

<b>Tab 1</b>	<b>SPB 7076 by RI; Gaming Enforcement</b>					
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<b>Tab 2</b>	<b>SPB 7078 by RI; Public Records and Public Meetings Exemptions/Florida Gaming Control Commission</b>					
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<b>Tab 3</b>	<b>SPB 7080 by RI; Requirements for Pari-mutuel Permitholders to Conduct Live Racing or Games</b>					
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**REGULATED INDUSTRIES**  
**Senator Hutson, Chair**  
**Senator Book, Vice Chair**

**MEETING DATE:** Monday, April 12, 2021  
**TIME:** 3:00—5:00 p.m.  
**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Hutson, Chair; Senator Book, Vice Chair; Senators Albritton, Gruters, Hooper, Passidomo, Rodrigues, Rouson, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A3 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W. PENSACOLA STREET, TALLAHASSEE, FL 32301

Consideration of proposed bill:

1	<b>SPB 7076</b>	Gaming Enforcement; Creating the Florida Gaming Control Commission within the Office of the Attorney General; providing for membership of the commission; requiring the Commission on Ethics to accept and investigate any alleged violations of the standards of conduct for commissioners; designating the Florida Gaming Control Commission as the state compliance agency having authority to carry out certain responsibilities; transferring all powers, duties, functions, records, offices, personnel, property, pending issues, existing contracts, administrative authority, administrative rules, trust funds, and unexpended balances of appropriations, allocations, and other funds of the Department of Business and Professional Regulation to the commission by a type two transfer, etc.	Submitted and Reported Favorably as Committee Bill Yeas 9 Nays 0
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Consideration of proposed bill:

2	<b>SPB 7078</b>	Public Records and Public Meetings Exemptions/Florida Gaming Control Commission; Specifying that any exempt or confidential and exempt information obtained by the Florida Gaming Control Commission retains its exempt or confidential and exempt status; providing an exemption from public meetings requirements for portions of meetings of the commission wherein confidential or exempt information is discussed; providing for future review and repeal; providing a statement of public necessity, etc.	Submitted and Reported Favorably as Committee Bill Yeas 9 Nays 0
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Consideration of proposed bill:

**COMMITTEE MEETING EXPANDED AGENDA**

Regulated Industries

Monday, April 12, 2021, 3:00—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>SPB 7080</b>	Requirements for Pari-mutuel Permitholders to Conduct Live Racing or Games; Revising the application requirements for an operating license to conduct pari-mutuel wagering for a pari-mutuel facility; prohibiting greyhound permitholders from conducting live racing; authorizing jai alai permitholders, harness horse racing permitholders, and quarter horse racing permitholders to elect not to conduct live racing or games; specifying that certain permitholders that do not conduct live racing or games retain their permit and remain pari-mutuel facilities, etc.	Submitted and Reported Favorably as Committee Bill Yeas 9 Nays 0
Other Related Meeting Documents			

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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BILL: SB 7076

INTRODUCER: Regulated Industries Committee

SUBJECT: Gaming Enforcement

DATE: April 12, 2021

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Kraemer	Imhof	RI	<b>RI Submitted as Comm. Bill/Fav</b>

## **I. Summary:**

SPB 7076 establishes additional enforcement measures to address violations of gambling laws and the conduct of unauthorized gaming in the state, including the creation of the Florida Gaming Control Commission, and granting additional investigatory and prosecutorial authority to the Office of Statewide Prosecution in the Department of Legal Affairs.

See Section V, Fiscal Impact Statement.

SPB 7078, relating to Public Records and Public Meeting Exemptions/Florida Gaming Control Commission, is linked to this bill.

The bill is effective July 1, 2021.

## **II. Present Situation:**

### **Background**

In general, gambling is illegal in Florida.<sup>1</sup> Chapter 849, F.S., prohibits keeping a gambling house,<sup>2</sup> running a lottery,<sup>3</sup> or the manufacture, sale, lease, play, or possession of slot machines.<sup>4</sup> However, the following gaming activities are authorized by law and regulated by the state:

- Pari-mutuel<sup>5</sup> wagering at licensed greyhound and horse tracks and jai alai frontons;<sup>6</sup>
- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;<sup>7</sup> and

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<sup>1</sup> See s. 849.08, F.S.

<sup>2</sup> See s. 849.01, F.S.

<sup>3</sup> See s. 849.09, F.S.

<sup>4</sup> Section 849.16, F.S.

<sup>5</sup> “Pari-mutuel” is defined in Florida law as “a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes. See s. 550.002(22), F.S.

<sup>6</sup> See ch. 550, F.S., relating to the regulation of pari-mutuel activities.

<sup>7</sup> See FLA. CONST., art. X, s. 23, and ch. 551, F.S.

- Cardrooms<sup>8</sup> at certain pari-mutuel facilities.<sup>9</sup>

A license to offer pari-mutuel wagering, slot machine gambling, or a cardroom at a pari-mutuel facility is a privilege granted by the state.<sup>10</sup>

The 1968 State Constitution states that “[l]otteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution . . .” are prohibited.<sup>11</sup> A constitutional amendment approved by the voters in 1986 authorized state-operated lotteries. Net proceeds of the lottery are deposited to the Educational Enhancement Trust Fund (EETF) and appropriated by the Legislature. Lottery operations are self-supporting and function as an entrepreneurial business enterprise.<sup>12</sup>

Chapter 849, F.S., also authorizes, under specific and limited conditions, the conduct of penny-ante games,<sup>13</sup> bingo,<sup>14</sup> charitable drawings,<sup>15</sup> game promotions (sweepstakes),<sup>16</sup> and bowling tournaments.<sup>17</sup> The Family Amusement Games Act was enacted in 2015 and authorizes skill-based amusement games and machines at specified locations.<sup>18</sup>

### Regulation of Pari-mutuel Wagering

The Division of Pari-mutuel Wagering (division) in the Department of Business and Professional Regulation (DBPR) regulates pari-mutuel wagering. The division has regulatory oversight of permitted and licensed pari-mutuel wagering facilities, cardrooms located at pari-mutuel facilities, and slot machines at pari-mutuel facilities located in Miami-Dade and Broward counties. According to the division, there were eight license suspensions, and \$19,075 in fines assessed for violations of all pari-mutuel statutes and administrative rules in Fiscal Year 2019-2020.<sup>19</sup>

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<sup>8</sup> Section 849.086, F.S. *See* s. 849.086(2)(c), F.S., which defines “cardroom” to mean “a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility.”

<sup>9</sup> The Department of Business and Professional Regulation (DBPR) has issued licenses to permitholders with 2021-2022 Operating Licenses to operate 27 cardrooms. *See* <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/permitholder-operating-licenses-2021-2022/> (last visited Apr. 7, 2021).

<sup>10</sup> *See* s. 550.1625(1), F.S., “...legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state.” *See also, Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), *review denied*, 412 So.2d 470, which states “Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right,” citing *State ex rel. Mason v. Rose*, 122 Fla. 413, 165 So. 347 (1936).

<sup>11</sup> The pari-mutuel pools that were authorized by law on the effective date of the Florida Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.

<sup>12</sup> The Department of the Lottery is authorized by s. 15, Art. X, Florida Constitution. Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery. Section 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

<sup>13</sup> *See* s. 849.085, F.S.

<sup>14</sup> *See* s. 849.0931, F.S.

<sup>15</sup> *See* s. 849.0935, F.S.

<sup>16</sup> *See* s. 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

<sup>17</sup> *See* s. 849.141, F.S.

<sup>18</sup> *See* s. 546.10, F.S.

<sup>19</sup> *See* the 89th Annual Report for Fiscal Year 2019-2020 issued by the division at: [AnnualReport-2019-2020--89th--20210224.pdf](#) at page 5 (equivalent to page 3 of the printed Annual Report) (last visited Apr. 7, 2021).

Ten permitholders were not issued operating licenses for Fiscal Year 2020-2021: two greyhound permitholders,<sup>20</sup> two jai alai permitholders,<sup>21</sup> one limited thoroughbred permitholder,<sup>22</sup> and five quarter horse permitholders.<sup>23</sup>

### **Issuance of Pari-mutuel Permits and Annual Licenses**

Section 550.054, F.S., provides that any person meeting the qualification requirements of ch. 550, F.S., may apply to the division for a permit to conduct pari-mutuel wagering. Upon approval, a permit must be issued to the applicant that indicates:

- The name of the permitholder;
- The location of the pari-mutuel facility;
- The type of pari-mutuel activity to be conducted; and
- A statement showing qualifications of the applicant to conduct pari-mutuel performances under ch. 550, F.S.

A permit does not authorize any pari-mutuel performances until approved by a majority of voters in a ratification election in the county in which the applicant proposes to conduct pari-mutuel wagering activities. An application may not be considered, nor may a permit be issued by the division or be voted upon in any county, for the conduct of:

- Harness horse racing, quarter horse racing, thoroughbred horse racing, or greyhound racing at a location within 100 miles of an existing pari-mutuel facility; or
- Jai alai games within 50 miles of an existing pari-mutuel facility.

Distances are measured on a straight line from the nearest property line of one pari-mutuel facility to the nearest property line of the other facility.<sup>24</sup>

After issuance of the permit and a ratification election, the division may issue an annual operating license for wagering at the specified location in a county, indicating the time, place, and number of days during which pari-mutuel operations may be conducted at the specified location.<sup>25</sup>

Pursuant to s. 550.054(9)(b), F.S., the division may revoke or suspend any permit or license upon the willful violation by the permitholder or licensee of any provision of ch. 550, F.S., or any administrative rule adopted by the division, and may impose a civil penalty against the permitholder or license up to \$1,000 for each offense.

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<sup>20</sup> Jefferson County Kennel Club (Monticello) and North American Racing Association (Key West).

<sup>21</sup> Gadsden Jai-alai (Chattahoochee) and Tampa Jai Alai.

<sup>22</sup> Under s. 550.3345, F.S., during Fiscal Year 2010-2011 only, holders of quarter horse racing permits were allowed to convert their permits to a thoroughbred racing permit, conditioned upon specific use of racing revenues for enhancement of thoroughbred purses and awards, promotion of the thoroughbred horse industry, and the care of retired thoroughbred horses. Two conversions occurred, Gulfstream Park Thoroughbred After Racing Program (GPTARP) (Hallandale, Broward County), which was licensed to operate in 2019-2020, and Ocala Thoroughbred Racing (Marion County), which was not licensed to operate.

<sup>23</sup> ELH Jefferson (Jefferson County), DeBary Real Estate Holdings (Volusia County), North Florida Racing (Jacksonville), Pompano Park Racing (Pompano Beach), and St. Johns Racing (St. Johns County). *See* [http://www.myfloridalicense.com/dbpr/pmw/documents/PermitholdersList\\_2020-2021.pdf](http://www.myfloridalicense.com/dbpr/pmw/documents/PermitholdersList_2020-2021.pdf) (last visited Apr. 7, 2021).

<sup>24</sup> *See* s. 550.054(2), F.S.

<sup>25</sup> *See* s. 550.054(9)(a), F.S.

## Slot Machine Gaming Locations and Operations

Section 32 of Art. X of the State Constitution, adopted pursuant to a 2004 initiative petition, authorized slot machines in licensed pari-mutuel facilities in Broward and Miami-Dade, if approved by county referendum. The voters in Broward and Miami-Dade counties approved slot machine gaming. Slot machine gaming in the state is limited to Broward and Miami-Dade counties, and as authorized by federal law, in the tribal gaming facilities of the Seminole Tribe.

Sections 551.104(3), 551.116, and 551.121, F.S., address slot machine gaming operations, and:

- Restrict the issuance of slot machine licenses to licensed pari-mutuel permitholders, for slot machine gaming only at the facility where pari-mutuel wagering is authorized to be conducted by the permitholder;
- Limit slot machine gaming to 18 hours per day, Monday through Friday, and 24 hours on Saturdays and Sundays; and
- Prohibit the service of complimentary or reduced-cost alcoholic beverages to persons playing a slot machine, among other prohibitions.

## Cardrooms

Section 849.086, F.S., authorizes cardrooms at certain pari-mutuel facilities.<sup>26</sup> In Fiscal Year 2021-2022, 27 cardrooms are licensed to operate.<sup>27</sup> A license to offer pari-mutuel wagering, slot machine gaming, or a cardroom at a pari-mutuel facility is a privilege granted by the state.<sup>28</sup> A cardroom may be open 18 hours per day on Monday through Friday, and 24 hours per day on Saturday and Sunday.<sup>29</sup>

Sections 849.086(5) and (6), F.S., provide that a licensed pari-mutuel permitholder that holds a valid pari-mutuel permit may hold a cardroom license authorizing the operation of a cardroom and the conduct of authorized games at the cardroom. An authorized game is a game or series of games of poker or dominoes.<sup>30</sup> Such games must be played in a non-banking manner,<sup>31</sup> where the participants play against each other, instead of against the house (cardroom). At least four percent of the gross cardroom receipts of greyhound racing permitholders and jai alai permitholders conducting live races or games must supplement greyhound purses, and quarter horse permitholders must have a contract with a horsemen's association governing the payment of purses on live quarter horse races conducted by the permitholder.<sup>32</sup>

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<sup>26</sup> Section 849.086, F.S. Section 849.086(2)(c), F.S., defines "cardroom" to mean a facility where authorized games are played for money or anything of value and to which the public is invited to participate in such games and charges a fee for participation by the operator of such facility.

<sup>27</sup> See <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/permitholder-operating-licenses-2021-2022/> (last visited Apr. 7, 2021).

<sup>28</sup> *Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), review denied, 412 So.2d 470, states "Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right," citing *State ex rel. Mason v. Rose*, 122 Fla. 413, 165 So. 347 (1936). See s. 550.1625(1), F.S., "...legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state."

<sup>29</sup> Section 849.086(7)(b), F.S.

<sup>30</sup> See s. 849.086(2)(a), F.S.

<sup>31</sup> *Id.*

<sup>32</sup> See s. 849.086(13)(d), F.S.

## **Gaming Compacts with Seminole Tribe of Florida**

In 2010, a gaming compact (2010 Compact) between the Seminole Tribe of Florida (Seminole Tribe) and the State of Florida (state) was ratified by the Legislature.<sup>33</sup> The 2010 Compact authorizes the Seminole Tribe to conduct certain Class III gaming for a 20-year period, and to offer banked card games for five years, through July 31, 2015. The 2010 Compact provides that any expanded gaming (beyond what is specifically acknowledged) allowed in the state relieves the Seminole Tribe of its obligations to make substantial revenue sharing payments.

Pursuant to s. 285.710(13), F.S., it is not a crime for a person to participate in raffles, drawings, slot machine gaming, or banked card games (e.g., blackjack or baccarat) at a tribal facility operating under the 2010 Compact. The 2010 Compact provides for revenue sharing in consideration for the exclusive authority granted to the Seminole Tribe to offer banked card games on tribal lands and to offer slot machine gaming outside Miami-Dade and Broward counties.

Section 285.710(9), F.S., provides that money received by the state from a gaming compact is to be deposited into the General Revenue Fund and provides for the distribution of three percent of the amount paid by the Seminole Tribe to the specified local governments. The percentage of the local share distributed to the specified counties and municipalities is based on the Net Win per facility in each county and municipality.

The Seminole Tribe notified the state in May 2019 that it was discontinuing revenue share payments in accordance with the 2010 Compact, based on the results of federal litigation. The 2010 Compact remains in effect through July 31, 2030.

As designated in s. 285.710, F.S., the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation (DBPR) carries out the state's oversight responsibilities under the 2010 Compact.

## **Class III Gaming under the Indian Gaming Regulatory Act**

Gambling on Indian lands is regulated by the Indian Gaming Regulatory Act of 1988 (IGRA).<sup>34</sup> The 2010 Compact authorizes the Seminole Tribe to conduct specified Class III gaming activities at its seven tribal facilities in Florida.<sup>35</sup>

Under IGRA, gaming is categorized in three classes:

- **Class I** gaming means social games for minimal value or traditional forms of Indian gaming engaged in by individuals for tribal ceremonies or celebrations;

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<sup>33</sup> Ch. 2010-29, Laws of Fla.

<sup>34</sup> See Pub. L. 100-497, 102 Stat. 2467, codified at 18 U.S.C. ss. 1166-1168 and 25 U.S.C. s. 2701 *et seq.*

<sup>35</sup> See paragraph F of Part III of the 2010 Compact. The Seminole Tribe has three gaming facilities in Broward County (The Seminole Indian Casinos at Coconut Creek and Hollywood, and the Seminole Hard Rock Hotel & Casino-Hollywood), and gaming facilities in Collier County (Seminole Indian Casino-Immokalee), Glades County (Seminole Indian Casino-Brighton), Hendry County (Seminole Indian Casino-Big Cypress), and Hillsborough County (Seminole Hard Rock Hotel & Casino-Tampa). The 2010 Compact was approved by the U.S. Department of the Interior effective July 6, 2010. See 75 Fed. Reg. 38833-38834 at <https://www.gpo.gov/fdsys/pkg/FR-2010-07-06/pdf/2010-16213.pdf> (last visited Apr. 7, 2021).



- **Class II** gaming includes bingo and pull-tabs, lotto, punch boards, tip jars, instant bingo, other games similar to bingo, and certain non-banked card games if not explicitly prohibited by the laws of the state and if played in conformity with state law; and
- **Class III** gaming includes all forms of gaming that are not Class I or Class II gaming, such as banked card games (such as baccarat, chemin de fer, and blackjack (21), casino games such as craps and roulette, electronic or electromechanical facsimiles of games of chance, slot machines, and pari-mutuel wagering.<sup>36</sup>

### **Amendment 3 to the State Constitution (Voter Control of Gambling)**

At the 2018 General Election, the electorate approved an initiative constitutional amendment (Amendment 3, Voter Control of Gambling in Florida). The amendment is codified in the State Constitution as article X, section 30).<sup>37</sup>

Amendment 3 requires a vote proposed by citizen's initiative to amend the State Constitution pursuant to Article XI, section 3 to authorize "casino gambling" in Florida. Casino gambling is defined in section (b) of Amendment 3 as:

- Any of the "types of games typically found in casinos" and that are:
  - Within the definition of Class III gaming in the Federal Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq; and
  - In 25 [Code of Federal Regulations] (C.F.R.) § 502.4 upon the adoption of the amendment and any that are added to such definition of Class III gaming in the future.

Section (b) of Amendment 3 provides that casino gambling includes but is not limited to the following:

- Any house banking game, including but not limited to card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house banking games);
- Any player-banked game that simulates a house banking game, such as California blackjack;
- Casino games such as roulette, craps, and keno;
- Any slot machines as defined in 15 U.S.C. 1171(a)(1); and
- Any other game not authorized by Article X, section 15 [of the State Constitution, relating to state operated lotteries], whether or not defined as a slot machine, in which outcomes are determined by random number generator or are similarly assigned randomly, such as instant or historical racing.

Section (b) of Amendment 3 also further defines "casino gambling" as including the following devices:

- Any electronic gambling devices;
- Simulated gambling devices;
- Video lottery devices;
- Internet sweepstakes devices; and

<sup>36</sup> See 25 U.S.C. s. 2703.

<sup>37</sup> See the text of Amendment 3, now codified as art. X, s. 30, at

<http://www.leg.state.fl.us/Statutes/index.cfm?Mode=Constitution&Submenu=3&Tab=statutes&CFID=44933245&CFTOKEN=f39b1ca7cab71561-BE329BC7-5056-B837-1A6123F335C4849F#A10S30> (last visited Apr. 7, 2021).

- Any other form of electronic or electromechanical facsimiles of any game of chance, slot machine, or casino-style game, regardless of how such devices are defined under [the Indian Gaming Regulatory Act].

Under Amendment 3, the term casino “casino gambling” does not include:

pari-mutuel wagering on horse racing, dog racing, or jai alai exhibitions. For the purposes of [Amendment 3], “gambling” and “gaming” are synonymous.

Additionally, Amendment 3 provides:

Nothing in [Amendment 3] shall be deemed to limit the right of the Legislature to exercise its authority through general law to restrict, regulate, or tax any gaming or gambling activities. In addition, nothing in [Amendment 3] shall be construed to limit the ability of the state or Native American tribes to negotiate gaming compacts pursuant to the Federal Indian Gaming Regulatory Act for the conduct of casino gambling on tribal lands, or to affect any existing gambling on tribal lands pursuant to compacts executed by the state and Native American tribes pursuant to [the Indian Gaming Regulatory Act].

By its terms, Amendment 3 became effective on November 6, 2018, is self-executing, and no legislative implementation is required. If any part of Amendment 3 is held invalid for any reason, the remaining portion(s) must be severed from the invalid portion and given “the fullest possible force and effect.”

### **United States Gaming Regulatory Agencies (Gaming Commissions)**

The National Council of Legislators from Gaming States (NCLGS) is an organization of state lawmakers which meets to discuss gaming issues, and includes committees on lotteries, pari-mutuels, casinos, responsible gaming, Indian gaming issues, and telephone/internet wagering.<sup>38</sup>

Regulatory resources cited by NCLGS include the:

- Association of Racing Commissioners International, Inc. (ARCI), a non-profit corporation founded in the 1930’s to uphold uniform pari-mutuel racing rules and practice, serves as a resource for pari-mutuel rulings, including equine medication issues. The ARCI works to preserve the integrity of horseracing, jai-alai, and dog-racing.<sup>39</sup>
- North American Gaming Regulators Association (NAGRA), created in 1984, includes as members federal, state, local, tribal, and provincial government gaming regulators.<sup>40</sup>
- National Indian Gaming Commission (NIGC), established under the Indian Gaming Regulatory Act, is an independent federal regulatory agency charged with the regulation of Indian gaming on Indian land, specifically to protect tribes from corrupt influences, including

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<sup>38</sup> See <https://www.nclgs.org/index.php/about-us> (last visited Apr. 7, 2021).

<sup>39</sup> See <http://arci.com/> (last visited Apr. 7, 2021).

<sup>40</sup> See <https://www.nagra.org/default.aspx> (last visited Apr. 7, 2021).

organized crime, to make sure it is tribes that are receiving the benefit of Indian gaming, and to ensure that fair playing practices that protect tribes and players are adhered to. The NIGC maintains a list of gaming tribes on its site, searchable by tribe or state.<sup>41</sup>

- International Association of Gaming Regulators (IAGR), which is an organization of international government agencies responsible for the regulation of gaming in their home jurisdictions concerned with sharing information and resources among each other on issues relevant to the regulation of gaming.<sup>42</sup>

According to NAGRA, there are approximately 75 gaming regulatory agencies in the United States and Canada, including lottery commissions, pari-mutuel commissions, racing commissions, casino control commissions, and gambling control commissions.<sup>43</sup> Two of the most well-known gaming control entities are the Nevada Gaming Commission and Gaming Control Board,<sup>44</sup> and the New Jersey Casino Control Commission.<sup>45</sup>

In Nevada, members of the Board and Commission are appointed by the Governor of Nevada to four-year terms. In addition to other requirements, each member must be a resident of Nevada and no member may hold elective office while serving. Members are also not permitted to possess any direct pecuniary interest in gaming activities while serving in their capacity as members.<sup>46</sup>

The New Jersey Casino Control Commission is the independent licensing authority of the state's casinos and key employees, comprised of up to three members, appointed by the governor and confirmed by the state senate.<sup>47</sup> As a quasi-judicial panel, the commission conducts hearings on contested casino key employee license matters, and appeals from decisions and penalties imposed by the state's division of gaming enforcement. Commissioners serve staggered, five-year terms and may only be removed for cause.<sup>48</sup> The commission notes:

The success and ongoing viability of the gaming industry remains inextricably linked to the public's confidence that the State of New Jersey will ensure that people in the industry possess good character, honesty and integrity. Stewardship over that public confidence is a principal responsibility of the Commission and its Chairman.

