



897172

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/19/2016	.	
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The Committee on Regulated Industries (Negron) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1105 - 2309

and insert:

Section 15. Section 550.1752, Florida Statutes, is created to read:

550.1752 Permit reduction program.-

(1) The permit reduction program is created in the Division of Pari-mutuel Wagering for the purpose of purchasing and cancelling active pari-mutuel permits. The program shall be



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11 funded from revenue share payments made by the Seminole Tribe of
12 Florida under the compact ratified by s. 285.710(3) and received
13 by the state after October 31, 2015. Compact payments payable
14 for the program shall be calculated on a monthly basis until
15 such time as the division determines that sufficient funds are
16 available to fund the program. The total funding allocated to
17 the program may not exceed \$20 million.

18 (2) The division shall purchase pari-mutuel permits from
19 pari-mutuel permit holders when sufficient moneys are available
20 for such purchases. A pari-mutuel permit holder may not submit an
21 offer to sell a permit unless it is actively conducting pari-
22 mutuel racing or jai alai as required by law and satisfies all
23 applicable requirements for the permit. The division shall adopt
24 by rule the form to be used by a pari-mutuel permit holder for an
25 offer to sell a permit and shall establish a schedule for the
26 consideration of offers.

27 (3) The division shall establish the value of a pari-mutuel
28 permit based upon the valuation of one or more independent
29 appraisers selected by the division. The valuation of a permit
30 must be based on the permit's fair market value and may not
31 include the value of the real estate or personal property. The
32 division may establish a value for the permit that is lower than
33 the amount determined by an independent appraiser but may not
34 establish a higher value.

35 (4) The division must accept the offer or offers that best
36 utilize available funding; however, the division may also accept
37 the offers that it determines are most likely to reduce the
38 incidence of gaming in this state.

39 (5) The division shall cancel any permit purchased under



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40 this section.

41 (6) This section shall expire on July 1, 2018, unless
42 reenacted by the Legislature.

43 Section 16. Effective July 1, 2018, section 550.1752,
44 Florida Statutes, as amended by this act, is amended to read:

45 550.1752 Thoroughbred purse supplement ~~Permit reduction~~
46 program.-

47 (1) The thoroughbred purse supplement ~~permit reduction~~
48 program is created in the Division of Pari-mutuel Wagering for
49 the purpose of maintaining an active and viable live
50 thoroughbred racing, owning, and breeding industry in the state
51 ~~purchasing and cancelling active pari-mutuel permits~~. The
52 program shall be funded from revenue share payments made by the
53 Seminole Tribe of Florida under the compact ratified by s.
54 285.710(3) and received by the state after July 1, 2018 ~~October~~
55 ~~31, 2015~~. Compact payments payable for the program shall be
56 calculated on a monthly basis until such time as the division
57 determines that sufficient funds are available to fund the
58 program. The total annual funding allocated to the program is
59 ~~may not exceed~~ \$20 million.

60 (2) ~~The division shall purchase pari-mutuel permits from~~
61 ~~pari-mutuel permitholders when sufficient moneys are available~~
62 ~~for such purchases. A pari-mutuel permitholder may not submit an~~
63 ~~offer to sell a permit unless it is actively conducting pari-~~
64 ~~mutuel racing or jai alai as required by law and satisfies all~~
65 ~~applicable requirements for the permit~~. The division shall adopt
66 by rule the form to be used by a pari-mutuel permitholder for
67 applying to receive purse assistance from the program to be used
68 to supplement purses for its live racing meet ~~an offer to sell a~~



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69 ~~permit and shall establish a schedule for the consideration of~~
70 ~~offers.~~

71 (3) The division shall distribute the purse supplement
72 funds on a pro rata basis based upon the number of live race
73 days to be conducted by each thoroughbred permitholder pursuant
74 to its annual racing license ~~establish the value of a pari-~~
75 ~~mutuel permit based upon the valuation of one or more~~
76 ~~independent appraisers selected by the division. The valuation~~
77 ~~of a permit must be based on the permit's fair market value and~~
78 ~~may not include the value of the real estate or personal~~
79 ~~property. The division may establish a value for the permit that~~
80 ~~is lower than the amount determined by an independent appraiser~~
81 ~~but may not establish a higher value.~~

82 (4) If a thoroughbred permitholder fails to conduct a live
83 race day, the thoroughbred permitholder must return the unused
84 purse supplement fund allocated for that day, and the division
85 shall reapportion the allocation of purse supplement funds to
86 the remaining race days to be conducted during the state fiscal
87 year by that thoroughbred permitholder ~~The division must accept~~
88 ~~the offer or offers that best utilize available funding;~~
89 ~~however, the division may also accept the offers that it~~
90 ~~determines are most likely to reduce the incidence of gaming in~~
91 ~~this state.~~

92 (5) The division may adopt rules necessary to implement
93 this section ~~shall cancel any permit purchased under this~~
94 ~~section.~~

95 (6) ~~This section shall expire on July 1, 2018, unless~~
96 ~~reenacted by the Legislature.~~

97 Section 17. Section 550.2416, Florida Statutes, is created



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98 to read:

99 550.2416 Reporting of racing greyhound injuries.-

100 (1) An injury to a racing greyhound which occurs while the
101 greyhound is located in this state must be reported on a form
102 adopted by the division within 7 days after the date on which
103 the injury occurred or is believed to have occurred. The
104 division may adopt rules defining the term "injury."

105 (2) The form shall be completed and signed under oath or
106 affirmation by the:

107 (a) Racetrack veterinarian or director of racing, if the
108 injury occurred at the racetrack facility; or

109 (b) Owner, trainer, or kennel operator who had knowledge of
110 the injury, if the injury occurred at a location other than the
111 racetrack facility, including during transportation.

112 (3) The division may fine, suspend, or revoke the license
113 of any individual who knowingly violates this section.

114 (4) The form must include the following:

115 (a) The greyhound's registered name, right-ear and left-ear
116 tattoo numbers, and, if any, the microchip manufacturer and
117 number.

118 (b) The name, business address, and telephone number of the
119 greyhound owner, the trainer, and the kennel operator.

120 (c) The color, weight, and sex of the greyhound.

121 (d) The specific type and bodily location of the injury,
122 the cause of the injury, and the estimated recovery time from
123 the injury.

124 (e) If the injury occurred when the greyhound was racing:

125 1. The racetrack where the injury occurred;

126 2. The distance, grade, race, and post position of the



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127 greyhound when the injury occurred; and
128 3. The weather conditions, time, and track conditions when
129 the injury occurred.
130 (f) If the injury occurred when the greyhound was not
131 racing:
132 1. The location where the injury occurred, including, but
133 not limited to, a kennel, a training facility, or a
134 transportation vehicle; and
135 2. The circumstances surrounding the injury.
136 (g) Other information that the division determines is
137 necessary to identify injuries to racing greyhounds in this
138 state.
139 (5) An injury form created pursuant to this section must be
140 maintained as a public record by the division for at least 7
141 years after the date it was received.
142 (6) A licensee of the department who knowingly makes a
143 false statement concerning an injury or fails to report an
144 injury is subject to disciplinary action under this chapter or
145 chapters 455 and 474.
146 (7) This section does not apply to injuries to a service
147 animal, personal pet, or greyhound that has been adopted as a
148 pet.
149 (8) The division shall adopt rules to implement this
150 section.
151 Section 18. Subsection (1) of section 550.26165, Florida
152 Statutes, is amended to read:
153 550.26165 Breeders' awards.—
154 (1) The purpose of this section is to encourage the
155 agricultural activity of breeding and training racehorses in



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156 this state. Moneys dedicated in this chapter for use as
157 breeders' awards and stallion awards are to be used for awards
158 to breeders of registered Florida-bred horses winning horseraces
159 and for similar awards to the owners of stallions who sired
160 Florida-bred horses winning stakes races, if the stallions are
161 registered as Florida stallions standing in this state. Such
162 awards shall be given at a uniform rate to all winners of the
163 awards, may ~~shall~~ not be greater than 20 percent of the
164 announced gross purse, and may ~~shall~~ not be less than 15 percent
165 of the announced gross purse if funds are available. In
166 addition, at least ~~no less than~~ 17 percent, but not ~~nor~~ more
167 than 40 percent, as determined by the Florida Thoroughbred
168 Breeders' Association, of the moneys dedicated in this chapter
169 for use as breeders' awards and stallion awards for
170 thoroughbreds shall be returned pro rata to the permitholders
171 that generated the moneys for special racing awards to be
172 distributed by the permitholders to owners of thoroughbred
173 horses participating in prescribed thoroughbred stakes races,
174 nonstakes races, or both, all in accordance with a written
175 agreement establishing the rate, procedure, and eligibility
176 requirements for such awards entered into by the permitholder,
177 the Florida Thoroughbred Breeders' Association, and the Florida
178 Horsemen's Benevolent and Protective Association, Inc., except
179 that the plan for the distribution by any permitholder located
180 in the area described in s. 550.615(7) ~~s. 550.615(9)~~ shall be
181 agreed upon by that permitholder, the Florida Thoroughbred
182 Breeders' Association, and the association representing a
183 majority of the thoroughbred racehorse owners and trainers at
184 that location. Awards for thoroughbred races are to be paid



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185 through the Florida Thoroughbred Breeders' Association, and
186 awards for standardbred races are to be paid through the Florida
187 Standardbred Breeders and Owners Association. Among other
188 sources specified in this chapter, moneys for thoroughbred
189 breeders' awards will come from the 0.955 percent of handle for
190 thoroughbred races conducted, received, broadcast, or simulcast
191 under this chapter as provided in s. 550.2625(3). The moneys for
192 quarter horse and harness breeders' awards will come from the
193 breaks and uncashed tickets on live quarter horse and harness
194 horse racing performances and 1 percent of handle on intertrack
195 wagering. The funds for these breeders' awards shall be paid to
196 the respective breeders' associations by the permitholders
197 conducting the races.

