~~division~~.  
6136 Changes in ownership or interest of a slot machine license of  
6137 less than 5 percent, unless such change results in a cumulative  
6138 total change of 5 percent or more, shall be reported to the  
6139 department ~~division~~ within 20 days after such ~~the~~ change. The  
6140 department ~~division~~ may then conduct an investigation to ensure  
6141 that the license is properly updated to show the change in  
6142 ownership or interest. ~~No~~ Reporting is not required if the  
6143 person holds ~~is holding~~ 5 percent or less equity or securities  
6144 of a corporate owner of the slot machine licensee that has its  
6145 securities registered pursuant to s. 12 of the Securities  
6146 Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and if such  
6147 corporation or entity files with the United States Securities  
6148 and Exchange Commission the reports required by s. 13 of that

584-00011A-14

20147052\_\_

6149 act or if the securities of the corporation or entity are  
6150 regularly traded on an established securities market in the  
6151 United States. A change in ownership or interest of less than 5  
6152 percent which results in a cumulative ownership or interest of 5  
6153 percent or more shall be approved by the department before  
6154 ~~division prior to~~ such change unless the owner is an existing  
6155 holder of the license who was previously approved by the  
6156 department division.

6157 (e) Allow the department division and the Department of Law  
6158 Enforcement unrestricted access to and right of inspection of  
6159 facilities of a slot machine licensee in which an ~~any~~ activity  
6160 relative to the conduct of slot machine gaming is conducted.

6161 (f) Ensure that the facilities-based computer system that  
6162 the licensee will use for operational and accounting functions  
6163 of the slot machine facility is specifically structured to  
6164 facilitate regulatory oversight. The facilities-based computer  
6165 system must ~~shall be designed to~~ provide the department division  
6166 and the Department of Law Enforcement with the ability to  
6167 monitor, at any time on a real-time basis, the wagering  
6168 patterns, payouts, tax collection, and such other operations as  
6169 necessary to determine whether the facility is in compliance  
6170 with this chapter statutory provisions and rules adopted by the  
6171 department pursuant to this chapter division for the regulation  
6172 ~~and control of slot machine gaming~~. The department division and  
6173 the Department of Law Enforcement shall have complete and  
6174 continuous access to the ~~this~~ system. Such access shall include  
6175 the ability of either the department division or the Department  
6176 of Law Enforcement to suspend play immediately on particular  
6177 slot machines if monitoring of the system indicates possible

584-00011A-14

20147052\_\_

6178 tampering or manipulation of those slot machines or the ability  
6179 to suspend play immediately of the entire operation if the  
6180 tampering or manipulation is of the computer system itself. The  
6181 computer system shall be reviewed and approved by the department  
6182 ~~division~~ to ensure necessary access, security, and  
6183 functionality. The department ~~division~~ may adopt rules to  
6184 provide for the approval process.

6185 (g) Ensure that each slot machine is protected from  
6186 manipulation or tampering to affect the random probabilities of  
6187 winning plays. The department ~~division~~ or the Department of Law  
6188 Enforcement may ~~shall have the authority to~~ suspend play upon  
6189 reasonable suspicion of ~~any~~ manipulation or tampering. When play  
6190 has been suspended on a a ~~any~~ slot machine, the department  
6191 ~~division~~ or the Department of Law Enforcement may examine the  
6192 ~~any~~ slot machine to determine whether the machine has been  
6193 tampered with or manipulated and whether the machine should be  
6194 returned to operation.

6195 (h) Submit a security plan, including the facilities' floor  
6196 plans ~~plan~~, the locations of security cameras, and a listing of  
6197 all security equipment that is capable of observing and  
6198 electronically recording activities being conducted in the  
6199 facilities of the slot machine licensee. The security plan must  
6200 meet the minimum security requirements as determined by the  
6201 department ~~division~~ under s. 551.103(1)(i) and be implemented  
6202 before ~~prior to~~ operation of slot machine gaming. The slot  
6203 machine licensee's facilities must adhere to the security plan  
6204 at all times. Any changes to the security plan must be submitted  
6205 by the licensee to the department before ~~division prior to~~  
6206 implementation. The department ~~division~~ shall furnish copies of

584-00011A-14

20147052\_\_

6207 the security plan and changes in the plan to the Department of  
6208 Law Enforcement.

6209 (i) Create and file with the department ~~division~~ a written  
6210 policy for:

6211 1. Creating opportunities to purchase from vendors in this  
6212 state, including minority vendors.

6213 2. Creating opportunities for employment of residents of  
6214 this state, including minority residents.

6215 3. Ensuring opportunities for construction services from  
6216 minority contractors.

6217 4. Ensuring that opportunities for employment are offered  
6218 on an equal, nondiscriminatory basis.

6219 5. Training ~~for~~ employees on responsible gaming and on a  
6220 prevention program for ~~working with a~~ compulsive or addictive  
6221 gambling ~~prevention program~~ to further its purposes as provided  
6222 for in s. 551.118.

6223 6. Implementing ~~The implementation of~~ a drug-testing  
6224 program that includes, but is not limited to, requiring each  
6225 employee to sign an agreement that he or she understands that  
6226 the slot machine facility is a drug-free workplace.

6227  
6228 ~~The slot machine licensee shall~~

6229 (j) Use the Internet-based job-listing system of the  
6230 Department of Economic Opportunity to advertise ~~in advertising~~  
6231 employment opportunities.

6232 (k) ~~Beginning in June 2007, each slot machine licensee~~  
6233 ~~shall~~ Provide an annual report to the department ~~division~~  
6234 containing information indicating compliance with ~~this~~ paragraph  
6235 (i) in regard to minority persons.

584-00011A-14

20147052\_\_

- 6236        (1)~~(j)~~ Ensure that the payout percentage of a slot machine  
6237 gaming facility is at least 85 percent.
- 6238        (5) A slot machine license is not transferable.
- 6239        (6) A slot machine licensee shall keep and maintain  
6240 permanent daily records of its slot machine operation and shall  
6241 maintain such records for a period of at least ~~not less than~~ 5  
6242 years. These records must include all financial transactions and  
6243 contain sufficient detail to determine compliance with ~~the~~  
6244 ~~requirements of~~ this chapter. All records must ~~shall~~ be  
6245 available during the licensee's regular business hours for audit  
6246 and inspection by the department ~~division~~, the Department of Law  
6247 Enforcement, or other law enforcement agencies ~~during the~~  
6248 ~~licensee's regular business hours~~.
- 6249        (7) A slot machine licensee shall file with the department  
6250 ~~division~~ a monthly report containing the required records of  
6251 such slot machine operation. The required reports shall be  
6252 submitted on forms prescribed by the department ~~division~~ and are  
6253 ~~shall be~~ due at the same time as the monthly pari-mutuel reports  
6254 are due to the department. ~~division~~, and The reports become  
6255 ~~shall be deemed~~ public records when ~~once~~ filed.
- 6256        (8) A slot machine licensee shall file with the department  
6257 ~~division~~ an audit of the receipt and distribution of all slot  
6258 machine revenues provided by an independent certified public  
6259 accountant verifying compliance with all financial and auditing  
6260 provisions of this chapter and the associated rules adopted  
6261 under this chapter. The audit must include verification of  
6262 compliance with all statutes and rules regarding all required  
6263 records of slot machine operations. The ~~Such~~ audit shall be  
6264 filed within 60 days after ~~the~~ completion of the permitholder's



584-00011A-14

20147052\_\_

6265 pari-mutuel meet.

6266 (9) The department ~~division~~ may share ~~any~~ information with  
6267 the Department of Law Enforcement, any other law enforcement  
6268 agency having jurisdiction over slot machine gaming or pari-  
6269 mutuel activities, or any other state or federal law enforcement  
6270 agency the department ~~division~~ or the Department of Law  
6271 Enforcement deems appropriate. A ~~Any~~ law enforcement agency  
6272 having jurisdiction over slot machine gaming or pari-mutuel  
6273 activities may share ~~any~~ information obtained or developed by it  
6274 with the department ~~division~~.

6275 (10) (a)1. A ~~No~~ slot machine license or renewal license may  
6276 not ~~thereof shall~~ be issued to an applicant holding a permit  
6277 under part II of chapter 551 ~~chapter 550~~ to conduct pari-mutuel  
6278 wagering meets of thoroughbred racing unless the applicant has  
6279 on file with the department ~~division~~ a binding written agreement  
6280 between the applicant and the Florida Horsemen's Benevolent and  
6281 Protective Association, Inc., governing the payment of purses on  
6282 live thoroughbred races conducted at the licensee's pari-mutuel  
6283 facility. In addition, a ~~no~~ slot machine license or renewal  
6284 license may not ~~thereof shall~~ be issued to such an applicant  
6285 unless the applicant has on file with the department ~~division~~ a  
6286 binding written agreement between the applicant and the Florida  
6287 Thoroughbred Breeders' Association, Inc., governing the payment  
6288 of breeder ~~breeders'~~, stallion, and special racing awards on  
6289 live thoroughbred races conducted at the licensee's pari-mutuel  
6290 facility. The agreement governing purses and the agreement  
6291 governing awards may direct the payment of such purses and  
6292 awards from revenues generated by any wagering or gaming the  
6293 applicant is authorized to conduct ~~under Florida law~~. All purses

584-00011A-14

20147052\_\_

6294 and awards are ~~shall be~~ subject to part II of chapter 551 ~~the~~  
6295 ~~terms of chapter 550~~. All sums for breeder ~~breeders'~~, stallion,  
6296 and special racing awards shall be remitted monthly to the  
6297 Florida Thoroughbred Breeders' Association, Inc., for the  
6298 payment of awards subject to the administrative fee authorized  
6299 under s. 551.0523(2) ~~in s. 550.2625(3)~~.

6300 2. A ~~No~~ slot machine license or renewal license may not  
6301 ~~thereof shall~~ be issued to an applicant holding a permit under  
6302 part II of chapter 551 ~~chapter 550~~ to conduct pari-mutuel  
6303 wagering meets of quarter horse racing unless the applicant has  
6304 on file with the department ~~division~~ a binding written agreement  
6305 between the applicant and the Florida Quarter Horse Racing  
6306 Association or the association representing a majority of the  
6307 horse owners and trainers at the applicant's eligible facility,  
6308 governing the payment of purses on live quarter horse races  
6309 conducted at the licensee's pari-mutuel facility. The agreement  
6310 governing purses may direct the payment of such purses from  
6311 revenues generated by any wagering or gaming the applicant is  
6312 authorized to conduct ~~under Florida law~~. All purses are ~~shall be~~  
6313 subject to part II of chapter 551 ~~the terms of chapter 550~~.

6314 (b) The department ~~division~~ shall suspend a slot machine  
6315 license if one or more of the agreements required under  
6316 paragraph (a) are terminated or otherwise cease to operate or if  
6317 the department ~~division~~ determines that the licensee is  
6318 materially failing to comply with the terms of such an  
6319 agreement. ~~Any~~ Such suspension shall take place pursuant to ~~in~~  
6320 ~~accordance with~~ chapter 120.

6321 (c)1. If an agreement required under paragraph (a) cannot  
6322 be reached before ~~prior to~~ the initial issuance of the slot

584-00011A-14

20147052\_\_

6323 machine license, either party may request arbitration or, in the  
6324 case of a renewal, if an agreement required under paragraph (a)  
6325 is not in place 120 days before ~~prior to~~ the scheduled  
6326 expiration date of the slot machine license, the applicant shall  
6327 immediately ask the American Arbitration Association to furnish  
6328 a list of 11 arbitrators, each of whom shall have at least 5  
6329 years of commercial arbitration experience and no financial  
6330 interest in or prior relationship with any of the parties or  
6331 their affiliated or related entities or principals. Each  
6332 required party to the agreement shall select a single arbitrator  
6333 from the list provided by the American Arbitration Association  
6334 within 10 days after ~~of~~ receipt, and the individuals so selected  
6335 shall choose one additional arbitrator from the list within the  
6336 next 10 days.

6337 2. If an agreement required under paragraph (a) is not in  
6338 place 60 days after the request under subparagraph 1. in the  
6339 case of an initial slot machine license or, in the case of a  
6340 renewal, 60 days before ~~prior to~~ the scheduled expiration date  
6341 of the slot machine license, the matter shall be immediately  
6342 submitted to mandatory binding arbitration to resolve the  
6343 disagreement between the parties. The three arbitrators selected  
6344 pursuant to subparagraph 1. shall constitute the panel that  
6345 shall arbitrate the dispute between the parties pursuant to the  
6346 American Arbitration Association Commercial Arbitration Rules  
6347 and chapter 682.

6348 3. At the conclusion of the proceedings, which shall be no  
6349 later than 90 days after the request under subparagraph 1. in  
6350 the case of an initial slot machine license or, in the case of a  
6351 renewal, 30 days before ~~prior to~~ the scheduled expiration date

584-00011A-14

20147052\_\_

6352 of the slot machine license, the arbitration panel shall present  
6353 to the parties a proposed agreement that the majority of the  
6354 panel believes equitably balances the rights, interests,  
6355 obligations, and reasonable expectations of the parties. The  
6356 parties shall immediately enter into such agreement, which shall  
6357 satisfy the requirements of paragraph (a) and permit issuance of  
6358 the pending annual slot machine license or renewal. The  
6359 agreement produced by the arbitration panel under this  
6360 subparagraph shall be effective until the last day of the  
6361 license or renewal period or until the parties enter into a  
6362 different agreement. Each party shall pay its respective costs  
6363 of arbitration and shall pay one-half of the costs of the  
6364 arbitration panel, unless the parties otherwise agree. If the  
6365 agreement produced by the arbitration panel under this  
6366 subparagraph remains in place 120 days before ~~prior to~~ the  
6367 scheduled issuance of the next annual license renewal, then the  
6368 arbitration process established in this paragraph will begin  
6369 again.

6370 4. ~~If In the event that~~ neither of the agreements required  
6371 under subparagraph (a)1. or the agreement required under  
6372 subparagraph (a)2. are in place by the deadlines established in  
6373 this paragraph, arbitration regarding each agreement will  
6374 proceed independently, with separate lists of arbitrators,  
6375 arbitration panels, arbitration proceedings, and resulting  
6376 agreements.

6377 5. With respect to the agreements required under paragraph  
6378 (a) governing the payment of purses, the arbitration and  
6379 resulting agreement called for under this paragraph shall be  
6380 limited to the payment of purses from slot machine revenues

584-00011A-14

20147052\_\_

6381 only.

6382 (d) If a ~~any~~ provision of this subsection or its  
6383 application to a ~~any~~ person or circumstance is held invalid, the  
6384 invalidity does not affect other provisions or applications of  
6385 this subsection or chapter which can be given effect without the  
6386 invalid provision or application, and to this end the provisions  
6387 of this subsection are severable.

6388 Section 88. Section 551.1045, Florida Statutes, is amended  
6389 to read:

6390 ~~551.1045 Temporary licenses.—~~

6391 ~~(1) Notwithstanding any provision of s. 120.60 to the~~  
6392 ~~contrary, the division may issue a temporary occupational~~  
6393 ~~license upon the receipt of a complete application from the~~  
6394 ~~applicant and a determination that the applicant has not been~~  
6395 ~~convicted of or had adjudication withheld on any disqualifying~~  
6396 ~~criminal offense. The temporary occupational license remains~~  
6397 ~~valid until such time as the division grants an occupational~~  
6398 ~~license or notifies the applicant of its intended decision to~~  
6399 ~~deny the applicant a license pursuant to the provisions of s.~~  
6400 ~~120.60. The division shall adopt rules to administer this~~  
6401 ~~subsection. However, not more than one temporary license may be~~  
6402 ~~issued for any person in any year.~~

6403 ~~(2) A temporary license issued under this section is~~  
6404 ~~nontransferable.~~

6405 Section 89. Section 551.105, Florida Statutes, is amended  
6406 to read:

6407 551.105 Slot machine license renewal.—

6408 (1) Slot machine licenses are ~~shall be~~ effective for 1 year  
6409 after issuance ~~and shall be renewed annually~~. The annual

584-00011A-14

20147052\_\_

6410 application for renewal must contain all revisions to the  
6411 information submitted in the prior year's application which ~~that~~  
6412 are necessary to maintain such information as both accurate and  
6413 current.

6414 (2) The applicant for renewal shall attest that a change in  
6415 ~~any~~ information does ~~changes do~~ not affect the applicant's  
6416 qualifications for license renewal.

6417 (3) Upon determination by the department ~~division~~ that the  
6418 application for renewal is complete and qualifications have been  
6419 met, including payment of the renewal fee, the slot machine  
6420 license shall be renewed annually.

6421 Section 90. Section 551.106, Florida Statutes, is amended  
6422 to read:

6423 551.106 License fee; tax rate; penalties.—

6424 (1) LICENSE FEE.—

6425 (a) Upon submission of the initial application for a slot  
6426 machine license ~~and annually thereafter, on the anniversary date~~  
6427 ~~of the issuance of the initial license~~, the licensee shall ~~must~~  
6428 pay to the department ~~division~~ a nonrefundable license fee of \$3  
6429 million for the succeeding 12 months of licensure. On the first  
6430 annual anniversary date ~~In the 2010-2011 fiscal year~~, the  
6431 licensee must pay the department ~~division~~ a nonrefundable  
6432 license fee of \$2.5 million for the succeeding 12 months of  
6433 licensure. On the second annual anniversary date ~~In the 2011-~~  
6434 ~~2012 fiscal year~~ and for every fiscal year thereafter, the  
6435 licensee must pay the department ~~division~~ a nonrefundable  
6436 license fee of \$2 million for the succeeding 12 months of  
6437 licensure. The license fee shall be deposited into the Gaming  
6438 Control ~~Pari-mutuel Wagering~~ Trust Fund of the department of

584-00011A-14

20147052\_\_

6439 ~~Gaming Control and Business and Professional Regulation to be~~  
6440 used by the department ~~division~~ and the Department of Law  
6441 Enforcement for investigations, regulation of slot machine  
6442 gaming, and enforcement of ~~slot machine gaming provisions under~~  
6443 this chapter. The ~~These~~ payments shall be accounted for  
6444 separately from taxes or fees paid pursuant to part II of  
6445 chapter 551 ~~the provisions of chapter 550.~~

6446 (b) ~~Prior to January 1, 2007,~~ The department ~~division~~ shall  
6447 biennially evaluate the license fee and ~~shall~~ make  
6448 recommendations to the President of the Senate and the Speaker  
6449 of the House of Representatives regarding the optimum level of  
6450 slot machine license fees necessary to ~~in order to adequately~~  
6451 support the slot machine regulatory program.

6452 (2) TAX ON SLOT MACHINE REVENUES.-

6453 (a) Rate of tax.-Each facility shall be taxed at a rate of  
6454 ~~The tax rate on slot machine revenues at each facility shall be~~  
6455 35 percent of slot machine revenues. If, during a any state  
6456 fiscal year, the aggregate amount of tax paid to the state by  
6457 all slot machine licensees in Broward and Miami-Dade Counties is  
6458 less than the aggregate amount of tax paid to the state by all  
6459 slot machine licensees in the 2008-2009 fiscal year, each slot  
6460 machine licensee shall pay to the state within 45 days after the  
6461 end of the state fiscal year a surcharge equal to its pro rata  
6462 share of an amount equal to the difference between the aggregate  
6463 amount of tax paid to the state by all slot machine licensees in  
6464 the 2008-2009 fiscal year and the amount of tax paid during the  
6465 fiscal year. Each licensee's pro rata share shall be ~~an amount~~  
6466 determined by dividing the number 1 by the number of facilities  
6467 licensed to operate slot machines during the applicable fiscal

584-00011A-14

20147052\_\_

6468 year, regardless of whether the facility is operating such  
6469 machines.

6470 (b) Disposition.—~~The slot machine revenue~~ tax imposed by  
6471 this section shall be paid by the slot machine licensee to the  
6472 department division for deposit into the Gaming Control Pari-  
6473 mutuel Wagering Trust Fund of the department and immediately  
6474 transferred ~~for immediate transfer~~ by the Chief Financial  
6475 Officer ~~for deposit~~ into the Educational Enhancement Trust Fund  
6476 of the Department of Education. ~~Any~~ Interest earnings on the tax  
6477 revenues shall also be transferred to the Educational  
6478 Enhancement Trust Fund.

6479 (c) Use of revenues.—

6480 1. Funds transferred to the Educational Enhancement Trust  
6481 Fund under paragraph (b) shall be used to supplement public  
6482 education funding statewide.

6483 2. If necessary to comply with a ~~any~~ covenant established  
6484 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),  
6485 funds transferred to the Educational Enhancement Trust Fund  
6486 under paragraph (b) shall first be available to pay debt service  
6487 on lottery bonds issued to fund school construction in the event  
6488 lottery revenues are insufficient for such purpose or to satisfy  
6489 debt service reserve requirements established in connection with  
6490 lottery bonds. Moneys available pursuant to this subparagraph  
6491 are subject to annual appropriation by the Legislature.

6492 (d) (3) Payment of taxes. ~~PAYMENT AND DISPOSITION OF TAXES.~~—  
6493 ~~Payment for the tax on slot machine revenues imposed by this~~  
6494 ~~section shall be paid to the division. The division shall~~  
6495 ~~deposit these sums with the Chief Financial Officer, to the~~  
6496 ~~credit of the Pari-mutuel Wagering Trust Fund. The slot machine~~



584-00011A-14

20147052\_\_

6497 licensee shall pay ~~remit to the division payment for~~ the tax on  
 6498 slot machine revenues. ~~Such payments shall be remitted by 3 p.m.~~  
 6499 ~~Wednesday of each week for taxes imposed and collected for the~~  
 6500 ~~preceding week ending on Sunday. Beginning on July 1, 2012, the~~  
 6501 ~~slot machine licensee shall remit to the division payment for~~  
 6502 ~~the tax on slot machine revenues~~ by 3 p.m. on the 5th day of  
 6503 each calendar month for taxes imposed and collected for the  
 6504 preceding calendar month. If the 5th day of the calendar month  
 6505 falls on a weekend, payments shall be remitted by 3 p.m. the  
 6506 first Monday following the weekend. The slot machine licensee  
 6507 shall file a report under oath by the 5th day of each calendar  
 6508 month for all taxes remitted during the preceding calendar  
 6509 month. Such payments shall be accompanied by a report under oath  
 6510 showing all slot machine gaming activities for the preceding  
 6511 calendar month and such other information as may be prescribed  
 6512 by the department ~~division~~.

6513 (e)(4) Failure to pay tax; penalties. ~~TO PAY TAX;~~  
 6514 ~~PENALTIES.~~ A slot machine licensee who fails to make tax  
 6515 payments as required under this section is subject to an  
 6516 administrative penalty of up to \$10,000 for each day the tax  
 6517 payment is not remitted. All administrative penalties imposed  
 6518 and collected shall be deposited into the Gaming Control Pari-  
 6519 ~~mutuel Wagering~~ Trust Fund of the department ~~of Business and~~  
 6520 ~~Professional Regulation~~. If a ~~any~~ slot machine licensee fails to  
 6521 pay penalties imposed by order of the department ~~division~~ under  
 6522 this paragraph ~~subsection~~, the department ~~division~~ may suspend,  
 6523 revoke, or refuse to renew the license of the slot machine  
 6524 licensee.

6525 (3)(5) SUBMISSION OF FUNDS. ~~The~~ department ~~division~~ may

584-00011A-14

20147052\_\_

6526 require slot machine licensees to remit taxes, fees, fines, and  
6527 assessments by electronic funds transfer.

6528 Section 91. Section 551.108, Florida Statutes, is amended  
6529 to read:

6530 551.108 Prohibited relationships.—

6531 (1) A person employed by or performing a any function on  
6532 behalf of the department division may not:

6533 (a) Be an officer, director, owner, or employee of a any  
6534 person or entity licensed by the department division.

6535 (b) Have or hold a direct or indirect any interest, ~~direct~~  
6536 ~~or indirect~~, in, or engage in a any commerce or business  
6537 relationship with, a any person licensed by the department  
6538 division.

6539 (2) A manufacturer or distributor of slot machines may not  
6540 enter into a any contract with a slot machine licensee which  
6541 ~~that~~ provides for any revenue sharing of any kind or nature that  
6542 is directly or indirectly calculated on the basis of a  
6543 percentage of slot machine revenues. A Any maneuver, shift, or  
6544 device that violates this subsection ~~whereby this subsection is~~  
6545 ~~violated is a violation of this chapter and renders any such~~  
6546 agreement void.

6547 (3) A manufacturer or distributor of slot machines or any  
6548 equipment necessary for the operation of slot machines or an  
6549 officer, a director, or an employee of any such manufacturer or  
6550 distributor may not have an any ownership or financial interest  
6551 in a slot machine license or in a any business owned by the slot  
6552 machine licensee.

6553 (4) An employee of the department division or relative  
6554 living in the same household as such employee of the department

584-00011A-14

20147052\_\_

6555 ~~division~~ may not wager at any time on a slot machine located at  
6556 a facility licensed by the department ~~division~~.

6557 (5) An occupational licensee or a relative of such licensee  
6558 who lives ~~living~~ in the same household ~~as such occupational~~  
6559 ~~licensee~~ may not wager at any time on a slot machine located at  
6560 a facility where the licensee ~~that person~~ is employed.

6561 Section 92. Section 551.109, Florida Statutes, is amended  
6562 to read:

6563 551.109 Prohibited acts; penalties.—

6564 (1) Except as otherwise provided by law, and in addition to  
6565 any other penalty, a ~~any~~ person who knowingly makes or causes to  
6566 be made, or who aids, assists, or procures another to make, a  
6567 false statement in a ~~any~~ report, a disclosure, an application,  
6568 or any other document required under this chapter or applicable  
6569 ~~any rule adopted under this chapter~~ is subject to an  
6570 administrative fine or civil penalty of up to \$10,000.

6571 (2) Except as otherwise provided by law, and in addition to  
6572 any other penalty, a ~~any~~ person who possesses a slot machine  
6573 without the license required under ~~by~~ this chapter or who  
6574 possesses a slot machine at a ~~any~~ location other than at the  
6575 slot machine licensee's facility is subject to an administrative  
6576 fine or civil penalty of up to \$10,000 per machine. The  
6577 prohibition in this subsection does not apply to:

6578 (a) Slot machine manufacturers or slot machine distributors  
6579 that hold appropriate licenses issued by the department and that  
6580 ~~division who~~ are authorized to maintain a slot machine storage  
6581 and maintenance facility at a ~~any~~ location in a county in which  
6582 slot machine gaming is authorized by this chapter. The  
6583 department ~~division~~ may adopt rules regarding security and

584-00011A-14

20147052\_\_

6584 access to the storage facility and inspections by the department  
6585 division.

6586 (b) Certified educational facilities that are authorized to  
6587 maintain slot machines for the sole purpose of education and  
6588 licensure, if any, of slot machine technicians, inspectors, or  
6589 investigators. The department ~~division~~ and the Department of Law  
6590 Enforcement may possess slot machines for training and testing  
6591 purposes. The department ~~division~~ may adopt rules regarding the  
6592 regulation of any such slot machines used for educational,  
6593 training, or testing purposes.

6594 (3) A ~~Any~~ person who knowingly excludes, or attempts ~~takes~~  
6595 ~~any action in an attempt~~ to exclude, anything of value from the  
6596 deposit, counting, collection, or computation of revenues from  
6597 slot machine activity, or a ~~any~~ person who by trick, sleight-of-  
6598 hand performance, ~~a~~ fraud or fraudulent scheme, or device wins  
6599 or attempts to win, for himself, ~~or~~ herself, or ~~for~~ another,  
6600 money or property or a combination thereof or reduces or  
6601 attempts to reduce a losing wager in connection with slot  
6602 machine gaming commits a felony of the third degree, punishable  
6603 as provided in s. 775.082, s. 775.083, or s. 775.084.

6604 (4) A ~~Any~~ person who manipulates or attempts to manipulate  
6605 the outcome, payoff, or operation of a slot machine by physical  
6606 tampering or by use of an ~~any~~ object, an instrument, or a  
6607 device, whether mechanical, electrical, magnetic, or involving  
6608 other means, commits a felony of the third degree, punishable as  
6609 provided in s. 775.082, s. 775.083, or s. 775.084.

6610 (5) Theft of ~~any~~ slot machine proceeds or ~~of~~ property  
6611 belonging to a ~~the~~ slot machine operator or a licensed facility  
6612 by an employee of the operator or facility or by an employee of

584-00011A-14

20147052\_\_

6613 a person, firm, or entity that has contracted to provide  
6614 services to the operator or facility is ~~constitutes~~ a felony of  
6615 the third degree, punishable as provided in s. 775.082 or s.  
6616 775.083.

6617 (6) (a) A ~~Any~~ law enforcement officer or slot machine  
6618 operator who has probable cause to believe that a violation of  
6619 subsection (3), subsection (4), or subsection (5) has been  
6620 committed ~~by a person~~ and that he or she ~~the officer or operator~~  
6621 can recover the lost proceeds from such activity by taking the  
6622 person who committed the violation into custody ~~may~~, for the  
6623 purpose of attempting to effect such recovery or for  
6624 prosecution, may take the person into custody on the premises  
6625 and detain the person in a reasonable manner and for a  
6626 reasonable period of time. If the operator takes the person into  
6627 custody, a law enforcement officer shall be called to the scene  
6628 immediately. The act of taking into custody and detention by a  
6629 law enforcement officer or slot machine operator, if done in  
6630 compliance with this subsection, does not render such law  
6631 enforcement officer, ~~or~~ the officer's agency, or the slot  
6632 machine operator criminally or civilly liable for false arrest,  
6633 false imprisonment, or unlawful detention.

6634 (b) A ~~Any~~ law enforcement officer may arrest, either on or  
6635 off the premises and without warrant, a ~~any~~ person if there is  
6636 probable cause to believe that person has violated subsection  
6637 (3), subsection (4), or subsection (5).

6638 (c) A ~~Any~~ person who resists the reasonable effort of a law  
6639 enforcement officer or slot machine operator to recover the lost  
6640 slot machine proceeds that the law enforcement officer or slot  
6641 machine operator had probable cause to believe had been stolen

584-00011A-14

20147052\_\_

6642 from the licensed facility and who is subsequently found to be  
6643 guilty of violating subsection (3), subsection (4), or  
6644 subsection (5) commits a misdemeanor of the first degree,  
6645 punishable as provided in s. 775.082 or s. 775.083, unless such  
6646 person did not know or did not have reason to know that the  
6647 person seeking to recover the lost proceeds was a law  
6648 enforcement officer or slot machine operator.

6649 (7) All penalties imposed and collected under this section  
6650 must be deposited into the Gaming Control ~~Pari-mutuel Wagering~~  
6651 ~~Trust Fund of the department of Business and Professional~~  
6652 ~~Regulation.~~

6653 Section 93. Section 551.111, Florida Statutes, is amended  
6654 to read:

6655 551.111 Legal devices.—Notwithstanding a ~~any provision of~~  
6656 law to the contrary, a slot machine manufactured, sold,  
6657 distributed, possessed, or operated according to ~~the provisions~~  
6658 ~~of this chapter is~~ lawful ~~not unlawful.~~

6659 Section 94. Section 551.112, Florida Statutes, is amended  
6660 to read:

6661 551.112 Exclusions of certain persons.—In addition to the  
6662 power to exclude certain persons from a ~~any~~ facility of a slot  
6663 machine licensee ~~in this state~~, the department ~~division~~ may  
6664 exclude a ~~any~~ person from a ~~any~~ facility of a slot machine  
6665 licensee in this state for conduct that would constitute, if the  
6666 person were a licensee, a violation of this chapter or the rules  
6667 adopted thereto ~~of the division~~. The department ~~division~~ may  
6668 exclude from a ~~any~~ facility of a slot machine licensee a ~~any~~  
6669 person who has been ejected from a facility of a slot machine  
6670 licensee in this state or who has been excluded from a ~~any~~

584-00011A-14

20147052\_\_

6671 facility of a slot machine licensee or gaming facility in  
6672 another state by the governmental department, agency,  
6673 commission, or authority exercising regulatory jurisdiction over  
6674 ~~the~~ gaming in that ~~such other~~ state. This section does not  
6675 abrogate the common law right of a slot machine licensee to  
6676 exclude a patron absolutely in this state.

6677 Section 95. Section 551.113, Florida Statutes, is amended  
6678 to read:

6679 551.113 Persons prohibited from playing slot machines.—

6680 (1) A person who has not attained 21 years of age may not  
6681 play or operate a slot machine or have access to the designated  
6682 slot machine gaming area of a facility of a slot machine  
6683 licensee.

6684 (2) A slot machine licensee or an agent or employee of a  
6685 slot machine licensee may not knowingly allow a person who has  
6686 not attained 21 years of age:

6687 (a) To play or operate a ~~any~~ slot machine.

6688 (b) To be employed in a ~~any~~ position allowing or requiring  
6689 access to the designated slot machine gaming area of a facility  
6690 of a slot machine licensee.

6691 (c) To have access to the designated slot machine gaming  
6692 area of a facility of a slot machine licensee.

6693 (3) The licensed facility shall post clear and conspicuous  
6694 signage within the designated slot machine gaming areas that  
6695 states the following:

6696  
6697 THE PLAYING OF SLOT MACHINES BY PERSONS UNDER THE AGE  
6698 OF 21 IS AGAINST FLORIDA LAW (SECTION 551.113, FLORIDA  
6699 STATUTES). PROOF OF AGE MAY BE REQUIRED AT ANY TIME.

584-00011A-14

20147052\_\_

6700 Section 96. Section 551.114, Florida Statutes, is amended  
6701 to read:

6702 551.114 Slot machine gaming areas.—

6703 (1) A slot machine licensee may make available for play up  
6704 to 2,000 slot machines within the property of the facilities of  
6705 the slot machine licensee.

6706 (2) The slot machine licensee shall display pari-mutuel  
6707 races or games within the designated slot machine gaming areas  
6708 and offer patrons within the designated slot machine gaming  
6709 areas the ability to engage in pari-mutuel wagering on live,  
6710 intertrack, and simulcast races conducted or offered to patrons  
6711 of the licensed facility.

6712 (3) The department ~~division~~ shall require the posting of  
6713 signs warning of the risks and dangers of gambling, showing the  
6714 odds of winning, and informing patrons of the toll-free  
6715 telephone number available to provide information and referral  
6716 services regarding compulsive or problem gambling.

6717 (4) Designated slot machine gaming areas may be located  
6718 within the current live gaming facility or in an existing  
6719 building, which ~~that~~ must be contiguous and connected to the  
6720 live gaming facility. If a designated slot machine gaming area  
6721 is to be located in a building that is to be constructed, the  
6722 ~~that~~ new building must be contiguous and connected to the live  
6723 gaming facility.

6724 (5) The permitholder shall provide adequate office space at  
6725 no cost to the department ~~division~~ and the Department of Law  
6726 Enforcement for the oversight of slot machine operations. The  
6727 department ~~division~~ shall adopt rules establishing ~~the~~ criteria  
6728 for adequate space, configuration, and location and needed



584-00011A-14

20147052\_\_

6729 electronic and technological requirements for office space  
6730 required under ~~by~~ this subsection.

6731 Section 97. Section 551.116, Florida Statutes, is amended  
6732 to read:

6733 551.116 Days and hours of operation.—Slot machine gaming  
6734 areas may be open daily throughout the year. The slot machine  
6735 gaming areas may be open a cumulative amount of 18 hours per day  
6736 on Monday through Friday and 24 hours per day on Saturday and  
6737 Sunday and on those holidays specified in s. 110.117(1).

6738 Section 98. Section 551.117, Florida Statutes, is amended  
6739 to read:

6740 551.117 Penalties.—The department ~~division~~ may revoke or  
6741 suspend a any slot machine license issued under this chapter  
6742 upon the willful violation by the slot machine licensee of any  
6743 provision of this chapter or ~~of any~~ rule adopted thereto ~~under~~  
6744 ~~this chapter~~. In lieu of suspending or revoking a slot machine  
6745 license, the department ~~division~~ may impose a civil penalty  
6746 against the slot machine licensee for a violation of this  
6747 chapter or ~~any~~ rule adopted thereto ~~by the division~~. Except as  
6748 otherwise provided in this chapter, the penalty ~~so~~ imposed may  
6749 not exceed \$100,000 for each count or separate offense. ~~All~~  
6750 Penalties imposed and collected must be deposited into the  
6751 Gaming Control Pari-mutuel Wagering Trust Fund of the department  
6752 ~~of Business and Professional Regulation~~.

6753 Section 99. Section 551.118, Florida Statutes, is amended  
6754 to read:

6755 551.118 Compulsive or addictive gambling prevention  
6756 program.—

6757 (1) The slot machine licensee shall offer training to

584-00011A-14

20147052\_\_

6758 employees on responsible gaming and shall work with a compulsive  
6759 or addictive gambling prevention program to recognize problem  
6760 gaming situations and to implement responsible gaming programs  
6761 and practices.

6762 (2) The department ~~division~~ shall, subject to competitive  
6763 bidding, contract for provision of services related to the  
6764 prevention of compulsive and addictive gambling. The contract  
6765 shall provide for an advertising program to encourage  
6766 responsible gaming practices and to publicize a ~~gambling~~  
6767 telephone help line for compulsive and addictive gambling. Such  
6768 advertisements must be made both publicly and inside the  
6769 designated slot machine gaming areas of the licensee's  
6770 facilities. The terms of a any contract for ~~the provision of~~  
6771 such services must ~~shall~~ include accountability standards that  
6772 must be met by a any private provider. The failure of a any  
6773 private provider to meet a any material term ~~terms~~ of the  
6774 contract, including the accountability standards, is ~~shall~~  
6775 ~~constitute~~ a breach of contract or grounds for nonrenewal. The  
6776 department ~~division~~ may consult with the Department of the  
6777 Lottery in the development of the program and the development  
6778 and analysis of the any procurement for contractual services for  
6779 the compulsive or addictive gambling prevention program.

6780 (3) The compulsive or addictive gambling prevention program  
6781 shall be funded from an annual nonrefundable regulatory fee of  
6782 \$250,000 paid by the licensee to the department ~~division~~.

6783 Section 100. Section 551.119, Florida Statutes, is amended  
6784 to read:

6785 551.119 Caterer's license.—A slot machine licensee is  
6786 entitled to a caterer's license pursuant to s. 565.02 on days on

584-00011A-14

20147052\_\_

6787 which the pari-mutuel facility is open to the public for slot  
6788 machine game play as authorized by this chapter.

6789 Section 101. Section 551.121, Florida Statutes, is amended  
6790 to read:

6791 551.121 Prohibited activities and devices; exceptions.—

6792 (1) A complimentary or reduced-cost alcoholic beverage  
6793 ~~beverages~~ may not be served to a person ~~persons~~ playing a slot  
6794 machine. Alcoholic beverages served to a person ~~persons~~ playing  
6795 a slot machine must ~~shall~~ cost at least the same amount as  
6796 alcoholic beverages served to the general public at a bar within  
6797 the facility.

6798 (2) A slot machine licensee may not make a ~~any~~ loan,  
6799 provide credit, or advance cash in order to enable a person to  
6800 play a slot machine. This subsection does ~~shall~~ not prohibit  
6801 automated ticket redemption machines that dispense cash  
6802 resulting from the redemption of tickets from being located in  
6803 the designated slot machine gaming area of the slot machine  
6804 licensee.

6805 (3) A slot machine licensee may not allow an ~~any~~ automated  
6806 teller machine or similar device designed to provide credit or  
6807 dispense cash to be located within the designated slot machine  
6808 gaming areas of a facility of a slot machine licensee.

6809 (4) (a) A slot machine licensee may not accept or cash a ~~any~~  
6810 check from a ~~any~~ person within the designated slot machine  
6811 gaming areas of a facility of a slot machine licensee.

6812 (b) Except as provided in paragraph (c) for employees of  
6813 the facility, a slot machine licensee or operator may ~~shall~~ not  
6814 accept or cash for a ~~any~~ person within the property of the  
6815 facility a ~~any~~ government-issued check, third-party check, or

584-00011A-14

20147052\_\_

6816 payroll check made payable to an individual.

6817 (c) Outside the designated slot machine gaming areas, a  
6818 slot machine licensee or operator may accept or cash a check for  
6819 an employee of the facility who is prohibited from wagering on a  
6820 slot machine under s. 551.108(5), a check made directly payable  
6821 to a person licensed by the department ~~division~~, or a check made  
6822 directly payable to the slot machine licensee or operator from:

6823 1. A pari-mutuel patron; or

6824 2. A pari-mutuel facility in this state or in another  
6825 state.

6826 (d) Unless accepting or cashing a check is prohibited under  
6827 ~~by~~ this subsection, ~~nothing shall prohibit~~ a slot machine  
6828 licensee or operator may accept and deposit ~~from accepting and~~  
6829 ~~depositing~~ in its accounts checks received in the normal course  
6830 of business.

6831 (5) A slot machine, or the computer operating system  
6832 linking the slot machine, may be linked by any means to another  
6833 ~~any other~~ slot machine or computer operating system within the  
6834 facility of a slot machine licensee. A progressive system may be  
6835 used in conjunction with slot machines between licensed  
6836 facilities in this state ~~Florida~~ or in other jurisdictions.

6837 (6) A slot machine located within a licensed facility may  
6838 ~~shall~~ accept only tickets, or ~~or~~ paper currency, or ~~an~~ electronic  
6839 payment ~~system~~ for wagering and must return or deliver payouts  
6840 to the player in the form of electronic credit or tickets that  
6841 may be exchanged for cash, merchandise, or other items of value.  
6842 The use of coins, credit or debit cards, tokens, or similar  
6843 objects is specifically prohibited. ~~However, an electronic~~  
6844 ~~credit system may be used for receiving wagers and making~~

584-00011A-14

20147052\_\_

6845 ~~payouts.~~6846 Section 102. Section 551.122, Florida Statutes, is amended  
6847 to read:6848 551.122 Rulemaking.—The department ~~division~~ may adopt rules  
6849 pursuant to ss. 120.536(1) and 120.54 to administer ~~the~~  
6850 ~~provisions of~~ this chapter.6851 Section 103. Section 551.123, Florida Statutes, is amended  
6852 to read:6853 551.123 Legislative authority; administration of part  
6854 ~~chapter~~.—The Legislature finds and declares that it has  
6855 exclusive authority over the conduct of all wagering occurring  
6856 at a slot machine facility in this state. As provided by law,  
6857 only the department ~~Division of Pari-mutuel Wagering~~ and other  
6858 authorized state agencies may ~~shall~~ administer this part ~~chapter~~  
6859 and regulate the slot machine gaming industry, including  
6860 operation of slot machine facilities, games, slot machines, and  
6861 facilities-based computer systems authorized in this part  
6862 ~~chapter~~ and the rules adopted by the department ~~division~~.6863 Section 104. Part IV of chapter 551, Florida Statutes,  
6864 consisting of section 551.20, is created and entitled  
6865 "Cardrooms."6866 Section 105. Section 849.086, Florida Statutes, is  
6867 transferred, renumbered as section 551.20, Florida Statutes,  
6868 reordered, and amended to read:6869 551.20 ~~849.086~~ Cardrooms authorized.—6870 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
6871 to provide additional entertainment choices for the residents of  
6872 and visitors to this ~~the~~ state, promote tourism ~~in the state,~~  
6873 and provide additional state revenues by authorizing ~~through the~~

584-00011A-14

20147052\_\_

6874 ~~authorization of the playing of certain games in the state at~~  
6875 ~~facilities known as cardrooms, which are to be located at~~  
6876 ~~licensed pari-mutuel facilities in this state. This act is~~  
6877 intended ~~to ensure the public confidence in the integrity of~~  
6878 ~~authorized cardroom operations by, this act is designed to~~  
6879 ~~strictly regulating regulate the facilities, persons, and~~  
6880 ~~procedures related to cardroom operations. Further~~ Furthermore,  
6881 ~~the Legislature intends finds that, as defined in this section,~~  
6882 ~~authorized games be deemed as herein defined are considered to~~  
6883 ~~be pari-mutuel style games rather than and not casino gaming,~~  
6884 since because the ~~participants play against each other instead~~  
6885 ~~of against the house.~~

6886 (2) DEFINITIONS.—As used in this section:

6887 (a) "Authorized game" means a game or series of games of  
6888 poker or dominoes which are played in a nonbanking manner.

6889 (b) "Banking game" means a game in which the house is a  
6890 participant in the game, taking on players, paying winners, and  
6891 collecting from losers, or in which the cardroom establishes a  
6892 bank against which participants play.

6893 (c) "Cardroom" means a facility where authorized games are  
6894 played for money or anything of value and to which the public is  
6895 invited to participate in such games and charged a fee for  
6896 participation by the operator of such facility. Authorized games  
6897 and cardrooms are ~~do not constitute~~ casino gaming operations.

6898 (d) "Cardroom management company" means a person that is  
6899 ~~any individual~~ not an employee of the cardroom operator but who  
6900 is a, ~~any~~ proprietorship, partnership, corporation, or other  
6901 entity that enters into an agreement with a cardroom operator to  
6902 manage, operate, or otherwise control the daily operation of a

584-00011A-14

20147052\_\_

6903 cardroom.

6904 (e) "Cardroom distributor" means a ~~any~~ business that  
6905 distributes cardroom equipment ~~paraphernalia~~ such as card  
6906 tables, betting chips, chip holders, dominoes, domino ~~dominoes~~  
6907 tables, drop boxes, banking supplies, playing cards, card  
6908 shufflers, and other related ~~associated~~ equipment to authorized  
6909 cardrooms.

6910 (f) "Cardroom operator" means a licensed pari-mutuel  
6911 permitholder that ~~which~~ holds a valid permit and license issued  
6912 by the department ~~division~~ pursuant to part II of chapter 551  
6913 and chapter 550 ~~and which also holds~~ a valid cardroom license  
6914 issued by the department ~~division~~ pursuant to this section which  
6915 authorize the permitholder ~~authorizes such person~~ to operate a  
6916 cardroom and ~~to~~ conduct authorized games in such cardroom.

6917 (g) "Department" "~~Division~~" means the Department of Gaming  
6918 Control ~~Division of Pari-mutuel Wagering of the Department of~~  
6919 ~~Business and Professional Regulation.~~

6920 (h) "Dominoes" means a game ~~of dominoes~~ typically played  
6921 with a set of 28 flat rectangular blocks, called "bones," which  
6922 are marked on one side and divided into two equal parts that are  
6923 blank or that each have up, ~~with zero~~ to six dots, called  
6924 "pips." "~~pips,~~" in each part. The term also means the set of  
6925 blocks used to play the game and includes larger sets of blocks  
6926 that contain a correspondingly higher number of pips. ~~The term~~  
6927 ~~also means the set of blocks used to play the game.~~

6928 (i) "Gross receipts" means the total amount of money  
6929 received by a cardroom from persons participating ~~any person for~~  
6930 ~~participation~~ in authorized games. For purposes of tournament  
6931 play only, "gross receipts" means the total amount received by

584-00011A-14

20147052\_\_

6932 the cardroom operator for all entry fees, player re-buys, and  
 6933 fees for participating in the tournament, less the total amount  
 6934 paid out in prizes.

6935 (j) "House" means the cardroom operator and all employees  
 6936 of the cardroom operator.

6937 (k) "Net proceeds" means the total amount of gross receipts  
 6938 received by a cardroom operator from cardroom operations less  
 6939 direct operating expenses related to cardroom operations.7

6940 ~~including~~

6941 1. Direct operating expenses include:

6942 a. Labor costs;7

6943 b. Admission taxes ~~only~~ if a separate admission fee is  
 6944 charged for entry to the cardroom facility;7

6945 c. Gross receipts taxes imposed on cardroom operators by  
 6946 this section;~~7~~ ~~the~~

6947 d. Annual cardroom license fees imposed by this section on  
 6948 each table operated at a cardroom;7 and

6949 e. Reasonable promotional costs. ~~excluding~~

6950 2. Direct operating expenses do not include:

6951 a. Officer and director compensation;7

6952 b. Interest on capital debt;7

6953 c. Legal fees;7

6954 d. Real estate taxes;7

6955 e. Bad debts;7

6956 f. Contributions or donations;7 or

6957 g. Overhead and depreciation expenses not directly related  
 6958 to the operation of the cardrooms.

6959 (l) "Rake" means a set fee or percentage of the pot  
 6960 assessed by a cardroom operator for providing the services of a



584-00011A-14

20147052\_\_

6961 dealer, table, or location for playing the authorized game.

6962 (m) "Tournament" means a series of games that have more  
6963 than one betting round involving one or more tables and where  
6964 prizes the winners or others receive a prize or cash are awarded  
6965 award.

6966 (3) CARDROOM AUTHORIZED.—Notwithstanding any other  
6967 ~~provision of law, it is not a crime for a person may to~~  
6968 participate in a an authorized game at a licensed cardroom or ~~to~~  
6969 operate a cardroom as defined described in this section if such  
6970 game and cardroom operation are conducted strictly in accordance  
6971 with ~~the provisions of~~ this section.

6972 (4) AUTHORITY OF DEPARTMENT DIVISION.—

6973 (a) The department division of Pari-mutuel Wagering of the  
6974 Department of Business and Professional Regulation shall  
6975 administer this section and may adopt rules pursuant thereto,  
6976 including, but not limited to, rules governing regulate the  
6977 operation of cardrooms under this section and the rules adopted  
6978 pursuant thereto, and is hereby authorized to:

6979 ~~(a) Adopt rules, including, but not limited to:~~

6980 1. The issuance of cardroom and employee licenses for  
6981 cardroom operations;  
6982 2. The operation of a cardroom;  
6983 3. Recordkeeping and reporting requirements; and  
6984 4. The collection of all fees and taxes imposed by this  
6985 section.

6986 (b) The department may do any of the following:

6987 1. Conduct investigations and monitor the operation of  
6988 cardrooms and the playing of ~~authorized~~ games therein.

6989 2. ~~(c)~~ Review the books, accounts, and records of a any

584-00011A-14

20147052\_\_

6990 current or former cardroom operator.

