



798676

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/10/2015	.	
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The Committee on Regulated Industries (Sachs) recommended the following:

Senate Amendment (with title amendment)

Between lines 45 and 46

insert:

Section 2. Section 550.6309, Florida Statutes, is created to read:

550.6309 Intertrack and simulcast wagering pilot program.-

The department shall establish a pilot program pursuant to this section which authorizes intertrack and simulcast wagers at a public food service establishment licensed under chapter 509



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11 which is licensed under the Beverage Law or a vendor that is
12 licensed under s. 563.02(1)(b)-(f), s. 564.02(1)(b)-(f), or s.
13 565.02(1)(b)-(f).

14 (1) LOCATION.—The department shall select two counties in
15 which to implement the program. The department must select one
16 county with a population fewer than 300,000, and one county with
17 a population between 300,000 and 1 million.

18 (a) Before the department may select a county for the
19 program, the governing board of the county must pass a
20 resolution authorizing the county's participation in the program
21 and the governing board of the county must send a written
22 notification of the resolution to the department from an
23 authorized representative of that county.

24 (b) The department shall select the first county in each
25 population category for the pilot program which submits the
26 written notification specified in paragraph (a).

27 (2) PERMIT.—A public food service establishment and vendor
28 must use a company that is authorized by the department,
29 pursuant to this section, to set up and operate the equipment
30 necessary to offer intertrack or simulcast wagering.

31 (a) An applicant for a permit must submit an application
32 that includes all of the following:

33 1. The full name of the applicant.

34 2. If a corporation, the name of the state in which the
35 corporation is incorporated and the names and addresses of the
36 officers, directors, and shareholders holding at least 5 percent
37 equity or, if a business entity other than a corporation, the
38 names and addresses of the principals, partners, or shareholders
39 holding at least 5 percent equity.



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40 3. The names and addresses of the ultimate equitable owners
41 for a corporation or other business entity, if different from
42 those provided under subparagraph 2., unless the securities of
43 the corporation or entity are registered pursuant to s. 12 of
44 the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and
45 if such corporation or entity files with the United States
46 Securities and Exchange Commission the reports required by s. 13
47 of that act or if the securities of the corporation or entity
48 are regularly traded on an established securities market in the
49 United States.

50 4. A statement of the assets and liabilities of the
51 applicant.

52 5. A business plan for the first year of operation.

53 6. A documentation that demonstrates that:

54 a. The applicant has at least 2 years' experience in
55 providing these types of services in similar venues in other
56 states;

57 b. The applicant has provided a complete description of the
58 transmission, totalizer, and data processing equipment to be
59 used;

60 c. The equipment proposed to be used by the applicant is
61 capable of authenticating state identification and verifying the
62 user's age before the user engaging in any wagering activity;

63 d. The applicant is capable of monitoring the wagering
64 activity in real time;

65 e. The applicant has provided a system without the use of
66 tellers to receive and pay wagers in real time to the users;

67 f. The management or management groups responsible for the
68 operations of the applicant have sufficient management



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69 experience to properly operate this type of wagering; and
70 g. The applicant has provided sufficient security measures
71 to protect the integrity of the live broadcast signal and the
72 integrity of the wagering process.

73 7. For each individual listed in the application as an
74 owner, partner, officer, or director, a complete set of
75 fingerprints taken by an authorized law enforcement officer.
76 Fingerprints must be submitted to the Federal Bureau of
77 Investigation for processing. Applicants who are foreign
78 nationals shall submit such documents as necessary to allow the
79 division to conduct criminal history records checks in the
80 applicant's home country. The applicant must pay the cost of
81 processing. The division may charge up to a \$2 handling fee for
82 each set of fingerprint records.

83 8. A fee, as determined by department rule. In calculating
84 the permit fee, the department shall consider the costs
85 associated with filing and investigating applications as well as
86 the amount of funds appropriated by the Legislature to implement
87 and administer the pilot program.

88 9. Any other information the department requires.

89 (b) A permit may not be issued to an applicant if a member
90 of the board, the chief executive officer, or any management
91 personnel of the applicant has been found guilty of, or has pled
92 nolo contendere to, a felony or an act of fraud. The department
93 may charge the applicant for reasonable and anticipated costs
94 incurred in determining the eligibility of the applicant under
95 this paragraph.

96 (c) Upon receiving an application and any necessary
97 amendments, the department shall verify the information



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98 contained in the application. If the applicant meets all
99 requirements, conditions, and qualifications of this section and
100 the rules of the department, the department will issue the
101 permit.

102 (d) Subsequent annual renewal applications from a licensee
103 must be accompanied by proof, in such form as the department
104 requires, that the licensee still meets all of the conditions
105 and requirements for licensure under this section.

106 (e) If a permit is held by a business entity, the transfer
107 of at least 10 percent of the stock or other evidence of
108 ownership or equity in the permitholder may not be made without
109 the prior approval of the transferee by the department. Changes
110 in ownership or interest of at least 5 percent of the stock or
111 other evidence of ownership or equity in the permitholder must
112 be approved by the department before such change, unless the
113 owner is an existing owner of that permit who was previously
114 approved by the department. Changes in ownership or interest of
115 less than 5 percent must be reported to the department within 20
116 days of the change. The department may then conduct an
117 investigation to ensure that the permit is properly updated to
118 show the change in ownership or interest.

