

By the Committee on Regulated Industries; and Senator Ring

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1                   A bill to be entitled  
2           An act relating to governmental reorganization;  
3           transferring and reassigning certain functions and  
4           responsibilities, including records, personnel,  
5           property, and unexpended balances of appropriations  
6           and other resources, from the Division of Pari-mutuel  
7           Wagering of the Department of Business and  
8           Professional Regulation to the Department of Gaming  
9           Control; transferring certain trust funds from the  
10          Department of Business and Professional Regulation to  
11          the Department of Gaming Control; amending s. 11.905,  
12          F.S.; providing for the review of the Department of  
13          Gaming Control; amending s. 20.165, F.S.; deleting the  
14          Division of Pari-mutuel Wagering within the Department  
15          of Business and Professional Regulation; creating s.  
16          20.318, F.S.; establishing the Department of Gaming  
17          Control; designating the Governor and Cabinet as the  
18          Gaming Commission and head of the department; defining  
19          terms; specifying powers and duties of the department;  
20          authorizing the department to take testimony;  
21          authorizing the department to exclude persons from  
22          certain gaming establishments; authorizing the  
23          department to conduct investigations and collect  
24          fines; requiring the department to issue advisory  
25          opinions under certain circumstances; authorizing the  
26          department to employ law enforcement officers;  
27          requiring the department to assist the Department of  
28          Revenue for the benefit of financially dependent  
29          children; amending s. 120.80, F.S.; deleting certain

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30 exceptions and special requirements regarding hearings  
31 applicable to the Department of Business and  
32 Professional Regulation; creating certain exceptions  
33 and special requirements regarding hearings within the  
34 Department of Gaming Control; amending s. 285.710,  
35 F.S.; providing that the Department of Gaming Control  
36 is the state compliance agency for purposes of the  
37 Indian Gaming Compact; amending s. 455.116, F.S.;

38 removing a trust fund from the Department of Business  
39 and Professional Regulation; amending ss. 550.002,  
40 550.0115, 550.01215, 550.0235, 550.0251, 550.0351,  
41 550.054, 550.0555, 550.0651, 550.0745, 550.0951,  
42 550.09511, 550.09512, 550.09514, 550.09515, 550.105,  
43 550.1155, 550.125, 550.135, 550.155, 550.1648,  
44 550.175, 550.1815, 550.24055, 550.2415, 550.2614,  
45 550.26165, 550.2625, 550.26352, 550.2704, 550.334,  
46 550.3345, 550.3355, 550.3551, 550.3615, 550.375,  
47 550.495, 550.505, 550.5251, 550.625, 550.6305,  
48 550.6308, 550.70, 550.902, and 550.907, F.S.;

49 conforming provisions to the transfer of the  
50 regulation of pari-mutuel wagering from the Department  
51 of Business and Professional Regulation to the  
52 Department of Gaming Control; deleting obsolete  
53 provisions; conforming cross-references; amending ss.  
54 551.102, 551.103, 551.104, 551.1045, 551.105, 551.106,  
55 551.107, 551.108, 551.109, 551.112, 551.114, 551.117,  
56 551.118, 551.121, 551.122, and 551.123, F.S.;

57 conforming provisions to the transfer of the  
58 regulation of slot machines from the Department of

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59 Business and Professional Regulation to the Department  
60 of Gaming Control; deleting obsolete provisions;  
61 conforming cross-references; amending s. 565.02, F.S.;  
62 providing for the licensure of caterers at a horse or  
63 dog racetrack or jai alai fronton by the Department of  
64 Gaming Control; amending s. 616.09, F.S.; providing  
65 for the Department of Gaming Control or the Department  
66 of Legal Affairs, to prosecute a fair association for  
67 illegal gambling activities; amending s. 616.241,  
68 F.S.; adding the Department of Gaming Control to the  
69 list of entities authorized to enforce the  
70 prohibitions against having certain games at  
71 interstate fairs and specialized shows; amending s.  
72 817.37, F.S.; providing for the enforcement of  
73 prohibitions against touting by the Department of  
74 Gaming Control; amending s. 849.086, F.S.; providing  
75 for the regulation of cardrooms by the Department of  
76 Gaming Control; amending s. 849.094, F.S.; providing  
77 for the regulation of game promotions by the  
78 Department of Gaming Control, rather than the  
79 Department of Agriculture and Consumer Services;  
80 deleting a reference to charitable nonprofit  
81 organizations; deleting a reference to the Department  
82 of Business and Professional Regulation to conform to  
83 changes made by the act; providing an effective date.

84  
85 Be It Enacted by the Legislature of the State of Florida:

86

87 Section 1. Transfers.—

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88       (1) All of the statutory powers, duties and functions,  
89 records, personnel, property, and unexpended balances of  
90 appropriations, allocations, or other funds for the  
91 administration of chapter 550, Florida Statutes, are transferred  
92 by a type two transfer, as defined in s. 20.06(2), Florida  
93 Statutes, from the Division of Pari-mutuel Wagering of the  
94 Department of Business and Professional Regulation to the  
95 Department of Gaming Control.

96       (2) All of the statutory powers, duties and functions,  
97 records, personnel, property, and unexpended balances of  
98 appropriations, allocations, or other funds for the  
99 administration of chapter 551, Florida Statutes, are transferred  
100 by a type two transfer, as defined in s. 20.06(2), Florida  
101 Statutes, from the Division of Pari-mutuel Wagering of the  
102 Department of Business and Professional Regulation to the  
103 Department of Gaming Control.

104       (3) All of the statutory powers, duties and functions,  
105 records, personnel, property, and unexpended balances of  
106 appropriations, allocations, or other funds for the  
107 administration of s. 849.086, Florida Statutes, are transferred  
108 by a type two transfer, as defined in s. 20.06(2), Florida  
109 Statutes, from the Division of Pari-mutuel Wagering of the  
110 Department of Business and Professional Regulation to the  
111 Department of Gaming Control.

112       (4) The following trust funds are transferred from the  
113 Division of Pari-mutuel Wagering of the Department of Business  
114 and Professional Regulation to the Department of Gaming Control:

115       (a) Pari-mutuel Wagering Trust Fund.

116       (b) Racing Scholarship Trust Fund.

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117 Section 2. Paragraph (c) is added to subsection (8) of  
118 section 11.905, Florida Statutes, to read:

119 11.905 Schedule for reviewing state agencies and advisory  
120 committees.—The following state agencies, including their  
121 advisory committees, or the following advisory committees of  
122 agencies shall be reviewed according to the following schedule:

123 (8) Reviewed by July 1, 2022:

124 (c) Department of Gaming Control.

125

126 Upon completion of this cycle, each agency shall again be  
127 subject to sunset review 10 years after its initial review.

128 Section 3. Subsection (2) of section 20.165, Florida  
129 Statutes, is amended to read:

130 20.165 Department of Business and Professional Regulation.—  
131 There is created a Department of Business and Professional  
132 Regulation.

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

135 (a) Division of Administration.

136 (b) Division of Alcoholic Beverages and Tobacco.

137 (c) Division of Certified Public Accounting.

138 1. The director of the division shall be appointed by the  
139 secretary of the department, subject to approval by a majority  
140 of the Board of Accountancy.

141 2. The offices of the division shall be located in  
142 Gainesville.

143 (d) Division of Florida Condominiums, Timeshares, and  
144 Mobile Homes.

145 (e) Division of Hotels and Restaurants.

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146 ~~(f) Division of Pari-mutuel Wagering.~~

147 (f)~~(g)~~ Division of Professions.

148 (g)~~(h)~~ Division of Real Estate.

149 1. The director of the division shall be appointed by the  
150 secretary of the department, subject to approval by a majority  
151 of the Florida Real Estate Commission.

152 2. The offices of the division shall be located in Orlando.

153 (h)~~(i)~~ Division of Regulation.

154 (i)~~(j)~~ Division of Technology.

155 (j)~~(k)~~ Division of Service Operations.

156 Section 4. Section 20.318, Florida Statutes, is created to  
157 read:

158 20.318 Department of Gaming Control.—There is created a  
159 Department of Gaming Control.

160 (1) GAMING COMMISSION.—There is created the Gaming  
161 Commission, composed of the Governor and Cabinet. The commission  
162 members shall serve as agency head of the Department of Gaming  
163 Control. The commission shall be responsible for appointing and  
164 removing the executive director and general counsel.

165 (2) DIVISIONS.—The Department of Gaming Control shall  
166 consist of the following divisions:

167 (a) The Division Licensing.

168 (b) The Division of Revenue and Audits.

169 (c) The Division of Investigation.

170 (d) The Division of Law Enforcement.

171 (e) The Division of Prosecution.

172 (3) DEFINITIONS.—As used in this section, the term:

173 (a) "Commission" means the Gaming Commission.

174 (b) "Department" means the Department of Gaming Control.

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175 (c) "Gaming control" means any gaming activity, occupation,  
176 or profession regulated by the department.

177 (d) "License" means any permit, registration, certificate,  
178 or license issued by the department.

179 (e) "Licensee" means any person issued a permit,  
180 registration, certificate, or license by the department.

181 (4) POWERS AND DUTIES.—

182 (a) The department shall adopt rules establishing a  
183 procedure for the renewal of licenses.

184 (b) The department shall submit an annual budget to the  
185 Legislature at a time and in the manner provided by law.

186 (c) The department shall adopt rules to administer the laws  
187 under its authority.

188 (d) The department shall require an oath on application  
189 documents as required by rule, which oath must state that the  
190 information contained in the document is true and complete.

191 (e) The department shall adopt rules for the control,  
192 supervision, and direction of all applicants, permittees, and  
193 licensees and for the holding, conducting, and operating of any  
194 gaming establishment under the jurisdiction of the department in  
195 this state. The department shall have the authority to suspend a  
196 permit or license under the jurisdiction of the department if  
197 such permitholder or licensee has violated any provision of  
198 chapter 550, chapter 551, s. 849.086, or s. 849.094 or rules  
199 adopted by the department. Such rules must be uniform in their  
200 application and effect, and the duty of exercising this control  
201 and power is made mandatory upon the department.

202 (f) The department may take testimony concerning any matter  
203 within its jurisdiction and issue summons and subpoenas for any

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204 witness and subpoenas duces tecum in connection with any matter  
205 within the jurisdiction of the department under its seal and  
206 signed by the director.

207 (g) In addition to the power to exclude certain persons  
208 from any pari-mutuel facility in this state, the department may  
209 exclude any person from any and all gaming establishments under  
210 the jurisdiction of the department in this state for conduct  
211 that would constitute, if the person were a licensee, a  
212 violation of chapter 550, chapter 551, s. 849.086, or s. 849.094  
213 or the rules of the department. The department may exclude from  
214 any gaming establishment under its jurisdiction within this  
215 state any person who has been ejected from a pari-mutuel  
216 facility or other gaming establishment in this state or who has  
217 been excluded from any pari-mutuel facility or other gaming  
218 establishment in another state by the governmental department,  
219 agency, commission, or authority exercising regulatory  
220 jurisdiction over such facilities in such other state. The  
221 department may authorize any person who has been ejected or  
222 excluded from establishments in this state or another state to  
223 enter such facilities in this state upon a finding that the  
224 attendance of such person would not be adverse to the public  
225 interest or to the integrity of the industry; however, this  
226 subsection shall not be construed to abrogate the common-law  
227 right of a pari-mutuel permit holder or a proprietor of a gaming  
228 establishment to exclude absolutely a patron in this state.

229 (h) The department may collect taxes and require compliance  
230 with reporting requirements for financial information as  
231 authorized by chapter 550, chapter 551, s. 849.086, or s.  
232 849.094. In addition, the executive director of the department



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233 may require gaming establishments within its jurisdiction within  
234 the state to remit taxes, including fees, by electronic funds  
235 transfer.

236 (i) The department may conduct investigations necessary for  
237 enforcing chapters 550 and 551 and ss. 849.086 and 849.094.

238 (j) The department may impose an administrative fine for a  
239 violation under chapter 550, chapter 551, s. 849.086, or s.  
240 849.094 of not more than \$1,000 for each count or separate  
241 offense, except as otherwise provided in chapter 550, chapter  
242 551, s. 849.086, or s. 849.094, and may suspend or revoke a  
243 permit, a operating license, or an occupational license for a  
244 violation under chapter 550, chapter 551, s. 849.086, or s.  
245 849.094. All fines imposed and collected under this paragraph  
246 must be deposited with the Chief Financial Officer to the credit  
247 of the General Revenue Fund.

248 (k) The department shall have full authority and power to  
249 make, adopt, amend, or repeal rules relating to gaming  
250 operations, to enforce and to carry out the provisions of  
251 chapters 550 and 551 and ss. 849.086 and 849.094, and to  
252 regulate authorized gaming activities in the state.

253 (l) The department shall provide advisory opinions when  
254 requested by any law enforcement official, state attorney, or  
255 entity licensed by the department relating to the application of  
256 state gaming laws with respect to whether a particular act or  
257 device constitutes legal or illegal gambling under state laws  
258 and administrative rules adopted thereunder. A written record  
259 shall be retained of all such opinions issued by the department,  
260 which shall be sequentially numbered, dated, and indexed by  
261 subject matter. Any person or entity acting in good faith upon

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262 an advisory opinion that such person or entity requested and  
263 received is not subject to any criminal penalty provided for  
264 under state law for illegal gambling. The opinion, until amended  
265 or revoked, is binding on any person or entity who sought the  
266 opinion, or with reference to whom the opinion was sought,  
267 unless material facts were omitted or misstated in the request  
268 for the advisory opinion. The department may adopt rules  
269 regarding the process for securing an advisory opinion and may  
270 require in those rules the submission of any potential gaming  
271 apparatus for testing by a licensed testing laboratory to prove  
272 or disprove its compliance with state law before the issuance of  
273 an opinion by the department.

274 (m) The department may employ sworn law enforcement  
275 officers as defined in s. 943.10 to enforce the provisions of  
276 any statute or any other laws of this state related to gambling  
277 within the Division of Law Enforcement and to enforce any other  
278 criminal law or to conduct any criminal investigation.

279 1. Each law enforcement officer shall meet the  
280 qualifications for law enforcement officers under s. 943.13 and  
281 shall be certified as a law enforcement officer by the  
282 Department of Law Enforcement under chapter 943. Upon  
283 certification, each law enforcement officer is subject to and  
284 shall have authority provided for law enforcement officers  
285 generally in chapter 901 and shall have statewide jurisdiction.  
286 Each officer shall also have full law enforcement powers.

287 2. The department may also appoint part-time, reserve, or  
288 auxiliary law enforcement officers under chapter 943.

289 3. Each law enforcement officer of the department, upon  
290 certification pursuant to s. 943.1395, has the same right and

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291 authority to carry arms as do the sheriffs of this state.

292 4. Each law enforcement officer in the state who is  
293 certified pursuant to chapter 943 has the same authority as law  
294 enforcement officers designated in this section to enforce the  
295 laws of this state as described in this paragraph.

296 (5) FINANCIALLY DEPENDENT CHILDREN; SUPPORT.—The department  
297 shall work cooperatively with the Department of Revenue to  
298 implement an automated method for periodically disclosing  
299 information relating to current licensees to the Department of  
300 Revenue. The purpose of this subsection is to promote the public  
301 policy of this state as established in s. 409.2551. The  
302 department shall, when directed by the court or the Department  
303 of Revenue pursuant to s. 409.2598, suspend or deny the license  
304 of any licensee found not to be in compliance with a support  
305 order, subpoena, order to show cause, or written agreement  
306 entered into by the licensee with the Department of Revenue. The  
307 department shall issue or reinstate the license without  
308 additional charge to the licensee when notified by the court or  
309 the Department of Revenue that the licensee has complied with  
310 the terms of the support order. The department is not liable for  
311 any license denial or suspension resulting from the discharge of  
312 its duties under this subsection.

313 (6) LICENSING.—The department may:

314 (a) Close and terminate deficient license application files  
315 2 years after the department notifies the applicant of the  
316 deficiency; and

317 (b) Approve gaming-related licenses that meet all statutory  
318 and rule requirements for licensure.

319 Section 5. Subsection (4) of section 120.80, Florida

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320 Statutes, is amended, and subsection (18) is added to that  
321 section, to read:

322 120.80 Exceptions and special requirements; agencies.—

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

324 ~~(a) Business regulation.—The Division of Pari-mutuel~~  
325 ~~Wagering is exempt from the hearing and notice requirements of~~  
326 ~~ss. 120.569 and 120.57(1) (a), but only for stewards, judges, and~~  
327 ~~boards of judges when the hearing is to be held for the purpose~~  
328 ~~of the imposition of fines or suspensions as provided by rules~~  
329 ~~of the Division of Pari-mutuel Wagering, but not for~~  
330 ~~revocations, and only upon violations of subparagraphs 1. 6. The~~  
331 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~  
332 ~~alternative procedures, including a hearing upon reasonable~~  
333 ~~notice, for the following violations:~~

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

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

338 3. ~~Maintaining or possessing any device which could be used~~  
339 ~~for the injection or other infusion of a prohibited drug to~~  
340 ~~horses, greyhounds, and jai alai players in violation of chapter~~  
341 ~~550.~~

342 4. ~~Suspensions under reciprocity agreements between the~~  
343 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~  
344 ~~other states.~~

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

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

348 ~~(b) Professional regulation.—Notwithstanding s.~~

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349 120.57(1)(a), formal hearings may not be conducted by the  
350 Secretary of Business and Professional Regulation or a board or  
351 member of a board within the Department of Business and  
352 Professional Regulation for matters relating to the regulation  
353 of professions, as defined by chapter 455.

354 (18) DEPARTMENT OF GAMING CONTROL.—The department is exempt  
355 from the hearing and notice requirements of ss. 120.569 and  
356 120.57(1)(a) as it applies to stewards, judges, and boards of  
357 judges if the hearing is to be held for the purpose of the  
358 imposition of fines or suspension as provided by rules of the  
359 department, but not for revocations, and only to consider  
360 violations of paragraphs (a)-(f). The department shall adopt  
361 rules establishing alternative procedures, including a hearing  
362 upon reasonable notice, for the following violations:

363 (a) Horse riding, harness riding, greyhound interference,  
364 and jai alai game actions in violation of chapter 550.

365 (b) Application and administration of drugs and medication  
366 to horses, greyhounds, and jai alai players in violation of  
367 chapter 550.

368 (c) Maintaining or possessing any device that could be used  
369 for the injection or other infusion of a prohibited drug into  
370 horses, greyhounds, and jai alai players in violation of chapter  
371 550.

372 (d) Suspensions under reciprocity agreements between the  
373 department and regulatory agencies of other states.

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

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

377 Section 6. Paragraph (f) of subsection (1) and subsection

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378 (7) of section 285.710, Florida Statutes, are amended to read:

379 285.710 Compact authorization.—

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

381 (f) "State compliance agency" means the ~~Division of Pari-~~  
 382 ~~mutuel Wagering of the~~ Department of Gaming Control, Business  
 383 ~~and Professional Regulation~~ which is designated as the state  
 384 agency having the authority to carry out the state's oversight  
 385 responsibilities under the compact.

386 (7) The ~~Division of Pari-mutuel Wagering of the~~ Department  
 387 of Gaming Control ~~Business and Professional Regulation~~ is  
 388 designated as the state compliance agency having the authority  
 389 to carry out the state's oversight responsibilities under the  
 390 compact authorized by this section.

391 Section 7. Section 455.116, Florida Statutes, is amended to  
 392 read:

393 455.116 Regulation trust funds.—The following trust funds  
 394 shall be placed in the department:

395 (1) Administrative Trust Fund.

396 (2) Alcoholic Beverage and Tobacco Trust Fund.

397 (3) Cigarette Tax Collection Trust Fund.

398 (4) Hotel and Restaurant Trust Fund.

399 (5) Division of Florida Condominiums, Timeshares, and  
 400 Mobile Homes Trust Fund.

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

402 (6)~~(7)~~ Professional Regulation Trust Fund.

403 Section 8. Subsections (6), (7), and (11) of section  
 404 550.002, Florida Statutes, are amended, and present subsections  
 405 (8) through (39) of that section are renumbered as subsections  
 406 (7) through (38), respectively, to read:

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407 550.002 Definitions.—As used in this chapter, the term:

408 (6) "Department" means the Department of Gaming Control  
409 ~~Business and Professional Regulation.~~

410 ~~(7) "Division" means the Division of Pari-mutuel Wagering~~  
411 ~~within the Department of Business and Professional Regulation.~~

412 (10)~~(11)~~ "Full schedule of live racing or games" means, for  
413 a greyhound or jai alai permitholder, the conduct of a  
414 combination of at least 100 live evening or matinee performances  
415 during the preceding year; for a permitholder who has a  
416 converted permit or filed an application on or before June 1,  
417 1990, for a converted permit, the conduct of a combination of at  
418 least 100 live evening and matinee wagering performances during  
419 either of the 2 preceding years; for a jai alai permitholder who  
420 does not operate slot machines in its pari-mutuel facility, who  
421 has conducted at least 100 live performances per year for at  
422 least 10 years after December 31, 1992, and whose handle on live  
423 jai alai games conducted at its pari-mutuel facility has been  
424 less than \$4 million per state fiscal year for at least 2  
425 consecutive years after June 30, 1992, the conduct of a  
426 combination of at least 40 live evening or matinee performances  
427 during the preceding year; for a jai alai permitholder who  
428 operates slot machines in its pari-mutuel facility, the conduct  
429 of a combination of at least 150 performances during the  
430 preceding year; for a harness permitholder, the conduct of at  
431 least 100 live regular wagering performances during the  
432 preceding year; for a quarter horse permitholder at its facility  
433 unless an alternative schedule of at least 20 live regular  
434 wagering performances is agreed upon by the permitholder and  
435 either the Florida Quarter Horse Racing Association or the

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436 horsemen's association representing the majority of the quarter  
437 horse owners and trainers at the facility and filed with the  
438 department ~~division~~ along with its annual date application, in  
439 the 2010-2011 fiscal year, the conduct of at least 20 regular  
440 wagering performances, in the 2011-2012 and 2012-2013 fiscal  
441 years, the conduct of at least 30 live regular wagering  
442 performances, and for every fiscal year after the 2012-2013  
443 fiscal year, the conduct of at least 40 live regular wagering  
444 performances; for a quarter horse permitholder leasing another  
445 licensed racetrack, the conduct of 160 events at the leased  
446 facility; and for a thoroughbred permitholder, the conduct of at  
447 least 40 live regular wagering performances during the preceding  
448 year. For a permitholder that ~~which~~ is restricted by statute to  
449 certain operating periods within the year when other members of  
450 its same class of permit are authorized to operate throughout  
451 the year, the specified number of live performances that ~~which~~  
452 constitute a full schedule of live racing or games shall be  
453 adjusted pro rata in accordance with the relationship between  
454 its authorized operating period and the full calendar year and  
455 the resulting specified number of live performances shall  
456 constitute the full schedule of live games for such permitholder  
457 and all other permitholders of the same class within 100 air  
458 miles of such permitholder. A live performance must consist of  
459 no fewer than eight races or games conducted live for each of a  
460 minimum of three performances each week at the permitholder's  
461 licensed facility under a single admission charge.

462 Section 9. Section 550.0115, Florida Statutes, is amended  
463 to read:

464 550.0115 Permitholder license.—After a permit has been



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465 issued by the department ~~division~~, and after the permit has been  
466 approved by election, the department ~~division~~ shall issue to the  
467 permitholder an annual license to conduct pari-mutuel operations  
468 at the location specified in the permit pursuant to the  
469 provisions of this chapter.

470 Section 10. Section 550.01215, Florida Statutes, is amended  
471 to read:

472 550.01215 License application; periods of operation; bond,  
473 conversion of permit.-

474 (1) Each permitholder shall annually, during the period  
475 between December 15 and January 4, file in writing with the  
476 department ~~division~~ its application for a license to conduct  
477 performances during the next state fiscal year. Each application  
478 shall specify the number, dates, and starting times of all  
479 performances that ~~which~~ the permitholder intends to conduct. It  
480 shall also specify which performances will be conducted as  
481 charity or scholarship performances. In addition, each  
482 application for a license shall include, for each permitholder  
483 that ~~which~~ elects to operate a cardroom, the dates and periods  
484 of operation the permitholder intends to operate the cardroom  
485 or, for each thoroughbred permitholder that ~~which~~ elects to  
486 receive or rebroadcast out-of-state races after 7 p.m., the  
487 dates for all performances that ~~which~~ the permitholder intends  
488 to conduct. Permitholders shall be entitled to amend their  
489 applications through February 28.

490 (2) After the first license has been issued to a  
491 permitholder, all subsequent annual applications for a license  
492 shall be accompanied by proof, in such form as the department  
493 ~~division~~ may by rule require, that the permitholder continues to

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494 possess the qualifications prescribed by this chapter, and that  
495 the permit has not been disapproved at a later election.

496 (3) The department ~~division~~ shall issue each license no  
497 later than March 15. Each permitholder shall operate all  
498 performances at the date and time specified on its license. The  
499 department ~~may division~~ ~~shall have the authority to~~ approve  
500 minor changes in racing dates after a license has been issued.  
501 The department ~~division~~ may approve changes in racing dates  
502 after a license has been issued when there is no objection from  
503 any operating permitholder located within 50 miles of the  
504 permitholder requesting the changes in operating dates. In the  
505 event of an objection, the department ~~division~~ shall approve or  
506 disapprove the change in operating dates based upon the impact  
507 on operating permitholders located within 50 miles of the  
508 permitholder requesting the change in operating dates. In making  
509 the determination to change racing dates, the department  
510 ~~division~~ shall consider ~~take into consideration~~ the impact of  
511 such changes on state revenues.

512 (4) ~~If In the event that~~ a permitholder fails to operate  
513 all performances specified on its license at the date and time  
514 specified, the department ~~division~~ shall hold a hearing to  
515 determine whether to fine or suspend the permitholder's license,  
516 unless such failure was the direct result of fire, strike, war,  
517 or other disaster or event beyond the ability of the  
518 permitholder to control. Financial hardship to the permitholder  
519 does ~~shall~~ not, in and of itself, constitute just cause for  
520 failure to operate all performances on the dates and at the  
521 times specified.

522 (5) ~~If In the event that~~ performances licensed to be

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523 operated by a permitholder are vacated, abandoned, or will not  
524 be used for any reason, any permitholder shall be entitled,  
525 pursuant to rules adopted by the department ~~division~~, to apply  
526 to conduct performances on the dates for which the performances  
527 have been abandoned. The department ~~division~~ shall issue an  
528 amended license for all such replacement performances that ~~which~~  
529 have been requested in compliance with the provisions of this  
530 chapter and department ~~division~~ rules.

531 (6) Any permit that ~~which~~ was converted from a jai alai  
532 permit to a greyhound permit may be converted to a jai alai  
533 permit at any time if the permitholder never conducted greyhound  
534 racing or if the permitholder has not conducted greyhound racing  
535 for a period of 12 consecutive months.

536 Section 11. Section 550.0235, Florida Statutes, is amended  
537 to read:

538 550.0235 Limitation of civil liability.—A ~~No~~ permittee  
539 conducting a racing meet pursuant to the provisions of this  
540 chapter; the executive director, no ~~division director, bureau~~  
541 chief, or an ~~employee of the department division; or a~~ ~~and no~~  
542 steward, judge, or other person appointed to act pursuant to  
543 this chapter is not ~~shall be held~~ liable to any person,  
544 partnership, association, corporation, or other business entity  
545 for any cause whatsoever arising out of, or from, the  
546 performance by such permittee, director, employee, steward,  
547 judge, or other person of her or his duties and the exercise of  
548 her or his discretion with respect to the implementation and  
549 enforcement of the statutes and rules governing the conduct of  
550 pari-mutuel wagering, so long as she or he acted in good faith.  
551 This section does ~~shall~~ not limit liability in any situation in

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552 which the negligent maintenance of the premises or the negligent  
553 conduct of a race contributed to an accident and does not; ~~nor~~  
554 ~~shall it~~ limit any contractual liability.

555 Section 12. Section 550.0251, Florida Statutes, is amended  
556 to read:

557 550.0251 The powers and duties of the Department of Gaming  
558 Control ~~Division of Pari-mutuel Wagering of the Department of~~  
559 ~~Business and Professional Regulation.~~ The department division  
560 shall administer this chapter and regulate the pari-mutuel  
561 industry under this chapter and the rules adopted pursuant  
562 thereto, and:

563 (1) The department division shall make an annual report to  
564 the President of the Senate and the Speaker of the House of  
565 Representatives ~~Governor~~ showing its own actions, receipts  
566 derived under the provisions of this chapter, the practical  
567 effects of the application of this chapter, and any suggestions  
568 it may approve for the more effectual accomplishments of the  
569 purposes of this chapter.

570 (2) The department division shall require an oath on  
571 application documents as required by rule, which oath must state  
572 that the information contained in the document is true and  
573 complete.

574 (3) The department division shall adopt reasonable rules  
575 for the control, supervision, and direction of all applicants,  
576 permittees, and licensees and for the holding, conducting, and  
577 operating of all racetracks, race meets, and races held in this  
578 state. Such rules must be uniform in their application and  
579 effect, and the duty of exercising this control and power is  
580 made mandatory upon the department division.

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581           (4) The department ~~division~~ may take testimony concerning  
582 any matter within its jurisdiction and issue summons and  
583 subpoenas for any witness and subpoenas duces tecum in  
584 connection with any matter within the jurisdiction of the  
585 department ~~division~~ under its seal and signed by the director.

586           (5) The department ~~division~~ may adopt rules establishing  
587 procedures for testing occupational licenseholders officiating  
588 at or participating in any race or game at any pari-mutuel  
589 facility under the jurisdiction of the department ~~division~~ for a  
590 controlled substance or alcohol and may prescribe procedural  
591 matters not in conflict with s. 120.80(18) ~~s. 120.80(4)(a)~~.

592           (6) In addition to the power to exclude certain persons  
593 from any pari-mutuel facility in this state, the department  
594 ~~division~~ may exclude any person from any and all pari-mutuel  
595 facilities in this state for conduct that would constitute, if  
596 the person were a licensee, a violation of this chapter or the  
597 rules of the department ~~division~~. The department ~~division~~ may  
598 exclude from any pari-mutuel facility within this state any  
599 person who has been ejected from a pari-mutuel facility in this  
600 state or who has been excluded from any pari-mutuel facility in  
601 another state by the governmental department, agency,  
602 commission, or authority exercising regulatory jurisdiction over  
603 pari-mutuel facilities in such other state. The department  
604 ~~division~~ may authorize any person who has been ejected or  
605 excluded from pari-mutuel facilities in this state or another  
606 state to attend the pari-mutuel facilities in this state upon a  
607 finding that the attendance of such person at pari-mutuel  
608 facilities would not be adverse to the public interest or to the  
609 integrity of the sport or industry; however, this subsection

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610 ~~does shall~~ not be construed to abrogate the common-law right of  
611 a pari-mutuel permitholder to exclude absolutely a patron in  
612 this state.

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

615 (8) The department ~~department~~ may collect taxes and require  
616 compliance with reporting requirements for financial information  
617 as authorized by this chapter. In addition, the ~~secretary of the~~  
618 department may require permitholders conducting pari-mutuel  
619 operations within the state to remit taxes, including fees, by  
620 electronic funds transfer if the taxes and fees amounted to  
621 \$50,000 or more in the prior reporting year.

622 (9) The department ~~division~~ may conduct investigations in  
623 enforcing this chapter, except that all information obtained  
624 pursuant to an investigation by the department ~~division~~ for an  
625 alleged violation of this chapter or rules of the department  
626 ~~division~~ is exempt from s. 119.07(1) and from s. 24(a), Art. I  
627 of the State Constitution until an administrative complaint is  
628 issued or the investigation is closed or ceases to be active.  
629 This subsection does not prohibit the department ~~division~~ from  
630 providing such information to any law enforcement agency or to  
631 any other regulatory agency. For the purposes of this  
632 subsection, an investigation is considered to be active while it  
633 is being conducted with reasonable dispatch and with a  
634 reasonable, good faith belief that it could lead to an  
635 administrative, civil, or criminal action by the department  
636 ~~division~~ or another administrative or law enforcement agency.  
637 Except for active criminal intelligence or criminal  
638 investigative information, as defined in s. 119.011, and any

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639 other information that, if disclosed, would jeopardize the  
640 safety of an individual, all information, records, and  
641 transcriptions become public when the investigation is closed or  
642 ceases to be active.

643 (10) The department ~~division~~ may impose an administrative  
644 fine for a violation under this chapter of not more than \$1,000  
645 for each count or separate offense, except as otherwise provided  
646 in this chapter, and may suspend or revoke a permit, a pari-  
647 mutuel license, or an occupational license for a violation under  
648 this chapter. All fines imposed and collected under this  
649 subsection must be deposited with the Chief Financial Officer to  
650 the credit of the General Revenue Fund.

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

653 (12) The department ~~may division shall have full authority~~  
654 ~~and power to make,~~ adopt, ~~amend,~~ or ~~repeal~~ rules relating to  
655 cardroom operations, to enforce and to carry out the provisions  
656 of s. 849.086, and to regulate the authorized cardroom  
657 activities in the state.

658 (13) The department ~~may division shall have the authority~~  
659 ~~to~~ suspend a permitholder's permit or license, if such  
660 permitholder is operating a cardroom facility and such  
661 permitholder's cardroom license has been suspended or revoked  
662 pursuant to s. 849.086.

663 Section 13. Section 550.0351, Florida Statutes, is amended  
664 to read:

665 550.0351 Charity racing days.—

666 (1) The department ~~division~~ shall, upon the request of a  
667 permitholder, authorize each horseracing permitholder, dogracing

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668 permitholder, and jai alai permitholder up to five charity or  
669 scholarship days in addition to the regular racing days  
670 authorized by law.

671 (2) The proceeds of charity performances shall be paid to  
672 qualified beneficiaries selected by the permitholders from an  
673 authorized list of charities on file with the department  
674 ~~division~~. Eligible charities include any charity that provides  
675 evidence of compliance with the provisions of chapter 496 and  
676 evidence of possession of a valid exemption from federal  
677 taxation issued by the Internal Revenue Service. In addition,  
678 the authorized list must include the Racing Scholarship Trust  
679 Fund, the Historical Resources Operating Trust Fund, major state  
680 and private institutions of higher learning, and Florida  
681 community colleges.

682 (3) The permitholder shall, within 120 days after the  
683 conclusion of its fiscal year, pay to the authorized charities  
684 the total of all profits derived from the operation of the  
685 charity day performances conducted. If charity days are operated  
686 on behalf of another permitholder pursuant to law, the  
687 permitholder entitled to distribute the proceeds shall  
688 distribute the proceeds to charity within 30 days after the  
689 actual receipt of the proceeds.

690 (4) The total of all profits derived from the conduct of a  
691 charity day performance must include all revenues derived from  
692 the conduct of that racing performance, including all state  
693 taxes that would otherwise be due to the state, except that the  
694 daily license fee as provided in s. 550.0951(1) and the breaks  
695 for the promotional trust funds as provided in s. 550.2625(3),  
696 (4), (5), (7), and (8) shall be paid to the department ~~division~~.



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697 All other revenues from the charity racing performance,  
698 including the commissions, breaks, and admissions and the  
699 revenues from parking, programs, and concessions, shall be  
700 included in the total of all profits.

701 (5) In determining profit, the permitholder may elect to  
702 distribute as proceeds only the amount equal to the state tax  
703 that would otherwise be paid to the state if the charity day  
704 were conducted as a regular or matinee performance.

705 (6) (a) The department ~~division~~ shall authorize one  
706 additional scholarship day for horseracing in addition to the  
707 regular racing days authorized by law and any additional days  
708 authorized by this section, to be conducted at all horse  
709 racetracks located in Hillsborough County. The permitholder  
710 shall conduct a full schedule of racing on the scholarship day.

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

714 (c) When a charity or scholarship performance is conducted  
715 as a matinee performance, the department ~~division~~ may authorize  
716 the permitholder to conduct the evening performances of that  
717 operation day as a regular performance in addition to the  
718 regular operating days authorized by law.

719 (7) In addition to the charity days authorized by this  
720 section, any dogracing permitholder may allow its facility to be  
721 used for conducting "hound dog derbies" or "mutt derbies" on any  
722 day during each racing season by any charitable, civic, or  
723 nonprofit organization for the purpose of conducting "hound dog  
724 derbies" or "mutt derbies" if only dogs other than those usually  
725 used in dogracing (greyhounds) are permitted to race and if

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726 adults and minors are allowed to participate as dog owners or  
727 spectators. During these racing events, betting, gambling, and  
728 the sale or use of alcoholic beverages is prohibited.

729 (8) In addition to the eligible charities that meet the  
730 criteria set forth in this section, a jai alai permitholder is  
731 authorized to conduct two additional charity performances each  
732 fiscal year for a fund to benefit retired jai alai players. This  
733 performance shall be known as the "Retired Jai Alai Players  
734 Charity Day." The administration of this fund shall be  
735 determined by rule by the department ~~division~~.

736 Section 14. Section 550.054, Florida Statutes, is amended  
737 to read:

738 550.054 Application for permit to conduct pari-mutuel  
739 wagering.—

740 (1) Any person who possesses the qualifications prescribed  
741 in this chapter may apply to the department ~~division~~ for a  
742 permit to conduct pari-mutuel operations under this chapter.  
743 Applications for a pari-mutuel permit are exempt from the 90-day  
744 licensing requirement of s. 120.60. Within 120 days after  
745 receipt of a complete application, the department ~~division~~ shall  
746 grant or deny the permit. A completed application that is not  
747 acted upon within 120 days after receipt is deemed approved, and  
748 the department ~~division~~ shall grant the permit.