The Commission's regulatory efforts through the years have helped create an environment in which New Jersey's casinos can prosper and from which the citizens of New Jersey benefit. With proper regulatory controls, the industry serves as a catalyst to create economic benefits for Atlantic

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<sup>41</sup> See <https://www.nigc.gov/> (last visited Apr. 7, 2021).

<sup>42</sup> See <https://www.iagr.org/>

<sup>43</sup> See links to the numerous state and province gaming regulatory agencies, commissions, control boards, and lotteries at <https://www.nagra.org/State-and-Province-Gaming-Regulatory-Agencies> (last visited Apr. 7, 2021).

<sup>44</sup> See <https://gaming.nv.gov/> (last visited Apr. 7, 2021).

<sup>45</sup> See <https://www.nj.gov/casinos/> (last visited Apr. 7, 2021).

<sup>46</sup> See the Board Information Packet at p. 3, available at <https://gaming.nv.gov/modules/showdocument.aspx?documentid=14995> (last visited Apr. 7, 2021).

<sup>47</sup> See <https://www.nj.gov/casinos/about/overview/> (last visited Apr. 7, 2021).

<sup>48</sup> *Id.*

City, the Greater Atlantic City Region, and the entire State of New Jersey.<sup>49</sup>

### III. Effect of Proposed Changes:

**Section 1** of the bill amends s. 16.56(1)(a), F.S., relating to the Office of Statewide Prosecution in the Department of Legal Affairs (office), to authorize the office to investigate and prosecute, in addition to gambling offenses, any violation of ch. 24, F.S., (State Lotteries), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling), including violations referred by the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation (DBPR), the Department of the Lottery, the Gaming Control Commission, the Seminole Tribe of Florida, or any person licensed under those chapters.

**Section 2** of the bill creates s. 16.71, F.S., to establish a Gaming Control Commission (commission), to be administratively housed in the Department Legal Affairs, Office of the Attorney General. The commission is a separate budget entity and serves as the agency head for all purposes. The commission is not subject to control, supervision, or direction by the Department of Legal Affairs or the Attorney General in the performance of its duties, including but not limited to personnel, purchasing transactions involving real or personal property, and budget matters.

#### Commissioners

The commission consists of five members, one from each appellate district, to be appointed by the Governor by January 1, 2022, subject to Senate confirmation. Of the five members, at least one member must be experienced in law enforcement and criminal investigation, at least one member must be a certified public accountant licensed in this state and experienced in accounting and auditing, and at least one member must be an attorney admitted and authorized to practice law in this state. After initial appointments to create staggered terms, all members will serve four year terms, but may not serve more than 12 years. The salary of a member is the same as a commissioner serving on the Public Service Commission (approximately \$136,000 annually).

The commission must appoint an executive director, no later than July 1, 2022, to supervise, direct, coordinate, and administer the activities needed to fulfill the commission's responsibilities. The executive director serves at the pleasure of the commission, may not be a commissioner, and must reside in and maintain the commission's headquarters in Leon County. Similarly, the executive director's salary is the same as a commissioner serving on the Public Service Commission (approximately \$136,000 annually).

#### Commission Employees

All commission employees, except the executive director and attorneys, are subject to part II of ch. 110, F.S., relating to the Career Service System, which provides uniform personnel rules,

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<sup>49</sup> *Id.*

guidelines, records, and reports related to employees and positions in career service developed by the Department of Management Services in consultation with affected agencies.

The commission's executive director is subject to part III of ch. 110, F.S., relating to the Senior Management Service System. Section 110.401, F.S., provides:

This part [III] creates a uniform system for attracting, retaining, and developing highly competent senior-level managers at the highest executive-management-level agency positions in order for the highly complex programs and agencies of state government to function effectively, efficiently, and productively. The Legislature recognizes that senior-level management is an established profession and that the public interest is best served by developing and refining the management skills of its Senior Management Service employees. Accordingly, training and management-development programs are regarded as a major administrative function within agencies.

Attorneys employed by the commission are subject to part V of ch. 110, F.S., relating to the Selected Exempt Service System. Section 110.601, F.S., provides:

This part [V] creates a system of personnel management the purpose of which is to deliver high-quality performance by those employees in select exempt classifications by facilitating the state's ability to attract and retain qualified personnel in these positions, while also providing sufficient management flexibility to ensure that the workforce is responsive to agency needs. The Legislature recognizes that the public interest is best served by developing and refining the technical and managerial skills of its Selected Exempt Service employees, and, to this end, technical training and management development programs are regarded as a major administrative function within agencies.

For a period of two years immediately preceding appointment to, or employment with, the commission, and while appointed or employed with the commission, a person may not:

- Hold a permit or license issued under ch. 550, F.S., (Pari-mutuel Wagering), a license issued under ch. 551, F.S., (Slot Machines), ch. 546, F.S., (Amusement Facilities) or ch. 849, F.S., (Gambling); be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), F.S.,<sup>50</sup> of such permitholder or licensee;
- Be an officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state; be a contractor or subcontractor of such tribe or an entity employed, licensed, or contracted

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<sup>50</sup> Section 550.002, F.S., defines the term "ultimate equitable owner" to mean "a natural person who, directly or indirectly, owns or controls 5 percent or more of an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such person owns or controls such ownership through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof."

by such tribe; or be an ultimate equitable owner, as defined in s. 550.002(37), of such entity; or

- Be a registered lobbyist for the executive or legislative branch, except when solely representing the commission.

Persons who fail to meet or violate the above requirements are ineligible for appointment to or employment with the commission, or if, within the two years immediately preceding such appointment or employment, he or she has solicited or accepted employment with; acquired any direct or indirect interest in; has any direct or indirect business association, partnership, or financial relationship with; or is a relative of, any person or entity who is an applicant, licensee, or registrant with the commission or the Division of Pari-mutuel Wagering (division) in the Department of Business and Professional Regulation (DBPR).

The term “relative” means a spouse, father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

All employees authorized by the commission must have access to and the right to inspect premises licensed by the division, to collect and remit taxes, and to examine the books and records of all licensees and permit holders. The authorized employees must require strict compliance by each licensee and permit holder with Florida law relating to such licenses and permits.

Each employee serving as a law enforcement officer for the commission must meet the qualifications for employment or appointment as a law enforcement officer under s. 943.13, F.S., and be certified as a law enforcement officer by the Department of Law Enforcement under ch. 943, F.S. Upon certification, each law enforcement officer has statewide jurisdiction and is subject to and has the same authority provided in ch. 901, F.S., for law enforcement officers generally. Each officer also has arrest authority pursuant to s. 901.15, F.S., and possesses the full law enforcement powers granted to other peace officers of this state, including the authority to make arrests, carry firearms, serve court process, and seize contraband and the proceeds of illegal activities.

The responsibilities of each officer are:

- Primarily, to investigate, enforce, and prosecute, throughout the state, violations and violators of ch. 24, F.S., (State Lotteries), ch. 285, F.S., (Indian Reservations and Affairs), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling), and the rules adopted thereunder, as well as other state laws that the division officers or all state law enforcement officers are specifically authorized to enforce; and
- Secondly, to enforce all other state laws, provided that the enforcement is incidental to exercising the officer’s primary responsibilities described above.

The bill provides an officer may exercise the powers of a deputy sheriff only after consultation or coordination with the appropriate local sheriff’s office or municipal police department, or when the division participates in the Florida Mutual Aid Plan during a declared state emergency.

### **Commission's Powers and Duties**

The commission must meet at the call of the chair, or at the request of a majority of its members, and:

- Exercise all state regulatory and executive powers respecting gambling, including, without limitation, pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts executed by the state pursuant to the Federal Indian Gaming Regulatory Act, and any other forms of gambling authorized by the state constitution or law, but not lottery games operated by the state;
- Establish procedures consistent with ch. 120, F.S., (Administrative Procedure Act) to ensure adequate due process in exercising its regulatory and executive functions;
- Ensure that Florida law is not interpreted in any manner that expands the activities authorized in ch. 24, F.S., (State Lotteries), ch. 285, F.S., (Indian Reservations and Affairs), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling);
- Review any matter within the scope of the jurisdiction of the division;
- Review the regulation of licensees, permitholders, or persons regulated by the division and the procedures used by the division to implement and enforce the law;
- Review the procedures of the division used to qualify applicants for a license, permit, or registration;
- Refer criminal violations of ch. 24, F.S., (State Lotteries), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling) to the appropriate state attorney or to the Office of Statewide Prosecution, as applicable; and
- Exercise all other powers and perform any other duties prescribed by the Legislature.

The bill authorizes the commission to subpoena witnesses and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the commission's duties or powers. The commission may meet in any city or county of the state.

The commission chair may schedule hearings to determine whether enforcement of the gaming laws of this state is sufficient to protect residents from an abuse or misinterpretation of law that may expand gaming or gambling in this state. The chair may direct that a hearing be held before one member or a panel of less than the full commission, and must adopt rules to provide for the filing of a report for hearings held by a single commissioner or a panel and prescribe the requirements for the content and filing of such reports.

The commission may submit written recommendations to enhance the enforcement of Florida gaming laws to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and is authorized to contract or consult with other state agencies as may be needed to discharge its duties.

The commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing must conform to state law. The commission must develop annual budget requests pursuant to ch. 216, F.S., relating to Planning and Budgeting; while a budget is

not subject to change by the Department of Legal Affairs or the Attorney General, it must be submitted by the Department of Legal Affairs to the Governor for transmittal to the Legislature.

All rules adopted pursuant to ch. 285, F.S., (Indian Reservations and Affairs), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling), prior to the effective date of the act are preserved and remain in full force and effect.

The commission must exercise all of the regulatory and executive powers granted to it, and apply, construe, and interpret all laws and administrative rules, in a manner consistent with the gaming compact ratified, approved, and described in s. 285.710(3), F.S.

**Section 3** of the bill creates s. 16.715, F.S., to provide standards of conduct and prohibit ex parte communications (i.e., communications from only one party to a proceeding). Commissioners are public officers subject to the Code of Ethics for Public Officers and Employees set forth in part III of ch. 112, F.S., (Code of Ethics), but they are also governed by standards of conduct and provisions limiting ex parte communications, as provided in the bill, similar to the standards applicable to commissioners serving on the Public Service Commission. Many of the prohibitions involve activities with persons regulated by the commission (regulated entity).

### **Standards of Conduct**

Under the bill, a commissioner:

- May not accept anything from any business entity which, either directly or indirectly, owns or controls any regulated entity, or from any business entity which, either directly or indirectly, is an affiliate or subsidiary of any regulated entity.
- May attend conferences and associated meals and events that are generally available to all conference participants without payment of fees in addition to the conference fee.
- May attend meetings, meals, or events while attending a conference, that are not sponsored, in whole or in part, by any representative of any regulated entity and that are limited to commissioners only, committee members, or speakers, if the commissioner is a member of a committee of the association of regulatory agencies that organized the conference or is a speaker at the conference;
- May attend a conference for which conference participants who are employed by a regulated entity have paid a higher conference registration fee than the commissioner, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee, and that is sponsored, in whole or in part, by a regulated entity.
  - If during the course of an investigation by the Commission on Ethics into an alleged violation, a person is alleged to have given or provided a prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense; and
  - If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the gaming control commission or otherwise represent anyone before that commission for a period of two years.



- May not accept any form of employment with or engage in any business activity with:
  - Any business entity which, either directly or indirectly, owns or controls any regulated entity;
  - Any regulated entity; or
  - Any business entity which, either directly or indirectly, is an affiliate or subsidiary of any regulated entity.
- May not have any financial interest, other than shares in a mutual fund, in:
  - Any regulated entity;
  - Any business entity which, either directly or indirectly, owns or controls any regulated entity; or
  - Any business entity which, either directly or indirectly, is an affiliate or subsidiary of any regulated entity.
- Must immediately, if the commissioner acquires any prohibited financial interest during his or her term of office as a result of events or actions beyond the commissioner's control:
  - Sell such financial interest; or
  - Place such financial interest in a blind trust at a financial institution; and may not attempt to influence, or exercise any control over, decisions regarding the blind trust.
- May not accept anything from a party in a proceeding currently pending before the commission.
  - If, during the course of an investigation by the Commission on Ethics into an alleged violation, a person is alleged to have given or provided a prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense.
  - If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the gaming control commission or otherwise represent anyone before that commission for a period of two years.
- May not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.
- May not make any public comment, during his or her term of office, regarding the merits of any proceeding under ss. 120.569 and 120.57, F.S., relating to decisions affecting substantial interests and hearings involving disputed issues of material fact, currently pending before the commission.
- May not conduct himself or herself in an unprofessional manner at any time during the performance of his or her official duties.
- Must avoid impropriety in all of his or her activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.
- May not directly or indirectly, through staff or other means, solicit anything of value from:
  - Any regulated entity;
  - Any business entity that, whether directly or indirectly, is an affiliate or subsidiary of any regulated entity; or
  - Any party appearing in a proceeding considered by the commission in the last two years.

- Must annually complete at least four hours of ethics training that addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state; this requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation, if the required subjects are covered.

The above standards of conduct may be more restrictive than the Code of Ethics, but may not be construed to contravene that code's restrictions. In the event of a conflict, the more restrictive provision applies.

The Commission on Ethics must accept and investigate any alleged violations of the above standards of conduct pursuant to the procedures contained in the Code of Ethics as described in ss. 112.322 through 112.3241, F.S. The Commission on Ethics must provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to the Code of Ethics.

A commissioner may request an advisory opinion from the Commission on Ethics, pursuant to s. 112.322(3)(a), F.S., regarding the standards of conduct or the prohibitions set forth in ss. 16.71 and 16.715, F.S., created by the bill.

### **Ex Parte Communications**

Under the bill, a commissioner may not initiate or consider ex parte communications (i.e., communications from only one party to a proceeding) concerning the merits, threat, or offer of reward in any proceeding that is currently pending before the commission, or that the commissioner knows or reasonably expects will be filed with the commission within 180 days after the communication. An individual may not discuss ex parte with a commissioner the merits of any issue that he or she knows will be filed with the commission within 180 days. These prohibitions do not apply to commission staff.

If a commissioner knowingly receives a prohibited ex parte communication relative to a proceeding to which he or she is assigned, the commissioner must place on the record of the proceeding copies of:

- All written communications received;
- All written responses to the communications; and
- A memorandum stating the substance of all oral communications received and all oral responses made.

The commissioner must give written notice to all parties to the ex parte communication that such matters have been placed on the record. Any party who desires to respond to an ex parte communication may do so. The response must be received by the commission within 10 days after receiving notice that the ex parte communication has been placed on the record. The commissioner may, if he or she deems it necessary to eliminate the effect of an ex parte communication, withdraw from the proceeding, in which case the chair must substitute another commissioner for the proceeding.

Any individual who makes an ex parte communication must submit to the commission a written statement describing the nature of such communication, to include:

- The name of the person making the communication;
- The name of the commissioner or commissioners receiving the communication;
- Copies of all written communications made and all written responses to such communications; and
- A memorandum stating the substance of all oral communications received and all oral responses made.

The commission must place on the record of a proceeding all such communications. Any commissioner who knowingly fails to place on the record any such communications within 15 days of the date of such communication, is subject to removal and may be assessed a civil penalty not to exceed \$5,000.

The Commission on Ethics must receive and investigate sworn complaints of violations of the standards of conduct or prohibitions against ex parte communications, pursuant to the procedures contained in the Code of Ethics as described in ss. 112.322 through 112.3241, F.S.

If the Commission on Ethics finds that there has been a violation of the standards of conduct or prohibitions against ex parte communications by a commissioner, it must provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to the Code of Ethics, and to remove from office a commissioner who is found by the Commission on Ethics to have willfully and knowingly violated the standards of conduct or prohibitions against ex parte communications, after a previous finding by the Commission on Ethics that the commissioner willfully and knowingly violated the standards of conduct or the prohibitions against ex parte communications in a separate matter.

If a commissioner fails or refuses to pay the Commission on Ethics any civil penalties for such violations, the Commission on Ethics may bring an action in any circuit court to enforce such penalty.

If, during the course of an investigation by the Commission on Ethics into an alleged violation of the standards of conduct or prohibitions against ex parte communications, allegations are made as to the identity of the person who participated in the ex parte communication, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person participated in the ex parte communication, the person may not appear before the gaming control commission or otherwise represent anyone before that commission for a period of two years.

**Section 4** of the bill amends s. 285.710, F.S., effective July 1, 2022, to provide that the commission is the state compliance agency designated as the state agency with authority to carry out the state's oversight responsibilities under the 2010 Compact with the Seminole Tribe, rather than the division.

Section 5 of the bill provides for a Type Two transfer pursuant to s. 20.06(2), F.S., effective July 1, 2022, of all powers and duties, personnel, administrative rules, and funding of the Department of Business and Professional Regulation (DBPR), relating to the regulation of pari-mutuel wagering, slot machines, and cardrooms, and the state compliance agency's oversight responsibilities for authorized gaming compacts. The Department of Legal Affairs will provide administrative support to the commission until the transfer is complete, but the commission is not subject to control, supervision, or direction by the Department of Legal Affairs, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters. Those employees transferred from DBPR to the commission retain and transfer accrued leave balances.

**Section 6** of the bill directs the Division of Law Revision to prepare a reviser's bill to conform the Florida Statutes to the Type Two transfer described in **Section 5**.

**Section 7** of the bill provides that except as otherwise expressly provided in the bill, it takes effect July 1, 2021.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

**C. Government Sector Impact:**

There will be a cost to establish the commission and compensate staff. The Revenue Estimating Conference has not yet reviewed this bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 16.56 and 285.710.

This bill creates the following sections of the Florida Statutes: 16.71 and 16.715.

The bill creates undesignated sections of the Florida law.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/12/2021	.	
	.	
	.	
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The Committee on Regulated Industries (Hutson) recommended the following:

**Senate Amendment**

Delete lines 178 - 183  
and insert:

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



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11 entity; or

FOR CONSIDERATION By the Committee on Regulated Industries

580-03770-21

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1 A bill to be entitled  
 2 An act relating to gaming enforcement; amending s.  
 3 16.56, F.S.; expanding the authority of the Office of  
 4 Statewide Prosecution within the Department of Legal  
 5 Affairs to investigate and prosecute the offenses of  
 6 certain crimes; creating s. 16.71, F.S.; creating the  
 7 Florida Gaming Control Commission within the Office of  
 8 the Attorney General; providing for membership of the  
 9 commission; providing rights for certain employees of  
 10 the commission; providing requirements and powers for  
 11 employees serving as law enforcement officers for the  
 12 commission; providing powers and duties of the  
 13 commission; providing requirements for hearings  
 14 relating to the commission; authorizing the commission  
 15 to submit certain written recommendations to the  
 16 Governor and the Legislature upon certain findings;  
 17 requiring the commission to annually develop a budget  
 18 request; requiring the department to submit the budget  
 19 request to the Governor for transmittal to the  
 20 Legislature; authorizing the commission to contract or  
 21 consult with certain agencies; creating s. 16.715,  
 22 F.S.; providing construction; providing standards of  
 23 conduct for commissioners; requiring commissioners to  
 24 complete specified annual training; requiring the  
 25 Commission on Ethics to accept and investigate any  
 26 alleged violations of the standards of conduct for  
 27 commissioners; providing requirements for such  
 28 investigations; authorizing a commissioner to request  
 29 an advisory opinion from the Commission on Ethics;

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30 providing requirements relating to ex parte  
 31 communications; providing civil penalties; amending s.  
 32 285.710, F.S.; revising the definition of the term  
 33 "state compliance agency"; designating the Florida  
 34 Gaming Control Commission as the state compliance  
 35 agency having authority to carry out certain  
 36 responsibilities; transferring all powers, duties,  
 37 functions, records, offices, personnel, property,  
 38 pending issues, existing contracts, administrative  
 39 authority, administrative rules, trust funds, and  
 40 unexpended balances of appropriations, allocations,  
 41 and other funds of the Department of Business and  
 42 Professional Regulation to the commission by a type  
 43 two transfer; requiring the Department of Legal  
 44 Affairs to provide administrative support to the  
 45 commission until such transfer is complete; providing  
 46 a directive to the Division of Law Revision; providing  
 47 effective dates.

48  
 49 Be It Enacted by the Legislature of the State of Florida:

50  
 51 Section 1. Paragraph (a) of subsection (1) of section  
 52 16.56, Florida Statutes, is amended to read:

53 16.56 Office of Statewide Prosecution.—

54 (1) There is created in the Department of Legal Affairs an  
 55 Office of Statewide Prosecution. The office shall be a separate  
 56 "budget entity" as that term is defined in chapter 216. The  
 57 office may:

58 (a) Investigate and prosecute the offenses of:

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- 59 1. Bribery, burglary, criminal usury, extortion, gambling,  
 60 kidnapping, larceny, murder, prostitution, perjury, robbery,  
 61 carjacking, home-invasion robbery, and patient brokering;  
 62 2. Any crime involving narcotic or other dangerous drugs;  
 63 3. Any violation of the Florida RICO (Racketeer Influenced  
 64 and Corrupt Organization) Act, including any offense listed in  
 65 the definition of racketeering activity in s. 895.02(8)(a),  
 66 providing such listed offense is investigated in connection with  
 67 a violation of s. 895.03 and is charged in a separate count of  
 68 an information or indictment containing a count charging a  
 69 violation of s. 895.03, the prosecution of which listed offense  
 70 may continue independently if the prosecution of the violation  
 71 of s. 895.03 is terminated for any reason;  
 72 4. Any violation of the Florida Anti-Fencing Act;  
 73 5. Any violation of the Florida Antitrust Act of 1980, as  
 74 amended;  
 75 6. Any crime involving, or resulting in, fraud or deceit  
 76 upon any person;  
 77 7. Any violation of s. 847.0135, relating to computer  
 78 pornography and child exploitation prevention, or any offense  
 79 related to a violation of s. 847.0135 or any violation of  
 80 chapter 827 where the crime is facilitated by or connected to  
 81 the use of the Internet or any device capable of electronic data  
 82 storage or transmission;  
 83 8. Any violation of chapter 815;  
 84 9. Any criminal violation of part I of chapter 499;  
 85 10. Any violation of the Florida Motor Fuel Tax Relief Act  
 86 of 2004;  
 87 11. Any criminal violation of s. 409.920 or s. 409.9201;

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- 88 12. Any crime involving voter registration, voting, or  
 89 candidate or issue petition activities;  
 90 13. Any criminal violation of the Florida Money Laundering  
 91 Act;  
 92 14. Any criminal violation of the Florida Securities and  
 93 Investor Protection Act; ~~or~~  
 94 15. Any violation of chapter 787, as well as any and all  
 95 offenses related to a violation of chapter 787; or  
 96 16. Any violation of chapter 24, chapter 546, chapter 550,  
 97 chapter 551, or chapter 849, including violations referred by  
 98 the Department of Agriculture and Consumer Services, the  
 99 Department of Business and Professional Regulation, the  
 100 Department of the Lottery, the Florida Gaming Control  
 101 Commission, the Seminole Tribe of Florida, or any person  
 102 licensed under those chapters.  
 103  
 104 or any attempt, solicitation, or conspiracy to commit any of the  
 105 crimes specifically enumerated above. The office shall have such  
 106 power only when any such offense is occurring, or has occurred,  
 107 in two or more judicial circuits as part of a related  
 108 transaction, or when any such offense is connected with an  
 109 organized criminal conspiracy affecting two or more judicial  
 110 circuits. Informations or indictments charging such offenses  
 111 shall contain general allegations stating the judicial circuits  
 112 and counties in which crimes are alleged to have occurred or the  
 113 judicial circuits and counties in which crimes affecting such  
 114 circuits or counties are alleged to have been connected with an  
 115 organized criminal conspiracy.  
 116 Section 2. Section 16.71, Florida Statutes, is created to

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read:

16.71 Florida Gaming Control Commission.—

(1) There is created within the Department of Legal Affairs, Office of the Attorney General, a Florida Gaming Control Commission, hereinafter referred to as the commission. The commission shall be a separate budget entity and the agency head for all purposes. The commission is not subject to control, supervision, or direction by the Department of Legal Affairs or the Attorney General in the performance of its duties, including, but not limited to, personnel, purchasing transactions involving real or personal property, and budgetary matters.

