

FOR CONSIDERATION By the Committee on Gaming

584-00011A-14

20147052

A bill to be entitled
An act relating to gaming; creating s. 11.93, F.S.; creating the Joint Legislative Gaming Control Oversight Committee; providing for member requirements, terms, and meetings; providing that the committee is governed by joint rules of the Senate and the House of Representatives; providing powers and duties of the committee; authorizing the committee to schedule hearings; requiring the committee to deliver a written recommendation to the President of the Senate and the Speaker of the House of Representatives upon certain findings; amending s. 20.165, F.S.; removing a provision that establishes the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; creating s. 20.222, F.S.; creating the Department of Gaming Control; amending s. 110.205, F.S.; exempting certain positions within the Department of Gaming Control and the Gaming Control Board; amending s. 120.80, F.S.; removing provisions relating to exemptions to the hearing and notice requirements for the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; providing exemptions to certain hearing and notice requirements for the Department of Gaming Control; providing exemptions for the Gaming Control Board; amending s. 285.710, F.S.; authorizing and directing the Governor to negotiate and execute an amendment to the Gaming Compact with the Seminole Tribe of Florida; requiring the Governor to provide a

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copy of the amendment to the President of the Senate and the Speaker of the House of Representatives; requiring the compact to be ratified by both houses of the Legislature before being sent to the United States Department of the Interior; amending s. 285.712, F.S.; making a technical change; transferring the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to the Gaming Control Board within the Department of Gaming Control by type two transfer; transferring the Pari-mutuel Wagering Trust Fund within the Department of Business and Professional Regulation to the Department of Gaming Control by type two transfer; repealing ss. 550.001-550.71, F.S., relating to pari-mutuel wagering; redesignating ch. 551, F.S., as the "Florida Gaming Control Act"; creating part I of ch. 551, F.S.; entitling part I "Florida Gaming Control"; creating s. 551.001, F.S.; defining terms; creating s. 551.0011, F.S.; creating the Gaming Control Board; providing member requirements and terms; providing chair and vice chair requirements; providing for meetings of the board; requiring the board to serve as the agency head of the department; requiring the board to appoint an executive director; authorizing the board to designate an acting executive director; providing for financial control of department funds; creating s. 551.0012, F.S.; providing powers and duties of the board; creating s. 551.0013, F.S.; providing duties of the department; authorizing the department to adopt rules;

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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,

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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,

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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

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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,

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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:

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204
205 Section 1. Section 11.93, Florida Statutes, is created to
206 read:

207 11.93 Joint Legislative Gaming Control Oversight
208 Committee.—

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

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

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

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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.

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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.

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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~~

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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

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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

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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

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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.

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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

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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,

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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.

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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

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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.

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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

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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

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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

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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

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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"

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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.

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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

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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:

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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

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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

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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

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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,

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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

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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

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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

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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:

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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

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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

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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."

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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

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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

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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

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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

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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

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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

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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

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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.

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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

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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

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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,

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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.

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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

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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

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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

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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

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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

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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.

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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,

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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

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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

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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

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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-

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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

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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

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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).

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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:

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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;

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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

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

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

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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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,

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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

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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

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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

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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).

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

(7) Each greyhound racing permitholder shall, during the

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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

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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

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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.

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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.

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

551.036.

(7) TAX CREDITS.—

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

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

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

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

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

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

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

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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

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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

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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.

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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

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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,

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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

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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

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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

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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

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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

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

3164 (c) Each licensed thoroughbred racing permitholder 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

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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

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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 races 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

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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.-

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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.

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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

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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

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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

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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

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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

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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.

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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 races 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.

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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

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3539

taxable year.

3540

(b) Breeders' Cup.-

3541

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

3560

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

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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

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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

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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

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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

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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

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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

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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

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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

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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.—

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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

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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

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

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

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

551.0543 Harness racing; taxes and fees.—

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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

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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 races 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

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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

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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

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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; or4046 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

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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

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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

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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

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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

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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

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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

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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

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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

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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 races 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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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,

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4612 which shall be prorated equally among the permitholders and used
4613 by the permitholders 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 permitholders.

4618 2. The permitholder may receive the permitholder'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 permitholder 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 permitholders for the use of their officers and officials. The
4633 permitholder 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 permitholder 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 permitholder licensed to conduct performances as part of

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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

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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

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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.

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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

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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

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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.

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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.

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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

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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 guest track.

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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,

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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

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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,

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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

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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

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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

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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 races 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,

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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

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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

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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

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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

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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

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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

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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

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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,

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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

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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

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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.

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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

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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

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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

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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 permitholder, 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

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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

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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

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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

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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

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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

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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

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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

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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

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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 permitholder 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

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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

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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 permitholder
5837 is authorized to conduct pari-mutuel wagering activities
5838 pursuant to such permitholder'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.

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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.

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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

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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

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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

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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

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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.

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

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

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

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

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

2. Inspect slot machines and related equipment and supplies.

(b) ~~In addition,~~ The department ~~division~~ may:

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

2. Deny, revoke, suspend, or place conditions on the

license of a person who violates any provision of this chapter

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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

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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

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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

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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

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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 ~~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

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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 ~~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.