749 (2) Upon each application filed and approved, a permit  
750 shall be issued to the applicant setting forth the name of the  
751 permitholder, the location of the pari-mutuel facility, the type  
752 of pari-mutuel activity desired to be conducted, and a statement  
753 showing qualifications of the applicant to conduct pari-mutuel  
754 performances under this chapter; however, a permit is

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755 ineffectual to authorize any pari-mutuel performances until  
756 approved by a majority of the electors participating in a  
757 ratification election in the county in which the applicant  
758 proposes to conduct pari-mutuel wagering activities. In  
759 addition, an application may not be considered, nor may a permit  
760 be issued by the department ~~division~~ or be voted upon in any  
761 county, to conduct horseraces, harness horse races, or dograces  
762 at a location within 100 miles of an existing pari-mutuel  
763 facility, or for jai alai within 50 miles of an existing pari-  
764 mutuel facility; this distance shall be measured on a straight  
765 line from the nearest property line of one pari-mutuel facility  
766 to the nearest property line of the other facility.

767 (3) The department ~~division~~ shall require that each  
768 applicant submit an application setting forth:

769 (a) The full name of the applicant.

770 (b) If a corporation, the name of the state in which  
771 incorporated and the names and addresses of the officers,  
772 directors, and shareholders holding 5 percent or more equity or,  
773 if a business entity other than a corporation, the names and  
774 addresses of the principals, partners, or shareholders holding 5  
775 percent or more equity.

776 (c) The names and addresses of the ultimate equitable  
777 owners for a corporation or other business entity, if different  
778 from those provided under paragraph (b), unless the securities  
779 of the corporation or entity are registered pursuant to s. 12 of  
780 the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk; and  
781 if such corporation or entity files with the United States  
782 Securities and Exchange Commission the reports required by s. 13  
783 of that act or if the securities of the corporation or entity

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784 are regularly traded on an established securities market in the  
785 United States.

786 (d) The exact location where the applicant will conduct  
787 pari-mutuel performances.

788 (e) Whether the pari-mutuel facility is owned or leased  
789 and, if leased, the name and residence of the fee owner or, if a  
790 corporation, the names and addresses of the directors and  
791 stockholders thereof. However, this chapter does not prevent a  
792 person from applying to the department ~~division~~ for a permit to  
793 conduct pari-mutuel operations, regardless of whether the pari-  
794 mutuel facility has been constructed or not, and having an  
795 election held in any county at the same time that elections are  
796 held for the ratification of any permit in that county.

797 (f) A statement of the assets and liabilities of the  
798 applicant.

799 (g) The names and addresses of any mortgagee of any pari-  
800 mutuel facility and any financial agreement between the parties.  
801 The department ~~division~~ may require the names and addresses of  
802 the officers and directors of the mortgagee, and of those  
803 stockholders who hold more than 10 percent of the stock of the  
804 mortgagee.

805 (h) A business plan for the first year of operation.

806 (i) For each individual listed in the application as an  
807 owner, partner, officer, or director, a complete set of  
808 fingerprints that has been taken by an authorized law  
809 enforcement officer. These sets of fingerprints must be  
810 submitted to the Federal Bureau of Investigation for processing.  
811 Applicants who are foreign nationals shall submit such documents  
812 as necessary to allow the department ~~division~~ to conduct

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813 criminal history records checks in the applicant's home country.  
814 The applicant must pay the cost of processing. The department  
815 ~~division~~ may charge a \$2 handling fee for each set of  
816 fingerprint records.

817 (j) The type of pari-mutuel activity to be conducted and  
818 the desired period of operation.

819 (k) Other information the department ~~division~~ requires.

820 (4) The department ~~division~~ shall require each applicant to  
821 deposit with the board of county commissioners of the county in  
822 which the election is to be held, a sufficient sum, in currency  
823 or by check certified by a bank licensed to do business in the  
824 state to pay the expenses of holding the election provided in s.  
825 550.0651.

826 (5) Upon receiving an application and any amendments  
827 properly made thereto, the department ~~division~~ shall further  
828 investigate the matters contained in the application. If the  
829 applicant meets all requirements, conditions, and qualifications  
830 set forth in this chapter and the rules of the department  
831 ~~division~~, the department ~~division~~ shall grant the permit.

832 (6) After initial approval of the permit and the source of  
833 financing, the terms and parties of any subsequent refinancing  
834 must be disclosed by the applicant or the permit holder to the  
835 department ~~division~~.

836 (7) If the department ~~division~~ refuses to grant the permit,  
837 the money deposited with the board of county commissioners for  
838 holding the election must be refunded to the applicant. If the  
839 department ~~division~~ grants the permit applied for, the board of  
840 county commissioners shall order an election in the county to  
841 decide whether the permit will be approved, as provided in s.

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842 550.0651.

843 (8) (a) The department ~~division~~ may charge the applicant for  
844 reasonable, anticipated costs incurred by the department  
845 ~~division~~ in determining the eligibility of any person or entity  
846 specified in s. 550.1815(1) (a) to hold any pari-mutuel permit,  
847 against such person or entity.

848 (b) The department ~~division~~ may, by rule, determine the  
849 manner of paying its anticipated costs associated with  
850 determination of eligibility and the procedure for filing  
851 applications for determination of eligibility.

852 (c) The department ~~division~~ shall furnish to the applicant  
853 an itemized statement of actual costs incurred during the  
854 investigation to determine eligibility.

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

858 (e) If the actual costs of investigation exceed anticipated  
859 costs, the department ~~division~~ shall assess the applicant the  
860 amount necessary to recover all actual costs.

861 (9) (a) After a permit has been granted by the department  
862 ~~division~~ and has been ratified and approved by the majority of  
863 the electors participating in the election in the county  
864 designated in the permit, the department ~~division~~ shall grant to  
865 the lawful permitholder, subject to the conditions of this  
866 chapter, a license to conduct pari-mutuel operations under this  
867 chapter, and, except as provided in s. 550.5251, the department  
868 ~~division~~ shall fix annually the time, place, and number of days  
869 during which pari-mutuel operations may be conducted by the  
870 permitholder at the location fixed in the permit and ratified in

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871 the election. After the first license has been issued to the  
872 holder of a ratified permit for racing in any county, all  
873 subsequent annual applications for a license by that  
874 permitholder must be accompanied by proof, in such form as the  
875 department ~~division~~ requires, that the ratified permitholder  
876 still possesses all the qualifications prescribed by this  
877 chapter and that the permit has not been recalled at a later  
878 election held in the county.

879 (b) The department ~~division~~ may revoke or suspend any  
880 permit or license issued under this chapter upon the willful  
881 violation by the permitholder or licensee of any provision of  
882 this chapter or of any rule adopted under this chapter. In lieu  
883 of suspending or revoking a permit or license, the department  
884 ~~division~~ may impose a civil penalty against the permitholder or  
885 licensee for a violation of this chapter or any rule adopted by  
886 the department ~~division~~. The penalty so imposed may not exceed  
887 \$1,000 for each count or separate offense. All penalties imposed  
888 and collected must be deposited with the Chief Financial Officer  
889 to the credit of the General Revenue Fund.

890 (10) If a permitholder has failed to complete construction  
891 of at least 50 percent of the facilities necessary to conduct  
892 pari-mutuel operations within 12 months after approval by the  
893 voters of the permit, the department ~~division~~ shall revoke the  
894 permit upon adequate notice to the permitholder. However, the  
895 department ~~division~~, upon good cause shown by the permitholder,  
896 may grant one extension of up to 12 months.

897 (11) (a) A permit granted under this chapter may not be  
898 transferred or assigned except upon written approval by the  
899 department ~~division~~ pursuant to s. 550.1815, except that the

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900 holder of any permit that has been converted to a jai alai  
901 permit may lease or build anywhere within the county in which  
902 its permit is located.

903 (b) If a permit to conduct pari-mutuel wagering is held by  
904 a corporation or business entity other than an individual, the  
905 transfer of 10 percent or more of the stock or other evidence of  
906 ownership or equity in the permitholder may not be made without  
907 the prior approval of the transferee by the department ~~division~~  
908 pursuant to s. 550.1815.

909 (12) Changes in ownership or interest of a pari-mutuel  
910 permit of 5 percent or more of the stock or other evidence of  
911 ownership or equity in the permitholder must ~~shall~~ be approved  
912 by the department ~~before division~~ ~~prior to~~ such change, unless  
913 the owner is an existing owner of that permit who was previously  
914 approved by the department ~~division~~. Changes in ownership or  
915 interest of a pari-mutuel permit of less than 5 percent must  
916 ~~shall~~ be reported to the department ~~division~~ within 20 days of  
917 the change. The department ~~division~~ may then conduct an  
918 investigation to ensure that the permit is properly updated to  
919 show the change in ownership or interest.

920 (13) (a) Notwithstanding any provisions of this chapter, a  
921 ~~no~~ thoroughbred horse racing permit or license issued under this  
922 chapter may not ~~shall~~ be transferred, or reissued if ~~when~~ such  
923 reissuance is in the nature of a transfer so as to permit or  
924 authorize a licensee to change the location of a thoroughbred  
925 horse racetrack except upon proof in such form as the department  
926 ~~division~~ may prescribe that a referendum election has been held:

927 1. If the proposed new location is within the same county  
928 as the already licensed location, in the county where the



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929 licensee desires to conduct the race meeting and that a majority  
930 of the electors voting on that question in such election voted  
931 in favor of the transfer of such license.

932 2. If the proposed new location is not within the same  
933 county as the already licensed location, in the county where the  
934 licensee desires to conduct the race meeting and in the county  
935 where the licensee is already licensed to conduct the race  
936 meeting and that a majority of the electors voting on that  
937 question in each such election voted in favor of the transfer of  
938 such license.

939 (b) Each referendum held under ~~the provisions of~~ this  
940 subsection shall be held in accordance with the electoral  
941 procedures for ratification of permits, as provided in s.  
942 550.0651. The expense of each such referendum shall be borne by  
943 the licensee requesting the transfer.

944 (14) (a) Any holder of a permit to conduct jai alai may  
945 apply to the department ~~division~~ to convert such permit to a  
946 permit to conduct greyhound racing in lieu of jai alai if:

947 1. Such permit is located in a county in which the  
948 department ~~division~~ has issued only two pari-mutuel permits  
949 pursuant to this section;

950 2. Such permit was not previously converted from any other  
951 class of permit; and

952 3. The holder of the permit has not conducted jai alai  
953 games during a period of 10 years immediately preceding his or  
954 her application for conversion under this subsection.

955 (b) The department ~~division~~, upon application from the  
956 holder of a jai alai permit meeting all conditions of this  
957 section, shall convert the permit and shall issue to the

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958 permitholder a permit to conduct greyhound racing. A  
959 permitholder of a permit converted under this section shall ~~be~~  
960 ~~required to~~ apply for and conduct a full schedule of live racing  
961 each fiscal year to be eligible for any tax credit provided by  
962 this chapter. The holder of a permit converted pursuant to this  
963 subsection or any holder of a permit to conduct greyhound racing  
964 located in a county in which it is the only permit issued  
965 pursuant to this section who operates at a leased facility  
966 pursuant to s. 550.475 may move the location for which the  
967 permit has been issued to another location within a 30-mile  
968 radius of the location fixed in the permit issued in that  
969 county, provided the move does not cross the county boundary and  
970 such location is approved under the zoning regulations of the  
971 county or municipality in which the permit is located, and upon  
972 such relocation may use the permit for the conduct of pari-  
973 mutuel wagering and the operation of a cardroom. The provisions  
974 of s. 550.6305(9)(d) and (f) ~~shall~~ apply to any permit converted  
975 under this subsection and ~~shall~~ continue to apply to any permit  
976 that ~~which~~ was previously included under and subject to such  
977 provisions before a conversion pursuant to this section  
978 occurred.

979 Section 15. Subsection (2) of section 550.0555, Florida  
980 Statutes, is amended to read:

981 550.0555 Greyhound dogracing permits; relocation within a  
982 county; conditions.—

983 (2) Any holder of a valid outstanding permit for greyhound  
984 dogracing in a county in which there is only one dogracing  
985 permit issued, as well as any holder of a valid outstanding  
986 permit for jai alai in a county where only one jai alai permit

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987 is issued, is authorized, without the necessity of an additional  
988 county referendum required under s. 550.0651, to move the  
989 location for which the permit has been issued to another  
990 location within a 30-mile radius of the location fixed in the  
991 permit issued in that county, if provided the move does not  
992 cross the county boundary, ~~that~~ such relocation is approved  
993 under the zoning regulations of the county or municipality in  
994 which the permit is to be located as a planned development use,  
995 consistent with the comprehensive plan, and ~~that~~ such move is  
996 approved by the department after it is determined at a  
997 proceeding pursuant to chapter 120 in the county affected that  
998 the move is necessary to ensure the revenue-producing capability  
999 of the permittee without deteriorating the revenue-producing  
1000 capability of any other pari-mutuel permittee within 50 miles;  
1001 the distance shall be measured on a straight line from the  
1002 nearest property line of one racing plant or jai alai fronton to  
1003 the nearest property line of the other.

1004 Section 16. Section 550.0651, Florida Statutes, is amended  
1005 to read:

1006 550.0651 Elections for ratification of permits.—

1007 (1) The holder of any permit may have submitted to the  
1008 electors of the county designated therein the question whether  
1009 or not such permit will be ratified or rejected. Such questions  
1010 shall be submitted to the electors for approval or rejection at  
1011 a special election to be called for that purpose only. The board  
1012 of county commissioners of the county designated, upon the  
1013 presentation to such board at a regular or special meeting of a  
1014 written application, accompanied by a certified copy of the  
1015 permit granted by the department ~~division~~, and asking for an

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1016 election in the county in which the application was made, shall  
1017 order a special election in the county for the particular  
1018 purpose of deciding whether such permit shall be approved and  
1019 license issued and race meetings permitted in such county by  
1020 such permittee and shall cause the clerk of such board to give  
1021 notice of the special election by publishing the same once each  
1022 week for 2 consecutive weeks in one or more newspapers of  
1023 general circulation in the county. Each permit covering each  
1024 track must be voted upon separately and in separate elections,  
1025 and an election may not be called more often than once every 2  
1026 years for the ratification of any permit covering the same  
1027 track.

1028 (2) All elections ordered under this chapter must be held  
1029 within 90 days and not less than 21 days after the time of  
1030 presenting such application to the board of county  
1031 commissioners, and the inspectors of election shall be appointed  
1032 and qualified as in cases of general elections, and they shall  
1033 count the votes cast and make due returns of same to the board  
1034 of county commissioners without delay. The board of county  
1035 commissioners shall canvass the returns, declare the results,  
1036 and cause the same to be recorded as provided in the general law  
1037 concerning elections so far as applicable.

1038 (3) When a permit has been granted by the department  
1039 ~~division~~ and no application to the board of county commissioners  
1040 has been made by the permittee within 6 months after the  
1041 granting of the permit, the permit becomes void. The department  
1042 ~~division~~ shall cancel the permit without notice to the  
1043 permitholder, and the board of county commissioners holding the  
1044 deposit for the election shall refund the deposit to the

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1045 permitholder upon being notified by the department ~~division~~ that  
1046 the permit has become void and has been canceled.

1047 (4) All electors duly registered and qualified to vote at  
1048 the last preceding general election held in such county are  
1049 qualified electors for such election, and in addition thereto  
1050 the registration books for such county shall be opened on the  
1051 10th day (if the 10th day is a Sunday or a holiday, then on the  
1052 next day not a Sunday or holiday) after such election is ordered  
1053 and called and must remain open for a period of 10 days for  
1054 additional registrations of persons qualified for registration  
1055 but not already registered. Electors for such special election  
1056 have the same qualifications for and prerequisites to voting in  
1057 elections as under the general election laws.

1058 (5) If at any such special election the majority of the  
1059 electors voting on the question of ratification or rejection of  
1060 any permit vote against such ratification, such permit is void.  
1061 If a majority of the electors voting on the question of  
1062 ratification or rejection of any permit vote for such  
1063 ratification, such permit becomes effectual and the holder  
1064 thereof may conduct racing upon complying with the other  
1065 provisions of this chapter. The board of county commissioners  
1066 shall immediately certify the results of the election to the  
1067 department ~~division~~.

1068 Section 17. Subsections (1) and (4) of section 550.0745,  
1069 Florida Statutes, are amended to read:

1070 550.0745 Conversion of pari-mutuel permit to summer jai  
1071 alai permit.-

1072 (1) The owner or operator of a pari-mutuel permit who is  
1073 authorized by the department ~~division~~ to conduct pari-mutuel

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1074 pools on exhibition sports in any county having five or more  
1075 such pari-mutuel permits and whose mutuel play from the  
1076 operation of such pari-mutuel pools for the 2 consecutive years  
1077 next prior to filing an application under this section has had  
1078 the smallest play or total pool within the county may apply to  
1079 the department ~~division~~ to convert its permit to a permit to  
1080 conduct a summer jai alai fronton in such county during the  
1081 summer season commencing on May 1 and ending on November 30 of  
1082 each year on such dates as may be selected by such permittee for  
1083 the same number of days and performances as are allowed and  
1084 granted to winter jai alai frontons within such county. If a  
1085 permittee who is eligible under this section to convert a permit  
1086 declines to convert, a new permit is hereby made available in  
1087 that permittee's county to conduct summer jai alai games as  
1088 provided by this section, notwithstanding mileage and permit  
1089 ratification requirements. If a permittee converts a quarter  
1090 horse permit pursuant to this section, nothing in this section  
1091 prohibits the permittee from obtaining another quarter horse  
1092 permit. Such permittee shall pay the same taxes as are fixed and  
1093 required to be paid from the pari-mutuel pools of winter jai  
1094 alai permittees and is bound by all of the rules and provisions  
1095 of this chapter which apply to the operation of winter jai alai  
1096 frontons. Such permittee shall only be permitted to operate a  
1097 jai alai fronton after its application has been submitted to the  
1098 department ~~division~~ and its license has been issued pursuant to  
1099 the application. The license is renewable from year to year as  
1100 provided by law.

1101 (4) The provisions of this chapter which prohibit the  
1102 location and operation of jai alai frontons within a specified

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1103 distance from the location of another jai alai fronton or other  
1104 permittee and which prohibit the department ~~division~~ from  
1105 granting any permit at a location within a certain designated  
1106 area do not apply to the provisions of this section and do not  
1107 prevent the issuance of a license under this section.

1108 Section 18. Section 550.0951, Florida Statutes, is amended  
1109 to read:

1110 550.0951 Payment of daily license fee and taxes;  
1111 penalties.—

1112 (1) (a) DAILY LICENSE FEE.—Each person engaged in the  
1113 business of conducting race meetings or jai alai games under  
1114 this chapter, hereinafter referred to as the "permitholder,"  
1115 "licensee," or "permittee," shall pay to the department  
1116 ~~division~~, for the use of the department ~~division~~, a daily  
1117 license fee on each live or simulcast pari-mutuel event of \$100  
1118 for each horserace and \$80 for each dograce and \$40 for each jai  
1119 alai game conducted at a racetrack or fronton licensed under  
1120 this chapter. In addition to the tax exemption specified in s.  
1121 550.09514(1) of \$360,000 or \$500,000 per greyhound permitholder  
1122 per state fiscal year, each greyhound permitholder shall receive  
1123 in the current state fiscal year a tax credit equal to the  
1124 number of live greyhound races conducted in the previous state  
1125 fiscal year times the daily license fee specified for each  
1126 dograce in this subsection applicable for the previous state  
1127 fiscal year. This tax credit and the exemption in s.  
1128 550.09514(1) shall be applicable to any tax imposed by this  
1129 chapter or the daily license fees imposed by this chapter except  
1130 during any charity or scholarship performances conducted  
1131 pursuant to s. 550.0351. Each permitholder shall pay daily

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1132 license fees not to exceed \$500 per day on any simulcast races  
1133 or games on which such permitholder accepts wagers regardless of  
1134 the number of out-of-state events taken or the number of out-of-  
1135 state locations from which such events are taken. This license  
1136 fee shall be deposited with the Chief Financial Officer to the  
1137 credit of the Pari-mutuel Wagering Trust Fund.

1138 (b) Each permitholder that cannot utilize the full amount  
1139 of the exemption of \$360,000 or \$500,000 provided in s.  
1140 550.09514(1) or the daily license fee credit provided in this  
1141 section may, after notifying the department ~~division~~ in writing,  
1142 elect once per state fiscal year on a form provided by the  
1143 department ~~division~~ to transfer such exemption or credit or any  
1144 portion thereof to any greyhound permitholder that ~~which~~ acts as  
1145 a host track to such permitholder for the purpose of intertrack  
1146 wagering. Once an election to transfer such exemption or credit  
1147 is filed with the department ~~division~~, it may ~~shall~~ not be  
1148 rescinded. The department ~~division~~ shall disapprove the transfer  
1149 when the amount of the exemption or credit or portion thereof is  
1150 unavailable to the transferring permitholder or when the  
1151 permitholder who is entitled to transfer the exemption or credit  
1152 or who is entitled to receive the exemption or credit owes taxes  
1153 to the state pursuant to a deficiency letter or administrative  
1154 complaint issued by the department ~~division~~. Upon approval of  
1155 the transfer by the department ~~division~~, the transferred tax  
1156 exemption or credit shall be effective for the first performance  
1157 of the next payment period as specified in subsection (5). The  
1158 exemption or credit transferred to such host track may be  
1159 applied by such host track against any taxes imposed by this  
1160 chapter or daily license fees imposed by this chapter. The



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1161 greyhound permitholder host track to which such exemption or  
1162 credit is transferred shall reimburse such permitholder the  
1163 exact monetary value of such transferred exemption or credit as  
1164 actually applied against the taxes and daily license fees of the  
1165 host track. The department ~~division~~ shall ensure that all  
1166 transfers of exemption or credit are made in accordance with  
1167 this subsection, and the department may ~~shall have the authority~~  
1168 ~~to~~ adopt rules to ensure the implementation of this section.

1169 (2) ADMISSION TAX.—

1170 (a) An admission tax equal to 15 percent of the admission  
1171 charge for entrance to the permitholder's facility and  
1172 grandstand area, or 10 cents, whichever is greater, is imposed  
1173 on each person attending a horserace, dograce, or jai alai game.  
1174 The permitholder shall be responsible for collecting the  
1175 admission tax.

1176 (b) No admission tax under this chapter or chapter 212  
1177 shall be imposed on any free passes or complimentary cards  
1178 issued to persons for which there is no cost to the person for  
1179 admission to pari-mutuel events.

1180 (c) A permitholder may issue tax-free passes to its  
1181 officers, officials, and employees or other persons actually  
1182 engaged in working at the racetrack, including accredited press  
1183 representatives such as reporters and editors, and may also  
1184 issue tax-free passes to other permitholders for the use of  
1185 their officers and officials. The permitholder shall file with  
1186 the department ~~division~~ a list of all persons to whom tax-free  
1187 passes are issued under this paragraph.

1188 (3) TAX ON HANDLE.—Each permitholder shall pay a tax on  
1189 contributions to pari-mutuel pools, the aggregate of which is

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1190 hereinafter referred to as "handle," on races or games conducted  
1191 by the permitholder. The tax is imposed daily and is based on  
1192 the total contributions to all pari-mutuel pools conducted  
1193 during the daily performance. If a permitholder conducts more  
1194 than one performance daily, the tax is imposed on each  
1195 performance separately.

1196 (a) The tax on handle for quarter horse racing is 1.0  
1197 percent of the handle.

1198 (b)1. The tax on handle for dogracing is 5.5 percent of the  
1199 handle, except that for live charity performances held pursuant  
1200 to s. 550.0351, and for intertrack wagering on such charity  
1201 performances at a guest greyhound track within the market area  
1202 of the host, the tax is 7.6 percent of the handle.

1203 2. The tax on handle for jai alai is 7.1 percent of the  
1204 handle.

1205 (c)1. The tax on handle for intertrack wagering is 2.0  
1206 percent of the handle if the host track is a horse track, 3.3  
1207 percent if the host track is a harness track, 5.5 percent if the  
1208 host track is a dog track, and 7.1 percent if the host track is  
1209 a jai alai fronton. The tax on handle for intertrack wagering is  
1210 0.5 percent if the host track and the guest track are  
1211 thoroughbred permitholders or if the guest track is located  
1212 outside the market area of the host track and within the market  
1213 area of a thoroughbred permitholder currently conducting a live  
1214 race meet. The tax on handle for intertrack wagering on  
1215 rebroadcasts of simulcast thoroughbred horseraces is 2.4 percent  
1216 of the handle and 1.5 percent of the handle for intertrack  
1217 wagering on rebroadcasts of simulcast harness horseraces. The  
1218 tax shall be deposited into the Pari-mutuel Wagering Trust Fund.

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1219           2. The tax on handle for intertrack wagers accepted by any  
1220 dog track located in an area of the state in which there are  
1221 only three permitholders, all of which are greyhound  
1222 permitholders, located in three contiguous counties, from any  
1223 greyhound permitholder also located within such area or any dog  
1224 track or jai alai fronton located as specified in s. 550.615(6)  
1225 or (9), on races or games received from the same class of  
1226 permitholder located within the same market area is 3.9 percent  
1227 if the host facility is a greyhound permitholder and, if the  
1228 host facility is a jai alai permitholder, the rate shall be 6.1  
1229 percent except that it shall be 2.3 percent on handle at such  
1230 time as the total tax on intertrack handle paid to the  
1231 department ~~division~~ by the permitholder during the current state  
1232 fiscal year exceeds the total tax on intertrack handle paid to  
1233 the department ~~division~~ by the permitholder during the 1992-1993  
1234 state fiscal year.

1235           (d) Notwithstanding any other provision of this chapter, in  
1236 order to protect the Florida jai alai industry, ~~effective July~~  
1237 ~~1, 2000,~~ a jai alai permitholder may not be taxed on live handle  
1238 at a rate higher than 2 percent.

1239           (4) BREAKS TAX. ~~Effective October 1, 1996,~~ Each  
1240 permitholder conducting jai alai performances shall pay a tax  
1241 equal to the breaks. The "breaks" represents that portion of  
1242 each pari-mutuel pool which is not redistributed to the  
1243 contributors or withheld by the permitholder as commission.

1244           (5) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments  
1245 imposed by this section shall be paid to the department  
1246 ~~division~~. The department ~~division~~ shall deposit these sums with  
1247 the Chief Financial Officer, to the credit of the Pari-mutuel

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1248 Wagering Trust Fund, hereby established. The permitholder shall  
1249 remit to the department ~~division~~ payment for the daily license  
1250 fee, the admission tax, the tax on handle, and the breaks tax.  
1251 Such payments shall be remitted by 3 p.m. Wednesday of each week  
1252 for taxes imposed and collected for the preceding week ending on  
1253 Sunday. Beginning on July 1, 2012, such payments shall be  
1254 remitted by 3 p.m. on the 5th day of each calendar month for  
1255 taxes imposed and collected for the preceding calendar month. If  
1256 the 5th day of the calendar month falls on a weekend, payments  
1257 shall be remitted by 3 p.m. the first Monday following the  
1258 weekend. Permitholders shall file a report under oath by the 5th  
1259 day of each calendar month for all taxes remitted during the  
1260 preceding calendar month. Such payments shall be accompanied by  
1261 a report under oath showing the total of all admissions, the  
1262 pari-mutuel wagering activities for the preceding calendar  
1263 month, and such other information as may be prescribed by the  
1264 department ~~division~~.

1265 (6) PENALTIES.—

1266 (a) The failure of any permitholder to make payments as  
1267 prescribed in subsection (5) is a violation of this section, and  
1268 the permitholder may be subjected by the department ~~division~~ to  
1269 a civil penalty of up to \$1,000 for each day the tax payment is  
1270 not remitted. All penalties imposed and collected shall be  
1271 deposited in the General Revenue Fund. If a permitholder fails  
1272 to pay penalties imposed by order of the department ~~division~~  
1273 under this subsection, the department ~~division~~ may suspend or  
1274 revoke the license of the permitholder, cancel the permit of the  
1275 permitholder, or deny issuance of any further license or permit  
1276 to the permitholder.

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1277 (b) In addition to the civil penalty prescribed in  
1278 paragraph (a), any willful or wanton failure by any permitholder  
1279 to make payments of the daily license fee, admission tax, tax on  
1280 handle, or breaks tax constitutes sufficient grounds for the  
1281 department ~~division~~ to suspend or revoke the license of the  
1282 permitholder, to cancel the permit of the permitholder, or to  
1283 deny issuance of any further license or permit to the  
1284 permitholder.

1285 Section 19. Subsections (2) and (3) of section 550.09511,  
1286 Florida Statutes, are amended to read:

1287 550.09511 Jai alai taxes; abandoned interest in a permit  
1288 for nonpayment of taxes.—

1289 (2) Notwithstanding the provisions of s. 550.0951(3)(b),  
1290 wagering on live jai alai performances shall be subject to the  
1291 following taxes:

1292 (a)1. The tax on handle per performance for live jai alai  
1293 performances is 4.25 percent of handle per performance. However,  
1294 when the live handle of a permitholder during the preceding  
1295 state fiscal year was less than \$15 million, the tax shall be  
1296 paid on the handle in excess of \$30,000 per performance per day.

1297 2. The tax rate shall be applicable only until the  
1298 requirements of paragraph (b) are met.

1299 (b) At such time as the total of admissions tax, daily  
1300 license fee, and tax on handle for live jai alai performances  
1301 paid to the department ~~division~~ by a permitholder during the  
1302 current state fiscal year exceeds the total state tax revenues  
1303 from wagering on live jai alai performances paid or due by the  
1304 permitholder in fiscal year 1991-1992, the permitholder shall  
1305 pay tax on handle for live jai alai performances at a rate of

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1306 2.55 percent of the handle per performance for the remainder of  
1307 the current state fiscal year. For purposes of this section,  
1308 total state tax revenues on live jai alai wagering in fiscal  
1309 year 1991-1992 shall include any admissions tax, tax on handle,  
1310 surtaxes on handle, and daily license fees.

1311 (c) If no tax on handle for live jai alai performances were  
1312 paid to the department ~~division~~ by a jai alai permitholder  
1313 during the 1991-1992 state fiscal year, then at such time as the  
1314 total of admissions tax, daily license fee, and tax on handle  
1315 for live jai alai performances paid to the department ~~division~~  
1316 by a permitholder during the current state fiscal year exceeds  
1317 the total state tax revenues from wagering on live jai alai  
1318 performances paid or due by the permitholder in the last state  
1319 fiscal year in which the permitholder conducted a full schedule  
1320 of live games, the permitholder shall pay tax on handle for live  
1321 jai alai performances at a rate of 3.3 percent of the handle per  
1322 performance for the remainder of the current state fiscal year.  
1323 For purposes of this section, total state tax revenues on live  
1324 jai alai wagering shall include any admissions tax, tax on  
1325 handle, surtaxes on handle, and daily license fees. ~~This~~  
1326 ~~paragraph shall take effect July 1, 1993.~~

1327 (d) A permitholder who obtains a new permit issued by the  
1328 department ~~division~~ subsequent to the 1991-1992 state fiscal  
1329 year and a permitholder whose permit has been converted to a jai  
1330 alai permit under the provisions of this chapter, shall, at such  
1331 time as the total of admissions tax, daily license fee, and tax  
1332 on handle for live jai alai performances paid to the department  
1333 ~~division~~ by the permitholder during the current state fiscal  
1334 year exceeds the average total state tax revenues from wagering

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1335 on live jai alai performances for the first 3 consecutive jai  
1336 alai seasons paid to or due the department ~~division~~ by the  
1337 permitholder and during which the permitholder conducted a full  
1338 schedule of live games, pay tax on handle for live jai alai  
1339 performances at a rate of 3.3 percent of the handle per  
1340 performance for the remainder of the current state fiscal year.

1341 (e) The payment of taxes pursuant to paragraphs (b), (c),  
1342 and (d) shall be calculated and commence beginning the day in  
1343 which the permitholder is first entitled to the reduced rate  
1344 specified in this section and the report of taxes required by s.  
1345 550.0951(5) is submitted to the department ~~division~~.

1346 (f) A jai alai permitholder paying taxes under this section  
1347 shall retain the breaks and pay an amount equal to the breaks as  
1348 special prize awards, which shall be in addition to the regular  
1349 contracted prize money paid to jai alai players at the  
1350 permitholder's facility. Payment of the special prize money  
1351 shall be made during the permitholder's current meet.

1352 (g) For purposes of this section, "handle" has ~~shall have~~  
1353 the same meaning as in s. 550.0951, and does ~~shall~~ not include  
1354 handle from intertrack wagering.

1355 (3) (a) Notwithstanding the provisions of subsection (2) and  
1356 s. 550.0951(3)(c)1., any jai alai permitholder that ~~which~~ is  
1357 restricted under Florida law from operating live performances on  
1358 a year-round basis is entitled to conduct wagering on live  
1359 performances at a tax rate of 3.85 percent of live handle. Such  
1360 permitholder is also entitled to conduct intertrack wagering as  
1361 a host permitholder on live jai alai games at its fronton at a  
1362 tax rate of 3.3 percent of handle at such time as the total tax  
1363 on intertrack handle paid to the department ~~division~~ by the

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1364 permitholder during the current state fiscal year exceeds the  
1365 total tax on intertrack handle paid to the department ~~division~~  
1366 by the permitholder during the 1992-1993 state fiscal year.

1367 (b) The payment of taxes pursuant to paragraph (a) shall be  
1368 calculated and commence beginning the day in which the  
1369 permitholder is first entitled to the reduced rate specified in  
1370 this subsection.

1371 Section 20. Section 550.09512, Florida Statutes, is amended  
1372 to read:

1373 550.09512 Harness horse taxes; abandoned interest in a  
1374 permit for nonpayment of taxes.—

1375 (1) Pari-mutuel wagering at harness horse racetracks in  
1376 this state is an important business enterprise, and taxes  
1377 derived therefrom constitute a part of the tax structure which  
1378 funds operation of the state. Harness horse permitholders should  
1379 pay their fair share of these taxes to the state. This business  
1380 interest should not be taxed to such an extent as to cause any  
1381 racetrack that ~~which~~ is operated under sound business principles  
1382 to be forced out of business. Due to the need to protect the  
1383 public health, safety, and welfare, the gaming laws of the state  
1384 provide for the harness horse industry to be highly regulated  
1385 and taxed. The state recognizes that there exist identifiable  
1386 differences between harness horse permitholders based upon their  
1387 ability to operate under such regulation and tax system.

1388 (2) (a) The tax on handle for live harness horse  
1389 performances is 0.5 percent of handle per performance.

1390 (b) For purposes of this section, the term "handle" has  
1391 ~~shall have~~ the same meaning as in s. 550.0951, and does ~~shall~~  
1392 not include handle from intertrack wagering.



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1393 (3) (a) The permit of a harness horse permitholder who does  
1394 not pay tax on handle for live harness horse performances for a  
1395 full schedule of live races during any 2 consecutive state  
1396 fiscal years shall be void and shall escheat to and become the  
1397 property of the state unless such failure to operate and pay tax  
1398 on handle was the direct result of fire, strike, war, or other  
1399 disaster or event beyond the ability of the permitholder to  
1400 control. Financial hardship to the permitholder does ~~shall~~ not,  
1401 in and of itself, constitute just cause for failure to operate  
1402 and pay tax on handle.

1403 (b) In order to maximize the tax revenues to the state, the  
1404 department ~~division~~ shall reissue an escheated harness horse  
1405 permit to a qualified applicant pursuant to the provisions of  
1406 this chapter as for the issuance of an initial permit. However,  
1407 the provisions of this chapter relating to referendum  
1408 requirements for a pari-mutuel permit do ~~shall~~ not apply to the  
1409 reissuance of an escheated harness horse permit. As specified in  
1410 the application and upon approval by the department ~~division~~ of  
1411 an application for the permit, the new permitholder is ~~shall be~~  
1412 authorized to operate a harness horse facility anywhere in the  
1413 same county in which the escheated permit was authorized to be  
1414 operated, notwithstanding the provisions of s. 550.054(2)  
1415 relating to mileage limitations.

1416 (4) ~~If In the event that~~ a court of competent jurisdiction  
1417 determines any of the provisions of this section to be  
1418 unconstitutional, it is the intent of the Legislature that the  
1419 provisions contained in this section shall be ~~null and~~ void and  
1420 that the provisions of s. 550.0951 ~~shall~~ apply to all harness  
1421 horse permitholders beginning on the date of such judicial

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1422 determination. To this end, the Legislature declares that it  
1423 would not have enacted any of the provisions of this section  
1424 individually and, to that end, expressly finds them not to be  
1425 severable.

1426 Section 21. Subsection (2) of section 550.09514, Florida  
1427 Statutes, is amended to read:

1428 550.09514 Greyhound dogracing taxes; purse requirements.-

1429 (2) (a) ~~The division shall determine for each greyhound~~  
1430 ~~permitholder the annual purse percentage rate of live handle for~~  
1431 ~~the state fiscal year 1993-1994 by dividing total purses paid on~~  
1432 ~~live handle by the permitholder, exclusive of payments made from~~  
1433 ~~outside sources, during the 1993-1994 state fiscal year by the~~  
1434 ~~permitholder's live handle for the 1993-1994 state fiscal year.~~  
1435 Each permitholder shall pay as purses for live races conducted  
1436 during its current race meet at least the same ratio of purses  
1437 paid on live handle excluding payments from outside sources  
1438 divided by the permitholder's live handle as it paid during the  
1439 ~~a percentage of its live handle not less than the percentage~~  
1440 ~~determined under this paragraph, exclusive of payments made by~~  
1441 ~~outside sources, for its 1993-1994 state fiscal year, as~~  
1442 determined by the department.