(2)(a) The commission shall consist of five members appointed by the Governor, subject to confirmation by the Senate, for terms of 4 years. For the purpose of providing staggered terms, of the initial appointments, 2 members shall be appointed to 4-year terms, 2 members shall be appointed to 3-year terms, and 1 member shall be appointed to a 2-year term. Of the five members at least one member must be experienced in law enforcement and criminal investigation, at least one member must be a certified public accountant licensed in this state and experienced in accounting and auditing, and at least one member must be an attorney admitted and authorized to practice law in this state. Such appointments must be made by January 1, 2022.

(b) A commissioner shall serve until a successor is appointed, but commissioners may not serve more than 12 years. Vacancies shall be filled for the unexpired portion of the term. Of the five members, each appellate district shall have one member appointed from the district to the commission who is a

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resident of the district at the time of the original appointment. The salary of each commissioner is equal to that paid under state law to a commissioner on the Florida Public Service Commission. The commission shall elect a chair and a vice chair.

(c) To aid the commission in its duties, the commission must appoint a person who is not a member of the commission to serve as the executive director of the commission. The executive director shall supervise, direct, coordinate, and administer all activities necessary to fulfill the commission's responsibilities. The commission must appoint the executive director by July 1, 2022. The executive director, with the consent of the commission, shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations. All employees, except the executive director and attorneys, are subject to part II of chapter 110. The executive director shall serve at the pleasure of the commission and be subject to part III of chapter 110. Attorneys employed by the commission shall be subject to part V of chapter 110. The executive director shall maintain headquarters in and reside in Leon County. The salary of the executive director is equal to that paid under state law to a commissioner on the Florida Public Service Commission.

(d)1. A person may not, for the 2 years immediately preceding the date of appointment to or employment with the commission and while appointed to or employed with the commission:

a. Hold a permit or license issued under chapter 550, or a license issued under chapter 551, chapter 546, or chapter 849;

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be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee;

b. Be a member of an Indian tribe that has a valid and active compact with the state; be an officer, official, employee, contractor, or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or be an ultimate equitable owner, as defined in s. 550.002(37), of such entity; or

c. Be a registered lobbyist for the executive or legislative branch, except when solely representing the commission.

2. A person is ineligible for appointment to or employment with the commission if, within the 2 years immediately preceding such appointment or employment, he or she has violated subparagraph 1. or has solicited or accepted employment with, acquired any direct or indirect interest in, or has had any direct or indirect business association, partnership, or financial relationship with, or is a relative of, any person or entity who is an applicant, licensee, or registrant with the Division of Pari-mutuel Wagering or the commission.

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

(e)1. All employees authorized by the commission shall have

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access to, and shall have the right to inspect, premises licensed by the Department of Business and Professional Regulation, to collect taxes and remit them to the officer entitled to them, and to examine the books and records of all persons subject to chapter 24, chapter 285, chapter 546, chapter 550, chapter 551, or chapter 849. The authorized employees shall require of each such person strict compliance with the laws of this state relating to the license or permit of the licensee.

2. Each employee serving as a law enforcement officer for the commission must meet the qualifications for employment or appointment as a law enforcement officer set forth under s. 943.13 and must be certified as a law enforcement officer by the Department of Law Enforcement under chapter 943. Upon certification, each law enforcement officer is subject to and has the same authority as provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. Each officer possesses the full law enforcement powers granted to other peace officers of this state, including the authority to make arrests, carry firearms, serve court process, and seize contraband and the proceeds of illegal activities.

a. The primary responsibility of each officer appointed under this paragraph is to investigate, enforce, and prosecute, throughout the state, violations and violators of chapter 24, chapter 285, chapter 546, chapter 550, chapter 551, or chapter 849, and the rules adopted thereunder, as well as other state laws that the commission or all state law enforcement officers are specifically authorized to enforce.

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b. The secondary responsibility of each officer appointed under this paragraph is to enforce all other state laws, provided that the enforcement is incidental to exercising the officer's primary responsibility as provided in sub-subparagraph a., and the officer exercises the powers of a deputy sheriff, only after consultation or coordination with the appropriate local sheriff's office or municipal police department or when the commission participates in the Florida Mutual Aid Plan during a declared state emergency.

(3) The commission shall convene at the call of its chair or at the request of a majority of the members of the commission. The presence of three members is required to constitute a quorum, and the affirmative vote of the majority of the members present is required for any action or recommendation by the commission. The commission may meet in any city or county of the state. The commission shall do all of the following:

(a) Exercise all of the regulatory and executive powers of the state with respect to gambling, including, without limitation thereto, pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts executed by the state pursuant to the Federal Indian Gaming Regulatory Act, and any other forms of gambling authorized by the State Constitution or law, excluding games authorized by s. 15, Art. X of the State Constitution.

(b) Establish procedures consistent with chapter 120 to ensure adequate due process in the exercise of its regulatory and executive functions.

(c) Ensure that the laws of this state are not interpreted in any manner that expands the activities authorized in chapter

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24, chapter 285, chapter 546, chapter 550, chapter 551, or chapter 849.

(d) Review any matter within the scope of the jurisdiction of the Division of Pari-mutuel Wagering.

(e) Review the regulation of licensees, permitholders, or persons regulated by the Division of Pari-mutuel Wagering and the procedures used by the division to implement and enforce the law.

(f) Review the procedures of the Division of Pari-mutuel Wagering which are used to qualify applicants applying for a license, permit, or registration.

(g) Refer criminal violations of chapter 24, chapter 546, chapter 550, chapter 551, or chapter 849 to the appropriate state attorney or to the Office of Statewide Prosecution, as applicable.

(h) Exercise all other powers and perform any other duties prescribed by the Legislature.

The commission may subpoena witnesses and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of the duties of the commission or to the exercise of its powers.

(4) Hearings shall be held before the commission, except that the chair may direct that any hearing be held before one member of the commission or a panel of less than the full commission. The commission shall adopt rules to provide for the filing of a report when hearings are held by a single

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commissioner or a panel, which rules shall prescribe the time for filing the report and the contents of the report. The chair may schedule hearings to determine whether enforcement of the gaming laws of this state is sufficient to protect residents from abuse and misinterpretation of the law to create expansion of gaming or gambling in this state.

(5) The commission may submit written recommendations to enhance the enforcement of gaming laws of the state to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(6) The commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing shall be as provided by law.

(7) The commission shall develop a budget request pursuant to chapter 216 annually. The budget is not subject to change by the Department of Legal Affairs or the Attorney General, but it shall be submitted by the Department of Legal Affairs to the Governor for transmittal to the Legislature.

(8) The commission is authorized to contract or consult with appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties.

(9) All rules adopted pursuant to chapters 285, 546, 550, 551, and 849 prior to the effective date of this act are preserved and remain in full force and effect.

(10) The commission shall exercise all of its regulatory and executive powers and shall apply, construe, and interpret all laws and administrative rules in a manner consistent with the gaming compact ratified, approved, and described in s.

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285.710(3).

Section 3. Section 16.715, Florida Statutes, is created to read:

16.715 Florida Gaming Control Commission standards of conduct; ex parte communications.-

(1) STANDARDS OF CONDUCT.-

(a) In addition to the provisions of part III of chapter 112, which are applicable to commissioners on the Florida Gaming Control Commission by virtue of their being public officers, the conduct of commissioners shall be governed by the standards of conduct provided in this subsection. Nothing shall prohibit the standards of conduct from being more restrictive than part III of chapter 112. Further, this subsection may not be construed to contravene the restrictions of part III of chapter 112. In the event of a conflict between this subsection and part III of chapter 112, the more restrictive provision shall apply.

(b)1. A commissioner may not accept anything from any business entity which, either directly or indirectly, owns or controls any person regulated by the commission or from any business entity which, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission. A commissioner may attend conferences and associated meals and events that are generally available to all conference participants without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any person regulated by the commission and that are limited to commissioners only, committee members, or speakers if the

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349 commissioner is a member of a committee of the association of  
 350 regulatory agencies that organized the conference or is a  
 351 speaker at the conference. It is not a violation of this  
 352 subparagraph for a commissioner to attend a conference for which  
 353 conference participants who are employed by a person regulated  
 354 by the commission have paid a higher conference registration fee  
 355 than the commissioner, or to attend a meal or event that is  
 356 generally available to all conference participants without  
 357 payment of any fees in addition to the conference fee and that  
 358 is sponsored, in whole or in part, by a person regulated by the  
 359 commission. If, during the course of an investigation by the  
 360 Commission on Ethics into an alleged violation of this  
 361 subparagraph, allegations are made as to the identity of the  
 362 person giving or providing the prohibited gift, that person must  
 363 be given notice and an opportunity to participate in the  
 364 investigation and relevant proceedings to present a defense. If  
 365 the Commission on Ethics determines that the person gave or  
 366 provided a prohibited gift, the person may not appear before the  
 367 commission or otherwise represent anyone before the commission  
 368 for a period of 2 years.

369 2. A commissioner may not accept any form of employment  
 370 with or engage in any business activity with any business entity  
 371 which, either directly or indirectly, owns or controls any  
 372 person regulated by the commission, any person regulated by the  
 373 commission, or any business entity which, either directly or  
 374 indirectly, is an affiliate or subsidiary of any person  
 375 regulated by the commission.

376 3. A commissioner may not have any financial interest,  
 377 other than shares in a mutual fund, in any person regulated by

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378 the commission, in any business entity which, either directly or  
 379 indirectly, owns or controls any person regulated by the  
 380 commission, or in any business entity which, either directly or  
 381 indirectly, is an affiliate or subsidiary of any person  
 382 regulated by the commission. If a commissioner acquires any  
 383 financial interest prohibited by this subsection during his or  
 384 her term of office as a result of events or actions beyond the  
 385 commissioner's control, he or she shall immediately sell such  
 386 financial interest or place such financial interest in a blind  
 387 trust at a financial institution. A commissioner may not attempt  
 388 to influence, or exercise any control over, decisions regarding  
 389 the blind trust.

390 4. A commissioner may not accept anything from a party in a  
 391 proceeding currently pending before the commission. If, during  
 392 the course of an investigation by the Commission on Ethics into  
 393 an alleged violation of this subparagraph, allegations are made  
 394 as to the identity of the person giving or providing the  
 395 prohibited gift, that person must be given notice and an  
 396 opportunity to participate in the investigation and relevant  
 397 proceedings to present a defense. If the Commission on Ethics  
 398 determines that the person gave or provided a prohibited gift,  
 399 the person may not appear before the commission or otherwise  
 400 represent anyone before the commission for a period of 2 years.

401 5. A commissioner may not serve as the representative of  
 402 any political party or on any executive committee or other  
 403 governing body of a political party; serve as an executive  
 404 officer or employee of any political party, committee,  
 405 organization, or association; receive remuneration for  
 406 activities on behalf of any candidate for public office; engage

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on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

6. A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 currently pending before the commission.

7. A commissioner may not conduct himself or herself in an unprofessional manner at any time during the performance of his or her official duties.

8. A commissioner must avoid impropriety in all of his or her activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.

9. A commissioner may not directly or indirectly, through staff or other means, solicit anything of value from any person regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

(c) A commissioner must annually complete at least 4 hours of ethics training that addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or

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presentation, if the required subjects are covered.

(d) The Commission on Ethics shall accept and investigate any alleged violations of this subsection pursuant to the procedures contained in ss. 112.322-112.3241. The Commission on Ethics shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to part III of chapter 112. A commissioner may request an advisory opinion from the Commission on Ethics, pursuant to s. 112.322(3)(a), regarding the standards of conduct or prohibitions set forth in this section or s. 16.71.

(2) EX PARTE COMMUNICATIONS.—

(a) A commissioner may not initiate or consider ex parte communications concerning the merits, threat, or offer of reward in any proceeding that is currently pending before the commission or that he or she knows or reasonably expects will be filed with the commission within 180 days after the date of any such communication. An individual may not discuss ex parte with a commissioner the merits of any issue that he or she knows will be filed with the commission within 180 days. This paragraph does not apply to commission staff.

(b) If a commissioner knowingly receives an ex parte communication relative to a proceeding other than as set forth in paragraph (a), to which he or she is assigned, he or she must place on the record of the proceeding copies of all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received and all oral responses made, and

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shall give written notice to all parties to the communication that such matters have been placed on the record. Any party who desires to respond to an ex parte communication may do so. The response must be received by the commission within 10 days after receiving notice that the ex parte communication has been placed on the record. The commissioner may, if he or she deems it necessary to eliminate the effect of an ex parte communication received by him or her, withdraw from the proceeding, in which case the chair shall substitute another commissioner for the proceeding.

(c) Any individual who makes an ex parte communication shall submit to the commission a written statement describing the nature of such communication, to include the name of the person making the communication, the name of the commissioner or commissioners receiving the communication, copies of all written communications made, all written responses to such communications, and a memorandum stating the substance of all oral communications received and all oral responses made. The commission shall place on the record of a proceeding all such communications.

(d) Any commissioner who knowingly fails to place on the record any such communications, in violation of this subsection, within 15 days of the date of such communication is subject to removal and may be assessed a civil penalty not to exceed \$5,000.

(e) 1. It shall be the duty of the Commission on Ethics to receive and investigate sworn complaints of violations of this subsection pursuant to the procedures contained in ss. 112.322-112.3241.

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2. If the Commission on Ethics finds that there has been a violation of this subsection by a commissioner, it shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to part III of chapter 112 and to remove from office a commissioner who is found by the Commission on Ethics to have willfully and knowingly violated this subsection. The Governor shall remove from office a commissioner who is found by the Commission on Ethics to have willfully and knowingly violated this subsection after a previous finding by the Commission on Ethics that the commissioner willfully and knowingly violated this subsection in a separate matter.

3. If a commissioner fails or refuses to pay the Commission on Ethics any civil penalties assessed pursuant to this subsection, the Commission on Ethics may bring an action in any circuit court to enforce such penalty.

4. If, during the course of an investigation by the Commission on Ethics into an alleged violation of this subsection, allegations are made as to the identity of the person who participated in the ex parte communication, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person participated in the ex parte communication, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.

Section 4. Effective July 1, 2022, paragraph (f) of



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subsection (1) and subsection (7) of section 285.710, Florida Statutes, are amended to read:

285.710 Compact authorization.—

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

(f) “State compliance agency” means the Florida Gaming Control Commission ~~Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation~~ which is designated as the state agency having the authority to carry out the state’s oversight responsibilities under the compact.

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

Section 5. (1) Effective July 1, 2022, all powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds in the Department of Business and Professional Regulation related to the oversight responsibilities by the state compliance agency for authorized gaming compacts under s. 285.710, Florida Statutes, the regulation of pari-mutuel wagering under chapter 550, Florida Statutes, the regulation of slot machines and slot machine gaming under chapter 551, Florida Statutes, and the regulation of cardrooms under s. 849.086, Florida Statutes, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Florida Gaming Control Commission within the Department of Legal Affairs,

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Office of the Attorney General.

(2) Notwithstanding chapter 60L-34, Florida Administrative Code, or any law to the contrary, employees who are transferred from the Department of Business and Professional Regulation to the Florida Gaming Control Commission within the Department of Legal Affairs, Office of the Attorney General to fill positions transferred by this act, retain and transfer any accrued annual leave, sick leave, and regular and special compensatory leave balances.

(3) The Department of Legal Affairs shall provide administrative support to the Florida Gaming Control Commission until the transfer in subsection (1) is complete.

Section 6. The Division of Law Revision shall prepare a reviser’s bill to conform the Florida Statutes to the transfer described in section 3 of this act.

Section 7. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2021.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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BILL: SB 7078

INTRODUCER: Regulated Industries Committee

SUBJECT: Public Records and Public Meetings/Gaming Control Commission

DATE: April 12, 2021

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Kraemer	Imhof		<b>RI Submitted as Comm. Bill/Fav</b>

## **I. Summary:**

SB 7078, which is linked to the passage of SB 7076 (2021), related to Gaming Enforcement, makes confidential and exempt from public copying and inspection requirements certain information obtained by the Florida Gaming Control Commission (commission). Portions of the commission's meetings during which exempted or confidential and exempt information is discussed are also exempt from open meeting requirements.

The bill provides that the public record exemptions are subject to the Open Government Sunset Review Act and will repeal on October 2, 2026, unless the Legislature reviews and reenacts the exemptions by that date.

The bill will become effective on the same date that SB 7076 (2021) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Section 24(c) of Article I of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates public record exemptions; thus, it requires a two-thirds vote for final passage.

## **II. Present Situation:**

### **Public Records**

Section 24(a) of Article I of the State Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of section 24(a) of Article I of the State Constitution.<sup>1</sup> The general law must state with specificity

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<sup>1</sup> FLA. CONST. art. I, s. 24(c).

the public necessity justifying the exemption<sup>2</sup> and must be no broader than necessary to accomplish its purpose.<sup>3</sup>

Public policy regarding access to government records is addressed further in s. 119.07(1)(a), F.S., which guarantees every person a right to inspect and copy any state, county, or municipal record, unless the record is exempt. Furthermore, the Open Government Sunset Review Act<sup>4</sup> provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; and
- Protect trade or business secrets.<sup>5</sup>

The Open Government Sunset Review Act requires the automatic repeal of a newly created public record exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>6</sup>

### **Open Meetings Laws**

The State Constitution also provides that the public has a right to access governmental meetings.<sup>7</sup> Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.<sup>8</sup> This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.<sup>9</sup>

Public policy regarding access to government meetings is also addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the "Government in the Sunshine Law,"<sup>10</sup> or the "Sunshine Law,"<sup>11</sup> requires all meetings of any board or commission of any state or local agency

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<sup>2</sup> This portion of a public record exemption is commonly referred to as a "public necessity statement."

<sup>3</sup> FLA. CONST. art. I, s. 24(c).

<sup>4</sup> Section 119.15, F.S.

<sup>5</sup> Section 119.15(6)(b), F.S.

<sup>6</sup> Section 119.15(3), F.S.

<sup>7</sup> FLA. CONST. art. I, s. 24(b).

<sup>8</sup> *Id.*

<sup>9</sup> FLA. CONST. art. I, s. 24(b). Meetings of the Legislature are governed by section 4(e) of Article III of the State Constitution, which states: "The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public."

<sup>10</sup> *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

<sup>11</sup> *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

or authority at which official acts are to be taken, to be open to the public.<sup>12</sup> The board or commission must provide the public reasonable notice of such meetings.<sup>13</sup> Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status, or which operates in a manner that unreasonably restricts the public's access to the facility.<sup>14</sup> Minutes of a public meeting must be promptly recorded and open to public inspection.<sup>15</sup>

Failure to abide by open meetings requirements will invalidate any resolution, rule, or formal action adopted at a meeting.<sup>16</sup> A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.<sup>17</sup>

The Legislature may create an exemption to open meetings requirements by passing a general law by at least a two-thirds vote of both the Senate and the House of Representatives.<sup>18</sup> The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>19</sup> A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.<sup>20</sup>

### III. Effect of Proposed Changes:

**Section 1** of the bill creates s. 16.71(11), F.S., to make information obtained by the Florida Gaming Control Commission that is exempt or confidential and exempt<sup>21</sup> from s. 119.07(1), F.S. or s. 24(a) Art I. of the State Constitution retains its exempt or confidential and exempt status. The information may be released by the commission to other governmental entities as needed in the performance of its official duties and responsibilities, but such entities must maintain the exempt or confidential and exempt status of the information.

The bill provides portions of commission meetings during which information that is exempt or confidential and exempt is discussed are exempt from s. 286.011 and s. 24(b), Art I. of the State Constitution.

Under the bill, the commission is a criminal justice agency, as defined in s. 119.011, F.S., which states a criminal justice agency is:

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<sup>12</sup> Section 286.011(1)-(2), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> Section 286.011(6), F.S.

<sup>15</sup> Section 286.011(2), F.S.

<sup>16</sup> Section 286.011(1), F.S.

<sup>17</sup> Section 286.011(3), F.S.

<sup>18</sup> FLA. CONST. art. I, s. 24(c).

<sup>19</sup> *Id.*

<sup>20</sup> *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999).

<sup>21</sup> There is a difference between records the Legislature designates exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *See WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied* 892 So.2d 1015 (Fla. 2004); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records, to anyone other than the persons or entities specifically designated in statute. *See Op. Att'y Gen. Fla.* (1985).

- Any law enforcement agency, court, or prosecutor;
- Any other agency charged by law with criminal law enforcement duties;
- Any agency having custody of criminal intelligence information or criminal investigative information for the purpose of assisting such law enforcement agencies in the conduct of active criminal investigation or prosecution or for the purpose of litigating civil actions under the Racketeer Influenced and Corrupt Organization Act, during the time that such agencies are in possession of criminal intelligence information or criminal investigative information pursuant to their criminal law enforcement duties; or
- The Department of Corrections.

The bill authorizes the commission to close portions of meetings during which the commission will hear or discuss active criminal intelligence information or active criminal investigative information, as those terms are defined in s. 119.011(3), F.S., and such portions of meetings shall be exempt from the provisions of s. 286.011, F.S., and s. 24(b), Art. I of the State Constitution, provided the following conditions are met:

- The commission chair must advise the commission at a public meeting that, in connection with the performance of a commission duty, it is necessary that the commission hear or discuss active criminal investigative information or active criminal intelligence information.
- The chair's declaration of necessity for closure and the specific reasons for such necessity must be stated in a document that is a public record that must be filed with the official records of the commission.
- The entire closed session must be recorded. The recording must be maintained by the commission and include the times of commencement and termination of the closed session, all discussion and proceedings, and the names of all persons present. No portion of the session may be off the record.

Further, only members of the commission, Department of Law Enforcement staff supporting the commission's function, and other persons whose presence has been authorized by the chair may be allowed to attend the exempted portions of the commission meetings. The commission must assure that any authorized closure of its meetings is limited, in order to maintain the general policy in Florida in favor of public meetings.

The bill provides the tape recording of, and any minutes and notes generated during a closed portion of a commission meeting are confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, until the criminal investigative information or criminal intelligence information ceases to be active.

This section provides that the exemptions are subject to the Open Government Sunset Review Act and will repeal on October 2, 2026, unless the Legislature reviews and reenacts the exemptions by that date.

