FOR CONSIDERATION By the Committee on Gaming

584-00011A-14 20147050__

A bill to be entitled

An act relating to gaming; creating s. 11.93, F.S.; creating the Joint Legislative Gaming Control Oversight Committee; providing for member requirements, terms, and meetings; providing that the committee is governed by joint rules of the Senate and the House of Representatives; providing powers and duties of the committee; authorizing the committee to schedule hearings; requiring the committee to deliver a written recommendation to the President of the Senate and the Speaker of the House of Representatives upon certain findings; amending s. 20.165, F.S.; removing a provision that establishes the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; creating s. 20.222, F.S.; creating the Department of Gaming Control; amending s. 110.205, F.S.; exempting certain positions within the Department of Gaming Control and the Gaming Control Board; amending s. 120.80, F.S.; removing provisions relating to exemptions to the hearing and notice requirements for the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; providing exemptions to certain hearing and notice requirements for the Department of Gaming Control; providing exemptions for the Gaming Control Board; amending s. 285.710, F.S.; authorizing and directing the Governor to negotiate and execute an amendment to the Gaming Compact with the Seminole Tribe of Florida; requiring the Governor to provide a

copy of the amendment to the President of the Senate and the Speaker of the House of Representatives; requiring the compact to be ratified by both houses of the Legislature before being sent to the United States Department of the Interior; amending s. 285.712, F.S.; making a technical change; transferring the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to the Gaming Control Board within the Department of Gaming Control by type two transfer; transferring the Pari-mutuel Wagering Trust Fund within the Department of Business and Professional Regulation to the Department of Gaming Control by type two transfer; repealing ss. 550.001-550.71, F.S., relating to pari-mutuel wagering; redesignating ch. 551, F.S., as the "Florida Gaming Control Act"; creating part I of ch. 551, F.S.; entitling part I "Florida Gaming Control"; creating s. 551.001, F.S.; defining terms; creating s. 551.0011, F.S.; creating the Gaming Control Board; providing member requirements and terms; providing chair and vice chair requirements; providing for meetings of the board; requiring the board to serve as the agency head of the department; requiring the board to appoint an executive director; authorizing the board to designate an acting executive director; providing for financial control of department funds; creating s. 551.0012, F.S.; providing powers and duties of the board; creating s. 551.0013, F.S.; providing duties of the department; authorizing the department to adopt rules;

specifying rules that must be adopted; authorizing the department to adopt emergency rules; creating s. 551.0014, F.S.; requiring the department to adopt a code of ethics; providing ethical requirements; creating s. 551.0015, F.S.; requiring certain disclosures by members, employees, and agents of the board; creating s. 551.0016, F.S.; prohibiting ex parte communication between certain persons; requiring certain persons to report such communication; providing a procedure for a member to disclose such communication; penalizing a member who fails to follow such procedure; requiring the Commission on Ethics to investigate certain complaints and report its findings to the Governor; authorizing the Commission on Ethics to enforce certain penalties; creating s. 551.0017, F.S.; providing penalties for misconduct by a member, employee, or agent of the Gaming Control Board; creating s. 551.0018, F.S.; providing for judicial review; creating part II of ch. 551, F.S.; entitling part II "Pari-Mutuel Wagering"; reorganizing and clarifying provisions for pari-mutuel wagering; removing obsolete provisions; creating s. 551.011, F.S.; providing a short title; creating s. 551.012, F.S.; defining terms; creating s. 551.013, F.S.; authorizing pari-mutuel wagering; providing for wagering pools and distribution thereof; creating s. 551.014, F.S.; providing powers and duties of the Department of Gaming Control; creating s. 551.018, F.S.; limiting taxation by counties, municipalities,

and other political subdivisions; creating ss. 551.021, 551.0221, 551.0222, 551.0241, 551.0242, 551.0251, 551.0252, 551.0253, 551.026, and 551.029, F.S., relating to pari-mutuel permit application, issuance, ratification, relocation, conversion, suspension, and revocation; creating ss. 551.0321, 551.0322, 551.033, 551.034, 551.035, 551.036, 551.037, 551.038, and 551.039, F.S., relating to licensure of permitholders to conduct pari-mutuel operations; creating ss. 551.042, 551.043, and 551.045, F.S., relating to greyhound racing operations, operating periods, pools, purses, injury reporting, takeout, taxes, and fees; creating ss. 551.0511, 551.0512, 551.0521, 551.0522, 551.0523, 551.0524, 551.053, 551.0541, 551.0542, 551.0543, 551.0551, 551.0552, 551.0553, and 551.056, F.S., relating to horseracing operations, thoroughbred, harness, quarter horse, Appaloosa and Arabian horse racing, operating periods, pools, purses, takeout, taxes, and fees; creating ss. 551.062, 551.0622, and 551.063, F.S., relating to jai alai operations, operating periods, awards, taxes, and fees; creating s. 551.072, F.S., relating to transmission of racing and jai alai information, broadcast, reception, performances, wagers, pools, takeout, purses, taxes, uncashed tickets and breakage, and caterers; creating ss. 551.073, 551.074, 551.075, 551.076, 551.077, 551.078, F.S., relating to intertrack wagering, authorization, costs, purses, awards, pools, takeout, rebroadcast, broadcast rights,

limited licensure, and totalisators; creating s. 551.082, F.S., relating to minors attending pari-mutuel performances; creating ss. 551.091, 551.0921, 551.0922, 551.093, 551.0941, 551.0942, 551.0943, 551.0944, 551.095, F.S., relating to prohibited acts, civil and criminal penalties, and liability; creating part III of ch. 551, F.S.; entitling part III "Slot Machines"; amending ss. 551.101, 551.102, 551.103, 551.104, 551.105, 551.106, 551.108, 551.109, 551.111, 551.112, 551.113, 551.114, 551.116, 551.117, 551.118, 551.119, 551.121, 551.122, and 551.123, F.S.; clarifying provisions and making technical changes; amending s. 551.1045, F.S.; deleting provisions relating to temporary occupational licenses; creating part IV of ch. 551, F.S.; entitling part IV "Cardrooms"; transferring, renumbering, and amending s. 849.086, F.S.; clarifying provisions and making technical changes; creating part V of ch. 551, F.S.; entitling part V "Occupational Licensing"; transferring, renumbering, and amending s. 550.105, F.S., relating to racetrack and jai alai occupational licenses; transferring, renumbering, and amending s. 551.107, F.S., relating to occupational licenses for slot machines; creating s. 551.303, F.S., relating to cardroom occupational licenses; transferring and renumbering ss. 550.901, 550.902, 550.903, 550.904, 550.905, 550.906, 550.907, 550.908, 550.909, 550.910, 550.911, 550.912, and 550.913, F.S., relating to the Interstate Compact on Licensure of Participants in

Pari-mutuel Wagering; conforming cross-references to changes made in the act; creating part VI of ch. 551, F.S.; entitling part VI "Destination Casino Resorts"; creating s. 551.401, F.S.; defining terms; creating s. 551.403, F.S.; providing legislative authority for and administration of part VI; creating s. 551.405, F.S.; authorizing gaming at destination casino resorts; creating ss. 551.407, 551.409, 551.41, 551.411, 551.413, 551.414, and 551.415, F.S., relating to destination casino resort licensure; creating s. 551.416, F.S.; requiring payment of a license fee and the remittance of tax; creating s. 551.417, F.S.; providing for the conduct of gaming by a licensee; creating s. 551.418, F.S.; prohibiting certain acts and providing penalties; creating ss. 551.42, 551.422, 551.424, and 551.426, F.S., relating to supplier, manufacturer, and occupational licensure; creating s. 551.428, F.S.; providing for resolution of disputes between licensees and wagerers; creating s. 551.43, F.S.; providing for the enforcement of credit instruments; creating s. 551.44, F.S.; providing for compulsive or addictive gambling prevention; creating s. 551.445, F.S.; providing that an individual may request to be excluded from a gaming facility; creating s. 551.45, F.S.; requiring the Gaming Control Board to file an annual report; creating part VII of ch. 551, F.S.; entitling part VII "Miscellaneous Gaming"; transferring, renumbering, and amending s. 849.094, F.S.; making technical changes; transferring,

renumbering, and amending s. 849.092, F.S.; making technical changes; transferring, renumbering, and amending s. 849.085, F.S.; making technical changes; transferring, renumbering, and amending s. 849.0931, F.S.; making technical changes; transferring, renumbering, and amending s. 849.0935, F.S.; making technical changes; transferring, renumbering, and amending s. 849.141, F.S.; making technical changes; transferring, renumbering, and amending s. 849.161, F.S.; making technical changes; amending ss. 849.01, 849.02, 849.03, 849.04, 849.05, 849.07, 849.08, 849.09, 849.091, 849.0915, 849.10, 849.11, 849.12, 849.13, 849.14, 849.15, 849.16, 849.17, 849.18, 849.19, 849.20, 849.21, 849.22, 849.23, 849.231, 849.232, 849.233, 849.235, 849.25, 849.26, 849.29, 849.30, 849.31, 849.32, 849.33, 849.34, 849.35, 849.36, 849.37, 849.38, 849.39, 849.40, 849.41, 849.42, 849.43, 849.44, 849.45, and 849.46, F.S.; reorganizing and clarifying gaming prohibitions; removing obsolete provisions; creating s. 849.47, F.S.; providing for enforcement of the chapter; amending ss. 11.45, 72.011, 72.031, 196.183, 205.0537, 212.02, 212.031, 212.04, 212.05, 212.054, 212.12 212.20, 267.0617, 402.82, 455.116, 480.0475, 509.032, 559.801, 561.1105, 772.102, 773.03, and 895.02, F.S.; conforming cross-references and provisions to changes made by the act; providing effective dates.

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

Section 1. Section 11.93, Florida Statutes, is created to read:

11.93 Joint Legislative Gaming Control Oversight Committee.—

(1) The Joint Legislative Gaming Control Oversight Committee is created and shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives. Each member shall serve at the pleasure of the officer who appointed the member. A committee vacancy shall be filled in the same manner as the original appointment. From November of each odd-numbered year through October of each even-numbered year, the chair shall be appointed by the President of the Senate and the vice chair shall be appointed by the Speaker of the House of Representatives. From November of each even-numbered year through October of each odd-numbered year, the chair shall be appointed by the Speaker of the House of Representatives and the vice chair shall be appointed by the President of the Senate. The terms of members shall be for 2 years and must coincide with the 2-year term of the Legislative Regular Session.

(2) The committee shall be governed by joint rules of the Senate and the House of Representatives, which shall remain in effect until repealed or amended by concurrent resolution.

(3) The committee shall convene at least quarterly at the call of the President of the Senate and the Speaker of the House of Representatives. A majority of the committee members of each house constitutes a quorum. Action by the committee requires a

majority vote of the members appointed by each house of the Legislature.

(4) The committee may conduct its meetings through teleconferences or other similar means.

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

(6) The committee shall:

(a) Review the implementation of and compliance with this part to ensure that chapters 24, 551, and 849 are not subject to abuse or interpreted in any manner that expands gaming or gambling in this state.

(b) Review any matter within the scope of the jurisdiction of the Department of Gaming Control or the Department of the Lottery, and, in connection with such investigation, may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(c) Review the regulation of licensees of the Department of Gaming Control or the Gaming Control Board, and the procedures used by the Department of Gaming Control or the Gaming Control Board to implement and enforce the law.

(d) Review the procedures of the Department of Gaming Control or Gaming Control Board which are used to qualify applicants for licensure.

(e) Review the procedures of the Department of the Lottery which are used to select games or contract for promotions, advertising, vendors, or retailers.

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

(7) The committee chair may schedule hearings to determine whether enforcement of the gaming laws of the state is sufficient to protect residents from abuse and misinterpretation of the law to create expansion of gaming or gambling in this state.

(8) If the committee determines that enforcement of the gaming laws of the state should be enhanced through additional legislation or other action, it shall submit written recommendations and proposed statutory changes to the President of the Senate and the Speaker of the House of Representatives.

Section 2. Paragraph (g) of 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:

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

Section 3. Section 20.222, Florida Statutes, is created to read:

20.222 Department of Gaming Control.—The Department of Gaming Control is created.

(1) The head of the department is the Gaming Control Board.

(2) The following divisions of the department are established:

(a) Division of Accounting and Auditing.

(b) Division of Investigations and Security.

(c) Division of Licensing.

(d) Division of Operations.

(e) Division of Prosecution.

(3) The Gaming Control Board may create bureaus within the department and allocate the various functions of the department among such bureaus.

Section 4. Paragraph (y) is added to subsection (2) of section 110.205, Florida Statutes, to read:

110.205 Career service; exemptions.—

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

(y) The executive director, any deputy executive directors, the general counsel, attorneys, official reporters, and division directors within the Department of Gaming Control or the Gaming Control Board. Unless otherwise fixed by law, the salary and benefits of the executive director, deputy executive directors, general counsel, attorneys, and division directors shall be set by the Department of Management Services in accordance with the rules of the Senior Management Service.

Section 5. Subsection (4) and paragraph (b) of subsection (14) of section 120.80, Florida Statutes, are amended, and subsections (19) and (20) are 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.

(14) DEPARTMENT OF REVENUE.—

(b) *Taxpayer contest proceedings.*—

1. In any administrative proceeding brought pursuant to this chapter as authorized by s. 72.011(1), the taxpayer shall be designated the "petitioner" and the Department of Revenue shall be designated the "respondent," except that for actions

contesting an assessment or denial of refund under chapter 207, the Department of Highway Safety and Motor Vehicles shall be designated the "respondent," and for actions contesting an assessment or denial of refund under chapters 210, ~~550,~~ 561, 562, 563, 564, and 565, the Department of Business and Professional Regulation shall be designated the "respondent."

2. In any such administrative proceeding, the applicable department's burden of proof, except as otherwise specifically provided by general law, shall be limited to a showing that an assessment has been made against the taxpayer and the factual and legal grounds upon which the applicable department made the assessment.

3.a. Prior to filing a petition under this chapter, the taxpayer shall pay to the applicable department the amount of taxes, penalties, and accrued interest assessed by that department which are not being contested by the taxpayer. Failure to pay the uncontested amount shall result in the dismissal of the action and imposition of an additional penalty of 25 percent of the amount taxed.

b. The requirements of s. 72.011(2) and (3)(a) are jurisdictional for any action under this chapter to contest an assessment or denial of refund by the Department of Revenue, the Department of Highway Safety and Motor Vehicles, or the Department of Business and Professional Regulation.

4. Except as provided in s. 220.719, further collection and enforcement of the contested amount of an assessment for nonpayment or underpayment of any tax, interest, or penalty shall be stayed beginning on the date a petition is filed. Upon entry of a final order, an agency may resume collection and

enforcement action.

5. The prevailing party, in a proceeding under ss. 120.569 and 120.57 authorized by s. 72.011(1), may recover all legal costs incurred in such proceeding, including reasonable attorney's fees, if the losing party fails to raise a justiciable issue of law or fact in its petition or response.

6. Upon review pursuant to s. 120.68 of final agency action concerning an assessment of tax, penalty, or interest with respect to a tax imposed under chapter 212, or the denial of a refund of any tax imposed under chapter 212, if the court finds that the Department of Revenue improperly rejected or modified a conclusion of law, the court may award reasonable attorney's fees and reasonable costs of the appeal to the prevailing appellant.

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

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

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

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

2. Application and administration of drugs and medication

to a horse, greyhound, or jai alai player in violation of part II of chapter 551.

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

4. Suspensions under reciprocity agreements between the department 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.

(20) GAMING CONTROL BOARD.—

(a) Section 120.541(3) does not apply to the adoption of rules by the Department of Gaming Control.

(b) Section 120.60 does not apply to applications for a destination casino resort license.

(c) Notwithstanding s. 120.542, the Gaming Control Board may not grant any waiver or variance from the requirements of part VI of chapter 551.

Section 6. Paragraph (f) of subsection (1) and subsection (7) of section 285.710, Florida Statutes, are amended, and subsections (15) and (16) are added to that section, to read:

285.710 Compact authorization.—

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

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

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

(15) The Governor is authorized and directed to negotiate and execute an amendment to the compact on behalf of the state with the Tribe pursuant to the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168, 25 U.S.C. ss. 2701 et seq., and this section regarding the right of the Tribe specified in Part XII of the compact to operate covered games as defined in the compact, and to renew the Tribe's authorization to offer banked or banking card games as defined in Part III, Section F(2) of the compact, and agree that such authorization to offer banked or banking card games terminates on July 31, 2030, concurrently with the term described in Part XVI of the compact. The Governor is authorized to negotiate an amendment to the compact that is consistent with the terms and standards in this section, provided that amendment to provisions relating to covered games, the amount of revenue-sharing payments, suspension or reduction of payments, or exclusivity other than as stated in this section shall require ratification by the Legislature. An amendment to the compact is not deemed entered into by the state unless it is ratified by the Legislature.

(16) The Governor shall provide a copy of any amendment to the compact to the President of the Senate and the Speaker of the House of Representatives immediately upon execution. The compact may not be submitted to the United States Department of the Interior by or on behalf of the state or the Tribe until it

has been ratified by both houses of the Legislature by majority vote of the members present.

Section 7. Subsection (4) of section 285.712, Florida Statutes, is amended to read:

285.712 Tribal-state gaming compacts.—

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

Section 8. (1) The Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation created under chapter 20, Florida Statutes, is transferred by a type two transfer, as defined in s. 20.06, Florida Statutes, to the Department of Gaming Control.

(2) The Pari-mutuel Wagering Trust Fund within the Department of Business and Professional Regulation is transferred by a type two transfer, as defined in s. 20.06, Florida Statutes, to the Department of Gaming Control and renamed the "Gaming Control Trust Fund."

(3) This section is effective beginning on January 1, 2015.

Section 9. Sections 550.001, 550.002, 550.0115, 550.01215, 550.0235, 550.0251, 550.0351, 550.0425, 550.054, 550.0555, 550.0651, 550.0745, 550.0951, 550.09511, 550.09512, 550.09514, 550.09515, 550.1155, 550.125, 550.135, 550.155, 550.1625, 550.1645, 550.1646, 550.1647, 550.1648, 550.175, 550.1815, 550.235, 550.24055, 550.2415, 550.255, 550.2614, 550.26165, 550.2625, 550.2633, 550.26352, 550.2704, 550.285, 550.334, 550.3345, 550.3355, 550.3551, 550.3615, 550.375, 550.475,

550.495, 550.505, 550.5251, 550.615, 550.625, 550.6305, 550.6308, 550.6315, 550.6325, 550.6335, 550.6345, 550.70, and 550.71, Florida Statutes, are repealed.

Section 10. Chapter 551, Florida Statutes, is redesignated as the "Florida Gaming Control Act."

Section 11. Part I of chapter 551, Florida Statutes, consisting of sections ss. 551.001-551.0018, Florida Statutes, is created and entitled "Florida Gaming Control."

Section 12. Section 551.001, Florida Statutes, is created to read:

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

(1) "Affiliate" means a person or applicant who, directly or indirectly, through one or more intermediaries:

(a) Controls, is controlled by, or is under common control with;

(b) Is in a partnership or joint venture relationship with; or

(c) Is a shareholder of a corporation, a member of a limited liability company, or a partner in a limited liability partnership with,

an applicant for a destination casino resort license or a destination casino resort licensee.

(2) "Chair" means the chair of the Gaming Control Board.

(3) "Board" means the Gaming Control Board.

(4) "Conflict of interest" means a situation in which the private interest of a member of the board or an employee or agent of the department may influence his or her judgment in the performance of his or her public duty under this part. A

conflict of interest includes, but is not limited to:

(a) Any conduct that would lead a reasonable person having knowledge of all of the circumstances to conclude that a member of the board or an employee or agent of the department is biased against or in favor of an applicant.

(b) The acceptance of any form of compensation from a source other than the department for any services rendered as part of the official duties of a member of the board or an employee or agent of the department.

(c) Participation in any business transaction with or before the board or department in which a member of the board or an employee or agent of the department, or the parent, spouse, or child of the member, employee, or agent, has a financial interest.

(5) "Department" means the Department of Gaming Control.

(6) "Executive director" means the executive director of the department.

(7) "Financial interest" or "financially interested" means any interest in investments or awarding of contracts, grants, loans, purchases, leases, sales, or similar matters under consideration or consummated by the board or the department, or ownership in an applicant or a licensee. A member of the board or an employee or agent of the department is deemed to have a financial interest in a matter if:

(a) The individual owns any interest in any class of outstanding securities that are issued by a party to the matter under consideration by the board or the department, except indirect interests such as a mutual fund or stock portfolios; or

(b) The individual is employed by or is an independent

contractor for a party to a matter under consideration by the board or the department.

Section 13. Section 551.0011, Florida Statutes, is created to read:

551.0011 Gaming Control Board.—

(1) CREATION.—The Gaming Control Board is created within the department and shall have its headquarters in Tallahassee.

(2) MEMBERS.—The board shall be composed of five residents of the state who are appointed by the Governor, subject to confirmation by the Senate in the legislative session following appointment. Before making appointments to the board, the Governor shall conduct a thorough search to identify candidates who have experience in corporate finance, accounting, information technologies, tourism, convention and destination casino resort management, gaming regulatory administration or management, law enforcement, legal and policy issues related to gaming, or related legal experience. At least one board member must be a certified public accountant licensed in this state who has at least 5 years' experience with enterprise information management. At least one board member must have 5 years' experience in law enforcement investigations. A person may not be appointed as a board member if he or she has held an elective or appointed public office in a federal, state, or local government, or an office in a political party, within the 3 years preceding appointment. Before appointment to the board, a background investigation must be conducted into the financial stability, integrity, and responsibility of a candidate, including the candidate's reputation for good character, honesty, and integrity. A person who has been convicted of a

felony is not eligible to serve on the board.

(3) TERMS.—Each board member shall be appointed to a 4-year term except that, initially, to achieve staggered terms, one member shall be appointed to a 4-year term and serve as chair of the board, one member shall be appointed to a 4-year term, one member shall be appointed to a 3-year term, one member shall be appointed to a 2-year term, and one member shall be appointed to a 1-year term. Members' terms expire on December 31. Before expiration of the term of a member, the Governor shall appoint a successor. The Governor may remove a member for cause, including circumstances in which the member commits gross misconduct or malfeasance in office, substantially neglects or is unable to discharge his or her duties as a member, or is convicted of a felony. Upon the resignation or removal from office of a member, the Governor shall appoint a successor within 45 days after the effective date of the resignation or removal to serve the remainder of the unfinished term. A member may not serve more than two full terms, exclusive of service during an unexpired portion of a term due to a vacancy.

(4) CHAIR AND VICE CHAIR.—

(a) The chair shall be appointed by the Governor and serve until expiration of the member's term. The vice chair of the board shall be elected by the members during the first meeting of the board on or after January 1 of each year. The chair shall set the agenda for each meeting. The chair shall approve all notices, vouchers, subpoenas, and reports as required by this part. The chair shall preserve order and decorum and shall have general control of the board meetings. The chair shall decide all questions of order. The chair may designate a member to

perform the duties of the chair for a meeting if such substitution does not extend beyond that meeting.

(b) If the chair is absent, the vice chair shall assume the duties of the chair during the chair's absence. On the death, incapacitation, or resignation of the chair, the vice chair shall perform the duties of the office until the Governor appoints a successor.

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

(5) MEETINGS.—Meetings of the board are open to the public unless otherwise exempt under chapter 286. The board must meet at least monthly. Meetings may be called by the chair or by three members upon at least 72 hours' public notice. Three members constitute a quorum. Emergency meetings may be held if a bona fide emergency situation exists as determined by the chair or by three members, in which case a meeting to deal with the emergency may be held as necessary, with reasonable notice. Action taken at an emergency meeting must be subsequently ratified by the board at a noticed meeting. Meetings of the board shall be held in Tallahassee unless the chair determines that special circumstances warrant meeting at another location. The initial meeting of the board must be held by January 16, 2015.

(6) LOBBYING.—A board member may register to lobby state or local government only in his or her official capacity as a member.

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

director of the department may serve as the agency head for purposes of final agency action under chapter 120 for all areas within the regulatory authority delegated to the executive director's office.

(8) EXECUTIVE DIRECTOR.—The board shall appoint an executive director, who shall:

(a) Serve at the pleasure of the board;

(b) Subject to appropriation, receive salary as may be determined by the board;

(c) Devote time and attention to the duties of the office;

(d) Have skill and experience in management and be responsible for administering and enforcing the provisions of law relative to the department, the board, and each unit thereof;

(e) Employ a chief financial and accounting officer, subject to board approval and appropriation;

(f) Employ other employees, consultants, agents, and advisors, including legal counsel, subject board approval and appropriation; and

(g) Attend meetings of the board unless excused by the chair.

(9) ACTING EXECUTIVE DIRECTOR.—In the case of an absence or vacancy in the office of the executive director or in the case of disability as determined by the board, the board may designate an acting executive director to serve as executive director until the vacancy is filled or the absence or disability ceases. The acting executive director shall have all of the powers and duties of the executive director and shall have similar qualifications as the executive director.

(10) FINANCIAL CONTROL.—The board shall appoint a chief financial and accounting officer who shall be in charge of department funds, books of account, and accounting records. Funds may not be transferred by the department without the approval of the board and the signatures of the executive director and the chief financial and accounting officer.

(11) INSPECTOR GENERAL.—The board shall appoint an Inspector General pursuant to s. 20.055 to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in the department and public confidence in the conduct of gaming in this state.

Section 14. Section 551.0012, Florida Statutes, is created to read:

551.0012 Board powers and duties.—

(1) The board shall:

(a) Administer and execute laws relating to gaming, pari-mutuel wagering, slot machines, cardrooms, occupational licensing, and destination casino resorts under this chapter.

(b) Use an invitation to negotiate process for applicants based on minimum requirements established by this part and department rule.

(c) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents as provided by law, and to administer oaths and affirmations to the witnesses, if, in the judgment of the board, it is necessary to enforce this part or department rules. If a person fails to comply with a subpoena, the board may petition the circuit court of the county in which the person

subpoenaed resides or has his or her principal place of business for an order requiring the subpoenaed person to appear and testify and to produce books, records, and documents as specified in the subpoena. The court may grant legal, equitable, or injunctive relief, which may include, but is not limited to, issuance of a writ of ne exeat or restraint by injunction or appointment of a receiver of any transfer, pledge, assignment, or other disposition of such person's assets or any concealment, alteration, destruction, or other disposition of subpoenaed books, records, or documents, as the court deems appropriate, until the person subpoenaed has fully complied with the subpoena and the board has completed the audit, examination, or investigation. The board is entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on its calendar. Costs incurred by the board to obtain an order granting, in whole or in part, such petition for enforcement of a subpoena shall be charged against the subpoenaed person, and failure to comply with such order is a contempt of court.

(d) Require each applicant for a license to produce the information, documentation, and assurances as may be necessary to establish by clear and convincing evidence the integrity of all financial backers, investors, mortgagees, bondholders, and holders of indentures, notes, or other evidences of indebtedness, either in effect or proposed.

(e) Require or permit a person to file a statement in writing, under oath or otherwise as the board or its designee requires, as to the facts and circumstances concerning the matter to be audited, examined, or investigated.

(f) Keep accurate and complete records of its proceedings

and certify records as may be appropriate.

(g) Take any other action as may be reasonable or appropriate to enforce this chapter or department rule.

(h) Apply for injunctive or declaratory relief in a court of competent jurisdiction to enforce this chapter and rules adopted thereunder.

(i) Establish field offices, as deemed necessary by the board.

(j) Coordinate with the Chief Financial Officer and the Attorney General on implementing any measures necessary to protect the state's interests.

(k) Authorize gaming at destination casino resorts pursuant to part VI of this chapter.

(l) Investigate applicants for a destination casino resort license, determine their eligibility for licensure, and grant a license to an applicant that best serves the interests of the residents of this state, based on the ability to maximize revenue for the state and the potential for economic development demonstrated by the applicant's proposed investment in infrastructure, such as hotels and other nongaming entertainment facilities.

(2) The department, the Department of Law Enforcement, and local law enforcement agencies shall have unrestricted access to the facility of a licensee at all times and shall require of each licensee strict compliance with the laws of this state relating to the transaction of such business. The Department of Law Enforcement and local law enforcement agencies may investigate any criminal violation of law occurring at the facility of a licensee. Such investigations may be conducted in

conjunction with the appropriate state attorney. The department and the Department of Law Enforcement may:

(a) Inspect and examine premises where authorized gaming devices are offered for play.

(b) Inspect slot machines, other authorized gaming devices, and related equipment and supplies.

(3) This section does not:

(a) Prohibit the Department of Law Enforcement or any law enforcement authority whose jurisdiction includes a licensee from conducting investigations of criminal activities occurring at the facilities of a licensee;

(b) Restrict access to the gaming facility by the Department of Law Enforcement or any local law enforcement authority whose jurisdiction includes a licensee's facility; or

(c) Restrict access by the Department of Law Enforcement or a local law enforcement agency to information and records necessary for the investigation of criminal activity which are contained within the facilities of a licensee.

Section 15. Section 551.0013, Florida Statutes, is created to read:

551.0013 Department powers and duties.—

(1) The department shall:

(a) Conduct such investigations as necessary to fulfill its responsibilities.

(b) Establish and collect fees for performing background checks on applicants for licenses and persons with whom the department may contract for the providing of goods or services and for performing, or having performed, tests on equipment and devices to be used in a gaming facility.

(c) Request and receive from law enforcement and criminal justice agencies, including, but not limited to, the Federal Bureau of Investigation and the Internal Revenue Service, all criminal offender records and related information relating to criminal and background investigations for the purpose of evaluating employees of, and applicants for employment by, the department and any licensee, and evaluating licensees and applicants for licensure under this part.

(d) Be present at all times, through its employees and agents, in premises licensed under this part for the purposes of certifying revenue; inspecting and auditing books and records of licensees; conducting reviews of operations for compliance with this part and department rule; and conducting its oversight of all gaming activities.

(e) Remove from the premises of any licensee and impound for examination, inspection, or prosecution, any equipment, supplies, books, or records.

(f) Refer cases for criminal prosecution to the appropriate federal, state, or local authorities.

(g) Maintain an official Internet website.

(h) Collect taxes, assessments, fees, and penalties.

(i) Deny, revoke, or suspend a license of, or place conditions on, a licensee who violates this chapter, a rule adopted by the department, or an order of the board.

(j) 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.

(2) The department shall adopt all rules necessary to

implement, administer, and regulate gaming under this chapter, subject to board approval. The rules must include:

(a) The types of gaming activities to be conducted and the rules for those games, including any restriction upon the time, place, and structures where gaming is authorized.

(b) Requirements, procedures, qualifications, and grounds for the issuance, renewal, revocation, suspension, and summary suspension of a license.

(c) Requirements for the disclosure of the complete financial interests of licensees and applicants for licenses.

(d) Technical requirements and the qualifications that are necessary to receive a license.

(e) Procedures to scientifically test and technically evaluate slot machines or other authorized gaming devices, including all components, hardware, and software, for compliance with this part and department rule. The department may contract with an independent testing laboratory to conduct any necessary testing. The independent testing laboratory must have a national reputation for being demonstrably competent and qualified to scientifically test and evaluate slot machines or other authorized gaming devices. 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 or other authorized gaming by a licensee shall be made from a list of laboratories approved by the department.

(f) Procedures relating to gaming revenues, including verifying and accounting for such revenues, auditing, and collecting taxes and fees.

(g) Requirements for gaming equipment, including the types and specifications of equipment and devices that may be used in gaming facilities.

(h) Standards and procedures for table games and table game devices or associated equipment.

(i) Standards and rules to govern the conduct of gaming and the system of wagering associated with gaming.

(j) Security standards and procedures for the conduct of gaming, including the standards and procedures relating to inspections, maintenance of the count room, and drop boxes.

(k) The size and uniform color by denomination of all chips used in the conduct of table games.

(l) Internal control systems and audit protocols for the licensee's gaming operations, including collection and recordkeeping requirements.

(m) The method for calculating gross gaming revenue and standards for the daily counting and recording of cash and cash equivalents received in the conduct of gaming.

(n) Notice requirements pertaining to minimum and maximum wagers on games, and other information as the department may require.

(o) Minimum standards relating to the acceptance of tips or gratuities by dealers and croupiers at a table game.

(p) Minimum standards for the training of employees and potential employees of a licensee in the operation of slot machines and table games, including minimal proficiency requirements and standards and practices for the use of training equipment.

(q) Practices and procedures governing the conduct of

tournaments.

(r) Minimum standards relating to a licensee's extension of credit to a player.

(s) Standards for the testing, certification, and inspection of slot machines, table games, and other authorized gaming devices.

(t) Procedures for regulating, managing, and auditing the operation, financial data, and program information relating to gaming which allow the department and the Department of Law Enforcement to audit the operation, financial data, and program information of a licensee, as required by the department or the Department of Law Enforcement, and provide the department 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 for the regulation and control of gaming. Such continuous and complete access, at any time on a real-time basis, shall include the ability of either the department or the Department of Law Enforcement to suspend play immediately on particular slot machines or other gaming devices if monitoring of the facilities-based computer system indicates possible tampering or manipulation of those slot machines or gaming devices or the ability to suspend play immediately of the entire operation if the tampering or manipulation is of the computer system itself. The department or the Department of Law Enforcement shall notify the board and the executive director of the Department of Law Enforcement whenever there is a suspension of play pursuant to this paragraph. The department and the Department of Law Enforcement shall exchange information that is

necessary for, and cooperate in the investigation of, the circumstances requiring suspension of play pursuant to this paragraph.

(u) Procedures for requiring each licensee at his or her own cost and expense to supply the department with a bond as required.

(v) The requirements for a destination casino resort applicant to demonstrate that it has received conceptual approval for the destination casino resort proposal from the municipality and county in which the destination casino resort will be located.

(w) Procedures for requiring licensees to maintain and to provide to the department records, data, information, or reports, including financial and income records.

(x) Procedures to calculate the payout percentages of slot machines.

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

(z) The scope and conditions for investigations and inspections into the conduct of gaming.

(aa) The standards and procedures for the seizure without notice or hearing of gaming equipment, supplies, or books and records for the purpose of examination and inspection.

(bb) Procedures for requiring destination casino resort licensees, gaming licensees, and supplier licensees to implement and establish drug-testing programs for employees.

(cc) Procedures and guidelines for the continuous recording of all gaming activities at a gaming facility. The department

may require a licensee to timely provide all or part of the original recordings.

(dd) The payment of costs incurred by the department or any other agencies for investigations or background checks or costs associated with testing gaming-related equipment, which must be paid by an applicant for a license or by a licensee.

(ee) Procedures for the levying of fines for violations of this part or any rule adopted by the department, which fines may not exceed $250,000 per violation arising out of a single transaction.

(ff) Any other rules the department finds necessary for safe, honest, and highly regulated gaming in the state. For purposes of this paragraph, the department may consider rules from any other jurisdiction in which gaming is highly regulated.

(gg) Any other rule necessary to accomplish the purposes of this part.

(3) The board may at any time adopt emergency rules pursuant to s. 120.54. The Legislature finds that such emergency rulemaking authority is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to benefit the public. The Legislature further finds that the unique nature of gaming operations requires that, in certain circumstances, the board be able to respond immediately. Therefore, in adopting such emergency rules, the department need not make the health, safety, and welfare findings required under s. 120.54(4)(a). Emergency rules adopted under this section are exempt from s. 120.54(4)(c). However, the emergency rules may not remain in effect for more than 180 days except that the department may renew the emergency rules during the pendency of

procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 16. Section 551.0014, Florida Statutes, is created to read:

551.0014 Code of ethics.—

(1) The department shall adopt a code of ethics by rule for its board members, employees, and agents.

(2) A board member or the executive director may not hold a direct or indirect interest in, be employed by, or enter into a contract for services with an applicant or person licensed by the board or department for a period of 5 years after the date of termination of the person's membership on the board or employment with the department.

(3) An employee of the department may not acquire a direct or indirect interest in, be employed by, or enter into a contract for services with an applicant or person licensed by the board or department for a period of 2 years after the date of termination of the person's employment with the department.

(4) A board member or a person employed by the department may not represent a person or party other than the state before or against the board or department for a period of 3 years after the date of termination of the board member's term of office or the employee's period of employment with the department.

(5) A business entity in which a former board member, employee, or agent has an interest, and any partner, officer, or employee of that business entity, may not appear before or represent another person before the board or department if the former board member, employee, or agent would be prohibited from doing so. As used in this subsection, the term "business entity"

means a corporation, limited liability company, partnership, limited liability partnership association, trust, or other form of legal entity.

(6) A member of the board or an employee or agent of the department may not, during the duration of his or her appointment or employment:

(a) Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election;

(b) Run for nomination or as a candidate for election to a partisan or nonpartisan political office; or

(c) Knowingly solicit or discourage the participation in a political activity of a person who is:

1. Applying for any compensation, grant, contract, ruling, license, permit, or certificate pending before the board or department; or

2. The subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the department.

(7) A former member of the board or an employee or agent of the department may appear before the board as a witness testifying as to factual matters or actions handled by the former member, employee, or agent during his or her tenure with the board or department. However, the former member of the board or the employee or agent of the department may not receive compensation for the appearance other than a standard witness fee and reimbursement for travel expenses as established by statute or rules governing administrative proceedings before the Division of Administrative Hearings.

(8)(a) The executive director must approve outside employment for an employee of the department.

(b) An employee of the department granted permission for outside employment may not conduct any business or perform any activities, including solicitation, related to outside employment on premises used by the department or department or during the employee's working hours for the department.

(c) As used in this subsection, the term "outside employment" includes, but is not limited to:

1. Operating a proprietorship;

2. Participating in a partnership or group business enterprise; or

3. Performing as a director or corporate officer of any for-profit corporation or banking or credit institution.

(9) A member of the board or an employee or agent of the department may not participate in or wager on any game conducted by any destination casino resort licensee or applicant or any affiliate of a licensee or applicant regulated by the department in this state or in any other jurisdiction, except as required as part of his or her surveillance, security, or other official duties.

Section 17. Section 551.0015, Florida Statutes, is created to read:

551.0015 Disclosures by members, employees, and agents.—

(1) BOARD MEMBERS.—

(a) Each member must comply with chapter 112 and shall file full and public disclosure of financial interests at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State

Constitution and any law implementing s. 8, Art. II of the State Constitution.

(b) Each member must disclose information required by rules of the department to ensure the integrity of the board and its work.

(c) By January 1 of each year, each member must file a statement with the department:

1. Affirming that neither the member, nor the member's spouse, parent, child, or child's spouse, is a member of the board of directors of, financially interested in, or employed by an applicant or destination casino resort licensee.

2. Affirming that the member is in compliance with this part and the rules of the department.

3. Disclosing any legal or beneficial interest in real property that is or may be directly or indirectly involved with activities or persons regulated by the department.

(d) Each member must disclose involvement with any gaming interest in the 3 years preceding appointment as a member.

(2) EMPLOYEES AND AGENTS.—

(a) The executive director and each managerial employee and agent, as determined by the board, must file a financial disclosure statement pursuant to s. 112.3145. All employees and agents must comply with chapter 112.

(b) The executive director and each managerial employee and agent identified by rule of the department must disclose information required by rules of the department to ensure the integrity of the department and its work.

(c) By January 31 of each year, each employee and agent of the department must file a statement with the department:

1. Affirming that neither the employee, nor the employee's spouse, parent, child, or child's spouse, is financially interested in or employed by an applicant or licensee.

2. Affirming that he or she does not have any financial interest prohibited by laws or rules administered by the department.

3. Disclosing any legal or beneficial interest in real property that is or may be directly or indirectly involved with activities or persons regulated by the department.

(d) Each employee or agent of the department must disclose involvement with any gaming interest during the 3 years before employment.

(e) The department shall require a prospective employee to submit an application and a personal disclosure on a form prescribed by the department, which must include a complete criminal history, including convictions and current charges for all felonies and misdemeanors; undergo testing that detects the presence of illegal substances in the body; provide fingerprints and a photograph consistent with standards adopted by state law enforcement agencies; and provide authorization for the department to conduct a credit and background check. The department shall verify the identification, employment and education of each prospective employee, including his or her legal name and any alias; all secondary and postsecondary educational institutions attended, regardless of graduation status; place of residence; and employment history.

(3) The department may not hire a prospective employee if the prospective employee has been convicted of a felony; convicted of a misdemeanor within 10 years of the date of his or

her application which the board determines bears a close relationship to the duties and responsibilities of the position for which employment is sought; or dismissed from prior employment for gross misconduct or incompetence or if he or she intentionally made a false statement concerning a material fact in connection with his or her application to the department. If an employee of the department is charged with a felony while employed by the department, the department shall suspend the employee, with or without pay, and terminate employment with the department upon conviction. If an employee of the department is charged with a misdemeanor while employed by the department, the department shall suspend the employee, with or without pay, and may terminate employment with the department upon conviction if the board determines that the offense for which he or she has been convicted bears a close relationship to the duties and responsibilities of the position held with the department.

(4) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

(a) A member of the board or an employee or agent of the department who becomes aware that a member of the board or an employee or agent of the department or his or her spouse, parent, or child is a member of the board of directors of, financially interested in, or employed by an applicant or licensee must immediately provide detailed written notice to the Inspector General and the executive director.

(b) A member of the board or an employee or agent of the department must immediately provide detailed written notice of the circumstances to the Inspector General and the executive director if the member, employee, or agent is indicted, charged with, convicted of, pleads guilty or nolo contendere to, or

forfeits bail for:

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

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

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

(c) A member of the board or an employee or agent of the department who is negotiating for an interest in a licensee or an applicant, or is affiliated with such a person, must immediately provide written notice of the details of the interest to the Inspector General and the executive director. The member of the board or the employee or agent of the department may not act on behalf of the board or department with respect to that person.

(d) A member of the board or an employee or agent of the department may not enter into negotiations for employment with any person or affiliate of any person who is an applicant, licensee, or affiliate. If a member of the board or an employee or agent of the department enters into negotiations for employment in violation of this paragraph or receives an invitation, written or oral, to initiate a discussion concerning employment with any person who is a licensee, applicant, or affiliate, he or she must immediately provide written notice of the details of any such negotiations or discussions to the Inspector General and the executive director. The member of the board or the employee or agent of the department may not take

any action on behalf of the board or department with respect to that licensee or applicant.

(e) A licensee or applicant may not knowingly initiate a negotiation for, or discussion of, employment with a member of the board or an employee or agent of the department. A licensee or applicant who initiates a negotiation or discussion about employment shall immediately provide written notice of the details of the negotiation or discussion to the Inspector General and the executive director as soon as that person becomes aware that the negotiation or discussion has been initiated with a member of the board or an employee or agent of the department.

(f) A member of the board or an employee or agent of the department, or a parent, spouse, sibling, or child of a member of the board or an employee or agent of the department, may not accept any gift, gratuity, compensation, travel, lodging, or anything of value, directly or indirectly, from a licensee, applicant, or affiliate or representative of a person regulated by the department. A licensee, applicant, or affiliate or representative of an applicant or licensee may not, directly or indirectly, knowingly give or offer to give any gift, gratuity, compensation, travel, lodging, or anything of value to a member of the board or an employee or agent of the department, or to a parent, spouse, sibling, or child of a member of the board or an employee or agent of the department, which the member, employee, or agent is prohibited from accepting in this paragraph. A member of the board or an employee or agent of the department who is offered or receives any gift, gratuity, compensation, travel, lodging, or anything of value, directly or indirectly,

from any licensee, applicant, or affiliate or representative of a person regulated by the department must immediately provide written notice of the details to the Inspector General and the executive director.

(g) A member of the board or an employee or agent of the department may not engage in any conduct that constitutes a conflict of interest and must immediately provide to the Inspector General and the executive director in writing the details of any incident or circumstance that would suggest the existence of a conflict of interest with respect to the performance of department-related work or duty of the member of the board or an employee or agent of the department.

(h) A member of the board or an employee or agent of the department who is approached and offered a bribe must immediately provide written notice of the details of the incident to the Inspector General and the executive director and to a law enforcement agency having jurisdiction over the matter.

Section 18. Section 551.0016, Florida Statutes, is created to read:

551.0016 Ex parte communication.—

(1) A licensee, applicant, or affiliate or representative of an applicant or licensee may not engage directly or indirectly in ex parte communication concerning a pending application, license, or enforcement action with a board member or concerning a matter that likely will be pending before the board. A board member may not engage directly or indirectly in any ex parte communication concerning a pending application, license, or enforcement action with members, or with a licensee, applicant, or affiliate or representative of an applicant or

licensee, or concerning a matter that likely will be pending before the board.

(2) A board member, licensee, applicant, or affiliate or representative of a board member, licensee, or applicant who receives any ex parte communication in violation of subsection (1), or who is aware of an attempted communication in violation of subsection (1), must immediately report details of the communication or attempted communication in writing to the chair.

(3) If a board member knowingly receives an ex parte communication, he or she must place on the record copies of all written communication received, copies of all written responses to the communication, and a memorandum stating the substance of all oral communication received and all oral responses made, and shall give written notice to all parties to the communication that such matters have been placed on the record. Any party who desires to respond to a notice of an ex parte communication may do so. The response must be received by the board within 10 days after receiving notice that the ex parte communication has been placed on the record. If a board member deems it necessary to eliminate the effect of an ex parte communication received by him or her, the member may withdraw from the proceeding potentially impacted by the ex parte communication. If a board member withdraws from the proceeding, the chair shall designate another member for the proceeding if it was not assigned to the full board.

(4) An individual who makes an ex parte communication must submit to the board a written statement describing the nature of the communication, including the name of the person making the

communication, the name of the board member or members receiving the communication, copies of all written communication, all written responses to such communication, and a memorandum stating the substance of all oral communication received and all oral responses made. The board shall place on the record of a proceeding all such communication.

(5) A board member who knowingly fails to place any ex parte communication on the record within 15 days after the date of the communication in violation of this section is subject to removal and may be assessed a civil penalty not to exceed $25,000.

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

(7) If the Commission on Ethics finds that a board member has violated this section, it shall provide the Governor with a report of its findings and recommendations. The Governor may enforce the findings and recommendations of the Commission on Ethics pursuant to part III of chapter 112.

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

(9) If, during the course of an investigation by the Commission on Ethics into an alleged violation of this section, allegations are made as to the identity of the person who participated in the ex parte communication, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If

the Commission on Ethics determines that the person participated in the ex parte communication, the person may not appear before the board or otherwise represent anyone before the board for 2 years.

Section 19. Section 551.0017, Florida Statutes, is created to read:

551.0017 Penalties for misconduct by a member, employee, or agent.—

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

(2) A violation of this chapter by an employee or agent of the department does not require termination of employment or other disciplinary action if:

(a) The board determines that the conduct involved does not violate the purposes of this chapter; or

(b) There was no intentional action on the part of the employee or agent, contingent on divestment of any financial interest within 60 days after the interest was acquired.

(3) Notwithstanding subsection (2), an employee or agent of the department who violates this chapter shall be terminated if a financial interest in a licensee, applicant, or affiliate or representative of a licensee or applicant is acquired by:

(a) An employee of the department; or

(b) The employee’s or agent’s spouse, parent, or child.

(4) A violation of this chapter does not create a civil cause of action.

Section 20. Section 551.0018, Florida Statutes, is created to read:

551.0018 Judicial review.—

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

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

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

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

Section 21. Part II of chapter 551, Florida Statutes, consisting of sections 551.011-551.095, Florida Statutes, is created and entitled "Pari-mutuel Wagering."

Section 22. Section 551.011, Florida Statutes, is created to read:

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

Section 23. Section 551.012, Florida Statutes, is created to read:

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

(1) "Breaks" means the portion of a pari-mutuel pool computed by rounding down to the nearest multiple of 10 cents which is not distributed to the contributors or withheld by the

permitholder as takeout.

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

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

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

(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.

(6) "Department" means the Department of Gaming Control.

(7) "Event" means a single race or game within a performance.

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

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

(10) "Full schedule of live events" means the minimum number of live racing or games that must be conducted by a

permitholder. A live performance, consisting of at least eight events, must be conducted at least three times each week at the permitholder's licensed facility.

(11) "Guest track" means a track or fronton receiving or accepting an intertrack wager.

(12) "Handle" means the aggregate contributions to pari-mutuel pools.

(13) "Harness racing" means the racing of standardbred horses using a pacing or trotting gait in which each horse pulls a two-wheeled cart, called a sulky, which is guided by a driver.

(14) "Horseracing permitholder" means:

(a) A thoroughbred entity that received a permit under this chapter to conduct pari-mutuel wagering meets of thoroughbred racing;

(b) A harness entity that received a permit under this chapter to conduct pari-mutuel wagering meets of harness racing; or

(c) A quarter horse entity that received a permit under this chapter to conduct pari-mutuel wagering meets of quarter horse racing.

(15) "Host track" means a track or fronton that broadcasts a live event or rebroadcasts a simulcast event that is the subject of an intertrack wager.

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

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

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

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

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

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

(22) "Net pool pricing" means a method of calculating prices awarded to winning wagers relative to the contribution, net of takeouts, to a pool by each participating jurisdiction or, as applicable, each site.

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

(24) "Pari-mutuel facility" means a racetrack, fronton, or other facility used by a permitholder for the conduct of pari-mutuel wagering.

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

(26) "Pari-mutuel wagering" means a system of betting on events in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds

assigned to particular outcomes.

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

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

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

(30) "Quarter horse" means a breed of horse developed in the western United States which is capable of high speed for a short distance and used in quarter horse racing registered with the American Quarter Horse Association.

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

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

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

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

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

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

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

(33) "Simulcasting" means the live broadcast of events occurring live at an in-state location to an out-of-state

location, or receiving at an in-state location a live broadcast of events occurring live at an out-of-state location.

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

(35) "Takeout" means the percentage of the pari-mutuel pools deducted by the permitholder before the distribution of the pool.

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

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

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

Section 24. Section 551.013, Florida Statutes, is created

to read:

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

(1) Wagering on the results of a horserace or greyhound race 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 only within the enclosure of a pari-mutuel facility licensed and operating under this chapter, must be supervised by the department, are subject to such reasonable rules that the department prescribes, and are prohibited elsewhere in this state.

