

GENERAL TAX ADMINISTRATION
RULE HEARING

DATE: July 7, 2026

TIME: Commenced at 10:00 a.m.
Concluded at 10:24 a.m.

REPORTED BY: Marion Kittrell
Notary Public in and for
The State of Florida at
Large

For the Record Reporting, Inc.
1334 Timberlane Road, Suite 121
Tallahassee, Florida 32312

1 COMMITTEE MEMBERS PRESENT:

2 Brinton Hevey

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4 COUNSEL MEMBERS PRESENT:

5 Jacek Stramski

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7 CERTIFICATE OF REPORTER:

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1 P R O C E E D I N G S

2 MR. HEVEY: Good morning. My name is Brinton
3 Hevey and I am a project administrator with the
4 department's office of technical assistance and I
5 will lead today's rule hearing.

6 Today is July 7th, 2026, and this is a public
7 rule hearing held pursuant to Section 120.54,
8 Subparagraph 3, of the Florida Statutes to discuss
9 the proposed amendments to Rule 12A-1.097 titled
10 "Public Use Forms" of the Florida Administrative
11 Code.

12 A notice of proposed rule for Rule 12A-1.097
13 was published in the June 12th, 2026, edition of
14 the *Florida Administrative Register*, Volume 52,
15 Number 114.

16 MR. STRAMSKI: Good morning. My name is Jacek
17 Stramski. I'm an attorney with the Office of
18 General Counsel with the Department of Revenue.

19 MR. HEVEY: For reference, copies of the draft
20 forms with the proposed amendments that are the
21 subject of this hearing can be found at the
22 department's website at floridarevenue.com/rules.
23 Select the "general tax proposed rules" dropdown at
24 the bottom of the page and then select the second
25 listing for Chapter 12A-1, which includes the

1 phrase "amusement machine certificates" in the
2 title.

3 This hearing is taking place both in person
4 and via webinar. After I go over information
5 regarding the hearing and webinar, a brief
6 explanation of the amendments to the forms will be
7 presented, and we will then open the floor for any
8 questions or comments regarding the proposed form
9 amendments.

10 Questions and comments from participants
11 attending in person will be taken first, followed
12 by those attending via webinar. For participants
13 physically present who would like to comment,
14 please stand and speak loudly enough so that those
15 joining us electronically can hear you. We do have
16 a court reporter present to record the rule
17 hearing.

18 Before asking a question or providing a
19 comment, we ask that participants state their name
20 and whom they represent. Please spell your first
21 and last name the first time you speak during the
22 hearing. All comments received during the hearing
23 will be recorded by the court reporter. The court
24 reporter is participating remotely, so we ask that
25 meeting participants state their name each time

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1 they speak.

2 Currently, all webinar participants are muted
3 to avoid accidental background noises or
4 interruptions. We will unmute participants if they
5 have a comment or question. To let our staff know
6 that you would like to speak, webinar participants
7 should raise their hand using the icon on the grab
8 tab left of your control panel. Staff will call on
9 participants when it is their turn to speak.

10 If you do not wish to speak, please send your
11 question or comment, along with whom you represent,
12 using the chat option. Staff will state your name
13 and read your question or comment aloud.

14 If anyone attending this hearing via webinar
15 experiences technical difficulty, please use the
16 chat option to send a message.

17 The proposed amendments to Rule 12A-1.097
18 revise the following forms that are used to
19 administer the registration of coin-operated
20 amusement machines with the department: Form
21 DR-18, an Application for Amusement Machine
22 Certificate; DR-18N, Application for Amusement
23 Machine Certificate General Information and
24 Instructions; DR-18R, Amusement Machine Certificate
25 Renewal Application; DR-18RS, Amusement Machine

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1 Certificate Renewal Application Second Notice.

2 Amendments to the form include a statement
3 that the registration of amusement machines does
4 not authorize the operation or possession of any
5 machine that is unlawful under Chapter 849 of the
6 Florida Statutes, as well include an attestation
7 acknowledgment that the applicant operator is
8 registering machines which offer games of skill and
9 do not use mechanical slot wheels, video depictions
10 of slot wheels, or the representation of any casino
11 game, thereby incorporating provisions of Chapter
12 849 and 546 of the Florida Statutes regarding the
13 types of machines that are not coin-operated
14 amusement machines and cannot be registered as
15 such.