**Section 2** of the bill provides public necessity statements as required by section 24(c) of Article I of the State Constitution. As to information obtained by the commission, the public necessity statement provides in the absence of this exemption, sensitive confidential or exempt information would be disclosed. As to portions of meetings of the commission at which confidential and exempt information is discussed, the public necessity statement provides the release of

confidential and exempt information via a public meeting defeats the purpose of a public records exemption, and the harm to the public that would result from the release of such information substantially outweighs any minimal public benefit derived therefrom.

The bill provides the following findings of the Legislature:

[D]uring limited portions of the meetings of the Florida Gaming Control Commission it is necessary that the commission be presented with and discuss details, information, and documents related to active criminal intelligence information or active criminal investigative information. These presentations and discussions are necessary for the commission to make its decisions for licensing of persons for pari-mutuel and gaming activities, and for decisions related to gaming enforcement and enforcement of gambling laws as required by the Legislature under this act.

The Legislature finds that to reveal the contents of documents containing active criminal investigative or intelligence information or to allow active criminal investigative or active criminal intelligence matters to be discussed in a meeting open to the public negatively impacts the ability of law enforcement agencies to efficiently continue their investigative or intelligence gathering activities.

The Legislature finds that information coming before the commission that pertains to active criminal investigations or intelligence should remain confidential and exempt from public disclosure.

The Legislature finds that the Florida Gaming Control Commission may, by declaring only those portions of commission meetings in which active criminal investigative or active criminal intelligence information is to be presented or discussed closed to the public, assure an appropriate balance between the policy of this state that meetings be public and the policy of this state to facilitate efficient law enforcement efforts.

Accordingly, the Legislature finds that the harm to the public that would result from the release of such information substantially outweighs any minimal public benefit derived therefrom.

The bill takes effect on the same date that SB 7076 (2021) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

**B. Public Records/Open Meetings Issues:*****Vote Requirement***

Section 24(c) of Article I of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates new public record exemptions. Thus, the bill requires a two-thirds vote for final passage.

***Public Necessity Statement***

Section 24(c) of Article I of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates new public record exemptions. Thus, the bill includes a public necessity statement.

***Breadth of Exemption***

Section 24(c) of Article I of the State Constitution requires a newly created or expanded public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates public record exemptions for sensitive investigative materials, which does not appear to be broader than necessary to accomplish its purpose.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The commission may experience increased workload and incur associated costs in complying with the exemptions created by the bill in handling public records requests, redacting confidential and exempt information prior to releasing a record, and closing portions of commission meetings.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates a new subsection (11) in section 16.71 of the Florida Statutes, which is created by the linked bill, SB 7076.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.



FOR CONSIDERATION By the Committee on Regulated Industries

580-02528-21

20217078pb

A bill to be entitled

An act relating to public records and public meetings exemptions; amending s. 16.71, F.S.; specifying that any exempt or confidential and exempt information obtained by the Florida Gaming Control Commission retains its exempt or confidential and exempt status; providing an exemption from public meetings requirements for portions of meetings of the commission wherein confidential or exempt information is discussed; specifying the commission is a criminal justice agency; authorizing the commission to close portions of meetings during which certain criminal matters are discussed if certain requirements are met; providing an exemption from public meetings requirements for such portions of meetings; providing an exemption from public records requirements for documents and recordings relating to such exempt portions of meetings; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (11) is added to section 16.71, as created by SB \_\_\_, 2021 Regular Session, to read:

16.71 Florida Gaming Control Commission.—

(11)(a)1. Information made exempt or confidential and exempt from s. 119.07(1) or s. 24(a) Art I. of the State Constitution which is obtained by the Florida Gaming Control

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Commission shall retain its exempt or confidential and exempt status. The information may be released by the commission to other governmental entities as needed in the performance of its official duties and responsibilities. The governmental entity shall maintain the exempt or confidential and exempt status of the information.

2. Portions of meetings of the commission during which information made exempt or confidential and exempt is discussed are exempt from s. 286.011 and s. 24(b), Art I. of the State Constitution.

(b)1. The Florida Gaming Control Commission is a criminal justice agency as defined in s. 119.011.

2.a. The Florida Gaming Control Commission may close portions of meetings during which the commission will hear or discuss active criminal intelligence information or active criminal investigative information, as those terms are defined in s. 119.011(3), and such portions of meetings shall be exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution, provided that the following conditions are met:

(I) The chair of the commission shall advise the commission at a public meeting that, in connection with the performance of a commission duty, it is necessary that the commission hear or discuss active criminal investigative information or active criminal intelligence information.

(II) The chair's declaration of necessity for closure and the specific reasons for such necessity shall be stated in writing in a document that shall be a public record and shall be filed with the official records of the commission.

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(III) The entire closed session shall be recorded. The recording shall include the times of commencement and termination of the closed session, all discussion and proceedings, and the names of all persons present. No portion of the session shall be off the record. Such recording shall be maintained by the commission.

b. Only members of the commission, Department of Law Enforcement staff supporting the commission's function, and other persons whose presence has been authorized by the chair of the commission shall be allowed to attend the exempted portions of the commission meetings. The commission shall assure that any closure of its meetings as authorized by this paragraph is limited so that the general policy of this state in favor of public meetings is maintained.

3. A tape recording of, and any minutes and notes generated during, that portion of a Florida Gaming Control Commission meeting which is closed to the public pursuant to this paragraph are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the criminal investigative information or criminal intelligence information ceases to be active.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.115 and is repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity to maintain the exempt or confidential and exempt status of any exempt or confidential and exempt information obtained by the Florida Gaming Control Commission. In the

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absence of this exemption, sensitive confidential or exempt information would be disclosed. In addition, the Legislature finds that it is a public necessity that portions of meetings of the Florida Gaming Control Commission wherein confidential and exempt information is discussed be made exempt from public meetings requirements. The release of confidential and exempt information via a public meeting defeats the purpose of a public records exemption. Accordingly, the Legislature finds that the harm to the public that would result from the release of such information substantially outweighs any minimal public benefit derived therefrom.

(2) The Legislature finds that during limited portions of the meetings of the Florida Gaming Control Commission it is necessary that the commission be presented with and discuss details, information, and documents related to active criminal intelligence information or active criminal investigative information. These presentations and discussions are necessary for the commission to make its decisions for licensing of persons for pari-mutuel and gaming activities, and for decisions related to gaming enforcement and enforcement of gambling laws as required by the Legislature under this act. The Legislature finds that to reveal the contents of documents containing active criminal investigative or intelligence information or to allow active criminal investigative or active criminal intelligence matters to be discussed in a meeting open to the public negatively impacts the ability of law enforcement agencies to efficiently continue their investigative or intelligence gathering activities. The Legislature finds that information coming before the commission that pertains to active criminal

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117 investigations or intelligence should remain confidential and  
118 exempt from public disclosure. The Legislature finds that the  
119 Florida Gaming Control Commission may, by declaring only those  
120 portions of commission meetings in which active criminal  
121 investigative or active criminal intelligence information is to  
122 be presented or discussed closed to the public, assure an  
123 appropriate balance between the policy of this state that  
124 meetings be public and the policy of this state to facilitate  
125 efficient law enforcement efforts. Accordingly, the Legislature  
126 finds that the harm to the public that would result from the  
127 release of such information substantially outweighs any minimal  
128 public benefit derived therefrom.

129       Section 3. This act shall take effect on the same date that  
130 SB \_\_\_\_ or similar legislation takes effect, if such legislation  
131 is adopted in the same legislative session or an extension  
132 thereof and becomes a law.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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BILL: SB 7080

INTRODUCER: Regulated Industries Committee

SUBJECT: Requirements for Pari-mutuel Permitholders to Conduct Live Racing or Games

DATE: April 12, 2021

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Kraemer	Imhof	RI	<b>RI Submitted as Comm. Bill/Fav</b>

## **I. Summary:**

SB 7080 updates provisions in Florida law that are inconsistent with the prohibition of live racing of greyhounds codified in s. 32 of Art. X of the State Constitution, titled “Prohibition on Racing of and Wagering on Greyhounds or other Dogs.”

The bill revises requirements for greyhound permitholders, jai alai permitholders, and harness horse permitholders to conduct live racing or games, by amending ch. 550, F.S. (Pari-Mutuel Wagering), ch. 551, F.S. (Slot Machines), and ch. 849, F.S. (Gambling). The bill also includes technical drafting changes, conforming changes, and eliminates obsolete language related to requirements for live racing or games.

See Section V, Fiscal Impact Statement.

The bill is effective July 1, 2021.

## **II. Present Situation:**

### **Background**

In general, gambling is illegal in Florida.<sup>1</sup> Chapter 849, F.S., prohibits keeping a gambling house,<sup>2</sup> running a lottery,<sup>3</sup> or the manufacture, sale, lease, play, or possession of slot machines.<sup>4</sup> However, the following gaming activities are authorized by law and regulated by the state:

- Pari-mutuel<sup>5</sup> wagering at licensed greyhound and horse tracks and jai alai frontons;<sup>6</sup>

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<sup>1</sup> See s. 849.08, F.S.

<sup>2</sup> See s. 849.01, F.S.

<sup>3</sup> See s. 849.09, F.S.

<sup>4</sup> Section 849.16, F.S.

<sup>5</sup> “Pari-mutuel” is defined in Florida law as “a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes. See s. 550.002(22), F.S.

<sup>6</sup> See ch. 550, F.S., relating to the regulation of pari-mutuel activities.

- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;<sup>7</sup> and
- Cardrooms<sup>8</sup> at certain pari-mutuel facilities.<sup>9</sup>

A license to offer pari-mutuel wagering, slot machine gambling, or a cardroom at a pari-mutuel facility is a privilege granted by the state.<sup>10</sup>

The 1968 State Constitution states that “[l]otteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution . . .” are prohibited.<sup>11</sup> A constitutional amendment approved by the voters in 1986 authorized state-operated lotteries. Net proceeds of the lottery are deposited to the Educational Enhancement Trust Fund (EETF) and appropriated by the Legislature. Lottery operations are self-supporting and function as an entrepreneurial business enterprise.<sup>12</sup>

Chapter 849, F.S., also authorizes, under specific and limited conditions, the conduct of penny-ante games,<sup>13</sup> bingo,<sup>14</sup> charitable drawings,<sup>15</sup> game promotions (sweepstakes),<sup>16</sup> and bowling tournaments.<sup>17</sup> The Family Amusement Games Act was enacted in 2015 and authorizes skill-based amusement games and machines at specified locations.<sup>18</sup>

### Regulation of Pari-mutuel Wagering

The Division of Pari-mutuel Wagering (division) in the Department of Business and Professional Regulation (DBPR) regulates pari-mutuel wagering. The division has regulatory oversight of permitted and licensed pari-mutuel wagering facilities, cardrooms located at pari-mutuel facilities, and slot machines at pari-mutuel facilities located in Miami-Dade and Broward counties. According to the division, there were eight license suspensions, and \$19,075 in fines

<sup>7</sup> See FLA. CONST., art. X, s. 23, and ch. 551, F.S.

<sup>8</sup> Section 849.086, F.S. See s. 849.086(2)(c), F.S., which defines “cardroom” to mean “a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility.”

<sup>9</sup> The Department of Business and Professional Regulation (DBPR) has issued licenses to permitholders with 2021-2022 Operating Licenses to operate 27 cardrooms. See <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/permitholder-operating-licenses-2021-2022/> (last visited Apr. 7, 2021).

<sup>10</sup> See s. 550.1625(1), F.S., “...legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state.” See also, *Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), *review denied*, 412 So.2d 470, which states “Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right,” citing *State ex rel. Mason v. Rose*, 122 Fla. 413, 165 So. 347 (1936).

<sup>11</sup> The pari-mutuel pools that were authorized by law on the effective date of the State Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.

<sup>12</sup> The Department of the Lottery is authorized by s. 15, Art. X of the State Constitution. Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery. Section 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

<sup>13</sup> See s. 849.085, F.S.

<sup>14</sup> See s. 849.0931, F.S.

<sup>15</sup> See s. 849.0935, F.S.

<sup>16</sup> See s. 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

<sup>17</sup> See s. 849.141, F.S.

<sup>18</sup> See s. 546.10, F.S.

assessed for violations of all pari-mutuel statutes and administrative rules in Fiscal Year 2019-2020.<sup>19</sup>

Ten permitholders were not issued operating licenses for Fiscal Year 2020-2021: two greyhound permitholders,<sup>20</sup> two jai alai permitholders,<sup>21</sup> one limited thoroughbred permitholder,<sup>22</sup> and five quarter horse permitholders.<sup>23</sup>

### **Issuance of Pari-mutuel Permits and Annual Licenses**

Section 550.054, F.S., provides that any person meeting the qualification requirements of ch. 550, F.S., may apply to the division for a permit to conduct pari-mutuel wagering. Upon approval, a permit must be issued to the applicant that indicates:

- The name of the permitholder;
- The location of the pari-mutuel facility;
- The type of pari-mutuel activity to be conducted; and
- A statement showing qualifications of the applicant to conduct pari-mutuel performances under ch. 550, F.S.

A permit does not authorize any pari-mutuel performances until approved by a majority of voters in a ratification election in the county in which the applicant proposes to conduct pari-mutuel wagering activities. An application may not be considered, nor may a permit be issued by the division or be voted upon in any county, for the conduct of:

- Harness horse racing, quarter horse racing, thoroughbred horse racing, or greyhound racing at a location within 100 miles of an existing pari-mutuel facility; or
- Jai alai games within 50 miles of an existing pari-mutuel facility.

Distances are measured on a straight line from the nearest property line of one pari-mutuel facility to the nearest property line of the other facility.<sup>24</sup>

After issuance of the permit and a ratification election, the division may issue an annual operating license for wagering at the specified location in a county, indicating the time, place,

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<sup>19</sup> See the 89th Annual Report for Fiscal Year 2019-2020 issued by the division at:

<http://www.myfloridalicense.com/dbpr/pmw/documents/AnnualReports/AnnualReport-2019-2020--89th--20210224.pdf> at page 5 (equivalent to page 3 of the printed Annual Report) (last visited Apr. 7, 2021).

<sup>20</sup> Jefferson County Kennel Club (Monticello) and North American Racing Association (Key West).

<sup>21</sup> Gadsden Jai-alai (Chattahoochee) and Tampa Jai Alai.

<sup>22</sup> Under s. 550.3345, F.S., during Fiscal Year 2010-2011 only, holders of quarter horse racing permits were allowed to convert their permits to a thoroughbred racing permit, conditioned upon specific use of racing revenues for enhancement of thoroughbred purses and awards, promotion of the thoroughbred horse industry, and the care of retired thoroughbred horses. Two conversions occurred, Gulfstream Park Thoroughbred After Racing Program (GPTARP) (Hallandale, Broward County), which was licensed to operate in 2019-2020, and Ocala Thoroughbred Racing (Marion County), which was not licensed to operate.

<sup>23</sup> ELH Jefferson (Jefferson County), DeBary Real Estate Holdings (Volusia County), North Florida Racing (Jacksonville), Pompano Park Racing (Pompano Beach), and St. Johns Racing (St. Johns County). See [http://www.myfloridalicense.com/dbpr/pmw/documents/PermitholdersList\\_2020-2021.pdf](http://www.myfloridalicense.com/dbpr/pmw/documents/PermitholdersList_2020-2021.pdf) (last visited Apr. 7, 2021).

<sup>24</sup> See s. 550.054(2), F.S.

and number of days during which pari-mutuel operations may be conducted at the specified location.<sup>25</sup>

Pursuant to s. 550.054(9)(b), F.S., the division may revoke or suspend any permit or license upon the willful violation by the permitholder or licensee of any provision of ch. 550, F.S., or any administrative rule adopted by the division, and may impose a civil penalty against the permitholder or license up to \$1,000 for each offense.

### **Slot Machine Gaming Locations and Operations**

Section 32 of Art. X of the State Constitution, adopted pursuant to a 2004 initiative petition, authorized slot machines in licensed pari-mutuel facilities in Broward and Miami-Dade, if approved by county referendum. The voters in Broward and Miami-Dade counties approved slot machine gaming. Slot machine gaming in the state is limited to Broward and Miami-Dade counties, and as authorized by federal law, in the tribal gaming facilities of the Seminole Tribe.

Sections 551.104, F.S., addresses slot machine gaming operations, and:

- Restricts the issuance of slot machine licenses to licensed pari-mutuel permitholders, for slot machine gaming only at the facility where pari-mutuel wagering is authorized to be conducted by the permitholder;
- Requires the licensee to be in compliance with chs. 551 and 550, F.S.;
- Conducts a full schedule of live racing or games as defined in s. 550.002(11), F.S.; and
- Provides other requirements regarding ownership, law enforcement access, computer systems, security, records, and audits.

### **Cardrooms**

Section 849.086, F.S., authorizes cardrooms at certain pari-mutuel facilities.<sup>26</sup> In Fiscal Year 2021-2022, 27 cardrooms are licensed to operate.<sup>27</sup> A license to offer pari-mutuel wagering, slot machine gaming, or a cardroom at a pari-mutuel facility is a privilege granted by the state.<sup>28</sup> A cardroom may be open 18 hours per day on Monday through Friday, and 24 hours per day on Saturday and Sunday.<sup>29</sup> An initial cardroom license may be issued to a pari-mutuel permitholder only after its facilities are in place and it has conducted its first day of live racing. In order to renew a cardroom license, the licensee must have requested, as part of its annual pari-mutuel license application, to conduct at least 90 percent of the total performances it had conducted in the prior fiscal year.

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<sup>25</sup> See s. 550.054(9)(a), F.S.

<sup>26</sup> Section 849.086, F.S. Section 849.086(2)(c), F.S., defines “cardroom” to mean a facility where authorized games are played for money or anything of value and to which the public is invited to participate in such games and charges a fee for participation by the operator of such facility.

<sup>27</sup> See <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/permitholder-operating-licenses-2021-2022/> (last visited Apr. 7, 2021).

<sup>28</sup> *Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), review denied, 412 So.2d 470, states “Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right,” citing *State ex rel. Mason v. Rose*, 122 Fla. 413, 165 So. 347 (1936). See s. 550.1625(1), F.S., “...legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state.”

<sup>29</sup> Section 849.086(7)(b), F.S.

Sections 849.086(5) and (6), F.S., provide that a licensed pari-mutuel permitholder that holds a valid pari-mutuel permit may hold a cardroom license authorizing the operation of a cardroom and the conduct of authorized games at the cardroom. An authorized game is a game or series of games of poker or dominoes.<sup>30</sup> Such games must be played in a non-banking manner,<sup>31</sup> where the participants play against each other, instead of against the house (cardroom). At least four percent of the gross cardroom receipts of greyhound racing permitholders and jai alai permitholders conducting live races or games must supplement greyhound purses, and quarter horse permitholders must have a contract with a horsemen's association governing the payment of purses on live quarter horse races conducted by the permitholder.<sup>32</sup>

### **Prohibition on Racing of and Wagering on Greyhounds or other Dogs**

Amendment 13 was adopted in 2018 with 69.06 percent support of the electorate. The amendment, titled "Prohibition on Racing of and Wagering on Greyhounds or other Dogs, is codified in s. 32, Art. X of the Florida Constitution.<sup>33</sup> The amendment bans all racing of and wagering on live dog racing in Florida after December 31, 2020, and allows greyhound permitholders to stop racing after December 31, 2018 without affecting other pari-mutuel activities as authorized by law. The Legislature is directed to specify civil or criminal penalties for violations.

### **III. Effect of Proposed Changes:**

**Section 1** of the bill amends s. 550.002, F.S., to revise live racing requirements affected by the adoption of s. 32, Art. X of the State Constitution (popularly known as Amendment 13). The constitutional amendment prohibits, after December 31, 2020, the conduct of live racing of greyhounds in Florida by gaming or pari-mutuel permitholders, and wagering by any person on the outcome of such racing in the state. Technical drafting changes, conforming changes, and elimination of obsolete language are also included.

**Section 2** of the bill is a technical revision amending s. 550.0115, F.S., relating to operating licenses, to clarify references to annual operating licenses.

**Section 3** of the bill amends s. 550.01215, F.S., relating to operating license applications filed annually with the Division of Pari-Mutuel Wagering (division) of the Florida Department of Business and Professional Regulation (DBPR), for the conduct of pari-mutuel wagering, including intertrack and simulcast wagering. The application of each permitholder must indicate whether the permitholder intends to accept wagers on intertrack and simulcast events.

The requirement for pari-mutuel permitholders to conduct live racing or games is revised by the bill to provide:

- A greyhound permitholder may not conduct live racing, as such racing is prohibited in Florida after December 31, 2020.

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<sup>30</sup> See s. 849.086(2)(a), F.S.

<sup>31</sup> *Id.*

<sup>32</sup> See s. 849.086(13)(d), F.S.

<sup>33</sup> See <http://www.leg.state.fl.us/Statutes/index.cfm?Mode=Constitution&Submenu=3&Tab=statutes#A10S32> (last visited Dec. 15, 2020).



- A jai alai permitholder, harness horse racing permitholder, or quarter horse racing permitholder may elect not to conduct live racing or games.
- A thoroughbred permitholder must conduct live racing.

A greyhound permitholder, jai alai permitholder, harness horse racing permitholder, or quarter horse racing permitholder that does not conduct live racing or games:

- Retains its permit;
- Is a pari-mutuel facility as defined in s. 550.002(23), F.S.
- Is eligible, but not required, to be a guest track, and if the permitholder is a harness horse racing permitholder, is eligible to be a host track for purposes of intertrack wagering and simulcasting pursuant to ss. 550.3551, 550.615, 550.625, and 550.6305; and
- Remains eligible for a cardroom license.

For a greyhound permitholder, jai alai permitholder, harness horse racing permitholder, or quarter horse racing permitholder that does not conduct live racing or games, but has been issued a slot machine license, the facility where such permit is located:

- Remains an eligible facility as defined in s. 551.102(4), F.S.;
- Continues to be eligible for a slot machine license pursuant to s. 551.104(3), F.S.; and
- Is exempt from ss. 551.104(4)(c) and (10), F.S., and s. 551.114(2) and (4); F.S.

The bill further provides that for Fiscal Year 2021-2022 only, the division may approve changes to a permitholder's operating dates if the request is received before July 1, 2021.

The bill repeals an obsolete provision relating to greyhound racing permits.

**Section 4** of the bill is a technical revision amending s. 550.0235, F.S., to substitute the term “a permitholder licensed to conduct pari-mutuel wagering,” and delete the obsolete term “a permittee conducting a racing meet.”

**Section 5** of the bill amends s. 550.0351, F.S., to delete the authorization for a “dogracing” permitholder to hold charity or scholarship racing days. In addition, the authorization for “hound dog derby” racing events at greyhound permitholder facilities is deleted.

**Section 6** of the bill amends s. 550.0425, F.S., relating to the attendance of minors to pari-mutuel events, to delete an exception for the minor children of greyhound trainers, kennel operators, or other licensees employed in the kennel, when supervised by a parent or legal guardian.

**Section 7** of the bill amends s. 550.054, F.S., to retain current law for existing permits converted to greyhound permits and remove this method of converting permits.

**Section 8** of the bill amends s. 550.09511(4), F.S., to delete a requirement for payment of daily license fees and tax on admissions and bets, if fewer than 100 live jai alai games are conducted in a calendar year.

**Section 9** of the bill amends s. 550.09512, F.S., to amend a provision relating to taxes payable by harness horse permitholders who conduct live racing.

**Section 10** of the bill is a technical revision amending s. 550.105, F.S., related to occupational licenses, to delete references to kennels, kennel helpers, and greyhound racing.