198 Section 19. Section 550.3345, Florida Statutes, is amended
199 to read:

200 550.3345 ~~Conversion of quarter horse permit to a~~ Limited
201 thoroughbred racing permit.-

202 (1) In recognition of the important and long-standing
203 economic contribution of the thoroughbred horse breeding
204 industry to this state and the state's vested interest in
205 promoting the continued viability of this agricultural activity,
206 the state intends to provide a limited opportunity for the
207 conduct of live thoroughbred horse racing with the net revenues
208 from such racing dedicated to the enhancement of thoroughbred
209 purses and breeders', stallion, and special racing awards under
210 this chapter; the general promotion of the thoroughbred horse
211 breeding industry; and the care in this state of thoroughbred
212 horses retired from racing.

213 (2) A limited thoroughbred racing permit previously



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214 ~~converted from~~ Notwithstanding any other provision of law, the
215 ~~holder of~~ a quarter horse racing permit pursuant to chapter
216 2010-29, Laws of Florida, issued under s. 550.334 may only be
217 held by, ~~within 1 year after the effective date of this section,~~
218 ~~apply to the division for a transfer of the quarter horse racing~~
219 ~~permit to~~ a not-for-profit corporation formed under state law to
220 serve the purposes of the state as provided in subsection (1).
221 The board of directors of the not-for-profit corporation must be
222 composed ~~comprised~~ of 11 members, 4 of whom shall be designated
223 by the applicant, 4 of whom shall be designated by the Florida
224 Thoroughbred Breeders' Association, and 3 of whom shall be
225 designated by the other 8 directors, with at least 1 of these 3
226 members being an authorized representative of another
227 thoroughbred racing permitholder in this state. A limited
228 thoroughbred racing ~~The not-for-profit corporation shall submit~~
229 ~~an application to the division for review and approval of the~~
230 ~~transfer in accordance with s. 550.054. Upon approval of the~~
231 ~~transfer by the division, and notwithstanding any other~~
232 ~~provision of law to the contrary, the not-for-profit corporation~~
233 ~~may, within 1 year after its receipt of the permit, request that~~
234 ~~the division convert the quarter horse racing permit to a permit~~
235 ~~authorizing the holder to conduct pari-mutuel wagering meets of~~
236 ~~thoroughbred racing. Neither the transfer of the quarter horse~~
237 ~~racing permit nor its conversion to a limited thoroughbred~~
238 ~~permit shall be subject to the mileage limitation or the~~
239 ~~ratification election as set forth under s. 550.054(2) or s.~~
240 ~~550.0651. Upon receipt of the request for such conversion, the~~
241 ~~division shall timely issue a converted permit. The converted~~
242 ~~permit and the not-for-profit corporation~~ are ~~shall be~~ subject



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243 to the following requirements:

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

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

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

263 (d) Racing under the permit may take place only at the
264 location for which the original quarter horse racing permit was
265 issued, which may be leased by the not-for-profit corporation
266 for that purpose; however, the not-for-profit corporation may,
267 without the conduct of any ratification election pursuant to s.
268 550.054(13) or s. 550.0651, move the location of the permit to
269 another location in the same county or counties, if a permit is
270 situated in such a manner that it is located in more than one
271 county, provided that such relocation is approved under the



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272 zoning and land use regulations of the applicable county or
273 municipality.

274 (e) A limited thoroughbred racing ~~Ne~~ permit may not be
275 transferred ~~converted under this section is eligible for~~
276 ~~transfer~~ to another person or entity.

277 (3) Unless otherwise provided in this section, ~~after~~
278 ~~conversion,~~ the permit and the not-for-profit corporation shall
279 be treated under the laws of this state as a thoroughbred racing
280 permit and as a thoroughbred racing permitholder, respectively,
281 with the exception of ss. 550.054(9)(c) and (d) and s.
282 550.09515(3).

283 Section 20. Subsection (6) of section 550.3551, Florida
284 Statutes, is amended to read:

285 550.3551 Transmission of racing and jai alai information;
286 commingling of pari-mutuel pools.—

287 (6) (a) ~~A maximum of 20 percent of the total number of races~~
288 ~~on which wagers are accepted by a greyhound permitholder not~~
289 ~~located as specified in s. 550.615(6) may be received from~~
290 ~~locations outside this state. A permitholder may not conduct~~
291 ~~fewer than eight live races or games on any authorized race day~~
292 ~~except as provided in this subsection.~~ A thoroughbred racing
293 permitholder may not conduct fewer than eight live races on any
294 race day without the written approval of the Florida
295 Thoroughbred Breeders' Association and the Florida Horsemen's
296 Benevolent and Protective Association, Inc., unless it is
297 determined by the department that another entity represents a
298 majority of the thoroughbred racehorse owners and trainers in
299 the state. A harness horse racing permitholder may conduct fewer
300 than eight live races on any authorized race day, except that



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301 such permitholder must conduct a full schedule of live racing
302 during its race meet consisting of at least eight live races per
303 authorized race day for at least 100 days. ~~Any harness horse~~
304 ~~permitholder that during the preceding racing season conducted a~~
305 ~~full schedule of live racing may, at any time during its current~~
306 ~~race meet, receive full-card broadcasts of harness horse races~~
307 ~~conducted at harness racetracks outside this state at the~~
308 ~~harness track of the permitholder and accept wagers on such~~
309 ~~harness races.~~ With specific authorization from the division for
310 special racing events, a permitholder may conduct fewer than
311 eight live races or games when the permitholder also broadcasts
312 out-of-state races or games. The division may not grant more
313 than two such exceptions a year for a permitholder in any 12-
314 month period, and those two exceptions may not be consecutive.

315 (b) Notwithstanding any other provision of this chapter,
316 any harness horse racing permitholder accepting broadcasts of
317 out-of-state harness horse races when such permitholder is not
318 conducting live races must make the out-of-state signal
319 available to all permitholders eligible to conduct intertrack
320 wagering and shall pay to guest tracks located as specified in
321 s. ss. 550.615(6) and 550.6305(9) (d) 50 percent of the net
322 proceeds after taxes and fees to the out-of-state host track on
323 harness horse race wagers which they accept. A harness horse
324 racing permitholder shall be required to pay into its purse
325 account 50 percent of the net income retained by the
326 permitholder on account of wagering on the out-of-state
327 broadcasts received pursuant to this subsection. Nine-tenths of
328 a percent of all harness horse race wagering proceeds on the
329 broadcasts received pursuant to this subsection shall be paid to



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330 the Florida Standardbred Breeders and Owners Association under
331 the provisions of s. 550.2625(4) for the purposes provided
332 therein.

333 Section 21. Subsection (4) of section 550.375, Florida
334 Statutes, is amended to read:

335 550.375 Operation of certain harness tracks.—

336 (4) The permitholder conducting a harness horse race meet
337 must pay the daily license fee, the admission tax, the tax on
338 breaks, and the tax on pari-mutuel handle provided in s.
339 550.0951 and is subject to all penalties and sanctions provided
340 in s. 550.0951(7) ~~s. 550.0951(6)~~.

341 Section 22. Section 550.475, Florida Statutes, is amended
342 to read:

343 550.475 Lease of pari-mutuel facilities by pari-mutuel
344 permitholders.—Holders of valid pari-mutuel permits for the
345 conduct of any jai alai games, dogracing, or thoroughbred and
346 standardbred horse racing in this state are entitled to lease
347 any and all of their facilities to any other holder of a same
348 class, valid pari-mutuel permit for jai alai games, dogracing,
349 or thoroughbred or standardbred horse racing, when they are
350 located within a 35-mile radius of each other, and such lessee
351 is entitled to a permit and license to operate its race meet or
352 jai alai games at the leased premises. A permitholder may not
353 lease facilities from a pari-mutuel permitholder that is not
354 conducting a full schedule of live racing.