16 We will now open the floor for questions or
17 comments regarding the amendments to these forms
18 incorporated within Rule 12A-1.097 of the Florida
19 Administrative Code. Again, we ask you state and
20 spell your name and state whom you represent the
21 first time you speak.

22 MS. ZIMMER: My name is Alana Zimmer and I'm
23 the executive director of the gaming commission.
24 (Inaudible). We're in support of this because we
25 believe that it will provide clarity to all of

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1 those involved.

2 MR. HEVEY: Great. Thank you.

3 UNIDENTIFIED SPEAKER: (Inaudible).

4 MS. ZIMMER: Sure. A-l-a-n-a, Z-i-m-m-e-r.

5 MR. HEVEY: Thank you so much for passing that
6 around.

7 MR. ZACHEM: Good morning. My name's Jon
8 Zachem. I represent the Amusement Machine
9 Association of Florida and we do have some
10 questions about this and some concerns. So we're
11 hoping for some clarity today or maybe bring some
12 things forward to you that might not have been
13 considered when you were coming forward on this.

14 As we read the notification, I guess we're
15 unsure as to why we're creating a change. It looks
16 as if these forms have been in effect for somewhere
17 around 10 years. I didn't notice a statutory
18 change. I didn't notice a petition for rulemaking.
19 Maybe there was one and I just didn't see it.

20 Can you tell us why we're making a change
21 today?

22 MR. HEVEY: As stated earlier, I think it was
23 just to simply clarify what types of games -- to
24 incorporate provisions of Chapters 849 and 546 that
25 weren't really currently within the amusement

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1 machine applications, and I believe it was just a
2 clarification for those purposes.

3 MR. ZACHEM: Understood. Thank you. And that
4 kind of feeds into a few other areas to kind of
5 bring to your attention. I know DOR has a good
6 number of folks that end up registering for them,
7 and this form is used actually pretty broadly as
8 far as any of the coin-based operations that go all
9 the way from jukeboxes to other things. Are you
10 anticipating that every single location in the
11 state of Florida that has a jukebox or Pac-Man or
12 anything like that is now going to have to fill out
13 an affidavit like you're requiring with this form?
14 Is that the intent?

15 MR. HEVEY: Going forward, when they renew,
16 they would be completing those attestations, which
17 they -- all of whom you just mentioned would be --
18 should be currently registered under these forms as
19 is. So it's just an additional acknowledgment
20 within their attestation, but as long as they're
21 registering the machines you just mentioned, that
22 wouldn't be an issue.

23 MR. ZACHEM: That's correct and that's not
24 entirely where I was going. For the -- and this is
25 where I'm going to lean on you as far as I don't

1 even know the total population of people you're
2 describing, but if you submit your attestation,
3 normally in Florida, we have a notary that ends up
4 certifying that the person that is doing the
5 attestation is who they say they are, and that's --
6 I just Googled it, so forgive me if this isn't the
7 most accurate and detailed, but it said \$10 for you
8 to get a notary to fill that out for your CERC
9 requirement of \$200,000.

10 I have, again, just done basic elements of
11 Googling in the last few days, and I'm going to
12 quote the famed source of ChatGPT that said that
13 restaurants in the state of Florida are somewhere
14 around forty-eight to fifty thousand. I know not
15 all of them check this category, but we're
16 probably -- even if you were to say on the
17 conservative side 40% of those have some kind of
18 coin-operated machine at \$10 per notarization --
19 notarization? I hope that's a word.

20 MR. HEVEY: If not, you added it just now.

21 MR. ZACHEM: I think that's probably going to
22 hit around \$200,000, and that doesn't take into
23 account that there's between 7,500 and 8,500 bars
24 that probably have pool tables, dart boards, video
25 games, things of that nature, or gas stations that

1 might have things like that that we estimate are
2 somewhere around 7,900 to 10,900 locations. Even
3 if you took a fraction of those and said \$10 for
4 each one to get a notary to fill this out, I think
5 you all need to look at whether or not the CERC
6 requirement actually is required there. Just a
7 suggestion, and I don't know the answer fully
8 because I did try and look up how many people are
9 registered with Department of Revenue and did not
10 see that available online.