**Section 11** of the bill is a technical revision amending s. 550.1155, F.S., related to stewards and judges, to delete references to dog tracks and dogtrack judges.

**Section 12** of the bill is a technical revision amending s. 550.1647, F.S., related to unclaimed pari-mutuel tickets, to delete references to greyhound racing.

**Section 13** of the bill repeals s. 550.1648, F.S., related to obsolete provisions concerning greyhound adoption booths at pari-mutuel facilities and associated charity racing days.

**Section 14** of the bill is a technical revision amending s. 550.175, F.S., related to a county's revocation of a permit, to substitute the term "pari-mutuel wagering" for "racing."

**Section 15** of the bill is a technical revision amending s. 550.1815, F.S., relating to a prohibition against holding a pari-mutuel permit, to substitute the term "greyhound permit" for "dogracing permit."

**Section 16** of the bill amends s. 550.24055, F.S., relating to the prohibited use of controlled substances and alcohol by occupational licensees officiating at or participating in a race or game, to delete a reference to dogtracks.

**Section 17** of the bill amends s. 550.2415, F.S., relating to testing of racing animals for medications and other substances, to delete provisions relating to greyhounds and to training and euthanizing greyhounds.

**Section 18** of the bill amends s. 550.334(8), F.S., to remove a live racing requirement for quarter horse permitholders to conduct intertrack wagering.

**Section 19** of the bill amends s. 550.3551, F.S., relating to broadcasting of racing and jai alai information, to conform references to permitholders and to delete a limitation on the number of broadcasts that may be received from outside the state by certain greyhound permitholders. The bill amends current law that all permitholders conduct at least eight live races or games on a race day, and meet certain minimum live racing or games requirements, to limit application of those requirements to permitholders who conduct live races or games. The bill deletes the requirement that a permitholder obtain authorization from the division for special racing events, and deletes the associated approval process and limits on such authorization.

**Section 20** of the bill amends s. 550.3615, F.S., relating to bookmaking on the grounds of a permitholder, to refer to tracks and frontons as pari-mutuel facilities.

**Section 21** of the bill amends s. 550.475, F.S., relating to the leasing of pari-mutuel facilities by permitholders, to conform references to permitholders and to ensure a lessee may conduct intertrack wagering.

**Section 22** of the bill amends s. 550.615, F.S., relating to intertrack wagering, to conform references to pari-mutuel facilities and live racing or games requirements, and to provide that a permitholder that has met the live racing or games requirement applicable to that permitholder under s. 550.01215(1)(b), F.S., is qualified to receive broadcasts of any class of pari-mutuel races or games and to accept wagers on such races or games. The bill provides any greyhound permitholder licensed under ch. 550, F.S., to conduct pari-mutuel wagering is qualified to, at any time, receive broadcasts and accept wagers on any class of pari-mutuel race or game.

**Section 23** of the bill is a technical revision amending s. 550.6305, F.S., relating to intertrack wagering, to delete certain pari-mutuel pool accounting requirements for greyhound permitholders.

**Section 24** of the bill amends s. 551.104(4)(c), F.S., relating to the requirement that a permitholder conduct full schedule of live racing or games as a condition for eligibility to obtain a license to conduct slot machine gaming. The live racing requirements for such eligibility are applicable only to thoroughbred permitholders, as under the bill, greyhound permitholders may not conduct live racing, jai alai permitholders may elect not to conduct live games, and harness horse and quarter horse permitholders may elect not to conduct live racing.

**Section 25** of the bill amends s. 551.114, F.S., relating to slot machine gaming areas, respecting the locations at which designated slot machine gaming areas may be located. The undefined term “live gaming facility” in current law is no longer applicable to greyhound permitholders prohibited from conducting live racing after December 31, 2020. The bill provides that slot machine gaming areas must be located at the address location specified in the licensed permitholder’s slot machine license issued for fiscal year 2020-2021. Provisions relating to the types of buildings and the connection of such buildings to the live gaming facility are deleted as obsolete.

**Section 26** of the bill amends s. 565.02, F.S., relating to the licensing of caterers, to confirm that catering licenses may be obtained for all licensed pari-mutuel facilities, whether or not they are conducting live racing or games.

**Section 27** of the bill amends s. 849.086, F.S., relating to cardrooms, to:

- Delete a requirement that pari-mutuel permitholders seeking renewal of a cardroom operating license must have conducted a certain number of live races or games in the previous year (the 90 percent rule);
- Revise provisions in current law that are no longer applicable to greyhound permitholders prohibited from conducting live racing after December 31, 2020; and
- Revise provisions relating to required contributions to purse pools, and required horsemen’s agreements, to clarify that such contributions and agreements are required only if a permitholder conducts live races or games.

**Section 28** of the bill re-enacts s. 380.0651, F.S., relating to developments of regional impact, for the purpose of incorporating the definitions in s. 550.002, F.S., amended by the bill. A pari-mutuel facility continues to be subject to certain statewide guidelines and standards for developments of regional impact, as set forth in s. 380.06, F.S.

**Section 29** of the bill re-enacts s. 402.82, F.S., relating to the electronic benefits transfer program, for the purpose of incorporating the definitions in s. 550.002, F.S., amended by the bill. The use of electronic benefits transfer cards continues to be prohibited at pari-mutuel facilities.

**Section 30** of the bill re-enacts s. 480.0475, F.S., relating to certain overnight hours that massage establishments are prohibited from operating, for the purpose of incorporating the definitions in s. 550.002, F.S., amended by the bill. Massage establishments at pari-mutuel facilities continue to be exempt from the prohibition, and may operate between the hours of midnight and 5 a.m.

**Section 31** of the bill provides it takes effect July 1, 2021.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons associated with jai alai, harness horse, and quarter horse racing will be affected by the election by permitholders to conduct or not conduct live racing or games.

C. Government Sector Impact:

There may be impacts to the state contingent upon the election of certain authorized permitholders to conduct or not conduct live racing or games. The Revenue Estimating Conference has not yet reviewed this bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 16.56 and 285.710.

This bill creates the following sections of the Florida Statutes: 16.71 and 16.715.

The bill creates undesignated sections of Florida law.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/12/2021	.	
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The Committee on Regulated Industries (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsections (24) through (28) of section 550.002, Florida Statutes, are redesignated as subsections (25) through (29), respectively, a new subsection (24) is added to that section, and subsections (11), (17), (20), (21), (22), (23), and (31) and present subsections (26) and (29) of that section are amended, to read:



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

(11) “Full schedule of live racing or games” means, for a ~~greyhound~~ or jai alai permitholder, the conduct of a combination of at least 100 live evening or matinee performances during the preceding year; for a permitholder who has a converted permit or filed an application on or before June 1, 1990, for a converted permit, the conduct of a combination of at least 100 live evening and matinee wagering performances during either of the 2 preceding years; for a jai alai permitholder who does not operate slot machines in its pari-mutuel facility, who has conducted at least 100 live performances per year for at least 10 years after December 31, 1992, and whose handle on live jai alai games conducted at its pari-mutuel facility has been less than \$4 million per state fiscal year for at least 2 consecutive years after June 30, 1992, the conduct of a combination of at least 40 live evening or matinee performances during the preceding year; for a jai alai permitholder who operates slot machines in its pari-mutuel facility, the conduct of a combination of at least 150 performances during the preceding year; for a harness permitholder, the conduct of at least 100 live regular wagering performances during the preceding year; for a quarter horse permitholder at its facility unless an alternative schedule of at least 20 live regular wagering performances is agreed upon by the permitholder and either the Florida Quarter Horse Racing Association or the horsemen’s association representing the majority of the quarter horse owners and trainers at the facility and filed with the division along with its annual date application, in the 2010-2011 fiscal year, the conduct of at least 20 regular wagering performances,



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in the 2011-2012 and 2012-2013 fiscal years, the conduct of at least 30 live regular wagering performances, and for every fiscal year after the 2012-2013 fiscal year, the conduct of at least 40 live regular wagering performances; for a quarter horse permitholder leasing another licensed racetrack, the conduct of 160 events at the leased facility; and for a thoroughbred permitholder, the conduct of at least 40 live regular wagering performances during the preceding year. For a permitholder which is restricted by statute to certain operating periods within the year when other members of its same class of permit are authorized to operate throughout the year, the specified number of live performances which constitute a full schedule of live racing or games shall be adjusted pro rata in accordance with the relationship between its authorized operating period and the full calendar year and the resulting specified number of live performances shall constitute the full schedule of live games for such permitholder and all other permitholders of the same class within 100 air miles of such permitholder. A live performance must consist of no fewer than eight races or games conducted live for each of a minimum of three performances each week at the permitholder's licensed facility under a single admission charge.

(17) "Intertrack wager" or "intertrack wagering" means a particular form of pari-mutuel wagering in which wagers are accepted at a permitted, in-state track, fronton, or pari-mutuel facility on a race or game transmitted from and performed live at, or simulcast signal rebroadcast from, another in-state pari-mutuel facility.

(20) "Meet" or "meeting" means the conduct of live racing





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or jai alai, or wagering on intertrack or simulcast events, for any stake, purse, prize, or premium.

(21) "Operating day" means a continuous period of 24 hours starting with the beginning of the first performance of a race or game, even though the operating day may start during one calendar day and extend past midnight except that no ~~greyhound race or~~ jai alai game may commence after 1:30 a.m.

(22) "Pari-mutuel" or "pari-mutuel wagering" means a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes.

(23) "Pari-mutuel facility" means the grounds or property of a cardroom, racetrack, fronton, or other facility used by a licensed permitholder ~~for the conduct of pari-mutuel wagering.~~

(24) "Permitholder" or "permittee" means a holder of a permit to conduct pari-mutuel wagering in this state as authorized in this chapter.

~~(26)~~ (27) "Post time" means the time set for the arrival at the starting point of the horses ~~or greyhounds~~ in a race or the beginning of a game in jai alai.

~~(29) "Racing greyhound" means a greyhound that is or was used, or is being bred, raised, or trained to be used, in racing at a pari-mutuel facility and is registered with the National Greyhound Association.~~

(31) "Same class of races, games, or permit" means, with respect to a jai alai permitholder, jai alai games or other jai alai permitholders; with respect to a greyhound permitholder, ~~greyhound races or~~ other greyhound permitholders conducting



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pari-mutuel wagering; with respect to a thoroughbred permitholder, thoroughbred races or other thoroughbred permitholders; with respect to a harness permitholder, harness races or other harness permitholders; with respect to a quarter horse permitholder, quarter horse races or other quarter horse permitholders.

Section 2. Section 550.0115, Florida Statutes, is amended to read:

550.0115 Permitholder operating license.—After a permit has been issued by the division, and after the permit has been approved by election, the division shall issue to the permitholder an annual operating license to conduct pari-mutuel wagering operations at the location specified in the permit pursuant to the provisions of this chapter.

Section 3. Section 550.01215, Florida Statutes, is amended to read:

550.01215 License application; periods of operation; license fees; bond, ~~conversion of permit~~.—

(1) Each permitholder shall annually, during the period between December 15 and January 4, file in writing with the division its application for an operating a license for a pari-mutuel facility for the conduct of pari-mutuel wagering during the next state fiscal year, including intertrack and simulcast race wagering to conduct performances during the next state fiscal year. Each application for live performances must ~~shall~~ specify the number, dates, and starting times of all live performances that ~~which~~ the permitholder intends to conduct. It must ~~shall~~ also specify which performances will be conducted as charity or scholarship performances.



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127        (a) ~~In addition,~~ Each application for an operating a  
128 license also must ~~shall~~ include:

129        1. For each permitholder, whether the permitholder intends  
130 to accept wagers on intertrack or simulcast events.

131        2. For each permitholder that ~~which~~ elects to operate a  
132 cardroom, the dates and periods of operation the permitholder  
133 intends to operate the cardroom. ~~or,~~

134        3. For each thoroughbred racing permitholder that ~~which~~  
135 elects to receive or rebroadcast out-of-state races after 7  
136 p.m., the dates for all performances ~~that~~ ~~which~~ the permitholder  
137 intends to conduct.

138        (b) A greyhound permitholder may not conduct live racing. A  
139 jai alai permitholder, harness horse racing permitholder, or  
140 quarter horse racing permitholder may elect not to conduct live  
141 racing or games. A thoroughbred permitholder must conduct live  
142 racing. A greyhound permitholder, jai alai permitholder, harness  
143 horse racing permitholder, or quarter horse racing permitholder  
144 that does not conduct live racing or games retains its permit;  
145 is a pari-mutuel facility as defined in s. 550.002(23); if such  
146 permitholder has been issued a slot machine license, the  
147 facility where such permit is located remains an eligible  
148 facility as defined in s. 551.102(4), continues to be eligible  
149 for a slot machine license pursuant to s. 551.104(3), and is  
150 exempt from ss. 551.104(4)(c) and (10) and 551.114(2) and (4);  
151 is eligible, but not required, to be a guest track and, if the  
152 permitholder is a harness horse racing permitholder, to be a  
153 host track for purposes of intertrack wagering and simulcasting  
154 pursuant to ss. 550.3551, 550.615, 550.625, and 550.6305; and  
155 remains eligible for a cardroom license.



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156        (c) Permitholders may ~~shall be entitled to~~ amend their  
157 applications through February 28.

158        (2) After the first license has been issued to a  
159 permitholder, all subsequent annual applications for a license  
160 shall be accompanied by proof, in such form as the division may  
161 by rule require, that the permitholder continues to possess the  
162 qualifications prescribed by this chapter, and that the permit  
163 has not been disapproved at a later election.

164        (3) The division shall issue each license no later than  
165 March 15. Each permitholder shall operate all performances at  
166 the date and time specified on its license. The division shall  
167 have the authority to approve minor changes in racing dates  
168 after a license has been issued. The division may approve  
169 changes in racing dates after a license has been issued when  
170 there is no objection from any operating permitholder located  
171 within 50 miles of the permitholder requesting the changes in  
172 operating dates. In the event of an objection, the division  
173 shall approve or disapprove the change in operating dates based  
174 upon the impact on operating permitholders located within 50  
175 miles of the permitholder requesting the change in operating  
176 dates. In making the determination to change racing dates, the  
177 division shall take into consideration the impact of such  
178 changes on state revenues. Notwithstanding any other provision  
179 of law, and for the 2021-2022 state fiscal year only, the  
180 division may approve changes in operating dates for  
181 permitholders if the request for such changes is received before  
182 July 1, 2021.

183        (4) In the event that a permitholder fails to operate all  
184 performances specified on its license at the date and time



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specified, the division shall hold a hearing to determine whether to fine or suspend the permitholder's license, unless such failure was the direct result of fire, strike, war, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the permitholder shall not, in and of itself, constitute just cause for failure to operate all performances on the dates and at the times specified.

(5) In the event that performances licensed to be operated by a permitholder are vacated, abandoned, or will not be used for any reason, any permitholder shall be entitled, pursuant to rules adopted by the division, to apply to conduct performances on the dates for which the performances have been abandoned. The division shall issue an amended license for all such replacement performances which have been requested in compliance with ~~the provisions of~~ this chapter and division rules.

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

Section 4. Section 550.0235, Florida Statutes, is amended to read:

550.0235 Limitation of civil liability.—No permitholder licensed to conduct pari-mutuel wagering ~~permitter conducting a racing meet~~ pursuant to the provisions of this chapter; no division director or employee of the division; and no steward, judge, or other person appointed to act pursuant to this chapter shall be held liable to any person, partnership, association, corporation, or other business entity for any cause whatsoever



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arising out of, or from, the performance by such permittee, director, employee, steward, judge, or other person of her or his duties and the exercise of her or his discretion with respect to the implementation and enforcement of the statutes and rules governing the conduct of pari-mutuel wagering, so long as she or he acted in good faith. This section shall not limit liability in any situation in which the negligent maintenance of the premises or the negligent conduct of a race contributed to an accident; nor shall it limit any contractual liability.

Section 5. Subsections (1) and (7) of section 550.0351, Florida Statutes, are amended to read:

550.0351 Charity racing days.—

(1) The division shall, upon the request of a permitholder, authorize each horseracing permitholder, ~~dogracing permitholder,~~ and jai alai permitholder up to five charity or scholarship days in addition to the regular racing days authorized by law.

~~(7) In addition to the charity days authorized by this section, any dogracing permitholder may allow its facility to be used for conducting "hound dog derbies" or "mutt derbies" on any day during each racing season by any charitable, civic, or nonprofit organization for the purpose of conducting "hound dog derbies" or "mutt derbies" if only dogs other than those usually used in dogracing (greyhounds) are permitted to race and if adults and minors are allowed to participate as dog owners or spectators. During these racing events, betting, gambling, and the sale or use of alcoholic beverages is prohibited.~~

Section 6. Subsection (4) of section 550.0425, Florida Statutes, is amended to read:

550.0425 Minors attendance at pari-mutuel performances;



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restrictions.-

~~(4) Minor children of licensed greyhound trainers, kennel operators, or other licensed persons employed in the kennel compound areas may be granted access to kennel compound areas without being licensed, provided they are in no way employed unless properly licensed, and only when under the direct supervision of one of their parents or legal guardian.~~

Section 7. Subsections (2) and (14) of section 550.054, Florida Statutes, are amended to read:

550.054 Application for permit to conduct pari-mutuel wagering.-

(2) Upon each application filed and approved, a permit shall be issued to the applicant setting forth the name of the permitholder, the location of the pari-mutuel facility, the type of pari-mutuel activity desired to be conducted, and a statement showing qualifications of the applicant to conduct pari-mutuel performances under this chapter; however, a permit is ineffectual to authorize any pari-mutuel performances until approved by a majority of the electors participating in a ratification election in the county in which the applicant proposes to conduct pari-mutuel wagering activities. In addition, an application may not be considered, nor may a permit be issued by the division or be voted upon in any county, to conduct horseraces, harness horse races, or pari-mutuel wagering ~~dog races~~ at a location within 100 miles of an existing pari-mutuel facility, or for jai alai within 50 miles of an existing pari-mutuel facility; this distance shall be measured on a straight line from the nearest property line of one pari-mutuel facility to the nearest property line of the other facility.



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272           ~~(14) (a) Any holder of a permit to conduct jai alai may~~  
273 ~~apply to the division to convert such permit to a permit to~~  
274 ~~conduct greyhound racing in lieu of jai alai if:~~

275           ~~1. Such permit is located in a county in which the division~~  
276 ~~has issued only two pari-mutuel permits pursuant to this~~  
277 ~~section;~~

278           ~~2. Such permit was not previously converted from any other~~  
279 ~~class of permit; and~~

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

283           ~~(b) The division, upon application from the holder of a jai~~  
284 ~~alai permit meeting all conditions of this section, shall~~  
285 ~~convert the permit and shall issue to the permitholder a permit~~  
286 ~~to conduct greyhound racing. A permitholder of a permit~~  
287 ~~converted under this section shall be required to apply for and~~  
288 ~~conduct a full schedule of live racing each fiscal year to be~~  
289 ~~eligible for any tax credit provided by this chapter. The holder~~  
290 ~~of a permit converted under former subsection (14) of this~~  
291 ~~section, Florida Statutes 2020, pursuant to this subsection or~~  
292 ~~any holder of a permit to conduct greyhound racing located in a~~  
293 ~~county in which it is the only permit issued pursuant to this~~  
294 ~~section who operates at a leased facility pursuant to s. 550.475~~  
295 ~~may move the location for which the permit has been issued to~~  
296 ~~another location within a 30-mile radius of the location fixed~~  
297 ~~in the permit issued in that county, provided the move does not~~  
298 ~~cross the county boundary and such location is approved under~~  
299 ~~the zoning regulations of the county or municipality in which~~  
300 ~~the permit is located, and upon such relocation may use the~~





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permit for the conduct of pari-mutuel wagering and the operation of a cardroom. The provisions of s. 550.6305(9)(d) and (f) shall apply to any permit converted under former subsection (14) of this section, Florida Statutes 2020, ~~this subsection~~ and shall continue to apply to any permit which was previously included under and subject to such provisions before a conversion pursuant to this section occurred.

Section 8. Subsection (4) of section 550.09511, Florida Statutes, is amended to read:

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

~~(4) A jai alai permitholder conducting fewer than 100 live performances in any calendar year shall pay to the state the same aggregate amount of daily license fees on live jai alai games, admissions tax, and tax on live handle as that permitholder paid to the state during the most recent prior calendar year in which the jai alai permitholder conducted at least 100 live performances.~~

Section 9. Paragraph (a) of subsection (3) of section 550.09512, Florida Statutes, is amended to read:

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

(3)(a) The permit of a harness horse permitholder who is conducting live harness horse performances and who does not pay tax on handle for any such live harness horse performances conducted ~~for a full schedule of live races~~ during any 2 consecutive state fiscal years shall be void and shall escheat to and become the property of the state unless such failure to operate and pay tax on handle was the direct result of fire,



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strike, war, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the permitholder shall not, in and of itself, constitute just cause for failure to operate and pay tax on handle.

Section 10. Subsections (2) and (9) of section 550.105, Florida Statutes, are amended to read:

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

(2)(a) The following licenses shall be issued to persons or entities with access to the backside, racing animals, jai alai players' room, jockeys' room, drivers' room, totalisator room, the mutuels, or money room, or to persons who, by virtue of the position they hold, might be granted access to these areas or to any other person or entity in one of the following categories and with fees not to exceed the following amounts for any 12-month period:

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

2. Professional occupational licenses: professional persons with access to the backside of a racetrack or players' quarters in jai alai such as trainers, officials, veterinarians, doctors, nurses, EMT's, jockeys and apprentices, drivers, jai alai players, owners, trustees, or any management or officer or director or shareholder or any other professional-level person who might have access to the jockeys' room, the drivers' room, the backside, racing animals, ~~kennel compound~~, or managers or



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supervisors requiring access to mutuels machines, the money room, or totalisator equipment: \$40.

3. General occupational licenses: general employees with access to the jockeys' room, the drivers' room, racing animals, the backside of a racetrack or players' quarters in jai alai, such as grooms, ~~kennel helpers~~, leadouts, pelota makers, cesta makers, or ball boys, or a practitioner of any other occupation who would have access to the animals or the backside, ~~or the kennel compound~~, or who would provide the security or maintenance of these areas, or mutuel employees, totalisator employees, money-room employees, or any employee with access to mutuels machines, the money room, or totalisator equipment or who would provide the security or maintenance of these areas: \$10.

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

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

(9) The tax imposed by this section is in lieu of all license, excise, or occupational taxes to the state or any county, municipality, or other political subdivision, except that, if a race meeting or game is held or conducted in a municipality, the municipality may assess and collect an additional tax against any person conducting live racing or



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games within its corporate limits, which tax may not exceed \$150 per day for horseracing or \$50 per day for ~~degracing or~~ jai alai. Except as provided in this chapter, a municipality may not assess or collect any additional excise or revenue tax against any person conducting race meetings within the corporate limits of the municipality or against any patron of any such person.

Section 11. Section 550.1155, Florida Statutes, is amended to read:

550.1155 Authority of stewards, judges, panel of judges, or player's manager to impose penalties against occupational licensees; disposition of funds collected.—

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

(2) All penalties imposed and collected pursuant to this section at each horse ~~or dog~~ racetrack or jai alai fronton shall be deposited into a board of relief fund established by the pari-mutuel permitholder. Each association shall name a board of relief composed of three of its officers, with the general manager of the permitholder being the ex officio treasurer of such board. Moneys deposited into the board of relief fund shall be disbursed by the board for the specific purpose of aiding occupational licenseholders and their immediate family members at each pari-mutuel facility.

