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LEGISLATIVE ACTION

Senate	.	House
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Floor: AD/CR	.	Floor: AD
03/14/2022 12:13 PM	.	03/14/2022 12:44 PM
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The Conference Committee on SB 2510 recommended the following:

1 **Senate Conference Committee Amendment (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Paragraph (a) of subsection (2) of section
7 16.71, Florida Statutes, is amended, and subsection (6) is added
8 to that section, to read:

9 16.71 Florida Gaming Control Commission; creation;
10 meetings; membership.—

11 (2) MEMBERSHIP.—



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12 (a) The commission shall consist of five members appointed
13 by the Governor, and subject to confirmation by the Senate, for
14 terms of 4 years. Members of the commission must be appointed by
15 January 1, 2022. The Governor shall consider appointees who
16 reflect Florida's racial, ethnic, and gender diversity. Of the
17 initial five members appointed by the Governor, and immediately
18 upon appointment, the Governor shall appoint one of the members
19 as the initial chair and one of the members as the initial vice
20 chair. At the end of the initial chair's and vice chair's terms
21 pursuant to subparagraph 1., the commission shall elect one of
22 the members of the commission as chair and one of the members of
23 the commission as vice chair.

24 1. For the purpose of providing staggered terms, of the
25 initial appointments, two members shall be appointed to 4-year
26 terms, two members shall be appointed to 3-year terms, and one
27 member shall be appointed to a 2-year term.

28 2. Of the five members, at least one member must have at
29 least 10 years of experience in law enforcement and criminal
30 investigations, at least one member must be a certified public
31 accountant licensed in this state with at least 10 years of
32 experience in accounting and auditing, and at least one member
33 must be an attorney admitted and authorized to practice law in
34 this state for at least the preceding 10 years.

35 ~~3. Of the five members, each appellate district shall have~~
36 ~~one member appointed from the district to the commission who is~~
37 ~~a resident of the district at the time of the original~~
38 ~~appointment.~~

39 (6) PARI-MUTUEL WAGERING TRUST FUND.—The commission shall
40 administer the Pari-mutuel Wagering Trust Fund.



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41 Section 2. Paragraph (a) of subsection (2) of section
42 16.713, Florida Statutes, is amended to read:

43 16.713 Florida Gaming Control Commission; appointment and
44 employment restrictions.—

45 (2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS
46 INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE
47 COMMISSION.—

48 (a) A person may not, for the 2 years immediately preceding
49 the date of appointment to or employment with the commission and
50 while appointed to or employed with the commission:

51 1. Hold a permit or license issued under chapter 550 or a
52 license issued under chapter 551 or chapter 849; be an officer,
53 official, or employee of such permitholder or licensee; or be an
54 ultimate equitable owner, as defined in s. 550.002(37), of such
55 permitholder or licensee;

56 2. Be an officer, official, employee, or other person with
57 duties or responsibilities relating to a gaming operation owned
58 by an Indian tribe that has a valid and active compact with the
59 state; be a contractor or subcontractor of such tribe or an
60 entity employed, licensed, or contracted by such tribe; or be an
61 ultimate equitable owner, as defined in s. 550.002(37), of such
62 entity;

63 3. Be a registered lobbyist for the executive or
64 legislative branch, except while a commissioner or employee of
65 the commission when officially representing the commission or
66 unless the person registered as a lobbyist for the executive or
67 legislative branch while employed by a state agency as defined
68 in s. 110.107 during the normal course of his or her employment
69 with such agency and he or she has not lobbied on behalf of any



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70 entity other than a state agency during the 2 years immediately
71 preceding the date of his or her appointment to or employment
72 with the commission; or

73 4. Be a bingo game operator or an employee of a bingo game
74 operator.

75
76 For the purposes of this subsection, the term "relative" means a
77 spouse, father, mother, son, daughter, grandfather, grandmother,
78 brother, sister, uncle, aunt, cousin, nephew, niece, father-in-
79 law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,
80 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
81 stepbrother, stepsister, half-brother, or half-sister.