355 Section 23. Subsection (1) of section 550.5251, Florida
356 Statutes, is amended, and present subsections (2) and (3) of
357 that section are redesignated as subsections (1) and (2),
358 respectively, to read:



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359 550.5251 Florida thoroughbred racing; certain permits;
360 operating days.—

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

377 Section 24. Subsections (2), (4), (6), and (7) of section
378 550.615, Florida Statutes, are amended, present subsections (8),
379 (9), and (10) of that section are redesignated as subsections
380 (6), (7), and (8), respectively, present subsection (9) of that
381 section is amended, and a new subsection (9) is added to that
382 section, to read:

383 550.615 Intertrack wagering.—

384 (2) A Any track or fronton licensed under this chapter
385 which has conducted a full schedule of live racing for at least
386 5 consecutive calendar years since 2010 in the preceding year
387 ~~conducted a full schedule of live racing is qualified to, at any~~



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388 time, receive broadcasts of any class of pari-mutuel race or
389 game and accept wagers on such races or games conducted by any
390 class of permitholders licensed under this chapter.

391 (4) ~~An In no event shall any~~ intertrack wager may not be
392 accepted on the same class of live races or games of any
393 permitholder without the written consent of such operating
394 permitholders conducting the same class of live races or games
395 if the guest track is within the market area of such operating
396 permitholder. A greyhound racing permitholder licensed under
397 this chapter which accepts intertrack wagers on live greyhound
398 signals is not required to obtain the written consent required
399 by this subsection from any operating greyhound racing
400 permitholder within its market area.

401 ~~(6) Notwithstanding the provisions of subsection (3), in~~
402 ~~any area of the state where there are three or more horserace~~
403 ~~permitholders within 25 miles of each other, intertrack wagering~~
404 ~~between permitholders in said area of the state shall only be~~
405 ~~authorized under the following conditions: Any permitholder,~~
406 ~~other than a thoroughbred permitholder, may accept intertrack~~
407 ~~wagers on races or games conducted live by a permitholder of the~~
408 ~~same class or any harness permitholder located within such area~~
409 ~~and any harness permitholder may accept wagers on games~~
410 ~~conducted live by any jai alai permitholder located within its~~
411 ~~market area and from a jai alai permitholder located within the~~
412 ~~area specified in this subsection when no jai alai permitholder~~
413 ~~located within its market area is conducting live jai alai~~
414 ~~performances; any greyhound or jai alai permitholder may receive~~
415 ~~broadcasts of and accept wagers on any permitholder of the other~~
416 ~~class provided that a permitholder, other than the host track,~~



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417 ~~of such other class is not operating a contemporaneous live~~
418 ~~performance within the market area.~~

419 ~~(7) In any county of the state where there are only two~~
420 ~~permits, one for dogracing and one for jai alai, no intertrack~~
421 ~~wager may be taken during the period of time when a permitholder~~
422 ~~is not licensed to conduct live races or games without the~~
423 ~~written consent of the other permitholder that is conducting~~
424 ~~live races or games. However, if neither permitholder is~~
425 ~~conducting live races or games, either permitholder may accept~~
426 ~~intertrack wagers on horseraces or on the same class of races or~~
427 ~~games, or on both horseraces and the same class of races or~~
428 ~~games as is authorized by its permit.~~

429 ~~(7)-(9)~~ (7) In any two contiguous counties of the state in which
430 there are located only four active permits, one for thoroughbred
431 horse racing, two for greyhound racing ~~dogracing~~, and one for
432 jai alai games, an ~~no~~ intertrack wager may not be accepted on
433 the same class of live races or games of any permitholder
434 without the written consent of such operating permitholders
435 conducting the same class of live races or games if the guest
436 track is within the market area of such operating permitholder.

437 (9) A greyhound racing permitholder that is eligible to
438 receive broadcasts pursuant to subsection (2) and is operating
439 pursuant to a current year operating license that specifies that
440 no live performances will be conducted may accept wagers on live
441 races conducted at out-of-state greyhound tracks only on the
442 days when the permitholder receives all live races that any
443 greyhound host track in this state makes available.

444 Section 25. Subsections (1), (4), and (5) of section
445 550.6308, Florida Statutes, are amended to read:



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446 550.6308 Limited intertrack wagering license.—In
447 recognition of the economic importance of the thoroughbred
448 breeding industry to this state, its positive impact on tourism,
449 and of the importance of a permanent thoroughbred sales facility
450 as a key focal point for the activities of the industry, a
451 limited license to conduct intertrack wagering is established to
452 ensure the continued viability and public interest in
453 thoroughbred breeding in Florida.

454 (1) Upon application to the division on or before January
455 31 of each year, any person that is licensed to conduct public
456 sales of thoroughbred horses pursuant to s. 535.01 and, that has
457 conducted at least 8 ~~15~~ days of thoroughbred horse sales at a
458 permanent sales facility in this state for at least 3
459 consecutive years, ~~and that has conducted at least 1 day of~~
460 ~~nonwagering thoroughbred racing in this state, with a purse~~
461 ~~structure of at least \$250,000 per year for 2 consecutive years~~
462 before such application, shall be issued a license, subject to
463 the conditions set forth in this section, to conduct intertrack
464 wagering at such a permanent sales facility ~~during the following~~
465 ~~periods:~~

- 466 ~~(a) Up to 21 days in connection with thoroughbred sales;~~
467 ~~(b) Between November 1 and May 8;~~
468 ~~(c) Between May 9 and October 31 at such times and on such~~
469 ~~days as any thoroughbred, jai alai, or a greyhound permitholder~~
470 ~~in the same county is not conducting live performances; provided~~
471 ~~that any such permitholder may waive this requirement, in whole~~
472 ~~or in part, and allow the licensee under this section to conduct~~
473 ~~intertrack wagering during one or more of the permitholder's~~
474 ~~live performances; and~~



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

478
479 Only ~~No more than~~ one such license may be issued, and no such
480 license may be issued for a facility located within 50 miles of
481 any for-profit thoroughbred permitholder's track.

482 ~~(4) Intertrack wagering under this section may be conducted~~
483 ~~only on thoroughbred horse racing, except that intertrack~~
484 ~~wagering may be conducted on any class of pari-mutuel race or~~
485 ~~game conducted by any class of permitholders licensed under this~~
486 ~~chapter if all thoroughbred, jai alai, and greyhound~~
487 ~~permitholders in the same county as the licensee under this~~
488 ~~section give their consent.~~

489 (4) ~~(5)~~ The licensee shall be considered a guest track under
490 this chapter. ~~The licensee shall pay 2.5 percent of the total~~
491 ~~contributions to the daily pari-mutuel pool on wagers accepted~~
492 ~~at the licensee's facility on greyhound races or jai alai games~~
493 ~~to the thoroughbred permitholder that is conducting live races~~
494 ~~for purses to be paid during its current racing meet. If more~~
495 ~~than one thoroughbred permitholder is conducting live races on a~~
496 ~~day during which the licensee is conducting intertrack wagering~~
497 ~~on greyhound races or jai alai games, the licensee shall~~
498 ~~allocate these funds between the operating thoroughbred~~
499 ~~permitholders on a pro rata basis based on the total live handle~~
500 ~~at the operating permitholders' facilities.~~

501 Section 26. Section 551.101, Florida Statutes, is amended
502 to read:

503 551.101 Slot machine gaming authorized.—A ~~Any~~ licensed



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504 ~~eligible pari-mutuel facility located in Miami-Dade County or~~
505 ~~Broward County existing at the time of adoption of s. 23, Art. X~~
506 ~~of the State Constitution that has conducted live racing or~~
507 ~~games during calendar years 2002 and 2003~~ may possess slot
508 machines and conduct slot machine gaming at the location where
509 the pari-mutuel permitholder is authorized to conduct pari-
510 mutuel wagering activities pursuant to such permitholder's valid
511 pari-mutuel permit or as otherwise authorized by law ~~provided~~
512 ~~that a majority of voters in a countywide referendum have~~
513 ~~approved slot machines at such facility in the respective~~
514 ~~county.~~ Notwithstanding any other ~~provision of~~ law, it is not a
515 crime for a person to participate in slot machine gaming at a
516 pari-mutuel facility licensed to possess slot machines and
517 conduct slot machine gaming or to participate in slot machine
518 gaming described in this chapter.

519 Section 27. Subsections (4), (10), and (11) of section
520 551.102, Florida Statutes, are amended to read:

521 551.102 Definitions.—As used in this chapter, the term:

522 (4) "Eligible facility" means a ~~any~~ licensed pari-mutuel
523 facility located in Miami-Dade County or Broward County existing
524 at the time of adoption of s. 23, Art. X of the State
525 Constitution which ~~that has~~ conducted live racing or games
526 during calendar years 2002 and 2003 and has been approved by a
527 majority of voters in a countywide referendum to have slot
528 machines at such facility in the respective county; ~~any licensed~~
529 ~~pari-mutuel facility located within a county as defined in s.~~
530 ~~125.011, provided such facility has conducted live racing for 2~~
531 ~~consecutive calendar years immediately preceding its application~~
532 ~~for a slot machine license, pays the required license fee, and~~



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533 ~~meets the other requirements of this chapter,~~ or any licensed
534 pari-mutuel facility in any ~~other~~ county in which a majority of
535 voters have approved slot machines ~~at such facilities~~ in a
536 countywide referendum, if such facility ~~held pursuant to a~~
537 ~~statutory or constitutional authorization after the effective~~
538 ~~date of this section in the respective county, provided such~~
539 ~~facility~~ has conducted a full schedule of live racing for 2
540 consecutive calendar years immediately preceding its application
541 for a slot machine license, pays the required license ~~licensed~~
542 fee, and meets the other requirements of this chapter.