1443 (b) Except as otherwise set forth herein, in addition to  
1444 the minimum purse percentage required by paragraph (a), each  
1445 permitholder shall pay as purses an annual amount equal to 75  
1446 percent of the daily license fees paid by each permitholder for  
1447 the 1994-1995 fiscal year. This purse supplement shall be  
1448 disbursed weekly during the permitholder's race meet in an  
1449 amount determined by dividing the annual purse supplement by the  
1450 number of performances approved for the permitholder pursuant to

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1451 its annual license and multiplying that amount by the number of  
1452 performances conducted each week. For the greyhound  
1453 permitholders in the county where there are two greyhound  
1454 permitholders located as specified in s. 550.615(6), such  
1455 permitholders shall pay in the aggregate an amount equal to 75  
1456 percent of the daily license fees paid by such permitholders for  
1457 the 1994-1995 fiscal year. These permitholders shall be jointly  
1458 and severally liable for such purse payments. The additional  
1459 purses provided by this paragraph must be used exclusively for  
1460 purses other than stakes. The department ~~division~~ shall conduct  
1461 audits necessary to ensure compliance with this section.

1462 (c)1. Each greyhound permitholder when conducting at least  
1463 three live performances during any week shall pay purses in that  
1464 week on wagers it accepts as a guest track on intertrack and  
1465 simulcast greyhound races at the same rate as it pays on live  
1466 races. Each greyhound permitholder when conducting at least  
1467 three live performances during any week shall pay purses in that  
1468 week, at the same rate as it pays on live races, on wagers  
1469 accepted on greyhound races at a guest track that ~~which~~ is not  
1470 conducting live racing and is located within the same market  
1471 area as the greyhound permitholder conducting at least three  
1472 live performances during any week.

1473 2. Each host greyhound permitholder shall pay purses on its  
1474 simulcast and intertrack broadcasts of greyhound races to guest  
1475 facilities that are located outside its market area in an amount  
1476 equal to one quarter of an amount determined by subtracting the  
1477 transmission costs of sending the simulcast or intertrack  
1478 broadcasts from an amount determined by adding the fees received  
1479 for greyhound simulcast races plus 3 percent of the greyhound

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1480 intertrack handle at guest facilities that are located outside  
1481 the market area of the host and that paid contractual fees to  
1482 the host for such broadcasts of greyhound races.

1483 ~~(d) The division shall require sufficient documentation~~  
1484 ~~from each greyhound permitholder regarding purses paid on live~~  
1485 ~~racing to assure that the annual purse percentage rates paid by~~  
1486 ~~each permitholder on the live races are not reduced below those~~  
1487 ~~paid during the 1993-1994 state fiscal year. The division shall~~  
1488 ~~require sufficient documentation from each greyhound~~  
1489 ~~permitholder to assure that the purses paid by each permitholder~~  
1490 ~~on the greyhound intertrack and simulcast broadcasts are in~~  
1491 ~~compliance with the requirements of paragraph (c).~~

1492 (d)(e) In addition to the purse requirements of paragraphs  
1493 (a)-(c), each greyhound permitholder shall pay as purses an  
1494 amount equal to one-third of the amount of the tax reduction on  
1495 live and simulcast handle applicable to such permitholder as a  
1496 result of the reductions in tax rates on handle made by chapter  
1497 2000-354, Laws of Florida, in ~~provided by this act through the~~  
1498 ~~amendments to~~ s. 550.0951(3). With respect to intertrack  
1499 wagering if ~~when~~ the host and guest tracks are greyhound  
1500 permitholders not within the same market area, an amount equal  
1501 to the tax reduction applicable to the guest track handle as a  
1502 result of the reduction in tax rate on handle made by chapter  
1503 2000-354, Laws of Florida, in ~~provided by this act through the~~  
1504 ~~amendment to~~ s. 550.0951(3) shall be distributed to the guest  
1505 track, one-third of which amount shall be paid as purses at the  
1506 guest track. However, if the guest track is a greyhound  
1507 permitholder within the market area of the host or if the guest  
1508 track is not a greyhound permitholder, an amount equal to such

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1509 tax reduction applicable to the guest track handle shall be  
1510 retained by the host track, one-third of which amount shall be  
1511 paid as purses at the host track. These purse funds shall be  
1512 disbursed in the week received if the permitholder conducts at  
1513 least one live performance during that week. If the permitholder  
1514 does not conduct at least one live performance during the week  
1515 in which the purse funds are received, the purse funds shall be  
1516 disbursed weekly during the permitholder's next race meet in an  
1517 amount determined by dividing the purse amount by the number of  
1518 performances approved for the permitholder pursuant to its  
1519 annual license, and multiplying that amount by the number of  
1520 performances conducted each week. The department ~~division~~ shall  
1521 conduct audits necessary to ensure compliance with this  
1522 paragraph.

1523 (e) ~~(f)~~ Each greyhound permitholder shall, during the  
1524 permitholder's race meet, supply kennel operators and the  
1525 department ~~Division of Pari-Mutuel Wagering~~ with a weekly report  
1526 showing purses paid on live greyhound races and all greyhound  
1527 intertrack and simulcast broadcasts, including both as a guest  
1528 and a host together with the handle or commission calculations  
1529 on which such purses were paid and the transmission costs of  
1530 sending the simulcast or intertrack broadcasts, so that the  
1531 kennel operators may determine statutory and contractual  
1532 compliance.

1533 (f) ~~(g)~~ Each greyhound permitholder shall make direct  
1534 payment of purses to the greyhound owners who have filed with  
1535 such permitholder appropriate federal taxpayer identification  
1536 information based on the percentage amount agreed upon between  
1537 the kennel operator and the greyhound owner.

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1538        (g) ~~(h)~~ At the request of a majority of kennel operators  
1539 under contract with a greyhound permitholder, the permitholder  
1540 shall make deductions from purses paid to each kennel operator  
1541 electing such deduction and shall make a direct payment of such  
1542 deductions to the local association of greyhound kennel  
1543 operators formed by a majority of kennel operators under  
1544 contract with the permitholder. The amount of the deduction  
1545 shall be at least 1 percent of purses, as determined by the  
1546 local association of greyhound kennel operators. No deductions  
1547 may be taken pursuant to this paragraph without a kennel  
1548 operator's specific approval ~~before or after the effective date~~  
1549 ~~of this act.~~

1550        Section 22. Subsection (3) of section 550.09515, Florida  
1551 Statutes, is amended to read:

1552        550.09515 Thoroughbred horse taxes; abandoned interest in a  
1553 permit for nonpayment of taxes.—

1554        (3) (a) The permit of a thoroughbred horse permitholder who  
1555 does not pay tax on handle for live thoroughbred horse  
1556 performances for a full schedule of live races during any 2  
1557 consecutive state fiscal years shall be void and shall escheat  
1558 to and become the property of the state unless such failure to  
1559 operate and pay tax on handle was the direct result of fire,  
1560 strike, war, or other disaster or event beyond the ability of  
1561 the permitholder to control. Financial hardship to the  
1562 permitholder does ~~shall~~ not, in and of itself, constitute just  
1563 cause for failure to operate and pay tax on handle.

1564        (b) In order to maximize the tax revenues to the state, the  
1565 department ~~division~~ shall reissue an escheated thoroughbred  
1566 horse permit to a qualified applicant pursuant to the provisions

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1567 of this chapter as for the issuance of an initial permit.  
1568 However, the provisions of this chapter relating to referendum  
1569 requirements for a pari-mutuel permit do ~~shall~~ not apply to the  
1570 reissuance of an escheated thoroughbred horse permit. As  
1571 specified in the application and upon approval by the department  
1572 ~~division~~ of an application for the permit, the new permitholder  
1573 shall be authorized to operate a thoroughbred horse facility  
1574 anywhere in the same county in which the escheated permit was  
1575 authorized to be operated, notwithstanding the provisions of s.  
1576 550.054(2) relating to mileage limitations.

1577 Section 23. Section 550.105, Florida Statutes, is amended  
1578 to read:

1579 550.105 Occupational licenses of racetrack employees; fees;  
1580 denial, suspension, and revocation of license; penalties and  
1581 fines.—

1582 (1) Each person connected with a racetrack or jai alai  
1583 fronton, as specified in paragraph (2) (a), shall purchase from  
1584 the department ~~division~~ an occupational license. All moneys  
1585 collected pursuant to this section each fiscal year shall be  
1586 deposited into the Pari-mutuel Wagering Trust Fund. Pursuant to  
1587 the rules adopted by the department ~~division~~, an occupational  
1588 license may be valid for a period of up to 3 years for a fee  
1589 that does not exceed the full occupational license fee for each  
1590 of the years for which the license is purchased. The  
1591 occupational license shall be valid during its specified term at  
1592 any pari-mutuel facility.

1593 (2) (a) The following licenses shall be issued to persons or  
1594 entities with access to the backside, racing animals, jai alai  
1595 players' room, jockeys' room, drivers' room, totalisator room,

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1596 the mutuels, or money room, or to persons who, by virtue of the  
1597 position they hold, might be granted access to these areas or to  
1598 any other person or entity in one of the following categories  
1599 and with fees not to exceed the following amounts for any 12-  
1600 month period:

1601 1. Business licenses: any business such as a vendor,  
1602 contractual concessionaire, contract kennel, business owning  
1603 racing animals, trust or estate, totalisator company, stable  
1604 name, or other fictitious name: \$50.

1605 2. Professional occupational licenses: professional persons  
1606 with access to the backside of a racetrack or players' quarters  
1607 in jai alai such as trainers, officials, veterinarians, doctors,  
1608 nurses, emergency medical technicians ~~EMT's~~, jockeys and  
1609 apprentices, drivers, jai alai players, owners, trustees, or any  
1610 management or officer or director or shareholder or any other  
1611 professional-level person who might have access to the jockeys'  
1612 room, the drivers' room, the backside, racing animals, kennel  
1613 compound, or managers or supervisors requiring access to mutuels  
1614 machines, the money room, or totalisator equipment: \$40.

1615 3. General occupational licenses: general employees with  
1616 access to the jockeys' room, the drivers' room, racing animals,  
1617 the backside of a racetrack or players' quarters in jai alai,  
1618 such as grooms, kennel helpers, leadouts, pelota makers, cesta  
1619 makers, or ball boys, or a practitioner of any other occupation  
1620 who would have access to the animals, the backside, or the  
1621 kennel compound, or who would provide the security or  
1622 maintenance of these areas, or mutuel employees, totalisator  
1623 employees, money-room employees, or any employee with access to  
1624 mutuels machines, the money room, or totalisator equipment or



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1625 who would provide the security or maintenance of these areas:  
1626 \$10.

1627  
1628 The individuals and entities that are licensed under this  
1629 paragraph require heightened state scrutiny, including the  
1630 submission by the individual licensees or persons associated  
1631 with the entities described in this chapter of fingerprints for  
1632 a Federal Bureau of Investigation criminal records check.

1633 (b) The department ~~division~~ shall adopt rules pertaining to  
1634 pari-mutuel occupational licenses, licensing periods, and  
1635 renewal cycles.

1636 (3) Certified public accountants and attorneys licensed to  
1637 practice in this state are ~~shall~~ not ~~be~~ required to hold an  
1638 occupational license under this section while providing  
1639 accounting or legal services to a permitholder if the certified  
1640 public accountant's or attorney's primary place of employment is  
1641 not on the permitholder premises.

1642 (4) It is unlawful to take part in or officiate in any way  
1643 at any pari-mutuel facility without first having secured a  
1644 license and paid the occupational license fee.

1645 (5) (a) The department ~~division~~ may:

1646 1. Deny a license to or revoke, suspend, or place  
1647 conditions upon or restrictions on a license of any person who  
1648 has been refused a license by any other state racing commission  
1649 or racing authority;

1650 2. Deny, suspend, or place conditions on a license of any  
1651 person who is under suspension or has unpaid fines in another  
1652 jurisdiction;

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1654 if the state racing commission or racing authority of such other  
1655 state or jurisdiction extends to the department ~~division~~  
1656 reciprocal courtesy to maintain the disciplinary control.

1657 (b) The department ~~division~~ may deny, suspend, revoke, or  
1658 declare ineligible any occupational license if the applicant for  
1659 or holder thereof has violated the provisions of this chapter or  
1660 the rules of the department ~~division~~ governing the conduct of  
1661 persons connected with racetracks and frontons. In addition, the  
1662 department ~~division~~ may deny, suspend, revoke, or declare  
1663 ineligible any occupational license if the applicant for such  
1664 license has been convicted in this state, in any other state, or  
1665 under the laws of the United States of a capital felony, a  
1666 felony, or an offense in any other state which would be a felony  
1667 under the laws of this state involving arson; trafficking in,  
1668 conspiracy to traffic in, smuggling, importing, conspiracy to  
1669 smuggle or import, or delivery, sale, or distribution of a  
1670 controlled substance; or a crime involving a lack of good moral  
1671 character, or has had a pari-mutuel license revoked by this  
1672 state or any other jurisdiction for an offense related to pari-  
1673 mutuel wagering.

1674 (c) The department ~~division~~ may deny, declare ineligible,  
1675 or revoke any occupational license if the applicant for such  
1676 license has been convicted of a felony or misdemeanor in this  
1677 state, in any other state, or under the laws of the United  
1678 States, if such felony or misdemeanor is related to gambling or  
1679 bookmaking, as contemplated in s. 849.25, or involves cruelty to  
1680 animals. If the applicant establishes that she or he is of good  
1681 moral character, that she or he has been rehabilitated, and that  
1682 the crime she or he was convicted of is not related to pari-

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1683 mutuel wagering and is not a capital offense, the restrictions  
1684 excluding offenders may be waived by the director of the  
1685 department ~~division~~.

1686 (d) For purposes of this subsection, the term "convicted"  
1687 means having been found guilty, with or without adjudication of  
1688 guilt, as a result of a jury verdict, nonjury trial, or entry of  
1689 a plea of guilty or nolo contendere. However, the term  
1690 "conviction" may ~~shall~~ not be applied to a crime committed prior  
1691 to the effective date of this subsection in a manner that would  
1692 invalidate any occupational license issued prior to the  
1693 effective date of this subsection or subsequent renewal for any  
1694 person holding such a license.

1695 (e) If an occupational license will expire by department  
1696 ~~division~~ rule during the period of a suspension the department  
1697 ~~division~~ intends to impose, or if a license would have expired  
1698 but for pending administrative charges and the occupational  
1699 licensee is found to be in violation of any of the charges, the  
1700 license may be revoked and a time period of license  
1701 ineligibility may be declared. The department ~~division~~ may bring  
1702 administrative charges against any person not holding a current  
1703 license for violations of statutes or rules which occurred while  
1704 such person held an occupational license, and the department  
1705 ~~division~~ may declare such person ineligible to hold a license  
1706 for a period of time. The department ~~division~~ may impose a civil  
1707 fine of up to \$1,000 for each violation of the rules of the  
1708 department ~~division~~ in addition to or in lieu of any other  
1709 penalty provided for in this section. In addition to any other  
1710 penalty provided by law, the department ~~division~~ may exclude  
1711 from all pari-mutuel facilities in this state, for a period not

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1712 to exceed the period of suspension, revocation, or  
1713 ineligibility, any person whose occupational license application  
1714 has been denied by the department ~~division~~, who has been  
1715 declared ineligible to hold an occupational license, or whose  
1716 occupational license has been suspended or revoked by the  
1717 department ~~division~~.

1718 (f) The department ~~division~~ may cancel any occupational  
1719 license that has been voluntarily relinquished by the licensee.

1720 (6) In order to promote the orderly presentation of pari-  
1721 mutuel meets authorized in this chapter, the department ~~division~~  
1722 may issue a temporary occupational license. The department  
1723 ~~division~~ shall adopt rules to implement this subsection.  
1724 However, no temporary occupational license shall be valid for  
1725 more than 90 days, and no more than one temporary license may be  
1726 issued for any person in any year.

1727 (7) The department ~~division~~ may deny, revoke, or suspend  
1728 any occupational license if the applicant therefor or holder  
1729 thereof accumulates unpaid obligations or defaults in  
1730 obligations, or issues drafts or checks that are dishonored or  
1731 for which payment is refused without reasonable cause, if such  
1732 unpaid obligations, defaults, or dishonored or refused drafts or  
1733 checks directly relate to the sport of jai alai or racing being  
1734 conducted at a pari-mutuel facility within this state.

1735 (8) The department ~~division~~ may fine, or suspend or revoke,  
1736 or place conditions upon, the license of any licensee who under  
1737 oath knowingly provides false information regarding an  
1738 investigation by the department ~~division~~.

1739 (9) The tax imposed by this section is in lieu of all  
1740 license, excise, or occupational taxes to the state or any

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1741 county, municipality, or other political subdivision, except  
1742 that, if a race meeting or game is held or conducted in a  
1743 municipality, the municipality may assess and collect an  
1744 additional tax against any person conducting live racing or  
1745 games within its corporate limits, which tax may not exceed \$150  
1746 per day for horseracing or \$50 per day for dogracing or jai  
1747 alai. Except as provided in this chapter, a municipality may not  
1748 assess or collect any additional excise or revenue tax against  
1749 any person conducting race meetings within the corporate limits  
1750 of the municipality or against any patron of any such person.

1751 (10) (a) Upon application for an occupational license, the  
1752 department ~~division~~ may require the applicant's full legal name;  
1753 any nickname, alias, or maiden name for the applicant; name of  
1754 the applicant's spouse; the applicant's date of birth, residence  
1755 address, mailing address, residence address and business phone  
1756 number, and social security number; disclosure of any felony or  
1757 any conviction involving bookmaking, illegal gambling, or  
1758 cruelty to animals; disclosure of any past or present  
1759 enforcement or actions by any racing or gaming agency against  
1760 the applicant; and any information the department ~~division~~  
1761 determines is necessary to establish the identity of the  
1762 applicant or to establish that the applicant is of good moral  
1763 character. Fingerprints shall be taken in a manner approved by  
1764 the department ~~division~~ and then shall be submitted to the  
1765 Federal Bureau of Investigation, or to the association of state  
1766 officials regulating pari-mutuel wagering pursuant to the  
1767 Federal Pari-mutuel Licensing Simplification Act of 1988. The  
1768 cost of processing fingerprints shall be borne by the applicant  
1769 and paid to the association of state officials regulating pari-

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1770 mutuel wagering from the trust fund to which the processing fees  
1771 are deposited. The department ~~division~~, by rule, may require  
1772 additional information from licensees which is reasonably  
1773 necessary to regulate the industry. The department ~~division~~ may,  
1774 by rule, exempt certain occupations or groups of persons from  
1775 the fingerprinting requirements.

1776 (b) All fingerprints required by this section which ~~that~~  
1777 are submitted to the Department of Law Enforcement shall be  
1778 retained by the Department of Law Enforcement and entered into  
1779 the statewide automated fingerprint identification system as  
1780 authorized by s. 943.05(2)(b) and shall be available for all  
1781 purposes and uses authorized for arrest fingerprint cards  
1782 entered into the statewide automated fingerprint identification  
1783 system pursuant to s. 943.051.

1784 (c) The Department of Law Enforcement shall search all  
1785 arrest fingerprints received pursuant to s. 943.051 against the  
1786 fingerprints retained in the statewide automated fingerprint  
1787 identification system under paragraph (b). Any arrest record  
1788 that is identified with the retained fingerprints of a person  
1789 subject to the criminal history screening requirements of this  
1790 section shall be reported to the department ~~division~~. Each  
1791 licensee shall pay a fee to the department ~~division~~ for the cost  
1792 of retention of the fingerprints and the ongoing searches under  
1793 this paragraph. The department ~~division~~ shall forward the  
1794 payment to the Department of Law Enforcement. The amount of the  
1795 fee to be imposed for performing these searches and the  
1796 procedures for the retention of licensee fingerprints shall be  
1797 as established by rule of the Department of Law Enforcement. The  
1798 department ~~division~~ shall inform the Department of Law

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1799 Enforcement of any change in the license status of licensees  
1800 whose fingerprints are retained under paragraph (b).

1801       (d) The department ~~division~~ shall request the Department of  
1802 Law Enforcement to forward the fingerprints to the Federal  
1803 Bureau of Investigation for a national criminal history records  
1804 check at least once every 5 years following issuance of a  
1805 license. If the fingerprints of a person who is licensed have  
1806 not been retained by the Department of Law Enforcement, the  
1807 person must file a complete set of fingerprints as provided in  
1808 paragraph (a). The department ~~division~~ shall collect the fees  
1809 for the cost of the national criminal history records check  
1810 under this paragraph and forward the payment to the Department  
1811 of Law Enforcement. The cost of processing fingerprints and  
1812 conducting a criminal history records check under this paragraph  
1813 for a general occupational license shall be borne by the  
1814 applicant. The cost of processing fingerprints and conducting a  
1815 criminal history records check under this paragraph for a  
1816 business or professional occupational license shall be borne by  
1817 the person being checked. The Department of Law Enforcement may  
1818 send an invoice to the department ~~division~~ for the fingerprints  
1819 submitted each month. Under penalty of perjury, each person who  
1820 is licensed or who is fingerprinted as required by this section  
1821 must agree to inform the department ~~division~~ within 48 hours if  
1822 he or she is convicted of or has entered a plea of guilty or  
1823 nolo contendere to any disqualifying offense, regardless of  
1824 adjudication.

1825       Section 24. Subsection (1) of section 550.1155, Florida  
1826 Statutes, is amended to read:

1827       550.1155 Authority of stewards, judges, panel of judges, or

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1828 player's manager to impose penalties against occupational  
1829 licensees; disposition of funds collected.-

1830 (1) The stewards at a horse racetrack; the judges at a dog  
1831 track; or the judges, a panel of judges, or a player's manager  
1832 at a jai alai fronton may impose a civil penalty against any  
1833 occupational licensee for violation of the pari-mutuel laws or  
1834 any rule adopted by the department ~~division~~. The penalty may not  
1835 exceed \$1,000 for each count or separate offense or exceed 60  
1836 days of suspension for each count or separate offense.

1837 Section 25. Subsections (2) and (3) of section 550.125,  
1838 Florida Statutes, are amended to read:

1839 550.125 Uniform reporting system; bond requirement.-

1840 (2) (a) Each permitholder that conducts race meetings or jai  
1841 alai exhibitions under this chapter shall keep records that  
1842 clearly show the total number of admissions and the total amount  
1843 of money contributed to each pari-mutuel pool on each race or  
1844 exhibition separately and the amount of money received daily  
1845 from admission fees and, within 120 days after the end of its  
1846 fiscal year, shall submit to the division a complete annual  
1847 report of its accounts, audited by a certified public accountant  
1848 licensed to practice in the state.

1849 (b) The department ~~division~~ shall adopt rules specifying  
1850 the form and content of such reports, including, but not limited  
1851 to, requirements for a statement of assets and liabilities,  
1852 operating revenues and expenses, and net worth, which statement  
1853 must be audited by a certified public accountant licensed to  
1854 practice in this state, and any supporting informational  
1855 schedule found necessary by the department ~~division~~ to verify  
1856 the foregoing financial statement, which informational schedule



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1857 must be attested to under oath by the permitholder or an officer  
1858 of record, to permit the division to:

1859 1. Assess the profitability and financial soundness of  
1860 permitholders, both individually and as an industry;

1861 2. Plan and recommend measures necessary to preserve and  
1862 protect the pari-mutuel revenues of the state; and

1863 3. Completely identify the holdings, transactions, and  
1864 investments of permitholders with other business entities.

1865 (c) The Auditor General and the Office of Program Policy  
1866 Analysis and Government Accountability may, pursuant to their  
1867 own authority or at the direction of the Legislative Auditing  
1868 Committee, audit, examine, and check the books and records of  
1869 any permitholder. These audit reports shall become part of, and  
1870 be maintained in, the division files.

1871 (d) The department ~~division~~ shall annually review the books  
1872 and records of each permitholder and verify that the breaks and  
1873 unclaimed ticket payments made by each permitholder are true and  
1874 correct.

1875 (3) (a) Each permitholder to which a license is granted  
1876 under this chapter, at its own cost and expense, must, before  
1877 the license is delivered, give a bond in the penal sum of  
1878 \$50,000 payable to the Governor of the state and her or his  
1879 successors in office, with a surety or sureties to be approved  
1880 by the department ~~division~~ and the Chief Financial Officer,  
1881 conditioned to faithfully make the payments to the Chief  
1882 Financial Officer in her or his capacity as treasurer of the  
1883 department ~~division~~; to keep its books and records and make  
1884 reports as provided; and to conduct its racing in conformity  
1885 with this chapter. When the greatest amount of tax owed during

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1886 any month in the prior state fiscal year, in which a full  
1887 schedule of live racing was conducted, is less than \$50,000, the  
1888 department ~~division~~ may assess a bond in a sum less than  
1889 \$50,000. The department ~~division~~ may review the bond for  
1890 adequacy and require adjustments each fiscal year. The division  
1891 may ~~has the authority to~~ adopt rules to implement this paragraph  
1892 and establish guidelines for such bonds.

1893 (b) The provisions of this chapter concerning bonding do  
1894 not apply to nonwagering licenses issued pursuant to s. 550.505.

1895 Section 26. Subsections (1) and (3) of section 550.135,  
1896 Florida Statutes, are amended to read:

1897 550.135 Division of moneys derived under this law.—All  
1898 moneys that are deposited with the Chief Financial Officer to  
1899 the credit of the Pari-mutuel Wagering Trust Fund shall be  
1900 distributed as follows:

1901 (1) The daily license fee revenues collected pursuant to s.  
1902 550.0951(1) shall be used to fund the operating cost of the  
1903 department ~~division and to provide a proportionate share of the~~  
1904 ~~operation of the office of the secretary and the Division of~~  
1905 ~~Administration of the Department of Business and Professional~~  
1906 ~~Regulation; however, other collections in the Pari-mutuel~~  
1907 ~~Wagering Trust Fund may also be used to fund the operation of~~  
1908 ~~the division in accordance with authorized appropriations.~~

1909 (3) The slot machine license fee, the slot machine  
1910 occupational license fee, and the compulsive or addictive  
1911 gambling prevention program fee collected pursuant to ss.  
1912 551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the  
1913 direct and indirect operating expenses of the department's  
1914 ~~division's~~ slot machine regulation operations and to provide

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1915 funding for relevant enforcement activities in accordance with  
1916 authorized appropriations. Funds deposited into the Pari-mutuel  
1917 Wagering Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1.,  
1918 and 551.118 shall be reserved in the trust fund for slot machine  
1919 regulation operations. On June 30, any unappropriated funds in  
1920 excess of those necessary for incurred obligations and  
1921 subsequent year cash flow for slot machine regulation operations  
1922 shall be deposited with the Chief Financial Officer to the  
1923 credit of the General Revenue Fund.

1924 Section 27. Subsection (1) of section 550.155, Florida  
1925 Statutes, is amended to read:

1926 550.155 Pari-mutuel pool within track enclosure; takeouts;  
1927 breaks; penalty for purchasing part of a pari-mutuel pool for or  
1928 through another in specified circumstances.—

1929 (1) Wagering on the results of a horserace, dograce, or on  
1930 the scores or points of a jai alai game and the sale of tickets  
1931 or other evidences showing an interest in or a contribution to a  
1932 pari-mutuel pool are allowed within the enclosure of any pari-  
1933 mutuel facility licensed and conducted under this chapter but  
1934 are not allowed elsewhere in this state, must be supervised by  
1935 the department ~~division~~, and are subject to such reasonable  
1936 rules that the department ~~division~~ prescribes.

1937 Section 28. Subsection (2) and paragraph (a) of subsection  
1938 (3) of section 550.1648, Florida Statutes, are amended to read:

1939 550.1648 Greyhound adoptions.—

1940 (2) In addition to the charity days authorized under s.  
1941 550.0351, a greyhound permitholder may fund the greyhound  
1942 adoption program by holding a charity racing day designated as  
1943 "Greyhound Adopt-A-Pet Day." All profits derived from the

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1944 operation of the charity day must be placed into a fund used to  
1945 support activities at the racing facility which promote the  
1946 adoption of greyhounds. The department ~~division~~ may adopt rules  
1947 for administering the fund. Proceeds from the charity day  
1948 authorized in this subsection may not be used as a source of  
1949 funds for the purposes set forth in s. 550.1647.

1950 (3) (a) Upon a violation of this section by a permitholder  
1951 or licensee, the department ~~division~~ may impose a penalty as  
1952 provided in s. 550.0251(10) and require the permitholder to take  
1953 corrective action.

1954 Section 29. Section 550.175, Florida Statutes, is amended  
1955 to read:

1956 550.175 Petition for election to revoke permit.—Upon  
1957 petition of 20 percent of the qualified electors of any county  
1958 wherein any racing has been licensed and conducted under this  
1959 chapter, the county commissioners of such county shall provide  
1960 for the submission to the electors of such county at the then  
1961 next succeeding general election the question of whether any  
1962 permit or permits theretofore granted shall be continued or  
1963 revoked, and if a majority of the electors voting on such  
1964 question in such election vote to cancel or recall the permit  
1965 theretofore given, the department ~~division~~ may not thereafter  
1966 grant any license on the permit so recalled. Every signature  
1967 upon every recall petition must be signed in the presence of the  
1968 clerk of the board of county commissioners at the office of the  
1969 clerk of the circuit court of the county, and the petitioner  
1970 must present at the time of such signing her or his registration  
1971 receipt showing the petitioner's qualification as an elector of  
1972 the county at the time of the signing of the petition. Not more

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1973 than one permit may be included in any one petition; and, in all  
1974 elections in which the recall of more than one permit is voted  
1975 on, the voters shall be given an opportunity to vote for or  
1976 against the recall of each permit separately. ~~Nothing in This~~  
1977 chapter does not ~~shall be construed to~~ prevent the holding of  
1978 later referendum or recall elections.

1979 Section 30. Section 550.1815, Florida Statutes, is amended  
1980 to read:

1981 550.1815 Certain persons prohibited from holding racing or  
1982 jai alai permits; suspension and revocation.—

1983 (1) A corporation, general or limited partnership, sole  
1984 proprietorship, business trust, joint venture, or unincorporated  
1985 association, or other business entity may not hold any  
1986 horseracing or dogracing permit or jai alai fronton permit in  
1987 this state if any one of the persons or entities specified in  
1988 paragraph (a) has been determined by the department ~~division~~ not  
1989 to be of good moral character or has been convicted of any  
1990 offense specified in paragraph (b).

1991 (a)1. The permitholder;

1992 2. An employee of the permitholder;

1993 3. The sole proprietor of the permitholder;

1994 4. A corporate officer or director of the permitholder;

1995 5. A general partner of the permitholder;

1996 6. A trustee of the permitholder;

1997 7. A member of an unincorporated association permitholder;

1998 8. A joint venturer of the permitholder;

1999 9. The owner of more than 5 percent of any equity interest  
2000 in the permitholder, whether as a common shareholder, general or  
2001 limited partner, voting trustee, or trust beneficiary; or

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2002           10. An owner of any interest in the permit or permitholder,  
2003 including any immediate family member of the owner, or holder of  
2004 any debt, mortgage, contract, or concession from the  
2005 permitholder, who by virtue thereof is able to control the  
2006 business of the permitholder.

2007           (b)1. A felony in this state;

2008           2. Any felony in any other state which would be a felony if  
2009 committed in this state under the laws of this state;

2010           3. Any felony under the laws of the United States;

2011           4. A felony under the laws of another state if related to  
2012 gambling which would be a felony under the laws of this state if  
2013 committed in this state; or

2014           5. Bookmaking as defined in s. 849.25.

2015           (2) (a) If the applicant for permit as specified under  
2016 subsection (1) or a permitholder as specified in paragraph  
2017 (1) (a) has received a full pardon or a restoration of civil  
2018 rights with respect to the conviction specified in paragraph  
2019 (1) (b), the conviction does not constitute an absolute bar to  
2020 the issuance or renewal of a permit or a ground for the  
2021 revocation or suspension of a permit.

2022           (b) A corporation that has been convicted of a felony is  
2023 entitled to apply for and receive a restoration of its civil  
2024 rights in the same manner and on the same grounds as an  
2025 individual.

2026           (3) After notice and hearing, the department ~~division~~ shall  
2027 refuse to issue or renew or shall suspend, as appropriate, any  
2028 permit found in violation of subsection (1). The order shall  
2029 become effective 120 days after service of the order upon the  
2030 permitholder and shall be amended to constitute a final order of

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2031 revocation unless the permitholder has, within that period of  
2032 time, either caused the divestiture, or agreed with the  
2033 convicted person upon a complete immediate divestiture, of her  
2034 or his holding, or has petitioned the circuit court as provided  
2035 in subsection (4) or, in the case of corporate officers or  
2036 directors of the holder or employees of the holder, has  
2037 terminated the relationship between the permitholder and those  
2038 persons mentioned. The department ~~division~~ may, by order, extend  
2039 the 120-day period for divestiture, upon good cause shown, to  
2040 avoid interruption of any jai alai or race meeting or to  
2041 otherwise effectuate this section. If no action has been taken  
2042 by the permitholder within the 120-day period following the  
2043 issuance of the order of suspension, the department ~~division~~  
2044 shall, without further notice or hearing, enter a final order of  
2045 revocation of the permit. When any permitholder or sole  
2046 proprietor of a permitholder is convicted of an offense  
2047 specified in paragraph (1)(b), the department may approve a  
2048 transfer of the permit to a qualified applicant, upon a finding  
2049 that revocation of the permit would impair the state's revenue  
2050 from the operation of the permit or otherwise be detrimental to  
2051 the interests of the state in the regulation of the industry of  
2052 pari-mutuel wagering. In such approval, no public referendum is  
2053 required, notwithstanding any other provision of law. A petition  
2054 for transfer after conviction must be filed with the department  
2055 within 30 days after service upon the permitholder of the final  
2056 order of revocation. The timely filing of such a petition  
2057 automatically stays any revocation order until further order of  
2058 the department.

2059 (4) The circuit courts have jurisdiction to decide a

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2060 petition brought by a holder of a pari-mutuel permit that shows  
2061 that its permit is in jeopardy of suspension or revocation under  
2062 subsection (3) and that it is unable to agree upon the terms of  
2063 divestiture of interest with the person specified in  
2064 subparagraphs (1)(a)3.-9. who has been convicted of an offense  
2065 specified in paragraph (1)(b). The court shall determine the  
2066 reasonable value of the interest of the convicted person and  
2067 order a divestiture upon such terms and conditions as it finds  
2068 just. In determining the value of the interest of the convicted  
2069 person, the court may consider, among other matters, the value  
2070 of the assets of the permitholder, its good will and value as a  
2071 going concern, recent and expected future earnings, and other  
2072 criteria usual and customary in the sale of like enterprises.

2073 (5) The department ~~division~~ shall adopt ~~make~~ such rules for  
2074 the photographing, fingerprinting, and obtaining of personal  
2075 data of individuals described in paragraph (1)(a) and the  
2076 obtaining of such data regarding the business entities described  
2077 in paragraph (1)(a) as ~~is~~ necessary to effectuate the provisions  
2078 of this section.

2079 Section 31. Subsection (2), paragraph (c) of subsection  
2080 (3), and subsections (4) and (6) of section 550.24055, Florida  
2081 Statutes, are amended to read:

2082 550.24055 Use of controlled substances or alcohol  
2083 prohibited; testing of certain occupational licensees; penalty;  
2084 evidence of test or action taken and admissibility for criminal  
2085 prosecution limited.—

2086 (2) The occupational licensees, by applying for and holding  
2087 such licenses, are deemed to have given their consents to submit  
2088 to an approved chemical test of their breath for the purpose of



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2089 determining the alcoholic content of their blood and to a urine  
2090 or blood test for the purpose of detecting the presence of  
2091 controlled substances. Such tests shall ~~only~~ be conducted only  
2092 upon reasonable cause that a violation has occurred as shall be  
2093 determined solely by the stewards at a horseracing meeting or  
2094 the judges or board of judges at a dogtrack or jai alai meet.  
2095 The failure to submit to such test may result in a suspension of  
2096 the person's occupational license for a period of 10 days or  
2097 until this section has been complied with, whichever is longer.

2098 (a) If there was at the time of the test 0.05 percent or  
2099 less by weight of alcohol in the person's blood, the person is  
2100 presumed not to have been under the influence of alcoholic  
2101 beverages to the extent that the person's normal faculties were  
2102 impaired, and no action of any sort may be taken by the  
2103 stewards, judges, or board of judges or the department ~~division~~.

2104 (b) If there was at the time of the test an excess of 0.05  
2105 percent but less than 0.08 percent by weight of alcohol in the  
2106 person's blood, that fact does not give rise to any presumption  
2107 that the person was or was not under the influence of alcoholic  
2108 beverages to the extent that the person's faculties were  
2109 impaired, but the stewards, judges, or board of judges may  
2110 consider that fact in determining whether or not the person will  
2111 be allowed to officiate or participate in any given race or jai  
2112 alai game.

2113 (c) If there was at the time of the test 0.08 percent or  
2114 more by weight of alcohol in the person's blood, that fact is  
2115 prima facie evidence that the person was under the influence of  
2116 alcoholic beverages to the extent that the person's normal  
2117 faculties were impaired, and the stewards or judges may take

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2118 action as set forth in this section, but the person may not  
2119 officiate at or participate in any race or jai alai game on the  
2120 day of such test.

