

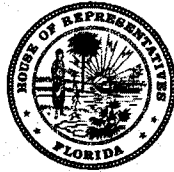


Select Committee on Gaming Meeting Packet

**Wednesday, March 19, 2014
11:30 A.M. – 1:30 P.M.
MORRIS HALL (17 HOB)**

**Will Weatherford
Speaker**

**Robert C. "Rob" Schenck
Chair**



The Florida House of Representatives

Select Committee on Gaming

Will Weatherford
Speaker

Robert Schenck
Chair

AGENDA

March 19, 2014
Morris Hall (17 HOB)
11:30 AM – 1:30 PM

- I. Call to Order/Roll Call**
- II. Opening Remarks by Chair Schenck**
- III. Consideration of the following bill:**

HB 1383 - Gaming by Schenck
- IV. Consideration of the following proposed committee bill:**

PCB SCOG 14-01 - Voter Control of Gambling Expansion
- V. Closing Remarks and Adjournment**

Committee Meeting Notice
HOUSE OF REPRESENTATIVES

Select Committee on Gaming

Start Date and Time: Wednesday, March 19, 2014 11:30 am
End Date and Time: Wednesday, March 19, 2014 01:30 pm
Location: Morris Hall (17 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 1383 Gaming by Schenck

Consideration of the following proposed committee bill(s):

PCB SCOG 14-01 -- Voter Control of Gambling Expansion

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by a member who is not a member of the committee considering the bill is 6:00 p.m., Tuesday, March 18, 2014.

By request of the Chair, all Select Committee on Gaming members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Tuesday, March 18, 2014.

NOTICE FINALIZED on 03/17/2014 13:33 by Hodgins.Sandra

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1383 Gaming
SPONSOR(S): Schenck
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Select Committee on Gaming		Stranburg	Morton
2) Regulatory Affairs Committee			
3) Appropriations Committee			

SUMMARY ANALYSIS

The bill consolidates oversight of all gaming under a newly created Department of Gaming Control (DGC), headed by a newly created Gaming Control Commission (commission). The commission is also designated as the state compliance agency under the Seminole Gaming Compact. Commission members are appointed by the Governor, from a list provided by a joint legislative nominating committee and subject to Senate confirmation. Members are subject to general ch. 112, F.S., ethics requirements and additional restrictions, such as limitations on relationships with licensees during and after service on the commission, limitations on ex parte communications, and prohibitions on gambling in the state.

As to pari-mutuel wagering, the bill provides:

- The commission may approve permits, if it finds doing so is in the best interests of the state.
- Inactive permits are subject to revocation.
- Uniform procedures for the relocation or conversion (i.e. from jai alai to greyhound racing) of permits, subject to approval by the commission.
- Reduced requirements for limited intertrack wagering licenses.
- The commission shall conduct studies of greyhound racing and the use of medications in horseracing and report its findings and recommendations by December 1, 2015.

As to slot machines, the bill:

- Requires the commission find that issuing a slot machine license is in the best interest of the state before approving licenses.
- Requires applicants for slot machine licensure to provide evidence that such licensure would not negatively impact state revenues, including those generated by tribal-state compacts.
- Repeals a provision authorizing the licensure of pari-mutuel facilities outside of Miami-Dade and Broward counties for slot machines if approved by a local referendum authorized after 2010.

As to arcades, the bill:

- Specifically authorizes amusement games in restaurants, hotels, retail shops, and bowling alleys.
- Specifies that direct-prize games (i.e. crane games) are amusement games and limits prizes to a wholesale value of \$50.
- Authorizes the use of currency and stored-value cards.
- Requires operators awarding prizes register with the DGC, which is given authority to enforce.
- Directs the commission to review the prize limits and recommend changes to the Legislature.
- Provides that any changes made by the bill are not intended to authorize new games.

The bill also consolidates all authorized gaming statutory provisions into ch. 551, F.S., and makes technical and clarifying changes throughout. The DGC's authority and duties are likewise consolidated and generalized to all forms of gaming.

The bill is expected to have a fiscal impact on state funds; however a fiscal analysis is unavailable at this time.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1383.SCOG

DATE: 3/11/2014

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Regulatory Oversight

Current situation

Gambling is generally prohibited in Florida, unless specifically authorized. Section 7, Art. X, of the Florida Constitution prohibits lotteries, other than pari-mutuel pools, from being conducted in Florida. Chapter 849, F.S., includes prohibitions against slot machines, keeping a gambling house and running a lottery.

Pari-mutuel wagering

Chapter 550, F.S., provides exceptions to these prohibitions for pari-mutuel wagering on horseracing, greyhound racing and jai alai and licensed pari-mutuel facilities. Section 849.086, F.S., authorizes cardrooms at such facilities and ch. 551, F.S., authorizes slot machines at such facilities, provided additional eligibility criteria are met. Such gaming is overseen by the Division of Pari-mutuel Wagering (DPMW) within the Department of Business and Professional Regulation (DBPR).

The Division of Pari-Mutuel Wagering (division) within the Department of Business and Professional Regulation (DBPR) oversees the majority of licensed gambling in the state. Its purpose is to ensure the health, safety, and welfare of the public, racing animals, and licensees through efficient, and fair regulation of the pari-mutuel industry in Florida.

From 1932 to 1969, Florida's pari-mutuel industry was regulated by the State Racing Commission. In 1970, the commission became a division within the Department of Business Regulation, and, in 1993, the Department of Business Regulation became the DBPR.

The division collects revenue in the form of taxes and fees from permitholders for the conduct of gaming activities outlined above. Additionally, the division is the State Compliance Agency for oversight of the gaming compact with the Seminole Tribe. As part of the division's oversight duties, the division collects and verifies payments by the Seminole Tribe made to the State of Florida under the terms outlined in the Compact.

The Division currently makes an annual report to the Governor showing its actions, money received under Chapter 550, F. S., the practical effects of Chapter 550, and any suggestions for more effective accomplishment of the goals of the chapter.¹

Lottery

Section 15, Art. X, of the Florida Constitution authorizes state-operated lotteries. Chapter 24, F.S., implements this authorization. The Department of Lottery is designed to operate as a business, "so as to maximize revenues in a manner consistent with the dignity of the state and the welfare of its citizens."

Miscellaneous Gaming

Chapter 849, F.S., contains other specific exceptions to the general gambling prohibition and authorizes certain gambling activities, such as cardrooms at pari-mutuel facilities, bingo, penny-ante poker, arcade amusement games, amusement games and machines, and game promotions. Such

¹ Section 550.0251(1), F.S.
STORAGE NAME: h1383.SCOG
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gaming is primarily enforced by local law enforcement, although the Department of Agriculture and Consumer Services (DOACS) and the Department of Legal Affairs (DLA) has limited authority.

Indian Gaming

Gambling on Indian lands is subject to federal law, with limited state involvement. Florida entered a gaming compact governing such gambling with the Seminole Tribe of Florida in 2010 (Seminole Gaming Compact). Such gaming compacts are regulated by the federal Indian Gaming Regulatory Act, s, 25 U.S.C. 2701, et seq., and part II, ch. 285, F.S. The DPMW, as the State Compliance Agency under the Seminole Gaming Compact, has an oversight role in ensuring gaming at the Tribe's facilities is conducted in compliance with the compact.

The Seminole Gaming Compact permits the Tribe to offer slot machines, raffles and drawings, and any other new game authorized for any person for any purpose, at all seven of its tribal casinos. It also permits the Tribe to conduct banked card games, including blackjack, chemin de fer, and baccarat, but the play of the banked card games is not allowed at the Brighton or Big Cypress facilities. If these banked games are authorized for any other person for any other purpose, except if banked card games are authorized by a compact with a qualifying Indian Tribe, the Tribe would be authorized to offer banked cards at all seven of its facilities.

The Seminole Gaming Compact has a life of 20 years, with the exception of the authorization for banked card games which lasts five years (until July 31, 2015), unless renewed by an affirmative act of the Legislature.

In exchange for the Tribe's exclusive right to conduct slot machine gaming outside of Miami-Dade and Broward counties and the exclusive right to offer banked card games at the specified facilities, the compact provides for revenue sharing payments by the Tribe to the state as follows:

- During the initial period (first 24 months), the Tribe is required to pay \$12.5 million per month (\$150 million per year).
- After the initial period, the Tribe's guaranteed minimum revenue sharing payment is \$233 million for year three, \$233 million for year four, and \$234 million for year five.
- After the initial period, the Tribe pays the greater of the guaranteed minimum or payments based on a variable percentage of annual net win that ranges from 12 percent of net win up to \$2 billion, to 25 percent of the amount of any net win greater than \$4.5 billion.
- After the first five years, the Tribe will continue to make payments to the state based on the percentage of net win without a guaranteed minimum payment.

If the Legislature does not extend the authorization for banked card games after the first five years, the net win calculations would exclude the net win from the Tribe's facilities in Broward County.

Revenues are deposited in the General Revenue Fund.

The compact provides for the expansion of gaming in Miami-Dade and Broward counties under the following limited circumstances:

- If new forms of Class III gaming and casino-style gaming are authorized for the eight licensed pari-mutuel facilities located in Miami-Dade and Broward counties (which may not relocate) and the net win from the Tribe's Broward facilities drops for the year after the new gaming begins, then the Tribe may reduce the payments from its Broward facilities by 50 percent of the amount of the reduction in net win.
- If new forms of Class III gaming and other casino-style gaming are authorized for other locations in Miami-Dade and Broward counties, then the Tribe may exclude the net win from their Broward facilities from their net win calculations when the new games begin to be played.

The Tribe would automatically be authorized to conduct the same games authorized for any other person at any location.

Revenue sharing payments cease if:

- The state authorizes new forms of Class III gaming or other casino-style gaming after February 1, 2010, or authorizes Class III gaming or other casino-style gaming at any location outside of Miami-Dade and Broward counties that was not authorized for such games before February 1, 2010; and
- The new gaming begins to be offered for private or public use.

Executive departments limited

Article IV of the Florida Constitution, limits executive departments to 25 in number, excluding those authorized or created in that document. There are five constitutionally created or authorized departmental entities: State Board of Administration; Department of Veterans' Affairs; Florida Fish & Wildlife Conservation Commission; Department of Elderly Affairs; Board of Governors; and the Parole Commission. There are 21 departments authorized by statute. The Executive Office of the Governor may also be considered the functional equivalent of a department. In summary, there appears to be 22 state entities that are executive departments.

Proposed changes

Effective July 1, 2014, the bill would create a new Department of Gaming Control (DGC), headed by a Gaming Control Commission (commission), to oversee all legal gaming in the state.

Joint Legislative Gaming Control Nominating Committee

Effective upon becoming law, the bill creates a joint legislative committee to nominate up to three people per vacancy on the commission. The joint committee is composed of six members: three members of the Senate, appointed by the Senate President, and three members of the House of Representatives, appointed by the House Speaker. The House Speaker and the Senate President alternate appointing chair and vice chairs. The joint committee is governed by the joint rules of the Senate and House of Representatives.

Gaming Control Commission

The bill provides that the commission serves as the agency head of the newly created DGC. The bill also designates the commission as the state compliance agency under the Seminole Gaming Compact. Generally, the bill vests the commission with the following authority:

- May, within restrictions, approve applications for permits and licenses for pari-mutuel wagering, cardrooms and slot machines, if it finds doing so is in the state's best interests.
- May, within restrictions, approve applications to move a permitted facility or to change the type of authorized pari-mutuel wagering, for example from jai alai to greyhound racing.

Actions of the commission are subject to judicial review by the First District Court of Appeal.

The commission is composed of five members, appointed by the Governor from a list provided by the Joint Legislative Gaming Control Nominating Committee. Appointments are subject to Senate confirmation. If the Senate refuses to confirm or fails to consider the appointment at the next regular legislative session, the nominating committee initiates the nominating process within 30 days.

Of the five members, one must be an attorney, and one must be a certified public accountant. The remaining members must be knowledgeable in economics, economic development, public health, technology, tourism or another field substantially related to the duties and functions of the commission. Officers of political parties and convicted felons may not be nominated.

In addition to the ethics requirements under ch. 112, F.S., the bill provides the following ethics requirements and restrictions:

- Commissioners and employees cannot have a financial interest in applicants or licensees or lobby the commission for 2 years after service or employment.
- Ex parte communications between commissioners and interested parties are prohibited. Enforced with a \$5,000 civil penalty.
- Commissioners and employees cannot accept gifts or comps from licensees or applicants.
- Commissioners cannot lobby state or local government, except on behalf of commission and department.
- Commissioners and employees cannot gamble at licensed facilities in the state.

Department of Gaming Control

The bill creates DGC as a new executive branch agency. The commission serves as the agency head and may organize the DGC into up to five divisions. The commission appoints an executive director to oversee the DGC and an inspector general. The Governor may appoint an interim executive director whenever necessary. The bill specifies certain senior management positions in the DGC are exempt from career service.

The bill provides that, effective October 1, 2014, the DGC will be responsible for implementation, administration and enforcement of authorized gaming (chapter 551) and illegal gambling (chapter 849).

Effective October 1, 2014, the bill transfers by type two transfer the Division of Pari-mutuel Wagering from DBPR and the game promotions registration program from DOACS to the newly created DGC. The bill also transfers the Pari-mutuel Wagering Trust Fund and renames it the Gaming Control Trust Fund.

The bill consolidates powers and duties provisions, including rulemaking authority, to remove inconsistencies and avoid gaps in DGC authority. Likewise, the bill consolidates and generalizes reporting requirements for licensees.

The bill expands the annual report of the DPMW to specifically require delivery to Legislature and an accounting, broken down by industry of revenues and expenses.

The bill makes a number of technical and clarifying changes to chapters 550, F.S., related to pari-mutuel wagering; 551, F.S., relating to slot machines; and 849, F.S., relating to gambling. All authorizations for gambling are consolidated into chapter 551, F.S., which is renamed Florida Gaming Control Act.

The bill reorganizes chapter 551, F.S., as follows:

- | | |
|----------|---------------------------------------|
| Part I | Florida Gaming Control |
| Part II | Pari-mutuel Wagering |
| Part III | Slot Machines |
| Part IV | Cardrooms |
| Part V | Occupational Employees and Associates |
| Part VI | Miscellaneous Gaming |

Current powers and duties of the DPMW from chapters 550, 551 and 849, F.S., and powers and duties of the DOACS from chapter 849, F.S., are transferred to the DGC and consolidated into a newly created s. 551.0013, F.S. The bill also designates the commission as the state compliance agency under the Seminole Gaming Compact.

Pari-mutuel Wagering

Current situation

'Pari-mutuel wagering' refers to a method of wagering in which winners divide the total amount bet in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes.² In Florida, pari-mutuel wagering is authorized for jai alai, greyhound racing and various forms of horseracing and overseen by the DPMW. Chapter 550, F.S., provides specific licensing requirements, taxation provisions, and regulations for the conduct of the industry.

Pari-mutuel activities are limited to operators who have received a permit from the DPMW, which is then subject to ratification by county referendum. Permitholders apply for licenses annually to conduct pari-mutuel activities,³ cardrooms⁴ and slot machines.⁵

Horse racing was authorized in the State of Florida in 1931. The state authorizes three forms of horse racing classes for betting: thoroughbred, harness, and quarter horse racing. Thoroughbred racing involves only horses specially bred and registered by certain bloodlines. The thoroughbred industry is highly regulated and specifically overseen by national and international governing bodies. Harness racing uses standard bred horses, which are a "pacing or trotting horse...that has been registered as a standardbred by the United States Trotting Association" or by a foreign registry whose stud book is recognized by the USTA.⁶ Quarter horse racing involves horses developed in the western United States which are capable of high speed for a short distance.⁷ They are registered with the American Quarter Horse Association.

The DPMW approves pari-mutuel wagering permits. Generally, as long as the applicant meets statutory minimum requirements, the DPMW issues the permit. There is no application fee. While the DPMW is authorized to charge applicants for its investigation, it has not done so in recent years. It determines eligibility using existing resources.

The DPMW has issued 50 pari-mutuel wagering permits, and 5 non-wagering permits. There are 35 pari-mutuel permitholders currently operating at 29 facilities throughout Florida. Currently, 24 pari-mutuel facilities are operating cardrooms. There are seven pari-mutuel facilities that have been licensed to operate slot machines. Several locations have multiple permits that operate at a single facility. The breakdown by permit type is as follows:

- 16 Greyhound permits
- 3 Thoroughbred permits
- 1 Harness permit
- 2 Quarter Horse permits
- 6 Jai-Alai permits
- 1 track offering limited intertrack wagering and horse sales

Permit revocation

Under certain circumstances in statute, a permitholder may lose his or her permit to conduct pari-mutuel wagering. If a permitholder has failed to complete construction of at least 50 percent of the facilities necessary to conduct pari-mutuel wagering within 12 months after approval by the voters of

² Section 550.002(22), F.S.

³ Section 550.0115, F.S.

⁴ Section 849.086, F.S.

⁵ Section 551.104, F.S.

⁶ Section 550.002(33), F.S.

⁷ Section 550.002(28), F.S.

the permit, the division shall revoke the permit after giving adequate notice to the permit holder.⁸ The DPMW may grant one extension of 12 months upon a showing of good cause by the permit holder.

If a permit holder fails to pay tax on handle for live thoroughbred horse performances for a full schedule of live races for two consecutive years, his or her permit is void and escheats back to the state, unless the failure of payment was due to events beyond the control of the permit holder.⁹ Financial hardship to the permit holder does not, in and of itself, constitute just cause for the failure to pay taxes in this section. There is a similar requirement for harness racing permit holders in s. 550.9512(3)(a), F.S. In both cases, the permit escheats to the state and may be reissued.

Relocation

Certain permit holders may relocate the location listed in their permit to a new location within 30 miles. Greyhound and jai alai permit holders operating in counties where they are the only permit holder of that class may relocate under s. 550.0555, F.S. Greyhound permit holders that converted their permit from a jai alai permit under s. 550.054, F.S., may relocate under that statute. A greyhound permit holder in a county where it is the only permit holder who operates at a leased facility may also relocate under s. 550.054, F.S.

In each of these cases, the relocation must not cross county boundaries and must be approved under the local zoning regulations. In relocation under s. 550.054, F.S., the DPMW is required to grant the application for relocation once the permit holder fulfills the requirements of the statute. Approval by the DPMW is required for relocations under s. 550.0555, F.S.

Conversion

Certain permit holders may convert their permits, for instance, a pari-mutuel permit for jai alai may be converted to greyhound racing if the permit holder meets certain criteria.¹⁰ In the past, quarter horse permits have been converted to limited thoroughbred permits,¹¹ jai alai to greyhound racing,¹² etc.

Permit holders may also convert to conduct summer jai alai, in certain circumstances.¹³ This provision, enacted in 1980, has been subject to competing interpretations. The bill enacting the provision included in a whereas clause a finding that "it would be to the best interests of the state to permit summer jai alai so long as there is no increase in the number of permittees authorized to operate within any specified county." The DPMW issued one summer jai alai permit in Miami-Dade County in 2011 and has received numerous applications for Miami-Dade and Broward counties. The provision in question reads:

If a permit holder that is eligible under this section to convert a permit chooses not to convert, a new permit is made available in that permit holder's county to conduct summer jai alai games as provided by this section, notwithstanding mileage and permit ratification requirements. If a permit holder converts a quarter horse racing permit pursuant to this section, this section does not prohibit the permit holder from obtaining another quarter horse racing permit.

If the provision is interpreted to provide for the issuance of a new permit, it could be used to issue new permits as often as every two years.

⁸ Section 550.054(10), F.S.

⁹ Section 550.09515(3)(a), F.S.

¹⁰ Section 550.054(14), F.S., ruled an unconstitutional act by *Debary Real Estate Holdings, LLC v. State*, Dept. of Business and Professional Regulation, Div. of Pari-Mutuel Wagering, 112 So.3d 157, 168 (1st DCA 2013).

¹¹ See s. 550.3345, F.S.

¹² Chapter 89-219, L.O.F.

¹³ Section 550.0745, F.S.

Intertrack wagering

Wagering on races hosted at remote tracks is called intertrack (when both tracks are in Florida) or simulcast (when one track is out of state) wagering. In-state 'host tracks' conduct live or receive broadcasts of simulcast races that are then broadcast to 'guest tracks,' which accept wagers on behalf of the host. To conduct intertrack or simulcast wagering, permitholders must conduct a full schedule of live racing and meet other requirements.¹⁴

A limited amount of intertrack wagering is also authorized by statute for one permanent thoroughbred sales facility.¹⁵ In order to qualify for a license, the facility must have at least 15 days of thoroughbred horse sales at a permanent sales facility in this state for at least three consecutive years. Additionally, the facility must have conducted at least 1 day of nonwagering thoroughbred racing in this state, with a purse structure of at least \$250,000 per year for 2 consecutive years before application for a license.

A limited intertrack wagering licensee is limited to conducting intertrack wagering during:

- The 21 days in connection with thoroughbred sales;
- Between November 1 and May 8;
- Between May 9 and October 31, if:
 - No permitholder within the county is conducting live events.
 - Permitholders operating live events within the county consent.
 - For the weekend of the Kentucky Derby, the Preakness, the Belmont, and a Breeders' Cup Meet.

The licensee is further limited to intertrack wagering on thoroughbred racing, unless all permitholders in the same county consent. The licensee must pay 2.5 percent of total wagers on jai alai or greyhound racing to thoroughbred permitholders operating live races for purses.

Cardrooms

Cardrooms were authorized at pari-mutuel facilities in 1996.¹⁶ Cardrooms can only be offered at a location where the permitholder is authorized to conduct pari-mutuel activities. To be eligible for a cardroom license, permitholders must conduct at least 90% of the performances conducted the year they applied for the initial cardroom license or the prior year, if the permitholder ran a full schedule of live performances.

The cardrooms may operate 18 hours per day on Monday through Friday and for 24 hours per day on Saturday and Sunday. No-limit poker games are permitted. Such games are played in a non-banking matter, i.e., the house has no stake in the outcome of the game. Cardrooms must be approved by an ordinance of the county commission where the pari-mutuel facility is located. Each cardroom operator must pay a tax of 10 percent of the cardroom operation's monthly gross receipts.

Proposed changes

Horseracing definitions

The bill provides definitions of "horserace," "harness race," "quarter horse race," and "thoroughbred race":

- Horserace is defined as a head-to-head contest before two or more horses racing with each other in the same event on a flat track with banked turns and a connecting straight chute at least 440 yards in length without obstacles. Steeplechases, hurdle races, barrel racing, timed events, pole bending and other rodeo or gymkhana events are specifically excluded.

¹⁴ See s. 550.615, F.S.

¹⁵ Section 550.6308, F.S.

¹⁶ Section 20, Chapter 96-364, L.O.F.

- Harness race is further defined to be limited to standardbred horses guided by state and U.S. Trotting Association-licensed standardbred drivers pulling two-wheeled carts and dispatched from a regulation barrier. Monte racing, in which the driver competes while astride the horse, is specially included.
- Quarter horse race is further defined to be limited to quarter horses registered with the American Quarter Horse Association, racing at distances and under conditions that qualify for race recognition by the American Quarter Horse Association, dispatched from a regulation gate and mounted by state-licensed jockeys.
- Thoroughbred race is further defined to be limited to thoroughbred horses racing on a track at least seven furlongs in circumference, dispatched from a regulation starting gate and mounted by state-licensed jockeys.

Permit application process

The bill provides that the commission may approve permits for pari-mutuel wagering, if it determines doing so is in the state's best interest. The bill requires the commission consider, in addition to the applicant's qualifications, the overall impact to state revenues, including those generated under tribal-state gaming compacts.

The bill also provides the department shall charge applicants for anticipated costs of determining their eligibility.

The bill provides that, effective upon becoming law, the DPMW may not approve or issue any new permit authorizing pari-mutuel wagering.

Permit revocation

The bill provides four scenarios under which the commission shall revoke a permit:

- If at least 50 percent of the facilities necessary to conduct pari-mutuel operations are not constructed within 12 months after receipt of a pari-mutuel permit if ratification by local referendum was not required. The commission may grant one extension of 12 months upon a showing of good cause by the permitholder. This extends the existing requirement measuring from the date of approval by referendum.
- If a permitholder has failed to conduct live events for a period of 12 consecutive months. The commission may grant one extension of 12 months upon a showing of good cause by the permitholder.
- Any permit issued before July 1, 2012, which has not been used to conduct pari-mutuel wagering on live events.
- If a permitholder fails to pay taxes on a full schedule of live events for two consecutive years. This extends the existing requirement relative to thoroughbred and harness racing permits to all pari-mutuel wagering permits.

The bill specifies that permits revoked under these situations are void and may not be reissued.

The commission is authorized to approve a request to place a permit in inactive status for up to 2 years. While in inactive status, the permitholder is ineligible for licensure for pari-mutuel wagering, cardrooms or slot machines.

Relocation

The bill repeals all relocation provisions and replaces them with a uniform process that gives the commission discretion to approve relocation requests if it finds doing so is in the state's best interest. In order to be eligible, the applicant has the burden of proving:

- The proposal does not negatively impact state revenues, including those generated by tribal-state compacts.

- The relocation does not cross county boundaries.
- Pari-mutuel wagering at the proposed location is approved under the zoning and land use regulations of the applicable county or municipality.

The bill requires the commission consider any impact to state resources, the local community, the industry and other pari-mutuel wagering licensees.

The bill provides that, if the commission approves the relocation, it shall issue a revised permit stating the new location. The bill specifies that no pari-mutuel wagering or other gaming may be conducted at the new location unless the permitholder receives a license for such wagering or gaming at the new location pursuant to ch. 551.

Conversion

The bill repeals all conversion provisions and replaces them with a uniform process that gives the commission discretion to approve conversion requests if it finds doing so is in the state's best interest. In order to be eligible, the applicant has the burden of proving:

- The proposal does not negatively impact state revenues, including those generated by tribal-state compacts.
- The proposed activity is approved under the zoning and land use regulations of the applicable county or municipality.

The bill requires the commission consider any impact to state resources, the local community, the industry and other pari-mutuel wagering licensees.

The bill provides that, if the commission approves the conversion, it shall issue a revised permit stating the new type of pari-mutuel activity. The bill specifies that no pari-mutuel wagering or other gaming may be conducted at the new location unless the permitholder receives a license for such wagering or gaming at the new location pursuant to ch. 551.

The bill repeals language authorizing a permitholder, other than the permitholder with the lowest pari-mutuel pool, to convert to conduct summer jai alai.

Intertrack wagering

The bill reduces requirements for limited intertrack wagering licensure:

- The number of days for public sales of thoroughbred horses is reduced from 15 to 8.
- The requirement to conduct at least one day of nonwagering racing is removed.
- The restrictions on when such intertrack wagering may occur are removed.
- The requirement to obtain consent of other county permitholders to accept intertrack wagers on non-thoroughbred events is removed.

The bill also removes the requirement to pay purse contributions to thoroughbred permitholders operating live events.

Greyhound racing

The bill directs the commission to conduct a study of greyhound racing, including the current tax and purse structures and safety, and to provide a report of its findings and recommendations to the Governor and Legislature by December 1, 2015.

Medication in horseracing

The bill directs the commission to conduct a study of the usage of medication in horseracing and to provide a report of its findings and recommendations to the Governor and Legislature by December 1, 2015.

Slot machines

Current situation

Racinos, pari-mutuel facilities that operate slot machine gaming, are governed by ch. 551, F.S. Eligible facilities are defined to include:

1. Any licensed pari-mutuel facility located in Miami-Dade County or Broward County existing at the time of adoption of s. 23, Art. X of the State Constitution that has conducted live racing or games during calendar years 2002 and 2003 and has been approved by a majority of voters in a countywide referendum to have slot machines at such facility in the respective county;
2. Any licensed pari-mutuel facility located within a county as defined in s. 125.011, provided such facility has conducted live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of this chapter; or
3. Any licensed pari-mutuel facility in any other county in which a majority of voters have approved slot machines at such facilities in a countywide referendum held pursuant to a statutory or constitutional authorization after the effective date of this section in the respective county, provided such facility has conducted a full schedule of live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required licensed fee, and meets the other requirements of this chapter.

Eight pari-mutuel facilities obtained eligibility through constitutional approval - the first clause. An additional pari-mutuel facility, Hialeah Park, was ineligible as it had not operated live racing or games during 2002 and 2003. It obtained eligibility through the Miami-Dade clause - the second clause.

No facilities have obtained eligibility through the third clause; however, it has been subject to competing interpretations. Stakeholders and counties have argued that the phrase "after the effective date of this section" applies to "a countywide referendum held" - so any county could authorize slot machines relying on their general authority to hold referenda. Based on this interpretation, Brevard, Gadsden, Lee, Palm Beach, and Washington counties, have approved slot machines at pari-mutuel facilities by referendum.

Were such gaming to occur outside of Miami-Dade or Broward counties, all revenue sharing under the Seminole Gaming Compact would end. The Seminole Gaming Compact was ratified in the same law that effectuated the third clause.

The Attorney General rejected this interpretation, arguing that the phrase "after the effective date of this section" modified the phrase "a statutory or constitutional authorization"¹⁷ - so, counties could not rely on their general authority to hold referenda, instead needing a specific authorization to hold a referendum on the question of slot machines. The DPMW announced that it would follow this guidance.¹⁸

Slot machine licensees are required to pay a license fee of \$2 million per fiscal year. In addition to the license fees, the tax rate on slot machine revenues at each facility is 35 percent. If, during any state

¹⁷ AGO 2012-01.

¹⁸ Mary Ellen Klas, Attorney general opinion puts reins on slots at Gretna barrel racing track, Miami Herald (Jan. 12, 2012), *available online at* <http://www.miamiherald.typepad.com/nakedpolitics/2012/01/attorney-general-opinion-puts-reins-on-gretna-barrel-racing-.html>.

fiscal year, the aggregate amount of tax paid to the state by all slot machine licensees in Broward and Miami-Dade counties is less than the aggregate amount of tax paid to the state by all slot machine licensees in the 2008-2009 fiscal year, each slot machine licensee must pay to the state, within 45 days after the end of the state fiscal year, a surcharge equal to its pro rata share of an amount equal to the difference between the aggregate amount of tax paid to the state by all slot machine licensees in the 2008-2009 fiscal year and the amount of tax paid during the fiscal year that resulted in the revenue shortfall.

To continue to offer slot machines, permitholders must conduct a full schedule of live racing.¹⁹ Additionally, thoroughbred permitholders must file an agreement between the track and the Florida Horsemen's Benevolent and Protective Association governing payment of purses on live thoroughbred races at the licensee's facility with the Division, as well as an agreement with the Florida Thoroughbred Breeders' Association on the payment of breeders', stallion, and special racing awards on those races.²⁰ Similarly, quarter horse permitholders must file an agreement with the Division between the track and the Florida Quarter Horse Racing Association or the association representing a majority of the horse owners and trainers at the licensee's facility governing the payment of purses on live quarter horse races at the licensee's facility.²¹

Proposed changes

The bill gives the commission discretion to approve or deny applications for slot licensure if the applicant meets certain criteria and the commission finds it is in the state's best interest to issue the license.

In order to be eligible, the applicant has the burden of proving, by clear and convincing evidence, that:

1. The facility at which the applicant seeks to operate slot machines is:
 - a. A licensed pari-mutuel facility authorized for slot machine licensure pursuant to s. 23, Art. X of the State Constitution, or
 - b. A licensed pari-mutuel facility located in a county as defined by s. 125.011²² which has conducted live horseracing for 2 consecutive fiscal years immediately preceding its application.
2. Issuance of the license would not negatively impact state revenues, including those generated by tribal-state compacts.
3. Slot machine gaming at the proposed location is approved under the zoning and land use regulations of the applicable county or municipality.

The bill repeals the authorization for facilities outside Miami-Dade authorized by future authorized referenda.

The bill extends the purse agreement provision for thoroughbred and quarter horse racing licensees to apply to harness racing licensees - such licensee would have to file with the commission an agreement with the Florida Standardbred Breeders and Owners Association governing the payment of purses on live harness races in order to renew its slot machine license.

The bill provides that, effective upon becoming law, the DPMW may not approve or issue any new license authorizing slot machines.

¹⁹ Section 551.104(1)(c), F.S.

²⁰ Section 551.104(10)(a)1, F.S.

²¹ Section 551.104(10)(a)2, F.S.

²² Currently, only Miami-Dade County meets this definition.

Miscellaneous gaming

Current situation

Game Promotions

Businesses use game promotions as a marketing tool to promote their goods or services. While Florida law generally prohibits gambling and lotteries,²³ game promotions have been regulated by statute since 1971.²⁴ Before this time, the games were considered illegal lotteries.²⁵

'Game promotion' is defined by statute as a contest, game of chance, or gift enterprise, conducted within or throughout the state and other states in connection with, and incidental to, the sale of consumer products or services, and in which the elements of chance and prize are present.

Section 849.09, F.S., provides an exemption from the lottery prohibition for participation in nationally advertised contests, drawings or puzzles for prizes, unless they can be construed as a lottery under the section.

Section 849.092, F.S., provides an exemption from the lottery prohibition for game promotions conducted by businesses licensed as motor fuel retailers. It places the following limitations on the games:

- (1) Such gifts are conducted as advertising and promotional undertakings, in good faith, solely for the purpose of advertising the goods, wares, merchandise and business of such licensee; and
- (2) The principal business of such licensee is the business permitted to be licensed under s. 206.404; and
- (3) No person to be eligible to receive such gift shall ever be required to:
 - (a) Pay any tangible consideration to such licensee in the form of money or other property or thing of value, or
 - (b) Purchase any goods, wares, merchandise or anything of value from such licensee.

In 1977, a reviser's bill removed a statutory cross reference from s. 849.092, F.S., to businesses licensed as retail stores, because the specific statute referenced had been repealed by a 1972 rewrite of chapter 205, now relating to local business taxes.²⁶ In 1973, the attorney general opined that operators who met the previously cross-referenced definitions were eligible to conduct game promotions, despite the rewrite of chapter 205.²⁷

Section 849.094, F.S., prohibits game promotions from requiring entry fees or proof of purchase to play, having predetermined winners, arbitrarily disqualifying entries, failing to award prizes, and advertising falsely. It contains no explicit exemption from the statutory prohibition on lotteries in s. 849.09, F.S., or any other statutory gambling prohibition.

If the total value of prizes offered in the game promotion exceeds \$5,000, the operator must:

- File with DACS a copy of the game rules and prizes seven days before the promotion begins.
- Establish a trust account equal to the total retail value of the prizes.
- File a list of winners of prizes exceeding \$25 within 60 days.

Violations of the statute are punishable as second-degree misdemeanors. Persons violating the statute may also be liable for civil fines.

²³ See ss. 849.08 (gambling) and 849.09, F.S. (lotteries).

²⁴ Sections 1-9, ch. 71-304, L.O.F.; Section 849.094, F.S.

²⁵ *Little River Theatre Corp. v. State ex rel. Hodge*, 135 Fla. 854 (1939).

²⁶ 1977 HB 1572, s. 244; ch. 77-104, F.S., struck cross reference to s. 205.482, F.S., which was repealed by 1972 HB 4465; ch. 72-306, L.O.F.

²⁷ Fla. AGO 73-12.

Arcades

Under s. 849.16, F.S., arcade games may be slot machines if they include any element of chance, regardless of whether they also involve skill.²⁸ Section 849.161, F.S., provides a limited exemption for certain coin-operated games operated by an application of skill at specified locations.

Redemption games operate by an application of skill and may award players points or coupons that are exchangeable for merchandise. The statute specifically excludes video poker and games defined as gambling device under the federal Johnson Act.

The games are only permitted in two places:

1. Arcade amusement centers
 - a. Must have at least 50 games.
 - b. Must be operated for the entertainment of the general public and tourists as a bona fide amusement facility.
2. Truck stops
 - a. Must be a dealer registered pursuant to ch. 212, excluding a marina, which declared its primary fuel business to be the sale of diesel fuel. The statute includes a cross reference to a definition in ch. 336, which has been repealed.
 - b. Must operate at least 6 diesel fuel pumps.
 - c. Games must be operated for the entertainment of the general public and tourists as bona fide amusement games.

Prizes are limited:

1. Merchandise only, excluding cash or alcoholic beverages.
2. The cost value of the merchandise or prize awarded in exchange for the coupons may not exceed 75 cents on any game played.

The DBPR notifies the Department of Revenue of any DBPR-licensed public lodging establishment or public food service facility that is operating amusement games without the requisite tax certificate.

Proposed changes

The bill authorizes the DGC and commission to take all appropriate action to enforce the law regulating authorized gaming. The bill provides that changes to the provisions in this part (previously authorizations in ch. 849) are not intended to authorize additional games but to clarify current limitations under which authorized games may be operated.

Game Promotions

The bill consolidates ss. 849.092 and 849.094, F.S., one statute, s. 551.50, F.S., which authorizes and places registration requirements on game promotions. The bill adds a reference to businesses licensed under chapter 205, F.S., to specifically authorize such businesses to conduct game promotions.²⁹

Arcades

²⁸ Compare *Weathers v. Williams*, 133 Fla. 367 (1938)(mechanical horse race games and pinball games are slot machines); *Hernandez v. Graves*, 148 Fla. 247 (1941)(trivia game is slot machine); *Deeb v. Stoutamire*, 53 So.2d 873 (Fla. 1951)(bowling game not slot machine).

²⁹ Chapter 205, F.S., relates to local business taxes, previously called occupational licenses, so the bill's use of the phrase "licensed under" is inaccurate. A technical amendment is expected.

The bill provides that amusement games are those operated only for the bona fide entertainment of the general public. It allows such games to be operated with currency or gift certificates, which is defined to include stored-value cards.³⁰

The bill authorizes redemption games at bowling centers, public lodging establishments and public food service facilities.

The authorizes direct-prize games (i.e. crane games) at arcades, truck stops, bowling centers, public lodging establishments, public food service facilities or retailers. Such prizes are limited to \$50 in wholesale cost.

The bill requires game operators register with the DGC in order to offer prizes. Such registration includes disclosures of the operator's name and address, the location of each center, the number of machines operated at each center, the type and title of each game and the type and value of merchandise available as prizes. The bill provides that the DGC may collect up to \$100 registration fee.

The bill directs the commission to review the per-game prize values and report to the Legislature the sufficiency of such prizes and any recommended changes.

The bill specifically authorizes DGC to enter and inspect such facilities and to take all appropriate action to administer and enforce the section.

The bill directs DBPR to notify the DGC of the name and address of any DBPR-licensed public lodging establishment or public food service facility that is operating amusement games without a certificate of registration with the DGC.

Excepted as noted otherwise, the majority of the bill is effective October 1, 2014.

B. SECTION DIRECTORY:

Section 1 Creates s. 11.93, F.S., creating the Joint Legislative Gaming Control Nominating Committee.

Section 2 Amends s. 20.165, F.S., removing a provision that establishes the Division of Pari-Mutuel Wagering in the Department of Business and Professional Regulation.

Section 3 Creates s. 20.222, F.S., creating the Department of Gaming Control.

Section 4 Amends s. 110.205, F.S., relating to the career service exemptions.

Section 5 Amends s. 120.80, F.S., transferring provisions relating to exemptions to the hearing and notice requirements for the DPMW to the DGC.

Section 6 Amends s. 285.710, F.S., relating to the Gaming Compact between the Seminole Tribe of Florida and the State of Florida; specifying the commission as the state compliance agency.

Section 7 Amends s. 285.712, F.S., correcting a reference.

Section 8 Transfers the DPMW of the DBPR, the Pari-mutuel Wagering Trust Fund within the DBPR and the specified responsibilities and functions relating to game promotions within the DOACS to the DGC by type two transfer.

Section 9 Repeals ss. 550.001-550.71, F.S., relating to pari-mutuel wagering.

Section 10 Redesignates ch. 551, F.S., as the "Florida Gaming Control Act".

³⁰ The bill references s. 501.95, F.S., which defines "gift certificate" as "a certificate, gift card, stored value card, or similar instrument purchased for monetary consideration when the certificate, card, or similar instrument is redeemable for merchandise, food, or services regardless of whether any cash may be paid to the owner of the certificate, card, or instrument as part of the redemption transaction, but this term shall not include tickets as specified in s. 717.1355 or manufacturer or retailer discounts and coupons."

- Section 11 Creates part I of ch. 551, F.S., entitled "Florida Gaming Control".
- Section 12 Creates s. 551.001, F.S., defining terms relative to the commission.
- Section 13 Creates s. 551.0011, F.S., creating the Gaming Control Commission.
- Section 14 Creates s. 551.0012, F.S., providing powers and duties of the commission.
- Sections 15 and 16 Transfers, renumbers and amends ss. 550.0251 and 551.103, F.S., as s. 551.0013, F.S., providing powers and duties.
- Section 17 Creates s. 551.0014, F.S., requiring the department to adopt a code of ethics; providing ethical requirements.
- Section 18 Creates s. 551.0016, F.S., relating to ex parte communication.
- Section 19 Creates s. 551.0017, F.S., providing penalties for misconduct by a member, employee, or agent of the Gaming Control Commission.
- Section 20 Creates s. 551.0018, F.S., providing for judicial review of commission decisions.
- Section 21 Creates part II of ch. 551, F.S., entitled "Pari-mutuel Wagering";
- Section 22 Creates s. 551.011, F.S., providing a short title.
- Section 23 Creates s. 551.012, F.S., amending current s. 550.002, relating to definitions for pari-mutuel wagering.
- Section 24 Creates s. 551.013, F.S., making technical changes to current s. 550.155, F.S., authorizing pari-mutuel wagering.
- Section 25 Creates s. 551.018, F.S., making technical changes to current s. 550.105, F.S., relating to local government taxes.
- Section 26 Creates s. 551.021, F.S., amending current s. 550.054, F.S., relating to applications for permit to conduct pari-mutuel wagering.
- Section 27 Creates s. 551.0221, F.S., making technical changes to current s. 550.0651, F.S., relating to elections for ratification of permits.
- Section 28 Creates s. 551.0222, F.S., making technical changes to current s. 550.175, F.S., relating to petition for election to revoke permit.
- Section 29 Creates s. 551.0241, F.S., relating to relocation of permits.
- Section 30 Creates s. 551.0251, F.S., amending current s. 550.3345, F.S., relating to limited thoroughbred racing permits.
- Section 31 Creates s. 551.0252, F.S., relating to conversion of permits.
- Section 32 Creates s. 551.0253, F.S., amending current s. 550.0745, F.S., relating to summer jai alai.
- Section 33 Creates s. 551.026, F.S., amending current s. 550.505, F.S., relating to nonwagering licenses.
- Section 34 Creates s. 551.029, F.S., making technical changes to current s. 550.1815, F.S., relating to persons prohibited from holding permits and suspension and revocation.
- Section 35 Creates s. 551.0321, F.S., making technical changes to current ss. 550.0115 and 550.125, F.S., provisions relating to pari-mutuel licenses and bonds.
- Section 36 Creates s. 551.0322, F.S., amending current s. 550.01215, F.S., relating to license applications.
- Section 37 Creates s. 551.033, F.S., making technical changes to current s. 550.0951, F.S., provisions relating to payment of daily license fees and taxes; penalties.

- Section 38 Creates s. 551.034, F.S., making technical changes to current s. 550.125, F.S., relating uniform reporting system.
- Section 39 Creates s. 551.035, F.S., making technical changes to current s. 550.135, F.S., relating to distribution of moneys.
- Section 40 Creates s. 551.036, F.S., making technical changes to current s. 550.1645, F.S., relating to escheat to state of abandoned interest in or contribution to pari-mutuel pools.
- Section 41 Creates s. 551.037, F.S., making technical changes to current s. 550.475, F.S., relating to lease of pari-mutuel facilities.
- Section 42 Creates s. 551.038, F.S., making technical changes to current s. 550.155, F.S., relating to proposed capital improvement.
- Section 43 Creates s. 551.039, F.S., amending current ss. 550.039, F.S., relating to charity scholarship days and derbies.
- Section 44 Creates s. 551.042, F.S., making technical changes to current s. 550.002, 550.09514. F.S., relating to greyhound racing; purse requirements.
- Section 45 Creates s. 551.043, F.S. making technical changes to current ss. 550.0951 and 550.1647, F.S., relating to greyhound racing taxes and fees.
- Section 46 Creates s. 551.045, F.S., making technical changes to current s. 550.1648, F.S., relating to greyhound adoptions.
- Section 47 Creates s. 551.0511, F.S., making technical changes to current s. 550.2625, F.S., provisions relating to horseracing; purse requirement; breeder and owner awards.
- Section 48 Creates s. 551.0512, F.S., making technical changes to current s. 550.26165, F.S., relating to breeder awards.
- Section 49 Creates s. 551.0521, F.S., making technical changes to current s. 550.002 and 550.5251, F.S., provisions relating to thoroughbred racing; operations.
- Section 50 Creates s. 551.0522, F.S., making technical changes to current s. 550.2614, F.S., relating to distribution of funds to horsemen's association.
- Section 51 Creates s. 551.0523, F.S., making technical changes to current s. 550.2625, F.S., relating to thoroughbred racing; purses and rewards.
- Section 52 Creates s. 551.0524, F.S., making technical changes to current s. 550.26352, F.S., relating to Breeders' Cup Meet.
- Section 53 Creates s. 551.053, F.S., making technical changes to current s. 550.0951, F.S. relating to thoroughbred racing taxes and fees.
- Section 54 Creates s. 551.0541, F.S., making technical changes to current s. 550.002 and 550.375, F.S., relating to harness racing.
- Section 55 Creates s. 551.0542, F.S., making technical changes to current s. 550.2625, F.S., relating to harness races purses and awards.
- Section 56 Creates s. 551.0543, F.S., making technical changes to current ss. 550.0951, 550.09512, and 550.2633, F.S., relating to harness racing taxes and fees.
- Section 57 Creates s. 551.0551, F.S., making technical changes to current ss. 550.002 and 550.334, F.S., relating to quarter horse racing operations.
- Section 58 Creates s. 551.0552, F.S., making technical changes to current s. 550.2625, F.S., relating to quarter horse races purses and awards.
- Section 59 Creates s. 551.0553, F.S., making technical changes to current s. 550.0951, F.S., relating to quarter horse racing taxes and fees.

Section 60 Creates s. 551.056, F.S., making technical changes to current s. 550.2625, F.S., relating to appaloosa horse races; Arabian horse races; purse requirements.

Section 61 Creates s. 551.062, F.S., making technical changes to current ss. 550.002 and 550.70, F.S., provisions relating to Jai alai.

Section 62 Creates s. 551.0622, F.S., making technical changes to current s. 550.2704, F.S., relating to Jai Alai Tournament of Champions Meet.

Section 63 Creates s. 551.063, F.S., making technical changes to current ss. 550.0951, 550.09511, 550.1646 and 550.2704, F.S., relating to jai alai taxes and fees.

Section 64 Creates s. 551.072, F.S., making technical changes to current s. 550.3551, F.S., relating to transmission of racing and jai alai information; commingling of pari-mutuel pools.

Section 65 Creates s. 551.073, F.S., making technical changes to current s. 550.615, F.S., relating to intertrack wagering.

Section 66 Creates s. 551.074, F.S., making technical changes to current s. 550.625, F.S., relating to purses and breeders awards when the host facility for intertrack wagering is a horse track.

Section 67 Creates s. 551.075, F.S., making technical changes to current s. 550.6305, F.S., relating to guest facility payments and accounting rules for intertrack wagering.

Section 68 Creates s. 551.076, F.S., making technical changes to current s. 550.6335 and 550.6345, F.S., relating to surcharge; supplement payments.

Section 69 Creates s. 551.077, F.S., amends current s. 550.6308, F.S., relating to an intertrack wagering license.

Section 70 Creates s. 551.078, F.S., making technical changes to current s. 550.495, F.S., relating to totalisator licensing.

Section 71 Creates s. 551.082, F.S., making technical changes to current s. 550.0425, F.S., relating to minors attendance at pari-mutuel performances; restrictions.

Section 72 Creates s. 551.091, F.S., making technical changes to current s. 550.054, F.S., provisions relating to penalty for violation.

Section 73 Creates s. 551.0921, F.S., making technical changes to current s. 550.24055, F.S., relating to use of controlled substances or alcohol prohibited; testing of certain occupational licenses.

Section 74 Creates s. 551.0922, F.S., making technical changes to current s. 550.1155, F.S., relating to authority of stewards, judges, panel of judges, or player's manager to impose penalties against occupational licensees; disposition of funds collected.

Section 75 Creates s. 551.093, F.S., making technical changes to current s. 550.2415, F.S., relating to prohibitions against racing animals under certain conditions.

Section 76 Creates s. 551.0941, F.S., making technical changes to current s. 550.255, F.S., relating to penalty for conducting unauthorized race.

Section 77 Creates s. 551.0942, F.S., making technical changes to current s. 550.235, F.S., relating to conspiring to prearrange the result of an event.

Section 78 Creates s. 551.0943, F.S., making technical changes to current s. 550.285, F.S., relating to obtaining goods or services with intent to defraud.

Section 79 Creates s. 551.0944, F.S., making technical changes to current s. 550.3615, F.S., relating to bookmaking on the grounds of a permitholder; duties of employees.

Section 80 Creates s. 551.095, F.S., making technical changes to current s. 550.0235, F.S., relating to limitation of civil liability.

Section 81 Creates part III of chapter 551, F.S., relating to slot machines.

Section 82 Amends s. 551.101, F.S., relating to slot machine gaming authorized.

- Section 83 Amends s. 551.102, F.S., providing definitions related to slot machines.
- Section 84 Amends s. 551.104, F.S., relating to license to conduct slot machine gaming.
- Section 85 Amends s. 551.105, F.S., relating to slot machine license renewal.
- Section 86 Making technical changes to s. 551.106, F.S., relating to license fee; tax rate; penalties.
- Section 87 Making technical changes to s. 551.108, F.S., relating to prohibited relationships.
- Section 88 Making technical changes to s. 551.109, F.S., relating to prohibited acts; penalties.
- Section 89 Making technical changes to s. 551.111, F.S., relating to legal devices.
- Section 90 Making technical changes to s. 551.112, F.S., relating to exclusions of certain persons.
- Section 91 Making technical changes to s. 551.113, F.S., relating to persons prohibited from playing slot machines.
- Section 92 Making technical changes to s. 551.114, F.S., relating to slot machine gaming areas.
- Section 93 Making technical changes to s. 551.116, F.S., relating to days and hours of operation.
- Section 94 Making technical changes to s. 551.117, F.S., relating to penalties.
- Section 95 Making technical changes to s. 551.118, F.S., relating to compulsive or addictive gambling prevention program.
- Section 96 Making technical changes to s. 551.119, F.S., relating to caterer's license.
- Section 97 Making technical changes to s. 551.121, F.S., relating to prohibited activities and devices; exceptions.
- Section 98 Making technical changes to s. 551.122, F.S., relating to rulemaking.
- Section 99 Amends s. 551.123, F.S., relating to legislative authority; administration of part.
- Section 100 Creates part IV of ch. 551, F.S., relating to cardrooms.
- Section 101 Transfers, renumbers, and amends s. 849.086, F.S., as s. 551.20, F.S., relating to cardrooms authorized.
- Section 102 Creates part V of ch. 551, F.S., relating to occupational employees and associates.
- Section 103 Transfers, renumbers and amending s. 550.105, F.S., as s. 551.301, F.S., relating to racetrack and jai alai occupational licenses.
- Section 104 Transfers, renumbers, and amends s. 551.107, F.S., as s. 551.302, F.S., relating to slot machine occupational licenses.
- Section 105 Repeals s. 551.1045, F.S., relating to temporary licenses.
- Section 106 Transfers, renumbers, and amends s. 849.086(6), F.S., as 551.303, F.S., relating to cardroom business and employee occupational licenses.
- Sections 107 - 115 Transfers and renumbers ss. 550.901 through 550.909, as ss. 551.31 through 551.318, F.S., relating to the Interstate Compact on Licensure of Participants in Pari-mutuel Wagering.
- Sections 116 - 117 Transfers and renumbers ss. 550.910 and 550.911, F.S., as s. 551.319, F.S.
- Section 118 Transfers, renumbers and amends s. 550.912, F.S., as s. 551.321, F.S.
- Section 119 Transfers and renumbers s.550.913, F.S., as s. 551.322, F.S.
- Section 120 Creates part VI of ch. 551, F.S., relating to miscellaneous gaming.
- Section 121 Makes technical changes and conforms cross-references to changes made by the act.
- Section 122 Transfers, renumbers and amends s. 849.094, F.S. as s. 551.50, F.S., relating to game promotion in connection with sale of consumer products or services.

- Section 123 Repeals s. 849.092, F.S.
- Section 124 Transfers, renumbers and amends s 849.085, F.S., as s. 551.52, F.S., relating to certain penny-ante games not crimes; restrictions.
- Section 125 Transfers, renumbers and amends s. 849.0931, F.S., as s. 551.53, F.S., relating to bingo authorized; conditions for conduct; permitted use of proceeds; limitations.
- Section 126 Transfers, renumbers and amends s. 849.035, F.S. as s. 551.54, F.S., relating to charitable, nonprofit organizations drawings by chance; required disclosures; unlawful acts and practices; penalties.
- Section 127 Transfers, renumbers and amends s, 849.141, F.S., as s. 551.55, F.S., relating to bowling tournaments
- Section 128 Transfers, renumbers and amends s 849.161, F.S., as s. 551.56, F.S., relating to amusement games or machines.
- Section 129 Making technical changes to s. 849.01, F.S. relating to gambling operations prohibited.
- Section 130 Making technical changes to s. 849.02, F.S., relating to agents of employees of keeper of gambling house.
- Section 131 Making technical changes to s. 849.03, F.S., relating to renting house for gambling purposes.
- Section 132 Making technical changes to s. 849.04, F.S., relating to permitting minors and persons under guardianship to gamble.
- Section 133 Making technical changes to s. 849.05, F.S., relating to prima facie evidence.
- Section 134 Making technical changes to s. 849.07, F.S., relating to permitting gambling on billiard or pool table by holder of license.
- Section 135 Making technical changes to s. 849.08, F.S., relating to gambling.
- Section 136 Making technical changes to s. 849.09, F.S., relating to lottery prohibited; exceptions.
- Section 137 Making technical changes to s. 849.091, F.S., relating to chain letters, pyramid clubs, etc., declared a lottery; prohibited penalties.
- Section 138 Making technical changes to s. 849.0915, F.S., relating to referral selling.
- Section 139 Making technical changes to s. 849.10, F.S., relating to printing lottery tickets, etc.; prohibited.
- Section 140 Making technical changes to s. 849.11, F.S., relating to plays at games of chance by lot.
- Section 141 Transfers, renumbers and amends s 849.12, F.S., as s. 849.11(2), F.S., relating to plays at games of chance by lot.
- Section 142 Making technical changes to s. 849.13, F.S., relating to punishment of second conviction.
- Section 143 Making technical changes to s. 849.14, F.S., relating to bet on result of trial or contest of skill.
- Section 144 Making technical changes to s. 849.15, F.S., relating to slot machine or device.
- Sections 145 - 152 Transfers, renumbers and amends ss 849.16 through 849.23, F.S., as s. 849.15, F.S., relating to slot machine or device.
- Section 153 Amends s. 849.231, F.S., relating to gambling devices; manufacture, sale, purchase or possession unlawful; penalties.
- Sections 154 and 155 Transfers, renumbers and amends ss. 849.232 and 849.233, F.S., as s. 849.231, F.S., relating to gambling devices; manufacture, sale, purchase or possession unlawful; penalties.

- Section 156 Transfers, renumbers and amends s. 849.235, F.S., as subsection (3) of s. 849.15, F.S., relating to slot machines or device.
- Section 157 Making technical changes to s. 849.25, F.S., relating to "bookmaking" defined; penalties; exceptions.
- Section 158 Making technical changes to s. 849.26, F.S., relating to gambling contracts
- Sections 159 - 164 Transfers, renumbers and amends ss. 849.29 through 849.34, F.S., as s. 849.26, F.S., relating to gambling contracts.
- Section 165 Making technical changes to s. 849.35, F.S., relating to seizure and forfeiture of property used in the violation of lottery and gambling statutes.
- Sections 166 - 176 Transfers, renumbers and amends ss. 849.36 through 849.46, F.S., as s. 849.35, F.S., relating to seizure and forfeiture of property.
- Section 177 Creates s. 849.47, F.S., relating to enforcement of chapter.
- Section 178 Prohibits the DPMW from approving or issuing new pari-mutuel wagering permits or slot machine licenses.
- Section 179 Directs the commission to conduct a study of greyhound racing in the state.
- Section 180 Directs the commission to conduct a study of the usage of medication in horseracing.
- Sections 181 - 207 update cross references to conform to changes made by the bill.
- Section 208 Provides that except where noted otherwise, the bill is effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The fiscal impact of the bill is unknown at this time.

2. Expenditures:

The fiscal impact of the bill is unknown at this time.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill is not expected to directly impact local revenues.

2. Expenditures:

The bill is not expected to directly impact local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

To the extent that the bill provides procedures for relocating or converting pari-mutuel wagering permits or reduces current requirements for pari-mutuel wagering licensees, such as reduced requirements for limited intertrack wagering licensees, it may reduce private sector costs through increased flexibility.

The bill requires operators of amusement games that award prizes to register with the DGC and pay a registration fee of \$100.

D. FISCAL COMMENTS:

The fiscal impact of the bill is unknown at the time. Because it creates a new agency, headed by a new commission, it likely has a significant fiscal impact on state revenues.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Retroactive Legislation

The bill directs the commission to revoke permits issued before July 1, 2012, that have not been used for the conduct of pari-mutuel wagering on horseracing, jai alai and greyhound racing, as defined by the bill. Such permitholders may claim that the retroactive application of this provision violates the Contract Clause of art. I, s. 10, U.S. Constitution, which prohibits states from passing laws which impair contract rights. However, the U.S. Supreme Court has found that "a lottery grant is not in any sense a contract, within the meaning of the constitution of the United States, but is simply a gratuity and license, which

the state, under its police powers, and for the protection of the public morals, may at any time revoke, and forbid the further conduct of the lottery."³¹

Compensation Claims

The bill directs the commission to revoke permits under specific situations. One of the provisions provides for the revocation of permits issued before July 1, 2012, that have not been used for the conduct of pari-mutuel wagering. Such permit holders may claim that such revocation constitutes a taking warranting compensation.

The Fifth Amendment of the U.S. Constitution provides that private property shall not be taken for public use without just compensation. "To have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it."³² Thus, Florida courts have found no unconstitutional taking in the retroactive application of statutes requiring revocation of certain occupational licenses and licenses to carry concealed firearms if the licensee was a convicted felon because such licensure is a privilege, not a vested right.³³

As to pari-mutuel wagering, "Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right."³⁴ Likewise, the Florida Supreme Court has found that "[a]uthorized gambling is a matter over which the state may exercise greater control and exercise its police power in a more arbitrary manner"³⁵ Thus, the Florida Supreme Court found that, unlike permits to construct a building, "[i]t is doubtful if we can agree with counsel in concluding that a racing permit is a vested interest or right and after once granted cannot be changed."³⁶

Furthermore, compensation may not be warranted if the Legislature is deemed to have exercised its police powers, rather than powers of eminent domain.³⁷ "[T]he Government as condemnor may not be required to compensate a condemnee for elements of value that the Government has created, or that it might have destroyed under the exercise of governmental authority other than the power of eminent domain."³⁸ Thus, the loss of licenses to sell alcoholic beverages, for example, is not compensable.³⁹

Similar arguments have been made in states where pari-mutuel wagering has been prohibited after being licensed for many years. When Massachusetts banned greyhound racing by constitutional amendment in 2008, a licensed and operating dog track challenged the ban as a taking. The Supreme Judicial Court of Massachusetts rejected the argument, finding "[T]he plaintiffs here have no compensable property interest in their racing licenses."⁴⁰

If revoked permits are found to be a taking warranting compensation, just compensation equals the fair market value of the permit at the time of revocation. The fair market value of non-operating permits is uncertain. Such permits are a prerequisite to licensure for pari-mutuel wagering and, by themselves, do

³¹ *Douglas v. Commonwealth of Kentucky*, 168 U.S. 488 (1897).

³² *Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 577 (1972).

³³ *See, e.g., Crane v. Department of State, Div. of Licensing*, 547 So.2d 266, 267 (3d DCA 1989), citing *Mayo v. Market Fruit Co. of Sanford*, 40 So.2d 555, 559 (Fla. 1949).

³⁴ *Solimena v. State, Dept. of Business Regulation, Division of Pari-Mutuel Wagering*, 402 So.2d 1240 (3d DCA 1981), citing *State ex rel. Mason v. Rose*, 122 Fla. 413 (1936) and *Hialeah Race Course v. Gulf Stream Park Racing Association*, 37 So.2d 692.

³⁵ *Hialeah Race Course v. Gulfstream Park Racing Ass'n* 37 So.2d 692, 694 (Fla.1948)

³⁶ *State ex rel. Biscayne Kennel Club v. Stein*, 130 Fla. 517, 520 (1938).

³⁷ *City of Miami Springs v. J.J.T.*, 437 So.2d 200 (3d DCA 1983)("even the complete prohibition of a previously lawful and existing business does not constitute a taking where the owner is not deprived of all reasonable use of his property, as long as the prohibition promotes the health, safety and welfare of the community and is thus a valid exercise of the police power.")

³⁸ *U. S. v. Fuller* 409 U.S. 488, 491-492, 93 S.Ct. 801, 804 (U.S. Ariz.1973)

³⁹ *See, e.g., Yates v. Mulrooney*, 281 N.Y.S. 216, 219 (N.Y. App. Div. 1935); *Mugler v. Kansas*, 123 U.S. 623, 668-70 (1887).

⁴⁰ *Carney v. Attorney General*, 451 Mass. 803 (2008).

not appear to vest the holder with any rights. There are no application fees to receive a permit for pari-mutuel wagering and no fees to retain such a permit. Permits may not be transferred without state approval. While a pari-mutuel wagering permit is one pre-requisite to licensure to conduct cardrooms and slot machines, it is not the only pre-requisite. Not all permitholders may be able to obtain a license to conduct pari-mutuel wagering events, which would require adequate zoning and facilities.

B. RULE-MAKING AUTHORITY:

The bill transfers all rulemaking authority held by the DPMW and DOACS relating to gaming to the newly created DGC. It also gives the DGC rulemaking authority to implement, administer and enforce ch. 849, regarding prohibited gambling, and the newly consolidated ch. 551, F.S., which includes all authorized gaming, such as arcades and bingo.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Retained unconstitutional provisions

A few provisions in current chapter 550, F.S., have been ruled unconstitutional special acts. These provisions are presently in the bill; however, staff has requested assistance from the DPMW in determining how to repeal and/or revise such provisions without unintentionally substantively changing the law. An amendment to cure these provisions is expected.

For example, the bill renumbers s. 550.615(6), F.S., as s. 551.073(6), F.S. The Florida Supreme Court ruled that this provision, which provides specific requirements for intertrack wagering in an area of the state where there are three or more horseracing licensees within 25 miles of each other, was enacted as an unconstitutional special act.⁴¹ There are six other provisions in current chapter 550, F.S., which rely on this provision through cross references. The Division has advised that it "still uses criteria established in [the unconstitutional] subsection when cross-referenced for determining an area, but not the substance beyond that which was declared unconstitutional."

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

⁴¹ Florida Dept. of Business and Professional Regulation v. Gulfstream Park Racing Ass'n, 967 So. 2d 802, 806 (Fla. 2007). Other provisions include current s. 550.2614, F.S., renumbered as 551.0522, F.S., found unconstitutional by Florida Horsemen Benev. & Protective Ass'n v. Rudder, 738 So.2d 449, 453 (1st DCA 1999).

1 A bill to be entitled

2 An act relating to gaming; creating s. 11.93, F.S.;

3 creating the Joint Legislative Gaming Control

4 Nominating Committee to be governed by joint rules of

5 the Legislature; providing for membership and

6 organization; providing procedures for nomination to

7 the Governor of candidates for membership on the

8 Gaming Control Commission; providing that commission

9 members shall be appointed by the Governor subject to

10 confirmation by the Senate; amending s. 20.165, F.S.;

11 removing a provision that establishes the Division of

12 Pari-mutuel Wagering in the Department of Business and

13 Professional Regulation; creating s. 20.222, F.S.;

14 creating the Department of Gaming Control; providing

15 that the commission is head of the department;

16 providing for appointment of an executive director;

17 providing for organization of the department; amending

18 s. 110.205, F.S., relating to the career service

19 system; exempting certain positions within the

20 Department of Gaming Control and the Gaming Control

21 Commission; amending s. 120.80, F.S.; removing

22 provisions relating to exemptions to the hearing and

23 notice requirements for the Division of Pari-mutuel

24 Wagering in the Department of Business and

25 Professional Regulation; providing exemptions to

26 certain hearing and notice requirements for the

27 Department of Gaming Control; amending s. 285.710,
28 F.S., relating to the Gaming Compact between the
29 Seminole Tribe of Florida and the State of Florida;
30 specifying the commission as the state compliance
31 agency; amending s. 285.712, F.S.; correcting a
32 reference; transferring the Division of Pari-mutuel
33 Wagering of the Department of Business and
34 Professional Regulation to the Department of Gaming
35 Control by type two transfer; transferring the Pari-
36 mutuel Wagering Trust Fund within the Department of
37 Business and Professional Regulation to the Department
38 of Gaming Control by type two transfer; transferring
39 the specified responsibilities and functions relating
40 to game promotions within Department of Agriculture
41 and Consumer Services to the Department of Gaming
42 Control by type two transfer; repealing ss. 550.001-
43 550.71, F.S., relating to pari-mutuel wagering;
44 designating ch. 551, F.S., as the "Florida Gaming
45 Control Act"; creating part I of ch. 551, F.S.,
46 entitled "Florida Gaming Control"; creating s.
47 551.001, F.S.; defining terms; creating s. 551.0011,
48 F.S.; creating the Gaming Control Commission;
49 providing member requirements and terms; providing
50 chair and vice chair requirements; providing for
51 meetings of the commission; requiring the commission
52 to serve as the agency head of the department;

53 requiring the commission to appoint an executive
54 director; authorizing the commission to designate an
55 acting executive director; providing for financial
56 control of department funds; creating s. 551.0012,
57 F.S.; providing powers and duties of the commission;
58 renumbering and amending ss. 550.0251 and 551.103,
59 F.S.; providing powers and duties of the department;
60 authorizing the department to adopt rules; specifying
61 rules that must be adopted; creating s. 551.0014,
62 F.S.; requiring the department to adopt a code of
63 ethics; providing ethical requirements; creating s.
64 551.0015, F.S.; requiring certain disclosures by
65 members, employees, and agents of the commission;
66 creating s. 551.0016, F.S.; prohibiting ex parte
67 communication between certain persons; requiring
68 certain persons to report such communication;
69 providing a procedure for a member to disclose such
70 communication; penalizing a member who fails to follow
71 such procedure; requiring the Commission on Ethics to
72 investigate certain complaints and report its findings
73 to the Governor; authorizing the Commission on Ethics
74 to enforce certain penalties; creating s. 551.0017,
75 F.S.; providing penalties for misconduct by a member,
76 employee, or agent of the Gaming Control Commission;
77 creating s. 551.0018, F.S.; providing for judicial
78 review; creating part II of ch. 551, F.S., entitled

79 "Pari-mutuel Wagering"; reorganizing and revising
80 provisions for pari-mutuel wagering; removing obsolete
81 provisions; creating s. 551.011, F.S.; providing a
82 short title; creating s. 551.012, F.S.; providing
83 definitions; creating s. 551.013, F.S.; authorizing
84 pari-mutuel wagering; providing for wagering pools and
85 distribution thereof; 551.018, F.S.; limiting taxation
86 by counties, municipalities, and other political
87 subdivisions; creating ss. 551.021, 551.0221,
88 551.0222, 551.0241, 551.0242, 551.0251, 551.0252,
89 551.0253, 551.026, and 551.029, F.S., relating to
90 pari-mutuel permit application, issuance,
91 ratification, relocation, and conversion; creating ss.
92 551.0321, 551.0322, 551.033, 551.034, 551.035,
93 551.036, 551.037, 551.038, and 551.039, F.S., relating
94 to licensure of permitholders to conduct pari-mutuel
95 operations; creating ss. 551.042, 551.043, and
96 551.045, F.S., relating to greyhound racing
97 operations, operating periods, pools, purses, takeout,
98 taxes, and fees; creating ss. 551.0511, 551.0512,
99 551.0521, 551.0522, 551.0523, 551.0524, 551.053,
100 551.0541, 551.0542, 551.0543, 551.0551, 551.0552,
101 551.0553, and 551.056, F.S., relating to horseracing
102 operations, thoroughbred, harness, quarter horse, and
103 Appaloosa and Arabian horse racing, operating periods,
104 pools, purses, takeout, taxes, and fees; creating ss.

105 551.062, 551.0622, and 551.063, F.S., relating to jai
 106 alai operations, operating periods, awards, taxes, and
 107 fees; creating s. 551.072, F.S., relating to
 108 transmission of racing and jai alai information,
 109 broadcast, reception, performances, wagers, pools,
 110 takeout, purses, taxes, and uncashed tickets and
 111 breakage; creating ss. 551.073, 551.074, 551.075,
 112 551.076, 551.077, and 551.078, F.S., relating to
 113 intertrack wagering, authorization, costs, purses,
 114 awards, pools, takeout, rebroadcast, broadcast rights,
 115 limited licensure, and totalisators; creating s.
 116 551.082, F.S., relating to minors attending pari-
 117 mutuel performances; creating ss. 551.091, 551.0921,
 118 551.0922, 551.093, 551.0941, 551.0942, 551.0943,
 119 551.0944, and 551.095, F.S., relating to prohibited
 120 acts, civil and criminal penalties, and liability;
 121 creating part III of chapter 551, F.S., entitled "Slot
 122 Machines"; amending ss. 551.101, 551.102, 551.104,
 123 551.105, 551.106, 551.108, 551.109, 551.111, 551.112,
 124 551.113, 551.114, 551.116, 551.117, 551.118, 551.119,
 125 551.121, 551.122, and 551.123, F.S.; revising
 126 provisions for slot machine licensure and operation;
 127 creating part IV of ch. 551, F.S., entitled
 128 "Cardrooms"; transferring, renumbering, and amending
 129 s. 849.086, F.S.; revising provisions for the
 130 operation of cardrooms; creating part V of ch. 551,

131 F.S., entitled "Occupational Employees and
132 Associates"; transferring, renumbering, and amending
133 s. 550.105, F.S., relating to racetrack and jai alai
134 occupational licenses; transferring, renumbering, and
135 amending s. 551.107, F.S., relating to occupational
136 licenses for slot machines; repealing s. 551.1045,
137 F.S., relating to temporary licenses; transferring,
138 renumbering, and amending s. 849.086(6), F.S.,
139 relating to business and employee occupational
140 licenses; transferring and renumbering ss. 550.901,
141 550.902, 550.903, 550.905, 550.906, 550.907, 550.908,
142 550.909, 550.910, 550.911, and 550.913, F.S., and
143 transferring, renumbering, and amending ss. 550.904
144 and 550.912, F.S., relating to the Interstate Compact
145 on Licensure of Participants in Pari-mutuel Wagering;
146 conforming cross-references to changes made by the
147 act; creating part VI of ch. 551, F.S., entitled
148 "Miscellaneous Gaming"; transferring, renumbering, and
149 amending ss. 849.094, 849.085, 849.0931, 849.0935,
150 849.141, and 849.161, F.S.; making technical changes
151 and conforming cross-references to changes made by the
152 act; repealing s. 849.092, F.S., relating to prizes
153 given away by lot; revising and incorporating
154 provisions into other provisions; amending ss. 849.01,
155 849.02, 849.03, 849.04, 849.05, 849.07, 849.08,
156 849.09, 849.091, 849.0915, 849.10, 849.11, 849.12,

157 849.13, 849.14, 849.15, 849.16, 849.17, 849.18,
 158 849.19, 849.20, 849.21, 849.22, 849.23, 849.231,
 159 849.232, 849.233, 849.235, 849.25, 849.26, 849.29,
 160 849.30, 849.31, 849.32, 849.33, 849.34, 849.35,
 161 849.36, 849.37, 849.38, 849.39, 849.40, 849.41,
 162 849.42, 849.43, 849.44, 849.45, and 849.46, F.S.;
 163 reorganizing and clarifying gaming prohibitions;
 164 removing obsolete provisions; creating s. 849.47,
 165 F.S.; providing for enforcement of the chapter;
 166 prohibiting the Division of Pari-mutuel Wagering from
 167 issuing new permit authorizing pari-mutuel wagering or
 168 new license authorizing slot machines; directing the
 169 commission to conduct studies of greyhound racing and
 170 medication in horseracing and to make reports to the
 171 Governor and the Legislature; amending ss. 11.45,
 172 72.011, 72.031, 196.183, 205.0537, 212.02, 212.031,
 173 212.04, 212.05, 212.054, 212.12, 212.20, 267.0617,
 174 338.234, 402.82, 455.116, 480.0475, 509.032, 559.801,
 175 561.1105, 718.114, 721.111, 723.079, 772.102, 773.03,
 176 777.04, 895.02, and 921.0022, F.S.; conforming cross-
 177 references and provisions to changes made by the act;
 178 providing effective dates.

179

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

181

182 Section 1. Section 11.93, Florida Statutes, is created to

183 read:

184 11.93 Joint Legislative Gaming Control Nominating
 185 Committee.—

186 (1) The Joint Legislative Gaming Control Nominating
 187 Committee is created consisting of six members.

188 (a) The committee shall be composed of three members of
 189 the Senate appointed by the President of the Senate and three
 190 members of the House of Representatives appointed by the Speaker
 191 of the House of Representatives. Each member shall serve at the
 192 pleasure of the presiding officer who appointed the member. A
 193 committee vacancy shall be filled in the same manner as the
 194 original appointment.

195 (b) The President of the Senate shall appoint the chair of
 196 the committee in even-numbered years and the vice chair in odd-
 197 numbered years, and the Speaker of the House of Representatives
 198 shall appoint the chair of the committee in odd-numbered years
 199 and the vice chair in even-numbered years, from among the
 200 committee membership.

201 (c) The terms of committee members shall be for 2 years
 202 and coincide with the 2-year elected terms of members of the
 203 House of Representatives.

204 (2) The committee shall be governed by joint rules of the
 205 Senate and the House of Representatives and shall convene as
 206 necessary to carry out its responsibilities under this section.

207 (3) (a) The committee shall nominate to the Governor up to
 208 three persons for each of the five positions on the Gaming

209 Control Commission and any vacancy occurring on the commission.
210 The committee shall submit the nominations to the Governor by
211 September 15 of those years in which the terms are to begin the
212 following January, or within 60 days after a vacancy occurs for
213 any reason other than expiration of the term.

214 (b) A person may not be nominated to the Governor for
215 appointment to the Gaming Control Commission until the committee
216 determines that the person is qualified to hold the position.
217 The committee may not nominate to the Governor a person who
218 holds any office in a political party or who has been convicted
219 of a felony. One member of the commission must be an attorney,
220 one member must be a certified public accountant, and three
221 members must be competent and knowledgeable in one or more of
222 the following fields: economics, economic development, public
223 health, technology, tourism, or another field substantially
224 related to the duties and functions of the commission.

225 (4) Each appointment to the Gaming Control Commission is
226 subject to confirmation by the Senate. If the Senate refuses to
227 confirm or fails to consider the Governor's appointment at the
228 next regular session of the Legislature after the appointment is
229 made, the committee shall initiate the nominating process within
230 30 days.

231 (5) The committee shall be staffed by legislative staff
232 members as assigned by the President of the Senate and the
233 Speaker of the House of Representatives.

234 Section 2. Effective October 1, 2014, paragraph (g) of

235 subsection (2) of section 20.165, Florida Statutes, is amended
 236 to read:

237 20.165 Department of Business and Professional
 238 Regulation.—There is created a Department of Business and
 239 Professional Regulation.

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

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

243 Section 3. Effective July 1, 2014, section 20.222, Florida
 244 Statutes, is created to read:

245 20.222 Department of Gaming Control.—The Department of
 246 Gaming Control is created. The head of the department is the
 247 Gaming Control Commission created under s. 551.0011.

248 (1) Effective October 1, 2014, the department, under the
 249 Gaming Control Commission, is responsible for implementation,
 250 administration, and enforcement of chapters 551 and 849 and any
 251 other provisions as provided by law.

252 (2) (a) The Gaming Control Commission shall appoint an
 253 executive director of the department who shall serve at the
 254 pleasure of the commission. However, whenever necessary, the
 255 Governor may appoint an interim executive director of the
 256 department to serve until a permanent executive director is
 257 appointed by the Gaming Control Commission.

258 (b) The operations of the department shall be organized
 259 into no more than five divisions as determined by the
 260 commission. Each division shall be headed by a director,

261 appointed by the executive director, with approval by the
262 commission.

263 (c) The Gaming Control Commission may create bureaus
264 within the divisions and allocate the various functions of the
265 department among such divisions and bureaus.

266 Section 4. Effective July 1, 2014, paragraph (y) is added
267 to subsection (2) of section 110.205, Florida Statutes, to read:

268 110.205 Career service; exemptions.—

269 (2) EXEMPT POSITIONS.—The exempt positions that are not
270 covered by this part include the following:

271 (y) The executive director, any deputy executive
272 directors, the general counsel, attorneys, official reporters,
273 and division directors within the Department of Gaming Control
274 and the Gaming Control Commission. Unless otherwise fixed by
275 law, the salary and benefits of the executive director, deputy
276 executive directors, general counsel, attorneys, and division
277 directors shall be set by the department in accordance with the
278 rules of the Senior Management Service.

279 Section 5. Effective October 1, 2014, subsection (4) of
280 section 120.80, Florida Statutes, is amended, and subsection
281 (19) is added to that section, to read:

282 120.80 Exceptions and special requirements; agencies.—

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

284 ~~(a) Business regulation. The Division of Pari-mutuel~~
285 ~~Wagering is exempt from the hearing and notice requirements of~~
286 ~~ss. 120.569 and 120.57(1) (a), but only for stewards, judges, and~~

287 ~~boards of judges when the hearing is to be held for the purpose~~
 288 ~~of the imposition of fines or suspensions as provided by rules~~
 289 ~~of the Division of Pari-mutuel Wagering, but not for~~
 290 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~
 291 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~
 292 ~~alternative procedures, including a hearing upon reasonable~~
 293 ~~notice, for the following violations:~~

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

296 ~~2. Application and usage of drugs and medication to~~
 297 ~~horses, greyhounds, and jai alai players in violation of chapter~~
 298 ~~550.~~

299 ~~3. Maintaining or possessing any device which could be~~
 300 ~~used for the injection or other infusion of a prohibited drug to~~
 301 ~~horses, greyhounds, and jai alai players in violation of chapter~~
 302 ~~550.~~

303 ~~4. Suspensions under reciprocity agreements between the~~
 304 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~
 305 ~~other states.~~

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

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

309 ~~(b) Professional regulation. Notwithstanding s.~~
 310 ~~120.57(1) (a), formal hearings may not be conducted by the~~
 311 ~~Secretary of Business and Professional Regulation or a board or~~
 312 ~~member of a board within the Department of Business and~~

313 Professional Regulation for matters relating to the regulation
314 of professions, as defined by chapter 455.

315 (19) DEPARTMENT OF GAMING CONTROL; PARI-MUTUEL WAGERING.-

316 (a) The Department of Gaming Control is exempt from the
317 hearing and notice requirements of ss. 120.569 and 120.57(1)(a)
318 as applied to stewards, judges, and boards of judges if the
319 hearing is to be held for the purpose of imposing a fine or
320 suspension as provided by rules of the Department of Gaming
321 Control, but not for revocations, and only to consider
322 violations specified under paragraph (b).

323 (b) The Department of Gaming Control shall adopt rules
324 establishing alternative procedures, including a hearing upon
325 reasonable notice, for the following:

326 1. Horse riding, harness riding, greyhound interference,
327 and jai alai game actions in violation of part II of chapter
328 551.

329 2. Application and administration of drugs and medication
330 to a horse, greyhound, or jai alai player in violation of part
331 II of chapter 551.

332 3. Maintaining or possessing any device that could be used
333 for the injection or other infusion of a prohibited drug into a
334 horse, greyhound, or jai alai player in violation of part II of
335 chapter 551.

336 4. Suspensions under reciprocity agreements between the
337 department and regulatory agencies of other states.

338 5. Assault or other crimes of violence on premises

339 licensed for pari-mutuel wagering.

340 6. Prearranging the outcome of any race or game.

341 Section 6. Effective October 1, 2014, paragraph (f) of
 342 subsection (1) and subsection (7) of section 285.710, Florida
 343 Statutes, are amended to read:

344 285.710 Compact authorization.—

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

346 (f) "State compliance agency" means the Gaming Control
 347 Commission, ~~Division of Pari-mutuel Wagering of the Department~~
 348 ~~of Business and Professional Regulation~~ which is designated as
 349 the state agency having the authority to carry out the state's
 350 oversight responsibilities under the compact.

351 (7) The Gaming Control Commission ~~Division of Pari-mutuel~~
 352 ~~Wagering of the Department of Business and Professional~~
 353 ~~Regulation~~ is designated as the state compliance agency having
 354 the authority to carry out the state's oversight
 355 responsibilities under the compact authorized by this section.

