

SB 710 by **Bogdanoff**; (Identical to H 0487) Gaming

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SB 712 by **Bogdanoff**; (Identical to H 0489) Destination Resort Trust Fund/Department of Gaming Control**SB 714** by **Bogdanoff**; (Identical to H 0491) Public Records/State Gaming Commission

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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES

Senator Jones, Chair

Senator Sachs, Vice Chair

MEETING DATE: Monday, January 9, 2012

TIME: 3:15 —5:15 p.m.

PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Jones, Chair; Senator Sachs, Vice Chair; Senators Altman, Bogdanoff, Braynon, Dean, Diaz de la Portilla, Rich, Siplin, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 710 Bogdanoff (Identical H 487, Compare H 489, H 491, Link S 712, S 714)	Gaming; Deleting the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation; establishing the Department of Gaming Control; designating the State Gaming Commission as head of the department; authorizing the department to contract with the Department of Law Enforcement for certain purposes; directing the department to contract with the Department of Revenue for tax collection and financial audit services; providing for the Commission on Ethics to investigate complaints, report to the Governor, and enforce assessed penalties; requiring the Commission on Ethics to provide notice to a person alleged to have participated in an ex parte communication and allow that person to present a defense; providing for applications for a destination resort license; specifying conditions for the conduct of limited gaming by a resort licensee, etc. RI 01/09/2012 Fav/CS BC RC	Fav/CS Yeas 7 Nays 3
2	SB 712 Bogdanoff (Identical H 489, Compare H 487, Link S 710)	Destination Resort Trust Fund/Department of Gaming Control; Creating the Destination Resort Trust Fund within the Department of Gaming Control; providing for the purpose of the trust fund; providing for future review and termination or re-creation of the trust fund, etc. RI 01/09/2012 Favorable BC RC	Favorable Yeas 7 Nays 2

COMMITTEE MEETING EXPANDED AGENDA

Regulated Industries

Monday, January 9, 2012, 3:15 —5:15 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 714 Bogdanoff (Identical H 491, Compare H 487, Link S 710)	Public Records/State Gaming Commission; Providing an exemption from public records requirements for confidential and proprietary business information and trade secrets received by the State Gaming Commission; providing an exemption from public records requirements for information held that would reveal investigation techniques and procedures used by the State Gaming Commission; providing an exception to the exemption for other governmental entities having oversight or regulatory or law enforcement authority; providing penalties for an employee of the commission who violates the provisions of the act; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity, etc. RI 01/09/2012 Fav/CS GO RC	Fav/CS Yeas 7 Nays 2

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Regulated Industries Committee

BILL: SB 710

INTRODUCER: Senator Bogdanoff

SUBJECT: Gaming

DATE: January 5, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harrington	Imhof	RI	Pre-meeting
2.			BC	
3.			RC	
4.				
5.				
6.				

I. Summary:

The bill creates the Department of Gaming Control (department) and the State Gaming Commission (commission). The commission serves as the head of the department. The commission consists of seven full-time members appointed by the Governor from a pool of nominees selected by a nominating committee. Commission members serve four year terms. The headquarters of the commission will be located in the district, which is defined as any county that has passed a slot machine or limited gaming referendum.

The bill transfers the Division of Pari-mutuel Wagering from the Department of Business and Professional Regulation to the department by a type two transfer. The bill provides that the department is the state compliance agency having oversight responsibilities under the Seminole Indian Compact. In addition, the bill provides that the department has oversight over pari-mutuel cardrooms, slot machine gaming, game promotions, and resort gaming.

The bill establishes time frames for initial meetings, commission meetings, and for the issuance and award of destination resort licenses. The commission may authorize up to three resort licenses, which may offer limited gaming in a limited part of the resort facility.

The bill establishes criteria for the award of destination resort licenses, requirements for continuing licensure, and pre-empts regulation of destination resorts to the state. Each licensee must invest a minimum of \$2 billion in the development and construction of the resort. No more than 10 percent of the resort's square footage may be used for gaming. Applicants for resort licensees must pay a \$1 million application fee for background investigations plus a one-time fee of \$50 million dollars. Thereafter, licensees must pay an annual license fee of \$2 million. Resort

licensees must pay a 10 percent gross receipts tax on gaming revenues. In addition, resort licensees must pay \$250,000 per year for compulsive gambling programming.

The bill provides that each resort licensee must maintain a surety bond in an amount determined by the commission that must be set at the total amount of estimated license fees and taxes to become due for the resort.

The bill provides that persons 21 years of age or older may lawfully participate in gaming at destination resorts. Gaming may be conducted 24 hours per day, 365 days per year. Resort licenses may also pay \$50,000 annually for a quota liquor license and may serve alcohol 24 hours per day.

The bill requires both suppliers' licenses and occupational licenses. The bill also creates s. 849.48, F.S., which requires each person, firm, association, partnership, or corporate entity that seeks to operate a gambling business or to allow gambling to occur on its premises to obtain a license from the department.

The bill corrects cross references in chs. 550 and 551, F.S., to reflect the new department. In addition, the bill amends the definition of "eligible facility" for slot machine licensees to include any facility located in a county as defined by s. 125.011, F.S., provided that the facility has conducted two calendar years of live racing *or games* for two calendar years immediately preceding its application for a slot machine license.

The bill provides that except as otherwise provided, the effective date of the act is July 1, 2012.

This bill substantially amends the following sections of the Florida Statutes: 20.165, 120.80, 561.20, 849.15, 849.231, 849.25, 551.102, 285.710, 550.002, 550.0251, 550.09514, 550.135, 550.24055, 550.2415, 550.2625, 550.2704, 550.902, 550.907, 551.101, 551.103, 551.104, 551.106, 551.107, 551.108, 551.109, 551.111, 551.112, 551.117, 551.119, 551.122, 551.123, 565.02, 817.37, 849.086, and 849.094.

The bill creates the following sections of the Florida Statutes: 20.318, 551.002, 551.003, 551.004, 551.006, 551.007, 551.008, 551.009, 551.011, 551.012, 551.301, 551.302, 551.304, 551.305, 551.306, 551.307, 551.308, 551.309, 551.310, 551.311, 551.312, 551.313, 551.314, 551.315, 551.316, 551.318, 551.319, 551.321, 551.322, 551.323, 551.325, 551.327, 551.328, 551.330, 551.331, and 849.48.

II. Present Situation:

Overview of Florida Gaming Laws and Regulations

In general, gambling is illegal in Florida.¹ Chapter 849, F.S., governs the conduct of gambling in Florida. Section 849.15, F.S., prohibits the manufacture, sale, lease, play, or possession of slot machines.² Section 849.15(2), F.S., provides an exemption to the transportation of slot machines for the facilities that are authorized to conduct slot machine gaming under ch. 551, F.S. Florida's

¹ Section 849.08, F.S.

² Section 849.16, F.S., defines slot machines for purposes of ch. 849, F.S.

gambling prohibition includes prohibitions against keeping a gambling house³ and running a lottery.⁴ Section 7, Art. X, of the Florida Constitution, prohibits lotteries, other than pari-mutuel pools authorized by law on the effective date of the Florida Constitution, from being conducted in Florida by private citizens.⁵

Gambling is permitted at licensed pari-mutuel wagering tracks and frontons,⁶ by the state operated lottery,⁷ which must operate “so as to maximize revenues in a manner consistent with the dignity of the state and the welfare of its citizens,”⁸ and by the Seminole Indian tribe.

Chapter 849, F.S., contains other specific exceptions to the general gambling prohibition and authorizes certain gambling activities, such as cardrooms at pari-mutuel facilities,⁹ bingo,¹⁰ penny-ante poker,¹¹ arcade amusement games,¹² amusement games and machines,¹³ and game promotions.¹⁴ In Florida, if the gaming activity is not expressly authorized, then the gambling is illegal. Free-standing, commercial casinos are not authorized in Florida.

Pari-mutuel wagering and Cardrooms

The pari-mutuel industry in Florida is made up of greyhound racing, three different types of horseracing, and jai alai.¹⁵ The regulation of the pari-mutuel industry is governed by ch. 550, F.S., and is administered by the Division of Pari-Mutuel Wagering (division) within the Department of Business and Professional Regulation (DBPR). Chapter 550, F.S., provides specific licensing requirements, taxation provisions, and regulations for the conduct of the industry.

Pari-mutuel facilities within the state are allowed to operate poker card rooms under s. 849.086, F.S. No-limit poker games are permitted.¹⁶ The cardrooms may operate 18 hours per day on Monday through Friday and for 24 hours per day on Saturday and Sunday. Authorized games and cardrooms do not constitute casino gaming operations. Instead, such games are played in a non-banking matter, i.e., the house¹⁷ has no stake in the outcome of the game. Such activity is regulated by the DBPR and must be approved by an ordinance of the county commission where

³ Section 849.01, F.S.

⁴ Section 849.09, F.S.

⁵ The pari-mutuel pools that were authorized by law on the effective date of the Florida Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.

⁶ See ch. 550, F.S., for the regulation of pari-mutuel activities.

⁷ The Department of the Lottery is authorized by Art. X, s. 15, Florida Constitution. Chapter 24, F.S., was enacted by ch. 87-65, L.O.F., to establish the state lottery. Section 24.102, F.S., provides the legislative purpose and intent in regard to the lottery.

⁸ See s. 24.104, F.S.

⁹ Section 849.086, F.S. Section 849.086(2)(c), F.S., defines “cardroom” to mean a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charges a fee for participation by the operator of such facility.

¹⁰ Section 849.0931, F.S.

¹¹ Section 849.085, F.S.

¹² Section 849.161(1)(a), F.S.

¹³ Section 849.161(1)(b), F.S.

¹⁴ Section 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

¹⁵ “Jai alai” or “pelota” means a ball game of Spanish origin played on a court with three walls. See s. 550.002(18), F.S.

¹⁶ Section 849.086(8)(b), F.S. Prior to the effective date of ch. 2010-29, L.O.F., the maximum bet was \$5.

¹⁷ Section 849.086(2)(j), F.S., defines “house” as “the cardroom operator and all employees of the cardroom operator.”

the pari-mutuel facility is located. Each cardroom operator must pay a tax of 10 percent of the cardroom operation's monthly gross receipts.¹⁸

Slot Machine Gaming at Pari-mutuel Facilities

Slot machine¹⁹ gaming at licensed pari-mutuels is governed by ch. 551, F.S. Pari-mutuel facilities that operate slot machine gaming are generally known as "racinos." During the 2004 General Election, the electors approved Amendment 4 to the state constitution, codified as Art. X, s. 23, Florida Constitution, which authorized slot machines at existing pari-mutuel facilities in Miami-Dade and Broward counties upon an affirmative vote of the electors in those counties. In addition to the slot machines authorized under the Florida Constitution, Class III slot machines are also permitted in a charter county or a county that has a referendum approving slots that was approved by law or the Constitution, provided that such facility has conducted live racing for two calendar years preceding its application and complies with other requirements for slot machine licensure.²⁰ Currently, only existing pari-mutuel facilities in Miami-Dade County qualify for slot machine authorization. There are five pari-mutuels in those counties conducting slot machine gaming.

Slot machine licensees are required to pay a license fee of \$2 million per fiscal year.²¹ In addition to the license fees, the tax rate on slot machine revenues at each facility is 35 percent.²² If, during 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 must 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 that resulted in the revenue shortfall.²³

Seminole Indian Compact

On April 7, 2010, the Governor and the Seminole Tribe of Florida (Tribe) executed a tribal-state compact under the Indian Gaming Regulatory Act of 1988²⁴ that authorizes the Tribe to conduct Class III gaming²⁵ at seven tribal facilities throughout the state. The compact was subsequently ratified by the Legislature.²⁶

¹⁸ Section 849.086(13)(a), F.S.

¹⁹ Section 551.102(8), F.S., defines "slot machine" as the term is used in ch. 551, F.S., for the regulation of slot machine gaming at the qualifying Miami-Dade and Broward county pari-mutuels.

²⁰ Section 551.102(4), F.S.

²¹ Chapter 551.106(1), F.S. Prior to the effective date of 2010-29, L.O.F., the license fee was \$3 million.

²² Chapter 551.106(1), F.S. Prior to the effective date of 2010-29, L.O.F., the tax rate was 50 percent.

²³ Chapter 551.106(2), F.S. The 2008-2009 tax paid on slot machine revenue was \$103,895,349. It does not appear that this provision will be triggered because of the additional facilities beginning slot operations. Calder Racetrack began slot operations in January 2010 and Flagler Greyhound Track began operations in October 2009. Miami Jai Alai and Dania Jai Alai have not begun slot operations.

²⁴ The Indian Gaming Regulatory Act of 1988 or "IGRA," Pub. L. 100-497, 102 Stat. 2467, codified at 18 U.S.C. ss. 1166-1168 and 25 U.S.C. s. 2701 et seq.

²⁵ The Indian Gaming Regulatory Act of 1988 divides gaming into three classes:

- "Class I gaming" means social games for minimal value or traditional forms of Indian gaming engaged in by individuals for tribal ceremonies or celebrations.
- "Class II gaming" includes bingo and pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo. Class II gaming may also include certain non-banked card games if permitted by state law or not explicitly

The compact has a 20-year term. It permits the Tribe to offer slot machines, raffles and drawings, and any other new game authorized for any person for any purpose, at all seven of its tribal casinos.²⁷

The compact permits the Tribe to conduct banked card games, including blackjack, chemin de fer, and baccarat, but the play of the banked card games is not allowed at the casinos at the Brighton or Big Cypress facilities. If these banked games are authorized for any other person for any other purpose, except if banked card games are authorized by a compact with the Miccosukee Indians, the Tribe would be authorized to offer banked cards at all seven of its facilities. The authority for banked card games terminates at the end of 5 years unless affirmatively extended by the Legislature or the Legislature authorizes any other person to offer banked card games.

In exchange for the Tribe's exclusive right to conduct slot machine gaming outside of Miami-Dade and Broward counties and the exclusive right to offer banked card games at the specified facilities (these grants of authority are known as the "exclusivity provision"), the compact provides for revenue sharing payments by the Tribe to the state as follows:

- During the initial period (first 24 months), the Tribe is required to pay \$12.5 million per month (\$150 million per year);
- After the initial period, the Tribe's guaranteed minimum revenue sharing payment is \$233 million for year 3, \$233 million for year 4, and \$234 million for year 5;
- After the initial period, the Tribe pays the greater of the guaranteed minimum or payments based on a variable percentage of annual net win²⁸ that range from 12 percent of net win up to \$2 billion, to 25 percent of the amount of any net win greater than \$4.5 billion;
- After the first 5 years, the Tribe will continue to make payments to the state based on the percentage of net win without a guaranteed minimum payment; and
- If the Legislature does not extend the authorization for banked card games after the first 5 years, the net win calculations would exclude the net win from the Tribe's facilities in Broward County.

prohibited by the laws of the state but the card games must be played in conformity with the laws of the state. A tribe may conduct Class II gaming if:

- the state in which the tribe is located permits such gaming for any purpose by any person, organization or entity; and
- the governing body of the tribe adopts a gaming ordinance which is approved by the Chairman of the National Indian Gaming Commission.
- "Class III gaming" includes all forms of gaming that are not Class I or Class II, such as house-banked card games, casino games such as craps and roulette, electronic or electromechanical facsimiles of games of chance, slot machines, and pari-mutuel wagering.

²⁶ Chapter 2010-29, L.O.F.

²⁷ *Gaming Compact Between the Seminole Tribe of Florida and the State of Florida*, approved by the U.S. Department of the Interior effective July 6, 2010, 75 Fed. Reg. 38833. (hereinafter *Gaming Compact*) The Tribe has three gaming facilities located in Broward County (The Seminole Indian Casinos at Coconut Creek and Hollywood, and the Seminole Hard Rock Hotel & Casino-Hollywood), and gaming facilities in Collier County (Seminole Indian Casino-Immokalee), Glades County (Seminole Indian Casino-Brighton), Hendry County (Seminole Indian Casino-Big Cypress), and Hillsborough County (Seminole Hard Rock Hotel & Casino-Tampa).

²⁸ The compact defines "net win" as "the total receipts from the play of all Covered Games less all prize payouts and free play or promotional credits issued by the Tribe."

The compact is currently in the second year of the initial period.

The compact provides for the expansion of gaming in Miami-Dade and Broward counties under the following limited circumstances:

- If new forms of Class III gaming and casino-style gaming are authorized for the eight licensed pari-mutuels located in Miami-Dade and Broward counties and if the net win from the Tribe's Broward facilities drops for the year after the new gaming begins, then the Tribe may reduce the payments from its Broward facilities by 50 percent of the amount of the reduction in net win.
- If new forms of Class III gaming and other casino-style gaming are authorized for other locations in Miami-Dade and Broward counties, then the Tribe may exclude the net win from their Broward facilities from their net win calculations when the new games begin to be played.
- If new games are authorized at any location in Miami-Dade and Broward counties within the first 5 years of the Compact, the guaranteed minimum payment would no longer apply to the Tribe's revenue sharing payments and the \$1 billion guarantee would not be in effect. The Tribes payments would be based on the applicable percentage of net win.

Revenue sharing payments cease if:

- The state authorizes new forms of Class III gaming or other casino-style gaming after February 1, 2010, or authorizes Class III gaming or other casino-style gaming at any location outside of Miami-Dade and Broward counties that was not authorized for such games before February 1, 2010; and
- The new gaming begins to be offered for private or public use.

Game Promotions

Game promotions are regulated under s. 849.094, F.S.²⁹ In 1971, the Legislature enacted s. 849.094, F.S., which provides for game promotions in connection with the sale of consumer products.³⁰ Section 849.094(1)(a), F.S., defines "game promotion" as:

a contest, game of chance, or gift enterprise, conducted within or throughout the state or other states in connection with the sale of consumer products or services, and in which the elements of chance and prize are present. However, "game promotion" shall not be construed to apply to bingo games conducted pursuant to s. 849.0931.

This provision is intended to allow companies to promote their products or services with a promotion. A game promoter, or "operator," is defined as "any person, firm, corporation, or association or agent or employee thereof who promotes, operates, or conducts a game promotion, except any charitable nonprofit organization."³¹

²⁹ Section 849.094, F.S., does not explicitly authorize game promotions but instead defines the term "game promotion" and provides requirements for the conduct of certain game promotions. See *Beasley Broadcasting, Inc. v. Department of State, Division of Licensing*, 693 So.2d 668 (Fla. 2d DCA 1997).

³⁰ See ss. 1-9, ch. 71-304, L.O.F.

³¹ Section 849.094(1)(b), F.S.

The law prohibits operators from manipulating their game promotion so that all or part of the winning game pieces are allocated to certain franchisees, agents, or lessees, or to certain geographic areas of the state. Operators may not:³²

- Arbitrarily remove, disqualify, disallow, or reject any entry;
- Fail to award the prizes advertised;
- Publish false or misleading advertising about the game promotion;
- Require an entry fee, payment, or proof of purchase as a condition of entering the game promotion; or
- Force a lessee, agent, or franchisee to participate in a game promotion.

There is no license required to conduct a game promotion and game promotion proceeds are not taxed. Instead, operators of a game promotion with an announced total prize value of greater than \$5,000 must register the game promotion with the Department of Agriculture and Consumer Services (DACS).³³

Economic Impact of Casino-Oriented Destination Resorts

According to Senate Regulated Industries Committee Interim Report: *Review Expansion of Casino Gaming in Other States*, October 2010:

The Las Vegas Strip emerged in the 1940s. Over thirty years later, casino gaming was legalized in Atlantic City, New Jersey. The landscape of casino gaming has changed drastically within the last decade. Excluding casinos operated by the Indian tribes and racinos, 13 states had operational casinos in 2010. As a result, gaming is no longer limited to Las Vegas and Atlantic City. Now persons who want to visit a casino can find one in Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Pennsylvania, and South Dakota. In 2009, Ohio authorized four casinos. A citizen initiative is on the November 2010 ballot in Maine to authorize casino gaming. Maryland approved casino gaming in 2008.³⁴ New York, Massachusetts, Rhode Island, and Texas are also considering authorizing casinos.

Within the past year, additional states have authorized casino gaming within their boundaries, including Maine and Massachusetts. Reports have also indicated that both Rhode Island and Kentucky may include a ballot question concerning the authorization of casino gaming on the 2012 ballot.³⁵

In the most recent numbers available, the American Gaming Association's *2011 State of the States Report*³⁶ indicated that the commercial casino industry employed more than 340,000 people earning more than \$13 billion in total wages in 2010. The report also described casinos as

³² Sections 849.094(2) and (7), F.S.

³³ Section 849.094(3), F.S.

³⁴ Maryland is not included in this report as one of the 13 states with full commercial casinos because Maryland law authorizes only slot machine gaming at four facilities state-wide and not full casino gaming. Maryland's first slot machine casino opened on September 28, 2010.

³⁵ See, <http://www.courier-journal.com/article/20111213/NEWS01/312130071/Gov-Steve-Beshear-says-he-ll-propose-amendment-expand-gambling> (Last visited December 19, 2011).

³⁶ A copy of the report can be viewed at: <http://www.americangaming.org/files/aga/uploads/docs/sos/aga-sos-2011.pdf>

significant contributors to the nation's economy, with gross gaming revenues totaling more than \$34 billion in 2010.

Executive Branch Structure

Article IV of the Florida Constitution, limits executive departments to 25 in number, excluding those authorized or created in that document. There are five constitutionally created or authorized departmental entities: State Board of Administration; Department of Veterans' Affairs; Florida Fish & Wildlife Conservation Commission; Department of Elderly Affairs; Board of Governors; and the Parole Commission.

There are 21 departments authorized by statute: Department of State; Department of Legal Affairs; Department of Financial Services; Department of Agriculture and Consumer Services; Department of Education; Department of Business and Professional Regulation, Department of Economic Opportunity; Department of Children & Family Services; Florida Department of Law Enforcement; Department of Revenue; Department of Management Services; Department of Transportation; Department of Highway Safety and Motor Vehicles; Department of Environmental Protection; Department of Military Affairs; Department of Citrus; Department of Corrections; Department of Juvenile Justice; Department of the Lottery; Agency for Health Care Administration; and the Department of Health.

The Executive Office of the Governor may also be considered the functional equivalent of a department.

In summary, there appears to be 22 state entities that are executive departments, so Florida has three available slots for any new agencies the Legislature may in the future consider creating.

III. Effect of Proposed Changes:

Senate Bill 710 creates the Department of Gaming Control (department). The department is responsible for oversight of all gaming in the state, including pari-mutuel wagering. In addition, the head of the department, the State Gaming Commission, may issue three destination resort licenses with limited gaming facilities in Florida.

Section 1: Amends s. 20.165, F.S., to delete the Division of Pari-mutuel Wagering from the Department of Business and Professional Regulation.

Section 2: Creates the Department of Gaming Control (department) and the State Gaming Commission (commission). The bill provides that the commission shall serve as agency head for the department. The commission shall be responsible for appointing and removing the department's executive director and general counsel.

This section creates the following three divisions within the department: the division of licensing, the division of revenue and audits, and the division of enforcement. The department is required to submit an annual budget to the Legislature and adopt rules to administer the laws under its authority. In addition, this section specifies the general powers and duties of the department, including the authority to adopt rules to implement its statutory duties. It authorizes

the commission to issue subpoenas and to exclude persons from gaming establishments within its jurisdiction.

This section provides that the department may employ sworn law enforcement officers. This section provides that the department must contract with the Department of Revenue to perform the tax collecting and financial auditing services required by entities licensed by the department. The department must also work with the Department of Revenue to ensure that licensees are in compliance with child support laws concerning support orders, subpoenas, orders to show cause, or written agreements with the Department of Revenue. When directed by the court or the Department of Revenue, the department must deny or suspend any license when the applicant is not in compliance with child support orders. In addition, this section provides that the department must close licenses after two years of providing notice of any deficiency to the applicant and must approve licenses that meet all statutory and rule requirements for licensure.

Section 3: Amends s. 120.80, F.S., deleting the exemption for hearing and notice requirements that applied to the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation. The section creates the same exemptions for the activities of the Department of Gaming Control.

This section amends s. 120.80, F.S., to exempt the commission from certain provisions of the Florida Administrative Procedures Act, in ch. 120, F.S., specifically:

- The notice and hearing requirements of ss. 120.569 and 120.57(1)(a), F.S., for proceedings related to the issuance, denial, renewal, or amendment of a destination resort license;
- The process and deadlines in s. 120.60, F.S., for granting licenses does not apply to applications for a destination resort license; and
- The process for petitioning for, or granting a waiver or variance, pursuant to s. 120.542, F.S.

Section 4: Divides ch. 551, F.S., into three parts. Part I of ch. 551, F.S., shall be entitled “State Gaming Commission,” part II of ch. 551, F.S., shall be entitled “Slot Machines,” and part III of ch. 551, F.S., shall be entitled “Destination Resorts.”

Section 5: Creates definitions for terms used in this part, including the terms commission, chair, conflict of interest, and financial interest. It defines financial interest to include owning an interest in any class of outstanding securities issued to a party to a matter under consideration by the department or commission. However, a financial interest would not include owning an indirect interest such as a mutual or stock portfolio. A financial interest also includes employment by, or being an independent contractor for a party to a matter under consideration by the department or commission.

Section 6: Creates the State Gaming Commission and specifies its governance. The commission will consist of seven full-time members appointed by the Governor and shall receive a compensation of \$125,000 per year. The chair shall be compensated at \$135,000 per year. To create staggered terms, four of the initial appointees shall serve 4-year terms and the other three appointees shall serve 2-year terms; thereafter, all appointees shall serve 4-year terms. Terms expire on June 30 of the applicable year. Any commissioner whose term has expired shall

continue serving until a replacement is appointed. Vacancies are filled in the same manner as initial appointments.

The bill specifies that the commissioners must be Florida residents and experienced in corporate finance, tourism, convention and resort management, gaming, investigation or law enforcement, business law, or related legal experience, except that:

- One member of the commission must be a Florida-licensed certified public accountant with at least 5 years of experience in general accounting; and
- One member must have experience in the fields of investigation or law enforcement.

A quorum consists of 4 members.

The bill prohibits the appointment to the commission of:

- Elected officials;
- Persons with a direct or indirect financial interest in applicants for a resort license or resort licensees;
- Persons who are related within the “second degree of consanguinity”³⁷ or affinity to any person licensed by the commission; and
- Persons who have been indicted for, convicted of, pled guilty or nolo contendere to, or forfeited bail for any felony or misdemeanor crime involving gambling or fraud, in any of the 50 states, within the 10 years preceding their appointment.

The Governor will appoint one member of the commission to serve as the chair. The chair will be the administrative head of the commission and would be responsible for setting the agenda for commission meetings and approving all notices, vouchers, subpoenas, and reports required by the act. The bill also provides for a vice chair to be elected by his or her fellow members during the commission’s first meeting.

Other governance issues include:

- The commission headquarters will be in the district. However, as defined in s. 551.302(6), F.S., which defines a district to mean any county that has authorized slot machines or limited gaming by a county-wide referendum, the term, district, may include multiple counties;
- The initial meeting of the commission must be held within thirty days of the effective date of this section;
- The commission must meet at least once monthly;
- The chair or 4 commissioners can call a meeting upon 72 hours’ notice; and
- The commission sits as the agency head for purposes of ch. 120, F.S., except that the commission’s executive director is the agency head for purposes of final agency action under ch. 120, F.S., for all regulatory issues delegated to the executive director.

Section 7: Creates the State Gaming Commission Nominating Committee consisting of three members from the Senate and three members from the House of Representatives. One member from each house must be a member of the minority party. Initial appointments to the committee

³⁷ Legally defined as relatives two degrees removed, such as great aunts, great uncles, and second cousins. *See, In re Gonzalez*, 2000 WL 492102 (Fla. Cir. Ct. 2000).

must be made within 10 days of the effective date of this section. Members serve two-year terms that run concurrent with the membership of the House of Representatives. Members serve at the pleasure of the presiding officer who appointed that member. The chair of the committee shall be appointed by the President of the Senate in even numbered years and by the Speaker of the House in odd numbered years.

A majority of the members are necessary to conduct any business of the committee. The proceedings and meetings will be staffed by the Office of Legislative Services. The committee may spend up to \$10,000 to advertise a vacancy on the commission. Applicants for vacancies on the commission may receive per diem to travel and appear before the committee.

The committee is responsible for selecting and nominating at least three candidates for every vacant position on the commission for the Governor's approval and appointment. The committee must provide a list of candidates to the Governor within 60 days of the effective date of this section. The Governor must make his selection within 60 days from the date he receives the list of candidates. Appointments by the Governor shall be subject to Senate confirmation.

In addition to advertising vacancies on the commission and nominating candidates for the positions, the committee may advertise and collect applications for the initial executive director position with the commission and provide those to the commission once it has formed.

This section is effective upon becoming law.

Section 8: Authorizes the commission to appoint and remove a full-time executive director, who will perform all the duties assigned by the commission, and to employ staff and consultants as necessary.

This section also specifies the types of people who may not be hired, depending on their previous 3 years work history, including persons with a controlling interest in an applicant, licensee, or tribal facility, and persons whose spouse, parent, child, or child's spouse or sibling is a member of the commission, a director of, or a person financially interested in, an applicant or licensee.

Section 9: Authorizes the commission to employ sworn law enforcement officers who have arrest authority pursuant to s. 901.15, F.S., who must have the qualifications for law enforcement officers under s. 943.13, F.S., have full law enforcement powers, and who must be certified under s. 943.1395, F.S. The department may, by interagency agreement, employ the Department of Law Enforcement to enforce any criminal law, conduct any criminal investigation, or enforce any statute within the jurisdiction of the department or commission.

Section 10: Provides that the commission must adopt a comprehensive code of ethics for its members and staff. Generally, the code of ethics would prohibit commissioners, the executive director, and employees from having a direct or indirect financial interest in the entities they will regulate. It would also prohibit engaging in political activity, including using one's official position to influence the result of an election. Also, employees or agents of the commission would be prohibited from engaging in outside employment related to the activities or persons regulated by the commission until three years after leaving employment or membership on the commission.

Section 11: Provides that the commissioners, the executive director, and each managerial employee must file annual financial disclosures. The bill also specifies the circumstances in which commissioners and staff must immediately file disclosures, including matters related to criminal arrests, negotiations for an interest in a licensee or applicant, and negotiations for employment with a licensee or applicant. These persons are also prohibited from engaging in activities that may constitute a conflict of interest and from accepting gifts from licensees, applicants, or entities otherwise affiliated with licensees or applicants. These persons must report any attempted bribes.

Section 12: Prohibits commissioners, licensees, applicants, or any affiliate or representative of an applicant or licensee from engaging directly or indirectly in an *ex parte* communication with a member of the commission concerning a pending application, license, or enforcement action or concerning a matter that likely will be pending before the commission.

Any *ex parte* communication must immediately be reported in writing to the chair and placed on the record. Persons who make the *ex parte* communication must submit to the commission a written description of the communication which identifies the commissioner who received the communication. A commissioner who fails to disclose an *ex parte* communication within 15 days of the communication is subject to removal from office and a civil penalty not to exceed \$25,000.

Any such violation will be investigated by the Commission on Ethics.

Section 13: Provides that a violation of the act by a commissioner may result in disqualification or constitute cause for removal by the Governor. The Governor may impose other disciplinary action as determined by the commission. Violations by employees may result in termination of employment. If the violation involves an unintentional financial interest in a licensee or applicant, the person would not have violated the act if they divested their financial interest within 30 days after the interest was acquired.

Section 14: Provides that part III of ch. 551, F.S., may be cited as the “Destination Resort Act” or “Resort Act.”

Section 15: Provides 22 definitions for the Resort Act, including the following terms:

- “Destination resort” or “resort” means a freestanding, land-based structure in which limited gaming may be conducted. A destination resort is a mixed-use development consisting of a combination of various tourism amenities and facilities, including, but not limited to, hotels, villas, restaurants, limited gaming facilities, convention facilities, attractions, entertainment facilities, service centers, and shopping centers.
- “District” means a county in which a majority of the electors voting in a countywide referendum have approved the conduct of slot machine gaming as defined in s. 551.102, F.S., or a majority of the electors voting in a countywide referendum have passed a referendum allowing for limited gaming.
- “Gross receipts” means the total of cash or cash equivalents received or retained as winnings by a resort licensee and the compensation received for conducting any game in which the resort licensee is not party to a wager, less any cash taken in fraudulent acts

- perpetrated against the resort licensee for which the resort licensee is not reimbursed. The term does not include counterfeit money or tokens, foreign currency that cannot be converted into U.S. currency, promotional credits or “free plays,” or the amount of extended credit until collected from the customer.
- “Licensee” means, as the context requires, a resort licensee, supplier licensee, or occupational licensee.
 - “Limited gaming,” “game,” or “gaming,” as the context requires, means the games authorized under this part in a limited gaming facility, including, but not limited to, those commonly known as baccarat, twenty-one, poker, craps, slot machines, video gaming of chance, roulette wheels, Klondike tables, punch-board, faro layout, numbers ticket, push car, jar ticket, pull tab, or their common variants, or any other game of chance or wagering device that is authorized by the commission.

Section 16: Specifies the commission’s powers and duties. The commission will have jurisdiction over and shall supervise all limited gaming activity governed by this act, including the power to:

- Authorize limited gaming at three resorts;
- Conduct investigations as necessary to fulfill its responsibilities;
- Use an invitation to negotiate process for applicants based on minimum requirements established by this legislation;
- Investigate each applicant for a resort license and determine eligibility, among competing applicants, based on which ones best serve the interest of the residents of Florida based on the:
 - Potential for economic development presented by the applicant’s proposed investment in infrastructure, such as hotels and other nongaming entertainment facilities; and the
 - Applicant’s ability to maximize revenue for the state;
- Grant licenses;
- Establish and collect fees for conducting background checks on all applicants for licenses and persons who are contracted to perform services at the resorts;
- Issue subpoenas;
- Require a person to file a statement in writing and under oath in response to the commission’s investigation;
- Keep accurate and complete records of its proceedings;
- Apply to the courts for injunctive relief to enforce the act and any rules adopted by the commission;
- Establish field offices, as necessary; and
- Suspend or revoke the license of any person found to no longer be qualified. The commission also can deny, revoke, suspend, or place conditions on a licensee who violates any provision of the act, a rule adopted by the commission, or an order of the commission.