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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

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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

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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

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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 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

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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

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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~~

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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

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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~~

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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~~

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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 Par-
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

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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

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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

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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

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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

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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~~ 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~~

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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.

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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

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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

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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

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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

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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 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~~

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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

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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

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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

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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.,
6940 including

6941 1. Direct operating expenses include:

6942 a. Labor costs;,

6943 b. Admission taxes only if a separate admission fee is
6944 charged for entry to the cardroom facility;,

6945 c. Gross receipts taxes imposed on cardroom operators by
6946 this section;, the

6947 d. Annual cardroom license fees imposed by this section on
6948 each table operated at a cardroom;, and

6949 e. Reasonable promotional costs. excluding

6950 2. Direct operating expenses do not include:

6951 a. Officer and director compensation;,

6952 b. Interest on capital debt;,

6953 c. Legal fees;,

6954 d. Real estate taxes;,

6955 e. Bad debts;,

6956 f. Contributions or donations;, 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

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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. ~~(e)~~ Review the books, accounts, and records of a any

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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.

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(b) After an the initial cardroom license is granted, the application for the annual license renewal shall be made in conjunction with the applicant's annual application to renew for its pari-mutuel license.

1. An applicant for renewal of a cardroom license must demonstrate that it requested permission in its annual pari-mutuel license application to conduct at least 90 percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the immediately preceding state fiscal year if the permitholder ran at least a full schedule of live racing or games in the prior year. However, if the applicant for renewal is a harness racing permitholder, the applicant must demonstrate that it requested permission in its annual pari-mutuel license application to conduct a minimum of 140 live performances during the immediately preceding state fiscal year. If the applicant for renewal is a greyhound racing permitholder that requested permission in its annual pari-mutuel license application to conduct at least a full schedule of live racing, this subparagraph does not apply.

2. If a permitholder that has operated a cardroom during any of the previous 3 previous fiscal years that and fails to include a renewal request for the operation of the cardroom in its annual license renewal application ~~for license renewal~~, the ~~permitholder~~ may amend its annual application to include operation of the cardroom. In order for a cardroom license to be renewed the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by

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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

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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~~

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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

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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 permitholder is authorized to conduct
7141 pari-mutuel wagering activities pursuant to its such
7142 permitholder'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 permitholders 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 permitholder 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 permitholders 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.

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

(e) Each cardroom operator shall conspicuously post upon the premises of the cardroom a notice that ~~which~~ contains a copy of the cardroom license; a list of authorized games offered by the cardroom; the wagering limits imposed by the house, if any; any additional house rules regarding operation of the cardroom or the playing of any game; and all costs to players to participate, including any rake by the house. In addition, Each cardroom operator shall also conspicuously post at each table a notice of the minimum and maximum bets authorized at such table and the fee for participation in the game conducted.

(f) The cardroom facility may be inspected ~~is subject to inspection~~ by the department ~~division~~ or any law enforcement agency during the licensee's regular business hours. The inspection must specifically include a review of the pari-mutuel permitholder internal control procedures approved by the department ~~division~~.

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

(10) ~~(8)~~ METHOD OF WAGERS; LIMITATION.—

(a) No Wagering may not be conducted using money or other negotiable currency. Games may only be played using utilizing a

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wagering system whereby all players' money is first converted by the house to tokens or chips that are ~~which shall be~~ used for wagering only at that ~~specific~~ cardroom.

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 rebuys ~~re-buys~~. 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-buys~~, 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

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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

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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.

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(b) An admission tax equal to 15 percent of the admission charge for entrance to the licensee's cardroom facility, or 10 cents, whichever is greater, is imposed on each person entering the cardroom. This admission tax applies ~~shall apply~~ only if a separate admission fee is charged for entry to the cardroom facility. If a single admission fee is charged which authorizes entry to ~~both or either~~ the pari-mutuel facility and the cardroom facility, the admission tax is ~~shall be~~ payable only once and is ~~shall be~~ payable pursuant to part II of chapter 551 ~~chapter 550~~. The cardroom licensee shall collect ~~be responsible for collecting~~ the admission tax, which. An admission tax is imposed on any free passes or complimentary cards issued to guests by a licensee ~~licensees~~ in an amount equal to the tax imposed on the regular and usual admission charge for entrance to the licensee's cardroom facility. A cardroom licensee may issue tax-free passes to its officers, officials, and employees or other persons ~~actually engaged in~~ working at the cardroom, including accredited media ~~press~~ representatives ~~such as reporters and editors~~, and may also issue tax-free passes to other cardroom licensees for the use of their officers and officials. The licensee shall file with the department ~~division~~ a list of all persons to whom tax-free passes are issued.

(c) Payment of The admission tax and gross receipts tax imposed by this section shall be paid to the department, which division. The division shall deposit them these sums with the Chief Financial Officer. The funds shall be equally distributed between, one half being credited to the Gaming Control Par ~~mutuel~~ Wagering Trust Fund and one half being credited to the General Revenue Fund. On the fifth day of each calendar month, a

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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-

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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.