356 Section 7. Effective October 1, 2014, subsection (4) of
 357 section 285.712, Florida Statutes, is amended to read:

358 285.712 Tribal-state gaming compacts.—

359 (4) Upon receipt of an act ratifying a tribal-state
 360 compact, the Secretary of State shall forward a copy of the
 361 executed compact and the ratifying act to the United States
 362 Secretary of the Interior for his or her review and approval, in
 363 accordance with 25 U.S.C. s. 2710(d)(8) ~~s. 2710(8)(d)~~.

364 Section 8. (1) Effective October 1, 2014, all powers,

365 duties, functions, records, offices, property, pending issues,
366 existing contracts, administrative authority, administrative
367 rules, and unexpended balance of appropriations, allocations,
368 and other funds relating to the Division of Pari-mutuel Wagering
369 within the Department of Business and Professional Regulation
370 are transferred by a type two transfer, as defined in s. 20.06,
371 Florida Statutes, to the Department of Gaming Control.

372 Subsequent to the type two transfer, the Department of Gaming
373 Control is permitted to use the licensing system maintained by
374 the Department of Business and Professional Regulation.

375 (2) Effective October 1, 2014, the Pari-Mutuel Wagering
376 Trust Fund within the Department of Business and Financial
377 Regulation is transferred to the Department of Gaming Control
378 and renamed the "Gaming Control Trust Fund."

379 (3) Effective October 1, 2014, all powers, duties,
380 functions, records, offices, property, pending issues, existing
381 contracts, administrative authority, administrative rules, and
382 unexpended balance of appropriations, allocations, and other
383 funds relating to game promotions under ss. 849.092 and 849.094
384 within the Department of Agriculture and Consumer Services are
385 transferred by a type two transfer, as defined in s. 20.06,
386 Florida Statutes, to the Department of Gaming Control.

387 Section 9. Effective October 1, 2014, sections 550.001,
388 550.002, 550.0115, 550.01215, 550.0235, 550.0351, 550.0425,
389 550.054, 550.0555, 550.0651, 550.0745, 550.0951, 550.09511,
390 550.09512, 550.09514, 550.09515, 550.1155, 550.125, 550.135,

391 550.155, 550.1625, 550.1645, 550.1646, 550.1647, 550.1648,
 392 550.175, 550.1815, 550.235, 550.24055, 550.2415, 550.255,
 393 550.2614, 550.26165, 550.2625, 550.2633, 550.26352, 550.2704,
 394 550.285, 550.334, 550.3345, 550.3355, 550.3551, 550.3615,
 395 550.375, 550.475, 550.495, 550.505, 550.5251, 550.615, 550.625,
 396 550.6305, 550.6308, 550.6315, 550.6325, 550.6335, 550.6345,
 397 550.70, and 550.71, Florida Statutes, are repealed.

398 Section 10. Effective July 1,, 2014, chapter 551, Florida
 399 Statutes, is redesignated as the "Florida Gaming Control Act."

400 Section 11. Effective July 1,, 2014, part I of chapter
 401 551, Florida Statutes, consisting of ss. 551.001-551.0018,
 402 Florida Statutes, is created and entitled "FLORIDA GAMING
 403 CONTROL."

404 Section 12. Effective July 1,, 2014, section 551.001,
 405 Florida Statutes, is created to read:

406 551.001 Definitions.—As used in this chapter, the term:

407 (1) "Chair" means the chair of the Gaming Control
 408 Commission.

409 (2) "Commission" means the Gaming Control Commission.

410 (3) "Department" means the Department of Gaming Control.

411 (4) "Executive director" means the executive director of
 412 the department.

413 (5) "Nominating committee" means the Joint Legislative
 414 Gaming Control Nominating Committee.

415 Section 13. Effective July 1, 2014, section 551.0011,
 416 Florida Statutes, is created to read:

417 551.0011 Gaming Control Commission.—

418 (1) CREATION.— The Gaming Control Commission is created
419 within the Department of Gaming Control. The commission's
420 headquarters shall be located in Tallahassee.

421 (2) MEMBERS.— The Governor shall appoint, subject to
422 confirmation by the Senate, each member of the commission from a
423 list of nominees submitted to the Governor by the nominating
424 committee pursuant to s. 11.93 only after a background
425 investigation of such applicant is conducted by the Department
426 of Law Enforcement. The commission shall be composed of five
427 members who are residents of the state and who shall serve on
428 the commission on a part-time basis.

429 (a) One member shall be an attorney.

430 (b) One member shall be a certified public accountant.

431 (c) Three members shall have experience in economics,
432 economic development, public health, technology, tourism, or
433 another field substantially related to the duties and functions
434 of the commission.

435 (3) TERMS.—Each commission member shall be appointed to a
436 4-year term except that, initially, to achieve staggered terms,
437 two members shall each be appointed to a term ending December
438 31, 2018, and three members shall each be appointed to a term
439 ending December 31, 2016. Before expiration of the term of a
440 member, the Governor shall appoint a successor as provided in
441 subsection (2). The Governor may remove a member for cause,
442 including circumstances in which the member commits gross

443 misconduct or malfeasance in office, substantially neglects or
444 is unable to discharge his or her duties as a member, or is
445 convicted of a felony. The Governor may remove a member without
446 cause subject to approval by a majority of the nominating
447 committee. Upon the resignation or removal from office of a
448 member, the Governor shall appoint a successor pursuant to
449 subsection (2) who, subject to confirmation by the Senate, shall
450 serve the remainder of the unfinished term. A member may not
451 serve more than two full 4-year terms, exclusive of service as
452 an initial appointee or service during an unexpired portion of a
453 term due to a vacancy.

454 (4) CHAIR AND VICE CHAIR.—

455 (a) The chair and vice chair of the commission shall be
456 elected by the members during the first meeting of the
457 commission and during the first meeting on or after January 1 of
458 each year. The chair shall set the agenda for each meeting and
459 approve subpoenas. The chair may approve all notices and reports
460 as required by this part. The chair shall preserve order and
461 decorum and shall have general control of the commission
462 meetings. The chair shall decide all questions of order. The
463 chair may designate a member to perform the duties of the chair
464 for a meeting if such substitution does not extend beyond that
465 meeting.

466 (b) If the chair is absent, the vice chair shall assume
467 the duties of the chair during the chair's absence. On the
468 death, incapacitation, or resignation of the chair, the vice

469 chair shall perform the duties of the office until a successor
470 is elected at the next meeting of the commission.

471 (c) The administrative responsibilities of the chair are
472 to plan, organize, and control administrative support services
473 for the commission, with the assistance of the executive
474 director.

475 (5) MEETINGS.—Meetings of the commission are open to the
476 public unless otherwise exempt. Three members constitute a
477 quorum. Meetings of the commission shall be held in Tallahassee
478 unless the chair determines that special circumstances warrant
479 meeting at another location.

480 (6) LOBBYING.—A commission member may not lobby the
481 Governor or any agency of the state, members or employees of the
482 Legislature, or any county or municipal government or
483 governmental agency except to represent the commission and
484 department in his or her official capacity as a member.

485 (7) AGENCY HEAD.—The commission shall serve as the agency
486 head of the department for purposes of chapter 120.

487 (8) EXECUTIVE DIRECTOR.—The commission shall appoint an
488 executive director of the department, who shall:

489 (a) Serve at the pleasure of the commission;

490 (b) Subject to appropriation, receive a salary as may be
491 determined by the commission;

492 (c) Have skills and experience in management and be
493 responsible for administering and enforcing the provisions of
494 law relative to the department, the commission, and each unit

495 thereof;

496 (d) Maintain oversight of operations of the department;

497 (e) Employ such personnel, consultants, agents, and
 498 advisors, including legal counsel, as necessary, subject to
 499 commission approval and appropriation; and

500 (f) Attend meetings of the commission unless excused by
 501 the chair.

502 (9) FINANCIAL CONTROL.—The chief financial and accounting
 503 officer shall be in charge of department funds, books of
 504 account, and accounting records. Funds may not be transferred by
 505 the department without the approval of the commission and the
 506 signatures of the executive director and the chief financial and
 507 accounting officer.

508 (10) INSPECTOR GENERAL.—The commission shall appoint an
 509 Inspector General pursuant to s. 20.055.

510 Section 14. Effective July 1,, 2014, section 551.0012,
 511 Florida Statutes, is created to read:

512 551.0012 Commission powers and duties.—

513 (1) The commission:

514 (a) May investigate applicants for a license or permit,
 515 determine the applicants eligibility, and approve or deny the
 516 application as provided for in this chapter.

517 (b) Shall adopt rules providing for the practices and
 518 procedures of the commission within 180 days of the first
 519 meeting of the commission.

520 (c) May issue subpoenas for the attendance of witnesses

521 and subpoenas duces tecum for the production of books, records,
522 and other pertinent documents as provided by law, and to
523 administer oaths and affirmations to the witnesses, if, in the
524 judgment of the commission, it is necessary to enforce this
525 chapter or department rules. If a person fails to comply with a
526 subpoena, the commission may petition the circuit court of the
527 county in which the person subpoenaed resides or has his or her
528 principal place of business for an order requiring the
529 subpoenaed person to appear and testify and to produce books,
530 records, and documents as specified in the subpoena. The court
531 may grant legal, equitable, or injunctive relief, as the court
532 deems appropriate, until the person subpoenaed has fully
533 complied with the subpoena and the commission has completed the
534 audit, examination, or investigation. The commission is entitled
535 to the summary procedure provided in s. 51.011, and the court
536 shall advance the cause on its calendar. Costs incurred by the
537 commission to obtain an order granting, in whole or in part,
538 such petition for enforcement of a subpoena shall be charged
539 against the subpoenaed person.

540 (d) May require or allow a person to file a statement in
541 writing, under oath or otherwise as the commission or its
542 designee requires, as to the facts and circumstances concerning
543 the matter to be audited, examined, or investigated.

544 (e) Shall keep accurate and complete records of its
545 proceedings and certify records as may be appropriate.

546 (f) May take any other action as may be reasonable or

547 appropriate to enforce this chapter or department rule.

548 (g) May apply for injunctive or declaratory relief in a
 549 court of competent jurisdiction to enforce this chapter and
 550 department rules.

551 (h) May establish field offices of the department, as
 552 deemed necessary by the commission.

553 Section 15. Effective October 1, 2014, section 550.0251,
 554 Florida Statutes, is transferred, renumbered as section
 555 551.0013, Florida Statutes, and amended to read:

556 551.0013 ~~550.0251~~ The Powers and duties of the department
 557 ~~Division of Pari-mutuel Wagering of the Department of Business~~
 558 ~~and Professional Regulation.-~~

559 (1) The department, under the supervision of the
 560 commission, ~~division~~ shall administer this chapter and regulate
 561 the pari-mutuel industry under this chapter and the rules
 562 adopted pursuant thereto. The department, and:

563 (a) Shall supervise and regulate gaming activities
 564 authorized in this chapter, including:

565 1. The making of and distribution from all pari-mutuel
 566 pools.

567 2. The conduct of horseracing, greyhound racing, and jai
 568 alai.

569 3. The welfare of racing animals and jai alai players at
 570 pari-mutuel facilities.

571 4. The conduct of intertrack wagering, including
 572 broadcasts of pari-mutuel events.

573 5. The conduct of authorized games at cardrooms.

574 6. The conduct of slot machine gaming.

575 7. The conduct of miscellaneous activities authorized by
 576 part VI.

577 (b)(8) Shall ~~The department may~~ collect taxes and require
 578 compliance with reporting requirements for financial information
 579 as authorized by this chapter. In addition, the ~~secretary of the~~
 580 department may require licensees ~~permitholders conducting pari-~~
 581 ~~mutuel operations within the state~~ to remit taxes, including
 582 fees, by electronic funds transfer if the taxes and fees
 583 amounted to \$50,000 or more in the prior reporting year.

584 (c)(1) The division Shall make an annual report to the
 585 Governor, the President of the Senate, and the Speaker of the
 586 House of Representatives. Such report shall include, at a
 587 minimum:

588 1. Recent events in the gaming industry, including pending
 589 litigation, pending facility license applications, and new and
 590 pending rules.

591 2. Actions of the commission and the department relative
 592 to the implementation and administration of this chapter.

593 3. The state revenues and expenses associated with each
 594 form of authorized gaming. Revenues and expenses associated with
 595 pari-mutuel wagering shall be further delineated by class of
 596 license.

597 4. The performance of each pari-mutuel wagering licensee,
 598 cardroom licensee, and slot licensee.

599 5. A summary of disciplinary actions taken by the
600 department. ~~showing its own actions, receipts derived under the~~
601 ~~provisions of this chapter, the practical effects of the~~
602 ~~application of this chapter, and~~

603 6. Any suggestions to more effectively achieve it may
604 ~~approve for the more effectual accomplishments of the purposes~~
605 of this chapter.

606 (d)(2) The division Shall require an oath on application
607 documents as required by rule, which oath must state that the
608 information contained in the document is true and complete.

609 ~~(3) The division shall adopt reasonable rules for the~~
610 ~~control, supervision, and direction of all applicants,~~
611 ~~permittees, and licensees and for the holding, conducting, and~~
612 ~~operating of all racetracks, race meets, and races held in this~~
613 ~~state. Such rules must be uniform in their application and~~
614 ~~effect, and the duty of exercising this control and power is~~
615 ~~made mandatory upon the division.~~

616 (e) May require each applicant for a permit or license to
617 produce any statements or documentation necessary to establish
618 the integrity of all financial backers, investors, mortgagees,
619 bondholders, and holders of indentures, notes, or other
620 evidences of indebtedness, either in effect or proposed. Any
621 such banking or lending institution and institutional investors
622 may be waived from qualification requirements. However, upon
623 request by the commission, a banking or lending institution or
624 institutional investor shall produce any document or information

625 related to an application for a permit or license.

626 (f)(4) ~~The division~~ May take testimony concerning any
627 matter within its jurisdiction and issue summons and subpoenas
628 for any witness and subpoenas duces tecum in connection with any
629 matter within the jurisdiction of the department ~~division~~ under
630 its seal and signed by the director.

631 (g)(9) ~~Shall The division may~~ conduct investigations
632 necessary to fulfill its responsibilities under this chapter. in
633 ~~enforcing this chapter, except that~~ All information obtained
634 pursuant to an investigation by the department ~~division~~ for an
635 alleged violation of this chapter or rules of the department
636 ~~division~~ is exempt from s. 119.07(1) and from s. 24(a), Art. I
637 of the State Constitution until an administrative complaint is
638 issued or the investigation is closed or ceases to be active.
639 This paragraph subsection does not prohibit the department
640 ~~division~~ from providing such information to any law enforcement
641 agency or to any other regulatory agency. For the purposes of
642 this paragraph subsection, an investigation is considered to be
643 active while it is being conducted with reasonable dispatch and
644 with a reasonable, good faith belief that it could lead to an
645 administrative, civil, or criminal action by the department
646 ~~division~~ or another administrative or law enforcement agency.
647 Except for active criminal intelligence or criminal
648 investigative information, as defined in s. 119.011, and any
649 other information that, if disclosed, would jeopardize the
650 safety of an individual, all information, records, and

651 transcriptions become public when the investigation is closed or
 652 ceases to be active.

653 (h) ~~(10)~~ ~~The division~~ May impose an administrative fine for
 654 a violation under this chapter of not more than \$1,000 for each
 655 count or separate offense, except as otherwise provided in this
 656 chapter, and may suspend or revoke a permit or, ~~a pari-mutuel~~
 657 license, or an occupational license for a violation under this
 658 chapter. A penalty imposed under this paragraph does not exclude
 659 a prosecution for cruelty to animals or for any other criminal
 660 act. All fines imposed and collected under this paragraph shall
 661 be remitted to ~~subsection must be deposited with~~ the Chief
 662 Financial Officer for deposit into ~~to the credit of~~ the General
 663 Revenue Fund.

664 (i) ~~(13)~~ ~~The division~~ Shall have the authority to suspend a
 665 permitholder's permit or license, if such permitholder is
 666 operating a cardroom facility or slot machines and such
 667 permitholder's cardroom license or slot machine license has been
 668 suspended or revoked pursuant to s. ~~849.086~~.

669 (j) ~~(6)~~ ~~In addition to the power to exclude certain persons~~
 670 ~~from any pari-mutuel facility in this state, the division~~ May
 671 exclude any person from any and all pari-mutuel or gaming
 672 facilities in this state for conduct that, if the person were a
 673 licensee, would constitute, ~~if the person were a licensee,~~ a
 674 violation of this chapter or the rules of the department
 675 ~~division.~~ The department ~~division~~ may exclude from any pari-
 676 mutuel or gaming facility within this state any person who has

677 | been ejected from a pari-mutuel or gaming facility in this state
678 | or who has been excluded from any pari-mutuel or gaming facility
679 | in another state by the governmental department, agency,
680 | commission, or authority exercising regulatory jurisdiction over
681 | pari-mutuel or gaming facilities in such other state. The
682 | department ~~division~~ may authorize any person who has been
683 | ejected or excluded from pari-mutuel or gaming facilities in
684 | this state or another state to attend the pari-mutuel or gaming
685 | facilities in this state upon a finding by the commission that
686 | the attendance of such person at pari-mutuel or gaming
687 | facilities would not be adverse to the public interest or to the
688 | integrity of the sport or industry. ~~;~~ ~~however,~~ this paragraph
689 | does not ~~subsection shall not be construed to~~ abrogate the
690 | common-law right of a licensee or pari-mutuel permit holder to
691 | exclude absolutely a patron in this state.

692 | (k)(5) ~~The division~~ May adopt rules establishing
693 | procedures for testing occupational licensees ~~licenseholders~~
694 | officiating at or participating in any event ~~race or game~~ at any
695 | pari-mutuel or gaming facility under the jurisdiction of the
696 | department ~~division~~ for a controlled substance or alcohol and
697 | may prescribe procedural matters not in conflict with s.
698 | 120.80(4)(a).

699 | (l) Shall require sufficient documentation from each
700 | licensee to ensure that the purses paid by each licensee on live
701 | racing and intertrack and simulcast broadcasts are in compliance
702 | with this chapter and department rule.

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

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

707 ~~(12) The division shall have full authority and power to~~
 708 ~~make, adopt, amend, or repeal rules relating to cardroom~~
 709 ~~operations, to enforce and to carry out the provisions of s.~~
 710 ~~849.086, and to regulate the authorized cardroom activities in~~
 711 ~~the state.~~

712 Section 16. Effective October 1, 2014, section 551.103,
 713 Florida Statutes, is transferred, renumbered as subsections (2)
 714 through (6) of section 551.0013, Florida Statutes, as created by
 715 this act, and amended to read:

716 551.0013 ~~551.103~~ Powers and duties of the department
 717 ~~division and law enforcement.~~

718 ~~(2)(1)~~ The department ~~division~~ shall adopt, ~~pursuant to~~
 719 ~~the provisions of ss. 120.536(1) and 120.54, all~~ rules necessary
 720 to implement, administer, and enforce chapter 849 and regulate
 721 ~~slot machine gaming as authorized in this chapter.~~ Such rules
 722 must include:

723 (a) Procedures for applying for permits and licenses
 724 governed by this chapter and renewal of such licenses ~~a slot~~
 725 ~~machine license and renewal of a slot machine license.~~

726 (b) Technical requirements and the qualifications
 727 specified ~~contained~~ in this chapter which ~~that~~ are necessary to
 728 receive a permit, license, or slot machine license ~~or slot~~

729 ~~machine~~ occupational license.

730 (c) Procedures relating to gaming revenues, including
731 verifying and accounting for such revenues, auditing, and
732 collecting taxes and fees consistent with this chapter.

733 (d) Procedures for requiring licensees to maintain
734 specified records and submit any data, information, record, or
735 report, including financial and income records, required under
736 this chapter or determined by the department to be necessary to
737 the proper implementation and enforcement of this chapter.

738 (e) Minimum standards for security of facilities,
739 including floor plans, security cameras, and other security
740 equipment.

741 (f) Procedures for requiring licensees to implement and
742 establish drug-testing programs for all occupational licensees.

743 (g) Procedures for the control, supervision, and direction
744 of applicants, permitholders, and licensees and for the conduct,
745 and operation of all aspects of pari-mutuel wagering, pari-
746 mutuel facilities, meets, live events, and broadcasts of events
747 held in this state. Such rules shall include, but are not
748 limited to, rules ensuring races and events are conducted
749 consistent with traditional industry practices.

750 (h)~~(e)~~ Procedures to scientifically test and technically
751 evaluate slot machines and other gaming technology for
752 compliance with this chapter. The department ~~division~~ may
753 contract with an independent testing laboratory to conduct any
754 necessary testing under this section. The independent testing

755 laboratory must have a national reputation as being ~~which is~~
756 ~~demonstrably~~ competent and qualified to scientifically test and
757 evaluate slot machines and other gaming technology for
758 compliance with this chapter and to otherwise perform the
759 functions assigned to it in this chapter. An independent testing
760 laboratory may ~~shall~~ not be owned or controlled by a licensee.
761 If an independent testing laboratory is used for a purpose
762 related to the conduct of slot machine gaming by a licensee
763 under this chapter, such laboratory shall be selected from a
764 list of laboratories approved by the department ~~The use of an~~
765 ~~independent testing laboratory for any purpose related to the~~
766 ~~conduct of slot machine gaming by a licensee under this chapter~~
767 ~~shall be made from a list of one or more laboratories approved~~
768 ~~by the division.~~

769 ~~(d) Procedures relating to slot machine revenues,~~
770 ~~including verifying and accounting for such revenues, auditing,~~
771 ~~and collecting taxes and fees consistent with this chapter.~~

772 (i)(e) Procedures for regulating, managing, and auditing
773 the operation, financial data, and program information relating
774 to ~~slot machine gaming~~. Such procedures shall allow the
775 department ~~that allow the division~~ and the Department of Law
776 Enforcement to audit the operation, financial data, and program
777 information of a slot machine licensee, as required by the
778 department ~~division~~ or the Department of Law Enforcement, and
779 provide the department ~~division~~ and the Department of Law
780 Enforcement with the ability to monitor, at any time on a real-

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781 time basis, wagering patterns, payouts, tax collection, and
782 compliance with any rules adopted by the department ~~division~~ for
783 the regulation and control of slot machines operated under this
784 chapter. Such continuous and complete access, at any time on a
785 real-time basis, shall include the ability of either the
786 department ~~division~~ or the Department of Law Enforcement to
787 suspend play immediately on particular slot machines if
788 monitoring of the facilities-based computer system indicates
789 possible tampering with or manipulation of those slot machines
790 or the ability to suspend play immediately of the entire
791 operation if ~~the tampering or manipulation is of~~ the computer
792 system itself is tampered with or manipulated. The department
793 ~~division~~ shall notify the Department of Law Enforcement or the
794 Department of Law Enforcement shall notify the department
795 ~~division~~, as appropriate, whenever there is a suspension of play
796 under this paragraph. The department ~~division~~ and the Department
797 of Law Enforcement shall exchange such information necessary for
798 and cooperate in the investigation of the circumstances
799 requiring suspension of play under this paragraph.

800 (j) ~~(f)~~ Procedures for requiring each slot machine licensee
801 at his or her own cost and expense to supply the department
802 ~~division~~ with a bond having the penal sum of \$2 million payable
803 to the Governor and his or her successors in office for each
804 year of the licensee's slot machine operations. A ~~Any~~ bond shall
805 be issued by a surety or sureties approved by the department
806 ~~division~~ and the Chief Financial Officer, conditioned to

807 faithfully make the payments to the Chief Financial Officer in
808 his or her capacity as treasurer of the department ~~division~~. The
809 licensee shall be required to keep its books and records and
810 make reports as provided in this chapter and to conduct its slot
811 machine operations in conformity with this chapter and all other
812 provisions of law. Such bond shall be separate and distinct from
813 the bond required in s. 551.034 ~~550.125~~.

814 ~~(g) Procedures for requiring licensees to maintain~~
815 ~~specified records and submit any data, information, record, or~~
816 ~~report, including financial and income records, required by this~~
817 ~~chapter or determined by the division to be necessary to the~~
818 ~~proper implementation and enforcement of this chapter.~~

819 ~~(k)(h)~~ A requirement that the payout percentage of a slot
820 machine be at least ~~no less than~~ 85 percent.

821 (l) Rules relating to cardroom operations.

822 ~~(i) Minimum standards for security of the facilities,~~
823 ~~including floor plans, security cameras, and other security~~
824 ~~equipment.~~

825 ~~(j) Procedures for requiring slot machine licensees to~~
826 ~~implement and establish drug testing programs for all slot~~
827 ~~machine occupational licensees.~~

828 ~~(2) The division shall conduct such investigations~~
829 ~~necessary to fulfill its responsibilities under the provisions~~
830 ~~of this chapter.~~

831 (3) The Department of Law Enforcement and local law
832 enforcement agencies shall have concurrent jurisdiction to

833 investigate criminal violations of this chapter and may
834 investigate any other criminal violation of law occurring at the
835 facilities of a ~~slot machine~~ licensee, ~~and~~ Such investigations
836 may be conducted in conjunction with the appropriate state
837 attorney.

838 (4) (a) The department ~~division~~, the Department of Law
839 Enforcement, and local law enforcement agencies shall have
840 unrestricted access to the slot machine licensee's facility at
841 all times and shall require of each slot machine licensee strict
842 compliance with the laws of this state relating to the
843 transaction of such business. The department ~~division~~, the
844 Department of Law Enforcement, and local law enforcement
845 agencies may:

846 1. Inspect and examine premises where slot machines are
847 offered for play.

848 2. Inspect slot machines and related equipment and
849 supplies.

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

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

852 2. Deny, revoke, suspend, or place conditions on the
853 license of a person who violates any provision of this chapter
854 or a rule adopted pursuant to this chapter ~~thereto~~.

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

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859 (6) This section does not:

860 (a) Prohibit the Department of Law Enforcement or any law
861 enforcement authority whose jurisdiction includes a licensed
862 facility from conducting investigations of criminal activities
863 occurring at the facility of the ~~slot machine~~ licensee;

864 (b) Restrict access to the ~~slot machine~~ licensee's
865 facility by the Department of Law Enforcement or any local law
866 enforcement authority whose jurisdiction includes the ~~slot~~
867 ~~machine~~ licensee's facility; or

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

872 Section 17. Effective July 1, 2014, section 551.0014,
873 Florida Statutes, is created to read:

874 551.0014 Code of ethics.—

875 (1) Members of the commission and employees of the
876 department are subject to the code of ethics for public officers
877 and employees as set forth in part III of chapter 112 and to the
878 requirements of the public records law and public meetings law
879 in chapters 119 and 286, respectively.

880 (2) A commission member or an employee of the department
881 may not hold a direct or indirect interest in, be employed by,
882 or enter into a contract for services with an applicant or
883 person licensed by the commission or department during the
884 person's membership on the commission or employment and for a

885 period of 2 years after the date of termination of the person's
886 membership on the commission or employment.

887 (3) Employees of the department must obtain prior approval
888 from the executive director before undertaking any outside
889 employment or other work activity. The executive director may
890 not approve outside employment requests if the proposed
891 employment involves working for a licensee or could otherwise
892 create a conflict of interest with the employee's
893 responsibilities.

894 (4) A member of the commission may not place a wager in
895 any facility licensed under this chapter.

896 (5) (a) The department may not hire a prospective employee
897 if the prospective employee has been convicted of a felony;
898 convicted of a misdemeanor within 10 years of the date of his or
899 her application which the commission determines bears a close
900 relationship to the duties and responsibilities of the position
901 for which employment is sought; or dismissed from prior
902 employment for gross misconduct or incompetence or if he or she
903 intentionally made a false statement concerning a material fact
904 in connection with his or her application to the department. If
905 an employee of the department is charged with a felony while
906 employed by the department, the department shall suspend the
907 employee, with or without pay, and terminate employment with the
908 department upon conviction. If an employee of the department is
909 charged with a misdemeanor while employed by the department, the
910 department shall suspend the employee, with or without pay, and

911 may terminate employment with the department upon conviction if
 912 the commission determines that the offense for which he or she
 913 has been convicted bears a close relationship to the duties and
 914 responsibilities of the position held with the department.

915 (b) A member of the commission or an employee of the
 916 department must immediately provide detailed written notice of
 917 the circumstances to the commission if the member or employee is
 918 indicted, charged with, convicted of, pleads guilty or nolo
 919 contendere to, or forfeits bail for:

920 1. A misdemeanor involving gambling, dishonesty, theft, or
 921 fraud;

922 2. A violation of any law in any state, or a law of the
 923 United States or any other jurisdiction, involving gambling,
 924 dishonesty, theft, or fraud which substantially corresponds to a
 925 misdemeanor in this state; or

926 3. A felony under the laws of this or any other state, the
 927 United States, or any other jurisdiction.

928 Section 18. Effective July 1, 2014, section 551.0016,
 929 Florida Statutes, is created to read:

930 551.0016 Ex parte communication.—

931 (1) As used in this section, the term "ex parte
 932 communication" means any communication that:

933 (a) If it is a written or printed communication or a
 934 communication in electronic form, is not served on all parties
 935 to a proceeding; or

936 (b) If it is an oral communication, is made without

937 adequate notice to the parties and without an opportunity for
938 the parties to be present and heard.

939 (2) Each commissioner shall accord to every person who is
940 legally interested in a proceeding, or the person's lawyer, full
941 right to be heard according to law, and, except as authorized by
942 law, shall not initiate, solicit, or consider ex parte
943 communications concerning a pending proposed agency action
944 proceeding, pending application, license, or enforcement action,
945 or a proceeding under s. 120.565, s. 120.569, or s. 120.57. No
946 individual shall discuss ex parte with a commissioner the merits
947 of any issue that he or she reasonably foresees will be filed
948 with the commission. The provisions of this subsection shall not
949 apply to department staff.

950 (3) If a commission member knowingly receives an ex parte
951 communication prohibited by this section, he or she must place
952 on the record of the proceeding copies of all written
953 communication received, copies of all written responses to the
954 communication, and a memorandum stating the substance of all
955 oral communication received and all oral responses made, and
956 shall give written notice to all parties to the communication
957 that such matters have been placed on the record. Any party to
958 the proceeding who desires to respond to the communication may
959 do so. The response must be received by the commission within 10
960 days after receiving notice that the ex parte communication has
961 been placed on the record. If a commission member deems it
962 necessary to eliminate the effect of an ex parte communication

963 received by him or her, the member may withdraw from the
964 proceeding potentially impacted by the ex parte communication.
965 If a commission member withdraws from the proceeding, the chair
966 shall designate another member for the proceeding if it was not
967 assigned to the full commission.

968 (4) An individual who makes an ex parte communication
969 prohibited by this section shall submit to the commission a
970 written statement describing the nature of the communication,
971 including the name of the person making the communication, the
972 name of each commission member receiving the communication,
973 copies of all written communication, all written responses to
974 such communication, and a memorandum stating the substance of
975 all oral communication received and all oral responses made. The
976 commission shall place on the record of a proceeding all such
977 communication.

978 (5) A commission member who knowingly fails to place any
979 ex parte communication on the record within 15 days after the
980 date of the communication in violation of this section is
981 subject to removal and may be assessed a civil penalty not to
982 exceed \$5,000. A person who knowingly fails to comply with
983 subsection (3) may be assessed a civil penalty not to exceed
984 \$5,000.

985 (6) The Commission on Ethics shall receive and investigate
986 sworn complaints of violations of this section pursuant to ss.
987 112.321-112.3241.

988 (7) If the Commission on Ethics finds that a commission

989 member has violated this section, it shall provide the Governor
 990 and the nominating committee with a report of its findings and
 991 recommendations. The Governor may enforce the findings and
 992 recommendations of the Commission on Ethics pursuant to part III
 993 of chapter 112.

994 (8) If a commission member fails or refuses to pay the
 995 Commission on Ethics any civil penalties assessed pursuant to
 996 this section, the Commission on Ethics may bring an action in
 997 any circuit court to enforce such penalty.

998 (9) If, during the course of an investigation by the
 999 Commission on Ethics into an alleged violation of this section,
 1000 allegations are made as to the identity of the person who
 1001 participated in the ex parte communication, that person must be
 1002 given notice and an opportunity to participate in the
 1003 investigation and relevant proceedings to present a defense. If
 1004 the Commission on Ethics determines that the person participated
 1005 in the ex parte communication, the person may not appear before
 1006 the commission or otherwise represent anyone before the
 1007 commission for 2 years.

1008 Section 19. Effective July 1, 2014, section 551.0017,
 1009 Florida Statutes, is created to read:

1010 551.0017 Penalties for misconduct by a member or
 1011 employee.—

1012 (1) A violation of this chapter by a commission member may
 1013 constitute cause for removal by the Governor or other
 1014 disciplinary action as determined by the commission.

1015 (2) A violation of this chapter by an employee of the
 1016 department may constitute cause for termination of employment as
 1017 determined by the executive director.

1018 Section 20. Effective July 1, 2014, section 551.0018,
 1019 Florida Statutes, is created to read:

1020 551.0018 Judicial review.-

1021 (1) As authorized under s. 4(b)(2), Art. V of the State
 1022 Constitution, the First District Court of Appeal shall, upon
 1023 petition, review any action of the commission.

1024 (2) Notice of such review shall be given by the petitioner
 1025 to all parties who entered appearances of record in the
 1026 proceedings before the commission in which the order sought to
 1027 be reviewed was made.

1028 (3) Such parties may file briefs in support of their
 1029 interests, as such interests may appear, within the time and in
 1030 the manner provided by the Florida Rules of Appellate Procedure.

1031 (4) Such parties shall be entitled as a matter of right to
 1032 make oral argument in support of their interests, as such
 1033 interests may appear, in any case in which oral argument is
 1034 granted by the court on the application of the petitioner or the
 1035 respondent.

1036 Section 21. Effective October 1, 2014, part II of chapter
 1037 551, Florida Statutes, consisting of sections 551.011-551.095,
 1038 Florida Statutes, is created and entitled "PARI-MUTUEL
 1039 WAGERING."

1040 Section 22. Effective October 1, 2014, section 551.011,

1041 Florida Statutes, is created to read:

1042 551.011 Short title.—This part may be cited as the
1043 "Florida Pari-mutuel Wagering Act."

1044 Section 23. Effective October 1, 2014, section 551.012,
1045 Florida Statutes, is created to read:

1046 551.012 Definitions.—As used in this chapter, the term:

1047 (1) "Breaks" means the portion of a pari-mutuel pool
1048 computed by rounding down to the nearest multiple of 10 cents
1049 which is not distributed to the contributors or withheld by the
1050 permitholder as takeout.

1051 (2) "Breeder and stallion awards" means financial
1052 incentives paid to encourage the agricultural industry of
1053 breeding racehorses in this state.

1054 (3) "Broadcast" means an electronic transmission in any
1055 medium or manner, including, but not limited to, community
1056 antenna systems that receive and retransmit television or radio
1057 signals by wire, cable, or otherwise to televisions or radios,
1058 and cable origination networks or programmers that transmit
1059 programming to community antenna televisions or closed-circuit
1060 systems by wire, cable, satellite, or otherwise.

1061 (4) "Contributor" means a person who contributes to a
1062 pari-mutuel pool by engaging in a pari-mutuel wager.

1063 (5) "Current meet" or "current race meet" means the
1064 conduct of racing or games pursuant to a current year's
1065 operating license issued by the commission.

1066 (6) "Event" means a single greyhound race, horserace, or

1067 | jai alai game within a performance.

1068 | (7) "Exotic pools" means wagering pools into which a
 1069 | contributor may place a wager on more than one entry or on more
 1070 | than one event in the same bet, including, but not limited to,
 1071 | daily doubles, perfectas, quinielas, quiniela daily doubles,
 1072 | exactas, trifectas, and Big Q pools.

1073 | (8) "Fronton" means a building or enclosure that contains
 1074 | a playing court with three walls designed and constructed for
 1075 | playing the sport of jai alai.

1076 | (9) "Full schedule of live events" means the minimum
 1077 | number of live performances that must be conducted by a
 1078 | permitholder. A live performance, consisting of at least eight
 1079 | events, must be conducted at least three times each week during
 1080 | the licensed meet at the permitholder's licensed facility.

1081 | (10) "Guest facility" means a track or fronton receiving
 1082 | or accepting an intertrack wager.

1083 | (11) "Handle" means the aggregate contributions to pari-
 1084 | mutuel pools.

1085 | (12) "Horserace" or "horseracing" means a head-to-head
 1086 | contest between two or more thoroughbred, quarter horse, or
 1087 | standardbred horses racing with each other in the same event on
 1088 | a flat track with banked turns and a connecting straight chute
 1089 | at least 440 yards in length, which does not require a horse to
 1090 | change its course in response to any obstacles on the racing
 1091 | surface, and is further defined as follows:

1092 | (a) "Harness race" or "harness racing" means such a

1093 contest between two or more standardbred horses guided by state
 1094 and U.S. Trotting Association-licensed standardbred drivers
 1095 while pulling two-wheeled carts called sulkies and dispatched
 1096 from a regulation moving barrier. Standardbred racing also
 1097 includes monte racing, in which a state and U.S. Trotting
 1098 Association-licensed standardbred monte race driver competes
 1099 while astride the horse, rather than as a driver.

1100 (b) "Quarter horse race" or "quarter horse racing" means
 1101 such a contest between two or more quarter horses registered
 1102 with the American Quarter Horse Association, at distances and
 1103 under conditions that qualify those races for race recognition
 1104 by the American Quarter Horse Association, dispatched from a
 1105 regulation starting gate and mounted by state licensed jockeys.

1106 (c) "Thoroughbred race" or "thoroughbred racing" means
 1107 such a contest on such a track at least seven furlongs in
 1108 circumference, between two or more thoroughbreds dispatched from
 1109 a regulation starting gate and mounted by state licensed
 1110 jockeys.

1111
 1112 The term "horseracing" does not include steeplechases or hurdle
 1113 rates, nor does it include barrel racing, timed events, pole
 1114 bending, or any other rodeo or gymkhana-style events.

1115 (13) "Horseracing licensee" means:

1116 (a) A thoroughbred racing permitholder licensed under this
 1117 part to conduct pari-mutuel wagering meets of thoroughbred
 1118 racing;

1119 (b) A harness racing permitholder licensed under this part
1120 to conduct pari-mutuel wagering meets of harness racing; or

1121 (c) A quarter horse racing permitholder licensed under
1122 this part to conduct pari-mutuel wagering meets of quarter horse
1123 racing.

1124 (14) "Host facility" means a track or fronton that
1125 broadcasts a live event or rebroadcasts a simulcast event that
1126 is the subject of an intertrack wager.

1127 (15) "Intertrack wager" means a wager accepted at a pari-
1128 mutuel facility on a live event that is broadcast to the pari-
1129 mutuel facility or on a simulcast event that is rebroadcast to
1130 the pari-mutuel facility from an in-state pari-mutuel facility.

1131 (16) "Jai alai" means a ball game of Spanish origin played
1132 on a court with three walls and includes the term "pelota."

1133 (17) "Live event," "live game," "live race," or "live
1134 performance" means such event or performance conducted live at
1135 the referenced pari-mutuel facility and excludes broadcast and
1136 simulcast events.

1137 (18) "Live handle" means the handle from wagers placed at
1138 a pari-mutuel facility on the live events conducted at that
1139 facility and excludes intertrack wagering.

1140 (19) "Market area" means an area within 25 miles of a
1141 permitholder's track or fronton.

1142 (20) "Meet" or "meeting" means live events for any stake,
1143 purse, prize, or premium.

1144 (21) "Net pool pricing" means a method of calculating

1145 prices awarded to winning wagers relative to the contribution,
1146 net of takeouts, to a pool by each participating jurisdiction
1147 or, as applicable, each site.

1148 (22) "Operating day" means a continuous period of 24 hours
1149 which starts at the beginning of the first performance event. If
1150 an operating day starts during one calendar day and extends past
1151 midnight, a greyhound race or jai alai game may not begin after
1152 1:30 a.m. on that operating day.

1153 (23) "Pari-mutuel facility" means a racetrack, fronton, or
1154 other facility used by a permit holder for the conduct of pari-
1155 mutuel wagering.

1156 (24) "Pari-mutuel pool" means the total amount wagered on
1157 an event for a single possible result.

1158 (25) "Pari-mutuel wagering" means a system of betting on
1159 events in which the winners divide the total amount bet, after
1160 deducting management expenses and taxes, in proportion to the
1161 sums they have wagered individually and with regard to the odds
1162 assigned to particular outcomes.

1163 (26) "Performance" means a series of at least eight events
1164 performed consecutively as one program.

1165 (27) "Post time" means the time set for the arrival at the
1166 starting point of the horses or greyhounds in a race or the
1167 beginning of a game in jai alai.

1168 (28) "Purse" means the cash portion of the prize for which
1169 an event is contested.

1170 (29) "Quarter horse" means a breed of horse developed in

1171 the western United States which is capable of high speed for a
 1172 short distance and used in quarter horse racing registered with
 1173 the American Quarter Horse Association.

1174 (30) "Racing greyhound" or "greyhound" means a greyhound
 1175 registered with the National Greyhound Association which is or
 1176 was used, or is being bred, raised, or trained to be used, in
 1177 racing at a pari-mutuel facility.

1178 (31) "Same class of races, games, or permit" means:

1179 (a) With respect to a jai alai permitholder, jai alai
 1180 games or other jai alai permitholders;

1181 (b) With respect to a greyhound racing permitholder,
 1182 greyhound races or other greyhound racing permitholders;

1183 (c) With respect to a thoroughbred racing permitholder,
 1184 thoroughbred races or other thoroughbred racing permitholders;

1185 (d) With respect to a harness racing permitholder, harness
 1186 races or other harness racing permitholders; and

1187 (e) With respect to a quarter horse racing permitholder,
 1188 quarter horse races or other quarter horse racing permitholders.

1189 (32) "Simulcasting" means the live broadcast of events
 1190 occurring live at an in-state location to an out-of-state
 1191 location, or receiving at an in-state location a live broadcast
 1192 of events occurring live at an out-of-state location.

1193 (33) "Standardbred horse" means a pacing or trotting horse
 1194 used in harness racing which has been registered as a
 1195 standardbred by the United States Trotting Association or by a
 1196 foreign registry whose stud book is recognized by the United

1197 States Trotting Association.

1198 (34) "Takeout" means the percentage of the pari-mutuel
1199 pools deducted by the permitholder before the distribution of
1200 the pool.

1201 (35) "Thoroughbred" means a purebred horse whose ancestry
1202 can be traced back to one of three foundation sires and whose
1203 pedigree is registered in the American Stud Book or in a foreign
1204 stud book that is recognized by the Jockey Club and the
1205 International Stud Book Committee.

1206 (36) "Totalisator" means the computer system used to
1207 accumulate wagers, record sales, calculate payoffs, and display
1208 wagering data on a display device that is located at a pari-
1209 mutuel facility.

1210 (37) "Ultimate equitable owner" means a natural person
1211 who, directly or indirectly, owns or controls 5 percent or more
1212 of an ownership interest in a corporation, foreign corporation,
1213 or alien business organization, regardless of whether such
1214 person owns or controls such ownership through one or more
1215 natural persons or one or more proxies, powers of attorney,
1216 nominees, corporations, associations, partnerships, trusts,
1217 joint stock companies, or other entities or devices, or any
1218 combination thereof.

1219 Section 24. Effective October 1, 2014, section 551.013,
1220 Florida Statutes, is created to read:

1221 551.013 Pari-mutuel wagering authorized; distribution of
1222 pool; prohibited purchase.-

1223 (1) Wagering on the results of a horserace or greyhound
1224 race or on the scores or points of a jai alai game and the sale
1225 of tickets or other evidences showing an interest in or a
1226 contribution to a pari-mutuel pool are allowed only within the
1227 enclosure of a pari-mutuel facility licensed and operating under
1228 this part, must be supervised by the department, are subject to
1229 such reasonable rules adopted by the commission, and are
1230 prohibited elsewhere in this state.

1231 (2) The permitholder's share of the takeout is that
1232 portion of the takeout that remains after the pari-mutuel tax
1233 imposed upon the contributions to the pari-mutuel pool is
1234 deducted from the takeout and paid by the permitholder. The
1235 takeout is deducted from all pari-mutuel pools but may be
1236 different depending on the type of pari-mutuel pool. The
1237 permitholder shall inform the patrons, either through the
1238 official program or via the posting of signs at conspicuous
1239 locations, as to the takeout currently being applied to handle
1240 at the facility.

1241 (3) After deducting the takeout and the breaks, a pari-
1242 mutuel pool must be redistributed to the contributors.

1243 (4) Redistribution of funds otherwise distributable to the
1244 contributors of a pari-mutuel pool must be a sum equal to the
1245 next lowest multiple of 10 on all races and games.

1246 (5) A distribution of a pari-mutuel pool may not be made
1247 of the breaks.

1248 (6) A person or corporation may not directly or indirectly

1249 purchase pari-mutuel tickets or participate in the purchase of
 1250 any part of a pari-mutuel pool for another for hire or for any
 1251 gratuity. A person may not purchase any part of a pari-mutuel
 1252 pool through another if she or he gives or pays directly or
 1253 indirectly such other person anything of value. Any person who
 1254 violates this subsection commits a misdemeanor of the second
 1255 degree, punishable as provided in s. 775.082 or s. 775.083.

1256 Section 25. Effective October 1, 2014, section 551.018,
 1257 Florida Statutes, is created to read:

1258 551.018 Local government taxes and fees on pari-mutuel
 1259 wagering.—The tax imposed by s. 551.301 is in lieu of all
 1260 license, excise, or occupational taxes to the state or any
 1261 county, municipality, or other political subdivision. However, a
 1262 municipality may assess and collect an additional tax against
 1263 any person conducting live events within its corporate limits,
 1264 which tax may not exceed \$150 per day for horseracing or \$50 per
 1265 day for greyhound racing or jai alai. Except as provided in this
 1266 part, a municipality may not assess or collect any additional
 1267 excise or revenue tax against any person conducting race
 1268 meetings within the corporate limits of the municipality or
 1269 against any patron of any such person.

1270 Section 26. Effective October 1, 2014, section 551.021,
 1271 Florida Statutes, is created to read:

1272 551.021 Application for permit to conduct pari-mutuel
 1273 wagering.—

1274 (1) Applications for a pari-mutuel wagering permit may be

1275 made to the department in accordance with department rules.
 1276 Applications for a pari-mutuel permit are exempt from the 90-day
 1277 licensing requirement of s. 120.60. Within 120 days after
 1278 receipt of a complete application, the commission shall grant or
 1279 deny the permit. A completed application that is not acted upon
 1280 within 120 days after receipt is deemed approved, and the
 1281 commission shall grant the permit.

1282 (2) If the commission approves the application, it shall
 1283 issue a permit to the applicant setting forth the name of the
 1284 permitholder, the location of the pari-mutuel facility, the type
 1285 of pari-mutuel activity desired to be conducted, and a statement
 1286 showing qualifications of the applicant to conduct pari-mutuel
 1287 performances under this part. Such permit authorizes the county
 1288 in which the applicant seeks to operate to hold an election
 1289 ratifying such permit pursuant to s. 551.0221 and does not
 1290 authorize pari-mutuel wagering.

1291 (3) An application for a permit may not be considered, nor
 1292 may a permit be issued by the commission or be voted upon in any
 1293 county, to conduct horseraces, harness races, or greyhound races
 1294 at a location within 100 miles of an existing pari-mutuel
 1295 facility, or for jai alai within 50 miles of an existing pari-
 1296 mutuel facility. Such distance shall be measured on a straight
 1297 line from the nearest property line of one pari-mutuel facility
 1298 to the nearest property line of the other facility.

1299 (4) The commission shall require that each applicant
 1300 submit an application that includes, at a minimum:

1301 (a) The full name, business address, e-mail address,
1302 telephone number, social security number, and if applicable,
1303 federal tax identification number of the applicant.

1304 (b) If a corporation, the name of the state in which
1305 incorporated and the names and addresses of the officers,
1306 directors, and shareholders holding 5 percent or more equity or,
1307 if a business entity other than a corporation, the names and
1308 addresses of the principals, partners, or shareholders holding 5
1309 percent or more equity.

1310 (c) The names and addresses of the ultimate equitable
1311 owners for a corporation or other business entity, if different
1312 from those provided under paragraph (b), unless the securities
1313 of the corporation or entity are registered pursuant to s. 12 of
1314 the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk; and
1315 if such corporation or entity files with the United States
1316 Securities and Exchange Commission the reports required by s. 13
1317 of that act or if the securities of the corporation or entity
1318 are regularly traded on an established securities market in the
1319 United States.

1320 (d) Information, documentation, and assurances concerning
1321 the applicant's financial background and resources as required
1322 to establish the financial stability, integrity, and
1323 responsibility of the applicant. This includes a statement of
1324 the assets and liabilities of the applicant, business, and
1325 personal income and disbursement schedules, tax returns, and
1326 other reports filed with governmental agencies, and business and

1327 personal accounting, check records, and ledgers. In addition,
1328 each applicant must provide written authorization for the
1329 examination of all bank accounts and records as may be deemed
1330 necessary by the commission.

1331 (e) For each individual listed in the application as an
1332 owner, partner, officer, or director, a complete set of
1333 fingerprints taken by an authorized law enforcement officer. The
1334 set of fingerprints must be submitted to the Federal Bureau of
1335 Investigation for processing. An applicant who is a foreign
1336 national shall submit such documents as necessary to allow the
1337 department to conduct a criminal history records check in the
1338 applicant's home country. The applicant must pay the cost of
1339 processing. The department may charge a \$2 handling fee for each
1340 set of fingerprint records.

1341 (f) The exact location where the applicant will conduct
1342 pari-mutuel performances.

1343 (g) Whether the pari-mutuel facility is owned or leased
1344 and, if leased, the name and residence of the fee owner or, if a
1345 corporation, the names and addresses of the directors and
1346 stockholders thereof. However, this part does not prevent a
1347 person from applying to the commission for a permit to conduct
1348 pari-mutuel operations, regardless of whether the pari-mutuel
1349 facility has been constructed, and having an election held in
1350 any county at the same time that elections are held for the
1351 ratification of any permit in that county.

1352 (h) The names and addresses of any mortgagee of any pari-

1353 mutuel facility and any financial agreement between the parties.
 1354 The commission may require the names and addresses of the
 1355 officers and directors of the mortgagee and of those
 1356 stockholders who hold more than 10 percent of the stock of the
 1357 mortgagee.
 1358 (i) A business plan for the first year of operation.
 1359 (j) The type of pari-mutuel activity to be conducted and
 1360 the desired period of operation.
 1361 (k) Other information the commission requires.
 1362 (5) The commission shall require each applicant to deposit
 1363 with the board of county commissioners of the county in which
 1364 the election is to be held a sufficient sum, in currency or by
 1365 check certified by a bank licensed to do business in the state,
 1366 to pay the expenses of holding the election provided in s.
 1367 551.0221.
 1368 (6) Upon receiving an application and any amendments
 1369 properly made thereto, the department shall further investigate
 1370 the matters contained in the application. The department shall
 1371 present its findings to the commission for review. If the
 1372 applicant meets all requirements, conditions, and qualifications
 1373 set forth in this part and the rules of the commission and the
 1374 commission finds that it would be in the best interests of the
 1375 state, the commission may grant the permit. In addition to the
 1376 applicant's qualifications, the commission shall consider the
 1377 overall impact to state revenues, including those generated
 1378 under tribal-state gaming compacts.

1379 (7) After initial approval of the permit and the source of
1380 financing, the terms and parties of any subsequent refinancing
1381 must be disclosed by the applicant or the permit holder to the
1382 commission.

1383 (8) If the commission refuses to grant the permit, the
1384 money deposited with the board of county commissioners for
1385 holding the election must be refunded to the applicant. If the
1386 commission grants the permit applied for, the board of county
1387 commissioners shall order an election for ratification of the
1388 permit in the county, as provided in s. 551.0221.

1389 (9) (a) The department may charge the applicant for
1390 reasonable, anticipated costs incurred by the department in
1391 determining the eligibility of any person or entity specified in
1392 s. 551.029 to hold any pari-mutuel permit.

1393 (b) The department may, by rule, determine the manner of
1394 paying its anticipated costs associated with determination of
1395 eligibility and the procedure for filing applications for
1396 determination of eligibility.

1397 (c) The department shall furnish to the applicant an
1398 itemized statement of actual costs incurred during the
1399 investigation to determine eligibility.

1400 (d) If unused funds remain at the conclusion of such
1401 investigation, they must be returned to the applicant within 60
1402 days after the determination of eligibility has been made.

1403 (e) If the actual costs of investigation exceed
1404 anticipated costs, the department shall assess the applicant the

1405 amount necessary to recover all actual costs.

1406 (10) After a permit has been granted by the commission and
1407 has been ratified and approved by the majority of the electors
1408 participating in the election in the county designated in the
1409 permit, the permitholder may apply for, subject to the
1410 conditions of this part, a license to conduct pari-mutuel
1411 operations under this part at the location fixed in the permit
1412 and ratified in the election. After the first license has been
1413 issued to the holder of a ratified permit for pari-mutuel
1414 operations in any county, all subsequent annual applications for
1415 a license by that permitholder must be accompanied by proof, in
1416 such form as the commission requires, that the ratified
1417 permitholder still possesses all the qualifications prescribed
1418 by this part and that the permit has not been recalled at a
1419 later election held in the county.

1420 (11) (a) If a permitholder has failed to complete
1421 construction of at least 50 percent of the facilities necessary
1422 to conduct pari-mutuel operations within 12 months after
1423 approval of the permit by the voters or within 12 months after
1424 receiving the permit if ratification was not required, the
1425 commission shall revoke the permit upon adequate notice to the
1426 permitholder. However, the commission, upon good cause shown by
1427 the permitholder, may grant one extension of up to 12 months.

1428 (b) If a permitholder has failed to conduct live events
1429 for a period of 12 consecutive months, the commission shall
1430 revoke the permit upon adequate notice to the permitholder.

1431 However, the commission, upon good cause shown by the
1432 permitholder, may grant one extension of up to 12 months.

1433 (c) The commission shall revoke any permit issued before
1434 July 1, 2012, under which pari-mutuel wagering on live events,
1435 as defined by this act, has not occurred since July 1, 2012.

1436 (d) The permit of a pari-mutuel wagering permitholder that
1437 does not pay tax on handle for a full schedule of live events
1438 during any 2 consecutive state fiscal years shall be void and
1439 shall escheat to and become the property of the state unless
1440 such failure to operate and pay tax on handle was the direct
1441 result of fire, strike, war, or other disaster or event beyond
1442 the permitholder's control. Financial hardship to the
1443 permitholder is not, in and of itself, just cause for failure to
1444 operate and pay tax on handle.

1445 (e) A permit revoked under this subsection is void and may
1446 not be reissued.

1447 (12) (a) A permit granted under this part may not be
1448 transferred or assigned except upon written approval by the
1449 commission pursuant to s. 551.029.

1450 (b) If a permit to conduct pari-mutuel wagering is held by
1451 a corporation or business entity other than an individual, the
1452 transfer of 10 percent or more of the stock or other evidence of
1453 ownership or equity in the permitholder may not be made without
1454 the prior approval of the transferee by the commission pursuant
1455 to s. 551.029.

1456 (13) Changes in ownership of or interest in a pari-mutuel

1457 permit of 5 percent or more of the stock or other evidence of
1458 ownership or equity in the permitholder shall be approved by the
1459 commission before such change, unless the owner is an existing
1460 owner of that permit who was previously approved by the
1461 commission. Changes in ownership of or interest in a pari-mutuel
1462 permit of less than 5 percent must be reported to the department
1463 within 20 days after the change. The department may then conduct
1464 an investigation to ensure that the permit is properly updated
1465 to show the change in ownership or interest.

1466 Section 27. Effective October 1, 2014, section 551.0221,
1467 Florida Statutes, is created to read:

1468 551.0221 Elections for ratification of permits.—

1469 (1) Any permitholder may have submitted to the electors of
1470 the county designated therein the question of whether such
1471 permit will be ratified. Such question shall be submitted to the
1472 electors for approval or rejection at a special election to be
1473 called for that purpose only. The board of county commissioners
1474 of the county designated, upon the presentation to such board at
1475 a regular or special meeting of a written application,
1476 accompanied by a certified copy of the permit granted by the
1477 commission, and asking for an election in the county in which
1478 the application was made, shall order a special election in the
1479 county for the particular purpose of deciding whether such
1480 permit shall be approved and a license issued and race or game
1481 meetings allowed in the county by such permitholder. The clerk
1482 of such board shall give notice of the special election by

1483 publishing the same once each week for 2 consecutive weeks in
1484 one or more newspapers of general circulation in the county.
1485 Each permit for a pari-mutuel facility must be voted upon
1486 separately and in separate elections. An election may not be
1487 called more often than once every 2 years for the ratification
1488 of any permit for the same pari-mutuel facility.

1489 (2) All elections ordered under this part must be held
1490 within 90 days and not less than 21 days after the time of
1491 presenting the application to the board of county commissioners.
1492 The inspectors of election shall be appointed and qualified as
1493 in cases of general elections, and they shall count the votes
1494 cast and make due returns of the votes to the board of county
1495 commissioners without delay. The board of county commissioners
1496 shall canvass the returns, declare the results, and cause the
1497 results to be recorded as provided in the general law concerning
1498 elections so far as applicable.

1499 (3) If the permitholder has not applied to the board of
1500 county commissioners within 6 months after the permit was issued
1501 by the commission, the permit is void. The commission shall
1502 cancel the permit without notice to the permitholder, and the
1503 board of county commissioners holding the deposit for the
1504 election shall refund the deposit to the permitholder upon being
1505 notified by the commission that the permit is void and has been
1506 canceled.

1507 (4) All electors duly registered and qualified to vote at
1508 the last preceding general election held in the county are

1509 qualified electors for the ratification election. The
1510 registration books for the county shall be opened on the 10th
1511 day after the ratification election is ordered and called,
1512 however, if the 10th day is a Sunday or a holiday, then on the
1513 next day that is not a Sunday or holiday. The registration books
1514 must remain open for 10 days. Electors for the ratification
1515 election have the same qualifications for and prerequisites to
1516 voting in elections as under the general election laws.

1517 (5) If, at any such ratification election, the majority of
1518 electors voting on the question of ratification of a permit vote
1519 against ratification, the permit is void. If a majority of the
1520 electors voting on the question of ratification vote for
1521 ratification, the permit becomes effective, and the permitholder
1522 may conduct events upon complying with the other provisions of
1523 this part. The board of county commissioners shall immediately
1524 certify the results of the election to the department.

1525 Section 28. Effective October 1, 2014, section 551.0222,
1526 Florida Statutes, is created to read:

1527 551.0222 Petition for election to revoke permit.—In any
1528 county where a permitholder has been licensed and racing or
1529 games have been conducted under this part, the county commission
1530 shall, upon petition of 20 percent of the registered electors of
1531 the county, provide for the submission to the electors of such
1532 county at the next succeeding general election the question of
1533 whether a permit shall be revoked. If a majority of the electors
1534 voting on such question in such election vote to revoke the

1535 permit, the commission may no longer grant any license on the
1536 permit. Every signature on every petition to revoke a permit
1537 must be signed in the presence of the clerk of the board of
1538 county commissioners at the office of the clerk of the circuit
1539 court of the county. The petitioner must present at the time of
1540 such signing her or his registration receipt showing the
1541 petitioner's qualification as an elector of the county at the
1542 time of signing the petition. Only one permit may be included in
1543 any one petition. In all elections in which the revocation of
1544 more than one permit is voted on, the voters shall be given an
1545 opportunity to vote for or against the revocation of each permit
1546 separately. This part does not prevent the holding of later
1547 referendum or revocation elections.

1548 Section 29. Effective October 1, 2014, section 551.0241,
1549 Florida Statutes, is created to read:

1550 551.0241 Relocation of permit.-

1551 (1) A licensed pari-mutuel permit holder may apply to the
1552 commission to change the location where it is authorized to
1553 conduct pari-mutuel wagering under its permit pursuant to the
1554 rules of the commission.

1555 (2) The commission may consider a relocation application
1556 only if the applicant provides clear and convincing evidence
1557 that:

1558 (a) The proposal would not have a net negative impact on
1559 state revenues, including those generated under tribal-state
1560 gaming compacts.

1561 (b) The relocation does not cross the county boundary.

1562 (c) Pari-mutuel wagering at the proposed location is
1563 approved under the zoning and land use regulations of the
1564 applicable county or municipality.

1565 (3) The commission may approve a relocation proposal if it
1566 determines such relocation is in the best interests of the
1567 state. In making such determination, the commission shall
1568 consider any impact to state resources, the local community, the
1569 industry and other pari-mutuel wagering licensees.

1570 (4) If the commission approves the relocation, it shall
1571 issue a revised permit setting forth the new location of the
1572 pari-mutuel facility. No pari-mutuel wagering or other gaming
1573 may be conducted at the new location unless the permitholder
1574 receives a license for such wagering or gaming at the new
1575 location pursuant to this chapter. No pari-mutuel wagering or
1576 other gaming may be conducted at the new location unless the
1577 permitholder receives a license for such wagering or gaming at
1578 the new location pursuant to this chapter.

1579 Section 30. Effective October 1, 2014, section 551.0251,
1580 Florida Statutes, is created to read:

1581 551.0251 Limited thoroughbred racing permit.—

1582 (1) In recognition of the important and long-standing
1583 economic contribution of the thoroughbred horse breeding
1584 industry to this state and the state's vested interest in
1585 promoting the continued viability of this agricultural activity,
1586 the state intends to provide a limited opportunity for the

1587 conduct of live thoroughbred racing with the net revenues from
1588 such racing dedicated to the enhancement of thoroughbred purses
1589 and breeder, stallion, and special racing awards under this
1590 part; the general promotion of the thoroughbred horse breeding
1591 industry; and the care in this state of thoroughbred horses
1592 retired from racing.

1593 (2) Notwithstanding any other provision of law, the holder
1594 of a quarter horse racing permit may, within 1 year after July
1595 1, 2010, apply to the commission for a transfer of the quarter
1596 horse racing permit to a not-for-profit corporation formed under
1597 state law to serve the purposes of the state as provided in
1598 subsection (1). The board of directors of the not-for-profit
1599 corporation must be comprised of 11 members, four of whom shall
1600 be designated by the applicant, four of whom shall be designated
1601 by the Florida Thoroughbred Breeders' and Owners' Association,
1602 and three of whom shall be designated by the other eight
1603 directors, with at least one of these three members being an
1604 authorized representative of another thoroughbred racing
1605 licensee in this state. The corporation shall submit an
1606 application to the commission for review and approval of the
1607 transfer in accordance with s. 551.021. Upon approval of the
1608 transfer by the commission, the corporation may, within 1 year
1609 after its receipt of the permit, apply to convert the quarter
1610 horse racing permit to a permit authorizing the holder to
1611 conduct pari-mutuel wagering meets of thoroughbred racing
1612 pursuant to s. 551.0252. Neither the transfer of the quarter

1613 horse racing permit nor its conversion to a limited thoroughbred
1614 racing permit may be subject to the mileage limitation or the
1615 ratification election specified in s. 551.021(2) or s. 551.0221.
1616 The converted permit and the not-for-profit corporation are
1617 subject to the following requirements:

1618 (a) All net revenues derived by the corporation under the
1619 thoroughbred racing permit, after the funding of operating
1620 expenses and capital improvements, shall be dedicated to the
1621 enhancement of thoroughbred racing purses and breeder, stallion,
1622 and special racing awards under this part; the general promotion
1623 of the thoroughbred horse breeding industry; and the care in
1624 this state of thoroughbred horses retired from racing.

1625 (b) From December 1, through April 30, live thoroughbred
1626 racing may not be conducted under the permit on any day during
1627 which another thoroughbred racing licensee is conducting live
1628 thoroughbred racing within 125 air miles of the corporation's
1629 pari-mutuel facility unless the other thoroughbred racing
1630 licensee gives its written consent.

1631 (c) After the conversion of the quarter horse racing
1632 permit and the issuance of its initial license to conduct pari-
1633 mutuel wagering meets of thoroughbred racing, the corporation
1634 must apply annually to the commission for a license pursuant to
1635 s. 551.0521.

1636 (d) Racing under the permit may take place only at the
1637 location for which the original quarter horse racing permit was
1638 issued, which may be leased by the corporation for that purpose.

1639 However, the corporation may apply to move the location of the
 1640 permit to another location in the same county pursuant to s.
 1641 551.0241.

1642 (e) A permit converted under this section is not eligible
 1643 for transfer to another person or entity.

1644 (3) Unless otherwise provided in this section, after
 1645 conversion, the permit and the not-for-profit corporation shall
 1646 be treated under the laws of this state as a thoroughbred racing
 1647 permit and as a thoroughbred racing permitholder, respectively,
 1648 with the exception of s. 551.053(9).

1649 Section 31. Effective October 1, 2014, section 551.0252,
 1650 Florida Statutes, is created to read:

1651 551.0252 Conversion of permit.—

1652 (1) A licensed pari-mutuel wagering permitholder may apply
 1653 to the commission to convert its permit to another class of
 1654 pari-mutuel wagering permit pursuant to the rules of the
 1655 commission.

1656 (2) The commission may consider a conversion application
 1657 only if the applicant provides clear and convincing evidence
 1658 that:

1659 (a) The proposal would not have a negative impact on state
 1660 revenues, including those generated under tribal-state gaming
 1661 compacts.

1662 (b) The proposed activity is approved under the zoning and
 1663 land use regulations of the applicable county or municipality.

1664 (3) The commission may approve a conversion proposal if it

1665 determines such conversion is in the best interests of the
 1666 state. In making such determination, the commission shall
 1667 consider any impact to state resources, the local community, the
 1668 industry and other pari-mutuel wagering licensees.

1669 (4) If the commission approves the conversion, it shall
 1670 issue a revised permit setting forth the new type of pari-mutuel
 1671 activity license.

1672 Section 32. Effective October 1, 2014, section 551.0253,
 1673 Florida Statutes, is created to read:

1674 551.0253 Conversion of permit; Summer jai alai.-

1675 (1) A pari-mutuel permitholder, authorized to conduct
 1676 pari-mutuel pools in any county having five or more such pari-
 1677 mutuel permits, whose play from the operation of such pari-
 1678 mutuel pools for the 2 consecutive years immediately before
 1679 filing an application under this section was the smallest play
 1680 or total pool within the county may apply to the commission to
 1681 convert its permit to a permit to conduct a summer jai alai
 1682 fronton in such county during the summer season beginning May 1
 1683 and ending November 30 of each year on such dates as may be
 1684 selected by the permitholder for the same number of days and
 1685 performances as are allowed and granted to winter jai alai
 1686 frontons within such county. Such permitholder shall pay the
 1687 same taxes as are fixed and required to be paid from the pari-
 1688 mutuel pools of winter jai alai permitholders and is bound by
 1689 all of the rules and provisions of this part which apply to the
 1690 operation of winter jai alai frontons. Such permitholder may

1691 operate a jai alai fronton only after its application has been
1692 approved by the commission and its license has been issued
1693 pursuant to the application. The license is renewable annually
1694 as provided by law.

1695 (2) Such permitholder may apply for a license for the
1696 operation of a jai alai fronton during the summer season as
1697 provided in this section. A permitholder granted a license under
1698 this section may not conduct pari-mutuel pools during the summer
1699 season except at a jai alai fronton as provided in this section.

1700 (3) A license issued under subsection (2) may not allow
1701 the operation of a jai alai fronton during the jai alai winter
1702 season. The jai alai winter licensee and the jai alai summer
1703 licensee may not operate on the same days or in competition with
1704 each other. This section does not prevent the summer jai alai
1705 licensee from leasing the facilities of the winter jai alai
1706 licensee for the operation of the summer meet.

1707 (4) The provisions of this part prohibiting the location
1708 and operation of a jai alai fronton within a specified distance
1709 from the location of another jai alai fronton or other
1710 permitholder do not apply to this section and do not prevent the
1711 issuance of a license under this section.

1712 Section 33. Effective October 1, 2014, section 551.026,
1713 Florida Statutes, is created to read:

1714 551.026 Nonwagering licenses.—

1715 (1) (a) Except as provided in this section, permits and
1716 licenses issued by the commission are intended to be used for

1717 pari-mutuel wagering operations in conjunction with horseraces,
 1718 greyhound races, or jai alai performances.

1719 (b) Subject to the requirements of this section, the
 1720 commission may issue annual licenses for the conduct of
 1721 horserace meets without pari-mutuel wagering or any other form
 1722 of wagering being conducted in conjunction with such meets. A
 1723 pari-mutuel wagering permitholder need not obtain an additional
 1724 permit from the commission for conducting nonwagering racing
 1725 under this section but must apply to the commission for the
 1726 issuance of a license under this section. The holder of a
 1727 nonwagering license is prohibited from conducting pari-mutuel
 1728 wagering or any other form of wagering in conjunction with
 1729 racing conducted under the license. This subsection does not
 1730 prohibit horseracing for any stake, purse, prize, or premium.

1731 (c) The holder of a nonwagering license is exempt from s.
 1732 551.301 and is not required to pay daily license fees and
 1733 admission tax.

1734 (2) (a) A person who is not prohibited from holding any
 1735 type of pari-mutuel permit under s. 551.029 may apply to the
 1736 commission for a nonwagering license. The applicant must
 1737 demonstrate that the location where the nonwagering license will
 1738 be used is available for such use and that the applicant has the
 1739 financial ability to satisfy the reasonably anticipated
 1740 operational expenses.

1741 (b) The department may conduct an eligibility
 1742 investigation to determine whether the applicant meets the

1743 requirements of paragraph (a).

1744 (3) (a) After receipt of an initial nonwagering license,
1745 the licensee may apply to the commission before June 1 of each
1746 year for an annual nonwagering license for the next succeeding
1747 calendar year. The application must set forth the days and
1748 locations at which the licensee will conduct nonwagering
1749 horseracing and must indicate any changes in ownership or
1750 management of the licensee occurring since the date of
1751 application for the prior license. The department may conduct an
1752 eligibility investigation to determine the qualifications of any
1753 new ownership or management interest in the license.

1754 (b) On or before August 1 of each year and upon approval
1755 of the racing dates by the commission, the department shall
1756 issue an annual nonwagering license authorizing the permitholder
1757 to conduct nonwagering horseracing during the succeeding
1758 calendar year during the period and for the number of days set
1759 forth in the application, subject to all other provisions of
1760 this section.

1761 (4) Only horses registered with an established breed
1762 registration organization approved by the commission may be
1763 raced at a race meeting authorized under this section.

1764 (5) The commission may order any person participating in a
1765 nonwagering meet to cease and desist from participating in such
1766 meet if the commission determines that the person is not of good
1767 moral character. The commission may order the operators of a
1768 nonwagering meet to cease and desist from operating the meet if

1769 the commission determines the meet is being operated for any
1770 illegal purpose.

1771 Section 34. Effective October 1, 2014, section 551.029,
1772 Florida Statutes, is created to read:

1773 551.029 Certain persons prohibited from holding permits;
1774 suspension and revocation.-

1775 (1) A corporation, general or limited partnership, sole
1776 proprietorship, business trust, joint venture, unincorporated
1777 association, or other business entity may not hold a pari-mutuel
1778 permit in this state if any one of the persons or entities
1779 specified in paragraph (a) has been determined by the commission
1780 not to be of good moral character or has been convicted of any
1781 offense specified in paragraph (b).

1782 (a)1. The permitholder;

1783 2. An employee of the permitholder;

1784 3. The sole proprietor of the permitholder;

1785 4. A corporate officer or director of the permitholder;

1786 5. A general partner of the permitholder;

1787 6. A trustee of the permitholder;

1788 7. A member of an unincorporated association permitholder;

1789 8. A joint venturer of the permitholder;

1790 9. The owner of more than 5 percent of any equity interest
1791 in the permitholder, whether as a common shareholder, general or
1792 limited partner, voting trustee, or trust beneficiary; or

1793 10. An owner of any interest in the permit or
1794 permitholder, including any immediate family member of the

1795 owner, or holder of any debt, mortgage, contract, or concession
 1796 from the permitholder, who by virtue thereof is able to control
 1797 the business of the permitholder.

1798 (b)1. A felony in this state;

1799 2. A felony in any other state which would be a felony
 1800 under the laws of this state if committed in this state;

1801 3. A felony under the laws of the United States;

1802 4. A felony related to gambling in any other state which
 1803 would be a felony under the laws of this state if committed in
 1804 this state; or

1805 5. Bookmaking as defined in s. 849.25.

1806 (2) (a) If the applicant for a pari-mutuel permit or a
 1807 permitholder has received a full pardon or a restoration of
 1808 civil rights with respect to the conviction specified in
 1809 paragraph (1) (b), the conviction does not constitute an absolute
 1810 bar to the issuance or renewal of a permit or a ground for the
 1811 revocation or suspension of a permit.

1812 (b) A corporation convicted of a felony may apply for and
 1813 receive a restoration of its civil rights in the same manner and
 1814 on the same grounds as an individual.

1815 (3) (a) After notice and hearing, the commission shall
 1816 suspend or refuse to issue or renew, as appropriate, any permit
 1817 in violation of subsection (1). The order shall become effective
 1818 120 days after service of the order upon the permitholder and
 1819 shall be amended to constitute a final order of revocation
 1820 unless the permitholder has, within that 120-day period:

1821 1. Caused the divestiture, or agreed with the convicted
1822 person upon a complete immediate divestiture, of her or his
1823 holding;

1824 2. Petitioned the circuit court as provided in subsection
1825 (4); or

1826 3. In the case of corporate officers or directors of the
1827 permitholder or employees of the permitholder, terminated the
1828 relationship between the permitholder and such persons.

1829 (b) The commission may, by order, extend the 120-day
1830 period for divestiture, upon good cause shown, to avoid
1831 interruption of any meet or to otherwise effectuate this
1832 section. If action has not been taken by the permitholder within
1833 the 120-day period following the issuance of the order of
1834 suspension, the commission shall, without further notice or
1835 hearing, enter a final order of revocation of the permit.

1836 (c) When any permitholder or sole proprietor of a
1837 permitholder is convicted of an offense specified in paragraph
1838 (1)(b), the department may approve a transfer of the permit to a
1839 qualified applicant upon a finding that revocation of the permit
1840 would impair the state's revenue from the operation of the
1841 permit or otherwise be detrimental to the interests of the state
1842 in the regulation of the industry of pari-mutuel wagering.
1843 Notwithstanding any other provision of law, a public referendum
1844 is not required for approval of the transfer under this
1845 paragraph. A petition for transfer after conviction must be
1846 filed with the department within 30 days after service upon the

1847 permitholder of the final order of revocation. The timely filing
1848 of such a petition automatically stays any revocation order
1849 until further order of the department.

1850 (4) The circuit courts have jurisdiction to decide a
1851 petition brought by the holder of a pari-mutuel permit showing
1852 that its permit is in jeopardy of suspension or revocation under
1853 subsection (3) and that it is unable to agree upon the terms of
1854 divestiture of interest with the person specified in
1855 subparagraphs (1)(a)3.-9. who has been convicted of an offense
1856 specified in paragraph (1)(b). The court shall determine the
1857 reasonable value of the interest of the convicted person and
1858 order a divestiture upon such terms and conditions as it finds
1859 just. In determining the value of the interest of the convicted
1860 person, the court may consider, among other matters, the value
1861 of the assets of the permitholder, its good will and value as a
1862 going concern, recent and expected future earnings, and other
1863 criteria usual and customary in the sale of like enterprises.

1864 (5) The commission shall adopt rules for photographing,
1865 fingerprinting, and obtaining personal data of individuals
1866 described in paragraph (1)(a) and obtaining such data regarding
1867 the business entities described in paragraph (1)(a) as necessary
1868 to effectuate this section.

1869 Section 35. Effective October 1, 2014, section 551.0321,
1870 Florida Statutes, is created to read:

1871 551.0321 Permitholder license; bond.-

1872 (1) After a permit has been issued by the division and

1873 approved by election, the division shall issue to the
1874 permitholder an annual license to conduct pari-mutuel operations
1875 at the location specified in the permit pursuant to this part.
1876 Before delivery of an initial license, each permitholder granted
1877 a license under this part must, at its own expense, give a bond
1878 payable to the Governor and the Governor's successors in the
1879 penal sum of \$50,000. Such bond must be in the form of a surety
1880 or sureties approved by the commission and the Chief Financial
1881 Officer and shall be conditioned on the following:

1882 (a) The permitholder faithfully making payments to the
1883 Chief Financial Officer acting in his or her capacity as
1884 treasurer of the commission and department;

1885 (b) The permitholder keeping books and records and making
1886 the required reports; and

1887 (c) The permitholder conducting racing in conformity with
1888 this part.

1889 (2) If the greatest amount of tax owed during any month in
1890 the prior fiscal year in which a full schedule of live racing
1891 was conducted is less than \$50,000, the commission may assess a
1892 bond less than \$50,000. The commission may review the bond for
1893 adequacy and require adjustments to the bond amount each fiscal
1894 year. The commission may adopt rules to implement this
1895 subsection and establish guidelines for such bonds.

1896 (3) The provisions of this part concerning bonding do not
1897 apply to nonwagering licenses issued under s. 551.026.

1898 Section 36. Effective October 1, 2014, section 551.0322,

1899 Florida Statutes, is created to read:

1900 551.0322 License application; periods of operation; bond.—

1901 (1) After a permit has been issued by the commission and
 1902 approved by election, the permitholder may apply for an initial
 1903 annual license to conduct pari-mutuel operations at the location
 1904 specified in the permit pursuant to this part.

1905 (2) Annually, between December 15, and January 4, each
 1906 permitholder shall file with the department its written
 1907 application for a license to conduct performances during the
 1908 next fiscal year. Each application must specify the number,
 1909 dates, and starting times of all performances the permitholder
 1910 intends to conduct and specify which performances will be
 1911 conducted as charity or scholarship performances. In addition,
 1912 each application for a license must include:

1913 (a) For each permitholder that is authorized to accept
 1914 intertrack wagers or receive or rebroadcast out-of-state races,
 1915 the dates and periods of operation that the licensee intends to
 1916 operate such wagering.

1917 (b) For each permitholder that holds a cardroom license,
 1918 the dates and periods of operation that the permitholder intends
 1919 to operate the cardroom.

1920 (c) For each permitholder that holds a slot machine
 1921 license, the dates and periods of operation that the
 1922 permitholder intends to operate slot machines.

1923 (3) After the first license has been issued to a
 1924 permitholder, all subsequent annual applications for a license

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1925 must be accompanied by proof, in such form as the commission may
1926 by rule require, that the permitholder continues to possess the
1927 qualifications required under this part and that the permit has
1928 not been disapproved at a later election.

1929 (4) A permitholder may amend its application through
1930 February 28. After February 28, each permitholder must operate
1931 the full number of days authorized on each of the dates set
1932 forth in its license as a condition precedent to the validity of
1933 its license and its right to retain its permit.

1934 (5) The commission shall issue each license no later than
1935 March 15. Each permitholder shall operate all performances on
1936 the dates and at the times specified on its license. The
1937 commission may approve changes in operating dates after a
1938 license has been issued. The department may approve minor
1939 changes in operating dates after a license has been issued if
1940 there is no objection from any operating licensee located within
1941 50 miles of the licensee requesting the changes in operating
1942 dates. If there is an objection, the commission shall determine
1943 whether to approve the change based upon its impact on operating
1944 licensees located within 50 miles of the licensee requesting the
1945 change in operating dates. In making the determination whether
1946 to change operating dates, the commission shall take into
1947 consideration the impact of such changes on state revenues.

1948 (6) If a licensee fails to operate all performances on the
1949 dates and at the times specified on its license, the commission
1950 shall hold a hearing to determine whether to penalize the

1951 licensee, unless such failure was the direct result of fire,
 1952 strike, war, or other disaster or event beyond the ability of
 1953 the licensee to control. Financial hardship to the licensee is
 1954 not, in and of itself, just cause for failure to operate all
 1955 performances on the dates and at the times specified.

1956 (7) If performances licensed to be operated by a
 1957 permitholder are vacated, are abandoned, or will not be used for
 1958 any reason, any permitholder may, pursuant to department rule,
 1959 apply to conduct performances on the dates for which the
 1960 performances have been abandoned. The commission shall issue an
 1961 amended license for all such replacement performances that have
 1962 been requested in compliance with this part and department
 1963 rules.

1964 (8) A pari-mutuel permitholder may apply to the commission
 1965 to place the pari-mutuel permit into inactive status for a
 1966 period of 12 months pursuant to the rules of the department. The
 1967 commission, upon good cause shown by the permitholder, may renew
 1968 inactive status for up to 12 months. A permit may not be in
 1969 inactive status for a period of more than 24 consecutive months.
 1970 Holders of permits in inactive status are not eligible for
 1971 licensure for pari-mutuel wagering, slot machines, or cardrooms.