543 (10) "Slot machine license" means a license issued by the
544 division authorizing a pari-mutuel permitholder to place and
545 operate slot machines as provided in ~~by s. 23, Art. X of the~~
546 ~~State Constitution, the provisions of this chapter,~~ and by
547 division rule ~~rules~~.

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

553 Section 28. Subsections (1) and (2), paragraph (c) of
554 subsection (4), and paragraphs (a) and (c) of subsection (10) of
555 section 551.104, Florida Statutes, are amended to read:

556 551.104 License to conduct slot machine gaming.-

557 (1) Upon application, and a finding by the division, after
558 investigation, that the application is complete and that the
559 applicant is qualified, and payment of the initial license fee,
560 the division may issue a license to conduct slot machine gaming
561 in the designated slot machine gaming area of the eligible



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562 facility. Once licensed, slot machine gaming may be conducted
563 subject to ~~the requirements of~~ this chapter and rules adopted
564 pursuant thereto. The division may not issue a slot machine
565 license to any pari-mutuel permitholder that includes, or
566 previously included within its ownership group, an ultimate
567 equitable owner that was also an ultimate equitable owner of a
568 pari-mutuel permitholder whose permit was voluntarily or
569 involuntarily surrendered, suspended, or revoked by the division
570 within 10 years before the date of permitholder's filing of an
571 application for a slot machine license.

572 (2) An application may be approved by the division only
573 after the voters of the county where the applicant's eligible
574 facility is located have authorized by referendum slot machines
575 within pari-mutuel facilities in that county ~~as specified in s.~~
576 ~~23, Art. X of the State Constitution.~~

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

580 (c)1. If conducting live racing or games, conduct no fewer
581 than a full schedule of live racing or games as defined in s.
582 550.002(11). A permitholder's responsibility to conduct a full
583 schedule ~~such number~~ of live races or games shall be reduced by
584 the number of races or games that could not be conducted due to
585 the direct result of fire, war, hurricane, or other disaster or
586 event beyond the control of the permitholder. The races or games
587 may be conducted at the facility of the slot machine licensee or
588 at another pari-mutuel facility leased pursuant to s. 550.3345;
589 or

590 2. If not licensed to conduct a full schedule of live



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591 racing or games, remit for the payment of purses on live races
592 an amount equal to the lesser of \$2 million or 3 percent of its
593 slot machine revenues from the previous state fiscal year to a
594 slot machine licensee licensed to conduct not fewer than 160
595 days of thoroughbred racing. If no slot machine licensee is
596 licensed for at least 160 days of live thoroughbred racing, no
597 payments for purses are required. A slot machine licensee that
598 meets the requirements of subsection (10) shall receive a
599 dollar-for-dollar credit to be applied toward the payments
600 required under this subparagraph which are made pursuant to the
601 binding agreement after the effective date of this act.

602 (10) (a) ~~1-~~ A ~~No~~ slot machine license or renewal thereof may
603 not shall be issued to an applicant holding a permit under
604 chapter 550 to conduct pari-mutuel wagering meets of
605 thoroughbred racing unless the applicant has on file with the
606 division a binding written agreement between the applicant and
607 the Florida Horsemen's Benevolent and Protective Association,
608 Inc., governing the payment of purses on live thoroughbred races
609 conducted at the licensee's pari-mutuel facility. In addition, a
610 ~~no~~ slot machine license or renewal thereof may not shall be
611 issued to such an applicant unless the applicant has on file
612 with the division a binding written agreement between the
613 applicant and the Florida Thoroughbred Breeders' Association,
614 Inc., governing the payment of breeders', stallion, and special
615 racing awards on live thoroughbred races conducted at the
616 licensee's pari-mutuel facility. The agreement governing purses
617 and the agreement governing awards may direct the payment of
618 such purses and awards from revenues generated by any wagering
619 or gaming the applicant is authorized to conduct under Florida



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620 law. All purses and awards are ~~shall be~~ subject to the terms of
621 chapter 550. All sums for breeders', stallion, and special
622 racing awards shall be remitted monthly to the Florida
623 Thoroughbred Breeders' Association, Inc., for the payment of
624 awards subject to the administrative fee authorized in s.
625 550.2625(3). This paragraph does not apply to a summer
626 thoroughbred racing permitholder.

627 ~~2. No slot machine license or renewal thereof shall be~~
628 ~~issued to an applicant holding a permit under chapter 550 to~~
629 ~~conduct pari-mutuel wagering meets of quarter horse racing~~
630 ~~unless the applicant has on file with the division a binding~~
631 ~~written agreement between the applicant and the Florida Quarter~~
632 ~~Horse Racing Association or the association representing a~~
633 ~~majority of the horse owners and trainers at the applicant's~~
634 ~~eligible facility, governing the payment of purses on live~~
635 ~~quarter horse races conducted at the licensee's pari-mutuel~~
636 ~~facility. The agreement governing purses may direct the payment~~
637 ~~of such purses from revenues generated by any wagering or gaming~~
638 ~~the applicant is authorized to conduct under Florida law. All~~
639 ~~purses shall be subject to the terms of chapter 550.~~

640 (c)1. If an agreement required under paragraph (a) cannot
641 be reached prior to the initial issuance of the slot machine
642 license, either party may request arbitration or, in the case of
643 a renewal, if an agreement required under paragraph (a) is not
644 in place 120 days prior to the scheduled expiration date of the
645 slot machine license, the applicant shall immediately ask the
646 American Arbitration Association to furnish a list of 11
647 arbitrators, each of whom shall have at least 5 years of
648 commercial arbitration experience and no financial interest in



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649 or prior relationship with any of the parties or their
650 affiliated or related entities or principals. Each required
651 party to the agreement shall select a single arbitrator from the
652 list provided by the American Arbitration Association within 10
653 days of receipt, and the individuals so selected shall choose
654 one additional arbitrator from the list within the next 10 days.

655 2. If an agreement required under paragraph (a) is not in
656 place 60 days after the request under subparagraph 1. in the
657 case of an initial slot machine license or, in the case of a
658 renewal, 60 days prior to the scheduled expiration date of the
659 slot machine license, the matter shall be immediately submitted
660 to mandatory binding arbitration to resolve the disagreement
661 between the parties. The three arbitrators selected pursuant to
662 subparagraph 1. shall constitute the panel that shall arbitrate
663 the dispute between the parties pursuant to the American
664 Arbitration Association Commercial Arbitration Rules and chapter
665 682.

666 3. At the conclusion of the proceedings, which shall be no
667 later than 90 days after the request under subparagraph 1. in
668 the case of an initial slot machine license or, in the case of a
669 renewal, 30 days prior to the scheduled expiration date of the
670 slot machine license, the arbitration panel shall present to the
671 parties a proposed agreement that the majority of the panel
672 believes equitably balances the rights, interests, obligations,
673 and reasonable expectations of the parties. The parties shall
674 immediately enter into such agreement, which shall satisfy the
675 requirements of paragraph (a) and permit issuance of the pending
676 annual slot machine license or renewal. The agreement produced
677 by the arbitration panel under this subparagraph shall be



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678 effective until the last day of the license or renewal period or
679 until the parties enter into a different agreement. Each party
680 shall pay its respective costs of arbitration and shall pay one-
681 half of the costs of the arbitration panel, unless the parties
682 otherwise agree. If the agreement produced by the arbitration
683 panel under this subparagraph remains in place 120 days prior to
684 the scheduled issuance of the next annual license renewal, then
685 the arbitration process established in this paragraph will begin
686 again.

687 4. In the event that ~~neither of the agreements required~~
688 ~~under subparagraph (a)1. or the agreement required under~~
689 ~~subparagraph (a)2.~~ are in place by the deadlines established in
690 this paragraph, arbitration regarding each agreement will
691 proceed independently, with separate lists of arbitrators,
692 arbitration panels, arbitration proceedings, and resulting
693 agreements.