6991 3.~~(d)~~ Suspend or revoke a ~~any~~ license or permit, after a  
6992 hearing, for a ~~any~~ violation of ~~the provisions of~~ this section  
6993 or the ~~administrative~~ rules adopted pursuant thereto.

6994 4.~~(e)~~ Take testimony, issue summons and subpoenas for a ~~any~~  
6995 witness, and issue subpoenas duces tecum in connection with a  
6996 ~~any~~ matter within its jurisdiction.

6997 5.~~(f)~~ Monitor and ensure the proper collection of taxes and  
6998 fees imposed by this section. Permitholder internal controls are  
6999 mandated to ensure ~~no compromise of~~ state funds are not  
7000 compromised. To that end, a roaming department ~~division~~ auditor  
7001 must ~~will~~ monitor and verify the cash flow and accounting of  
7002 cardroom revenue for any given operating day.

7003 (6)~~(5)~~ LICENSE REQUIREMENTS REQUIRED; APPLICATION; FEES.~~-A~~  
7004 ~~No~~ person may not operate a cardroom in this state unless such  
7005 person holds a valid cardroom license issued by the department  
7006 pursuant to this section.

7007 (a) ~~Only those persons holding a valid cardroom license~~  
7008 ~~issued by the division may operate a cardroom.~~ A cardroom  
7009 license may only be issued to a licensed pari-mutuel  
7010 permitholder. Such permitholder may not operate a cardroom at a  
7011 facility other than the facility it and an authorized cardroom  
7012 ~~may only be operated at the same facility at which the~~  
7013 ~~permitholder~~ is authorized to operate under its ~~valid~~ pari-  
7014 mutuel wagering permit ~~to conduct pari-mutuel wagering~~  
7015 ~~activities.~~ An initial cardroom license may not ~~shall~~ be issued  
7016 until the to a pari-mutuel permitholder completes construction  
7017 of only after its facilities are ~~in place~~ and ~~after it~~ conducts  
7018 its first day of live racing or games.

584-00011A-14

20147052\_\_

7019 (b) After an ~~the~~ initial cardroom license is granted, the  
7020 application for the annual license renewal shall be made in  
7021 conjunction with the applicant's annual application to renew ~~for~~  
7022 its pari-mutuel license.

7023 1. An applicant for renewal of a cardroom license must  
7024 demonstrate that it requested permission in its annual pari-  
7025 mutuel license application to conduct at least 90 percent of the  
7026 total number of live performances conducted by such permitholder  
7027 during either the state fiscal year in which its initial  
7028 cardroom license was issued or the immediately preceding state  
7029 fiscal year if the permitholder ran at least a full schedule of  
7030 live racing or games in the prior year. However, if the  
7031 applicant for renewal is a harness racing permitholder, the  
7032 applicant must demonstrate that it requested permission in its  
7033 annual pari-mutuel license application to conduct a minimum of  
7034 140 live performances during the immediately preceding state  
7035 fiscal year. If the applicant for renewal is a greyhound racing  
7036 permitholder that requested permission in its annual pari-mutuel  
7037 license application to conduct at least a full schedule of live  
7038 racing, this subparagraph does not apply.

7039 2. If ~~If~~ A permitholder that has operated a cardroom during  
7040 any of the previous ~~3 previous~~ fiscal years that ~~and~~ fails to  
7041 include a renewal request for the operation of the cardroom in  
7042 its annual license renewal application ~~for license renewal~~, the  
7043 ~~permitholder~~ may amend its ~~annual~~ application to include  
7044 operation of the cardroom. ~~In order for a cardroom license to be~~  
7045 ~~renewed the applicant must have requested, as part of its pari-~~  
7046 ~~mutuel annual license application, to conduct at least 90~~  
7047 ~~percent of the total number of live performances conducted by~~

584-00011A-14

20147052\_\_

7048 ~~such permitholder during either the state fiscal year in which~~  
7049 ~~its initial cardroom license was issued or the state fiscal year~~  
7050 ~~immediately prior thereto if the permitholder ran at least a~~  
7051 ~~full schedule of live racing or games in the prior year. If the~~  
7052 ~~application is for a harness permitholder cardroom, the~~  
7053 ~~applicant must have requested authorization to conduct a minimum~~  
7054 ~~of 140 live performances during the state fiscal year~~  
7055 ~~immediately prior thereto.~~

7056 3. If more than one pari-mutuel permitholder is operating  
7057 at a facility, each permitholder must have applied for a license  
7058 to conduct a full schedule of live racing.

7059 (c) Application for an initial or renewal license to  
7060 operate a cardroom must be made ~~Persons seeking a license or a~~  
7061 ~~renewal thereof to operate a cardroom shall make application on~~  
7062 ~~forms prescribed by the department and must~~ division.  
7063 ~~Applications for cardroom licenses shall contain all of the~~  
7064 ~~information required by department rule~~ the division, by rule,  
7065 ~~may determine is required to ensure eligibility.~~

7066 (d) The annual cardroom license fee for each facility is  
7067 ~~shall be~~ \$1,000 for each table to be operated at the cardroom.  
7068 The license fee shall be paid to the department and deposited by  
7069 ~~the division~~ with the Chief Financial Officer to the credit of  
7070 the Gaming Control ~~Pari-mutuel Wagering~~ Trust Fund.

7071 (e) The holder of a cardroom license is responsible for the  
7072 operation of the cardroom and for the conduct of any manager,  
7073 dealer, or other employee involved in the operation of the  
7074 cardroom. Before the issuance of a cardroom license, the  
7075 applicant for such license must provide evidence that it has  
7076 purchased a \$50,000 surety bond, payable to the state, from a

584-00011A-14

20147052\_\_

7077 corporate surety authorized to do business in this state or  
7078 evidence that the bond required under s. 551.034 has been  
7079 expanded to include the applicant's cardroom operation. The bond  
7080 must guarantee that the cardroom operator will redeem, for cash,  
7081 all tokens or chips used in games. Such bond shall be kept in  
7082 full force and effect by the operator during the term of the  
7083 license.

7084 ~~(6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED;~~  
7085 ~~APPLICATION; FEES.—~~

7086 ~~(a) A person employed or otherwise working in a cardroom as~~  
7087 ~~a cardroom manager, floor supervisor, pit boss, dealer, or any~~  
7088 ~~other activity related to cardroom operations while the facility~~  
7089 ~~is conducting card playing or games of dominoes must hold a~~  
7090 ~~valid cardroom employee occupational license issued by the~~  
7091 ~~division. Food service, maintenance, and security employees with~~  
7092 ~~a current pari-mutuel occupational license and a current~~  
7093 ~~background check will not be required to have a cardroom~~  
7094 ~~employee occupational license.~~

7095 ~~(b) Any cardroom management company or cardroom distributor~~  
7096 ~~associated with cardroom operations must hold a valid cardroom~~  
7097 ~~business occupational license issued by the division.~~

7098 ~~(c) No licensed cardroom operator may employ or allow to~~  
7099 ~~work in a cardroom any person unless such person holds a valid~~  
7100 ~~occupational license. No licensed cardroom operator may~~  
7101 ~~contract, or otherwise do business with, a business required to~~  
7102 ~~hold a valid cardroom business occupational license, unless the~~  
7103 ~~business holds such a valid license.~~

7104 ~~(d) The division shall establish, by rule, a schedule for~~  
7105 ~~the renewal of cardroom occupational licenses. Cardroom~~

584-00011A-14

20147052\_\_

7106 ~~occupational licenses are not transferable.~~

7107 ~~(e) Persons seeking cardroom occupational licenses, or~~  
7108 ~~renewal thereof, shall make application on forms prescribed by~~  
7109 ~~the division. Applications for cardroom occupational licenses~~  
7110 ~~shall contain all of the information the division, by rule, may~~  
7111 ~~determine is required to ensure eligibility.~~

7112 ~~(f) The division shall adopt rules regarding cardroom~~  
7113 ~~occupational licenses. The provisions specified in s.~~  
7114 ~~550.105(4), (5), (6), (7), (8), and (10) relating to licensure~~  
7115 ~~shall be applicable to cardroom occupational licenses.~~

7116 ~~(g) The division may deny, declare ineligible, or revoke~~  
7117 ~~any cardroom occupational license if the applicant or holder~~  
7118 ~~thereof has been found guilty or had adjudication withheld in~~  
7119 ~~this state or any other state, or under the laws of the United~~  
7120 ~~States of a felony or misdemeanor involving forgery, larceny,~~  
7121 ~~extortion, conspiracy to defraud, or filing false reports to a~~  
7122 ~~government agency, racing or gaming commission or authority.~~

7123 ~~(h) Fingerprints for all cardroom occupational license~~  
7124 ~~applications shall be taken in a manner approved by the division~~  
7125 ~~and then shall be submitted to the Florida Department of Law~~  
7126 ~~Enforcement and the Federal Bureau of Investigation for a~~  
7127 ~~criminal records check upon initial application and at least~~  
7128 ~~every 5 years thereafter. The division may by rule require an~~  
7129 ~~annual record check of all renewal applications for a cardroom~~  
7130 ~~occupational license. The cost of processing fingerprints and~~  
7131 ~~conducting a record check shall be borne by the applicant.~~

7132 ~~(i) The cardroom employee occupational license fee shall~~  
7133 ~~not exceed \$50 for any 12-month period. The cardroom business~~  
7134 ~~occupational license fee shall not exceed \$250 for any 12-month~~

584-00011A-14

20147052\_\_

7135 ~~period.~~7136 (8)~~(7)~~ CONDITIONS FOR OPERATING A CARDROOM.—

7137 (a) A cardroom may be operated only at the location  
7138 specified on the cardroom license issued by the department  
7139 ~~division, which must and such location may only~~ be the location  
7140 at which the pari-mutuel permit holder is authorized to conduct  
7141 pari-mutuel wagering activities pursuant to its ~~such~~  
7142 ~~permit holder's~~ valid pari-mutuel permit or as otherwise  
7143 authorized by law. ~~Cardroom operations may not be allowed beyond~~  
7144 ~~the hours provided in paragraph (b) regardless of the number of~~  
7145 ~~cardroom licenses issued for permit holders operating at the~~  
7146 ~~pari-mutuel facility.~~

7147 (b) A licensed ~~Any~~ cardroom operator may operate a cardroom  
7148 at the pari-mutuel facility daily throughout the year, ~~if the~~  
7149 ~~permit holder meets the requirements under paragraph (5) (b).~~ The  
7150 cardroom may be operated ~~open a cumulative amount of~~ 18  
7151 cumulative hours per day on Monday through Friday and 24 hours  
7152 per day on Saturday, and Sunday, and ~~on~~ the holidays specified  
7153 in s. 110.117(1). This limitation applies regardless of the  
7154 number of cardroom licenses issued for permit holders operating  
7155 at the pari-mutuel facility.

7156 (c) A cardroom operator must at all times employ and  
7157 provide a nonplaying dealer for each table on which authorized  
7158 card games that ~~which~~ traditionally use a dealer are conducted  
7159 at the cardroom. A dealer ~~Such dealers~~ may not have a  
7160 participatory interest in a ~~any~~ game other than the dealing of  
7161 cards and may not have an interest in the outcome of the game.  
7162 ~~The~~ Providing ~~of~~ such dealers by a licensee does not constitute  
7163 the conducting of a banking game by the cardroom operator.

584-00011A-14

20147052\_\_

7164 (d) A cardroom operator may award giveaways, jackpots, and  
7165 prizes to a player who holds certain combinations of cards  
7166 specified by the cardroom operator.

7167 (e) Each cardroom operator shall conspicuously post upon  
7168 the premises of the cardroom a notice that ~~which~~ contains a copy  
7169 of the cardroom license; a list of authorized games offered by  
7170 the cardroom; the wagering limits imposed by the house, if any;  
7171 any additional house rules regarding operation of the cardroom  
7172 or the playing of any game; and all costs to players to  
7173 participate, including any rake by the house. ~~In addition,~~ Each  
7174 cardroom operator shall also conspicuously post at each table a  
7175 notice of the minimum and maximum bets authorized at such table  
7176 and the fee for participation in the game conducted.

7177 (f) The cardroom facility may be inspected ~~is subject to~~  
7178 ~~inspection~~ by the department ~~division~~ or any law enforcement  
7179 agency during the licensee's regular business hours. The  
7180 inspection must ~~specifically~~ include a review of the pari-mutuel  
7181 permitholder internal control procedures approved by the  
7182 department ~~division~~.

7183 (g) A cardroom operator may refuse entry to a person or  
7184 refuse to allow a any person to play, if the person ~~who~~ is  
7185 objectionable, undesirable, or disruptive to play, but such  
7186 refusal may not be based on the ~~basis of~~ race, creed, color,  
7187 religion, gender, national origin, marital status, physical  
7188 handicap, or age of that person, ~~except as provided in this~~  
7189 ~~section~~.

7190 (10) ~~(8)~~ METHOD OF WAGERS; LIMITATION.-

7191 (a) ~~No~~ Wagering may not be conducted using money or other  
7192 negotiable currency. Games may only be played using ~~utilizing~~ a



584-00011A-14

20147052\_\_

7193 wagering system whereby all players' money is first converted by  
7194 the house to tokens or chips that are ~~which shall be~~ used for  
7195 wagering only at that ~~specific~~ cardroom.

7196 (b) The cardroom operator may limit the amount wagered in  
7197 any game or series of games.

7198 (c) A tournament shall consist of a series of games. The  
7199 entry fee for a tournament may be set by the cardroom operator.  
7200 Tournaments may be played only with tournament chips that are  
7201 provided to all participants upon payment of ~~in exchange for~~ an  
7202 entry fee and any subsequent rebuis ~~re-buis~~. All players must be  
7203 given the same ~~receive an equal~~ number of tournament chips ~~for~~  
7204 ~~their entry fee~~. Tournament chips do not have ~~no~~ cash value, but  
7205 instead ~~and~~ represent tournament points only. The cardroom  
7206 operator shall determine any ~~There is no~~ limitation on the  
7207 number of tournament chips that may be used for a bet ~~except as~~  
7208 ~~otherwise determined by the cardroom operator~~. Tournament chips  
7209 may not ~~never~~ be redeemed for cash or for any other thing of  
7210 value. The distribution of prizes and cash awards must be  
7211 determined by the cardroom operator before entry fees are  
7212 accepted. ~~For purposes of tournament play only, the term "gross~~  
7213 ~~receipts" means the total amount received by the cardroom~~  
7214 ~~operator for all entry fees, player re-buis, and fees for~~  
7215 ~~participating in the tournament less the total amount paid to~~  
7216 ~~the winners or others as prizes.~~

7217 ~~(9) BOND REQUIRED. The holder of a cardroom license shall~~  
7218 ~~be financially and otherwise responsible for the operation of~~  
7219 ~~the cardroom and for the conduct of any manager, dealer, or~~  
7220 ~~other employee involved in the operation of the cardroom. Prior~~  
7221 ~~to the issuance of a cardroom license, each applicant for such~~

584-00011A-14

20147052\_\_

7222 ~~license shall provide evidence of a surety bond in the amount of~~  
7223 ~~\$50,000, payable to the state, furnished by a corporate surety~~  
7224 ~~authorized to do business in the state or evidence that the~~  
7225 ~~licensee's pari-mutuel bond required by s. 550.125 has been~~  
7226 ~~expanded to include the applicant's cardroom operation. The bond~~  
7227 ~~shall guarantee that the cardroom operator will redeem, for~~  
7228 ~~cash, all tokens or chips used in games. Such bond shall be kept~~  
7229 ~~in full force and effect by the operator during the term of the~~  
7230 ~~license.~~

7231 (9) ~~(10)~~ FEE FOR PARTICIPATION.—The cardroom operator may  
7232 charge a fee ~~for the right~~ to participate in games conducted at  
7233 the cardroom. Such fee may be ~~either~~ a flat ~~fee~~ or hourly rate  
7234 fee for the use of a seat at a table or a rake subject to the  
7235 posted maximum amount. Such fee ~~but~~ may not be based on the  
7236 amount won by players. Any rake ~~The rake-off, if any,~~ must be  
7237 made in an obvious manner and placed in a designated rake area  
7238 that ~~which~~ is clearly visible to all players. ~~Notice of the~~  
7239 ~~amount of the participation fee charged shall be posted in a~~  
7240 ~~conspicuous place in the cardroom and at each table at all~~  
7241 ~~times.~~

7242 (12) ~~(11)~~ RECORDS AND REPORTS.—

7243 (a) Each licensee operating a cardroom shall ~~keep and~~  
7244 maintain permanent daily records of its cardroom operation and  
7245 shall maintain such records for a period of at least ~~not less~~  
7246 ~~than~~ 3 years. Such ~~These~~ records must ~~shall~~ include all  
7247 financial transactions and contain sufficient detail to  
7248 determine compliance with ~~the requirements of~~ this section. All  
7249 records shall be available for audit and inspection by the  
7250 department ~~division~~ or other law enforcement agencies during the

584-00011A-14

20147052\_\_

7251 licensee's regular business hours. The information required in  
7252 such records shall be determined by department ~~division~~ rule.

7253 (b) Monthly, each licensee operating a cardroom shall file  
7254 with the department ~~division~~ a report containing the required  
7255 records of such cardroom operation, which. ~~Such report shall be~~  
7256 ~~filed monthly by licensees. The required reports shall be~~  
7257 submitted to the department on forms prescribed by the  
7258 department ~~division~~ and shall be due at the same time as the  
7259 monthly pari-mutuel reports are due. ~~to the division, and~~ Such  
7260 reports shall contain any additional information required ~~deemed~~  
7261 ~~necessary~~ by the department and are ~~division~~, and the reports  
7262 shall be ~~deemed~~ public records when ~~once~~ filed.

7263 (13) ~~(12)~~ PROHIBITED ACTIVITIES.—

7264 (a) A ~~No~~ person licensed to operate a cardroom may not  
7265 conduct any banking game or any other game not specifically  
7266 authorized by this section.

7267 (b) A ~~No~~ person under 18 years of age may not ~~be permitted~~  
7268 ~~to~~ hold a cardroom or employee license, or engage in any game  
7269 conducted in a cardroom ~~therein~~.

7270 (c) ~~No~~ Electronic or mechanical devices, except mechanical  
7271 card shufflers, may not be used to conduct any authorized game  
7272 in a cardroom.

7273 (d) ~~No~~ Cards, game components, or game implements may not  
7274 be used in playing an authorized game unless they have ~~such has~~  
7275 been furnished or provided to the players by the cardroom  
7276 operator.

7277 (11) ~~(13)~~ TAXES AND OTHER PAYMENTS.—

7278 (a) Each cardroom operator shall pay a tax to the state of  
7279 10 percent of the cardroom operation's monthly gross receipts.

584-00011A-14

20147052\_\_

7280 (b) An admission tax equal to 15 percent of the admission  
7281 charge for entrance to the licensee's cardroom facility, or 10  
7282 cents, whichever is greater, is imposed on each person entering  
7283 the cardroom. This admission tax applies ~~shall apply~~ only if a  
7284 separate admission fee is charged for entry to the cardroom  
7285 facility. If a single admission fee is charged which authorizes  
7286 entry to ~~both or either~~ the pari-mutuel facility and the  
7287 cardroom facility, the admission tax is ~~shall be~~ payable only  
7288 once and is ~~shall be~~ payable pursuant to part II of chapter 551  
7289 ~~chapter 550~~. The cardroom licensee shall collect ~~be responsible~~  
7290 ~~for collecting~~ the admission tax, which. ~~An admission tax is~~  
7291 imposed on ~~any~~ free passes or complimentary cards issued to  
7292 guests by a licensee ~~licensees~~ in an amount equal to the tax  
7293 imposed on the regular and usual admission charge for entrance  
7294 to the licensee's cardroom facility. A cardroom licensee may  
7295 issue tax-free passes to its officers, officials, and employees  
7296 or other persons ~~actually engaged in~~ working at the cardroom,  
7297 including accredited media ~~press~~ representatives ~~such as~~  
7298 ~~reporters and editors~~, and may also issue tax-free passes to  
7299 other cardroom licensees for the use of their officers and  
7300 officials. The licensee shall file with the department ~~division~~  
7301 a list of all persons to whom tax-free passes are issued.

7302 (c) ~~Payment of~~ The admission tax and gross receipts tax  
7303 imposed by this section shall be paid to the department, which  
7304 ~~division~~. ~~The division shall deposit them these sums~~ with the  
7305 Chief Financial Officer. The funds shall be equally distributed  
7306 between, one-half being credited to the Gaming Control Pari-  
7307 ~~mutuel Wagering~~ Trust Fund and ~~one-half being credited to the~~  
7308 General Revenue Fund. On the fifth day of each calendar month, a

584-00011A-14

20147052\_\_

7309 ~~The cardroom licensee shall remit to the department ~~division~~~~  
 7310 ~~payment for the admission tax and, the gross receipts tax~~  
 7311 ~~collected on the preceding month's cardroom activities, and the~~  
 7312 ~~licensee fees. On the fifth day of each calendar month, the~~  
 7313 ~~licensee Such payments shall be remitted to the division on the~~  
 7314 ~~fifth day of each calendar month for taxes and fees imposed for~~  
 7315 ~~the preceding month's cardroom activities. Licensees shall also~~  
 7316 ~~file a sworn report that states the under oath by the fifth day~~  
 7317 ~~of each calendar month for all taxes collected remitted during~~  
 7318 ~~the preceding calendar month. Such report shall, under oath,~~  
 7319 ~~indicate the total of all admissions, the cardroom activities~~  
 7320 ~~for the preceding calendar month, and such other information as~~  
 7321 ~~may be required ~~prescribed~~ by the department ~~division~~.~~

7322 (d)1. Each greyhound racing and jai alai permitholder that  
 7323 operates a cardroom facility shall use at least 4 percent of  
 7324 such permitholder's cardroom monthly gross receipts to  
 7325 supplement greyhound purses or jai alai prize money,  
 7326 respectively, during the permitholder's next ensuing pari-mutuel  
 7327 meet.

7328 2. Each thoroughbred horse racing and harness ~~horse~~ racing  
 7329 permitholder that operates a cardroom facility shall, during the  
 7330 permitholder's next ensuing racing meet, reserve use at least 50  
 7331 percent of such permitholder's cardroom monthly net proceeds and  
 7332 use as follows: 47 percent of such funds to supplement purses  
 7333 and 3 percent to supplement breeders' awards ~~during the~~  
 7334 ~~permitholder's next ensuing racing meet.~~

7335 3. A ~~No~~ cardroom license or renewal license may not ~~thereof~~  
 7336 ~~shall~~ be issued to an applicant holding a quarter horse racing  
 7337 permit under part II of chapter 551 ~~chapter 550 to conduct pari-~~

584-00011A-14

20147052\_\_

7338 ~~mutuel wagering meets of quarter horse racing~~ unless the  
7339 applicant has filed ~~on file~~ with the department ~~division~~ a  
7340 binding written agreement between the applicant and the Florida  
7341 Quarter Horse Racing Association or the association that  
7342 represents ~~representing~~ a majority of the horse owners and  
7343 trainers at the applicant's eligible facility which governs,  
7344 ~~governing~~ the payment of purses on live quarter horse races  
7345 conducted at the licensee's pari-mutuel facility. Such ~~The~~  
7346 agreement ~~governing~~ purses may direct the payment of ~~such~~ purses  
7347 from revenues generated by any wagering or gaming the applicant  
7348 is authorized to conduct ~~under Florida law~~. All purses are ~~shall~~  
7349 ~~be~~ subject to part II of chapter 551 ~~the terms of chapter 550~~.

7350 (e) A ~~The failure of any licensee that fails~~ to make  
7351 payments as prescribed in paragraph (c) violates ~~is a violation~~  
7352 ~~of this section~~, and the licensee may be required ~~subjected~~ by  
7353 the department ~~division~~ to pay a civil penalty of up to \$1,000  
7354 for each day the tax payment is not remitted. All penalties  
7355 ~~imposed and~~ collected shall be deposited in the General Revenue  
7356 Fund. If a licensee fails to pay penalties imposed by order of  
7357 the department ~~division~~ under this subsection, the department  
7358 ~~division~~ may suspend or revoke the license of the cardroom  
7359 operator or deny issuance of any additional ~~further~~ license to  
7360 the cardroom operator.

7361 (f) The cardroom is ~~shall be deemed~~ an accessory use to a  
7362 licensed pari-mutuel operation and, except as provided in part  
7363 II of chapter 551 ~~chapter 550~~, a municipality, county, or  
7364 political subdivision may not assess or collect any additional  
7365 license tax, sales tax, or excise tax on such cardroom  
7366 operation.

584-00011A-14

20147052\_\_

7367 (g) All ~~of the~~ moneys deposited in the Gaming Control Pari-  
7368 ~~mutuel Wagering~~ Trust Fund, except as set forth in paragraph  
7369 (h), shall be ~~utilized and~~ distributed and used in the manner  
7370 specified in s. 551.035(1) ~~s. 550.135(1) and (2)~~. However,  
7371 cardroom tax revenues shall be kept separate from pari-mutuel  
7372 tax revenues ~~and shall not be used for making the disbursement~~  
7373 ~~to counties provided in former s. 550.135(1)~~.

7374 (h) By October 1 of each year, 25 percent ~~One-quarter~~ of  
7375 the moneys deposited into the Gaming Control Pari-mutuel  
7376 ~~Wagering~~ Trust Fund under this subsection ~~pursuant to paragraph~~  
7377 ~~(g)~~ shall, ~~by October 1 of each year,~~ be distributed to the  
7378 local government that approved the cardroom under subsection  
7379 (5). ~~(16)~~; However, if two or more pari-mutuel racetracks are  
7380 located within the same incorporated municipality, the ~~cardroom~~  
7381 funds shall be distributed to the municipality. If a pari-mutuel  
7382 facility is situated in such a manner that it is located in more  
7383 than one county, the site of the cardroom facility shall  
7384 determine the location for purposes of disbursement of tax  
7385 revenues under this paragraph. ~~The division shall,~~ By September  
7386 1 of each year, the department shall determine:

7387 1. The amount of taxes deposited into the Gaming Control  
7388 ~~Pari-mutuel Wagering~~ Trust Fund pursuant to this section from  
7389 each cardroom licensee;

7390 2. The ~~location by~~ county in which ~~of~~ each cardroom is  
7391 located;

7392 3. Whether the cardroom is located in the unincorporated  
7393 area of the county or within an incorporated municipality; ~~and~~

7394 4. The total amount to be distributed to each eligible  
7395 county and municipality.

584-00011A-14

20147052\_\_

7396 (14) SUSPENSION, REVOCATION, OR DENIAL OF LICENSE; FINE.—

7397 (a) The department division may deny an initial a license  
7398 or a license ~~the renewal thereof~~, or may suspend or revoke a any  
7399 license, if ~~when~~ the applicant has:

7400 1. Violated or failed to comply with the provisions of this  
7401 section or department rule ~~any rules adopted pursuant thereto~~;

7402 2. Knowingly caused, aided, abetted, or conspired with  
7403 another to cause a any person to violate this section or  
7404 department rule ~~any rules adopted pursuant thereto~~; or

7405 3. Obtained a license or permit by fraud,  
7406 misrepresentation, or concealment; or

7407 4. Otherwise become ineligible if the holder of such  
7408 license or permit is no longer eligible under this section.

7409 (b) If a pari-mutuel permitholder's pari-mutuel permit or  
7410 license is suspended or revoked by the department division  
7411 pursuant to part II of chapter 551 ~~chapter 550~~, the department  
7412 division may, but is not required to, suspend or revoke such  
7413 permitholder's cardroom license. If a cardroom operator's  
7414 license is suspended or revoked pursuant to this section, the  
7415 department division may, but is not required to, suspend or  
7416 revoke such licensee's pari-mutuel permit or license.

7417 (c) Notwithstanding any other provision of this section,  
7418 the department division may impose an administrative fine of up  
7419 to not to exceed \$1,000 for each violation against a any person  
7420 who has violated or failed to comply with ~~the provisions of this~~  
7421 section or department rule ~~any rules adopted pursuant thereto~~.

7422 (15) CRIMINAL PENALTY; INJUNCTION.—

7423 (a)1. A Any person who operates a cardroom without a valid  
7424 license issued under ~~as provided in~~ this section commits a



584-00011A-14

20147052\_\_

7425 felony of the third degree, punishable as provided in s.  
7426 775.082, s. 775.083, or s. 775.084.

7427 2. A ~~Any~~ licensee or pari-mutuel permitholder who violates  
7428 ~~any provision of~~ this section commits a misdemeanor of the first  
7429 degree, punishable as provided in s. 775.082 or s. 775.083. A  
7430 ~~Any~~ licensee or pari-mutuel permitholder who commits a second or  
7431 subsequent violation of the same paragraph or subsection within  
7432 a period of 3 years after ~~from~~ the date of a prior conviction  
7433 for the same offense ~~a violation of such paragraph or subsection~~  
7434 commits a felony of the third degree, punishable as provided in  
7435 s. 775.082, s. 775.083, or s. 775.084.

7436 (b) The department division, a ~~any~~ state attorney, the  
7437 statewide prosecutor, or the Attorney General may apply for a  
7438 temporary or permanent injunction restraining further violation  
7439 of this section, and such injunction shall issue without bond.

7440 (5) ~~(16)~~ LOCAL GOVERNMENT APPROVAL.—The department may  
7441 ~~Division of Pari-mutuel Wagering shall~~ not issue any initial  
7442 license under this section unless the applicant shows ~~except~~  
7443 ~~upon~~ proof in such form as the department division may prescribe  
7444 that the local government where it ~~the applicant for such~~  
7445 ~~license~~ desires to conduct cardroom gaming has voted to approve  
7446 such activity by a majority vote of the governing body of the  
7447 municipality or, if the facility is not located in a  
7448 municipality, the governing body of the county ~~if the facility~~  
7449 ~~is not located in a municipality~~.

7450 (7) ~~(17)~~ CHANGE OF LOCATION; REFERENDUM.—

7451 (a) Notwithstanding the ~~any~~ provisions of this section, a  
7452 ~~no~~ cardroom gaming license issued under this section may not  
7453 ~~shall~~ be transferred, or reissued if ~~when~~ such reissuance is in

584-00011A-14

20147052\_\_

7454 the nature of a transfer, so as to ~~permit or~~ authorize a  
7455 licensee to change the location of the cardroom except upon  
7456 proof in such form as the department ~~division~~ may prescribe that  
7457 a referendum election has been held:

7458 1. If the proposed new location is within the same county  
7459 as the already licensed location, in the county where the  
7460 licensee desires to conduct cardroom gaming and that a majority  
7461 of the electors voting on the question in such election voted in  
7462 favor of the transfer of such license. However, the department  
7463 ~~division~~ shall transfer, without requirement of a referendum  
7464 election, the cardroom license of any permit holder that  
7465 relocated its permit pursuant to s. 551.0242 ~~s. 550.0555~~.

7466 2. If the proposed new location is not within the same  
7467 county as the already licensed location, in the county where the  
7468 licensee desires to conduct cardroom gaming and that a majority  
7469 of the electors voting on that question in ~~each~~ such election  
7470 voted in favor of the transfer of such license.

7471 (b) The expense of each referendum held under the  
7472 provisions of this subsection shall be borne by the licensee  
7473 requesting the transfer.

7474 Section 106. Part V of chapter 551, Florida Statutes,  
7475 consisting of sections 551.301-551.322, Florida Statutes, is  
7476 created and entitled "OCCUPATIONAL LICENSING."

7477 Section 107. Section 550.105, Florida Statutes, is  
7478 transferred, renumbered as section 551.301, Florida Statutes,  
7479 and amended to read:

7480 551.301 ~~550.105~~ Racetrack and jai alai occupational  
7481 licenses of racetrack employees; fees; denial, suspension, and  
7482 revocation of license; penalties and fines.-

584-00011A-14

20147052\_\_

7483 (1) Each person connected with a racetrack or jai alai  
7484 fronton, as specified in paragraph (2)(a), shall purchase from  
7485 the department ~~division~~ an occupational license. License fee  
7486 collections ~~All moneys collected pursuant to this section each~~  
7487 ~~fiscal year~~ shall be deposited into the Gaming Control Pari-  
7488 ~~mutuel Wagering~~ Trust Fund. The department may adopt rules that  
7489 allow ~~Pursuant to the rules adopted by the division,~~ an  
7490 occupational license to ~~may~~ be valid for ~~a period of~~ up to 3  
7491 years. The fee for a multi-year license may ~~for a fee that does~~  
7492 not exceed the full occupational license fee for each of the  
7493 years for which the license is purchased. The occupational  
7494 license shall be valid during its specified term at any pari-  
7495 mutuel facility.

7496 (2)(a) The following licenses shall be issued to persons or  
7497 entities with access to the backside, racing animals, jai alai  
7498 players' room, jockeys' room, drivers' room, totalisator room,  
7499 ~~the~~ mutuels, or money room; ~~or~~ to persons who, by virtue of the  
7500 positions ~~position~~ they hold, might be granted access to such  
7501 ~~these~~ areas; or to any other person or entity in one of the  
7502 following categories ~~and~~ with fees not to exceed the following  
7503 amounts for any 12-month period:

7504 1. Business licenses for ~~+~~ any business such as a vendor,  
7505 contractual concessionaire, contract kennel, business owning  
7506 racing animals, trust or estate, totalisator company, stable  
7507 name, or other fictitious name: \$50.

7508 2. Professional occupational licenses for ~~+~~ professional  
7509 persons with access to the backside of a racetrack or players'  
7510 quarters in jai alai such as trainers, officials, veterinarians,  
7511 doctors, nurses, emergency medical technicians ~~EMT's~~, jockeys

584-00011A-14

20147052\_\_

7512 and apprentices, drivers, jai alai players, owners, trustees, or  
7513 any management or officer or director or shareholder or any  
7514 other professional-level person who might have access to the  
7515 jockeys' room, the drivers' room, the backside, racing animals,  
7516 kennel compound, or managers or supervisors requiring access to  
7517 mutuels machines, the money room, or totalisator equipment: \$40.

7518 3. General occupational licenses for general employees  
7519 with access to the jockeys' room, the drivers' room, racing  
7520 animals, the backside of a racetrack, or players' quarters in  
7521 jai alai, such as grooms, kennel helpers, leadouts, pelota  
7522 makers, cesta makers, or ball boys, or a practitioner of any  
7523 other occupation who would have access to the animals, the  
7524 backside, or the kennel compound, or who would provide the  
7525 security or maintenance of these areas, or mutuel employees,  
7526 totalisator employees, money-room employees, or any employee  
7527 with access to mutuels machines, the money room, or totalisator  
7528 equipment or who would provide the security or maintenance of  
7529 these areas: \$10.

7530 (b) The individuals and entities that are licensed under  
7531 this subsection ~~paragraph~~ require heightened state scrutiny,  
7532 including the submission by the individual licensees or persons  
7533 associated with the entities described in this chapter of  
7534 fingerprints for a Federal Bureau of Investigation criminal  
7535 records check.

7536 (c) ~~(b)~~ The department ~~division~~ shall adopt rules pertaining  
7537 to pari-mutuel occupational licenses, licensing periods, and  
7538 renewal cycles.

7539 (3) Certified public accountants and attorneys licensed to  
7540 practice in this state are ~~shall~~ not be required to hold an

584-00011A-14

20147052\_\_

7541 occupational license under this section while providing  
 7542 accounting or legal services to a permitholder if the certified  
 7543 public accountant's or attorney's primary place of employment is  
 7544 not on the permitholder's ~~permitholder~~ premises.

7545 (4) A person may not ~~It is unlawful to~~ take part in or  
 7546 officiate in any way at any pari-mutuel facility without first  
 7547 having secured a license and paid the occupational license fee.

7548 (5) (a) If the state racing commission or racing authority  
 7549 in another state or jurisdiction extends to the department  
 7550 reciprocal courtesy to maintain the disciplinary control, the  
 7551 department ~~division~~ may:

7552 1. Deny a license to or revoke, suspend, or place  
 7553 conditions ~~upon~~ or restrictions on a license of any person who  
 7554 has been refused a license by any other state racing commission  
 7555 or racing authority; or

7556 2. Deny, suspend, or place conditions on a license of any  
 7557 person who is under suspension or has unpaid fines in another  
 7558 jurisdiction;

7559  
 7560 ~~if the state racing commission or racing authority of such other~~  
 7561 ~~state or jurisdiction extends to the division reciprocal~~  
 7562 ~~courtesy to maintain the disciplinary control.~~

7563 (b) The department ~~division~~ may deny, suspend, revoke, or  
 7564 declare ineligible any occupational license if the applicant ~~for~~  
 7565 or holder: thereof

7566 1. Has violated the provisions of this chapter or the rules  
 7567 of the department ~~division~~ governing the conduct of persons  
 7568 connected with racetracks and frontons; ~~In addition, the~~  
 7569 ~~division may deny, suspend, revoke, or declare ineligible any~~

584-00011A-14

20147052\_\_

7570 ~~occupational license if the applicant for such license~~

7571 2. Has been convicted in this state, in any other state, or  
7572 under the laws of the United States of:

7573 a. A capital felony, a felony, or an offense in any other  
7574 state which would be a felony under the laws of this state  
7575 involving arson;

7576 b. Trafficking in, conspiracy to traffic in, smuggling,  
7577 importing, conspiracy to smuggle or import, or delivery, sale,  
7578 or distribution of a controlled substance; or

7579 c. A crime involving a lack of good moral character;~~7~~ or

7580 3. Has had a pari-mutuel license revoked by this state or  
7581 any other jurisdiction for an offense related to pari-mutuel  
7582 wagering.

7583 (c) The department ~~division~~ may deny, declare ineligible,  
7584 or revoke any occupational license if the licensee or applicant  
7585 for such license has been convicted of a felony or misdemeanor  
7586 in this state, in any other state, or under the laws of the  
7587 United States~~7~~ if such felony or misdemeanor is related to  
7588 gambling or bookmaking, as contemplated in s. 849.25, or  
7589 involves cruelty to animals. If the applicant establishes that  
7590 she or he is of good moral character, that she or he has been  
7591 rehabilitated, and that the crime she or he was convicted of is  
7592 not related to pari-mutuel wagering and is not a capital  
7593 offense, the restrictions excluding offenders may be waived by  
7594 the director of the department ~~division~~.

7595 (d) For purposes of this subsection, the term "convicted"  
7596 means having been found guilty, with or without adjudication of  
7597 guilt, as a result of a jury verdict, nonjury trial, or entry of  
7598 a plea of guilty or nolo contendere. However, this paragraph may

584-00011A-14

20147052\_\_

7599 ~~the term "conviction"~~ shall not be applied to a crime committed  
7600 before July 1, 2010, ~~prior to the effective date of this~~  
7601 ~~subsection~~ in a manner that would invalidate any occupational  
7602 license issued before July 1, 2010, ~~prior to the effective date~~  
7603 ~~of this subsection~~ or subsequent renewal for any person holding  
7604 such a license.

7605 (e) If an occupational license will expire by department  
7606 ~~division~~ rule during the period of a suspension the department  
7607 ~~division~~ intends to impose, or if a license would have expired  
7608 but for pending administrative charges and the occupational  
7609 licensee is found to be in violation of any of the charges, the  
7610 license may be revoked and a time period of license  
7611 ineligibility may be declared. The department ~~division~~ may bring  
7612 administrative charges against any person not holding a current  
7613 license for violations of statutes or rules which occurred while  
7614 such person held an occupational license, and the department  
7615 ~~division~~ may declare such person ineligible to hold a license  
7616 for a period of time. The department ~~division~~ may impose a civil  
7617 fine of up to \$1,000 for each violation of the rules of the  
7618 department ~~division~~ in addition to or in lieu of any other  
7619 penalty provided for in this section. In addition to any other  
7620 penalty provided by law, the department ~~division~~ may exclude  
7621 from all pari-mutuel facilities in this state, for a period not  
7622 to exceed the period of suspension, revocation, or  
7623 ineligibility, any person whose occupational license application  
7624 has been denied by the department ~~division~~, who has been  
7625 declared ineligible to hold an occupational license, or whose  
7626 occupational license has been suspended or revoked by the  
7627 department ~~division~~.

584-00011A-14

20147052\_\_

7628 (f) The department ~~division~~ may cancel any occupational  
7629 license that has been voluntarily relinquished by the licensee.

7630 (6) In order to promote the orderly presentation of pari-  
7631 mutuel meets authorized in this chapter, the department ~~division~~  
7632 may issue a temporary occupational license. The department  
7633 ~~division~~ shall adopt rules to implement this subsection. A  
7634 ~~However, No~~ temporary occupational license may not ~~shall~~ be  
7635 valid for more than 90 days, and only no more than one temporary  
7636 license may be issued for any person in any year.

7637 (7) The department ~~division~~ may deny, revoke, or suspend  
7638 any occupational license if the applicant ~~therefor~~ or ~~holder~~  
7639 thereof accumulates unpaid obligations or defaults in  
7640 obligations, or issues drafts or checks that are dishonored or  
7641 for which payment is refused without reasonable cause, if such  
7642 unpaid obligations, defaults, or dishonored or refused drafts or  
7643 checks directly relate to the sport of jai alai or racing being  
7644 conducted at a pari-mutuel facility within this state.

7645 (8) The department ~~division~~ may fine a licensee, or  
7646 suspend, ~~or~~ revoke, or place conditions on ~~upon~~, the license of  
7647 a any licensee, who under oath knowingly provides false  
7648 information regarding an investigation by the department  
7649 ~~division~~.

7650 ~~(9) The tax imposed by this section is in lieu of all~~  
7651 ~~license, excise, or occupational taxes to the state or any~~  
7652 ~~county, municipality, or other political subdivision, except~~  
7653 ~~that, if a race meeting or game is held or conducted in a~~  
7654 ~~municipality, the municipality may assess and collect an~~  
7655 ~~additional tax against any person conducting live racing or~~  
7656 ~~games within its corporate limits, which tax may not exceed \$150~~



584-00011A-14

20147052\_\_

7657 ~~per day for horseracing or \$50 per day for dogracing or jai~~  
7658 ~~alai. Except as provided in this chapter, a municipality may not~~  
7659 ~~assess or collect any additional excise or revenue tax against~~  
7660 ~~any person conducting race meetings within the corporate limits~~  
7661 ~~of the municipality or against any patron of any such person.~~

7662 ~~(9)~~ (10) (a) Upon application for an occupational license: 7

7663 1. The department ~~division~~ may require:

7664 a. The applicant's full legal name ~~and~~ any nickname,  
7665 alias, or maiden name for the applicant;

7666 b. The name of the applicant's spouse;

7667 c. The applicant's date of birth, residence address,  
7668 mailing address, residence ~~address~~ and business telephone ~~phone~~  
7669 number, and social security number;

7670 d. Disclosure of any felony or any conviction involving  
7671 bookmaking, illegal gambling, or cruelty to animals;

7672 e. Disclosure of any past or present enforcement or actions  
7673 by any racing or gaming agency against the applicant; and

7674 f. Any information the department ~~division~~ determines ~~is~~  
7675 necessary to establish the identity of the applicant or to  
7676 establish that the applicant is of good moral character.

7677 2. Fingerprints shall be taken in a manner approved by the  
7678 department ~~division~~ and ~~then shall be~~ submitted to the Federal  
7679 Bureau of Investigation ~~7~~ or to the association of state  
7680 officials regulating pari-mutuel wagering pursuant to the  
7681 Federal Pari-mutuel Licensing Simplification Act of 1988.

7682 (b)1. The cost of processing fingerprints shall be borne by  
7683 the applicant and paid to the association of state officials  
7684 regulating pari-mutuel wagering from the trust fund to which the  
7685 processing fees are deposited. ~~The division, by rule, may~~

584-00011A-14

20147052\_\_

7686 ~~require additional information from licensees which is~~  
7687 ~~reasonably necessary to regulate the industry. The division may,~~  
7688 ~~by rule, exempt certain occupations or groups of persons from~~  
7689 ~~the fingerprinting requirements.~~

7690 2.~~(b)~~ All fingerprints required under ~~by~~ this section which  
7691 ~~that~~ are submitted to the Department of Law Enforcement shall be  
7692 retained by the Department of Law Enforcement and entered into  
7693 the statewide automated biometric identification system as  
7694 authorized under ~~by~~ s. 943.05(2)(b) and shall be available for  
7695 all purposes and uses authorized for arrest fingerprints entered  
7696 into the statewide automated biometric identification system  
7697 pursuant to s. 943.051.

7698 3.~~(c)~~ The Department of Law Enforcement shall search all  
7699 arrest fingerprints received pursuant to s. 943.051 against the  
7700 fingerprints retained in the statewide automated biometric  
7701 identification system under subparagraph 2 ~~paragraph (b)~~. Any  
7702 arrest record that is identified with the retained fingerprints  
7703 of a person subject to the criminal history screening  
7704 requirements of this section shall be reported to the department  
7705 ~~division~~. Each licensee shall pay a fee to the department  
7706 ~~division~~ for the cost of retention of the fingerprints and the  
7707 ongoing searches under this subparagraph ~~paragraph~~. The  
7708 department ~~division~~ shall forward the payment to the Department  
7709 of Law Enforcement. The amount of the fee to be imposed for  
7710 performing these searches and the procedures for the retention  
7711 of licensee fingerprints shall be as established by rule of the  
7712 Department of Law Enforcement. The department ~~division~~ shall  
7713 inform the Department of Law Enforcement of any change in the  
7714 license status of licensees whose fingerprints are retained

584-00011A-14

20147052\_\_

7715 under subparagraph 2 ~~paragraph (b)~~.

7716 4.(d) The department ~~division~~ shall request the Department  
7717 of Law Enforcement to forward the fingerprints to the Federal  
7718 Bureau of Investigation for a national criminal history records  
7719 check at least once every 5 years following issuance of a  
7720 license. If the fingerprints of a person who is licensed have  
7721 not been retained by the Department of Law Enforcement, the  
7722 person must file a complete set of fingerprints as provided in  
7723 paragraph (a). The department ~~division~~ shall collect the fees  
7724 for the cost of the national criminal history records check  
7725 under this subparagraph ~~paragraph~~ and forward the payment to the  
7726 Department of Law Enforcement. The cost of processing  
7727 fingerprints and conducting a criminal history records check  
7728 under this subparagraph ~~paragraph~~ for a general occupational  
7729 license shall be borne by the applicant. The cost of processing  
7730 fingerprints and conducting a criminal history records check  
7731 under this subparagraph ~~paragraph~~ for a business or professional  
7732 occupational license shall be borne by the person being checked.  
7733 The Department of Law Enforcement may invoice the department  
7734 ~~division~~ for the fingerprints submitted each month. Under  
7735 penalty of perjury, each person who is licensed or who is  
7736 fingerprinted as required by this section must agree to inform  
7737 the department ~~division~~ within 48 hours if he or she is  
7738 convicted of or has entered a plea of guilty or nolo contendere  
7739 to any disqualifying offense, regardless of adjudication.

7740 (c)1. The department may adopt rules that require  
7741 additional information from licensees which is reasonably  
7742 necessary to regulate the industry.

7743 2. The department may adopt rules that exempt certain

584-00011A-14

20147052\_\_

7744 occupations or groups of persons from the fingerprinting  
7745 requirements.

7746 Section 108. Section 551.107, Florida Statutes, is  
7747 transferred, renumbered as section 551.302, Florida Statutes,  
7748 and amended to read:

7749 551.302 ~~551.107~~ Slot machine occupational license;  
7750 findings; application; fee.-

7751 (1) The Legislature finds that individuals and entities  
7752 that are licensed under this section require heightened state  
7753 scrutiny, including the submission by the individual licensees  
7754 or persons associated with the entities described in this  
7755 chapter of fingerprints for a criminal history record check.

7756 (2) (a) The following slot machine occupational licenses  
7757 shall be issued to persons or entities that, by virtue of the  
7758 positions they hold, might be granted access to slot machine  
7759 gaming areas or to any other person or entity in one of the  
7760 following categories:

7761 1. General occupational licenses for general employees,  
7762 including food service, maintenance, and other similar service  
7763 and support employees having access to the slot machine gaming  
7764 area.

7765 2. Professional occupational licenses for a ~~any~~ person,  
7766 proprietorship, partnership, corporation, or other entity that  
7767 is authorized by a slot machine licensee to manage, oversee, or  
7768 otherwise control daily operations as a slot machine manager, a  
7769 floor supervisor, security personnel, or any other similar  
7770 position of oversight of gaming operations, or a ~~any~~ person who  
7771 is not an employee of the slot machine licensee and who provides  
7772 maintenance, repair, or upgrades to, or otherwise services, a

584-00011A-14

20147052\_\_

7773 slot machine or other slot machine equipment.

7774 3. Business occupational licenses for a ~~any~~ slot machine  
7775 management company or company associated with slot machine  
7776 gaming, a ~~any~~ person who manufactures, distributes, or sells  
7777 slot machines, slot machine paraphernalia, or other associated  
7778 equipment to slot machine licensees, or a ~~any~~ company that sells  
7779 or provides goods or services associated with slot machine  
7780 gaming to slot machine licensees.

7781 (b) The department ~~division~~ may issue one license to  
7782 combine licenses under this section with pari-mutuel  
7783 occupational licenses and cardroom licenses pursuant to s.  
7784 551.301(2)(c) ~~s. 550.105(2)(b)~~. The department ~~division~~ shall  
7785 adopt rules pertaining to occupational licenses under this  
7786 subsection. Such rules may specify, but need not be limited to,  
7787 requirements and restrictions for licensed occupations and  
7788 categories, procedures to apply for a ~~any~~ license or combination  
7789 of licenses, disqualifying criminal offenses for a licensed  
7790 occupation or categories of occupations, and which types of  
7791 occupational licenses may be combined into a single license  
7792 under this section. The fingerprinting requirements of  
7793 subsection (6) ~~(7)~~ apply to a ~~any~~ combination license that  
7794 includes slot machine license privileges under this section. The  
7795 department ~~division~~ may not adopt a rule allowing the issuance  
7796 of an occupational license to a ~~any~~ person who does not meet the  
7797 minimum background qualifications under this section.

