


# Industries & Professional Activities Subcommittee

**Wednesday, February 5, 2025**
**12:30 PM – 2:30 PM**
**Webster Hall (212 Knott)**

**Daniel Perez**
**Speaker**

**Mike Giallombardo**
**Chair**

# The Florida House of Representatives

**Commerce Committee**

**Industries & Professional Activities Subcommittee**

**Daniel Perez**
**Speaker**

**Mike Giallombardo**
**Chair**

## Meeting Agenda

Wednesday, February 5, 2025
12:30 pm – 2:30 pm
Webster Hall (212 Knott)

I. Call to Order

II. Roll Call

III. Welcome and Opening Remarks

IV. Panel Discussion on Protecting Minors from Age Restricted Products

V. Consideration of the following bill(s):

HB 105 Thoroughbred Permitholders by Anderson

VI. Closing Remarks

VII. Adjournment

**HB 105**

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

| | |
|---|---|
| **BILL #:** HB 105 | **COMPANION BILL:** None |
| **TITLE:** Thoroughbred Permitholders | **LINKED BILLS:** None |
| **SPONSOR(S):** Anderson | **RELATED BILLS:** SB 408 (Burgess) |

**Committee References**

Industries & Professional Activities ➤ Commerce

## SUMMARY

**Effect of the Bill:**

The bill removes live racing requirements for thoroughbred permitholders who apply for a pari-mutuel operating license. The bill allows a thoroughbred permitholder that does not conduct live racing to retain the ability to apply for a slot machine and/or cardroom license. The bill exempts thoroughbred permitholders with a slot machine license from the thoroughbred horse racing purses and awards agreement requirements.

**Fiscal or Economic Impact:**

The bill may have an indeterminate insignificant fiscal impact on state government and the private sector. The extent to which thoroughbred permitholders will elect to not conduct live racing is unknown.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

## ANALYSIS

**EFFECT OF THE BILL:**

Live Racing Requirements

The bill removes live racing requirements for thoroughbred permitholders who apply for a pari-mutuel wagering operating license. (Section 1)

The bill provides that a thoroughbred permitholder that does not conduct live racing:

- Retains its permit;
- Is a pari-mutuel facility;
- If such permitholder has been issued a slot machine license, the facility where such permit is located:
  - Remains an eligible slot machine facility;
  - Continues to be eligible for a slot machine license; and
  - Is exempt from thoroughbred horse racing purses and awards agreement requirements, and slot machine gaming area requirements;
- Is eligible, but not required, to be a guest track; and
- Remains eligible for a cardroom license. (Section 1)

Thoroughbred Purses and Awards

The bill removes the requirement for thoroughbred permitholders that apply for a slot machine license to have on file with the Commission 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.
- Florida Thoroughbred Breeders' Association, Inc., governing the payment of breeders', stallion, and special racing awards on live thoroughbred races conducted at the licensee's pari-mutuel facility. (Section 2)

The bill provides an effective date of July 1, 2025. (Section 3)

**FISCAL OR ECONOMIC IMPACT:**

STATE GOVERNMENT:

The Revenue Estimating Conference (REC) has not estimated the potential impacts of the bill. The bill may have an insignificant impact on state government revenues. The extent to which thoroughbred permitholders will elect to not conduct live racing is unknown.

PRIVATE SECTOR:

Individuals and businesses associated with thoroughbred horse racing will experience an indeterminate impact associated with the election by thoroughbred permitholders to conduct or not conduct live racing. Removing live race requirements for such permitholders may reduce certain expenditures related to these activities.

## RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

Pari-mutuel Wagering

Since approximately 1931, pari-mutuel wagering has been authorized in Florida for jai alai, greyhound racing, and horseracing. These activities are overseen and regulated[1] by the Division of Pari-Mutuel Wagering (Division) at the Florida Gaming Control Commission (Commission), which is housed within the Department of Legal Affairs, Office of the Attorney General.[2]

Live Racing Requirements

Currently, only thoroughbred permitholders are required to conduct live racing in order to operate other pari-mutuel gaming activities. Greyhound permitholders are prohibited from conducting live racing, and jai alai permitholders, harness horse racing permitholders, and quarter horse racing permitholders have the option to conduct live racing or games.[3]

A greyhound permitholder, jai alai permitholder, harness horse racing permitholder, or quarter horse racing permitholder that does not conduct live racing or games:[4]

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

Pari-mutuel Wagering Permitting and Licensure

The Florida Pari-mutuel Wagering Act (Act)[5] provides specific permitting and licensing requirements for the pari-mutuel industry.[6] Permitholders apply for an operating license annually to conduct pari-mutuel wagering activities.[7] Certain permitholders are also authorized to operate cardrooms[8] and slot machines at their facility.[9]

[1] From 1932 to 1969, Florida's pari-mutuel industry was regulated by the State Racing Commission. In 1970, the commission became a division within the Department of Business Regulation, which, in 1993, became DBPR.
[2] *See* ss. 16.71-16.716, F.S.
[3] S. 550.01215, F.S.(1)(b)1., F.S.
[4] *Id.*
[5] *See* ch. 550, F.S.
[6] S. 550.054(1), F.S.
[7] S. 550.0115, F.S.
[8] S. 849.086, F.S.
[9] S. 551.104, F.S.

Currently, there are three pari-mutuel operating licenses that were issued for fiscal year 2024-2025 to conduct live thoroughbred racing performances. These licenses and their locations include:[10]

- Gulfstream Park Racing Association Inc., operates at Gulfstream Park in Broward County.
- Gulfstream Park Thoroughbred After Racing Program, Inc., operates at Gulfstream Park in Broward County.
- Tampa Bay Downs, Inc., operates at Tampa Bay Downs in Hillsborough County.

Slot Machine Licensing

An application for a license to conduct slot machine gaming may be approved by the Commission 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.[11] Currently, slot machines are only authorized in eight licensed pari-mutuel facilities located in Miami-Dade and Broward counties and on tribal property.[12]

Slot machine licenses are only allowed to be issued to licensed pari-mutuel permitholders, 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.[13]

As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, slot machine licensees that hold a thoroughbred permit, may conduct no fewer than a full schedule of live racing or games as defined in s. 550.002(10), F.S. A permitholder's responsibility to conduct 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, strike, war, hurricane, pandemic, or other disaster or event beyond the control of the permitholder.[14]

Cardroom Licensing

An application for a license to conduct cardroom gaming may be approved by the Commission upon proof that the local government where the applicant for such license desires to conduct cardroom gaming has voted to approve such activity by a majority vote of the governing body of the municipality or the governing body of the county if the facility is not located in a municipality.[15]

Municipalities are authorized to prohibit the establishment of a cardroom on or after July 1, 2021, within their jurisdiction. This does not apply to a licensed pari-mutuel permitholder who held an operating license for the conduct of pari-mutuel wagering for fiscal year 2020-2021 in the municipality's jurisdiction or to a cardroom that was previously approved by the municipality.[16]

Only those persons holding a valid cardroom license issued by the Commission may operate a cardroom. A cardroom license may only be issued to a licensed pari-mutuel permitholder, and an authorized cardroom may only be operated at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities.[17]

A pari-mutuel permitholder, other than a converted quarter horse to thoroughbred permitholder or a purchaser, transferee, or assignee holding a valid permit for the conduct of pari-mutuel wagering, may not be issued a license for the operation of a cardroom if the permitholder did not hold an operating license for the conduct of pari-mutuel wagering for fiscal year 2020-2021.[18]

---

[10] Email from Henry Mahler, Director of Legislative Affairs, Florida Gaming Control Commission, RE: Thoroughbred Permitholders (Jan. 31, 2025).
[11] S. 551.104(2), F.S.
[12] S. 551.101, F.S.
[13] S. 551.104(3), F.S.
[14] S. 551.104(4)(c), F.S.
[15] S. 849.086(16)(a), F.S.
[16] *S.* 849.086(16)(b), F.S.
[17] S. 849.086(5)(a), F.S.
[18] S. 849.086(5)(c), F.S.