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

699 Section 29. Effective July 1, 2036, paragraph (c) of
700 subsection (4) of section 551.104, Florida Statutes, as amended
701 by this act, is amended to read:

702 551.104 License to conduct slot machine gaming.-

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

706 (c)~~1.~~ If conducting live racing or games, conduct no fewer



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707 than a full schedule of live racing or games as defined in s.
708 550.002(11). A permitholder's responsibility to conduct a full
709 schedule of live races or games shall be reduced by the number
710 of races or games that could not be conducted due to the direct
711 result of fire, war, hurricane, or other disaster or event
712 beyond the control of the permitholder. The races or games may
713 be conducted at the facility of the slot machine licensee or at
714 another pari-mutuel facility leased pursuant to s. 550.3345.; ~~or~~

715 ~~2. If not licensed to conduct a full schedule of live~~
716 ~~racing or games, remit for the payment of purses on live races~~
717 ~~an amount equal to the lesser of \$2 million or 3 percent of its~~
718 ~~slot machine revenues from the previous state fiscal year to a~~
719 ~~slot machine licensee licensed to conduct not fewer than 160~~
720 ~~days of thoroughbred racing. If no slot machine licensee is~~
721 ~~licensed for at least 160 days of live thoroughbred racing, no~~
722 ~~payments for purses are required. A slot machine licensee that~~
723 ~~meets the requirements of subsection (10) shall receive a~~
724 ~~dollar-for-dollar credit to be applied toward the payments~~
725 ~~required under this subparagraph which are made pursuant to the~~
726 ~~binding agreement after the effective date of this act.~~

727 Section 30. Section 551.1042, Florida Statutes, is created
728 to read:

729 551.1042 Transfer or relocation of slot machine license
730 prohibited.—A slot machine license issued under this chapter may
731 not be transferred or reissued when such reissuance is in the
732 nature of a transfer so as to permit or authorize a licensee to
733 change the location of a slot machine facility.

734 Section 31. Section 551.1043, Florida Statutes, is created
735 to read:



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736 551.1043 Slot machine license to enhance live pari-mutuel
737 activity.—In recognition of the important and long-standing
738 economic contribution of the pari-mutuel industry to this state
739 and the state’s vested interest in the revenue generated
740 therefrom and in the interest of promoting the continued
741 viability of the important statewide agricultural activities
742 that the industry supports, the Legislature finds that it is in
743 the state’s interest to provide a limited opportunity for the
744 establishment of an additional slot machine license to be
745 awarded and renewed annually to a pari-mutuel permitholder
746 located within a county as defined in s. 125.011.

747 (1) (a) Within 120 days after the effective date of this
748 act, any pari-mutuel permitholder that is located in a county as
749 defined in s. 125.011 and that is not a slot machine licensee
750 may apply to the division pursuant to s. 551.104 for the slot
751 machine license created by this section.

752 (b) The application shall be accompanied by a license
753 application fee of \$2 million, which is nonrefundable. The
754 license application fee shall be deposited into the Pari-mutuel
755 Wagering Trust Fund of the Department of Business and
756 Professional Regulation to be used by the division and the
757 Department of Law Enforcement for investigations, the regulation
758 of slot machine gaming, and the enforcement of slot machine
759 gaming under this chapter. In the event of a successful award,
760 the application fee shall be credited toward the license fee
761 required by s. 551.106.

762 (2) If there is more than one applicant for the new slot
763 machine license, the division shall award the license to the
764 applicant that receives the highest score based on the following



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765 criteria:

766 (a) The amount of slot machine revenues to be dedicated to
767 the enhancement of pari-mutuel purses; breeder's, stallion, and
768 special racing or player awards to be awarded to pari-mutuel
769 activities conducted pursuant to chapter 550;

770 (b) The amount of slot machine revenues to be dedicated to
771 the general promotion of the state's pari-mutuel industry;

772 (c) The amount of slot machine revenues to be dedicated to
773 care provided in this state to injured or retired animals,
774 jockeys, or jai alai players;

775 (d) The amount by which the proposed slot machine facility
776 will increase tourism, generate jobs, provide revenue to the
777 local economy, and provide revenue to the state. The applicant
778 and its partners shall document their previous experience in
779 constructing premier facilities with high-quality amenities
780 which complement a local tourism industry;

781 (e) The financial history of the applicant and its partners
782 in making capital investments in slot machine gaming and pari-
783 mutuel facilities and its bona fide plan for future community
784 involvement and financial investment;

785 (f) The history of investment by the applicant and its
786 partners in the communities in which its previous developments
787 have been located;

788 (g) The ability to purchase and maintain a surety bond in
789 an amount established by the division to represent the projected
790 annual revenues generated by the proposed slot machine facility;

791 (h) The ability to demonstrate the financial wherewithal to
792 adequately capitalize, develop, construct, maintain, and operate
793 a proposed slot machine facility. The applicant must demonstrate



794 the ability to commit not less than \$100 million for hard costs
795 related to construction and development of the facility,
796 exclusive of the purchase price and costs associated with the
797 acquisition of real property and any impact fees. The applicant
798 must also demonstrate the ability to meet any projected secured
799 and unsecured debt obligations and to complete construction
800 within 2 years after receiving the award of the slot machine
801 license;

802 (i) The ability to implement a program to train and employ
803 residents of South Florida to work at the facility and contract
804 with local business owners for goods and services; and

805 (j) The ability to generate, with its partners, substantial
806 gross gaming revenue following the award of gaming licenses
807 through a competitive bidding process.

808
809 The division shall award additional points in the evaluation of
810 the applications for proposed projects located within 0.5 miles
811 of two forms of public transportation and located in a
812 designated community redevelopment area or district.

813 (3) (a) Notwithstanding the timeframes established in s.
814 120.60, the division shall complete its evaluations at least 120
815 days after the submission of applications and shall notice its
816 intent to award the license within that timeframe. Within 30
817 days after the submission of an application, the division shall
818 issue, if necessary, requests for additional information or any
819 notices of deficiency to the applicant, who must respond within
820 15 days. Failure to timely and sufficiently respond to such
821 requests or to correct identified deficiencies is grounds for
822 denial of the application.



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823 (b) Any protest of the intent to award the license shall be
824 forwarded to the Division of Administrative Hearings, which
825 shall conduct an administrative hearing on the matter before an
826 administrative law judge at least 30 days after the notice of
827 intent to award. The administrative law judge shall issue a
828 proposed recommended order at least 30 days after the completion
829 of the final hearing. The division shall issue a final order at
830 least 15 days after receipt of the proposed recommended order.

831 (c) Any appeal of a license denial shall be made to the
832 First District Court of Appeal and must be accompanied by the
833 posting of a supersedeas bond in an amount determined by the
834 division to be equal to the amount of projected annual slot
835 machine revenue to be generated by the successful licensee.

836 (4) The division is authorized to adopt emergency rules
837 pursuant to s. 120.54 to implement this section. The Legislature
838 finds that such emergency rulemaking power is necessary for the
839 preservation of the rights and welfare of the people in order to
840 provide additional funds to benefit the public. The Legislature
841 further finds that the unique nature of the competitive award of
842 the slot machine license under this section requires that the
843 department respond as quickly as is practicable to implement
844 this section. Therefore, in adopting such emergency rules, the
845 division is exempt from s. 120.54(4)(a). Emergency rules adopted
846 under this section are exempt from s. 120.54(4)(c) and shall
847 remain in effect until replaced by other emergency rules or by
848 rules adopted pursuant to chapter 120.

849 Section 32. Section 551.1044, Florida Statutes, is created
850 to read:

851 551.1044 House banked blackjack table games authorized.—



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852 (1) The pari-mutuel permitholder of each of the following
853 pari-mutuel wagering facilities may operate up to 25 house
854 banked blackjack table games at the permitholder's facility:

855 (a) A licensed pari-mutuel facility where live racing or
856 games were conducted during calendar years 2002 and 2003,
857 located in Miami-Dade County or Broward County, and authorized
858 for slot machine licensure pursuant to s. 23, Art. X of the
859 State Constitution; and

860 (b) A licensed pari-mutuel facility where a full schedule
861 of live horseracing has been conducted for 2 consecutive
862 calendar years immediately preceding its application for a slot
863 machine license and located within a county as defined in s.
864 125.011.

865 (2) Wagers on authorized house banked blackjack table games
866 may not exceed \$100 for each initial two card wager. Subsequent
867 wagers on splits or double downs are allowed but may not exceed
868 the initial two card wager. Single side bets of not more than \$5
869 are also allowed.

870 Section 33. Subsection (1) and paragraph (a) of subsection
871 (2) of section 551.106, Florida Statutes, are amended to read:

872 551.106 License fee; tax rate; penalties.—

873 (1) LICENSE FEE.—

874 ~~(a) Upon submission of the initial application for a slot~~
875 ~~machine license and annually thereafter, on the anniversary date~~
876 ~~of the issuance of the initial license, the licensee must pay to~~
877 ~~the division a nonrefundable license fee of \$3 million for the~~
878 ~~succeeding 12 months of licensure. In the 2010-2011 fiscal year,~~
879 ~~the licensee must pay the division a nonrefundable license fee~~
880 ~~of \$2.5 million for the succeeding 12 months of licensure. In~~



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881 ~~the 2011-2012 fiscal year and for every fiscal year thereafter,~~
882 ~~the licensee must pay the division a nonrefundable license fee~~
883 ~~of \$2 million for the succeeding 12 months of licensure. The~~
884 license fee shall be deposited into the Pari-mutuel Wagering
885 Trust Fund of the Department of Business and Professional
886 Regulation to be used by the division and the Department of Law
887 Enforcement for investigations, regulation of slot machine
888 gaming, and enforcement of slot machine gaming provisions under
889 this chapter. These payments shall be accounted for separately
890 from taxes or fees paid pursuant to the provisions of chapter
891 550.