1972 Section 37. Effective October 1, 2014, section 551.033,
 1973 Florida Statutes, is created to read:

1974 551.033 Payment of daily license fee and taxes;
 1975 penalties.-

1976 (1) PAYMENT AND DISPOSITION OF FEES AND TAXES.-Payments

1977 imposed by ss. 551.043, 551.053, 551.0543, 551.0553, and 551.063
 1978 shall be paid to the commission for deposit into the Gaming
 1979 Control Trust Fund, hereby established. The licensee shall remit
 1980 to the commission payment for the daily license fee, the
 1981 admission tax, the tax on handle, and the breaks tax. Such
 1982 payments shall be remitted by 3 p.m. on the 5th day of each
 1983 calendar month for taxes imposed and collected for the preceding
 1984 calendar month. If the 5th day of the calendar month falls on a
 1985 weekend, payments shall be remitted by 3 p.m. the first Monday
 1986 following the weekend. Licensees shall file a report under oath
 1987 by the 5th day of each calendar month for all taxes remitted
 1988 during the preceding calendar month. Such payments shall be
 1989 accompanied by a report under oath showing the total of all
 1990 admissions, the pari-mutuel wagering activities for the
 1991 preceding calendar month, and such other information required by
 1992 the commission.

1993 (2) PENALTIES.—

1994 (a) A licensee that fails to make payments as required in
 1995 subsection (1) may be subjected by the commission to a civil
 1996 penalty of up to \$1,000 for each day the tax payment is not
 1997 remitted. All penalties imposed and collected shall be deposited
 1998 in the General Revenue Fund. If a permit holder fails to pay
 1999 penalties imposed by order of the commission under this
 2000 subsection, the commission may suspend or revoke the license of
 2001 the licensee, cancel the permit of the licensee, or deny
 2002 issuance of any further license or permit to the licensee.

2003 (b) In addition to the civil penalty in paragraph (a), any
 2004 willful or wanton failure by a licensee to make payments of the
 2005 daily license fee, admission tax, tax on handle, or breaks tax
 2006 constitutes sufficient grounds for the commission to suspend or
 2007 revoke the license of the licensee, cancel the permit of the
 2008 licensee, or deny issuance of any further license or permit to
 2009 the licensee.

2010 Section 38. Effective October 1, 2014, section 551.034,
 2011 Florida Statutes, is created to read:

2012 551.034 Uniform reporting system.—

2013 (1) The Legislature finds that a uniform reporting system
 2014 should be developed to provide acceptable uniform financial data
 2015 and statistics.

2016 (2) (a) Each permitholder that conducts events under this
 2017 part shall keep records that clearly show the total number of
 2018 admissions and the total amount of money contributed to each
 2019 pari-mutuel pool on each event separately and the amount of
 2020 money received daily from admission fees and, within 120 days
 2021 after the end of its fiscal year, shall submit to the department
 2022 a complete annual report of its accounts, audited by a certified
 2023 public accountant licensed to practice in the state.

2024 (b) The department shall adopt rules specifying the form
 2025 and content of such reports, including, but not limited to,
 2026 requirements for a financial statement of assets and
 2027 liabilities, operating revenues and expenses, and net worth and
 2028 any supporting informational schedule found necessary by the

2029 commission to verify the financial statement. The financial
2030 statement must be audited by a certified public accountant
2031 licensed to practice in this state, and any supporting
2032 informational schedule must be attested to under oath by the
2033 permitholder or an officer of record. The form and content of
2034 such reports must permit the commission to:

2035 1. Assess the profitability and financial soundness of
2036 permitholders, both individually and as an industry;

2037 2. Plan and recommend measures necessary to preserve and
2038 protect the pari-mutuel revenues of the state; and

2039 3. Completely identify the holdings, transactions, and
2040 investments of permitholders with other business entities.

2041 (c) The Auditor General and the Office of Program Policy
2042 Analysis and Government Accountability may, pursuant to their
2043 own authority or at the direction of the Legislative Auditing
2044 Committee, audit, examine, and check the books and records of
2045 any permitholder. These audit reports shall become part of, and
2046 be maintained in, the commission files.

2047 (d) The commission shall annually review the books and
2048 records of each permitholder and verify that the breaks and
2049 unclaimed ticket payments made by each permitholder are true and
2050 correct.

2051 Section 39. Effective October 1, 2014, section 551.035,
2052 Florida Statutes, is created to read:

2053 551.035 Distribution of moneys.-

2054 (1) All moneys deposited into the Gaming Control Trust

2055 Fund under this part shall be distributed as follows:

2056 (a) The daily license fee revenues collected pursuant to

2057 ss. 551.043(2), 551.053(2), 551.0543(2), 551.0553(1), and

2058 551.063(2) shall be used to fund the operating cost of the

2059 commission and department and to provide a proportionate share

2060 of the operation of the office of the secretary and the Division

2061 of Administration of the department; however, other revenues in

2062 the Gaming Control Trust Fund may also be used to fund the

2063 operation of the commission and department in accordance with

2064 authorized appropriations.

2065 (b) All unappropriated funds in excess of \$1.5 million

2066 shall be deposited into the General Revenue Fund.

2067 (2) The slot machine license fee, the slot machine

2068 occupational license fee, and the compulsive or addictive

2069 gambling prevention program fee collected pursuant to ss.

2070 551.106, 551.302(2)(a)1., and 551.118 shall be used to fund the

2071 direct and indirect operating expenses of the department's slot

2072 machine regulation operations and to provide funding for

2073 relevant enforcement activities in accordance with authorized

2074 appropriations. Funds deposited into the Gaming Control Trust

2075 Fund pursuant to ss. 551.106, 551.302(2)(a)1., and 551.118 shall

2076 be reserved in the trust fund for slot machine regulation

2077 operations. On June 30, any unappropriated funds in excess of

2078 those necessary for incurred obligations and subsequent year

2079 cash flow for slot machine regulation operations shall be

2080 deposited into the General Revenue Fund.

2081 Section 40. Effective October 1, 2014, section 551.036,
 2082 Florida Statutes, is created to read:

2083 551.036 Escheat to state of abandoned interest in or
 2084 contribution to pari-mutuel pools.-

2085 (1) It is the public policy of the state, while protecting
 2086 the interest of the owners, to possess all unclaimed and
 2087 abandoned interests in or contributions to certain pari-mutuel
 2088 pools conducted in this state under this part for the benefit of
 2089 all the people of the state. This section shall be liberally
 2090 construed to accomplish the purposes of this section.

2091 (2) Except as otherwise provided in this part, all money
 2092 or other property represented by any unclaimed, uncashed, or
 2093 abandoned pari-mutuel ticket that has remained in the custody or
 2094 under the control of any licensee for a period of 1 year after
 2095 the date the pari-mutuel ticket was issued, if the rightful
 2096 owner or owners thereof have made no claim or demand for such
 2097 money or other property within the 1-year period, shall escheat
 2098 to and become the property of the state.

2099 (3) Annually, within 60 days after the close of the race
 2100 meeting of the licensee, all money or other property that has
 2101 escheated to the state under this section and that is held by
 2102 the licensee shall be paid by such licensee to the Chief
 2103 Financial Officer for deposit into the State School Fund to be
 2104 used for support and maintenance of public free schools as
 2105 required by s. 6, Art. IX of the State Constitution.

2106 Section 41. Effective October 1, 2014, section 551.037,

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2107 Florida Statutes, is created to read:

2108 551.037 Lease of pari-mutuel facilities.— Holders of valid
2109 pari-mutuel permits for the conduct of any jai alai games,
2110 greyhound racing, or thoroughbred or harness racing in this
2111 state may lease their facilities to any other holder that is
2112 located within a 35-mile radius and holds a same class valid
2113 pari-mutuel permit for jai alai games, greyhound racing, or
2114 thoroughbred or harness racing. Such lessee is entitled to a
2115 license to operate its race meet or jai alai games at the leased
2116 premises.

2117 Section 42. Effective October 1, 2014, section 551.038,
2118 Florida Statutes, is created to read:

2119 551.038 Proposed capital improvement.— If a permitholder
2120 licensed under this part proposes a capital improvement to a
2121 pari-mutuel facility existing on June 23, 1981, which capital
2122 improvement requires, pursuant to any municipal or county
2123 ordinance, resolution, or regulation, the qualification or
2124 approval of the municipality or county in which the permitholder
2125 conducts its business operations, the capital improvement shall
2126 be approved. Such permitholder must pay the municipality or
2127 county the cost of a building permit, and the improvement must
2128 be contiguous to or within the existing pari-mutuel facility
2129 site. However, the municipality or county shall deny approval of
2130 the capital improvement if the municipality or county can show
2131 that the proposed improvement presents a justifiable and
2132 immediate hazard to the health and safety of municipal or county

2133 residents or if the improvement qualifies as a development of
 2134 regional impact as defined in s. 380.06.

2135 Section 43. Effective October 1, 2014, section 551.039,
 2136 Florida Statutes, is created to read:

2137 551.039 Charity and scholarship days; derbies.-

2138 (1) The commission may, upon the request of any licensee,
 2139 authorize the licensee to hold up to five charity or scholarship
 2140 days in addition to the regular racing or game days authorized
 2141 by law.

2142 (2) The commission shall maintain a list of charities
 2143 approved to receive the proceeds of charity and scholarship
 2144 performances. The commission shall not approve any charity that
 2145 fails to provide evidence of compliance with chapter 496 and
 2146 possession of a valid exemption from federal taxation issued by
 2147 the Internal Revenue Service. The authorized list must include
 2148 the Racing Scholarship Trust Fund, the Historical Resources
 2149 Operating Trust Fund, major state and private institutions of
 2150 higher learning, and Florida community colleges.

2151 (3) The licensee shall, within 120 days after the
 2152 conclusion of its fiscal year, pay to the authorized charities
 2153 the total of all profits derived from the operation of the
 2154 charity or scholarship day performances conducted. If charity or
 2155 scholarship days are operated on behalf of another licensee
 2156 pursuant to law, the licensee entitled to distribute the
 2157 proceeds shall distribute the proceeds to charity within 30 days
 2158 after the actual receipt of the proceeds.

2159 (4) The total of all profits derived from the conduct of a
2160 charity or scholarship day performance must include all revenues
2161 derived from the conduct of that performance, including all
2162 state taxes that would otherwise be due to the state, except
2163 that the daily license fee as provided in ss. 551.043(2),
2164 551.053(2), 551.0543(2), 551.0553(1), and 551.063(2) and the
2165 breaks for the promotional trust funds as provided in ss.
2166 551.0523(2), 551.0542(2), 551.0552(2), and 551.056(1) and (2)
2167 shall be paid to the department. All other revenues from the
2168 charity or scholarship performance, including the commissions,
2169 breaks, and admissions and the revenues from parking, programs,
2170 and concessions, shall be included in the total of all profits.

2171 (5) In determining profit, the licensee may elect to
2172 distribute as proceeds only the amount equal to the state tax
2173 that would otherwise be paid to the state if the charity or
2174 scholarship day were conducted as a regular or matinee
2175 performance.

2176 (6) (a) The commission may authorize one additional
2177 scholarship day for horseracing in addition to the regular
2178 racing days authorized by this part and any additional days
2179 authorized by this section, to be conducted at all horse tracks
2180 located in Hillsborough County.

2181 (b) The funds derived from the operation of the additional
2182 scholarship day shall be allocated as provided in this section
2183 and paid to Pasco-Hernando Community College.

2184 (7) In addition to the charity or scholarship days

2185 authorized by this section, any greyhound racing permitholder
 2186 may allow its facility to be used for conducting "hound dog
 2187 derbies" or "mutt derbies" on any day during each racing season
 2188 by any charitable, civic, or nonprofit organization for the
 2189 purpose of conducting "hound dog derbies" or "mutt derbies" if
 2190 only dogs other than greyhounds are permitted to race and if
 2191 adults and minors are allowed to participate as dog owners or
 2192 spectators. During these racing events, betting, gambling, and
 2193 the sale or use of alcoholic beverages are prohibited.

2194 (8) In addition to the eligible charities that meet the
 2195 criteria set forth in this section, a jai alai licensee may
 2196 conduct two additional charity performances each fiscal year for
 2197 a fund to benefit retired jai alai players. This performance
 2198 shall be known as the "Retired Jai Alai Players Charity Day."
 2199 The administration of this fund shall be determined by rule by
 2200 the department.

2201 Section 44. Effective October 1, 2014, section 551.042,
 2202 Florida Statutes, is created to read:

2203 551.042 Greyhound racing; purse requirements.-

2204 (1) For a greyhound racing permitholder, a full schedule
 2205 of live events is a combination of at least 100 live evening or
 2206 matinee performances during the state fiscal year.

2207 (2) The department shall determine for each greyhound
 2208 racing permitholder the annual purse percentage rate of live
 2209 handle for the 1993-1994 state fiscal year by dividing total
 2210 purses paid on live handle by the permitholder, exclusive of

2211 payments made from outside sources, during the 1993-1994 state
2212 fiscal year by the permitholder's live handle for the 1993-1994
2213 state fiscal year. Each permitholder shall pay as purses for
2214 live races conducted during its current race meet a percentage
2215 of its live handle not less than the percentage determined under
2216 this subsection, exclusive of payments made by outside sources,
2217 for its 1993-1994 state fiscal year.

2218 (3) Except as otherwise set forth in this section, in
2219 addition to the minimum purse percentage required under
2220 subsection (2), each permitholder shall pay as purses an annual
2221 amount equal to 75 percent of the daily license fees paid by
2222 each permitholder for the 1994-1995 fiscal year. This purse
2223 supplement shall be disbursed weekly during the permitholder's
2224 race meet in an amount determined by dividing the annual purse
2225 supplement by the number of performances approved for the
2226 permitholder pursuant to its annual license and multiplying that
2227 amount by the number of performances conducted each week. For
2228 the greyhound racing permitholders in the county where there are
2229 two greyhound racing permitholders located as specified in s.
2230 551.073(6), such permitholders shall pay in the aggregate an
2231 amount equal to 75 percent of the daily license fees paid by
2232 such permitholders for the 1994-1995 fiscal year. These
2233 permitholders shall be jointly and severally liable for such
2234 purse payments. The additional purses provided by this
2235 subsection must be used exclusively for purses other than
2236 stakes. The department shall conduct audits necessary to ensure

2237 compliance with this section.

2238 (4) (a) Each greyhound racing licensee, when conducting at
 2239 least three live performances during any week, shall pay purses
 2240 in that week on wagers it accepts as a guest facility on
 2241 intertrack and simulcast greyhound races at the same rate as it
 2242 pays on live races. Each greyhound racing licensee, when
 2243 conducting at least three live performances during any week,
 2244 shall pay purses in that week, at the same rate as it pays on
 2245 live races, on wagers accepted on greyhound races at a guest
 2246 facility that is not conducting live racing and that is located
 2247 within the same market area as the greyhound racing licensee
 2248 conducting at least three live performances during any week.

2249 (b) Each host greyhound racing licensee shall pay purses
 2250 on its simulcast and intertrack broadcasts of greyhound races to
 2251 guest facilities that are located outside its market area in an
 2252 amount equal to one quarter of an amount determined by
 2253 subtracting the transmission costs of sending the simulcast or
 2254 intertrack broadcasts from an amount determined by adding the
 2255 fees received for greyhound simulcast races plus 3 percent of
 2256 the greyhound intertrack handle at guest facilities that are
 2257 located outside the market area of the host and that paid
 2258 contractual fees to the host for such broadcasts of greyhound
 2259 races.

2260 (5) In addition to the purse requirements of subsections
 2261 (2)-(4), each greyhound racing permitholder shall pay as purses
 2262 an amount equal to one-third of the amount of the tax reduction

2263 on live and simulcast handle applicable to such permitholder as
2264 a result of the reductions in tax rates provided through s.
2265 551.043(4). With respect to intertrack wagering when the host
2266 and guest facilities are greyhound racing permitholders not
2267 within the same market area, an amount equal to the tax
2268 reduction applicable to the guest facility handle as a result of
2269 the reduction in tax rate provided through s. 551.043(5) shall
2270 be distributed to the guest facility, one-third of which amount
2271 shall be paid as purses at the guest facility. However, if the
2272 guest facility is a greyhound racing permitholder within the
2273 market area of the host or if the guest facility is not a
2274 greyhound racing permitholder, an amount equal to such tax
2275 reduction applicable to the guest facility handle shall be
2276 retained by the host facility, one-third of which amount shall
2277 be paid as purses at the host facility. These purse funds shall
2278 be disbursed in the week received if the permitholder conducts
2279 at least one live performance during that week. If the
2280 permitholder does not conduct at least one live performance
2281 during the week in which the purse funds are received, the purse
2282 funds shall be disbursed weekly during the permitholder's next
2283 race meet in an amount determined by dividing the purse amount
2284 by the number of performances approved for the permitholder
2285 pursuant to its annual license and multiplying that amount by
2286 the number of performances conducted each week. The department
2287 shall conduct audits as necessary to ensure compliance with this
2288 section.

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2289 (6) Each greyhound racing licensee shall, during the
2290 licensee's race meet, supply kennel operators and the department
2291 with a weekly report showing purses paid on live greyhound races
2292 and all greyhound intertrack and simulcast broadcasts, including
2293 both as a guest and a host together with the handle or
2294 commission calculations on which such purses were paid and the
2295 transmission costs of sending the simulcast or intertrack
2296 broadcasts, so that the kennel operators may determine statutory
2297 and contractual compliance.

2298 (7) Each greyhound racing licensee shall make direct
2299 payment of purses to the greyhound owners who have filed with
2300 such licensee appropriate federal taxpayer identification
2301 information based on the percentage amount agreed upon between
2302 the kennel operator and the greyhound owner.

2303 (8) At the request of a majority of kennel operators under
2304 contract with a greyhound racing licensee, the licensee shall
2305 make deductions from purses paid to each kennel operator
2306 electing such deduction and shall make a direct payment of such
2307 deductions to the local association of greyhound kennel
2308 operators formed by a majority of kennel operators under
2309 contract with the licensee. The amount of the deduction shall be
2310 at least 1 percent of purses as determined by the local
2311 association of greyhound kennel operators. A deduction may not
2312 be taken pursuant to this subsection without a kennel operator's
2313 specific approval.

2314 Section 45. Effective October 1, 2014, section 551.043,

2315 Florida Statutes, is created to read:

2316 551.043 Greyhound racing; taxes and fees.-

2317 (1) FINDINGS.-

2318 (a) The Legislature finds that the operation of a
 2319 greyhound race track and legalized pari-mutuel betting at
 2320 greyhound race tracks in this state is a privilege and is an
 2321 operation that requires strict supervision and regulation in the
 2322 best interests of the state. Pari-mutuel wagering at greyhound
 2323 race tracks in this state is a substantial business, and taxes
 2324 derived from wagering constitute part of the tax structures of
 2325 the state and the counties. The operators of greyhound race
 2326 tracks should pay their fair share of taxes to the state but
 2327 should not be taxed to such an extent as to cause a track that
 2328 is operated under sound business principles to be forced out of
 2329 business.

2330 (b) A permitholder that conducts greyhound racing under
 2331 this part must pay the daily license fee, the admission tax, the
 2332 breaks tax, and the tax on pari-mutuel handle and is subject to
 2333 all penalties and sanctions provided in s. 551.033(2).

2334 (2) DAILY LICENSE FEE.- Each licensed permitholder engaged
 2335 in the business of conducting greyhound race meetings shall pay
 2336 to the department, for the use of the department, a daily
 2337 license fee on each live or simulcast pari-mutuel event of \$80
 2338 for each greyhound race conducted at the licensee's racetrack.
 2339 Each permitholder shall pay daily license fees not to exceed
 2340 \$500 per day on any simulcast event on which such permitholder

2341 accepts wagers regardless of the number of out-of-state events
 2342 taken or the number of out-of-state locations from which such
 2343 events are taken. The daily license fees shall be remitted to
 2344 the Chief Financial Officer for deposit into the Gaming Control
 2345 Trust Fund.

2346 (3) ADMISSION TAX.—An admission tax equal to the greater
 2347 of 15 percent of the admission charge for entrance to the
 2348 permitholder's facility and grandstand area or 10 cents is
 2349 imposed on each person attending a greyhound race. The
 2350 permitholder is responsible for collecting the admission tax.

2351 (4) TAX ON LIVE HANDLE.—Each licensee shall pay a tax on
 2352 live handle from races conducted by the licensee. The tax is
 2353 imposed daily and is based on the total contributions to all
 2354 pari-mutuel pools conducted during the daily live performance.
 2355 If a licensee conducts more than one live performance daily, the
 2356 tax is imposed on each live performance separately.

2357 (a) The tax on live handle for greyhound racing
 2358 performances is 5.5 percent of the handle.

2359 (b) Notwithstanding paragraph (a), the tax on live handle
 2360 for charity or scholarship greyhound racing performances held
 2361 pursuant to s. 551.039 is 7.6 percent of the handle.

2362 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host
 2363 facility is a greyhound race track, the tax on handle for
 2364 intertrack wagering is 5.5 percent of the handle with the
 2365 following exceptions:

2366 (a) On broadcasts of charity or scholarship performances

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2367 held pursuant to s. 551.039, if the guest facility is a
2368 greyhound race track located within the market area of the host
2369 facility, the tax on handle for intertrack wagering at the guest
2370 greyhound race track is 7.6 percent of the handle.

2371 (b) If the guest facility is located outside the market
2372 area of the host facility and within the market area of a
2373 thoroughbred racing licensee currently conducting a live race
2374 meet, the tax on handle for intertrack wagering is 0.5 percent
2375 of the handle.

2376 (c) If the guest facility is a greyhound race track
2377 located in an area of the state in which there are only three
2378 permitholders, all of which are greyhound permitholders, located
2379 in three contiguous counties, on events received from a
2380 greyhound racing permitholder also located within such area, the
2381 tax on handle for intertrack wagering is 3.9 percent of the
2382 handle.

2383 (d) If the guest facility is a greyhound race track
2384 located as specified in s. 551.073(6) or (9), on events received
2385 from a greyhound racing permitholder located within the same
2386 market area, the tax on handle for intertrack wagering is 3.9
2387 percent of the handle.

2388 (6) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL
2389 POOLS.—All money or other property represented by any unclaimed,
2390 uncashed, or abandoned pari-mutuel ticket which has remained in
2391 the custody of or under the control of any permitholder
2392 authorized to conduct greyhound racing pari-mutuel pools in this

2393 state for a period of 1 year after the date the pari-mutuel
 2394 ticket was issued, if the rightful owner or owners thereof have
 2395 made no claim or demand for such money or other property within
 2396 that 1-year period, shall, with respect to live races conducted
 2397 by the permitholder, be remitted to the state pursuant to s.
 2398 551.036.

2399 (7) TAX CREDITS.—

2400 (a) Each greyhound racing permitholder shall receive in
 2401 the current state fiscal year a tax credit equal to the number
 2402 of live greyhound races conducted in the preceding state fiscal
 2403 year multiplied by the daily license fee per race as specified
 2404 in subsection (2) for the preceding state fiscal year. This tax
 2405 credit applies to any tax imposed by this part or the daily
 2406 license fees imposed by this part except during any charity or
 2407 scholarship performances conducted pursuant to s. 551.039.

2408 (b) A greyhound racing permitholder may receive a tax
 2409 credit equal to the actual amount remitted to the state in the
 2410 preceding state fiscal year pursuant to subsection (6) with
 2411 respect to live races. The credit may be applied against any
 2412 taxes imposed under this part. Each such greyhound racing
 2413 permitholder shall pay, from any source, including the proceeds
 2414 from performances conducted pursuant to s. 551.039, an amount
 2415 not less than 10 percent of the amount of the credit provided by
 2416 this paragraph to any organization that promotes or encourages
 2417 adoption of greyhounds, provides evidence of compliance with
 2418 chapter 496, and possesses a valid exemption from federal

2419 taxation issued by the Internal Revenue Service. Such
2420 organization must, as a condition of adoption, provide
2421 sterilization of greyhounds by a licensed veterinarian before
2422 giving custody of the greyhound to the adopter. The fee for
2423 sterilization may be included in the cost of adoption.

2424 (c)1. After providing written notice to the commission, a
2425 permitholder unable to use the full amount of the exemption
2426 provided in paragraph (8) (c) or the daily license fee credit
2427 provided in this subsection may elect once per state fiscal
2428 year, on a form provided by the department, to transfer such
2429 exemption or credit or any portion thereof to any greyhound
2430 racing permitholder that acts as a host facility to such
2431 permitholder for the purpose of intertrack wagering. Once an
2432 election to transfer such exemption or credit is filed with the
2433 commission, it may not be rescinded. The commission may not
2434 approve the transfer if:

2435 a. The amount of the exemption or credit or portion
2436 thereof is unavailable to the transferring permitholder; or
2437 b. The permitholder who is entitled to transfer the
2438 exemption or credit or who is entitled to receive the exemption
2439 or credit owes taxes to the state pursuant to a deficiency
2440 letter or administrative complaint issued by the commission.

2441 2. Upon approval of the transfer by the commission, the
2442 transferred tax exemption or credit shall be effective for the
2443 first performance of the next payment period as specified in s.
2444 551.033(1). The exemption or credit transferred to such host

2445 facility may be applied by the host facility against any taxes
2446 imposed by this part or daily license fees imposed by this part.
2447 The greyhound racing permitholder host facility to which such
2448 exemption or credit is transferred shall reimburse such
2449 permitholder the exact monetary value of such transferred
2450 exemption or credit as actually applied against the taxes and
2451 daily license fees of the host facility.

2452 3. The department shall ensure that all transfers of
2453 exemption or credit are made in accordance with this subsection
2454 and may adopt rules to implement this section.

2455 (8) TAX EXEMPTIONS.—

2456 (a) An admission tax under this part or chapter 212 may
2457 not be imposed on any free passes or complimentary cards issued
2458 to persons for which there is no cost to the person for
2459 admission to pari-mutuel events.

2460 (b) A permitholder may issue tax-free passes to its
2461 officers, officials, and employees; to other persons actually
2462 engaged in working at the facility, including accredited press
2463 representatives such as reporters and editors; and to other
2464 permitholders for the use of their officers and officials. The
2465 permitholder shall file with the department a list of all
2466 persons to whom tax-free passes are issued under this paragraph.

2467 (c) A permitholder shall pay no tax on handle until such
2468 time as this paragraph has resulted in a tax savings per state
2469 fiscal year of \$360,000. Thereafter, each permitholder shall pay
2470 the tax as specified in subsections (4) and (5) on all handle

2471 for the remainder of the permitholder's current race meet. For
2472 the three permitholders that conducted a full schedule of live
2473 racing in 1995 and that are closest to another state that
2474 authorizes greyhound pari-mutuel wagering, the maximum tax
2475 savings per state fiscal year shall be \$500,000. The provisions
2476 of this paragraph relating to tax exemptions do not apply to any
2477 charity or scholarship performances conducted pursuant to s.
2478 551.039.

2479 Section 46. Effective October 1, 2014, section 551.045,
2480 Florida Statutes, is created to read:

2481 551.045 Greyhound adoptions.—

2482 (1) Each greyhound racing permitholder operating a
2483 greyhound racing facility in this state shall provide for a
2484 greyhound adoption booth to be located at the facility. The
2485 greyhound adoption booth must be operated on weekends by
2486 personnel or volunteers from an organization that promotes or
2487 encourages the adoption of greyhounds and meets the requirements
2488 for such organization specified in s. 551.043. As used in this
2489 section, the term "weekend" includes the hours during which live
2490 greyhound racing is conducted on Friday, Saturday, or Sunday.
2491 Information pamphlets and application forms shall be provided to
2492 the public upon request. The kennel operator or owner shall
2493 notify the permitholder that a greyhound is available for
2494 adoption, and the permitholder shall provide information
2495 concerning the adoption of a greyhound in each race program and
2496 shall post adoption information at conspicuous locations

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2497 throughout the greyhound racing facility. Any greyhound
2498 participating in a race which will be available for future
2499 adoption must be noted in the race program. The permitholder
2500 shall allow greyhounds to be walked through the track facility
2501 to publicize the greyhound adoption program.

2502 (2) In addition to the charity days authorized under s.
2503 551.039, a greyhound racing permitholder may fund the greyhound
2504 adoption program by holding a charity racing day designated as
2505 "Greyhound Adopt-A-Pet Day." All profits derived from the
2506 operation of the charity day must be placed into a fund used to
2507 support activities at the racing facility which promote the
2508 adoption of greyhounds. The department may adopt rules for
2509 administering the fund. Proceeds from the charity day authorized
2510 in this subsection may not be used as a source of funds for the
2511 purposes set forth in s. 551.043.

2512 (3) The commission may impose a penalty as provided in s.
2513 551.0013(1)(h) for a violation of this section by a permitholder
2514 or licensee and require the permitholder or licensee to take
2515 corrective action.

2516 Section 47. Effective October 1, 2014, section 551.0511,
2517 Florida Statutes, is created to read:

2518 551.0511 Horseracing; purse requirement; breeder and owner
2519 awards.—

2520 (1) The Legislature finds that the purse structure and the
2521 availability of breeder awards are important factors in
2522 attracting the entry of well-bred horses in race meets in this

2523 state, which in turn helps to produce maximum racing revenues
2524 for the state and the counties.

2525 (2) Each licensee conducting a horserace meet must pay
2526 from the takeout withheld on pari-mutuel pools a sum for purses
2527 in accordance with the type of race performed.

2528 (3) (a) Takeout may be used for the payment of awards to
2529 owners of registered Florida-bred horses placing first in a
2530 claiming race, an allowance race, a maiden special race, or a
2531 stakes race in which the announced purse, exclusive of entry and
2532 starting fees and added moneys, does not exceed \$40,000.

2533 (b) The licensee shall determine for each qualified race
2534 the amount of the owner award for which a registered Florida-
2535 bred horse will be eligible. The amount of the available owner
2536 award shall be established in the same manner in which purses
2537 are established and shall be published in the condition book for
2538 the period during which the race is to be conducted. A single
2539 award may not exceed 50 percent of the gross purse for the race
2540 won.

2541 (c) If the moneys generated under paragraph (a) during the
2542 meet exceed owner awards earned during the meet, the excess
2543 funds shall be held in a separate interest-bearing account, and
2544 the total interest and principal shall be used to increase the
2545 owner awards during the licensee's next meet.

2546 (d) Breeder awards for thoroughbred racing and harness
2547 racing authorized by ss. 551.0523(2) and 551.0542(2) may not be
2548 paid on owner awards.

2549 (e) This subsection governs only those owner awards paid
2550 on thoroughbred races in this state unless a written agreement
2551 is filed with the department which establishes the rate,
2552 procedures, and eligibility requirements for owner awards,
2553 including place of finish, class of race, maximum purse, and
2554 maximum award and the agreement is entered into by the licensee,
2555 the Florida Thoroughbred Breeders' and Owners' Association, and
2556 the association representing a majority of the racehorse owners
2557 and trainers at the permitholder's location.

2558 (4) The department shall adopt reasonable rules to ensure
2559 the timely and accurate payment of all amounts withheld by
2560 horseracing licensees regarding the distribution of purses,
2561 owner awards, and other amounts collected for payment to owners
2562 and breeders. Each licensee that fails to pay out all moneys
2563 collected for payment to owners and breeders shall, within 10
2564 days after the end of the meet during which the licensee
2565 underpaid, deposit an amount equal to the underpayment into a
2566 separate interest-bearing account to be distributed to owners
2567 and breeders in accordance with department rules.

2568 Section 48. Effective October 1, 2014, section 551.0512,
2569 Florida Statutes, is created to read:

2570 551.0512 Breeder awards.—

2571 (1) The purpose of this section is to encourage the
2572 agricultural activity of breeding and training racehorses in
2573 this state. Moneys dedicated in this part for use as breeder
2574 awards and stallion awards are to be used for awards to breeders

2575 of registered Florida-bred horses winning horseraces and for
2576 similar awards to the owners of stallions who sired Florida-bred
2577 horses winning stakes races, if the stallions are registered as
2578 Florida stallions standing in this state. The awards shall be
2579 given at a uniform rate to all winners of the awards. Such
2580 awards may not be greater than 20 percent or less than 15
2581 percent of the announced gross purse if funds are available. No
2582 less than 17 percent and no more than 40 percent, as determined
2583 by the Florida Thoroughbred Breeders' and Owners' Association,
2584 of the moneys dedicated in this part for use as breeder awards
2585 and stallion awards for thoroughbreds shall be returned pro rata
2586 to the licensees that generated the moneys for special racing
2587 awards and shall be distributed by the licensees to owners of
2588 thoroughbred horses participating in prescribed thoroughbred
2589 stakes races, nonstakes races, or both, pursuant to a written
2590 agreement establishing the rate, procedure, and eligibility
2591 requirements for such awards entered into by the licensee, the
2592 Florida Thoroughbred Breeders' and Owners' Association, and the
2593 Florida Horsemen's Benevolent and Protective Association, Inc.
2594 However, the plan for the distribution by any licensee located
2595 in the area described in s. 551.073(9) shall be agreed upon by
2596 that licensee, the Florida Thoroughbred Breeders' and Owners'
2597 Association, and the association representing a majority of the
2598 thoroughbred racehorse owners and trainers at that location.
2599 Awards for thoroughbred races are to be paid through the Florida
2600 Thoroughbred Breeders' and Owners' Association, and awards for

2601 standardbred races are to be paid through the Florida
2602 Standardbred Breeders and Owners Association. Among other
2603 sources specified in this part, moneys for thoroughbred breeder
2604 awards will come from the 0.955 percent of handle for
2605 thoroughbred races conducted, received, broadcast, or simulcast
2606 under this part as provided in s. 551.0523(2). The moneys for
2607 quarter horse and harness horse breeder awards will come from
2608 the breaks and uncashed tickets on live quarter horse and
2609 harness racing performances and 1 percent of handle on
2610 intertrack wagering. The funds for the breeder awards shall be
2611 paid to the respective breeder associations by the licensees
2612 conducting the races.

2613 (2) Each breeder association shall develop a plan each
2614 year that will provide for a uniform rate of payment and
2615 procedure for breeder and stallion awards. The plan for payment
2616 of breeder and stallion awards may set a cap on winnings and may
2617 limit, exclude, or defer payments on certain classes of races,
2618 such as the Florida stallion stakes races, in order to ensure
2619 that there are adequate revenues to meet the proposed uniform
2620 rate. Priority shall be placed on imposing such restrictions in
2621 lieu of allowing the uniform rate for breeder and stallion
2622 awards to be less than 15 percent of the total purse payment.
2623 The plan must provide for the maximum possible payments within
2624 revenues.

2625 (3) Breeder associations shall submit their plans to the
2626 department at least 60 days before the beginning of the payment

2627 year. The payment year may be a calendar year or any 12-month
2628 period, but once established, the payment year may not be
2629 changed except for compelling reasons. Once a plan is approved,
2630 the department may not allow the plan to be amended during the
2631 year except for the most compelling reasons.

2632 (4) Funds in the breeder association special payment
2633 account may not be allowed to grow excessively; however, payment
2634 each year is not required to equal receipts each year. The rate
2635 each year shall be adjusted to compensate for changing revenues
2636 from year to year.

2637 (5) (a) The awards programs in this part are intended to
2638 encourage thoroughbred breeding and training operations to
2639 locate in this state and must be responsive to rapidly changing
2640 incentive programs in other states. To attract such operations,
2641 it is appropriate to provide greater flexibility to thoroughbred
2642 industry participants in this state so that they may design
2643 competitive awards programs.

2644 (b) Notwithstanding any other provision of law, the
2645 Florida Thoroughbred Breeders' and Owners' Association, as part
2646 of its annual plan, may:

2647 1. Pay breeder awards on horses finishing in first,
2648 second, or third place in thoroughbred races; pay breeder awards
2649 that are greater than 20 percent and less than 15 percent of the
2650 announced gross purse; and vary the rates for breeder awards
2651 based on the place of finish, class of race, state or country in
2652 which the race took place, and state in which the stallion

2653 siring the horse was standing when the horse was conceived.

2654 2. Pay stallion awards on horses finishing in first,
 2655 second, or third place in thoroughbred races; pay stallion
 2656 awards that are greater than 20 percent and less than 15 percent
 2657 of the announced gross purse; reduce or eliminate stallion
 2658 awards to enhance breeder awards or awards under subparagraph
 2659 3.; and vary the rates for stallion awards based on the place of
 2660 finish, class of race, and state or country in which the race
 2661 took place.

2662 3. Pay awards from the funds dedicated for breeder awards
 2663 and stallion awards to owners of registered Florida-bred horses
 2664 finishing in first, second, or third place in thoroughbred races
 2665 in this state without regard to any awards paid pursuant to s.
 2666 551.0511(3).

2667 (c) Breeder awards or stallion awards under this part may
 2668 not be paid on thoroughbred races taking place in other states
 2669 or countries unless agreed to in writing by all thoroughbred
 2670 racing permitholders in this state, the Florida Thoroughbred
 2671 Breeders' and Owners' Association, and the Florida Horsemen's
 2672 Benevolent and Protective Association, Inc.

2673 Section 49. Effective October 1, 2014, section 551.0521,
 2674 Florida Statutes, is created to read:

2675 551.0521 Thoroughbred racing; operations.—

2676 (1) For a thoroughbred racing permitholder, a full
 2677 schedule of live events is at least 40 live regular wagering
 2678 performances during the state fiscal year.

2679 (2) A thoroughbred racing licensee may not begin any race
 2680 later than 7 p.m.

2681 (3) (a) Each thoroughbred racing licensee in this state
 2682 must run an average of one race per racing day in which horses
 2683 bred in this state and duly registered with the Florida
 2684 Thoroughbred Breeders' and Owners' Association have preference
 2685 as entries over non-Florida-bred horses unless otherwise agreed
 2686 to in writing by the licensee, the Florida Thoroughbred
 2687 Breeders' and Owners' Association, and the association
 2688 representing a majority of the thoroughbred racehorse owners and
 2689 trainers at that location. All licensed thoroughbred tracks
 2690 shall write the conditions for such races in which Florida-bred
 2691 horses are preferred so as to ensure that all Florida-bred
 2692 horses available for racing at such tracks are given full
 2693 opportunity to run in the class of races for which they are
 2694 qualified. The opportunity of running must be afforded to each
 2695 class of horses in the proportion that the number of horses in
 2696 such class bears to the total number of Florida-bred horses
 2697 available. A track is not required to write conditions for a
 2698 race to accommodate a class of horses for which a race would
 2699 otherwise not be run at the track during its meet.

2700 (b) Each thoroughbred racing licensee in this state may
 2701 run one additional race per racing day composed exclusively of
 2702 Arabian horses registered with the Arabian Horse Registry of
 2703 America. A thoroughbred racing licensee that elects to run one
 2704 additional such race per racing day is not required to provide

2705 stables for the Arabian horses racing under this paragraph.

2706 (c) Each thoroughbred racing licensee in this state may
 2707 run up to three additional races per racing day composed
 2708 exclusively of quarter horses registered with the American
 2709 Quarter Horse Association.

2710 Section 50. Effective October 1, 2014, section 551.0522,
 2711 Florida Statutes, is created to read:

2712 551.0522 Distribution of funds to horsemen's association.-

2713 (1) Each thoroughbred racing licensee in this state shall
 2714 deduct from the purses required by s. 551.0523 an amount equal
 2715 to 1 percent of the total purse pool and shall pay that amount
 2716 to a horsemen's association representing a majority of the
 2717 thoroughbred racehorse owners and trainers for its use in
 2718 accordance with the stated goals of its articles of association
 2719 filed with the Department of State.

2720 (2) The funds are payable to the horsemen's association
 2721 only upon presentation of a sworn statement by the officers of
 2722 the association that the horsemen's association represents a
 2723 majority of the owners and trainers of thoroughbred horses
 2724 stabled in the state.

2725 (3) Upon receiving a state license, each thoroughbred
 2726 owner and trainer shall receive automatic membership in the
 2727 horsemen's association as described in subsection (1) and be
 2728 counted on the membership rolls of that association unless,
 2729 within 30 calendar days after receipt of license from the state,
 2730 the owner or trainer declines membership in writing to the

2731 association.

2732 (4) The department shall adopt rules to facilitate the
2733 orderly transfer of funds in accordance with this section. The
2734 department shall also monitor the membership rolls of the
2735 horsemen's association to ensure that complete, accurate, and
2736 timely listings are maintained for the purposes specified in
2737 this section.

2738 Section 51. Effective October 1, 2014, section 551.0523,
2739 Florida Statutes, is created to read:

2740 551.0523 Thoroughbred racing; purses and awards.—

2741 (1) PURSES.—

2742 (a) A licensee conducting a thoroughbred race meet must
2743 pay from the takeout withheld at least 7.75 percent of all
2744 contributions to pari-mutuel pools conducted during the race
2745 meet as purses.

2746 1. In addition to the 7.75-percent minimum purse payment,
2747 licensees conducting live thoroughbred racing performances must
2748 pay as additional purses:

2749 a. For performances conducted during the period beginning
2750 January 3 and ending March 16, 0.625 percent of live handle.

2751 b. For performances conducted during the period beginning
2752 March 17 and ending May 22, 0.225 percent of live handle.

2753 c. For performances conducted during the period beginning
2754 May 23 and ending January 2, 0.85 percent of live handle.

2755 2. Any thoroughbred racing licensee whose total handle on
2756 live performances during the 1991-1992 state fiscal year was not

2757 greater than \$34 million is not subject to the additional purse
2758 payment under subparagraph 1.

2759 3. A licensee authorized to conduct thoroughbred racing
2760 may withhold from the handle an additional 1 percent of exotic
2761 pools for use as owner awards and 2 percent of exotic pools for
2762 use as overnight purses. A licensee may not withhold more than
2763 20 percent from the handle unless the licensee withholds the
2764 amounts set forth in this subsection.

2765 (b) An amount equal to 8.5 percent of the purse account
2766 generated through intertrack wagering and interstate
2767 simulcasting will be used for Florida owner awards as set forth
2768 in subsection (2). Any thoroughbred racing licensee with an
2769 average blended takeout that does not exceed 20 percent and with
2770 an average daily purse distribution, excluding sponsorship,
2771 entry fees, and nominations, exceeding \$225,000 is exempt from
2772 this paragraph.

2773 (2) AWARDS.—Each horseracing licensee conducting any
2774 thoroughbred racing, including any intertrack race taken
2775 pursuant to ss. 551.073-551.075 or any interstate simulcast
2776 taken pursuant to s. 551.072(3), shall pay a sum equal to 0.955
2777 percent of all pari-mutuel pools conducted during any such race
2778 for the payment of breeder, stallion, or special racing awards
2779 as authorized in this part. This subsection also applies to all
2780 Breeder's Cup races conducted outside this state taken pursuant
2781 to s. 551.072(3). For any race originating live in this state
2782 which is broadcast out-of-state to any location at which wagers

2783 are accepted pursuant to s. 551.072(2), the host facility shall
2784 pay 3.475 percent of the gross revenue derived from such out-of-
2785 state broadcasts as breeder, stallion, or special racing awards.
2786 The Florida Thoroughbred Breeders' and Owners' Association may
2787 receive these payments from the licensees and make payments of
2788 awards earned. The Florida Thoroughbred Breeders' and Owners'
2789 Association may withhold up to 10 percent of the licensee's
2790 payments under this section as a fee for administering the
2791 payments of awards and for general promotion of the industry.
2792 The licensee shall remit these payments to the Florida
2793 Thoroughbred Breeders' and Owners' Association by the 5th day of
2794 each calendar month for such sums accruing during the preceding
2795 calendar month and shall report such payments to the department
2796 as required by the department. Breeder awards authorized by this
2797 subsection may not be paid on owner awards. With the exception
2798 of the 10-percent fee, the moneys paid by licensees shall be
2799 maintained in a separate, interest-bearing account, and such
2800 payments, together with any interest earned, shall be used
2801 exclusively for the payment of breeder, stallion, or special
2802 racing awards in accordance with the following:
2803 (a) Breeder awards.—
2804 1. The breeder of each Florida-bred thoroughbred winning a
2805 thoroughbred race is entitled to an award of up to, but not
2806 exceeding, 20 percent of the announced gross purse, including
2807 nomination fees, eligibility fees, starting fees, supplementary
2808 fees, and moneys added by the sponsor of the race.

2809 2. The breeder of a Florida-bred thoroughbred is eligible
 2810 to receive a breeder award if the horse is registered as a
 2811 Florida-bred horse with the Florida Thoroughbred Breeders' and
 2812 Owners' Association and if the Jockey Club certificate for the
 2813 horse shows that it is duly registered as a Florida-bred horse
 2814 as evidenced by the seal and the proper serial number assigned
 2815 by the Florida Thoroughbred Breeders' and Owners' Association
 2816 registry. The Florida Thoroughbred Breeders' and Owners'
 2817 Association may charge the registrant a reasonable fee for the
 2818 verification and registration.

2819 (b) Stallion awards.—

2820 1. The owner of the sire of a Florida-bred thoroughbred
 2821 that wins a stakes race is entitled to a stallion award of up to
 2822 20 percent of the announced gross purse, including nomination
 2823 fees, eligibility fees, starting fees, supplementary fees, and
 2824 moneys added by the sponsor of the race.

2825 2. The owner of the sire of a thoroughbred winning a
 2826 stakes race is eligible to receive a stallion award if:

2827 a. The stallion was registered with the Florida
 2828 Thoroughbred Breeders' and Owners' Association;

2829 b. The breeding of the registered Florida-bred horse
 2830 occurred in this state; and

2831 c. The stallion is standing permanently in this state
 2832 between February 1 and June 15 of each year, or, if the stallion
 2833 has died, stood permanently in this state for at least 1 year
 2834 immediately before its death.

2835 3. If a stallion is removed from this state between
2836 February 1 and June 15 of any year for any reason other than for
2837 prescribed medical treatment approved by the Florida
2838 Thoroughbred Breeders' and Owners' Association, the owner of the
2839 stallion is not eligible to receive a stallion award for
2840 offspring sired before removal. However, if a removed stallion
2841 is returned to this state, the owner of the stallion is eligible
2842 to receive stallion awards, but only for those offspring sired
2843 after the stallion returned to this state.

2844 4. The Florida Thoroughbred Breeders' and Owners'
2845 Association shall maintain a record of all of the following:

2846 a. The date the stallion arrived in this state for the
2847 first time.

2848 b. Whether the stallion permanently remained in this
2849 state.

2850 c. The location of the stallion.

2851 d. Whether the stallion is still standing in this state.

2852 e. Awards earned, received, and distributed.

2853 5. The association may charge the owner or breeder a
2854 reasonable fee for services rendered under this paragraph.

2855 (c) Special racing awards.—The owner of a thoroughbred
2856 participating in thoroughbred stakes races, nonstakes races, or
2857 both may receive a special racing award in accordance with the
2858 agreement established pursuant to s. 551.0512(1).

2859 (d) Reporting and recordkeeping.—

2860 1. A licensee conducting a thoroughbred race shall, within

2861 30 days after the end of the race meet during which the race is
2862 conducted, certify to the Florida Thoroughbred Breeders' and
2863 Owners' Association such information relating to the
2864 thoroughbred winning a stakes or other horserace at the meet as
2865 may be required to determine the eligibility for payment of
2866 breeder, stallion, and special racing awards.

2867 2. The Florida Thoroughbred Breeders' Association shall
2868 maintain complete records showing the starters and winners in
2869 all races conducted at thoroughbred tracks in this state and
2870 records showing awards earned, received, and distributed. The
2871 association may charge the owner or breeder a reasonable fee for
2872 this service.

2873 (e) Rates and procedures.—The Florida Thoroughbred
2874 Breeders' and Owners' Association shall annually establish a
2875 uniform rate and procedure plan for the payment of breeder and
2876 stallion awards and shall make breeder and stallion award
2877 payments in strict compliance with the established uniform rate
2878 and procedure plan. The plan may set a cap on winnings and may
2879 limit, exclude, or defer payments to certain classes of races,
2880 such as the Florida stallion stakes races, in order to ensure
2881 that there are adequate revenues to meet the proposed uniform
2882 rate. Such plan must include proposals for the general promotion
2883 of the industry. Priority shall be placed upon imposing such
2884 restrictions in lieu of allowing the uniform rate to be less
2885 than 15 percent of the total purse payment. The uniform rate and
2886 procedure plan must be approved by the commission before

2887 implementation. In the absence of an approved plan and
2888 procedure, the authorized rate for breeder and stallion awards
2889 is 15 percent of the announced gross purse for each race. Such
2890 purse must include nomination fees, eligibility fees, starting
2891 fees, supplementary fees, and moneys added by the sponsor of the
2892 race. If the funds in the account for payment of breeder and
2893 stallion awards are not sufficient to meet all earned breeder
2894 and stallion awards, those breeders and stallion owners not
2895 receiving payments have first call on any subsequent receipts in
2896 that or any subsequent year.

2897 (f) Reports.—The Florida Thoroughbred Breeders' and
2898 Owners' Association shall keep accurate records showing receipts
2899 and disbursements of such payments and shall annually file a
2900 complete report with the department showing such receipts and
2901 disbursements and the sums withheld for administration. The
2902 commission may audit the records and accounts of the Florida
2903 Thoroughbred Breeders' and Owners' Association to determine
2904 whether payments have been made to eligible breeders and
2905 stallion owners in accordance with this section.

2906 (3) NONCOMPLIANCE.—If the commission finds that the
2907 Florida Thoroughbred Breeders' and Owners' Association has not
2908 complied with this section, the commission may order the
2909 association to cease and desist from receiving and administering
2910 funds under this section. If the commission enters such an
2911 order, the licensee shall make the payments authorized in this
2912 section to the department for deposit into the Gaming Control

2913 Trust Fund, and any funds in the Florida Thoroughbred Breeders'
2914 and Owners' Association account shall be immediately paid to the
2915 department for deposit into the Gaming Control Trust Fund. The
2916 department shall authorize payment from these funds to any
2917 breeder or stallion owner entitled to an award that has not been
2918 previously paid by the Florida Thoroughbred Breeders' and
2919 Owners' Association in accordance with the applicable rate.

2920 Section 52. Effective October 1, 2014, section 551.0524,
2921 Florida Statutes, is created to read:

2922 551.0524 Breeders' Cup Meet.—

2923 (1) Notwithstanding any provision of this part, there is
2924 created a special thoroughbred race meet designated as the
2925 "Breeders' Cup Meet." Breeders' Cup Limited shall select the
2926 Florida permitholder to conduct the Breeders' Cup Meet at its
2927 facility. Upon selection of the Florida permitholder as host for
2928 the Breeders' Cup Meet and application by the selected
2929 permitholder, the commission shall issue a license to the
2930 selected permitholder to operate the Breeders' Cup Meet. The
2931 Breeders' Cup Meet may be conducted on dates on which the
2932 selected permitholder is not otherwise authorized to conduct a
2933 race meet. The Breeders' Cup Meet shall consist of 3 days: the
2934 day on which the Breeders' Cup races are conducted, the
2935 preceding day, and the subsequent day.

2936 (2) The permitholder conducting the Breeders' Cup Meet may
2937 create pari-mutuel pools during the Breeders' Cup Meet by
2938 accepting pari-mutuel wagers on the thoroughbred races run

2939 during such meet.

2940 (3) The permitholder conducting the Breeders' Cup Meet is
 2941 exempt from the payment of purses and other payments to horsemen
 2942 on all on-track, intertrack, interstate, and international
 2943 wagers or rights fees or payments arising therefrom for all
 2944 races for which the purse is paid or supplied by Breeders' Cup
 2945 Limited. However, the permitholder conducting the Breeders' Cup
 2946 Meet is not exempt from breeder awards payments for on-track and
 2947 intertrack wagers as provided in ss. 551.0542(2) and 551.074(2)
 2948 for races in which the purse is paid or supplied by Breeders'
 2949 Cup Limited.

2950 (4) (a) Pursuant to s. 551.072(2), the permitholder
 2951 conducting the Breeders' Cup Meet may transmit broadcasts of the
 2952 races conducted during the Breeders' Cup Meet to locations
 2953 outside of this state for wagering purposes. The commission may
 2954 approve broadcasts to pari-mutuel permitholders and other
 2955 betting systems authorized under the laws of any other state or
 2956 country. Wagers accepted by any out-of-state pari-mutuel
 2957 permitholder or betting system on any races broadcast under this
 2958 section may be commingled with the pari-mutuel pools of the
 2959 permitholder conducting the Breeders' Cup Meet. Payoff on
 2960 national pari-mutuel pools with commingled wagers may be
 2961 calculated by the permitholder's totalisator contractor at a
 2962 location outside of this state. Pool amounts from wagers placed
 2963 at pari-mutuel facilities or other betting systems in foreign
 2964 countries before being commingled with the pari-mutuel pool of

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2965 the Florida permitholder conducting the Breeders' Cup Meet shall
2966 be calculated by the totalisator contractor and transferred to
2967 the commingled pool in United States currency in cycles
2968 customarily used by the permitholder. Pool amounts from wagers
2969 placed at any foreign pari-mutuel facility or other betting
2970 system may not be commingled with a Florida pool until a
2971 determination is made by the commission that the technology used
2972 by the totalisator contractor is adequate to ensure commingled
2973 pools will result in the calculation of accurate payoffs to
2974 Florida bettors. Any totalisator contractor at a location
2975 outside of this state shall comply with s. 551.078 relating to
2976 totalisator licensing.

2977 (b) The permitholder conducting the Breeders' Cup Meet may
2978 transmit broadcasts of the races conducted during the Breeders'
2979 Cup Meet to other pari-mutuel facilities located in this state
2980 for wagering purposes. However, the permitholder conducting the
2981 Breeders' Cup Meet is not required to transmit broadcasts to any
2982 pari-mutuel facility located within 25 miles of the facility at
2983 which the Breeders' Cup Meet is conducted.

2984 (5) The department may adopt rules necessary to facilitate
2985 the Breeders' Cup Meet as authorized in this section and may
2986 adopt or waive rules regarding the overall conduct of racing
2987 during the Breeders' Cup Meet to ensure the integrity of the
2988 races, licensing for all participants, special stabling and
2989 training requirements for foreign horses, commingling of pari-
2990 mutuel pools, and audit requirements for tax credits and other

2991 benefits.

2992 (6) This section shall prevail over any conflicting
 2993 provision of this part.

2994 Section 53. Effective October 1, 2014, section 551.053,
 2995 Florida Statutes, is created to read:

2996 551.053 Thoroughbred racing; taxes and fees.—

2997 (1) REQUIREMENT TO PAY.—

2998 (a) The Legislature finds that pari-mutuel wagering at
 2999 thoroughbred tracks in this state is an important business
 3000 enterprise, and taxes derived therefrom constitute a part of the
 3001 tax structure that funds operations of the state. Thoroughbred
 3002 racing permitholders should pay their fair share of these taxes
 3003 to the state but should not be taxed to such an extent as to
 3004 cause any racetrack that is operated under sound business
 3005 principles to be forced out of business. Due to the need to
 3006 protect the public health, safety, and welfare, the gaming laws
 3007 of the state provide for the thoroughbred industry to be highly
 3008 regulated and taxed. The state recognizes that identifiable
 3009 differences exist between thoroughbred racing permitholders
 3010 based upon their ability to operate under such regulation and
 3011 tax system and at different periods during the year.

3012 (b) A permitholder that conducts thoroughbred racing under
 3013 this part must pay the daily license fee, the admission tax, the
 3014 breaks tax, and the tax on pari-mutuel handle and is subject to
 3015 all penalties and sanctions provided in s. 551.033(2).

3016 (2) DAILY LICENSE FEE.—Each licensed permitholder engaged

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3017 in the business of conducting thoroughbred race meets shall pay
3018 to the department, for the use of the department, a daily
3019 license fee on each live or simulcast pari-mutuel event of \$100
3020 for each thoroughbred race conducted at the licensee's
3021 racetrack. Each permitholder shall pay daily license fees not to
3022 exceed \$500 per day on any simulcast event on which such
3023 permitholder accepts wagers regardless of the number of out-of-
3024 state events taken or the number of out-of-state locations from
3025 which such events are taken. The daily license fees shall be
3026 remitted to the Chief Financial Officer for deposit into the
3027 Gaming Control Trust Fund.

3028 (3) ADMISSION TAX.—An admission tax equal to the greater
3029 of 15 percent of the admission charge for entrance to the
3030 permitholder's facility and grandstand area or 10 cents is
3031 imposed on each person attending a thoroughbred race. The
3032 permitholder is responsible for collecting the admission tax.

3033 (4) TAX ON LIVE HANDLE.—

3034 (a) Each licensee shall pay a tax on live handle from
3035 racetracks conducted by the licensee. The tax is imposed daily and is
3036 based on the total contributions to all pari-mutuel pools
3037 conducted during the daily live performance. If a licensee
3038 conducts more than one live performance daily, the tax is
3039 imposed on each live performance separately.

3040 (b) The tax on live handle for thoroughbred racing
3041 performances is 0.5 percent of the handle.

3042 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host

3043 facility is a thoroughbred race track, the tax on handle for
 3044 intertrack wagering is 2 percent of the handle with the
 3045 following exceptions:

3046 (a) If the host facility and the guest facility are
 3047 thoroughbred racing permitholders, the tax on handle for
 3048 intertrack wagering is 0.5 percent of the handle.

3049 (b) If the guest facility is located outside the market
 3050 area of the host facility and within the market area of a
 3051 thoroughbred racing licensee currently conducting a live race
 3052 meet, the tax on handle for intertrack wagering is 0.5 percent
 3053 of the handle.

3054 (c) On rebroadcasts of simulcast thoroughbred races:

3055 1. The tax on handle for intertrack wagering is 2.4
 3056 percent of the handle.

3057 2. If the guest facility is a thoroughbred race track
 3058 located more than 35 miles from the host facility, the host
 3059 facility shall pay a tax of 0.5 percent of the handle, and shall
 3060 pay to the guest facility 1.9 percent of the handle to be used
 3061 by the guest facility solely for purses.

3062 (6) OTHER TAXES AND FEES.—

3063 (a) All moneys or other property represented by any
 3064 unclaimed, uncashed, or abandoned pari-mutuel ticket that has
 3065 remained in the custody of or under the control of any
 3066 thoroughbred racing permitholder for 1 year after the date the
 3067 pari-mutuel ticket was issued, if the rightful owner or owners
 3068 thereof have made no claim or demand for such money or other

3069 property within the 1-year period, shall escheat to and become
3070 the property of the state.

3071 (b) Notwithstanding paragraph (a), uncashed tickets and
3072 breaks on live racing conducted by a thoroughbred racing
3073 licensee shall be retained by the licensee conducting the live
3074 race.

3075 (7) TAX CREDITS.—

3076 (a) Retired jockey funds contributions.—A thoroughbred
3077 racing permitholder may receive a credit against taxes on live
3078 handle due for a taxable year equal to the amount of
3079 contributions it made during the taxable year directly to the
3080 Jockeys' Guild or its health and welfare fund to provide health
3081 and welfare benefits for active, disabled, and retired Florida
3082 jockeys and their dependents pursuant to reasonable rules of
3083 eligibility established by the Jockeys' Guild. A thoroughbred
3084 racing permitholder may not receive a credit greater than an
3085 amount equal to 1 percent of its paid taxes for the preceding
3086 taxable year.

3087 (b) Breeders' Cup Meet.—

3088 1. A licensee located within 35 miles of the permitholder
3089 conducting the Breeders' Cup Meet may not conduct a thoroughbred
3090 race meet on any of the 3 days of the Breeders' Cup Meet. The
3091 licensees prohibited from operating during the Breeders' Cup
3092 Meet shall receive a credit against the taxes otherwise due and
3093 payable to the state under this section. The credit shall be an
3094 amount equal to the operating loss determined to have been

3095 suffered by the operating licensees as a result of not operating
3096 on the prohibited racing days but shall not exceed \$950,000. The
3097 determination of the amount to be credited shall be made by the
3098 commission upon application by the affected licensee. The tax
3099 credits provided in this paragraph shall not be available unless
3100 an operating licensee is required to close a meet consisting in
3101 part of no fewer than 10 scheduled performances in the 15 days
3102 immediately preceding or 10 scheduled performances in the 15
3103 days immediately following the Breeders' Cup Meet. Such tax
3104 credit shall be in lieu of any other compensation or
3105 consideration for the loss of racing days. There shall be no
3106 replacement or makeup of any lost racing days.

3107 2. The permitholder conducting the Breeders' Cup Meet
3108 shall receive a credit against the taxes otherwise due and
3109 payable to the state under this section generated during the
3110 permitholder's next ensuing regular thoroughbred race meet. Such
3111 credit shall not exceed \$950,000 and shall be used by the
3112 permitholder to pay the purses offered by the permitholder
3113 during the Breeders' Cup Meet in excess of the purses that the
3114 permitholder is otherwise required by law to pay. The amount to
3115 be credited shall be determined by the commission upon
3116 application of the permitholder which is subject to audit by the
3117 department.

3118 3. The permitholder conducting the Breeders' Cup Meet
3119 shall receive a credit against the taxes otherwise due and
3120 payable to the state under this section generated during the

3121 permitholder's next ensuing regular thoroughbred race meet. Such
3122 credit shall not exceed \$950,000 and shall be used by the
3123 permitholder for capital improvements and extraordinary expenses
3124 as necessary for operation of the Breeders' Cup Meet. The amount
3125 to be credited shall be determined by the commission upon
3126 application of the licensee which is subject to audit by the
3127 department.

3128 4. The tax credits provided in this paragraph may not be
3129 granted to or claimed by the permitholder until an audit is
3130 completed by the department. The department must complete the
3131 audit within 30 days after receipt of the necessary
3132 documentation from the permitholder to verify the permitholder's
3133 claim for tax credits. If the documentation submitted by the
3134 permitholder is incomplete or is insufficient to document the
3135 permitholder's claim for tax credits, the department may request
3136 such additional documentation as necessary to complete the
3137 audit. Upon receipt by the department of the additional
3138 documentation requested, the 30-day time limitation begins anew.

3139 5. Any dispute between the commission and a permitholder
3140 regarding the tax credits authorized under this paragraph shall
3141 be determined by a hearing officer of the Division of
3142 Administrative Hearings under s. 120.57(1).

3143 (8) TAX EXEMPTIONS.—

3144 (a) Free passes.—An admission tax under this part or
3145 chapter 212 may not be imposed on any free pass or complimentary
3146 card issued to a person for which there is no cost to the person

3147 for admission to a pari-mutuel event. A licensee may issue tax-
 3148 free passes to its officers, officials, and employees; to other
 3149 persons actually engaged in working at the facility, including
 3150 accredited press representatives such as reporters and editors;
 3151 and to other permitholders for use by their officers and
 3152 officials. The licensee shall file with the department a list of
 3153 all persons to whom tax-free passes are issued under this
 3154 paragraph.

3155 (b) Notwithstanding any other provision of this section,
 3156 the permitholder conducting the Breeders' Cup Meet shall pay no
 3157 taxes on the handle included within the pari-mutuel pools of the
 3158 permitholder during the Breeders' Cup Meet.

3159 Section 54. Effective October 1, 2014, section 551.0541,
 3160 Florida Statutes, is created to read:

3161 551.0541 Harness racing.-

3162 (1) The Legislature finds that the operation of harness
 3163 race tracks and legalized pari-mutuel betting at harness race
 3164 tracks in this state will become a substantial business
 3165 compatible with the best interests of the state and that the
 3166 taxes derived from such enterprises will constitute an important
 3167 and integral part of the tax structure of the state and
 3168 counties. The Legislature further finds that the operation of
 3169 harness race tracks within the state will establish and
 3170 encourage the acquisition and maintenance of breeding farms for
 3171 the breeding of standardbred horses used in harness races and
 3172 that this exhibition sport will attract a large tourist business

3173 to the state.

3174 (2) (a) For a harness racing permitholder, a full schedule
3175 of live events is at least 100 live regular wagering
3176 performances during the state fiscal year.

3177 (b) A harness racing licensee may conduct harness racing
3178 only between the hours of 7 p.m. and 2 a.m.

3179 (3) A permitholder conducting a harness race meet must pay
3180 the daily license fee, the admission tax, the tax on breaks, and
3181 the tax on pari-mutuel handle provided in s. 551.0543 and is
3182 subject to all penalties and sanctions provided in s.
3183 551.033(2).

3184 (4) Each licensed harness race track in the state must
3185 schedule an average of one race per racing day on which horses
3186 bred in this state and duly registered as standardbred harness
3187 horses have preference as entries over non-Florida-bred horses.
3188 All licensed harness race tracks must write the conditions for
3189 such races in which Florida-bred horses are preferred to ensure
3190 that all Florida-bred horses available for racing at such tracks
3191 are given full opportunity to perform in the class races for
3192 which they are qualified. The opportunity to perform must be
3193 afforded to each class of horses in proportion to the number of
3194 horses in such class as compared to the total number of Florida-
3195 bred horses available. However, a track is not required to write
3196 conditions for a race to accommodate a class of horses for which
3197 a race would otherwise not be scheduled at such track during its
3198 meet.

3199 (5) Any harness race track licensed to operate under this
 3200 section may apply to the commission for a license to operate up
 3201 to 50 quarter horse racing days during the summer season, which
 3202 shall extend from July 1 until October 1 of each year. Such
 3203 license to operate quarter horse racing for up to 50 days is in
 3204 addition to the racing days and dates provided in this section
 3205 for harness racing during the winter seasons and does not affect
 3206 the right of such licensee to operate harness racing at the
 3207 track as provided in this section during the winter season. All
 3208 provisions of this part governing quarter horse racing not in
 3209 conflict with this subsection apply to the operation of quarter
 3210 horse meets authorized in this subsection. However, all quarter
 3211 horse racing permitted under this subsection shall be conducted
 3212 at night.

3213 Section 55. Effective October 1, 2014, section 551.0542,
 3214 Florida Statutes, is created to read:

3215 551.0542 Harness races; purses and awards.—

3216 (1) PURSES.—

3217 (a) A licensee conducting a harness race meet must pay to
 3218 the purse pool from the takeout withheld a purse requirement of
 3219 at least 8.25 percent of all contributions to pari-mutuel pools
 3220 conducted during the race meet. At least 7.75 percent of the
 3221 total handle shall be paid from this purse pool as purses.

3222 (b) An amount not to exceed 0.5 percent of the total
 3223 handle on all harness races that are subject to the purse
 3224 requirement of paragraph (a) must be available for use to

3225 provide medical, dental, surgical, life, funeral, or disability
3226 insurance benefits for occupational licensees who work at tracks
3227 in this state at which harness races are conducted. Such
3228 insurance benefits must be paid from the purse pool specified in
3229 paragraph (a). An annual plan for payment of insurance benefits
3230 from the purse pool, including qualifications for eligibility,
3231 must be submitted by the Florida Standardbred Breeders and
3232 Owners Association for approval to the department. An annual
3233 report of the implemented plan shall be submitted to the
3234 department. All records of the Florida Standardbred Breeders and
3235 Owners Association concerning the administration of the plan
3236 must be available for audit at the discretion of the commission
3237 to determine whether the plan has been implemented and
3238 administered as authorized. If the commission finds that the
3239 Florida Standardbred Breeders and Owners Association has not
3240 complied with this section, the commission may order the
3241 association to cease and desist from administering the plan and
3242 shall appoint the department as temporary administrator of the
3243 plan until the commission reestablishes administration of the
3244 plan with the association.

3245 (2) AWARDS.—Each licensee conducting a harness race shall
3246 pay a sum equal to the breaks on all pari-mutuel pools conducted
3247 during that race for the payment of breeder awards, stallion
3248 awards, and stallion stakes and for additional expenditures as
3249 authorized in this section. The Florida Standardbred Breeders
3250 and Owners Association may receive these payments from licensees

3251 and make payments as authorized in this subsection. The Florida
 3252 Standardbred Breeders and Owners Association may withhold up to
 3253 10 percent of the licensee's payments under this section and
 3254 under s. 551.0543(6) as a fee for administering the payments.

3255 The licensee shall remit these payments to the Florida
 3256 Standardbred Breeders and Owners Association by the 5th day of
 3257 each calendar month for such sums accruing during the preceding
 3258 calendar month and shall report such payments to the department
 3259 as required by the commission. With the exception of the 10-
 3260 percent fee for administering the payments and the use of the
 3261 moneys authorized by paragraph (g), the moneys paid by the
 3262 licensees shall be maintained in a separate, interest-bearing
 3263 account, and such payments together with any interest earned
 3264 shall be allocated for the payment of breeder awards, stallion
 3265 awards, stallion stakes, additional purses, and prizes for, and
 3266 the general promotion of owning and breeding, Florida-bred
 3267 standardbred horses. Breeder awards authorized by this
 3268 subsection may not be paid on owner awards. Payment of breeder
 3269 awards and stallion awards shall be made pursuant to the
 3270 following:

3271 (a) Breeder awards.—

3272 1. The breeder of each Florida-bred standardbred horse
 3273 that wins a harness race is entitled to an award of up to 20
 3274 percent of the announced gross purse, including nomination fees,
 3275 eligibility fees, starting fees, supplementary fees, and moneys
 3276 added by the sponsor of the race.

3277 2. The breeder of a Florida-bred standardbred horse is
 3278 eligible to receive a breeder award if the horse winning the
 3279 race was registered as a Florida-bred horse with the Florida
 3280 Standardbred Breeders and Owners Association and if a
 3281 registration certificate under seal for the winning horse shows
 3282 that the winner is duly registered as a Florida-bred horse as
 3283 evidenced by the seal and proper serial number of the United
 3284 States Trotting Association registry. The Florida Standardbred
 3285 Breeders and Owners Association may charge the registrant a
 3286 reasonable fee for the verification and registration.

3287 (b) Stallion awards.—

3288 1. The owner of the sire of a Florida-bred standardbred
 3289 horse that wins a stakes race is entitled to a stallion award of
 3290 up to 20 percent of the announced gross purse, including
 3291 nomination fees, eligibility fees, starting fees, supplementary
 3292 fees, and moneys added by the sponsor of the race.

3293 2. The owner of the sire of a standardbred horse that wins
 3294 a stakes race is eligible to receive a stallion award if:

3295 a. The stallion is registered with the Florida
 3296 Standardbred Breeders and Owners Association;

3297 b. The breeding of the registered Florida-bred horse
 3298 occurred in this state; and

3299 c. The stallion is standing permanently in this state or,
 3300 if the stallion has died, stood permanently in this state for at
 3301 least 1 year immediately before its death.

3302 3. If a stallion is removed from this state for any reason

3303 other than prescribed medical treatment, the owner of the
3304 stallion is not eligible to receive a stallion award under any
3305 circumstances for offspring sired before removal. However, if a
3306 removed stallion is returned to this state, the owner of the
3307 stallion is eligible to receive a stallion award, but only for
3308 those offspring sired after the stallion returned to this state.

3309 4. The Florida Standardbred Breeders and Owners
3310 Association shall maintain a record of all of the following:

3311 a. The date the stallion arrived in this state for the
3312 first time.

3313 b. Whether the stallion remained in this state
3314 permanently.

3315 c. The location of the stallion.

3316 d. Whether the stallion is still standing in this state.

3317 e. Awards earned, received, and distributed.

3318 5. The association may charge the owner, owners, or
3319 breeder a reasonable fee for services rendered under this
3320 paragraph.

3321 (c) Reporting and recordkeeping.—

3322 1. A licensee conducting a harness race shall, within 30
3323 days after the end of the race meet during which the race is
3324 conducted, certify to the Florida Standardbred Breeders and
3325 Owners Association such information relating to the horse
3326 winning a stakes or other horserace at the meet as may be
3327 required to determine the eligibility for payment of breeder
3328 awards and stallion awards.

3329 2. The Florida Standardbred Breeders and Owners
3330 Association shall maintain complete records showing the starters
3331 and winners in all races conducted at harness horse racetracks
3332 in this state; shall maintain complete records showing awards
3333 earned, received, and distributed; and may charge the owner,
3334 owners, or breeder a reasonable fee for this service.

3335 (d) Rates and procedures.—The Florida Standardbred
3336 Breeders and Owners Association shall annually establish a
3337 uniform rate and procedure plan for the payment of breeder
3338 awards, stallion awards, stallion stakes, additional purses, and
3339 prizes for Florida-bred standardbred horses, and for the general
3340 promotion of owning and breeding such horses, and shall make
3341 award payments and allocations in strict compliance with the
3342 established uniform rate and procedure plan. The plan may set a
3343 cap on winnings and may limit, exclude, or defer payments to
3344 certain classes of races, such as the Florida Breeders' stakes
3345 races, in order to ensure that there are adequate revenues to
3346 meet the proposed uniform rate. Priority shall be placed on
3347 imposing such restrictions in lieu of allowing the uniform rate
3348 allocated to payment of breeder and stallion awards to be less
3349 than 10 percent of the total purse payment. The uniform rate and
3350 procedure plan must be approved by the commission before
3351 implementation. In the absence of an approved plan and
3352 procedure, the authorized rate for breeder and stallion awards
3353 is 10 percent of the announced gross purse for each race. Such
3354 purse must include nomination fees, eligibility fees, starting

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3355 fees, supplementary fees, and moneys added by the sponsor of the
3356 race. If the funds in the account for payment of breeder and
3357 stallion awards are not sufficient to meet all earned breeder
3358 and stallion awards, those breeders and stallion owners not
3359 receiving payments have first call on any subsequent receipts in
3360 that or any subsequent year.

3361 (e) Reports.—The Florida Standardbred Breeders and Owners
3362 Association shall keep accurate records showing receipts and
3363 disbursements of such payments and shall annually file a
3364 complete report with the department showing such receipts and
3365 disbursements and the sums withheld for administration. The
3366 department may audit the records and accounts of the Florida
3367 Standardbred Breeders and Owners Association to determine
3368 whether payments have been made to eligible breeders, stallion
3369 owners, and owners of Florida-bred standardbred horses in
3370 accordance with this section.

3371 (f) Noncompliance.—If the commission finds that the
3372 Florida Standardbred Breeders and Owners Association has not
3373 complied with this section, the commission may order the
3374 association to cease and desist from receiving and administering
3375 funds under this section and s. 551.0543(6). If the commission
3376 enters such an order, the permitholder shall make the payments
3377 authorized under this section and s. 551.0543(6) to the
3378 department for deposit into the Gaming Control Trust Fund, and
3379 any funds in the Florida Standardbred Breeders and Owners
3380 Association account shall be immediately paid to the department

3381 for deposit into the Gaming Control Trust Fund. The commission
3382 shall authorize payment from these funds to any breeder,
3383 stallion owner, or owner of a Florida-bred standardbred horse
3384 entitled to an award that has not been previously paid by the
3385 Florida Standardbred Breeders and Owners Association in
3386 accordance with the applicable rate.

3387 (g) Additional use of funds.—The board of directors of the
3388 Florida Standardbred Breeders and Owners Association may
3389 authorize the release of up to 25 percent of the funds available
3390 for breeder awards, stallion awards, stallion stakes, additional
3391 purses, and prizes for, and for the general promotion of owning
3392 and breeding, Florida-bred standardbred horses to be used for
3393 purses for, and promotion of, Florida-bred standardbred horses
3394 at race meets at which there is no pari-mutuel wagering unless,
3395 and to the extent that, such release would render the funds
3396 available for such awards insufficient to pay the breeder and
3397 stallion awards earned pursuant to the annual plan of the
3398 association. Any such funds so released and used for purses are
3399 not considered to be an "announced gross purse" as that term is
3400 used in paragraphs (a) and (b), and no breeder or stallion
3401 awards, stallion stakes, or owner awards are required to be paid
3402 for standardbred horses winning races in meets at which there is
3403 no pari-mutuel wagering. The amount of purses to be paid from
3404 funds so released and the meets eligible to receive such funds
3405 for purses must be approved by the board of directors of the
3406 Florida Standardbred Breeders and Owners Association.

3407 Section 56. Effective October 1, 2014, section 551.0543,
3408 Florida Statutes, is created to read:

3409 551.0543 Harness racing; taxes and fees.-

3410 (1) FINDINGS.-The Legislature finds that pari-mutuel
3411 wagering at harness race tracks in this state is an important
3412 business enterprise, and taxes derived therefrom constitute a
3413 part of the tax structure that funds operations of the state.
3414 Harness racing permitholders should pay their fair share of
3415 these taxes to the state but should not be taxed to such an
3416 extent as to cause any racetrack that is operated under sound
3417 business principles to be forced out of business. Due to the
3418 need to protect the public health, safety, and welfare, the
3419 gaming laws of the state provide for the harness horse industry
3420 to be highly regulated and taxed. The state recognizes that
3421 identifiable differences exist between harness racing
3422 permitholders based upon their ability to operate under such
3423 regulation and tax system.

3424 (2) DAILY LICENSE FEE.-Each harness racing licensee shall
3425 pay to the department, for the use of the department, a daily
3426 license fee on each live or simulcast pari-mutuel event of \$100
3427 for each harness race conducted at the licensee's racetrack.
3428 Each licensee shall pay daily license fees not to exceed \$500
3429 per day on any simulcast event on which such licensee accepts
3430 wagers regardless of the number of out-of-state events taken or
3431 the number of out-of-state locations from which such events are
3432 taken. The daily license fees shall be remitted to the Chief

3433 Financial Officer for deposit into the Gaming Control Trust
3434 Fund.

3435 (3) ADMISSION TAX.—An admission tax equal to the greater
3436 of 15 percent of the admission charge for entrance to the
3437 licensee's facility and grandstand area or 10 cents is imposed
3438 on each person attending a harness race. The licensee is
3439 responsible for collecting the admission tax.

3440 (4) TAX ON LIVE HANDLE.—

3441 (a) Each licensee shall pay a tax on live handle from
3442 racers conducted by the licensee. The tax is imposed daily and is
3443 based on the total contributions to all pari-mutuel pools
3444 conducted during the daily live performance. If a licensee
3445 conducts more than one live performance daily, the tax is
3446 imposed on each live performance separately.

3447 (b) The tax on live handle for harness racing performances
3448 is 0.5 percent of the handle.

3449 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host
3450 facility is a harness race track, the tax on handle for
3451 intertrack wagering is 3.3 percent of the handle with the
3452 following exceptions:

3453 (a) If the guest facility is located outside the market
3454 area of the host facility and within the market area of a
3455 thoroughbred racing licensee currently conducting a live race
3456 meet, the tax on handle for intertrack wagering is 0.5 percent
3457 of the handle.

3458 (b) On rebroadcasts of simulcast harness races, the tax on

3459 handle for intertrack wagering is 1.5 percent of the handle.

3460 (6) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL
3461 POOLS.—

3462 (a) All moneys or other property represented by any
3463 unclaimed, uncashed, or abandoned pari-mutuel ticket that has
3464 remained in the custody of or under the control of any harness
3465 racing permitholder for 1 year after the date the pari-mutuel
3466 ticket was issued, if the rightful owner or owners thereof have
3467 made no claim or demand for such money or other property within
3468 the 1-year period, shall escheat to and become the property of
3469 the state.

3470 (b) Notwithstanding any other provision of law, all moneys
3471 or other property that has escheated to and become the property
3472 of the state as provided in this section and that is held by a
3473 harness racing permitholder authorized to conduct pari-mutuel
3474 pools in this state shall be paid annually by the permitholder
3475 to the Florida Standardbred Breeders and Owners Association
3476 within 60 days after the close of the race meet of the
3477 permitholder and shall be used for the payment of harness horse
3478 breeder awards, stallion awards, stallion stakes, additional
3479 purses, and prizes and for the general promotion of owning and
3480 breeding Florida-bred standardbred horses, as provided for in s.
3481 551.0542.

3482 (7) TAX EXEMPTIONS.—

3483 (a) An admission tax under this part or chapter 212 may
3484 not be imposed on any free pass or complimentary card issued to

3485 a person for which there is no cost to the person for admission
 3486 to a pari-mutuel event.

3487 (b) A licensee may issue tax-free passes to its officers,
 3488 officials, and employees; to other persons actually engaged in
 3489 working at the facility, including accredited press
 3490 representatives such as reporters and editors; and to other
 3491 permitholders for use by their officers and officials. The
 3492 licensee shall file with the department a list of all persons to
 3493 whom tax-free passes are issued under this paragraph.

3494 Section 57. Effective October 1, 2014, section 551.0551,
 3495 Florida Statutes, is created to read:

3496 551.0551 Quarter horse racing; operations.—

3497 (1) (a) For a quarter horse racing permitholder at its
 3498 facility, a full schedule of live events is:

3499 1. At least 20 live regular wagering performances during
 3500 the state fiscal year if an alternative schedule of at least 20
 3501 live regular wagering performances each state fiscal year is
 3502 agreed upon by the permitholder and either the Florida Quarter
 3503 Horse Racing Association or the horsemen's association
 3504 representing the majority of the quarter horse owners and
 3505 trainers at the facility and is filed with the department along
 3506 with its annual date application; or

3507 2.a. During the 2010-2011 fiscal year, at least 20 regular
 3508 wagering performances.

3509 b. During the 2011-2012 and 2012-2013 fiscal years, at
 3510 least 30 live regular wagering performances.

3511 c. During every fiscal year after the 2012-2013 fiscal
3512 year, at least 40 live regular wagering performances.

3513 (b) For a quarter horse racing licensee leasing another
3514 licensed racetrack, a full schedule of live events is at least
3515 160 live regular wagering events at the leased facility during
3516 the state fiscal year.

3517 (2) To be eligible to conduct intertrack wagering, a
3518 quarter horse racing permitholder must have conducted a full
3519 schedule of live events in the preceding year.

3520 (3) The operator of a licensed racetrack may lease such
3521 track to any quarter horse racing licensee located within 35
3522 miles of such track for quarter horse racing under this part.
3523 However, a quarter horse racing licensee located in a county
3524 where a referendum was conducted to authorize slot machines
3525 pursuant to s. 23, Art. X of the State Constitution is not
3526 subject to the mileage restriction if the licensee leases the
3527 track from a licensed racetrack located within such county.