In order for an initial cardroom license to be issued to a converted quarter horse to thoroughbred permitholder, the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least a full schedule of live racing.[19]

In order for a cardroom license to be renewed by a thoroughbred permitholder, 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.[20]

Thoroughbred Purses and Awards

A slot machine license may not be issued, or renewed, to an applicant holding a permit to conduct pari-mutuel wagering meets of thoroughbred racing unless the applicant has on file with the Commission a binding written agreement between the applicant and the:[21]

- 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.
- Florida Thoroughbred Breeders' Association, Inc., governing the payment of breeders', stallion, and special racing awards on live thoroughbred races conducted at the licensee's pari-mutuel facility.

The agreements 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 subject to the terms of chapter 550, F.S. All sums for breeders', stallion, and special racing awards are remitted monthly to the Florida Thoroughbred Breeders' Association, Inc., for the payment of awards subject to the administrative fee authorized in s. 550.2625(3), F.S.[22]

"Purse" means the cash portion of the prize for which a race or game is contested.[23] "Breeders' and stallions' awards" means financial incentives paid to encourage the agricultural industry of breeding racehorses in this state.[24] Current law provides that "the purse structure and the availability of breeder awards are important factors in attracting the entry of well-bred horses in racing meets in this state which in turn helps to produce maximum racing revenues for the state and the counties."[25] Each permitholder conducting a horserace meet is required to pay from the takeout withheld on pari-mutuel pools a sum for purses in accordance with the type of race performed.[26] Each horseracing permitholder conducting any thoroughbred race is required to pay a sum on all pari-mutuel pools conducted during any such race for the payment of breeders', stallion, or special racing awards.[27]

**RECENT LEGISLATION:**

| YEAR | BILL # | HOUSE SPONSOR(S) | SENATE SPONSOR | OTHER INFORMATION |
|---|---|---|---|---|
| 2021A | CS/CS/HB 7A | Latvala, Robinson, W. | Hutson | Removed requirements for greyhound permitholders, jai alai permitholders, and harness horse permitholders to conduct live racing or games. |

[19] *Id.*
[20] *Id.*
[21] S. 551.104(10)(a)1., F.S.
[22] *Id.*
[23] S. 550.002(28), F.S.
[24] S. 550.002(2), F.S.
[25] S. 550.2625(1), F.S.
[26] *See* s. 550.2625(2)(a), F.S.
[27] *See* s. 550.2625(3), F.S.

**OTHER RESOURCES:**

Florida Gaming Control Commission

Florida Thoroughbred Horsemen's Association

Florida Thoroughbred Breeders' and Owners' Association

Gulfstream Park

Tampa Bay Downs

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Industries & Professional Activities Subcommittee | | | Anstead | Thompson |
| Commerce Committee | | | | |

A bill to be entitled

An act relating to thoroughbred permitholders; amending s. 550.01215, F.S.; removing a requirement that a thoroughbred permitholder must conduct live racing; amending s. 551.104, F.S.; removing certain slot machine gaming licensure requirements for thoroughbred permitholders who are slot machine licensees; providing an effective date.

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

**Section 1. Paragraph (b) of subsection (1) of section 550.01215, Florida Statutes, is amended to read:**

550.01215 License application; periods of operation; license fees; bond.—

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

(b)1. A greyhound permitholder may not conduct live racing. A jai alai permitholder, thoroughbred permitholder, harness horse racing permitholder, or quarter horse racing permitholder may elect not to conduct live racing or games. ~~A thoroughbred permitholder must conduct live racing.~~ A greyhound permitholder, jai alai permitholder, thoroughbred permitholder, harness horse racing permitholder, or quarter horse racing permitholder that does not conduct live racing or games retains its permit; is a pari-mutuel facility as defined in s. 550.002(23); if such permitholder has been issued a slot machine license, the facility where such permit is located remains an eligible facility as defined in s. 551.102(4), continues to be eligible for a slot machine license pursuant to s. 551.104(3), and is exempt from ss. 551.104(10) ~~ss. 551.104(4)(c) and (10)~~ and 551.114(2); is eligible, but not required, to be a guest track and, if the permitholder is a harness horse racing permitholder, to be a host track for purposes of intertrack wagering and simulcasting pursuant to ss. 550.3551, 550.615, 550.625, and 550.6305; and remains eligible for a cardroom license.