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

897 (2) TAX ON SLOT MACHINE REVENUES.—

898 (a) The tax rate on slot machine revenues at each facility
899 shall be 25 ~~35~~ percent. If, during any state fiscal year, the
900 aggregate amount of tax paid to the state by all slot machine
901 licensees in Broward and Miami-Dade Counties is less than the
902 aggregate amount of tax paid to the state by all slot machine
903 licensees in the 2008-2009 fiscal year, each slot machine
904 licensee shall pay to the state within 45 days after the end of
905 the state fiscal year a surcharge equal to its pro rata share of
906 an amount equal to the difference between the aggregate amount
907 of tax paid to the state by all slot machine licensees in the
908 2008-2009 fiscal year and the amount of tax paid during the
909 fiscal year. Each licensee's pro rata share shall be an amount



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910 determined by dividing the number 1 by the number of facilities
911 licensed to operate slot machines during the applicable fiscal
912 year, regardless of whether the facility is operating such
913 machines.

914 Section 34. Subsection (2) of section 551.108, Florida
915 Statutes, is amended to read:

916 551.108 Prohibited relationships.—

917 (2) A manufacturer or distributor of slot machines may not
918 enter into any contract with a slot machine licensee that
919 provides for any revenue sharing of any kind or nature that is
920 directly or indirectly calculated on the basis of a percentage
921 of slot machine revenues. Any maneuver, shift, or device whereby
922 this subsection is violated is a violation of this chapter and
923 renders any such agreement void. This subsection does not apply
924 to contracts related to a progressive system used in conjunction
925 with slot machines.

926 Section 35. Subsections (2) and (4) of section 551.114,
927 Florida Statutes, are amended to read:

928 551.114 Slot machine gaming areas.—

929 (2) If such races or games are available to the slot
930 machine licensee, the slot machine licensee shall display pari-
931 mutuel races or games within the designated slot machine gaming
932 areas and offer patrons within the designated slot machine
933 gaming areas the ability to engage in pari-mutuel wagering on
934 any live, intertrack, and simulcast races conducted or offered
935 to patrons of the licensed facility.

936 (4) Designated slot machine gaming areas shall ~~may~~ be
937 located anywhere within the property described in a slot machine
938 licensee's pari-mutuel permit ~~within the current live gaming~~



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939 ~~facility or in an existing building that must be contiguous and~~
940 ~~connected to the live gaming facility. If a designated slot~~
941 ~~machine gaming area is to be located in a building that is to be~~
942 ~~constructed, that new building must be contiguous and connected~~
943 ~~to the live gaming facility.~~

944 Section 36. Section 551.116, Florida Statutes, is amended
945 to read:

946 551.116 Days and hours of operation.—Slot machine gaming
947 areas may be open 24 hours per day, 7 days a week ~~daily~~
948 throughout the year. ~~The slot machine gaming areas may be open a~~
949 ~~cumulative amount of 18 hours per day on Monday through Friday~~
950 ~~and 24 hours per day on Saturday and Sunday and on those~~
951 ~~holidays specified in s. 110.117(1).~~

952 Section 37. Subsections (1) and (3) of section 551.121,
953 Florida Statutes, are amended to read:

954 551.121 Prohibited activities and devices; exceptions.—

955 (1) Complimentary or reduced-cost alcoholic beverages may
956 ~~not~~ be served to a person ~~persons~~ playing a slot machine.

957 ~~Alcoholic beverages served to persons playing a slot machine~~
958 ~~shall cost at least the same amount as alcoholic beverages~~
959 ~~served to the general public at a bar within the facility.~~

960 (3) A slot machine licensee may ~~not~~ allow any automated
961 teller machine or similar device designed to provide credit or
962 dispense cash to be located within the designated slot machine
963 gaming areas of a facility of a slot machine licensee.

964 Section 38. Present subsections (9) through (17) of section
965 849.086, Florida Statutes, are redesignated as subsections (10)
966 through (18), respectively, a new subsection (9) is added to
967 that section, and subsections (1) and (2), paragraph (b) of



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968 subsection (5), paragraphs (a), (b), and (c) of subsection (7),
969 paragraphs (a) and (b) of subsection (8), present subsection
970 (12), paragraphs (d) and (h) of present subsection (13), and
971 present subsection (17) of section 849.086, Florida Statutes,
972 are amended, to read:

973 849.086 Cardrooms authorized.—

974 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
975 to provide additional entertainment choices for the residents of
976 and visitors to the state, promote tourism in the state, provide
977 revenues to support the continuation of live pari-mutuel
978 activity, and provide additional state revenues through the
979 authorization of the playing of certain games in the state at
980 facilities known as cardrooms which are to be located at
981 licensed pari-mutuel facilities. To ensure the public confidence
982 in the integrity of authorized cardroom operations, this act is
983 designed to strictly regulate the facilities, persons, and
984 procedures related to cardroom operations. Furthermore, the
985 Legislature finds that authorized games of cards and dominoes ~~as~~
986 ~~herein defined~~ are considered to be pari-mutuel style games and
987 not casino gaming because the participants play against each
988 other instead of against the house.

989 (2) DEFINITIONS.—As used in this section:

990 (a) "Authorized game" means a game or series of card and
991 domino games that ~~of poker or dominoes which~~ are played in
992 conformance with this section ~~a nonbanking manner~~.

993 (b) "Banking game" means a game in which the house is a
994 participant in the game, taking on players, paying winners, and
995 collecting from losers ~~or in which the cardroom establishes a~~
996 ~~bank against which participants play~~. A designated player game



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997 is not a banking game.

998 (c) "Cardroom" means a facility where authorized games are
999 played for money or anything of value and to which the public is
1000 invited to participate in such games and charged a fee for
1001 participation by the operator of such facility. Authorized games
1002 and cardrooms do not constitute casino gaming operations if
1003 conducted at an eligible facility.

1004 (d) "Cardroom management company" means any individual not
1005 an employee of the cardroom operator, any proprietorship,
1006 partnership, corporation, or other entity that enters into an
1007 agreement with a cardroom operator to manage, operate, or
1008 otherwise control the daily operation of a cardroom.

1009 (e) "Cardroom distributor" means any business that
1010 distributes cardroom paraphernalia such as card tables, betting
1011 chips, chip holders, dominoes, dominoes tables, drop boxes,
1012 banking supplies, playing cards, card shufflers, and other
1013 associated equipment to authorized cardrooms.

1014 (f) "Cardroom operator" means a licensed pari-mutuel
1015 permitholder that ~~which~~ holds a valid permit and license issued
1016 by the division pursuant to chapter 550 and which also holds a
1017 valid cardroom license issued by the division pursuant to this
1018 section which authorizes such person to operate a cardroom and
1019 to conduct authorized games in such cardroom.

1020 (g) "Designated player" means the player identified as the
1021 player in the dealer position and seated at a traditional player
1022 position in a designated player game and who pays winning
1023 players and collects from losing players.

1024 (h) "Designated player game" means a game in which the
1025 players compare their cards only to the cards of the designated



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1026 player or to a combination of cards held by the designated
1027 player and cards common and available for play by all players.

1028 (i)~~(g)~~ "Division" means the Division of Pari-mutuel
1029 Wagering of the Department of Business and Professional
1030 Regulation.

1031 (j)~~(h)~~ "Dominoes" means a game of dominoes typically played
1032 with a set of 28 flat rectangular blocks, called "bones," which
1033 are marked on one side and divided into two equal parts, with
1034 zero to six dots, called "pips," in each part. The term also
1035 includes larger sets of blocks that contain a correspondingly
1036 higher number of pips. The term also means the set of blocks
1037 used to play the game.

1038 (k)~~(i)~~ "Gross receipts" means the total amount of money
1039 received by a cardroom from any person for participation in
1040 authorized games.

1041 (l)~~(j)~~ "House" means the cardroom operator and all
1042 employees of the cardroom operator.

1043 (m)~~(k)~~ "Net proceeds" means the total amount of gross
1044 receipts received by a cardroom operator from cardroom
1045 operations less direct operating expenses related to cardroom
1046 operations, including labor costs, admission taxes only if a
1047 separate admission fee is charged for entry to the cardroom
1048 facility, gross receipts taxes imposed on cardroom operators by
1049 this section, the annual cardroom license fees imposed by this
1050 section on each table operated at a cardroom, and reasonable
1051 promotional costs excluding officer and director compensation,
1052 interest on capital debt, legal fees, real estate taxes, bad
1053 debts, contributions or donations, or overhead and depreciation
1054 expenses not directly related to the operation of the cardrooms.



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1055 (n)~~(l)~~ "Rake" means a set fee or percentage of the pot
1056 assessed by a cardroom operator for providing the services of a
1057 dealer, table, or location for playing the authorized game.

1058 (o)~~(m)~~ "Tournament" means a series of games that have more
1059 than one betting round involving one or more tables and where
1060 the winners or others receive a prize or cash award.

1061 (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may
1062 operate a cardroom in this state unless such person holds a
1063 valid cardroom license issued pursuant to this section.