3528 (4) Quarter horses participating in such races must be
3529 duly registered by the American Quarter Horse Association.
3530 Before each race, such horses must be examined and declared in
3531 fit condition by a qualified person designated by the
3532 department.

3533 (5) A quarter horse racing licensee may apply to the
3534 commission to substitute races of other breeds of horses that
3535 are registered with the American Paint Horse Association,
3536 Appaloosa Horse Club, Arabian Horse Registry of America,

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3537 Palomino Horse Breeders of America, United States Trotting
3538 Association, Florida Cracker Horse Association, or Jockey Club,
3539 respectively, for no more than 50 percent of the quarter horse
3540 races during its meet.

3541 (6) Any nonprofit corporation organized and incorporated
3542 under the laws of this state, including, but not limited to, an
3543 agricultural cooperative marketing association, may apply for a
3544 quarter horse racing permit and may operate race meets under
3545 such permit if all pari-mutuel taxes and fees applicable to such
3546 racing are paid by the corporation. However, regarding its pari-
3547 mutuel operations, the corporation shall be considered to be a
3548 corporation for profit and is subject to taxation on all
3549 property used and profits earned in connection with these
3550 operations.

3551 Section 58. Effective October 1, 2014, section 551.0552,
3552 Florida Statutes, is created to read:

3553 551.0552 Quarter horse races; purses and awards.—

3554 (1) PURSES.—A licensee conducting a quarter horse race
3555 meet shall pay from the takeout withheld at least 6 percent of
3556 all contributions to pari-mutuel pools conducted during the race
3557 meet as purses.

3558 (2) PROMOTIONS AND AWARDS.—

3559 (a) Purses and prizes.—Except as provided in s. 551.056,
3560 each licensee conducting a quarter horse race meet shall pay a
3561 sum equal to the breaks plus a sum equal to 1 percent of all
3562 pari-mutuel pools conducted during that race for supplementing

3563 and augmenting purses and prizes and for the general promotion
3564 of owning and breeding racing quarter horses in this state as
3565 authorized in this section. The Florida Quarter Horse Breeders
3566 and Owners Association may receive these payments from the
3567 licensees and make payments as authorized in this subsection.
3568 The Florida Quarter Horse Breeders and Owners Association may
3569 withhold up to 10 percent of the licensee's payments under this
3570 section and s. 551.0553(5) as a fee for administering the
3571 payments. The licensee shall remit these payments to the Florida
3572 Quarter Horse Breeders and Owners Association by the 5th day of
3573 each calendar month for such sums accruing during the preceding
3574 calendar month and shall report such payments to the department
3575 as required by the commission. With the exception of the 10-
3576 percent fee for administering the payments, the moneys paid by
3577 the licensees shall be maintained in a separate, interest-
3578 bearing account.

3579 (b) Use of funds.—The Florida Quarter Horse Breeders and
3580 Owners Association shall use these funds solely for
3581 supplementing and augmenting purses and prizes and for the
3582 general promotion of owning and breeding racing quarter horses
3583 in this state and for general administration of the Florida
3584 Quarter Horse Breeders and Owners Association in this state.

3585 (c) Owner and breeder awards.—

3586 1. The owner or breeder of a Florida-bred quarter horse is
3587 eligible to receive an award if the horse winning a race is
3588 registered as a Florida-bred horse with the Florida Quarter

3589 Horse Breeders and Owners Association and if a registration
3590 certificate under seal for the winning horse shows that the
3591 winning horse was duly registered before the race as a Florida-
3592 bred horse as evidenced by the seal and proper serial number of
3593 the Florida Quarter Horse Breeders and Owners Association
3594 registry. The Department of Agriculture and Consumer Services
3595 may assist the association in maintaining this registry.

3596 2. The Florida Quarter Horse Breeders and Owners
3597 Association may charge the registrant a reasonable fee for
3598 verification and registration.

3599 3. Any person who registers unqualified horses or
3600 misrepresents information shall be denied any future
3601 participation in breeder awards, and all horses misrepresented
3602 will no longer be deemed to be Florida-bred.

3603 (d) Reporting and recordkeeping.—

3604 1. A licensee conducting a quarter horse race shall,
3605 within 30 days after the end of the race meet during which the
3606 race is conducted, certify to the Florida Quarter Horse Breeders
3607 and Owners Association such information relating to the horse
3608 winning a stakes or other horserace at the meet as required to
3609 determine the eligibility for payment of breeder awards under
3610 this section.

3611 2. The Florida Quarter Horse Breeders and Owners
3612 Association shall maintain records showing the starters and
3613 winners in all quarter horse races conducted under quarter horse
3614 racing permits in this state and awards earned, received, and

3615 distributed, and it may charge the owner or breeder a reasonable
3616 fee for this service.

3617 (e) Procedures.—The Florida Quarter Horse Breeders and
3618 Owners Association shall annually establish a plan for
3619 supplementing and augmenting purses and prizes and for the
3620 general promotion of owning and breeding Florida-bred racing
3621 quarter horses and shall make award payments and allocations in
3622 strict compliance with the annual plan. The annual plan must be
3623 approved by the commission before implementation. If the funds
3624 in the account for payment of purses and prizes are not
3625 sufficient to meet all purses and prizes to be awarded, those
3626 breeders and owners not receiving payments have first call on
3627 any subsequent receipts in that or any subsequent year.

3628 (f) Reports.—The Florida Quarter Horse Breeders and Owners
3629 Association shall keep accurate records showing receipts and
3630 disbursements of payments made under this section and shall
3631 annually file a full and complete report to the commission
3632 showing such receipts and disbursements and the sums withheld
3633 for administration. The commission may audit the records and
3634 accounts of the Florida Quarter Horse Breeders and Owners
3635 Association to determine whether payments have been made in
3636 accordance with this section.

3637 (g) Noncompliance.—If the commission finds that the
3638 Florida Quarter Horse Breeders and Owners Association has not
3639 complied with this section, the commission may order the
3640 association to cease and desist from receiving and administering

3641 funds under this section and s. 551.0553(5). If the commission
 3642 enters such an order, the licensee shall make the payments
 3643 authorized in this section and s. 551.0553(5) to the department
 3644 for deposit into the Gaming Control Trust Fund, and any funds in
 3645 the Florida Quarter Horse Breeders and Owners Association
 3646 account shall be immediately paid to the department for deposit
 3647 into the Gaming Control Trust Fund. The commission shall
 3648 authorize payment from these funds to any breeder or owner of a
 3649 quarter horse entitled to an award that has not been previously
 3650 paid by the Florida Quarter Horse Breeders and Owners
 3651 Association in accordance with this section.

3652 Section 59. Effective October 1, 2014, section 551.0553,
 3653 Florida Statutes, is created to read:

3654 551.0553 Quarter horse racing; taxes and fees.—

3655 (1) DAILY LICENSE FEE.—Each licensed permitholder engaged
 3656 in the business of conducting quarter horse race meetings shall
 3657 pay to the department, for use by the department, a daily
 3658 license fee on each live or simulcast pari-mutuel event of \$100
 3659 for each quarter horse race conducted at the licensee's
 3660 racetrack. Each licensee shall pay daily license fees not to
 3661 exceed \$500 per day on any simulcast event on which such
 3662 licensee accepts wagers regardless of the number of out-of-state
 3663 events taken or the number of out-of-state locations from which
 3664 such events are taken. The daily license fees shall be remitted
 3665 to the Chief Financial Officer for deposit into the Gaming
 3666 Control Trust Fund.

3667 (2) ADMISSION TAX.—An admission tax equal to the greater
 3668 of 15 percent of the admission charge for entrance to the
 3669 licensee's facility and grandstand area or 10 cents is imposed
 3670 on each person attending a quarter horse race. The licensee is
 3671 responsible for collecting the admission tax.

3672 (3) TAX ON LIVE HANDLE.—

3673 (a) Each licensee shall pay a tax on live handle from
 3674 races conducted by the licensee. The tax is imposed daily and is
 3675 based on the total contributions to all pari-mutuel pools
 3676 conducted during the daily live performance. If a licensee
 3677 conducts more than one live performance daily, the tax is
 3678 imposed on each live performance separately.

3679 (b) The tax on live handle for quarter horse racing
 3680 performances is 1 percent of the handle.

3681 (4) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host
 3682 facility is a quarter horse race track, the tax on handle for
 3683 intertrack wagering is 2 percent of the handle. However, if the
 3684 guest facility is located outside the market area of the host
 3685 facility and within the market area of a thoroughbred racing
 3686 licensee currently conducting a live race meet, the tax on
 3687 handle for intertrack wagering is 0.5 percent of the handle.

3688 (5) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL
 3689 POOLS.—

3690 (a) All moneys or other property represented by any
 3691 unclaimed, uncashed, or abandoned pari-mutuel ticket that has
 3692 remained in the custody of or under the control of any quarter

3693 horse racing permitholder for 1 year after the date the pari-
3694 mutuel ticket was issued, if the rightful owner or owners
3695 thereof have made no claim or demand for such money or other
3696 property within the 1-year period, shall escheat to and become
3697 the property of the state.

3698 (b) Notwithstanding s. 551.036, all moneys or other
3699 property that has escheated to and become the property of the
3700 state as provided in this section and that is held by a quarter
3701 horse racing permitholder authorized to conduct pari-mutuel
3702 pools in this state shall be paid annually by the permitholder
3703 to the Florida Quarter Horse Breeders and Owners Association
3704 within 60 days after the close of the race meet of the
3705 permitholder and shall be allocated solely for supplementing and
3706 augmenting purses and prizes and for the general promotion of
3707 owning and breeding racing quarter horses in this state, as
3708 provided for in s. 551.0552.

3709 (6) TAX EXEMPTIONS.—

3710 (a) An admission tax under this part or chapter 212 may
3711 not be imposed on any free pass or complimentary card issued to
3712 a person for which there is no cost to the person for admission
3713 to a pari-mutuel event.

3714 (b) A licensee may issue tax-free passes to its officers,
3715 officials, and employees; to other persons actually engaged in
3716 working at the facility, including accredited press
3717 representatives such as reporters and editors; and to other
3718 permitholders for use by their officers and officials. The

3719 licensee shall file with the department a list of all persons to
 3720 whom tax-free passes are issued under this paragraph.

3721 Section 60. Effective October 1, 2014, section 551.056,
 3722 Florida Statutes, is created to read:

3723 551.056 Appaloosa horse races; Arabian horse races; purse
 3724 requirement.—

3725 (1) PROMOTIONS; APPALOOSA HORSE RACES.—

3726 (a) Each licensee that conducts race meets under this part
 3727 and runs Appaloosa horse races shall pay to the department a sum
 3728 equal to the breaks plus a sum equal to 1 percent of the total
 3729 contributions to each pari-mutuel pool conducted on each
 3730 Appaloosa horse race. The payments shall be remitted to the
 3731 department by the 5th day of each calendar month for sums
 3732 accruing during the preceding calendar month.

3733 (b) The department shall deposit collections under
 3734 paragraph (a) into the General Inspection Trust Fund in a
 3735 special account to be known as the "Florida Appaloosa Racing
 3736 Promotion Account." The Department of Agriculture and Consumer
 3737 Services shall administer the funds and adopt suitable and
 3738 reasonable rules for their administration. The moneys in the
 3739 Florida Appaloosa Racing Promotion Account shall be allocated
 3740 solely for supplementing and augmenting purses and prizes and
 3741 for the general promotion of owning and breeding racing
 3742 Appaloosas in this state. The moneys may not be used to defray
 3743 any expense of the Department of Agriculture and Consumer
 3744 Services under this section.

3745 (2) PROMOTIONS; ARABIAN HORSE RACES.—Each licensee that
 3746 conducts race meets under this part and runs Arabian horse races
 3747 shall pay to the department a sum equal to the breaks plus a sum
 3748 equal to 1 percent of the total contributions to each pari-
 3749 mutuel pool conducted on each Arabian horse race. Payments shall
 3750 be remitted to the department by the 5th day of each calendar
 3751 month for sums accruing during the preceding calendar month.

3752 Section 61. Effective October 1, 2014, section 551.062,
 3753 Florida Statutes, is created to read:

3754 551.062 Jai alai; general provisions.—

3755 (1)(a) For a jai alai permitholder, a full schedule of
 3756 live events is at least 100 live performances during the state
 3757 fiscal year.

3758 (b) For a jai alai permitholder that does not operate slot
 3759 machines in its pari-mutuel facility, that has conducted at
 3760 least 100 live performances per year for at least 10 years after
 3761 December 31, 1992, and that has had handle on live jai alai
 3762 games conducted at its pari-mutuel facility of less than \$4
 3763 million per state fiscal year for at least 2 consecutive years
 3764 after June 30, 1992, a full schedule of live events is at least
 3765 40 live performances during the state fiscal year.

3766 (c) For a jai alai permitholder that operates slot
 3767 machines in its pari-mutuel facility, a full schedule of live
 3768 events is at least 150 live performances during the state fiscal
 3769 year.

3770 (d) For a permitholder restricted by statute to certain

3771 operating periods within the year when other members of its same
3772 class of permit are authorized to operate throughout the year, a
3773 full schedule of live events shall be the specified number of
3774 live performances adjusted pro rata in accordance with the
3775 relationship between its authorized operating period and the
3776 full calendar year. The resulting specified number of live
3777 performances shall constitute the full schedule of live events
3778 for such permitholder and all other permitholders of the same
3779 class within 100 air miles of such permitholder.

3780 (2) A chief court judge must be present for each jai alai
3781 game at which pari-mutuel wagering is authorized. Chief court
3782 judges must be able to demonstrate extensive knowledge of the
3783 rules and game of jai alai and be able to meet the physical
3784 requirements of the position. The decisions of a chief court
3785 judge are final as to any incident relating to the playing of a
3786 jai alai game.

3787 (3) This part does not prohibit any jai alai fronton or
3788 facility from being used to conduct amateur jai alai or pelota
3789 contests or games during each fronton season by any charitable,
3790 civic, or nonprofit organization if only players other than
3791 those usually used in jai alai contests or games are permitted
3792 to play and if adults and minors may participate as players or
3793 spectators. However, during such jai alai games or contests,
3794 betting and gambling and the sale or use of alcoholic beverages
3795 are prohibited.

3796 (4) A jai alai player may not be required to perform on

3797 more than 6 consecutive calendar days.

3798 (5) Section 551.013 allows wagering on points during a
3799 game; however, the pari-mutuel machines must be locked upon the
3800 start of the serving motion of each serve for wagers on that
3801 game.

3802 Section 62. Effective October 1, 2014, section 551.0622,
3803 Florida Statutes, is created to read:

3804 551.0622 Jai Alai Tournament of Champions Meet.-

3805 (1) Notwithstanding any provision of this part, there is
3806 created a special jai alai meet designated as the "Jai Alai
3807 Tournament of Champions Meet," which shall be hosted by Florida
3808 jai alai licensees selected by the National Association of Jai
3809 Alai Frontons, Inc., to conduct such meet. The meet shall
3810 consist of three qualifying performances and a final
3811 performance, each of which is conducted on a different day. Upon
3812 the selection of the Florida licensees for the meet and
3813 application by the selected licensees, the commission shall
3814 issue a license to each of the selected permitholders to operate
3815 the meet. The meet may be conducted during a season in which the
3816 licensees selected to conduct the meet are not otherwise
3817 authorized to conduct a meet. Notwithstanding any provision of
3818 this section, a Florida licensee that is to conduct a
3819 performance that is a part of the Jai Alai Tournament of
3820 Champions Meet is not required to apply for the license for the
3821 meet if it will run during the regular season for which such
3822 licensee has a license.

3823 (2) Qualifying performances and the final performance of
3824 the tournament shall be held at different locations throughout
3825 the state, and the licensees selected shall be under different
3826 ownership to the extent possible.

3827 (3) A Jai Alai Tournament of Champions Meet may not exceed
3828 4 days in any state fiscal year, and only one performance may be
3829 conducted on any one day of the meet. There shall be only one
3830 Jai Alai Tournament of Champions Meet in any state fiscal year.

3831 (4) The department may adopt rules necessary to facilitate
3832 the Jai Alai Tournament of Champions Meet as authorized in this
3833 section and may adopt rules regarding the overall conduct of the
3834 tournament to ensure the integrity of the event, licensing for
3835 participants, commingling of pari-mutuel pools, and audit
3836 requirements for tax credits and exemptions.

3837 (5) This section shall prevail over any conflicting
3838 provision of this part.

3839 Section 63. Effective October 1, 2014, section 551.063,
3840 Florida Statutes, is created to read:

3841 551.063 Jai alai; taxes and fees.—

3842 (1) FINDINGS.—The Legislature finds that pari-mutuel
3843 wagering at jai alai frontons in this state is an important
3844 business enterprise, and taxes derived therefrom constitute a
3845 part of the tax structure that funds operations of the state.
3846 Jai alai permitholders should pay their fair share of these
3847 taxes to the state but should not be taxed to such an extent as
3848 to cause any fronton that is operated under sound business

3849 principles to be forced out of business or be subjected to taxes
 3850 that might cause it to operate at a loss, impair its ability to
 3851 service debt or to maintain its fixed assets, or otherwise
 3852 jeopardize its existence and the jobs of its employees. Due to
 3853 the need to protect the public health, safety, and welfare, the
 3854 gaming laws of the state provide for the jai alai industry to be
 3855 highly regulated and taxed. The state recognizes that
 3856 identifiable differences exist between jai alai permitholders
 3857 based upon their ability to operate under such regulation and
 3858 tax system.

3859 (2) DAILY LICENSE FEE.—Each licensed permitholder engaged
 3860 in the business of conducting jai alai games shall pay to the
 3861 department, for the use of the department, a daily license fee
 3862 on each live or simulcast pari-mutuel event of \$40 for each jai
 3863 alai game conducted at the licensee's fronton. Each licensee
 3864 shall pay daily license fees not to exceed \$500 per day on any
 3865 simulcast event on which such licensee accepts wagers regardless
 3866 of the number of out-of-state events taken or the number of out-
 3867 of-state locations from which such events are taken. The daily
 3868 license fees shall be remitted to the Chief Financial Officer
 3869 for deposit into the Gaming Control Trust Fund.

3870 (3) ADMISSION TAX.—An admission tax equal to the greater
 3871 of 15 percent of the admission charge for entrance to the
 3872 licensee's facility and grandstand area or 10 cents is imposed
 3873 on each person attending a jai alai game. The licensee is
 3874 responsible for collecting the admission tax.

3875 (4) TAX ON LIVE HANDLE.—

3876 (a) Each licensee shall pay a tax on live handle from
3877 games conducted by the licensee. The tax is imposed daily and is
3878 based on the total contributions to all pari-mutuel pools
3879 conducted during the daily live performance. If a licensee
3880 conducts more than one live performance daily, the tax is
3881 imposed on each live performance separately.

3882 (b) The tax on live handle for jai alai performances is 2
3883 percent of the handle.

3884 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host
3885 facility is a jai alai fronton, the tax on handle for intertrack
3886 wagering is 7.1 percent of the handle with the following
3887 exceptions:

3888 (a) If the guest facility is located outside the market
3889 area of the host facility and within the market area of a
3890 thoroughbred racing licensee currently conducting a live race
3891 meet, the tax on handle for intertrack wagering is 0.5 percent
3892 of the handle.

3893 (b) If the guest facility is a jai alai fronton located as
3894 specified in s. 551.073(6) or s. 551.073(9), on games received
3895 from any jai alai permitholder located within the same market
3896 area, the tax on handle for intertrack wagers is 6.1 percent.

3897 (c) Notwithstanding paragraph (b), if the guest facility
3898 is a jai alai fronton located as specified in s. 551.073(6) or
3899 s. 551.073(9), on games received from any jai alai permitholder
3900 located within the same market area, the tax on handle for

3901 intertrack wagers shall be 2.3 percent of the handle when the
 3902 total tax on intertrack handle paid to the department by the
 3903 permitholder during the current state fiscal year exceeds the
 3904 total tax on intertrack handle paid to the department by the
 3905 permitholder during the 1992-1993 state fiscal year.

3906 (d)1. Any jai alai permitholder that is prohibited under
 3907 this part from operating live performances on a year-round basis
 3908 may conduct intertrack wagering as a host permitholder on live
 3909 jai alai games at its fronton at a tax rate of 3.3 percent of
 3910 handle when the total tax on intertrack handle paid to the
 3911 department by the permitholder during the current state fiscal
 3912 year exceeds the total tax on intertrack handle paid to the
 3913 state by the permitholder during the 1992-1993 state fiscal
 3914 year.

3915 2. The payment of taxes under subparagraph 1. shall be
 3916 calculated and begin the day the permitholder is first entitled
 3917 to the reduced rate specified in this paragraph.

3918 (6) OTHER TAXES AND FEES.-

3919 (a) All money or other property represented by any
 3920 unclaimed, uncashed, or abandoned pari-mutuel ticket that has
 3921 remained in the custody of or under the control of any
 3922 permitholder authorized to conduct jai alai pari-mutuel pools in
 3923 this state for 1 year after the date the pari-mutuel ticket was
 3924 issued, if the rightful owners thereof have made no claim or
 3925 demand for such money or other property within that 1-year
 3926 period, shall, with respect to live games conducted by the

3927 permitholder, be remitted to the state pursuant to s. 551.036.

3928 (b)1. Each licensee conducting jai alai performances shall
 3929 pay a tax equal to the breaks.

3930 2. A jai alai licensee paying taxes under this section
 3931 shall retain the breaks and pay an amount equal to the breaks as
 3932 special prize awards, which shall be in addition to the regular
 3933 contracted prize money paid to jai alai players at the
 3934 permitholder's facility. Payment of the special prize money
 3935 shall be made during the permitholder's current meet.

3936 (c) A jai alai permitholder conducting fewer than 100 live
 3937 performances in any calendar year shall pay to the state the
 3938 same aggregate amount of daily license fees on live jai alai
 3939 games, admissions tax, and tax on live handle that it paid to
 3940 the state during the most recent prior calendar year in which
 3941 the jai alai permitholder conducted at least 100 live
 3942 performances.

3943 (7) TAX CREDITS.—

3944 (a) A jai alai permitholder that has incurred state taxes
 3945 on handle and admissions in an amount that exceeds its operating
 3946 earnings in a fiscal year may credit the excess amount of the
 3947 taxes against state pari-mutuel taxes due and payable during its
 3948 next ensuing meets. As used in this paragraph, the term
 3949 "operating earnings" means total revenues from pari-mutuel
 3950 operations net of state taxes and fees less total expenses;
 3951 however, deductions for interest, depreciation and amortization,
 3952 payments to affiliated entities other than for reimbursement of

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3953 expenses related to pari-mutuel operations, and any increase in
3954 an officer's or director's annual compensation above the amount
3955 paid during calendar year 1997 are excluded from total expenses.

3956 (b) A jai alai permitholder may receive a tax credit equal
3957 to 25 percent of the actual amount remitted to the state in the
3958 preceding state fiscal year pursuant to paragraph (6)(a) with
3959 respect to live games. The credit may be applied against any
3960 taxes imposed under this part. Funds equal to such credit from
3961 any live jai alai games shall be paid by the permitholder to the
3962 National Association of Jai Alai Frontons to be used for the
3963 general promotion of the sport of jai alai in the state,
3964 including professional tournaments and amateur jai alai youth
3965 programs. Such youth programs must focus on benefiting children
3966 in after-school and anti-drug programs with special attention to
3967 inner-city areas.

3968 (c)1. Jai Alai Tournament of Champions Meet permitholders
3969 shall also receive a credit against the taxes, otherwise due and
3970 payable under this section, generated during the permitholders'
3971 current regular meet. The credit shall be:

3972 a. In the aggregate amount of \$150,000;
3973 b. Prorated equally among the permitholders; and
3974 c. Used by the permitholders solely to supplement awards
3975 for the performance conducted during the Jai Alai Tournament of
3976 Champions Meet.

3977 2. All awards shall be paid to the tournament's
3978 participating players no later than 30 days after the conclusion

3979 of the Jai Alai Tournament of Champions Meet.

3980 (d)1. In addition to the credit authorized in paragraph
 3981 (c), Jai Alai Tournament of Champions Meet permitholders shall
 3982 receive a credit against the taxes, otherwise due and payable
 3983 under this section, generated during the permitholders' current
 3984 regular meet, not to exceed the aggregate amount of \$150,000,
 3985 which shall be prorated equally among the permitholders and used
 3986 by the permitholders for such capital improvements and
 3987 extraordinary expenses, including marketing expenses, necessary
 3988 for the operation of the meet. The determination of the amount
 3989 to be credited shall be made by the commission upon application
 3990 of the permitholders.

3991 2. The permitholder may receive the permitholder's pro
 3992 rata share of the \$150,000 tax credit provided in subparagraph
 3993 1. without making application if appropriate documentation to
 3994 substantiate the expenditures is provided to the commission
 3995 within 30 days after the Jai Alai Tournament of Champions Meet.

3996 (8) TAX EXEMPTIONS.—

3997 (a) An admission tax under this part or chapter 212 may
 3998 not be imposed on any free pass or complimentary card issued to
 3999 a person for which there is no cost to the person for admission
 4000 to a pari-mutuel event.

4001 (b) A licensee may issue tax-free passes to its officers,
 4002 officials, and employees; to other persons actually engaged in
 4003 working at the facility, including accredited press
 4004 representatives such as reporters and editors; and to other

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4005 permitholders for use by their officers and officials. The
4006 licensee shall file with the department a list of all persons to
4007 whom tax-free passes are issued under this paragraph.

4008 (c) When the live handle of a permitholder during the
4009 preceding state fiscal year was less than \$15 million, the tax
4010 shall be paid on the handle in excess of \$30,000 per performance
4011 per day.

4012 (d) Notwithstanding any provision of this part, each
4013 permitholder licensed to conduct performances as part of the Jai
4014 Alai Tournament of Champions Meet shall pay no taxes on handle
4015 under subsection (4) or subsection (5) for any performance
4016 conducted by such permitholder as part of the Jai Alai
4017 Tournament of Champions Meet. This paragraph applies to a
4018 maximum of four performances.

4019 Section 64. Effective October 1, 2014, section 551.072,
4020 Florida Statutes, is created to read:

4021 551.072 Transmission of racing and jai alai information;
4022 commingling of pari-mutuel pools.-

4023 (1) (a) A person who transmits racing information to any
4024 person or relays such information to any person by word of
4025 mouth, by signal, or by use of telephone, telegraph, radio, or
4026 any other means knowing that the information is used or intended
4027 to be used for illegal gambling purposes or in furtherance of
4028 illegal gambling commits a felony of the third degree,
4029 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4030 (b) Paragraph (a) is an exercise of the police power of

4031 the state for the protection of the public welfare, health,
 4032 peace, safety, and morals of the people of the state, and this
 4033 section shall be liberally construed for the accomplishment of
 4034 such purpose.

4035 (2) A pari-mutuel licensee in this state may broadcast
 4036 events conducted at the enclosure of the licensee to locations
 4037 outside this state.

4038 (a) All broadcasts of horseraces to locations outside this
 4039 state must comply with the Interstate Horseracing Act of 1978,
 4040 15 U.S.C. ss. 3001 et seq.

4041 (b) Wagers accepted by any out-of-state pari-mutuel
 4042 licensee or licensed betting system on a race broadcast under
 4043 this subsection may be included in the pari-mutuel pools of the
 4044 horse track in this state that broadcasts the race upon which
 4045 wagers are accepted. The handle referenced in ss. 551.043(4),
 4046 551.053(4), 551.0543(4), 551.0553(3), and 551.063(4) does not
 4047 include any wagers accepted by an out-of-state pari-mutuel
 4048 licensee or licensed betting system, irrespective of whether
 4049 such wagers are included in the pari-mutuel pools of the Florida
 4050 licensee under this subsection.

4051 (3) A horserace licensee in this state may receive
 4052 broadcasts of horseraces conducted at other horse tracks located
 4053 outside this state at the racetrack enclosure of the licensee
 4054 during its race meet.

4055 (a) All broadcasts of horseraces received from locations
 4056 outside this state must comply with the Interstate Horseracing

4057 Act of 1978, 15 U.S.C. ss. 3001 et seq.

4058 (b) Wagers accepted at the horse track in this state may
4059 be included in the pari-mutuel pools of the out-of-state horse
4060 track that broadcasts the race. Notwithstanding any provision of
4061 this part, if the horse track in this state includes wagers
4062 accepted on such races in the pari-mutuel pools of the out-of-
4063 state horse track that broadcasts the race, from the amount
4064 wagered by patrons at the horse track in this state and included
4065 in the pari-mutuel pools of the out-of-state horse track, the
4066 horse track in this state shall deduct as the takeout from the
4067 amount wagered by patrons at the horse track in this state and
4068 included in the pari-mutuel pools of the out-of-state horse
4069 track a percentage equal to the percentage deducted from the
4070 amount wagered at the out-of-state racetrack as is authorized by
4071 the laws of the jurisdiction exercising regulatory authority
4072 over the out-of-state horse track.

4073 (c) All forms of pari-mutuel wagering are allowed on races
4074 broadcast under this section, and all money wagered by patrons
4075 on such races shall be computed as part of the total amount of
4076 money wagered at each racing performance for purposes of
4077 taxation under ss. 551.043, 551.053, 551.0543, 551.0553, and
4078 551.063. Sections 551.0523(1)(a), 551.0542(1), and 551.0552(1)
4079 do not apply to any money wagered on races broadcast under this
4080 section. The takeout shall be increased by breaks and uncashed
4081 tickets for wagers on races broadcast under this section,
4082 notwithstanding any provision of this part.

4083 (4) A greyhound racing licensee or jai alai permitholder
 4084 in this state may receive broadcasts of greyhound races or jai
 4085 alai games conducted at other greyhound tracks or frontons
 4086 located outside the state at the track enclosure of the licensee
 4087 during its operational meeting. All forms of pari-mutuel
 4088 wagering are allowed on greyhound races or jai alai games
 4089 broadcast under this subsection. All money wagered by patrons on
 4090 greyhound races broadcast under this subsection shall be
 4091 computed in the amount of money wagered each performance for
 4092 purposes of taxation under this part.

4093 (5) A pari-mutuel licensee under this part may not receive
 4094 broadcasts of events from outside this state except from an out-
 4095 of-state pari-mutuel permitholder that holds the same type or
 4096 class of pari-mutuel permit as the pari-mutuel permitholder
 4097 licensed under this part that intends to receive the broadcast.

4098 (6) (a) A maximum of 20 percent of the total number of
 4099 races on which wagers are accepted by a greyhound racing
 4100 licensee not located as specified in s. 551.073(6) may be
 4101 received from locations outside this state. A licensee may not
 4102 conduct fewer than eight live events on any authorized race day
 4103 except as provided in this subsection. A thoroughbred racing
 4104 licensee may not conduct fewer than eight live races on any race
 4105 day without the written approval of the Florida Thoroughbred
 4106 Breeders' and Owners' Association and the Florida Horsemen's
 4107 Benevolent and Protective Association, Inc., unless it is
 4108 determined by the commission that another entity represents a

4109 majority of the thoroughbred racehorse owners and trainers in
4110 the state. A harness racing licensee may conduct fewer than
4111 eight live races on any authorized race day, except that such
4112 licensee must conduct a full schedule of live racing during its
4113 race meet consisting of at least eight live races per authorized
4114 race day for at least 100 days. A harness racing licensee that,
4115 during the preceding racing season, conducted a full schedule of
4116 live racing may receive, at any time during its current race
4117 meet, full-card broadcasts of harness races conducted at harness
4118 race tracks outside this state at the harness race track of the
4119 permitholder and accept wagers on such harness races. With
4120 specific authorization from the commission for special racing
4121 events, a licensee may conduct fewer than eight live events if
4122 the licensee also broadcasts out-of-state events. The commission
4123 may not authorize more than two such exceptions a year for a
4124 licensee in any 12-month period, and those two exceptions may
4125 not be consecutive.

4126 (b) Notwithstanding any provision of this part, a harness
4127 racing licensee that accepts broadcasts of out-of-state harness
4128 races when not conducting live races must make the out-of-state
4129 signal available to all licensees eligible to conduct intertrack
4130 wagering and shall pay to guest facilities located as specified
4131 in ss. 551.073(6) and 551.073(9) 50 percent of the net proceeds
4132 after taxes and fees to the out-of-state host facility on
4133 harness race wagers that they accept. A harness racing licensee
4134 shall pay into its purse account 50 percent of the net income

4135 retained by the licensee on wagering on the out-of-state
4136 broadcasts received pursuant to this subsection. Nine-tenths of
4137 a percent of all harness race wagering proceeds on the
4138 broadcasts received pursuant to this subsection shall be paid to
4139 the Florida Standardbred Breeders and Owners Association under
4140 s. 551.0552(2) for the purposes specified in that subsection.

4141 (7) A racetrack or fronton may not pay a patron for any
4142 pari-mutuel ticket purchased on any event transmitted pursuant
4143 to this section until the stewards, judges, or panel of judges
4144 or other similarly constituted body at the racetrack or fronton
4145 where the event originates confirms the event as official.

4146 (8) By entering and participating in a race for a purse or
4147 any other prize of any racing animal, the owner of the animal
4148 and the jockey or driver agree to accept such purse or prize as
4149 full and complete remuneration and payment, including the
4150 broadcast of such event, except as otherwise provided in this
4151 section.

4152 (9) The rights, privileges, or immunities granted under
4153 this section prevail over any conflicting provision to the
4154 extent that such rights, privileges, or immunities conflict with
4155 any other law or affect any order or rule of the Florida Public
4156 Service Commission relating to the regulation of public
4157 utilities and the furnishing to others of any communication,
4158 wire service, or other similar service or equipment.

4159 (10) The department may adopt rules necessary to
4160 facilitate commingling of pari-mutuel pools, to ensure the

4161 proper calculation of payoffs in circumstances in which
4162 different commission percentages are applicable, and to regulate
4163 distribution of net proceeds between the horse track and, in
4164 this state, the horsemen's associations.

4165 (11) Greyhound tracks and jai alai frontons have the same
4166 privileges as provided in this section to horse tracks, subject
4167 to rules adopted under subsection (10).

4168 (12) All permitholders licensed under this part have
4169 standing to enforce subsections (2) and (3) in the courts of
4170 this state.

4171 (13) This section does not prohibit the commingling of
4172 national pari-mutuel pools by a totalisator company that is
4173 licensed under this part. Such commingling of national pools is
4174 subject to commission review and approval and must be performed
4175 in accordance with rules adopted by the department to ensure
4176 accurate calculation and distribution of the pools.

4177 (14) Notwithstanding the provisions of paragraph (3) (b)
4178 pertaining to takeout, takeouts different from those of the host
4179 facility may be used when the totalisator is programmed for net
4180 pool pricing and the host facility elects to use net pool
4181 pricing in the calculation of its pools. This subsection also
4182 applies to greyhound intertrack and simulcast wagers.

4183 (15) Uncashed tickets and breakage tax on intertrack
4184 wagers shall be retained by the licensee conducting the live
4185 event.

4186 (16) Section 565.02(5) applies to any guest facility.

4187 Section 65. Effective October 1, 2014, section 551.073,
 4188 Florida Statutes, is created to read:

4189 551.073 Intertrack wagering.—

4190 (1) A horseracing licensee that has conducted a full
 4191 schedule of live events may, at any time, receive at its
 4192 facility broadcasts of and accept wagers on horseraces conducted
 4193 by horseracing permitholders licensed under this part.

4194 (2) Any licensed track or fronton that, in the preceding
 4195 year, conducted a full schedule of live events may, at any time,
 4196 receive broadcasts of any class of pari-mutuel events and accept
 4197 wagers on such events conducted by any class of licensed
 4198 permitholder.

4199 (3) If a licensee broadcasts to any licensee in this
 4200 state, any licensee that is eligible to conduct intertrack
 4201 wagering under ss. 551.073-551.077 may receive the broadcast and
 4202 conduct intertrack wagering under this section. A host facility
 4203 may require a guest facility within the market area of another
 4204 licensee to accept within any week at least 60 percent of the
 4205 live races that the host facility is making available regardless
 4206 of whether the guest facility is operating live events. A person
 4207 may not restrain or attempt to restrain any licensee that is
 4208 otherwise authorized to conduct intertrack wagering from
 4209 receiving the signal of any other licensee or sending its signal
 4210 to any licensee.

4211 (4) A guest facility within the market area of an
 4212 operating licensee may not take an intertrack wager on the same

4213 class of live events without the written consent of such
4214 operating licensee conducting the same class of live events.

4215 (5) A licensee within the market area of the host facility
4216 may not take an intertrack wager on the host facility without
4217 the consent of the host facility.

4218 (6) Notwithstanding subsection (3), in any area of the
4219 state where there are three or more horseracing licensees within
4220 25 miles of each other, intertrack wagering between licensees
4221 may only be authorized under the following conditions:

4222 (a) A licensee, other than a thoroughbred racing
4223 permitholder, may accept intertrack wagers on live events
4224 conducted by a licensee of the same class or any harness racing
4225 permitholder located within such area;

4226 (b) A harness racing licensee may accept wagers on games
4227 conducted live by any jai alai permitholder located within its
4228 market area and may accept wagers on games from a jai alai
4229 permitholder located within the area specified in this
4230 subsection when no jai alai permitholder located within its
4231 market area is conducting live jai alai performances; and

4232 (c) A greyhound racing licensee or jai alai licensee may
4233 receive broadcasts of and accept wagers on any permitholder of
4234 the other class if a licensee, other than the host facility, of
4235 such other class is not operating a contemporaneous live
4236 performance within the market area.

4237 (7) In any county of the state where there are only two
4238 permits, one for greyhound racing and one for jai alai, an

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4239 intertrack wager may not be taken during the period of time when
4240 a permitholder is not licensed to conduct live events without
4241 the written consent of the other permitholder that is conducting
4242 live events. However, if neither permitholder is conducting live
4243 events, either permitholder may accept intertrack wagers on
4244 horseraces or on the same class of events, or on both horseraces
4245 and the same class of events, as is authorized by its permit.

4246 (8) In any three contiguous counties of the state where
4247 there are only three licensees, all of which are greyhound
4248 racing permitholders, if a licensee leases the facility of
4249 another permitholder for all or any portion of its live race
4250 meet pursuant to s. 551.037, such lessee may conduct intertrack
4251 wagering at its prelease permitted facility throughout the
4252 entire year, including while its live meet is being conducted at
4253 the leased facility, if such permitholder has conducted a full
4254 schedule of live racing during the preceding fiscal year at its
4255 prelease permitted facility, at a leased facility, or at both.

4256 (9) In any two contiguous counties of the state in which
4257 only four licensees are operating, one for thoroughbred racing,
4258 two for greyhound racing, and one for jai alai games, an
4259 intertrack wager may not be accepted on the same class of live
4260 events as those of any licensee within the same market area
4261 without the written consent of each such licensee conducting the
4262 same class of live events within the market area of the guest
4263 facility.

4264 (10) All costs of receiving broadcasts shall be borne by

4265 the guest facility, and all costs of sending broadcasts shall be
4266 borne by the host facility.

4267 Section 66. Effective October 1, 2014, section 551.074,
4268 Florida Statutes, is created to read:

4269 551.074 Intertrack wagering; purses; breeder awards.—If a
4270 host facility is a horse track:

4271 (1) A host facility racing under a thoroughbred racing
4272 permit or quarter horse racing permit shall pay as purses during
4273 its current race meet an amount equal to 7 percent of all wagers
4274 placed pursuant to s. 551.073. At the option of the host
4275 facility, up to 0.5 percent of all wagers placed pursuant to s.
4276 551.073 may be deducted from the amount retained by the host
4277 facility for purses to supplement the awards program for owners
4278 of Florida-bred horses as specified in s. 551.0511(3). A host
4279 facility racing under a harness racing permit shall pay an
4280 amount equal to 7 percent of all wagers placed pursuant to s.
4281 551.073 as purses during its current race meet. If a host
4282 facility underpays or overpays purses required by this part,
4283 then s. 551.0511 applies to the overpayment or underpayment.

4284 (2) For all wagers placed under s. 551.073:

4285 (a) If the host facility is a thoroughbred race track, an
4286 amount equal to 0.75 percent of such wagers shall be paid to the
4287 Florida Thoroughbred Breeders' and Owners' Association for the
4288 payment of breeder awards.

4289 (b) If the host facility is a harness race track, an
4290 amount equal to 1 percent of such wagers shall be paid to the

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4291 Florida Standardbred Breeders and Owners Association for the
4292 payment of breeder awards, stallion awards, stallion stakes,
4293 additional purses, and prizes for, and the general promotion of
4294 owning and breeding, Florida-bred standardbred horses.

4295 (c) If the host facility is a quarter horse race track, an
4296 amount equal to 1 percent of such wagers shall be paid to the
4297 Florida Quarter Horse Breeders and Owners Association for the
4298 payment of breeder awards and general promotion.

4299 (3) The payment to a breeder organization shall be
4300 combined with any other amounts received by the respective
4301 breeder and owner associations as designated. Each breeder and
4302 owner association receiving such funds may withhold the same
4303 percentage specified in ss. 551.0523, 551.0542, and 551.0552 to
4304 be used for administering the payment of awards and for the
4305 general promotion of its respective industry. Notwithstanding
4306 any other provision of law, if the total combined amount
4307 received for thoroughbred breeder awards exceeds 15 percent of
4308 the purse required to be paid under subsection (1), the breeder
4309 and owner association, as designated, shall submit a plan to the
4310 commission for approval which would use the excess funds in
4311 promoting the breeding industry by increasing the purse
4312 structure for Florida-bred horses. Preference shall be given to
4313 the track generating such excess.

4314 Section 67. Effective October 1, 2014, section 551.075,
4315 Florida Statutes, is created to read:

4316 551.075 Intertrack wagering; guest facility payments;

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4317 accounting rules.-

4318 (1) (a) All guest facilities receiving broadcasts of:

4319 1. Horseraces from a host facility racing under a
4320 thoroughbred racing license or quarter horse racing license are
4321 entitled to 7 percent of the total contributions to the pari-
4322 mutuel pool on wagers accepted at the guest facility.

4323 2. Greyhound races or jai alai games from a host facility
4324 other than a thoroughbred racing or harness racing licensee are
4325 entitled to at least 5 percent of the total contributions to the
4326 daily pari-mutuel pool on wagers accepted at the guest facility.

4327 3. Horseraces from a host facility racing under a harness
4328 racing license are entitled to 5 percent of the total
4329 contributions to the daily pari-mutuel pool on wagers accepted
4330 at the guest facility.

4331 (b)1. If the guest facility is a horseracing licensee that
4332 accepts intertrack wagers during its current race meet, one-half
4333 of the amount provided in this subsection and s. 551.076 shall
4334 be paid as purses during its current race meet; or

4335 2. If the host facility is a thoroughbred racing licensee,
4336 and the guest facility is also a thoroughbred racing licensee
4337 and accepts intertrack wagers on thoroughbred races during its
4338 current race meet, one-third of the amount provided in this
4339 subsection shall be paid as purses during its current race meet.
4340 In addition, an amount equal to 2 percent of the intertrack
4341 handle at the guest facility shall be deducted from the purses
4342 required to be paid by the host facility and remitted by the

4343 host facility to the guest facility and paid by the guest
4344 facility as purses during its current race meet.

4345 (c) If intertrack wagering on thoroughbred racing is taken
4346 at any guest facility, including a thoroughbred guest facility,
4347 which is located within the market area of any thoroughbred
4348 racing licensee that is not conducting live racing, an amount
4349 equal to 2 percent of the intertrack handle at all such guest
4350 facilities, including the thoroughbred guest facility, shall be
4351 deducted from the purses otherwise required to be paid by the
4352 host facility and remitted by the host facility to the
4353 thoroughbred racing licensee that was not conducting live
4354 racing. The amount paid under this paragraph to the thoroughbred
4355 racing licensee that was not conducting live racing shall be
4356 used to pay purses during its next race meet.

4357 (2) For the purpose of calculating odds and payoffs and
4358 distributing pari-mutuel pools, all intertrack wagers shall be
4359 combined with the pari-mutuel pools at the host facility.
4360 Notwithstanding this subsection or subsection (4), a greyhound
4361 racing licensee may conduct intertrack wagering without
4362 combining pari-mutuel pools on not more than three races in any
4363 week, not to exceed 20 races in a year. All other provisions
4364 concerning pari-mutuel takeout and payments, including state tax
4365 payments, apply as if the pool had been combined.

4366 (3) All forms of pari-mutuel wagering are allowed on all
4367 wagering authorized by s. 551.073 and this section.

4368 (4) The takeout on all intertrack wagering shall be the

4369 same as the takeout on similar pari-mutuel pools conducted at
4370 the host facility.

4371 (5) The department shall adopt rules providing an
4372 expedient accounting procedure for the transfer of the pari-
4373 mutuel pool in order to properly account for payment of state
4374 taxes and purses and payment to the guest facility, the host
4375 facility, breeder associations, horsemen's associations, and the
4376 public.

4377 (6) Each host facility or guest facility conducting
4378 intertrack wagering shall annually file an audit that complies
4379 with s. 551.034 which distinguishes intertrack wagering from
4380 wagering conducted live.

4381 (7) A guest facility may not make any payment on a pari-
4382 mutuel ticket purchased on any event broadcast until the
4383 stewards, judges, or panel of judges at the host facility where
4384 the event originated confirms the event as official.

4385 (8) By entering and participating in a race for a purse or
4386 other prize of any racing animal, the owner of the animal and
4387 the jockey or driver agree to accept such purse or prize as full
4388 and complete remuneration and payment for such entry and
4389 participation, including the broadcast of such event.

4390 (9) A host facility that has contracted with an out-of-
4391 state horse track to broadcast live races conducted at the out-
4392 of-state horse track pursuant to s. 551.072(5) may rebroadcast
4393 simulcasts of such races to any guest facility and accept wagers
4394 thereon in the same manner as is provided in s. 551.072.

4395 (a) For purposes of this section, the term "net proceeds"
4396 means the amount of takeout remaining after payment of state
4397 taxes and purses, the amount paid to the out-of-state horse
4398 track, and breeder awards paid to the Florida Thoroughbred
4399 Breeders' and Owners' Association and the Florida Standardbred
4400 Breeders and Owners Association, to be used as set forth in s.
4401 551.074(2).

4402 (b) Notwithstanding subsection (1) and s. 551.074(1) and
4403 (2), distribution of the net proceeds that are retained by a
4404 thoroughbred racing host facility from the takeout on a
4405 simulcast race rebroadcast under this subsection shall be as
4406 follows:

- 4407 1. One-third shall be paid to the guest facility;
- 4408 2. One-third shall be retained by the host facility; and
- 4409 3. One-third shall be paid by the host facility as purses
4410 at the host facility.

4411 (c) All guest facilities, other than thoroughbred racing
4412 licensees, receiving wagers on simulcast horseraces rebroadcast
4413 from a thoroughbred racing host facility are subject to the
4414 distribution of net proceeds specified in paragraph (b) unless
4415 the host facility and guest facility licensees and the
4416 recognized horseman's group agree by contract to a different
4417 distribution of their respective portions of the proceeds.

4418 (d) A licensee located in any market area of the state
4419 where there are only two permits, one for greyhound racing and
4420 one for jai alai, may accept wagers on rebroadcasts of simulcast

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4421 thoroughbred races from an in-state thoroughbred racing licensee
4422 and is not subject to paragraph (b) if the thoroughbred racing
4423 licensee is both conducting live races and accepting wagers on
4424 out-of-state horseraces. In such case, the guest licensee is
4425 entitled to 45 percent of the net proceeds on wagers accepted at
4426 the guest facility. Of the remaining net proceeds, one-half
4427 shall be retained by the host facility and one-half shall be
4428 paid by the host facility as purses at the host facility.

4429 (e) Notwithstanding subsection (1) and s. 551.074(1) and
4430 (2), the proceeds that are retained by a harness racing host
4431 facility from the takeout on a race broadcast under this
4432 subsection shall be distributed as follows:

4433 1. Of the total intertrack handle on the broadcast, 1
4434 percent shall be deducted from the proceeds and paid to the
4435 Florida Standardbred Breeders and Owners Association to be used
4436 as set forth in s. 551.074(2).

4437 2. After the deduction under subparagraph 1., one-third of
4438 the proceeds shall be paid to the guest facility, one-third
4439 shall be retained by the host facility, and one-third shall be
4440 paid by the host facility as purses at the host facility.

4441 (f) A licensee located in any market area of the state
4442 where there are only two permits, one for greyhound racing and
4443 one for jai alai, may accept wagers on rebroadcasts of simulcast
4444 harness races from an in-state harness racing licensee and is
4445 not subject to paragraph (b) if the harness racing licensee is
4446 conducting live races. In such case, the guest licensee is

4447 entitled to 45 percent of the net proceeds on wagers accepted at
4448 the guest facility. Of the remaining net proceeds, one-half
4449 shall be retained by the host facility and one-half shall be
4450 paid by the host facility as purses at the host facility.

4451 (g)1. A thoroughbred racing licensee that accepts wagers
4452 on a simulcast signal must make the signal available to any
4453 licensee that is eligible to conduct intertrack wagering under
4454 ss. 551.073-551.077. Notwithstanding any provision of this part,
4455 a licensee located as specified in s. 551.073(6) which receives
4456 the rebroadcast after 6 p.m. may accept wagers on such
4457 rebroadcast simulcast signal. A licensee licensed under s.
4458 551.077 which receives the rebroadcast after 6 p.m. may accept
4459 wagers on such rebroadcast simulcast signals for a number of
4460 performances not exceeding that which constitutes a full
4461 schedule of live races for a quarter horse racing permitholder
4462 pursuant to s. 551.0551, notwithstanding any provision of this
4463 part, except that the restrictions provided in s. 551.077(1)
4464 apply to wagers on such rebroadcast simulcast signals.

4465 2. A thoroughbred licensee is not required to continue to
4466 rebroadcast a simulcast signal to any in-state permitholder if
4467 the average per performance gross receipts returned to the host
4468 licensee over the preceding 30-day period were less than \$100.
4469 Subject to s. 551.073(4), as a condition of receiving
4470 rebroadcasts of thoroughbred simulcast signals under this
4471 paragraph, a guest licensee must accept intertrack wagers on all
4472 live races conducted by all then-operating thoroughbred racing

4473 licensees.

4474 (10) All events conducted at a permitholder's facility,
 4475 all broadcasts of such events, and all related broadcast rights
 4476 are owned by the permitholder at whose facility such events are
 4477 conducted and are the permitholder's property as defined in s.
 4478 812.012(4). Transmission, reception of a transmission,
 4479 exhibition, use, or other appropriation of such events,
 4480 broadcasts of such events, or related broadcast rights without
 4481 the written consent of the permitholder is theft of such
 4482 property under s. 812.014, and, in addition to the penal
 4483 sanctions contained in s. 812.014, the permitholder may avail
 4484 itself of the civil remedies specified in ss. 772.104, 772.11,
 4485 and 812.035 in addition to any other remedies available under
 4486 applicable state or federal law.

4487 (11) To the extent that any rights, privileges, or
 4488 immunities granted to pari-mutuel permitholders in this section
 4489 conflict with any provision of any other law or affect any order
 4490 or rule of the Florida Public Service Commission relating to the
 4491 regulation of public utilities and the furnishing to others of
 4492 any communication, wire service, or other similar service or
 4493 equipment, the rights, privileges, and immunities granted under
 4494 this section prevail over such conflicting provision.

4495 Section 68. Effective October 1, 2014, section 551.076,
 4496 Florida Statutes, is created to read:

4497 551.076 Surcharge; supplement payments.-

4498 (1) SURCHARGE ON INTERTRACK POOL.-

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4499 (a) Any guest facility that accepts intertrack wagers may
4500 collect and retain a surcharge on any intertrack pool in an
4501 amount not to exceed 3 percent of each winning pari-mutuel
4502 ticket cashed.

4503 (b) A thoroughbred racing licensee that accepts wagers on
4504 out-of-state races may impose a surcharge on each winning
4505 ticket, or interstate pool, on such out-of-state race in an
4506 amount not to exceed 5 percent of each winning pari-mutuel
4507 winning ticket cashed. If a licensee rebroadcasts such signal
4508 and elects to impose a surcharge, the surcharge shall be imposed
4509 on any winning ticket at any guest facility at the same rate as
4510 the surcharge on wagers accepted at its own facility. The
4511 proceeds from the surcharge shall be distributed as follows:

4512 1. If the wager is made at the host facility, one-half of
4513 the proceeds shall be retained by the host licensee and one-half
4514 shall be paid as purses at the host facility.

4515 2. If the wager is made at a guest facility, one-half of
4516 the proceeds shall be retained by the guest licensee, one-
4517 quarter shall be paid to the host licensee, and one-quarter
4518 shall be paid as purses at the host facility.

4519 (c) Any surcharge taken under this subsection must be
4520 calculated after breakage is deducted from the wagering pool.

4521 (2) SUPPLEMENTAL PAYMENTS BY HARNESS RACING HOST
4522 FACILITY.—A harness racing permitholder host facility may pay
4523 any guest facility that receives broadcasts and accepts wagers
4524 on races from the host facility an additional percentage of the

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4525 total contribution to the pari-mutuel pool on wagers accepted at
4526 that guest facility as a supplement to the payment authorized in
4527 s. 551.075. A harness racing permitholder host facility that
4528 supplements payments to a guest facility may reduce the account
4529 available for payment of purses during its current race meet by
4530 50 percent of the supplemental amount paid to the guest
4531 facility, but the total reduction may not exceed 1 percent of
4532 the intertrack wagers placed on races that are part of the
4533 regular ontrack program of the host facility during its current
4534 race meet pursuant to s. 551.073.

4535 Section 69. Effective October 1, 2014, section 551.077,
4536 Florida Statutes, is created to read:

4537 551.077 Limited intertrack wagering license.—In
4538 recognition of the economic importance of the thoroughbred
4539 breeding industry to this state, its positive impact on tourism,
4540 and the importance of a permanent thoroughbred sales facility as
4541 a key focal point for the activities of the industry, a limited
4542 license to conduct intertrack wagering is established to ensure
4543 the continued viability and public interest in thoroughbred
4544 breeding in Florida.

4545 (1) (a) Upon application to the commission on or before
4546 January 31 of each year, a person who is licensed to conduct
4547 public sales of thoroughbred horses under s. 535.01 and who has
4548 conducted thoroughbred horse sales for at least 8 days at a
4549 permanent sales facility in this state for at least 3
4550 consecutive years may be issued a license, subject to the

4551 conditions specified in this section and department rule, to
4552 conduct intertrack wagering at such a permanent sales facility.

4553 (b) Only one license may be issued under this subsection,
4554 and the license may not be issued for a facility located within
4555 50 miles of any thoroughbred racing licensee's track.

4556 (2) If more than one application is submitted for such
4557 license, the commission shall determine which applicant is
4558 granted the license. In making its determination, the commission
4559 shall grant the license to the applicant demonstrating superior
4560 capabilities, as measured by the length of time the applicant
4561 has been conducting thoroughbred horse sales within this state
4562 or elsewhere, the applicant's total volume of thoroughbred horse
4563 sales within this state or elsewhere, the length of time the
4564 applicant has maintained a permanent thoroughbred sales facility
4565 in this state, and the quality of the facility.

4566 (3) The applicant must comply with ss. 551.0321(2),
4567 551.034, and 551.029.

4568 (4) The licensee shall be considered a guest facility
4569 under this part.

4570 Section 70. Effective October 1, 2014, section 551.078,
4571 Florida Statutes, is created to read:

4572 551.078 Totalisator licensing.-

4573 (1) A totalisator may not be operated at a pari-mutuel
4574 facility in this state, or at a facility located in or out of
4575 this state which is used as the primary totalisator for an event
4576 conducted in this state, unless the totalisator company

4577 possesses a business license issued by the department.

4578 (2) (a) Each totalisator company must apply to the
4579 department for an annual business license. The application must
4580 include such information as the department by rule requires.

4581 (b) As a part of its license application, each totalisator
4582 company must agree in writing to pay to the department an amount
4583 equal to the loss of any state revenues due to missed or
4584 canceled events or performances due to acts of the totalisator
4585 company or its agents or employees or failures of the
4586 totalisator system, except for circumstances beyond the control
4587 of the totalisator company or agent or employee, as determined
4588 by the commission.

4589 (c) Each totalisator company must file with the department
4590 a performance bond, acceptable to the department, in the sum of
4591 \$250,000 issued by a surety approved by the department or must
4592 file acceptable proof of insurance in the amount of \$250,000 to
4593 insure the state against such a revenue loss.

4594 (d) If there is a loss of state tax revenues, the
4595 department shall determine:

4596 1. The estimated revenue lost as a result of missed or
4597 canceled events or performances;

4598 2. The number of events or performances which is
4599 practicable for the permitholder to conduct in an attempt to
4600 mitigate the revenue loss; and

4601 3. The amount of the revenue loss that the makeup events
4602 or performances will not recover and for which the totalisator

4603 company is liable.

4604 (e) Upon making the determinations under paragraph (d),
4605 the department shall issue to the totalisator company and to the
4606 affected permitholder an order setting forth the determinations
4607 of the department.

4608 (f) If the order is contested by the totalisator company
4609 or any affected permitholder, chapter 120 applies. If the
4610 totalisator company contests the order on the grounds that the
4611 revenue loss was due to circumstances beyond its control, the
4612 totalisator company has the burden of proving that circumstances
4613 were in fact beyond its control. For purposes of this paragraph,
4614 strikes and acts of God are beyond the control of the
4615 totalisator company.

4616 (g) Upon the failure of the totalisator company to make
4617 the payment found to be due the state, the department may cause
4618 the forfeiture of the bond or may proceed against the insurance
4619 contract, and the proceeds of the bond or contract shall be
4620 deposited into the Gaming Control Trust Fund. If the bond was
4621 not posted or insurance was not obtained, the department may
4622 proceed against any assets of the totalisator company to collect
4623 the amounts due under this subsection.

4624 (3) If the applicant meets the requirements of this
4625 section and of the department rules and pays the license fee,
4626 the department shall issue the license.

4627 (4) Each totalisator company shall conduct operations in
4628 accordance with rules adopted by the department in such form,

4629 content, and frequency as the department by rule determines.

4630 (5) The department and its representatives may enter and
4631 inspect any area of the premises of a licensed totalisator
4632 company, and may examine totalisator records, during the
4633 licensee's regular business or operating hours.

4634 Section 71. Effective October 1, 2014, section 551.082,
4635 Florida Statutes, is created to read:

4636 551.082 Minors' attendance at pari-mutuel performances;
4637 restrictions.-

4638 (1) A minor, when accompanied by one or both parents or by
4639 her or his legal guardian, may attend pari-mutuel performances
4640 under the conditions and at the times specified by each
4641 permitholder conducting the pari-mutuel performance.

4642 (2) A person under the age of 18 may not place a wager at
4643 any pari-mutuel performance.

4644 (3) Notwithstanding subsections (1) and (2), a minor may
4645 be employed at a pari-mutuel facility except in a position
4646 directly involving wagering or alcoholic beverages or except as
4647 otherwise prohibited by law.

4648 (4) A minor child of a licensed greyhound trainer, kennel
4649 operator, or other licensed person employed in the kennel
4650 compound areas may be granted access to kennel compound areas
4651 without being licensed if the minor is in no way employed at the
4652 facility and only when the minor is under the direct supervision
4653 of her or his parent or legal guardian.

4654 Section 72. Effective October 1, 2014, section 551.091,

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4655 Florida Statutes, is created to read:

4656 551.091 Penalty for violation.—The commission may revoke
4657 or suspend any permit or license issued under this part upon the
4658 willful violation by the permitholder or licensee of any
4659 provision of this part or of any rule adopted under this part.
4660 In lieu of suspending or revoking a permit or license, the
4661 commission may impose a civil penalty against the permitholder
4662 or licensee for a violation of this part or any rule adopted by
4663 the department. The penalty may not exceed \$1,000 for each count
4664 or separate offense. All penalties imposed and collected shall
4665 be remitted to the Chief Financial Officer for deposit into the
4666 General Revenue Fund.

4667 Section 73. Effective October 1, 2014, section 551.0921,
4668 Florida Statutes, is created to read:

4669 551.0921 Use of controlled substances or alcohol
4670 prohibited; testing of certain occupational licensees.—

4671 (1) The use of a controlled substance as defined in
4672 chapter 893 or of alcohol by any occupational licensees
4673 officiating at or participating in an event is prohibited.

4674 (2) (a) An occupational licensee, by applying for and
4675 holding such license, is deemed to have given consent to submit
4676 to an approved chemical test of her or his breath for the
4677 purpose of determining the alcoholic content of the person's
4678 blood and to a urine or blood test for the purpose of detecting
4679 the presence of a controlled substance. Such tests shall be
4680 conducted only upon reasonable cause that a violation has

4681 occurred as determined by the stewards at a horserace meeting or
4682 the judges or board of judges at a greyhound track or jai alai
4683 meet. Failure to submit to such test may result in a suspension
4684 of the person's occupational license for 10 days or until this
4685 section has been complied with, whichever is longer.

4686 1. If at the time of the test the person's blood contained
4687 0.05 percent or less by weight of alcohol, the person is
4688 presumed not to have been under the influence of alcoholic
4689 beverages to the extent that the person's normal faculties were
4690 impaired, and no action may be taken by the stewards, judges, or
4691 board of judges or the commission.

4692 2. If at the time of the test the person's blood contained
4693 more than 0.05 percent but less than 0.08 percent by weight of
4694 alcohol, it may not be presumed that the person was under the
4695 influence of alcoholic beverages to the extent that the person's
4696 faculties were impaired. In this instance, the stewards, judges,
4697 or board of judges may consider that fact in determining whether
4698 the person will be allowed to officiate or participate in a
4699 given event.

4700 3. If at the time of the test the person's blood contained
4701 0.08 percent or more by weight of alcohol, this fact is prima
4702 facie evidence that the person was under the influence of
4703 alcoholic beverages to the extent that the person's normal
4704 faculties were impaired, and the stewards or judges may take
4705 action as specified in this section, but the person may not
4706 officiate at or participate in any event on the day of such

4707 test.

4708 (b) All tests relating to alcohol must be performed in a
4709 manner identical or substantially similar to the provisions of
4710 s. 316.1934 and rules adopted pursuant to that section.

4711 Following a test of the urine or blood to determine the presence
4712 of a controlled substance as defined in chapter 893, if a
4713 controlled substance is found to exist, the stewards, judges, or
4714 board of judges may take such action as is permitted in this
4715 section.

4716 (3) (a) For the first violation of subsection (2), the
4717 stewards, judges, or board of judges may suspend a licensee for
4718 up to 10 days or, in lieu of suspension, may impose a civil fine
4719 of up to \$500.

4720 (b) For a second violation of subsection (2) within 1 year
4721 after the first violation, the stewards, judges, or board of
4722 judges may suspend a licensee for up to 30 days and, in addition
4723 to or in lieu of suspension, may impose a civil fine of up to
4724 \$2,000.

4725 (c) In lieu of or in addition to the penalties prescribed
4726 under paragraph (a) for a first offense or paragraph (b) for a
4727 second offense, the stewards, judges, or board of judges may
4728 require the licensee to participate in a drug or alcohol
4729 rehabilitation program and to be retested.

4730 (d) If the second violation occurred within 1 year after
4731 the first violation, upon the finding of a third violation of
4732 this section within 1 year after the second violation, the

4733 stewards, judges, or board of judges may suspend the licensee
4734 for up to 120 days, and the stewards, judges, or board of judges
4735 shall forward the results of the tests under paragraphs (a) and
4736 (b) and this violation to the commission. In addition to the
4737 action taken by the stewards, judges, or board of judges, the
4738 commission, after a hearing, may deny, suspend, or revoke the
4739 occupational license of the licensee and may impose a civil
4740 penalty of up to \$5,000 in addition to or in lieu of a
4741 suspension or revocation. The commission shall have no authority
4742 over the enforcement of this section until a licensee commits a
4743 third violation within 2 years after the first violation.

4744 (4) Section 120.80(4)(a) applies to all actions taken by
4745 the stewards, judges, or board of judges pursuant to this
4746 section without regard to the limitation imposed in that
4747 section.

4748 (5) This section does not apply to the possession and use
4749 of controlled or chemical substances that are prescribed as part
4750 of the care and treatment of a disease or injury by a
4751 practitioner licensed under chapter 458, chapter 459, part I of
4752 chapter 464, or chapter 466.

4753 (6) It is the intent of the Legislature to protect the
4754 health, safety, and welfare of those officiating at or
4755 participating in an event. Therefore, evidence of any test or
4756 actions taken by the stewards, judges, or board of judges or the
4757 commission under this section is inadmissible in court for
4758 criminal prosecution. However, this subsection does not prohibit

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4759 any person so authorized from pursuing an independent
4760 investigation as a result of a ruling made by the stewards,
4761 judges, board of judges, or commission.

4762 Section 74. Effective October 1, 2014, section 551.0922,
4763 Florida Statutes, is created to read:

4764 551.0922 Authority of stewards, judges, panel of judges,
4765 or player's manager to impose penalties against occupational
4766 licensees; disposition of funds collected.-

4767 (1) The stewards at a horse track; the judges at a
4768 greyhound track; or the judges, a panel of judges, or a player's
4769 manager at a jai alai fronton may impose a civil penalty against
4770 any occupational licensee for violation of the pari-mutuel laws
4771 or any rule adopted by the department. The penalty may not
4772 exceed \$1,000 for each count or separate offense or exceed 60
4773 days of suspension for each count or separate offense.

4774 (2) All penalties imposed and collected pursuant to this
4775 section at each pari-mutuel facility shall be deposited into a
4776 board of relief fund established by the pari-mutuel
4777 permitholder. Each association shall name a board of relief
4778 composed of three of its officers, with the general manager of
4779 the permitholder being the ex officio treasurer of such board.
4780 Moneys deposited into the board of relief fund shall be
4781 disbursed by the board for the specific purpose of aiding
4782 occupational licensees and their immediate family members at
4783 each pari-mutuel facility.

4784 Section 75. Effective October 1, 2014, section 551.093,

4785 Florida Statutes, is created to read:

4786 551.093 Racing animals under certain conditions

4787 prohibited; penalties; exceptions.-

4788 (1) (a) Racing an animal that has been administered any
4789 drug, medication, stimulant, depressant, hypnotic, narcotic,
4790 local anesthetic, or drug-masking agent is prohibited. A person
4791 may not administer or cause to be administered any drug,
4792 medication, stimulant, depressant, hypnotic, narcotic, local
4793 anesthetic, or drug-masking agent to an animal which will result
4794 in a positive test for such substance based on samples taken
4795 from the animal immediately before or immediately after racing
4796 that animal. Test results and the identities of animals being
4797 tested and of their trainers and owners of record are
4798 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
4799 of the State Constitution for 10 days after testing of all
4800 samples collected on a particular day has been completed and any
4801 positive test results derived from such samples have been
4802 reported to the executive director of the department or
4803 administrative action has begun.

4804 (b) A race-day specimen may not contain a level of a
4805 naturally occurring substance which exceeds normal physiological
4806 concentrations. The department may adopt rules that specify
4807 normal physiological concentrations of naturally occurring
4808 substances in the natural untreated animal and rules that
4809 specify acceptable levels of environmental contaminants and
4810 trace levels of substances in test samples.

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4811 (c) The finding of a prohibited substance in a race-day
4812 specimen constitutes prima facie evidence that the substance was
4813 administered and was carried in the body of the animal while
4814 participating in the race.

4815 (2) The department may take administrative action against
4816 an occupational licensee responsible under department rule for
4817 the condition of an animal that has been medicated or drugged in
4818 violation of this section.

4819 (3) (a) Upon the finding of a violation of this section,
4820 the department may:

4821 1. Revoke or suspend the license or permit of the violator
4822 or deny a license or permit to the violator;

4823 2. Impose a fine against the violator in an amount not
4824 exceeding \$5,000;

4825 3. Require the full or partial return of the purse,
4826 sweepstakes, and trophy of the race at issue; or

4827 4. Impose any combination of the penalties in
4828 subparagraphs 1.-3.

4829 (b) Notwithstanding chapter 120, the department may
4830 summarily suspend the license of an occupational licensee
4831 responsible under this section or department rule for the
4832 condition of a race animal if the department laboratory reports
4833 the presence of a prohibited substance in the animal or its
4834 blood, urine, saliva, or any other bodily fluid, either before a
4835 race in which the animal is entered or after a race the animal
4836 has run.

4837 (c) If an occupational licensee is summarily suspended
4838 under this section, the department shall offer the licensee a
4839 postsuspension hearing within 72 hours, at which the department
4840 shall produce the laboratory report and documentation that, on
4841 its face, establishes the responsibility of the occupational
4842 licensee. Upon production of the documentation, the occupational
4843 licensee has the burden of proving his or her lack of
4844 responsibility.

4845 (d) Any proceeding for administrative action against a
4846 licensee or permit holder, other than a proceeding under
4847 paragraph (c), shall be conducted in compliance with chapter
4848 120.

4849 (e) The finding of a violation of this section does not
4850 prohibit a prosecution for any criminal act committed.

4851 (4) A prosecution brought under this section must begin
4852 within 2 years after the violation was committed. Service of an
4853 administrative complaint marks the beginning of administrative
4854 action.

4855 (5) The department shall implement a split-sample
4856 procedure for testing animals under this section.

4857 (a) Upon finding a positive drug test result, the
4858 department shall notify the owner or trainer of the results. The
4859 owner may request that each urine and blood sample be split into
4860 a primary sample and a secondary sample, which must be
4861 accomplished in the laboratory under rules approved by the
4862 commission. Custody of both samples must remain with the

4863 department. However, upon request by the affected trainer or
4864 owner of the animal from which the sample was obtained, the
4865 department shall send the secondary sample to an approved
4866 independent laboratory for analysis. The department shall
4867 establish standards and rules for uniform enforcement and shall
4868 maintain a list of at least five approved independent
4869 laboratories from which an owner or trainer shall select in the
4870 event that a sample tests positive.

4871 (b) If the state laboratory's findings are not confirmed
4872 by the independent laboratory, further administrative or
4873 disciplinary action under this section may not be pursued. The
4874 department may adopt rules identifying substances that diminish
4875 in a blood or urine sample due to passage of time and that must
4876 be taken into account in applying this section.

4877 (c) If the independent laboratory confirms the state
4878 laboratory's positive result or if there is an insufficient
4879 quantity of the secondary sample for confirmation of the state
4880 laboratory's positive result, the department may begin
4881 administrative proceedings under this part and consistent with
4882 chapter 120.

4883 (d) For purposes of this subsection, the department shall
4884 in good faith attempt to obtain a sufficient quantity of the
4885 test fluid to allow both a primary test and a secondary test to
4886 be conducted.

4887 (6) (a) It is the intent of the Legislature that animals
4888 that participate in races in this state on which pari-mutuel

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4889 wagering is conducted and animals that are bred and trained in
4890 this state for racing be treated humanely, both on and off
4891 racetracks, throughout the lives of the animals.

4892 (b) The department shall, by rule, establish the
4893 procedures for euthanizing greyhounds. However, a greyhound may
4894 not be put to death by any means other than by lethal injection
4895 of the drug sodium pentobarbital. A greyhound may not be removed
4896 from this state for the purpose of being destroyed.

4897 (c) An occupational licensee may not train a greyhound
4898 using live or dead animals. A greyhound may not be taken from
4899 this state for the purpose of being trained through the use of
4900 live or dead animals.

4901 (d) Any act committed by any licensee that would
4902 constitute cruelty to animals as defined in s. 828.02 involving
4903 any animal is a violation of this part. Imposition of any
4904 penalty by the department for violation of this part or any rule
4905 adopted by the department pursuant to this part does not
4906 prohibit a criminal prosecution for cruelty to animals.

4907 (e) The department may inspect any area at a pari-mutuel
4908 facility where racing animals are raced, trained, housed, or
4909 maintained, including any areas where food, medications, or
4910 other supplies are kept, to ensure the humane treatment of
4911 racing animals and compliance with this part and the rules of
4912 the department.

4913 (7) (a) Medication may not be administered to an animal
4914 within 24 hours before the officially scheduled post time of a

4915 race in which the animal is participating except as provided for
4916 in this section. The department shall, by rule:

4917 1. Establish conditions for the use of furosemide to treat
4918 exercise-induced pulmonary hemorrhage.

4919 2. Establish conditions for the use of prednisolone sodium
4920 succinate. Furosemide or prednisolone sodium succinate may not
4921 be administered to an animal within 4 hours before the
4922 officially scheduled post time for the race.

4923 3. Establish conditions for the use of phenylbutazone and
4924 synthetic corticosteroids. Except as provided in subparagraph
4925 2., phenylbutazone and synthetic corticosteroids may not be
4926 given to an animal within 24 hours before the officially
4927 scheduled post time of a race. Oral corticosteroids are
4928 prohibited unless prescribed by a licensed veterinarian and
4929 reported to the department on forms prescribed by the
4930 department.

4931 4. Establish acceptable levels of allowed medications and
4932 identify the appropriate biological specimens by which the
4933 administration of such medication is monitored.

4934 (b) This section does not prohibit the use of vitamins,
4935 minerals, or naturally occurring substances in an amount that
4936 does not exceed the normal physiological concentration in a
4937 race-day specimen.

4938 (8) (a) Medication may not be administered to an animal
4939 within 24 hours before the officially scheduled post time of the
4940 race except as provided in this section.

4941 (b) If the department first determines that the use of
4942 furosemide, phenylbutazone, or prednisolone sodium succinate in
4943 horses is in the best interest of racing, the department may
4944 adopt rules allowing such use, but the rules must specify the
4945 conditions for such use. A rule may not allow the administration
4946 of furosemide or prednisolone sodium succinate within 4 hours
4947 before the officially scheduled post time for the race. A rule
4948 may not allow the administration of phenylbutazone or any other
4949 synthetic corticosteroid within 24 hours before the officially
4950 scheduled post time for the race. Any administration of
4951 synthetic corticosteroids is limited to parenteral routes. Oral
4952 administration of synthetic corticosteroids is expressly
4953 prohibited. If this paragraph is unconstitutional, it is
4954 severable from the remainder of this section.

4955 (9) (a) The department may conduct a postmortem examination
4956 of any animal that is injured while in training or in
4957 competition at a permitted racetrack and that subsequently
4958 expires or is destroyed. The department may conduct a postmortem
4959 examination of any animal that expires while housed at a
4960 permitted racetrack, association compound, or licensed kennel or
4961 farm. Trainers and owners must comply with this paragraph as a
4962 condition of licensure.

4963 (b) Upon the death of an animal specified in paragraph
4964 (a), the department may take possession of the animal for
4965 postmortem examination. The department may submit blood, urine,
4966 other bodily fluid specimens, or other tissue specimens

4967 collected during a postmortem examination for testing by the
4968 department laboratory or its designee. Upon completion of the
4969 postmortem examination, the carcass must be returned to the
4970 owner or disposed of at the owner's option.

4971 (10) The presence in an animal of a prohibited substance
4972 that breaks down during a race, found by the department
4973 laboratory in a bodily fluid specimen collected during the
4974 postmortem examination of the animal, constitutes a violation of
4975 this section.

4976 (11) The cost of postmortem examinations, testing, and
4977 disposal shall be borne by the department.

4978 (12) Except as specifically modified by statute or by rule
4979 of the department, the Uniform Classification Guidelines for
4980 Foreign Substances, revised February 14, 1995, as promulgated by
4981 the Association of Racing Commissioners International, Inc., is
4982 adopted by reference as the uniform classification system for
4983 class IV and V medications.

4984 (13) The department shall use only the thin layer
4985 chromatography (TLC) screening process to test for the presence
4986 of class IV and V medications in samples taken from racehorses
4987 except when thresholds of a class IV or class V medication have
4988 been established and are enforced by rule. Once a sample has
4989 been identified as suspicious for a class IV or class V
4990 medication by the TLC screening process, the sample shall be
4991 sent for confirmation by and through additional testing methods.
4992 All other medications not classified by rule as a class IV or

4993 class V medication shall be subject to all forms of testing
 4994 available to the department.

4995 (14) The department may implement by rule medication
 4996 levels recommended by the University of Florida College of
 4997 Veterinary Medicine developed pursuant to an agreement between
 4998 the department and the University of Florida College of
 4999 Veterinary Medicine. The University of Florida College of
 5000 Veterinary Medicine may provide written notification to the
 5001 department that it has completed research or review on a
 5002 particular drug pursuant to the agreement and when the College
 5003 of Veterinary Medicine has completed a final report of its
 5004 findings, conclusions, and recommendations to the department.

5005 (15) The testing medium for phenylbutazone in horses shall
 5006 be serum, and the department may collect up to six full 15-
 5007 milliliter blood tubes for each horse being sampled.

5008 (16) The department shall adopt rules to implement this
 5009 section. The rules may include a classification system for
 5010 prohibited substances and a corresponding penalty schedule for
 5011 violations.

5012 Section 76. Effective October 1, 2014, section 551.0941,
 5013 Florida Statutes, is created to read:

5014 551.0941 Penalty for conducting unauthorized race.—Every
 5015 horserace or greyhound race conducted for any stake, purse,
 5016 prize, or premium, except as allowed by this part, is prohibited
 5017 and declared to be a public nuisance, and a person who conducts,
 5018 attempts to conduct, or assists in the conduct or attempted

5019 conduct of horseracing or greyhound racing in this state in
 5020 violation of this part commits a misdemeanor of the second
 5021 degree, punishable as provided in s. 775.082 or s. 775.083.

5022 Section 77. Effective October 1, 2014, section 551.0942,
 5023 Florida Statutes, is created to read:

5024 551.0942 Conspiring to prearrange result of an event;
 5025 using medication or drugs on horse or greyhound; penalty.-

5026 (1) Any person who influences or conspires with an owner,
 5027 jockey, groom, or other person associated with or interested in
 5028 any stable, kennel, or event to prearrange or predetermine the
 5029 results of an event involving a horse, greyhound, or jai alai
 5030 player commits a felony of the third degree, punishable as
 5031 provided in s. 775.082, s. 775.083, or s. 775.084.

5032 (2) Any person who attempts to affect the outcome of a
 5033 horse race or greyhound race by unlawfully administering
 5034 medication or drugs to a race animal or by administering
 5035 prohibited medication or drugs to a race animal or who conspires
 5036 to administer or attempt to administer such medication or drugs
 5037 commits a felony of the third degree, punishable as provided in
 5038 s. 775.082, s. 775.083, or s. 775.084.

5039 Section 78. Effective October 1, 2014, section 551.0943,
 5040 Florida Statutes, is created to read:

5041 551.0943 Obtaining goods or services with intent to
 5042 defraud.-

5043 (1) Any owner, trainer, or custodian of any horse or
 5044 greyhound being used, or being bred, raised, or trained to be

5045 used, in racing at a pari-mutuel facility who obtains food,
5046 drugs, transportation, veterinary services, or supplies for the
5047 use or benefit of the horse or greyhound with intent to defraud
5048 the person from whom the food, drugs, transportation, veterinary
5049 services, or supplies are obtained commits a misdemeanor of the
5050 second degree, punishable as provided in s. 775.082 or s.
5051 775.083.

5052 (2) In a prosecution under this section, proof that the
5053 food, drugs, transportation, veterinary services, or supplies
5054 had been furnished and not paid for, and that the owner,
5055 trainer, or custodian of the horse or greyhound was removing or
5056 attempting to remove any horse or greyhound from the state and
5057 beyond the jurisdiction of the courts of this state, is prima
5058 facie evidence of intent to defraud under this section.

5059 Section 79. Effective October 1, 2014, section 551.0944,
5060 Florida Statutes, is created to read:

5061 551.0944 Bookmaking on the grounds of a permitholder;
5062 duties of employees.-

5063 (1) Any person who engages in bookmaking, as defined in s.
5064 849.25, on the grounds or property of a permitholder of a horse
5065 or greyhound track or jai alai fronton commits a felony of the
5066 third degree, punishable as provided in s. 775.082, s. 775.083,
5067 or s. 775.084. A second or subsequent violation under this
5068 subsection is a felony of the second degree, punishable as
5069 provided in s. 775.082, s. 775.083, or s. 775.084.
5070 Notwithstanding s. 948.01, a person convicted under this

5071 subsection may not have adjudication of guilt suspended,
5072 deferred, or withheld.

5073 (2) A person convicted of bookmaking in this state or any
5074 other state of the United States or any foreign country shall be
5075 denied admittance to and may not attend any racetrack or fronton
5076 in this state during its racing seasons or operating dates,
5077 including any practice or preparation days, for 2 years after
5078 the date of conviction or the date of final appeal. After the
5079 period of ineligibility expires, the executive director of the
5080 department may authorize admittance of such person after a
5081 hearing on the matter. Any such person who knowingly violates
5082 this subsection commits a misdemeanor of the first degree,
5083 punishable as provided in s. 775.082 or s. 775.083.

5084 (3) If the activities of a person show that this section
5085 is being violated and such activities are witnessed by or are
5086 common knowledge of any track or fronton employee, that employee
5087 shall bring the activities of the person to the immediate
5088 attention of the permitholder or manager, or her or his
5089 designee, who shall notify a law enforcement agency having
5090 jurisdiction. Willful failure on the part of any track or
5091 fronton employee to comply with this subsection is a ground for
5092 the department to suspend or revoke that employee's occupational
5093 license.

