A bill to be entitled
An act relating to the Department of Gaming; creating
s. 20.318, F.S.; creating the Department of Gaming;
providing that the head of the Department of Gaming is
the Gaming Commission; providing for the appointment
and composition of the commission; requiring that
certain appointees to the commission have specified
areas of experience; prohibiting a person from being
appointed to or serving as a member of the commission
in certain circumstances; providing for staggered
terms for the initial appointments of the commission;
requiring the Governor to appoint successors to the
commission; providing for the filling of vacancies on
the commission; prohibiting a member of the commission
from serving more than two full terms; providing the
headquarters of the commission; authorizing the
commission to establish field offices as necessary;
requiring the initial meeting of the commission to be
held by a specified date; requiring the members of the
commission to elect a chairman; requiring the
commission to meet at least monthly, upon the call of
the chairman or upon the call of the majority of the
commission; requiring the commission to appoint an
executive director; authorizing the executive director
to hire specified assistants and employees;
prohibiting certain persons from having a specified
financial interest, engaging in any political
activity, and engaging in specified outside
employment; requiring certain persons to file annual
financial disclosures and disclose other specified
matters; establishing divisions within the department;
defining terms; specifying powers and duties of the
department; authorizing the department to take
testimony; authorizing the department to exclude
specified persons from certain gaming establishments;
authorizing the department to conduct investigations
and collect fines; requiring the department to issue
advisory opinions under certain circumstances;
authorizing the department to employ law enforcement
officers; directing the Department of Gaming to
contract with the Department of Revenue for tax
collection and financial audit services; authorizing
the Department of Revenue to investigate certain
violations; providing licensing powers of the
Department of Gaming; transferring and reassigning
certain functions and responsibilities, including
records, personnel, property, and unexpended balances
of appropriations and other resources, from the
Division of Pari-mutuel Wagering within the Department
of Business and Professional Regulation to the
Department of Gaming by a type two transfer; providing
for the continued validity of pending judicial or
administrative actions to which the division is a
party; providing for the continued validity of lawful
orders issued by the division; transferring certain
rules created by the division to the Department of
Gaming; providing for the continued validity of
licenses, permits, and certifications issued by the
division; amending s. 20.165, F.S.; conforming
provisions to changes made by the act; amending s.
120.80, F.S.; providing exemptions for the Department
WHEREAS, gaming occurs in all 67 counties in this state, and
WHEREAS, gaming proceeds from all sectors of the industry exceed billions of dollars annually, and
WHEREAS, gaming is illegal except as provided by amendment to the State Constitution, by statute, regulation, tribal compact, and local ordinance, and
WHEREAS, gaming is currently regulated by multiple state agencies, and
WHEREAS, the Department of Business and Professional
Regulation oversees the regulation of pari-mutuel wagering, cardrooms, and slot machine gaming, and

WHEREAS, the Department of Business and Professional Regulation is also the state compliance agency charged with the oversight of the Gaming Compact between the Seminole Tribe of Florida and the State of Florida, and

WHEREAS, the Department of the Lottery conducts all legal lottery gaming, and

WHEREAS, the Department of Agriculture and Consumer Services registers and regulates certain game promotions, and

WHEREAS, all other gaming activity is enforced by state attorneys and local law enforcement agencies, and

WHEREAS, there is a compelling need to create the Department of Gaming and a Gaming Commission, whose functions will be to oversee the activities of all gaming entities, to regulate their operations, to enforce gaming laws and regulations, and to audit the proceeds from gaming operations,

NOW, THEREFORE,

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

Section 1. Effective October 1, 2016, section 20.318, Florida Statutes, is created to read:

20.318 Department of Gaming.—There is created a Department of Gaming.

(1) GAMING COMMISSION.—There is created a board, as defined in s. 20.03, called the Gaming Commission, which is the head of the Department of Gaming.

(a) The commission consists of five members appointed by
the Governor and subject to confirmation by the Senate. One member of the commission must be licensed in this state as a certified public accountant with at least 5 years of experience in general accounting, one member must have experience in the fields of investigation or law enforcement, and one member must have experience in the business of gaming.

(b) A person may not be appointed to or serve as a member of the commission if the person:

1. Is an elected state official.
2. Is licensed by the commission, or is an officer of, has a financial interest in, or has a direct or indirect contractual relationship with, any applicant for a license.
3. Is related to any person who is licensed by the commission within the second degree of consanguinity or affinity.
4. Has, within the 10 years preceding his or her appointment, been indicted for, been convicted of, pled guilty or nolo contendere to, or forfeited bail for a felony or a misdemeanor involving gambling or fraud under the laws of this or any other state or the United States.
5. Is a registered lobbyist.

(c) Each member of the commission is appointed to a 4-year term. However, for the purpose of providing staggered terms for the initial appointments, three members selected shall be appointed to 4-year terms, and the remaining two members shall be appointed to 2-year terms. Terms expire on June 30. Upon the expiration of the term of a member, the Governor shall appoint a successor to serve for a 4-year term in the same manner as the original appointment. A member of the commission whose term has
expired shall continue to serve on the commission until a
replacement is appointed. If a vacancy on the commission occurs
before the expiration of the term, it shall be filled for the
unexpired portion of the term in the same manner as the original
appointment.

(d) A member of the commission may not serve more than two
full terms. Members of the commission shall serve full-time
during a term.

(e) The commission shall be headquartered in Tallahassee.
However, the commission may establish field offices as it deems
necessary.

(f) The initial meeting of the commission must be held by
October 1, 2016. The commission shall elect a chair from among
its membership, who remains chair for two full 4-year terms.
Upon expiration of the chair’s second term, the commission shall
elect a chair from its membership at the next regular scheduled
meeting. The commission must meet at least monthly, upon the
call of the chair or upon the call of a majority of the members
of the commission.

(g) The commission shall appoint an executive director. The
executive director may hire assistants and other employees as
necessary to conduct the business of the commission.

(h) The members of the commission, the executive director,
and any other employees of the commission may not have a direct
or indirect financial interest in the entities that the
commission regulates. Such persons also may not engage in any
political activity, including using their official authority to
influence the result of an election. The members of the
commission, the executive director, and other employees or
agents of the commission may not engage in outside employment related to the activities or persons regulated by the commission.

(i) The members of the commission, the executive director, and each managerial employee must file annual financial disclosures. Such persons must also immediately disclose matters related to criminal arrests, negotiations for an interest in a licensee or applicant, and negotiations for employment with a licensee or an applicant and may not engage in activities that may constitute a conflict of interest.

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

(a) The Division of Administration.
(b) The Division of Enforcement.
(c) The Division of Licensure.
(d) The Division of Revenue and Audits.

(3) DEFINITIONS.—As used in this section, the term:
(a) “Commission” means the Gaming Commission.
(b) “Department” means the Department of Gaming.
(c) “Gaming” means any gaming activity, occupation, or profession regulated by the department.

(4) POWERS AND DUTIES.—
(a) The department shall adopt rules establishing a procedure for the renewal of licenses.
(b) The department shall submit an annual budget to the Legislature at a time and in the manner provided by law.
(c) The department shall adopt rules to administer the laws under its authority.
(d) The department shall require an oath on application
documents as required by rule, which oath must state that the
information contained in the document is true and complete.

(e) The department shall adopt rules for the control,
supervision, and direction of all applicants, permittees, and
licensees and for the holding, conducting, and operating of any
gaming establishment under the jurisdiction of the department in
this state. The department shall have the authority to suspend a
permit or license under the jurisdiction of the department if
the permitholder or licensee has violated any provision of
chapter 550, chapter 551, chapter 849, or rules adopted by the
department. Such rules must be uniform in their application and
effect, and the duty of exercising this control and power is
made mandatory upon the department.

(f) The department may take testimony concerning any matter
within its jurisdiction and issue summons and subpoenas for any
witness and subpoenas duces tecum in connection with any matter
within the jurisdiction of the department under its seal and
signed by the director. The commission may seek injunctive
relief from the courts to enforce this act and any rule adopted
by the commission.

(g) In addition to the power to exclude certain persons
from any pari-mutuel facility in this state, the department may
exclude any person from any and all gaming establishments under
the jurisdiction of the department for conduct that would
constitute, if the person were a licensee, a violation of
chapter 550, chapter 551, chapter 849, or the rules of the
department. The department may exclude from any gaming
establishment under its jurisdiction any person who has been
ejected from any pari-mutuel facility or other gaming
establishment in this state or who has been excluded from any pari-mutuel facility or other gaming establishment in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over such facilities in such other state. The department may authorize any person who has been ejected or excluded from establishments in this state or another state to enter a pari-mutuel facility or gaming establishment in this state upon a finding that the attendance of such person would not be adverse to the public interest or to the integrity of the industry; however, this paragraph may not be construed to abrogate the common-law right of a pari-mutuel permitholder or a proprietor of a gaming establishment to exclude absolutely a patron in this state.

(h) The department may collect taxes and require compliance with reporting requirements for financial information as authorized by chapter 550, chapter 551, or chapter 849. In addition, the executive director of the department may require gaming establishments within its jurisdiction to remit taxes, including fees, by electronic funds transfer.

(i) The department may conduct investigations necessary for enforcing chapters 550, 551, and 849.

(j) The department may impose, for a violation of chapter 550, chapter 551, or chapter 849, an administrative fine of not more than $1,000 for each count or separate offense, except as otherwise provided in chapter 550, chapter 551, or chapter 849, and may suspend or revoke a permit, an operating license, or an occupational license for a violation of chapter 550, chapter 551, or chapter 849. All fines imposed and collected under this paragraph must be deposited with the Chief Financial Officer to
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the credit of the General Revenue Fund.

(k) The department shall have full authority and power to make, adopt, amend, or repeal rules relating to gaming operations, to enforce and to carry out the provisions of chapters 550, 551, and 849, and to regulate authorized gaming activities in the state, including rules that specify the types of games that are authorized, the times during which such games are authorized, and the places at which such games are authorized. The commission shall establish procedures to scientifically test slot machines and other authorized gaming equipment.

(l) The department shall provide advisory opinions when requested by any law enforcement official, state attorney, or entity licensed by the department relating to the application of state gaming laws with respect to whether a particular act or device constitutes legal or illegal gambling under state laws and administrative rules adopted thereunder. A written record shall be retained of all such opinions issued by the department, which shall be sequentially numbered, dated, and indexed by subject matter. Any person or entity acting in good faith upon an advisory opinion that such person or entity requested and received is not subject to any criminal penalty provided for under state law for illegal gambling. The opinion, until amended or revoked, is binding on any person or entity who sought the opinion, or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion. The department may adopt rules regarding the process for securing an advisory opinion and may require in those rules the submission of any potential gaming
apparatus for testing by a licensed testing laboratory to prove
or disprove the compliance of the apparatus with state law
before the issuance of an opinion by the department.

  (m) The department may employ law enforcement officers as
defined in s. 943.10 within the Division of Enforcement to
enforce any statute or law of this state related to gambling, to
enforce any other criminal law, or to conduct any criminal
investigation.

  1. In order to be a law enforcement officer for the
department, a person must meet the minimum qualifications for a
law enforcement officer under s. 943.13 and must be certified
for employment or appointment as an officer by the Department of
Law Enforcement under s. 943.1395. Upon certification, each law
enforcement officer is subject to, and has the authority
provided for law enforcement officers generally in, chapter 901
and has statewide jurisdiction. Each officer also has full law
enforcement powers.

  2. The department may also appoint part-time, reserve, or
auxiliary law enforcement officers pursuant to chapter 943.

  3. A law enforcement officer of the department, upon
certification pursuant to s. 943.1395, has the same right and
authority to carry arms as do the sheriffs of this state.

  4. A law enforcement officer in this state who is certified
pursuant to chapter 943 has the same authority as a law
enforcement officer designated in this section to enforce the
laws of this state described in this paragraph.

  (n) The department shall contract with the Department of
Revenue, through an interagency agreement, to perform the tax
collection and financial audit services for the taxes required
to be collected by entities licensed or regulated by chapter 550, chapter 551, or chapter 849. The interagency agreement must also allow the Department of Revenue to assist in any financial investigation of a licensee or an application for a license by the Department of Gaming or a law enforcement agency.

(5) LICENSING.—The department may:

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

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

Section 2. (1) All of the statutory powers, duties, and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or others funds for the administration of chapter 550, Florida Statutes, relating to pari-mutuel wagering; chapter 551, Florida Statutes, relating to slot machine gaming; and s. 849.086, Florida Statutes, relating to cardroom operations, shall be transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to the Department of Gaming.

(2) The transfer of regulatory authority under chapter 550, Florida Statutes; chapter 551, Florida Statutes; and s. 849.086, Florida Statutes, provided by this section does not affect the validity of any judicial or administrative action pending as of 11:59 p.m. on the day before the effective date of this section to which the Division of Pari-mutuel Wagering is at that time a party, and the Department of Gaming shall be substituted as a
party in interest in any such action.

(3) All lawful orders issued by the Division of Pari-mutuel Wagering implementing, enforcing, or otherwise in regard to any provision of chapter 550, Florida Statutes; chapter 551, Florida Statutes; and s. 849.086, Florida Statutes, issued before the effective date of this section shall remain in effect and be enforceable after the effective date of this section unless thereafter modified in accordance with law.

(4) The rules of the Division of Pari-mutuel Wagering relating to the implementation of chapter 550, Florida Statutes; chapter 551, Florida Statutes; and s. 849.086, Florida Statutes, which were in effect at 11:59 p.m. on the day before the effective date of this section shall become the rules of the Department of Gaming and shall remain in effect until amended or repealed in the manner provided by law.

(5) Notwithstanding the transfer of regulatory authority under chapter 550, Florida Statutes; chapter 551, Florida Statutes; and s. 849.086, Florida Statutes, provided by this section, persons and entities holding in good standing any license or permit under chapter 550, Florida Statutes; chapter 551, Florida Statutes; and s. 849.086, Florida Statutes, as of 11:59 p.m. on the day before the effective date of this section shall, as of the effective date of this section, be deemed to hold in good standing a license or permit in the same capacity as that for which the license or permit was formerly issued.

(6) Notwithstanding the transfer of regulatory authority under chapter 550, Florida Statutes; chapter 551, Florida Statutes; and s. 849.086, Florida Statutes, provided by this section, persons and entities holding in good standing any
certification under chapter 550, Florida Statutes; chapter 551, Florida Statutes; and s. 849.086, Florida Statutes, as of 11:59 p.m. on the day before the effective date of this section shall, as of the effective date of this section, be deemed to be certified in the same capacity in which they were formerly certified.

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

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

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

(a) Division of Administration.
(b) Division of Alcoholic Beverages and Tobacco.
(c) Division of Certified Public Accounting.

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

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

(d) Division of Drugs, Devices, and Cosmetics.
(e) Division of Florida Condominiums, Timeshares, and Mobile Homes.

(f) Division of Hotels and Restaurants.
(g) Division of Pari-mutuel Wagering.

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

2. The offices of the division shall be located in Orlando.
   (i) Division of Regulation.
   (j) Division of Technology.
   (k) Division of Service Operations.

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

120.80 Exceptions and special requirements; agencies.—
(4) DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.—
(a) Business regulation. The Division of Pari-mutuel Wagering is exempt from the hearing and notice requirements of ss. 120.569 and 120.57(1)(a), but only for stewards, judges, and boards of judges when the hearing is to be held for the purpose of the imposition of fines or suspensions as provided by rules of the Division of Pari-mutuel Wagering, but not for revocations, and only upon violations of subparagraphs 1.-6. The Division of Pari-mutuel Wagering shall adopt rules establishing alternative procedures, including a hearing upon reasonable notice, for the following violations:
   1. Horse riding, harness riding, greyhound interference, and jai alai game actions in violation of chapter 550.
   2. Application and usage of drugs and medication to horses, greyhounds, and jai alai players in violation of chapter 550.
   3. Maintaining or possessing any device which could be used for the injection or other infusion of a prohibited drug to horses, greyhounds, and jai alai players in violation of chapter 550.

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

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

6. Prearranging the outcome of any race or game.

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

19) DEPARTMENT OF GAMING.—The department is exempt from the hearing and notice requirements of ss. 120.569 and 120.57(1)(a), but only for stewards, judges, and boards of judges when the hearing is to be held for the purpose of the imposition of fines or suspensions as provided by rules of the Department of Gaming, but not for revocations, and only upon violations of paragraphs (a) through (f). The Department of Gaming shall adopt rules establishing alternative procedures, including a hearing upon reasonable notice, for the following violations:

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

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

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

(d) Suspensions under reciprocity agreements between the Department of Gaming and regulatory agencies of other states.