11 MR. STRAMSKI: Just real quick, looking at the
12 form, it doesn't currently require notarization,
13 and I don't see the move to requiring notarization.

14 MR. ZACHEM: Normally when you do an
15 attestation, you do have a notary requirement. And
16 the two elements that satisfy it under Florida law,
17 when you look at -- sorry. As I age, I got to have
18 glasses to be able to see what I'm talking about,
19 my apologies. Yeah, if you look at verification
20 documents, 92-525, it includes "authorized or
21 required by law or by rule of an administrative
22 agency." "It's an oath or affirmation
23 taken/administered by an officer" is what Part B
24 says. So, normally, you're talking about some kind
25 of officer that's certifying that someone has done

1 so, and that's usually done through a notary.

2 This category does also go towards people that
3 are testifying in court or something like that, but
4 usually when you talk about a written document, a
5 notary is either required or -- I think it's
6 required on almost all these situations. So I
7 would strongly recommend you all look at that and
8 see as far as the CERC requirements.

9 And it's definitely going to create an expense
10 for small businesses. Our clients predominantly
11 are single locations, you know, a bar, a
12 restaurant, things of that nature. It's only \$10,
13 but it is an additional fee that's being added to
14 them for doing something to submit to DOR that is
15 -- they're already registered with you, but it
16 would be for the renewal or if they end up
17 modifying as time goes on. My understanding is if
18 we had a pool hall that had eight tables and they
19 decide to add two, they would now have to submit
20 another document to you, which would also have a
21 notary that's required for it. Is that the way I'm
22 understanding?

23 MR. HEVEY: I don't know about the notary
24 requirements, but, yeah, each year when they renew,
25 if they have additional machines, they let us

1 know -- or they're to let us know.

2 MR. ZACHEM: Okay. Well, that's something to
3 look at as far as the financial element.

4 We also are very concerned because there has
5 been a lot of back and forth over some of the
6 subject matter of the machines that are out there.
7 We have seen that there was, in the last three
8 legislative sessions, a consideration over whether
9 or not to make things felonies or not here. If you
10 have this attestation under that same section,
11 under 92-525, it actually includes that under
12 Section 3, "A person who knowingly makes a false
13 declaration under this section is guilty of a crime
14 of perjury by false written declaration, a felony
15 of the third degree."

16 So, currently, if you ended up having a
17 machine that was questionable, and we've had six
18 cases where someone has had law enforcement come in
19 and the cases have been dismissed, but now we could
20 have a charge of a felony that could be a
21 consideration here, and those have pretty far
22 reaches as far as their effects.

23 So I know that there are some folks that want
24 to shut down some really bad actors, but I think
25 most of the folks that are registering with you

1 that are paying their taxes probably don't fit in
2 the same categories. And we've stood side by side
3 with some of our veteran partners in this as well
4 that are here today, and we have a lot of concerns
5 over possibly getting felony charges for perjury
6 for this form because of confusion over
7 definitions.

8 So even just a charge of perjury, even if
9 we're proven to be innocent afterwards, can have
10 far-reaching effects, and we've stated those during
11 legislative session before. Some of the VFWs or
12 fraternalists might even lose their charters over
13 things like that. So it's something to consider
14 that there is -- adding this attestation has some
15 pretty far-reaching effects to it.

16 I think we're also kind of confused over how
17 this is going to work afterwards. So if you can
18 help walk us through. Let's say Location X has
19 submitted that they have compliant machines.
20 They've submitted an attestation. Is there a
21 verification by you all, or what are you going to
22 do?

23 MR. HEVEY: No, there never has been a
24 verification. We just -- the businesses are
25 required to register the machines with us. I guess

1 if upon a sales tax audit, we would probably look
2 at -- I'm just assuming. I'm not an auditor. I'm
3 assuming that we would cross-reference the DR-18
4 they filed with us and the number of machines that
5 they have in the establishment. I don't believe
6 there would be any change to that, but...

7 MR. ZACHEM: What would the affidavit be used
8 for then if it's not a verification on the front
9 end? How would it be used?

