

By Senator Sachs

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1 A bill to be entitled
2 An act relating to the Department of Gaming; creating
3 s. 20.318, F.S.; creating the Department of Gaming;
4 providing that the head of the Department of Gaming is
5 the Gaming Commission; providing for the appointment
6 and composition of the commission; requiring that
7 certain appointees to the commission have specified
8 areas of experience; prohibiting a person from being
9 appointed to or serving as a member of the commission
10 in certain circumstances; providing for staggered
11 terms for the initial appointments of the commission;
12 requiring the Governor to appoint successors to the
13 commission; providing for the filling of vacancies on
14 the commission; prohibiting a member of the commission
15 from serving more than two full terms; providing the
16 headquarters of the commission; authorizing the
17 commission to establish field offices as necessary;
18 requiring the initial meeting of the commission to be
19 held by a specified date; requiring the members of the
20 commission to elect a chairman; requiring the
21 commission to meet at least monthly, upon the call of
22 the chairman or upon the call of the majority of the
23 commission; requiring the commission to appoint an
24 executive director; authorizing the executive director
25 to hire specified assistants and employees;
26 prohibiting certain persons from having a specified
27 financial interest, engaging in any political
28 activity, and engaging in specified outside
29 employment; requiring certain persons to file annual
30 financial disclosures and disclose other specified
31 matters; establishing divisions within the department;
32 defining terms; specifying powers and duties of the

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33 department; authorizing the department to take
34 testimony; authorizing the department to exclude
35 specified persons from certain gaming establishments;
36 authorizing the department to conduct investigations
37 and collect fines; requiring the department to issue
38 advisory opinions under certain circumstances;
39 authorizing the department to employ law enforcement
40 officers; directing the Department of Gaming to
41 contract with the Department of Revenue for tax
42 collection and financial audit services; authorizing
43 the Department of Revenue to investigate certain
44 violations; providing licensing powers of the
45 Department of Gaming; transferring and reassigning
46 certain functions and responsibilities, including
47 records, personnel, property, and unexpended balances
48 of appropriations and other resources, from the
49 Division of Pari-mutuel Wagering within the Department
50 of Business and Professional Regulation to the
51 Department of Gaming by a type two transfer; providing
52 for the continued validity of pending judicial or
53 administrative actions to which the division is a
54 party; providing for the continued validity of lawful
55 orders issued by the division; transferring certain
56 rules created by the division to the Department of
57 Gaming; providing for the continued validity of
58 licenses, permits, and certifications issued by the
59 division; amending s. 20.165, F.S.; conforming
60 provisions to changes made by the act; amending s.
61 120.80, F.S.; providing exemptions for the Department

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62 of Gaming from hearing and notice requirements;
63 requiring the Department of Gaming to adopt rules
64 establishing certain procedures; amending ss. 285.710,
65 550.002, 550.0115, 550.01215, 550.0235, 550.0251,
66 550.0351, 550.054, 550.0555, 550.0651, 550.0745,
67 550.0951, 550.09511, 550.09512, 550.09514, 550.09515,
68 550.105, 550.1155, 550.125, 550.135, 550.155,
69 550.1648, 550.175, 550.1815, 550.24055, 550.2415,
70 550.2614, 550.26165, 550.2625, 550.26352, 550.2704,
71 550.334, 550.3345, 550.3355, 550.3551, 550.3615,
72 550.375, 550.495, 550.505, 550.5251, 550.625,
73 550.6305, 550.6308, 550.70, 550.902, 550.907, 551.102,
74 551.103, 551.104, 551.1045, 551.105, 551.106, 551.107,
75 551.108, 551.109, 551.112, 551.114, 551.117, 551.118,
76 551.121, 551.122, 551.123, 565.02, 817.37, and
77 849.086, F.S.; conforming provisions to changes made
78 by the act; conforming cross-references; deleting
79 obsolete language; providing effective dates.

80
81 WHEREAS, gaming occurs in all 67 counties in this state,
82 and

83 WHEREAS, gaming proceeds from all sectors of the industry
84 exceed billions of dollars annually, and

85 WHEREAS, gaming is illegal except as provided by amendment
86 to the State Constitution, by statute, regulation, tribal
87 compact, and local ordinance, and

88 WHEREAS, gaming is currently regulated by multiple state
89 agencies, and

90 WHEREAS, the Department of Business and Professional

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91 Regulation oversees the regulation of pari-mutuel wagering,
92 cardrooms, and slot machine gaming, and

93 WHEREAS, the Department of Business and Professional
94 Regulation is also the state compliance agency charged with the
95 oversight of the Gaming Compact between the Seminole Tribe of
96 Florida and the State of Florida, and

97 WHEREAS, the Department of the Lottery conducts all legal
98 lottery gaming, and

99 WHEREAS, the Department of Agriculture and Consumer
100 Services registers and regulates certain game promotions, and

101 WHEREAS, all other gaming activity is enforced by state
102 attorneys and local law enforcement agencies, and

103 WHEREAS, there is a compelling need to create the
104 Department of Gaming and a Gaming Commission, whose functions
105 will be to oversee the activities of all gaming entities, to
106 regulate their operations, to enforce gaming laws and
107 regulations, and to audit the proceeds from gaming operations,
108 NOW, THEREFORE,

109

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

111

112 Section 1. Effective October 1, 2016, section 20.318,
113 Florida Statutes, is created to read:

114 20.318 Department of Gaming.—There is created a Department
115 of Gaming.

116 (1) GAMING COMMISSION.—There is created a board, as defined
117 in s. 20.03, called the Gaming Commission, which is the head of
118 the Department of Gaming.

119 (a) The commission consists of five members appointed by

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120 the Governor and subject to confirmation by the Senate. One
121 member of the commission must be licensed in this state as a
122 certified public accountant with at least 5 years of experience
123 in general accounting, one member must have experience in the
124 fields of investigation or law enforcement, and one member must
125 have experience in the business of gaming.

126 (b) A person may not be appointed to or serve as a member
127 of the commission if the person:

128 1. Is an elected state official.

129 2. Is licensed by the commission, or is an officer of, has
130 a financial interest in, or has a direct or indirect contractual
131 relationship with, any applicant for a license.

132 3. Is related to any person who is licensed by the
133 commission within the second degree of consanguinity or
134 affinity.

135 4. Has, within the 10 years preceding his or her
136 appointment, been indicted for, been convicted of, pled guilty
137 or nolo contendere to, or forfeited bail for a felony or a
138 misdemeanor involving gambling or fraud under the laws of this
139 or any other state or the United States.

140 5. Is a registered lobbyist.

141 (c) Each member of the commission is appointed to a 4-year
142 term. However, for the purpose of providing staggered terms for
143 the initial appointments, three members selected shall be
144 appointed to 4-year terms, and the remaining two members shall
145 be appointed to 2-year terms. Terms expire on June 30. Upon the
146 expiration of the term of a member, the Governor shall appoint a
147 successor to serve for a 4-year term in the same manner as the
148 original appointment. A member of the commission whose term has

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149 expired shall continue to serve on the commission until a
150 replacement is appointed. If a vacancy on the commission occurs
151 before the expiration of the term, it shall be filled for the
152 unexpired portion of the term in the same manner as the original
153 appointment.

154 (d) A member of the commission may not serve more than two
155 full terms. Members of the commission shall serve full-time
156 during a term.

157 (e) The commission shall be headquartered in Tallahassee.
158 However, the commission may establish field offices as it deems
159 necessary.

160 (f) The initial meeting of the commission must be held by
161 October 1, 2016. The commission shall elect a chair from among
162 its membership, who remains chair for two full 4-year terms.
163 Upon expiration of the chair's second term, the commission shall
164 elect a chair from its membership at the next regular scheduled
165 meeting. The commission must meet at least monthly, upon the
166 call of the chair or upon the call of a majority of the members
167 of the commission.

168 (g) The commission shall appoint an executive director. The
169 executive director may hire assistants and other employees as
170 necessary to conduct the business of the commission.

171 (h) The members of the commission, the executive director,
172 and any other employees of the commission may not have a direct
173 or indirect financial interest in the entities that the
174 commission regulates. Such persons also may not engage in any
175 political activity, including using their official authority to
176 influence the result of an election. The members of the
177 commission, the executive director, and other employees or

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178 agents of the commission may not engage in outside employment
179 related to the activities or persons regulated by the
180 commission.

181 (i) The members of the commission, the executive director,
182 and each managerial employee must file annual financial
183 disclosures. Such persons must also immediately disclose matters
184 related to criminal arrests, negotiations for an interest in a
185 licensee or applicant, and negotiations for employment with a
186 licensee or an applicant and may not engage in activities that
187 may constitute a conflict of interest.

188 (2) DIVISIONS.—The Department of Gaming shall consist of
189 the following divisions:

190 (a) The Division of Administration.

191 (b) The Division of Enforcement.

192 (c) The Division of Licensure.

193 (d) The Division of Revenue and Audits.

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

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

196 (b) "Department" means the Department of Gaming.

197 (c) "Gaming" means any gaming activity, occupation, or
198 profession regulated by the department.

199 (4) POWERS AND DUTIES.—

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

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

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

206 (d) The department shall require an oath on application

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207 documents as required by rule, which oath must state that the
208 information contained in the document is true and complete.

209 (e) The department shall adopt rules for the control,
210 supervision, and direction of all applicants, permittees, and
211 licensees and for the holding, conducting, and operating of any
212 gaming establishment under the jurisdiction of the department in
213 this state. The department shall have the authority to suspend a
214 permit or license under the jurisdiction of the department if
215 the permitholder or licensee has violated any provision of
216 chapter 550, chapter 551, chapter 849, or rules adopted by the
217 department. Such rules must be uniform in their application and
218 effect, and the duty of exercising this control and power is
219 made mandatory upon the department.

220 (f) The department may take testimony concerning any matter
221 within its jurisdiction and issue summons and subpoenas for any
222 witness and subpoenas duces tecum in connection with any matter
223 within the jurisdiction of the department under its seal and
224 signed by the director. The commission may seek injunctive
225 relief from the courts to enforce this act and any rule adopted
226 by the commission.

227 (g) In addition to the power to exclude certain persons
228 from any pari-mutuel facility in this state, the department may
229 exclude any person from any and all gaming establishments under
230 the jurisdiction of the department for conduct that would
231 constitute, if the person were a licensee, a violation of
232 chapter 550, chapter 551, chapter 849, or the rules of the
233 department. The department may exclude from any gaming
234 establishment under its jurisdiction any person who has been
235 ejected from any pari-mutuel facility or other gaming

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236 establishment in this state or who has been excluded from any
237 pari-mutuel facility or other gaming establishment in another
238 state by the governmental department, agency, commission, or
239 authority exercising regulatory jurisdiction over such
240 facilities in such other state. The department may authorize any
241 person who has been ejected or excluded from establishments in
242 this state or another state to enter a pari-mutuel facility or
243 gaming establishment in this state upon a finding that the
244 attendance of such person would not be adverse to the public
245 interest or to the integrity of the industry; however, this
246 paragraph may not be construed to abrogate the common-law right
247 of a pari-mutuel permit holder or a proprietor of a gaming
248 establishment to exclude absolutely a patron in this state.

249 (h) The department may collect taxes and require compliance
250 with reporting requirements for financial information as
251 authorized by chapter 550, chapter 551, or chapter 849. In
252 addition, the executive director of the department may require
253 gaming establishments within its jurisdiction to remit taxes,
254 including fees, by electronic funds transfer.

255 (i) The department may conduct investigations necessary for
256 enforcing chapters 550, 551, and 849.

257 (j) The department may impose, for a violation of chapter
258 550, chapter 551, or chapter 849, an administrative fine of not
259 more than \$1,000 for each count or separate offense, except as
260 otherwise provided in chapter 550, chapter 551, or chapter 849,
261 and may suspend or revoke a permit, an operating license, or an
262 occupational license for a violation of chapter 550, chapter
263 551, or chapter 849. All fines imposed and collected under this
264 paragraph must be deposited with the Chief Financial Officer to

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265 the credit of the General Revenue Fund.

266 (k) The department shall have full authority and power to
267 make, adopt, amend, or repeal rules relating to gaming
268 operations, to enforce and to carry out the provisions of
269 chapters 550, 551, and 849, and to regulate authorized gaming
270 activities in the state, including rules that specify the types
271 of games that are authorized, the times during which such games
272 are authorized, and the places at which such games are
273 authorized. The commission shall establish procedures to
274 scientifically test slot machines and other authorized gaming
275 equipment.

276 (l) The department shall provide advisory opinions when
277 requested by any law enforcement official, state attorney, or
278 entity licensed by the department relating to the application of
279 state gaming laws with respect to whether a particular act or
280 device constitutes legal or illegal gambling under state laws
281 and administrative rules adopted thereunder. A written record
282 shall be retained of all such opinions issued by the department,
283 which shall be sequentially numbered, dated, and indexed by
284 subject matter. Any person or entity acting in good faith upon
285 an advisory opinion that such person or entity requested and
286 received is not subject to any criminal penalty provided for
287 under state law for illegal gambling. The opinion, until amended
288 or revoked, is binding on any person or entity who sought the
289 opinion, or with reference to whom the opinion was sought,
290 unless material facts were omitted or misstated in the request
291 for the advisory opinion. The department may adopt rules
292 regarding the process for securing an advisory opinion and may
293 require in those rules the submission of any potential gaming

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294 apparatus for testing by a licensed testing laboratory to prove
295 or disprove the compliance of the apparatus with state law
296 before the issuance of an opinion by the department.

297 (m) The department may employ law enforcement officers as
298 defined in s. 943.10 within the Division of Enforcement to
299 enforce any statute or law of this state related to gambling, to
300 enforce any other criminal law, or to conduct any criminal
301 investigation.

302 1. In order to be a law enforcement officer for the
303 department, a person must meet the minimum qualifications for a
304 law enforcement officer under s. 943.13 and must be certified
305 for employment or appointment as an officer by the Department of
306 Law Enforcement under s. 943.1395. Upon certification, each law
307 enforcement officer is subject to, and has the authority
308 provided for law enforcement officers generally in, chapter 901
309 and has statewide jurisdiction. Each officer also has full law
310 enforcement powers.

311 2. The department may also appoint part-time, reserve, or
312 auxiliary law enforcement officers pursuant to chapter 943.

313 3. A law enforcement officer of the department, upon
314 certification pursuant to s. 943.1395, has the same right and
315 authority to carry arms as do the sheriffs of this state.

316 4. A law enforcement officer in this state who is certified
317 pursuant to chapter 943 has the same authority as a law
318 enforcement officer designated in this section to enforce the
319 laws of this state described in this paragraph.

320 (n) The department shall contract with the Department of
321 Revenue, through an interagency agreement, to perform the tax
322 collection and financial audit services for the taxes required

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323 to be collected by entities licensed or regulated by chapter
324 550, chapter 551, or chapter 849. The interagency agreement must
325 also allow the Department of Revenue to assist in any financial
326 investigation of a licensee or an application for a license by
327 the Department of Gaming or a law enforcement agency.

328 (5) LICENSING.—The department may:

329 (a) Close and terminate deficient license application files
330 2 years after the department notifies the applicant of the
331 deficiency; and

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

334 Section 2. (1) All of the statutory powers, duties, and
335 functions, records, personnel, property, and unexpended balances
336 of appropriations, allocations, or others funds for the
337 administration of chapter 550, Florida Statutes, relating to
338 pari-mutuel wagering; chapter 551, Florida Statutes, relating to
339 slot machine gaming; and s. 849.086, Florida Statutes, relating
340 to cardroom operations, shall be transferred by a type two
341 transfer, as defined in s. 20.06(2), Florida Statutes, from the
342 Division of Pari-mutuel Wagering within the Department of
343 Business and Professional Regulation to the Department of
344 Gaming.

345 (2) The transfer of regulatory authority under chapter 550,
346 Florida Statutes; chapter 551, Florida Statutes; and s. 849.086,
347 Florida Statutes, provided by this section does not affect the
348 validity of any judicial or administrative action pending as of
349 11:59 p.m. on the day before the effective date of this section
350 to which the Division of Pari-mutuel Wagering is at that time a
351 party, and the Department of Gaming shall be substituted as a

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352 party in interest in any such action.

353 (3) All lawful orders issued by the Division of Pari-mutuel
354 Wagering implementing, enforcing, or otherwise in regard to any
355 provision of chapter 550, Florida Statutes; chapter 551, Florida
356 Statutes; and s. 849.086, Florida Statutes, issued before the
357 effective date of this section shall remain in effect and be
358 enforceable after the effective date of this section unless
359 thereafter modified in accordance with law.

360 (4) The rules of the Division of Pari-mutuel Wagering
361 relating to the implementation of chapter 550, Florida Statutes;
362 chapter 551, Florida Statutes; and s. 849.086, Florida Statutes,
363 which were in effect at 11:59 p.m. on the day before the
364 effective date of this section shall become the rules of the
365 Department of Gaming and shall remain in effect until amended or
366 repealed in the manner provided by law.

367 (5) Notwithstanding the transfer of regulatory authority
368 under chapter 550, Florida Statutes; chapter 551, Florida
369 Statutes; and s. 849.086, Florida Statutes, provided by this
370 section, persons and entities holding in good standing any
371 license or permit under chapter 550, Florida Statutes; chapter
372 551, Florida Statutes; and s. 849.086, Florida Statutes, as of
373 11:59 p.m. on the day before the effective date of this section
374 shall, as of the effective date of this section, be deemed to
375 hold in good standing a license or permit in the same capacity
376 as that for which the license or permit was formerly issued.

377 (6) Notwithstanding the transfer of regulatory authority
378 under chapter 550, Florida Statutes; chapter 551, Florida
379 Statutes; and s. 849.086, Florida Statutes, provided by this
380 section, persons and entities holding in good standing any

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381 certification under chapter 550, Florida Statutes; chapter 551,
382 Florida Statutes; and s. 849.086, Florida Statutes, as of 11:59
383 p.m. on the day before the effective date of this section shall,
384 as of the effective date of this section, be deemed to be
385 certified in the same capacity in which they were formerly
386 certified.

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

389 20.165 Department of Business and Professional Regulation.-
390 There is created a Department of Business and Professional
391 Regulation.

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

394 (a) Division of Administration.

395 (b) Division of Alcoholic Beverages and Tobacco.

396 (c) Division of Certified Public Accounting.

397 1. The director of the division shall be appointed by the
398 secretary of the department, subject to approval by a majority
399 of the Board of Accountancy.

400 2. The offices of the division shall be located in
401 Gainesville.

402 (d) Division of Drugs, Devices, and Cosmetics.

403 (e) Division of Florida Condominiums, Timeshares, and
404 Mobile Homes.

405 (f) Division of Hotels and Restaurants.

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

407 (g)~~(h)~~ Division of Professions.

408 (h)~~(i)~~ Division of Real Estate.

409 1. The director of the division shall be appointed by the

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410 secretary of the department, subject to approval by a majority
411 of the Florida Real Estate Commission.

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

413 (i)~~(j)~~ Division of Regulation.

414 (j)~~(k)~~ Division of Technology.

415 (k)~~(l)~~ Division of Service Operations.

416 Section 4. Subsection (4) of section 120.80, Florida
417 Statutes, is amended, and subsection (19) is added to that
418 section, to read:

419 120.80 Exceptions and special requirements; agencies.—

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

421 ~~(a) *Business regulation.* The Division of Pari-mutuel~~
422 ~~Wagering is exempt from the hearing and notice requirements of~~
423 ~~ss. 120.569 and 120.57(1) (a), but only for stewards, judges, and~~
424 ~~boards of judges when the hearing is to be held for the purpose~~
425 ~~of the imposition of fines or suspensions as provided by rules~~
426 ~~of the Division of Pari-mutuel Wagering, but not for~~
427 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~
428 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~
429 ~~alternative procedures, including a hearing upon reasonable~~
430 ~~notice, for the following violations:~~

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

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

435 3. ~~Maintaining or possessing any device which could be used~~
436 ~~for the injection or other infusion of a prohibited drug to~~
437 ~~horses, greyhounds, and jai alai players in violation of chapter~~
438 ~~550.~~

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

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

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

445 ~~(b) Professional regulation.~~ Notwithstanding s.
446 120.57(1)(a), formal hearings may not be conducted by the
447 Secretary of Business and Professional Regulation or a board or
448 member of a board within the Department of Business and
449 Professional Regulation for matters relating to the regulation
450 of professions, as defined by chapter 455.

451 (19) DEPARTMENT OF GAMING.—The department is exempt from
452 the hearing and notice requirements of ss. 120.569 and
453 120.57(1)(a), but only for stewards, judges, and boards of
454 judges when the hearing is to be held for the purpose of the
455 imposition of fines or suspensions as provided by rules of the
456 Department of Gaming, but not for revocations, and only upon
457 violations of paragraphs (a) through (f). The Department of
458 Gaming shall adopt rules establishing alternative procedures,
459 including a hearing upon reasonable notice, for the following
460 violations:

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

463 (b) Application and usage of drugs and medication to
464 horses, greyhounds, and jai alai players in violation of chapter
465 550.

466 (c) Maintaining or possessing any device which could be
467 used for the injection or other infusion of a prohibited drug to

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468 horses, greyhounds, and jai alai players in violation of chapter
469 550.

470 (d) Suspensions under reciprocity agreements between the
471 Department of Gaming and regulatory agencies of other states.

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

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

475 Section 5. Paragraph (f) of subsection (1) and subsection
476 (7) of section 285.710, Florida Statutes, are amended to read:
477 285.710 Compact authorization.—

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

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

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

489 Section 6. Subsections (5), (6), and (7) and present
490 subsection (11) of section 550.002, Florida Statutes, are
491 amended, and present subsections (8) through (39) of that
492 section are redesignated as subsections (7) through (38),
493 respectively, to read:

494 550.002 Definitions.—As used in this chapter, the term:

495 (5) "Current meet" or "current race meet" means the conduct
496 of racing or games pursuant to a current year's operating

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497 license issued by the department ~~division~~.

498 (6) "Department" means the Department of Gaming Business
499 ~~and Professional Regulation~~.

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

502 (10)~~(11)~~ "Full schedule of live racing or games" means, for
503 a greyhound or jai alai permitholder, the conduct of a
504 combination of at least 100 live evening or matinee performances
505 during the preceding year; for a permitholder who has a
506 converted permit or filed an application on or before June 1,
507 1990, for a converted permit, the conduct of a combination of at
508 least 100 live evening and matinee wagering performances during
509 either of the 2 preceding years; for a jai alai permitholder who
510 does not operate slot machines in its pari-mutuel facility, who
511 has conducted at least 100 live performances per year for at
512 least 10 years after December 31, 1992, and whose handle on live
513 jai alai games conducted at its pari-mutuel facility has been
514 less than \$4 million per state fiscal year for at least 2
515 consecutive years after June 30, 1992, the conduct of a
516 combination of at least 40 live evening or matinee performances
517 during the preceding year; for a jai alai permitholder who
518 operates slot machines in its pari-mutuel facility, the conduct
519 of a combination of at least 150 performances during the
520 preceding year; for a harness permitholder, the conduct of at
521 least 100 live regular wagering performances during the
522 preceding year; for a quarter horse permitholder at its facility
523 unless an alternative schedule of at least 20 live regular
524 wagering performances is agreed upon by the permitholder and
525 either the Florida Quarter Horse Racing Association or the

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526 horsemen's association representing the majority of the quarter
527 horse owners and trainers at the facility and filed with the
528 department ~~division~~ along with its annual date application, in
529 the 2010-2011 fiscal year, the conduct of at least 20 regular
530 wagering performances, in the 2011-2012 and 2012-2013 fiscal
531 years, the conduct of at least 30 live regular wagering
532 performances, and for every fiscal year after the 2012-2013
533 fiscal year, the conduct of at least 40 live regular wagering
534 performances; for a quarter horse permitholder leasing another
535 licensed racetrack, the conduct of 160 events at the leased
536 facility; and for a thoroughbred permitholder, the conduct of at
537 least 40 live regular wagering performances during the preceding
538 year. For a permitholder that ~~which~~ is restricted by statute to
539 certain operating periods within the year when other members of
540 its same class of permit are authorized to operate throughout
541 the year, the specified number of live performances which
542 constitute a full schedule of live racing or games shall be
543 adjusted pro rata in accordance with the relationship between
544 its authorized operating period and the full calendar year and
545 the resulting specified number of live performances shall
546 constitute the full schedule of live games for such permitholder
547 and all other permitholders of the same class within 100 air
548 miles of such permitholder. A live performance must consist of
549 no fewer than eight races or games conducted live for each of a
550 minimum of three performances each week at the permitholder's
551 licensed facility under a single admission charge.

552 Section 7. Section 550.0115, Florida Statutes, is amended
553 to read:

554 550.0115 Permitholder license.—After a permit has been

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555 issued by the department ~~division~~, and after the permit has been
556 approved by election, the department ~~division~~ shall issue to the
557 permitholder an annual license to conduct pari-mutuel operations
558 at the location specified in the permit pursuant to the
559 provisions of this chapter.

560 Section 8. Section 550.01215, Florida Statutes, is amended
561 to read:

562 550.01215 License application; periods of operation; bond,
563 conversion of permit.-

564 (1) Each permitholder shall annually, during the period
565 between December 15 and January 4, file in writing with the
566 department ~~division~~ its application for a license to conduct
567 performances during the next state fiscal year. Each application
568 shall specify the number, dates, and starting times of all
569 performances that ~~which~~ the permitholder intends to conduct. It
570 shall also specify which performances will be conducted as
571 charity or scholarship performances. In addition, each
572 application for a license shall include, for each permitholder
573 that ~~which~~ elects to operate a cardroom, the dates and periods
574 of operation the permitholder intends to operate the cardroom
575 or, for each thoroughbred permitholder that ~~which~~ elects to
576 receive or rebroadcast out-of-state races after 7 p.m., the
577 dates for all performances that ~~which~~ the permitholder intends
578 to conduct. Permitholders shall be entitled to amend their
579 applications through February 28.

580 (2) After the first license has been issued to a
581 permitholder, all subsequent annual applications for a license
582 shall be accompanied by proof, in such form as the department
583 ~~division~~ may by rule require, that the permitholder continues to

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584 possess the qualifications prescribed by this chapter, and that
585 the permit has not been disapproved at a later election.

586 (3) The department ~~division~~ shall issue each license no
587 later than March 15. Each permitholder shall operate all
588 performances at the date and time specified on its license. The
589 department ~~may division shall have the authority to~~ approve
590 minor changes in racing dates after a license has been issued.
591 The department ~~division~~ may approve changes in racing dates
592 after a license has been issued when there is no objection from
593 any operating permitholder located within 50 miles of the
594 permitholder requesting the changes in operating dates. In the
595 event of an objection, the department ~~division~~ shall approve or
596 disapprove the change in operating dates based upon the impact
597 on operating permitholders located within 50 miles of the
598 permitholder requesting the change in operating dates. In making
599 the determination to change racing dates, the department
600 ~~division~~ shall consider ~~take into consideration~~ the impact of
601 such changes on state revenues.

602 (4) ~~If In the event that~~ a permitholder fails to operate
603 all performances specified on its license at the date and time
604 specified, the department ~~division~~ shall hold a hearing to
605 determine whether to fine or suspend the permitholder's license,
606 unless such failure was the direct result of fire, strike, war,
607 or other disaster or event beyond the ability of the
608 permitholder to control. Financial hardship to the permitholder
609 does ~~shall~~ not, in and of itself, constitute just cause for
610 failure to operate all performances on the dates and at the
611 times specified.

612 (5) ~~If In the event that~~ performances licensed to be

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613 operated by a permitholder are vacated, abandoned, or will not
 614 be used for any reason, any permitholder shall be entitled,
 615 pursuant to rules adopted by the department ~~division~~, to apply
 616 to conduct performances on the dates for which the performances
 617 have been abandoned. The department ~~division~~ shall issue an
 618 amended license for all such replacement performances that ~~which~~
 619 have been requested in compliance with the provisions of this
 620 chapter and department ~~division~~ rules.

621 (6) Any permit that ~~which~~ was converted from a jai alai
 622 permit to a greyhound permit may be converted to a jai alai
 623 permit at any time if the permitholder never conducted greyhound
 624 racing or if the permitholder has not conducted greyhound racing
 625 for a period of 12 consecutive months.

626 Section 9. Section 550.0235, Florida Statutes, is amended
 627 to read:

628 550.0235 Limitation of civil liability.—A ~~No~~ permittee
 629 conducting a racing meet pursuant to the provisions of this
 630 chapter; a department ~~no division~~ director or an employee of the
 631 department ~~division~~; or a ~~and no~~ steward, a judge, or another
 632 ~~other~~ person appointed to act pursuant to this chapter is not
 633 ~~shall be held~~ liable to any person, partnership, association,
 634 corporation, or other business entity for any cause whatsoever
 635 arising out of, or from, the performance by such permittee,
 636 director, employee, steward, judge, or other person of her or
 637 his duties and the exercise of her or his discretion with
 638 respect to the implementation and enforcement of the statutes
 639 and rules governing the conduct of pari-mutuel wagering, so long
 640 as she or he acted in good faith. This section does ~~shall~~ not
 641 limit liability in any situation in which the negligent

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642 maintenance of the premises or the negligent conduct of a race
643 contributed to an accident and does not; ~~nor shall it~~ limit any
644 contractual liability.

645 Section 10. Section 550.0251, Florida Statutes, is amended
646 to read:

647 550.0251 The powers and duties of the ~~Division of Pari-~~
648 ~~mutuel Wagering of the~~ Department of Gaming Business and
649 ~~Professional Regulation.~~—The department ~~division~~ shall
650 administer this chapter and regulate the pari-mutuel industry
651 under this chapter and the rules adopted pursuant thereto, and:

652 (1) The department ~~division~~ shall make an annual report to
653 the Governor showing its own actions, receipts derived under the
654 provisions of this chapter, the practical effects of the
655 application of this chapter, and any suggestions it may approve
656 for the more effectual accomplishments of the purposes of this
657 chapter.

658 (2) The department ~~division~~ shall require an oath on
659 application documents as required by rule, which oath must state
660 that the information contained in the document is true and
661 complete.

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

669 (4) The department ~~division~~ may take testimony concerning
670 any matter within its jurisdiction and issue summons and

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671 subpoenas for any witness and subpoenas duces tecum in
672 connection with any matter within the jurisdiction of the
673 department ~~division~~ under its seal and signed by the executive
674 director.

675 (5) The department ~~division~~ may adopt rules establishing
676 procedures for testing occupational licenseholders officiating
677 at or participating in any race or game at any pari-mutuel
678 facility under the jurisdiction of the department ~~division~~ for a
679 controlled substance or alcohol and may prescribe procedural
680 matters not in conflict with s. 120.80(19) ~~s. 120.80(4)(a)~~.

681 (6) In addition to the power to exclude certain persons
682 from any pari-mutuel facility in this state, the department
683 ~~division~~ may exclude any person from any and all pari-mutuel
684 facilities in this state for conduct that would constitute, if
685 the person were a licensee, a violation of this chapter or the
686 rules of the department ~~division~~. The department ~~division~~ may
687 exclude from any pari-mutuel facility within this state any
688 person who has been ejected from a pari-mutuel facility in this
689 state or who has been excluded from any pari-mutuel facility in
690 another state by the governmental department, agency,
691 commission, or authority exercising regulatory jurisdiction over
692 pari-mutuel facilities in such other state. The department
693 ~~division~~ may authorize any person who has been ejected or
694 excluded from pari-mutuel facilities in this state or another
695 state to attend the pari-mutuel facilities in this state upon a
696 finding that the attendance of such person at pari-mutuel
697 facilities would not be adverse to the public interest or to the
698 integrity of the sport or industry; however, this subsection
699 does ~~shall not be construed to~~ abrogate the common-law right of

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700 a pari-mutuel permitholder to exclude absolutely a patron in
701 this state.

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

704 (8) The department may collect taxes and require compliance
705 with reporting requirements for financial information as
706 authorized by this chapter. In addition, the ~~secretary of the~~
707 department may require permitholders conducting pari-mutuel
708 operations within the state to remit taxes, including fees, by
709 electronic funds transfer if the taxes and fees amounted to
710 \$50,000 or more in the prior reporting year.

711 (9) The department ~~division~~ may conduct investigations in
712 enforcing this chapter, except that all information obtained
713 pursuant to an investigation by the department ~~division~~ for an
714 alleged violation of this chapter or rules of the department
715 ~~division~~ is exempt from s. 119.07(1) and from s. 24(a), Art. I
716 of the State Constitution until an administrative complaint is
717 issued or the investigation is closed or ceases to be active.
718 This subsection does not prohibit the department ~~division~~ from
719 providing such information to any law enforcement agency or to
720 any other regulatory agency. For the purposes of this
721 subsection, an investigation is considered to be active while it
722 is being conducted with reasonable dispatch and with a
723 reasonable, good faith belief that it could lead to an
724 administrative, civil, or criminal action by the department
725 ~~division~~ or another administrative or law enforcement agency.
726 Except for active criminal intelligence or criminal
727 investigative information, as defined in s. 119.011, and any
728 other information that, if disclosed, would jeopardize the

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729 safety of an individual, all information, records, and
730 transcriptions become public when the investigation is closed or
731 ceases to be active.

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

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

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

747 (13) The department ~~may division shall have the authority~~
748 ~~to~~ suspend a permitholder's permit or license, if such
749 permitholder is operating a cardroom facility and such
750 permitholder's cardroom license has been suspended or revoked
751 pursuant to s. 849.086.

752 Section 11. Section 550.0351, Florida Statutes, is amended
753 to read:

754 550.0351 Charity racing days.—

755 (1) The department ~~division~~ shall, upon the request of a
756 permitholder, authorize each horseracing permitholder, dogracing
757 permitholder, and jai alai permitholder up to five charity or

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758 scholarship days in addition to the regular racing days
759 authorized by law.

760 (2) The proceeds of charity performances shall be paid to
761 qualified beneficiaries selected by the permitholders from an
762 authorized list of charities on file with the department
763 ~~division~~. Eligible charities include any charity that provides
764 evidence of compliance with the provisions of chapter 496 and
765 evidence of possession of a valid exemption from federal
766 taxation issued by the Internal Revenue Service. In addition,
767 the authorized list must include the Racing Scholarship Trust
768 Fund, the Historical Resources Operating Trust Fund, major state
769 and private institutions of higher learning, and Florida
770 community colleges.

