

FOR CONSIDERATION By the Committee on Appropriations

576-02557-22

20222510pb

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.
29

576-02557-22

20222510pb

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

576-02557-22

20222510pb

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

576-02557-22

20222510pb

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~~

576-02557-22

20222510pb

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

576-02557-22

20222510pb

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:

576-02557-22

20222510pb

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

576-02557-22

20222510pb

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

576-02557-22

20222510pb

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.