82 Section 3. Subsection (4) of section 120.80, Florida
83 Statutes, is amended, and subsection (19) is added to that
84 section, to read:

85 120.80 Exceptions and special requirements; agencies.—

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

87 ~~(a) Business regulation. The Division of Pari-mutuel~~
88 ~~Wagering is exempt from the hearing and notice requirements of~~
89 ~~ss. 120.569 and 120.57(1)(a), but only for stewards, judges, and~~
90 ~~boards of judges when the hearing is to be held for the purpose~~
91 ~~of the imposition of fines or suspensions as provided by rules~~
92 ~~of the Division of Pari-mutuel Wagering, but not for~~
93 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~
94 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~
95 ~~alternative procedures, including a hearing upon reasonable~~
96 ~~notice, for the following violations:~~

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



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

101 ~~3. Maintaining or possessing any device which could be used~~
102 ~~for the injection or other infusion of a prohibited drug to~~
103 ~~horses, greyhounds, and jai alai players in violation of chapter~~
104 ~~550.~~

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

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

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

111 ~~(b) Professional regulation.~~ Notwithstanding s.
112 120.57(1)(a), formal hearings may not be conducted by the
113 Secretary of Business and Professional Regulation or a board or
114 member of a board within the Department of Business and
115 Professional Regulation for matters relating to the regulation
116 of professions, as defined by chapter 455.

117 (19) FLORIDA GAMING CONTROL COMMISSION.—The Florida Gaming
118 Control Commission is exempt from the hearing and notice
119 requirements of ss. 120.569 and 120.57(1)(a), but only for
120 stewards, judges, and boards of judges when the hearing is to be
121 held for the purpose of the imposition of fines or suspensions
122 as provided by rules of the commission, but not for revocations,
123 and only upon violations of paragraphs (a)-(f). The commission
124 shall adopt rules establishing alternative procedures, including
125 a hearing upon reasonable notice, for the following violations:

126 (a) Horse riding, harness riding, and jai alai game actions
127 in violation of chapter 550.



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128 (b) Application and usage of drugs and medication to horses
129 and jai alai players in violation of chapter 550.

130 (c) Maintaining or possessing any device which could be
131 used for the injection or other infusion of a prohibited drug to
132 horses and jai alai players in violation of chapter 550.

133 (d) Suspensions under reciprocity agreements between the
134 commission and regulatory agencies of other states.

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

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

138 Section 4. Subsection (6) of section 455.116, Florida
139 Statutes, is amended to read:

140 455.116 Regulation trust funds.—The following trust funds
141 shall be placed in the department:

142 ~~(6) Pari-mutuel Wagering Trust Fund.~~

143 Section 5. Section 550.135, Florida Statutes, is amended to
144 read:

145 550.135 Division of moneys derived under this law.—All
146 moneys that are deposited with the Chief Financial Officer to
147 the credit of the Pari-mutuel Wagering Trust Fund shall be
148 distributed as follows:

149 (1) The daily license fee revenues collected pursuant to s.
150 550.0951(1) shall be used to fund the operating cost of the
151 ~~commission division and to provide a proportionate share of the~~
152 ~~operation of the office of the secretary and the Division of~~
153 ~~Administration of the Department of Business and Professional~~
154 ~~Regulation; however, other collections in the Pari-mutuel~~
155 ~~Wagering Trust Fund may also be used to fund the operation of~~
156 the commission division in accordance with authorized



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157 appropriations.

158 ~~(2) All unappropriated funds in excess of \$1.5 million in~~
159 ~~the Pari-mutuel Wagering Trust Fund, collected pursuant to this~~
160 ~~chapter, shall be deposited with the Chief Financial Officer to~~
161 ~~the credit of the General Revenue Fund.~~

162 ~~(3) The slot machine license fee, the slot machine~~
163 ~~occupational license fee, and the compulsive or addictive~~
164 ~~gambling prevention program fee collected pursuant to ss.~~
165 ~~551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the~~
166 ~~direct and indirect operating expenses of the commission's~~
167 ~~division's slot machine regulation operations and to provide~~
168 ~~funding for relevant enforcement activities in accordance with~~
169 ~~authorized appropriations. Funds deposited into the Pari-mutuel~~
170 ~~Wagering Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1.,~~
171 ~~and 551.118 shall be reserved in the trust fund for slot machine~~
172 ~~regulation operations. On June 30, any unappropriated funds in~~
173 ~~excess of those necessary for incurred obligations and~~
174 ~~subsequent year cash flow for slot machine regulation operations~~
175 ~~shall be deposited with the Chief Financial Officer to the~~
176 ~~credit of the General Revenue Fund.~~

177 Section 6. Paragraph (b) of subsection (1) of section
178 551.106, Florida Statutes, is amended to read:

179 551.106 License fee; tax rate; penalties.—

180 (1) LICENSE FEE.—

181 (b) Before ~~Prior to~~ January 1, 2026 ~~2007~~, the commission
182 ~~division~~ shall evaluate the license fee and shall make
183 recommendations to the President of the Senate and the Speaker
184 of the House of Representatives regarding the optimum level of
185 slot machine license fees in order to adequately support the



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186 slot machine regulatory program.