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

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

Section 5. Paragraph (f) of 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 Division of Pari-mutuel Wagering of the Department of Gaming, 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 Division of Pari-mutuel Wagering of the Department of Gaming 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 6. Subsections (5), (6), and (7) and present subsection (11) of section 550.002, Florida Statutes, are amended, and present subsections (8) through (39) of that section are redesignated as subsections (7) through (38), respectively, to read:

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

(5) “Current meet” or “current race meet” means the conduct of racing or games pursuant to a current year’s operating
license issued by the department division.

(6) "Department" means the Department of Gaming Business and Professional Regulation.

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

(10)(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
department division along with its annual date application, in
the 2010-2011 fiscal year, the conduct of at least 20 regular
wagering performances, 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 that 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.

Section 7. Section 550.0115, Florida Statutes, is amended
to read:

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

Section 8. Section 550.01215, Florida Statutes, is amended to read:

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

(1) Each permitholder shall annually, during the period between December 15 and January 4, file in writing with the department division its application for a license to conduct performances during the next state fiscal year. Each application shall specify the number, dates, and starting times of all performances that the permitholder intends to conduct. It shall also specify which performances will be conducted as charity or scholarship performances. In addition, each application for a license shall include, for each permitholder that elects to operate a cardroom, the dates and periods of operation the permitholder intends to operate the cardroom or, for each thoroughbred permitholder that elects to receive or rebroadcast out-of-state races after 7 p.m., the dates for all performances that the permitholder intends to conduct. Permitholders 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 department 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 department 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 department may division shall have the authority to approve minor changes in racing dates after a license has been issued. The department 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 operating dates. In the event of an objection, the department 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 department division shall consider take into consideration the impact of such changes on state revenues.

(4) If in the event that a permitholder fails to operate all performances specified on its license at the date and time specified, the department 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 does shall not, in and of itself, constitute just cause for failure to operate all performances on the dates and at the times specified.

(5) If 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 department division, to apply to conduct performances on the dates for which the performances have been abandoned. The department division shall issue an amended license for all such replacement performances that have been requested in compliance with the provisions of this chapter and department division rules.

(6) Any permit that 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 9. Section 550.0235, Florida Statutes, is amended to read:

550.0235 Limitation of civil liability.—A no permittee conducting a racing meet pursuant to the provisions of this chapter; a department no division director or an employee of the department division; or a and no steward, a judge, or another other person appointed to act pursuant to this chapter is not 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 does 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 and does not; nor shall it limit any
contractual liability.

Section 10. Section 550.0251, Florida Statutes, is amended
to read:

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

(1) The department division shall make an annual report to
the Governor showing its own actions, receipts derived under the
provisions of this chapter, the practical effects of the
application of this chapter, and any suggestions it may approve
for the more effectual accomplishments of the purposes of this
chapter.

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

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

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

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

(6) In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the department division may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the department division. The department division may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state. The department division may authorize any person who has been ejected or excluded from pari-mutuel facilities in this state or another state to attend the pari-mutuel facilities in this state upon a finding that the attendance of such person at pari-mutuel facilities would not be adverse to the public interest or to the integrity of the sport or industry; however, this subsection does not be construed to abrogate the common-law right of
a pari-mutuel permitholder to exclude absolutely a patron in this state.

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

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

(9) The department may conduct investigations in enforcing this chapter, except that all information obtained pursuant to an investigation by the department for an alleged violation of this chapter or rules of the department is exempt from s. 119.07(1) and from s. 24(a), Art. I of the State Constitution until an administrative complaint is issued or the investigation is closed or ceases to be active. This subsection does not prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency. For the purposes of this subsection, an investigation is considered to be active while it is being conducted with reasonable dispatch and with a reasonable, good faith belief that it could lead to an administrative, civil, or criminal action by the department or another administrative or law enforcement agency. Except for active criminal intelligence or criminal investigative information, as defined in s. 119.011, and any other information that, if disclosed, would jeopardize the
safety of an individual, all information, records, and
transcriptions become public when the investigation is closed or
ceases to be active.

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

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

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

(13) The department division shall have the authority
to suspend a permitholder’s permit or license, if such
permitholder is operating a cardroom facility and such
permitholder’s cardroom license has been suspended or revoked
pursuant to s. 849.086.

Section 11. Section 550.0351, Florida Statutes, is amended
to read:

550.0351 Charity racing days.—

(1) The department 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.

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

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

(4) The total of all profits derived from the conduct of a charity day performance must include all revenues derived from the conduct of that racing performance, including all state taxes that would otherwise be due to the state, except that the daily license fee as provided in s. 550.0951(1) and the breaks for the promotional trust funds as provided in s. 550.2625(3), (4), (5), (7), and (8) shall be paid to the department division. All other revenues from the charity racing performance,
including the commissions, breaks, and admissions and the
revenues from parking, programs, and concessions, shall be
included in the total of all profits.

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

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

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

(c) When a charity or scholarship performance is conducted
as a matinee performance, the department division may authorize
the permitholder to conduct the evening performances of that
operation day as a regular performance in addition to the
regular operating 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.

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

Section 12. Section 550.054, Florida Statutes, is amended to read:

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

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

(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 department or be voted upon in any
county, to conduct horseraces, harness horse races, or dograces
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.

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

(a) The full name of the applicant.

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

(c) The names and addresses of the ultimate equitable
owners for a corporation or other business entity, if different
from those provided under paragraph (b), unless the securities
of the corporation or entity are registered pursuant to s. 12 of
the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk; and
if such corporation or entity files with the United States
Securities and Exchange Commission the reports required by s. 13
of that act or if the securities of the corporation or entity
are regularly traded on an established securities market in the
(d) The exact location where the applicant will conduct pari-mutuel performances.

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

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

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

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

(i) For each individual listed in the application as an owner, partner, officer, or director, a complete set of fingerprints that has been taken by an authorized law enforcement officer. These sets of fingerprints must be submitted to the Federal Bureau of Investigation for processing. Applicants who are foreign nationals shall submit such documents as necessary to allow the [department division] to conduct criminal history records checks in the applicant’s home country.
The applicant must pay the cost of processing. The department division may charge a $2 handling fee for each set of fingerprint records.

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

(k) Other information the department division requires.

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

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

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

(7) If the department division refuses to grant the permit, the money deposited with the board of county commissioners for holding the election must be refunded to the applicant. If the department division grants the permit applied for, the board of county commissioners shall order an election in the county to decide whether the permit will be approved, as provided in s. 550.0651.
(8) (a) The department division may charge the applicant for reasonable, anticipated costs incurred by the department division in determining the eligibility of any person or entity specified in s. 550.1815(1)(a) to hold any pari-mutuel permit, against such person or entity.

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

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

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

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

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

CODING: Words stricken are deletions; words underlined are additions.
holder of a ratified permit for racing in any county, all subsequent annual applications for a license by that permitholder must be accompanied by proof, in such form as the department division requires, that the ratified permitholder still possesses all the qualifications prescribed by this chapter and that the permit has not been recalled at a later election held in the county.

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

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

(11)(a) A permit granted under this chapter may not be transferred or assigned except upon written approval by the department division pursuant to s. 550.1815, except that the holder of any permit that has been converted to a jai alai
permit may lease or build anywhere within the county in which its permit is located.

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

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

(13)(a) Notwithstanding any provisions of this chapter, a thoroughbred horse racing permit or license issued under this chapter may not be transferred, or reissued if such reissuance is in the nature of a transfer so as to permit or authorize a licensee to change the location of a thoroughbred horse racetrack except upon proof in such form as the department division may prescribe that a referendum election has been held:

1. If the proposed new location is within the same county as the already licensed location, in the county where the licensee desires to conduct the race meeting and that a majority
of the electors voting on that question in such election voted in favor of the transfer of such license.

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

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

(14)(a) Any holder of a permit to conduct jai alai may apply to the department 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 department 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 department 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 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 that which was previously included under and subject to such provisions before a conversion pursuant to this section occurred.

Section 13. Subsection (2) of section 550.0555, Florida Statutes, is amended to read:

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

(2) Any holder of a valid outstanding permit for greyhound dogracing in a county in which there is only one dogracing permit issued, as well as any holder of a valid outstanding permit for jai alai in a county where only one jai alai permit is issued, is authorized, without the necessity of an additional
county referendum required under s. 550.0651, to 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, such relocation is approved under the zoning regulations of the county or municipality in which the permit is to be located as a planned development use, consistent with the comprehensive plan, and such move is approved by the department after it is determined at a proceeding pursuant to chapter 120 in the county affected that the move is necessary to ensure the revenue-producing capability of the permittee without deteriorating the revenue-producing capability of any other pari-mutuel permittee within 50 miles; the distance shall be measured on a straight line from the nearest property line of one racing plant or jai alai fronton to the nearest property line of the other.

Section 14. Section 550.0651, Florida Statutes, is amended to read:

550.0651 Elections for ratification of permits.—
(1) The holder of any permit may have submitted to the electors of the county designated therein the question whether or not such permit will be ratified or rejected. Such questions shall be submitted to the electors for approval or rejection at a special election to be called for that purpose only. The board of county commissioners of the county designated, upon the presentation to such board at a regular or special meeting of a written application, accompanied by a certified copy of the permit granted by the department, and asking for an election in the county in which the application was made, shall
order a special election in the county for the particular
purpose of deciding whether such permit shall be approved and
license issued and race meetings permitted in such county by
such permittee and shall cause the clerk of such board to give
notice of the special election by publishing the same once each
week for 2 consecutive weeks in one or more newspapers of
general circulation in the county. Each permit covering each
track must be voted upon separately and in separate elections,
and an election may not be called more often than once every 2
years for the ratification of any permit covering the same
track.

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

(3) When a permit has been granted by the department
division and no application to the board of county commissioners
has been made by the permittee within 6 months after the
granting of the permit, the permit becomes void. The department
division shall cancel the permit without notice to the
permitholder, and the board of county commissioners holding the
deposit for the election shall refund the deposit to the
permitholder upon being notified by the department division that
the permit has become void and has been canceled.

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

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

Section 15. Subsections (1) and (4) of section 550.0745, Florida Statutes, are amended to read:

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

(1) The owner or operator of a pari-mutuel permit who is authorized by the department division to conduct pari-mutuel pools on exhibition sports in any county having five or more
such pari-mutuel permits and whose mutuel play from the operation of such pari-mutuel pools for the 2 consecutive years next prior to filing an application under this section has had the smallest play or total pool within the county may apply to the department division to convert its permit to a permit to conduct a summer jai alai fronton in such county during the summer season commencing on May 1 and ending on November 30 of each year on such dates as may be selected by such permittee for the same number of days and performances as are allowed and granted to winter jai alai frontons within such county. If a permittee who is eligible under this section to convert a permit declines to convert, a new permit is hereby made available in that permittee’s county to conduct summer jai alai games as provided by this section, notwithstanding mileage and permit ratification requirements. If a permittee converts a quarter horse permit pursuant to this section, nothing in this section prohibits the permittee from obtaining another quarter horse permit. Such permittee shall pay the same taxes as are fixed and required to be paid from the pari-mutuel pools of winter jai alai permittees and is bound by all of the rules and provisions of this chapter which apply to the operation of winter jai alai frontons. Such permittee shall only be permitted to operate a jai alai fronton after its application has been submitted to the department division and its license has been issued pursuant to the application. The license is renewable from year to year as provided by law.

(4) The provisions of this chapter which prohibit the location and operation of jai alai frontons within a specified distance from the location of another jai alai fronton or other
permittee and which prohibit the department division from
granting any permit at a location within a certain designated
area do not apply to the provisions of this section and do not
prevent the issuance of a license under this section.

Section 16. Section 550.0951, Florida Statutes, is amended
to read:

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

(1)(a) DAILY LICENSE FEE.—Each person engaged in the
business of conducting race meetings or jai alai games under
this chapter, hereinafter referred to as the “permitholder,”
“licensee,” or “permittee,” shall pay to the department
division, for the use of the department division, a daily
license fee on each live or simulcast pari-mutuel event of $100
for each horserace and $80 for each dograce and $40 for each jai
alai game conducted at a racetrack or fronton licensed under
this chapter. In addition to the tax exemption specified in s.
550.09514(1) of $360,000 or $500,000 per greyhound permitholder
per state fiscal year, each greyhound permitholder shall receive
in the current state fiscal year a tax credit equal to the
number of live greyhound races conducted in the previous state
fiscal year times the daily license fee specified for each
dograce in this subsection applicable for the previous state
fiscal year. This tax credit and the exemption in s.
550.09514(1) shall be applicable to any tax imposed by this
chapter or the daily license fees imposed by this chapter except
during any charity or scholarship performances conducted
pursuant to s. 550.0351. Each permitholder shall pay daily
license fees not to exceed $500 per day on any simulcast races
or games on which such permitholder accepts wagers regardless of
the number of out-of-state events taken or the number of out-of-
state locations from which such events are taken. This license
fee shall be deposited with the Chief Financial Officer to the
credit of the Pari-mutuel Wagering Trust Fund.

(b) Each permitholder that cannot utilize the full amount
of the exemption of $360,000 or $500,000 provided in s.
550.09514(1) or the daily license fee credit provided in this
section may, after notifying the department division in writing,
elect once per state fiscal year on a form provided by the
department division to transfer such exemption or credit or any
portion thereof to any greyhound permitholder that acts as
a host track to such permitholder for the purpose of intertrack
wagering. Once an election to transfer such exemption or credit
is filed with the department division, it may not be
rescinded. The department division shall disapprove the transfer
when the amount of the exemption or credit or portion thereof is
unavailable to the transferring permitholder or when the
permitholder who is entitled to transfer the exemption or credit
or who is entitled to receive the exemption or credit owes taxes
to the state pursuant to a deficiency letter or administrative
complaint issued by the department division. Upon approval of
the transfer by the department division, the transferred tax
exemption or credit shall be effective for the first performance
of the next payment period as specified in subsection (5). The
exemption or credit transferred to such host track may be
applied by such host track against any taxes imposed by this
chapter or daily license fees imposed by this chapter. The
greyhound permitholder host track to which such exemption or
credit is transferred shall reimburse such permitholder the exact monetary value of such transferred exemption or credit as actually applied against the taxes and daily license fees of the host track. The department division shall ensure that all transfers of exemption or credit are made in accordance with this subsection, and the department may shall have the authority to adopt rules to ensure the implementation of this section.

(2) ADMISSION TAX.—
(a) An admission tax equal to 15 percent of the admission charge for entrance to the permitholder’s facility and grandstand area, or 10 cents, whichever is greater, is imposed on each person attending a horserace, dograce, or jai alai game. The permitholder shall be responsible for collecting the admission tax.
(b) No admission tax under this chapter or chapter 212 shall be imposed on any free passes or complimentary cards issued to persons for which there is no cost to the person for admission to pari-mutuel events.
(c) A permitholder may issue tax-free passes to its officers, officials, and employees or other persons actually engaged in working at the racetrack, including accredited press representatives such as reporters and editors, and may also issue tax-free passes to other permitholders for the use of their officers and officials. The permitholder shall file with the department division a list of all persons to whom tax-free passes are issued under this paragraph.

(3) TAX ON HANDLE.—Each permitholder shall pay a tax on contributions to pari-mutuel pools, the aggregate of which is hereinafter referred to as “handle,” on races or games conducted
by the permitholder. The tax is imposed daily and is based on
the total contributions to all pari-mutuel pools conducted
during the daily performance. If a permitholder conducts more
than one performance daily, the tax is imposed on each
performance separately.

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

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

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

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

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

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

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

(5) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments imposed by this section shall be paid to the department division. The department division shall deposit these sums with the Chief Financial Officer, to the credit of the Pari-mutuel Wagering Trust Fund, hereby established. The permitholder shall
remit to the department division payment for the daily license fee, the admission tax, the tax on handle, and the breaks tax. Such payments shall be remitted by 3 p.m. Wednesday of each week for taxes imposed and collected for the preceding week ending on Sunday. Beginning on July 1, 2012, such payments shall be remitted by 3 p.m. on the 5th day of each calendar month for taxes imposed and collected for the preceding calendar month. If the 5th day of the calendar month falls on a weekend, payments shall be remitted by 3 p.m. the first Monday following the weekend. Permitholders shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing the total of all admissions, the pari-mutuel wagering activities for the preceding calendar month, and such other information as may be prescribed by the department division.

