

By the Committee on Appropriations

576-02886-22

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1                                   A bill to be entitled  
2       An act relating to the Florida Gaming Control  
3       Commission; amending s. 16.71, F.S.; deleting a  
4       requirement that a commissioner be appointed from each  
5       appellate district; requiring the commission to  
6       administer the Pari-mutuel Wagering Trust Fund;  
7       amending s. 16.713, F.S.; exempting certain state  
8       agency employees who are registered lobbyists from the  
9       prohibition against being appointed to or employed by  
10      the commission; amending s. 120.80, F.S.; exempting  
11      the commission from certain hearing and notice  
12      requirements; requiring the commission to adopt rules;  
13      deleting obsolete language; amending s. 455.116, F.S.;  
14      deleting obsolete language; amending s. 550.135, F.S.;  
15      deleting a provision requiring that a proportionate  
16      share of certain funds be used for certain purposes  
17      relating to the Department of Business and  
18      Professional Regulation; removing the requirement that  
19      certain funds be deposited in the General Revenue  
20      Fund; conforming provisions to changes made by the  
21      act; amending s. 551.106, F.S.; requiring the  
22      commission to evaluate slot license fees and make  
23      specified recommendations to the Legislature before a  
24      specified date; amending s. 849.094, F.S.; revising  
25      applicability for game promotions in connection with  
26      the sale of consumer products or services; amending  
27      ss. 550.0251, 550.24055, and 849.086, F.S.; conforming  
28      provisions; providing an effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Paragraph (a) of subsection (2) of section  
33 16.71, Florida Statutes, is amended, and subsection (6) is added  
34 to that section, to read:

35 16.71 Florida Gaming Control Commission; creation;  
36 meetings; membership.—

37 (2) MEMBERSHIP.—

38 (a) The commission shall consist of five members appointed  
39 by the Governor, and subject to confirmation by the Senate, for  
40 terms of 4 years. Members of the commission must be appointed by  
41 January 1, 2022. The Governor shall consider appointees who  
42 reflect Florida's racial, ethnic, and gender diversity. Of the  
43 initial five members appointed by the Governor, and immediately  
44 upon appointment, the Governor shall appoint one of the members  
45 as the initial chair and one of the members as the initial vice  
46 chair. At the end of the initial chair's and vice chair's terms  
47 pursuant to subparagraph 1., the commission shall elect one of  
48 the members of the commission as chair and one of the members of  
49 the commission as vice chair.

50 1. For the purpose of providing staggered terms, of the  
51 initial appointments, two members shall be appointed to 4-year  
52 terms, two members shall be appointed to 3-year terms, and one  
53 member shall be appointed to a 2-year term.

54 2. Of the five members, at least one member must have at  
55 least 10 years of experience in law enforcement and criminal  
56 investigations, at least one member must be a certified public  
57 accountant licensed in this state with at least 10 years of  
58 experience in accounting and auditing, and at least one member

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59 must be an attorney admitted and authorized to practice law in  
60 this state for at least the preceding 10 years.

61 ~~3. Of the five members, each appellate district shall have~~  
62 ~~one member appointed from the district to the commission who is~~  
63 ~~a resident of the district at the time of the original~~  
64 ~~appointment.~~

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

67 Section 2. Paragraph (a) of subsection (2) of section  
68 16.713, Florida Statutes, is amended to read:

69 16.713 Florida Gaming Control Commission; appointment and  
70 employment restrictions.—

71 (2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS  
72 INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE  
73 COMMISSION.—

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

77 1. Hold a permit or license issued under chapter 550 or a  
78 license issued under chapter 551 or chapter 849; be an officer,  
79 official, or employee of such permitholder or licensee; or be an  
80 ultimate equitable owner, as defined in s. 550.002(37), of such  
81 permitholder or licensee;

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

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88 entity;

89 3. Be a registered lobbyist for the executive or  
90 legislative branch, except while a commissioner or employee of  
91 the commission when officially representing the commission or  
92 unless the person registered as a lobbyist for the executive or  
93 legislative branch while employed by a state agency as defined  
94 in s. 110.107 during the normal course of his or her employment  
95 with such agency and he or she has not lobbied on behalf of any  
96 entity other than a state agency during the 2 years immediately  
97 preceding the date of his or her appointment to or employment  
98 with the commission; or

99 4. Be a bingo game operator or an employee of a bingo game  
100 operator.

101  
102 For the purposes of this subsection, the term "relative" means a  
103 spouse, father, mother, son, daughter, grandfather, grandmother,  
104 brother, sister, uncle, aunt, cousin, nephew, niece, father-in-  
105 law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,  
106 sister-in-law, stepfather, stepmother, stepson, stepdaughter,  
107 stepbrother, stepsister, half-brother, or half-sister.

108 Section 3. Subsection (4) of section 120.80, Florida  
109 Statutes, is amended, and subsection (19) is added to that  
110 section, to read:

111 120.80 Exceptions and special requirements; agencies.—

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

113 ~~(a) Business regulation.—The Division of Pari-mutuel~~  
114 ~~Wagering is exempt from the hearing and notice requirements of~~  
115 ~~ss. 120.569 and 120.57(1)(a), but only for stewards, judges, and~~  
116 ~~boards of judges when the hearing is to be held for the purpose~~

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117 ~~of the imposition of fines or suspensions as provided by rules~~  
118 ~~of the Division of Pari-mutuel Wagering, but not for~~  
119 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~  
120 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~  
121 ~~alternative procedures, including a hearing upon reasonable~~  
122 ~~notice, for the following violations:~~

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

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

127 ~~3. Maintaining or possessing any device which could be used~~  
128 ~~for the injection or other infusion of a prohibited drug to~~  
129 ~~horses, greyhounds, and jai alai players in violation of chapter~~  
130 ~~550.~~

131 ~~4. Suspensions under reciprocity agreements between the~~  
132 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~  
133 ~~other states.~~

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

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

137 ~~(b) Professional regulation.~~ Notwithstanding s.