119 (f) The department may revoke or suspend a permit issued
120 under this chapter upon the willful violation by a permitholder
121 of any provision of this chapter or rule adopted under this
122 chapter. In lieu of suspending or revoking a permit, the
123 department may impose a civil penalty against the permitholder
124 for a violation of this chapter or any rule adopted by the
125 department. The penalty may not exceed \$1,000 for each separate
126 offense. All penalties imposed and collected must be deposited



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127 with the Chief Financial Officer to the credit of the General
128 Revenue Fund.

129 (3) LICENSE TO OPERATE.—

130 (a) Each permitholder may apply for an annual license with
131 the division to operate for the upcoming fiscal year. The
132 permitholder seeking an annual license must apply with the
133 division between December 15 and January 4 of each year.

134 (b) Each permitholder must include in the annual license
135 application the binding written agreement required under
136 subsection (4) and the name and location of pari-mutuel
137 facilities with which the applicant intends to contract. A
138 permitholder must amend its license within 7 days of any changes
139 to the license operation.

140 (4) DISTRIBUTION.—A permitholder may not receive a license
141 until it files with the department a binding written agreement
142 that governs takeout and the payment of purses between the
143 permitholder and a pari-mutuel facility hosting races. A
144 permitholder may not stream a signal for the purpose of
145 intertrack or simulcast wagering from a pari-mutuel facility
146 unless the permitholder has entered into a binding written
147 agreement with such facility and the written agreement is on
148 file with the department.

149 (a) For thoroughbred horse racing, the written agreement
150 must be signed by the Florida Thoroughbred Breeders' Association
151 or the association representing a majority of the horse owners
152 and trainers at the eligible facility.

153 (b) For harness horse racing, the written agreement must be
154 signed by the Florida Standardbred Breeders and Owners
155 Association or the association representing a majority of the



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156 horse owners and trainers at the eligible facility.

157 (c) For quarter horse racing, the written agreement must be
158 signed by the Florida Quarter Horse Racing Association or the
159 association representing a majority of the horse owners and
160 trainers at the eligible facility.

161 (d) For jai alai games and greyhound racing, at least 1
162 percent of the wagering proceeds from greyhound racing must be
163 given to the association that represents a majority of greyhound
164 owners, and at least 1 percent of the wagering proceeds from jai
165 alai games must be given to the association that represents a
166 majority of jai alai players in order to supplement purses.

167 (e) One percent of takeout must be distributed to the pari-
168 mutuel facility located closest to the public food service
169 establishment or vendor offering pari-mutuel wagering.

170 (4) TAX.—Intertrack and simulcast wagering offered by a
171 licensee shall be taxed at the rate of 0.85 percent.

172 (5) LIMITATIONS.—A permitholder licensed under this section
173 may not conduct pari-mutuel wagering at a public food
174 establishment or vendor that is located within 5 miles of a
175 pari-mutuel facility.

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178 ===== T I T L E A M E N D M E N T =====

179 And the title is amended as follows:

180 Delete lines 2 - 12

181 and insert:

182 An act relating to gaming; amending s. 285.710, F.S.;

183 authorizing and directing the Governor to execute a

184 specified written amendment to the Gaming Compact



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185 between the Seminole Tribe of Florida and the State of
186 Florida; authorizing and directing the Governor to
187 cooperate with the Tribe in seeking approval of the
188 amendment; providing that the amendment of the compact
189 does not require legislative ratification in certain
190 circumstances; creating s. 550.6309, F.S.; requiring
191 the Department of Business and Professional Regulation
192 to establish a specified pilot program; requiring the
193 department to select two counties in which to
194 implement the program; requiring the governing board
195 of the county to pass a specified resolution and send
196 a written notification of the resolution to the
197 department before the department may select a county
198 for the program; requiring the department to select a
199 county in a specified manner; requiring a public food
200 service establishment and vendor to use a company that
201 is authorized by the department; requiring an
202 applicant to submit an application with specified
203 information to receive a permit; prohibiting the
204 issuance of a permit if specified persons have been
205 found guilty of, or pled nolo contendere to specified
206 crimes; authorizing the department to charge the
207 applicant for reasonable and anticipated costs and
208 fees in determining the eligibility of the applicant;
209 prohibiting a permit from being issued to specified
210 persons; requiring that the department verify the
211 informed contained in the application; requiring prior
212 approval by the department for specified transfers of
213 stock; authorizing the department to revoke or suspend



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214 a permit in certain circumstances; authorizing the
215 department to impose a civil penalty in lieu of the
216 suspension or revocation of the permit; authorizing a
217 permitholder to apply for an annual license; requiring
218 a permitholder to include in the annual license
219 specified information; providing that a permitholder
220 may not receive a license until it files with the
221 department a specified binding written agreement;
222 prohibiting a permitholder from streaming a signal in
223 certain circumstances; requiring a written agreement
224 with specified organizations for certain types of
225 racing or game; requiring a specified percentage of
226 takeout to be distributed to the pari-mutuel facility
227 located closest to the public food service
228 establishment or vendor; requiring a tax on intertrack
229 and simulcast wagering; prohibiting a specified
230 permitholder from conducting pari-mutuel wagering at a
231 public food service establishment or vendor within a
232 specified mileage of a pari-mutuel facility; providing
233 an