Section 12. Section 550.1647, Florida Statutes, is amended



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to read:

550.1647 Greyhound permitholders; unclaimed tickets; breaks.—All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any greyhound permitholder authorized to conduct ~~greyhound racing~~ pari-mutuel wagering pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within that period of time, shall, ~~with respect to live races conducted by the permitholder,~~ be remitted to the state pursuant to s. 550.1645; however, such permitholder shall be entitled to a credit in each state fiscal year in an amount equal to the actual amount remitted in the prior state fiscal year which may be applied against any taxes imposed pursuant to this chapter. In addition, each permitholder shall pay, from any source, ~~including the proceeds from performances conducted pursuant to s. 550.0351,~~ an amount not less than 10 percent of the amount of the credit provided by this section to any bona fide organization that promotes or encourages the adoption of greyhounds. As used in this chapter, the term "bona fide organization that promotes or encourages the adoption of greyhounds" means any organization that provides evidence of compliance with chapter 496 and possesses a valid exemption from federal taxation issued by the Internal Revenue Service. Such bona fide organization, as a condition of adoption, must provide sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adopter. The fee for sterilization may be included in the cost of adoption.



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Section 13. Section 550.1648, Florida Statutes, is repealed.

Section 14. Section 550.175, Florida Statutes, is amended to read:

550.175 Petition for election to revoke permit.—Upon petition of 20 percent of the qualified electors of any county wherein any pari-mutuel wagering ~~racing~~ has been licensed and conducted under this chapter, the county commissioners of such county shall provide for the submission to the electors of such county at the then next succeeding general election the question of whether any permit or permits theretofore granted shall be continued or revoked, and if a majority of the electors voting on such question in such election vote to cancel or recall the permit theretofore given, the division may not thereafter grant any license on the permit so recalled. Every signature upon every recall petition must be signed in the presence of the clerk of the board of county commissioners at the office of the clerk of the circuit court of the county, and the petitioner must present at the time of such signing her or his registration receipt showing the petitioner's qualification as an elector of the county at the time of the signing of the petition. Not more than one permit may be included in any one petition; and, in all elections in which the recall of more than one permit is voted on, the voters shall be given an opportunity to vote for or against the recall of each permit separately. Nothing in this chapter shall be construed to prevent the holding of later referendum or recall elections.

Section 15. Subsection (1) of section 550.1815, Florida Statutes, is amended to read:



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

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

- (a)1. The permitholder;
2. An employee of the permitholder;
3. The sole proprietor of the permitholder;
4. A corporate officer or director of the permitholder;
5. A general partner of the permitholder;
6. A trustee of the permitholder;
7. A member of an unincorporated association permitholder;
8. A joint venturer of the permitholder;
9. The owner of more than 5 percent of any equity interest in the permitholder, whether as a common shareholder, general or limited partner, voting trustee, or trust beneficiary; or
10. An owner of any interest in the permit or permitholder, including any immediate family member of the owner, or holder of any debt, mortgage, contract, or concession from the permitholder, who by virtue thereof is able to control the business of the permitholder.

- (b)1. A felony in this state;
2. Any felony in any other state which would be a felony if committed in this state under the laws of this state;



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

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

5. Bookmaking as defined in s. 849.25.

Section 16. Subsection (2) of section 550.24055, Florida Statutes, is amended to read:

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

(2) The occupational licensees, by applying for and holding such licenses, are deemed to have given their consents to submit to an approved chemical test of their breath for the purpose of determining the alcoholic content of their blood and to a urine or blood test for the purpose of detecting the presence of controlled substances. Such tests shall only be conducted upon reasonable cause that a violation has occurred as shall be determined solely by the stewards at a horseracing meeting or the judges or board of judges at a ~~dog track or~~ jai alai meet. The failure to submit to such test may result in a suspension of the person's occupational license for a period of 10 days or until this section has been complied with, whichever is longer.

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





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

(c) If there was at the time of the test 0.08 percent or more by weight of alcohol in the person's blood, that fact is prima facie evidence that the person was under the influence of alcoholic beverages to the extent that the person's normal faculties were impaired, and the stewards or judges may take action as set forth in this section, but the person may not officiate at or participate in any race or jai alai game on the day of such test.

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

Section 17. Paragraph (d) of subsection (5), paragraphs (b) and (c) of subsection (6), paragraph (a) of subsection (9), and subsection (13) of section 550.2415, Florida Statutes, are amended to read:



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

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

~~(d) For the testing of a racing greyhound, if there is an insufficient quantity of the secondary (split) sample for confirmation of the division laboratory's positive result, the division may commence administrative proceedings as prescribed in this chapter and consistent with chapter 120.~~

(6)

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

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

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

~~(13) The division may implement by rule medication levels for racing greyhounds recommended by the University of Florida~~



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~~College of Veterinary Medicine developed pursuant to an agreement between the Division of Pari-mutuel Wagering and the University of Florida College of Veterinary Medicine. The University of Florida College of Veterinary Medicine may provide written notification to the division that it has completed research or review on a particular drug pursuant to the agreement and when the College of Veterinary Medicine has completed a final report of its findings, conclusions, and recommendations to the division.~~

Section 18. Subsection (8) of section 550.334, Florida Statutes, is amended to read

550.334 Quarter horse racing; substitutions.—

~~(8) To be eligible to conduct intertrack wagering, a quarter horse racing permitholder must have conducted a full schedule of live racing in the preceding year.~~

Section 19. Subsections (2) and (4), paragraph (a) of subsection (6), and subsection (11) of section 550.3551, Florida Statutes, are amended to read:

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

(2) Any horse track, ~~dog track~~, or fronton licensed under this chapter may transmit broadcasts of races or games conducted at the enclosure of the licensee to locations outside this state.

(a) All broadcasts of horseraces transmitted to locations outside this state must comply with the provisions of the Interstate Horseracing Act of 1978, 92 Stat. 1811, 15 U.S.C. ss. 3001 et seq.

(b) Wagers accepted by any out-of-state pari-mutuel



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permitholder or licensed betting system on a race broadcast under this subsection may be, but are not required to be, included in the pari-mutuel pools of the horse track in this state that broadcasts the race upon which wagers are accepted. The handle, as referred to in s. 550.0951(3), does not include any wagers accepted by an out-of-state pari-mutuel permitholder or licensed betting system, irrespective of whether such wagers are included in the pari-mutuel pools of the Florida permitholder as authorized by this subsection.

(4) Any greyhound permitholder or jai alai permitholder ~~dog track or fronton~~ licensed under this chapter may receive at its licensed location broadcasts of dograces or jai alai games conducted at other tracks or frontons located outside the state ~~at the track enclosure of the licensee during its operational meeting~~. All forms of pari-mutuel wagering are allowed on dograces or jai alai games broadcast under this subsection. All money wagered by patrons on dograces broadcast under this subsection shall be computed in the amount of money wagered each performance for purposes of taxation under ss. 550.0951 and 550.09511.

(6) (a) ~~A maximum of 20 percent of the total number of races on which wagers are accepted by a greyhound permitholder not located as specified in s. 550.615(6) may be received from locations outside this state.~~ A permitholder conducting live races or games may not conduct fewer than eight live races or games on any authorized race day except as provided in this subsection. A thoroughbred permitholder may not conduct fewer than eight live races on any race day without the written approval of the Florida Thoroughbred Breeders' Association and



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

(11) Greyhound permitholders ~~tracks~~ and jai alai permitholders ~~frontons~~ have the same privileges as provided in this section to horserace permitholders ~~horse tracks~~, as applicable, subject to rules adopted under subsection (10).

Section 20. Subsections (1), (3), (4), (5), and (6) of section 550.3615, Florida Statutes, are amended to read:

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



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(1) Any person who engages in bookmaking, as defined in s. 849.25, on the grounds or property of a pari-mutuel facility ~~commits permitholder of a horse or dog track or jai alai fronton~~ ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Notwithstanding the provisions of s. 948.01, any person convicted under the provisions of this subsection shall not have adjudication of guilt suspended, deferred, or withheld.

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

(4) If the activities of a person show that this law is being violated, and such activities are either witnessed or are common knowledge by any pari-mutuel facility ~~track or fronton~~ employee, it is the duty of that employee to bring the matter to the immediate attention of the permitholder, manager, or her or his designee, who shall notify a law enforcement agency having jurisdiction. Willful failure by the pari-mutuel facility ~~on the part of any track or fronton~~ employee to comply with the provisions of this subsection is a ground for the division to



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suspend or revoke that employee's license for pari-mutuel facility ~~track or fronton~~ employment.

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

(6) This section does not apply to any person ~~attending a track or fronton or~~ employed by or attending a pari-mutuel facility ~~a track or fronton~~ who places a bet through the legalized pari-mutuel pool for another person, provided such service is rendered gratuitously and without fee or other reward.

Section 21. Section 550.475, Florida Statutes, is amended to read:

550.475 Lease of pari-mutuel facilities by pari-mutuel permitholders.—Holders of valid pari-mutuel permits for the conduct of any pari-mutuel wagering ~~jai alai games, dogracing, or thoroughbred and standardbred horse racing~~ in this state are entitled to lease any and all of their facilities to any other holder of a same class valid pari-mutuel permit ~~for jai alai games, dogracing, or thoroughbred or standardbred horse racing,~~ when located within a 35-mile radius of each other; and such lessee is entitled to a permit and license to conduct intertrack wagering and operate its race meet or jai alai games at the



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736 leased premises.

737       Section 22. Subsections (2) and (8) of section 550.615,  
738 Florida Statutes, are amended, and subsection (11) is added to  
739 that section, to read:

740       550.615 Intertrack wagering.—

741       (2) A pari-mutuel permitholder that has met the applicable  
742 requirement for that permitholder to conduct live racing or  
743 games under s. 550.01215(1)(b), if any, Any track or fronton  
744 licensed under this chapter which in the preceding year  
745 conducted a full schedule of live racing is qualified to, at any  
746 time, receive broadcasts of any class of pari-mutuel race or  
747 game and accept wagers on such races or games conducted by any  
748 class of permitholders licensed under this chapter.

749       (8) In any three contiguous counties of the state where  
750 there are only three permitholders, all of which are greyhound  
751 permitholders, if any permitholder leases the facility of  
752 another permitholder for all or any portion of the conduct of  
753 its live race meet pursuant to s. 550.475, such lessee may  
754 conduct intertrack wagering at its pre-lease permitted facility  
755 throughout the entire year, ~~including while its live meet is~~  
756 ~~being conducted at the leased facility, if such permitholder has~~  
757 ~~conducted a full schedule of live racing during the preceding~~  
758 ~~fiscal year at its pre-lease permitted facility or at a leased~~  
759 ~~facility, or combination thereof.~~

760       (11) Any greyhound permitholder licensed under this chapter  
761 to conduct pari-mutuel wagering is qualified to, at any time,  
762 receive broadcasts of any class of pari-mutuel race or game and  
763 accept wagers on such races or games conducted by any class of  
764 permitholders licensed under this chapter.





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Section 23. Subsection (2) of section 550.6305, Florida Statutes, is amended to read:

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

(2) For the purposes of calculation of odds and payoffs and distribution of the pari-mutuel pools, all intertrack wagers shall be combined with the pari-mutuel pools at the host track.

~~Notwithstanding this subsection or subsection (4), a greyhound pari-mutuel permitholder may conduct intertrack wagering without combining pari-mutuel pools on not more than three races in any week, not to exceed 20 races in a year. All other provisions concerning pari-mutuel takeout and payments, including state tax payments, apply as if the pool had been combined.~~

Section 24. Paragraph (c) of subsection (4) of section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

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

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

Section 25. Subsection (4) of section 551.114, Florida Statutes, is amended to read:

551.114 Slot machine gaming areas.—



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(4) Designated slot machine gaming areas must ~~may~~ be located at the address specified in the licensed permitholder's slot machine license issued for fiscal year 2020-2021 ~~within the current live gaming facility or in an existing building that must be contiguous and connected to the live gaming facility. If a designated slot machine gaming area is to be located in a building that is to be constructed, that new building must be contiguous and connected to the live gaming facility.~~

Section 26. Subsection (5) of section 565.02, Florida Statutes, is amended to read:

565.02 License fees; vendors; clubs; caterers; and others.-

(5) A caterer at a pari-mutuel facility licensed under chapter 550 ~~horse or dog racetrack or jai alai fronton~~ may obtain a license upon the payment of an annual state license tax of \$675. Such caterer's license shall permit sales only within the enclosure in which pari-mutuel wagering is conducted ~~such races or jai alai games are conducted, and such licensee shall be permitted to sell only during the period beginning 10 days before and ending 10 days after racing or jai alai~~ under the authority of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation ~~is conducted at such racetrack or jai alai fronton~~. Except as in this subsection otherwise provided, caterers licensed hereunder shall be treated as vendors licensed to sell by the drink the beverages mentioned herein and shall be subject to all the provisions hereof relating to such vendors.

Section 27. Paragraphs (a) and (b) of subsection (5) and paragraph (d) of subsection (13) of section 849.086, Florida Statutes, are amended to read:



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849.086 Cardrooms authorized.—

(5) LICENSE REQUIRED; APPLICATION; FEES.—No person may operate a cardroom in this state unless such person holds a valid cardroom license issued pursuant to this section.

(a) Only those persons holding a valid cardroom license issued by the division may operate a cardroom. A cardroom license may only be issued to a licensed pari-mutuel permitholder and an authorized cardroom may only be operated at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities. An initial cardroom license shall be issued to a pari-mutuel permitholder only after its facilities are in place and after it conducts its first day of pari-mutuel activities on live racing or games.

(b) After the initial cardroom license is granted, the application for the annual license renewal shall be made in conjunction with the applicant's annual application for its pari-mutuel license. If a permitholder has operated a cardroom during any of the 3 previous fiscal years and fails to include a renewal request for the operation of the cardroom in its annual application for license renewal, the permitholder may amend its annual application to include operation of the cardroom. ~~In order for a cardroom license to be renewed the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto if the permitholder ran at least a full schedule of live~~



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~~852 racing or games in the prior year. If the application is for a~~  
~~853 harness permitholder cardroom, the applicant must have requested~~  
~~854 authorization to conduct a minimum of 140 live performances~~  
~~855 during the state fiscal year immediately prior thereto. If more~~  
~~856 than one permitholder is operating at a facility, each~~  
~~857 permitholder must have applied for a license to conduct a full~~  
~~858 schedule of live racing.~~

(13) TAXES AND OTHER PAYMENTS.—

(d)1. Each ~~greyhound and~~ jai alai permitholder that  
conducts live performances and operates a cardroom facility  
shall use at least 4 percent of such permitholder's cardroom  
monthly gross receipts to supplement ~~greyhound purses or jai~~  
~~alai prize money, respectively,~~ during the permitholder's next  
ensuing pari-mutuel meet.

2. Each thoroughbred permitholder or ~~and~~ harness horse  
racing permitholder that conducts live performances and operates  
a cardroom facility shall use at least 50 percent of such  
permitholder's cardroom monthly net proceeds as follows: 47  
percent to supplement purses and 3 percent to supplement  
breeders' awards during the permitholder's next ensuing racing  
meet.

3. No cardroom license or renewal thereof shall be issued  
to an applicant holding a permit under chapter 550 to conduct  
pari-mutuel wagering meets of quarter horse racing and  
conducting live performances unless the applicant has on file  
with the division a binding written agreement between the  
applicant and the Florida Quarter Horse Racing Association or  
the association representing a majority of the horse owners and  
trainers at the applicant's eligible facility, governing the



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payment of purses on live quarter horse races conducted at the licensee's pari-mutuel facility. The agreement governing purses may direct the payment of such purses from revenues generated by any wagering or gaming the applicant is authorized to conduct under Florida law. All purses shall be subject to the terms of chapter 550.

Section 28. For the purpose of incorporating the amendment made by this act to section 550.002, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 380.0651, Florida Statutes, is reenacted to read:

380.0651 Statewide guidelines, standards, and exemptions.—

(2) STATUTORY EXEMPTIONS.—The following developments are exempt from s. 380.06:

(c) Any proposed addition to an existing sports facility complex if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility;

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility; and

3. The sports facility complex property was owned by a public body before July 1, 1983.

This exemption does not apply to any pari-mutuel facility as defined in s. 550.002.

If a use is exempt from review pursuant to paragraphs (a)-(u), but will be part of a larger project that is subject to review pursuant to s. 380.06(12), the impact of the exempt use must be included in the review of the larger project, unless such exempt



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use involves a development that includes a landowner, tenant, or user that has entered into a funding agreement with the state land planning agency under the Innovation Incentive Program and the agreement contemplates a state award of at least \$50 million.

Section 29. For the purpose of incorporating the amendment made by this act to section 550.002, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 402.82, Florida Statutes, is reenacted to read:

402.82 Electronic benefits transfer program.—

(4) Use or acceptance of an electronic benefits transfer card is prohibited at the following locations or for the following activities:

(c) A pari-mutuel facility as defined in s. 550.002.

Section 30. For the purpose of incorporating the amendment made by this act to section 550.002, Florida Statutes, in a reference thereto, subsection (1) of section 480.0475, Florida Statutes, is reenacted to read:

480.0475 Massage establishments; prohibited practices.—

(1) A person may not operate a massage establishment between the hours of midnight and 5 a.m. This subsection does not apply to a massage establishment:

(a) Located on the premises of a health care facility as defined in s. 408.07; a health care clinic as defined in s. 400.9905(4); a hotel, motel, or bed and breakfast inn, as those terms are defined in s. 509.242; a timeshare property as defined in s. 721.05; a public airport as defined in s. 330.27; or a pari-mutuel facility as defined in s. 550.002;

(b) In which every massage performed between the hours of



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midnight and 5 a.m. is performed by a massage therapist acting under the prescription of a physician or physician assistant licensed under chapter 458, an osteopathic physician or physician assistant licensed under chapter 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an advanced practice registered nurse licensed under part I of chapter 464, or a dentist licensed under chapter 466; or

(c) Operating during a special event if the county or municipality in which the establishment operates has approved such operation during the special event.

Section 31. This act shall take effect July 1, 2021.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to requirements for pari-mutuel permitholders to conduct live racing or games; amending s. 550.002, F.S.; revising definitions; defining the terms "permitholder" and "permittee"; deleting the term "racing greyhound"; amending s. 550.0115, F.S.; making technical changes; amending s. 550.01215, F.S.; revising the application requirements for an operating license to conduct pari-mutuel wagering for a pari-mutuel facility; prohibiting greyhound permitholders from conducting live racing; authorizing jai alai permitholders, harness horse



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968 racing permitholders, and quarter horse racing  
969 permitholders to elect not to conduct live racing or  
970 games; requiring thoroughbred permitholders to conduct  
971 live racing; specifying that certain permitholders  
972 that do not conduct live racing or games retain their  
973 permit and remain pari-mutuel facilities; specifying  
974 that, if such permitholder has been issued a slot  
975 machine license, the permitholder's facility remains  
976 an eligible facility, continues to be eligible for a  
977 slot machine license, is exempt from certain  
978 provisions of ch. 551, F.S., is eligible to be a guest  
979 track, and, if the permitholder is a harness horse  
980 racing permitholder, is eligible to be a host track  
981 for intertrack wagering and simulcasting, and remains  
982 eligible for a cardroom license; authorizing the  
983 Division of Pari-mutuel Wagering to approve a change  
984 in racing dates for a permitholder if the request for  
985 a change is received before a specified date and under  
986 certain circumstances; deleting a provision  
987 authorizing the conversion of certain permits to a jai  
988 alai permit under certain circumstances; amending s.  
989 550.0235, F.S.; conforming provisions to changes made  
990 by the act; amending s. 550.0351, F.S.; deleting a  
991 provision relating to hound dog derbies and mutt  
992 derbies; amending s. 550.0425, F.S.; deleting a  
993 provision authorizing certain children to be granted  
994 access to kennel compound areas under certain  
995 circumstances; amending s. 550.054, F.S.; deleting  
996 provisions relating to the conversion of jai alai





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997 permits to greyhound racing permits; conforming  
998 provisions to changes made by the act; amending s.  
999 550.09511, F.S.; deleting a provision relating to the  
1000 payment of certain taxes and fees by jai alai  
1001 permitholders conducting fewer than a specified number  
1002 of live performances; amending s. 550.09512, F.S.;  
1003 revising the circumstances for which a harness horse  
1004 permitholder's permit is voided for failing to pay  
1005 certain taxes; amending ss. 550.105 and 550.1155,  
1006 F.S.; conforming provisions to changes made by the  
1007 act; amending s. 550.1647, F.S.; conforming a  
1008 provision to changes made by the act; repealing s.  
1009 550.1648, F.S., relating to greyhound adoptions;  
1010 amending ss. 550.175 and 550.1815, F.S.; conforming  
1011 provisions to changes made by the act; amending s.  
1012 550.24055, F.S.; conforming provisions to changes made  
1013 by the act; amending s. 550.2415, F.S.; deleting  
1014 provisions relating to the testing, euthanasia, and  
1015 training of racing greyhounds; amending s. 550.334,  
1016 F.S.; conforming provisions to changes made by the  
1017 act; amending s. 550.3551, F.S.; making technical  
1018 changes; conforming provisions to changes made by the  
1019 act; amending s. 550.3615, F.S.; making technical  
1020 changes; prohibiting a person convicted of bookmaking  
1021 from attending or being admitted to a pari-mutuel  
1022 facility; requiring pari-mutuel facility employees to  
1023 notify certain persons of unlawful activities;  
1024 providing civil penalties; requiring a permittee to  
1025 display certain warnings relating to bookmaking at his



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1026 or her pari-mutuel facility; revising applicability;  
1027 amending s. 550.475, F.S.; revising provisions  
1028 relating to leasing pari-mutuel facilities; amending  
1029 s. 550.615, F.S.; revising requirements relating to  
1030 intertrack wagering; specifying that greyhound  
1031 permitholders are qualified to receive certain  
1032 broadcasts and accept specified wagers; amending s.  
1033 550.6305, F.S.; conforming provisions to changes made  
1034 by the act; amending s. 551.104, F.S.; conforming  
1035 provisions to changes made by the act; amending s.  
1036 551.114, F.S.; revising requirements for the locations  
1037 of designated slot machine gaming areas; amending s.  
1038 565.02, F.S.; conforming provisions to changes made by  
1039 the act; amending s. 849.086, F.S.; revising  
1040 requirements relating to the annual renewal of a  
1041 cardroom license; conforming provisions to changes  
1042 made by the act; reenacting ss. 380.0651(2)(c),  
1043 402.82(4)(c), and 480.0475(1), F.S., relating to  
1044 statewide guidelines, the electronic benefits transfer  
1045 program, and massage establishments, respectively, to  
1046 incorporate the amendments made to s. 550.002, F.S.,  
1047 in references thereto; providing an effective date.