1064 (b) After the initial cardroom license is granted, the
1065 application for the annual license renewal shall be made in
1066 conjunction with the applicant's annual application for its
1067 pari-mutuel license. ~~If a permitholder has operated a cardroom
1068 during any of the 3 previous fiscal years and fails to include a
1069 renewal request for the operation of the cardroom in its annual
1070 application for license renewal, the permitholder may amend its
1071 annual application to include operation of the cardroom. In
1072 order for a cardroom license to be renewed the applicant must
1073 have requested, as part of its pari-mutuel annual license
1074 application, to conduct at least 90 percent of the total number
1075 of live performances conducted by such permitholder during
1076 either the state fiscal year in which its initial cardroom
1077 license was issued or the state fiscal year immediately prior
1078 thereto if the permitholder ran at least a full schedule of live
1079 racing or games in the prior year. If the application is for a
1080 harness permitholder cardroom, the applicant must have requested
1081 authorization to conduct a minimum of 140 live performances
1082 during the state fiscal year immediately prior thereto. If more
1083 than one permitholder is operating at a facility, each~~



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1084 ~~permitholder must have applied for a license to conduct a full~~
1085 ~~schedule of live racing.~~

1086 (7) CONDITIONS FOR OPERATING A CARDROOM.—

1087 (a) A cardroom may be operated only at the location
1088 specified on the cardroom license issued by the division, and
1089 such location may only be the location at which the pari-mutuel
1090 permitholder is authorized to conduct pari-mutuel wagering
1091 activities pursuant to such permitholder's valid pari-mutuel
1092 permit or as otherwise authorized by law. ~~Cardroom operations~~
1093 ~~may not be allowed beyond the hours provided in paragraph (b)~~
1094 ~~regardless of the number of cardroom licenses issued for~~
1095 ~~permitholders operating at the pari-mutuel facility.~~

1096 (b) Any cardroom operator may operate a cardroom at the
1097 pari-mutuel facility daily throughout the year, if the
1098 permitholder meets the requirements under paragraph (5) (b). The
1099 cardroom may be open ~~a cumulative amount of 18 hours per day on~~
1100 ~~Monday through Friday and 24 hours per day on Saturday and~~
1101 ~~Sunday and on the holidays specified in s. 110.117(1).~~

1102 (c) For authorized games of poker or dominoes at a
1103 cardroom, a cardroom operator must at all times employ and
1104 provide a nonplaying live dealer at ~~for~~ each table on which the
1105 authorized ~~card~~ games ~~which traditionally use a dealer~~ are
1106 conducted ~~at the cardroom~~. Such dealers may not have a
1107 participatory interest in any game other than the dealing of
1108 cards and may not have an interest in the outcome of the game.
1109 The providing of such dealers by a licensee does not constitute
1110 the conducting of a banking game by the cardroom operator.

1111 (8) METHOD OF WAGERS; LIMITATION.—

1112 (a) ~~Ne~~ Wagering may not be conducted using money or other



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1113 negotiable currency. Games may only be played utilizing a
1114 wagering system whereby all players' money is first converted by
1115 the house to tokens or chips that may ~~which shall~~ be used for
1116 wagering only at that specific cardroom.

1117 (b) For authorized games of poker or dominoes, the cardroom
1118 operator may limit the amount wagered in any game or series of
1119 games.

1120 (9) DESIGNATED PLAYER GAMES AUTHORIZED.—

1121 (a) A cardroom operator may offer designated player games
1122 consisting of players making wagers against the designated
1123 player. The designated player must be licensed pursuant to
1124 paragraph (6) (b).

1125 (b) A cardroom operator may not serve as a designated
1126 player in any game. The cardroom operator may not have a
1127 financial interest in a designated player in any game. A
1128 cardroom operator may collect a rake in accordance with the rake
1129 structure posted at the table.

1130 (c) If there are multiple designated players at a table,
1131 the dealer button shall be rotated in a clockwise rotation after
1132 each hand.

1133 (d) A cardroom operator may not allow a designated player
1134 to pay an opposing player who holds a lower ranked hand.

1135 (13)-(12) PROHIBITED ACTIVITIES.—

1136 (a) A ~~Ne~~ person licensed to operate a cardroom may not
1137 conduct any banking game or any game not specifically authorized
1138 by this section. For purposes of this section, a designated
1139 player game shall be deemed a banking game if any of the
1140 following elements apply:

1141 1. Any designated player is required by the rules of a game



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1142 or by the rules of a cardroom to cover all wagers posted by
1143 opposing players;

1144 2. The dealer button remains in a fixed position without
1145 being offered for rotation;

1146 3. The cardroom, or any cardroom licensee, contracts with
1147 or receives compensation other than a posted table rake from any
1148 player to participate in any game to serve as a designated
1149 player; or

1150 4. In any designated player game in which the designated
1151 player possesses a higher ranked hand, the designated player is
1152 required to pay on an opposing player's wager who holds a lower
1153 ranked hand.

1154 (b) A ~~No~~ person who is younger than ~~under~~ 18 years of age
1155 may ~~not~~ be permitted to hold a cardroom or employee license, or
1156 to engage in any game conducted therein.

1157 (c) With the exception of mechanical card shufflers, ~~No~~
1158 electronic or mechanical devices, ~~except mechanical card~~
1159 ~~shufflers,~~ may ~~not~~ be used to conduct any authorized game in a
1160 cardroom.

1161 (d) ~~No~~ Cards, game components, or game implements may ~~not~~
1162 be used in playing an authorized game unless they have ~~such has~~
1163 been furnished or provided to the players by the cardroom
1164 operator.

1165 (14) ~~(13)~~ TAXES AND OTHER PAYMENTS.—

1166 (d)1. Each ~~greyhound and jai alai~~ permitholder that
1167 operates a cardroom facility shall use at least 4 percent of
1168 such permitholder's cardroom monthly gross receipts to
1169 supplement ~~greyhound~~ purses or jai alai prize money,
1170 respectively, during the permitholder's next ensuing pari-mutuel



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1171 meet.

1172 2. A cardroom license or renewal thereof may not be issued
1173 to a permitholder conducting less than a full schedule of live
1174 racing or games unless the applicant has on file with the
1175 division a binding written contract with a thoroughbred
1176 permitholder that is licensed to conduct live racing and that
1177 does not possess a slot machine license. This contract must
1178 provide that the permitholder will pay an amount equal to 4
1179 percent of its monthly cardroom gross receipts to the
1180 thoroughbred permitholder conducting the live racing for use as
1181 purses during the current or ensuing live racing meet of the
1182 thoroughbred permitholder. If there is not a thoroughbred
1183 permitholder that does not possess a slot machine license, no
1184 payments for purses are required, and the cardroom licensee
1185 shall retain such funds for its use. ~~Each thoroughbred and~~
1186 ~~harness horse racing permitholder that operates a cardroom~~
1187 ~~facility shall use at least 50 percent of such permitholder's~~
1188 ~~cardroom monthly net proceeds as follows: 47 percent to~~
1189 ~~supplement purses and 3 percent to supplement breeders' awards~~
1190 ~~during the permitholder's next ensuing racing meet.~~

1191 3. ~~No cardroom license or renewal thereof shall be issued~~
1192 ~~to an applicant holding a permit under chapter 550 to conduct~~
1193 ~~pari-mutuel wagering meets of quarter horse racing unless the~~
1194 ~~applicant has on file with the division a binding written~~
1195 ~~agreement between the applicant and the Florida Quarter Horse~~
1196 ~~Racing Association or the association representing a majority of~~
1197 ~~the horse owners and trainers at the applicant's eligible~~
1198 ~~facility, governing the payment of purses on live quarter horse~~
1199 ~~races conducted at the licensee's pari-mutuel facility. The~~



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1200 ~~agreement governing purses may direct the payment of such purses~~
1201 ~~from revenues generated by any wagering or gaming the applicant~~
1202 ~~is authorized to conduct under Florida law. All purses shall be~~
1203 ~~subject to the terms of chapter 550.~~

1204 (h) One-quarter of the moneys deposited into the Pari-
1205 mutuel Wagering Trust Fund pursuant to paragraph (g) shall, by
1206 October 1 of each year, be distributed to the local government
1207 that approved the cardroom under subsection (17) ~~subsection~~
1208 ~~(16)~~; however, if two or more pari-mutuel racetracks are located
1209 within the same incorporated municipality, the cardroom funds
1210 shall be distributed to the municipality. If a pari-mutuel
1211 facility is situated in such a manner that it is located in more
1212 than one county, the site of the cardroom facility shall
1213 determine the location for purposes of disbursement of tax
1214 revenues under this paragraph. The division shall, by September
1215 1 of each year, determine: the amount of taxes deposited into
1216 the Pari-mutuel Wagering Trust Fund pursuant to this section
1217 from each cardroom licensee; the location by county of each
1218 cardroom; whether the cardroom is located in the unincorporated
1219 area of the county or within an incorporated municipality; and,
1220 the total amount to be distributed to each eligible county and
1221 municipality.