7798 (c) Slot machine occupational licenses are not  
7799 transferable.

7800 (3) A slot machine licensee may not employ or otherwise  
7801 allow a person to work at a licensed facility unless such person

584-00011A-14

20147052\_\_

7802 holds the appropriate valid occupational license. A slot machine  
7803 licensee may not contract or otherwise do business with a  
7804 business required to hold a slot machine occupational license  
7805 unless the business holds such a license. A slot machine  
7806 licensee may not employ or otherwise allow a person to work in a  
7807 supervisory or management professional level at a licensed  
7808 facility unless such person holds a valid slot machine  
7809 occupational license. All slot machine occupational licensees,  
7810 while present in slot machine gaming areas, shall display on  
7811 their persons their occupational license identification cards.

7812 (4) (a) A person seeking a slot machine occupational license  
7813 or renewal thereof shall make application on forms prescribed by  
7814 the department ~~division~~ and pay ~~include payment of~~ the  
7815 appropriate application fee. Initial and renewal applications  
7816 for slot machine occupational licenses must contain all  
7817 information that the department ~~division~~, by rule, determines is  
7818 required to ensure eligibility.

7819 (b) A slot machine license or combination license is valid  
7820 for the same term as a pari-mutuel occupational license issued  
7821 pursuant to s. 551.301(1) ~~s. 550.105(1)~~.

7822 (c) Pursuant to rules adopted by the department ~~division~~, a  
7823 ~~any~~ person may apply for and, if qualified, be issued a slot  
7824 machine occupational license valid for a period of 3 years upon  
7825 payment of the full occupational license fee for each of the 3  
7826 years for which the license is issued. The slot machine  
7827 occupational license is valid during its specified term at a ~~any~~  
7828 licensed facility where slot machine gaming is authorized to be  
7829 conducted.

7830 (d) The slot machine occupational license fee for initial

584-00011A-14

20147052\_\_

7831 application and annual renewal shall be determined by rule of  
7832 the department ~~division~~ but may not exceed \$50 for a general or  
7833 professional occupational license for an employee of the slot  
7834 machine licensee or \$1,000 for a business occupational license  
7835 for nonemployees of the licensee providing goods or services to  
7836 the slot machine licensee. License fees for general occupational  
7837 licensees shall be paid by the slot machine licensee. Failure to  
7838 pay the required fee constitutes grounds for disciplinary action  
7839 by the department ~~division~~ against the slot machine licensee,  
7840 but ~~it~~ is not a violation of this chapter or department rule  
7841 ~~rules of the division~~ by the general occupational licensee and  
7842 does not prohibit the initial issuance or the renewal of the  
7843 general occupational license.

7844 (5) (a) The department ~~division~~ may deny an application for,  
7845 or revoke, suspend, or place conditions or restrictions on, a  
7846 license of a person or entity that:

7847 1. (a) ~~Deny an application for, or revoke, suspend, or place~~  
7848 ~~conditions or restrictions on, a license of a person or entity~~  
7849 ~~that~~ Has been refused a license by any other state gaming  
7850 commission, governmental department, agency, or other authority  
7851 exercising regulatory jurisdiction over the gaming of another  
7852 state or jurisdiction; or

7853 2. (b) ~~Deny an application for, or suspend or place~~  
7854 ~~conditions on, a license of any person or entity that~~ Is under  
7855 suspension or has unpaid fines in another state or jurisdiction.

7856 (b) ~~(6) (a) The department ~~division~~ may deny an application~~  
7857 for, or suspend, revoke, or refuse to renew, a any slot machine  
7858 occupational license if the applicant for such license or the  
7859 licensee:

584-00011A-14

20147052\_\_

7860           1. Has violated ~~the provisions of~~ this chapter or the rules  
7861 of the department ~~division~~ governing the conduct of persons  
7862 connected with slot machine gaming; ~~In addition, the division~~  
7863 ~~may deny, suspend, revoke, or refuse to renew any slot machine~~  
7864 ~~occupational license if the applicant for such license or the~~  
7865 ~~licensee~~

7866           2. Has been convicted in this state, in any other state, or  
7867 under the laws of the United States of a capital felony, a  
7868 felony, or an offense in any other state that would be a felony  
7869 under the laws of this state involving arson; trafficking in,  
7870 conspiracy to traffic in, smuggling, importing, conspiracy to  
7871 smuggle or import, or delivery, sale, or distribution of a  
7872 controlled substance; racketeering; or a crime involving a lack  
7873 of good moral character; ~~or~~

7874           3. Has had a gaming license revoked by this state or any  
7875 other jurisdiction for a any gaming-related offense; ~~or~~

7876           4. ~~(b) The division may deny, revoke, or refuse to renew any~~  
7877 ~~slot machine occupational license if the applicant for such~~  
7878 ~~license or the licensee~~ Has been convicted of a felony or  
7879 misdemeanor in this state, in any other state, or under the laws  
7880 of the United States if such felony or misdemeanor is related to  
7881 gambling or bookmaking as described in s. 849.25; or

7882           5. Accumulates unpaid obligations, defaults in obligations,  
7883 or issues drafts or checks that are dishonored or for which  
7884 payment is refused without reasonable cause.

7885           ~~(c) For purposes of this subsection, the term "convicted"~~  
7886 ~~means having been found guilty, with or without adjudication of~~  
7887 ~~guilt, as a result of a jury verdict, nonjury trial, or entry of~~  
7888 ~~a plea of guilty or nolo contendere.~~



584-00011A-14

20147052\_\_

7889        (6)~~(7)~~ Fingerprints for all slot machine occupational  
7890 license applications shall be taken in a manner approved by the  
7891 department ~~division~~ and shall be submitted electronically to the  
7892 Department of Law Enforcement for state processing and the  
7893 Federal Bureau of Investigation for national processing for a  
7894 criminal history record check. All persons ~~as~~ specified in s.  
7895 551.029 who are ~~s. 550.1815(1)(a)~~ employed by or working within  
7896 a licensed premises shall submit fingerprints for a criminal  
7897 history record check and may not have been convicted of a ~~any~~  
7898 disqualifying criminal offense ~~offenses~~ specified in subsection  
7899 (5) ~~(6)~~. Department ~~Division~~ employees and law enforcement  
7900 officers assigned by their employing agencies to work within the  
7901 premises as part of their official duties are excluded from the  
7902 criminal history record check requirements under this  
7903 subsection. The cost of processing fingerprints and conducting a  
7904 criminal history record check for a general occupational license  
7905 shall be borne by the slot machine licensee. The cost of  
7906 processing fingerprints and conducting a criminal history record  
7907 check for a business or professional occupational license shall  
7908 be borne by the person being checked. The Department of Law  
7909 Enforcement may invoice the department for the fingerprints  
7910 submitted each month. For purposes of this subsection, the term  
7911 "convicted" means having been found guilty, with or without  
7912 adjudication of guilt, as a result of a jury verdict, nonjury  
7913 trial, or entry of a plea of guilty or nolo contendere.

7914        (a) Fingerprints shall be taken in a manner approved by the  
7915 department ~~division~~ upon initial application, or as required  
7916 thereafter by rule of the department ~~division~~, and shall be  
7917 submitted electronically to the Department of Law Enforcement

584-00011A-14

20147052\_\_

7918 for state processing. The Department of Law Enforcement shall  
7919 forward the fingerprints to the Federal Bureau of Investigation  
7920 for national processing. The results of the criminal history  
7921 record check shall be returned to the department ~~division~~ for  
7922 purposes of screening. Licensees shall provide necessary  
7923 equipment approved by the Department of Law Enforcement to  
7924 facilitate such electronic submission. The department ~~division~~  
7925 requirements under this subsection shall be instituted in  
7926 consultation with the Department of Law Enforcement.

7927 (b) The cost of processing fingerprints and conducting a  
7928 criminal history record check for a general occupational license  
7929 shall be borne by the slot machine licensee. The cost of  
7930 processing fingerprints and conducting a criminal history record  
7931 check for a business or professional occupational license shall  
7932 be borne by the person being checked. The Department of Law  
7933 Enforcement may invoice the department ~~division~~ for the  
7934 fingerprints submitted each month.

7935 (c) All fingerprints required by this section which are  
7936 submitted to the Department of Law Enforcement ~~and required by~~  
7937 ~~this section~~ shall be retained by the Department of Law  
7938 Enforcement and entered into the statewide automated biometric  
7939 identification system as authorized under ~~by~~ s. 943.05(2)(b) and  
7940 shall be available for all purposes and uses authorized for  
7941 arrest fingerprints entered into the statewide automated  
7942 biometric identification system pursuant to s. 943.051.

7943 (d) The Department of Law Enforcement shall search all  
7944 arrest fingerprints received pursuant to s. 943.051 against the  
7945 fingerprints retained in the statewide automated biometric  
7946 identification system under paragraph (c). An ~~Any~~ arrest record

584-00011A-14

20147052\_\_

7947 that is identified with the retained fingerprints of a person  
7948 subject to the criminal history screening requirements of this  
7949 section shall be reported to the department ~~division~~. Each  
7950 licensed facility shall pay a fee to the department ~~division~~ for  
7951 the cost of retention of the fingerprints and the ongoing  
7952 searches under this paragraph. The department ~~division~~ shall  
7953 forward the payment to the Department of Law Enforcement. The  
7954 amount of the fee to be imposed for performing such ~~these~~  
7955 searches and the procedures for the retention of licensee  
7956 fingerprints shall be as established by rule of the Department  
7957 of Law Enforcement. The department ~~division~~ shall inform the  
7958 Department of Law Enforcement of a ~~any~~ change in the license  
7959 status of licensees whose fingerprints are retained under  
7960 paragraph (c).

7961 (e) The department ~~division~~ shall request the Department of  
7962 Law Enforcement to forward the fingerprints to the Federal  
7963 Bureau of Investigation for a national criminal history records  
7964 check every 3 years following issuance of a license. If the  
7965 fingerprints of a person who is licensed have not been retained  
7966 by the Department of Law Enforcement, the person must file a  
7967 complete set of fingerprints as provided ~~for~~ in paragraph (a).  
7968 The department ~~division~~ shall collect the fees for the cost of  
7969 the national criminal history record check under this paragraph  
7970 and shall forward the payment to the Department of Law  
7971 Enforcement. ~~The cost of processing fingerprints and conducting~~  
7972 ~~a criminal history record check under this paragraph for a~~  
7973 ~~general occupational license shall be borne by the slot machine~~  
7974 ~~licensee. The cost of processing fingerprints and conducting a~~  
7975 ~~criminal history record check under this paragraph for a~~

584-00011A-14

20147052\_\_

7976 ~~business or professional occupational license shall be borne by~~  
7977 ~~the person being checked.~~ The Department of Law Enforcement may  
7978 invoice the department ~~division~~ for the fingerprints submitted  
7979 each month. Under penalty of perjury, each person who is  
7980 licensed or who is fingerprinted as required by this section  
7981 must agree to inform the department ~~division~~ within 48 hours if  
7982 he or she is convicted of or has entered a plea of guilty or  
7983 nolo contendere to a ~~any~~ disqualifying offense, regardless of  
7984 adjudication.

7985 ~~(7)-(8)~~ All moneys collected pursuant to this section shall  
7986 be deposited into the Gaming Control ~~Pari-mutuel Wagering~~ Trust  
7987 Fund.

7988 ~~(9)~~ ~~The division may deny, revoke, or suspend any~~  
7989 ~~occupational license if the applicant or holder of the license~~  
7990 ~~accumulates unpaid obligations, defaults in obligations, or~~  
7991 ~~issues drafts or checks that are dishonored or for which payment~~  
7992 ~~is refused without reasonable cause.~~

7993 ~~(8)-(10)~~ The department ~~division~~ may fine a licensee or  
7994 suspend, revoke, or place conditions upon his or her ~~the~~  
7995 license, if the ~~of any licensee who~~ provides false information  
7996 under oath regarding an application for a license or an  
7997 investigation by the department ~~division~~.

7998 ~~(9)-(11)~~ The department ~~division~~ may impose a civil fine of  
7999 up to \$5,000 for each violation of this chapter or department  
8000 rule ~~the rules of the division~~ in addition to or in lieu of any  
8001 other penalty provided for in this section. The department  
8002 ~~division~~ may adopt a penalty schedule for violations of this  
8003 chapter or applicable any ~~rule adopted pursuant to this chapter~~  
8004 for which it would impose a fine in lieu of a suspension and may

584-00011A-14

20147052\_\_

8005 adopt rules allowing for the issuance of citations, including  
8006 procedures to address such citations, to persons who violate  
8007 such rules. In addition to any other penalty provided by law,  
8008 the department ~~division~~ may exclude from all licensed slot  
8009 machine facilities in this state, for a period not to exceed the  
8010 period of suspension, revocation, or ineligibility, a any person  
8011 declared ineligible to hold an occupational license whose  
8012 occupational license application has been denied ~~declared~~  
8013 ~~ineligible to hold an occupational license~~ or whose occupational  
8014 license has been suspended or revoked by the department  
8015 ~~division~~.

8016 (10) (a) Notwithstanding s. 120.60, the department may issue  
8017 a temporary occupational license upon receipt of a complete  
8018 application from the applicant and a determination that the  
8019 applicant has not been convicted of or had adjudication withheld  
8020 on a disqualifying criminal offense. The temporary occupational  
8021 license remains valid until such time as the department grants  
8022 an occupational license or notifies the applicant of its  
8023 intended decision to deny the applicant a license pursuant to s.  
8024 120.60. The department shall adopt rules to administer this  
8025 subsection. However, not more than one temporary license may be  
8026 issued for a person in a year.

8027 (b) A temporary license issued under this section is  
8028 nontransferable.

8029 (11) For purposes of this section, the term "convicted"  
8030 means having been found guilty, with or without adjudication of  
8031 guilt, as a result of a jury verdict, nonjury trial, or entry of  
8032 a plea of guilty or nolo contendere.

8033 Section 109. Section 551.303, Florida Statutes, is created

584-00011A-14

20147052\_\_

8034 to read:

8035 551.303 Cardroom business and employee occupational  
8036 license.-

8037 (1) A person employed or otherwise working in a cardroom as  
8038 a cardroom manager, floor supervisor, pit boss, dealer, or any  
8039 other position related to cardroom operations while the facility  
8040 is conducting authorized must hold a valid cardroom employee  
8041 occupational license issued by the department. Food service,  
8042 maintenance, and security employees who hold a current pari-  
8043 mutuel occupational license and who passed the required  
8044 background check are not required to have a cardroom employee  
8045 occupational license.

8046 (2) A cardroom management company or cardroom distributor  
8047 associated with cardroom operations must hold a valid cardroom  
8048 business occupational license issued by the department.

8049 (3) A licensed cardroom operator may not employ or allow to  
8050 work in a cardroom a person who does not hold a valid  
8051 occupational license. A licensed cardroom operator may not  
8052 contract with, or otherwise do business with, a business that  
8053 does not hold a required valid cardroom business occupational  
8054 license.

8055 (4) The department shall establish, by rule, a schedule for  
8056 the renewal of cardroom occupational licenses. Cardroom  
8057 occupational licenses are not transferable.

8058 (5) An application for an initial or renewal cardroom  
8059 occupational license must be made on forms prescribed by the  
8060 department and must contain all of the information for  
8061 eligibility determination required by department rule.

8062 (6) The department shall adopt rules regarding cardroom

584-00011A-14

20147052\_\_

8063 occupational licenses. The provisions specified in s.  
8064 551.301(4)-(9) relating to licensure apply to cardroom  
8065 occupational licenses.

8066 (7) The department may declare an applicant for or holder  
8067 of a license ineligible and deny or revoke his or her cardroom  
8068 occupational license if, in this or any other state or under the  
8069 laws of the United States, he or she has been found guilty of or  
8070 has had adjudication withheld for a felony or misdemeanor  
8071 involving forgery, larceny, extortion, conspiracy to defraud, or  
8072 filing a false report to a government agency or a racing or  
8073 gaming commission or authority.

8074 (8) Upon initial application, and at least every 5 years  
8075 thereafter, the applicant's or licensee's fingerprints shall be  
8076 taken in a manner approved by the department and submitted to  
8077 the Department of Law Enforcement and the Federal Bureau of  
8078 Investigation for a criminal background check. The department  
8079 may by rule require an annual background check of all applicants  
8080 for a cardroom occupational license renewal. The cost of  
8081 processing fingerprints and conducting a record check shall be  
8082 borne by the applicant.

8083 (9) The cardroom employee occupational license fee may not  
8084 exceed \$50 for any 12-month period. The cardroom business  
8085 occupational license fee may not exceed \$250 for any 12-month  
8086 period.

8087 Section 110. Section 550.901, Florida Statutes, is  
8088 transferred and renumbered as section 551.31, Florida Statutes.

8089 Section 111. Section 550.902, Florida Statutes, is  
8090 transferred and renumbered as section 551.311, Florida Statutes.

8091 Section 112. Section 550.903, Florida Statutes, is

584-00011A-14

20147052\_\_

8092 transferred and renumbered as section 551.312, Florida Statutes.

8093 Section 113. Section 550.904, Florida Statutes, is  
8094 transferred, renumbered as section 551.313, Florida Statutes,  
8095 and amended to read:

8096 551.313 ~~550.904~~ Entry into force.—This compact shall come  
8097 into force when enacted by any four states. Thereafter, this  
8098 compact shall become effective in any other state upon that  
8099 state's enactment of this compact and upon the affirmative vote  
8100 of a majority of the officials on the compact committee as  
8101 provided in s. 551.318 ~~s. 550.909~~.

8102 Section 114. Section 550.905, Florida Statutes, is  
8103 transferred and renumbered as section 551.314, Florida Statutes.

8104 Section 115. Section 550.906, Florida Statutes, is  
8105 transferred and renumbered as section 551.315, Florida Statutes.

8106 Section 116. Section 550.907, Florida Statutes, is  
8107 transferred and renumbered as section 551.316, Florida Statutes.

8108 Section 117. Section 550.908, Florida Statutes, is  
8109 transferred and renumbered as section 551.317, Florida Statutes.

8110 Section 118. Section 550.909, Florida Statutes, is  
8111 transferred and renumbered as section 551.318, Florida Statutes.

8112 Section 119. Section 550.910, Florida Statutes, is  
8113 transferred and renumbered as section 551.319, Florida Statutes.

8114 Section 120. Section 550.911, Florida Statutes, is  
8115 transferred and renumbered as section 551.32, Florida Statutes.

8116 Section 121. Section 550.912, Florida Statutes, is  
8117 transferred and renumbered as section 551.321, Florida Statutes,  
8118 and paragraph (b) of subsection (1) of that section is amended  
8119 to read:

8120 551.321 ~~550.912~~ Rights and responsibilities of each party



584-00011A-14

20147052\_\_

8121 state.-

8122 (1) By enacting this compact, each party state:

8123 (b) Agrees not to treat a notification to an applicant by  
8124 the compact committee described in s. 551.317 ~~s. 550.908~~ as the  
8125 denial of a license, or to penalize such an applicant in any  
8126 other way based solely on such a decision by the compact  
8127 committee.

8128 Section 122. Section 550.913, Florida Statutes, is  
8129 transferred and renumbered as section 551.322, Florida Statutes.

8130 Section 123. Part VI of chapter 551, Florida Statutes,  
8131 consisting of sections 551.401-551.45, Florida Statutes, is  
8132 created and entitled "Destination Casino Resorts."

8133 Section 124. The Legislature intends to provide additional  
8134 entertainment choices for the residents of and visitors to this  
8135 state, to promote tourism, and to provide additional state  
8136 revenues by authorizing the playing of certain games at  
8137 facilities known as destination casino resorts. This section is  
8138 intended to ensure public confidence in the integrity of  
8139 authorized destination casino resort operations by strictly  
8140 regulating all facilities, persons, and procedures related to  
8141 destination casino resorts. The Legislature intends that the  
8142 number of destination casino resort licenses issued in this  
8143 state be restricted to enhance their economic impact in this  
8144 state and to the host communities.

8145 Section 125. Section 551.401, Florida Statutes, is created  
8146 to read:

8147 551.401 Definitions.—As used in this part, the term:

8148 (1) "Ancillary areas," unless the context otherwise  
8149 requires, includes the following areas within a gaming facility:

584-00011A-14

20147052\_\_

- 8150       (a) A reception or information counter.
- 8151       (b) An area designated for the serving or consumption of  
8152 food and beverages.
- 8153       (c) An area designated for retail space.
- 8154       (d) An area designated for performances.
- 8155       (e) An area designated for aesthetic or decorative  
8156 displays.
- 8157       (f) A staircase, staircase landing, escalator, elevator,  
8158 and elevator lobby.
- 8159       (g) A back-of-house facility not designated for use by  
8160 patrons.
- 8161       (h) A bathroom.
- 8162       (i) Any other area that is not intended to be used for the  
8163 conduct or playing of games or as a gaming pit as defined by  
8164 department rule or specified in an application for a destination  
8165 casino resort license.
- 8166       (2) "Applicant," as the context requires, means a person  
8167 who applies for a license to engage in activity regulated under  
8168 this part. A public body is prohibited from applying for a  
8169 destination casino resort license.
- 8170       (3) "Credit" means the method by which a licensee issues  
8171 chips or tokens to a wagerer of the licensee to play games or  
8172 slot machines, in return for which the wagerer executes a credit  
8173 instrument to evidence the debt owed. The issuance of credit to  
8174 a wagerer is not deemed to be a loan from the licensee to the  
8175 wagerer.
- 8176       (4) "Destination casino resort" means a freestanding, land-  
8177 based structure that includes a gaming facility located in a  
8178 zoning district that allows mixed-use development, including but

584-00011A-14

20147052\_\_

8179 not limited to, restaurants, commercial and retail facilities,  
8180 convention facilities, and buildings designed for permanent,  
8181 seasonal, or transient housing such as hotels and condominiums.

8182 (5) "Destination casino resort license" means a license to  
8183 operate and maintain a destination casino resort that includes a  
8184 gaming facility.

8185 (6) "Gaming" means the conducting of the following games by  
8186 licensed persons in a gaming facility in a destination casino  
8187 resort: baccarat, 21, poker, craps, slot machines, video games  
8188 of chance, roulette wheels, faro layout, or their common  
8189 variants. Any game of chance, wagering device, or form of gaming  
8190 must be expressly authorized by the Legislature.

8191 (7) "Gaming employee" means an individual employed by a  
8192 destination casino resort and working in its gaming facility,  
8193 including, but not limited to:

8194 (a) Cashiers.

8195 (b) Change personnel.

8196 (c) Count room personnel.

8197 (d) Slot machine attendants.

8198 (e) Hosts or other persons authorized to extend  
8199 complimentary services, including employees performing functions  
8200 similar to those performed by a representative for a junket  
8201 enterprise.

8202 (f) Machine mechanics and computer technicians performing  
8203 duties on machines with gaming-related functions or table game  
8204 device technicians.

8205 (g) Security personnel.

8206 (h) Surveillance personnel.

8207 (i) Promotional play supervisors, credit supervisors, game

584-00011A-14

20147052\_\_

8208 pit supervisors, cashier supervisors, gaming shift supervisors,  
8209 table game managers, assistant managers, and other supervisors  
8210 and managers.

8211 (j) Boxmen.

8212 (k) Dealers or croupiers.

8213 (l) Floormen.

8214 (m) Personnel authorized to issue promotional credits.

8215 (n) Personnel authorized to issue credit.

8216 (o) Individuals who are employed by a person other than a  
8217 destination casino resort licensee and who perform a function of  
8218 a gaming employee specified under this subsection.

8219  
8220 The term does not include bartenders, cocktail servers, or other  
8221 persons engaged in preparing or serving food or beverages,  
8222 clerical or administrative personnel, parking attendants,  
8223 janitorial staff, stage hands, sound and light technicians, or  
8224 other nongaming personnel as determined by the department.

8225 (8) "Gaming facility" means the gaming floor in which  
8226 gaming may be conducted and all ancillary areas.

8227 (9) "Gaming floor" means the area exclusive of ancillary  
8228 areas in a gaming facility.

8229 (10) "Gaming pit" means the area from which gaming  
8230 employees administer and supervise the games.

8231 (11) "Gross gaming revenue" means the total receipts of  
8232 cash or cash equivalents received or retained from the conduct  
8233 of gaming by a destination casino resort licensee and the  
8234 compensation received for conducting any gaming in which the  
8235 destination casino resort licensee is not party to a wager. The  
8236 term does not include promotional credits or free play provided

584-00011A-14

20147052\_\_

8237 by a destination casino resort licensee as a means of marketing  
8238 its gaming facility.

8239 (12) "Institutional investor" means, but is not limited to:

8240 (a) A retirement fund administered by a public agency for  
8241 the exclusive benefit of federal, state, or county public  
8242 employees.

8243 (b) An employee benefit plan or pension fund that is  
8244 subject to the Employee Retirement Income Security Act of 1974.

8245 (c) An investment company registered under the Investment  
8246 Company Act of 1940.

8247 (d) A collective investment trust organized by a bank under  
8248 12 C.F.R. part 9, s. 9.18.

8249 (e) A closed-end investment trust.

8250 (f) A life insurance company or property and casualty  
8251 insurance company.

8252 (g) A financial institution.

8253 (h) An investment advisor registered under 15 U.S.C. s.  
8254 80b-1-80b-21, the Investment Advisers Act of 1940.

8255 (i) Such other persons as the department may determine for  
8256 reasons consistent with the policies of this part.

8257 (13) "Junket enterprise" means any person who, for  
8258 compensation, employs or otherwise engages in the procurement or  
8259 referral of persons for a junket to a destination casino resort  
8260 licensed under this part regardless of whether those activities  
8261 occur within this state. The term does not include a destination  
8262 casino resort licensee or applicant for a destination casino  
8263 resort license or a person holding an occupational license.

8264 (14) "License," as the context requires, means a  
8265 destination casino resort license, supplier license,

584-00011A-14

20147052\_\_

8266 manufacturer license, or occupational license.

8267 (15) "Licensee," as the context requires, means a person  
8268 who is licensed as a destination casino resort licensee,  
8269 supplier licensee, manufacturer licensee, or occupational  
8270 licensee.

8271 (16) "Managerial employee" means an employee who performs a  
8272 job that is not of a routine, clerical, or ministerial nature  
8273 and who exercises independent judgment in the performance of his  
8274 or her job.

8275 (17) "Occupational licensee" means a person who is licensed  
8276 to be a gaming employee.

8277 (18) "Qualifier" means an affiliate, affiliated company,  
8278 officer, director, or managerial employee of an applicant for a  
8279 destination casino resort license, or a person who holds a  
8280 direct or indirect equity interest in the applicant. The term  
8281 may include an institutional investor. As used in this  
8282 subsection, the terms "affiliate," "affiliated company," and "a  
8283 person who holds a direct or indirect equity interest in the  
8284 applicant" do not include a partnership, a joint venture  
8285 relationship, a shareholder of a corporation, a member of a  
8286 limited liability company, or a partner in a limited liability  
8287 partnership that has a direct or indirect equity interest in the  
8288 applicant for a destination casino resort license of 5 percent  
8289 or less and is not involved in the gaming operations as defined  
8290 by department rule.

8291 (19) "Supplier licensee" or "supplier" means a person who  
8292 is licensed to furnish gaming equipment, devices, supplies, or  
8293 other goods or services to a destination casino resort licensee.

8294 (20) "Tournament" means an organized series of contests

584-00011A-14

20147052\_\_

8295 approved by the department in which an overall winner is  
8296 ultimately determined.

8297 (21) "Wagerer" means a person who plays a game at a gaming  
8298 facility authorized under this part.

8299 Section 126. Section 551.403, Florida Statutes, is created  
8300 to read:

8301 551.403 Legislative authority; administration of part.—All  
8302 matters relating to gaming are preempted to the state, and a  
8303 county, municipality, or other political subdivision of the  
8304 state may not enact an ordinance relating to the conducting of  
8305 gaming authorized by this part. However, this part does not  
8306 prohibit a political subdivision of the state from requiring a  
8307 person to obtain an occupational license. The department shall  
8308 administer this part, including the assessment of fees or taxes.

8309 Section 127. Section 551.405, Florida Statutes, is created  
8310 to read:

8311 551.405 Authorization of gaming at destination casino  
8312 resorts.—The issuance of a destination casino resort license in  
8313 a county is conditioned upon a countywide referendum, as  
8314 follows:

8315 (1) The board may issue an invitation to negotiate, receive  
8316 and evaluate applications, and select the best qualified  
8317 proposal for constructing and operating one destination resort  
8318 casino in Miami-Dade County as provided under this part. The  
8319 board may award a license only after the proposal is submitted  
8320 as a referendum in that county and approved by a majority of the  
8321 electors.

8322 (2) The board may issue an invitation to negotiate, receive  
8323 and evaluate applications, and select the best qualified

584-00011A-14

20147052\_\_

8324 proposal for constructing and operating one destination resort  
8325 casino in Broward County as provided under this part. The board  
8326 may award a license only after the proposal is submitted as a  
8327 referendum in that county and approved by a majority of the  
8328 electors.

8329 (3) A destination casino resort licensee may possess  
8330 devices for and conduct gaming in the gaming facility at the  
8331 destination casino resort.

8332 Section 128. Section 551.407, Florida Statutes, is created  
8333 to read:

8334 551.407 Process for awarding destination casino resort  
8335 licenses.—

8336 (1) The board shall adopt by rule an invitation to  
8337 negotiate process for determining the award of a destination  
8338 casino resort license. The application, review, and issuance  
8339 procedures for awarding a license shall be by a process in which  
8340 applicants rely on forms adopted by department rule in response  
8341 to an invitation to negotiate issued by the board.

8342 (2) Proposals in response to the invitation to negotiate  
8343 must be received by the board no later than 90 days after the  
8344 issuance of the invitation to negotiate.

8345 (3) The board may specify in its invitation to negotiate  
8346 the county in which a destination casino resort will be located.  
8347 When determining whether to authorize a destination casino  
8348 resort located within a specific county, the board shall hold a  
8349 public hearing in such county to discuss the proposals and  
8350 receive public comment.

8351 (4) The board shall review all complete responses timely  
8352 received pursuant to an invitation to negotiate. The board may



584-00011A-14

20147052\_\_

8353 commence negotiations with one or more applicants whose  
8354 proposals are determined to best meet the selection criteria  
8355 specified in s. 551.409.

8356 (5) The board, by rule, may extend the deadlines  
8357 established under this section if it finds that the deadlines  
8358 cannot be met and identifies specific reasons why the deadlines  
8359 cannot be met.

8360 (6) If the board does not award a destination casino resort  
8361 license at the conclusion of the process set forth in  
8362 subsections (1)-(5), the board may issue additional invitations  
8363 to negotiate, pursuant to deadlines established by the board.

8364 Section 129. Section 551.409, Florida Statutes, is created  
8365 to read:

8366 551.409 Criteria for the award of a destination casino  
8367 resort license.-

8368 (1) The board shall consider awarding a destination casino  
8369 resort license to an applicant that demonstrates the ability to  
8370 meet the following minimum criteria:

8371 (a) The capacity to increase tourism, generate jobs,  
8372 provide revenue to the local economy, and provide revenue to the  
8373 Gaming Control Trust Fund.

8374 (b) A gaming floor that constitutes no more than 10 percent  
8375 of the destination casino resort's proposed square footage for  
8376 which certificates of occupancy will be issued by the  
8377 appropriate local government authority before gaming is  
8378 conducted. A destination casino resort's square footage is the  
8379 aggregate of the square footage of the improvements in the  
8380 mixed-use development for which certificates of occupancy will  
8381 be issued before gaming is conducted, which is owned or

584-00011A-14

20147052\_\_

8382 controlled by the applicant or its affiliates, exclusive of  
8383 parking areas and accesses, but inclusive of the gaming facility  
8384 and other areas of the mixed-use development, such as  
8385 restaurants, commercial and retail facilities, convention  
8386 facilities, and buildings designed for permanent, seasonal or  
8387 transient housing located within a quarter mile of the main  
8388 entry door of the destination casino resort.

8389 (c) A demonstrated history of, or a bona fide plan for,  
8390 community involvement or investment in the community where the  
8391 destination casino resort will be located.

8392 (d) A demonstrated history of investment in the communities  
8393 in which its previous developments have been located.

8394 (e) A demonstrated financial ability to purchase and  
8395 maintain an adequate surety bond.

8396 (f) Demonstration of adequate capitalization to develop,  
8397 construct, maintain, and operate the proposed destination casino  
8398 resort and to responsibly meet its secured and unsecured debt  
8399 obligations in accordance with its financial and other  
8400 contractual agreements.

8401 (g) Demonstrated ability to implement a program to train  
8402 and employ residents of this state for jobs that will be  
8403 available at the destination casino resort, including its  
8404 ability to implement a program for the training of low-income  
8405 persons.

8406 (h) Demonstration of a plan to integrate with local  
8407 businesses in the community, including local restaurants,  
8408 hotels, and retail outlets.

8409 (i) Demonstrated ability to build a premier destination  
8410 casino resort that offers a variety of high-quality amenities,

584-00011A-14

20147052\_\_

8411 that will strengthen the state's tourism industry, and that will  
8412 attract at least 50 percent of its patrons from out of state.

8413 (j) Demonstration of its plan for contracting with local  
8414 business owners for the provision of goods and services,  
8415 including the development of plans designed to benefit  
8416 businesses locally and statewide.

8417 (k) Demonstration of a commitment, as determined by the  
8418 board, to spend at least \$2 billion for development and  
8419 construction of the proposed destination casino resort, which  
8420 may include improvements to property, furnishings, and other  
8421 equipment excluding any purchase price and costs associated with  
8422 the acquisition of real property on the destination casino  
8423 resort will be developed and any impact fees. Such expenditure,  
8424 in the aggregate, must be completed within 5 years after the  
8425 award of any such license, with supporting documentation  
8426 provided in a format adopted by department rule.

8427 (l) Demonstrated ability to generate substantial gross  
8428 gaming revenue.

8429 (m) Any other criteria the applicant deems necessary to  
8430 assist the board in its evaluation as outlined in this part.

8431 (2) (a) The board shall evaluate applications using the  
8432 following weighted criteria:

8433 1. Design and location: 20 percent.

8434 a. The location shall be evaluated based on the ability of  
8435 the community to sustain such a development, support of the  
8436 local community for the development, and an analysis of the  
8437 revenue that will be generated by the destination casino resort.

8438 b. Design shall be evaluated based on the potential  
8439 operator's ability to integrate the facility's design into the

584-00011A-14

20147052\_\_

8440 local community and whether the size and scope of the project  
8441 can be properly integrated into the community..

8442 c. The board may assess the quality of the aesthetic  
8443 appearance of the proposed destination casino resort in the  
8444 context of its potential to provide substantial economic  
8445 benefits to the community and the people of this state,  
8446 including, but not limited to, its potential to provide  
8447 substantial employment opportunities.

8448 2. Management expertise and speed to market: 40 percent.  
8449 The criteria for evaluation shall be:

8450 a. The applicant's experience in building and managing a  
8451 destination casino resort the scope and size of the proposed  
8452 destination casino resort.

8453 b. The applicant's plan to build and manage the destination  
8454 casino resort and the operator's timeline for completion of the  
8455 destination casino resort.

8456 c. The applicant's experience and plan to generate  
8457 nongaming revenue from other amenities of the destination casino  
8458 resort.

8459 d. The applicant's access to capital and financial ability  
8460 to construct the proposed project.

8461 e. The evaluation of the criteria specified in paragraphs  
8462 (1) (a) - (k) .

8463 3. Generating tourism from out of state: 30 percent. The  
8464 criteria for evaluation shall be:

8465 a. The applicant's demonstrated history of attracting  
8466 visitors from out-of-state and international tourists.

8467 b. The applicant's history of attracting visitors to other  
8468 similar properties in an area.

584-00011A-14

20147052\_\_

8469 c. The applicant's plan for attracting visitors from out-  
8470 of-state and generating international tourism.

8471 d. The applicant's plan for maximizing tourism to the  
8472 destination casino resort that will also attract visitors to  
8473 other properties in the local community.

8474 4. Community enhancement plan: 10 percent. The criteria for  
8475 evaluation shall be:

8476 a. The applicant's demonstrated history of community  
8477 partnerships in local communities where it is located.

8478 b. The applicant's demonstrated plan to enhance the local  
8479 community where the destination casino resort will be located.

8480 c. The applicant's demonstrated plan for local hiring.

8481 d. The applicant's demonstrated history of working with  
8482 local schools and colleges to train prospective job applicants  
8483 for careers in the hospitality field.

8484 e. The applicant's demonstrated history of and plan for  
8485 diversity in hiring and purchasing from minority vendors.

8486 (b) The board shall give preference to applicants that  
8487 demonstrate that:

8488 1. The roads, water, sanitation, utilities, and related  
8489 services to the proposed location of the destination casino  
8490 resort are adequate and the proposed destination casino resort  
8491 will not unduly impact public services, existing transportation  
8492 infrastructure, consumption of natural resources, and the  
8493 quality of life enjoyed by residents of the surrounding  
8494 neighborhoods.

8495 2. They will be able to commence construction as soon after  
8496 awarding of the destination casino resort license as possible,  
8497 but, in any event, no later than 12 months after the award of

584-00011A-14

20147052\_\_

8498 the destination casino resort license.

8499 3. The destination casino resort will include amenities and  
8500 uses that will allow other businesses to be included within the  
8501 destination casino resort.

8502 4. The destination casino resort will promote local  
8503 businesses, including developing cross-marketing strategies with  
8504 local restaurants, small businesses, hotels, and retail outlets.

8505 5. The destination casino resort will implement a workforce  
8506 development plan that utilizes the existing labor force,  
8507 including the estimated number of construction jobs the  
8508 destination casino resort will generate, the development of  
8509 workforce training programs that serve the unemployed, and  
8510 methods for accessing employment at the destination casino  
8511 resort development.

8512 6. The destination casino resort will take measures to  
8513 address problem gambling, including, but not limited to,  
8514 training of gaming employees to identify patrons exhibiting  
8515 problems with gambling and providing prevention programs  
8516 targeted toward vulnerable populations.

8517 7. The destination casino resort will provide a market  
8518 analysis detailing the benefits of the site location and the  
8519 estimated recapture rate of gaming-related spending by residents  
8520 traveling to out-of-state gaming establishments.

8521 8. The destination casino resort will use sustainable  
8522 development principles.

8523 9. The destination casino resort will contract with local  
8524 business owners for the provision of goods and services,  
8525 including developing plans designed to assist businesses in this  
8526 state in identifying the needs for goods and services to the

584-00011A-14

20147052\_\_

8527 destination casino resort.

8528 10. The destination casino resort will mitigate potential  
8529 impacts on the local community which might result from the  
8530 development or operation of the destination casino resort.

8531 11. The destination casino resort will purchase and  
8532 install, whenever possible, domestically manufactured equipment.

8533 12. The destination casino resort will implement a  
8534 marketing program that identifies specific goals, expressed as  
8535 an overall program goal applicable to the total dollar amount of  
8536 contracts, for the use of:

8537 a. Minority business enterprises, women business  
8538 enterprises, and veteran business enterprises to participate as  
8539 contractors in the design of the development;

8540 b. Minority business enterprises, women business  
8541 enterprises, and veteran business enterprises to participate as  
8542 contractors in the construction of the development; and

8543 c. Minority business enterprises, women business  
8544 enterprises, and veteran business enterprises to participate as  
8545 vendors in the provision of goods and services procured by the  
8546 development and any businesses operated as part of the  
8547 development.

8548 13. The destination casino resort will have public support  
8549 in the local community which may be demonstrated through public  
8550 comment received by the board or applicant.

8551 (3) The gaming floor must be designed so that patrons of  
8552 the destination casino resort may have ingress and egress to the  
8553 gaming facility without accessing the gaming floor.

8554 (4) A destination casino resort license may be issued only  
8555 to persons of good moral character who are at least 21 years of

584-00011A-14

20147052\_\_

8556 age. A destination casino resort license may be issued to a  
8557 corporation only if its officers are of good moral character and  
8558 are at least 21 years of age.

8559 (5) A destination casino resort license may not be issued  
8560 to an applicant if the applicant, qualifier, or institutional  
8561 investor:

8562 (a) Has, within the last 5 years, been adjudicated by a  
8563 court or tribunal for failure to pay income, sales, or gaming  
8564 tax due and payable under any federal, state, or local law,  
8565 after exhaustion of all appeals or administrative remedies.

8566 (b) Has been convicted of a felony under the laws of this  
8567 state, any other state, or the United States.

8568 (c) Has been convicted of any violation under chapter 817  
8569 or under a substantially similar law of another jurisdiction.

8570 (d) Knowingly submitted false information in the  
8571 application for the license.

8572 (e) Is a member of the board or an employee of the  
8573 department.

8574 (f) Was licensed to own or operate gaming or pari-mutuel  
8575 facilities in this state or another jurisdiction and had that  
8576 license revoked.

8577 (g) Fails to meet any other criteria for licensure set  
8578 forth in this part.

8579  
8580 As used in this subsection, the term "convicted" includes an  
8581 adjudication of guilt on a plea of guilty or nolo contendere or  
8582 the forfeiture of a bond when charged with a crime.

8583 Section 130. Section 551.41, Florida Statutes, is created  
8584 to read:



584-00011A-14

20147052\_\_

8585       551.41 Application for destination casino resort license.-  
8586       (1) APPLICATION.-A reply submitted in response to an  
8587 invitation to negotiate must include a sworn application in the  
8588 format adopted by department rule. The application must include,  
8589 at a minimum, the following information:  
8590       (a)1. The name, business address, e-mail address, telephone  
8591 number, social security number, and, if applicable, federal tax  
8592 identification number of the applicant and each qualifier; and  
8593       2. Information, documentation, and assurances concerning  
8594 the applicant's financial background and resources as required  
8595 to establish the financial stability, integrity, and  
8596 responsibility of the applicant. This includes business and  
8597 personal income and disbursement schedules, tax returns, and  
8598 other reports filed with governmental agencies, and business and  
8599 personal accounting, check records, and ledgers. In addition,  
8600 each applicant must provide written authorization for the  
8601 examination of all bank accounts and records as may be deemed  
8602 necessary by the board.  
8603       (b) The identity and, if applicable, the state of  
8604 incorporation or registration of any business in which the  
8605 applicant or a qualifier has an equity interest of more than 5  
8606 percent. If the applicant or qualifier is a corporation,  
8607 partnership, or other business entity, the applicant or  
8608 qualifier must identify any other corporation, partnership, or  
8609 other business entity in which it has an equity interest of more  
8610 than 5 percent, including, if applicable, the state of  
8611 incorporation or registration.  
8612       (c) Documentation, as required by the board, that the  
8613 applicant has received conceptual approval of the destination

584-00011A-14

20147052\_\_

8614 casino resort proposal from the municipality and county in which  
8615 the destination casino resort will be located.

8616 (d) A statement as to whether the applicant or a qualifier  
8617 has developed and operated a similar gaming facility within a  
8618 highly regulated domestic jurisdiction that allows similar forms  
8619 of development, including a description of the gaming facility,  
8620 the gaming facility's gross gaming revenue, and the amount of  
8621 revenue the gaming facility has generated for state and local  
8622 governments within that jurisdiction.

8623 (e) A statement as to whether the applicant or a qualifier  
8624 has been indicted, convicted of, pled guilty or nolo contendere  
8625 to, or forfeited bail for any felony or for a misdemeanor  
8626 involving gambling, theft, or fraud. The statement must include  
8627 the date, the name and location of the court, the arresting  
8628 agency, the prosecuting agency, the case caption, the docket  
8629 number, the nature of the offense, the disposition of the case,  
8630 and, if applicable, the location and length of incarceration.

8631 (f) A statement as to whether the applicant or a qualifier  
8632 has ever been granted any license or certificate in any  
8633 jurisdiction which has been restricted, suspended, revoked, not  
8634 renewed, or otherwise subjected to discipline. The statement  
8635 must describe the facts and circumstances relating to that  
8636 restriction, suspension, revocation, nonrenewal, or discipline,  
8637 including the licensing authority, the date each action was  
8638 taken, and an explanation of the circumstances for each  
8639 disciplinary action.

8640 (g) A statement as to whether, within the last 10 years,  
8641 the applicant or qualifier has, as a principal or a controlling  
8642 shareholder, filed for protection under the Federal Bankruptcy

584-00011A-14

20147052\_\_

8643 Code or had an involuntary bankruptcy petition filed against it.

8644 (h) A statement as to whether the applicant or qualifier  
8645 has, within the last 5 years, been adjudicated by a court or  
8646 tribunal for failure to pay any income, sales, or gaming tax due  
8647 and payable under federal, state, or local law, or under the  
8648 laws of any applicable foreign jurisdiction, after exhaustion of  
8649 all appeals or administrative remedies. This statement must  
8650 identify the amount and type of the tax and the time periods  
8651 involved and must describe the resolution of the nonpayment.

8652 (i) A list of the full names and titles of any public  
8653 officials or officers of any unit of state government or of the  
8654 local government or governments in the county or municipality in  
8655 which the proposed destination casino resort is to be located,  
8656 and the spouses, parents, and children of those public officials  
8657 or officers, who, directly or indirectly, own any financial  
8658 interest in, have any beneficial interest in, are the creditors  
8659 of, hold any debt instrument issued by the applicant or a  
8660 qualifier, or hold or have an interest in any contractual or  
8661 service relationship with the applicant or qualifier. As used in  
8662 this paragraph, the terms "public official" and "officer" do not  
8663 include a person who would be listed solely because the person  
8664 is a member of the Florida National Guard.

8665 (j) The name and business telephone number of, and a  
8666 disclosure of fees paid to any attorney, lobbyist, employee,  
8667 consultant, or other person who has represented the applicant's  
8668 interests in the state for 3 years before the effective date of  
8669 this section or who is representing an applicant before the  
8670 department during the application process.

8671 (k) A description of the applicant's history of and

584-00011A-14

20147052\_\_

8672 proposed plan for community involvement or investment in the  
8673 community where the destination casino resort would be located.

8674 (l) A description of the applicant's proposed destination  
8675 casino resort, including a map documenting the location of the  
8676 proposed destination casino resort within the specific county or  
8677 counties; a statement regarding the compliance of the applicant  
8678 with state, regional, and local planning and zoning  
8679 requirements; a description of the anticipated economic benefit  
8680 to the community in which the destination casino resort would be  
8681 located; the anticipated number of jobs generated by  
8682 construction of the destination casino resort; the anticipated  
8683 number of employees; a statement regarding how the applicant  
8684 would comply with federal and state affirmative action  
8685 guidelines; and a projection of gross gaming revenue.

8686 (m) Proof that a countywide referendum has been approved  
8687 before the application deadline by the electors of the county  
8688 authorizing gaming as defined in this chapter in that county.

8689 (n) A schedule or timeframe for completing the destination  
8690 casino resort.

8691 (o) A plan for training residents for jobs at the  
8692 destination casino resort. The job-training plan must provide  
8693 training to enable low-income persons to qualify for jobs at the  
8694 destination casino resort.

8695 (p) The identity of each person, association, trust,  
8696 corporation, or partnership having a direct or indirect equity  
8697 interest in the applicant of more than 5 percent. If disclosure  
8698 of a trust is required under this paragraph, the names and  
8699 addresses of the beneficiaries of the trust must also be  
8700 disclosed. If the identity of a corporation must be disclosed,

584-00011A-14

20147052\_\_

8701 the names and addresses of all stockholders and directors must  
8702 also be disclosed. If the identity of a partnership must be  
8703 disclosed, the names and addresses of all partners, both general  
8704 and limited, must also be disclosed.

8705 (q) A destination casino resort development plan and  
8706 projected investment of \$2 billion pursuant to s. 551.409 for a  
8707 destination casino resort.

8708 (r) The fingerprints of all officers or directors of the  
8709 applicant and qualifiers, and any persons exercising operational  
8710 or managerial control of the applicant, as determined by  
8711 department rule, for a criminal history record check.

8712 (s) A statement outlining the organization's diversity  
8713 plan.

8714 (t) A listing of all gaming licenses and permits the  
8715 applicant or qualifier currently possesses.

8716 (u) A listing of former or inactive officers, directors,  
8717 partners, and trustees.

8718 (v) A listing of all affiliated business entities or  
8719 holding companies, including nongaming interests.

8720 (w) Any other information the board may deem appropriate or  
8721 require during the application process as provided by rule.

8722 (2) DISCRETION TO REQUIRE INFORMATION.—The board may  
8723 require that additional information or documentation be included  
8724 in an application for a destination casino resort license or in  
8725 an application to renew a destination casino resort license.  
8726 Such documentation and information may relate to: demographics,  
8727 education, work history, personal background, criminal history,  
8728 credit history, finances, business information, complaints,  
8729 inspections, investigations, discipline, bonding, photographs,

584-00011A-14

20147052\_\_

8730 performance periods, reciprocity, local government approvals,  
8731 supporting documentation, periodic reporting requirements, and  
8732 fingerprint requirements.

8733 (3) DUTY TO SUPPLEMENT APPLICATION.—The application shall  
8734 be supplemented as needed to reflect any material change in any  
8735 circumstance or condition stated in the application which takes  
8736 place between the initial filing of the application and the  
8737 final grant or denial of the license. Any submission required to  
8738 be in writing may also be required by the department to be made  
8739 by electronic means.

8740 (4) INVESTIGATIVE AND INITIAL LICENSE FEES.—

8741 (a) The application for a destination casino resort license  
8742 must be submitted along with a nonrefundable investigative fee  
8743 of \$1 million to be used by the department to defray costs  
8744 associated with the evaluation and investigation of the  
8745 applicant and each qualifier. If the cost of the evaluation and  
8746 investigation exceeds \$1 million, the applicant must pay an  
8747 additional investigative fee not to exceed \$250,000 to the  
8748 department within 30 days after the receipt of a request for the  
8749 additional investigative fee, or the application shall be denied  
8750 without a refund of the initial investigative fee.