771 (3) The permitholder shall, within 120 days after the
772 conclusion of its fiscal year, pay to the authorized charities
773 the total of all profits derived from the operation of the
774 charity day performances conducted. If charity days are operated
775 on behalf of another permitholder pursuant to law, the
776 permitholder entitled to distribute the proceeds shall
777 distribute the proceeds to charity within 30 days after the
778 actual receipt of the proceeds.

779 (4) The total of all profits derived from the conduct of a
780 charity day performance must include all revenues derived from
781 the conduct of that racing performance, including all state
782 taxes that would otherwise be due to the state, except that the
783 daily license fee as provided in s. 550.0951(1) and the breaks
784 for the promotional trust funds as provided in s. 550.2625(3),
785 (4), (5), (7), and (8) shall be paid to the department ~~division~~.
786 All other revenues from the charity racing performance,

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787 including the commissions, breaks, and admissions and the
788 revenues from parking, programs, and concessions, shall be
789 included in the total of all profits.

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

794 (6) (a) The department ~~division~~ shall authorize one
795 additional scholarship day for horseracing in addition to the
796 regular racing days authorized by law and any additional days
797 authorized by this section, to be conducted at all horse
798 racetracks located in Hillsborough County. The permitholder
799 shall conduct a full schedule of racing on the scholarship day.

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

803 (c) When a charity or scholarship performance is conducted
804 as a matinee performance, the department ~~division~~ may authorize
805 the permitholder to conduct the evening performances of that
806 operation day as a regular performance in addition to the
807 regular operating days authorized by law.

808 (7) In addition to the charity days authorized by this
809 section, any dogracing permitholder may allow its facility to be
810 used for conducting "hound dog derbies" or "mutt derbies" on any
811 day during each racing season by any charitable, civic, or
812 nonprofit organization for the purpose of conducting "hound dog
813 derbies" or "mutt derbies" if only dogs other than those usually
814 used in dogracing (greyhounds) are permitted to race and if
815 adults and minors are allowed to participate as dog owners or

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816 spectators. During these racing events, betting, gambling, and
817 the sale or use of alcoholic beverages is prohibited.

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

825 Section 12. Section 550.054, Florida Statutes, is amended
826 to read:

827 550.054 Application for permit to conduct pari-mutuel
828 wagering.—

829 (1) Any person who possesses the qualifications prescribed
830 in this chapter may apply to the department ~~division~~ for a
831 permit to conduct pari-mutuel operations under this chapter.
832 Applications for a pari-mutuel permit are exempt from the 90-day
833 licensing requirement of s. 120.60. Within 120 days after
834 receipt of a complete application, the department ~~division~~ shall
835 grant or deny the permit. A completed application that is not
836 acted upon within 120 days after receipt is deemed approved, and
837 the department ~~division~~ shall grant the permit.

838 (2) Upon each application filed and approved, a permit
839 shall be issued to the applicant setting forth the name of the
840 permitholder, the location of the pari-mutuel facility, the type
841 of pari-mutuel activity desired to be conducted, and a statement
842 showing qualifications of the applicant to conduct pari-mutuel
843 performances under this chapter; however, a permit is
844 ineffectual to authorize any pari-mutuel performances until

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845 approved by a majority of the electors participating in a
846 ratification election in the county in which the applicant
847 proposes to conduct pari-mutuel wagering activities. In
848 addition, an application may not be considered, nor may a permit
849 be issued by the department ~~division~~ or be voted upon in any
850 county, to conduct horseraces, harness horse races, or dograces
851 at a location within 100 miles of an existing pari-mutuel
852 facility, or for jai alai within 50 miles of an existing pari-
853 mutuel facility; this distance shall be measured on a straight
854 line from the nearest property line of one pari-mutuel facility
855 to the nearest property line of the other facility.

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

858 (a) The full name of the applicant.

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

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

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874 United States.

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

877 (e) Whether the pari-mutuel facility is owned or leased
878 and, if leased, the name and residence of the fee owner or, if a
879 corporation, the names and addresses of the directors and
880 stockholders thereof. However, this chapter does not prevent a
881 person from applying to the department ~~division~~ for a permit to
882 conduct pari-mutuel operations, regardless of whether the pari-
883 mutuel facility has been constructed or not, and having an
884 election held in any county at the same time that elections are
885 held for the ratification of any permit in that county.

886 (f) A statement of the assets and liabilities of the
887 applicant.

888 (g) The names and addresses of any mortgagee of any pari-
889 mutuel facility and any financial agreement between the parties.
890 The department ~~division~~ may require the names and addresses of
891 the officers and directors of the mortgagee, and of those
892 stockholders who hold more than 10 percent of the stock of the
893 mortgagee.

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

895 (i) For each individual listed in the application as an
896 owner, partner, officer, or director, a complete set of
897 fingerprints that has been taken by an authorized law
898 enforcement officer. These sets of fingerprints must be
899 submitted to the Federal Bureau of Investigation for processing.
900 Applicants who are foreign nationals shall submit such documents
901 as necessary to allow the department ~~division~~ to conduct
902 criminal history records checks in the applicant's home country.

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903 The applicant must pay the cost of processing. The department
904 ~~division~~ may charge a \$2 handling fee for each set of
905 fingerprint records.

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

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

909 (4) The department ~~division~~ shall require each applicant to
910 deposit with the board of county commissioners of the county in
911 which the election is to be held, a sufficient sum, in currency
912 or by check certified by a bank licensed to do business in the
913 state to pay the expenses of holding the election provided in s.
914 550.0651.

915 (5) Upon receiving an application and any amendments
916 properly made thereto, the department ~~division~~ shall further
917 investigate the matters contained in the application. If the
918 applicant meets all requirements, conditions, and qualifications
919 set forth in this chapter and the rules of the department
920 ~~division~~, the department ~~division~~ shall grant the permit.

921 (6) After initial approval of the permit and the source of
922 financing, the terms and parties of any subsequent refinancing
923 must be disclosed by the applicant or the permitholder to the
924 department ~~division~~.

925 (7) If the department ~~division~~ refuses to grant the permit,
926 the money deposited with the board of county commissioners for
927 holding the election must be refunded to the applicant. If the
928 department ~~division~~ grants the permit applied for, the board of
929 county commissioners shall order an election in the county to
930 decide whether the permit will be approved, as provided in s.
931 550.0651.

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

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

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

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

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

950 (9) (a) After a permit has been granted by the department
951 ~~division~~ and has been ratified and approved by the majority of
952 the electors participating in the election in the county
953 designated in the permit, the department ~~division~~ shall grant to
954 the lawful permitholder, subject to the conditions of this
955 chapter, a license to conduct pari-mutuel operations under this
956 chapter, and, except as provided in s. 550.5251, the department
957 ~~division~~ shall fix annually the time, place, and number of days
958 during which pari-mutuel operations may be conducted by the
959 permitholder at the location fixed in the permit and ratified in
960 the election. After the first license has been issued to the

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961 holder of a ratified permit for racing in any county, all
962 subsequent annual applications for a license by that
963 permitholder must be accompanied by proof, in such form as the
964 department ~~division~~ requires, that the ratified permitholder
965 still possesses all the qualifications prescribed by this
966 chapter and that the permit has not been recalled at a later
967 election held in the county.

968 (b) The department ~~division~~ may revoke or suspend any
969 permit or license issued under this chapter upon the willful
970 violation by the permitholder or licensee of any provision of
971 this chapter or of any rule adopted under this chapter. In lieu
972 of suspending or revoking a permit or license, the department
973 ~~division~~ may impose a civil penalty against the permitholder or
974 licensee for a violation of this chapter or any rule adopted by
975 the department ~~division~~. The penalty so imposed may not exceed
976 \$1,000 for each count or separate offense. All penalties imposed
977 and collected must be deposited with the Chief Financial Officer
978 to the credit of the General Revenue Fund.

979 (10) If a permitholder has failed to complete construction
980 of at least 50 percent of the facilities necessary to conduct
981 pari-mutuel operations within 12 months after approval by the
982 voters of the permit, the department ~~division~~ shall revoke the
983 permit upon adequate notice to the permitholder. However, the
984 department ~~division~~, upon good cause shown by the permitholder,
985 may grant one extension of up to 12 months.

986 (11) (a) A permit granted under this chapter may not be
987 transferred or assigned except upon written approval by the
988 department ~~division~~ pursuant to s. 550.1815, except that the
989 holder of any permit that has been converted to a jai alai

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990 permit may lease or build anywhere within the county in which
991 its permit is located.

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

998 (12) Changes in ownership or interest of a pari-mutuel
999 permit of 5 percent or more of the stock or other evidence of
1000 ownership or equity in the permitholder must ~~shall~~ be approved
1001 by the department ~~before division~~ ~~prior to~~ such change, unless
1002 the owner is an existing owner of that permit who was previously
1003 approved by the department ~~division~~. Changes in ownership or
1004 interest of a pari-mutuel permit of less than 5 percent must
1005 ~~shall~~ be reported to the department ~~division~~ within 20 days of
1006 the change. The department ~~division~~ may then conduct an
1007 investigation to ensure that the permit is properly updated to
1008 show the change in ownership or interest.

1009 (13) (a) Notwithstanding any provisions of this chapter, a
1010 ~~no~~ thoroughbred horse racing permit or license issued under this
1011 chapter may not ~~shall~~ be transferred, or reissued if ~~when~~ such
1012 reissuance is in the nature of a transfer so as to permit or
1013 authorize a licensee to change the location of a thoroughbred
1014 horse racetrack except upon proof in such form as the department
1015 ~~division~~ may prescribe that a referendum election has been held:

1016 1. If the proposed new location is within the same county
1017 as the already licensed location, in the county where the
1018 licensee desires to conduct the race meeting and that a majority

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1019 of the electors voting on that question in such election voted
1020 in favor of the transfer of such license.

1021 2. If the proposed new location is not within the same
1022 county as the already licensed location, in the county where the
1023 licensee desires to conduct the race meeting and in the county
1024 where the licensee is already licensed to conduct the race
1025 meeting and that a majority of the electors voting on that
1026 question in each such election voted in favor of the transfer of
1027 such license.

1028 (b) Each referendum held under ~~the provisions of this~~
1029 subsection shall be held in accordance with the electoral
1030 procedures for ratification of permits, as provided in s.
1031 550.0651. The expense of each such referendum shall be borne by
1032 the licensee requesting the transfer.

1033 (14) (a) Any holder of a permit to conduct jai alai may
1034 apply to the department ~~division~~ to convert such permit to a
1035 permit to conduct greyhound racing in lieu of jai alai if:

1036 1. Such permit is located in a county in which the
1037 department ~~division~~ has issued only two pari-mutuel permits
1038 pursuant to this section;

1039 2. Such permit was not previously converted from any other
1040 class of permit; and

1041 3. The holder of the permit has not conducted jai alai
1042 games during a period of 10 years immediately preceding his or
1043 her application for conversion under this subsection.

1044 (b) The department ~~division~~, upon application from the
1045 holder of a jai alai permit meeting all conditions of this
1046 section, shall convert the permit and shall issue to the
1047 permitholder a permit to conduct greyhound racing. A

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1048 permitholder of a permit converted under this section shall ~~be~~
1049 ~~required to~~ apply for and conduct a full schedule of live racing
1050 each fiscal year to be eligible for any tax credit provided by
1051 this chapter. The holder of a permit converted pursuant to this
1052 subsection or any holder of a permit to conduct greyhound racing
1053 located in a county in which it is the only permit issued
1054 pursuant to this section who operates at a leased facility
1055 pursuant to s. 550.475 may move the location for which the
1056 permit has been issued to another location within a 30-mile
1057 radius of the location fixed in the permit issued in that
1058 county, provided the move does not cross the county boundary and
1059 such location is approved under the zoning regulations of the
1060 county or municipality in which the permit is located, and upon
1061 such relocation may use the permit for the conduct of pari-
1062 mutuel wagering and the operation of a cardroom. The provisions
1063 of s. 550.6305(9)(d) and (f) ~~shall~~ apply to any permit converted
1064 under this subsection and ~~shall~~ continue to apply to any permit
1065 that ~~which~~ was previously included under and subject to such
1066 provisions before a conversion pursuant to this section
1067 occurred.

1068 Section 13. Subsection (2) of section 550.0555, Florida
1069 Statutes, is amended to read:

1070 550.0555 Greyhound dogracing permits; relocation within a
1071 county; conditions.—

1072 (2) Any holder of a valid outstanding permit for greyhound
1073 dogracing in a county in which there is only one dogracing
1074 permit issued, as well as any holder of a valid outstanding
1075 permit for jai alai in a county where only one jai alai permit
1076 is issued, is authorized, without the necessity of an additional

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1077 county referendum required under s. 550.0651, to move the
1078 location for which the permit has been issued to another
1079 location within a 30-mile radius of the location fixed in the
1080 permit issued in that county, provided that the move does not
1081 cross the county boundary, ~~that~~ such relocation is approved
1082 under the zoning regulations of the county or municipality in
1083 which the permit is to be located as a planned development use,
1084 consistent with the comprehensive plan, and ~~that~~ such move is
1085 approved by the department after it is determined at a
1086 proceeding pursuant to chapter 120 in the county affected that
1087 the move is necessary to ensure the revenue-producing capability
1088 of the permittee without deteriorating the revenue-producing
1089 capability of any other pari-mutuel permittee within 50 miles;
1090 the distance shall be measured on a straight line from the
1091 nearest property line of one racing plant or jai alai fronton to
1092 the nearest property line of the other.

1093 Section 14. Section 550.0651, Florida Statutes, is amended
1094 to read:

1095 550.0651 Elections for ratification of permits.—

1096 (1) The holder of any permit may have submitted to the
1097 electors of the county designated therein the question whether
1098 or not such permit will be ratified or rejected. Such questions
1099 shall be submitted to the electors for approval or rejection at
1100 a special election to be called for that purpose only. The board
1101 of county commissioners of the county designated, upon the
1102 presentation to such board at a regular or special meeting of a
1103 written application, accompanied by a certified copy of the
1104 permit granted by the department ~~division~~, and asking for an
1105 election in the county in which the application was made, shall

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1106 order a special election in the county for the particular
1107 purpose of deciding whether such permit shall be approved and
1108 license issued and race meetings permitted in such county by
1109 such permittee and shall cause the clerk of such board to give
1110 notice of the special election by publishing the same once each
1111 week for 2 consecutive weeks in one or more newspapers of
1112 general circulation in the county. Each permit covering each
1113 track must be voted upon separately and in separate elections,
1114 and an election may not be called more often than once every 2
1115 years for the ratification of any permit covering the same
1116 track.

1117 (2) All elections ordered under this chapter must be held
1118 within 90 days and not less than 21 days after the time of
1119 presenting such application to the board of county
1120 commissioners, and the inspectors of election shall be appointed
1121 and qualified as in cases of general elections, and they shall
1122 count the votes cast and make due returns of same to the board
1123 of county commissioners without delay. The board of county
1124 commissioners shall canvass the returns, declare the results,
1125 and cause the same to be recorded as provided in the general law
1126 concerning elections so far as applicable.

1127 (3) When a permit has been granted by the department
1128 ~~division~~ and no application to the board of county commissioners
1129 has been made by the permittee within 6 months after the
1130 granting of the permit, the permit becomes void. The department
1131 ~~division~~ shall cancel the permit without notice to the
1132 permitholder, and the board of county commissioners holding the
1133 deposit for the election shall refund the deposit to the
1134 permitholder upon being notified by the department ~~division~~ that

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1135 the permit has become void and has been canceled.

1136 (4) All electors duly registered and qualified to vote at
1137 the last preceding general election held in such county are
1138 qualified electors for such election, and in addition thereto
1139 the registration books for such county shall be opened on the
1140 10th day (if the 10th day is a Sunday or a holiday, then on the
1141 next day not a Sunday or holiday) after such election is ordered
1142 and called and must remain open for a period of 10 days for
1143 additional registrations of persons qualified for registration
1144 but not already registered. Electors for such special election
1145 have the same qualifications for and prerequisites to voting in
1146 elections as under the general election laws.

1147 (5) If at any such special election the majority of the
1148 electors voting on the question of ratification or rejection of
1149 any permit vote against such ratification, such permit is void.
1150 If a majority of the electors voting on the question of
1151 ratification or rejection of any permit vote for such
1152 ratification, such permit becomes effectual and the holder
1153 thereof may conduct racing upon complying with the other
1154 provisions of this chapter. The board of county commissioners
1155 shall immediately certify the results of the election to the
1156 department ~~division~~.

1157 Section 15. Subsections (1) and (4) of section 550.0745,
1158 Florida Statutes, are amended to read:

1159 550.0745 Conversion of pari-mutuel permit to summer jai
1160 alai permit.—

1161 (1) The owner or operator of a pari-mutuel permit who is
1162 authorized by the department ~~division~~ to conduct pari-mutuel
1163 pools on exhibition sports in any county having five or more

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1164 such pari-mutuel permits and whose mutuel play from the
1165 operation of such pari-mutuel pools for the 2 consecutive years
1166 next prior to filing an application under this section has had
1167 the smallest play or total pool within the county may apply to
1168 the department ~~division~~ to convert its permit to a permit to
1169 conduct a summer jai alai fronton in such county during the
1170 summer season commencing on May 1 and ending on November 30 of
1171 each year on such dates as may be selected by such permittee for
1172 the same number of days and performances as are allowed and
1173 granted to winter jai alai frontons within such county. If a
1174 permittee who is eligible under this section to convert a permit
1175 declines to convert, a new permit is hereby made available in
1176 that permittee's county to conduct summer jai alai games as
1177 provided by this section, notwithstanding mileage and permit
1178 ratification requirements. If a permittee converts a quarter
1179 horse permit pursuant to this section, nothing in this section
1180 prohibits the permittee from obtaining another quarter horse
1181 permit. Such permittee shall pay the same taxes as are fixed and
1182 required to be paid from the pari-mutuel pools of winter jai
1183 alai permittees and is bound by all of the rules and provisions
1184 of this chapter which apply to the operation of winter jai alai
1185 frontons. Such permittee shall only be permitted to operate a
1186 jai alai fronton after its application has been submitted to the
1187 department ~~division~~ and its license has been issued pursuant to
1188 the application. The license is renewable from year to year as
1189 provided by law.

1190 (4) The provisions of this chapter which prohibit the
1191 location and operation of jai alai frontons within a specified
1192 distance from the location of another jai alai fronton or other

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1193 permittee and which prohibit the department ~~division~~ from
1194 granting any permit at a location within a certain designated
1195 area do not apply to the provisions of this section and do not
1196 prevent the issuance of a license under this section.

1197 Section 16. Section 550.0951, Florida Statutes, is amended
1198 to read:

1199 550.0951 Payment of daily license fee and taxes;
1200 penalties.—

1201 (1) (a) DAILY LICENSE FEE.—Each person engaged in the
1202 business of conducting race meetings or jai alai games under
1203 this chapter, hereinafter referred to as the "permitholder,"
1204 "licensee," or "permittee," shall pay to the department
1205 ~~division~~, for the use of the department ~~division~~, a daily
1206 license fee on each live or simulcast pari-mutuel event of \$100
1207 for each horserace and \$80 for each dograce and \$40 for each jai
1208 alai game conducted at a racetrack or fronton licensed under
1209 this chapter. In addition to the tax exemption specified in s.
1210 550.09514(1) of \$360,000 or \$500,000 per greyhound permitholder
1211 per state fiscal year, each greyhound permitholder shall receive
1212 in the current state fiscal year a tax credit equal to the
1213 number of live greyhound races conducted in the previous state
1214 fiscal year times the daily license fee specified for each
1215 dograce in this subsection applicable for the previous state
1216 fiscal year. This tax credit and the exemption in s.
1217 550.09514(1) shall be applicable to any tax imposed by this
1218 chapter or the daily license fees imposed by this chapter except
1219 during any charity or scholarship performances conducted
1220 pursuant to s. 550.0351. Each permitholder shall pay daily
1221 license fees not to exceed \$500 per day on any simulcast races

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1222 or games on which such permitholder accepts wagers regardless of
1223 the number of out-of-state events taken or the number of out-of-
1224 state locations from which such events are taken. This license
1225 fee shall be deposited with the Chief Financial Officer to the
1226 credit of the Pari-mutuel Wagering Trust Fund.

1227 (b) Each permitholder that cannot utilize the full amount
1228 of the exemption of \$360,000 or \$500,000 provided in s.
1229 550.09514(1) or the daily license fee credit provided in this
1230 section may, after notifying the department ~~division~~ in writing,
1231 elect once per state fiscal year on a form provided by the
1232 department ~~division~~ to transfer such exemption or credit or any
1233 portion thereof to any greyhound permitholder that ~~which~~ acts as
1234 a host track to such permitholder for the purpose of intertrack
1235 wagering. Once an election to transfer such exemption or credit
1236 is filed with the department ~~division~~, it may ~~shall~~ not be
1237 rescinded. The department ~~division~~ shall disapprove the transfer
1238 when the amount of the exemption or credit or portion thereof is
1239 unavailable to the transferring permitholder or when the
1240 permitholder who is entitled to transfer the exemption or credit
1241 or who is entitled to receive the exemption or credit owes taxes
1242 to the state pursuant to a deficiency letter or administrative
1243 complaint issued by the department ~~division~~. Upon approval of
1244 the transfer by the department ~~division~~, the transferred tax
1245 exemption or credit shall be effective for the first performance
1246 of the next payment period as specified in subsection (5). The
1247 exemption or credit transferred to such host track may be
1248 applied by such host track against any taxes imposed by this
1249 chapter or daily license fees imposed by this chapter. The
1250 greyhound permitholder host track to which such exemption or

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1251 credit is transferred shall reimburse such permitholder the
 1252 exact monetary value of such transferred exemption or credit as
 1253 actually applied against the taxes and daily license fees of the
 1254 host track. The department ~~division~~ shall ensure that all
 1255 transfers of exemption or credit are made in accordance with
 1256 this subsection, and the department may ~~shall have the authority~~
 1257 ~~to~~ adopt rules to ensure the implementation of this section.

1258 (2) ADMISSION TAX.—

1259 (a) An admission tax equal to 15 percent of the admission
 1260 charge for entrance to the permitholder's facility and
 1261 grandstand area, or 10 cents, whichever is greater, is imposed
 1262 on each person attending a horserace, dograce, or jai alai game.
 1263 The permitholder shall be responsible for collecting the
 1264 admission tax.

1265 (b) No admission tax under this chapter or chapter 212
 1266 shall be imposed on any free passes or complimentary cards
 1267 issued to persons for which there is no cost to the person for
 1268 admission to pari-mutuel events.

1269 (c) A permitholder may issue tax-free passes to its
 1270 officers, officials, and employees or other persons actually
 1271 engaged in working at the racetrack, including accredited press
 1272 representatives such as reporters and editors, and may also
 1273 issue tax-free passes to other permitholders for the use of
 1274 their officers and officials. The permitholder shall file with
 1275 the department ~~division~~ a list of all persons to whom tax-free
 1276 passes are issued under this paragraph.

1277 (3) TAX ON HANDLE.—Each permitholder shall pay a tax on
 1278 contributions to pari-mutuel pools, the aggregate of which is
 1279 hereinafter referred to as "handle," on races or games conducted

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1280 by the permitholder. The tax is imposed daily and is based on
1281 the total contributions to all pari-mutuel pools conducted
1282 during the daily performance. If a permitholder conducts more
1283 than one performance daily, the tax is imposed on each
1284 performance separately.

1285 (a) The tax on handle for quarter horse racing is 1.0
1286 percent of the handle.

1287 (b)1. The tax on handle for dogracing is 5.5 percent of the
1288 handle, except that for live charity performances held pursuant
1289 to s. 550.0351, and for intertrack wagering on such charity
1290 performances at a guest greyhound track within the market area
1291 of the host, the tax is 7.6 percent of the handle.

1292 2. The tax on handle for jai alai is 7.1 percent of the
1293 handle.

1294 (c)1. The tax on handle for intertrack wagering is 2.0
1295 percent of the handle if the host track is a horse track, 3.3
1296 percent if the host track is a harness track, 5.5 percent if the
1297 host track is a dog track, and 7.1 percent if the host track is
1298 a jai alai fronton. The tax on handle for intertrack wagering is
1299 0.5 percent if the host track and the guest track are
1300 thoroughbred permitholders or if the guest track is located
1301 outside the market area of the host track and within the market
1302 area of a thoroughbred permitholder currently conducting a live
1303 race meet. The tax on handle for intertrack wagering on
1304 rebroadcasts of simulcast thoroughbred horseraces is 2.4 percent
1305 of the handle and 1.5 percent of the handle for intertrack
1306 wagering on rebroadcasts of simulcast harness horseraces. The
1307 tax shall be deposited into the Pari-mutuel Wagering Trust Fund.

1308 2. The tax on handle for intertrack wagers accepted by any

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1309 dog track located in an area of the state in which there are
1310 only three permitholders, all of which are greyhound
1311 permitholders, located in three contiguous counties, from any
1312 greyhound permitholder also located within such area or any dog
1313 track or jai alai fronton located as specified in s. 550.615(6)
1314 or (9), on races or games received from the same class of
1315 permitholder located within the same market area is 3.9 percent
1316 if the host facility is a greyhound permitholder and, if the
1317 host facility is a jai alai permitholder, the rate shall be 6.1
1318 percent except that it shall be 2.3 percent on handle at such
1319 time as the total tax on intertrack handle paid to the
1320 department ~~division~~ by the permitholder during the current state
1321 fiscal year exceeds the total tax on intertrack handle paid to
1322 the department ~~division~~ by the permitholder during the 1992-1993
1323 state fiscal year.

1324 (d) Notwithstanding any other provision of this chapter, in
1325 order to protect the Florida jai alai industry, ~~effective July~~
1326 ~~1, 2000,~~ a jai alai permitholder may not be taxed on live handle
1327 at a rate higher than 2 percent.

1328 (4) BREAKS TAX. ~~Effective October 1, 1996,~~ Each
1329 permitholder conducting jai alai performances shall pay a tax
1330 equal to the breaks. The "breaks" represents that portion of
1331 each pari-mutuel pool which is not redistributed to the
1332 contributors or withheld by the permitholder as commission.

1333 (5) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments
1334 imposed by this section shall be paid to the department
1335 ~~division~~. The department ~~division~~ shall deposit these sums with
1336 the Chief Financial Officer, to the credit of the Pari-mutuel
1337 Wagering Trust Fund, hereby established. The permitholder shall

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1338 remit to the department ~~division~~ payment for the daily license
1339 fee, the admission tax, the tax on handle, and the breaks tax.
1340 Such payments shall be remitted by 3 p.m. Wednesday of each week
1341 for taxes imposed and collected for the preceding week ending on
1342 Sunday. Beginning on July 1, 2012, such payments shall be
1343 remitted by 3 p.m. on the 5th day of each calendar month for
1344 taxes imposed and collected for the preceding calendar month. If
1345 the 5th day of the calendar month falls on a weekend, payments
1346 shall be remitted by 3 p.m. the first Monday following the
1347 weekend. Permitholders shall file a report under oath by the 5th
1348 day of each calendar month for all taxes remitted during the
1349 preceding calendar month. Such payments shall be accompanied by
1350 a report under oath showing the total of all admissions, the
1351 pari-mutuel wagering activities for the preceding calendar
1352 month, and such other information as may be prescribed by the
1353 department ~~division~~.

1354 (6) PENALTIES.—

1355 (a) The failure of any permitholder to make payments as
1356 prescribed in subsection (5) is a violation of this section, and
1357 the permitholder may be subjected by the department ~~division~~ to
1358 a civil penalty of up to \$1,000 for each day the tax payment is
1359 not remitted. All penalties imposed and collected shall be
1360 deposited in the General Revenue Fund. If a permitholder fails
1361 to pay penalties imposed by order of the department ~~division~~
1362 under this subsection, the department ~~division~~ may suspend or
1363 revoke the license of the permitholder, cancel the permit of the
1364 permitholder, or deny issuance of any further license or permit
1365 to the permitholder.

1366 (b) In addition to the civil penalty prescribed in

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1367 paragraph (a), any willful or wanton failure by any permitholder
1368 to make payments of the daily license fee, admission tax, tax on
1369 handle, or breaks tax constitutes sufficient grounds for the
1370 department ~~division~~ to suspend or revoke the license of the
1371 permitholder, to cancel the permit of the permitholder, or to
1372 deny issuance of any further license or permit to the
1373 permitholder.

1374 Section 17. Subsections (2) and (3) of section 550.09511,
1375 Florida Statutes, are amended to read:

1376 550.09511 Jai alai taxes; abandoned interest in a permit
1377 for nonpayment of taxes.—

1378 (2) Notwithstanding the provisions of s. 550.0951(3)(b),
1379 wagering on live jai alai performances shall be subject to the
1380 following taxes:

1381 (a)1. The tax on handle per performance for live jai alai
1382 performances is 4.25 percent of handle per performance. However,
1383 when the live handle of a permitholder during the preceding
1384 state fiscal year was less than \$15 million, the tax shall be
1385 paid on the handle in excess of \$30,000 per performance per day.

1386 2. The tax rate shall be applicable only until the
1387 requirements of paragraph (b) are met.

1388 (b) At such time as the total of admissions tax, daily
1389 license fee, and tax on handle for live jai alai performances
1390 paid to the department ~~division~~ by a permitholder during the
1391 current state fiscal year exceeds the total state tax revenues
1392 from wagering on live jai alai performances paid or due by the
1393 permitholder in fiscal year 1991-1992, the permitholder shall
1394 pay tax on handle for live jai alai performances at a rate of
1395 2.55 percent of the handle per performance for the remainder of

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1396 the current state fiscal year. For purposes of this section,
1397 total state tax revenues on live jai alai wagering in fiscal
1398 year 1991-1992 shall include any admissions tax, tax on handle,
1399 surtaxes on handle, and daily license fees.

1400 (c) If no tax on handle for live jai alai performances were
1401 paid to the department ~~division~~ by a jai alai permitholder
1402 during the 1991-1992 state fiscal year, then at such time as the
1403 total of admissions tax, daily license fee, and tax on handle
1404 for live jai alai performances paid to the department ~~division~~
1405 by a permitholder during the current state fiscal year exceeds
1406 the total state tax revenues from wagering on live jai alai
1407 performances paid or due by the permitholder in the last state
1408 fiscal year in which the permitholder conducted a full schedule
1409 of live games, the permitholder shall pay tax on handle for live
1410 jai alai performances at a rate of 3.3 percent of the handle per
1411 performance for the remainder of the current state fiscal year.
1412 For purposes of this section, total state tax revenues on live
1413 jai alai wagering shall include any admissions tax, tax on
1414 handle, surtaxes on handle, and daily license fees. ~~This~~
1415 ~~paragraph shall take effect July 1, 1993.~~

1416 (d) A permitholder who obtains a new permit issued by the
1417 department ~~division~~ subsequent to the 1991-1992 state fiscal
1418 year and a permitholder whose permit has been converted to a jai
1419 alai permit under the provisions of this chapter, shall, at such
1420 time as the total of admissions tax, daily license fee, and tax
1421 on handle for live jai alai performances paid to the department
1422 ~~division~~ by the permitholder during the current state fiscal
1423 year exceeds the average total state tax revenues from wagering
1424 on live jai alai performances for the first 3 consecutive jai

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1425 alai seasons paid to or due the department ~~division~~ by the
1426 permitholder and during which the permitholder conducted a full
1427 schedule of live games, pay tax on handle for live jai alai
1428 performances at a rate of 3.3 percent of the handle per
1429 performance for the remainder of the current state fiscal year.

1430 (e) The payment of taxes pursuant to paragraphs (b), (c),
1431 and (d) shall be calculated and commence beginning the day in
1432 which the permitholder is first entitled to the reduced rate
1433 specified in this section and the report of taxes required by s.
1434 550.0951(5) is submitted to the department ~~division~~.

1435 (f) A jai alai permitholder paying taxes under this section
1436 shall retain the breaks and pay an amount equal to the breaks as
1437 special prize awards, which shall be in addition to the regular
1438 contracted prize money paid to jai alai players at the
1439 permitholder's facility. Payment of the special prize money
1440 shall be made during the permitholder's current meet.

1441 (g) For purposes of this section, "handle" has ~~shall have~~
1442 the same meaning as in s. 550.0951, and does ~~shall~~ not include
1443 handle from intertrack wagering.

1444 (3) (a) Notwithstanding the provisions of subsection (2) and
1445 s. 550.0951(3)(c)1., any jai alai permitholder that ~~which~~ is
1446 restricted under Florida law from operating live performances on
1447 a year-round basis is entitled to conduct wagering on live
1448 performances at a tax rate of 3.85 percent of live handle. Such
1449 permitholder is also entitled to conduct intertrack wagering as
1450 a host permitholder on live jai alai games at its fronton at a
1451 tax rate of 3.3 percent of handle at such time as the total tax
1452 on intertrack handle paid to the department ~~division~~ by the
1453 permitholder during the current state fiscal year exceeds the

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1454 total tax on intertrack handle paid to the department ~~division~~
1455 by the permitholder during the 1992-1993 state fiscal year.

1456 (b) The payment of taxes pursuant to paragraph (a) shall be
1457 calculated and commence beginning the day in which the
1458 permitholder is first entitled to the reduced rate specified in
1459 this subsection.

1460 Section 18. Section 550.09512, Florida Statutes, is amended
1461 to read:

1462 550.09512 Harness horse taxes; abandoned interest in a
1463 permit for nonpayment of taxes.-

1464 (1) Pari-mutuel wagering at harness horse racetracks in
1465 this state is an important business enterprise, and taxes
1466 derived therefrom constitute a part of the tax structure which
1467 funds operation of the state. Harness horse permitholders should
1468 pay their fair share of these taxes to the state. This business
1469 interest should not be taxed to such an extent as to cause any
1470 racetrack that ~~which~~ is operated under sound business principles
1471 to be forced out of business. Due to the need to protect the
1472 public health, safety, and welfare, the gaming laws of the state
1473 provide for the harness horse industry to be highly regulated
1474 and taxed. The state recognizes that there exist identifiable
1475 differences between harness horse permitholders based upon their
1476 ability to operate under such regulation and tax system.

1477 (2) (a) The tax on handle for live harness horse
1478 performances is 0.5 percent of handle per performance.

1479 (b) For purposes of this section, the term "handle" has
1480 ~~shall have~~ the same meaning as in s. 550.0951, and does ~~shall~~
1481 not include handle from intertrack wagering.