Additionally, the commission, the Florida Department of Law Enforcement (FDLE), and local law enforcement agencies have unrestricted access to inspect resort facilities and gaming devices at all times, and share concurrent authority to investigate criminal violations of this act and any other criminal activity that may be occurring at a resort.

Section 17: Authorizes the commission to adopt all rules necessary, including emergency rules, to implement, administer, and regulate limited gaming. The bill lists the specific areas in which the commission is authorized to adopt rules, including the types of games, the time and place for the gaming, and the structures where limited gaming is authorized. The commission also can establish procedures to scientifically test slot machines and other authorized gaming equipment. The commission can adopt any rule necessary to accomplish the purposes of the act.

Section 18: Provides that the regulation of gaming at destination resorts is pre-empted to the state, and no local government may enact any ordinance attempting to regulate such activities.

Section 19: Provides that notwithstanding any law to the contrary, the commission may not award a resort license to any entity prior to the voters in the county where the resort would be located approving a referendum allowing slot machine gaming or allowing limited gaming. Also, notwithstanding any law to the contrary, a person who is at least 21 years of age may lawfully participate in authorized gaming at a resort destination.

Section 20: Establishes a detailed process for awarding destination resort licenses. Licenses will be awarded through an invitation to negotiate (invitation) process in which applicants reply on forms provided by the commission in response to the invitation to bid. The commission must issue its invitation within 90 days of the commission's first meeting. Proposals in response to the invitation must be received within 90 days after issuance of the invitation.

The commission may specify in its invitation to negotiate the county in which the facility would be located. When determining whether to authorize a destination resort located within a specific county or counties, the commission shall hold a public hearing in such county or counties to discuss the proposals and receive public comments on determination of the award of licenses.

After reviewing the replies to the invitation, the commission may select one or more replies and commence negotiations after determining which replies are in the best interest of the state, based on the selection criteria. The commission must award a resort license within 90 days after the deadline for submission of the applications.

Section 21: Specifies a number of minimum criteria the commission must use when evaluating resort license applications. Key criteria include:

- The applicant must demonstrate that it will expend at least \$2 billion on new development and construction, excluding real estate, within the first five years of licensure issuance.
- No more than 10 percent of destination resort's square footage may be used for limited gaming.
- The applicant for a resort license must demonstrate that the resort will:
 - Increase tourism;
 - Generate jobs;
 - Provide revenue to the local economy; and
 - Provide revenue to the General Revenue Fund.
- Additionally, the applicant must demonstrate:

- A history of, or a bona fide plan for, community involvement or investment in the community where the resort having a limited gaming facility will be located;
- The financial ability to purchase and maintain an adequate surety bond;
- Adequate capitalization to develop, construct, maintain, and operate the proposed resort and convention center in accordance with the act; and
- The ability to implement a program to train and employ residents of this state for jobs that will be available at the destination resort, including its ability to implement a program for the training of low-income persons.
- The aesthetic appearance of the proposed resort, if the commission chooses to make this a consideration.
- The applicant must demonstrate how it will comply with state and federal affirmative action guidelines.
- The applicant must demonstrate the ability to generate substantial gross receipts.

This section requires the commission to evaluate applicants using the following weighted criteria:

- Design and location: 35 percent
- Management and expertise: 10 percent
- Speed to market: 35 percent
- Financial plan and access to capital: 10 percent
- Community plan: 10 percent

It is not clear how the weighted criteria would be applied in the context of specified criteria. For example, if the applicant does not demonstrate a minimum \$2 billion expenditure as specified in the criteria, is the applicant disqualified or is that fact limited to determining the weighted 10 percent financial criteria? This may potentially make the applicant eligible for licensure even if the application does not demonstrate the minimum \$2 billion expenditure.

The commission shall give preference to candidates who can show the following:

- Roads and utilities are adequate and the destination facility will not unduly impact public services;
- The ability to commence construction within one year; and
- The resort facility will be located in or adjacent to an area with some of the highest unemployment rates in the state.

This section of the bill also specifies that resort licenses will be issued “only to persons of good moral character who are at least 21 years of age.”

A resort license will not be issued to any applicant, if such applicant, a qualifier, or an institutional investor:

- Has, within the last 5 years, been adjudicated by a court or tribunal for failure to pay income, sales, or gross receipts tax due and payable under any federal, state, or local law, after exhaustion of all appeals or administrative remedies;
- Has been convicted of a felony under the laws of any state or the United States;
- Has been convicted of any violation under ch. 817, F.S., related to fraudulent practices, or under a substantially similar law of another jurisdiction;

- Knowingly submitted false information in the application for the license;
- Is a member or employee of the commission;
- Was licensed to own or operate gaming or pari-mutuel facilities in this state or another jurisdiction and that license was revoked;
- Has accepted any wager on money from any online gambling activity from any state resident since October 13, 2006; or
- Fails to meet any other criteria for licensure set forth in the Resort Act.

In this context, the term “conviction” 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 22: Specifies the information that must be included in the application. The application must be sworn. Key required information includes:

- A description of the proposed resort, including a description of the anticipated economic benefit to the community, number of employees, a projection of attendance at the resort, a projection of gross receipts, and other information;
- Documentation, as required by the commission, that the applicant has received conceptual approval of the destination resort proposal from the municipality and county in which the resort will be located;
- Proof that the electors of the county where the resort is to be located have approved in a countywide referendum, prior to the application deadline, slot machine gaming, as defined in s. 551.102, F.S., or limited gaming;
- The time-frame for completing the resort;
- A plan for training Floridians for jobs at the resort;
- Identifying information about the applicant and all qualifiers, except those persons who specifically do not have to be identified, such as anyone with less than 5 percent interest in the resort project;
- Identification of elected officials, their spouses, and their children who, directly or indirectly, have any type of financial relationship with the applicant; and
- Fingerprints of the applicant, officers, qualifiers, and any person who will be responsible for operational controls.

The commission, however, may require by rule any other information in the application that the commission deems appropriate. The applicant has a responsibility to file a supplemental report to the application if there is any material change in any circumstance relevant to the commission’s review of the proposal.

Each application must be submitted along with a \$1 million non-refundable application fee to defray the commission’s costs of reviewing it. If the review costs exceed \$1 million, the applicant must remit the additional amount necessary to the commission within 30 days after a request.

Additionally, a one-time licensing fee of \$50 million must be submitted along with the application, but this fee is refundable to the applicant within 30 days if the commission denies the application. If the applicant withdraws after the application deadline, the commission has to refund 80 percent of the licensing fee, also within 30 days.

Section 23: Provides that an incomplete application is grounds for denial of an application. However, if the commission determines that an application is incomplete, the applicant may request an informal conference with the executive director or his designee. The executive director may grant a 30-day extension to complete an application. If the executive director still finds the application incomplete, the applicant may appeal to the commission – at which point, the issuance of licenses is stayed until the commission rules on the appeal.

Section 24: Provides a limited application process for institutional investors, generally defined as pension funds, public retirement funds, insurance companies, financial institutions, or trusts that hold less than 15 percent of the equity securities or 15 percent of the debt securities of an applicant or affiliate of the applicant, and are a publicly traded corporation. Institutional investors must file a certified statement that they do not intend to influence or affect the affairs of the applicant or its affiliate, and that the securities of the applicant or affiliate that it holds were purchased for investment purposes only. The commission may limit the application process for qualifiers who hold less than five percent upon a showing of good cause. In addition, the commission may require that an institutional investor be treated as a qualifier if it finds that such investor is in a position to exercise a substantial impact upon the controlling interests of a licensee.

Section 25: Exempts lenders and underwriters as qualifiers from a requirement to be licensed.

Section 26: Establishes several conditions for obtaining or renewing a resort license. The key conditions require that the licensee:

- Comply with the Resort Act and rules of the commission;
- Allow the commission and FDLE unlimited access to and the right of inspection for the areas of the resort where limited gaming activities occur;
- Complete the resort in accordance with the plans and timeframe submitted to the commission in the proposal, unless a waiver has been granted;
- Ensure that the facilities-based computer system is operational and that all accounting functions are structured to facilitate regulatory oversight, which shall require the systems to provide for real-time information to the commission and FDLE;
- Ensure that each game, machine, or device is protected from tampering or manipulation;
- Submit and comply at all times with a detailed security plan;
- Create and file with the commission a written policy for:
 - Creating opportunities to purchase from vendors from this state;
 - Creating opportunities for employment of residents of this state;
 - Ensuring opportunities for hiring construction services from vendors in this state;
 - Ensuring opportunities for employment are on an equal, nondiscriminatory basis;
 - Training employees on responsible gaming and work with a compulsive or addictive gambling prevention program;
 - Implementing a drug-testing program for each occupational licensee that includes, but is not limited to, requiring such person to sign an agreement that he or she understands that the resort is a drug-free workplace;
 - Using the Internet-based job-listing system of the Department of Economic Opportunity in advertising employment opportunities; and

- Ensuring that each slot machine pays out at least 85 percent.

In addition, the resort must keep and maintain permanent, daily records of its gaming operations for not less than 5 years.

Section 27: Requires each destination resort licensee to maintain a surety bond, at its own cost and expense. The penal sum of the bond is to be determined by the commission and payable to the Governor. The commission shall set the bond at the total amount of license fees and taxes estimated to become due for the resort. In lieu of a bond, a licensee may instead pay a like amount of funds to the commission.

Section 28: Provides that limited gaming may be conducted at a licensed resort, but only within a designated area of the resort as approved by the commission. Limited gaming activities may not begin until the resort is completed in accordance with the proposal approved by the commission. The resort licensee may only accept wagers from persons at least 21 years of age who are present in the facility, and may set the amount of wagers. The facility may not accept wagers using money, except for slot machine gaming. The gaming facility may be open 24 hours per day, 365 days per year.

Section 29: Requires each licensee to pay the commission a \$2 million annual license fee due on the anniversary date of its resort license. The license fee shall be deposited in the Destination Resort Trust Fund to be used by the commission and FDLE for investigations, regulation of resorts, and enforcement.

In addition, each resort licensee is required to pay a 10 percent gross receipts tax on the gross receipts for limited gaming activities at the resort. Once the resort is complete, the licensee must submit all information, as required by the commission, to determine the infrastructure investment and to set the tax rate for the resort. The effect of this provision is unclear because the tax rate would be fixed for each licensee, which is not dependent of the amount of infrastructure investment. This tax is in lieu of any other state tax on gross or adjusted gross receipts from a resort licensee.

Proceeds of the gross receipts tax will be deposited in the Destination Resort Trust Fund and shall be used to fund the commission's operating costs, pursuant to legislative appropriation. However, on June 30 of each year, all unappropriated revenues in excess of \$5 million must be deposited in the General Revenue Fund.

Section 30: Requires that FDLE implement the fingerprint requirements, and shall submit the results to the commission. The costs of the fingerprinting and background checks shall be borne by the applicant.

Additionally, all the fingerprints must be entered into the statewide database, as authorized in s. 943.05(2)(b), F.S., and available for all specified purposes. The fingerprints also may be forwarded to the FBI.

Any applicant who is fingerprinted and who has been convicted or pleaded guilty or nolo contendere to a disqualifying offense must notify the commission within 48 hours.

Section 31: Requires suppliers' licenses in order to furnish, on a regular or continuing basis, gaming equipment, supplies, devices, or goods or services to a destination resort licensee relating to limited gaming. Each applicant and licensee must pay an annual license fee not to exceed \$25,000. A person is not eligible for a suppliers' license if the person has committed a felony, knowingly submitted false information to the commission, the applicant is a member of the committee, the applicant is not a natural person, or the applicant has a resort license or pari-mutuel license in either this state or any other jurisdiction.

All applicants for suppliers' licenses must submit to background investigations and comply with the fingerprint requirements in the act.

The bill authorizes the commission to revoke a license for a violation of the act and commission rules.

Section 32: Provides that any person who wishes to become a gaming employee, as defined in s. 551.301(14), F.S., must apply to the commission for an occupational license; no person may be employed by a resort licensee until that person has an occupational license. The application fee must be set by the commission, but an employee occupational license fee may not exceed \$250. Occupational licensees must be at least 21 years old to perform gaming related functions and at least 18 to perform non-gaming related functions.

All applicants for occupational licenses must submit to background investigations and comply with the fingerprint requirements in the act. An occupational license is valid for four years. The bill authorizes the commission to revoke a license for a violation of the act and commission rules. A person who has committed a felony or crime involving dishonesty or moral turpitude in any jurisdiction is not eligible for an occupational license.

Section 33: Provides that the commission's executive director may grant temporary suppliers and occupational licenses, under certain conditions. The temporary license expires after 90 days.

Section 34: Requires the commission to submit quarterly reports to the Governor, President of the Senate, and Speaker of the House of Representatives. The reports must include:

- A statement of receipts and disbursements related to limited gaming;
- A summary of disciplinary actions taken by the commission; and
- Any additional information or recommendations that the commission believes may improve the regulation of limited gaming or increase the economic benefits of limited gaming to this state.

Section 35: Establishes guidelines for patron disputes with licensees. If a patron dispute involves alleged wins, losses, payments of cash, prizes, benefits, tickets, or other items, or a dispute that involves the manner in which a game, tournament, contest, drawing, promotion, race or similar activity was conducted, cannot be resolved to the satisfaction of the patron, the licensee must immediately notify the commission if the dispute involves at least \$500.

If the dispute involves less than \$500, the licensee must notify the patron of the patron's right to file a complaint with the commission.

The commission may investigate the matter and may require the licensee to pay restitution to the patron. Failure to notify the commission of a dispute or to notify a patron of his or her right to file a complaint constitutes grounds for disciplinary action against the resort licensee.

Section 36: Permits the use of credit instruments, instead of cash, by patrons. Resort licensees may accept incomplete credit instruments if they are signed by the patron and the amount is completed in numbers; the resort licensee may complete the incomplete instrument. The resort licensee also may accept a credit instrument payable to an affiliate of the licensee. In addition, the resort licensee may accept the credit instrument before, during, or after the patron has incurred the debt with the resort.

However, the bill also allows patrons to establish an account by a cash deposit, recognized traveler's check, or any other credit instrument that is equivalent to cash.

The bill also establishes that a patron's mental disorder is not a defense against paying the debt; nor does the failure of a resort to comply with all of the requirements of this section erase the debt.

The commission is authorized to adopt rules to address the credit instrument provisions.

Section 37: Requires each resort licensee to train employees on responsible gaming and to work with a program on responsible gambling to recognize problem gambling. The commission is required to contract for services related to the prevention of compulsive and addictive gambling. The contract for the services must require advertising of responsible gambling and the publication of a gambling telephone help line. Each resort licensee is required to fund the program with a \$250,000 annual fee.

Section 38: Provides that a person may request to be excluded from all limited gaming facilities by completing a self-exclusion form and submitting it to the commission. The form requires the patron to include his or her name, date of birth, and other identifying information. The form also requires the individual to indicate how long he or she wishes to be excluded from the limited gaming facilities.

Section 39: Provides that the limitation on the number of alcoholic beverage quota licenses shall not apply to a resort licensee. Notwithstanding any other section of law, a resort licensee can sell or serve alcoholic beverages for consumption on the premises. Resort licensees must pay an annual license fee of \$50,000 for the alcoholic beverage license and may serve alcohol 24 hours per day.

Section 40: Amends s. 849.15, F.S., to reference the Resort Act.

Section 41: Amends s. 849.231, F.S., to exempt the limited gaming at destination resorts and at currently licensed slot-machine licensees from the statutory prohibition against possession of gambling devices in Florida.

Section 42: Amends s. 849.25, F.S., to correct cross-references and to exempt the limited gaming at destination resorts from the statutory prohibition against bookmaking.

Section 43: Creates s. 849.48, F.S., to require that each person, firm, association, partnership, or corporate entity that seeks to operate a gambling business or to allow gambling to occur on its premises must obtain a license from the department. In addition, any person, firm, association, partnership, or corporate entity owning, leasing, furnishing, manufacturing, distributing, or operating gambling devices must obtain a license from the Department of Gaming Control.

This section requires the applicant to apply for an annual license, which fee shall not exceed \$5,000. A license may only be issued to persons who are at least 18 years of age. If a license is lost or destroyed, a duplicate license may be issued for a \$150 fee. This section appears to require any person who is not currently licensed by the state to obtain a license from the department if they allow gambling to occur on their property. This requirement could potentially apply to the conduct of penny-ante games, bingo halls, Internet cafes, arcade amusement centers, lottery retailers, and other gambling authorized under ch. 849, F.S.

Section 44: Transfers the administration of chs. 550, 551, and 849, F.S., of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to the Department of Gaming Control by a type two transfer. This section also transfers the Pari-mutuel Wagering and Racing Scholarship Trust Funds from the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to the Department of Gaming Control.

Section 45: Provides that the Department of Gaming Control is the state compliance agency having the authority to carry out the state's oversight responsibilities under the Seminole Indian Compact and removes the reference to the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation.

Section 46-73: Corrects cross references to properly reflect the name of the Department of Gaming Services, Division of Licensure, and to clarify that the regulation of pari-mutuel wagering, slot machine gaming, and cardrooms are within the jurisdiction of the Department of Gaming Services.

Section 57: Amends the definition of "eligible facility" for slot machine licensees to include any facility located in a county as defined by s. 125.011, F.S., provided that the facility has conducted two calendar years of live racing *or games* for two calendar years immediately preceding its application for a slot machine license.

Section 74: Provides a severability clause.

Section 75: Provides that except as otherwise expressly provided, the effective date of the act is July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

A public records bill, SB 714, is linked to this bill.

C. Trust Funds Restrictions:

A trust fund bill, SB 712, is linked to this bill.

D. Other Constitutional Issues:

The Florida Constitution is silent on the subject of casino gaming. However, the Florida Constitution does not prohibit the Legislature from creating laws to authorize, regulate, or tax gaming in the state. With regard to gaming, the Florida Constitution only addresses the subjects of lotteries and slot machine gaming. The Florida Constitution prohibits lotteries, except pari-mutuel pools permitted by state law,³⁸ but specifically allows for state operated lotteries.³⁹

Even though the Florida Constitution does not specifically prohibit any form of gaming other than lotteries that are not state operated, the provision that expanded the pari-mutuel locations that can offer slot machine gaming is being challenged as violating Art. X, s. 23, Florida Constitution. These lawsuits challenge the Legislature's authority to authorize slot machine gaming outside the pari-mutuel facilities enumerated in Art. X, s. 23, of the Florida Constitution, as provided in ch. 2009-170, L.O.F.,⁴⁰ which references pari-mutuel facilities that were existing and had conducted live racing or games in that county during each of the last 2-calendar years before the effective date of the amendment (2004). The trial court⁴¹ and the First District Court of Appeals have upheld the constitutionality of this provision.⁴² That decision is on appeal to the Florida Supreme Court.

Section 551.327, F.S., provides that gaming related disputes may only be resolved by the Department of Gaming Control and are not under the jurisdiction of state courts. This provision may implicate concerns related to the constitutional right of access to courts.

³⁸ Section 7, Art. X, Florida Constitution.

³⁹ Section 15, Art. X, Florida Constitution.

⁴⁰ Chapter 2009-170, L.O.F., became effective on July 1, 2010 by s. 4, ch. 2010-29, L.O.F.

⁴¹ See Order on Plaintiff's Motion for Summary Judgment, consolidated cases, *Florida Gaming Centers, Inc. v. Department of Business and Professional Regulation and South Florida Racing Association*, No. 2010 CA 2257 and *Calder Race Course, Inc. v. Department of Business and Professional Regulation and South Florida Racing Association*, No. 2010 CA 2132 (Fla. 2d Cir. Ct. December 14, 2010).

⁴² See *Calder Race Course, Inc. v. Department of Business and Professional Regulation and South Florida Racing Association*, 1D11-130 (Fla. 1st DCA) and *Florida Gaming Centers, Inc. v. Department of Business and Professional Regulation and South Florida Racing Association*, 1D10-6780 (Fla. 1st DCA).

Article I, s. 21, Florida Constitution, provides: “The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.” No similar provision exists in the federal constitution. If the Legislature asserts a valid public purpose, it can restrict access to the courts as long as it provides a reasonable alternative to litigation. For example, in *Lasky v. State Farm Ins. Co.*,⁴³ the Florida Supreme Court upheld the constitutionality of the state's no-fault automobile insurance statute, although the statute restricted access to the courts. Unless medical expenses reached a certain level, the statute restricted an injured party from bringing a tort action to recover for pain and suffering. The court reasoned that because the statute required every owner of a motor vehicle to obtain insurance, a reasonable alternative to traditional tort actions was available. The court concluded that the statute did not deprive the appellants of their right to a trial by jury because it only abolished the right of recovery in narrow circumstances where it left “nothing to be tried by jury.”⁴⁴ Alternatively, requiring mandatory arbitration of medical expense claims under the no-fault law is an unconstitutional denial of access to courts.⁴⁵

The Florida Supreme Court has held that citizens possess a right to a jury trial in civil forfeiture actions instituted under the Florida Contraband Forfeiture Act.⁴⁶ The court has determined that Article I, s. 22, Florida Constitution guarantees the right to trial by jury in all actions “in which the right was enjoyed at the time this state's first constitution became effective in 1845.”⁴⁷ The court construed the right in a broad fashion, explaining, “[i]t is the nature of the controversy between the parties, and its fitness to be tried by a jury . . . that must decide the question.”⁴⁸

In *Broward County v. La Rosa*,⁴⁹ the Florida Supreme Court invalidated a county ordinance which empowered a local administrative agency to award damages to victims of race discrimination. The court found that the ordinance violated both Article I, Section 22 (trial by jury), and Article II, Section 3 (separation of powers). The court stated, “although the Legislature has the power to create administrative agencies with quasi-judicial powers, the Legislature cannot authorize these agencies to exercise powers that are fundamentally judicial in nature . . . we cannot imagine a more purely judicial function than a contested adjudicatory proceeding involving disputed facts.” *Id.* at 423.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Applicants for a destination resort license would pay an application fee of \$1 million dollars to defray the costs of investigating and reviewing the application.

⁴³ *Lasky v. State Farm Ins. Co.*, 296 So.2d 9 (Fla. 1974).

⁴⁴ *Id.* at 22. See generally Mark M. Hager, *No Fault Drives Again: A Contemporary Primer*, 52 U. Miami L. Rev. 793 (1998).

⁴⁵ *Nationwide Mut. Fire Ins. Co. v. Pinnacle Medical, Inc.*, 753 So.2d 55 (Fla. 2000).

⁴⁶ *In re Forfeiture of 1978 Chevrolet Van*, 493 So.2d 433 (Fla. 1986).

⁴⁷ *Id.* at 434.

⁴⁸ *Id.* at 435.

⁴⁹ *Broward County v. La Rosa*, 505 So.2d 422 (Fla. 1987).

The application also must include a one-time licensing fee of \$50 million, which the commission must refund within 30 days of denying an application. If an applicant withdraws its application after the application deadline, the commission must refund 80 percent of the licensing fee within 30 days after the application is withdrawn.

Each resort licensee would be required to pay \$2 million annually to the commission as a license fee. In addition, each resort licensee would pay a gross receipts tax of 10 percent of the gross gaming revenues generated at the resort.

Suppliers' licensees would be required to pay an annual license fee of \$25,000, while the fee for an occupational licensee may not exceed \$250.

The state's Revenue Estimating Conference met on December 9, 2011 and estimated that the bill would generate an indeterminate but positive fiscal impact for the state. The report stated:

While reasonable estimates can be made of the revenue impact associated with the establishment of three destination resorts, numerous assumptions must be incorporated. These assumptions magnify over time and exponentially increase the risk to the estimates being achieved in specific fiscal years. They include the ultimate number of awarded licensees, the business models used by the facilities, their general locations, and the precise timing of events until the commencement of gaming operations. Assuming that three licenses are awarded with at least one of the facilities located outside Miami-Dade and Broward counties and that the timeline used in the analysis can be met in all aspects, increased state and local revenues would achieve at least the following levels: \$155 million in FY 2012-13; \$60.6 million in FY 2013-14; \$102.9 million in FY 2014-15; and \$137.2 million in FY 2015-16.

During a presentation to the Regulated Industries Committee, the representative from Genting Americas supplied letters dated November 15, 2011,⁵⁰ from two gaming research groups that indicated that three destination resorts located in south Florida could generate upwards of \$4.3 billion in gaming revenue per year.

B. Private Sector Impact:

The industry estimates that three resorts, if authorized by the commission, would create 100,000 jobs, including construction and temporary jobs. The industry estimates that the three resorts, if built, would attract over four million out-of-market visitors. In addition, the industry has indicated that the overflow and increase in tourism would have a positive impact on other area attractions, restaurants, and lodging.

C. Government Sector Impact:

Indeterminate. However, the bill authorizes fees projected to be sufficient to pay the costs of administering the act.

⁵⁰ Letters on file with the Senate Committee on Regulated Industries.

VI. Technical Deficiencies:

None.

VII. Related Issues:

State revenue-sharing with the Seminole Indian Compact relies on continued exclusivity of casino-style and Class III gaming. The authorization for full commercial casinos would constitute a casino style and Class III gaming expansion and would affect the revenue-sharing payments that the Tribe is required to make to the state under the compact. Any cessation or reduction of revenue sharing payments upon the expansion of casino gaming would depend on the location of the new casinos. It should be noted that any cessation or reduction of revenue sharing payments would only occur when the first Class III or other casino-style game is played. The mere authorization of Class III gaming or other casino-style gaming would not affect the payments.⁵¹

It should be noted that the state's expansion of Class-III gaming or casino-style gaming would not mean that the state had violated its compact with the Tribe. The compact specifies the consequences, particularly the financial ramifications, if the state elects to expand gaming in this state, and does not expressly prohibit any such expansion. The compact term is for 20 years.

If the commission approves a destination resort with limited gaming in any location outside of Miami-Dade and Broward Counties, all of the Tribe's revenue-sharing payments would stop once the first game is played.⁵² If the Commission approves a destination resort with limited gaming inside of Miami-Dade and Broward Counties, but the location is not at a pari-mutuel facility, the Tribe would continue to make revenue-sharing payments, but the Tribe would exclude the net win from their Broward facilities. According to the Division of Pari-mutuel Wagering, the net win from the Tribe's Broward facilities equals approximately 47 percent of the Tribe's total net win. Therefore, if casino-style gaming were expanded and limited to Miami-Dade and Broward Counties, the Tribe's payments would be reduced by approximately 47 percent.

In addition, if the destination resort with limited gaming is authorized for any location in Miami-Dade or Broward counties within the first 5 years of the compact, the guaranteed minimum payment and the \$1 billion guarantee for the first 5 years of the compact would no longer apply. The Tribe's payments would be based on the applicable percentage of net win.

Once the new gaming begins at licensed destination resorts, the Tribe may continue to offer the covered games authorized in the compact plus any additional games that are authorized for the destination resorts.⁵³ However, the Tribe would have to negotiate a new compact at the end of the current compact's term before it could continue to offer the covered games.⁵⁴

⁵¹ See Part XII., *Gaming Compact*, *supra* n. 27.

⁵² See Part XII. A., *Gaming Compact*, *supra* n. 27.

⁵³ See the definition of covered games at Part III.F.4., *Gaming compact*, *supra* at n. 27.

⁵⁴ IGRA at 18 U.S.C. s. 2710(d)(1)(C).

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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	.	

The Committee on Regulated Industries (Bogdanoff) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. 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:

(a) Division of Administration.



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(b) Division of Alcoholic Beverages and Tobacco.

(c) Division of Certified Public Accounting.

1. The director of the division shall be appointed by the secretary of the department, subject to approval by a majority of the Board of Accountancy.

2. The offices of the division shall be located in Gainesville.

(d) Division of Florida Condominiums, Timeshares, and Mobile Homes.

(e) Division of Hotels and Restaurants.

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

(f)~~(g)~~ Division of Professions.

(g)~~(h)~~ Division of Real Estate.

1. The director of the division shall be appointed by the secretary of the department, subject to approval by a majority of the Florida Real Estate Commission.

2. The offices of the division shall be located in Orlando.

(h)~~(i)~~ Division of Regulation.

(i)~~(j)~~ Division of Technology.

(j)~~(k)~~ Division of Service Operations.

Section 2. Section 20.318, Florida Statutes, is created to read:

20.318 Department of Gaming Control.—There is created a Department of Gaming Control.

(1) GAMING COMMISSION.—The State Gaming Commission is the head of the Department of Gaming Control. The commission shall be responsible for appointing and removing the executive director and general counsel of the department.

(2) DIVISIONS.—The Department of Gaming Control shall



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consist of the following divisions:

(a) The Division of Enforcement.

(b) The Division of Licensure.

(c) The Division of Revenue and Audits.

(3) DEFINITIONS.—As used in this section, the term:

(a) "Commission" means the State Gaming Commission.

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

(c) "Gaming control" means any gaming activity, occupation, or profession regulated by the department.

(d) "License" means any permit, registration, certificate, or license issued by the department.

(e) "Licensee" means any person issued a permit, registration, certificate, or license by the department.

(4) POWERS AND DUTIES.—

(a) The department shall adopt rules establishing a procedure for the renewal of licenses.

(b) The department shall submit an annual budget to the Legislature at a time and in the manner provided by law.

(c) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon it.

(d) The department 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.

(e) The department shall adopt rules for the control, supervision, and direction of all applicants, permittees, and licensees and for the holding, conducting, and operating of any gaming establishment under the jurisdiction of the department in this state. The department shall have the authority to suspend a



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71 permit or license under the jurisdiction of the department if
72 such permitholder or licensee has violated any provision of
73 chapter 550, chapter 551, or chapter 849 or rules adopted by the
74 department. Such rules must be uniform in their application and
75 effect, and the duty of exercising this control and power is
76 made mandatory upon the department.

77 (f) The department may take testimony concerning any matter
78 within its jurisdiction and issue summons and subpoenas for any
79 witness and subpoenas duces tecum in connection with any matter
80 within the jurisdiction of the department under its seal and
81 signed by the executive director.

82 (g) In addition to the power to exclude certain persons
83 from any pari-mutuel facility in this state, the department may
84 exclude any person from any and all gaming establishments under
85 the jurisdiction of the department in this state. The department
86 may exclude from any gaming establishment under its jurisdiction
87 within this state any person who has been ejected from a pari-
88 mutuel facility or other gaming establishment in this state or
89 who has been excluded from any pari-mutuel facility or other
90 gaming establishment in another state by the governmental
91 department, agency, commission, or authority exercising
92 regulatory jurisdiction over such facilities in such other
93 state. The department may authorize any person who has been
94 ejected or excluded from establishments in this state or another
95 state to enter such facilities in this state upon a finding that
96 the attendance of such person would not be adverse to the public
97 interest or to the integrity of the industry; however, this
98 paragraph may not be construed to abrogate the common-law right
99 of a pari-mutuel permitholder or a proprietor of a gaming



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establishment to exclude absolutely a patron in this state.

(h) The department may collect taxes and require compliance with reporting requirements for financial information as authorized by chapter 550, chapter 551, or chapter 849. In addition, the executive director of the department may require gaming establishments within its jurisdiction within the state to remit taxes, including fees, by electronic funds transfer.

(i) The department may conduct investigations necessary for enforcing chapters 550, 551 and 849.

(j) The department may impose an administrative fine for a violation under chapter 550, chapter 551, or chapter 849 of not more than \$10,000 for each count or separate offense, except as otherwise provided in chapter 550, chapter 551, or chapter 849, and may suspend or revoke a permit, an operating license, or an occupational license for a violation under chapter 550, chapter 551, or chapter 849. All fines imposed and collected under this paragraph must be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

(k) The department shall have sole authority and power to make, adopt, amend, or repeal rules relating to gaming operations, to enforce and to carry out the provisions of chapters 550 and 551 and to regulate authorized gaming activities in the state.

(l) The department may contract with the Department of Law Enforcement, through an interagency agreement, to enforce any criminal law or to conduct any criminal investigation.

(m) The department shall contract with the Department of Revenue, through an interagency agreement, to perform the tax collection and financial audit services for the taxes required



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to be collected by entities licensed or regulated by chapter 550, chapter 551, or chapter 849. The interagency agreement shall also allow the Department of Revenue to assist in any financial investigations of licensees or applications for licenses by the Department of Gaming Control or law enforcement agencies.

(5) FINANCIALLY DEPENDENT CHILDREN; SUPPORT.—The department shall work cooperatively with the Department of Revenue to implement an automated method for periodically disclosing information relating to current licensees to the Department of Revenue. The purpose of this subsection is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court or the Department of Revenue pursuant to s. 409.2598, suspend or deny the license of any licensee found not to be in compliance with a support order, subpoena, order to show cause, or written agreement entered into by the licensee with the Department of Revenue. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court or the Department of Revenue that the licensee has complied with the terms of the support order. The department is not liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

(6) LICENSING.—The department may:

(a) Close and terminate deficient license application files 2 years after the department notifies the applicant of the deficiency.

(b) Approve gaming-related license applications that meet all statutory and rule requirements for licensure.



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Section 3. Subsection (1) of section 24.123, Florida Statutes, is amended to read

24.123 Annual audit of financial records and reports.—

(1) The Legislative Auditing Committee shall contract with a certified public accountant licensed pursuant to chapter 473 for an annual financial audit of the department. The certified public accountant shall have no financial interest in any vendor with whom the department is under contract. The certified public accountant shall present an audit report no later than 7 months after the end of the fiscal year and shall make recommendations ~~to enhance the earning capability of the state lottery and to~~ improve the efficiency of department operations. The certified public accountant shall also perform a study and evaluation of internal accounting controls and shall express an opinion on those controls in effect during the audit period. The cost of the annual financial audit shall be paid by the department.

Section 4. Subsection (4) of section 120.80, Florida Statutes, is 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~~



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

(a) The department 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 the imposition of fines or suspension as provided by rules of the department, but not for revocations, and only to consider violations of subparagraphs (b)1.-6.



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216 (b) The department shall adopt rules establishing
217 alternative procedures, including a hearing upon reasonable
218 notice, for the following:

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

221 2. Application and administration of drugs and medication
222 to horses, greyhounds, and jai alai players in violation of
223 chapter 550.