8751 (b) The application for a destination casino resort license  
8752 must be submitted with an initial license fee of \$125 million.  
8753 If the application is denied, the department must refund the  
8754 initial license fee within 60 days after the denial. If the  
8755 applicant withdraws the application after the deadline for  
8756 submission of applications, the department must refund 80  
8757 percent of the initial license fee within 60 days after the  
8758 application is withdrawn.

584-00011A-14

20147052\_\_

8759 (c) All fees collected under this subsection shall be  
8760 deposited into the Gaming Control Trust Fund.

8761 Section 131. Section 551.411, Florida Statutes, is created  
8762 to read:

8763 551.411 Incomplete applications.-

8764 (1) An incomplete application for a destination casino  
8765 resort license may be grounds for the denial of the application.

8766 (2) (a) If the department determines that an application for  
8767 a destination casino resort license is incomplete, the executive  
8768 director shall immediately provide written notice to the  
8769 applicant of the incomplete items. The applicant may then  
8770 request an informal conference with the executive director or  
8771 his or her designee to discuss the application.

8772 (b) The executive director may provide the applicant an  
8773 extension of 30 days to complete the application following the  
8774 date of the informal conference. If the executive director finds  
8775 that the application has not been completed within the  
8776 extension, the applicant may appeal the finding to the board.  
8777 During an extension or the pendency of an appeal to the board,  
8778 the award of destination casino resort licenses in the  
8779 applicable county is stayed.

8780 Section 132. Section 551.413, Florida Statutes, is created  
8781 to read:

8782 551.413 Lenders and underwriters; exemption as qualifiers.-  
8783 A bank, lending institution, or underwriter in connection with  
8784 any bank or lending institution that, in the ordinary course of  
8785 business, makes a loan to, or holds a security interest in, a  
8786 licensee or applicant, a supplier licensee or applicant or its  
8787 subsidiary, or direct or indirect parent company of any such

584-00011A-14

20147052\_\_

8788 bank, lending institution, or underwriter is not a qualifier and  
8789 is not required to be licensed.

8790 Section 133. Section 551.414, Florida Statutes, is created  
8791 to read:

8792 551.414 Conditions for a destination casino resort  
8793 license.—As a condition to licensure and to maintain continuing  
8794 authority to conduct gaming, a licensee must:

8795 (1) Comply with this part and rules adopted by the  
8796 department to administer this part.

8797 (2) Allow the department and the Department of Law  
8798 Enforcement unrestricted access to and right of inspection of  
8799 facilities of the licensee in which any activity relative to the  
8800 conduct of gaming is conducted.

8801 (3) Complete the destination casino resort in accordance  
8802 with the plans and timeframe proposed in its application, unless  
8803 an extension is granted by the board. The board may grant such  
8804 an extension, not to exceed 1 year after the original planned  
8805 completion date, upon good cause shown by the licensee.

8806 (4) Ensure that the facilities-based computer system that  
8807 the licensee will use for operational and accounting functions  
8808 of the destination casino resort is specifically structured to  
8809 facilitate regulatory oversight. The facilities-based computer  
8810 system shall be designed to provide the department with the  
8811 ability to monitor, at any time on a real-time basis, the  
8812 wagering patterns, payouts, tax collection, and such other  
8813 operations as necessary to determine whether the destination  
8814 casino resort is in compliance with statutory provisions and  
8815 rules adopted by the department for the regulation and control  
8816 of gaming. The department shall have complete and continuous



584-00011A-14

20147052\_\_

8817 access to this system. Such access shall include the ability of  
8818 either the department or its agents to suspend play immediately  
8819 on particular slot machines or gaming devices if monitoring of  
8820 the system indicates possible tampering or manipulation of those  
8821 slot machines or gaming devices or the ability to suspend play  
8822 immediately of the entire operation if the tampering or  
8823 manipulation is of the computer system itself. The computer  
8824 system shall be reviewed and approved by the department to  
8825 ensure necessary access, security, and functionality. However,  
8826 the department may not alter any data. The department may adopt  
8827 rules to provide for the approval process.

8828 (5) Ensure that each table game, slot machine, or other  
8829 gaming device is protected from manipulation or tampering that  
8830 may affect the random probabilities of winning plays. The  
8831 department or its agents may suspend play upon reasonable  
8832 suspicion of any manipulation or tampering. If play has been  
8833 suspended on any table game, slot machine, or other gaming  
8834 device, the department or its agents may conduct an examination  
8835 to determine whether the table game, machine, or other gaming  
8836 device has been tampered with or manipulated and whether the  
8837 table game, machine, or other gaming device should be returned  
8838 to operation.

8839 (6) Submit a security plan, including the facilities' floor  
8840 plans, the locations of security cameras, and a listing of all  
8841 security equipment that is capable of observing and  
8842 electronically recording activities being conducted in the  
8843 facilities of the licensee. The security plan must meet the  
8844 minimum security requirements as determined by the department  
8845 and be implemented before the operation of gaming. The

584-00011A-14

20147052\_\_

8846 licensee's facilities must adhere to the security plan at all  
8847 times. Any changes to the security plan must be submitted by the  
8848 licensee to the department before implementation.

8849 (7) Create and file with the board a written policy for:

8850 (a) Creating opportunities to purchase from vendors in this  
8851 state.

8852 (b) Creating opportunities for the employment of residents  
8853 of this state.

8854 (c) Ensuring opportunities for obtaining construction  
8855 services from residents and vendors in this state.

8856 (d) Ensuring that opportunities for employment are offered  
8857 on an equal, nondiscriminatory basis.

8858 (e) Training employees on responsible gaming and working  
8859 with a compulsive or addictive gambling prevention program.

8860 (f) Implementing a drug-testing program for each  
8861 occupational licensee which includes, but is not limited to,  
8862 requiring such person to sign an agreement that he or she  
8863 understands that the gaming facility is a drug-free workplace.

8864 (g) Using available Internet-based job-listing systems  
8865 offered by the state in advertising employment opportunities.

8866 (h) Ensuring that the payout percentage of each slot  
8867 machine is at least 85 percent.

8868 (8) File with the board detailed documentation of the  
8869 applicant's, its affiliates', or any holding company's history  
8870 of using labor in any jurisdiction that would fall outside the  
8871 ages defined in chapter 450.

8872 (9) Keep and maintain permanent daily records of its gaming  
8873 operations and maintain such records for a period of not less  
8874 than 5 years. These records must include all financial

584-00011A-14

20147052\_\_

8875 transactions and contain sufficient detail to determine  
8876 compliance with the requirements of this part. All records shall  
8877 be available for audit and inspection by the department, its  
8878 agents, or other law enforcement agencies during the licensee's  
8879 regular business hours.

8880 (10) Maintain a designated gaming floor that is segregated  
8881 from the rest of the destination casino resort facility so that  
8882 patrons may have ingress and egress to the destination casino  
8883 resort facility without entering the designated gaming floor.

8884 Section 134. Section 551.415, Florida Statutes, is created  
8885 to read:

8886 551.415 Surety bond.—A destination casino resort licensee  
8887 must, at its own cost and expense, before the license is  
8888 delivered, give a bond in a penal sum to be determined by the  
8889 board payable to the Governor of the state and his or her  
8890 successors in office. The bond must be issued by a surety or  
8891 sureties approved by the board and the bond must be conditioned  
8892 on the licensee faithfully making all required payments required  
8893 under this part, keeping the licensee's books and records, and  
8894 making reports as provided, and conducting its gaming activities  
8895 in conformity with this part. The board shall fix the amount of  
8896 the bond at the total amount of annual license fees and the  
8897 taxes estimated to become due as determined by the board. In  
8898 lieu of a bond, an applicant or licensee may deposit with the  
8899 department a like amount of funds, a savings certificate, a  
8900 certificate of deposit, an investment certificate, or a letter  
8901 of credit from a bank, savings bank, credit union, or savings  
8902 and loan association situated in this state which meets the  
8903 requirements set for that purpose by the department. If security

584-00011A-14

20147052\_\_

8904 is provided in the form of a savings certificate, a certificate  
8905 of deposit, or an investment certificate, the certificate must  
8906 state that the amount is unavailable for withdrawal except upon  
8907 order of the board. The board may review the bond or other  
8908 security for adequacy and require adjustments, including  
8909 increasing the amount of the bond and other security. The  
8910 department may adopt rules to administer this section and  
8911 establish guidelines for such bonds or other securities.

8912 Section 135. Section 551.416, Florida Statutes, is created  
8913 to read:

8914 551.416 License fee; tax rate; disposition.—

8915 (1) ANNUAL LICENSE FEE.—On the anniversary date of the  
8916 issuance of a destination casino resort license and annually  
8917 thereafter, the licensee shall pay to the department a  
8918 nonrefundable annual license fee of \$5 million. The license  
8919 shall be renewed annually unless the board has revoked the  
8920 license for a violation of this part or department rule. The  
8921 license fee shall be deposited into the Gaming Control Trust  
8922 Fund for the purpose of enabling the department to carry out its  
8923 duties and responsibilities under this part.

8924 (2) GROSS GAMING REVENUE TAX.—

8925 (a) Each licensee shall pay to the state a tax on its gross  
8926 gaming revenue. The gaming tax rate shall be 35 percent of gross  
8927 gaming revenue. Payment for the tax imposed by this section  
8928 shall be paid to the department. Annual license fees paid  
8929 pursuant to this section and payments for the treatment of  
8930 compulsive or addictive gambling pursuant to s. 551.44 may be  
8931 applied as credits against the tax on gross gaming revenue.

8932 (b) The licensee shall remit to the department payment for

584-00011A-14

20147052\_\_

8933 the gaming tax by 3 p.m. on the 5th day of each calendar month.  
8934 If the 5th day of the calendar month falls on a weekend,  
8935 payments shall be remitted by 3 p.m. on the first Monday  
8936 following the weekend. The licensee shall file a report under  
8937 oath by the 5th day of each calendar month for all taxes  
8938 remitted during the preceding calendar month. Such report shall  
8939 be made under oath showing all gaming activities for the  
8940 preceding calendar month and such other information as may be  
8941 required by department rule.

8942 (c) The department may require licensees to remit taxes,  
8943 fees, fines, and assessments by electronic funds transfer.

8944 (d) The gaming tax is in lieu of any other state taxes on  
8945 gross or adjusted gross gaming revenue of a licensee.

8946 Section 136. Section 551.417, Florida Statutes, is created  
8947 to read:

8948 551.417 Conduct of gaming.—

8949 (1) Gaming may be conducted by a licensee, subject to the  
8950 following restrictions:

8951 (a) The site of the gaming facility is limited to the  
8952 licensee's site location as approved by the department.

8953 (b) The department's agents and employees may enter and  
8954 inspect a gaming facility or other ancillary areas in the  
8955 destination casino resort at any time for the purpose of  
8956 determining whether the licensee is in compliance with this  
8957 chapter.

8958 (c) A licensee may lease or purchase gaming devices,  
8959 equipment, or supplies customarily used in conducting gaming  
8960 only from a licensed supplier.

8961 (d) A licensee may not allow any form of wagering on games

584-00011A-14

20147052\_\_

8962 except as authorized under this part.

8963 (e) A licensee may receive wagers only from a person  
8964 physically present in the gaming facility.

8965 (f) A licensee may not permit wagering using money or other  
8966 negotiable currency except for wagering on slot machines.

8967 (g) A licensee may not permit a person who has not attained  
8968 21 years of age to engage in gaming or enter the gaming floor,  
8969 except for a gaming employee of the destination casino resort  
8970 licensee who is at least 18 years of age.

8971 (h) A licensee may not sell or distribute outside the  
8972 gaming facility tokens, chips, or electronic cards used to make  
8973 wagers. The tokens, chips, or electronic cards may be purchased  
8974 by means of an agreement under which the licensee extends credit  
8975 to a wagerer. The tokens, chips, or electronic cards may be used  
8976 only for the purpose of making wagers on games within the gaming  
8977 facility.

8978 (i) A licensee may not conduct business with a junket  
8979 enterprise, except for a junket operator employed full time by  
8980 that licensee.

8981 (j) All gaming activities must be conducted in accordance  
8982 with department rule.

8983 (k) Gaming may not be conducted by a destination casino  
8984 resort licensee until the destination casino resort is completed  
8985 according to the proposal approved by the board.

8986 (2) A gaming facility may operate 24 hours per day, every  
8987 day of the year.

8988 (3) A licensee may set the minimum and maximum wagers on  
8989 all games.

8990 (4) A licensee shall give preference in employment,

584-00011A-14

20147052\_\_

8991 reemployment, promotion, and retention to veterans and to the  
8992 persons included under s. 295.07(1) who possess the minimum  
8993 qualifications necessary to perform the duties of the positions  
8994 involved.

8995 (5) A licensee and its affiliates, directors, and employees  
8996 are subject to all applicable federal, state, and local laws.  
8997 Such licensees, affiliates, directors, and employees shall  
8998 subject themselves to jurisdiction of the Federal Government and  
8999 the government of this state and acceptance of a license shall  
9000 be considered an affirmative waiver of extradition to the United  
9001 States from a foreign country.

9002 (6) A licensee shall report any suspicious transaction or  
9003 activity to the department and other law enforcement agency, as  
9004 appropriate.

9005 (7) A licensee may not install, own, or operate, or allow  
9006 another person to install, own, or operate on the premises of  
9007 the licensed facility a slot machine or table game that is  
9008 played with a device that allows a player to operate the slot  
9009 machine or table game by transferring funds electronically from  
9010 a debit card or credit card or by means of an electronic funds  
9011 transfer terminal. As used in this subsection, the term  
9012 "electronic funds transfer terminal" means an information-  
9013 processing device or an automatic teller machine used for  
9014 executing deposit account transactions between financial  
9015 institutions and their account holders by either the direct  
9016 transmission of electronic impulses or the recording of  
9017 electronic impulses for delayed processing. The fact that a  
9018 device is used for other purposes does not prevent it from being  
9019 considered an electronic funds transfer terminal under this

584-00011A-14

20147052\_\_

9020 definition.

9021 (8) The board may renew a destination casino resort license  
9022 if the destination casino resort licensee has demonstrated an  
9023 effort to increase tourism, generate jobs, provide revenue to  
9024 the local economy, and provide revenue to the Gaming Control  
9025 Trust Fund.

9026 (9) The board shall renew a destination casino resort  
9027 license if:

9028 (a) The board has not suspended or revoked the license of  
9029 the licensee.

9030 (b) The licensee continues to satisfy all the requirements  
9031 for licensure.

9032 Section 137. Section 551.418, Florida Statutes, is created  
9033 to read:

9034 551.418 Prohibited acts; penalties.—

9035 (1) A person may not willfully:

9036 (a) Fail to report, pay, or truthfully account for and  
9037 remit any fee, tax, or assessment imposed under this part; or

9038 (b) Attempt in any manner to evade any fee, tax, or  
9039 assessment imposed under this part.

9040 (2) A gaming employee, key employee, or any other person  
9041 may not allow a slot machine, table game, or table game device  
9042 to be operated, transported, repaired, or opened on the premises  
9043 of a licensed gaming facility by a person other than a person  
9044 licensed by the department under this part.

9045 (3) A person may not manufacture, supply, or place slot  
9046 machines, table games, table game devices, or associated  
9047 equipment into play or display slot machines, table games, table  
9048 game devices, or associated equipment on the premises of a



584-00011A-14

20147052\_\_

9049 gaming facility without the license required under this part.

9050 (4) A licensee may not manufacture, supply, operate, carry  
9051 on, or expose for play any slot machine, table game, table game  
9052 device, or associated equipment after the person's license has  
9053 expired and before the actual renewal of the license.

9054 (5) Except as set forth in this subsection, a person on the  
9055 premises of a licensed gaming facility may not knowingly use  
9056 currency other than lawful coin or legal tender of the United  
9057 States or a coin not of the same denomination as the coin  
9058 intended to be used in a slot machine with the intent to cheat  
9059 or defraud a destination casino resort licensee or the  
9060 department or damage the slot machine. In the playing of a slot  
9061 machine, a person may use gaming billets, tokens, or similar  
9062 objects issued by the destination casino resort licensee which  
9063 are approved by the board.

9064 (6) Except for an authorized employee of a licensee or the  
9065 department who is performing duties of employment, a person may  
9066 not use or possess a cheating or thieving device, a counterfeit  
9067 or altered billet, a ticket, a token, or similar objects  
9068 accepted by a slot machine, or counterfeit or altered slot  
9069 machine-issued tickets or vouchers at a licensed gaming  
9070 facility.

9071 (7) A person may not use or possess counterfeit, marked,  
9072 loaded, or tampered with table game devices or associated  
9073 equipment, chips, or other cheating devices in the conduct of  
9074 gaming under this part, except that an authorized employee of a  
9075 licensee or of the department may possess and use counterfeit  
9076 chips, table game devices, or associated equipment that has been  
9077 marked, loaded, or tampered with, or other cheating devices in

584-00011A-14

20147052\_\_

9078 the performance of duties of employment for training,  
9079 investigative, or testing purposes only.

9080 (8) A person may not knowingly, by a trick or sleight of  
9081 hand performance or by fraud or fraudulent scheme, table game  
9082 device, or other device, for himself or herself or for another,  
9083 win or attempt to win any cash, property, or prize at a licensed  
9084 gaming facility or to reduce or attempt to reduce a losing  
9085 wager.

9086 (9) Except for an authorized employee of a licensee or the  
9087 department who is performing duties of employment, a person may  
9088 not knowingly use or possess while on the premises of a licensed  
9089 gaming facility a key or device designed for the purpose of and  
9090 suitable for opening or entering any slot machine, drop box, or  
9091 coin box that is located in the licensed gaming facility.

9092 (10) A person may not possess any device, equipment, or  
9093 material that the person knows has been manufactured,  
9094 distributed, sold, tampered with, or serviced in violation of  
9095 this part with the intent to use the device, equipment, or  
9096 material as though it had been manufactured, distributed, sold,  
9097 tampered with, or serviced pursuant to this part.

9098 (11) A persona may not sell, offer for sale, represent, or  
9099 pass off as lawful any device, equipment, or material that the  
9100 person knows has been manufactured, distributed, sold, tampered  
9101 with, or serviced in violation of this part.

9102 (12) A person may not work or be employed in a position  
9103 whose duties would require licensure under this part without  
9104 first obtaining the requisite license.

9105 (13) A licensee may not employ or continue to employ a  
9106 person in a position whose duties require a license under this

584-00011A-14

20147052\_\_

9107 part if the person:

9108 (a) Is not licensed under this part; or

9109 (b) Is prohibited from accepting employment from a  
9110 licensee.

9111 (14) A person may not claim, collect, or take, or attempt  
9112 to claim, collect, or take, money or anything of value in or  
9113 from a slot machine, gaming table, or other table game device,  
9114 with the intent to defraud, or to claim, collect, or take an  
9115 amount greater than the amount won, or to manipulate with the  
9116 intent to cheat, any component of any slot machine, table game,  
9117 or table game device in a manner contrary to the designed and  
9118 normal operational purpose.

9119 (15) A person who violates this section commits a  
9120 misdemeanor of the first degree, punishable as provided in s.  
9121 775.082 or s. 775.083. A person who is convicted of a second or  
9122 subsequent violation of this section commits a felony of the  
9123 third degree, punishable as provided in s. 775.082, s. 775.083,  
9124 or s. 775.084.

9125 Section 138. Section 551.42, Florida Statutes, is created  
9126 to read:

9127 551.42 Supplier licenses.-

9128 (1) A person must have a supplier license in order to  
9129 furnish on a regular or continuing basis to a licensee or an  
9130 applicant for a license gaming equipment, devices, or supplies  
9131 or other goods or services regarding the operation of gaming at  
9132 a destination casino resort.

9133 (2) An applicant for a supplier license must apply to the  
9134 department on forms adopted by department rule. The licensing  
9135 fee for the initial issuance and annual renewal of the license

584-00011A-14

20147052\_\_

9136 shall be a scale of fees determined by department rule based on  
9137 the type of goods or service provided by the supplier but may  
9138 not exceed \$25,000.

9139 (3) An applicant for a supplier license must include in the  
9140 application the fingerprints of the persons identified by  
9141 department rule for the processing of state and national  
9142 criminal background and credit history record checks.

9143 (4) (a) An applicant for a supplier license is not eligible  
9144 for licensure if:

9145 1. A person for whom fingerprinting is required under  
9146 subsection (3) has been convicted of a felony under the laws of  
9147 this state, any other state, or the United States;

9148 2. The applicant knowingly submitted false information in  
9149 the application for a supplier license;

9150 3. The applicant is a member of the board or an employee of  
9151 the department;

9152 4. The applicant is not a natural person and an officer,  
9153 director, or managerial employee of that person is a person  
9154 described in subparagraphs 1.-3.;

9155 5. The applicant is not a natural person and an employee of  
9156 the applicant participates in the management or operation of  
9157 gaming authorized under this part; or

9158 6. The applicant has had a license to own or operate a  
9159 destination casino resort licensee or pari-mutuel facility in  
9160 this state, or a similar license in any other jurisdiction,  
9161 revoked.

9162 (b) The department may revoke a supplier license at any  
9163 time it determines that the licensee no longer satisfies the  
9164 eligibility requirements in this subsection.

584-00011A-14

20147052\_\_

9165 (5) The department may deny an application for a supplier  
9166 license for any person who:

9167 (a) Is not qualified to perform the duties required of a  
9168 licensee;

9169 (b) Fails to disclose information or knowingly submits  
9170 false information in the application;

9171 (c) Has violated this part or department rule; or

9172 (d) Has had a gaming-related license or application  
9173 suspended, restricted, revoked, or denied for misconduct in any  
9174 other jurisdiction.

9175 (6) A supplier licensee shall:

9176 (a) Furnish to the department a list of all equipment,  
9177 devices, and supplies it offers for sale or lease in connection  
9178 with gaming authorized in this part;

9179 (b) Keep books and records documenting the furnishing of  
9180 gaming equipment, devices, and supplies to licensees separate  
9181 and distinct from any other business that the supplier operates;

9182 (c) File quarterly returns with the department listing all  
9183 sales or leases of equipment, devices, or supplies to licensees;  
9184 and

9185 (d) Permanently affix its name to all equipment, devices,  
9186 or supplies sold or leased to licensees.

9187 (7) All gaming equipment, devices, or supplies furnished by  
9188 a licensed supplier must conform to standards adopted by  
9189 department rule.

9190 (8) (a) The department may suspend, revoke, or restrict the  
9191 supplier license of a licensee who:

9192 1. Violates this part or department rule; or

9193 2. Defaults on the payment of any obligation or debt due to

584-00011A-14

20147052\_\_

9194 this state or a public body.

9195 (b) The department must revoke the supplier license of a  
9196 licensee for any cause that, if known to the department, would  
9197 have disqualified the applicant from receiving a license.

9198 (9) A supplier licensee may repair gaming equipment,  
9199 devices, or supplies in a facility owned or leased by the  
9200 licensee.

9201 (10) Gaming devices, equipment, or supplies owned by a  
9202 supplier licensee which are used in an unauthorized gaming  
9203 operation shall be forfeited to the county where the equipment  
9204 is found.

9205 (11) The department may revoke the license or deny the  
9206 application for a supplier license of a person who fails to  
9207 comply with this section.

9208 (12) A person who knowingly makes a false statement on an  
9209 application for a supplier license commits a misdemeanor of the  
9210 first degree, punishable as provided in s. 775.082 or s.  
9211 775.083.

9212 Section 139. Section 551.422, Florida Statutes, is created  
9213 to read:

9214 551.422 Manufacturer licenses.-

9215 (1) A person seeking to manufacture slot machines, table  
9216 game devices, and associated equipment for use in this state  
9217 shall apply to the department for a manufacturer license.

9218 (2) The licensing fee for the initial issuance and annual  
9219 renewal of the license shall be based on a scale of fees  
9220 determined by department rule based on the type of goods or  
9221 service provided by the manufacturer but may not exceed  
9222 \$100,000.

584-00011A-14

20147052\_\_

9223       (3) An application for a manufacturer license shall be on a  
9224 form adopted by department rule, accompanied by the application  
9225 fee, and shall include all of the following:

9226       (a) The name and business address of the applicant and the  
9227 applicant's affiliates, intermediaries, subsidiaries, and  
9228 holding companies; the principals and key employees of each  
9229 business; and a list of employees and their positions within  
9230 each business, as well as any financial information required by  
9231 the department.

9232       (b) A statement that the applicant and each affiliate,  
9233 intermediary, subsidiary, or holding company of the applicant  
9234 are not slot machine or destination casino resort licensees.

9235       (c) The consent to a criminal background and credit history  
9236 investigation of the applicant, its principals, and key  
9237 employees or other persons required by the department and a  
9238 release to obtain any and all information necessary for the  
9239 completion of the criminal background and credit history  
9240 investigation.

9241       (d) The details of any equivalent license granted or denied  
9242 by other jurisdictions where gaming activities as authorized by  
9243 this part are permitted and consent for the department to  
9244 acquire copies of applications submitted or licenses issued in  
9245 connection therewith.

9246       (e) The type of slot machines, table game devices, or  
9247 associated equipment to be manufactured or repaired.

9248       (f) Any other information determined by the department to  
9249 be appropriate.

9250       (4) Upon being satisfied that the requirements of  
9251 subsection (3) have been met, the department may approve the

584-00011A-14

20147052\_\_

9252 application and grant the applicant a manufacturer license  
9253 consistent with all of the following:

9254 (a) The initial license shall be for a period of 1 year,  
9255 and, if approved under subsection (6), the license renewal shall  
9256 be for a period of 1 year. This paragraph does not relieve the  
9257 licensee of the affirmative duty to notify the department of any  
9258 changes relating to the status of its license or to any other  
9259 information contained in application materials on file with the  
9260 department.

9261 (b) The license may not be transferable.

9262 (c) The applicant must comply with any other condition  
9263 established by the department.

9264 (5) In the event an applicant for a manufacturer license to  
9265 manufacture table game devices or associated equipment used in  
9266 connection with table games is licensed by the department under  
9267 this section to manufacture slot machines or associated  
9268 equipment used in connection with slot machines, the department  
9269 may determine to use an abbreviated process requiring only that  
9270 information determined by the department to be necessary to  
9271 consider the issuance of a license to manufacture table game  
9272 devices or associated equipment used in connection with table  
9273 games, including financial viability of the applicant. This  
9274 section may not be construed to waive any fees associated with  
9275 obtaining a license through the normal application process. The  
9276 department may use the abbreviated process only if all of the  
9277 following apply:

9278 (a) The manufacturer license was issued by the department  
9279 within a 24-month period immediately preceding the date the  
9280 manufacturer licensee files an application to manufacture table



584-00011A-14

20147052\_\_

9281 game devices or associated equipment.

9282 (b) The person to whom the manufacturer license was issued  
9283 affirms there has not been a material change in circumstances  
9284 relating to the license.

9285 (c) The department determines, in its sole discretion, that  
9286 there has not been a material change in circumstances relating  
9287 to the licensee which necessitates that the abbreviated process  
9288 not be used.

9289 (6) Two months before the expiration of a manufacturer  
9290 license, the manufacturer licensee seeking renewal of its  
9291 license shall submit a renewal application accompanied by the  
9292 renewal fee to the department. If the renewal application  
9293 satisfies the requirements of this section and department rule,  
9294 the department may renew the licensee's manufacturer license. If  
9295 the department receives a complete renewal application but the  
9296 department fails to act upon the renewal application before the  
9297 expiration of the manufacturer license, the manufacturer license  
9298 shall continue in effect for an additional 6-month period or  
9299 until acted upon by the department, whichever occurs first.

9300 (7) The following shall apply to a licensed manufacturer:

9301 (a) A manufacturer or its designee, as licensed by the  
9302 department, may supply or repair any slot machine, table game  
9303 device, or associated equipment manufactured by the manufacturer  
9304 if the manufacturer holds the appropriate manufacturer license.

9305 (b) A manufacturer of slot machines may contract with a  
9306 supplier to provide slot machines or associated equipment to a  
9307 slot machine licensee within this state if the supplier is  
9308 licensed to supply slot machines or associated equipment used in  
9309 connection with slot machines.

584-00011A-14

20147052\_\_

9310       (c) A manufacturer may contract with a supplier to provide  
9311 table game devices or associated equipment to a certificate  
9312 holder if the supplier is licensed to supply table game devices  
9313 or associated equipment used in connection with table games.

9314       (8) A person may not manufacture slot machines, table game  
9315 devices, or associated equipment for use within this state by a  
9316 licensee unless the person has been issued the appropriate  
9317 manufacturer license under this section. Except for training  
9318 equipment conspicuously identified as required by department  
9319 rule, a licensee may not use slot machines, table game devices,  
9320 or associated equipment unless the slot machines, table game  
9321 devices, or associated equipment were manufactured by a person  
9322 who has been issued the appropriate manufacturer license under  
9323 this section.

9324       (9) The department may revoke the license or deny the  
9325 application for a manufacturer license of a person who fails to  
9326 comply with this section.

9327       (10) A person who knowingly makes a false statement on an  
9328 application for a manufacturer license commits a misdemeanor of  
9329 the first degree, punishable as provided in s. 775.082 or s.  
9330 775.083.

9331       Section 140. Section 551.424, Florida Statutes, is created  
9332 to read:

9333       551.424 Occupational licenses.-

9334       (1) The Legislature finds that, due to the nature of their  
9335 employment, some gaming employees require heightened state  
9336 scrutiny, including licensing and criminal history record  
9337 checks.

9338       (2) Any person who desires to be a gaming employee and has

584-00011A-14

20147052\_\_

9339 a bona fide offer of employment from a licensed gaming facility  
9340 shall apply to the department for an occupational license. A  
9341 person may not be employed as a gaming employee unless that  
9342 person holds an appropriate occupational license issued under  
9343 this section. The department may adopt rules to reclassify a  
9344 category of nongaming employees or gaming employees upon a  
9345 finding that the reclassification is in the public interest and  
9346 consistent with the objectives of this part.

9347 (3) An applicant for an occupational license must apply to  
9348 the department on forms adopted by department rule. An  
9349 occupational license is valid for 4 years following issuance.  
9350 The application must be accompanied by the licensing fee set by  
9351 the department. The licensing fee may not exceed \$250 for an  
9352 employee of a destination casino resort licensee.

9353 (a) The applicant shall set forth in the application  
9354 whether the applicant:

9355 1. Has been issued a gaming-related license in any  
9356 jurisdiction.

9357 2. Has been issued a gaming-related license in any other  
9358 jurisdiction under any other name and, if so, the name and the  
9359 applicant's age at the time of licensure.

9360 3. Has had a permit or license issued by another  
9361 jurisdiction suspended, restricted, or revoked and, if so, for  
9362 what period of time.

9363 (b) An applicant for an occupational license must include  
9364 his or her fingerprints in the application.

9365 (4) To be eligible for an occupational license, an  
9366 applicant must:

9367 (a) Be at least 21 years of age to perform any function

584-00011A-14

20147052\_\_

- 9368 directly relating to gaming by patrons;
- 9369 (b) Be at least 18 years of age to perform nongaming
- 9370 functions;
- 9371 (c) Not have been convicted of a felony or a crime
- 9372 involving dishonesty or moral turpitude in any jurisdiction; and
- 9373 (d) Meet the standards for the occupational license as
- 9374 provided in department rule.
- 9375 (5) The department shall deny an application for an
- 9376 occupational license for any person who:
- 9377 (a) Is not qualified to perform the duties required of a
- 9378 licensee;
- 9379 (b) Fails to disclose or knowingly submits false
- 9380 information in the application;
- 9381 (c) Has violated this part; or
- 9382 (d) Has had a gaming-related license or application
- 9383 suspended, revoked, or denied in any other jurisdiction.
- 9384 (6) (a) The department may suspend, revoke, or restrict the
- 9385 occupational license of a licensee:
- 9386 1. Who violates this part or department rule;
- 9387 2. Who defaults on the payment of any obligation or debt
- 9388 due to this state or a county; or
- 9389 3. For any just cause.
- 9390 (b) The department shall revoke the occupational license of
- 9391 a licensee for any cause that, if known to the department, would
- 9392 have disqualified the applicant from receiving a license.
- 9393 (7) Any training provided for an occupational licensee may
- 9394 be conducted in the gaming facility of a destination casino
- 9395 resort licensee or at a school with which the licensee has
- 9396 entered into an agreement for that purpose.

584-00011A-14

20147052\_\_

9397       (8) A licensed travel agent whose board or compensation  
9398 from a licensee is derived solely from the price of the  
9399 transportation or lodging arranged for by the travel agent is  
9400 not required to have an occupational license.

9401       (9) A person who knowingly makes a false statement on an  
9402 application for an occupational license commits a misdemeanor of  
9403 the first degree, punishable as provided in s. 775.082 or s.  
9404 775.083.

9405       Section 141. Section 551.426, Florida Statutes, is created  
9406 to read:

9407       551.426 Temporary supplier license; temporary occupational  
9408 license.—

9409       (1) Upon the written request of an applicant for a supplier  
9410 license or an occupational license, the executive director shall  
9411 issue a temporary license to the applicant and permit the  
9412 applicant to undertake employment with or provide gaming  
9413 equipment, devices, or supplies or other goods or services to a  
9414 gaming facility or an applicant for a destination casino resort  
9415 if:

9416       (a) The applicant has submitted a completed application, an  
9417 application fee, all required disclosure forms, and other  
9418 required written documentation and materials;

9419       (b) A preliminary review of the application and the  
9420 criminal history record check does not reveal that the applicant  
9421 or a person subject to a criminal history record check has been  
9422 convicted of a crime that would require denial of the  
9423 application;

9424       (c) A deficiency does not appear to exist in the  
9425 application which may require denial of the application; and

584-00011A-14

20147052\_\_

9426 (d) The applicant has an offer of employment from, or an  
9427 agreement to begin providing gaming devices, equipment, or  
9428 supplies or other goods and services to, a destination casino  
9429 resort licensee or an applicant for a destination casino resort  
9430 license, or the applicant for a temporary license shows good  
9431 cause for being granted a temporary license.

9432 (2) An initial temporary occupational license or supplier's  
9433 license may not be valid for more than 90 days; however, a  
9434 temporary occupational license may be renewed one time for an  
9435 additional 90 days.

9436 (3) An applicant who receives a temporary license may  
9437 undertake employment with or supply a destination casino resort  
9438 licensee with gaming devices, equipment, or supplies or other  
9439 goods or services until a license is issued or denied or until  
9440 the temporary license expires or is suspended or revoked.

9441 Section 142. Section 551.428, Florida Statutes, is created  
9442 to read:

9443 551.428 Resolution of disputes between licensees and  
9444 wagerers.—

9445 (1) (a) The licensee must immediately notify the department  
9446 of a dispute whenever a licensee has a dispute with a wagerer  
9447 which is not resolved to the satisfaction of the patron if the  
9448 amount disputed is \$500 or more and involves:

9449 1. Alleged winnings, alleged losses, or the award or  
9450 distribution of cash, prizes, benefits, tickets, or any other  
9451 item in a game, tournament, contest, drawing, promotion, race,  
9452 or similar activity or event; or

9453 2. The manner in which a game, tournament, contest,  
9454 drawing, promotion, race, or similar activity or event was

584-00011A-14

20147052\_\_

9455 conducted.

9456 (b) If the dispute involves an amount less than \$500, the  
9457 licensee must immediately notify the wagerer of his or her right  
9458 to file a complaint with the department.

9459 (2) Upon notice of a dispute or receipt of a complaint, the  
9460 department shall conduct any investigation it deems necessary  
9461 and may order the licensee to make a payment to the wagerer upon  
9462 a finding that the licensee is liable for the disputed amount.  
9463 The decision of the department is effective on the date the  
9464 aggrieved party receives notice of the decision. Notice of the  
9465 decision is deemed sufficient if it is mailed to the last known  
9466 address of the licensee and the wagerer. The notice is deemed to  
9467 have been received by the licensee or the wagerer 5 days after  
9468 it is deposited with the United States Postal Service with  
9469 postage prepaid.

9470 (3) The failure of a licensee to notify the department of  
9471 the dispute or the wagerer of the right to file a complaint is  
9472 grounds for disciplinary action.

9473 (4) Gaming-related disputes may be resolved only by the  
9474 department and are not under the jurisdiction of state courts.

9475 (5) This section may not be construed to deny a wagerer an  
9476 opportunity to make a claim in state court for nongaming-related  
9477 issues.

9478 Section 143. Section 551.43, Florida Statutes, is created  
9479 to read:

9480 551.43 Enforcement of credit instruments.-

9481 (1) A credit instrument and the debt that instrument  
9482 represents are valid and may be enforced by legal process.

9483 (2) A licensee may accept an incomplete credit instrument

584-00011A-14

20147052\_\_

9484 that is signed by the patron and states the amount of the debt  
9485 in numbers and may complete the instrument as is necessary for  
9486 the instrument to be presented for payment.

9487 (3) A licensee may accept a credit instrument that is  
9488 payable to an affiliate or may complete a credit instrument  
9489 payable to an affiliate if the credit instrument otherwise  
9490 complies with this section and the records of the affiliate  
9491 pertaining to the credit instrument are made available to the  
9492 department upon request.

9493 (4) A licensee may accept a credit instrument before,  
9494 during, or after the patron incurs the debt. The credit  
9495 instrument and the debt that the instrument represents are  
9496 enforceable without regard to whether the credit instrument was  
9497 accepted before, during, or after the incurring of the debt.

9498 (5) This section does not prohibit the establishment of an  
9499 account by a deposit of cash, recognized traveler's check, or  
9500 any other instrument that is equivalent to cash.

9501 (6) If a credit instrument is lost or destroyed, the debt  
9502 represented by the credit instrument may be enforced if the  
9503 destination casino resort licensee or person acting on behalf of  
9504 the licensee can prove the existence of the credit instrument.

9505 (7) The existence of a mental disorder in a patron who  
9506 provides a credit instrument to a licensee:

9507 (a) Is not a defense in any action by a licensee to enforce  
9508 a credit instrument or the debt that the credit instrument  
9509 represents.

9510 (b) Is not a valid counterclaim in an action to enforce the  
9511 credit instrument or the debt that the credit instrument  
9512 represents.



584-00011A-14

20147052\_\_

9513       (8) The failure of a licensee to comply with this section  
9514 or department rule does not invalidate a credit instrument or  
9515 affect its ability to enforce the credit instrument or the debt  
9516 that the credit instrument represents.

9517       (9) The department may adopt rules prescribing the  
9518 conditions under which a credit instrument may be redeemed or  
9519 presented to a bank, credit union, or other financial  
9520 institution for collection or payment.

9521       (10) A violation of these regulatory requirements only  
9522 states a basis for disciplinary action by the department.

9523       Section 144. Section 551.44, Florida Statutes, is created  
9524 to read:

9525       551.44 Compulsive or addictive gambling prevention.-

9526       (1) A destination casino resort licensee shall offer  
9527 training to employees on responsible gaming and shall work with  
9528 a compulsive or addictive gambling prevention program to  
9529 recognize problem gaming situations and to implement responsible  
9530 gaming programs and practices.

9531       (2) The department shall adopt by rule an invitation to  
9532 negotiate process for services for the treatment of compulsive  
9533 and addictive gambling.

9534       (3) As a condition of licensing, each destination casino  
9535 resort licensee shall pay to the department, without proration,  
9536 \$250,000 annually by June 30, to be used by the department for  
9537 services related to the treatment of compulsive or addictive  
9538 gambling.

9539       Section 145. Section 551.445, Florida Statutes, is created  
9540 to read:

9541       551.445 Voluntary self-exclusion from a gaming facility.-

584-00011A-14

20147052\_\_

9542       (1) A person may request that he or she be excluded from  
9543 gaming facilities in this state by personally submitting a  
9544 request for self-exclusion from all gaming facilities on a form  
9545 adopted by department rule. At a minimum, the form must require  
9546 the person requesting exclusion to:

9547       (a) State his or her:

9548       1. Name, including any aliases or nicknames;

9549       2. Date of birth;

9550       3. Current residential address;

9551       4. Current electronic mail address, if any;

9552       5. Telephone number;

9553       6. Social security number; and

9554       7. Physical description, including height, weight, gender,  
9555 hair color, eye color, and any other physical characteristic  
9556 that may assist in the identification of the person.

9557  
9558 A self-excluded person must update the information in this  
9559 paragraph on forms or other methods provided by the department  
9560 within 30 days after any change.

9561       (b) Select one of the following as the duration of the  
9562 self-exclusion:

9563       1. One year.

9564       2. Five years.

9565       3. Lifetime.

9566       (c) Execute a release in which the person does all of the  
9567 following:

9568       1. Acknowledges that the request for exclusion has been  
9569 made voluntarily.

9570       2. Certifies that the information provided in the request

584-00011A-14

20147052\_\_

9571 for self-exclusion is true and correct.

9572 3. Acknowledges that the person requesting self-exclusion  
9573 has a compulsive or addictive gambling problem.

9574 4. Acknowledges that a person requesting a lifetime  
9575 exclusion will be included on the self-exclusion list maintained  
9576 by the department until the person's death, or for 75 years from  
9577 the date of receipt by the department of the request for self-  
9578 exclusion.

9579 5. Acknowledges that a person requesting a 1-year or 5-year  
9580 exclusion will remain on the self-exclusion list maintained by  
9581 the department until a request for removal on a form adopted by  
9582 department rule is approved in writing.

9583 6. Acknowledges that, if the person is discovered on the  
9584 gaming floor of a gaming facility, the person may be removed and  
9585 may be arrested and prosecuted for criminal trespass.

9586 7. Releases, indemnifies, holds harmless, and forever  
9587 discharges the state, department, and all licensees from any  
9588 claims, damages, losses, expenses, or liability arising out of,  
9589 by reason of or relating to the self-excluded person or to any  
9590 other party for any harm, monetary or otherwise, which may arise  
9591 as a result of one or more of the following:

9592 a. The failure of a licensee to withhold gaming privileges  
9593 from or restore gaming privileges to a self-excluded person.

9594 b. Permitting or prohibiting a self-excluded person from  
9595 engaging in gaming activity in a gaming facility.

9596 (2) A person submitting a self-exclusion request must  
9597 present to the department a photo identification issued by an  
9598 agency of the United States, or a state, or a political  
9599 subdivision thereof containing the person's signature.

584-00011A-14

20147052\_\_

9600       (3) A person requesting a self-exclusion request shall  
9601 submit a photograph or digital image of himself or herself as  
9602 required by department rule.

9603       Section 146. Section 551.45, Florida Statutes, is created  
9604 to read:

9605       551.45 Annual report.—Beginning February 1, 2016, and  
9606 annually thereafter, the board shall file an annual report with  
9607 the Governor, the President of the Senate, and the Speaker of  
9608 the House of Representatives covering the previous fiscal year.  
9609 Each report must include:

9610       (1) A statement of receipts and disbursements.

9611       (2) A summary of disciplinary actions taken by the  
9612 department.

9613       (3) Any additional information and recommendations that the  
9614 board believes may improve the regulation of gaming or increase  
9615 the economic benefits of gaming to this state.

9616       Section 147. Part VII of chapter 551, Florida Statutes,  
9617 consisting of sections 551.50-551.56, is created and entitled  
9618 "MISCELLANEOUS GAMING."

9619       Section 148. The amendments to the sections of chapter 849,  
9620 Florida Statutes, that are transferred, renumbered, and amended  
9621 in part VII of this act are not intended to authorize additional  
9622 games but rather to clarify current limitations under which  
9623 authorized games may be operated.

9624       Section 149. Section 849.094, Florida Statutes, is  
9625 transferred, renumbered as section 551.50, Florida Statutes, and  
9626 amended to read:

9627       551.50 ~~849.094~~ Game promotion in connection with sale of  
9628 consumer products or services.—

584-00011A-14

20147052\_\_

9629 (1) As used in this section, the term:

9630 (a) "Game promotion" means, but is not limited to, a  
9631 contest, game of chance, sweepstakes, or gift enterprise,  
9632 ~~conducted in this by an operator within or throughout the state~~  
9633 and other states in connection with and incidental to the sale  
9634 of consumer products or services, ~~and~~ in which the elements of  
9635 chance and prize are present. The term does ~~However,~~ "game  
9636 promotion" ~~may not be construed to~~ apply to bingo games  
9637 conducted pursuant to s. 849.0931.

9638 (b) "Operator" means a retailer who operates a game  
9639 promotion or a ~~any~~ person, firm, corporation, organization, or  
9640 association, or an agent or employee thereof, who promotes,  
9641 operates, or conducts a nationally advertised game promotion.

9642 (2) It is unlawful for any operator to:

9643 (a) Design ~~To design~~, engage in, promote, or conduct such a  
9644 game promotion, in connection with the promotion or sale of  
9645 consumer products or services, in which ~~wherein~~ the winner may  
9646 be predetermined or the game may be manipulated or rigged so as  
9647 to:

9648 1. Allocate a winning game or any portion thereof to  
9649 certain lessees, agents, or franchises; or

9650 2. Allocate a winning game or part thereof to a particular  
9651 period of the game promotion or to a particular geographic area;

9652 (b) Arbitrarily ~~to~~ remove, disqualify, disallow, or reject  
9653 any entry;

9654 (c) Fail ~~To fail~~ to award prizes offered;

9655 (d) Print ~~To print~~, publish, or circulate false, deceptive,  
9656 or misleading literature or advertising material ~~used~~ in  
9657 connection with such game promotions ~~which is false, deceptive,~~

584-00011A-14

20147052\_\_

9658 ~~or misleading; or~~

9659 (e) Require ~~To require~~ an entry fee, payment, or proof of  
9660 purchase as a condition of entering a game promotion.

9661 (3) The operator of a game promotion in which the total  
9662 announced value of the prizes offered is greater than \$5,000  
9663 shall file with the Department of Agriculture and Consumer  
9664 Services a copy of the rules and regulations of the game  
9665 promotion and a list of all prizes and prize categories offered  
9666 at least 7 days before the beginning ~~commencement~~ of the game  
9667 promotion. Such rules and regulations may not thereafter be  
9668 changed, modified, or altered. The operator of a game promotion  
9669 shall conspicuously post the rules and regulations of such game  
9670 promotion in each ~~and every~~ retail outlet or place where such  
9671 game promotion may be played or participated in by the public  
9672 and shall also publish the rules and regulations in all  
9673 advertising copy used in connection therewith. However, such  
9674 advertising copy need only include the material terms of the  
9675 rules and regulations if the advertising copy includes a website  
9676 address, a toll-free telephone number, or a mailing address  
9677 where the full rules and regulations will be made available ~~may~~  
9678 ~~be viewed, heard, or obtained~~ for the full duration of the game  
9679 promotion. Written ~~Such~~ disclosures must be legible. Radio and  
9680 television announcements may indicate that the rules and  
9681 regulations are available at retail outlets or from the operator  
9682 of the promotion. A nonrefundable filing fee of \$100 shall  
9683 accompany each filing and shall be used to pay the costs  
9684 incurred to administer and enforce ~~in administering and~~  
9685 ~~enforcing the provisions of~~ this section.

9686 (4) (a) The ~~Every~~ operator of such a game promotion in which

584-00011A-14

20147052\_\_

9687 the total announced value of the prizes offered is greater than  
9688 \$5,000 shall establish a trust account, in a national or state-  
9689 chartered financial institution, with a balance sufficient to  
9690 pay or purchase the total value of all prizes offered. ~~On a form~~  
9691 ~~supplied by the Department of Agriculture and Consumer Services,~~  
9692 An official of the financial institution holding the trust  
9693 account shall specify, on a form supplied by the Department of  
9694 Agriculture and Consumer Services, ~~set forth~~ the dollar amount  
9695 of the trust account, the identity of the entity or individual  
9696 establishing the trust account, and the name of the game  
9697 promotion for which the trust account has been established. Such  
9698 form shall be filed with the Department of Agriculture and  
9699 Consumer Services at least 7 days before the beginning ~~in~~  
9700 ~~advance of the commencement~~ of the game promotion. In lieu of  
9701 establishing such trust account, the operator may obtain a  
9702 surety bond in an amount equivalent to the total value of all  
9703 prizes offered; and such bond shall be filed with the Department  
9704 of Agriculture and Consumer Services at least 7 days before the  
9705 beginning ~~in advance of the commencement~~ of the game promotion.

9706 1. The moneys held in the trust account may be withdrawn in  
9707 order to pay the prizes offered only upon certification to the  
9708 Department of Agriculture and Consumer Services of the name of  
9709 the winner or winners and the amount of the prize or prizes and  
9710 the value thereof.

9711 2. If the operator of a game promotion has obtained a  
9712 surety bond in lieu of establishing a trust account, the amount  
9713 of the surety bond must ~~shall~~ equal ~~at all times~~ the total  
9714 amount of the prizes offered.

9715 (b) The Department of Agriculture and Consumer Services may

584-00011A-14

20147052\_\_

9716 waive the provisions of this subsection for any operator who has  
9717 conducted game promotions in this ~~the~~ state for at least ~~not~~  
9718 ~~less than~~ 5 consecutive years and who has not had any civil,  
9719 criminal, or administrative action instituted against him or her  
9720 by the state or an agency of the state for violation of this  
9721 section within that 5-year period. Such waiver may be revoked  
9722 upon determination by the Department of Agriculture and Consumer  
9723 Services that the operator committed ~~the commission of a~~  
9724 ~~violation of this section by such operator, as determined by the~~  
9725 ~~Department of Agriculture and Consumer Services.~~

9726 (5) Every operator of a game promotion in which the total  
9727 announced value of the prizes offered is greater than \$5,000  
9728 shall, within 60 days after the final determination of winners,  
9729 provide the Department of Agriculture and Consumer Services with  
9730 a certified list of the names and addresses of all such persons,  
9731 regardless of state residency, ~~whether from this state or from~~  
9732 ~~another state,~~ who have won prizes that ~~which~~ have a value of  
9733 more than \$25, the value of such prizes, and the dates when the  
9734 prizes were won ~~within 60 days after such winners have been~~  
9735 ~~finally determined.~~ The operator shall provide a copy of the  
9736 list of winners at no, ~~without charge,~~ to a ~~any~~ person who  
9737 requests it or. ~~In lieu of the foregoing, the operator of a game~~  
9738 ~~promotion may, at his or her option,~~ publish the ~~same~~  
9739 information ~~about the winners~~ in a Florida newspaper of general  
9740 circulation within 60 days after such winners have been  
9741 determined. If such information is published, the operator and  
9742 shall provide to the Department of Agriculture and Consumer  
9743 Services a certified copy of the publication ~~containing the~~  
9744 ~~information about the winners.~~ The operator of a game promotion



584-00011A-14

20147052\_\_

9745 is not required to notify a winner by mail or by telephone when  
9746 the winner is already in possession of a game card from which  
9747 the winner can determine that he or she has won a designated  
9748 prize. ~~All~~ Winning entries shall be held by the operator for a  
9749 period of 90 days after the close or completion of the game.