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

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

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

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

(6) A person or corporation may not directly or indirectly purchase pari-mutuel tickets or participate in the purchase of

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

Section 25. Section 551.014, Florida Statutes, is created to read:

551.014 Powers and duties of the department.—

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

(2) The department shall administer this chapter and regulate the pari-mutuel industry under this chapter and the rules adopted pursuant thereto. The department:

(a) Shall make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives showing its own actions, receipts derived under this chapter, the practical effects of the application of this chapter, and any suggestions it may have to more effectively achieve the purposes of this chapter.

(b) 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.

(c) Shall adopt and uniformly apply reasonable rules for

the control, supervision, and direction of applicants, permitholders, and licensees and for the holding, conducting, and operating of all pari-mutuel events held in this state.

(d) 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.

(e) May adopt rules establishing procedures for testing occupational licensees officiating at or participating in any event at any pari-mutuel facility under the jurisdiction of the department for a controlled substance or alcohol and may prescribe procedural matters not in conflict with s. 120.80(19)(a).

(f) May exclude any person from any and all pari-mutuel facilities in this state for conduct that, if the person were a licensee, would constitute a violation of this chapter or the rules of the department. The department 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 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. This

paragraph does not abrogate the common-law right of a pari-mutuel permitholder to exclude absolutely a patron in this state.

(g) May oversee the making of and distribution from all pari-mutuel pools.

(h) 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 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 paragraph 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 paragraph, 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.

(i) 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. A

penalty imposed under this paragraph does not exclude a prosecution for cruelty to animals or for any other criminal act. All fines imposed and collected under this paragraph shall be remitted to the Chief Financial Officer for deposit into the General Revenue Fund.

(j) Shall supervise and regulate the welfare of racing animals at pari-mutuel facilities.

(k) May make, adopt, amend, or repeal rules relating to cardroom operations; enforce and carry out the provisions of s. 551.20; and regulate authorized cardroom activities in the state.

(l) May 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. 551.21.

Section 26. Section 551.018, Florida Statutes, is created to read:

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

Section 27. Section 551.021, Florida Statutes, is created to read:

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

(1) Any person who possesses the qualifications prescribed in this chapter may apply to the department 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 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 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 does not 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. 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 races, or greyhound races at a location within 100 miles of an existing pari-mutuel facility, or for jai alai within 50 miles of an existing pari-mutuel facility. Such 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 that includes:

(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 United States.

(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 for a permit to conduct pari-mutuel operations, regardless of whether the pari-mutuel

facility has been constructed, 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 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 taken by an authorized law enforcement officer. The set of fingerprints must be submitted to the Federal Bureau of Investigation for processing. An applicant who is a foreign national shall submit such documents as necessary to allow the department to conduct a criminal history records check in the applicant's home country. The applicant must pay the cost of processing. The department 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 requires.

(4) The department 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. 551.0221.

(5) Upon receiving an application and any amendments properly made thereto, the department 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, the department 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.

(7) If the department 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 grants the permit applied for, the board of county commissioners shall order an election for ratification of the permit in the county, as provided in s. 551.0221.

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

(b) The department 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 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 shall assess the applicant the amount necessary to recover all actual costs.

(9) After a permit has been granted by the department 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 shall grant to the lawful permitholder, subject to the conditions of 39this chapter, a license to conduct pari-mutuel operations under this chapter, and, except as provided in s. 551.0521, the department 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 holder of a ratified permit for pari-mutuel operations in any county, all subsequent annual applications for a license by that permitholder must be accompanied by proof, in such form as the department 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.

(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 of the permit by the voters, the department shall revoke the permit upon adequate notice to the permitholder. However, the department, 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 pursuant to s. 551.029, 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 pursuant to s. 551.029.

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

Section 28. Section 551.0221, Florida Statutes, is created to read:

551.0221 Elections for ratification of permits.—

(1) Any permitholder may have submitted to the electors of the county designated therein the question of whether such permit will be ratified. Such question 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 a license issued and race or game meetings allowed in the county by such permitholder. The clerk of such board shall 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 for a track or fronton must be voted upon separately and in separate elections. An election may not be called more often than once every 2 years for the ratification of any permit for the same track or fronton.

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

(3) If the permitholder has not applied to the board of county commissioners within 6 months after the permit was issued by the department, the permit is void. The department 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 that the permit is void and has been canceled.

(4) All electors duly registered and qualified to vote at the last preceding general election held in the county are qualified electors for the ratification election. The registration books for the county shall be opened on the 10th day after the ratification election is ordered and called, however, if the 10th day is a Sunday or a holiday, then on the next day that is not a Sunday or holiday. The registration books must remain open for 10 days. Electors for the ratification election have the same qualifications for and prerequisites to voting in elections as under the general election laws.

(5) If, at any such ratification election, the majority of electors voting on the question of ratification of a permit vote against ratification, the permit is void. If a majority of the electors voting on the question of ratification vote for ratification, the permit becomes effective, and the permitholder may conduct events 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.

Section 29. Section 551.0222, Florida Statutes, is created to read:

551.0222 Petition for election to revoke permit.—In any county where a permitholder has been licensed and racing or games have been conducted under this chapter, the county

commission shall, upon petition of 20 percent of the qualified electors of the county, provide for the submission to the electors of such county at the next succeeding general election the question of whether a permit shall be revoked. If a majority of the electors voting on such question in such election vote to revoke the permit, the department may no longer grant any license on the permit. Every signature on every petition to revoke a permit 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. 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 signing the petition. Only one permit may be included in any one petition. In all elections in which the revocation of more than one permit is voted on, the voters shall be given an opportunity to vote for or against the revocation of each permit separately. This chapter does not prevent the holding of later referendum or revocation elections.

Section 30. Section 551.0241, Florida Statutes, is created to read:

551.0241 Relocation of permit; thoroughbred racing.—

(1) Notwithstanding any provision of this chapter, a thoroughbred racing permit or license issued under this chapter may not be transferred, or reissued when such reissuance is in the nature of a transfer, if the transfer or reissuance permits or authorizes a licensee to change the location of a thoroughbred track except upon proof in such form as the department prescribes that a referendum election has been held:

(a) If the proposed new location is within the same county

as the currently 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.

(b) If the proposed new location is not within the same county as the currently licensed location, in the county where the licensee desires to conduct the race meeting and in the county where the licensee is currently 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.

(2) Each referendum held under this section shall be held in accordance with the electoral procedures for ratification of permits as provided in s. 551.0221. The expense of each such referendum shall be borne by the licensee requesting the transfer.

Section 31. Section 551.0242, Florida Statutes, is created to read:

551.0242 Relocation of permit; greyhound racing; jai alai.—

(1) The Legislature finds that pari-mutuel wagering on greyhound racing provides substantial revenues to the state. The Legislature further finds that, in some cases, this revenue-producing ability is hindered due to the lack of provisions allowing the relocation of existing greyhound racing operations. It is therefore declared that state revenues derived from greyhound racing will continue to be jeopardized if provisions allowing the relocation of such greyhound racing permits are not implemented. This enactment is made for the purpose of implementing such provisions.

(2) Any holder of a valid outstanding permit for greyhound racing in a county in which there is only one greyhound racing 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, may, without the necessity of an additional county referendum required under s. 551.0221, 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 that the move does not cross the county boundary, that 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 that 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 permitholder without deteriorating the revenue-producing capability of any other pari-mutuel permitholder within 50 miles. Such distance shall be measured on a straight line from the nearest property line of one racetrack or jai alai fronton to the nearest property line of the other.

Section 32. Section 551.0251, Florida Statutes, is created to read:

551.0251 Conversion of permit; quarter horse racing permit to a limited thoroughbred racing permit.—

(1) In recognition of the important and long-standing economic contribution of the thoroughbred horse breeding industry to this state and the state's vested interest in promoting the continued viability of this agricultural activity,

the state intends to provide a limited opportunity for the conduct of live thoroughbred racing with the net revenues from such racing dedicated to the enhancement of thoroughbred purses and breeder, 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.

(2) Notwithstanding any other provision of law, the holder of a quarter horse racing permit issued under s. 551.0551 may, within 1 year after July 1, 2010, apply to the department 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' and Owners' 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 racing permitholder in this state. The corporation shall submit an application to the department for review and approval of the transfer in accordance with s. 551.021. Upon approval of the transfer by the department, and notwithstanding any other provision of law to the contrary, the corporation may, within 1 year after its receipt of the permit, request that the department 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

racing permit may be subject to the mileage limitation or the ratification election specified in s. 551.021(2) or s. 551.0221. Upon receipt of the request for such conversion, the department shall timely issue a converted permit. The converted permit and the not-for-profit corporation are subject to the following requirements:

(a) All net revenues derived by the corporation under the thoroughbred racing permit, after the funding of operating expenses and capital improvements, shall be dedicated to the enhancement of thoroughbred racing purses and breeder, 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, live thoroughbred racing may not be conducted under the permit on any day during which another thoroughbred racing permitholder is conducting live thoroughbred racing within 125 air miles of the corporation's pari-mutuel facility unless the other thoroughbred racing 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 corporation must apply annually to the department for a license pursuant to s. 551.0521.

(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 corporation for that purpose. However, the corporation may, without any ratification election pursuant to s. 551.0241 or s. 551.0221, move the location of the

permit to another location in the same county if the relocation is approved under the zoning and land use regulations of the applicable county or municipality.

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

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

Section 33. Section 551.0252, Florida Statutes, is created to read:

551.0252 Conversion of permit; jai alai; greyhound racing.—

(1)(a) Any holder of a permit to conduct jai alai may apply to the department 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 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 the 10 years immediately preceding his or her application for conversion under this subsection.

(b) The department, upon receiving an application from a jai alai permitholder that meets all conditions of this section, shall convert the permit and shall issue to the permitholder a permit to conduct greyhound racing. A holder 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 that operates at a leased facility pursuant to s. 551.037 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. Section 551.074(9)(d) and (f) apply to any permit converted under this subsection and shall continue to apply to any permit that was previously included under and subject to such provisions before a conversion pursuant to this section occurred.

(2) Any permit that was converted from a jai alai permit to a greyhound racing 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 34. Section 551.0253, Florida Statutes, is created to read:

551.0253 Conversion of permit; summer jai alai.—

(1) A pari-mutuel permitholder, authorized to conduct pari-mutuel pools in any county having five or more such pari-mutuel permits, whose mutuel play from the operation of such pari-

mutuel pools for the 2 consecutive years immediately before filing an application under this section was the smallest play or total pool within the county may apply to the department to convert its permit to a permit to conduct a summer jai alai fronton in such county during the summer season beginning May 1 and ending November 30 of each year on such dates as may be selected by the permitholder for the same number of days and performances as are allowed and granted to winter jai alai frontons within such county. If a permitholder that is eligible under this section to convert a permit chooses not to convert, a new permit is made available in that permitholder's county to conduct summer jai alai games as provided by this section, notwithstanding mileage and permit ratification requirements. If a permitholder converts a quarter horse racing permit pursuant to this section, this section does not prohibit the permitholder from obtaining another quarter horse racing permit. Such permitholder shall pay the same taxes as are fixed and required to be paid from the pari-mutuel pools of winter jai alai permitholders and is bound by all of the rules and provisions of this chapter which apply to the operation of winter jai alai frontons. Such permitholder may operate a jai alai fronton only after its application has been submitted to the department and its license has been issued pursuant to the application. The license is renewable annually as provided by law.

(2) Such permitholder is entitled to the issuance of a license for the operation of a jai alai fronton during the summer season as provided in this section. A permitholder granted a license under this section may not conduct pari-mutuel pools during the summer season except at a jai alai fronton as

provided in this section. Such license authorizes the permitholder to operate at any jai alai permitholder's facility it may lease or build within such county.

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

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

Section 35. Section 551.026, Florida Statutes, is created to read:

551.026 Nonwagering permits.—

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

(b) Subject to the requirements of this section, the department may issue permits for the conduct of horserace meets without pari-mutuel wagering or any other form of wagering being conducted in conjunction with such meets. Such permits shall be known as "nonwagering permits" and may be issued only for

horserace meets. A horseracing permitholder need not obtain an additional permit from the department for conducting nonwagering racing under this section but must apply to the department 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. This subsection does not prohibit horseracing for any stake, purse, prize, or premium.

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

(2)(a) A person who is not prohibited from holding any type of pari-mutuel permit under s. 551.029 may apply to the department for a nonwagering permit. The applicant must demonstrate that the location where the nonwagering permit will be used is 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 include a statement and 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 include a statement and reasonable supporting evidence that substantial construction will be started within 1 year after the issuance of the nonwagering permit.

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

(3)(a) Upon receipt of a nonwagering permit, the permitholder must apply to the department before June 1 of each year for an annual nonwagering license for the next succeeding calendar year. The 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. The department may conduct an eligibility investigation to determine the qualifications of any new ownership or management interest in the permit.

(b) On or before August 1 of each year and upon approval of the racing dates by the department, the department shall issue an annual nonwagering license authorizing the 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.

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

(5) The department may order any person participating in a nonwagering meet to cease and desist from participating in such meet if the department determines that the person is not of good moral character. The department may order the operators of a nonwagering meet to cease and desist from operating the meet if the department determines the meet is being operated for any illegal purpose.

Section 36. Section 551.029, Florida Statutes, is created to read:

551.029 Certain persons prohibited from holding permits; suspension and revocation.—

(1) A corporation, general or limited partnership, sole proprietorship, business trust, joint venture, unincorporated association, or other business entity may not hold a pari-mutuel permit in this state if any one of the persons or entities specified in paragraph (a) has been determined by the department 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. A felony in any other state which would be a felony under the laws of this state if committed in this state;

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

4. A felony related to gambling in any other state 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 a pari-mutuel permit or a permitholder 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 convicted of a felony may apply for and receive a restoration of its civil rights in the same manner and on the same grounds as an individual.

(3)(a) After notice and hearing, the department shall suspend or refuse to issue or renew, as appropriate, any permit 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 120-day period:

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

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

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

(b) The department may, by order, extend the 120-day period for divestiture, upon good cause shown, to avoid interruption of

any meet or to otherwise effectuate this section. If action has not been taken by the permitholder within the 120-day period following the issuance of the order of suspension, the department shall, without further notice or hearing, enter a final order of revocation of the permit.

(c) 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. Notwithstanding any other provision of law, a public referendum is not required for approval of the transfer under this paragraph. 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 the holder of a pari-mutuel permit showing 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 rules for photographing, fingerprinting, and obtaining personal data of individuals described in paragraph (1)(a) and obtaining such data regarding the business entities described in paragraph (1)(a) as necessary to effectuate this section.

Section 37. Section 551.0321, Florida Statutes, is created to read:

551.0321 Permitholder license; bond.—

(1) After a permit has been issued by the department and approved by election, the department shall issue to the permitholder an annual license to conduct pari-mutuel operations at the location specified in the permit pursuant to this chapter.

(2)(a) Before delivery of a license, each permitholder granted a license under this chapter must, at its own expense, give a bond payable to the Governor and the Governor's successors in the penal sum of $50,000. Such bond must be in the form of a surety or sureties approved by the department and the Chief Financial Officer and shall be conditioned on the following:

1. The permitholder faithfully making payments to the Chief Financial Officer acting in his or her capacity as treasurer of the department;

2. The permitholder keeping books and records and making the required reports; and

3. The permitholder conducting racing in conformity with this chapter.

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

(c) The provisions of this chapter concerning bonding do not apply to nonwagering permits issued under s. 551.026.

Section 38. Section 551.0322, Florida Statutes, is created to read:

551.0322 License application; periods of operation; bond.—

(1) Annually, between December 15 and January 4, each permitholder shall file with the department its written application for a license to conduct performances during the next fiscal year. A permitholder may amend its application through February 28. Each application must specify the number, dates, and starting times of all performances the permitholder intends to conduct and specify which performances will be conducted as charity or scholarship performances. In addition, each application for a license must include:

(a) For each permitholder that chooses to operate a cardroom, the dates and periods of operation that the permitholder intends to operate the cardroom.

(b) For each thoroughbred racing permitholder that chooses to receive or rebroadcast out-of-state races after 7 p.m., the dates for all performances that the permitholder intends to

conduct.

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

(3) The department shall issue each license no later than March 15. Each permitholder shall operate all performances on the dates and at the times specified on its license. The department may approve minor changes in operating dates after a license has been issued. The department may approve changes in operating dates after a license has been issued if there is no objection from any operating permitholder located within 50 miles of the permitholder requesting the changes in operating dates. If there is an objection, the department shall determine whether to approve the change based upon its impact on operating permitholders located within 50 miles of the permitholder requesting the change in operating dates. In making the determination whether to change operating dates, the department shall take into consideration the impact of such changes on state revenues.

(4) If a permitholder fails to operate all performances on the dates and at the times specified on its license, the department shall hold a hearing to determine whether to fine the permitholder 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 is not, in and

of itself, just cause for failure to operate all performances on the dates and at the times specified.

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

Section 39. Section 551.033, Florida Statutes, is created to read:

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

(1) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments imposed by ss. 551.043, 551.053, 551.0543, 551.0553, and 551.063 shall be paid to the department for deposit into the Gaming Control Trust Fund, hereby established. The permitholder shall remit to the department 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. 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 required by

the department.

(2) PENALTIES.—

(a) A permitholder that fails to make payments as required in subsection (1) may be subjected by the department 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 under this subsection, the department 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 in paragraph (a), any willful or wanton failure by a permitholder to make payments of the daily license fee, admission tax, tax on handle, or breaks tax constitutes sufficient grounds for the department to 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.

Section 40. Section 551.034, Florida Statutes, is created to read:

551.034 Uniform reporting system.—

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

(2)(a) Each permitholder that conducts events 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 event 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 a complete annual report of its accounts, audited by a certified public accountant licensed to practice in the state.

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

(d) The department 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.

Section 41. Section 551.035, Florida Statutes, is created to read:

551.035 Distribution of moneys.—

(1) All moneys deposited into the Gaming Control Trust Fund under this part shall be distributed as follows:

(a) The daily license fee revenues collected pursuant to this part shall be used to fund the operating cost of the department and to provide a proportionate share of the operation of the department.

(b) All unappropriated funds in excess of $1.5 million shall be deposited into the General Revenue Fund.

(2) 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, 551.302(2)(a)1., and 551.118 shall be used to fund the direct and indirect operating expenses of the department's slot machine regulation operations and to provide funding for relevant enforcement activities in accordance with authorized appropriations. Funds deposited into the Gaming Control Trust Fund pursuant to ss. 551.106, 551.302(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 into the General Revenue Fund.

Section 42. Section 551.036, Florida Statutes, is created to read:

551.036 Escheat to state of abandoned interest in or

contribution to pari-mutuel pools.—

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

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

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

Section 43. Section 551.037, Florida Statutes, is created to read:

551.037 Lease of pari-mutuel facilities.—Holders of valid pari-mutuel permits for the conduct of any jai alai games, greyhound racing, or thoroughbred or harness racing in this state may lease their facilities to any other holder that is located within a 35-mile radius and holds a same class valid

pari-mutuel permit for jai alai games, greyhound racing, or thoroughbred or harness racing. Such lessee is entitled to a license to operate its race meet or jai alai games at the leased premises.

Section 44. Section 551.038, Florida Statutes, is created to read:

551.038 Proposed capital improvement.—If a permitholder licensed under this chapter proposes a capital improvement to a pari-mutuel facility existing on June 23, 1981, which capital improvement requires, pursuant to any municipal or county ordinance, resolution, or regulation, the qualification or approval of the municipality or county in which the permitholder conducts its business operations, the capital improvement shall be approved. Such permitholder must pay the municipality or county the cost of a building permit, and the improvement must be contiguous to or within the existing pari-mutuel facility site. However, the municipality or county shall deny approval of the capital improvement if the municipality or county is able to show that the proposed improvement presents a justifiable and immediate hazard to the health and safety of municipal or county residents or if the improvement qualifies as a development of regional impact as defined in s. 380.06.

Section 45. Section 551.039, Florida Statutes, is created to read:

551.039 Charity and scholarship days; derbies.—

(1) The department shall, upon the request of any permitholder, authorize the permitholder to hold up to five charity or scholarship days in addition to the regular racing or game days authorized by law.

(2) The proceeds of charity and scholarship performances shall be paid to qualified beneficiaries selected by the permitholders from an authorized list of charities on file with the department. Eligible charities include any charity that provides evidence of compliance with chapter 496 and possession of a valid exemption from federal taxation issued by the Internal Revenue Service. 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 or scholarship day performances conducted. If charity or scholarship 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 or scholarship day performance must include all revenues derived from the conduct of that performance, including all state taxes that would otherwise be due to the state, except that the daily license fee as provided in ss. 551.043(2), 551.053(2), 551.0543(2), 551.0553(1), and 551.063(2) and the breaks for the promotional trust funds as provided in ss. 551.0523(2), 551.0542(2), 551.0552(2), and 551.056(1) and (2) shall be paid to the department. All other revenues from the charity or scholarship 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 or scholarship day were conducted as a regular or matinee performance.

(6)(a)1. The department shall authorize one additional scholarship day for horseracing in addition to the regular racing days authorized by this chapter and any additional days authorized by this section, to be conducted at all horse tracks located in Hillsborough County. The permitholder shall conduct a full schedule of racing on the scholarship day.

2. 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.

(b) When a charity or scholarship performance is conducted as a matinee performance, the department 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 or scholarship days authorized by this section, any greyhound racing 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 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 are prohibited.

(8) In addition to the eligible charities that meet the criteria set forth in this section, a jai alai permitholder may 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.

Section 46. Section 551.042, Florida Statutes, is created to read:

551.042 Greyhound racing; purse requirements.—

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

(b) For a permitholder 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, a full schedule of live events shall be the specified number of live performances adjusted pro rata in accordance with the relationship between its authorized operating period and the full calendar year. The resulting specified number of live performances shall constitute the full schedule of live events for such permitholder and all other permitholders of the same class within 100 air miles of such permitholder.

(2) The department shall determine for each greyhound racing permitholder the annual purse percentage rate of live handle for the 1993-1994 state fiscal year 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.

(3) Except as otherwise set forth in this section, in addition to the minimum purse percentage required under subsection (2), 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 racing permitholders in the county where there are two greyhound racing permitholders located as specified in s. 551.073(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 shall conduct audits necessary to ensure compliance with this section.

(4)(a) Each greyhound racing 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 racing 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 that is located within the same market area as the greyhound racing permitholder conducting at least three live performances during any week.

(b) Each host greyhound racing 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.

(5) The department shall require sufficient documentation from each greyhound racing permitholder regarding purses paid on live racing to ensure 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 racing permitholder to ensure that the purses paid by each permitholder on the greyhound intertrack and simulcast broadcasts are in compliance with the requirements of subsection (4).

(6) In addition to the purse requirements of subsections (2)-(4), each greyhound racing 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 provided by s. 6 of chapter 2000-354, Laws of Florida. With respect to intertrack wagering when the host and guest tracks are greyhound racing 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 provided by s. 6 of chapter 2000-354, Laws of Florida, 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 racing permitholder within the market area of the host or if the guest track is not a greyhound racing 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 section.

(7) Each greyhound racing permitholder shall, during the

permitholder's race meet, supply kennel operators and the department 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.

(8) Each greyhound racing 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.

(9) At the request of a majority of kennel operators under contract with a greyhound racing 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. A deduction may not be taken pursuant to this paragraph without a kennel operator's specific approval.

(10)(a) A greyhound racing permitholder shall file reports under oath or affirmation under penalty of perjury by the permitholder or an officer of record by the 5th day of each calendar month on forms adopted by the department showing all injuries to racing greyhounds on the grounds of a greyhound

track or kennel compound during the prior month. The report must contain, at a minimum, the following information: the specific type and bodily location of an injury; the cause of injury; the track or facility where the injury occurred; the date and estimated time of the incident; the greyhound registered name and tattoo numbers; the reporting person's name and telephone number; the kennel operator, address, and telephone number; the trainer's name and telephone number; and the location of the injured animal on the last day of the prior month.

(b) Knowingly making a false statement on an injury report filed with the department shall result in a fine not to exceed $1,500. A second or subsequent violation of this subsection shall result in a fine of at least $3,000.

Section 47. Section 551.043, Florida Statutes, is created to read:

551.043 Greyhound racing; taxes and fees.—

(1) FINDINGS.—

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

(b) A permitholder that conducts a greyhound race meet

under this chapter must pay the daily license fee, the admission tax, the breaks tax, and the tax on pari-mutuel handle and is subject to all penalties and sanctions provided in s. 551.033(2).

(2) DAILY LICENSE FEE.—Each licensed permitholder engaged in the business of conducting greyhound race meetings shall pay to the department, for the use of the department, a daily license fee on each live or simulcast pari-mutuel event of $80 for each greyhound race conducted at the licensee's racetrack. Each permitholder shall pay daily license fees not to exceed $500 per day on any simulcast event 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. The daily license fees shall be remitted to the Chief Financial Officer for deposit into the Gaming Control Trust Fund.

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

(4) TAX ON LIVE HANDLE.—Each permitholder shall pay a tax on live handle from races 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 live performance. If a permitholder conducts more than one live performance daily, the tax is imposed on each live performance separately.

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

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

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

(a) On broadcasts of charity or scholarship performances held pursuant to s. 551.039, if the guest facility is a greyhound race track located within the market area of the host facility the tax on handle for intertrack wagering at the guest greyhound race track is 7.6 percent of the handle.

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

(c) If the guest facility is a greyhound race 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, on events received from a greyhound racing permitholder also located within such area, the tax on handle for intertrack wagering is 3.9 percent of the handle.

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

(6) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL POOLS.—All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any permitholder authorized to conduct greyhound racing pari-mutuel pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within that 1-year period, shall, with respect to live races conducted by the permitholder, be remitted to the state pursuant to s. 551.036.

(7) TAX CREDITS.—

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

(b) A greyhound racing permitholder may receive a tax credit equal to the actual amount remitted to the state in the preceding state fiscal year pursuant to subsection (6) with respect to live races. The credit may be applied against any taxes imposed under this section. Each such greyhound racing permitholder shall pay, from any source, including the proceeds from performances conducted pursuant to s. 551.039, an amount not less than 10 percent of the amount of the credit provided by this paragraph to any organization that promotes or encourages

adoption of greyhounds, provides evidence of compliance with chapter 496, and possesses a valid exemption from federal taxation issued by the Internal Revenue Service. Such organization must, as a condition of adoption, provide sterilization of greyhounds by a licensed veterinarian before giving custody of the greyhound to the adopter. The fee for sterilization may be included in the cost of adoption.

(c)1. After providing written notice to the department, a permitholder unable to use the full amount of the exemption provided in paragraph (8)(c) or the daily license fee credit provided in this subsection may elect once per state fiscal year, on a form provided by the department, to transfer such exemption or credit or any portion thereof to any greyhound racing 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, it may not be rescinded. The department may not approve the transfer if:

a. The amount of the exemption or credit or portion thereof is unavailable to the transferring permitholder; or

b. 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.

2. Upon approval of the transfer by the department, the transferred tax exemption or credit shall be effective for the first performance of the next payment period as specified in s. 551.033(1). The exemption or credit transferred to such host track may be applied by the host track against any taxes imposed

by this chapter or daily license fees imposed by this chapter. The greyhound racing 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.

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

(8) TAX EXEMPTIONS.—

(a) An admission tax under this chapter or chapter 212 may not 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.

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

(c) A permitholder is not required to pay tax on handle until such time as this paragraph has resulted in a tax savings per state fiscal year of $360,000. Thereafter, each permitholder shall pay the tax as specified in subsections (4) and (5) on all handle for the remainder of the permitholder’s current race meet. For the three permitholders that conducted a full schedule of live racing in 1995 and that are closest to another state that authorizes greyhound pari-mutuel wagering, the maximum tax

savings per state fiscal year shall be $500,000. The provisions of this paragraph relating to tax exemptions do not apply to any charity or scholarship performances conducted pursuant to s. 551.039.

Section 48. Section 551.045, Florida Statutes, is created to read:

551.045 Greyhound adoptions.—

(1) Each greyhound racing permitholder operating a greyhound racing facility in this state shall provide for a greyhound adoption booth to be located at the facility. The greyhound adoption booth must be operated on weekends by personnel or volunteers from an organization that promotes or encourages the adoption of greyhounds and meets the requirements for such organization specified under s. 551.043. As used in this section, the term "weekend" includes the hours during which live greyhound racing is conducted on Friday, Saturday, or Sunday. Information pamphlets and application forms shall be provided to the public upon request. The kennel operator or owner shall notify the permitholder that a greyhound is available for adoption, and the permitholder shall provide information concerning the adoption of a greyhound in each race program and shall post adoption information at conspicuous locations throughout the greyhound racing facility. Any greyhound participating in a race which will be available for future adoption must be noted in the race program. The permitholder shall allow greyhounds to be walked through the track facility to publicize the greyhound adoption program.

(2) In addition to the charity days authorized under s. 551.039, a greyhound racing 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 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. 551.043.

(3) The department may impose a penalty as provided in s. 551.014(2)(i) for a violation of this section by a permitholder or licensee and require the permitholder or licensee to take corrective action.

Section 49. Section 551.0511, Florida Statutes, is created to read:

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

(1) The Legislature finds that the purse structure and the availability of breeder awards are important factors in attracting the entry of well-bred horses in race 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 must pay from the takeout withheld on pari-mutuel pools a sum for purses in accordance with the type of race performed.

(3)(a) 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 owner award for which a registered Florida-bred horse will be eligible. The amount of the available owner 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. A single award may not exceed 50 percent of the gross purse for the race won.

(c) If the moneys generated under paragraph (a) during the meet exceed owner 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 owner awards during the permitholder's next meet.

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

(e) This subsection governs only those owner awards paid on thoroughbred races in this state, unless a written agreement is filed with the department which establishes the rate, procedures, and eligibility requirements for owner 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' and Owners' Association, and the association representing a majority of the racehorse owners and trainers at the permitholder's location.

(4) The department shall adopt reasonable rules to ensure the timely and accurate payment of all amounts withheld by horseracing permitholders regarding the distribution of purses, owner 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, deposit an amount equal to the underpayment into a separate interest-bearing account to be distributed to owners and breeders in accordance with department rules.

Section 50. Section 551.0512, Florida Statutes, is created to read:

551.0512 Breeder awards.—

(1) The purpose of this section is to encourage the agricultural activity of breeding and training racehorses in this state. Moneys dedicated in this chapter for use as breeder awards and stallion awards are to be used for awards to breeders of registered Florida-bred horses winning horseraces and for similar awards to the owners of stallions who sired Florida-bred horses winning stakes races, if the stallions are registered as Florida stallions standing in this state. The awards shall be given at a uniform rate to all winners of the awards. Such awards may not be greater than 20 percent or less than 15 percent of the announced gross purse if funds are available. No less than 17 percent and no more than 40 percent, as determined by the Florida Thoroughbred Breeders' and Owners' Association, of the moneys dedicated in this chapter for use as breeder awards and stallion awards for thoroughbreds shall be returned pro rata to the permitholders that generated the moneys for special racing awards and shall be distributed by the permitholders to owners of thoroughbred horses participating in prescribed thoroughbred stakes races, nonstakes races, or both, pursuant to a written agreement establishing the rate,

procedure, and eligibility requirements for such awards entered into by the permitholder, the Florida Thoroughbred Breeders' and Owners' Association, and the Florida Horsemen's Benevolent and Protective Association, Inc. However, the plan for the distribution by any permitholder located in the area described in s. 551.073(9) shall be agreed upon by that permitholder, the Florida Thoroughbred Breeders' and Owners' Association, and the association representing a majority of the thoroughbred racehorse owners and trainers at that location. Awards for thoroughbred races are to be paid through the Florida Thoroughbred Breeders' and Owners' Association, and awards for standardbred races are to be paid through the Florida Standardbred Breeders and Owners Association. Among other sources specified in this chapter, moneys for thoroughbred breeder awards will come from the 0.955 percent of handle for thoroughbred races conducted, received, broadcast, or simulcast under this chapter as provided in s. 551.0523(2). The moneys for quarter horse and harness horse breeder awards will come from the breaks and uncashed tickets on live quarter horse and harness racing performances and 1 percent of handle on intertrack wagering. The funds for the breeder awards shall be paid to the respective breeder associations by the permitholders conducting the races.

(2) Each breeder association shall develop a plan each year that will provide for a uniform rate of payment and procedure for breeder and stallion awards. The plan for payment of breeder and stallion awards may set a cap on winnings and may limit, exclude, or defer payments on certain classes of races, such as the Florida stallion stakes races, in order to ensure 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 for breeder and stallion awards to be less than 15 percent of the total purse payment. The plan must provide for the maximum possible payments within revenues.

(3) Breeder associations shall submit their plans to the department 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 payment year may not be changed except for compelling reasons. Once a plan is approved, the department may not allow the plan to be amended during the year except for the most compelling reasons.

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

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

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

1. Pay breeder awards on horses finishing in first, second, or third place in thoroughbred races; pay breeder awards that

are greater than 20 percent and less than 15 percent of the announced gross purse; and vary the rates for breeder awards based on the place of finish, class of race, state or country in which the race took place, and the state in which the stallion siring the horse was standing when the horse was conceived.

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

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

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

Section 51. Section 551.0521, Florida Statutes, is created to read:

551.0521 Thoroughbred racing; operations.—

(1)(a) For a thoroughbred racing permitholder, a full schedule of live events is at least 40 live regular wagering

performances during the state fiscal year.

(b) For a permitholder 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, a full schedule of live events shall be the specified number of live performances adjusted pro rata in accordance with the relationship between its authorized operating period and the full calendar year. The resulting specified number of live performances shall constitute the full schedule of live events for such permitholder and all other permitholders of the same class within 100 air miles of such permitholder.

(2) Each thoroughbred racing permitholder, during the period beginning December 15 and ending the following January 4, shall annually file in writing with the department its application to conduct one or more thoroughbred race meetings during the thoroughbred racing season beginning 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 shall issue a license authorizing each permitholder to conduct performances on the dates specified in its application. Through February 28 of each year, each permitholder may request and shall be granted changes in its authorized performances. After February 28, each permitholder must operate the full number of days authorized on each of the dates set forth in its license as a condition precedent to the validity of its license and its right to retain its permit.

(3) A thoroughbred racing permitholder may not begin any race later than 7 p.m. A thoroughbred racing permitholder in a

county in which the authority for cardrooms has been approved by the board of county commissioners may operate a cardroom and may receive and rebroadcast out-of-state races after the hour of 7 p.m. on any day during which the permitholder conducts live races.

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

(b) Each licensed thoroughbred racing permitholder in this state may run one additional race per racing day composed exclusively of Arabian horses registered with the Arabian Horse Registry of America. A licensed thoroughbred racing permitholder that elects to run one additional such race per racing day is

not required to provide stables for the Arabian horses racing under this paragraph.

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

Section 52. Section 551.0522, Florida Statutes, is created to read:

551.0522 Distribution of funds to a horsemen's association.—

(1) Each licensee that holds a permit for thoroughbred racing in this state shall deduct from the purses required under this part an amount of money equal to 1 percent of the total purse pool and shall pay that amount to a horsemen's association representing the majority of the thoroughbred racehorse owners and trainers for its use in accordance with the stated goals of its articles of association filed with the Department of State.

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

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

(4) The department shall adopt rules to facilitate the

orderly transfer of funds in accordance with this section. The department 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 53. Section 551.0523, Florida Statutes, is created to read:

551.0523 Thoroughbred racing.—

(1)THOROUGHBRED RACES.—

(a) *Purses.*—

1. A permitholder conducting a thoroughbred race meet must pay from the takeout withheld at least 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 racing performances must pay as additional purses:

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

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

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

2. Any thoroughbred racing permitholder whose total handle on live performances during the 1991-1992 state fiscal year was not greater than $34 million is not subject to the additional purse payment under subparagraph 1.

3. A permitholder authorized to conduct thoroughbred racing may withhold from the handle an additional 1 percent of exotic pools for use as owner awards and 2 percent of exotic pools for

use as overnight purses. A permitholder may not withhold in excess of 20 percent from the handle unless the permitholder withholds the amounts set forth in this subsection.

(b) *Intertrack Wagering; withholding from purse account.*—An amount equal to 8.5 percent of the purse account generated through intertrack wagering and interstate simulcasting will be used for Florida owner awards as set forth in subsection (2). Any thoroughbred racing permitholder with an average blended takeout that does not exceed 20 percent and with an average daily purse distribution, excluding sponsorship, entry fees, and nominations, exceeding $225,000 is exempt from this subsection.

(2) AWARDS.—Each horseracing permitholder conducting any thoroughbred racing, including any intertrack race taken pursuant to this part or any interstate simulcast taken pursuant to s. 551.072(3), shall pay a sum equal to 0.955 percent of all pari-mutuel pools conducted during any such race for the payment of breeder, 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. 551.072(3). For any race originating live in this state which is broadcast out-of-state to any location at which wagers are accepted pursuant to s. 551.072(2), the host track shall pay 3.475 percent of the gross revenue derived from such out-of-state broadcasts as breeder, stallion, or special racing awards. The Florida Thoroughbred Breeders' and Owners' Association may receive these payments from the permitholders and make payments of awards earned. The Florida Thoroughbred Breeders' and Owners' Association may 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' 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 as required by the department. Breeder awards authorized by this subsection may not be paid on owner awards. 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 breeder, stallion, or special racing awards in accordance with the following:

(a) *Breeder awards.*—

1. The breeder of each Florida-bred thoroughbred winning a thoroughbred 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.

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

(b) *Stallion awards and recordkeeping.*—

1. The owner of the sire of a Florida-bred thoroughbred that wins a stakes race is entitled to a stallion award of up to 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.

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

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

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

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

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

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

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

b. Whether the stallion permanently remained in this state.

c. The location of the stallion.

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

e. Awards earned, received, and distributed.

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

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

(d) *Reporting and recordkeeping requirements.*—

1. A permitholder conducting a thoroughbred race shall, within 30 days after the end of the race meet during which the race is conducted, certify to the Florida Thoroughbred Breeders' and Owners' Association such information relating to the thoroughbred winning a stakes or other horserace at the meet as may be required to determine the eligibility for payment of breeder, stallion, and special racing awards.

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

(e) *Rates and procedures.*—The Florida Thoroughbred Breeders' and Owners' Association shall annually establish a uniform rate and procedure plan for the payment of breeder and stallion awards and shall make breeder 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 ensure 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 before implementation. In the absence of an approved plan and procedure, the authorized rate for breeder 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 breeder and stallion awards are not sufficient to meet all earned breeder and stallion awards, those breeders and stallion owners not receiving payments have first call on any subsequent receipts in that or any subsequent year.

(f) *Reports.*—The Florida Thoroughbred Breeders' and Owners' Association shall keep accurate records showing receipts and disbursements of such payments and shall annually file a complete report with the department showing such receipts and disbursements and the sums withheld for administration. The department may audit the records and accounts of the Florida Thoroughbred Breeders' and Owners' Association to determine whether payments have been made to eligible breeders and stallion owners in accordance with this section.

(g) *Noncompliance.*—If the department finds that the Florida Thoroughbred Breeders' and Owners' Association has not complied

with this section, the department may order the association to cease and desist from receiving and administering funds under this section. If the department enters such an order, the permitholder shall make the payments authorized in this section to the department for deposit into the Gaming Control Trust Fund, and any funds in the Florida Thoroughbred Breeders' and Owners' Association account shall be immediately paid to the department for deposit into the Gaming Control Trust Fund. The department 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' and Owners' Association in accordance with the applicable rate.

Section 54. Section 551.0524, Florida Statutes, is created to read:

551.0524 Breeders' Cup Meet.—

(1) Notwithstanding any provision of this chapter, there is created a special thoroughbred race meet designated as the "Breeders' Cup Meet." Breeders' Cup Limited shall select the Florida permitholder to conduct the Breeders' Cup Meet at its facility. Upon selection of the Florida permitholder as host for the Breeders' Cup Meet and application by the selected permitholder, the department shall issue a license to the selected permitholder to operate the Breeders' Cup Meet. The Breeders' Cup Meet may be conducted on dates that the selected permitholder is not otherwise authorized to conduct a race 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.

(2) The permitholder conducting the Breeders' Cup Meet may

create pari-mutuel pools during the Breeders' Cup Meet by accepting pari-mutuel wagers on the thoroughbred races run during such meet.

(3) The permitholder conducting the Breeders' Cup Meet is 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. However, the permitholder conducting the Breeders' Cup Meet is not exempt from breeder awards payments for on-track and intertrack wagers as provided in ss. 551.0542(2) and 551.074(2) for races in which the purse is paid or supplied by Breeders' Cup Limited.

(4)(a) Pursuant to s. 551.072(2), the permitholder conducting the Breeders' Cup Meet may transmit broadcasts of the races conducted during the Breeders' Cup Meet to locations outside of this state for wagering purposes. The department 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 commingled with the pari-mutuel pools of the permitholder conducting the Breeders' Cup Meet. Payoff on national pari-mutuel pools with commingled wagers may be calculated 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 not be commingled with a Florida pool until a determination is made by the department that the technology used by the totalisator contractor is adequate to ensure 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 s. 551.078 relating to totalisator licensing.

(b) The permitholder conducting the Breeders' Cup Meet may 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 not required to transmit broadcasts to any pari-mutuel facility located within 25 miles of the facility at which the Breeders' Cup Meet is conducted.

(5) The department may adopt rules necessary to facilitate the Breeders' Cup Meet as authorized in this section and may adopt or waive rules regarding the overall conduct of racing during the Breeders' Cup Meet 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.

(6) This section shall prevail over any conflicting provisions of this chapter.

Section 55. Section 551.053, Florida Statutes, is created

to read:

551.053 Thoroughbred racing; taxes and fees.—

(1) FINDINGS.—The Legislature finds that pari-mutuel wagering at thoroughbred tracks in this state is an important business enterprise, and taxes derived therefrom constitute a part of the tax structure that funds operations of the state. Thoroughbred racing permitholders should pay their fair share of these taxes to the state but should not be taxed to such an extent as to cause any racetrack that 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 thoroughbred industry to be highly regulated and taxed. The state recognizes that identifiable differences exist between thoroughbred racing permitholders based upon their ability to operate under such regulation and tax system and at different periods during the year.

(2) DAILY LICENSE FEE.—Each licensed permitholder engaged in the business of conducting thoroughbred race meetings shall pay to the department, for the use of the department, a daily license fee on each live or simulcast pari-mutuel event of $100 for each thoroughbred race conducted at the licensee's racetrack. Each permitholder shall pay daily license fees not to exceed $500 per day on any simulcast event 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. The daily license fees shall be remitted to the Chief Financial Officer for deposit into the Gaming Control Trust Fund.

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

(4) TAX ON LIVE HANDLE.—

(a) Each permitholder shall pay a tax on live handle from races 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 live performance. If a permitholder conducts more than one live performance daily, the tax is imposed on each live performance separately.

(b) The tax on live handle for thoroughbred racing performances is 0.5 percent of the handle.

(5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host facility is a thoroughbred race track, the tax on handle for intertrack wagering is 2.0 percent of the handle with the following exceptions:

(a) If the host facility and the guest facility are thoroughbred racing permitholders, the tax on handle for intertrack wagering is 0.5 percent of the handle.

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

(c) On rebroadcasts of simulcast thoroughbred races:

1. The tax on handle for intertrack wagering is 2.4 percent of the handle.

2. If the guest facility is a thoroughbred race track located more than 35 miles from the host facility, the host track shall pay a tax of 0.5 percent of the handle, and shall pay to the guest track 1.9 percent of the handle to be used by the guest track solely for purses.

(6) OTHER TAXES AND FEES.—

(a) All moneys or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket that has remained in the custody of or under the control of any thoroughbred racing permitholder for 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within the 1-year period, shall escheat to and become the property of the state.

(b) Notwithstanding paragraph (a), uncashed tickets and breaks on live racing conducted by a thoroughbred racing permitholder shall be retained by the permitholder conducting the live race.

(7) TAX CREDITS.—

(a) Retired jockey funds contributions.—A thoroughbred racing permitholder may receive a credit against taxes on live handle due for a taxable year equal to the amount of contributions it made during the taxable year directly to the Jockeys' Guild or its health and welfare fund to provide health and welfare benefits for active, disabled, and retired Florida jockeys and their dependents pursuant to reasonable rules of eligibility established by the Jockeys' Guild. A thoroughbred racing permitholder may not receive a credit greater than an amount equal to 1 percent of its paid taxes for the preceding

taxable year.

(b) Breeders' Cup.—

1. A permitholder located within 35 miles of the permitholder conducting the Breeders' Cup Meet may not conduct a thoroughbred race meet on any of the 3 days of the Breeders' Cup Meet. The permitholders prohibited from operating during the Breeders' Cup Meet shall receive a credit against the taxes otherwise due and payable to the state under this part. The credit shall be 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 shall not exceed $950,000. The determination of the amount to be credited shall be made by the department upon application by the affected permitholder. The tax credits provided in this subsection shall not be available unless an operating permitholder is required to close a 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.

2. The permitholder conducting the Breeders' Cup Meet shall receive a credit against the taxes otherwise due and payable to the state under this section generated during the permitholder's next ensuing regular thoroughbred race meet. Such credit shall not 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 that the permitholder is otherwise required by law to pay. The amount to be credited shall be

determined by the department upon application of the permitholder which is subject to audit by the department.

3. The permitholder conducting the Breeders' Cup Meet shall receive a credit against the taxes otherwise due and payable to the state under this part which are generated during the permitholder's next ensuing regular thoroughbred race meet. Such credit shall not exceed $950,000 and shall be used by the permitholder for capital improvements and extraordinary expenses as necessary for operation of the Breeders' Cup Meet. The amount to be credited shall be determined by the department upon application of the permitholder which is subject to audit by the department.

4. The tax credits provided in this paragraph may not be granted to or claimed by the permitholder until an audit is completed by the department. The department must complete the audit within 30 days after 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 may request such additional documentation as necessary to complete the audit. Upon receipt by the department of the additional documentation requested, the 30-day time limitation begins anew.

5. Any dispute between the department and a permitholder regarding the tax credits authorized under this paragraph shall be determined by a hearing officer of the Division of Administrative Hearings under s. 120.57(1).

(8) TAX EXEMPTIONS.—

(a) Free passes.—An admission tax under this chapter or

chapter 212 may not 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. A permitholder may issue tax-free passes to its officers, officials, and employees; to other persons actually engaged in working at the facility, including accredited press representatives such as reporters and editors; and to other permitholders for the use of their officers and officials. The permitholder shall file with the department a list of all persons to whom tax-free passes are issued under this paragraph.

(b) Breeders' Cup.—Notwithstanding any other provision of this section, the permitholder conducting the Breeders' Cup Meet shall pay no taxes on the handle included within the pari-mutuel pools of the permitholder during the Breeders' Cup Meet.

(9) FAILURE TO PAY TAXES.—

(a) The permit of a thoroughbred racing permitholder that does not pay tax on handle for live thoroughbred racing performances for a full schedule of live racing during any 2 consecutive 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 is not, in and of itself, just cause for failure to operate and pay tax on handle.

(b) In order to maximize the tax revenues to the state, the department shall reissue an escheated thoroughbred racing permit to a qualified applicant pursuant to 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 thoroughbred racing permit. As specified in the application and upon approval by the department of an application for the permit, the new permitholder may operate a thoroughbred racing facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 551.021(2) relating to mileage limitations.

(10) If a court determines any provision of subsection (1), paragraph (4)(b), subparagraph (5)(c)2., paragraph (7)(a), or subsection (9) to be unconstitutional, it is the intent of the Legislature that all such provisions be void and that the remaining provisions of this section shall apply to all thoroughbred racing 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 listed in this subsection individually and, to that end, expressly finds them not to be severable.

Section 56. Section 551.0541, Florida Statutes, is created to read:

551.0541 Operation of certain harness race tracks.—

(1) The Legislature finds that the operation of harness race tracks and legalized pari-mutuel betting at harness race tracks in this state will become a substantial business compatible with the best interests of the state and that the taxes derived from such enterprises will constitute an important and integral part of the tax structure of the state and counties. The Legislature further finds that the operation of harness race tracks within the state will establish and

encourage the acquisition and maintenance of breeding farms for the breeding of standardbred horses used in harness races and that this exhibition sport will attract a large tourist business to the state.

(2)(a) For a harness racing permitholder, a full schedule of live events is at least 100 live regular wagering performances during the fiscal year.

(b) For a permitholder 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, a full schedule of live events shall be the specified number of live performances adjusted pro rata in accordance with the relationship between its authorized operating period and the full calendar year. The resulting specified number of live performances shall constitute the full schedule of live events for such permitholder and all other permitholders of the same class within 100 air miles of such permitholder.

(3) Notwithstanding any contrary provisions of this chapter, a permitholder or licensee may transfer the location of its permit and may conduct harness racing only between the hours of 7 p.m. and 2 a.m. pursuant to the following:

(a) The permit so transferred applies only to the location and operation of a licensed harness race track within 100 air miles of the location of a racetrack authorized to conduct racing under this chapter; and

(b) The harness race track must be located in an area in which three horse tracks are located within 100 air miles.

(4) A permit may not be issued for the operation of a harness race track within 75 air miles of a harness race track

licensed and operating under this chapter.

(5) The permitholder conducting a harness race meet must pay the daily license fee, the admission tax, the tax on breaks, and the tax on pari-mutuel handle provided in s. 551.0543 and is subject to all penalties and sanctions provided in s. 551.033(2).

(6) Each licensed harness race track in the state must schedule an average of one race per racing day in which horses bred in this state and duly registered as standardbred harness horses have preference as entries over non-Florida-bred horses. All licensed harness race tracks must write the conditions for such races in which Florida-bred horses are preferred to ensure that all Florida-bred horses available for racing at such tracks are given full opportunity to perform in the class races for which they are qualified. The opportunity to perform must be afforded to each class of horses in proportion with the number of horses in this class as compared to the total number of Florida-bred horses available. However, a track is not required to write conditions for a race to accommodate a class of horses for which a race would otherwise not be scheduled at such track during its meeting.

(7) If a permit has been transferred from a county under this section, no other transfer is permitted from such county.