224 3. Maintaining or possessing any device that could be used
225 for the injection or other infusion of a prohibited drug into a
226 horse, greyhound, or jai alai players in violation of chapter
227 550.

228 4. Suspensions under reciprocity agreements between the
229 department and regulatory agencies of other states.

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

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

233 (20) STATE GAMING COMMISSION.—

234 (a) Section 120.541(3) does not apply to the adoption of
235 rules by the department.

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

238 (c) Notwithstanding s. 120.542, the State Gaming Commission
239 may not accept a petition for waiver or variance and may not
240 grant any waiver or variance from the requirements of part III
241 of chapter 551.

242 Section 5. Chapter 551, Florida Statutes, consisting of
243 sections 551.101 through 551.123, is designated as part II of
244 that chapter and entitled "Slot Machines"; part I of that



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chapter, consisting of sections 551.002 through 551.012, as
created by this act, is entitled "State Gaming Commission"; and
part III of that chapter, consisting of sections 551.301 through
551.331, as created by this act, is entitled "Destination
Resorts."

Section 6. Section 551.002, Florida Statutes, is created to
read:

551.002 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
of;

(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 resort license or a resort
licensee.

(2) "Chair" means the chair of the State Gaming Commission.

(3) "Commission" means the State Gaming Commission.

(4) "Conflict of interest" means a situation in which the
private interest of a member, employee, or agent of the
commission may influence his or her judgment in the performance
of his or her public duty under this chapter. 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 the
member, employee, or agent of the commission is biased against
or in favor of an applicant.



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

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

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

(6) "Division" means the Division of Licensure of the department.

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

(8) "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 commission or the department, or ownership in an applicant or a licensee. A member, employee, or agent of the commission 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 commission 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 commission or the department.

Section 7. Section 551.003, Florida Statutes, is created to read:



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551.003 State Gaming Commission; creation and membership.-

(1) CREATION.-There is created the State Gaming Commission.

The commission shall be composed of seven members who are residents of the state and who have experience in corporate finance, tourism, convention and resort management, gaming, investigation or law enforcement, business law, or related legal experience. The members of the commission shall serve as the agency head of the commission. The commission is exempt from the provisions of s. 20.052.

(2) MEMBERS.-Each member shall be appointed to a 4-year term. However, for the purpose of providing staggered terms, of the initial appointments, three members shall be appointed to 2-year terms and four members shall be appointed to 4-year terms. Terms expire on June 30. Upon the expiration of the term of a commissioner, a successor shall be appointed in the same manner as the original appointment to serve for a 4-year term. A commissioner whose term has expired shall continue to serve on the commission until such time as a replacement is appointed. If a vacancy on the commission occurs before the expiration of the term, it shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(a)1.a. One member of the commission must be a certified public accountant licensed in this state who possesses at least 5 years of experience in general accounting. The member must also possess a comprehensive knowledge of the principles and practices of corporate finance or auditing, general finance, gaming, or economics.

b. One member of the commission must have experience in the fields of investigation or law enforcement.



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332 2. When making appointments to the commission, the Governor
333 shall announce the classification by experience of the person
334 appointed.

335 (b) A person may not be appointed to or serve as a member
336 of the commission if the person:

337 1. Is an elected state official;

338 2. Is licensed by the commission or is an officer of, has a
339 financial interest in, or has a direct or indirect contractual
340 relationship with any applicant for a resort license or resort
341 licensee;

342 3. Is related to any person within the second degree of
343 consanguinity of affinity who is an applicant for a license or
344 awarded a license by the commission or regulated by the
345 department; or

346 4. Has, within the 10 years preceding his or her
347 appointment, been under indictment for, convicted of, pled
348 guilty or nolo contendere to, or forfeited bail for a felony or
349 a misdemeanor involving gambling or fraud under the laws of this
350 or any other state or the United States.

351 (c) Members of the commission shall serve full time and
352 receive an annual salary of \$125,000. The chair shall receive an
353 annual salary of \$135,000.

354 (3) CHAIR AND VICE CHAIR.—

355 (a) The chair shall be appointed by the Governor. The vice
356 chair of the commission shall be elected by the members of the
357 commission during the first meeting of the commission on or
358 after July 1 of each year. The chair shall be the administrative
359 head of the commission. The chair shall set the agenda for each
360 meeting. The chair shall approve all notices, vouchers,



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subpoenas, and reports as required by law. The chair shall preserve order and decorum and shall have general control of the commission meetings. The chair shall decide all questions of order. The chair may name any member of the commission to perform the duties of the chair for a meeting if such substitution does not extend beyond that meeting.

(b) If for any reason the chair is absent and fails to name a member, 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 commission. Administrative functions include, but are not limited to, finance and accounting, revenue accounting, personnel, and office services.

(4) QUORUM.—Four members of the commission constitute a quorum.

(5) HEADQUARTERS.—The headquarters of the commission shall be located in Leon County.

(6) MEETINGS.—The commission shall meet at least monthly. Meetings may be called by the chair or by four members of the commission upon 72 hours' public notice. The initial meeting of the commission shall be held within 30 days after the effective date of this section.

(7) AGENCY HEAD.—The commission shall serve as the agency head of the department for purposes of chapter 120. The executive director of the commission may serve as the agency head for purposes of final agency action under chapter 120 for



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all areas within the regulatory authority delegated to the
executive director's office.

Section 8. Effective upon this act becoming a law, section
551.004, Florida Statutes, is created to read:

551.004 State Gaming Commission Nominating Committee.—

(1)(a) There is created a State Gaming Commission
Nominating Committee consisting of six members. Three members of
the committee shall be members of the House of Representatives,
one of whom shall be a member of the minority party, who shall
be appointed by and serve at the pleasure of the Speaker of the
House of Representatives. Three members of the committee shall
be members of the Senate, one of whom shall be a member of the
minority party, who shall be appointed by and serve at the
pleasure of the President of the Senate. Initial appointments
under this section shall be made within 10 days after the
effective date of this section.

(b) The members shall serve 2-year terms concurrent with
the 2-year elected terms of House of Representatives members,
except that the initial members shall serve until the end of
their elected terms. Members may be appointed to two 2-year
terms. Vacancies on the committee shall be filled for the
unexpired portion of the term in the same manner as original
appointments to the committee.

(c) The President of the Senate shall appoint the chair of
the committee in even-numbered years and the vice chair in odd-
numbered years, and the Speaker of the House of Representatives
shall appoint the chair of the committee in odd-numbered years
and the vice chair in even-numbered years, from among the
council membership.



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419 (2) A member of the committee shall serve at the pleasure
420 of the presiding officer who appointed the member and may not
421 create the appearance of impropriety.

422 (3) A majority of the membership of the committee may
423 conduct any business before the committee. All meetings and
424 proceedings of the committee shall be staffed by the Office of
425 Legislative Services and shall be subject to ss. 119.07 and
426 286.011. Members of the committee are entitled to receive per
427 diem and travel expenses as provided in s. 112.061. Applicants
428 invited for interviews before the committee may, at the
429 discretion of the committee, receive per diem and travel
430 expenses as provided in s. 112.061. The committee shall
431 establish policies and procedures to govern the process by which
432 applicants for appointment to the commission are nominated.

433 (4) (a) The committee may spend a nominal amount, not to
434 exceed \$10,000, to advertise a vacancy on the commission.

435 (b) For initial selection of an executive director for the
436 Department of Gaming Control, the committee may advertise and
437 receive applications for employment as the executive director.
438 The committee shall provide the commission with all applications
439 received.

440 (5) A person may not be nominated to the Governor for
441 appointment to the commission until the committee has determined
442 that the person is competent and knowledgeable in one or more
443 fields as specified in s. 551.003 and the requirements for
444 appointees under s. 551.003 are met.

445 (6) It is the responsibility of the committee to nominate
446 to the Governor no fewer than three persons for each vacancy
447 occurring on the commission. The committee shall submit



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recommendations for the initial appointments to the commission to the Governor within 60 days after the effective date of this section. Thereafter, the committee shall submit the recommendations to the Governor by March 15 of those years in which the terms are to begin the following July, or within 60 days after a vacancy occurs for any reason other than the expiration of the term.

(7) The Governor shall, pursuant to this section and s. 551.003, make initial appointments to the commission within 60 days after receiving the recommended nominees under this section and fill any vacancy occurring on the commission by appointment of one of the applicants nominated by the committee. An appointment may be made only after a background investigation of such applicant has been conducted by the Department of Law Enforcement.

(8) Members of the commission shall be appointed by the Governor and, notwithstanding s. 114.05(1)(e) and (f), shall be subject to confirmation by the Senate under the following conditions. The Senate may consider the appointment during the regular session immediately following the effective date of the appointment or during any subsequent regular or special session during the term of the member. The Senate may confirm or refuse to confirm the appointment during any regular or special session.

(9) When the Governor makes an appointment to fill a vacancy occurring due to expiration of the term, and that appointment has not been confirmed by the Senate before the appointing Governor's term ends, a successor Governor may, within 30 days after taking office, recall the appointment and,



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prior to the first day of the next regular session, make a replacement appointment from the list provided to the previous Governor by the committee. Such an appointment is subject to confirmation by the Senate pursuant to subsection (8).

Section 9. Section 551.006, Florida Statutes, is created to read:

551.006 Executive director.— The chair of the commission shall, pursuant to s. 20.05, appoint the executive director of the department. The commission shall, pursuant to s. 20.05, remove the executive director of the department by a majority vote. An interim executive director shall be appointed within 10 days after the initial meeting of the commission.

(1) The executive director:

(a) Shall devote full time to the duties of the office;

(b) May not hold any other office or employment;

(c) Shall perform all duties assigned by the commission;

and

(d) May hire assistants, consultants, and employees as necessary to conduct the business of the commission.

(2) (a) The executive director may not employ a person who, during the 3 years immediately preceding employment, held a direct or indirect interest in, or was employed by:

1. A resort licensee or supplier licensee;

2. An applicant for a resort license or an applicant for a similar license in another jurisdiction;

3. An entity licensed to operate a gaming facility in another state;

4. A pari-mutuel gaming facility licensed to operate in this state; or



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506 5. A tribal gaming facility within this state.

507 (b) Notwithstanding paragraph (a), a person may be employed
508 by the commission if the commission finds that the person's
509 former interest in any licensee will not interfere with the
510 objective discharge of the person's employment obligations.
511 However, a person may not be employed by the commission if:

512 1. The person's interest in an applicant, licensee, or
513 tribal facility constituted a controlling interest; or

514 2. The person or the person's spouse, parent, child,
515 child's spouse, or sibling is a member of the commission, or a
516 director of, or a person financially interested in, an applicant
517 or a licensee.

518 Section 10. Section 551.007, Florida Statutes, is created
519 to read:

520 551.007 Law enforcement.—

521 (1) The department may employ sworn law enforcement
522 officers meeting the qualifications and certification
523 requirements under paragraph (a), and hire and train personnel
524 to be employed as sworn law enforcement officers, to enforce any
525 criminal law, conduct any criminal investigation, or enforce any
526 statute within the jurisdiction of the department.

527 (a) Each law enforcement officer must meet the
528 qualifications for law enforcement officers under s. 943.13 and
529 must be certified as a law enforcement officer by the Department
530 of Law Enforcement. Upon certification, each law enforcement
531 officer is subject to and has the authority provided to law
532 enforcement officers generally under chapter 901 and has
533 statewide jurisdiction.

534 (b) Each law enforcement officer has arrest authority as



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provided for state law enforcement officers under s. 901.15, and
full law enforcement powers granted to other officers of this
state, including the authority to make arrests, carry firearms,
serve court process, and seize contraband and proceeds from
illegal activities.

(c) Each law enforcement officer of the commission, upon
certification under s. 943.1395, has the same right and
authority to carry arms as do the sheriffs of this state.

(2) The department may also, by interagency agreement,
employ the Department of Law Enforcement to enforce any criminal
law, conduct any criminal investigation, or enforce any statute
within the jurisdiction of the commission or the department.

Section 11. Section 551.008, Florida Statutes, is created
to read:

551.008 Code of ethics.—

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

(2) A member of the commission 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 commission for a period of 3 years after
the date of termination of the person's membership on or
employment with the commission.

(3) An employee of the commission 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 commission for a period of 3 years after the date of
termination of the person's employment with the commission.

(4) A commission member or a person employed by the



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commission may not represent a person or party other than the state before or against the commission for a period of 3 years after the date of termination of the member's term of office or the employee's period of employment with the commission.

(5) A business entity in which a former commission member, employee, or agent has an interest, or any partner, officer, or employee of that business entity, may not appear before or represent another person before the commission if the former commission 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, employee, or agent of the commission may not, during the duration of the person's appointment or employment:

(a) Use the person's 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 any partisan or nonpartisan political office; or

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

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

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

(7) A former member, employee, or agent of the commission



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593 may appear before the commission as a witness testifying as to
594 factual matters or actions handled by the former member,
595 employee, or agent during his or her tenure with the commission.
596 However, the former member, employee, or agent of the commission
597 may not receive compensation for the appearance other than a
598 standard witness fee and reimbursement for travel expenses as
599 established by statute or rules governing administrative
600 proceedings before the Division of Administrative Hearings.

601 (8) (a) The executive director must approve outside
602 employment for an employee or agent of the commission.

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

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

610 1. Operating a proprietorship;
611 2. Participating in a partnership or group business
612 enterprise; or

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

615 (9) A member, employee, or agent of the commission may not
616 participate in or wager on any game conducted by any resort
617 licensee or applicant or any affiliate of a licensee or
618 applicant regulated by the commission in this state or in any
619 other jurisdiction, except as required as part of the person's
620 surveillance, security, or other official duties.

621 Section 12. Section 551.009, Florida Statutes, is created



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to read:

551.009 Disclosures by commissioners, employees, and agents.—

(1) COMMISSIONERS.—

(a) Each member of the commission must file a financial disclosure statement pursuant to s. 112.3145.

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

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

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 resort licensee.

2. Affirming that the member is in compliance with part III 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 commission.

(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 commission, must file a financial disclosure statement pursuant to s. 112.3145. All employees and agents must comply with the provisions of chapter 112.

(b) The executive director and each managerial employee and agent identified by rule of the department must disclose



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information required by rules of the department to ensure the integrity of the commission and its work.

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

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 the person 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 commission.

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

(3) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

(a) A member, employee, or agent of the commission who becomes aware that the member, employee, or agent of the commission 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 chair.

(b) A member, employee, or agent of the commission must immediately provide detailed written notice of the circumstances to the chair 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



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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, employee, or agent of the commission 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 chair. The member, employee, or agent of the commission may not act on behalf of the commission with respect to that person.

(d) A member, employee, or agent of the commission 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, employee, or agent of the commission 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 chair. The member, employee, or agent of the commission may not take any action on behalf of the commission 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, employee, or agent of the commission. A licensee or applicant who initiates a negotiation or discussion about employment shall



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immediately provide written notice of the details of the negotiation or discussion to the chair as soon as that person becomes aware that the negotiation or discussion has been initiated with a member, employee, or agent of the commission.

(f) A member, employee, or agent of the commission, or a parent, spouse, sibling, or child of a member, employee, or agent of the commission, 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 commission. A member, employee, or agent of the commission 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 commission must immediately provide written notice of the details to the chair.

(g) 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 any member or employee, or to a parent, spouse, sibling, or child of a member, employee, or agent, which the member or employee is prohibited from accepting under paragraph (f).

(h) A member, employee, or agent of the commission may not engage in any conduct that constitutes a conflict of interest and must immediately advise the chair in writing of the details of any incident or circumstance that would suggest the existence of a conflict of interest with respect to the performance of commission-related work or duty of the member, employee, or



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agent of the commission.

(i) A member, employee, or agent of the commission who is approached and offered a bribe must immediately provide a written account of the details of the incident to the chair and to a law enforcement agency having jurisdiction over the matter.

Section 13. Section 551.011, Florida Statutes, is created to read:

551.011 Ex parte communications.—

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

(2) Any commission member, licensee, applicant, or affiliate or representative of a commission 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 commissioner knowingly receives an ex parte communication relative to a proceeding to which he or she is



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assigned, he or she must place on the record copies of all written communications received, copies of all written responses to the communications, and a memorandum stating the substance of all oral communications 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 an ex parte communication may do so. The response must be received by the commission within 10 days after receiving notice that the ex parte communication has been placed on the record. The commissioner may, if he or she deems it necessary to eliminate the effect of an ex parte communication received by him or her, withdraw from the proceeding potentially impacted by the ex parte communication. After a commissioner withdraws from the proceeding, the chair shall substitute another commissioner for the proceeding if the proceeding was not assigned to the full commission.

(4) Any individual who makes an ex parte communication must submit to the commission a written statement describing the nature of the communication, including the name of the person making the communication, the name of the commissioner or commissioners receiving the communication, copies of all written communications made, all written responses to such communications, and a memorandum stating the substance of all oral communications received and all oral responses made. The commission shall place on the record of a proceeding all such communications.

(5) A member of the commission who knowingly fails to place on the record any ex parte communications, in violation of this



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section, within 15 days after the date of the communication 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.
112.322-112.3241.

(7) If the Commission on Ethics finds that a member of the
commission 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 commissioner 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 commission or otherwise represent anyone before the
commission for 2 years.

Section 14. Section 551.012, Florida Statutes, is created
to read:

551.012 Penalties for misconduct by a commissioner,
employee, or agent.—



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

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

(a) The commission determines that the conduct involved does not violate the purposes 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 30 days after the interest was acquired.

(3) Notwithstanding subsection (2), an employee or agent of the commission 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 commission; 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 15. Section 551.301, Florida Statutes, is created to read:

551.301 This part may be cited as the "Destination Resort Act" or the "Resort Act."

Section 16. Section 551.302, Florida Statutes, is created to read:

551.302 Definitions.—As used in this part, the term:

(1) "Ancillary areas" includes the following areas within a limited gaming facility, unless the context otherwise requires:



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(a) Major aisles, the maximum area of which may not exceed the limit within any part of the limited gaming facility as specified by the commission.

(b) Back-of-house facilities.

(c) Any reception or information counter.

(d) Any area designated for the serving or consumption of food and beverages.

(e) Any retail outlet.

(f) Any area designated for performances.

(g) Any area designated for aesthetic or decorative displays.

(h) Staircases, staircase landings, escalators, lifts, and lift lobbies.

(i) Bathrooms.

(j) 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 rules of the department or specified in the application for the destination resort license.

(2) "Applicant," as the context requires, means a person who applies for a resort license, supplier license, or occupational license. A county, municipality, or other unit of government is prohibited from applying for a 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 may not be deemed a loan from the licensee to the wagerer.

(4) "Destination resort" or "resort" means a freestanding,



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land-based structure in which limited gaming may be conducted. A destination resort is a mixed-use development consisting of a combination of various tourism amenities and facilities, including, but not limited to, hotels, villas, restaurants, limited gaming facilities, convention facilities, attractions, entertainment facilities, service centers, and shopping centers.

(5) "Destination resort license" or "resort license" means a license to operate and maintain a destination resort having a limited gaming facility.

(6) "District" means a county in which a majority of the electors voting in a countywide referendum have passed a referendum allowing for limited gaming to be conducted in that county.

(7) "Gaming pit" means an area commonly known as a gaming pit or any similar area from which limited gaming employees administer and supervise the games.

(8) "Gross receipts" means the total of cash or cash equivalents received or retained as winnings by a resort licensee and the compensation received for conducting any game in which the resort licensee is not party to a wager, less cash taken in fraudulent acts perpetrated against the resort licensee for which the resort licensee is not reimbursed. The term does not include:

(a) Counterfeit money or tokens;

(b) Coins of other countries which are received in gaming devices and which cannot be converted into United States currency;

(c) Promotional credits or free play as provided by the licensee as a means of marketing the limited gaming facility; or



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(d) The amount of any credit extended until collected.

(9) "Individual" means a natural person.

(10) "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 the Investment Advisers Act of 1940.

(i) Such other persons as the commission may determine for reasons consistent with the policies of this part.

(11) "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 resort licensed under this part regardless of whether those activities occur within this state. The term does not include a resort licensee or applicant for a resort license or a person holding an occupational license.

(12) "License," as the context requires, means a resort license, limited gaming license, supplier license, manufacturer



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license, or occupational license.

(13) "Licensee," as the context requires, means a person who is licensed as a resort licensee, limited gaming licensee, supplier licensee, manufacturer licensee, or occupational licensee.

(14) "Limited gaming," "game," or "gaming," as the context requires, means the games authorized under this part in a limited gaming facility, including, but not limited to, those commonly known as baccarat, twenty-one, poker, craps, slot machines, video gaming of chance, roulette wheels, Klondike tables, punch-board, faro layout, numbers ticket, push car, jar ticket, pull tab, or their common variants, or any other game of chance or wagering device that is authorized by the commission.

(15) "Limited gaming employee" or "gaming employee" means any employee of a resort licensee, including, but not limited to:

(a) Cashiers.

(b) Change personnel.

(c) Count room personnel.

(d) Slot machine attendants.

(e) Hosts or other individuals 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.



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(i) Promotional play supervisors, credit supervisors, 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.

The term does not include bartenders, cocktail servers, or other persons engaged in preparing or serving food or beverages, clerical or secretarial personnel, parking attendants, janitorial staff, stage hands, sound and light technicians, and other nongaming personnel as determined by the commission. The term includes a person employed by a person or entity other than a resort licensee who performs the functions of a limited gaming employee.

(16) "Limited gaming facility" means the limited gaming floor and any ancillary areas.

(17) "Limited gaming floor" means the approved gaming area of a resort or a pari-mutuel facility in which limited gaming may be conducted. Ancillary areas in or directly adjacent to the gaming area are not part of the limited gaming floor for purposes of calculating the size of the limited gaming floor.

(18) "Limited gaming license" means a license to conduct limited gaming as provided in s. 551.3135 at authorized pari-mutuel facilities.

(19) "Managerial employee" has the same meaning as in s.



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447.203(4).

(20) "Occupational licensee" means a person who is licensed to be a limited gaming employee.

(21) "Qualifier" means an affiliate, affiliated company, officer, director, or managerial employee of an applicant for a 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 resort license of 5 percent or less and is not involved in the gaming operations as defined by the rules of the department.

(22) "Supplier licensee" or "supplier" means a person who is licensed to furnish gaming equipment, devices, or supplies or other goods or services to a resort licensee.

(23) "Tournament" means an organized series of contests approved by the commission in which an overall winner is ultimately determined.

(24) "Wagerer" means a person who plays a game authorized under this part.

Section 17. Section 551.304, Florida Statutes, is created to read:

551.304 State Gaming Commission; powers and duties.—

(1) The commission shall:

(a) Authorize limited gaming at three destination resorts.



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1028 (b) Conduct such investigations as necessary to fulfill its
1029 responsibilities.

1030 (c) Use an invitation to negotiate process for applicants
1031 based on minimum requirements established by this part and rules
1032 of the department.

1033 (d) Investigate applicants for a resort license and
1034 determine the eligibility of applicants for a resort license and
1035 select from competing applicants the applicant that best serves
1036 the interests of the residents of Florida, based on the
1037 potential for economic development presented by the applicant's
1038 proposed investment in infrastructure, such as hotels and other
1039 nongaming entertainment facilities, and the applicant's ability
1040 to maximize revenue for the state.

1041 (e) Grant a license to the applicant best suited to operate
1042 a destination resort that has limited gaming.

1043 (f) Grant a license to authorized pari-mutuel facilities
1044 for limited gaming.

1045 (g) Establish and collect fees for performing background
1046 checks on all applicants for licenses and all persons with whom
1047 the commission may contract for the providing of goods or
1048 services and for performing, or having performed, tests on
1049 equipment and devices to be used in a limited gaming facility.

1050 (h) Issue subpoenas for the attendance of witnesses and
1051 subpoenas duces tecum for the production of books, records, and
1052 other pertinent documents as provided by law, and to administer
1053 oaths and affirmations to the witnesses, if, in the judgment of
1054 the commission, it is necessary to enforce this part or
1055 department rules. If a person fails to comply with a subpoena,
1056 the commission may petition the circuit court of the county in



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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 commission has completed the audit, examination, or investigation. The commission 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 commission 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.

(i) The commission shall 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. Any such banking or lending institution and institutional investors may be waived from qualification requirements. However, banking or lending institutions or institutional investors shall produce for the board upon request



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any document or information that bears any relation to the proposal submitted by the applicant or applicants. The integrity of the financial sources shall be judged upon the same standards as the applicant or applicants. Any such person or entity shall produce for the commission upon request any document or information that bears any relation to the application. In addition, the applicant shall produce whatever information, documentation, or assurances the commission requires to establish by clear and convincing evidence the adequacy of financial resources.

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

(k) Keep accurate and complete records of its proceedings and to certify the records as may be appropriate.

(l) Take any other action as may be reasonable or appropriate to enforce this part and rules adopted by the department.

(m) Apply for injunctive or declaratory relief in a court of competent jurisdiction to enforce this part and any rules adopted by the department.

(n) Establish field offices, as deemed necessary by the commission.

(2) The Department of Law Enforcement and local law enforcement agencies may investigate any criminal violation of law occurring at a licensee. Such investigations may be conducted in conjunction with the appropriate state attorney.

(3) (a) The commission, the Department of Law Enforcement,



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and local law enforcement agencies shall have unrestricted access to the limited gaming facility 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 commission and the Department of Law Enforcement may:

1. Inspect and examine premises where authorized limited gaming devices are offered for play.

2. Inspect slot machines, other authorized gaming devices, and related equipment and supplies.

(b) In addition, the commission may:

1. Collect taxes, assessments, fees, and penalties.

2. Deny, revoke, or suspend a license of, or place conditions on, a licensee who violates any provision of this part, a rule adopted by the department, or an order of the commission.

(4) The commission must 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.

(5) 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 limited 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



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necessary for the investigation of criminal activity which are
contained within the facilities of a licensee.

Section 18. Section 551.305, Florida Statutes, is created
to read:

551.305 Rulemaking.—

(1) The department shall adopt all rules necessary to
implement, administer, and regulate limited gaming under this
part. The rules must include:

(a) The types of limited gaming activities to be conducted
and the rules for those games, including any restriction upon
the time, place, and structures where limited 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, including all components, hardware, and
software for slot machines, and other authorized gaming devices
for compliance with this part and the rules adopted by the
department. The commission 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 and other authorized gaming
devices. An independent testing laboratory may not be owned or



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controlled by a licensee. The use of an independent testing laboratory for any purpose related to the conduct of slot machine gaming and other authorized gaming by a licensee shall be made from a list of laboratories approved by the commission.

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

(g) Requirements for limited gaming equipment, including the types and specifications of all equipment and devices that may be used in limited 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 limited gaming and the system of wagering associated with limited gaming.

(j) Security standards and procedures for the conduct of limited 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 limited 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 limited gaming.

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



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(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 license in the operation of slot machines and table game training, including minimal proficiency requirements for individuals, and standards and practices for the use of training equipment.

(q) Practices and procedures governing the conduct of tournaments.

(r) Minimum standards relating to the extension of credit to a player by a licensee.

(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 limited gaming which allow the commission and the Department of Law Enforcement to audit the operation, financial data, and program information of a licensee, as required by the commission or the Department of Law Enforcement, and provide the commission 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 limited gaming. Such continuous and complete access, at any time on a real-time basis, shall include the ability of either the commission 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



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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 commission shall notify the Department of Law Enforcement and the Department of Law Enforcement shall notify the commission, as appropriate, whenever there is a suspension of play pursuant this paragraph. The commission 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 commission with a bond as required.

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

(w) Procedures for requiring licensees to maintain and to provide to the commission 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 limited gaming.

(aa) The standards and procedures for the seizure without



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notice or hearing of gaming equipment, supplies, or books and records for the purpose of examination and inspection.

(bb) Procedures for requiring resort licensees , limited 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 limited gaming facility. The commission may require a licensee to timely provide all or part of the original recordings pursuant to a schedule.

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

(ee) 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 shall consider rules from any other jurisdiction in which gaming is highly regulated, such as New Jersey or Nevada.

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

(2) The department may at any time adopt emergency rules pursuant to s. 120.54. The Legislature finds that such emergency rulemaking power 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 limited gaming operations requires, from time



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to time, that the commission respond as quickly as is practicable. Therefore, in adopting such emergency rules, the department need not make the findings required by 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 19. Section 551.306, Florida Statutes, is created to read:

551.306 Legislative authority; administration of part.—The regulation of the conduct of limited gaming activity at a licensee is preempted to the state and a county, municipality, or other political subdivision of the state may not enact any ordinance relating to limited gaming. Only the department and other authorized state agencies may administer this part and regulate limited gaming, including limited gaming at licensees and the assessment of fees or taxes relating to the conduct of limited gaming.

Section 20. Section 551.307, Florida Statutes, is created to read:

551.307 Authorization of limited gaming at destination resorts.—Notwithstanding any other provision of law, the commission may award a resort license authorizing limited gaming in a county only if a majority of the electors voting in a countywide referendum have passed a referendum allowing for limited gaming in that county. If limited gaming is authorized through the award of a resort license, the resort licensee may



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possess slot machines and other authorized gaming devices and
conduct limited gaming at the licensed location. Notwithstanding
any other provision of law, a person who is at least 21 years of
age may lawfully participate in authorized games at a facility
licensed to possess authorized limited gaming devices and
conduct limited gaming or to participate in limited gaming as
described in this part. All limited gaming shall be conducted in
a designated limited gaming floor that is segregated from the
rest of the resort facility so that patrons may have ingress and
egress to the resort facility without entering the designated
limited gaming floor.

Section 21. Section 551.308, Florida Statutes, is created
to read:

551.308 Process for awarding destination resort licenses.-

(1) The commission shall by rule use an invitation to
negotiate process for determining the award of a resort license.
The application, review, and issuance procedures for awarding a
license shall be by a process in which applicants rely on forms
provided by the commission in response to an invitation to
negotiate issued by the commission. The commission shall issue
the invitation to negotiate no later than 90 days after the date
of the commission's first meeting.

(2) Proposals in response to the invitation to negotiate
must be received by the commission no later than 90 days after
the issuance of the invitation to negotiate.

(3) The commission may specify in its invitation to
negotiate the county in which the facility would be located.
When determining whether to authorize a destination resort
located within a specific county or counties, the commission



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shall hold a public hearing in such county or counties to discuss the proposals and receive public comments on determination of the award of licenses.

(4) The commission shall review all complete replies received pursuant to an invitation to negotiate. The commission may select one or more replies with which to commence negotiations after determining which replies are in the best interest of the state based on the selection criteria. The commission shall award or deny a destination resort license within 90 days after the deadline for the submission of a reply.

(5) The commission may expand the deadlines required under this section by rule of the department if the commission makes specific findings that the deadlines are not able to be met and the reasons that the deadlines are not able to be met.

(6) If the commission does not award all three resort licenses at the conclusion of the process described in subsections (1) through (4), the commission may issue one or more additional invitations to negotiate, pursuant to deadlines established by rule of the department, to award any authorized destination resort licenses that were not awarded during the initial award process.

Section 22. Section 551.309, Florida Statutes, is created to read:

551.309 Criteria for the award of a destination resort license.—The commission may award no more than three destination resort licenses.

(1) The commission may award a resort license to the applicant of an invitation to negotiate which best serves the interests of the residents of this state. The reply to an



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invitation to negotiate for a resort license must include an application that demonstrates the applicant's ability to meet the following minimum criteria:

(a) The applicant must demonstrate a capacity to increase tourism, generate jobs, provide revenue to the local economy, and provide revenue to the General Revenue Fund.

(b) The limited gaming floor in a destination resort may constitute no more than 10 percent of the resort development's total square footage. The resort development's total square footage is the aggregate of the total square footage of the limited gaming facility, the hotel or hotels, convention space, retail facilities, nongaming entertainment facilities, service centers, and office space or administrative areas.

(c) The applicant must demonstrate a history of, or a bona fide plan for, community involvement or investment in the community where the resort having a limited gaming facility will be located.

(d) The applicant must demonstrate a history of investment in the communities which its previous developments have been located.

(e) The applicant must demonstrate the financial ability to purchase and maintain an adequate surety bond.

(f) The applicant must demonstrate that it has adequate capitalization to develop, construct, maintain, and operate the proposed resort having a limited gaming facility in accordance with the requirements of this part and rules adopted by the department and to responsibly meet its secured and unsecured debt obligations in accordance with its financial and other contractual agreements.



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1405 (g) The applicant must demonstrate the ability to implement
1406 a program to train and employ residents of this state for jobs
1407 that will be available at the destination resort, including its
1408 ability to implement a program for the training of low-income
1409 persons.

1410 (h) The commission may, at its discretion, assess the
1411 quality of the proposed development's aesthetic appearance in
1412 the context of its potential to provide substantial economic
1413 benefits to the community and the people of this state,
1414 including, but not limited to, its potential to provide
1415 substantial employment opportunities.

1416 (i) The applicant must show how it will integrate with
1417 local businesses in host and surrounding communities, including
1418 local restaurants, hotels, retail outlets, and impacted live
1419 entertainment venues.

1420 (j) The applicant must demonstrate its ability to build a
1421 destination resort of a high caliber with a variety of high
1422 quality amenities to be included as part of the establishment
1423 that will enhance the state's tourism industry.

1424 (k) The applicant must demonstrate how it will contract
1425 with local business owners for the provision of goods and
1426 services, including developing plans designed to assist
1427 businesses in the state and local economy.

1428 (l) The applicant must demonstrate that it will expend at
1429 least \$2 billion in new development and construction of the
1430 proposed destination resort following the award of a license,
1431 which may include improvements to the property, furnishings, and
1432 other equipment, as determined by the commission, excluding any
1433 purchase price and costs associated with the acquisition of real



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property on which to develop the destination resort and
excluding any impact fees. Such expenditure must in the
aggregate be completed within 5 years after the award of any
such license.

(m) The applicant must demonstrate the ability to generate
substantial gross receipts.

(n) Any other criteria the applicant deems necessary to
assist the commission in its scoring as outlined in the act.