2121  
2122 All tests relating to alcohol must be performed in a manner  
2123 substantially similar, or identical, to the provisions of s.  
2124 316.1934 and rules adopted pursuant to that section. Following a  
2125 test of the urine or blood to determine the presence of a  
2126 controlled substance as defined in chapter 893, if a controlled  
2127 substance is found to exist, the stewards, judges, or board of  
2128 judges may take such action as is permitted in this section.

2129 (3) A violation of subsection (2) is subject to the  
2130 following penalties:

2131 (c) If the second violation occurred within 1 year after  
2132 the first violation, then upon the finding of a third violation  
2133 of this section within 1 year after the second violation, the  
2134 stewards, judges, or board of judges may suspend the licensee  
2135 for up to 120 days; and the stewards, judges, or board of judges  
2136 shall forward the results of the tests under paragraphs (a) and  
2137 (b) and this violation to the department ~~division~~. In addition  
2138 to the action taken by the stewards, judges, or board of judges,  
2139 the department ~~division~~, after a hearing, may deny, suspend, or  
2140 revoke the occupational license of the licensee and may impose a  
2141 civil penalty of up to \$5,000 in addition to, or in lieu of, a  
2142 suspension or revocation, it being the intent of the Legislature  
2143 that the department ~~division~~ shall have no authority over the  
2144 enforcement of this section until a licensee has committed the  
2145 third violation within 2 years after the first violation.

2146 (4) Section 120.80(18) applies ~~The provisions of s.~~

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2147 ~~120.80(4)(a)~~ apply to all actions taken by the stewards, judges,  
2148 or board of judges pursuant to this section without regard to  
2149 the limitation contained therein.

2150 (6) Evidence of any test or actions taken by the stewards,  
2151 judges, or board of judges or the department ~~division~~ under this  
2152 section is inadmissible for any purpose in any court for  
2153 criminal prosecution, it being the intent of the Legislature to  
2154 provide a method and means by which the health, safety, and  
2155 welfare of those officiating at or participating in a race meet  
2156 or a jai alai game are sufficiently protected. However, this  
2157 subsection does not prohibit any person so authorized from  
2158 pursuing an independent investigation as a result of a ruling  
2159 made by the stewards, judges, or board of judges, or the  
2160 department ~~division~~.

2161 Section 32. Section 550.2415, Florida Statutes, is amended  
2162 to read:

2163 550.2415 Racing of animals under certain conditions  
2164 prohibited; penalties; exceptions.—

2165 (1)(a) The racing of an animal with any drug, medication,  
2166 stimulant, depressant, hypnotic, narcotic, local anesthetic, or  
2167 drug-masking agent is prohibited. It is a violation of this  
2168 section for a person to administer or cause to be administered  
2169 any drug, medication, stimulant, depressant, hypnotic, narcotic,  
2170 local anesthetic, or drug-masking agent to an animal which will  
2171 result in a positive test for such substance based on samples  
2172 taken from the animal immediately prior to or immediately after  
2173 the racing of that animal. Test results and the identities of  
2174 the animals being tested and of their trainers and owners of  
2175 record are confidential and exempt from s. 119.07(1) and from s.

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2176 24(a), Art. I of the State Constitution for 10 days after  
2177 testing of all samples collected on a particular day has been  
2178 completed and any positive test results derived from such  
2179 samples have been reported to the director of the department  
2180 ~~division~~ or administrative action has been commenced.

2181 (b) It is a violation of this section for a race-day  
2182 specimen to contain a level of a naturally occurring substance  
2183 that ~~which~~ exceeds normal physiological concentrations. The  
2184 department ~~division~~ may adopt rules that specify normal  
2185 physiological concentrations of naturally occurring substances  
2186 in the natural untreated animal and rules that specify  
2187 acceptable levels of environmental contaminants and trace levels  
2188 of substances in test samples.

2189 (c) The finding of a prohibited substance in a race-day  
2190 specimen constitutes prima facie evidence that the substance was  
2191 administered and was carried in the body of the animal while  
2192 participating in the race.

2193 (2) Administrative action may be taken by the department  
2194 ~~division~~ against an occupational licensee responsible pursuant  
2195 to rule of the department ~~division~~ for the condition of an  
2196 animal that has been impermissibly medicated or drugged in  
2197 violation of this section.

2198 (3) (a) Upon the finding of a violation of this section, the  
2199 department ~~division~~ may revoke or suspend the license or permit  
2200 of the violator or deny a license or permit to the violator;  
2201 impose a fine against the violator in an amount not exceeding  
2202 \$5,000; require the full or partial return of the purse,  
2203 sweepstakes, and trophy of the race at issue; or impose against  
2204 the violator any combination of such penalties. The finding of a

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2205 violation of this section in no way prohibits a prosecution for  
2206 criminal acts committed.

2207 (b) The department ~~division~~, notwithstanding ~~the provisions~~  
2208 ~~of~~ chapter 120, may summarily suspend the license of an  
2209 occupational licensee responsible under this section or  
2210 department ~~division~~ rule for the condition of a race animal if  
2211 the department's ~~division~~ laboratory reports the presence of an  
2212 impermissible substance in the animal or its blood, urine,  
2213 saliva, or any other bodily fluid, either before a race in which  
2214 the animal is entered or after a race the animal has run.

2215 (c) If an occupational licensee is summarily suspended  
2216 under this section, the department ~~division~~ shall offer the  
2217 licensee a prompt postsuspension hearing within 72 hours, at  
2218 which the department ~~division~~ shall produce the laboratory  
2219 report and documentation that ~~which~~, on its face, establishes  
2220 the responsibility of the occupational licensee. Upon production  
2221 of the documentation, the occupational licensee has the burden  
2222 of proving his or her lack of responsibility.

2223 (d) Any proceeding for administrative action against a  
2224 licensee or permittee, other than a proceeding under paragraph  
2225 (c), shall be conducted in compliance with chapter 120.

2226 (4) A prosecution pursuant to this section for a violation  
2227 of this section must be commenced within 2 years after the  
2228 violation was committed. Service of an administrative complaint  
2229 marks the commencement of administrative action.

2230 (5) The department ~~division~~ shall implement a split-sample  
2231 procedure for testing animals under this section.

2232 (a) Upon finding a positive drug test result, the  
2233 department shall notify the owner or trainer of the results. The

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2234 owner may request that each urine and blood sample be split into  
2235 a primary sample and a secondary (split) sample. Such splitting  
2236 must be accomplished in the laboratory under rules approved by  
2237 the department ~~division~~. Custody of both samples must remain  
2238 with the department ~~division~~. However, upon request by the  
2239 affected trainer or owner of the animal from which the sample  
2240 was obtained, the department ~~division~~ shall send the split  
2241 sample to an approved independent laboratory for analysis. The  
2242 department ~~division~~ shall establish standards and rules for  
2243 uniform enforcement and shall maintain a list of at least five  
2244 approved independent laboratories for an owner or trainer to  
2245 select from in the event of a positive test sample.

2246 (b) If the state laboratory's findings are not confirmed by  
2247 the independent laboratory, no further administrative or  
2248 disciplinary action under this section may be pursued. The  
2249 department ~~division~~ may adopt rules identifying substances that  
2250 diminish in a blood or urine sample due to passage of time and  
2251 that must be taken into account in applying this section.

2252 (c) If the independent laboratory confirms the state  
2253 laboratory's positive result, or if there is an insufficient  
2254 quantity of the secondary (split) sample for confirmation of the  
2255 state laboratory's positive result, the department ~~division~~ may  
2256 commence administrative proceedings as prescribed in this  
2257 chapter and consistent with chapter 120. For purposes of this  
2258 subsection, the department shall in good faith attempt to obtain  
2259 a sufficient quantity of the test fluid to allow both a primary  
2260 test and a secondary test to be made.

2261 (6) (a) It is the intent of the Legislature that animals  
2262 that participate in races in this state on which pari-mutuel

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2263 wagering is conducted and animals that are bred and trained in  
2264 this state for racing be treated humanely, both on and off  
2265 racetracks, throughout the lives of the animals.

2266 (b) The department ~~division~~ shall, by rule, adopt ~~establish~~  
2267 the procedures for euthanizing greyhounds. However, a greyhound  
2268 may not be put to death by any means other than by lethal  
2269 injection of the drug sodium pentobarbital. A greyhound may not  
2270 be removed from this state for the purpose of being destroyed.

2271 (c) It is a violation of this chapter for an occupational  
2272 licensee to train a greyhound using live or dead animals. A  
2273 greyhound may not be taken from this state for the purpose of  
2274 being trained through the use of live or dead animals.

2275 (d) Any act committed by any licensee that would constitute  
2276 cruelty to animals as defined in s. 828.02 involving any animal  
2277 constitutes a violation of this chapter. Imposition of any  
2278 penalty by the department ~~division~~ for violation of this chapter  
2279 or any rule adopted by the department ~~division~~ pursuant to this  
2280 chapter does ~~shall~~ not prohibit a criminal prosecution for  
2281 cruelty to animals.

2282 (e) The department ~~division~~ may inspect any area at a pari-  
2283 mutuel facility where racing animals are raced, trained, housed,  
2284 or maintained, including any areas where food, medications, or  
2285 other supplies are kept, to ensure the humane treatment of  
2286 racing animals and compliance with this chapter and the rules of  
2287 the department ~~division~~.

2288 (7) Under no circumstances may any medication be  
2289 administered closer than 24 hours prior to the officially  
2290 scheduled post time of a race except as provided for in this  
2291 section.

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2292 (a) The department ~~division~~ shall adopt rules setting  
2293 conditions for the use of furosemide to treat exercise-induced  
2294 pulmonary hemorrhage.

2295 (b) The department ~~division~~ shall adopt rules setting  
2296 conditions for the use of prednisolone sodium succinate, but  
2297 under no circumstances may furosemide or prednisolone sodium  
2298 succinate be administered closer than 4 hours prior to the  
2299 officially scheduled post time for the race.

2300 (c) The department ~~division~~ shall adopt rules setting  
2301 conditions for the use of phenylbutazone and synthetic  
2302 corticosteroids; in no case, except as provided in paragraph  
2303 (b), shall these substances be given closer than 24 hours prior  
2304 to the officially scheduled post time of a race. Oral  
2305 corticosteroids are prohibited except when prescribed by a  
2306 licensed veterinarian and reported to the department ~~division~~ on  
2307 forms prescribed by the department ~~division~~.

2308 (d) ~~Nothing in~~ This section does not ~~shall be interpreted~~  
2309 ~~to~~ prohibit the use of vitamins, minerals, or naturally  
2310 occurring substances so long as they do not exceed ~~none exceeds~~  
2311 the normal physiological concentration in a race-day specimen.

2312 (e) The department ~~division~~ may, by rule, establish  
2313 acceptable levels of permitted medications and shall select the  
2314 appropriate biological specimens by which the administration of  
2315 permitted medication is monitored.

2316 (8) (a) Under no circumstances may any medication be  
2317 administered within 24 hours before the officially scheduled  
2318 post time of the race except as provided in this section.

2319 (b) As an exception to this section, if the department  
2320 ~~division~~ first determines that the use of furosemide,



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2321 phenylbutazone, or prednisolone sodium succinate in horses is in  
2322 the best interest of racing, the department ~~division~~ may adopt  
2323 rules allowing such use. Any rules allowing the use of  
2324 furosemide, phenylbutazone, or prednisolone sodium succinate in  
2325 racing must set the conditions for such use. Under no  
2326 circumstances may a rule be adopted which allows the  
2327 administration of furosemide or prednisolone sodium succinate  
2328 within 4 hours before the officially scheduled post time for the  
2329 race. Under no circumstances may a rule be adopted which allows  
2330 the administration of phenylbutazone or any other synthetic  
2331 corticosteroid within 24 hours before the officially scheduled  
2332 post time for the race. Any administration of synthetic  
2333 corticosteroids is limited to parenteral routes. Oral  
2334 administration of synthetic corticosteroids is expressly  
2335 prohibited. If this paragraph is unconstitutional, it is  
2336 severable from the remainder of this section.

2337 (c) The department ~~division~~ shall, by rule, establish  
2338 acceptable levels of permitted medications and shall select the  
2339 appropriate biological specimen by which the administration of  
2340 permitted medications is monitored.

2341 (9) (a) The department ~~division~~ may conduct a postmortem  
2342 examination of any animal that is injured at a permitted  
2343 racetrack while in training or in competition and that  
2344 subsequently expires or is destroyed. The department ~~division~~  
2345 may conduct a postmortem examination of any animal that expires  
2346 while housed at a permitted racetrack, association compound, or  
2347 licensed kennel or farm. Trainers and owners shall be requested  
2348 to comply with this paragraph as a condition of licensure.

2349 (b) The department ~~division~~ may take possession of the

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2350 animal upon death for postmortem examination. The department  
2351 ~~division~~ may submit blood, urine, other bodily fluid specimens,  
2352 or other tissue specimens collected during a postmortem  
2353 examination for testing by the department ~~division~~ laboratory or  
2354 its designee. Upon completion of the postmortem examination, the  
2355 carcass must be returned to the owner or disposed of at the  
2356 owner's option.

2357 (10) The presence of a prohibited substance in an animal,  
2358 found by the department's ~~division~~ laboratory in a bodily fluid  
2359 specimen collected during the postmortem examination of the  
2360 animal, which breaks down during a race constitutes a violation  
2361 of this section.

2362 (11) The cost of postmortem examinations, testing, and  
2363 disposal must be borne by the department ~~division~~.

2364 (12) The department ~~division~~ shall adopt rules to implement  
2365 this section. The rules may include a classification system for  
2366 prohibited substances and a corresponding penalty schedule for  
2367 violations.

2368 (13) Except as specifically modified by statute or by rules  
2369 of the department ~~division~~, the Uniform Classification  
2370 Guidelines for Foreign Substances, revised February 14, 1995, as  
2371 promulgated by the Association of Racing Commissioners  
2372 International, Inc., is hereby adopted by reference as the  
2373 uniform classification system for class IV and V medications.

2374 (14) The department ~~division~~ shall utilize only the thin  
2375 layer chromatography (TLC) screening process to test for the  
2376 presence of class IV and V medications in samples taken from  
2377 racehorses except when thresholds of a class IV or class V  
2378 medication have been established and are enforced by rule. Once

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2379 a sample has been identified as suspicious for a class IV or  
2380 class V medication by the TLC screening process, the sample will  
2381 be sent for confirmation by and through additional testing  
2382 methods. All other medications not classified by rule as a class  
2383 IV or class V agent are ~~shall be~~ subject to all forms of testing  
2384 available to the department ~~division~~.

2385 (15) The department ~~division~~ may implement by rule  
2386 medication levels recommended by the University of Florida  
2387 College of Veterinary Medicine developed pursuant to an  
2388 agreement between the department ~~Division of Pari-mutuel~~  
2389 ~~Wagering~~ and the University of Florida College of Veterinary  
2390 Medicine. The University of Florida College of Veterinary  
2391 Medicine may provide written notification to the department  
2392 ~~division~~ that it has completed research or review on a  
2393 particular drug pursuant to the agreement and when the College  
2394 of Veterinary Medicine has completed a final report of its  
2395 findings, conclusions, and recommendations to the department  
2396 ~~division~~.

2397 (16) The testing medium for phenylbutazone in horses shall  
2398 be serum, and the department ~~division~~ may collect up to six full  
2399 15-milliliter blood tubes for each horse being sampled.

2400 Section 33. Section 550.2614, Florida Statutes, is amended  
2401 to read:

2402 550.2614 Distribution of certain funds to a horsemen's  
2403 association.-

2404 (1) Each licensee that holds a permit for thoroughbred  
2405 horse racing in this state shall deduct from the purses required  
2406 by s. 550.2625, an amount of money equal to 1 percent of the  
2407 total purse pool and shall pay that amount to a horsemen's

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2408 association representing the majority of the thoroughbred  
2409 racehorse owners and trainers for its use in accordance with the  
2410 stated goals of its articles of association filed with the  
2411 Department of State.

2412 (2) The funds are payable to the horsemen's association  
2413 only upon presentation of a sworn statement by the officers of  
2414 the association that the horsemen's association represents a  
2415 majority of the owners and trainers of thoroughbred horses  
2416 stabled in the state.

2417 (3) Upon receiving a state license, each thoroughbred owner  
2418 and trainer shall receive automatic membership in the horsemen's  
2419 association as defined in subsection (1) and be counted on the  
2420 membership rolls of that association, unless, within 30 calendar  
2421 days after receipt of license from the state, the individual  
2422 declines membership in writing, to the association as defined in  
2423 subsection (1).

2424 (4) The department ~~division~~ shall adopt rules to facilitate  
2425 the orderly transfer of funds in accordance with this section.  
2426 The department ~~division~~ shall also monitor the membership rolls  
2427 of the horsemen's association to ensure that complete, accurate,  
2428 and timely listings are maintained for the purposes specified in  
2429 this section.

2430 Section 34. Subsection (3) of section 550.26165, Florida  
2431 Statutes, is amended to read:

2432 550.26165 Breeders' awards.—

2433 (3) Breeders' associations shall submit their plans to the  
2434 department ~~division~~ at least 60 days before the beginning of the  
2435 payment year. The payment year may be a calendar year or any 12-  
2436 month period, but once established, the yearly base may not be

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2437 changed except for compelling reasons. Once a plan is approved,  
2438 the department ~~division~~ may not allow the plan to be amended  
2439 during the year, except for the most compelling reasons.

2440 Section 35. Section 550.2625, Florida Statutes, is amended  
2441 to read:

2442 550.2625 Horseracing; minimum purse requirement, Florida  
2443 breeders' and owners' awards.—

2444 (1) The purse structure and the availability of breeder  
2445 awards are important factors in attracting the entry of well-  
2446 bred horses in racing meets in this state which in turn helps to  
2447 produce maximum racing revenues for the state and the counties.

2448 (2) Each permitholder conducting a horserace meet is  
2449 required to pay from the takeout withheld on pari-mutuel pools a  
2450 sum for purses in accordance with the type of race performed.

2451 (a) A permitholder conducting a thoroughbred horse race  
2452 meet under this chapter must pay from the takeout withheld a sum  
2453 not less than 7.75 percent of all contributions to pari-mutuel  
2454 pools conducted during the race meet as purses. In addition to  
2455 the 7.75 percent minimum purse payment, permitholders conducting  
2456 live thoroughbred performances shall be required to pay as  
2457 additional purses .625 percent of live handle for performances  
2458 conducted during the period beginning on January 3 and ending  
2459 March 16; .225 percent for performances conducted during the  
2460 period beginning March 17 and ending May 22; and .85 percent for  
2461 performances conducted during the period beginning May 23 and  
2462 ending January 2. Except that any thoroughbred permitholder  
2463 whose total handle on live performances during the 1991-1992  
2464 state fiscal year was not greater than \$34 million is not  
2465 subject to this additional purse payment. A permitholder

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2466 authorized to conduct thoroughbred racing may withhold from the  
2467 handle an additional amount equal to 1 percent on exotic  
2468 wagering for use as owners' awards, and may withhold from the  
2469 handle an amount equal to 2 percent on exotic wagering for use  
2470 as overnight purses. A ~~No~~ permitholder may not withhold in  
2471 excess of 20 percent from the handle without withholding the  
2472 amounts set forth in this subsection.

2473 (b)1. A permitholder conducting a harness horse race meet  
2474 under this chapter must pay to the purse pool from the takeout  
2475 withheld a purse requirement that totals an amount not less than  
2476 8.25 percent of all contributions to pari-mutuel pools conducted  
2477 during the race meet. An amount not less than 7.75 percent of  
2478 the total handle shall be paid from this purse pool as purses.

2479 2. An amount not to exceed 0.5 percent of the total handle  
2480 on all harness horse races that are subject to the purse  
2481 requirement of subparagraph 1., must be available for use to  
2482 provide medical, dental, surgical, life, funeral, or disability  
2483 insurance benefits for occupational licensees who work at tracks  
2484 in this state at which harness horse races are conducted. Such  
2485 insurance benefits must be paid from the purse pool specified in  
2486 subparagraph 1. An annual plan for payment of insurance benefits  
2487 from the purse pool, including qualifications for eligibility,  
2488 must be submitted by the Florida Standardbred Breeders and  
2489 Owners Association for approval to the department ~~division~~. An  
2490 annual report of the implemented plan shall be submitted to the  
2491 department ~~division~~. All records of the Florida Standardbred  
2492 Breeders and Owners Association concerning the administration of  
2493 the plan must be available for audit at the discretion of the  
2494 department ~~division~~ to determine that the plan has been

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2495 implemented and administered as authorized. If the department  
2496 ~~division~~ finds that the Florida Standardbred Breeders and Owners  
2497 Association has not complied with the provisions of this  
2498 section, the department ~~division~~ may order the association to  
2499 cease and desist from administering the plan and shall appoint  
2500 the department ~~division~~ as temporary administrator of the plan  
2501 until the department ~~division~~ reestablishes administration of  
2502 the plan with the association.

2503 (c) A permitholder conducting a quarter horse race meet  
2504 under this chapter shall pay from the takeout withheld a sum not  
2505 less than 6 percent of all contributions to pari-mutuel pools  
2506 conducted during the race meet as purses.

2507 (d) The department ~~division~~ shall adopt reasonable rules to  
2508 ensure the timely and accurate payment of all amounts withheld  
2509 by horserace permitholders regarding the distribution of purses,  
2510 owners' awards, and other amounts collected for payment to  
2511 owners and breeders. Each permitholder that fails to pay out all  
2512 moneys collected for payment to owners and breeders shall,  
2513 within 10 days after the end of the meet during which the  
2514 permitholder underpaid purses, deposit an amount equal to the  
2515 underpayment into a separate interest-bearing account to be  
2516 distributed to owners and breeders in accordance with department  
2517 ~~division~~ rules.

2518 (e) An amount equal to 8.5 percent of the purse account  
2519 generated through intertrack wagering and interstate  
2520 simulcasting will be used for Florida Owners' Awards as set  
2521 forth in subsection (3). Any thoroughbred permitholder with an  
2522 average blended takeout that ~~which~~ does not exceed 20 percent  
2523 and with an average daily purse distribution excluding

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2524 sponsorship, entry fees, and nominations exceeding \$225,000 is  
2525 exempt from the provisions of this paragraph.

2526 (3) Each horseracing permitholder conducting any  
2527 thoroughbred race under this chapter, including any intertrack  
2528 race taken pursuant to ss. 550.615-550.6305 or any interstate  
2529 simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal  
2530 to 0.955 percent on all pari-mutuel pools conducted during any  
2531 such race for the payment of breeders', stallion, or special  
2532 racing awards as authorized in this chapter. This subsection  
2533 also applies to all Breeder's Cup races conducted outside this  
2534 state taken pursuant to s. 550.3551(3). On any race originating  
2535 live in this state which is broadcast out-of-state to any  
2536 location at which wagers are accepted pursuant to s.  
2537 550.3551(2), the host track is required to pay 3.475 percent of  
2538 the gross revenue derived from such out-of-state broadcasts as  
2539 breeders', stallion, or special racing awards. The Florida  
2540 Thoroughbred Breeders' Association is authorized to receive  
2541 these payments from the permitholders and make payments of  
2542 awards earned. The Florida Thoroughbred Breeders' Association  
2543 has the right to withhold up to 10 percent of the permitholder's  
2544 payments under this section as a fee for administering the  
2545 payments of awards and for general promotion of the industry.  
2546 The permitholder shall remit these payments to the Florida  
2547 Thoroughbred Breeders' Association by the 5th day of each  
2548 calendar month for such sums accruing during the preceding  
2549 calendar month and shall report such payments to the department  
2550 ~~division~~ as prescribed by the department ~~division~~. With the  
2551 exception of the 10-percent fee, the moneys paid by the  
2552 permitholders shall be maintained in a separate, interest-



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2553 bearing account, and such payments together with any interest  
2554 earned shall be used exclusively for the payment of breeders',  
2555 stallion, or special racing awards in accordance with the  
2556 following provisions:

2557 (a) The breeder of each Florida-bred thoroughbred horse  
2558 winning a thoroughbred horse race is entitled to an award of up  
2559 to, but not exceeding, 20 percent of the announced gross purse,  
2560 including nomination fees, eligibility fees, starting fees,  
2561 supplementary fees, and moneys added by the sponsor of the race.

2562 (b) The owner or owners of the sire of a Florida-bred  
2563 thoroughbred horse that wins a stakes race is entitled to a  
2564 stallion award of up to, but not exceeding, 20 percent of the  
2565 announced gross purse, including nomination fees, eligibility  
2566 fees, starting fees, supplementary fees, and moneys added by the  
2567 sponsor of the race.

2568 (c) The owners of thoroughbred horses participating in  
2569 thoroughbred stakes races, nonstakes races, or both may receive  
2570 a special racing award in accordance with the agreement  
2571 established pursuant to s. 550.26165(1).

2572 (d) In order for a breeder of a Florida-bred thoroughbred  
2573 horse to be eligible to receive a breeder's award, the horse  
2574 must have been registered as a Florida-bred horse with the  
2575 Florida Thoroughbred Breeders' Association, and the Jockey Club  
2576 certificate for the horse must show that it has been duly  
2577 registered as a Florida-bred horse as evidenced by the seal and  
2578 proper serial number of the Florida Thoroughbred Breeders'  
2579 Association registry. The Florida Thoroughbred Breeders'  
2580 Association shall be permitted to charge the registrant a  
2581 reasonable fee for this verification and registration.

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2582 (e) In order for an owner of the sire of a thoroughbred  
2583 horse winning a stakes race to be eligible to receive a stallion  
2584 award, the stallion must have been registered with the Florida  
2585 Thoroughbred Breeders' Association, and the breeding of the  
2586 registered Florida-bred horse must have occurred in this state.  
2587 The stallion must be standing permanently in this state during  
2588 the period of time between February 1 and June 15 of each year  
2589 or, if the stallion is dead, must have stood permanently in this  
2590 state for a period of not less than 1 year immediately prior to  
2591 its death. The removal of a stallion from this state during the  
2592 period of time between February 1 and June 15 of any year for  
2593 any reason, other than exclusively for prescribed medical  
2594 treatment, as approved by the Florida Thoroughbred Breeders'  
2595 Association, renders the owner or owners of the stallion  
2596 ineligible to receive a stallion award under any circumstances  
2597 for offspring sired prior to removal; however, if a removed  
2598 stallion is returned to this state, all offspring sired  
2599 subsequent to the return make the owner or owners of the  
2600 stallion eligible for the stallion award but only for those  
2601 offspring sired subsequent to such return to this state. The  
2602 Florida Thoroughbred Breeders' Association shall maintain  
2603 complete records showing the date the stallion arrived in this  
2604 state for the first time, whether or not the stallion remained  
2605 in the state permanently, the location of the stallion, and  
2606 whether the stallion is still standing in this state and  
2607 complete records showing awards earned, received, and  
2608 distributed. The association may charge the owner, owners, or  
2609 breeder a reasonable fee for this service.

2610 (f) A permitholder conducting a thoroughbred horse race

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2611 under the provisions of this chapter shall, within 30 days after  
2612 the end of the race meet during which the race is conducted,  
2613 certify to the Florida Thoroughbred Breeders' Association such  
2614 information relating to the thoroughbred horses winning a stakes  
2615 or other horserace at the meet as may be required to determine  
2616 the eligibility for payment of breeders', stallion, and special  
2617 racing awards.

2618 (g) The Florida Thoroughbred Breeders' Association shall  
2619 maintain complete records showing the starters and winners in  
2620 all races conducted at thoroughbred tracks in this state; shall  
2621 maintain complete records showing awards earned, received, and  
2622 distributed; and may charge the owner, owners, or breeder a  
2623 reasonable fee for this service.

2624 (h) The Florida Thoroughbred Breeders' Association shall  
2625 annually establish a uniform rate and procedure for the payment  
2626 of breeders' and stallion awards and shall make breeders' and  
2627 stallion award payments in strict compliance with the  
2628 established uniform rate and procedure plan. The plan may set a  
2629 cap on winnings and may limit, exclude, or defer payments to  
2630 certain classes of races, such as the Florida stallion stakes  
2631 races, in order to assure that there are adequate revenues to  
2632 meet the proposed uniform rate. Such plan must include proposals  
2633 for the general promotion of the industry. Priority shall be  
2634 placed upon imposing such restrictions in lieu of allowing the  
2635 uniform rate to be less than 15 percent of the total purse  
2636 payment. The uniform rate and procedure plan must be approved by  
2637 the department ~~division~~ before implementation. In the absence of  
2638 an approved plan and procedure, the authorized rate for  
2639 breeders' and stallion awards is 15 percent of the announced

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2640 gross purse for each race. Such purse must include nomination  
2641 fees, eligibility fees, starting fees, supplementary fees, and  
2642 moneys added by the sponsor of the race. If the funds in the  
2643 account for payment of breeders' and stallion awards are not  
2644 sufficient to meet all earned breeders' and stallion awards,  
2645 those breeders and stallion owners not receiving payments have  
2646 first call on any subsequent receipts in that or any subsequent  
2647 year.

2648 (i) The Florida Thoroughbred Breeders' Association shall  
2649 keep accurate records showing receipts and disbursements of such  
2650 payments and shall annually file a full and complete report to  
2651 the department ~~division~~ showing such receipts and disbursements  
2652 and the sums withheld for administration. The department  
2653 ~~division~~ may audit the records and accounts of the Florida  
2654 Thoroughbred Breeders' Association to determine that payments  
2655 have been made to eligible breeders and stallion owners in  
2656 accordance with this section.

2657 (j) If the department ~~division~~ finds that the Florida  
2658 Thoroughbred Breeders' Association has not complied with any  
2659 provision of this section, the department ~~division~~ may order the  
2660 association to cease and desist from receiving funds and  
2661 administering funds received under this section. If the  
2662 department ~~division~~ enters such an order, the permitholder shall  
2663 make the payments authorized in this section to the department  
2664 ~~division~~ for deposit into the Pari-mutuel Wagering Trust Fund;  
2665 and any funds in the Florida Thoroughbred Breeders' Association  
2666 account shall be immediately paid to the department ~~Division of~~  
2667 ~~Pari-mutuel Wagering~~ for deposit to the Pari-mutuel Wagering  
2668 Trust Fund. The department ~~division~~ shall authorize payment from

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2669 these funds to any breeder or stallion owner entitled to an  
2670 award that has not been previously paid by the Florida  
2671 Thoroughbred Breeders' Association in accordance with the  
2672 applicable rate.

2673 (4) Each permitholder conducting a harness horse race under  
2674 this chapter shall pay a sum equal to the breaks on all pari-  
2675 mutuel pools conducted during that race for the payment of  
2676 breeders' awards, stallion awards, and stallion stakes and for  
2677 additional expenditures as authorized in this section. The  
2678 Florida Standardbred Breeders and Owners Association is  
2679 authorized to receive these payments from the permitholders and  
2680 make payments as authorized in this subsection. The Florida  
2681 Standardbred Breeders and Owners Association has the right to  
2682 withhold up to 10 percent of the permitholder's payments under  
2683 this section and under s. 550.2633 as a fee for administering  
2684 these payments. The permitholder shall remit these payments to  
2685 the Florida Standardbred Breeders and Owners Association by the  
2686 5th day of each calendar month for such sums accruing during the  
2687 preceding calendar month and shall report such payments to the  
2688 department ~~division~~ as prescribed by the department ~~division~~.  
2689 With the exception of the 10-percent fee for administering the  
2690 payments and the use of the moneys authorized by paragraph (j),  
2691 the moneys paid by the permitholders shall be maintained in a  
2692 separate, interest-bearing account; and such payments together  
2693 with any interest earned shall be allocated for the payment of  
2694 breeders' awards, stallion awards, stallion stakes, additional  
2695 purses, and prizes for, and the general promotion of owning and  
2696 breeding of, Florida-bred standardbred horses. Payment of  
2697 breeders' awards and stallion awards shall be made in accordance

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2698 with the following provisions:

2699 (a) The breeder of each Florida-bred standardbred horse  
2700 winning a harness horse race is entitled to an award of up to,  
2701 but not exceeding, 20 percent of the announced gross purse,  
2702 including nomination fees, eligibility fees, starting fees,  
2703 supplementary fees, and moneys added by the sponsor of the race.

2704 (b) The owner or owners of the sire of a Florida-bred  
2705 standardbred horse that wins a stakes race is entitled to a  
2706 stallion award of up to, but not exceeding, 20 percent of the  
2707 announced gross purse, including nomination fees, eligibility  
2708 fees, starting fees, supplementary fees, and moneys added by the  
2709 sponsor of the race.

2710 (c) In order for a breeder of a Florida-bred standardbred  
2711 horse to be eligible to receive a breeder's award, the horse  
2712 winning the race must have been registered as a Florida-bred  
2713 horse with the Florida Standardbred Breeders and Owners  
2714 Association and a registration certificate under seal for the  
2715 winning horse must show that the winner has been duly registered  
2716 as a Florida-bred horse as evidenced by the seal and proper  
2717 serial number of the United States Trotting Association  
2718 registry. The Florida Standardbred Breeders and Owners  
2719 Association shall be permitted to charge the registrant a  
2720 reasonable fee for this verification and registration.

2721 (d) In order for an owner of the sire of a standardbred  
2722 horse winning a stakes race to be eligible to receive a stallion  
2723 award, the stallion must have been registered with the Florida  
2724 Standardbred Breeders and Owners Association, and the breeding  
2725 of the registered Florida-bred horse must have occurred in this  
2726 state. The stallion must be standing permanently in this state

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2727 or, if the stallion is dead, must have stood permanently in this  
2728 state for a period of not less than 1 year immediately prior to  
2729 its death. The removal of a stallion from this state for any  
2730 reason, other than exclusively for prescribed medical treatment,  
2731 renders the owner or the owners of the stallion ineligible to  
2732 receive a stallion award under any circumstances for offspring  
2733 sired prior to removal; however, if a removed stallion is  
2734 returned to this state, all offspring sired subsequent to the  
2735 return make the owner or owners of the stallion eligible for the  
2736 stallion award but only for those offspring sired subsequent to  
2737 such return to this state. The Florida Standardbred Breeders and  
2738 Owners Association shall maintain complete records showing the  
2739 date the stallion arrived in this state for the first time,  
2740 whether or not the stallion remained in the state permanently,  
2741 the location of the stallion, and whether the stallion is still  
2742 standing in this state and complete records showing awards  
2743 earned, received, and distributed. The association may charge  
2744 the owner, owners, or breeder a reasonable fee for this service.

2745 (e) A permitholder conducting a harness horse race under  
2746 this chapter shall, within 30 days after the end of the race  
2747 meet during which the race is conducted, certify to the Florida  
2748 Standardbred Breeders and Owners Association such information  
2749 relating to the horse winning a stakes or other horserace at the  
2750 meet as may be required to determine the eligibility for payment  
2751 of breeders' awards and stallion awards.

2752 (f) The Florida Standardbred Breeders and Owners  
2753 Association shall maintain complete records showing the starters  
2754 and winners in all races conducted at harness horse racetracks  
2755 in this state; shall maintain complete records showing awards

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2756 earned, received, and distributed; and may charge the owner,  
2757 owners, or breeder a reasonable fee for this service.

2758 (g) The Florida Standardbred Breeders and Owners  
2759 Association shall annually establish a uniform rate and  
2760 procedure for the payment of breeders' awards, stallion awards,  
2761 stallion stakes, additional purses, and prizes for, and for the  
2762 general promotion of owning and breeding of, Florida-bred  
2763 standardbred horses and shall make award payments and  
2764 allocations in strict compliance with the established uniform  
2765 rate and procedure. The plan may set a cap on winnings, and may  
2766 limit, exclude, or defer payments to certain classes of races,  
2767 such as the Florida Breeders' stakes races, in order to assure  
2768 that there are adequate revenues to meet the proposed uniform  
2769 rate. Priority shall be placed on imposing such restrictions in  
2770 lieu of allowing the uniform rate allocated to payment of  
2771 breeder and stallion awards to be less than 10 percent of the  
2772 total purse payment. The uniform rate and procedure must be  
2773 approved by the department ~~division~~ before implementation. In  
2774 the absence of an approved plan and procedure, the authorized  
2775 rate for breeders' and stallion awards is 10 percent of the  
2776 announced gross purse for each race. Such purse must include  
2777 nomination fees, eligibility fees, starting fees, supplementary  
2778 fees, and moneys added by the sponsor of the race. If the funds  
2779 in the account for payment of breeders' and stallion awards are  
2780 not sufficient to meet all earned breeders' and stallion awards,  
2781 those breeders and stallion owners not receiving payments have  
2782 first call on any subsequent receipts in that or any subsequent  
2783 year.

2784 (h) The Florida Standardbred Breeders and Owners



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2785 Association shall keep accurate records showing receipts and  
2786 disbursements of such payments and shall annually file a full  
2787 and complete report to the department ~~division~~ showing such  
2788 receipts and disbursements and the sums withheld for  
2789 administration. The department ~~division~~ may audit the records  
2790 and accounts of the Florida Standardbred Breeders and Owners  
2791 Association to determine that payments have been made to  
2792 eligible breeders, stallion owners, and owners of Florida-bred  
2793 standardbred horses in accordance with this section.