1482 (3) (a) The permit of a harness horse permitholder who does

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1483 not pay tax on handle for live harness horse performances for a
1484 full schedule of live races during any 2 consecutive state
1485 fiscal years shall be void and shall escheat to and become the
1486 property of the state unless such failure to operate and pay tax
1487 on handle was the direct result of fire, strike, war, or other
1488 disaster or event beyond the ability of the permitholder to
1489 control. Financial hardship to the permitholder does ~~shall~~ not,
1490 in and of itself, constitute just cause for failure to operate
1491 and pay tax on handle.

1492 (b) In order to maximize the tax revenues to the state, the
1493 department ~~division~~ shall reissue an escheated harness horse
1494 permit to a qualified applicant pursuant to the provisions of
1495 this chapter as for the issuance of an initial permit. However,
1496 the provisions of this chapter relating to referendum
1497 requirements for a pari-mutuel permit do ~~shall~~ not apply to the
1498 reissuance of an escheated harness horse permit. As specified in
1499 the application and upon approval by the department ~~division~~ of
1500 an application for the permit, the new permitholder is ~~shall be~~
1501 authorized to operate a harness horse facility anywhere in the
1502 same county in which the escheated permit was authorized to be
1503 operated, notwithstanding the provisions of s. 550.054(2)
1504 relating to mileage limitations.

1505 (4) If ~~In the event that~~ a court of competent jurisdiction
1506 determines any of the provisions of this section to be
1507 unconstitutional, it is the intent of the Legislature that the
1508 provisions contained in this section shall be ~~null and~~ void and
1509 that the provisions of s. 550.0951 ~~shall~~ apply to all harness
1510 horse permitholders beginning on the date of such judicial
1511 determination. To this end, the Legislature declares that it

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1512 would not have enacted any of the provisions of this section
1513 individually and, to that end, expressly finds them not to be
1514 severable.

1515 Section 19. Subsection (2) of section 550.09514, Florida
1516 Statutes, is amended to read:

1517 550.09514 Greyhound dogracing taxes; purse requirements.—

1518 (2) (a) The department ~~division~~ shall determine for each
1519 greyhound permitholder the annual purse percentage rate of live
1520 handle for the state fiscal year 1993-1994 by dividing total
1521 purses paid on live handle by the permitholder, exclusive of
1522 payments made from outside sources, during the 1993-1994 state
1523 fiscal year by the permitholder's live handle for the 1993-1994
1524 state fiscal year. Each permitholder shall pay as purses for
1525 live races conducted during its current race meet a percentage
1526 of its live handle not less than the percentage determined under
1527 this paragraph, exclusive of payments made by outside sources,
1528 for its 1993-1994 state fiscal year.

1529 (b) Except as otherwise set forth herein, in addition to
1530 the minimum purse percentage required by paragraph (a), each
1531 permitholder shall pay as purses an annual amount equal to 75
1532 percent of the daily license fees paid by each permitholder for
1533 the 1994-1995 fiscal year. This purse supplement shall be
1534 disbursed weekly during the permitholder's race meet in an
1535 amount determined by dividing the annual purse supplement by the
1536 number of performances approved for the permitholder pursuant to
1537 its annual license and multiplying that amount by the number of
1538 performances conducted each week. For the greyhound
1539 permitholders in the county where there are two greyhound
1540 permitholders located as specified in s. 550.615(6), such

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1541 permitholders shall pay in the aggregate an amount equal to 75
1542 percent of the daily license fees paid by such permitholders for
1543 the 1994-1995 fiscal year. These permitholders shall be jointly
1544 and severally liable for such purse payments. The additional
1545 purses provided by this paragraph must be used exclusively for
1546 purses other than stakes. The department ~~division~~ shall conduct
1547 audits necessary to ensure compliance with this section.

1548 (c)1. Each greyhound permitholder when conducting at least
1549 three live performances during any week shall pay purses in that
1550 week on wagers it accepts as a guest track on intertrack and
1551 simulcast greyhound races at the same rate as it pays on live
1552 races. Each greyhound permitholder when conducting at least
1553 three live performances during any week shall pay purses in that
1554 week, at the same rate as it pays on live races, on wagers
1555 accepted on greyhound races at a guest track that ~~which~~ is not
1556 conducting live racing and is located within the same market
1557 area as the greyhound permitholder conducting at least three
1558 live performances during any week.

1559 2. Each host greyhound permitholder shall pay purses on its
1560 simulcast and intertrack broadcasts of greyhound races to guest
1561 facilities that are located outside its market area in an amount
1562 equal to one quarter of an amount determined by subtracting the
1563 transmission costs of sending the simulcast or intertrack
1564 broadcasts from an amount determined by adding the fees received
1565 for greyhound simulcast races plus 3 percent of the greyhound
1566 intertrack handle at guest facilities that are located outside
1567 the market area of the host and that paid contractual fees to
1568 the host for such broadcasts of greyhound races.

1569 (d) The department ~~division~~ shall require sufficient

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1570 documentation from each greyhound permitholder regarding purses
1571 paid on live racing to assure that the annual purse percentage
1572 rates paid by each permitholder on the live races are not
1573 reduced below those paid during the 1993-1994 state fiscal year.
1574 The department ~~division~~ shall require sufficient documentation
1575 from each greyhound permitholder to assure that the purses paid
1576 by each permitholder on the greyhound intertrack and simulcast
1577 broadcasts are in compliance with the requirements of paragraph
1578 (c).

1579 (e) In addition to the purse requirements of paragraphs
1580 (a)-(c), each greyhound permitholder shall pay as purses an
1581 amount equal to one-third of the amount of the tax reduction on
1582 live and simulcast handle applicable to such permitholder as a
1583 result of the reductions in tax rates on handle made by chapter
1584 2000-354, Laws of Florida, in ~~provided by this act through the~~
1585 ~~amendments to~~ s. 550.0951(3). With respect to intertrack
1586 wagering if ~~when~~ the host and guest tracks are greyhound
1587 permitholders not within the same market area, an amount equal
1588 to the tax reduction applicable to the guest track handle as a
1589 result of the reduction in tax rate on handle made by chapter
1590 2000-354, Laws of Florida, in ~~provided by this act through the~~
1591 ~~amendment to~~ s. 550.0951(3) shall be distributed to the guest
1592 track, one-third of which amount shall be paid as purses at the
1593 guest track. However, if the guest track is a greyhound
1594 permitholder within the market area of the host or if the guest
1595 track is not a greyhound permitholder, an amount equal to such
1596 tax reduction applicable to the guest track handle shall be
1597 retained by the host track, one-third of which amount shall be
1598 paid as purses at the host track. These purse funds shall be

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1599 disbursed in the week received if the permitholder conducts at
1600 least one live performance during that week. If the permitholder
1601 does not conduct at least one live performance during the week
1602 in which the purse funds are received, the purse funds shall be
1603 disbursed weekly during the permitholder's next race meet in an
1604 amount determined by dividing the purse amount by the number of
1605 performances approved for the permitholder pursuant to its
1606 annual license, and multiplying that amount by the number of
1607 performances conducted each week. The department ~~division~~ shall
1608 conduct audits necessary to ensure compliance with this
1609 paragraph.

1610 (f) Each greyhound permitholder shall, during the
1611 permitholder's race meet, supply kennel operators and the
1612 department ~~Division of Pari-Mutuel Wagering~~ with a weekly report
1613 showing purses paid on live greyhound races and all greyhound
1614 intertrack and simulcast broadcasts, including both as a guest
1615 and a host together with the handle or commission calculations
1616 on which such purses were paid and the transmission costs of
1617 sending the simulcast or intertrack broadcasts, so that the
1618 kennel operators may determine statutory and contractual
1619 compliance.

1620 (g) Each greyhound permitholder shall make direct payment
1621 of purses to the greyhound owners who have filed with such
1622 permitholder appropriate federal taxpayer identification
1623 information based on the percentage amount agreed upon between
1624 the kennel operator and the greyhound owner.

1625 (h) At the request of a majority of kennel operators under
1626 contract with a greyhound permitholder, the permitholder shall
1627 make deductions from purses paid to each kennel operator

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1628 electing such deduction and shall make a direct payment of such
1629 deductions to the local association of greyhound kennel
1630 operators formed by a majority of kennel operators under
1631 contract with the permitholder. The amount of the deduction
1632 shall be at least 1 percent of purses, as determined by the
1633 local association of greyhound kennel operators. No deductions
1634 may be taken pursuant to this paragraph without a kennel
1635 operator's specific approval ~~before or after the effective date~~
1636 ~~of this act.~~

1637 Section 20. Subsection (3) of section 550.09515, Florida
1638 Statutes, is amended to read:

1639 550.09515 Thoroughbred horse taxes; abandoned interest in a
1640 permit for nonpayment of taxes.—

1641 (3) (a) The permit of a thoroughbred horse permitholder who
1642 does not pay tax on handle for live thoroughbred horse
1643 performances for a full schedule of live races during any 2
1644 consecutive state fiscal years shall be void and shall escheat
1645 to and become the property of the state unless such failure to
1646 operate and pay tax on handle was the direct result of fire,
1647 strike, war, or other disaster or event beyond the ability of
1648 the permitholder to control. Financial hardship to the
1649 permitholder does ~~shall~~ not, in and of itself, constitute just
1650 cause for failure to operate and pay tax on handle.

1651 (b) In order to maximize the tax revenues to the state, the
1652 department ~~division~~ shall reissue an escheated thoroughbred
1653 horse permit to a qualified applicant pursuant to the provisions
1654 of this chapter as for the issuance of an initial permit.
1655 However, the provisions of this chapter relating to referendum
1656 requirements for a pari-mutuel permit do ~~shall~~ not apply to the

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1657 reissuance of an escheated thoroughbred horse permit. As
1658 specified in the application and upon approval by the department
1659 ~~division~~ of an application for the permit, the new permitholder
1660 shall be authorized to operate a thoroughbred horse facility
1661 anywhere in the same county in which the escheated permit was
1662 authorized to be operated, notwithstanding the provisions of s.
1663 550.054(2) relating to mileage limitations.

1664 Section 21. Section 550.105, Florida Statutes, is amended
1665 to read:

1666 550.105 Occupational licenses of racetrack employees; fees;
1667 denial, suspension, and revocation of license; penalties and
1668 fines.—

1669 (1) Each person connected with a racetrack or jai alai
1670 fronton, as specified in paragraph (2)(a), shall purchase from
1671 the department ~~division~~ an occupational license. All moneys
1672 collected pursuant to this section each fiscal year shall be
1673 deposited into the Pari-mutuel Wagering Trust Fund. Pursuant to
1674 the rules adopted by the department ~~division~~, an occupational
1675 license may be valid for a period of up to 3 years for a fee
1676 that does not exceed the full occupational license fee for each
1677 of the years for which the license is purchased. The
1678 occupational license shall be valid during its specified term at
1679 any pari-mutuel facility.

1680 (2)(a) The following licenses shall be issued to persons or
1681 entities with access to the backside, racing animals, jai alai
1682 players' room, jockeys' room, drivers' room, totalisator room,
1683 the mutuels, or money room, or to persons who, by virtue of the
1684 position they hold, might be granted access to these areas or to
1685 any other person or entity in one of the following categories

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1686 and with fees not to exceed the following amounts for any 12-
1687 month period:

1688 1. Business licenses: any business such as a vendor,
1689 contractual concessionaire, contract kennel, business owning
1690 racing animals, trust or estate, totalisator company, stable
1691 name, or other fictitious name: \$50.

1692 2. Professional occupational licenses: professional persons
1693 with access to the backside of a racetrack or players' quarters
1694 in jai alai such as trainers, officials, veterinarians, doctors,
1695 nurses, emergency medical technicians ~~EMT's~~, jockeys and
1696 apprentices, drivers, jai alai players, owners, trustees, or any
1697 management or officer or director or shareholder or any other
1698 professional-level person who might have access to the jockeys'
1699 room, the drivers' room, the backside, racing animals, kennel
1700 compound, or managers or supervisors requiring access to mutuels
1701 machines, the money room, or totalisator equipment: \$40.

1702 3. General occupational licenses: general employees with
1703 access to the jockeys' room, the drivers' room, racing animals,
1704 the backside of a racetrack or players' quarters in jai alai,
1705 such as grooms, kennel helpers, leadouts, pelota makers, cesta
1706 makers, or ball boys, or a practitioner of any other occupation
1707 who would have access to the animals, the backside, or the
1708 kennel compound, or who would provide the security or
1709 maintenance of these areas, or mutuel employees, totalisator
1710 employees, money-room employees, or any employee with access to
1711 mutuels machines, the money room, or totalisator equipment or
1712 who would provide the security or maintenance of these areas:
1713 \$10.

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1715 The individuals and entities that are licensed under this
1716 paragraph require heightened state scrutiny, including the
1717 submission by the individual licensees or persons associated
1718 with the entities described in this chapter of fingerprints for
1719 a Federal Bureau of Investigation criminal records check.

1720 (b) The department ~~division~~ shall adopt rules pertaining to
1721 pari-mutuel occupational licenses, licensing periods, and
1722 renewal cycles.

1723 (3) Certified public accountants and attorneys licensed to
1724 practice in this state are ~~shall~~ not be required to hold an
1725 occupational license under this section while providing
1726 accounting or legal services to a permitholder if the certified
1727 public accountant's or attorney's primary place of employment is
1728 not on the permitholder premises.

1729 (4) It is unlawful to take part in or officiate in any way
1730 at any pari-mutuel facility without first having secured a
1731 license and paid the occupational license fee.

1732 (5) (a) The department ~~division~~ may:

1733 1. Deny a license to or revoke, suspend, or place
1734 conditions upon or restrictions on a license of any person who
1735 has been refused a license by any other state racing commission
1736 or racing authority;

1737 2. Deny, suspend, or place conditions on a license of any
1738 person who is under suspension or has unpaid fines in another
1739 jurisdiction;

1740
1741 if the state racing commission or racing authority of such other
1742 state or jurisdiction extends to the department ~~division~~
1743 reciprocal courtesy to maintain the disciplinary control.

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1744 (b) The department ~~division~~ may deny, suspend, revoke, or
1745 declare ineligible any occupational license if the applicant for
1746 or holder thereof has violated the provisions of this chapter or
1747 the rules of the department ~~division~~ governing the conduct of
1748 persons connected with racetracks and frontons. In addition, the
1749 department ~~division~~ may deny, suspend, revoke, or declare
1750 ineligible any occupational license if the applicant for such
1751 license has been convicted in this state, in any other state, or
1752 under the laws of the United States of a capital felony, a
1753 felony, or an offense in any other state which would be a felony
1754 under the laws of this state involving arson; trafficking in,
1755 conspiracy to traffic in, smuggling, importing, conspiracy to
1756 smuggle or import, or delivery, sale, or distribution of a
1757 controlled substance; or a crime involving a lack of good moral
1758 character, or has had a pari-mutuel license revoked by this
1759 state or any other jurisdiction for an offense related to pari-
1760 mutuel wagering.

1761 (c) The department ~~division~~ may deny, declare ineligible,
1762 or revoke any occupational license if the applicant for such
1763 license has been convicted of a felony or misdemeanor in this
1764 state, in any other state, or under the laws of the United
1765 States, if such felony or misdemeanor is related to gambling or
1766 bookmaking, as contemplated in s. 849.25, or involves cruelty to
1767 animals. If the applicant establishes that she or he is of good
1768 moral character, that she or he has been rehabilitated, and that
1769 the crime she or he was convicted of is not related to pari-
1770 mutuel wagering and is not a capital offense, the restrictions
1771 excluding offenders may be waived by the executive director of
1772 the department ~~division~~.

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1773 (d) For purposes of this subsection, the term "convicted"
1774 means having been found guilty, with or without adjudication of
1775 guilt, as a result of a jury verdict, nonjury trial, or entry of
1776 a plea of guilty or nolo contendere. However, the term
1777 "conviction" may ~~shall~~ not be applied to a crime committed prior
1778 to the effective date of this subsection in a manner that would
1779 invalidate any occupational license issued prior to the
1780 effective date of this subsection or subsequent renewal for any
1781 person holding such a license.

1782 (e) If an occupational license will expire by department
1783 ~~division~~ rule during the period of a suspension the department
1784 ~~division~~ intends to impose, or if a license would have expired
1785 but for pending administrative charges and the occupational
1786 licensee is found to be in violation of any of the charges, the
1787 license may be revoked and a time period of license
1788 ineligibility may be declared. The department ~~division~~ may bring
1789 administrative charges against any person not holding a current
1790 license for violations of statutes or rules which occurred while
1791 such person held an occupational license, and the department
1792 ~~division~~ may declare such person ineligible to hold a license
1793 for a period of time. The department ~~division~~ may impose a civil
1794 fine of up to \$1,000 for each violation of the rules of the
1795 department ~~division~~ in addition to or in lieu of any other
1796 penalty provided for in this section. In addition to any other
1797 penalty provided by law, the department ~~division~~ may exclude
1798 from all pari-mutuel facilities in this state, for a period not
1799 to exceed the period of suspension, revocation, or
1800 ineligibility, any person whose occupational license application
1801 has been denied by the department ~~division~~, who has been

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1802 declared ineligible to hold an occupational license, or whose
1803 occupational license has been suspended or revoked by the
1804 department ~~division~~.

1805 (f) The department ~~division~~ may cancel any occupational
1806 license that has been voluntarily relinquished by the licensee.

1807 (6) In order to promote the orderly presentation of pari-
1808 mutuel meets authorized in this chapter, the department ~~division~~
1809 may issue a temporary occupational license. The department
1810 ~~division~~ shall adopt rules to implement this subsection.

1811 However, no temporary occupational license shall be valid for
1812 more than 90 days, and no more than one temporary license may be
1813 issued for any person in any year.

1814 (7) The department ~~division~~ may deny, revoke, or suspend
1815 any occupational license if the applicant therefor or holder
1816 thereof accumulates unpaid obligations or defaults in
1817 obligations, or issues drafts or checks that are dishonored or
1818 for which payment is refused without reasonable cause, if such
1819 unpaid obligations, defaults, or dishonored or refused drafts or
1820 checks directly relate to the sport of jai alai or racing being
1821 conducted at a pari-mutuel facility within this state.

1822 (8) The department ~~division~~ may fine, or suspend or revoke,
1823 or place conditions upon, the license of any licensee who under
1824 oath knowingly provides false information regarding an
1825 investigation by the department ~~division~~.

1826 (9) The tax imposed by this section is in lieu of all
1827 license, excise, or occupational taxes to the state or any
1828 county, municipality, or other political subdivision, except
1829 that, if a race meeting or game is held or conducted in a
1830 municipality, the municipality may assess and collect an

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1831 additional tax against any person conducting live racing or
1832 games within its corporate limits, which tax may not exceed \$150
1833 per day for horseracing or \$50 per day for dogracing or jai
1834 alai. Except as provided in this chapter, a municipality may not
1835 assess or collect any additional excise or revenue tax against
1836 any person conducting race meetings within the corporate limits
1837 of the municipality or against any patron of any such person.

1838 (10) (a) Upon application for an occupational license, the
1839 department ~~division~~ may require the applicant's full legal name;
1840 any nickname, alias, or maiden name for the applicant; name of
1841 the applicant's spouse; the applicant's date of birth, residence
1842 address, mailing address, residence address and business phone
1843 number, and social security number; disclosure of any felony or
1844 any conviction involving bookmaking, illegal gambling, or
1845 cruelty to animals; disclosure of any past or present
1846 enforcement or actions by any racing or gaming agency against
1847 the applicant; and any information the department ~~division~~
1848 determines is necessary to establish the identity of the
1849 applicant or to establish that the applicant is of good moral
1850 character. Fingerprints shall be taken in a manner approved by
1851 the department ~~division~~ and then shall be submitted to the
1852 Federal Bureau of Investigation, or to the association of state
1853 officials regulating pari-mutuel wagering pursuant to the
1854 Federal Pari-mutuel Licensing Simplification Act of 1988. The
1855 cost of processing fingerprints shall be borne by the applicant
1856 and paid to the association of state officials regulating pari-
1857 mutuel wagering from the trust fund to which the processing fees
1858 are deposited. The department ~~division~~, by rule, may require
1859 additional information from licensees which is reasonably

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1860 necessary to regulate the industry. The department ~~division~~ may,
1861 by rule, exempt certain occupations or groups of persons from
1862 the fingerprinting requirements.

1863 (b) All fingerprints required by this section which ~~that~~
1864 are submitted to the Department of Law Enforcement shall be
1865 retained by the Department of Law Enforcement and entered into
1866 the statewide automated biometric identification system as
1867 authorized by s. 943.05(2)(b) and shall be available for all
1868 purposes and uses authorized for arrest fingerprints entered
1869 into the statewide automated biometric identification system
1870 pursuant to s. 943.051.

1871 (c) The Department of Law Enforcement shall search all
1872 arrest fingerprints received pursuant to s. 943.051 against the
1873 fingerprints retained in the statewide automated biometric
1874 identification system under paragraph (b). Any arrest record
1875 that is identified with the retained fingerprints of a person
1876 subject to the criminal history screening requirements of this
1877 section shall be reported to the department ~~division~~. Each
1878 licensee shall pay a fee to the department ~~division~~ for the cost
1879 of retention of the fingerprints and the ongoing searches under
1880 this paragraph. The department ~~division~~ shall forward the
1881 payment to the Department of Law Enforcement. The amount of the
1882 fee to be imposed for performing these searches and the
1883 procedures for the retention of licensee fingerprints shall be
1884 as established by rule of the Department of Law Enforcement. The
1885 department ~~division~~ shall inform the Department of Law
1886 Enforcement of any change in the license status of licensees
1887 whose fingerprints are retained under paragraph (b).

1888 (d) The department ~~division~~ shall request the Department of

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1889 Law Enforcement to forward the fingerprints to the Federal
1890 Bureau of Investigation for a national criminal history records
1891 check at least once every 5 years following issuance of a
1892 license. If the fingerprints of a person who is licensed have
1893 not been retained by the Department of Law Enforcement, the
1894 person must file a complete set of fingerprints as provided in
1895 paragraph (a). The department ~~division~~ shall collect the fees
1896 for the cost of the national criminal history records check
1897 under this paragraph and forward the payment to the Department
1898 of Law Enforcement. The cost of processing fingerprints and
1899 conducting a criminal history records check under this paragraph
1900 for a general occupational license shall be borne by the
1901 applicant. The cost of processing fingerprints and conducting a
1902 criminal history records check under this paragraph for a
1903 business or professional occupational license shall be borne by
1904 the person being checked. The Department of Law Enforcement may
1905 send an invoice to the department ~~division~~ for the fingerprints
1906 submitted each month. Under penalty of perjury, each person who
1907 is licensed or who is fingerprinted as required by this section
1908 must agree to inform the department ~~division~~ within 48 hours if
1909 he or she is convicted of or has entered a plea of guilty or
1910 nolo contendere to any disqualifying offense, regardless of
1911 adjudication.

1912 Section 22. Subsection (1) of section 550.1155, Florida
1913 Statutes, is amended to read:

1914 550.1155 Authority of stewards, judges, panel of judges, or
1915 player's manager to impose penalties against occupational
1916 licensees; disposition of funds collected.-

1917 (1) The stewards at a horse racetrack; the judges at a dog

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1918 track; or the judges, a panel of judges, or a player's manager
1919 at a jai alai fronton may impose a civil penalty against any
1920 occupational licensee for violation of the pari-mutuel laws or
1921 any rule adopted by the department ~~division~~. The penalty may not
1922 exceed \$1,000 for each count or separate offense or exceed 60
1923 days of suspension for each count or separate offense.

1924 Section 23. Subsections (2) and (3) of section 550.125,
1925 Florida Statutes, are amended to read:

1926 550.125 Uniform reporting system; bond requirement.—

1927 (2) (a) Each permitholder that conducts race meetings or jai
1928 alai exhibitions under this chapter shall keep records that
1929 clearly show the total number of admissions and the total amount
1930 of money contributed to each pari-mutuel pool on each race or
1931 exhibition separately and the amount of money received daily
1932 from admission fees and, within 120 days after the end of its
1933 fiscal year, shall submit to the department ~~division~~ a complete
1934 annual report of its accounts, audited by a certified public
1935 accountant licensed to practice in the state.

1936 (b) The department ~~division~~ shall adopt rules specifying
1937 the form and content of such reports, including, but not limited
1938 to, requirements for a statement of assets and liabilities,
1939 operating revenues and expenses, and net worth, which statement
1940 must be audited by a certified public accountant licensed to
1941 practice in this state, and any supporting informational
1942 schedule found necessary by the department ~~division~~ to verify
1943 the foregoing financial statement, which informational schedule
1944 must be attested to under oath by the permitholder or an officer
1945 of record, to permit the department ~~division~~ to:

1946 1. Assess the profitability and financial soundness of

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1947 permitholders, both individually and as an industry;

1948 2. Plan and recommend measures necessary to preserve and
1949 protect the pari-mutuel revenues of the state; and

1950 3. Completely identify the holdings, transactions, and
1951 investments of permitholders with other business entities.

1952 (c) The Auditor General and the Office of Program Policy
1953 Analysis and Government Accountability may, pursuant to their
1954 own authority or at the direction of the Legislative Auditing
1955 Committee, audit, examine, and check the books and records of
1956 any permitholder. These audit reports shall become part of, and
1957 be maintained in, the department ~~division~~ files.

1958 (d) The department ~~division~~ shall annually review the books
1959 and records of each permitholder and verify that the breaks and
1960 unclaimed ticket payments made by each permitholder are true and
1961 correct.

1962 (3) (a) Each permitholder to which a license is granted
1963 under this chapter, at its own cost and expense, must, before
1964 the license is delivered, give a bond in the penal sum of
1965 \$50,000 payable to the Governor of the state and her or his
1966 successors in office, with a surety or sureties to be approved
1967 by the department ~~division~~ and the Chief Financial Officer,
1968 conditioned to faithfully make the payments to the Chief
1969 Financial Officer in her or his capacity as treasurer of the
1970 department ~~division~~; to keep its books and records and make
1971 reports as provided; and to conduct its racing in conformity
1972 with this chapter. When the greatest amount of tax owed during
1973 any month in the prior state fiscal year, in which a full
1974 schedule of live racing was conducted, is less than \$50,000, the
1975 department ~~division~~ may assess a bond in a sum less than

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1976 \$50,000. The department ~~division~~ may review the bond for
 1977 adequacy and require adjustments each fiscal year. The
 1978 department may ~~division has the authority to~~ adopt rules to
 1979 implement this paragraph and establish guidelines for such
 1980 bonds.

1981 (b) The provisions of this chapter concerning bonding do
 1982 not apply to nonwagering licenses issued pursuant to s. 550.505.

1983 Section 24. Subsections (1) and (3) of section 550.135,
 1984 Florida Statutes, are amended to read:

1985 550.135 Division of moneys derived under this law.—All
 1986 moneys that are deposited with the Chief Financial Officer to
 1987 the credit of the Pari-mutuel Wagering Trust Fund shall be
 1988 distributed as follows:

1989 (1) The daily license fee revenues collected pursuant to s.
 1990 550.0951(1) shall be used to fund the operating cost of the
 1991 department ~~division and to provide a proportionate share of the~~
 1992 ~~operation of the office of the secretary and the Division of~~
 1993 ~~Administration of the Department of Business and Professional~~
 1994 ~~Regulation~~; however, other collections in the Pari-mutuel
 1995 Wagering Trust Fund may also be used to fund the operation of
 1996 the department ~~division~~ in accordance with authorized
 1997 appropriations.

1998 (3) The slot machine license fee, the slot machine
 1999 occupational license fee, and the compulsive or addictive
 2000 gambling prevention program fee collected pursuant to ss.
 2001 551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the
 2002 direct and indirect operating expenses of the department's
 2003 ~~division's~~ slot machine regulation operations and to provide
 2004 funding for relevant enforcement activities in accordance with

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2005 authorized appropriations. Funds deposited into the Pari-mutuel
 2006 Wagering Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1.,
 2007 and 551.118 shall be reserved in the trust fund for slot machine
 2008 regulation operations. On June 30, any unappropriated funds in
 2009 excess of those necessary for incurred obligations and
 2010 subsequent year cash flow for slot machine regulation operations
 2011 shall be deposited with the Chief Financial Officer to the
 2012 credit of the General Revenue Fund.

2013 Section 25. Subsection (1) of section 550.155, Florida
 2014 Statutes, is amended to read:

2015 550.155 Pari-mutuel pool within track enclosure; takeouts;
 2016 breaks; penalty for purchasing part of a pari-mutuel pool for or
 2017 through another in specified circumstances.—

2018 (1) Wagering on the results of a horserace, dograce, or on
 2019 the scores or points of a jai alai game and the sale of tickets
 2020 or other evidences showing an interest in or a contribution to a
 2021 pari-mutuel pool are allowed within the enclosure of any pari-
 2022 mutuel facility licensed and conducted under this chapter but
 2023 are not allowed elsewhere in this state, must be supervised by
 2024 the department ~~division~~, and are subject to such reasonable
 2025 rules that the department ~~division~~ prescribes.

2026 Section 26. Subsection (2) and paragraph (a) of subsection
 2027 (3) of section 550.1648, Florida Statutes, are amended to read:

2028 550.1648 Greyhound adoptions.—

2029 (2) In addition to the charity days authorized under s.
 2030 550.0351, a greyhound permitholder may fund the greyhound
 2031 adoption program by holding a charity racing day designated as
 2032 "Greyhound Adopt-A-Pet Day." All profits derived from the
 2033 operation of the charity day must be placed into a fund used to

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2034 support activities at the racing facility which promote the
2035 adoption of greyhounds. The department ~~division~~ may adopt rules
2036 for administering the fund. Proceeds from the charity day
2037 authorized in this subsection may not be used as a source of
2038 funds for the purposes set forth in s. 550.1647.

2039 (3) (a) Upon a violation of this section by a permitholder
2040 or licensee, the department ~~division~~ may impose a penalty as
2041 provided in s. 550.0251(10) and require the permitholder to take
2042 corrective action.

2043 Section 27. Section 550.175, Florida Statutes, is amended
2044 to read:

2045 550.175 Petition for election to revoke permit.—Upon
2046 petition of 20 percent of the qualified electors of any county
2047 wherein any racing has been licensed and conducted under this
2048 chapter, the county commissioners of such county shall provide
2049 for the submission to the electors of such county at the then
2050 next succeeding general election the question of whether any
2051 permit or permits theretofore granted shall be continued or
2052 revoked, and if a majority of the electors voting on such
2053 question in such election vote to cancel or recall the permit
2054 theretofore given, the department ~~division~~ may not thereafter
2055 grant any license on the permit so recalled. Every signature
2056 upon every recall petition must be signed in the presence of the
2057 clerk of the board of county commissioners at the office of the
2058 clerk of the circuit court of the county, and the petitioner
2059 must present at the time of such signing her or his registration
2060 receipt showing the petitioner's qualification as an elector of
2061 the county at the time of the signing of the petition. Not more
2062 than one permit may be included in any one petition; and, in all

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2063 elections in which the recall of more than one permit is voted
 2064 on, the voters shall be given an opportunity to vote for or
 2065 against the recall of each permit separately. ~~Nothing in~~ This
 2066 chapter does not ~~shall be construed to~~ prevent the holding of
 2067 later referendum or recall elections.

2068 Section 28. Section 550.1815, Florida Statutes, is amended
 2069 to read:

2070 550.1815 Certain persons prohibited from holding racing or
 2071 jai alai permits; suspension and revocation.—

2072 (1) A corporation, general or limited partnership, sole
 2073 proprietorship, business trust, joint venture, or unincorporated
 2074 association, or other business entity may not hold any
 2075 horseracing or dogracing permit or jai alai fronton permit in
 2076 this state if any one of the persons or entities specified in
 2077 paragraph (a) has been determined by the department ~~division~~ not
 2078 to be of good moral character or has been convicted of any
 2079 offense specified in paragraph (b).

2080 (a)1. The permitholder;

2081 2. An employee of the permitholder;

2082 3. The sole proprietor of the permitholder;

2083 4. A corporate officer or director of the permitholder;

2084 5. A general partner of the permitholder;

2085 6. A trustee of the permitholder;

2086 7. A member of an unincorporated association permitholder;

2087 8. A joint venturer of the permitholder;

2088 9. The owner of more than 5 percent of any equity interest
 2089 in the permitholder, whether as a common shareholder, general or
 2090 limited partner, voting trustee, or trust beneficiary; or

2091 10. An owner of any interest in the permit or permitholder,

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2092 including any immediate family member of the owner, or holder of
2093 any debt, mortgage, contract, or concession from the
2094 permitholder, who by virtue thereof is able to control the
2095 business of the permitholder.

2096 (b)1. A felony in this state;

2097 2. Any felony in any other state which would be a felony if
2098 committed in this state under the laws of this state;

2099 3. Any felony under the laws of the United States;

2100 4. A felony under the laws of another state if related to
2101 gambling which would be a felony under the laws of this state if
2102 committed in this state; or

2103 5. Bookmaking as defined in s. 849.25.

2104 (2) (a) If the applicant for permit as specified under
2105 subsection (1) or a permitholder as specified in paragraph
2106 (1) (a) has received a full pardon or a restoration of civil
2107 rights with respect to the conviction specified in paragraph
2108 (1) (b), the conviction does not constitute an absolute bar to
2109 the issuance or renewal of a permit or a ground for the
2110 revocation or suspension of a permit.

2111 (b) A corporation that has been convicted of a felony is
2112 entitled to apply for and receive a restoration of its civil
2113 rights in the same manner and on the same grounds as an
2114 individual.