(6) PENALTIES.—

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

(b) In addition to the civil penalty prescribed in

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paragraph (a), any willful or wanton failure by any permitholder to make payments of the daily license fee, admission tax, tax on handle, or breaks tax constitutes sufficient grounds for the division to suspend or revoke the license of the permitholder, to cancel the permit of the permitholder, or to deny issuance of any further license or permit to the permitholder.

Section 17. Subsections (2) and (3) of section 550.09511, Florida Statutes, are amended to read:

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

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

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

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

(b) At such time as the total of admissions tax, daily license fee, and tax on handle for live jai alai performances paid to the division by a permitholder during the current state fiscal year exceeds the total state tax revenues from wagering on live jai alai performances paid or due by the permitholder in fiscal year 1991-1992, the permitholder shall pay tax on handle for live jai alai performances at a rate of 2.55 percent of the handle per performance for the remainder of
the current state fiscal year. For purposes of this section, total state tax revenues on live jai alai wagering in fiscal year 1991-1992 shall include any admissions tax, tax on handle, surtaxes on handle, and daily license fees.

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

d) A permitholder who obtains a new permit issued by the department division subsequent to the 1991-1992 state fiscal year and a permitholder whose permit has been converted to a jai alai permit under the provisions of this chapter, shall, at such time as the total of admissions tax, daily license fee, and tax on handle for live jai alai performances paid to the department division by the permitholder during the current state fiscal year exceeds the average total state tax revenues from wagering on live jai alai performances for the first 3 consecutive jai
alai seasons paid to or due the department division by the permitholder and during which the permitholder conducted a full schedule of live games, pay tax on handle for live jai alai performances at a rate of 3.3 percent of the handle per performance for the remainder of the current state fiscal year.

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

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

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

(3)(a) Notwithstanding the provisions of subsection (2) and s. 550.0951(3)(c)1., any jai alai permitholder that which is restricted under Florida law from operating live performances on a year-round basis is entitled to conduct wagering on live performances at a tax rate of 3.85 percent of live handle. Such permitholder is also entitled to conduct intertrack wagering as a host permitholder on live jai alai games at its fronton at a tax rate of 3.3 percent of handle at such time as the total tax on intertrack handle paid to the department division by the permitholder during the current state fiscal year exceeds the
total tax on intertrack handle paid to the department division by the permitholder during the 1992-1993 state fiscal year.

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

Section 18. Section 550.09512, Florida Statutes, is amended to read:

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

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

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

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

(3)(a) The permit of a harness horse permitholder who does
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not pay tax on handle for live harness horse performances 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 does not, in and of itself, constitute just cause for failure to operate and pay tax on handle.

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

(4) If a court of competent jurisdiction determines any of the provisions of this section to be unconstitutional, it is the intent of the Legislature that the provisions contained in this section shall be null and void and that the provisions of s. 550.0951 shall apply to all harness horse permitholders beginning on the date of such judicial determination. To this end, the Legislature declares that it
would not have enacted any of the provisions of this section individually and, to that end, expressly finds them not to be severable.

Section 19. Subsection (2) of section 550.09514, Florida Statutes, is amended to read:

550.09514 Greyhound dogracing taxes; purse requirements.—

(2)(a) The department division shall determine for each greyhound permitholder the annual purse percentage rate of live handle for the state fiscal year 1993-1994 by dividing total purses paid on live handle by the permitholder, exclusive of payments made from outside sources, during the 1993-1994 state fiscal year by the permitholder’s live handle for the 1993-1994 state fiscal year. Each permitholder shall pay as purses for live races conducted during its current race meet a percentage of its live handle not less than the percentage determined under this paragraph, exclusive of payments made by outside sources, for its 1993-1994 state fiscal year.

(b) Except as otherwise set forth herein, in addition to the minimum purse percentage required by paragraph (a), each permitholder shall pay as purses an annual amount equal to 75 percent of the daily license fees paid by each permitholder for the 1994-1995 fiscal year. This purse supplement shall be disbursed weekly during the permitholder’s race meet in an amount determined by dividing the annual purse supplement by the number of performances approved for the permitholder pursuant to its annual license and multiplying that amount by the number of performances conducted each week. For the greyhound permitholders in the county where there are two greyhound permitholders located as specified in s. 550.615(6), such
permitholders shall pay in the aggregate an amount equal to 75 percent of the daily license fees paid by such permitholders for the 1994-1995 fiscal year. These permitholders shall be jointly and severally liable for such purse payments. The additional purses provided by this paragraph must be used exclusively for purses other than stakes. The department division shall conduct audits necessary to ensure compliance with this section.

(c)(1). Each greyhound permitholder when conducting at least three live performances during any week shall pay purses in that week on wagers it accepts as a guest track on intertrack and simulcast greyhound races at the same rate as it pays on live races. Each greyhound permitholder when conducting at least three live performances during any week shall pay purses in that week, at the same rate as it pays on live races, on wagers accepted on greyhound races at a guest track that is not conducting live racing and is located within the same market area as the greyhound permitholder conducting at least three live performances during any week.

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

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

(e) In addition to the purse requirements of paragraphs (a)-(c), each greyhound permitholder shall pay as purses an amount equal to one-third of the amount of the tax reduction on live and simulcast handle applicable to such permitholder as a result of the reductions in tax rates on handle made by chapter 2000-354, Laws of Florida, in provided by this act through the amendments to s. 550.0951(3). With respect to intertrack wagering if when the host and guest tracks are greyhound permitholders not within the same market area, an amount equal to the tax reduction applicable to the guest track handle as a result of the reduction in tax rate on handle made by chapter 2000-354, Laws of Florida, in provided by this act through the amendment to s. 550.0951(3) shall be distributed to the guest track, one-third of which amount shall be paid as purses at the guest track. However, if the guest track is a greyhound permitholder within the market area of the host or if the guest track is not a greyhound permitholder, an amount equal to such tax reduction applicable to the guest track handle shall be retained by the host track, one-third of which amount shall be paid as purses at the host track. These purse funds shall be
disbursed in the week received if the permitholder conducts at least one live performance during that week. If the permitholder does not conduct at least one live performance during the week in which the purse funds are received, the purse funds shall be disbursed weekly during the permitholder’s next race meet in an amount determined by dividing the purse amount by the number of performances approved for the permitholder pursuant to its annual license, and multiplying that amount by the number of performances conducted each week. The department shall conduct audits necessary to ensure compliance with this paragraph.

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

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

(h) At the request of a majority of kennel operators under contract with a greyhound permitholder, the permitholder shall make deductions from purses paid to each kennel operator
electing such deduction and shall make a direct payment of such deductions to the local association of greyhound kennel operators formed by a majority of kennel operators under contract with the permitholder. The amount of the deduction shall be at least 1 percent of purses, as determined by the local association of greyhound kennel operators. No deductions may be taken pursuant to this paragraph without a kennel operator’s specific approval before or after the effective date of this act.

Section 20. Subsection (3) of section 550.09515, Florida Statutes, is amended to read:

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

(3)(a) The permit of a thoroughbred horse permitholder who does not pay tax on handle for live thoroughbred horse performances 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 does shall not, in and of itself, constitute just cause for failure to operate and pay tax on handle.

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

Section 21. Section 550.105, Florida Statutes, is amended
to read:

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

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

(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

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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, emergency medical technicians 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, 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 department division shall adopt rules pertaining to pari-mutuel occupational licenses, licensing periods, and renewal cycles.

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

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

(5)(a) The department division may:

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

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

if the state racing commission or racing authority of such other state or jurisdiction extends to the department division reciprocal courtesy to maintain the disciplinary control.
(b) The department division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the department division governing the conduct of persons connected with racetracks and frontons. In addition, the department division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for such license has been convicted in this state, in any other state, or under the laws of the United States of a capital felony, a felony, or an offense in any other state which would be a felony under the laws of this state involving arson; trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; or a crime involving a lack of good moral character, or has had a pari-mutuel license revoked by this state or any other jurisdiction for an offense related to pari-mutuel wagering.

(c) The department division may deny, declare ineligible, or revoke any occupational license if the applicant for such license has been convicted of a felony or misdemeanor in this state, in any other state, or under the laws of the United States, if such felony or misdemeanor is related to gambling or bookmaking, as contemplated in s. 849.25, or involves cruelty to animals. If the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to pari-mutuel wagering and is not a capital offense, the restrictions excluding offenders may be waived by the executive director of the department division.
(d) For purposes of this subsection, the term "convicted"
means having been found guilty, with or without adjudication of
guilt, as a result of a jury verdict, nonjury trial, or entry of
a plea of guilty or nolo contendere. However, the term
"conviction" may not be applied to a crime committed prior
to the effective date of this subsection in a manner that would
invalidate any occupational license issued prior to the
effective date of this subsection or subsequent renewal for any
person holding such a license.

(e) If an occupational license will expire by department
division rule during the period of a suspension the department
division intends to impose, or if a license would have expired
but for pending administrative charges and the occupational
licensee is found to be in violation of any of the charges, the
license may be revoked and a time period of license
ineligibility may be declared. The department may bring
administrative charges against any person not holding a current
license for violations of statutes or rules which occurred while
such person held an occupational license, and the department
division may declare such person ineligible to hold a license
for a period of time. The department may impose a civil
fine of up to $1,000 for each violation of the rules of the
department in addition to or in lieu of any other
penalty provided for in this section. In addition to any other
penalty provided by law, the department may exclude
from all pari-mutuel facilities in this state, for a period not
to exceed the period of suspension, revocation, or
ineligibility, any person whose occupational license application
has been denied by the department, who has been
declared ineligible to hold an occupational license, or whose
occupational license has been suspended or revoked by the
department division.

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

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

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

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

(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.

(10)(a) Upon application for an occupational license, the department division may require the applicant’s full legal name; any nickname, alias, or maiden name for the applicant; name of the applicant’s spouse; the applicant’s date of birth, residence address, mailing address, residence address and business phone number, and social security number; disclosure of any felony or any conviction involving bookmaking, illegal gambling, or cruelty to animals; disclosure of any past or present enforcement or actions by any racing or gaming agency against the applicant; and any information the department division determines is necessary to establish the identity of the applicant or to establish that the applicant is of good moral character. Fingerprints shall be taken in a manner approved by the department division and then shall be submitted to the Federal Bureau of Investigation, or to the association of state officials regulating pari-mutuel wagering pursuant to the Federal Pari-mutuel Licensing Simplification Act of 1988. The cost of processing fingerprints shall be borne by the applicant and paid to the association of state officials regulating pari-mutuel wagering from the trust fund to which the processing fees are deposited. The department division, by rule, may require additional information from licensees which is reasonably
necessary to regulate the industry. The department division may, by rule, exempt certain occupations or groups of persons from the fingerprinting requirements.

(b) All fingerprints required by this section that are submitted to the Department of Law Enforcement shall be retained by the Department of Law Enforcement and entered into the statewide automated biometric identification system as authorized by s. 943.05(2)(b) and shall be available for all purposes and uses authorized for arrest fingerprints entered into the statewide automated biometric identification system pursuant to s. 943.051.

(c) The Department of Law Enforcement shall search all arrest fingerprints received pursuant to s. 943.051 against the fingerprints retained in the statewide automated biometric identification system under paragraph (b). Any arrest record that is identified with the retained fingerprints of a person subject to the criminal history screening requirements of this section shall be reported to the department division. Each licensee shall pay a fee to the department division for the cost of retention of the fingerprints and the ongoing searches under this paragraph. The department division shall forward the payment to the Department of Law Enforcement. The amount of the fee to be imposed for performing these searches and the procedures for the retention of licensee fingerprints shall be as established by rule of the Department of Law Enforcement. The department division shall inform the Department of Law Enforcement of any change in the license status of licensees whose fingerprints are retained under paragraph (b).

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

Section 22. Subsection (1) of 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 department 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.

Section 23. Subsections (2) and (3) of section 550.125, Florida Statutes, are amended to read:

550.125 Uniform reporting system; bond requirement.—
(2)(a) Each permitholder that conducts race meetings or jai alai exhibitions under this chapter shall keep records that clearly show the total number of admissions and the total amount of money contributed to each pari-mutuel pool on each race or exhibition separately and the amount of money received daily from admission fees and, within 120 days after the end of its fiscal year, shall submit to the department division a complete annual report of its accounts, audited by a certified public accountant licensed to practice in the state.

(b) The department division shall adopt rules specifying the form and content of such reports, including, but not limited to, requirements for a statement of assets and liabilities, operating revenues and expenses, and net worth, which statement must be audited by a certified public accountant licensed to practice in this state, and any supporting informational schedule found necessary by the department division to verify the foregoing financial statement, which informational schedule must be attested to under oath by the permitholder or an officer of record, to permit the department division to:

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

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

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

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

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

(3)(a) Each permitholder to which a license is granted under this chapter, at its own cost and expense, must, before the license is delivered, give a bond in the penal sum of $50,000 payable to the Governor of the state and her or his successors in office, with a surety or sureties to be approved by the department division and the Chief Financial Officer, conditioned to faithfully make the payments to the Chief Financial Officer in her or his capacity as treasurer of the department division; to keep its books and records and make reports as provided; and to conduct its racing in conformity with this chapter. When the greatest amount of tax owed during any month in the prior state fiscal year, in which a full schedule of live racing was conducted, is less than $50,000, the department division may assess a bond in a sum less than

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$50,000. The department division may review the bond for adequacy and require adjustments each fiscal year. The division has the authority to adopt rules to implement this paragraph and establish guidelines for such bonds.

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

Section 24. Subsections (1) and (3) of section 550.135, Florida Statutes, are amended to read:

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

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

(3) The slot machine license fee, the slot machine occupational license fee, and the compulsive or addictive gambling prevention program fee collected pursuant to ss. 551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the direct and indirect operating expenses of the division’s slot machine regulation operations and to provide funding for relevant enforcement activities in accordance with...
authorized appropriations. Funds deposited into the Pari-mutuel Wagering Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1., and 551.118 shall be reserved in the trust fund for slot machine regulation operations. On June 30, any unappropriated funds in excess of those necessary for incurred obligations and subsequent year cash flow for slot machine regulation operations shall be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

Section 25. Subsection (1) of section 550.155, Florida Statutes, is amended to read:

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

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

Section 26. Subsection (2) and paragraph (a) of subsection (3) of section 550.1648, Florida Statutes, are amended to read:

550.1648 Greyhound adoptions.—

(2) In addition to the charity days authorized under s. 550.0351, a greyhound permitholder may fund the greyhound adoption program by holding a charity racing day designated as “Greyhound Adopt-A-Pet Day.” All profits derived from the operation of the charity day must be placed into a fund used to
support activities at the racing facility which promote the adoption of greyhounds. The department division may adopt rules for administering the fund. Proceeds from the charity day authorized in this subsection may not be used as a source of funds for the purposes set forth in s. 550.1647.

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

Section 27. 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 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 department 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 does not shall be construed to prevent the holding of later referendum or recall elections.

Section 28. 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 dogracing 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 department 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;
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.

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

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

(3) After notice and hearing, the department division shall refuse to issue or renew or shall suspend, as appropriate, any permit found in violation of subsection (1). The order shall become effective 120 days after service of the order upon the permitholder and shall be amended to constitute a final order of revocation unless the permitholder has, within that period of
time, either caused the divestiture, or agreed with the
convicted person upon a complete immediate divestiture, of her
or his holding, or has petitioned the circuit court as provided
in subsection (4) or, in the case of corporate officers or
directors of the holder or employees of the holder, has
terminated the relationship between the permitholder and those
persons mentioned. The department division may, by order, extend
the 120-day period for divestiture, upon good cause shown, to
avoid interruption of any jai alai or race meeting or to
otherwise effectuate this section. If no action has been taken
by the permitholder within the 120-day period following the
issuance of the order of suspension, the department division
shall, without further notice or hearing, enter a final order of
revocation of the permit. When any permitholder or sole
proprietor of a permitholder is convicted of an offense
specified in paragraph (1)(b), the department may approve a
transfer of the permit to a qualified applicant, upon a finding
that revocation of the permit would impair the state’s revenue
from the operation of the permit or otherwise be detrimental to
the interests of the state in the regulation of the industry of
pari-mutuel wagering. In such approval, no public referendum is
required, notwithstanding any other provision of law. A petition
for transfer after conviction must be filed with the department
within 30 days after service upon the permitholder of the final
order of revocation. The timely filing of such a petition
automatically stays any revocation order until further order of
the department.