(2)(a) The commission shall evaluate applications based on
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, the support of the
local community in bringing the development to the community,
and an analysis of the revenue that will be generated by the
facility.

b. Design shall be evaluated based on the potential
operator's ability to integrate the facilities design into the
local community and whether the size and scope of the project
will integrate properly into the community.

2. Management expertise and speed to market: 40 percent.
The criteria for evaluation shall be:

a. The applicant's experience building and managing a
resort the scope and size of the proposed resort.

b. The applicant's plan to build and manage the resort and
the operator's timeline for completion of the resort.

c. The applicant's experience and plan to generate non-
gaming revenue from other amenities with the facility.

d. The applicant's access to capital and financial ability



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to construct the proposed project.

e. The evaluation of subsection (1) (a) - (k) of this section.

3. Generating out of state visitation: 30 percent. The criteria for evaluation shall be:

a. The applicant's demonstrated history of generating tourism and visitation from out of state and international tourists.

b. The applicant's history of driving visitation to other properties in an area.

c. The applicant's plan for generating out of state and international tourism.

d. The applicant's plan for maximizing visitation to a region that will also drive visitation to other properties in that region.

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 they are located.

b. The applicant's demonstrated plan to enhance the local community where the proposed resort will be located.

c. The applicant's demonstrated plan for local hiring.

d. The applicant's demonstrated history of working with community education facilities including local schools and colleges to train prospective job applicants for careers in the hospitality field.

e. The applicant's demonstrated history in diversity in hiring and minority purchasing.

f. The applicant's plan for diversity in hiring and



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minority purchasing.

(b) The commission shall give preference to those applicants that demonstrate that they meet the following criteria:

1. The roads, water, sanitation, utilities, and related services to the proposed location of the destination resort are adequate and the proposed destination 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. The applicant will be able to commence construction as soon after awarding of the resort license as possible, but, in any event, no later than 12 months after the award of the resort license.

3. The destination resort will include amenities and uses that will allow other state businesses to be included within the destination resort.

4. The destination resort will promote local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues.

5. The destination resort will implement a workforce development plan that utilizes the existing labor force, including the estimated number of construction jobs the destination resort will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the destination resort development.

6. The destination resort will take additional measures to address problem gambling including, but not limited to, training



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of gaming employees to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations.

7. The destination 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 resort will utilize sustainable development principles.

9. The destination resort will contract with local business owners for the provision of goods and services, including developing plans designed to assist businesses in the state in identifying the needs for goods and services to the establishment.

10. The destination resort will mitigate potential impacts on host and surrounding communities which might result from the development or operation of the destination resort.

11. The destination resort will purchase whenever possible, domestically manufactured equipment for installation in the resort.

12. The destination 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 utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the development; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the development; and (iii) minority



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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 resort will have public support in the
host and surrounding communities which may be demonstrated
through public comment received by the commission or gaming
applicant.

(3) A resort license may be issued only to persons of good
moral character who are at least 21 years of age. A resort
license may issued to a corporation only if its officers are of
good moral character and at least 21 years of age.

(4) A 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 gross
receipts 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 or employee of the commission.

(f) Was licensed to own or operate gaming or pari-mutuel
facilities in this state or another jurisdiction and that
license was revoked.

(g) Is an entity that has accepted any wager of money or



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other consideration on any online gambling activity, including
poker, from any state resident since October 13, 2006. However,
this prohibition does not disqualify an applicant or
subcontractor who accepts online pari-mutuel wagers from a state
resident through a legal online pari-mutuel wagering entity
authorized in another state.

(h) Fails to meet any other criteria for licensure set
forth in this part.

As used in this subsection, the term "conviction" 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 23. Section 551.310, Florida Statutes, is created
to read:

551.310 Application for destination resort license.—

(1) APPLICATION.—A reply submitted in response to an
invitation to negotiate must include a sworn application in the
format prescribed by the commission. The application must
include the following information:

(a)1. The name, business address, telephone number, social
security number, and, where applicable, federal tax
identification number of the applicant and each qualifier; and

2. Information, documentation, and assurances concerning
financial background and resources as may be 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 and
check records and ledgers. In addition, each applicant must



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provide written authorization for the examination of all bank accounts and records as may be deemed necessary by the commission.

(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 commission, that the applicant has received conceptual approval of the destination resort proposal from the municipality and county in which the 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 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



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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 concerning 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 the applicant or qualifier has, as a principal or a controlling shareholder, within the last 10 years, 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 gross receipts 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 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 resort is to be located, and the spouses, parents, and children of those public officials or officers, who,



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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 prior to the effective date of this section or who is representing an applicant before the commission 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 resort having a limited gaming facility would be located.

(l) A description of the applicant's proposed resort, including a map documenting the location of the facility 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 economic benefit to the community in which the facility would be located; the anticipated number of jobs generated by construction of the facility; the anticipated number of employees; a statement regarding how the applicant would comply with federal and state affirmative action guidelines; a projection of admissions or attendance at the limited gaming facility; a projection of gross



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receipts; and scientific market research pertaining to the proposed facility, if any.

(m) Proof of a countywide referendum has been approved prior to the application deadline by the electors of the county authorizing limited gaming as defined in this chapter in that county.

(n) A schedule or timeframe for completing the resort.

(o) A plan for training residents of this state for jobs at the resort. The job-training plan must provide training to enable low-income persons to qualify for jobs at the resort.

(p) The identity of each person, association, trust, or corporation or partnership having a direct or indirect equity interest in the applicant of greater 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 resort and limited gaming facility development plan and projected investment of \$2 billion pursuant to s. 551.309 for a destination resort and a limited gaming facility development plan for a pari-mutuel facility.

(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 rule of the department, for a criminal history record check.

(s) A statement outlining the organization's diversity



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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 commission may deem appropriate or require during the application process as provided by rule.

(2) DISCRETION TO REQUIRE INFORMATION.—Notwithstanding any other provision of law, the commission is the sole authority for determining the information or documentation that must be included in an application for a resort license or in an application to renew a resort license. Such documentation and information may relate to: demographics, education, work history, personal background, criminal 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 otherwise be required by the commission to be made by electronic means.



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(4) APPLICATION FEES.—

(a) The application for a resort license or limited gaming license must be submitted along with a nonrefundable application fee of \$1 million to be used by the commission to defray costs associated with the review and investigation of the application and to conduct a background investigation of the applicant and each qualifier. If the cost of the review and investigation exceeds \$1 million, the applicant must pay the additional amount to the commission within 30 days after the receipt of a request for an additional payment.

(b) The application for a destination resort license or limited gaming license must be submitted with a one-time fee of \$125 million. If the commission denies the application, the commission must refund the fee within 30 days after the denial of the application. If the applicant withdraws the application after the application deadline established by the commission, the commission must refund 80 percent of the fee within 30 days after the application is withdrawn.

(c) All fees collected under this subsection shall be deposited into the Destination Resort Trust Fund.

Section 24. Section 551.311, Florida Statutes, is created to read:

551.311 Incomplete applications.—

(1) An incomplete application for a resort license may be grounds for the denial of the application.

(2) (a) If the commission determines that an application for a 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



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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 commission. During an extension or the pendency of an appeal to the commission, the award of resort licenses in the applicable county is stayed.

Section 25. Section 551.312, Florida Statutes, is created to read:

551.312 Institutional investors as qualifiers.-

(1) (a) An application for a resort license that has an institutional investor as a qualifier need not contain information relating to the institutional investor, other than the identity of the investor, if the institutional investor holds less than 15 percent of the equity or debt securities and files a certified statement that the institutional investor does not intend to influence or affect the affairs of the applicant or an affiliate of the applicant and that its holdings of securities of the applicant or affiliate were purchased for investment purposes only.

(b) The commission may limit the application requirements as provided in this subsection for an institutional investor that is a qualifier and that holds 5 percent or more of the equity or debt securities of an applicant or affiliate of the applicant upon a showing of good cause and if the conditions specified in paragraph (a) are satisfied.



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(2) An institutional investor that is exempt from the full application requirements under this section and that subsequently intends to influence or affect the affairs of the issuer must first notify the commission of its intent and file an application containing all of the information that would have been required of the institutional investor in the application for a resort license. The commission may deny the application if it determines that granting the application will impair the financial stability of the licensee or impair the ability of the licensee to comply with its development plans or other plans submitted to the commission by the applicant or licensee.

(3) An applicant for a license or a resort licensee or affiliate shall immediately notify the commission of any information concerning an institutional investor holding its equity or debt securities which may disqualify an institutional investor from having a direct or indirect interest in the applicant or licensee, and the commission may require the institutional investor to file all information that would have been required of the institutional investor in the application for a license.

(4) If the commission finds that an institutional investor that is a qualifier fails to comply with the requirements of subsection (1) or, if at any time the commission finds that by reason of the extent or nature of its holdings an institutional investor is in a position to exercise a substantial impact upon the controlling interests of a licensee, the commission may require the institutional investor to file an application containing all of information that would have been required of the institutional investor in the application for a license.



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(5) Notwithstanding paragraph (1)(b), an institutional investor may vote on all matters that are put to the vote of the outstanding security holders of the applicant or licensee.

Section 26. Section 551.313, Florida Statutes, is created to read:

551.313 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 27. Section 551.3135, Florida Statutes, is created to read:

551.3135 Authorization of limited gaming at licensed pari-mutuel facilities.—

(1) Notwithstanding any other provision of law, the commission may award a limited gaming license authorizing limited gaming in a licensed pari-mutuel facility only if a majority of the electors voting in a countywide referendum have passed a referendum allowing for limited gaming before December 31, 2014. If limited gaming is authorized through the award of a limited gaming license, the pari-mutuel facility may possess slot machines and other authorized gaming devices and conduct limited gaming at the licensed location. Notwithstanding any other provision of law, a person who is at least 21 years of age may lawfully participate in authorized games at a facility licensed to possess authorized limited gaming devices and



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1869 conduct limited gaming or to participate in limited gaming as
1870 described in this part.

1871 (2) A limited gaming license may be issued only to a
1872 licensed pari-mutuel permitholder, and limited gaming may be
1873 conducted only at the eligible facility at which the
1874 permitholder is authorized under its valid pari-mutuel wagering
1875 permit to conduct pari-mutuel wagering activities.

1876 (3) As a condition of licensure and to maintain continued
1877 authority for the conduct of limited gaming, the pari-mutuel
1878 permitholder shall:

1879 (a) Continue to be in compliance with this chapter, where
1880 applicable.

1881 (b) Continue to be in compliance with chapter 550, where
1882 applicable, and maintain the pari-mutuel permit and license in
1883 good standing pursuant to the provisions of chapter 550.

1884 (c) Conduct no fewer than a full schedule of live racing or
1885 games as defined in s. 550.002(11). A permitholder's
1886 responsibility to conduct such number of live races or games
1887 shall be reduced by the number of races or games that could not
1888 be conducted due to the direct result of fire, war, hurricane,
1889 or other disaster or event beyond the control of the
1890 permitholder.

1891 (4) An application for a limited gaming license shall be on
1892 the form required by the commission, accompanied by the
1893 application fee required for destination resort licensees under
1894 s. 551.310(4). Applicants must also submit fingerprints, as
1895 required by this part, for a criminal history record check.
1896 Initial and renewal applications for limited gaming licenses
1897 must contain all information that the department, by rule,



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determines is required to ensure eligibility, including requirements under ss. 551.309(3) and (4).

(5) If limited gaming is authorized at the pari-mutuel facility by referendum, the pari-mutuel may not offer limited gaming until authorized by the commission. The commission may not authorize any pari-mutuel facility to begin limited gaming until a destination resort has begun to offer the play of limited gaming to the public as authorized by the commission. For purposes of this section, "authorization" to begin limited gaming for a pari-mutuel resort should be the announced opening date of the destination resort, or the actual opening date, whichever shall occur first.

(6) If limited gaming is authorized, the pari-mutuel facility must apply for a license under s. 551.310 and meet the requirements of that section. Licensed pari-mutuel facilities that are authorized to conduct limited gaming shall be subject to the jurisdiction of the department and part III of chapter 551, except that sections 551.307, 551.308, 551.309, 551.311, 551.312, and 551.313 shall not apply to the extent that these sections relate to the awarding of destination resort licenses.

(7)(a) All limited gaming shall be conducted in a limited gaming floor that is segregated from the rest of the pari-mutuel facility so that patrons may have ingress and egress to the pari-mutuel facility without entering the designated limited gaming floor.

(b) The licensee shall display pari-mutuel races or games within the designated limited gaming floor and offer patrons within the designated limited gaming floor the ability to engage in pari-mutuel wagering on live, intertrack, and simulcast races



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conducted or offered to patrons of the licensed facility.

(c) The designated limited gaming floor may be located within the current pari-mutuel facility or in an existing building that must be contiguous and connected to the pari-mutuel facility. If a designated limited gaming floor is to be located in a building that is to be constructed, that new building must be contiguous and connected to the pari-mutuel facility. The limited gaming floor may not exceed 10 percent of the total property of the pari-mutuel facility.

(8) If a slot machine licensee as defined in s. 551.102(10) is issued a limited gaming license, then any slot machine license issued pursuant to s. 551.104 shall be void.

Section 28. Section 551.314, Florida Statutes, is created to read:

551.314 Conditions for a resort and limited gaming license.—As a condition to licensure and to maintain continuing authority, a licensee must:

(1) Comply with this part and the rules of the department.

(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 resort in accordance with the plans and timeframe proposed to the commission in its application, unless an extension is granted by the commission. The commission 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



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of the facility is specifically structured to facilitate regulatory oversight. The facilities-based computer system shall be designed to provide the department 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 statutory provisions and rules adopted by the department for the regulation and control of gaming. The department and the Department of Law Enforcement shall have complete and continuous access to this system. Such access shall include the ability of either the department or the Department of Law Enforcement 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, neither the commission nor the Department of Law Enforcement shall have the ability to 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 the Department of Law Enforcement 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 the Department of Law



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Enforcement 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 prior to implementation. The department shall furnish copies of the security plan and changes in the plan to the Department of Law Enforcement.

(7) Create and file with the commission 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



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occupational licensee that includes, but is not limited to, requiring such person to sign an agreement that he or she understands that the limited gaming facility is a drug-free workplace.

(g) Using the Internet-based job-listing system of the Department of Economic Opportunity in advertising employment opportunities.

(h) Ensuring that the payout percentage of each slot machine is at least 85 percent.

(8) File with the department detailed documentation of the applicant's, its affiliates', or any holding company's history of using labor in any jurisdiction that would fall outside of ages defined in chapter 450.

(9) Keep and maintain permanent daily records of its limited 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, the Department of Law Enforcement, or other law enforcement agencies during the licensee's regular business hours.

(10) Maintain a designated limited gaming floor that is segregated from the rest of the resort facility so that patrons may have ingress and egress to the resort facility without entering the designated limited gaming floor.

Section 29. Section 551.315, Florida Statutes, is created to read:

551.315 Surety bond.—A destination resort licensee and a



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limited gaming licensee must, at its own cost and expense,
before the license is delivered, give a bond in the penal sum to
be determined by the department 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 department and
the Chief Financial Officer and the bond must be conditioned on
the licensee faithfully making the required payments to the
Chief Financial Officer in his or her capacity as treasurer of
the commission, keeping the licensee's books and records and
make reports as provided, and conducting its limited gaming
activities in conformity with this part. The department 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
department. 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
Chief Financial Officer. 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
department. The department 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 30. Section 551.316, Florida Statutes, is created



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to read:

551.316 Conduct of limited gaming.—

(1) Limited gaming may be conducted by a licensee, subject to the following:

(a) The site of the limited gaming facility is limited to the licensee's site location as approved by the commission.

(b) The department's agents and employees may enter and inspect a limited gaming facility or other facilities relating to a licensee's gaming operations at any time for the purpose of determining whether the licensee is in compliance with this part.

(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 permit any form of wagering on games except as permitted by this part.

(e) A licensee may receive wagers only from a person present in the limited 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 activity or remain in an area of a limited gaming facility where gaming is being conducted, except for a limited gaming employee of the resort licensee who is at least 18 years of age.

(h) A licensee may not sell or distribute tokens, chips, or electronic cards used to make wagers outside the limited gaming facility. The tokens, chips, or electronic cards may be purchased by means of an agreement under which the licensee



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2101 extends credit to a wagerer. The tokens, chips, or electronic
2102 cards may be used only for the purpose of making wagers on games
2103 within a limited gaming facility.

2104 (i) A licensee may not conduct business with a junket
2105 enterprise, except for a junket operator employed full time by
2106 that licensee.

2107 (j) All gaming activities must be conducted in accordance
2108 with department rules.

2109 (k) Limited gaming may not be conducted by a destination
2110 resort licensee until the destination resort is completed
2111 according to the proposal approved by the commission.

2112 (2) A limited gaming facility may operate 24 hours per day,
2113 every day of the year.

2114 (3) A licensee may set the minimum and maximum wagers on
2115 all games.

2116 (4) A licensee shall give preference in employment,
2117 reemployment, promotion, and retention to veterans and to the
2118 persons included under s. 295.07(1) who possess the minimum
2119 qualifications necessary to perform the duties of the positions
2120 involved.

2121 (5) A licensee, its affiliates, directors, and employees
2122 shall be subject to all applicable federal, state, and local
2123 laws. Such licensees, affiliates, directors, and employees shall
2124 subject themselves to jurisdiction of the Federal Government and
2125 the government of this state and acceptance of a license shall
2126 be considered an affirmative waiver of extradition to the United
2127 States from a foreign country.

2128 (6) The licensee shall report any suspicious transaction or
2129 activity with the department and other law enforcement agency,



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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, credit card or by means of an electronic funds transfer terminal. As used in this subsection, "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 shall not prevent it from being considered an electronic funds transfer terminal under this definition.

(8) The department may renew a destination resort if the destination resort licensee has demonstrated an effort to increase tourism, generate jobs, provide revenue to the local economy, and provide revenue to the state General Revenue Fund.

(9) The department shall renew a destination resort and limited gaming license if:

(a) The department has not suspended or revoked the license of the licensee.

(b) The licensee continues to satisfy all the requirements for licensure.

Section 31. Section 551.317, Florida Statutes, is created to read:

551.317 Prohibited acts; penalties.—



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(1) It is unlawful for a person to willfully:

(a) Fail to report, pay or truthfully account for and remit any license fee, authorization fee, tax or assessment imposed under this part; or

(b) Attempt in any manner to evade any license fee, authorization fee, tax or assessment imposed under this part.

(2) It is unlawful for any licensed entity, gaming employee, key employee or any other person to permit a slot machine, table game, or table game device to be operated, transported, repaired or opened on the premises of a licensed facility by a person other than a person licensed or permitted by the commission under to this part.

(3) It is unlawful for any licensed entity or other person to 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 licensed facility without the authority of the commission.

(4) It is unlawful for a licensed entity or other person to 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 prior to the actual renewal of the license.

(5) Except as set forth in this subsection, it is unlawful for an individual while on the premises of a licensed facility to 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 the slot machine with the intent to cheat or defraud a licensed gaming entity or the commission



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or damage the slot machine. In the playing of a slot machine, it is lawful for an individual to use gaming billets, tokens or similar objects issued by the licensed gaming entity which are approved by the commission.

(6) Except as set forth in this subsection, it is unlawful for an individual to use or possess a cheating or thieving device, counterfeit or altered billet, ticket, token, or similar objects accepted by a slot machine or counterfeit or altered slot machine-issued tickets or vouchers at a licensed facility. An authorized employee of a licensee or an employee of the department may possess and use a cheating or thieving device, counterfeit or altered billet, ticket, token, or similar objects accepted by a slot machine or counterfeit or altered slot machine-issued tickets or vouchers in performance of the duties of employment.

(7) It is unlawful for an individual to 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 an authorized employee of the commission or department may possess and use counterfeit chips or table game devices or associated equipment that have been marked, loaded or tampered with, or other cheating devices in performance of the duties of employment for training, investigative or testing purposes only.

(8) It is unlawful for an individual to knowingly, by a trick or sleight of hand performance or by fraud or fraudulent scheme, table game device or other device, for himself or for another, win or attempt to win any cash, property, or prize at a



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licensed facility or to reduce or attempt to reduce a losing
wager.

(9) Except as set forth in this subsection, it is unlawful
for an individual to knowingly possess or use while on the
premises of a licensed facility a key or device designed for the
purpose of and suitable for opening or entering any slot
machine, drop box or coin box which is located on the premises
of the licensed facility. An authorized employee of a licensee,
commission, or department may possess and use a device referred
to in this subsection in the performance of the duties of
employment.

(10) It is unlawful for a person or licensed entity to
possess any device, equipment or material which the person or
licensed entity knows has been manufactured, distributed, sold,
tampered with or serviced in violation of the provisions 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) It is unlawful for a person to sell, offer for sale,
represent or pass off as lawful any device, equipment or
material which the person or licensed entity knows has been
manufactured, distributed, sold, tampered with or serviced in
violation of this part.

(12) It is unlawful for an individual to work or be
employed in a position the duties of which would require
licensing or permitting under the provisions of this part
without first obtaining the requisite license or permit issued
under the provisions of this part.

(13) It shall be unlawful for a licensed entity to employ



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or continue to employ an individual in a position the duties of which require a license or permit under the provisions of this part if the individual:

(a) Is not licensed or permitted under the provisions of this part, or

(b) Is prohibited from accepting employment from a licensee.

(14) It shall be unlawful for an individual to 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 that violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person that 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 32. Section 551.318, Florida Statutes, is created to read:

551.318 License fee; tax rate; disposition.—

(1) LICENSE FEE.—On the anniversary date of the issuance of the initial license and annually thereafter, the licensee must pay to the department a nonrefundable annual license fee of \$5 million. The license shall be renewed annually, unless the department has revoked the license for a violation of this part



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or rule of the department. The license fee shall be deposited into the Destination Resort Trust Fund to be used by the department and the Department of Law Enforcement for investigations, regulation of limited gaming, and enforcement of this part.

(2) GROSS RECEIPTS TAX.—

(a) Each licensee shall pay a gross receipts tax on its gross receipts to the state. Upon completion of the destination resort and before limited gaming may be conducted, the destination resort licensee must submit proof, as required by the commission, of the total investment made in the construction of the resort. The gross receipts tax rate shall be 10 percent of the gross receipts. Payment for the gross receipts tax imposed by this section shall be paid to the department.

(b) The gross receipts tax shall be distributed as follows:

1. Ninety-seven and 1/2 percent shall be deposited into the General Revenue Fund.

2. Two percent of the gross receipts tax collected shall be paid to the Florida Thoroughbred Breeders and Owners Association, Inc., for the payment of breeders, stallion, and special racing awards, including the administrative fee authorized in s. 550.2625(3), Florida Statutes, on live thoroughbred races conducted at licensed thoroughbred pari-mutuel facilities. These funds, to be governed by the board of directors of the Florida Thoroughbred Breeders and Owners Association, Inc., may provide for, but not be limited to, use for capital expenditures that will drive economic growth and continue to provide jobs for the Ocala/Marion County area and for Florida's thoroughbred industry, including the



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rehabilitation or retirement of thoroughbred racehorses, equine research, education, and civic and industry-related service organizations and charities, while continuing the preservation of over 100,000 acres in production for thoroughbred breeding, training, and other equine activities. The amounts provided shall be remitted monthly.

3. One-half percent of the gross receipts tax collected shall be deposited to the credit of the Grants and Donations Trust Fund in the Department of Veterans Affairs for use by the Department of Veterans Affairs in accordance with s. 292.05.

(c) The licensee shall remit to the department payment for the gross receipts 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. 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 prescribed by the department.

(d) The department may require licensees to remit taxes, fees, fines, and assessments by electronic funds transfer.

(e) The gross receipts tax is in lieu of any other state taxes on gross or adjusted gross receipts of a licensee.

Section 33. Section 551.3185, Florida Statutes, is created to read:

551.3185 Disposition of Trust Fund Moneys.— On June 30, any unappropriated funds in excess of \$10 million in the Destination Resort Trust Fund collected pursuant to this part, shall be



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deposited with the Chief Financial Officer to the credit of the
General Revenue Fund.

Section 34. Section 551.319, Florida Statutes, is created
to read:

551.319 Fingerprint requirements.—Any fingerprints required
to be taken under this part must be taken in a manner approved
by, and shall be submitted electronically by the department to,
the Department of Law Enforcement. The Department of Law
Enforcement shall submit the results of the state and national
records check to the department. The department shall consider
the results of the state and national records check in
evaluating an application for any license.

(1) The cost of processing fingerprints and conducting a
criminal history record check shall be borne by the applicant.
The Department of Law Enforcement may submit a monthly invoice
to the department for the cost of processing the fingerprints
submitted.

(2) All fingerprints submitted to the Department of Law
Enforcement pursuant to this part shall be retained by the
Department of Law Enforcement and entered into the statewide
automated fingerprint identification system as authorized by s.
943.05(2)(b) and shall be available for all purposes and uses
authorized for arrest fingerprint cards entered into the
statewide automated fingerprint identification system pursuant
to s. 943.051.

(3) The Department of Law Enforcement shall search all
arrest fingerprints received pursuant to s. 943.051, against the
fingerprints retained in the statewide automated fingerprint
identification system. Any arrest record that is identified with



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the retained fingerprints of a person subject to the criminal history screening under this part shall be reported to the department. Each licensee shall pay a fee to the department for the cost of retention of the fingerprints and the ongoing searches under this subsection. The department 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 shall inform the Department of Law Enforcement of any change in the license status of licensees whose fingerprints are retained under subsection (2).

(4) The department 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 another set of fingerprints. The department shall collect the fees for the cost of the national criminal history record check under this subsection 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 subsection shall be borne by the licensee or applicant. The Department of Law Enforcement may submit an invoice to the department 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 within 48 hours if he or she is convicted



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of or has entered a plea of guilty or nolo contendere to any
disqualifying offense, regardless of adjudication.

Section 35. Section 551.321, Florida Statutes, is created
to read:

551.321 Supplier licenses.—

(1) A person must have a supplier license in order to
furnish on a regular or continuing basis to a limited gaming
facility or an applicant for a resort or limited gaming license
gaming equipment, devices, or supplies or other goods or
services regarding the operation of limited gaming at the
facility.

(2) An applicant for a supplier license must apply to the
department on forms adopted by the department by rule. The
licensing fee for the initial and annual renewal of the license
shall be a scale of fees determined by rule of the department
based on the type of 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 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 commission or an



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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 limited gaming authorized under this part; or

6. The applicant has had a license to own or operate a resort facility 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 rules of the department; 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 gaming equipment, devices, and supplies it offers for sale or lease in connection with limited gaming authorized in this part;

(b) Keep books and records documenting the furnishing of gaming equipment, devices, and supplies to resort licensees



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separate and distinct from any other business that the supplier operates;

(c) File quarterly returns with the department listing all sales or leases of gaming equipment, devices, or supplies to resort licensees;

(d) Permanently affix its name to all gaming equipment, devices, or supplies sold or leased to licensees; and

(e) File an annual report listing its inventories of gaming equipment, devices, and supplies, including the locations of such equipment.

(7) All gaming devices, equipment, 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 the rules of the department; or
2. Defaults on the payment of any obligation or debt due to this state or a county.

(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



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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 36. Section 551.3215, Florida Statutes, is created
to read:

551.3215 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 commission for a manufacturer license.

(2) The licensing fee for the initial and annual renewal of
the license shall not exceed \$25,000.

(3) An application for a manufacturer license shall be on
the form required by the commission, 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
commission.

(b) A statement that the applicant and each affiliate,
intermediary, subsidiary or holding company of the applicant are
not slot machine or resort licensees.

(c) The consent to a background investigation of the
applicant, its principals and key employees or other persons
required by the commission and a release to obtain any and all



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information necessary for the completion of the background 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 commission 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 commission to be appropriate.

(4) Upon being satisfied that the requirements of subsection (3) have been met, the commission 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 one year, and, if renewed under subsection (6), the license shall be for a period of one years. Nothing in this paragraph shall relieve the licensee of the affirmative duty to notify the board of any changes relating to the status of its license or to any other information contained in application materials on file with the commission.

(b) The license shall be nontransferable.

(c) Any other condition established by the commission.

(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 commission under this section to manufacture slot machines or associated equipment used in connection with slot machines, the commission



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may determine to use an abbreviated process requiring only that information determined by the commission 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. Nothing in this section shall be construed to waive any fees associated with obtaining a license through the normal application process. The commission may only use the abbreviated process if all of the following apply:

(a) The manufacturer license was issued by the commission 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 been no material change in circumstances relating to the license.

(c) The commission determines, in its sole discretion, that there has been no material change in circumstances relating to the licensee that necessitates that the abbreviated process not be used.

(6) Two months prior to 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 commission. If the renewal application satisfies the requirements of this section and rules of the commission, the commission may renew the licensee's manufacturer license. If the commission receives a complete renewal application but fails to act upon the renewal application prior to the expiration of the manufacturer license, the manufacturer



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license shall continue in effect for an additional six-month period or until acted upon by the commission, whichever occurs first.

(7) The following shall apply to a licensed manufacturer:

(a) A manufacturer or its designee, as licensed by the commission, may supply or repair any slot machine, table game device or associated equipment manufactured by the manufacturer, provided 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, provided 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, provided the supplier is licensed to supply table game devices or associated equipment used in connection with table games.

(8) No person may 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 as permitted by the commission in relation to training equipment, no licensee may use slot machines, table game devices or associated equipment unless the slot machines, table game devices or associated equipment were manufactured by a person that has been issued the appropriate manufacturer license under this section.

(9) The department may revoke the license or deny the



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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 37. Section 551.322, Florida Statutes, is created
to read:

551.322 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 entity
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 the department by 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 resort licensee.

(a) The applicant shall set forth in the application



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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 limited 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 rules.

(5) The department must 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



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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 the rules of the department;

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 facility of a resort licensee, limited gaming licensee, or at a school with which the licensee has entered into an agreement for that purpose.

(8) A licensed travel agent whose commission 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 38. Section 551.323, Florida Statutes, is created to read:

551.323 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



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applicant to undertake employment with or provide gaming equipment, devices, or supplies or other goods or services to a limited gaming facility or an applicant for a resort or limited gaming license 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 resort licensee, limited gaming licensee, or an applicant for a resort or limited gaming 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 resort or limited gaming 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.



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Section 39. Section 551.325, Florida Statutes, is created to read:

551.325 Quarterly report.—The commission shall file quarterly reports with the Governor, the President of the Senate, and the Speaker of the House of Representatives covering the previous fiscal quarter. Each report must include:

(1) A statement of receipts and disbursements related to limited gaming.

(2) A summary of disciplinary actions taken by the department.

(3) Any additional information and recommendations that the department believes may improve the regulation of limited gaming or increase the economic benefits of limited gaming to this state.

Section 40. Section 551.327, Florida Statutes, is created to read:

551.327 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 or items 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.



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(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 only be resolved 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 41. Section 551.328, Florida Statutes, is created to read:

551.328 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



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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 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



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or department rules 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 for the commission.

Section 42. Section 551.330, Florida Statutes, is created to read:

551.330 Compulsive or addictive gambling prevention program.—

(1) A resort and limited gaming 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, subject to competitive bidding, contract for direct services for the treatment of compulsive and addictive gambling.

(3) Each licensee is responsible for contributing to the compulsive or addictive gambling fund treatment program. Within 60 days after the end of each state fiscal year, the department must calculate the amount due from each licensee based upon the amount of gross revenues of each licensee received during the prior state fiscal year. Each licensee must pay 0.25 percent of the total of the gross revenues generated at the licensed resort or limited gaming facility within 90 days from the end of each



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state fiscal year.

Section 43. Section 551.331, Florida Statutes, is created to read:

551.331 Voluntary self-exclusion from a limited gaming facility.—

(1) A person may request that he or she be excluded from limited gaming facilities in this state by personally submitting a Request for Voluntary Self-exclusion from Limited Gaming Facilities Form to the department. 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. Telephone number;
5. Social security number; and
6. 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 supplied 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:



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2855 1. Acknowledges that the request for exclusion has been
2856 made voluntarily.

2857 2. Certifies that the information provided in the request
2858 for self-exclusion is true and correct.

2859 3. Acknowledges that the individual requesting self-
2860 exclusion is a problem gambler.

2861 4. Acknowledges that a person requesting a lifetime
2862 exclusion will not be removed from the self-exclusion list and
2863 that a person requesting a 1-year or 5-year exclusion will
2864 remain on the self-exclusion list until a request for removal is
2865 approved by the department.

2866 5. Acknowledges that, if the individual is discovered on
2867 the gaming floor of a limited gaming facility, the individual
2868 may be removed and may be arrested and prosecuted for criminal
2869 trespass.

2870 6. Releases, indemnifies, holds harmless, and forever
2871 discharges the state, department, and all licensee from any
2872 claims, damages, losses, expenses, or liability arising out of,
2873 by reason of or relating to the self-excluded person or to any
2874 other party for any harm, monetary or otherwise, which may arise
2875 as a result of one or more of the following:

2876 a. The failure of a licensee to withhold gaming privileges
2877 from or restore gaming privileges to a self-excluded person.

2878 b. Permitting or prohibiting a self-excluded person from
2879 engaging in gaming activity in a limited gaming facility.

2880 (2) A person submitting a self-exclusion request must
2881 present to the department a government-issued form of
2882 identification containing the person's signature.

2883 (3) The department shall take a photograph of a person



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requesting self-exclusion at the time the person submits a
request for self-exclusion.