9750 (6) The Department of Agriculture and Consumer Services  
9751 shall keep the certified list of winners for a period of at  
9752 least 6 months after receipt and ~~of the certified list.~~ The  
9753 ~~department thereafter~~ may dispose of all records and lists after  
9754 that time period.

9755 (7) An ~~No~~ operator may not ~~shall~~ force, directly or  
9756 indirectly, a lessee, agent, or franchise dealer to purchase or  
9757 participate in any game promotion. For the purpose of this  
9758 section, coercion or force is ~~shall be~~ presumed when ~~in these~~  
9759 ~~circumstances in which~~ a course of business extending over a  
9760 period of 1 year or longer is materially changed coincident with  
9761 a failure or refusal of a lessee, agent, or franchise dealer to  
9762 participate in such game promotions. Such force or coercion  
9763 shall also ~~further~~ be presumed when an operator advertises  
9764 generally that game promotions are available at its lessee  
9765 dealers or agent dealers.

9766 (8) (a) The Department of Agriculture and Consumer Services  
9767 may adopt ~~shall have the power to promulgate such rules for and~~  
9768 ~~regulations respecting~~ the operation of game promotions ~~as it~~  
9769 ~~deems~~ advisable.

9770 (b) Compliance with such ~~the rules of the Department of~~  
9771 ~~Agriculture and Consumer Services~~ does not authorize, and is not  
9772 a defense to a charge of, possession of a slot machine or device  
9773 or any other device or a violation of any other law.

584-00011A-14

20147052\_\_

9774 (c) ~~If Whenever~~ the Department of Agriculture and Consumer  
9775 Services or the Department of Legal Affairs has reason to  
9776 believe that a game promotion is being operated in violation of  
9777 this section, it may bring an action in the circuit court of any  
9778 judicial circuit in which the game promotion is being operated  
9779 ~~in the name and on behalf of the people of the state~~ against the  
9780 ~~any operator thereof~~ to enjoin the continued operation of such  
9781 game promotion in this ~~anywhere within the state.~~

9782 (9) (a) A ~~Any~~ person, firm, or corporation, or an  
9783 association, ~~or agent,~~ or employee thereof, who violates this  
9784 section or a rule ~~engages in any acts or practices stated in~~  
9785 ~~this section to be unlawful, or who violates any of the rules~~  
9786 ~~and regulations~~ made pursuant to this section, is guilty of a  
9787 misdemeanor of the second degree, punishable as provided in s.  
9788 775.082 or s. 775.083.

9789 (b) A ~~Any~~ person, firm, or corporation, or an association,  
9790 agent, or employee thereof, who violates ~~any provision of this~~  
9791 section or a rule ~~any of the rules and regulations~~ made pursuant  
9792 to this section is ~~shall be~~ liable for a civil penalty of up to  
9793 ~~not more than~~ \$1,000 for each ~~such~~ violation, which shall accrue  
9794 to the state and may be recovered in a civil action brought by  
9795 the Department of Agriculture and Consumer Services or the  
9796 Department of Legal Affairs.

9797 (10) This section does not apply to actions or transactions  
9798 regulated by the Department of Gaming Control, ~~Business and~~  
9799 ~~Professional Regulation~~ or to the activities of nonprofit  
9800 organizations, or to any other organization engaged in any  
9801 enterprise other than the sale of consumer products or services.  
9802 Subsections (3) , ~~(4), (5), (6), and~~ (7) and paragraph (8) (a),

584-00011A-14

20147052\_\_

9803 and ~~any of the~~ rules adopted ~~made~~ pursuant thereto, do not apply  
9804 to television or radio broadcasting companies licensed by the  
9805 Federal Communications Commission.

9806 (11) A violation of this section, or soliciting another  
9807 person to commit an act that violates this section, constitutes  
9808 a deceptive and unfair trade practice actionable under the  
9809 Florida Deceptive and Unfair Trade Practices Act.

9810 Section 150. Section 849.092, Florida Statutes, is  
9811 transferred, renumbered as section 551.51, Florida Statutes, and  
9812 amended to read:

9813 551.51 ~~849.092~~ Motor fuel retail business prizes; ~~certain~~  
9814 ~~activities permitted.~~ Notwithstanding s. 849.09, a person ~~The~~  
9815 ~~provisions of s. 849.09 shall not be construed to prohibit or~~  
9816 ~~prevent persons who are licensed to conduct business under s.~~  
9817 206.404, may give from giving away prizes to a person ~~persons~~  
9818 selected by lot, if such prizes are conditioned ~~made~~ on the  
9819 following ~~conditions~~:

9820 (1) Such gifts are conducted as advertising and promotional  
9821 undertakings, in good faith, solely for the purpose of  
9822 advertising the goods, wares, merchandise, and business of such  
9823 licensee. ~~;~~ ~~and~~

9824 (2) The principal business of such licensee is the business  
9825 permitted to be licensed under s. 206.404. ~~;~~ ~~and~~

9826 (3) ~~No person~~ To be eligible to receive such gift, a person  
9827 may not ~~shall ever~~ be required to:

9828 (a) Pay ~~any~~ tangible consideration to such licensee in the  
9829 form of money or other property or thing of value; ~~;~~ ~~or~~

9830 (b) Purchase ~~any~~ goods, wares, merchandise, or anything of  
9831 value from such licensee.

584-00011A-14

20147052\_\_

9832 (4) The person selected to receive ~~any~~ such gift or prize  
9833 offered by a ~~any such~~ licensee in connection with ~~any~~ such  
9834 advertising or promotion is notified of his or her selection at  
9835 his or her last known address. Newspapers, magazines, and  
9836 television and radio stations may, ~~without violating any law,~~  
9837 publish or ~~and~~ broadcast advertising matter describing such  
9838 advertising and promotional undertakings of a licensee. The  
9839 publishing or broadcasting of such advertising matter such  
9840 licensees which may contain instructions for a person to make  
9841 his or her ~~pursuant to which persons desiring to become eligible~~  
9842 ~~for such gifts or prizes may make their~~ name and address known  
9843 to such licensee.

9844 (5) All brochures, advertisements, promotional material,  
9845 and entry blanks promoting such undertakings must ~~shall~~ contain  
9846 a clause stating that residents of this state ~~Florida~~ are  
9847 entitled to participate in such undertakings and are eligible to  
9848 win gifts or prizes.

9849 Section 151. Section 849.085, Florida Statutes, is  
9850 transferred, renumbered as section 551.52, Florida Statutes, and  
9851 amended to read:

9852 551.52 ~~849.085~~ ~~Certain Penny-ante games not crimes;~~  
9853 ~~restrictions.-~~

9854 (1) Notwithstanding any other ~~provision of law, it is not a~~  
9855 ~~crime for~~ a person may ~~to~~ participate in a game described in  
9856 this section if such game is conducted strictly in accordance  
9857 with this section.

9858 (2) As used in this section:

9859 (b) ~~(a)~~ "Penny-ante game" means a game or series of games of  
9860 poker, pinochle, bridge, rummy, canasta, hearts, dominoes, or

584-00011A-14

20147052\_\_

9861 mah-jongg in which the winnings of any player in a single round,  
9862 hand, or game do not exceed \$10 in value.

9863 ~~(c)(b)~~ "Residential premises" ~~"Dwelling"~~ means a unit,  
9864 room, or college dormitory room ~~residential premises~~ owned or  
9865 rented by a participant in a penny-ante game and occupied by  
9866 such participant.

9867 (a) "Common premises" means ~~or~~ the common elements or  
9868 common areas of a condominium, cooperative, residential  
9869 subdivision, ~~or mobile home park,~~ or park or recreation district  
9870 of which a participant in a penny-ante game is a unit owner, or  
9871 the facilities of an organization which is tax-exempt under s.  
9872 501(c)(7) of the Internal Revenue Code, ~~. The term "dwelling"~~  
9873 ~~also includes a college dormitory room~~ or the common  
9874 recreational area of a college dormitory, or a publicly owned  
9875 community center owned by a municipality or county.

9876 (3) A penny-ante game is subject to the following  
9877 restrictions:

9878 (a) The game must be conducted in a residential premises or  
9879 a common premises ~~dwelling~~.

9880 (b) A person may not receive any consideration or  
9881 commission for allowing a penny-ante game to occur in a  
9882 residential premises or a common premises ~~his or her dwelling~~.

9883 (c) A person may not directly or indirectly charge  
9884 admission or any other fee for participation in the penny-ante  
9885 game.

9886 (d) A person may not solicit participants by ~~means of~~  
9887 advertising in any form, ~~advertise~~ the time or place of any  
9888 penny-ante game, or ~~advertise~~ the fact that he or she will be a  
9889 participant in any penny-ante game.

584-00011A-14

20147052\_\_

9890 (e) A penny-ante game may not be conducted unless each ~~in~~  
 9891 ~~which any~~ participant is under 18 years of age or older.

9892 (4) A debt created or owed as a consequence of any penny-  
 9893 ante game is not legally enforceable.

9894 (5) The conduct of a any penny-ante game within a common  
 9895 premises does not create ~~the common elements or common area of a~~  
 9896 ~~condominium, cooperative, residential subdivision, or mobile~~  
 9897 ~~home park or the conduct of any penny-ante game within the~~  
 9898 ~~dwelling of an eligible organization as defined in subsection~~  
 9899 ~~(2) or within a publicly owned community center owned by a~~  
 9900 ~~municipality or county creates no~~ civil liability for damages  
 9901 arising from the penny-ante game on the part of an owner a  
 9902 ~~condominium association, cooperative association, a homeowners'~~  
 9903 ~~association as defined in s. 720.301, mobile home owners'~~  
 9904 ~~association, dwelling owner, or municipality or county or on the~~  
 9905 ~~part of a unit owner~~ who was not a participant in the game.

9906 Section 152. Section 849.0931, Florida Statutes, is  
 9907 transferred, renumbered as section 551.53, Florida Statutes, and  
 9908 amended to read:

9909 551.53 ~~849.0931~~ Bingo authorized; conditions for conduct;  
 9910 use ~~permitted uses~~ of proceeds; limitations.-

9911 (1) As used in this section, the term:

9912 (a) "Bingo game" means ~~and refers to~~ the activity, commonly  
 9913 known as "bingo," in which the following occurs:

9914 1. A participant pays ~~Participants pay~~ a sum of money for  
 9915 the use of one or more bingo cards that contain different  
 9916 numbers.

9917 2. When the game commences, Numbers are randomly drawn, one  
 9918 at a time ~~by chance, one by one,~~ and announced.

584-00011A-14

20147052\_\_

9919           3. The Players ~~cover or mark their~~ those numbers on the  
9920 bingo cards if an announced number matches a number on their  
9921 card which they have purchased until a player receives the  
9922 specified a given order or pattern of numbers ~~in sequence that~~  
9923 ~~has been~~ preannounced for that particular game.

9924           4. ~~This player calls out "bingo" and is declared~~ The winner  
9925 receives ~~of a predetermined prize. More than one game may be~~  
9926 ~~played upon a bingo card, and numbers called for one game may be~~  
9927 ~~used for a succeeding game or games.~~

9928           (b) "Bingo card" means ~~and refers to~~ the flat piece of  
9929 paper or thin pasteboard used ~~employed~~ by players engaged in the  
9930 game of bingo. The bingo card may not contain ~~shall have not~~  
9931 fewer than 24 playing numbers, which ~~printed on it.~~ These  
9932 ~~playing numbers shall~~ range from 1 through 75, ~~inclusive.~~ More  
9933 than one ~~set of bingo~~ card numbers may be printed on a any  
9934 single piece of paper.

9935           (c) "Charitable, nonprofit, or veterans' organization"  
9936 means an organization that ~~which~~ has qualified for exemption  
9937 from federal income tax ~~as an exempt organization~~ under ~~the~~  
9938 ~~provisions of~~ s. 501(c) of the Internal Revenue Code of 1954 or  
9939 s. 528 of the Internal Revenue Code of 1986, as amended; that  
9940 ~~which~~ is engaged in charitable, civic, community, benevolent,  
9941 religious, or scholastic works or other similar endeavors  
9942 ~~activities;~~ and that ~~which~~ has been in existence and active for  
9943 a period of 3 years or more.

9944           (d) "Deal" means a separate set or package of not more than  
9945 4,000 instant bingo tickets in which the predetermined minimum  
9946 prize payout is at least 65 percent of the total receipts from  
9947 the sale of the entire deal.

584-00011A-14

20147052\_\_

9948 (e) "Flare" means the board or placard that accompanies  
9949 each deal of instant bingo tickets and that has printed on or  
9950 affixed to it the following information:

- 9951 1. The game name.
- 9952 2. The manufacturer's name or distinctive logo.
- 9953 3. The form number.
- 9954 4. The ticket count.
- 9955 5. The prize structure, including the number of symbols or  
9956 number combinations for winning instant bingo tickets by  
9957 denomination, with their respective winning symbols or number  
9958 combinations.
- 9959 6. The cost per play.
- 9960 7. The game serial number.

9961 (f) "Instant bingo" means a form of bingo that is played at  
9962 the same location as bingo in which a player uses,~~using~~ tickets  
9963 to win ~~by which a player wins~~ a prize by opening and removing a  
9964 cover from the ticket to reveal a set of numbers, letters,  
9965 objects, or patterns, some of which have been designated in  
9966 advance as prize winners.

9967 (g) "Objects" means a set of 75 balls or other precision  
9968 shapes that are imprinted with letters and numbers in such a way  
9969 that numbers 1 through 15 are marked with the letter "B,"  
9970 numbers 16 through 30 are marked with the letter "I," numbers 31  
9971 through 45 are marked with the letter "N," numbers 46 through 60  
9972 are marked with the letter "G," and numbers 61 through 75 are  
9973 marked with the letter "O."

9974 (h) "Rack" means the container in which the objects are  
9975 placed after being drawn and announced.

9976 (i) "Receptacle" means the container from which the objects



584-00011A-14

20147052\_\_

9977 are drawn or ejected.

9978 (j) "Session" means a designated set of games played in a  
9979 day or part of a day.

9980 (2) (a) Notwithstanding chapter 849, a ~~None of the~~  
9981 ~~provisions of this chapter shall be construed to prohibit or~~  
9982 ~~prevent~~ charitable, nonprofit, or veterans' organization that is  
9983 ~~organizations~~ engaged in charitable, civic, community,  
9984 benevolent, religious, or scholastic works or other similar  
9985 endeavors and that has, ~~which organizations have been in~~  
9986 ~~existence and~~ active for a period of 3 years or more may  
9987 conduct, ~~from conducting~~ bingo games or instant bingo; however,  
9988 ~~provided~~ the entire proceeds derived from the conduct of such  
9989 games, less actual business expenses ~~for articles designed for~~  
9990 ~~and essential to the operation, conduct, and playing of bingo or~~  
9991 ~~instant bingo, must be~~ are donated by the organization to such  
9992 works or endeavors ~~such organizations to the endeavors mentioned~~  
9993 ~~above. In no case may the net proceeds from the conduct of such~~  
9994 ~~games be used for any other purpose whatsoever. The proceeds are~~  
9995 ~~derived from the conduct of bingo games or instant bingo shall~~  
9996 ~~not be~~ considered solicitation of public donations.

9997 (b) A ~~It is the express intent of the Legislature that no~~  
9998 ~~charitable, nonprofit, or veterans' organization may not serve~~  
9999 ~~as a sponsor of a bingo game or instant bingo conducted by~~  
10000 ~~another, but such organization may only be directly involved in~~  
10001 ~~the conduct of such a game as provided in this act.~~

10002 (3) ~~If~~ An organization ~~is~~ not engaged in charitable, civic,  
10003 community, benevolent, religious, or scholastic works or other  
10004 similar endeavors which conducts ~~efforts of the type set out~~  
10005 ~~above, its right to conduct~~ bingo games under this section must

584-00011A-14

20147052\_\_

10006 ~~hereunder is conditioned upon the return of all the proceeds~~  
10007 from such games to the players in the form of prizes. If, at the  
10008 conclusion of play on any day during which a bingo game is  
10009 allowed to be played under this subsection, proceeds section  
10010 ~~there~~ remain ~~proceeds~~ which have not been paid out as prizes,  
10011 the organization conducting the game shall, on ~~at~~ the next  
10012 scheduled day of play, conduct bingo games without any charge to  
10013 the players and shall continue to do so until the proceeds  
10014 carried over ~~from the previous days played~~ have been exhausted.  
10015 This subsection does not extend ~~provision in no way extends~~ the  
10016 limitation on the number of prize or jackpot games allowed in a  
10017 single ~~one~~ day as provided under ~~for in~~ subsection (5).

10018 (4) ~~The right of~~ A condominium association, a cooperative  
10019 association, a homeowners' association as defined in s. 720.301,  
10020 a mobile home owners' association, a group of residents of a  
10021 mobile home park as defined in chapter 723, a park or recreation  
10022 district that is an independent special district as defined in  
10023 s. 189.403, a recreation district as defined in chapter 418, or  
10024 a group of residents of a mobile home park or recreational  
10025 vehicle park as defined in chapter 513 may ~~to~~ conduct bingo if  
10026 ~~is conditioned upon the return of the net proceeds from such~~  
10027 games are returned to players in the form of prizes after having  
10028 deducted the actual business expenses for such games ~~for~~  
10029 ~~articles designed for and essential to the operation, conduct,~~  
10030 ~~and playing of bingo.~~ Any net proceeds remaining after ~~paying~~  
10031 prizes are paid may be donated by the association to a  
10032 charitable, nonprofit, or veterans' organization that ~~which~~ is  
10033 exempt from federal income tax under ~~the provisions of~~ s. 501(c)  
10034 of the Internal Revenue Code to be used in such recipient

584-00011A-14

20147052\_\_

10035 organization's charitable, civic, community, benevolent,  
10036 religious, or scholastic works or similar endeavors ~~activities~~  
10037 or, in the alternative, such remaining proceeds shall be used as  
10038 specified in subsection (3).

10039 (5) (a) 1. ~~Except for instant bingo prizes, which are limited~~  
10040 ~~to the amounts displayed on the ticket or on the game flare, A~~  
10041 ~~jackpot may shall~~ not exceed the value of \$250 in actual money  
10042 or its equivalent, and there may not ~~shall~~ be ~~no~~ more than three  
10043 jackpots in any one session of bingo.

10044 2. ~~(6)~~ An organization ~~Except for instant bingo, which is~~  
10045 ~~not limited by this subsection, the number of days per week~~  
10046 ~~during which organizations~~ authorized under this section may not  
10047 conduct a bingo game more than 2 days per week ~~shall not exceed~~  
10048 ~~two.~~

10049 3. ~~(7)~~ Only three jackpot prizes may be awarded ~~Except for~~  
10050 ~~instant bingo prizes, which are limited to the amounts displayed~~  
10051 ~~on the ticket or on the game flare, there shall be no more than~~  
10052 ~~three jackpots on a single any one~~ day of play. All other game  
10053 prizes may shall not exceed \$50 each.

10054 4. Subparagraphs 1.-3. do not apply to instant bingo  
10055 prizes.

10056 (b) Instant bingo prizes are limited to the amounts  
10057 displayed on the ticket or on the game flare.

10058 (6) ~~(8)~~ Each person involved in conducting a ~~the conduct of~~  
10059 ~~any~~ bingo game or instant bingo must be a resident of the  
10060 community where the organization is located and a bona fide  
10061 member of the organization sponsoring such game and may not be  
10062 compensated in any way for operation of such game. When a bingo  
10063 game ~~games~~ or instant bingo is conducted by a charitable,

584-00011A-14

20147052\_\_

10064 nonprofit, or veterans' organization, the organization  
10065 conducting the games shall ~~must~~ designate up to three members of  
10066 that organization to be in charge of the games, one of whom  
10067 shall be present during the entire session ~~at which the games~~  
10068 ~~are conducted~~. The organization conducting the games is  
10069 responsible for posting a notice, which must state ~~notice states~~  
10070 the name of the organization and the designated member or  
10071 members, in a conspicuous place on the premises at which the  
10072 session is held or instant bingo is played. ~~A caller in a bingo~~  
10073 ~~game may not be a participant in that bingo game.~~

10074 ~~(7)-(9)~~ A Every charitable, nonprofit, or veterans'  
10075 organization involved in the conduct of a bingo game or instant  
10076 bingo must be located in the county, ~~or~~ within a 15-mile radius  
10077 of the location where, ~~where~~ the bingo game or instant bingo is  
10078 played ~~located~~.

10079 ~~(8)-(10)~~ (a) A person ~~No one~~ under 18 years of age may not  
10080 ~~shall be allowed to play~~ or be involved in the conduct of a any  
10081 ~~bingo game or instant bingo~~ ~~or be involved in the conduct of a~~  
10082 ~~bingo game or instant bingo in any way.~~

10083 (b) Any organization conducting a bingo game or instant  
10084 bingo that is open to the public may refuse entry to a any  
10085 person who is objectionable or undesirable to the sponsoring  
10086 organization, but such refusal may of entry shall not be based  
10087 on the person's ~~basis of~~ race, creed, color, religion, sex,  
10088 national origin, marital status, or physical handicap.

10089 ~~(9)-(11)~~ A bingo game ~~games~~ or instant bingo may be held  
10090 only on the following premises:

10091 (a) Property owned by the charitable, nonprofit, or  
10092 veterans' organization.

584-00011A-14

20147052\_\_

10093 (b) Property owned by the charitable, nonprofit, or  
10094 veterans' organization that will benefit from ~~by~~ the proceeds.

10095 (c) Property leased for a period of not less than 1 year by  
10096 a charitable, nonprofit, or veterans' organization, if ~~providing~~  
10097 the lease or rental agreement does not provide for the payment  
10098 of a percentage of the proceeds generated at such premises to  
10099 the lessor or any other party and ~~providing~~ the rental rate for  
10100 such premises does not exceed ~~the rental~~ rates charged for  
10101 similar premises in the same locale.

10102 (d) Property owned by a municipality or a county when the  
10103 governing authority has, by appropriate ordinance or resolution,  
10104 specifically authorized the use of such property for the conduct  
10105 of such games.

10106 (e) With respect to bingo games conducted by a condominium  
10107 association, a cooperative association, a homeowners'  
10108 association as defined in s. 720.301, a mobile home owners'  
10109 association, a group of residents of a mobile home park as  
10110 defined in chapter 723, a park or recreation district that is an  
10111 independent special district as defined in s. 189.403, a  
10112 recreation district as defined in chapter 418, ~~a~~ group of  
10113 residents of a mobile home park or recreational vehicle park as  
10114 defined in chapter 513, property owned by the association or  
10115 ~~property owned by~~ the residents of the mobile home park, park or  
10116 recreation district, or recreational vehicle park, or property  
10117 that ~~which~~ is a common area located within the condominium,  
10118 mobile home park, or recreational vehicle park.

10119 (10)-(12) Each bingo game shall be conducted in accordance  
10120 with the following rules:

10121 (a) The objects, whether drawn or ejected, shall be

584-00011A-14

20147052\_\_

10122 essentially equal as to size, shape, weight, and balance and as  
10123 to all other characteristics that may control their selection  
10124 from the receptacle. The caller shall cancel a ~~any~~ game if,  
10125 during the course of the ~~a~~ game, the mechanism used in the  
10126 drawing or ejection of objects becomes jammed in such a manner  
10127 as to interfere with the accurate determination of the next  
10128 number to be announced or if the caller determines that more  
10129 than one object is labeled with the same number or that there is  
10130 a number to be drawn without a corresponding object. A ~~Any~~  
10131 player in a game canceled pursuant to this paragraph shall be  
10132 allowed ~~permitted~~ to play the next game free of charge.

10133 (b) Before ~~Prior to commencement of~~ any bingo session, the  
10134 member in charge shall verify ~~cause a verification to be made of~~  
10135 all objects to be placed in the receptacle and ~~shall~~ inspect the  
10136 objects in the presence of a disinterested person to ensure that  
10137 all objects are present and that there are no duplications or  
10138 omissions of numbers on the objects. A ~~Any~~ player is ~~shall be~~  
10139 entitled to call for a verification of numbers before, during,  
10140 and after a session.

10141 (c) The card or sheet on which the game is played must  
10142 ~~shall~~ be part of a deck, group, or series, no two of which may  
10143 be alike in any given game.

10144 (d) All numbers shall be visibly displayed after being  
10145 drawn and before being placed in the rack.

10146 (e) A bona fide bingo consists ~~shall consist~~ of a  
10147 predesignated arrangement of numbers on a card or sheet which  
10148 ~~that~~ correspond with the numbers on the objects drawn from the  
10149 receptacle and announced. Errors in numbers announced or  
10150 misplaced in the rack may not be recognized as a bingo.

584-00011A-14

20147052\_\_

10151 (f) When a caller begins to announce ~~has started to vocally~~  
10152 ~~announce~~ a number, he or she ~~the caller~~ shall complete the call.  
10153 If a any player obtains ~~has obtained~~ a bingo on the ~~a~~ previous  
10154 call but is not recognized until the next number is called  
10155 ~~number~~, such player will share the prize with the player who  
10156 attained ~~gained~~ bingo on the last number called.

10157 (g) Numbers on the winning cards or sheets shall be  
10158 announced and verified in the presence of another player. Any  
10159 player may ~~shall be entitled at the time the winner is~~  
10160 ~~determined to~~ call for a verification of the numbers drawn. The  
10161 verification shall be conducted in the presence of the  
10162 designated member ~~designated to be in charge of the occasion~~ or,  
10163 if such person is also the caller, in the presence of an officer  
10164 of the licensee.

10165 (h) Upon determining a winner, the caller shall ask, "Are  
10166 there any other winners?" If no one replies, the caller shall  
10167 announce that ~~declare~~ the game is closed. No other player is  
10168 entitled to share the prize unless ~~she or~~ he or she has also  
10169 declared a bingo before ~~prior to~~ this announcement.

10170 (i) Seats may not be held or reserved by an organization or  
10171 a person involved in the conduct of any bingo game for players  
10172 not present, and ~~nor may any~~ cards may not be set aside, held,  
10173 or reserved from one session to another for any player.

10174 (j) A caller in a bingo game may not be a participant in  
10175 that bingo game.

10176 (11)-(13)(a) Instant bingo tickets shall ~~must~~ be sold at the  
10177 price printed on the ticket or on the game flare by the  
10178 manufacturer, not to exceed \$1. Discounts may not be given for  
10179 the purchase of multiple tickets, and ~~nor may~~ tickets may not be

584-00011A-14

20147052\_\_

10180 given away free of charge.

10181 (b) Each deal of instant bingo tickets must be accompanied  
10182 by a flare, which ~~and the flare~~ must be posted before the sale  
10183 of any tickets in that deal.

10184 (c) Each instant bingo ticket in a deal must bear the same  
10185 serial number, and there may not be more than one serial number  
10186 in each deal. Serial numbers printed on a deal of instant bingo  
10187 tickets may not be repeated by the manufacturer on the same form  
10188 for a period of 3 years.

10189 (d) The serial number for each deal must be clearly and  
10190 legibly placed on the outside of each deal's package, box, or  
10191 other container.

10192 (e) Instant bingo tickets manufactured, sold, or  
10193 distributed in this state must comply with the applicable  
10194 standards on pull-tabs of the North American Gaming Regulators  
10195 Association, as amended.

10196 (f) Except as provided under paragraph (e), an instant  
10197 bingo ticket manufactured, sold, or distributed in this state  
10198 must:

10199 1. Be manufactured so that it is not possible to identify  
10200 whether it is a winning or losing instant bingo ticket until it  
10201 has been opened by the player as intended.

10202 2. Be manufactured using at least a two-ply paper stock  
10203 construction so that the instant bingo ticket is opaque.

10204 3. Have the form number, the deal's serial number, and the  
10205 name or logo of the manufacturer conspicuously printed on the  
10206 face or cover of the instant bingo ticket.

10207 4. Have a form of winner protection that allows the  
10208 organization to verify, after the instant bingo ticket has been



584-00011A-14

20147052\_\_

10209 played, that the ~~winning instant bingo~~ ticket presented for  
10210 payment is an authentic winning instant bingo ticket for the  
10211 deal in play. The manufacturer shall provide a written  
10212 description of the winner protection with each deal of instant  
10213 bingo tickets.

10214 (g) Each manufacturer and distributor that sells or  
10215 distributes instant bingo tickets in this state to charitable,  
10216 nonprofit, or veterans' organizations shall prepare an invoice  
10217 that contains the following information:

- 10218 1. The date of sale.
- 10219 2. The form number and serial number of each deal sold.
- 10220 3. The number of instant bingo tickets in each deal sold.
- 10221 4. The name of distributor or organization to whom each  
10222 deal is sold.
- 10223 5. The price of each deal sold.

10224  
10225 All information contained on an invoice must be maintained by  
10226 the distributor or manufacturer for 3 years.

10227 (h) The invoice, or a true and accurate copy of the invoice  
10228 ~~thereof~~, must be on the premises where any deal of instant bingo  
10229 tickets is stored or in play.

10230 (12) ~~(14)~~ An ~~Any~~ organization or ~~other~~ person who willfully  
10231 and knowingly violates ~~any provision of~~ this section commits a  
10232 misdemeanor of the first degree, punishable as provided in s.  
10233 775.082 or s. 775.083. For a second or subsequent offense, the  
10234 organization or ~~other~~ person commits a felony of the third  
10235 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
10236 775.084.

10237 Section 153. Section 849.0935, Florida Statutes, is

584-00011A-14

20147052\_\_

10238 transferred, renumbered as section 551.54, Florida Statutes, and  
10239 amended to read:

10240 551.54 ~~849.0935~~ Charitable, nonprofit organizations;  
10241 drawings by chance; required disclosures; unlawful acts and  
10242 practices; penalties.—

10243 (1) As used in this section, the term:

10244 (a) "Drawing by chance," "drawing," or "raffle" means a  
10245 drawing ~~an enterprise~~ in which, ~~from the entries submitted by~~  
10246 ~~the public to the organization conducting the drawing,~~ one or  
10247 more entries submitted by the public to the organization are  
10248 selected by chance to win a prize. The term "drawing" does not  
10249 include ~~those enterprises, commonly known as "game promotions,"~~  
10250 as defined under ~~by~~ s. 849.094 which use the terms, "matching,"  
10251 "instant winner," or "preselected sweepstakes," and ~~which~~  
10252 involve the distribution of previously designated winning  
10253 numbers, ~~previously designated as such,~~ to the public.

10254 (b) "Organization" means an organization, including its  
10255 members or officers, which is exempt from federal income  
10256 taxation pursuant to 26 U.S.C. s. 501(c)(3), (4), (7), (8),  
10257 (10), or (19), ~~and which~~ has a current determination letter from  
10258 the Internal Revenue Service, ~~and its bona fide members or~~  
10259 ~~officers.~~

10260 (2) Notwithstanding s. 849.09, ~~Section 849.09 does not~~  
10261 ~~prohibit~~ an organization may conduct ~~from conducting~~ drawings by  
10262 chance pursuant to ~~the authority granted by~~ this section, if the  
10263 organization has complied with all applicable provisions of  
10264 chapter 496 and this section.

10265 (3) ~~All~~ Brochures, advertisements, notices, tickets, or  
10266 entry blanks used in connection with a drawing by chance must

584-00011A-14

20147052\_\_

10267 ~~shall~~ conspicuously disclose:

10268 (a) The rules governing the conduct and operation of the  
10269 drawing.

10270 (b) The full name of the organization and its principal  
10271 place of business.

10272 (c) The source of the funds used to award cash prizes or to  
10273 purchase prizes.

10274 (d) The date, hour, and place where the winner will be  
10275 chosen and the prizes will be awarded, unless the brochures,  
10276 advertisements, notices, tickets, or entry blanks are not  
10277 offered to the public more than 3 days before ~~prior to~~ the  
10278 drawing.

10279 (e) That no purchase or contribution is necessary.

10280 (4) It is unlawful for an ~~any~~ organization that, ~~pursuant~~  
10281 ~~to the authority granted by this section,~~ promotes, operates, or  
10282 conducts a drawing by chance under this section to:

10283 (a) ~~To~~ Design, engage in, promote, or conduct any drawing  
10284 in which the winner is predetermined ~~by means of matching,~~  
10285 ~~instant win, or preselected sweepstakes or otherwise~~ or in which  
10286 the selection of the winners is ~~in any way~~ rigged;

10287 (b) ~~To~~ Require an entry fee, donation, substantial  
10288 consideration, payment, proof of purchase, or contribution as a  
10289 condition of entering the drawing or of being selected to win a  
10290 prize. However, this paragraph does not prohibit an organization  
10291 from suggesting a minimum donation or from including a statement  
10292 of such suggested minimum donation on ~~any~~ printed material used  
10293 in connection with the fundraising event or drawing;

10294 (c) ~~To~~ Condition the drawing on disbursement of a minimum  
10295 number of tickets ~~having been disbursed~~ to contributors or

584-00011A-14

20147052\_\_

10296 receipt of ~~on~~ a minimum amount of contributions ~~having been~~  
10297 ~~received;~~

10298 (d) ~~To~~ Arbitrarily remove, disqualify, disallow, or reject  
10299 any entry or to discriminate ~~in any manner~~ between entrants who  
10300 gave contributions to the organization and those who did not  
10301 ~~give such contributions;~~

10302 (e) ~~To~~ Fail to promptly notify, ~~at the address set forth on~~  
10303 ~~the entry blank,~~ a winner any person, at the address designated  
10304 on the entry blank, ~~whose entry is selected to win~~ of the fact  
10305 that he or she won;

10306 (f) ~~To~~ Fail to award all prizes offered;

10307 (g) ~~To~~ Print, publish, or circulate literature or  
10308 advertising material used in connection with the drawing which  
10309 is false, deceptive, or misleading;

10310 (h) ~~To~~ Cancel a drawing; or

10311 (i) ~~To~~ Condition the acquisition or giveaway of any prize  
10312 upon the receipt of voluntary donations or contributions.

10313 (5) The organization conducting the drawing may limit the  
10314 number of tickets distributed to each drawing entrant.

10315 (6) A violation of this section is a deceptive and unfair  
10316 trade practice.

10317 (7) Any organization that violates ~~engages in any act or~~  
10318 ~~practice in violation of~~ this section commits a misdemeanor of  
10319 the second degree, punishable as provided in s. 775.082 or s.  
10320 775.083. ~~Any organization or other person who sells or offers~~  
10321 ~~for sale in this state a ticket or entry blank for a raffle or~~  
10322 ~~other drawing by chance, without complying with the requirements~~  
10323 ~~of paragraph (3) (d), commits a misdemeanor of the second degree,~~  
10324 ~~punishable by fine only as provided in s. 775.083.~~

584-00011A-14

20147052\_\_

10325 (8) This section does not apply to the state lottery  
10326 operated pursuant to chapter 24.

10327 Section 154. Section 849.141, Florida Statutes, is  
10328 transferred, renumbered as section 551.55, Florida Statutes, and  
10329 amended to read:

10330 551.55 ~~849.141~~ Bowling tournaments ~~exempted from chapter.~~

10331 (1) Notwithstanding any law to the contrary, a person may  
10332 participate ~~Nothing contained in this chapter shall be~~  
10333 ~~applicable to participation in or the conduct of a bowling~~  
10334 ~~tournament conducted at a bowling center which requires the~~  
10335 ~~payment of entry fees, from which fees the winner receives a~~  
10336 ~~purse or prize.~~

10337 (2) As used in this section, the term:

10338 (b) ~~(a)~~ "Bowling tournament" means a contest in which  
10339 participants engage in the sport of bowling, wherein a heavy  
10340 ball is bowled along a bowling lane in an attempt to knock over  
10341 10 upright bowling pins, 10 in number, set upright at the far  
10342 end of the lane ~~as, according to specified in the regulations~~  
10343 ~~and rules of the United States American Bowling Congress, the~~  
10344 ~~Womens International Bowling Congress, or the Bowling~~  
10345 ~~Proprietors Association of America.~~

10346 (a) ~~(b)~~ "Bowling center" means a place of business having at  
10347 least 12 bowling lanes on the premises which are operated for  
10348 the entertainment of the general public for the purpose of  
10349 engaging in the sport of bowling.

10350 Section 155. Section 849.161, Florida Statutes, is  
10351 transferred, renumbered as section 551.56, Florida Statutes, and  
10352 amended to read:

10353 551.56 ~~849.161~~ Amusement games or machines; ~~when chapter~~

584-00011A-14

20147052\_\_

10354 ~~inapplicable.~~

10355 (1) As used in this section, the term:

10356 (a) "Amusement games or machines" means games which are  
10357 operated only for bona fide entertainment of the general public,  
10358 which are activated ~~which operate~~ by means of the insertion of a  
10359 coin, currency, slug, token, coupon, card, or similar device,  
10360 and which, by application of skill, ~~may entitle~~ the person  
10361 playing or operating the game or machine may control the results  
10362 of play to receive points or coupons, ~~the cost value of which~~  
10363 ~~does not exceed 75 cents on any game played, which may be~~  
10364 ~~exchanged for merchandise.~~ The term does not include:

10365 1. Casino-style games in which the outcome is determined by  
10366 factors unpredictable by the player;

10367 2. ~~or~~ Games in which the player does ~~may~~ not control the  
10368 outcome of the game through skill;

10369 3. Video poker games or any other game or machine that may  
10370 be construed as a gambling device under the laws of this state;  
10371 or

10372 4. Any game or device defined as a gambling device in 15  
10373 U.S.C. s. 1171, unless excluded under s. 1178.

10374 (b) "Arcade amusement center" means a place of business  
10375 having at least 50 ~~coin-operated~~ amusement games or machines on  
10376 premises which are operated for the entertainment of the general  
10377 public ~~and tourists~~ as a bona fide amusement facility.

10378 (c) "Game played" means the event occurring from the  
10379 ~~initial~~ activation of the amusement game or machine by insertion  
10380 of a coin, currency, slug, token, coupon, card, or similar  
10381 device until the results of play are determined without  
10382 insertion of additional coin, currency, slug, token, coupon,

584-00011A-14

20147052\_\_

10383 card, or similar device to continue play ~~payment of additional~~  
10384 ~~consideration.~~ Free replays do not count as separate games  
10385 played constitute additional consideration.

10386 (d) "Merchandise" means noncash prizes, including toys and  
10387 novelties. The term does not include:

10388 1. Cash equivalents ~~or any equivalent thereof~~, including  
10389 gift cards or certificates;

10390 2. ~~or~~ Alcoholic beverages; or

10391 3. Coupons, points, slugs, tokens, cards, or similar  
10392 devices that have commercial value, can be used to activate an  
10393 amusement game or machine, or can be redeemed onsite for  
10394 merchandise.

10395 (e) "Redemption value" means the imputed value of coupons  
10396 or points, based on the wholesale cost of merchandise for which  
10397 those coupons or points may be redeemed.

10398 (f) ~~(e)~~ "Truck stop" means a ~~any~~ dealer registered pursuant  
10399 to chapter 212, excluding marinas, which:

10400 1. Declared its primary fuel business to be the sale of  
10401 diesel fuel; and

10402 2. Operates a minimum of six functional diesel fuel pumps;  
10403 ~~and~~

10404 3. ~~Has coin-operated amusement games or machines on~~  
10405 ~~premises which are operated for the entertainment of the general~~  
10406 ~~public and tourists as bona fide amusement games or machines.~~

10407 (2) Notwithstanding chapter 849, Nothing contained in This  
10408 chapter shall be taken or construed to prohibit an arcade  
10409 amusement center or truck stop from operating amusement games or  
10410 machines may be operated in conformance with this section.

10411 (3) This section applies only to amusement games ~~or and~~

584-00011A-14

20147052\_\_

10412 machines which are operated for the entertainment of the general  
10413 public ~~and tourists~~ as bona fide amusement games or machines.

10414 (4) This section does ~~shall~~ not be ~~construed to~~ authorize:

10415 1. Casino-style games in which the outcome is determined by  
10416 factors unpredictable by the player;

10417 2. Games in which the player does not control the outcome  
10418 of the game through skill;

10419 3. Video poker games or any other game or machine that may  
10420 be construed as a gambling device under the laws of this state;  
10421 or

10422 4. Any game or device defined as a gambling device in 15  
10423 U.S.C. s. 1171, ~~which requires identification of each device by~~  
10424 ~~permanently affixing seriatim numbering and name, trade name,~~  
10425 ~~and date of manufacture under s. 1173, and registration with the~~  
10426 ~~United States Attorney General, unless excluded from~~  
10427 ~~applicability of the chapter under s. 1178, or video poker games~~  
10428 ~~or any other game or machine that may be construed as a gambling~~  
10429 ~~device under Florida law.~~

10430 (5) An amusement game or machine may entitle or enable a  
10431 person, by application of skill, This section does not apply to  
10432 a coin-operated game or device designed and manufactured only  
10433 for bona fide amusement purposes which game or device may by  
10434 application of skill entitle the player to replay the game or  
10435 device without insertion of an at no additional coin, currency,  
10436 slug, token, coupon, card, or similar device, if east, if the  
10437 game or device:

10438 (a) The amusement game or machine can accumulate and react  
10439 to no more than 15 free replays;

10440 (b) The amusement game or machine can be discharged of



584-00011A-14

20147052\_\_

10441 accumulated free replays only by reactivating the game or device  
10442 for one additional play for such accumulated free replay; and

10443 (c) The amusement game or machine cannot ~~Can~~ make a ~~ne~~  
10444 permanent record, directly or indirectly, of free replays; ~~and~~  
10445 ~~is not classified by the United States as a gambling device in~~  
10446 ~~15 U.S.C. s. 1171, which requires identification of each device~~  
10447 ~~by permanently affixing serial numbering and name, trade name,~~  
10448 ~~and date of manufacture under s. 1173, and registration with the~~  
10449 ~~United States Attorney General, unless excluded from~~  
10450 ~~applicability of the chapter under s. 1178. This subsection~~  
10451 ~~shall not be construed to authorize video poker games, or any~~  
10452 ~~other game or machine that may be construed as a gambling device~~  
10453 ~~under Florida law.~~

10454 (6) An amusement game or machine may entitle or enable a  
10455 person, by application of skill, to receive points or coupons  
10456 that can be redeemed onsite for merchandise, if:

10457 (a) The amusement game or machine is located at an arcade  
10458 amusement center, truck stop, bowling center defined in s.  
10459 551.53, or public lodging establishment or public food service  
10460 facility licensed pursuant to chapter 509;

10461 (b) Points or coupons have no value other than for  
10462 redemption onsite for merchandise;

10463 (c) The redemption value of points or coupons a person  
10464 receives for a single game played does not exceed \$5.25; and

10465 (d) The redemption value of points or coupons a person  
10466 receives for playing multiple games simultaneously or competing  
10467 against others in a multi-player game, does not exceed \$5.25.

10468 (7) An amusement game or machine may entitle or enable a  
10469 person, by application of skill, to receive merchandise

584-00011A-14

20147052\_\_

10470 directly, if:

10471 (a) The amusement game or machine is located at an arcade  
10472 amusement center, truck stop, bowling center defined in s.  
10473 551.53, public lodging establishment or public food service  
10474 facility licensed pursuant to chapter 509, or on the premises of  
10475 a retailer as defined in s. 212.02; and

10476 (b) The wholesale cost of the merchandise does not exceed  
10477 \$50.

10478 (8) The department, by rule, shall review and adjust per-  
10479 game limits on coupons, points, and merchandise based on the  
10480 rate of inflation.

10481 Section 156. Section 849.01, Florida Statutes, is amended  
10482 to read:

10483 849.01 ~~Keeping~~ Gambling operations prohibited houses, etc.-

10484 (1) A person, individually or through or with any other  
10485 person or entity, may not:

10486 (a) Have, maintain, or operate ~~Whoever by herself or~~  
10487 ~~himself, her or his servant, clerk or agent, or in any other~~  
10488 ~~manner has, keeps, exercises or maintains~~ a gaming table or  
10489 room; ~~or~~ gaming implements or apparatus; an online or offline  
10490 system or network; ~~or~~ a physical structure or location of any  
10491 kind house, booth, tent, shelter or other place for the purpose  
10492 of gaming or gambling. ~~or~~

10493 (b) Procure or allow a ~~in any place of which she or he may~~  
10494 ~~directly or indirectly have charge, control or management,~~  
10495 ~~either exclusively or with others, procures, suffers or permits~~  
10496 any person to play a game for money or any other valuable thing  
10497 of value in a place that he or she may directly or indirectly  
10498 manage or control.

584-00011A-14

20147052\_\_

10499       (c) Knowingly rent to another a physical structure or  
10500 location or an online or offline system or network for the  
10501 purpose of gaming or gambling.

10502       (2) A person may not act as a servant, clerk, agent, or  
10503 employee of a person violating subsection (1).

10504       (3) A person may not aid, abet, or otherwise encourage or  
10505 willfully and knowingly allow a minor or a person who is  
10506 mentally incompetent or under guardianship to play or bet on a  
10507 game of chance. For the purpose of this subsection, the term  
10508 "person who is mentally incompetent" means a person who, because  
10509 of mental illness, intellectual disability, senility, excessive  
10510 use of drugs or alcohol, or other mental incapacity, is  
10511 incapable of managing his or her property or caring for herself  
10512 or himself.

10513       (4) The presence of implements, devices, or apparatus  
10514 commonly used in games of chance in a gambling house or by a  
10515 gambler, in any physical structure or location is prima facie  
10516 evidence that such structure or location is used for the purpose  
10517 of gambling.

10518       (5) A person who violates this section commits at any game  
10519 whatever, whether heretofore prohibited or not, shall be guilty  
10520 of a felony of the third degree, punishable as provided in s.  
10521 775.082, s. 775.083, or s. 775.084.

10522       Section 157. Section 849.02, Florida Statutes, is amended  
10523 to read:

10524       ~~849.02 Agents or employees of keeper of gambling house.—~~  
10525 ~~Whoever acts as servant, clerk, agent, or employee of any person~~  
10526 ~~in the violation of s. 849.01 shall be punished in the manner~~  
10527 ~~and to the extent therein mentioned.~~

584-00011A-14

20147052\_\_

10528 Section 158. Section 849.03, Florida Statutes, is amended  
10529 to read:

10530 ~~849.03 Renting house for gambling purposes. Whoever,~~  
10531 ~~whether as owner or agent, knowingly rents to another a house,~~  
10532 ~~room, booth, tent, shelter or place for the purpose of gaming~~  
10533 ~~shall be punished in the manner and to the extent mentioned in~~  
10534 ~~s. 849.01.~~

10535 Section 159. Section 849.04, Florida Statutes, is amended  
10536 to read:

10537 ~~849.04 Permitting minors and persons under guardianship to~~  
10538 ~~gamble. The proprietor, owner, or keeper of any E. O., keno or~~  
10539 ~~pool table, or billiard table, wheel of fortune, or other game~~  
10540 ~~of chance kept for the purpose of betting, who willfully and~~  
10541 ~~knowingly allows a minor or person who is mentally incompetent~~  
10542 ~~or under guardianship to play at such game or to bet on such~~  
10543 ~~game of chance; or whoever aids or abets or otherwise encourages~~  
10544 ~~such playing or betting of any money or other valuable thing~~  
10545 ~~upon the result of such game of chance by a minor or person who~~  
10546 ~~is mentally incompetent or under guardianship, commits a felony~~  
10547 ~~of the third degree, punishable as provided in s. 775.082, s.~~  
10548 ~~775.083, or s. 775.084. For the purpose of this section, the~~  
10549 ~~term "person who is mentally incompetent" means a person who~~  
10550 ~~because of mental illness, intellectual disability, senility,~~  
10551 ~~excessive use of drugs or alcohol, or other mental incapacity is~~  
10552 ~~incapable of managing his or her property or caring for himself~~  
10553 ~~or herself or both.~~

10554 Section 160. Section 849.05, Florida Statutes, is amended  
10555 to read:

10556 ~~849.05 Prima facie evidence. If any of the implements,~~

584-00011A-14

20147052\_\_

10557 ~~devices or apparatus commonly used in games of chance in~~  
10558 ~~gambling houses or by gamblers, are found in any house, room,~~  
10559 ~~booth, shelter or other place it shall be prima facie evidence~~  
10560 ~~that the said house, room, booth, shelter or other place where~~  
10561 ~~the same are found is kept for the purpose of gambling.~~

10562 Section 161. Section 849.07, Florida Statutes, is amended  
10563 to read:

10564 849.07 Permitting Gambling on game of chance, billiards,  
10565 billiard or pool prohibited table by holder of license.-

10566 (1) A person may not play or engage in a game of cards,  
10567 keno, roulette, faro, or other game of chance at any location,  
10568 by any device, for money or any other thing of value.

10569 (2) The operator of ~~If any holder of a license to operate a~~  
10570 ~~billiard or pool table~~ may not allow a ~~shall permit any person~~  
10571 ~~to play billiards or pool or any other game for money,~~ or any  
10572 ~~other thing of value,~~ upon such table.