2794 (i) If the department ~~division~~ finds that the Florida  
2795 Standardbred Breeders and Owners Association has not complied  
2796 with any provision of this section, the department ~~division~~ may  
2797 order the association to cease and desist from receiving funds  
2798 and administering funds received under this section and under s.  
2799 550.2633. If the department ~~division~~ enters such an order, the  
2800 permit holder shall make the payments authorized in this section  
2801 and s. 550.2633 to the department ~~division~~ for deposit into the  
2802 Pari-mutuel Wagering Trust Fund; and any funds in the Florida  
2803 Standardbred Breeders and Owners Association account shall be  
2804 immediately paid to the department ~~division~~ for deposit to the  
2805 Pari-mutuel Wagering Trust Fund. The department ~~division~~ shall  
2806 authorize payment from these funds to any breeder, stallion  
2807 owner, or owner of a Florida-bred standardbred horse entitled to  
2808 an award that has not been previously paid by the Florida  
2809 Standardbred Breeders and Owners Association in accordance with  
2810 the applicable rate.

2811 (j) The board of directors of the Florida Standardbred  
2812 Breeders and Owners Association may authorize the release of up  
2813 to 25 percent of the funds available for breeders' awards,

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2814 stallion awards, stallion stakes, additional purses, and prizes  
2815 for, and for the general promotion of owning and breeding of,  
2816 Florida-bred standardbred horses to be used for purses for, and  
2817 promotion of, Florida-bred standardbred horses at race meetings  
2818 at which there is no pari-mutuel wagering unless, and to the  
2819 extent that, such release would render the funds available for  
2820 such awards insufficient to pay the breeders' and stallion  
2821 awards earned pursuant to the annual plan of the association.  
2822 Any such funds so released and used for purses are not  
2823 considered to be an "announced gross purse" as that term is used  
2824 in paragraphs (a) and (b), and no breeders' or stallion awards,  
2825 stallion stakes, or owner awards are required to be paid for  
2826 standardbred horses winning races in meetings at which there is  
2827 no pari-mutuel wagering. The amount of purses to be paid from  
2828 funds so released and the meets eligible to receive such funds  
2829 for purses must be approved by the board of directors of the  
2830 Florida Standardbred Breeders and Owners Association.

2831 (5) (a) Except as provided in subsections (7) and (8), each  
2832 permitholder conducting a quarter horse race meet under this  
2833 chapter shall pay a sum equal to the breaks plus a sum equal to  
2834 1 percent of all pari-mutuel pools conducted during that race  
2835 for supplementing and augmenting purses and prizes and for the  
2836 general promotion of owning and breeding of racing quarter  
2837 horses in this state as authorized in this section. The Florida  
2838 Quarter Horse Breeders and Owners Association is authorized to  
2839 receive these payments from the permitholders and make payments  
2840 as authorized in this subsection. The Florida Quarter Horse  
2841 Breeders and Owners Association, Inc., referred to in this  
2842 chapter as the Florida Quarter Horse Breeders and Owners

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2843 Association, has the right to withhold up to 10 percent of the  
2844 permitholder's payments under this section and under s. 550.2633  
2845 as a fee for administering these payments. The permitholder  
2846 shall remit these payments to the Florida Quarter Horse Breeders  
2847 and Owners Association by the 5th day of each calendar month for  
2848 such sums accruing during the preceding calendar month and shall  
2849 report such payments to the department ~~division~~ as prescribed by  
2850 the department ~~division~~. With the exception of the 5-percent fee  
2851 for administering the payments, the moneys paid by the  
2852 permitholders shall be maintained in a separate, interest-  
2853 bearing account.

2854 (b) The Florida Quarter Horse Breeders and Owners  
2855 Association shall use these funds solely for supplementing and  
2856 augmenting purses and prizes and for the general promotion of  
2857 owning and breeding of racing quarter horses in this state and  
2858 for general administration of the Florida Quarter Horse Breeders  
2859 and Owners Association, Inc., in this state.

2860 (c) In order for an owner or breeder of a Florida-bred  
2861 quarter horse to be eligible to receive an award, the horse  
2862 winning a race must have been registered as a Florida-bred horse  
2863 with the Florida Quarter Horse Breeders and Owners Association  
2864 and a registration certificate under seal for the winning horse  
2865 must show that the winning horse has been duly registered prior  
2866 to the race as a Florida-bred horse as evidenced by the seal and  
2867 proper serial number of the Florida Quarter Horse Breeders and  
2868 Owners Association registry. The Department of Agriculture and  
2869 Consumer Services is authorized to assist the association in  
2870 maintaining this registry. The Florida Quarter Horse Breeders  
2871 and Owners Association may charge the registrant a reasonable

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2872 fee for this verification and registration. Any person who  
2873 registers unqualified horses or misrepresents information in any  
2874 way shall be denied any future participation in breeders'  
2875 awards, and all horses misrepresented will no longer be deemed  
2876 to be Florida-bred.

2877 (d) A permitholder conducting a quarter horse race under a  
2878 quarter horse permit under this chapter shall, within 30 days  
2879 after the end of the race meet during which the race is  
2880 conducted, certify to the Florida Quarter Horse Breeders and  
2881 Owners Association such information relating to the horse  
2882 winning a stakes or other horserace at the meet as may be  
2883 required to determine the eligibility for payment of breeders'  
2884 awards under this section.

2885 (e) The Florida Quarter Horse Breeders and Owners  
2886 Association shall maintain complete records showing the starters  
2887 and winners in all quarter horse races conducted under quarter  
2888 horse permits in this state; shall maintain complete records  
2889 showing awards earned, received, and distributed; and may charge  
2890 the owner, owners, or breeder a reasonable fee for this service.

2891 (f) The Florida Quarter Horse Breeders and Owners  
2892 Association shall keep accurate records showing receipts and  
2893 disbursements of payments made under this section and shall  
2894 annually file a full and complete report to the department  
2895 ~~division~~ showing such receipts and disbursements and the sums  
2896 withheld for administration. The department ~~division~~ may audit  
2897 the records and accounts of the Florida Quarter Horse Breeders  
2898 and Owners Association to determine that payments have been made  
2899 in accordance with this section.

2900 (g) The Florida Quarter Horse Breeders and Owners

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2901 Association shall annually establish a plan for supplementing  
2902 and augmenting purses and prizes and for the general promotion  
2903 of owning and breeding Florida-bred racing quarter horses and  
2904 shall make award payments and allocations in strict compliance  
2905 with the annual plan. The annual plan must be approved by the  
2906 department ~~division~~ before implementation. If the funds in the  
2907 account for payment of purses and prizes are not sufficient to  
2908 meet all purses and prizes to be awarded, those breeders and  
2909 owners not receiving payments have first call on any subsequent  
2910 receipts in that or any subsequent year.

2911 (h) If the department ~~division~~ finds that the Florida  
2912 Quarter Horse Breeders and Owners Association has not complied  
2913 with any provision of this section, the department ~~division~~ may  
2914 order the association to cease and desist from receiving funds  
2915 and administering funds received under this section and s.  
2916 550.2633. If the department ~~division~~ enters such an order, the  
2917 permitholder shall make the payments authorized in this section  
2918 and s. 550.2633 to the department ~~division~~ for deposit into the  
2919 Pari-mutuel Wagering Trust Fund, and any funds in the Florida  
2920 Quarter Horse Breeders and Owners Association account shall be  
2921 immediately paid to the department ~~division~~ for deposit to the  
2922 Pari-mutuel Wagering Trust Fund. The department ~~division~~ shall  
2923 authorize payment from these funds to any breeder or owner of a  
2924 quarter horse entitled to an award that has not been previously  
2925 paid by the Florida Quarter Horse Breeders and Owners  
2926 Association pursuant to ~~in accordance with~~ this section.

2927 (6) (a) The takeout may be used for the payment of awards to  
2928 owners of registered Florida-bred horses placing first in a  
2929 claiming race, an allowance race, a maiden special race, or a

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2930 stakes race in which the announced purse, exclusive of entry and  
2931 starting fees and added moneys, does not exceed \$40,000.

2932 (b) The permitholder shall determine for each qualified  
2933 race the amount of the owners' award for which a registered  
2934 Florida-bred horse will be eligible. The amount of the available  
2935 owners' award shall be established in the same manner in which  
2936 purses are established and shall be published in the condition  
2937 book for the period during which the race is to be conducted. No  
2938 single award may exceed 50 percent of the gross purse for the  
2939 race won.

2940 (c) If the moneys generated under paragraph (a) during the  
2941 meet exceed the owners' awards earned during the meet, the  
2942 excess funds shall be held in a separate interest-bearing  
2943 account, and the total interest and principal shall be used to  
2944 increase the owners' awards during the permitholder's next meet.

2945 (d) Breeders' awards authorized by subsections (3) and (4)  
2946 may not be paid on owners' awards.

2947 (e) This subsection governs owners' awards paid on  
2948 thoroughbred horse races only in this state, unless a written  
2949 agreement is filed with the department ~~division~~ establishing the  
2950 rate, procedures, and eligibility requirements for owners'  
2951 awards, including place of finish, class of race, maximum purse,  
2952 and maximum award, and the agreement is entered into by the  
2953 permitholder, the Florida Thoroughbred Breeders' Association,  
2954 and the association representing a majority of the racehorse  
2955 owners and trainers at the permitholder's location.

2956 (7) (a) Each permitholder that conducts race meets under  
2957 this chapter and runs Appaloosa races shall pay to the  
2958 department ~~division~~ a sum equal to the breaks plus a sum equal

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2959 to 1 percent of the total contributions to each pari-mutuel pool  
2960 conducted on each Appaloosa race. The payments shall be remitted  
2961 to the department ~~division~~ by the 5th day of each calendar month  
2962 for sums accruing during the preceding calendar month.

2963 (b) The department ~~division~~ shall deposit these collections  
2964 to the credit of the General Inspection Trust Fund in a special  
2965 account to be known as the "Florida Appaloosa Racing Promotion  
2966 Account." The Department of Agriculture and Consumer Services  
2967 shall administer the funds and adopt suitable and reasonable  
2968 rules for the administration thereof. The moneys in the Florida  
2969 Appaloosa Racing Promotion Account shall be allocated solely for  
2970 supplementing and augmenting purses and prizes and for the  
2971 general promotion of owning and breeding of racing Appaloosas in  
2972 this state; and the moneys may not be used to defray any expense  
2973 of the Department of Agriculture and Consumer Services in the  
2974 administration of this chapter.

2975 (8) (a) Each permitholder that conducts race meets under  
2976 this chapter and runs Arabian horse races shall pay to the  
2977 department ~~division~~ a sum equal to the breaks plus a sum equal  
2978 to 1 percent of the total contributions to each pari-mutuel pool  
2979 conducted on each Arabian horse race. The payments shall be  
2980 remitted to the department ~~division~~ by the 5th day of each  
2981 calendar month for sums accruing during the preceding calendar  
2982 month.

2983 (b) The department ~~division~~ shall deposit these collections  
2984 to the credit of the General Inspection Trust Fund in a special  
2985 account to be known as the "Florida Arabian Horse Racing  
2986 Promotion Account." The Department of Agriculture and Consumer  
2987 Services shall administer the funds and adopt suitable and

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2988 reasonable rules for the administration thereof. The moneys in  
2989 the Florida Arabian Horse Racing Promotion Account shall be  
2990 allocated solely for supplementing and augmenting purses and  
2991 prizes and for the general promotion of owning and breeding of  
2992 racing Arabian horses in this state; and the moneys may not be  
2993 used to defray any expense of the Department of Agriculture and  
2994 Consumer Services in the administration of this chapter, except  
2995 that the moneys generated by Arabian horse registration fees  
2996 received pursuant to s. 570.382 may be used as provided in  
2997 paragraph (5) (b) of that section.

2998 Section 36. Section 550.26352, Florida Statutes, is amended  
2999 to read:

3000 550.26352 Breeders' Cup Meet; pools authorized; conflicts;  
3001 taxes; credits; transmission of races; rules; application.—

3002 (1) Notwithstanding any provision of this chapter to the  
3003 contrary, there is ~~hereby~~ created a special thoroughbred race  
3004 meet that ~~which~~ shall be designated as the "Breeders' Cup Meet."  
3005 The Breeders' Cup Meet shall be conducted at the facility of the  
3006 Florida permitholder selected by Breeders' Cup Limited to  
3007 conduct the Breeders' Cup Meet. The Breeders' Cup Meet shall  
3008 consist of 3 days: the day on which the Breeders' Cup races are  
3009 conducted, the preceding day, and the subsequent day. Upon the  
3010 selection of the Florida permitholder as host for the Breeders'  
3011 Cup Meet and application by the selected permitholder, the  
3012 department ~~division~~ shall issue a license to the selected  
3013 permitholder to operate the Breeders' Cup Meet. Notwithstanding  
3014 s. 550.09515(2) (a), the Breeders' Cup Meet may be conducted on  
3015 dates that ~~which~~ the selected permitholder is not otherwise  
3016 authorized to conduct a race meet.



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3017 (2) The permitholder conducting the Breeders' Cup Meet is  
3018 specifically authorized to create pari-mutuel pools during the  
3019 Breeders' Cup Meet by accepting pari-mutuel wagers on the  
3020 thoroughbred horse races run during said meet.

3021 (3) If the permitholder conducting the Breeders' Cup Meet  
3022 is located within 35 miles of one or more permitholders  
3023 scheduled to conduct a thoroughbred race meet on any of the 3  
3024 days of the Breeders' Cup Meet, then operation on any of those 3  
3025 days by the other permitholders is prohibited. As compensation  
3026 for the loss of racing days caused thereby, such operating  
3027 permitholders shall receive a credit against the taxes otherwise  
3028 due and payable to the state under ss. 550.0951 and 550.09515.  
3029 This credit shall be in an amount equal to the operating loss  
3030 determined to have been suffered by the operating permitholders  
3031 as a result of not operating on the prohibited racing days, but  
3032 may ~~shall~~ not exceed a total of \$950,000. The determination of  
3033 the amount to be credited shall be made by the department  
3034 ~~division~~ upon application by the operating permitholder. The tax  
3035 credits provided in this subsection are ~~shall~~ not be available  
3036 unless an operating permitholder is required to close a bona  
3037 fide meet consisting in part of no fewer than 10 scheduled  
3038 performances in the 15 days immediately preceding or 10  
3039 scheduled performances in the 15 days immediately following the  
3040 Breeders' Cup Meet. Such tax credit shall be in lieu of any  
3041 other compensation or consideration for the loss of racing days.  
3042 There shall be no replacement or makeup of any lost racing days.

3043 (4) Notwithstanding any provision of ss. 550.0951 and  
3044 550.09515, the permitholder conducting the Breeders' Cup Meet  
3045 shall pay no taxes on the handle included within the pari-mutuel

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3046 pools of said permitholder during the Breeders' Cup Meet.

3047 (5) The permitholder conducting the Breeders' Cup Meet  
3048 shall receive a credit against the taxes otherwise due and  
3049 payable to the state under ss. 550.0951 and 550.09515 generated  
3050 during said permitholder's next ensuing regular thoroughbred  
3051 race meet. This credit shall be in an amount not to exceed  
3052 \$950,000 and shall be used ~~utilized~~ by the permitholder to pay  
3053 the purses offered by the permitholder during the Breeders' Cup  
3054 Meet in excess of the purses that ~~which~~ the permitholder is  
3055 otherwise required by law to pay. The amount to be credited  
3056 shall be determined by the department ~~division~~ upon application  
3057 of the permitholder which is subject to audit by the department  
3058 division.

3059 (6) The permitholder conducting the Breeders' Cup Meet  
3060 shall receive a credit against the taxes otherwise due and  
3061 payable to the state under ss. 550.0951 and 550.09515 generated  
3062 during said permitholder's next ensuing regular thoroughbred  
3063 race meet. This credit shall be in an amount not to exceed  
3064 \$950,000 and shall be utilized by the permitholder for such  
3065 capital improvements and extraordinary expenses as may be  
3066 necessary for operation of the Breeders' Cup Meet. The amount to  
3067 be credited shall be determined by the department ~~division~~ upon  
3068 application of the permitholder which is subject to audit by the  
3069 department ~~division~~.

3070 (7) The permitholder conducting the Breeders' Cup Meet is  
3071 ~~shall be~~ exempt from the payment of purses and other payments to  
3072 horsemen on all on-track, intertrack, interstate, and  
3073 international wagers or rights fees or payments arising  
3074 therefrom for all races for which the purse is paid or supplied

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3075 by Breeders' Cup Limited. The permitholder conducting the  
3076 Breeders' Cup Meet is ~~shall~~ not, however, ~~be~~ exempt from  
3077 breeders' awards payments for on-track and intertrack wagers as  
3078 provided in ss. 550.2625(3) and 550.625(2)(a) for races in which  
3079 the purse is paid or supplied by Breeders' Cup Limited.

3080 (8)(a) Pursuant to s. 550.3551(2), the permitholder  
3081 conducting the Breeders' Cup Meet may ~~is authorized to~~ transmit  
3082 broadcasts of the races conducted during the Breeders' Cup Meet  
3083 to locations outside ~~of~~ this state for wagering purposes. The  
3084 department ~~division~~ may approve broadcasts to pari-mutuel  
3085 permitholders and other betting systems authorized under the  
3086 laws of any other state or country. Wagers accepted by any out-  
3087 of-state pari-mutuel permitholder or betting system on any races  
3088 broadcast under this section may be, but are not required to be,  
3089 commingled with the pari-mutuel pools of the permitholder  
3090 conducting the Breeders' Cup Meet. The calculation of any payoff  
3091 on national pari-mutuel pools with commingled wagers may be  
3092 performed by the permitholder's totalisator contractor at a  
3093 location outside ~~of~~ this state. Pool amounts from wagers placed  
3094 at pari-mutuel facilities or other betting systems in foreign  
3095 countries before being commingled with the pari-mutuel pool of  
3096 the Florida permitholder conducting the Breeders' Cup Meet shall  
3097 be calculated by the totalisator contractor and transferred to  
3098 the commingled pool in United States currency in cycles  
3099 customarily used by the permitholder. Pool amounts from wagers  
3100 placed at any foreign pari-mutuel facility or other betting  
3101 system may ~~shall~~ not be commingled with a Florida pool until a  
3102 determination is made by the department ~~division~~ that the  
3103 technology utilized by the totalisator contractor is adequate to

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3104 assure commingled pools will result in the calculation of  
3105 accurate payoffs to Florida bettors. Any totalisator contractor  
3106 at a location outside ~~of~~ this state shall comply with the  
3107 provisions of s. 550.495 relating to totalisator licensing.

3108 (b) The permitholder conducting the Breeders' Cup Meet may  
3109 ~~is authorized to~~ transmit broadcasts of the races conducted  
3110 during the Breeders' Cup Meet to other pari-mutuel facilities  
3111 located in this state for wagering purposes; however, the  
3112 permitholder conducting the Breeders' Cup Meet is ~~shall~~ not be  
3113 required to transmit broadcasts to any pari-mutuel facility  
3114 located within 25 miles of the facility at which the Breeders'  
3115 Cup Meet is conducted.

3116 (9) The exemption from the tax credits provided in  
3117 subsections (5) and (6) may ~~shall~~ not be granted and may ~~shall~~  
3118 not be claimed by the permitholder until an audit is completed  
3119 by the department ~~division~~. The department ~~division~~ is required  
3120 to complete the audit within 30 days of receipt of the necessary  
3121 documentation from the permitholder to verify the permitholder's  
3122 claim for tax credits. If the documentation submitted by the  
3123 permitholder is incomplete or is insufficient to document the  
3124 permitholder's claim for tax credits, the department ~~division~~  
3125 may request such additional documentation as is necessary to  
3126 complete the audit. Upon receipt of the department's ~~division's~~  
3127 written request for additional documentation, the 30-day time  
3128 limitation will commence anew.

3129 (10) The department ~~may division is authorized to~~ adopt  
3130 ~~such~~ rules ~~as are necessary~~ to facilitate the conduct of the  
3131 Breeders' Cup Meet, including ~~as authorized in this section~~.  
3132 ~~Included within this grant of authority shall be the adoption or~~

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3133 ~~waiver~~ of rules regarding the overall conduct of racing during  
3134 the Breeders' Cup Meet so as to ensure the integrity of the  
3135 races, licensing for all participants, special stabling and  
3136 training requirements for foreign horses, commingling of pari-  
3137 mutuel pools, and audit requirements for tax credits and other  
3138 benefits.

3139 (11) Any dispute between the department ~~division~~ and any  
3140 permitholder regarding the tax credits authorized under  
3141 subsection (3), subsection (5), or subsection (6) shall be  
3142 determined by a hearing officer of the Division of  
3143 Administrative Hearings under the provisions of s. 120.57(1).

3144 (12) The provisions of this section shall prevail over any  
3145 conflicting provisions of this chapter.

3146 Section 37. Section 550.2704, Florida Statutes, is amended  
3147 to read:

3148 550.2704 Jai Alai Tournament of Champions Meet.—

3149 (1) Notwithstanding any provision of this chapter, there is  
3150 ~~hereby~~ created a special jai alai meet that ~~which~~ shall be  
3151 designated as the "Jai Alai Tournament of Champions Meet" and  
3152 ~~which~~ shall be hosted by the Florida jai alai permitholders  
3153 selected by the National Association of Jai Alai Frontons, Inc.,  
3154 to conduct such meet. The meet shall consist of three qualifying  
3155 performances and a final performance, each of which is to be  
3156 conducted on different days. Upon the selection of the Florida  
3157 permitholders for the meet, and upon application by the selected  
3158 permitholders, the department ~~Division of Pari-mutuel Wagering~~  
3159 shall issue a license to each of the selected permitholders to  
3160 operate the meet. The meet may be conducted during a season in  
3161 which the permitholders selected to conduct the meet are not

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3162 otherwise authorized to conduct a meet. Notwithstanding anything  
3163 herein to the contrary, any Florida permitholder who is to  
3164 conduct a performance that ~~which~~ is a part of the Jai Alai  
3165 Tournament of Champions Meet is ~~shall~~ not be required to apply  
3166 for the license for said meet if it is to be run during the  
3167 regular season for which such permitholder has a license.

3168 (2) Qualifying performances and the final performance of  
3169 the tournament shall be held at different locations throughout  
3170 the state, and the permitholders selected shall be under  
3171 different ownership to the extent possible.

3172 (3) Notwithstanding any provision of this chapter, each of  
3173 the permitholders licensed to conduct performances comprising  
3174 the Jai Alai Tournament of Champions Meet shall pay no taxes on  
3175 handle under s. 550.0951 or s. 550.09511 for any performance  
3176 conducted by such permitholder as part of the Jai Alai  
3177 Tournament of Champions Meet. The provisions of this subsection  
3178 shall apply to a maximum of four performances.

3179 (4) The Jai Alai Tournament of Champions Meet permitholders  
3180 shall also receive a credit against the taxes, otherwise due and  
3181 payable under s. 550.0951 or s. 550.09511, generated during said  
3182 permitholders' current regular meet. This credit shall be in the  
3183 aggregate amount of \$150,000, shall be prorated equally between  
3184 the permitholders, and shall be used ~~utilized~~ by the  
3185 permitholders solely to supplement awards for the performance  
3186 conducted during the Jai Alai Tournament of Champions Meet. All  
3187 awards shall be paid to the tournament's participating players  
3188 no later than 30 days following the conclusion of said Jai Alai  
3189 Tournament of Champions Meet.

3190 (5) In addition to the credit authorized in subsection (4),

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3191 the Jai Alai Tournament of Champions Meet permitholders shall  
3192 receive a credit against the taxes, otherwise due and payable  
3193 under s. 550.0951 or s. 550.09511, generated during said  
3194 permitholders' current regular meet, in an amount not to exceed  
3195 the aggregate amount of \$150,000, which shall be prorated  
3196 equally between the permitholders, and shall be used ~~utilized~~ by  
3197 the permitholders for such capital improvements and  
3198 extraordinary expenses, including marketing expenses, as may be  
3199 necessary for the operation of the meet. The determination of  
3200 the amount to be credited shall be made by the department  
3201 ~~division~~ upon application of said permitholders.

3202 (6) The permitholder is ~~shall be~~ entitled to said  
3203 permitholder's pro rata share of the \$150,000 tax credit  
3204 provided in subsection (5) without having to make application,  
3205 so long as appropriate documentation to substantiate said  
3206 expenditures thereunder is provided to the department ~~division~~  
3207 within 30 days following said Jai Alai Tournament of Champions  
3208 Meet.

3209 (7) A ~~No~~ Jai Alai Tournament of Champions Meet may not  
3210 ~~shall~~ exceed 4 days in any state fiscal year, and only ~~no more~~  
3211 ~~than~~ one performance may ~~shall~~ be conducted on any one day of  
3212 the meet. ~~There shall be~~ Only one Jai Alai Tournament of  
3213 Champions Meet may occur in any state fiscal year.

3214 (8) The department ~~may division is authorized to~~ adopt such  
3215 rules ~~as are~~ necessary to facilitate the conduct of the Jai Alai  
3216 Tournament of Champions Meet, including ~~as authorized in this~~  
3217 ~~section. Included within this grant of authority shall be the~~  
3218 ~~adoption of~~ rules regarding the overall conduct of the  
3219 tournament so as to ensure the integrity of the event, licensing

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3220 for participants, commingling of pari-mutuel pools, and audit  
3221 requirements for tax credits and exemptions.

3222 (9) ~~The provisions of~~ This section prevails ~~shall prevail~~  
3223 over any conflicting provisions of this chapter.

3224 Section 38. Subsections (3) and (5) of section 550.334,  
3225 Florida Statutes, are amended to read:

3226 550.334 Quarter horse racing; substitutions.—

3227 (3) Quarter horses participating in such races must be duly  
3228 registered by the American Quarter Horse Association, and before  
3229 each race such horses must be examined and declared in fit  
3230 condition by a qualified person designated by the department  
3231 division.

3232 (5) Any quarter horse racing permitholder operating under a  
3233 valid permit issued by the department ~~division~~ is authorized to  
3234 substitute races of other breeds of horses which are,  
3235 respectively, registered with the American Paint Horse  
3236 Association, Appaloosa Horse Club, Arabian Horse Registry of  
3237 America, Palomino Horse Breeders of America, United States  
3238 Trotting Association, Florida Cracker Horse Association, or  
3239 Jockey Club for no more than 50 percent of the quarter horse  
3240 races during its meet.

3241 Section 39. Subsection (2) of section 550.3345, Florida  
3242 Statutes, is amended to read:

3243 550.3345 Conversion of quarter horse permit to a limited  
3244 thoroughbred permit.—

3245 (2) Notwithstanding any other provision of law, the holder  
3246 of a quarter horse racing permit issued under s. 550.334 may,  
3247 within 1 year after the effective date of this section, apply to  
3248 the department ~~division~~ for a transfer of the quarter horse



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3249 racing permit to a not-for-profit corporation formed under state  
3250 law to serve the purposes of the state as provided in subsection  
3251 (1). The board of directors of the not-for-profit corporation  
3252 must be comprised of 11 members, 4 of whom shall be designated  
3253 by the applicant, 4 of whom shall be designated by the Florida  
3254 Thoroughbred Breeders' Association, and 3 of whom shall be  
3255 designated by the other 8 directors, with at least 1 of these 3  
3256 members being an authorized representative of another  
3257 thoroughbred permitholder in this state. The not-for-profit  
3258 corporation shall submit an application to the department  
3259 ~~division~~ for review and approval of the transfer in accordance  
3260 with s. 550.054. Upon approval of the transfer by the department  
3261 ~~division~~, and notwithstanding any other provision of law to the  
3262 contrary, the not-for-profit corporation may, within 1 year  
3263 after its receipt of the permit, request that the department  
3264 ~~division~~ convert the quarter horse racing permit to a permit  
3265 authorizing the holder to conduct pari-mutuel wagering meets of  
3266 thoroughbred racing. Neither the transfer of the quarter horse  
3267 racing permit nor its conversion to a limited thoroughbred  
3268 permit shall be subject to the mileage limitation or the  
3269 ratification election as set forth under s. 550.054(2) or s.  
3270 550.0651. Upon receipt of the request for such conversion, the  
3271 department ~~division~~ shall timely issue a converted permit. The  
3272 converted permit and the not-for-profit corporation shall be  
3273 subject to the following requirements:

3274 (a) All net revenues derived by the not-for-profit  
3275 corporation under the thoroughbred horse racing permit, after  
3276 the funding of operating expenses and capital improvements,  
3277 shall be dedicated to the enhancement of thoroughbred purses and

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3278 breeders', stallion, and special racing awards under this  
3279 chapter; the general promotion of the thoroughbred horse  
3280 breeding industry; and the care in this state of thoroughbred  
3281 horses retired from racing.

3282 (b) From December 1 through April 30, no live thoroughbred  
3283 racing may be conducted under the permit on any day during which  
3284 another thoroughbred permitholder is conducting live  
3285 thoroughbred racing within 125 air miles of the not-for-profit  
3286 corporation's pari-mutuel facility unless the other thoroughbred  
3287 permitholder gives its written consent.

3288 (c) After the conversion of the quarter horse racing permit  
3289 and the issuance of its initial license to conduct pari-mutuel  
3290 wagering meets of thoroughbred racing, the not-for-profit  
3291 corporation shall annually apply to the department ~~division~~ for  
3292 a license pursuant to s. 550.5251(2)-(5).

3293 (d) Racing under the permit may take place only at the  
3294 location for which the original quarter horse racing permit was  
3295 issued, which may be leased by the not-for-profit corporation  
3296 for that purpose; however, the not-for-profit corporation may,  
3297 without the conduct of any ratification election pursuant to s.  
3298 550.054(13) or s. 550.0651, move the location of the permit to  
3299 another location in the same county provided that such  
3300 relocation is approved under the zoning and land use regulations  
3301 of the applicable county or municipality.

3302 (e) A ~~No~~ permit converted under this section may not be  
3303 transferred ~~is eligible for transfer~~ to another person or  
3304 entity.

3305 Section 40. Section 550.3355, Florida Statutes, is amended  
3306 to read:

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3307           550.3355 Harness track licenses for summer quarter horse  
3308 racing.—Any harness track licensed to operate under the  
3309 provisions of s. 550.375 may make application for, and shall be  
3310 issued by the department ~~division~~, a license to operate not more  
3311 than 50 quarter horse racing days during the summer season,  
3312 which shall extend from July 1 until October 1 of each year.  
3313 However, this license to operate quarter horse racing for 50  
3314 days is in addition to the racing days and dates provided in s.  
3315 550.375 for harness racing during the winter seasons; and, it  
3316 does not affect the right of such licensee to operate harness  
3317 racing at the track as provided in s. 550.375 during the winter  
3318 season. All provisions of this chapter governing quarter horse  
3319 racing not in conflict herewith apply to the operation of  
3320 quarter horse meetings authorized hereunder, except that all  
3321 quarter horse racing permitted hereunder shall be conducted at  
3322 night.

3323           Section 41. Paragraph (a) of subsection (6) and subsections  
3324 (10) and (13) of section 550.3551, Florida Statutes, are amended  
3325 to read:

3326           550.3551 Transmission of racing and jai alai information;  
3327 commingling of pari-mutuel pools.—

3328           (6) (a) A maximum of 20 percent of the total number of races  
3329 on which wagers are accepted by a greyhound permitholder not  
3330 located as specified in s. 550.615(6) may be received from  
3331 locations outside this state. A permitholder may not conduct  
3332 fewer than eight live races or games on any authorized race day  
3333 except as provided in this subsection. A thoroughbred  
3334 permitholder may not conduct fewer than eight live races on any  
3335 race day without the written approval of the Florida

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3336 Thoroughbred Breeders' Association and the Florida Horsemen's  
3337 Benevolent and Protective Association, Inc., unless it is  
3338 determined by the department that another entity represents a  
3339 majority of the thoroughbred racehorse owners and trainers in  
3340 the state. A harness permitholder may conduct fewer than eight  
3341 live races on any authorized race day, except that such  
3342 permitholder must conduct a full schedule of live racing during  
3343 its race meet consisting of at least eight live races per  
3344 authorized race day for at least 100 days. Any harness horse  
3345 permitholder that during the preceding racing season conducted a  
3346 full schedule of live racing may, at any time during its current  
3347 race meet, receive full-card broadcasts of harness horse races  
3348 conducted at harness racetracks outside this state at the  
3349 harness track of the permitholder and accept wagers on such  
3350 harness races. With specific authorization from the department  
3351 ~~division~~ for special racing events, a permitholder may conduct  
3352 fewer than eight live races or games when the permitholder also  
3353 broadcasts out-of-state races or games. The department ~~division~~  
3354 may not grant more than two such exceptions a year for a  
3355 permitholder in any 12-month period, and those two exceptions  
3356 may not be consecutive.

3357 (10) The department ~~division~~ may adopt rules necessary to  
3358 facilitate commingling of pari-mutuel pools, to ensure the  
3359 proper calculation of payoffs in circumstances in which  
3360 different commission percentages are applicable and to regulate  
3361 the distribution of net proceeds between the horse track and, in  
3362 this state, the horsemen's associations.

3363 (13) This section does not prohibit the commingling of  
3364 national pari-mutuel pools by a totalisator company that is

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3365 licensed under this chapter. Such commingling of national pools  
3366 is subject to department ~~division~~ review and approval and must  
3367 be performed pursuant to ~~in accordance with~~ rules adopted by the  
3368 department ~~division~~ to ensure accurate calculation and  
3369 distribution of the pools.

3370 Section 42. Subsections (3), (4), and (5) of section  
3371 550.3615, Florida Statutes, are amended to read:

3372 550.3615 Bookmaking on the grounds of a permitholder;  
3373 penalties; reinstatement; duties of track employees; penalty;  
3374 exceptions.—

3375 (3) Any person who has been convicted of bookmaking in this  
3376 state or any other state of the United States or any foreign  
3377 country shall be denied admittance to and may ~~shall~~ not attend  
3378 any racetrack or fronton in this state during its racing seasons  
3379 or operating dates, including any practice or preparational  
3380 days, for a period of 2 years after the date of conviction or  
3381 the date of final appeal. Following the conclusion of the period  
3382 of ineligibility, the department ~~director of the division~~ may  
3383 authorize the reinstatement of an individual following a hearing  
3384 on readmittance. Any such person who knowingly violates this  
3385 subsection commits ~~is guilty of~~ a misdemeanor of the first  
3386 degree, punishable as provided in s. 775.082 or s. 775.083.

3387 (4) If the activities of a person show that this law is  
3388 being violated, and such activities are either witnessed or are  
3389 common knowledge by any track or fronton employee, it is the  
3390 duty of that employee to bring the matter to the immediate  
3391 attention of the permitholder, manager, or her or his designee,  
3392 who shall notify a law enforcement agency having jurisdiction.  
3393 Willful failure on the part of any track or fronton employee to

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3394 comply with ~~the provisions of~~ this subsection is a ground for  
3395 the department ~~division~~ to suspend or revoke that employee's  
3396 license for track or fronton employment.

3397 (5) Each permittee shall display, in conspicuous places at  
3398 a track or fronton and in all race and jai alai daily programs,  
3399 a warning to all patrons concerning the prohibition and  
3400 penalties of bookmaking contained in this section and s. 849.25.  
3401 The department ~~division~~ shall adopt rules concerning the uniform  
3402 size of all warnings and the number of placements throughout a  
3403 track or fronton. Failure on the part of the permittee to  
3404 display such warnings may result in the imposition of a \$500  
3405 fine by the department ~~division~~ for each offense.

3406 Section 43. Subsections (2) and (3) of section 550.375,  
3407 Florida Statutes, are amended to read:

3408 550.375 Operation of certain harness tracks.—

3409 (2) Any permittee or licensee authorized under this section  
3410 to transfer the location of its permit may conduct harness  
3411 racing only between the hours of 7 p.m. and 2 a.m. A permit so  
3412 transferred applies only to the locations provided in this  
3413 section. The provisions of this chapter which prohibit the  
3414 location and operation of a licensed harness track permittee and  
3415 licensee within 100 air miles of the location of a racetrack  
3416 authorized to conduct racing under this chapter and which  
3417 prohibit the department ~~division~~ from granting any permit to a  
3418 harness track at a location in the area in which there are three  
3419 horse tracks located within 100 air miles thereof do not apply  
3420 to a licensed harness track that is required by the terms of  
3421 this section to race between the hours of 7 p.m. and 2 a.m.

3422 (3) A permit may not be issued by the department ~~division~~

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3423 for the operation of a harness track within 75 air miles of a  
3424 location of a harness track licensed and operating under this  
3425 chapter.

3426 Section 44. Section 550.495, Florida Statutes, is amended  
3427 to read:

3428 550.495 Totalisator licensing.—

3429 (1) A totalisator may not be operated at a pari-mutuel  
3430 facility in this state, or at a facility located in or out of  
3431 this state which is used as the primary totalisator for a race  
3432 or game conducted in this state, unless the totalisator company  
3433 possesses a business license issued by the department ~~division~~.

3434 (2) (a) Each totalisator company must apply to the  
3435 department ~~division~~ for an annual business license. The  
3436 application must include such information as the department  
3437 ~~division~~ by rule requires.

3438 (b) As a part of its license application, each totalisator  
3439 company must agree in writing to pay to the department ~~division~~  
3440 an amount equal to the loss of any state revenues from missed or  
3441 canceled races, games, or performances due to acts of the  
3442 totalisator company or its agents or employees or failures of  
3443 the totalisator system, except for circumstances beyond the  
3444 control of the totalisator company or agent or employee, as  
3445 determined by the department ~~division~~.

3446 (c) Each totalisator company must file with the department  
3447 ~~division~~ a performance bond, acceptable to the department  
3448 ~~division~~, in the sum of \$250,000 issued by a surety approved by  
3449 the department ~~division~~ or must file proof of insurance,  
3450 acceptable to the department ~~division~~, against financial loss in  
3451 the amount of \$250,000, insuring the state against such a

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3452 revenue loss.