Section 44. Paragraph (a) of subsection (2) of section
561.20, Florida Statutes, is amended to read:

561.20 Limitation upon number of licenses issued.—

(2)(a) No such limitation of the number of licenses as
herein provided shall henceforth prohibit the issuance of a
special license to:

1. Any bona fide hotel, motel, or motor court of not fewer
than 80 guest rooms in any county having a population of less
than 50,000 residents, and of not fewer than 100 guest rooms in
any county having a population of 50,000 residents or greater;
or any bona fide hotel or motel located in a historic structure,
as defined in s. 561.01(21), with fewer than 100 guest rooms
which derives at least 51 percent of its gross revenue from the
rental of hotel or motel rooms, which is licensed as a public
lodging establishment by the Division of Hotels and Restaurants;
provided, however, that a bona fide hotel or motel with no fewer
than 10 and no more than 25 guest rooms which is a historic
structure, as defined in s. 561.01(21), in a municipality that
on the effective date of this act has a population, according to
the University of Florida's Bureau of Economic and Business
Research Estimates of Population for 1998, of no fewer than
25,000 and no more than 35,000 residents and that is within a
constitutionally chartered county may be issued a special
license. This special license shall allow the sale and
consumption of alcoholic beverages only on the licensed premises
of the hotel or motel. In addition, the hotel or motel must
derive at least 60 percent of its gross revenue from the rental



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of hotel or motel rooms and the sale of food and nonalcoholic beverages; provided that the provisions of this subparagraph shall supersede local laws requiring a greater number of hotel rooms;

2. Any condominium accommodation of which no fewer than 100 condominium units are wholly rentable to transients and which is licensed under the provisions of chapter 509, except that the license shall be issued only to the person or corporation which operates the hotel or motel operation and not to the association of condominium owners;

3. Any condominium accommodation of which no fewer than 50 condominium units are wholly rentable to transients, which is licensed under the provisions of chapter 509, and which is located in any county having home rule under s. 10 or s. 11, Art. VIII of the State Constitution of 1885, as amended, and incorporated by reference in s. 6(e), Art. VIII of the State Constitution, except that the license shall be issued only to the person or corporation which operates the hotel or motel operation and not to the association of condominium owners;

4. Any restaurant having 2,500 square feet of service area and equipped to serve 150 persons full course meals at tables at one time, and deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages; however, no restaurant granted a special license on or after January 1, 1958, pursuant to general or special law shall operate as a package store, nor shall intoxicating beverages be sold under such license after the hours of serving food have elapsed; or

5. Any caterer, deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages,



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licensed by the Division of Hotels and Restaurants under chapter 509. Notwithstanding any other provision of law to the contrary, a licensee under this subparagraph shall sell or serve alcoholic beverages only for consumption on the premises of a catered event at which the licensee is also providing prepared food, and shall prominently display its license at any catered event at which the caterer is selling or serving alcoholic beverages. A licensee under this subparagraph shall purchase all alcoholic beverages it sells or serves at a catered event from a vendor licensed under s. 563.02(1), s. 564.02(1), or licensed under s. 565.02(1) subject to the limitation imposed in subsection (1), as appropriate. A licensee under this subparagraph may not store any alcoholic beverages to be sold or served at a catered event. Any alcoholic beverages purchased by a licensee under this subparagraph for a catered event that are not used at that event must remain with the customer; provided that if the vendor accepts unopened alcoholic beverages, the licensee may return such alcoholic beverages to the vendor for a credit or reimbursement. Regardless of the county or counties in which the licensee operates, a licensee under this subparagraph shall pay the annual state license tax set forth in s. 565.02(1)(b). A licensee under this subparagraph must maintain for a period of 3 years all records required by the department by rule to demonstrate compliance with the requirements of this subparagraph, including licensed vendor receipts for the purchase of alcoholic beverages and records identifying each customer and the location and date of each catered event. Notwithstanding any provision of law to the contrary, any vendor licensed under s. 565.02(1) subject to the limitation imposed in



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subsection (1), may, without any additional licensure under this subparagraph, serve or sell alcoholic beverages for consumption on the premises of a catered event at which prepared food is provided by a caterer licensed under chapter 509. If a licensee under this subparagraph also possesses any other license under the Beverage Law, the license issued under this subparagraph shall not authorize the holder to conduct activities on the premises to which the other license or licenses apply that would otherwise be prohibited by the terms of that license or the Beverage Law. Nothing in this section shall permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law or local law. The Division of Alcoholic Beverages and Tobacco is hereby authorized to adopt rules to administer the license created in this subparagraph, to include rules governing licensure, recordkeeping, and enforcement. The first \$300,000 in fees collected by the division each fiscal year pursuant to this subparagraph shall be deposited in the Department of Children and Family Services' Operations and Maintenance Trust Fund to be used only for alcohol and drug abuse education, treatment, and prevention programs. The remainder of the fees collected shall be deposited into the Hotel and Restaurant Trust Fund created pursuant to s. 509.072.

6. Any destination resort or limited gaming licensee licensed by the State Gaming Commission under chapter 551. Notwithstanding any other provision of law to the contrary, a licensee under this subparagraph may sell or serve alcoholic beverages only for consumption on the premises. A licensee under this subparagraph shall purchase all alcoholic beverages from a distributor licensed under ss. 561.14, 561.15, and 561.17.



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Regardless of the county or counties in which the licensee operates, a licensee under this subparagraph shall pay an annual state license tax of \$250,000, the proceeds of which shall be deposited into the Destination Resort Trust Fund of the Department of Gaming Control. This subparagraph expressly preempts the regulation of alcoholic beverages at destination resorts licensed by the State Gaming Commission to the state and supersedes any municipal or county ordinance on the subject. Notwithstanding any other law or local law or ordinance to the contrary, a licensee under this subparagraph may serve alcoholic beverages 24 hours per day, every day of the year. This subparagraph does not permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law. The Department of Gaming Control shall adopt rules to implement this subparagraph, including, but not limited to, rules governing licensure, recordkeeping, and enforcement. A licensee under this subparagraph must maintain for a period of 3 years all records required by the State Gaming Commission by rule to demonstrate compliance with the requirements of this subparagraph, including licensed distributor receipts for the purchase of alcoholic beverages.

However, any license heretofore issued to any such hotel, motel, motor court, or restaurant or hereafter issued to any such hotel, motel, or motor court, including a condominium accommodation, under the general law shall not be moved to a new location, such license being valid only on the premises of such hotel, motel, motor court, or restaurant. Licenses issued to hotels, motels, motor courts, or restaurants under the general



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law and held by such hotels, motels, motor courts, or restaurants on May 24, 1947, shall be counted in the quota limitation contained in subsection (1). Any license issued for any hotel, motel, or motor court under the provisions of this law shall be issued only to the owner of the hotel, motel, or motor court or, in the event the hotel, motel, or motor court is leased, to the lessee of the hotel, motel, or motor court; and the license shall remain in the name of the owner or lessee so long as the license is in existence. Any special license now in existence heretofore issued under the provisions of this law cannot be renewed except in the name of the owner of the hotel, motel, motor court, or restaurant or, in the event the hotel, motel, motor court, or restaurant is leased, in the name of the lessee of the hotel, motel, motor court, or restaurant in which the license is located and must remain in the name of the owner or lessee so long as the license is in existence. Any license issued under this section shall be marked "Special," and nothing herein provided shall limit, restrict, or prevent the issuance of a special license for any restaurant or motel which shall hereafter meet the requirements of the law existing immediately prior to the effective date of this act, if construction of such restaurant has commenced prior to the effective date of this act and is completed within 30 days thereafter, or if an application is on file for such special license at the time this act takes effect; and any such licenses issued under this proviso may be annually renewed as now provided by law. Nothing herein prevents an application for transfer of a license to a bona fide purchaser of any hotel, motel, motor court, or restaurant by the purchaser of such facility or the transfer of such license



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pursuant to law.

Section 45. Section 817.32, Florida Statutes, is amended to read:

817.32 Fraudulent operation of coin-operated or similar devices.—Any person who shall operate or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated, any automatic vending machine, slot machine, coinbox telephone, or other receptacle designed to operate upon the insertion of a coin, bill, ticket, token or similar object or upon payment of any consideration whatsoever, including the use of any electronic payment system ~~receive lawful coin of the United States~~ in connection with the sale, use or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated, sweated, or foreign coin, or by any means, method, trick, or device whatsoever not lawfully authorized by the owner, lessee, or licensee of such machine, coinbox telephone or receptacle, or who shall take, obtain or receive from or in connection with any automatic vending machine, slot machine, coinbox telephone or other receptacle designed to operate upon the insertion of a coin, bill, ticket, token or similar object or upon payment of any consideration whatsoever, including the use of any electronic payment system ~~receive lawful coin of the United States~~ in connection with the sale, use, or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service, or of any musical instrument, phonograph, or other property, without depositing in and surrendering to such machine, coinbox telephone or receptacle a coin, bill, ticket,



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token or similar object or payment of any consideration
whatsoever ~~lawful coin of the United States~~ to the amount
required therefor by the owner, lessee, or licensee of such
machine, coinbox telephone or receptacle, shall be guilty of a
misdemeanor of the second degree, punishable as provided in s.
775.082 or s. 775.083.

Section 46. Section 817.33, Florida Statutes, is amended to
read:

817.33 Manufacture, etc., of slugs to be used in coin-
operated or similar devices prohibited.—Any person who, with
intent to cheat or defraud the owner, lessee, licensee, or other
person entitled to the contents of any automatic vending
machine, slot machine, coinbox telephone or other receptacle,
depository, or contrivance designed to operate upon the
insertion of a coin, bill, ticket, token or similar object or
upon payment of any consideration whatsoever, including the use
of any electronic payment system ~~receive lawful coin of the~~
~~United States~~ in connection with the sale, use, or enjoyment of
property or service, or who, knowing that the same is intended
for unlawful use, shall manufacture for sale, or sell or give
away any slug, device or substance whatsoever intended or
calculated to be placed or deposited in any such automatic
vending machine, slot machine, coinbox telephone or other such
receptacle, depository or contrivance, shall be guilty of a
misdemeanor of the second degree, punishable as provided in s.
775.082 or s. 775.083.

Section 47. Section 849.15, Florida Statutes, is amended to
read:

849.15 Manufacture, sale, possession, etc., of coin-



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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 permit the operation of, or for any person to 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, any slot machine or device or any part thereof, or other gambling apparatus or any part thereof that is otherwise prohibited from operation or possession in the state; or

(b) To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or 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. ss. 1171-1177, 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



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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 any county of this state within which slot machine gaming is authorized pursuant to chapter 551 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. 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), or the facility of a resort licensee or supplier licensee under part III of chapter 551.

(3) This section does not apply to slot machine licensees authorized under part II of chapter 551 or resort or limited gaming licensees as authorized under part III of chapter 551.

Section 48. Section 849.231, Florida Statutes, is amended to read:

849.231 Gambling devices; manufacture, sale, purchase or possession unlawful.—



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(1) 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 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 gambling houses or establishments, excepting ordinary dice and playing cards.

(2) In addition to any other penalties provided for the violation of this section, any occupational license held by a person found guilty of violating this section shall be suspended for a period not to exceed 5 years.

(3) This section and s. 849.05 do not apply to a vessel of foreign registry or a vessel operated under the authority of a country except the United States, while docked in this state or transiting in the territorial waters of this state.

(4) This section does not apply to slot machine licensees



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authorized under part II of chapter 551 or resort or limited gaming licensees as authorized under part III of chapter 551.

Section 49. Transfers.—

(1) All of the statutory powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of chapter 550, Florida Statutes, are transferred intact by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to the Division of Licensure of the Department of Gaming Control.

(2) All of the statutory powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of chapter 551, Florida Statutes, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to the Division of Licensure of Department of Gaming Control.

(3) All of the statutory powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of s. 849.086, Florida Statutes, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to the Division of Licensure of Department of Gaming Control.

(4) The following trust funds are transferred from the Division of Pari-mutuel Wagering of the Department of Business



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and Professional Regulation to the Division of Licensure of
Department of Gaming Control:

(a) Pari-mutuel Wagering Trust Fund.

(b) Racing Scholarship Trust Fund.

Section 50. Paragraph (f) of subsection (1), subsection
(7), and paragraph (a) of subsection (13) of section 285.710,
Florida Statutes, are amended to read:

285.710 Compact authorization.—

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

(f) "State compliance agency" means the Division of
Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming
Control ~~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 Division of Licensure ~~Pari-mutuel Wagering~~ of the
Department of Gaming Control ~~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.

(13) For the purpose of satisfying the requirement in 25
U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized
under an Indian gaming compact must be permitted in the state
for any purpose by any person, organization, or entity, the
following class III games or other games specified in this
section are hereby authorized to be conducted by the Tribe
pursuant to the compact:

(a) Slot machines, as defined in s. 551.102 ~~551.102(8)~~.

Section 51. Subsections (6) and (7) of section 550.002,
Florida Statutes, are amended to read:



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

(6) "Department" means the Department of Gaming Control
~~Business and Professional Regulation.~~

(7) "Division" means the Division of Licensure ~~Pari-mutuel~~
~~Wagering~~ within the Department of Gaming Control ~~Business and~~
~~Professional Regulation.~~

Section 52. Section 550.0251, Florida Statutes, is amended
to read:

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

(1) The division shall make an annual report to the
Governor showing its own actions, receipts derived under the
provisions of this chapter, the practical effects of the
application of this chapter, and any suggestions it may approve
for the more effectual accomplishments of the purposes of this
chapter.

(2) The division 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.

(3) The department ~~division~~ shall adopt reasonable rules
for the control, supervision, and direction of all applicants,
permittees, and licensees and for the holding, conducting, and
operating of all racetracks, race meets, and races held in this
state. Such rules must be uniform in their application and
effect, and the duty of exercising this control and power is
made mandatory upon the division.



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(4) The division 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 division under its seal and signed by the director.

(5) The department ~~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 division for a controlled substance or alcohol and may prescribe procedural matters not in conflict with s. 120.80(19) ~~120.80(4)(a)~~.

(6) In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the division may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the department ~~division~~. The division 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 division 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; however, this subsection shall not be construed to abrogate the common-



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law right of a pari-mutuel permitholder to exclude absolutely a patron in this state.

(7) The division may oversee the making of, and distribution from, all pari-mutuel pools.

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

(9) The division may conduct investigations in enforcing this chapter, except that all information obtained pursuant to an investigation by the division for an alleged violation of this chapter or rules of the department ~~division~~ is exempt from s. 119.07(1) and from 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 subsection does not prohibit the division from providing such information to any law enforcement agency or to any other regulatory agency. For the purposes of this subsection, 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 division 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



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public when the investigation is closed or ceases to be active.

(10) The division 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. All fines imposed and collected under this subsection must be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

(11) The division shall supervise and regulate the welfare of racing animals at pari-mutuel facilities.

(12) The department ~~division~~ shall have full authority and power to make, adopt, amend, or repeal rules relating to cardroom operations, to enforce and to carry out the provisions of s. 849.086, and to regulate the authorized cardroom activities in the state.

(13) The division shall have the authority to 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. 849.086.

Section 53. Subsections (15) and (16) are added and subsection (10) of section 550.054, Florida Statutes, is amended to read:

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

(10) If a permitholder has failed to commence ~~complete~~ construction of at least 50 percent of the facilities necessary to conduct pari-mutuel operations within the later of 12 months after issuance ~~approval by the voters~~ of the permit or July 1,



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2012 or entered a lease prior to July 1, 2012 to operate its pari-mutuel operations at another facility pursuant to this chapter, the division shall revoke the permit upon adequate notice to the permitholder. ~~However, the division, upon good cause shown by the permitholder, may grant one extension of up to 12 months.~~ "Commence construction" means initiation of and continuous activities beyond site preparation associated with erecting or modifying a pari-mutuel facility, including procurement of a building permit applying the use of approved construction documents, proof of an executed owner/contractor agreement or an irrevocable or binding forced account, and actual undertaking of foundation forming with steel installation and concrete placing.

(15) The division shall revoke the permit upon adequate notice to the permitholder if the permitholder has not conducted live races or games during the 2011 and 2012 calendar years.

(16) Notwithstanding any provision of this chapter, no pari-mutuel permit may be issued after July 1, 2012.

Section 54. Section 550.0745, Florida Statutes, is repealed.

Section 55. Subsection (3) of section 550.09515, Florida Statutes, is amended to read:

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(3) ~~(a)~~—The permit of a thoroughbred horse permitholder who does not pay tax on handle for live thoroughbred horse 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



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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 shall not, ~~in and of itself,~~ constitute just cause for failure to operate and pay tax on handle.

~~(b) In order to maximize the tax revenues to the state, the division shall reissue an escheated thoroughbred horse permit to a qualified applicant pursuant to the provisions of 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 shall not apply to the reissuance of an escheated thoroughbred horse permit. As specified in the application and upon approval by the division of an application for the permit, the new permitholder shall be authorized to operate a thoroughbred horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2) relating to mileage limitations.~~

Section 56. Subsection (1) of 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 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



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also be used to fund the operation of the division in accordance with authorized appropriations.

Section 57. 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) ~~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 58. Subsection (15) of section 550.2415, Florida Statutes, is amended to read: 550.2415 Racing of animals under certain conditions prohibited; penalties; exceptions.— (15) The department ~~division~~ may implement by rule medication levels recommended by the University of Florida College of Veterinary Medicine developed pursuant to an agreement between the division ~~of Pari-mutuel Wagering~~ and the University of Florida College of Veterinary Medicine. The University of Florida College of Veterinary Medicine may provide written notification to the division 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 division.

Section 59. Paragraph (j) of subsection (3) of section 550.2625, Florida Statutes, is amended to read: 550.2625 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(3) Each horseracing permitholder conducting any



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thoroughbred race under this chapter, including any intertrack race taken pursuant to ss. 550.615-550.6305 or any interstate simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal to 0.955 percent on all pari-mutuel pools conducted during any such race for the payment of breeders', 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. 550.3551(3). On any race originating live in this state which is broadcast out-of-state to any location at which wagers are accepted pursuant to s. 550.3551(2), the host track is required to pay 3.475 percent of the gross revenue derived from such out-of-state broadcasts as breeders', stallion, or special racing awards. The Florida Thoroughbred Breeders' Association is authorized to receive these payments from the permitholders and make payments of awards earned. The Florida Thoroughbred Breeders' Association has the right to 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' 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 division as prescribed by the division. 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 breeders', stallion, or special racing awards in accordance with the following provisions: (j) If the division



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finds that the Florida Thoroughbred Breeders' Association has not complied with any provision of this section, the division may order the association to cease and desist from receiving funds and administering funds received under this section. If the division enters such an order, the permitholder shall make the payments authorized in this section to the division for deposit into the Pari-mutuel Wagering Trust Fund; and any funds in the Florida Thoroughbred Breeders' Association account shall be immediately paid to the division ~~of Pari-mutuel Wagering~~ for deposit to the Pari-mutuel Wagering Trust Fund. The division 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' Association in accordance with the applicable rate.

Section 60. Subsection (1) of section 550.2704, Florida Statutes, is amended to read:

550.2704 Jai Alai Tournament of Champions Meet.—

(1) Notwithstanding any provision of this chapter, there is hereby created a special jai alai meet which shall be designated as the "Jai Alai Tournament of Champions Meet" and which shall be hosted by the 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 to be conducted on different days. Upon the selection of the Florida permitholders for the meet, and upon application by the selected permitholders, the division ~~of Pari-mutuel Wagering~~ 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



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permitholders selected to conduct the meet are not otherwise authorized to conduct a meet. Notwithstanding anything herein to the contrary, any Florida permitholder who is to conduct a performance which is a part of the Jai Alai Tournament of Champions Meet shall not be required to apply for the license for said meet if it is to be run during the regular season for which such permitholder has a license.

Section 61. Subsection (3) of section 550.902, Florida Statutes, is amended to read:

550.902 Purposes.—The purposes of this compact are to:

(3) Authorize the department ~~of Business and Professional Regulation~~ to participate in this compact.

Section 62. Subsection (1) of section 550.907, Florida Statutes, is amended to read:

550.907 Compact committee.—(1) There is created an interstate governmental entity to be known as the "compact committee," which shall be composed of one official from the racing commission, or the equivalent thereof, in each party state who shall be appointed, serve, and be subject to removal in accordance with the laws of the party state that she or he represents. The official from Florida shall be appointed by the State Gaming Commission ~~Secretary of Business and Professional Regulation~~. Pursuant to the laws of her or his party state, each official shall have the assistance of her or his state's racing commission, or the equivalent thereof, in considering issues related to licensing of participants in pari-mutuel wagering and in fulfilling her or his responsibilities as the representative from her or his state to the compact committee.

Section 63. Section 551.101, Florida Statutes, is amended



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to read:

551.101 Slot machine gaming authorized.—Any licensed pari-mutuel facility 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 may possess slot machines and conduct slot machine gaming at 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. Slot machine gaming may also be conducted at any licensed pari-mutuel facility at the location where the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities located in any other county provided the county where the facility is located has authorized the pari-mutuel facility to conduct slot machine gaming pursuant to a countywide referendum which must be approved by the majority of voters in the county prior to December 31, 2014. 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 part ~~chapter~~.

Section 64. Section 551.102, Florida Statutes, is amended to read:

551.102 Definitions.—As used in this part ~~chapter~~, the term:

(1) "Distributor" means any person who sells, leases, or



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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.

(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 part ~~chapter~~.

~~(3) "Division" means the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation.~~

(3)~~(4)~~ "Eligible facility" means any licensed pari-mutuel facility 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 or games 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 part ~~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 before December 31, 2014 ~~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



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preceding its application for a slot machine license, pays the required licensed fee, and meets the other requirements of this part ~~chapter~~.

(4)~~(5)~~ "Manufacturer" means any person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, or otherwise makes modifications to 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, kiosk, or the slot machine licensee and that are provided free of charge to patrons. Such credits do not constitute "nonredeemable credits" 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 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 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



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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 a "coin-operated amusement 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 by s. 212.05(1)(h).

~~(8)-(9)~~ "Slot machine facility" means a facility at which slot machines as defined in this part ~~chapter~~ are lawfully offered for play.

~~(9)-(10)~~ "Slot machine license" means a license issued by the 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 part ~~chapter~~, and department ~~division~~ rules.

~~(10)-(11)~~ "Slot machine licensee" means a pari-mutuel permitholder who holds a license issued by the division pursuant to this part ~~chapter~~ that authorizes such person to possess a slot machine within an eligible pari-mutuel facility ~~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 the owner of a licensed facility to conduct slot machine gaming at that licensed facility.



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(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 65. Subsections (1), (2), and (3) and paragraph (b) of subsection (4) of section 551.103, Florida Statutes, are amended to read:

551.103 Powers and duties of the 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 in this part ~~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 contained in this part ~~chapter~~ 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 part ~~chapter~~. The 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 which is demonstrably competent and qualified to scientifically test and evaluate slot machines for compliance with this part ~~chapter~~ and to otherwise perform the functions assigned to it in this part ~~chapter~~. An independent testing laboratory shall not be owned or controlled by a licensee. The use of an independent



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testing laboratory for any purpose related to the conduct of slot machine gaming by a licensee under this part ~~chapter~~ shall be made from a list of one or more laboratories approved by the division.

(d) Procedures relating to slot machine revenues, including verifying and accounting for such revenues, auditing, and collecting taxes and fees consistent with this part ~~chapter~~.

(e) Procedures for regulating, managing, and auditing the operation, financial data, and program information relating to slot machine gaming that allow the 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 division or the Department of Law Enforcement, and provide the 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 any rules adopted by the department ~~division~~ for the regulation and control of slot machines operated under this part ~~chapter~~. Such continuous and complete access, at any time on a real-time basis, shall include the ability of either the 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 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 division shall notify the Department of Law Enforcement or the Department of Law Enforcement shall notify the division, as appropriate, whenever there is a suspension of play under this paragraph. The division



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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 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. Any bond shall be issued by a surety or sureties approved by the 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 division. The licensee shall be required to keep its books and records and make reports as provided in this part ~~chapter~~ and to conduct its slot machine operations in conformity with this part ~~chapter~~ and all other provisions of law. Such bond shall be separate and distinct from the bond required in 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 by this part ~~chapter~~ or determined by the division to be necessary to the proper implementation and enforcement of this part ~~chapter~~.

(h) A requirement that the payout percentage of a slot machine be 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



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implement and establish drug-testing programs for all slot machine occupational licensees.

(2) The division shall conduct such investigations necessary to fulfill its responsibilities under the provisions of this part ~~chapter~~.

(3) The Department of Law Enforcement and local law enforcement agencies shall have concurrent jurisdiction to investigate criminal violations of this part ~~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) (b) In addition, the 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 part ~~chapter~~ or rule adopted pursuant thereto.

Section 66. Subsections (1) and (2), paragraph (a) of subsection (4), subsections (6) and (8), and paragraph (d) of subsection (10) of section 551.104, Florida Statutes, are amended to read:

551.104 License to conduct slot machine gaming.—

(1) Upon application and a finding by the division after investigation that the application is complete and the applicant is qualified and payment of the initial license fee, the 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 part ~~chapter~~ and rules adopted pursuant thereto.



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(2) An application may be approved by the 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 by a countywide referendum where the majority of voters have approved slot machine gaming in that county prior to December 31, 2014 ~~as specified in s. 23, Art. X of the State Constitution.~~

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

(a) Continue to be in compliance with this part ~~chapter~~.

(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 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 ~~chapter~~. All records shall be available for audit and inspection by the division, the Department of Law Enforcement, or other law enforcement agencies during the licensee's regular business hours.

(8) A slot machine licensee shall file with the 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 part ~~chapter~~ and the associated rules adopted under this part ~~chapter~~. The audit must include verification of compliance with all statutes and rules regarding all required records of slot machine operations. Such audit shall be filed within 60 days after the completion of the permitholder's pari-mutuel



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meet.

(10) (d) If any provision of this subsection or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this subsection or part ~~chapter~~ which can be given effect without the invalid provision or application, and to this end the provisions of this subsection are severable.

Section 67. Subsection (1), paragraph (a) of subsection (2), and subsection (4) of section 551.106, Florida Statutes, are 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 must pay to the division a nonrefundable license fee of \$2 million \$3 million for the succeeding 12 months of licensure. In the 2010-2011 fiscal year, the licensee must pay the division a nonrefundable license fee of \$2.5 million for the succeeding 12 months of licensure. In the 2011-2012 fiscal year and for every fiscal year thereafter, the licensee must pay the division a nonrefundable license fee of \$2 million for the succeeding 12 months of licensure.~~ The license fee shall be deposited into the Pari-mutuel Wagering Trust Fund ~~of the Department of Business and Professional Regulation~~ to be used by the division and the Department of Law Enforcement for investigations, regulation of slot machine gaming, and enforcement of slot machine gaming provisions under this part ~~chapter~~. These payments shall be accounted for separately from taxes or fees paid pursuant to the



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provisions of chapter 550.

~~(b) Prior to January 1, 2007, the 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.~~

(2) TAX ON SLOT MACHINE REVENUES.—

(a) The tax rate on slot machine revenues at each facility shall be 35 percent. If a destination resort license is issued, and after the first game is conducted at the destination resort, the tax rate on slot machine revenues at each facility shall be 18 percent. If, during 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.

(4) 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



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penalties imposed and collected shall be deposited into the Pari-mutuel Wagering Trust Fund ~~of the Department of Business and Professional Regulation~~. If any slot machine licensee fails to pay penalties imposed by order of the division under this subsection, the division may suspend, revoke, or refuse to renew the license of the slot machine licensee.

Section 68. Subsection (1), paragraph (d) of subsection (4), paragraph (a) of subsection (6), and subsection (11) of section 551.107, Florida Statutes, are amended to read:

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 part ~~chapter~~ of fingerprints for a criminal history record check.

(4)

(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 division against the slot machine licensee, but it is not a violation of this part ~~chapter~~ or rules of the department ~~division~~ by the general occupational licensee and does not



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prohibit the initial issuance or the renewal of the general occupational license.

(6) (a) The division may deny, suspend, revoke, or refuse to renew any slot machine occupational license if the applicant for such license or the licensee has violated the provisions of this part ~~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 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 has had a gaming license revoked by this state or any other jurisdiction for any gaming-related offense.

(11) The division may impose a civil fine of up to \$5,000 for each violation of this part ~~chapter~~ or the rules of the department ~~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 part ~~chapter~~ or any rule adopted pursuant to this part ~~chapter~~ for which it would impose a fine in lieu of a suspension and 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 division may



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exclude from all licensed slot machine 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 declared ineligible to hold an occupational license or whose occupational license has been suspended or revoked by the division.

Section 69. Subsection (2) of section 551.108, Florida Statutes, is amended to read:

551.108 Prohibited relationships.—

(2) A manufacturer or distributor of slot machines may not enter into any contract with a slot machine licensee 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. Any maneuver, shift, or device whereby this subsection is violated is a violation of this part ~~chapter~~ and renders any such agreement void.

Section 70. Subsections (1), (2), and (7) of section 551.109, Florida Statutes, are amended to read:

551.109 Prohibited acts; penalties.—

(1) Except as otherwise provided by law and in addition to any other penalty, any person who knowingly makes or causes to be made, or aids, assists, or procures another to make, a false statement in any report, disclosure, application, or any other document required under this part ~~chapter~~ or any rule adopted under this part ~~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, any person who possesses a slot machine without the license required by this part ~~chapter~~ or who



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possesses a slot machine at 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 division who are authorized to maintain a slot machine storage and maintenance facility at any location in a county in which slot machine gaming is authorized by this part ~~chapter~~. The department ~~division~~ may adopt rules regarding security and access to the storage facility and inspections by the 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 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.

(7) All penalties imposed and collected under this section must be deposited into the Pari-mutuel Wagering Trust Fund ~~of the Department of Business and Professional Regulation~~.

Section 71. Section 551.111, Florida Statutes, is amended to read:

551.111 Legal devices.—Notwithstanding any provision of law to the contrary, a slot machine manufactured, sold, distributed, possessed, or operated according to the provisions of this part ~~chapter~~ is not unlawful.

Section 72. Section 551.112, Florida Statutes, is amended



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to read:

551.112 Exclusions of certain persons.—In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the division may exclude any person from 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 part ~~chapter~~ or the rules of the division. The division may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from 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 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 73. Section 551.117, Florida Statutes, is amended to read:

551.117 Penalties.—The division may revoke or suspend any slot machine license issued under this part ~~chapter~~ upon the willful violation by the slot machine licensee of any provision of this part ~~chapter~~ or of any rule adopted under this part ~~chapter~~. In lieu of suspending or revoking a slot machine license, the division may impose a civil penalty against the slot machine licensee for a violation of this part ~~chapter~~ or any rule adopted by the department ~~division~~. Except as otherwise provided in this part ~~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 Pari-



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mutuel Wagering Trust Fund ~~of the Department of Business and Professional Regulation.~~

Section 74. Subsections (2) and (3) of section 551.118, Florida Statutes, are amended to read:

551.118 Compulsive or addictive gambling prevention program.—

(2) The division shall, subject to competitive bidding, contract for direct services ~~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. Such advertisements must be made both publicly and inside the designated slot machine gaming areas of the licensee's facilities. The terms of any contract for the provision of such services shall include accountability standards that must be met by any private provider. The failure of any private provider to meet any material terms of the contract, including the accountability standards, shall constitute a breach of contract or grounds for nonrenewal. The division may consult with the Department of the Lottery in the development of the program and the development and analysis of any procurement for contractual services for the compulsive or addictive gambling prevention program.~~

(3) Each licensee is responsible for contributing to the compulsive or addictive gambling fund treatment program. Within 60 days after the end of each state fiscal year, the department must calculate the amount due from each licensee based upon the amount of gross revenues of each licensee received during the prior state fiscal year. Each licensee must pay 0.25 percent of



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the total of the gross revenues generated at the licensed slot machine facility within 90 days from the end of each state fiscal year. ~~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 division.~~

Section 75. 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 part ~~chapter~~.

Section 76. 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 part ~~chapter~~.

Section 77. 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 division ~~of Pari-mutuel Wagering~~ and other authorized state agencies 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 78. Subsection (5) of section 565.02, Florida



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Statutes, is amended to read:

565.02 License fees; vendors; clubs; caterers; and others.—

(5) A caterer at a horse or dog racetrack or jai alai fronton may obtain a license upon the payment of an annual state license tax of \$675. Such caterer's license shall permit sales only within the enclosure in which such races or jai alai games are conducted, and such licensee shall be permitted to sell only during the period beginning 10 days before and ending 10 days after racing or jai alai under the authority of the Division of Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming ~~Control Business and Professional Regulation~~ is conducted at such racetrack or jai alai fronton. Except as in this subsection otherwise provided, caterers licensed hereunder shall be treated as vendors licensed to sell by the drink the beverages mentioned herein and shall be subject to all the provisions hereof relating to such vendors.

Section 79. Section 817.37, Florida Statutes, is amended to read:

817.37 Touting; defining; providing punishment; ejection from racetracks.—

(1) Any person who knowingly and designedly by false representation attempts to, or does persuade, procure or cause another person to wager on a horse in a race to be run in this state or elsewhere, and upon which money is wagered in this state, and who asks or demands compensation as a reward for information or purported information given in such case is a tout, and is guilty of touting.

(2) Any person who is a tout, or who attempts or conspires to commit touting, shall be guilty of a misdemeanor of the



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second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person who in the commission of touting falsely uses the name of any official of the ~~Florida~~ Division of Licensure of the Department of Gaming Control ~~Pari-mutuel Wagering~~, its inspectors or attaches, or of any official of any racetrack association, or the names of any owner, trainer, jockey, or other person licensed by the ~~Florida~~ Division of Licensure of the Department of Gaming Control ~~Pari-mutuel Wagering~~, as the source of any information or purported information shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any person who has been convicted of touting by any court, and the record of whose conviction on such charge is on file in the office of the ~~Florida~~ Division of Licensure of the Department of Gaming Control ~~Pari-mutuel Wagering~~, any court of this state, or of the Federal Bureau of Investigation, or any person who has been ejected from any racetrack of this or any other state for touting or practices inimical to the public interest shall be excluded from all racetracks in this state and if such person returns to a racetrack he or she shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any such person who refuses to leave such track when ordered to do so by inspectors of the ~~Florida~~ Division of Licensure of the Department of Gaming Control ~~Pari-mutuel Wagering~~ or by any peace officer, or by an accredited ~~attache~~ attache of a racetrack or association shall be guilty of a separate offense which shall be a misdemeanor of the second degree, punishable as provided in s. 775.083.



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Section 80. Paragraph (g) of subsection (2) and subsections (4) and (16) of section 849.086, Florida Statutes, are amended to read:

849.086 Cardrooms authorized.—

(2) DEFINITIONS.—As used in this section:

(g) "Division" means the Division of Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming Control ~~Business and Professional Regulation~~.

(4) AUTHORITY OF DIVISION.—The division of ~~Pari-mutuel Wagering of the Department of Business and Professional Regulation~~ shall administer this section and 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: the issuance of cardroom and employee licenses for cardroom operations; the operation of a cardroom; recordkeeping and reporting requirements; and the collection of all fees and taxes imposed by this section.