2115 (3) After notice and hearing, the department ~~division~~ shall
2116 refuse to issue or renew or shall suspend, as appropriate, any
2117 permit found in violation of subsection (1). The order shall
2118 become effective 120 days after service of the order upon the
2119 permitholder and shall be amended to constitute a final order of
2120 revocation unless the permitholder has, within that period of

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2121 time, either caused the divestiture, or agreed with the
2122 convicted person upon a complete immediate divestiture, of her
2123 or his holding, or has petitioned the circuit court as provided
2124 in subsection (4) or, in the case of corporate officers or
2125 directors of the holder or employees of the holder, has
2126 terminated the relationship between the permitholder and those
2127 persons mentioned. The department ~~division~~ may, by order, extend
2128 the 120-day period for divestiture, upon good cause shown, to
2129 avoid interruption of any jai alai or race meeting or to
2130 otherwise effectuate this section. If no action has been taken
2131 by the permitholder within the 120-day period following the
2132 issuance of the order of suspension, the department ~~division~~
2133 shall, without further notice or hearing, enter a final order of
2134 revocation of the permit. When any permitholder or sole
2135 proprietor of a permitholder is convicted of an offense
2136 specified in paragraph (1)(b), the department may approve a
2137 transfer of the permit to a qualified applicant, upon a finding
2138 that revocation of the permit would impair the state's revenue
2139 from the operation of the permit or otherwise be detrimental to
2140 the interests of the state in the regulation of the industry of
2141 pari-mutuel wagering. In such approval, no public referendum is
2142 required, notwithstanding any other provision of law. A petition
2143 for transfer after conviction must be filed with the department
2144 within 30 days after service upon the permitholder of the final
2145 order of revocation. The timely filing of such a petition
2146 automatically stays any revocation order until further order of
2147 the department.

2148 (4) The circuit courts have jurisdiction to decide a
2149 petition brought by a holder of a pari-mutuel permit that shows

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2150 that its permit is in jeopardy of suspension or revocation under
2151 subsection (3) and that it is unable to agree upon the terms of
2152 divestiture of interest with the person specified in
2153 subparagraphs (1)(a)3.-9. who has been convicted of an offense
2154 specified in paragraph (1)(b). The court shall determine the
2155 reasonable value of the interest of the convicted person and
2156 order a divestiture upon such terms and conditions as it finds
2157 just. In determining the value of the interest of the convicted
2158 person, the court may consider, among other matters, the value
2159 of the assets of the permitholder, its good will and value as a
2160 going concern, recent and expected future earnings, and other
2161 criteria usual and customary in the sale of like enterprises.

2162 (5) The department ~~division~~ shall adopt ~~make~~ such rules for
2163 the photographing, fingerprinting, and obtaining of personal
2164 data of individuals described in paragraph (1)(a) and the
2165 obtaining of such data regarding the business entities described
2166 in paragraph (1)(a) as ~~is~~ necessary to implement ~~effectuate~~ the
2167 provisions of this section.

2168 Section 29. Subsection (2), paragraph (c) of subsection
2169 (3), and subsections (4) and (6) of section 550.24055, Florida
2170 Statutes, are amended to read:

2171 550.24055 Use of controlled substances or alcohol
2172 prohibited; testing of certain occupational licensees; penalty;
2173 evidence of test or action taken and admissibility for criminal
2174 prosecution limited.—

2175 (2) The occupational licensees, by applying for and holding
2176 such licenses, are deemed to have given their consents to submit
2177 to an approved chemical test of their breath for the purpose of
2178 determining the alcoholic content of their blood and to a urine

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2179 or blood test for the purpose of detecting the presence of
2180 controlled substances. Such tests shall ~~only~~ be conducted only
2181 upon reasonable cause that a violation has occurred as shall be
2182 determined solely by the stewards at a horseracing meeting or
2183 the judges or board of judges at a dogtrack or jai alai meet.
2184 The failure to submit to such test may result in a suspension of
2185 the person's occupational license for a period of 10 days or
2186 until this section has been complied with, whichever is longer.

2187 (a) If there was at the time of the test 0.05 percent or
2188 less by weight of alcohol in the person's blood, the person is
2189 presumed not to have been under the influence of alcoholic
2190 beverages to the extent that the person's normal faculties were
2191 impaired, and no action of any sort may be taken by the
2192 stewards, judges, or board of judges or the department ~~division~~.

2193 (b) If there was at the time of the test an excess of 0.05
2194 percent but less than 0.08 percent by weight of alcohol in the
2195 person's blood, that fact does not give rise to any presumption
2196 that the person was or was not under the influence of alcoholic
2197 beverages to the extent that the person's faculties were
2198 impaired, but the stewards, judges, or board of judges may
2199 consider that fact in determining whether or not the person will
2200 be allowed to officiate or participate in any given race or jai
2201 alai game.

2202 (c) If there was at the time of the test 0.08 percent or
2203 more by weight of alcohol in the person's blood, that fact is
2204 prima facie evidence that the person was under the influence of
2205 alcoholic beverages to the extent that the person's normal
2206 faculties were impaired, and the stewards or judges may take
2207 action as set forth in this section, but the person may not

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2208 officiate at or participate in any race or jai alai game on the
2209 day of such test.

2210
2211 All tests relating to alcohol must be performed in a manner
2212 substantially similar, or identical, to the provisions of s.
2213 316.1934 and rules adopted pursuant to that section. Following a
2214 test of the urine or blood to determine the presence of a
2215 controlled substance as defined in chapter 893, if a controlled
2216 substance is found to exist, the stewards, judges, or board of
2217 judges may take such action as is permitted in this section.

2218 (3) A violation of subsection (2) is subject to the
2219 following penalties:

2220 (c) If the second violation occurred within 1 year after
2221 the first violation, then upon the finding of a third violation
2222 of this section within 1 year after the second violation, the
2223 stewards, judges, or board of judges may suspend the licensee
2224 for up to 120 days; and the stewards, judges, or board of judges
2225 shall forward the results of the tests under paragraphs (a) and
2226 (b) and this violation to the department ~~division~~. In addition
2227 to the action taken by the stewards, judges, or board of judges,
2228 the department ~~division~~, after a hearing, may deny, suspend, or
2229 revoke the occupational license of the licensee and may impose a
2230 civil penalty of up to \$5,000 in addition to, or in lieu of, a
2231 suspension or revocation, it being the intent of the Legislature
2232 that the department ~~division~~ shall have no authority over the
2233 enforcement of this section until a licensee has committed the
2234 third violation within 2 years after the first violation.

2235 (4) Section 120.80(19) applies ~~The provisions of s.~~
2236 ~~120.80(4)(a) apply~~ to all actions taken by the stewards, judges,

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2237 or board of judges pursuant to this section without regard to
2238 the limitation contained therein.

2239 (6) Evidence of any test or actions taken by the stewards,
2240 judges, or board of judges or the department ~~division~~ under this
2241 section is inadmissible for any purpose in any court for
2242 criminal prosecution, it being the intent of the Legislature to
2243 provide a method and means by which the health, safety, and
2244 welfare of those officiating at or participating in a race meet
2245 or a jai alai game are sufficiently protected. However, this
2246 subsection does not prohibit any person so authorized from
2247 pursuing an independent investigation as a result of a ruling
2248 made by the stewards, judges, or board of judges, or the
2249 department ~~division~~.

2250 Section 30. Section 550.2415, Florida Statutes, is amended
2251 to read:

2252 550.2415 Racing of animals under certain conditions
2253 prohibited; penalties; exceptions.—

2254 (1) (a) The racing of an animal that has been impermissibly
2255 medicated or determined to have a prohibited substance present
2256 is prohibited. It is a violation of this section for a person to
2257 impermissibly medicate an animal or for an animal to have a
2258 prohibited substance present resulting in a positive test for
2259 such medications or substances based on samples taken from the
2260 animal before or immediately after the racing of that animal.
2261 Test results and the identities of the animals being tested and
2262 of their trainers and owners of record are confidential and
2263 exempt from s. 119.07(1) and from s. 24(a), Art. I of the State
2264 Constitution for 10 days after testing of all samples collected
2265 on a particular day has been completed and any positive test

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2266 results derived from such samples have been reported to the
2267 director of the department ~~division~~ or administrative action has
2268 been commenced.

2269 (b) It is a violation of this section for a race-day
2270 specimen to contain a level of a naturally occurring substance
2271 which exceeds normal physiological concentrations. The
2272 department ~~division~~ may solicit input from the Department of
2273 Agriculture and Consumer Services and adopt rules that specify
2274 normal physiological concentrations of naturally occurring
2275 substances in the natural untreated animal and rules that
2276 specify acceptable levels of environmental contaminants and
2277 trace levels of substances in test samples.

2278 (c) The finding of a prohibited substance in a race-day
2279 specimen constitutes prima facie evidence that the substance was
2280 administered and was carried in the body of the animal while
2281 participating in the race.

2282 (2) Administrative action may be taken by the department
2283 ~~division~~ against an occupational licensee responsible pursuant
2284 to rule of the department ~~division~~ for the condition of an
2285 animal that has been impermissibly medicated or drugged in
2286 violation of this section.

2287 (3) (a) Upon the finding of a violation of this section, the
2288 department ~~division~~ may revoke or suspend the license or permit
2289 of the violator or deny a license or permit to the violator;
2290 impose a fine against the violator in an amount not exceeding
2291 the purse or sweepstakes earned by the animal in the race at
2292 issue or \$10,000, whichever is greater; require the full or
2293 partial return of the purse, sweepstakes, and trophy of the race
2294 at issue; or impose against the violator any combination of such

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2295 penalties. The finding of a violation of this section does not
2296 prohibit a prosecution for criminal acts committed.

2297 (b) The department ~~division~~, notwithstanding chapter 120,
2298 may summarily suspend the license of an occupational licensee
2299 responsible under this section or department ~~division~~ rule for
2300 the condition of a race animal if the department's ~~division~~
2301 laboratory reports the presence of a prohibited substance in the
2302 animal or its blood, urine, saliva, or any other bodily fluid,
2303 either before a race in which the animal is entered or after a
2304 race the animal has run.

2305 (c) If an occupational licensee is summarily suspended
2306 under this section, the department ~~division~~ shall offer the
2307 licensee a prompt postsuspension hearing within 72 hours, at
2308 which the department ~~division~~ shall produce the laboratory
2309 report and documentation that ~~which~~, on its face, establishes
2310 the responsibility of the occupational licensee. Upon production
2311 of the documentation, the occupational licensee has the burden
2312 of proving his or her lack of responsibility.

2313 (d) Any proceeding for administrative action against a
2314 licensee or permittee, other than a proceeding under paragraph
2315 (c), shall be conducted in compliance with chapter 120.

2316 (4) A prosecution pursuant to this section for a violation
2317 of this section must begin within 90 days after the violation
2318 was committed. Service of an administrative complaint marks the
2319 commencement of administrative action.

2320 (5) The department ~~division~~ shall implement a split-sample
2321 procedure for testing animals under this section.

2322 (a) The department ~~division~~ shall notify the owner or
2323 trainer, the stewards, and the appropriate horseemen's

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2324 association of all drug test results. If a drug test result is
2325 positive, and upon request by the affected trainer or owner of
2326 the animal from which the sample was obtained, the department
2327 ~~division~~ shall send the split sample to an approved independent
2328 laboratory for analysis. The department ~~division~~ shall establish
2329 standards and rules for uniform enforcement and shall maintain a
2330 list of at least five approved independent laboratories for an
2331 owner or trainer to select from if a drug test result is
2332 positive.

2333 (b) If the department ~~division~~ laboratory's findings are
2334 not confirmed by the independent laboratory, no further
2335 administrative or disciplinary action under this section may be
2336 pursued.

2337 (c) If the independent laboratory confirms the department
2338 ~~division~~ laboratory's positive result, the department ~~division~~
2339 may commence administrative proceedings as prescribed in this
2340 chapter and consistent with chapter 120. For purposes of this
2341 subsection, the department shall in good faith attempt to obtain
2342 a sufficient quantity of the test fluid to allow both a primary
2343 test and a secondary test to be made.

2344 (d) For the testing of a racing greyhound, if there is an
2345 insufficient quantity of the secondary (split) sample for
2346 confirmation of the department ~~division~~ laboratory's positive
2347 result, the department ~~division~~ may commence administrative
2348 proceedings as prescribed in this chapter and consistent with
2349 chapter 120.

2350 (e) For the testing of a racehorse, if there is an
2351 insufficient quantity of the secondary (split) sample for
2352 confirmation of the department ~~division~~ laboratory's positive

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2353 result, the department ~~division~~ may not take further action on
2354 the matter against the owner or trainer, and any resulting
2355 license suspension must be immediately lifted.

2356 (f) The department ~~division~~ shall require its laboratory
2357 and the independent laboratories to annually participate in an
2358 externally administered quality assurance program designed to
2359 assess testing proficiency in the detection and appropriate
2360 quantification of medications, drugs, and naturally occurring
2361 substances that may be administered to racing animals. The
2362 administrator of the quality assurance program shall report its
2363 results and findings to the department ~~division~~ and the
2364 Department of Agriculture and Consumer Services.

2365 (6) (a) It is the intent of the Legislature that animals
2366 that participate in races in this state on which pari-mutuel
2367 wagering is conducted and animals that are bred and trained in
2368 this state for racing be treated humanely, both on and off
2369 racetracks, throughout the lives of the animals.

2370 (b) The department ~~division~~ shall, by rule, adopt ~~establish~~
2371 the procedures for euthanizing greyhounds. However, a greyhound
2372 may not be put to death by any means other than by lethal
2373 injection of the drug sodium pentobarbital. A greyhound may not
2374 be removed from this state for the purpose of being destroyed.

2375 (c) It is a violation of this chapter for an occupational
2376 licensee to train a greyhound using live or dead animals. A
2377 greyhound may not be taken from this state for the purpose of
2378 being trained through the use of live or dead animals.

2379 (d) Any act committed by any licensee that would constitute
2380 cruelty to animals as defined in s. 828.02 ~~involving any animal~~
2381 constitutes a violation of this chapter. Imposition of any

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2382 penalty by the department ~~division~~ for violation of this chapter
2383 or any rule adopted by the department ~~division~~ pursuant to this
2384 chapter does ~~shall~~ not prohibit a criminal prosecution for
2385 cruelty to animals.

2386 (e) The department ~~division~~ may inspect any area at a pari-
2387 mutuel facility where racing animals are raced, trained, housed,
2388 or maintained, including any areas where food, medications, or
2389 other supplies are kept, to ensure the humane treatment of
2390 racing animals and compliance with this chapter and the rules of
2391 the department ~~division~~.

2392 (7) (a) In order to protect the safety and welfare of
2393 racing animals and the integrity of the races in which the
2394 animals participate, the department ~~division~~ shall adopt rules
2395 establishing the conditions of use and maximum concentrations of
2396 medications, drugs, and naturally occurring substances
2397 identified in the Controlled Therapeutic Medication Schedule,
2398 Version 2.1, revised April 17, 2014, adopted by the Association
2399 of Racing Commissioners International, Inc. Controlled
2400 therapeutic medications include only the specific medications
2401 and concentrations allowed in biological samples which have been
2402 approved by the Association of Racing Commissioners
2403 International, Inc., as controlled therapeutic medications.

2404 (b) The department ~~division~~ rules must designate the
2405 appropriate biological specimens by which the administration of
2406 medications, drugs, and naturally occurring substances is
2407 monitored and must determine the testing methodologies,
2408 including measurement uncertainties, for screening such
2409 specimens to confirm the presence of medications, drugs, and
2410 naturally occurring substances.

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2411 (c) The department ~~division~~ rules must include a
2412 classification system for drugs and substances and a
2413 corresponding penalty schedule for violations which incorporates
2414 the Uniform Classification Guidelines for Foreign Substances,
2415 Version 8.0, revised December 2014, by the Association of Racing
2416 Commissioners International, Inc. The department ~~division~~ shall
2417 adopt laboratory screening limits approved by the Association of
2418 Racing Commissioners International, Inc., for drugs and
2419 medications that are not included as controlled therapeutic
2420 medications, the presence of which in a sample may result in a
2421 violation of this section.

2422 (d) The department ~~division~~ rules must include conditions
2423 for the use of furosemide to treat exercise-induced pulmonary
2424 hemorrhage.

2425 (e) The department ~~division~~ may solicit input from the
2426 Department of Agriculture and Consumer Services in adopting the
2427 rules required under this subsection. Such rules must be adopted
2428 before January 1, 2016.

2429 (8) Furosemide is the only medication that may be
2430 administered within 24 hours before the officially scheduled
2431 post time of a race, but it may not be administered within 4
2432 hours before the officially scheduled post time of a race.

2433 (9) (a) The department ~~division~~ may conduct a postmortem
2434 examination of any animal that is injured at a permitted
2435 racetrack while in training or in competition and that
2436 subsequently expires or is destroyed. The department ~~division~~
2437 may conduct a postmortem examination of any animal that expires
2438 while housed at a permitted racetrack, association compound, or
2439 licensed kennel or farm. Trainers and owners shall be requested

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2440 to comply with this paragraph as a condition of licensure.

2441 (b) The department ~~division~~ may take possession of the
2442 animal upon death for postmortem examination. The department
2443 ~~division~~ may submit blood, urine, other bodily fluid specimens,
2444 or other tissue specimens collected during a postmortem
2445 examination for testing by the department ~~division~~ laboratory or
2446 its designee. Upon completion of the postmortem examination, the
2447 carcass must be returned to the owner or disposed of at the
2448 owner's option.

2449 (10) The presence of a prohibited substance in an animal,
2450 found by the department ~~division~~ laboratory in a bodily fluid
2451 specimen collected after the race or during the postmortem
2452 examination of the animal, which breaks down during a race
2453 constitutes a violation of this section.

2454 (11) The cost of postmortem examinations, testing, and
2455 disposal must be borne by the department ~~division~~.

2456 (12) The department ~~division~~ shall adopt rules to implement
2457 this section.

2458 (13) The department ~~division~~ may implement by rule
2459 medication levels for racing greyhounds recommended by the
2460 University of Florida College of Veterinary Medicine developed
2461 pursuant to an agreement between the department ~~Division of~~
2462 ~~Pari-mutuel Wagering~~ and the University of Florida College of
2463 Veterinary Medicine. The University of Florida College of
2464 Veterinary Medicine may provide written notification to the
2465 department ~~division~~ that it has completed research or review on
2466 a particular drug pursuant to the agreement and when the College
2467 of Veterinary Medicine has completed a final report of its
2468 findings, conclusions, and recommendations to the department

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2469 ~~division.~~

2470 Section 31. Subsection (4) of Section 550.2614, Florida
2471 Statutes, is amended to read:

2472 550.2614 Distribution of certain funds to a horsemen's
2473 association.—

2474 (4) The department ~~division~~ shall adopt rules to facilitate
2475 the orderly transfer of funds in accordance with this section.
2476 The department ~~division~~ shall also monitor the membership rolls
2477 of the horsemen's association to ensure that complete, accurate,
2478 and timely listings are maintained for the purposes specified in
2479 this section.

2480 Section 32. Subsection (3) of section 550.26165, Florida
2481 Statutes, is amended to read:

2482 550.26165 Breeders' awards.—

2483 (3) Breeders' associations shall submit their plans to the
2484 department ~~division~~ at least 60 days before the beginning of the
2485 payment year. The payment year may be a calendar year or any 12-
2486 month period, but once established, the yearly base may not be
2487 changed except for compelling reasons. Once a plan is approved,
2488 the department ~~division~~ may not allow the plan to be amended
2489 during the year, except for the most compelling reasons.

2490 Section 33. Section 550.2625, Florida Statutes, is amended
2491 to read:

2492 550.2625 Horseracing; minimum purse requirement, Florida
2493 breeders' and owners' awards.—

2494 (1) The purse structure and the availability of breeder
2495 awards are important factors in attracting the entry of well-
2496 bred horses in racing meets in this state which in turn helps to
2497 produce maximum racing revenues for the state and the counties.

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2498 (2) Each permitholder conducting a horserace meet is
2499 required to pay from the takeout withheld on pari-mutuel pools a
2500 sum for purses in accordance with the type of race performed.

2501 (a) A permitholder conducting a thoroughbred horse race
2502 meet under this chapter must pay from the takeout withheld a sum
2503 not less than 7.75 percent of all contributions to pari-mutuel
2504 pools conducted during the race meet as purses. In addition to
2505 the 7.75 percent minimum purse payment, permitholders conducting
2506 live thoroughbred performances shall be required to pay as
2507 additional purses 0.625 ~~.625~~ percent of live handle for
2508 performances conducted during the period beginning on January 3
2509 and ending March 16; 0.225 ~~.225~~ percent for performances
2510 conducted during the period beginning March 17 and ending May
2511 22; and 0.85 ~~.85~~ percent for performances conducted during the
2512 period beginning May 23 and ending January 2. Except that any
2513 thoroughbred permitholder whose total handle on live
2514 performances during the 1991-1992 state fiscal year was not
2515 greater than \$34 million is not subject to this additional purse
2516 payment. A permitholder authorized to conduct thoroughbred
2517 racing may withhold from the handle an additional amount equal
2518 to 1 percent on exotic wagering for use as owners' awards, and
2519 may withhold from the handle an amount equal to 2 percent on
2520 exotic wagering for use as overnight purses. A ~~No~~ permitholder
2521 may not withhold in excess of 20 percent from the handle without
2522 withholding the amounts set forth in this subsection.

2523 (b)1. A permitholder conducting a harness horse race meet
2524 under this chapter must pay to the purse pool from the takeout
2525 withheld a purse requirement that totals an amount not less than
2526 8.25 percent of all contributions to pari-mutuel pools conducted

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2527 during the race meet. An amount not less than 7.75 percent of
2528 the total handle shall be paid from this purse pool as purses.

2529 2. An amount not to exceed 0.5 percent of the total handle
2530 on all harness horse races that are subject to the purse
2531 requirement of subparagraph 1., must be available for use to
2532 provide medical, dental, surgical, life, funeral, or disability
2533 insurance benefits for occupational licensees who work at tracks
2534 in this state at which harness horse races are conducted. Such
2535 insurance benefits must be paid from the purse pool specified in
2536 subparagraph 1. An annual plan for payment of insurance benefits
2537 from the purse pool, including qualifications for eligibility,
2538 must be submitted by the Florida Standardbred Breeders and
2539 Owners Association for approval to the department ~~division~~. An
2540 annual report of the implemented plan shall be submitted to the
2541 department ~~division~~. All records of the Florida Standardbred
2542 Breeders and Owners Association concerning the administration of
2543 the plan must be available for audit at the discretion of the
2544 department ~~division~~ to determine that the plan has been
2545 implemented and administered as authorized. If the department
2546 ~~division~~ finds that the Florida Standardbred Breeders and Owners
2547 Association has not complied with the provisions of this
2548 section, the department ~~division~~ may order the association to
2549 cease and desist from administering the plan and shall appoint
2550 the department ~~division~~ as temporary administrator of the plan
2551 until the department ~~division~~ reestablishes administration of
2552 the plan with the association.

2553 (c) A permitholder conducting a quarter horse race meet
2554 under this chapter shall pay from the takeout withheld a sum not
2555 less than 6 percent of all contributions to pari-mutuel pools

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2556 conducted during the race meet as purses.

2557 (d) The department ~~division~~ shall adopt reasonable rules to
2558 ensure the timely and accurate payment of all amounts withheld
2559 by horserace permitholders regarding the distribution of purses,
2560 owners' awards, and other amounts collected for payment to
2561 owners and breeders. Each permitholder that fails to pay out all
2562 moneys collected for payment to owners and breeders shall,
2563 within 10 days after the end of the meet during which the
2564 permitholder underpaid purses, deposit an amount equal to the
2565 underpayment into a separate interest-bearing account to be
2566 distributed to owners and breeders in accordance with department
2567 ~~division~~ rules.

2568 (e) An amount equal to 8.5 percent of the purse account
2569 generated through intertrack wagering and interstate
2570 simulcasting will be used for Florida Owners' Awards as set
2571 forth in subsection (3). Any thoroughbred permitholder with an
2572 average blended takeout that ~~which~~ does not exceed 20 percent
2573 and with an average daily purse distribution excluding
2574 sponsorship, entry fees, and nominations exceeding \$225,000 is
2575 exempt from the provisions of this paragraph.

2576 (3) Each horseracing permitholder conducting any
2577 thoroughbred race under this chapter, including any intertrack
2578 race taken pursuant to ss. 550.615-550.6305 or any interstate
2579 simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal
2580 to 0.955 percent on all pari-mutuel pools conducted during any
2581 such race for the payment of breeders', stallion, or special
2582 racing awards as authorized in this chapter. This subsection
2583 also applies to all Breeder's Cup races conducted outside this
2584 state taken pursuant to s. 550.3551(3). On any race originating

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2585 live in this state which is broadcast out-of-state to any
2586 location at which wagers are accepted pursuant to s.
2587 550.3551(2), the host track is required to pay 3.475 percent of
2588 the gross revenue derived from such out-of-state broadcasts as
2589 breeders', stallion, or special racing awards. The Florida
2590 Thoroughbred Breeders' Association is authorized to receive
2591 these payments from the permitholders and make payments of
2592 awards earned. The Florida Thoroughbred Breeders' Association
2593 has the right to withhold up to 10 percent of the permitholder's
2594 payments under this section as a fee for administering the
2595 payments of awards and for general promotion of the industry.
2596 The permitholder shall remit these payments to the Florida
2597 Thoroughbred Breeders' Association by the 5th day of each
2598 calendar month for such sums accruing during the preceding
2599 calendar month and shall report such payments to the department
2600 ~~division~~ as prescribed by the department ~~division~~. With the
2601 exception of the 10-percent fee, the moneys paid by the
2602 permitholders shall be maintained in a separate, interest-
2603 bearing account, and such payments together with any interest
2604 earned shall be used exclusively for the payment of breeders',
2605 stallion, or special racing awards in accordance with the
2606 following provisions:

2607 (a) The breeder of each Florida-bred thoroughbred horse
2608 winning a thoroughbred horse race is entitled to an award of up
2609 to, but not exceeding, 20 percent of the announced gross purse,
2610 including nomination fees, eligibility fees, starting fees,
2611 supplementary fees, and moneys added by the sponsor of the race.

2612 (b) The owner or owners of the sire of a Florida-bred
2613 thoroughbred horse that wins a stakes race is entitled to a

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2614 stallion award of up to, but not exceeding, 20 percent of the
2615 announced gross purse, including nomination fees, eligibility
2616 fees, starting fees, supplementary fees, and moneys added by the
2617 sponsor of the race.

2618 (c) The owners of thoroughbred horses participating in
2619 thoroughbred stakes races, nonstakes races, or both may receive
2620 a special racing award in accordance with the agreement
2621 established pursuant to s. 550.26165(1).

2622 (d) In order for a breeder of a Florida-bred thoroughbred
2623 horse to be eligible to receive a breeder's award, the horse
2624 must have been registered as a Florida-bred horse with the
2625 Florida Thoroughbred Breeders' Association, and the Jockey Club
2626 certificate for the horse must show that it has been duly
2627 registered as a Florida-bred horse as evidenced by the seal and
2628 proper serial number of the Florida Thoroughbred Breeders'
2629 Association registry. The Florida Thoroughbred Breeders'
2630 Association shall be permitted to charge the registrant a
2631 reasonable fee for this verification and registration.

2632 (e) In order for an owner of the sire of a thoroughbred
2633 horse winning a stakes race to be eligible to receive a stallion
2634 award, the stallion must have been registered with the Florida
2635 Thoroughbred Breeders' Association, and the breeding of the
2636 registered Florida-bred horse must have occurred in this state.
2637 The stallion must be standing permanently in this state during
2638 the period of time between February 1 and June 15 of each year
2639 or, if the stallion is dead, must have stood permanently in this
2640 state for a period of not less than 1 year immediately prior to
2641 its death. The removal of a stallion from this state during the
2642 period of time between February 1 and June 15 of any year for

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2643 any reason, other than exclusively for prescribed medical
2644 treatment, as approved by the Florida Thoroughbred Breeders'
2645 Association, renders the owner or owners of the stallion
2646 ineligible to receive a stallion award under any circumstances
2647 for offspring sired prior to removal; however, if a removed
2648 stallion is returned to this state, all offspring sired
2649 subsequent to the return make the owner or owners of the
2650 stallion eligible for the stallion award but only for those
2651 offspring sired subsequent to such return to this state. The
2652 Florida Thoroughbred Breeders' Association shall maintain
2653 complete records showing the date the stallion arrived in this
2654 state for the first time, whether or not the stallion remained
2655 in the state permanently, the location of the stallion, and
2656 whether the stallion is still standing in this state and
2657 complete records showing awards earned, received, and
2658 distributed. The association may charge the owner, owners, or
2659 breeder a reasonable fee for this service.

2660 (f) A permitholder conducting a thoroughbred horse race
2661 under the provisions of this chapter shall, within 30 days after
2662 the end of the race meet during which the race is conducted,
2663 certify to the Florida Thoroughbred Breeders' Association such
2664 information relating to the thoroughbred horses winning a stakes
2665 or other horserace at the meet as may be required to determine
2666 the eligibility for payment of breeders', stallion, and special
2667 racing awards.

2668 (g) The Florida Thoroughbred Breeders' Association shall
2669 maintain complete records showing the starters and winners in
2670 all races conducted at thoroughbred tracks in this state; shall
2671 maintain complete records showing awards earned, received, and

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2672 distributed; and may charge the owner, owners, or breeder a
2673 reasonable fee for this service.

2674 (h) The Florida Thoroughbred Breeders' Association shall
2675 annually establish a uniform rate and procedure for the payment
2676 of breeders' and stallion awards and shall make breeders' and
2677 stallion award payments in strict compliance with the
2678 established uniform rate and procedure plan. The plan may set a
2679 cap on winnings and may limit, exclude, or defer payments to
2680 certain classes of races, such as the Florida stallion stakes
2681 races, in order to assure that there are adequate revenues to
2682 meet the proposed uniform rate. Such plan must include proposals
2683 for the general promotion of the industry. Priority shall be
2684 placed upon imposing such restrictions in lieu of allowing the
2685 uniform rate to be less than 15 percent of the total purse
2686 payment. The uniform rate and procedure plan must be approved by
2687 the department ~~division~~ before implementation. In the absence of
2688 an approved plan and procedure, the authorized rate for
2689 breeders' and stallion awards is 15 percent of the announced
2690 gross purse for each race. Such purse must include nomination
2691 fees, eligibility fees, starting fees, supplementary fees, and
2692 moneys added by the sponsor of the race. If the funds in the
2693 account for payment of breeders' and stallion awards are not
2694 sufficient to meet all earned breeders' and stallion awards,
2695 those breeders and stallion owners not receiving payments have
2696 first call on any subsequent receipts in that or any subsequent
2697 year.

2698 (i) The Florida Thoroughbred Breeders' Association shall
2699 keep accurate records showing receipts and disbursements of such
2700 payments and shall annually file a full and complete report to

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2701 the department ~~division~~ showing such receipts and disbursements
2702 and the sums withheld for administration. The department
2703 ~~division~~ may audit the records and accounts of the Florida
2704 Thoroughbred Breeders' Association to determine that payments
2705 have been made to eligible breeders and stallion owners in
2706 accordance with this section.

2707 (j) If the department ~~division~~ finds that the Florida
2708 Thoroughbred Breeders' Association has not complied with any
2709 provision of this section, the department ~~division~~ may order the
2710 association to cease and desist from receiving funds and
2711 administering funds received under this section. If the
2712 department ~~division~~ enters such an order, the permitholder shall
2713 make the payments authorized in this section to the department
2714 ~~division~~ for deposit into the Pari-mutuel Wagering Trust Fund;
2715 and any funds in the Florida Thoroughbred Breeders' Association
2716 account shall be immediately paid to the department ~~Division of~~
2717 ~~Pari-mutuel Wagering~~ for deposit to the Pari-mutuel Wagering
2718 Trust Fund. The department ~~division~~ shall authorize payment from
2719 these funds to any breeder or stallion owner entitled to an
2720 award that has not been previously paid by the Florida
2721 Thoroughbred Breeders' Association in accordance with the
2722 applicable rate.

2723 (4) Each permitholder conducting a harness horse race under
2724 this chapter shall pay a sum equal to the breaks on all pari-
2725 mutuel pools conducted during that race for the payment of
2726 breeders' awards, stallion awards, and stallion stakes and for
2727 additional expenditures as authorized in this section. The
2728 Florida Standardbred Breeders and Owners Association is
2729 authorized to receive these payments from the permitholders and

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2730 make payments as authorized in this subsection. The Florida
2731 Standardbred Breeders and Owners Association has the right to
2732 withhold up to 10 percent of the permitholder's payments under
2733 this section and under s. 550.2633 as a fee for administering
2734 these payments. The permitholder shall remit these payments to
2735 the Florida Standardbred Breeders and Owners Association by the
2736 5th day of each calendar month for such sums accruing during the
2737 preceding calendar month and shall report such payments to the
2738 department ~~division~~ as prescribed by the department ~~division~~.

2739 With the exception of the 10-percent fee for administering the
2740 payments and the use of the moneys authorized by paragraph (j),
2741 the moneys paid by the permitholders shall be maintained in a
2742 separate, interest-bearing account; and such payments together
2743 with any interest earned shall be allocated for the payment of
2744 breeders' awards, stallion awards, stallion stakes, additional
2745 purses, and prizes for, and the general promotion of owning and
2746 breeding of, Florida-bred standardbred horses. Payment of
2747 breeders' awards and stallion awards shall be made in accordance
2748 with the following provisions:

2749 (a) The breeder of each Florida-bred standardbred horse
2750 winning a harness horse race is entitled to an award of up to,
2751 but not exceeding, 20 percent of the announced gross purse,
2752 including nomination fees, eligibility fees, starting fees,
2753 supplementary fees, and moneys added by the sponsor of the race.

2754 (b) The owner or owners of the sire of a Florida-bred
2755 standardbred horse that wins a stakes race is entitled to a
2756 stallion award of up to, but not exceeding, 20 percent of the
2757 announced gross purse, including nomination fees, eligibility
2758 fees, starting fees, supplementary fees, and moneys added by the

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2759 sponsor of the race.

2760 (c) In order for a breeder of a Florida-bred standardbred
2761 horse to be eligible to receive a breeder's award, the horse
2762 winning the race must have been registered as a Florida-bred
2763 horse with the Florida Standardbred Breeders and Owners
2764 Association and a registration certificate under seal for the
2765 winning horse must show that the winner has been duly registered
2766 as a Florida-bred horse as evidenced by the seal and proper
2767 serial number of the United States Trotting Association
2768 registry. The Florida Standardbred Breeders and Owners
2769 Association shall be permitted to charge the registrant a
2770 reasonable fee for this verification and registration.