FOR CONSIDERATION By the Committee on Regulated Industries

580-03771-21

20217080pb

1 A bill to be entitled  
 2 An act relating to requirements for pari-mutuel  
 3 permitholders to conduct live racing or games;  
 4 amending s. 550.002, F.S.; revising definitions;  
 5 defining the terms "permitholder" and "permittee";  
 6 deleting the term "racing greyhound"; amending s.  
 7 550.0115, F.S.; making technical changes; amending s.  
 8 550.01215, F.S.; revising the application requirements  
 9 for an operating license to conduct pari-mutuel  
 10 wagering for a pari-mutuel facility; prohibiting  
 11 greyhound permitholders from conducting live racing;  
 12 authorizing jai alai permitholders, harness horse  
 13 racing permitholders, and quarter horse racing  
 14 permitholders to elect not to conduct live racing or  
 15 games; requiring thoroughbred permitholders to conduct  
 16 live racing; specifying that certain permitholders  
 17 that do not conduct live racing or games retain their  
 18 permit and remain pari-mutuel facilities; specifying  
 19 that, if such permitholder has been issued a slot  
 20 machine license, the permitholder's facility remains  
 21 an eligible facility, continues to be eligible for a  
 22 slot machine license, is exempt from certain  
 23 provisions of ch. 551, F.S., is eligible to be a guest  
 24 track, and, if the permitholder is a harness horse  
 25 racing permitholder, is eligible to be a host track  
 26 for intertrack wagering and simulcasting, and remains  
 27 eligible for a cardroom license; authorizing the  
 28 Division of Pari-mutuel Wagering to approve a change  
 29 in racing dates for a permitholder if the request for

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 a change is received before a specified date and under  
 31 certain circumstances; deleting a provision  
 32 authorizing the conversion of certain permits to a jai  
 33 alai permit under certain circumstances; amending s.  
 34 550.0235, F.S.; conforming provisions to changes made  
 35 by the act; amending s. 550.0351, F.S.; deleting a  
 36 provision relating to hound dog derbies and mutt  
 37 derbies; amending s. 550.0425, F.S.; deleting a  
 38 provision authorizing certain children to be granted  
 39 access to kennel compound areas under certain  
 40 circumstances; amending s. 550.054, F.S.; deleting  
 41 provisions relating to the conversion of jai alai  
 42 permits to greyhound racing permits; conforming a  
 43 provision to changes made by the act; amending s.  
 44 550.09511, F.S.; deleting a provision relating to the  
 45 payment of certain taxes and fees by jai alai  
 46 permitholders conducting fewer than a specified number  
 47 of live performances; amending s. 550.09512, F.S.;  
 48 revising the circumstances for which a harness horse  
 49 permitholder's permit is voided for failing to pay  
 50 certain taxes; amending ss. 550.105 and 550.1155,  
 51 F.S.; conforming provisions to changes made by the  
 52 act; amending s. 550.1647, F.S.; conforming a  
 53 provision to changes made by the act; repealing s.  
 54 550.1648, F.S., relating to greyhound adoptions;  
 55 amending ss. 550.175 and 550.1815, F.S.; conforming  
 56 provisions to changes made by the act; amending s.  
 57 550.24055, F.S.; conforming provisions to changes made  
 58 by the act; amending s. 550.2415, F.S.; deleting

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59 provisions relating to the testing, euthanasia, and  
 60 training of racing greyhounds; amending s. 550.3551,  
 61 F.S.; making technical changes; conforming provisions  
 62 to changes made by the act; amending s. 550.3615,  
 63 F.S.; making technical changes; prohibiting a person  
 64 convicted of bookmaking from attending or being  
 65 admitted to a pari-mutuel facility; requiring pari-  
 66 mutuel facility employees to notify certain persons of  
 67 unlawful activities; providing civil penalties;  
 68 requiring a permittee to display certain warnings  
 69 relating to bookmaking at his or her pari-mutuel  
 70 facility; revising applicability; amending s. 550.475,  
 71 F.S.; revising provisions relating to leasing pari-  
 72 mutuel facilities; amending s. 550.615, F.S.; revising  
 73 requirements relating to intertrack wagering;  
 74 specifying that greyhound permitholders are qualified  
 75 to receive certain broadcasts and accept specified  
 76 wagers; amending s. 550.6305, F.S.; conforming  
 77 provisions to changes made by the act; amending s.  
 78 551.104, F.S.; conforming provisions to changes made  
 79 by the act; amending s. 551.114, F.S.; revising  
 80 requirements for the locations of designated slot  
 81 machine gaming areas; amending s. 565.02, F.S.;  
 82 conforming provisions to changes made by the act;  
 83 amending s. 849.086, F.S.; revising requirements  
 84 relating to the annual renewal of a cardroom license;  
 85 conforming provisions to changes made by the act;  
 86 reenacting ss. 380.0651(2)(c), 402.82(4)(c), and  
 87 480.0475(1), F.S., relating to statewide guidelines,

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88 the electronic benefits transfer program, and massage  
 89 establishments, respectively, to incorporate the  
 90 amendments made to s. 550.002, F.S., in references  
 91 thereto; providing an effective date.

92  
 93 Be It Enacted by the Legislature of the State of Florida:

94  
 95 Section 1. Present subsections (24) through (28) of section  
 96 550.002, Florida Statutes, are redesignated as subsections (25)  
 97 through (29), respectively, a new subsection (24) is added to  
 98 that section, and subsections (11), (17), (20), (21), (22),  
 99 (23), and (31) and present subsections (26) and (29) of that  
 100 section are amended, to read:

101 550.002 Definitions.—As used in this chapter, the term:

102 (11) "Full schedule of live racing or games" means, for a  
 103 ~~greyhound or~~ jai alai permitholder, the conduct of a combination  
 104 of at least 100 live evening or matinee performances during the  
 105 preceding year; for a permitholder who has a converted permit or  
 106 filed an application on or before June 1, 1990, for a converted  
 107 permit, the conduct of a combination of at least 100 live  
 108 evening and matinee wagering performances during either of the 2  
 109 preceding years; for a jai alai permitholder who does not  
 110 operate slot machines in its pari-mutuel facility, who has  
 111 conducted at least 100 live performances per year for at least  
 112 10 years after December 31, 1992, and whose handle on live jai  
 113 alai games conducted at its pari-mutuel facility has been less  
 114 than \$4 million per state fiscal year for at least 2 consecutive  
 115 years after June 30, 1992, the conduct of a combination of at  
 116 least 40 live evening or matinee performances during the

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117 preceding year; for a jai alai permitholder who operates slot  
 118 machines in its pari-mutuel facility, the conduct of a  
 119 combination of at least 150 performances during the preceding  
 120 year; for a harness permitholder, the conduct of at least 100  
 121 live regular wagering performances during the preceding year;  
 122 for a quarter horse permitholder at its facility unless an  
 123 alternative schedule of at least 20 live regular wagering  
 124 performances is agreed upon by the permitholder and either the  
 125 Florida Quarter Horse Racing Association or the horsemen's  
 126 association representing the majority of the quarter horse  
 127 owners and trainers at the facility and filed with the division  
 128 along with its annual date application, in the 2010-2011 fiscal  
 129 year, the conduct of at least 20 regular wagering performances,  
 130 in the 2011-2012 and 2012-2013 fiscal years, the conduct of at  
 131 least 30 live regular wagering performances, and for every  
 132 fiscal year after the 2012-2013 fiscal year, the conduct of at  
 133 least 40 live regular wagering performances; for a quarter horse  
 134 permitholder leasing another licensed racetrack, the conduct of  
 135 160 events at the leased facility; and for a thoroughbred  
 136 permitholder, the conduct of at least 40 live regular wagering  
 137 performances during the preceding year. For a permitholder which  
 138 is restricted by statute to certain operating periods within the  
 139 year when other members of its same class of permit are  
 140 authorized to operate throughout the year, the specified number  
 141 of live performances which constitute a full schedule of live  
 142 racing or games shall be adjusted pro rata in accordance with  
 143 the relationship between its authorized operating period and the  
 144 full calendar year and the resulting specified number of live  
 145 performances shall constitute the full schedule of live games

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146 for such permitholder and all other permitholders of the same  
 147 class within 100 air miles of such permitholder. A live  
 148 performance must consist of no fewer than eight races or games  
 149 conducted live for each of a minimum of three performances each  
 150 week at the permitholder's licensed facility under a single  
 151 admission charge.

152 (17) "Intertrack wager" or "intertrack wagering" means a  
 153 particular form of pari-mutuel wagering in which wagers are  
 154 accepted at a permitted, in-state track, fronton, or pari-mutuel  
 155 facility on a race or game transmitted from and performed live  
 156 at, or simulcast signal rebroadcast from, another in-state pari-  
 157 mutuel facility.

158 (20) "Meet" or "meeting" means the conduct of live racing  
 159 or jai alai, or wagering on intertrack or simulcast events, for  
 160 any stake, purse, prize, or premium.

161 (21) "Operating day" means a continuous period of 24 hours  
 162 starting with the beginning of the first performance of a race  
 163 or game, even though the operating day may start during one  
 164 calendar day and extend past midnight except that no ~~greyhound~~  
 165 ~~race or~~ jai alai game may commence after 1:30 a.m.

166 (22) "Pari-mutuel" or "pari-mutuel wagering" means a system  
 167 of betting on races or games in which the winners divide the  
 168 total amount bet, after deducting management expenses and taxes,  
 169 in proportion to the sums they have wagered individually and  
 170 with regard to the odds assigned to particular outcomes.

171 (23) "Pari-mutuel facility" means the grounds or property  
 172 of a cardroom, racetrack, fronton, or other facility used by a  
 173 licensed permitholder for the conduct of pari-mutuel wagering.

174 (24) "Permitholder" or "permittee" means a holder of a

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175 permit to conduct pari-mutuel wagering in this state as  
 176 authorized in this chapter.

177 ~~(27)-(26)~~ "Post time" means the time set for the arrival at  
 178 the starting point of the horses ~~or greyhounds~~ in a race or the  
 179 beginning of a game in jai alai.

180 ~~(29) "Racing greyhound" means a greyhound that is or was~~  
 181 ~~used, or is being bred, raised, or trained to be used, in racing~~  
 182 ~~at a pari-mutuel facility and is registered with the National~~  
 183 ~~Greyhound Association.~~

184 (31) "Same class of races, games, or permit" means, with  
 185 respect to a jai alai permitholder, jai alai games or other jai  
 186 alai permitholders; with respect to a greyhound permitholder,  
 187 greyhound races or other greyhound permitholders conducting  
 188 pari-mutuel wagering; with respect to a thoroughbred  
 189 permitholder, thoroughbred races or other thoroughbred  
 190 permitholders; with respect to a harness permitholder, harness  
 191 races or other harness permitholders; with respect to a quarter  
 192 horse permitholder, quarter horse races or other quarter horse  
 193 permitholders.

194 Section 2. Section 550.0115, Florida Statutes, is amended  
 195 to read:

196 550.0115 Permitholder operating license.—After a permit has  
 197 been issued by the division, and after the permit has been  
 198 approved by election, the division shall issue to the  
 199 permitholder an annual operating license to conduct pari-mutuel  
 200 wagering operations at the location specified in the permit  
 201 pursuant to the provisions of this chapter.

202 Section 3. Section 550.01215, Florida Statutes, is amended  
 203 to read:

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204 550.01215 License application; periods of operation;  
 205 license fees; bond, ~~conversion of permit.~~

206 (1) Each permitholder shall annually, during the period  
 207 between December 15 and January 4, file in writing with the  
 208 division its application for an operating a license for a pari-  
 209 mutuel facility for the conduct of pari-mutuel wagering during  
 210 the next state fiscal year, including intertrack and simulcast  
 211 race wagering to conduct performances during the next state  
 212 fiscal year. Each application for live performances must shall  
 213 specify the number, dates, and starting times of all live  
 214 performances that which the permitholder intends to conduct. It  
 215 must shall also specify which performances will be conducted as  
 216 charity or scholarship performances.

217 ~~(a) In addition,~~ Each application for an operating a  
 218 license also must shall include:—

219 1. For each permitholder, whether the permitholder intends  
 220 to accept wagers on intertrack or simulcast events.

221 2. For each permitholder that ~~which~~ elects to operate a  
 222 cardroom, the dates and periods of operation the permitholder  
 223 intends to operate the cardroom. ~~or~~

224 3. For each thoroughbred racing permitholder that which  
 225 elects to receive or rebroadcast out-of-state races after 7  
 226 p.m., the dates for all performances that which the permitholder  
 227 intends to conduct.

228 (b) A greyhound permitholder may not conduct live racing. A  
 229 jai alai permitholder, harness horse racing permitholder, or  
 230 quarter horse racing permitholder may elect not to conduct live  
 231 racing or games. A thoroughbred permitholder must conduct live  
 232 racing. A greyhound permitholder, jai alai permitholder, harness

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horse racing permitholder, or quarter horse racing permitholder that does not conduct live racing or games retains its permit; is a pari-mutuel facility as defined in s. 550.002(23); if such permitholder has been issued a slot machine license, the facility where such permit is located remains an eligible facility as defined in s. 551.102(4), continues to be eligible for a slot machine license pursuant to s. 551.104(3), and is exempt from ss. 551.104(4)(c) and (10) and 551.114(2) and (4); is eligible, but not required, to be a guest track and, if the permitholder is a harness horse racing permitholder, to be a host track for purposes of intertrack wagering and simulcasting pursuant to ss. 550.3551, 550.615, 550.625, and 550.6305; and remains eligible for a cardroom license.

(c) ~~Permitholders may shall be entitled to~~ amend their applications through February 28.

(2) After the first license has been issued to a permitholder, all subsequent annual applications for a license shall be accompanied by proof, in such form as the division may by rule require, that the permitholder continues to possess the qualifications prescribed by this chapter, and that the permit has not been disapproved at a later election.

(3) The division shall issue each license no later than March 15. Each permitholder shall operate all performances at the date and time specified on its license. The division shall have the authority to approve minor changes in racing dates after a license has been issued. The division may approve changes in racing dates after a license has been issued when there is no objection from any operating permitholder located within 50 miles of the permitholder requesting the changes in

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operating dates. In the event of an objection, the division shall approve or disapprove the change in operating dates based upon the impact on operating permitholders located within 50 miles of the permitholder requesting the change in operating dates. In making the determination to change racing dates, the division shall take into consideration the impact of such changes on state revenues. Notwithstanding any other provision of law, and for the 2021-2022 state fiscal year only, the division may approve changes in operating dates for permitholders if the request for such changes is received before July 1, 2021.

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

(5) In the event that performances licensed to be operated by a permitholder are vacated, abandoned, or will not be used for any reason, any permitholder shall be entitled, pursuant to rules adopted by the division, to apply to conduct performances on the dates for which the performances have been abandoned. The division shall issue an amended license for all such replacement performances which have been requested in compliance with ~~the provisions of~~ this chapter and division rules.

~~(6) Any permit which was converted from a jai-alai permit~~

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to a greyhound permit may be converted to a jai alai permit at any time if the permitholder never conducted greyhound racing or if the permitholder has not conducted greyhound racing for a period of 12 consecutive months.

Section 4. Section 550.0235, Florida Statutes, is amended to read:

550.0235 Limitation of civil liability.—No permitholder licensed to conduct pari-mutuel wagering permittee conducting a racing meet pursuant to the provisions of this chapter; no division director or employee of the division; and no steward, judge, or other person appointed to act pursuant to this chapter shall be held liable to any person, partnership, association, corporation, or other business entity for any cause whatsoever arising out of, or from, the performance by such permittee, director, employee, steward, judge, or other person of her or his duties and the exercise of her or his discretion with respect to the implementation and enforcement of the statutes and rules governing the conduct of pari-mutuel wagering, so long as she or he acted in good faith. This section shall not limit liability in any situation in which the negligent maintenance of the premises or the negligent conduct of a race contributed to an accident; nor shall it limit any contractual liability.

Section 5. Subsections (1) and (7) of section 550.0351, Florida Statutes, are amended to read:

550.0351 Charity racing days.—

(1) The division shall, upon the request of a permitholder, authorize each horseracing permitholder, ~~dogracing permitholder,~~ and jai alai permitholder up to five charity or scholarship days in addition to the regular racing days authorized by law.

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(7) In addition to the charity days authorized by this section, any dogracing permitholder may allow its facility to be used for conducting "hound dog derbies" or "mutt derbies" on any day during each racing season by any charitable, civic, or nonprofit organization for the purpose of conducting "hound dog derbies" or "mutt derbies" if only dogs other than those usually used in dogracing (greyhounds) are permitted to race and if adults and minors are allowed to participate as dog owners or spectators. During these racing events, betting, gambling, and the sale or use of alcoholic beverages is prohibited.

Section 6. Subsection (4) of section 550.0425, Florida Statutes, is amended to read:

550.0425 Minors attendance at pari-mutuel performances; restrictions.—

(4) ~~Minor children of licensed greyhound trainers, kennel operators, or other licensed persons employed in the kennel compound areas may be granted access to kennel compound areas without being licensed, provided they are in no way employed unless properly licensed, and only when under the direct supervision of one of their parents or legal guardian.~~

Section 7. Subsections (2) and (14) of section 550.054, Florida Statutes, are amended to read:

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

(2) Upon each application filed and approved, a permit shall be issued to the applicant setting forth the name of the permitholder, the location of the pari-mutuel facility, the type of pari-mutuel activity desired to be conducted, and a statement showing qualifications of the applicant to conduct pari-mutuel



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performances under this chapter; however, a permit is ineffectual to authorize any pari-mutuel performances until approved by a majority of the electors participating in a ratification election in the county in which the applicant proposes to conduct pari-mutuel wagering activities. In addition, an application may not be considered, nor may a permit be issued by the division or be voted upon in any county, to conduct horseraces, harness horse races, or pari-mutuel wagering ~~degreases~~ at a location within 100 miles of an existing pari-mutuel facility, or for jai alai within 50 miles of an existing pari-mutuel facility; this distance shall be measured on a straight line from the nearest property line of one pari-mutuel facility to the nearest property line of the other facility.

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

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

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

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

~~(b) The division, upon application from the holder of a jai alai permit meeting all conditions of this section, shall convert the permit and shall issue to the permitholder a permit to conduct greyhound racing. A permitholder of a permit converted under this section shall be required to apply for and~~

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

Section 8. Subsection (4) of section 550.09511, Florida Statutes, is amended to read:

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

~~(4) A jai alai permitholder conducting fewer than 100 live performances in any calendar year shall pay to the state the same aggregate amount of daily license fees on live jai alai games, admissions tax, and tax on live handle as that permitholder paid to the state during the most recent prior calendar year in which the jai alai permitholder conducted at least 100 live performances.~~

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Section 9. Paragraph (a) of subsection (3) of section 550.09512, Florida Statutes, is amended to read:

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

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

Section 10. Subsections (2) and (9) of section 550.105, Florida Statutes, are amended to read:

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

(2) (a) The following licenses shall be issued to persons or entities with access to the backside, racing animals, jai alai players' room, jockeys' room, drivers' room, totalisator room, the mutuels, or money room, or to persons who, by virtue of the position they hold, might be granted access to these areas or to any other person or entity in one of the following categories and with fees not to exceed the following amounts for any 12-month period:

1. Business licenses: any business such as a vendor,

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contractual concessionaire, ~~contract kennel~~, business owning racing animals, trust or estate, totalisator company, stable name, or other fictitious name: \$50.

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

3. General occupational licenses: general employees with access to the jockeys' room, the drivers' room, racing animals, the backside of a racetrack or players' quarters in jai alai, such as grooms, ~~kennel helpers~~, leadouts, pelota makers, cesta makers, or ball boys, or a practitioner of any other occupation who would have access to the animals or the backside, ~~or the kennel compound~~, or who would provide the security or maintenance of these areas, or mutuel employees, totalisator employees, money-room employees, or any employee with access to mutuels machines, the money room, or totalisator equipment or who would provide the security or maintenance of these areas: \$10.

The individuals and entities that are licensed under this paragraph require heightened state scrutiny, including the submission by the individual licensees or persons associated

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with the entities described in this chapter of fingerprints for a Federal Bureau of Investigation criminal records check.

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

(9) The tax imposed by this section is in lieu of all license, excise, or occupational taxes to the state or any county, municipality, or other political subdivision, except that, if a race meeting or game is held or conducted in a municipality, the municipality may assess and collect an additional tax against any person conducting live racing or games within its corporate limits, which tax may not exceed \$150 per day for horseracing or \$50 per day for ~~dogracing~~ or jai alai. Except as provided in this chapter, a municipality may not assess or collect any additional excise or revenue tax against any person conducting race meetings within the corporate limits of the municipality or against any patron of any such person.

Section 11. Section 550.1155, Florida Statutes, is amended to read:

550.1155 Authority of stewards, judges, panel of judges, or player's manager to impose penalties against occupational licensees; disposition of funds collected.—

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

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(2) All penalties imposed and collected pursuant to this section at each horse ~~or dog~~ racetrack or jai alai fronton shall be deposited into a board of relief fund established by the pari-mutuel permitholder. Each association shall name a board of relief composed of three of its officers, with the general manager of the permitholder being the ex officio treasurer of such board. Moneys deposited into the board of relief fund shall be disbursed by the board for the specific purpose of aiding occupational licenseholders and their immediate family members at each pari-mutuel facility.

Section 12. Section 550.1647, Florida Statutes, is amended to read:

550.1647 Greyhound permitholders; unclaimed tickets; breaks.—All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any greyhound permitholder authorized to conduct ~~greyhound racing~~ pari-mutuel wagering pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within that period of time, shall, ~~with respect to live races conducted by the permitholder,~~ be remitted to the state pursuant to s. 550.1645; however, such permitholder shall be entitled to a credit in each state fiscal year in an amount equal to the actual amount remitted in the prior state fiscal year which may be applied against any taxes imposed pursuant to this chapter. In addition, each permitholder shall pay, from any source, ~~including the proceeds from performances conducted pursuant to s. 550.0351,~~ an amount not less than 10 percent of

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the amount of the credit provided by this section to any bona fide organization that promotes or encourages the adoption of greyhounds. As used in this chapter, the term "bona fide organization that promotes or encourages the adoption of greyhounds" means any organization that provides evidence of compliance with chapter 496 and possesses a valid exemption from federal taxation issued by the Internal Revenue Service. Such bona fide organization, as a condition of adoption, must provide sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adopter. The fee for sterilization may be included in the cost of adoption.

Section 13. Section 550.1648, Florida Statutes, is repealed.

Section 14. Section 550.175, Florida Statutes, is amended to read:

550.175 Petition for election to revoke permit.—Upon petition of 20 percent of the qualified electors of any county wherein any pari-mutuel wagering racing ~~racing~~ has been licensed and conducted under this chapter, the county commissioners of such county shall provide for the submission to the electors of such county at the then next succeeding general election the question of whether any permit or permits theretofore granted shall be continued or revoked, and if a majority of the electors voting on such question in such election vote to cancel or recall the permit theretofore given, the division may not thereafter grant any license on the permit so recalled. Every signature upon every recall petition must be signed in the presence of the clerk of the board of county commissioners at the office of the clerk of the circuit court of the county, and the petitioner

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must present at the time of such signing her or his registration receipt showing the petitioner's qualification as an elector of the county at the time of the signing of the petition. Not more than one permit may be included in any one petition; and, in all elections in which the recall of more than one permit is voted on, the voters shall be given an opportunity to vote for or against the recall of each permit separately. Nothing in this chapter shall be construed to prevent the holding of later referendum or recall elections.

Section 15. Subsection (1) of section 550.1815, Florida Statutes, is amended to read:

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

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

- (a)1. The permitholder;
2. An employee of the permitholder;
3. The sole proprietor of the permitholder;
4. A corporate officer or director of the permitholder;
5. A general partner of the permitholder;
6. A trustee of the permitholder;
7. A member of an unincorporated association permitholder;
8. A joint venturer of the permitholder;

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

584 10. An owner of any interest in the permit or permitholder,  
 585 including any immediate family member of the owner, or holder of  
 586 any debt, mortgage, contract, or concession from the  
 587 permitholder, who by virtue thereof is able to control the  
 588 business of the permitholder.