2. A permitholder or licensee may not conduct live greyhound racing or dogracing in connection with any wager for money or any other thing of value in the state. The commission may deny, suspend, or revoke any permit or license under this chapter if a permitholder or licensee conducts live greyhound

racing or dogracing in violation of this subparagraph. In addition to, or in lieu of, denial, suspension, or revocation of such permit or license, the commission may impose a civil penalty of up to $5,000 against the permitholder or licensee for a violation of this subparagraph. All penalties imposed and collected must be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

**Section 2. Paragraphs (d) through (j) of subsection (4) of section 551.104, Florida Statutes, are redesignated as paragraphs (c) through (i), respectively, and paragraph (c) of subsection (4) and paragraph (a) of subsection (10) of that section are amended to read:**

551.104 License to conduct slot machine gaming.—

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

~~(c) If a thoroughbred permitholder, conduct no fewer than a full schedule of live racing or games as defined in s. 550.002(10). A permitholder's responsibility to conduct 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, strike, war, hurricane, pandemic, or other disaster or event beyond the control of the permitholder.~~

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



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

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

~~2.~~ No slot machine license or renewal thereof shall be issued to an applicant holding a permit under chapter 550 to conduct pari-mutuel wagering meets of quarter horse racing unless the applicant has on file with the commission a binding



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

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

**Section 3.** This act shall take effect July 1, 2025.



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

## INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

## HB 105 by Rep. Anderson
## Thoroughbred Permitholders

## AMENDMENT SUMMARY
## February 5, 2025

---

**Amendment 1 by Rep. Anderson (strike-all):**

- Retains the original portions of the bill.
- Removes live racing requirements for thoroughbred permitholders who are cardroom licensees.
- Makes conforming changes.

COMMITTEE/SUBCOMMITTEE ACTION

| | |
|---|---|
| ADOPTED | ___ (Y/N) |
| ADOPTED AS AMENDED | ___ (Y/N) |
| ADOPTED W/O OBJECTION | ___ (Y/N) |
| FAILED TO ADOPT | ___ (Y/N) |
| WITHDRAWN | ___ (Y/N) |
| OTHER | _____ |

Committee/Subcommittee hearing bill: Industries & Professional Activities Subcommittee

Representative Yeager offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

**Section 1. Paragraph (b) of subsection (1) of section 550.01215, Florida Statutes, is amended to read:**

550.01215 License application; periods of operation; license fees; bond.—

(1) Each permitholder shall annually, during the period between January 15 and February 4, file in writing with the commission its application for an operating license for a pari-mutuel facility for the conduct of pari-mutuel wagering during the next state fiscal year, including intertrack and simulcast race wagering. Each application for live performances must

specify the number, dates, and starting times of all live performances that the permitholder intends to conduct. It must also specify which performances will be conducted as charity or scholarship performances.

(b)1. A greyhound permitholder may not conduct live racing. A jai alai permitholder, thoroughbred permitholder, harness horse racing permitholder, or quarter horse racing permitholder may elect not to conduct live racing or games. ~~A thoroughbred permitholder must conduct live racing.~~ A greyhound permitholder, jai alai permitholder, thoroughbred permitholder, harness horse racing permitholder, or quarter horse racing permitholder that does not conduct live racing or games retains its permit; is a pari-mutuel facility as defined in s. 550.002(23); if such permitholder has been issued a slot machine license, the facility where such permit is located remains an eligible facility as defined in s. 551.102(4), continues to be eligible for a slot machine license pursuant to s. 551.104(3), and is exempt from ss. 551.104~~(4)(c) and~~ (10) and 551.114(2); is eligible, but not required, to be a guest track and, if the permitholder is a harness horse racing permitholder or a thoroughbred permitholder, to be a host track for purposes of intertrack wagering and simulcasting pursuant to ss. 550.3551, 550.615, 550.625, and 550.6305; and remains eligible for a cardroom license.