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(g) All of the moneys deposited in the Gaming Control Parimutuel Wagering Trust Fund, except as set forth in paragraph (h), shall be utilized and distributed and used in the manner specified in s. 551.035(1) s. 550.135(1) and (2). However, cardroom tax revenues shall be kept separate from pari-mutuel tax revenues and shall not be used for making the disbursement to counties provided in former s. 550.135(1).

(h) By October 1 of each year, 25 percent ~~One-quarter~~ of the moneys deposited into the Gaming Control Pari-mutuel Wagering Trust Fund under this subsection pursuant to paragraph ~~(g)~~ shall, ~~by October 1 of each year,~~ be distributed to the local government that approved the cardroom under subsection (5). ~~(16)~~; However, if two or more pari-mutuel racetracks are located within the same incorporated municipality, the ~~cardroom~~ funds shall be distributed to the municipality. If a pari-mutuel facility is situated in such a manner that it is located in more than one county, the site of the cardroom facility shall determine the location for purposes of disbursement of tax revenues under this paragraph. ~~The division shall, By September 1 of each year,~~ the department shall determine:

1. The amount of taxes deposited into the Gaming Control
~~Pari-mutuel Wagering~~ Trust Fund pursuant to this section from
each cardroom licensee;

2. The ~~location~~ by county in which of each cardroom is located;

3. Whether the cardroom is located in the unincorporated area of the county or within an incorporated municipality; and,

4. The total amount to be distributed to each eligible county and municipality.

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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

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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

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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 permitholder 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.~~—

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(1) Each person connected with a racetrack or jai alai fronton, as specified in paragraph (2)(a), shall purchase from the department division an occupational license. License fee collections All moneys collected pursuant to this section each fiscal year shall be deposited into the Gaming Control Parimutuel Wagering Trust Fund. The department may adopt rules that allow Pursuant to the rules adopted by the division, an occupational license to may be valid for a period of up to 3 years. The fee for a multi-year license may for a fee that does not exceed the full occupational license fee for each of the years for which the license is purchased. The occupational license shall be valid during its specified term at any parimutuel facility.

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

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

2. Professional occupational licenses for professional persons with access to the backside of a racetrack or players' quarters in jai alai such as trainers, officials, veterinarians, doctors, nurses, emergency medical technicians EMT's, jockeys

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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

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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~~

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~~occupational license if the applicant for such license~~

7570 2. Has been convicted in this state, in any other state, or
7571 under the laws of the United States of:

7572 a. A capital felony, a felony, or an offense in any other
7573 state which would be a felony under the laws of this state
7574 involving arson;

7575 b. Trafficking in, conspiracy to traffic in, smuggling,
7576 importing, conspiracy to smuggle or import, or delivery, sale,
7577 or distribution of a controlled substance; or

7578 c. A crime involving a lack of good moral character; or

7579 3. Has had a pari-mutuel license revoked by this state or
7580 any other jurisdiction for an offense related to pari-mutuel
7581 wagering.

7582 (c) The department division may deny, declare ineligible,
7583 or revoke any occupational license if the licensee or applicant
7584 for such license has been convicted of a felony or misdemeanor
7585 in this state, in any other state, or under the laws of the
7586 United States, if such felony or misdemeanor is related to
7587 gambling or bookmaking, as contemplated in s. 849.25, or
7588 involves cruelty to animals. If the applicant establishes that
7589 she or he is of good moral character, that she or he has been
7590 rehabilitated, and that the crime she or he was convicted of is
7591 not related to pari-mutuel wagering and is not a capital
7592 offense, the restrictions excluding offenders may be waived by
7593 the director of the department division.

7594 (d) For purposes of this subsection, the term "convicted"
7595 means having been found guilty, with or without adjudication of
7596 guilt, as a result of a jury verdict, nonjury trial, or entry of
7597 a plea of guilty or nolo contendere. However, this paragraph may

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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~~.

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

(6) In order to promote the orderly presentation of pari-mutuel meets authorized in this chapter, the department division may issue a temporary occupational license. The department division shall adopt rules to implement this subsection. A However, No temporary occupational license may not shall be valid for more than 90 days, and only no more than one temporary license may be issued for any person in any year.

(7) The department division may deny, revoke, or suspend any occupational license if the applicant ~~therefor~~ or ~~holder~~ thereof accumulates unpaid obligations or defaults in obligations, or issues drafts or checks that are dishonored or for which payment is refused without reasonable cause, if such unpaid obligations, defaults, or dishonored or refused drafts or checks directly relate to the sport of jai alai or racing being conducted at a pari-mutuel facility within this state.

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

(9) The tax imposed by this section is in lieu of all license, excise, or occupational taxes to the state or any county, municipality, or other political subdivision, except that, if a race meeting or game is held or conducted in a municipality, the municipality may assess and collect an additional tax against any person conducting live racing or games within its corporate limits, which tax may not exceed \$150

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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:
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, 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~~

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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.~~(e)~~ 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

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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

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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

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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

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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

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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:

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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; ~~–~~

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 (e) 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.