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

(5) The department shall adopt such rules for the photographing, fingerprinting, and obtaining of personal data of individuals described in paragraph (1)(a) and the obtaining of such data regarding the business entities described in paragraph (1)(a) as is necessary to implement the provisions of this section.

Section 29. Subsection (2), paragraph (c) of subsection (3), and subsections (4) and (6) of section 550.24055, Florida Statutes, are 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 only
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 dogtrack 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 department division.

(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.

(3) A violation of subsection (2) is subject to the
following penalties:
(c) If the second violation occurred within 1 year after
the first violation, then upon the finding of a third violation
of this section within 1 year after the second violation, the
stewards, judges, or board of judges may suspend the licensee
for up to 120 days; and the stewards, judges, or board of judges
shall forward the results of the tests under paragraphs (a) and
(b) and this violation to the department division. In addition
to the action taken by the stewards, judges, or board of judges,
the department division, after a hearing, may deny, suspend, or
revoke the occupational license of the licensee and may impose a
civil penalty of up to $5,000 in addition to, or in lieu of, a
suspension or revocation, it being the intent of the Legislature
that the department division shall have no authority over the
enforcement of this section until a licensee has committed the
third violation within 2 years after the first violation.

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

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

Section 30. Section 550.2415, Florida Statutes, is amended to read:

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

(1)(a) The racing of an animal that has been impermissibly medicated or determined to have a prohibited substance present is prohibited. It is a violation of this section for a person to impermissibly medicate an animal or for an animal to have a prohibited substance present resulting in a positive test for such medications or substances based on samples taken from the animal before or immediately after the racing of that animal. Test results and the identities of the animals being tested and of their trainers and owners of record are confidential and exempt from s. 119.07(1) and from s. 24(a), Art. I of the State Constitution for 10 days after testing of all samples collected on a particular day has been completed and any positive test
results derived from such samples have been reported to the
director of the department division or administrative action has
been commenced.

(b) It is a violation of this section for a race-day
specimen to contain a level of a naturally occurring substance
which exceeds normal physiological concentrations. The
department division may solicit input from the Department of
Agriculture and Consumer Services and adopt rules that specify
normal physiological concentrations of naturally occurring
substances in the natural untreated animal and rules that
specify acceptable levels of environmental contaminants and
trace levels of substances in test samples.

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

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

(3)(a) Upon the finding of a violation of this section, the
department division may revoke or suspend the license or permit
of the violator or deny a license or permit to the violator;
 impose a fine against the violator in an amount not exceeding
the purse or sweepstakes earned by the animal in the race at
issue or $10,000, whichever is greater; require the full or
partial return of the purse, sweepstakes, and trophy of the race
at issue; or impose against the violator any combination of such
penalties. The finding of a violation of this section does not prohibit a prosecution for criminal acts committed.

(b) The department division, notwithstanding chapter 120, may summarily suspend the license of an occupational licensee responsible under this section or department division rule for the condition of a race animal if the department’s division laboratory reports the presence of a prohibited substance in the animal or its blood, urine, saliva, or any other bodily fluid, either before a race in which the animal is entered or after a race the animal has run.

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

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

(4) A prosecution pursuant to this section for a violation of this section must begin within 90 days after the violation was committed. Service of an administrative complaint marks the commencement of administrative action.

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

(a) The department division shall notify the owner or trainer, the stewards, and the appropriate horsemen’s
association of all drug test results. If a drug test result is positive, and upon request by the affected trainer or owner of the animal from which the sample was obtained, the department division shall send the split sample to an approved independent laboratory for analysis. The department division shall establish standards and rules for uniform enforcement and shall maintain a list of at least five approved independent laboratories for an owner or trainer to select from if a drug test result is positive.

(b) If the department division laboratory’s findings are not confirmed by the independent laboratory, no further administrative or disciplinary action under this section may be pursued.

(c) If the independent laboratory confirms the department division laboratory’s positive result, the department division may commence administrative proceedings as prescribed in this chapter and consistent with chapter 120. For purposes of this subsection, the department shall in good faith attempt to obtain a sufficient quantity of the test fluid to allow both a primary test and a secondary test to be made.

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

(e) For the testing of a racehorse, if there is an insufficient quantity of the secondary (split) sample for confirmation of the department division laboratory’s positive
result, the department division may not take further action on the matter against the owner or trainer, and any resulting license suspension must be immediately lifted.

(f) The department division shall require its laboratory and the independent laboratories to annually participate in an externally administered quality assurance program designed to assess testing proficiency in the detection and appropriate quantification of medications, drugs, and naturally occurring substances that may be administered to racing animals. The administrator of the quality assurance program shall report its results and findings to the department division and the Department of Agriculture and Consumer Services.

(6)(a) It is the intent of the Legislature that animals that participate in races in this state on which pari-mutuel wagering is conducted and animals that are bred and trained in this state for racing be treated humanely, both on and off racetracks, throughout the lives of the animals.

(b) The department division shall, by rule, adopt 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.

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

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

(7)(a) In order to protect the safety and welfare of racing animals and the integrity of the races in which the animals participate, the department division shall adopt rules establishing the conditions of use and maximum concentrations of medications, drugs, and naturally occurring substances identified in the Controlled Therapeutic Medication Schedule, Version 2.1, revised April 17, 2014, adopted by the Association of Racing Commissioners International, Inc. Controlled therapeutic medications include only the specific medications and concentrations allowed in biological samples which have been approved by the Association of Racing Commissioners International, Inc., as controlled therapeutic medications.

(b) The department division rules must designate the appropriate biological specimens by which the administration of medications, drugs, and naturally occurring substances is monitored and must determine the testing methodologies, including measurement uncertainties, for screening such specimens to confirm the presence of medications, drugs, and naturally occurring substances.
(c) The department division rules must include a classification system for drugs and substances and a corresponding penalty schedule for violations which incorporates the Uniform Classification Guidelines for Foreign Substances, Version 8.0, revised December 2014, by the Association of Racing Commissioners International, Inc. The department division shall adopt laboratory screening limits approved by the Association of Racing Commissioners International, Inc., for drugs and medications that are not included as controlled therapeutic medications, the presence of which in a sample may result in a violation of this section.

(d) The department division rules must include conditions for the use of furosemide to treat exercise-induced pulmonary hemorrhage.

(e) The department division may solicit input from the Department of Agriculture and Consumer Services in adopting the rules required under this subsection. Such rules must be adopted before January 1, 2016.

(8) Furosemide is the only medication that may be administered within 24 hours before the officially scheduled post time of a race, but it may not be administered within 4 hours before the officially scheduled post time of a race.

(9)(a) The department 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 department division may conduct a postmortem examination of any animal that expires while housed at a permitted racetrack, association compound, or licensed kennel or farm. Trainers and owners shall be requested
to comply with this paragraph as a condition of licensure.

(b) The department division may take possession of the animal upon death for postmortem examination. The department division may submit blood, urine, other bodily fluid specimens, or other tissue specimens collected during a postmortem examination for testing by the department division laboratory or its designee. Upon completion of the postmortem examination, the carcass must be returned to the owner or disposed of at the owner’s option.

(10) The presence of a prohibited substance in an animal, found by the department division laboratory in a bodily fluid specimen collected after the race or during the postmortem examination of the animal, which breaks down during a race constitutes a violation of this section.

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

(12) The department division shall adopt rules to implement this section.

(13) The department 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 department 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 department 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 department division.
Section 31. Subsection (4) of Section 550.2614, Florida Statutes, is amended to read:

550.2614 Distribution of certain funds to a horsemen’s association.—

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

Section 32. Subsection (3) of section 550.26165, Florida Statutes, is amended to read:

550.26165 Breeders’ awards.—

(3) Breeders’ associations shall submit their plans to the department division at least 60 days before the beginning of the payment year. The payment year may be a calendar year or any 12-month period, but once established, the yearly base may not be changed except for compelling reasons. Once a plan is approved, the department division may not allow the plan to be amended during the year, except for the most compelling reasons.

Section 33. Section 550.2625, Florida Statutes, is amended to read:

550.2625 Horseracing; minimum purse requirement, Florida breeders’ and owners’ awards.—

(1) The purse structure and the availability of breeder awards are important factors in attracting the entry of well-bred horses in racing meets in this state which in turn helps to produce maximum racing revenues for the state and the counties.
(2) Each permitholder conducting a horserace meet is required to pay from the takeout withheld on pari-mutuel pools a sum for purses in accordance with the type of race performed.

(a) A permitholder conducting a thoroughbred horse race meet under this chapter must pay from the takeout withheld a sum not less than 7.75 percent of all contributions to pari-mutuel pools conducted during the race meet as purses. In addition to the 7.75 percent minimum purse payment, permitholders conducting live thoroughbred performances shall be required to pay as additional purses 0.625 % percent of live handle for performances conducted during the period beginning on January 3 and ending March 16; 0.225 % percent for performances conducted during the period beginning March 17 and ending May 22; and 0.85 % percent for performances conducted during the period beginning May 23 and ending January 2. Except that any thoroughbred permitholder whose total handle on live performances during the 1991-1992 state fiscal year was not greater than $34 million is not subject to this additional purse payment. A permitholder authorized to conduct thoroughbred racing may withhold from the handle an additional amount equal to 1 percent on exotic wagering for use as owners’ awards, and may withhold from the handle an amount equal to 2 percent on exotic wagering for use as overnight purses. A permitholder may not withhold in excess of 20 percent from the handle without withholding the amounts set forth in this subsection.

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

2. An amount not to exceed 0.5 percent of the total handle
on all harness horse races that are subject to the purse
requirement of subparagraph 1., must be available for use to
provide medical, dental, surgical, life, funeral, or disability
insurance benefits for occupational licensees who work at tracks
in this state at which harness horse races are conducted. Such
insurance benefits must be paid from the purse pool specified in
subparagraph 1. An annual plan for payment of insurance benefits
from the purse pool, including qualifications for eligibility,
must be submitted by the Florida Standardbred Breeders and
Owners Association for approval to the department division. An
annual report of the implemented plan shall be submitted to the
department division. All records of the Florida Standardbred
Breeders and Owners Association concerning the administration of
the plan must be available for audit at the discretion of the
department division to determine that the plan has been
implemented and administered as authorized. If the department
division finds that the Florida Standardbred Breeders and Owners
Association has not complied with the provisions of this
section, the department division may order the association to
cease and desist from administering the plan and shall appoint
the department division as temporary administrator of the plan
until the department division reestablishes administration of
the plan with the association.

(c) A permitholder conducting a quarter horse race meet
under this chapter shall pay from the takeout withheld a sum not
less than 6 percent of all contributions to pari-mutuel pools

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conducted during the race meet as purses.

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

(e) An amount equal to 8.5 percent of the purse account generated through intertrack wagering and interstate simulcasting will be used for Florida Owners’ Awards as set forth in subsection (3). Any thoroughbred permitholder with an average blended takeout that which does not exceed 20 percent and with an average daily purse distribution excluding sponsorship, entry fees, and nominations exceeding $225,000 is exempt from the provisions of this paragraph. 

(3) Each horseracing permitholder conducting any thoroughbred race under this chapter, including any intertrack race taken pursuant to ss. 550.615-550.6305 or any interstate simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal to 0.955 percent on all pari-mutuel pools conducted during any such race for the payment of breeders’, stallion, or special racing awards as authorized in this chapter. This subsection also applies to all Breeder’s Cup races conducted outside this state taken pursuant to s. 550.3551(3). On any race originating
live in this state which is broadcast out-of-state to any
location at which wagers are accepted pursuant to s. 550.3551(2), the host track is required to pay 3.475 percent of
the gross revenue derived from such out-of-state broadcasts as
breeders’, stallion, or special racing awards. The Florida
Thoroughbred Breeders’ Association is authorized to receive
these payments from the permitholders and make payments of
awards earned. The Florida Thoroughbred Breeders’ Association
has the right to withhold up to 10 percent of the permitholder’s
payments under this section as a fee for administering the
payments of awards and for general promotion of the industry.
The permitholder shall remit these payments to the Florida
Thoroughbred Breeders’ Association by the 5th day of each
calendar month and shall report such payments to the department division as prescribed by the department division. With the
exception of the 10-percent fee, the moneys paid by the
permitholders shall be maintained in a separate, interest-bearing account, and such payments together with any interest
earned shall be used exclusively for the payment of breeders’,
stallion, or special racing awards in accordance with the
following provisions:

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

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

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

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

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

(f) A permitholder conducting a thoroughbred horse race
under the provisions of this chapter shall, within 30 days after
the end of the race meet during which the race is conducted,
certify to the Florida Thoroughbred Breeders’ Association such
information relating to the thoroughbred horses winning a stakes
or other horserace at the meet as may be required to determine
the eligibility for payment of breeders’, stallion, and special
racing awards.

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

(h) The Florida Thoroughbred Breeders’ Association shall annually establish a uniform rate and procedure for the payment of breeders’ and stallion awards and shall make breeders’ and stallion award payments in strict compliance with the established uniform rate and procedure plan. The plan may set a cap on winnings and may limit, exclude, or defer payments to certain classes of races, such as the Florida stallion stakes races, in order to assure that there are adequate revenues to meet the proposed uniform rate. Such plan must include proposals for the general promotion of the industry. Priority shall be placed upon imposing such restrictions in lieu of allowing the uniform rate to be less than 15 percent of the total purse payment. The uniform rate and procedure plan must be approved by the department division before implementation. In the absence of an approved plan and procedure, the authorized rate for breeders’ and stallion awards is 15 percent of the announced gross purse for each race. Such purse must include nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race. If the funds in the account for payment of breeders’ and stallion awards are not sufficient to meet all earned breeders’ and stallion awards, those breeders and stallion owners not receiving payments have first call on any subsequent receipts in that or any subsequent year.

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

(j) If the department division finds that the Florida Thoroughbred Breeders’ Association has not complied with any provision of this section, the department division may order the association to cease and desist from receiving funds and administering funds received under this section. If the department division enters such an order, the permitholder shall make the payments authorized in this section to the department division for deposit into the Pari-mutuel Wagering Trust Fund; and any funds in the Florida Thoroughbred Breeders’ Association account shall be immediately paid to the department Division of Pari-mutuel Wagering for deposit to the Pari-mutuel Wagering Trust Fund. The department division shall authorize payment from these funds to any breeder or stallion owner entitled to an award that has not been previously paid by the Florida Thoroughbred Breeders’ Association in accordance with the applicable rate.

(4) Each permitholder conducting a harness horse race under this chapter shall pay a sum equal to the breaks on all pari-mutuel pools conducted during that race for the payment of breeders’ awards, stallion awards, and stallion stakes and for additional expenditures as authorized in this section. The Florida Standardbred Breeders and Owners Association is authorized to receive these payments from the permitholders and
make payments as authorized in this subsection. The Florida
Standardbred Breeders and Owners Association has the right to
withhold up to 10 percent of the permitholder’s payments under
this section and under s. 550.2633 as a fee for administering
these payments. The permitholder shall remit these payments to
the Florida Standardbred Breeders and Owners Association by the
5th day of each calendar month for such sums accruing during the
preceding calendar month and shall report such payments to the
department division as prescribed by the department division.

With the exception of the 10-percent fee for administering the
payments and the use of the moneys authorized by paragraph (j),
the moneys paid by the permitholders shall be maintained in a
separate, interest-bearing account; and such payments together
with any interest earned shall be allocated for the payment of
breeders’ awards, stallion awards, stallion stakes, additional
purses, and prizes for, and the general promotion of owning and
breeding of, Florida-bred standardbred horses. Payment of
breeders’ awards and stallion awards shall be made in accordance
with the following provisions:

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

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

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2759 sponsor of the race.
2760 (c) In order for a breeder of a Florida-bred standardbred
2761 horse to be eligible to receive a breeder’s award, the horse
2762 winning the race must have been registered as a Florida-bred
2763 horse with the Florida Standardbred Breeders and Owners
2764 Association and a registration certificate under seal for the
2765 winning horse must show that the winner has been duly registered
2766 as a Florida-bred horse as evidenced by the seal and proper
2767 serial number of the United States Trotting Association
2768 registry. The Florida Standardbred Breeders and Owners
2769 Association shall be permitted to charge the registrant a
2770 reasonable fee for this verification and registration.
2771 (d) In order for an owner of the sire of a standardbred
2772 horse winning a stakes race to be eligible to receive a stallion
2773 award, the stallion must have been registered with the Florida
2774 Standardbred Breeders and Owners Association, and the breeding
2775 of the registered Florida-bred horse must have occurred in this
2776 state. The stallion must be standing permanently in this state
2777 or, if the stallion is dead, must have stood permanently in this
2778 state for a period of not less than 1 year immediately prior to
2779 its death. The removal of a stallion from this state for any
2780 reason, other than exclusively for prescribed medical treatment,
2781 renders the owner or the owners of the stallion ineligible to
2782 receive a stallion award under any circumstances for offspring
2783 sired prior to removal; however, if a removed stallion is
2784 returned to this state, all offspring sired subsequent to the
2785 return make the owner or owners of the stallion eligible for the
2786 stallion award but only for those offspring sired subsequent to
2787 such return to this state. The Florida Standardbred Breeders and
Owners Association shall maintain complete records showing the date the stallion arrived in this state for the first time, whether or not the stallion remained in the state permanently, the location of the stallion, and whether the stallion is still standing in this state and complete records showing awards earned, received, and distributed. The association may charge the owner, owners, or breeder a reasonable fee for this service.