2771 (d) In order for an owner of the sire of a standardbred
2772 horse winning a stakes race to be eligible to receive a stallion
2773 award, the stallion must have been registered with the Florida
2774 Standardbred Breeders and Owners Association, and the breeding
2775 of the registered Florida-bred horse must have occurred in this
2776 state. The stallion must be standing permanently in this state
2777 or, if the stallion is dead, must have stood permanently in this
2778 state for a period of not less than 1 year immediately prior to
2779 its death. The removal of a stallion from this state for any
2780 reason, other than exclusively for prescribed medical treatment,
2781 renders the owner or the owners of the stallion ineligible to
2782 receive a stallion award under any circumstances for offspring
2783 sired prior to removal; however, if a removed stallion is
2784 returned to this state, all offspring sired subsequent to the
2785 return make the owner or owners of the stallion eligible for the
2786 stallion award but only for those offspring sired subsequent to
2787 such return to this state. The Florida Standardbred Breeders and

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2788 Owners Association shall maintain complete records showing the
2789 date the stallion arrived in this state for the first time,
2790 whether or not the stallion remained in the state permanently,
2791 the location of the stallion, and whether the stallion is still
2792 standing in this state and complete records showing awards
2793 earned, received, and distributed. The association may charge
2794 the owner, owners, or breeder a reasonable fee for this service.

2795 (e) A permitholder conducting a harness horse race under
2796 this chapter shall, within 30 days after the end of the race
2797 meet during which the race is conducted, certify to the Florida
2798 Standardbred Breeders and Owners Association such information
2799 relating to the horse winning a stakes or other horserace at the
2800 meet as may be required to determine the eligibility for payment
2801 of breeders' awards and stallion awards.

2802 (f) The Florida Standardbred Breeders and Owners
2803 Association shall maintain complete records showing the starters
2804 and winners in all races conducted at harness horse racetracks
2805 in this state; shall maintain complete records showing awards
2806 earned, received, and distributed; and may charge the owner,
2807 owners, or breeder a reasonable fee for this service.

2808 (g) The Florida Standardbred Breeders and Owners
2809 Association shall annually establish a uniform rate and
2810 procedure for the payment of breeders' awards, stallion awards,
2811 stallion stakes, additional purses, and prizes for, and for the
2812 general promotion of owning and breeding of, Florida-bred
2813 standardbred horses and shall make award payments and
2814 allocations in strict compliance with the established uniform
2815 rate and procedure. The plan may set a cap on winnings, and may
2816 limit, exclude, or defer payments to certain classes of races,

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2817 such as the Florida Breeders' stakes races, in order to assure
2818 that there are adequate revenues to meet the proposed uniform
2819 rate. Priority shall be placed on imposing such restrictions in
2820 lieu of allowing the uniform rate allocated to payment of
2821 breeder and stallion awards to be less than 10 percent of the
2822 total purse payment. The uniform rate and procedure must be
2823 approved by the department ~~division~~ before implementation. In
2824 the absence of an approved plan and procedure, the authorized
2825 rate for breeders' and stallion awards is 10 percent of the
2826 announced gross purse for each race. Such purse must include
2827 nomination fees, eligibility fees, starting fees, supplementary
2828 fees, and moneys added by the sponsor of the race. If the funds
2829 in the account for payment of breeders' and stallion awards are
2830 not sufficient to meet all earned breeders' and stallion awards,
2831 those breeders and stallion owners not receiving payments have
2832 first call on any subsequent receipts in that or any subsequent
2833 year.

2834 (h) The Florida Standardbred Breeders and Owners
2835 Association shall keep accurate records showing receipts and
2836 disbursements of such payments and shall annually file a full
2837 and complete report to the department ~~division~~ showing such
2838 receipts and disbursements and the sums withheld for
2839 administration. The department ~~division~~ may audit the records
2840 and accounts of the Florida Standardbred Breeders and Owners
2841 Association to determine that payments have been made to
2842 eligible breeders, stallion owners, and owners of Florida-bred
2843 standardbred horses in accordance with this section.

2844 (i) If the department ~~division~~ finds that the Florida
2845 Standardbred Breeders and Owners Association has not complied

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2846 with any provision of this section, the department ~~division~~ may
2847 order the association to cease and desist from receiving funds
2848 and administering funds received under this section and under s.
2849 550.2633. If the department ~~division~~ enters such an order, the
2850 permitholder shall make the payments authorized in this section
2851 and s. 550.2633 to the department ~~division~~ for deposit into the
2852 Pari-mutuel Wagering Trust Fund; and any funds in the Florida
2853 Standardbred Breeders and Owners Association account shall be
2854 immediately paid to the department ~~division~~ for deposit to the
2855 Pari-mutuel Wagering Trust Fund. The department ~~division~~ shall
2856 authorize payment from these funds to any breeder, stallion
2857 owner, or owner of a Florida-bred standardbred horse entitled to
2858 an award that has not been previously paid by the Florida
2859 Standardbred Breeders and Owners Association in accordance with
2860 the applicable rate.

2861 (j) The board of directors of the Florida Standardbred
2862 Breeders and Owners Association may authorize the release of up
2863 to 25 percent of the funds available for breeders' awards,
2864 stallion awards, stallion stakes, additional purses, and prizes
2865 for, and for the general promotion of owning and breeding of,
2866 Florida-bred standardbred horses to be used for purses for, and
2867 promotion of, Florida-bred standardbred horses at race meetings
2868 at which there is no pari-mutuel wagering unless, and to the
2869 extent that, such release would render the funds available for
2870 such awards insufficient to pay the breeders' and stallion
2871 awards earned pursuant to the annual plan of the association.
2872 Any such funds so released and used for purses are not
2873 considered to be an "announced gross purse" as that term is used
2874 in paragraphs (a) and (b), and no breeders' or stallion awards,

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2875 stallion stakes, or owner awards are required to be paid for
2876 standardbred horses winning races in meetings at which there is
2877 no pari-mutuel wagering. The amount of purses to be paid from
2878 funds so released and the meets eligible to receive such funds
2879 for purses must be approved by the board of directors of the
2880 Florida Standardbred Breeders and Owners Association.

2881 (5) (a) Except as provided in subsections (7) and (8), each
2882 permitholder conducting a quarter horse race meet under this
2883 chapter shall pay a sum equal to the breaks plus a sum equal to
2884 1 percent of all pari-mutuel pools conducted during that race
2885 for supplementing and augmenting purses and prizes and for the
2886 general promotion of owning and breeding of racing quarter
2887 horses in this state as authorized in this section. The Florida
2888 Quarter Horse Breeders and Owners Association is authorized to
2889 receive these payments from the permitholders and make payments
2890 as authorized in this subsection. The Florida Quarter Horse
2891 Breeders and Owners Association, Inc., referred to in this
2892 chapter as the Florida Quarter Horse Breeders and Owners
2893 Association, has the right to withhold up to 10 percent of the
2894 permitholder's payments under this section and under s. 550.2633
2895 as a fee for administering these payments. The permitholder
2896 shall remit these payments to the Florida Quarter Horse Breeders
2897 and Owners Association by the 5th day of each calendar month for
2898 such sums accruing during the preceding calendar month and shall
2899 report such payments to the department ~~division~~ as prescribed by
2900 the department ~~division~~. With the exception of the 5-percent fee
2901 for administering the payments, the moneys paid by the
2902 permitholders shall be maintained in a separate, interest-
2903 bearing account.

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2904 (b) The Florida Quarter Horse Breeders and Owners
2905 Association shall use these funds solely for supplementing and
2906 augmenting purses and prizes and for the general promotion of
2907 owning and breeding of racing quarter horses in this state and
2908 for general administration of the Florida Quarter Horse Breeders
2909 and Owners Association, Inc., in this state.

2910 (c) In order for an owner or breeder of a Florida-bred
2911 quarter horse to be eligible to receive an award, the horse
2912 winning a race must have been registered as a Florida-bred horse
2913 with the Florida Quarter Horse Breeders and Owners Association
2914 and a registration certificate under seal for the winning horse
2915 must show that the winning horse has been duly registered prior
2916 to the race as a Florida-bred horse as evidenced by the seal and
2917 proper serial number of the Florida Quarter Horse Breeders and
2918 Owners Association registry. The Department of Agriculture and
2919 Consumer Services is authorized to assist the association in
2920 maintaining this registry. The Florida Quarter Horse Breeders
2921 and Owners Association may charge the registrant a reasonable
2922 fee for this verification and registration. Any person who
2923 registers unqualified horses or misrepresents information in any
2924 way shall be denied any future participation in breeders'
2925 awards, and all horses misrepresented will no longer be deemed
2926 to be Florida-bred.

2927 (d) A permitholder conducting a quarter horse race under a
2928 quarter horse permit under this chapter shall, within 30 days
2929 after the end of the race meet during which the race is
2930 conducted, certify to the Florida Quarter Horse Breeders and
2931 Owners Association such information relating to the horse
2932 winning a stakes or other horserace at the meet as may be

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2933 required to determine the eligibility for payment of breeders'
2934 awards under this section.

2935 (e) The Florida Quarter Horse Breeders and Owners
2936 Association shall maintain complete records showing the starters
2937 and winners in all quarter horse races conducted under quarter
2938 horse permits in this state; shall maintain complete records
2939 showing awards earned, received, and distributed; and may charge
2940 the owner, owners, or breeder a reasonable fee for this service.

2941 (f) The Florida Quarter Horse Breeders and Owners
2942 Association shall keep accurate records showing receipts and
2943 disbursements of payments made under this section and shall
2944 annually file a full and complete report to the department
2945 ~~division~~ showing such receipts and disbursements and the sums
2946 withheld for administration. The department ~~division~~ may audit
2947 the records and accounts of the Florida Quarter Horse Breeders
2948 and Owners Association to determine that payments have been made
2949 in accordance with this section.

2950 (g) The Florida Quarter Horse Breeders and Owners
2951 Association shall annually establish a plan for supplementing
2952 and augmenting purses and prizes and for the general promotion
2953 of owning and breeding Florida-bred racing quarter horses and
2954 shall make award payments and allocations in strict compliance
2955 with the annual plan. The annual plan must be approved by the
2956 department ~~division~~ before implementation. If the funds in the
2957 account for payment of purses and prizes are not sufficient to
2958 meet all purses and prizes to be awarded, those breeders and
2959 owners not receiving payments have first call on any subsequent
2960 receipts in that or any subsequent year.

2961 (h) If the department ~~division~~ finds that the Florida

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2962 Quarter Horse Breeders and Owners Association has not complied
2963 with any provision of this section, the department ~~division~~ may
2964 order the association to cease and desist from receiving funds
2965 and administering funds received under this section and s.
2966 550.2633. If the department ~~division~~ enters such an order, the
2967 permitholder shall make the payments authorized in this section
2968 and s. 550.2633 to the department ~~division~~ for deposit into the
2969 Pari-mutuel Wagering Trust Fund, and any funds in the Florida
2970 Quarter Horse Breeders and Owners Association account shall be
2971 immediately paid to the department ~~division~~ for deposit to the
2972 Pari-mutuel Wagering Trust Fund. The department ~~division~~ shall
2973 authorize payment from these funds to any breeder or owner of a
2974 quarter horse entitled to an award that has not been previously
2975 paid by the Florida Quarter Horse Breeders and Owners
2976 Association pursuant to ~~in accordance with~~ this section.

2977 (6) (a) The takeout may be used for the payment of awards to
2978 owners of registered Florida-bred horses placing first in a
2979 claiming race, an allowance race, a maiden special race, or a
2980 stakes race in which the announced purse, exclusive of entry and
2981 starting fees and added moneys, does not exceed \$40,000.

2982 (b) The permitholder shall determine for each qualified
2983 race the amount of the owners' award for which a registered
2984 Florida-bred horse will be eligible. The amount of the available
2985 owners' award shall be established in the same manner in which
2986 purses are established and shall be published in the condition
2987 book for the period during which the race is to be conducted. No
2988 single award may exceed 50 percent of the gross purse for the
2989 race won.

2990 (c) If the moneys generated under paragraph (a) during the

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2991 meet exceed the owners' awards earned during the meet, the
2992 excess funds shall be held in a separate interest-bearing
2993 account, and the total interest and principal shall be used to
2994 increase the owners' awards during the permitholder's next meet.

2995 (d) Breeders' awards authorized by subsections (3) and (4)
2996 may not be paid on owners' awards.

2997 (e) This subsection governs owners' awards paid on
2998 thoroughbred horse races only in this state, unless a written
2999 agreement is filed with the department ~~division~~ establishing the
3000 rate, procedures, and eligibility requirements for owners'
3001 awards, including place of finish, class of race, maximum purse,
3002 and maximum award, and the agreement is entered into by the
3003 permitholder, the Florida Thoroughbred Breeders' Association,
3004 and the association representing a majority of the racehorse
3005 owners and trainers at the permitholder's location.

3006 (7) (a) Each permitholder that conducts race meets under
3007 this chapter and runs Appaloosa races shall pay to the
3008 department ~~division~~ a sum equal to the breaks plus a sum equal
3009 to 1 percent of the total contributions to each pari-mutuel pool
3010 conducted on each Appaloosa race. The payments shall be remitted
3011 to the department ~~division~~ by the 5th day of each calendar month
3012 for sums accruing during the preceding calendar month.

3013 (b) The department ~~division~~ shall deposit these collections
3014 to the credit of the General Inspection Trust Fund in a special
3015 account to be known as the "Florida Appaloosa Racing Promotion
3016 Account." The Department of Agriculture and Consumer Services
3017 shall administer the funds and adopt suitable and reasonable
3018 rules for the administration thereof. The moneys in the Florida
3019 Appaloosa Racing Promotion Account shall be allocated solely for

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3020 supplementing and augmenting purses and prizes and for the
3021 general promotion of owning and breeding of racing Appaloosas in
3022 this state; and the moneys may not be used to defray any expense
3023 of the Department of Agriculture and Consumer Services in the
3024 administration of this chapter.

3025 (8) Each permitholder that conducts race meets under this
3026 chapter and runs Arabian horse races shall pay to the department
3027 ~~division~~ a sum equal to the breaks plus a sum equal to 1 percent
3028 of the total contributions to each pari-mutuel pool conducted on
3029 each Arabian horse race. The payments shall be remitted to the
3030 department ~~division~~ by the 5th day of each calendar month for
3031 sums accruing during the preceding calendar month.

3032 Section 34. Section 550.26352, Florida Statutes, is amended
3033 to read:

3034 550.26352 Breeders' Cup Meet; pools authorized; conflicts;
3035 taxes; credits; transmission of races; rules; application.—

3036 (1) Notwithstanding any provision of this chapter to the
3037 contrary, there is ~~hereby~~ created a special thoroughbred race
3038 meet that ~~which~~ shall be designated as the "Breeders' Cup Meet."
3039 The Breeders' Cup Meet shall be conducted at the facility of the
3040 Florida permitholder selected by Breeders' Cup Limited to
3041 conduct the Breeders' Cup Meet. The Breeders' Cup Meet shall
3042 consist of 3 days: the day on which the Breeders' Cup races are
3043 conducted, the preceding day, and the subsequent day. Upon the
3044 selection of the Florida permitholder as host for the Breeders'
3045 Cup Meet and application by the selected permitholder, the
3046 department ~~division~~ shall issue a license to the selected
3047 permitholder to operate the Breeders' Cup Meet. Notwithstanding
3048 s. 550.09515(2)(a), the Breeders' Cup Meet may be conducted on

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3049 dates when ~~which~~ the selected permitholder is not otherwise
3050 authorized to conduct a race meet.

3051 (2) The permitholder conducting the Breeders' Cup Meet is
3052 specifically authorized to create pari-mutuel pools during the
3053 Breeders' Cup Meet by accepting pari-mutuel wagers on the
3054 thoroughbred horse races run during the ~~said~~ meet.

3055 (3) If the permitholder conducting the Breeders' Cup Meet
3056 is located within 35 miles of one or more permitholders
3057 scheduled to conduct a thoroughbred race meet on any of the 3
3058 days of the Breeders' Cup Meet, then operation on any of those 3
3059 days by the other permitholders is prohibited. As compensation
3060 for the loss of racing days caused thereby, such operating
3061 permitholders shall receive a credit against the taxes otherwise
3062 due and payable to the state under ss. 550.0951 and 550.09515.
3063 This credit shall be in an amount equal to the operating loss
3064 determined to have been suffered by the operating permitholders
3065 as a result of not operating on the prohibited racing days, but
3066 may ~~shall~~ not exceed a total of \$950,000. The determination of
3067 the amount to be credited shall be made by the department
3068 ~~division~~ upon application by the operating permitholder. The tax
3069 credits provided in this subsection are ~~shall~~ not be available
3070 unless an operating permitholder is required to close a bona
3071 fide meet consisting in part of no fewer than 10 scheduled
3072 performances in the 15 days immediately preceding or 10
3073 scheduled performances in the 15 days immediately following the
3074 Breeders' Cup Meet. Such tax credit shall be in lieu of any
3075 other compensation or consideration for the loss of racing days.
3076 There shall be no replacement or makeup of any lost racing days.
3077 (4) Notwithstanding any provision of ss. 550.0951 and

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3078 550.09515, the permitholder conducting the Breeders' Cup Meet
3079 shall pay no taxes on the handle included in ~~within~~ the
3080 permitholder's pari-mutuel pools ~~of said permitholder~~ during the
3081 Breeders' Cup Meet.

3082 (5) The permitholder conducting the Breeders' Cup Meet
3083 shall receive a credit against the taxes otherwise due and
3084 payable to the state under ss. 550.0951 and 550.09515 generated
3085 during the ~~said~~ permitholder's next ensuing regular thoroughbred
3086 race meet. This credit shall be in an amount not to exceed
3087 \$950,000 and shall be used ~~utilized~~ by the permitholder to pay
3088 the purses offered by the permitholder during the Breeders' Cup
3089 Meet in excess of the purses that ~~which~~ the permitholder is
3090 otherwise required by law to pay. The amount to be credited
3091 shall be determined by the department ~~division~~ upon application
3092 of the permitholder which is subject to audit by the department
3093 ~~division~~.

3094 (6) The permitholder conducting the Breeders' Cup Meet
3095 shall receive a credit against the taxes otherwise due and
3096 payable to the state under ss. 550.0951 and 550.09515 generated
3097 during the ~~said~~ permitholder's next ensuing regular thoroughbred
3098 race meet. This credit shall be in an amount not to exceed
3099 \$950,000 and shall be utilized by the permitholder for such
3100 capital improvements and extraordinary expenses as may be
3101 necessary for operation of the Breeders' Cup Meet. The amount to
3102 be credited shall be determined by the department ~~division~~ upon
3103 application of the permitholder which is subject to audit by the
3104 department ~~division~~.

3105 (7) The permitholder conducting the Breeders' Cup Meet is
3106 ~~shall be~~ exempt from the payment of purses and other payments to

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3107 horsemen on all on-track, intertrack, interstate, and
3108 international wagers or rights fees or payments arising
3109 therefrom for all races for which the purse is paid or supplied
3110 by Breeders' Cup Limited. The permitholder conducting the
3111 Breeders' Cup Meet is shall not, however, ~~be~~ exempt from
3112 breeders' awards payments for on-track and intertrack wagers as
3113 provided in ss. 550.2625(3) and 550.625(2) (a) for races in which
3114 the purse is paid or supplied by Breeders' Cup Limited.

3115 (8) (a) Pursuant to s. 550.3551(2), the permitholder
3116 conducting the Breeders' Cup Meet may is ~~is authorized to~~ transmit
3117 broadcasts of the races conducted during the Breeders' Cup Meet
3118 to locations outside ~~of~~ this state for wagering purposes. The
3119 department ~~division~~ may approve broadcasts to pari-mutuel
3120 permitholders and other betting systems authorized under the
3121 laws of any other state or country. Wagers accepted by any out-
3122 of-state pari-mutuel permitholder or betting system on any races
3123 broadcast under this section may be, but are not required to be,
3124 commingled with the pari-mutuel pools of the permitholder
3125 conducting the Breeders' Cup Meet. The calculation of any payoff
3126 on national pari-mutuel pools with commingled wagers may be
3127 performed by the permitholder's totalisator contractor at a
3128 location outside ~~of~~ this state. Pool amounts from wagers placed
3129 at pari-mutuel facilities or other betting systems in foreign
3130 countries before being commingled with the pari-mutuel pool of
3131 the Florida permitholder conducting the Breeders' Cup Meet shall
3132 be calculated by the totalisator contractor and transferred to
3133 the commingled pool in United States currency in cycles
3134 customarily used by the permitholder. Pool amounts from wagers
3135 placed at any foreign pari-mutuel facility or other betting

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3136 system may ~~shall~~ not be commingled with a Florida pool until a
3137 determination is made by the department ~~division~~ that the
3138 technology utilized by the totalisator contractor is adequate to
3139 assure commingled pools will result in the calculation of
3140 accurate payoffs to Florida bettors. Any totalisator contractor
3141 at a location outside ~~of~~ this state shall comply with the
3142 provisions of s. 550.495 relating to totalisator licensing.

3143 (b) The permitholder conducting the Breeders' Cup Meet may
3144 ~~is authorized to~~ transmit broadcasts of the races conducted
3145 during the Breeders' Cup Meet to other pari-mutuel facilities
3146 located in this state for wagering purposes; however, the
3147 permitholder conducting the Breeders' Cup Meet is ~~shall~~ not be
3148 required to transmit broadcasts to any pari-mutuel facility
3149 located within 25 miles of the facility at which the Breeders'
3150 Cup Meet is conducted.

3151 (9) The exemption from the tax credits provided in
3152 subsections (5) and (6) may ~~shall~~ not be granted and may ~~shall~~
3153 not be claimed by the permitholder until an audit is completed
3154 by the department ~~division~~. The department ~~division~~ is required
3155 to complete the audit within 30 days of receipt of the necessary
3156 documentation from the permitholder to verify the permitholder's
3157 claim for tax credits. If the documentation submitted by the
3158 permitholder is incomplete or is insufficient to document the
3159 permitholder's claim for tax credits, the department ~~division~~
3160 may request such additional documentation as is necessary to
3161 complete the audit. Upon receipt of the department's ~~division's~~
3162 written request for additional documentation, the 30-day time
3163 limitation will commence anew.

3164 (10) The department ~~may division is authorized to~~ adopt

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3165 ~~such rules as are necessary~~ to facilitate the conduct of the
 3166 Breeders' Cup Meet, including ~~as authorized in this section.~~
 3167 ~~Included within this grant of authority shall be the adoption or~~
 3168 ~~waiver of~~ rules regarding the overall conduct of racing during
 3169 the Breeders' Cup Meet so as to ensure the integrity of the
 3170 races, licensing for all participants, special stabling and
 3171 training requirements for foreign horses, commingling of pari-
 3172 mutuel pools, and audit requirements for tax credits and other
 3173 benefits.

3174 (11) Any dispute between the department ~~division~~ and any
 3175 permitholder regarding the tax credits authorized under
 3176 subsection (3), subsection (5), or subsection (6) shall be
 3177 determined by a hearing officer of the Division of
 3178 Administrative Hearings under the provisions of s. 120.57(1).

3179 (12) ~~The provisions of~~ This section prevails ~~shall prevail~~
 3180 over any conflicting provisions of this chapter.

3181 Section 35. Section 550.2704, Florida Statutes, is amended
 3182 to read:

3183 550.2704 Jai Alai Tournament of Champions Meet.—

3184 (1) Notwithstanding any provision of this chapter, there is
 3185 ~~hereby~~ created a special jai alai meet that ~~which~~ shall be
 3186 designated as the "Jai Alai Tournament of Champions Meet" and
 3187 ~~which~~ shall be hosted by the Florida jai alai permitholders
 3188 selected by the National Association of Jai Alai Frontons, Inc.,
 3189 to conduct such meet. The meet shall consist of three qualifying
 3190 performances and a final performance, each of which is to be
 3191 conducted on different days. Upon the selection of the Florida
 3192 permitholders for the meet, and upon application by the selected
 3193 permitholders, the department ~~Division of Pari-mutuel Wagering~~

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3194 shall issue a license to each of the selected permitholders to
3195 operate the meet. The meet may be conducted during a season in
3196 which the permitholders selected to conduct the meet are not
3197 otherwise authorized to conduct a meet. Notwithstanding anything
3198 herein to the contrary, any Florida permitholder who is to
3199 conduct a performance that ~~which~~ is a part of the Jai Alai
3200 Tournament of Champions Meet is ~~shall~~ not be required to apply
3201 for the license for the ~~said~~ meet if it is to be run during the
3202 regular season for which such permitholder has a license.

3203 (2) Qualifying performances and the final performance of
3204 the tournament shall be held at different locations throughout
3205 the state, and the permitholders selected shall be under
3206 different ownership to the extent possible.

3207 (3) Notwithstanding any provision of this chapter, each of
3208 the permitholders licensed to conduct performances comprising
3209 the Jai Alai Tournament of Champions Meet shall pay no taxes on
3210 handle under s. 550.0951 or s. 550.09511 for any performance
3211 conducted by such permitholder as part of the Jai Alai
3212 Tournament of Champions Meet. The provisions of this subsection
3213 shall apply to a maximum of four performances.

3214 (4) The Jai Alai Tournament of Champions Meet permitholders
3215 shall also receive a credit against the taxes, otherwise due and
3216 payable under s. 550.0951 or s. 550.09511, generated during the
3217 ~~said~~ permitholders' current regular meet. This credit shall be
3218 in the aggregate amount of \$150,000, shall be prorated equally
3219 between the permitholders, and shall be used ~~utilized~~ by the
3220 permitholders solely to supplement awards for the performance
3221 conducted during the Jai Alai Tournament of Champions Meet. All
3222 awards shall be paid to the tournament's participating players

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3223 no later than 30 days following the conclusion of the ~~said~~ Jai
3224 Alai Tournament of Champions Meet.

3225 (5) In addition to the credit authorized in subsection (4),
3226 the Jai Alai Tournament of Champions Meet permitholders shall
3227 receive a credit against the taxes, otherwise due and payable
3228 under s. 550.0951 or s. 550.09511, generated during the ~~said~~
3229 permitholders' current regular meet, in an amount not to exceed
3230 the aggregate amount of \$150,000, which shall be prorated
3231 equally between the permitholders, and shall be used ~~utilized~~ by
3232 the permitholders for such capital improvements and
3233 extraordinary expenses, including marketing expenses, as may be
3234 necessary for the operation of the meet. The determination of
3235 the amount to be credited shall be made by the department
3236 ~~division~~ upon application by the ~~of said~~ permitholders.

3237 (6) The permitholder is ~~shall be~~ entitled to a said
3238 ~~permitholder's~~ pro rata share of the \$150,000 tax credit
3239 provided in subsection (5) without having to make application,
3240 so long as appropriate documentation to substantiate the ~~said~~
3241 expenditures thereunder is provided to the department ~~division~~
3242 within 30 days following said Jai Alai Tournament of Champions
3243 Meet.

3244 (7) A ~~No~~ Jai Alai Tournament of Champions Meet may not
3245 ~~shall~~ exceed 4 days in any state fiscal year, and only ~~no more~~
3246 ~~than~~ one performance may ~~shall~~ be conducted on any one day of
3247 the meet. ~~There shall be~~ Only one Jai Alai Tournament of
3248 Champions Meet may occur in any state fiscal year.

3249 (8) The department ~~may division is~~ authorized to adopt such
3250 rules ~~as are~~ necessary to facilitate the conduct of the Jai Alai
3251 Tournament of Champions Meet, including ~~as authorized in this~~

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3252 ~~section. Included within this grant of authority shall be the~~
3253 ~~adoption of~~ rules regarding the overall conduct of the
3254 tournament so as to ensure the integrity of the event, licensing
3255 for participants, commingling of pari-mutuel pools, and audit
3256 requirements for tax credits and exemptions.

3257 (9) ~~The provisions of~~ This section prevails ~~shall prevail~~
3258 over any conflicting provisions of this chapter.

3259 Section 36. Subsections (3) and (5) of section 550.334,
3260 Florida Statutes, are amended to read:

3261 550.334 Quarter horse racing; substitutions.—

3262 (3) Quarter horses participating in such races must be duly
3263 registered by the American Quarter Horse Association, and before
3264 each race such horses must be examined and declared in fit
3265 condition by a qualified person designated by the department
3266 ~~division~~.

3267 (5) Any quarter horse racing permit holder operating under a
3268 valid permit issued by the department ~~division~~ is authorized to
3269 substitute races of other breeds of horses which are,
3270 respectively, registered with the American Paint Horse
3271 Association, Appaloosa Horse Club, Arabian Horse Registry of
3272 America, Palomino Horse Breeders of America, United States
3273 Trotting Association, Florida Cracker Horse Association, or
3274 Jockey Club for no more than 50 percent of the quarter horse
3275 races during its meet.

3276 Section 37. Subsection (2) of section 550.3345, Florida
3277 Statutes, is amended to read:

3278 550.3345 Conversion of quarter horse permit to a limited
3279 thoroughbred permit.—

3280 (2) Notwithstanding any other provision of law, the holder

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3281 of a quarter horse racing permit issued under s. 550.334 may,
3282 within 1 year after the effective date of this section, apply to
3283 the department ~~division~~ for a transfer of the quarter horse
3284 racing permit to a not-for-profit corporation formed under state
3285 law to serve the purposes of the state as provided in subsection
3286 (1). The board of directors of the not-for-profit corporation
3287 must be comprised of 11 members, 4 of whom shall be designated
3288 by the applicant, 4 of whom shall be designated by the Florida
3289 Thoroughbred Breeders' Association, and 3 of whom shall be
3290 designated by the other 8 directors, with at least 1 of these 3
3291 members being an authorized representative of another
3292 thoroughbred permitholder in this state. The not-for-profit
3293 corporation shall submit an application to the department
3294 ~~division~~ for review and approval of the transfer in accordance
3295 with s. 550.054. Upon approval of the transfer by the department
3296 ~~division~~, and notwithstanding any other provision of law to the
3297 contrary, the not-for-profit corporation may, within 1 year
3298 after its receipt of the permit, request that the department
3299 ~~division~~ convert the quarter horse racing permit to a permit
3300 authorizing the holder to conduct pari-mutuel wagering meets of
3301 thoroughbred racing. Neither the transfer of the quarter horse
3302 racing permit nor its conversion to a limited thoroughbred
3303 permit shall be subject to the mileage limitation or the
3304 ratification election as set forth under s. 550.054(2) or s.
3305 550.0651. Upon receipt of the request for such conversion, the
3306 department ~~division~~ shall timely issue a converted permit. The
3307 converted permit and the not-for-profit corporation shall be
3308 subject to the following requirements:

3309 (a) All net revenues derived by the not-for-profit

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3310 corporation under the thoroughbred horse racing permit, after
3311 the funding of operating expenses and capital improvements,
3312 shall be dedicated to the enhancement of thoroughbred purses and
3313 breeders', stallion, and special racing awards under this
3314 chapter; the general promotion of the thoroughbred horse
3315 breeding industry; and the care in this state of thoroughbred
3316 horses retired from racing.

3317 (b) From December 1 through April 30, no live thoroughbred
3318 racing may be conducted under the permit on any day during which
3319 another thoroughbred permitholder is conducting live
3320 thoroughbred racing within 125 air miles of the not-for-profit
3321 corporation's pari-mutuel facility unless the other thoroughbred
3322 permitholder gives its written consent.

3323 (c) After the conversion of the quarter horse racing permit
3324 and the issuance of its initial license to conduct pari-mutuel
3325 wagering meets of thoroughbred racing, the not-for-profit
3326 corporation shall annually apply to the department ~~division~~ for
3327 a license pursuant to s. 550.5251.

3328 (d) Racing under the permit may take place only at the
3329 location for which the original quarter horse racing permit was
3330 issued, which may be leased by the not-for-profit corporation
3331 for that purpose; however, the not-for-profit corporation may,
3332 without the conduct of any ratification election pursuant to s.
3333 550.054(13) or s. 550.0651, move the location of the permit to
3334 another location in the same county provided that such
3335 relocation is approved under the zoning and land use regulations
3336 of the applicable county or municipality.

3337 (e) A ~~No~~ permit converted under this section may not be
3338 transferred ~~is eligible for transfer~~ to another person or

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3339 entity.

3340 Section 38. Section 550.3355, Florida Statutes, is amended
3341 to read:

3342 550.3355 Harness track licenses for summer quarter horse
3343 racing.—Any harness track licensed to operate under the
3344 provisions of s. 550.375 may make application for, and shall be
3345 issued by the department ~~division~~, a license to operate not more
3346 than 50 quarter horse racing days during the summer season,
3347 which shall extend from July 1 until October 1 of each year.
3348 However, this license to operate quarter horse racing for 50
3349 days is in addition to the racing days and dates provided in s.
3350 550.375 for harness racing during the winter seasons; and, it
3351 does not affect the right of such licensee to operate harness
3352 racing at the track as provided in s. 550.375 during the winter
3353 season. All provisions of this chapter governing quarter horse
3354 racing not in conflict herewith apply to the operation of
3355 quarter horse meetings authorized hereunder, except that all
3356 quarter horse racing permitted hereunder shall be conducted at
3357 night.

3358 Section 39. Paragraph (a) of subsection (6) and subsections
3359 (10) and (13) of section 550.3551, Florida Statutes, are amended
3360 to read:

3361 550.3551 Transmission of racing and jai alai information;
3362 commingling of pari-mutuel pools.—

3363 (6) (a) A maximum of 20 percent of the total number of races
3364 on which wagers are accepted by a greyhound permitholder not
3365 located as specified in s. 550.615(6) may be received from
3366 locations outside this state. A permitholder may not conduct
3367 fewer than eight live races or games on any authorized race day

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3368 except as provided in this subsection. A thoroughbred
3369 permitholder may not conduct fewer than eight live races on any
3370 race day without the written approval of the Florida
3371 Thoroughbred Breeders' Association and the Florida Horsemen's
3372 Benevolent and Protective Association, Inc., unless it is
3373 determined by the department that another entity represents a
3374 majority of the thoroughbred racehorse owners and trainers in
3375 the state. A harness permitholder may conduct fewer than eight
3376 live races on any authorized race day, except that such
3377 permitholder must conduct a full schedule of live racing during
3378 its race meet consisting of at least eight live races per
3379 authorized race day for at least 100 days. Any harness horse
3380 permitholder that during the preceding racing season conducted a
3381 full schedule of live racing may, at any time during its current
3382 race meet, receive full-card broadcasts of harness horse races
3383 conducted at harness racetracks outside this state at the
3384 harness track of the permitholder and accept wagers on such
3385 harness races. With specific authorization from the department
3386 ~~division~~ for special racing events, a permitholder may conduct
3387 fewer than eight live races or games when the permitholder also
3388 broadcasts out-of-state races or games. The department ~~division~~
3389 may not grant more than two such exceptions a year for a
3390 permitholder in any 12-month period, and those two exceptions
3391 may not be consecutive.