(b) Conduct investigations and monitor the operation of cardrooms and the playing of authorized games therein.

(c) Review the books, accounts, and records of any current or former cardroom operator.

(d) Suspend or revoke any license or permit, after hearing, for any violation of the provisions of this section or the administrative rules adopted pursuant thereto.

(e) Take testimony, issue summons and subpoenas for any witness, and issue subpoenas duces tecum in connection with any matter within its jurisdiction.

(f) Monitor and ensure the proper collection of taxes and



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fees imposed by this section. Permitholder internal controls are mandated to ensure no compromise of state funds. To that end, a roaming division auditor will monitor and verify the cash flow and accounting of cardroom revenue for any given operating day.

(16) LOCAL GOVERNMENT APPROVAL.—The division ~~may of Pari-mutuel Wagering shall~~ not issue any initial license under this section except upon proof in such form as the division may prescribe 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.

Section 81. Section 849.094, Florida Statutes, is amended to read:

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

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

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

(b) ~~(a)~~ "Game promotion" means, but is not limited to, a contest, game of chance, or gift enterprise, conducted within or throughout the state and other states in connection with the sale of consumer products or services, and in which the elements of chance and prize are present. However, the term does ~~"game promotion" shall not be construed to~~ apply to bingo games conducted pursuant to s. 849.0931.

(c) ~~(b)~~ "Operator" means any person, firm, corporation, or association or agent or employee thereof who ~~promotes, operates,~~ or conducts a game promotion to promote the sale of its consumer products or services, ~~except any charitable nonprofit~~



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organization.

(2) It is unlawful for any operator:

(a) To design, engage in, promote, or conduct such a game promotion, in connection with the promotion or sale of consumer products or services, 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) To fail to award any prizes offered;

(d) To print, publish, or circulate literature or advertising material used in connection with such game promotions which is false, deceptive, or misleading; or

(e) To require an entry fee, payment, or proof of purchase as a condition of entering a game promotion.

(3) (a) 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 ~~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 commencement of the game promotion.

(b) Each operator of a game promotion who provides electronic devices or computer terminals with video display monitors that reveal or display the results of a game promotion shall file with the department at least 7 days before



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commencement of the game promotion a copy of the rules and regulations of the game promotion and a list of all prizes and prize categories offered. The filing shall include the physical location of each electronic device or computer terminal and a separate terminal fee pursuant to paragraph (12)(b) for each electronic device or computer terminal that is a component of the game promotion.

(c) Once filed, the ~~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 is ~~may be~~ played or participated in by the public and shall also publish the rules and regulations in all advertising copy used in connection with the game promotion ~~therewith~~. However, the ~~such~~ advertising copy need ~~only~~ include only 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 may be viewed, heard, or obtained for the full duration of the game promotion. The ~~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.

(d) A nonrefundable filing fee of \$100 shall accompany each filing and shall be used to pay the costs incurred in administering and enforcing the provisions of this section.

(e) The department may not accept a filing from any operator, person, firm, corporation, association, agent, or employee who has been found guilty of or entered a plea of nolo



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4247 contendere to, regardless of adjudication, or who fails to
4248 satisfy a judgment, for a violation of this section.

4249 (4) (a) Each ~~Every~~ operator of ~~such~~ a game promotion in
4250 which the total announced value of the prizes offered is greater
4251 than \$5,000 shall establish a trust account, in a national or
4252 state-chartered financial institution, with a balance equal to
4253 ~~sufficient to pay or purchase~~ the total value of all prizes
4254 offered. On a form supplied by the department ~~Department of~~
4255 ~~Agriculture and Consumer Services~~, an official of the financial
4256 institution holding the trust account shall provide ~~set forth~~
4257 the account number and dollar amount of the trust account, the
4258 identity of the entity or individual establishing the trust
4259 account, and the name of the game promotion for which the trust
4260 account has been established. The ~~Such~~ form shall be filed with
4261 the department ~~Department of Agriculture and Consumer Services~~
4262 at least 7 days before ~~in advance of~~ the commencement of the
4263 game promotion. In lieu of establishing a ~~such~~ trust account,
4264 the operator may obtain a surety bond from a surety authorized
4265 to do business in this state in an amount equal ~~equivalent~~ to
4266 the total value of all prizes offered in the promotion. The; ~~and~~
4267 ~~such~~ bond shall be filed with the department ~~Department of~~
4268 ~~Agriculture and Consumer Services~~ at least 7 days before ~~in~~
4269 ~~advance of~~ the commencement of the game promotion. Each operator
4270 of a game promotion who provides electronic devices or computer
4271 terminals with video display monitors that reveal or display the
4272 results of a game promotion shall obtain a surety bond in an
4273 amount equal to the total value of all prizes offered, and the
4274 bond shall be filed with the department at least 7 days before
4275 the commencement of the game promotion.



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1. The moneys held in the trust account may be withdrawn in order to pay the prizes offered only upon certification to the department ~~Department of Agriculture and Consumer Services~~ of the name of the winner ~~or winners~~ and the amount and value of the prize ~~or prizes and the value thereof~~.

2. If the operator of a game promotion obtains ~~has obtained~~ a surety bond in lieu of establishing a trust account, the amount of the surety bond shall equal at all times the total amount of the prizes offered. The bond shall be in favor of the department for the use and benefit of any consumer who qualifies for the award of a prize under the rules and regulations of the game promotion but who does not receive the prize awarded, and shall be in effect until 30 days after filing the list of winners pursuant to subsection (5). The bond shall be applicable and liable only for the payment of the claims duly adjudicated by order of the department. The proceedings to adjudicate the claim shall be conducted in accordance with ss. 120.569 and 120.57.

(b) The department ~~Department of Agriculture and Consumer Services~~ may waive the provisions of this subsection for any operator who has conducted game promotions in the state for ~~not less than~~ 5 or more 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. The department may revoke a waiver if it finds that an operator committed a violation of this section. Such waiver may be revoked upon the commission of a violation of this section by such operator, as determined by the Department of Agriculture and Consumer



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~~Services.~~

(5) ~~Each Every~~ operator of a game promotion in which the total announced value of the prizes offered is greater than \$5,000 shall provide the department ~~Department of Agriculture and Consumer Services~~ with a certified list of the names and addresses of all persons, whether from this state or from another state, who have won prizes that ~~which~~ have a value of more than \$25, the value of the ~~such~~ prizes, and the dates when the prizes were won within 60 days after the ~~such~~ winners are ~~have been finally~~ determined. The date for the final determination of winners shall be 60 days after the ending date of the game promotion stated in the original filing required in subsection (3). The operator shall provide a copy of the list of winners, without charge, to any person who requests it or shall. ~~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 in this state within 60 days after the ~~such~~ winners are ~~have been~~ determined. If the operator publishes the list of winners in a newspaper, the operator ~~and~~ shall provide to the department ~~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 ~~Department of Agriculture and Consumer~~



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Services shall keep the certified list of winners for a period of ~~at least~~ 6 months after receipt of the certified list. The department thereafter may dispose of all records and lists.

(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 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 is ~~shall further be~~ presumed when an operator advertises generally that game promotions are available at its lessee dealers or agent dealers.

(8) (a) The department may adopt ~~Department of Agriculture and Consumer Services shall have the power to promulgate such rules regulating and regulations respecting~~ the operation of game promotions which are necessary to administer this section ~~as it may deem advisable~~.

(b) If ~~Whenever~~ the department ~~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 any operator thereof to enjoin the continued operation of such game promotion anywhere within the state.

(9) (a) Any person, firm, or corporation, or association or agent or employee thereof, who engages in any acts or practices



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4363 stated in this section to be unlawful, or who violates any of
4364 the rules adopted ~~and regulations made~~ pursuant to this section,
4365 commits ~~is guilty of~~ a misdemeanor of the second degree,
4366 punishable as provided in s. 775.082 or s. 775.083.

4367 (b) Any person, firm, corporation, association, agent, or
4368 employee who violates any provision of this section or any of
4369 the rules adopted ~~and regulations made~~ pursuant to this section
4370 is ~~shall be~~ liable for a civil penalty of not more than \$1,000
4371 for each such violation, which shall accrue to the state and may
4372 be recovered in a civil action brought by the department
4373 ~~Department of Agriculture and Consumer Services~~ or the
4374 Department of Legal Affairs.

4375 (10) ~~This section does not apply to actions or transactions~~
4376 ~~regulated by the Department of Business and Professional~~
4377 ~~Regulation or to the activities of nonprofit organizations or to~~
4378 ~~any other organization engaged in any enterprise other than the~~
4379 ~~sale of consumer products or services.~~ Subsections (3), (4),
4380 (5), (6), and (7) and paragraph (8)(a) and ~~any of the~~ rules
4381 adopted ~~made~~ pursuant thereto do not apply to television or
4382 radio broadcasting companies licensed by the Federal
4383 Communications Commission.

4384 (11) Each operator of a game promotion who provides
4385 electronic devices or computer terminals with video display
4386 monitors that reveal or display the results of a game promotion
4387 shall:

4388 (a) File with the department, at least 7 days before the
4389 commencement of the game promotion, a certification from an
4390 independent testing laboratory that the electronic game
4391 promotion software:



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1. Operates only games with a preconfigured finite pool or pools of entries;

2. Provides an entrant with the ability to participate in the absence of a purchase;

3. Does not distinguish an entrant who has made a purchase from one who has not, with respect to all advertised prizes; and

4. Uses video displays that do not determine the result.

5. Complies with subsection (2) of this section.

(b) Post a sign inside the premise which shall include the following language in at least 26 point type: "The video displays are for amusement and entertainment only. The video displays do not determine the result of your game promotion entries."

(c) Affix signage that shall include the following language in at least 10 point type on each piece of electronic equipment: "The video displays are for amusement and entertainment only. The video displays do not determine the result of your game promotion entries."

(d) Pay to the department annually a nonrefundable terminal fee of \$100 per electronic device or computer terminal which shall be remitted by the department to the Department of Revenue for deposit into the General Revenue Fund.

(12) Operators that provide electronic devices or computer terminals with video display monitors that reveal or display the results of a game promotion or electronic game promotion must limit the advertisement on the exterior of the premise to the consumer product or service sold on the premise, and that game promotions are offered in connection with the sale of the consumer product or service. No signs shall be posted on the



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exterior of the premises that suggest gambling takes place on the premise or that displays any image commonly associated with slot machines.

(13) Electronic devices or computer terminals with video display monitors that reveal or display the results of a game promotion may not dispense coins or currency.

(14) This section does not allow the use of mechanical or electromechanical reels in connection with a game promotion.

(15) Electronic devices or computer terminals with video display monitors that reveal or display the results of a game promotion that are in compliance with this section shall not be construed as a device as defined in ss. 551.102(8), 849.15, or 849.16.

(16) A county or municipality may adopt an ordinance, code, plan, rule, resolution, or other measure that further regulates an existing or future operator who provides electronic devices or computer terminals with video display monitors that reveal or display the results of a game promotion or electronic game promotion. A county or municipality may prohibit a future operator from providing electronic devices or computer terminals with video display monitors that reveal or display the results of a game promotion or electronic game promotion.

Section 82. Subsection (1) of section 849.16, Florida Statutes, is amended to read:

849.16 Machines or devices which come within provisions of law defined.—

(1) Any machine or device or system or network of computers or other devices is a slot machine or device within the provisions of this chapter if it is one that is adapted for use



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in such a way that, as a result of the insertion of any piece of money, coin, code, account number, credit, or other object or method of activation, such machine, ~~or~~ device, or system or network of computers or other devices is caused to operate or may be operated, whether directly or as the result of indirect remote activation, and if the user, by reason of any element of chance or of any other outcome of such operation unpredictable by him or her, 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 it may, in addition to any element of chance or unpredictable outcome of such operation, also sell, deliver, or present some merchandise, indication of weight, entertainment, or other thing of value.

Section 83. (1) It is the responsibility of the appropriate state agency and of the judicial branch to identify to the Department of Gaming Control, in the form and format prescribed by the department, persons owing an outstanding debt to any state agency, including, but not limited to, child support collected through a court, including spousal support or alimony for the spouse or former spouse of the obligor if the child support obligation is being enforced by the Department of Revenue, overpayments of unemployment compensation benefits, overpayment for food stamps or other entitlements, taxes, liens, judgments, or other payments. The department shall forward this



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information to the destination resort and limited gaming
licensees.

(2) Any winnings of \$600 or more to any person having such
an outstanding obligation shall be withheld by the licensee and
forwarded by the licensee to the department for distribution to
the agency claiming the debt. The department is authorized to
issue payment of the winnings balance to the winner after
deduction of the debt. If a winner owes multiple debts subject
to offset under this subsection and the winnings is insufficient
to cover all such debts, the amount of the winnings shall be
transmitted first to the agency claiming that past due child
support is owed. If a balance of the winnings remains after
payment of past due child support, the balance shall be
transmitted to other agencies claiming debts owed to the state,
pro rata, based upon the ratio of the individual debt to the
remaining debt owed to the state.

(3) It is the responsibility of the licensee to ensure that
the facilities-based computer system that the licensee uses for
operational and accounting functions is specifically configured
to ensure the requirements of this subsection are met.

(4) It is the responsibility of the department to identify
those persons specified under paragraph (1) as having such
outstanding obligations and make any transmittals or payments as
necessary.

(5) The department may adopt rules pursuant to ss.
120.536(1) and 120.54 to implement the provisions of this
section, including the technical requirements of the facilities-
based computer system.

Section 84. Any referendum required in this act shall



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include the following language:

(1) Destination Resorts: SHOULD THE OPERATION OF
DESTINATION RESORTS, AS DEFINED IN S. 551.302, BE AUTHORIZED IN
[NAME OF COUNTY], SUBJECT TO A \$2 BILLION MINIMUM INVESTMENT?

(2) Slot machine gaming at pari-mutuel facilities: SHOULD
THE OPERATION OF SLOT MACHINES AT [NAME OF FACILITY IN COUNTY],
BE AUTHORIZED IN [NAME OF COUNTY]?

(3) Limited gaming at pari-mutuel facilities: SHOULD THE
OPERATION OF LIMITED GAMING, AS DEFINED IN S. 551.302, AT [NAME
OF FACILITY IN COUNTY], BE AUTHORIZED IN [NAME OF COUNTY]?

Section 85. If any provision of this act or its application
to any person or circumstance is held invalid, the invalidity
does not affect other provisions or applications of this act
which can be given effect without the invalid provision or
application, and to this end the provisions of this act are
severable.

Section 86. Except as otherwise expressly provided in this
act, this act shall take effect July 1, 2012.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to gaming; amending s. 20.165, F.S.;
deleting the Division of Pari-mutuel Wagering within
the Department of Business and Professional
Regulation; creating s. 20.318, F.S.; establishing the
Department of Gaming Control; designating the State



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Gaming Commission as head of the department; defining terms; specifying powers and duties of the department; authorizing the department to take testimony; authorizing the department to exclude persons from certain gaming establishments; authorizing the department to collect taxes and require compliance with reporting requirements for financial information; authorizing the department to conduct investigations and impose certain fines; authorizing the department to adopt rules; authorizing the department to contract with the Department of Law Enforcement for certain purposes; directing the department to contract with the Department of Revenue for tax collection and financial audit services; authorizing the Department of Revenue to assist in financial investigations of licensees and applicants for licenses; requiring the department to assist the Department of Revenue for the benefit of financially dependent children; authorizing the department to terminate certain deficient license applications and approve licenses; amending s. 24.123, F.S.; deleting the requirement for the certified public accountant to make recommendations concerning enhancements for earning for the state lottery; amending s. 120.80, F.S.; deleting certain exceptions and special requirements regarding hearings applicable to the Department of Business and Professional Regulation; creating certain exceptions and special requirements regarding hearings within the Department of Gaming Control; exempting the Destination Resort



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Selection Committee from specified provisions of the Administrative Procedure Act; designating ss. 551.101-551.123, F.S., as pt. II of ch. 551, F.S., entitled "Slot Machines"; creating ss. 551.002-551.012, F.S., as pt. I of ch. 551, F.S., entitled "State Gaming Commission"; creating s. 551.002, F.S.; providing definitions; creating s. 551.003, F.S.; creating the State Gaming Commission; providing for membership, terms, service, and compensation; providing for a chair and vice chair; providing that the chair is the administrative head of the commission; providing for a quorum, headquarters, and meetings; providing that the commission serves as the agency head for the department for purposes of the Administrative Procedure Act; providing that the executive director of the commission may serve as the agency head for the department for certain related purposes; creating s. 551.004, F.S.; creating the State Gaming Commission Nominating Committee; providing for membership, organization, and responsibilities of the committee; providing procedures for nomination and appointment of members of the commission; creating s. 551.006, F.S.; providing for an executive director of the department; creating s. 551.007, F.S.; providing for the department to employ law enforcement officers or, by interagency agreement, the Department of Law Enforcement to enforce laws within its jurisdiction; creating s. 551.008, F.S.; providing for a code of ethics for the commission and its employees, including



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4595 restrictions following membership or employment;
4596 defining the terms "business entity" and "outside
4597 employment"; creating s. 551.009, F.S.; providing for
4598 disclosure of certain information by commission
4599 members, employees, and agents; prohibiting certain
4600 negotiations for employment by commission members,
4601 employees, and agents; prohibiting certain gifts;
4602 requiring reporting of bribe offers; creating s.
4603 551.011, F.S.; providing procedures relating to ex
4604 parte communications; providing for the Commission on
4605 Ethics to investigate complaints, report to the
4606 Governor, and enforce assessed penalties; requiring
4607 the Commission on Ethics to provide notice to a person
4608 alleged to have participated in an ex parte
4609 communication and allow that person to present a
4610 defense; providing penalties; creating s. 551.012,
4611 F.S.; providing penalties for violation of specified
4612 provisions by a commission member, employee, or agent;
4613 creating ss. 551.301-551.331, F.S., as pt. III of ch.
4614 551, F.S., entitled "Destination Resorts"; creating s.
4615 551.301, F.S.; providing a short title; creating s.
4616 551.302, F.S.; providing definitions; creating s.
4617 551.304, F.S.; specifying the powers of the
4618 commission, including the power to authorize gaming at
4619 a limited number of destination resorts, conduct
4620 investigations, issue subpoenas, take enforcement
4621 actions, and create an invitation to negotiate process
4622 to evaluate applications for a resort license;
4623 authorizing the commission to collect taxes,



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assessments, fees, and penalties; specifying the jurisdiction and authority of the commission, the Department of Law Enforcement, and local law enforcement agencies to investigate criminal violations and enforce compliance with law; requiring the commission to revoke or suspend the license of a person who was unqualified at the time of licensure or who is no longer qualified to be licensed; creating s. 551.305, F.S.; authorizing the commission to adopt rules relating to the types of gaming authorized, requirements for the issuance, renewal, revocation, and suspension of licenses, the disclosure of financial interests, procedures to test gaming equipment, procedures to verify gaming revenues and the collection of taxes, requirements for gaming equipment, procedures relating to a facilities-based computer system, bond requirements of resort licensees, the maintenance of records, procedures to calculate the payout percentages of slot machines, security standards, the scope and conditions for investigations and inspections into the conduct of limited gaming, the seizure of gaming equipment and records without notice or a warrant, employee drug-testing programs, and the payment of costs, fines, and application fees; authorizing the commission to adopt emergency rules; exempting the rules from specified provisions of the Administrative Procedure Act; creating s. 551.306, F.S.; preempting the regulation of limited gaming at a destination resort to the



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state; creating s. 551.307, F.S.; restricting the
award of resort licenses by the commission;
authorizing participation in gaming at a licensed
resort; creating s. 551.308, F.S.; requiring the
commission to develop an invitation to negotiate
process to award a resort license; providing criteria
and procedures; creating s. 551.309, F.S.; specifying
the criteria for evaluation of applications and award
of a destination resort license; specifying events
that disqualify an applicant from eligibility for a
resort license; defining the term "conviction";
creating s. 551.310, F.S.; providing for applications
for a destination resort license; specifying the
information that must be on or included with an
application for a resort license; providing for
collection of fingerprints; providing for application
fees for a resort license to defray the costs of an
investigation of the applicant; requiring the payment
of application and licensing fees to be submitted with
the application for a resort license; creating s.
551.311, F.S.; providing that an incomplete
application may be grounds for denial of the
application; requiring the executive director to
notify an applicant for a resort license if the
application is incomplete; authorizing the applicant
to have an informal conference with the executive
director to discuss an incomplete application;
authorizing the executive director to grant an
extension to complete an application; providing for



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the stay of the award of a resort license during an extension or an appeal to the commission of a finding by the executive director that an application is incomplete; creating s. 551.312, F.S.; exempting an institutional investor that is a qualifier for a resort licensee from certain application requirements under certain circumstances; requiring notice to the commission of any changes that may require a person to comply with the full application requirements; creating s. 551.313, F.S.; exempting lending institutions and underwriters from licensing requirements as a qualifier under certain circumstances; creating s. 551.3135, F.S.; authorizing limited gaming to be conducted at certain pari-mutuel facilities; requiring pari-mutuel facilities to comply with the application fees and background requirements for destination resorts; providing that limited gaming may not begin at a pari-mutuel facility until games begin at a destination resort; establishing guidelines for the gaming floor; creating s. 551.314, F.S.; specifying conditions for a licensee to maintain licensure; authorizing the department to adopt rules relating to approval of the licensee's computer system; requiring a segregated limited gaming floor; creating s. 551.315, F.S.; requiring that the licensee post a bond; authorizing the department to adopt rules relating to such bonds; creating s. 551.316, F.S.; specifying conditions for the conduct of limited gaming by a resort licensee; providing hours and days



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of operation and the setting of minimum and maximum wagers; requiring the department to renew the license of a resort licensee or limited gaming licensee if the licensee satisfies specified conditions; creating s. 551.317, F.S.; prohibiting certain acts; prohibiting cheating, the use of counterfeit devices, and fraud at a license facility; establishing criminal penalties for violations; creating s. 551.318, F.S.; specifying an annual fee for the renewal of a license; imposing gross receipts tax; providing for the deposit of funds; providing for a distribution of the fund to be distributed in three funds; providing timelines for the submission of gross receipts taxes; creating 551.3185, F.S.; providing that unappropriated funds in a trust fund to be deposited in the General Revenue Fund; creating s. 551.319, F.S.; providing procedures for the submission and processing of fingerprints; providing that the cost of processing the fingerprints shall be borne by a licensee or applicant; requiring a person to report to the department certain pleas and convictions for disqualifying offenses; creating s. 551.321, F.S.; requiring a person to have a supplier license to furnish certain goods and services to a resort licensee; providing for application; providing for license fees to be set by rule based on certain criteria; requiring fingerprinting; specifying persons who are ineligible for supplier licensure; specifying circumstances under which the department may deny or revoke a supplier license; authorizing the department



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to adopt rules relating to the licensing of suppliers;
requiring a supplier licensee to furnish a list of
gaming devices and equipment to the department,
maintain records, file quarterly returns, and affix
its name to the gaming equipment and supplies that it
offers; requiring that the supplier licensee annually
report its inventory to the department; authorizing
the department to suspend, revoke, or restrict a
supplier license under certain circumstances;
providing that the equipment of a supplier licensee
which is used in unauthorized gaming will be forfeited
to the county where the equipment is found; providing
criminal penalties for a person who knowingly makes a
false statement on an application for a supplier
license; creating s. 551.3215, F.S.; requiring a
person to have a manufacturer license to manufacture
certain devices; providing for an application, license
fees, and other requirements; creating s. 551.322,
F.S.; requiring a person to have an occupational
license to serve as a limited gaming employee of a
resort licensee; requiring a person to apply to the
department for an occupational license and pay an
application fee; specifying information that an
applicant must include in an application for an
occupational license, including fingerprints;
providing eligibility requirements; specifying grounds
for the department to deny, suspend, revoke, or
restrict an occupational license; authorizing training
to be conducted at certain facilities; providing



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criminal penalties for a person who knowingly makes a false statement on an application for an occupational license; creating s. 551.323, F.S.; authorizing the executive director of the department to issue a temporary occupational or temporary supplier license under certain circumstances; creating s. 551.325, F.S.; requiring the commission to file quarterly reports with the Governor, the President of the Senate, and the Speaker of the House of Representatives; creating s. 551.327, F.S.; providing procedures for the resolution of certain disputes between a resort licensee and a patron; requiring a resort licensee to notify the department of certain disputes; requiring a resort licensee to notify a patron of the right to file a complaint with the department regarding certain disputes; authorizing the department to investigate disputes and to order a resort licensee to make a payment to a patron; providing that gaming-related disputes may be resolved only by the department and are not under the jurisdiction of state courts; creating s. 551.328, F.S.; providing for the enforcement of credit instruments; authorizing a resort licensee to accept an incomplete credit instrument and to complete incomplete credit instruments under certain circumstances; providing that existence of a mental disorder is not a defense or a valid counterclaim in an action to enforce a credit instrument; authorizing the department to adopt rules prescribing the



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conditions under which a credit instrument may be presented to a bank; creating s. 551.330, F.S.; requiring a resort licensee to train its employees about compulsive gambling; requiring the department to contract for direct services relating to the treatment of compulsive gambling; providing for the compulsive gambling treatment program to be funded from a regulatory fee imposed on licensees; creating s. 551.331, F.S.; authorizing a person to request that the department exclude him or her from limited gaming facilities; providing for a form and contents of the form; providing that a self-excluded person who is found on a gaming floor may be arrested and prosecuted for criminal trespass; providing that a self-excluded person holds harmless the department and licensees from claims for losses and damages under certain circumstances; requiring the person to submit identification issued by the government; requiring the department to photograph the person requesting self-exclusion; amending s. 561.20, F.S.; exempting destination resorts or limited gaming licensees from certain limitations on the number of licenses to sell alcoholic beverages which may be issued; providing restrictions on a licensee issued such license; requiring an annual state license tax to be paid by a licensee for such license; providing for deposit of proceeds from the tax; preempting to the state the regulation of alcoholic beverages at destination resorts and limited gaming licensees; providing hours



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and days alcoholic beverages may be sold at a resort or limited gaming licensee; directing the commission to adopt rules; providing recordkeeping requirements; amending s. 817.32, F.S.; providing that the fraudulent operation of a coin-operated device includes devices that operate upon the insertion of bills, tickets, tokens, or similar objects or upon any consideration; amending s. 817.33, F.S.; providing that the prohibition from manufacturing slugs or devices with the intent to cheat coin-operated devices includes devices that operate upon the insertion of bills, tickets, tokens, or similar objects or upon any consideration; amending s. 849.15, F.S.; authorizing slot machine gaming in a resort licensee or limited gaming licensee and the transportation of slot machines pursuant to federal law; exempting slot machine licensees from prohibitions relating to coin-operated devices; amending s. 849.231, F.S.; providing that a prohibition on gambling devices does not apply to slot machine licensees and resort or limited gaming licensees as authorized under specified provisions; transferring and reassigning certain functions and responsibilities, including records, personnel, property, and unexpended balances of appropriations and other resources, from the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to the Department of Gaming Control; transferring certain trust funds from the Department of Business and Professional Regulation to



566168

the Department of Gaming Control; amending s. 550.054, F.S.; requiring pari-mutuel permitholders to commence construction on a facility; providing that the department shall revoke a pari-mutuel permit if the permitholder has not conducted live races or games during the 2011 and 2012 calendar years; providing that no pari-mutuel permit may be issued after a specified date; amending s. 550.09515, F.S.; deleting the ability for an escheated pari-mutuel thoroughbred permit to be reissued; amending s. 551.101, F.S.; authorizing slot machine gaming at certain pari-mutuel facilities that have passed a referendum; amending s. 551.102, F.S.; revising the definition of the term "eligible facility" as used in provisions relating to slot machines; conforming provisions to changes made by the act; amending s. 551.104, F.S.; providing for licensure for certain applicants; amending s. 551.106, F.S.; deleting expired terms; providing that the tax rate for slot machine licensees may be reduced when games begin to be offered by a destination resort; amending s. 551.118, F.S.; providing that the division shall contract for direct services related to compulsive and addictive gambling; requiring slot machine licensees to fund the compulsive and addictive gambling program through a fee; amending s. 849.094, F.S.; providing for the registration of electronic devices and computer terminals used to conduct electronic game promotions; establishing requirements for electronic game promotions; requiring



566168

4885 certification of game promotion software; prohibiting
4886 certain conduct; amending s. 849.16, F.S., to amend
4887 the definition of slot machine to include a system or
4888 network of computers or devices; requires the
4889 department to identify persons with outstanding child
4890 support or alimony debts to the agency claiming the
4891 debt; requires the department to withhold winnings
4892 over a specified amount from certain persons; requires
4893 the department to forward winnings to agencies
4894 claiming certain debts; provides ballot language for
4895 referendums; amending ss. 285.710, 550.002, 550.0251,
4896 550.135, 550.24055, 550.2415, 550.2625, 550.2704,
4897 550.902, 550.907, 551.103, 551.107, 551.108, 551.109,
4898 551.111, 551.112, 551.117, 551.119, 551.122, 551.123,
4899 565.02, 817.37, and 849.086, F.S.; correcting cross-
4900 references and conforming provisions to changes made
4901 by the act; providing for severabilit; providing an
4902 effective date.



753096

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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The Committee on Regulated Industries (Bogdanoff) recommended the following:

Senate Amendment to Amendment (566168)

Delete line 1027
and insert:

(a) Authorize limited gaming at up to three destination
resorts.



920558

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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The Committee on Regulated Industries (Bogdanoff) recommended the following:

Senate Amendment to Amendment (566168)

Delete lines 1871 - 1875
and insert:

(2) A limited gaming license may be issued only to a licensed pari-mutuel permitholder located in a county where a resort license has been issued, and limited gaming may be conducted only at the pari-mutuel facility at which the permitholder conducted a full schedule of live pari-mutuel racing or games prior to January 15, 2012.



772398

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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The Committee on Regulated Industries (Bogdanoff) recommended the following:

Senate Amendment to Amendment (566168)

Delete lines 3368 - 3394
and insert:

Section 53. Subsections (15) and (16) are added and subsection (10) of section 550.054, Florida Statutes, is amended to read:

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

~~(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 by the~~



772398

~~voters of the permit, the division shall revoke the permit upon
adequate notice to the permitholder. However, the division, upon
good cause shown by the permitholder, may grant one extension of
up to 12 months.~~

(15) The division shall revoke the permit upon adequate
notice to the permitholder if the permitholder has not conducted
a full schedule of live racing or games prior to January 15,
2012.

(16) Notwithstanding any provision of this chapter, no
pari-mutuel permit may be issued after July 1, 2012.



617514

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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The Committee on Regulated Industries (Bogdanoff) recommended the following:

Senate Amendment to Amendment (566168)

Delete lines 3847 - 3865
and insert:

(2) TAX ON SLOT MACHINE REVENUES.—

(a) The tax rate on slot machine revenues at each facility shall be 35 percent. If a destination resort license is issued, and after the first game is conducted at the destination resort, the tax rate on slot machine revenues at each facility shall be 10 percent. If, during any state fiscal year, the aggregate amount of tax paid to the state by all slot machine licensees



617514

13 and limited gaming licensees in Broward and Miami-Dade Counties
14 is less than the aggregate amount of tax paid to the state by
15 all slot machine licensees in the 2008-2009 fiscal year, each
16 slot machine licensee shall pay to the state within 45 days
17 after the end of the state fiscal year a surcharge equal to its
18 pro rata share of an amount equal to the difference between the
19 aggregate amount of tax paid to the state by all slot machine
20 licensees in the 2008-2009 fiscal year and the amount of tax
21 paid during the fiscal year. Each licensee's pro rata share
22 shall be an amount determined by dividing the number 1 by the
23 number of facilities licensed to operate slot machines during
24 the applicable fiscal year, regardless of whether the facility
25 is operating such machines.



254498

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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The Committee on Regulated Industries (Bogdanoff) recommended the following:

Senate Amendment to Amendment (566168)

Between lines 4506 and 4507
insert:

(6) A licensee shall be responsible for the total amount of the debt owed under subsection (1) that was not withheld in accordance with subsection (2).



567666

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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The Committee on Regulated Industries (Bogdanoff) recommended the following:

Senate Amendment to Amendment (566168)

Delete lines 4507 - 4517
and insert:

Section 84.

(1) Any referendum required in this act shall include the following language:

(a) Destination Resorts: SHOULD THE OPERATION OF DESTINATION RESORTS, AS DEFINED IN S. 551.302, BE AUTHORIZED IN [NAME OF COUNTY], SUBJECT TO A \$2 BILLION MINIMUM INVESTMENT?

(b) Slot machine gaming at pari-mutuel facilities: SHOULD THE OPERATION OF SLOT MACHINES AT [NAME OF FACILITY IN COUNTY],



567666

BE AUTHORIZED IN [NAME OF COUNTY]?

(c) Limited gaming at pari-mutuel facilities: SHOULD THE
OPERATION OF LIMITED GAMING, AS DEFINED IN S. 551.302, AT [NAME
OF FACILITY IN COUNTY], BE AUTHORIZED IN [NAME OF COUNTY]?

(2) If question (1)(a) is placed on a ballot for referendum
vote, question (1)(c) must also be placed on the same ballot if
pari-mutuel facilities are located in the county.



659064

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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The Committee on Regulated Industries (Bogdanoff) recommended the following:

Senate Amendment to Amendment (566168)

Delete line 3611
and insert:
part chapter. Notwithstanding any other provision of law, slot
machine gaming may only be conducted at the location of a pari-
mutuel facility where the permitholder has conducted a full
schedule of live racing or games at the facility prior to
January 15, 2012.



728640

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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The Committee on Regulated Industries (Bogdanoff) recommended the following:

Senate Amendment to Amendment (566168)

Delete line 3789
and insert:
Art. X of the State Constitution. Notwithstanding any other provision of law, unless authorized by s. 23, Art. X of the State Constitution, the division may not issue any new slot machine licenses until a destination resort licensee has begun to offer the play of limited gaming to the public, as defined in section 551.302.