10573 (3) A person who violates this section commits ~~tables, she~~  
10574 ~~or he shall be deemed guilty of a misdemeanor of the second~~  
10575 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

10576 Section 162. Section 849.08, Florida Statutes, is amended  
10577 to read:

10578 ~~849.08 Gambling. Whoever plays or engages in any game at~~  
10579 ~~cards, keno, roulette, faro or other game of chance, at any~~  
10580 ~~place, by any device whatever, for money or other thing of~~  
10581 ~~value, shall be guilty of a misdemeanor of the second degree,~~  
10582 ~~punishable as provided in s. 775.082 or s. 775.083.~~

10583 Section 163. Section 849.09, Florida Statutes, is amended  
10584 to read:

10585 849.09 Lottery prohibited; exceptions.-

584-00011A-14

20147052\_\_

- 10586 (1) (a) It is unlawful ~~for any person in this state~~ to:
- 10587 1.(a) Establish ~~Set up~~, promote, or conduct a ~~any~~ lottery
- 10588 for money or for anything of value;
- 10589 2.(b) Dispose of ~~any~~ money or other property ~~of any kind~~
- 10590 ~~whatsoever~~ by means of any lottery;
- 10591 3.(c) Conduct a ~~any~~ lottery drawing for the distribution of
- 10592 a prize ~~or prizes~~ by lot or chance, or advertise any such
- 10593 lottery scheme or device ~~in any newspaper or by circulars,~~
- 10594 ~~posters, pamphlets, radio, telegraph, telephone, or otherwise;~~
- 10595 or
- 10596 4.(d) Aid or assist in the setting up, promoting, or
- 10597 conducting of any lottery or lottery drawing, whether by
- 10598 writing, printing, or in any other manner ~~whatsoever~~, or be
- 10599 interested in or connected ~~in any way~~ with any lottery or
- 10600 lottery drawing. ~~†~~
- 10601 (b) A person who violates this subsection commits a felony
- 10602 of the third degree, punishable as provided in s. 775.082, s.
- 10603 775.083, or s. 775.084.
- 10604 (2) (a) It is unlawful to:
- 10605 1.(e) Attempt to operate, conduct, or advertise any lottery
- 10606 scheme or device;
- 10607 2.(f) Possess a ~~Have in her or his possession any~~ lottery
- 10608 wheel, implement, or device ~~whatsoever~~ for conducting any
- 10609 lottery or scheme for the disposal by lot or chance of anything
- 10610 of value;
- 10611 3.(g) Sell, offer for sale, or transmit, in person or by
- 10612 mail or in any other manner ~~whatsoever~~, a ~~any~~ lottery ticket,
- 10613 coupon, or share, or a ~~any~~ share in or fractional part of such
- 10614 ~~any~~ lottery ticket, coupon, or share, whether it ~~such ticket,~~

584-00011A-14

20147052\_\_

10615 ~~coupon, or share~~ represents an interest in a live lottery not  
10616 yet played or ~~whether it represents, or has represented,~~ an  
10617 interest in a lottery that has already been played;

10618 4.(h) Possess a ~~Have in her or his possession~~ any lottery  
10619 ticket, or ~~any~~ evidence of a ~~any~~ share or right in a ~~any~~ lottery  
10620 ticket, or in a ~~any~~ lottery scheme or device, whether it ~~such~~  
10621 ~~ticket or evidence of share or right~~ represents an interest in a  
10622 live lottery not yet played or ~~whether it represents, or has~~  
10623 ~~represented, an interest in~~ a lottery that has already been  
10624 played;

10625 5.(i) Aid or ~~Assist~~ in the sale, disposal, or procurement  
10626 of a ~~any~~ lottery ticket, coupon, or share, or any right to any  
10627 drawing in a lottery;

10628 6.(j) Possess a ~~Have in her or his possession~~ any lottery  
10629 advertisement, circular, poster, or pamphlet, or a ~~any~~ list or  
10630 schedule of a ~~any~~ lottery prize, gift, or drawing prizes, gifts,  
10631 ~~or drawings;~~ or

10632 7.(k) Possess a ~~Have in her or his possession~~ any so-called  
10633 "run down sheet sheets," tally sheet sheets, or other paper,  
10634 record, instrument papers, records, instruments, or  
10635 paraphernalia designed for use, ~~either directly or indirectly,~~  
10636 ~~in, or~~ in connection with a, ~~the~~ violation of this chapter or  
10637 chapter 551 ~~the laws of this state prohibiting lotteries and~~  
10638 ~~gambling.~~

10639 (b) A person who violates this subsection commits a  
10640 misdemeanor of the first degree, punishable as provided in s.  
10641 775.082 or s. 775.083. A person who commits a second or  
10642 subsequent violation of this subsection commits a felony of the  
10643 third degree, punishable as provided in s. 775.082, s. 775.083,

584-00011A-14

20147052\_\_

10644 or s. 775.084.

10645 (3) (a) Except as otherwise provided by law, a person may  
10646 not:

10647 1. Produce a lottery ticket or advertisement, circular,  
10648 bill, poster, pamphlet, list, schedule, announcement, or notice  
10649 of a lottery prize or drawing or any other item connected with a  
10650 lottery drawing, scheme, or device, or set up a type or plate  
10651 for such printing or writing, to be used or distributed in this  
10652 state or to be sent out of this state.

10653 2. As an owner or lessee of a building in this state,  
10654 knowingly allow in such building the writing, typewriting,  
10655 printing, or publishing of a lottery ticket or advertisement,  
10656 circular, bill, poster, pamphlet, list, schedule, announcement,  
10657 or notice of a lottery prize or drawing or any other item  
10658 connected with a lottery drawing, scheme, or device, or  
10659 knowingly allow the setting up of a type or plate for such  
10660 printing or writing, to be used or distributed in this state or  
10661 to be sent out of this state.

10662 (b) A person who violates this subsection commits a felony  
10663 of the third degree, punishable as provided in s. 775.082, s.  
10664 775.083, or s. 775.084.

10665 (4) (a) This chapter does not prohibit the printing or  
10666 production of an advertisement or a lottery ticket for a lottery  
10667 conducted in another state or nation where such lottery is not  
10668 prohibited by its laws, or the sale of such materials by the  
10669 manufacturer to a person or entity conducting or participating  
10670 in the conduct of such a lottery in another state or nation.  
10671 This section does not authorize an advertisement within this  
10672 state relating to lotteries of another state or nation, the sale



584-00011A-14

20147052\_\_

10673 or resale within this state of such lottery tickets, chances, or  
10674 shares to individuals, or any other acts otherwise in violation  
10675 of the laws of this state.

10676 (b) This section does not prohibit participation in a  
10677 nationally advertised contest, drawing, game, or puzzle of skill  
10678 or chance for a prize unless it can be construed as a lottery  
10679 under this section. This paragraph does not apply to any such  
10680 contest based upon the outcome or results of any horserace,  
10681 harness race, dog race, or jai alai game.

10682 (c) This section does not apply to bingo as authorized in  
10683 s. 849.0931.

10684  
10685 ~~Provided, that nothing in this section shall prohibit~~  
10686 ~~participation in any nationally advertised contest, drawing,~~  
10687 ~~game or puzzle of skill or chance for a prize or prizes unless~~  
10688 ~~it can be construed as a lottery under this section; and,~~  
10689 ~~provided further, that this exemption for national contests~~  
10690 ~~shall not apply to any such contest based upon the outcome or~~  
10691 ~~results of any horserace, harness race, dograce, or jai alai~~  
10692 ~~game.~~

10693 ~~(2) Any person who is convicted of violating any of the~~  
10694 ~~provisions of paragraph (a), paragraph (b), paragraph (c), or~~  
10695 ~~paragraph (d) of subsection (1) is guilty of a felony of the~~  
10696 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~  
10697 ~~or s. 775.084.~~

10698 ~~(3) Any person who is convicted of violating any of the~~  
10699 ~~provisions of paragraph (e), paragraph (f), paragraph (g),~~  
10700 ~~paragraph (i), or paragraph (k) of subsection (1) is guilty of a~~  
10701 ~~misdemeanor of the first degree, punishable as provided in s.~~

584-00011A-14

20147052\_\_

10702 ~~775.082 or s. 775.083. Any person who, having been convicted of~~  
10703 ~~violating any provision thereof, thereafter violates any~~  
10704 ~~provision thereof is guilty of a felony of the third degree,~~  
10705 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~  
10706 ~~The provisions of this section do not apply to bingo as provided~~  
10707 ~~for in s. 849.0931.~~

10708 ~~(4) Any person who is convicted of violating any of the~~  
10709 ~~provisions of paragraph (h) or paragraph (j) of subsection (1)~~  
10710 ~~is guilty of a misdemeanor of the first degree, punishable as~~  
10711 ~~provided in s. 775.082 or s. 775.083. Any person who, having~~  
10712 ~~been convicted of violating any provision thereof, thereafter~~  
10713 ~~violates any provision thereof is guilty of a felony of the~~  
10714 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~  
10715 ~~or s. 775.084.~~

10716 Section 164. Section 849.091, Florida Statutes, is amended  
10717 to read:

10718 849.091 Certain groups ~~Chain letters, pyramid clubs, etc.,~~  
10719 ~~declared a lottery; prohibited; penalties.-~~

10720 (1) The organization of a any chain letter club, pyramid  
10721 club, or other group organized ~~or brought together~~ under a any  
10722 plan or device in which ~~whereby~~ fees, or dues, or anything of  
10723 material value ~~to be~~ paid or given by members thereof are ~~to be~~  
10724 paid or given to any other member of such group ~~thereof~~, which  
10725 plan or device includes a any provision for the increase in such  
10726 membership through a chain process in which ~~of new members who~~  
10727 secure ~~securing other~~ new members advance ~~and thereby advancing~~  
10728 themselves in the group to a position where they ~~such members in~~  
10729 ~~turn~~ receive fees, dues, or things of material value from other  
10730 members, is deemed hereby declared to be a lottery. A person who

584-00011A-14

20147052\_\_

10731 ~~participates, and whoever shall participate~~ in any such lottery  
10732 by becoming a member of, or affiliating with, ~~any~~ such group or  
10733 organization or who solicits a ~~shall solicit any~~ person for  
10734 membership or affiliation in ~~any~~ such group or organization  
10735 commits a misdemeanor of the first degree, punishable as  
10736 provided in s. 775.082 or s. 775.083.

10737 (2) A ~~"pyramid sales scheme," which is~~ Any sales or  
10738 marketing plan or operation in which ~~whereby~~ a person pays a  
10739 consideration or makes an investment of any kind, ~~or makes an~~  
10740 ~~investment of any kind,~~ in excess of \$100 and acquires the  
10741 opportunity to receive a benefit or thing of value that ~~which~~ is  
10742 not primarily contingent on the volume or quantity of goods,  
10743 services, or other property sold in bona fide sales to  
10744 consumers, and which is related to the inducement of additional  
10745 persons, by himself or herself or others, regardless of number,  
10746 to participate in the same sales or marketing plan or operation,  
10747 is deemed hereby declared to be a pyramid sales scheme and a  
10748 lottery. ~~A person who participates, and whoever shall~~  
10749 ~~participate~~ in any such lottery by becoming a member or  
10750 affiliate of ~~or affiliating with,~~ any such group or  
10751 organization, or who solicits a ~~shall solicit any~~ person for  
10752 membership or affiliation in ~~any~~ such group or organization,  
10753 commits a misdemeanor of the first degree, punishable as  
10754 provided in s. 775.082 or s. 775.083. For purposes of this  
10755 subsection, the terms ~~term~~ "consideration" and ~~the term~~  
10756 "investment" do not include the purchase of goods or services  
10757 furnished at cost for use in making sales, but not for resale,  
10758 or time and effort spent in the pursuit of sales or recruiting  
10759 activities.

584-00011A-14

20147052\_\_

10760 Section 165. Section 849.0915, Florida Statutes, is amended  
10761 to read:

10762 849.0915 Referral selling.—

10763 (1) Giving or offering ~~Referral selling, whereby the seller~~  
10764 ~~gives or offers~~ a rebate or discount to a ~~the~~ buyer as an  
10765 inducement for a sale in consideration of the buyer's providing  
10766 the seller with the names of prospective purchasers, ~~is declared~~  
10767 to be referral selling and a lottery if earning the rebate or  
10768 discount is contingent upon the occurrence of an event  
10769 subsequent to the time the buyer agrees to buy.

10770 (2) A ~~Any~~ person conducting a lottery by referral selling  
10771 commits ~~is guilty of~~ a misdemeanor of the first degree,  
10772 punishable as provided in s. 775.082 or s. 775.083.

10773 (3) In addition to the penalty provided in this section  
10774 ~~herein~~, the Attorney General and ~~her or~~ his or her assistants,  
10775 the state attorneys and their assistants, and the Division of  
10776 Consumer Services of the Department of Agriculture and Consumer  
10777 Services may ~~are authorized to~~ apply to the circuit court within  
10778 their respective jurisdictions, and such court shall have  
10779 jurisdiction, upon hearing and for cause shown, to grant a  
10780 temporary or permanent injunction restraining a ~~any~~ person from  
10781 violating ~~the provisions of~~ this section, regardless of the  
10782 existence of ~~whether or not there exists~~ an adequate remedy at  
10783 law, and such injunction shall issue without bond.

10784 Section 166. Section 849.10, Florida Statutes, is amended  
10785 to read:

10786 ~~849.10 Printing lottery tickets, etc., prohibited.—~~

10787 ~~(1) Except as otherwise provided by law, it is unlawful for~~  
10788 ~~any person, in any house, office, shop or building in this state~~

584-00011A-14

20147052\_\_

10789 ~~to write, typewrite, print, or publish any lottery ticket or~~  
10790 ~~advertisement, circular, bill, poster, pamphlet, list or~~  
10791 ~~schedule, announcement or notice, of lottery prizes or drawings~~  
10792 ~~or any other matter or thing in any way connected with any~~  
10793 ~~lottery drawing, scheme or device, or to set up any type or~~  
10794 ~~plate for any such purpose, to be used or distributed in this~~  
10795 ~~state, or to be sent out of this state.~~

10796 ~~(2) Except as otherwise provided by law, it is unlawful for~~  
10797 ~~the owner or lessee of any such house, shop or building~~  
10798 ~~knowingly to permit the printing, typewriting, writing or~~  
10799 ~~publishing therein of any lottery ticket or advertisement,~~  
10800 ~~circular, bill, poster, pamphlet, list, schedule, announcement~~  
10801 ~~or notice of lottery prizes or drawings, or any other matter or~~  
10802 ~~thing in any way connected with any lottery drawing, scheme or~~  
10803 ~~device, or knowingly to permit therein the setting up of any~~  
10804 ~~type or plate for any such purpose to be used or distributed in~~  
10805 ~~this state, or to be sent out of the state.~~

10806 ~~(3) Nothing in this chapter shall make unlawful the~~  
10807 ~~printing or production of any advertisement or any lottery~~  
10808 ~~ticket for a lottery conducted in any other state or nation~~  
10809 ~~where such lottery is not prohibited by the laws of such state~~  
10810 ~~or nation, or the sale of such materials by the manufacturer~~  
10811 ~~thereof to any person or entity conducting or participating in~~  
10812 ~~the conduct of such a lottery in any other state or nation. This~~  
10813 ~~section does not authorize any advertisement within Florida~~  
10814 ~~relating to lotteries of any other state or nation, or the sale~~  
10815 ~~or resale within Florida of such lottery tickets, chances, or~~  
10816 ~~shares to individuals, or any other acts otherwise in violation~~  
10817 ~~of any laws of the state.~~

584-00011A-14

20147052\_\_

10818 ~~(4) Any violation of this section shall be a felony of the~~  
 10819 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~  
 10820 ~~or s. 775.084.~~

10821 Section 167. Section 849.11, Florida Statutes, is amended  
 10822 to read:

10823 849.11 Plays at games of chance by lot.—

10824 (1) A person who ~~Whoever~~ sets up, promotes, or plays a ~~at~~  
 10825 ~~any~~ game of chance by lot or with dice, cards, numbers, hazards,  
 10826 or any other gambling device ~~whatever~~ for, or for the disposal  
 10827 of money or other thing of value or under the pretext of a sale,  
 10828 gift, or delivery thereof, or for any right, share, or interest  
 10829 therein, commits ~~shall be guilty of~~ a misdemeanor of the second  
 10830 degree, punishable as provided in s. 775.082 or s. 775.083. A  
 10831 person who commits a second violation of this section commits a  
 10832 misdemeanor of the first degree, punishable as provided in s.  
 10833 775.082 or s. 775.083.

10834 (2) (a) The following are subject to seizure and forfeiture  
 10835 under the Florida Contraband Forfeiture Act:

10836 1. Money and anything of value drawn and won as a prize, or  
 10837 as a share of a prize, or as a share, percentage, or profit of  
 10838 the principal promoter or operator, in a lottery;

10839 2. Money, currency, or property to be disposed of, or  
 10840 offered to be disposed of, by chance or device in a scheme or  
 10841 under a pretext;

10842 3. Money or other thing of value received by the owner or  
 10843 holder of a ticket or share of a ticket in a lottery, or  
 10844 pretended lottery, or the owner or holder of a share or right in  
 10845 such schemes of chance or device;

10846 4. Money and other thing of value used to set up, conduct,

584-00011A-14

20147052\_\_

10847 or operate a lottery; and

10848 5. Money or other thing of value at stake, or used or  
10849 displayed in connection with illegal gambling or an illegal  
10850 gambling device.

10851 (b) Items forfeited under paragraph (a) may be recovered in  
10852 a civil action brought by the Department of Legal Affairs, a  
10853 state attorney, or other prosecuting officer in the circuit  
10854 courts on behalf of the state.

10855 Section 168. Section 849.12, Florida Statutes, is amended  
10856 to read:

10857 ~~849.12 Money and prizes to be forfeited. All sums of money~~  
10858 ~~and every other valuable thing drawn and won as a prize, or as a~~  
10859 ~~share of a prize, or as a share, percentage or profit of the~~  
10860 ~~principal promoter or operator, in any lottery, and all money,~~  
10861 ~~currency or property of any kind to be disposed of, or offered~~  
10862 ~~to be disposed of, by chance or device in any scheme or under~~  
10863 ~~any pretext by any person, and all sums of money or other thing~~  
10864 ~~of value received by any person by reason of her or his being~~  
10865 ~~the owner or holder of any ticket or share of a ticket in a~~  
10866 ~~lottery, or pretended lottery, or of a share or right in any~~  
10867 ~~such schemes of chance or device and all sums of money and other~~  
10868 ~~thing of value used in the setting up, conducting or operation~~  
10869 ~~of a lottery, and all money or other thing of value at stake, or~~  
10870 ~~used or displayed in or in connection with any illegal gambling~~  
10871 ~~or any illegal gambling device contrary to the laws of this~~  
10872 ~~state, shall be forfeited, and may be recovered by civil~~  
10873 ~~proceedings, filed, or by action for money had and received, to~~  
10874 ~~be brought by the Department of Legal Affairs or any state~~  
10875 ~~attorney, or other prosecuting officer, in the circuit courts in~~

584-00011A-14

20147052\_\_

10876 ~~the name and on behalf of the state; the same to be applied when~~  
10877 ~~collected as all other penal forfeitures are disposed of.~~

10878 Section 169. Section 849.13, Florida Statutes, is amended  
10879 to read:

10880 ~~849.13 Punishment on second conviction. Whoever, after~~  
10881 ~~being convicted of an offense forbidden by law in connection~~  
10882 ~~with lotteries, commits the like offense, shall be guilty of a~~  
10883 ~~misdemeanor of the first degree, punishable as provided in s.~~  
10884 ~~775.082 or s. 775.083.~~

10885 Section 170. Section 849.14, Florida Statutes, is amended  
10886 to read:

10887 849.14 Betting Unlawful to bet on the result of a trial or  
10888 contest of skill, etc. ~~The following acts constitute a~~  
10889 misdemeanor of the second degree, punishable as provided in s.  
10890 775.082 or s. 775.083:

10891 (1) Staking, betting, or wagering ~~Whoever stakes, bets or~~  
10892 ~~wagers any money or any other thing of value on upon~~ the result  
10893 of a any trial or contest of skill, speed, or power, or  
10894 endurance of a human or animal; beast, or

10895 (2) Receiving ~~whoever receives in any manner whatsoever any~~  
10896 money or any other thing of value that is staked, bet, or  
10897 wagered, or offered ~~for the purpose of being staked, bet or~~  
10898 ~~wagered,~~ by or for another any other person upon any such  
10899 result; or

10900 (3) whoever Knowingly becoming ~~becomes~~ the custodian or  
10901 depositary of any money or any other thing of value so staked,  
10902 bet, or wagered upon any such result; or

10903 (4) Aiding, assisting, or abetting ~~whoever aids, or~~  
10904 ~~assists, or abets in any manner in any of such acts all of which~~



584-00011A-14

20147052\_\_

10905 ~~are hereby forbidden, shall be guilty of a misdemeanor of the~~  
 10906 ~~second degree, punishable as provided in s. 775.082 or s.~~  
 10907 ~~775.083.~~

10908 Section 171. Section 849.15, Florida Statutes, is amended  
 10909 to read:

10910 849.15 Slot machine or device ~~Manufacture, sale,~~  
 10911 ~~possession, etc., of coin-operated devices prohibited.-~~

10912 (1) It is unlawful:

10913 (a) To manufacture, own, store, keep, possess, sell, rent,  
 10914 lease, let on shares, lend, ~~or~~ give away, transport, or expose  
 10915 for sale or lease, or to offer to sell, rent, lease, let on  
 10916 shares, lend, ~~or~~ give away, or allow ~~permit~~ the operation of a  
 10917 slot machine or device or any part thereof; ~~or~~

10918 (b) For a ~~any~~ person to allow ~~permit~~ to be placed,  
 10919 maintained, ~~or~~ used, or kept in any room, space, or building  
 10920 owned, leased, or occupied by the person or under the person's  
 10921 management or control, a ~~any~~ slot machine or device or any part  
 10922 thereof; or

10923 (c) ~~(b)~~ To make or to allow ~~permit~~ to be made with a ~~any~~  
 10924 person an ~~any~~ agreement with reference to a ~~any~~ slot machine or  
 10925 device, pursuant to which the user thereof, as a result of an  
 10926 ~~any~~ element of chance or other outcome unpredictable to him or  
 10927 her, may become entitled to receive ~~any~~ money, credit,  
 10928 allowance, or other thing of value or additional chance or right  
 10929 to use such machine or device, or to receive a ~~any~~ check, slug,  
 10930 token, or memorandum entitling the holder to receive ~~any~~ money,  
 10931 credit, allowance, or other thing of value.

10932 (2) Pursuant to ~~section 2 of that chapter of the Congress~~  
 10933 ~~of the United States entitled "An act to prohibit transportation~~

584-00011A-14

20147052\_\_

10934 ~~of gaming devices in interstate and foreign commerce,"~~ approved  
10935 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also  
10936 designated as 15 U.S.C. s. 1172 ~~ss. 1171-1177~~, a the State of  
10937 Florida, acting by and through the duly elected and qualified  
10938 members of its Legislature, does hereby in this section, and in  
10939 accordance with and in compliance with the provisions of section  
10940 2 of such chapter of Congress, declare and proclaim that any  
10941 county of the State of Florida within which slot machine gaming  
10942 is authorized pursuant to chapter 551 is exempt from the  
10943 ~~provisions of section 2 of that chapter of the Congress of the~~  
10944 ~~United States entitled "An act to prohibit transportation of~~  
10945 ~~gaming devices in interstate and foreign commerce,"~~ designated  
10946 as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All  
10947 shipments of gaming devices, including slot machines, into a any  
10948 county ~~of this state~~ within which slot machine gaming is  
10949 authorized pursuant to chapter 551 which have been registered,  
10950 recorded, and labeled ~~and the registering, recording, and~~  
10951 ~~labeling of which have been duly performed~~ by the manufacturer  
10952 or distributor thereof in accordance with ~~sections 3 and 4 of~~  
10953 ~~that chapter of the Congress of the United States entitled "An~~  
10954 ~~act to prohibit transportation of gaming devices in interstate~~  
10955 ~~and foreign commerce,"~~ approved January 2, 1951, being ch. 1194,  
10956 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1173 and  
10957 1174 ~~are 1171-1177~~, shall be deemed legal, shipments thereof  
10958 ~~into this state~~ provided the destination of such shipments is an  
10959 eligible facility as defined in s. 551.102 or the facility of a  
10960 slot machine manufacturer or slot machine distributor as  
10961 provided in s. 551.109(2)(a).

10962 (3)(a) It is a defense to any action or prosecution under

584-00011A-14

20147052\_\_

10963 this section for the possession of a gambling device that such  
10964 device is an antique slot machine that is not being used for  
10965 gambling. For the purpose of this section, a slot machine is  
10966 considered an antique if it was manufactured at least 20 years  
10967 before the action or prosecution.

10968 (b) Notwithstanding law to the contrary, upon a successful  
10969 defense to a prosecution for the possession of a gambling device  
10970 pursuant to this section, the antique slot machine shall be  
10971 returned to the person from whom it was seized.

10972 (4) (a) The term "slot machine or device" means a machine,  
10973 apparatus, or device, or a system or network of devices, which  
10974 is adapted for use in such a way that, upon activation, it is  
10975 directly or indirectly caused to operate. Such operation may be  
10976 achieved by the insertion of any piece of money, coin, account  
10977 number, code, or other object or information. Such machine,  
10978 apparatus, device, system, or network is not a slot machine  
10979 unless the user, whether by application of skill or by reason of  
10980 an element of chance or any other outcome unpredictable by the  
10981 user, may:

10982 1. Receive or become entitled to receive any piece of  
10983 money, credit, allowance, or thing of value, or any check, slug,  
10984 token, or memorandum, whether of value or otherwise, which may  
10985 be exchanged for any money, credit, allowance, or thing of value  
10986 or which may be given in trade; or

10987 2. Secure additional chances or rights to use such machine,  
10988 apparatus, device, system, or network even though the machine,  
10989 apparatus, device, system, or network may be available for free  
10990 play or, in addition to an element of chance or unpredictable  
10991 outcome of such operation, may also sell, deliver, or present

584-00011A-14

20147052\_\_

10992 some merchandise, indication of weight, entertainment, or other  
10993 thing of value.

10994 (b) The term "slot machine or device" includes, but is not  
10995 limited to, devices regulated as slot machines pursuant to  
10996 chapter 551.

10997 (c) This section does not apply to the possession of a  
10998 reverse vending machine. As used in this section, the term  
10999 "reverse vending machine" means a machine into which empty  
11000 beverage containers are deposited for recycling and which  
11001 provides a payment of money, merchandise, vouchers, or other  
11002 incentives. At a frequency less than upon the deposit of each  
11003 beverage container, a reverse vending machine may pay out a  
11004 random incentive bonus greater than that guaranteed payment in  
11005 the form of money, merchandise, vouchers, or other incentives.  
11006 The deposit of an empty beverage container into a reverse  
11007 vending machine does not constitute consideration, and a reverse  
11008 vending machine may not be deemed a slot machine as defined in  
11009 this section.

11010 (d) There is a rebuttable presumption that a machine,  
11011 apparatus, device, system, or network is a prohibited slot  
11012 machine or device if it is used to display images of games of  
11013 chance and is part of a scheme involving a payment or donation  
11014 of money or its equivalent and the award of anything of value.

11015 (5) Upon the arrest of a person charged with violating this  
11016 section, the arresting officer shall take into his or her  
11017 custody any such machine, apparatus, device, system or network,  
11018 including its contents, and the arresting agency, at the place  
11019 of seizure, shall make a complete list and inventory of all  
11020 items taken into custody. A copy of such list shall be delivered

584-00011A-14

20147052\_\_

11021 to the person from whom the items have been seized. The  
11022 arresting agency shall retain all evidence seized and shall  
11023 provide it to investigators, prosecutors, or other officials  
11024 involved in the proceedings.

11025 (6) After a conviction for a violation of this section, the  
11026 judge of the court trying the case shall provide notice to the  
11027 person convicted, and to any other person whom the judge  
11028 determines is entitled to such notice, advising him or her that  
11029 the court will issue to the sheriff of the county a written  
11030 order declaring the seized machine, apparatus, device, system,  
11031 or network forfeited and directing the sheriff to destroy it.  
11032 The order of the court shall state the time, place, and manner  
11033 in which the property will be destroyed, and, accordingly, the  
11034 sheriff shall destroy the seized property in the presence of the  
11035 clerk of the circuit court of such county.

11036 (7) There is no right of property in and to a machine,  
11037 apparatus, device, system, or network and to money and other  
11038 things of value that were contained therein, and the same shall  
11039 be forfeited to the county in which the seizure was made and  
11040 expeditiously delivered to the clerk of the circuit court and  
11041 placed in the fine and forfeiture fund of such county.

11042 (8) A room, house, building, boat, vehicle, structure, or  
11043 place in which a machine, apparatus, device, system, or network,  
11044 or any part thereof, the possession, operation, or use of which  
11045 is prohibited by this section, is maintained or operated, and  
11046 each such machine, apparatus, device, system, or network is  
11047 declared to be a common nuisance. If a person has knowledge, or  
11048 reason to believe, that his or her room, house, building, boat,  
11049 vehicle, structure, or place is occupied or used in violation of

584-00011A-14

20147052\_\_

11050 this section and by acquiescence or consent allows it to be  
11051 used, such room, house, building, boat, vehicle, structure, or  
11052 place shall be subject to a lien for, and may be sold to pay,  
11053 all fines or costs assessed against the person guilty of such  
11054 nuisance, for such violation, and the several state attorneys  
11055 shall enforce such lien in the courts of this state having  
11056 jurisdiction.

11057 (9) A civil action may be brought to enjoin a nuisance as  
11058 defined in this section. If a plaintiff demonstrates to the  
11059 satisfaction of the court that such nuisance exists, the court  
11060 shall immediately issue a temporary writ of injunction  
11061 restraining the defendant from conducting or allowing the  
11062 continuance of such nuisance until the conclusion of the action.  
11063 The plaintiff may seek, and the court may enter, an order  
11064 restraining the defendant and all other persons from removing,  
11065 or in any way interfering with, the machines, devices, or other  
11066 items used in connection with the violation of this section  
11067 which constitutes such a nuisance. Bond may not be required in  
11068 instituting such proceedings.

11069 (10) A clerk of the courts or sheriff performing duties  
11070 under this section shall receive the same fees as prescribed by  
11071 general law for the performance of similar duties, and such fees  
11072 shall be paid out of the fine and forfeiture fund of the county  
11073 in the same manner as costs are paid upon conviction of an  
11074 insolvent person.

11075 (11) A person who violates this section commits a  
11076 misdemeanor of the second degree, punishable as provided in s.  
11077 775.082 or s. 775.083. A person who commits a second violation  
11078 of this section commits a misdemeanor of the first degree,

584-00011A-14

20147052\_\_

11079 punishable as provided in s. 775.082 or s. 775.083. A person who  
11080 commits a third violation of this section is a "common  
11081 offender," and commits a felony of the third degree, punishable  
11082 as provided in s. 775.082, s. 775.083, or s. 775.084.

11083 Section 172. Section 849.16, Florida Statutes, is amended  
11084 to read:

11085 ~~849.16 Machines or devices which come within provisions of~~  
11086 ~~law defined.—~~

11087 ~~(1) As used in this chapter, the term "slot machine or~~  
11088 ~~device" means any machine or device or system or network of~~  
11089 ~~devices that is adapted for use in such a way that, upon~~  
11090 ~~activation, which may be achieved by, but is not limited to, the~~  
11091 ~~insertion of any piece of money, coin, account number, code, or~~  
11092 ~~other object or information, such device or system is directly~~  
11093 ~~or indirectly caused to operate or may be operated and if the~~  
11094 ~~user, whether by application of skill or by reason of any~~  
11095 ~~element of chance or any other outcome unpredictable by the~~  
11096 ~~user, may:~~

11097 ~~(a) Receive or become entitled to receive any piece of~~  
11098 ~~money, credit, allowance, or thing of value, or any check, slug,~~  
11099 ~~token, or memorandum, whether of value or otherwise, which may~~  
11100 ~~be exchanged for any money, credit, allowance, or thing of value~~  
11101 ~~or which may be given in trade; or~~

11102 ~~(b) Secure additional chances or rights to use such~~  
11103 ~~machine, apparatus, or device, even though the device or system~~  
11104 ~~may be available for free play or, in addition to any element of~~  
11105 ~~chance or unpredictable outcome of such operation, may also~~  
11106 ~~sell, deliver, or present some merchandise, indication of~~  
11107 ~~weight, entertainment, or other thing of value. The term "slot~~

584-00011A-14

20147052\_\_

11108 ~~machine or device" includes, but is not limited to, devices~~  
11109 ~~regulated as slot machines pursuant to chapter 551.~~

11110 ~~(2) This chapter may not be construed, interpreted, or~~  
11111 ~~applied to the possession of a reverse vending machine. As used~~  
11112 ~~in this section, the term "reverse vending machine" means a~~  
11113 ~~machine into which empty beverage containers are deposited for~~  
11114 ~~recycling and which provides a payment of money, merchandise,~~  
11115 ~~vouchers, or other incentives. At a frequency less than upon the~~  
11116 ~~deposit of each beverage container, a reverse vending machine~~  
11117 ~~may pay out a random incentive bonus greater than that~~  
11118 ~~guaranteed payment in the form of money, merchandise, vouchers,~~  
11119 ~~or other incentives. The deposit of any empty beverage container~~  
11120 ~~into a reverse vending machine does not constitute~~  
11121 ~~consideration, and a reverse vending machine may not be deemed a~~  
11122 ~~slot machine as defined in this section.~~

11123 ~~(3) There is a rebuttable presumption that a device,~~  
11124 ~~system, or network is a prohibited slot machine or device if it~~  
11125 ~~is used to display images of games of chance and is part of a~~  
11126 ~~scheme involving any payment or donation of money or its~~  
11127 ~~equivalent and awarding anything of value.~~

11128 Section 173. Section 849.17, Florida Statutes, is amended  
11129 to read:

11130 ~~849.17 Confiscation of machines by arresting officer. Upon~~  
11131 ~~the arrest of any person charged with the violation of any of~~  
11132 ~~the provisions of ss. 849.15-849.23 the arresting officer shall~~  
11133 ~~take into his or her custody any such machine, apparatus or~~  
11134 ~~device, and its contents, and the arresting agency, at the place~~  
11135 ~~of seizure, shall make a complete and correct list and inventory~~  
11136 ~~of all such things so taken into his or her custody, and deliver~~



584-00011A-14

20147052\_\_

11137 ~~to the person from whom such article or articles may have been~~  
11138 ~~seized, a true copy of the list of all such articles. The~~  
11139 ~~arresting agency shall retain all evidence seized and shall have~~  
11140 ~~the same forthcoming at any investigation, prosecution or other~~  
11141 ~~proceedings, incident to charges of violation of any of the~~  
11142 ~~provisions of ss. 849.15-849.23.~~

11143 Section 174. Section 849.18, Florida Statutes, is amended  
11144 to read:

11145 ~~849.18 Disposition of machines upon conviction. Upon~~  
11146 ~~conviction of the person arrested for the violation of any of~~  
11147 ~~the provisions of ss. 849.15-849.23, the judge of the court~~  
11148 ~~trying the case, after such notice to the person convicted, and~~  
11149 ~~any other person whom the judge may be of the opinion is~~  
11150 ~~entitled to such notice, and as the judge may deem reasonable,~~  
11151 ~~shall issue to the sheriff of the county a written order~~  
11152 ~~adjudging and declaring any such machine, apparatus or device~~  
11153 ~~forfeited, and directing such sheriff to destroy the same, with~~  
11154 ~~the exception of the money. The order of the court shall state~~  
11155 ~~the time and place and the manner in which such property shall~~  
11156 ~~be destroyed, and the sheriff shall destroy the same in the~~  
11157 ~~presence of the clerk of the circuit court of such county.~~

11158 Section 175. Section 849.19, Florida Statutes, is amended  
11159 to read:

11160 ~~849.19 Property rights in confiscated machine. The right of~~  
11161 ~~property in and to any machine, apparatus or device as defined~~  
11162 ~~in s. 849.16 and to all money and other things of value therein,~~  
11163 ~~is declared not to exist in any person, and the same shall be~~  
11164 ~~forfeited and such money or other things of value shall be~~  
11165 ~~forfeited to the county in which the seizure was made and shall~~

584-00011A-14

20147052\_\_

11166 ~~be delivered forthwith to the clerk of the circuit court and~~  
11167 ~~shall by her or him be placed in the fine and forfeiture fund of~~  
11168 ~~said county.~~

11169 Section 176. Section 849.20, Florida Statutes, is amended  
11170 to read:

11171 ~~849.20 Machines and devices declared nuisance; place of~~  
11172 ~~operation subject to lien for fine. Any room, house, building,~~  
11173 ~~boat, vehicle, structure or place wherein any machine or device,~~  
11174 ~~or any part thereof, the possession, operation or use of which~~  
11175 ~~is prohibited by ss. 849.15-849.23, shall be maintained or~~  
11176 ~~operated, and each of such machines or devices, is declared to~~  
11177 ~~be a common nuisance. If a person has knowledge, or reason to~~  
11178 ~~believe, that his or her room, house, building, boat, vehicle,~~  
11179 ~~structure or place is occupied or used in violation of the~~  
11180 ~~provisions of ss. 849.15-849.23 and by acquiescence or consent~~  
11181 ~~suffers the same to be used, such room, house, building, boat,~~  
11182 ~~vehicle, structure or place shall be subject to a lien for and~~  
11183 ~~may be sold to pay all fines or costs assessed against the~~  
11184 ~~person guilty of such nuisance, for such violation, and the~~  
11185 ~~several state attorneys shall enforce such lien in the courts of~~  
11186 ~~this state having jurisdiction.~~

11187 Section 177. Section 849.21, Florida Statutes, is amended  
11188 to read:

11189 ~~849.21 Injunction to restrain violation. An action to~~  
11190 ~~enjoin any nuisance as herein defined may be brought by any~~  
11191 ~~person in the courts of equity in this state. If it is made to~~  
11192 ~~appear by affidavit or otherwise, to the satisfaction of the~~  
11193 ~~court, or judge in vacation, that such nuisance exists, a~~  
11194 ~~temporary writ of injunction shall forthwith issue restraining~~

584-00011A-14

20147052\_\_

11195 ~~the defendant from conducting or permitting the continuance of~~  
11196 ~~such nuisance until the conclusion of the action. Upon~~  
11197 ~~application of the complainant in such a proceeding, the court~~  
11198 ~~or judge may also enter an order restraining the defendant and~~  
11199 ~~all other persons from removing, or in any way interfering with~~  
11200 ~~the machines or devices or other things used in connection with~~  
11201 ~~the violation of ss. 849.15-849.23 constituting such a nuisance.~~  
11202 ~~No bond shall be required in instituting such proceedings.~~

11203 Section 178. Section 849.22, Florida Statutes, is amended  
11204 to read:

11205 ~~849.22 Fees of clerk of circuit court and sheriff. The~~  
11206 ~~clerks of the courts and the sheriffs performing duties under~~  
11207 ~~the provisions of ss. 849.15-849.23 shall receive the same fees~~  
11208 ~~as prescribed by general law for the performance of similar~~  
11209 ~~duties, and such fees shall be paid out of the fine and~~  
11210 ~~forfeiture fund of the county as costs are paid upon conviction~~  
11211 ~~of an insolvent person.~~

11212 Section 179. Section 849.23, Florida Statutes, is amended  
11213 to read:

11214 ~~849.23 Penalty for violations of ss. 849.15-849.22. Whoever~~  
11215 ~~shall violate any of the provisions of ss. 849.15-849.22 shall,~~  
11216 ~~upon conviction thereof, be guilty of a misdemeanor of the~~  
11217 ~~second degree, punishable as provided in s. 775.082 or s.~~  
11218 ~~775.083. Any person convicted of violating any provision of ss.~~  
11219 ~~849.15-849.22, a second time shall, upon conviction thereof, be~~  
11220 ~~guilty of a misdemeanor of the first degree, punishable as~~  
11221 ~~provided in s. 775.082 or s. 775.083. Any person violating any~~  
11222 ~~provision of ss. 849.15-849.22 after having been twice convicted~~  
11223 ~~already shall be deemed a "common offender," and shall be guilty~~

584-00011A-14

20147052\_\_

11224 ~~of a felony of the third degree, punishable as provided in s.~~  
11225 ~~775.082, s. 775.083, or s. 775.084.~~

11226 Section 180. Section 849.231, Florida Statutes, is amended  
11227 to read:

11228 849.231 Gambling devices; manufacture, sale, purchase, or  
11229 possession unlawful.—

11230 (1) (a) With the exception of ordinary dice or playing  
11231 cards, a person may not ~~Except in instances when the following~~  
11232 ~~described implements or apparatus are being held or transported~~  
11233 ~~by authorized persons for the purpose of destruction, as~~  
11234 ~~hereinafter provided, and except in instances when the following~~  
11235 ~~described instruments or apparatus are being held, sold,~~  
11236 ~~transported, or manufactured by persons who have registered with~~  
11237 ~~the United States Government pursuant to the provisions of Title~~  
11238 ~~15 of the United States Code, ss. 1171 et seq., as amended, so~~  
11239 ~~long as the described implements or apparatus are not displayed~~  
11240 ~~to the general public, sold for use in Florida, or held or~~  
11241 ~~manufactured in contravention of the requirements of 15 U.S.C.~~  
11242 ~~ss. 1171 et seq., it shall be unlawful for any person to~~  
11243 manufacture, sell, transport, offer for sale, purchase, own, or  
11244 have in his or her possession a ~~any~~ roulette wheel or table,  
11245 faro layout, crap table or layout, chemin de fer table or  
11246 layout, chuck-a-luck wheel, bird cage ~~such as~~ used for gambling,  
11247 bolita balls, chips with house markings, or any other device,  
11248 implement, apparatus, or paraphernalia ~~ordinarily or commonly~~  
11249 used or designed to be used in the operation of a gambling house  
11250 houses or establishment ~~establishments, excepting ordinary dice~~  
11251 ~~and playing cards.~~

11252 (b) (2) In addition to any other penalties provided for the

584-00011A-14

20147052\_\_

11253 violation of this section, any occupational license held by a  
11254 person who commits a violation of ~~found guilty of violating~~ this  
11255 section shall be suspended for a period not to exceed 5 years.

11256 (c)1. This section does not apply to implements or  
11257 apparatus held or transported by authorized persons for the  
11258 purpose of destruction as provided in this section or if the  
11259 instruments or apparatus are being held, sold, transported, or  
11260 manufactured by persons who have registered with the United  
11261 States Government pursuant to the provisions of 15 U.S.C. ss.  
11262 1171 et seq., as amended, and are not displayed to the general  
11263 public, sold for use in this state, or held or manufactured in  
11264 contravention of the requirements of 15 U.S.C. ss. 1171 et seq.

11265 2.~~(3)~~ This section and subsection 849.01(4) ~~s. 849.05~~ do  
11266 not apply to a vessel of foreign registry or a vessel operated  
11267 under the authority of a country other than ~~except~~ the United  
11268 States, ~~while docked in, this state~~ or transiting in the  
11269 territorial waters of, this state.

11270 (2) There is no right of property in the implements or  
11271 devices enumerated or included in subsection (1) and, upon the  
11272 seizure of any such implement, device, apparatus, or  
11273 paraphernalia by an authorized law enforcement officer, such  
11274 implements or devices shall be delivered to and held by the  
11275 clerk of the court having jurisdiction over such offenses and  
11276 may not be released by the clerk until he or she is notified by  
11277 the prosecuting officer of the court that it is no longer  
11278 required as evidence. Upon such notice, the clerk shall deliver  
11279 the seized items to the sheriff who shall immediately destroy  
11280 them in the presence of the clerk or his or her authorized  
11281 deputy.

584-00011A-14

20147052\_\_

11282       (3) A person, including a law enforcement officer, clerk,  
11283 or prosecuting official, who violates this section commits a  
11284 misdemeanor of the first degree, punishable as provided in s.  
11285 775.082 or s. 775.083.

11286       Section 181. Section 849.232, Florida Statutes, is amended  
11287 to read:

11288       ~~849.232 Property right in gambling devices; confiscation.—~~  
11289 ~~There shall be no right of property in any of the implements or~~  
11290 ~~devices enumerated or included in s. 849.231 and upon the~~  
11291 ~~seizure of any such implement, device, apparatus or~~  
11292 ~~paraphernalia by an authorized enforcement officer the same~~  
11293 ~~shall be delivered to and held by the clerk of the court having~~  
11294 ~~jurisdiction of such offenses and shall not be released by such~~  
11295 ~~clerk until he or she shall be advised by the prosecuting~~  
11296 ~~officer of such court that the said implement is no longer~~  
11297 ~~required as evidence and thereupon the said clerk shall deliver~~  
11298 ~~the said implement to the sheriff of the county who shall~~  
11299 ~~immediately cause the destruction of such implement in the~~  
11300 ~~presence of the said clerk or his or her authorized deputy.~~

11301       Section 182. Section 849.233, Florida Statutes, is amended  
11302 to read:

11303       ~~849.233 Penalty for violation of s. 849.231.—Any person,~~  
11304 ~~including any enforcement officer, clerk or prosecuting official~~  
11305 ~~who shall violate the provisions of s. 849.231 shall be guilty~~  
11306 ~~of a misdemeanor of the first degree, punishable as provided in~~  
11307 ~~s. 775.082 or s. 775.083.~~

11308       Section 183. Section 849.235, Florida Statutes, is amended  
11309 to read:

11310       ~~849.235 Possession of certain gambling devices; defense.—~~

584-00011A-14

20147052\_\_

11311           ~~(1) It is a defense to any action or prosecution under ss.~~  
11312 ~~849.15-849.233 for the possession of any gambling device~~  
11313 ~~specified therein that the device is an antique slot machine and~~  
11314 ~~that it is not being used for gambling. For the purpose of this~~  
11315 ~~section, an antique slot machine is one which was manufactured~~  
11316 ~~at least 20 years prior to such action or prosecution.~~

11317           ~~(2) Notwithstanding any provision of this chapter to the~~  
11318 ~~contrary, upon a successful defense to a prosecution for the~~  
11319 ~~possession of a gambling device pursuant to the provisions of~~  
11320 ~~this section, the antique slot machine shall be returned to the~~  
11321 ~~person from whom it was seized.~~

11322           Section 184. Section 849.25, Florida Statutes, is amended  
11323 to read:

11324           849.25 "Bookmaking" defined; penalties; exceptions.-

11325           (1) (a) The term "bookmaking" means the act of taking or  
11326 receiving, while engaged in the business or profession of  
11327 gambling, a any bet or wager upon the result of a any trial or  
11328 contest of skill, speed, power, or endurance of human, animal  
11329 ~~beast~~, fowl, motor vehicle, or mechanical apparatus, or upon the  
11330 result of any chance, casualty, unknown, or contingent event  
11331 ~~whatsoever.~~

11332           (b) The following factors shall be considered in  
11333 determining whether ~~making a determination that~~ a person has  
11334 engaged in the offense of bookmaking:

11335           1. Taking advantage of betting odds created to produce a  
11336 profit for the bookmaker or charging a percentage on accepted  
11337 wagers.

11338           2. Placing all or part of accepted wagers with other  
11339 bookmakers to reduce the chance of financial loss.

584-00011A-14

20147052\_\_

11340           3. Taking or receiving more than five wagers in a any  
11341 single day.

11342           4. Taking or receiving wagers totaling more than \$500 in a a  
11343 any single day, or more than \$1,500 in a a any single week.

11344           5. Engaging in a common scheme with two or more persons to  
11345 take or receive wagers.

11346           6. Taking or receiving wagers on both sides on a contest at  
11347 the identical point spread.

11348           7. Any other factor relevant to establishing that the  
11349 operating procedures of such person are commercial in nature.

11350           (c) The existence of any two factors listed in paragraph  
11351 (b) constitutes ~~may constitute~~ prima facie evidence of a  
11352 commercial bookmaking operation.

11353           (2) A Any person who engages in bookmaking commits ~~shall be~~  
11354 ~~guilty of~~ a felony of the third degree, punishable as provided  
11355 in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding the  
11356 provisions of s. 948.01, a any person convicted under the  
11357 provisions of this subsection may ~~shall~~ not have adjudication of  
11358 guilt suspended, deferred, or withheld.

11359           (3) A Any person who commits a second violation ~~has been~~  
11360 ~~convicted of bookmaking and thereafter violates the provisions~~  
11361 of this section commits ~~shall be guilty of~~ a felony of the  
11362 second degree, punishable as provided in s. 775.082, s. 775.083,  
11363 or s. 775.084. Notwithstanding ~~the provisions of~~ s. 948.01, a  
11364 any person convicted under ~~the provisions of~~ this subsection may  
11365 ~~shall~~ not have adjudication of guilt suspended, deferred, or  
11366 withheld.

11367           (4) Notwithstanding ~~the provisions of~~ s. 777.04, a any  
11368 person who commits ~~is guilty of~~ conspiracy to commit bookmaking



584-00011A-14

20147052\_\_

11369 ~~is shall be~~ subject to the penalties imposed by subsections (2)  
11370 and (3).

11371 (5) This section does ~~shall~~ not apply to pari-mutuel  
11372 wagering ~~in Florida as authorized~~ under part II of chapter 551  
11373 ~~chapter 550~~.

11374 ~~(6) This section shall not apply to any prosecutions filed~~  
11375 ~~and pending at the time of the passage hereof, but all such~~  
11376 ~~cases shall be disposed of under existing laws at the time of~~  
11377 ~~the institution of such prosecutions.~~

11378 Section 185. Section 849.26, Florida Statutes, is amended  
11379 to read:

11380 849.26 Gambling contracts ~~declared void; exception.~~

11381 (1) All Promises, agreements, notes, bills, bonds or other  
11382 contracts, mortgages, or other securities are void if all, when  
11383 the whole or part of the consideration is the if for money or  
11384 other valuable thing won or lost, laid, staked, betted, or  
11385 wagered in a any gambling transaction ~~whatsoever, regardless of~~  
11386 ~~its name or nature, whether heretofore prohibited or not, or for~~  
11387 the repayment of money lent or advanced at the time of a  
11388 gambling transaction for the purpose of being laid, betted,  
11389 staked, or wagered, ~~are void and of no effect; provided, that~~  
11390 This section does act shall not apply to wagering on pari-  
11391 mutuels or a any gambling transaction expressly authorized by  
11392 law.