10 MR. HEVEY: As it is today. It's just an
11 acknowledgment up front, a registration, a \$30 per
12 machine fee that's paid that's required just like
13 any other industry-specific business registration.

14 MR. ZACHEM: Okay. Our worry, again, is this
15 is going to add an additional penalty that could be
16 misunderstood based on how it applies, and this
17 affidavit could be held over us for something that
18 is an innocent machine. And I'll give you an
19 example. I think we're requiring that somebody
20 state that they have a skill-based style machine.
21 Do you all have a definition of "skill-based" that
22 you're offering for this?

23 MR. HEVEY: They're within statute, I believe.
24 That's defined both within 849.161 and 546.10.
25 Just did some quick notes this morning, so kind of

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1 off the top of my head.

2 MR. ZACHEM: Okay.

3 MR. HEVEY: But, now, the game is -- well,
4 yeah. I believe that's where the sources are, but
5 at any rate.

6 MR. ZACHEM: Okay. Okay. I guess I'll kind
7 of complete this by saying that I think that you
8 all are doing a really good job with what you
9 currently have. I think that adding this
10 attestation, if there is a target, it's probably
11 going to hit the wrong people. And I think that
12 there's a lot of questions personally and for our
13 association over whether or not this is adding a
14 penalty or whether or not this is adding an
15 additional fee to our folks that we are very
16 confused at why we're going down that path, whether
17 it's the authority to do so or what our goal is
18 here.

19 And I'll repeat that we are -- we've had now
20 six cases where folks that are registered with you
21 all were accused of having illegal games and the
22 cases have been dropped.

23 MR. HEVEY: Understood.

24 MR. ZACHEM: I know there's bad people out
25 there that you all are -- not you all, but some

1 folks are working on trying to stop. I think this
2 has gone through the legislative process and will
3 continue to do so, and I think that's the
4 appropriate venue for them to probably look at what
5 these definitions are and who's trying to be
6 captured, and I think it's a mistake to put this
7 attestation included. I think it's already
8 required for people to follow law. They're
9 required under 849. All of us are. So now doing
10 an attestation for people who are actually paying
11 taxes on it when all of us have to is redundant and
12 probably a little misplaced. But I do respect what
13 your attempt to do is, and I would really encourage
14 you to take a strong look at one of the CERC
15 requirements -- you are putting an additional cost
16 or fee onto small businesses -- as well as whether
17 or not this is the proper place or authority to do
18 this. This should be a legislative fix, not an
19 agency rule.

20 MR. HEVEY: Okay.

21 MR. ZACHEM: Thank you.

22 MR. HEVEY: Greatly, greatly appreciated. I'm
23 going to mention submitting written comments later.

24 I would assume that you could draft that. It
25 might be helpful if we received some of that in a

1 form of a letter as well.

2 MR. ZACHEM: Sure. I'd be more than happy to.
3 A lot of agencies have a window of time if they
4 leave it open.

5 MR. HEVEY: Yes.

6 MR. ZACHEM: I know we're just coming out of a
7 holiday, so this was my quick -- like I said --

8 MR. HEVEY: We're going to allow a week.

9 MR. ZACHEM: Okay. That should be fine. So
10 Tuesday of next week is what you're looking at --

11 MR. HEVEY: Yes, sir, close of business.

12 MR. ZACHEM: Okay. That should be fine.

13 MR. STRAMSKI: And I'll state that again.

14 MR. HEVEY: Thank you very much.

15 UNIDENTIFIED SPEAKER: Can you please state
16 your name and spell it?

17 MR. ZACHEM: Yes. Jonathan Zachem,
18 Z-a-c-h-e-m.

19 MR. HEVEY: Okay.

20 MR. GOLDER: Sean Golder, S-e-a-n,
21 G-o-l-d-e-r, representing the Department of Florida
22 Veterans of Foreign Wars.

23 So I just wanted to piggyback on what Jon had
24 spoken about. So we've spent at least the last
25 five years in Department of Florida VFW seeking

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1 clarity and clarification. Done that through the
2 legislature, as well as meeting governing bodies.

3 Again, with the introduction of some of the
4 language that's in the attestation, it seems as
5 though it starts to -- instead of -- the intent may
6 have been to clarify, but it confuses what matters
7 for us, and speaking precisely on the bingo portion
8 of the attestation. So the new language, at least
9 on the DR that I saw, was that it excluded bingo.

