

## CHAPTER 2022-179

### Senate Bill No. 2510

An act relating to the Florida Gaming Control Commission; amending s. 16.71, F.S.; deleting a requirement that a commissioner be appointed from each appellate district; requiring the commission to administer the Pari-mutuel Wagering Trust Fund; amending s. 16.713, F.S.; exempting certain state agency employees who are registered lobbyists from the prohibition against being appointed to or employed by the commission; amending s. 120.80, F.S.; exempting the commission from certain hearing and notice requirements; requiring the commission to adopt rules; deleting obsolete language; amending s. 455.116, F.S.; deleting obsolete language; amending s. 550.135, F.S.; deleting a provision requiring that a proportionate share of certain funds be used for certain purposes relating to the Department of Business and Professional Regulation; removing the requirement that certain funds be deposited in the General Revenue Fund; deleting provisions requiring that certain funds be used or reserved to fund slot machine regulation operations; conforming provisions to changes made by the act; amending s. 551.106, F.S.; requiring the commission to evaluate slot license fees and make specified recommendations to the Legislature before a specified date; amending s. 849.094, F.S.; revising applicability for game promotions in connection with the sale of consumer products or services; amending ss. 550.0251, 550.24055, and 849.086, F.S.; conforming provisions; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 16.71, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

16.71 Florida Gaming Control Commission; creation; meetings; membership.—

(2) MEMBERSHIP.—

(a) The commission shall consist of five members appointed by the Governor, and subject to confirmation by the Senate, for terms of 4 years. Members of the commission must be appointed by January 1, 2022. The Governor shall consider appointees who reflect Florida's racial, ethnic, and gender diversity. Of the initial five members appointed by the Governor, and immediately upon appointment, the Governor shall appoint one of the members as the initial chair and one of the members as the initial vice chair. At the end of the initial chair's and vice chair's terms pursuant to subparagraph 1., the commission shall elect one of the members of the commission as chair and one of the members of the commission as vice chair.

1. For the purpose of providing staggered terms, of the initial appointments, two members shall be appointed to 4-year terms, two members shall

be appointed to 3-year terms, and one member shall be appointed to a 2-year term.

2. Of the five members, at least one member must have at least 10 years of experience in law enforcement and criminal investigations, at least one member must be a certified public accountant licensed in this state with at least 10 years of experience in accounting and auditing, and at least one member must be an attorney admitted and authorized to practice law in this state for at least the preceding 10 years.

~~3. Of the five members, each appellate district shall have one member appointed from the district to the commission who is a resident of the district at the time of the original appointment.~~

(6) PARI-MUTUEL WAGERING TRUST FUND.—The commission shall administer the Pari-mutuel Wagering Trust Fund.

Section 2. Paragraph (a) of subsection (2) of section 16.713, Florida Statutes, is amended to read:

16.713 Florida Gaming Control Commission; appointment and employment restrictions.—

(2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE COMMISSION.—

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

1. Hold a permit or license issued under chapter 550 or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee;

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

3. Be a registered lobbyist for the executive or legislative branch, except while a commissioner or employee of the commission when officially representing the commission or unless the person registered as a lobbyist for the executive or legislative branch while employed by a state agency as defined in s. 110.107 during the normal course of his or her employment with such agency and he or she has not lobbied on behalf of any entity other than a state agency during the 2 years immediately preceding the date of his or her appointment to or employment with the commission; or

- 4. Be a bingo game operator or an employee of a bingo game operator.

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

Section 3. Subsection (4) of section 120.80, Florida Statutes, is amended, and subsection (19) is added to that section, to read:

120.80 Exceptions and special requirements; agencies.—

(4) DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.—

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

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

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

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

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

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

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

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

(19) FLORIDA GAMING CONTROL COMMISSION.—The Florida Gaming Control Commission 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 commission, but not for revocations, and only upon violations of paragraphs (a)-(f). The commission shall adopt rules establishing alternative procedures, including a hearing upon reasonable notice, for the following violations:

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

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

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

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

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

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

Section 4. 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 5. Section 550.135, Florida Statutes, is amended to read:

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

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

(2) ~~All unappropriated funds in excess of \$1.5 million in the Pari-mutuel Wagering Trust Fund, collected pursuant to this chapter, shall be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.~~

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

Section 6. Paragraph (b) of subsection (1) of section 551.106, Florida Statutes, is amended to read:

551.106 License fee; tax rate; penalties.—

(1) LICENSE FEE.—

(b) ~~Before~~ Prior to January 1, ~~2026~~ 2007, the commission ~~division~~ shall evaluate the license fee and shall make recommendations to the President of the Senate and the Speaker of the House of Representatives regarding the optimum level of slot machine license fees in order to adequately support the slot machine regulatory program.

Section 7. Subsection (10) of section 849.094, Florida Statutes, is amended to read:

849.094 Game promotion in connection with sale of consumer products or services.—

(10) This section does not apply to actions or transactions regulated by the Department of Business and Professional Regulation or the Florida Gaming Control Commission 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 made pursuant thereto do not apply to television or radio broadcasting companies licensed by the Federal Communications Commission.

Section 8. Subsection (5) of section 550.0251, Florida Statutes, is amended to read:

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

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

Section 9. Subsection (4) of section 550.24055, Florida Statutes, is amended to read:

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

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

Section 10. Paragraph (g) of subsection (13) of section 849.086, Florida Statutes, is amended to read:

849.086 Cardrooms authorized.—

(13) TAXES AND OTHER PAYMENTS.—

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

Section 11. This act shall take effect July 1, 2022.

Approved by the Governor June 8, 2022.

Filed in Office Secretary of State June 8, 2022.