(8) Any harness race track licensed to operate under subsections (1)-(7) may make application for, and shall be issued by the department, 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. Such license to operate quarter horse racing for up to 50 days is in addition to

the racing days and dates provided in subsections (1)-(7) for harness racing during the winter seasons and does not affect the right of such licensee to operate harness racing at the track as provided in subsections (1)-(7) during the winter season. All provisions of this chapter governing quarter horse racing not in conflict with this subsection apply to the operation of quarter horse meetings authorized in this subsection. However, all quarter horse racing permitted under this subsection shall be conducted at night.

Section 57. Section 551.0542, Florida Statutes, is created to read:

551.0542 Harness races.—

(1) PURSE REQUIREMENT.—

(a) A permitholder conducting a harness race meet must pay to the purse pool from the takeout withheld a purse requirement of at least 8.25 percent of all contributions to pari-mutuel pools conducted during the race meet. At least 7.75 percent of the total handle shall be paid from this purse pool as purses.

(b) An amount not to exceed 0.5 percent of the total handle on all harness races that are subject to the purse requirement of paragraph (a) 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 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. An annual

report of the implemented plan shall be submitted to the department. 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 to determine whether the plan has been implemented and administered as authorized. If the department finds that the Florida Standardbred Breeders and Owners Association has not complied with this section, the department may order the association to cease and desist from administering the plan and shall appoint the department as temporary administrator of the plan until the department reestablishes administration of the plan with the association.

(2) AWARDS; STANDARDBRED HORSES.—Each permitholder conducting a harness race shall pay a sum equal to the breaks on all pari-mutuel pools conducted during that race for the payment of breeder awards, stallion awards, and stallion stakes and for additional expenditures as authorized in this section. The Florida Standardbred Breeders and Owners Association may receive these payments from permitholders and make payments as authorized in this subsection. The Florida Standardbred Breeders and Owners Association may withhold up to 10 percent of the permitholder's payments under this section and under s. 551.0543 as a fee for administering the 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 as required by the department. With the exception of the 10-percent fee for administering the payments and the use of the moneys authorized

by paragraph (g), 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 breeder awards, stallion awards, stallion stakes, additional purses, and prizes for, and the general promotion of owning and breeding, Florida-bred standardbred horses. Breeder awards authorized by this subsection may not be paid on owner awards. Payment of breeder awards and stallion awards shall be made pursuant to the following:

(a) *Breeder awards.*—

1. The breeder of each Florida-bred standardbred horse that wins a harness race is entitled to an award of up to 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.

2. The breeder of a Florida-bred standardbred horse is eligible to receive a breeder award if the horse winning the race was registered as a Florida-bred horse with the Florida Standardbred Breeders and Owners Association and if a registration certificate under seal for the winning horse shows that the winner is duly registered as a Florida-bred horse as evidenced by the seal and proper serial number of the United States Trotting Association registry. The Florida Standardbred Breeders and Owners Association may charge the registrant a reasonable fee for the verification and registration.

(b) *Stallion awards and recordkeeping.*—

1. The owner of the sire of a Florida-bred standardbred horse that wins a stakes race is entitled to a stallion award of up to 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.

2. The owner of the sire of a standardbred horse that wins a stakes race is eligible to receive a stallion award if:

a. The stallion is registered with the Florida Standardbred Breeders and Owners Association;

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

c. The stallion is standing permanently in this state or, if the stallion has died, it stood permanently in this state for a period of at least 1 year immediately before its death.

3. If a stallion is removed from this state for any reason other than prescribed medical treatment, the owner of the stallion is not eligible to receive a stallion award under any circumstances for offspring sired before removal. However, if a removed stallion is returned to this state, the owner of the stallion is eligible to receive a stallion award, but only for those offspring sired after the stallion returned to this state.

4. The Florida Standardbred Breeders and Owners Association shall maintain a record of all of the following:

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

b. Whether the stallion remained in this state permanently.

c. The location of the stallion.

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

e. Awards earned, received, and distributed.

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

(c) *Reporting.*—

1. A permitholder conducting a harness race 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 breeder awards and stallion awards.

2. 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.

(d) *Rates and procedures.*—The Florida Standardbred Breeders and Owners Association shall annually establish a uniform rate and procedure plan for the payment of breeder awards, stallion awards, stallion stakes, additional purses, and prizes for Florida-bred standardbred horses, and for the general promotion of owning and breeding such horses, and shall make award payments and allocations 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 Breeders' stakes races, in order to ensure 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 plan must be approved by the department before

implementation. In the absence of an approved plan and procedure, the authorized rate for breeder 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 breeder and stallion awards are not sufficient to meet all earned breeder and stallion awards, those breeders and stallion owners not receiving payments have first call on any subsequent receipts in that or any subsequent year.

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

(f) *Noncompliance.*—If the department finds that the Florida Standardbred Breeders and Owners Association has not complied with this section, the department may order the association to cease and desist from receiving and administering funds under this section and s. 551.0543. If the department enters such an order, the permitholder shall make the payments authorized under this section and s. 551.0543 to the department for deposit into the Gaming Control Trust Fund, and any funds in the Florida Standardbred Breeders and Owners Association account shall be

immediately paid to the department for deposit into the Gaming Control Trust Fund. The department 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.

(g) *Additional use of funds.*—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 breeder awards, stallion awards, stallion stakes, additional purses, and prizes for, and for the general promotion of owning and breeding, 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 breeder 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 breeder or stallion awards, 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.

Section 58. Section 551.0543, Florida Statutes, is created to read:

551.0543 Harness racing; taxes and fees.—

(1) FINDINGS.—The Legislature finds that pari-mutuel wagering at harness race tracks in this state is an important business enterprise, and taxes derived therefrom constitute a part of the tax structure that funds operations of the state. Harness racing permitholders should pay their fair share of these taxes to the state but should not be taxed to such an extent as to cause any racetrack that 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 identifiable differences exist between harness racing permitholders based upon their ability to operate under such regulation and tax system.

(2) DAILY LICENSE FEE.—Each licensed permitholder engaged in the business of conducting harness race meetings shall pay to the department, for the use of the department, a daily license fee on each live or simulcast pari-mutuel event of $100 for each harness race conducted at the licensee's racetrack. Each permitholder shall pay daily license fees not to exceed $500 per day on any simulcast event 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. The daily license fees shall be remitted to the Chief Financial Officer for deposit into the Gaming Control Trust Fund.

(3) ADMISSION TAX.—An admission tax equal to the greater of 15 percent of the admission charge for entrance to the permitholder's facility and grandstand area or 10 cents is

imposed on each person attending a harness race. The permitholder is responsible for collecting the admission tax.

(4) TAX ON LIVE HANDLE.—

(a) Each permitholder shall pay a tax on live handle from races 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 live performance. If a permitholder conducts more than one live performance daily, the tax is imposed on each live performance separately.

(b) The tax on live handle for harness racing performances is 0.5 percent of the handle.

(5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host facility is a harness race track, the tax on handle for intertrack wagering is 3.3 percent of the handle with the following exceptions:

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

(b) On rebroadcasts of simulcast harness races, the tax on handle for intertrack wagering is 1.5 percent of the handle.

(6) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL POOLS.—

(a) All moneys or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket that has remained in the custody of or under the control of any harness racing permitholder for 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have

made no claim or demand for such money or other property within the 1-year period, shall escheat to and become the property of the state.

(b) Notwithstanding any other provision of law, all moneys or other property that has escheated to and become the property of the state as provided in this section and that is held by a harness racing permitholder authorized to conduct pari-mutuel pools in this state shall be paid annually by the permitholder to the Florida Standardbred Breeders and Owners Association within 60 days after the close of the race meeting of the permitholder and shall be used for the payment of harness horse breeder awards, stallion awards, stallion stakes, additional purses, and prizes and for the general promotion of owning and breeding Florida-bred standardbred horses, as provided under this part.

(7) TAX EXEMPTIONS.—

(a) An admission tax under this chapter or chapter 212 may not 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.

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

(8) FAILURE TO PAY TAXES.—

(a) The permit of a harness racing permitholder that does

not pay tax on handle for live harness racing 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 is not, in and of itself, just cause for failure to operate and pay tax on handle.

(b) In order to maximize the tax revenues to the state, the department shall reissue an escheated harness racing permit to a qualified applicant pursuant to 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 racing permit. As specified in the application and upon approval by the department of an application for the permit, the new permitholder may operate a harness racing facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 551.021(2) relating to mileage limitations.

(9) If a court determines any provision of subsection (1), paragraph (4)(b), or subsection (8) to be unconstitutional, it is the intent of the Legislature that all such provisions be void and that the remaining provisions of this section apply to all harness racing 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 listed in this subsection individually and, to that end, expressly finds

them not to be severable.

Section 59. Section 551.0551, Florida Statutes, is created to read:

551.0551 Quarter horse racing; operations.—

(1)(a) For a quarter horse racing permitholder at its facility, a full schedule of live events is:

1. At least 20 live regular wagering performances during the state fiscal year if an alternative schedule of at least 20 live regular wagering performances each state fiscal year 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 is filed with the department along with its annual date application; or

2.a. During the 2010-2011 fiscal year, at least 20 regular wagering performances.

b. During the 2011-2012 and 2012-2013 fiscal years, at least 30 live regular wagering performances.

c. During every fiscal year after the 2012-2013 fiscal year, at least 40 live regular wagering performances.

(b) For a quarter horse racing permitholder leasing another licensed racetrack, a full schedule of live events is at least 160 live regular wagering events at the leased facility during the state fiscal year.

(c) For a permitholder 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, a full schedule of live events shall be the specified number of live performances adjusted pro rata in accordance with the

relationship between its authorized operating period and the full calendar year. The resulting specified number of live performances shall constitute the full schedule of live events for such permitholder and all other permitholders of the same class within 100 air miles of such permitholder.

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

(3) The operator of a licensed racetrack may lease such track to any quarter horse racing permitholder located within 35 miles of such track for quarter horse racing under this chapter. However, a quarter horse racing permitholder located in a county where a referendum was conducted to authorize slot machines pursuant to s. 23, Art. X of the State Constitution is not subject to the mileage restriction if the permitholder leases the track from a licensed racetrack located within such county.

(4) All other provisions of this chapter apply to, govern, and control such racing.

(5) Quarter horses participating in such races must be duly registered by the American Quarter Horse Association. Before each race, such horses must be examined and declared in fit condition by a qualified person designated by the department.

(6) Any quarter horse racing days permitted under this chapter are in addition to any other racing permitted under the license issued to the track where such quarter horse racing is conducted.

(7) Any quarter horse racing permitholder operating under a valid permit issued by the department may substitute races of other breeds of horses that are 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, respectively, for no more than 50 percent of the quarter horse races during its meet.

(8) Except as provided in s. 551.0251, a quarter horse racing permit issued pursuant to this section is not eligible for transfer or conversion to another type of pari-mutuel operation.

(9) Any nonprofit corporation organized and incorporated under the laws of this state, including, but not limited to, an agricultural cooperative marketing association, may apply for a quarter horse racing permit and may operate race meets under such permit if all pari-mutuel taxes and fees applicable to such racing are paid by the corporation. However, regarding its pari-mutuel operations, the corporation shall be considered to be a corporation for profit and is subject to taxation on all property used and profits earned in connection with these operations.

Section 60. Section 551.0552, Florida Statutes, is created to read:

551.0552 Quarter horse races.—

(1) QUARTER HORSE RACES.—A permitholder conducting a quarter horse race meet shall pay from the takeout withheld at least 6 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(2) PROMOTIONS AND AWARDS; QUARTER HORSES.—

(a) *Purses and prizes.*—Except as provided in 551.056 each permitholder conducting a quarter horse race meet 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 racing quarter horses in this state as authorized in this section. The Florida Quarter Horse Breeders and Owners Association may receive these payments from the permitholders and make payments as authorized in this subsection. The Florida Quarter Horse Breeders and Owners Association may withhold up to 10 percent of the permitholder's payments under this section and s. 551.0553 as a fee for administering the 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 as required by the department. With the exception of the 10-percent fee for administering the payments, the moneys paid by the permitholders shall be maintained in a separate, interest-bearing account.

(b) *Use of funds.*—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 racing quarter horses in this state and for general administration of the Florida Quarter Horse Breeders and Owners Association in this state.

(c) *Owner and breeder awards.*—

1. The owner or breeder of a Florida-bred quarter horse is eligible to receive an award if the horse winning a race is registered as a Florida-bred horse with the Florida Quarter Horse Breeders and Owners Association and if a registration

certificate under seal for the winning horse shows that the winning horse was duly registered before 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 may assist the association in maintaining this registry.

2. The Florida Quarter Horse Breeders and Owners Association may charge the registrant a reasonable fee for verification and registration.

3. Any person who registers unqualified horses or misrepresents information shall be denied any future participation in breeder awards, and all horses misrepresented will no longer be deemed to be Florida-bred.

(d) *Reporting.*—A permitholder conducting a quarter horse race 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 required to determine the eligibility for payment of breeder awards under this section.

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

(f) *Rates and procedures.*—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 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.

(g) *Reports.*—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 showing such receipts and disbursements and the sums withheld for administration. The department may audit the records and accounts of the Florida Quarter Horse Breeders and Owners Association to determine whether payments have been made in accordance with this section.

(h) *Noncompliance.*—If the department finds that the Florida Quarter Horse Breeders and Owners Association has not complied with this section, the department may order the association to cease and desist from receiving and administering funds under this section and s. 551.0553. If the department enters such an order, the permitholder shall make the payments authorized in this section and s. 551.0553 to the department for deposit into the Gaming Control Trust Fund, and any funds in the Florida Quarter Horse Breeders and Owners Association account shall be immediately paid to the department for deposit into the Gaming Control Trust Fund. The department 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 in accordance with this section.

Section 61. Section 551.0553, Florida Statutes, is created to read:

551.0553 Quarter horse racing; taxes and fees.—

(1) DAILY LICENSE FEE.—Each licensed permitholder engaged in the business of conducting quarter horse race meetings shall pay to the department, for the use of the department, a daily license fee on each live or simulcast pari-mutuel event of $100 for each quarter horse race conducted at the licensee's racetrack. Each permitholder shall pay daily license fees not to exceed $500 per day on any simulcast event 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. The daily license fees shall be remitted to the Chief Financial Officer for deposit into the Gaming Control Trust Fund.

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

(3) TAX ON LIVE HANDLE.—

(a) Each permitholder shall pay a tax on live handle from races 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 live performance. If a permitholder conducts more than one live performance daily, the tax is

imposed on each live performance separately.

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

(4) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host facility is a quarter horse race track, the tax on handle for intertrack wagering is 2.0 percent of the handle. However, if the guest facility is located outside the market area of the host facility and within the market area of a thoroughbred racing permitholder currently conducting a live race meet, the tax on handle for intertrack wagering is 0.5 percent of the handle.

(5) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL POOLS.—

(a) All moneys or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket that has remained in the custody of or under the control of any quarter horse racing permitholder for 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within the 1-year period, shall escheat to and become the property of the state.

(b) Notwithstanding section 551.036, all moneys or other property that has escheated to and become the property of the state as provided in this section and that is held by a quarter horse racing permitholder authorized to conduct pari-mutuel pools in this state shall be paid annually by the permitholder to the Florida Quarter Horse Breeders and Owners Association within 60 days after the close of the race meeting of the permitholder and shall be allocated solely for supplementing and

augmenting purses and prizes and for the general promotion of owning and breeding racing quarter horses in this state, as provided under this part.

(6) TAX EXEMPTIONS.—

(a) An admission tax under this chapter or chapter 212 may not 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.

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

Section 62. Section 551.056, Florida Statutes, is created to read:

551.056 Appaloosa horse races; Arabian horse races; purse requirement; breeder and owner awards.—

(1) PROMOTIONS; APPALOOSA HORSE RACES.—

(a) Each permitholder that conducts race meets under this chapter and runs Appaloosa horse races shall pay to the department 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 horse race. The payments shall be remitted to the department by the 5th day of each calendar month for sums accruing during the preceding calendar month.

(b) The department shall deposit collections under paragraph (a) into 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 their administration. 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 racing Appaloosas in this state. The moneys may not be used to defray any expense of the Department of Agriculture and Consumer Services under this section.

(2) PROMOTIONS; ARABIAN HORSE RACES.—Each permitholder that conducts race meets under this chapter and runs Arabian horse races shall pay to the department 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. Payments shall be remitted to the department by the 5th day of each calendar month for sums accruing during the preceding calendar month.

Section 63. Section 551.062, Florida Statutes, is created to read:

551.062 Jai alai; general provisions.—

(1)(a) For a jai alai permitholder, a full schedule of live events is a combination of at least 100 live evening or matinee performances during the state fiscal year.

(b) For a jai alai permitholder that does not operate slot machines in its pari-mutuel facility, that has conducted at least 100 live performances per year for at least 10 years after December 31, 1992, and that has had handle on live jai alai games conducted at its pari-mutuel facility of less than $4

million per state fiscal year for at least 2 consecutive years after June 30, 1992, a full schedule of live events is a combination of at least 40 live evening or matinee performances during the state fiscal year.

(c) For a jai alai permitholder that operates slot machines in its pari-mutuel facility, a full schedule of live events is a combination of at least 150 live evening or matinee performances during the state fiscal year.

(d) For a permitholder 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, a full schedule of live events shall be the specified number of live performances adjusted pro rata in accordance with the relationship between its authorized operating period and the full calendar year. The resulting specified number of live performances shall constitute the full schedule of live events for such permitholder and all other permitholders of the same class within 100 air miles of such permitholder.

(2) A chief court judge must be present for each jai alai game at which pari-mutuel wagering is authorized. Chief court judges must be able to demonstrate extensive knowledge of the rules and game of jai alai and be able to meet the physical requirements of the position. The decisions of a chief court judge are final as to any incident relating to the playing of a jai alai game.

(3) Notwithstanding any other provision of law, the time within which the holder of a ratified permit for jai alai has to construct and complete a fronton may be extended by the department for a period of 24 months after the date of the

issuance of the permit.

(4) This chapter does not prohibit any jai alai fronton or facility from being used to conduct amateur jai alai or pelota contests or games during each fronton season by any charitable, civic, or nonprofit organization if only players other than those usually used in jai alai contests or games are permitted to play and if adults and minors may participate as players or spectators. However, during such jai alai games or contests, betting and gambling and the sale or use of alcoholic beverages are prohibited.

(5) A jai alai player may not be required to perform on more than 6 consecutive calendar days.

(6) Section 551.013 allows wagering on points during a game; however, the pari-mutuel machines must be locked upon the start of the serving motion of each serve for wagers on that game.

Section 64. Section 551.0622, Florida Statutes, is created to read:

551.0622 Jai Alai Tournament of Champions Meet.—

(1) Notwithstanding any provision of this chapter, there is created a special jai alai meet designated as the "Jai Alai Tournament of Champions Meet," that shall be hosted by 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 conducted on a different day. Upon the selection of the Florida permitholders for the meet and application by the selected permitholders, the department 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 in this section to the contrary, a Florida permitholder that is to conduct a performance that is a part of the Jai Alai Tournament of Champions Meet is not required to apply for the license for the meet if it will 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) A Jai Alai Tournament of Champions Meet may not exceed 4 days in any state fiscal year, and only one performance may be conducted on any one day of the meet. There shall be only one Jai Alai Tournament of Champions Meet in any state fiscal year.

(4) The department may adopt rules necessary to facilitate the Jai Alai Tournament of Champions Meet as authorized in this section and may adopt rules regarding the overall conduct of the tournament to ensure the integrity of the event, licensing for participants, commingling of pari-mutuel pools, and audit requirements for tax credits and exemptions.

(5) This section shall prevail over any conflicting provisions of this chapter.

Section 65. Section 551.063, Florida Statutes, is created to read:

551.063 Jai alai; taxes and fees.—

(1) FINDINGS.—The Legislature finds that pari-mutuel wagering at jai alai frontons in this state is an important

business enterprise, and taxes derived therefrom constitute a part of the tax structure that funds operations of the state. Jai alai permitholders should pay their fair share of these taxes to the state but should not be taxed to such an extent as to cause any fronton that is operated under sound business principles to be forced out of business or be subjected to taxes that might cause it to operate at a loss, impair its ability to service debt or to maintain its fixed assets, or otherwise jeopardize its existence and the jobs of its employees. Due to the need to protect the public health, safety, and welfare, the gaming laws of the state provide for the jai alai industry to be highly regulated and taxed. The state recognizes that identifiable differences exist between jai alai permitholders based upon their ability to operate under such regulation and tax system.

(2) DAILY LICENSE FEE.—Each licensed permitholder engaged in the business of conducting jai alai games shall pay to the department, for the use of the department, a daily license fee on each live or simulcast pari-mutuel event of $40 for each jai alai game conducted at the licensee's fronton. Each permitholder shall pay daily license fees not to exceed $500 per day on any simulcast event 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. The daily license fees shall be remitted to the Chief Financial Officer for deposit into the Gaming Control Trust Fund.

(3) ADMISSION TAX.—An admission tax equal to the greater of 15 percent of the admission charge for entrance to the

permitholder's facility and grandstand area or 10 cents is imposed on each person attending a jai alai game. The permitholder is responsible for collecting the admission tax.

(4) TAX ON LIVE HANDLE.—Each permitholder shall pay a tax on live handle from 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 live performance. If a permitholder conducts more than one live performance daily, the tax is imposed on each live performance separately.

(a) The tax on live handle for jai alai performances is 7.1 percent of the handle.

(b) Notwithstanding paragraph (a), the tax on live handle for live jai alai performances is 4.25 percent of handle. This tax rate shall be applicable only until the requirements of paragraph (c) are met.

(c) Notwithstanding paragraph (a), when the total of admissions tax, daily license fee, and tax on handle for live jai alai performances paid to the department 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 1991-1992 state fiscal year, the permitholder shall pay tax on live handle for jai alai performances at a rate of 2.55 percent of the handle for the remainder of the current state fiscal year. For purposes of this section, total state tax revenues on live jai alai wagering in the 1991-1992 state fiscal year includes any admissions tax, tax on handle, surtaxes on handle, and daily license fees.

(d) Notwithstanding paragraph (a), if no tax on handle for live jai alai performances was paid to the department by a jai

alai permitholder during the 1991-1992 state fiscal year, when the total of admissions tax, daily license fee, and tax on handle for live jai alai performances paid to the department 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 live 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 includes any admissions tax, tax on handle, surtaxes on handle, and daily license fees.

(e) Notwithstanding paragraph (a), a permitholder that obtains a new permit issued by the department subsequent to the 1991-1992 state fiscal year and a permitholder that converted its permit to a jai alai permit under this chapter shall, when the total of admissions tax, daily license fee, and tax on handle for live jai alai performances paid to the department 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 by the permitholder and during which the permitholder conducted a full schedule of live games, pay tax on live handle for jai alai performances at a rate of 3.3 percent of the handle for the remainder of the current state fiscal year.

(f) The payment of taxes pursuant to paragraphs (c), (d), and (e) shall be calculated and begin the day the permitholder

is first entitled to the reduced rate specified in such paragraphs and the report of taxes required under s. 551.033 is submitted to the department.

(g)1. Notwithstanding paragraphs (a), (b), (c), and (d), a jai alai permitholder that is prohibited under this chapter from operating live performances on a year-round basis may conduct wagering on live performances at a tax rate of 3.85 percent of live handle.

2. The payment of taxes under subparagraph 1. shall be calculated and begin the day the permitholder is first entitled to the reduced rate specified in this paragraph.

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

(5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host facility is a jai alai fronton, the tax on handle for intertrack wagering is 7.1 percent of the handle with the following exceptions:

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

(b) If the guest facility is a jai alai fronton located as specified in s. 551.073(6) or (9), on games received from any jai alai permitholder located within the same market area the tax on handle for intertrack wagers is 6.1 percent.

(c) Notwithstanding paragraph (b), if the guest facility is

a jai alai fronton located as specified in s. 551.073(6) or (9), on games received from any jai alai permitholder located within the same market area the tax on handle for intertrack wagers shall be 2.3 percent of the handle when the total tax on intertrack handle paid to the department by the permitholder during the current state fiscal year exceeds the total tax on intertrack handle paid to the department by the permitholder during the 1992-1993 state fiscal year.

(d)1. Any jai alai permitholder that is prohibited under this chapter from operating live performances on a year-round basis may 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 when the total tax on intertrack handle paid to the department by the permitholder during the current state fiscal year exceeds the total tax on intertrack handle paid to the department by the permitholder during the 1992-1993 state fiscal year.

2. The payment of taxes under subparagraph 1. shall be calculated and begin the day the permitholder is first entitled to the reduced rate specified in this paragraph.

(6) OTHER TAXES AND FEES.—

(a) All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket that has remained in the custody of or under the control of any permitholder authorized to conduct jai alai pari-mutuel pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owners thereof have made no claim or demand for such money or other property within that 1-year period, shall, with respect to live games conducted by the

permitholder, be remitted to the state pursuant to s. 551.036.

(b)1. Each permitholder conducting jai alai performances shall pay a tax equal to the breaks.

2. 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.

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

(7) TAX CREDITS.—

(a) A jai alai permitholder that has incurred state taxes on handle and admissions in an amount that exceeds its operating earnings in a fiscal year may credit the excess amount of the taxes against state pari-mutuel taxes due and payable during its next ensuing meets. As used in this paragraph, the term "operating earnings" means total revenues from pari-mutuel operations net of state taxes and fees less total expenses; however, deductions for interest, depreciation and amortization, payments to affiliated entities other than for reimbursement of expenses related to pari-mutuel operations, and any increase in an officer's or director's annual compensation above the amount paid during calendar year 1997 are excluded from total expenses.

(b) A jai alai permitholder may receive a tax credit equal to 25 percent of the actual amount remitted to the state in the preceding state fiscal year pursuant to paragraph (6)(a) with respect to live games. The credit may be applied against any taxes imposed under this chapter. Funds equal to such credit from any live jai alai games shall be paid by the permitholder to the National Association of Jai Alai Frontons, to be used for the general promotion of the sport of jai alai in the state, including professional tournaments and amateur jai alai youth programs. Such youth programs must focus on benefiting children in after-school and anti-drug programs with special attention to inner-city areas.

(c)1. Jai Alai Tournament of Champions Meet permitholders shall also receive a credit against the taxes, otherwise due and payable under this section, generated during the permitholders' current regular meet. The credit shall be:

a. In the aggregate amount of $150,000;

b. Prorated equally among the permitholders; and

c. Used by the permitholders solely to supplement awards for the performance conducted during the Jai Alai Tournament of Champions Meet.

2. All awards shall be paid to the tournament's participating players no later than 30 days after the conclusion of the Jai Alai Tournament of Champions Meet.

(d)1. In addition to the credit authorized in paragraph (c), Jai Alai Tournament of Champions Meet permitholders shall receive a credit against the taxes, otherwise due and payable under this section, generated during the permitholders' current regular meet, not to exceed the aggregate amount of $150,000,

which shall be prorated equally among the permitholders and used by the permitholders for such capital improvements and extraordinary expenses, including marketing expenses, necessary for the operation of the meet. The determination of the amount to be credited shall be made by the department upon application of the permitholders.

2. The permitholder may receive the permitholder's pro rata share of the $150,000 tax credit provided in subparagraph 1. without making application if appropriate documentation to substantiate the expenditures is provided to the department within 30 days after the Jai Alai Tournament of Champions Meet.

(8) TAX EXEMPTIONS.—

(a) An admission tax under this chapter or chapter 212 may not 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.

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

(c) 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.

(d) Notwithstanding any other provision of this chapter, each permitholder licensed to conduct performances as part of

the Jai Alai Tournament of Champions Meet shall pay no taxes on handle under subsection (4) or subsection (5) for any performance conducted by such permitholder as part of the Jai Alai Tournament of Champions Meet. This paragraph applies to a maximum of four performances.

(9) If a court determines that subsection (1), paragraphs (4)(b)-(g), paragraph (5)(d), subparagraph (6)(b)2., paragraph (6)(c), paragraph (7)(a), or paragraph (8)(c) is unconstitutional, it is the intent of the Legislature that all such provisions be void and that the remaining provisions of this section apply to all jai alai permitholders beginning on the date of such judicial determination. To this end, the Legislature declares that it would not have enacted any provision listed in this subsection individually and, to that end, expressly finds them not to be severable.

Section 66. Section 551.072, Florida Statutes, is created to read:

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

(1)(a) A person who transmits racing information to any person or relays such information to any person by word of mouth, by signal, or by use of telephone, telegraph, radio, or any other means knowing that the information is used or intended to be used for illegal gambling purposes or in furtherance of illegal gambling commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Paragraph (a) is an exercise of the police power of the state for the protection of the public welfare, health, peace, safety, and morals of the people of the state, and this section

shall be liberally construed for the accomplishment of such purpose.

(2) A pari-mutuel facility licensed under this chapter may broadcast events conducted at the enclosure of the licensee to locations outside this state.

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

(b) Wagers accepted by any out-of-state pari-mutuel permitholder or licensed betting system on a race broadcast under this subsection may be included in the pari-mutuel pools of the horse track in this state that broadcasts the race upon which wagers are accepted. The tax on handle in this part does not include wagers accepted by an out-of-state pari-mutuel permitholder or licensed betting system, irrespective of whether such wagers are included in the pari-mutuel pools of the Florida permitholder under this subsection.

(3) Any horse track licensed under this chapter may receive broadcasts of horseraces conducted at other horse tracks located outside this state at the racetrack enclosure of the licensee during its race meet.

(a) All broadcasts of horseraces received from locations outside this state must comply with the Interstate Horseracing Act of 1978, 15 U.S.C. ss. 3001 et seq.

(b) Wagers accepted at the horse track in this state may be included in the pari-mutuel pools of the out-of-state horse track that broadcasts the race. Notwithstanding any contrary provision of this chapter, if the horse track in this state includes wagers accepted on such races in the pari-mutuel pools

of the out-of-state horse track that broadcasts the race, from the amount wagered by patrons at the horse track in this state and included in the pari-mutuel pools of the out-of-state horse track, the horse track in this state shall deduct as the takeout from the amount wagered by patrons at the horse track in this state and included in the pari-mutuel pools of the out-of-state horse track a percentage equal to the percentage deducted from the amount wagered at the out-of-state racetrack as is authorized by the laws of the jurisdiction exercising regulatory authority over the out-of-state horse track.

(c) All forms of pari-mutuel wagering are allowed on races broadcast under this section, and all money wagered by patrons on such races shall be computed as part of the total amount of money wagered at each racing performance for purposes of taxation under this part. Sections 551.0523(1)(a), 551.0542(1), and 551.0552(1) do not apply to money wagered on races broadcast under this section. The takeout shall be increased by breaks and uncashed tickets for wagers on races broadcast under this section, notwithstanding any contrary provision of this chapter.

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

(5) A pari-mutuel permitholder licensed under this chapter may not receive broadcasts of events from outside this state except from an out-of-state pari-mutuel permitholder that holds the same type or class of pari-mutuel permit as the pari-mutuel permitholder licensed under this chapter that intends to receive the broadcast.

(6)(a) A maximum of 20 percent of the total number of races on which wagers are accepted by a greyhound racing permitholder not located as specified in s. 551.073(6) may be received from locations outside this state. A permitholder may not conduct fewer than eight live events on any authorized race day except as provided in this subsection. A thoroughbred racing permitholder may not conduct fewer than eight live races on any race day without the written approval of the Florida Thoroughbred Breeders' and Owners' 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 racing 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. A harness racing permitholder that, during the preceding racing season, conducted a full schedule of live racing may receive, at any time during its current race meet, full-card broadcasts of harness races conducted at harness race tracks outside this state at the harness race track of the permitholder and accept wagers on such harness races. With specific authorization from

the department for special racing events, a permitholder may conduct fewer than eight live events if the permitholder also broadcasts out-of-state events. The department may not authorize more than two such exceptions a year for a permitholder in any 12-month period, and those two exceptions may not be consecutive.

(b) Notwithstanding any other provision of this part, a harness racing permitholder that accepts broadcasts of out-of-state harness races when not conducting live races must make the out-of-state signal available to all permitholders eligible to conduct intertrack wagering and shall pay to guest tracks located as specified in ss. 551.073(6) and 551.074(9)(d) 50 percent of the net proceeds after taxes and fees to the out-of-state host track on harness race wagers that they accept. A harness racing permitholder shall pay into its purse account 50 percent of the net income retained by the permitholder on wagering on the out-of-state broadcasts received pursuant to this subsection. Nine-tenths of a percent of all harness race wagering proceeds on the broadcasts received pursuant to this subsection shall be paid to the Florida Standardbred Breeders and Owners Association under the provisions of s. 551.0552(2) for the purposes specified in that subsection.

(7) A racetrack or fronton may not pay a patron for any pari-mutuel ticket purchased on any event transmitted pursuant to this section until the stewards, judges, or panel of judges or other similarly constituted body at the racetrack or fronton where the event originates confirms the event as official.

(8) By entering and participating in a race for a purse or any other prize of any racing animal, the owner of the animal

and the jockey or driver agree to accept such purse or prize as full and complete remuneration and payment, including the broadcast of such event, except as otherwise provided in this section.

(9) The rights, privileges, or immunities granted under this section prevail over any conflicting provision to the extent that such rights, privileges, or immunities conflict with any other law or affect any order or rule of the Florida Public Service Commission relating to the regulation of public utilities and the furnishing to others of any communication, wire service, or other similar service or equipment.

(10) The department 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 distribution of net proceeds between the horse track and, in this state, the horsemen's associations.

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

(12) All permitholders licensed under this chapter have standing to enforce subsections (2) and (3) in the courts of this state.

(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 review and approval and must be performed in accordance with rules adopted by the department to ensure accurate calculation and distribution of the pools.

(14) Notwithstanding the provisions of paragraph (3)(b) pertaining to takeout, takeouts different from those of the host track may be used when the totalisator is programmed for net pool pricing and the host track elects to use net pool pricing in the calculation of its pools. This subsection also applies to greyhound intertrack and simulcast wagers.

(15) Uncashed tickets and breakage tax on intertrack wagers shall be retained by the permitholder conducting the live event.

(16) Section 565.02(5) applies to any guest track.

Section 67. Section 551.073, Florida Statutes, is created to read:

551.073 Intertrack wagering.—

(1) A licensed horseracing permitholder that has conducted a full schedule of live racing may, at any time, receive at its facility broadcasts of and accept wagers on horseraces conducted by horseracing permitholders licensed under this chapter.

(2) Any licensed track or fronton that, in the preceding year, conducted a full schedule of live events may, at any time, receive broadcasts of any class of pari-mutuel event and accept wagers on such events conducted by any class of licensed permitholder.

(3) If a permitholder broadcasts to any permitholder in this state, any permitholder that is eligible to conduct intertrack wagering under this part may receive the broadcast and conduct intertrack wagering under this section. A host track may require a guest track within the market area of another permitholder to accept within any week at least 60 percent of the live races that the host track is making available regardless of whether the guest track is operating live events.

A person may not restrain or attempt to restrain any permitholder that is otherwise authorized to conduct intertrack wagering from receiving the signal of any other permitholder or sending its signal to any permitholder.

(4) A guest track within the market area of an operating permitholder may not take an intertrack wager on the same class of live events without the written consent of such operating permitholders conducting the same class of live events.

(5) A permitholder within the market area of the host track may not take an intertrack wager on the host track without the consent of the host track.

(6) Notwithstanding subsection (3), in any area of the state where there are three or more horseracing permitholders within 25 miles of each other, intertrack wagering between permitholders may only be authorized under the following conditions:

(a) A permitholder, other than a thoroughbred racing permitholder, may accept intertrack wagers on live events conducted by a permitholder of the same class or any harness racing permitholder located within such area;

(b) A harness racing permitholder may accept wagers on games conducted live by any jai alai permitholder located within its market area and may accept wagers on games from a jai alai permitholder located within the area specified in this subsection when no jai alai permitholder located within its market area is conducting live jai alai performances; and

(c) A greyhound racing or jai alai permitholder may receive broadcasts of and accept wagers on any permitholder of the other class if a permitholder, other than the host track, of such

other class is not operating a contemporaneous live performance within the market area.

(7) In any county of the state where there are only two permits, one for greyhound racing and one for jai alai, an intertrack wager may not be taken during the period of time when a permitholder is not licensed to conduct live events without the written consent of the other permitholder that is conducting live events. However, if neither permitholder is conducting live events, either permitholder may accept intertrack wagers on horseraces or on the same class of events, or on both horseraces and the same class of events, as is authorized by its permit.

(8) In any three contiguous counties of the state where there are only three permitholders, all of which are greyhound racing permitholders, if a permitholder leases the facility of another permitholder for all or any portion of its live race meet pursuant to s. 551.037, such lessee may conduct intertrack wagering at its prelease permitted facility throughout the entire year, including while its live meet is being conducted at the leased facility, if such permitholder has conducted a full schedule of live racing during the preceding fiscal year at its pre-lease permitted facility, at a leased facility, or at both.

(9) In any two contiguous counties of the state in which only four active permits have been issued, one for thoroughbred racing, two for greyhound racing, and one for jai alai games, an intertrack wager may not be accepted on the same class of live events as those of any permitholder within the same market area without the written consent of each such permitholder conducting the same class of live events within the market area of the guest track.

(10) All costs of receiving broadcasts shall be borne by the guest track, and all costs of sending broadcasts shall be borne by the host track.

Section 68. Section 551.074, Florida Statutes, is created to read:

551.074 Intertrack wagering; purses; breeder awards.—If a host track is a horse track:

(1) A host track racing under a thoroughbred racing permit or quarter horse racing permit shall pay as purses during its current race meet an amount equal to 7 percent of all wagers placed pursuant to s. 551.073. At the option of the host track, up to 0.50 percent of all wagers placed pursuant to s. 551.073 may be deducted from the amount retained by the host track for purses to supplement the awards program for owners of Florida-bred horses as specified in s. 551.0511(3). A host track racing under a harness racing permit shall pay an amount equal to 7 percent of all wagers placed pursuant to s. 551.073 as purses during its current race meet. If a host track underpays or overpays purses required by this section and s. 551.0511, then s. 551.0511 applies to the overpayment or underpayment.

(2) For all wagers placed under s. 551.073:

(a) If the host track is a thoroughbred race track, an amount equal to 0.75 percent of such wagers shall be paid to the Florida Thoroughbred Breeders' and Owners' Association, Inc., for the payment of breeder awards.

(b) If the host track is a harness race track, an amount equal to 1 percent of such wagers shall be paid to the Florida Standardbred Breeders and Owners Association, Inc., for the payment of breeder awards, stallion awards, stallion stakes,

additional purses, and prizes for, and the general promotion of owning and breeding, Florida-bred standardbred horses.

(c) If the host track is a quarter horse race track, an amount equal to 1 percent of such wagers shall be paid to the Florida Quarter Horse Breeders and Owners Association, Inc., for the payment of breeder awards and general promotion.

(3) The payment to a breeder organization shall be combined with any other amounts received by the respective breeder and owner associations as designated. Each breeder and owner association receiving such funds may withhold the same percentage specified in s 551.0523, s. 551.0542, s. 551.0552, or s. 551.056 to be used for administering the payment of awards and for the general promotion of its respective industry. Notwithstanding any other provision of law, if the total combined amount received for thoroughbred breeder awards exceeds 15 percent of the purse required to be paid under subsection (1), the breeder and owner association, as designated, 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-bred horses. Preference shall be given to the track generating such excess.

Section 69. Section 551.075, Florida Statutes, is created to read:

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

(1)(a) All guest tracks receiving broadcasts of:

1. Horseraces from a host track racing under a thoroughbred racing permit or quarter horse racing permit are entitled to 7 percent of the total contributions to the pari-mutuel pool on

wagers accepted at the guest track.

2. Greyhound races or jai alai games from a host track other than a thoroughbred racing or harness racing permitholder are entitled to at least 5 percent of the total contributions to the daily pari-mutuel pool on wagers accepted at the guest track.

3. Horseraces from a host track racing under a harness racing permit are entitled to 5 percent of the total contributions to the daily pari-mutuel pool on wagers accepted at the guest track.

(b)1. If the guest track is a horseracing permitholder that accepts intertrack wagers during its current race meet, one-half of the amount provided in this subsection and s. 551.076 shall be paid as purses during its current race meet; or

2. If the host track is a thoroughbred racing permitholder, and the guest track is also a thoroughbred racing permitholder and accepts intertrack wagers on thoroughbred races during its current race meet, one-third of the amount provided in this subsection shall be paid as purses during its current race meet. In addition, an amount equal to 2 percent of the intertrack handle at the guest track shall be deducted from the purses required to be paid by the host track and remitted by the host track to the guest track and paid by the guest track as purses during its current race meet.

(c) If intertrack wagering on thoroughbred racing is taken at any guest track, including a thoroughbred guest track, which is located within the market area of any thoroughbred racing permitholder that is not conducting live racing, an amount equal to 2 percent of the intertrack handle at all such guest tracks,

including the thoroughbred guest track, shall be deducted from the purses otherwise required to be paid by the host track and remitted by the host track to the thoroughbred racing permitholder that was not conducting live racing. The amount paid under this paragraph to the thoroughbred racing permitholder that was not conducting live racing shall be used to pay purses during its next race meet.

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

(3) All forms of pari-mutuel wagering are allowed on all wagering authorized by s. 551.073 and this section.

(4) The takeout on all intertrack wagering shall be the same as the takeout on similar pari-mutuel pools conducted at the host track.

(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 and purses and payment to the guest track, the host track, breeder associations, horsemen’s associations, and the public.

(6) Each host track or guest track conducting intertrack wagering shall annually file an audit that complies with s. 551.034 which distinguishes intertrack wagering from wagering

conducted live.

(7) A guest track may not make any payment on a pari-mutuel ticket purchased on any event broadcast until the stewards, judges, or panel of judges at the host track where the event originated confirms the event as official.

(8) By entering and participating in a race for a purse or other prize of any racing animal, the owner of the animal and the jockey or driver agree to accept such purse or prize as full and complete remuneration and payment for such entry and participation, including the broadcast of such event.

(9) A host track that has contracted with an out-of-state horse track to broadcast live races conducted at the out-of-state horse track pursuant to s. 551.072(5) may rebroadcast simulcasts of such races to any guest track and accept wagers thereon in the same manner as is provided in s. 551.072.

(a) Definition.—For purposes of this section, the term "net proceeds" means the amount of takeout remaining after payment of state taxes, purses required under this part, the amount paid to the out-of-state horse track, and breeder awards paid to the Florida Thoroughbred Breeders' and Owners' Association and the Florida Standardbred Breeders and Owners Association, to be used as set forth in s. 551.074(2).

(b) Thoroughbred racing host track; distribution.—Notwithstanding subsection (1) and s. 551.074(1) and (2), distribution of the net proceeds that are retained by a thoroughbred racing host track from the takeout on a simulcast race rebroadcast under this subsection shall be as follows:

1. One-third shall be paid to the guest track;

2. One-third shall be retained by the host track; and

3. One-third shall be paid by the host track as purses at the host track.

(c) Guest tracks not thoroughbred; distribution.—All guest tracks, other than thoroughbred racing permitholders, receiving wagers on simulcast horseraces rebroadcast from a thoroughbred racing host track are subject to the distribution of net proceeds specified in paragraph (b) unless the host track and guest track permitholders and the recognized horseman's group agree by contract to a different distribution of their respective portions of the proceeds.

(d) Guest track distribution exception.—A permitholder located in any market area of the state where there are only two permits, one for greyhound racing and one for jai alai, may accept wagers on rebroadcasts of simulcast thoroughbred races from an in-state thoroughbred racing permitholder and is not subject to paragraph (b) if the thoroughbred racing permitholder is both conducting live races and accepting wagers on out-of-state horseraces. In such case, the guest permitholder is entitled to 45 percent of the net proceeds on wagers accepted at the guest facility. Of the remaining net proceeds, one-half shall be retained by the host facility and one-half shall be paid by the host facility as purses at the host facility.

(e) Harness racing host.—Notwithstanding subsection (1) and s. 551.074(1) and (2), the proceeds that are retained by a harness racing host facility from the takeout on a race broadcast under this subsection shall be distributed as follows:

1. Of the total intertrack handle on the broadcast, 1 percent shall be deducted from the proceeds and paid to the Florida Standardbred Breeders and Owners Association to be used

as set forth in s. 551.074(2).

2. After the deduction under subparagraph 1., one-third of the proceeds shall be paid to the guest facility, one-third shall be retained by the host facility, and one-third shall be paid by the host facility as purses at the host facility.

(f) Greyhound racing and jai alai guest tracks.—A permitholder located in any market area of the state where there are only two permits, one for greyhound racing and one for jai alai, may accept wagers on rebroadcasts of simulcast harness races from an in-state harness racing permitholder and is not subject to paragraph (b) if the harness racing permitholder is conducting live races. In such case, the guest permitholder is entitled to 45 percent of the net proceeds on wagers accepted at the guest facility. Of the remaining net proceeds, one-half shall be retained by the host facility and one-half shall be paid by the host facility as purses at the host facility.

(g) Simulcast wagers on thoroughbred racing.—

1. A thoroughbred racing permitholder that accepts wagers on a simulcast signal must make the signal available to any permitholder that is eligible to conduct intertrack wagering under this part. Notwithstanding any other provision of this part to the contrary, a permitholder located as specified in s. 551.073(6) which receives the rebroadcast after 6 p.m. may accept wagers on such rebroadcast simulcast signal. A permitholder licensed under s. 551.077 which receives the rebroadcast after 6 p.m. may accept wagers on such rebroadcast simulcast signals for a number of performances not exceeding that which constitutes a full schedule of live races for a quarter horse racing permitholder pursuant to s. 551.012,

notwithstanding any other provision of this chapter to the contrary, except that the restrictions provided in s. 551.077(1) apply to wagers on such rebroadcast simulcast signals.

2. A thoroughbred permitholder is not 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. 551.073(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 racing permitholders.

(10) All events conducted at a permitholder's facility, all broadcasts of such events, and all related broadcast rights are owned by the permitholder at whose facility such events are conducted and are the permitholder's property as defined in s. 812.012(4). Transmission, reception of a transmission, exhibition, use, or other appropriation of such events, broadcasts of such events, or related broadcast rights without the written consent of the permitholder is theft of such property under s. 812.014, and, in addition to the penal sanctions contained in s. 812.014, the permitholder may avail itself of the civil remedies specified in ss. 772.104, 772.11, and 812.035 in addition to any other remedies available under applicable state or federal law.

(11) To the extent that any rights, privileges, or immunities granted to pari-mutuel permitholders in this section conflict with any provision of any other law or affect any order or rule of the Florida Public Service Commission relating to the

regulation of public utilities and the furnishing to others of any communication, wire service, or other similar service or equipment, the rights, privileges, and immunities granted under this section prevail over such conflicting provision.

Section 70. Section 551.076, Florida Statutes, is created to read:

551.076 Surcharge; supplement payments.—

(1) SURCHARGE ON INTERTRACK POOL.—

(a) Any guest track that accepts intertrack wagers may collect and retain a surcharge on any intertrack pool in an amount not to exceed 3 percent of each winning pari-mutuel ticket cashed.

(b) A thoroughbred racing permitholder that accepts wagers on out-of-state races may impose a surcharge on each winning ticket, or interstate pool, on such out-of-state race in an amount not to exceed 5 percent of each winning pari-mutuel winning ticket cashed. If a permitholder rebroadcasts such signal and elects to impose a surcharge, the surcharge shall be imposed on any winning ticket at any guest facility at the same rate as the surcharge on wagers accepted at its own facility. The proceeds from the surcharge shall be distributed as follows:

1. If the wager is made at the host facility, one-half of the proceeds shall be retained by the host permitholder and one-half shall be paid as purses at the host facility.

2. If the wager is made at a guest facility, one-half of the proceeds shall be retained by the guest permitholder, one-quarter shall be paid to the host permitholder, and one-quarter shall be paid as purses at the host facility.

(c) Any surcharge taken under this section must be

calculated after breakage is deducted from the wagering pool.

(2) SUPPLEMENTAL PAYMENTS BY HARNESS RACING HOST TRACK.—A harness racing permitholder host track may pay any guest track that receives broadcasts and accepts wagers on races from the host track an additional percentage of the total contribution to the pari-mutuel pool on wagers accepted at that guest track as a supplement to the payment authorized in s. 551.075. A harness racing permitholder host track that supplements payments to a guest track may reduce the account available for payment of purses during its current race meet by 50 percent of the supplemental amount paid to the guest track, but the total reduction may not exceed 1 percent of the intertrack wagers placed on races that are part of the regular ontrack program of the host track during its current race meet pursuant to s. 551.073.

Section 71. Section 551.077, Florida Statutes, is created to read:

551.077 Limited intertrack wagering license.—In recognition of the economic importance of the thoroughbred breeding industry to this state, its positive impact on tourism, and 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)(a) Upon application to the department on or before January 31 of each year, a person who is licensed to conduct public sales of thoroughbred horses under s. 535.01, who has conducted thoroughbred horse sales for at least 15 days at a

permanent sales facility in this state for at least 3 consecutive years, and who 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 applying shall be issued a license, subject to the conditions specified in this section, to conduct intertrack wagering at such a permanent sales facility during all of the following periods:

1. Up to 21 days in connection with thoroughbred sales.

2. Between November 1 and May 8.

3. Between May 9 and October 31 at such times and on such days as any thoroughbred, jai alai, or a greyhound racing permitholder in the same county is not conducting live performances. 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.

4. 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.

(b) Only one license may be issued under this subsection, and the license may not be issued for a facility located within 50 miles of any thoroughbred racing permitholder's track.

(2) If more than one application is submitted for such license, the department shall determine which applicant is granted the license. In making its determination, the department shall grant the license to the applicant demonstrating superior capabilities, as measured by the length of time the applicant has been conducting thoroughbred horse 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.

(3) The applicant must comply with ss. 551.034 and 551.029.

(4) Intertrack wagering under this section may be conducted only on thoroughbred races, except that intertrack wagering may be conducted on any class of pari-mutuel event conducted by any class of permitholder licensed under this chapter if all thoroughbred racing, jai alai, and greyhound racing permitholders in the same county as the licensee under this section give their consent.

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

Section 72. Section 551.078, Florida Statutes, is created to read:

551.078 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 an event conducted in this state, unless the totalisator company possesses a business license issued by the department.