3392 (10) The department ~~division~~ may adopt rules necessary to
3393 facilitate commingling of pari-mutuel pools, to ensure the
3394 proper calculation of payoffs in circumstances in which
3395 different commission percentages are applicable and to regulate
3396 the distribution of net proceeds between the horse track and, in

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3397 this state, the horsemen's associations.

3398 (13) This section does not prohibit the commingling of
3399 national pari-mutuel pools by a totalisator company that is
3400 licensed under this chapter. Such commingling of national pools
3401 is subject to department ~~division~~ review and approval and must
3402 be performed pursuant to ~~in accordance with~~ rules adopted by the
3403 department ~~division~~ to ensure accurate calculation and
3404 distribution of the pools.

3405 Section 40. Subsections (3), (4), and (5) of section
3406 550.3615, Florida Statutes, are amended to read:

3407 550.3615 Bookmaking on the grounds of a permitholder;
3408 penalties; reinstatement; duties of track employees; penalty;
3409 exceptions.—

3410 (3) Any person who has been convicted of bookmaking in this
3411 state or any other state of the United States or any foreign
3412 country shall be denied admittance to and may ~~shall~~ not attend
3413 any racetrack or fronton in this state during its racing seasons
3414 or operating dates, including any practice or preparational
3415 days, for a period of 2 years after the date of conviction or
3416 the date of final appeal. Following the conclusion of the period
3417 of ineligibility, the department ~~director of the division~~ may
3418 authorize the reinstatement of an individual following a hearing
3419 on readmittance. Any such person who knowingly violates this
3420 subsection commits ~~is guilty of~~ a misdemeanor of the first
3421 degree, punishable as provided in s. 775.082 or s. 775.083.

3422 (4) If the activities of a person show that this law is
3423 being violated, and such activities are either witnessed or are
3424 common knowledge by any track or fronton employee, it is the
3425 duty of that employee to bring the matter to the immediate

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3426 attention of the permit holder, manager, or her or his designee,
3427 who shall notify a law enforcement agency having jurisdiction.
3428 Willful failure on the part of any track or fronton employee to
3429 comply with ~~the provisions of~~ this subsection is a ground for
3430 the department ~~division~~ to suspend or revoke that employee's
3431 license for track or fronton employment.

3432 (5) Each permittee shall display, in conspicuous places at
3433 a track or fronton and in all race and jai alai daily programs,
3434 a warning to all patrons concerning the prohibition and
3435 penalties of bookmaking contained in this section and s. 849.25.
3436 The department ~~division~~ shall adopt rules concerning the uniform
3437 size of all warnings and the number of placements throughout a
3438 track or fronton. Failure on the part of the permittee to
3439 display such warnings may result in the imposition of a \$500
3440 fine by the department ~~division~~ for each offense.

3441 Section 41. Subsections (2) and (3) of section 550.375,
3442 Florida Statutes, are amended to read:

3443 550.375 Operation of certain harness tracks.—

3444 (2) Any permittee or licensee authorized under this section
3445 to transfer the location of its permit may conduct harness
3446 racing only between the hours of 7 p.m. and 2 a.m. A permit so
3447 transferred applies only to the locations provided in this
3448 section. The provisions of this chapter which prohibit the
3449 location and operation of a licensed harness track permittee and
3450 licensee within 100 air miles of the location of a racetrack
3451 authorized to conduct racing under this chapter and which
3452 prohibit the department ~~division~~ from granting any permit to a
3453 harness track at a location in the area in which there are three
3454 horse tracks located within 100 air miles thereof do not apply

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3455 to a licensed harness track that is required by the terms of
3456 this section to race between the hours of 7 p.m. and 2 a.m.

3457 (3) A permit may not be issued by the department ~~division~~
3458 for the operation of a harness track within 75 air miles of a
3459 location of a harness track licensed and operating under this
3460 chapter.

3461 Section 42. Section 550.495, Florida Statutes, is amended
3462 to read:

3463 550.495 Totalisator licensing.—

3464 (1) A totalisator may not be operated at a pari-mutuel
3465 facility in this state, or at a facility located in or out of
3466 this state which is used as the primary totalisator for a race
3467 or game conducted in this state, unless the totalisator company
3468 possesses a business license issued by the department ~~division~~.

3469 (2) (a) Each totalisator company must apply to the
3470 department ~~division~~ for an annual business license. The
3471 application must include such information as the department
3472 ~~division~~ by rule requires.

3473 (b) As a part of its license application, each totalisator
3474 company must agree in writing to pay to the department ~~division~~
3475 an amount equal to the loss of any state revenues from missed or
3476 canceled races, games, or performances due to acts of the
3477 totalisator company or its agents or employees or failures of
3478 the totalisator system, except for circumstances beyond the
3479 control of the totalisator company or agent or employee, as
3480 determined by the department ~~division~~.

3481 (c) Each totalisator company must file with the department
3482 ~~division~~ a performance bond, acceptable to the department
3483 ~~division~~, in the sum of \$250,000 issued by a surety approved by

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3484 the department ~~division~~ or must file proof of insurance,
3485 acceptable to the department ~~division~~, against financial loss in
3486 the amount of \$250,000, insuring the state against such a
3487 revenue loss.

3488 (d) In the event of a loss of state tax revenues, the
3489 department ~~division~~ shall determine:

3490 1. The estimated revenue lost as a result of missed or
3491 canceled races, games, or performances;

3492 2. The number of races, games, or performances which is
3493 practicable for the permitholder to conduct in an attempt to
3494 mitigate the revenue loss; and

3495 3. The amount of the revenue loss which the makeup races,
3496 games, or performances will not recover and for which the
3497 totalisator company is liable.

3498 (e) Upon the making of such determinations, the department
3499 ~~division~~ shall issue to the totalisator company and to the
3500 affected permitholder an order setting forth the determinations
3501 of the department ~~division~~.

3502 (f) If the order is contested by either the totalisator
3503 company or any affected permitholder, ~~the provisions of~~ chapter
3504 120 applies ~~apply~~. If the totalisator company contests the order
3505 on the grounds that the revenue loss was due to circumstances
3506 beyond its control, the totalisator company has the burden of
3507 proving that circumstances vary in fact beyond its control. For
3508 purposes of this paragraph, strikes and acts of God are beyond
3509 the control of the totalisator company.

3510 (g) Upon the failure of the totalisator company to make the
3511 payment found to be due the state, the department ~~division~~ may
3512 cause the forfeiture of the bond or may proceed against the

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3513 insurance contract, and the proceeds of the bond or contract
3514 shall be deposited into the Pari-mutuel Wagering Trust Fund. If
3515 that bond was not posted or insurance obtained, the department
3516 ~~division~~ may proceed against any assets of the totalisator
3517 company to collect the amounts due under this subsection.

3518 (3) If the applicant meets the requirements of this section
3519 and department ~~division~~ rules and pays the license fee, the
3520 department must ~~division shall~~ issue the license.

3521 (4) Each totalisator company shall conduct operations in
3522 accordance with rules adopted by the department ~~division~~, in
3523 such form, content, and frequency as the department ~~division~~ by
3524 rule determines.

3525 (5) The department ~~division~~ and its representatives may
3526 enter and inspect any area of the premises of a licensed
3527 totalisator company, and may examine totalisator records, during
3528 the licensee's regular business or operating hours.

3529 Section 43. Section 550.505, Florida Statutes, is amended
3530 to read:

3531 550.505 Nonwagering permits.—

3532 (1) (a) Except as provided in this section, permits and
3533 licenses issued by the department ~~division~~ are intended to be
3534 used for pari-mutuel wagering operations in conjunction with
3535 horseraces, dograces, or jai alai performances.

3536 (b) Subject to the requirements of this section, the
3537 department may ~~division is authorized to~~ issue permits for the
3538 conduct of horseracing meets without pari-mutuel wagering or any
3539 other form of wagering being conducted in conjunction therewith.
3540 Such permits shall be known as nonwagering permits and may be
3541 issued only for horseracing meets. A horseracing permitholder

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3542 need not obtain an additional permit from the department
3543 ~~division~~ for conducting nonwagering racing under this section,
3544 but must apply to the department ~~division~~ for the issuance of a
3545 license under this section. The holder of a nonwagering permit
3546 is prohibited from conducting pari-mutuel wagering or any other
3547 form of wagering in conjunction with racing conducted under the
3548 permit. ~~Nothing in~~ This subsection does not prohibit ~~prohibits~~
3549 horseracing for any stake, purse, prize, or premium.

3550 (c) The holder of a nonwagering permit is exempt from ~~the~~
3551 ~~provisions of~~ s. 550.105 and is exempt from the imposition of
3552 daily license fees and admission tax.

3553 (2) (a) Any person not prohibited from holding any type of
3554 pari-mutuel permit under s. 550.1815 may ~~shall be allowed to~~
3555 apply to the department ~~division~~ for a nonwagering permit. The
3556 applicant must demonstrate that the location or locations where
3557 the nonwagering permit will be used are available for such use
3558 and that the applicant has the financial ability to satisfy the
3559 reasonably anticipated operational expenses of the first racing
3560 year following final issuance of the nonwagering permit. If the
3561 racing facility is already built, the application must contain a
3562 statement, with reasonable supporting evidence, that the
3563 nonwagering permit will be used for horseracing within 1 year
3564 after the date on which it is granted. If the facility is not
3565 already built, the application must contain a statement, with
3566 reasonable supporting evidence, that substantial construction
3567 will be started within 1 year after the issuance of the
3568 nonwagering permit.

3569 (b) The department ~~division~~ may conduct an eligibility
3570 investigation to determine if the applicant meets the

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3571 requirements of paragraph (a).

3572 (3) (a) Upon receipt of a nonwagering permit, the
3573 permitholder must apply to the department ~~division~~ before June 1
3574 of each year for an annual nonwagering license for the next
3575 succeeding calendar year. Such application must set forth the
3576 days and locations at which the permitholder will conduct
3577 nonwagering horseracing and must indicate any changes in
3578 ownership or management of the permitholder occurring since the
3579 date of application for the prior license.

3580 (b) On or before August 1 of each year, the department
3581 ~~division~~ shall issue a license authorizing the nonwagering
3582 permitholder to conduct nonwagering horseracing during the
3583 succeeding calendar year during the period and for the number of
3584 days set forth in the application, subject to all other
3585 provisions of this section.

3586 (c) The department ~~division~~ may conduct an eligibility
3587 investigation to determine the qualifications of any new
3588 ownership or management interest in the permit.

3589 (4) Upon the approval of racing dates by the department
3590 ~~division~~, the department ~~division~~ shall issue an annual
3591 nonwagering license to the nonwagering permitholder.

3592 (5) Only horses registered with an established breed
3593 registration organization, which organization shall be approved
3594 by the department ~~division~~, shall be raced at any race meeting
3595 authorized by this section.

3596 (6) The department ~~division~~ may order any person
3597 participating in a nonwagering meet to cease and desist from
3598 participating in such meet if it ~~the division~~ determines the
3599 person to be not of good moral character in accordance with s.

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3600 550.1815. The department ~~division~~ may order the operators of a
3601 nonwagering meet to cease and desist from operating the meet if
3602 the department ~~division~~ determines the meet is being operated
3603 for any illegal purpose.

3604 Section 44. Subsection (1) of section 550.5251, Florida
3605 Statutes, is amended to read:

3606 550.5251 Florida thoroughbred racing; certain permits;
3607 operating days.—

3608 (1) Each thoroughbred permitholder shall annually, during
3609 the period commencing December 15 of each year and ending
3610 January 4 of the following year, file in writing with the
3611 department ~~division~~ its application to conduct one or more
3612 thoroughbred racing meetings during the thoroughbred racing
3613 season commencing on the following July 1. Each application
3614 shall specify the number and dates of all performances that the
3615 permitholder intends to conduct during that thoroughbred racing
3616 season. On or before March 15 of each year, the department
3617 ~~division~~ shall issue a license authorizing each permitholder to
3618 conduct performances on the dates specified in its application.
3619 Up to February 28 of each year, each permitholder may request
3620 and shall be granted changes in its authorized performances; but
3621 thereafter, as a condition precedent to the validity of its
3622 license and its right to retain its permit, each permitholder
3623 must operate the full number of days authorized on each of the
3624 dates set forth in its license.

3625 Section 45. Subsection (3) of section 550.625, Florida
3626 Statutes, is amended to read:

3627 550.625 Intertrack wagering; purses; breeders' awards.—If a
3628 host track is a horse track:

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3629 (3) The payment to a breeders' organization shall be
3630 combined with any other amounts received by the respective
3631 breeders' and owners' associations as so designated. Each
3632 breeders' and owners' association receiving these funds shall be
3633 allowed to withhold the same percentage as set forth in s.
3634 550.2625 to be used for administering the payment of awards and
3635 for the general promotion of their respective industries. If the
3636 total combined amount received for thoroughbred breeders' awards
3637 exceeds 15 percent of the purse required to be paid under
3638 subsection (1), the breeders' and owners' association, as so
3639 designated, notwithstanding any other provision of law, shall
3640 submit a plan to the department ~~division~~ for approval which
3641 would use the excess funds in promoting the breeding industry by
3642 increasing the purse structure for Florida-breds. Preference
3643 shall be given to the track generating such excess.

3644 Section 46. Subsection (5) and paragraph (g) of subsection
3645 (9) of section 550.6305, Florida Statutes, are amended to read:
3646 550.6305 Intertrack wagering; guest track payments;
3647 accounting rules.—

3648 (5) The department ~~division~~ shall adopt rules providing an
3649 expedient accounting procedure for the transfer of the pari-
3650 mutuel pool in order to properly account for payment of state
3651 taxes, payment to the guest track, payment to the host track,
3652 payment of purses, payment to breeders' associations, payment to
3653 horsemen's associations, and payment to the public.

3654 (9) A host track that has contracted with an out-of-state
3655 horse track to broadcast live races conducted at such out-of-
3656 state horse track pursuant to s. 550.3551(5) may broadcast such
3657 out-of-state races to any guest track and accept wagers thereon

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3658 in the same manner as is provided in s. 550.3551.

3659 (g)1. Any thoroughbred permitholder that ~~which~~ accepts
3660 wagers on a simulcast signal must make the signal available to
3661 any permitholder that is eligible to conduct intertrack wagering
3662 under the provisions of ss. 550.615-550.6345.

3663 2. Any thoroughbred permitholder that ~~which~~ accepts wagers
3664 on a simulcast signal received after 6 p.m. must make such
3665 signal available to any permitholder that is eligible to conduct
3666 intertrack wagering under the provisions of ss. 550.615-
3667 550.6345, including any permitholder located as specified in s.
3668 550.615(6). Such guest permitholders are authorized to accept
3669 wagers on such simulcast signal, notwithstanding any other
3670 provision of this chapter to the contrary.

3671 3. Any thoroughbred permitholder that ~~which~~ accepts wagers
3672 on a simulcast signal received after 6 p.m. must make such
3673 signal available to any permitholder that is eligible to conduct
3674 intertrack wagering under the provisions of ss. 550.615-
3675 550.6345, including any permitholder located as specified in s.
3676 550.615(9). Such guest permitholders are authorized to accept
3677 wagers on such simulcast signals for a number of performances
3678 not to exceed that which constitutes a full schedule of live
3679 races for a quarter horse permitholder pursuant to s.
3680 550.002(10) ~~s. 550.002(11)~~, notwithstanding any other provision
3681 of this chapter to the contrary, except that the restrictions
3682 provided in s. 550.615(9)(a) apply to wagers on such simulcast
3683 signals.

3684
3685 No thoroughbred permitholder shall be required to continue to
3686 rebroadcast a simulcast signal to any in-state permitholder if

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3687 the average per performance gross receipts returned to the host
3688 permitholder over the preceding 30-day period were less than
3689 \$100. Subject to the provisions of s. 550.615(4), as a condition
3690 of receiving rebroadcasts of thoroughbred simulcast signals
3691 under this paragraph, a guest permitholder must accept
3692 intertrack wagers on all live races conducted by all then-
3693 operating thoroughbred permitholders.

3694 Section 47. Subsections (1) and (2) of section 550.6308,
3695 Florida Statutes, are amended to read:

3696 550.6308 Limited intertrack wagering license.—In
3697 recognition of the economic importance of the thoroughbred
3698 breeding industry to this state, its positive impact on tourism,
3699 and of the importance of a permanent thoroughbred sales facility
3700 as a key focal point for the activities of the industry, a
3701 limited license to conduct intertrack wagering is established to
3702 ensure the continued viability and public interest in
3703 thoroughbred breeding in Florida.

3704 (1) Upon application to the department ~~division~~ on or
3705 before January 31 of each year, any person that is licensed to
3706 conduct public sales of thoroughbred horses pursuant to s.
3707 535.01, that has conducted at least 15 days of thoroughbred
3708 horse sales at a permanent sales facility in this state for at
3709 least 3 consecutive years, and that has conducted at least 1 day
3710 of nonwagering thoroughbred racing in this state, with a purse
3711 structure of at least \$250,000 per year for 2 consecutive years
3712 before such application, shall be issued a license, subject to
3713 the conditions set forth in this section, to conduct intertrack
3714 wagering at such a permanent sales facility during the following
3715 periods:

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3716 (a) Up to 21 days in connection with thoroughbred sales;
3717 (b) Between November 1 and May 8;
3718 (c) Between May 9 and October 31 at such times and on such
3719 days as any thoroughbred, jai alai, or a greyhound permitholder
3720 in the same county is not conducting live performances; provided
3721 that any such permitholder may waive this requirement, in whole
3722 or in part, and allow the licensee under this section to conduct
3723 intertrack wagering during one or more of the permitholder's
3724 live performances; and
3725 (d) During the weekend of the Kentucky Derby, the
3726 Preakness, the Belmont, and a Breeders' Cup Meet that is
3727 conducted before November 1 and after May 8.
3728
3729 No more than one such license may be issued, and no such license
3730 may be issued for a facility located within 50 miles of any
3731 thoroughbred permitholder's track.
3732 (2) If more than one application is submitted for such
3733 license, the department ~~division~~ shall determine which applicant
3734 shall be granted the license. In making its determination, the
3735 department ~~division~~ shall grant the license to the applicant
3736 demonstrating superior capabilities, as measured by the length
3737 of time the applicant has been conducting thoroughbred sales
3738 within this state or elsewhere, the applicant's total volume of
3739 thoroughbred horse sales, within this state or elsewhere, the
3740 length of time the applicant has maintained a permanent
3741 thoroughbred sales facility in this state, and the quality of
3742 the facility.
3743 Section 48. Subsection (2) of section 550.70, Florida
3744 Statutes, is amended to read:

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3745 550.70 Jai alai general provisions; chief court judges
3746 required; extension of time to construct fronton; amateur jai
3747 alai contests permitted under certain conditions; playing days'
3748 limitations; locking of pari-mutuel machines.—

3749 (2) The time within which the holder of a ratified permit
3750 for jai alai or pelota has to construct and complete a fronton
3751 may be extended by the department ~~division~~ for a period of 24
3752 months after the date of the issuance of the permit, anything to
3753 the contrary in any statute notwithstanding.

3754 Section 49. Subsection (3) of section 550.902, Florida
3755 Statutes, is amended to read:

3756 550.902 Purposes.—The purposes of this compact are to:

3757 (3) Authorize the Department of Gaming ~~Business and~~
3758 ~~Professional Regulation~~ to participate in this compact.

3759 Section 50. Subsection (1) of section 550.907, Florida
3760 Statutes, is amended to read:

3761 550.907 Compact committee.—

3762 (1) There is created an interstate governmental entity to
3763 be known as the "compact committee," which shall be composed of
3764 one official from the racing commission, or the equivalent
3765 thereof, in each party state who shall be appointed, serve, and
3766 be subject to removal in accordance with the laws of the party
3767 state that she or he represents. The official from Florida shall
3768 be appointed by the Gaming Commission ~~Secretary of Business and~~
3769 ~~Professional Regulation~~. Pursuant to the laws of her or his
3770 party state, each official shall have the assistance of her or
3771 his state's racing commission, or the equivalent thereof, in
3772 considering issues related to licensing of participants in pari-
3773 mutuel wagering and in fulfilling her or his responsibilities as

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3774 the representative from her or his state to the compact
3775 committee.

3776 Section 51. Present subsection (1) of section 551.102,
3777 Florida Statutes, is redesignated as subsection (3), a new
3778 subsection (1) is added to that section, and present subsection
3779 (3) and subsections (10) and (11) of that section are amended,
3780 to read:

3781 551.102 Definitions.—As used in this chapter, the term:

3782 (1) "Department" means the Department of Gaming.

3783 ~~(3) "Division" means the Division of Pari-mutuel Wagering~~
3784 ~~of the Department of Business and Professional Regulation.~~

3785 (10) "Slot machine license" means a license issued by the
3786 department ~~division~~ authorizing a pari-mutuel permitholder to
3787 place and operate slot machines as provided by s. 23, Art. X of
3788 the State Constitution, the provisions of this chapter, and
3789 department ~~division~~ rules.

3790 (11) "Slot machine licensee" means a pari-mutuel
3791 permitholder who holds a license issued by the department
3792 ~~division~~ pursuant to this chapter which ~~that~~ authorizes the
3793 licensee ~~such person~~ to possess a slot machine within facilities
3794 specified in s. 23, Art. X of the State Constitution and allows
3795 slot machine gaming.

3796 Section 52. Section 551.103, Florida Statutes, is amended
3797 to read:

3798 551.103 Powers and duties of the department ~~division~~ and
3799 law enforcement.—

3800 (1) The department ~~division~~ shall adopt, pursuant to the
3801 provisions of ss. 120.536(1) and 120.54, all rules necessary to
3802 implement, administer, and regulate slot machine gaming as

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3803 authorized in this chapter. Such rules must include:

3804 (a) Procedures for applying for a slot machine license and
3805 renewal of a slot machine license.

3806 (b) Technical requirements and the qualifications contained
3807 in this chapter which ~~that~~ are necessary to receive a slot
3808 machine license or slot machine occupational license.

3809 (c) Procedures to scientifically test and technically
3810 evaluate slot machines for compliance with this chapter. The
3811 department ~~division~~ may contract with an independent testing
3812 laboratory to conduct any necessary testing under this section.
3813 The independent testing laboratory must have a national
3814 reputation and be ~~which is~~ demonstrably competent and qualified
3815 to scientifically test and evaluate slot machines for compliance
3816 with this chapter and to otherwise perform the functions
3817 assigned to it in this chapter. An independent testing
3818 laboratory may ~~shall~~ not be owned or controlled by a licensee.
3819 The use of an independent testing laboratory for any purpose
3820 related to the conduct of slot machine gaming by a licensee
3821 under this chapter must ~~shall~~ be made from a list of one or more
3822 laboratories approved by the department ~~division~~.

3823 (d) Procedures relating to slot machine revenues, including
3824 verifying and accounting for such revenues, auditing, and
3825 collecting taxes and fees consistent with this chapter.

3826 (e) Procedures for regulating, managing, and auditing the
3827 operation, financial data, and program information relating to
3828 slot machine gaming which ~~that~~ allow the department ~~division~~ and
3829 the Department of Law Enforcement to audit the operation,
3830 financial data, and program information of a slot machine
3831 licensee, as required by the department ~~division~~ or the

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3832 Department of Law Enforcement, and provide the department
3833 ~~division~~ and the Department of Law Enforcement with the ability
3834 to monitor, at any time on a real-time basis, wagering patterns,
3835 payouts, tax collection, and compliance with any rules adopted
3836 by the department ~~division~~ for the regulation and control of
3837 slot machines operated under this chapter. Such continuous and
3838 complete access, at any time on a real-time basis, shall include
3839 the ability of ~~either~~ the department ~~division~~ or the Department
3840 of Law Enforcement to suspend play immediately on particular
3841 slot machines if monitoring of the facilities-based computer
3842 system indicates possible tampering or manipulation of those
3843 slot machines or the ability to suspend play immediately of the
3844 entire operation if the tampering or manipulation is of the
3845 computer system itself. The department ~~division~~ shall notify the
3846 Department of Law Enforcement or the Department of Law
3847 Enforcement shall notify the department ~~division~~, as
3848 appropriate, whenever there is a suspension of play under this
3849 paragraph. The department ~~division~~ and the Department of Law
3850 Enforcement shall exchange such information necessary for and
3851 cooperate in the investigation of the circumstances requiring
3852 suspension of play under this paragraph.

3853 (f) Procedures for requiring each licensee at his or her
3854 own cost and expense to supply the department ~~division~~ with a
3855 bond having the penal sum of \$2 million payable to the Governor
3856 and his or her successors in office for each year of the
3857 licensee's slot machine operations. Any bond shall be issued by
3858 a surety or sureties approved by the department ~~division~~ and the
3859 Chief Financial Officer, conditioned to faithfully make the
3860 payments to the Chief Financial Officer in his or her capacity

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3861 as treasurer of the department ~~division~~. The licensee shall be
3862 required to keep its books and records and make reports as
3863 provided in this chapter and to conduct its slot machine
3864 operations in conformity with this chapter and all other
3865 provisions of law. Such bond shall be separate and distinct from
3866 the bond required in s. 550.125.

3867 (g) Procedures for requiring licensees to maintain
3868 specified records and submit any data, information, record, or
3869 report, including financial and income records, required by this
3870 chapter or determined by the department ~~division~~ to be necessary
3871 to the proper implementation and enforcement of this chapter.

3872 (h) A requirement that the payout percentage of a slot
3873 machine be no less than 85 percent.

3874 (i) Minimum standards for security of the facilities,
3875 including floor plans, security cameras, and other security
3876 equipment.

3877 (j) Procedures for requiring slot machine licensees to
3878 implement and establish drug-testing programs for all slot
3879 machine occupational licensees.

3880 (2) The department ~~division~~ shall conduct such
3881 investigations necessary to fulfill its responsibilities under
3882 the provisions of this chapter.

3883 (3) The Department of Law Enforcement and local law
3884 enforcement agencies ~~shall~~ have concurrent jurisdiction to
3885 investigate criminal violations of this chapter and may
3886 investigate any other criminal violation of law occurring at the
3887 facilities of a slot machine licensee, and such investigations
3888 may be conducted in conjunction with the appropriate state
3889 attorney.

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3890 (4) (a) The department ~~division~~, the Department of Law
3891 Enforcement, and local law enforcement agencies shall have
3892 unrestricted access to the slot machine licensee's facility at
3893 all times and shall require of each slot machine licensee strict
3894 compliance with the laws of this state relating to the
3895 transaction of such business. The department ~~division~~, the
3896 Department of Law Enforcement, and local law enforcement
3897 agencies may:

3898 1. Inspect and examine premises where slot machines are
3899 offered for play.

3900 2. Inspect slot machines and related equipment and
3901 supplies.

3902 (b) In addition, the department ~~division~~ may:

3903 1. Collect taxes, assessments, fees, and penalties.

3904 2. Deny, revoke, suspend, or place conditions on the
3905 license of a person who violates any provision of this chapter
3906 or rule adopted pursuant thereto.

3907 (5) The department ~~division~~ shall revoke or suspend the
3908 license of any person who is no longer qualified or who is
3909 found, after receiving a license, to have been unqualified at
3910 the time of application for the license.

3911 (6) This section does not:

3912 (a) Prohibit the Department of Law Enforcement or any law
3913 enforcement authority whose jurisdiction includes a licensed
3914 facility from conducting investigations of criminal activities
3915 occurring at the facility of the slot machine licensee;

3916 (b) Restrict access to the slot machine licensee's facility
3917 by the Department of Law Enforcement or any local law
3918 enforcement authority whose jurisdiction includes the slot

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3919 machine licensee's facility; or

3920 (c) Restrict access by the Department of Law Enforcement or
3921 local law enforcement authorities to information and records
3922 necessary to the investigation of criminal activity which ~~that~~
3923 are contained within the slot machine licensee's facility.

3924 Section 53. Section 551.104, Florida Statutes, is amended
3925 to read:

3926 551.104 License to conduct slot machine gaming.-

3927 (1) Upon application and a finding by the department
3928 ~~division~~ after investigation that the application is complete
3929 and the applicant is qualified and payment of the initial
3930 license fee, the department ~~division~~ may issue a license to
3931 conduct slot machine gaming in the designated slot machine
3932 gaming area of the eligible facility. Once licensed, slot
3933 machine gaming may be conducted subject to the requirements of
3934 this chapter and rules adopted pursuant thereto.

3935 (2) An application may be approved by the department
3936 ~~division~~ only after the voters of the county where the
3937 applicant's facility is located have authorized by referendum
3938 slot machines within pari-mutuel facilities in that county as
3939 specified in s. 23, Art. X of the State Constitution.

3940 (3) A slot machine license may be issued only to a licensed
3941 pari-mutuel permitholder, and slot machine gaming may be
3942 conducted only at the eligible facility at which the
3943 permitholder is authorized under its valid pari-mutuel wagering
3944 permit to conduct pari-mutuel wagering activities.

3945 (4) As a condition of licensure and to maintain continued
3946 authority for the conduct of slot machine gaming, the slot
3947 machine licensee shall:

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- 3948 (a) Continue to be in compliance with this chapter.
- 3949 (b) Continue to be in compliance with chapter 550, where
3950 applicable, and maintain the pari-mutuel permit and license in
3951 good standing pursuant to the provisions of chapter 550.
3952 ~~Notwithstanding any contrary provision of law and in order to~~
3953 ~~expedite the operation of slot machines at eligible facilities,~~
3954 ~~any eligible facility shall be entitled within 60 days after the~~
3955 ~~effective date of this act to amend its 2006-2007 pari-mutuel~~
3956 ~~wagering operating license issued by the division under ss.~~
3957 ~~550.0115 and 550.01215. The division shall issue a new license~~
3958 ~~to the eligible facility to effectuate any approved change.~~
- 3959 (c) Conduct no fewer than a full schedule of live racing or
3960 games as defined in s. 550.002(10) ~~s. 550.002(11)~~. A
3961 permitholder's responsibility to conduct such number of live
3962 races or games shall be reduced by the number of races or games
3963 that could not be conducted due to the direct result of fire,
3964 war, hurricane, or other disaster or event beyond the control of
3965 the permitholder.
- 3966 (d) Upon approval of any changes relating to the pari-
3967 mutuel permit by the department ~~division~~, be responsible for
3968 providing appropriate current and accurate documentation on a
3969 timely basis to the department ~~division~~ in order to continue the
3970 slot machine license in good standing. Changes in ownership or
3971 interest of a slot machine license of 5 percent or more of the
3972 stock or other evidence of ownership or equity in the slot
3973 machine license or any parent corporation or other business
3974 entity that in any way owns or controls the slot machine license
3975 shall be approved by the department ~~division~~ prior to such
3976 change, unless the owner is an existing holder of that license

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3977 who was previously approved by the department ~~division~~. Changes
3978 in ownership or interest of a slot machine license of less than
3979 5 percent, unless such change results in a cumulative total of 5
3980 percent or more, shall be reported to the department ~~division~~
3981 within 20 days after the change. The department ~~division~~ may
3982 then conduct an investigation to ensure that the license is
3983 properly updated to show the change in ownership or interest. No
3984 reporting is required if the person is holding 5 percent or less
3985 equity or securities of a corporate owner of the slot machine
3986 licensee that has its securities registered pursuant to s. 12 of
3987 the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and
3988 if such corporation or entity files with the United States
3989 Securities and Exchange Commission the reports required by s. 13
3990 of that act or if the securities of the corporation or entity
3991 are regularly traded on an established securities market in the
3992 United States. A change in ownership or interest of less than 5
3993 percent which results in a cumulative ownership or interest of 5
3994 percent or more must ~~shall~~ be approved by the department ~~before~~
3995 ~~division prior to~~ such change unless the owner is an existing
3996 holder of the license who was previously approved by the
3997 department ~~division~~.

3998 (e) Allow the department ~~division~~ and the Department of Law
3999 Enforcement unrestricted access to and right of inspection of
4000 facilities of a slot machine licensee in which any activity
4001 relative to the conduct of slot machine gaming is conducted.

4002 (f) Ensure that the facilities-based computer system that
4003 the licensee will use for operational and accounting functions
4004 of the slot machine facility is specifically structured to
4005 facilitate regulatory oversight. The facilities-based computer

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4006 system shall be designed to provide the department ~~division~~ and
4007 the Department of Law Enforcement with the ability to monitor,
4008 at any time on a real-time basis, the wagering patterns,
4009 payouts, tax collection, and such other operations as necessary
4010 to determine whether the facility is in compliance with
4011 statutory provisions and rules adopted by the department
4012 ~~division~~ for the regulation and control of slot machine gaming.
4013 The department ~~division~~ and the Department of Law Enforcement
4014 shall have complete and continuous access to this system. Such
4015 access shall include the ability of ~~either~~ the department
4016 ~~division~~ or the Department of Law Enforcement to suspend play
4017 immediately on particular slot machines if monitoring of the
4018 system indicates possible tampering or manipulation of those
4019 slot machines or the ability to suspend play immediately of the
4020 entire operation if the tampering or manipulation is of the
4021 computer system itself. The computer system shall be reviewed
4022 and approved by the department ~~division~~ to ensure necessary
4023 access, security, and functionality. The department ~~division~~ may
4024 adopt rules to provide for the approval process.

4025 (g) Ensure that each slot machine is protected from
4026 manipulation or tampering to affect the random probabilities of
4027 winning plays. The department ~~division~~ or the Department of Law
4028 Enforcement may ~~shall have the authority to~~ suspend play upon
4029 reasonable suspicion of any manipulation or tampering. When play
4030 has been suspended on any slot machine, the department ~~division~~
4031 or the Department of Law Enforcement may examine any slot
4032 machine to determine whether the machine has been tampered with
4033 or manipulated and whether the machine should be returned to
4034 operation.

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4035 (h) Submit a security plan, including the facilities' floor
4036 plan, the locations of security cameras, and a listing of all
4037 security equipment that is capable of observing and
4038 electronically recording activities being conducted in the
4039 facilities of the slot machine licensee. The security plan must
4040 meet the minimum security requirements as determined by the
4041 department ~~division~~ under s. 551.103(1)(i) and be implemented
4042 prior to operation of slot machine gaming. The slot machine
4043 licensee's facilities must adhere to the security plan at all
4044 times. Any changes to the security plan must be submitted by the
4045 licensee to the department before ~~division prior to~~
4046 implementation. The department ~~division~~ shall furnish copies of
4047 the security plan and changes in the plan to the Department of
4048 Law Enforcement.