5094 (4) Each permitholder shall display, in conspicuous places
5095 at its track or fronton and in all race and jai alai daily
5096 programs, a warning to all patrons concerning the prohibition

5097 and penalties of bookmaking contained in this section and s.
5098 849.25. The department shall adopt rules concerning the uniform
5099 size of all warnings and the number of placements throughout a
5100 track or fronton. Failure on the part of the permitholder to
5101 display such warnings may result in the imposition of a \$500
5102 fine by the department for each offense.

5103 (5) The prohibition of and penalties for bookmaking
5104 contained in this section do not apply to a person attending a
5105 track or fronton, or employed by a track or fronton, who places
5106 a bet through the legalized pari-mutuel pool for another person
5107 if such service is rendered gratuitously and without fee or
5108 other reward.

5109 (6) This section does not apply to prosecutions filed and
5110 pending on December 16, 1992, but all such cases shall be
5111 disposed of under existing law at the time of institution of
5112 such prosecutions.

5113 Section 80. Effective October 1, 2014, section 551.095,
5114 Florida Statutes, is created to read:

5115 551.095 Limitation of civil liability.—A permittee
5116 conducting a race meet pursuant to this part, a commissioner or
5117 an employee of the department, or a steward, a judge, or any
5118 other person appointed to act pursuant to this part may not be
5119 held liable to any person, partnership, association,
5120 corporation, or other business entity for any cause whatsoever
5121 arising out of or from her or his performance of her or his
5122 duties and the exercise of her or his discretion with respect to

5123 the implementation and enforcement of the statutes and rules
5124 governing the conduct of pari-mutuel wagering if she or he acted
5125 in good faith. This section does not limit liability if
5126 negligent maintenance of the premises or negligent conduct of a
5127 race contributed to an accident and does not limit any
5128 contractual liability.

5129 Section 81. Effective October 1, 2014, part III of chapter
5130 551, Florida Statutes, consisting of sections 551.101-551.123,
5131 is created and entitled "SLOT MACHINES."

5132 Section 82. Effective October 1, 2014, section 551.101,
5133 Florida Statutes, is amended to read:

5134 551.101 Slot machine gaming authorized.—

5135 (1) Possession of slot machines and conduct of slot
5136 machine gaming is only allowed at licensed eligible facilities
5137 pursuant to this part and department rule. Any licensed pari-
5138 mutuel facility located in Miami-Dade County or Broward County
5139 existing at the time of adoption of s. 23, Art. X of the State
5140 Constitution that has conducted live racing or games during
5141 calendar years 2002 and 2003 may possess slot machines and
5142 conduct slot machine gaming at the location where the pari-
5143 mutuel permitholder is authorized to conduct pari-mutuel
5144 wagering activities pursuant to such permitholder's valid pari-
5145 mutuel permit provided that a majority of voters in a countywide
5146 referendum have approved slot machines at such facility in the
5147 respective county. Notwithstanding any other provision of law,
5148 it is not a crime for a person to participate in slot machine

5149 gaming at a pari-mutuel facility licensed to possess slot
 5150 machines and conduct slot machine gaming or to participate in
 5151 slot machine gaming described in this part ~~chapter~~.

5152 Section 83. Effective October 1, 2014, section 551.102,
 5153 Florida Statutes, is amended to read:

5154 551.102 Definitions.—As used in this part ~~chapter~~, the
 5155 term:

5156 ~~(1) "Distributor" means any person who sells, leases, or~~
 5157 ~~offers or otherwise provides, distributes, or services any slot~~
 5158 ~~machine or associated equipment for use or play of slot machines~~
 5159 ~~in this state. A manufacturer may be a distributor within the~~
 5160 ~~state.~~

5161 (1) ~~(2)~~ "Designated slot machine gaming area" means the
 5162 area or areas of a facility of a slot machine licensee in which
 5163 slot machine gaming may be conducted ~~in accordance with the~~
 5164 ~~provisions of this chapter.~~

5165 (2) "Distributor" means a person who sells, leases, or
 5166 offers or otherwise provides, distributes, or services a slot
 5167 machine or associated equipment for use or play of slot machines
 5168 in this state. A manufacturer may be a distributor within the
 5169 state.

5170 ~~(3) "Division" means the Division of Pari-mutuel Wagering~~
 5171 ~~of the Department of Business and Professional Regulation.~~

5172 (3) ~~(4)~~ "Eligible facility" means a any licensed pari-
 5173 mutuel facility that meets the requirements of s. 551.104(3)
 5174 ~~located in Miami-Dade County or Broward County existing at the~~

5175 ~~time of adoption of s. 23, Art. X of the State Constitution that~~
5176 ~~has conducted live racing or games during calendar years 2002~~
5177 ~~and 2003 and has been approved by a majority of voters in a~~
5178 ~~countywide referendum to have slot machines at such facility in~~
5179 ~~the respective county; any licensed pari-mutuel facility located~~
5180 ~~within a county as defined in s. 125.011, provided such facility~~
5181 ~~has conducted live racing for 2 consecutive calendar years~~
5182 ~~immediately preceding its application for a slot machine~~
5183 ~~license, pays the required license fee, and meets the other~~
5184 ~~requirements of this chapter; or any licensed pari-mutuel~~
5185 ~~facility in any other county in which a majority of voters have~~
5186 ~~approved slot machines at such facilities in a countywide~~
5187 ~~referendum held pursuant to a statutory or constitutional~~
5188 ~~authorization after the effective date of this section in the~~
5189 ~~respective county, provided such facility has conducted a full~~
5190 ~~schedule of live racing for 2 consecutive calendar years~~
5191 ~~immediately preceding its application for a slot machine~~
5192 ~~license, pays the required license licensed fee, and meets the~~
5193 ~~other requirements of this part chapter.~~

5194 ~~(4)~~(5) "Manufacturer" means a ~~any~~ person who manufactures,
5195 builds, rebuilds, fabricates, assembles, produces, programs,
5196 designs, or otherwise makes modifications to a ~~any~~ slot machine
5197 or associated equipment for use or play of slot machines in this
5198 state for gaming purposes. A manufacturer may be a distributor
5199 within the state.

5200 ~~(5)~~(6) "Nonredeemable credits" means slot machine

5201 operating credits that cannot be redeemed for cash or any other
 5202 thing of value by a slot machine, a kiosk, or the slot machine
 5203 licensee and that are provided free of charge to patrons. Such
 5204 operating credits become ~~do not constitute~~ "nonredeemable
 5205 credits" when ~~until such time as~~ they are metered as credit into
 5206 a slot machine and recorded in the facility-based monitoring
 5207 system.

5208 (6)~~(7)~~ "Progressive system" means a computerized system
 5209 linking slot machines in one or more licensed facilities within
 5210 this state or other jurisdictions and offering one or more
 5211 common progressive payouts based on the amounts wagered.

5212 (7)~~(8)~~ "Slot machine" means a ~~any~~ mechanical or electrical
 5213 contrivance, terminal that may ~~or may not~~ be capable of
 5214 downloading slot games from a central server system, machine, or
 5215 other device that, upon insertion of a coin, bill, ticket,
 5216 token, or similar object or upon payment of any consideration
 5217 whatsoever, including the use of an ~~any~~ electronic payment
 5218 system except a credit card or debit card, is available to play
 5219 or operate, the play or operation of which, whether by reason of
 5220 skill or application of the element of chance or both, may
 5221 deliver or entitle the person or persons playing or operating
 5222 the contrivance, terminal, machine, or other device to receive
 5223 cash, billets, tickets, tokens, or electronic credits to be
 5224 exchanged for cash or to receive merchandise or anything of
 5225 value whatsoever, whether the payoff is made automatically from
 5226 the machine or manually. The term includes associated equipment

5227 necessary to conduct the operation of the contrivance, terminal,
5228 machine, or other device. Slot machines may use spinning reels,
5229 video displays, or both. A slot machine is not a "coin-operated
5230 amusement machine" as defined in s. 212.02(24) or an amusement
5231 game or machine as described in s. 551.56 ~~s. 849.161~~, and slot
5232 machines are not subject to the tax imposed under ~~by~~ s.
5233 212.05(1)(h).

5234 ~~(8)-(9)~~ "Slot machine facility" means a facility at which
5235 slot machines ~~as defined in this chapter~~ are lawfully offered
5236 for play.

5237 ~~(9)-(10)~~ "Slot machine license" means a license issued by
5238 the commission ~~division~~ authorizing a pari-mutuel licensee
5239 ~~permitholder~~ to place and operate slot machines as provided by
5240 s. 23, Art. X of the State Constitution, ~~the provisions of this~~
5241 part chapter, and department ~~division~~ rules.

5242 ~~(10)-(11)~~ "Slot machine licensee" means a pari-mutuel
5243 licensee ~~permitholder~~ who holds a slot machine license ~~issued by~~
5244 ~~the division pursuant to this chapter that authorizes such~~
5245 ~~person to possess a slot machine within facilities specified in~~
5246 ~~s. 23, Art. X of the State Constitution and allows slot machine~~
5247 ~~gaming.~~

5248 ~~(11)-(12)~~ "Slot machine operator" means a person employed
5249 or contracted by a slot machine licensee ~~the owner of a licensed~~
5250 ~~facility~~ to conduct slot machine gaming at a slot machine ~~that~~
5251 ~~licensed~~ facility.

5252 ~~(12)-(13)~~ "Slot machine revenues" means the total of all

5253 cash and property, except nonredeemable credits, received by the
5254 slot machine licensee from the operation of slot machines less
5255 the amount of cash, cash equivalents, credits, and prizes paid
5256 to winners of slot machine gaming.

5257 Section 84. Effective October 1, 2014, section 551.104,
5258 Florida Statutes, is amended to read:

5259 551.104 License to conduct slot machine gaming.—

5260 (1) Applications for a slot machine licensure may be made
5261 to the commission in accordance with the rules of the
5262 department.

5263 (2) Upon receiving an application, any amendments properly
5264 made thereto, and payment of the initial license fee, the
5265 department shall further investigate the matters contained in
5266 the application and present its findings to ~~and a finding by the~~
5267 commission for review. If ~~division after investigation that the~~
5268 application is complete and the applicant is qualified pursuant
5269 to this chapter and the rules of the department and the
5270 commission finds that it would be in the best interests of the
5271 state and payment of the initial license fee, the commission
5272 ~~division~~ may issue a license to conduct slot machine gaming in
5273 the designated slot machine gaming area of the eligible
5274 facility. Once licensed, slot machine gaming may be conducted
5275 subject to ~~the requirements of this part chapter~~ and the rules
5276 adopted pursuant to this part thereto.

5277 (3) ~~(2)~~ An application may be considered or approved by the
5278 commission ~~division~~ only if the applicant provides clear and

5279 convincing evidence that:

5280 (a) The facility at which the applicant seeks to operate
 5281 slot machines is:

5282 1. A licensed pari-mutuel facility authorized for slot
 5283 machine licensure pursuant to s. 23, Art. X of the State
 5284 Constitution located in Miami-Dade County or Broward County on
 5285 November 9, 2004, where live racing or games were conducted
 5286 during calendar years 2002 and 2003 if ~~after~~ the voters of the
 5287 county where the applicant's facility is located have authorized
 5288 by referendum slot machines within pari-mutuel facilities in
 5289 that county; or

5290 2. A licensed pari-mutuel facility located within a county
 5291 as defined in s. 125.011 which has conducted live horseracing
 5292 for 2 consecutive calendar years immediately preceding its
 5293 application for a slot machine license ~~as specified in s. 23,~~
 5294 Art. X of the State Constitution.

5295 (b) Issuance of the license would not have a net negative
 5296 impact on state revenues, including those generated under
 5297 tribal-state gaming compacts.

5298 (c) Slot machine gaming at the proposed location is
 5299 approved under the zoning and land use regulations of the
 5300 applicable county or municipality.

5301 (3) A slot machine license may be issued only to a
 5302 licensed pari-mutuel permitholder, and slot machine gaming may
 5303 be conducted only at the eligible facility at which the
 5304 permitholder is authorized under its valid pari-mutuel wagering

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5305 permit to conduct pari-mutuel wagering activities.

5306 (4) As a condition of licensure and to maintain continued
5307 authority to ~~for the~~ conduct of slot machine gaming, the slot
5308 machine licensee must ~~shall~~:

5309 (a) Continue to be in compliance with this part ~~chapter~~.

5310 (b) Continue to be in compliance with part II ~~chapter 550~~,
5311 where applicable, and maintain the pari-mutuel permit and
5312 license in good standing pursuant to part II ~~the provisions of~~
5313 ~~chapter 550. Notwithstanding any contrary provision of law and~~
5314 ~~in order to expedite the operation of slot machines at eligible~~
5315 ~~facilities, any eligible facility shall be entitled within 60~~
5316 ~~days after the effective date of this act to amend its 2006-2007~~
5317 ~~pari-mutuel wagering operating license issued by the division~~
5318 ~~under ss. 550.0115 and 550.01215. The division shall issue a new~~
5319 ~~license to the eligible facility to effectuate any approved~~
5320 ~~change.~~

5321 (c) Conduct at least ~~no fewer than~~ a full schedule of live
5322 events ~~racing or games~~ as defined in part II ~~s. 550.002(11)~~. A
5323 permitholder's responsibility to conduct such number of live
5324 events ~~races or games~~ shall be reduced by the number of events
5325 ~~races or games~~ that could not be conducted due to the direct
5326 result of fire, war, hurricane, or other disaster or event
5327 beyond the control of the permitholder.

5328 (d) Upon approval of a change ~~any changes~~ relating to the
5329 pari-mutuel permit by the commission ~~division~~, be responsible
5330 for providing appropriate current and accurate documentation on

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5331 a timely basis to the department ~~division~~ in order to continue
5332 the slot machine license in good standing. Changes in ownership
5333 or interest of a slot machine license of 5 percent or more of
5334 the stock or other evidence of ownership or equity in the slot
5335 machine license or any parent corporation or other business
5336 entity that in any way owns or controls the slot machine license
5337 shall be approved by the commission before ~~division prior to~~
5338 such change, unless the owner is an existing holder of that
5339 license who was previously approved ~~by the division~~. Changes in
5340 ownership or interest of a slot machine license of less than 5
5341 percent, unless such change results in a cumulative total change
5342 of 5 percent or more, shall be reported to the department
5343 ~~division~~ within 20 days after such ~~the~~ change. The department
5344 ~~division~~ may then conduct an investigation to ensure that the
5345 license is properly updated to show the change in ownership or
5346 interest. ~~No~~ Reporting is not required if the person holds ~~is~~
5347 ~~holding~~ 5 percent or less equity or securities of a corporate
5348 owner of the slot machine licensee that has its securities
5349 registered pursuant to s. 12 of the Securities Exchange Act of
5350 1934, 15 U.S.C. ss. 78a-78kk, and if such corporation or entity
5351 files with the United States Securities and Exchange Commission
5352 the reports required by s. 13 of that act or if the securities
5353 of the corporation or entity are regularly traded on an
5354 established securities market in the United States. A change in
5355 ownership or interest of less than 5 percent which results in a
5356 cumulative ownership or interest of 5 percent or more shall be

5357 approved by the commission before ~~division prior to~~ such change
5358 unless the owner is an existing holder of the license who was
5359 previously approved ~~by the division~~.

5360 (e) Allow the commission, the department, ~~division~~ and the
5361 Department of Law Enforcement unrestricted access to and right
5362 of inspection of facilities of a slot machine licensee in which
5363 an ~~any~~ activity relative to the conduct of slot machine gaming
5364 is conducted.

5365 (f) Ensure that the facilities-based computer system that
5366 the licensee will use for operational and accounting functions
5367 of the slot machine facility is specifically structured to
5368 facilitate regulatory oversight. The facilities-based computer
5369 system must ~~shall be designed to~~ provide the department ~~division~~
5370 and the Department of Law Enforcement with the ability to
5371 monitor, at any time on a real-time basis, the wagering
5372 patterns, payouts, tax collection, and such other operations as
5373 necessary to determine whether the facility is in compliance
5374 with this part ~~statutory provisions~~ and rules adopted by the
5375 department pursuant to this part ~~division for the regulation and~~
5376 ~~control of slot machine gaming~~. The commission ~~division~~ and the
5377 Department of Law Enforcement shall have complete and continuous
5378 access to the ~~this~~ system. Such access shall include the ability
5379 of either the department ~~division~~ or the Department of Law
5380 Enforcement to suspend play immediately on particular slot
5381 machines if monitoring of the system indicates possible
5382 tampering or manipulation of those slot machines or the ability

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5383 to suspend play immediately of the entire operation if the
5384 tampering or manipulation is of the computer system itself. The
5385 computer system shall be reviewed and approved by the department
5386 ~~division~~ to ensure necessary access, security, and
5387 functionality. The department ~~division~~ may adopt rules to
5388 provide for the approval process.

5389 (g) Ensure that each slot machine is protected from
5390 manipulation or tampering to affect the random probabilities of
5391 winning plays. The department ~~division~~ or the Department of Law
5392 Enforcement may ~~shall have the authority to~~ suspend play upon
5393 reasonable suspicion of ~~any~~ manipulation or tampering. When play
5394 has been suspended on a a ~~any~~ slot machine, the department
5395 ~~division~~ or the Department of Law Enforcement may examine the
5396 ~~any~~ slot machine to determine whether the machine has been
5397 tampered with or manipulated and whether the machine should be
5398 returned to operation.

5399 (h) Submit a security plan, including the facilities'
5400 floor plans ~~plan~~, the locations of security cameras, and a
5401 listing of all security equipment that is capable of observing
5402 and electronically recording activities being conducted in the
5403 facilities of the slot machine licensee. The security plan must
5404 meet the minimum security requirements as determined by
5405 department rule ~~the division under s. 551.103(1)(i)~~ and be
5406 implemented before ~~prior to~~ operation of slot machine gaming.
5407 The slot machine licensee's facilities must adhere to the
5408 security plan at all times. Any changes to the security plan

5409 must be submitted by the licensee to the department before
 5410 ~~division prior to~~ implementation. The department ~~division~~ shall
 5411 furnish copies of the security plan and changes in the plan to
 5412 the Department of Law Enforcement.

5413 (i) Create and file with the department ~~division~~ a written
 5414 policy for:

5415 1. Creating opportunities to purchase from vendors in this
 5416 state, including minority vendors.

5417 2. Creating opportunities for employment of residents of
 5418 this state, including minority residents.

5419 3. Ensuring opportunities for construction services from
 5420 minority contractors.

5421 4. Ensuring that opportunities for employment are offered
 5422 on an equal, nondiscriminatory basis.

5423 5. Training ~~for~~ employees on responsible gaming and on a
 5424 prevention program for working with a compulsive or addictive
 5425 gambling ~~prevention program~~ to further its purposes as provided
 5426 for in s. 551.118.

5427 6. Implementing ~~The implementation of~~ a drug-testing
 5428 program that includes, but is not limited to, requiring each
 5429 employee to sign an agreement that he or she understands that
 5430 the slot machine facility is a drug-free workplace.

5431 (j) ~~The slot machine licensee shall~~ Use the Internet-based
 5432 job-listing system of the Department of Economic Opportunity to
 5433 advertise in advertising employment opportunities.

5434 (k) ~~Beginning in June 2007, each slot machine licensee~~

5435 ~~shall~~ Provide an annual report to the department division
 5436 containing information indicating compliance with ~~this~~ paragraph
 5437 (i) regarding in regard to minority persons.

5438 (1)(j) Ensure that the payout percentage of a slot machine
 5439 gaming facility is at least 85 percent.

5440 (5) A slot machine license is not transferable.

5441 (6) A slot machine licensee shall keep and maintain
 5442 permanent daily records of its slot machine operation and shall
 5443 maintain such records for a period of at least ~~not less than~~ 5
 5444 years. These records must include all financial transactions and
 5445 contain sufficient detail to determine compliance with ~~the~~
 5446 ~~requirements of this part chapter.~~ All records must ~~shall~~ be
 5447 available during the licensee's regular business hours for audit
 5448 and inspection by the department division, the Department of Law
 5449 Enforcement, or other law enforcement agencies ~~during the~~
 5450 ~~licensee's regular business hours.~~

5451 (7) A slot machine licensee shall file with the department
 5452 ~~division~~ a monthly report containing the required records of
 5453 such slot machine operation. The required reports shall be
 5454 submitted on forms prescribed by the department division and are
 5455 ~~shall be~~ due at the same time as the monthly pari-mutuel reports
 5456 are due to the division, ~~and~~ The reports become ~~shall be deemed~~
 5457 public records when ~~once~~ filed.

5458 (8) A slot machine licensee shall file with the department
 5459 ~~division~~ an audit of the receipt and distribution of all slot
 5460 machine revenues provided by an independent certified public

5461 accountant verifying compliance with all financial and auditing
 5462 provisions of this part ~~chapter~~ and the associated rules adopted
 5463 under this part ~~chapter~~. The audit must include verification of
 5464 compliance with all statutes and rules regarding all required
 5465 records of slot machine operations. The ~~Such~~ audit shall be
 5466 filed within 60 days after ~~the~~ completion of the permitholder's
 5467 pari-mutuel meet.

5468 (9) The department ~~division~~ may share ~~any~~ information with
 5469 the Department of Law Enforcement, any other law enforcement
 5470 agency having jurisdiction over slot machine gaming or pari-
 5471 mutuel activities, or any other state or federal law enforcement
 5472 agency the department ~~division~~ or the Department of Law
 5473 Enforcement deems appropriate. A ~~Any~~ law enforcement agency
 5474 having jurisdiction over slot machine gaming or pari-mutuel
 5475 activities may share ~~any~~ information obtained or developed by it
 5476 with the department ~~division~~.

5477 (10)(a)1. A ~~No~~ slot machine license or renewal license may
 5478 not ~~thereof shall~~ be issued to an applicant holding a permit
 5479 under part II ~~chapter 550~~ to conduct pari-mutuel wagering meets
 5480 of thoroughbred racing unless the applicant has on file with the
 5481 department ~~division~~ a binding written agreement between the
 5482 applicant and the Florida Horsemen's Benevolent and Protective
 5483 Association, Inc., governing the payment of purses on live
 5484 thoroughbred races conducted at the licensee's pari-mutuel
 5485 facility. In addition, a ~~no~~ slot machine license or renewal
 5486 license may not ~~thereof shall~~ be issued to such an applicant

5487 unless the applicant has on file with the department ~~division~~ a
 5488 binding written agreement between the applicant and the Florida
 5489 Thoroughbred Breeders' Association, Inc., governing the payment
 5490 of breeder ~~breeders'~~, stallion, and special racing awards on
 5491 live thoroughbred races conducted at the licensee's pari-mutuel
 5492 facility. The agreement governing purses and the agreement
 5493 governing awards may direct the payment of such purses and
 5494 awards from revenues generated by any wagering or gaming the
 5495 applicant is authorized to conduct ~~under Florida law~~. All purses
 5496 and awards are ~~shall be~~ subject to part II ~~the terms of chapter~~
 5497 ~~550~~. All sums for breeder ~~breeders'~~, stallion, and special
 5498 racing awards shall be remitted monthly to the Florida
 5499 Thoroughbred Breeders' Association, Inc., for the payment of
 5500 awards subject to the administrative fee authorized under part
 5501 II ~~in s. 550.2625(3)~~.

5502 2. A ~~No~~ slot machine license or renewal license may not
 5503 ~~thereof shall~~ be issued to an applicant holding a permit under
 5504 part II ~~chapter 550~~ to conduct pari-mutuel wagering meets of
 5505 quarter horse racing unless the applicant has on file with the
 5506 department ~~division~~ a binding written agreement between the
 5507 applicant and the Florida Quarter Horse Racing Association or
 5508 the association representing a majority of the horse owners and
 5509 trainers at the applicant's eligible facility, governing the
 5510 payment of purses on live quarter horse races conducted at the
 5511 licensee's pari-mutuel facility. The agreement governing purses
 5512 may direct the payment of such purses from revenues generated by

5513 any wagering or gaming the applicant is authorized to conduct
5514 ~~under Florida law~~. All purses are ~~shall be~~ subject to part II
5515 ~~the terms of chapter 550~~.

5516 3. A slot machine license or renewal license may not be
5517 issued to an applicant holding a permit under part II to conduct
5518 pari-mutuel wagering meets of harness racing unless the
5519 applicant has on file with the department a binding written
5520 agreement between the applicant and the Florida Standardbred
5521 Breeders and Owners Association, Inc., governing the payment of
5522 purses on live harness races conducted at the licensee's pari-
5523 mutuel facility. In addition, a slot machine license or renewal
5524 license may not be issued to such an applicant unless the
5525 applicant has on file with the department a binding written
5526 agreement between the applicant and the Florida Standardbred
5527 Breeders and Owners Association, Inc., governing the payment of
5528 breeder and stallion on live harness races conducted at the
5529 licensee's pari-mutuel facility. The agreement governing purses
5530 and the agreement governing awards may direct the payment of
5531 such purses and awards from revenues generated by any wagering
5532 or gaming the applicant is authorized to conduct. All purses and
5533 awards are subject to part II. All sums for breeder and stallion
5534 awards shall be remitted monthly to the Florida Standardbred
5535 Breeders and Owners Association, Inc., for the payment of awards
5536 subject to the administrative fee authorized under part II.

5537 (b) The commission ~~division~~ shall suspend a slot machine
5538 license if one or more of the agreements required under

5539 paragraph (a) are terminated or otherwise cease to operate or if
5540 the commission ~~division~~ determines that the licensee is
5541 materially failing to comply with the terms of such an
5542 agreement. ~~Any~~ Such suspension shall take place pursuant to ~~in~~
5543 ~~accordance with~~ chapter 120.

5544 (c)1. If an agreement required under paragraph (a) cannot
5545 be reached before ~~prior to~~ the initial issuance of the slot
5546 machine license, either party may request arbitration or, in the
5547 case of a renewal, if an agreement required under paragraph (a)
5548 is not in place 120 days before ~~prior to~~ the scheduled
5549 expiration date of the slot machine license, the applicant shall
5550 immediately ask the American Arbitration Association to furnish
5551 a list of 11 arbitrators, each of whom shall have at least 5
5552 years of commercial arbitration experience and no financial
5553 interest in or prior relationship with any of the parties or
5554 their affiliated or related entities or principals. Each
5555 required party to the agreement shall select a single arbitrator
5556 from the list provided by the American Arbitration Association
5557 within 10 days after ~~of~~ receipt, and the individuals so selected
5558 shall choose one additional arbitrator from the list within the
5559 next 10 days.

5560 2. If an agreement required under paragraph (a) is not in
5561 place 60 days after the request under subparagraph 1. in the
5562 case of an initial slot machine license or, in the case of a
5563 renewal, 60 days before ~~prior to~~ the scheduled expiration date
5564 of the slot machine license, the matter shall be immediately

5565 submitted to mandatory binding arbitration to resolve the
5566 disagreement between the parties. The three arbitrators selected
5567 pursuant to subparagraph 1. shall constitute the panel that
5568 shall arbitrate the dispute between the parties pursuant to the
5569 American Arbitration Association Commercial Arbitration Rules
5570 and chapter 682.

5571 3. At the conclusion of the proceedings, which shall be no
5572 later than 90 days after the request under subparagraph 1. in
5573 the case of an initial slot machine license or, in the case of a
5574 renewal, 30 days before ~~prior to~~ the scheduled expiration date
5575 of the slot machine license, the arbitration panel shall present
5576 to the parties a proposed agreement that the majority of the
5577 panel believes equitably balances the rights, interests,
5578 obligations, and reasonable expectations of the parties. The
5579 parties shall immediately enter into such agreement, which shall
5580 satisfy the requirements of paragraph (a) and permit issuance of
5581 the pending annual slot machine license or renewal. The
5582 agreement produced by the arbitration panel under this
5583 subparagraph shall be effective until the last day of the
5584 license or renewal period or until the parties enter into a
5585 different agreement. Each party shall pay its respective costs
5586 of arbitration and shall pay one-half of the costs of the
5587 arbitration panel, unless the parties otherwise agree. If the
5588 agreement produced by the arbitration panel under this
5589 subparagraph remains in place 120 days before ~~prior to~~ the
5590 scheduled issuance of the next annual license renewal, then the

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5591 arbitration process established in this paragraph will begin
5592 again.

5593 4. If ~~In the event that~~ neither of the agreements required
5594 under subparagraph (a)1. or the agreement required under
5595 subparagraph (a)2. are in place by the deadlines established in
5596 this paragraph, arbitration regarding each agreement will
5597 proceed independently, with separate lists of arbitrators,
5598 arbitration panels, arbitration proceedings, and resulting
5599 agreements.

5600 5. With respect to the agreements required under paragraph
5601 (a) governing the payment of purses, the arbitration and
5602 resulting agreement called for under this paragraph shall be
5603 limited to the payment of purses from slot machine revenues
5604 only.

5605 (d) If a ~~any~~ provision of this subsection or its
5606 application to a ~~any~~ person or circumstance is held invalid, the
5607 invalidity does not affect other provisions or applications of
5608 this subsection or part ~~chapter~~ which can be given effect
5609 without the invalid provision or application, and to this end
5610 the provisions of this subsection are severable.

5611 Section 85. Effective October 1, 2014, section 551.105,
5612 Florida Statutes, is amended to read:

5613 551.105 Slot machine license renewal.—

5614 (1) Slot machine licenses are ~~shall be~~ effective for 1
5615 year after issuance ~~and shall be renewed annually~~. The annual
5616 application for renewal must contain all revisions to the

5617 information submitted in the prior year's application which ~~that~~
 5618 are necessary to maintain such information as both accurate and
 5619 current.

5620 (2) The applicant for renewal shall attest that a change
 5621 in any information does ~~changes do~~ not affect the applicant's
 5622 qualifications for license renewal.

5623 (3) Upon determination by the commission ~~division~~ that the
 5624 application for renewal is complete and qualifications have been
 5625 met, including payment of the renewal fee, the slot machine
 5626 license shall be renewed ~~annually~~.

5627 Section 86. Effective October 1, 2014, section 551.106,
 5628 Florida Statutes, is amended to read:

5629 551.106 License fee; tax rate; penalties.—

5630 (1) LICENSE FEE.—

5631 (a) Upon submission of the initial application for a slot
 5632 machine license, the applicant shall pay to the department a
 5633 nonrefundable license fee of \$3 million. Each year ~~and annually~~
 5634 thereafter, on the anniversary date of the issuance of the
 5635 initial license, the licensee shall ~~must~~ pay to the department
 5636 ~~division~~ a nonrefundable license fee of \$2 ~~\$3~~ million for the
 5637 succeeding 12 months of licensure. ~~In the 2010-2011 fiscal year,~~
 5638 ~~the licensee must pay the division a nonrefundable license fee~~
 5639 ~~of \$2.5 million for the succeeding 12 months of licensure. In~~
 5640 ~~the 2011-2012 fiscal year and for every fiscal year thereafter,~~
 5641 ~~the licensee must pay the division a nonrefundable license fee~~
 5642 ~~of \$2 million for the succeeding 12 months of licensure. The~~

5643 license fee shall be deposited into the Gaming Control Trust
 5644 Fund ~~Pari-mutuel Wagering Trust Fund~~ of the Department of
 5645 Business and Professional Regulation and ~~to be~~ used by the
 5646 department ~~division~~ and the Department of Law Enforcement for
 5647 investigations, regulation of slot machine gaming, and
 5648 enforcement of ~~slot machine gaming provisions under this part~~
 5649 ~~chapter~~. The ~~These~~ payments shall be accounted for separately
 5650 from taxes or fees paid pursuant to part II ~~the provisions of~~
 5651 ~~chapter 550~~.

5652 (b) ~~Prior to January 1, 2007,~~ The commission ~~division~~
 5653 shall biennially evaluate the license fee and ~~shall~~ make
 5654 recommendations to the President of the Senate and the Speaker
 5655 of the House of Representatives regarding the optimum level of
 5656 slot machine license fees necessary to ~~in order to adequately~~
 5657 support the slot machine regulatory program.

5658 (2) TAX ON SLOT MACHINE REVENUES.—

5659 (a) Each facility shall be taxed at a rate of ~~The tax rate~~
 5660 ~~on slot machine revenues at each facility shall be~~ 35 percent of
 5661 slot machine revenues. If, during a ~~any~~ state fiscal year, the
 5662 aggregate amount of tax paid to the state by all slot machine
 5663 licensees in Broward and Miami-Dade Counties is less than the
 5664 aggregate amount of tax paid to the state by all slot machine
 5665 licensees in the 2008-2009 fiscal year, each slot machine
 5666 licensee shall pay to the state within 45 days after the end of
 5667 the state fiscal year a surcharge equal to its pro rata share of
 5668 an amount equal to the difference between the aggregate amount

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5669 of tax paid to the state by all slot machine licensees in the
5670 2008-2009 fiscal year and the amount of tax paid during the
5671 fiscal year. Each licensee's pro rata share shall be ~~an amount~~
5672 determined by dividing the number 1 by the number of facilities
5673 licensed to operate slot machines during the applicable fiscal
5674 year, regardless of whether the facility is operating such
5675 machines.

5676 (b) The ~~slot machine revenue~~ tax imposed by this section
5677 shall be paid by the slot machine licensee to the department
5678 ~~division~~ for deposit into the Gaming Control Trust Fund of the
5679 Department of Business and Professional Regulation and
5680 immediately transferred Pari-mutuel Wagering Trust Fund for
5681 ~~immediate transfer~~ by the Chief Financial Officer ~~for deposit~~
5682 into the Educational Enhancement Trust Fund of the Department of
5683 Education. ~~Any~~ Interest earnings on the tax revenues shall also
5684 be transferred to the Educational Enhancement Trust Fund.

5685 (c)1. Funds transferred to the Educational Enhancement
5686 Trust Fund under paragraph (b) shall be used to supplement
5687 public education funding statewide.

5688 2. If necessary to comply with a ~~any~~ covenant established
5689 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),
5690 funds transferred to the Educational Enhancement Trust Fund
5691 under paragraph (b) shall first be available to pay debt service
5692 on lottery bonds issued to fund school construction in the event
5693 lottery revenues are insufficient for such purpose or to satisfy
5694 debt service reserve requirements established in connection with

5695 lottery bonds. Moneys available pursuant to this subparagraph
 5696 are subject to annual appropriation by the Legislature.

5697 ~~(d) (3) PAYMENT AND DISPOSITION OF TAXES. Payment for the~~
 5698 ~~tax on slot machine revenues imposed by this section shall be~~
 5699 ~~paid to the division. The division shall deposit these sums with~~
 5700 ~~the Chief Financial Officer, to the credit of the Pari-mutuel~~
 5701 ~~Wagering Trust Fund. The slot machine licensee shall pay ~~remit~~~~
 5702 ~~to the division payment for the tax on slot machine revenues.~~
 5703 ~~Such payments shall be remitted by 3 p.m. Wednesday of each week~~
 5704 ~~for taxes imposed and collected for the preceding week ending on~~
 5705 ~~Sunday. Beginning on July 1, 2012, the slot machine licensee~~
 5706 ~~shall remit to the division payment for the tax on slot machine~~
 5707 ~~revenues by 3 p.m. on the 5th day of each calendar month for~~
 5708 ~~taxes imposed and collected for the preceding calendar month. If~~
 5709 ~~the 5th day of the calendar month falls on a weekend, payments~~
 5710 ~~shall be remitted by 3 p.m. the first Monday following the~~
 5711 ~~weekend. The slot machine licensee shall file a report under~~
 5712 ~~oath by the 5th day of each calendar month for all taxes~~
 5713 ~~remitted during the preceding calendar month. Such payments~~
 5714 ~~shall be accompanied by a report under oath showing all slot~~
 5715 ~~machine gaming activities for the preceding calendar month and~~
 5716 ~~such other information as may be prescribed by the department~~
 5717 ~~division.~~

5718 ~~(e) (4) TO PAY TAX; PENALTIES.~~ A slot machine licensee who
 5719 fails to make tax payments as required under this section is
 5720 subject to an administrative penalty of up to \$10,000 for each

5721 day the tax payment is not remitted. All administrative
 5722 penalties imposed and collected shall be deposited into the
 5723 Gaming Control Trust Fund ~~Pari-mutuel Wagering Trust Fund~~ of the
 5724 Department of Business and Professional Regulation. If a ~~any~~
 5725 slot machine licensee fails to pay penalties imposed by order of
 5726 the commission ~~division~~ under this paragraph ~~subsection~~, the
 5727 commission ~~division~~ may suspend, revoke, or refuse to renew the
 5728 license of the slot machine licensee.

5729 (3) ~~(5)~~ SUBMISSION OF FUNDS.—The department ~~division~~ may
 5730 require slot machine licensees to remit taxes, fees, fines, and
 5731 assessments by electronic funds transfer.

5732 Section 87. Effective October 1, 2014, section 551.108,
 5733 Florida Statutes, is amended to read:

5734 551.108 Prohibited relationships.—

5735 (1) A person employed by or performing a ~~any~~ function on
 5736 behalf of the commission or the department ~~division~~ may not:

5737 (a) Be an officer, director, owner, or employee of a ~~any~~
 5738 person or entity licensed by the commission ~~division~~.

5739 (b) Have or hold a direct or indirect ~~any~~ interest, ~~direct~~
 5740 ~~or indirect~~, in, or engage in a ~~any~~ commerce or business
 5741 relationship with, a ~~any~~ person licensed by the commission
 5742 ~~division~~.

5743 (2) A manufacturer or distributor of slot machines may not
 5744 enter into a ~~any~~ contract with a slot machine licensee which
 5745 ~~that~~ provides for ~~any~~ revenue sharing of any kind or nature that
 5746 is directly or indirectly calculated on the basis of a

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5747 percentage of slot machine revenues. A ~~Any~~ maneuver, shift, or
5748 device that violates this subsection ~~whereby this subsection is~~
5749 ~~violated is a violation of this chapter~~ and renders any such
5750 agreement void.

5751 (3) A manufacturer or distributor of slot machines or ~~any~~
5752 equipment necessary for the operation of slot machines or an
5753 officer, a director, or an employee of any such manufacturer or
5754 distributor may not have an ~~any~~ ownership or financial interest
5755 in a slot machine license or in a ~~any~~ business owned by the slot
5756 machine licensee.

5757 (4) An employee of the commission or department ~~division~~
5758 or relative living in the same household as such employee of the
5759 commission or department ~~division~~ may not wager at any time on a
5760 slot machine located at a facility licensed by the commission
5761 ~~division~~.

5762 (5) An occupational licensee or a relative of such
5763 licensee who lives ~~living~~ in the same household ~~as such~~
5764 ~~occupational licensee~~ may not wager at any time on a slot
5765 machine located at a facility where the licensee ~~that person~~ is
5766 employed.

5767 Section 88. Effective October 1, 2014, section 551.109,
5768 Florida Statutes, is amended to read:

5769 551.109 Prohibited acts; penalties.—

5770 (1) Except as otherwise provided by law, and in addition
5771 to any other penalty, a ~~any~~ person who knowingly makes or causes
5772 to be made, or who aids, assists, or procures another to make, a

5773 false statement in a ~~any~~ report, a disclosure, an application,
5774 or any other document required under this part ~~chapter~~ or
5775 applicable ~~any~~ rule ~~adopted under this chapter~~ is subject to an
5776 administrative fine or civil penalty of up to \$10,000.

5777 (2) Except as otherwise provided by law, and in addition
5778 to any other penalty, a ~~any~~ person who possesses a slot machine
5779 without the license required under ~~by~~ this part ~~chapter~~ or who
5780 possesses a slot machine at a ~~any~~ location other than at the
5781 slot machine licensee's facility is subject to an administrative
5782 fine or civil penalty of up to \$10,000 per machine. The
5783 prohibition in this subsection does not apply to:

5784 (a) Slot machine manufacturers or slot machine
5785 distributors that hold appropriate licenses issued by the
5786 department and that division ~~who~~ are authorized to maintain a
5787 slot machine storage and maintenance facility at a ~~any~~ location
5788 in a county in which slot machine gaming is authorized by this
5789 part ~~chapter~~. The department ~~division~~ may adopt rules regarding
5790 security and access to the storage facility and inspections by
5791 the department ~~division~~.

5792 (b) Certified educational facilities that are authorized
5793 to maintain slot machines for the sole purpose of education and
5794 licensure, if any, of slot machine technicians, inspectors, or
5795 investigators. The department ~~division~~ and the Department of Law
5796 Enforcement may possess slot machines for training and testing
5797 purposes. The department ~~division~~ may adopt rules regarding the
5798 regulation of any such slot machines used for educational,

5799 training, or testing purposes.

5800 (3) A ~~Any~~ person who knowingly excludes, or attempts ~~takes~~
 5801 ~~any action in an attempt~~ to exclude, anything of value from the
 5802 deposit, counting, collection, or computation of revenues from
 5803 slot machine activity, or a ~~any~~ person who by trick, sleight-of-
 5804 hand performance, ~~a~~ fraud or fraudulent scheme, or device wins
 5805 or attempts to win, for himself or herself or ~~for~~ another, money
 5806 or property or a combination thereof or reduces or attempts to
 5807 reduce a losing wager in connection with slot machine gaming
 5808 commits a felony of the third degree, punishable as provided in
 5809 s. 775.082, s. 775.083, or s. 775.084.

5810 (4) A ~~Any~~ person who manipulates or attempts to manipulate
 5811 the outcome, payoff, or operation of a slot machine by physical
 5812 tampering or by use of an ~~any~~ object, an instrument, or a
 5813 device, whether mechanical, electrical, magnetic, or involving
 5814 other means, commits a felony of the third degree, punishable as
 5815 provided in s. 775.082, s. 775.083, or s. 775.084.

5816 (5) Theft of ~~any~~ slot machine proceeds or ~~of~~ property
 5817 belonging to a ~~the~~ slot machine operator or a licensed facility
 5818 by an employee of the operator or facility or by an employee of
 5819 a person, firm, or entity that has contracted to provide
 5820 services to the operator or facility is ~~constitutes~~ a felony of
 5821 the third degree, punishable as provided in s. 775.082 or s.
 5822 775.083.

5823 (6) (a) A ~~Any~~ law enforcement officer or slot machine
 5824 operator who has probable cause to believe that a violation of

5825 subsection (3), subsection (4), or subsection (5) has been
 5826 committed ~~by a person~~ and that he or she ~~the officer or operator~~
 5827 can recover the lost proceeds from such activity by taking the
 5828 person who committed the violation into custody ~~may~~, for the
 5829 purpose of attempting to effect such recovery or for
 5830 prosecution, may take the person into custody on the premises
 5831 and detain the person in a reasonable manner and for a
 5832 reasonable period of time. If the operator takes the person into
 5833 custody, a law enforcement officer shall be called to the scene
 5834 immediately. The act of taking into custody and detention by a
 5835 law enforcement officer or slot machine operator, if done in
 5836 compliance with this subsection, does not render such law
 5837 enforcement officer, ~~or~~ the officer's agency, or the slot
 5838 machine operator criminally or civilly liable for false arrest,
 5839 false imprisonment, or unlawful detention.

5840 (b) A ~~Any~~ law enforcement officer may arrest, either on or
 5841 off the premises and without warrant, a ~~any~~ person if there is
 5842 probable cause to believe that person has violated subsection
 5843 (3), subsection (4), or subsection (5).

5844 (c) A ~~Any~~ person who resists the reasonable effort of a
 5845 law enforcement officer or slot machine operator to recover the
 5846 lost slot machine proceeds that the law enforcement officer or
 5847 slot machine operator had probable cause to believe had been
 5848 stolen from the licensed facility and who is subsequently found
 5849 to be guilty of violating subsection (3), subsection (4), or
 5850 subsection (5) commits a misdemeanor of the first degree,

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5851 punishable as provided in s. 775.082 or s. 775.083, unless such
5852 person did not know or did not have reason to know that the
5853 person seeking to recover the lost proceeds was a law
5854 enforcement officer or slot machine operator.

5855 (7) All penalties imposed and collected under this section
5856 must be deposited into the Gaming Control Trust Fund ~~Pari-mutuel~~
5857 ~~Wagering Trust Fund~~ of the Department of Business and
5858 Professional Regulation.

5859 Section 89. Effective October 1, 2014, section 551.111,
5860 Florida Statutes, is amended to read:

5861 551.111 Legal devices.—Notwithstanding a ~~any provision of~~
5862 law to the contrary, a slot machine manufactured, sold,
5863 distributed, possessed, or operated according to ~~the provisions~~
5864 ~~of this part chapter~~ is lawful ~~not unlawful~~.

5865 Section 90. Effective October 1, 2014, section 551.112,
5866 Florida Statutes, is amended to read:

5867 551.112 Exclusions of certain persons.—In addition to the
5868 power to exclude certain persons from a ~~any~~ facility of a slot
5869 machine licensee ~~in this state~~, the department ~~division~~ may
5870 exclude a ~~any~~ person from a ~~any~~ facility of a slot machine
5871 licensee in this state for conduct that would constitute, if the
5872 person were a licensee, a violation of this part chapter or the
5873 rules adopted thereto ~~of the division~~. The department ~~division~~
5874 may exclude from a ~~any~~ facility of a slot machine licensee a ~~any~~
5875 person who has been ejected from a facility of a slot machine
5876 licensee in this state or who has been excluded from a ~~any~~

5877 facility of a slot machine licensee or gaming facility in
 5878 another state by the governmental department, agency,
 5879 commission, or authority exercising regulatory jurisdiction over
 5880 ~~the~~ gaming in that ~~such other~~ state. This section does not
 5881 abrogate the common law right of a slot machine licensee to
 5882 exclude a patron absolutely in this state.

5883 Section 91. Effective October 1, 2014, section 551.113,
 5884 Florida Statutes, is amended to read:

5885 551.113 Persons prohibited from playing slot machines.—

5886 (1) A person who has not attained 21 years of age may not
 5887 play or operate a slot machine or have access to the designated
 5888 slot machine gaming area of a facility of a slot machine
 5889 licensee.

5890 (2) A slot machine licensee or an agent or employee of a
 5891 slot machine licensee may not knowingly allow a person who has
 5892 not attained 21 years of age:

5893 (a) To play or operate a ~~any~~ slot machine.

5894 (b) To be employed in a ~~any~~ position allowing or requiring
 5895 access to the designated slot machine gaming area of a facility
 5896 of a slot machine licensee.

5897 (c) To have access to the designated slot machine gaming
 5898 area of a facility of a slot machine licensee.

5899 (3) The licensed facility shall post clear and conspicuous
 5900 signage within the designated slot machine gaming areas that
 5901 states the following:

5902

5903 THE PLAYING OF SLOT MACHINES BY PERSONS UNDER THE AGE OF 21
 5904 IS AGAINST FLORIDA LAW (SECTION 551.113, FLORIDA STATUTES).
 5905 PROOF OF AGE MAY BE REQUIRED AT ANY TIME.

5906 Section 92. Effective October 1, 2014, section 551.114,
 5907 Florida Statutes, is amended to read:

5908 551.114 Slot machine gaming areas.—

5909 (1) A slot machine licensee may make available for play up
 5910 to 2,000 slot machines within the property of the facilities of
 5911 the slot machine licensee.

5912 (2) The slot machine licensee shall display pari-mutuel
 5913 races or games within the designated slot machine gaming areas
 5914 and offer patrons within the designated slot machine gaming
 5915 areas the ability to engage in pari-mutuel wagering on live,
 5916 intertrack, and simulcast races conducted or offered to patrons
 5917 of the licensed facility.

5918 (3) The department ~~division~~ shall require the posting of
 5919 signs warning of the risks and dangers of gambling, showing the
 5920 odds of winning, and informing patrons of the toll-free
 5921 telephone number available to provide information and referral
 5922 services regarding compulsive or problem gambling.

5923 (4) Designated slot machine gaming areas may be located
 5924 within the current live gaming facility or in an existing
 5925 building that must be contiguous and connected to the live
 5926 gaming facility. If a designated slot machine gaming area is to
 5927 be located in a building that is to be constructed, the ~~that~~ new
 5928 building must be contiguous and connected to the live gaming

5929 facility.

5930 (5) The permitholder shall provide adequate office space
 5931 at no cost to the department ~~division~~ and the Department of Law
 5932 Enforcement for the oversight of slot machine operations. The
 5933 department ~~division~~ shall adopt rules establishing ~~the~~ criteria
 5934 for adequate space, configuration, and location and needed
 5935 electronic and technological requirements for office space
 5936 required under ~~by~~ this subsection.

5937 Section 93. Effective October 1, 2014, section 551.116,
 5938 Florida Statutes, reads:

5939 551.116 Days and hours of operation.—Slot machine gaming
 5940 areas may be open daily throughout the year. The slot machine
 5941 gaming areas may be open a cumulative amount of 18 hours per day
 5942 on Monday through Friday and 24 hours per day on Saturday and
 5943 Sunday and on those holidays specified in s. 110.117(1).

5944 Section 94. Effective October 1, 2014, section 551.117,
 5945 Florida Statutes, is amended to read:

5946 551.117 Penalties.—The commission ~~division~~ may revoke or
 5947 suspend a ~~any~~ slot machine license issued under this part
 5948 ~~chapter~~ upon the willful violation by the slot machine licensee
 5949 of any provision of this part ~~chapter~~ or a ~~of any~~ rule adopted
 5950 thereto ~~under this chapter~~. In lieu of suspending or revoking a
 5951 slot machine license, the commission ~~division~~ may impose a civil
 5952 penalty against the slot machine licensee for a violation of
 5953 this part ~~chapter~~ or a ~~any~~ rule adopted thereto ~~by the division~~.
 5954 Except as otherwise provided in this part ~~chapter~~, the penalty

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5955 ~~se~~ imposed may not exceed \$100,000 for each count or separate
5956 offense. ~~All~~ Penalties imposed and collected must be deposited
5957 into the Gaming Control Trust Fund ~~Pari-mutuel Wagering Trust~~
5958 ~~Fund~~ of the Department of Business and Professional Regulation.

5959 Section 95. Effective October 1, 2014, section 551.118,
5960 Florida Statutes, is amended to read:

5961 551.118 Compulsive or addictive gambling prevention
5962 program.—

5963 (1) The slot machine licensee shall offer training to
5964 employees on responsible gaming and shall work with a compulsive
5965 or addictive gambling prevention program to recognize problem
5966 gaming situations and to implement responsible gaming programs
5967 and practices.

5968 (2) The department ~~division~~ shall, subject to competitive
5969 bidding, contract for provision of services related to the
5970 prevention of compulsive and addictive gambling. The contract
5971 shall provide for an advertising program to encourage
5972 responsible gaming practices and to publicize a ~~gambling~~
5973 telephone help line for compulsive and addictive gambling. Such
5974 advertisements must be made both publicly and inside the
5975 designated slot machine gaming areas of the licensee's
5976 facilities. The terms of a any contract for ~~the provision of~~
5977 such services must ~~shall~~ include accountability standards that
5978 must be met by a any private provider. The failure of a any
5979 private provider to meet a any material term ~~terms~~ of the
5980 contract, including the accountability standards, is ~~shall~~

5981 ~~constitute~~ a breach of contract or grounds for nonrenewal. The
 5982 department division may consult with the Department of the
 5983 Lottery in the development of the program and the development
 5984 and analysis of the ~~any~~ procurement for contractual services for
 5985 the compulsive or addictive gambling prevention program.

5986 (3) The compulsive or addictive gambling prevention
 5987 program shall be funded from an annual nonrefundable regulatory
 5988 fee of \$250,000 paid by the licensee to the department division.

5989 Section 96. Effective October 1, 2014, section 551.119,
 5990 Florida Statutes, is amended to read:

5991 551.119 Caterer's license.—A slot machine licensee is
 5992 entitled to a caterer's license pursuant to s. 565.02 on days on
 5993 which the pari-mutuel facility is open to the public for slot
 5994 machine game play as authorized by this part ~~chapter~~.

5995 Section 97. Effective October 1, 2014, section 551.121,
 5996 Florida Statutes, is amended to read:

5997 551.121 Prohibited activities and devices; exceptions.—

5998 (1) A complimentary or reduced-cost alcoholic beverage
 5999 ~~beverages~~ may not be served to a person ~~persons~~ playing a slot
 6000 machine. Alcoholic beverages served to a person ~~persons~~ playing
 6001 a slot machine must ~~shall~~ cost at least the same amount as
 6002 alcoholic beverages served to the general public at a bar within
 6003 the facility.

6004 (2) A slot machine licensee may not make a ~~any~~ loan,
 6005 provide credit, or advance cash in order to enable a person to
 6006 play a slot machine. This subsection does ~~shall~~ not prohibit

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6007 automated ticket redemption machines that dispense cash
6008 resulting from the redemption of tickets from being located in
6009 the designated slot machine gaming area of the slot machine
6010 licensee.

6011 (3) A slot machine licensee may not allow an ~~any~~ automated
6012 teller machine or similar device designed to provide credit or
6013 dispense cash to be located within the designated slot machine
6014 gaming areas of a facility of a slot machine licensee.

6015 (4) (a) A slot machine licensee may not accept or cash a
6016 ~~any~~ check from a ~~any~~ person within the designated slot machine
6017 gaming areas of a facility of a slot machine licensee.

6018 (b) Except as provided in paragraph (c) for employees of
6019 the facility, a slot machine licensee or operator may ~~shall~~ not
6020 accept or cash for a ~~any~~ person within the property of the
6021 facility a ~~any~~ government-issued check, third-party check, or
6022 payroll check made payable to an individual.

6023 (c) Outside the designated slot machine gaming areas, a
6024 slot machine licensee or operator may accept or cash a check for
6025 an employee of the facility who is prohibited from wagering on a
6026 slot machine under s. 551.108(5), a check made directly payable
6027 to a person licensed by the commission ~~division~~, or a check made
6028 directly payable to the slot machine licensee or operator from:

- 6029 1. A pari-mutuel patron; or
6030 2. A pari-mutuel facility in this state or in another
6031 state.

6032 (d) Unless accepting or cashing a check is prohibited

6033 under by this subsection, ~~nothing shall prohibit~~ a slot machine
 6034 licensee or operator may accept and deposit ~~from accepting and~~
 6035 ~~depositing~~ in its accounts checks received in the normal course
 6036 of business.

6037 (5) A slot machine, or the computer operating system
 6038 linking the slot machine, may be linked by any means to another
 6039 ~~any other~~ slot machine or computer operating system within the
 6040 facility of a slot machine licensee. A progressive system may be
 6041 used in conjunction with slot machines between licensed
 6042 facilities in this state ~~Florida~~ or in other jurisdictions.

6043 (6) A slot machine located within a licensed facility may
 6044 ~~shall~~ accept only tickets, or ~~or~~ paper currency, or ~~an~~ electronic
 6045 payment ~~system~~ for wagering and must return or deliver payouts
 6046 to the player in the form of electronic credit or tickets that
 6047 may be exchanged for cash, merchandise, or other items of value.
 6048 The use of coins, credit or debit cards, tokens, or similar
 6049 objects is specifically prohibited. ~~However, an electronic~~
 6050 ~~credit system may be used for receiving wagers and making~~
 6051 ~~payouts.~~

6052 Section 98. Effective October 1, 2014, section 551.122,
 6053 Florida Statutes, is amended to read:

6054 551.122 Rulemaking.—The department ~~division~~ may adopt
 6055 rules pursuant to ss. 120.536(1) and 120.54 to administer ~~the~~
 6056 ~~provisions of this~~ part ~~chapter~~.

6057 Section 99. Effective October 1, 2014, section 551.123,
 6058 Florida Statutes, is amended to read:

6059 551.123 Legislative authority; administration of part
 6060 ~~chapter~~.—The Legislature finds and declares that it has
 6061 exclusive authority over the conduct of all wagering occurring
 6062 at a slot machine facility in this state. As provided by law,
 6063 only the commission and department ~~Division of Pari-mutuel~~
 6064 ~~Wagering~~ and other authorized state agencies may ~~shall~~
 6065 administer this part ~~chapter~~ and regulate the slot machine
 6066 gaming industry, including operation of slot machine facilities,
 6067 games, slot machines, and facilities-based computer systems
 6068 authorized in this part ~~chapter~~ and the rules adopted by the
 6069 department ~~division~~.

6070 Section 100. Effective October 1, 2014, part IV of chapter
 6071 551, Florida Statutes, consisting of section 551.20, is created
 6072 and entitled "CARDROOMS."

6073 Section 101. Effective October 1, 2014, section 849.086,
 6074 Florida Statutes, is transferred, renumbered as section 551.20,
 6075 Florida Statutes, and amended to read:

6076 551.20 ~~849.086~~ Cardrooms authorized.—

6077 (1) LEGISLATIVE INTENT.—It is the intent of the
 6078 Legislature to provide additional entertainment choices for the
 6079 residents of and visitors to this ~~the~~ state, promote tourism ~~in~~
 6080 ~~the state~~, and provide additional state revenues by authorizing
 6081 ~~through the authorization of~~ the playing of certain games ~~in the~~
 6082 ~~state~~ at facilities known as cardrooms, which are ~~to be~~ located
 6083 at licensed pari-mutuel facilities in this state. This act is
 6084 intended to ensure the public confidence in the integrity of

6085 authorized cardroom operations ~~by, this act is designed to~~
 6086 strictly regulating ~~regulate the~~ facilities, persons, and
 6087 procedures related to cardroom operations. ~~Further~~ Furthermore,
 6088 the Legislature intends ~~finds~~ that authorized games, as defined
 6089 in this section, be deemed ~~as herein defined are considered to~~
 6090 ~~be~~ pari-mutuel style games rather than ~~and not~~ casino gaming
 6091 since ~~because the~~ participants play against each other instead
 6092 of against the house.

6093 (2) DEFINITIONS.—As used in this section:

6094 (a) "Authorized game" means a game or series of games of
 6095 poker or dominoes that ~~which~~ are played in a nonbanking manner.

6096 (b) "Banking game" means a game in which the house is a
 6097 participant in the game, taking on players, paying winners, and
 6098 collecting from losers, or in which the cardroom establishes a
 6099 bank against which participants play.

6100 (c) "Cardroom" means a facility where authorized games are
 6101 played for money or anything of value and to which the public is
 6102 invited to participate ~~in such games~~ and charged a fee for
 6103 participation by the operator of such facility. Authorized games
 6104 and cardrooms are ~~do not constitute~~ casino gaming operations.

6105 (d) "Cardroom management company" means a person that is
 6106 ~~any individual~~ not an employee of the cardroom operator, or that
 6107 is a ~~any~~ proprietorship, partnership, corporation, or other
 6108 entity, that enters into an agreement with a cardroom operator
 6109 to manage, operate, or otherwise control the daily operation of
 6110 a cardroom.

6111 (e) "Cardroom distributor" means a ~~any~~ business that
 6112 distributes cardroom equipment ~~paraphernalia~~ such as card
 6113 tables, betting chips, chip holders, dominoes, domino ~~dominoes~~
 6114 tables, drop boxes, banking supplies, playing cards, card
 6115 shufflers, and other related ~~associated~~ equipment to authorized
 6116 cardrooms.

6117 (f) "Cardroom operator" means a licensed pari-mutuel
 6118 permitholder that ~~which~~ holds a valid permit and license issued
 6119 by the commission ~~division~~ pursuant to part II ~~chapter 550~~ and
 6120 ~~which also holds~~ a valid cardroom license issued by the
 6121 commission ~~division~~ pursuant to this section which authorizes
 6122 the permitholder ~~such person~~ to operate a cardroom and ~~to~~
 6123 conduct authorized games in such cardroom.

6124 ~~(g) "Division" means the Division of Pari-mutuel Wagering~~
 6125 ~~of the Department of Business and Professional Regulation.~~

6126 ~~(g)(h)~~ "Dominoes" means a game ~~of dominoes~~ typically
 6127 played with a set of 28 flat rectangular blocks, called "bones,"
 6128 which are marked on one side and divided into two equal parts
 6129 that are blank or that each have up, ~~with zero~~ to six dots,
 6130 called "pips." ~~"pips," in each part.~~ The term also means the set
 6131 of blocks used to play the game and includes larger sets of
 6132 blocks that contain a correspondingly higher number of pips. ~~The~~
 6133 ~~term also means the set of blocks used to play the game.~~

6134 ~~(h)1.(i)~~ "Gross receipts" means the total amount of money
 6135 received by a cardroom from persons participating ~~any person for~~
 6136 participation in authorized games. For purposes of tournament

6137 play only, "gross receipts" means the total amount received by
 6138 the cardroom operator for all entry fees, player rebuys, and
 6139 fees for participating in the tournament, less the total amount
 6140 paid out in prizes.

6141 2. For purposes of tournament play only, "gross receipts"
 6142 means the total amount received by the cardroom operator for all
 6143 entry fees, player rebuys, and fees for participating in the
 6144 tournament, less the total amount paid to the winners or others
 6145 as prizes.

6146 (i)~~(j)~~ "House" means the cardroom operator and all
 6147 employees of the cardroom operator.

6148 (j)~~(k)~~ "Net proceeds" means the total amount of gross
 6149 receipts received by a cardroom operator from cardroom
 6150 operations less direct operating expenses related to cardroom
 6151 operations.~~including~~

6152 1. Direct operating expenses include:

6153 a. Labor costs;~~and~~

6154 b. Admission taxes ~~only~~ if a separate admission fee is
 6155 charged for entry to the cardroom facility;~~and~~

6156 c. Gross receipts taxes imposed on cardroom operators by
 6157 this section;~~and~~

6158 d. Annual cardroom license fees imposed by this section on
 6159 each table operated at a cardroom;~~and~~

6160 e. Reasonable promotional costs. ~~excluding~~

6161 2. Direct operating expenses do not include:

6162 a. Officer and director compensation;~~and~~

- 6163 b. Interest on capital debt;;T
- 6164 c. Legal fees;;T
- 6165 d. Real estate taxes;;T
- 6166 e. Bad debts;;T
- 6167 f. Contributions or donations;;T or
- 6168 g. Overhead and depreciation expenses not directly related
- 6169 to the operation of the cardrooms.

6170 (k)~~(l)~~ "Rake" means a set fee or percentage of the pot
 6171 assessed by a cardroom operator for providing the services of a
 6172 dealer, table, or location for playing the authorized game.

6173 (l)~~(m)~~ "Tournament" means a series of games that have more
 6174 than one betting round involving one or more tables for which
 6175 ~~and where~~ the winners or others receive a prize or cash award.

6176 (3) CARDROOM AUTHORIZED.—Notwithstanding any other
 6177 provision of law, ~~it is not a crime for~~ a person may ~~to~~
 6178 participate in a ~~an~~ authorized game at a licensed cardroom or ~~to~~
 6179 operate a cardroom as defined ~~described~~ in this section if such
 6180 game and cardroom operation are conducted strictly in accordance
 6181 with ~~the provisions of~~ this section.

6182 (4) AUTHORITY OF DEPARTMENT ~~DIVISION~~.—The department
 6183 ~~division of Pari-mutuel Wagering of the Department of Business~~
 6184 ~~and Professional Regulation~~ shall administer this section and
 6185 regulate the operation of cardrooms under this section and the
 6186 rules adopted pursuant to this section. The department may
 6187 ~~thereto, and is hereby authorized to:~~

- 6188 (a) Adopt rules, including, but not limited to, rules for

6189 the following:

6190 1. The issuance of cardroom and employee licenses for
6191 cardroom operations.~~;~~

6192 2. The operation of a cardroom.~~;~~

6193 3. Recordkeeping and reporting requirements.~~;~~ ~~and the~~

6194 4. The collection of all fees and taxes imposed by this
6195 section.

6196 (b) Conduct investigations and monitor the operation of
6197 cardrooms and the playing of ~~authorized~~ games therein.

6198 (c) Review the books, accounts, and records of any current
6199 or former cardroom operator.

6200 (d) Suspend or revoke a ~~any~~ license or permit, after a
6201 hearing, for a ~~any~~ violation of ~~the provisions of~~ this section
6202 or the ~~administrative~~ rules adopted pursuant to this section
6203 ~~thereto~~.

6204 (e) Take testimony, issue summons and subpoenas for any
6205 witness, and issue subpoenas duces tecum in connection with any
6206 matter within its jurisdiction.

6207 (f) Monitor and ensure the proper collection of taxes and
6208 fees imposed by this section. Permitholder internal controls are
6209 mandated to ensure ~~no compromise of state funds~~ are not
6210 compromised. To that end, a roaming commission ~~division~~ auditor
6211 will monitor and verify the cash flow and accounting of cardroom
6212 revenue for any given operating day.

6213 (5) LICENSE REQUIREMENTS ~~REQUIRED; APPLICATION; FEES;~~
6214 BOND. ~~A~~ ~~No~~ person may not operate a cardroom in this state

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6215 unless such person holds a valid cardroom license issued by the
6216 commission pursuant to this section.

6217 ~~(a) Only those persons holding a valid cardroom license~~
6218 ~~issued by the division may operate a cardroom.~~ A cardroom
6219 license may only be issued to a licensed pari-mutuel
6220 permitholder. Such permitholder may not operate a cardroom at a
6221 facility other than the facility it ~~and an authorized cardroom~~
6222 ~~may only be operated at the same facility at which the~~
6223 ~~permitholder is authorized to operate~~ under its ~~valid~~ pari-
6224 mutuel wagering permit ~~to conduct pari-mutuel wagering~~
6225 ~~activities.~~ An initial cardroom license may not ~~shall~~ be issued
6226 until the ~~to a pari-mutuel~~ permitholder completes construction
6227 of only after its facilities are in place and ~~after it~~ conducts
6228 its first day of live events ~~racing or games.~~

6229 (b) After the initial cardroom license is granted, the
6230 application for ~~the~~ annual cardroom license renewal shall be
6231 made in conjunction with the applicant's annual application for
6232 its pari-mutuel license.

6233 1. For a cardroom license to be renewed, the applicant
6234 must have requested, as part of its annual pari-mutuel license
6235 application, to conduct at least 90 percent of the total number
6236 of live performances conducted by the permitholder during the
6237 state fiscal year in which its initial cardroom license was
6238 issued or the state fiscal year immediately preceding the state
6239 fiscal year in which its initial cardroom license was issued if
6240 the permitholder conducted at least a full schedule of live

6241 events in that preceding year.

6242 2. If the application is for a harness racing permitholder
6243 cardroom, the applicant must have requested authorization to
6244 conduct a minimum of 140 live performances during the
6245 immediately preceding state fiscal year.

6246 3. If a permitholder has operated a cardroom during any of
6247 the previous 3 ~~previous~~ fiscal years and fails to include a
6248 renewal request for the operation of the cardroom in its annual
6249 application for license renewal, the permitholder may amend its
6250 annual license renewal application to include operation of the
6251 cardroom. ~~In order for a cardroom license to be renewed the~~
6252 ~~applicant must have requested, as part of its pari-mutuel annual~~
6253 ~~license application, to conduct at least 90 percent of the total~~
6254 ~~number of live performances conducted by such permitholder~~
6255 ~~during either the state fiscal year in which its initial~~
6256 ~~cardroom license was issued or the state fiscal year immediately~~
6257 ~~prior thereto if the permitholder ran at least a full schedule~~
6258 ~~of live racing or games in the prior year. If the application is~~
6259 ~~for a harness permitholder cardroom, the applicant must have~~
6260 ~~requested authorization to conduct a minimum of 140 live~~
6261 ~~performances during the state fiscal year immediately prior~~
6262 ~~thereto.~~

6263 4. If more than one pari-mutuel permitholder is operating
6264 at a facility, each permitholder must have applied for a license
6265 to conduct a full schedule of live events ~~racing~~.

6266 (c) An application for an initial or renewal license to

6267 operate a cardroom must be made ~~Persons seeking a license or a~~
 6268 ~~renewal thereof to operate a cardroom shall make application on~~
 6269 ~~forms prescribed by the department and must division.~~
 6270 ~~Applications for cardroom licenses shall contain all of the~~
 6271 ~~information required by department the division, by rule, may~~
 6272 ~~determine is required to ensure eligibility.~~

6273 (d) The annual cardroom license fee for each facility is
 6274 ~~shall be~~ \$1,000 for each table to be operated at the cardroom.
 6275 The license fee shall be paid to the department and deposited by
 6276 ~~the division~~ with the Chief Financial Officer to the credit of
 6277 the Gaming Control Trust Fund ~~Pari-mutuel Wagering Trust Fund.~~

6278 (e) The holder of a cardroom license is responsible for
 6279 the operation of the cardroom and for the conduct of any
 6280 manager, dealer, or other employee involved in the operation of
 6281 the cardroom. Before the issuance of a cardroom license, the
 6282 applicant for such license must provide evidence that it has
 6283 purchased a \$50,000 surety bond, payable to the state, from a
 6284 corporate surety authorized to do business in this state or
 6285 evidence that the bond required under s. 551.0321 has been
 6286 expanded to include the applicant's cardroom operation. The bond
 6287 must guarantee that the cardroom operator will redeem, for cash,
 6288 all tokens or chips used in games. Such bond shall be kept in
 6289 full force and effect by the operator during the term of the
 6290 license.

6291 (6) LOCATION APPROVAL.—The commission may not issue any
 6292 initial license under this section unless the applicant shows

6293 proof in such form as the commission may prescribe that the
 6294 local government where it desires to conduct cardroom gaming has
 6295 voted to approve such activity by a majority vote of the
 6296 governing body of the municipality or, if the facility is not
 6297 located in a municipality, the governing body of the county.

6298 (7) CONDITIONS FOR OPERATING A CARDROOM.—

6299 (a) A cardroom may be operated only at the location
 6300 specified on the cardroom license issued by the commission
 6301 division, which must ~~and such location may only~~ be the location
 6302 at which the pari-mutuel permit holder is authorized to conduct
 6303 pari-mutuel wagering activities pursuant to its ~~such~~
 6304 ~~permitholder's~~ valid pari-mutuel permit or as otherwise
 6305 authorized by law. ~~Cardroom operations may not be allowed beyond~~
 6306 ~~the hours provided in paragraph (b) regardless of the number of~~
 6307 ~~cardroom licenses issued for permitholders operating at the~~
 6308 ~~pari-mutuel facility.~~

6309 (b) A licensed ~~Any~~ cardroom operator may operate a
 6310 cardroom at the pari-mutuel facility daily throughout the year,
 6311 ~~if the permitholder meets the requirements under paragraph~~
 6312 ~~(5) (b).~~ The cardroom may be operated ~~open a cumulative amount of~~
 6313 18 cumulative hours per day on Monday through Friday and 24
 6314 hours per day on Saturday, and Sunday, and ~~on~~ the holidays
 6315 specified in s. 110.117(1). This limitation applies regardless
 6316 of the number of cardroom licenses issued for permitholders
 6317 operating at the pari-mutuel facility.

6318 (c) A cardroom operator must at all times employ and

6319 provide a nonplaying dealer for each table on which authorized
 6320 card games that ~~which~~ traditionally use a dealer are conducted
 6321 at the cardroom. A dealer ~~Such dealers~~ may not have a
 6322 participatory interest in any game other than the dealing of
 6323 cards and may not have an interest in the outcome of the game.
 6324 ~~The~~ Providing ~~of~~ such dealers by a licensee does not constitute
 6325 the conducting of a banking game by the cardroom operator.

6326 (d) A cardroom operator may award giveaways, jackpots, and
 6327 prizes to a player who holds certain combinations of cards
 6328 specified by the cardroom operator.

6329 (e)1. Each cardroom operator shall conspicuously post upon
 6330 the premises of the cardroom a notice that ~~which~~ contains:

- 6331 a. A copy of the cardroom license.†
- 6332 b. A list of authorized games offered by the cardroom.†
- 6333 c. The wagering limits imposed by the house, if any.†
- 6334 d. Any additional house rules regarding operation of the
 6335 cardroom or the playing of any game.†~~and~~
- 6336 e. All costs to players to participate, including any rake
 6337 by the house.

6338 2. ~~In addition,~~ Each cardroom operator shall post at each
 6339 table a notice of the minimum and maximum bets authorized at
 6340 such table and the fee for participation in the game conducted.

6341 (f) The cardroom facility may be inspected ~~is subject to~~
 6342 ~~inspection~~ by the department ~~division~~ or any law enforcement
 6343 agency during the licensee's regular business hours. The
 6344 inspection must ~~specifically~~ include a review of the pari-mutuel

6345 permitholder internal control procedures approved by the
 6346 commission division.

6347 (g) A cardroom operator may refuse entry to any person, or
 6348 refuse to allow any person to play, if the person ~~who~~ is
 6349 objectionable, undesirable, or disruptive ~~to play,~~ but such
 6350 refusal may not be based on the ~~basis of~~ race, creed, color,
 6351 religion, gender, national origin, marital status, physical
 6352 handicap, or age of that person, except as provided in this
 6353 section.

6354 (8) FEE FOR PARTICIPATION.—The cardroom operator may
 6355 charge a fee to participate in games conducted at the cardroom.
 6356 Such fee may be a flat or hourly rate fee for the use of a seat
 6357 at a table or a rake subject to the posted maximum amount. Such
 6358 fee may not be based on the amount won by players. Any rake must
 6359 be made in an obvious manner and placed in a designated rake
 6360 area that is clearly visible to all players. Notice of the
 6361 amount of the participation fee charged shall be posted in a
 6362 conspicuous place in the cardroom and at each table at all
 6363 times.

6364 (9) ~~(8)~~ METHOD OF WAGERS; LIMITATION.—

6365 (a) ~~No~~ Wagering may not be conducted using money or other
 6366 negotiable currency. Games may only be played using ~~utilizing~~ a
 6367 wagering system whereby all players' money is first converted by
 6368 the house to tokens or chips, which shall be used for wagering
 6369 only at that specific cardroom.

6370 (b) The cardroom operator may limit the amount wagered in

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6371 any game or series of games.

6372 (c) A tournament shall consist of a series of games. The
6373 entry fee for a tournament may be set by the cardroom operator.
6374 Tournaments may be played only with tournament chips that are
6375 provided to ~~all~~ participants upon payment of ~~in exchange for~~ an
6376 entry fee and any subsequent rebuis ~~re-buis~~. Each player ~~All~~
6377 ~~players~~ must receive an equal number of tournament chips for his
6378 or her ~~their~~ entry fee. Tournament chips do not have ~~no~~ cash
6379 value, but instead ~~and~~ represent tournament points ~~only~~. The
6380 cardroom operator shall determine any ~~There is no~~ limitation on
6381 the number of tournament chips that may be used for a bet ~~except~~
6382 ~~as otherwise determined by the cardroom operator~~. Tournament
6383 chips may not ~~never~~ be redeemed for cash or for any other thing
6384 of value. The distribution of prizes and cash awards must be
6385 determined by the cardroom operator before entry fees are
6386 accepted. ~~For purposes of tournament play only, the term "gross~~
6387 ~~receipts" means the total amount received by the cardroom~~
6388 ~~operator for all entry fees, player re-buis, and fees for~~
6389 ~~participating in the tournament less the total amount paid to~~
6390 ~~the winners or others as prizes.~~

6391 ~~(9) BOND REQUIRED. The holder of a cardroom license shall~~
6392 ~~be financially and otherwise responsible for the operation of~~
6393 ~~the cardroom and for the conduct of any manager, dealer, or~~
6394 ~~other employee involved in the operation of the cardroom. Prior~~
6395 ~~to the issuance of a cardroom license, each applicant for such~~
6396 ~~license shall provide evidence of a surety bond in the amount of~~

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6397 ~~\$50,000, payable to the state, furnished by a corporate surety~~
6398 ~~authorized to do business in the state or evidence that the~~
6399 ~~licensee's pari-mutuel bond required by s. 550.125 has been~~
6400 ~~expanded to include the applicant's cardroom operation. The bond~~
6401 ~~shall guarantee that the cardroom operator will redeem, for~~
6402 ~~cash, all tokens or chips used in games. Such bond shall be kept~~
6403 ~~in full force and effect by the operator during the term of the~~
6404 ~~license.~~

6405 (10) ~~(13)~~ TAXES AND OTHER PAYMENTS.—

6406 (a) Each cardroom operator shall pay a tax to the state of
6407 10 percent of the cardroom operation's monthly gross receipts.

6408 (b) An admission tax equal to 15 percent of the admission
6409 charge for entrance to the licensee's cardroom facility, or 10
6410 cents, whichever is greater, is imposed on each person entering
6411 the cardroom. This admission tax applies ~~shall apply~~ only if a
6412 separate admission fee is charged for entry to the cardroom
6413 facility. If a single admission fee is charged that ~~which~~
6414 authorizes entry into ~~to both or either~~ the pari-mutuel
6415 facility, and ~~and~~ the cardroom facility, or both, the admission tax
6416 shall be payable only once and shall be payable pursuant to
6417 chapter 550. The cardroom licensee is ~~shall be~~ responsible for
6418 collecting the admission tax. An admission tax is imposed on any
6419 free passes or complimentary cards issued to guests by a
6420 licensee ~~licensees~~ in an amount equal to the tax imposed on the
6421 regular and usual admission charge for entrance to the
6422 licensee's cardroom facility. A cardroom licensee may issue tax-

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6423 free passes to its officers, officials, and employees or other
6424 persons actually engaged in working at the cardroom, including
6425 accredited press representatives such as reporters and editors,
6426 and may also issue tax-free passes to other cardroom licensees
6427 for the use of their officers and officials. The licensee shall
6428 file with the department ~~division~~ a list of all persons to whom
6429 tax-free passes are issued.

6430 (c) ~~The Payment of the~~ admission tax and gross receipts
6431 tax imposed by this section shall be paid to the department
6432 ~~division~~. The department ~~division~~ shall deposit these sums with
6433 the Chief Financial Officer, one-half being credited to the
6434 Gaming Control Pari-mutuel Wagering Trust Fund and one-half
6435 being credited to the General Revenue Fund. The cardroom
6436 licensee shall remit to the department ~~division~~ payment for the
6437 admission tax, the gross receipts tax, and the licensee fees.
6438 ~~Such payments shall be remitted to the division on the 5th fifth~~
6439 day of each calendar month for taxes and fees imposed for the
6440 preceding month's cardroom activities. Licensees shall file a
6441 report under oath by the 5th fifth day of each calendar month
6442 for all taxes remitted during the preceding calendar month. Such
6443 report shall, under oath, indicate the total of all admissions,
6444 the cardroom activities for the preceding calendar month, and
6445 such other information as may be required ~~prescribed~~ by the
6446 commission ~~division~~.

6447 (d)1. Each greyhound racing and jai alai permit holder that
6448 operates a cardroom facility shall use at least 4 percent of

6449 such permitholder's cardroom monthly gross receipts to
 6450 supplement greyhound purses or jai alai prize money,
 6451 respectively, during the permitholder's next ~~ensuing~~ pari-mutuel
 6452 meet.

6453 2. Each thoroughbred and harness horse racing permitholder
 6454 that operates a cardroom facility shall, during the
 6455 permitholder's next racing meet, use at least 50 percent of such
 6456 permitholder's cardroom monthly net proceeds as follows: ~~47~~
 6457 ~~percent to supplement purses and 3 percent to supplement~~
 6458 ~~breeders' awards during the permitholder's next ensuing racing~~
 6459 ~~meet.~~

6460 a. Forty-seven percent to supplement purses; and

6461 b. Three percent to supplement breeders' awards.

6462 3. A ~~no~~ cardroom license, or renewal thereof, may not
 6463 ~~shall~~ be issued to an applicant holding a ~~permit under chapter~~
 6464 ~~550 to conduct pari-mutuel wagering meets of quarter horse~~
 6465 racing permit under this chapter unless the applicant has on
 6466 file with the commission ~~division~~ a binding written agreement,
 6467 between the applicant and the Florida Quarter Horse Racing
 6468 Association or the association representing a majority of the
 6469 horse owners and trainers at the applicant's eligible facility,
 6470 governing the payment of purses on live quarter horse races
 6471 conducted at the licensee's pari-mutuel facility. The agreement
 6472 governing purses may direct the payment of such purses from
 6473 revenues generated by any wagering or gaming the applicant is
 6474 authorized to conduct ~~under Florida law~~. All purses are ~~shall be~~

6475 subject to the terms of part II ~~chapter 550~~.

6476 (e) A ~~The failure of any~~ licensee that fails to make
6477 payments as prescribed in paragraph (c) commits ~~is~~ a violation
6478 of this section, ~~and the licensee may be required~~ subjected by
6479 the commission ~~division~~ to pay a civil penalty of up to \$1,000
6480 for each day the tax payment is not remitted. All penalties
6481 imposed and collected shall be deposited in the General Revenue
6482 Fund. If a licensee fails to pay penalties imposed by order of
6483 the commission ~~division~~ under this subsection, the commission
6484 ~~division~~ may suspend or revoke the license of the cardroom
6485 operator or deny issuance of any further license to the cardroom
6486 operator.

6487 (f) The cardroom is ~~shall be deemed~~ an accessory use to a
6488 licensed pari-mutuel operation, ~~and~~, except as provided in
6489 chapter 550, a municipality, county, or political subdivision
6490 may not assess or collect any additional license tax, sales tax,
6491 or excise tax on such cardroom operation.

6492 (g) All ~~of the~~ moneys deposited in the Gaming Control
6493 ~~Pari-mutuel Wagering~~ Trust Fund, except as set forth in
6494 paragraph (h), shall be ~~utilized and distributed~~ and used in the
6495 manner specified in s. 551.035(1) ~~550.135 (1) and (2)~~. However,
6496 cardroom tax revenues shall be kept separate from pari-mutuel
6497 tax revenues and shall not be used for making the disbursement
6498 to counties provided in former s. 550.135(1).

