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WITHDRAWN	__	(Y/N)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 Trabulsy offered the following:

Amendment (with title amendment)

Remove lines 542-562 and insert:

Section 14. Subsections (8) and (9) of section 546.10, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

546.10 Amusement games or machines.—

(8)(a)1. Before purchasing or installing a game or machine on the premises of any veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued, and the veterans'

service organization is in doubt about whether a machine meets the definition of an amusement machine under this section, the organization may petition the Florida Gaming Control Commission for a declaratory statement under s. 120.565 on whether the operation of the game or machine would be authorized under this section or would be a violation of this section or chapter 849. A game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued.

2. If there is a game or machine currently on the premises of any veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued and the veterans' service organization is in doubt about whether a machine meets the definition of an amusement machine under this section, the organization may petition the commission for a declaratory statement pursuant to s. 120.565 on whether the operation of the game or machine would be authorized under this section or would be a violation of this section or chapter 849. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.

3. The commission shall issue a declaratory statement pursuant to this subsection within 60 days after receiving a

petition requesting such statement. The commission may not deny a petition that is validly requested pursuant to this subsection and s. 120.565.

(b) A petition made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises. The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or the machine have been changed.

(c) The declaratory statement is binding on the commission and may be introduced in any subsequent proceedings as evidence of a good faith effort to comply with this section or chapter 849.

(d) This subsection does not prevent the commission or any other criminal justice agency as defined in s. 943.045 from detecting, apprehending, and arresting a person for any alleged violation of this chapter, chapter 24, part II of chapter 285, chapter 550, chapter 551, or chapter 849, or any rule adopted pursuant thereto, or of any law of this state.

(e) This subsection does not require an owner or an operator of an amusement game or machine under this section to request or obtain a declaratory statement in order to operate pursuant to this section.

Section 15. Paragraph (c) of subsection (3) of section 550.0951, Florida Statutes, is amended to read:

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

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

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

tax shall be deposited into the Pari-mutuel Wagering Trust Fund.

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

Section 16. Section 849.08, Florida Statutes, is amended to read:

849.08 Gambling.—

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

(a) "Internet gambling" means to play or engage in any game in which money or other thing of value is awarded based on chance, regardless of any application of skill, that is available on the Internet and accessible on a mobile device,

computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games.

(b) "Internet sports wagering" means to stake, bet, or wager any money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device. The term does not include fantasy sports contests as defined in s. 849.0932, or any activity conducted pursuant to chapter 550.

(2) A person who Whoever plays or engages in Internet gambling, or 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, commits shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who plays or engages in Internet sports wagering commits:

(a) For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For a second or subsequent offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) A person who operates, conducts, or promotes illegal gambling, Internet gambling or Internet sports wagering, or receives in any manner whatsoever any money or other thing of value offered for the purpose of illegal gambling, Internet gambling or Internet sports wagering, or who knowingly becomes the custodian or depositary of any money or other thing of value so offered, or who aids, assists, abets, or influences in any manner in any of such acts, all of which are hereby forbidden, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) This section does not apply to participation in, or the conduct of, any gaming activities authorized under s. 285.710(13) and conducted pursuant to a gaming compact ratified and approved under s. 285.710(3), or any gaming activities authorized under chapter 550.

Section 17. 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 in person or in any other manner, including, but not limited to, by the use, at least in part, of the Internet, 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.

(2) A person who sets up, operates, conducts, promotes, or receives in any manner whatsoever any money or other thing of value offered for the purpose of conduct prohibited in subsection (1), or who knowingly becomes the custodian or depositary of any money or other thing of value so offered, or who aids, assists, abets, or influences in any manner in any of such acts, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 18. Section 849.48, Florida Statutes, is created to read:

849.48 Gambling or gaming advertisements; prohibited.—

(1) As used in this section, the term "illegal gambling" means any criminal violation of this chapter, chapter 546, chapter 550, or chapter 551 which occurs at any business, establishment, premises, or other location.

(2)(a) Except as otherwise specifically authorized by law, a person may not knowingly and intentionally make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in any manner, whether in person or by the use, at least in part, of the Internet, any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice for the

purpose of promoting or facilitating illegal gambling.

(b) Except as otherwise specifically authorized by law, a person may not set up any type or plate for any type of advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice when he or she knows or reasonably should know that such material will be used for the purpose of promoting or facilitating illegal gambling.

(c) A person who violates this subsection commits:

1. For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. For a second or subsequent offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not prohibit the printing or producing of any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice to be used for the purpose of promoting or facilitating gambling conducted in any other state or nation, outside of this state, where such gambling is not prohibited.

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

Remove line 44 and insert:

penalties; amending s. 546.10, F.S.; authorizing certain organizations to petition the commission before purchasing, installing, or operating a game or machine on their premises before petitioning for and being issued a specified declaratory statement from the commission if the organizations are unsure if such game or machine is an amusement machine; prohibiting such organizations from purchasing or installing a game or machine until an outstanding declaratory statement is issued; prohibiting such organizations from seeking a declaratory statement if the game or machine in question is the subject of a criminal investigation; requiring the commission to issue a declaratory statement within a specified timeframe; prohibiting the commission from denying a petition if it was validly requested; specifying the information that must be included in a request for a declaratory statement; providing that the declaratory statement is valid only for the game or machine for which it is requested; providing that the declaratory statement is invalid if the specifications for the game or machine have been changed; providing that the declaratory statement is binding on the commission and may be introduced as evidence in subsequent proceedings; providing construction; amending s. 550.0951, F.S.;

removing a requirement for live racing for purposes of certain taxes; amending s. 849.08, F.S.; defining the terms "Internet gambling" and "Internet sports wagering"; prohibiting Internet gambling and Internet sports wagering and related offenses; providing criminal penalties; providing an exception; amending s. 849.11, F.S.; prohibiting certain offenses relating to games of chance involving the Internet; providing criminal penalties; creating s. 849.48, F.S.; defining the term "illegal gambling"; prohibiting specified gambling or gaming advertisements; providing criminal penalties; providing construction; repealing s. 849.142, F.S., relating to