3453 (d) In the event of a loss of state tax revenues, the  
3454 department ~~division~~ shall determine:

3455 1. The estimated revenue lost as a result of missed or  
3456 canceled races, games, or performances;

3457 2. The number of races, games, or performances which is  
3458 practicable for the permitholder to conduct in an attempt to  
3459 mitigate the revenue loss; and

3460 3. The amount of the revenue loss which the makeup races,  
3461 games, or performances will not recover and for which the  
3462 totalisator company is liable.

3463 (e) Upon the making of such determinations, the department  
3464 ~~division~~ shall issue to the totalisator company and to the  
3465 affected permitholder an order setting forth the determinations  
3466 of the department ~~division~~.

3467 (f) If the order is contested by either the totalisator  
3468 company or any affected permitholder, ~~the provisions of~~ chapter  
3469 120 applies ~~apply~~. If the totalisator company contests the order  
3470 on the grounds that the revenue loss was due to circumstances  
3471 beyond its control, the totalisator company has the burden of  
3472 proving that circumstances vary in fact beyond its control. For  
3473 purposes of this paragraph, strikes and acts of God are beyond  
3474 the control of the totalisator company.

3475 (g) Upon the failure of the totalisator company to make the  
3476 payment found to be due the state, the department ~~division~~ may  
3477 cause the forfeiture of the bond or may proceed against the  
3478 insurance contract, and the proceeds of the bond or contract  
3479 shall be deposited into the Pari-mutuel Wagering Trust Fund. If  
3480 that bond was not posted or insurance obtained, the department



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3481 ~~division~~ may proceed against any assets of the totalisator  
3482 company to collect the amounts due under this subsection.

3483 (3) If the applicant meets the requirements of this section  
3484 and department ~~division~~ rules and pays the license fee, the  
3485 department ~~division~~ shall issue the license.

3486 (4) Each totalisator company shall conduct operations in  
3487 accordance with rules adopted by the department ~~division~~, in  
3488 such form, content, and frequency as the department ~~division~~ by  
3489 rule determines.

3490 (5) The department ~~division~~ and its representatives may  
3491 enter and inspect any area of the premises of a licensed  
3492 totalisator company, and may examine totalisator records, during  
3493 the licensee's regular business or operating hours.

3494 Section 45. Section 550.505, Florida Statutes, is amended  
3495 to read:

3496 550.505 Nonwagering permits.—

3497 (1) (a) Except as provided in this section, permits and  
3498 licenses issued by the department ~~division~~ are intended to be  
3499 used for pari-mutuel wagering operations in conjunction with  
3500 horseraces, dograces, or jai alai performances.

3501 (b) Subject to the requirements of this section, the  
3502 department may ~~division is authorized to~~ issue permits for the  
3503 conduct of horseracing meets without pari-mutuel wagering or any  
3504 other form of wagering being conducted in conjunction therewith.  
3505 Such permits shall be known as nonwagering permits and may be  
3506 issued only for horseracing meets. A horseracing permitholder  
3507 need not obtain an additional permit from the department  
3508 ~~division~~ for conducting nonwagering racing under this section,  
3509 but must apply to the department ~~division~~ for the issuance of a

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3510 license under this section. The holder of a nonwagering permit  
3511 is prohibited from conducting pari-mutuel wagering or any other  
3512 form of wagering in conjunction with racing conducted under the  
3513 permit. ~~Nothing in~~ This subsection does not prohibit ~~prohibits~~  
3514 horseracing for any stake, purse, prize, or premium.

3515 (c) The holder of a nonwagering permit is exempt from ~~the~~  
3516 ~~provisions of~~ s. 550.105 and is exempt from the imposition of  
3517 daily license fees and admission tax.

3518 (2) (a) Any person not prohibited from holding any type of  
3519 pari-mutuel permit under s. 550.1815 may ~~shall be allowed to~~  
3520 apply to the department ~~division~~ for a nonwagering permit. The  
3521 applicant must demonstrate that the location or locations where  
3522 the nonwagering permit will be used are available for such use  
3523 and that the applicant has the financial ability to satisfy the  
3524 reasonably anticipated operational expenses of the first racing  
3525 year following final issuance of the nonwagering permit. If the  
3526 racing facility is already built, the application must contain a  
3527 statement, with reasonable supporting evidence, that the  
3528 nonwagering permit will be used for horseracing within 1 year  
3529 after the date on which it is granted. If the facility is not  
3530 already built, the application must contain a statement, with  
3531 reasonable supporting evidence, that substantial construction  
3532 will be started within 1 year after the issuance of the  
3533 nonwagering permit.

3534 (b) The department ~~division~~ may conduct an eligibility  
3535 investigation to determine if the applicant meets the  
3536 requirements of paragraph (a).

3537 (3) (a) Upon receipt of a nonwagering permit, the  
3538 permitholder must apply to the department ~~division~~ before June 1

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3539 of each year for an annual nonwagering license for the next  
3540 succeeding calendar year. Such application must set forth the  
3541 days and locations at which the permitholder will conduct  
3542 nonwagering horseracing and must indicate any changes in  
3543 ownership or management of the permitholder occurring since the  
3544 date of application for the prior license.

3545 (b) On or before August 1 of each year, the department  
3546 ~~division~~ shall issue a license authorizing the nonwagering  
3547 permitholder to conduct nonwagering horseracing during the  
3548 succeeding calendar year during the period and for the number of  
3549 days set forth in the application, subject to all other  
3550 provisions of this section.

3551 (c) The department ~~division~~ may conduct an eligibility  
3552 investigation to determine the qualifications of any new  
3553 ownership or management interest in the permit.

3554 (4) Upon the approval of racing dates by the department  
3555 ~~division~~, the department ~~division~~ shall issue an annual  
3556 nonwagering license to the nonwagering permitholder.

3557 (5) Only horses registered with an established breed  
3558 registration organization, which organization shall be approved  
3559 by the department ~~division~~, shall be raced at any race meeting  
3560 authorized by this section.

3561 (6) The department ~~division~~ may order any person  
3562 participating in a nonwagering meet to cease and desist from  
3563 participating in such meet if the department ~~division~~ determines  
3564 the person to be not of good moral character in accordance with  
3565 s. 550.1815. The department ~~division~~ may order the operators of  
3566 a nonwagering meet to cease and desist from operating the meet  
3567 if the department ~~division~~ determines the meet is being operated

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3568 for any illegal purpose.

3569 Section 46. Subsection (1) of section 550.5251, Florida  
3570 Statutes, is amended to read:

3571 550.5251 Florida thoroughbred racing; certain permits;  
3572 operating days.—

3573 (1) Each thoroughbred permitholder shall annually, during  
3574 the period commencing December 15 of each year and ending  
3575 January 4 of the following year, file in writing with the  
3576 department ~~division~~ its application to conduct one or more  
3577 thoroughbred racing meetings during the thoroughbred racing  
3578 season commencing on the following July 1. Each application  
3579 shall specify the number and dates of all performances that the  
3580 permitholder intends to conduct during that thoroughbred racing  
3581 season. On or before March 15 of each year, the department  
3582 ~~division~~ shall issue a license authorizing each permitholder to  
3583 conduct performances on the dates specified in its application.  
3584 Up to February 28 of each year, each permitholder may request  
3585 and shall be granted changes in its authorized performances; but  
3586 thereafter, as a condition precedent to the validity of its  
3587 license and its right to retain its permit, each permitholder  
3588 must operate the full number of days authorized on each of the  
3589 dates set forth in its license.

3590 Section 47. Subsection (3) of section 550.625, Florida  
3591 Statutes, is amended to read:

3592 550.625 Intertrack wagering; purses; breeders' awards.—If a  
3593 host track is a horse track:

3594 (3) The payment to a breeders' organization shall be  
3595 combined with any other amounts received by the respective  
3596 breeders' and owners' associations as so designated. Each

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3597 breeders' and owners' association receiving these funds shall be  
3598 allowed to withhold the same percentage as set forth in s.  
3599 550.2625 to be used for administering the payment of awards and  
3600 for the general promotion of their respective industries. If the  
3601 total combined amount received for thoroughbred breeders' awards  
3602 exceeds 15 percent of the purse required to be paid under  
3603 subsection (1), the breeders' and owners' association, as so  
3604 designated, notwithstanding any other provision of law, shall  
3605 submit a plan to the department ~~division~~ for approval which  
3606 would use the excess funds in promoting the breeding industry by  
3607 increasing the purse structure for Florida-breds. Preference  
3608 shall be given to the track generating such excess.

3609 Section 48. Subsection (5) and paragraph (g) of subsection  
3610 (9) of section 550.6305, Florida Statutes, are amended to read:

3611 550.6305 Intertrack wagering; guest track payments;  
3612 accounting rules.—

3613 (5) The department ~~division~~ shall adopt rules providing an  
3614 expedient accounting procedure for the transfer of the pari-  
3615 mutuel pool in order to properly account for payment of state  
3616 taxes, payment to the guest track, payment to the host track,  
3617 payment of purses, payment to breeders' associations, payment to  
3618 horsemen's associations, and payment to the public.

3619 (9) A host track that has contracted with an out-of-state  
3620 horse track to broadcast live races conducted at such out-of-  
3621 state horse track pursuant to s. 550.3551(5) may broadcast such  
3622 out-of-state races to any guest track and accept wagers thereon  
3623 in the same manner as is provided in s. 550.3551.

3624 (g)1. Any thoroughbred permitholder which accepts wagers on  
3625 a simulcast signal must make the signal available to any

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3626 permitholder that is eligible to conduct intertrack wagering  
3627 under the provisions of ss. 550.615-550.6345.

3628       2. Any thoroughbred permitholder which accepts wagers on a  
3629 simulcast signal received after 6 p.m. must make such signal  
3630 available to any permitholder that is eligible to conduct  
3631 intertrack wagering under the provisions of ss. 550.615-  
3632 550.6345, including any permitholder located as specified in s.  
3633 550.615(6). Such guest permitholders are authorized to accept  
3634 wagers on such simulcast signal, notwithstanding any other  
3635 provision of this chapter to the contrary.

3636       3. Any thoroughbred permitholder which accepts wagers on a  
3637 simulcast signal received after 6 p.m. must make such signal  
3638 available to any permitholder that is eligible to conduct  
3639 intertrack wagering under the provisions of ss. 550.615-  
3640 550.6345, including any permitholder located as specified in s.  
3641 550.615(9). Such guest permitholders are authorized to accept  
3642 wagers on such simulcast signals for a number of performances  
3643 not to exceed that which constitutes a full schedule of live  
3644 races for a quarter horse permitholder pursuant to s.  
3645 550.002(10)~~(11)~~, notwithstanding any other provision of this  
3646 chapter to the contrary, except that the restrictions provided  
3647 in s. 550.615(9)(a) apply to wagers on such simulcast signals.

3648  
3649 No thoroughbred permitholder shall be required to continue to  
3650 rebroadcast a simulcast signal to any in-state permitholder if  
3651 the average per performance gross receipts returned to the host  
3652 permitholder over the preceding 30-day period were less than  
3653 \$100. Subject to the provisions of s. 550.615(4), as a condition  
3654 of receiving rebroadcasts of thoroughbred simulcast signals

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3655 under this paragraph, a guest permitholder must accept  
3656 intertrack wagers on all live races conducted by all then-  
3657 operating thoroughbred permitholders.

3658 Section 49. Subsections (1) and (2) of section 550.6308,  
3659 Florida Statutes, are amended to read:

3660 550.6308 Limited intertrack wagering license.—In  
3661 recognition of the economic importance of the thoroughbred  
3662 breeding industry to this state, its positive impact on tourism,  
3663 and of the importance of a permanent thoroughbred sales facility  
3664 as a key focal point for the activities of the industry, a  
3665 limited license to conduct intertrack wagering is established to  
3666 ensure the continued viability and public interest in  
3667 thoroughbred breeding in Florida.

3668 (1) Upon application to the department ~~division~~ on or  
3669 before January 31 of each year, any person that is licensed to  
3670 conduct public sales of thoroughbred horses pursuant to s.  
3671 535.01, that has conducted at least 15 days of thoroughbred  
3672 horse sales at a permanent sales facility in this state for at  
3673 least 3 consecutive years, and that has conducted at least 1 day  
3674 of nonwagering thoroughbred racing in this state, with a purse  
3675 structure of at least \$250,000 per year for 2 consecutive years  
3676 before such application, shall be issued a license, subject to  
3677 the conditions set forth in this section, to conduct intertrack  
3678 wagering at such a permanent sales facility during the following  
3679 periods:

- 3680 (a) Up to 21 days in connection with thoroughbred sales;  
3681 (b) Between November 1 and May 8;  
3682 (c) Between May 9 and October 31 at such times and on such  
3683 days as any thoroughbred, jai alai, or a greyhound permitholder

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3684 in the same county is not conducting live performances; provided  
3685 that any such permitholder may waive this requirement, in whole  
3686 or in part, and allow the licensee under this section to conduct  
3687 intertrack wagering during one or more of the permitholder's  
3688 live performances; and

3689 (d) During the weekend of the Kentucky Derby, the  
3690 Preakness, the Belmont, and a Breeders' Cup Meet that is  
3691 conducted before November 1 and after May 8.

3692

3693 No more than one such license may be issued, and no such license  
3694 may be issued for a facility located within 50 miles of any  
3695 thoroughbred permitholder's track.

3696 (2) If more than one application is submitted for such  
3697 license, the department ~~division~~ shall determine which applicant  
3698 shall be granted the license. In making its determination, the  
3699 department ~~division~~ shall grant the license to the applicant  
3700 demonstrating superior capabilities, as measured by the length  
3701 of time the applicant has been conducting thoroughbred sales  
3702 within this state or elsewhere, the applicant's total volume of  
3703 thoroughbred horse sales, within this state or elsewhere, the  
3704 length of time the applicant has maintained a permanent  
3705 thoroughbred sales facility in this state, and the quality of  
3706 the facility.

3707 Section 50. Subsection (2) of section 550.70, Florida  
3708 Statutes, is amended to read:

3709 550.70 Jai alai general provisions; chief court judges  
3710 required; extension of time to construct fronton; amateur jai  
3711 alai contests permitted under certain conditions; playing days'  
3712 limitations; locking of pari-mutuel machines.-



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3713 (2) The time within which the holder of a ratified permit  
3714 for jai alai or pelota has to construct and complete a fronton  
3715 may be extended by the department ~~division~~ for a period of 24  
3716 months after the date of the issuance of the permit, anything to  
3717 the contrary in any statute notwithstanding.

3718 Section 51. Subsection (3) of section 550.902, Florida  
3719 Statutes, is amended to read:

3720 550.902 Purposes.—The purposes of this compact are to:

3721 (3) Authorize the Department of Gaming Control ~~Business and~~  
3722 ~~Professional Regulation~~ to participate in this compact.

3723 Section 52. Subsection (1) of section 550.907, Florida  
3724 Statutes, is amended to read:

3725 550.907 Compact committee.—

3726 (1) There is created an interstate governmental entity to  
3727 be known as the "compact committee," which shall be composed of  
3728 one official from the racing commission, or the equivalent  
3729 thereof, in each party state who shall be appointed, serve, and  
3730 be subject to removal in accordance with the laws of the party  
3731 state that she or he represents. The official from Florida shall  
3732 be appointed by the Gaming Commission ~~Secretary of Business and~~  
3733 ~~Professional Regulation~~. Pursuant to the laws of her or his  
3734 party state, each official shall have the assistance of her or  
3735 his state's racing commission, or the equivalent thereof, in  
3736 considering issues related to licensing of participants in pari-  
3737 mutuel wagering and in fulfilling her or his responsibilities as  
3738 the representative from her or his state to the compact  
3739 committee.

3740 Section 53. Subsections (1), (3), (10), and (11) of section  
3741 551.102, Florida Statutes, are amended, present subsection (1)

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3742 of that section is renumbered as subsection (3), and a new  
3743 subsection (1) is added to that section, to read:

3744 551.102 Definitions.—As used in this chapter, the term:

3745 (1) "Department" means the Department of Gaming Control.

3746 (3)~~(1)~~ "Distributor" means any person who sells, leases, or  
3747 offers or otherwise provides, distributes, or services any slot  
3748 machine or associated equipment for use or play of slot machines  
3749 in this state. A manufacturer may be a distributor within the  
3750 state.

3751 ~~(3) "Division" means the Division of Pari-mutuel Wagering  
3752 of the Department of Business and Professional Regulation.~~

3753 (10) "Slot machine license" means a license issued by the  
3754 department ~~division~~ authorizing a pari-mutuel permitholder to  
3755 place and operate slot machines as provided by s. 23, Art. X of  
3756 the State Constitution, the provisions of this chapter, and  
3757 department ~~division~~ rules.

3758 (11) "Slot machine licensee" means a pari-mutuel  
3759 permitholder who holds a license issued by the department  
3760 ~~division~~ pursuant to this chapter which ~~that~~ authorizes such  
3761 person to possess a slot machine within facilities specified in  
3762 s. 23, Art. X of the State Constitution and allows slot machine  
3763 gaming.

3764 Section 54. Section 551.103, Florida Statutes, is amended  
3765 to read:

3766 551.103 Powers and duties of the department ~~division~~ and  
3767 law enforcement.—

3768 (1) The department ~~division~~ shall adopt, pursuant to the  
3769 provisions of ss. 120.536(1) and 120.54, all rules necessary to  
3770 implement, administer, and regulate slot machine gaming as

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3771 authorized in this chapter. Such rules must include:

3772 (a) Procedures for applying for a slot machine license and  
3773 renewal of a slot machine license.

3774 (b) Technical requirements and the qualifications contained  
3775 in this chapter which ~~that~~ are necessary to receive a slot  
3776 machine license or slot machine occupational license.

3777 (c) Procedures to scientifically test and technically  
3778 evaluate slot machines for compliance with this chapter. The  
3779 department ~~division~~ may contract with an independent testing  
3780 laboratory to conduct any necessary testing under this section.  
3781 The independent testing laboratory must have a national  
3782 reputation and be ~~which is~~ demonstrably competent and qualified  
3783 to scientifically test and evaluate slot machines for compliance  
3784 with this chapter and to otherwise perform the functions  
3785 assigned to it in this chapter. An independent testing  
3786 laboratory may ~~shall~~ not be owned or controlled by a licensee.  
3787 The use of an independent testing laboratory for any purpose  
3788 related to the conduct of slot machine gaming by a licensee  
3789 under this chapter must ~~shall~~ be made from a list of one or more  
3790 laboratories approved by the department ~~division~~.

3791 (d) Procedures relating to slot machine revenues, including  
3792 verifying and accounting for such revenues, auditing, and  
3793 collecting taxes and fees consistent with this chapter.

3794 (e) Procedures for regulating, managing, and auditing the  
3795 operation, financial data, and program information relating to  
3796 slot machine gaming which ~~that~~ allow the department ~~division~~ and  
3797 the Department of Law Enforcement to audit the operation,  
3798 financial data, and program information of a slot machine  
3799 licensee, as required by the department ~~division~~ or the

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3800 Department of Law Enforcement, and provide the department  
3801 ~~division~~ and the Department of Law Enforcement with the ability  
3802 to monitor, at any time on a real-time basis, wagering patterns,  
3803 payouts, tax collection, and compliance with any rules adopted  
3804 by the department ~~division~~ for the regulation and control of  
3805 slot machines operated under this chapter. Such continuous and  
3806 complete access, at any time on a real-time basis, shall include  
3807 the ability of ~~either~~ the department ~~division~~ or the Department  
3808 of Law Enforcement to suspend play immediately on particular  
3809 slot machines if monitoring of the facilities-based computer  
3810 system indicates possible tampering or manipulation of those  
3811 slot machines or the ability to suspend play immediately of the  
3812 entire operation if the tampering or manipulation is of the  
3813 computer system itself. The department ~~division~~ shall notify the  
3814 Department of Law Enforcement or the Department of Law  
3815 Enforcement shall notify the division, as appropriate, whenever  
3816 there is a suspension of play under this paragraph. The  
3817 department ~~division~~ and the Department of Law Enforcement shall  
3818 exchange such information necessary for and cooperate in the  
3819 investigation of the circumstances requiring suspension of play  
3820 under this paragraph.

3821 (f) Procedures for requiring each licensee at his or her  
3822 own cost and expense to supply the department ~~division~~ with a  
3823 bond having the penal sum of \$2 million payable to the Governor  
3824 and his or her successors in office for each year of the  
3825 licensee's slot machine operations. Any bond shall be issued by  
3826 a surety or sureties approved by the department ~~division~~ and the  
3827 Chief Financial Officer, conditioned to faithfully make the  
3828 payments to the Chief Financial Officer in his or her capacity

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3829 as treasurer of the department ~~division~~. The licensee shall be  
3830 required to keep its books and records and make reports as  
3831 provided in this chapter and to conduct its slot machine  
3832 operations in conformity with this chapter and all other  
3833 provisions of law. Such bond shall be separate and distinct from  
3834 the bond required in s. 550.125.

3835 (g) Procedures for requiring licensees to maintain  
3836 specified records and submit any data, information, record, or  
3837 report, including financial and income records, required by this  
3838 chapter or determined by the department ~~division~~ to be necessary  
3839 to the proper implementation and enforcement of this chapter.

3840 (h) A requirement that the payout percentage of a slot  
3841 machine be no less than 85 percent.

3842 (i) Minimum standards for security of the facilities,  
3843 including floor plans, security cameras, and other security  
3844 equipment.

3845 (j) Procedures for requiring slot machine licensees to  
3846 implement and establish drug-testing programs for all slot  
3847 machine occupational licensees.

3848 (2) The department ~~division~~ shall conduct such  
3849 investigations necessary to fulfill its responsibilities under  
3850 the provisions of this chapter.

3851 (3) The Department of Law Enforcement and local law  
3852 enforcement agencies ~~shall~~ have concurrent jurisdiction to  
3853 investigate criminal violations of this chapter and may  
3854 investigate any other criminal violation of law occurring at the  
3855 facilities of a slot machine licensee, and such investigations  
3856 may be conducted in conjunction with the appropriate state  
3857 attorney.

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3858           (4) (a) The department ~~division~~, the Department of Law  
3859 Enforcement, and local law enforcement agencies shall have  
3860 unrestricted access to the slot machine licensee's facility at  
3861 all times and shall require of each slot machine licensee strict  
3862 compliance with the laws of this state relating to the  
3863 transaction of such business. The department ~~division~~, the  
3864 Department of Law Enforcement, and local law enforcement  
3865 agencies may:

3866           1. Inspect and examine premises where slot machines are  
3867 offered for play.

3868           2. Inspect slot machines and related equipment and  
3869 supplies.

3870           (b) In addition, the department ~~division~~ may:

3871           1. Collect taxes, assessments, fees, and penalties.

3872           2. Deny, revoke, suspend, or place conditions on the  
3873 license of a person who violates any provision of this chapter  
3874 or rule adopted pursuant thereto.

3875           (5) The department ~~division~~ shall revoke or suspend the  
3876 license of any person who is no longer qualified or who is  
3877 found, after receiving a license, to have been unqualified at  
3878 the time of application for the license.

3879           (6) This section does not:

3880           (a) Prohibit the Department of Law Enforcement or any law  
3881 enforcement authority whose jurisdiction includes a licensed  
3882 facility from conducting investigations of criminal activities  
3883 occurring at the facility of the slot machine licensee;

3884           (b) Restrict access to the slot machine licensee's facility  
3885 by the Department of Law Enforcement or any local law  
3886 enforcement authority whose jurisdiction includes the slot

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3887 machine licensee's facility; or

3888 (c) Restrict access by the Department of Law Enforcement or  
3889 local law enforcement authorities to information and records  
3890 necessary to the investigation of criminal activity which ~~that~~  
3891 are contained within the slot machine licensee's facility.

3892 Section 55. Section 551.104, Florida Statutes, is amended  
3893 to read:

3894 551.104 License to conduct slot machine gaming.-

3895 (1) Upon application and a finding by the department  
3896 ~~division~~ after investigation that the application is complete  
3897 and the applicant is qualified and payment of the initial  
3898 license fee, the department ~~division~~ may issue a license to  
3899 conduct slot machine gaming in the designated slot machine  
3900 gaming area of the eligible facility. Once licensed, slot  
3901 machine gaming may be conducted subject to the requirements of  
3902 this chapter and rules adopted pursuant thereto.

3903 (2) An application may be approved by the department  
3904 ~~division~~ only after the voters of the county where the  
3905 applicant's facility is located have authorized by referendum  
3906 slot machines within pari-mutuel facilities in that county as  
3907 specified in s. 23, Art. X of the State Constitution.

3908 (3) A slot machine license may be issued only to a licensed  
3909 pari-mutuel permitholder, and slot machine gaming may be  
3910 conducted only at the eligible facility at which the  
3911 permitholder is authorized under its valid pari-mutuel wagering  
3912 permit to conduct pari-mutuel wagering activities.

3913 (4) As a condition of licensure and to maintain continued  
3914 authority for the conduct of slot machine gaming, the slot  
3915 machine licensee shall:

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3916 (a) Continue to be in compliance with this chapter.

3917 (b) Continue to be in compliance with chapter 550, where  
3918 applicable, and maintain the pari-mutuel permit and license in  
3919 good standing pursuant to the provisions of chapter 550.

3920 ~~Notwithstanding any contrary provision of law and in order to~~  
3921 ~~expedite the operation of slot machines at eligible facilities,~~  
3922 ~~any eligible facility shall be entitled within 60 days after the~~  
3923 ~~effective date of this act to amend its 2006-2007 pari-mutuel~~  
3924 ~~wagering operating license issued by the division under ss.~~  
3925 ~~550.0115 and 550.01215. The division shall issue a new license~~  
3926 ~~to the eligible facility to effectuate any approved change.~~

3927 (c) Conduct no fewer than a full schedule of live racing or  
3928 games as defined in s. 550.002 ~~(10)-(11)~~. A permitholder's  
3929 responsibility to conduct such number of live races or games  
3930 shall be reduced by the number of races or games that could not  
3931 be conducted due to the direct result of fire, war, hurricane,  
3932 or other disaster or event beyond the control of the  
3933 permitholder.

3934 (d) Upon approval of any changes relating to the pari-  
3935 mutuel permit by the department ~~division~~, be responsible for  
3936 providing appropriate current and accurate documentation on a  
3937 timely basis to the department ~~division~~ in order to continue the  
3938 slot machine license in good standing. Changes in ownership or  
3939 interest of a slot machine license of 5 percent or more of the  
3940 stock or other evidence of ownership or equity in the slot  
3941 machine license or any parent corporation or other business  
3942 entity that in any way owns or controls the slot machine license  
3943 shall be approved by the department ~~division~~ prior to such  
3944 change, unless the owner is an existing holder of that license



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3945 who was previously approved by the department ~~division~~. Changes  
3946 in ownership or interest of a slot machine license of less than  
3947 5 percent, unless such change results in a cumulative total of 5  
3948 percent or more, shall be reported to the department ~~division~~  
3949 within 20 days after the change. The department ~~division~~ may  
3950 then conduct an investigation to ensure that the license is  
3951 properly updated to show the change in ownership or interest. No  
3952 reporting is required if the person is holding 5 percent or less  
3953 equity or securities of a corporate owner of the slot machine  
3954 licensee that has its securities registered pursuant to s. 12 of  
3955 the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and  
3956 if such corporation or entity files with the United States  
3957 Securities and Exchange Commission the reports required by s. 13  
3958 of that act or if the securities of the corporation or entity  
3959 are regularly traded on an established securities market in the  
3960 United States. A change in ownership or interest of less than 5  
3961 percent which results in a cumulative ownership or interest of 5  
3962 percent or more must ~~shall~~ be approved by the department ~~before~~  
3963 ~~division prior to~~ such change unless the owner is an existing  
3964 holder of the license who was previously approved by the  
3965 department ~~division~~.

3966 (e) Allow the department ~~division~~ and the Department of Law  
3967 Enforcement unrestricted access to and right of inspection of  
3968 facilities of a slot machine licensee in which any activity  
3969 relative to the conduct of slot machine gaming is conducted.

3970 (f) Ensure that the facilities-based computer system that  
3971 the licensee will use for operational and accounting functions  
3972 of the slot machine facility is specifically structured to  
3973 facilitate regulatory oversight. The facilities-based computer

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3974 system shall be designed to provide the department ~~division~~ and  
3975 the Department of Law Enforcement with the ability to monitor,  
3976 at any time on a real-time basis, the wagering patterns,  
3977 payouts, tax collection, and such other operations as necessary  
3978 to determine whether the facility is in compliance with  
3979 statutory provisions and rules adopted by the department  
3980 ~~division~~ for the regulation and control of slot machine gaming.  
3981 The department ~~division~~ and the Department of Law Enforcement  
3982 shall have complete and continuous access to this system. Such  
3983 access shall include the ability of ~~either~~ the department  
3984 ~~division~~ or the Department of Law Enforcement to suspend play  
3985 immediately on particular slot machines if monitoring of the  
3986 system indicates possible tampering or manipulation of those  
3987 slot machines or the ability to suspend play immediately of the  
3988 entire operation if the tampering or manipulation is of the  
3989 computer system itself. The computer system shall be reviewed  
3990 and approved by the department ~~division~~ to ensure necessary  
3991 access, security, and functionality. The department ~~division~~ may  
3992 adopt rules to provide for the approval process.

3993 (g) Ensure that each slot machine is protected from  
3994 manipulation or tampering to affect the random probabilities of  
3995 winning plays. The department ~~division~~ or the Department of Law  
3996 Enforcement may ~~shall have the authority to~~ suspend play upon  
3997 reasonable suspicion of any manipulation or tampering. When play  
3998 has been suspended on any slot machine, the department ~~division~~  
3999 or the Department of Law Enforcement may examine any slot  
4000 machine to determine whether the machine has been tampered with  
4001 or manipulated and whether the machine should be returned to  
4002 operation.

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4003 (h) Submit a security plan, including the facilities' floor  
4004 plan, the locations of security cameras, and a listing of all  
4005 security equipment that is capable of observing and  
4006 electronically recording activities being conducted in the  
4007 facilities of the slot machine licensee. The security plan must  
4008 meet the minimum security requirements as determined by the  
4009 department ~~division~~ under s. 551.103(1)(i) and be implemented  
4010 prior to operation of slot machine gaming. The slot machine  
4011 licensee's facilities must adhere to the security plan at all  
4012 times. Any changes to the security plan must be submitted by the  
4013 licensee to the department ~~before division~~ prior to  
4014 implementation. The department ~~division~~ shall furnish copies of  
4015 the security plan and changes in the plan to the Department of  
4016 Law Enforcement.

4017 (i) Create and file with the department ~~division~~ a written  
4018 policy for:

4019 1. Creating opportunities to purchase from vendors in this  
4020 state, including minority vendors.

4021 2. Creating opportunities for employment of residents of  
4022 this state, including minority residents.

4023 3. Ensuring opportunities for construction services from  
4024 minority contractors.

4025 4. Ensuring that opportunities for employment are offered  
4026 on an equal, nondiscriminatory basis.

4027 5. Training for employees on responsible gaming and working  
4028 with a compulsive or addictive gambling prevention program to  
4029 further its purposes as provided for in s. 551.118.

4030 6. The implementation of a drug-testing program that  
4031 includes, but is not limited to, requiring each employee to sign

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4032 an agreement that he or she understands that the slot machine  
4033 facility is a drug-free workplace.

4034  
4035 The slot machine licensee shall use the Internet-based job-  
4036 listing system of the Agency for Workforce Innovation in  
4037 advertising employment opportunities. ~~Beginning in June 2007,~~  
4038 Each slot machine licensee shall provide an annual report to the  
4039 department ~~division~~ containing information indicating compliance  
4040 with this paragraph in regard to minority persons.

4041 (j) Ensure that the payout percentage of a slot machine  
4042 gaming facility is at least 85 percent.

4043 (5) A slot machine license is not transferable.

4044 (6) A slot machine licensee shall keep and maintain  
4045 permanent daily records of its slot machine operation and shall  
4046 maintain such records for a period of not less than 5 years.  
4047 These records must include all financial transactions and  
4048 contain sufficient detail to determine compliance with the  
4049 requirements of this chapter. All records shall be available for  
4050 audit and inspection by the department ~~division~~, the Department  
4051 of Law Enforcement, or other law enforcement agencies during the  
4052 licensee's regular business hours.

4053 (7) A slot machine licensee shall file with the department  
4054 ~~division~~ a monthly report containing the required records of  
4055 such slot machine operation. The required reports shall be  
4056 submitted on forms prescribed by the department ~~division~~ and  
4057 shall be due at the same time as the monthly pari-mutuel reports  
4058 are due to the department ~~division~~, and the reports shall be  
4059 deemed public records once filed.

4060 (8) A slot machine licensee shall file with the department

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4061 ~~division~~ an audit of the receipt and distribution of all slot  
4062 machine revenues provided by an independent certified public  
4063 accountant verifying compliance with all financial and auditing  
4064 provisions of this chapter and the associated rules adopted  
4065 under this chapter. The audit must include verification of  
4066 compliance with all statutes and rules regarding all required  
4067 records of slot machine operations. Such audit shall be filed  
4068 within 60 days after the completion of the permit holder's pari-  
4069 mutuel meet.

4070 (9) The department ~~division~~ may share any information with  
4071 the Department of Law Enforcement, any other law enforcement  
4072 agency having jurisdiction over slot machine gaming or pari-  
4073 mutuel activities, or any other state or federal law enforcement  
4074 agency the department ~~division~~ or the Department of Law  
4075 Enforcement deems appropriate. Any law enforcement agency having  
4076 jurisdiction over slot machine gaming or pari-mutuel activities  
4077 may share any information obtained or developed by it with the  
4078 department ~~division~~.

4079 (10)(a)1. No slot machine license or renewal thereof shall  
4080 be issued to an applicant holding a permit under chapter 550 to  
4081 conduct pari-mutuel wagering meets of thoroughbred racing unless  
4082 the applicant has on file with the department ~~division~~ a binding  
4083 written agreement between the applicant and the Florida  
4084 Horsemen's Benevolent and Protective Association, Inc.,  
4085 governing the payment of purses on live thoroughbred races  
4086 conducted at the licensee's pari-mutuel facility. In addition,  
4087 no slot machine license or renewal thereof shall be issued to  
4088 such an applicant unless the applicant has on file with the  
4089 department ~~division~~ a binding written agreement between the

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4090 applicant and the Florida Thoroughbred Breeders' Association,  
4091 Inc., governing the payment of breeders', stallion, and special  
4092 racing awards on live thoroughbred races conducted at the  
4093 licensee's pari-mutuel facility. The agreement governing purses  
4094 and the agreement governing awards may direct the payment of  
4095 such purses and awards from revenues generated by any wagering  
4096 or gaming the applicant is authorized to conduct under Florida  
4097 law. All purses and awards shall be subject to the terms of  
4098 chapter 550. All sums for breeders', stallion, and special  
4099 racing awards shall be remitted monthly to the Florida  
4100 Thoroughbred Breeders' Association, Inc., for the payment of  
4101 awards subject to the administrative fee authorized in s.  
4102 550.2625(3).

4103 2. No slot machine license or renewal thereof shall be  
4104 issued to an applicant holding a permit under chapter 550 to  
4105 conduct pari-mutuel wagering meets of quarter horse racing  
4106 unless the applicant has on file with the department ~~division~~ a  
4107 binding written agreement between the applicant and the Florida  
4108 Quarter Horse Racing Association or the association representing  
4109 a majority of the horse owners and trainers at the applicant's  
4110 eligible facility, governing the payment of purses on live  
4111 quarter horse races conducted at the licensee's pari-mutuel  
4112 facility. The agreement governing purses may direct the payment  
4113 of such purses from revenues generated by any wagering or gaming  
4114 the applicant is authorized to conduct under Florida law. All  
4115 purses are ~~shall be~~ subject to the terms of chapter 550.

4116 (b) The department ~~division~~ shall suspend a slot machine  
4117 license if one or more of the agreements required under  
4118 paragraph (a) are terminated or otherwise cease to operate or if

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4119 the department ~~division~~ determines that the licensee is  
4120 materially failing to comply with the terms of such an  
4121 agreement. Any such suspension shall take place in accordance  
4122 with chapter 120.

4123 (c)1. If an agreement required under paragraph (a) cannot  
4124 be reached before ~~prior to~~ the initial issuance of the slot  
4125 machine license, either party may request arbitration or, in the  
4126 case of a renewal, if an agreement required under paragraph (a)  
4127 is not in place 120 days prior to the scheduled expiration date  
4128 of the slot machine license, the applicant shall immediately ask  
4129 the American Arbitration Association to furnish a list of 11  
4130 arbitrators, each of whom shall have at least 5 years of  
4131 commercial arbitration experience and no financial interest in  
4132 or prior relationship with any of the parties or their  
4133 affiliated or related entities or principals. Each required  
4134 party to the agreement shall select a single arbitrator from the  
4135 list provided by the American Arbitration Association within 10  
4136 days of receipt, and the individuals so selected shall choose  
4137 one additional arbitrator from the list within the next 10 days.

4138 2. If an agreement required under paragraph (a) is not in  
4139 place 60 days after the request under subparagraph 1. in the  
4140 case of an initial slot machine license or, in the case of a  
4141 renewal, 60 days before ~~prior to~~ the scheduled expiration date  
4142 of the slot machine license, the matter shall be immediately  
4143 submitted to mandatory binding arbitration to resolve the  
4144 disagreement between the parties. The three arbitrators selected  
4145 pursuant to subparagraph 1. shall constitute the panel that  
4146 shall arbitrate the dispute between the parties pursuant to the  
4147 American Arbitration Association Commercial Arbitration Rules

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4148 and chapter 682.