10 So for us, we're merely trying to be the good
11 actors, not the bad actors. And so we have
12 routinely -- each post varies because it varies in
13 the amusement machines that we utilize inside the
14 post, but everything from -- as Jon had said, from
15 a jukebox to a pull-tab dispenser, we have utilized
16 that DR and paid our -- excuse me, I think it's
17 \$30, maybe \$35 per machine, which gets to be pretty
18 pricey for a lot of our posts with numerous
19 machines.

20 Now, if I understand the proposed language,
21 you're now removing that bingo dispensary, so --
22 because I have to sign an attestation that says it
23 does not include bingo. So now I'm not sending in
24 a renewal certification? It's a video game
25 simulating bingo --

1 MR. HEVEY: Okay.

2 MR. GOLDER: -- not a --

3 MR. HEVEY: And, forgive me, I am not an
4 expert in bingo. I do know that it's heavily
5 regulated, but I believe you're an organization
6 that's authorized by law to conduct bingo games.

7 MR. GOLDER: Correct.

8 MR. HEVEY: So I think what would come in here
9 is if you had video games that were somehow bingo,
10 if such a thing exists, which I'm sure it does. So
11 I don't know if it -- but this may be part of the
12 confusion that we're speaking to.

13 MR. GOLDER: Yes, that's exactly my point. So
14 we're trying to do the right thing. So now with
15 the introduction of this language, we're confused
16 because the penalty outside of the felony is
17 \$1,500, I believe, that if I don't have a
18 certification and someone walks in the door and
19 says, "You're utilizing that machine. It's \$1,500
20 fine for each machine." So --

21 MR. HEVEY: I do not --

22 MR. GOLDER: -- I don't know whether or not I
23 need to do a certification on these. If not, then
24 does the agency propose a different certification?
25 We're just trying to do the right thing, and so we

1 want this clarity to these clauses that you're
2 introducing.

3 MR. HEVEY: As long as you don't have video
4 games, amusement machines, coin-operated amusement
5 machines, legal ones, I don't see why you would be
6 completing the DRs.

7 MR. GOLDER: So I guess my question is why the
8 introduction of anything to do with bingo in this
9 attestation?

10 MR. HEVEY: It's just within the definition of
11 games -- video games that are not considered to be
12 coin-operated amusement machines.

13 MR. GOLDER: According to statute?

14 MR. HEVEY: Yeah. Yes, sir. I believe within
15 Chapter 849 or 546.

16 MR. GOLDER: Okay. I would just need
17 clarification on -- because the actual bingo
18 Florida Statute --

19 MR. HEVEY: Yeah, it's within 546.10, Subparen
20 3. That's basically where that list came from
21 that's included in the proposed attestation.

22 MR. GOLDER: Okay. So if I understand you
23 correct, so a video-based pull-tab dispensary is
24 not considered under this (inaudible) or is?

25 MR. HEVEY: An amusement machine that uses

1 pull-tabs -- so a machine, a mechanical machine,
2 amusement machine, that simulates some type of
3 pull-tab -- which I apologize, I don't even know
4 what that is.

5 MR. GOLDER: I do.

6 MR. HEVEY: Okay. So it would have to be a
7 machine, I guess, that -- but, again, you might be
8 because you fall under certain -- "you" being your
9 organization -- falls under statutes that
10 authorizes bingo, I'm not sure if the pull-tab
11 issue is something -- do you currently have
12 pull-tab machines that are authorized by law?

13 MR. GOLDER: We currently have pull-tab
14 machines in there. We have them certified every
15 year. We pay that expense. The question to you
16 now is, does it come next June? Do I need to put a
17 -- do I need to certify those machines or not
18 certify those machines?

19 MR. STRAMSKI: If you currently certify them
20 as legal, coin-operated amusement machines, you
21 should continue to do so, if that is, in fact, what
22 they are.

23 MR. GOLDER: Okay. I would just submit to you
24 that clarification needed to be done in the
25 attestation.

1 MR. HEVEY: Okay. Understood. And I
2 appreciate it.

3 MR. HEVEY: That concludes the presentation of
4 the amendments to the subject forms used to
5 administer the registration of coin-operated
6 amusement machines incorporated within Rule
7 12A-1.097.