4049 (i) Create and file with the department ~~division~~ a written
4050 policy for:

4051 1. Creating opportunities to purchase from vendors in this
4052 state, including minority vendors.

4053 2. Creating opportunities for employment of residents of
4054 this state, including minority residents.

4055 3. Ensuring opportunities for construction services from
4056 minority contractors.

4057 4. Ensuring that opportunities for employment are offered
4058 on an equal, nondiscriminatory basis.

4059 5. Training for employees on responsible gaming and working
4060 with a compulsive or addictive gambling prevention program to
4061 further its purposes as provided for in s. 551.118.

4062 6. The implementation of a drug-testing program that
4063 includes, but is not limited to, requiring each employee to sign

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4064 an agreement that he or she understands that the slot machine
4065 facility is a drug-free workplace.

4066
4067 The slot machine licensee shall use the Internet-based job-
4068 listing system of the Department of Economic Opportunity in
4069 advertising employment opportunities. ~~Beginning in June 2007,~~
4070 Each slot machine licensee shall provide an annual report to the
4071 department ~~division~~ containing information indicating compliance
4072 with this paragraph in regard to minority persons.

4073 (j) Ensure that the payout percentage of a slot machine
4074 gaming facility is at least 85 percent.

4075 (5) A slot machine license is not transferable.

4076 (6) A slot machine licensee shall keep and maintain
4077 permanent daily records of its slot machine operation and shall
4078 maintain such records for a period of not less than 5 years.
4079 These records must include all financial transactions and
4080 contain sufficient detail to determine compliance with the
4081 requirements of this chapter. All records shall be available for
4082 audit and inspection by the department ~~division~~, the Department
4083 of Law Enforcement, or other law enforcement agencies during the
4084 licensee's regular business hours.

4085 (7) A slot machine licensee shall file with the department
4086 ~~division~~ a monthly report containing the required records of
4087 such slot machine operation. The required reports shall be
4088 submitted on forms prescribed by the department ~~division~~ and
4089 shall be due at the same time as the monthly pari-mutuel reports
4090 are due to the department ~~division~~, and the reports shall be
4091 deemed public records once filed.

4092 (8) A slot machine licensee shall file with the department

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4093 ~~division~~ an audit of the receipt and distribution of all slot
4094 machine revenues provided by an independent certified public
4095 accountant verifying compliance with all financial and auditing
4096 provisions of this chapter and the associated rules adopted
4097 under this chapter. The audit must include verification of
4098 compliance with all statutes and rules regarding all required
4099 records of slot machine operations. Such audit shall be filed
4100 within 60 days after the completion of the permitholder's pari-
4101 mutuel meet.

4102 (9) The department ~~division~~ may share any information with
4103 the Department of Law Enforcement, any other law enforcement
4104 agency having jurisdiction over slot machine gaming or pari-
4105 mutuel activities, or any other state or federal law enforcement
4106 agency the department ~~division~~ or the Department of Law
4107 Enforcement deems appropriate. Any law enforcement agency having
4108 jurisdiction over slot machine gaming or pari-mutuel activities
4109 may share any information obtained or developed by it with the
4110 department ~~division~~.

4111 (10) (a)1. No slot machine license or renewal thereof shall
4112 be issued to an applicant holding a permit under chapter 550 to
4113 conduct pari-mutuel wagering meets of thoroughbred racing unless
4114 the applicant has on file with the department ~~division~~ a binding
4115 written agreement between the applicant and the Florida
4116 Horsemen's Benevolent and Protective Association, Inc.,
4117 governing the payment of purses on live thoroughbred races
4118 conducted at the licensee's pari-mutuel facility. In addition,
4119 no slot machine license or renewal thereof shall be issued to
4120 such an applicant unless the applicant has on file with the
4121 department ~~division~~ a binding written agreement between the

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4122 applicant and the Florida Thoroughbred Breeders' Association,
4123 Inc., governing the payment of breeders', stallion, and special
4124 racing awards on live thoroughbred races conducted at the
4125 licensee's pari-mutuel facility. The agreement governing purses
4126 and the agreement governing awards may direct the payment of
4127 such purses and awards from revenues generated by any wagering
4128 or gaming the applicant is authorized to conduct under Florida
4129 law. All purses and awards shall be subject to the terms of
4130 chapter 550. All sums for breeders', stallion, and special
4131 racing awards shall be remitted monthly to the Florida
4132 Thoroughbred Breeders' Association, Inc., for the payment of
4133 awards subject to the administrative fee authorized in s.
4134 550.2625(3).

4135 2. No slot machine license or renewal thereof shall be
4136 issued to an applicant holding a permit under chapter 550 to
4137 conduct pari-mutuel wagering meets of quarter horse racing
4138 unless the applicant has on file with the department ~~division~~ a
4139 binding written agreement between the applicant and the Florida
4140 Quarter Horse Racing Association or the association representing
4141 a majority of the horse owners and trainers at the applicant's
4142 eligible facility, governing the payment of purses on live
4143 quarter horse races conducted at the licensee's pari-mutuel
4144 facility. The agreement governing purses may direct the payment
4145 of such purses from revenues generated by any wagering or gaming
4146 the applicant is authorized to conduct under Florida law. All
4147 purses are ~~shall be~~ subject to the terms of chapter 550.

4148 (b) The department ~~division~~ shall suspend a slot machine
4149 license if one or more of the agreements required under
4150 paragraph (a) are terminated or otherwise cease to operate or if

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4151 the department ~~division~~ determines that the licensee is
4152 materially failing to comply with the terms of such an
4153 agreement. Any such suspension shall take place in accordance
4154 with chapter 120.

4155 (c)1. If an agreement required under paragraph (a) cannot
4156 be reached before ~~prior to~~ the initial issuance of the slot
4157 machine license, either party may request arbitration or, in the
4158 case of a renewal, if an agreement required under paragraph (a)
4159 is not in place 120 days prior to the scheduled expiration date
4160 of the slot machine license, the applicant shall immediately ask
4161 the American Arbitration Association to furnish a list of 11
4162 arbitrators, each of whom shall have at least 5 years of
4163 commercial arbitration experience and no financial interest in
4164 or prior relationship with any of the parties or their
4165 affiliated or related entities or principals. Each required
4166 party to the agreement shall select a single arbitrator from the
4167 list provided by the American Arbitration Association within 10
4168 days of receipt, and the individuals so selected shall choose
4169 one additional arbitrator from the list within the next 10 days.

4170 2. If an agreement required under paragraph (a) is not in
4171 place 60 days after the request under subparagraph 1. in the
4172 case of an initial slot machine license or, in the case of a
4173 renewal, 60 days before ~~prior to~~ the scheduled expiration date
4174 of the slot machine license, the matter shall be immediately
4175 submitted to mandatory binding arbitration to resolve the
4176 disagreement between the parties. The three arbitrators selected
4177 pursuant to subparagraph 1. shall constitute the panel that
4178 shall arbitrate the dispute between the parties pursuant to the
4179 American Arbitration Association Commercial Arbitration Rules

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4180 and chapter 682.

4181 3. At the conclusion of the proceedings, which shall be no
4182 later than 90 days after the request under subparagraph 1. in
4183 the case of an initial slot machine license or, in the case of a
4184 renewal, 30 days before ~~prior to~~ the scheduled expiration date
4185 of the slot machine license, the arbitration panel shall present
4186 to the parties a proposed agreement that the majority of the
4187 panel believes equitably balances the rights, interests,
4188 obligations, and reasonable expectations of the parties. The
4189 parties shall immediately enter into such agreement, which shall
4190 satisfy the requirements of paragraph (a) and permit issuance of
4191 the pending annual slot machine license or renewal. The
4192 agreement produced by the arbitration panel under this
4193 subparagraph shall be effective until the last day of the
4194 license or renewal period or until the parties enter into a
4195 different agreement. Each party shall pay its respective costs
4196 of arbitration and shall pay one-half of the costs of the
4197 arbitration panel, unless the parties otherwise agree. If the
4198 agreement produced by the arbitration panel under this
4199 subparagraph remains in place 120 days prior to the scheduled
4200 issuance of the next annual license renewal, then the
4201 arbitration process established in this paragraph will begin
4202 again.

4203 4. ~~If In the event that neither of~~ the agreements required
4204 under subparagraph (a)1. or the agreement required under
4205 subparagraph (a)2. is not ~~are~~ in place by the deadlines
4206 established in this paragraph, arbitration regarding each
4207 agreement shall ~~will~~ proceed independently, with separate lists
4208 of arbitrators, arbitration panels, arbitration proceedings, and

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4209 resulting agreements.

4210 5. With respect to the agreements required under paragraph
4211 (a) governing the payment of purses, the arbitration and
4212 resulting agreement called for under this paragraph shall be
4213 limited to the payment of purses from slot machine revenues
4214 only.

4215 (d) If any provision of this subsection or its application
4216 to any person or circumstance is held invalid, the invalidity
4217 does not affect other provisions or applications of this
4218 subsection or chapter which can be given effect without the
4219 invalid provision or application, and to this end the provisions
4220 of this subsection are severable.

4221 Section 54. Section 551.1045, Florida Statutes, is amended
4222 to read:

4223 551.1045 Temporary licenses.—

4224 (1) Notwithstanding any provision of s. 120.60 to the
4225 contrary, the department ~~division~~ may issue a temporary
4226 occupational license upon the receipt of a complete application
4227 from the applicant and a determination that the applicant has
4228 not been convicted of or had adjudication withheld on any
4229 disqualifying criminal offense. The temporary occupational
4230 license remains valid until such time as the department ~~division~~
4231 grants an occupational license or notifies the applicant of its
4232 intended decision to deny the applicant a license pursuant to
4233 the provisions of s. 120.60. The department ~~division~~ shall adopt
4234 rules to administer this subsection. However, not more than one
4235 temporary license may be issued for any person in any year.

4236 (2) A temporary license issued under this section is
4237 nontransferable.

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4238 Section 55. Subsection (3) of section 551.105, Florida
4239 Statutes, is amended to read:

4240 551.105 Slot machine license renewal.—

4241 (3) Upon determination by the department ~~division~~ that the
4242 application for renewal is complete and qualifications have been
4243 met, including payment of the renewal fee, the slot machine
4244 license shall be renewed annually.

4245 Section 56. Section 551.106, Florida Statutes, is amended
4246 to read:

4247 551.106 License fee; tax rate; penalties.—

4248 (1) LICENSE FEE.—

4249 ~~(a)~~ Upon submission of the initial application for a slot
4250 machine license and annually thereafter, on the anniversary date
4251 of the issuance of the initial license, the licensee must pay to
4252 the department ~~division~~ a nonrefundable license fee of \$3
4253 million for the succeeding 12 months of licensure. In the 2010-
4254 2011 fiscal year, the licensee must pay the department ~~division~~
4255 a nonrefundable license fee of \$2.5 million for the succeeding
4256 12 months of licensure. In the 2011-2012 fiscal year and for
4257 every fiscal year thereafter, the licensee must pay the
4258 department ~~division~~ a nonrefundable license fee of \$2 million
4259 for the succeeding 12 months of licensure. The license fee shall
4260 be deposited into the Pari-mutuel Wagering Trust Fund ~~of the~~
4261 ~~Department of Business and Professional Regulation~~ to be used by
4262 the department ~~division~~ and the Department of Law Enforcement
4263 for investigations, regulation of slot machine gaming, and
4264 enforcement of slot machine gaming provisions under this
4265 chapter. These payments shall be accounted for separately from
4266 taxes or fees paid pursuant to ~~the provisions of~~ chapter 550.

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4267 ~~(b) Prior to January 1, 2007, the division shall evaluate~~
4268 ~~the license fee and shall make recommendations to the President~~
4269 ~~of the Senate and the Speaker of the House of Representatives~~
4270 ~~regarding the optimum level of slot machine license fees in~~
4271 ~~order to adequately support the slot machine regulatory program.~~

4272 (2) TAX ON SLOT MACHINE REVENUES.—

4273 (a) The tax rate on slot machine revenues at each facility
4274 shall be 35 percent. If, during any state fiscal year, the
4275 aggregate amount of tax paid to the state by all slot machine
4276 licensees in Broward and Miami-Dade Counties is less than the
4277 aggregate amount of tax paid to the state by all slot machine
4278 licensees in the 2008-2009 fiscal year, each slot machine
4279 licensee shall pay to the state within 45 days after the end of
4280 the state fiscal year a surcharge equal to its pro rata share of
4281 an amount equal to the difference between the aggregate amount
4282 of tax paid to the state by all slot machine licensees in the
4283 2008-2009 fiscal year and the amount of tax paid during the
4284 fiscal year. Each licensee's pro rata share shall be an amount
4285 determined by dividing the number 1 by the number of facilities
4286 licensed to operate slot machines during the applicable fiscal
4287 year, regardless of whether the facility is operating such
4288 machines.

4289 (b) The slot machine revenue tax imposed by this section
4290 shall be paid to the department ~~division~~ for deposit into the
4291 Pari-mutuel Wagering Trust Fund for immediate transfer by the
4292 Chief Financial Officer for deposit into the Educational
4293 Enhancement Trust Fund of the Department of Education. Any
4294 interest earnings on the tax revenues shall also be transferred
4295 to the Educational Enhancement Trust Fund.

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4296 (c)1. Funds transferred to the Educational Enhancement
4297 Trust Fund under paragraph (b) shall be used to supplement
4298 public education funding statewide.

4299 2. If necessary to comply with any covenant established
4300 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),
4301 funds transferred to the Educational Enhancement Trust Fund
4302 under paragraph (b) shall first be available to pay debt service
4303 on lottery bonds issued to fund school construction in the event
4304 lottery revenues are insufficient for such purpose or to satisfy
4305 debt service reserve requirements established in connection with
4306 lottery bonds. Moneys available pursuant to this subparagraph
4307 are subject to annual appropriation by the Legislature.

4308 (3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax
4309 on slot machine revenues imposed by this section shall be paid
4310 to the department ~~division~~. The department ~~division~~ shall
4311 deposit these sums with the Chief Financial Officer, to the
4312 credit of the Pari-mutuel Wagering Trust Fund. The slot machine
4313 licensee shall remit to the department ~~division~~ payment for the
4314 tax on slot machine revenues. Such payments shall be remitted by
4315 3 p.m. Wednesday of each week for taxes imposed and collected
4316 for the preceding week ending on Sunday. ~~Beginning on July 1,~~
4317 ~~2012,~~ The slot machine licensee shall remit to the department
4318 ~~division~~ payment for the tax on slot machine revenues by 3 p.m.
4319 on the 5th day of each calendar month for taxes imposed and
4320 collected for the preceding calendar month. If the 5th day of
4321 the calendar month falls on a weekend, payments shall be
4322 remitted by 3 p.m. the first Monday following the weekend. The
4323 slot machine licensee shall file a report under oath by the 5th
4324 day of each calendar month for all taxes remitted during the

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4325 preceding calendar month. Such payments shall be accompanied by
4326 a report under oath showing all slot machine gaming activities
4327 for the preceding calendar month and such other information as
4328 may be prescribed by the department ~~division~~.

4329 (4) TO PAY TAX; PENALTIES.—A slot machine licensee who
4330 fails to make tax payments as required under this section is
4331 subject to an administrative penalty of up to \$10,000 for each
4332 day the tax payment is not remitted. All administrative
4333 penalties imposed and collected shall be deposited into the
4334 Pari-mutuel Wagering Trust Fund ~~of the Department of Business~~
4335 ~~and Professional Regulation~~. If any slot machine licensee fails
4336 to pay penalties imposed by order of the department ~~division~~
4337 under this subsection, the department ~~division~~ may suspend,
4338 revoke, or refuse to renew the license of the slot machine
4339 licensee.

4340 (5) SUBMISSION OF FUNDS.—The department ~~division~~ may
4341 require slot machine licensees to remit taxes, fees, fines, and
4342 assessments by electronic funds transfer.

4343 Section 57. Section 551.107, Florida Statutes, is amended
4344 to read:

4345 551.107 Slot machine occupational license; findings;
4346 application; fee.—

4347 (1) The Legislature finds that individuals and entities
4348 that are licensed under this section require heightened state
4349 scrutiny, including the submission by the individual licensees
4350 or persons associated with the entities described in this
4351 chapter of fingerprints for a criminal history record check.

4352 (2) (a) The following slot machine occupational licenses
4353 shall be issued to persons or entities that, by virtue of the

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4354 positions they hold, might be granted access to slot machine
4355 gaming areas or to any other person or entity in one of the
4356 following categories:

4357 1. General occupational licenses for general employees,
4358 including food service, maintenance, and other similar service
4359 and support employees having access to the slot machine gaming
4360 area.

4361 2. Professional occupational licenses for any person,
4362 proprietorship, partnership, corporation, or other entity that
4363 is authorized by a slot machine licensee to manage, oversee, or
4364 otherwise control daily operations as a slot machine manager, a
4365 floor supervisor, security personnel, or any other similar
4366 position of oversight of gaming operations, or any person who is
4367 not an employee of the slot machine licensee and who provides
4368 maintenance, repair, or upgrades or otherwise services a slot
4369 machine or other slot machine equipment.

4370 3. Business occupational licenses for any slot machine
4371 management company or company associated with slot machine
4372 gaming, any person who manufactures, distributes, or sells slot
4373 machines, slot machine paraphernalia, or other associated
4374 equipment to slot machine licensees, or any company that sells
4375 or provides goods or services associated with slot machine
4376 gaming to slot machine licensees.

4377 (b) The department ~~division~~ may issue one license to
4378 combine licenses under this section with pari-mutuel
4379 occupational licenses and cardroom licenses pursuant to s.
4380 550.105(2)(b). The department ~~division~~ shall adopt rules
4381 pertaining to occupational licenses under this subsection. Such
4382 rules may specify, but need not be limited to, requirements and

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4383 restrictions for licensed occupations and categories, procedures
4384 to apply for any license or combination of licenses,
4385 disqualifying criminal offenses for a licensed occupation or
4386 categories of occupations, and which types of occupational
4387 licenses may be combined into a single license under this
4388 section. The fingerprinting requirements of subsection (7) apply
4389 to any combination license that includes slot machine license
4390 privileges under this section. The department ~~division~~ may not
4391 adopt a rule allowing the issuance of an occupational license to
4392 any person who does not meet the minimum background
4393 qualifications under this section.

4394 (c) Slot machine occupational licenses are not
4395 transferable.

4396 (3) A slot machine licensee may not employ or otherwise
4397 allow a person to work at a licensed facility unless such person
4398 holds the appropriate valid occupational license. A slot machine
4399 licensee may not contract or otherwise do business with a
4400 business required to hold a slot machine occupational license
4401 unless the business holds such a license. A slot machine
4402 licensee may not employ or otherwise allow a person to work in a
4403 supervisory or management professional level at a licensed
4404 facility unless such person holds a valid slot machine
4405 occupational license. All slot machine occupational licensees,
4406 while present in slot machine gaming areas, shall display on
4407 their persons their occupational license identification cards.

4408 (4) (a) A person seeking a slot machine occupational license
4409 or renewal thereof shall make application on forms prescribed by
4410 the department ~~division~~ and include payment of the appropriate
4411 application fee. Initial and renewal applications for slot

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4412 machine occupational licenses must contain all information that
4413 the department ~~division~~, by rule, determines is required to
4414 ensure eligibility.

4415 (b) A slot machine license or combination license is valid
4416 for the same term as a pari-mutuel occupational license issued
4417 pursuant to s. 550.105(1).

4418 (c) Pursuant to rules adopted by the department ~~division~~,
4419 any person may apply for and, if qualified, be issued a slot
4420 machine occupational license valid for a period of 3 years upon
4421 payment of the full occupational license fee for each of the 3
4422 years for which the license is issued. The slot machine
4423 occupational license is valid during its specified term at any
4424 licensed facility where slot machine gaming is authorized to be
4425 conducted.

4426 (d) The slot machine occupational license fee for initial
4427 application and annual renewal shall be determined by rule of
4428 the department ~~division~~ but may not exceed \$50 for a general or
4429 professional occupational license for an employee of the slot
4430 machine licensee or \$1,000 for a business occupational license
4431 for nonemployees of the licensee providing goods or services to
4432 the slot machine licensee. License fees for general occupational
4433 licensees shall be paid by the slot machine licensee. Failure to
4434 pay the required fee constitutes grounds for disciplinary action
4435 by the department ~~division~~ against the slot machine licensee,
4436 but it is not a violation of this chapter or rules of the
4437 department ~~division~~ by the general occupational licensee and
4438 does not prohibit the initial issuance or the renewal of the
4439 general occupational license.

4440 (5) The department ~~division~~ may:

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4441 (a) Deny an application for, or revoke, suspend, or place
4442 conditions or restrictions on, a license of a person or entity
4443 that has been refused a license by any other state gaming
4444 commission, governmental department, agency, or other authority
4445 exercising regulatory jurisdiction over the gaming of another
4446 state or jurisdiction; or

4447 (b) Deny an application for, or suspend or place conditions
4448 on, a license of any person or entity that is under suspension
4449 or has unpaid fines in another state or jurisdiction.

4450 (6) (a) The department ~~division~~ may deny, suspend, revoke,
4451 or refuse to renew any slot machine occupational license if the
4452 applicant for such license or the licensee has violated the
4453 provisions of this chapter or the rules of the department
4454 ~~division~~ governing the conduct of persons connected with slot
4455 machine gaming. In addition, the department ~~division~~ may deny,
4456 suspend, revoke, or refuse to renew any slot machine
4457 occupational license if the applicant for such license or the
4458 licensee has been convicted in this state, in any other state,
4459 or under the laws of the United States of a capital felony, a
4460 felony, or an offense in any other state which ~~that~~ would be a
4461 felony under the laws of this state involving arson; trafficking
4462 in, conspiracy to traffic in, smuggling, importing, conspiracy
4463 to smuggle or import, or delivery, sale, or distribution of a
4464 controlled substance; racketeering; or a crime involving a lack
4465 of good moral character, or has had a gaming license revoked by
4466 this state or any other jurisdiction for any gaming-related
4467 offense.

4468 (b) The department ~~division~~ may deny, revoke, or refuse to
4469 renew any slot machine occupational license if the applicant for

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4470 such license or the licensee has been convicted of a felony or
4471 misdemeanor in this state, in any other state, or under the laws
4472 of the United States if such felony or misdemeanor is related to
4473 gambling or bookmaking as described in s. 849.25.

4474 (c) For purposes of this subsection, the term "convicted"
4475 means having been found guilty, with or without adjudication of
4476 guilt, as a result of a jury verdict, nonjury trial, or entry of
4477 a plea of guilty or nolo contendere.

4478 (7) Fingerprints for all slot machine occupational license
4479 applications shall be taken in a manner approved by the
4480 department ~~division~~ and shall be submitted electronically to the
4481 Department of Law Enforcement for state processing and the
4482 Federal Bureau of Investigation for national processing for a
4483 criminal history record check. All persons as specified in s.
4484 550.1815(1)(a) employed by or working within a licensed premises
4485 shall submit fingerprints for a criminal history record check
4486 and may not have been convicted of any disqualifying criminal
4487 offenses specified in subsection (6). Department ~~Division~~
4488 employees and law enforcement officers assigned by their
4489 employing agencies to work within the premises as part of their
4490 official duties are excluded from the criminal history record
4491 check requirements under this subsection. For purposes of this
4492 subsection, the term "convicted" means having been found guilty,
4493 with or without adjudication of guilt, as a result of a jury
4494 verdict, nonjury trial, or entry of a plea of guilty or nolo
4495 contendere.

4496 (a) Fingerprints shall be taken in a manner approved by the
4497 department ~~division~~ upon initial application, or as required
4498 thereafter by rule of the department ~~division~~, and shall be

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4499 submitted electronically to the Department of Law Enforcement
4500 for state processing. The Department of Law Enforcement shall
4501 forward the fingerprints to the Federal Bureau of Investigation
4502 for national processing. The results of the criminal history
4503 record check shall be returned to the department ~~division~~ for
4504 purposes of screening. Licensees shall provide necessary
4505 equipment approved by the Department of Law Enforcement to
4506 facilitate such electronic submission. The department ~~division~~
4507 requirements under this subsection shall be instituted in
4508 consultation with the Department of Law Enforcement.

4509 (b) The cost of processing fingerprints and conducting a
4510 criminal history record check for a general occupational license
4511 shall be borne by the slot machine licensee. The cost of
4512 processing fingerprints and conducting a criminal history record
4513 check for a business or professional occupational license shall
4514 be borne by the person being checked. The Department of Law
4515 Enforcement may submit an invoice to the department ~~division~~ for
4516 the cost of fingerprints submitted each month.

4517 (c) All fingerprints submitted to the Department of Law
4518 Enforcement and required by this section shall be retained by
4519 the Department of Law Enforcement and entered into the statewide
4520 automated biometric identification system as authorized by s.
4521 943.05(2)(b) and shall be available for all purposes and uses
4522 authorized for arrest fingerprints entered into the statewide
4523 automated biometric identification system pursuant to s.
4524 943.051.

4525 (d) The Department of Law Enforcement shall search all
4526 arrest fingerprints received pursuant to s. 943.051 against the
4527 fingerprints retained in the statewide automated biometric

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4528 identification system under paragraph (c). Any arrest record
4529 that is identified with the retained fingerprints of a person
4530 subject to the criminal history screening requirements of this
4531 section shall be reported to the department ~~division~~. Each
4532 licensed facility shall pay a fee to the department ~~division~~ for
4533 the cost of retention of the fingerprints and the ongoing
4534 searches under this paragraph. The department ~~division~~ shall
4535 forward the payment to the Department of Law Enforcement. The
4536 amount of the fee to be imposed for performing these searches
4537 and the procedures for the retention of licensee fingerprints
4538 shall be as established by rule of the Department of Law
4539 Enforcement. The department ~~division~~ shall inform the Department
4540 of Law Enforcement of any change in the license status of
4541 licensees whose fingerprints are retained under paragraph (c).

4542 (e) The department ~~division~~ shall request the Department of
4543 Law Enforcement to forward the fingerprints to the Federal
4544 Bureau of Investigation for a national criminal history records
4545 check every 3 years following issuance of a license. If the
4546 fingerprints of a person who is licensed have not been retained
4547 by the Department of Law Enforcement, the person must file a
4548 complete set of fingerprints as provided for in paragraph (a).
4549 The department ~~division~~ shall collect the fees for the cost of
4550 the national criminal history record check under this paragraph
4551 and shall forward the payment to the Department of Law
4552 Enforcement. The cost of processing fingerprints and conducting
4553 a criminal history record check under this paragraph for a
4554 general occupational license shall be borne by the slot machine
4555 licensee. The cost of processing fingerprints and conducting a
4556 criminal history record check under this paragraph for a

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4557 business or professional occupational license shall be borne by
4558 the person being checked. The Department of Law Enforcement may
4559 submit an invoice to the department ~~division~~ for the cost of
4560 fingerprints submitted each month. Under penalty of perjury,
4561 each person who is licensed or who is fingerprinted as required
4562 by this section must agree to inform the department ~~division~~
4563 within 48 hours if he or she is convicted of or has entered a
4564 plea of guilty or nolo contendere to any disqualifying offense,
4565 regardless of adjudication.

4566 (8) All moneys collected pursuant to this section shall be
4567 deposited into the Pari-mutuel Wagering Trust Fund.

4568 (9) The department ~~division~~ may deny, revoke, or suspend
4569 any occupational license if the applicant or holder of the
4570 license accumulates unpaid obligations, defaults in obligations,
4571 or issues drafts or checks that are dishonored or for which
4572 payment is refused without reasonable cause.

4573 (10) The department ~~division~~ may fine or suspend, revoke,
4574 or place conditions upon the license of any licensee who
4575 provides false information under oath regarding an application
4576 for a license or an investigation by the department ~~division~~.

4577 (11) The department ~~division~~ may impose a civil fine of up
4578 to \$5,000 for each violation of this chapter or the rules of the
4579 department ~~division~~ in addition to or in lieu of any other
4580 penalty provided for in this section. The department ~~division~~
4581 may adopt a penalty schedule for violations of this chapter or
4582 any rule adopted pursuant to this chapter for which it would
4583 impose a fine in lieu of a suspension and adopt rules allowing
4584 for the issuance of citations, including procedures to address
4585 such citations, to persons who violate such rules. In addition

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4586 to any other penalty provided by law, the department ~~division~~
4587 may exclude from all licensed slot machine facilities in this
4588 state, for a period not to exceed the period of suspension,
4589 revocation, or ineligibility, any person whose occupational
4590 license application has been declared ineligible to hold an
4591 occupational license or whose occupational license has been
4592 suspended or revoked by the department ~~division~~.

4593 Section 58. Section 551.108, Florida Statutes, is amended
4594 to read:

4595 551.108 Prohibited relationships.—

4596 (1) A person employed by or performing any function on
4597 behalf of the department ~~division~~ may not:

4598 (a) Be an officer, director, owner, or employee of any
4599 person or entity licensed by the department ~~division~~.

4600 (b) Have or hold any interest, direct or indirect, in or
4601 engage in any commerce or business relationship with any person
4602 licensed by the department ~~division~~.

4603 (2) A manufacturer or distributor of slot machines may not
4604 enter into any contract with a slot machine licensee which ~~that~~
4605 provides for any revenue sharing of any kind or nature or which
4606 ~~that~~ is directly or indirectly calculated on the basis of a
4607 percentage of slot machine revenues. Any maneuver, shift, or
4608 device whereby this subsection is violated is a violation of
4609 this chapter and renders any such agreement void.

4610 (3) A manufacturer or distributor of slot machines or any
4611 equipment necessary for the operation of slot machines or an
4612 officer, director, or employee of any such manufacturer or
4613 distributor may not have any ownership or financial interest in
4614 a slot machine license or in any business owned by the slot

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4615 machine licensee.

4616 (4) An employee of the department ~~division~~ or relative
4617 living in the same household as the ~~such~~ employee of the
4618 department ~~division~~ may not wager at any time on a slot machine
4619 located at a facility licensed by the department ~~division~~.

4620 (5) An occupational licensee or relative living in the same
4621 household as such occupational licensee may not wager at any
4622 time on a slot machine located at a facility where that person
4623 is employed.

4624 Section 59. Subsections (2) and (7) of section 551.109,
4625 Florida Statutes, are amended to read:

4626 551.109 Prohibited acts; penalties.—

4627 (2) Except as otherwise provided by law and in addition to
4628 any other penalty, any person who possesses a slot machine
4629 without the license required by this chapter or who possesses a
4630 slot machine at any location other than at the slot machine
4631 licensee's facility is subject to an administrative fine or
4632 civil penalty of up to \$10,000 per machine. The prohibition in
4633 this subsection does not apply to:

4634 (a) Slot machine manufacturers or slot machine distributors
4635 that hold appropriate licenses issued by the department ~~division~~
4636 who are authorized to maintain a slot machine storage and
4637 maintenance facility at any location in a county in which slot
4638 machine gaming is authorized by this chapter. The department
4639 ~~division~~ may adopt rules regarding security and access to the
4640 storage facility and inspections by the department ~~division~~.

4641 (b) Certified educational facilities that are authorized to
4642 maintain slot machines for the sole purpose of education and
4643 licensure, if any, of slot machine technicians, inspectors, or

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4644 investigators. The department ~~division~~ and the Department of Law
4645 Enforcement may possess slot machines for training and testing
4646 purposes. The department ~~division~~ may adopt rules regarding the
4647 regulation of any such slot machines used for educational,
4648 training, or testing purposes.

4649 (7) All penalties imposed and collected under this section
4650 must be deposited into the Pari-mutuel Wagering Trust Fund ~~of~~
4651 ~~the Department of Business and Professional Regulation.~~

4652 Section 60. Section 551.112, Florida Statutes, is amended
4653 to read:

4654 551.112 Exclusions of certain persons.—In addition to the
4655 power to exclude certain persons from any facility of a slot
4656 machine licensee in this state, the department ~~division~~ may
4657 exclude any person from any facility of a slot machine licensee
4658 in this state for conduct that would constitute, if the person
4659 were a licensee, a violation of this chapter or the rules of the
4660 department ~~division~~. The department ~~division~~ may exclude from
4661 any facility of a slot machine licensee any person who has been
4662 ejected from a facility of a slot machine licensee in this state
4663 or who has been excluded from any facility of a slot machine
4664 licensee or gaming facility in another state by the governmental
4665 department, agency, commission, or authority exercising
4666 regulatory jurisdiction over the gaming in such other state.
4667 This section does not abrogate the common law right of a slot
4668 machine licensee to exclude a patron absolutely in this state.

4669 Section 61. Subsections (3) and (5) of section 551.114,
4670 Florida Statutes, are amended to read:

4671 551.114 Slot machine gaming areas.—

4672 (3) The department ~~division~~ shall require the posting of

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4673 signs warning of the risks and dangers of gambling, showing the
4674 odds of winning, and informing patrons of the toll-free
4675 telephone number available to provide information and referral
4676 services regarding compulsive or problem gambling.

4677 (5) The permitholder shall provide adequate office space at
4678 no cost to the department ~~division~~ and the Department of Law
4679 Enforcement for the oversight of slot machine operations. The
4680 department ~~division~~ shall adopt rules establishing the criteria
4681 for adequate space, configuration, and location and needed
4682 electronic and technological requirements for office space
4683 required by this subsection.

4684 Section 62. Section 551.117, Florida Statutes, is amended
4685 to read:

4686 551.117 Penalties.—The department ~~division~~ may revoke or
4687 suspend any slot machine license issued under this chapter upon
4688 the willful violation by the slot machine licensee of any
4689 provision of this chapter or of any rule adopted under this
4690 chapter. In lieu of suspending or revoking a slot machine
4691 license, the department ~~division~~ may impose a civil penalty
4692 against the slot machine licensee for a violation of this
4693 chapter or any rule adopted by the department ~~division~~. Except
4694 as otherwise provided in this chapter, the penalty so imposed
4695 may not exceed \$100,000 for each count or separate offense. All
4696 penalties imposed and collected must be deposited into the Pari-
4697 mutuel Wagering Trust Fund ~~of the Department of Business and~~
4698 ~~Professional Regulation.~~

4699 Section 63. Section 551.118, Florida Statutes, is amended
4700 to read:

4701 551.118 Compulsive or addictive gambling prevention

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4702 program.—

4703 (1) The slot machine licensee shall offer training to
4704 employees on responsible gaming and shall work with a compulsive
4705 or addictive gambling prevention program to recognize problem
4706 gaming situations and to implement responsible gaming programs
4707 and practices.