187 Section 7. Subsection (10) of section 849.094, Florida
188 Statutes, is amended to read:

189 849.094 Game promotion in connection with sale of consumer
190 products or services.-

191 (10) This section does not apply to actions or transactions
192 regulated by the Department of Business and Professional
193 Regulation or the Florida Gaming Control Commission or to the
194 activities of nonprofit organizations or to any other
195 organization engaged in any enterprise other than the sale of
196 consumer products or services. Subsections (3), (4), (5), (6),
197 and (7) and paragraph (8) (a) and any of the rules made pursuant
198 thereto do not apply to television or radio broadcasting
199 companies licensed by the Federal Communications Commission.

200 Section 8. Subsection (5) of section 550.0251, Florida
201 Statutes, is amended to read:

202 550.0251 The powers and duties of the Florida Gaming
203 Control Commission ~~Division of Pari-mutuel Wagering of the~~
204 ~~Department of Business and Professional Regulation.~~-The
205 commission ~~division~~ shall administer this chapter and regulate
206 the pari-mutuel industry under this chapter and the rules
207 adopted pursuant thereto, and:

208 (5) The commission ~~division~~ may adopt rules establishing
209 procedures for testing occupational licenseholders officiating
210 at or participating in any race or game at any pari-mutuel
211 facility under the jurisdiction of the commission ~~division~~ for a
212 controlled substance or alcohol and may prescribe procedural
213 matters not in conflict with s. 120.80(19) ~~s. 120.80(4)(a)~~.

214 Section 9. Subsection (4) of section 550.24055, Florida



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215 Statutes, is amended to read:

216 550.24055 Use of controlled substances or alcohol
217 prohibited; testing of certain occupational licensees; penalty;
218 evidence of test or action taken and admissibility for criminal
219 prosecution limited.-

220 (4) The provisions of s. 120.80(19) ~~s. 120.80(4)(a)~~ apply
221 to all actions taken by the stewards, judges, or board of judges
222 pursuant to this section without regard to the limitation
223 contained therein.

224 Section 10. Paragraph (g) of subsection (13) of section
225 849.086, Florida Statutes, is amended to read:

226 849.086 Cardrooms authorized.-

227 (13) TAXES AND OTHER PAYMENTS.-

228 (g) All of the moneys deposited in the Pari-mutuel Wagering
229 Trust Fund, except as set forth in paragraph (h), shall be
230 utilized and distributed in the manner specified in s.
231 550.135(1) ~~and (2)~~. However, cardroom tax revenues shall be kept
232 separate from pari-mutuel tax revenues and shall not be used for
233 making the disbursement to counties provided in former s.
234 550.135(1).

235 Section 11. This act shall take effect July 1, 2022.

236

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

238 And the title is amended as follows:

239 Delete everything before the enacting clause
240 and insert:

241 A bill to be entitled
242 An act relating to the Florida Gaming Control
243 Commission; amending s. 16.71, F.S.; deleting a



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244 requirement that a commissioner be appointed from each
245 appellate district; requiring the commission to
246 administer the Pari-mutuel Wagering Trust Fund;
247 amending s. 16.713, F.S.; exempting certain state
248 agency employees who are registered lobbyists from the
249 prohibition against being appointed to or employed by
250 the commission; amending s. 120.80, F.S.; exempting
251 the commission from certain hearing and notice
252 requirements; requiring the commission to adopt rules;
253 deleting obsolete language; amending s. 455.116, F.S.;
254 deleting obsolete language; amending s. 550.135, F.S.;
255 deleting a provision requiring that a proportionate
256 share of certain funds be used for certain purposes
257 relating to the Department of Business and
258 Professional Regulation; removing the requirement that
259 certain funds be deposited in the General Revenue
260 Fund; deleting provisions requiring that certain funds
261 be used or reserved to fund slot machine regulation
262 operations; conforming provisions to changes made by
263 the act; amending s. 551.106, F.S.; requiring the
264 commission to evaluate slot license fees and make
265 specified recommendations to the Legislature before a
266 specified date; amending s. 849.094, F.S.; revising
267 applicability for game promotions in connection with
268 the sale of consumer products or services; amending
269 ss. 550.0251, 550.24055, and 849.086, F.S.; conforming
270 provisions; providing an effective date.