914244

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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The Committee on Regulated Industries (Dean and Sachs)
recommended the following:

**Senate Amendment to Amendment (566168) (with title
amendment)**

Delete lines 1936 - 1938

Between lines 4517 and 4518
insert:

Section 85. Slot machine licensees.—Notwithstanding any law
to the contrary, when a resort licensee receives final
authorization to conduct limited gaming activities in Miami-Dade
or Broward Counties, a pari-mutuel facility licensed to operate
slot machine gaming under s. 551.104, Florida Statutes, shall be



914244

entitled to conduct all games identified in s. 551.301(14)
pursuant to the provisions of s. 551.316 and the rules of the
Commission. Such facilities shall pay the same tax on gross
receipts of such limited gaming as the resort licensee located
within Miami-Dade or Broward Counties, and shall be entitled to
operate slot machines and limited gaming in the same manner as
permitted by a resort licensee, including, but not limited to
days and hours of operation, complimentary food and beverages,
credit instruments pursuant to the rules adopted by the
Commission. For purposes of this section, "final authorization"
shall mean the announced opening date of the resort casino, or
the actual opening date, whichever shall occur first. The
provisions of s. 551.3135 shall not apply to any slot machine
licensee licensed as of July 1, 2012.

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

And the title is amended as follows:

 Delete line 4901

and insert:

 by the act; providing that certain slot machine
 licensees may conduct limited gaming with a slot
 machine license; providing terms; providing for
 severability; providing an



335876

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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The Committee on Regulated Industries (Dean and Sachs)
recommended the following:

Senate Amendment to Amendment (566168)

Delete lines 3847 - 3865
and insert:

(2) TAX ON SLOT MACHINE REVENUES.—

(a) The tax rate on slot machine revenues at each facility shall be 10 ~~35~~ percent. If, during 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



335876

13 licensee and resort licensee shall pay to the state within 45
14 days after the end of the state fiscal year a surcharge equal to
15 its pro rata share of an amount equal to the difference between
16 the aggregate amount of tax paid to the state by all slot
17 machine licensees in the 2008-2009 fiscal year and the amount of
18 tax paid during the fiscal year. Each licensee's pro rata share
19 shall be an amount determined by dividing the amount paid on
20 slot machines by each slot and resort licensee authorized to
21 operate slot machines by the total taxes paid by all slot
22 machine and resort licensees authorized to operate slot machines
23 ~~the number 1 by the number of facilities licensed to operate~~
24 ~~slot machines during the applicable fiscal year, regardless of~~
25 ~~whether the facility is operating such machines.~~



443524

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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The Committee on Regulated Industries (Dean) recommended the following:

Senate Amendment to Amendment (566168)

Delete line 2993
and insert:
6. Any destination resort



252452

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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The Committee on Regulated Industries (Dean) recommended the following:

Senate Amendment to Amendment (566168)

Delete line 1317
and insert:

through the award of a resort license, the resort licensee and
any pari-mutuel facility licensed to conduct slot machines as of
July 1, 2012 may



257912

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
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The Committee on Regulated Industries (Dean) recommended the following:

Senate Amendment to Amendment (566168)

Delete line 1326
and insert:
rest of the resort or pari-mutuel facility so that patrons may
have ingress and



874424

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/10/2012	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Dean) recommended the following:

Senate Amendment to Amendment (566168)

Delete lines 1763 - 1764
and insert:

(b) The application for a destination resort license must
be submitted with a one-time fee of



104926

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/10/2012	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Dean) recommended the following:

Senate Amendment to Amendment (566168)

Delete line 2271
and insert:
the initial license and annually thereafter, the resort licensee
must



766954

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Jones) recommended the following:

Senate Amendment to Amendment (566168) (with title amendment)

Delete lines 158 - 173.

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

And the title is amended as follows:

Delete lines 4556 - 4559

and insert:

applications and approve licenses;



323610

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Sachs) recommended the following:

Senate Amendment to Amendment (566168) (with title amendment)

Delete line 3789

and insert:

Art. X of the State Constitution. Notwithstanding any other provision of law or a decision from a court of competent jurisdiction, a slot machine license may be issued to an eligible facility outside Miami-Dade County or Broward County; however, such license may not authorize slot machine gaming or require payment of any license fees or regulatory fees before July 7, 2015.



323610

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

And the title is amended as follows:

Delete line 4872

and insert:

licensure for certain applicants; authorizing the
issuance of a slot machine license to an eligible
facility outside Miami-Dade County or Broward County;
prohibiting such license from authorizing slot machine
gaming or requiring payment of any license fees or
regulatory fees before a specified date; amending s.
551.106,

By Senator Bogdanoff

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1 A bill to be entitled
2 An act relating to gaming; amending s. 20.165, F.S.;
3 deleting the Division of Pari-mutuel Wagering within
4 the Department of Business and Professional
5 Regulation; creating s. 20.318, F.S.; establishing the
6 Department of Gaming Control; designating the State
7 Gaming Commission as head of the department; defining
8 terms; specifying powers and duties of the department;
9 authorizing the department to take testimony;
10 authorizing the department to exclude persons from
11 certain gaming establishments; authorizing the
12 department to collect taxes and require compliance
13 with reporting requirements for financial information;
14 authorizing the department to conduct investigations
15 and impose certain fines; authorizing the department
16 to adopt rules; authorizing the department to contract
17 with the Department of Law Enforcement for certain
18 purposes; directing the department to contract with
19 the Department of Revenue for tax collection and
20 financial audit services; authorizing the Department
21 of Revenue to assist in financial investigations of
22 licensees and applicants for licenses; requiring the
23 department to assist the Department of Revenue for the
24 benefit of financially dependent children; authorizing
25 the department to terminate certain deficient license
26 applications and approve licenses; amending s. 120.80,
27 F.S.; deleting certain exceptions and special
28 requirements regarding hearings applicable to the
29 Department of Business and Professional Regulation;

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30 creating certain exceptions and special requirements
31 regarding hearings within the Department of Gaming
32 Control; exempting the Destination Resort Selection
33 Committee from specified provisions of the
34 Administrative Procedure Act; designating ss. 551.101-
35 551.123, F.S., as pt. II of ch. 551, F.S., entitled
36 "Slot Machines"; creating ss. 551.002-551.012, F.S.,
37 as pt. I of ch. 551, F.S., entitled "State Gaming
38 Commission"; creating s. 551.002, F.S.; providing
39 definitions; creating s. 551.003, F.S.; creating the
40 State Gaming Commission; providing for membership,
41 terms, service, and compensation; providing for a
42 chair and vice chair; providing that the chair is the
43 administrative head of the commission; providing for a
44 quorum, headquarters, and meetings; providing that the
45 commission serves as the agency head for the
46 department for purposes of the Administrative
47 Procedure Act; providing that the executive director
48 of the commission may serve as the agency head for the
49 department for certain related purposes; creating s.
50 551.004, F.S.; creating the State Gaming Commission
51 Nominating Committee; providing for membership,
52 organization, and responsibilities of the committee;
53 providing procedures for nomination and appointment of
54 members of the commission; creating s. 551.006, F.S.;
55 providing for an executive director of the department;
56 creating s. 551.007, F.S.; providing for the
57 department to employ law enforcement officers or, by
58 interagency agreement, the Department of Law

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Enforcement to enforce laws within its jurisdiction;
creating s. 551.008, F.S.; providing for a code of
ethics for the commission and its employees, including
restrictions following membership or employment;
defining the terms "business entity" and "outside
employment"; creating s. 551.009, F.S.; providing for
disclosure of certain information by commission
members, employees, and agents; prohibiting certain
negotiations for employment by commission members,
employees, and agents; prohibiting certain gifts;
requiring reporting of bribe offers; creating s.
551.011, F.S.; providing procedures relating to ex
parte communications; providing for the Commission on
Ethics to investigate complaints, report to the
Governor, and enforce assessed penalties; requiring
the Commission on Ethics to provide notice to a person
alleged to have participated in an ex parte
communication and allow that person to present a
defense; providing penalties; creating s. 551.012,
F.S.; providing penalties for violation of specified
provisions by a commission member, employee, or agent;
creating ss. 551.301-551.331, F.S., as pt. III of ch.
551, F.S., entitled "Destination Resorts"; creating s.
551.301, F.S.; providing a short title; creating s.
551.302, F.S.; providing definitions; creating s.
551.304, F.S.; specifying the powers of the
commission, including the power to authorize gaming at
a limited number of destination resorts, conduct
investigations, issue subpoenas, take enforcement

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actions, and create an invitation to negotiate process to evaluate applications for a resort license; authorizing the commission to collect taxes, assessments, fees, and penalties; specifying the jurisdiction and authority of the commission, the Department of Law Enforcement, and local law enforcement agencies to investigate criminal violations and enforce compliance with law; requiring the commission to revoke or suspend the license of a person who was unqualified at the time of licensure or who is no longer qualified to be licensed; creating s. 551.305, F.S.; authorizing the commission to adopt rules relating to the types of gaming authorized, requirements for the issuance, renewal, revocation, and suspension of licenses, the disclosure of financial interests, procedures to test gaming equipment, procedures to verify gaming revenues and the collection of taxes, requirements for gaming equipment, procedures relating to a facilities-based computer system, bond requirements of resort licensees, the maintenance of records, procedures to calculate the payout percentages of slot machines, security standards, the scope and conditions for investigations and inspections into the conduct of limited gaming, the seizure of gaming equipment and records without notice or a warrant, employee drug-testing programs, and the payment of costs, fines, and application fees; authorizing the commission to adopt emergency rules; exempting the rules from specified

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provisions of the Administrative Procedure Act;
creating s. 551.306, F.S.; preempting the regulation
of limited gaming at a destination resort to the
state; creating s. 551.307, F.S.; restricting the
award of resort licenses by the commission;
authorizing participation in gaming at a licensed
resort; creating s. 551.308, F.S.; requiring the
commission to develop an invitation to negotiate
process to award a resort license; providing criteria
and procedures; creating s. 551.309, F.S.; specifying
the criteria for evaluation of applications and award
of a destination resort license; specifying events
that disqualify an applicant from eligibility for a
resort license; defining the term "conviction";
creating s. 551.310, F.S.; providing for applications
for a destination resort license; specifying the
information that must be on or included with an
application for a resort license; providing for
collection of fingerprints; providing for application
fees for a resort license to defray the costs of an
investigation of the applicant; requiring the payment
of application and licensing fees to be submitted with
the application for a resort license; creating s.
551.311, F.S.; providing that an incomplete
application is grounds for denial of the application;
requiring the executive director to notify an
applicant for a resort license if the application is
incomplete; authorizing the applicant to have an
informal conference with the executive director to

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146 discuss an incomplete application; authorizing the
147 executive director to grant an extension to complete
148 an application; providing for the stay of the award of
149 a resort license during an extension or an appeal to
150 the commission of a finding by the executive director
151 that an application is incomplete; creating s.
152 551.312, F.S.; exempting an institutional investor
153 that is a qualifier for a resort licensee from certain
154 application requirements under certain circumstances;
155 requiring notice to the commission of any changes that
156 may require a person to comply with the full
157 application requirements; creating s. 551.313, F.S.;
158 exempting lending institutions and underwriters from
159 licensing requirements as a qualifier under certain
160 circumstances; creating s. 551.314, F.S.; specifying
161 conditions for a resort licensee to maintain
162 licensure; authorizing the department to adopt rules
163 relating to approval of the licensee's computer
164 system; creating s. 551.315, F.S.; requiring that the
165 licensee post a bond; authorizing the department to
166 adopt rules relating to such bonds; creating s.
167 551.316, F.S.; specifying conditions for the conduct
168 of limited gaming by a resort licensee; providing
169 hours and days of operation and the setting of minimum
170 and maximum wagers; requiring the department to renew
171 the license of a resort licensee if the licensee
172 satisfies specified conditions; creating s. 551.318,
173 F.S.; specifying an annual fee for the renewal of a
174 resort license; imposing gross receipts tax; providing

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for the deposit of funds; providing for the proceeds of the gross receipts tax to fund the operations of the department; providing for annual distribution of certain unappropriated funds in the department's Destination Resort Trust Fund; creating s. 551.319, F.S.; providing procedures for the submission and processing of fingerprints; providing that the cost of processing the fingerprints shall be borne by a licensee or applicant; requiring a person to report to the department certain pleas and convictions for disqualifying offenses; creating s. 551.321, F.S.; requiring a person to have a supplier license to furnish certain goods and services to a resort licensee; providing for application; providing for license fees to be set by rule based on certain criteria; requiring fingerprinting; specifying persons who are ineligible for supplier licensure; specifying circumstances under which the department may deny or revoke a supplier license; authorizing the department to adopt rules relating to the licensing of suppliers; requiring a supplier licensee to furnish a list of gaming devices and equipment to the department, maintain records, file quarterly returns, and affix its name to the gaming equipment and supplies that it offers; requiring that the supplier licensee annually report its inventory to the department; authorizing the department to suspend, revoke, or restrict a supplier license under certain circumstances; providing that the equipment of a supplier licensee

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which is used in unauthorized gaming will be forfeited to the county where the equipment is found; providing criminal penalties for a person who knowingly makes a false statement on an application for a supplier license; creating s. 551.322, F.S.; requiring a person to have an occupational license to serve as a limited gaming employee of a resort licensee; requiring a person to apply to the department for an occupational license and pay an application fee; specifying information that an applicant must include in an application for an occupational license, including fingerprints; providing eligibility requirements; specifying grounds for the department to deny, suspend, revoke, or restrict an occupational license; authorizing training to be conducted at certain facilities; providing criminal penalties for a person who knowingly makes a false statement on an application for an occupational license; creating s. 551.323, F.S.; authorizing the executive director of the department to issue a temporary occupational or temporary supplier license under certain circumstances; creating s. 551.325, F.S.; requiring the commission to file quarterly reports with the Governor, the President of the Senate, and the Speaker of the House of Representatives; creating s. 551.327, F.S.; providing procedures for the resolution of certain disputes between a resort licensee and a patron; requiring a resort licensee to notify the department of certain disputes; requiring a resort

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licensee to notify a patron of the right to file a complaint with the department regarding certain disputes; authorizing the department to investigate disputes and to order a resort licensee to make a payment to a patron; providing that gaming-related disputes may be resolved only by the department and are not under the jurisdiction of state courts; creating s. 551.328, F.S.; providing for the enforcement of credit instruments; authorizing a resort licensee to accept an incomplete credit instrument and to complete incomplete credit instruments under certain circumstances; providing that existence of a mental disorder is not a defense or a valid counterclaim in an action to enforce a credit instrument; authorizing the department to adopt rules prescribing the conditions under which a credit instrument may be presented to a bank; creating s. 551.330, F.S.; requiring a resort licensee to train its employees about compulsive gambling; requiring a resort licensee to work with a compulsive gambling prevention program; requiring the commission to contract for services relating to the prevention of compulsive gambling; providing for the commission's compulsive gambling prevention program to be funded from a regulatory fee imposed on resort licensees; creating s. 551.331, F.S.; authorizing a person to request that the department exclude him or her from limited gaming facilities; providing for a form and contents of the form; providing that a self-excluded

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person who is found on a gaming floor may be arrested and prosecuted for criminal trespass; providing that a self-excluded person holds harmless the department and licensees from claims for losses and damages under certain circumstances; requiring the person to submit identification issued by the government; requiring the department to photograph the person requesting self-exclusion; amending s. 561.20, F.S.; exempting destination resorts from certain limitations on the number of licenses to sell alcoholic beverages which may be issued; providing restrictions on a resort issued such license; requiring an annual state license tax to be paid by a resort for such license; providing for deposit of proceeds from the tax; preempting to the state the regulation of alcoholic beverages at destination resorts; providing hours and days alcoholic beverages may be sold at a resort; directing the commission to adopt rules; providing recordkeeping requirements; amending s. 849.15, F.S.; authorizing slot machine gaming in a resort licensee and the transportation of slot machines pursuant to federal law; exempting slot machine licensees from prohibitions relating to coin-operated devices; amending s. 849.231, F.S.; providing that a prohibition on gambling devices does not apply to slot machine licensees and resort licensees as authorized under specified provisions; amending s. 849.25, F.S.; providing that a prohibition on gaming does not apply to slot machine licensees and resort licensees as

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authorized under specified provisions; creating s.
849.48, F.S.; requiring that a person or entity
seeking to operate a gambling business, to allow
gambling on the person's or entity's premises, or to
lease, manufacture, or distribute gambling devices
apply for licensure from the Department of Gaming
Control; transferring and reassigning certain
functions and responsibilities, including records,
personnel, property, and unexpended balances of
appropriations and other resources, from the Division
of Pari-mutuel Wagering of the Department of Business
and Professional Regulation to the Department of
Gaming Control; transferring certain trust funds from
the Department of Business and Professional Regulation
to the Department of Gaming Control; amending s.
551.102, F.S.; revising the definition of the term
"eligible facility" as used in provisions relating to
slot machines; conforming provisions to changes made
by the act; amending ss. 285.710, 550.002, 550.0251,
550.09514, 550.135, 550.24055, 550.2415, 550.2625,
550.2704, 550.902, 550.907, 551.101, 551.103, 551.104,
551.106, 551.107, 551.108, 551.109, 551.111, 551.112,
551.117, 551.119, 551.122, 551.123, 565.02, 817.37,
849.086, and 849.094, F.S.; correcting cross-
references and conforming provisions to changes made
by the act; providing for severability; providing
effective dates.

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

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Section 1. 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:

(a) Division of Administration.

(b) Division of Alcoholic Beverages and Tobacco.

(c) Division of Certified Public Accounting.

1. The director of the division shall be appointed by the secretary of the department, subject to approval by a majority of the Board of Accountancy.

2. The offices of the division shall be located in Gainesville.

(d) Division of Florida Condominiums, Timeshares, and Mobile Homes.

(e) Division of Hotels and Restaurants.

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

(f) ~~(g)~~ Division of Professions.

(g) ~~(h)~~ Division of Real Estate.

1. The director of the division shall be appointed by the secretary of the department, subject to approval by a majority of the Florida Real Estate Commission.

2. The offices of the division shall be located in Orlando.

(h) ~~(i)~~ Division of Regulation.

(i) ~~(j)~~ Division of Technology.

(j) ~~(k)~~ Division of Service Operations.

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349 Section 2. Section 20.318, Florida Statutes, is created to
350 read:

351 20.318 Department of Gaming Control.—There is created a
352 Department of Gaming Control.

353 (1) GAMING COMMISSION.—The State Gaming Commission is the
354 head of the Department of Gaming Control. The commission shall
355 be responsible for appointing and removing the executive
356 director and general counsel of the department.

357 (2) DIVISIONS.—The Department of Gaming Control shall
358 consist of the following divisions:

359 (a) The Division of Enforcement.

360 (b) The Division of Licensure.

361 (c) The Division of Revenue and Audits.

362 (3) DEFINITIONS.—As used in this section, the term:

363 (a) "Commission" means the State Gaming Commission.

364 (b) "Department" means the Department of Gaming Control.

365 (c) "Gaming control" means any gaming activity, occupation,
366 or profession regulated by the department.

367 (d) "License" means any permit, registration, certificate,
368 or license issued by the department.

369 (e) "Licensee" means any person issued a permit,
370 registration, certificate, or license by the department.

371 (4) POWERS AND DUTIES.—

372 (a) The department shall adopt rules establishing a
373 procedure for the renewal of licenses.

374 (b) The department shall submit an annual budget to the
375 Legislature at a time and in the manner provided by law.

376 (c) The department shall adopt rules pursuant to ss.
377 120.536(1) and 120.54 to administer the provisions of law

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378 conferring duties upon it.

379 (d) The department shall require an oath on application
380 documents as required by rule, which oath must state that the
381 information contained in the document is true and complete.

382 (e) The department shall adopt rules for the control,
383 supervision, and direction of all applicants, permittees, and
384 licensees and for the holding, conducting, and operating of any
385 gaming establishment under the jurisdiction of the department in
386 this state. The department shall have the authority to suspend a
387 permit or license under the jurisdiction of the department if
388 such permitholder or licensee has violated any provision of
389 chapter 550, chapter 551, or chapter 849 or rules adopted by the
390 department. Such rules must be uniform in their application and
391 effect, and the duty of exercising this control and power is
392 made mandatory upon the department.

393 (f) The department may take testimony concerning any matter
394 within its jurisdiction and issue summons and subpoenas for any
395 witness and subpoenas duces tecum in connection with any matter
396 within the jurisdiction of the department under its seal and
397 signed by the executive director.

398 (g) In addition to the power to exclude certain persons
399 from any pari-mutuel facility in this state, the department may
400 exclude any person from any and all gaming establishments under
401 the jurisdiction of the department in this state. The department
402 may exclude from any gaming establishment under its jurisdiction
403 within this state any person who has been ejected from a pari-
404 mutuel facility or other gaming establishment in this state or
405 who has been excluded from any pari-mutuel facility or other
406 gaming establishment in another state by the governmental

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department, agency, commission, or authority exercising
regulatory jurisdiction over such facilities in such other
state. The department may authorize any person who has been
ejected or excluded from establishments in this state or another
state to enter such facilities in this state upon a finding that
the attendance of such person would not be adverse to the public
interest or to the integrity of the industry; however, this
paragraph may not be construed to abrogate the common-law right
of a pari-mutuel permitholder or a proprietor of a gaming
establishment to exclude absolutely a patron in this state.

(h) The department may collect taxes and require compliance
with reporting requirements for financial information as
authorized by chapter 550, chapter 551, s. 849.086, or s.
849.094. In addition, the executive director of the department
may require gaming establishments within its jurisdiction within
the state to remit taxes, including fees, by electronic funds
transfer.

(i) The department may conduct investigations necessary for
enforcing chapters 550 and 551 and ss. 849.086 and 849.094.

(j) The department may impose an administrative fine for a
violation under chapter 550, chapter 551, s. 849.086, or s.
849.094 of not more than \$10,000 for each count or separate
offense, except as otherwise provided in chapter 550, chapter
551, s. 849.086, or s. 849.094, and may suspend or revoke a
permit, an operating license, or an occupational license for a
violation under chapter 550, chapter 551, s. 849.086, or s.
849.094. All fines imposed and collected under this paragraph
must be deposited with the Chief Financial Officer to the credit
of the General Revenue Fund.

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436 (k) The department shall have sole authority and power to
437 make, adopt, amend, or repeal rules relating to gaming
438 operations, to enforce and to carry out the provisions of
439 chapters 550 and 551 and ss. 849.086 and 849.094, and to
440 regulate authorized gaming activities in the state.

441 (l) The department may contract with the Department of Law
442 Enforcement, through an interagency agreement, to enforce any
443 criminal law or to conduct any criminal investigation.

444 (m) The department shall contract with the Department of
445 Revenue, through an interagency agreement, to perform the tax
446 collection and financial audit services for the taxes required
447 to be collected by entities licensed or regulated by chapter
448 550, chapter 551, or chapter 849. The interagency agreement
449 shall also allow the Department of Revenue to assist in any
450 financial investigations of licensees or applications for
451 licenses by the Department of Gaming Control or law enforcement
452 agencies.

453 (5) FINANCIALLY DEPENDENT CHILDREN; SUPPORT.—The department
454 shall work cooperatively with the Department of Revenue to
455 implement an automated method for periodically disclosing
456 information relating to current licensees to the Department of
457 Revenue. The purpose of this subsection is to promote the public
458 policy of this state as established in s. 409.2551. The
459 department shall, when directed by the court or the Department
460 of Revenue pursuant to s. 409.2598, suspend or deny the license
461 of any licensee found not to be in compliance with a support
462 order, subpoena, order to show cause, or written agreement
463 entered into by the licensee with the Department of Revenue. The
464 department shall issue or reinstate the license without

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additional charge to the licensee when notified by the court or the Department of Revenue that the licensee has complied with the terms of the support order. The department is not liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

(6) LICENSING.—The department may:

(a) Close and terminate deficient license application files 2 years after the department notifies the applicant of the deficiency.

(b) Approve gaming-related license applications that meet all statutory and rule requirements for licensure.

Section 3. Subsection (4) of section 120.80, Florida Statutes, is 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,~~

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

(a) The department 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 the imposition of fines or suspension as provided by rules of the department, but not for revocations, and only to consider violations of subparagraphs (b)1.-6.

(b) The department 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 chapter 550.

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523 2. Application and administration of drugs and medication
524 to horses, greyhounds, and jai alai players in violation of
525 chapter 550.

526 3. Maintaining or possessing any device that could be used
527 for the injection or other infusion of a prohibited drug into a
528 horse, greyhound, or jai alai players in violation of chapter
529 550.

530 4. Suspensions under reciprocity agreements between the
531 department and regulatory agencies of other states.

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

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

535 (20) STATE GAMING COMMISSION.—

536 (a) The State Gaming Commission is exempt from the hearing
537 and notice requirements of ss. 120.569 and 120.57(1)(a) in
538 proceedings for the issuance or denial of a destination resort
539 license.

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

542 (c) Notwithstanding s. 120.542, the State Gaming Commission
543 may not accept a petition for waiver or variance and may not
544 grant any waiver or variance from the requirements of part III
545 of chapter 551.

546 Section 4. Chapter 551, Florida Statutes, consisting of
547 sections 551.101 through 551.123, is designated as part II of
548 that chapter and entitled "Slot Machines"; part I of that
549 chapter, consisting of sections 551.002 through 551.012, as
550 created by this act, is entitled "State Gaming Commission"; and
551 part III of that chapter, consisting of sections 551.301 through

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552 551.331, as created by this act, is entitled "Destination
553 Resorts."

554 Section 5. Section 551.002, Florida Statutes, is created to
555 read:

556 551.002 Definitions.—As used in this chapter, the term:

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

559 (a) Controls, is controlled by, or is under common control
560 of;

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

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

566
567 an applicant for a resort license or a resort licensee.

568 (2) "Chair" means the chair of the State Gaming Commission.

569 (3) "Commission" means the State Gaming Commission.

570 (4) "Conflict of interest" means a situation in which the
571 private interest of a member, employee, or agent of the
572 commission may influence his or her judgment in the performance
573 of his or her public duty under this chapter. A conflict of
574 interest includes, but is not limited to:

575 (a) Any conduct that would lead a reasonable person having
576 knowledge of all of the circumstances to conclude that the
577 member, employee, or agent of the commission is biased against
578 or in favor of an applicant.

579 (b) The acceptance of any form of compensation from a
580 source other than the commission for any services rendered as

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part of the official duties of the member, employee, or agent of the commission.

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

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

(6) "Division" means the Division of Licensure of the department.

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

(8) "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 commission or the department, or ownership in an applicant or a licensee. A member, employee, or agent of the commission 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 commission 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 commission or the department.

Section 6. Section 551.003, Florida Statutes, is created to read:

551.003 State Gaming Commission; creation and membership.—

(1) CREATION.—There is created the State Gaming Commission.

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610 The commission shall be composed of seven members who are
611 residents of the state and who have experience in corporate
612 finance, tourism, convention and resort management, gaming,
613 investigation or law enforcement, business law, or related legal
614 experience. The members of the commission shall serve as the
615 agency head of the commission. The commission is exempt from the
616 provisions of s. 20.052.

617 (2) MEMBERS.—Each member shall be appointed to a 4-year
618 term. However, for the purpose of providing staggered terms, of
619 the initial appointments, three members shall be appointed to 2-
620 year terms and four members shall be appointed to 4-year terms.
621 Terms expire on June 30. Upon the expiration of the term of a
622 commissioner, a successor shall be appointed in the same manner
623 as the original appointment to serve for a 4-year term. A
624 commissioner whose term has expired shall continue to serve on
625 the commission until such time as a replacement is appointed. If
626 a vacancy on the commission occurs before the expiration of the
627 term, it shall be filled for the unexpired portion of the term
628 in the same manner as the original appointment.

629 (a)1.a. One member of the commission must be a certified
630 public accountant licensed in this state who possesses at least
631 5 years of experience in general accounting. The member must
632 also possess a comprehensive knowledge of the principles and
633 practices of corporate finance or auditing, general finance,
634 gaming, or economics.

635 b. One member of the commission must have experience in the
636 fields of investigation or law enforcement.

637 2. When making appointments to the commission, the Governor
638 shall announce the classification by experience of the person

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639 appointed.

640 (b) A person may not be appointed to or serve as a member
641 of the commission if the person:

642 1. Is an elected state official;

643 2. Is licensed by the commission or is an officer of, has a
644 financial interest in, or has a direct or indirect contractual
645 relationship with any applicant for a resort license or resort
646 licensee;

647 3. Is related to any person within the second degree of
648 consanguinity of affinity who is an applicant for a license or
649 awarded a license by the commission or regulated by the
650 department; or

651 4. Has, within the 10 years preceding his or her
652 appointment, been under indictment for, convicted of, pled
653 guilty or nolo contendere to, or forfeited bail for a felony or
654 a misdemeanor involving gambling or fraud under the laws of this
655 or any other state or the United States.

656 (c) Members of the commission shall serve full time and
657 receive an annual salary of \$125,000. The chair shall receive an
658 annual salary of \$135,000.

659 (3) CHAIR AND VICE CHAIR.—

660 (a) The chair shall be appointed by the Governor. The vice
661 chair of the commission shall be elected by the members of the
662 commission during the first meeting of the commission on or
663 after July 1 of each year. The chair shall be the administrative
664 head of the commission. The chair shall set the agenda for each
665 meeting. The chair shall approve all notices, vouchers,
666 subpoenas, and reports as required by law. The chair shall
667 preserve order and decorum and shall have general control of the

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commission meetings. The chair shall decide all questions of order. The chair may name any member of the commission to perform the duties of the chair for a meeting if such substitution does not extend beyond that meeting.

(b) If for any reason the chair is absent and fails to name a member, 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 commission. Administrative functions include, but are not limited to, finance and accounting, revenue accounting, personnel, and office services.

(4) QUORUM.—Four members of the commission constitute a quorum.

(5) HEADQUARTERS.—The headquarters of the commission shall be located in the district as defined in s. 551.302.

(6) MEETINGS.—The commission shall meet at least monthly. Meetings may be called by the chair or by four members of the commission upon 72 hours' public notice. The initial meeting of the commission shall be held within 30 days after the effective date of this section.

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

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697 Section 7. Effective upon this act becoming a law, section
698 551.004, Florida Statutes, is created to read:

699 551.004 State Gaming Commission Nominating Committee.—

700 (1) (a) There is created a State Gaming Commission
701 Nominating Committee consisting of six members. Three members of
702 the committee shall be members of the House of Representatives,
703 one of whom shall be a member of the minority party, who shall
704 be appointed by and serve at the pleasure of the Speaker of the
705 House of Representatives. Three members of the committee shall
706 be members of the Senate, one of whom shall be a member of the
707 minority party, who shall be appointed by and serve at the
708 pleasure of the President of the Senate. Initial appointments
709 under this section shall be made within 10 days after the
710 effective date of this section.

711 (b) The members shall serve 2-year terms concurrent with
712 the 2-year elected terms of House of Representatives members,
713 except that the initial members shall serve until the end of
714 their elected terms. Members may be appointed to two 2-year
715 terms. Vacancies on the committee shall be filled for the
716 unexpired portion of the term in the same manner as original
717 appointments to the committee.

718 (c) The President of the Senate shall appoint the chair of
719 the committee in even-numbered years and the vice chair in odd-
720 numbered years, and the Speaker of the House of Representatives
721 shall appoint the chair of the committee in odd-numbered years
722 and the vice chair in even-numbered years, from among the
723 council membership.

724 (2) A member of the committee shall serve at the pleasure
725 of the presiding officer who appointed the member and may not

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726 create the appearance of impropriety.

727 (3) A majority of the membership of the committee may
728 conduct any business before the committee. All meetings and
729 proceedings of the committee shall be staffed by the Office of
730 Legislative Services and shall be subject to ss. 119.07 and
731 286.011. Members of the committee are entitled to receive per
732 diem and travel expenses as provided in s. 112.061. Applicants
733 invited for interviews before the committee may, at the
734 discretion of the committee, receive per diem and travel
735 expenses as provided in s. 112.061. The committee shall
736 establish policies and procedures to govern the process by which
737 applicants for appointment to the commission are nominated.

738 (4) (a) The committee may spend a nominal amount, not to
739 exceed \$10,000, to advertise a vacancy on the commission.

740 (b) For initial selection of an executive director for the
741 Department of Gaming Control, the committee may advertise and
742 receive applications for employment as the executive director.
743 The committee shall provide the commission with all applications
744 received.

745 (5) A person may not be nominated to the Governor for
746 appointment to the commission until the committee has determined
747 that the person is competent and knowledgeable in one or more
748 fields as specified in s. 551.003 and the requirements for
749 appointees under s. 551.003 are met.

750 (6) It is the responsibility of the committee to nominate
751 to the Governor no fewer than three persons for each vacancy
752 occurring on the commission. The committee shall submit
753 recommendations for the initial appointments to the commission
754 to the Governor within 60 days after the effective date of this

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755 section. Thereafter, the committee shall submit the
756 recommendations to the Governor by March 15 of those years in
757 which the terms are to begin the following July, or within 60
758 days after a vacancy occurs for any reason other than the
759 expiration of the term.

760 (7) The Governor shall, pursuant to this section and s.
761 551.003, make initial appointments to the commission within 60
762 days after receiving the recommended nominees under this section
763 and fill any vacancy occurring on the commission by appointment
764 of one of the applicants nominated by the committee. An
765 appointment may be made only after a background investigation of
766 such applicant has been conducted by the Department of Law
767 Enforcement.

768 (8) Members of the commission shall be appointed by the
769 Governor and, notwithstanding s. 114.05(1)(e) and (f), shall be
770 subject to confirmation by the Senate under the following
771 conditions. The Senate may consider the appointment during the
772 regular session immediately following the effective date of the
773 appointment or during any subsequent regular or special session
774 during the term of the member. The Senate may confirm or refuse
775 to confirm the appointment during any regular or special
776 session.

777 (9) When the Governor makes an appointment to fill a
778 vacancy occurring due to expiration of the term, and that
779 appointment has not been confirmed by the Senate before the
780 appointing Governor's term ends, a successor Governor may,
781 within 30 days after taking office, recall the appointment and,
782 prior to the first day of the next regular session, make a
783 replacement appointment from the list provided to the previous

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Governor by the committee. Such an appointment is subject to confirmation by the Senate pursuant to subsection (8).