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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

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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

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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~~

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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

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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

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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

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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

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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

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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:

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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

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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

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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.

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

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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,

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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

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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

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proposal for constructing and operating one destination resort casino in Broward County as provided under this part. The board may award a license only after the proposal is submitted as a referendum in that county and approved by a majority of the electors.

(3) A destination casino resort licensee may possess devices for and conduct gaming in the gaming facility at the destination casino resort.

Section 128. Section 551.407, Florida Statutes, is created to read:

551.407 Process for awarding destination casino resort licenses.—

(1) The board shall adopt by rule an invitation to negotiate process for determining the award of a destination casino resort license. The application, review, and issuance procedures for awarding a license shall be by a process in which applicants rely on forms adopted by department rule in response to an invitation to negotiate issued by the board.

(2) Proposals in response to the invitation to negotiate must be received by the board no later than 90 days after the issuance of the invitation to negotiate.

(3) The board may specify in its invitation to negotiate the county in which a destination casino resort will be located. When determining whether to authorize a destination casino resort located within a specific county, the board shall hold a public hearing in such county to discuss the proposals and receive public comment.

(4) The board shall review all complete responses timely received pursuant to an invitation to negotiate. The board may

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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

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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,

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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

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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.

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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

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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

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8527 destination casino resort.

10. The destination casino resort will mitigate potential impacts on the local community which might result from the development or operation of the destination casino resort.

11. The destination casino resort will purchase and install, whenever possible, domestically manufactured equipment.

12. The destination casino resort will implement a marketing program that identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for the use of:

a. Minority business enterprises, women business enterprises, and veteran business enterprises to participate as contractors in the design of the development;

b. Minority business enterprises, women business enterprises, and veteran business enterprises to participate as contractors in the construction of the development; and

c. Minority business enterprises, women business enterprises, and veteran business enterprises to participate as vendors in the provision of goods and services procured by the development and any businesses operated as part of the development.

13. The destination casino resort will have public support in the local community which may be demonstrated through public comment received by the board or applicant.

(3) The gaming floor must be designed so that patrons of the destination casino resort may have ingress and egress to the gaming facility without accessing the gaming floor.

(4) A destination casino resort license may be issued only to persons of good moral character who are at least 21 years of

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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:

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5855 551.41 Application for destination casino resort license.—
5856 (1) APPLICATION.—A reply submitted in response to an
5857 invitation to negotiate must include a sworn application in the
5858 format adopted by department rule. The application must include,
5859 at a minimum, the following information:

5860 (a)1. The name, business address, e-mail address, telephone
5861 number, social security number, and, if applicable, federal tax
5862 identification number of the applicant and each qualifier; and
5863 2. Information, documentation, and assurances concerning
5864 the applicant's financial background and resources as required
5865 to establish the financial stability, integrity, and
5866 responsibility of the applicant. This includes business and
5867 personal income and disbursement schedules, tax returns, and
5868 other reports filed with governmental agencies, and business and
5869 personal accounting, check records, and ledgers. In addition,
5870 each applicant must provide written authorization for the
5871 examination of all bank accounts and records as may be deemed
5872 necessary by the board.

5873 (b) The identity and, if applicable, the state of
5874 incorporation or registration of any business in which the
5875 applicant or a qualifier has an equity interest of more than 5
5876 percent. If the applicant or qualifier is a corporation,
5877 partnership, or other business entity, the applicant or
5878 qualifier must identify any other corporation, partnership, or
5879 other business entity in which it has an equity interest of more
5880 than 5 percent, including, if applicable, the state of
5881 incorporation or registration.

5882 (c) Documentation, as required by the board, that the
5883 applicant has received conceptual approval of the destination

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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

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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

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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,

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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,

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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.

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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

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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

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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

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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

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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

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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

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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

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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,

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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

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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

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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

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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 person 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

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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

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shall be a scale of fees determined by department rule based on the type of goods or service provided by the supplier but may not exceed \$25,000.

(3) An applicant for a supplier license must include in the application the fingerprints of the persons identified by department rule for the processing of state and national criminal background and credit history record checks.

(4) (a) An applicant for a supplier license is not eligible for licensure if:

1. A person for whom fingerprinting is required under subsection (3) has been convicted of a felony under the laws of this state, any other state, or the United States;

2. The applicant knowingly submitted false information in the application for a supplier license;

3. The applicant is a member of the board or an employee of the department;

4. The applicant is not a natural person and an officer, director, or managerial employee of that person is a person described in subparagraphs 1.-3.;

5. The applicant is not a natural person and an employee of the applicant participates in the management or operation of gaming authorized under this part; or

6. The applicant has had a license to own or operate a destination casino resort licensee or pari-mutuel facility in this state, or a similar license in any other jurisdiction, revoked.

(b) The department may revoke a supplier license at any time it determines that the licensee no longer satisfies the eligibility requirements in this subsection.