11393 (2) The following persons are jointly and severally liable  
11394 for the items that are authorized by this section to be sued for  
11395 and recovered, and any suit brought under the authorization of  
11396 this section may be brought against any or all such persons:

11397 (a) The winner of the money or property lost in the

584-00011A-14

20147052\_\_

11398 gambling transaction;

11399 (b) Every person having direct or indirect charge, control,  
11400 or management, either exclusively or with others, of the place  
11401 where the gambling transaction occurs who procures or allows  
11402 such place to be used for gambling purposes;

11403 (c) Every person who promotes, sets up, or conducts the  
11404 gambling transaction in which the loss occurs or who has an  
11405 interest in it as backer, vendor, owner, or otherwise;

11406 (d) As to anything of value other than money, the  
11407 transferees and assignees, with notice, of the persons specified  
11408 in paragraphs (a)-(c); and

11409 (e) The personal representatives of the persons specified  
11410 in paragraphs (a)-(c).

11411 (3) In an action brought under this section, the plaintiff  
11412 is entitled to writs of attachment and garnishment for the sums  
11413 of money sought, excluding attorney fees, for the use and  
11414 benefit of persons other than the state in the same manner and  
11415 to the same extent as in an action brought under contract law.  
11416 In any such suit seeking recovery of a thing of value other than  
11417 money, the plaintiff is entitled to a writ of replevin in the  
11418 manner and to the extent provided by this state's replevin  
11419 statutes.

11420 (4) In an action brought under this section by a person  
11421 other than the loser of the money or thing of value involved,  
11422 the loser is not excused from attending, testifying, or  
11423 producing evidence in such suit if his or her excuse is that the  
11424 testimony or evidence provided may incriminate him or her or  
11425 subject him or her to a penalty or forfeiture. The loser of the  
11426 money or thing of value involved may not be prosecuted or

584-00011A-14

20147052\_\_

11427 subjected to a penalty or forfeiture for or on account of a  
11428 transaction, matter, or thing concerning which he or she may so  
11429 be required to testify or produce evidence, and no testimony so  
11430 given or produced shall be received against the loser upon a  
11431 criminal investigation or prosecution. If the loser of money or  
11432 thing of value involved in an action brought under this section  
11433 voluntarily attends or produces evidence in such suit, the loser  
11434 may not be prosecuted or subjected to any penalty for or on  
11435 account of a transaction, matter, or thing concerning which he  
11436 or she may so testify or produce evidence, and no testimony so  
11437 given or produced shall be received against him or her upon a  
11438 criminal investigation or prosecution. Also, neither the fact of  
11439 the bringing of suit under this section by a loser of the money  
11440 or thing of value involved nor a statement or admission in his  
11441 or her pleadings which is material and relevant to the subject  
11442 matter of the suit may be received against the loser upon a  
11443 criminal investigation or proceeding.

11444 (5) The summons in any such suit, copies of all pleadings  
11445 and notices of all hearings in the suit, and notice of the trial  
11446 and of application for the entry of final judgment shall be  
11447 served on the state attorney, who shall protect the interests of  
11448 the state and, if the plaintiff fails to diligently prosecute  
11449 the suit, bring such failure to the attention of the court. If  
11450 the plaintiff fails to effectively prosecute any such suit  
11451 without collusion or deceit and without unnecessary delay, the  
11452 court shall direct the state attorney to proceed with the  
11453 action. Such suit may not be dismissed except upon a sworn  
11454 statement filed by the plaintiff or the state attorney which  
11455 satisfies the court that the suit should be dismissed.

584-00011A-14

20147052\_\_

11456       (6) A judgment recovered in such a suit shall adjudge  
11457 separately the amounts recovered for the use of the state. The  
11458 plaintiff may not have execution therefor, and such amounts may  
11459 not be paid to the plaintiff, but shall be payable to the state  
11460 attorney, who shall promptly transmit the sums collected to the  
11461 Chief Financial Officer. The state attorney shall diligently  
11462 seek the collection of such amounts and may cause a separate  
11463 execution to issue for the collection thereof.

11464       (7) If the plaintiff prevails in any such suit seeking to  
11465 recover lost property, he or she shall take judgment for the  
11466 property itself and for the value thereof, and the judgment  
11467 shall be satisfied by the recovery of the property or of the  
11468 value thereof. The plaintiff may sue out a separate writ of  
11469 possession for the property and a separate execution for any  
11470 other moneys and costs adjudged in his or her favor, or may sue  
11471 out an execution for the value of the property and any other  
11472 moneys and costs adjudged in his or her favor. If the plaintiff  
11473 elects to sue out a writ of possession for the property, and if  
11474 the officer is unable to find any of the property, the plaintiff  
11475 may sue out execution for the value of such property. In a  
11476 proceeding to ascertain the value of the property, the value of  
11477 each article shall be determined so that judgment for such value  
11478 may be entered.

11479       Section 186. Section 849.29, Florida Statutes, is amended  
11480 to read:

11481       ~~849.29 Persons against whom suits may be brought to recover~~  
11482 ~~on gambling contracts. The following persons shall be jointly~~  
11483 ~~and severally liable for the items which are authorized by this~~  
11484 ~~act to be sued for and recovered, and any suit brought under the~~

584-00011A-14

20147052\_\_

11485 ~~authorization of this act may be brought against all or any of~~  
11486 ~~such persons, to wit: The winner of the money or property lost~~  
11487 ~~in the gambling transaction; every person who, having direct or~~  
11488 ~~indirect charge, control or management, either exclusively or~~  
11489 ~~with others, of the place where the gambling transaction occurs,~~  
11490 ~~procures, suffers or permits such place to be used for gambling~~  
11491 ~~purposes; whoever promotes, sets up or conducts the gambling~~  
11492 ~~transaction in which the loss occurs or has an interest in it as~~  
11493 ~~backer, vendor, owner or otherwise; and, as to anything of value~~  
11494 ~~other than money, the transferees and assignees, with notice, of~~  
11495 ~~the persons hereinabove specified in this section; and the~~  
11496 ~~personal representatives of the persons specified in this~~  
11497 ~~section.~~

11498 Section 187. Section 849.30, Florida Statutes, is amended  
11499 to read:

11500 ~~849.30 Plaintiff entitled to writs of attachment,~~  
11501 ~~garnishment and replevin. In any suit under ss. 849.26-849.34,~~  
11502 ~~the plaintiff shall be entitled to writs of attachment and~~  
11503 ~~garnishment for the sums of money, exclusive of attorney's fees,~~  
11504 ~~sued for the use and benefit of persons other than the state, in~~  
11505 ~~the same manner and to the same extent as in an action on~~  
11506 ~~contract; and, in any suit under this chapter for the recovery~~  
11507 ~~of a thing of value other than money, the plaintiff shall be~~  
11508 ~~entitled to a writ of replevin for the recovery of such thing of~~  
11509 ~~value, in the manner and to the extent provided by the replevin~~  
11510 ~~statutes of the state.~~

11511 Section 188. Section 849.31, Florida Statutes, is amended  
11512 to read:

11513 ~~849.31 Loser's testimony not to be used against her or~~

584-00011A-14

20147052\_\_

11514 him. In the event that suit is brought under the authorization  
11515 of ~~ss. 849.26-849.34~~ by someone other than the loser of the  
11516 money or thing of value involved in the suit, such loser shall  
11517 not be excused from being required to attend and testify or  
11518 produce any book, paper or other document or evidence in such  
11519 suit, upon the ground or for the reason that the testimony or  
11520 evidence required of the loser may tend to convict her or him of  
11521 a crime or to subject her or him to a penalty or forfeiture, but  
11522 the loser shall not be prosecuted or subjected to any penalty or  
11523 forfeiture for or on account of any transaction, matter or thing  
11524 concerning which she or he may so be required to testify or  
11525 produce evidence, and no testimony so given or produced shall be  
11526 received against the loser upon any criminal investigation or  
11527 prosecution. If the loser of money or thing of value involved in  
11528 a suit brought under authorization of ~~ss. 849.26-849.34~~, whether  
11529 by her or him or by someone else, voluntarily attends or  
11530 produces evidence in such suit, the loser shall not be  
11531 prosecuted or subjected to any penalty for or on account of any  
11532 transaction, matter or thing concerning which she or he may so  
11533 testify or produce evidence, and no testimony so given or  
11534 produced shall be received against her or him upon any criminal  
11535 investigation or prosecution. Also, neither the fact of the  
11536 bringing of suit under this act by a loser nor any statement or  
11537 admission in her or his pleadings which is material and relevant  
11538 to the subject matter of the suit shall be received against the  
11539 loser upon any criminal investigation or proceeding.

11540 Section 189. Section 849.32, Florida Statutes, is amended  
11541 to read:

11542 ~~849.32 Notice to state attorney; prosecution of suit. The~~

584-00011A-14

20147052\_\_

11543 ~~summons in any such suit, and copies of all pleadings and~~  
11544 ~~notices of all hearings in the suit, and notice of the trial and~~  
11545 ~~of application for the entry of final judgment, shall be served~~  
11546 ~~on the state attorney, whose duty it shall be to protect the~~  
11547 ~~interests of the state and, if the plaintiff fails to diligently~~  
11548 ~~prosecute the suit, to bring such failure to the attention of~~  
11549 ~~the court. If the plaintiff fails to effectively prosecute any~~  
11550 ~~such suit without collusion or deceit and without unnecessary~~  
11551 ~~delay, the court shall direct the state attorney to proceed with~~  
11552 ~~the action. No such suit shall be dismissed except upon a sworn~~  
11553 ~~statement filed by the plaintiff or the state attorney which~~  
11554 ~~satisfies the court that the suit should be dismissed.~~

11555 Section 190. Section 849.33, Florida Statutes, is amended  
11556 to read:

11557 ~~849.33 Judgment and collection of money; execution. Any~~  
11558 ~~judgment recovered in such a suit shall adjudge separately the~~  
11559 ~~amounts recovered for the use of the state, and the plaintiff~~  
11560 ~~shall not have execution therefor, and such amounts shall not be~~  
11561 ~~paid to the plaintiff, but shall be payable to the state~~  
11562 ~~attorney, who shall promptly transmit the sums collected by him~~  
11563 ~~or her to the Chief Financial Officer. The state attorney shall~~  
11564 ~~diligently seek the collection of such amounts and may cause a~~  
11565 ~~separate execution to issue for the collection thereof.~~

11566 Section 191. Section 849.34, Florida Statutes, is amended  
11567 to read:

11568 ~~849.34 Loser's judgment; recovery of property; writ of~~  
11569 ~~assistance. If the plaintiff in any such suit seek to recover~~  
11570 ~~property lost, and if the plaintiff shall prevail as to any such~~  
11571 ~~property, he or she shall take judgment for the property itself~~

584-00011A-14

20147052\_\_

11572 and for the value thereof, the judgment as to such property to  
11573 be satisfied by the recovery of the property or of the value  
11574 thereof. The plaintiff may, at his or her option, sue out a  
11575 separate writ of possession for the property and a separate  
11576 execution for any other moneys and costs adjudged in his or her  
11577 favor, or the plaintiff may sue out an execution for the value  
11578 of the property and any other moneys and costs adjudged in his  
11579 or her favor. If the plaintiff elect to sue out a writ of  
11580 possession for the property, and if the officer shall return  
11581 that he or she is unable to find the property, or any of it, the  
11582 plaintiff may thereupon sue out execution for the value of the  
11583 property not found. In any proceeding to ascertain the value of  
11584 the property, the value of each article shall be found so that  
11585 judgment for such value may be entered.

11586 Section 192. Section 849.35, Florida Statutes, is amended  
11587 to read:

11588 849.35 Seizure and forfeiture of property used in the  
11589 violation of lottery and gambling statutes Definitions.-

11590 (1) DEFINITIONS.-As used in this section, the term In  
11591 construing ss. 849.36-849.46 and each and every word, phrase, or  
11592 part thereof, where the context permits:

11593 ~~(1) The singular includes the plural and vice versa.~~

11594 ~~(2) Gender specific language includes the other gender and~~  
11595 ~~neuter.~~

11596 (d)(3) The term "Vessel" means includes every description  
11597 of watercraft, vessel, or contrivance used, or capable of being  
11598 used, as a means of transportation in or on water, or in or on  
11599 the water and in the air.

11600 (c)(4) The term "Vehicle" means includes every description



584-00011A-14

20147052\_\_

11601 of vehicle, carriage, animal, or contrivance used, or capable of  
11602 being used, as a means of transportation on land, in the air, or  
11603 on land and in the air.

11604 (a) ~~(5)~~ The term "Gambling paraphernalia" means ~~includes~~  
11605 every description of apparatus, implement, machine, device, or  
11606 contrivance used in, or in connection with, any violation of the  
11607 lottery, gaming and gambling statutes, and laws of this state,  
11608 except facilities and equipment furnished by a public utility in  
11609 the regular course of business, ~~and~~ which remain the property of  
11610 such utility while so furnished.

11611 (b) ~~(6)~~ The term "Lottery ticket" means ~~shall include~~ every  
11612 ticket, token, emblem, card, paper, or other evidence of a  
11613 chance, interest, prize or share in, or in connection with any  
11614 lottery, game of chance or hazard or other things in violation  
11615 of the lottery and gambling statutes and laws of this state  
11616 (including bolita, cuba, bond, New York bond, butter and eggs,  
11617 night house and other like and similar operations, but not  
11618 excluding others). The term "lottery ticket" ~~The said term shall~~  
11619 also includes ~~include so-called~~ rundown sheets, tally sheets,  
11620 and all other papers, records, instruments, and things designed  
11621 for use, either directly or indirectly, in, or in connection  
11622 with, the violation of ~~the statutes and~~ laws of this state  
11623 prohibiting lotteries and gambling ~~in this state~~.

11624 (2) SEIZURE AND FORFEITURE OF PROPERTY.—

11625 (a) Every vessel or vehicle used for, or in connection  
11626 with, the removal, transportation, storage, deposit, or  
11627 concealment of lottery tickets, or used in connection with a  
11628 lottery or game in violation of the laws of this state, shall be  
11629 subject to seizure and forfeiture under the Florida Contraband

584-00011A-14

20147052\_\_

11630 Forfeiture Act.

11631 (b) All gambling paraphernalia and lottery tickets used in  
11632 connection with gambling or a lottery or an unlawful game of  
11633 chance or hazard, in violation of laws of this state, found by  
11634 an officer in searching a vessel or vehicle that is used in the  
11635 violation of the gambling laws shall be safely kept so long as  
11636 it is necessary for the purpose of being used as evidence in any  
11637 case. Immediately after the case, such gambling paraphernalia or  
11638 lottery tickets shall be destroyed by an order of the court that  
11639 heard the case or certified to any other state or federal court  
11640 having jurisdiction.

11641 (c) The presence of a lottery ticket in a vessel or vehicle  
11642 owned or being operated by a person charged with a violation of  
11643 the gambling laws of the state, is prima facie evidence that  
11644 such vessel or vehicle was or is being used in connection with a  
11645 violation of the lottery and gambling laws of this state and as  
11646 a means of removing, transporting, depositing, or concealing  
11647 lottery tickets and is sufficient evidence for the seizure of  
11648 such vessel or vehicle.

11649 (d) The presence of lottery tickets in any room or place,  
11650 including vessels and vehicles, is prima facie evidence that  
11651 such room, place, vessel, or vehicle, and gambling paraphernalia  
11652 is sufficient evidence for the seizure of such gambling  
11653 paraphernalia.

11654 (e) It shall be the duty of every peace officer in this  
11655 state finding any vessel, vehicle, or paraphernalia being used  
11656 in violation of the statutes and laws of this state as aforesaid  
11657 to seize and take possession of such property for disposition as  
11658 hereinafter provided. It shall also be the duty of every peace

584-00011A-14

20147052\_\_

11659 officer finding any such property being so used, in connection  
11660 with any lawful search made by her or him, to seize and take  
11661 possession of the same for disposition as provided in this  
11662 section.

11663 (3) DISPOSITION AND APPRAISAL OF PROPERTY.-

11664 (a) A law enforcement officer other than the sheriff which  
11665 seizes property pursuant to this section shall immediately  
11666 deliver such property to the sheriff of the county where it was  
11667 seized. In returning the seized property to the sheriff, the law  
11668 enforcement officer shall describe the property seized and state  
11669 the facts and circumstances under which it was seized and the  
11670 reason why the seizing officer suspected or knew that such  
11671 property was being used for or in connection with a violation of  
11672 the laws of this state which prohibit lotteries and gambling.  
11673 The statement shall include the names of all persons, firms, and  
11674 corporations known to the seizing officer to have an interest in  
11675 the seized property.

11676 (b) When property is seized by the sheriff pursuant to this  
11677 chapter, or when property seized by another person is delivered  
11678 to the sheriff pursuant to paragraph (a), the sheriff shall  
11679 immediately estimate the approximate value of such property and  
11680 return it to the clerk of the circuit court as provided in this  
11681 section.

11682 (c) The return of the sheriff aforesaid shall contain a  
11683 schedule of the property seized describing the same in  
11684 reasonable detail and give in detail the facts and circumstances  
11685 under which it was seized and state in full the reason why the  
11686 seizing officer knew or was led to believe that the property was  
11687 being used for or in connection with a violation of the statutes

584-00011A-14

20147052\_\_

11688 and laws of this state prohibiting lotteries or gambling in this  
11689 state; and a statement of the names of all persons, firms, and  
11690 corporations known to the sheriff to be interested in the seized  
11691 property; and in cases where the said property was seized by  
11692 another person, the sheriff shall attach to his or her said  
11693 return, as an exhibit thereto, the return of the seizing officer  
11694 to him or her.

11695 (d) The sheriff shall hold the said property seized pending  
11696 its disposal by the court as hereinafter provided.

11697 (4) PROCEEDINGS FOR FORFEITURE; NOTICE OF SEIZURE AND ORDER  
11698 TO SHOW CAUSE.—

11699 (a) The return of the sheriff aforesaid to the clerk of the  
11700 circuit court shall be taken and considered as the state's  
11701 petition or libel in rem for the forfeiture of the property  
11702 therein described, of which the circuit court of the county  
11703 shall have jurisdiction without regard to value. The said return  
11704 shall be sufficient as said petition or libel notwithstanding  
11705 the fact that it may contain no formal prayer or demand for  
11706 forfeiture, it being the intention of the Legislature that  
11707 forfeiture may be decreed without a formal prayer or demand  
11708 therefor. The said return shall be subject to amendment at any  
11709 time before final hearing, provided that copies thereof shall be  
11710 served upon all persons, firms, or corporations who may have  
11711 filed a claim before such amendment.

11712 (b) Upon the filing of said return the clerk of the circuit  
11713 court shall issue a citation, directed to all persons, firms,  
11714 and corporations owning, having or claiming an interest in or a  
11715 lien upon the seized property, giving notice of the seizure and  
11716 directing that all persons, firms, or corporations owning,

584-00011A-14

20147052\_\_

11717 having or claiming an interest therein or lien thereon, to file  
 11718 their claim to, on, or in said property within the time fixed in  
 11719 said citation, as to persons, firms, and corporations not  
 11720 personally served, and within 20 days from personal service of  
 11721 said citation, when personal service is had. Personal service  
 11722 shall be made on all parties, in this state, having liens noted  
 11723 upon a certificate of title as shown by the records in the  
 11724 office of the Department of Highway Safety and Motor Vehicles.

11725 (c) The said citation may be in, or substantially in, the  
 11726 following form:

11727  
 11728 IN THE CIRCUIT COURT OF THE .... JUDICIAL CIRCUIT, IN AND FOR  
 11729 .... COUNTY, FLORIDA.

11730 IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY:

11731 (Here describe property)

11732 THE STATE OF FLORIDA TO:

11733  
 11734 ALL PERSONS, FIRMS AND CORPORATIONS OWNING, HAVING OR  
 11735 CLAIMING AN INTEREST IN OR LIEN ON THE ABOVE DESCRIBED PROPERTY.

11736  
 11737 YOU AND EACH OF YOU are hereby notified that the above  
 11738 described property has been seized, under and by virtue of  
 11739 chapter ...., Laws of Florida, and is now in the possession of  
 11740 the sheriff of this county, and you, and each of you, are hereby  
 11741 further notified that a petition, under said chapter, has been  
 11742 filed in the Circuit Court of the .... Judicial Circuit, in and  
 11743 for .... County, Florida, seeking the forfeiture of the said  
 11744 property, and you are hereby directed and required to file your  
 11745 claim, if any you have, and show cause, on or before ....,

584-00011A-14

20147052\_\_

11746 ...(year)..., if not personally served with process herein, and  
 11747 within 20 days from personal service if personally served with  
 11748 process herein, why the said property should not be forfeited  
 11749 pursuant to said chapter ...., Laws of Florida, 1955. Should you  
 11750 fail to file claim as herein directed judgment will be entered  
 11751 herein against you in due course. Persons not personally served  
 11752 with process may obtain a copy of the petition for forfeiture  
 11753 filed herein from the undersigned clerk of court.

11754 WITNESS my hand and the seal of the above mentioned court,  
 11755 at .... Florida, this ....., ...(year)....

11756 (COURT SEAL)

11757 ...(Clerk of the above-mentioned Court.)...

11758 By ...(Deputy Clerk)...

11760 (d) Such citation shall be returnable, as to persons served  
 11761 constructively, as therein directed, not less than 21 nor more  
 11762 than 30 days, from the posting or publication thereof, and as to  
 11763 personally served with process within 20 days from service  
 11764 thereof. A copy of the petition shall be served with the process  
 11765 when personally served. Personal service of process may be made  
 11766 in the same manner as a summons in chancery.

11767 (e) If the value of the property seized is shown by the  
 11768 sheriff's return to have an appraised value of \$1,000 or less,  
 11769 the above citation shall be served by posting at three public  
 11770 places in the county, one of which shall be the front door of  
 11771 the courthouse; if the value of the property is shown by the  
 11772 sheriff's return to have an approximate value of more than  
 11773 \$1,000, the citation shall be published at least once each week  
 11774 for 2 consecutive weeks in some newspaper of general publication

584-00011A-14

20147052\_\_

11775 published in the county, if there be such a newspaper published  
11776 in the county and if not, then said notice of such publication  
11777 shall be made by certificate of the clerk if publication is made  
11778 by posting, and by affidavit as provided in chapter 50, if made  
11779 by publication in a newspaper, which affidavit or certificate  
11780 shall be filed and become a part of the record in the cause.  
11781 Failure of the record to show proof of such publication shall  
11782 not affect any judgment made in the cause unless it shall  
11783 affirmatively appear that no such publication was made.

11784 (5) DELIVERY OF PROPERTY TO CLAIMANT.—A person, firm, or  
11785 corporation filing a claim in the cause, which claim shall state  
11786 fully his or her right, title, claim, or interest, in and to the  
11787 seized property, may, at any time after said claim is filed with  
11788 the clerk of the court, obtain possession of the seized property  
11789 by filing a petition therefor with the sheriff and posting with  
11790 her or him, to be approved by her or him, a surety bond, payable  
11791 to the Governor of the state in twice the amount of the value of  
11792 the said property as fixed in the sheriff's return to the clerk  
11793 of the circuit court, with a corporate surety duly authorized to  
11794 transact business in this state as surety, conditioned upon his  
11795 or her paying to the sheriff the value of the property together  
11796 with costs of the proceeding, if judgment of forfeiture be  
11797 entered by the court. Upon the posting of such bond with the  
11798 sheriff and the release of the property to the applicant the  
11799 cause shall proceed to final judgment in the same manner as it  
11800 would have had no such bond been filed, except that any  
11801 execution to be issued in the cause pursuant to judgment may run  
11802 against and be enforced against the person posting said bond and  
11803 the person's surety.

584-00011A-14

20147052\_\_

11804       (6) PROCEEDING WHEN NO CLAIM FILED.—When no claim is filed  
11805 in the cause within the time required the clerk shall enter a  
11806 default against all persons, firms, and corporations owning,  
11807 claiming, or having an interest in and to the property seized  
11808 and the cause may then proceed in the same manner as a common-  
11809 law cause after default, and final judgment shall be entered  
11810 therein ex parte, except as may be herein otherwise provided.

11811       (7) PROCEEDING WHEN CLAIM FILED.—When one or more claims  
11812 are filed in the cause, the cause shall be tried upon the issues  
11813 made thereby with the petition for forfeiture with any  
11814 affirmative defenses being deemed denied without further  
11815 pleading. Judgment by default shall be entered against all other  
11816 persons, firms, and corporations owning, claiming, or having an  
11817 interest in and to the property seized, after which the cause  
11818 shall proceed as in other common-law cases; except any claimant  
11819 shall prove to the satisfaction of the court that he or she did  
11820 not know or have any reason to believe, at the time his or her  
11821 right, title, interest, or lien arose, that the property was  
11822 being used for or in connection with the violation of any of the  
11823 statutes or laws of this state prohibiting lotteries and  
11824 gambling and further that at said time there was no reasonable  
11825 reason to believe that the said property might be used for such  
11826 purpose. Where the owner of the property has been convicted of a  
11827 violation of the statutes and laws of this state prohibiting  
11828 lotteries or gambling such conviction shall be prima facie  
11829 evidence that each claimant had reason to believe that the  
11830 property might be used for or in connection with a violation of  
11831 such statutes and laws, and it shall be incumbent upon such  
11832 claimant to satisfy the court that he or she was without



584-00011A-14

20147052\_\_

11833 knowledge of such conviction. Trial of all such causes shall be  
11834 without a jury, except in such cases as a trial by jury may be  
11835 guaranteed by the State Constitution and in such cases trial by  
11836 jury shall be deemed waived unless demanded in the claim filed.

11837 (8) STATE ATTORNEY TO REPRESENT STATE.—Upon the filing of  
11838 the sheriff's return with the clerk of the circuit court the  
11839 said clerk shall furnish the state attorney with a copy thereof  
11840 and the said state attorney shall represent the state in the  
11841 forfeiture proceedings. The Department of Legal Affairs shall  
11842 represent the state in all appeals from judgments of forfeiture  
11843 to the appropriate district court of appeal or direct to the  
11844 Supreme Court when authorized by s. 3, Art. V of the State  
11845 Constitution. The state may appeal any judgment denying  
11846 forfeiture in whole or in part or that may be otherwise adverse  
11847 to the state.

11848 (9) JUDGMENT OF FORFEITURE.—On final hearing the return of  
11849 the sheriff to the clerk of the circuit court shall be taken as  
11850 prima facie evidence that the property seized was or had been  
11851 used in, or in connection with, the violation of the statutes  
11852 and laws of this state prohibiting lotteries and gambling in  
11853 this state and shall be sufficient predicate for a judgment of  
11854 forfeiture in the absence of other proofs and evidence. The  
11855 burden shall be upon the claimants to show that the property was  
11856 not so used or if so used that they had no knowledge of such  
11857 violation and no reason to believe that the seized property was  
11858 or would be used for the violation of such statutes and laws.  
11859 Where such property is encumbered by a lien or retained title  
11860 agreement under circumstances wherein the lienholder had no  
11861 knowledge that the property was or would be used in violating

584-00011A-14

20147052\_\_

11862 such statutes and laws, and no reasonable reason to believe that  
11863 it might be so used, then the court may declare a forfeiture of  
11864 all other rights, titles and interests, subject, however, to the  
11865 lien of such innocent lienholder, or may direct the payment of  
11866 such lien from the proceeds of any sale of the said property.  
11867 The proceedings and the judgment of forfeiture shall be in rem  
11868 and shall be primarily against the property itself. Upon the  
11869 entry of a judgment of forfeiture the court shall determine the  
11870 disposition to be made of the property, which may include the  
11871 destruction thereof, the sale thereof, the allocation thereof to  
11872 some governmental function or use, or otherwise as the court may  
11873 determine. Sales of such property shall be at public sale to the  
11874 highest and best bidder therefor for cash after 2 weeks' public  
11875 notice as the court may direct. Where the property has been  
11876 delivered to a claimant upon the posting of a bond the court  
11877 shall determine the value of the property or portion thereof  
11878 subject to forfeiture and shall enter judgment against the  
11879 principal and surety of the bond in such amount for which  
11880 execution shall issue in the usual manner. Upon the application  
11881 of any claimant the court may fix the value of the forfeitable  
11882 interest or interests in the seized property and permit such  
11883 claimant to redeem the said property upon the payment of a sum  
11884 equal to said value, which sum shall be disposed of as would the  
11885 proceeds of a sale of the said property under a judgment of  
11886 forfeiture.

11887 (10) DISPOSITION OF PROCEEDS OF FORFEITURE.—All sums  
11888 received from a sale or other disposition of the seized property  
11889 shall be paid into the county fine and forfeiture fund and shall  
11890 become a part thereof; provided, however, that in instances

584-00011A-14

20147052\_\_

11891 where the seizure is by a municipal police officer within the  
11892 limits of any municipality having an ordinance requiring such  
11893 vehicles, vessels, or conveyances to be forfeited, the city  
11894 attorney shall act on behalf of the city in lieu of the state  
11895 attorney and shall proceed to forfeit the property as herein  
11896 provided, and all sums received therefrom shall go into the  
11897 general operating fund of the city.

11898 (11) FEES FOR SERVICES.—Fees for services required  
11899 hereunder shall be the same as provided for sheriffs and clerks  
11900 for like and similar services in other cases and matters.

11901 (12) EXERCISE OF POLICE POWER.—The Legislature finds that  
11902 this chapter is necessary for the more efficient and proper  
11903 enforcement of the laws of this state which prohibit lotteries  
11904 and gambling, and a lawful exercise of the police power of this  
11905 state for the protection of the public welfare, health, safety,  
11906 and morals of the people of this state. This chapter shall be  
11907 liberally construed to accomplish these purposes.

11908 Section 193. Section 849.36, Florida Statutes, is amended  
11909 to read:

11910 ~~849.36 Seizure and forfeiture of property used in the~~  
11911 ~~violation of lottery and gambling statutes.—~~

11912 ~~(1) Every vessel or vehicle used for, or in connection~~  
11913 ~~with, the removal, transportation, storage, deposit, or~~  
11914 ~~concealment of any lottery tickets, or used in connection with~~  
11915 ~~any lottery or game in violation of the statutes and laws of~~  
11916 ~~this state, shall be subject to seizure and forfeiture, as~~  
11917 ~~provided by the Florida Contraband Forfeiture Act.~~

11918 ~~(2) All gambling paraphernalia and lottery tickets as~~  
11919 ~~herein defined used in connection with a lottery, gambling,~~

584-00011A-14

20147052\_\_

11920 ~~unlawful game of chance or hazard, in violation of the statutes~~  
11921 ~~and laws of this state, found by an officer in searching a~~  
11922 ~~vessel or vehicle used in the violation of the gambling laws~~  
11923 ~~shall be safely kept so long as it is necessary for the purpose~~  
11924 ~~of being used as evidence in any case, and as soon as may be~~  
11925 ~~afterwards, shall be destroyed by order of the court before whom~~  
11926 ~~the case is brought or certified to any other court having~~  
11927 ~~jurisdiction, either state or federal.~~

11928 ~~(3) The presence of any lottery ticket in any vessel or~~  
11929 ~~vehicle owned or being operated by any person charged with a~~  
11930 ~~violation of the gambling laws of the state, shall be prima~~  
11931 ~~facie evidence that such vessel or vehicle was or is being used~~  
11932 ~~in connection with a violation of the lottery and gambling~~  
11933 ~~statutes and laws of this state and as a means of removing,~~  
11934 ~~transporting, depositing, or concealing lottery tickets and~~  
11935 ~~shall be sufficient evidence for the seizure of such vessel or~~  
11936 ~~vehicle.~~

11937 ~~(4) The presence of lottery tickets in any room or place,~~  
11938 ~~including vessels and vehicles, shall be prima facie evidence~~  
11939 ~~that such room, place, vessel, or vehicle, and all apparatus,~~  
11940 ~~implements, machines, contrivances, or devices therein, (herein~~  
11941 ~~referred to as "gambling paraphernalia") capable of being used~~  
11942 ~~in connection with a violation of the lottery and gambling~~  
11943 ~~statutes and laws of this state and shall be sufficient evidence~~  
11944 ~~for the seizure of such gambling paraphernalia.~~

11945 ~~(5) It shall be the duty of every peace officer in this~~  
11946 ~~state finding any vessel, vehicle, or paraphernalia being used~~  
11947 ~~in violation of the statutes and laws of this state as aforesaid~~  
11948 ~~to seize and take possession of such property for disposition as~~

584-00011A-14

20147052\_\_

11949 ~~hereinafter provided. It shall also be the duty of every peace~~  
11950 ~~officer finding any such property being so used, in connection~~  
11951 ~~with any lawful search made by her or him, to seize and take~~  
11952 ~~possession of the same for disposition as hereinafter provided.~~

11953 Section 194. Section 849.37, Florida Statutes, is amended  
11954 to read:

11955 ~~849.37 Disposition and appraisal of property seized under~~  
11956 ~~this chapter.—~~

11957 ~~(1) Every peace officer, other than the sheriff, seizing~~  
11958 ~~property pursuant to the provisions of ss. 849.36-849.46 shall~~  
11959 ~~forthwith make return of the seizure thereof and deliver the~~  
11960 ~~said property to the sheriff of the county wherein the same was~~  
11961 ~~seized. The said return to the sheriff shall describe the~~  
11962 ~~property seized and give in detail the facts and circumstances~~  
11963 ~~under which the same was seized and state in full the reason why~~  
11964 ~~the seizing officer knew, or was led to believe, that the said~~  
11965 ~~property was being used for or in connection with a violation of~~  
11966 ~~the statutes and laws of this state prohibiting lotteries and~~  
11967 ~~gambling in this state. The said return shall contain the names~~  
11968 ~~of all persons, firms and corporations known to the seizing~~  
11969 ~~officer to be interested in the seized property.—~~

11970 ~~(2) When property is seized by the sheriff pursuant to this~~  
11971 ~~chapter, or when property seized by another is delivered to the~~  
11972 ~~sheriff as aforesaid, the sheriff shall forthwith fix the~~  
11973 ~~approximate value thereof and make return thereof to the clerk~~  
11974 ~~of the circuit court as hereinafter provided.—~~

11975 ~~(3) The return of the sheriff aforesaid shall contain a~~  
11976 ~~schedule of the property seized describing the same in~~  
11977 ~~reasonable detail and give in detail the facts and circumstances~~

584-00011A-14

20147052\_\_

11978 ~~under which it was seized and state in full the reason why the~~  
11979 ~~seizing officer knew or was led to believe that the property was~~  
11980 ~~being used for or in connection with a violation of the statutes~~  
11981 ~~and laws of this state prohibiting lotteries or gambling in this~~  
11982 ~~state; and a statement of the names of all persons, firms and~~  
11983 ~~corporations known to the sheriff to be interested in the seized~~  
11984 ~~property; and in cases where the said property was seized by~~  
11985 ~~another the sheriff shall attach to his or her said return, as~~  
11986 ~~an exhibit thereto, the return of the seizing officer to him or~~  
11987 ~~her.~~

11988 ~~(4) The sheriff shall hold the said property seized pending~~  
11989 ~~its disposal by the court as hereinafter provided.~~

11990 Section 195. Section 849.38, Florida Statutes, is amended  
11991 to read:

11992 ~~849.38 Proceedings for forfeiture; notice of seizure and~~  
11993 ~~order to show cause.—~~

11994 ~~(1) The return of the sheriff aforesaid to the clerk of the~~  
11995 ~~circuit court shall be taken and considered as the state's~~  
11996 ~~petition or libel in rem for the forfeiture of the property~~  
11997 ~~therein described, of which the circuit court of the county~~  
11998 ~~shall have jurisdiction without regard to value. The said return~~  
11999 ~~shall be sufficient as said petition or libel notwithstanding~~  
12000 ~~the fact that it may contain no formal prayer or demand for~~  
12001 ~~forfeiture, it being the intention of the Legislature that~~  
12002 ~~forfeiture may be decreed without a formal prayer or demand~~  
12003 ~~therefor. The said return shall be subject to amendment at any~~  
12004 ~~time before final hearing, provided that copies thereof shall be~~  
12005 ~~served upon all persons, firms or corporations who may have~~  
12006 ~~filed a claim prior to such amendment.~~

584-00011A-14

20147052\_\_

12007       ~~(2) Upon the filing of said return the clerk of the circuit~~  
12008 ~~court shall issue a citation, directed to all persons, firms and~~  
12009 ~~corporations owning, having or claiming an interest in or a lien~~  
12010 ~~upon the seized property, giving notice of the seizure and~~  
12011 ~~directing that all persons, firms or corporations owning, having~~  
12012 ~~or claiming an interest therein or lien thereon, to file their~~  
12013 ~~claim to, on, or in said property within the time fixed in said~~  
12014 ~~citation, as to persons, firms and corporations not personally~~  
12015 ~~served, and within 20 days from personal service of said~~  
12016 ~~citation, when personal service is had. Personal service shall~~  
12017 ~~be made on all parties, in Florida, having liens noted upon a~~  
12018 ~~certificate of title as shown by the records in the office of~~  
12019 ~~the Department of Highway Safety and Motor Vehicles.~~

12020       ~~(3) The said citation may be in, or substantially in, the~~  
12021 ~~following form:~~

12022  
12023 ~~IN THE CIRCUIT COURT OF THE .... JUDICIAL CIRCUIT, IN AND FOR~~  
12024 ~~.... COUNTY, FLORIDA.~~

12025 ~~IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY:~~

12026                     ~~(Here describe property)~~

12027 ~~THE STATE OF FLORIDA TO:~~

12028  
12029       ~~ALL PERSONS, FIRMS AND CORPORATIONS OWNING, HAVING OR~~  
12030 ~~CLAIMING AN INTEREST IN OR LIEN ON THE ABOVE DESCRIBED PROPERTY.~~

12031  
12032       ~~YOU AND EACH OF YOU are hereby notified that the above~~  
12033 ~~described property has been seized, under and by virtue of~~  
12034 ~~chapter ....., Laws of Florida, and is now in the possession of~~  
12035 ~~the sheriff of this county, and you, and each of you, are hereby~~

584-00011A-14

20147052\_\_

12036 ~~further notified that a petition, under said chapter, has been~~  
 12037 ~~filed in the Circuit Court of the .... Judicial Circuit, in and~~  
 12038 ~~for .... County, Florida, seeking the forfeiture of the said~~  
 12039 ~~property, and you are hereby directed and required to file your~~  
 12040 ~~claim, if any you have, and show cause, on or before ....,~~  
 12041 ~~... (year) ..., if not personally served with process herein, and~~  
 12042 ~~within 20 days from personal service if personally served with~~  
 12043 ~~process herein, why the said property should not be forfeited~~  
 12044 ~~pursuant to said chapter ...., Laws of Florida, 1955. Should you~~  
 12045 ~~fail to file claim as herein directed judgment will be entered~~  
 12046 ~~herein against you in due course. Persons not personally served~~  
 12047 ~~with process may obtain a copy of the petition for forfeiture~~  
 12048 ~~filed herein from the undersigned clerk of court.~~

12049 ~~WITNESS my hand and the seal of the above mentioned court,~~  
 12050 ~~at .... Florida, this ....., ... (year) ....~~

12051 ~~(COURT SEAL)~~

12052 ~~... (Clerk of the above mentioned Court.) ...~~

12053 ~~By ... (Deputy Clerk) ...~~

12054  
 12055 ~~(4) Such citation shall be returnable, as to persons served~~  
 12056 ~~constructively, as therein directed, not less than 21 nor more~~  
 12057 ~~than 30 days, from the posting or publication thereof, and as to~~  
 12058 ~~personally served with process within 20 days from service~~  
 12059 ~~thereof. A copy of the petition shall be served with the process~~  
 12060 ~~when personally served. Personal service of process may be made~~  
 12061 ~~in the same manner as a summons in chancery.~~

12062 ~~(5) If the value of the property seized is shown by the~~  
 12063 ~~sheriff's return to have an appraised value of \$1,000 or less,~~  
 12064 ~~the above citation shall be served by posting at three public~~



584-00011A-14

20147052\_\_

12065 ~~places in the county, one of which shall be the front door of~~  
12066 ~~the courthouse; if the value of the property is shown by the~~  
12067 ~~sheriff's return to have an approximate value of more than~~  
12068 ~~\$1,000, the citation shall be published at least once each week~~  
12069 ~~for 2 consecutive weeks in some newspaper of general publication~~  
12070 ~~published in the county, if there be such a newspaper published~~  
12071 ~~in the county and if not, then said notice of such publication~~  
12072 ~~shall be made by certificate of the clerk if publication is made~~  
12073 ~~by posting, and by affidavit as provided in chapter 50, if made~~  
12074 ~~by publication in a newspaper, which affidavit or certificate~~  
12075 ~~shall be filed and become a part of the record in the cause.~~  
12076 ~~Failure of the record to show proof of such publication shall~~  
12077 ~~not affect any judgment made in the cause unless it shall~~  
12078 ~~affirmatively appear that no such publication was made.~~

12079 Section 196. Section 849.39, Florida Statutes, is amended  
12080 to read:

12081 ~~849.39 Delivery of property to claimant. Any person, firm,~~  
12082 ~~or corporation filing a claim in the cause, which claim shall~~  
12083 ~~state fully her or his right, title, claim, or interest, in and~~  
12084 ~~to the seized property, may, at any time after said claim is~~  
12085 ~~filed with the clerk of the court, obtain possession of the~~  
12086 ~~seized property by filing a petition therefor with the sheriff~~  
12087 ~~and posting with her or him, to be approved by her or him, a~~  
12088 ~~surety bond, payable to the Governor of the state in twice the~~  
12089 ~~amount of the value of the said property as fixed in the~~  
12090 ~~sheriff's return to the clerk of the circuit court, with a~~  
12091 ~~corporate surety duly authorized to transact business in this~~  
12092 ~~state as surety, conditioned upon her or his paying to the~~  
12093 ~~sheriff the value of the property together with costs of the~~

584-00011A-14

20147052\_\_

12094 ~~proceeding, if judgment of forfeiture be entered by the court.~~  
12095 ~~Upon the posting of such bond with the sheriff and the release~~  
12096 ~~of the property to the applicant the cause shall proceed to~~  
12097 ~~final judgment in the same manner as it would have had no such~~  
12098 ~~bond been filed, except that any execution to be issued in the~~  
12099 ~~cause pursuant to judgment may run against and be enforced~~  
12100 ~~against the person posting said bond and the person's surety.~~

12101 Section 197. Section 849.40, Florida Statutes, is amended  
12102 to read:

12103 ~~849.40 Proceeding when no claim filed. When no claim is~~  
12104 ~~filed in the cause within the time required the clerk shall~~  
12105 ~~enter a default against all persons, firms and corporations~~  
12106 ~~owning, claiming or having an interest in and to the property~~  
12107 ~~seized and the cause may then proceed in the same manner as a~~  
12108 ~~common-law cause after default, and final judgment shall be~~  
12109 ~~entered therein ex parte, except as may be herein otherwise~~  
12110 ~~provided.~~

12111 Section 198. Section 849.41, Florida Statutes, is amended  
12112 to read:

12113 ~~849.41 Proceeding when claim filed. When one or more claims~~  
12114 ~~are filed in the cause the cause shall be tried upon the issues~~  
12115 ~~made thereby with the petition for forfeiture with any~~  
12116 ~~affirmative defenses being deemed denied without further~~  
12117 ~~pleading. Judgment by default shall be entered against all other~~  
12118 ~~persons, firms and corporations owning, claiming or having an~~  
12119 ~~interest in and to the property seized, after which the cause~~  
12120 ~~shall proceed as in other common-law cases; except any claimant~~  
12121 ~~shall prove to the satisfaction of the court that he or she did~~  
12122 ~~not know or have any reason to believe, at the time his or her~~

584-00011A-14

20147052\_\_

12123 ~~right, title, interest, or lien arose, that the property was~~  
12124 ~~being used for or in connection with the violation of any of the~~  
12125 ~~statutes or laws of this state prohibiting lotteries and~~  
12126 ~~gambling and further that at said time there was no reasonable~~  
12127 ~~reason to believe that the said property might be used for such~~  
12128 ~~purpose. Where the owner of the property has been convicted of a~~  
12129 ~~violation of the statutes and laws of this state prohibiting~~  
12130 ~~lotteries or gambling such conviction shall be prima facie~~  
12131 ~~evidence that each claimant had reason to believe that the~~  
12132 ~~property might be used for or in connection with a violation of~~  
12133 ~~such statutes and laws, and it shall be incumbent upon such~~  
12134 ~~claimant to satisfy the court that he or she was without~~  
12135 ~~knowledge of such conviction. Trial of all such causes shall be~~  
12136 ~~without a jury, except in such cases as a trial by jury may be~~  
12137 ~~guaranteed by the State Constitution and in such cases trial by~~  
12138 ~~jury shall be deemed waived unless demanded in the claim filed.~~

12139 Section 199. Section 849.42, Florida Statutes, is amended  
12140 to read:

12141 ~~849.42 State attorney to represent state. Upon the filing~~  
12142 ~~of the sheriff's return with the clerk of the circuit court the~~  
12143 ~~said clerk shall furnish the state attorney with a copy thereof~~  
12144 ~~and the said state attorney shall represent the state in the~~  
12145 ~~forfeiture proceedings. The Department of Legal Affairs shall~~  
12146 ~~represent the state in all appeals from judgments of forfeiture~~  
12147 ~~to the appropriate district court of appeal or direct to the~~  
12148 ~~Supreme Court when authorized by s. 3, Art. V of the State~~  
12149 ~~Constitution. The state may appeal any judgment denying~~  
12150 ~~forfeiture in whole or in part or that may be otherwise adverse~~  
12151 ~~to the state.~~

584-00011A-14

20147052\_\_

12152 Section 200. Section 849.43, Florida Statutes, is amended  
12153 to read:

12154 ~~849.43 Judgment of forfeiture.—On final hearing the return~~  
12155 ~~of the sheriff to the clerk of the circuit court shall be taken~~  
12156 ~~as prima facie evidence that the property seized was or had been~~  
12157 ~~used in, or in connection with, the violation of the statutes~~  
12158 ~~and laws of this state prohibiting lotteries and gambling in~~  
12159 ~~this state and shall be sufficient predicate for a judgment of~~  
12160 ~~forfeiture in the absence of other proofs and evidence. The~~  
12161 ~~burden shall be upon the claimants to show that the property was~~  
12162 ~~not so used or if so used that they had no knowledge of such~~  
12163 ~~violation and no reason to believe that the seized property was~~  
12164 ~~or would be used for the violation of such statutes and laws.~~  
12165 ~~Where such property is encumbered by a lien or retained title~~  
12166 ~~agreement under circumstances wherein the lienholder had no~~  
12167 ~~knowledge that the property was or would be used in violating~~  
12168 ~~such statutes and laws, and no reasonable reason to believe that~~  
12169 ~~it might be so used, then the court may declare a forfeiture of~~  
12170 ~~all other rights, titles and interests, subject, however, to the~~  
12171 ~~lien of such innocent lienholder, or may direct the payment of~~  
12172 ~~such lien from the proceeds of any sale of the said property.~~  
12173 ~~The proceedings and the judgment of forfeiture shall be in rem~~  
12174 ~~and shall be primarily against the property itself. Upon the~~  
12175 ~~entry of a judgment of forfeiture the court shall determine the~~  
12176 ~~disposition to be made of the property, which may include the~~  
12177 ~~destruction thereof, the sale thereof, the allocation thereof to~~  
12178 ~~some governmental function or use, or otherwise as the court may~~  
12179 ~~determine. Sales of such property shall be at public sale to the~~  
12180 ~~highest and best bidder therefor for cash after 2 weeks' public~~

584-00011A-14

20147052\_\_

12181 ~~notice as the court may direct. Where the property has been~~  
12182 ~~delivered to a claimant upon the posting of a bond the court~~  
12183 ~~shall determine the value of the property or portion thereof~~  
12184 ~~subject to forfeiture and shall enter judgment against the~~  
12185 ~~principal and surety of the bond in such amount for which~~  
12186 ~~execution shall issue in the usual manner. Upon the application~~  
12187 ~~of any claimant the court may fix the value of the forfeitable~~  
12188 ~~interest or interests in the seized property and permit such~~  
12189 ~~claimant to redeem the said property upon the payment of a sum~~  
12190 ~~equal to said value, which sum shall be disposed of as would the~~  
12191 ~~proceeds of a sale of the said property under a judgment of~~  
12192 ~~forfeiture.~~

12193 Section 201. Section 849.44, Florida Statutes, is amended  
12194 to read:

12195 ~~849.44 Disposition of proceeds of forfeiture. All sums~~  
12196 ~~received from a sale or other disposition of the seized property~~  
12197 ~~shall be paid into the county fine and forfeiture fund and shall~~  
12198 ~~become a part thereof; provided, however, that in instances~~  
12199 ~~where the seizure is by a municipal police officer within the~~  
12200 ~~limits of any municipality having an ordinance requiring such~~  
12201 ~~vehicles, vessels or conveyances to be forfeited, the city~~  
12202 ~~attorney shall act in behalf of the city in lieu of the state~~  
12203 ~~attorney and shall proceed to forfeit the property as herein~~  
12204 ~~provided, and all sums received therefrom shall go into the~~  
12205 ~~general operating fund of the city.~~

12206 Section 202. Section 849.45, Florida Statutes, is amended  
12207 to read:

12208 ~~849.45 Fees for services. Fees for services required~~  
12209 ~~hereunder shall be the same as provided for sheriffs and clerks~~

584-00011A-14

20147052\_\_

12210 ~~for like and similar services in other cases and matters.~~

12211 Section 203. Section 849.46, Florida Statutes, is amended  
12212 to read:

12213 ~~849.46 Exercise of police power. It is deemed by the~~  
12214 ~~Legislature that this chapter is necessary for the more~~  
12215 ~~efficient and proper enforcement of the statutes and laws of~~  
12216 ~~this state prohibiting lotteries and gambling, and a lawful~~  
12217 ~~exercise of the police power of the state for the protection of~~  
12218 ~~the public welfare, health, safety and morals of the people of~~  
12219 ~~the state. All the provisions of this chapter shall be liberally~~  
12220 ~~construed for the accomplishment of these purposes.~~

12221 Section 204. Section 849.47, Florida Statutes, is created  
12222 to read:

12223 849.47 Enforcement of chapter.-

12224 (1) Employees and agents of the Department of Gaming  
12225 Control and the Gaming Control Commission are authorized to take  
12226 all appropriate action to enforce this chapter and to cooperate  
12227 with all agencies charged with the enforcement of the laws of  
12228 the United States, this state, and all other states relating to  
12229 prohibited gambling.