4149         3. At the conclusion of the proceedings, which shall be no  
4150 later than 90 days after the request under subparagraph 1. in  
4151 the case of an initial slot machine license or, in the case of a  
4152 renewal, 30 days before ~~prior to~~ the scheduled expiration date  
4153 of the slot machine license, the arbitration panel shall present  
4154 to the parties a proposed agreement that the majority of the  
4155 panel believes equitably balances the rights, interests,  
4156 obligations, and reasonable expectations of the parties. The  
4157 parties shall immediately enter into such agreement, which shall  
4158 satisfy the requirements of paragraph (a) and permit issuance of  
4159 the pending annual slot machine license or renewal. The  
4160 agreement produced by the arbitration panel under this  
4161 subparagraph shall be effective until the last day of the  
4162 license or renewal period or until the parties enter into a  
4163 different agreement. Each party shall pay its respective costs  
4164 of arbitration and shall pay one-half of the costs of the  
4165 arbitration panel, unless the parties otherwise agree. If the  
4166 agreement produced by the arbitration panel under this  
4167 subparagraph remains in place 120 days prior to the scheduled  
4168 issuance of the next annual license renewal, then the  
4169 arbitration process established in this paragraph will begin  
4170 again.

4171         4. ~~If in the event that neither of~~ the agreements required  
4172 under subparagraph (a)1. or the agreement required under  
4173 subparagraph (a)2. are not in place by the deadlines established  
4174 in this paragraph, arbitration regarding each agreement shall  
4175 ~~will~~ proceed independently, with separate lists of arbitrators,  
4176 arbitration panels, arbitration proceedings, and resulting



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4177 agreements.

4178           5. With respect to the agreements required under paragraph  
4179 (a) governing the payment of purses, the arbitration and  
4180 resulting agreement called for under this paragraph shall be  
4181 limited to the payment of purses from slot machine revenues  
4182 only.

4183           (d) If any provision of this subsection or its application  
4184 to any person or circumstance is held invalid, the invalidity  
4185 does not affect other provisions or applications of this  
4186 subsection or chapter which can be given effect without the  
4187 invalid provision or application, and to this end the provisions  
4188 of this subsection are severable.

4189           Section 56. Section 551.1045, Florida Statutes, is amended  
4190 to read:

4191           551.1045 Temporary licenses.—

4192           (1) Notwithstanding any provision of s. 120.60 to the  
4193 contrary, the department ~~division~~ may issue a temporary  
4194 occupational license upon the receipt of a complete application  
4195 from the applicant and a determination that the applicant has  
4196 not been convicted of or had adjudication withheld on any  
4197 disqualifying criminal offense. The temporary occupational  
4198 license remains valid until such time as the department ~~division~~  
4199 grants an occupational license or notifies the applicant of its  
4200 intended decision to deny the applicant a license pursuant to  
4201 the provisions of s. 120.60. The department ~~division~~ shall adopt  
4202 rules to administer this subsection. However, not more than one  
4203 temporary license may be issued for any person in any year.

4204           (2) A temporary license issued under this section is  
4205 nontransferable.

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4206 Section 57. Subsection (3) of section 551.105, Florida  
4207 Statutes, is amended to read:

4208 551.105 Slot machine license renewal.-

4209 (3) Upon determination by the department ~~division~~ that the  
4210 application for renewal is complete and qualifications have been  
4211 met, including payment of the renewal fee, the slot machine  
4212 license shall be renewed annually.

4213 Section 58. Section 551.106, Florida Statutes, is amended  
4214 to read:

4215 551.106 License fee; tax rate; penalties.-

4216 (1) LICENSE FEE.-

4217 ~~(a)~~ Upon submission of the initial application for a slot  
4218 machine license and annually thereafter, on the anniversary date  
4219 of the issuance of the initial license, the licensee must pay to  
4220 the department ~~division~~ a nonrefundable license fee of \$3  
4221 million for the succeeding 12 months of licensure. In the 2010-  
4222 2011 fiscal year, the licensee must pay the department ~~division~~  
4223 a nonrefundable license fee of \$2.5 million for the succeeding  
4224 12 months of licensure. In the 2011-2012 fiscal year and for  
4225 every fiscal year thereafter, the licensee must pay the  
4226 department ~~division~~ a nonrefundable license fee of \$2 million  
4227 for the succeeding 12 months of licensure. The license fee shall  
4228 be deposited into the Pari-mutuel Wagering Trust Fund ~~of the~~  
4229 ~~Department of Business and Professional Regulation~~ to be used by  
4230 the department ~~division~~ and the Department of Law Enforcement  
4231 for investigations, regulation of slot machine gaming, and  
4232 enforcement of slot machine gaming provisions under this  
4233 chapter. These payments shall be accounted for separately from  
4234 taxes or fees paid pursuant to ~~the provisions of~~ chapter 550.

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4235 ~~(b) Prior to January 1, 2007, the division shall evaluate~~  
4236 ~~the license fee and shall make recommendations to the President~~  
4237 ~~of the Senate and the Speaker of the House of Representatives~~  
4238 ~~regarding the optimum level of slot machine license fees in~~  
4239 ~~order to adequately support the slot machine regulatory program.~~

4240 (2) TAX ON SLOT MACHINE REVENUES.—

4241 (a) The tax rate on slot machine revenues at each facility  
4242 shall be 35 percent. If, during any state fiscal year, the  
4243 aggregate amount of tax paid to the state by all slot machine  
4244 licensees in Broward and Miami-Dade Counties is less than the  
4245 aggregate amount of tax paid to the state by all slot machine  
4246 licensees in the 2008-2009 fiscal year, each slot machine  
4247 licensee shall pay to the state within 45 days after the end of  
4248 the state fiscal year a surcharge equal to its pro rata share of  
4249 an amount equal to the difference between the aggregate amount  
4250 of tax paid to the state by all slot machine licensees in the  
4251 2008-2009 fiscal year and the amount of tax paid during the  
4252 fiscal year. Each licensee's pro rata share shall be an amount  
4253 determined by dividing the number 1 by the number of facilities  
4254 licensed to operate slot machines during the applicable fiscal  
4255 year, regardless of whether the facility is operating such  
4256 machines.

4257 (b) The slot machine revenue tax imposed by this section  
4258 shall be paid to the department ~~division~~ for deposit into the  
4259 Pari-mutuel Wagering Trust Fund for immediate transfer by the  
4260 Chief Financial Officer for deposit into the Educational  
4261 Enhancement Trust Fund of the Department of Education. Any  
4262 interest earnings on the tax revenues shall also be transferred  
4263 to the Educational Enhancement Trust Fund.

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4264 (c)1. Funds transferred to the Educational Enhancement  
4265 Trust Fund under paragraph (b) shall be used to supplement  
4266 public education funding statewide.

4267 2. If necessary to comply with any covenant established  
4268 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),  
4269 funds transferred to the Educational Enhancement Trust Fund  
4270 under paragraph (b) shall first be available to pay debt service  
4271 on lottery bonds issued to fund school construction in the event  
4272 lottery revenues are insufficient for such purpose or to satisfy  
4273 debt service reserve requirements established in connection with  
4274 lottery bonds. Moneys available pursuant to this subparagraph  
4275 are subject to annual appropriation by the Legislature.

4276 (3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax  
4277 on slot machine revenues imposed by this section shall be paid  
4278 to the department ~~division~~. The department ~~division~~ shall  
4279 deposit these sums with the Chief Financial Officer, to the  
4280 credit of the Pari-mutuel Wagering Trust Fund. The slot machine  
4281 licensee shall remit to the department ~~division~~ payment for the  
4282 tax on slot machine revenues. Such payments shall be remitted by  
4283 3 p.m. Wednesday of each week for taxes imposed and collected  
4284 for the preceding week ending on Sunday. Beginning on July 1,  
4285 2012, the slot machine licensee shall remit to the department  
4286 ~~division~~ payment for the tax on slot machine revenues by 3 p.m.  
4287 on the 5th day of each calendar month for taxes imposed and  
4288 collected for the preceding calendar month. If the 5th day of  
4289 the calendar month falls on a weekend, payments shall be  
4290 remitted by 3 p.m. the first Monday following the weekend. The  
4291 slot machine licensee shall file a report under oath by the 5th  
4292 day of each calendar month for all taxes remitted during the

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4293 preceding calendar month. Such payments shall be accompanied by  
4294 a report under oath showing all slot machine gaming activities  
4295 for the preceding calendar month and such other information as  
4296 may be prescribed by the department ~~division~~.

4297 (4) TO PAY TAX; PENALTIES.—A slot machine licensee who  
4298 fails to make tax payments as required under this section is  
4299 subject to an administrative penalty of up to \$10,000 for each  
4300 day the tax payment is not remitted. All administrative  
4301 penalties imposed and collected shall be deposited into the  
4302 Pari-mutuel Wagering Trust Fund ~~of the Department of Business~~  
4303 ~~and Professional Regulation~~. If any slot machine licensee fails  
4304 to pay penalties imposed by order of the department ~~division~~  
4305 under this subsection, the department ~~division~~ may suspend,  
4306 revoke, or refuse to renew the license of the slot machine  
4307 licensee.

4308 (5) SUBMISSION OF FUNDS.—The department ~~division~~ may  
4309 require slot machine licensees to remit taxes, fees, fines, and  
4310 assessments by electronic funds transfer.

4311 Section 59. Section 551.107, Florida Statutes, is amended  
4312 to read:

4313 551.107 Slot machine occupational license; findings;  
4314 application; fee.—

4315 (1) The Legislature finds that individuals and entities  
4316 that are licensed under this section require heightened state  
4317 scrutiny, including the submission by the individual licensees  
4318 or persons associated with the entities described in this  
4319 chapter of fingerprints for a criminal history record check.

4320 (2) (a) The following slot machine occupational licenses  
4321 shall be issued to persons or entities that, by virtue of the

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4322 positions they hold, might be granted access to slot machine  
4323 gaming areas or to any other person or entity in one of the  
4324 following categories:

4325 1. General occupational licenses for general employees,  
4326 including food service, maintenance, and other similar service  
4327 and support employees having access to the slot machine gaming  
4328 area.

4329 2. Professional occupational licenses for any person,  
4330 proprietorship, partnership, corporation, or other entity that  
4331 is authorized by a slot machine licensee to manage, oversee, or  
4332 otherwise control daily operations as a slot machine manager, a  
4333 floor supervisor, security personnel, or any other similar  
4334 position of oversight of gaming operations, or any person who is  
4335 not an employee of the slot machine licensee and who provides  
4336 maintenance, repair, or upgrades or otherwise services a slot  
4337 machine or other slot machine equipment.

4338 3. Business occupational licenses for any slot machine  
4339 management company or company associated with slot machine  
4340 gaming, any person who manufactures, distributes, or sells slot  
4341 machines, slot machine paraphernalia, or other associated  
4342 equipment to slot machine licensees, or any company that sells  
4343 or provides goods or services associated with slot machine  
4344 gaming to slot machine licensees.

4345 (b) The department ~~division~~ may issue one license to  
4346 combine licenses under this section with pari-mutuel  
4347 occupational licenses and cardroom licenses pursuant to s.  
4348 550.105(2)(b). The department ~~division~~ shall adopt rules  
4349 pertaining to occupational licenses under this subsection. Such  
4350 rules may specify, but need not be limited to, requirements and

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4351 restrictions for licensed occupations and categories, procedures  
4352 to apply for any license or combination of licenses,  
4353 disqualifying criminal offenses for a licensed occupation or  
4354 categories of occupations, and which types of occupational  
4355 licenses may be combined into a single license under this  
4356 section. The fingerprinting requirements of subsection (7) apply  
4357 to any combination license that includes slot machine license  
4358 privileges under this section. The department ~~division~~ may not  
4359 adopt a rule allowing the issuance of an occupational license to  
4360 any person who does not meet the minimum background  
4361 qualifications under this section.

4362 (c) Slot machine occupational licenses are not  
4363 transferable.

4364 (3) A slot machine licensee may not employ or otherwise  
4365 allow a person to work at a licensed facility unless such person  
4366 holds the appropriate valid occupational license. A slot machine  
4367 licensee may not contract or otherwise do business with a  
4368 business required to hold a slot machine occupational license  
4369 unless the business holds such a license. A slot machine  
4370 licensee may not employ or otherwise allow a person to work in a  
4371 supervisory or management professional level at a licensed  
4372 facility unless such person holds a valid slot machine  
4373 occupational license. All slot machine occupational licensees,  
4374 while present in slot machine gaming areas, shall display on  
4375 their persons their occupational license identification cards.

4376 (4) (a) A person seeking a slot machine occupational license  
4377 or renewal thereof shall make application on forms prescribed by  
4378 the department ~~division~~ and include payment of the appropriate  
4379 application fee. Initial and renewal applications for slot

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4380 machine occupational licenses must contain all information that  
4381 the department ~~division~~, by rule, determines is required to  
4382 ensure eligibility.

4383 (b) A slot machine license or combination license is valid  
4384 for the same term as a pari-mutuel occupational license issued  
4385 pursuant to s. 550.105(1).

4386 (c) Pursuant to rules adopted by the department ~~division~~,  
4387 any person may apply for and, if qualified, be issued a slot  
4388 machine occupational license valid for a period of 3 years upon  
4389 payment of the full occupational license fee for each of the 3  
4390 years for which the license is issued. The slot machine  
4391 occupational license is valid during its specified term at any  
4392 licensed facility where slot machine gaming is authorized to be  
4393 conducted.

4394 (d) The slot machine occupational license fee for initial  
4395 application and annual renewal shall be determined by rule of  
4396 the department ~~division~~ but may not exceed \$50 for a general or  
4397 professional occupational license for an employee of the slot  
4398 machine licensee or \$1,000 for a business occupational license  
4399 for nonemployees of the licensee providing goods or services to  
4400 the slot machine licensee. License fees for general occupational  
4401 licensees shall be paid by the slot machine licensee. Failure to  
4402 pay the required fee constitutes grounds for disciplinary action  
4403 by the department ~~division~~ against the slot machine licensee,  
4404 but it is not a violation of this chapter or rules of the  
4405 department ~~division~~ by the general occupational licensee and  
4406 does not prohibit the initial issuance or the renewal of the  
4407 general occupational license.

4408 (5) The department ~~division~~ may:



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4409 (a) Deny an application for, or revoke, suspend, or place  
4410 conditions or restrictions on, a license of a person or entity  
4411 that has been refused a license by any other state gaming  
4412 commission, governmental department, agency, or other authority  
4413 exercising regulatory jurisdiction over the gaming of another  
4414 state or jurisdiction; or

4415 (b) Deny an application for, or suspend or place conditions  
4416 on, a license of any person or entity that is under suspension  
4417 or has unpaid fines in another state or jurisdiction.

4418 (6) (a) The department ~~division~~ may deny, suspend, revoke,  
4419 or refuse to renew any slot machine occupational license if the  
4420 applicant for such license or the licensee has violated the  
4421 provisions of this chapter or the rules of the department  
4422 ~~division~~ governing the conduct of persons connected with slot  
4423 machine gaming. In addition, the department ~~division~~ may deny,  
4424 suspend, revoke, or refuse to renew any slot machine  
4425 occupational license if the applicant for such license or the  
4426 licensee has been convicted in this state, in any other state,  
4427 or under the laws of the United States of a capital felony, a  
4428 felony, or an offense in any other state which ~~that~~ would be a  
4429 felony under the laws of this state involving arson; trafficking  
4430 in, conspiracy to traffic in, smuggling, importing, conspiracy  
4431 to smuggle or import, or delivery, sale, or distribution of a  
4432 controlled substance; racketeering; or a crime involving a lack  
4433 of good moral character, or has had a gaming license revoked by  
4434 this state or any other jurisdiction for any gaming-related  
4435 offense.

4436 (b) The department ~~division~~ may deny, revoke, or refuse to  
4437 renew any slot machine occupational license if the applicant for

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4438 such license or the licensee has been convicted of a felony or  
4439 misdemeanor in this state, in any other state, or under the laws  
4440 of the United States if such felony or misdemeanor is related to  
4441 gambling or bookmaking as described in s. 849.25.

4442 (c) For purposes of this subsection, the term "convicted"  
4443 means having been found guilty, with or without adjudication of  
4444 guilt, as a result of a jury verdict, nonjury trial, or entry of  
4445 a plea of guilty or nolo contendere.

4446 (7) Fingerprints for all slot machine occupational license  
4447 applications shall be taken in a manner approved by the  
4448 department ~~division~~ and shall be submitted electronically to the  
4449 Department of Law Enforcement for state processing and the  
4450 Federal Bureau of Investigation for national processing for a  
4451 criminal history record check. All persons as specified in s.  
4452 550.1815(1)(a) employed by or working within a licensed premises  
4453 shall submit fingerprints for a criminal history record check  
4454 and may not have been convicted of any disqualifying criminal  
4455 offenses specified in subsection (6). Department ~~Division~~  
4456 employees and law enforcement officers assigned by their  
4457 employing agencies to work within the premises as part of their  
4458 official duties are excluded from the criminal history record  
4459 check requirements under this subsection. For purposes of this  
4460 subsection, the term "convicted" means having been found guilty,  
4461 with or without adjudication of guilt, as a result of a jury  
4462 verdict, nonjury trial, or entry of a plea of guilty or nolo  
4463 contendere.

4464 (a) Fingerprints shall be taken in a manner approved by the  
4465 department ~~division~~ upon initial application, or as required  
4466 thereafter by rule of the department ~~division~~, and shall be

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4467 submitted electronically to the Department of Law Enforcement  
4468 for state processing. The Department of Law Enforcement shall  
4469 forward the fingerprints to the Federal Bureau of Investigation  
4470 for national processing. The results of the criminal history  
4471 record check shall be returned to the department ~~division~~ for  
4472 purposes of screening. Licensees shall provide necessary  
4473 equipment approved by the Department of Law Enforcement to  
4474 facilitate such electronic submission. The department ~~division~~  
4475 requirements under this subsection shall be instituted in  
4476 consultation with the Department of Law Enforcement.

4477 (b) The cost of processing fingerprints and conducting a  
4478 criminal history record check for a general occupational license  
4479 shall be borne by the slot machine licensee. The cost of  
4480 processing fingerprints and conducting a criminal history record  
4481 check for a business or professional occupational license shall  
4482 be borne by the person being checked. The Department of Law  
4483 Enforcement may submit an invoice to the department ~~division~~ for  
4484 the cost of fingerprints submitted each month.

4485 (c) All fingerprints submitted to the Department of Law  
4486 Enforcement and required by this section shall be retained by  
4487 the Department of Law Enforcement and entered into the statewide  
4488 automated fingerprint identification system as authorized by s.  
4489 943.05(2) (b) and shall be available for all purposes and uses  
4490 authorized for arrest fingerprint cards entered into the  
4491 statewide automated fingerprint identification system pursuant  
4492 to s. 943.051.

4493 (d) The Department of Law Enforcement shall search all  
4494 arrest fingerprints received pursuant to s. 943.051 against the  
4495 fingerprints retained in the statewide automated fingerprint

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4496 identification system under paragraph (c). Any arrest record  
4497 that is identified with the retained fingerprints of a person  
4498 subject to the criminal history screening requirements of this  
4499 section shall be reported to the department ~~division~~. Each  
4500 licensed facility shall pay a fee to the department ~~division~~ for  
4501 the cost of retention of the fingerprints and the ongoing  
4502 searches under this paragraph. The department ~~division~~ shall  
4503 forward the payment to the Department of Law Enforcement. The  
4504 amount of the fee to be imposed for performing these searches  
4505 and the procedures for the retention of licensee fingerprints  
4506 shall be as established by rule of the Department of Law  
4507 Enforcement. The department ~~division~~ shall inform the Department  
4508 of Law Enforcement of any change in the license status of  
4509 licensees whose fingerprints are retained under paragraph (c).

4510 (e) The department ~~division~~ shall request the Department of  
4511 Law Enforcement to forward the fingerprints to the Federal  
4512 Bureau of Investigation for a national criminal history records  
4513 check every 3 years following issuance of a license. If the  
4514 fingerprints of a person who is licensed have not been retained  
4515 by the Department of Law Enforcement, the person must file a  
4516 complete set of fingerprints as provided for in paragraph (a).  
4517 The department ~~division~~ shall collect the fees for the cost of  
4518 the national criminal history record check under this paragraph  
4519 and shall forward the payment to the Department of Law  
4520 Enforcement. The cost of processing fingerprints and conducting  
4521 a criminal history record check under this paragraph for a  
4522 general occupational license shall be borne by the slot machine  
4523 licensee. The cost of processing fingerprints and conducting a  
4524 criminal history record check under this paragraph for a

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4525 business or professional occupational license shall be borne by  
4526 the person being checked. The Department of Law Enforcement may  
4527 submit an invoice to the department ~~division~~ for the cost of  
4528 fingerprints submitted each month. Under penalty of perjury,  
4529 each person who is licensed or who is fingerprinted as required  
4530 by this section must agree to inform the department ~~division~~  
4531 within 48 hours if he or she is convicted of or has entered a  
4532 plea of guilty or nolo contendere to any disqualifying offense,  
4533 regardless of adjudication.

4534 (8) All moneys collected pursuant to this section shall be  
4535 deposited into the Pari-mutuel Wagering Trust Fund.

4536 (9) The department ~~division~~ may deny, revoke, or suspend  
4537 any occupational license if the applicant or holder of the  
4538 license accumulates unpaid obligations, defaults in obligations,  
4539 or issues drafts or checks that are dishonored or for which  
4540 payment is refused without reasonable cause.

4541 (10) The department ~~division~~ may fine or suspend, revoke,  
4542 or place conditions upon the license of any licensee who  
4543 provides false information under oath regarding an application  
4544 for a license or an investigation by the department ~~division~~.

4545 (11) The department ~~division~~ may impose a civil fine of up  
4546 to \$5,000 for each violation of this chapter or the rules of the  
4547 department ~~division~~ in addition to or in lieu of any other  
4548 penalty provided for in this section. The department ~~division~~  
4549 may adopt a penalty schedule for violations of this chapter or  
4550 any rule adopted pursuant to this chapter for which it would  
4551 impose a fine in lieu of a suspension and adopt rules allowing  
4552 for the issuance of citations, including procedures to address  
4553 such citations, to persons who violate such rules. In addition

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4554 to any other penalty provided by law, the department ~~division~~  
4555 may exclude from all licensed slot machine facilities in this  
4556 state, for a period not to exceed the period of suspension,  
4557 revocation, or ineligibility, any person whose occupational  
4558 license application has been declared ineligible to hold an  
4559 occupational license or whose occupational license has been  
4560 suspended or revoked by the department ~~division~~.

4561 Section 60. Section 551.108, Florida Statutes, is amended  
4562 to read:

4563 551.108 Prohibited relationships.—

4564 (1) A person employed by or performing any function on  
4565 behalf of the department ~~division~~ may not:

4566 (a) Be an officer, director, owner, or employee of any  
4567 person or entity licensed by the department ~~division~~.

4568 (b) Have or hold any interest, direct or indirect, in or  
4569 engage in any commerce or business relationship with any person  
4570 licensed by the department ~~division~~.

4571 (2) A manufacturer or distributor of slot machines may not  
4572 enter into any contract with a slot machine licensee which ~~that~~  
4573 provides for any revenue sharing of any kind or nature or which  
4574 ~~that~~ is directly or indirectly calculated on the basis of a  
4575 percentage of slot machine revenues. Any maneuver, shift, or  
4576 device whereby this subsection is violated is a violation of  
4577 this chapter and renders any such agreement void.

4578 (3) A manufacturer or distributor of slot machines or any  
4579 equipment necessary for the operation of slot machines or an  
4580 officer, director, or employee of any such manufacturer or  
4581 distributor may not have any ownership or financial interest in  
4582 a slot machine license or in any business owned by the slot

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4583 machine licensee.

4584 (4) An employee of the department ~~division~~ or relative  
4585 living in the same household as such employee of the department  
4586 ~~division~~ may not wager at any time on a slot machine located at  
4587 a facility licensed by the department ~~division~~.

4588 (5) An occupational licensee or relative living in the same  
4589 household as such occupational licensee may not wager at any  
4590 time on a slot machine located at a facility where that person  
4591 is employed.

4592 Section 61. Subsections (2) and (7) of section 551.109,  
4593 Florida Statutes, are amended to read:

4594 551.109 Prohibited acts; penalties.—

4595 (2) Except as otherwise provided by law and in addition to  
4596 any other penalty, any person who possesses a slot machine  
4597 without the license required by this chapter or who possesses a  
4598 slot machine at any location other than at the slot machine  
4599 licensee's facility is subject to an administrative fine or  
4600 civil penalty of up to \$10,000 per machine. The prohibition in  
4601 this subsection does not apply to:

4602 (a) Slot machine manufacturers or slot machine distributors  
4603 that hold appropriate licenses issued by the department ~~division~~  
4604 who are authorized to maintain a slot machine storage and  
4605 maintenance facility at any location in a county in which slot  
4606 machine gaming is authorized by this chapter. The department  
4607 ~~division~~ may adopt rules regarding security and access to the  
4608 storage facility and inspections by the department ~~division~~.

4609 (b) Certified educational facilities that are authorized to  
4610 maintain slot machines for the sole purpose of education and  
4611 licensure, if any, of slot machine technicians, inspectors, or

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4612 investigators. The department ~~division~~ and the Department of Law  
4613 Enforcement may possess slot machines for training and testing  
4614 purposes. The department ~~division~~ may adopt rules regarding the  
4615 regulation of any such slot machines used for educational,  
4616 training, or testing purposes.

4617 (7) All penalties imposed and collected under this section  
4618 must be deposited into the Pari-mutuel Wagering Trust Fund ~~of~~  
4619 ~~the Department of Business and Professional Regulation.~~

4620 Section 62. Section 551.112, Florida Statutes, is amended  
4621 to read:

4622 551.112 Exclusions of certain persons.—In addition to the  
4623 power to exclude certain persons from any facility of a slot  
4624 machine licensee in this state, the department ~~division~~ may  
4625 exclude any person from any facility of a slot machine licensee  
4626 in this state for conduct that would constitute, if the person  
4627 were a licensee, a violation of this chapter or the rules of the  
4628 department ~~division~~. The department ~~division~~ may exclude from  
4629 any facility of a slot machine licensee any person who has been  
4630 ejected from a facility of a slot machine licensee in this state  
4631 or who has been excluded from any facility of a slot machine  
4632 licensee or gaming facility in another state by the governmental  
4633 department, agency, commission, or authority exercising  
4634 regulatory jurisdiction over the gaming in such other state.  
4635 This section does not abrogate the common law right of a slot  
4636 machine licensee to exclude a patron absolutely in this state.

4637 Section 63. Subsections (3) and (5) of section 551.114,  
4638 Florida Statutes, are amended to read:

4639 551.114 Slot machine gaming areas.—

4640 (3) The department ~~division~~ shall require the posting of



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4641 signs warning of the risks and dangers of gambling, showing the  
4642 odds of winning, and informing patrons of the toll-free  
4643 telephone number available to provide information and referral  
4644 services regarding compulsive or problem gambling.

4645 (5) The permitholder shall provide adequate office space at  
4646 no cost to the department ~~division~~ and the Department of Law  
4647 Enforcement for the oversight of slot machine operations. The  
4648 department ~~division~~ shall adopt rules establishing the criteria  
4649 for adequate space, configuration, and location and needed  
4650 electronic and technological requirements for office space  
4651 required by this subsection.

4652 Section 64. Section 551.117, Florida Statutes, is amended  
4653 to read:

4654 551.117 Penalties.—The department ~~division~~ may revoke or  
4655 suspend any slot machine license issued under this chapter upon  
4656 the willful violation by the slot machine licensee of any  
4657 provision of this chapter or of any rule adopted under this  
4658 chapter. In lieu of suspending or revoking a slot machine  
4659 license, the department ~~division~~ may impose a civil penalty  
4660 against the slot machine licensee for a violation of this  
4661 chapter or any rule adopted by the department ~~division~~. Except  
4662 as otherwise provided in this chapter, the penalty so imposed  
4663 may not exceed \$100,000 for each count or separate offense. All  
4664 penalties imposed and collected must be deposited into the Pari-  
4665 mutuel Wagering Trust Fund ~~of the Department of Business and~~  
4666 ~~Professional Regulation.~~

4667 Section 65. Section 551.118, Florida Statutes, is amended  
4668 to read:

4669 551.118 Compulsive or addictive gambling prevention

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4670 program.—

4671 (1) The slot machine licensee shall offer training to  
4672 employees on responsible gaming and shall work with a compulsive  
4673 or addictive gambling prevention program to recognize problem  
4674 gaming situations and to implement responsible gaming programs  
4675 and practices.

4676 (2) The department ~~division~~ shall, subject to competitive  
4677 bidding, contract for provision of services related to the  
4678 prevention of compulsive and addictive gambling. The contract  
4679 shall provide for an advertising program to encourage  
4680 responsible gaming practices and to publicize a gambling  
4681 telephone help line. Such advertisements must be made both  
4682 publicly and inside the designated slot machine gaming areas of  
4683 the licensee's facilities. The terms of any contract for the  
4684 provision of such services shall include accountability  
4685 standards that must be met by any private provider. The failure  
4686 of any private provider to meet any material terms of the  
4687 contract, including the accountability standards, shall  
4688 constitute a breach of contract or grounds for nonrenewal. The  
4689 department ~~division~~ may consult with the Department of the  
4690 Lottery in the development of the program and the development  
4691 and analysis of any procurement for contractual services for the  
4692 compulsive or addictive gambling prevention program.

4693 (3) The compulsive or addictive gambling prevention program  
4694 shall be funded from an annual nonrefundable regulatory fee of  
4695 \$250,000 paid by the licensee to the department ~~division~~.

4696 Section 66. Paragraph (c) of subsection (4) of section  
4697 551.121, Florida Statutes, is amended to read:

4698 551.121 Prohibited activities and devices; exceptions.—

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4699 (4)

4700 (c) Outside the designated slot machine gaming areas, a

4701 slot machine licensee or operator may accept or cash a check for

4702 an employee of the facility who is prohibited from wagering on a

4703 slot machine under s. 551.108(5), a check made directly payable

4704 to a person licensed by the department ~~division~~, or a check made

4705 directly payable to the slot machine licensee or operator from:

4706 1. A pari-mutuel patron; or

4707 2. A pari-mutuel facility in this state or in another

4708 state.

4709 Section 67. Section 551.122, Florida Statutes, is amended

4710 to read:

4711 551.122 Rulemaking.—The department ~~division~~ may adopt rules

4712 pursuant to ss. 120.536(1) and 120.54 to administer the

4713 provisions of this chapter.

4714 Section 68. Section 551.123, Florida Statutes, is amended

4715 to read:

4716 551.123 Legislative authority; administration of chapter.—

4717 The Legislature finds and declares that it has exclusive

4718 authority over the conduct of all wagering occurring at a slot

4719 machine facility in this state. As provided by law, only the

4720 department ~~Division of Pari-mutuel Wagering~~ and other authorized

4721 state agencies shall administer this chapter and regulate the

4722 slot machine gaming industry, including operation of slot

4723 machine facilities, games, slot machines, and facilities-based

4724 computer systems authorized in this chapter and the rules

4725 adopted by the department ~~division~~.

4726 Section 69. Subsection (5) of section 565.02, Florida

4727 Statutes, is amended to read:

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4728 565.02 License fees; vendors; clubs; caterers; and others.—

4729 (5) A caterer at a horse or dog racetrack or jai alai  
4730 fronton may obtain a license upon the payment of an annual state  
4731 license tax of \$675. Such caterer's license shall permit sales  
4732 only within the enclosure in which such races or jai alai games  
4733 are conducted, and such licensee shall be permitted to sell only  
4734 during the period beginning 10 days before and ending 10 days  
4735 after racing or jai alai under the authority of the ~~Division of~~  
4736 ~~Pari-mutuel Wagering of the~~ Department of Gaming Control  
4737 ~~Business and Professional Regulation~~ is conducted at such  
4738 racetrack or jai alai fronton. Except as otherwise provided in  
4739 this subsection ~~otherwise provided~~, caterers licensed hereunder  
4740 shall be treated as vendors licensed to sell by the drink the  
4741 beverages mentioned herein and shall be subject to all the  
4742 provisions hereof relating to such vendors.

4743 Section 70. Section 616.09, Florida Statutes, is amended to  
4744 read:

4745 616.09 Not authorized to carry on gambling, etc.;

4746 forfeiture of charter for violations; annulment proceedings.—

4747 ~~Nothing in~~ This chapter does not shall be held or construed to  
4748 authorize or permit any fair association to carry on, conduct,  
4749 supervise, permit, or suffer any gambling or game of chance,  
4750 lottery, betting, or other act in violation of the criminal laws  
4751 of the state; and ~~nothing in~~ this chapter does not shall permit  
4752 horseracing or dogracing or any other pari-mutuel wagering, for  
4753 money or upon which money is placed. Any fair association that  
4754 ~~which~~ violates any such law or that which knowingly permits the  
4755 violation of any such law is subject to forfeiture of its  
4756 charter; and if any citizen complains to the Department of Legal

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4757 Affairs or the Department of Gaming Control that the association  
4758 was organized for or is being used as a cover to evade any of  
4759 the laws of Florida against crime, and submits prima facie  
4760 evidence to sustain the charge, the Department of Legal Affairs  
4761 or the Department of Gaming Control shall institute, and in due  
4762 time prosecute to final judgment, such proceedings as may be  
4763 necessary to annul the charter and incorporation of the  
4764 association. A writ of injunction or other extraordinary process  
4765 shall be issued by a court of competent jurisdiction on the  
4766 application of the Department of Legal Affairs or the Department  
4767 of Gaming Control on complaint pending the annulment proceeding  
4768 and in aid thereof, and the case shall be given precedence over  
4769 all civil cases pending in that court and shall be heard and  
4770 disposed of with as little delay as practicable.

4771 Section 71. Subsection (9) of section 616.241, Florida  
4772 Statutes, is amended to read:

4773 616.241 Trade standards for operation at public fairs and  
4774 expositions.—Trade standards for the operation of shows or games  
4775 in connection with public fairs and expositions are as follows:

4776 (9) VIOLATIONS; REPORTING.—Florida law forbids lotteries,  
4777 gambling, raffles, and other games of chance at community,  
4778 county, district, state, regional, or interstate fairs and  
4779 specialized shows. Enforcement is the responsibility of the  
4780 Department of Gaming Control, local boards, and authorities.

4781 Section 72. Section 817.37, Florida Statutes, is amended to  
4782 read:

4783 817.37 Touting; defining; providing punishment; ejection  
4784 from racetracks.—

4785 (1) Any person who knowingly and designedly by false

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4786 representation attempts to, or does persuade, procure, or cause  
4787 another person to wager on a horse in a race to be run in this  
4788 state or elsewhere, and upon which money is wagered in this  
4789 state, and who asks or demands compensation as a reward for  
4790 information or purported information given in such case is a  
4791 tout, and commits ~~is guilty of~~ touting.

4792 (2) Any person who is a tout, or who attempts or conspires  
4793 to commit touting, commits ~~shall be guilty of~~ a misdemeanor of  
4794 the second degree, punishable as provided in s. 775.082 or s.  
4795 775.083.

4796 (3) Any person who in the commission of touting falsely  
4797 uses the name of any official of the Department of Gaming  
4798 Control ~~Florida Division of Pari-mutuel Wagering~~, its inspectors  
4799 or attaches, or of any official of any racetrack association, or  
4800 the names of any owner, trainer, jockey, or other person  
4801 licensed by the Department of Gaming Control ~~Florida Division of~~  
4802 ~~Pari-mutuel Wagering~~, as the source of any information or  
4803 purported information commits ~~shall be guilty of~~ a felony of the  
4804 third degree, punishable as provided in s. 775.082, s. 775.083,  
4805 or s. 775.084.

4806 (4) Any person who has been convicted of touting by any  
4807 court, and the record of whose conviction on such charge is on  
4808 file in the office of the Department of Gaming Control ~~Florida~~  
4809 ~~Division of Pari-mutuel Wagering~~, any court of this state, or of  
4810 the Federal Bureau of Investigation, or any person who has been  
4811 ejected from any racetrack of this or any other state for  
4812 touting or practices inimical to the public interest shall be  
4813 excluded from all racetracks in this state and if such person  
4814 returns to a racetrack he or she commits ~~shall be guilty of~~ a

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4815 misdemeanor of the second degree, punishable as provided in s.  
4816 775.082 or s. 775.083. Any such person who refuses to leave such  
4817 track when ordered to do so by inspectors of the Department of  
4818 Gaming Control ~~Florida Division of Pari-mutuel Wagering~~ or by  
4819 any peace officer, or by an accredited attache of a racetrack or  
4820 association commits ~~shall be guilty of~~ a separate offense that  
4821 ~~which~~ shall be a misdemeanor of the second degree, punishable as  
4822 provided in s. 775.083.

4823 Section 73. Section 849.086, Florida Statutes, is amended  
4824 to read:

4825 849.086 Cardrooms authorized.—

4826 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
4827 to provide additional entertainment choices for the residents of  
4828 and visitors to the state, promote tourism in the state, and  
4829 provide additional state revenues through the authorization of  
4830 the playing of certain games in the state at facilities known as  
4831 cardrooms which are to be located at licensed pari-mutuel  
4832 facilities. To ensure the public confidence in the integrity of  
4833 authorized cardroom operations, this act is designed to strictly  
4834 regulate the facilities, persons, and procedures related to  
4835 cardroom operations. Furthermore, the Legislature finds that  
4836 authorized games as herein defined are considered to be pari-  
4837 mutuel style games and not casino gaming because the  
4838 participants play against each other instead of against the  
4839 house.