8 If anyone would like to submit written
9 comments, please do so by 5:00 p.m., Eastern
10 Standard Time, on Tuesday, July the 14th. Comments
11 may be submitted via
12 rulecomments@floridarevenue.com. As a reminder,
13 the written comments received become public record.

14 On behalf of the department, I want to thank
15 each of you for your participation in this hearing
16 and sharing your comments with us. Your
17 participation is very helpful during the rule
18 promulgation process.

19 This concludes our rule hearing.

20 (End of proceedings.)
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CERTIFICATE OF REPORTER

I, MARION KITTRELL, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 3 through 22, is a true and correct record of my stenographic notes.

Dated this 13th day of July 2026 at Tallahassee, Leon County, Florida.

Marion Kittrell

MARION KITTRELL

Court Reporter

Commission No.: HH 709364

Expiration date: August 12, 2029

	8	apologize [1] 21/3
MR. GOLDER: [12] 17/19 19/1 19/6 19/12 19/21 20/6 20/12 20/15 20/21 21/4 21/12 21/22	8,500 [1] 9/23	applicant [1] 6/7
MR. HEVEY: [32]	849 [5] 6/5 6/12 7/24 16/9 20/15	Application [4] 5/21 5/22 5/25 6/1
MR. STRAMSKI: [4] 3/15 10/10 17/12 21/18	849.161 [1] 14/24	applications [1] 8/1
MR. ZACHEM: [17] 7/6 8/2 8/22 9/20 10/13 12/1 14/6 14/13 15/1 15/5 15/23 16/20 17/1 17/5 17/8 17/11 17/16	9	applies [1] 14/16
MS. ZIMMER: [2] 6/21 7/3	92-525 [2] 10/20 12/11	appreciate [1] 22/2
UNIDENTIFIED SPEAKER: [2] 7/2 17/14	A	appreciated [1] 16/22
\$	A-l-a-n-a [1] 7/4	appropriate [1] 16/4
\$1,500 [2] 19/17 19/19	a.m [2] 1/7 1/7	are [33]
\$10 [4] 9/7 9/18 10/3 11/12	able [1] 10/18	areas [1] 8/4
\$200,000 [2] 9/9 9/22	about [6] 7/10 10/18 10/24 11/4 11/23 17/24	around [5] 7/6 7/17 9/14 9/22 10/2
\$30 [2] 14/11 18/17	accidental [1] 5/3	as [34]
\$35 [1] 18/17	According [1] 20/13	ask [3] 4/19 4/24 6/19
1	account [1] 9/23	asking [1] 4/18
1.097 [5] 3/9 3/12 5/17 6/18 22/7	accurate [1] 9/7	assistance [1] 3/4
10 [1] 7/17	accused [1] 15/21	association [2] 7/9 15/13
10,900 [1] 10/2	acknowledgment [3] 6/7 8/19 14/11	assume [1] 16/24
10:00 [1] 1/7	actors [3] 12/24 18/11 18/11	assuming [2] 14/2 14/3
10:24 [1] 1/7	actual [1] 20/17	attempt [1] 16/13
114 [1] 3/15	actually [4] 8/7 10/6 12/11 16/10	attending [3] 4/11 4/12 5/14
12 [1] 23/16	add [2] 11/19 14/15	attention [1] 8/5
120.54 [1] 3/7	added [2] 9/20 11/13	attestation [17] 6/6 8/20 9/2 9/5 10/15 12/10 13/14 13/20 15/10 16/7 16/10 18/4 18/8 18/22 20/9 20/21 21/25
121 [1] 1/14	adding [4] 13/14 15/9 15/13 15/14	attestations [1] 8/16
12A-1 [1] 3/25	additional [6] 8/19 11/13 11/25 14/15 15/15 16/15	attorney [1] 3/17
12A-1.097 [5] 3/9 3/12 5/17 6/18 22/7	administer [2] 5/19 22/5	audit [1] 14/1
12th [1] 3/13	administered [1] 10/23	auditor [1] 14/2
1334 [1] 1/14	ADMINISTRATION [1] 1/1	August [1] 23/16
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