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

(f) The Florida Standardbred Breeders and Owners Association shall maintain complete records showing the starters and winners in all races conducted at harness horse racetracks in this state; shall maintain complete records showing awards earned, received, and distributed; and may charge the owner, owners, or breeder a reasonable fee for this service.

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

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

(i) If the department division finds that the Florida
Standardbred Breeders and Owners Association has not complied
with any provision of this section, the department division may order the association to cease and desist from receiving funds and administering funds received under this section and under s. 550.2633. If the department division enters such an order, the permitholder shall make the payments authorized in this section and s. 550.2633 to the department division for deposit into the Pari-mutuel Wagering Trust Fund; and any funds in the Florida Standardbred Breeders and Owners Association account shall be immediately paid to the department division for deposit to the Pari-mutuel Wagering Trust Fund. The department division shall authorize payment from these funds to any breeder, stallion owner, or owner of a Florida-bred standardbred horse entitled to an award that has not been previously paid by the Florida Standardbred Breeders and Owners Association in accordance with the applicable rate.

(j) The board of directors of the Florida Standardbred Breeders and Owners Association may authorize the release of up to 25 percent of the funds available for breeders’ awards, stallion awards, stallion stakes, additional purses, and prizes for, and for the general promotion of owning and breeding of, Florida-bred standardbred horses to be used for purses for, and promotion of, Florida-bred standardbred horses at race meetings at which there is no pari-mutuel wagering unless, and to the extent that, such release would render the funds available for such awards insufficient to pay the breeders’ and stallion awards earned pursuant to the annual plan of the association. Any such funds so released and used for purses are not considered to be an “announced gross purse” as that term is used in paragraphs (a) and (b), and no breeders’ or stallion awards,
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stallion stakes, or owner awards are required to be paid for standardbred horses winning races in meetings at which there is no pari-mutuel wagering. The amount of purses to be paid from funds so released and the meets eligible to receive such funds for purses must be approved by the board of directors of the Florida Standardbred Breeders and Owners Association.

(5)(a) Except as provided in subsections (7) and (8), each permitholder conducting a quarter horse race meet under this chapter shall pay a sum equal to the breaks plus a sum equal to 1 percent of all pari-mutuel pools conducted during that race for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding of racing quarter horses in this state as authorized in this section. The Florida Quarter Horse Breeders and Owners Association is authorized to receive these payments from the permitholders and make payments as authorized in this subsection. The Florida Quarter Horse Breeders and Owners Association, Inc., referred to in this chapter as the Florida Quarter Horse Breeders and Owners Association, has the right to withhold up to 10 percent of the permitholder’s payments under this section and under s. 550.2633 as a fee for administering these payments. The permitholder shall remit these payments to the Florida Quarter Horse Breeders and Owners Association by the 5th day of each calendar month for such sums accruing during the preceding calendar month and shall report such payments to the department division as prescribed by the department division. With the exception of the 5-percent fee for administering the payments, the moneys paid by the permitholders shall be maintained in a separate, interest-bearing account.

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

(c) In order for an owner or breeder of a Florida-bred quarter horse to be eligible to receive an award, the horse winning a race must have been registered as a Florida-bred horse with the Florida Quarter Horse Breeders and Owners Association and a registration certificate under seal for the winning horse must show that the winning horse has been duly registered prior to the race as a Florida-bred horse as evidenced by the seal and proper serial number of the Florida Quarter Horse Breeders and Owners Association registry. The Department of Agriculture and Consumer Services is authorized to assist the association in maintaining this registry. The Florida Quarter Horse Breeders and Owners Association may charge the registrant a reasonable fee for this verification and registration. Any person who registers unqualified horses or misrepresents information in any way shall be denied any future participation in breeders’ awards, and all horses misrepresented will no longer be deemed to be Florida-bred.

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

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

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

(g) The Florida Quarter Horse Breeders and Owners Association shall annually establish a plan for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding Florida-bred racing quarter horses and shall make award payments and allocations in strict compliance with the annual plan. The annual plan must be approved by the department division before implementation. If the funds in the account for payment of purses and prizes are not sufficient to meet all purses and prizes to be awarded, those breeders and owners not receiving payments have first call on any subsequent receipts in that or any subsequent year.

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

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

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

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

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

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

(7)(a) Each permitholder that conducts race meets under this chapter and runs Appaloosa races shall pay to the department division a sum equal to the breaks plus a sum equal to 1 percent of the total contributions to each pari-mutuel pool conducted on each Appaloosa race. The payments shall be remitted to the department division by the 5th day of each calendar month for sums accruing during the preceding calendar month.

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

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

Section 34. Section 550.26352, Florida Statutes, is amended
to read:

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

(1) Notwithstanding any provision of this chapter to the
contrary, there is hereby created a special thoroughbred race
meet that shall be designated as the “Breeders’ Cup Meet.”
The Breeders’ Cup Meet shall be conducted at the facility of the
Florida permitholder selected by Breeders’ Cup Limited to
conduct the Breeders’ Cup Meet. The Breeders’ Cup Meet shall
consist of 3 days: the day on which the Breeders’ Cup races are
conducted, the preceding day, and the subsequent day. Upon the
selection of the Florida permitholder as host for the Breeders’
Cup Meet and application by the selected permitholder, the
department division shall issue a license to the selected
permitholder to operate the Breeders’ Cup Meet. Notwithstanding
s. 550.09515(2)(a), the Breeders’ Cup Meet may be conducted on
dates when which the selected permitholder is not otherwise authorized to conduct a race meet.

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

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

(4) Notwithstanding any provision of ss. 550.0951 and
550.09515, the permitholder conducting the Breeders’ Cup Meet shall pay no taxes on the handle included within the permitholder’s pari-mutuel pools of said permitholder during the Breeders’ Cup Meet.

(5) The permitholder conducting the Breeders’ Cup Meet shall receive a credit against the taxes otherwise due and payable to the state under ss. 550.0951 and 550.09515 generated during the said permitholder’s next ensuing regular thoroughbred race meet. This credit shall be in an amount not to exceed $950,000 and shall be used by the permitholder to pay the purses offered by the permitholder during the Breeders’ Cup Meet in excess of the purses which the permitholder is otherwise required by law to pay. The amount to be credited shall be determined by the department division upon application of the permitholder which is subject to audit by the department division.

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

(7) The permitholder conducting the Breeders’ Cup Meet is shall be exempt from the payment of purses and other payments to
horsemen on all on-track, intertrack, interstate, and international wagers or rights fees or payments arising therefrom for all races for which the purse is paid or supplied by Breeders’ Cup Limited. The permitholder conducting the Breeders’ Cup Meet shall not, however, be exempt from breeders’ awards payments for on-track and intertrack wagers as provided in ss. 550.2625(3) and 550.625(2)(a) for races in which the purse is paid or supplied by Breeders’ Cup Limited.

(8)(a) Pursuant to s. 550.3551(2), the permitholder conducting the Breeders’ Cup Meet may be authorized to transmit broadcasts of the races conducted during the Breeders’ Cup Meet to locations outside of this state for wagering purposes. The department division may approve broadcasts to pari-mutuel permitholders and other betting systems authorized under the laws of any other state or country. Wagers accepted by any out-of-state pari-mutuel permitholder or betting system on any races broadcast under this section may be, but are not required to be, commingled with the pari-mutuel pools of the permitholder conducting the Breeders’ Cup Meet. The calculation of any payoff on national pari-mutuel pools with commingled wagers may be performed by the permitholder’s totalisator contractor at a location outside of this state. Pool amounts from wagers placed at pari-mutuel facilities or other betting systems in foreign countries before being commingled with the pari-mutuel pool of the Florida permitholder conducting the Breeders’ Cup Meet shall be calculated by the totalisator contractor and transferred to the commingled pool in United States currency in cycles customarily used by the permitholder. Pool amounts from wagers placed at any foreign pari-mutuel facility or other betting
system may shall not be commingled with a Florida pool until a
determination is made by the department division that the
technology utilized by the totalisator contractor is adequate to
assure commingled pools will result in the calculation of
accurate payoffs to Florida bettors. Any totalisator contractor
at a location outside of this state shall comply with the
provisions of s. 550.495 relating to totalisator licensing.

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

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

(10) The department may division is authorized to adopt
such rules as are necessary to facilitate the conduct of the Breeders’ Cup Meet, including as authorized in this section. Included within this grant of authority shall be the adoption or waiver of rules regarding the overall conduct of racing during the Breeders’ Cup Meet so as to ensure the integrity of the races, licensing for all participants, special stabling and training requirements for foreign horses, commingling of pari-mutuel pools, and audit requirements for tax credits and other benefits.

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

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

Section 35. Section 550.2704, Florida Statutes, is amended to read:

550.2704 Jai Alai Tournament of Champions Meet.—

(1) Notwithstanding any provision of this chapter, there is hereby created a special jai alai meet that shall be designated as the “Jai Alai Tournament of Champions Meet” and which shall be hosted by the Florida jai alai permitholders selected by the National Association of Jai Alai Frontons, Inc., to conduct such meet. The meet shall consist of three qualifying performances and a final performance, each of which is to be conducted on different days. Upon the selection of the Florida permitholders for the meet, and upon application by the selected permitholders, the department Division of Pari-mutuel Wagering
shall issue a license to each of the selected permitholders to operate the meet. The meet may be conducted during a season in which the permitholders selected to conduct the meet are not otherwise authorized to conduct a meet. Notwithstanding anything herein to the contrary, any Florida permitholder who is to conduct a performance that is a part of the Jai Alai Tournament of Champions Meet shall not be required to apply for the license for the said meet if it is to be run during the regular season for which such permitholder has a license.

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

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

(4) The Jai Alai Tournament of Champions Meet permitholders shall also receive a credit against the taxes, otherwise due and payable under s. 550.0951 or s. 550.09511, generated during the said permitholders’ current regular meet. This credit shall be in the aggregate amount of $150,000, shall be prorated equally between the permitholders, and shall be used to supplement awards for the performance conducted during the Jai Alai Tournament of Champions Meet. All awards shall be paid to the tournament’s participating players.
no later than 30 days following the conclusion of the said Jai Alai Tournament of Champions Meet.

(5) In addition to the credit authorized in subsection (4), the Jai Alai Tournament of Champions Meet permitholders shall receive a credit against the taxes, otherwise due and payable under s. 550.0951 or s. 550.09511, generated during the said permitholders’ current regular meet, in an amount not to exceed the aggregate amount of $150,000, which shall be prorated equally between the permitholders, and shall be used by the permitholders for such capital improvements and extraordinary expenses, including marketing expenses, as may be necessary for the operation of the meet. The determination of the amount to be credited shall be made by the department division upon application by the of said permitholders.

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

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

(8) The department may division is authorized to adopt such rules as are necessary to facilitate the conduct of the Jai Alai Tournament of Champions Meet, including as authorized in this
section. Included within this grant of authority shall be the adoption of rules regarding the overall conduct of the tournament so as to ensure the integrity of the event, licensing for participants, commingling of pari-mutuel pools, and audit requirements for tax credits and exemptions.

(9) The provisions of this section shall prevail over any conflicting provisions of this chapter.

Section 36. Subsections (3) and (5) of section 550.334, Florida Statutes, are amended to read:

550.334 Quarter horse racing; substitutions.— (3) Quarter horses participating in such races must be duly registered by the American Quarter Horse Association, and before each race such horses must be examined and declared in fit condition by a qualified person designated by the department division.

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

Section 37. Subsection (2) of section 550.3345, Florida Statutes, is amended to read:

550.3345 Conversion of quarter horse permit to a limited thoroughbred permit.— (2) Notwithstanding any other provision of law, the holder
of a quarter horse racing permit issued under s. 550.334 may, within 1 year after the effective date of this section, apply to the department division for a transfer of the quarter horse racing permit to a not-for-profit corporation formed under state law to serve the purposes of the state as provided in subsection (1). The board of directors of the not-for-profit corporation must be comprised of 11 members, 4 of whom shall be designated by the applicant, 4 of whom shall be designated by the Florida Thoroughbred Breeders’ Association, and 3 of whom shall be designated by the other 8 directors, with at least 1 of these 3 members being an authorized representative of another thoroughbred permitholder in this state. The not-for-profit corporation shall submit an application to the department division for review and approval of the transfer in accordance with s. 550.054. Upon approval of the transfer by the department division, and notwithstanding any other provision of law to the contrary, the not-for-profit corporation may, within 1 year after its receipt of the permit, request that the department division convert the quarter horse racing permit to a permit authorizing the holder to conduct pari-mutuel wagering meets of thoroughbred racing. Neither the transfer of the quarter horse racing permit nor its conversion to a limited thoroughbred permit shall be subject to the mileage limitation or the ratification election as set forth under s. 550.054(2) or s. 550.0651. Upon receipt of the request for such conversion, the department division shall timely issue a converted permit. The converted permit and the not-for-profit corporation shall be subject to the following requirements:

(a) All net revenues derived by the not-for-profit
corporation under the thoroughbred horse racing permit, after
the funding of operating expenses and capital improvements,
shall be dedicated to the enhancement of thoroughbred purses and
breeders’, stallion, and special racing awards under this
chapter; the general promotion of the thoroughbred horse
breeding industry; and the care in this state of thoroughbred
horses retired from racing.

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

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

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

(e) A permit converted under this section may not be
transferred is eligible for transfer to another person or
Section 38. Section 550.3355, Florida Statutes, is amended to read:

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

Section 39. Paragraph (a) of subsection (6) and subsections (10) and (13) of section 550.3551, Florida Statutes, are amended to read:

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

(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 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 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. 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 department 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 department 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.

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

(13) This section does not prohibit the commingling of national pari-mutuel pools by a totalisator company that is licensed under this chapter. Such commingling of national pools is subject to department division review and approval and must be performed pursuant to in accordance with department division to ensure accurate calculation and distribution of the pools.

Section 40. Subsections (3), (4), and (5) 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.—

(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 may shall not attend any 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 department 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 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 on the part of any track or fronton employee to comply with the provisions of this subsection is a ground for the department division to suspend or revoke that employee’s license for track or fronton employment.

(5) Each permittee shall display, in conspicuous places at a 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 department division shall adopt rules concerning the uniform size of all warnings and the number of placements throughout a 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 department division for each offense.

Section 41. Subsections (2) and (3) of section 550.375, Florida Statutes, are amended to read:

550.375 Operation of certain harness tracks.—

(2) Any permittee or licensee authorized under this section to transfer the location of its permit may conduct harness racing only between the hours of 7 p.m. and 2 a.m. A permit so transferred applies only to the locations provided in this section. The provisions of this chapter which prohibit the location and operation of a licensed harness track permittee and licensee within 100 air miles of the location of a racetrack authorized to conduct racing under this chapter and which prohibit the department division from granting any permit to a harness track at a location in the area in which there are three horse tracks located within 100 air miles thereof do not apply
to a licensed harness track that is required by the terms of
this section to race between the hours of 7 p.m. and 2 a.m.
(3) A permit may not be issued by the department division
for the operation of a harness track within 75 air miles of a
location of a harness track licensed and operating under this
chapter.

Section 42. Section 550.495, Florida Statutes, is amended
to read:

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

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

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

(c) Each totalisator company must file with the department
division a performance bond, acceptable to the department
division, in the sum of $250,000 issued by a surety approved by
the department division or must file proof of insurance, acceptable to the department division, against financial loss in the amount of $250,000, insuring the state against such a revenue loss.