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

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

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

593 4. A felony under the laws of another state if related to  
 594 gambling which would be a felony under the laws of this state if  
 595 committed in this state; or

596 5. Bookmaking as defined in s. 849.25.

597 Section 16. Subsection (2) of section 550.24055, Florida  
 598 Statutes, is amended to read:

599 550.24055 Use of controlled substances or alcohol  
 600 prohibited; testing of certain occupational licensees; penalty;  
 601 evidence of test or action taken and admissibility for criminal  
 602 prosecution limited.—

603 (2) The occupational licensees, by applying for and holding  
 604 such licenses, are deemed to have given their consents to submit  
 605 to an approved chemical test of their breath for the purpose of  
 606 determining the alcoholic content of their blood and to a urine  
 607 or blood test for the purpose of detecting the presence of  
 608 controlled substances. Such tests shall only be conducted upon  
 609 reasonable cause that a violation has occurred as shall be

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610 determined solely by the stewards at a horseracing meeting or  
 611 the judges or board of judges at a ~~dog track~~ or jai alai meet.  
 612 The failure to submit to such test may result in a suspension of  
 613 the person's occupational license for a period of 10 days or  
 614 until this section has been complied with, whichever is longer.

615 (a) If there was at the time of the test 0.05 percent or  
 616 less by weight of alcohol in the person's blood, the person is  
 617 presumed not to have been under the influence of alcoholic  
 618 beverages to the extent that the person's normal faculties were  
 619 impaired, and no action of any sort may be taken by the  
 620 stewards, judges, or board of judges or the division.

621 (b) If there was at the time of the test an excess of 0.05  
 622 percent but less than 0.08 percent by weight of alcohol in the  
 623 person's blood, that fact does not give rise to any presumption  
 624 that the person was or was not under the influence of alcoholic  
 625 beverages to the extent that the person's faculties were  
 626 impaired, but the stewards, judges, or board of judges may  
 627 consider that fact in determining whether or not the person will  
 628 be allowed to officiate or participate in any given race or jai  
 629 alai game.

630 (c) If there was at the time of the test 0.08 percent or  
 631 more by weight of alcohol in the person's blood, that fact is  
 632 prima facie evidence that the person was under the influence of  
 633 alcoholic beverages to the extent that the person's normal  
 634 faculties were impaired, and the stewards or judges may take  
 635 action as set forth in this section, but the person may not  
 636 officiate at or participate in any race or jai alai game on the  
 637 day of such test.

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

Section 17. Paragraph (d) of subsection (5), paragraphs (b) and (c) of subsection (6), paragraph (a) of subsection (9), and subsection (13) of section 550.2415, Florida Statutes, are amended to read:

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

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

~~(d) For the testing of a racing greyhound, if there is an insufficient quantity of the secondary (split) sample for confirmation of the division laboratory's positive result, the division may commence administrative proceedings as prescribed in this chapter and consistent with chapter 120.~~

(6)

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

~~(c) It is a violation of this chapter for an occupational licensee to train a greyhound using live or dead animals. A greyhound may not be taken from this state for the purpose of~~

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~~being trained through the use of live or dead animals.~~

(9) (a) The division may conduct a postmortem examination of any animal that is injured at a permitted racetrack while in training or in competition and that subsequently expires or is destroyed. The division may conduct a postmortem examination of any animal that expires while housed at a permitted racetrack, association compound, or licensed ~~kenel~~<sup>or</sup> farm. Trainers and owners shall be requested to comply with this paragraph as a condition of licensure.

~~(13) The division may implement by rule medication levels for racing greyhounds recommended by the University of Florida College of Veterinary Medicine developed pursuant to an agreement between the Division of Pari-mutuel Wagering and the University of Florida College of Veterinary Medicine. The University of Florida College of Veterinary Medicine may provide written notification to the division that it has completed research or review on a particular drug pursuant to the agreement and when the College of Veterinary Medicine has completed a final report of its findings, conclusions, and recommendations to the division.~~

Section 18. Subsections (2) and (4), paragraph (a) of subsection (6), and subsection (11) of section 550.3551, Florida Statutes, are amended to read:

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

(2) Any horse track, ~~dog track~~, or fronton licensed under this chapter may transmit broadcasts of races or games conducted at the enclosure of the licensee to locations outside this state.

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697 (a) All broadcasts of horseraces transmitted to locations  
 698 outside this state must comply with the provisions of the  
 699 Interstate Horseracing Act of 1978, 92 Stat. 1811, 15 U.S.C. ss.  
 700 3001 et seq.

701 (b) Wagers accepted by any out-of-state pari-mutuel  
 702 permitholder or licensed betting system on a race broadcasted  
 703 under this subsection may be, but are not required to be,  
 704 included in the pari-mutuel pools of the horse track in this  
 705 state that broadcasts the race upon which wagers are accepted.  
 706 The handle, as referred to in s. 550.0951(3), does not include  
 707 any wagers accepted by an out-of-state pari-mutuel permitholder  
 708 or licensed betting system, irrespective of whether such wagers  
 709 are included in the pari-mutuel pools of the Florida  
 710 permitholder as authorized by this subsection.

711 (4) Any greyhound permitholder or jai alai permitholder dog  
 712 track or fronton licensed under this chapter may receive at its  
 713 licensed location broadcasts of dograces or jai alai games  
 714 conducted at other tracks or frontons located outside the state  
 715 ~~at the track enclosure of the licensee during its operational~~  
 716 ~~meeting~~. All forms of pari-mutuel wagering are allowed on  
 717 dograces or jai alai games broadcast under this subsection. All  
 718 money wagered by patrons on dograces broadcast under this  
 719 subsection shall be computed in the amount of money wagered each  
 720 performance for purposes of taxation under ss. 550.0951 and  
 721 550.09511.

722 (6) (a) ~~A maximum of 20 percent of the total number of races~~  
 723 ~~on which wagers are accepted by a greyhound permitholder not~~  
 724 ~~located as specified in s. 550.615(6) may be received from~~  
 725 ~~locations outside this state.~~ A permitholder conducting live

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726 races or games may not conduct fewer than eight live races or  
 727 games on any authorized race day except as provided in this  
 728 subsection. A thoroughbred permitholder may not conduct fewer  
 729 than eight live races on any race day without the written  
 730 approval of the Florida Thoroughbred Breeders' Association and  
 731 the Florida Horsemen's Benevolent and Protective Association,  
 732 Inc., unless it is determined by the department that another  
 733 entity represents a majority of the thoroughbred racehorse  
 734 owners and trainers in the state. If conducting live racing, a  
 735 harness permitholder may conduct fewer than eight live races on  
 736 any authorized race day, ~~except that such permitholder must~~  
 737 ~~conduct a full schedule of live racing during its race meet~~  
 738 ~~consisting of at least eight live races per authorized race day~~  
 739 ~~for at least 100 days.~~ Any harness horse permitholder ~~that~~  
 740 ~~during the preceding racing season conducted a full schedule of~~  
 741 ~~live racing may, at any time during its current race meet,~~  
 742 receive full-card broadcasts of harness horse races conducted at  
 743 harness racetracks outside this state at the harness track of  
 744 the permitholder and accept wagers on such harness races. ~~With~~  
 745 ~~specific authorization from the division for special racing~~  
 746 ~~events, a permitholder may conduct fewer than eight live races~~  
 747 ~~or games when the permitholder also broadcasts out-of-state~~  
 748 ~~races or games. The division may not grant more than two such~~  
 749 ~~exceptions a year for a permitholder in any 12-month period, and~~  
 750 ~~those two exceptions may not be consecutive.~~

751 (11) Greyhound permitholders tracks and jai alai  
 752 permitholders frontons have the same privileges as provided in  
 753 this section to horserace permitholders horse tracks, as  
 754 applicable, subject to rules adopted under subsection (10).

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Section 19. Subsections (1), (3), (4), (5), and (6) of section 550.3615, Florida Statutes, are amended to read:

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

(1) Any person who engages in bookmaking, as defined in s. 849.25, on the grounds or property of a pari-mutuel facility ~~commits permitholder of a horse or dog track or jai alai fronton~~ ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding the provisions of s. 948.01, any person convicted under the provisions of this subsection shall not have adjudication of guilt suspended, deferred, or withheld.

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

(4) If the activities of a person show that this law is being violated, and such activities are either witnessed or are common knowledge by any pari-mutuel facility ~~track or fronton~~ employee, it is the duty of that employee to bring the matter to

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the immediate attention of the permitholder, manager, or her or his designee, who shall notify a law enforcement agency having jurisdiction. Willful failure ~~by the pari-mutuel facility on the part of any track or fronton~~ employee to comply with the provisions of this subsection is a ground for the division to suspend or revoke that employee's license for pari-mutuel facility ~~track or fronton~~ employment.

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

(6) This section does not apply to any person ~~attending a track or fronton or~~ employed by or attending a pari-mutuel facility ~~a track or fronton~~ who places a bet through the legalized pari-mutuel pool for another person, provided such service is rendered gratuitously and without fee or other reward.

Section 20. Section 550.475, Florida Statutes, is amended to read:

550.475 Lease of pari-mutuel facilities by pari-mutuel permitholders.—Holders of valid pari-mutuel permits for the conduct of any pari-mutuel wagering jai alai games, dog racing, ~~or thoroughbred and standardbred horse racing~~ in this state are entitled to lease any and all of their facilities to any other



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holder of a same class valid pari-mutuel permit ~~for jai alai~~  
~~games, dogracing, or thoroughbred or standardbred horse racing,~~  
 when located within a 35-mile radius of each other; and such  
 lessee is entitled to a permit and license to conduct intertrack  
wagering and operate its race meet or jai alai games at the  
 leased premises.

Section 21. Subsections (2) and (8) of section 550.615,  
 Florida Statutes, are amended, and subsection (11) is added to  
 that section, to read:

550.615 Intertrack wagering.—

(2) A pari-mutuel permitholder that has met the applicable  
requirement for that permitholder to conduct live racing or  
games under s. 550.01215(1)(b), if any, Any track or fronton  
licensed under this chapter which in the preceding year  
~~conducted a full schedule of live racing~~ is qualified to, at any  
 time, receive broadcasts of any class of pari-mutuel race or  
 game and accept wagers on such races or games conducted by any  
 class of permitholders licensed under this chapter.

(8) In any three contiguous counties of the state where  
 there are only three permitholders, all of which are greyhound  
 permitholders, if any permitholder leases the facility of  
 another permitholder for all or any portion of the conduct of  
 its live race meet pursuant to s. 550.475, such lessee may  
 conduct intertrack wagering at its pre-lease permitted facility  
 throughout the entire year, ~~including while its live meet is~~  
~~being conducted at the leased facility, if such permitholder has~~  
~~conducted a full schedule of live racing during the preceding~~  
~~fiscal year at its pre-lease permitted facility or at a leased~~  
~~facility, or combination thereof.~~

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(11) Any greyhound permitholder licensed under this chapter  
to conduct pari-mutuel wagering is qualified to, at any time,  
receive broadcasts of any class of pari-mutuel race or game and  
accept wagers on such races or games conducted by any class of  
permitholders licensed under this chapter.

Section 22. Subsection (2) of section 550.6305, Florida  
 Statutes, is amended to read:

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

(2) For the purposes of calculation of odds and payoffs and  
 distribution of the pari-mutuel pools, all intertrack wagers  
 shall be combined with the pari-mutuel pools at the host track.  
~~Notwithstanding this subsection or subsection (4), a greyhound~~  
~~pari-mutuel permitholder may conduct intertrack wagering without~~  
~~combining pari-mutuel pools on not more than three races in any~~  
~~week, not to exceed 20 races in a year. All other provisions~~  
~~concerning pari-mutuel takeout and payments, including state tax~~  
~~payments, apply as if the pool had been combined.~~

Section 23. Paragraph (c) of subsection (4) of section  
 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

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

(c) If a thoroughbred permitholder, conduct no fewer than a  
 full schedule of live racing or games as defined in s.  
 550.002(11). A permitholder's responsibility to conduct ~~such~~  
~~number of~~ live races or games shall be reduced by the number of  
 races or games that could not be conducted due to the direct

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871 result of fire, war, hurricane, or other disaster or event  
872 beyond the control of the permitholder.

873 Section 24. Subsection (4) of section 551.114, Florida  
874 Statutes, is amended to read:

875 551.114 Slot machine gaming areas.—

876 (4) Designated slot machine gaming areas must ~~may~~ be  
877 located at the location specified in the licensed permitholder's  
878 operating license within the current live gaming facility or in  
879 an existing building that must be contiguous and connected to  
880 the live gaming facility. If a designated slot machine gaming  
881 area is to be located in a building that is to be constructed,  
882 that new building must be contiguous and connected to the live  
883 gaming facility.

884 Section 25. Subsection (5) of section 565.02, Florida  
885 Statutes, is amended to read:

886 565.02 License fees; vendors; clubs; caterers; and others.—

887 (5) A caterer at a horse ~~or dog~~ racetrack or jai alai  
888 fronton may obtain a license upon the payment of an annual state  
889 license tax of \$675. Such caterer's license shall permit sales  
890 only within the enclosure in which such races or jai alai games  
891 are conducted, and such licensee shall be permitted to sell only  
892 during the period beginning 10 days before and ending 10 days  
893 after racing or jai alai under the authority of the Division of  
894 Pari-mutuel Wagering of the Department of Business and  
895 Professional Regulation is conducted at such racetrack or jai  
896 alai fronton. Except as in this subsection otherwise provided,  
897 caterers licensed hereunder shall be treated as vendors licensed  
898 to sell by the drink the beverages mentioned herein and shall be  
899 subject to all the provisions hereof relating to such vendors.

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900 Section 26. Paragraphs (a) and (b) of subsection (5) and  
901 paragraph (d) of subsection (13) of section 849.086, Florida  
902 Statutes, are amended to read:

903 849.086 Cardrooms authorized.—

904 (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may  
905 operate a cardroom in this state unless such person holds a  
906 valid cardroom license issued pursuant to this section.

907 (a) Only those persons holding a valid cardroom license  
908 issued by the division may operate a cardroom. A cardroom  
909 license may only be issued to a licensed pari-mutuel  
910 permitholder and an authorized cardroom may only be operated at  
911 the same facility at which the permitholder is authorized under  
912 its valid pari-mutuel wagering permit to conduct pari-mutuel  
913 wagering activities. An initial cardroom license shall be issued  
914 to a pari-mutuel permitholder only after its facilities are in  
915 place and after it conducts its first day of pari-mutuel  
916 activities on live racing or games.

917 (b) After the initial cardroom license is granted, the  
918 application for the annual license renewal shall be made in  
919 conjunction with the applicant's annual application for its  
920 pari-mutuel license. If a permitholder has operated a cardroom  
921 during any of the 3 previous fiscal years and fails to include a  
922 renewal request for the operation of the cardroom in its annual  
923 application for license renewal, the permitholder may amend its  
924 annual application to include operation of the cardroom. ~~In~~  
925 ~~order for a cardroom license to be renewed the applicant must~~  
926 ~~have requested, as part of its pari-mutuel annual license~~  
927 ~~application, to conduct at least 90 percent of the total number~~  
928 ~~of live performances conducted by such permitholder during~~

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either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto if the permitholder ran at least a full schedule of live racing or games in the prior year. If the application is for a harness permitholder cardroom, the applicant must have requested authorization to conduct a minimum of 140 live performances during the state fiscal year immediately prior thereto. If more than one permitholder is operating at a facility, each permitholder must have applied for a license to conduct a full schedule of live racing.

(13) TAXES AND OTHER PAYMENTS.—

(d)1. Each ~~greyhound and jai alai~~ permitholder that conducts live performances and operates a cardroom facility shall use at least 4 percent of such permitholder's cardroom monthly gross receipts to supplement ~~greyhound purses or jai alai prize money, respectively,~~ during the permitholder's next ensuing pari-mutuel meet.

2. Each thoroughbred permitholder or and harness horse racing permitholder that conducts live performances and operates a cardroom facility shall use at least 50 percent of such permitholder's cardroom monthly net proceeds as follows: 47 percent to supplement purses and 3 percent to supplement breeders' awards during the permitholder's next ensuing racing meet.

3. No cardroom license or renewal thereof shall be issued to an applicant holding a permit under chapter 550 to conduct pari-mutuel wagering meets of quarter horse racing and conducting live performances unless the applicant has on file with the division a binding written agreement between the

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applicant and the Florida Quarter Horse Racing Association or the association representing a majority of the horse owners and trainers at the applicant's eligible facility, governing the payment of purses on live quarter horse races conducted at the licensee's pari-mutuel facility. The agreement governing purses may direct the payment of such purses from revenues generated by any wagering or gaming the applicant is authorized to conduct under Florida law. All purses shall be subject to the terms of chapter 550.

Section 27. For the purpose of incorporating the amendment made by this act to section 550.002, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 380.0651, Florida Statutes, is reenacted to read:

380.0651 Statewide guidelines, standards, and exemptions.—

(2) STATUTORY EXEMPTIONS.—The following developments are exempt from s. 380.06:

(c) Any proposed addition to an existing sports facility complex if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility;

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility; and

3. The sports facility complex property was owned by a public body before July 1, 1983.

This exemption does not apply to any pari-mutuel facility as defined in s. 550.002.

If a use is exempt from review pursuant to paragraphs (a)-(u),

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but will be part of a larger project that is subject to review pursuant to s. 380.06(12), the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development that includes a landowner, tenant, or user that has entered into a funding agreement with the state land planning agency under the Innovation Incentive Program and the agreement contemplates a state award of at least \$50 million.

Section 28. For the purpose of incorporating the amendment made by this act to section 550.002, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 402.82, Florida Statutes, is reenacted to read:

402.82 Electronic benefits transfer program.—

(4) Use or acceptance of an electronic benefits transfer card is prohibited at the following locations or for the following activities:

(c) A pari-mutuel facility as defined in s. 550.002.

Section 29. For the purpose of incorporating the amendment made by this act to section 550.002, Florida Statutes, in a reference thereto, subsection (1) of section 480.0475, Florida Statutes, is reenacted to read:

480.0475 Massage establishments; prohibited practices.—

(1) A person may not operate a massage establishment between the hours of midnight and 5 a.m. This subsection does not apply to a massage establishment:

(a) Located on the premises of a health care facility as defined in s. 408.07; a health care clinic as defined in s. 400.9905(4); a hotel, motel, or bed and breakfast inn, as those terms are defined in s. 509.242; a timeshare property as defined

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in s. 721.05; a public airport as defined in s. 330.27; or a pari-mutuel facility as defined in s. 550.002;

(b) In which every massage performed between the hours of midnight and 5 a.m. is performed by a massage therapist acting under the prescription of a physician or physician assistant licensed under chapter 458, an osteopathic physician or physician assistant licensed under chapter 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an advanced practice registered nurse licensed under part I of chapter 464, or a dentist licensed under chapter 466; or

(c) Operating during a special event if the county or municipality in which the establishment operates has approved such operation during the special event.

Section 30. This act shall take effect July 1, 2021.

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THE FLORIDA SENATE

APPEARANCE RECORD

4-12-21

Meeting Date

SPB 7080

Bill Number (if applicable)

Topic Economic impact of Thoroughbred industry

Amendment Barcode (if applicable)

Name Lonny Powell

Job Title Chief Executive Officer

Address 801 SW 60th Avenue  
Street

Phone 352-629-2160

Ocala FL  
City State Zip

Email lpowell@ftboa.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Thoroughbred Breeders and Owners Assn

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

04/12/2021  
Meeting Date

SPB 7080  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Lauren Jackson

Job Title Lobbyist

Address 205 S. Adams St.  
Street

Phone 931-265-8999

Tallahassee FL 32301  
City State Zip

Email lauren@ericksconsultants.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Standardbred Breeders + Owners Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

## THE FLORIDA SENATE

## APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/12/2021

Meeting Date

SB 7080

Bill Number (if applicable)

Topic Requirements for Pari-mutuel Permitholders

Amendment Barcode (if applicable)

Name Mike Rogers

Job Title President

Address 901 S. Federal Highway

Street

Hallandale

City

FL

State

33009

Zip

Phone

Email mike.rogers@stonachgroup.com

Speaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Gulfstream Park

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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**THE FLORIDA SENATE**

**APPEARANCE RECORD**

April 12, 2021

*Meeting Date*

SB 7080

*Bill Number (if applicable)*

Topic SB 7080 - Requirements for Pari-mutuel Permitholders

*Amendment Barcode (if applicable)*

Name Stephen Screnci

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Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
*(The Chair will read this information into the record.)*

Representing Florida Horsemen Benevolent and Protective Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)



# CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Regulated Industries Committee

Judge:

Started: 4/12/2021 3:00:52 PM

Ends: 4/12/2021 3:31:02 PM

Length: 00:30:11

3:00:51 PM Meeting called to order and roll call  
3:01:00 PM Pledge of Allegiance  
3:01:38 PM Opening comments by Chair Hutson and Covid precautions  
3:02:20 PM Brief overview by Chair Hutson regarding gaming  
3:03:17 PM Turn chair over to Vice Chair Book  
3:03:25 PM Tab 1 - SPB 7076 Gaming Enforcement by RI  
3:03:29 PM Senator Hutson to explain the proposed bill  
3:05:08 PM Amendment barcode 848350 by Senator Hutson  
3:06:06 PM Amendment barcode 848350 adopted  
3:06:16 PM Question by Senator Rouson  
3:06:27 PM Response by Senator Hutson  
3:06:36 PM Roll call on SPB 7076  
3:07:28 PM SPB 7076 is reported favorably as a committee bill  
3:07:49 PM Tab 2 - SPB 7078 Public Records and Public Meetings Exemptions/Florida Gaming Control Commission  
3:07:55 PM Senator Hutson to explain the proposed bill  
3:09:02 PM Roll call on SPB 7078  
3:09:14 PM SPB 7078 is reported favorably as a committee bill  
3:09:32 PM Tab 3 - SPB 7080 Requirements for Pari-mutuel Permitholders to Conduct Live Racing or Games  
3:09:41 PM Senator Hutson to explain the proposed bill  
3:09:52 PM Explain the bill and the delete-all barcode 957796 by Senator Hutson  
3:11:59 PM Question on the amendment by Senator Book  
3:12:06 PM Response by Senator Hutson  
3:12:12 PM Lonny Powell, Chief Executive Officer, Florida Thoroughbred Breeders and Owners Assn., in support of the bill  
3:16:14 PM Amendment barcode 957796 adopted  
3:16:32 PM Question by Senator Rodrigues  
3:16:59 PM Response by Senator Hutson  
3:18:25 PM Question by Senator Book  
3:18:29 PM Response by Senator Hutson  
3:19:09 PM Lauren Jackson, Florida Standardbred Breeders & Owners Assoc. (Lobbyist) in opposition to the bill  
3:21:02 PM Mike Rogers, President, Gulfstream Park in opposition to the bill  
3:26:51 PM Stephen Screnci, Pres. of Fla. Horsemen Benevolent & Protective Ass'n, speaking for the bill  
3:28:54 PM Senator Rodrigues in debate  
3:29:37 PM Roll call on SPB 7080  
3:29:47 PM SPB 7080 is reported favorably as a committee bill  
3:30:10 PM Turn chair back to Chair Hutson  
3:30:17 PM Senator Rodrigues to be shown in the affirmative on tab 1 and tab 2  
3:30:45 PM Senator Stewart moves to adjourn