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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

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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.

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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

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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

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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.

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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

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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

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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.

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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

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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

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9455 conducted.

(b) If the dispute involves an amount less than \$500, the licensee must immediately notify the wagerer of his or her right to file a complaint with the department.

(2) Upon notice of a dispute or receipt of a complaint, the department shall conduct any investigation it deems necessary and may order the licensee to make a payment to the wagerer upon a finding that the licensee is liable for the disputed amount. The decision of the department is effective on the date the aggrieved party receives notice of the decision. Notice of the decision is deemed sufficient if it is mailed to the last known address of the licensee and the wagerer. The notice is deemed to have been received by the licensee or the wagerer 5 days after it is deposited with the United States Postal Service with postage prepaid.

(3) The failure of a licensee to notify the department of the dispute or the wagerer of the right to file a complaint is grounds for disciplinary action.

(4) Gaming-related disputes may be resolved only by the department and are not under the jurisdiction of state courts.

(5) This section may not be construed to deny a wagerer an opportunity to make a claim in state court for nongaming-related issues.

Section 143. Section 551.43, Florida Statutes, is created to read:

551.43 Enforcement of credit instruments.—

(1) A credit instrument and the debt that instrument represents are valid and may be enforced by legal process.

(2) A licensee may accept an incomplete credit instrument

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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.

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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.—

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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

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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.

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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.—

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

(a) "Game promotion" means, but is not limited to, a contest, game of chance, sweepstakes, or gift enterprise, conducted in this by an operator within or throughout the state and other states in connection with and incidental to the sale of consumer products or services, and in which the elements of chance and prize are present. The term does However, "game promotion" may not be construed to apply to bingo games conducted pursuant to s. 849.0931.

(b) "Operator" means a retailer who operates a game promotion or a any person, firm, corporation, organization, or association, or an agent or employee thereof, who promotes, operates, or conducts a nationally advertised game promotion.

(2) It is unlawful for any operator to:

(a) Design ~~To design~~, engage in, promote, or conduct such a game promotion, in connection with the promotion or sale of consumer products or services, in which wherein the winner may be predetermined or the game may be manipulated or rigged so as to:

1. Allocate a winning game or any portion thereof to certain lessees, agents, or franchises; or

2. Allocate a winning game or part thereof to a particular period of the game promotion or to a particular geographic area;

(b) Arbitrarily to remove, disqualify, disallow, or reject any entry;

(c) Fail ~~To fail~~ to award prizes offered;

(d) Print ~~To print, publish, or circulate~~ false, deceptive, or misleading literature or advertising material used in connection with such game promotions ~~which is false, deceptive,~~

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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

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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

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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

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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.

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(c) If Whenever the Department of Agriculture and Consumer Services or the Department of Legal Affairs has reason to believe that a game promotion is being operated in violation of this section, it may bring an action in the circuit court of any judicial circuit in which the game promotion is being operated in the name and on behalf of the people of the state against the any operator thereof to enjoin the continued operation of such game promotion in this anywhere within the state.

(9) (a) A Any person, firm, or corporation, or an association, or agent, or employee thereof, who violates this section or a rule engages in any acts or practices stated in this section to be unlawful, or who violates any of the rules and regulations made pursuant to this section, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A Any person, firm, or corporation, or an association, agent, or employee thereof, who violates any provision of this section or a rule any of the rules and regulations made pursuant to this section is shall be liable for a civil penalty of up to not more than \$1,000 for each such violation, which shall accrue to the state and may be recovered in a civil action brought by the Department of Agriculture and Consumer Services or the Department of Legal Affairs.

(10) This section does not apply to actions or transactions regulated by the Department of Gaming Control, Business and Professional Regulation or to the activities of nonprofit organizations, or to any other organization engaged in any enterprise other than the sale of consumer products or services. Subsections (3) , (4), (5), (6), and (7) and paragraph (8) (a),

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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.

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(4) The person selected to receive any such gift or prize offered by a any such licensee in connection with any such advertising or promotion is notified of his or her selection at his or her last known address. Newspapers, magazines, and television and radio stations may, without violating any law, publish or and broadcast advertising matter describing such advertising and promotional undertakings of a licensee. The publishing or broadcasting of such advertising matter such licensees which may contain instructions for a person to make his or her pursuant to which persons desiring to become eligible for such gifts or prizes may make their name and address known to such licensee.

(5) All brochures, advertisements, promotional material, and entry blanks promoting such undertakings must shall contain a clause stating that residents of this state Florida are entitled to participate in such undertakings and are eligible to win gifts or prizes.

Section 151. Section 849.085, Florida Statutes, is transferred, renumbered as section 551.52, Florida Statutes, and amended to read:

551.52 849.085 Certain Penny-ante games ~~not~~ crimes;
~~restrictions.~~—

(1) Notwithstanding any other provision of law, it is not a crime for a person may to participate in a game described in this section if such game is conducted strictly in accordance with this section.

(2) As used in this section:

(b)-(a) "Penny-ante game" means a game or series of games of poker, pinochle, bridge, rummy, canasta, hearts, dominoes, or

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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.