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

1. The estimated revenue lost as a result of missed or canceled races, games, or performances;
2. The number of races, games, or performances which is practicable for the permitholder to conduct in an attempt to mitigate the revenue loss; and
3. The amount of the revenue loss which the makeup races, games, or performances will not recover and for which the totalisator company is liable.

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

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

(g) Upon the failure of the totalisator company to make the payment found to be due the state, the department division may cause the forfeiture of the bond or may proceed against the
insurance contract, and the proceeds of the bond or contract
shall be deposited into the Pari-mutuel Wagering Trust Fund. If
that bond was not posted or insurance obtained, the department
division may proceed against any assets of the totalisator
company to collect the amounts due under this subsection.

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

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

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

Section 43. Section 550.505, Florida Statutes, is amended
to read:

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

(b) Subject to the requirements of this section, the
department may division is authorized to issue permits for the
conduct of horseracing meets without pari-mutuel wagering or any
other form of wagering being conducted in conjunction therewith.
Such permits shall be known as nonwagering permits and may be
issued only for horseracing meets. A horseracing permitholder
need not obtain an additional permit from the department division for conducting nonwagering racing under this section, but must apply to the department division for the issuance of a license under this section. The holder of a nonwagering permit is prohibited from conducting pari-mutuel wagering or any other form of wagering in conjunction with racing conducted under the permit. Nothing in This subsection does not prohibit prohibits horseracing for any stake, purse, prize, or premium.

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

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

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

(3)(a) Upon receipt of a nonwagering permit, the permitholder must apply to the department division before June 1 of each year for an annual nonwagering license for the next succeeding calendar year. Such application must set forth the days and locations at which the permitholder will conduct nonwagering horseracing and must indicate any changes in ownership or management of the permitholder occurring since the date of application for the prior license.

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

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

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

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

(6) The department division may order any person participating in a nonwagering meet to cease and desist from participating in such meet if it the division determines the person to be not of good moral character in accordance with s.
550.1815. The department division may order the operators of a nonwagering meet to cease and desist from operating the meet if the department division determines the meet is being operated for any illegal purpose.

Section 44. Subsection (1) of section 550.5251, Florida Statutes, is amended to read:

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

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

Section 45. Subsection (3) of section 550.625, Florida Statutes, is amended to read:

550.625 Intertrack wagering; purses; breeders’ awards.—If a host track is a horse track:
(3) The payment to a breeders’ organization shall be combined with any other amounts received by the respective breeders’ and owners’ associations as so designated. Each breeders’ and owners’ association receiving these funds shall be allowed to withhold the same percentage as set forth in s. 550.2625 to be used for administering the payment of awards and for the general promotion of their respective industries. If the total combined amount received for thoroughbred breeders’ awards exceeds 15 percent of the purse required to be paid under subsection (1), the breeders’ and owners’ association, as so designated, notwithstanding any other provision of law, shall submit a plan to the department for approval which would use the excess funds in promoting the breeding industry by increasing the purse structure for Florida-breds. Preference shall be given to the track generating such excess.

Section 46. Subsection (5) and paragraph (g) of subsection (9) of section 550.6305, Florida Statutes, are amended to read:

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

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

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

    (g)1. Any thoroughbred permitholder that accepts wagers on a simulcast signal must make the signal available to any permitholder that is eligible to conduct intertrack wagering under the provisions of ss. 550.615-550.6345.

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

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

No thoroughbred permitholder shall be required to continue to rebroadcast a simulcast signal to any in-state permitholder if
the average per performance gross receipts returned to the host permitholder over the preceding 30-day period were less than $100. Subject to the provisions of s. 550.615(4), as a condition of receiving rebroadcasts of thoroughbred simulcast signals under this paragraph, a guest permitholder must accept intertrack wagers on all live races conducted by all then-operating thoroughbred permitholders.

Section 47. Subsections (1) and (2) of section 550.6308, Florida Statutes, are amended to read:

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

(1) Upon application to the department division on or before January 31 of each year, any person that is licensed to conduct public sales of thoroughbred horses pursuant to s. 535.01, that has conducted at least 15 days of thoroughbred horse sales at a permanent sales facility in this state for at least 3 consecutive years, and that has conducted at least 1 day of nonwagering thoroughbred racing in this state, with a purse structure of at least $250,000 per year for 2 consecutive years before such application, shall be issued a license, subject to the conditions set forth in this section, to conduct intertrack wagering at such a permanent sales facility during the following periods:
(a) Up to 21 days in connection with thoroughbred sales;
(b) Between November 1 and May 8;
(c) Between May 9 and October 31 at such times and on such days as any thoroughbred, jai alai, or a greyhound permitholder in the same county is not conducting live performances; provided that any such permitholder may waive this requirement, in whole or in part, and allow the licensee under this section to conduct intertrack wagering during one or more of the permitholder’s live performances; and
(d) During the weekend of the Kentucky Derby, the Preakness, the Belmont, and a Breeders’ Cup Meet that is conducted before November 1 and after May 8.

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

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

Section 48. Subsection (2) of section 550.70, Florida Statutes, is amended to read:

CODING: Words stricken are deletions; words underlined are additions.
550.70 Jai alai general provisions; chief court judges required; extension of time to construct fronton; amateur jai alai contests permitted under certain conditions; playing days’ limitations; locking of pari-mutuel machines.—

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

Section 49. Subsection (3) of section 550.902, Florida Statutes, is amended to read:

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

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

Section 50. Subsection (1) of section 550.907, Florida Statutes, is amended to read:

550.907 Compact committee.—

(1) There is created an interstate governmental entity to be known as the “compact committee,” which shall be composed of one official from the racing commission, or the equivalent thereof, in each party state who shall be appointed, serve, and be subject to removal in accordance with the laws of the party state that she or he represents. The official from Florida shall be appointed by the Gaming Commission Secretary of Business and Professional Regulation. Pursuant to the laws of her or his party state, each official shall have the assistance of her or his state’s racing commission, or the equivalent thereof, in considering issues related to licensing of participants in pari-mutuel wagering and in fulfilling her or his responsibilities as
the representative from her or his state to the compact committee.

Section 51. Present subsection (1) of section 551.102, Florida Statutes, is redesignated as subsection (3), a new subsection (1) is added to that section, and present subsection (3) and subsections (10) and (11) of that section are amended, to read:

551.102 Definitions.—As used in this chapter, the term:
(1) “Department” means the Department of Gaming.
(3) “Division” means the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation.
(10) “Slot machine license” means a license issued by the department division authorizing a pari-mutuel permitholder to place and operate slot machines as provided by s. 23, Art. X of the State Constitution, the provisions of this chapter, and department division rules.
(11) “Slot machine licensee” means a pari-mutuel permitholder who holds a license issued by the department division pursuant to this chapter which that authorizes the licensee such person to possess a slot machine within facilities specified in s. 23, Art. X of the State Constitution and allows slot machine gaming.

Section 52. Section 551.103, Florida Statutes, is amended to read:

551.103 Powers and duties of the department division and law enforcement.—
(1) The department division shall adopt, pursuant to the provisions of ss. 120.536(1) and 120.54, all rules necessary to implement, administer, and regulate slot machine gaming as
authorized in this chapter. Such rules must include:

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

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

(c) Procedures to scientifically test and technically evaluate slot machines for compliance with this chapter. The department may contract with an independent testing laboratory to conduct any necessary testing under this section. The independent testing laboratory must have a national reputation and be demonstrably competent and qualified to scientifically test and evaluate slot machines for compliance with this chapter and to otherwise perform the functions assigned to it in this chapter. An independent testing laboratory may not be owned or controlled by a licensee. The use of an independent testing laboratory for any purpose related to the conduct of slot machine gaming by a licensee under this chapter must be made from a list of one or more laboratories approved by the department.

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

(e) Procedures for regulating, managing, and auditing the operation, financial data, and program information relating to slot machine gaming which allow the department and the Department of Law Enforcement to audit the operation, financial data, and program information of a slot machine licensee, as required by the department or the
Department of Law Enforcement, and provide the department division and the Department of Law Enforcement with the ability to monitor, at any time on a real-time basis, wagering patterns, payouts, tax collection, and compliance with any rules adopted by the department division for the regulation and control of slot machines operated under this chapter. Such continuous and complete access, at any time on a real-time basis, shall include the ability of either the department division or the Department of Law Enforcement to suspend play immediately on particular slot machines if monitoring of the facilities-based computer system indicates possible tampering or manipulation of those slot machines or the ability to suspend play immediately of the entire operation if the tampering or manipulation is of the computer system itself. The department division shall notify the Department of Law Enforcement or the Department of Law Enforcement shall notify the department division, as appropriate, whenever there is a suspension of play under this paragraph. The department division and the Department of Law Enforcement shall exchange such information necessary for and cooperate in the investigation of the circumstances requiring suspension of play under this paragraph.

(f) Procedures for requiring each licensee at his or her own cost and expense to supply the department division with a bond having the penal sum of $2 million payable to the Governor and his or her successors in office for each year of the licensee’s slot machine operations. Any bond shall be issued by a surety or sureties approved by the department division and the Chief Financial Officer, conditioned to faithfully make the payments to the Chief Financial Officer in his or her capacity
as treasurer of the department division. The licensee shall be required to keep its books and records and make reports as provided in this chapter and to conduct its slot machine operations in conformity with this chapter and all other provisions of law. Such bond shall be separate and distinct from the bond required in s. 550.125.

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

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

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

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

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

(3) The Department of Law Enforcement and local law enforcement agencies shall have concurrent jurisdiction to investigate criminal violations of this chapter and may investigate any other criminal violation of law occurring at the facilities of a slot machine licensee, and such investigations may be conducted in conjunction with the appropriate state attorney.
(4)(a) The department division, the Department of Law Enforcement, and local law enforcement agencies shall have unrestricted access to the slot machine licensee’s facility at all times and shall require of each slot machine licensee strict compliance with the laws of this state relating to the transaction of such business. The department division, the Department of Law Enforcement, and local law enforcement agencies may:

1. Inspect and examine premises where slot machines are offered for play.
2. Inspect slot machines and related equipment and supplies.

(b) In addition, the department division may:
1. Collect taxes, assessments, fees, and penalties.
2. Deny, revoke, suspend, or place conditions on the license of a person who violates any provision of this chapter or rule adopted pursuant thereto.

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

(6) This section does not:
(a) Prohibit the Department of Law Enforcement or any law enforcement authority whose jurisdiction includes a licensed facility from conducting investigations of criminal activities occurring at the facility of the slot machine licensee;
(b) Restrict access to the slot machine licensee’s facility by the Department of Law Enforcement or any local law enforcement authority whose jurisdiction includes the slot

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machine licensee’s facility; or

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

Section 53. Section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

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

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

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

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:
(a) Continue to be in compliance with this chapter.

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

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

(c) Conduct no fewer than a full schedule of live racing or games as defined in s. 550.002(10) or 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.

(d) Upon approval of any changes relating to the pari-mutuel permit by the department division, be responsible for providing appropriate current and accurate documentation on a timely basis to the department division in order to continue the slot machine license in good standing. Changes in ownership or interest of a slot machine license of 5 percent or more of the stock or other evidence of ownership or equity in the slot machine license or any parent corporation or other business entity that in any way owns or controls the slot machine license shall be approved by the department division prior to such change, unless the owner is an existing holder of that license.
who was previously approved by the department division. Changes in ownership or interest of a slot machine license of less than 5 percent, unless such change results in a cumulative total of 5 percent or more, shall be reported to the department division within 20 days after the change. The department division may then conduct an investigation to ensure that the license is properly updated to show the change in ownership or interest. No reporting is required if the person is holding 5 percent or less equity or securities of a corporate owner of the slot machine licensee that has its securities registered pursuant to s. 12 of the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and if such corporation or entity files with the United States Securities and Exchange Commission the reports required by s. 13 of that act or if the securities of the corporation or entity are regularly traded on an established securities market in the United States. A change in ownership or interest of less than 5 percent which results in a cumulative ownership or interest of 5 percent or more must shall be approved by the department division prior to such change unless the owner is an existing holder of the license who was previously approved by the department division.

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

(f) Ensure that the facilities-based computer system that the licensee will use for operational and accounting functions of the slot machine facility is specifically structured to facilitate regulatory oversight. The facilities-based computer
system shall be designed to provide the department division and the Department of Law Enforcement with the ability to monitor, at any time on a real-time basis, the wagering patterns, payouts, tax collection, and such other operations as necessary to determine whether the facility is in compliance with statutory provisions and rules adopted by the department division for the regulation and control of slot machine gaming. The department division and the Department of Law Enforcement shall have complete and continuous access to this system. Such access shall include the ability of either the department division or the Department of Law Enforcement to suspend play immediately on particular slot machines if monitoring of the system indicates possible tampering or manipulation of those slot machines or the ability to suspend play immediately of the entire operation if the tampering or manipulation is of the computer system itself. The computer system shall be reviewed and approved by the department division to ensure necessary access, security, and functionality. The department division may adopt rules to provide for the approval process.

(g) Ensure that each slot machine is protected from manipulation or tampering to affect the random probabilities of winning plays. The department division or the Department of Law Enforcement may have the authority to suspend play upon reasonable suspicion of any manipulation or tampering. When play has been suspended on any slot machine, the department division or the Department of Law Enforcement may examine any slot machine to determine whether the machine has been tampered with or manipulated and whether the machine should be returned to operation.
(h) Submit a security plan, including the facilities' floor plan, the locations of security cameras, and a listing of all security equipment that is capable of observing and electronically recording activities being conducted in the facilities of the slot machine licensee. The security plan must meet the minimum security requirements as determined by the department division under s. 551.103(1)(i) and be implemented prior to operation of slot machine gaming. The slot machine licensee's facilities must adhere to the security plan at all times. Any changes to the security plan must be submitted by the licensee to the department before division prior to implementation. The department division shall furnish copies of the security plan and changes in the plan to the Department of Law Enforcement.

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

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

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

3. Ensuring opportunities for construction services from minority contractors.

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

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

6. The implementation of a drug-testing program that includes, but is not limited to, requiring each employee to sign
an agreement that he or she understands that the slot machine facility is a drug-free workplace.

The slot machine licensee shall use the Internet-based job-listing system of the Department of Economic Opportunity in advertising employment opportunities. Beginning in June 2007, each slot machine licensee shall provide an annual report to the department division containing information indicating compliance with this paragraph in regard to minority persons.

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

(5) A slot machine license is not transferable.

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

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

(8) A slot machine licensee shall file with the department
division an audit of the receipt and distribution of all slot machine revenues provided by an independent certified public accountant verifying compliance with all financial and auditing provisions of this chapter and the associated rules adopted under this chapter. The audit must include verification of compliance with all statutes and rules regarding all required records of slot machine operations. Such audit shall be filed within 60 days after the completion of the permitholder’s pari-

(9) The department division may share any information with the Department of Law Enforcement, any other law enforcement agency having jurisdiction over slot machine gaming or pari-

mutuel activities, or any other state or federal law enforcement agency the department division or the Department of Law Enforcement deems appropriate. Any law enforcement agency having jurisdiction over slot machine gaming or pari-

mutuel activities may share any information obtained or developed by it with the department division.

(10)(a)1. No slot machine license or renewal thereof shall be issued to an applicant holding a permit under chapter 550 to conduct pari-

mutuel wagering meets of thoroughbred racing unless the applicant has on file with the department division a binding written agreement between the applicant and the Florida Horsemen’s Benevolent and Protective Association, Inc., governing the payment of purses on live thoroughbred races conducted at the licensee’s pari-

mutuel facility. In addition, no slot machine license or renewal thereof shall be issued to such an applicant unless the applicant has on file with the department division a binding written agreement between the
applicant and the Florida Thoroughbred Breeders’ Association, Inc., governing the payment of breeders’, stallion, and special racing awards on live thoroughbred races conducted at the licensee’s pari-mutuel facility. The agreement governing purses and the agreement governing awards may direct the payment of such purses and awards from revenues generated by any wagering or gaming the applicant is authorized to conduct under Florida law. All purses and awards shall be subject to the terms of chapter 550. All sums for breeders’, stallion, and special racing awards shall be remitted monthly to the Florida Thoroughbred Breeders’ Association, Inc., for the payment of awards subject to the administrative fee authorized in s. 550.2625(3).

2. No slot machine 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 unless the applicant has on file with the department 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 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.