2. A permitholder or licensee may not conduct live

greyhound racing or dogracing in connection with any wager for money or any other thing of value in the state. The commission may deny, suspend, or revoke any permit or license under this chapter if a permitholder or licensee conducts live greyhound racing or dogracing in violation of this subparagraph. In addition to, or in lieu of, denial, suspension, or revocation of such permit or license, the commission may impose a civil penalty of up to $5,000 against the permitholder or licensee for a violation of this subparagraph. All penalties imposed and collected must be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

**Section 2. Paragraph (c) of subsection (4) and paragraphs (a), (b), and (c) of subsection (10) of section 551.104, Florida Statutes, are amended to read:**

551.104 License to conduct slot machine gaming.—

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

~~(c) If a thoroughbred permitholder, conduct no fewer than a full schedule of live racing or games as defined in s. 550.002(10). A permitholder's responsibility to conduct 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, strike, war, hurricane, pandemic, or other disaster or event beyond the control of the permitholder.~~

(10)(a)1. If a thoroughbred permitholder elects to conduct live racing, then no slot machine license or renewal thereof shall be issued to an applicant holding a permit under chapter 550 to conduct pari-mutuel wagering meets of thoroughbred racing unless the applicant has on file with the commission a binding written agreement between the applicant and the Florida Horsemen's Benevolent and Protective Association, Inc., governing the payment of purses on live thoroughbred races conducted at the licensee's pari-mutuel facility. In addition, no slot machine license or renewal thereof shall be issued to such an applicant unless the applicant has on file with the commission a binding written agreement between the applicant and the Florida Thoroughbred Breeders' Association, Inc., governing the payment of breeders', stallion, and special racing awards on live thoroughbred races conducted at the licensee's pari-mutuel facility. The agreement governing purses and the agreement governing awards may direct the payment of such purses and awards from revenues generated by any wagering or gaming the applicant is authorized to conduct under Florida law. All purses and awards shall be subject to the terms of chapter 550. All sums for breeders', stallion, and special racing awards shall be remitted monthly to the Florida Thoroughbred Breeders' Association, Inc., for the payment of awards subject to the administrative fee authorized in s. 550.2625(3).

**Section 3. Paragraph (c) of subsection (5) of section**

**849.086, Florida Statutes, is amended to read:**

849.086 Cardrooms authorized.—

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

(c) Notwithstanding any other provision of law, a pari-mutuel permitholder, other than a permitholder issued a permit pursuant to s. 550.3345 or a purchaser, transferee, or assignee holding a valid permit for the conduct of pari-mutuel wagering approved pursuant to s. 550.054(15)(a), may not be issued a license for the operation of a cardroom if the permitholder did not hold an operating license for the conduct of pari-mutuel wagering for fiscal year 2020-2021. In order for an initial cardroom license to be issued to a thoroughbred permitholder issued a permit pursuant to s. 550.3345, the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least a full schedule of live racing. ~~In order for a cardroom license to be renewed by a thoroughbred permitholder, 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.~~

Section 4. This act shall take effect July 1, 2025.

---

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to thoroughbred permitholders; amending s. 550.01215, F.S.; revising the application requirements for an operating license to conduct pari-mutuel wagering for a pari-mutuel facility; authorizing thoroughbred permitholders to elect not to conduct live racing or games; removing the requirement for thoroughbred permitholders to conduct live racing; specifying that thoroughbred permitholders that do not conduct live racing or games retain their permit and remain pari-mutuel facilities; specifying that, if such permitholder has been issued a slot machine license, the permitholder's facility remains an eligible facility, continues to be eligible for a slot machine license, is exempt from certain provisions of ch. 551, F.S., is eligible to be a guest track, and remains eligible for a cardroom license; amending s. 551.104, F.S.; removing live racing requirements for thoroughbred permitholders who are slot machine licensees; revising purses and awards agreement

requirements for thoroughbred permitholders with a slot machine license; amending 849.086, F.S.; removing live racing requirements for thoroughbred permitholders who are cardroom licensees; providing an effective date.

# Presentation 1

# Protecting Minors from Age-Restricted Products

## Industries and Professional Activities Subcommittee

## Division of Alcoholic Beverages and Tobacco (ABT)

February 5th, 2025

# Division of Alcoholic Beverages and Tobacco



## Bureau of Licensing

Processes license applications and renewals.