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(e) A penny-ante game may not be conducted unless each in which any participant is under 18 years of age or older.

(4) A debt created or owed as a consequence of any penny-ante game is not legally enforceable.

(5) The conduct of a any penny-ante game within a common premises does not create the common elements or common area of a condominium, cooperative, residential subdivision, or mobile home park or the conduct of any penny-ante game within the dwelling of an eligible organization as defined in subsection (2) or within a publicly owned community center owned by a municipality or county creates no civil liability for damages arising from the penny-ante game on the part of an owner a condominium association, cooperative association, a homeowners' association as defined in s. 720.301, mobile home owners' association, dwelling owner, or municipality or county or on the part of a unit owner who was not a participant in the game.

Section 152. Section 849.0931, Florida Statutes, is transferred, renumbered as section 551.53, Florida Statutes, and amended to read:

551.53 849.0931 Bingo authorized; conditions for conduct; use ~~permitted uses~~ of proceeds; limitations.—

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

(a) "Bingo game" means ~~and refers to~~ the activity, commonly known as "bingo," in which the following occurs:

1. A participant pays Participants pay a sum of money for the use of one or more bingo cards that contain different numbers.

2. When the game commences, Numbers are randomly drawn, one at a time by chance, one by one, and announced.

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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.

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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:

1. The game name.

2. The manufacturer's name or distinctive logo.

3. The form number.

4. The ticket count.

5. The prize structure, including the number of symbols or number combinations for winning instant bingo tickets by elimination, with their respective winning symbols or number combinations.

6. The cost per play.

7. The game serial number.

(f) "Instant bingo" means a form of bingo that is played at the same location as bingo in which a player uses, using tickets to win by which a player wins a prize by opening and removing a cover from the ticket to reveal a set of numbers, letters, objects, or patterns, some of which have been designated in advance as prize winners.

(g) "Objects" means a set of 75 balls or other precision shapes that are imprinted with letters and numbers in such a way that numbers 1 through 15 are marked with the letter "B," numbers 16 through 30 are marked with the letter "I," numbers 31 through 45 are marked with the letter "N," numbers 46 through 60 are marked with the letter "G," and numbers 61 through 75 are marked with the letter "O."

(h) "Rack" means the container in which the objects are placed after being drawn and announced.

(i) "Receptacle" means the container from which the objects

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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

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hereunder is conditioned upon the return of all the proceeds from such games to the players in the form of prizes. If, at the conclusion of play on any day during which a bingo game is allowed to be played under this subsection, proceeds section ~~there~~ remain ~~proceeds~~ which have not been paid out as prizes, the organization conducting the game shall, on at the next scheduled day of play, conduct bingo games without any charge to the players and shall continue to do so until the proceeds carried over ~~from the previous days played~~ have been exhausted. This subsection does not extend provision in no way extends the limitation on the number of prize or jackpot games allowed in a single one day as provided under for in subsection (5).

(4) ~~The right of~~ A condominium association, a cooperative association, a homeowners' association as defined in s. 720.301, a mobile home owners' association, a group of residents of a mobile home park as defined in chapter 723, a park or recreation district that is an independent special district as defined in s. 189.403, a recreation district as defined in chapter 418, or a group of residents of a mobile home park or recreational vehicle park as defined in chapter 513 may to conduct bingo if ~~is conditioned upon the return of~~ the net proceeds from such games are returned to players in the form of prizes after having deducted the actual business expenses for such games ~~for articles designed for and essential to the operation, conduct, and playing of bingo~~. Any net proceeds remaining after ~~paying~~ prizes are paid may be donated by the association to a charitable, nonprofit, or veterans' organization that which is exempt from federal income tax under ~~the provisions of~~ s. 501(c) of the Internal Revenue Code to be used in such recipient

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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,~~

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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.

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(b) Property owned by the charitable, nonprofit, or veterans' organization that will benefit from by the proceeds.

(c) Property leased for a period of not less than 1 year by a charitable, nonprofit, or veterans' organization, if providing the lease or rental agreement does not provide for the payment of a percentage of the proceeds generated at such premises to the lessor or any other party and providing the rental rate for such premises does not exceed ~~the rental~~ rates charged for similar premises in the same locale.

(d) Property owned by a municipality or a county when the governing authority has, by appropriate ordinance or resolution, specifically authorized the use of such property for the conduct of such games.

(e) With respect to bingo games conducted by a condominium association, a cooperative association, a homeowners' association as defined in s. 720.301, a mobile home owners' association, a group of residents of a mobile home park as defined in chapter 723, a park or recreation district that is an independent special district as defined in s. 189.403, a recreation district as defined in chapter 418, or a group of residents of a mobile home park or recreational vehicle park as defined in chapter 513, property owned by the association or, property owned by the residents of the mobile home park, park or recreation district, or recreational vehicle park, or property that which is a common area located within the condominium, mobile home park, or recreational vehicle park.