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

(b) As a part of its license application, each totalisator company must agree in writing to pay to the department an amount equal to the loss of any state revenues due to missed or canceled events 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.

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

(d) If there is a loss of state tax revenues, the department shall determine:

1. The estimated revenue lost as a result of missed or canceled events or performances;

2. The number of events 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 that the makeup events or performances will not recover and for which the totalisator

company is liable.

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

(f) If the order is contested by the totalisator company or any affected permitholder, chapter 120 applies. 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 were 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 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 Gaming Control Trust Fund. If the bond was not posted or insurance was not obtained, the department 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 of the department rules and pays the license fee, the department shall issue the license.

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

(5) The department 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 73. Section 551.082, Florida Statutes, is created to read:

551.082 Minors' attendance at pari-mutuel performances; restrictions.—

(1) A minor, when accompanied by one or both parents or by her or his legal guardian, may attend pari-mutuel performances under the conditions and at the times specified by each permitholder conducting the pari-mutuel performance.

(2) A person under the age of 18 may not place a wager at any pari-mutuel performance.

(3) Notwithstanding subsections (1) and (2), a minor may be employed at a pari-mutuel facility except in a position directly involving wagering or alcoholic beverages or except as otherwise prohibited by law.

(4) A minor child of a licensed greyhound trainer, kennel operator, or other licensed person employed in the kennel compound areas may be granted access to kennel compound areas without being licensed if the minor is in no way employed at the facility and only when the minor is under the direct supervision of her or his parent or legal guardian.

Section 74. Section 551.091, Florida Statutes, is created to read:

551.091 Penalty for violation.—The department 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 may impose a civil penalty against the permitholder or licensee for a violation of this chapter or any rule adopted by the department. The penalty may not exceed $1,000 for each count or separate offense. All penalties imposed and collected shall be remitted to the Chief Financial Officer for deposit into the General Revenue Fund.

Section 75. Section 551.0921, Florida Statutes, is created to read:

551.0921 Use of controlled substances or alcohol prohibited; testing of certain occupational licensees.—

(1) The use of a controlled substance as defined in chapter 893 or of alcohol by any occupational licensees officiating at or participating in an event is prohibited.

(2)(a) An occupational licensee, by applying for and holding such license, is deemed to have given consent to submit to an approved chemical test of her or his breath for the purpose of determining the alcoholic content of the person's blood and to a urine or blood test for the purpose of detecting the presence of a controlled substance. Such tests shall be conducted only upon reasonable cause that a violation has occurred as determined by the stewards at a horserace meeting or the judges or board of judges at a greyhound track or jai alai meet. 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.

1. If at the time of the test the person's blood contained 0.05 percent or less by weight of alcohol, 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 may be taken by the stewards, judges, or board of judges or the department.

2. If at the time of the test the person's blood contained more than 0.05 percent but less than 0.08 percent by weight of alcohol, it may not be presumed that the person was under the influence of alcoholic beverages to the extent that the person's faculties were impaired. In this instance, the stewards, judges, or board of judges may consider that fact in determining whether the person will be allowed to officiate or participate in a given event.

3. If at the time of the test the person's blood contained 0.08 percent or more by weight of alcohol, this 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 specified in this section, but the person may not officiate at or participate in any event on the day of such test.

(b) All tests relating to alcohol must be performed in a manner identical or substantially similar 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) For the first violation of subsection (2), the stewards, judges, or board of judges may suspend a licensee for up to 10 days or, in lieu of suspension, may impose a civil fine

of up to $500.

(b) For a second violation of subsection (2) within 1 year after the first violation, the stewards, judges, or board of judges may suspend a licensee for up to 30 days and, in addition to or in lieu of suspension, may impose a civil fine of up to $2,000.

(c) In lieu of or in addition to the penalties prescribed under paragraph (a) for a first offense or paragraph (b) for a second offense, the stewards, judges, or board of judges may require the licensee to participate in a drug or alcohol rehabilitation program and to be retested.

(d) If the second violation occurred within 1 year after the first violation, 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. In addition to the action taken by the stewards, judges, or board of judges, the department, 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. The department shall have no authority over the enforcement of this section until a licensee commits a third violation within 2 years after the first violation.

(4) Section 120.80(19)(a) applies to all actions taken by the stewards, judges, or board of judges pursuant to this section without regard to the limitation imposed in that section.

(5) This section does not apply to the possession and use of controlled or chemical substances that are prescribed as part of the care and treatment of a disease or injury by a practitioner licensed under chapter 458, chapter 459, part I of chapter 464, or chapter 466.

(6) It is the intent of the Legislature to protect the health, safety, and welfare of those officiating at or participating in an event. Therefore, evidence of any test or actions taken by the stewards, judges, or board of judges or the department under this section is inadmissible in court for criminal prosecution. 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, board of judges, or department.

Section 76. Section 551.0922, Florida Statutes, is created to read:

551.0922 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 track; the judges at a greyhound 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. The penalty may not exceed $1,000 for each count or separate offense or exceed 60 days of suspension for each count or separate offense.

(2) All penalties imposed and collected pursuant to this section at each pari-mutuel facility shall be deposited into a board of relief fund established by the pari-mutuel

permitholder. Each association shall name a board of relief composed of three of its officers, with the general manager of the permitholder being the ex officio treasurer of such board. Moneys deposited into the board of relief fund shall be disbursed by the board for the specific purpose of aiding occupational licensees and their immediate family members at each pari-mutuel facility.

Section 77. Section 551.093, Florida Statutes, is created to read:

551.093 Racing animals under certain conditions prohibited; penalties; exceptions.—

(1)(a) Racing an animal that has been administered any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug-masking agent is prohibited. A person may not administer or cause to be administered any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug-masking agent to an animal which will result in a positive test for such substance based on samples taken from the animal immediately before or immediately after racing that animal. Test results and the identities of animals being tested and of their trainers and owners of record are confidential and exempt from s. 119.07(1) and 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 executive director or administrative action has begun.

(b) A race-day specimen may not contain a level of a naturally occurring substance which exceeds normal physiological

concentrations. The department may 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) The department may take administrative action against an occupational licensee responsible under department rule for the condition of an animal that has been medicated or drugged in violation of this section.

(3)(a) Upon the finding of a violation of this section, the department may:

1. Revoke or suspend the license or permit of the violator or deny a license or permit to the violator;

2. Impose a fine against the violator in an amount not exceeding $5,000;

3. Require the full or partial return of the purse, sweepstakes, and trophy of the race at issue; or

4. Impose any combination of the penalties in subparagraphs 1.-3.

(b) Notwithstanding chapter 120, the department may summarily suspend the license of an occupational licensee responsible under this section or department rule for the condition of a race animal if the department 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 shall offer the licensee a postsuspension hearing within 72 hours, at which the department shall produce the laboratory report and documentation that, 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 permitholder, other than a proceeding under paragraph (c), shall be conducted in compliance with chapter 120.

(e) The finding of a violation of this section does not prohibit a prosecution for any criminal act committed.

(4) A prosecution brought under this section must begin within 2 years after the violation was committed. Service of an administrative complaint marks the beginning of administrative action.

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

(a) Upon finding a positive drug test result, the department shall notify the owner or trainer of the results. The owner may request that each urine and blood sample be split into a primary sample and a secondary sample, which must be accomplished in the laboratory under rules approved by the department. Custody of both samples must remain with the department. However, upon request by the affected trainer or

owner of the animal from which the sample was obtained, the department shall send the secondary sample to an approved independent laboratory for analysis. The department shall establish standards and rules for uniform enforcement and shall maintain a list of at least five approved independent laboratories from which an owner or trainer shall select in the event that a sample tests positive.

(b) If the state laboratory's findings are not confirmed by the independent laboratory, further administrative or disciplinary action under this section may not be pursued. The department may adopt rules identifying substances that diminish in a blood or urine sample due to passage of time and that must be taken into account in applying this section.

(c) If the independent laboratory confirms the state laboratory's positive result or if there is an insufficient quantity of the secondary sample for confirmation of the state laboratory's positive result, the department may begin administrative proceedings under this chapter and consistent with chapter 120.

(d) 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 conducted.

(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 shall, by rule, establish the procedures

for euthanizing greyhounds. However, a greyhound may not be put to death by any means other than by lethal injection of the drug sodium pentobarbital. A greyhound may not be removed from this state for the purpose of being destroyed.

(c) An occupational licensee may not 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 is a violation of this chapter. Imposition of any penalty by the department for violation of this chapter or any rule adopted by the department pursuant to this chapter does not prohibit a criminal prosecution for cruelty to animals.

(e) The department 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.

(7)(a) Medication may not be administered to an animal within 24 hours before the officially scheduled post time of a race in which the animal is participating except as provided for in this section. The department shall, by rule:

1. Establish conditions for the use of furosemide to treat exercise-induced pulmonary hemorrhage.

2. Establish conditions for the use of prednisolone sodium succinate. Furosemide or prednisolone sodium succinate may not be administered to an animal within 4 hours before the

officially scheduled post time for the race.

3. Establish conditions for the use of phenylbutazone and synthetic corticosteroids. Except as provided in subparagraph 2., phenylbutazone and synthetic corticosteroids may not be given to an animal within 24 hours before the officially scheduled post time of a race. Oral corticosteroids are prohibited unless prescribed by a licensed veterinarian and reported to the department on forms prescribed by the department.

4. Establish acceptable levels of allowed medications and identify the appropriate biological specimens by which the administration of such medication is monitored.

(b) This section does not prohibit the use of vitamins, minerals, or naturally occurring substances in an amount that does not exceed the normal physiological concentration in a race-day specimen.

(8)(a) Medication may not be administered to an animal within 24 hours before the officially scheduled post time of the race except as provided in this section.

(b) If the department first determines that the use of furosemide, phenylbutazone, or prednisolone sodium succinate in horses is in the best interest of racing, the department may adopt rules allowing such use, but the rules must specify the conditions for such use. A rule may not allow the administration of furosemide or prednisolone sodium succinate within 4 hours before the officially scheduled post time for the race. A rule may not allow the administration of phenylbutazone or any other synthetic corticosteroid within 24 hours before the officially scheduled post time for the race. Any administration of

synthetic corticosteroids is limited to parenteral routes. Oral administration of synthetic corticosteroids is expressly prohibited. If this paragraph is unconstitutional, it is severable from the remainder of this section.

(9)(a) The department may conduct a postmortem examination of any animal that is injured while in training or in competition at a permitted racetrack and that subsequently expires or is destroyed. The department 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 must comply with this paragraph as a condition of licensure.

(b) Upon the death of an animal specified in paragraph (a), the department may take possession of the animal for postmortem examination. The department may submit blood, urine, other bodily fluid specimens, or other tissue specimens collected during a postmortem examination for testing by the department 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 in an animal of a prohibited substance that breaks down during a race, found by the department laboratory in a bodily fluid specimen collected during the postmortem examination of the animal, constitutes a violation of this section.

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

(12) Except as specifically modified by statute or by rule of the department, the Uniform Classification Guidelines for

Foreign Substances, revised February 14, 1995, as promulgated by the Association of Racing Commissioners International, Inc., is adopted by reference as the uniform classification system for class IV and V medications.

(13) The department shall use only the thin layer chromatography (TLC) screening process to test for the presence of class IV and V medications in samples taken from racehorses except when thresholds of a class IV or class V medication have been established and are enforced by rule. Once a sample has been identified as suspicious for a class IV or class V medication by the TLC screening process, the sample will be sent for confirmation by and through additional testing methods. All other medications not classified by rule as a class IV or class V medication shall be subject to all forms of testing available to the department.

(14) The department may implement by rule medication levels recommended by the University of Florida College of Veterinary Medicine developed pursuant to an agreement between the department and the University of Florida College of Veterinary Medicine. The University of Florida College of Veterinary Medicine may provide written notification to the department 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.

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

(16) The department shall adopt rules to implement this

section. The rules may include a classification system for prohibited substances and a corresponding penalty schedule for violations.

Section 78. Section 551.0941, Florida Statutes, is created to read:

551.0941 Penalty for conducting unauthorized race.—Every horserace or greyhound race conducted for any stake, purse, prize, or premium, except as allowed by this chapter, is prohibited and declared to be a public nuisance, and a person who conducts, attempts to conduct, or assists in the conduct or attempted conduct of horseracing or greyhound racing in this state in violation of this chapter commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 79. Section 551.0942, Florida Statutes, is created to read:

551.0942 Conspiring to prearrange result of an event; using medication or drugs on a horse or greyhound; penalty.—

(1) Any person who influences or conspires with an owner, jockey, groom, or other person associated with or interested in any stable, kennel, or event to prearrange or predetermine the results of an event involving a horse, greyhound, or jai alai player commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who attempts to affect the outcome of a horse race or greyhound race by unlawfully administering medication or drugs to a race animal or by administering prohibited medication or drugs to a race animal or who conspires to administer or attempt to administer such medication or drugs

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 80. Section 551.0943, Florida Statutes, is created to read:

551.0943 Obtaining goods or services with intent to defraud.—

(1) Any owner, trainer, or custodian of any horse or greyhound being used, or being bred, raised, or trained to be used, in racing at a pari-mutuel facility who obtains food, drugs, transportation, veterinary services, or supplies for the use or benefit of the horse or greyhound with intent to defraud the person from whom the food, drugs, transportation, veterinary services, or supplies are obtained commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) In a prosecution under this section, proof that the food, drugs, transportation, veterinary services, or supplies had been furnished and not paid for, and that the owner, trainer, or custodian of the horse or greyhound was removing or attempting to remove any horse or greyhound from the state and beyond the jurisdiction of the courts of this state, is prima facie evidence of intent to defraud under this section.

Section 81. Section 551.0944, Florida Statutes, is created to read:

551.0944 Bookmaking on the grounds of a permitholder; duties of employees.—

(1) Any person who engages in bookmaking, as defined in s. 849.25, on the grounds or property of a permitholder of a horse or greyhound track or jai alai fronton commits a felony of the

third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A second or subsequent violation under this subsection is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding s. 948.01, a person convicted under this subsection may not have adjudication of guilt suspended, deferred, or withheld.

(2) A person 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 not attend any racetrack or fronton in this state during its racing seasons or operating dates, including any practice or preparation days, for a period of 2 years after the date of conviction or the date of final appeal. After the period of ineligibility expires, the executive director may authorize admittance of such person after a hearing on the matter. Any such person who knowingly violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If the activities of a person show that this section is being violated and such activities are witnessed by or are common knowledge of any track or fronton employee, that employee shall bring the activities of the person to the immediate attention of the permitholder or 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 this subsection is a ground for the department to suspend or revoke that employee's occupational license.

(4) Each permitholder shall display, in conspicuous places

at its 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 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 permitholder to display such warnings may result in the imposition of a $500 fine by the department for each offense.

(5) The prohibition of and penalties for bookmaking contained in this section do not apply to a person attending a track or fronton, or employed by a track or fronton, who places a bet through the legalized pari-mutuel pool for another person, if such service is rendered gratuitously and without fee or other reward.

(6) This section does not apply to prosecutions filed and pending on December 16, 1992, but all such cases shall be disposed of under existing law at the time of institution of such prosecutions.

Section 82. Section 551.095, Florida Statutes, is created to read:

551.095 Limitation of civil liability.—A permittee conducting a race meet pursuant to this chapter; a division director or an employee of the department; or a steward, a judge, or any other person appointed to act pursuant to this part may not be held liable to any person, partnership, association, corporation, or other business entity for any cause whatsoever arising out of or from her or his performance 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, if she or he acted in good faith. This section does not limit liability if negligent maintenance of the premises or negligent conduct of a race contributed to an accident and does not limit any contractual liability.

Section 83. Part III of chapter 551, Florida Statutes, consisting of sections 551.101-551.123, is created and entitled "SLOT MACHINES."

Section 84. Section 551.101, Florida Statutes, is amended to read:

551.101 Slot machine gaming authorized.—

(1) Pursuant to s. 23, Art. X of the State Constitution, a licensed pari-mutuel permitholder operating a facility ~~Any licensed pari-mutuel facility~~ located in Miami-Dade County or Broward County on November 9, 2004, where live racing or games were conducted ~~existing at the time of adoption of s. 23, Art. X of the State Constitution that has conducted live racing or games~~ during calendar years 2002 and 2003 may possess slot machines and conduct slot machine gaming at such facility pursuant to this chapter and department rule.

(2) A licensed pari-mutuel permitholder operating a facility located within a county as defined in s. 125.011 which has conducted live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license may possess slot machines and conduct slot machine gaming at such facility pursuant to this chapter and department rule.

(3) A pari-mutuel permitholder operating a facility located in a county in which a majority of voters have approved slot machines at such facilities in a countywide referendum held

pursuant to a statutory or constitutional authorization granted after July 6, 2010, in the respective county, which facility has conducted a full schedule of live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, may possess slot machines and conduct slot machine gaming at such facility pursuant to this chapter and department rule ~~the location where the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to such permitholder's valid pari-mutuel permit provided that a majority of voters in a countywide referendum have approved slot machines at such facility in the respective county~~.

(4) Notwithstanding any other ~~provision of~~ law, it is not a crime for a person to participate in slot machine gaming at a pari-mutuel facility licensed to possess slot machines and conduct slot machine gaming or to participate in slot machine gaming described in this chapter.

Section 85. Section 551.102, Florida Statutes, is amended to read:

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

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

(1)~~(2)~~ "Designated slot machine gaming area" means the area or areas of a facility of a slot machine licensee in which slot machine gaming may be conducted ~~in accordance with the provisions of this chapter~~.

(2) "Distributor" means a person who sells, leases, or offers or otherwise provides, distributes, or services a slot machine or associated equipment for use or play of slot machines in this state. A manufacturer may be a distributor within the state.

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

(3)~~(4)~~ "Eligible facility" means a ~~any~~ licensed pari-mutuel facility that meets the requirements of s. 551.101 ~~located in Miami-Dade County or Broward County existing at the time of adoption of s. 23, Art. X of the State Constitution that has conducted live racing or games during calendar years 2002 and 2003 and has been approved by a majority of voters in a countywide referendum to have slot machines at such facility in the respective county; any licensed pari-mutuel facility located within a county as defined in s. 125.011, provided such facility has conducted live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of this chapter; or any licensed pari-mutuel facility in any other county in which a majority of voters have approved slot machines at such facilities in a countywide referendum held pursuant to a statutory or constitutional authorization after the effective date of this section in the respective county, provided such facility has conducted a full schedule of live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license~~, pays the required license ~~licensed~~ fee, and meets the other requirements of this chapter.

(4)~~(5)~~ "Manufacturer" means a ~~any~~ person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, or otherwise makes modifications to a ~~any~~ slot machine or associated equipment for use or play of slot machines in this state for gaming purposes. A manufacturer may be a distributor within the state.

(5)~~(6)~~ "Nonredeemable credits" means slot machine operating credits that cannot be redeemed for cash or any other thing of value by a slot machine, a kiosk, or the slot machine licensee and that are provided free of charge to patrons. Such operating credits become ~~do not constitute~~ "nonredeemable credits" when ~~until such time as~~ they are metered as credit into a slot machine and recorded in the facility-based monitoring system.

(6)~~(7)~~ "Progressive system" means a computerized system linking slot machines in one or more licensed facilities within this state or other jurisdictions and offering one or more common progressive payouts based on the amounts wagered.

(7)~~(8)~~ "Slot machine" means a ~~any~~ mechanical or electrical contrivance, terminal that may ~~or may not~~ be capable of downloading slot games from a central server system, machine, or other device that, upon insertion of a coin, bill, ticket, token, or similar object or upon payment of any consideration whatsoever, including the use of an ~~any~~ electronic payment system except a credit card or debit card, is available to play or operate, the play or operation of which, whether by reason of skill or application of the element of chance or both, may deliver or entitle the person or persons playing or operating the contrivance, terminal, machine, or other device to receive cash, billets, tickets, tokens, or electronic credits to be

exchanged for cash or to receive merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually. The term includes associated equipment necessary to conduct the operation of the contrivance, terminal, machine, or other device. Slot machines may use spinning reels, video displays, or both. A slot machine is not an ~~a~~ "~~coin-operated~~ amusement game or machine" as defined in s. 212.02(24) or ~~an amusement game or machine~~ as described in s. 849.161, and slot machines are not subject to the tax imposed under ~~by~~ s. 212.05(1)(h).

(8)~~(9)~~ "Slot machine facility" means a facility at which slot machines ~~as defined in this chapter~~ are lawfully offered for play.

(9)~~(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.

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

(11)~~(12)~~ "Slot machine operator" means a person employed or contracted by a slot machine licensee ~~the owner of a licensed facility~~ to conduct slot machine gaming at a slot machine ~~that licensed~~ facility.

(12)~~(13)~~ "Slot machine revenues" means the total of all cash and property, except nonredeemable credits, received by the

slot machine licensee from the operation of slot machines less the amount of cash, cash equivalents, credits, and prizes paid to winners of slot machine gaming.

Section 86. 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 by ~~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 specified ~~contained~~ in this chapter which ~~that~~ 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 ~~division~~ may contract with an independent testing laboratory to conduct any necessary testing under this section. The independent testing laboratory must have a national reputation as being ~~which is 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 ~~shall~~ not be owned or controlled by a licensee. If ~~The use of~~ an independent testing laboratory is used for a ~~any~~ purpose related to the conduct of slot machine gaming by a licensee under this chapter, such laboratory shall be selected

~~made~~ from a list of ~~one or more~~ laboratories approved by the department ~~division~~.

(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 ~~that~~ allow the department ~~division~~ 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 ~~division~~ 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 department rules governing ~~any rules adopted by the 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 with or manipulation of those slot machines or the ability to suspend play immediately of the entire operation if the computer system itself is tampered with or manipulated ~~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. A ~~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. 551.034 ~~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 under ~~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 at least ~~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 a rule adopted pursuant to this chapter ~~thereto~~.

(5) The department ~~division~~ shall revoke or suspend the license of a ~~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 a ~~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 a ~~any~~ local law enforcement authority whose jurisdiction includes the slot 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 that are contained within the slot machine licensee's facility.

Section 87. Section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

(1) Upon application and payment of the initial license fee 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 the rules adopted pursuant

to this chapter ~~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 to ~~for the~~ conduct ~~of~~ slot machine gaming, the slot machine licensee must ~~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 this chapter ~~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 at least ~~no fewer than~~ a full schedule of live racing or games as defined in s. 551.012 ~~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 a change ~~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 before ~~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 change of 5 percent or more, shall be reported to the department ~~division~~ within 20 days after such ~~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 not required if the person holds ~~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 shall be approved by the department before ~~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 an ~~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 must ~~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 this chapter ~~statutory provisions~~ and rules adopted by the department pursuant to this chapter ~~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 the ~~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 ~~shall have the authority to~~ suspend play upon reasonable suspicion of ~~any~~ manipulation or tampering. When play has been suspended on a ~~any~~ slot machine, the department ~~division~~ or the Department of Law Enforcement may examine the ~~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 plans ~~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 before ~~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 on a prevention program for ~~working with a~~ compulsive or addictive gambling ~~prevention program~~ to further its purposes as provided for in s. 551.118.

6. Implementing ~~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~~

(j) Use the Internet-based job-listing system of the Department of Economic Opportunity to advertise ~~in advertising~~ employment opportunities.

(k) ~~Beginning in June 2007, each slot machine licensee shall~~ Provide an annual report to the department ~~division~~ containing information indicating compliance with ~~this~~ paragraph (i) in regard to minority persons.

(l)~~(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 at least ~~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 must ~~shall~~ be available during the licensee's regular business hours 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 are ~~shall be~~ due at the same time as the monthly pari-mutuel reports are due to the department. ~~division, and~~ The reports become ~~shall be deemed~~ public records when ~~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. The ~~Such~~ audit shall be filed within 60 days after ~~the~~ completion of the permitholder's

pari-mutuel meet.

(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. A ~~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. A ~~No~~ slot machine license or renewal license may not ~~thereof shall~~ be issued to an applicant holding a permit under part II of chapter 551 ~~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, a ~~no~~ slot machine license or renewal license may not ~~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 breeder ~~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 are ~~shall be~~ subject to part II of chapter 551 ~~the terms of chapter 550~~. All sums for breeder ~~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 under s. 551.0523(2) ~~in s. 550.2625(3)~~.

2. A ~~No~~ slot machine license or renewal license may not ~~thereof shall~~ be issued to an applicant holding a permit under part II of chapter 551 ~~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 are ~~shall be~~ subject to part II of chapter 551 ~~the terms of chapter 550~~.

(b) The department ~~division~~ 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 pursuant to ~~in accordance with~~ chapter 120.

(c)1. If an agreement required under paragraph (a) cannot be reached before ~~prior to~~ 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 before ~~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 after ~~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 ~~prior to~~ 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 and chapter 682.

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 before ~~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. are in place by the deadlines established in this paragraph, arbitration regarding each agreement 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 a ~~any~~ provision of this subsection or its application to a ~~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 88. 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 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 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 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 89. Section 551.105, Florida Statutes, is amended to read:

551.105 Slot machine license renewal.—

(1) Slot machine licenses are ~~shall be~~ effective for 1 year after issuance ~~and shall be renewed annually~~. The annual

application for renewal must contain all revisions to the information submitted in the prior year's application which ~~that~~ are necessary to maintain such information as both accurate and current.

(2) The applicant for renewal shall attest that a change in ~~any~~ information does ~~changes do~~ not affect the applicant's qualifications for 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 90. 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 shall ~~must~~ pay to the department ~~division~~ a nonrefundable license fee of $3 million for the succeeding 12 months of licensure. On the first annual anniversary date ~~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. On the second annual anniversary date ~~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 Gaming Control ~~Pari-mutuel Wagering~~ Trust Fund of the department of

Gaming Control and ~~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. The ~~These~~ payments shall be accounted for separately from taxes or fees paid pursuant to part II of chapter 551 ~~the provisions of chapter 550~~.

(b) ~~Prior to January 1, 2007,~~ The department ~~division~~ shall biennially 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 necessary to ~~in order to adequately~~ support the slot machine regulatory program.

(2) TAX ON SLOT MACHINE REVENUES.—

(a) Rate of tax.—Each facility shall be taxed at a rate of ~~The tax rate on slot machine revenues at each facility shall be~~ 35 percent of slot machine revenues. If, during a ~~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) Disposition.—The ~~slot machine revenue~~ tax imposed by this section shall be paid by the slot machine licensee to the department ~~division~~ for deposit into the Gaming Control ~~Pari-mutuel Wagering~~ Trust Fund of the department and immediately transferred ~~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) Use of revenues.—

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 a ~~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.

(d) ~~(3)~~ Payment of taxes.—~~PAYMENT AND DISPOSITION OF TAXES.— Payment for the tax on slot machine revenues imposed by this section shall be paid to the division. The 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 pay ~~remit to the 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 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~~.

(e)~~(4)~~ Failure to pay tax; penalties.—~~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 Gaming Control ~~Pari-mutuel Wagering~~ Trust Fund of the department ~~of Business and Professional Regulation~~. If a ~~any~~ slot machine licensee fails to pay penalties imposed by order of the department ~~division~~ under this paragraph ~~subsection~~, the department ~~division~~ may suspend, revoke, or refuse to renew the license of the slot machine licensee.

(3)~~(5)~~ SUBMISSION OF FUNDS.—The department ~~division~~ may

require slot machine licensees to remit taxes, fees, fines, and assessments by electronic funds transfer.

Section 91. Section 551.108, Florida Statutes, is amended to read:

551.108 Prohibited relationships.—

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

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

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

(2) A manufacturer or distributor of slot machines may not enter into a ~~any~~ contract with a slot machine licensee which ~~that~~ provides for ~~any~~ revenue sharing of any kind or nature that is directly or indirectly calculated on the basis of a percentage of slot machine revenues. A ~~Any~~ maneuver, shift, or device that violates this subsection ~~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, a director, or an employee of any such manufacturer or distributor may not have an ~~any~~ ownership or financial interest in a slot machine license or in a ~~any~~ business owned by the slot machine licensee.

(4) An employee of the department ~~division~~ or relative living in the same household as 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 a relative of such licensee who lives ~~living~~ in the same household ~~as such occupational licensee~~ may not wager at any time on a slot machine located at a facility where the licensee ~~that person~~ is employed.

Section 92. Section 551.109, Florida Statutes, is amended to read:

551.109 Prohibited acts; penalties.—

(1) Except as otherwise provided by law, and in addition to any other penalty, a ~~any~~ person who knowingly makes or causes to be made~~,~~ or who aids, assists, or procures another to make~~,~~ a false statement in a ~~any~~ report, a disclosure, an application, or any other document required under this chapter or applicable ~~any~~ rule ~~adopted under this chapter~~ is subject to an administrative fine or civil penalty of up to $10,000.

(2) Except as otherwise provided by law, and in addition to any other penalty, a ~~any~~ person who possesses a slot machine without the license required under ~~by~~ this chapter or who possesses a slot machine at a ~~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 and that ~~division who~~ are authorized to maintain a slot machine storage and maintenance facility at a ~~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.

(3) A ~~Any~~ person who knowingly excludes, or attempts ~~takes any action in an attempt~~ to exclude, anything of value from the deposit, counting, collection, or computation of revenues from slot machine activity, or a ~~any~~ person who by trick, sleight-of-hand performance, ~~a~~ fraud or fraudulent scheme, or device wins or attempts to win, for himself, ~~or~~ herself, or ~~for~~ another, money or property or a combination thereof or reduces or attempts to reduce a losing wager in connection with slot machine gaming commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A ~~Any~~ person who manipulates or attempts to manipulate the outcome, payoff, or operation of a slot machine by physical tampering or by use of an ~~any~~ object, an instrument, or a device, whether mechanical, electrical, magnetic, or involving other means, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Theft of ~~any~~ slot machine proceeds or ~~of~~ property belonging to a ~~the~~ slot machine operator or a licensed facility by an employee of the operator or facility or by an employee of

a person, firm, or entity that has contracted to provide services to the operator or facility is ~~constitutes~~ a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(6)(a) A ~~Any~~ law enforcement officer or slot machine operator who has probable cause to believe that a violation of subsection (3), subsection (4), or subsection (5) has been committed ~~by a person~~ and that he or she ~~the officer or operator~~ can recover the lost proceeds from such activity by taking the person who committed the violation into custody ~~may~~, for the purpose of attempting to effect such recovery or for prosecution, may take the person into custody on the premises and detain the person in a reasonable manner and for a reasonable period of time. If the operator takes the person into custody, a law enforcement officer shall be called to the scene immediately. The act of taking into custody and detention by a law enforcement officer or slot machine operator, if done in compliance with this subsection, does not render such law enforcement officer, ~~or~~ the officer's agency, or the slot machine operator criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(b) A ~~Any~~ law enforcement officer may arrest, either on or off the premises and without warrant, a ~~any~~ person if there is probable cause to believe that person has violated subsection (3), subsection (4), or subsection (5).

(c) A ~~Any~~ person who resists the reasonable effort of a law enforcement officer or slot machine operator to recover the lost slot machine proceeds that the law enforcement officer or slot machine operator had probable cause to believe had been stolen

from the licensed facility and who is subsequently found to be guilty of violating subsection (3), subsection (4), or subsection (5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, unless such person did not know or did not have reason to know that the person seeking to recover the lost proceeds was a law enforcement officer or slot machine operator.

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

Section 93. Section 551.111, Florida Statutes, is amended to read:

551.111 Legal devices.—Notwithstanding a ~~any provision of~~ law to the contrary, a slot machine manufactured, sold, distributed, possessed, or operated according to ~~the provisions of~~ this chapter is lawful ~~not unlawful~~.

Section 94. 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 a ~~any~~ facility of a slot machine licensee ~~in this state~~, the department ~~division~~ may exclude a ~~any~~ person from a ~~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 adopted thereto ~~of the division~~. The department ~~division~~ may exclude from a ~~any~~ facility of a slot machine licensee a ~~any~~ person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from a ~~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 that ~~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 95. Section 551.113, Florida Statutes, is amended to read:

551.113 Persons prohibited from playing slot machines.—

(1) A person who has not attained 21 years of age may not play or operate a slot machine or have access to the designated slot machine gaming area of a facility of a slot machine licensee.

(2) A slot machine licensee or an agent or employee of a slot machine licensee may not knowingly allow a person who has not attained 21 years of age:

(a) To play or operate a ~~any~~ slot machine.

(b) To be employed in a ~~any~~ position allowing or requiring access to the designated slot machine gaming area of a facility of a slot machine licensee.

(c) To have access to the designated slot machine gaming area of a facility of a slot machine licensee.

(3) The licensed facility shall post clear and conspicuous signage within the designated slot machine gaming areas that states the following:

THE PLAYING OF SLOT MACHINES BY PERSONS UNDER THE AGE OF 21 IS AGAINST FLORIDA LAW (SECTION 551.113, FLORIDA STATUTES). PROOF OF AGE MAY BE REQUIRED AT ANY TIME.

Section 96. Section 551.114, Florida Statutes, is amended to read:

551.114 Slot machine gaming areas.—

(1) A slot machine licensee may make available for play up to 2,000 slot machines within the property of the facilities of the slot machine licensee.

(2) The slot machine licensee shall display pari-mutuel races or games within the designated slot machine gaming areas and offer patrons within the designated slot machine gaming areas the ability to engage in pari-mutuel wagering on live, intertrack, and simulcast races conducted or offered to patrons of the licensed facility.

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

(4) Designated slot machine gaming areas may be located within the current live gaming facility or in an existing building, which ~~that~~ must be contiguous and connected to the live gaming facility. If a designated slot machine gaming area is to be located in a building that is to be constructed, the ~~that~~ new building must be contiguous and connected to the live gaming facility.

(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 under ~~by~~ this subsection.

Section 97. Section 551.116, Florida Statutes, is amended to read:

551.116 Days and hours of operation.—Slot machine gaming areas may be open daily throughout the year. The slot machine gaming areas 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 those holidays specified in s. 110.117(1).

Section 98. Section 551.117, Florida Statutes, is amended to read:

551.117 Penalties.—The department ~~division~~ may revoke or suspend a ~~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 thereto ~~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 thereto ~~by the 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 Gaming Control ~~Pari-mutuel Wagering~~ Trust Fund of the department ~~of Business and Professional Regulation~~.

Section 99. Section 551.118, Florida Statutes, is amended to read:

551.118 Compulsive or addictive gambling prevention program.—

(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 for compulsive and addictive gambling. Such advertisements must be made both publicly and inside the designated slot machine gaming areas of the licensee's facilities. The terms of a ~~any~~ contract for ~~the provision of~~ such services must ~~shall~~ include accountability standards that must be met by a ~~any~~ private provider. The failure of a ~~any~~ private provider to meet a ~~any~~ material term ~~terms~~ of the contract, including the accountability standards, is ~~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 the ~~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 100. Section 551.119, Florida Statutes, is amended to read:

551.119 Caterer's license.—A slot machine licensee is entitled to a caterer's license pursuant to s. 565.02 on days on

which the pari-mutuel facility is open to the public for slot machine game play as authorized by this chapter.

Section 101. Section 551.121, Florida Statutes, is amended to read:

551.121 Prohibited activities and devices; exceptions.—

(1) A complimentary or reduced-cost alcoholic beverage ~~beverages~~ may not be served to a person ~~persons~~ playing a slot machine. Alcoholic beverages served to a person ~~persons~~ playing a slot machine must ~~shall~~ cost at least the same amount as alcoholic beverages served to the general public at a bar within the facility.

(2) A slot machine licensee may not make a ~~any~~ loan, provide credit, or advance cash in order to enable a person to play a slot machine. This subsection does ~~shall~~ not prohibit automated ticket redemption machines that dispense cash resulting from the redemption of tickets from being located in the designated slot machine gaming area of the slot machine licensee.

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

(4)(a) A slot machine licensee may not accept or cash a ~~any~~ check from a ~~any~~ person within the designated slot machine gaming areas of a facility of a slot machine licensee.

(b) Except as provided in paragraph (c) for employees of the facility, a slot machine licensee or operator may ~~shall~~ not accept or cash for a ~~any~~ person within the property of the facility a ~~any~~ government-issued check, third-party check, or

payroll check made payable to an individual.

(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.

(d) Unless accepting or cashing a check is prohibited under ~~by~~ this subsection, ~~nothing shall prohibit~~ a slot machine licensee or operator may accept and deposit ~~from accepting and depositing~~ in its accounts checks received in the normal course of business.

(5) A slot machine, or the computer operating system linking the slot machine, may be linked by any means to another ~~any other~~ slot machine or computer operating system within the facility of a slot machine licensee. A progressive system may be used in conjunction with slot machines between licensed facilities in this state ~~Florida~~ or in other jurisdictions.

(6) A slot machine located within a licensed facility may ~~shall~~ accept only tickets, ~~or~~ paper currency, or ~~an~~ electronic payment ~~system~~ for wagering and must return or deliver payouts to the player in the form of electronic credit or tickets that may be exchanged for cash, merchandise, or other items of value. The use of coins, credit or debit cards, tokens, or similar objects is specifically prohibited. ~~However, an electronic credit system may be used for receiving wagers and making~~

~~payouts.~~

Section 102. 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 103. Section 551.123, Florida Statutes, is amended to read:

551.123 Legislative authority; administration of part ~~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 ~~Division of Pari-mutuel Wagering~~ and other authorized state agencies may ~~shall~~ administer this part ~~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 part ~~chapter~~ and the rules adopted by the department ~~division~~.

Section 104. Part IV of chapter 551, Florida Statutes, consisting of section 551.20, is created and entitled "Cardrooms."

Section 105. Section 849.086, Florida Statutes, is transferred, renumbered as section 551.20, Florida Statutes, reordered, and amended to read:

551.20 ~~849.086~~ Cardrooms authorized.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to provide additional entertainment choices for the residents of and visitors to this ~~the~~ state, promote tourism ~~in the state~~, and provide additional state revenues by authorizing ~~through the~~

~~authorization of~~ the playing of certain games ~~in the state~~ at facilities known as cardrooms, which are ~~to be~~ located at licensed pari-mutuel facilities in this state. This act is intended to ensure the public confidence in the integrity of authorized cardroom operations by~~, this act is designed to~~ strictly regulating ~~regulate the~~ facilities, persons, and procedures related to cardroom operations. Further ~~Furthermore~~, the Legislature intends ~~finds~~ that, as defined in this section, authorized games be deemed ~~as herein defined are considered to be~~ pari-mutuel style games rather than ~~and not~~ casino gaming, since ~~because the~~ participants play against each other instead of against the house.

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

(a) "Authorized game" means a game or series of games of poker or dominoes which are played in a nonbanking manner.

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

(c) "Cardroom" means a facility where authorized games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility. Authorized games and cardrooms are ~~do~~ not ~~constitute~~ casino gaming operations.

(d) "Cardroom management company" means a person that is ~~any individual~~ not an employee of the cardroom operator but who is a~~,~~ ~~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 a ~~any~~ business that distributes cardroom equipment ~~paraphernalia~~ such as card tables, betting chips, chip holders, dominoes, domino ~~dominoes~~ tables, drop boxes, banking supplies, playing cards, card shufflers, and other related ~~associated~~ equipment to authorized cardrooms.

(f) "Cardroom operator" means a licensed pari-mutuel permitholder that ~~which~~ holds a valid permit and license issued by the department ~~division~~ pursuant to part II of chapter 551 and ~~chapter 550 and which also holds~~ a valid cardroom license issued by the department ~~division~~ pursuant to this section which authorize the permitholder ~~authorizes such person~~ to operate a cardroom and ~~to~~ conduct authorized games in such cardroom.

(g) "Department" ~~"Division"~~ means the Department of Gaming Control ~~Division of Pari-mutuel Wagering of the Department of 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 that are blank or that each have up~~, with zero~~ to six dots, called "pips." ~~"pips," in each part.~~ The term also means the set of blocks used to play the game and 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 persons participating ~~any person for participation~~ in authorized games. For purposes of tournament play only, "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 out in prizes.

(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~~

1. Direct operating expenses include:

a. Labor costs;~~,~~

b. Admission taxes ~~only~~ if a separate admission fee is charged for entry to the cardroom facility;~~,~~

c. Gross receipts taxes imposed on cardroom operators by this section;~~, the~~

d. Annual cardroom license fees imposed by this section on each table operated at a cardroom;~~,~~ and

e. Reasonable promotional costs. ~~excluding~~

2. Direct operating expenses do not include:

a. Officer and director compensation;~~,~~

b. Interest on capital debt;~~,~~

c. Legal fees;~~,~~

d. Real estate taxes;~~,~~

e. Bad debts;~~,~~

f. Contributions or donations;~~,~~ or

g. 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 prizes ~~the winners or others receive a prize~~ or cash are awarded ~~award~~.

(3) CARDROOM AUTHORIZED.—Notwithstanding any other ~~provision of~~ law, ~~it is not a crime for~~ a person may ~~to~~ participate in a ~~an authorized~~ game at a ~~licensed~~ cardroom or ~~to~~ operate a cardroom as defined ~~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~~.—

(a) The department ~~division of Pari-mutuel Wagering of the Department of Business and Professional Regulation~~ shall administer this section and may adopt rules pursuant thereto, including, but not limited to, rules governing ~~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~~:

1. The issuance of cardroom and employee licenses for cardroom operations;

2. The operation of a cardroom;

3. Recordkeeping and reporting requirements; and

4. The collection of all fees and taxes imposed by this section.

(b) The department may do any of the following:

1. Conduct investigations and monitor the operation of cardrooms and the playing of ~~authorized~~ games therein.

2.~~(c)~~ Review the books, accounts, and records of a ~~any~~

current or former cardroom operator.

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

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

5.~~(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 are not compromised. To that end, a roaming department ~~division~~ auditor must ~~will~~ monitor and verify the cash flow and accounting of cardroom revenue for any given operating day.

(6)~~(5)~~ LICENSE REQUIREMENTS ~~REQUIRED; APPLICATION; FEES~~.~~—~~A ~~No~~ person may not operate a cardroom in this state unless such person holds a valid cardroom license issued by the department pursuant to this section.

(a) ~~Only those persons holding a valid cardroom license issued by the division may operate a cardroom.~~ A cardroom license may only be issued to a licensed pari-mutuel permitholder. Such permitholder may not operate a cardroom at a facility other than the facility it ~~and an authorized cardroom may only be operated at the same facility at which the permitholder~~ is authorized to operate under its ~~valid~~ pari-mutuel wagering permit ~~to conduct pari-mutuel wagering activities~~. An initial cardroom license may not ~~shall~~ be issued until the ~~to a pari-mutuel~~ permitholder completes construction of ~~only after~~ its facilities ~~are in place~~ and ~~after it~~ conducts its first day of live racing or games.

(b) After an ~~the~~ initial cardroom license is granted, the application for the annual license renewal shall be made in conjunction with the applicant's annual application to renew ~~for~~ its pari-mutuel license.

1. An applicant for renewal of a cardroom license must demonstrate that it requested permission in its annual pari-mutuel 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 immediately preceding state fiscal year if the permitholder ran at least a full schedule of live racing or games in the prior year. However, if the applicant for renewal is a harness racing permitholder, the applicant must demonstrate that it requested permission in its annual pari-mutuel license application to conduct a minimum of 140 live performances during the immediately preceding state fiscal year. If the applicant for renewal is a greyhound racing permitholder that requested permission in its annual pari-mutuel license application to conduct at least a full schedule of live racing, this subparagraph does not apply.

2. ~~If~~ A permitholder that has operated a cardroom during any of the previous 3 ~~previous~~ fiscal years that ~~and~~ fails to include a renewal request for the operation of the cardroom in its annual license renewal 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.~~

3. If more than one pari-mutuel permitholder is operating at a facility, each permitholder must have applied for a license to conduct a full schedule of live racing.

(c) Application for an initial or renewal license to operate a cardroom must be made ~~Persons seeking a license or a renewal thereof to operate a cardroom shall make application~~ on forms prescribed by the department and must ~~division. Applications for cardroom licenses shall~~ contain all of the information required by department rule ~~the division, by rule, may determine is required to ensure eligibility~~.

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

(e) The holder of a cardroom license is 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. Before the issuance of a cardroom license, the applicant for such license must provide evidence that it has purchased a $50,000 surety bond, payable to the state, from a

corporate surety authorized to do business in this state or evidence that the bond required under s. 551.034 has been expanded to include the applicant's cardroom operation. The bond must 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.

~~(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 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 division.~~

~~(c) No licensed cardroom operator may employ or allow to work in a cardroom any person unless such person holds a valid occupational license. No licensed cardroom operator may 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 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 division. Applications for cardroom occupational licenses shall contain all of the information the division, by rule, may determine is required to ensure eligibility.~~

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

~~period.~~

(8)~~(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~~, which must ~~and such location may only~~ be the location at which the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to its ~~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) A licensed ~~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 operated ~~open a cumulative amount of~~ 18 cumulative 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). This limitation applies regardless of the number of cardroom licenses issued for permitholders operating at the pari-mutuel facility.

(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. A dealer ~~Such dealers~~ may not have a participatory interest in a ~~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 ~~which~~ 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 also conspicuously 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 may be inspected ~~is subject to inspection~~ by the department ~~division~~ or any law enforcement agency during the licensee's regular business hours. The inspection must ~~specifically~~ include a review of the pari-mutuel permitholder internal control procedures approved by the department ~~division~~.

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

(10)~~(8)~~ METHOD OF WAGERS; LIMITATION.—

(a) ~~No~~ Wagering may not be conducted using money or other negotiable currency. Games may only be played using ~~utilizing~~ a

wagering system whereby all players' money is first converted by the house to tokens or chips that are ~~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 upon payment of ~~in exchange for~~ an entry fee and any subsequent rebuys ~~re-buys~~. All players must be given the same ~~receive an equal~~ number of tournament chips ~~for their entry fee~~. Tournament chips do not have ~~no~~ cash value, but instead ~~and~~ represent tournament points ~~only~~. The cardroom operator shall determine any ~~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 not ~~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.~~

(9) ~~(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 fee for the use of a seat at a table or a rake subject to the posted maximum amount. Such fee ~~but~~ may not be based on the amount won by players. Any rake ~~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.~~

(12) ~~(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 at least ~~not less than~~ 3 years. Such ~~These~~ records must ~~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) Monthly, each licensee operating a cardroom shall file with the department ~~division~~ a report containing the required records of such cardroom operation, which~~. Such report shall be filed monthly by licensees. The required reports~~ shall be submitted to the department 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 division, and~~ Such reports shall contain any additional information required ~~deemed necessary~~ by the department and are ~~division, and the reports shall be deemed~~ public records when ~~once~~ filed.

(13)~~(12)~~ PROHIBITED ACTIVITIES.—

(a) A ~~No~~ person licensed to operate a cardroom may not conduct any banking game or any other game not specifically authorized by this section.

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

(c) ~~No~~ Electronic or mechanical devices, except mechanical card shufflers, may not be used to conduct any authorized game in a cardroom.

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

(11)~~(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 ~~shall apply~~ 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 is ~~shall be~~ payable only once and is ~~shall be~~ payable pursuant to part II of chapter 551 ~~chapter 550~~. The cardroom licensee shall collect ~~be responsible for collecting~~ the admission tax, which~~. An admission tax~~ is imposed on ~~any~~ free passes or complimentary cards issued to guests by a licensee ~~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 media ~~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 ~~division~~ 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 paid to the department, which ~~division. The division~~ shall deposit them ~~these sums~~ with the Chief Financial Officer. The funds shall be equally distributed between~~, one-half being credited to~~ the Gaming Control ~~Pari-mutuel Wagering~~ Trust Fund and ~~one-half being credited to~~ the General Revenue Fund. On the fifth day of each calendar month, a

~~The~~ cardroom licensee shall remit to the department ~~division~~ payment for the admission tax and~~,~~ the gross receipts tax collected on the preceding month's cardroom activities~~,~~ and ~~the~~ licensee fees. On the fifth day of each calendar month, the licensee ~~Such payments shall be remitted to the division on the fifth day of each calendar month for taxes and fees imposed for the preceding month's cardroom activities. Licensees~~ shall also file a sworn report that states the ~~under oath by the fifth day of each calendar month for all~~ taxes collected ~~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 required ~~prescribed~~ by the department ~~division~~.

(d)1. Each greyhound racing 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 horse racing and harness ~~horse~~ racing permitholder that operates a cardroom facility shall, during the permitholder's next ensuing racing meet, reserve ~~use~~ at least 50 percent of such permitholder's cardroom monthly net proceeds and use ~~as follows:~~ 47 percent of such funds to supplement purses and 3 percent to supplement breeders' awards ~~during the permitholder's next ensuing racing meet~~.

3. A ~~No~~ cardroom license or renewal license may not ~~thereof shall~~ be issued to an applicant holding a quarter horse racing permit under part II of chapter 551 ~~chapter 550 to conduct pari-~~

~~mutuel wagering meets of quarter horse racing~~ unless the applicant has filed ~~on file~~ with the department ~~division~~ a binding written agreement between the applicant and the Florida Quarter Horse Racing Association or the association that represents ~~representing~~ a majority of the horse owners and trainers at the applicant's eligible facility which governs~~,~~ ~~governing~~ the payment of purses on live quarter horse races conducted at the licensee's pari-mutuel facility. Such ~~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 are ~~shall be~~ subject to part II of chapter 551 ~~the terms of chapter 550~~.

(e) A ~~The failure of any~~ licensee that fails to make payments as prescribed in paragraph (c) violates ~~is a violation of~~ this section~~,~~ and ~~the licensee~~ may be required ~~subjected~~ by the department ~~division~~ to pay 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 additional ~~further~~ license to the cardroom operator.

(f) The cardroom is ~~shall be deemed~~ an accessory use to a licensed pari-mutuel operation and, except as provided in part II of chapter 551 ~~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 Gaming Control ~~Pari-mutuel Wagering~~ Trust Fund, except as set forth in paragraph (h), shall be ~~utilized and~~ distributed and used in the manner specified in s. 551.035(1) ~~s. 550.135(1) and (2)~~. However, cardroom tax revenues shall be kept separate from pari-mutuel tax revenues ~~and shall not be used for making the disbursement to counties provided in former s. 550.135(1)~~.