6499 (h) One-quarter of the moneys deposited into the Gaming
6500 Control ~~Pari-mutuel Wagering~~ Trust Fund pursuant to paragraph

6501 (g) shall, by October 1 of each year, be distributed to the
 6502 local government that approved the cardroom under subsection
 6503 ~~(165)~~; however, if two or more pari-mutuel racetracks are
 6504 located within the same incorporated municipality, the cardroom
 6505 funds shall be distributed to the municipality. If a pari-mutuel
 6506 facility is situated in such a manner that it is located in more
 6507 than one county, the site of the cardroom facility shall
 6508 determine the location for purposes of disbursement of tax
 6509 revenues under this paragraph. The commission ~~division~~ shall, by
 6510 September 1 of each year, determine: ~~the~~

6511 1. The amount of taxes deposited into the Gaming Control
 6512 ~~Pari-mutuel Wagering~~ Trust Fund pursuant to this section from
 6513 each cardroom licensee. ~~the~~

6514 2. The location by county of each cardroom; ~~whether.~~

6515 3. Whether the cardroom is located in the unincorporated
 6516 area of the county or within an incorporated municipality; ~~and,~~
 6517 ~~the.~~

6518 4. The total amount to be distributed to each eligible
 6519 county and municipality.

6520 (11) RECORDS AND REPORTS.—

6521 (a) Each licensee operating a cardroom shall keep and
 6522 maintain permanent daily records of its cardroom operation and
 6523 shall maintain such records for at least ~~a period of not less~~
 6524 ~~than~~ 3 years. Such ~~These~~ records shall include all financial
 6525 transactions and contain sufficient detail to determine
 6526 compliance with the requirements of this section. All records

6527 shall be available for audit and inspection by the department
 6528 ~~division~~ or other law enforcement agencies during the licensee's
 6529 regular business hours. The information required in such records
 6530 shall be determined by department ~~division~~ rule.

6531 (b) Each month, each licensee operating a cardroom shall
 6532 file with the department ~~division~~ a report containing the
 6533 required records of such cardroom operation. ~~Such report shall~~
 6534 ~~be filed monthly by licensees.~~ The report ~~required reports~~
 6535 shall:

6536 1. Be due at the same time as the monthly pari-mutuel
 6537 reports are due to the commission.

6538 2. Be submitted on forms prescribed by the department.
 6539 ~~division and shall be due at the same time as the monthly pari-~~
 6540 ~~mutuel reports are due to the division, and such reports shall~~

6541 3. Contain any additional information required ~~deemed~~
 6542 ~~necessary by the department.~~ ~~division, and the reports shall be~~
 6543 ~~deemed~~

6544 4. Be a public record ~~records~~ once filed.

6545 (12) PROHIBITED ACTIVITIES.—

6546 (a) A ~~No~~ person licensed to operate a cardroom may not
 6547 conduct any banking game or any game not specifically authorized
 6548 by this section.

6549 (b) A ~~No~~ person under 18 years of age may not be permitted
 6550 to hold a cardroom or employee license, or engage in any game
 6551 conducted in a cardroom ~~therein~~.

6552 (c) ~~No~~ Electronic or mechanical devices, except mechanical

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6553 card shufflers, may not be used to conduct any authorized game
6554 in a cardroom.

6555 (d) ~~No~~ Cards, game components, or game implements may not
6556 be used in playing an authorized game unless the cards, game
6557 components, or game implements have ~~such has~~ been furnished or
6558 provided to the players by the cardroom operator.

6559 (13) ~~(14)~~ SUSPENSION, REVOCATION, OR DENIAL OF LICENSE;
6560 FINE.—

6561 (a) 1. The commission ~~division~~ may deny a license or the
6562 renewal thereof, or may suspend or revoke a ~~any~~ license, when
6563 the applicant has:

6564 a. Violated or failed to comply with ~~the provisions of~~
6565 this section or any rules adopted pursuant to this section
6566 ~~thereto~~;

6567 b. Knowingly caused, aided, abetted, or conspired with
6568 another to cause any person to violate this section or any rules
6569 adopted pursuant to this section ~~thereto~~; or

6570 c. Obtained a license or permit by fraud,
6571 misrepresentation, or concealment. ~~;~~ ~~or~~

6572 2. The commission may deny the renewal of a license or may
6573 suspend or revoke a license if the holder of such license ~~or~~
6574 ~~permit~~ is no longer eligible under this section.

6575 (b) If a pari-mutuel permitholder's pari-mutuel permit or
6576 license is suspended or revoked by the commission ~~division~~
6577 pursuant to part II chapter 550, the commission shall ~~division~~
6578 ~~may, but is not required to,~~ suspend or revoke such

6579 | permitholder's cardroom license. If a cardroom operator's
 6580 | license is suspended or revoked pursuant to this section, the
 6581 | commission ~~division~~ may, but is not required to, suspend or
 6582 | revoke such licensee's pari-mutuel permit or license.

6583 | (c) Notwithstanding any other provision of this section,
 6584 | the commission ~~division~~ may impose an administrative fine of up
 6585 | to ~~not to exceed~~ \$1,000 for each violation against any person
 6586 | who has violated or failed to comply with ~~the provisions of this~~
 6587 | section or any rules adopted pursuant to this section ~~thereto~~.

6588 | ~~(14)-(15)~~ CRIMINAL PENALTY; INJUNCTION.-

6589 | (a)1. A ~~Any~~ person who operates a cardroom without a valid
 6590 | license issued as provided in this section commits a felony of
 6591 | the third degree, punishable as provided in s. 775.082, s.
 6592 | 775.083, or s. 775.084.

6593 | 2. A ~~Any~~ licensee or pari-mutuel permitholder who violates
 6594 | ~~any provision of~~ this section commits a misdemeanor of the first
 6595 | degree, punishable as provided in s. 775.082 or s. 775.083. A
 6596 | ~~Any~~ licensee or pari-mutuel permitholder who commits a second or
 6597 | subsequent violation of the same paragraph or subsection within
 6598 | a period of 3 years after ~~from~~ the date of a prior conviction
 6599 | for a violation of such paragraph or subsection commits a felony
 6600 | of the third degree, punishable as provided in s. 775.082, s.
 6601 | 775.083, or s. 775.084.

6602 | (b) The department ~~division~~, any state attorney, the
 6603 | statewide prosecutor, or the Attorney General may apply for a
 6604 | temporary or permanent injunction restraining further violation

6605 of this section, and such injunction shall issue without bond.

6606 Section 102. Effective October 1, 2014, part V of chapter
 6607 551, Florida Statutes, consisting of sections 551.301-551.322,
 6608 is created and entitled "OCCUPATIONAL EMPLOYEES AND ASSOCIATES."

6609 Section 103. Effective October 1, 2014, section 550.105,
 6610 Florida Statutes, is transferred, renumbered as section 551.301,
 6611 Florida Statutes, and amended to read:

6612 551.301 ~~550.105~~ Racetrack and jai alai occupational
 6613 licenses of racetrack employees; fees; denial, suspension, and
 6614 revocation of license; penalties and fines.-

6615 (1) Each person connected with a racetrack or jai alai
 6616 fronton, as specified in paragraph (2) (a), shall purchase from
 6617 the department ~~division~~ an occupational license. License fee
 6618 collections ~~All moneys collected pursuant to this section each~~
 6619 ~~fiscal year~~ shall be deposited into the Gaming Control Trust
 6620 Fund ~~Pari-mutuel Wagering Trust Fund~~. The department may adopt
 6621 rules that allow ~~Pursuant to the rules adopted by the division,~~
 6622 an occupational license to ~~may~~ be valid for a ~~period of~~ up to 3
 6623 years. The fee for a multi-year license may ~~for a fee that does~~
 6624 not exceed the full occupational license fee for each of the
 6625 years for which the license is purchased. The occupational
 6626 license shall be valid during its specified term at any pari-
 6627 mutuel facility.

6628 (2) (a) The following licenses shall be issued to persons
 6629 or entities with access to the backside, racing animals, jai
 6630 alai players' room, jockeys' room, drivers' room, totalisator

6631 | room, ~~the~~ mutuels, or money room; ~~or~~ to persons who, by virtue
 6632 | of the positions ~~position~~ they hold, might be granted access to
 6633 | such ~~these~~ areas; or to any other person or entity in one of the
 6634 | following categories ~~and~~ with fees not to exceed the following
 6635 | amounts for any 12-month period:

6636 | 1. Business licenses for~~+~~ any business such as a vendor,
 6637 | contractual concessionaire, contract kennel, business owning
 6638 | racing animals, trust or estate, totalisator company, stable
 6639 | name, or other fictitious name: \$50.

6640 | 2. Professional occupational licenses for~~+~~ professional
 6641 | persons with access to the backside of a racetrack or players'
 6642 | quarters in jai alai such as trainers, officials, veterinarians,
 6643 | doctors, nurses, emergency medical technicians ~~EMT's~~, jockeys
 6644 | and apprentices, drivers, jai alai players, owners, trustees, or
 6645 | any management or officer or director or shareholder or any
 6646 | other professional-level person who might have access to the
 6647 | jockeys' room, the drivers' room, the backside, racing animals,
 6648 | kennel compound, or managers or supervisors requiring access to
 6649 | mutuels machines, the money room, or totalisator equipment: \$40.

6650 | 3. General occupational licenses for~~+~~ general employees
 6651 | with access to the jockeys' room, the drivers' room, racing
 6652 | animals, the backside of a racetrack, or players' quarters in
 6653 | jai alai, such as grooms, kennel helpers, leadouts, pelota
 6654 | makers, cesta makers, or ball boys, or a practitioner of any
 6655 | other occupation who would have access to the animals, the
 6656 | backside, or the kennel compound, or who would provide the

6657 security or maintenance of these areas, or mutuel employees,
6658 totalisator employees, money-room employees, or any employee
6659 with access to mutuels machines, the money room, or totalisator
6660 equipment or who would provide the security or maintenance of
6661 these areas: \$10.

6662 (b) The individuals and entities that are licensed under
6663 this subsection ~~paragraph~~ require heightened state scrutiny,
6664 including the submission by the individual licensees or persons
6665 associated with the entities described in this chapter of
6666 fingerprints for a Federal Bureau of Investigation criminal
6667 records check.

6668 (c) ~~(b)~~ The department ~~division~~ shall adopt rules
6669 pertaining to pari-mutuel occupational licenses, licensing
6670 periods, and renewal cycles.

6671 (3) Certified public accountants and attorneys licensed to
6672 practice in this state are ~~shall~~ not ~~be~~ required to hold an
6673 occupational license under this section while providing
6674 accounting or legal services to a permitholder if the certified
6675 public accountant's or attorney's primary place of employment is
6676 not on the permitholder's ~~permitholder~~ premises.

6677 (4) A person may not ~~It is unlawful to~~ take part in or
6678 officiate in any way at any pari-mutuel facility without first
6679 having secured a license and paid the occupational license fee.

6680 (5) (a) If the state racing commission or racing authority
6681 in another state or jurisdiction extends to the commission
6682 reciprocal courtesy to maintain the disciplinary control, the

6683 department ~~division~~ may:

6684 1. Deny a license to or revoke, suspend, or place
 6685 conditions ~~upon~~ or restrictions on a license of any person who
 6686 has been refused a license by any other state racing commission
 6687 or racing authority; or

6688 2. Deny, suspend, or place conditions on a license of any
 6689 person who is under suspension or has unpaid fines in another
 6690 jurisdiction. ~~+~~

6691
 6692 ~~if the state racing commission or racing authority of such other~~
 6693 ~~state or jurisdiction extends to the division reciprocal~~
 6694 ~~courtesy to maintain the disciplinary control.~~

6695 (b) The department ~~division~~ may deny, suspend, revoke, or
 6696 declare ineligible any occupational license if the applicant ~~for~~
 6697 or holder: thereof

6698 1. Has violated the provisions of this chapter or the
 6699 rules of the department ~~division~~ governing the conduct of
 6700 persons connected with racetracks and frontons; ~~In addition,~~
 6701 ~~the division may deny, suspend, revoke, or declare ineligible~~
 6702 ~~any occupational license if the applicant for such license~~

6703 2. Has been convicted in this state, in any other state,
 6704 or under the laws of the United States of:

6705 a. A capital felony, a felony, or an offense in any other
 6706 state which would be a felony under the laws of this state
 6707 involving arson;

6708 b. Trafficking in, conspiracy to traffic in, smuggling,

6709 importing, conspiracy to smuggle or import, or delivery, sale,
 6710 or distribution of a controlled substance; or

6711 c. A crime involving a lack of good moral character;~~7~~ or

6712 3. Has had a pari-mutuel license revoked by this state or
 6713 any other jurisdiction for an offense related to pari-mutuel
 6714 wagering.

6715 (c) The department ~~division~~ may deny, declare ineligible,
 6716 or revoke any occupational license if the licensee or applicant
 6717 for such license has been convicted of a felony or misdemeanor
 6718 in this state, in any other state, or under the laws of the
 6719 United States~~7~~ if such felony or misdemeanor is related to
 6720 gambling or bookmaking, as contemplated in s. 849.25, or
 6721 involves cruelty to animals. If the applicant establishes that
 6722 she or he is of good moral character, that she or he has been
 6723 rehabilitated, and that the crime she or he was convicted of is
 6724 not related to pari-mutuel wagering and is not a capital
 6725 offense, the restrictions excluding offenders may be waived by
 6726 ~~the director of the~~ department ~~division~~.

6727 (d) For purposes of this subsection, the term "convicted"
 6728 means having been found guilty, with or without adjudication of
 6729 guilt, as a result of a jury verdict, nonjury trial, or entry of
 6730 a plea of guilty or nolo contendere. However, this paragraph may
 6731 ~~the term "conviction" shall not be applied to a crime committed~~
 6732 before July 1, 2010, ~~prior to the effective date of this~~
 6733 ~~subsection~~ in a manner that would invalidate any occupational
 6734 license issued before July 1, 2010, ~~prior to the effective date~~

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6735 ~~of this subsection~~ or subsequent renewal for any person holding
6736 such a license.

6737 (e) If an occupational license will expire by department
6738 ~~division~~ rule during the period of a suspension the department
6739 ~~division~~ intends to impose, or if a license would have expired
6740 but for pending administrative charges and the occupational
6741 licensee is found to be in violation of any of the charges, the
6742 license may be revoked and a time period of license
6743 ineligibility may be declared. The department ~~division~~ may bring
6744 administrative charges against any person not holding a current
6745 license for violations of statutes or rules which occurred while
6746 such person held an occupational license, and the commission
6747 ~~division~~ may declare such person ineligible to hold a license
6748 for a period of time. The department ~~division~~ may impose a civil
6749 fine of up to \$1,000 for each violation of the rules of the
6750 department ~~division~~ in addition to or in lieu of any other
6751 penalty provided for in this section. In addition to any other
6752 penalty provided by law, the department ~~division~~ may exclude
6753 from all pari-mutuel facilities in this state, for a period not
6754 to exceed the period of suspension, revocation, or
6755 ineligibility, any person whose occupational license application
6756 has been denied by the department ~~division~~, who has been
6757 declared ineligible to hold an occupational license, or whose
6758 occupational license has been suspended or revoked by the
6759 department ~~division~~.

6760 (f) The department ~~division~~ may cancel any occupational

6761 license that has been voluntarily relinquished by the licensee.

6762 (6) In order to promote the orderly presentation of pari-
 6763 mutuel meets authorized in this chapter, the department ~~division~~
 6764 may issue a temporary occupational license. The department
 6765 ~~division~~ shall adopt rules to implement this subsection. A
 6766 ~~However, No~~ temporary occupational license may not ~~shall~~ be
 6767 valid for more than 90 days, and only ~~no more than~~ one temporary
 6768 license may be issued for any person in any year.

6769 (7) The department ~~division~~ may deny, revoke, or suspend
 6770 any occupational license if the applicant ~~therefor~~ or holder
 6771 thereof accumulates unpaid obligations or defaults in
 6772 obligations, or issues drafts or checks that are dishonored or
 6773 for which payment is refused without reasonable cause, if such
 6774 unpaid obligations, defaults, or dishonored or refused drafts or
 6775 checks directly relate to the sport of jai alai or racing being
 6776 conducted at a pari-mutuel facility within this state.

6777 (8) The department ~~division~~ may fine a licensee, or
 6778 suspend, ~~or~~ revoke, or place conditions on ~~upon~~, the license of
 6779 a any licensee, who under oath knowingly provides false
 6780 information regarding an investigation by the department
 6781 ~~division~~.

6782 ~~(9) The tax imposed by this section is in lieu of all~~
 6783 ~~license, excise, or occupational taxes to the state or any~~
 6784 ~~county, municipality, or other political subdivision, except~~
 6785 ~~that, if a race meeting or game is held or conducted in a~~
 6786 ~~municipality, the municipality may assess and collect an~~

6787 ~~additional tax against any person conducting live racing or~~
 6788 ~~games within its corporate limits, which tax may not exceed \$150~~
 6789 ~~per day for horseracing or \$50 per day for dogracing or jai~~
 6790 ~~alai. Except as provided in this chapter, a municipality may not~~
 6791 ~~assess or collect any additional excise or revenue tax against~~
 6792 ~~any person conducting race meetings within the corporate limits~~
 6793 ~~of the municipality or against any patron of any such person.~~

6794 (9) ~~(10)~~ (a) Upon application for an occupational license: ~~7~~

6795 1. The department ~~division~~ may require:

6796 a. The applicant's full legal name and ~~7~~ any nickname,
 6797 alias, or maiden name for the applicant;

6798 b. The name of the applicant's spouse;

6799 c. The applicant's date of birth, residence address,
 6800 mailing address, residence ~~address~~ and business telephone ~~phone~~
 6801 number, and social security number;

6802 d. Disclosure of any felony or any conviction involving
 6803 bookmaking, illegal gambling, or cruelty to animals;

6804 e. Disclosure of any past or present enforcement or
 6805 actions by any racing or gaming agency against the applicant;
 6806 and

6807 f. Any information the department ~~division~~ determines ~~is~~
 6808 necessary to establish the identity of the applicant or to
 6809 establish that the applicant is of good moral character.

6810 2. Fingerprints shall be taken in a manner approved by the
 6811 department ~~division~~ and ~~then shall be~~ submitted to the Federal
 6812 Bureau of Investigation ~~7~~ or to the association of state

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6813 officials regulating pari-mutuel wagering pursuant to the
6814 Federal Pari-mutuel Licensing Simplification Act of 1988.

6815 (b)1. The cost of processing fingerprints shall be borne by
6816 the applicant and paid to the association of state officials
6817 regulating pari-mutuel wagering from the trust fund to which the
6818 processing fees are deposited. ~~The division, by rule, may~~
6819 ~~require additional information from licensees which is~~
6820 ~~reasonably necessary to regulate the industry. The division may,~~
6821 ~~by rule, exempt certain occupations or groups of persons from~~
6822 ~~the fingerprinting requirements.~~

6823 2.(b) All fingerprints required under ~~by~~ this section
6824 which that are submitted to the Department of Law Enforcement
6825 shall be retained by the Department of Law Enforcement and
6826 entered into the statewide automated biometric identification
6827 system as authorized under ~~by~~ s. 943.05(2)(b) and shall be
6828 available for all purposes and uses authorized for arrest
6829 fingerprints entered into the statewide automated biometric
6830 identification system pursuant to s. 943.051.

6831 3.(e) The Department of Law Enforcement shall search all
6832 arrest fingerprints received pursuant to s. 943.051 against the
6833 fingerprints retained in the statewide automated biometric
6834 identification system under subparagraph 2 ~~paragraph (b)~~. Any
6835 arrest record that is identified with the retained fingerprints
6836 of a person subject to the criminal history screening
6837 requirements of this section shall be reported to the department
6838 ~~division~~. Each licensee shall pay a fee to the department

6839 ~~division~~ for the cost of retention of the fingerprints and the
6840 ongoing searches under this subparagraph ~~paragraph~~. The
6841 department ~~division~~ shall forward the payment to the Department
6842 of Law Enforcement. The amount of the fee to be imposed for
6843 performing these searches and the procedures for the retention
6844 of licensee fingerprints shall be as established by rule of the
6845 Department of Law Enforcement. The department ~~division~~ shall
6846 inform the Department of Law Enforcement of any change in the
6847 license status of licensees whose fingerprints are retained
6848 under subparagraph 2 ~~paragraph (b)~~.

6849 4.(d) The department ~~division~~ shall request the Department
6850 of Law Enforcement to forward the fingerprints to the Federal
6851 Bureau of Investigation for a national criminal history records
6852 check at least once every 5 years following issuance of a
6853 license. If the fingerprints of a person who is licensed have
6854 not been retained by the Department of Law Enforcement, the
6855 person must file a complete set of fingerprints as provided in
6856 paragraph (a). The department ~~division~~ shall collect the fees
6857 for the cost of the national criminal history records check
6858 under this subparagraph ~~paragraph~~ and forward the payment to the
6859 Department of Law Enforcement. The cost of processing
6860 fingerprints and conducting a criminal history records check
6861 under this subparagraph ~~paragraph~~ for a general occupational
6862 license shall be borne by the applicant. The cost of processing
6863 fingerprints and conducting a criminal history records check
6864 under this subparagraph ~~paragraph~~ for a business or professional

6865 occupational license shall be borne by the person being checked.
6866 The Department of Law Enforcement may invoice the department
6867 ~~division~~ for the fingerprints submitted each month. Under
6868 penalty of perjury, each person who is licensed or who is
6869 fingerprinted as required by this section must agree to inform
6870 the department ~~division~~ within 48 hours if he or she is
6871 convicted of or has entered a plea of guilty or nolo contendere
6872 to any disqualifying offense, regardless of adjudication.

6873 (c)1. The department may adopt rules that require
6874 additional information from licensees which is reasonably
6875 necessary to regulate the industry.

6876 2. The department may adopt rules that exempt certain
6877 occupations or groups of persons from the fingerprinting
6878 requirements.

6879 Section 104. Effective October 1, 2014, section 551.107,
6880 Florida Statutes, is transferred, renumbered as section 551.302,
6881 Florida Statutes, and amended to read:

6882 551.302 ~~551.107~~ Slot machine occupational license;
6883 findings; application; fee.—

6884 (1) The Legislature finds that individuals and entities
6885 that are licensed under this section require heightened state
6886 scrutiny, including the submission by the individual licensees
6887 or persons associated with the entities described in this
6888 chapter of fingerprints for a criminal history record check.

6889 (2) (a) The following slot machine occupational licenses
6890 shall be issued to persons or entities that, by virtue of the

6891 | positions they hold, might be granted access to slot machine
 6892 | gaming areas or to any other person or entity in one of the
 6893 | following categories:

6894 | 1. General occupational licenses for general employees,
 6895 | including food service, maintenance, and other similar service
 6896 | and support employees having access to the slot machine gaming
 6897 | area.

6898 | 2. Professional occupational licenses for a ~~any~~ person,
 6899 | proprietorship, partnership, corporation, or other entity that
 6900 | is authorized by a slot machine licensee to manage, oversee, or
 6901 | otherwise control daily operations as a slot machine manager, a
 6902 | floor supervisor, security personnel, or any other similar
 6903 | position of oversight of gaming operations, or a ~~any~~ person who
 6904 | is not an employee of the slot machine licensee and who provides
 6905 | maintenance, repair, or upgrades to, or otherwise services, a
 6906 | slot machine or other slot machine equipment.

6907 | 3. Business occupational licenses for a ~~any~~ slot machine
 6908 | management company or company associated with slot machine
 6909 | gaming; a, ~~any~~ person who manufactures, distributes, or sells
 6910 | slot machines, slot machine paraphernalia, or other associated
 6911 | equipment to slot machine licensees; ; or a ~~any~~ company that
 6912 | sells or provides goods or services associated with slot machine
 6913 | gaming to slot machine licensees.

6914 | (b) The department ~~division~~ may issue one license to
 6915 | combine licenses under this section with pari-mutuel
 6916 | occupational licenses and cardroom licenses pursuant to s.

6917 | 551.301(2)(c) ~~550.105(2)(b)~~. The department ~~division~~ shall adopt
 6918 | rules pertaining to occupational licenses under this subsection.
 6919 | Such rules may specify, but need not be limited to, requirements
 6920 | and restrictions for licensed occupations and categories,
 6921 | procedures to apply for a a ~~any~~ license or combination of
 6922 | licenses, disqualifying criminal offenses for a licensed
 6923 | occupation or categories of occupations, and which types of
 6924 | occupational licenses may be combined into a single license
 6925 | under this section. The fingerprinting requirements of
 6926 | subsection (6) ~~(7)~~ apply to a a ~~any~~ combination license that
 6927 | includes slot machine license privileges under this section. The
 6928 | department ~~division~~ may not adopt a rule allowing the issuance
 6929 | of an occupational license to a a ~~any~~ person who does not meet the
 6930 | minimum background qualifications under this section.

6931 | (c) Slot machine occupational licenses are not
 6932 | transferable.

6933 | (3) A slot machine licensee may not employ or otherwise
 6934 | allow a person to work at a licensed facility unless such person
 6935 | holds the appropriate valid occupational license. A slot machine
 6936 | licensee may not contract or otherwise do business with a
 6937 | business required to hold a slot machine occupational license
 6938 | unless the business holds such a license. A slot machine
 6939 | licensee may not employ or otherwise allow a person to work in a
 6940 | supervisory or management professional level at a licensed
 6941 | facility unless such person holds a valid slot machine
 6942 | occupational license. All slot machine occupational licensees,

6943 while present in slot machine gaming areas, shall display on
6944 their persons their occupational license identification cards.

6945 (4) (a) A person seeking a slot machine occupational
6946 license or renewal thereof shall make application on forms
6947 prescribed by the department ~~division~~ and pay ~~include payment of~~
6948 the appropriate application fee. Initial and renewal
6949 applications for slot machine occupational licenses must contain
6950 all information that the department ~~division~~, by rule,
6951 determines is required to ensure eligibility.

6952 (b) A slot machine license or combination license is valid
6953 for the same term as a pari-mutuel occupational license issued
6954 pursuant to s. 551.301(1) ~~550.105(1)~~.

6955 (c) Pursuant to rules adopted by the department ~~division~~,
6956 a ~~any~~ person may apply for and, if qualified, be issued a slot
6957 machine occupational license valid for a period of 3 years upon
6958 payment of the full occupational license fee for each of the 3
6959 years for which the license is issued. The slot machine
6960 occupational license is valid during its specified term at a ~~any~~
6961 licensed facility where slot machine gaming is authorized to be
6962 conducted.

6963 (d) The slot machine occupational license fee for initial
6964 application and annual renewal shall be determined by rule of
6965 the department ~~division~~ but may not exceed \$50 for a general or
6966 professional occupational license for an employee of the slot
6967 machine licensee or \$1,000 for a business occupational license
6968 for nonemployees of the licensee providing goods or services to

6969 the slot machine licensee. License fees for general occupational
 6970 licensees shall be paid by the slot machine licensee. Failure to
 6971 pay the required fee constitutes grounds for disciplinary action
 6972 by the department ~~division~~ against the slot machine licensee,
 6973 but ~~it~~ is not a violation of this chapter or ~~rules of the~~
 6974 division rule by the general occupational licensee and does not
 6975 prohibit the initial issuance or the renewal of the general
 6976 occupational license.

6977 (5) (a) The department ~~division~~ may deny an application
 6978 for, or revoke, suspend, or place conditions or restrictions on,
 6979 a license of a person or entity that:

6980 1.(a) ~~Deny an application for, or revoke, suspend, or~~
 6981 ~~place conditions or restrictions on, a license of a person or~~
 6982 ~~entity that~~ Has been refused a license by any other state gaming
 6983 commission, governmental department, agency, or other authority
 6984 exercising regulatory jurisdiction over the gaming of another
 6985 state or jurisdiction; or

6986 2.(b) ~~Deny an application for, or suspend or place~~
 6987 ~~conditions on, a license of any person or entity that~~ Is under
 6988 suspension or has unpaid fines in another state or jurisdiction.

6989 (b)(6)(a) The department ~~division~~ may deny an application
 6990 for, or suspend, revoke, or refuse to renew, a ~~any~~ slot machine
 6991 occupational license if the applicant for such license or the
 6992 licensee:

6993 1. Has violated ~~the provisions of~~ this chapter or the
 6994 rules of the department ~~division~~ governing the conduct of

6995 persons connected with slot machine gaming;; ~~In addition, the~~
 6996 ~~division may deny, suspend, revoke, or refuse to renew any slot~~
 6997 ~~machine occupational license if the applicant for such license~~
 6998 ~~or the licensee~~

6999 2. Has been convicted in this state, in any other state,
 7000 or under the laws of the United States of a capital felony, a
 7001 felony, or an offense in any other state that would be a felony
 7002 under the laws of this state involving arson; trafficking in,
 7003 conspiracy to traffic in, smuggling, importing, conspiracy to
 7004 smuggle or import, or delivery, sale, or distribution of a
 7005 controlled substance; racketeering; or a crime involving a lack
 7006 of good moral character;; ~~or~~

7007 3. Has had a gaming license revoked by this state or any
 7008 other jurisdiction for a ~~any~~ gaming-related offense;; ~~-~~

7009 4.(b) ~~The division may deny, revoke, or refuse to renew~~
 7010 ~~any slot machine occupational license if the applicant for such~~
 7011 ~~license or the licensee~~ Has been convicted of a felony or
 7012 misdemeanor in this state, in any other state, or under the laws
 7013 of the United States if such felony or misdemeanor is related to
 7014 gambling or bookmaking as described in s. 849.25; or

7015 5. Accumulates unpaid obligations, defaults in
 7016 obligations, or issues drafts or checks that are dishonored or
 7017 for which payment is refused without reasonable cause.

7018 ~~(c) For purposes of this subsection, the term "convicted"~~
 7019 ~~means having been found guilty, with or without adjudication of~~
 7020 ~~guilt, as a result of a jury verdict, nonjury trial, or entry of~~

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7021 ~~a plea of guilty or nolo contendere.~~

7022 (6)~~(7)~~ Fingerprints for all slot machine occupational

7023 license applications shall be taken in a manner approved by the

7024 department ~~division~~ and shall be submitted electronically to the

7025 Department of Law Enforcement for state processing and the

7026 Federal Bureau of Investigation for national processing for a

7027 criminal history record check. All persons ~~as~~ specified in s.

7028 551.029(1)(a) ~~who are 550.1815(1)(a)~~ employed by or working

7029 within a licensed premises shall submit fingerprints for a

7030 criminal history record check and may not have been convicted of

7031 a any disqualifying criminal offense ~~offenses~~ specified in

7032 subsection (5) ~~(6)~~. Department ~~Division~~ employees and law

7033 enforcement officers assigned by their employing agencies to

7034 work within the premises as part of their official duties are

7035 excluded from the criminal history record check requirements

7036 under this subsection. The cost of processing fingerprints and

7037 conducting a criminal history record check for a general

7038 occupational license shall be borne by the slot machine

7039 licensee. The cost of processing fingerprints and conducting a

7040 criminal history record check for a business or professional

7041 occupational license shall be borne by the person being checked.

7042 The Department of Law Enforcement may invoice the department for

7043 the fingerprints submitted each month. ~~For purposes of this~~

7044 ~~subsection, the term "convicted" means having been found guilty,~~

7045 ~~with or without adjudication of guilt, as a result of a jury~~

7046 ~~verdict, nonjury trial, or entry of a plea of guilty or nolo~~

7047 ~~contendere.~~

7048 (a) Fingerprints shall be taken in a manner approved by
7049 the department ~~division~~ upon initial application, or as required
7050 thereafter by rule of the department ~~division~~, and shall be
7051 submitted electronically to the Department of Law Enforcement
7052 for state processing. The Department of Law Enforcement shall
7053 forward the fingerprints to the Federal Bureau of Investigation
7054 for national processing. The results of the criminal history
7055 record check shall be returned to the department ~~division~~ for
7056 purposes of screening. Licensees shall provide necessary
7057 equipment approved by the Department of Law Enforcement to
7058 facilitate such electronic submission. The department ~~division~~
7059 requirements under this subsection shall be instituted in
7060 consultation with the Department of Law Enforcement.

7061 (b) The cost of processing fingerprints and conducting a
7062 criminal history record check for a general occupational license
7063 shall be borne by the slot machine licensee. The cost of
7064 processing fingerprints and conducting a criminal history record
7065 check for a business or professional occupational license shall
7066 be borne by the person being checked. The Department of Law
7067 Enforcement may invoice the department ~~division~~ for the
7068 fingerprints submitted each month.

7069 (c) All fingerprints required by this section which are
7070 submitted to the Department of Law Enforcement ~~and required by~~
7071 ~~this section~~ shall be retained by the Department of Law
7072 Enforcement and entered into the statewide automated biometric

7073 identification system as authorized under ~~by~~ s. 943.05(2)(b) and
 7074 shall be available for all purposes and uses authorized for
 7075 arrest fingerprints entered into the statewide automated
 7076 biometric identification system pursuant to s. 943.051.

7077 (d) The Department of Law Enforcement shall search all
 7078 arrest fingerprints received pursuant to s. 943.051 against the
 7079 fingerprints retained in the statewide automated biometric
 7080 identification system under paragraph (c). An ~~Any~~ arrest record
 7081 that is identified with the retained fingerprints of a person
 7082 subject to the criminal history screening requirements of this
 7083 section shall be reported to the department ~~division~~. Each
 7084 licensed facility shall pay a fee to the commission ~~division~~ for
 7085 the cost of retention of the fingerprints and the ongoing
 7086 searches under this paragraph. The department ~~division~~ shall
 7087 forward the payment to the Department of Law Enforcement. The
 7088 amount of the fee to be imposed for performing such ~~these~~
 7089 searches and the procedures for the retention of licensee
 7090 fingerprints shall be as established by rule of the Department
 7091 of Law Enforcement. The department ~~division~~ shall inform the
 7092 Department of Law Enforcement of a ~~any~~ change in the license
 7093 status of licensees whose fingerprints are retained under
 7094 paragraph (c).

7095 (e) The department ~~division~~ shall request the Department
 7096 of Law Enforcement to forward the fingerprints to the Federal
 7097 Bureau of Investigation for a national criminal history records
 7098 check every 3 years following issuance of a license. If the

7099 fingerprints of a person who is licensed have not been retained
 7100 by the Department of Law Enforcement, the person must file a
 7101 complete set of fingerprints as provided ~~for~~ in paragraph (a).
 7102 The department ~~division~~ shall collect the fees for the cost of
 7103 the national criminal history record check under this paragraph
 7104 and shall forward the payment to the Department of Law
 7105 Enforcement. ~~The cost of processing fingerprints and conducting~~
 7106 ~~a criminal history record check under this paragraph for a~~
 7107 ~~general occupational license shall be borne by the slot machine~~
 7108 ~~licensee. The cost of processing fingerprints and conducting a~~
 7109 ~~criminal history record check under this paragraph for a~~
 7110 ~~business or professional occupational license shall be borne by~~
 7111 ~~the person being checked.~~ The Department of Law Enforcement may
 7112 invoice the department ~~division~~ for the fingerprints submitted
 7113 each month. Under penalty of perjury, each person who is
 7114 licensed or who is fingerprinted as required by this section
 7115 must agree to inform the department ~~division~~ within 48 hours if
 7116 he or she is convicted of or has entered a plea of guilty or
 7117 nolo contendere to a ~~any~~ disqualifying offense, regardless of
 7118 adjudication.

7119 ~~(7)(8)~~ All moneys collected pursuant to this section shall
 7120 be deposited into the Gaming Control Trust Fund ~~Pari-mutuel~~
 7121 ~~Wagering Trust Fund.~~

7122 ~~(9)~~ ~~The division may deny, revoke, or suspend any~~
 7123 ~~occupational license if the applicant or holder of the license~~
 7124 ~~accumulates unpaid obligations, defaults in obligations, or~~

7125 ~~issues drafts or checks that are dishonored or for which payment~~
 7126 ~~is refused without reasonable cause.~~

7127 (8)~~(10)~~ The department ~~division~~ may fine a licensee or
 7128 suspend, revoke, or place conditions upon his or her ~~the~~
 7129 license, if the ~~of any~~ licensee ~~who~~ provides false information
 7130 under oath regarding an application for a license or an
 7131 investigation by the department ~~division~~.

7132 (9)~~(11)~~ The department ~~division~~ may impose a civil fine of
 7133 up to \$5,000 for each violation of this chapter or department
 7134 rule ~~the rules of the division~~ in addition to or in lieu of any
 7135 other penalty provided for in this section. The department
 7136 ~~division~~ may adopt a penalty schedule for violations of this
 7137 chapter or applicable ~~any rule adopted pursuant to this chapter~~
 7138 for which it would impose a fine in lieu of a suspension and may
 7139 adopt rules allowing for the issuance of citations, including
 7140 procedures to address such citations, to persons who violate
 7141 such rules. In addition to any other penalty provided by law,
 7142 the department ~~division~~ may exclude from all licensed slot
 7143 machine facilities in this state, for a period not to exceed the
 7144 period of suspension, revocation, or ineligibility, a ~~any~~ person
 7145 declared ineligible to hold an occupational license whose
 7146 occupational license application has been denied ~~declared~~
 7147 ~~ineligible to hold an occupational license~~ or whose occupational
 7148 license has been suspended or revoked by the department
 7149 ~~division~~.

7150 (10) (a) Notwithstanding s. 120.60, the department may

7151 issue a temporary occupational license upon receipt of a
7152 complete application from the applicant and a determination that
7153 the applicant has not been convicted of or had adjudication
7154 withheld on a disqualifying criminal offense. The temporary
7155 occupational license remains valid until such time as the
7156 department grants an occupational license or notifies the
7157 applicant of its intended decision to deny the applicant a
7158 license pursuant to s. 120.60. The department shall adopt rules
7159 to administer this subsection. However, not more than one
7160 temporary license may be issued for a person in a year.

7161 (b) A temporary license issued under this section is
7162 nontransferable.

7163 (10) For purposes of this section, the term "convicted"
7164 means having been found guilty, with or without adjudication of
7165 guilt, as a result of a jury verdict, nonjury trial, or entry of
7166 a plea of guilty or nolo contendere.

7167 Section 105. Effective October 1, 2014, section 551.1045,
7168 Florida Statutes, is repealed.

7169 Section 106. Effective October 1, 2014, subsection (6) of
7170 section 849.086, Florida Statutes, is transferred, renumbered as
7171 section 551.303, Florida Statutes, and amended to read:

7172 551.303 (6) Cardroom business and employee occupational
7173 license required; application; fees.-

7174 (1)(a) A person employed or otherwise working in a
7175 cardroom as a cardroom manager, floor supervisor, pit boss,
7176 dealer, or any other position activity related to cardroom

7177 operations while the facility is conducting authorized ~~card~~
7178 ~~playing or~~ games of ~~dominoes~~ must hold a valid cardroom employee
7179 occupational license issued by the department ~~division~~. Food
7180 service, maintenance, and security employees who hold ~~with~~ a
7181 current pari-mutuel occupational license and who passed the
7182 required ~~a current~~ background check are ~~will~~ not ~~be~~ required to
7183 have a cardroom employee occupational license.

7184 (2)(b) ~~A~~ Any cardroom management company or cardroom
7185 distributor associated with cardroom operations must hold a
7186 valid cardroom business occupational license issued by the
7187 department ~~division~~.

7188 (3)(e) ~~A~~ No licensed cardroom operator may not employ or
7189 allow to work in a cardroom a ~~any~~ person who does not hold
7190 ~~unless such person holds~~ a valid occupational license. A ~~No~~
7191 licensed cardroom operator may not contract with, or otherwise
7192 do business with, a business that does not ~~required to~~ hold a
7193 required valid cardroom business occupational license, ~~unless~~
7194 ~~the business holds such a valid license~~.

7195 (4)(d) The department ~~division~~ shall establish, by rule, a
7196 schedule for the renewal of cardroom occupational licenses.
7197 Cardroom occupational licenses are not transferable.

7198 (5)(e) An application for an initial or renewal ~~Persons~~
7199 ~~seeking~~ cardroom occupational license must be made ~~licenses, or~~
7200 ~~renewal thereof, shall make application~~ on forms prescribed by
7201 the department ~~division~~ and must. ~~Applications for cardroom~~
7202 ~~occupational licenses shall contain all of the information~~ for

7203 eligibility determination required by department ~~the division,~~
 7204 ~~by rule, may determine is required to ensure eligibility.~~

7205 (6) ~~(f)~~ The department ~~division~~ shall adopt rules regarding
 7206 cardroom occupational licenses. The provisions specified in s.
 7207 551.301(4) ~~550.105(4)~~, (5), (6), (7), (8), and (9) ~~(10)~~ relating
 7208 to licensure apply ~~shall be applicable~~ to cardroom occupational
 7209 licenses.

7210 (7) ~~(g)~~ The department ~~division~~ may declare an applicant
 7211 for or holder of a license ineligible and deny, ~~declare~~
 7212 ~~ineligible,~~ or revoke his or her ~~any~~ cardroom occupational
 7213 license if, in this or any other state or under the laws of the
 7214 United States, he or she ~~the applicant or holder thereof~~ has
 7215 been found guilty of or has had adjudication withheld for ~~in~~
 7216 ~~this state or any other state, or under the laws of the United~~
 7217 ~~States~~ of a felony or misdemeanor involving forgery, larceny,
 7218 extortion, conspiracy to defraud, or filing a false report
 7219 ~~reports~~ to a government agency or a, racing or gaming commission
 7220 or authority.

7221 (8) ~~(h)~~ Upon initial application, and at least every 5
 7222 years thereafter, the applicant's or licenseholder's
 7223 ~~fingerprints for all cardroom occupational license applications~~
 7224 shall be taken in a manner approved by the department ~~division~~
 7225 and ~~then shall be~~ submitted to the Florida Department of Law
 7226 Enforcement and the Federal Bureau of Investigation for a
 7227 criminal background ~~records~~ check upon initial application and
 7228 ~~at least every 5 years thereafter.~~ The department ~~division~~ may

7229 by rule require an annual background ~~record~~ check of all
7230 applicants ~~renewal applications~~ for a cardroom occupational
7231 license renewal. The cost of processing fingerprints and
7232 conducting a record check shall be borne by the applicant.

7233 ~~(9)(i)~~ The cardroom employee occupational license fee may
7234 ~~shall~~ not exceed \$50 for any 12-month period. The cardroom
7235 business occupational license fee may ~~shall~~ not exceed \$250 for
7236 any 12-month period.

7237 Section 107. Effective October 1, 2014, section 550.901,
7238 Florida Statutes, is transferred and renumbered as section
7239 551.31, Florida Statutes.

7240 Section 108. Effective October 1, 2014, section 550.902,
7241 Florida Statutes, is transferred and renumbered as section
7242 551.311, Florida Statutes.

7243 Section 109. Effective October 1, 2014, section 550.903,
7244 Florida Statutes, is transferred and renumbered as section
7245 551.312, Florida Statutes.

7246 Section 110. Effective October 1, 2014, section 550.904,
7247 Florida Statutes, is transferred, renumbered as section 551.313,
7248 Florida Statutes, and amended to read:

7249 551.313 ~~550.904~~ Entry into force.—This compact shall come
7250 into force when enacted by any four states. Thereafter, this
7251 compact shall become effective in any other state upon that
7252 state's enactment of this compact and upon the affirmative vote
7253 of a majority of the officials on the compact committee as
7254 provided in s. 551.318 ~~s. 550.909~~.

7255 Section 111. Effective October 1, 2014, section 550.905,
 7256 Florida Statutes, is transferred and renumbered as section
 7257 551.314, Florida Statutes.

7258 Section 112. Effective October 1, 2014, section 550.906,
 7259 Florida Statutes, is transferred and renumbered as section
 7260 551.315, Florida Statutes.

7261 Section 113. Effective October 1, 2014, section 550.907,
 7262 Florida Statutes, is transferred and renumbered as section
 7263 551.316, Florida Statutes.

7264 Section 114. Effective October 1, 2014, section 550.908,
 7265 Florida Statutes, is transferred and renumbered as section
 7266 551.317, Florida Statutes.

7267 Section 115. Effective October 1, 2014, section 550.909,
 7268 Florida Statutes, is transferred and renumbered as section
 7269 551.318, Florida Statutes.

7270 Section 116. Effective October 1, 2014, section 550.910,
 7271 Florida Statutes, is transferred and renumbered as section
 7272 551.319, Florida Statutes.

7273 Section 117. Effective October 1, 2014, section 550.911,
 7274 Florida Statutes, is transferred and renumbered as section
 7275 551.32, Florida Statutes.

7276 Section 118. Effective October 1, 2014, section 550.912,
 7277 Florida Statutes, is transferred and renumbered as section
 7278 551.321, Florida Statutes, and paragraph (b) of subsection (1)
 7279 of that section is amended to read:

7280 551.321 ~~550.912~~ Rights and responsibilities of each party

7281 state.—

7282 (1) By enacting this compact, each party state:

7283 (b) Agrees not to treat a notification to an applicant by
 7284 the compact committee described in s. 551.317 ~~s. 550.908~~ as the
 7285 denial of a license, or to penalize such an applicant in any
 7286 other way based solely on such a decision by the compact
 7287 committee.

7288 Section 119. Effective October 1, 2014, section 550.913,
 7289 Florida Statutes, is transferred and renumbered as section
 7290 551.322, Florida Statutes.

7291 Section 120. Effective October 1, 2014, part VI of chapter
 7292 551, Florida Statutes, consisting of sections 551.50-551.56, is
 7293 created and entitled "MISCELLANEOUS GAMING."

7294 Section 121. Effective October 1, 2014, the amendments to
 7295 the sections of chapter 849, Florida Statutes, that are
 7296 transferred, renumbered, and amended in part VI of this act are
 7297 not intended to authorize additional games but rather to clarify
 7298 current limitations under which authorized games may be
 7299 operated.

7300 Section 122. Effective October 1, 2014, section 849.094,
 7301 Florida Statutes, is transferred, renumbered as section 551.50,
 7302 Florida Statutes, and amended to read:

7303 551.50 ~~849.094~~ Game promotion in connection with sale of
 7304 consumer products or services.—

7305 (1) As used in this section, the term:

7306 (a) "Game promotion" means a contest in which prizes are

7307 given to persons selected by lot, ~~but is not limited to, a~~
7308 ~~contest, game of chance, sweepstakes, or gift enterprise that~~
7309 ~~is, conducted by an operator within or throughout the state and~~
7310 ~~other states in connection with and incidental to the sale of~~
7311 ~~consumer products or services, and in which the elements of~~
7312 ~~chance and prize are present. However, "game promotion" does ~~may~~~~
7313 ~~not be construed to~~ apply to bingo games conducted pursuant to
7314 s. 551.53 ~~s. 849.0931.~~

7315 (b) "Operator" means a ~~retailer who operates a game~~
7316 ~~promotion or any person, firm, corporation, organization, or~~
7317 ~~association,~~ or agent or employee thereof, who promotes,
7318 operates, or conducts a ~~nationally advertised~~ game promotion.

7319 (2) Notwithstanding any other provision of law, a person
7320 licensed to conduct business under chapters 205 or 206 may
7321 conduct game promotions if the following conditions are met:

7322 (a) Such game promotions are conducted as advertising and
7323 promotional undertakings, in good faith, solely for the purpose
7324 of advertising the goods, wares, merchandise, and business of
7325 such licensee.

7326 (b) The principal business of such licensee is the
7327 business permitted to be licensed under chapter 205 or 206.

7328 (c) To receive a prize, a person is not required to:

7329 1. Pay any tangible consideration to such licensee in the
7330 form of money or other property or thing of value; or

7331 2. Purchase any goods, wares, merchandise, or anything of
7332 value from the operator.

7333 (d) The person selected to receive any such gift or prize
 7334 offered by any such licensee in connection with any such
 7335 advertising or promotion is notified of his or her selection at
 7336 his or her last known address. Newspapers, magazines, and
 7337 television and radio stations may publish and broadcast
 7338 advertising matter describing such advertising and promotional
 7339 undertakings of such licensees that may contain instructions
 7340 pursuant to which a person desiring to become eligible for such
 7341 gifts or prizes may make his or her name and address known to
 7342 such licensee.

7343 (e) All brochures, advertisements, promotional material,
 7344 and entry blanks promoting such undertakings contain a clause
 7345 stating that residents of this state are entitled to participate
 7346 in such undertakings and are eligible to win gifts or prizes.

7347 (3)-(2) It is unlawful for any operator to:

7348 (a) ~~☐~~ Design, engage in, promote, or conduct such a game
 7349 promotion~~7~~, in connection with the promotion or sale of consumer
 7350 products or services if~~wherein~~ the winner may be predetermined
 7351 or the game may be manipulated or rigged so as to:

7352 1. Allocate a winning game or any portion thereof to
 7353 certain lessees, agents, or franchises; or

7354 2. Allocate a winning game or part thereof to a particular
 7355 period of the game promotion or to a particular geographic area;

7356 (b) Arbitrarily ~~☐~~ remove, disqualify, disallow, or reject
 7357 any entry;

7358 (c) ~~☐~~ Fail to award prizes offered;

7359 (d) ~~To~~ Print, publish, or circulate literature or
 7360 advertising material used in connection with such game
 7361 promotions that ~~which~~ is false, deceptive, or misleading; or
 7362 (e) ~~To~~ Require an entry fee, payment, or proof of purchase
 7363 as a condition of entering a game promotion.
 7364 (4)~~(3)~~ The operator of a game promotion in which the total
 7365 announced value of the prizes offered is greater than \$5,000
 7366 shall file with the department ~~of Agriculture and Consumer~~
 7367 ~~Services~~ a copy of the rules and regulations of the game
 7368 promotion and a list of all prizes and prize categories offered
 7369 at least 7 days before the beginning ~~commencement~~ of the game
 7370 promotion. Such rules and regulations may not thereafter be
 7371 changed, modified, or altered. The operator of a game promotion
 7372 shall conspicuously post the rules and regulations of such game
 7373 promotion in each and every retail outlet or place where such
 7374 game promotion may be played or participated in by the public
 7375 and shall also publish the rules and regulations in all
 7376 advertising copy used in connection therewith. However, such
 7377 advertising copy need only include the material terms of the
 7378 rules and regulations if the advertising copy includes a website
 7379 address, a toll-free telephone number, or a mailing address
 7380 where the full rules and regulations may be viewed, heard, or
 7381 obtained for the full duration of the game promotion. Such
 7382 disclosures must be legible. Radio and television announcements
 7383 may indicate that the rules and regulations are available at
 7384 retail outlets or from the operator of the promotion. A

7385 nonrefundable filing fee of \$100 shall accompany each filing and
 7386 shall be used to pay the costs incurred to administer and
 7387 enforce ~~in administering and enforcing the provisions of this~~
 7388 section.

7389 (5)~~(4)~~(a) Every operator of such a game promotion in which
 7390 the total announced value of the prizes offered is greater than
 7391 \$5,000 shall establish a trust account, in a national or state-
 7392 chartered financial institution, with a balance sufficient to
 7393 pay or purchase the total value of all prizes offered. On a form
 7394 supplied by the department ~~of Agriculture and Consumer Services,~~
 7395 an official of the financial institution holding the trust
 7396 account shall set forth the dollar amount of the trust account,
 7397 the identity of the entity or individual establishing the trust
 7398 account, and the name of the game promotion for which the trust
 7399 account has been established. Such form shall be filed with the
 7400 department ~~of Agriculture and Consumer Services~~ at least 7 days
 7401 before the beginning ~~in advance of the commencement~~ of the game
 7402 promotion. In lieu of establishing such trust account, the
 7403 operator may obtain a surety bond in an amount equivalent to the
 7404 total value of all prizes offered,~~†~~ and such bond shall be filed
 7405 with the department ~~of Agriculture and Consumer Services~~ at
 7406 least 7 days before the beginning ~~in advance of the commencement~~
 7407 of the game promotion.

7408 1. The moneys held in the trust account may be withdrawn
 7409 in order to pay the prizes offered only upon certification to
 7410 the Department of Agriculture and Consumer Services of the name

7411 of the winner or winners and the amount of the prize or prizes
7412 and the value thereof.

7413 2. If the operator of a game promotion has obtained a
7414 surety bond in lieu of establishing a trust account, the amount
7415 of the surety bond shall equal at all times the total amount of
7416 the prizes offered.

7417 (b) The commission ~~Department of Agriculture and Consumer~~
7418 ~~Services~~ may waive the provisions of this subsection for any
7419 operator who has conducted game promotions in the state for at
7420 least ~~not less than~~ 5 consecutive years and who has not had any
7421 civil, criminal, or administrative action instituted against him
7422 or her by the state or an agency of the state for violation of
7423 this section within that 5-year period. Such waiver may be
7424 revoked upon the commission of a violation of this section by
7425 such operator, as determined by the commission ~~Department of~~
7426 ~~Agriculture and Consumer Services~~.

7427 (6) ~~(5)~~ Every operator of a game promotion in which the
7428 total announced value of the prizes offered is greater than
7429 \$5,000 shall provide the department ~~of Agriculture and Consumer~~
7430 ~~Services~~ with a certified list of the names and addresses of all
7431 persons, whether from this state or from another state, who have
7432 won prizes that ~~which~~ have a value of more than \$25, the value
7433 of such prizes, and the dates when the prizes were won within 60
7434 days after such winners have been finally determined. The
7435 operator shall provide a copy of the list of winners, without
7436 charge, to any person who requests it. In lieu of the foregoing,

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7437 the operator of a game promotion may, ~~at his or her option,~~
7438 publish the same information about the winners in a Florida
7439 newspaper of general circulation within 60 days after such
7440 winners have been determined and shall provide to the department
7441 ~~of Agriculture and Consumer Services~~ a certified copy of the
7442 publication containing the information about the winners. The
7443 operator of a game promotion is not required to notify a winner
7444 by mail or by telephone when the winner is already in possession
7445 of a game card from which the winner can determine that he or
7446 she has won a designated prize. All winning entries shall be
7447 held by the operator for ~~a period of~~ 90 days after the close or
7448 completion of the game.

7449 (7) ~~(6)~~ The department ~~of Agriculture and Consumer Services~~
7450 shall keep the certified list of winners for ~~a period of~~ at
7451 least 6 months after receipt of the certified list. The
7452 department thereafter may dispose of all records and lists.

7453 (8) ~~(7)~~ An ~~No~~ operator may not ~~shall~~ force, directly or
7454 indirectly, a lessee, agent, or franchise dealer to purchase or
7455 participate in any game promotion. For the purpose of this
7456 section, coercion or force shall be presumed when ~~in these~~
7457 ~~circumstances in which~~ a course of business extending over a
7458 period of 1 year or longer is materially changed coincident with
7459 a failure or refusal of a lessee, agent, or franchise dealer to
7460 participate in such game promotions. Such force or coercion
7461 shall further be presumed when an operator advertises generally
7462 that game promotions are available at its lessee dealers or

7463 agent dealers.

7464 (9)~~(8)~~ (a) The department may adopt ~~of Agriculture and~~
 7465 ~~Consumer Services shall have the power to promulgate~~ such rules
 7466 and regulations for ~~respecting~~ the operation of game promotions
 7467 as it deems advisable.

7468 (b) Compliance with the rules of the department ~~of~~
 7469 ~~Agriculture and Consumer Services~~ does not authorize and is not
 7470 a defense to a charge of possession of a slot machine or device
 7471 or any other device or a violation of any other law.

7472 (c) If ~~Whenever~~ the department ~~of Agriculture and Consumer~~
 7473 ~~Services~~ or the Department of Legal Affairs has reason to
 7474 believe that a game promotion is being operated in violation of
 7475 this section, it may bring an action in the circuit court of any
 7476 judicial circuit in which the game promotion is being operated
 7477 in the name and on behalf of the people of the state against any
 7478 operator thereof to enjoin the continued operation of such game
 7479 promotion anywhere within the state.

7480 (10)~~(9)~~ (a) Any person, firm, ~~or~~ corporation, or
 7481 association, or any agent or employee thereof, who violates this
 7482 section or engages in any acts or practices stated in this
 7483 ~~section to be unlawful, or who violates~~ any of the rules and
 7484 regulations adopted ~~made~~ pursuant to this section commits, ~~is~~
 7485 ~~guilty of~~ a misdemeanor of the second degree, punishable as
 7486 provided in s. 775.082 or s. 775.083.

7487 (b) Any person, firm, corporation, or association, or any
 7488 agent, ~~or~~ employee thereof, who violates ~~any provision of this~~

7489 section or any of the rules and regulations adopted ~~made~~
 7490 pursuant to this section is ~~shall be~~ liable for a civil penalty
 7491 of not more than \$1,000 for each such violation, which shall
 7492 accrue to the state and may be recovered in a civil action
 7493 brought by the department ~~of Agriculture and Consumer Services~~
 7494 or the Department of Legal Affairs.

7495 ~~(11)-(10) This section does not apply to actions or~~
 7496 ~~transactions regulated by the Department of Business and~~
 7497 ~~Professional Regulation, or to the activities of nonprofit~~
 7498 ~~organizations, or to any other organization engaged in any~~
 7499 ~~enterprise other than the sale of consumer products or services.~~
 7500 Subsections (4)-(8), ~~(3), (4), (5), (6), and (7)~~ and paragraph
 7501 (9) (a) (8) (a), and any of the rules adopted ~~made~~ pursuant
 7502 thereto do not apply to television or radio broadcasting
 7503 companies licensed by the Federal Communications Commission.

7504 ~~(12)-(11)~~ A violation of this section, or soliciting
 7505 another to commit an act that violates this section, constitutes
 7506 a deceptive and unfair trade practice actionable under the
 7507 Florida Deceptive and Unfair Trade Practices Act.

7508 Section 123. Effective October 1, 2014, section 849.092,
 7509 Florida Statutes, is repealed.

7510 Section 124. Effective October 1, 2014, section 849.085,
 7511 Florida Statutes, is transferred, renumbered as section 551.52,
 7512 Florida Statutes, and amended to read:

7513 551.52 ~~849.085~~ Certain penny-ante games not crimes;
 7514 restrictions.-

7515 (1) Notwithstanding any other provision of law, ~~it is not~~
 7516 ~~a crime for~~ a person may ~~to~~ participate in a game described in
 7517 this section if such game is conducted strictly in accordance
 7518 with this section.

7519 (2) As used in this section:

7520 (a) "Penny-ante game" means a game or series of games of
 7521 poker, pinochle, bridge, rummy, canasta, hearts, dominoes, or
 7522 mah-jongg in which the winnings of any player in a single round,
 7523 hand, or game do not exceed \$10 in value.

7524 (b) "Dwelling" means residential premises ~~owned or rented~~
 7525 ~~by a participant in a penny-ante game and occupied by such~~
 7526 ~~participant or the common elements or common areas of a~~
 7527 ~~condominium, cooperative, residential subdivision, or mobile~~
 7528 ~~home park of which a participant in a penny-ante game is a unit~~
 7529 ~~owner, or the facilities of an organization which is tax-exempt~~
 7530 ~~under s. 501(c) (7) of the Internal Revenue Code. The term~~
 7531 ~~"dwelling" also includes a college dormitory room or the common~~
 7532 ~~recreational area of a college dormitory or a publicly owned~~
 7533 ~~community center owned by a municipality or county.~~

7534 (3) A penny-ante game is subject to the following
 7535 restrictions:

7536 (a) The game must be conducted in:

7537 1. A dwelling owned or rented by a participant in the game
 7538 and occupied by such participant;

7539 2. A college dormitory room or the common recreational
 7540 area of a college dormitory;

7541 3. A public community center owned by a municipality or
 7542 county;

7543 4. The common elements or common areas of a condominium,
 7544 cooperative, residential subdivision, or mobile home park of
 7545 which a participant in the game is a unit owner; or

7546 5. The facilities of an organization that is exempt from
 7547 taxation under s. 501(c)(7) of the Internal Revenue Code.

7548 (b) A person may not receive any consideration or
 7549 commission for allowing a penny-ante game to occur in his or her
 7550 dwelling.

7551 (c) A person may not directly or indirectly charge
 7552 admission or any other fee for participation in a penny-ante ~~the~~
 7553 game.

7554 (d) A person may not solicit participants by means of
 7555 advertising in any form, advertise the time or place of any
 7556 penny-ante game, or advertise the fact that he or she will be a
 7557 participant in any penny-ante game.

7558 (e) A penny-ante game may not be conducted in which any
 7559 participant is under 18 years of age.

7560 (4) A debt created or owed as a consequence of any penny-
 7561 ante game is not legally enforceable.

7562 (5) The conduct of any penny-ante game within an area
 7563 listed in paragraph (3)(a) does not create a ~~the common elements~~
 7564 ~~or common area of a condominium, cooperative, residential~~
 7565 ~~subdivision, or mobile home park or the conduct of any penny-~~
 7566 ~~ante game within the dwelling of an eligible organization as~~

7567 ~~defined in subsection (2) or within a publicly owned community~~
 7568 ~~center owned by a municipality or county creates no civil~~
 7569 liability for damages arising from the penny-ante game on the
 7570 part of a college, condominium association, cooperative
 7571 association, a homeowners' association as defined in s. 720.301,
 7572 mobile home owners' association, dwelling owner, or municipality
 7573 or county or on the part of a unit owner who was not a
 7574 participant in the game.

7575 Section 125. Effective October 1, 2014, section 849.0931,
 7576 Florida Statutes, is transferred, renumbered as section 551.53,
 7577 Florida Statutes, and amended to read:

7578 551.53 ~~849.0931~~ Bingo authorized; conditions for conduct;
 7579 permitted uses of proceeds; limitations.—

7580 (1) As used in this section:

7581 (a) "Bingo" or "bingo game" means ~~and refers to~~ the
 7582 activity, ~~commonly known as "bingo,"~~ in which participants pay a
 7583 sum of money for the use of one or more bingo cards. When the
 7584 game commences, numbers are drawn by chance, one by one, and
 7585 announced. The players cover or mark those numbers on the bingo
 7586 cards ~~which~~ they have purchased until a player receives a given
 7587 order of numbers in sequence that has been preannounced for that
 7588 particular game. This player calls out "bingo" and is declared
 7589 the winner of a predetermined prize. More than one game may be
 7590 played upon a bingo card, and numbers called for one game may be
 7591 used for a succeeding game or games.

7592 (b) "Bingo card" means ~~and refers to~~ the flat piece of

7593 paper or thin pasteboard used ~~employed~~ by players engaged in the
 7594 game of bingo. The bingo card must ~~shall~~ have not fewer than 24
 7595 playing numbers printed on it. These playing numbers shall range
 7596 from 1 through 75, inclusive. More than one set of bingo numbers
 7597 may be printed on any single bingo card ~~piece of paper~~.

7598 (c) "Charitable, nonprofit, or veterans' organization"
 7599 means an organization that ~~which~~ has qualified for exemption
 7600 from federal income tax as an exempt organization under ~~the~~
 7601 ~~provisions of~~ s. 501(c) of the Internal Revenue Code of 1954 or
 7602 s. 528 of the Internal Revenue Code of 1986, as amended; that
 7603 ~~which~~ is engaged in charitable, civic, community, benevolent,
 7604 religious, or scholastic works or other similar activities; and
 7605 that ~~which~~ has been in existence and active for ~~a period of~~ 3
 7606 years or more.

7607 (d) "Deal" means a separate set or package of not more
 7608 than 4,000 instant bingo tickets in which the predetermined
 7609 minimum prize payout is at least 65 percent of the total
 7610 receipts from the sale of the entire deal.

7611 (e) "Flare" means the board or placard that accompanies
 7612 each deal of instant bingo tickets and that has printed on or
 7613 affixed to it the following information:

- 7614 1. The game name.
- 7615 2. The manufacturer's name or distinctive logo.
- 7616 3. The form number.
- 7617 4. The ticket count.
- 7618 5. The prize structure, including the number of symbols or

7619 number combinations for winning instant bingo tickets by
7620 denomination, with their respective winning symbols or number
7621 combinations.

7622 6. The cost per play.

7623 7. The game serial number.

7624 (f) "Instant bingo" means a form of bingo that is played
7625 at the same location as bingo, using tickets by which a player
7626 wins a prize by opening and removing a cover from the ticket to
7627 reveal a set of numbers, letters, objects, or patterns, some of
7628 which have been designated in advance as prize winners.

7629 (g) "Objects" means a set of 75 balls or other precision
7630 shapes that are imprinted with letters and numbers in such a way
7631 that numbers 1 through 15 are marked with the letter "B,"
7632 numbers 16 through 30 are marked with the letter "I," numbers 31
7633 through 45 are marked with the letter "N," numbers 46 through 60
7634 are marked with the letter "G," and numbers 61 through 75 are
7635 marked with the letter "O."

7636 (h) "Rack" means the container in which the objects are
7637 placed after being drawn and announced.

7638 (i) "Receptacle" means the container from which the
7639 objects are drawn or ejected.

7640 (j) "Session" means a designated set of games played in a
7641 day or part of a day.

7642 (2) (a) Notwithstanding any other provision of law, a ~~None~~
7643 ~~of the provisions of this chapter shall be construed to prohibit~~
7644 ~~or prevent~~ charitable, nonprofit, or veterans' organization that

7645 ~~is organizations~~ engaged in charitable, civic, community,
 7646 benevolent, religious, or scholastic works or other similar
 7647 endeavors and that has, ~~which organizations have been in~~
 7648 existence and active for ~~a period of~~ 3 years or more may
 7649 conduct, ~~from conducting~~ bingo games or instant bingo; however,
 7650 ~~provided~~ the entire proceeds derived from the conduct of such
 7651 games, less actual business expenses for articles designed for
 7652 and essential to the operation, conduct, and playing of bingo or
 7653 instant bingo, must be ~~are~~ donated by such organization to such
 7654 charitable, civic, community, benevolent, religious, or
 7655 scholastic works or other similar endeavors ~~organizations to the~~
 7656 ~~endeavors mentioned above. In no case may~~ The net proceeds from
 7657 the conduct of such games may not be used for any other purpose
 7658 whatsoever. The proceeds derived from the conduct of bingo games
 7659 or instant bingo are ~~shall~~ not be considered solicitation of
 7660 public donations.

7661 (b) It is the express intent of the Legislature that a ~~ne~~
 7662 charitable, nonprofit, or veterans' organization not serve as a
 7663 sponsor of a bingo game or instant bingo conducted by another,
 7664 but that such organization ~~may~~ only be directly involved in the
 7665 conduct of such a game as provided in this section ~~act~~.

7666 (3) ~~If~~ An organization ~~is~~ not engaged in charitable,
 7667 civic, community, benevolent, religious, or scholastic works or
 7668 other similar endeavors that conducts ~~efforts of the type set~~
 7669 ~~out above, its right to conduct~~ bingo games under this section
 7670 must ~~hereunder is conditioned upon the return of~~ all the

7671 proceeds from such games to the players in the form of prizes.
 7672 If, at the conclusion of play on any day during which a bingo
 7673 game is allowed to be played under this subsection, ~~section~~
 7674 there remain proceeds that ~~which~~ have not been paid out as
 7675 prizes, the organization conducting the game shall, at the next
 7676 scheduled day of play, conduct bingo games without any charge to
 7677 the players and shall continue to do so until the proceeds
 7678 carried over from the previous days played have been exhausted.
 7679 This subsection does not extend ~~provision in no way extends~~ the
 7680 limitation on the number of prize or jackpot games allowed in 1
 7681 ~~one~~ day as provided for in subsection (5).

7682 (4) ~~The right of~~ A condominium association, a cooperative
 7683 association, a homeowners' association as defined in s. 720.301,
 7684 a mobile home owners' association, a group of residents of a
 7685 mobile home park as defined in chapter 723, or a group of
 7686 residents of a mobile home park or recreational vehicle park as
 7687 defined in chapter 513 that conducts ~~to conduct~~ bingo games must
 7688 ~~is conditioned upon the return of~~ the net proceeds from such
 7689 games to players in the form of prizes after having deducted the
 7690 actual business expenses for such games for articles designed
 7691 for and essential to the operation, conduct, and playing of
 7692 bingo. Any net proceeds remaining after paying prizes may be
 7693 used as specified in subsection (3) or may be donated by the
 7694 association to a charitable, nonprofit, or veterans'
 7695 organization that ~~which~~ is exempt from federal income tax under
 7696 ~~the provisions of~~ s. 501(c) of the Internal Revenue Code to be

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7697 used in such recipient organization's charitable, civic,
7698 community, benevolent, religious, or scholastic works or similar
7699 activities ~~or, in the alternative, such remaining proceeds shall~~
7700 ~~be used as specified in subsection (3).~~

7701 ~~(5) (a) 1. Except for instant bingo prizes, which are~~
7702 ~~limited to the amounts displayed on the ticket or on the game~~
7703 ~~flare, A jackpot may ~~shall~~ not exceed the value of \$250 in~~
7704 actual money or its equivalent, and there may not ~~shall~~ be ~~no~~
7705 more than three jackpots in any one session of bingo.

7706 ~~2. (6) Except for instant bingo, which is not limited by~~
7707 ~~this subsection, the number of days per week during which~~
7708 Organizations authorized under this section may conduct bingo no
7709 more than 2 days per week shall not exceed two.

7710 ~~3. (7) Except for instant bingo prizes, which are limited~~
7711 ~~to the amounts displayed on the ticket or on the game flare,~~
7712 There may not ~~shall~~ be ~~no~~ more than three jackpots on any one
7713 day of play. All other game prizes may ~~shall~~ not exceed \$50.

7714 4. Subparagraphs 1.-3. do not apply to instant bingo
7715 prizes.

7716 (b) An instant bingo prize is limited to the amount
7717 displayed on the ticket or on the game flare.

7718 ~~(6) (8)~~ Each person involved in conducting a ~~the conduct of~~
7719 ~~any~~ bingo game or instant bingo must be a resident of the
7720 community where the organization is located and a bona fide
7721 member of the organization sponsoring such game and may not be
7722 compensated in any way for operation of such game. When bingo

7723 games or instant bingo is conducted by a charitable, nonprofit,
 7724 or veterans' organization, the organization conducting the games
 7725 must designate up to three members of that organization to be in
 7726 charge of the games, one of whom shall be present during the
 7727 entire session at which the games are conducted. The
 7728 organization conducting the games is responsible for posting in
 7729 a conspicuous place on the premises at which the session is held
 7730 or instant bingo is played a notice stating, ~~which notice states~~
 7731 the name of the organization and the designated member or
 7732 members, ~~in a conspicuous place on the premises at which the~~
 7733 ~~session is held or instant bingo is played. A caller in a bingo~~
 7734 ~~game may not be a participant in that bingo game.~~

7735 (7)~~(9)~~ Every charitable, nonprofit, or veterans'
 7736 organization involved in the conduct of a bingo game or instant
 7737 bingo must be located in the county, or within a 15-mile radius
 7738 of, where the bingo game or instant bingo is conducted ~~located~~.

7739 (8)~~(10)~~(a) A person ~~No one~~ under 18 years of age may not
 7740 ~~shall be allowed to~~ play any bingo game or instant bingo or be
 7741 involved in the conduct of a bingo game or instant bingo in any
 7742 way.

7743 (b) Any organization conducting bingo open to the public
 7744 may refuse entry to any person who is objectionable or
 7745 undesirable to the sponsoring organization, but such refusal of
 7746 entry shall not be on the basis of race, creed, color, religion,
 7747 sex, national origin, marital status, or physical handicap.

7748 (9)~~(11)~~ Bingo games or instant bingo may be held only on

7749 the following premises:

7750 (a) Property owned by the charitable, nonprofit, or
7751 veterans' organization.

7752 (b) Property owned by the charitable, nonprofit, or
7753 veterans' organization that will benefit from ~~by~~ the proceeds.

7754 (c) Property leased for a period of not less than 1 year
7755 by a charitable, nonprofit, or veterans' organization, providing
7756 the lease or rental agreement does not provide for the payment
7757 of a percentage of the proceeds generated at such premises to
7758 the lessor or any other party and providing the rental rate for
7759 such premises does not exceed the rental rates charged for
7760 similar premises in the same locale.

7761 (d) Property owned by a municipality or a county when the
7762 governing authority has, by appropriate ordinance or resolution,
7763 specifically authorized the use of such property for the conduct
7764 of such games.

7765 (e) With respect to bingo games conducted by a condominium
7766 association, a cooperative association, a homeowners'
7767 association as defined in s. 720.301, a mobile home owners'
7768 association, a group of residents of a mobile home park as
7769 defined in chapter 723, or a group of residents of a mobile home
7770 park or recreational vehicle park as defined in chapter 513,
7771 property owned by the association, property owned by the
7772 residents of the mobile home park or recreational vehicle park,
7773 or property that ~~which~~ is a common area located within the
7774 condominium, mobile home park, or recreational vehicle park.

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7775 (10)~~(12)~~ Each bingo game shall be conducted in accordance
7776 with the following rules:

7777 (a) The objects, whether drawn or ejected, shall be
7778 essentially equal as to size, shape, weight, and balance and as
7779 to all other characteristics that may control their selection
7780 from the receptacle. The caller shall cancel any game if, during
7781 the course of a game, the mechanism used in the drawing or
7782 ejection of objects malfunctions ~~becomes jammed~~ in such a manner
7783 as to interfere with the accurate determination of the next
7784 number to be announced or if the caller determines that more
7785 than one object is labeled with the same number or that there is
7786 a number to be drawn without a corresponding object. Any player
7787 in a game canceled pursuant to this paragraph shall be permitted
7788 to play the next game free of charge.

7789 (b) Before ~~Prior to commencement of~~ any bingo session, the
7790 member in charge shall cause a verification to be made of all
7791 objects to be placed in the receptacle and shall inspect the
7792 objects in the presence of a disinterested person to ensure that
7793 all objects are present and that there are no duplications or
7794 omissions of numbers on the objects. Any player shall be
7795 entitled to call for a verification of numbers before, during,
7796 and after a session.

7797 (c) The card or sheet on which the game is played shall be
7798 part of a deck, group, or series, no two of which may be alike
7799 in any given game.

7800 (d) All numbers shall be visibly displayed after being

7801 drawn and before being placed in the rack.

7802 (e) A bona fide bingo shall consist of a predesignated
7803 arrangement of numbers on a card or sheet that correspond with
7804 the numbers on the objects drawn from the receptacle and
7805 announced. Errors in numbers announced or misplaced in the rack
7806 may not be recognized as a bingo.

7807 (f) When a caller has begun ~~started~~ to vocally announce a
7808 number, the caller shall complete the call. If any player has
7809 obtained a bingo on a previous number, such player will share
7810 the prize with the player who gained bingo on the last number
7811 called.

7812 (g) Numbers on the winning cards or sheets shall be
7813 announced and verified in the presence of another player. Any
7814 player shall be entitled at the time the winner is determined to
7815 call for a verification of numbers drawn. The verification shall
7816 be in the presence of the member designated to be in charge of
7817 the occasion or, if such person is also the caller, in the
7818 presence of an officer of the licensee.

7819 (h) Upon determining a winner, the caller shall ask, "Are
7820 there any other winners?" If no one replies, the caller shall
7821 declare the game closed. No other player is entitled to share
7822 the prize unless she or he has declared a bingo before ~~prior to~~
7823 this announcement.

7824 (i) Seats may not be held or reserved by an organization
7825 or person involved in the conduct of any bingo game for players
7826 not present, nor may any cards be set aside, held, or reserved

7827 | from one session to another for any player.

7828 | (j) A caller in a bingo game may not be a participant in
 7829 | that bingo game.

7830 | (11)-(13)(a) Instant bingo tickets must be sold at the
 7831 | price printed on the ticket or on the game flare by the
 7832 | manufacturer, not to exceed \$1. Discounts may not be given for
 7833 | the purchase of multiple tickets, nor may tickets be given away
 7834 | free of charge.

7835 | (b) Each deal of instant bingo tickets must be accompanied
 7836 | by a flare, and the flare must be posted before the sale of any
 7837 | tickets in that deal.

7838 | (c) Each instant bingo ticket in a deal must bear the same
 7839 | serial number, and there may not be more than one serial number
 7840 | in each deal. Serial numbers printed on a deal of instant bingo
 7841 | tickets may not be repeated by the manufacturer on the same form
 7842 | for ~~a period of~~ 3 years.

7843 | (d) The serial number for each deal must be clearly and
 7844 | legibly placed on the outside of each deal's package, box, or
 7845 | other container.

7846 | (e) Instant bingo tickets manufactured, sold, or
 7847 | distributed in this state must comply with the applicable
 7848 | standards on pull-tabs of the North American Gaming Regulators
 7849 | Association, as amended.

7850 | (f) Except as provided in ~~under~~ paragraph (e), an instant
 7851 | bingo ticket manufactured, sold, or distributed in this state
 7852 | must:

7853 1. Be manufactured so that it is not possible to identify
 7854 whether it is a winning or losing instant bingo ticket until it
 7855 has been opened by the player as intended.

7856 2. Be manufactured using at least a two-ply paper stock
 7857 construction so that the instant bingo ticket is opaque.

7858 3. Have the form number, the deal's serial number, and the
 7859 name or logo of the manufacturer conspicuously printed on its
 7860 ~~the face or cover of the instant bingo ticket.~~

7861 4. Have a form of winner protection that allows the
 7862 organization to verify, after the instant bingo ticket has been
 7863 played, that the winning instant bingo ticket presented for
 7864 payment is an authentic winning instant bingo ticket for the
 7865 deal in play. The manufacturer shall provide a written
 7866 description of the winner protection with each deal of instant
 7867 bingo tickets.

7868 (g) Each manufacturer and distributor that sells or
 7869 distributes instant bingo tickets in this state to charitable,
 7870 nonprofit, or veterans' organizations shall prepare an invoice
 7871 that contains the following information:

- 7872 1. Date of sale.
- 7873 2. Form number and serial number of each deal sold.
- 7874 3. Number of instant bingo tickets in each deal sold.
- 7875 4. Name of distributor or organization to whom each deal
 7876 is sold.
- 7877 5. Price of each deal sold.

7878

7879 All information contained on an invoice must be maintained by
 7880 the distributor or manufacturer for 3 years.

7881 (h) The invoice, or a true and accurate copy thereof, must
 7882 be on the premises where any deal of instant bingo tickets is
 7883 stored or in play.

7884 (12)~~(14)~~ An ~~Any~~ organization or ~~other~~ person who willfully
 7885 and knowingly violates ~~any provision of~~ this section commits a
 7886 misdemeanor of the first degree, punishable as provided in s.
 7887 775.082 or s. 775.083. For a second or subsequent offense, the
 7888 organization or other person commits a felony of the third
 7889 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 7890 775.084.

7891 Section 126. Effective October 1, 2014, section 849.0935,
 7892 Florida Statutes, is transferred, renumbered as section 551.54,
 7893 Florida Statutes, and amended to read:

7894 551.54 ~~849.0935~~ Charitable, nonprofit organizations;
 7895 drawings by chance; required disclosures; unlawful acts and
 7896 practices; penalties.—

7897 (1) As used in this section, the term:

7898 (a) "Drawing by chance," "drawing," or "raffle" means an
 7899 enterprise in which, from the entries submitted by the public to
 7900 the organization conducting the drawing, one or more entries are
 7901 selected by chance to win a prize. The term "drawing" does not
 7902 include those enterprises, commonly known as "game promotions,"
 7903 as defined by s. 551.50 ~~s. 849.094~~, "matching," "instant
 7904 winner," or "preselected sweepstakes," which involve the

7905 distribution of winning numbers, previously designated as such,
 7906 to the public.

7907 (b) "Organization" means an organization that ~~which~~ is
 7908 exempt from federal income taxation pursuant to 26 U.S.C. s.
 7909 501(c)(3), (4), (7), (8), (10), or (19), and that ~~which~~ has a
 7910 current determination letter from the Internal Revenue Service,
 7911 and its bona fide members or officers.

7912 (2) Notwithstanding any other provision of law, Section
 7913 ~~849.09 does not prohibit~~ an organization may conduct from
 7914 ~~conducting~~ drawings by chance pursuant to ~~the authority granted~~
 7915 ~~by this section,~~ if the organization has complied with all
 7916 applicable provisions of chapter 496 and this section.

7917 (3) All brochures, advertisements, notices, tickets, or
 7918 entry blanks used in connection with a drawing by chance must
 7919 ~~shall~~ conspicuously disclose:

7920 (a) The rules governing the conduct and operation of the
 7921 drawing.

7922 (b) The full name of the organization and its principal
 7923 place of business.

7924 (c) The source of the funds used to award cash prizes or
 7925 to purchase prizes.

7926 (d) The date, hour, and place where the winner will be
 7927 chosen and the prizes will be awarded, unless the brochures,
 7928 advertisements, notices, tickets, or entry blanks are not
 7929 offered to the public more than 3 days before ~~prior to~~ the
 7930 drawing.