4708 (2) The department ~~division~~ shall, subject to competitive
4709 bidding, contract for provision of services related to the
4710 prevention of compulsive and addictive gambling. The contract
4711 shall provide for an advertising program to encourage
4712 responsible gaming practices and to publicize a gambling
4713 telephone help line. Such advertisements must be made both
4714 publicly and inside the designated slot machine gaming areas of
4715 the licensee's facilities. The terms of any contract for the
4716 provision of such services shall include accountability
4717 standards that must be met by any private provider. The failure
4718 of any private provider to meet any material terms of the
4719 contract, including the accountability standards, shall
4720 constitute a breach of contract or grounds for nonrenewal. The
4721 department ~~division~~ may consult with the Department of the
4722 Lottery in the development of the program and the development
4723 and analysis of any procurement for contractual services for the
4724 compulsive or addictive gambling prevention program.

4725 (3) The compulsive or addictive gambling prevention program
4726 shall be funded from an annual nonrefundable regulatory fee of
4727 \$250,000 paid by the licensee to the department ~~division~~.

4728 Section 64. Paragraph (c) of subsection (4) of section
4729 551.121, Florida Statutes, is amended to read:

4730 551.121 Prohibited activities and devices; exceptions.—

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4731 (4)
4732 (c) Outside the designated slot machine gaming areas, a
4733 slot machine licensee or operator may accept or cash a check for
4734 an employee of the facility who is prohibited from wagering on a
4735 slot machine under s. 551.108(5), a check made directly payable
4736 to a person licensed by the department ~~division~~, or a check made
4737 directly payable to the slot machine licensee or operator from:

- 4738 1. A pari-mutuel patron; or
4739 2. A pari-mutuel facility in this state or in another
4740 state.

4741 Section 65. Section 551.122, Florida Statutes, is amended
4742 to read:

4743 551.122 Rulemaking.—The department ~~division~~ may adopt rules
4744 pursuant to ss. 120.536(1) and 120.54 to administer the
4745 provisions of this chapter.

4746 Section 66. Section 551.123, Florida Statutes, is amended
4747 to read:

4748 551.123 Legislative authority; administration of chapter.—
4749 The Legislature finds and declares that it has exclusive
4750 authority over the conduct of all wagering occurring at a slot
4751 machine facility in this state. As provided by law, only the
4752 Department of Gaming ~~Division of Pari-mutuel Wagering~~ and other
4753 authorized state agencies shall administer this chapter and
4754 regulate the slot machine gaming industry, including operation
4755 of slot machine facilities, games, slot machines, and
4756 facilities-based computer systems authorized in this chapter and
4757 the rules adopted by the department ~~division~~.

4758 Section 67. Subsection (5) of section 565.02, Florida
4759 Statutes, is amended to read:

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4760 565.02 License fees; vendors; clubs; caterers; and others.-

4761 (5) A caterer at a horse or dog racetrack or jai alai
4762 fronton may obtain a license upon the payment of an annual state
4763 license tax of \$675. Such caterer's license shall permit sales
4764 only within the enclosure in which such races or jai alai games
4765 are conducted, and such licensee shall be permitted to sell only
4766 during the period beginning 10 days before and ending 10 days
4767 after racing or jai alai under the authority of the ~~Division of~~
4768 ~~Pari-mutuel Wagering of the~~ Department of Gaming Business and
4769 ~~Professional Regulation~~ is conducted at such racetrack or jai
4770 alai fronton. Except as otherwise provided in this subsection
4771 ~~otherwise provided~~, caterers licensed hereunder shall be treated
4772 as vendors licensed to sell by the drink the beverages mentioned
4773 herein and shall be subject to all the provisions hereof
4774 relating to such vendors.

4775 Section 68. Section 817.37, Florida Statutes, is amended to
4776 read:

4777 817.37 Touting; defining; providing punishment; ejection
4778 from racetracks.-

4779 (1) Any person who knowingly and designedly by false
4780 representation attempts to, or does persuade, procure, or cause
4781 another person to wager on a horse in a race to be run in this
4782 state or elsewhere, and upon which money is wagered in this
4783 state, and who asks or demands compensation as a reward for
4784 information or purported information given in such case is a
4785 tout, and commits ~~is guilty of~~ touting.

4786 (2) Any person who is a tout, or who attempts or conspires
4787 to commit touting, commits ~~shall be guilty of~~ a misdemeanor of
4788 the second degree, punishable as provided in s. 775.082 or s.

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4789 775.083.

4790 (3) Any person who in the commission of touting falsely
4791 uses the name of any official of the Department of Gaming
4792 ~~Florida Division of Pari-mutuel Wagering~~, its inspectors or
4793 attaches, or of any official of any racetrack association, or
4794 the names of any owner, trainer, jockey, or other person
4795 licensed by the Department of Gaming ~~Florida Division of Pari-~~
4796 ~~mutuel Wagering~~, as the source of any information or purported
4797 information commits ~~shall be guilty of~~ a felony of the third
4798 degree, punishable as provided in s. 775.082, s. 775.083, or s.
4799 775.084.

4800 (4) Any person who has been convicted of touting by any
4801 court, and the record of whose conviction on such charge is on
4802 file in the office of the Department of Gaming ~~Florida Division~~
4803 ~~of Pari-mutuel Wagering~~, any court of this state, or of the
4804 Federal Bureau of Investigation, or any person who has been
4805 ejected from any racetrack of this or any other state for
4806 touting or practices inimical to the public interest shall be
4807 excluded from all racetracks in this state and if such person
4808 returns to a racetrack he or she commits ~~shall be guilty of~~ a
4809 misdemeanor of the second degree, punishable as provided in s.
4810 775.082 or s. 775.083. Any such person who refuses to leave such
4811 track when ordered to do so by inspectors of the Department of
4812 Gaming ~~Florida Division of Pari-mutuel Wagering~~ or by any peace
4813 officer, or by an accredited attache of a racetrack or
4814 association commits ~~shall be guilty of~~ a separate offense that
4815 is which shall be a misdemeanor of the second degree, punishable
4816 as provided in s. 775.083.

4817 Section 69. Section 849.086, Florida Statutes, is amended

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4818 to read:

4819 849.086 Cardrooms authorized.—

4820 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
4821 to provide additional entertainment choices for the residents of
4822 and visitors to the state, promote tourism in the state, and
4823 provide additional state revenues through the authorization of
4824 the playing of certain games in the state at facilities known as
4825 cardrooms which are to be located at licensed pari-mutuel
4826 facilities. To ensure the public confidence in the integrity of
4827 authorized cardroom operations, this act is designed to strictly
4828 regulate the facilities, persons, and procedures related to
4829 cardroom operations. Furthermore, the Legislature finds that
4830 authorized games as herein defined are considered to be pari-
4831 mutuel style games and not casino gaming because the
4832 participants play against each other instead of against the
4833 house.

4834 (2) DEFINITIONS.—As used in this section:

4835 (a) "Authorized game" means a game or series of games of
4836 poker or dominoes which are played in a nonbanking manner.

4837 (b) "Banking game" means a game in which the house is a
4838 participant in the game, taking on players, paying winners, and
4839 collecting from losers or in which the cardroom establishes a
4840 bank against which participants play.

4841 (c) "Cardroom" means a facility where authorized games are
4842 played for money or anything of value and to which the public is
4843 invited to participate in such games and charged a fee for
4844 participation by the operator of such facility. Authorized games
4845 and cardrooms do not constitute casino gaming operations.

4846 (d) "Cardroom management company" means any individual not

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4847 an employee of the cardroom operator, any proprietorship,
4848 partnership, corporation, or other entity that enters into an
4849 agreement with a cardroom operator to manage, operate, or
4850 otherwise control the daily operation of a cardroom.

4851 (e) "Cardroom distributor" means any business that
4852 distributes cardroom paraphernalia such as card tables, betting
4853 chips, chip holders, dominoes, dominoes tables, drop boxes,
4854 banking supplies, playing cards, card shufflers, and other
4855 associated equipment to authorized cardrooms.

4856 (f) "Cardroom operator" means a licensed pari-mutuel
4857 permitholder that ~~which~~ holds a valid permit and license issued
4858 by the department ~~division~~ pursuant to chapter 550 and that
4859 ~~which~~ also holds a valid cardroom license issued by the
4860 department ~~division~~ pursuant to this section which authorizes
4861 such person to operate a cardroom and to conduct authorized
4862 games in such cardroom.

4863 (g) "Department" "~~Division~~" means ~~the Division of Pari-~~
4864 ~~mutuel Wagering of the Department of~~ Gaming Business and
4865 Professional Regulation.

4866 (h) "Dominoes" means a game of dominoes typically played
4867 with a set of 28 flat rectangular blocks, called "bones," which
4868 are marked on one side and divided into two equal parts, with
4869 zero to six dots, called "pips," in each part. The term also
4870 includes larger sets of blocks that contain a correspondingly
4871 higher number of pips. The term also means the set of blocks
4872 used to play the game.

4873 (i) "Gross receipts" means the total amount of money
4874 received by a cardroom from any person for participation in
4875 authorized games.

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4876 (j) "House" means the cardroom operator and all employees
4877 of the cardroom operator.

4878 (k) "Net proceeds" means the total amount of gross receipts
4879 received by a cardroom operator from cardroom operations less
4880 direct operating expenses related to cardroom operations,
4881 including labor costs, admission taxes only if a separate
4882 admission fee is charged for entry to the cardroom facility,
4883 gross receipts taxes imposed on cardroom operators by this
4884 section, the annual cardroom license fees imposed by this
4885 section on each table operated at a cardroom, and reasonable
4886 promotional costs excluding officer and director compensation,
4887 interest on capital debt, legal fees, real estate taxes, bad
4888 debts, contributions or donations, or overhead and depreciation
4889 expenses not directly related to the operation of the cardrooms.

4890 (l) "Rake" means a set fee or percentage of the pot
4891 assessed by a cardroom operator for providing the services of a
4892 dealer, table, or location for playing the authorized game.

4893 (m) "Tournament" means a series of games that have more
4894 than one betting round involving one or more tables and where
4895 the winners or others receive a prize or cash award.

4896 (3) CARDROOM AUTHORIZED.—Notwithstanding any other
4897 provision of law, it is not a crime for a person to participate
4898 in an authorized game at a licensed cardroom or to operate a
4899 cardroom described in this section if such game and cardroom
4900 operation are conducted strictly in accordance with the
4901 provisions of this section.

4902 (4) AUTHORITY OF DEPARTMENT DIVISION.—The ~~Division of Pari-~~
4903 ~~mutuel Wagering of the department of Business and Professional~~
4904 ~~Regulation~~ shall administer this section and regulate the

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4905 operation of cardrooms under this section and the rules adopted
4906 pursuant thereto, and is hereby authorized to:

4907 (a) Adopt rules, including, but not limited to: the
4908 issuance of cardroom and employee licenses for cardroom
4909 operations; the operation of a cardroom; recordkeeping and
4910 reporting requirements; and the collection of all fees and taxes
4911 imposed by this section.

4912 (b) Conduct investigations and monitor the operation of
4913 cardrooms and the playing of authorized games therein.

4914 (c) Review the books, accounts, and records of any current
4915 or former cardroom operator.

4916 (d) Suspend or revoke any license or permit, after hearing,
4917 for any violation of the provisions of this section or the
4918 administrative rules adopted pursuant thereto.

4919 (e) Take testimony, issue summons and subpoenas for any
4920 witness, and issue subpoenas duces tecum in connection with any
4921 matter within its jurisdiction.

4922 (f) Monitor and ensure the proper collection of taxes and
4923 fees imposed by this section. Permitholder internal controls are
4924 mandated to ensure no compromise of state funds. To that end, a
4925 roaming department ~~division~~ auditor will monitor and verify the
4926 cash flow and accounting of cardroom revenue for any given
4927 operating day.

4928 (5) LICENSE REQUIRED; APPLICATION; FEES.—A ~~No~~ person may
4929 not operate a cardroom in this state unless such person holds a
4930 valid cardroom license issued pursuant to this section.

4931 (a) Only those persons holding a valid cardroom license
4932 issued by the department ~~division~~ may operate a cardroom. A
4933 cardroom license may ~~only~~ be issued only to a licensed pari-

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4934 mutuel permitholder and an authorized cardroom may ~~only~~ be
4935 operated only at the same facility at which the permitholder is
4936 authorized under its valid pari-mutuel wagering permit to
4937 conduct pari-mutuel wagering activities. An initial cardroom
4938 license shall be issued to a pari-mutuel permitholder only after
4939 its facilities are in place and after it conducts its first day
4940 of live racing or games.

4941 (b) After the initial cardroom license is granted, the
4942 application for the annual license renewal shall be made in
4943 conjunction with the applicant's annual application for its
4944 pari-mutuel license. If a permitholder has operated a cardroom
4945 during any of the 3 previous fiscal years and fails to include a
4946 renewal request for the operation of the cardroom in its annual
4947 application for license renewal, the permitholder may amend its
4948 annual application to include operation of the cardroom. In
4949 order for a cardroom license to be renewed the applicant must
4950 have requested, as part of its pari-mutuel annual license
4951 application, to conduct at least 90 percent of the total number
4952 of live performances conducted by such permitholder during
4953 either the state fiscal year in which its initial cardroom
4954 license was issued or the state fiscal year immediately prior
4955 thereto if the permitholder ran at least a full schedule of live
4956 racing or games in the prior year. If the application is for a
4957 harness permitholder cardroom, the applicant must have requested
4958 authorization to conduct a minimum of 140 live performances
4959 during the state fiscal year immediately prior thereto. If more
4960 than one permitholder is operating at a facility, each
4961 permitholder must have applied for a license to conduct a full
4962 schedule of live racing.

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4963 (c) Persons seeking a license or a renewal thereof to
4964 operate a cardroom shall make application on forms prescribed by
4965 the department ~~division~~. Applications for cardroom licenses
4966 shall contain all of the information the department ~~division~~, by
4967 rule, may determine is required to ensure eligibility.

4968 (d) The annual cardroom license fee for each facility shall
4969 be \$1,000 for each table to be operated at the cardroom. The
4970 license fee shall be deposited by the department ~~division~~ with
4971 the Chief Financial Officer to the credit of the Pari-mutuel
4972 Wagering Trust Fund.

4973 (6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED;
4974 APPLICATION; FEES.—

4975 (a) A person employed or otherwise working in a cardroom as
4976 a cardroom manager, floor supervisor, pit boss, dealer, or any
4977 other activity related to cardroom operations while the facility
4978 is conducting card playing or games of dominoes must hold a
4979 valid cardroom employee occupational license issued by the
4980 department ~~division~~. Food service, maintenance, and security
4981 employees with a current pari-mutuel occupational license and a
4982 current background check will not be required to have a cardroom
4983 employee occupational license.

4984 (b) Any cardroom management company or cardroom distributor
4985 associated with cardroom operations must hold a valid cardroom
4986 business occupational license issued by the department ~~division~~.

4987 (c) A ~~No~~ licensed cardroom operator may not employ or allow
4988 to work in a cardroom any person unless such person holds a
4989 valid occupational license. A ~~No~~ licensed cardroom operator may
4990 not contract, or otherwise do business with, a business required
4991 to hold a valid cardroom business occupational license, unless

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4992 the business holds such a valid license.

4993 (d) The department ~~division~~ shall establish, by rule, a
4994 schedule for the renewal of cardroom occupational licenses.
4995 Cardroom occupational licenses are not transferable.

4996 (e) Persons seeking cardroom occupational licenses, or
4997 renewal thereof, shall make application on forms prescribed by
4998 the department ~~division~~. Applications for cardroom occupational
4999 licenses shall contain all of the information the department
5000 ~~division~~, by rule, may determine is required to ensure
5001 eligibility.

5002 (f) The department ~~division~~ shall adopt rules regarding
5003 cardroom occupational licenses. The provisions specified in s.
5004 550.105(4), (5), (6), (7), (8), and (10) relating to licensure
5005 shall be applicable to cardroom occupational licenses.

5006 (g) The department ~~division~~ may deny, declare ineligible,
5007 or revoke any cardroom occupational license if the applicant or
5008 holder thereof has been found guilty or had adjudication
5009 withheld in this state or any other state, or under the laws of
5010 the United States of a felony or misdemeanor involving forgery,
5011 larceny, extortion, conspiracy to defraud, or filing false
5012 reports to a government agency, racing or gaming commission or
5013 authority.

5014 (h) Fingerprints for all cardroom occupational license
5015 applications shall be taken in a manner approved by the
5016 department ~~division~~ and ~~then~~ shall be submitted to the Florida
5017 Department of Law Enforcement and the Federal Bureau of
5018 Investigation for a criminal records check upon initial
5019 application and at least every 5 years thereafter. The
5020 department ~~division~~ may by rule require an annual record check

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5021 of all renewal applications for a cardroom occupational license.
5022 The cost of processing fingerprints and conducting a record
5023 check shall be borne by the applicant.

5024 (i) The cardroom employee occupational license fee may
5025 ~~shall~~ not exceed \$50 for any 12-month period. The cardroom
5026 business occupational license fee may ~~shall~~ not exceed \$250 for
5027 any 12-month period.

5028 (7) CONDITIONS FOR OPERATING A CARDROOM.—

5029 (a) A cardroom may be operated only at the location
5030 specified on the cardroom license issued by the department
5031 ~~division~~, and such location may only be the location at which
5032 the pari-mutuel permitholder is authorized to conduct pari-
5033 mutuel wagering activities pursuant to such permitholder's valid
5034 pari-mutuel permit or as otherwise authorized by law. Cardroom
5035 operations may not be allowed beyond the hours provided in
5036 paragraph (b) regardless of the number of cardroom licenses
5037 issued for permitholders operating at the pari-mutuel facility.

5038 (b) Any cardroom operator may operate a cardroom at the
5039 pari-mutuel facility daily throughout the year, if the
5040 permitholder meets the requirements under paragraph (5) (b). The
5041 cardroom may be open a cumulative amount of 18 hours per day on
5042 Monday through Friday and 24 hours per day on Saturday and
5043 Sunday and on the holidays specified in s. 110.117(1).

5044 (c) A cardroom operator must at all times employ and
5045 provide a nonplaying dealer for each table on which authorized
5046 card games that ~~which~~ traditionally use a dealer are conducted
5047 at the cardroom. Such dealers may not have a participatory
5048 interest in any game other than the dealing of cards and may not
5049 have an interest in the outcome of the game. The providing of

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5050 such dealers by a licensee does not constitute the conducting of
5051 a banking game by the cardroom operator.

5052 (d) A cardroom operator may award giveaways, jackpots, and
5053 prizes to a player who holds certain combinations of cards
5054 specified by the cardroom operator.

5055 (e) Each cardroom operator shall conspicuously post upon
5056 the premises of the cardroom a notice that ~~which~~ contains a copy
5057 of the cardroom license; a list of authorized games offered by
5058 the cardroom; the wagering limits imposed by the house, if any;
5059 any additional house rules regarding operation of the cardroom
5060 or the playing of any game; and all costs to players to
5061 participate, including any rake by the house. In addition, each
5062 cardroom operator shall post at each table a notice of the
5063 minimum and maximum bets authorized at such table and the fee
5064 for participation in the game conducted.

5065 (f) The cardroom facility is subject to inspection by the
5066 department ~~division~~ or any law enforcement agency during the
5067 licensee's regular business hours. The inspection must
5068 specifically include the permitholder internal control
5069 procedures approved by the department ~~division~~.

5070 (g) A cardroom operator may refuse entry to or refuse to
5071 allow any person who is objectionable, undesirable, or
5072 disruptive to play, but such refusal may not be on the basis of
5073 race, creed, color, religion, gender, national origin, marital
5074 status, physical handicap, or age, except as provided in this
5075 section.

5076 (8) METHOD OF WAGERS; LIMITATION.—

5077 (a) ~~No~~ Wagering may not be conducted using money or other
5078 negotiable currency. Games may only be played utilizing a

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5079 wagering system whereby all players' money is first converted by
5080 the house to tokens or chips that ~~which~~ shall be used for
5081 wagering only at that specific cardroom.

5082 (b) The cardroom operator may limit the amount wagered in
5083 any game or series of games.

5084 (c) A tournament shall consist of a series of games. The
5085 entry fee for a tournament may be set by the cardroom operator.
5086 Tournaments may be played only with tournament chips that are
5087 provided to all participants in exchange for an entry fee and
5088 any subsequent re-buys. All players must receive an equal number
5089 of tournament chips for their entry fee. Tournament chips have
5090 no cash value and represent tournament points only. There is no
5091 limitation on the number of tournament chips that may be used
5092 for a bet except as otherwise determined by the cardroom
5093 operator. Tournament chips may never be redeemed for cash or for
5094 any other thing of value. The distribution of prizes and cash
5095 awards must be determined by the cardroom operator before entry
5096 fees are accepted. For purposes of tournament play only, the
5097 term "gross receipts" means the total amount received by the
5098 cardroom operator for all entry fees, player re-buys, and fees
5099 for participating in the tournament less the total amount paid
5100 to the winners or others as prizes.

5101 (9) BOND REQUIRED.—The holder of a cardroom license shall
5102 be financially and otherwise responsible for the operation of
5103 the cardroom and for the conduct of any manager, dealer, or
5104 other employee involved in the operation of the cardroom. Prior
5105 to the issuance of a cardroom license, each applicant for such
5106 license shall provide evidence of a surety bond in the amount of
5107 \$50,000, payable to the state, furnished by a corporate surety

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5108 authorized to do business in the state or evidence that the
5109 licensee's pari-mutuel bond required by s. 550.125 has been
5110 expanded to include the applicant's cardroom operation. The bond
5111 shall guarantee that the cardroom operator will redeem, for
5112 cash, all tokens or chips used in games. Such bond shall be kept
5113 in full force and effect by the operator during the term of the
5114 license.

5115 (10) FEE FOR PARTICIPATION.—The cardroom operator may
5116 charge a fee for the right to participate in games conducted at
5117 the cardroom. Such fee may be either a flat fee or hourly rate
5118 for the use of a seat at a table or a rake subject to the posted
5119 maximum amount but may not be based on the amount won by
5120 players. The rake-off, if any, must be made in an obvious manner
5121 and placed in a designated rake area that ~~which~~ is clearly
5122 visible to all players. Notice of the amount of the
5123 participation fee charged shall be posted in a conspicuous place
5124 in the cardroom and at each table at all times.

5125 (11) RECORDS AND REPORTS.—

5126 (a) Each licensee operating a cardroom shall keep and
5127 maintain permanent daily records of its cardroom operation and
5128 shall maintain such records for a period of not less than 3
5129 years. These records shall include all financial transactions
5130 and contain sufficient detail to determine compliance with the
5131 requirements of this section. All records shall be available for
5132 audit and inspection by the department ~~division~~ or other law
5133 enforcement agencies during the licensee's regular business
5134 hours. The information required in such records shall be
5135 determined by department ~~division~~ rule.

5136 (b) Each licensee operating a cardroom shall file with the

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5137 department ~~division~~ a report containing the required records of
5138 such cardroom operation. Such report shall be filed monthly by
5139 licensees. The required reports shall be submitted on forms
5140 prescribed by the department ~~division~~ and shall be due at the
5141 same time as the monthly pari-mutuel reports are due to the
5142 department. ~~division,~~ and Such reports shall contain any
5143 additional information deemed necessary by the department
5144 ~~division,~~ and the reports shall be deemed public records once
5145 filed.

5146 (12) PROHIBITED ACTIVITIES.—

5147 (a) A ~~No~~ person licensed to operate a cardroom may not
5148 conduct any banking game or any game not specifically authorized
5149 by this section.

5150 (b) A ~~No~~ person under 18 years of age may not be permitted
5151 to hold a cardroom or employee license, or engage in any game
5152 conducted therein.

5153 (c) With the exception of mechanical card shufflers, an ~~No~~
5154 electronic or mechanical device ~~devices, except mechanical card~~
5155 ~~shufflers,~~ may not be used to conduct any authorized game in a
5156 cardroom.

5157 (d) ~~No~~ Cards, game components, or game implements may not
5158 be used in playing an authorized game unless such have ~~has~~ been
5159 furnished or provided to the players by the cardroom operator.

5160 (13) TAXES AND OTHER PAYMENTS.—

5161 (a) Each cardroom operator shall pay a tax to the state of
5162 10 percent of the cardroom operation's monthly gross receipts.

5163 (b) An admission tax equal to 15 percent of the admission
5164 charge for entrance to the licensee's cardroom facility, or 10
5165 cents, whichever is greater, is imposed on each person entering

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5166 the cardroom. This admission tax applies ~~shall apply~~ only if a
5167 separate admission fee is charged for entry to the cardroom
5168 facility. If a single admission fee is charged which authorizes
5169 entry to both or either the pari-mutuel facility and the
5170 cardroom facility, the admission tax shall be payable only once
5171 and shall be payable pursuant to chapter 550. The cardroom
5172 licensee is ~~shall be~~ responsible for collecting the admission
5173 tax. An admission tax is imposed on any free passes or
5174 complimentary cards issued to guests by licensees in an amount
5175 equal to the tax imposed on the regular and usual admission
5176 charge for entrance to the licensee's cardroom facility. A
5177 cardroom licensee may issue tax-free passes to its officers,
5178 officials, and employees or other persons actually engaged in
5179 working at the cardroom, including accredited press
5180 representatives such as reporters and editors, and may also
5181 issue tax-free passes to other cardroom licensees for the use of
5182 their officers and officials. The licensee shall file with the
5183 department ~~division~~ a list of all persons to whom tax-free
5184 passes are issued.

5185 (c) Payment of the admission tax and gross receipts tax
5186 imposed by this section shall be made paid to the department
5187 ~~division~~. The department ~~division~~ shall deposit these sums with
5188 the Chief Financial Officer, one-half being credited to the
5189 Pari-mutuel Wagering Trust Fund and one-half being credited to
5190 the General Revenue Fund. The cardroom licensee shall remit to
5191 the department ~~division~~ payment for the admission tax, the gross
5192 receipts tax, and the licensee fees. Such payments shall be
5193 remitted to the department ~~division~~ on the fifth day of each
5194 calendar month for taxes and fees imposed for the preceding

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5195 month's cardroom activities. Licensees shall file a report under
5196 oath by the fifth day of each calendar month for all taxes
5197 remitted during the preceding calendar month. Such report shall,
5198 under oath, indicate the total of all admissions, the cardroom
5199 activities for the preceding calendar month, and such other
5200 information as may be prescribed by the department ~~division~~.

5201 (d)1. Each greyhound and jai alai permitholder that
5202 operates a cardroom facility shall use at least 4 percent of
5203 such permitholder's cardroom monthly gross receipts to
5204 supplement greyhound purses or jai alai prize money,
5205 respectively, during the permitholder's next ensuing pari-mutuel
5206 meet.

5207 2. Each thoroughbred and harness horse racing permitholder
5208 that operates a cardroom facility shall use at least 50 percent
5209 of such permitholder's cardroom monthly net proceeds as follows:
5210 47 percent to supplement purses and 3 percent to supplement
5211 breeders' awards during the permitholder's next ensuing racing
5212 meet.

5213 3. No cardroom license or renewal thereof shall be issued
5214 to an applicant holding a permit under chapter 550 to conduct
5215 pari-mutuel wagering meets of quarter horse racing unless the
5216 applicant has on file with the department ~~division~~ a binding
5217 written agreement between the applicant and the Florida Quarter
5218 Horse Racing Association or the association representing a
5219 majority of the horse owners and trainers at the applicant's
5220 eligible facility, governing the payment of purses on live
5221 quarter horse races conducted at the licensee's pari-mutuel
5222 facility. The agreement governing purses may direct the payment
5223 of such purses from revenues generated by any wagering or gaming

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5224 the applicant is authorized to conduct under Florida law. All
5225 purses shall be subject to the terms of chapter 550.

5226 (e) The failure of any licensee to make payments as
5227 prescribed in paragraph (c) is a violation of this section, and
5228 the licensee may be subjected by the department ~~division~~ to a
5229 civil penalty of up to \$1,000 for each day the tax payment is
5230 not remitted. All penalties imposed and collected shall be
5231 deposited in the General Revenue Fund. If a licensee fails to
5232 pay penalties imposed by order of the department ~~division~~ under
5233 this subsection, the department ~~division~~ may suspend or revoke
5234 the license of the cardroom operator or deny issuance of any
5235 further license to the cardroom operator.

5236 (f) The cardroom shall be deemed an accessory use to a
5237 licensed pari-mutuel operation and, except as provided in
5238 chapter 550, a municipality, county, or political subdivision
5239 may not assess or collect any additional license tax, sales tax,
5240 or excise tax on such cardroom operation.

5241 (g) All of the moneys deposited in the Pari-mutuel Wagering
5242 Trust Fund, except as set forth in paragraph (h), shall be
5243 utilized and distributed in the manner specified in s.
5244 550.135(1) and (2). However, cardroom tax revenues shall be kept
5245 separate from pari-mutuel tax revenues and may ~~shall~~ not be used
5246 for making the disbursement to counties provided in former s.
5247 550.135(1).

5248 (h) One-quarter of the moneys deposited into the Pari-
5249 mutuel Wagering Trust Fund pursuant to paragraph (g) shall, by
5250 October 1 of each year, be distributed to the local government
5251 that approved the cardroom under subsection (16); however, if
5252 two or more pari-mutuel racetracks are located within the same

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5253 incorporated municipality, the cardroom funds shall be
5254 distributed to the municipality. If a pari-mutuel facility is
5255 situated in such a manner that it is located in more than one
5256 county, the site of the cardroom facility shall determine the
5257 location for purposes of disbursement of tax revenues under this
5258 paragraph. The department ~~division~~ shall, by September 1 of each
5259 year, determine: the amount of taxes deposited into the Pari-
5260 mutuel Wagering Trust Fund pursuant to this section from each
5261 cardroom licensee; the location by county of each cardroom;
5262 whether the cardroom is located in the unincorporated area of
5263 the county or within an incorporated municipality; and, the
5264 total amount to be distributed to each eligible county and
5265 municipality.

5266 (14) SUSPENSION, REVOCATION, OR DENIAL OF LICENSE; FINE.—

5267 (a) The department ~~division~~ may deny a license or the
5268 renewal thereof, or may suspend or revoke any license, when the
5269 applicant has: violated or failed to comply with the provisions
5270 of this section or any rules adopted pursuant thereto; knowingly
5271 caused, aided, abetted, or conspired with another to cause any
5272 person to violate this section or any rules adopted pursuant
5273 thereto; or obtained a license or permit by fraud,
5274 misrepresentation, or concealment; or if the holder of such
5275 license or permit is no longer eligible under this section.

5276 (b) If a pari-mutuel permitholder's pari-mutuel permit or
5277 license is suspended or revoked by the department ~~division~~
5278 pursuant to chapter 550, the department ~~division~~ may, but is not
5279 required to, suspend or revoke such permitholder's cardroom
5280 license. If a cardroom operator's license is suspended or
5281 revoked pursuant to this section, the department ~~division~~ may,

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5282 but is not required to, suspend or revoke such licensee's pari-
5283 mutuel permit or license.

5284 (c) Notwithstanding any other provision of this section,
5285 the department ~~division~~ may impose an administrative fine not to
5286 exceed \$1,000 for each violation against any person who has
5287 violated or failed to comply with the provisions of this section
5288 or any rules adopted pursuant thereto.

5289 (15) CRIMINAL PENALTY; INJUNCTION.—

5290 (a)1. Any person who operates a cardroom without a valid
5291 license issued as provided in this section commits a felony of
5292 the third degree, punishable as provided in s. 775.082, s.
5293 775.083, or s. 775.084.

5294 2. Any licensee or permitholder who violates any provision
5295 of this section commits a misdemeanor of the first degree,
5296 punishable as provided in s. 775.082 or s. 775.083. Any licensee
5297 or permitholder who commits a second or subsequent violation of
5298 the same paragraph or subsection within a period of 3 years from
5299 the date of a prior conviction for a violation of such paragraph
5300 or subsection commits a felony of the third degree, punishable
5301 as provided in s. 775.082, s. 775.083, or s. 775.084.

5302 (b) The department ~~division~~, any state attorney, the
5303 statewide prosecutor, or the Attorney General may apply for a
5304 temporary or permanent injunction restraining further violation
5305 of this section, and such injunction shall issue without bond.

5306 (16) LOCAL GOVERNMENT APPROVAL.—The department may ~~Division~~
5307 ~~of Pari-mutuel Wagering~~ shall not issue any initial license
5308 under this section except upon proof in such form as the
5309 department ~~division~~ may prescribe that the local government
5310 where the applicant for such license desires to conduct cardroom

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5311 gaming has voted to approve such activity by a majority vote of
5312 the governing body of the municipality or the governing body of
5313 the county if the facility is not located in a municipality.

5314 (17) CHANGE OF LOCATION; REFERENDUM.—

5315 (a) Notwithstanding any provisions of this section, no
5316 cardroom gaming license issued under this section shall be
5317 transferred, or reissued when such reissuance is in the nature
5318 of a transfer, so as to permit or authorize a licensee to change
5319 the location of the cardroom except upon proof in such form as
5320 the department ~~division~~ may prescribe that a referendum election
5321 has been held:

5322 1. If the proposed new location is within the same county
5323 as the already licensed location, in the county where the
5324 licensee desires to conduct cardroom gaming and that a majority
5325 of the electors voting on the question in such election voted in
5326 favor of the transfer of such license. However, the department
5327 ~~division~~ shall transfer, without requirement of a referendum
5328 election, the cardroom license of any permit holder that
5329 relocated its permit pursuant to s. 550.0555.

5330 2. If the proposed new location is not within the same
5331 county as the already licensed location, in the county where the
5332 licensee desires to conduct cardroom gaming and that a majority
5333 of the electors voting on that question in each such election
5334 voted in favor of the transfer of such license.

5335 (b) The expense of each referendum held under the
5336 provisions of this subsection shall be borne by the licensee
5337 requesting the transfer.

5338 Section 70. Except as otherwise expressly provided in this
5339 act, this act shall take effect July 1, 2016.