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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; deleting provisions requiring that certain funds
21 be used or reserved to fund slot machine regulation
22 operations; conforming provisions to changes made by
23 the act; amending s. 551.106, F.S.; requiring the
24 commission to evaluate slot license fees and make
25 specified recommendations to the Legislature before a
26 specified date; amending s. 849.094, F.S.; revising
27 applicability for game promotions in connection with
28 the sale of consumer products or services; amending
29 ss. 550.0251, 550.24055, and 849.086, F.S.; conforming

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30 provisions; providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. Paragraph (a) of subsection (2) of section
35 16.71, Florida Statutes, is amended, and subsection (6) is added
36 to that section, to read:

37 16.71 Florida Gaming Control Commission; creation;
38 meetings; membership.—

39 (2) MEMBERSHIP.—

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

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

56 2. Of the five members, at least one member must have at
57 least 10 years of experience in law enforcement and criminal
58 investigations, at least one member must be a certified public

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59 accountant licensed in this state with at least 10 years of
60 experience in accounting and auditing, and at least one member
61 must be an attorney admitted and authorized to practice law in
62 this state for at least the preceding 10 years.

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

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

69 Section 2. Paragraph (a) of subsection (2) of section
70 16.713, Florida Statutes, is amended to read:

71 16.713 Florida Gaming Control Commission; appointment and
72 employment restrictions.—

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

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

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

84 2. Be an officer, official, employee, or other person with
85 duties or responsibilities relating to a gaming operation owned
86 by an Indian tribe that has a valid and active compact with the
87 state; be a contractor or subcontractor of such tribe or an

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88 entity employed, licensed, or contracted by such tribe; or be an
89 ultimate equitable owner, as defined in s. 550.002(37), of such
90 entity;

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

101 4. Be a bingo game operator or an employee of a bingo game
102 operator.

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

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

113 120.80 Exceptions and special requirements; agencies.—

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

115 ~~(a) Business regulation. The Division of Pari-mutuel~~
116 ~~Wagering is exempt from the hearing and notice requirements of~~

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117 ~~ss. 120.569 and 120.57(1) (a), but only for stewards, judges, and~~
118 ~~boards of judges when the hearing is to be held for the purpose~~
119 ~~of the imposition of fines or suspensions as provided by rules~~
120 ~~of the Division of Pari-mutuel Wagering, but not for~~
121 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~
122 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~
123 ~~alternative procedures, including a hearing upon reasonable~~
124 ~~notice, for the following violations:~~

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

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

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

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

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

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

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

145 (19) FLORIDA GAMING CONTROL COMMISSION.—The Florida Gaming

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146 Control Commission is exempt from the hearing and notice
147 requirements of ss. 120.569 and 120.57(1) (a), but only for
148 stewards, judges, and boards of judges when the hearing is to be
149 held for the purpose of the imposition of fines or suspensions
150 as provided by rules of the commission, but not for revocations,
151 and only upon violations of paragraphs (a)-(f). The commission
152 shall adopt rules establishing alternative procedures, including
153 a hearing upon reasonable notice, for the following violations:

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

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

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

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

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

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

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

168 455.116 Regulation trust funds.—The following trust funds
169 shall be placed in the department:

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

171 Section 5. Section 550.135, Florida Statutes, is amended to
172 read:

173 550.135 Division of moneys derived under this law.—All
174 moneys that are deposited with the Chief Financial Officer to

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175 the credit of the Pari-mutuel Wagering Trust Fund shall be
176 distributed as follows:

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

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

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

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204 ~~credit of the General Revenue Fund.~~

205 Section 6. Paragraph (b) of subsection (1) of section
206 551.106, Florida Statutes, is amended to read:

207 551.106 License fee; tax rate; penalties.—

208 (1) LICENSE FEE.—

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

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

217 849.094 Game promotion in connection with sale of consumer
218 products or services.—

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

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

230 550.0251 The powers and duties of the Florida Gaming
231 Control Commission ~~Division of Pari-mutuel Wagering of the~~
232 ~~Department of Business and Professional Regulation.~~—The

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233 commission ~~division~~ shall administer this chapter and regulate
234 the pari-mutuel industry under this chapter and the rules
235 adopted pursuant thereto, and:

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

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

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

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

252 Section 10. Paragraph (g) of subsection (13) of section
253 849.086, Florida Statutes, is amended to read:

254 849.086 Cardrooms authorized.—

255 (13) TAXES AND OTHER PAYMENTS.—

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

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262 550.135(1).

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