(b) The department shall suspend a slot machine license if one or more of the agreements required under paragraph (a) are terminated or otherwise cease to operate or if
the department division determines that the licensee is materially failing to comply with the terms of such an agreement. Any such suspension shall take place in accordance with chapter 120.

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

2. If an agreement required under paragraph (a) is not in place 60 days after the request under subparagraph 1. in the case of an initial slot machine license or, in the case of a renewal, 60 days before the scheduled expiration date of the slot machine license, the matter shall be immediately submitted to mandatory binding arbitration to resolve the disagreement between the parties. The three arbitrators selected pursuant to subparagraph 1. shall constitute the panel that shall arbitrate the dispute between the parties pursuant to the American Arbitration Association Commercial Arbitration Rules.
3. At the conclusion of the proceedings, which shall be no later than 90 days after the request under subparagraph 1. in the case of an initial slot machine license or, in the case of a renewal, 30 days before prior to the scheduled expiration date of the slot machine license, the arbitration panel shall present to the parties a proposed agreement that the majority of the panel believes equitably balances the rights, interests, obligations, and reasonable expectations of the parties. The parties shall immediately enter into such agreement, which shall satisfy the requirements of paragraph (a) and permit issuance of the pending annual slot machine license or renewal. The agreement produced by the arbitration panel under this subparagraph shall be effective until the last day of the license or renewal period or until the parties enter into a different agreement. Each party shall pay its respective costs of arbitration and shall pay one-half of the costs of the arbitration panel, unless the parties otherwise agree. If the agreement produced by the arbitration panel under this subparagraph remains in place 120 days prior to the scheduled issuance of the next annual license renewal, then the arbitration process established in this paragraph will begin again.

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

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

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

Section 54. Section 551.1045, Florida Statutes, is amended to read:

551.1045 Temporary licenses.—

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

(2) A temporary license issued under this section is nontransferable.
Section 55. Subsection (3) of section 551.105, Florida Statutes, is amended to read:

551.105 Slot machine license renewal.—

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

Section 56. Section 551.106, Florida Statutes, is amended to read:

551.106 License fee; tax rate; penalties.—

(1) LICENSE FEE.—

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

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

(2) TAX ON SLOT MACHINE REVENUES.—

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

(b) The slot machine revenue tax imposed by this section shall be paid to the Pari-mutuel Wagering Trust Fund for immediate transfer by the Chief Financial Officer for deposit into the Educational Enhancement Trust Fund of the Department of Education. Any interest earnings on the tax revenues shall also be transferred to the Educational Enhancement Trust Fund.
(c)1. Funds transferred to the Educational Enhancement Trust Fund under paragraph (b) shall be used to supplement public education funding statewide.

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

(3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax on slot machine revenues imposed by this section shall be paid to the department division. The department division shall deposit these sums with the Chief Financial Officer, to the credit of the Pari-mutuel Wagering Trust Fund. The slot machine licensee shall remit to the department division payment for the tax on slot machine revenues. Such payments shall be remitted by 3 p.m. Wednesday of each week for taxes imposed and collected for the preceding week ending on Sunday. Beginning on July 1, 2012, the slot machine licensee shall remit to the department division payment for the tax on slot machine revenues by 3 p.m. on the 5th day of each calendar month for taxes imposed and collected for the preceding calendar month. If the 5th day of the calendar month falls on a weekend, payments shall be remitted by 3 p.m. the first Monday following the weekend. The slot machine licensee shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the
preceding calendar month. Such payments shall be accompanied by a report under oath showing all slot machine gaming activities for the preceding calendar month and such other information as may be prescribed by the department division.

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

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

Section 57. Section 551.107, Florida Statutes, is amended to read:

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

(1) The Legislature finds that individuals and entities that are licensed under this section 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 criminal history record check.

(2)(a) The following slot machine occupational licenses shall be issued to persons or entities that, by virtue of the
positions they hold, might be granted access to slot machine gaming areas or to any other person or entity in one of the following categories:

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

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

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

(b) The department division may issue one license to combine licenses under this section with pari-mutuel occupational licenses and cardroom licenses pursuant to s. 550.105(2)(b). The department division shall adopt rules pertaining to occupational licenses under this subsection. Such rules may specify, but need not be limited to, requirements and
restrictions for licensed occupations and categories, procedures to apply for any license or combination of licenses, disqualifying criminal offenses for a licensed occupation or categories of occupations, and which types of occupational licenses may be combined into a single license under this section. The fingerprinting requirements of subsection (7) apply to any combination license that includes slot machine license privileges under this section. The department division may not adopt a rule allowing the issuance of an occupational license to any person who does not meet the minimum background qualifications under this section.

(c) Slot machine occupational licenses are not transferable.

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

(4)(a) A person seeking a slot machine occupational license or renewal thereof shall make application on forms prescribed by the department division and include payment of the appropriate application fee. Initial and renewal applications for slot
machine occupational licenses must contain all information that the department division, by rule, determines is required to ensure eligibility.

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

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

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

(5) The department division may:
(a) Deny an application for, or revoke, suspend, or place conditions or restrictions on, a license of a person or entity that has been refused a license by any other state gaming commission, governmental department, agency, or other authority exercising regulatory jurisdiction over the gaming of another state or jurisdiction; or

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

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

(b) The department division may deny, revoke, or refuse to renew any slot machine occupational license if the applicant for
such license or the licensee has been convicted of a felony or misdemeanor in this state, in any other state, or under the laws of the United States if such felony or misdemeanor is related to gambling or bookmaking as described in s. 849.25.

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

(7) Fingerprint applications for all slot machine occupational license applicants shall be taken in a manner approved by the Department Division and shall be submitted electronically to the Department of Law Enforcement for state processing and the Federal Bureau of Investigation for national processing for a criminal history record check. All persons as specified in s. 550.1815(1)(a) employed by or working within a licensed premises shall submit fingerprints for a criminal history record check and may not have been convicted of any disqualifying criminal offenses specified in subsection (6). Department Division employees and law enforcement officers assigned by their employing agencies to work within the premises as part of their official duties are excluded from the criminal history record check requirements under this subsection. For purposes of this subsection, the term “convicted” means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

(a) Fingerprint applications shall be taken in a manner approved by the Department Division upon initial application, or as required thereafter by rule of the Department Division, and shall be
submitted electronically to the Department of Law Enforcement for state processing. The Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. The results of the criminal history record check shall be returned to the department division for purposes of screening. Licensees shall provide necessary equipment approved by the Department of Law Enforcement to facilitate such electronic submission. The department division requirements under this subsection shall be instituted in consultation with the Department of Law Enforcement.

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

(c) All fingerprints submitted to the Department of Law Enforcement and required by this section shall be retained by the Department of Law Enforcement and entered into the statewide automated biometric identification system as authorized by s. 943.05(2)(b) and shall be available for all purposes and uses authorized for arrest fingerprints entered into the statewide automated biometric identification system pursuant to s. 943.051.

(d) The Department of Law Enforcement shall search all arrest fingerprints received pursuant to s. 943.051 against the fingerprints retained in the statewide automated biometric identification system.
identification system under paragraph (c). Any arrest record that is identified with the retained fingerprints of a person subject to the criminal history screening requirements of this section shall be reported to the department division. Each licensed facility shall pay a fee to the department division for the cost of retention of the fingerprints and the ongoing searches under this paragraph. The department division shall forward the payment to the Department of Law Enforcement. The amount of the fee to be imposed for performing these searches and the procedures for the retention of licensee fingerprints shall be as established by rule of the Department of Law Enforcement. The department division shall inform the Department of Law Enforcement of any change in the license status of licensees whose fingerprints are retained under paragraph (c).

(e) The department division shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check every 3 years following issuance of a license. If the fingerprints of a person who is licensed have not been retained by the Department of Law Enforcement, the person must file a complete set of fingerprints as provided for in paragraph (a). The department division shall collect the fees for the cost of the national criminal history record check under this paragraph and shall forward the payment to the Department of Law Enforcement. The cost of processing fingerprints and conducting a criminal history record check under this paragraph for a general occupational license shall be borne by the slot machine licensee. The cost of processing fingerprints and conducting a criminal history record check under this paragraph for a
business or professional occupational license shall be borne by the person being checked. The Department of Law Enforcement may submit an invoice to the department division for the cost of fingerprints submitted each month. Under penalty of perjury, each person who is licensed or who is fingerprinted as required by this section must agree to inform the department division within 48 hours if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.

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

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

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

(11) The department division may impose a civil fine of up to $5,000 for each violation of this chapter or the rules of the department division in addition to or in lieu of any other penalty provided for in this section. The department division may adopt a penalty schedule for violations of this chapter or any rule adopted pursuant to this chapter for which it would impose a fine in lieu of a suspension and adopt rules allowing for the issuance of citations, including procedures to address such citations, to persons who violate such rules. In addition
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... to any other penalty provided by law, the department division may exclude from all licensed slot machine facilities in this state, for a period not to exceed the period of suspension, revocation, or ineligibility, any person whose occupational license application has been declared ineligible to hold an occupational license or whose occupational license has been suspended or revoked by the department division.

Section 58. Section 551.108, Florida Statutes, is amended to read:

551.108 Prohibited relationships.—
(1) A person employed by or performing any function on behalf of the department division may not:
   (a) Be an officer, director, owner, or employee of any person or entity licensed by the department division.
   (b) Have or hold any interest, direct or indirect, in or engage in any commerce or business relationship with any person licensed by the department division.

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

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

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

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

Section 59. Subsections (2) and (7) of section 551.109, Florida Statutes, are amended to read:

551.109 Prohibited acts; penalties.—

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

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

(b) Certified educational facilities that are authorized to maintain slot machines for the sole purpose of education and licensure, if any, of slot machine technicians, inspectors, or
investigators. The department division and the Department of Law Enforcement may possess slot machines for training and testing purposes. The department division may adopt rules regarding the regulation of any such slot machines used for educational, training, or testing purposes.

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

Section 60. Section 551.112, Florida Statutes, is amended to read:

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

Section 61. Subsections (3) and (5) of section 551.114, Florida Statutes, are amended to read:

551.114 Slot machine gaming areas.—

(3) The department division shall require the posting of

CODING: Words stricken are deletions; words underlined are additions.
signs warning of the risks and dangers of gambling, showing the
odds of winning, and informing patrons of the toll-free
telephone number available to provide information and referral
services regarding compulsive or problem gambling.

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

Section 62. Section 551.117, Florida Statutes, is amended
to read:

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

Section 63. Section 551.118, Florida Statutes, is amended
to read:

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

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

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

Section 64. Paragraph (c) of subsection (4) of section 551.121, Florida Statutes, is amended to read:

551.121 Prohibited activities and devices; exceptions.—
(c) Outside the designated slot machine gaming areas, a slot machine licensee or operator may accept or cash a check for an employee of the facility who is prohibited from wagering on a slot machine under s. 551.108(5), a check made directly payable to a person licensed by the department division, or a check made directly payable to the slot machine licensee or operator from:

1. A pari-mutuel patron; or
2. A pari-mutuel facility in this state or in another state.

Section 65. Section 551.122, Florida Statutes, is amended to read:

551.122 Rulemaking.—The department division may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of this chapter.

Section 66. Section 551.123, Florida Statutes, is amended to read:

551.123 Legislative authority; administration of chapter.—The Legislature finds and declares that it has exclusive authority over the conduct of all wagering occurring at a slot machine facility in this state. As provided by law, only the Department of Gaming Division of Pari-mutuel Wagering and other authorized state agencies shall administer this chapter and regulate the slot machine gaming industry, including operation of slot machine facilities, games, slot machines, and facilities-based computer systems authorized in this chapter and the rules adopted by the department division.

Section 67. 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 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 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 Gaming Business and Professional Regulation is conducted at such racetrack or jai alai fronton. Except as otherwise provided in this subsection, 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 68. Section 817.37, Florida Statutes, is amended to read:

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

(1) Any person who knowingly and designedly by false representation attempts to, or does persuade, procure, or cause another person to wager on a horse in a race to be run in this state or elsewhere, and upon which money is wagered in this state, and who asks or demands compensation as a reward for information or purported information given in such case is a tout, and commits is guilty of touting.

(2) Any person who is a tout, or who attempts or conspires to commit touting, commits shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s.
(3) Any person who in the commission of touting falsely uses the name of any official of the Department of Gaming Florida Division of Pari-mutuel Wagering, its inspectors or attaches, or of any official of any racetrack association, or the names of any owner, trainer, jockey, or other person licensed by the Department of Gaming Florida Division of Pari-mutuel Wagering, as the source of any information or purported information commits shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any person who has been convicted of touting by any court, and the record of whose conviction on such charge is on file in the office of the Department of Gaming Florida Division of Pari-mutuel Wagering, any court of this state, or of the Federal Bureau of Investigation, or any person who has been ejected from any racetrack of this or any other state for touting or practices inimical to the public interest shall be excluded from all racetracks in this state and if such person returns to a racetrack he or she commits shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any such person who refuses to leave such track when ordered to do so by inspectors of the Department of Gaming Florida Division of Pari-mutuel Wagering or by any peace officer, or by an accredited attache of a racetrack or association commits shall be guilty of a separate offense that is which shall be a misdemeanor of the second degree, punishable as provided in s. 775.083.

Section 69. Section 849.086, Florida Statutes, is amended.
4818 to read:
4819 849.086 Cardrooms authorized.—
4820 — 1) LEGISLATIVE INTENT.—It is the intent of the Legislature
4821 to provide additional entertainment choices for the residents of
4822 and visitors to the state, promote tourism in the state, and
4823 provide additional state revenues through the authorization of
4824 the playing of certain games in the state at facilities known as
4825 cardrooms which are to be located at licensed pari-mutuel
4826 facilities. To ensure the public confidence in the integrity of
4827 authorized cardroom operations, this act is designed to strictly
4828 regulate the facilities, persons, and procedures related to
4829 cardroom operations. Furthermore, the Legislature finds that
4830 authorized games as herein defined are considered to be pari-
4831 mutuel style games and not casino gaming because the
4832 participants play against each other instead of against the
4833 house.
4834 — 2) DEFINITIONS.—As used in this section:
4835 — (a) "Authorized game" means a game or series of games of
4836 poker or dominoes which are played in a nonbanking manner.
4837 — (b) "Banking game" means a game in which the house is a
4838 participant in the game, taking on players, paying winners, and
4839 collecting from losers or in which the cardroom establishes a
4840 bank against which participants play.
4841 — (c) "Cardroom" means a facility where authorized games are
4842 played for money or anything of value and to which the public is
4843 invited to participate in such games and charged a fee for
4844 participation by the operator of such facility. Authorized games
4845 and cardrooms do not constitute casino gaming operations.
4846 — (d) "Cardroom management company" means any individual not
an employee of the cardroom operator, any proprietorship, partnership, corporation, or other entity that enters into an agreement with a cardroom operator to manage, operate, or otherwise control the daily operation of a cardroom.

(e) “Cardroom distributor” means any business that distributes cardroom paraphernalia such as card tables, betting chips, chip holders, dominoes, dominoes tables, drop boxes, banking supplies, playing cards, card shufflers, and other associated equipment to authorized cardrooms.

(f) “Cardroom operator” means a licensed pari-mutuel permitholder that holds a valid permit and license issued by the department division pursuant to chapter 550 and that also holds a valid cardroom license issued by the department division pursuant to this section which authorizes such person to operate a cardroom and to conduct authorized games in such cardroom.

(g) “Department” “Division” means the Division of Pari-mutuel Wagering of the Department of Gaming Business and Professional Regulation.

(h) “Dominoes” means a game of dominoes typically played with a set of 28 flat rectangular blocks, called “bones,” which are marked on one side and divided into two equal parts, with zero to six dots, called “pips,” in each part. The term also includes larger sets of blocks that contain a correspondingly higher number of pips. The term also means the set of blocks used to play the game.

(i) “Gross receipts” means the total amount of money received by a cardroom from any person for participation in authorized games.
(j) “House” means the cardroom operator and all employees of the cardroom operator.

(k) “Net proceeds” means the total amount of gross receipts received by a cardroom operator from cardroom operations less direct operating expenses related to cardroom operations, including labor costs, admission taxes only if a separate admission fee is charged for entry to the cardroom facility, gross receipts taxes imposed on cardroom operators by this section, the annual cardroom license fees imposed by this section on each table operated at a cardroom, and reasonable promotional costs excluding officer and director compensation, interest on capital debt, legal fees, real estate taxes, bad debts, contributions or donations, or overhead and depreciation expenses not directly related to the operation of the cardrooms.