(h) By October 1 of each year, 25 percent ~~One-quarter~~ of the moneys deposited into the Gaming Control ~~Pari-mutuel Wagering~~ Trust Fund under this subsection ~~pursuant to paragraph (g)~~ shall~~, by October 1 of each year,~~ be distributed to the local government that approved the cardroom under subsection (5). ~~(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 division shall,~~ By September 1 of each year, the department shall determine:

1. The amount of taxes deposited into the Gaming Control ~~Pari-mutuel Wagering~~ Trust Fund pursuant to this section from each cardroom licensee;

2. The ~~location by~~ county in which ~~of~~ each cardroom is located;

3. Whether the cardroom is located in the unincorporated area of the county or within an incorporated municipality; and~~,~~

4. 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 an initial ~~a~~ license or a license ~~the~~ renewal ~~thereof~~, or may suspend or revoke a ~~any~~ license, if ~~when~~ the applicant has:

1. Violated or failed to comply with ~~the provisions of~~ this section or department rule ~~any rules adopted pursuant thereto~~;

2. Knowingly caused, aided, abetted, or conspired with another to cause a ~~any~~ person to violate this section or department rule ~~any rules adopted pursuant thereto~~; ~~or~~

3. Obtained a license or permit by fraud, misrepresentation, or concealment; or

4. Otherwise become ineligible ~~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 part II of chapter 551 ~~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 of up to ~~not to exceed~~ $1,000 for each violation against a ~~any~~ person who has violated or failed to comply with ~~the provisions of~~ this section or department rule ~~any rules adopted pursuant thereto~~.

(15) CRIMINAL PENALTY; INJUNCTION.—

(a)1. A ~~Any~~ person who operates a cardroom without a valid license issued under ~~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. A ~~Any~~ licensee or pari-mutuel 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. A ~~Any~~ licensee or pari-mutuel permitholder who commits a second or subsequent violation of the same paragraph or subsection within a period of 3 years after ~~from~~ the date of a prior conviction for the same offense ~~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~~, a ~~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.

(5) ~~(16)~~ LOCAL GOVERNMENT APPROVAL.—The department may ~~Division of Pari-mutuel Wagering shall~~ not issue any initial license under this section unless the applicant shows ~~except upon~~ proof in such form as the department ~~division~~ may prescribe that the local government where it ~~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, if the facility is not located in a municipality, the governing body of the county ~~if the facility is not located in a municipality~~.

(7) ~~(17)~~ CHANGE OF LOCATION; REFERENDUM.—

(a) Notwithstanding the ~~any~~ provisions of this section, a ~~no~~ cardroom gaming license issued under this section may not ~~shall~~ be transferred, or reissued if ~~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 ~~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 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 ~~division~~ shall transfer, without requirement of a referendum election, the cardroom license of any permitholder that relocated its permit pursuant to s. 551.0242 ~~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 106. Part V of chapter 551, Florida Statutes, consisting of sections 551.301-551.322, Florida Statutes, is created and entitled "OCCUPATIONAL LICENSING."

Section 107. Section 550.105, Florida Statutes, is transferred, renumbered as section 551.301, Florida Statutes, and amended to read:

551.301 ~~550.105~~ Racetrack and jai alai 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. License fee collections ~~All moneys collected pursuant to this section each fiscal year~~ shall be deposited into the Gaming Control ~~Pari-mutuel Wagering~~ Trust Fund. The department may adopt rules that allow ~~Pursuant to the rules adopted by the division,~~ an occupational license to ~~may~~ be valid for ~~a period of~~ up to 3 years. The fee for a multi-year license may ~~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 positions ~~position~~ they hold, might be granted access to such ~~these~~ areas; or to any other person or entity in one of the following categories ~~and~~ with fees not to exceed the following amounts for any 12-month period:

1. Business licenses for~~:~~ 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 for~~:~~ 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 for~~:~~ 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.

(b) The individuals and entities that are licensed under this subsection ~~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.

(c)~~(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 ~~shall~~ not ~~be~~ 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's ~~permitholder~~ premises.

(4) A person may not ~~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) If the state racing commission or racing authority in another state or jurisdiction extends to the department reciprocal courtesy to maintain the disciplinary control, 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; or

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 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~~

1. 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 division may deny, suspend, revoke, or declare ineligible any~~

~~occupational license if the applicant for such license~~

2. Has been convicted in this state, in any other state, or under the laws of the United States of:

a. 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;

b. Trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; or

c. A crime involving a lack of good moral character;~~,~~ or

3. 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 licensee or 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 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, this paragraph may

~~the term "conviction" shall~~ not be applied to a crime committed before July 1, 2010, ~~prior to the effective date of this subsection~~ in a manner that would invalidate any occupational license issued before July 1, 2010, ~~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 ~~division~~ 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 ~~division~~ may impose a civil fine of up to $1,000 for each violation of the rules of the department ~~division~~ 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 ~~division~~ 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 ~~division~~, 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. A ~~However, No~~ temporary occupational license may not ~~shall~~ be valid for more than 90 days, and only ~~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 a licensee, or suspend, ~~or~~ revoke, or place conditions on ~~upon,~~ the license of a ~~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.~~

(9)~~(10)~~(a) Upon application for an occupational license:~~,~~

1. The department ~~division~~ may require:

a. The applicant's full legal name and~~,~~ any nickname, alias, or maiden name for the applicant;

b. The name of the applicant's spouse;

c. The applicant's date of birth, residence address, mailing address, residence ~~address~~ and business telephone ~~phone~~ number, and social security number;

d. Disclosure of any felony or any conviction involving bookmaking, illegal gambling, or cruelty to animals;

e. Disclosure of any past or present enforcement or actions by any racing or gaming agency against the applicant; and

f. 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.

2. 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.

(b)1. 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 division, by rule, may~~

~~require additional information from licensees which is reasonably necessary to regulate the industry. The division may, by rule, exempt certain occupations or groups of persons from the fingerprinting requirements.~~

2.~~(b)~~ All fingerprints required under ~~by~~ this section which ~~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 under ~~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.

3.~~(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 subparagraph 2 ~~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 subparagraph ~~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 subparagraph 2 ~~paragraph (b)~~.

4.~~(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 subparagraph ~~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 subparagraph ~~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 subparagraph ~~paragraph~~ for a business or professional occupational license shall be borne by the person being checked. The Department of Law Enforcement may invoice 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.

(c)1. The department may adopt rules that require additional information from licensees which is reasonably necessary to regulate the industry.

2. The department may adopt rules that exempt certain

occupations or groups of persons from the fingerprinting requirements.

Section 108. Section 551.107, Florida Statutes, is transferred, renumbered as section 551.302, Florida Statutes, and amended to read:

551.302 ~~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 a ~~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 a ~~any~~ person who is not an employee of the slot machine licensee and who provides maintenance, repair, or upgrades to, or otherwise services, a

slot machine or other slot machine equipment.

3. Business occupational licenses for a ~~any~~ slot machine management company or company associated with slot machine gaming, a ~~any~~ person who manufactures, distributes, or sells slot machines, slot machine paraphernalia, or other associated equipment to slot machine licensees, or a ~~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. 551.301(2)(c) ~~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 a ~~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 (6) ~~(7)~~ apply to a ~~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 a ~~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 pay ~~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. 551.301(1) ~~s. 550.105(1)~~.

(c) Pursuant to rules adopted by the department ~~division~~, a ~~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 a ~~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 department rule ~~rules of the division~~ by the general occupational licensee and does not prohibit the initial issuance or the renewal of the general occupational license.

(5)(a) The department ~~division~~ may deny an application for, or revoke, suspend, or place conditions or restrictions on, a license of a person or entity that:

1.~~(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

2.~~(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)~~(6)(a)~~ The department ~~division~~ may deny an application for, or suspend, revoke, or refuse to renew, a ~~any~~ slot machine occupational license if the applicant for such license or the licensee:

1. 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 division may deny, suspend, revoke, or refuse to renew any slot machine occupational license if the applicant for such license or the licensee~~

2. 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 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~~

3. Has had a gaming license revoked by this state or any other jurisdiction for a ~~any~~ gaming-related offense; ~~.~~

4. ~~(b) The 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; or

5. Accumulates unpaid obligations, defaults in obligations, or issues drafts or checks that are dishonored or for which payment is refused without reasonable cause.

~~(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.~~

(6)~~(7)~~ Fingerprints for all slot machine occupational license applications 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. 551.029 who are ~~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 a ~~any~~ disqualifying criminal offense ~~offenses~~ specified in subsection (5) ~~(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. 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 invoice the department for the fingerprints submitted each month. ~~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) Fingerprints 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 invoice the department ~~division~~ for the fingerprints submitted each month.

(c) All fingerprints required by this section which are 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 under ~~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 under paragraph (c). An ~~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 such ~~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 a ~~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 invoice 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 a ~~any~~ disqualifying offense, regardless of adjudication.

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

~~(9) The 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.~~

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

(9)~~(11)~~ The department ~~division~~ may impose a civil fine of up to $5,000 for each violation of this chapter or department rule ~~the rules of the 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 applicable ~~any~~ rule ~~adopted pursuant to this chapter~~ for which it would impose a fine in lieu of a suspension and may

adopt rules allowing for the issuance of citations, including procedures to address such citations, to persons who violate such rules. In addition 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, a ~~any~~ person declared ineligible to hold an occupational license whose occupational license application has been denied ~~declared ineligible to hold an occupational license~~ or whose occupational license has been suspended or revoked by the department ~~division~~.

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

(b) A temporary license issued under this section is nontransferable.

(11) For purposes of this section, 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.

Section 109. Section 551.303, Florida Statutes, is created

to read:

551.303 Cardroom business and employee occupational license.—

(1) A person employed or otherwise working in a cardroom as a cardroom manager, floor supervisor, pit boss, dealer, or any other position related to cardroom operations while the facility is conducting authorized must hold a valid cardroom employee occupational license issued by the department. Food service, maintenance, and security employees who hold a current pari-mutuel occupational license and who passed the required background check are not required to have a cardroom employee occupational license.

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

(3) A licensed cardroom operator may not employ or allow to work in a cardroom a person who does not hold a valid occupational license. A licensed cardroom operator may not contract with, or otherwise do business with, a business that does not hold a required valid cardroom business occupational license.

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

(5) An application for an initial or renewal cardroom occupational license must be made on forms prescribed by the department and must contain all of the information for eligibility determination required by department rule.

(6) The department shall adopt rules regarding cardroom

occupational licenses. The provisions specified in s. 551.301(4)-(9) relating to licensure apply to cardroom occupational licenses.

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

(8) Upon initial application, and at least every 5 years thereafter, the applicant's or licensee's fingerprints shall be taken in a manner approved by the department and submitted to the Department of Law Enforcement and the Federal Bureau of Investigation for a criminal background check. The department may by rule require an annual background check of all applicants for a cardroom occupational license renewal. The cost of processing fingerprints and conducting a record check shall be borne by the applicant.

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

Section 110. Section 550.901, Florida Statutes, is transferred and renumbered as section 551.31, Florida Statutes.

Section 111. Section 550.902, Florida Statutes, is transferred and renumbered as section 551.311, Florida Statutes.

Section 112. Section 550.903, Florida Statutes, is

transferred and renumbered as section 551.312, Florida Statutes.

Section 113. Section 550.904, Florida Statutes, is transferred, renumbered as section 551.313, Florida Statutes, and amended to read:

551.313 ~~550.904~~ Entry into force.—This compact shall come into force when enacted by any four states. Thereafter, this compact shall become effective in any other state upon that state's enactment of this compact and upon the affirmative vote of a majority of the officials on the compact committee as provided in s. 551.318 ~~s. 550.909~~.

Section 114. Section 550.905, Florida Statutes, is transferred and renumbered as section 551.314, Florida Statutes.

Section 115. Section 550.906, Florida Statutes, is transferred and renumbered as section 551.315, Florida Statutes.

Section 116. Section 550.907, Florida Statutes, is transferred and renumbered as section 551.316, Florida Statutes.

Section 117. Section 550.908, Florida Statutes, is transferred and renumbered as section 551.317, Florida Statutes.

Section 118. Section 550.909, Florida Statutes, is transferred and renumbered as section 551.318, Florida Statutes.

Section 119. Section 550.910, Florida Statutes, is transferred and renumbered as section 551.319, Florida Statutes.

Section 120. Section 550.911, Florida Statutes, is transferred and renumbered as section 551.32, Florida Statutes.

Section 121. Section 550.912, Florida Statutes, is transferred and renumbered as section 551.321, Florida Statutes, and paragraph (b) of subsection (1) of that section is amended to read:

551.321 ~~550.912~~ Rights and responsibilities of each party

state.—

(1) By enacting this compact, each party state:

(b) Agrees not to treat a notification to an applicant by the compact committee described in s. 551.317 ~~s. 550.908~~ as the denial of a license, or to penalize such an applicant in any other way based solely on such a decision by the compact committee.

Section 122. Section 550.913, Florida Statutes, is transferred and renumbered as section 551.322, Florida Statutes.

Section 123. Part VI of chapter 551, Florida Statutes, consisting of sections 551.401-551.45, Florida Statutes, is created and entitled "Destination Casino Resorts."

Section 124. The Legislature intends to provide additional entertainment choices for the residents of and visitors to this state, to promote tourism, and to provide additional state revenues by authorizing the playing of certain games at facilities known as destination casino resorts. This section is intended to ensure public confidence in the integrity of authorized destination casino resort operations by strictly regulating all facilities, persons, and procedures related to destination casino resorts. The Legislature intends that the number of destination casino resort licenses issued in this state be restricted to enhance their economic impact in this state and to the host communities.

Section 125. Section 551.401, Florida Statutes, is created to read:

551.401 Definitions.—As used in this part, the term:

(1) "Ancillary areas," unless the context otherwise requires, includes the following areas within a gaming facility:

(a) A reception or information counter.

(b) An area designated for the serving or consumption of food and beverages.

(c) An area designated for retail space.

(d) An area designated for performances.

(e) An area designated for aesthetic or decorative displays.

(f) A staircase, staircase landing, escalator, elevator, and elevator lobby.

(g) A back-of-house facility not designated for use by patrons.

(h) A bathroom.

(i) Any other area that is not intended to be used for the conduct or playing of games or as a gaming pit as defined by department rule or specified in an application for a destination casino resort license.

(2) "Applicant," as the context requires, means a person who applies for a license to engage in activity regulated under this part. A public body is prohibited from applying for a destination casino resort license.

(3) "Credit" means the method by which a licensee issues chips or tokens to a wagerer of the licensee to play games or slot machines, in return for which the wagerer executes a credit instrument to evidence the debt owed. The issuance of credit to a wagerer is not deemed to be a loan from the licensee to the wagerer.

(4) "Destination casino resort" means a freestanding, land-based structure that includes a gaming facility located in a zoning district that allows mixed-use development, including but

not limited to, restaurants, commercial and retail facilities, convention facilities, and buildings designed for permanent, seasonal, or transient housing such as hotels and condominiums.

(5) "Destination casino resort license" means a license to operate and maintain a destination casino resort that includes a gaming facility.

(6) "Gaming" means the conducting of the following games by licensed persons in a gaming facility in a destination casino resort: baccarat, 21, poker, craps, slot machines, video games of chance, roulette wheels, faro layout, or their common variants. Any game of chance, wagering device, or form of gaming must be expressly authorized by the Legislature.

(7) "Gaming employee" means an individual employed by a destination casino resort and working in its gaming facility, including, but not limited to:

(a) Cashiers.

(b) Change personnel.

(c) Count room personnel.

(d) Slot machine attendants.

(e) Hosts or other persons authorized to extend complimentary services, including employees performing functions similar to those performed by a representative for a junket enterprise.

(f) Machine mechanics and computer technicians performing duties on machines with gaming-related functions or table game device technicians.

(g) Security personnel.

(h) Surveillance personnel.

(i) Promotional play supervisors, credit supervisors, game

pit supervisors, cashier supervisors, gaming shift supervisors, table game managers, assistant managers, and other supervisors and managers.

(j) Boxmen.

(k) Dealers or croupiers.

(l) Floormen.

(m) Personnel authorized to issue promotional credits.

(n) Personnel authorized to issue credit.

(o) Individuals who are employed by a person other than a destination casino resort licensee and who perform a function of a gaming employee specified under this subsection.

The term does not include bartenders, cocktail servers, or other persons engaged in preparing or serving food or beverages, clerical or administrative personnel, parking attendants, janitorial staff, stage hands, sound and light technicians, or other nongaming personnel as determined by the department.

(8) "Gaming facility" means the gaming floor in which gaming may be conducted and all ancillary areas.

(9) "Gaming floor" means the area exclusive of ancillary areas in a gaming facility.

(10) "Gaming pit" means the area from which gaming employees administer and supervise the games.

(11) "Gross gaming revenue" means the total receipts of cash or cash equivalents received or retained from the conduct of gaming by a destination casino resort licensee and the compensation received for conducting any gaming in which the destination casino resort licensee is not party to a wager. The term does not include promotional credits or free play provided

by a destination casino resort licensee as a means of marketing its gaming facility.

(12) "Institutional investor" means, but is not limited to:

(a) A retirement fund administered by a public agency for the exclusive benefit of federal, state, or county public employees.

(b) An employee benefit plan or pension fund that is subject to the Employee Retirement Income Security Act of 1974.

(c) An investment company registered under the Investment Company Act of 1940.

(d) A collective investment trust organized by a bank under 12 C.F.R. part 9, s. 9.18.

(e) A closed-end investment trust.

(f) A life insurance company or property and casualty insurance company.

(g) A financial institution.

(h) An investment advisor registered under 15 U.S.C. s. 80b-1-80b-21, the Investment Advisers Act of 1940.

(i) Such other persons as the department may determine for reasons consistent with the policies of this part.

(13) "Junket enterprise" means any person who, for compensation, employs or otherwise engages in the procurement or referral of persons for a junket to a destination casino resort licensed under this part regardless of whether those activities occur within this state. The term does not include a destination casino resort licensee or applicant for a destination casino resort license or a person holding an occupational license.

(14) "License," as the context requires, means a destination casino resort license, supplier license,

manufacturer license, or occupational license.

(15) "Licensee," as the context requires, means a person who is licensed as a destination casino resort licensee, supplier licensee, manufacturer licensee, or occupational licensee.

(16) "Managerial employee" means an employee who performs a job that is not of a routine, clerical, or ministerial nature and who exercises independent judgment in the performance of his or her job.

(17) "Occupational licensee" means a person who is licensed to be a gaming employee.

(18) "Qualifier" means an affiliate, affiliated company, officer, director, or managerial employee of an applicant for a destination casino resort license, or a person who holds a direct or indirect equity interest in the applicant. The term may include an institutional investor. As used in this subsection, the terms "affiliate," "affiliated company," and "a person who holds a direct or indirect equity interest in the applicant" do not include a partnership, a joint venture relationship, a shareholder of a corporation, a member of a limited liability company, or a partner in a limited liability partnership that has a direct or indirect equity interest in the applicant for a destination casino resort license of 5 percent or less and is not involved in the gaming operations as defined by department rule.

(19) "Supplier licensee" or "supplier" means a person who is licensed to furnish gaming equipment, devices, supplies, or other goods or services to a destination casino resort licensee.

(20) "Tournament" means an organized series of contests

approved by the department in which an overall winner is ultimately determined.

(21) "Wagerer" means a person who plays a game at a gaming facility authorized under this part.

Section 126. Section 551.403, Florida Statutes, is created to read:

551.403 Legislative authority; administration of part.—All matters relating to gaming are preempted to the state, and a county, municipality, or other political subdivision of the state may not enact an ordinance relating to the conducting of gaming authorized by this part. However, this part does not prohibit a political subdivision of the state from requiring a person to obtain an occupational license. The department shall administer this part, including the assessment of fees or taxes.

Section 127. Section 551.405, Florida Statutes, is created to read:

551.405 Authorization of gaming at destination casino resorts.—The issuance of a destination casino resort license in a county is conditioned upon a countywide referendum, as follows:

(1) The board may issue an invitation to negotiate, receive and evaluate applications, and select the best qualified proposal for constructing and operating one destination resort casino in Miami-Dade County as provided under this part. The board may award a license only after the proposal is submitted as a referendum in that county and approved by a majority of the electors.

(2) The board may issue an invitation to negotiate, receive and evaluate applications, and select the best qualified

proposal for constructing and operating one destination resort casino in Broward County as provided under this part. The board may award a license only after the proposal is submitted as a referendum in that county and approved by a majority of the electors.

(3) A destination casino resort licensee may possess devices for and conduct gaming in the gaming facility at the destination casino resort.

Section 128. Section 551.407, Florida Statutes, is created to read:

551.407 Process for awarding destination casino resort licenses.—

(1) The board shall adopt by rule an invitation to negotiate process for determining the award of a destination casino resort license. The application, review, and issuance procedures for awarding a license shall be by a process in which applicants rely on forms adopted by department rule in response to an invitation to negotiate issued by the board.

(2) Proposals in response to the invitation to negotiate must be received by the board no later than 90 days after the issuance of the invitation to negotiate.

(3) The board may specify in its invitation to negotiate the county in which a destination casino resort will be located. When determining whether to authorize a destination casino resort located within a specific county, the board shall hold a public hearing in such county to discuss the proposals and receive public comment.

(4) The board shall review all complete responses timely received pursuant to an invitation to negotiate. The board may

commence negotiations with one or more applicants whose proposals are determined to best meet the selection criteria specified in s. 551.409.

(5) The board, by rule, may extend the deadlines established under this section if it finds that the deadlines cannot be met and identifies specific reasons why the deadlines cannot be met.

(6) If the board does not award a destination casino resort license at the conclusion of the process set forth in subsections (1)-(5), the board may issue additional invitations to negotiate, pursuant to deadlines established by the board.

Section 129. Section 551.409, Florida Statutes, is created to read:

551.409 Criteria for the award of a destination casino resort license.—

(1) The board shall consider awarding a destination casino resort license to an applicant that demonstrates the ability to meet the following minimum criteria:

(a) The capacity to increase tourism, generate jobs, provide revenue to the local economy, and provide revenue to the Gaming Control Trust Fund.

(b) A gaming floor that constitutes no more than 10 percent of the destination casino resort’s proposed square footage for which certificates of occupancy will be issued by the appropriate local government authority before gaming is conducted. A destination casino resort’s square footage is the aggregate of the square footage of the improvements in the mixed-use development for which certificates of occupancy will be issued before gaming is conducted, which is owned or

controlled by the applicant or its affiliates, exclusive of parking areas and accesses, but inclusive of the gaming facility and other areas of the mixed-use development, such as restaurants, commercial and retail facilities, convention facilities, and buildings designed for permanent, seasonal or transient housing located within a quarter mile of the main entry door of the destination casino resort.

(c) A demonstrated history of, or a bona fide plan for, community involvement or investment in the community where the destination casino resort will be located.

(d) A demonstrated history of investment in the communities in which its previous developments have been located.

(e) A demonstrated financial ability to purchase and maintain an adequate surety bond.

(f) Demonstration of adequate capitalization to develop, construct, maintain, and operate the proposed destination casino resort and to responsibly meet its secured and unsecured debt obligations in accordance with its financial and other contractual agreements.

(g) Demonstrated ability to implement a program to train and employ residents of this state for jobs that will be available at the destination casino resort, including its ability to implement a program for the training of low-income persons.

(h) Demonstration of a plan to integrate with local businesses in the community, including local restaurants, hotels, and retail outlets.

(i) Demonstrated ability to build a premier destination casino resort that offers a variety of high-quality amenities,

that will strengthen the state's tourism industry, and that will attract at least 50 percent of its patrons from out of state.

(j) Demonstration of its plan for contracting with local business owners for the provision of goods and services, including the development of plans designed to benefit businesses locally and statewide.

(k) Demonstration of a commitment, as determined by the board, to spend at least $2 billion for development and construction of the proposed destination casino resort, which may include improvements to property, furnishings, and other equipment excluding any purchase price and costs associated with the acquisition of real property on the destination casino resort will be developed and any impact fees. Such expenditure, in the aggregate, must be completed within 5 years after the award of any such license, with supporting documentation provided in a format adopted by department rule.

(l) Demonstrated ability to generate substantial gross gaming revenue.

(m) Any other criteria the applicant deems necessary to assist the board in its evaluation as outlined in this part.

(2)(a) The board shall evaluate applications using the following weighted criteria:

1. Design and location: 20 percent.

a. The location shall be evaluated based on the ability of the community to sustain such a development, support of the local community for the development, and an analysis of the revenue that will be generated by the destination casino resort.

b. Design shall be evaluated based on the potential operator's ability to integrate the facility's design into the

local community and whether the size and scope of the project can be properly integrated into the community..

c. The board may assess the quality of the aesthetic appearance of the proposed destination casino resort in the context of its potential to provide substantial economic benefits to the community and the people of this state, including, but not limited to, its potential to provide substantial employment opportunities.

2. Management expertise and speed to market: 40 percent. The criteria for evaluation shall be:

a. The applicant's experience in building and managing a destination casino resort the scope and size of the proposed destination casino resort.

b. The applicant's plan to build and manage the destination casino resort and the operator's timeline for completion of the destination casino resort.

c. The applicant's experience and plan to generate nongaming revenue from other amenities of the destination casino resort.

d. The applicant's access to capital and financial ability to construct the proposed project.

e. The evaluation of the criteria specified in paragraphs (1)(a)-(k).

3. Generating tourism from out of state: 30 percent. The criteria for evaluation shall be:

a. The applicant's demonstrated history of attracting visitors from out-of-state and international tourists.

b. The applicant's history of attracting visitors to other similar properties in an area.

c. The applicant's plan for attracting visitors from out-of-state and generating international tourism.

d. The applicant's plan for maximizing tourism to the destination casino resort that will also attract visitors to other properties in the local community.

4. Community enhancement plan: 10 percent. The criteria for evaluation shall be:

a. The applicant's demonstrated history of community partnerships in local communities where it is located.

b. The applicant's demonstrated plan to enhance the local community where the destination casino resort will be located.

c. The applicant's demonstrated plan for local hiring.

d. The applicant's demonstrated history of working with local schools and colleges to train prospective job applicants for careers in the hospitality field.

e. The applicant's demonstrated history of and plan for diversity in hiring and purchasing from minority vendors.

(b) The board shall give preference to applicants that demonstrate that:

1. The roads, water, sanitation, utilities, and related services to the proposed location of the destination casino resort are adequate and the proposed destination casino resort will not unduly impact public services, existing transportation infrastructure, consumption of natural resources, and the quality of life enjoyed by residents of the surrounding neighborhoods.

2. They will be able to commence construction as soon after awarding of the destination casino resort license as possible, but, in any event, no later than 12 months after the award of

the destination casino resort license.

3. The destination casino resort will include amenities and uses that will allow other businesses to be included within the destination casino resort.

4. The destination casino resort will promote local businesses, including developing cross-marketing strategies with local restaurants, small businesses, hotels, and retail outlets.

5. The destination casino resort will implement a workforce development plan that utilizes the existing labor force, including the estimated number of construction jobs the destination casino resort will generate, the development of workforce training programs that serve the unemployed, and methods for accessing employment at the destination casino resort development.

6. The destination casino resort will take measures to address problem gambling, including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling and providing prevention programs targeted toward vulnerable populations.

7. The destination casino resort will provide a market analysis detailing the benefits of the site location and the estimated recapture rate of gaming-related spending by residents traveling to out-of-state gaming establishments.

8. The destination casino resort will use sustainable development principles.

9. The destination casino resort will contract with local business owners for the provision of goods and services, including developing plans designed to assist businesses in this state in identifying the needs for goods and services to the

destination casino resort.

10. The destination casino resort will mitigate potential impacts on the local community which might result from the development or operation of the destination casino resort.

11. The destination casino resort will purchase and install, whenever possible, domestically manufactured equipment.

12. The destination casino resort will implement a marketing program that identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for the use of:

a. Minority business enterprises, women business enterprises, and veteran business enterprises to participate as contractors in the design of the development;

b. Minority business enterprises, women business enterprises, and veteran business enterprises to participate as contractors in the construction of the development; and

c. Minority business enterprises, women business enterprises, and veteran business enterprises to participate as vendors in the provision of goods and services procured by the development and any businesses operated as part of the development.

13. The destination casino resort will have public support in the local community which may be demonstrated through public comment received by the board or applicant.

(3) The gaming floor must be designed so that patrons of the destination casino resort may have ingress and egress to the gaming facility without accessing the gaming floor.

(4) A destination casino resort license may be issued only to persons of good moral character who are at least 21 years of

age. A destination casino resort license may be issued to a corporation only if its officers are of good moral character and are at least 21 years of age.

(5) A destination casino resort license may not be issued to an applicant if the applicant, qualifier, or institutional investor:

(a) Has, within the last 5 years, been adjudicated by a court or tribunal for failure to pay income, sales, or gaming tax due and payable under any federal, state, or local law, after exhaustion of all appeals or administrative remedies.

(b) Has been convicted of a felony under the laws of this state, any other state, or the United States.

(c) Has been convicted of any violation under chapter 817 or under a substantially similar law of another jurisdiction.

(d) Knowingly submitted false information in the application for the license.

(e) Is a member of the board or an employee of the department.

(f) Was licensed to own or operate gaming or pari-mutuel facilities in this state or another jurisdiction and had that license revoked.

(g) Fails to meet any other criteria for licensure set forth in this part.

As used in this subsection, the term "convicted" includes an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

Section 130. Section 551.41, Florida Statutes, is created to read:

551.41 Application for destination casino resort license.—

(1) APPLICATION.—A reply submitted in response to an invitation to negotiate must include a sworn application in the format adopted by department rule. The application must include, at a minimum, the following information:

(a)1. The name, business address, e-mail address, telephone number, social security number, and, if applicable, federal tax identification number of the applicant and each qualifier; and

2. Information, documentation, and assurances concerning the applicant's financial background and resources as required to establish the financial stability, integrity, and responsibility of the applicant. This includes business and personal income and disbursement schedules, tax returns, and other reports filed with governmental agencies, and business and personal accounting, check records, and ledgers. In addition, each applicant must provide written authorization for the examination of all bank accounts and records as may be deemed necessary by the board.

(b) The identity and, if applicable, the state of incorporation or registration of any business in which the applicant or a qualifier has an equity interest of more than 5 percent. If the applicant or qualifier is a corporation, partnership, or other business entity, the applicant or qualifier must identify any other corporation, partnership, or other business entity in which it has an equity interest of more than 5 percent, including, if applicable, the state of incorporation or registration.

(c) Documentation, as required by the board, that the applicant has received conceptual approval of the destination

casino resort proposal from the municipality and county in which the destination casino resort will be located.

(d) A statement as to whether the applicant or a qualifier has developed and operated a similar gaming facility within a highly regulated domestic jurisdiction that allows similar forms of development, including a description of the gaming facility, the gaming facility's gross gaming revenue, and the amount of revenue the gaming facility has generated for state and local governments within that jurisdiction.

(e) A statement as to whether the applicant or a qualifier has been indicted, convicted of, pled guilty or nolo contendere to, or forfeited bail for any felony or for a misdemeanor involving gambling, theft, or fraud. The statement must include the date, the name and location of the court, the arresting agency, the prosecuting agency, the case caption, the docket number, the nature of the offense, the disposition of the case, and, if applicable, the location and length of incarceration.

(f) A statement as to whether the applicant or a qualifier has ever been granted any license or certificate in any jurisdiction which has been restricted, suspended, revoked, not renewed, or otherwise subjected to discipline. The statement must describe the facts and circumstances relating to that restriction, suspension, revocation, nonrenewal, or discipline, including the licensing authority, the date each action was taken, and an explanation of the circumstances for each disciplinary action.

(g) A statement as to whether, within the last 10 years, the applicant or qualifier has, as a principal or a controlling shareholder, filed for protection under the Federal Bankruptcy

Code or had an involuntary bankruptcy petition filed against it.

(h) A statement as to whether the applicant or qualifier has, within the last 5 years, been adjudicated by a court or tribunal for failure to pay any income, sales, or gaming tax due and payable under federal, state, or local law, or under the laws of any applicable foreign jurisdiction, after exhaustion of all appeals or administrative remedies. This statement must identify the amount and type of the tax and the time periods involved and must describe the resolution of the nonpayment.

(i) A list of the full names and titles of any public officials or officers of any unit of state government or of the local government or governments in the county or municipality in which the proposed destination casino resort is to be located, and the spouses, parents, and children of those public officials or officers, who, directly or indirectly, own any financial interest in, have any beneficial interest in, are the creditors of, hold any debt instrument issued by the applicant or a qualifier, or hold or have an interest in any contractual or service relationship with the applicant or qualifier. As used in this paragraph, the terms "public official" and "officer" do not include a person who would be listed solely because the person is a member of the Florida National Guard.

(j) The name and business telephone number of, and a disclosure of fees paid to any attorney, lobbyist, employee, consultant, or other person who has represented the applicant's interests in the state for 3 years before the effective date of this section or who is representing an applicant before the department during the application process.

(k) A description of the applicant's history of and

proposed plan for community involvement or investment in the community where the destination casino resort would be located.

(l) A description of the applicant's proposed destination casino resort, including a map documenting the location of the proposed destination casino resort within the specific county or counties; a statement regarding the compliance of the applicant with state, regional, and local planning and zoning requirements; a description of the anticipated economic benefit to the community in which the destination casino resort would be located; the anticipated number of jobs generated by construction of the destination casino resort; the anticipated number of employees; a statement regarding how the applicant would comply with federal and state affirmative action guidelines; and a projection of gross gaming revenue.

(m) Proof that a countywide referendum has been approved before the application deadline by the electors of the county authorizing gaming as defined in this chapter in that county.

(n) A schedule or timeframe for completing the destination casino resort.

(o) A plan for training residents for jobs at the destination casino resort. The job-training plan must provide training to enable low-income persons to qualify for jobs at the destination casino resort.

(p) The identity of each person, association, trust, corporation, or partnership having a direct or indirect equity interest in the applicant of more than 5 percent. If disclosure of a trust is required under this paragraph, the names and addresses of the beneficiaries of the trust must also be disclosed. If the identity of a corporation must be disclosed,

the names and addresses of all stockholders and directors must also be disclosed. If the identity of a partnership must be disclosed, the names and addresses of all partners, both general and limited, must also be disclosed.

(q) A destination casino resort development plan and projected investment of $2 billion pursuant to s. 551.409 for a destination casino resort.

(r) The fingerprints of all officers or directors of the applicant and qualifiers, and any persons exercising operational or managerial control of the applicant, as determined by department rule, for a criminal history record check.

(s) A statement outlining the organization's diversity plan.

(t) A listing of all gaming licenses and permits the applicant or qualifier currently possesses.

(u) A listing of former or inactive officers, directors, partners, and trustees.

(v) A listing of all affiliated business entities or holding companies, including nongaming interests.

(w) Any other information the board may deem appropriate or require during the application process as provided by rule.

(2) DISCRETION TO REQUIRE INFORMATION.—The board may require that additional information or documentation be included in an application for a destination casino resort license or in an application to renew a destination casino resort license. Such documentation and information may relate to: demographics, education, work history, personal background, criminal history, credit history, finances, business information, complaints, inspections, investigations, discipline, bonding, photographs,

performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, and fingerprint requirements.

(3) DUTY TO SUPPLEMENT APPLICATION.—The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license. Any submission required to be in writing may also be required by the department to be made by electronic means.

(4) INVESTIGATIVE AND INITIAL LICENSE FEES.—

(a) The application for a destination casino resort license must be submitted along with a nonrefundable investigative fee of $1 million to be used by the department to defray costs associated with the evaluation and investigation of the applicant and each qualifier. If the cost of the evaluation and investigation exceeds $1 million, the applicant must pay an additional investigative fee not to exceed $250,000 to the department within 30 days after the receipt of a request for the additional investigative fee, or the application shall be denied without a refund of the initial investigative fee.

(b) The application for a destination casino resort license must be submitted with an initial license fee of $125 million. If the application is denied, the department must refund the initial license fee within 60 days after the denial. If the applicant withdraws the application after the deadline for submission of applications, the department must refund 80 percent of the initial license fee within 60 days after the application is withdrawn.

(c) All fees collected under this subsection shall be deposited into the Gaming Control Trust Fund.

Section 131. Section 551.411, Florida Statutes, is created to read:

551.411 Incomplete applications.—

(1) An incomplete application for a destination casino resort license may be grounds for the denial of the application.

(2)(a) If the department determines that an application for a destination casino resort license is incomplete, the executive director shall immediately provide written notice to the applicant of the incomplete items. The applicant may then request an informal conference with the executive director or his or her designee to discuss the application.

(b) The executive director may provide the applicant an extension of 30 days to complete the application following the date of the informal conference. If the executive director finds that the application has not been completed within the extension, the applicant may appeal the finding to the board. During an extension or the pendency of an appeal to the board, the award of destination casino resort licenses in the applicable county is stayed.

Section 132. Section 551.413, Florida Statutes, is created to read:

551.413 Lenders and underwriters; exemption as qualifiers.—A bank, lending institution, or underwriter in connection with any bank or lending institution that, in the ordinary course of business, makes a loan to, or holds a security interest in, a licensee or applicant, a supplier licensee or applicant or its subsidiary, or direct or indirect parent company of any such

bank, lending institution, or underwriter is not a qualifier and is not required to be licensed.

Section 133. Section 551.414, Florida Statutes, is created to read:

551.414 Conditions for a destination casino resort license.—As a condition to licensure and to maintain continuing authority to conduct gaming, a licensee must:

(1) Comply with this part and rules adopted by the department to administer this part.

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

(3) Complete the destination casino resort in accordance with the plans and timeframe proposed in its application, unless an extension is granted by the board. The board may grant such an extension, not to exceed 1 year after the original planned completion date, upon good cause shown by the licensee.

(4) Ensure that the facilities-based computer system that the licensee will use for operational and accounting functions of the destination casino resort is specifically structured to facilitate regulatory oversight. The facilities-based computer system shall be designed to provide the department 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 destination casino resort is in compliance with statutory provisions and rules adopted by the department for the regulation and control of gaming. The department shall have complete and continuous

access to this system. Such access shall include the ability of either the department or its agents to suspend play immediately on particular slot machines or gaming devices if monitoring of the system indicates possible tampering or manipulation of those slot machines or gaming devices 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 to ensure necessary access, security, and functionality. However, the department may not alter any data. The department may adopt rules to provide for the approval process.

(5) Ensure that each table game, slot machine, or other gaming device is protected from manipulation or tampering that may affect the random probabilities of winning plays. The department or its agents may suspend play upon reasonable suspicion of any manipulation or tampering. If play has been suspended on any table game, slot machine, or other gaming device, the department or its agents may conduct an examination to determine whether the table game, machine, or other gaming device has been tampered with or manipulated and whether the table game, machine, or other gaming device should be returned to operation.

(6) Submit a security plan, including the facilities' floor plans, 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 licensee. The security plan must meet the minimum security requirements as determined by the department and be implemented before the operation of gaming. The

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 implementation.

(7) Create and file with the board a written policy for:

(a) Creating opportunities to purchase from vendors in this state.

(b) Creating opportunities for the employment of residents of this state.

(c) Ensuring opportunities for obtaining construction services from residents and vendors in this state.

(d) Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis.

(e) Training employees on responsible gaming and working with a compulsive or addictive gambling prevention program.

(f) Implementing a drug-testing program for each occupational licensee which includes, but is not limited to, requiring such person to sign an agreement that he or she understands that the gaming facility is a drug-free workplace.

(g) Using available Internet-based job-listing systems offered by the state in advertising employment opportunities.

(h) Ensuring that the payout percentage of each slot machine is at least 85 percent.

(8) File with the board detailed documentation of the applicant's, its affiliates', or any holding company's history of using labor in any jurisdiction that would fall outside the ages defined in chapter 450.

(9) Keep and maintain permanent daily records of its gaming operations and 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 part. All records shall be available for audit and inspection by the department, its agents, or other law enforcement agencies during the licensee's regular business hours.

(10) Maintain a designated gaming floor that is segregated from the rest of the destination casino resort facility so that patrons may have ingress and egress to the destination casino resort facility without entering the designated gaming floor.

Section 134. Section 551.415, Florida Statutes, is created to read:

551.415 Surety bond.—A destination casino resort licensee must, at its own cost and expense, before the license is delivered, give a bond in a penal sum to be determined by the board payable to the Governor of the state and his or her successors in office. The bond must be issued by a surety or sureties approved by the board and the bond must be conditioned on the licensee faithfully making all required payments required under this part, keeping the licensee's books and records, and making reports as provided, and conducting its gaming activities in conformity with this part. The board shall fix the amount of the bond at the total amount of annual license fees and the taxes estimated to become due as determined by the board. In lieu of a bond, an applicant or licensee may deposit with the department a like amount of funds, a savings certificate, a certificate of deposit, an investment certificate, or a letter of credit from a bank, savings bank, credit union, or savings and loan association situated in this state which meets the requirements set for that purpose by the department. If security

is provided in the form of a savings certificate, a certificate of deposit, or an investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the board. The board may review the bond or other security for adequacy and require adjustments, including increasing the amount of the bond and other security. The department may adopt rules to administer this section and establish guidelines for such bonds or other securities.

Section 135. Section 551.416, Florida Statutes, is created to read:

551.416 License fee; tax rate; disposition.—

(1) ANNUAL LICENSE FEE.—On the anniversary date of the issuance of a destination casino resort license and annually thereafter, the licensee shall pay to the department a nonrefundable annual license fee of $5 million. The license shall be renewed annually unless the board has revoked the license for a violation of this part or department rule. The license fee shall be deposited into the Gaming Control Trust Fund for the purpose of enabling the department to carry out its duties and responsibilities under this part.

(2) GROSS GAMING REVENUE TAX.—

(a) Each licensee shall pay to the state a tax on its gross gaming revenue. The gaming tax rate shall be 35 percent of gross gaming revenue. Payment for the tax imposed by this section shall be paid to the department. Annual license fees paid pursuant to this section and payments for the treatment of compulsive or addictive gambling pursuant to s. 551.44 may be applied as credits against the tax on gross gaming revenue.

(b) The licensee shall remit to the department payment for

the gaming tax by 3 p.m. on the 5th day of each calendar month. If the 5th day of the calendar month falls on a weekend, payments shall be remitted by 3 p.m. on the first Monday following the weekend. The 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 report shall be made under oath showing all gaming activities for the preceding calendar month and such other information as may be required by department rule.

(c) The department may require licensees to remit taxes, fees, fines, and assessments by electronic funds transfer.

(d) The gaming tax is in lieu of any other state taxes on gross or adjusted gross gaming revenue of a licensee.

Section 136. Section 551.417, Florida Statutes, is created to read:

551.417 Conduct of gaming.—

(1) Gaming may be conducted by a licensee, subject to the following restrictions:

(a) The site of the gaming facility is limited to the licensee's site location as approved by the department.

(b) The department's agents and employees may enter and inspect a gaming facility or other ancillary areas in the destination casino resort at any time for the purpose of determining whether the licensee is in compliance with this chapter.

(c) A licensee may lease or purchase gaming devices, equipment, or supplies customarily used in conducting gaming only from a licensed supplier.

(d) A licensee may not allow any form of wagering on games

except as authorized under this part.

(e) A licensee may receive wagers only from a person physically present in the gaming facility.

(f) A licensee may not permit wagering using money or other negotiable currency except for wagering on slot machines.

(g) A licensee may not permit a person who has not attained 21 years of age to engage in gaming or enter the gaming floor, except for a gaming employee of the destination casino resort licensee who is at least 18 years of age.

(h) A licensee may not sell or distribute outside the gaming facility tokens, chips, or electronic cards used to make wagers. The tokens, chips, or electronic cards may be purchased by means of an agreement under which the licensee extends credit to a wagerer. The tokens, chips, or electronic cards may be used only for the purpose of making wagers on games within the gaming facility.

(i) A licensee may not conduct business with a junket enterprise, except for a junket operator employed full time by that licensee.

(j) All gaming activities must be conducted in accordance with department rule.

(k) Gaming may not be conducted by a destination casino resort licensee until the destination casino resort is completed according to the proposal approved by the board.

(2) A gaming facility may operate 24 hours per day, every day of the year.

(3) A licensee may set the minimum and maximum wagers on all games.

(4) A licensee shall give preference in employment,

reemployment, promotion, and retention to veterans and to the persons included under s. 295.07(1) who possess the minimum qualifications necessary to perform the duties of the positions involved.

(5) A licensee and its affiliates, directors, and employees are subject to all applicable federal, state, and local laws. Such licensees, affiliates, directors, and employees shall subject themselves to jurisdiction of the Federal Government and the government of this state and acceptance of a license shall be considered an affirmative waiver of extradition to the United States from a foreign country.

(6) A licensee shall report any suspicious transaction or activity to the department and other law enforcement agency, as appropriate.

(7) A licensee may not install, own, or operate, or allow another person to install, own, or operate on the premises of the licensed facility a slot machine or table game that is played with a device that allows a player to operate the slot machine or table game by transferring funds electronically from a debit card or credit card or by means of an electronic funds transfer terminal. As used in this subsection, the term "electronic funds transfer terminal" means an information-processing device or an automatic teller machine used for executing deposit account transactions between financial institutions and their account holders by either the direct transmission of electronic impulses or the recording of electronic impulses for delayed processing. The fact that a device is used for other purposes does not prevent it from being considered an electronic funds transfer terminal under this

definition.

(8) The board may renew a destination casino resort license if the destination casino resort licensee has demonstrated an effort to increase tourism, generate jobs, provide revenue to the local economy, and provide revenue to the Gaming Control Trust Fund.

(9) The board shall renew a destination casino resort license if:

(a) The board has not suspended or revoked the license of the licensee.

(b) The licensee continues to satisfy all the requirements for licensure.

Section 137. Section 551.418, Florida Statutes, is created to read:

551.418 Prohibited acts; penalties.—

(1) A person may not willfully:

(a) Fail to report, pay, or truthfully account for and remit any fee, tax, or assessment imposed under this part; or

(b) Attempt in any manner to evade any fee, tax, or assessment imposed under this part.

(2) A gaming employee, key employee, or any other person may not allow a slot machine, table game, or table game device to be operated, transported, repaired, or opened on the premises of a licensed gaming facility by a person other than a person licensed by the department under this part.

(3) A person may not manufacture, supply, or place slot machines, table games, table game devices, or associated equipment into play or display slot machines, table games, table game devices, or associated equipment on the premises of a

gaming facility without the license required under this part.

(4) A licensee may not manufacture, supply, operate, carry on, or expose for play any slot machine, table game, table game device, or associated equipment after the person's license has expired and before the actual renewal of the license.

(5) Except as set forth in this subsection, a person on the premises of a licensed gaming facility may not knowingly use currency other than lawful coin or legal tender of the United States or a coin not of the same denomination as the coin intended to be used in a slot machine with the intent to cheat or defraud a destination casino resort licensee or the department or damage the slot machine. In the playing of a slot machine, a person may use gaming billets, tokens, or similar objects issued by the destination casino resort licensee which are approved by the board.

(6) Except for an authorized employee of a licensee or the department who is performing duties of employment, a person may not use or possess a cheating or thieving device, a counterfeit or altered billet, a ticket, a token, or similar objects accepted by a slot machine, or counterfeit or altered slot machine-issued tickets or vouchers at a licensed gaming facility.

(7) A person may not use or possess counterfeit, marked, loaded, or tampered with table game devices or associated equipment, chips, or other cheating devices in the conduct of gaming under this part, except that an authorized employee of a licensee or of the department may possess and use counterfeit chips, table game devices, or associated equipment that has been marked, loaded, or tampered with, or other cheating devices in

the performance of duties of employment for training, investigative, or testing purposes only.

(8) A person may not knowingly, by a trick or sleight of hand performance or by fraud or fraudulent scheme, table game device, or other device, for himself or herself or for another, win or attempt to win any cash, property, or prize at a licensed gaming facility or to reduce or attempt to reduce a losing wager.

(9) Except for an authorized employee of a licensee or the department who is performing duties of employment, a person may not knowingly use or possess while on the premises of a licensed gaming facility a key or device designed for the purpose of and suitable for opening or entering any slot machine, drop box, or coin box that is located in the licensed gaming facility.

(10) A person may not possess any device, equipment, or material that the person knows has been manufactured, distributed, sold, tampered with, or serviced in violation of this part with the intent to use the device, equipment, or material as though it had been manufactured, distributed, sold, tampered with, or serviced pursuant to this part.

(11) A persona may not sell, offer for sale, represent, or pass off as lawful any device, equipment, or material that the person knows has been manufactured, distributed, sold, tampered with, or serviced in violation of this part.

(12) A person may not work or be employed in a position whose duties would require licensure under this part without first obtaining the requisite license.

(13) A licensee may not employ or continue to employ a person in a position whose duties require a license under this

part if the person:

(a) Is not licensed under this part; or

(b) Is prohibited from accepting employment from a licensee.

(14) A person may not claim, collect, or take, or attempt to claim, collect, or take, money or anything of value in or from a slot machine, gaming table, or other table game device, with the intent to defraud, or to claim, collect, or take an amount greater than the amount won, or to manipulate with the intent to cheat, any component of any slot machine, table game, or table game device in a manner contrary to the designed and normal operational purpose.

(15) A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who is convicted of a second or subsequent violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 138. Section 551.42, Florida Statutes, is created to read:

551.42 Supplier licenses.—

(1) A person must have a supplier license in order to furnish on a regular or continuing basis to a licensee or an applicant for a license gaming equipment, devices, or supplies or other goods or services regarding the operation of gaming at a destination casino resort.

(2) An applicant for a supplier license must apply to the department on forms adopted by department rule. The licensing fee for the initial issuance and annual renewal of the license

shall be a scale of fees determined by department rule based on the type of goods or service provided by the supplier but may not exceed $25,000.

(3) An applicant for a supplier license must include in the application the fingerprints of the persons identified by department rule for the processing of state and national criminal background and credit history record checks.

(4)(a) An applicant for a supplier license is not eligible for licensure if:

1. A person for whom fingerprinting is required under subsection (3) has been convicted of a felony under the laws of this state, any other state, or the United States;

2. The applicant knowingly submitted false information in the application for a supplier license;

3. The applicant is a member of the board or an employee of the department;

4. The applicant is not a natural person and an officer, director, or managerial employee of that person is a person described in subparagraphs 1.-3.;

5. The applicant is not a natural person and an employee of the applicant participates in the management or operation of gaming authorized under this part; or

6. The applicant has had a license to own or operate a destination casino resort licensee or pari-mutuel facility in this state, or a similar license in any other jurisdiction, revoked.