138 120.57(1) (a), formal hearings may not be conducted by the  
139 Secretary of Business and Professional Regulation or a board or  
140 member of a board within the Department of Business and  
141 Professional Regulation for matters relating to the regulation  
142 of professions, as defined by chapter 455.

143 (19) FLORIDA GAMING CONTROL COMMISSION.—The Florida Gaming  
144 Control Commission is exempt from the hearing and notice  
145 requirements of ss. 120.569 and 120.57(1) (a), but only for

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146 stewards, judges, and boards of judges when the hearing is to be  
147 held for the purpose of the imposition of fines or suspensions  
148 as provided by rules of the commission, but not for revocations,  
149 and only upon violations of paragraphs (a)-(f). The commission  
150 shall adopt rules establishing alternative procedures, including  
151 a hearing upon reasonable notice, for the following violations:

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

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

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

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

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

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

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

166 455.116 Regulation trust funds.—The following trust funds  
167 shall be placed in the department:

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

169 Section 5. Section 550.135, Florida Statutes, is amended to  
170 read:

171 550.135 Division of moneys derived under this law.—All  
172 moneys that are deposited with the Chief Financial Officer to  
173 the credit of the Pari-mutuel Wagering Trust Fund shall be  
174 distributed as follows:

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175 (1) The daily license fee revenues collected pursuant to s.  
176 550.0951(1) shall be used to fund the operating cost of the  
177 commission division and to provide a proportionate share of the  
178 ~~operation of the office of the secretary and the Division of~~  
179 ~~Administration of the Department of Business and Professional~~  
180 ~~Regulation~~; however, other collections in the Pari-mutuel  
181 Wagering Trust Fund may also be used to fund the operation of  
182 the commission division in accordance with authorized  
183 appropriations.

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

188 (3) The slot machine license fee, the slot machine  
189 occupational license fee, and the compulsive or addictive  
190 gambling prevention program fee collected pursuant to ss.  
191 551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the  
192 direct and indirect operating expenses of the commission's  
193 ~~division's~~ slot machine regulation operations and to provide  
194 funding for relevant enforcement activities in accordance with  
195 authorized appropriations. Funds deposited into the Pari-mutuel  
196 Wagering Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1.,  
197 and 551.118 shall be reserved in the trust fund for slot machine  
198 regulation operations. ~~On June 30, any unappropriated funds in~~  
199 ~~excess of those necessary for incurred obligations and~~  
200 ~~subsequent year cash flow for slot machine regulation operations~~  
201 ~~shall be deposited with the Chief Financial Officer to the~~  
202 ~~credit of the General Revenue Fund.~~

203 Section 6. Paragraph (b) of subsection (1) of section

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204 551.106, Florida Statutes, is amended to read:

205 551.106 License fee; tax rate; penalties.—

206 (1) LICENSE FEE.—

207 (b) Before ~~Prior to~~ January 1, 2026 ~~2007~~, the commission  
208 ~~division~~ shall evaluate the license fee and shall make  
209 recommendations to the President of the Senate and the Speaker  
210 of the House of Representatives regarding the optimum level of  
211 slot machine license fees in order to adequately support the  
212 slot machine regulatory program.

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

215 849.094 Game promotion in connection with sale of consumer  
216 products or services.—

217 (10) This section does not apply to actions or transactions  
218 regulated by the Department of Business and Professional  
219 Regulation or the Florida Gaming Control Commission or to the  
220 activities of nonprofit organizations or to any other  
221 organization engaged in any enterprise other than the sale of  
222 consumer products or services. Subsections (3), (4), (5), (6),  
223 and (7) and paragraph (8) (a) and any of the rules made pursuant  
224 thereto do not apply to television or radio broadcasting  
225 companies licensed by the Federal Communications Commission.

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

228 550.0251 The powers and duties of the Florida Gaming  
229 Control Commission ~~Division of Pari-mutuel Wagering of the~~  
230 ~~Department of Business and Professional Regulation.~~—The  
231 commission ~~division~~ shall administer this chapter and regulate  
232 the pari-mutuel industry under this chapter and the rules

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233 adopted pursuant thereto, and:

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

240 Section 9. Subsection (4) of section 550.24055, Florida  
241 Statutes, is amended to read:

242 550.24055 Use of controlled substances or alcohol  
243 prohibited; testing of certain occupational licensees; penalty;  
244 evidence of test or action taken and admissibility for criminal  
245 prosecution limited.—

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

250 Section 10. Paragraph (g) of subsection (13) of section  
251 849.086, Florida Statutes, is amended to read:

252 849.086 Cardrooms authorized.—

253 (13) TAXES AND OTHER PAYMENTS.—

254 (g) All of the moneys deposited in the Pari-mutuel Wagering  
255 Trust Fund, except as set forth in paragraph (h), shall be  
256 utilized and distributed in the manner specified in s.  
257 550.135(1) ~~and (2)~~. However, cardroom tax revenues shall be kept  
258 separate from pari-mutuel tax revenues and shall not be used for  
259 making the disbursement to counties provided in former s.  
260 550.135(1).

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