(l) “Rake” means a set fee or percentage of the pot assessed by a cardroom operator for providing the services of a dealer, table, or location for playing the authorized game.

(m) “Tournament” means a series of games that have more than one betting round involving one or more tables and where the winners or others receive a prize or cash award.

(3) CARDROOM AUTHORIZED.—Notwithstanding any other provision of law, it is not a crime for a person to participate in an authorized game at a licensed cardroom or to operate a cardroom described in this section if such game and cardroom operation are conducted strictly in accordance with the provisions of this section.

(4) AUTHORITY OF DEPARTMENT DIVISION.—The Division of Pari-mutuel Wagering of the department of Business and Professional Regulation shall administer this section and regulate the
operation of cardrooms under this section and the rules adopted pursuant thereto, and is hereby authorized to:

(a) Adopt rules, including, but not limited to: the issuance of cardroom and employee licenses for cardroom operations; the operation of a cardroom; recordkeeping and reporting requirements; and the collection of all fees and taxes imposed by this section.

(b) Conduct investigations and monitor the operation of cardrooms and the playing of authorized games therein.

(c) Review the books, accounts, and records of any current or former cardroom operator.

(d) Suspend or revoke any license or permit, after hearing, for any violation of the provisions of this section or the administrative rules adopted pursuant thereto.

(e) Take testimony, issue summons and subpoenas for any witness, and issue subpoenas duces tecum in connection with any matter within its jurisdiction.

(f) Monitor and ensure the proper collection of taxes and fees imposed by this section. Permitholder internal controls are mandated to ensure no compromise of state funds. To that end, a roaming department division auditor will monitor and verify the cash flow and accounting of cardroom revenue for any given operating day.

(5) LICENSE REQUIRED; APPLICATION; FEES.—A person may not 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 department division may operate a cardroom. A cardroom license may only be issued only to a licensed pari-
mutuel permitholder and an authorized cardroom may only be operated only 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 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 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.
(c) Persons seeking a license or a renewal thereof to operate a cardroom shall make application on forms prescribed by the department division. Applications for cardroom licenses shall contain all of the information the department division, by rule, may determine is required to ensure eligibility.

(d) The annual cardroom license fee for each facility shall be $1,000 for each table to be operated at the cardroom. The license fee shall be deposited by the department division with the Chief Financial Officer to the credit of the Pari-mutuel Wagering Trust Fund.

(6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED; APPLICATION; FEES.—

(a) A person employed or otherwise working in a cardroom as a cardroom manager, floor supervisor, pit boss, dealer, or any other activity related to cardroom operations while the facility is conducting card playing or games of dominoes must hold a valid cardroom employee occupational license issued by the department division. Food service, maintenance, and security employees with a current pari-mutuel occupational license and a current background check will not be required to have a cardroom employee occupational license.

(b) Any cardroom management company or cardroom distributor associated with cardroom operations must hold a valid cardroom business occupational license issued by the department division.

(c) A licensed cardroom operator may not employ or allow to work in a cardroom any person unless such person holds a valid occupational license. A licensed cardroom operator may not contract, or otherwise do business with, a business required to hold a valid cardroom business occupational license, unless
the business holds such a valid license.

(d) The department division shall establish, by rule, a schedule for the renewal of cardroom occupational licenses. Cardroom occupational licenses are not transferable.

(e) Persons seeking cardroom occupational licenses, or renewal thereof, shall make application on forms prescribed by the department division. Applications for cardroom occupational licenses shall contain all of the information the department division, by rule, may determine is required to ensure eligibility.

(f) The department division shall adopt rules regarding cardroom occupational licenses. The provisions specified in s. 550.105(4), (5), (6), (7), (8), and (10) relating to licensure shall be applicable to cardroom occupational licenses.

(g) The department division may deny, declare ineligible, or revoke any cardroom occupational license if the applicant or holder thereof has been found guilty or had adjudication withheld in this state or any other state, or under the laws of the United States of a felony or misdemeanor involving forgery, larceny, extortion, conspiracy to defraud, or filing false reports to a government agency, racing or gaming commission or authority.

(h) Fingerprints for all cardroom occupational license applications shall be taken in a manner approved by the department division and then shall be submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for a criminal records check upon initial application and at least every 5 years thereafter. The department division may by rule require an annual record check
of all renewal applications for a cardroom occupational license. The cost of processing fingerprints and conducting a record check shall be borne by the applicant.

(i) The cardroom employee occupational license fee may
shall not exceed $50 for any 12-month period. The cardroom business occupational license fee may shall not exceed $250 for any 12-month period.

(7) CONDITIONS FOR OPERATING A CARDROOM.—

(a) A cardroom may be operated only at the location specified on the cardroom license issued by the department division, and such location may only be the location at which the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to such permitholder’s valid pari-mutuel permit or as otherwise authorized by law. Cardroom operations may not be allowed beyond the hours provided in paragraph (b) regardless of the number of cardroom licenses issued for permitholders operating at the pari-mutuel facility.

(b) Any cardroom operator may operate a cardroom at the pari-mutuel facility daily throughout the year, if the permitholder meets the requirements under paragraph (5)(b). The cardroom may be open a cumulative amount of 18 hours per day on Monday through Friday and 24 hours per day on Saturday and Sunday and on the holidays specified in s. 110.117(1).

(c) A cardroom operator must at all times employ and provide a nonplaying dealer for each table on which authorized card games that which traditionally use a dealer are conducted at the cardroom. Such dealers may not have a participatory interest in any game other than the dealing of cards and may not have an interest in the outcome of the game. The providing of
such dealers by a licensee does not constitute the conducting of a banking game by the cardroom operator.

(d) A cardroom operator may award giveaways, jackpots, and prizes to a player who holds certain combinations of cards specified by the cardroom operator.

(e) Each cardroom operator shall conspicuously post upon the premises of the cardroom a notice that contains a copy of the cardroom license; a list of authorized games offered by the cardroom; the wagering limits imposed by the house, if any; any additional house rules regarding operation of the cardroom or the playing of any game; and all costs to players to participate, including any rake by the house. In addition, each cardroom operator shall post at each table a notice of the minimum and maximum bets authorized at such table and the fee for participation in the game conducted.

(f) The cardroom facility is subject to inspection by the department or any law enforcement agency during the licensee’s regular business hours. The inspection must specifically include the permitholder internal control procedures approved by the department.

(g) A cardroom operator may refuse entry to or refuse to allow any person who is objectionable, undesirable, or disruptive to play, but such refusal may not be on the basis of race, creed, color, religion, gender, national origin, marital status, physical handicap, or age, except as provided in this section.

(8) METHOD OF WAGERS; LIMITATION.—

(a) No Wagering may not be conducted using money or other negotiable currency. Games may only be played utilizing a
wagering system whereby all players’ money is first converted by
the house to tokens or chips **that which** shall be used for
wagering only at that specific cardroom.

(b) The cardroom operator may limit the amount wagered in
any game or series of games.

(c) A tournament shall consist of a series of games. The
entry fee for a tournament may be set by the cardroom operator.
Tournaments may be played only with tournament chips that are
provided to all participants in exchange for an entry fee and
any subsequent re-buys. All players must receive an equal number
of tournament chips for their entry fee. Tournament chips have
no cash value and represent tournament points only. There is no
limitation on the number of tournament chips that may be used
for a bet except as otherwise determined by the cardroom
operator. Tournament chips may never be redeemed for cash or for
any other thing of value. The distribution of prizes and cash
awards must be determined by the cardroom operator before entry
fees are accepted. For purposes of tournament play only, the
term “gross receipts” means the total amount received by the
(cardroom operator for all entry fees, player re-buys, and fees
for participating in the tournament less the total amount paid
to the winners or others as prizes.

(9) BOND REQUIRED.—The holder of a cardroom license shall
be financially and otherwise responsible for the operation of
the cardroom and for the conduct of any manager, dealer, or
other employee involved in the operation of the cardroom. Prior
to the issuance of a cardroom license, each applicant for such
license shall provide evidence of a surety bond in the amount of
$50,000, payable to the state, furnished by a corporate surety
authorized to do business in the state or evidence that the licensee’s pari-mutuel bond required by s. 550.125 has been expanded to include the applicant’s cardroom operation. The bond shall guarantee that the cardroom operator will redeem, for cash, all tokens or chips used in games. Such bond shall be kept in full force and effect by the operator during the term of the license.

(10) FEE FOR PARTICIPATION.—The cardroom operator may charge a fee for the right to participate in games conducted at the cardroom. Such fee may be either a flat fee or hourly rate for the use of a seat at a table or a rake subject to the posted maximum amount but may not be based on the amount won by players. The rake-off, if any, must be made in an obvious manner and placed in a designated rake area that which is clearly visible to all players. Notice of the amount of the participation fee charged shall be posted in a conspicuous place in the cardroom and at each table at all times.

(11) RECORDS AND REPORTS.—
(a) Each licensee operating a cardroom shall keep and maintain permanent daily records of its cardroom operation and shall maintain such records for a period of not less than 3 years. These records shall include all financial transactions and contain sufficient detail to determine compliance with the requirements of this section. All records shall be available for audit and inspection by the department division or other law enforcement agencies during the licensee’s regular business hours. The information required in such records shall be determined by department division rule.

(b) Each licensee operating a cardroom shall file with the
department division a report containing the required records of such cardroom operation. Such report shall be filed monthly by licensees. The required reports shall be submitted on forms prescribed by the department division and shall be due at the same time as the monthly pari-mutuel reports are due to the department. Such reports shall contain any additional information deemed necessary by the department, and the reports shall be deemed public records once filed.

(12) PROHIBITED ACTIVITIES.—
   (a) A person licensed to operate a cardroom may not conduct any banking game or any game not specifically authorized by this section.
   (b) A person under 18 years of age may not be permitted to hold a cardroom or employee license, or engage in any game conducted therein.
   (c) With the exception of mechanical card shufflers, an electronic or mechanical device devices, except mechanical card shufflers, may not be used to conduct any authorized game in a cardroom.
   (d) Cards, game components, or game implements may not be used in playing an authorized game unless such have been furnished or provided to the players by the cardroom operator.

(13) TAXES AND OTHER PAYMENTS.—
   (a) Each cardroom operator shall pay a tax to the state of 10 percent of the cardroom operation’s monthly gross receipts.
   (b) An admission tax equal to 15 percent of the admission charge for entrance to the licensee’s cardroom facility, or 10 cents, whichever is greater, is imposed on each person entering...
the cardroom. This admission tax applies only if a separate admission fee is charged for entry to the cardroom facility. If a single admission fee is charged which authorizes entry to both or either the pari-mutuel facility and the cardroom facility, the admission tax shall be payable only once and shall be payable pursuant to chapter 550. The cardroom licensee shall be responsible for collecting the admission tax. An admission tax is imposed on any free passes or complimentary cards issued to guests by licensees in an amount equal to the tax imposed on the regular and usual admission charge for entrance to the licensee’s cardroom facility. A cardroom licensee may issue tax-free passes to its officers, officials, and employees or other persons actually engaged in working at the cardroom, including accredited press representatives such as reporters and editors, and may also issue tax-free passes to other cardroom licensees for the use of their officers and officials. The licensee shall file with the department a list of all persons to whom tax-free passes are issued.

(c) Payment of the admission tax and gross receipts tax imposed by this section shall be made paid to the department division. The department division shall deposit these sums with the Chief Financial Officer, one-half being credited to the Pari-mutuel Wagering Trust Fund and one-half being credited to the General Revenue Fund. The cardroom licensee shall remit to the department payment for the admission tax, the gross receipts tax, and the licensee fees. Such payments shall be remitted to the department on the fifth day of each calendar month for taxes and fees imposed for the preceding
month’s cardroom activities. Licensees shall file a report under oath by the fifth day of each calendar month for all taxes remitted during the preceding calendar month. Such report shall, under oath, indicate the total of all admissions, the cardroom activities for the preceding calendar month, and such other information as may be prescribed by the department division.

(d)(1) Each greyhound and jai alai permitholder that 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 and harness horse racing permitholder that 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 unless the applicant has on file with the department 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 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.

(e) The failure of any licensee to make payments as prescribed in paragraph (c) is a violation of this section, and the licensee may be subjected by the department division to a civil penalty of up to $1,000 for each day the tax payment is not remitted. All penalties imposed and collected shall be deposited in the General Revenue Fund. If a licensee fails to pay penalties imposed by order of the department division under this subsection, the department division may suspend or revoke the license of the cardroom operator or deny issuance of any further license to the cardroom operator.

(f) The cardroom shall be deemed an accessory use to a licensed pari-mutuel operation and, except as provided in chapter 550, a municipality, county, or political subdivision may not assess or collect any additional license tax, sales tax, or excise tax on such cardroom operation.

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

(h) One-quarter of the moneys deposited into the Pari-mutuel Wagering Trust Fund pursuant to paragraph (g) shall, by October 1 of each year, be distributed to the local government that approved the cardroom under subsection (16); however, if two or more pari-mutuel racetracks are located within the same
incorporated municipality, the cardroom funds shall be distributed to the municipality. If a pari-mutuel facility is situated in such a manner that it is located in more than one county, the site of the cardroom facility shall determine the location for purposes of disbursement of tax revenues under this paragraph. The department division shall, by September 1 of each year, determine: the amount of taxes deposited into the Pari-mutuel Wagering Trust Fund pursuant to this section from each cardroom licensee; the location by county of each cardroom; whether the cardroom is located in the unincorporated area of the county or within an incorporated municipality; and, the total amount to be distributed to each eligible county and municipality.

(14) SUSPENSION, REVOCATION, OR DENIAL OF LICENSE; FINE.—
(a) The department division may deny a license or the renewal thereof, or may suspend or revoke any license, when the applicant has: violated or failed to comply with the provisions of this section or any rules adopted pursuant thereto; knowingly caused, aided, abetted, or conspired with another to cause any person to violate this section or any rules adopted pursuant thereto; or obtained a license or permit by fraud, misrepresentation, or concealment; or if the holder of such license or permit is no longer eligible under this section.

(b) If a pari-mutuel permitholder’s pari-mutuel permit or license is suspended or revoked by the department division pursuant to chapter 550, the department division may, but is not required to, suspend or revoke such permitholder’s cardroom license. If a cardroom operator’s license is suspended or revoked pursuant to this section, the department division may,
but is not required to, suspend or revoke such licensee's pari-
mutuel permit or license.

(c) Notwithstanding any other provision of this section, the department division may impose an administrative fine not to exceed $1,000 for each violation against any person who has violated or failed to comply with the provisions of this section or any rules adopted pursuant thereto.

(15) CRIMINAL PENALTY; INJUNCTION.—

(a) 1. Any person who operates a cardroom without a valid license issued as provided in this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Any licensee or permitholder who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any licensee or permitholder who commits a second or subsequent violation of the same paragraph or subsection within a period of 3 years from the date of a prior conviction for a violation of such paragraph or subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The department division, any state attorney, the statewide prosecutor, or the Attorney General may apply for a temporary or permanent injunction restraining further violation of this section, and such injunction shall issue without bond.

(16) LOCAL GOVERNMENT APPROVAL.—The department may Division of Pari-mutuel Wagering shall not issue any initial license under this section except upon proof in such form as the department division may prescribe that the local government where the applicant for such license desires to conduct cardroom
gaming has voted to approve such activity by a majority vote of the governing body of the municipality or the governing body of the county if the facility is not located in a municipality.

(17) CHANGE OF LOCATION; REFERENDUM.—

(a) Notwithstanding any provisions of this section, no cardroom gaming license issued under this section shall be transferred, or reissued when such reissuance is in the nature of a transfer, so as to permit or authorize a licensee to change the location of the cardroom except upon proof in such form as the department may prescribe that a referendum election has been held:

1. If the proposed new location is within the same county as the already licensed location, in the county where the licensee desires to conduct cardroom gaming and that a majority of the electors voting on the question in such election voted in favor of the transfer of such license. However, the department shall transfer, without requirement of a referendum election, the cardroom license of any permitholder that relocated its permit pursuant to s. 550.0555.

2. If the proposed new location is not within the same county as the already licensed location, in the county where the licensee desires to conduct cardroom gaming and that a majority of the electors voting on that question in each such election voted in favor of the transfer of such license.

(b) The expense of each referendum held under the provisions of this subsection shall be borne by the licensee requesting the transfer.

Section 70. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2016.