- 7931 (e) That no purchase or contribution is necessary.
- 7932 (4) It is unlawful for any organization that, ~~pursuant to~~
 7933 ~~the authority granted by this section,~~ promotes, operates, or
 7934 conducts a drawing by chance under this section to:
- 7935 (a) ~~To~~ Design, engage in, promote, or conduct any drawing
 7936 in which the winner is predetermined by means of matching,
 7937 instant win, ~~or~~ preselected sweepstakes, or otherwise or in
 7938 which the selection of the winners is in any way rigged;
- 7939 (b) ~~To~~ Require an entry fee, donation, substantial
 7940 consideration, payment, proof of purchase, or contribution as a
 7941 condition of entering the drawing or of being selected to win a
 7942 prize. However, this paragraph does not prohibit an organization
 7943 from suggesting a minimum donation or from including a statement
 7944 of such suggested minimum donation on any printed material used
 7945 in connection with the fundraising event or drawing;
- 7946 (c) ~~To~~ Condition the drawing on a minimum number of
 7947 tickets having been disbursed to contributors or on a minimum
 7948 amount of contributions having been received;
- 7949 (d) ~~To~~ Arbitrarily remove, disqualify, disallow, or reject
 7950 any entry or ~~to~~ discriminate in any manner between entrants who
 7951 gave contributions to the organization and those who did not
 7952 ~~give such contributions~~;
- 7953 (e) ~~To~~ Fail to promptly notify, at the address set forth
 7954 on the entry blank, any person whose entry is selected to win of
 7955 the fact that he or she won;
- 7956 (f) ~~To~~ Fail to award all prizes offered;

7957 (g) ~~To~~ Print, publish, or circulate literature or
 7958 advertising material used in connection with the drawing that
 7959 ~~which~~ is false, deceptive, or misleading;

7960 (h) ~~To~~ Cancel a drawing; or

7961 (i) ~~To~~ Condition the acquisition or giveaway of any prize
 7962 upon the receipt of voluntary donations or contributions.

7963 (5) The organization conducting the drawing may limit the
 7964 number of tickets distributed to each drawing entrant.

7965 (6) A violation of this section is a deceptive and unfair
 7966 trade practice.

7967 (7) Any organization that engages in any act or practice
 7968 in violation of this section commits a misdemeanor of the second
 7969 degree, punishable as provided in s. 775.082 or s. 775.083. ~~Any~~
 7970 ~~organization or other person who sells or offers for sale in~~
 7971 ~~this state a ticket or entry blank for a raffle or other drawing~~
 7972 ~~by chance, without complying with the requirements of paragraph~~
 7973 ~~(3)(d), commits a misdemeanor of the second degree, punishable~~
 7974 ~~by fine only as provided in s. 775.083.~~

7975 (8) This section does not apply to the state lottery
 7976 operated pursuant to chapter 24.

7977 Section 127. Effective October 1, 2014, section 849.141,
 7978 Florida Statutes, is transferred, renumbered as section 551.55,
 7979 Florida Statutes, and amended to read:

7980 551.55 ~~849.141~~ Bowling tournaments ~~exempted from chapter.~~

7981 (1) Notwithstanding any other provision of law, a person
 7982 may participate ~~Nothing contained in this chapter shall be~~

7983 ~~applicable to participation~~ in or the conduct of a bowling
 7984 tournament ~~conducted~~ at a bowling center which requires the
 7985 payment of entry fees, from which fees the winner receives a
 7986 purse or prize.

7987 (2) As used in this section, the term:

7988 (a) "Bowling tournament" means a contest in which
 7989 participants engage in the sport of bowling, wherein a heavy
 7990 ball is bowled along a bowling lane in an attempt to knock over
 7991 10 bowling pins, ~~10 in number~~, set upright at the far end of the
 7992 lane, according to specified regulations and rules of the
 7993 American Bowling Congress, the Women's ~~Womens~~ International
 7994 Bowling Congress, or the Bowling Proprietors Association of
 7995 America.

7996 (b) "Bowling center" means a place of business having at
 7997 least 12 bowling lanes on the premises that ~~which~~ are operated
 7998 for the entertainment of the general public for the purpose of
 7999 engaging in the sport of bowling.

8000 Section 128. Effective October 1, 2014, section 849.161,
 8001 Florida Statutes, is transferred, renumbered as section 551.56,
 8002 Florida Statutes, and amended to read:

8003 551.56 ~~849.161~~ Amusement games or machines; ~~when chapter~~
 8004 ~~inapplicable.~~

8005 (1) As used in this section, the term:

8006 (a) "Amusement games or machines" means games which are
 8007 operated only for bona fide entertainment of the general public;
 8008 which are activated ~~which operate~~ by means of the insertion of a

8009 coin, currency, or gift certificate, as defined in s. 501.95;
 8010 and which, by application of skill, ~~may entitle~~ the person
 8011 playing or operating the game or machine may control the results
 8012 of play to receive points or coupons, the cost value of which
 8013 ~~does not exceed 75 cents on any game played, which may be~~
 8014 ~~exchanged for merchandise.~~ The term does not include:

8015 1. Casino-style games in which the outcome is determined
 8016 by factors unpredictable by the player;

8017 2. ~~or~~ Games in which the player does ~~may~~ not control the
 8018 outcome of the game through skill;

8019 3. Video poker games or any other game or machine that may
 8020 be construed as a gambling device under the laws of this state;

8021 or

8022 4. Any game or device defined as a gambling device in 15
 8023 U.S.C. s. 1171, unless excluded under s. 1178.

8024 (b) "Arcade amusement center" means a place of business
 8025 having at least 50 ~~coin-operated~~ amusement games or machines on
 8026 premises which are operated for the entertainment of the general
 8027 public ~~and tourists~~ as a bona fide amusement facility.

8028 (c) "Game played" means the event occurring from the
 8029 ~~initial~~ activation of the amusement game or machine until the
 8030 results of play are determined without payment of additional
 8031 consideration. Free replays do not count as separate games
 8032 played ~~constitute additional consideration.~~

8033 (d) "Merchandise" means noncash prizes, including toys and
 8034 novelties. The term does not include:

8035 1. Cash or any equivalent thereof, including gift cards or
 8036 certificates;

8037 2. ~~or~~ Alcoholic beverages; or

8038 3. Coupons, points, slugs, tokens, cards, or similar
 8039 devices that have commercial value, can be used to activate an
 8040 amusement game or machine, or can be redeemed for merchandise.

8041 (e) "Redemption value" means the imputed value of coupons
 8042 or points, based on the wholesale cost of merchandise for which
 8043 those coupons or points may be redeemed.

8044 (f)~~(e)~~ "Truck stop" means a ~~any~~ dealer registered pursuant
 8045 to chapter 212, excluding marinas, which:

8046 1. Declared its primary fuel business to be the sale of
 8047 diesel fuel; and

8048 2. Operates a minimum of six functional diesel fuel pumps;
 8049 ~~and~~

8050 ~~3. Has coin-operated amusement games or machines on~~
 8051 ~~premises which are operated for the entertainment of the general~~
 8052 ~~public and tourists as bona fide amusement games or machines.~~

8053 ~~(2) Notwithstanding chapter 849, Nothing contained in This~~
 8054 ~~chapter shall be taken or construed to prohibit an arcade~~
 8055 ~~amusement center or truck stop from operating amusement games or~~
 8056 ~~machines may be operated in conformance with this section.~~

8057 (3) A person may not award merchandise under section (7)
 8058 or (8) unless the person is registered with the department.

8059 (a) A person awarding merchandise must register annually
 8060 with the department on forms prescribed by the department and

8061 pay the annual registration fee. The registration forms must
 8062 include the registrant's name and address, the location of each
 8063 center operated by the registrant, the number of machines
 8064 operated at each location, the type and title of each game at
 8065 each location, and the types and values of merchandise
 8066 available.

8067 (b) The department shall, by rule, set an annual
 8068 registration fee of up to \$100 to be collected for each location
 8069 operated by the registrant.

8070 (c) The registration issued by the department must be
 8071 displayed so as to be easily viewed by patrons at each arcade
 8072 center location.

8073 (4)-(3) This section applies only to amusement games or and
 8074 machines which are operated for the entertainment of the general
 8075 public and tourists as bona fide amusement games or machines.

8076 (5)-(4) This section does shall not be construed to
 8077 authorize:

8078 1. Casino-style games in which the outcome is determined
 8079 by factors unpredictable by the player;

8080 2. Games in which the player does not control the outcome
 8081 of the game through skill;

8082 3. Video poker games or any other game or machine that may
 8083 be construed as a gambling device under the laws of this state;
 8084 or

8085 4. Any game or device defined as a gambling device in 15
 8086 U.S.C. s. 1171, which requires identification of each device by

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8087 ~~permanently affixing seriatim numbering and name, trade name,~~
8088 ~~and date of manufacture under s. 1173, and registration with the~~
8089 ~~United States Attorney General, unless excluded from~~
8090 ~~applicability of the chapter under s. 1178, or video poker games~~
8091 ~~or any other game or machine that may be construed as a gambling~~
8092 ~~device under Florida law.~~

8093 (6)~~(5)~~ An amusement game or machine may entitle or enable
8094 a person, by application of skill, ~~This section does not apply~~
8095 ~~to a coin-operated game or device designed and manufactured only~~
8096 ~~for bona fide amusement purposes which game or device may by~~
8097 ~~application of skill entitle the player to replay the game or~~
8098 ~~device at no additional cost, if the game or device:~~

8099 (a) The amusement game or machine can accumulate and react
8100 to no more than 15 free replays;

8101 (b) The amusement game or machine can be discharged of
8102 accumulated free replays only by reactivating the game or device
8103 for one additional play for such accumulated free replay; and

8104 (c) The amusement game or machine cannot ~~Can make a~~ no
8105 permanent record, directly or indirectly, of free replays, ~~and~~
8106 ~~is not classified by the United States as a gambling device in~~
8107 ~~15 U.S.C. s. 1171, which requires identification of each device~~
8108 ~~by permanently affixing seriatim numbering and name, trade name,~~
8109 ~~and date of manufacture under s. 1173, and registration with the~~
8110 ~~United States Attorney General, unless excluded from~~
8111 ~~applicability of the chapter under s. 1178. This subsection~~
8112 ~~shall not be construed to authorize video poker games, or any~~

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8113 ~~other game or machine that may be construed as a gambling device~~
8114 ~~under Florida law.~~

8115 (7) An amusement game or machine may entitle or enable a
8116 person, by application of skill, to receive points or coupons
8117 that can be redeemed onsite for merchandise, if:

8118 (a) The amusement game or machine is located at an arcade
8119 amusement center, truck stop, bowling center defined in s.
8120 551.53, or public lodging establishment or public food service
8121 facility licensed pursuant to chapter 509;

8122 (b) Points or coupons have no value other than for
8123 redemption onsite for merchandise;

8124 (c) The redemption value of points or coupons a person
8125 receives does not exceed:

8126 1. For a single game played, 75 cents;

8127 2. For playing multiple games simultaneously, 75 cents;

8128 3. For competing against others in a multiplayer game, 75
8129 cents.

8130 (8) An amusement game or machine may entitle or enable a
8131 person, by application of skill, to receive merchandise
8132 directly, if:

8133 (a) The amusement game or machine is located at an arcade
8134 amusement center, truck stop, bowling center defined in s.
8135 551.53, public lodging establishment or public food service
8136 facility licensed pursuant to chapter 509, or on the premises of
8137 a retailer as defined in s. 212.02; and

8138 (b) The wholesale cost of the merchandise does not exceed
 8139 \$50.

8140 (9) The department shall review the per-game redemption
 8141 value of points or coupons allowed under subsection (6) and
 8142 provide a report to the President of the Senate and the Speaker
 8143 of the House of Representatives regarding the sufficiency of
 8144 those amounts and recommending any changes the department finds
 8145 necessary.

8146 (10) The Department of Gaming Control and the Gaming
 8147 Control Commission may enter and inspect a registrant's
 8148 facilities, machines, or system of machines and may take all
 8149 appropriate action to administer and enforce this section.

8150 Section 129. Effective October 1, 2014, section 849.01,
 8151 Florida Statutes, is amended to read:

8152 849.01 ~~Keeping~~ Gambling operations prohibited houses,
 8153 ~~etc.-~~

8154 (1) A person, individually or through or with any other
 8155 person or entity, may not:

8156 (a) Have, maintain, or operate ~~Whoever by herself or~~
 8157 ~~himself, her or his servant, clerk or agent, or in any other~~
 8158 ~~manner has, keeps, exercises or maintains a gaming table or~~
 8159 ~~room; or gaming implements or apparatus; or a physical~~
 8160 structure or location of any kind house, booth, tent, shelter or
 8161 ~~other place~~ for the purpose of gaming or gambling. or

8162 (b) Procure or allow a in any place of which she or he may
 8163 ~~directly or indirectly have charge, control or management,~~

8164 ~~either exclusively or with others, procures, suffers or permits~~
8165 ~~any person to play a game for money or any other valuable thing~~
8166 ~~of value in a place that he or she may directly or indirectly~~
8167 ~~manage or control. at any game~~

8168 (c) Knowingly rent to another a physical structure or
8169 location for the purpose of gaming or gambling.

8170 (2) A person may not act as a servant, clerk, agent, or
8171 employee of a person violating subsection (1).

8172 (3) The proprietor, owner, or holder of an even-odd,
8173 roulette, keno, pool, or billiard table; a wheel of fortune; or
8174 any other game of chance kept for the purpose of betting may not
8175 aid, abet, or otherwise encourage or willfully and knowingly
8176 allow a minor or a person who is mentally incompetent or under
8177 guardianship to play or bet on such game. For the purpose of
8178 this subsection, the term "person who is mentally incompetent"
8179 means a person who, because of mental illness, intellectual
8180 disability, senility, excessive use of drugs or alcohol, or
8181 other mental incapacity, is incapable of managing his or her
8182 property or caring for herself or himself.

8183 (4) The presence of implements, devices, or apparatus
8184 commonly used in games of chance in a gambling house or by a
8185 gambler in any physical structure or location is prima facie
8186 evidence that such structure or location is used for the purpose
8187 of gambling.

8188 (5) A person who violates this section commits whatever,
8189 ~~whether heretofore prohibited or not, shall be guilty of a~~

8190 felony of the third degree, punishable as provided in s.
 8191 775.082, s. 775.083, or s. 775.084.

8192 Section 130. Effective October 1, 2014, section 849.02,
 8193 Florida Statutes, is amended to read:

8194 ~~849.02 Agents or employees of keeper of gambling house.—~~
 8195 ~~Whoever acts as servant, clerk, agent, or employee of any person~~
 8196 ~~in the violation of s. 849.01 shall be punished in the manner~~
 8197 ~~and to the extent therein mentioned.~~

8198 Section 131. Effective October 1, 2014, section 849.03,
 8199 Florida Statutes, is amended to read:

8200 ~~849.03 Renting house for gambling purposes. Whoever,~~
 8201 ~~whether as owner or agent, knowingly rents to another a house,~~
 8202 ~~room, booth, tent, shelter or place for the purpose of gaming~~
 8203 ~~shall be punished in the manner and to the extent mentioned in~~
 8204 ~~s. 849.01.~~

8205 Section 132. Effective October 1, 2014, section 849.04,
 8206 Florida Statutes, is amended to read:

8207 ~~849.04 Permitting minors and persons under guardianship to~~
 8208 ~~gamble. The proprietor, owner, or keeper of any E. O., keno or~~
 8209 ~~pool table, or billiard table, wheel of fortune, or other game~~
 8210 ~~of chance kept for the purpose of betting, who willfully and~~
 8211 ~~knowingly allows a minor or person who is mentally incompetent~~
 8212 ~~or under guardianship to play at such game or to bet on such~~
 8213 ~~game of chance; or whoever aids or abets or otherwise encourages~~
 8214 ~~such playing or betting of any money or other valuable thing~~
 8215 ~~upon the result of such game of chance by a minor or person who~~

8216 ~~is mentally incompetent or under guardianship, commits a felony~~
 8217 ~~of the third degree, punishable as provided in s. 775.082, s.~~
 8218 ~~775.083, or s. 775.084. For the purpose of this section, the~~
 8219 ~~term "person who is mentally incompetent" means a person who~~
 8220 ~~because of mental illness, intellectual disability, senility,~~
 8221 ~~excessive use of drugs or alcohol, or other mental incapacity is~~
 8222 ~~incapable of managing his or her property or caring for himself~~
 8223 ~~or herself or both.~~

8224 Section 133. Effective October 1, 2014, section 849.05,
 8225 Florida Statutes, is amended to read:

8226 ~~849.05 Prima facie evidence. If any of the implements,~~
 8227 ~~devices or apparatus commonly used in games of chance in~~
 8228 ~~gambling houses or by gamblers, are found in any house, room,~~
 8229 ~~booth, shelter or other place it shall be prima facie evidence~~
 8230 ~~that the said house, room, booth, shelter or other place where~~
 8231 ~~the same are found is kept for the purpose of gambling.~~

8232 Section 134. Effective October 1, 2014, section 849.07,
 8233 Florida Statutes, is amended to read:

8234 849.07 Permitting gambling on billiard or pool table by
 8235 holder of license.—

8236 (1) The operator of ~~If any holder of a license to operate~~
 8237 ~~a billiard or pool table may not allow a shall permit any person~~
 8238 ~~to play billiards, or pool, or any other game upon such table~~
 8239 ~~for money, or any other thing of value, upon such~~

8240 (2) A person may not play or engage in a game of cards,
 8241 keno, roulette, faro, or other game of chance at any location,

8242 by any device, for money or any other thing of value.

8243 (3) A person who violates this section commits ~~tables, she~~
 8244 ~~or he shall be deemed guilty of~~ a misdemeanor of the second
 8245 degree, punishable as provided in s. 775.082 or s. 775.083.

8246 Section 135. Effective October 1, 2014, section 849.08,
 8247 Florida Statutes, is amended to read:

8248 ~~849.08 Gambling. Whoever plays or engages in any game at~~
 8249 ~~cards, keno, roulette, faro or other game of chance, at any~~
 8250 ~~place, by any device whatever, for money or other thing of~~
 8251 ~~value, shall be guilty of a misdemeanor of the second degree,~~
 8252 ~~punishable as provided in s. 775.082 or s. 775.083.~~

8253 Section 136. Effective October 1, 2014, section 849.09,
 8254 Florida Statutes, is amended to read:

8255 849.09 Lottery prohibited; exceptions.-

8256 (1)(a) A person may not ~~It is unlawful for any person in~~
 8257 ~~this state to:~~

8258 1.(a) Set up, promote, or conduct any lottery for money or
 8259 for anything of value;

8260 2.(b) Dispose of any money or other property of any kind
 8261 whatsoever by means of any lottery;

8262 3.(c) Conduct any lottery drawing for the distribution of
 8263 a prize or prizes by lot or chance, or advertise any such
 8264 lottery scheme or device in any newspaper or by circulars,
 8265 posters, pamphlets, radio, telegraph, telephone, or otherwise;
 8266 or

8267 4.(d) Aid or assist in the setting up, promoting, or

8268 conducting of any lottery or lottery drawing, whether by
 8269 writing, printing, or in any other manner whatsoever, or be
 8270 interested in or connected in any way with any lottery or
 8271 lottery drawing.~~†~~

8272 (b) A person who violates this subsection commits a felony
 8273 of the third degree, punishable as provided in s. 775.082, s.
 8274 775.083, or s. 775.084.

8275 (2) (a) A person may not:

8276 1. (e) Attempt to operate, conduct, or advertise any
 8277 lottery scheme or device;

8278 2. (f) Have in her or his possession any lottery wheel,
 8279 implement, or device ~~whatsoever~~ for conducting any lottery or
 8280 scheme for the disposal by lot or chance of anything of value;

8281 3. (g) Sell, offer for sale, or transmit, in person or by
 8282 mail or in any other manner ~~whatsoever~~, any lottery ticket,
 8283 coupon, or share, or any share in or fractional part of any
 8284 lottery ticket, coupon, or share, whether such ticket, coupon,
 8285 or share represents an interest in a live lottery not yet played
 8286 or ~~whether it~~ represents, or has represented, an interest in a
 8287 lottery that has already been played;

8288 4. (h) Have in her or his possession any lottery ticket, or
 8289 any evidence of any share or right in any lottery ticket, or in
 8290 any lottery scheme or device, whether such ticket or evidence of
 8291 share or right represents an interest in a live lottery not yet
 8292 played or ~~whether it~~ represents, or has represented, an interest
 8293 in a lottery that has already been played;

8294 5.~~(i)~~ Aid or assist in the sale, disposal, or procurement
 8295 of any lottery ticket, coupon, or share, or any right to any
 8296 drawing in a lottery;

8297 6.~~(j)~~ Have in her or his possession any lottery
 8298 advertisement, circular, poster, or pamphlet, or any list or
 8299 schedule of any lottery prizes, gifts, or drawings; or

8300 7.~~(k)~~ Have in her or his possession any so-called "run
 8301 down sheets," tally sheets, or other papers, records,
 8302 instruments, or paraphernalia designed for use, ~~either~~ directly
 8303 or indirectly, ~~in, or in connection with,~~ the violation of the
 8304 laws of this state prohibiting lotteries and gambling.

8305 (b) A person who violates this subsection commits a
 8306 misdemeanor of the first degree, punishable as provided in s.
 8307 775.082 or s. 775.083. A person who commits a second or
 8308 subsequent violation of this subsection commits a felony of the
 8309 third degree, punishable as provided in s. 775.082, s. 775.083,
 8310 or s. 775.084.

8311 (3) (a) Except as otherwise provided by law, it is
 8312 unlawful:

8313 1. For any person in any dwelling, office, shop, or
 8314 building in this state to write, typewrite, print, or publish
 8315 any lottery ticket or advertisement, circular, bill, poster,
 8316 pamphlet, list or schedule, announcement, or notice of lottery
 8317 prizes or drawings or any other matter or thing in any way
 8318 connected with any lottery drawing, scheme, or device, or set up
 8319 any type or plate for any such printing or writing, to be used

8320 or distributed in this state or to be sent out of this state.

8321 2. For the owner or lessee of any such dwelling, shop, or
 8322 building knowingly to permit the printing, typewriting, writing,
 8323 or publishing therein of any lottery ticket or advertisement,
 8324 circular, bill, poster, pamphlet, list, schedule, announcement,
 8325 or notice of lottery prizes or drawings, or any other matter or
 8326 thing in any way connected with any lottery drawing, scheme, or
 8327 device, or knowingly to permit therein the setting up of any
 8328 type or plate for any such purpose to be used or distributed in
 8329 this state or to be sent out of the state.

8330 (b) A person who violates this subsection commits a felony
 8331 of the third degree, punishable as provided in s. 775.082, s.
 8332 775.083, or s. 775.084.

8333 (4) (a) This chapter does not prohibit the printing or
 8334 production of any advertisement or any lottery ticket for a
 8335 lottery conducted in any other state or nation where such
 8336 lottery is not prohibited by the laws of such state or nation,
 8337 or the sale of such materials by the manufacturer thereof to any
 8338 person or entity conducting or participating in the conduct of
 8339 such a lottery in any other state or nation. This section does
 8340 not authorize any advertisement within this state relating to
 8341 lotteries of any other state or nation, or the sale or resale
 8342 within Florida of such lottery tickets, chances, or shares to
 8343 individuals or any other acts otherwise in violation of any laws
 8344 of the state.

8345 (b) This section does not prohibit participation in a

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8346 nationally advertised contest, drawing, game, or puzzle of skill
8347 or chance for a prize or prizes unless it can be construed as a
8348 lottery under this section. This paragraph does not apply to any
8349 such contest based upon the outcome or results of any horserace,
8350 harness race, dog race, or jai alai game.

8351 (c) This section does not apply to bingo as provided for
8352 in s. 551.53.

8353

8354 ~~Provided, that nothing in this section shall prohibit~~
8355 ~~participation in any nationally advertised contest, drawing,~~
8356 ~~game or puzzle of skill or chance for a prize or prizes unless~~
8357 ~~it can be construed as a lottery under this section; and,~~
8358 ~~provided further, that This exemption for national contests~~
8359 ~~shall not apply to any such contest based upon the outcome or~~
8360 ~~results of any horserace, harness race, dograce, or jai alai~~
8361 ~~game.~~

8362 ~~(2) Any person who is convicted of violating any of the~~
8363 ~~provisions of paragraph (a), paragraph (b), paragraph (c), or~~
8364 ~~paragraph (d) of subsection (1) is guilty of a felony of the~~
8365 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~
8366 ~~or s. 775.084.~~

8367 ~~(3) Any person who is convicted of violating any of the~~
8368 ~~provisions of paragraph (e), paragraph (f), paragraph (g),~~
8369 ~~paragraph (i), or paragraph (k) of subsection (1) is guilty of a~~
8370 ~~misdemeanor of the first degree, punishable as provided in s.~~
8371 ~~775.082 or s. 775.083. Any person who, having been convicted of~~

8372 ~~violating any provision thereof, thereafter violates any~~
8373 ~~provision thereof is guilty of a felony of the third degree,~~
8374 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~
8375 ~~The provisions of this section do not apply to bingo as provided~~
8376 ~~for in s. 849.0931.~~

8377 ~~(4) Any person who is convicted of violating any of the~~
8378 ~~provisions of paragraph (h) or paragraph (j) of subsection (1)~~
8379 ~~is guilty of a misdemeanor of the first degree, punishable as~~
8380 ~~provided in s. 775.082 or s. 775.083. Any person who, having~~
8381 ~~been convicted of violating any provision thereof, thereafter~~
8382 ~~violates any provision thereof is guilty of a felony of the~~
8383 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~
8384 ~~or s. 775.084.~~

8385 Section 137. Effective October 1, 2014, section 849.091,
8386 Florida Statutes, is amended to read:

8387 849.091 Chain letters, pyramid clubs, etc., declared a
8388 lottery; prohibited; penalties.—

8389 (1) The organization of any chain letter club, pyramid
8390 club, or other group organized or brought together under any
8391 plan or device whereby fees or dues or anything of material
8392 value to be paid or given by members thereof are to be paid or
8393 given to any other member thereof, which plan or device includes
8394 any provision for the increase in such membership through a
8395 chain process of new members securing other new members and
8396 thereby advancing themselves in the group to a position where
8397 such members in turn receive fees, dues, or things of material

8398 value from other members, is ~~hereby~~ declared to be a lottery. A
8399 person who participates, ~~and whoever shall participate~~ in any
8400 such lottery by becoming a member of, or affiliating with, any
8401 such group or organization or who solicits ~~shall solicit~~ any
8402 person for membership or affiliation in any such group or
8403 organization commits a misdemeanor of the first degree,
8404 punishable as provided in s. 775.082 or s. 775.083.

8405 (2) ~~A "pyramid sales scheme," which is~~ Any sales or
8406 marketing plan or operation whereby a person pays a
8407 consideration of any kind, or makes an investment of any kind,
8408 in excess of \$100 and acquires the opportunity to receive a
8409 benefit or thing of value that ~~which~~ is not primarily contingent
8410 on the volume or quantity of goods, services, or other property
8411 sold in bona fide sales to consumers, and that ~~which~~ is related
8412 to the inducement of additional persons, by himself or herself
8413 or others, regardless of number, to participate in the same
8414 sales or marketing plan or operation, ~~is hereby~~ declared to be a
8415 pyramid sales scheme and a lottery. A person who participates, ~~and whoever shall participate~~
8416 in any such lottery by becoming a
8417 member of or affiliating with, any such group or organization or
8418 who solicits ~~shall solicit~~ any person for membership or
8419 affiliation in any such group or organization commits a
8420 misdemeanor of the first degree, punishable as provided in s.
8421 775.082 or s. 775.083. For purposes of this subsection, the term
8422 "consideration" and the term "investment" do not include the
8423 purchase of goods or services furnished at cost for use in

8424 making sales, but not for resale, or time and effort spent in
 8425 the pursuit of sales or recruiting activities.

8426 Section 138. Effective October 1, 2014, section 849.0915,
 8427 Florida Statutes, is amended to read:

8428 849.0915 Referral selling.—

8429 (1) Giving or offering ~~Referral selling, whereby the~~
 8430 ~~seller gives or offers~~ a rebate or discount to a ~~the~~ buyer as an
 8431 inducement for a sale in consideration of the buyer's providing
 8432 the seller with the names of prospective purchasers, ~~is declared~~
 8433 to be referral selling and a lottery if earning the rebate or
 8434 discount is contingent upon the occurrence of an event
 8435 subsequent to the time the buyer agrees to buy.

8436 (2) A ~~Any~~ person who conducts ~~conducting~~ a lottery by
 8437 referral selling commits ~~is guilty of~~ a misdemeanor of the first
 8438 degree, punishable as provided in s. 775.082 or s. 775.083.

8439 (3) In addition to the penalty provided in this section
 8440 ~~herein~~, the Attorney General and her or his assistants, the
 8441 state attorneys and their assistants, and the Division of
 8442 Consumer Services of the Department of Agriculture and Consumer
 8443 Services may ~~are authorized to~~ apply to the circuit court within
 8444 their respective jurisdictions, and such court shall have
 8445 jurisdiction, upon hearing and for cause shown, to grant a
 8446 temporary or permanent injunction restraining any person from
 8447 violating ~~the provisions of~~ this section, regardless of whether
 8448 ~~or not there exists~~ an adequate remedy at law exists, and such
 8449 injunction shall issue without bond.

8450 Section 139. Effective October 1, 2014, section 849.10,
8451 Florida Statutes, is amended to read:

8452 ~~849.10 Printing lottery tickets, etc., prohibited.~~

8453 ~~(1) Except as otherwise provided by law, it is unlawful~~
8454 ~~for any person, in any house, office, shop or building in this~~
8455 ~~state to write, typewrite, print, or publish any lottery ticket~~
8456 ~~or advertisement, circular, bill, poster, pamphlet, list or~~
8457 ~~schedule, announcement or notice, of lottery prizes or drawings~~
8458 ~~or any other matter or thing in any way connected with any~~
8459 ~~lottery drawing, scheme or device, or to set up any type or~~
8460 ~~plate for any such purpose, to be used or distributed in this~~
8461 ~~state, or to be sent out of this state.~~

8462 ~~(2) Except as otherwise provided by law, it is unlawful~~
8463 ~~for the owner or lessee of any such house, shop or building~~
8464 ~~knowingly to permit the printing, typewriting, writing or~~
8465 ~~publishing therein of any lottery ticket or advertisement,~~
8466 ~~circular, bill, poster, pamphlet, list, schedule, announcement~~
8467 ~~or notice of lottery prizes or drawings, or any other matter or~~
8468 ~~thing in any way connected with any lottery drawing, scheme or~~
8469 ~~device, or knowingly to permit therein the setting up of any~~
8470 ~~type or plate for any such purpose to be used or distributed in~~
8471 ~~this state, or to be sent out of the state.~~

8472 ~~(3) Nothing in this chapter shall make unlawful the~~
8473 ~~printing or production of any advertisement or any lottery~~
8474 ~~ticket for a lottery conducted in any other state or nation~~
8475 ~~where such lottery is not prohibited by the laws of such state~~

8476 ~~or nation, or the sale of such materials by the manufacturer~~
 8477 ~~thereof to any person or entity conducting or participating in~~
 8478 ~~the conduct of such a lottery in any other state or nation. This~~
 8479 ~~section does not authorize any advertisement within Florida~~
 8480 ~~relating to lotteries of any other state or nation, or the sale~~
 8481 ~~or resale within Florida of such lottery tickets, chances, or~~
 8482 ~~shares to individuals, or any other acts otherwise in violation~~
 8483 ~~of any laws of the state.~~

8484 ~~(4) Any violation of this section shall be a felony of the~~
 8485 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~
 8486 ~~or s. 775.084.~~

8487 Section 140. Effective October 1, 2014, section 849.11,
 8488 Florida Statutes, is amended to read:

8489 849.11 Plays at games of chance by lot.-

8490 (1) A person who ~~Whoever~~ sets up, promotes, or plays at
 8491 any game of chance by lot or with dice, cards, numbers, hazards,
 8492 or any other gambling device ~~whatever for, or~~ or for the disposal
 8493 of money or other thing of value or under the pretext of a sale,
 8494 gift, or delivery thereof, or for any right, share, or interest
 8495 therein ~~commits, shall be guilty of~~ a misdemeanor of the second
 8496 degree, punishable as provided in s. 775.082 or s. 775.083. A
 8497 person who commits a second violation of this section commits a
 8498 misdemeanor of the first degree, punishable as provided in s.
 8499 775.082 or s. 775.083.

8500 Section 141. Effective October 1, 2014, section 849.12,
 8501 Florida Statutes, is transferred, renumbered as subsection (2)

8502 of section 849.11, Florida Statutes, and amended to read:
 8503 849.11 Plays at games of chance by lot.—
 8504 ~~849.12 Money and prizes to be forfeited.—~~
 8505 (2) All sums of money and every other valuable thing drawn
 8506 and won as a prize, ~~or~~ as a share of a prize, or as a share,
 8507 percentage, or profit of the principal promoter or operator, in
 8508 any lottery, and all money, currency, or property of any kind to
 8509 be disposed of, or offered to be disposed of, by chance or
 8510 device in any scheme or under any pretext by any person, and all
 8511 sums of money or other thing of value received by any person by
 8512 reason of her or his being the owner or holder of any ticket or
 8513 share of a ticket in a lottery, or pretended lottery, or of a
 8514 share or right in any such schemes of chance or device and all
 8515 sums of money and other thing of value used in the setting up,
 8516 conducting, or operation of a lottery, and all money or other
 8517 thing of value at stake, or used or displayed in or in
 8518 connection with any illegal gambling or any illegal gambling
 8519 device contrary to the laws of this state, shall be forfeited,
 8520 and may be recovered by civil proceedings, filed, or by action
 8521 for money had and received, to be brought by the Department of
 8522 Legal Affairs or any state attorney, or other prosecuting
 8523 officer, in the circuit courts in the name and on behalf of the
 8524 state; the same to be applied when collected as all other penal
 8525 forfeitures are disposed of.
 8526 Section 142. Effective October 1, 2014, section 849.13,
 8527 Florida Statutes, is amended to read:

8528 ~~849.13 Punishment on second conviction. Whoever, after~~
 8529 ~~being convicted of an offense forbidden by law in connection~~
 8530 ~~with lotteries, commits the like offense, shall be guilty of a~~
 8531 ~~misdemeanor of the first degree, punishable as provided in s.~~
 8532 ~~775.082 or s. 775.083.~~

8533 Section 143. Effective October 1, 2014, section 849.14,
 8534 Florida Statutes, is amended to read:

8535 849.14 ~~Unlawful to~~ Bet on result of trial or contest of
 8536 skill, ~~etc.~~ A person who ~~Whoever~~ stakes, bets, or wagers any
 8537 money or other thing of value upon the result of any trial or
 8538 contest of skill, speed, or power or endurance of human or
 8539 beast, or who ~~whoever~~ receives in any manner whatsoever any
 8540 money or other thing of value staked, bet, or wagered, or
 8541 offered for the purpose of being staked, bet, or wagered, by or
 8542 for any other person upon any such result, or who ~~whoever~~
 8543 knowingly becomes the custodian or depositary of any money or
 8544 other thing of value so staked, bet, or wagered upon any such
 8545 result, or who ~~whoever~~ aids, ~~or~~ assists, or abets in any manner
 8546 in any of such acts commits ~~all of which are hereby forbidden,~~
 8547 ~~shall be guilty of~~ a misdemeanor of the second degree,
 8548 punishable as provided in s. 775.082 or s. 775.083.

8549 Section 144. Effective October 1, 2014, section 849.15,
 8550 Florida Statutes, is amended to read:

8551 849.15 Slot machine or device ~~Manufacture, sale,~~
 8552 ~~possession, etc., of coin-operated devices~~ prohibited.-

8553 (1) It is unlawful:

8554 (a) To manufacture, own, store, keep, possess, sell, rent,
 8555 lease, let on shares, lend or give away, transport, or expose
 8556 for sale or lease, or to offer to sell, rent, lease, let on
 8557 shares, lend or give away, or permit the operation of any slot
 8558 machine or device or any part thereof; ~~or~~

8559 (b) For a any person to permit any slot machine or device
 8560 or any part thereof to be placed, maintained, ~~or~~ used, or kept
 8561 in any room, space, or building owned, leased, or occupied by
 8562 the person or under the person's management or control, ~~any slot~~
 8563 ~~machine or device or any part thereof~~; or

8564 (c) ~~(b)~~ To make or to permit to be made with any person any
 8565 agreement with reference to any slot machine or device, ~~or~~ pursuant
 8566 to which the user thereof, as a result of any element of chance
 8567 or other outcome unpredictable to him or her, may become
 8568 entitled to receive any money, credit, allowance, or thing of
 8569 value or additional chance or right to use such machine or
 8570 device, ~~or~~ to receive any check, slug, token, or memorandum
 8571 entitling the holder to receive any money, credit, allowance, or
 8572 thing of value.

8573 (2) Pursuant to ~~section 2 of that chapter of the Congress~~
 8574 ~~of the United States entitled "An act to prohibit transportation~~
 8575 ~~of gaming devices in interstate and foreign commerce," approved~~
 8576 ~~January 2, 1951, being ch. 1194, 64 Stat. 1134, and also~~
 8577 ~~designated as 15 U.S.C. s. 1172 ss. 1171-1177, the State of~~
 8578 ~~Florida, acting by and through the duly elected and qualified~~
 8579 ~~members of its Legislature, does hereby in this section, and in~~

8580 ~~accordance with and in compliance with the provisions of section~~
 8581 ~~2 of such chapter of Congress, declare and proclaim that any~~
 8582 ~~county of the State of Florida~~ within which slot machine gaming
 8583 is authorized pursuant to chapter 551 is exempt from ~~the~~
 8584 ~~provisions of section 2 of that chapter of the Congress of the~~
 8585 ~~United States entitled "An act to prohibit transportation of~~
 8586 ~~gaming devices in interstate and foreign commerce,"~~ designated
 8587 as 15 U.S.C. ss. 1171-1177, ~~approved January 2, 1951.~~ All
 8588 shipments of gaming devices, including slot machines, into any
 8589 county of this state within which slot machine gaming is
 8590 authorized pursuant to chapter 551 and the registering,
 8591 recording, and labeling of which have been duly performed by the
 8592 manufacturer or distributor thereof in accordance with ~~sections~~
 8593 ~~3 and 4 of that chapter of the Congress of the United States~~
 8594 ~~entitled "An act to prohibit transportation of gaming devices in~~
 8595 ~~interstate and foreign commerce," approved January 2, 1951,~~
 8596 ~~being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.~~
 8597 ~~ss. 1173 and 1174 are ~~1171-1177,~~ shall be deemed legal shipments~~
 8598 thereof into this state ~~if provided~~ the destination of such
 8599 shipments is an eligible facility as defined in s. 551.102 or
 8600 the facility of a slot machine manufacturer or slot machine
 8601 distributor as provided in s. 551.109(2)(a).

8602 Section 145. Effective October 1, 2014, section 849.16,
 8603 Florida Statutes, is transferred, renumbered as subsection (4)
 8604 of section 849.15, Florida Statutes, and amended to read:

8605 849.15 Slot machine or device ~~Manufacture, sale,~~

8606 ~~possession, etc., of coin-operated devices prohibited.—~~
 8607 ~~849.16 Machines or devices which come within provisions of~~
 8608 ~~law defined.—~~

8609 (4) (a) ~~(1)~~ As used in this section ~~chapter~~, the term "slot
 8610 machine or device" means any machine or device or system or
 8611 network of devices that is adapted for use in such a way that,
 8612 upon activation, which may be achieved by, but is not limited
 8613 to, the insertion of any piece of money, coin, account number,
 8614 code, or other object or information, such device or system is
 8615 directly or indirectly caused to operate or may be operated and
 8616 ~~if~~ the user, whether by application of skill or by reason of any
 8617 element of chance or any other outcome unpredictable by the
 8618 user, may:

8619 1. (a) Receive or become entitled to receive any piece of
 8620 money, credit, allowance, or thing of value, or any check, slug,
 8621 token, or memorandum, whether of value or otherwise, that ~~which~~
 8622 may be exchanged for any money, credit, allowance, or thing of
 8623 value or that ~~which~~ may be given in trade; or

8624 2. (b) Secure additional chances or rights to use such
 8625 machine, apparatus, or device,

8626
 8627 even though the device or system may be available for free play
 8628 or, in addition to any element of chance or unpredictable
 8629 outcome of such operation, may also sell, deliver, or present
 8630 some merchandise, indication of weight, entertainment, or other
 8631 thing of value. The term "slot machine or device" includes, but

8632 is not limited to, devices regulated as slot machines pursuant
 8633 to chapter 551.

8634 (b)(2) This section does not apply ~~chapter may not be~~
 8635 ~~construed, interpreted, or applied~~ to the possession of a
 8636 reverse vending machine. As used in this section, the term
 8637 "reverse vending machine" means a machine into which empty
 8638 beverage containers are deposited for recycling and that ~~which~~
 8639 provides a payment of money, merchandise, vouchers, or other
 8640 incentives. At a frequency less than upon the deposit of each
 8641 beverage container, a reverse vending machine may pay out a
 8642 random incentive bonus greater than that guaranteed payment in
 8643 the form of money, merchandise, vouchers, or other incentives.
 8644 The deposit of an ~~any~~ empty beverage container into a reverse
 8645 vending machine is ~~does not a~~ ~~constitute~~ consideration, and a
 8646 reverse vending machine is ~~may not be deemed~~ a slot machine as
 8647 defined in this section.

8648 (c)(3) There is a rebuttable presumption that a device,
 8649 system, or network is a prohibited slot machine or device if it
 8650 is used to display images of games of chance and is part of a
 8651 scheme involving any payment or donation of money or its
 8652 equivalent and awarding anything of value.

8653 Section 146. Effective October 1, 2014, section 849.17,
 8654 Florida Statutes, is transferred, renumbered as subsection (5)
 8655 of section 849.15, Florida Statutes, and amended to read:

8656 849.15 Slot machine or device ~~Manufacture, sale,~~
 8657 ~~possession, etc., of coin-operated devices prohibited.-~~

8658 ~~849.17 Confiscation of machines by arresting officer.—~~
 8659 (5) Upon the arrest of any person charged with a the
 8660 violation of this section, ~~any of the provisions of ss. 849.15—~~
 8661 ~~849.23~~ the arresting officer shall take into his or her custody
 8662 any such machine, apparatus, or device, and its contents, and
 8663 the arresting agency, at the place of seizure, shall make a
 8664 complete and correct list and inventory of all such things ~~so~~
 8665 taken into ~~his or her~~ custody, ~~and~~ deliver to the person from
 8666 whom such article or articles ~~may~~ have been seized, ~~a true copy~~
 8667 of the list of all such articles. The arresting agency shall
 8668 retain all evidence seized and ~~shall~~ have such evidence provided
 8669 for the same forthcoming at any investigation, prosecution, or
 8670 other proceedings relating to the, ~~incident to charges of~~
 8671 violation ~~of any of the provisions of ss. 849.15—849.23.~~

8672 Section 147. Effective October 1, 2014, section 849.18,
 8673 Florida Statutes, is transferred, renumbered as subsection (6)
 8674 of section 849.15, Florida Statutes, and amended to read:

8675 849.15 Slot machine or device ~~Manufacture, sale,~~
 8676 ~~possession, etc., of coin-operated devices prohibited.—~~

8677 ~~849.18 Disposition of machines upon conviction.—~~

8678 (6) Upon conviction of a the person arrested for a the
 8679 violation of this section ~~any of the provisions of ss. 849.15—~~
 8680 ~~849.23~~, the judge of the court trying the case, after ~~such~~
 8681 notice to the person convicted, ~~and~~ to any other person whom the
 8682 judge determines ~~may be of the opinion~~ is entitled to such
 8683 notice, ~~and~~ as the judge deems ~~may deem~~ reasonable, shall issue

8684 to the sheriff of the county a written order ~~adjudging and~~
 8685 declaring any such seized machine, apparatus, or device
 8686 forfeited, and directing the ~~such~~ sheriff to destroy the same,
 8687 with the exception of any ~~the~~ money seized. The order of the
 8688 court shall state the time, and place, and ~~the~~ manner in which
 8689 the ~~such~~ property shall be destroyed, and the sheriff shall
 8690 destroy the seized property ~~same~~ in the presence of the clerk of
 8691 the circuit court of such county.

8692 Section 148. Effective October 1, 2014, section 849.19,
 8693 Florida Statutes, is transferred, renumbered as subsection (7)
 8694 of section 849.15, Florida Statutes, and amended to read:

8695 849.15 Slot machine or device ~~Manufacture, sale,~~
 8696 ~~possession, etc., of coin-operated devices~~ prohibited.—

8697 ~~849.19 Property rights in confiscated machine.—~~

8698 (7) The right of property in and to any machine,
 8699 apparatus, or device as defined in subsection (4) ~~s. 849.16~~ and
 8700 to all money and other things of value therein, is declared not
 8701 to exist in any person, and such machine, apparatus, or device
 8702 ~~the same shall be forfeited~~ and such money or other things of
 8703 value shall be forfeited to the county in which the seizure was
 8704 made and shall be delivered forthwith to the clerk of the
 8705 circuit court. The clerk and shall place such money or other
 8706 things of value ~~by her or him be placed~~ in the fine and
 8707 forfeiture fund of the ~~said~~ county.

8708 Section 149. Effective October 1, 2014, section 849.20,
 8709 Florida Statutes, is transferred, renumbered as subsection (8)

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8710 of section 849.15, Florida Statutes, and amended to read:

8711 849.15 Slot machine or device ~~Manufacture, sale,~~
8712 ~~possession, etc., of coin-operated devices~~ prohibited.—

8713 ~~849.20 Machines and devices declared nuisance; place of~~
8714 ~~operation subject to lien for fine.—~~

8715 (8) Any room, house, building, boat, vehicle, structure,
8716 or place in which ~~wherein~~ any machine or device, or any part
8717 thereof, the possession, operation, or use of which is
8718 prohibited by this section is ~~ss. 849.15-849.23, shall be~~
8719 maintained or operated, and each of such machines or devices, is
8720 declared to be a common nuisance. If a person has knowledge, or
8721 reason to believe, that his or her room, house, building, boat,
8722 vehicle, structure, or place is occupied or used in violation of
8723 this section ~~the provisions of ss. 849.15-849.23~~ and by
8724 acquiescence or consent allows ~~suffers~~ the same to be used, such
8725 room, house, building, boat, vehicle, structure, or place shall
8726 be subject to a lien for and may be sold to pay all fines or
8727 costs assessed against the person guilty of such nuisance, for
8728 such violation, and the several state attorneys shall enforce
8729 such lien in the courts of this state having jurisdiction.

8730 Section 150. Effective October 1, 2014, section 849.21,
8731 Florida Statutes, is transferred, renumbered as subsection (9)
8732 of section 849.15, Florida Statutes, and amended to read:

8733 849.15 Slot machine or device ~~Manufacture, sale,~~
8734 ~~possession, etc., of coin-operated devices~~ prohibited.—

8735 ~~849.21 Injunction to restrain violation.—~~

8736 (9) An action to enjoin any nuisance as ~~herein~~ defined in
 8737 this section may be brought by any person in the courts of
 8738 equity in this state. If it is made to appear by affidavit or
 8739 otherwise~~,~~ to the satisfaction of the court~~,~~ or judge in
 8740 vacation~~,~~ that such nuisance exists, a temporary writ of
 8741 injunction shall forthwith issue restraining the defendant from
 8742 conducting or permitting the continuance of such nuisance until
 8743 the conclusion of the action. Upon application of the
 8744 complainant in such a proceeding, the court or judge may also
 8745 enter an order restraining the defendant and all other persons
 8746 from removing~~,~~ or in any way interfering with the machines or
 8747 devices or other things used in connection with the violation of
 8748 this section ~~ss. 849.15-849.23~~ constituting such a nuisance. A
 8749 ~~No~~ bond is not ~~shall be~~ required in instituting such
 8750 proceedings.

8751 Section 151. Effective October 1, 2014, section 849.22,
 8752 Florida Statutes, is transferred, renumbered as subsection (10)
 8753 of section 849.15, Florida Statutes, and amended to read:

8754 849.15 Slot machine or device ~~Manufacture, sale,~~
 8755 ~~possession, etc., of coin-operated devices~~ prohibited.—

8756 ~~849.22 Fees of clerk of circuit court and sheriff.—~~

8757 (10) The clerks of the court ~~courts~~ and the sheriffs
 8758 performing duties under this section ~~the provisions of ss.~~
 8759 ~~849.15-849.23~~ shall receive the same fees as prescribed by
 8760 general law for the performance of similar duties, and such fees
 8761 shall be paid out of the fine and forfeiture fund of the county

8762 as costs are paid upon conviction of an insolvent person.

8763 Section 152. Effective October 1, 2014, section 849.23,
8764 Florida Statutes, is transferred, renumbered as subsection (11)
8765 of section 849.15, Florida Statutes, and amended to read:

8766 849.15 Slot machine or device Manufacture, sale,
8767 ~~possession, etc., of coin-operated devices prohibited.-~~

8768 ~~849.23 Penalty for violations of ss. 849.15-849.22.-~~

8769 (11) A person who violates this section commits ~~Whoever~~
8770 ~~shall violate any of the provisions of ss. 849.15-849.22 shall,~~
8771 ~~upon conviction thereof, be guilty of~~ a misdemeanor of the
8772 second degree, punishable as provided in s. 775.082 or s.
8773 775.083. A person who commits a second violation of this section
8774 commits ~~Any person convicted of violating any provision of ss.~~
8775 ~~849.15-849.22, a second time shall, upon conviction thereof, be~~
8776 ~~guilty of~~ a misdemeanor of the first degree, punishable as
8777 provided in s. 775.082 or s. 775.083. A person who commits a
8778 third violation of this section is ~~Any person violating any~~
8779 ~~provision of ss. 849.15-849.22 after having been twice convicted~~
8780 ~~already shall be deemed a "common offender," and~~ commits shall
8781 ~~be guilty of~~ a felony of the third degree, punishable as
8782 provided in s. 775.082, s. 775.083, or s. 775.084.

8783 Section 153. Effective October 1, 2014, section 849.231,
8784 Florida Statutes, is amended to read:

8785 849.231 Gambling devices; manufacture, sale, purchase or
8786 possession unlawful; penalties.-

8787 (1) (a) ~~Except in instances when the following described~~

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8788 ~~implements or apparatus are being held or transported by~~
8789 ~~authorized persons for the purpose of destruction, as~~
8790 ~~hereinafter provided, and except in instances when the following~~
8791 ~~described instruments or apparatus are being held, sold,~~
8792 ~~transported, or manufactured by persons who have registered with~~
8793 ~~the United States Government pursuant to the provisions of Title~~
8794 ~~15 of the United States Code, ss. 1171 et seq., as amended, so~~
8795 ~~long as the described implements or apparatus are not displayed~~
8796 ~~to the general public, sold for use in Florida, or held or~~
8797 ~~manufactured in contravention of the requirements of 15 U.S.C.~~
8798 ~~ss. 1171 et seq., It is shall be unlawful for any person to~~
8799 ~~manufacture, sell, transport, offer for sale, purchase, own, or~~
8800 ~~have in his or her possession any roulette wheel or table, faro~~
8801 ~~layout, crap table or layout, chemin de fer table or layout,~~
8802 ~~chuck-a-luck wheel, bird cage such as used for gambling, bolita~~
8803 ~~balls, chips with house markings, or any other device,~~
8804 ~~implement, apparatus, or paraphernalia ordinarily or commonly~~
8805 ~~used or designed to be used in the operation of gambling houses~~
8806 ~~or establishments, excepting ordinary dice and playing cards.~~

8807 (b)(2) In addition to any other penalties provided for a
8808 ~~the~~ violation of this section, any occupational license held by
8809 a person found guilty of violating this section shall be
8810 suspended for a period not to exceed 5 years.

8811 (c)1. This section does not apply to implements or
8812 apparatus being held or transported by authorized persons for
8813 the purpose of destruction, as provided in this section, or when

8814 the implements or apparatus are being held, sold, transported,
 8815 or manufactured by persons who have registered with the Federal
 8816 Government pursuant to 15 U.S.C. ss. 1171 et seq., as amended,
 8817 so long as the described implements or apparatus are not
 8818 displayed to the general public, sold for use in this state, or
 8819 held or manufactured in contravention of the requirements of 15
 8820 U.S.C. ss. 1171 et seq.

8821 2.(3) This section and s. 849.05 do not apply to a vessel
 8822 of foreign registry or a vessel operated under the authority of
 8823 a country except the United States, while docked in this state
 8824 or transiting in the territorial waters of this state.

8825 Section 154. Effective October 1, 2014, section 849.232,
 8826 Florida Statutes, is transferred, renumbered as subsection (2)
 8827 of section 849.231, Florida Statutes, and amended to read:

8828 849.231 Gambling devices; manufacture, sale, purchase or
 8829 possession unlawful; penalties.—

8830 ~~849.232 Property right in gambling devices; confiscation.—~~

8831 (2) There is ~~shall be~~ no right of property in any of the
 8832 implements or devices enumerated or included in subsection (1).
 8833 ~~s. 849.231 and~~ Upon the seizure of any such implement, device,
 8834 apparatus, or paraphernalia by an authorized enforcement
 8835 officer, the same shall be delivered to and held by the clerk of
 8836 the court having jurisdiction of such offenses and may ~~shall~~ not
 8837 be released by the ~~such~~ clerk until he or she is ~~shall be~~
 8838 advised by the prosecuting officer of the ~~such~~ court that the
 8839 said implement is no longer required as evidence. ~~and thereupon~~

8840 The ~~said~~ clerk shall then deliver the ~~said~~ implement to the
 8841 sheriff of the county, who shall immediately cause the
 8842 destruction of such implement in the presence of the ~~said~~ clerk
 8843 or his or her authorized deputy.

8844 Section 155. Effective October 1, 2014, section 849.233,
 8845 Florida Statutes, is transferred, renumbered as subsection (3)
 8846 of section 849.231, Florida Statutes, and amended to read:

8847 849.231 Gambling devices; manufacture, sale, purchase or
 8848 possession unlawful; penalties.-

8849 ~~849.233 Penalty for violation of s. 849.231.~~

8850 (3) Any person, including any enforcement officer, clerk,
 8851 or prosecuting official, who violates this section commits ~~shall~~
 8852 ~~violate the provisions of s. 849.231~~ shall be guilty of a
 8853 misdemeanor of the first degree, punishable as provided in s.
 8854 775.082 or s. 775.083.

8855 Section 156. Effective October 1, 2014, section 849.235,
 8856 Florida Statutes, is transferred, renumbered as subsection (3)
 8857 of section 849.15, Florida Statutes, and amended to read:

8858 849.231 Gambling devices; manufacture, sale, purchase or
 8859 possession unlawful; penalties.-

8860 ~~849.235 Possession of certain gambling devices; defense.~~

8861 (3) (a) ~~(1)~~ It is a defense to any action or prosecution
 8862 under this section ~~ss. 849.15-849.233~~ for the possession of any
 8863 gambling device specified in this section ~~therein~~ that the
 8864 device is an antique slot machine and that it is not being used
 8865 for gambling. For the purpose of this section, an antique slot

8866 machine is one that ~~which~~ was manufactured at least 20 years
 8867 before ~~prior to~~ such action or prosecution.

8868 (b) (2) Notwithstanding any other provision of law ~~this~~
 8869 ~~chapter~~ to the contrary, upon a successful defense to a
 8870 prosecution for the possession of a gambling device pursuant to
 8871 ~~the provisions of~~ this section, the antique slot machine shall
 8872 be returned to the person from whom it was seized.

8873 Section 157. Effective October 1, 2014, section 849.25,
 8874 Florida Statutes, is amended to read:

8875 849.25 "Bookmaking" defined; penalties; exceptions.—

8876 (1) (a) The term "bookmaking" means the act of taking or
 8877 receiving, while engaged in the business or profession of
 8878 gambling, any bet or wager upon the result of any trial or
 8879 contest of skill, speed, power, or endurance of human, beast,
 8880 fowl, motor vehicle, or mechanical apparatus or upon the result
 8881 of any chance, casualty, unknown, or contingent event
 8882 whatsoever.

8883 (b) The following factors shall be considered in
 8884 determining whether ~~making a determination that~~ a person has
 8885 engaged in the offense of bookmaking:

8886 1. Taking advantage of betting odds created to produce a
 8887 profit for the bookmaker or charging a percentage on accepted
 8888 wagers.

8889 2. Placing all or part of accepted wagers with other
 8890 bookmakers to reduce the chance of financial loss.

8891 3. Taking or receiving more than five wagers in any single

8892 day.

8893 4. Taking or receiving wagers totaling more than \$500 in
8894 any single day~~7~~ or more than \$1,500 in any single week.

8895 5. Engaging in a common scheme with two or more persons to
8896 take or receive wagers.

8897 6. Taking or receiving wagers on both sides on a contest
8898 at the identical point spread.

8899 7. Any other factor relevant to establishing that the
8900 operating procedures of such person are commercial in nature.

8901 (c) The existence of any two factors listed in paragraph
8902 (b) may constitute prima facie evidence of a commercial
8903 bookmaking operation.

8904 (2) A ~~Any~~ person who engages in bookmaking commits ~~shall~~
8905 ~~be guilty of~~ a felony of the third degree, punishable as
8906 provided in s. 775.082, s. 775.083, or s. 775.084.

8907 Notwithstanding ~~the provisions of~~ s. 948.01, a ~~any~~ person
8908 convicted under ~~the provisions of~~ this subsection may ~~shall~~ not
8909 have adjudication of guilt suspended, deferred, or withheld.

8910 (3) A ~~Any~~ person who commits a second violation ~~has been~~
8911 ~~convicted of bookmaking and thereafter violates the provisions~~
8912 of this section commits ~~shall be guilty of~~ a felony of the
8913 second degree, punishable as provided in s. 775.082, s. 775.083,
8914 or s. 775.084. Notwithstanding ~~the provisions of~~ s. 948.01, a
8915 ~~any~~ person convicted under ~~the provisions of~~ this subsection may
8916 ~~shall~~ not have adjudication of guilt suspended, deferred, or
8917 withheld.

8918 (4) Notwithstanding the provisions of s. 777.04, a any
 8919 person who commits ~~is guilty of~~ conspiracy to commit bookmaking
 8920 is ~~shall be~~ subject to the penalties imposed by subsections (2)
 8921 and (3).

8922 (5) This section does ~~shall~~ not apply to pari-mutuel
 8923 wagering ~~in Florida~~ as authorized under chapter 550.

8924 ~~(6) This section shall not apply to any prosecutions filed~~
 8925 ~~and pending at the time of the passage hereof, but all such~~
 8926 ~~eases shall be disposed of under existing laws at the time of~~
 8927 ~~the institution of such prosecutions.~~

8928 Section 158. Effective October 1, 2014, section 849.26,
 8929 Florida Statutes, is amended to read:

8930 849.26 Gambling contracts ~~declared void; exception.~~

8931 (1) All promises, agreements, notes, bills, bonds or other
 8932 contracts, or mortgages or other securities, when the whole or
 8933 part of the consideration is ~~if~~ for money or other valuable
 8934 thing won or lost, laid, staked, betted, or wagered in any
 8935 gambling transaction ~~whatsoever~~, regardless of its name or
 8936 nature, whether ~~heretofore~~ prohibited or not prohibited, or for
 8937 the repayment of money lent or advanced at the time of a
 8938 gambling transaction for the purpose of being laid, betted,
 8939 staked, or wagered, are void and of no effect. ~~;~~ ~~provided, that~~
 8940 This section does ~~act shall~~ not apply to wagering on pari-
 8941 mutuels or any gambling transaction expressly authorized by law.

8942 Section 159. Effective October 1, 2014, section 849.29,
 8943 Florida Statutes, is transferred, renumbered as subsection (2)

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8944 of section 849.26, Florida Statutes, and amended to read:

8945 ~~849.26 Gambling contracts declared void; exception.-~~

8946 ~~849.29 Persons against whom suits may be brought to~~
8947 ~~recover on gambling contracts.-~~

8948 (2) The following persons shall be jointly and severally
8949 liable for the items that ~~which~~ are authorized by this section
8950 ~~act~~ to be sued for and recovered, and any suit brought under the
8951 authorization of this section ~~act~~ may be brought against all or
8952 any of such persons, ~~to wit:~~

8953 (a) The winner of the money or property lost in the
8954 gambling transaction;

8955 (b) Every person who, having direct or indirect charge,
8956 control, or management, either exclusively or with others, of
8957 the place where the gambling transaction occurs, procures,
8958 allows, ~~suffers~~ or permits such place to be used for gambling
8959 purposes;

8960 (c) Whoever promotes, sets up, or conducts the gambling
8961 transaction in which the loss occurs or has an interest in it as
8962 backer, vendor, owner, or otherwise; ~~and,~~

8963 (d) As to anything of value other than money, the
8964 transferees and assignees, with notice, of the persons
8965 ~~hereinabove~~ specified in paragraphs (a)-(c) ~~this section;~~ and

8966 (e) The personal representatives of the persons specified
8967 in paragraphs (a)-(c) ~~this section.~~

8968 Section 160. Effective October 1, 2014, section 849.30,
8969 Florida Statutes, is transferred, renumbered as subsection (3)

8970 of section 849.26, Florida Statutes, and amended to read:

8971 ~~849.26 Gambling contracts declared void; exception.-~~

8972 ~~849.30 Plaintiff entitled to writs of attachment,~~
 8973 ~~garnishment and replevin.-~~

8974 (3) In any suit under this section ~~ss. 849.26-849.34~~, the
 8975 plaintiff shall be entitled to writs of attachment and
 8976 garnishment for the sums of money, exclusive of attorney
 8977 ~~attorney's~~ fees, sued for the use and benefit of persons other
 8978 than the state, in the same manner and to the same extent as in
 8979 an action on contract. ~~;~~ and, In any suit under this section
 8980 ~~chapter~~ for the recovery of a thing of value other than money,
 8981 the plaintiff shall be entitled to a writ of replevin for the
 8982 recovery of such thing of value, in the manner and to the extent
 8983 provided by the replevin statutes of the state.

8984 Section 161. Effective October 1, 2014, section 849.31,
 8985 Florida Statutes, is transferred, renumbered as subsection (4)
 8986 of section 849.26, Florida Statutes, and amended to read:

8987 ~~849.26 Gambling contracts declared void; exception.-~~

8988 ~~849.31 Loser's testimony not to be used against her or~~
 8989 ~~him.-~~

8990 (4) ~~If a~~ In the event that suit is brought under this
 8991 section ~~the authorization of ss. 849.26-849.34~~ by someone other
 8992 than the loser of the money or thing of value involved in the
 8993 suit, such loser shall not be excused from being required to
 8994 attend and testify or produce any book, paper, or other document
 8995 or evidence in such suit, ~~upon the ground or for the reason that~~

8996 the testimony or evidence required of the loser may tend to
 8997 convict her or him of a crime or to subject her or him to a
 8998 penalty or forfeiture, but the loser shall not be prosecuted or
 8999 subjected to any penalty or forfeiture for or on account of any
 9000 transaction, matter, or thing concerning which she or he may so
 9001 be required to testify or produce evidence, and no testimony so
 9002 given or produced shall be received against the loser upon any
 9003 criminal investigation or prosecution. If the loser of money or
 9004 thing of value involved in a suit brought under this section
 9005 ~~authorization of ss. 849.26-849.34,~~ whether by her or him or by
 9006 someone else, voluntarily attends or produces evidence in such
 9007 suit, the loser shall not be prosecuted or subjected to any
 9008 penalty for or on account of any transaction, matter, or thing
 9009 concerning which she or he may so testify or produce evidence,
 9010 and no testimony so given or produced shall be received against
 9011 her or him upon any criminal investigation or prosecution. Also,
 9012 neither the fact of the bringing of suit under this section ~~act~~
 9013 by a loser nor any statement or admission in her or his
 9014 pleadings which is material and relevant to the subject matter
 9015 of the suit shall be received against the loser upon any
 9016 criminal investigation or proceeding.

9017 Section 162. Effective October 1, 2014, section 849.32,
 9018 Florida Statutes, is transferred, renumbered as subsection (5)
 9019 of section 849.26, Florida Statutes, and amended to read:

9020 849.26 Gambling contracts ~~declared void; exception.-~~

9021 ~~849.32 Notice to state attorney; prosecution of suit.-~~

9022 (5) The summons in any such suit, ~~and~~ copies of all
 9023 pleadings and notices of all hearings in the suit, and notice of
 9024 the trial and of application for the entry of final judgment,
 9025 shall be served on the state attorney, who ~~whose duty it shall~~
 9026 ~~be to~~ protect the interests of the state and, if the plaintiff
 9027 fails to diligently prosecute the suit, ~~to~~ bring such failure to
 9028 the attention of the court. If the plaintiff fails to
 9029 effectively prosecute any such suit without collusion or deceit
 9030 and without unnecessary delay, the court shall direct the state
 9031 attorney to proceed with the action. ~~No~~ Such suit may not ~~shall~~
 9032 be dismissed except upon a sworn statement filed by the
 9033 plaintiff or the state attorney that ~~which~~ satisfies the court
 9034 that the suit should be dismissed.

9035 Section 163. Effective October 1, 2014, section 849.33,
 9036 Florida Statutes, is transferred, renumbered as subsection (6)
 9037 of section 849.26, Florida Statutes, and amended to read:

9038 849.26 Gambling contracts ~~declared void; exception.~~
 9039 ~~849.33 Judgment and collection of money; execution.~~

9040 (6) Any judgment recovered in such a suit shall adjudge
 9041 separately the amounts recovered for the use of the state, ~~and~~
 9042 the plaintiff shall not have execution therefor, and such
 9043 amounts may ~~shall~~ not be paid to the plaintiff, but shall be
 9044 payable to the state attorney, who shall promptly transmit the
 9045 sums collected by him or her to the Chief Financial Officer. The
 9046 state attorney shall diligently seek the collection of such
 9047 amounts and may cause a separate execution to issue for the

9048 collection thereof.

9049 Section 164. Effective October 1, 2014, section 849.34,
 9050 Florida Statutes, is transferred, renumbered as subsection (7)
 9051 of section 849.26, Florida Statutes, and amended to read:

9052 849.26 Gambling contracts ~~declared void; exception.~~

9053 ~~849.34 Loser's judgment; recovery of property; writ of~~
 9054 ~~assistance.~~

9055 (7) If the plaintiff in any such suit seeks ~~seek~~ to
 9056 recover property lost, and prevails ~~if the plaintiff shall~~
 9057 ~~prevail~~ as to any such property, he or she shall take judgment
 9058 for the property itself and for the value thereof, the judgment
 9059 as to such property to be satisfied by the recovery of the
 9060 property or of the value thereof. The plaintiff may, at his or
 9061 her option, sue out a separate writ of possession for the
 9062 property and a separate execution for any other moneys and costs
 9063 adjudged in his or her favor, or ~~the plaintiff~~ may sue out an
 9064 execution for the value of the property and any other moneys and
 9065 costs adjudged in his or her favor. If the plaintiff elects
 9066 ~~elect~~ to sue out a writ of possession for the property, and ~~if~~
 9067 ~~the officer shall return that he or she~~ is unable to find the
 9068 ~~property, or any of it,~~ the plaintiff may ~~thereupon~~ sue out
 9069 execution for the value of the property not found. In any
 9070 proceeding to ascertain the value of the property, the value of
 9071 each article shall be found so that judgment for such value may
 9072 be entered.

9073 Section 165. Effective October 1, 2014, section 849.35,

9074 Florida Statutes, is amended to read:

9075 849.35 Seizure and forfeiture of property used in the
 9076 violation of lottery and gambling statutes.—

9077 (1) DEFINITIONS.—As used in this section, the term ~~In~~
 9078 construing ss. 849.36–849.46 and each and every word, phrase, or
 9079 part thereof, where the context permits:

9080 ~~(1) The singular includes the plural and vice versa.~~

9081 ~~(2) Gender-specific language includes the other gender and~~
 9082 ~~neuter.~~

9083 (a) (3) The term "Vessel" includes every description of
 9084 watercraft, vessel, or contrivance used, or capable of being
 9085 used, as a means of transportation in or on water, or in or on
 9086 the water and in the air.

9087 (b) (4) The term "Vehicle" includes every description of
 9088 vehicle, carriage, animal, or contrivance used, or capable of
 9089 being used, as a means of transportation on land, in the air, or
 9090 on land and in the air.

9091 (c) (5) The term "Gambling paraphernalia" includes every
 9092 description of apparatus, implement, machine, device, or
 9093 contrivance used in, or in connection with, any violation of the
 9094 lottery, gaming, and gambling statutes, and laws of this state,
 9095 except facilities and equipment furnished by a public utility in
 9096 the regular course of business ~~that, and which~~ remain the
 9097 property of such utility while so furnished.

9098 (d) (6) The term "Lottery ticket" includes ~~shall include~~
 9099 every ticket, token, emblem, card, paper, or other evidence of a

9100 chance, interest, prize, or share in, or in connection with any
 9101 lottery, game of chance, or hazard or other things in violation
 9102 of the lottery and gambling statutes and laws of this state
 9103 (including bolita, cuba, bond, New York bond, butter and eggs,
 9104 night house, and other ~~like and~~ similar operations, but not
 9105 excluding others). The ~~said term shall~~ also includes ~~include~~ so-
 9106 called "rundown sheets," tally sheets, and all other papers,
 9107 records, instruments, and things designed for use, either
 9108 directly or indirectly, ~~in, or in connection with, the~~ violation
 9109 of the statutes and laws of this state prohibiting lotteries and
 9110 gambling in this state.

9111 Section 166. Effective October 1, 2014, section 849.36,
 9112 Florida Statutes, is transferred, renumbered as subsection (2)
 9113 of section 849.35, Florida Statutes, and amended to read:

9114 849.35 Seizure and forfeiture of property used in the
 9115 violation of lottery and gambling statutes.-

9116 (2) ~~849.36~~ SEIZURE AND FORFEITURE OF PROPERTY ~~used in the~~
 9117 ~~violation of lottery and gambling statutes.-~~

9118 (a) ~~(1)~~ Every vessel or vehicle used for, or in connection
 9119 with, the removal, transportation, storage, deposit, or
 9120 concealment of any lottery tickets, or used in connection with
 9121 any lottery or game in violation of the statutes and laws of
 9122 this state is, ~~shall be~~ subject to seizure and forfeiture, as
 9123 provided by the Florida Contraband Forfeiture Act.

9124 (b) ~~(2)~~ All gambling paraphernalia and lottery tickets ~~as~~
 9125 ~~herein defined~~ used in connection with a lottery, gambling,

9126 unlawful game of chance, or hazard, in violation of the statutes
 9127 and laws of this state, found by an officer in searching a
 9128 vessel or vehicle used in the violation of the gambling laws
 9129 shall be safely kept so long as it is necessary for the purpose
 9130 of being used as evidence in any case, and, as soon as may be
 9131 practicable afterwards, shall be destroyed by order of the court
 9132 before whom the case is brought or certified to any other court
 9133 having jurisdiction, either state or federal.

9134 (c)(3) The presence of any lottery ticket in any vessel or
 9135 vehicle owned or being operated by any person charged with a
 9136 violation of the gambling laws of the state, shall be prima
 9137 facie evidence that such vessel or vehicle was or is being used
 9138 in connection with a violation of the lottery and gambling
 9139 statutes and laws of this state and as a means of removing,
 9140 transporting, depositing, or concealing lottery tickets and
 9141 shall be sufficient evidence for the seizure of such vessel or
 9142 vehicle.

9143 (d)(4) The presence of lottery tickets in any room or
 9144 place, including vessels and vehicles, shall be prima facie
 9145 evidence that such room, place, vessel, or vehicle, and all
 9146 gambling paraphernalia apparatus, implements, machines,
 9147 ~~contrivances, or devices therein are, (herein referred to as~~
 9148 ~~"gambling paraphernalia")~~ capable of being used in connection
 9149 with a violation of the lottery and gambling statutes and laws
 9150 of this state and shall be sufficient evidence for the seizure
 9151 of such gambling paraphernalia.

9152 (e)(5) ~~A~~ ~~It shall be the duty of every~~ peace officer in
 9153 this state who finds ~~finding~~ any vessel, vehicle, or gambling
 9154 paraphernalia being used in violation of the statutes and laws
 9155 of this state shall ~~as aforesaid to~~ seize and take possession of
 9156 such property for disposition as ~~hereinafter~~ provided in this
 9157 section. ~~It shall also be the duty of every peace officer~~
 9158 ~~finding any such property being so used, in connection with any~~
 9159 ~~lawful search made by her or him, to seize and take possession~~
 9160 ~~of the same for disposition as hereinafter provided.~~

9161 Section 167. Effective October 1, 2014, section 849.37,
 9162 Florida Statutes, is transferred, renumbered as subsection (3)
 9163 of section 849.35, Florida Statutes, and amended to read:

9164 849.35 Seizure and forfeiture of property used in the
 9165 violation of lottery and gambling statutes.-

9166 (3) ~~849.37~~ DISPOSITION AND APPRAISAL OF PROPERTY ~~seized~~
 9167 ~~under this chapter.-~~

9168 (a)(1) ~~A~~ ~~Every~~ peace officer, other than the sheriff, who
 9169 seizes ~~seizing~~ property pursuant to this section ~~the provisions~~
 9170 ~~of ss. 849.36-849.46~~ shall forthwith make return of the seizure
 9171 thereof and deliver the ~~said~~ property to the sheriff of the
 9172 county in which ~~wherein~~ the property ~~same~~ was seized. The ~~said~~
 9173 return to the sheriff shall describe the property seized, and
 9174 give in detail the facts and circumstances under which the
 9175 property ~~same~~ was seized, and state in full the reason ~~why~~ the
 9176 seizing officer knew₇ or was led to believe₇ that the ~~said~~
 9177 property was ~~being~~ used for or in connection with a violation of

9178 the statutes and laws of this state prohibiting lotteries and
 9179 gambling in this state. The ~~said~~ return shall contain the names
 9180 of all persons, firms, and corporations known to the seizing
 9181 officer to be interested in the seized property.

9182 (b)-(2) When property is seized by the sheriff pursuant to
 9183 this chapter, or when property seized by another is delivered to
 9184 the sheriff as provided in paragraph (a) aforesaid, the sheriff
 9185 shall forthwith fix the approximate value thereof and make
 9186 return thereof to the clerk of the circuit court as ~~hereinafter~~
 9187 provided in this section.

9188 (c)-(3) The return of the sheriff provided in paragraph (b)
 9189 ~~aforesaid~~ shall describe ~~contain a schedule of~~ the property
 9190 seized, ~~describing the same in reasonable detail and give in~~
 9191 detail the facts and circumstances under which the property ~~it~~
 9192 was seized, and state in full the reason ~~why~~ the seizing officer
 9193 knew or was led to believe that the property was being used for
 9194 or in connection with a violation of the statutes and laws of
 9195 this state prohibiting lotteries or gambling in this state. The
 9196 return shall contain; ~~and a statement of~~ the names of all
 9197 persons, firms, and corporations known to the sheriff to be
 9198 interested in the seized property. ~~;~~ and In cases in which ~~where~~
 9199 the ~~said~~ property was seized by another, the sheriff shall
 9200 attach to his or her ~~said~~ return, as an exhibit thereto, the
 9201 return of the seizing officer to the sheriff ~~him or her~~.

9202 (d)-(4) The sheriff shall hold the ~~said~~ property seized
 9203 pending its disposal by the court as ~~hereinafter~~ provided in

9204 this section.

9205 Section 168. Effective October 1, 2014, section 849.38,
 9206 Florida Statutes, is transferred, renumbered as subsection (4)
 9207 of section 849.35, Florida Statutes, and amended to read:

9208 849.35 Seizure and forfeiture of property used in the
 9209 violation of lottery and gambling statutes.-

9210 (4) ~~849.38~~ PROCEEDINGS FOR FORFEITURE; NOTICE OF SEIZURE
 9211 AND ORDER TO SHOW CAUSE.-

9212 (a)~~(1)~~ The return of the sheriff ~~aforsaid~~ to the clerk of
 9213 the circuit court shall be taken and considered as the state's
 9214 petition or libel in rem for the forfeiture of the property
 9215 therein described, of which the circuit court of the county
 9216 shall have jurisdiction without regard to value. The ~~said~~ return
 9217 shall be sufficient as the state's ~~said~~ petition or libel
 9218 notwithstanding the fact that it may contain no formal prayer or
 9219 demand for forfeiture, it being the intention of the Legislature
 9220 that forfeiture may be decreed without a formal prayer or demand
 9221 therefor. The ~~said~~ return shall be subject to amendment at any
 9222 time before final hearing, provided that copies thereof shall be
 9223 served upon all persons, firms, or corporations that ~~who~~ may
 9224 have filed a claim before ~~prior to~~ such amendment.

9225 (b)~~(2)~~ Upon the filing of the ~~said~~ return, the clerk of
 9226 the circuit court shall issue a citation, directed to all
 9227 persons, firms, and corporations owning, having, or claiming an
 9228 interest in or a lien upon the seized property, giving notice of
 9229 the seizure and directing ~~that~~ all persons, firms, or

9230 corporations owning, having, or claiming an interest therein or
 9231 lien thereon, to file their claim to, on, or in the said
 9232 property within the time fixed in the said citation, as to
 9233 persons, firms, and corporations not personally served, and
 9234 within 20 days from personal service of the said citation, when
 9235 personal service is had. Personal service shall be made on all
 9236 parties, in Florida, having liens noted upon a certificate of
 9237 title as shown by the records in the office of the Department of
 9238 Highway Safety and Motor Vehicles.

9239 (c)(3) The ~~said~~ citation must ~~may~~ be ~~in, or~~ substantially
 9240 in, the following form:

9241 IN THE CIRCUIT COURT OF THE JUDICIAL CIRCUIT, IN AND FOR
 9242 COUNTY, FLORIDA.

9243 IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY:

9244 (Here describe property)

9245 THE STATE OF FLORIDA TO:

9246 ALL PERSONS, FIRMS, AND CORPORATIONS OWNING, HAVING, OR
 9247 CLAIMING AN INTEREST IN OR LIEN ON THE ABOVE DESCRIBED PROPERTY.

9248 YOU ~~AND EACH OF YOU~~ ARE hereby notified that the above
 9249 described property has been seized, under and by virtue of
 9250 chapter, Laws of Florida, and is now in the possession of
 9251 the sheriff of this county, and you, ~~and each of you,~~ are hereby
 9252 further notified that a petition, under said chapter, has been
 9253 filed in the Circuit Court of the Judicial Circuit, in and
 9254 for County, Florida, seeking the forfeiture of the ~~said~~
 9255 property, and you are hereby directed and required to file your

9256 claim, if any ~~you have~~, and show cause, on or before ,
 9257 . . . (year) . . . , if not personally served with process herein, and
 9258 within 20 days from personal service if personally served with
 9259 process herein, why the ~~said~~ property should not be forfeited
 9260 pursuant to ~~said~~ chapter , Laws of Florida, 1955. Should you
 9261 fail to file claim as herein directed, judgment will be entered
 9262 herein against you in due course. Persons not personally served
 9263 with process may obtain a copy of the petition for forfeiture
 9264 filed herein from the undersigned clerk of court.

9265 WITNESS my hand and the seal of the above mentioned court,
 9266 at Florida, this , . . . (year)

9267 (COURT SEAL)

9268 . . . (Clerk of the above-mentioned Court.) . . .

9269 By . . . (Deputy Clerk) . . .

9270 (d)-(4) Such citation shall be returnable, as to persons
 9271 served constructively, as therein directed, not less than 21 or
 9272 ~~nor~~ more than 30 days, ~~7~~ from the posting or publication thereof,
 9273 and as to personally served with process, within 20 days from
 9274 service thereof. A copy of the petition shall be served with the
 9275 process when personally served. Personal service of process may
 9276 be made in the same manner as a summons in chancery.

9277 (e)-(5) If the value of the property seized is shown by the
 9278 sheriff's return to have an appraised value of \$1,000 or less,
 9279 the above citation shall be served by posting at three public
 9280 places in the county, one of which shall be the front door of
 9281 the courthouse. ~~7~~ If the value of the property is shown by the

9282 sheriff's return to have an approximate value of more than
 9283 \$1,000, the citation shall be published at least once each week
 9284 for 2 consecutive weeks in a some newspaper of general
 9285 circulation ~~publication~~ published in the county, if any exists,
 9286 ~~there be such a newspaper published in the county~~ and if not,
 9287 ~~then said~~ notice of such publication shall be made by
 9288 certificate of the clerk if publication is made by posting, and
 9289 by affidavit as provided in chapter 50~~7~~ if made by publication
 9290 in a newspaper, which affidavit or certificate shall be filed
 9291 and become a part of the record in the cause. Failure of the
 9292 record to show proof of such publication does ~~shall~~ not affect
 9293 any judgment made in the cause unless it ~~shall~~ affirmatively
 9294 appears ~~appear~~ that no such publication was made.

9295 Section 169. Effective October 1, 2014, section 849.39,
 9296 Florida Statutes, is transferred, renumbered as subsection (5)
 9297 of section 849.35, Florida Statutes, and amended to read:

9298 849.35 Seizure and forfeiture of property used in the
 9299 violation of lottery and gambling statutes.-

9300 (5) 849.39 DELIVERY OF PROPERTY TO CLAIMANT.—Any person,
 9301 firm, or corporation filing a claim in the cause, which claim
 9302 shall state fully her or his right, title, claim, or interest~~7~~,
 9303 in and to the seized property, may, at any time after the ~~said~~
 9304 claim is filed with the clerk of the court, obtain possession of
 9305 the seized property by filing a petition therefor with the
 9306 sheriff and posting with her or him, to be approved by her or
 9307 him, a surety bond, payable to the Governor ~~of the state~~ in

9308 twice the amount of the value of the ~~said~~ property as fixed in
 9309 the sheriff's return to the clerk of the circuit court, with a
 9310 corporate surety duly authorized to transact business in this
 9311 state as surety, conditioned upon her or his paying to the
 9312 sheriff the value of the property together with costs of the
 9313 proceeding, if judgment of forfeiture is ~~be~~ entered by the
 9314 court. Upon the posting of such bond with the sheriff and the
 9315 release of the property to the applicant, the cause shall
 9316 proceed to final judgment ~~in the same manner as if it would have~~
 9317 ~~had~~ no such bond been filed, except that any execution to be
 9318 issued in the cause pursuant to judgment may run against and be
 9319 enforced against the person posting the ~~said~~ bond and the
 9320 person's surety.