(10)-(12) Each bingo game shall be conducted in accordance with the following rules:

(a) The objects, whether drawn or ejected, shall be

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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.

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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

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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

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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

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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

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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

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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.~~

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(8) This section does not apply to the state lottery operated pursuant to chapter 24.

Section 154. Section 849.141, Florida Statutes, is transferred, renumbered as section 551.55, Florida Statutes, and amended to read:

551.55 849.141 Bowling tournaments exempted from chapter.—

(1) Notwithstanding any law to the contrary, a person may participate Nothing contained in this chapter shall be applicable to participation in or the conduct of a bowling tournament conducted at a bowling center which requires the payment of entry fees, from which fees the winner receives a purse or prize.

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

(b) (a) "Bowling tournament" means a contest in which participants engage in the sport of bowling, wherein a heavy ball is bowled along a bowling lane in an attempt to knock over 10 upright bowling pins, 10 in number, set upright at the far end of the lane as, according to specified in the regulations and rules of the United States American Bowling Congress, the Womens International Bowling Congress, or the Bowling Proprietors Association of America.

(a) (b) "Bowling center" means a place of business having at least 12 bowling lanes on the premises which are operated for the entertainment of the general public for the purpose of engaging in the sport of bowling.

Section 155. Section 849.161, Florida Statutes, is transferred, renumbered as section 551.56, Florida Statutes, and amended to read:

551.56 849.161 Amusement games or machines; when chapter

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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,

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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

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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 cost, 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

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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 no~~
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 seriatim 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

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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.

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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.~~

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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,

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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.—

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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,

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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,~~

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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

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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.

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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

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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.

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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~~

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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.

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(4) Any violation of this section shall be a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 167. Section 849.11, Florida Statutes, is amended to read:

849.11 Plays at games of chance by lot.-

(1) A person who ~~Whoever sets up, promotes, or plays a at~~
~~any~~ game of chance by lot or with dice, cards, numbers, hazards, ~~or any other gambling device whatever~~ for, or for the disposal of money or other thing of value or under the pretext of a sale, gift, or delivery thereof, or for any right, share, or interest therein, ~~commits shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who ~~commits a second violation of this section~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) (a) The following are subject to seizure and forfeiture under the Florida Contraband Forfeiture Act:

1. Money and anything of value drawn and won as a prize, or as a share of a prize, or as a share, percentage, or profit of the principal promoter or operator, in a lottery;

2. Money, currency, or property to be disposed of, or offered to be disposed of, by chance or device in a scheme or under a pretext:

3. Money or other thing of value received by the owner or holder of a ticket or share of a ticket in a lottery, or pretended lottery, or the owner or holder of a share or right in such schemes of chance or device;

4. Money and other thing of value used to set up, conduct,

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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

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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~~

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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~~

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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

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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

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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

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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

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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,

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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~~

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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

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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

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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

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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

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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

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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.

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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.—~~

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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.

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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
11343 any single day, or more than \$1,500 in 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

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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

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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

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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.

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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

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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~~

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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:

849.32 Notice to state attorney; prosecution of suit. The

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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~~

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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

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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

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11630

Forfeiture Act.

11631

(b) All gambling paraphernalia and lottery tickets used in connection with gambling or a lottery or an unlawful game of chance or hazard, in violation of laws of this state, found by an officer in searching a vessel or vehicle that is used in the violation of the gambling laws shall be safely kept so long as it is necessary for the purpose of being used as evidence in any case. Immediately after the case, such gambling paraphernalia or lottery tickets shall be destroyed by an order of the court that heard the case or certified to any other state or federal court having jurisdiction.

11641

(c) The presence of a lottery ticket in a vessel or vehicle owned or being operated by a person charged with a violation of the gambling laws of the state, is prima facie evidence that such vessel or vehicle was or is being used in connection with a violation of the lottery and gambling laws of this state and as a means of removing, transporting, depositing, or concealing lottery tickets and is sufficient evidence for the seizure of such vessel or vehicle.

11649

(d) The presence of lottery tickets in any room or place, including vessels and vehicles, is prima facie evidence that such room, place, vessel, or vehicle, and gambling paraphernalia is sufficient evidence for the seizure of such gambling paraphernalia.

11654

(e) It shall be the duty of every peace officer in this state finding any vessel, vehicle, or paraphernalia being used in violation of the statutes and laws of this state as aforesaid to seize and take possession of such property for disposition as hereinafter provided. It shall also be the duty of every peace

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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

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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,

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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,

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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

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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.

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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

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knowledge of such conviction. Trial of all such causes shall be without a jury, except in such cases as a trial by jury may be guaranteed by the State Constitution and in such cases trial by jury shall be deemed waived unless demanded in the claim filed.

(8) STATE ATTORNEY TO REPRESENT STATE.—Upon the filing of the sheriff's return with the clerk of the circuit court the said clerk shall furnish the state attorney with a copy thereof and the said state attorney shall represent the state in the forfeiture proceedings. The Department of Legal Affairs shall represent the state in all appeals from judgments of forfeiture to the appropriate district court of appeal or direct to the Supreme Court when authorized by s. 3, Art. V of the State Constitution. The state may appeal any judgment denying forfeiture in whole or in part or that may be otherwise adverse to the state.