(b) The department may revoke a supplier license at any time it determines that the licensee no longer satisfies the eligibility requirements in this subsection.

(5) The department may deny an application for a supplier license for any person who:

(a) Is not qualified to perform the duties required of a licensee;

(b) Fails to disclose information or knowingly submits false information in the application;

(c) Has violated this part or department rule; or

(d) Has had a gaming-related license or application suspended, restricted, revoked, or denied for misconduct in any other jurisdiction.

(6) A supplier licensee shall:

(a) Furnish to the department a list of all equipment, devices, and supplies it offers for sale or lease in connection with gaming authorized in this part;

(b) Keep books and records documenting the furnishing of gaming equipment, devices, and supplies to licensees separate and distinct from any other business that the supplier operates;

(c) File quarterly returns with the department listing all sales or leases of equipment, devices, or supplies to licensees; and

(d) Permanently affix its name to all equipment, devices, or supplies sold or leased to licensees.

(7) All gaming equipment, devices, or supplies furnished by a licensed supplier must conform to standards adopted by department rule.

(8)(a) The department may suspend, revoke, or restrict the supplier license of a licensee who:

1. Violates this part or department rule; or

2. Defaults on the payment of any obligation or debt due to

this state or a public body.

(b) The department must revoke the supplier license of a licensee for any cause that, if known to the department, would have disqualified the applicant from receiving a license.

(9) A supplier licensee may repair gaming equipment, devices, or supplies in a facility owned or leased by the licensee.

(10) Gaming devices, equipment, or supplies owned by a supplier licensee which are used in an unauthorized gaming operation shall be forfeited to the county where the equipment is found.

(11) The department may revoke the license or deny the application for a supplier license of a person who fails to comply with this section.

(12) A person who knowingly makes a false statement on an application for a supplier license commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 139. Section 551.422, Florida Statutes, is created to read:

551.422 Manufacturer licenses.—

(1) A person seeking to manufacture slot machines, table game devices, and associated equipment for use in this state shall apply to the department for a manufacturer license.

(2) The licensing fee for the initial issuance and annual renewal of the license shall be based on a scale of fees determined by department rule based on the type of goods or service provided by the manufacturer but may not exceed $100,000.

(3) An application for a manufacturer license shall be on a form adopted by department rule, accompanied by the application fee, and shall include all of the following:

(a) The name and business address of the applicant and the applicant's affiliates, intermediaries, subsidiaries, and holding companies; the principals and key employees of each business; and a list of employees and their positions within each business, as well as any financial information required by the department.

(b) A statement that the applicant and each affiliate, intermediary, subsidiary, or holding company of the applicant are not slot machine or destination casino resort licensees.

(c) The consent to a criminal background and credit history investigation of the applicant, its principals, and key employees or other persons required by the department and a release to obtain any and all information necessary for the completion of the criminal background and credit history investigation.

(d) The details of any equivalent license granted or denied by other jurisdictions where gaming activities as authorized by this part are permitted and consent for the department to acquire copies of applications submitted or licenses issued in connection therewith.

(e) The type of slot machines, table game devices, or associated equipment to be manufactured or repaired.

(f) Any other information determined by the department to be appropriate.

(4) Upon being satisfied that the requirements of subsection (3) have been met, the department may approve the

application and grant the applicant a manufacturer license consistent with all of the following:

(a) The initial license shall be for a period of 1 year, and, if approved under subsection (6), the license renewal shall be for a period of 1 year. This paragraph does not relieve the licensee of the affirmative duty to notify the department of any changes relating to the status of its license or to any other information contained in application materials on file with the department.

(b) The license may not be transferable.

(c) The applicant must comply with any other condition established by the department.

(5) In the event an applicant for a manufacturer license to manufacture table game devices or associated equipment used in connection with table games is licensed by the department under this section to manufacture slot machines or associated equipment used in connection with slot machines, the department may determine to use an abbreviated process requiring only that information determined by the department to be necessary to consider the issuance of a license to manufacture table game devices or associated equipment used in connection with table games, including financial viability of the applicant. This section may not be construed to waive any fees associated with obtaining a license through the normal application process. The department may use the abbreviated process only if all of the following apply:

(a) The manufacturer license was issued by the department within a 24-month period immediately preceding the date the manufacturer licensee files an application to manufacture table

game devices or associated equipment.

(b) The person to whom the manufacturer license was issued affirms there has not been a material change in circumstances relating to the license.

(c) The department determines, in its sole discretion, that there has not been a material change in circumstances relating to the licensee which necessitates that the abbreviated process not be used.

(6) Two months before the expiration of a manufacturer license, the manufacturer licensee seeking renewal of its license shall submit a renewal application accompanied by the renewal fee to the department. If the renewal application satisfies the requirements of this section and department rule, the department may renew the licensee's manufacturer license. If the department receives a complete renewal application but the department fails to act upon the renewal application before the expiration of the manufacturer license, the manufacturer license shall continue in effect for an additional 6-month period or until acted upon by the department, whichever occurs first.

(7) The following shall apply to a licensed manufacturer:

(a) A manufacturer or its designee, as licensed by the department, may supply or repair any slot machine, table game device, or associated equipment manufactured by the manufacturer if the manufacturer holds the appropriate manufacturer license.

(b) A manufacturer of slot machines may contract with a supplier to provide slot machines or associated equipment to a slot machine licensee within this state if the supplier is licensed to supply slot machines or associated equipment used in connection with slot machines.

(c) A manufacturer may contract with a supplier to provide table game devices or associated equipment to a certificate holder if the supplier is licensed to supply table game devices or associated equipment used in connection with table games.

(8) A person may not manufacture slot machines, table game devices, or associated equipment for use within this state by a licensee unless the person has been issued the appropriate manufacturer license under this section. Except for training equipment conspicuously identified as required by department rule, a licensee may not use slot machines, table game devices, or associated equipment unless the slot machines, table game devices, or associated equipment were manufactured by a person who has been issued the appropriate manufacturer license under this section.

(9) The department may revoke the license or deny the application for a manufacturer license of a person who fails to comply with this section.

(10) A person who knowingly makes a false statement on an application for a manufacturer license commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 140. Section 551.424, Florida Statutes, is created to read:

551.424 Occupational licenses.—

(1) The Legislature finds that, due to the nature of their employment, some gaming employees require heightened state scrutiny, including licensing and criminal history record checks.

(2) Any person who desires to be a gaming employee and has

a bona fide offer of employment from a licensed gaming facility shall apply to the department for an occupational license. A person may not be employed as a gaming employee unless that person holds an appropriate occupational license issued under this section. The department may adopt rules to reclassify a category of nongaming employees or gaming employees upon a finding that the reclassification is in the public interest and consistent with the objectives of this part.

(3) An applicant for an occupational license must apply to the department on forms adopted by department rule. An occupational license is valid for 4 years following issuance. The application must be accompanied by the licensing fee set by the department. The licensing fee may not exceed $250 for an employee of a destination casino resort licensee.

(a) The applicant shall set forth in the application whether the applicant:

1. Has been issued a gaming-related license in any jurisdiction.

2. Has been issued a gaming-related license in any other jurisdiction under any other name and, if so, the name and the applicant's age at the time of licensure.

3. Has had a permit or license issued by another jurisdiction suspended, restricted, or revoked and, if so, for what period of time.

(b) An applicant for an occupational license must include his or her fingerprints in the application.

(4) To be eligible for an occupational license, an applicant must:

(a) Be at least 21 years of age to perform any function

directly relating to gaming by patrons;

(b) Be at least 18 years of age to perform nongaming functions;

(c) Not have been convicted of a felony or a crime involving dishonesty or moral turpitude in any jurisdiction; and

(d) Meet the standards for the occupational license as provided in department rule.

(5) The department shall deny an application for an occupational license for any person who:

(a) Is not qualified to perform the duties required of a licensee;

(b) Fails to disclose or knowingly submits false information in the application;

(c) Has violated this part; or

(d) Has had a gaming-related license or application suspended, revoked, or denied in any other jurisdiction.

(6)(a) The department may suspend, revoke, or restrict the occupational license of a licensee:

1. Who violates this part or department rule;

2. Who defaults on the payment of any obligation or debt due to this state or a county; or

3. For any just cause.

(b) The department shall revoke the occupational license of a licensee for any cause that, if known to the department, would have disqualified the applicant from receiving a license.

(7) Any training provided for an occupational licensee may be conducted in the gaming facility of a destination casino resort licensee or at a school with which the licensee has entered into an agreement for that purpose.

(8) A licensed travel agent whose board or compensation from a licensee is derived solely from the price of the transportation or lodging arranged for by the travel agent is not required to have an occupational license.

(9) A person who knowingly makes a false statement on an application for an occupational license commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 141. Section 551.426, Florida Statutes, is created to read:

551.426 Temporary supplier license; temporary occupational license.—

(1) Upon the written request of an applicant for a supplier license or an occupational license, the executive director shall issue a temporary license to the applicant and permit the applicant to undertake employment with or provide gaming equipment, devices, or supplies or other goods or services to a gaming facility or an applicant for a destination casino resort if:

(a) The applicant has submitted a completed application, an application fee, all required disclosure forms, and other required written documentation and materials;

(b) A preliminary review of the application and the criminal history record check does not reveal that the applicant or a person subject to a criminal history record check has been convicted of a crime that would require denial of the application;

(c) A deficiency does not appear to exist in the application which may require denial of the application; and

(d) The applicant has an offer of employment from, or an agreement to begin providing gaming devices, equipment, or supplies or other goods and services to, a destination casino resort licensee or an applicant for a destination casino resort license, or the applicant for a temporary license shows good cause for being granted a temporary license.

(2) An initial temporary occupational license or supplier's license may not be valid for more than 90 days; however, a temporary occupational license may be renewed one time for an additional 90 days.

(3) An applicant who receives a temporary license may undertake employment with or supply a destination casino resort licensee with gaming devices, equipment, or supplies or other goods or services until a license is issued or denied or until the temporary license expires or is suspended or revoked.

Section 142. Section 551.428, Florida Statutes, is created to read:

551.428 Resolution of disputes between licensees and wagerers.—

(1)(a) The licensee must immediately notify the department of a dispute whenever a licensee has a dispute with a wagerer which is not resolved to the satisfaction of the patron if the amount disputed is $500 or more and involves:

1. Alleged winnings, alleged losses, or the award or distribution of cash, prizes, benefits, tickets, or any other item in a game, tournament, contest, drawing, promotion, race, or similar activity or event; or

2. The manner in which a game, tournament, contest, drawing, promotion, race, or similar activity or event was

conducted.

(b) If the dispute involves an amount less than $500, the licensee must immediately notify the wagerer of his or her right to file a complaint with the department.

(2) Upon notice of a dispute or receipt of a complaint, the department shall conduct any investigation it deems necessary and may order the licensee to make a payment to the wagerer upon a finding that the licensee is liable for the disputed amount. The decision of the department is effective on the date the aggrieved party receives notice of the decision. Notice of the decision is deemed sufficient if it is mailed to the last known address of the licensee and the wagerer. The notice is deemed to have been received by the licensee or the wagerer 5 days after it is deposited with the United States Postal Service with postage prepaid.

(3) The failure of a licensee to notify the department of the dispute or the wagerer of the right to file a complaint is grounds for disciplinary action.

(4) Gaming-related disputes may be resolved only by the department and are not under the jurisdiction of state courts.

(5) This section may not be construed to deny a wagerer an opportunity to make a claim in state court for nongaming-related issues.

Section 143. Section 551.43, Florida Statutes, is created to read:

551.43 Enforcement of credit instruments.—

(1) A credit instrument and the debt that instrument represents are valid and may be enforced by legal process.

(2) A licensee may accept an incomplete credit instrument

that is signed by the patron and states the amount of the debt in numbers and may complete the instrument as is necessary for the instrument to be presented for payment.

(3) A licensee may accept a credit instrument that is payable to an affiliate or may complete a credit instrument payable to an affiliate if the credit instrument otherwise complies with this section and the records of the affiliate pertaining to the credit instrument are made available to the department upon request.

(4) A licensee may accept a credit instrument before, during, or after the patron incurs the debt. The credit instrument and the debt that the instrument represents are enforceable without regard to whether the credit instrument was accepted before, during, or after the incurring of the debt.

(5) This section does not prohibit the establishment of an account by a deposit of cash, recognized traveler's check, or any other instrument that is equivalent to cash.

(6) If a credit instrument is lost or destroyed, the debt represented by the credit instrument may be enforced if the destination casino resort licensee or person acting on behalf of the licensee can prove the existence of the credit instrument.

(7) The existence of a mental disorder in a patron who provides a credit instrument to a licensee:

(a) Is not a defense in any action by a licensee to enforce a credit instrument or the debt that the credit instrument represents.

(b) Is not a valid counterclaim in an action to enforce the credit instrument or the debt that the credit instrument represents.

(8) The failure of a licensee to comply with this section or department rule does not invalidate a credit instrument or affect its ability to enforce the credit instrument or the debt that the credit instrument represents.

(9) The department may adopt rules prescribing the conditions under which a credit instrument may be redeemed or presented to a bank, credit union, or other financial institution for collection or payment.

(10) A violation of these regulatory requirements only states a basis for disciplinary action by the department.

Section 144. Section 551.44, Florida Statutes, is created to read:

551.44 Compulsive or addictive gambling prevention.—

(1) A destination casino resort 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 shall adopt by rule an invitation to negotiate process for services for the treatment of compulsive and addictive gambling.

(3) As a condition of licensing, each destination casino resort licensee shall pay to the department, without proration, $250,000 annually by June 30, to be used by the department for services related to the treatment of compulsive or addictive gambling.

Section 145. Section 551.445, Florida Statutes, is created to read:

551.445 Voluntary self-exclusion from a gaming facility.—

(1) A person may request that he or she be excluded from gaming facilities in this state by personally submitting a request for self-exclusion from all gaming facilities on a form adopted by department rule. At a minimum, the form must require the person requesting exclusion to:

(a) State his or her:

1. Name, including any aliases or nicknames;

2. Date of birth;

3. Current residential address;

4. Current electronic mail address, if any;

5. Telephone number;

6. Social security number; and

7. Physical description, including height, weight, gender, hair color, eye color, and any other physical characteristic that may assist in the identification of the person.

A self-excluded person must update the information in this paragraph on forms or other methods provided by the department within 30 days after any change.

(b) Select one of the following as the duration of the self-exclusion:

1. One year.

2. Five years.

3. Lifetime.

(c) Execute a release in which the person does all of the following:

1. Acknowledges that the request for exclusion has been made voluntarily.

2. Certifies that the information provided in the request

for self-exclusion is true and correct.

3. Acknowledges that the person requesting self-exclusion has a compulsive or addictive gambling problem.

4. Acknowledges that a person requesting a lifetime exclusion will be included on the self-exclusion list maintained by the department until the person's death, or for 75 years from the date of receipt by the department of the request for self-exclusion.

5. Acknowledges that a person requesting a 1-year or 5-year exclusion will remain on the self-exclusion list maintained by the department until a request for removal on a form adopted by department rule is approved in writing.

6. Acknowledges that, if the person is discovered on the gaming floor of a gaming facility, the person may be removed and may be arrested and prosecuted for criminal trespass.

7. Releases, indemnifies, holds harmless, and forever discharges the state, department, and all licensees from any claims, damages, losses, expenses, or liability arising out of, by reason of or relating to the self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:

a. The failure of a licensee to withhold gaming privileges from or restore gaming privileges to a self-excluded person.

b. Permitting or prohibiting a self-excluded person from engaging in gaming activity in a gaming facility.

(2) A person submitting a self-exclusion request must present to the department a photo identification issued by an agency of the United States, or a state, or a political subdivision thereof containing the person's signature.

(3) A person requesting a self-exclusion request shall submit a photograph or digital image of himself or herself as required by department rule.

Section 146. Section 551.45, Florida Statutes, is created to read:

551.45 Annual report.—Beginning February 1, 2016, and annually thereafter, the board shall file an annual report with the Governor, the President of the Senate, and the Speaker of the House of Representatives covering the previous fiscal year. Each report must include:

(1) A statement of receipts and disbursements.

(2) A summary of disciplinary actions taken by the department.

(3) Any additional information and recommendations that the board believes may improve the regulation of gaming or increase the economic benefits of gaming to this state.

Section 147. Part VII of chapter 551, Florida Statutes, consisting of sections 551.50-551.56, is created and entitled "MISCELLANEOUS GAMING."

Section 148. The amendments to the sections of chapter 849, Florida Statutes, that are transferred, renumbered, and amended in part VII of this act are not intended to authorize additional games but rather to clarify current limitations under which authorized games may be operated.

Section 149. Section 849.094, Florida Statutes, is transferred, renumbered as section 551.50, Florida Statutes, and amended to read:

551.50 ~~849.094~~ Game promotion in connection with sale of consumer products or services.—

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

(a) "Game promotion" means, but is not limited to, a contest, game of chance, sweepstakes, or gift enterprise~~,~~ conducted in this ~~by an operator within or throughout the~~ state and other states in connection with and incidental to the sale of consumer products or services~~, and~~ in which the elements of chance and prize are present. The term does ~~However, "game promotion" may~~ not ~~be construed to~~ apply to bingo games conducted pursuant to s. 849.0931.

(b) "Operator" means a retailer who operates a game promotion or a ~~any~~ person, firm, corporation, organization, or association, or an agent or employee thereof, who promotes, operates, or conducts a nationally advertised game promotion.

(2) It is unlawful for any operator to:

(a) Design ~~To design~~, engage in, promote, or conduct such a game promotion, in connection with the promotion or sale of consumer products or services, in which ~~wherein~~ the winner may be predetermined or the game may be manipulated or rigged so as to:

1. Allocate a winning game or any portion thereof to certain lessees, agents, or franchises; or

2. Allocate a winning game or part thereof to a particular period of the game promotion or to a particular geographic area;

(b) Arbitrarily ~~to~~ remove, disqualify, disallow, or reject any entry;

(c) Fail ~~To fail~~ to award prizes offered;

(d) Print ~~To print~~, publish, or circulate false, deceptive, or misleading literature or advertising material ~~used~~ in connection with such game promotions ~~which is false, deceptive,~~

~~or misleading~~; or

(e) Require ~~To require~~ an entry fee, payment, or proof of purchase as a condition of entering a game promotion.

(3) The operator of a game promotion in which the total announced value of the prizes offered is greater than $5,000 shall file with the Department of Agriculture and Consumer Services a copy of the rules and regulations of the game promotion and a list of all prizes and prize categories offered at least 7 days before the beginning ~~commencement~~ of the game promotion. Such rules and regulations may not thereafter be changed, modified, or altered. The operator of a game promotion shall conspicuously post the rules and regulations of such game promotion in each ~~and every~~ retail outlet or place where such game promotion may be played or participated in by the public and shall also publish the rules and regulations in all advertising copy used in connection therewith. However, such advertising copy need only include the material terms of the rules and regulations if the advertising copy includes a website address, a toll-free telephone number, or a mailing address where the full rules and regulations will be made available ~~may be viewed, heard, or obtained~~ for the full duration of the game promotion. Written ~~Such~~ disclosures must be legible. Radio and television announcements may indicate that the rules and regulations are available at retail outlets or from the operator of the promotion. A nonrefundable filing fee of $100 shall accompany each filing and shall be used to pay the costs incurred to administer and enforce ~~in administering and enforcing the provisions of~~ this section.

(4)(a) The ~~Every~~ operator of such a game promotion in which

the total announced value of the prizes offered is greater than $5,000 shall establish a trust account, in a national or state-chartered financial institution, with a balance sufficient to pay or purchase the total value of all prizes offered. ~~On a form supplied by the Department of Agriculture and Consumer Services,~~ An official of the financial institution holding the trust account shall specify, on a form supplied by the Department of Agriculture and Consumer Services, ~~set forth~~ the dollar amount of the trust account, the identity of the entity or individual establishing the trust account, and the name of the game promotion for which the trust account has been established. Such form shall be filed with the Department of Agriculture and Consumer Services at least 7 days before the beginning ~~in advance of the commencement~~ of the game promotion. In lieu of establishing such trust account, the operator may obtain a surety bond in an amount equivalent to the total value of all prizes offered; and such bond shall be filed with the Department of Agriculture and Consumer Services at least 7 days before the beginning ~~in advance of the commencement~~ of the game promotion.

1. The moneys held in the trust account may be withdrawn in order to pay the prizes offered only upon certification to the Department of Agriculture and Consumer Services of the name of the winner or winners and the amount of the prize or prizes and the value thereof.

2. If the operator of a game promotion has obtained a surety bond in lieu of establishing a trust account, the amount of the surety bond must ~~shall~~ equal ~~at all times~~ the total amount of the prizes offered.

(b) The Department of Agriculture and Consumer Services may

waive the provisions of this subsection for any operator who has conducted game promotions in this ~~the~~ state for at least ~~not less than~~ 5 consecutive years and who has not had any civil, criminal, or administrative action instituted against him or her by the state or an agency of the state for violation of this section within that 5-year period. Such waiver may be revoked upon determination by the Department of Agriculture and Consumer Services that the operator committed ~~the commission of~~ a violation of this section ~~by such operator, as determined by the Department of Agriculture and Consumer Services~~.

(5) Every operator of a game promotion in which the total announced value of the prizes offered is greater than $5,000 shall, within 60 days after the final determination of winners, provide the Department of Agriculture and Consumer Services with a certified list of the names and addresses of all such persons, regardless of state residency, ~~whether from this state or from another state,~~ who have won prizes that ~~which~~ have a value of more than $25, the value of such prizes, and the dates when the prizes were won ~~within 60 days after such winners have been finally determined~~. The operator shall provide a copy of the list of winners at no~~, without~~ charge~~,~~ to a ~~any~~ person who requests it or~~. In lieu of the foregoing, the operator of a game promotion may, at his or her option,~~ publish the ~~same~~ information ~~about the winners~~ in a Florida newspaper of general circulation within 60 days after such winners have been determined. If such information is published, the operator ~~and~~ shall provide to the Department of Agriculture and Consumer Services a certified copy of the publication ~~containing the information about the winners~~. The operator of a game promotion

is not required to notify a winner by mail or by telephone when the winner is already in possession of a game card from which the winner can determine that he or she has won a designated prize. ~~All~~ Winning entries shall be held by the operator for a period of 90 days after the close or completion of the game.

(6) The Department of Agriculture and Consumer Services shall keep the certified list of winners for a period of at least 6 months after receipt and ~~of the certified list. The department thereafter~~ may dispose of ~~all~~ records and lists after that time period.

(7) An ~~No~~ operator may not ~~shall~~ force, directly or indirectly, a lessee, agent, or franchise dealer to purchase or participate in any game promotion. For the purpose of this section, coercion or force is ~~shall be~~ presumed when ~~in these circumstances in which~~ a course of business extending over a period of 1 year or longer is materially changed coincident with a failure or refusal of a lessee, agent, or franchise dealer to participate in such game promotions. Such force or coercion shall also ~~further~~ be presumed when an operator advertises generally that game promotions are available at its lessee dealers or agent dealers.

(8)(a) The Department of Agriculture and Consumer Services may adopt ~~shall have the power to promulgate such~~ rules for ~~and regulations respecting~~ the operation of game promotions ~~as it deems advisable~~.

(b) Compliance with such ~~the~~ rules ~~of the Department of Agriculture and Consumer Services~~ does not authorize, and is not a defense to a charge of, possession of a slot machine or device or any other device or a violation of any other law.

(c) If ~~Whenever~~ the Department of Agriculture and Consumer Services or the Department of Legal Affairs has reason to believe that a game promotion is being operated in violation of this section, it may bring an action in the circuit court of any judicial circuit in which the game promotion is being operated ~~in the name and on behalf of the people of the state~~ against the ~~any~~ operator ~~thereof~~ to enjoin the continued operation of such game promotion in this ~~anywhere within the~~ state.

(9)(a) A ~~Any~~ person, firm, or corporation, or an association, ~~or~~ agent, or employee thereof, who violates this section or a rule ~~engages in any acts or practices stated in this section to be unlawful, or who violates any of the rules and regulations~~ made pursuant to this section, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A ~~Any~~ person, firm, or corporation, or an association, agent, or employee thereof, who violates ~~any provision of~~ this section or a rule ~~any of the rules and regulations~~ made pursuant to this section is ~~shall be~~ liable for a civil penalty of up to ~~not more than~~ $1,000 for each ~~such~~ violation, which shall accrue to the state and may be recovered in a civil action brought by the Department of Agriculture and Consumer Services or the Department of Legal Affairs.

(10) This section does not apply to actions or transactions regulated by the Department of Gaming Control, ~~Business and Professional Regulation or to~~ the activities of nonprofit organizations, or to any other organization engaged in any enterprise other than the sale of consumer products or services. Subsections (3)~~, (4), (5), (6), and~~ (7) and paragraph (8)(a),

and ~~any of the~~ rules adopted ~~made~~ pursuant thereto, do not apply to television or radio broadcasting companies licensed by the Federal Communications Commission.

(11) A violation of this section, or soliciting another person to commit an act that violates this section, constitutes a deceptive and unfair trade practice actionable under the Florida Deceptive and Unfair Trade Practices Act.

Section 150. Section 849.092, Florida Statutes, is transferred, renumbered as section 551.51, Florida Statutes, and amended to read:

551.51 ~~849.092~~ Motor fuel retail business prizes~~; certain activities permitted~~.—Notwithstanding s. 849.09, a person ~~The provisions of s. 849.09 shall not be construed to prohibit or prevent persons who are~~ licensed to conduct business under s. 206.404, may give ~~from giving~~ away prizes to a person ~~persons~~ selected by lot, if such prizes are conditioned ~~made~~ on the following ~~conditions~~:

(1) Such gifts are conducted as advertising and promotional undertakings, in good faith, solely for the purpose of advertising the goods, wares, merchandise, and business of such licensee.~~; and~~

(2) The principal business of such licensee is the business permitted to be licensed under s. 206.404.~~; and~~

(3) ~~No person~~ To be eligible to receive such gift, a person may not ~~shall ever~~ be required to:

(a) Pay ~~any~~ tangible consideration to such licensee in the form of money or other property or thing of value;~~,~~ or

(b) Purchase ~~any~~ goods, wares, merchandise, or anything of value from such licensee.

(4) The person selected to receive ~~any~~ such gift or prize offered by a ~~any such~~ licensee in connection with ~~any~~ such advertising or promotion is notified of his or her selection at his or her last known address. Newspapers, magazines, and television and radio stations may~~, without violating any law,~~ publish or ~~and~~ broadcast advertising matter describing such advertising and promotional undertakings of a licensee. The publishing or broadcasting of such advertising matter ~~such licensees which~~ may contain instructions for a person to make his or her ~~pursuant to which persons desiring to become eligible for such gifts or prizes may make their~~ name and address known to such licensee.

(5) All brochures, advertisements, promotional material, and entry blanks promoting such undertakings must ~~shall~~ contain a clause stating that residents of this state ~~Florida~~ are entitled to participate in such undertakings and are eligible to win gifts or prizes.

Section 151. Section 849.085, Florida Statutes, is transferred, renumbered as section 551.52, Florida Statutes, and amended to read:

551.52 ~~849.085~~ ~~Certain~~ Penny-ante games ~~not crimes; restrictions~~.—

(1) Notwithstanding any other ~~provision of~~ law, ~~it is not a crime for~~ a person may ~~to~~ participate in a game described in this section if such game is conducted strictly in accordance with this section.

(2) As used in this section:

(b) ~~(a)~~ "Penny-ante game" means a game or series of games of poker, pinochle, bridge, rummy, canasta, hearts, dominoes, or

mah-jongg in which the winnings of any player in a single round, hand, or game do not exceed $10 in value.

(c) ~~(b)~~ "Residential premises" ~~"Dwelling"~~ means a unit, room, or college dormitory room ~~residential premises~~ owned or rented by a participant in a penny-ante game and occupied by such participant.

(a) "Common premises" means ~~or~~ the common elements or common areas of a condominium, cooperative, residential subdivision, ~~or~~ mobile home park, or park or recreation district of which a participant in a penny-ante game is a unit owner, or the facilities of an organization which is tax-exempt under s. 501(c)(7) of the Internal Revenue Code, ~~. The term "dwelling" also includes a college dormitory room~~ or the common recreational area of a college dormitory, or a publicly owned community center owned by a municipality or county.

(3) A penny-ante game is subject to the following restrictions:

(a) The game must be conducted in a residential premises or a common premises ~~dwelling~~.

(b) A person may not receive any consideration or commission for allowing a penny-ante game to occur in a residential premises or a common premises ~~his or her dwelling~~.

(c) A person may not directly or indirectly charge admission or any other fee for participation in the penny-ante game.

(d) A person may not solicit participants by ~~means of~~ advertising in any form, ~~advertise~~ the time or place of any penny-ante game, or ~~advertise~~ the fact that he or she will be a participant in any penny-ante game.

(e) A penny-ante game may not be conducted unless each ~~in which any~~ participant is ~~under~~ 18 years of age or older.

(4) A debt created or owed as a consequence of any penny-ante game is not legally enforceable.

(5) The conduct of a ~~any~~ penny-ante game within a common premises does not create ~~the common elements or common area of a condominium, cooperative, residential subdivision, or mobile home park or the conduct of any penny-ante game within the dwelling of an eligible organization as defined in subsection (2) or within a publicly owned community center owned by a municipality or county creates no~~ civil liability for damages arising from the penny-ante game on the part of an owner ~~a condominium association, cooperative association, a homeowners' association as defined in s. 720.301, mobile home owners' association, dwelling owner, or municipality or county or on the part of a unit owner~~ who was not a participant in the game.

Section 152. Section 849.0931, Florida Statutes, is transferred, renumbered as section 551.53, Florida Statutes, and amended to read:

551.53 ~~849.0931~~ Bingo authorized; conditions for conduct; use ~~permitted uses~~ of proceeds; limitations.—

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

(a) "Bingo game" means ~~and refers to~~ the activity, commonly known as "bingo," in which the following occurs:

1. A participant pays ~~Participants pay~~ a sum of money for the use of one or more bingo cards that contain different numbers.

2. ~~When the game commences,~~ Numbers are randomly drawn, one at a time ~~by chance, one by one~~, and announced.

3. ~~The~~ Players ~~cover or~~ mark their ~~those numbers on the~~ bingo cards if an announced number matches a number on their card ~~which they have purchased~~ until a player receives the specified ~~a given~~ order or pattern of numbers ~~in sequence that has been~~ preannounced for that particular game.

4. ~~This player calls out "bingo" and is declared~~ The winner receives ~~of~~ a predetermined prize~~. More than one game may be played upon a bingo card, and numbers called for one game may be used for a succeeding game or games~~.

(b) "Bingo card" means ~~and refers to~~ the flat piece of paper or thin pasteboard used ~~employed~~ by players engaged in the game of bingo. The bingo card may not contain ~~shall have not~~ fewer than 24 playing numbers, which ~~printed on it. These playing numbers shall~~ range from 1 through 75~~, inclusive~~. More than one ~~set of~~ bingo card ~~numbers~~ may be printed on a ~~any~~ single piece of paper.

(c) "Charitable, nonprofit, or veterans' organization" means an organization that ~~which~~ has qualified for exemption from federal income tax ~~as an exempt organization~~ under ~~the provisions of~~ s. 501(c) of the Internal Revenue Code of 1954 or s. 528 of the Internal Revenue Code of 1986, as amended; that ~~which~~ is engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar endeavors ~~activities~~; and that ~~which~~ has been in existence and active for a period of 3 years or more.

(d) "Deal" means a separate set or package of not more than 4,000 instant bingo tickets in which the predetermined minimum prize payout is at least 65 percent of the total receipts from the sale of the entire deal.

(e) "Flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information:

1. The game name.

2. The manufacturer's name or distinctive logo.

3. The form number.

4. The ticket count.

5. The prize structure, including the number of symbols or number combinations for winning instant bingo tickets by denomination, with their respective winning symbols or number combinations.

6. The cost per play.

7. The game serial number.

(f) "Instant bingo" means a form of bingo that is played at the same location as bingo in which a player uses~~, using~~ tickets to win ~~by which a player wins~~ a prize by opening and removing a cover from the ticket to reveal a set of numbers, letters, objects, or patterns, some of which have been designated in advance as prize winners.

(g) "Objects" means a set of 75 balls or other precision shapes that are imprinted with letters and numbers in such a way that numbers 1 through 15 are marked with the letter "B," numbers 16 through 30 are marked with the letter "I," numbers 31 through 45 are marked with the letter "N," numbers 46 through 60 are marked with the letter "G," and numbers 61 through 75 are marked with the letter "O."

(h) "Rack" means the container in which the objects are placed after being drawn and announced.

(i) "Receptacle" means the container from which the objects

are drawn or ejected.

(j) "Session" means a designated set of games played in a day or part of a day.

(2)(a) Notwithstanding chapter 849, a ~~None of the provisions of this chapter shall be construed to prohibit or prevent~~ charitable, nonprofit, or veterans' organization that is ~~organizations~~ engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar endeavors and that has~~, which organizations have~~ been ~~in existence and~~ active for a period of 3 years or more may conduct~~, from conducting~~ bingo games or instant bingo; however, ~~provided~~ the entire proceeds derived from the conduct of such games, less actual business expenses ~~for articles designed for and essential to the operation, conduct, and playing of bingo or instant bingo~~, must be ~~are~~ donated by the organization to such works or endeavors ~~such organizations to the endeavors mentioned above. In no case may the net proceeds from the conduct of such games be used for any other purpose whatsoever~~. The proceeds are ~~derived from the conduct of bingo games or instant bingo shall~~ not ~~be~~ considered solicitation of public donations.

(b) A ~~It is the express intent of the Legislature that no~~ charitable, nonprofit, or veterans' organization may not ~~serve as a~~ sponsor ~~of~~ a bingo game or instant bingo conducted by another~~, but such~~ organization ~~may only be directly involved in the conduct of such a game as provided in this act~~.

(3) ~~If~~ An organization ~~is~~ not engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar endeavors which conducts ~~efforts of the type set out above, its right to conduct~~ bingo games under this section must

~~hereunder is conditioned upon the~~ return ~~of~~ all ~~the~~ proceeds from such games to the players in the form of prizes. If, at the conclusion of play on any day during which a bingo game is allowed to be played under this subsection, proceeds ~~section there~~ remain ~~proceeds~~ which have not been paid out as prizes, the organization conducting the game shall, on ~~at~~ the next scheduled day of play, conduct bingo games without any charge to the players and shall continue to do so until the proceeds carried over ~~from the previous days played~~ have been exhausted. This subsection does not extend ~~provision in no way extends~~ the limitation on the number of prize or jackpot games allowed in a single ~~one~~ day as provided under ~~for in~~ subsection (5).

(4) ~~The right of~~ A condominium association, ~~a~~ cooperative association, ~~a~~ homeowners' association as defined in s. 720.301, ~~a~~ mobile home owners' association, ~~a~~ group of residents of a mobile home park as defined in chapter 723, a park or recreation district that is an independent special district as defined in s. 189.403, a recreation district as defined in chapter 418, or ~~a~~ group of residents of a mobile home park or recreational vehicle park as defined in chapter 513 may ~~to~~ conduct bingo if ~~is conditioned upon the return of~~ the net proceeds from such games are returned to players in the form of prizes after having deducted the actual business expenses for such games ~~for articles designed for and essential to the operation, conduct, and playing of bingo~~. Any net proceeds remaining after ~~paying~~ prizes are paid may be donated by the association to a charitable, nonprofit, or veterans' organization that ~~which~~ is exempt from federal income tax under ~~the provisions of~~ s. 501(c) of the Internal Revenue Code to be used in such recipient

organization's charitable, civic, community, benevolent, religious, or scholastic works or similar endeavors ~~activities~~ or, in the alternative, such remaining proceeds shall be used as specified in subsection (3).

(5)(a)1. ~~Except for instant bingo prizes, which are limited to the amounts displayed on the ticket or on the game flare,~~ A jackpot may ~~shall~~ not exceed ~~the value of~~ $250 in actual money or its equivalent, and there may not ~~shall~~ be ~~no~~ more than three jackpots in any one session of bingo.

2.~~(6)~~ An organization ~~Except for instant bingo, which is not limited by this subsection, the number of days per week during which organizations~~ authorized under this section may not conduct a bingo game more than 2 days per week ~~shall not exceed two~~.

3.~~(7)~~ Only three jackpot prizes may be awarded ~~Except for instant bingo prizes, which are limited to the amounts displayed on the ticket or on the game flare, there shall be no more than three jackpots~~ on a single ~~any one~~ day of play. All other game prizes may ~~shall~~ not exceed $50 each.

4. Subparagraphs 1.-3. do not apply to instant bingo prizes.

(b) Instant bingo prizes are limited to the amounts displayed on the ticket or on the game flare.

(6)~~(8)~~ Each person involved in conducting a ~~the conduct of any~~ bingo game or instant bingo must be a resident of the community where the organization is located and a bona fide member of the organization sponsoring such game and may not be compensated in any way for operation of such game. When a bingo game ~~games~~ or instant bingo is conducted by a charitable,

nonprofit, or veterans' organization, the organization conducting the games shall ~~must~~ designate up to three members of that organization to be in charge of the games, one of whom shall be present during the entire session ~~at which the games are conducted~~. The organization conducting the games is responsible for posting a notice, which must state ~~notice states~~ the name of the organization and the designated member or members, in a conspicuous place on the premises at which the session is held or instant bingo is played. ~~A caller in a bingo game may not be a participant in that bingo game.~~

(7)~~(9)~~ A ~~Every~~ charitable, nonprofit, or veterans' organization involved in the conduct of a bingo game or instant bingo must be located in the county~~,~~ or within a 15-mile radius of the location where~~, where~~ the bingo game or instant bingo is played ~~located~~.

(8)~~(10)~~(a) A person ~~No one~~ under 18 years of age may not ~~shall be allowed to~~ play or be involved in the conduct of a ~~any~~ bingo game or instant bingo ~~or be involved in the conduct of a bingo game or instant bingo in any way~~.

(b) Any organization conducting a bingo game or instant bingo that is open to the public may refuse entry to a ~~any~~ person who is objectionable or undesirable to the sponsoring organization, but such refusal may ~~of entry shall~~ not be based on the person's ~~basis of~~ race, creed, color, religion, sex, national origin, marital status, or physical handicap.

(9)~~(11)~~ A bingo game ~~games~~ or instant bingo may be held only on the following premises:

(a) Property owned by the charitable, nonprofit, or veterans' organization.

(b) Property owned by the charitable, nonprofit, or veterans' organization that will benefit from ~~by~~ the proceeds.

(c) Property leased for a period of not less than 1 year by a charitable, nonprofit, or veterans' organization, if ~~providing~~ the lease or rental agreement does not provide for the payment of a percentage of the proceeds generated at such premises to the lessor or any other party and ~~providing~~ the rental rate for such premises does not exceed ~~the rental~~ rates charged for similar premises in the same locale.

(d) Property owned by a municipality or a county when the governing authority has, by appropriate ordinance or resolution, specifically authorized the use of such property for the conduct of such games.

(e) With respect to bingo games conducted by a condominium association, a cooperative association, a homeowners' association as defined in s. 720.301, a mobile home owners' association, a group of residents of a mobile home park as defined in chapter 723, a park or recreation district that is an independent special district as defined in s. 189.403, a recreation district as defined in chapter 418, or ~~a~~ group of residents of a mobile home park or recreational vehicle park as defined in chapter 513, property owned by the association or~~,~~ ~~property owned by~~ the residents of the mobile home park, park or recreation district, or recreational vehicle park, or property that ~~which~~ is a common area located within the condominium, mobile home park, or recreational vehicle park.

(10)~~(12)~~ Each bingo game shall be conducted in accordance with the following rules:

(a) The objects, whether drawn or ejected, shall be

essentially equal as to size, shape, weight, and balance and as to all other characteristics that may control their selection from the receptacle. The caller shall cancel a ~~any~~ game if, during the course of the ~~a~~ game, the mechanism used in the drawing or ejection of objects becomes jammed in such a manner as to interfere with the accurate determination of the next number to be announced or if the caller determines that more than one object is labeled with the same number or that there is a number to be drawn without a corresponding object. A ~~Any~~ player in a game canceled pursuant to this paragraph shall be allowed ~~permitted~~ to play the next game free of charge.

(b) Before ~~Prior to commencement of~~ any bingo session, the member in charge shall verify ~~cause a verification to be made of~~ all objects to be placed in the receptacle and ~~shall~~ inspect the objects in the presence of a disinterested person to ensure that all objects are present and that there are no duplications or omissions of numbers on the objects. A ~~Any~~ player is ~~shall be~~ entitled to call for a verification of numbers before, during, and after a session.

(c) The card or sheet on which the game is played must ~~shall~~ be part of a deck, group, or series, no two of which may be alike in any given game.

(d) All numbers shall be visibly displayed after being drawn and before being placed in the rack.

(e) A bona fide bingo consists ~~shall consist~~ of a predesignated arrangement of numbers on a card or sheet which ~~that~~ correspond with the numbers on the objects drawn from the receptacle and announced. Errors in numbers announced or misplaced in the rack may not be recognized as a bingo.

(f) When a caller begins to announce ~~has started to vocally announce~~ a number, he or she ~~the caller~~ shall complete the call. If a ~~any~~ player obtains ~~has obtained~~ a bingo on the ~~a~~ previous call but is not recognized until the next number is called ~~number~~, such player will share the prize with the player who attained ~~gained~~ bingo on the last number called.

(g) Numbers on the winning cards or sheets shall be announced and verified in the presence of another player. Any player may ~~shall be entitled at the time the winner is determined to~~ call for a verification of the numbers drawn. The verification shall be conducted in the presence of the designated member ~~designated to be in charge of the occasion~~ or, if such person is also the caller, in the presence of an officer of the licensee.

(h) Upon determining a winner, the caller shall ask, "Are there any other winners?" If no one replies, the caller shall announce that ~~declare~~ the game is closed. No other player is entitled to share the prize unless ~~she or~~ he or she has also declared a bingo before ~~prior to~~ this announcement.

(i) Seats may not be held or reserved by an organization or a person involved in the conduct of any bingo game for players not present, and ~~nor may any~~ cards may not be set aside, held, or reserved from one session to another for any player.

(j) A caller in a bingo game may not be a participant in that bingo game.

(11)~~(13)~~(a) Instant bingo tickets shall ~~must~~ be sold at the price printed on the ticket or on the game flare by the manufacturer, not to exceed $1. Discounts may not be given for the purchase of multiple tickets, and ~~nor may~~ tickets may not be

given away free of charge.

(b) Each deal of instant bingo tickets must be accompanied by a flare, which ~~and the flare~~ must be posted before the sale of any tickets in that deal.

(c) Each instant bingo ticket in a deal must bear the same serial number, and there may not be more than one serial number in each deal. Serial numbers printed on a deal of instant bingo tickets may not be repeated by the manufacturer on the same form for a period of 3 years.

(d) The serial number for each deal must be clearly and legibly placed on the outside of each deal's package, box, or other container.

(e) Instant bingo tickets manufactured, sold, or distributed in this state must comply with the applicable standards on pull-tabs of the North American Gaming Regulators Association, as amended.

(f) Except as provided under paragraph (e), an instant bingo ticket manufactured, sold, or distributed in this state must:

1. Be manufactured so that it is not possible to identify whether it is a winning or losing instant bingo ticket until it has been opened by the player as intended.

2. Be manufactured using at least a two-ply paper stock construction so that the instant bingo ticket is opaque.

3. Have the form number, the deal's serial number, and the name or logo of the manufacturer conspicuously printed on the face or cover of the instant bingo ticket.

4. Have a form of winner protection that allows the organization to verify, after the instant bingo ticket has been

played, that the ~~winning instant bingo~~ ticket presented for payment is an authentic winning instant bingo ticket for the deal in play. The manufacturer shall provide a written description of the winner protection with each deal of instant bingo tickets.

(g) Each manufacturer and distributor that sells or distributes instant bingo tickets in this state to charitable, nonprofit, or veterans' organizations shall prepare an invoice that contains the following information:

1. The date of sale.

2. The form number and serial number of each deal sold.

3. The number of instant bingo tickets in each deal sold.

4. The name of distributor or organization to whom each deal is sold.

5. The price of each deal sold.

All information contained on an invoice must be maintained by the distributor or manufacturer for 3 years.

(h) The invoice, or a true and accurate copy of the invoice ~~thereof~~, must be on the premises where any deal of instant bingo tickets is stored or in play.

(12) ~~(14)~~ An ~~Any~~ organization or ~~other~~ person who willfully and knowingly violates ~~any provision of~~ this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For a second or subsequent offense, the organization or ~~other~~ person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 153. Section 849.0935, Florida Statutes, is

transferred, renumbered as section 551.54, Florida Statutes, and amended to read:

551.54 ~~849.0935~~ Charitable, nonprofit organizations; drawings by chance; required disclosures; unlawful acts and practices; penalties.—

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

(a) "Drawing by chance," "drawing," or "raffle" means a drawing ~~an enterprise~~ in which~~, from the entries submitted by the public to the organization conducting the drawing,~~ one or more entries submitted by the public to the organization are selected by chance to win a prize. The term "drawing" does not include ~~those enterprises, commonly known as "~~game promotions~~,"~~ as defined under ~~by~~ s. 849.094 which use the terms~~,~~ "matching," "instant winner," or "preselected sweepstakes~~,~~" and ~~which~~ involve the distribution of previously designated winning numbers~~, previously designated as such~~, to the public.

(b) "Organization" means an organization, including its members or officers, which is exempt from federal income taxation pursuant to 26 U.S.C. s. 501(c)(3), (4), (7), (8), (10), or (19)~~,~~ and ~~which~~ has a current determination letter from the Internal Revenue Service~~, and its bona fide members or officers~~.

(2) Notwithstanding s. 849.09, ~~Section 849.09 does not prohibit~~ an organization may conduct ~~from conducting~~ drawings by chance pursuant to ~~the authority granted by~~ this section, if the organization has complied with all applicable provisions of chapter 496 and this section.

(3) ~~All~~ Brochures, advertisements, notices, tickets, or entry blanks used in connection with a drawing by chance must

~~shall~~ conspicuously disclose:

(a) The rules governing the conduct and operation of the drawing.

(b) The full name of the organization and its principal place of business.

(c) The source of the funds used to award cash prizes or to purchase prizes.

(d) The date, hour, and place where the winner will be chosen and the prizes will be awarded, unless the brochures, advertisements, notices, tickets, or entry blanks are not offered to the public more than 3 days before ~~prior to~~ the drawing.

(e) That no purchase or contribution is necessary.

(4) It is unlawful for an ~~any~~ organization that~~, pursuant to the authority granted by this section,~~ promotes, operates, or conducts a drawing by chance under this section to:

(a) ~~To~~ Design, engage in, promote, or conduct any drawing in which the winner is predetermined ~~by means of matching, instant win, or preselected sweepstakes or otherwise~~ or in which the selection of the winners is ~~in any way~~ rigged;

(b) ~~To~~ Require an entry fee, donation, substantial consideration, payment, proof of purchase, or contribution as a condition of entering the drawing or of being selected to win a prize. However, this paragraph does not prohibit an organization from suggesting a minimum donation or from including a statement of such suggested minimum donation on ~~any~~ printed material used in connection with the fundraising event or drawing;

(c) ~~To~~ Condition the drawing on disbursement of a minimum number of tickets ~~having been disbursed~~ to contributors or

receipt of ~~on~~ a minimum amount of contributions ~~having been received~~;

(d) ~~To~~ Arbitrarily remove, disqualify, disallow, or reject any entry or to discriminate ~~in any manner~~ between entrants who gave contributions to the organization and those who did not ~~give such contributions~~;

(e) ~~To~~ Fail to promptly notify~~, at the address set forth on the entry blank,~~ a winner ~~any person~~, at the address designated on the entry blank, ~~whose entry is selected to win~~ of the fact that he or she won;

(f) ~~To~~ Fail to award all prizes offered;

(g) ~~To~~ Print, publish, or circulate literature or advertising material used in connection with the drawing which is false, deceptive, or misleading;

(h) ~~To~~ Cancel a drawing; or

(i) ~~To~~ Condition the acquisition or giveaway of any prize upon the receipt of voluntary donations or contributions.

(5) The organization conducting the drawing may limit the number of tickets distributed to each drawing entrant.

(6) A violation of this section is a deceptive and unfair trade practice.

(7) Any organization that violates ~~engages in any act or practice in violation of~~ this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. ~~Any organization or other person who sells or offers for sale in this state a ticket or entry blank for a raffle or other drawing by chance, without complying with the requirements of paragraph (3)(d), commits a misdemeanor of the second degree, punishable by fine only as provided in s. 775.083.~~

(8) This section does not apply to the state lottery operated pursuant to chapter 24.

Section 154. Section 849.141, Florida Statutes, is transferred, renumbered as section 551.55, Florida Statutes, and amended to read:

551.55 ~~849.141~~ Bowling tournaments ~~exempted from chapter~~.—

(1) Notwithstanding any law to the contrary, a person may participate ~~Nothing contained in this chapter shall be applicable to participation~~ in or ~~the~~ conduct ~~of~~ a bowling tournament ~~conducted~~ at a bowling center which requires the payment of entry fees~~,~~ from which ~~fees~~ the winner receives a purse or prize.

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

(b) ~~(a)~~ "Bowling tournament" means a contest in which participants engage in the sport of bowling, wherein a heavy ball is bowled along a bowling lane in an attempt to knock over 10 upright bowling pins~~, 10 in number, set upright~~ at the far end of the lane as~~, according to~~ specified in the ~~regulations and~~ rules of the United States ~~American~~ Bowling Congress~~, the Womens International Bowling Congress,~~ or the Bowling Proprietors Association of America.

(a) ~~(b)~~ "Bowling center" means a place of business having at least 12 bowling lanes on the premises which are operated for the entertainment of the general public for the purpose of engaging in the sport of bowling.