9321 Section 170. Effective October 1, 2014, section 849.40,
 9322 Florida Statutes, is transferred, renumbered as subsection (6)
 9323 of section 849.35, Florida Statutes, and amended to read:

9324 849.35 Seizure and forfeiture of property used in the
 9325 violation of lottery and gambling statutes.-

9326 (6) 849.40 PROCEEDING WHEN NO CLAIM FILED.-When no claim is
 9327 filed in the cause within the time required, the clerk shall
 9328 enter a default against all persons, firms, and corporations
 9329 owning, claiming, or having an interest in and to the property
 9330 seized. ~~and~~ The cause may then proceed in the same manner as a
 9331 common-law cause after default, and final judgment shall be
 9332 entered therein ex parte, except as may be ~~herein~~ otherwise
 9333 provided in this section.

9334 Section 171. Effective October 1, 2014, section 849.41,
 9335 Florida Statutes, is transferred, renumbered as subsection (7)
 9336 of section 849.35, Florida Statutes, and amended to read:

9337 849.35 Seizure and forfeiture of property used in the
 9338 violation of lottery and gambling statutes.—

9339 (7) ~~849.41~~ PROCEEDING WHEN CLAIM FILED.—When one or more
 9340 claims are filed in the cause, the cause shall be tried upon the
 9341 issues made thereby with the petition for forfeiture with any
 9342 affirmative defenses being deemed denied without further
 9343 pleading. Judgment by default shall be entered against all other
 9344 persons, firms, and corporations owning, claiming, or having an
 9345 interest in and to the property seized, after which the cause
 9346 shall proceed as in other common-law cases, + except that any
 9347 claimant shall prove to the satisfaction of the court that he or
 9348 she did not know or have any reason to believe, at the time his
 9349 or her right, title, interest, or lien arose, that the property
 9350 was being used for or in connection with the violation of any of
 9351 the statutes or laws of this state prohibiting lotteries and
 9352 gambling and, further, that at such ~~said~~ time there was no
 9353 reasonable reason to believe that the ~~said~~ property might be
 9354 used for such purpose. Where the owner of the property has been
 9355 convicted of a violation of the statutes and laws of this state
 9356 prohibiting lotteries or gambling, such conviction shall be
 9357 prima facie evidence that each claimant had reason to believe
 9358 that the property might be used for or in connection with a
 9359 violation of such statutes and laws, and it shall be incumbent

9360 upon such claimant to satisfy the court that he or she was
 9361 without knowledge of such conviction. Trial of all such causes
 9362 shall be without a jury, except in such cases for which ~~as~~ a
 9363 trial by jury is ~~may be~~ guaranteed by the State Constitution,
 9364 and in such cases, trial by jury shall be deemed waived unless
 9365 demanded in the claim filed.

9366 Section 172. Effective October 1, 2014, section 849.42,
 9367 Florida Statutes, is transferred, renumbered as subsection (8)
 9368 of section 849.35, Florida Statutes, and amended to read:

9369 849.35 Seizure and forfeiture of property used in the
 9370 violation of lottery and gambling statutes.-

9371 (8) ~~849.42~~ STATE ATTORNEY TO REPRESENT STATE.—Upon the
 9372 filing of the sheriff's return with the clerk of the circuit
 9373 court, the said clerk shall furnish the state attorney with a
 9374 copy thereof, and the said state attorney shall represent the
 9375 state in the forfeiture proceedings. The Department of Legal
 9376 Affairs shall represent the state in all appeals from judgments
 9377 of forfeiture to the appropriate district court of appeal or
 9378 direct to the Supreme Court when authorized by s. 3, Art. V of
 9379 the State Constitution. The state may appeal any judgment
 9380 denying forfeiture in whole or in part or that may be otherwise
 9381 adverse to the state.

9382 Section 173. Effective October 1, 2014, section 849.43,
 9383 Florida Statutes, is transferred, renumbered as subsection (9)
 9384 of section 849.35, Florida Statutes, and amended to read:

9385 849.35 Seizure and forfeiture of property used in the

9386 violation of lottery and gambling statutes.-
 9387 (9) ~~849.43~~ JUDGMENT OF FORFEITURE.—On final hearing, the
 9388 return of the sheriff to the clerk of the circuit court shall be
 9389 taken as prima facie evidence that the property seized was or
 9390 had been used in~~7~~ or in connection with~~7~~ the violation of the
 9391 statutes and laws of this state prohibiting lotteries and
 9392 gambling in this state and shall be sufficient predicate for a
 9393 judgment of forfeiture in the absence of other proofs and
 9394 evidence. The burden shall be upon the claimants to show that
 9395 the property was not so used or, if so used, that they had no
 9396 knowledge of such violation and no reason to believe that the
 9397 seized property was or would be used for the violation of such
 9398 statutes and laws. Where such property is encumbered by a lien
 9399 or retained title agreement under circumstances wherein the
 9400 lienholder had no knowledge that the property was or would be
 9401 used in violating such statutes and laws, and no reasonable
 9402 reason to believe that it might be so used, ~~then~~ the court may
 9403 declare a forfeiture of all other rights, titles, and interests,
 9404 subject, however, to the lien of such innocent lienholder, or
 9405 may direct the payment of such lien from the proceeds of any
 9406 sale of the ~~said~~ property. The proceedings and the judgment of
 9407 forfeiture shall be in rem and shall be primarily against the
 9408 property itself. Upon the entry of a judgment of forfeiture, the
 9409 court shall determine the disposition to be made of the
 9410 property, which may include the destruction thereof, the sale
 9411 thereof, the allocation thereof to some governmental function or

9412 use, or otherwise as the court may determine. Sales of such
 9413 property shall be at public sale to the highest and best bidder
 9414 therefor for cash after 2 weeks' public notice as the court may
 9415 direct. Where the property has been delivered to a claimant upon
 9416 the posting of a bond, the court shall determine the value of
 9417 the property or portion thereof subject to forfeiture and shall
 9418 enter judgment against the principal and surety of the bond in
 9419 such amount for which execution shall issue in the usual manner.
 9420 Upon the application of any claimant, the court may fix the
 9421 value of the forfeitable interest or interests in the seized
 9422 property and permit such claimant to redeem the ~~said~~ property
 9423 upon the payment of a sum equal to such ~~said~~ value, which sum
 9424 shall be disposed of as would the proceeds of a sale of the ~~said~~
 9425 property under a judgment of forfeiture.

9426 Section 174. Effective October 1, 2014, section 849.44,
 9427 Florida Statutes, is transferred, renumbered as subsection (10)
 9428 of section 849.35, Florida Statutes, and amended to read:

9429 849.35 Seizure and forfeiture of property used in the
 9430 violation of lottery and gambling statutes.-

9431 (10) 849.44 DISPOSITION OF PROCEEDS OF FORFEITURE.-All
 9432 sums received from a sale or other disposition of the seized
 9433 property shall be paid into the county fine and forfeiture fund,
 9434 ~~and shall become a part thereof; provided, However, that in~~
 9435 instances where the seizure is by a municipal police officer
 9436 within the limits of any municipality having an ordinance
 9437 requiring such vehicles, vessels, or conveyances to be

9438 forfeited, the city attorney shall act in behalf of the city in
 9439 lieu of the state attorney and shall proceed to forfeit the
 9440 property as ~~herein~~ provided in this section, and all sums
 9441 received therefrom shall go into the general operating fund of
 9442 the city.

9443 Section 175. Effective October 1, 2014, section 849.45,
 9444 Florida Statutes, is transferred, renumbered as subsection (11)
 9445 of section 849.35, Florida Statutes, and amended to read:

9446 849.35 Seizure and forfeiture of property used in the
 9447 violation of lottery and gambling statutes.-

9448 (11) 849.45 FEES FOR SERVICES.-Fees for services required
 9449 under this section hereunder shall be the same as provided for
 9450 sheriffs and clerks for ~~like and~~ similar services in other cases
 9451 and matters.

9452 Section 176. Effective October 1, 2014, section 849.46,
 9453 Florida Statutes, is transferred, renumbered as subsection (12)
 9454 of section 849.35, Florida Statutes, and amended to read:

9455 849.35 Seizure and forfeiture of property used in the
 9456 violation of lottery and gambling statutes.-

9457 (12) 849.46 EXERCISE OF POLICE POWER.-~~It is deemed by~~ The
 9458 Legislature finds that this chapter is necessary for the more
 9459 efficient and proper enforcement of the statutes and laws of
 9460 this state prohibiting lotteries and gambling, and a lawful
 9461 exercise of the police power of the state for the protection of
 9462 the public welfare, health, safety, and morals of the people of
 9463 the state. ~~All the provisions of~~ This chapter shall be liberally

9464 construed for the accomplishment of these purposes.

9465 Section 177. Effective October 1, 2014, section 849.47,
9466 Florida Statutes, is created to read:

9467 849.47 Enforcement of chapter.-

9468 (1) The Department of Gaming Control and the Gaming
9469 Control Commission are authorized to take all appropriate action
9470 to enforce this chapter and to cooperate with all agencies
9471 charged with the enforcement of the laws of the United States,
9472 this state, and all other states relating to prohibited
9473 gambling.

9474 (2) The Department of Gaming Control and the Gaming
9475 Control Commission, and law enforcement officers whose duty it
9476 is to enforce this chapter, may administer oaths in connection
9477 with their official duties, and any person making a material
9478 false statement under oath before them shall be deemed guilty of
9479 perjury and subject to the same punishment as prescribed for
9480 perjury.

9481 Section 178. Notwithstanding any other provision of law,
9482 the Division of Pari-mutuel Wagering may not approve or issue
9483 any new permit authorizing pari-mutuel wagering or new license
9484 authorizing slot machines.

9485 Section 179. The Gaming Control Commission is directed to
9486 conduct a study of greyhound racing in the state, including the
9487 current tax and purse structures and safety. The study should
9488 consider practices in competing markets within and outside the
9489 state and recommend changes to simplify the tax and purse

9490 structures, ensure licensure fees are sufficient to cover the
 9491 cost of regulation and promote safety. The Commission shall
 9492 submit the findings and recommendations of the study to the
 9493 President of the Senate, the Speaker of the House of
 9494 Representatives, and the Executive Office of the Governor by
 9495 December 1, 2015.

9496 Section 180. The Gaming Control Commission is directed to
 9497 conduct a study of the usage of medication in horseracing. The
 9498 study shall include an assessment of the current drug testing
 9499 program, the types of medications used in horseracing, the types
 9500 of drug tests commonly used in the horseracing industry and the
 9501 sensitivity and costs of these tests. The study should consider
 9502 practices in competing markets within and outside the state and
 9503 recommend changes to enhance the state's drug testing program.
 9504 The Commission shall submit the findings and recommendations of
 9505 the study to the President of the Senate, the Speaker of the
 9506 House of Representatives, and the Executive Office of the
 9507 Governor by December 1, 2015.

9508 Section 181. Effective October 1, 2014, paragraph (u) of
 9509 subsection (3) of section 11.45, Florida Statutes, is amended to
 9510 read:

9511 11.45 Definitions; duties; authorities; reports; rules.—

9512 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
 9513 Auditor General may, pursuant to his or her own authority, or at
 9514 the direction of the Legislative Auditing Committee, conduct
 9515 audits or other engagements as determined appropriate by the

9516 Auditor General of:

9517 (u) The books and records of any permitholder that
9518 conducts race meetings or jai alai exhibitions under part II of
9519 chapter 551 ~~550~~.

9520 Section 182. Effective October 1, 2014, paragraph (a) of
9521 subsection (1) and paragraph (b) of subsection (2) of section
9522 72.011, Florida Statutes, are amended to read:

9523 72.011 Jurisdiction of circuit courts in specific tax
9524 matters; administrative hearings and appeals; time for
9525 commencing action; parties; deposits.—

9526 (1)(a) A taxpayer may contest the legality of any
9527 assessment or denial of refund of tax, fee, surcharge, permit,
9528 interest, or penalty provided for under s. 125.0104, s.
9529 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,
9530 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,
9531 chapter 212, chapter 213, chapter 220, s. 379.362(3), chapter
9532 376, s. 403.717, s. 403.718, s. 403.7185, s. 538.09, s. 538.25,
9533 part II of chapter 551 ~~550~~, chapter 561, chapter 562, chapter
9534 563, chapter 564, chapter 565, chapter 624, or s. 681.117 by
9535 filing an action in circuit court; or, alternatively, the
9536 taxpayer may file a petition under the applicable provisions of
9537 chapter 120. However, once an action has been initiated under s.
9538 120.56, s. 120.565, s. 120.569, s. 120.57, or s. 120.80(14)(b),
9539 no action relating to the same subject matter may be filed by
9540 the taxpayer in circuit court, and judicial review shall be
9541 exclusively limited to appellate review pursuant to s. 120.68;

9542 and once an action has been initiated in circuit court, no
 9543 action may be brought under chapter 120.

9544 (2)

9545 (b) The date on which an assessment or a denial of refund
 9546 becomes final and procedures by which a taxpayer must be
 9547 notified of the assessment or of the denial of refund must be
 9548 established:

9549 1. By rule adopted by the Department of Revenue;

9550 2. With respect to assessments or refund denials under
 9551 chapter 207, by rule adopted by the Department of Highway Safety
 9552 and Motor Vehicles;

9553 3. With respect to assessments or refund denials under
 9554 chapters 210, ~~550~~, 561, 562, 563, 564, and 565, by rule adopted
 9555 by the Department of Business and Professional Regulation; or

9556 4. With respect to taxes that a county collects or
 9557 enforces under s. 125.0104(10) or s. 212.0305(5), by an
 9558 ordinance that may additionally provide for informal dispute
 9559 resolution procedures in accordance with s. 213.21.

9560 Section 183. Effective October 1, 2014, subsection (1) of
 9561 section 72.031, Florida Statutes, is amended to read:

9562 72.031 Actions under s. 72.011(1); parties; service of
 9563 process.—

9564 (1) In any action brought in circuit court pursuant to s.
 9565 72.011(1), the person initiating the action shall be the
 9566 plaintiff and the Department of Revenue shall be the defendant,
 9567 except that for actions contesting an assessment or denial of

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9568 refund under chapter 207 the Department of Highway Safety and
9569 Motor Vehicles shall be the defendant, for actions contesting an
9570 assessment or denial of refund under chapters 210, ~~550~~, 561,
9571 562, 563, 564, and 565 the Department of Business and
9572 Professional Regulation shall be the defendant, and for actions
9573 contesting an assessment or denial of refund of a tax imposed
9574 under s. 125.0104 or s. 212.0305 by a county that has elected
9575 under s. 125.0104(10) or s. 212.0305(5), respectively, to
9576 administer the tax, the defendant shall be the county and the
9577 Department of Revenue. It shall not be necessary for the
9578 Governor and Cabinet, constituting the Department of Revenue, to
9579 be named as party defendants or named separately as individual
9580 parties; nor shall it be necessary for the executive director of
9581 the department to be named as an individual party.

9582 Section 184. Effective October 1, 2014, subsection (1) of
9583 section 196.183, Florida Statutes, is amended to read:

9584 196.183 Exemption for tangible personal property.—

9585 (1) Each tangible personal property tax return is eligible
9586 for an exemption from ad valorem taxation of up to \$25,000 of
9587 assessed value. A single return must be filed for each site in
9588 the county where the owner of tangible personal property
9589 transacts business. Owners of freestanding property placed at
9590 multiple sites, other than sites where the owner transacts
9591 business, must file a single return, including all such property
9592 located in the county. Freestanding property placed at multiple
9593 sites includes vending machines and amusement games or machines,

9594 LP/propane tanks, utility and cable company property,
9595 billboards, leased equipment, and similar property that is not
9596 customarily located in the offices, stores, or plants of the
9597 owner, but is placed throughout the county. Railroads, private
9598 carriers, and other companies assessed pursuant to s. 193.085
9599 shall be allowed one \$25,000 exemption for each county to which
9600 the value of their property is allocated. The \$25,000 exemption
9601 for freestanding property placed at multiple locations and for
9602 centrally assessed property shall be allocated to each taxing
9603 authority based on the proportion of just value of such property
9604 located in the taxing authority; however, the amount of the
9605 exemption allocated to each taxing authority may not change
9606 following the extension of the tax roll pursuant to s. 193.122.

9607 Section 185. Effective October 1, 2014, section 205.0537,
9608 Florida Statutes, is amended to read:

9609 205.0537 Vending machines and amusement games or
9610 machines.—The business premises where a coin-operated or token-
9611 operated vending machine that dispenses products, merchandise,
9612 or services or where an amusement ~~or~~ game or machine is operated
9613 must assure that any required municipal or county business tax
9614 receipt for the machine is secured. The term "vending machine"
9615 does not include coin-operated telephone sets owned by persons
9616 who are in the business of providing local exchange telephone
9617 service and who pay the business tax under the category
9618 designated for telephone companies in the municipality or county
9619 or a pay telephone service provider certified pursuant to s.

9620 364.3375. The business tax for vending machines and amusement
 9621 games or machines must be assessed based on the highest number
 9622 of machines located on the business premises on any single day
 9623 during the previous receipted year or, in the case of new
 9624 businesses, be based on an estimate for the current year.
 9625 Replacement of one vending machine with another machine during a
 9626 receipted year does not affect the tax assessment for that year,
 9627 unless the replacement machine belongs to a business tax
 9628 classification that requires a higher tax rate. For the first
 9629 year in which a municipality or county assesses a business tax
 9630 on vending machines, each business owning machines located in
 9631 the municipality or county must notify the municipality or
 9632 county, upon request, of the location of such machines. Each
 9633 business owning machines must provide notice of the provisions
 9634 of this section to each affected business premises where the
 9635 machines are located. The business premises must secure the
 9636 receipt if it is not otherwise secured.

9637 Section 186. Effective October 1, 2014, subsection (24) of
 9638 section 212.02, Florida Statutes, is amended to read:

9639 212.02 Definitions.—The following terms and phrases when
 9640 used in this chapter have the meanings ascribed to them in this
 9641 section, except where the context clearly indicates a different
 9642 meaning:

9643 (24) "~~Coin-operated~~ Amusement game or machine" means any
 9644 machine operated by coin, currency, slug, token, coupon, card,
 9645 or similar device for the purposes of entertainment or

9646 amusement. The term includes, but is not limited to, ~~coin-~~
 9647 ~~operated~~ pinball machines, music machines, juke boxes,
 9648 mechanical games, video games, arcade games, billiard tables,
 9649 moving picture viewers, shooting galleries, and all other
 9650 similar amusement devices.

9651 Section 187. Effective October 1, 2014, paragraph (a) of
 9652 subsection (1) of section 212.031, Florida Statutes, is amended
 9653 to read:

9654 212.031 Tax on rental or license fee for use of real
 9655 property.—

9656 (1)(a) It is declared to be the legislative intent that
 9657 every person is exercising a taxable privilege who engages in
 9658 the business of renting, leasing, letting, or granting a license
 9659 for the use of any real property unless such property is:

- 9660 1. Assessed as agricultural property under s. 193.461.
- 9661 2. Used exclusively as dwelling units.
- 9662 3. Property subject to tax on parking, docking, or storage
 9663 spaces under s. 212.03(6).
- 9664 4. Recreational property or the common elements of a
 9665 condominium when subject to a lease between the developer or
 9666 owner thereof and the condominium association in its own right
 9667 or as agent for the owners of individual condominium units or
 9668 the owners of individual condominium units. However, only the
 9669 lease payments on such property shall be exempt from the tax
 9670 imposed by this chapter, and any other use made by the owner or
 9671 the condominium association shall be fully taxable under this

9672 chapter.

9673 5. A public or private street or right-of-way and poles,
9674 conduits, fixtures, and similar improvements located on such
9675 streets or rights-of-way, occupied or used by a utility or
9676 provider of communications services, as defined by s. 202.11,
9677 for utility or communications or television purposes. For
9678 purposes of this subparagraph, the term "utility" means any
9679 person providing utility services as defined in s. 203.012. This
9680 exception also applies to property, wherever located, on which
9681 the following are placed: towers, antennas, cables, accessory
9682 structures, or equipment, not including switching equipment,
9683 used in the provision of mobile communications services as
9684 defined in s. 202.11. For purposes of this chapter, towers used
9685 in the provision of mobile communications services, as defined
9686 in s. 202.11, are considered to be fixtures.

9687 6. A public street or road which is used for
9688 transportation purposes.

9689 7. Property used at an airport exclusively for the purpose
9690 of aircraft landing or aircraft taxiing or property used by an
9691 airline for the purpose of loading or unloading passengers or
9692 property onto or from aircraft or for fueling aircraft.

9693 8.a. Property used at a port authority, as defined in s.
9694 315.02(2), exclusively for the purpose of oceangoing vessels or
9695 tugs docking, or such vessels mooring on property used by a port
9696 authority for the purpose of loading or unloading passengers or
9697 cargo onto or from such a vessel, or property used at a port

9698 authority for fueling such vessels, or to the extent that the
9699 amount paid for the use of any property at the port is based on
9700 the charge for the amount of tonnage actually imported or
9701 exported through the port by a tenant.

9702 b. The amount charged for the use of any property at the
9703 port in excess of the amount charged for tonnage actually
9704 imported or exported shall remain subject to tax except as
9705 provided in sub-subparagraph a.

9706 9. Property used as an integral part of the performance of
9707 qualified production services. As used in this subparagraph, the
9708 term "qualified production services" means any activity or
9709 service performed directly in connection with the production of
9710 a qualified motion picture, as defined in s. 212.06(1)(b), and
9711 includes:

9712 a. Photography, sound and recording, casting, location
9713 managing and scouting, shooting, creation of special and optical
9714 effects, animation, adaptation (language, media, electronic, or
9715 otherwise), technological modifications, computer graphics, set
9716 and stage support (such as electricians, lighting designers and
9717 operators, greensmen, prop managers and assistants, and grips),
9718 wardrobe (design, preparation, and management), hair and makeup
9719 (design, production, and application), performing (such as
9720 acting, dancing, and playing), designing and executing stunts,
9721 coaching, consulting, writing, scoring, composing,
9722 choreographing, script supervising, directing, producing,
9723 transmitting dailies, dubbing, mixing, editing, cutting,

9724 looping, printing, processing, duplicating, storing, and
 9725 distributing;

9726 b. The design, planning, engineering, construction,
 9727 alteration, repair, and maintenance of real or personal property
 9728 including stages, sets, props, models, paintings, and facilities
 9729 principally required for the performance of those services
 9730 listed in sub-subparagraph a.; and

9731 c. Property management services directly related to
 9732 property used in connection with the services described in sub-
 9733 subparagraphs a. and b.

9734
 9735 This exemption will inure to the taxpayer upon presentation of
 9736 the certificate of exemption issued to the taxpayer under the
 9737 provisions of s. 288.1258.

9738 10. Leased, subleased, licensed, or rented to a person
 9739 providing food and drink concessionaire services within the
 9740 premises of a convention hall, exhibition hall, auditorium,
 9741 stadium, theater, arena, civic center, performing arts center,
 9742 publicly owned recreational facility, or any business operated
 9743 under a permit issued pursuant to part II of chapter 551 ~~550~~. A
 9744 person providing retail concessionaire services involving the
 9745 sale of food and drink or other tangible personal property
 9746 within the premises of an airport shall be subject to tax on the
 9747 rental of real property used for that purpose, but shall not be
 9748 subject to the tax on any license to use the property. For
 9749 purposes of this subparagraph, the term "sale" shall not include

9750 the leasing of tangible personal property.

9751 11. Property occupied pursuant to an instrument calling
9752 for payments which the department has declared, in a Technical
9753 Assistance Advisement issued on or before March 15, 1993, to be
9754 nontaxable pursuant to rule 12A-1.070(19)(c), Florida
9755 Administrative Code; provided that this subparagraph shall only
9756 apply to property occupied by the same person before and after
9757 the execution of the subject instrument and only to those
9758 payments made pursuant to such instrument, exclusive of renewals
9759 and extensions thereof occurring after March 15, 1993.

9760 12. Property used or occupied predominantly for space
9761 flight business purposes. As used in this subparagraph, "space
9762 flight business" means the manufacturing, processing, or
9763 assembly of a space facility, space propulsion system, space
9764 vehicle, satellite, or station of any kind possessing the
9765 capacity for space flight, as defined by s. 212.02(23), or
9766 components thereof, and also means the following activities
9767 supporting space flight: vehicle launch activities, flight
9768 operations, ground control or ground support, and all
9769 administrative activities directly related thereto. Property
9770 shall be deemed to be used or occupied predominantly for space
9771 flight business purposes if more than 50 percent of the
9772 property, or improvements thereon, is used for one or more space
9773 flight business purposes. Possession by a landlord, lessor, or
9774 licensor of a signed written statement from the tenant, lessee,
9775 or licensee claiming the exemption shall relieve the landlord,

9776 lessor, or licensor from the responsibility of collecting the
 9777 tax, and the department shall look solely to the tenant, lessee,
 9778 or licensee for recovery of such tax if it determines that the
 9779 exemption was not applicable.

9780 13. Rented, leased, subleased, or licensed to a person
 9781 providing telecommunications, data systems management, or
 9782 Internet services at a publicly or privately owned convention
 9783 hall, civic center, or meeting space at a public lodging
 9784 establishment as defined in s. 509.013. This subparagraph
 9785 applies only to that portion of the rental, lease, or license
 9786 payment that is based upon a percentage of sales, revenue
 9787 sharing, or royalty payments and not based upon a fixed price.
 9788 This subparagraph is intended to be clarifying and remedial in
 9789 nature and shall apply retroactively. This subparagraph does not
 9790 provide a basis for an assessment of any tax not paid, or create
 9791 a right to a refund of any tax paid, pursuant to this section
 9792 before July 1, 2010.

9793 Section 188. Effective October 1, 2014, paragraph (c) of
 9794 subsection (2) of section 212.04, Florida Statutes, is amended
 9795 to read:

9796 212.04 Admissions tax; rate, procedure, enforcement.—

9797 (2)

9798 (c) The taxes imposed by this section shall be collected
 9799 in addition to the admission tax collected pursuant to part II
 9800 of chapter 551 s. 550.0951, but the amount collected under part
 9801 II of chapter 551 is s. 550.0951 shall not be subject to

9802 taxation under this chapter.

9803 Section 189. Effective October 1, 2014, paragraph (h) of
 9804 subsection (1) of section 212.05, Florida Statutes, is amended
 9805 to read:

9806 212.05 Sales, storage, use tax.—It is hereby declared to
 9807 be the legislative intent that every person is exercising a
 9808 taxable privilege who engages in the business of selling
 9809 tangible personal property at retail in this state, including
 9810 the business of making mail order sales, or who rents or
 9811 furnishes any of the things or services taxable under this
 9812 chapter, or who stores for use or consumption in this state any
 9813 item or article of tangible personal property as defined herein
 9814 and who leases or rents such property within the state.

9815 (1) For the exercise of such privilege, a tax is levied on
 9816 each taxable transaction or incident, which tax is due and
 9817 payable as follows:

9818 (h)1. A tax is imposed at the rate of 4 percent on the
 9819 charges for the use of ~~coin-operated~~ amusement games or
 9820 machines. The tax shall be calculated by dividing the gross
 9821 receipts from such charges for the applicable reporting period
 9822 by a divisor, determined as provided in this subparagraph, to
 9823 compute gross taxable sales, and then subtracting gross taxable
 9824 sales from gross receipts to arrive at the amount of tax due.
 9825 For counties that do not impose a discretionary sales surtax,
 9826 the divisor is equal to 1.04; for counties that impose a 0.5
 9827 percent discretionary sales surtax, the divisor is equal to

9828 1.045; for counties that impose a 1 percent discretionary sales
9829 surtax, the divisor is equal to 1.050; and for counties that
9830 impose a 2 percent sales surtax, the divisor is equal to 1.060.
9831 If a county imposes a discretionary sales surtax that is not
9832 listed in this subparagraph, the department shall make the
9833 applicable divisor available in an electronic format or
9834 otherwise. Additional divisors shall bear the same mathematical
9835 relationship to the next higher and next lower divisors as the
9836 new surtax rate bears to the next higher and next lower surtax
9837 rates for which divisors have been established. When a game or
9838 machine is activated by a slug, token, coupon, or any similar
9839 device which has been purchased, the tax is on the price paid by
9840 the user of the device for such device.

9841 2. As used in this paragraph, the term "operator" means
9842 any person who possesses an ~~a coin-operated~~ amusement game or
9843 machine for the purpose of generating sales through that game or
9844 machine and who is responsible for removing the receipts from
9845 the game or machine.

9846 a. If the owner of the game or machine is also the
9847 operator of it, he or she shall be liable for payment of the tax
9848 without any deduction for rent or a license fee paid to a
9849 location owner for the use of any real property on which the
9850 game or machine is located.

9851 b. If the owner or lessee of the game or machine is also
9852 its operator, he or she shall be liable for payment of the tax
9853 on the purchase or lease of the game or machine, as well as the

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9854 tax on sales generated through the game or machine.

9855 c. If the proprietor of the business where the game or
9856 machine is located does not own the game or machine, he or she
9857 shall be deemed to be the lessee and operator of the game or
9858 machine and is responsible for the payment of the tax on sales,
9859 unless such responsibility is otherwise provided for in a
9860 written agreement between him or her and the game or machine
9861 owner.

9862 3.a. An operator of an a-coin-operated amusement game or
9863 machine may not operate or cause to be operated in this state
9864 any such game or machine until the operator has registered with
9865 the department and has conspicuously displayed an identifying
9866 certificate issued by the department. The identifying
9867 certificate shall be issued by the department upon application
9868 from the operator. The identifying certificate shall include a
9869 unique number, and the certificate shall be permanently marked
9870 with the operator's name, the operator's sales tax number, and
9871 the maximum number of games or machines to be operated under the
9872 certificate. An identifying certificate shall not be transferred
9873 from one operator to another. The identifying certificate must
9874 be conspicuously displayed on the premises where the ~~coin-~~
9875 ~~operated~~ amusement games or machines are being operated.

9876 b. The operator of the game or machine must obtain an
9877 identifying certificate before the game or machine is first
9878 operated in the state and by July 1 of each year thereafter. The
9879 annual fee for each certificate shall be based on the number of

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9880 games or machines identified on the application times \$30 and is
9881 due and payable upon application for the identifying device. The
9882 application shall contain the operator's name, sales tax number,
9883 business address where the games or machines are being operated,
9884 and the number of games or machines in operation at that place
9885 of business by the operator. An ~~No~~ operator may not operate more
9886 games or machines than are listed on the certificate. A new
9887 certificate is required if more games or machines are being
9888 operated at that location than are listed on the certificate.
9889 The fee for the new certificate shall be based on the number of
9890 additional games or machines identified on the application form
9891 times \$30.

9892 c. A penalty of \$250 per game or machine is imposed on the
9893 operator for failing to properly obtain and display the required
9894 identifying certificate. A penalty of \$250 is imposed on the
9895 lessee of any game or machine placed in a place of business
9896 without a proper current identifying certificate. Such penalties
9897 shall apply in addition to all other applicable taxes, interest,
9898 and penalties.

9899 d. Operators of ~~coin-operated~~ amusement games or machines
9900 must obtain a separate sales and use tax certificate of
9901 registration for each county in which such games or machines are
9902 located. One sales and use tax certificate of registration is
9903 sufficient for all of the operator's games or machines within a
9904 single county.

9905 4. ~~The provisions of~~ This paragraph does ~~de~~ not apply to

9906 ~~coin-operated~~ amusement games or machines owned and operated by
 9907 churches or synagogues.

9908 5. In addition to any other penalties imposed by this
 9909 chapter, a person who knowingly and willfully violates ~~any~~
 9910 ~~provision of~~ this paragraph commits a misdemeanor of the second
 9911 degree, punishable as provided in s. 775.082 or s. 775.083.

9912 6. The department may adopt rules necessary to administer
 9913 ~~the provisions of~~ this paragraph.

9914 Section 190. Effective October 1, 2014, paragraph (1) of
 9915 subsection (3) of section 212.054, Florida Statutes, is amended
 9916 to read:

9917 212.054 Discretionary sales surtax; limitations,
 9918 administration, and collection.—

9919 (3) For the purpose of this section, a transaction shall
 9920 be deemed to have occurred in a county imposing the surtax when:

9921 (1) The ~~coin-operated~~ amusement game or machine or vending
 9922 machine is located in the county.

9923 Section 191. Effective October 1, 2014, paragraph (b) of
 9924 subsection (1) of section 212.12, Florida Statutes, is amended
 9925 to read:

9926 212.12 Dealer's credit for collecting tax; penalties for
 9927 noncompliance; powers of Department of Revenue in dealing with
 9928 delinquents; brackets applicable to taxable transactions;
 9929 records required.—

9930 (1)

9931 (b) The Department of Revenue may deny the collection

9932 allowance if a taxpayer files an incomplete return or if the
 9933 required tax return or tax is delinquent at the time of payment.

9934 1. An "incomplete return" is, for purposes of this
 9935 chapter, a return which is lacking such uniformity,
 9936 completeness, and arrangement that the physical handling,
 9937 verification, review of the return, or determination of other
 9938 taxes and fees reported on the return may not be readily
 9939 accomplished.

9940 2. The department shall adopt rules requiring such
 9941 information as it may deem necessary to ensure that the tax
 9942 levied hereunder is properly collected, reviewed, compiled,
 9943 reported, and enforced, including, but not limited to: the
 9944 amount of gross sales; the amount of taxable sales; the amount
 9945 of tax collected or due; the amount of lawful refunds,
 9946 deductions, or credits claimed; the amount claimed as the
 9947 dealer's collection allowance; the amount of penalty and
 9948 interest; the amount due with the return; and such other
 9949 information as the Department of Revenue may specify. The
 9950 department shall require that transient rentals and agricultural
 9951 equipment transactions be separately shown. Sales made through
 9952 vending machines as defined in s. 212.0515 must be separately
 9953 shown on the return. Sales made through ~~coin-operated~~
 9954 games or machines as defined by s. 212.02 and the number of
 9955 machines operated must be separately shown on the return or on a
 9956 form prescribed by the department. If a separate form is
 9957 required, the same penalties for late filing, incomplete filing,

9958 or failure to file as provided for the sales tax return shall
 9959 apply to the form.

9960 Section 192. Effective October 1, 2014, paragraph (d) of
 9961 subsection (6) of section 212.20, Florida Statutes, is amended
 9962 to read:

9963 212.20 Funds collected, disposition; additional powers of
 9964 department; operational expense; refund of taxes adjudicated
 9965 unconstitutionally collected.—

9966 (6) Distribution of all proceeds under this chapter and s.
 9967 202.18(1)(b) and (2)(b) shall be as follows:

9968 (d) The proceeds of all other taxes and fees imposed
 9969 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
 9970 and (2)(b) shall be distributed as follows:

9971 1. In any fiscal year, the greater of \$500 million, minus
 9972 an amount equal to 4.6 percent of the proceeds of the taxes
 9973 collected pursuant to chapter 201, or 5.2 percent of all other
 9974 taxes and fees imposed pursuant to this chapter or remitted
 9975 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
 9976 monthly installments into the General Revenue Fund.

9977 2. After the distribution under subparagraph 1., 8.814
 9978 percent of the amount remitted by a sales tax dealer located
 9979 within a participating county pursuant to s. 218.61 shall be
 9980 transferred into the Local Government Half-cent Sales Tax
 9981 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
 9982 transferred shall be reduced by 0.1 percent, and the department
 9983 shall distribute this amount to the Public Employees Relations

9984 Commission Trust Fund less \$5,000 each month, which shall be
 9985 added to the amount calculated in subparagraph 3. and
 9986 distributed accordingly.

9987 3. After the distribution under subparagraphs 1. and 2.,
 9988 0.095 percent shall be transferred to the Local Government Half-
 9989 cent Sales Tax Clearing Trust Fund and distributed pursuant to
 9990 s. 218.65.

9991 4. After the distributions under subparagraphs 1., 2., and
 9992 3., 2.0440 percent of the available proceeds shall be
 9993 transferred monthly to the Revenue Sharing Trust Fund for
 9994 Counties pursuant to s. 218.215.

9995 5. After the distributions under subparagraphs 1., 2., and
 9996 3., 1.3409 percent of the available proceeds shall be
 9997 transferred monthly to the Revenue Sharing Trust Fund for
 9998 Municipalities pursuant to s. 218.215. If the total revenue to
 9999 be distributed pursuant to this subparagraph is at least as
 10000 great as the amount due from the Revenue Sharing Trust Fund for
 10001 Municipalities and the former Municipal Financial Assistance
 10002 Trust Fund in state fiscal year 1999-2000, no municipality shall
 10003 receive less than the amount due from the Revenue Sharing Trust
 10004 Fund for Municipalities and the former Municipal Financial
 10005 Assistance Trust Fund in state fiscal year 1999-2000. If the
 10006 total proceeds to be distributed are less than the amount
 10007 received in combination from the Revenue Sharing Trust Fund for
 10008 Municipalities and the former Municipal Financial Assistance
 10009 Trust Fund in state fiscal year 1999-2000, each municipality

10010 shall receive an amount proportionate to the amount it was due
 10011 in state fiscal year 1999-2000.

10012 6. Of the remaining proceeds:

10013 a. In each fiscal year, the sum of \$29,915,500 shall be
 10014 divided into as many equal parts as there are counties in the
 10015 state, and one part shall be distributed to each county. The
 10016 distribution among the several counties must begin each fiscal
 10017 year on or before January 5th and continue monthly for a total
 10018 of 4 months. If a local or special law required that any moneys
 10019 accruing to a county in fiscal year 1999-2000 under the then-
 10020 existing provisions of s. 551.035 ~~s. 550.135~~ be paid directly to
 10021 the district school board, special district, or a municipal
 10022 government, such payment must continue until the local or
 10023 special law is amended or repealed. The state covenants with
 10024 holders of bonds or other instruments of indebtedness issued by
 10025 local governments, special districts, or district school boards
 10026 before July 1, 2000, that it is not the intent of this
 10027 subparagraph to adversely affect the rights of those holders or
 10028 relieve local governments, special districts, or district school
 10029 boards of the duty to meet their obligations as a result of
 10030 previous pledges or assignments or trusts entered into which
 10031 obligated funds received from the distribution to county
 10032 governments under then-existing s. 551.035 ~~s. 550.135~~. This
 10033 distribution specifically is in lieu of funds distributed under
 10034 s. 551.035 ~~s. 550.135~~ before July 1, 2000.

10035 b. The department shall distribute \$166,667 monthly

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10036 pursuant to s. 288.1162 to each applicant certified as a
10037 facility for a new or retained professional sports franchise
10038 pursuant to s. 288.1162. Up to \$41,667 shall be distributed
10039 monthly by the department to each certified applicant as defined
10040 in s. 288.11621 for a facility for a spring training franchise.
10041 However, not more than \$416,670 may be distributed monthly in
10042 the aggregate to all certified applicants for facilities for
10043 spring training franchises. Distributions begin 60 days after
10044 such certification and continue for not more than 30 years,
10045 except as otherwise provided in s. 288.11621. A certified
10046 applicant identified in this sub-subparagraph may not receive
10047 more in distributions than expended by the applicant for the
10048 public purposes provided for in s. 288.1162(5) or s.
10049 288.11621(3).

10050 c. Beginning 30 days after notice by the Department of
10051 Economic Opportunity to the Department of Revenue that an
10052 applicant has been certified as the professional golf hall of
10053 fame pursuant to s. 288.1168 and is open to the public, \$166,667
10054 shall be distributed monthly, for up to 300 months, to the
10055 applicant.

10056 d. Beginning 30 days after notice by the Department of
10057 Economic Opportunity to the Department of Revenue that the
10058 applicant has been certified as the International Game Fish
10059 Association World Center facility pursuant to s. 288.1169, and
10060 the facility is open to the public, \$83,333 shall be distributed
10061 monthly, for up to 168 months, to the applicant. This

10062 distribution is subject to reduction pursuant to s. 288.1169. A
 10063 lump sum payment of \$999,996 shall be made, after certification
 10064 and before July 1, 2000.

10065 e. The department shall distribute up to \$55,555 monthly
 10066 to each certified applicant as defined in s. 288.11631 for a
 10067 facility used by a single spring training franchise, or up to
 10068 \$111,110 monthly to each certified applicant as defined in s.
 10069 288.11631 for a facility used by more than one spring training
 10070 franchise. Monthly distributions begin 60 days after such
 10071 certification or July 1, 2016, whichever is later, and continue
 10072 for not more than 30 years, except as otherwise provided in s.
 10073 288.11631. A certified applicant identified in this sub-
 10074 subparagraph may not receive more in distributions than expended
 10075 by the applicant for the public purposes provided in s.
 10076 288.11631(3).

10077 7. All other proceeds must remain in the General Revenue
 10078 Fund.

10079 Section 193. Effective October 1, 2014, subsection (1) of
 10080 section 267.0617, Florida Statutes, is amended to read:

10081 267.0617 Historic Preservation Grant Program.—

10082 (1) There is hereby created within the division the
 10083 Historic Preservation Grant Program, which shall make grants of
 10084 moneys appropriated by the Legislature, moneys deposited
 10085 pursuant to s. 551.039(2) ~~s. 550.0351(2)~~, and moneys contributed
 10086 for that purpose from any other source. The program funds shall
 10087 be used by the division for the purpose of financing grants in

10088 furtherance of the purposes of this section.

10089 Section 194. Effective October 1, 2014, subsection (1) of
 10090 section 338.234, Florida Statutes, is amended to read:

10091 338.234 Granting concessions or selling along the turnpike
 10092 system; immunity from taxation.—

10093 (1) The department may enter into contracts or licenses
 10094 with any person for the sale of services or products or business
 10095 opportunities on the turnpike system, or the turnpike enterprise
 10096 may sell services, products, or business opportunities on the
 10097 turnpike system, which benefit the traveling public or provide
 10098 additional revenue to the turnpike system. Services, business
 10099 opportunities, and products authorized to be sold include, but
 10100 are not limited to, motor fuel, vehicle towing, and vehicle
 10101 maintenance services; food with attendant nonalcoholic
 10102 beverages; lodging, meeting rooms, and other business services
 10103 opportunities; advertising and other promotional opportunities,
 10104 which advertising and promotions must be consistent with the
 10105 dignity and integrity of the state; state lottery tickets sold
 10106 by authorized retailers; games and amusements that operate by
 10107 the application of skill, not including games of chance as
 10108 defined in s. 849.15 ~~849.16~~ or other illegal gambling games;
 10109 Florida citrus, goods promoting the state, or handmade goods
 10110 produced within the state; and travel information, tickets,
 10111 reservations, or other related services. However, the
 10112 department, pursuant to the grants of authority to the turnpike
 10113 enterprise under this section, shall not exercise the power of

10114 eminent domain solely for the purpose of acquiring real property
 10115 in order to provide business services or opportunities, such as
 10116 lodging and meeting-room space on the turnpike system.

10117 Section 195. Effective October 1, 2014, paragraphs (c) and
 10118 (e) of subsection (4) of section 402.82, Florida Statutes, is
 10119 amended to read:

10120 402.82 Electronic benefits transfer program.—

10121 (4) Use or acceptance of an electronic benefits transfer
 10122 card is prohibited at the following locations or for the
 10123 following activities:

10124 (c) A pari-mutuel facility as defined in s. 551.012 ~~s.~~
 10125 ~~550.002~~.

10126 (e) A commercial bingo facility that operates outside the
 10127 provisions of s. 551.53 ~~849.0931~~.

10128 Section 196. Effective October 1, 2014, subsection (6) of
 10129 section 455.116, Florida Statutes, is amended to read:

10130 455.116 Regulation trust funds.—The following trust funds
 10131 shall be placed in the department:

10132 ~~(6) Pari-mutuel Wagering Trust Fund.~~

10133 Section 197. Effective October 1, 2014, subsection (1) of
 10134 section 480.0475, Florida Statutes, is amended to read:

10135 480.0475 Massage establishments; prohibited practices.—

10136 (1) A person may not operate a massage establishment
 10137 between the hours of midnight and 5 a.m. This subsection does
 10138 not apply to a massage establishment:

10139 (a) Located on the premises of a health care facility as

10140 defined in s. 408.07; a health care clinic as defined in s.
 10141 400.9905(4); a hotel, motel, or bed and breakfast inn, as those
 10142 terms are defined in s. 509.242; a timeshare property as defined
 10143 in s. 721.05; a public airport as defined in s. 330.27; or a
 10144 pari-mutuel facility as defined in s. 551.012 ~~s. 550.002~~;

10145 (b) In which every massage performed between the hours of
 10146 midnight and 5 a.m. is performed by a massage therapist acting
 10147 under the prescription of a physician or physician assistant
 10148 licensed under chapter 458, an osteopathic physician or
 10149 physician assistant licensed under chapter 459, a chiropractic
 10150 physician licensed under chapter 460, a podiatric physician
 10151 licensed under chapter 461, an advanced registered nurse
 10152 practitioner licensed under part I of chapter 464, or a dentist
 10153 licensed under chapter 466; or

10154 (c) Operating during a special event if the county or
 10155 municipality in which the establishment operates has approved
 10156 such operation during the special event.

10157 Section 198. Effective October 1, 2014, paragraph (f) of
 10158 subsection (2) of section 509.032, Florida Statutes, is amended
 10159 to read:

10160 509.032 Duties.—

10161 (2) INSPECTION OF PREMISES.—

10162 (f) In conducting inspections of establishments licensed
 10163 under this chapter, the division shall determine if each ~~coin-~~
 10164 ~~operated~~ amusement game or machine that is operated on the
 10165 premises of a licensed establishment is properly registered with

10166 the Department of Revenue and Department of Gaming Control. Each
 10167 month the division shall report to the Department of Revenue the
 10168 sales tax registration number of the operator of any licensed
 10169 establishment that has on location an ~~a coin-operated~~ amusement
 10170 game or machine and that does not have an identifying
 10171 certificate conspicuously displayed as required by s.
 10172 212.05(1)(h). Each month the division shall report to the
 10173 Department of Gaming the name and address of the operator of any
 10174 licensed establishment that has on location an amusement game or
 10175 machine and that does not have a certificate of registration
 10176 conspicuously displayed as required by chapter 551.

10177 Section 199. Effective October 1, 2014, paragraph (a) of
 10178 subsection (1) of section 559.801, Florida Statutes, is amended
 10179 to read:

10180 559.801 Definitions.—For the purpose of ss. 559.80-
 10181 559.815, the term:

10182 (1)(a) "Business opportunity" means the sale or lease of
 10183 any products, equipment, supplies, or services which are sold or
 10184 leased to a purchaser to enable the purchaser to start a
 10185 business for which the purchaser is required to pay an initial
 10186 fee or sum of money which exceeds \$500 to the seller, and in
 10187 which the seller represents:

10188 1. That the seller or person or entity affiliated with or
 10189 referred by the seller will provide locations or assist the
 10190 purchaser in finding locations for the use or operation of
 10191 vending machines, racks, display cases, currency or card

10192 operated equipment, or other similar devices or ~~currency-~~
 10193 ~~operated~~ amusement games or machines or devices on premises
 10194 neither owned nor leased by the purchaser or seller;

10195 2. That the seller will purchase any or all products made,
 10196 produced, fabricated, grown, bred, or modified by the purchaser
 10197 using in whole or in part the supplies, services, or chattels
 10198 sold to the purchaser;

10199 3. That the seller guarantees that the purchaser will
 10200 derive income from the business opportunity which exceeds the
 10201 price paid or rent charged for the business opportunity or that
 10202 the seller will refund all or part of the price paid or rent
 10203 charged for the business opportunity, or will repurchase any of
 10204 the products, equipment, supplies, or chattels supplied by the
 10205 seller, if the purchaser is unsatisfied with the business
 10206 opportunity; or

10207 4. That the seller will provide a sales program or
 10208 marketing program that will enable the purchaser to derive
 10209 income from the business opportunity, except that this paragraph
 10210 does not apply to the sale of a sales program or marketing
 10211 program made in conjunction with the licensing of a trademark or
 10212 service mark that is registered under the laws of any state or
 10213 of the United States if the seller requires use of the trademark
 10214 or service mark in the sales agreement.

10215
 10216 For the purpose of subparagraph 1., the term "assist the
 10217 purchaser in finding locations" means, but is not limited to,

10218 supplying the purchaser with names of locator companies,
 10219 contracting with the purchaser to provide assistance or supply
 10220 names, or collecting a fee on behalf of or for a locator
 10221 company.

10222 Section 200. Effective October 1, 2014, section 561.1105,
 10223 Florida Statutes, is amended to read:

10224 561.1105 Inspection of licensed premises; ~~coin-operated~~
 10225 amusement games or machines.—In conducting inspections of
 10226 establishments licensed under the Beverage Law, the division
 10227 shall determine if each ~~coin-operated~~ amusement game or machine
 10228 that is operated on the licensed premises is properly registered
 10229 with the Department of Revenue and the Department of Gaming.

10230 Each month, the division shall report to the Department of
 10231 Revenue the sales tax registration number of the operator of any
 10232 licensed premises that has on location an a-coin-operated
 10233 amusement game or machine and that does not have an identifying
 10234 certificate conspicuously displayed as required by s.

10235 212.05(1)(h). Each month the division shall report to the
 10236 Department of Gaming the name and address of the operator of any
 10237 licensed establishment that has on location an amusement game or
 10238 machine and that does not have a certificate of registration
 10239 conspicuously displayed as required by ch. 551.

10240 Section 201. Effective October 1, 2014, section 718.114,
 10241 Florida Statutes, is amended to read:

10242 718.114 Association powers.—An association may enter into
 10243 agreements to acquire leaseholds, memberships, and other

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10244 | possessory or use interests in lands or facilities such as
10245 | country clubs, golf courses, marinas, and other recreational
10246 | facilities, regardless of whether the lands or facilities are
10247 | contiguous to the lands of the condominium, if such lands and
10248 | facilities are intended to provide enjoyment, recreation, or
10249 | other use or benefit to the unit owners. All of these
10250 | leaseholds, memberships, and other possessory or use interests
10251 | existing or created at the time of recording the declaration
10252 | must be stated and fully described in the declaration.
10253 | Subsequent to the recording of the declaration, agreements
10254 | acquiring these leaseholds, memberships, or other possessory or
10255 | use interests which are not entered into within 12 months of the
10256 | date of the recording of the certificate of a surveyor and
10257 | mapper pursuant to s. 718.104(4)(e) or the recording of an
10258 | instrument that transfers title to a unit in the condominium
10259 | which is not accompanied by a recorded assignment of developer
10260 | rights in favor of the grantee of such unit, whichever occurs
10261 | first, are a material alteration or substantial addition to the
10262 | real property that is association property, and the association
10263 | may not acquire or enter into such agreements except upon a vote
10264 | of, or written consent by, a majority of the total voting
10265 | interests or as authorized by the declaration as provided in s.
10266 | 718.113. The declaration may provide that the rental, membership
10267 | fees, operations, replacements, and other expenses are common
10268 | expenses and may impose covenants and restrictions concerning
10269 | their use and may contain other provisions not inconsistent with

10270 this chapter. A condominium association may conduct bingo games
 10271 as provided in s. 551.53 ~~849.0931~~.

10272 Section 202. Effective October 1, 2014, subsection (2) of
 10273 section 721.111, Florida Statutes, is amended to read:

10274 721.111 Prize and gift promotional offers.—

10275 (2) A game promotion, such as a contest of chance, gift
 10276 enterprise, or sweepstakes, in which the elements of chance and
 10277 prize are present may not be used in connection with the
 10278 offering or sale of timeshare interests, except for drawings, as
 10279 that term is defined in s. 551.54 ~~849.0935(1)(a)~~, in which no
 10280 more than 26 prizes are promoted and in which all promoted
 10281 prizes are actually awarded. All such drawings must meet all
 10282 requirements of this chapter and of s. 551.51 ~~ss. 849.092 and~~
 10283 ~~849.094(1), (2), and (7)~~.

10284 Section 203. Effective October 1, 2014, subsection (8) of
 10285 section 723.079, Florida Statutes, is amended to read:

10286 723.079 Powers and duties of homeowners' association.—

10287 (8) Any mobile home owners' association or group of
 10288 residents of a mobile home park as defined in this chapter may
 10289 conduct bingo games as provided in s. 551.53 ~~849.0931~~.

10290 Section 204. Effective October 1, 2014, paragraph (a) of
 10291 subsection (1) and paragraph (a) of subsection (2) of section
 10292 772.102, Florida Statutes, are amended to read:

10293 772.102 Definitions.—As used in this chapter, the term:

10294 (1) "Criminal activity" means to commit, to attempt to
 10295 commit, to conspire to commit, or to solicit, coerce, or

10296 intimidate another person to commit:

10297 (a) Any crime that is chargeable by indictment or

10298 information under the following provisions:

10299 1. Section 210.18, relating to evasion of payment of

10300 cigarette taxes.

10301 2. Section 414.39, relating to public assistance fraud.

10302 3. Section 440.105 or s. 440.106, relating to workers'

10303 compensation.

10304 4. Part IV of chapter 501, relating to telemarketing.

10305 5. Chapter 517, relating to securities transactions.

10306 6. Section 551.0942 or s. 551.072 ~~550.235~~ or s. ~~550.3551~~,

10307 relating to dogracing and horseracing.

10308 7. Part II of chapter 551 ~~550~~, relating to jai alai

10309 frontons.

10310 8. Chapter 552, relating to the manufacture, distribution,

10311 and use of explosives.

10312 9. Chapter 562, relating to beverage law enforcement.

10313 10. Section 624.401, relating to transacting insurance

10314 without a certificate of authority, s. 624.437(4)(c)1., relating

10315 to operating an unauthorized multiple-employer welfare

10316 arrangement, or s. 626.902(1)(b), relating to representing or

10317 aiding an unauthorized insurer.

10318 11. Chapter 687, relating to interest and usurious

10319 practices.

10320 12. Section 721.08, s. 721.09, or s. 721.13, relating to

10321 real estate timeshare plans.

- 10322 | 13. Chapter 782, relating to homicide.
- 10323 | 14. Chapter 784, relating to assault and battery.
- 10324 | 15. Chapter 787, relating to kidnapping or human
- 10325 | trafficking.
- 10326 | 16. Chapter 790, relating to weapons and firearms.
- 10327 | 17. Section 796.03, s. 796.04, s. 796.05, or s. 796.07,
- 10328 | relating to prostitution.
- 10329 | 18. Chapter 806, relating to arson.
- 10330 | 19. Section 810.02(2)(c), relating to specified burglary
- 10331 | of a dwelling or structure.
- 10332 | 20. Chapter 812, relating to theft, robbery, and related
- 10333 | crimes.
- 10334 | 21. Chapter 815, relating to computer-related crimes.
- 10335 | 22. Chapter 817, relating to fraudulent practices, false
- 10336 | pretenses, fraud generally, and credit card crimes.
- 10337 | 23. Section 827.071, relating to commercial sexual
- 10338 | exploitation of children.
- 10339 | 24. Chapter 831, relating to forgery and counterfeiting.
- 10340 | 25. Chapter 832, relating to issuance of worthless checks
- 10341 | and drafts.
- 10342 | 26. Section 836.05, relating to extortion.
- 10343 | 27. Chapter 837, relating to perjury.
- 10344 | 28. Chapter 838, relating to bribery and misuse of public
- 10345 | office.
- 10346 | 29. Chapter 843, relating to obstruction of justice.
- 10347 | 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or

10348 s. 847.07, relating to obscene literature and profanity.
 10349 31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
 10350 849.25, relating to gambling.
 10351 32. Chapter 893, relating to drug abuse prevention and
 10352 control.
 10353 33. Section 914.22 or s. 914.23, relating to witnesses,
 10354 victims, or informants.
 10355 34. Section 918.12 or s. 918.13, relating to tampering
 10356 with jurors and evidence.
 10357 (2) "Unlawful debt" means any money or other thing of
 10358 value constituting principal or interest of a debt that is
 10359 legally unenforceable in this state in whole or in part because
 10360 the debt was incurred or contracted:
 10361 (a) In violation of any one of the following provisions of
 10362 law:
 10363 1. Section 551.0942 or s. 551.072 ~~550.235~~ or s. ~~550.3551~~,
 10364 relating to dogracing and horseracing.
 10365 2. Part II of chapter 551 ~~550~~, relating to jai alai
 10366 frontons.
 10367 3. Section 687.071, relating to criminal usury and loan
 10368 sharking.
 10369 4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
 10370 849.25, relating to gambling.
 10371 Section 205. Effective October 1, 2014, subsection (1) of
 10372 section 773.03, Florida Statutes, is amended to read:
 10373 773.03 Limitation on liability for equine activity;

10374 exceptions.—

10375 (1) This section applies to the horseracing industry as
 10376 defined in part II of chapter 551 ~~550~~.

10377 Section 206. Effective October 1, 2014, paragraph (a) of
 10378 subsection (1) and paragraph (a) of subsection (2) of section
 10379 895.02, Florida Statutes, are amended to read:

10380 895.02 Definitions.—As used in ss. 895.01–895.08, the
 10381 term:

10382 (1) "Racketeering activity" means to commit, to attempt to
 10383 commit, to conspire to commit, or to solicit, coerce, or
 10384 intimidate another person to commit:

10385 (a) Any crime that is chargeable by petition, indictment,
 10386 or information under the following provisions of the Florida
 10387 Statutes:

10388 1. Section 210.18, relating to evasion of payment of
 10389 cigarette taxes.

10390 2. Section 316.1935, relating to fleeing or attempting to
 10391 elude a law enforcement officer and aggravated fleeing or
 10392 eluding.

10393 3. Section 403.727(3)(b), relating to environmental
 10394 control.

10395 4. Section 409.920 or s. 409.9201, relating to Medicaid
 10396 fraud.

10397 5. Section 414.39, relating to public assistance fraud.

10398 6. Section 440.105 or s. 440.106, relating to workers'
 10399 compensation.

- 10400 7. Section 443.071(4), relating to creation of a
 10401 fictitious employer scheme to commit reemployment assistance
 10402 fraud.
- 10403 8. Section 465.0161, relating to distribution of medicinal
 10404 drugs without a permit as an Internet pharmacy.
- 10405 9. Section 499.0051, relating to crimes involving
 10406 contraband and adulterated drugs.
- 10407 10. Part IV of chapter 501, relating to telemarketing.
- 10408 11. Chapter 517, relating to sale of securities and
 10409 investor protection.
- 10410 12. Section 551.0942 or s. 551.072 ~~550.235~~ or s. ~~550.3551~~,
 10411 relating to dogracing and horseracing.
- 10412 13. Part II of chapter 551 ~~550~~, relating to jai alai
 10413 frontons.
- 10414 14. Section 551.109, relating to slot machine gaming.
- 10415 15. Chapter 552, relating to the manufacture,
 10416 distribution, and use of explosives.
- 10417 16. Chapter 560, relating to money transmitters, if the
 10418 violation is punishable as a felony.
- 10419 17. Chapter 562, relating to beverage law enforcement.
- 10420 18. Section 624.401, relating to transacting insurance
 10421 without a certificate of authority, s. 624.437(4)(c)1., relating
 10422 to operating an unauthorized multiple-employer welfare
 10423 arrangement, or s. 626.902(1)(b), relating to representing or
 10424 aiding an unauthorized insurer.
- 10425 19. Section 655.50, relating to reports of currency

- 10426 transactions, when such violation is punishable as a felony.
- 10427 20. Chapter 687, relating to interest and usurious
- 10428 practices.
- 10429 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 10430 real estate timeshare plans.
- 10431 22. Section 775.13(5)(b), relating to registration of
- 10432 persons found to have committed any offense for the purpose of
- 10433 benefiting, promoting, or furthering the interests of a criminal
- 10434 gang.
- 10435 23. Section 777.03, relating to commission of crimes by
- 10436 accessories after the fact.
- 10437 24. Chapter 782, relating to homicide.
- 10438 25. Chapter 784, relating to assault and battery.
- 10439 26. Chapter 787, relating to kidnapping or human
- 10440 trafficking.
- 10441 27. Chapter 790, relating to weapons and firearms.
- 10442 28. Chapter 794, relating to sexual battery, but only if
- 10443 such crime was committed with the intent to benefit, promote, or
- 10444 further the interests of a criminal gang, or for the purpose of
- 10445 increasing a criminal gang member's own standing or position
- 10446 within a criminal gang.
- 10447 29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or
- 10448 s. 796.07, relating to prostitution and sex trafficking.
- 10449 30. Chapter 806, relating to arson and criminal mischief.
- 10450 31. Chapter 810, relating to burglary and trespass.
- 10451 32. Chapter 812, relating to theft, robbery, and related

- 10452 crimes.
- 10453 33. Chapter 815, relating to computer-related crimes.
- 10454 34. Chapter 817, relating to fraudulent practices, false
10455 pretenses, fraud generally, and credit card crimes.
- 10456 35. Chapter 825, relating to abuse, neglect, or
10457 exploitation of an elderly person or disabled adult.
- 10458 36. Section 827.071, relating to commercial sexual
10459 exploitation of children.
- 10460 37. Section 828.122, relating to fighting or baiting
10461 animals.
- 10462 38. Chapter 831, relating to forgery and counterfeiting.
- 10463 39. Chapter 832, relating to issuance of worthless checks
10464 and drafts.
- 10465 40. Section 836.05, relating to extortion.
- 10466 41. Chapter 837, relating to perjury.
- 10467 42. Chapter 838, relating to bribery and misuse of public
10468 office.
- 10469 43. Chapter 843, relating to obstruction of justice.
- 10470 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
10471 s. 847.07, relating to obscene literature and profanity.
- 10472 45. Chapter 849, relating to gambling, lottery, gambling
10473 or gaming devices, slot machines, or any of the provisions
10474 within that chapter.
- 10475 46. Chapter 874, relating to criminal gangs.
- 10476 47. Chapter 893, relating to drug abuse prevention and
10477 control.

10478 48. Chapter 896, relating to offenses related to financial
10479 transactions.

10480 49. Sections 914.22 and 914.23, relating to tampering with
10481 or harassing a witness, victim, or informant, and retaliation
10482 against a witness, victim, or informant.

10483 50. Sections 918.12 and 918.13, relating to tampering with
10484 jurors and evidence.

10485 (2) "Unlawful debt" means any money or other thing of
10486 value constituting principal or interest of a debt that is
10487 legally unenforceable in this state in whole or in part because
10488 the debt was incurred or contracted:

10489 (a) In violation of any one of the following provisions of
10490 law:

10491 1. Section 551.0942 or s. 551.072 ~~550.235~~ or s. ~~550.3551~~,
10492 relating to dogracing and horseracing.

10493 2. Part II of chapter 551 ~~550~~, relating to jai alai
10494 frontons.

10495 3. Section 551.109, relating to slot machine gaming.

10496 4. Chapter 687, relating to interest and usury.

10497 5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
10498 849.25, relating to gambling.

10499 Section 207. Effective October 1, 2014, paragraph (a) of
10500 subsection (3) of section 921.0022, Florida Statutes, is amended
10501 to read:

10502 921.0022 Criminal Punishment Code; offense severity
10503 ranking chart.—

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10504	(3)	OFFENSE SEVERITY RANKING CHART		
10505	(a)	LEVEL 1		
10506				
	Florida	Felony		
	Statute	Degree	Description	
10507				
	24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.	
10508				
	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.	
10509				
	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.	
10510				
	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.	
10511				
	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.	
10512				
	319.35 (1) (a)	3rd	Tamper, adjust, change, etc.,	

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10513	320.26(1) (a)	3rd	an odometer. Counterfeit, manufacture, or sell registration license plates or validation stickers.
10514	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
10515	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
10516	322.212 (5) (a)	3rd	False application for driver's license or identification card.
10517	414.39 (2)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.
10518	414.39 (3) (a)	3rd	Fraudulent misappropriation of

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			public assistance funds by employee/official, value more than \$200.
10519	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
10520	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
10521	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
10522	562.27 (1)	3rd	Possess still or still apparatus.
10523	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
10524	812.014 (3) (c)	3rd	Petit theft (3rd conviction);

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			theft of any property not specified in subsection (2).
10525	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
10526	815.04 (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
10527	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
10528	817.569 (2)	3rd	Use of public record or public records information to facilitate commission of a felony.
10529	826.01	3rd	Bigamy.
10530	828.122 (3)	3rd	Fighting or baiting animals.
10531	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map,

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			plat, or other document listed in s. 92.28.
10532	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
10533	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
10534	832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
10535	838.15(2)	3rd	Commercial bribe receiving.
10536	838.16	3rd	Commercial bribery.
10537	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
10538	847.011(1)(a)	3rd	Sell, distribute, etc.,

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			obscene, lewd, etc., material (2nd conviction).
10539	849.01	3rd	Keeping gambling house.
10540	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
10541	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
10542	<u>849.15(11)</u> 849.25(2)	3rd	Engaging in bookmaking.
10543	860.08	3rd	Interfere with a railroad signal.
10544	860.13(1)(a)	3rd	Operate aircraft while under the influence.
10545	893.13(2)(a)2.	3rd	Purchase of cannabis.
10546			

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10547

893.13(6)(a) 3rd Possession of cannabis (more than 20 grams).

10548

934.03(1)(a) 3rd Intercepts, or procures any other person to intercept, any wire or oral communication.

10549

Section 208. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.


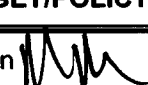
10550

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB SCOG 14-01 Voter Control of Gambling Expansion

SPONSOR(S): Select Committee on Gaming

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Select Committee on Gaming		Stranburg 	Morton 

SUMMARY ANALYSIS

This joint resolution proposes to create Section 28, Article X of the Florida Constitution, relating to voter control of gambling expansion. The joint resolution requires a constitutional amendment proposed by initiative petition to expand gambling in any fashion in the state.

Expansion of gambling is defined to include the introduction of any additional types of games or the introduction of gambling at any facility not operating as of March 4, 2014, or expressly authorized by statute this session. Gambling is defined consistent with federal law governing gambling on Indian lands.

The resolution does not alter the Legislature's ability to restrict, regulate, or tax gambling activity in Florida.

The resolution does not limit the State of Florida's ability to negotiate a state-tribal compact under the federal Indian Gaming Regulation Act or to enforce any current compact.

The joint resolution requires publication prior to the election. The required publication of the amendment would have an effect on expenditures. An estimate of this impact on expenditures is not currently available.

If the joint resolution is passed by a 3/5 vote of both houses of the legislature, it will be submitted to the voters in the general election in November of 2014

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Gaming in Florida is currently regulated by multiple state agencies. Although gambling is generally illegal,¹ certain gaming activities are authorized. Section 7, Article X of the Florida Constitution prohibits lotteries, other than pari-mutuel pools authorized by law on the effective date of the Florida Constitution, from being conducted in Florida by private citizens.

The Florida Supreme Court has found that "The Constitution of Florida is a limitation of power, and, while the Legislature cannot legalize any gambling device that would in effect amount to a lottery, it has inherent power to regulate or to prohibit any and all other forms of gambling; such distinction being well defined in the law."² The Court went on to define limit the applicability of this provision to such legalized lotteries, "the primary test of which was whether or not the vice of it infected the whole community or country, rather than individual units of it. Any gambling device reaching such proportions would amount to a violation of the Constitution."³ Thus, the Legislature may regulate keno,⁴ bingo,⁵ slot machines.⁶

Pari-mutuel wagering on horseracing and greyhound racing was authorized by statute in 1931 and on Jai Alai in 1935.⁷ Such activities are regulated by chapter 550, F.S., and overseen by the Division of Pari-mutuel Wagering (DMPW) within the Department of Business and Professional Regulation.

Section 15, Article X of the State Constitution authorizes the state to operate lotteries. The Legislature has implemented this provision through chapter 24, F.S., which establishes the Florida Lottery.

Section 23, Article X of the State Constitution authorizes slot machines at eight pari-mutuel facilities in Miami-Dade and Broward Counties that conducted pari-mutuel wagering on live events in 2002 and 2003, subject to local approval by countywide referendum. The Legislature has implemented this provision through chapter 551, F.S. The DPMW oversees such activities.

In 2010, the Legislature authorized slot machines at pari-mutuel wagering facilities in counties that meet the definition of s. 125.011, F.S., (currently Miami-Dade County), provided that such facilities have conducted pari-mutuel wagering on live racing for two years and meet other criteria.⁸ Hialeah Park is the only facility that operates slot machines under this provision.

The Legislature also provided that pari-mutuel wagering facilities in other counties could gain eligibility to conduct slot machines if located a county that has approved slot machines by a referendum which was held pursuant to a statutory or legislative grant of authority granted after July 1, 2010, provided that

¹ Section 849.08, F.S.

² Lee v. City of Miami, 121 Fla. 93, 102 (1935).

³ *Id.*

⁴ Overby v. State, 18 Fla. 178, 183 (1881).

⁵ Greater Loretta Imp. Ass'n v. State ex rel. Boone, 234 So.2d 665 (Fla. 1970).

⁶ See Lee v City of Miami, 121 Fla. 93 (1935), and Florida Gaming Centers v. Florida Dept. of Business and Professional Regulation, 71 So.3d 226 (1st DCA 2011).

⁷ *Deregulation of Intertrack and Simulcast Wagering at Florida's Pari-Mutuel Facilities*, Interim Report No. 2006-145, Florida Senate Committee on Regulated Industries, September 2005.

⁸ See Ch. 2010-29, L.O.F. and s. 551.102(4), F.S.

such facility has conducted live racing for two calendar years preceding its application and complies with other requirements for slot machine licensure.⁹

Gambling on Indian lands is regulated by federal law, which requires the State negotiate in good faith for compacts governing the operation of certain types of games, if authorized for any person in the state.¹⁰ Florida has negotiated such a compact with the Seminole Tribe of Florida.

Proposed Changes

The joint resolution proposes creation of Section 28, Article X of the Florida Constitution relating to voter control of gambling expansion. The joint resolution amends the Florida Constitution to require an amendment proposed to the Florida Constitution proposed by initiative petition to expand gambling in the state.

Gambling is defined consistent with federal law governing gambling on Indian lands.¹¹ The resolution sites the federal definition of class III gaming. Such games include:

- House banking games such as baccarat, chemin de fer, blackjack (21), and pai gow;
- Casino games such as roulette, craps, and keno;
- Slot machines as defined in 15 U.S.C. s. 1171(a)(1);
- Electronic or electromechanical facsimiles of any game of chance;
- Sports betting and pari-mutuel wagering, including, but not limited to, wagering on horse racing, dog racing, or jai alai; and
- Lotteries, other than state-operated lotteries.

The resolution specifically includes the following in the definition of gambling, regardless of how those devices are defined under the federal law:

- Electronic gambling device,
- Internet sweepstakes device, and
- Video lottery terminal, other than a state-operated video lottery terminals.

Expansion of gambling is defined in the joint resolution as the introduction of gambling at any facility or location in the state other than those facilities lawfully operating as of March 4, 2014, or expressly authorized by statute enacted during the 2014 regular session of the legislature. It includes the introduction of additional types or categories of gambling at any location.

The joint resolution does not limit the Legislature's authority to restrict, regulate, or tax any gambling activity by general law.

The joint resolution does not limit the authority or obligation of the State of Florida to negotiate a tribal-state compact under the federal Indian Gaming Regulation Act or to enforce any existing tribal-state compact.

If the joint resolution is passed by a 3/5 vote of both houses of the legislature, it will be submitted to the voters in the general election in November of 2014.

B. SECTION DIRECTORY:

This is a joint resolution, which is not divided by sections.

⁹ See AGO 2012-01 interpreting the slot machine eligibility provision as requiring additional statutory or constitutional authorization "to bring a referendum within the framework set out in the third clause of section 551.102(4)."

¹⁰ See Indian Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq.

¹¹ Indian Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The joint resolution does not appear to have an impact on state government revenues.

2. Expenditures:

This amendment requires publication prior to the election. The required publication of the amendment would have an effect on expenditures. An estimate of this impact on expenditures is not currently available. This must be paid regardless of whether the amendment passes, and would be payable in FY 2014-2015 from General Revenue.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The joint resolution does not appear to have an impact on local government revenues.

2. Expenditures:

The joint resolution does not appear to have an impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This joint resolution does not appear to have an economic impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

2. Other:

This is a legislative joint resolution, which is one of the methods for proposing, approving or rejecting amendments to the Florida Constitution. The joint resolution requires passage by a three-fifths vote of the membership of each house of the Legislature. The proposed constitutional amendment must be submitted to the electors at the next general election held more than 90 days after the joint resolution is filed with the custodian of state records. If approved by 60 percent of the electors voting on the question, the proposed amendment will take effect January 6, 2015.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

An earlier version of this analysis contained errors as to the require vote for approval of the amendment and the effective date. The amendment must be approved by 60 percent of the electors voting on the question and, if approved by such, would be effective January 6, 2015.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

House Joint Resolution

A joint resolution proposing the creation of Section 28 of Article X of the State Constitution to require that any expansion of gambling be authorized by a constitutional amendment proposed by initiative petition and approved by Florida voters and providing construction.

Be It Resolved by the Legislature of the State of Florida:

That the following creation of Section 28 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X

MISCELLANEOUS

SECTION 28. Voter control of gambling expansion.-

(a) PUBLIC POLICY.-The power to authorize the expansion of gambling in this state is reserved to the people. No expansion of gambling is authorized except by amendment to this constitution proposed by initiative petition pursuant to Section 3 of Article XI and approved by the electors pursuant to Section 5 of Article XI.

(b) DEFINITIONS.-As used in this section, the term:

26 (1) "Expansion of gambling" means the introduction of
 27 gambling at any facility or location other than those facilities
 28 and locations:

- 29 a. Lawfully operating as of March 4, 2014; or
 30 b. Expressly authorized to conduct gambling by legislation
 31 enacted during the 2014 regular session of the legislature.

32
 33 The term "expansion of gambling" also includes the introduction
 34 of additional types or categories of gambling at any facility or
 35 location.

36 (2) "Gambling" means any of the types of games that are
 37 within the definition of class III gaming in the federal Indian
 38 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq., and in 25
 39 C.F.R. s. 502.4, as of the effective date of this amendment. The
 40 term "gambling" includes, but is not limited to, house banking
 41 games such as baccarat, chemin de fer, blackjack (21), and pai
 42 gow (if played as house banking games); casino games such as
 43 roulette, craps, and keno; slot machines as defined in 15 U.S.C.
 44 s. 1171(a)(1); electronic or electromechanical facsimiles of any
 45 game of chance; sports betting and pari-mutuel wagering,
 46 including, but not limited to, wagering on horse racing, dog
 47 racing, or jai alai; and lotteries (other than state-operated
 48 lotteries). The term "gambling" also includes the use of any
 49 electronic gambling device, Internet sweepstakes device, or
 50 video lottery terminal (other than a state-operated video

51 lottery terminal), regardless of how those devices are defined
 52 under the federal Indian Gaming Regulatory Act.

53 (c) LEGISLATIVE AUTHORITY RETAINED.—This section does not
 54 limit the authority of the legislature to restrict, regulate, or
 55 tax any gambling activity by general law.

56 (d) TRIBAL-STATE COMPACTING AUTHORITY UNAFFECTED.—This
 57 section does not limit the authority or obligation of the State
 58 of Florida to negotiate a tribal-state compact under the federal
 59 Indian Gaming Regulatory Act or to affect any existing tribal-
 60 state compact.

61 BE IT FURTHER RESOLVED that the following statement be
 62 placed on the ballot:

63 CONSTITUTIONAL AMENDMENT

64 ARTICLE X, SECTION 28

65 VOTER CONTROL OF GAMBLING EXPANSION IN FLORIDA.—Proposing
 66 an amendment to the State Constitution to provide that the power
 67 to authorize the expansion of gambling in Florida is reserved to
 68 the people. Prohibits the expansion of gambling unless proposed
 69 and approved as a constitutional amendment by initiative
 70 petition. Defines terms "expansion of gambling" and "gambling."
 71 Provides that the amendment does not affect the Legislature's
 72 authority to restrict, regulate, or tax any gambling activity or
 73 the state's authority regarding tribal-state compacts.

74 BE IT FURTHER RESOLVED that the following statement be
 75 placed on the ballot if a court declares the preceding statement
 76 defective and the decision of the court is not reversed:

77 CONSTITUTIONAL AMENDMENT

78 ARTICLE X, SECTION 28

79 VOTER CONTROL OF GAMBLING EXPANSION IN FLORIDA.—This
 80 proposed amendment to the State Constitution provides that the
 81 power to authorize the expansion of gambling in Florida is
 82 reserved to the people. The proposed amendment prohibits the
 83 expansion of gambling unless proposed and approved as a
 84 constitutional amendment by initiative petition. By providing
 85 that an initiative petition is the exclusive means of amending
 86 the State Constitution to authorize the expansion of gambling,
 87 the proposed amendment affects Article XI of the State
 88 Constitution.

89 For purposes of the proposed amendment, the term "gambling"
 90 means any of the types of games that are defined as class III
 91 gaming under the federal Indian Gaming Regulatory Act, including
 92 house banking games, casino games, sports betting and pari-
 93 mutuel wagering, and non-state-operated lotteries. The term
 94 "gambling" also includes the use of any electronic gambling
 95 device, Internet sweepstakes device, or video lottery terminal
 96 (other than a state-operated video lottery terminal), regardless
 97 of how those devices are defined under the federal Indian Gaming
 98 Regulatory Act.

99 For purposes of the proposed amendment, the term "expansion
 100 of gambling" means the introduction of gambling at any facility
 101 or location other than those facilities and locations: (1)
 102 lawfully operating as of March 4, 2014; or (2) expressly

103 authorized to conduct gambling by legislation adopted during the
 104 2014 regular session of the Legislature. The term "expansion of
 105 gambling" also includes the introduction of additional types or
 106 categories of gambling at any facility or location.

107 The proposed amendment does not affect the Legislature's
 108 authority to restrict, regulate, or tax any gambling activity by
 109 general law. The proposed amendment does not limit the authority
 110 or obligation of the State of Florida to negotiate a tribal-
 111 state compact under the federal Indian Gaming Regulatory Act or
 112 affect any existing tribal-state compact.

113 BE IT FURTHER RESOLVED that the following statement be
 114 placed on the ballot if a court declares the preceding
 115 statements defective and the decision of the court is not
 116 reversed:

117 CONSTITUTIONAL AMENDMENT

118 ARTICLE X, SECTION 28

119 VOTER CONTROL OF GAMBLING EXPANSION IN FLORIDA.—Proposing
 120 the following amendment to the State Constitution:

121 ARTICLE X

122 MISCELLANEOUS

123 SECTION 28. Voter control of gambling expansion.—

124 (a) PUBLIC POLICY.—The power to authorize the expansion of
 125 gambling in this state is reserved to the people. No expansion
 126 of gambling is authorized except by amendment to this
 127 constitution proposed by initiative petition pursuant to Section

128 3 of Article XI and approved by the electors pursuant to Section
 129 5 of Article XI.

130 (b) DEFINITIONS.—As used in this section, the term:

131 (1) "Expansion of gambling" means the introduction of
 132 gambling at any facility or location other than those facilities
 133 and locations:

134 a. Lawfully operating as of March 4, 2014; or

135 b. Expressly authorized to conduct gambling by legislation
 136 enacted during the 2014 regular session of the legislature.

137

138 The term "expansion of gambling" also includes the introduction
 139 of additional types or categories of gambling at any facility or
 140 location.

141 (2) "Gambling" means any of the types of games that are
 142 within the definition of class III gaming in the federal Indian
 143 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq., and in 25
 144 C.F.R. s. 502.4, as of the effective date of this amendment. The
 145 term "gambling" includes, but is not limited to, house banking
 146 games such as baccarat, chemin de fer, blackjack (21), and pai
 147 gow (if played as house banking games); casino games such as
 148 roulette, craps, and keno; slot machines as defined in 15 U.S.C.
 149 s. 1171(a)(1); electronic or electromechanical facsimiles of any
 150 game of chance; sports betting and pari-mutuel wagering,
 151 including, but not limited to, wagering on horse racing, dog
 152 racing, or jai alai; and lotteries (other than state-operated
 153 lotteries). The term "gambling" also includes the use of any

154 electronic gambling device, Internet sweepstakes device, or
 155 video lottery terminal (other than a state-operated video
 156 lottery terminal), regardless of how those devices are defined
 157 under the federal Indian Gaming Regulatory Act.

158 (c) LEGISLATIVE AUTHORITY RETAINED.—This section does not
 159 limit the authority of the legislature to restrict, regulate, or
 160 tax any gambling activity by general law.

161 (d) TRIBAL-STATE COMPACTING AUTHORITY UNAFFECTED.—This
 162 section does not limit the authority or obligation of the State
 163 of Florida to negotiate a tribal-state compact under the federal
 164 Indian Gaming Regulatory Act or to affect any existing tribal-
 165 state compact.