(9) JUDGMENT OF FORFEITURE.—On final hearing the return of the sheriff to the clerk of the circuit court shall be taken as prima facie evidence that the property seized was or had been used in, or in connection with, the violation of the statutes and laws of this state prohibiting lotteries and gambling in this state and shall be sufficient predicate for a judgment of forfeiture in the absence of other proofs and evidence. The burden shall be upon the claimants to show that the property was not so used or if so used that they had no knowledge of such violation and no reason to believe that the seized property was or would be used for the violation of such statutes and laws. Where such property is encumbered by a lien or retained title agreement under circumstances wherein the lienholder had no knowledge that the property was or would be used in violating

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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

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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,~~

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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~~

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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~~

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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.

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(2) Upon the filing of said return the clerk of the circuit court shall issue a citation, directed to all persons, firms and corporations owning, having or claiming an interest in or a lien upon the seized property, giving notice of the seizure and directing that all persons, firms or corporations owning, having or claiming an interest therein or lien thereon, to file their claim to, on, or in said property within the time fixed in said citation, as to persons, firms and corporations not personally served, and within 20 days from personal service of said citation, when personal service is had. Personal service shall be made on all parties, in Florida, having liens noted upon a certificate of title as shown by the records in the office of the Department of Highway Safety and Motor Vehicles.

(3) The said citation may be in, or substantially in, the following form:

IN THE CIRCUIT COURT OF THE JUDICIAL CIRCUIT, IN AND FOR
.... COUNTY, FLORIDA.

IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY:

(Here describe property)

THE STATE OF FLORIDA TO:

ALL PERSONS, FIRMS AND CORPORATIONS OWNING, HAVING OR
CLAIMING AN INTEREST IN OR LIEU ON THE ABOVE DESCRIBED PROPERTY

YOU AND EACH OF YOU are hereby notified that the above described property has been seized, under and by virtue of chapter, Laws of Florida, and is now in the possession of the sheriff of this county, and you, and each of you, are hereby

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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

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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~~

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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~~

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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.

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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

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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~~

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~~for like and similar services in other cases and matters.~~

12210 Section 203. Section 849.46, Florida Statutes, is amended
12211 to read:

12212 ~~849.46 Exercise of police power. It is deemed by the
12213 legislature that this chapter is necessary for the more
12214 efficient and proper enforcement of the statutes and laws of
12215 this state prohibiting lotteries and gambling, and a lawful
12216 exercise of the police power of the state for the protection of
12217 the public welfare, health, safety and morals of the people of
12218 the state. All the provisions of this chapter shall be liberally
12219 construed for the accomplishment of these purposes.~~

12220 Section 204. Section 849.47, Florida Statutes, is created
12221 to read:

12222 849.47 Enforcement of chapter.-

12223 (1) Employees and agents of the Department of Gaming
12224 Control and the Gaming Control Commission are authorized to take
12225 all appropriate action to enforce this chapter and to cooperate
12226 with all agencies charged with the enforcement of the laws of
12227 the United States, this state, and all other states relating to
12228 prohibited gambling.

12229 (2) Employees and agents of the Department of Gaming
12230 Control and the Gaming Control Commission, and law enforcement
12231 officers whose duty it is to enforce this chapter, may
12232 administer oaths in connection with their official duties, and
12233 any person making a material false statement under oath before
12234 them shall be deemed guilty of perjury and subject to the same
12235 punishment as prescribed for perjury.

12236 Section 205. Paragraph (u) of subsection (3) of section
12237 11.45, Florida Statutes, is amended to read:

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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

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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

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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

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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,

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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

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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

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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

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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

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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

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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.

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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

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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~~ amusement 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.

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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

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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 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:

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(1) The ~~coin-operated~~ amusement game or machine or vending machine is located in the county.

Section 215. Paragraph (b) of subsection (1) of section 212.12, Florida Statutes, is amended to read:

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

(1)

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

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

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, reported, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify. The department shall require that transient rentals and agricultural equipment transactions be separately shown. Sales made through

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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

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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

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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

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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.

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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

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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

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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

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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

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12906

to read:

12907

561.1105 Inspection of licensed premises; ~~coin-operated~~ amusement games or machines.—In conducting inspections of establishments licensed under the Beverage Law, the division shall determine if each ~~coin-operated~~ amusement game or machine that is operated on the licensed premises is properly registered with the Department of Revenue. Each month, the division shall report to the Department of Revenue the sales tax registration number of the operator of any licensed premises that has on location a ~~coin-operated~~ amusement game or machine and that does not have an identifying certificate conspicuously displayed as required by s. 212.05(1)(h).

12918

Section 224. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 772.102, Florida Statutes, is amended to read:

12921

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

12922

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

12925

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

12927

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

12929

2. Section 414.39, relating to public assistance fraud.

12930

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

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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

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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.

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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.

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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.

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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.

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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.

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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.