Section 155. Section 849.161, Florida Statutes, is transferred, renumbered as section 551.56, Florida Statutes, and amended to read:

551.56 ~~849.161~~ Amusement games or machines~~; when chapter~~

~~inapplicable~~.—

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

(a) "Amusement games or machines" means games which are operated only for bona fide entertainment of the general public, which are activated ~~which operate~~ by means of the insertion of a coin, currency, slug, token, coupon, card, or similar device, and which, by application of skill, ~~may entitle~~ the person playing or operating the game or machine may control the results of play ~~to receive points or coupons, the cost value of which does not exceed 75 cents on any game played, which may be exchanged for merchandise~~. The term does not include:

1. Casino-style games in which the outcome is determined by factors unpredictable by the player;

2. ~~or~~ Games in which the player does ~~may~~ not control the outcome of the game through skill;

3. Video poker games or any other game or machine that may be construed as a gambling device under the laws of this state; or

4. Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under s. 1178.

(b) "Arcade amusement center" means a place of business having at least 50 ~~coin-operated~~ amusement games or machines on premises which are operated for the entertainment of the general public ~~and tourists~~ as a bona fide amusement facility.

(c) "Game played" means the event occurring from the ~~initial~~ activation of the amusement game or machine by insertion of a coin, currency, slug, token, coupon, card, or similar device until the results of play are determined without insertion of additional coin, currency, slug, token, coupon,

10383 card, or similar device to continue play ~~payment of additional~~
10384 ~~consideration~~. Free replays do not count as separate games
10385 played ~~constitute additional consideration~~.
10386 (d) "Merchandise" means noncash prizes, including toys and
10387 novelties. The term does not include:
10388 1. Cash equivalents ~~or any equivalent thereof~~, including
10389 gift cards or certificates;
10390 2. ~~, or~~ Alcoholic beverages; or
10391 3. Coupons, points, slugs, tokens, cards, or similar
10392 devices that have commercial value, can be used to activate an
10393 amusement game or machine, or can be redeemed onsite for
10394 merchandise.
10395 (e) "Redemption value" means the imputed value of coupons
10396 or points, based on the wholesale cost of merchandise for which
10397 those coupons or points may be redeemed.
10398 (f) ~~(e)~~ "Truck stop" means a ~~any~~ dealer registered pursuant
10399 to chapter 212, excluding marinas, which:
10400 1. Declared its primary fuel business to be the sale of
10401 diesel fuel; and
10402 2. Operates a minimum of six functional diesel fuel pumps~~;~~
10403 ~~and~~
10404 ~~3. Has coin-operated amusement games or machines on~~
10405 ~~premises which are operated for the entertainment of the general~~
10406 ~~public and tourists as bona fide amusement games or machines~~.
10407 (2) Notwithstanding chapter 849, ~~Nothing contained in This~~
10408 ~~chapter shall be taken or construed to prohibit an arcade~~
10409 ~~amusement center or truck stop from operating~~ amusement games or
10410 machines may be operated in conformance with this section.
10411 (3) This section applies only to amusement games or ~~and~~

machines which are operated for the entertainment of the general public ~~and tourists~~ as bona fide amusement games or machines.

(4) This section does ~~shall~~ not ~~be construed to~~ authorize:

1. Casino-style games in which the outcome is determined by factors unpredictable by the player;

2. Games in which the player does not control the outcome of the game through skill;

3. Video poker games or any other game or machine that may be construed as a gambling device under the laws of this state; or

4. Any game or device defined as a gambling device in 15 U.S.C. s. 1171, ~~which requires identification of each device by permanently affixing seriatim numbering and name, trade name, and date of manufacture under s. 1173, and registration with the United States Attorney General,~~ unless excluded ~~from applicability of the chapter~~ under s. 1178~~, or video poker games or any other game or machine that may be construed as a gambling device under Florida law~~.

(5) An amusement game or machine may entitle or enable a person, by application of skill, ~~This section does not apply to a coin-operated game or device designed and manufactured only for bona fide amusement purposes which game or device may by application of skill entitle the player~~ to replay the game or device without insertion of an ~~at no~~ additional coin, currency, slug, token, coupon, card, or similar device, if ~~cost, if the game or device~~:

(a) The amusement game or machine can accumulate and react to no more than 15 free replays;

(b) The amusement game or machine can be discharged of

accumulated free replays only by reactivating the game or device for one additional play for such accumulated free replay; and

(c) The amusement game or machine cannot ~~Can~~ make a ~~no~~ permanent record, directly or indirectly, of free replays~~; and is not classified by the United States as a gambling device in 15 U.S.C. s. 1171, which requires identification of each device by permanently affixing seriatim numbering and name, trade name, and date of manufacture under s. 1173, and registration with the United States Attorney General, unless excluded from applicability of the chapter under s. 1178~~. ~~This subsection shall not be construed to authorize video poker games, or any other game or machine that may be construed as a gambling device under Florida law.~~

(6) An amusement game or machine may entitle or enable a person, by application of skill, to receive points or coupons that can be redeemed onsite for merchandise, if:

(a) The amusement game or machine is located at an arcade amusement center, truck stop, bowling center defined in s. 551.53, or public lodging establishment or public food service facility licensed pursuant to chapter 509;

(b) Points or coupons have no value other than for redemption onsite for merchandise;

(c) The redemption value of points or coupons a person receives for a single game played does not exceed $5.25; and

(d) The redemption value of points or coupons a person receives for playing multiple games simultaneously or competing against others in a multi-player game, does not exceed $5.25.

(7) An amusement game or machine may entitle or enable a person, by application of skill, to receive merchandise

directly, if:

(a) The amusement game or machine is located at an arcade amusement center, truck stop, bowling center defined in s. 551.53, public lodging establishment or public food service facility licensed pursuant to chapter 509, or on the premises of a retailer as defined in s. 212.02; and

(b) The wholesale cost of the merchandise does not exceed $50.

(8) The department, by rule, shall review and adjust per-game limits on coupons, points, and merchandise based on the rate of inflation.

Section 156. Section 849.01, Florida Statutes, is amended to read:

849.01 ~~Keeping~~ Gambling operations prohibited ~~houses, etc~~.—

(1) A person, individually or through or with any other person or entity, may not:

(a) Have, maintain, or operate ~~Whoever by herself or himself, her or his servant, clerk or agent, or in any other manner has, keeps, exercises or maintains~~ a gaming table or room;~~, or~~ gaming implements or apparatus; an online or offline system or network;~~,~~ or a physical structure or location of any kind ~~house, booth, tent, shelter or other place~~ for the purpose of gaming or gambling. ~~or~~

(b) Procure or allow a ~~in any place of which she or he may directly or indirectly have charge, control or management, either exclusively or with others, procures, suffers or permits any~~ person to play a game for money or any other ~~valuable~~ thing of value in a place that he or she may directly or indirectly manage or control.

(c) Knowingly rent to another a physical structure or location or an online or offline system or network for the purpose of gaming or gambling.

(2) A person may not act as a servant, clerk, agent, or employee of a person violating subsection (1).

(3) A person may not aid, abet, or otherwise encourage or willfully and knowingly allow a minor or a person who is mentally incompetent or under guardianship to play or bet on a game of chance. For the purpose of this subsection, the term "person who is mentally incompetent" means a person who, because of mental illness, intellectual disability, senility, excessive use of drugs or alcohol, or other mental incapacity, is incapable of managing his or her property or caring for herself or himself.

(4) The presence of implements, devices, or apparatus commonly used in games of chance in a gambling house or by a gambler, in any physical structure or location is prima facie evidence that such structure or location is used for the purpose of gambling.

(5) A person who violates this section commits ~~at any game whatever, whether heretofore prohibited or not, shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 157. Section 849.02, Florida Statutes, is amended to read:

~~849.02 Agents or employees of keeper of gambling house.—Whoever acts as servant, clerk, agent, or employee of any person in the violation of s. 849.01 shall be punished in the manner and to the extent therein mentioned.~~

Section 158. Section 849.03, Florida Statutes, is amended to read:

~~849.03 Renting house for gambling purposes.—Whoever, whether as owner or agent, knowingly rents to another a house, room, booth, tent, shelter or place for the purpose of gaming shall be punished in the manner and to the extent mentioned in s. 849.01.~~

Section 159. Section 849.04, Florida Statutes, is amended to read:

~~849.04 Permitting minors and persons under guardianship to gamble.—The proprietor, owner, or keeper of any E. O., keno or pool table, or billiard table, wheel of fortune, or other game of chance kept for the purpose of betting, who willfully and knowingly allows a minor or person who is mentally incompetent or under guardianship to play at such game or to bet on such game of chance; or whoever aids or abets or otherwise encourages such playing or betting of any money or other valuable thing upon the result of such game of chance by a minor or person who is mentally incompetent or under guardianship, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purpose of this section, the term "person who is mentally incompetent" means a person who because of mental illness, intellectual disability, senility, excessive use of drugs or alcohol, or other mental incapacity is incapable of managing his or her property or caring for himself or herself or both.~~

Section 160. Section 849.05, Florida Statutes, is amended to read:

~~849.05 Prima facie evidence.—If any of the implements,~~

~~devices or apparatus commonly used in games of chance in gambling houses or by gamblers, are found in any house, room, booth, shelter or other place it shall be prima facie evidence that the said house, room, booth, shelter or other place where the same are found is kept for the purpose of gambling.~~

Section 161. Section 849.07, Florida Statutes, is amended to read:

849.07 ~~Permitting~~ Gambling on game of chance, billiards, ~~billiard~~ or pool prohibited ~~table by holder of license~~.—

(1) A person may not play or engage in a game of cards, keno, roulette, faro, or other game of chance at any location, by any device, for money or any other thing of value.

(2) The operator of ~~If any holder of a license to operate~~ a billiard or pool table may not allow a ~~shall permit any~~ person to play billiards or pool or any other game for money~~,~~ or any other thing of value~~,~~ upon such table.

(3) A person who violates this section commits ~~tables, she or he shall be deemed guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 162. Section 849.08, Florida Statutes, is amended to read:

~~849.08 Gambling.—Whoever plays or engages in any game at cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 163. Section 849.09, Florida Statutes, is amended to read:

849.09 Lottery prohibited; exceptions.—

(1)(a) It is unlawful ~~for any person in this state~~ to:

1.~~(a)~~ Establish ~~Set up~~, promote, or conduct a ~~any~~ lottery for money or for anything of value;

2.~~(b)~~ Dispose of ~~any~~ money or other property ~~of any kind whatsoever~~ by means of any lottery;

3.~~(c)~~ Conduct a ~~any~~ lottery drawing for the distribution of a prize ~~or prizes~~ by lot or chance, or advertise any such lottery scheme or device ~~in any newspaper or by circulars, posters, pamphlets, radio, telegraph, telephone, or otherwise~~; or

4.~~(d)~~ Aid or assist in the setting up, promoting, or conducting of any lottery or lottery drawing, whether by writing, printing, or in any other manner ~~whatsoever~~, or be interested in or connected ~~in any way~~ with any lottery or lottery drawing.~~;~~

(b) A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) It is unlawful to:

1.~~(e)~~ Attempt to operate, conduct, or advertise any lottery scheme or device;

2.~~(f)~~ Possess a ~~Have in her or his possession any~~ lottery wheel, implement, or device ~~whatsoever~~ for conducting any lottery or scheme for the disposal by lot or chance of anything of value;

3.~~(g)~~ Sell, offer for sale, or transmit, in person or by mail or in any other manner ~~whatsoever~~, a ~~any~~ lottery ticket, coupon, or share, or a ~~any~~ share in or fractional part of such ~~any~~ lottery ticket, coupon, or share, whether it ~~such ticket,~~

~~coupon, or share~~ represents an interest in a live lottery not yet played or ~~whether it represents, or has represented,~~ an interest in a lottery that has already been played;

4.~~(h)~~ Possess a ~~Have in her or his possession any~~ lottery ticket, or ~~any~~ evidence of a ~~any~~ share or right in a ~~any~~ lottery ticket, or in a ~~any~~ lottery scheme or device, whether it ~~such ticket or evidence of share or right~~ represents an interest in a live lottery not yet played or ~~whether it represents, or has represented, an interest in~~ a lottery that has already been played;

5.~~(i)~~ ~~Aid or~~ Assist in the sale, disposal, or procurement of a ~~any~~ lottery ticket, coupon, or share, or any right to any drawing in a lottery;

6.~~(j)~~ Possess a ~~Have in her or his possession any~~ lottery advertisement, circular, poster, or pamphlet, or a ~~any~~ list or schedule of a ~~any~~ lottery prize, gift, or drawing ~~prizes, gifts, or drawings~~; or

7.~~(k)~~ Possess a ~~Have in her or his possession any~~ so-called "run down sheet ~~sheets~~," tally sheet ~~sheets~~, or other paper, record, instrument ~~papers, records, instruments~~, or paraphernalia designed for use~~, either directly or indirectly, in, or~~ in connection with a~~, the~~ violation of this chapter or chapter 551 ~~the laws of this state prohibiting lotteries and gambling~~.

(b) A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083,

or s. 775.084.

(3)(a) Except as otherwise provided by law, a person may not:

1. Produce a lottery ticket or advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice of a lottery prize or drawing or any other item connected with a lottery drawing, scheme, or device, or set up a type or plate for such printing or writing, to be used or distributed in this state or to be sent out of this state.

2. As an owner or lessee of a building in this state, knowingly allow in such building the writing, typewriting, printing, or publishing of a lottery ticket or advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice of a lottery prize or drawing or any other item connected with a lottery drawing, scheme, or device, or knowingly allow the setting up of a type or plate for such printing or writing, to be used or distributed in this state or to be sent out of this state.

(b) A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)(a) This chapter does not prohibit the printing or production of an advertisement or a lottery ticket for a lottery conducted in another state or nation where such lottery is not prohibited by its laws, or the sale of such materials by the manufacturer to a person or entity conducting or participating in the conduct of such a lottery in another state or nation. This section does not authorize an advertisement within this state relating to lotteries of another state or nation, the sale

or resale within this state of such lottery tickets, chances, or shares to individuals, or any other acts otherwise in violation of the laws of this state.

(b) This section does not prohibit participation in a nationally advertised contest, drawing, game, or puzzle of skill or chance for a prize unless it can be construed as a lottery under this section. This paragraph does not apply to any such contest based upon the outcome or results of any horserace, harness race, dog race, or jai alai game.

(c) This section does not apply to bingo as authorized in s. 849.0931.

~~Provided, that nothing in this section shall prohibit participation in any nationally advertised contest, drawing, game or puzzle of skill or chance for a prize or prizes unless it can be construed as a lottery under this section; and, provided further, that this exemption for national contests shall not apply to any such contest based upon the outcome or results of any horserace, harness race, dograce, or jai alai game.~~

~~(2) Any person who is convicted of violating any of the provisions of paragraph (a), paragraph (b), paragraph (c), or paragraph (d) of subsection (1) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(3) Any person who is convicted of violating any of the provisions of paragraph (e), paragraph (f), paragraph (g), paragraph (i), or paragraph (k) of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s.~~

~~775.082 or s. 775.083. Any person who, having been convicted of violating any provision thereof, thereafter violates any provision thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The provisions of this section do not apply to bingo as provided for in s. 849.0931.~~

~~(4) Any person who is convicted of violating any of the provisions of paragraph (h) or paragraph (j) of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who, having been convicted of violating any provision thereof, thereafter violates any provision thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 164. Section 849.091, Florida Statutes, is amended to read:

849.091 Certain groups ~~Chain letters, pyramid clubs, etc., declared a lottery; prohibited;~~ penalties.—

(1) The organization of a ~~any~~ chain letter club, pyramid club, or other group organized ~~or brought together~~ under a ~~any~~ plan or device in which ~~whereby~~ fees, ~~or~~ dues, or anything of material value ~~to be~~ paid or given by members thereof are ~~to be~~ paid or given to any other member of such group ~~thereof~~, which plan or device includes a ~~any~~ provision for the increase in such membership through a chain process in which ~~of new~~ members who secure ~~securing other~~ new members advance ~~and thereby advancing~~ themselves in the group to a position where they ~~such members in turn~~ receive fees, dues, or things of material value from other members~~,~~ is deemed ~~hereby declared to be~~ a lottery. A person who

participates~~, and whoever shall participate~~ in ~~any~~ such lottery by becoming a member of, or affiliating with, ~~any~~ such group or organization or who solicits a ~~shall solicit any~~ person for membership or affiliation in ~~any~~ such group or organization commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) ~~A "pyramid sales scheme," which is~~ Any sales or marketing plan or operation in which ~~whereby~~ a person pays ~~a~~ consideration or makes an investment of any kind~~, or makes an investment of any kind,~~ in excess of $100 and acquires the opportunity to receive a benefit or thing of value that ~~which~~ is not primarily contingent on the volume or quantity of goods, services, or other property sold in bona fide sales to consumers, and which is related to the inducement of additional persons, by himself or herself or others, regardless of number, to participate in the same sales or marketing plan or operation~~,~~ is deemed ~~hereby declared~~ to be a pyramid sales scheme and a lottery. A person who participates~~, and whoever shall participate~~ in ~~any~~ such lottery by becoming a member or affiliate of ~~or affiliating with, any~~ such group or organization, or who solicits a ~~shall solicit any~~ person for membership or affiliation in ~~any~~ such group or organization, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For purposes of this subsection, the terms ~~term~~ "consideration" and ~~the term~~ "investment" do not include the purchase of goods or services furnished at cost for use in making sales, but not for resale, or time and effort spent in the pursuit of sales or recruiting activities.

Section 165. Section 849.0915, Florida Statutes, is amended to read:

849.0915 Referral selling.—

(1) Giving or offering ~~Referral selling, whereby the seller gives or offers~~ a rebate or discount to a ~~the~~ buyer as an inducement for a sale in consideration of the buyer's providing the seller with the names of prospective purchasers~~,~~ is declared to be referral selling and a lottery if earning the rebate or discount is contingent upon the occurrence of an event subsequent to the time the buyer agrees to buy.

(2) A ~~Any~~ person conducting a lottery by referral selling commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) In addition to the penalty provided in this section ~~herein~~, the Attorney General and ~~her or~~ his or her assistants, the state attorneys and their assistants, and the Division of Consumer Services of the Department of Agriculture and Consumer Services may ~~are authorized to~~ apply to the circuit court within their respective jurisdictions, and such court shall have jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction restraining a ~~any~~ person from violating ~~the provisions of~~ this section, regardless of the existence of ~~whether or not there exists~~ an adequate remedy at law, and such injunction shall issue without bond.

Section 166. Section 849.10, Florida Statutes, is amended to read:

~~849.10 Printing lottery tickets, etc., prohibited.—~~

~~(1) Except as otherwise provided by law, it is unlawful for any person, in any house, office, shop or building in this state~~

~~to write, typewrite, print, or publish any lottery ticket or advertisement, circular, bill, poster, pamphlet, list or schedule, announcement or notice, of lottery prizes or drawings or any other matter or thing in any way connected with any lottery drawing, scheme or device, or to set up any type or plate for any such purpose, to be used or distributed in this state, or to be sent out of this state.~~

~~(2) Except as otherwise provided by law, it is unlawful for the owner or lessee of any such house, shop or building knowingly to permit the printing, typewriting, writing or publishing therein of any lottery ticket or advertisement, circular, bill, poster, pamphlet, list, schedule, announcement or notice of lottery prizes or drawings, or any other matter or thing in any way connected with any lottery drawing, scheme or device, or knowingly to permit therein the setting up of any type or plate for any such purpose to be used or distributed in this state, or to be sent out of the state.~~

~~(3) Nothing in this chapter shall make unlawful the printing or production of any advertisement or any lottery ticket for a lottery conducted in any other state or nation where such lottery is not prohibited by the laws of such state or nation, or the sale of such materials by the manufacturer thereof to any person or entity conducting or participating in the conduct of such a lottery in any other state or nation. This section does not authorize any advertisement within Florida relating to lotteries of any other state or nation, or the sale or resale within Florida of such lottery tickets, chances, or shares to individuals, or any other acts otherwise in violation of any laws of the state.~~

~~(4) Any violation of this section shall be a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 167. Section 849.11, Florida Statutes, is amended to read:

849.11 Plays at games of chance by lot.—

(1) A person who ~~Whoever~~ sets up, promotes, or plays a ~~at~~ ~~any~~ game of chance by lot or with dice, cards, numbers, hazards, or any other gambling device ~~whatever~~ for, or for the disposal of money or other thing of value or under the pretext of a sale, gift, or delivery thereof, or for any right, share, or interest therein, commits ~~shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2)(a) The following are subject to seizure and forfeiture under the Florida Contraband Forfeiture Act:

1. Money and anything of value drawn and won as a prize, or as a share of a prize, or as a share, percentage, or profit of the principal promoter or operator, in a lottery;

2. Money, currency, or property to be disposed of, or offered to be disposed of, by chance or device in a scheme or under a pretext;

3. Money or other thing of value received by the owner or holder of a ticket or share of a ticket in a lottery, or pretended lottery, or the owner or holder of a share or right in such schemes of chance or device;

4. Money and other thing of value used to set up, conduct,

or operate a lottery; and

5. Money or other thing of value at stake, or used or displayed in connection with illegal gambling or an illegal gambling device.

(b) Items forfeited under paragraph (a) may be recovered in a civil action brought by the Department of Legal Affairs, a state attorney, or other prosecuting officer in the circuit courts on behalf of the state.

Section 168. Section 849.12, Florida Statutes, is amended to read:

~~849.12 Money and prizes to be forfeited.—All sums of money and every other valuable thing drawn and won as a prize, or as a share of a prize, or as a share, percentage or profit of the principal promoter or operator, in any lottery, and all money, currency or property of any kind to be disposed of, or offered to be disposed of, by chance or device in any scheme or under any pretext by any person, and all sums of money or other thing of value received by any person by reason of her or his being the owner or holder of any ticket or share of a ticket in a lottery, or pretended lottery, or of a share or right in any such schemes of chance or device and all sums of money and other thing of value used in the setting up, conducting or operation of a lottery, and all money or other thing of value at stake, or used or displayed in or in connection with any illegal gambling or any illegal gambling device contrary to the laws of this state, shall be forfeited, and may be recovered by civil proceedings, filed, or by action for money had and received, to be brought by the Department of Legal Affairs or any state attorney, or other prosecuting officer, in the circuit courts in~~

~~the name and on behalf of the state; the same to be applied when collected as all other penal forfeitures are disposed of.~~

Section 169. Section 849.13, Florida Statutes, is amended to read:

~~849.13 Punishment on second conviction.—Whoever, after being convicted of an offense forbidden by law in connection with lotteries, commits the like offense, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 170. Section 849.14, Florida Statutes, is amended to read:

849.14 Betting ~~Unlawful to bet~~ on the result of a trial or contest of skill~~, etc~~.—The following acts constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

(1) Staking, betting, or wagering ~~Whoever stakes, bets or wagers any~~ money or any other thing of value on ~~upon~~ the result of a ~~any~~ trial or contest of skill, speed, ~~or~~ power, or endurance of a human or animal; ~~beast, or~~

(2) Receiving ~~whoever receives in any manner whatsoever any~~ money or any other thing of value that is staked, bet, ~~or~~ wagered, or offered ~~for the purpose of being staked, bet or wagered,~~ by or for another ~~any other~~ person upon any such result;~~, or~~

(3) ~~whoever~~ Knowingly becoming ~~becomes~~ the custodian or depositary of ~~any~~ money or any other thing of value so staked, bet, or wagered upon any such result;~~,~~ or

(4) Aiding, assisting, or abetting ~~whoever aids, or assists, or abets in any manner~~ in any of such acts ~~all of which~~

~~are hereby forbidden, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083~~.

Section 171. Section 849.15, Florida Statutes, is amended to read:

849.15 Slot machine or device ~~Manufacture, sale, possession, etc., of coin-operated devices~~ prohibited.—

(1) It is unlawful:

(a) To manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend, ~~or~~ give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on shares, lend, ~~or~~ give away, or allow ~~permit~~ the operation of a slot machine or device or any part thereof;~~, or~~

(b) For a ~~any~~ person to allow ~~permit~~ to be placed, maintained, ~~or~~ used, or kept in any room, space, or building owned, leased, or occupied by the person or under the person's management or control, a ~~any~~ slot machine or device or any part thereof; or

(c)~~(b)~~ To make or to allow ~~permit~~ to be made with a ~~any~~ person an ~~any~~ agreement with reference to a ~~any~~ slot machine or device, pursuant to which the user thereof, as a result of an ~~any~~ element of chance or other outcome unpredictable to him or her, may become entitled to receive ~~any~~ money, credit, allowance, or other thing of value or additional chance or right to use such machine or device, or to receive a ~~any~~ check, slug, token, or memorandum entitling the holder to receive ~~any~~ money, credit, allowance, or other thing of value.

(2) Pursuant to ~~section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation~~

~~of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as~~ 15 U.S.C. s. 1172 ~~ss. 1171-1177~~, a ~~the State of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any~~ county ~~of the State of Florida~~ within which slot machine gaming is authorized pursuant to chapter 551 is exempt from ~~the provisions of section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as~~ 15 U.S.C. ss. 1171-1177~~, approved January 2, 1951~~. All shipments of gaming devices, including slot machines, into a ~~any~~ county ~~of this state~~ within which slot machine gaming is authorized pursuant to chapter 551 which have been registered, recorded, and labeled ~~and the registering, recording, and labeling of which have been duly performed~~ by the manufacturer or distributor ~~thereof~~ in accordance with ~~sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as~~ 15 U.S.C. ss. 1173 and 1174 are ~~1171-1177, shall be deemed~~ legal, ~~shipments thereof into this state~~ provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109~~(2)(a)~~.

(3)(a) It is a defense to any action or prosecution under

this section for the possession of a gambling device that such device is an antique slot machine that is not being used for gambling. For the purpose of this section, a slot machine is considered an antique if it was manufactured at least 20 years before the action or prosecution.

(b) Notwithstanding law to the contrary, upon a successful defense to a prosecution for the possession of a gambling device pursuant to this section, the antique slot machine shall be returned to the person from whom it was seized.

(4)(a) The term "slot machine or device" means a machine, apparatus, or device, or a system or network of devices, which is adapted for use in such a way that, upon activation, it is directly or indirectly caused to operate. Such operation may be achieved by the insertion of any piece of money, coin, account number, code, or other object or information. Such machine, apparatus, device, system, or network is not a slot machine unless the user, whether by application of skill or by reason of an element of chance or any other outcome unpredictable by the user, may:

1. Receive or become entitled to receive any piece of money, credit, allowance, or thing of value, or any check, slug, token, or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance, or thing of value or which may be given in trade; or

2. Secure additional chances or rights to use such machine, apparatus, device, system, or network even though the machine, apparatus, device, system, or network may be available for free play or, in addition to an element of chance or unpredictable outcome of such operation, may also sell, deliver, or present

some merchandise, indication of weight, entertainment, or other thing of value.

(b) The term "slot machine or device" includes, but is not limited to, devices regulated as slot machines pursuant to chapter 551.

(c) This section does not apply to the possession of a reverse vending machine. As used in this section, the term "reverse vending machine" means a machine into which empty beverage containers are deposited for recycling and which provides a payment of money, merchandise, vouchers, or other incentives. At a frequency less than upon the deposit of each beverage container, a reverse vending machine may pay out a random incentive bonus greater than that guaranteed payment in the form of money, merchandise, vouchers, or other incentives. The deposit of an empty beverage container into a reverse vending machine does not constitute consideration, and a reverse vending machine may not be deemed a slot machine as defined in this section.

(d) There is a rebuttable presumption that a machine, apparatus, device, system, or network is a prohibited slot machine or device if it is used to display images of games of chance and is part of a scheme involving a payment or donation of money or its equivalent and the award of anything of value.

(5) Upon the arrest of a person charged with violating this section, the arresting officer shall take into his or her custody any such machine, apparatus, device, system or network, including its contents, and the arresting agency, at the place of seizure, shall make a complete list and inventory of all items taken into custody. A copy of such list shall be delivered

to the person from whom the items have been seized. The arresting agency shall retain all evidence seized and shall provide it to investigators, prosecutors, or other officials involved in the proceedings.

(6) After a conviction for a violation of this section, the judge of the court trying the case shall provide notice to the person convicted, and to any other person whom the judge determines is entitled to such notice, advising him or her that the court will issue to the sheriff of the county a written order declaring the seized machine, apparatus, device, system, or network forfeited and directing the sheriff to destroy it. The order of the court shall state the time, place, and manner in which the property will be destroyed, and, accordingly, the sheriff shall destroy the seized property in the presence of the clerk of the circuit court of such county.

(7) There is no right of property in and to a machine, apparatus, device, system, or network and to money and other things of value that were contained therein, and the same shall be forfeited to the county in which the seizure was made and expeditiously delivered to the clerk of the circuit court and placed in the fine and forfeiture fund of such county.

(8) A room, house, building, boat, vehicle, structure, or place in which a machine, apparatus, device, system, or network, or any part thereof, the possession, operation, or use of which is prohibited by this section, is maintained or operated, and each such machine, apparatus, device, system, or network is declared to be a common nuisance. If a person has knowledge, or reason to believe, that his or her room, house, building, boat, vehicle, structure, or place is occupied or used in violation of

this section and by acquiescence or consent allows it to be used, such room, house, building, boat, vehicle, structure, or place shall be subject to a lien for, and may be sold to pay, all fines or costs assessed against the person guilty of such nuisance, for such violation, and the several state attorneys shall enforce such lien in the courts of this state having jurisdiction.

(9) A civil action may be brought to enjoin a nuisance as defined in this section. If a plaintiff demonstrates to the satisfaction of the court that such nuisance exists, the court shall immediately issue a temporary writ of injunction restraining the defendant from conducting or allowing the continuance of such nuisance until the conclusion of the action. The plaintiff may seek, and the court may enter, an order restraining the defendant and all other persons from removing, or in any way interfering with, the machines, devices, or other items used in connection with the violation of this section which constitutes such a nuisance. Bond may not be required in instituting such proceedings.

(10) A clerk of the courts or sheriff performing duties under this section shall receive the same fees as prescribed by general law for the performance of similar duties, and such fees shall be paid out of the fine and forfeiture fund of the county in the same manner as costs are paid upon conviction of an insolvent person.

(11) A person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second violation of this section commits a misdemeanor of the first degree,

punishable as provided in s. 775.082 or s. 775.083. A person who commits a third violation of this section is a "common offender," and commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 172. Section 849.16, Florida Statutes, is amended to read:

~~849.16 Machines or devices which come within provisions of law defined.—~~

~~(1) As used in this chapter, the term "slot machine or device" means any machine or device or system or network of devices that is adapted for use in such a way that, upon activation, which may be achieved by, but is not limited to, the insertion of any piece of money, coin, account number, code, or other object or information, such device or system is directly or indirectly caused to operate or may be operated and if the user, whether by application of skill or by reason of any element of chance or any other outcome unpredictable by the user, may:~~

~~(a) Receive or become entitled to receive any piece of money, credit, allowance, or thing of value, or any check, slug, token, or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance, or thing of value or which may be given in trade; or~~

~~(b) Secure additional chances or rights to use such machine, apparatus, or device, even though the device or system may be available for free play or, in addition to any element of chance or unpredictable outcome of such operation, may also sell, deliver, or present some merchandise, indication of weight, entertainment, or other thing of value. The term "slot~~

~~machine or device" includes, but is not limited to, devices regulated as slot machines pursuant to chapter 551.~~

~~(2) This chapter may not be construed, interpreted, or applied to the possession of a reverse vending machine. As used in this section, the term "reverse vending machine" means a machine into which empty beverage containers are deposited for recycling and which provides a payment of money, merchandise, vouchers, or other incentives. At a frequency less than upon the deposit of each beverage container, a reverse vending machine may pay out a random incentive bonus greater than that guaranteed payment in the form of money, merchandise, vouchers, or other incentives. The deposit of any empty beverage container into a reverse vending machine does not constitute consideration, and a reverse vending machine may not be deemed a slot machine as defined in this section.~~

~~(3) There is a rebuttable presumption that a device, system, or network is a prohibited slot machine or device if it is used to display images of games of chance and is part of a scheme involving any payment or donation of money or its equivalent and awarding anything of value.~~

Section 173. Section 849.17, Florida Statutes, is amended to read:

~~849.17 Confiscation of machines by arresting officer.—Upon the arrest of any person charged with the violation of any of the provisions of ss. 849.15-849.23 the arresting officer shall take into his or her custody any such machine, apparatus or device, and its contents, and the arresting agency, at the place of seizure, shall make a complete and correct list and inventory of all such things so taken into his or her custody, and deliver~~

~~to the person from whom such article or articles may have been seized, a true copy of the list of all such articles. The arresting agency shall retain all evidence seized and shall have the same forthcoming at any investigation, prosecution or other proceedings, incident to charges of violation of any of the provisions of ss. 849.15-849.23.~~

Section 174. Section 849.18, Florida Statutes, is amended to read:

~~849.18 Disposition of machines upon conviction.—Upon conviction of the person arrested for the violation of any of the provisions of ss. 849.15-849.23, the judge of the court trying the case, after such notice to the person convicted, and any other person whom the judge may be of the opinion is entitled to such notice, and as the judge may deem reasonable, shall issue to the sheriff of the county a written order adjudging and declaring any such machine, apparatus or device forfeited, and directing such sheriff to destroy the same, with the exception of the money. The order of the court shall state the time and place and the manner in which such property shall be destroyed, and the sheriff shall destroy the same in the presence of the clerk of the circuit court of such county.~~

Section 175. Section 849.19, Florida Statutes, is amended to read:

~~849.19 Property rights in confiscated machine.—The right of property in and to any machine, apparatus or device as defined in s. 849.16 and to all money and other things of value therein, is declared not to exist in any person, and the same shall be forfeited and such money or other things of value shall be forfeited to the county in which the seizure was made and shall~~

~~be delivered forthwith to the clerk of the circuit court and shall by her or him be placed in the fine and forfeiture fund of said county.~~

Section 176. Section 849.20, Florida Statutes, is amended to read:

~~849.20 Machines and devices declared nuisance; place of operation subject to lien for fine.—Any room, house, building, boat, vehicle, structure or place wherein any machine or device, or any part thereof, the possession, operation or use of which is prohibited by ss. 849.15-849.23, shall be maintained or operated, and each of such machines or devices, is declared to be a common nuisance. If a person has knowledge, or reason to believe, that his or her room, house, building, boat, vehicle, structure or place is occupied or used in violation of the provisions of ss. 849.15-849.23 and by acquiescence or consent suffers the same to be used, such room, house, building, boat, vehicle, structure or place shall be subject to a lien for and may be sold to pay all fines or costs assessed against the person guilty of such nuisance, for such violation, and the several state attorneys shall enforce such lien in the courts of this state having jurisdiction.~~

Section 177. Section 849.21, Florida Statutes, is amended to read:

~~849.21 Injunction to restrain violation.—An action to enjoin any nuisance as herein defined may be brought by any person in the courts of equity in this state. If it is made to appear by affidavit or otherwise, to the satisfaction of the court, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining~~

~~the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the action. Upon application of the complainant in such a proceeding, the court or judge may also enter an order restraining the defendant and all other persons from removing, or in any way interfering with the machines or devices or other things used in connection with the violation of ss. 849.15-849.23 constituting such a nuisance. No bond shall be required in instituting such proceedings.~~

Section 178. Section 849.22, Florida Statutes, is amended to read:

~~849.22 Fees of clerk of circuit court and sheriff.—The clerks of the courts and the sheriffs performing duties under the provisions of ss. 849.15-849.23 shall receive the same fees as prescribed by general law for the performance of similar duties, and such fees shall be paid out of the fine and forfeiture fund of the county as costs are paid upon conviction of an insolvent person.~~

Section 179. Section 849.23, Florida Statutes, is amended to read:

~~849.23 Penalty for violations of ss. 849.15-849.22.—Whoever shall violate any of the provisions of ss. 849.15-849.22 shall, upon conviction thereof, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any person convicted of violating any provision of ss. 849.15-849.22, a second time shall, upon conviction thereof, be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person violating any provision of ss. 849.15-849.22 after having been twice convicted already shall be deemed a "common offender," and shall be guilty~~

~~of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 180. Section 849.231, Florida Statutes, is amended to read:

849.231 Gambling devices; manufacture, sale, purchase, or possession unlawful.—

(1)(a) With the exception of ordinary dice or playing cards, a person may not ~~Except in instances when the following described implements or apparatus are being held or transported by authorized persons for the purpose of destruction, as hereinafter provided, and except in instances when the following described instruments or apparatus are being held, sold, transported, or manufactured by persons who have registered with the United States Government pursuant to the provisions of Title 15 of the United States Code, ss. 1171 et seq., as amended, so long as the described implements or apparatus are not displayed to the general public, sold for use in Florida, or held or manufactured in contravention of the requirements of 15 U.S.C. ss. 1171 et seq., it shall be unlawful for any person to~~ manufacture, sell, transport, offer for sale, purchase, own, or have in his or her possession a ~~any~~ roulette wheel or table, faro layout, crap table or layout, chemin de fer table or layout, chuck-a-luck wheel, bird cage ~~such as~~ used for gambling, bolita balls, chips with house markings, or any other device, implement, apparatus, or paraphernalia ~~ordinarily or~~ commonly used or designed to be used in the operation of a gambling house ~~houses~~ or establishment ~~establishments, excepting ordinary dice and playing cards~~.

(b) ~~(2)~~ In addition to any other penalties provided for the

violation of this section, any occupational license held by a person who commits a violation of ~~found guilty of violating~~ this section shall be suspended for a period not to exceed 5 years.

(c)1. This section does not apply to implements or apparatus held or transported by authorized persons for the purpose of destruction as provided in this section or if the instruments or apparatus are being held, sold, transported, or manufactured by persons who have registered with the United States Government pursuant to the provisions of 15 U.S.C. ss. 1171 et seq., as amended, and are not displayed to the general public, sold for use in this state, or held or manufactured in contravention of the requirements of 15 U.S.C. ss. 1171 et seq.

2.~~(3)~~ This section and subsection 849.01(4) ~~s. 849.05~~ do not apply to a vessel of foreign registry or a vessel operated under the authority of a country other than ~~except~~ the United States~~,~~ while docked in, ~~this state~~ or transiting in the territorial waters of, this state.

(2) There is no right of property in the implements or devices enumerated or included in subsection (1) and, upon the seizure of any such implement, device, apparatus, or paraphernalia by an authorized law enforcement officer, such implements or devices shall be delivered to and held by the clerk of the court having jurisdiction over such offenses and may not be released by the clerk until he or she is notified by the prosecuting officer of the court that it is no longer required as evidence. Upon such notice, the clerk shall deliver the seized items to the sheriff who shall immediately destroy them in the presence of the clerk or his or her authorized deputy.

(3) A person, including a law enforcement officer, clerk, or prosecuting official, who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 181. Section 849.232, Florida Statutes, is amended to read:

~~849.232 Property right in gambling devices; confiscation.—There shall be no right of property in any of the implements or devices enumerated or included in s. 849.231 and upon the seizure of any such implement, device, apparatus or paraphernalia by an authorized enforcement officer the same shall be delivered to and held by the clerk of the court having jurisdiction of such offenses and shall not be released by such clerk until he or she shall be advised by the prosecuting officer of such court that the said implement is no longer required as evidence and thereupon the said clerk shall deliver the said implement to the sheriff of the county who shall immediately cause the destruction of such implement in the presence of the said clerk or his or her authorized deputy.~~

Section 182. Section 849.233, Florida Statutes, is amended to read:

~~849.233 Penalty for violation of s. 849.231.—Any person, including any enforcement officer, clerk or prosecuting official who shall violate the provisions of s. 849.231 shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 183. Section 849.235, Florida Statutes, is amended to read:

~~849.235 Possession of certain gambling devices; defense.—~~

~~(1) It is a defense to any action or prosecution under ss. 849.15-849.233 for the possession of any gambling device specified therein that the device is an antique slot machine and that it is not being used for gambling. For the purpose of this section, an antique slot machine is one which was manufactured at least 20 years prior to such action or prosecution.~~

~~(2) Notwithstanding any provision of this chapter to the contrary, upon a successful defense to a prosecution for the possession of a gambling device pursuant to the provisions of this section, the antique slot machine shall be returned to the person from whom it was seized.~~

Section 184. Section 849.25, Florida Statutes, is amended to read:

849.25 "Bookmaking" defined; penalties; exceptions.—

(1)(a) The term "bookmaking" means the act of taking or receiving, while engaged in the business or profession of gambling, a ~~any~~ bet or wager upon the result of a ~~any~~ trial or contest of skill, speed, power, or endurance of human, animal ~~beast~~, fowl, motor vehicle, or mechanical apparatus, or upon the result of any chance, casualty, unknown, or contingent event ~~whatsoever~~.

(b) The following factors shall be considered in determining whether ~~making a determination that~~ a person has engaged in the offense of bookmaking:

1. Taking advantage of betting odds created to produce a profit for the bookmaker or charging a percentage on accepted wagers.

2. Placing all or part of accepted wagers with other bookmakers to reduce the chance of financial loss.

3. Taking or receiving more than five wagers in a ~~any~~ single day.

4. Taking or receiving wagers totaling more than $500 in a ~~any~~ single day, or more than $1,500 in a ~~any~~ single week.

5. Engaging in a common scheme with two or more persons to take or receive wagers.

6. Taking or receiving wagers on both sides on a contest at the identical point spread.

7. Any other factor relevant to establishing that the operating procedures of such person are commercial in nature.

(c) The existence of any two factors listed in paragraph (b) constitutes ~~may constitute~~ prima facie evidence of a commercial bookmaking operation.

(2) A ~~Any~~ person who engages in bookmaking 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. Notwithstanding the provisions of s. 948.01, a ~~any~~ person convicted under the provisions of this subsection may ~~shall~~ not have adjudication of guilt suspended, deferred, or withheld.

(3) A ~~Any~~ person who commits a second violation ~~has been convicted of bookmaking and thereafter violates the provisions~~ of this section commits ~~shall be guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding ~~the provisions of~~ s. 948.01, a ~~any~~ person convicted under ~~the provisions of~~ this subsection may ~~shall~~ not have adjudication of guilt suspended, deferred, or withheld.

(4) Notwithstanding ~~the provisions of~~ s. 777.04, a ~~any~~ person who commits ~~is guilty of~~ conspiracy to commit bookmaking

is ~~shall be~~ subject to the penalties imposed by subsections (2) and (3).

(5) This section does ~~shall~~ not apply to pari-mutuel wagering ~~in Florida as authorized~~ under part II of chapter 551 ~~chapter 550~~.

~~(6) This section shall not apply to any prosecutions filed and pending at the time of the passage hereof, but all such cases shall be disposed of under existing laws at the time of the institution of such prosecutions.~~

Section 185. Section 849.26, Florida Statutes, is amended to read:

849.26 Gambling contracts ~~declared void; exception~~.—

(1) ~~All~~ Promises, agreements, notes, bills, bonds or other contracts, mortgages, or ~~other~~ securities are void if all~~, when the whole~~ or part of the consideration is the ~~if for~~ money or other valuable thing won or lost, laid, staked, betted, or wagered in a ~~any~~ gambling transaction ~~whatsoever, regardless of its name or nature, whether heretofore prohibited or not,~~ or ~~for~~ the repayment of money lent or advanced at the time of a gambling transaction for the purpose of being laid, betted, staked, or wagered.~~, are void and of no effect; provided, that~~ This section does ~~act shall~~ not apply to wagering on pari-mutuels or a ~~any~~ gambling transaction expressly authorized by law.

(2) The following persons are jointly and severally liable for the items that are authorized by this section to be sued for and recovered, and any suit brought under the authorization of this section may be brought against any or all such persons:

(a) The winner of the money or property lost in the

gambling transaction;

(b) Every person having direct or indirect charge, control, or management, either exclusively or with others, of the place where the gambling transaction occurs who procures or allows such place to be used for gambling purposes;

(c) Every person who promotes, sets up, or conducts the gambling transaction in which the loss occurs or who has an interest in it as backer, vendor, owner, or otherwise;

(d) As to anything of value other than money, the transferees and assignees, with notice, of the persons specified in paragraphs (a)-(c); and

(e) The personal representatives of the persons specified in paragraphs (a)-(c).

(3) In an action brought under this section, the plaintiff is entitled to writs of attachment and garnishment for the sums of money sought, excluding attorney fees, for the use and benefit of persons other than the state in the same manner and to the same extent as in an action brought under contract law. In any such suit seeking recovery of a thing of value other than money, the plaintiff is entitled to a writ of replevin in the manner and to the extent provided by this state's replevin statutes.

(4) In an action brought under this section by a person other than the loser of the money or thing of value involved, the loser is not excused from attending, testifying, or producing evidence in such suit if his or her excuse is that the testimony or evidence provided may incriminate him or her or subject him or her to a penalty or forfeiture. The loser of the money or thing of value involved may not be prosecuted or

subjected to a penalty or forfeiture for or on account of a transaction, matter, or thing concerning which he or she may so be required to testify or produce evidence, and no testimony so given or produced shall be received against the loser upon a criminal investigation or prosecution. If the loser of money or thing of value involved in an action brought under this section voluntarily attends or produces evidence in such suit, the loser may not be prosecuted or subjected to any penalty for or on account of a transaction, matter, or thing concerning which he or she may so testify or produce evidence, and no testimony so given or produced shall be received against him or her upon a criminal investigation or prosecution. Also, neither the fact of the bringing of suit under this section by a loser of the money or thing of value involved nor a statement or admission in his or her pleadings which is material and relevant to the subject matter of the suit may be received against the loser upon a criminal investigation or proceeding.

(5) The summons in any such suit, copies of all pleadings and notices of all hearings in the suit, and notice of the trial and of application for the entry of final judgment shall be served on the state attorney, who shall protect the interests of the state and, if the plaintiff fails to diligently prosecute the suit, bring such failure to the attention of the court. If the plaintiff fails to effectively prosecute any such suit without collusion or deceit and without unnecessary delay, the court shall direct the state attorney to proceed with the action. Such suit may not be dismissed except upon a sworn statement filed by the plaintiff or the state attorney which satisfies the court that the suit should be dismissed.

(6) A judgment recovered in such a suit shall adjudge separately the amounts recovered for the use of the state. The plaintiff may not have execution therefor, and such amounts may not be paid to the plaintiff, but shall be payable to the state attorney, who shall promptly transmit the sums collected to the Chief Financial Officer. The state attorney shall diligently seek the collection of such amounts and may cause a separate execution to issue for the collection thereof.

(7) If the plaintiff prevails in any such suit seeking to recover lost property, he or she shall take judgment for the property itself and for the value thereof, and the judgment shall be satisfied by the recovery of the property or of the value thereof. The plaintiff may sue out a separate writ of possession for the property and a separate execution for any other moneys and costs adjudged in his or her favor, or may sue out an execution for the value of the property and any other moneys and costs adjudged in his or her favor. If the plaintiff elects to sue out a writ of possession for the property, and if the officer is unable to find any of the property, the plaintiff may sue out execution for the value of such property. In a proceeding to ascertain the value of the property, the value of each article shall be determined so that judgment for such value may be entered.

Section 186. Section 849.29, Florida Statutes, is amended to read:

~~849.29 Persons against whom suits may be brought to recover on gambling contracts.-The following persons shall be jointly and severally liable for the items which are authorized by this act to be sued for and recovered, and any suit brought under the~~

~~authorization of this act may be brought against all or any of such persons, to wit: The winner of the money or property lost in the gambling transaction; every person who, having direct or indirect charge, control or management, either exclusively or with others, of the place where the gambling transaction occurs, procures, suffers or permits such place to be used for gambling purposes; whoever promotes, sets up or conducts the gambling transaction in which the loss occurs or has an interest in it as backer, vendor, owner or otherwise; and, as to anything of value other than money, the transferees and assignees, with notice, of the persons hereinabove specified in this section; and the personal representatives of the persons specified in this section.~~

Section 187. Section 849.30, Florida Statutes, is amended to read:

~~849.30 Plaintiff entitled to writs of attachment, garnishment and replevin.—In any suit under ss. 849.26-849.34, the plaintiff shall be entitled to writs of attachment and garnishment for the sums of money, exclusive of attorney's fees, sued for the use and benefit of persons other than the state, in the same manner and to the same extent as in an action on contract; and, in any suit under this chapter for the recovery of a thing of value other than money, the plaintiff shall be entitled to a writ of replevin for the recovery of such thing of value, in the manner and to the extent provided by the replevin statutes of the state.~~

Section 188. Section 849.31, Florida Statutes, is amended to read:

~~849.31 Loser's testimony not to be used against her or~~

~~him.—In the event that suit is brought under the authorization of ss. 849.26-849.34 by someone other than the loser of the money or thing of value involved in the suit, such loser shall not be excused from being required to attend and testify or produce any book, paper or other document or evidence in such suit, upon the ground or for the reason that the testimony or evidence required of the loser may tend to convict her or him of a crime or to subject her or him to a penalty or forfeiture, but the loser shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which she or he may so be required to testify or produce evidence, and no testimony so given or produced shall be received against the loser upon any criminal investigation or prosecution. If the loser of money or thing of value involved in a suit brought under authorization of ss. 849.26-849.34, whether by her or him or by someone else, voluntarily attends or produces evidence in such suit, the loser shall not be prosecuted or subjected to any penalty for or on account of any transaction, matter or thing concerning which she or he may so testify or produce evidence, and no testimony so given or produced shall be received against her or him upon any criminal investigation or prosecution. Also, neither the fact of the bringing of suit under this act by a loser nor any statement or admission in her or his pleadings which is material and relevant to the subject matter of the suit shall be received against the loser upon any criminal investigation or proceeding.~~

Section 189. Section 849.32, Florida Statutes, is amended to read:

~~849.32 Notice to state attorney; prosecution of suit.—The~~

~~summons in any such suit, and copies of all pleadings and notices of all hearings in the suit, and notice of the trial and of application for the entry of final judgment, shall be served on the state attorney, whose duty it shall be to protect the interests of the state and, if the plaintiff fails to diligently prosecute the suit, to bring such failure to the attention of the court. If the plaintiff fails to effectively prosecute any such suit without collusion or deceit and without unnecessary delay, the court shall direct the state attorney to proceed with the action. No such suit shall be dismissed except upon a sworn statement filed by the plaintiff or the state attorney which satisfies the court that the suit should be dismissed.~~

Section 190. Section 849.33, Florida Statutes, is amended to read:

~~849.33 Judgment and collection of money; execution.—Any judgment recovered in such a suit shall adjudge separately the amounts recovered for the use of the state, and the plaintiff shall not have execution therefor, and such amounts shall not be paid to the plaintiff, but shall be payable to the state attorney, who shall promptly transmit the sums collected by him or her to the Chief Financial Officer. The state attorney shall diligently seek the collection of such amounts and may cause a separate execution to issue for the collection thereof.~~

Section 191. Section 849.34, Florida Statutes, is amended to read:

~~849.34 Loser's judgment; recovery of property; writ of assistance.—If the plaintiff in any such suit seek to recover property lost, and if the plaintiff shall prevail as to any such property, he or she shall take judgment for the property itself~~

~~and for the value thereof, the judgment as to such property to be satisfied by the recovery of the property or of the value thereof. The plaintiff may, at his or her option, sue out a separate writ of possession for the property and a separate execution for any other moneys and costs adjudged in his or her favor, or the plaintiff may sue out an execution for the value of the property and any other moneys and costs adjudged in his or her favor. If the plaintiff elect to sue out a writ of possession for the property, and if the officer shall return that he or she is unable to find the property, or any of it, the plaintiff may thereupon sue out execution for the value of the property not found. In any proceeding to ascertain the value of the property, the value of each article shall be found so that judgment for such value may be entered.~~

Section 192. Section 849.35, Florida Statutes, is amended to read:

849.35 Seizure and forfeiture of property used in the violation of lottery and gambling statutes ~~Definitions~~.—

(1) DEFINITIONS.—As used in this section, the term ~~In construing ss. 849.36-849.46 and each and every word, phrase, or part thereof, where the context permits~~:

~~(1) The singular includes the plural and vice versa.~~

~~(2) Gender-specific language includes the other gender and neuter.~~

(d) ~~(3) The term~~ "Vessel" means ~~includes~~ every description of watercraft, vessel, or contrivance used, or capable of being used, as a means of transportation in or on water, or in or on ~~the~~ water and in the air.