4840 (2) DEFINITIONS.—As used in this section:

4841 (a) "Authorized game" means a game or series of games of  
4842 poker or dominoes which are played in a nonbanking manner.

4843 (b) "Banking game" means a game in which the house is a

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4844 participant in the game, taking on players, paying winners, and  
4845 collecting from losers or in which the cardroom establishes a  
4846 bank against which participants play.

4847 (c) "Cardroom" means a facility where authorized games are  
4848 played for money or anything of value and to which the public is  
4849 invited to participate in such games and charged a fee for  
4850 participation by the operator of such facility. Authorized games  
4851 and cardrooms do not constitute casino gaming operations.

4852 (d) "Cardroom management company" means any individual not  
4853 an employee of the cardroom operator, any proprietorship,  
4854 partnership, corporation, or other entity that enters into an  
4855 agreement with a cardroom operator to manage, operate, or  
4856 otherwise control the daily operation of a cardroom.

4857 (e) "Cardroom distributor" means any business that  
4858 distributes cardroom paraphernalia such as card tables, betting  
4859 chips, chip holders, dominoes, dominoes tables, drop boxes,  
4860 banking supplies, playing cards, card shufflers, and other  
4861 associated equipment to authorized cardrooms.

4862 (f) "Cardroom operator" means a licensed pari-mutuel  
4863 permitholder that ~~which~~ holds a valid permit and license issued  
4864 by the department ~~division~~ pursuant to chapter 550 and that  
4865 ~~which~~ also holds a valid cardroom license issued by the  
4866 department ~~division~~ pursuant to this section which authorizes  
4867 such person to operate a cardroom and to conduct authorized  
4868 games in such cardroom.

4869 (g) "Department" ~~"Division"~~ means ~~the Division of Pari-~~  
4870 ~~mutuel Wagering of the Department of Gaming Control Business and~~  
4871 ~~Professional Regulation.~~

4872 (h) "Dominoes" means a game of dominoes typically played



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4873 with a set of 28 flat rectangular blocks, called "bones," which  
4874 are marked on one side and divided into two equal parts, with  
4875 zero to six dots, called "pips," in each part. The term also  
4876 includes larger sets of blocks that contain a correspondingly  
4877 higher number of pips. The term also means the set of blocks  
4878 used to play the game.

4879 (i) "Gross receipts" means the total amount of money  
4880 received by a cardroom from any person for participation in  
4881 authorized games.

4882 (j) "House" means the cardroom operator and all employees  
4883 of the cardroom operator.

4884 (k) "Net proceeds" means the total amount of gross receipts  
4885 received by a cardroom operator from cardroom operations less  
4886 direct operating expenses related to cardroom operations,  
4887 including labor costs, admission taxes only if a separate  
4888 admission fee is charged for entry to the cardroom facility,  
4889 gross receipts taxes imposed on cardroom operators by this  
4890 section, the annual cardroom license fees imposed by this  
4891 section on each table operated at a cardroom, and reasonable  
4892 promotional costs excluding officer and director compensation,  
4893 interest on capital debt, legal fees, real estate taxes, bad  
4894 debts, contributions or donations, or overhead and depreciation  
4895 expenses not directly related to the operation of the cardrooms.

4896 (l) "Rake" means a set fee or percentage of the pot  
4897 assessed by a cardroom operator for providing the services of a  
4898 dealer, table, or location for playing the authorized game.

4899 (m) "Tournament" means a series of games that have more  
4900 than one betting round involving one or more tables and where  
4901 the winners or others receive a prize or cash award.

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4902 (3) CARDROOM AUTHORIZED.—Notwithstanding any other  
4903 provision of law, it is not a crime for a person to participate  
4904 in an authorized game at a licensed cardroom or to operate a  
4905 cardroom described in this section if such game and cardroom  
4906 operation are conducted strictly in accordance with the  
4907 provisions of this section.

4908 (4) AUTHORITY OF DEPARTMENT ~~DIVISION~~.—The department  
4909 ~~Division of Pari-mutuel Wagering of the Department of Business~~  
4910 ~~and Professional Regulation~~ shall administer this section and  
4911 regulate the operation of cardrooms under this section and the  
4912 rules adopted pursuant thereto, and is hereby authorized to:

4913 (a) Adopt rules, including, but not limited to: the  
4914 issuance of cardroom and employee licenses for cardroom  
4915 operations; the operation of a cardroom; recordkeeping and  
4916 reporting requirements; and the collection of all fees and taxes  
4917 imposed by this section.

4918 (b) Conduct investigations and monitor the operation of  
4919 cardrooms and the playing of authorized games therein.

4920 (c) Review the books, accounts, and records of any current  
4921 or former cardroom operator.

4922 (d) Suspend or revoke any license or permit, after hearing,  
4923 for any violation of the provisions of this section or the  
4924 administrative rules adopted pursuant thereto.

4925 (e) Take testimony, issue summons and subpoenas for any  
4926 witness, and issue subpoenas duces tecum in connection with any  
4927 matter within its jurisdiction.

4928 (f) Monitor and ensure the proper collection of taxes and  
4929 fees imposed by this section. Permitholder internal controls are  
4930 mandated to ensure no compromise of state funds. To that end, a

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4931 roaming department ~~division~~ auditor will monitor and verify the  
4932 cash flow and accounting of cardroom revenue for any given  
4933 operating day.

4934 (5) LICENSE REQUIRED; APPLICATION; FEES.—A ~~No~~ person may  
4935 not operate a cardroom in this state unless such person holds a  
4936 valid cardroom license issued pursuant to this section.

4937 (a) Only those persons holding a valid cardroom license  
4938 issued by the department ~~division~~ may operate a cardroom. A  
4939 cardroom license may ~~only~~ be issued only to a licensed pari-  
4940 mutuel permitholder and an authorized cardroom may ~~only~~ be  
4941 operated only at the same facility at which the permitholder is  
4942 authorized under its valid pari-mutuel wagering permit to  
4943 conduct pari-mutuel wagering activities. An initial cardroom  
4944 license shall be issued to a pari-mutuel permitholder only after  
4945 its facilities are in place and after it conducts its first day  
4946 of live racing or games.

4947 (b) After the initial cardroom license is granted, the  
4948 application for the annual license renewal shall be made in  
4949 conjunction with the applicant's annual application for its  
4950 pari-mutuel license. If a permitholder has operated a cardroom  
4951 during any of the 3 previous fiscal years and fails to include a  
4952 renewal request for the operation of the cardroom in its annual  
4953 application for license renewal, the permitholder may amend its  
4954 annual application to include operation of the cardroom. In  
4955 order for a cardroom license to be renewed the applicant must  
4956 have requested, as part of its pari-mutuel annual license  
4957 application, to conduct at least 90 percent of the total number  
4958 of live performances conducted by such permitholder during  
4959 either the state fiscal year in which its initial cardroom

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4960 license was issued or the state fiscal year immediately prior  
4961 thereto if the permitholder ran at least a full schedule of live  
4962 racing or games in the prior year. If the application is for a  
4963 harness permitholder cardroom, the applicant must have requested  
4964 authorization to conduct a minimum of 140 live performances  
4965 during the state fiscal year immediately prior thereto. If more  
4966 than one permitholder is operating at a facility, each  
4967 permitholder must have applied for a license to conduct a full  
4968 schedule of live racing.

4969 (c) Persons seeking a license or a renewal thereof to  
4970 operate a cardroom shall make application on forms prescribed by  
4971 the department ~~division~~. Applications for cardroom licenses  
4972 shall contain all of the information the department ~~division~~, by  
4973 rule, may determine is required to ensure eligibility.

4974 (d) The annual cardroom license fee for each facility shall  
4975 be \$1,000 for each table to be operated at the cardroom. The  
4976 license fee shall be deposited by the department ~~division~~ with  
4977 the Chief Financial Officer to the credit of the Pari-mutuel  
4978 Wagering Trust Fund.

4979 (6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED;  
4980 APPLICATION; FEES.—

4981 (a) A person employed or otherwise working in a cardroom as  
4982 a cardroom manager, floor supervisor, pit boss, dealer, or any  
4983 other activity related to cardroom operations while the facility  
4984 is conducting card playing or games of dominoes must hold a  
4985 valid cardroom employee occupational license issued by the  
4986 department ~~division~~. Food service, maintenance, and security  
4987 employees with a current pari-mutuel occupational license and a  
4988 current background check will not be required to have a cardroom

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4989 employee occupational license.

4990 (b) Any cardroom management company or cardroom distributor  
4991 associated with cardroom operations must hold a valid cardroom  
4992 business occupational license issued by the department ~~division~~.

4993 (c) A ~~No~~ licensed cardroom operator may not employ or allow  
4994 to work in a cardroom any person unless such person holds a  
4995 valid occupational license. A ~~No~~ licensed cardroom operator may  
4996 not contract, or otherwise do business with, a business required  
4997 to hold a valid cardroom business occupational license, unless  
4998 the business holds such a valid license.

4999 (d) The department ~~division~~ shall establish, by rule, a  
5000 schedule for the renewal of cardroom occupational licenses.  
5001 Cardroom occupational licenses are not transferable.

5002 (e) Persons seeking cardroom occupational licenses, or  
5003 renewal thereof, shall make application on forms prescribed by  
5004 the department ~~division~~. Applications for cardroom occupational  
5005 licenses shall contain all of the information the department  
5006 ~~division~~, by rule, may determine is required to ensure  
5007 eligibility.

5008 (f) The department ~~division~~ shall adopt rules regarding  
5009 cardroom occupational licenses. The provisions specified in s.  
5010 550.105(4), (5), (6), (7), (8), and (10) relating to licensure  
5011 shall be applicable to cardroom occupational licenses.

5012 (g) The department ~~division~~ may deny, declare ineligible,  
5013 or revoke any cardroom occupational license if the applicant or  
5014 holder thereof has been found guilty or had adjudication  
5015 withheld in this state or any other state, or under the laws of  
5016 the United States of a felony or misdemeanor involving forgery,  
5017 larceny, extortion, conspiracy to defraud, or filing false

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5018 reports to a government agency, racing or gaming commission or  
5019 authority.

5020 (h) Fingerprints for all cardroom occupational license  
5021 applications shall be taken in a manner approved by the  
5022 department ~~division~~ and ~~then~~ shall be submitted to the Florida  
5023 Department of Law Enforcement and the Federal Bureau of  
5024 Investigation for a criminal records check upon initial  
5025 application and at least every 5 years thereafter. The  
5026 department ~~division~~ may by rule require an annual record check  
5027 of all renewal applications for a cardroom occupational license.  
5028 The cost of processing fingerprints and conducting a record  
5029 check shall be borne by the applicant.

5030 (i) The cardroom employee occupational license fee may  
5031 ~~shall~~ not exceed \$50 for any 12-month period. The cardroom  
5032 business occupational license fee may ~~shall~~ not exceed \$250 for  
5033 any 12-month period.

5034 (7) CONDITIONS FOR OPERATING A CARDROOM.—

5035 (a) A cardroom may be operated only at the location  
5036 specified on the cardroom license issued by the department  
5037 ~~division~~, and such location may only be the location at which  
5038 the pari-mutuel permitholder is authorized to conduct pari-  
5039 mutuel wagering activities pursuant to such permitholder's valid  
5040 pari-mutuel permit or as otherwise authorized by law. Cardroom  
5041 operations may not be allowed beyond the hours provided in  
5042 paragraph (b) regardless of the number of cardroom licenses  
5043 issued for permitholders operating at the pari-mutuel facility.

5044 (b) Any cardroom operator may operate a cardroom at the  
5045 pari-mutuel facility daily throughout the year, if the  
5046 permitholder meets the requirements under paragraph (5) (b). The

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5047 cardroom may be open a cumulative amount of 18 hours per day on  
5048 Monday through Friday and 24 hours per day on Saturday and  
5049 Sunday and on the holidays specified in s. 110.117(1).

5050 (c) A cardroom operator must at all times employ and  
5051 provide a nonplaying dealer for each table on which authorized  
5052 card games that ~~which~~ traditionally use a dealer are conducted  
5053 at the cardroom. Such dealers may not have a participatory  
5054 interest in any game other than the dealing of cards and may not  
5055 have an interest in the outcome of the game. The providing of  
5056 such dealers by a licensee does not constitute the conducting of  
5057 a banking game by the cardroom operator.

5058 (d) A cardroom operator may award giveaways, jackpots, and  
5059 prizes to a player who holds certain combinations of cards  
5060 specified by the cardroom operator.

5061 (e) Each cardroom operator shall conspicuously post upon  
5062 the premises of the cardroom a notice that ~~which~~ contains a copy  
5063 of the cardroom license; a list of authorized games offered by  
5064 the cardroom; the wagering limits imposed by the house, if any;  
5065 any additional house rules regarding operation of the cardroom  
5066 or the playing of any game; and all costs to players to  
5067 participate, including any rake by the house. In addition, each  
5068 cardroom operator shall post at each table a notice of the  
5069 minimum and maximum bets authorized at such table and the fee  
5070 for participation in the game conducted.

5071 (f) The cardroom facility is subject to inspection by the  
5072 department ~~division~~ or any law enforcement agency during the  
5073 licensee's regular business hours. The inspection must  
5074 specifically include the permitholder internal control  
5075 procedures approved by the department ~~division~~.

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5076 (g) A cardroom operator may refuse entry to or refuse to  
5077 allow any person who is objectionable, undesirable, or  
5078 disruptive to play, but such refusal may not be on the basis of  
5079 race, creed, color, religion, gender, national origin, marital  
5080 status, physical handicap, or age, except as provided in this  
5081 section.

5082 (8) METHOD OF WAGERS; LIMITATION.—

5083 (a) ~~No~~ Wagering may not be conducted using money or other  
5084 negotiable currency. Games may only be played utilizing a  
5085 wagering system whereby all players' money is first converted by  
5086 the house to tokens or chips that ~~which~~ shall be used for  
5087 wagering only at that specific cardroom.

5088 (b) The cardroom operator may limit the amount wagered in  
5089 any game or series of games.

5090 (c) A tournament shall consist of a series of games. The  
5091 entry fee for a tournament may be set by the cardroom operator.  
5092 Tournaments may be played only with tournament chips that are  
5093 provided to all participants in exchange for an entry fee and  
5094 any subsequent re-buys. All players must receive an equal number  
5095 of tournament chips for their entry fee. Tournament chips have  
5096 no cash value and represent tournament points only. There is no  
5097 limitation on the number of tournament chips that may be used  
5098 for a bet except as otherwise determined by the cardroom  
5099 operator. Tournament chips may never be redeemed for cash or for  
5100 any other thing of value. The distribution of prizes and cash  
5101 awards must be determined by the cardroom operator before entry  
5102 fees are accepted. For purposes of tournament play only, the  
5103 term "gross receipts" means the total amount received by the  
5104 cardroom operator for all entry fees, player re-buys, and fees



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5105 for participating in the tournament less the total amount paid  
5106 to the winners or others as prizes.

5107 (9) BOND REQUIRED.—The holder of a cardroom license shall  
5108 be financially and otherwise responsible for the operation of  
5109 the cardroom and for the conduct of any manager, dealer, or  
5110 other employee involved in the operation of the cardroom. Prior  
5111 to the issuance of a cardroom license, each applicant for such  
5112 license shall provide evidence of a surety bond in the amount of  
5113 \$50,000, payable to the state, furnished by a corporate surety  
5114 authorized to do business in the state or evidence that the  
5115 licensee's pari-mutuel bond required by s. 550.125 has been  
5116 expanded to include the applicant's cardroom operation. The bond  
5117 shall guarantee that the cardroom operator will redeem, for  
5118 cash, all tokens or chips used in games. Such bond shall be kept  
5119 in full force and effect by the operator during the term of the  
5120 license.

5121 (10) FEE FOR PARTICIPATION.—The cardroom operator may  
5122 charge a fee for the right to participate in games conducted at  
5123 the cardroom. Such fee may be either a flat fee or hourly rate  
5124 for the use of a seat at a table or a rake subject to the posted  
5125 maximum amount but may not be based on the amount won by  
5126 players. The rake-off, if any, must be made in an obvious manner  
5127 and placed in a designated rake area that ~~which~~ is clearly  
5128 visible to all players. Notice of the amount of the  
5129 participation fee charged shall be posted in a conspicuous place  
5130 in the cardroom and at each table at all times.

5131 (11) RECORDS AND REPORTS.—

5132 (a) Each licensee operating a cardroom shall keep and  
5133 maintain permanent daily records of its cardroom operation and

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5134 shall maintain such records for a period of not less than 3  
5135 years. These records shall include all financial transactions  
5136 and contain sufficient detail to determine compliance with the  
5137 requirements of this section. All records shall be available for  
5138 audit and inspection by the department ~~division~~ or other law  
5139 enforcement agencies during the licensee's regular business  
5140 hours. The information required in such records shall be  
5141 determined by department ~~division~~ rule.

5142 (b) Each licensee operating a cardroom shall file with the  
5143 department ~~division~~ a report containing the required records of  
5144 such cardroom operation. Such report shall be filed monthly by  
5145 licensees. The required reports shall be submitted on forms  
5146 prescribed by the department ~~division~~ and shall be due at the  
5147 same time as the monthly pari-mutuel reports are due to the  
5148 department ~~division~~, and such reports shall contain any  
5149 additional information deemed necessary by the department  
5150 ~~division~~, and the reports shall be deemed public records once  
5151 filed.

5152 (12) PROHIBITED ACTIVITIES.—

5153 (a) A ~~No~~ person licensed to operate a cardroom may not  
5154 conduct any banking game or any game not specifically authorized  
5155 by this section.

5156 (b) A ~~No~~ person under 18 years of age may not be permitted  
5157 to hold a cardroom or employee license, or engage in any game  
5158 conducted therein.

5159 (c) With the exception of mechanical card shufflers, ~~an~~  
5160 electronic or mechanical device ~~devices, except mechanical card~~  
5161 ~~shufflers,~~ may not be used to conduct any authorized game in a  
5162 cardroom.

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5163 (d) ~~Ne~~ Cards, game components, or game implements may not  
5164 be used in playing an authorized game unless such has been  
5165 furnished or provided to the players by the cardroom operator.

5166 (13) TAXES AND OTHER PAYMENTS.—

5167 (a) Each cardroom operator shall pay a tax to the state of  
5168 10 percent of the cardroom operation's monthly gross receipts.

5169 (b) An admission tax equal to 15 percent of the admission  
5170 charge for entrance to the licensee's cardroom facility, or 10  
5171 cents, whichever is greater, is imposed on each person entering  
5172 the cardroom. This admission tax applies ~~shall apply~~ only if a  
5173 separate admission fee is charged for entry to the cardroom  
5174 facility. If a single admission fee is charged which authorizes  
5175 entry to both or either the pari-mutuel facility and the  
5176 cardroom facility, the admission tax shall be payable only once  
5177 and shall be payable pursuant to chapter 550. The cardroom  
5178 licensee is ~~shall be~~ responsible for collecting the admission  
5179 tax. An admission tax is imposed on any free passes or  
5180 complimentary cards issued to guests by licensees in an amount  
5181 equal to the tax imposed on the regular and usual admission  
5182 charge for entrance to the licensee's cardroom facility. A  
5183 cardroom licensee may issue tax-free passes to its officers,  
5184 officials, and employees or other persons actually engaged in  
5185 working at the cardroom, including accredited press  
5186 representatives such as reporters and editors, and may also  
5187 issue tax-free passes to other cardroom licensees for the use of  
5188 their officers and officials. The licensee shall file with the  
5189 department ~~division~~ a list of all persons to whom tax-free  
5190 passes are issued.

5191 (c) Payment of the admission tax and gross receipts tax

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5192 imposed by this section shall be paid to the department  
5193 ~~division~~. The department ~~division~~ shall deposit these sums with  
5194 the Chief Financial Officer, one-half being credited to the  
5195 Pari-mutuel Wagering Trust Fund and one-half being credited to  
5196 the General Revenue Fund. The cardroom licensee shall remit to  
5197 the department ~~division~~ payment for the admission tax, the gross  
5198 receipts tax, and the licensee fees. Such payments shall be  
5199 remitted to the department ~~division~~ on the fifth day of each  
5200 calendar month for taxes and fees imposed for the preceding  
5201 month's cardroom activities. Licensees shall file a report under  
5202 oath by the fifth day of each calendar month for all taxes  
5203 remitted during the preceding calendar month. Such report shall,  
5204 under oath, indicate the total of all admissions, the cardroom  
5205 activities for the preceding calendar month, and such other  
5206 information as may be prescribed by the department ~~division~~.

5207 (d)1. Each greyhound and jai alai permitholder that  
5208 operates a cardroom facility shall use at least 4 percent of  
5209 such permitholder's cardroom monthly gross receipts to  
5210 supplement greyhound purses or jai alai prize money,  
5211 respectively, during the permitholder's next ensuing pari-mutuel  
5212 meet.

5213 2. Each thoroughbred and harness horse racing permitholder  
5214 that operates a cardroom facility shall use at least 50 percent  
5215 of such permitholder's cardroom monthly net proceeds as follows:  
5216 47 percent to supplement purses and 3 percent to supplement  
5217 breeders' awards during the permitholder's next ensuing racing  
5218 meet.

5219 3. No cardroom license or renewal thereof shall be issued  
5220 to an applicant holding a permit under chapter 550 to conduct

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5221 pari-mutuel wagering meets of quarter horse racing unless the  
5222 applicant has on file with the department ~~division~~ a binding  
5223 written agreement between the applicant and the Florida Quarter  
5224 Horse Racing Association or the association representing a  
5225 majority of the horse owners and trainers at the applicant's  
5226 eligible facility, governing the payment of purses on live  
5227 quarter horse races conducted at the licensee's pari-mutuel  
5228 facility. The agreement governing purses may direct the payment  
5229 of such purses from revenues generated by any wagering or gaming  
5230 the applicant is authorized to conduct under Florida law. All  
5231 purses shall be subject to the terms of chapter 550.

5232 (e) The failure of any licensee to make payments as  
5233 prescribed in paragraph (c) is a violation of this section, and  
5234 the licensee may be subjected by the department ~~division~~ to a  
5235 civil penalty of up to \$1,000 for each day the tax payment is  
5236 not remitted. All penalties imposed and collected shall be  
5237 deposited in the General Revenue Fund. If a licensee fails to  
5238 pay penalties imposed by order of the department ~~division~~ under  
5239 this subsection, the department ~~division~~ may suspend or revoke  
5240 the license of the cardroom operator or deny issuance of any  
5241 further license to the cardroom operator.

5242 (f) The cardroom shall be deemed an accessory use to a  
5243 licensed pari-mutuel operation and, except as provided in  
5244 chapter 550, a municipality, county, or political subdivision  
5245 may not assess or collect any additional license tax, sales tax,  
5246 or excise tax on such cardroom operation.

5247 (g) All of the moneys deposited in the Pari-mutuel Wagering  
5248 Trust Fund, except as set forth in paragraph (h), shall be  
5249 utilized and distributed in the manner specified in s.

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5250 550.135(1) and (2). However, cardroom tax revenues shall be kept  
5251 separate from pari-mutuel tax revenues and may ~~shall~~ not be used  
5252 for making the disbursement to counties provided in former s.  
5253 550.135(1).

5254 (h) One-quarter of the moneys deposited into the Pari-  
5255 mutuel Wagering Trust Fund pursuant to paragraph (g) shall, by  
5256 October 1 of each year, be distributed to the local government  
5257 that approved the cardroom under subsection (16); however, if  
5258 two or more pari-mutuel racetracks are located within the same  
5259 incorporated municipality, the cardroom funds shall be  
5260 distributed to the municipality. If a pari-mutuel facility is  
5261 situated in such a manner that it is located in more than one  
5262 county, the site of the cardroom facility shall determine the  
5263 location for purposes of disbursement of tax revenues under this  
5264 paragraph. The department ~~division~~ shall, by September 1 of each  
5265 year, determine: the amount of taxes deposited into the Pari-  
5266 mutuel Wagering Trust Fund pursuant to this section from each  
5267 cardroom licensee; the location by county of each cardroom;  
5268 whether the cardroom is located in the unincorporated area of  
5269 the county or within an incorporated municipality; and, the  
5270 total amount to be distributed to each eligible county and  
5271 municipality.

5272 (14) SUSPENSION, REVOCATION, OR DENIAL OF LICENSE; FINE.—

5273 (a) The department ~~division~~ may deny a license or the  
5274 renewal thereof, or may suspend or revoke any license, when the  
5275 applicant has: violated or failed to comply with the provisions  
5276 of this section or any rules adopted pursuant thereto; knowingly  
5277 caused, aided, abetted, or conspired with another to cause any  
5278 person to violate this section or any rules adopted pursuant

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5279 thereto; or obtained a license or permit by fraud,  
5280 misrepresentation, or concealment; or if the holder of such  
5281 license or permit is no longer eligible under this section.

5282 (b) If a pari-mutuel permitholder's pari-mutuel permit or  
5283 license is suspended or revoked by the department ~~division~~  
5284 pursuant to chapter 550, the department ~~division~~ may, but is not  
5285 required to, suspend or revoke such permitholder's cardroom  
5286 license. If a cardroom operator's license is suspended or  
5287 revoked pursuant to this section, the department ~~division~~ may,  
5288 but is not required to, suspend or revoke such licensee's pari-  
5289 mutuel permit or license.

5290 (c) Notwithstanding any other provision of this section,  
5291 the department ~~division~~ may impose an administrative fine not to  
5292 exceed \$1,000 for each violation against any person who has  
5293 violated or failed to comply with the provisions of this section  
5294 or any rules adopted pursuant thereto.

5295 (15) CRIMINAL PENALTY; INJUNCTION.—

5296 (a)1. Any person who operates a cardroom without a valid  
5297 license issued as provided in this section commits a felony of  
5298 the third degree, punishable as provided in s. 775.082, s.  
5299 775.083, or s. 775.084.

5300 2. Any licensee or permitholder who violates any provision  
5301 of this section commits a misdemeanor of the first degree,  
5302 punishable as provided in s. 775.082 or s. 775.083. Any licensee  
5303 or permitholder who commits a second or subsequent violation of  
5304 the same paragraph or subsection within a period of 3 years from  
5305 the date of a prior conviction for a violation of such paragraph  
5306 or subsection commits a felony of the third degree, punishable  
5307 as provided in s. 775.082, s. 775.083, or s. 775.084.

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5308 (b) The department ~~division~~, any state attorney, the  
5309 statewide prosecutor, or the Attorney General may apply for a  
5310 temporary or permanent injunction restraining further violation  
5311 of this section, and such injunction shall issue without bond.

5312 (16) LOCAL GOVERNMENT APPROVAL.—The department may ~~Division~~  
5313 ~~of Pari-mutuel Wagering~~ shall not issue any initial license  
5314 under this section except upon proof in such form as the  
5315 department ~~division~~ may prescribe that the local government  
5316 where the applicant for such license desires to conduct cardroom  
5317 gaming has voted to approve such activity by a majority vote of  
5318 the governing body of the municipality or the governing body of  
5319 the county if the facility is not located in a municipality.

5320 (17) CHANGE OF LOCATION; REFERENDUM.—

5321 (a) Notwithstanding any provisions of this section, no  
5322 cardroom gaming license issued under this section shall be  
5323 transferred, or reissued when such reissuance is in the nature  
5324 of a transfer, so as to permit or authorize a licensee to change  
5325 the location of the cardroom except upon proof in such form as  
5326 the department ~~division~~ may prescribe that a referendum election  
5327 has been held:

5328 1. If the proposed new location is within the same county  
5329 as the already licensed location, in the county where the  
5330 licensee desires to conduct cardroom gaming and that a majority  
5331 of the electors voting on the question in such election voted in  
5332 favor of the transfer of such license. However, the department  
5333 ~~division~~ shall transfer, without requirement of a referendum  
5334 election, the cardroom license of any permit holder that  
5335 relocated its permit pursuant to s. 550.0555.

5336 2. If the proposed new location is not within the same



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5337 county as the already licensed location, in the county where the  
5338 licensee desires to conduct cardroom gaming and that a majority  
5339 of the electors voting on that question in each such election  
5340 voted in favor of the transfer of such license.

5341 (b) The expense of each referendum held under the  
5342 provisions of this subsection shall be borne by the licensee  
5343 requesting the transfer.

5344 Section 74. Section 849.094, Florida Statutes, is amended  
5345 to read:

5346 849.094 Game promotion in connection with sale of consumer  
5347 products or services.—

5348 (1) As used in this section, the term:

5349 (a) "Department" means the Department of Gaming Control.

5350 (b)~~(a)~~ "Game promotion" means, but is not limited to, a  
5351 contest, game of chance, or gift enterprise, conducted within or  
5352 throughout the state and other states in connection with the  
5353 sale of consumer products or services, and in which the elements  
5354 of chance and prize are present. However, the term does not  
5355 ~~"game promotion" shall not be construed to~~ apply to bingo games  
5356 conducted pursuant to s. 849.0931.

5357 (c)~~(b)~~ "Operator" means any person, firm, corporation, or  
5358 association or agent or employee thereof who promotes, operates,  
5359 or conducts a game promotion, ~~except any charitable nonprofit~~  
5360 ~~organization.~~

5361 (2) It is unlawful for any operator:

5362 (a) To design, engage in, promote, or conduct such a game  
5363 promotion, in connection with the promotion or sale of consumer  
5364 products or services, wherein the winner may be predetermined or  
5365 the game may be manipulated or rigged so as to:

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5366 1. Allocate a winning game or any portion thereof to  
5367 certain lessees, agents, or franchises; or

5368 2. Allocate a winning game or part thereof to a particular  
5369 period of the game promotion or to a particular geographic area;

5370 (b) Arbitrarily to remove, disqualify, disallow, or reject  
5371 any entry;

5372 (c) To fail to award prizes offered;

5373 (d) To print, publish, or circulate literature or  
5374 advertising material used in connection with such game  
5375 promotions which is false, deceptive, or misleading; or

5376 (e) To require an entry fee, payment, or proof of purchase  
5377 as a condition of entering a game promotion.

5378 (3) The operator of a game promotion in which the total  
5379 announced value of the prizes offered is greater than \$5,000  
5380 shall file with the Department of Gaming Control ~~Agriculture and~~  
5381 ~~Consumer Services~~ a copy of the rules and regulations of the  
5382 game promotion and a list of all prizes and prize categories  
5383 offered at least 7 days before the commencement of the game  
5384 promotion. Such rules and regulations may not thereafter be  
5385 changed, modified, or altered. The operator of a game promotion  
5386 shall conspicuously post the rules and regulations of such game  
5387 promotion in each and every retail outlet or place where such  
5388 game promotion may be played or participated in by the public  
5389 and shall also publish the rules and regulations in all  
5390 advertising copy used in connection therewith. However, such  
5391 advertising copy need only include the material terms of the  
5392 rules and regulations if the advertising copy includes a website  
5393 address, a toll-free telephone number, or a mailing address  
5394 where the full rules and regulations may be viewed, heard, or

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5395 obtained for the full duration of the game promotion. Such  
5396 disclosures must be legible. Radio and television announcements  
5397 may indicate that the rules and regulations are available at  
5398 retail outlets or from the operator of the promotion. A  
5399 nonrefundable filing fee of \$100 shall accompany each filing and  
5400 shall be used to pay the costs incurred in administering and  
5401 enforcing the provisions of this section.

5402 (4) (a) Every operator of ~~such~~ a game promotion in which the  
5403 total announced value of the prizes offered is greater than  
5404 \$5,000 shall establish a trust account, in a national or state-  
5405 chartered financial institution, with a balance sufficient to  
5406 pay or purchase the total value of all prizes offered. On a form  
5407 supplied by the Department of Gaming Control ~~Agriculture and~~  
5408 ~~Consumer Services~~, an official of the financial institution  
5409 holding the trust account shall set forth the dollar amount of  
5410 the trust account, the identity of the entity or individual  
5411 establishing the trust account, and the name of the game  
5412 promotion for which the trust account has been established. Such  
5413 form shall be filed with the Department of Gaming Control  
5414 ~~Agriculture and Consumer Services~~ at least 7 days in advance of  
5415 the commencement of the game promotion. In lieu of establishing  
5416 such trust account, the operator may obtain a surety bond in an  
5417 amount equivalent to the total value of all prizes offered; and  
5418 such bond shall be filed with the Department of Gaming Control  
5419 ~~Agriculture and Consumer Services~~ at least 7 days in advance of  
5420 the commencement of the game promotion.

5421 1. The moneys held in the trust account may be withdrawn in  
5422 order to pay the prizes offered only upon certification to the  
5423 Department of Gaming Control ~~Agriculture and Consumer Services~~

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5424 of the name of the winner or winners and the amount of the prize  
5425 or prizes and the value thereof.

5426 2. If the operator of a game promotion has obtained a  
5427 surety bond in lieu of establishing a trust account, the amount  
5428 of the surety bond shall equal at all times the total amount of  
5429 the prizes offered.

5430 (b) The Department of Gaming Control ~~Agriculture and~~  
5431 ~~Consumer Services~~ may waive the provisions of this subsection  
5432 for any operator who has conducted game promotions in the state  
5433 for not less than 5 consecutive years and who has not had any  
5434 civil, criminal, or administrative action instituted against him  
5435 or her by the state or an agency of the state for violation of  
5436 this section within that 5-year period. Such waiver may be  
5437 revoked upon the commission of a violation of this section by  
5438 such operator, as determined by the Department of Gaming Control  
5439 ~~Agriculture and Consumer Services~~.

5440 (5) Every operator of a game promotion in which the total  
5441 announced value of the prizes offered is greater than \$5,000  
5442 shall provide the Department of Gaming Control ~~Agriculture and~~  
5443 ~~Consumer Services~~ with a certified list of the names and  
5444 addresses of all persons, whether from this state or from  
5445 another state, who have won prizes which have a value of more  
5446 than \$25, the value of such prizes, and the dates when the  
5447 prizes were won within 60 days after such winners have been  
5448 finally determined. The operator shall provide a copy of the  
5449 list of winners, without charge, to any person who requests it.  
5450 In lieu of the foregoing, the operator of a game promotion may,  
5451 at his or her option, publish the same information about the  
5452 winners in a Florida newspaper of general circulation within 60

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5453 days after such winners have been determined and shall provide  
5454 to the Department of Gaming Control ~~Agriculture and Consumer~~  
5455 ~~Services~~ a certified copy of the publication containing the  
5456 information about the winners. The operator of a game promotion  
5457 is not required to notify a winner by mail or by telephone when  
5458 the winner is already in possession of a game card from which  
5459 the winner can determine that he or she has won a designated  
5460 prize. All winning entries shall be held by the operator for a  
5461 period of 90 days after the close or completion of the game.

5462 (6) The Department of Gaming Control ~~Agriculture and~~  
5463 ~~Consumer Services~~ shall keep the certified list of winners for a  
5464 period of at least 6 months after receipt of the certified list.  
5465 The department thereafter may dispose of all records and lists.

5466 (7) No operator shall force, directly or indirectly, a  
5467 lessee, agent, or franchise dealer to purchase or participate in  
5468 any game promotion. For the purpose of this section, coercion or  
5469 force shall be presumed in these circumstances in which a course  
5470 of business extending over a period of 1 year or longer is  
5471 materially changed coincident with a failure or refusal of a  
5472 lessee, agent, or franchise dealer to participate in such game  
5473 promotions. Such force or coercion shall further be presumed  
5474 when an operator advertises generally that game promotions are  
5475 available at its lessee dealers or agent dealers.

5476 (8) (a) The Department of Gaming Control ~~Agriculture and~~  
5477 ~~Consumer Services~~ shall have the power to promulgate such rules  
5478 and regulations respecting the operation of game promotions as  
5479 it may deem advisable.

5480 (b) Whenever the Department of Gaming Control ~~Agriculture~~  
5481 ~~and Consumer Services~~ or the Department of Legal Affairs has

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5482 reason to believe that a game promotion is being operated in  
5483 violation of this section, it may bring an action in the circuit  
5484 court of any judicial circuit in which the game promotion is  
5485 being operated in the name and on behalf of the people of the  
5486 state against any operator thereof to enjoin the continued  
5487 operation of such game promotion anywhere within the state.

5488 (9) (a) Any person, firm, or corporation, or association or  
5489 agent or employee thereof, who engages in any acts or practices  
5490 stated in this section to be unlawful, or who violates any of  
5491 the rules and regulations made pursuant to this section, is  
5492 guilty of a misdemeanor of the second degree, punishable as  
5493 provided in s. 775.082 or s. 775.083.

5494 (b) Any person, firm, corporation, association, agent, or  
5495 employee who violates any provision of this section or any of  
5496 the rules and regulations made pursuant to this section shall be  
5497 liable for a civil penalty of not more than \$1,000 for each such  
5498 violation, which shall accrue to the state and may be recovered  
5499 in a civil action brought by the Department of Gaming Control  
5500 ~~Agriculture and Consumer Services~~ or the Department of Legal  
5501 Affairs.

5502 (10) This section does not apply to ~~actions or transactions~~  
5503 ~~regulated by the Department of Business and Professional~~  
5504 ~~Regulation or to the activities of nonprofit organizations or to~~  
5505 any other organization engaged in any enterprise other than the  
5506 sale of consumer products or services. Subsections (3), (4),  
5507 (5), (6), and (7) and paragraph (8) (a) and any of the rules made  
5508 pursuant thereto do not apply to television or radio  
5509 broadcasting companies licensed by the Federal Communications  
5510 Commission.

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Section 75. This act shall take effect October 1, 2011.