Verifies applicants' qualifications for licensure under the Beverage Law and chapters 210 and 569, Florida Statutes.



## Bureau of Auditing

Collects and audits the excise tax due to the state.

Conducts audits to ensure compliance with special licensing requirements.



## Bureau of Enforcement

2nd oldest law enforcement agency in Florida celebrating its 92nd year of service in 2025.

Conducts routine compliance inspections, minimum age of purchase investigations, and administrative investigations.




# Business-Friendly Approach

- DBPR is committed to supporting Florida's best-in-the-nation, business-friendly approach, favoring compliance and education over fines or closure whenever possible.
- DBPR helps businesses resolve minor violations quickly on-site in lieu of fines or penalties, using punitive measures as a last resort.
- This business-friendly approach minimizes disruption to business operations, safeguards jobs and helps preserve the local economy.

# Legislative Changes

## Senate Bill 1080 (2021) – An act relating to Tobacco and Nicotine Products

21+

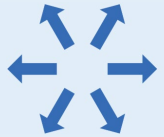
Raised the minimum age from 18 to 21 to lawfully purchase tobacco or nicotine products.



Gave regulation and enforcement authority of nicotine products and devices to the Division of Alcoholic Beverages and Tobacco.



Requires nicotine product retailers to apply for and receive a nicotine retailer's permit to sell nicotine products.



Expands regulatory and enforcement provisions and the associated penalties for non-compliance, which were previously applicable only to tobacco retailers.

# Retail Tobacco and Nicotine Product Permits

## DBPR-Issued Permits



**7,168**
Tobacco Licenses

**462**
Nicotine Licenses

**24,031**
Dual Licenses
(Alcohol and Tobacco)

# Tobacco and Nicotine Enforcement Activities

Onsite inspections are conducted to ensure compliance with Chapter 569, F.S.

- July 1st, 2023, - June 30th, 2024:
  - 20,686 investigations
  - 8,703 violations

---

Underage individuals are utilized to ensure compliance.

- July 1st, 2023, - June 30th, 2024:
  - 6,026 investigations
  - 544 arrests for sale to individuals under the age of 21

---

ABT assists with the enforcement of the Florida Office of the Attorney General's Nicotine Dispensing Device Directory Program.

# Retail Alcoholic Beverage Product Licenses

- There are 53,617 retail beverage licenses in the state. Licenses include, but are not limited to:
  - Hotels and Motels
  - Restaurants
  - Golf and Tennis Clubs
  - Fraternal Associations
  - Sports Arenas
  - Concert Venues
  - Bars
  - Convenience Stores
  - Super Markets
  - Theme Parks
  - Festivals and Fairs
  - Fundraisers

# Alcohol Enforcement Activities

Onsite inspections are conducted to ensure compliance with Chapter 561, F.S.

- July 1st, 2023, - June 30th, 2024:
  - 32,595 investigations
  - 14,416 violations

---

Underage individuals are utilized to ensure compliance

- July 1st, 2023, - June 30th, 2024:
  - 6,882 investigations
  - 756 arrests for sale to individuals under the age of 21

# Hemp-Specific Operations

The Division proactively conducts undercover investigations at licensed establishments to ensure they are not selling or advertising/marketing hemp products to individuals under the age of 21.

- 193 arrests since July 1st, 2024.
- Arrests are also referred to the Florida Department of Agriculture and Consumer Services.

# Point of Contact


## Derek Miller

*Director of Legislative Affairs*

*Derek.Miller@myfloridalicense.com*

PH: 850.717.1580

# Presentation 2



# *Update* on the Nicotine Dispensing Device (NDD) Directory

## Panel Discussion on Protecting Minors from Age Restricted Products

*Florida House of Representatives, Industries & Professional Activities Subcommittee*

Nicholas J. Weilhammer

Associate Deputy Attorney General for Enforcement

February 5, 2025

# HB 1007 (2024)

- H.B. 1007:  Nicotine Dispensing Devices (2024) passed Florida House and Senate and was approved by the Governor on April 26, 2024.
  - Granted authority to the Attorney General (AG) to create a directory (AG Directory) of all nicotine manufacturers that sell nicotine dispensing devices that the AG has deemed attractive to minors.
  - Provides that nicotine dispensing devices that are either single-use or disposable electronic cigarettes, or devices that use sealed, prefilled, and disposable cartridge of nicotine in a solution may be reviewed for inclusion on the AG Directory.