1222 (18) ~~(17)~~ CHANGE OF LOCATION; REFERENDUM.—

1223 ~~(a)~~ Notwithstanding ~~any provisions of~~ this section, a ~~no~~
1224 cardroom gaming license issued under this section may not ~~shall~~
1225 be transferred, or reissued when such reissuance is in the
1226 nature of a transfer, so as to permit or authorize a licensee to
1227 change the location of the cardroom ~~except upon proof in such~~
1228 ~~form as the division may prescribe that a referendum election~~



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1229 ~~has been held:~~

1230 ~~1. If the proposed new location is within the same county~~
1231 ~~as the already licensed location, in the county where the~~
1232 ~~licensee desires to conduct cardroom gaming and that a majority~~
1233 ~~of the electors voting on the question in such election voted in~~
1234 ~~favor of the transfer of such license. However, the division~~
1235 ~~shall transfer, without requirement of a referendum election,~~
1236 ~~the cardroom license of any permit holder that relocated its~~
1237 ~~permit pursuant to s. 550.0555.~~

1238 ~~2. If the proposed new location is not within the same~~
1239 ~~county as the already licensed location, in the county where the~~
1240 ~~licensee desires to conduct cardroom gaming and that a majority~~
1241 ~~of the electors voting on that question in each such election~~
1242 ~~voted in favor of the transfer of such license.~~

1243 ~~(b) The expense of each referendum held under the~~
1244 ~~provisions of this subsection shall be borne by the licensee~~
1245 ~~requesting the transfer.~~

1246
1247 ===== T I T L E A M E N D M E N T =====

1248 And the title is amended as follows:

1249 Delete lines 72 - 200

1250 and insert:

1251 the adoption of greyhounds"; creating s. 550.1752,
1252 F.S.; creating the permit reduction program within the
1253 division; providing a purpose for the program;
1254 providing for funding for the program up to a
1255 specified maximum amount; requiring the division to
1256 purchase pari-mutuel permits from permit holders under
1257 certain circumstances; requiring that permit holders



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1258 who wish to make an offer to sell meet certain
1259 requirements; requiring the division to adopt a
1260 certain form by rule; requiring that the division
1261 establish the value of a pari-mutuel permit based on
1262 the valuation of one or more independent appraisers;
1263 authorizing the division to establish a value that is
1264 lower than the valuation of the independent appraiser;
1265 requiring the division to accept the offers that best
1266 utilize available funding; requiring the division to
1267 cancel permits that it purchases through the program;
1268 providing for expiration of the program; renaming the
1269 permit reduction program as the thoroughbred purse
1270 supplement program; revising the purpose of the
1271 program; deleting provisions requiring the division to
1272 purchase pari-mutuel permits; revising the form the
1273 division shall adopt by rule; requiring the division
1274 to apportion purse supplement funds in a certain
1275 manner; requiring a thoroughbred permitholder to
1276 return any unused portion of a purse supplement fund
1277 under certain circumstances; and authorizing
1278 rulemaking, as of a specified date; creating s.
1279 550.2416, F.S.; requiring injuries to racing
1280 greyhounds to be reported within a certain timeframe
1281 on a form adopted by the division; requiring such form
1282 to be completed and signed under oath or affirmation
1283 by certain individuals; providing penalties;
1284 specifying information that must be included on the
1285 form; requiring the division to maintain the forms as
1286 public records for a specified time; specifying



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1287 disciplinary action that may be taken against a
1288 licensee of the Department of Business and
1289 Professional Regulation who makes false statements on
1290 an injury form or who fails to report an injury;
1291 exempting injuries to certain animals from reporting
1292 requirements; requiring the division to adopt rules;
1293 amending s. 550.26165, F.S.; conforming a cross-
1294 reference; amending s. 550.3345, F.S.; deleting
1295 obsolete provisions; revising requirements for a
1296 permit previously converted from a quarter horse
1297 racing permit to a limited thoroughbred racing permit;
1298 amending s. 550.3551, F.S.; deleting a provision that
1299 limits the number of out-of-state races on which
1300 wagers are accepted by a greyhound racing
1301 permitholder; deleting a provision prohibiting a
1302 permitholder from conducting fewer than eight live
1303 races or games under certain circumstances; deleting a
1304 provision requiring certain permitholders to conduct a
1305 full schedule of live racing to receive certain full-
1306 card broadcasts and accept certain wagers; amending s.
1307 550.375, F.S.; conforming a cross-reference; amending
1308 s. 550.475, F.S.; prohibiting a permitholder from
1309 leasing from certain pari-mutuel permitholders;
1310 amending s. 550.5251, F.S., deleting a provision
1311 relating to requirements for thoroughbred
1312 permitholders; amending s. 550.615, F.S.; revising
1313 eligibility requirements for certain pari-mutuel
1314 facilities to qualify to receive certain broadcasts;
1315 providing that certain greyhound racing permitholders



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1316 are not required to obtain certain written consent;
1317 deleting requirements to conduct intertrack wagering
1318 between certain permitholders; deleting a provision
1319 prohibiting certain intertrack wagering in certain
1320 counties; specifying conditions under which greyhound
1321 racing permitholders may accept wagers; amending s.
1322 550.6308, F.S.; revising the number of days of
1323 thoroughbred horse sales required for an applicant to
1324 obtain a limited intertrack wagering license; revising
1325 eligibility requirements for such licenses; revising
1326 requirements for such wagering; deleting provisions
1327 requiring a licensee to make certain payments to the
1328 daily pari-mutuel pool; amending s. 551.101, F.S.;
1329 revising the facilities that may possess slot machines
1330 and conduct slot machine gaming; deleting certain
1331 provisions requiring a countywide referendum to
1332 approve slot machines at certain facilities; amending
1333 s. 551.102, F.S.; revising definitions; amending s.
1334 551.104, F.S.; prohibiting the division from issuing a
1335 slot machine license to certain pari-mutuel
1336 permitholders; revising conditions of licensure and to
1337 maintain authority to conduct slot machine gaming;
1338 exempting a summer thoroughbred racing permitholder
1339 from certain purse requirements; providing
1340 applicability; deleting a provision prohibiting the
1341 division from issuing or renewing a license for an
1342 applicant holding a permit under ch. 550, F.S., under
1343 certain circumstances; deleting a provision requiring
1344 certain slot machine licensees to remit a certain



1345 amount for the payment of purses on live races, as of
1346 a certain date; conforming provisions to changes made
1347 by the act; creating s. 551.1042, F.S.; prohibiting
1348 the transfer of a slot machine license or relocation
1349 of a slot machine facility; creating s. 551.1043,
1350 F.S.; providing legislative findings; authorizing an
1351 additional slot machine license to be awarded and
1352 renewed annually to a pari-mutuel permitholder located
1353 in a certain county; authorizing certain pari-mutuel
1354 permitholders to apply for such a license; providing
1355 an application fee; requiring the deposit of the fee
1356 in the Pari-mutuel Wagering Trust Fund; requiring the
1357 division to award the license to the applicant that
1358 bests meets the selection criteria; providing
1359 selection criteria; requiring the division to complete
1360 a certain evaluation by a specified date; specifying
1361 grounds for denial of an application; providing that
1362 certain protests be forwarded to the Division of
1363 Administrative Hearings; providing requirements for
1364 appeals; authorizing the division to adopt certain
1365 emergency rules; creating s. 551.1044, F.S.;
1366 authorizing blackjack table games at certain pari-
1367 mutuel facilities; specifying limits on wagers;
1368 amending s. 551.106, F.S.; deleting obsolete
1369 provisions; revising the tax rate on slot machine
1370 revenues under certain conditions; amending s.
1371 551.108, F.S.; providing applicability; amending s.
1372 551.114, F.S.; revising the areas where a designated
1373 slot machine gaming area may be located; amending s.



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1374 551.116, F.S.; deleting a restriction on the number of
1375 hours per day that slot machine gaming areas may be
1376 open; amending s. 551.121, F.S.; authorizing the
1377 serving of complimentary or reduced-cost alcoholic
1378 beverages to a person playing a slot machine;
1379 authorizing the location of an automated teller
1380 machine or similar device within designated slot
1381 machine gaming areas; amending s. 849.086, F.S.;

1382 amending legislative intent; revising definitions;
1383 deleting certain license renewal requirements;
1384 deleting provisions relating to restrictions of hours
1385 of operation; authorizing certain cardroom operators
1386 to offer certain designated player games; requiring
1387 the designated player to be licensed; prohibiting
1388 cardroom operators from serving as the designated
1389 player in a game and from having a financial interest
1390 in a designated player; authorizing a cardroom
1391 operator to collect a rake, subject to certain
1392 requirements; requiring the dealer button to be
1393 rotated under certain circumstances; prohibiting a
1394 cardroom operator from allowing a designated player to
1395 pay an opposing player under certain circumstances;
1396 providing elements of a designated player game;
1397 revising requirements for a cardroom license to be
1398 issued or renewed; requiring a certain written
1399 agreement with a thoroughbred permitholder; providing
1400 contract requirements for the agreement; conforming
1401 provisions to changes made