12230 (2) Employees and agents of the Department of Gaming  
12231 Control and the Gaming Control Commission, and law enforcement  
12232 officers whose duty it is to enforce this chapter, may  
12233 administer oaths in connection with their official duties, and  
12234 any person making a material false statement under oath before  
12235 them shall be deemed guilty of perjury and subject to the same  
12236 punishment as prescribed for perjury.

12237 Section 205. Paragraph (u) of subsection (3) of section  
12238 11.45, Florida Statutes, is amended to read:

584-00011A-14

20147052\_\_

12239 11.45 Definitions; duties; authorities; reports; rules.—

12240 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor

12241 General may, pursuant to his or her own authority, or at the

12242 direction of the Legislative Auditing Committee, conduct audits

12243 or other engagements as determined appropriate by the Auditor

12244 General of:

12245 (u) The books and records of any permitholder that conducts

12246 race meetings or jai alai exhibitions under part II of chapter

12247 551 ~~550~~.

12248 Section 206. Paragraph (a) of subsection (1) and paragraph

12249 (b) of subsection (2) of section 72.011, Florida Statutes, is

12250 amended to read:

12251 72.011 Jurisdiction of circuit courts in specific tax

12252 matters; administrative hearings and appeals; time for

12253 commencing action; parties; deposits.—

12254 (1) (a) A taxpayer may contest the legality of any

12255 assessment or denial of refund of tax, fee, surcharge, permit,

12256 interest, or penalty provided for under s. 125.0104, s.

12257 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,

12258 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,

12259 chapter 212, chapter 213, chapter 220, s. 379.362(3), chapter

12260 376, s. 403.717, s. 403.718, s. 403.7185, s. 538.09, s. 538.25,

12261 part II of chapter 551 ~~550~~, chapter 561, chapter 562, chapter

12262 563, chapter 564, chapter 565, chapter 624, or s. 681.117 by

12263 filing an action in circuit court; or, alternatively, the

12264 taxpayer may file a petition under the applicable provisions of

12265 chapter 120. However, once an action has been initiated under s.

12266 120.56, s. 120.565, s. 120.569, s. 120.57, or s. 120.80(14) (b),

12267 no action relating to the same subject matter may be filed by

584-00011A-14

20147052\_\_

12268 the taxpayer in circuit court, and judicial review shall be  
12269 exclusively limited to appellate review pursuant to s. 120.68;  
12270 and once an action has been initiated in circuit court, no  
12271 action may be brought under chapter 120.

12272 (2)

12273 (b) The date on which an assessment or a denial of refund  
12274 becomes final and procedures by which a taxpayer must be  
12275 notified of the assessment or of the denial of refund must be  
12276 established:

12277 1. By rule adopted by the Department of Revenue;

12278 2. With respect to assessments or refund denials under  
12279 chapter 207, by rule adopted by the Department of Highway Safety  
12280 and Motor Vehicles;

12281 3. With respect to assessments or refund denials under  
12282 chapters 210, ~~550~~, 561, 562, 563, 564, and 565, by rule adopted  
12283 by the Department of Business and Professional Regulation; or

12284 4. With respect to taxes that a county collects or enforces  
12285 under s. 125.0104(10) or s. 212.0305(5), by an ordinance that  
12286 may additionally provide for informal dispute resolution  
12287 procedures in accordance with s. 213.21.

12288 Section 207. Subsection (1) of section 72.031, Florida  
12289 Statutes, is amended to read:

12290 72.031 Actions under s. 72.011(1); parties; service of  
12291 process.—

12292 (1) In any action brought in circuit court pursuant to s.  
12293 72.011(1), the person initiating the action shall be the  
12294 plaintiff and the Department of Revenue shall be the defendant,  
12295 except that for actions contesting an assessment or denial of  
12296 refund under chapter 207 the Department of Highway Safety and



584-00011A-14

20147052\_\_

12297 Motor Vehicles shall be the defendant, for actions contesting an  
12298 assessment or denial of refund under chapters 210, ~~550~~, 561,  
12299 562, 563, 564, and 565 the Department of Business and  
12300 Professional Regulation shall be the defendant, and for actions  
12301 contesting an assessment or denial of refund of a tax imposed  
12302 under s. 125.0104 or s. 212.0305 by a county that has elected  
12303 under s. 125.0104(10) or s. 212.0305(5), respectively, to  
12304 administer the tax, the defendant shall be the county and the  
12305 Department of Revenue. It shall not be necessary for the  
12306 Governor and Cabinet, constituting the Department of Revenue, to  
12307 be named as party defendants or named separately as individual  
12308 parties; nor shall it be necessary for the executive director of  
12309 the department to be named as an individual party.

12310 Section 208. Subsection (1) of section 196.183, Florida  
12311 Statutes, is amended to read:

12312 196.183 Exemption for tangible personal property.—

12313 (1) Each tangible personal property tax return is eligible  
12314 for an exemption from ad valorem taxation of up to \$25,000 of  
12315 assessed value. A single return must be filed for each site in  
12316 the county where the owner of tangible personal property  
12317 transacts business. Owners of freestanding property placed at  
12318 multiple sites, other than sites where the owner transacts  
12319 business, must file a single return, including all such property  
12320 located in the county. Freestanding property placed at multiple  
12321 sites includes vending machines and amusement games or machines,  
12322 LP/propane tanks, utility and cable company property,  
12323 billboards, leased equipment, and similar property that is not  
12324 customarily located in the offices, stores, or plants of the  
12325 owner, but is placed throughout the county. Railroads, private

584-00011A-14

20147052\_\_

12326 carriers, and other companies assessed pursuant to s. 193.085  
12327 shall be allowed one \$25,000 exemption for each county to which  
12328 the value of their property is allocated. The \$25,000 exemption  
12329 for freestanding property placed at multiple locations and for  
12330 centrally assessed property shall be allocated to each taxing  
12331 authority based on the proportion of just value of such property  
12332 located in the taxing authority; however, the amount of the  
12333 exemption allocated to each taxing authority may not change  
12334 following the extension of the tax roll pursuant to s. 193.122.

12335 Section 209. Section 205.0537, Florida Statutes, is amended  
12336 to read:

12337 205.0537 Vending machines and amusement games or machines.—  
12338 The business premises where a coin-operated or token-operated  
12339 vending machine that dispenses products, merchandise, or  
12340 services or where an amusement ~~or~~ game or machine is operated  
12341 must assure that any required municipal or county business tax  
12342 receipt for the machine is secured. The term "vending machine"  
12343 does not include coin-operated telephone sets owned by persons  
12344 who are in the business of providing local exchange telephone  
12345 service and who pay the business tax under the category  
12346 designated for telephone companies in the municipality or county  
12347 or a pay telephone service provider certified pursuant to s.  
12348 364.3375. The business tax for vending machines and amusement  
12349 games or machines must be assessed based on the highest number  
12350 of machines located on the business premises on any single day  
12351 during the previous receipted year or, in the case of new  
12352 businesses, be based on an estimate for the current year.  
12353 Replacement of one vending machine with another machine during a  
12354 receipted year does not affect the tax assessment for that year,

584-00011A-14

20147052\_\_

12355 unless the replacement machine belongs to a business tax  
12356 classification that requires a higher tax rate. For the first  
12357 year in which a municipality or county assesses a business tax  
12358 on vending machines, each business owning machines located in  
12359 the municipality or county must notify the municipality or  
12360 county, upon request, of the location of such machines. Each  
12361 business owning machines must provide notice of the provisions  
12362 of this section to each affected business premises where the  
12363 machines are located. The business premises must secure the  
12364 receipt if it is not otherwise secured.

12365 Section 210. Subsection (24) of section 212.02, Florida  
12366 Statutes, is amended to read:

12367 212.02 Definitions.—The following terms and phrases when  
12368 used in this chapter have the meanings ascribed to them in this  
12369 section, except where the context clearly indicates a different  
12370 meaning:

12371 (24) "~~Coin-operated~~ amusement game or machine" means any  
12372 machine operated by coin, currency, slug, token, coupon, card,  
12373 or similar device for the purposes of entertainment or  
12374 amusement. The term includes, but is not limited to, ~~coin-~~  
12375 ~~operated~~ pinball machines, music machines, juke boxes,  
12376 mechanical games, video games, arcade games, billiard tables,  
12377 moving picture viewers, shooting galleries, and all other  
12378 similar amusement devices.

12379 Section 211. Paragraph (a) of subsection (1) of section  
12380 212.031, Florida Statutes, is amended to read:

12381 212.031 Tax on rental or license fee for use of real  
12382 property.—

12383 (1) (a) It is declared to be the legislative intent that

584-00011A-14

20147052\_\_

12384 every person is exercising a taxable privilege who engages in  
12385 the business of renting, leasing, letting, or granting a license  
12386 for the use of any real property unless such property is:

12387 1. Assessed as agricultural property under s. 193.461.

12388 2. Used exclusively as dwelling units.

12389 3. Property subject to tax on parking, docking, or storage  
12390 spaces under s. 212.03(6).

12391 4. Recreational property or the common elements of a  
12392 condominium when subject to a lease between the developer or  
12393 owner thereof and the condominium association in its own right  
12394 or as agent for the owners of individual condominium units or  
12395 the owners of individual condominium units. However, only the  
12396 lease payments on such property shall be exempt from the tax  
12397 imposed by this chapter, and any other use made by the owner or  
12398 the condominium association shall be fully taxable under this  
12399 chapter.

12400 5. A public or private street or right-of-way and poles,  
12401 conduits, fixtures, and similar improvements located on such  
12402 streets or rights-of-way, occupied or used by a utility or  
12403 provider of communications services, as defined by s. 202.11,  
12404 for utility or communications or television purposes. For  
12405 purposes of this subparagraph, the term "utility" means any  
12406 person providing utility services as defined in s. 203.012. This  
12407 exception also applies to property, wherever located, on which  
12408 the following are placed: towers, antennas, cables, accessory  
12409 structures, or equipment, not including switching equipment,  
12410 used in the provision of mobile communications services as  
12411 defined in s. 202.11. For purposes of this chapter, towers used  
12412 in the provision of mobile communications services, as defined

584-00011A-14

20147052\_\_

12413 in s. 202.11, are considered to be fixtures.

12414 6. A public street or road which is used for transportation  
12415 purposes.

12416 7. Property used at an airport exclusively for the purpose  
12417 of aircraft landing or aircraft taxiing or property used by an  
12418 airline for the purpose of loading or unloading passengers or  
12419 property onto or from aircraft or for fueling aircraft.

12420 8.a. Property used at a port authority, as defined in s.  
12421 315.02(2), exclusively for the purpose of oceangoing vessels or  
12422 tugs docking, or such vessels mooring on property used by a port  
12423 authority for the purpose of loading or unloading passengers or  
12424 cargo onto or from such a vessel, or property used at a port  
12425 authority for fueling such vessels, or to the extent that the  
12426 amount paid for the use of any property at the port is based on  
12427 the charge for the amount of tonnage actually imported or  
12428 exported through the port by a tenant.

12429 b. The amount charged for the use of any property at the  
12430 port in excess of the amount charged for tonnage actually  
12431 imported or exported shall remain subject to tax except as  
12432 provided in sub-subparagraph a.

12433 9. Property used as an integral part of the performance of  
12434 qualified production services. As used in this subparagraph, the  
12435 term "qualified production services" means any activity or  
12436 service performed directly in connection with the production of  
12437 a qualified motion picture, as defined in s. 212.06(1)(b), and  
12438 includes:

12439 a. Photography, sound and recording, casting, location  
12440 managing and scouting, shooting, creation of special and optical  
12441 effects, animation, adaptation (language, media, electronic, or

584-00011A-14

20147052\_\_

12442 otherwise), technological modifications, computer graphics, set  
12443 and stage support (such as electricians, lighting designers and  
12444 operators, greensmen, prop managers and assistants, and grips),  
12445 wardrobe (design, preparation, and management), hair and makeup  
12446 (design, production, and application), performing (such as  
12447 acting, dancing, and playing), designing and executing stunts,  
12448 coaching, consulting, writing, scoring, composing,  
12449 choreographing, script supervising, directing, producing,  
12450 transmitting dailies, dubbing, mixing, editing, cutting,  
12451 looping, printing, processing, duplicating, storing, and  
12452 distributing;

12453       b. The design, planning, engineering, construction,  
12454 alteration, repair, and maintenance of real or personal property  
12455 including stages, sets, props, models, paintings, and facilities  
12456 principally required for the performance of those services  
12457 listed in sub-subparagraph a.; and

12458       c. Property management services directly related to  
12459 property used in connection with the services described in sub-  
12460 subparagraphs a. and b.

12461  
12462 This exemption will inure to the taxpayer upon presentation of  
12463 the certificate of exemption issued to the taxpayer under the  
12464 provisions of s. 288.1258.

12465       10. Leased, subleased, licensed, or rented to a person  
12466 providing food and drink concessionaire services within the  
12467 premises of a convention hall, exhibition hall, auditorium,  
12468 stadium, theater, arena, civic center, performing arts center,  
12469 publicly owned recreational facility, or any business operated  
12470 under a permit issued pursuant to part II of chapter 551 ~~550~~. A

584-00011A-14

20147052\_\_

12471 person providing retail concessionaire services involving the  
12472 sale of food and drink or other tangible personal property  
12473 within the premises of an airport shall be subject to tax on the  
12474 rental of real property used for that purpose, but shall not be  
12475 subject to the tax on any license to use the property. For  
12476 purposes of this subparagraph, the term "sale" shall not include  
12477 the leasing of tangible personal property.

12478       11. Property occupied pursuant to an instrument calling for  
12479 payments which the department has declared, in a Technical  
12480 Assistance Advisement issued on or before March 15, 1993, to be  
12481 nontaxable pursuant to rule 12A-1.070(19)(c), Florida  
12482 Administrative Code; provided that this subparagraph shall only  
12483 apply to property occupied by the same person before and after  
12484 the execution of the subject instrument and only to those  
12485 payments made pursuant to such instrument, exclusive of renewals  
12486 and extensions thereof occurring after March 15, 1993.

12487       12. Property used or occupied predominantly for space  
12488 flight business purposes. As used in this subparagraph, "space  
12489 flight business" means the manufacturing, processing, or  
12490 assembly of a space facility, space propulsion system, space  
12491 vehicle, satellite, or station of any kind possessing the  
12492 capacity for space flight, as defined by s. 212.02(23), or  
12493 components thereof, and also means the following activities  
12494 supporting space flight: vehicle launch activities, flight  
12495 operations, ground control or ground support, and all  
12496 administrative activities directly related thereto. Property  
12497 shall be deemed to be used or occupied predominantly for space  
12498 flight business purposes if more than 50 percent of the  
12499 property, or improvements thereon, is used for one or more space

584-00011A-14

20147052\_\_

12500 flight business purposes. Possession by a landlord, lessor, or  
12501 licensor of a signed written statement from the tenant, lessee,  
12502 or licensee claiming the exemption shall relieve the landlord,  
12503 lessor, or licensor from the responsibility of collecting the  
12504 tax, and the department shall look solely to the tenant, lessee,  
12505 or licensee for recovery of such tax if it determines that the  
12506 exemption was not applicable.

12507       13. Rented, leased, subleased, or licensed to a person  
12508 providing telecommunications, data systems management, or  
12509 Internet services at a publicly or privately owned convention  
12510 hall, civic center, or meeting space at a public lodging  
12511 establishment as defined in s. 509.013. This subparagraph  
12512 applies only to that portion of the rental, lease, or license  
12513 payment that is based upon a percentage of sales, revenue  
12514 sharing, or royalty payments and not based upon a fixed price.  
12515 This subparagraph is intended to be clarifying and remedial in  
12516 nature and shall apply retroactively. This subparagraph does not  
12517 provide a basis for an assessment of any tax not paid, or create  
12518 a right to a refund of any tax paid, pursuant to this section  
12519 before July 1, 2010.

12520       Section 212. Paragraph (c) of subsection (2) of section  
12521 212.04, Florida Statutes, is amended to read:

12522       212.04 Admissions tax; rate, procedure, enforcement.—

12523       (2)

12524       (c) The taxes imposed by this section shall be collected in  
12525 addition to the admission tax collected pursuant to part II of  
12526 chapter 551 ~~s. 550.0951~~, but the amount collected under part II  
12527 of chapter 551 ~~is s. 550.0951 shall not be~~ subject to taxation  
12528 under this chapter.



584-00011A-14

20147052\_\_

12529 Section 213. Paragraph (h) of subsection (1) of section  
12530 212.05, Florida Statutes, is amended to read:

12531 212.05 Sales, storage, use tax.—It is hereby declared to be  
12532 the legislative intent that every person is exercising a taxable  
12533 privilege who engages in the business of selling tangible  
12534 personal property at retail in this state, including the  
12535 business of making mail order sales, or who rents or furnishes  
12536 any of the things or services taxable under this chapter, or who  
12537 stores for use or consumption in this state any item or article  
12538 of tangible personal property as defined herein and who leases  
12539 or rents such property within the state.

12540 (1) For the exercise of such privilege, a tax is levied on  
12541 each taxable transaction or incident, which tax is due and  
12542 payable as follows:

12543 (h)1. A tax is imposed at the rate of 4 percent on the  
12544 charges for the use of ~~coin-operated~~ amusement games or  
12545 machines. The tax shall be calculated by dividing the gross  
12546 receipts from such charges for the applicable reporting period  
12547 by a divisor, determined as provided in this subparagraph, to  
12548 compute gross taxable sales, and then subtracting gross taxable  
12549 sales from gross receipts to arrive at the amount of tax due.  
12550 For counties that do not impose a discretionary sales surtax,  
12551 the divisor is equal to 1.04; for counties that impose a 0.5  
12552 percent discretionary sales surtax, the divisor is equal to  
12553 1.045; for counties that impose a 1 percent discretionary sales  
12554 surtax, the divisor is equal to 1.050; and for counties that  
12555 impose a 2 percent sales surtax, the divisor is equal to 1.060.  
12556 If a county imposes a discretionary sales surtax that is not  
12557 listed in this subparagraph, the department shall make the

584-00011A-14

20147052\_\_

12558 applicable divisor available in an electronic format or  
12559 otherwise. Additional divisors shall bear the same mathematical  
12560 relationship to the next higher and next lower divisors as the  
12561 new surtax rate bears to the next higher and next lower surtax  
12562 rates for which divisors have been established. When a game or  
12563 machine is activated by a slug, token, coupon, or any similar  
12564 device which has been purchased, the tax is on the price paid by  
12565 the user of the device for such device.

12566 2. As used in this paragraph, the term "operator" means any  
12567 person who possesses ~~an a-coin-operated~~ game or  
12568 machine for the purpose of generating sales through that game or  
12569 machine and who is responsible for removing the receipts from  
12570 the game or machine.

12571 a. If the owner of the game or machine is also the operator  
12572 of it, he or she shall be liable for payment of the tax without  
12573 any deduction for rent or a license fee paid to a location owner  
12574 for the use of any real property on which the game or machine is  
12575 located.

12576 b. If the owner or lessee of the game or machine is also  
12577 its operator, he or she shall be liable for payment of the tax  
12578 on the purchase or lease of the game or machine, as well as the  
12579 tax on sales generated through the game or machine.

12580 c. If the proprietor of the business where the game or  
12581 machine is located does not own the game or machine, he or she  
12582 shall be deemed to be the lessee and operator of the game or  
12583 machine and is responsible for the payment of the tax on sales,  
12584 unless such responsibility is otherwise provided for in a  
12585 written agreement between him or her and the game or machine  
12586 owner.

584-00011A-14

20147052\_\_

12587           3.a. An operator of a ~~coin-operated~~ amusement game or  
12588 machine may not operate or cause to be operated in this state  
12589 any such game or machine until the operator has registered with  
12590 the department and has conspicuously displayed an identifying  
12591 certificate issued by the department. The identifying  
12592 certificate shall be issued by the department upon application  
12593 from the operator. The identifying certificate shall include a  
12594 unique number, and the certificate shall be permanently marked  
12595 with the operator's name, the operator's sales tax number, and  
12596 the maximum number of games or machines to be operated under the  
12597 certificate. An identifying certificate shall not be transferred  
12598 from one operator to another. The identifying certificate must  
12599 be conspicuously displayed on the premises where the ~~coin-~~  
12600 ~~operated~~ amusement games or machines are being operated.

12601           b. The operator of the game or machine must obtain an  
12602 identifying certificate before the game or machine is first  
12603 operated in the state and by July 1 of each year thereafter. The  
12604 annual fee for each certificate shall be based on the number of  
12605 games or machines identified on the application times \$30 and is  
12606 due and payable upon application for the identifying device. The  
12607 application shall contain the operator's name, sales tax number,  
12608 business address where the games or machines are being operated,  
12609 and the number of games or machines in operation at that place  
12610 of business by the operator. No operator may operate more games  
12611 or machines than are listed on the certificate. A new  
12612 certificate is required if more games or machines are being  
12613 operated at that location than are listed on the certificate.  
12614 The fee for the new certificate shall be based on the number of  
12615 additional games or machines identified on the application form

584-00011A-14

20147052\_\_

12616 times \$30.

12617 c. A penalty of \$250 per game or machine is imposed on the  
12618 operator for failing to properly obtain and display the required  
12619 identifying certificate. A penalty of \$250 is imposed on the  
12620 lessee of any game or machine placed in a place of business  
12621 without a proper current identifying certificate. Such penalties  
12622 shall apply in addition to all other applicable taxes, interest,  
12623 and penalties.

12624 d. Operators of ~~coin-operated~~ amusement games or machines  
12625 must obtain a separate sales and use tax certificate of  
12626 registration for each county in which such games or machines are  
12627 located. One sales and use tax certificate of registration is  
12628 sufficient for all of the operator's games or machines within a  
12629 single county.

12630 4. ~~The provisions of~~ This paragraph does ~~de~~ not apply to  
12631 ~~coin-operated~~ amusement games or machines owned and operated by  
12632 churches or synagogues.

12633 5. In addition to any other penalties imposed by this  
12634 chapter, a person who knowingly and willfully violates ~~any~~  
12635 ~~provision of~~ this paragraph commits a misdemeanor of the second  
12636 degree, punishable as provided in s. 775.082 or s. 775.083.

12637 6. The department may adopt rules necessary to administer  
12638 ~~the provisions of~~ this paragraph.

12639 Section 214. Paragraph (1) of subsection (3) of section  
12640 212.054, Florida Statutes, is amended to read:

12641 212.054 Discretionary sales surtax; limitations,  
12642 administration, and collection.—

12643 (3) For the purpose of this section, a transaction shall be  
12644 deemed to have occurred in a county imposing the surtax when:

584-00011A-14

20147052\_\_

12645 (1) The ~~coin-operated~~ amusement game or machine or vending  
12646 machine is located in the county.

12647 Section 215. Paragraph (b) of subsection (1) of section  
12648 212.12, Florida Statutes, is amended to read:

12649 212.12 Dealer's credit for collecting tax; penalties for  
12650 noncompliance; powers of Department of Revenue in dealing with  
12651 delinquents; brackets applicable to taxable transactions;  
12652 records required.-

12653 (1)

12654 (b) The Department of Revenue may deny the collection  
12655 allowance if a taxpayer files an incomplete return or if the  
12656 required tax return or tax is delinquent at the time of payment.

12657 1. An "incomplete return" is, for purposes of this chapter,  
12658 a return which is lacking such uniformity, completeness, and  
12659 arrangement that the physical handling, verification, review of  
12660 the return, or determination of other taxes and fees reported on  
12661 the return may not be readily accomplished.

12662 2. The department shall adopt rules requiring such  
12663 information as it may deem necessary to ensure that the tax  
12664 levied hereunder is properly collected, reviewed, compiled,  
12665 reported, and enforced, including, but not limited to: the  
12666 amount of gross sales; the amount of taxable sales; the amount  
12667 of tax collected or due; the amount of lawful refunds,  
12668 deductions, or credits claimed; the amount claimed as the  
12669 dealer's collection allowance; the amount of penalty and  
12670 interest; the amount due with the return; and such other  
12671 information as the Department of Revenue may specify. The  
12672 department shall require that transient rentals and agricultural  
12673 equipment transactions be separately shown. Sales made through

584-00011A-14

20147052\_\_

12674 vending machines as defined in s. 212.0515 must be separately  
12675 shown on the return. Sales made through ~~coin-operated~~ amusement  
12676 games or machines as defined by s. 212.02 and the number of  
12677 machines operated must be separately shown on the return or on a  
12678 form prescribed by the department. If a separate form is  
12679 required, the same penalties for late filing, incomplete filing,  
12680 or failure to file as provided for the sales tax return shall  
12681 apply to the form.

12682 Section 216. Paragraph (d) of subsection (6) of section  
12683 212.20, Florida Statutes, is amended to read:

12684 212.20 Funds collected, disposition; additional powers of  
12685 department; operational expense; refund of taxes adjudicated  
12686 unconstitutionally collected.—

12687 (6) Distribution of all proceeds under this chapter and s.  
12688 202.18(1)(b) and (2)(b) shall be as follows:

12689 (d) The proceeds of all other taxes and fees imposed  
12690 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
12691 and (2)(b) shall be distributed as follows:

12692 1. In any fiscal year, the greater of \$500 million, minus  
12693 an amount equal to 4.6 percent of the proceeds of the taxes  
12694 collected pursuant to chapter 201, or 5.2 percent of all other  
12695 taxes and fees imposed pursuant to this chapter or remitted  
12696 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
12697 monthly installments into the General Revenue Fund.

12698 2. After the distribution under subparagraph 1., 8.814  
12699 percent of the amount remitted by a sales tax dealer located  
12700 within a participating county pursuant to s. 218.61 shall be  
12701 transferred into the Local Government Half-cent Sales Tax  
12702 Clearing Trust Fund. Beginning July 1, 2003, the amount to be

584-00011A-14

20147052\_\_

12703 transferred shall be reduced by 0.1 percent, and the department  
12704 shall distribute this amount to the Public Employees Relations  
12705 Commission Trust Fund less \$5,000 each month, which shall be  
12706 added to the amount calculated in subparagraph 3. and  
12707 distributed accordingly.

12708         3. After the distribution under subparagraphs 1. and 2.,  
12709 0.095 percent shall be transferred to the Local Government Half-  
12710 cent Sales Tax Clearing Trust Fund and distributed pursuant to  
12711 s. 218.65.

12712         4. After the distributions under subparagraphs 1., 2., and  
12713 3., 2.0440 percent of the available proceeds shall be  
12714 transferred monthly to the Revenue Sharing Trust Fund for  
12715 Counties pursuant to s. 218.215.

12716         5. After the distributions under subparagraphs 1., 2., and  
12717 3., 1.3409 percent of the available proceeds shall be  
12718 transferred monthly to the Revenue Sharing Trust Fund for  
12719 Municipalities pursuant to s. 218.215. If the total revenue to  
12720 be distributed pursuant to this subparagraph is at least as  
12721 great as the amount due from the Revenue Sharing Trust Fund for  
12722 Municipalities and the former Municipal Financial Assistance  
12723 Trust Fund in state fiscal year 1999-2000, no municipality shall  
12724 receive less than the amount due from the Revenue Sharing Trust  
12725 Fund for Municipalities and the former Municipal Financial  
12726 Assistance Trust Fund in state fiscal year 1999-2000. If the  
12727 total proceeds to be distributed are less than the amount  
12728 received in combination from the Revenue Sharing Trust Fund for  
12729 Municipalities and the former Municipal Financial Assistance  
12730 Trust Fund in state fiscal year 1999-2000, each municipality  
12731 shall receive an amount proportionate to the amount it was due

584-00011A-14

20147052\_\_

12732 in state fiscal year 1999-2000.

12733 6. Of the remaining proceeds:

12734 a. In each fiscal year, the sum of \$29,915,500 shall be  
12735 divided into as many equal parts as there are counties in the  
12736 state, and one part shall be distributed to each county. The  
12737 distribution among the several counties must begin each fiscal  
12738 year on or before January 5th and continue monthly for a total  
12739 of 4 months. If a local or special law required that any moneys  
12740 accruing to a county in fiscal year 1999-2000 under the then-  
12741 existing provisions of s. 551.035 ~~s. 550.135~~ be paid directly to  
12742 the district school board, special district, or a municipal  
12743 government, such payment must continue until the local or  
12744 special law is amended or repealed. The state covenants with  
12745 holders of bonds or other instruments of indebtedness issued by  
12746 local governments, special districts, or district school boards  
12747 before July 1, 2000, that it is not the intent of this  
12748 subparagraph to adversely affect the rights of those holders or  
12749 relieve local governments, special districts, or district school  
12750 boards of the duty to meet their obligations as a result of  
12751 previous pledges or assignments or trusts entered into which  
12752 obligated funds received from the distribution to county  
12753 governments under then-existing s. 551.035 ~~s. 550.135~~. This  
12754 distribution specifically is in lieu of funds distributed under  
12755 s. 551.035 ~~s. 550.135~~ before July 1, 2000.

12756 b. The department shall distribute \$166,667 monthly  
12757 pursuant to s. 288.1162 to each applicant certified as a  
12758 facility for a new or retained professional sports franchise  
12759 pursuant to s. 288.1162. Up to \$41,667 shall be distributed  
12760 monthly by the department to each certified applicant as defined



584-00011A-14

20147052\_\_

12761 in s. 288.11621 for a facility for a spring training franchise.  
12762 However, not more than \$416,670 may be distributed monthly in  
12763 the aggregate to all certified applicants for facilities for  
12764 spring training franchises. Distributions begin 60 days after  
12765 such certification and continue for not more than 30 years,  
12766 except as otherwise provided in s. 288.11621. A certified  
12767 applicant identified in this sub-subparagraph may not receive  
12768 more in distributions than expended by the applicant for the  
12769 public purposes provided for in s. 288.1162(5) or s.  
12770 288.11621(3).

12771 c. Beginning 30 days after notice by the Department of  
12772 Economic Opportunity to the Department of Revenue that an  
12773 applicant has been certified as the professional golf hall of  
12774 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
12775 shall be distributed monthly, for up to 300 months, to the  
12776 applicant.

12777 d. Beginning 30 days after notice by the Department of  
12778 Economic Opportunity to the Department of Revenue that the  
12779 applicant has been certified as the International Game Fish  
12780 Association World Center facility pursuant to s. 288.1169, and  
12781 the facility is open to the public, \$83,333 shall be distributed  
12782 monthly, for up to 168 months, to the applicant. This  
12783 distribution is subject to reduction pursuant to s. 288.1169. A  
12784 lump sum payment of \$999,996 shall be made, after certification  
12785 and before July 1, 2000.

12786 e. The department shall distribute up to \$55,555 monthly to  
12787 each certified applicant as defined in s. 288.11631 for a  
12788 facility used by a single spring training franchise, or up to  
12789 \$111,110 monthly to each certified applicant as defined in s.

584-00011A-14

20147052\_\_

12790 288.11631 for a facility used by more than one spring training  
 12791 franchise. Monthly distributions begin 60 days after such  
 12792 certification or July 1, 2016, whichever is later, and continue  
 12793 for not more than 30 years, except as otherwise provided in s.  
 12794 288.11631. A certified applicant identified in this sub-  
 12795 subparagraph may not receive more in distributions than expended  
 12796 by the applicant for the public purposes provided in s.  
 12797 288.11631(3).

12798 7. All other proceeds must remain in the General Revenue  
 12799 Fund.

12800 Section 217. Subsection (1) of section 267.0617, Florida  
 12801 Statutes, is amended to read:

12802 267.0617 Historic Preservation Grant Program.—

12803 (1) There is hereby created within the division the  
 12804 Historic Preservation Grant Program, which shall make grants of  
 12805 moneys appropriated by the Legislature, moneys deposited  
 12806 pursuant to s. 551.039(2) ~~s. 550.0351(2)~~, and moneys contributed  
 12807 for that purpose from any other source. The program funds shall  
 12808 be used by the division for the purpose of financing grants in  
 12809 furtherance of the purposes of this section.

12810 Section 218. Paragraph (c) of subsection (4) of section  
 12811 402.82, Florida Statutes, is amended to read:

12812 402.82 Electronic benefits transfer program.—

12813 (4) Use or acceptance of an electronic benefits transfer  
 12814 card is prohibited at the following locations or for the  
 12815 following activities:

12816 (c) A pari-mutuel facility as defined in s. 551.012 ~~s.~~  
 12817 ~~550.002~~.

12818 Section 219. Subsection (6) of section 455.116, Florida

584-00011A-14

20147052\_\_

12819 Statutes, is amended to read:

12820 455.116 Regulation trust funds.—The following trust funds  
12821 shall be placed in the department:

12822 ~~(6) Pari-mutuel Wagering Trust Fund.~~

12823 Section 220. Subsection (1) of section 480.0475, Florida  
12824 Statutes, is amended to read:

12825 480.0475 Massage establishments; prohibited practices.—

12826 (1) A person may not operate a massage establishment  
12827 between the hours of midnight and 5 a.m. This subsection does  
12828 not apply to a massage establishment:

12829 (a) Located on the premises of a health care facility as  
12830 defined in s. 408.07; a health care clinic as defined in s.  
12831 400.9905(4); a hotel, motel, or bed and breakfast inn, as those  
12832 terms are defined in s. 509.242; a timeshare property as defined  
12833 in s. 721.05; a public airport as defined in s. 330.27; or a  
12834 pari-mutuel facility as defined in s. 551.012 ~~s. 550.002~~;

12835 (b) In which every massage performed between the hours of  
12836 midnight and 5 a.m. is performed by a massage therapist acting  
12837 under the prescription of a physician or physician assistant  
12838 licensed under chapter 458, an osteopathic physician or  
12839 physician assistant licensed under chapter 459, a chiropractic  
12840 physician licensed under chapter 460, a podiatric physician  
12841 licensed under chapter 461, an advanced registered nurse  
12842 practitioner licensed under part I of chapter 464, or a dentist  
12843 licensed under chapter 466; or

12844 (c) Operating during a special event if the county or  
12845 municipality in which the establishment operates has approved  
12846 such operation during the special event.

12847 Section 221. Paragraph (f) of subsection (2) of section

584-00011A-14

20147052\_\_

12848 509.032, Florida Statutes, is amended to read:

12849 509.032 Duties.—

12850 (2) INSPECTION OF PREMISES.—

12851 (f) In conducting inspections of establishments licensed  
12852 under this chapter, the division shall determine if each ~~coin-~~  
12853 ~~operated~~ amusement game or machine that is operated on the  
12854 premises of a licensed establishment is properly registered with  
12855 the Department of Revenue. Each month the division shall report  
12856 to the Department of Revenue the sales tax registration number  
12857 of the operator of any licensed establishment that has on  
12858 location an ~~a coin-operated~~ amusement game or machine and that  
12859 does not have an identifying certificate conspicuously displayed  
12860 as required by s. 212.05(1)(h).

12861 Section 222. Paragraph (a) of subsection (1) of section  
12862 559.801, Florida Statutes, is amended to read:

12863 559.801 Definitions.—For the purpose of ss. 559.80-559.815,  
12864 the term:

12865 (1)(a) "Business opportunity" means the sale or lease of  
12866 any products, equipment, supplies, or services which are sold or  
12867 leased to a purchaser to enable the purchaser to start a  
12868 business for which the purchaser is required to pay an initial  
12869 fee or sum of money which exceeds \$500 to the seller, and in  
12870 which the seller represents:

12871 1. That the seller or person or entity affiliated with or  
12872 referred by the seller will provide locations or assist the  
12873 purchaser in finding locations for the use or operation of  
12874 vending machines, racks, display cases, currency or card  
12875 operated equipment, or other similar devices or ~~currency-~~  
12876 ~~operated~~ amusement games or machines or devices on premises

584-00011A-14

20147052\_\_

12877 neither owned nor leased by the purchaser or seller;

12878         2. That the seller will purchase any or all products made,  
12879 produced, fabricated, grown, bred, or modified by the purchaser  
12880 using in whole or in part the supplies, services, or chattels  
12881 sold to the purchaser;

12882         3. That the seller guarantees that the purchaser will  
12883 derive income from the business opportunity which exceeds the  
12884 price paid or rent charged for the business opportunity or that  
12885 the seller will refund all or part of the price paid or rent  
12886 charged for the business opportunity, or will repurchase any of  
12887 the products, equipment, supplies, or chattels supplied by the  
12888 seller, if the purchaser is unsatisfied with the business  
12889 opportunity; or

12890         4. That the seller will provide a sales program or  
12891 marketing program that will enable the purchaser to derive  
12892 income from the business opportunity, except that this paragraph  
12893 does not apply to the sale of a sales program or marketing  
12894 program made in conjunction with the licensing of a trademark or  
12895 service mark that is registered under the laws of any state or  
12896 of the United States if the seller requires use of the trademark  
12897 or service mark in the sales agreement.

12898  
12899 For the purpose of subparagraph 1., the term "assist the  
12900 purchaser in finding locations" means, but is not limited to,  
12901 supplying the purchaser with names of locator companies,  
12902 contracting with the purchaser to provide assistance or supply  
12903 names, or collecting a fee on behalf of or for a locator  
12904 company.

12905         Section 223. Section 561.1105, Florida Statutes, is amended

584-00011A-14

20147052\_\_

12906 to read:

12907           561.1105 Inspection of licensed premises; ~~coin-operated~~  
12908 amusement games or machines.—In conducting inspections of  
12909 establishments licensed under the Beverage Law, the division  
12910 shall determine if each ~~coin-operated~~ amusement game or machine  
12911 that is operated on the licensed premises is properly registered  
12912 with the Department of Revenue. Each month, the division shall  
12913 report to the Department of Revenue the sales tax registration  
12914 number of the operator of any licensed premises that has on  
12915 location a ~~coin-operated~~ amusement game or machine and that does  
12916 not have an identifying certificate conspicuously displayed as  
12917 required by s. 212.05(1)(h).

12918           Section 224. Paragraph (a) of subsection (1) and paragraph  
12919 (a) of subsection (2) of section 772.102, Florida Statutes, is  
12920 amended to read:

12921           772.102 Definitions.—As used in this chapter, the term:

12922           (1) "Criminal activity" means to commit, to attempt to  
12923 commit, to conspire to commit, or to solicit, coerce, or  
12924 intimidate another person to commit:

12925           (a) Any crime that is chargeable by indictment or  
12926 information under the following provisions:

12927           1. Section 210.18, relating to evasion of payment of  
12928 cigarette taxes.

12929           2. Section 414.39, relating to public assistance fraud.

12930           3. Section 440.105 or s. 440.106, relating to workers'  
12931 compensation.

12932           4. Part IV of chapter 501, relating to telemarketing.

12933           5. Chapter 517, relating to securities transactions.

12934           6. Section 551.0942 or s. 551.072 ~~550.235~~ or s. ~~550.3551~~,

584-00011A-14

20147052\_\_

- 12935 relating to dogracing and horseracing.
- 12936 7. Part I of chapter 551 ~~550~~, relating to jai alai
- 12937 frontons.
- 12938 8. Chapter 552, relating to the manufacture, distribution,
- 12939 and use of explosives.
- 12940 9. Chapter 562, relating to beverage law enforcement.
- 12941 10. Section 624.401, relating to transacting insurance
- 12942 without a certificate of authority, s. 624.437(4)(c)1., relating
- 12943 to operating an unauthorized multiple-employer welfare
- 12944 arrangement, or s. 626.902(1)(b), relating to representing or
- 12945 aiding an unauthorized insurer.
- 12946 11. Chapter 687, relating to interest and usurious
- 12947 practices.
- 12948 12. Section 721.08, s. 721.09, or s. 721.13, relating to
- 12949 real estate timeshare plans.
- 12950 13. Chapter 782, relating to homicide.
- 12951 14. Chapter 784, relating to assault and battery.
- 12952 15. Chapter 787, relating to kidnapping or human
- 12953 trafficking.
- 12954 16. Chapter 790, relating to weapons and firearms.
- 12955 17. Section 796.03, s. 796.04, s. 796.05, or s. 796.07,
- 12956 relating to prostitution.
- 12957 18. Chapter 806, relating to arson.
- 12958 19. Section 810.02(2)(c), relating to specified burglary of
- 12959 a dwelling or structure.
- 12960 20. Chapter 812, relating to theft, robbery, and related
- 12961 crimes.
- 12962 21. Chapter 815, relating to computer-related crimes.
- 12963 22. Chapter 817, relating to fraudulent practices, false

584-00011A-14

20147052\_\_

- 12964 pretenses, fraud generally, and credit card crimes.
- 12965 23. Section 827.071, relating to commercial sexual
- 12966 exploitation of children.
- 12967 24. Chapter 831, relating to forgery and counterfeiting.
- 12968 25. Chapter 832, relating to issuance of worthless checks
- 12969 and drafts.
- 12970 26. Section 836.05, relating to extortion.
- 12971 27. Chapter 837, relating to perjury.
- 12972 28. Chapter 838, relating to bribery and misuse of public
- 12973 office.
- 12974 29. Chapter 843, relating to obstruction of justice.
- 12975 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 12976 s. 847.07, relating to obscene literature and profanity.
- 12977 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 12978 849.25, relating to gambling.
- 12979 32. Chapter 893, relating to drug abuse prevention and
- 12980 control.
- 12981 33. Section 914.22 or s. 914.23, relating to witnesses,
- 12982 victims, or informants.
- 12983 34. Section 918.12 or s. 918.13, relating to tampering with
- 12984 jurors and evidence.
- 12985 (2) "Unlawful debt" means any money or other thing of value
- 12986 constituting principal or interest of a debt that is legally
- 12987 unenforceable in this state in whole or in part because the debt
- 12988 was incurred or contracted:
- 12989 (a) In violation of any one of the following provisions of
- 12990 law:
- 12991 1. Section 551.0942 or s. 551.072 ~~550.235 or s. 550.3551~~,
- 12992 relating to dogracing and horseracing.



584-00011A-14

20147052\_\_

- 12993           2. Part I of chapter 551 ~~550~~, relating to jai alai  
12994 frontons.
- 12995           3. Section 687.071, relating to criminal usury and loan  
12996 sharking.
- 12997           4. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
12998 849.25, relating to gambling.
- 12999           Section 225. Subsection (1) of section 773.03, Florida  
13000 Statutes, is amended to read:
- 13001           773.03 Limitation on liability for equine activity;  
13002 exceptions.—
- 13003           (1) This section applies to the horseracing industry as  
13004 defined in part I of chapter 551 ~~550~~.
- 13005           Section 226. Paragraph (a) of subsection (1) and paragraph  
13006 (a) of subsection (2) of section 895.02, Florida Statutes, is  
13007 amended to read:
- 13008           895.02 Definitions.—As used in ss. 895.01-895.08, the term:
- 13009           (1) "Racketeering activity" means to commit, to attempt to  
13010 commit, to conspire to commit, or to solicit, coerce, or  
13011 intimidate another person to commit:
- 13012           (a) Any crime that is chargeable by petition, indictment,  
13013 or information under the following provisions of the Florida  
13014 Statutes:
- 13015           1. Section 210.18, relating to evasion of payment of  
13016 cigarette taxes.
- 13017           2. Section 316.1935, relating to fleeing or attempting to  
13018 elude a law enforcement officer and aggravated fleeing or  
13019 eluding.
- 13020           3. Section 403.727(3)(b), relating to environmental  
13021 control.

584-00011A-14

20147052\_\_

- 13022 4. Section 409.920 or s. 409.9201, relating to Medicaid  
13023 fraud.
- 13024 5. Section 414.39, relating to public assistance fraud.
- 13025 6. Section 440.105 or s. 440.106, relating to workers'  
13026 compensation.
- 13027 7. Section 443.071(4), relating to creation of a fictitious  
13028 employer scheme to commit reemployment assistance fraud.
- 13029 8. Section 465.0161, relating to distribution of medicinal  
13030 drugs without a permit as an Internet pharmacy.
- 13031 9. Section 499.0051, relating to crimes involving  
13032 contraband and adulterated drugs.
- 13033 10. Part IV of chapter 501, relating to telemarketing.
- 13034 11. Chapter 517, relating to sale of securities and  
13035 investor protection.
- 13036 12. Section 551.0942 or s. 551.072 ~~550.235~~ or s. ~~550.3551~~,  
13037 relating to dogracing and horseracing.
- 13038 13. Part I of chapter 551 ~~550~~, relating to jai alai  
13039 frontons.
- 13040 14. Section 551.109, relating to slot machine gaming.
- 13041 15. Chapter 552, relating to the manufacture, distribution,  
13042 and use of explosives.
- 13043 16. Chapter 560, relating to money transmitters, if the  
13044 violation is punishable as a felony.
- 13045 17. Chapter 562, relating to beverage law enforcement.
- 13046 18. Section 624.401, relating to transacting insurance  
13047 without a certificate of authority, s. 624.437(4)(c)1., relating  
13048 to operating an unauthorized multiple-employer welfare  
13049 arrangement, or s. 626.902(1)(b), relating to representing or  
13050 aiding an unauthorized insurer.

584-00011A-14

20147052\_\_

- 13051           19. Section 655.50, relating to reports of currency  
13052 transactions, when such violation is punishable as a felony.
- 13053           20. Chapter 687, relating to interest and usurious  
13054 practices.
- 13055           21. Section 721.08, s. 721.09, or s. 721.13, relating to  
13056 real estate timeshare plans.
- 13057           22. Section 775.13(5)(b), relating to registration of  
13058 persons found to have committed any offense for the purpose of  
13059 benefiting, promoting, or furthering the interests of a criminal  
13060 gang.
- 13061           23. Section 777.03, relating to commission of crimes by  
13062 accessories after the fact.
- 13063           24. Chapter 782, relating to homicide.
- 13064           25. Chapter 784, relating to assault and battery.
- 13065           26. Chapter 787, relating to kidnapping or human  
13066 trafficking.
- 13067           27. Chapter 790, relating to weapons and firearms.
- 13068           28. Chapter 794, relating to sexual battery, but only if  
13069 such crime was committed with the intent to benefit, promote, or  
13070 further the interests of a criminal gang, or for the purpose of  
13071 increasing a criminal gang member's own standing or position  
13072 within a criminal gang.
- 13073           29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or s.  
13074 796.07, relating to prostitution and sex trafficking.
- 13075           30. Chapter 806, relating to arson and criminal mischief.
- 13076           31. Chapter 810, relating to burglary and trespass.
- 13077           32. Chapter 812, relating to theft, robbery, and related  
13078 crimes.
- 13079           33. Chapter 815, relating to computer-related crimes.

584-00011A-14

20147052\_\_

- 13080           34. Chapter 817, relating to fraudulent practices, false  
13081 pretenses, fraud generally, and credit card crimes.
- 13082           35. Chapter 825, relating to abuse, neglect, or  
13083 exploitation of an elderly person or disabled adult.
- 13084           36. Section 827.071, relating to commercial sexual  
13085 exploitation of children.
- 13086           37. Section 828.122, relating to fighting or baiting  
13087 animals.
- 13088           38. Chapter 831, relating to forgery and counterfeiting.
- 13089           39. Chapter 832, relating to issuance of worthless checks  
13090 and drafts.
- 13091           40. Section 836.05, relating to extortion.
- 13092           41. Chapter 837, relating to perjury.
- 13093           42. Chapter 838, relating to bribery and misuse of public  
13094 office.
- 13095           43. Chapter 843, relating to obstruction of justice.
- 13096           44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
13097 s. 847.07, relating to obscene literature and profanity.
- 13098           45. Chapter 849, relating to gambling, lottery, gambling or  
13099 gaming devices, slot machines, or any of the provisions within  
13100 that chapter.
- 13101           46. Chapter 874, relating to criminal gangs.
- 13102           47. Chapter 893, relating to drug abuse prevention and  
13103 control.
- 13104           48. Chapter 896, relating to offenses related to financial  
13105 transactions.
- 13106           49. Sections 914.22 and 914.23, relating to tampering with  
13107 or harassing a witness, victim, or informant, and retaliation  
13108 against a witness, victim, or informant.

584-00011A-14

20147052\_\_

13109           50. Sections 918.12 and 918.13, relating to tampering with  
13110 jurors and evidence.

13111           (2) "Unlawful debt" means any money or other thing of value  
13112 constituting principal or interest of a debt that is legally  
13113 unenforceable in this state in whole or in part because the debt  
13114 was incurred or contracted:

13115           (a) In violation of any one of the following provisions of  
13116 law:

13117           1. Section 551.0942 or s. 551.072 ~~550.235~~ or s. ~~550.3551~~,  
13118 relating to dogracing and horseracing.

13119           2. Part I of chapter 551 ~~550~~, relating to jai alai  
13120 frontons.

13121           3. Section 551.109, relating to slot machine gaming.

13122           4. Chapter 687, relating to interest and usury.

13123           5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
13124 849.25, relating to gambling.

13125           Section 227. Except as otherwise provided in this act, this  
13126 act shall take effect July 1, 2014.