# HB 1007 (2024)

- Set standards for the AG, and reviewing courts, to use to determine how to evaluate whether a device should be included in the AG Directory and allows review of such determination under the Florida Administrative Procedure Act (APA).
- Requires the Department of Legal Affairs in the Attorney General's Office (Department) to make the AG Directory publicly available on its website **by January 1, 2025**.

# NDD Directory Rulemaking Process

- Notice of rule development published July 12, 2024.
- Rulemaking workshop held October 18, 2024.
- Proposed Florida Administrative Rule 2-4.001 published November 7, 2024.
- Public hearing on Rule 2-4.001 held December 13, 2024.
- Fla. Admin. Code 2-4.001 effective January 28, 2025.

# Fla. Admin. R. 2-4.001: Nicotine Dispensing Device Directory

- Identifies the location and notice for the initial NDD Directory: *https://www.myfloridalegal.com/NDDDirectory*
- Identifies the location for changes or additions to the NDD Directory: https://www.myfloridalegal.com/NDD
- Provides for 30 days' notice to the manufacturer or appointed agent prior to placement on the NDD Directory and notice of its administrative rights.

***

- The public (including retailers and distributors) can sign up for email notification when a change has been made to the NDD Directory or when an NDD manufacturer receives notice of the intent to have its device added to the NDD Directory.

# Creation of the NDD Directory

- HB 1007 (2024) creates section 569.311, Florida Statutes, which identifies criteria to be considered in the creation of the NDD Directory, including:
  - Device design, including bright colors or cartoon characters
  - Device design that is easy for minors to use and to conceal
  - Device resemblance to food products
  - Surveys/data
  - Device marketing
  - Complaints

# Creation of the Initial NDD Directory

- 150 nicotine dispensing devices listed on the initial NDD Directory.






# Creation of the Initial NDD Directory

- Direct notice of initial NDD Directory provided to manufacturers on November 26, 2024.
- Initial NDD Directory posted December 30, 2024, in compliance with section 569.311(9), Florida Statutes.
- NDDs on the Initial NDD Directory will be contraband on March 1, 2025.

# NDD Directory *Moving Forward*

- Key Partnerships
  - State agencies
  - Law enforcement
  - Parents
  - Schools
  - Retailers/industry
- Contact us at NicotineDispensingDevices@myfloridalegal.com
- Future additions:  direct notice of additions to the NDD Directory of 149 additional NDDs sent to manufacturers on January 31, 2025.
- The effective date of these additions would be March 3, 2025.  Fla. Admin. Rule 2-4.001.

# Effect of the NDD Directory

- Prohibits manufacturers, retailers, wholesalers and distributors from selling, shipping, or distributing nicotine dispensing devices that are listed on the AG Directory. § 569.312, Fla. Stat.
- Provides that the AG Directory determination does not apply to a nicotine dispensing device that has received a Federal Food and Drug Administration (FDA) marketing granted order. § 569.311(7), Fla. Stat.
- Allows retailers and wholesalers holding a nicotine dispensing device which is on the AG Directory 60 days to sell or remove the product before it is considered contraband. § 569.311(10), Fla. Stat.
- Allows a nicotine product manufacturer to be fined $1,000 per day that it offers to sell a nicotine dispensing device that is on the AG Directory in violation of these provisions after March 1, 2025. . § 569.311(11), Fla. Stat.
- Provides that it is a first-degree misdemeanor for any person who sells, ships, or otherwise distributes a nicotine dispensing device on the AG Directory under certain circumstances. § 569.312(2), Fla. Stat.
- Provides that selling, shipping or distributing nicotine dispensing devices on the AG Directory is deemed an unfair and deceptive trade practice. § 569.312(3), Fla. Stat.
- Considers nicotine dispensing devices that are on the AG Directory to be contraband, and subject to seizure and destruction by court order under certain circumstances. § 569.311(10), Fla. Stat.