(c) ~~(4) The term~~ "Vehicle" means ~~includes~~ every description

of vehicle, carriage, animal, or contrivance used, or capable of being used, as a means of transportation on land, in the air, or on land and in the air.

(a) ~~(5) The term~~ "Gambling paraphernalia" means ~~includes~~ every description of apparatus, implement, machine, device, or contrivance used in, or in connection with, any violation of the lottery, gaming and gambling statutes, and laws of this state, except facilities and equipment furnished by a public utility in the regular course of business~~, and~~ which remain the property of such utility while so furnished.

(b) ~~(6) The term~~ "Lottery ticket" means ~~shall include~~ every ticket, token, emblem, card, paper, or other evidence of a chance, interest, prize or share in, or in connection with any lottery, game of chance or hazard or other things in violation of the lottery and gambling statutes and laws of this state (including bolita, cuba, bond, New York bond, butter and eggs, night house and other like and similar operations, but not excluding others). The term "lottery ticket" ~~The said term shall~~ also includes ~~include so-called~~ rundown sheets, tally sheets, and all other papers, records, instruments, and things designed for use, either directly or indirectly, in, or in connection with, the violation of ~~the statutes and~~ laws of this state prohibiting lotteries and gambling ~~in this state~~.

(2) SEIZURE AND FORFEITURE OF PROPERTY.—

(a) Every vessel or vehicle used for, or in connection with, the removal, transportation, storage, deposit, or concealment of lottery tickets, or used in connection with a lottery or game in violation of the laws of this state, shall be subject to seizure and forfeiture under the Florida Contraband

Forfeiture Act.

(b) All gambling paraphernalia and lottery tickets used in connection with gambling or a lottery or an unlawful game of chance or hazard, in violation of laws of this state, found by an officer in searching a vessel or vehicle that is used in the violation of the gambling laws shall be safely kept so long as it is necessary for the purpose of being used as evidence in any case. Immediately after the case, such gambling paraphernalia or lottery tickets shall be destroyed by an order of the court that heard the case or certified to any other state or federal court having jurisdiction.

(c) The presence of a lottery ticket in a vessel or vehicle owned or being operated by a person charged with a violation of the gambling laws of the state, is prima facie evidence that such vessel or vehicle was or is being used in connection with a violation of the lottery and gambling laws of this state and as a means of removing, transporting, depositing, or concealing lottery tickets and is sufficient evidence for the seizure of such vessel or vehicle.

(d) The presence of lottery tickets in any room or place, including vessels and vehicles, is prima facie evidence that such room, place, vessel, or vehicle, and gambling paraphernalia is sufficient evidence for the seizure of such gambling paraphernalia.

(e) It shall be the duty of every peace officer in this state finding any vessel, vehicle, or paraphernalia being used in violation of the statutes and laws of this state as aforesaid to seize and take possession of such property for disposition as hereinafter provided. It shall also be the duty of every peace

officer finding any such property being so used, in connection with any lawful search made by her or him, to seize and take possession of the same for disposition as provided in this section.

(3) DISPOSITION AND APPRAISAL OF PROPERTY.—

(a) A law enforcement officer other than the sheriff which seizes property pursuant to this section shall immediately deliver such property to the sheriff of the county where it was seized. In returning the seized property to the sheriff, the law enforcement officer shall describe the property seized and state the facts and circumstances under which it was seized and the reason why the seizing officer suspected or knew that such property was being used for or in connection with a violation of the laws of this state which prohibit lotteries and gambling. The statement shall include the names of all persons, firms, and corporations known to the seizing officer to have an interest in the seized property.

(b) When property is seized by the sheriff pursuant to this chapter, or when property seized by another person is delivered to the sheriff pursuant to paragraph (a), the sheriff shall immediately estimate the approximate value of such property and return it to the clerk of the circuit court as provided in this section.

(c) The return of the sheriff aforesaid shall contain a schedule of the property seized describing the same in reasonable detail and give in detail the facts and circumstances under which it was seized and state in full the reason why the seizing officer knew or was led to believe that the property was being used for or in connection with a violation of the statutes

and laws of this state prohibiting lotteries or gambling in this state; and a statement of the names of all persons, firms, and corporations known to the sheriff to be interested in the seized property; and in cases where the said property was seized by another person, the sheriff shall attach to his or her said return, as an exhibit thereto, the return of the seizing officer to him or her.

(d) The sheriff shall hold the said property seized pending its disposal by the court as hereinafter provided.

(4) PROCEEDINGS FOR FORFEITURE; NOTICE OF SEIZURE AND ORDER TO SHOW CAUSE.—

(a) The return of the sheriff aforesaid to the clerk of the circuit court shall be taken and considered as the state's petition or libel in rem for the forfeiture of the property therein described, of which the circuit court of the county shall have jurisdiction without regard to value. The said return shall be sufficient as said petition or libel notwithstanding the fact that it may contain no formal prayer or demand for forfeiture, it being the intention of the Legislature that forfeiture may be decreed without a formal prayer or demand therefor. The said return shall be subject to amendment at any time before final hearing, provided that copies thereof shall be served upon all persons, firms, or corporations who may have filed a claim before such amendment.

(b) Upon the filing of said return the clerk of the circuit court shall issue a citation, directed to all persons, firms, and corporations owning, having or claiming an interest in or a lien upon the seized property, giving notice of the seizure and directing that all persons, firms, or corporations owning,

having or claiming an interest therein or lien thereon, to file their claim to, on, or in said property within the time fixed in said citation, as to persons, firms, and corporations not personally served, and within 20 days from personal service of said citation, when personal service is had. Personal service shall be made on all parties, in this state, having liens noted upon a certificate of title as shown by the records in the office of the Department of Highway Safety and Motor Vehicles.

(c) The said citation may be in, or substantially in, the following form:

IN THE CIRCUIT COURT OF THE .... JUDICIAL CIRCUIT, IN AND FOR .... COUNTY, FLORIDA.

IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY:

(Here describe property)

THE STATE OF FLORIDA TO:

ALL PERSONS, FIRMS AND CORPORATIONS OWNING, HAVING OR CLAIMING AN INTEREST IN OR LIEN ON THE ABOVE DESCRIBED PROPERTY.

YOU AND EACH OF YOU are hereby notified that the above described property has been seized, under and by virtue of chapter ...., Laws of Florida, and is now in the possession of the sheriff of this county, and you, and each of you, are hereby further notified that a petition, under said chapter, has been filed in the Circuit Court of the .... Judicial Circuit, in and for .... County, Florida, seeking the forfeiture of the said property, and you are hereby directed and required to file your claim, if any you have, and show cause, on or before ....,

...(year)..., if not personally served with process herein, and within 20 days from personal service if personally served with process herein, why the said property should not be forfeited pursuant to said chapter ...., Laws of Florida, 1955. Should you fail to file claim as herein directed judgment will be entered herein against you in due course. Persons not personally served with process may obtain a copy of the petition for forfeiture filed herein from the undersigned clerk of court.

WITNESS my hand and the seal of the above mentioned court, at .... Florida, this ...., ...(year)....

(COURT SEAL)

...(Clerk of the above-mentioned Court.)...

By ...(Deputy Clerk)...

(d) Such citation shall be returnable, as to persons served constructively, as therein directed, not less than 21 nor more than 30 days, from the posting or publication thereof, and as to personally served with process within 20 days from service thereof. A copy of the petition shall be served with the process when personally served. Personal service of process may be made in the same manner as a summons in chancery.

(e) If the value of the property seized is shown by the sheriff's return to have an appraised value of $1,000 or less, the above citation shall be served by posting at three public places in the county, one of which shall be the front door of the courthouse; if the value of the property is shown by the sheriff's return to have an approximate value of more than $1,000, the citation shall be published at least once each week for 2 consecutive weeks in some newspaper of general publication

published in the county, if there be such a newspaper published in the county and if not, then said notice of such publication shall be made by certificate of the clerk if publication is made by posting, and by affidavit as provided in chapter 50, if made by publication in a newspaper, which affidavit or certificate shall be filed and become a part of the record in the cause. Failure of the record to show proof of such publication shall not affect any judgment made in the cause unless it shall affirmatively appear that no such publication was made.

(5) DELIVERY OF PROPERTY TO CLAIMANT.—A person, firm, or corporation filing a claim in the cause, which claim shall state fully his or her right, title, claim, or interest, in and to the seized property, may, at any time after said claim is filed with the clerk of the court, obtain possession of the seized property by filing a petition therefor with the sheriff and posting with her or him, to be approved by her or him, a surety bond, payable to the Governor of the state in twice the amount of the value of the said property as fixed in the sheriff's return to the clerk of the circuit court, with a corporate surety duly authorized to transact business in this state as surety, conditioned upon his or her paying to the sheriff the value of the property together with costs of the proceeding, if judgment of forfeiture be entered by the court. Upon the posting of such bond with the sheriff and the release of the property to the applicant the cause shall proceed to final judgment in the same manner as it would have had no such bond been filed, except that any execution to be issued in the cause pursuant to judgment may run against and be enforced against the person posting said bond and the person's surety.

(6) PROCEEDING WHEN NO CLAIM FILED.—When no claim is filed in the cause within the time required the clerk shall enter a default against all persons, firms, and corporations owning, claiming, or having an interest in and to the property seized and the cause may then proceed in the same manner as a common-law cause after default, and final judgment shall be entered therein ex parte, except as may be herein otherwise provided.

(7) PROCEEDING WHEN CLAIM FILED.—When one or more claims are filed in the cause, the cause shall be tried upon the issues made thereby with the petition for forfeiture with any affirmative defenses being deemed denied without further pleading. Judgment by default shall be entered against all other persons, firms, and corporations owning, claiming, or having an interest in and to the property seized, after which the cause shall proceed as in other common-law cases; except any claimant shall prove to the satisfaction of the court that he or she did not know or have any reason to believe, at the time his or her right, title, interest, or lien arose, that the property was being used for or in connection with the violation of any of the statutes or laws of this state prohibiting lotteries and gambling and further that at said time there was no reasonable reason to believe that the said property might be used for such purpose. Where the owner of the property has been convicted of a violation of the statutes and laws of this state prohibiting lotteries or gambling such conviction shall be prima facie evidence that each claimant had reason to believe that the property might be used for or in connection with a violation of such statutes and laws, and it shall be incumbent upon such claimant to satisfy the court that he or she was without

knowledge of such conviction. Trial of all such causes shall be without a jury, except in such cases as a trial by jury may be guaranteed by the State Constitution and in such cases trial by jury shall be deemed waived unless demanded in the claim filed.

(8) STATE ATTORNEY TO REPRESENT STATE.—Upon the filing of the sheriff's return with the clerk of the circuit court the said clerk shall furnish the state attorney with a copy thereof and the said state attorney shall represent the state in the forfeiture proceedings. The Department of Legal Affairs shall represent the state in all appeals from judgments of forfeiture to the appropriate district court of appeal or direct to the Supreme Court when authorized by s. 3, Art. V of the State Constitution. The state may appeal any judgment denying forfeiture in whole or in part or that may be otherwise adverse to the state.

(9) JUDGMENT OF FORFEITURE.—On final hearing the return of the sheriff to the clerk of the circuit court shall be taken as prima facie evidence that the property seized was or had been used in, or in connection with, the violation of the statutes and laws of this state prohibiting lotteries and gambling in this state and shall be sufficient predicate for a judgment of forfeiture in the absence of other proofs and evidence. The burden shall be upon the claimants to show that the property was not so used or if so used that they had no knowledge of such violation and no reason to believe that the seized property was or would be used for the violation of such statutes and laws. Where such property is encumbered by a lien or retained title agreement under circumstances wherein the lienholder had no knowledge that the property was or would be used in violating

such statutes and laws, and no reasonable reason to believe that it might be so used, then the court may declare a forfeiture of all other rights, titles and interests, subject, however, to the lien of such innocent lienholder, or may direct the payment of such lien from the proceeds of any sale of the said property. The proceedings and the judgment of forfeiture shall be in rem and shall be primarily against the property itself. Upon the entry of a judgment of forfeiture the court shall determine the disposition to be made of the property, which may include the destruction thereof, the sale thereof, the allocation thereof to some governmental function or use, or otherwise as the court may determine. Sales of such property shall be at public sale to the highest and best bidder therefor for cash after 2 weeks' public notice as the court may direct. Where the property has been delivered to a claimant upon the posting of a bond the court shall determine the value of the property or portion thereof subject to forfeiture and shall enter judgment against the principal and surety of the bond in such amount for which execution shall issue in the usual manner. Upon the application of any claimant the court may fix the value of the forfeitable interest or interests in the seized property and permit such claimant to redeem the said property upon the payment of a sum equal to said value, which sum shall be disposed of as would the proceeds of a sale of the said property under a judgment of forfeiture.

(10) DISPOSITION OF PROCEEDS OF FORFEITURE.—All sums received from a sale or other disposition of the seized property shall be paid into the county fine and forfeiture fund and shall become a part thereof; provided, however, that in instances

where the seizure is by a municipal police officer within the limits of any municipality having an ordinance requiring such vehicles, vessels, or conveyances to be forfeited, the city attorney shall act on behalf of the city in lieu of the state attorney and shall proceed to forfeit the property as herein provided, and all sums received therefrom shall go into the general operating fund of the city.

(11) FEES FOR SERVICES.—Fees for services required hereunder shall be the same as provided for sheriffs and clerks for like and similar services in other cases and matters.

(12) EXERCISE OF POLICE POWER.—The Legislature finds that this chapter is necessary for the more efficient and proper enforcement of the laws of this state which prohibit lotteries and gambling, and a lawful exercise of the police power of this state for the protection of the public welfare, health, safety, and morals of the people of this state. This chapter shall be liberally construed to accomplish these purposes.

Section 193. Section 849.36, Florida Statutes, is amended to read:

~~849.36 Seizure and forfeiture of property used in the violation of lottery and gambling statutes.—~~

~~(1) Every vessel or vehicle used for, or in connection with, the removal, transportation, storage, deposit, or concealment of any lottery tickets, or used in connection with any lottery or game in violation of the statutes and laws of this state, shall be subject to seizure and forfeiture, as provided by the Florida Contraband Forfeiture Act.~~

~~(2) All gambling paraphernalia and lottery tickets as herein defined used in connection with a lottery, gambling,~~

~~unlawful game of chance or hazard, in violation of the statutes and laws of this state, found by an officer in searching a vessel or vehicle used in the violation of the gambling laws shall be safely kept so long as it is necessary for the purpose of being used as evidence in any case, and as soon as may be afterwards, shall be destroyed by order of the court before whom the case is brought or certified to any other court having jurisdiction, either state or federal.~~

~~(3) The presence of any lottery ticket in any vessel or vehicle owned or being operated by any person charged with a violation of the gambling laws of the state, shall be prima facie evidence that such vessel or vehicle was or is being used in connection with a violation of the lottery and gambling statutes and laws of this state and as a means of removing, transporting, depositing, or concealing lottery tickets and shall be sufficient evidence for the seizure of such vessel or vehicle.~~

~~(4) The presence of lottery tickets in any room or place, including vessels and vehicles, shall be prima facie evidence that such room, place, vessel, or vehicle, and all apparatus, implements, machines, contrivances, or devices therein, (herein referred to as "gambling paraphernalia") capable of being used in connection with a violation of the lottery and gambling statutes and laws of this state and shall be sufficient evidence for the seizure of such gambling paraphernalia.~~

~~(5) It shall be the duty of every peace officer in this state finding any vessel, vehicle, or paraphernalia being used in violation of the statutes and laws of this state as aforesaid to seize and take possession of such property for disposition as~~

~~hereinafter provided. It shall also be the duty of every peace officer finding any such property being so used, in connection with any lawful search made by her or him, to seize and take possession of the same for disposition as hereinafter provided.~~

Section 194. Section 849.37, Florida Statutes, is amended to read:

~~849.37 Disposition and appraisal of property seized under this chapter.—~~

~~(1) Every peace officer, other than the sheriff, seizing property pursuant to the provisions of ss. 849.36-849.46 shall forthwith make return of the seizure thereof and deliver the said property to the sheriff of the county wherein the same was seized. The said return to the sheriff shall describe the property seized and give in detail the facts and circumstances under which the same was seized and state in full the reason why the seizing officer knew, or was led to believe, that the said property was being used for or in connection with a violation of the statutes and laws of this state prohibiting lotteries and gambling in this state. The said return shall contain the names of all persons, firms and corporations known to the seizing officer to be interested in the seized property.~~

~~(2) When property is seized by the sheriff pursuant to this chapter, or when property seized by another is delivered to the sheriff as aforesaid, the sheriff shall forthwith fix the approximate value thereof and make return thereof to the clerk of the circuit court as hereinafter provided.~~

~~(3) The return of the sheriff aforesaid shall contain a schedule of the property seized describing the same in reasonable detail and give in detail the facts and circumstances~~

~~under which it was seized and state in full the reason why the seizing officer knew or was led to believe that the property was being used for or in connection with a violation of the statutes and laws of this state prohibiting lotteries or gambling in this state; and a statement of the names of all persons, firms and corporations known to the sheriff to be interested in the seized property; and in cases where the said property was seized by another the sheriff shall attach to his or her said return, as an exhibit thereto, the return of the seizing officer to him or her.~~

~~(4) The sheriff shall hold the said property seized pending its disposal by the court as hereinafter provided.~~

Section 195. Section 849.38, Florida Statutes, is amended to read:

~~849.38 Proceedings for forfeiture; notice of seizure and order to show cause.—~~

~~(1) The return of the sheriff aforesaid to the clerk of the circuit court shall be taken and considered as the state's petition or libel in rem for the forfeiture of the property therein described, of which the circuit court of the county shall have jurisdiction without regard to value. The said return shall be sufficient as said petition or libel notwithstanding the fact that it may contain no formal prayer or demand for forfeiture, it being the intention of the Legislature that forfeiture may be decreed without a formal prayer or demand therefor. The said return shall be subject to amendment at any time before final hearing, provided that copies thereof shall be served upon all persons, firms or corporations who may have filed a claim prior to such amendment.~~

~~(2) Upon the filing of said return the clerk of the circuit court shall issue a citation, directed to all persons, firms and corporations owning, having or claiming an interest in or a lien upon the seized property, giving notice of the seizure and directing that all persons, firms or corporations owning, having or claiming an interest therein or lien thereon, to file their claim to, on, or in said property within the time fixed in said citation, as to persons, firms and corporations not personally served, and within 20 days from personal service of said citation, when personal service is had. Personal service shall be made on all parties, in Florida, having liens noted upon a certificate of title as shown by the records in the office of the Department of Highway Safety and Motor Vehicles.~~

~~(3) The said citation may be in, or substantially in, the following form:~~

~~IN THE CIRCUIT COURT OF THE .... JUDICIAL CIRCUIT, IN AND FOR .... COUNTY, FLORIDA.~~

~~IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY:~~

~~(Here describe property)~~

~~THE STATE OF FLORIDA TO:~~

~~ALL PERSONS, FIRMS AND CORPORATIONS OWNING, HAVING OR CLAIMING AN INTEREST IN OR LIEN ON THE ABOVE DESCRIBED PROPERTY.~~

~~YOU AND EACH OF YOU are hereby notified that the above described property has been seized, under and by virtue of chapter ...., Laws of Florida, and is now in the possession of the sheriff of this county, and you, and each of you, are hereby~~

~~further notified that a petition, under said chapter, has been filed in the Circuit Court of the .... Judicial Circuit, in and for .... County, Florida, seeking the forfeiture of the said property, and you are hereby directed and required to file your claim, if any you have, and show cause, on or before ...., ...(year)..., if not personally served with process herein, and within 20 days from personal service if personally served with process herein, why the said property should not be forfeited pursuant to said chapter ...., Laws of Florida, 1955. Should you fail to file claim as herein directed judgment will be entered herein against you in due course. Persons not personally served with process may obtain a copy of the petition for forfeiture filed herein from the undersigned clerk of court.~~

~~WITNESS my hand and the seal of the above mentioned court, at .... Florida, this ...., ...(year)....~~

~~(COURT SEAL)~~

~~...(Clerk of the above-mentioned Court.)...~~

~~By ...(Deputy Clerk)...~~

~~(4) Such citation shall be returnable, as to persons served constructively, as therein directed, not less than 21 nor more than 30 days, from the posting or publication thereof, and as to personally served with process within 20 days from service thereof. A copy of the petition shall be served with the process when personally served. Personal service of process may be made in the same manner as a summons in chancery.~~

~~(5) If the value of the property seized is shown by the sheriff's return to have an appraised value of $1,000 or less, the above citation shall be served by posting at three public~~

~~places in the county, one of which shall be the front door of the courthouse; if the value of the property is shown by the sheriff's return to have an approximate value of more than $1,000, the citation shall be published at least once each week for 2 consecutive weeks in some newspaper of general publication published in the county, if there be such a newspaper published in the county and if not, then said notice of such publication shall be made by certificate of the clerk if publication is made by posting, and by affidavit as provided in chapter 50, if made by publication in a newspaper, which affidavit or certificate shall be filed and become a part of the record in the cause. Failure of the record to show proof of such publication shall not affect any judgment made in the cause unless it shall affirmatively appear that no such publication was made.~~

Section 196. Section 849.39, Florida Statutes, is amended to read:

~~849.39 Delivery of property to claimant.—Any person, firm, or corporation filing a claim in the cause, which claim shall state fully her or his right, title, claim, or interest, in and to the seized property, may, at any time after said claim is filed with the clerk of the court, obtain possession of the seized property by filing a petition therefor with the sheriff and posting with her or him, to be approved by her or him, a surety bond, payable to the Governor of the state in twice the amount of the value of the said property as fixed in the sheriff's return to the clerk of the circuit court, with a corporate surety duly authorized to transact business in this state as surety, conditioned upon her or his paying to the sheriff the value of the property together with costs of the~~

~~proceeding, if judgment of forfeiture be entered by the court. Upon the posting of such bond with the sheriff and the release of the property to the applicant the cause shall proceed to final judgment in the same manner as it would have had no such bond been filed, except that any execution to be issued in the cause pursuant to judgment may run against and be enforced against the person posting said bond and the person's surety.~~

Section 197. Section 849.40, Florida Statutes, is amended to read:

~~849.40 Proceeding when no claim filed.—When no claim is filed in the cause within the time required the clerk shall enter a default against all persons, firms and corporations owning, claiming or having an interest in and to the property seized and the cause may then proceed in the same manner as a common-law cause after default, and final judgment shall be entered therein ex parte, except as may be herein otherwise provided.~~

Section 198. Section 849.41, Florida Statutes, is amended to read:

~~849.41 Proceeding when claim filed.—When one or more claims are filed in the cause the cause shall be tried upon the issues made thereby with the petition for forfeiture with any affirmative defenses being deemed denied without further pleading. Judgment by default shall be entered against all other persons, firms and corporations owning, claiming or having an interest in and to the property seized, after which the cause shall proceed as in other common-law cases; except any claimant shall prove to the satisfaction of the court that he or she did not know or have any reason to believe, at the time his or her~~

~~right, title, interest, or lien arose, that the property was being used for or in connection with the violation of any of the statutes or laws of this state prohibiting lotteries and gambling and further that at said time there was no reasonable reason to believe that the said property might be used for such purpose. Where the owner of the property has been convicted of a violation of the statutes and laws of this state prohibiting lotteries or gambling such conviction shall be prima facie evidence that each claimant had reason to believe that the property might be used for or in connection with a violation of such statutes and laws, and it shall be incumbent upon such claimant to satisfy the court that he or she was without knowledge of such conviction. Trial of all such causes shall be without a jury, except in such cases as a trial by jury may be guaranteed by the State Constitution and in such cases trial by jury shall be deemed waived unless demanded in the claim filed.~~

Section 199. Section 849.42, Florida Statutes, is amended to read:

~~849.42 State attorney to represent state.—Upon the filing of the sheriff's return with the clerk of the circuit court the said clerk shall furnish the state attorney with a copy thereof and the said state attorney shall represent the state in the forfeiture proceedings. The Department of Legal Affairs shall represent the state in all appeals from judgments of forfeiture to the appropriate district court of appeal or direct to the Supreme Court when authorized by s. 3, Art. V of the State Constitution. The state may appeal any judgment denying forfeiture in whole or in part or that may be otherwise adverse to the state.~~

Section 200. Section 849.43, Florida Statutes, is amended to read:

~~849.43 Judgment of forfeiture.—On final hearing the return of the sheriff to the clerk of the circuit court shall be taken as prima facie evidence that the property seized was or had been used in, or in connection with, the violation of the statutes and laws of this state prohibiting lotteries and gambling in this state and shall be sufficient predicate for a judgment of forfeiture in the absence of other proofs and evidence. The burden shall be upon the claimants to show that the property was not so used or if so used that they had no knowledge of such violation and no reason to believe that the seized property was or would be used for the violation of such statutes and laws. Where such property is encumbered by a lien or retained title agreement under circumstances wherein the lienholder had no knowledge that the property was or would be used in violating such statutes and laws, and no reasonable reason to believe that it might be so used, then the court may declare a forfeiture of all other rights, titles and interests, subject, however, to the lien of such innocent lienholder, or may direct the payment of such lien from the proceeds of any sale of the said property. The proceedings and the judgment of forfeiture shall be in rem and shall be primarily against the property itself. Upon the entry of a judgment of forfeiture the court shall determine the disposition to be made of the property, which may include the destruction thereof, the sale thereof, the allocation thereof to some governmental function or use, or otherwise as the court may determine. Sales of such property shall be at public sale to the highest and best bidder therefor for cash after 2 weeks' public~~

~~notice as the court may direct. Where the property has been delivered to a claimant upon the posting of a bond the court shall determine the value of the property or portion thereof subject to forfeiture and shall enter judgment against the principal and surety of the bond in such amount for which execution shall issue in the usual manner. Upon the application of any claimant the court may fix the value of the forfeitable interest or interests in the seized property and permit such claimant to redeem the said property upon the payment of a sum equal to said value, which sum shall be disposed of as would the proceeds of a sale of the said property under a judgment of forfeiture.~~

Section 201. Section 849.44, Florida Statutes, is amended to read:

~~849.44 Disposition of proceeds of forfeiture.—All sums received from a sale or other disposition of the seized property shall be paid into the county fine and forfeiture fund and shall become a part thereof; provided, however, that in instances where the seizure is by a municipal police officer within the limits of any municipality having an ordinance requiring such vehicles, vessels or conveyances to be forfeited, the city attorney shall act in behalf of the city in lieu of the state attorney and shall proceed to forfeit the property as herein provided, and all sums received therefrom shall go into the general operating fund of the city.~~

Section 202. Section 849.45, Florida Statutes, is amended to read:

~~849.45 Fees for services.—Fees for services required hereunder shall be the same as provided for sheriffs and clerks~~

~~for like and similar services in other cases and matters.~~

Section 203. Section 849.46, Florida Statutes, is amended to read:

~~849.46 Exercise of police power.—It is deemed by the Legislature that this chapter is necessary for the more efficient and proper enforcement of the statutes and laws of this state prohibiting lotteries and gambling, and a lawful exercise of the police power of the state for the protection of the public welfare, health, safety and morals of the people of the state. All the provisions of this chapter shall be liberally construed for the accomplishment of these purposes.~~

Section 204. Section 849.47, Florida Statutes, is created to read:

849.47 Enforcement of chapter.—

(1) Employees and agents of the Department of Gaming Control and the Gaming Control Commission are authorized to take all appropriate action to enforce this chapter and to cooperate with all agencies charged with the enforcement of the laws of the United States, this state, and all other states relating to prohibited gambling.

(2) Employees and agents of the Department of Gaming Control and the Gaming Control Commission, and law enforcement officers whose duty it is to enforce this chapter, may administer oaths in connection with their official duties, and any person making a material false statement under oath before them shall be deemed guilty of perjury and subject to the same punishment as prescribed for perjury.

Section 205. Paragraph (u) of subsection (3) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

(u) The books and records of any permitholder that conducts race meetings or jai alai exhibitions under part II of chapter 551 ~~550~~.

Section 206. Paragraph (a) of subsection (1) and paragraph (b) of subsection (2) of section 72.011, Florida Statutes, is amended to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; deposits.—

(1)(a) A taxpayer may contest the legality of any assessment or denial of refund of tax, fee, surcharge, permit, interest, or penalty provided for under s. 125.0104, s. 125.0108, chapter 198, chapter 199, chapter 201, chapter 202, chapter 203, chapter 206, chapter 207, chapter 210, chapter 211, chapter 212, chapter 213, chapter 220, s. 379.362(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 538.09, s. 538.25, part II of chapter 551 ~~550~~, chapter 561, chapter 562, chapter 563, chapter 564, chapter 565, chapter 624, or s. 681.117 by filing an action in circuit court; or, alternatively, the taxpayer may file a petition under the applicable provisions of chapter 120. However, once an action has been initiated under s. 120.56, s. 120.565, s. 120.569, s. 120.57, or s. 120.80(14)(b), no action relating to the same subject matter may be filed by

the taxpayer in circuit court, and judicial review shall be exclusively limited to appellate review pursuant to s. 120.68; and once an action has been initiated in circuit court, no action may be brought under chapter 120.

(2)

(b) The date on which an assessment or a denial of refund becomes final and procedures by which a taxpayer must be notified of the assessment or of the denial of refund must be established:

1. By rule adopted by the Department of Revenue;

2. With respect to assessments or refund denials under chapter 207, by rule adopted by the Department of Highway Safety and Motor Vehicles;

3. With respect to assessments or refund denials under chapters 210, ~~550,~~ 561, 562, 563, 564, and 565, by rule adopted by the Department of Business and Professional Regulation; or

4. With respect to taxes that a county collects or enforces under s. 125.0104(10) or s. 212.0305(5), by an ordinance that may additionally provide for informal dispute resolution procedures in accordance with s. 213.21.

Section 207. Subsection (1) of section 72.031, Florida Statutes, is amended to read:

72.031 Actions under s. 72.011(1); parties; service of process.—

(1) In any action brought in circuit court pursuant to s. 72.011(1), the person initiating the action shall be the plaintiff and the Department of Revenue shall be the defendant, except that for actions contesting an assessment or denial of refund under chapter 207 the Department of Highway Safety and

Motor Vehicles shall be the defendant, for actions contesting an assessment or denial of refund under chapters 210, ~~550,~~ 561, 562, 563, 564, and 565 the Department of Business and Professional Regulation shall be the defendant, and for actions contesting an assessment or denial of refund of a tax imposed under s. 125.0104 or s. 212.0305 by a county that has elected under s. 125.0104(10) or s. 212.0305(5), respectively, to administer the tax, the defendant shall be the county and the Department of Revenue. It shall not be necessary for the Governor and Cabinet, constituting the Department of Revenue, to be named as party defendants or named separately as individual parties; nor shall it be necessary for the executive director of the department to be named as an individual party.

Section 208. Subsection (1) of section 196.183, Florida Statutes, is amended to read:

196.183 Exemption for tangible personal property.—

(1) Each tangible personal property tax return is eligible for an exemption from ad valorem taxation of up to $25,000 of assessed value. A single return must be filed for each site in the county where the owner of tangible personal property transacts business. Owners of freestanding property placed at multiple sites, other than sites where the owner transacts business, must file a single return, including all such property located in the county. Freestanding property placed at multiple sites includes vending machines and amusement games or machines, LP/propane tanks, utility and cable company property, billboards, leased equipment, and similar property that is not customarily located in the offices, stores, or plants of the owner, but is placed throughout the county. Railroads, private

carriers, and other companies assessed pursuant to s. 193.085 shall be allowed one $25,000 exemption for each county to which the value of their property is allocated. The $25,000 exemption for freestanding property placed at multiple locations and for centrally assessed property shall be allocated to each taxing authority based on the proportion of just value of such property located in the taxing authority; however, the amount of the exemption allocated to each taxing authority may not change following the extension of the tax roll pursuant to s. 193.122.

Section 209. Section 205.0537, Florida Statutes, is amended to read:

205.0537 Vending machines and amusement games or machines.—The business premises where a coin-operated or token-operated vending machine that dispenses products, merchandise, or services or where an amusement ~~or~~ game or machine is operated must assure that any required municipal or county business tax receipt for the machine is secured. The term "vending machine" does not include coin-operated telephone sets owned by persons who are in the business of providing local exchange telephone service and who pay the business tax under the category designated for telephone companies in the municipality or county or a pay telephone service provider certified pursuant to s. 364.3375. The business tax for vending machines and amusement games or machines must be assessed based on the highest number of machines located on the business premises on any single day during the previous receipted year or, in the case of new businesses, be based on an estimate for the current year. Replacement of one vending machine with another machine during a receipted year does not affect the tax assessment for that year,

unless the replacement machine belongs to a business tax classification that requires a higher tax rate. For the first year in which a municipality or county assesses a business tax on vending machines, each business owning machines located in the municipality or county must notify the municipality or county, upon request, of the location of such machines. Each business owning machines must provide notice of the provisions of this section to each affected business premises where the machines are located. The business premises must secure the receipt if it is not otherwise secured.

Section 210. Subsection (24) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(24) "~~Coin-operated~~ amusement game or machine" means any machine operated by coin, currency, slug, token, coupon, card, or similar device for the purposes of entertainment or amusement. The term includes, but is not limited to, ~~coin-operated~~ pinball machines, music machines, juke boxes, mechanical games, video games, arcade games, billiard tables, moving picture viewers, shooting galleries, and all other similar amusement devices.

Section 211. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is amended to read:

212.031 Tax on rental or license fee for use of real property.—

(1)(a) It is declared to be the legislative intent that

every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or provider of communications services, as defined by s. 202.11, for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined

in s. 202.11, are considered to be fixtures.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or

otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to part II of chapter 551 ~~550~~. A

person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space

flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

13. Rented, leased, subleased, or licensed to a person providing telecommunications, data systems management, or Internet services at a publicly or privately owned convention hall, civic center, or meeting space at a public lodging establishment as defined in s. 509.013. This subparagraph applies only to that portion of the rental, lease, or license payment that is based upon a percentage of sales, revenue sharing, or royalty payments and not based upon a fixed price. This subparagraph is intended to be clarifying and remedial in nature and shall apply retroactively. This subparagraph does not provide a basis for an assessment of any tax not paid, or create a right to a refund of any tax paid, pursuant to this section before July 1, 2010.

Section 212. Paragraph (c) of subsection (2) of section 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)

(c) The taxes imposed by this section shall be collected in addition to the admission tax collected pursuant to <u>part II of chapter 551</u> ~~s. 550.0951~~, but the amount collected under <u>part II of chapter 551 is</u> ~~s. 550.0951 shall~~ not ~~be~~ subject to taxation under this chapter.

Section 213. Paragraph (h) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(h)1. A tax is imposed at the rate of 4 percent on the charges for the use of ~~coin-operated~~ amusement games or machines. The tax shall be calculated by dividing the gross receipts from such charges for the applicable reporting period by a divisor, determined as provided in this subparagraph, to compute gross taxable sales, and then subtracting gross taxable sales from gross receipts to arrive at the amount of tax due. For counties that do not impose a discretionary sales surtax, the divisor is equal to 1.04; for counties that impose a 0.5 percent discretionary sales surtax, the divisor is equal to 1.045; for counties that impose a 1 percent discretionary sales surtax, the divisor is equal to 1.050; and for counties that impose a 2 percent sales surtax, the divisor is equal to 1.060. If a county imposes a discretionary sales surtax that is not listed in this subparagraph, the department shall make the

applicable divisor available in an electronic format or otherwise. Additional divisors shall bear the same mathematical relationship to the next higher and next lower divisors as the new surtax rate bears to the next higher and next lower surtax rates for which divisors have been established. When a game or machine is activated by a slug, token, coupon, or any similar device which has been purchased, the tax is on the price paid by the user of the device for such device.

2. As used in this paragraph, the term "operator" means any person who possesses an ~~a coin-operated~~ amusement game or machine for the purpose of generating sales through that game or machine and who is responsible for removing the receipts from the game or machine.

a. If the owner of the game or machine is also the operator of it, he or she shall be liable for payment of the tax without any deduction for rent or a license fee paid to a location owner for the use of any real property on which the game or machine is located.

b. If the owner or lessee of the game or machine is also its operator, he or she shall be liable for payment of the tax on the purchase or lease of the game or machine, as well as the tax on sales generated through the game or machine.

c. If the proprietor of the business where the game or machine is located does not own the game or machine, he or she shall be deemed to be the lessee and operator of the game or machine and is responsible for the payment of the tax on sales, unless such responsibility is otherwise provided for in a written agreement between him or her and the game or machine owner.

3.a. An operator of a ~~coin-operated~~ amusement game or machine may not operate or cause to be operated in this state any such game or machine until the operator has registered with the department and has conspicuously displayed an identifying certificate issued by the department. The identifying certificate shall be issued by the department upon application from the operator. The identifying certificate shall include a unique number, and the certificate shall be permanently marked with the operator's name, the operator's sales tax number, and the maximum number of games or machines to be operated under the certificate. An identifying certificate shall not be transferred from one operator to another. The identifying certificate must be conspicuously displayed on the premises where the ~~coin-operated~~ amusement games or machines are being operated.

b. The operator of the game or machine must obtain an identifying certificate before the game or machine is first operated in the state and by July 1 of each year thereafter. The annual fee for each certificate shall be based on the number of games or machines identified on the application times $30 and is due and payable upon application for the identifying device. The application shall contain the operator's name, sales tax number, business address where the games or machines are being operated, and the number of games or machines in operation at that place of business by the operator. No operator may operate more games or machines than are listed on the certificate. A new certificate is required if more games or machines are being operated at that location than are listed on the certificate. The fee for the new certificate shall be based on the number of additional games or machines identified on the application form

times $30.

c. A penalty of $250 per game or machine is imposed on the operator for failing to properly obtain and display the required identifying certificate. A penalty of $250 is imposed on the lessee of any game or machine placed in a place of business without a proper current identifying certificate. Such penalties shall apply in addition to all other applicable taxes, interest, and penalties.

d. Operators of ~~coin-operated~~ amusement games or machines must obtain a separate sales and use tax certificate of registration for each county in which such games or machines are located. One sales and use tax certificate of registration is sufficient for all of the operator's games or machines within a single county.

4. ~~The provisions of~~ This paragraph does ~~do~~ not apply to ~~coin-operated~~ amusement games or machines owned and operated by churches or synagogues.

5. In addition to any other penalties imposed by this chapter, a person who knowingly and willfully violates ~~any provision of~~ this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

6. The department may adopt rules necessary to administer ~~the provisions of~~ this paragraph.

Section 214. Paragraph (l) of subsection (3) of section 212.054, Florida Statutes, is amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(3) For the purpose of this section, a transaction shall be deemed to have occurred in a county imposing the surtax when:

(l) The ~~coin-operated~~ amusement game or machine or vending machine is located in the county.

Section 215. Paragraph (b) of subsection (1) of section 212.12, Florida Statutes, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(1)

(b) The Department of Revenue may deny the collection allowance if a taxpayer files an incomplete return or if the required tax return or tax is delinquent at the time of payment.

1. An "incomplete return" is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, review of the return, or determination of other taxes and fees reported on the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, reported, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify. The department shall require that transient rentals and agricultural equipment transactions be separately shown. Sales made through

vending machines as defined in s. 212.0515 must be separately shown on the return. Sales made through ~~coin-operated~~ amusement games or machines as defined by s. 212.02 and the number of machines operated must be separately shown on the return or on a form prescribed by the department. If a separate form is required, the same penalties for late filing, incomplete filing, or failure to file as provided for the sales tax return shall apply to the form.

Section 216. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be

transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0440 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3409 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due

in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 551.035 ~~s. 550.135~~ be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 551.035 ~~s. 550.135~~. This distribution specifically is in lieu of funds distributed under s. 551.035 ~~s. 550.135~~ before July 1, 2000.

b. The department shall distribute $166,667 monthly pursuant to s. 288.1162 to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each certified applicant as defined

in s. 288.11621 for a facility for a spring training franchise. However, not more than $416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided for in s. 288.1162(5) or s. 288.11621(3).

c. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made, after certification and before July 1, 2000.

e. The department shall distribute up to $55,555 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to $111,110 monthly to each certified applicant as defined in s.

288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 30 years, except as otherwise provided in s. 288.11631. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

7. All other proceeds must remain in the General Revenue Fund.

Section 217. Subsection (1) of section 267.0617, Florida Statutes, is amended to read:

267.0617 Historic Preservation Grant Program.—

(1) There is hereby created within the division the Historic Preservation Grant Program, which shall make grants of moneys appropriated by the Legislature, moneys deposited pursuant to s. 551.039(2) ~~s. 550.0351(2)~~, and moneys contributed for that purpose from any other source. The program funds shall be used by the division for the purpose of financing grants in furtherance of the purposes of this section.

Section 218. Paragraph (c) of subsection (4) of section 402.82, Florida Statutes, is amended to read:

402.82 Electronic benefits transfer program.—

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

(c) A pari-mutuel facility as defined in s. 551.012 ~~s. 550.002~~.

Section 219. Subsection (6) of section 455.116, Florida

Statutes, is amended to read:

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

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

Section 220. Subsection (1) of section 480.0475, Florida Statutes, is amended to read:

480.0475 Massage establishments; prohibited practices.—

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

(a) Located on the premises of a health care facility as defined in s. 408.07; a health care clinic as defined in s. 400.9905(4); a hotel, motel, or bed and breakfast inn, as those terms are defined in s. 509.242; a timeshare property as defined in s. 721.05; a public airport as defined in s. 330.27; or a pari-mutuel facility as defined in s. 551.012 ~~s. 550.002~~;

(b) In which every massage performed between the hours of midnight and 5 a.m. is performed by a massage therapist acting under the prescription of a physician or physician assistant licensed under chapter 458, an osteopathic physician or physician assistant licensed under chapter 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an advanced registered nurse practitioner licensed under part I of chapter 464, or a dentist licensed under chapter 466; or

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

Section 221. Paragraph (f) of subsection (2) of section

509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

(f) In conducting inspections of establishments licensed under this chapter, the division shall determine if each ~~coin-operated~~ amusement game or machine that is operated on the premises of a licensed establishment is properly registered with the Department of Revenue. Each month the division shall report to the Department of Revenue the sales tax registration number of the operator of any licensed establishment that has on location an ~~a coin-operated~~ amusement game or machine and that does not have an identifying certificate conspicuously displayed as required by s. 212.05(1)(h).

Section 222. Paragraph (a) of subsection (1) of section 559.801, Florida Statutes, is amended to read:

559.801 Definitions.—For the purpose of ss. 559.80-559.815, the term:

(1)(a) "Business opportunity" means the sale or lease of any products, equipment, supplies, or services which are sold or leased to a purchaser to enable the purchaser to start a business for which the purchaser is required to pay an initial fee or sum of money which exceeds $500 to the seller, and in which the seller represents:

1. That the seller or person or entity affiliated with or referred by the seller will provide locations or assist the purchaser in finding locations for the use or operation of vending machines, racks, display cases, currency or card operated equipment, or other similar devices or ~~currency-operated~~ amusement games or machines or devices on premises

neither owned nor leased by the purchaser or seller;

2. That the seller will purchase any or all products made, produced, fabricated, grown, bred, or modified by the purchaser using in whole or in part the supplies, services, or chattels sold to the purchaser;

3. That the seller guarantees that the purchaser will derive income from the business opportunity which exceeds the price paid or rent charged for the business opportunity or that the seller will refund all or part of the price paid or rent charged for the business opportunity, or will repurchase any of the products, equipment, supplies, or chattels supplied by the seller, if the purchaser is unsatisfied with the business opportunity; or

4. That the seller will provide a sales program or marketing program that will enable the purchaser to derive income from the business opportunity, except that this paragraph does not apply to the sale of a sales program or marketing program made in conjunction with the licensing of a trademark or service mark that is registered under the laws of any state or of the United States if the seller requires use of the trademark or service mark in the sales agreement.

For the purpose of subparagraph 1., the term "assist the purchaser in finding locations" means, but is not limited to, supplying the purchaser with names of locator companies, contracting with the purchaser to provide assistance or supply names, or collecting a fee on behalf of or for a locator company.

Section 223. Section 561.1105, Florida Statutes, is amended

to read:

561.1105 Inspection of licensed premises; ~~coin-operated~~ amusement games or machines.—In conducting inspections of establishments licensed under the Beverage Law, the division shall determine if each ~~coin-operated~~ amusement game or machine that is operated on the licensed premises is properly registered with the Department of Revenue. Each month, the division shall report to the Department of Revenue the sales tax registration number of the operator of any licensed premises that has on location a ~~coin-operated~~ amusement game or machine and that does not have an identifying certificate conspicuously displayed as required by s. 212.05(1)(h).

Section 224. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 772.102, Florida Statutes, is amended to read:

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

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 551.0942 or s. 551.072 ~~550.235 or s. 550.3551~~,

relating to dogracing and horseracing.

7. Part I of chapter 551 ~~550~~, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Section 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false

pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 551.0942 or s. 551.072 ~~550.235 or s. 550.3551~~, relating to dogracing and horseracing.

2. Part I of chapter 551 ~~550~~, relating to jai alai frontons.

3. Section 687.071, relating to criminal usury and loan sharking.

4. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

Section 225. Subsection (1) of section 773.03, Florida Statutes, is amended to read:

773.03 Limitation on liability for equine activity; exceptions.—

(1) This section applies to the horseracing industry as defined in part I of chapter 551 ~~550~~.

Section 226. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding.

3. Section 403.727(3)(b), relating to environmental control.

4. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

5. Section 414.39, relating to public assistance fraud.

6. Section 440.105 or s. 440.106, relating to workers' compensation.

7. Section 443.071(4), relating to creation of a fictitious employer scheme to commit reemployment assistance fraud.

8. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

9. Section 499.0051, relating to crimes involving contraband and adulterated drugs.

10. Part IV of chapter 501, relating to telemarketing.

11. Chapter 517, relating to sale of securities and investor protection.

12. Section 551.0942 or s. 551.072 ~~550.235 or s. 550.3551~~, relating to dogracing and horseracing.

13. Part I of chapter 551 ~~550~~, relating to jai alai frontons.

14. Section 551.109, relating to slot machine gaming.

15. Chapter 552, relating to the manufacture, distribution, and use of explosives.

16. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

17. Chapter 562, relating to beverage law enforcement.

18. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

19. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

20. Chapter 687, relating to interest and usurious practices.

21. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

22. Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

23. Section 777.03, relating to commission of crimes by accessories after the fact.

24. Chapter 782, relating to homicide.

25. Chapter 784, relating to assault and battery.

26. Chapter 787, relating to kidnapping or human trafficking.

27. Chapter 790, relating to weapons and firearms.

28. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purpose of increasing a criminal gang member’s own standing or position within a criminal gang.

29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution and sex trafficking.

30. Chapter 806, relating to arson and criminal mischief.

31. Chapter 810, relating to burglary and trespass.

32. Chapter 812, relating to theft, robbery, and related crimes.

33. Chapter 815, relating to computer-related crimes.

34. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

35. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

36. Section 827.071, relating to commercial sexual exploitation of children.

37. Section 828.122, relating to fighting or baiting animals.

38. Chapter 831, relating to forgery and counterfeiting.

39. Chapter 832, relating to issuance of worthless checks and drafts.

40. Section 836.05, relating to extortion.

41. Chapter 837, relating to perjury.

42. Chapter 838, relating to bribery and misuse of public office.

43. Chapter 843, relating to obstruction of justice.

44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

45. Chapter 849, relating to gambling, lottery, gambling or gaming devices, slot machines, or any of the provisions within that chapter.

46. Chapter 874, relating to criminal gangs.

47. Chapter 893, relating to drug abuse prevention and control.

48. Chapter 896, relating to offenses related to financial transactions.

49. Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

50. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 551.0942 or s. 551.072 ~~550.235 or s. 550.3551~~, relating to dogracing and horseracing.

2. Part I of chapter 551 ~~550~~, relating to jai alai frontons.

3. Section 551.109, relating to slot machine gaming.

4. Chapter 687, relating to interest and usury.

5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

Section 227. Except as otherwise provided in this act, this act shall take effect July 1, 2014.