Section 8. Section 551.006, Florida Statutes, is created to read:

551.006 Executive director.—The commission shall, pursuant to s. 20.05, appoint or remove the executive director of the department by a majority vote. An interim executive director shall be appointed within 10 days after the initial meeting of the commission.

(1) The executive director:

(a) Shall devote full time to the duties of the office;

(b) May not hold any other office or employment;

(c) Shall perform all duties assigned by the commission;

and

(d) May hire assistants, consultants, and employees as necessary to conduct the business of the commission.

(2) (a) The executive director may not employ a person who, during the 3 years immediately preceding employment, held a direct or indirect interest in, or was employed by:

1. A resort licensee or supplier licensee;

2. An applicant for a resort license or an applicant for a similar license in another jurisdiction;

3. An entity licensed to operate a gaming facility in another state;

4. A pari-mutuel gaming facility licensed to operate in this state; or

5. A tribal gaming facility within this state.

(b) Notwithstanding paragraph (a), a person may be employed by the commission if the commission finds that the person's

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former interest in any licensee will not interfere with the
objective discharge of the person's employment obligations.
However, a person may not be employed by the commission if:

1. The person's interest in an applicant, licensee, or
tribal facility constituted a controlling interest; or

2. The person or the person's spouse, parent, child,
child's spouse, or sibling is a member of the commission, or a
director of, or a person financially interested in, an applicant
or a licensee.

Section 9. Section 551.007, Florida Statutes, is created to
read:

551.007 Law enforcement.—

(1) The department may employ sworn law enforcement
officers meeting the qualifications and certification
requirements under paragraph (a), and hire and train personnel
to be employed as sworn law enforcement officers, to enforce any
criminal law, conduct any criminal investigation, or enforce any
statute within the jurisdiction of the department.

(a) Each law enforcement officer must meet the
qualifications for law enforcement officers under s. 943.13 and
must be certified as a law enforcement officer by the Department
of Law Enforcement. Upon certification, each law enforcement
officer is subject to and has the authority provided to law
enforcement officers generally under chapter 901 and has
statewide jurisdiction.

(b) Each law enforcement officer has arrest authority as
provided for state law enforcement officers under s. 901.15, and
full law enforcement powers granted to other officers of this
state, including the authority to make arrests, carry firearms,

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serve court process, and seize contraband and proceeds from
illegal activities.

(c) Each law enforcement officer of the commission, upon
certification under s. 943.1395, has the same right and
authority to carry arms as do the sheriffs of this state.

(2) The department may also, by interagency agreement,
employ the Department of Law Enforcement to enforce any criminal
law, conduct any criminal investigation, or enforce any statute
within the jurisdiction of the commission or the department.

Section 10. Section 551.008, Florida Statutes, is created
to read:

551.008 Code of ethics.—

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

(2) A member of the commission 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 commission for a period of 3 years after
the date of termination of the person's membership on or
employment with the commission.

(3) An employee of the commission 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 commission for a period of 3 years after the date of
termination of the person's employment with the commission.

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

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the employee's period of employment with the commission.

(5) A business entity in which a former commission member, employee, or agent has an interest, or any partner, officer, or employee of that business entity, may not appear before or represent another person before the commission if the former commission 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, employee, or agent of the commission may not, during the duration of the person's appointment or employment:

(a) Use the person's 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 any partisan or nonpartisan political office; or

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

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

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

(7) A former member, employee, or agent of the commission may appear before the commission 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 commission.

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900 However, the former member, employee, or agent of the commission
901 may not receive compensation for the appearance other than a
902 standard witness fee and reimbursement for travel expenses as
903 established by statute or rules governing administrative
904 proceedings before the Division of Administrative Hearings.

905 (8) (a) The executive director must approve outside
906 employment for an employee or agent of the commission.

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

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

914 1. Operating a proprietorship;

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

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

919 (9) A member, employee, or agent of the commission may not
920 participate in or wager on any game conducted by any resort
921 licensee or applicant or any affiliate of a licensee or
922 applicant regulated by the commission in this state or in any
923 other jurisdiction, except as required as part of the person's
924 surveillance, security, or other official duties.

925 Section 11. Section 551.009, Florida Statutes, is created
926 to read:

927 551.009 Disclosures by commissioners, employees, and
928 agents.—

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(1) COMMISSIONERS.—

(a) Each member of the commission must file a financial disclosure statement pursuant to s. 112.3145.

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

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

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 resort licensee.

2. Affirming that the member is in compliance with part III and the rules of the commission.

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 commission.

(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 commission, must file a financial disclosure statement pursuant to s. 112.3145. All employees and agents must comply with the provisions of chapter 112.

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

(c) By January 31 of each year, each employee and agent of

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the commission must file a statement with the commission:

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 the person does not have any financial interest prohibited by laws or rules administered by the commission.

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 commission.

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

(3) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

(a) A member, employee, or agent of the commission who becomes aware that the member, employee, or agent of the commission 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 chair.

(b) A member, employee, or agent of the commission must immediately provide detailed written notice of the circumstances to the chair 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,

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987 dishonesty, theft, or fraud which substantially corresponds to a
988 misdemeanor in this state; or

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

991 (c) A member, employee, or agent of the commission who is
992 negotiating for an interest in a licensee or an applicant, or is
993 affiliated with such a person, must immediately provide written
994 notice of the details of the interest to the chair. The member,
995 employee, or agent of the commission may not act on behalf of
996 the commission with respect to that person.

997 (d) A member, employee, or agent of the commission may not
998 enter into negotiations for employment with any person or
999 affiliate of any person who is an applicant, licensee, or
1000 affiliate. If a member, employee, or agent of the commission
1001 enters into negotiations for employment in violation of this
1002 paragraph or receives an invitation, written or oral, to
1003 initiate a discussion concerning employment with any person who
1004 is a licensee, applicant, or affiliate, he or she must
1005 immediately provide written notice of the details of any such
1006 negotiations or discussions to the chair. The member, employee,
1007 or agent of the commission may not take any action on behalf of
1008 the commission with respect to that licensee or applicant.

1009 (e) A licensee or applicant may not knowingly initiate a
1010 negotiation for, or discussion of, employment with a member,
1011 employee, or agent of the commission. A licensee or applicant
1012 who initiates a negotiation or discussion about employment shall
1013 immediately provide written notice of the details of the
1014 negotiation or discussion to the chair as soon as that person
1015 becomes aware that the negotiation or discussion has been

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initiated with a member, employee, or agent of the commission.

(f) A member, employee, or agent of the commission, or a parent, spouse, sibling, or child of a member, employee, or agent of the commission, 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 commission. A member, employee, or agent of the commission 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 commission must immediately provide written notice of the details to the chair.

(g) 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 any member or employee, or to a parent, spouse, sibling, or child of a member, employee, or agent, which the member or employee is prohibited from accepting under paragraph (f).

(h) A member, employee, or agent of the commission may not engage in any conduct that constitutes a conflict of interest and must immediately advise the chair in writing of the details of any incident or circumstance that would suggest the existence of a conflict of interest with respect to the performance of commission-related work or duty of the member, employee, or agent of the commission.

(i) A member, employee, or agent of the commission who is approached and offered a bribe must immediately provide a

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1045 written account of the details of the incident to the chair and
1046 to a law enforcement agency having jurisdiction over the matter.

1047 Section 12. Section 551.011, Florida Statutes, is created
1048 to read:

1049 551.011 Ex parte communications.—

1050 (1) A licensee, applicant, or affiliate or representative
1051 of an applicant or licensee may not engage directly or
1052 indirectly in ex parte communications concerning a pending
1053 application, license, or enforcement action with a member of the
1054 commission or concerning a matter that likely will be pending
1055 before the commission. A member of the commission may not engage
1056 directly or indirectly in any ex parte communications concerning
1057 a pending application, license, or enforcement action with
1058 members of the commission, or with a licensee, applicant, or
1059 affiliate or representative of an applicant or licensee, or
1060 concerning a matter that likely will be pending before the
1061 commission.

1062 (2) Any commission member, licensee, applicant, or
1063 affiliate or representative of a commission member, licensee, or
1064 applicant who receives any ex parte communication in violation
1065 of subsection (1), or who is aware of an attempted communication
1066 in violation of subsection (1), must immediately report details
1067 of the communication or attempted communication in writing to
1068 the chair.

1069 (3) If a commissioner knowingly receives an ex parte
1070 communication relative to a proceeding to which he or she is
1071 assigned, he or she must place on the record copies of all
1072 written communications received, copies of all written responses
1073 to the communications, and a memorandum stating the substance of

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all oral communications 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 an ex parte communication
may do so. The response must be received by the commission
within 10 days after receiving notice that the ex parte
communication has been placed on the record. The commissioner
may, if he or she deems it necessary to eliminate the effect of
an ex parte communication received by him or her, withdraw from
the proceeding potentially impacted by the ex parte
communication. After a commissioner withdraws from the
proceeding, the chair shall substitute another commissioner for
the proceeding if the proceeding was not assigned to the full
commission.

(4) Any individual who makes an ex parte communication must
submit to the commission a written statement describing the
nature of the communication, including the name of the person
making the communication, the name of the commissioner or
commissioners receiving the communication, copies of all written
communications made, all written responses to such
communications, and a memorandum stating the substance of all
oral communications received and all oral responses made. The
commission shall place on the record of a proceeding all such
communications.

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

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1103 (6) The Commission on Ethics shall receive and investigate
1104 sworn complaints of violations of this section pursuant to ss.
1105 112.322-112.3241.

1106 (7) If the Commission on Ethics finds that a member of the
1107 commission has violated this section, it shall provide the
1108 Governor with a report of its findings and recommendations. The
1109 Governor may enforce the findings and recommendations of the
1110 Commission on Ethics pursuant to part III of chapter 112.

1111 (8) If a commissioner fails or refuses to pay the
1112 Commission on Ethics any civil penalties assessed pursuant to
1113 this section, the Commission on Ethics may bring an action in
1114 any circuit court to enforce such penalty.

1115 (9) If, during the course of an investigation by the
1116 Commission on Ethics into an alleged violation of this section,
1117 allegations are made as to the identity of the person who
1118 participated in the ex parte communication, that person must be
1119 given notice and an opportunity to participate in the
1120 investigation and relevant proceedings to present a defense. If
1121 the Commission on Ethics determines that the person participated
1122 in the ex parte communication, the person may not appear before
1123 the commission or otherwise represent anyone before the
1124 commission for 2 years.

1125 Section 13. Section 551.012, Florida Statutes, is created
1126 to read:

1127 551.012 Penalties for misconduct by a commissioner,
1128 employee, or agent.—

1129 (1) A violation of this chapter by a member of the
1130 commission may result in disqualification or constitute cause
1131 for removal by the Governor or other disciplinary action as

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determined by the commission.

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

(a) The commission determines that the conduct involved does not violate the purposes 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 30 days after the interest was acquired.

(3) Notwithstanding subsection (2), an employee or agent of the commission 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 commission; 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 14. Section 551.301, Florida Statutes, is created to read:

551.301 This part may be cited as the "Destination Resort Act" or the "Resort Act."

Section 15. Section 551.302, Florida Statutes, is created to read:

551.302 Definitions.—As used in this part, the term:

(1) "Ancillary areas" includes the following areas within a limited gaming facility, unless the context otherwise requires:

(a) Major aisles, the maximum area of which may not exceed the limit within any part of the limited gaming facility as specified by the commission.

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1161 (b) Back-of-house facilities.

1162 (c) Any reception or information counter.

1163 (d) Any area designated for the serving or consumption of
1164 food and beverages.

1165 (e) Any retail outlet.

1166 (f) Any area designated for performances.

1167 (g) Any area designated for aesthetic or decorative
1168 displays.

1169 (h) Staircases, staircase landings, escalators, lifts, and
1170 lift lobbies.

1171 (i) Bathrooms.

1172 (j) Any other area that is not intended to be used for the
1173 conduct or playing of games or as a gaming pit as defined by
1174 rules of the commission or specified in the application for the
1175 destination resort license.

1176 (2) "Applicant," as the context requires, means a person
1177 who applies for a resort license, supplier license, or
1178 occupational license. A county, municipality, or other unit of
1179 government is prohibited from applying for a resort license.

1180 (3) "Credit" means the method by which a licensee issues
1181 chips or tokens to a wagerer of the licensee to play games or
1182 slot machines, in return for which the wagerer executes a credit
1183 instrument to evidence the debt owed. The issuance of credit to
1184 a wagerer may not be deemed a loan from the licensee to the
1185 wagerer.

1186 (4) "Destination resort" or "resort" means a freestanding,
1187 land-based structure in which limited gaming may be conducted. A
1188 destination resort is a mixed-use development consisting of a
1189 combination of various tourism amenities and facilities,

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including, but not limited to, hotels, villas, restaurants, limited gaming facilities, convention facilities, attractions, entertainment facilities, service centers, and shopping centers.

(5) "Destination resort license" or "resort license" means a license to operate and maintain a destination resort having a limited gaming facility.

(6) "District" means a county in which a majority of the electors voting in a countywide referendum have approved the conduct of slot machine gaming as defined in s. 551.102 or a majority of the electors voting in a countywide referendum have passed a referendum allowing for limited gaming.

(7) "Gaming pit" means an area commonly known as a gaming pit or any similar area from which limited gaming employees administer and supervise the games.

(8) "Gross receipts" means the total of cash or cash equivalents received or retained as winnings by a resort licensee and the compensation received for conducting any game in which the resort licensee is not party to a wager, less cash taken in fraudulent acts perpetrated against the resort licensee for which the resort licensee is not reimbursed. The term does not include:

(a) Counterfeit money or tokens;

(b) Coins of other countries which are received in gaming devices and which cannot be converted into United States currency;

(c) Promotional credits or free play as provided by the resort licensee as a means of marketing the limited gaming facility; or

(d) The amount of any credit extended until collected.

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1219 (9) "Individual" means a natural person.

1220 (10) "Institutional investor" means, but is not limited to:

1221 (a) A retirement fund administered by a public agency for
1222 the exclusive benefit of federal, state, or county public
1223 employees.

1224 (b) An employee benefit plan or pension fund that is
1225 subject to the Employee Retirement Income Security Act of 1974.

1226 (c) An investment company registered under the Investment
1227 Company Act of 1940.

1228 (d) A collective investment trust organized by a bank under
1229 12 C.F.R. part 9, s. 9.18.

1230 (e) A closed-end investment trust.

1231 (f) A life insurance company or property and casualty
1232 insurance company.

1233 (g) A financial institution.

1234 (h) An investment advisor registered under the Investment
1235 Advisers Act of 1940.

1236 (i) Such other persons as the commission may determine for
1237 reasons consistent with the policies of this part.

1238 (11) "Junket enterprise" means any person who, for
1239 compensation, employs or otherwise engages in the procurement or
1240 referral of persons for a junket to a destination resort
1241 licensed under this part regardless of whether those activities
1242 occur within this state. The term does not include a resort
1243 licensee or applicant for a resort license or a person holding
1244 an occupational license.

1245 (12) "License," as the context requires, means a resort
1246 license, supplier license, or occupational license.

1247 (13) "Licensee," as the context requires, means a person

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1248 who is licensed as a resort licensee, supplier licensee, or
1249 occupational licensee.

1250 (14) "Limited gaming," "game," or "gaming," as the context
1251 requires, means the games authorized under this part in a
1252 limited gaming facility, including, but not limited to, those
1253 commonly known as baccarat, twenty-one, poker, craps, slot
1254 machines, video gaming of chance, roulette wheels, Klondike
1255 tables, punch-board, faro layout, numbers ticket, push car, jar
1256 ticket, pull tab, or their common variants, or any other game of
1257 chance or wagering device that is authorized by the commission.

1258 (15) "Limited gaming employee" or "gaming employee" means
1259 any employee of a resort licensee, including, but not limited
1260 to:

1261 (a) Cashiers.

1262 (b) Change personnel.

1263 (c) Count room personnel.

1264 (d) Slot machine attendants.

1265 (e) Hosts or other individuals authorized to extend
1266 complimentary services, including employees performing functions
1267 similar to those performed by a representative for a junket
1268 enterprise.

1269 (f) Machine mechanics and computer technicians performing
1270 duties on machines with gaming-related functions or table game
1271 device technicians.

1272 (g) Security personnel.

1273 (h) Surveillance personnel.

1274 (i) Promotional play supervisors, credit supervisors, pit
1275 supervisors, cashier supervisors, gaming shift supervisors,
1276 table game managers, assistant managers, and other supervisors

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1277 and managers.

1278 (j) Boxmen.

1279 (k) Dealers or croupiers.

1280 (l) Floormen.

1281 (m) Personnel authorized to issue promotional credits.

1282 (n) Personnel authorized to issue credit.

1283
1284 The term does not include bartenders, cocktail servers, or other
1285 persons engaged in preparing or serving food or beverages,
1286 clerical or secretarial personnel, parking attendants,
1287 janitorial staff, stage hands, sound and light technicians, and
1288 other nongaming personnel as determined by the commission. The
1289 term includes a person employed by a person or entity other than
1290 a resort licensee who performs the functions of a limited gaming
1291 employee.

1292 (16) "Limited gaming facility" means the limited gaming
1293 floor and any ancillary areas.

1294 (17) "Limited gaming floor" means the approved gaming area
1295 of a resort. Ancillary areas in or directly adjacent to the
1296 gaming area are not part of the limited gaming floor for
1297 purposes of calculating the size of the limited gaming floor.

1298 (18) "Managerial employee" has the same meaning as in s.
1299 447.203(4).

1300 (19) "Occupational licensee" means a person who is licensed
1301 to be a limited gaming employee.

1302 (20) "Qualifier" means an affiliate, affiliated company,
1303 officer, director, or managerial employee of an applicant for a
1304 resort license, or a person who holds a direct or indirect
1305 equity interest in the applicant. The term may include an

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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 resort license of 5 percent or less and is not involved in the gaming operations as defined by the rules of the commission.

(21) "Supplier licensee" or "supplier" means a person who is licensed to furnish gaming equipment, devices, or supplies or other goods or services to a resort licensee.

(22) "Wagerer" means a person who plays a game authorized under this part.

Section 16. Section 551.304, Florida Statutes, is created to read:

551.304 State Gaming Commission; powers and duties.—

(1) The commission shall:

(a) Authorize limited gaming at three destination resorts.

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

(c) Use an invitation to negotiate process for applicants based on minimum requirements established by this part and rules of the commission.

(d) Investigate applicants for a resort license and determine the eligibility of applicants for a resort license and select from competing applicants the applicant that best serves the interests of the residents of Florida, based on the potential for economic development presented by the applicant's

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1335 proposed investment in infrastructure, such as hotels and other
1336 nongaming entertainment facilities, and the applicant's ability
1337 to maximize revenue for the state.

1338 (e) Grant a license to the applicant best suited to operate
1339 a destination resort that has limited gaming.

1340 (f) Establish and collect fees for performing background
1341 checks on all applicants for licenses and all persons with whom
1342 the commission may contract for the providing of goods or
1343 services and for performing, or having performed, tests on
1344 equipment and devices to be used in a limited gaming facility.

1345 (g) Issue subpoenas for the attendance of witnesses and
1346 subpoenas duces tecum for the production of books, records, and
1347 other pertinent documents as provided by law, and to administer
1348 oaths and affirmations to the witnesses, if, in the judgment of
1349 the commission, it is necessary to enforce this part or
1350 commission rules. If a person fails to comply with a subpoena,
1351 the commission may petition the circuit court of the county in
1352 which the person subpoenaed resides or has his or her principal
1353 place of business for an order requiring the subpoenaed person
1354 to appear and testify and to produce books, records, and
1355 documents as specified in the subpoena. The court may grant
1356 legal, equitable, or injunctive relief, which may include, but
1357 is not limited to, issuance of a writ of ne exeat or restraint
1358 by injunction or appointment of a receiver of any transfer,
1359 pledge, assignment, or other disposition of such person's assets
1360 or any concealment, alteration, destruction, or other
1361 disposition of subpoenaed books, records, or documents, as the
1362 court deems appropriate, until the person subpoenaed has fully
1363 complied with the subpoena and the commission has completed the

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1364 audit, examination, or investigation. The commission is entitled
1365 to the summary procedure provided in s. 51.011, and the court
1366 shall advance the cause on its calendar. Costs incurred by the
1367 commission to obtain an order granting, in whole or in part,
1368 such petition for enforcement of a subpoena shall be charged
1369 against the subpoenaed person, and failure to comply with such
1370 order is a contempt of court.

1371 (h) The commission shall require each applicant for a
1372 destination resort license to produce the information,
1373 documentation, and assurances as may be necessary to establish
1374 by clear and convincing evidence the integrity of all financial
1375 backers, investors, mortgagees, bondholders, and holders of
1376 indentures, notes or other evidences of indebtedness, either in
1377 effect or proposed. Any such banking or lending institution and
1378 institutional investors may be waived from qualification
1379 requirements. However, banking or lending institutions or
1380 institutional investors shall produce for the board upon request
1381 any document or information that bears any relation to the
1382 proposal submitted by the applicant or applicants. The integrity
1383 of the financial sources shall be judged upon the same standards
1384 as the applicant or applicants. Any such person or entity shall
1385 produce for the commission upon request any document or
1386 information that bears any relation to the application. In
1387 addition, the applicant shall produce whatever information,
1388 documentation, or assurances the commission requires to
1389 establish by clear and convincing evidence the adequacy of
1390 financial resources.

1391 (i) Require or permit a person to file a statement in
1392 writing, under oath or otherwise as the commission or its

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designee requires, as to all the facts and circumstances concerning the matter to be audited, examined, or investigated.

(j) Keep accurate and complete records of its proceedings and to certify the records as may be appropriate.

(k) Take any other action as may be reasonable or appropriate to enforce this part and rules adopted by the commission.

(l) Apply for injunctive or declaratory relief in a court of competent jurisdiction to enforce this part and any rules adopted by the commission.

(m) Establish field offices, as deemed necessary by the commission.

(2) The Department of Law Enforcement and local law enforcement agencies may investigate any criminal violation of law occurring at a destination resort. Such investigations may be conducted in conjunction with the appropriate state attorney.

(3) (a) The commission, the Department of Law Enforcement, and local law enforcement agencies shall have unrestricted access to the limited gaming facility at all times and shall require of each resort licensee strict compliance with the laws of this state relating to the transaction of such business. The commission and the Department of Law Enforcement may:

1. Inspect and examine premises where authorized limited gaming devices are offered for play.

2. Inspect slot machines, other authorized gaming devices, and related equipment and supplies.

(b) In addition, the commission may:

1. Collect taxes, assessments, fees, and penalties.

2. Deny, revoke, or suspend a license of, or place

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1422 conditions on, a licensee who violates any provision of this
1423 part, a rule adopted by the commission, or an order of the
1424 commission.

1425 (4) The commission must revoke or suspend the license of
1426 any person who is no longer qualified or who is found, after
1427 receiving a license, to have been unqualified at the time of
1428 application for the license.

1429 (5) This section does not:

1430 (a) Prohibit the Department of Law Enforcement or any law
1431 enforcement authority whose jurisdiction includes a resort
1432 licensee or a supplier licensee from conducting investigations
1433 of criminal activities occurring at the facilities of a resort
1434 licensee or supplier licensee;

1435 (b) Restrict access to the limited gaming facility by the
1436 Department of Law Enforcement or any local law enforcement
1437 authority whose jurisdiction includes a resort licensee's
1438 facility; or

1439 (c) Restrict access by the Department of Law Enforcement or
1440 a local law enforcement agency to information and records
1441 necessary for the investigation of criminal activity which are
1442 contained within the facilities of a resort licensee or supplier
1443 licensee.

1444 Section 17. Section 551.305, Florida Statutes, is created
1445 to read:

1446 551.305 Rulemaking.—

1447 (1) The commission shall adopt all rules necessary to
1448 implement, administer, and regulate limited gaming under this
1449 part. The rules must include:

1450 (a) The types of limited gaming activities to be conducted

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1451 and the rules for those games, including any restriction upon
1452 the time, place, and structures where limited gaming is
1453 authorized.

1454 (b) Requirements, procedures, qualifications, and grounds
1455 for the issuance, renewal, revocation, suspension, and summary
1456 suspension of a resort license, supplier license, or
1457 occupational license.

1458 (c) Requirements for the disclosure of the complete
1459 financial interests of licensees and applicants for licenses.

1460 (d) Technical requirements and the qualifications that are
1461 necessary to receive a license.

1462 (e) Procedures to scientifically test and technically
1463 evaluate slot machines and other authorized gaming devices for
1464 compliance with this part and the rules adopted by the
1465 commission. The commission may contract with an independent
1466 testing laboratory to conduct any necessary testing. The
1467 independent testing laboratory must have a national reputation
1468 for being demonstrably competent and qualified to scientifically
1469 test and evaluate slot machines and other authorized gaming
1470 devices. An independent testing laboratory may not be owned or
1471 controlled by a licensee. The use of an independent testing
1472 laboratory for any purpose related to the conduct of slot
1473 machine gaming and other authorized gaming by a resort licensee
1474 shall be made from a list of laboratories approved by the
1475 commission.

1476 (f) Procedures relating to limited gaming revenues,
1477 including verifying and accounting for such revenues, auditing,
1478 and collecting taxes and fees.

1479 (g) Requirements for limited gaming equipment, including

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the types and specifications of all equipment and devices that
may be used in limited gaming facilities.

(h) Procedures for regulating, managing, and auditing the
operation, financial data, and program information relating to
limited gaming which allow the commission and the Department of
Law Enforcement to audit the operation, financial data, and
program information of a resort licensee, as required by the
commission or the Department of Law Enforcement, and provide the
commission 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 commission for the regulation and control of
limited gaming. Such continuous and complete access, at any time
on a real-time basis, shall include the ability of either the
commission 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 commission shall notify the
Department of Law Enforcement and the Department of Law
Enforcement shall notify the commission, as appropriate,
whenever there is a suspension of play pursuant this paragraph.
The commission 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.

(i) Procedures for requiring each resort licensee at his or

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her own cost and expense to supply the commission with a bond as
required.

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

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

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

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

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

(o) 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.

(p) Procedures for requiring resort licensees and supplier
licensees to implement and establish drug-testing programs for
all occupational employees.

(q) Procedures and guidelines for the continuous recording
of all gaming activities at a limited gaming facility. The
commission may require a resort licensee to timely provide all
or part of the original recordings pursuant to a schedule.

(r) The payment of costs incurred by the commission or any
other agencies for investigations or background checks or costs
associated with testing limited gaming related equipment, which

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1538 must be paid by an applicant for a license or a licensee.

1539 (s) The levying of fines for violations of this part or any
1540 rule adopted by the commission, which fines may not exceed
1541 \$250,000 per violation arising out of a single transaction.

1542 (t) The amount of the application fee for an initial
1543 issuance or renewal of an occupational license or a suppliers
1544 license, not to exceed \$5,000.

1545 (u) Any other rules the commission finds necessary for
1546 safe, honest, and highly regulated gaming in the state. For
1547 purposes of this paragraph, the commission shall consider rules
1548 from any other jurisdiction in which gaming is highly regulated,
1549 such as New Jersey or Nevada.

1550 (v) Any other rule necessary to accomplish the purposes of
1551 this part.

1552 (2) The commission may at any time adopt emergency rules
1553 pursuant to s. 120.54. The Legislature finds that such emergency
1554 rulemaking power is necessary for the preservation of the rights
1555 and welfare of the people in order to provide additional funds
1556 to benefit the public. The Legislature further finds that the
1557 unique nature of limited gaming operations requires, from time
1558 to time, that the commission respond as quickly as is
1559 practicable. Therefore, in adopting such emergency rules, the
1560 commission need not make the findings required by s.
1561 120.54(4)(a). Emergency rules adopted under this section are
1562 exempt from s. 120.54(4)(c). However, the emergency rules may
1563 not remain in effect for more than 180 days except that the
1564 commission may renew the emergency rules during the pendency of
1565 procedures to adopt permanent rules addressing the subject of
1566 the emergency rules.

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Section 18. Section 551.306, Florida Statutes, is created to read:

551.306 Legislative authority; administration of part.—The regulation of the conduct of limited gaming activity at a resort licensee is preempted to the state and a county, municipality, or other political subdivision of the state may not enact any ordinance relating to limited gaming. Only the department and other authorized state agencies may administer this part and regulate limited gaming, including limited gaming at resort licensees and the assessment of fees or taxes relating to the conduct of limited gaming.

Section 19. Section 551.307, Florida Statutes, is created to read:

551.307 Authorization of limited gaming at destination resorts.—Notwithstanding any other provision of law, the commission may award a resort license authorizing limited gaming in a county only if a majority of the electors voting in a countywide referendum have approved the conduct of slot machine gaming as defined in s. 551.102 or a majority of the electors voting in a countywide referendum have passed a referendum allowing for limited gaming. If limited gaming is authorized through the award of a resort license, the resort licensee may possess slot machines and other authorized gaming devices and conduct limited gaming at the licensed location. Notwithstanding any other provision of law, a person who is at least 21 years of age may lawfully participate in authorized games at a facility licensed to possess authorized limited gaming devices and conduct limited gaming or to participate in limited gaming as described in this part.

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Section 20. Section 551.308, Florida Statutes, is created to read:

551.308 Process for awarding destination resort licenses.-

(1) The commission shall by rule use an invitation to negotiate process for determining the award of a resort license. The application, review, and issuance procedures for awarding a license shall be by a process in which applicants rely on forms provided by the commission in response to an invitation to negotiate issued by the commission. The commission shall issue the invitation to negotiate no later than 90 days after the date of the commission's first meeting.

(2) Proposals in response to the invitation to negotiate must be received by the commission no later than 90 days after the issuance of the invitation to negotiate.

(3) The commission may specify in its invitation to negotiate the county in which the facility would be located. When determining whether to authorize a destination resort located within a specific county or counties, the commission shall hold a public hearing in such county or counties to discuss the proposals and receive public comments on determination of the award of licenses.

(4) The commission shall review all complete replies received pursuant to an invitation to negotiate. The commission may select one or more replies with which to commence negotiations after determining which replies are in the best interest of the state based on the selection criteria. The commission shall award or deny a destination resort license within 90 days after the deadline for the submission of a reply.

Section 21. Section 551.309, Florida Statutes, is created

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to read:

551.309 Criteria for the award of a destination resort license.—The commission may award no more than three destination resort licenses.

(1) The commission may award a resort license to the applicant of an invitation to negotiate which best serves the interests of the residents of this state. The reply to an invitation to negotiate for a resort license must include an application that demonstrates the applicant's ability to meet the following minimum criteria:

(a) The applicant must demonstrate a capacity to increase tourism, generate jobs, provide revenue to the local economy, and provide revenue to the General Revenue Fund.

(b) The limited gaming floor in a destination resort may constitute no more than 10 percent of the resort development's total square footage. The resort development's total square footage is the aggregate of the total square footage of the limited gaming facility, the hotel or hotels, convention space, retail facilities, nongaming entertainment facilities, service centers, and office space or administrative areas.

(c) The applicant must demonstrate a history of, or a bona fide plan for, community involvement or investment in the community where the resort having a limited gaming facility will be located.

(d) The applicant must demonstrate the financial ability to purchase and maintain an adequate surety bond.

(e) The applicant must demonstrate that it has adequate capitalization to develop, construct, maintain, and operate the proposed resort having a limited gaming facility in accordance

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with the requirements of this part and rules adopted by the commission and to responsibly meet its secured and unsecured debt obligations in accordance with its financial and other contractual agreements.

(f) The applicant must demonstrate the ability to implement a program to train and employ residents of this state for jobs that will be available at the destination resort, including its ability to implement a program for the training of low-income persons.

(g) The commission may, at its discretion, assess the quality of the proposed development's aesthetic appearance 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.

(h) The applicant must demonstrate that it will expend at least \$2 billion in new development and construction of the proposed destination resort following the award of a license, excluding any purchase price and costs associated with the acquisition of real property on which to develop the destination resort. Such expenditure must in aggregate be completed within 5 years after the award of any such license.

(i) The applicant must demonstrate the ability to generate substantial gross receipts.

(2)(a) The commission shall evaluate applications based on the following weighted criteria:

1. Design and location: 35 percent.
2. Management expertise: 10 percent.
3. Speed to market: 35 percent.

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1683 4. Financial plan and access to capital: 10 percent.

1684 5. Community plan: 10 percent.

1685 (b) The commission shall give preference to those
1686 applicants that demonstrate that they meet the following
1687 criteria:

1688 1. The roads, water, sanitation, utilities, and related
1689 services to the proposed location of the destination resort are
1690 adequate and the proposed destination resort will not unduly
1691 impact public services, existing transportation infrastructure,
1692 consumption of natural resources, and the quality of life
1693 enjoyed by residents of the surrounding neighborhoods.

1694 2. The applicant will be able to commence construction as
1695 soon after awarding of the resort license as possible, but, in
1696 any event, no later than 12 months after the award of the resort
1697 license.

1698 3. The destination resort may be located in an empowerment
1699 zone or enterprise zone, as those terms are defined by federal
1700 and state law.

1701 4. The destination resort will be located in an area in
1702 which the unemployment rate in the zip codes immediately
1703 surrounding the proposed location is among the highest in the
1704 state.

1705 5. The destination resort will include amenities and uses
1706 that will allow other state businesses to be included within the
1707 destination resort.

1708 (3) A resort license may be issued only to persons of good
1709 moral character who are at least 21 years of age. A resort
1710 license may issued to a corporation only if its officers are of
1711 good moral character and at least 21 years of age.

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1712 (4) A resort license may not be issued to an applicant if
1713 the applicant, qualifier, or institutional investor:

1714 (a) Has, within the last 5 years, been adjudicated by a
1715 court or tribunal for failure to pay income, sales, or gross
1716 receipts tax due and payable under any federal, state, or local
1717 law, after exhaustion of all appeals or administrative remedies.

1718 (b) Has been convicted of a felony under the laws of this
1719 state, any other state, or the United States.

1720 (c) Has been convicted of any violation under chapter 817
1721 or under a substantially similar law of another jurisdiction.

1722 (d) Knowingly submitted false information in the
1723 application for the license.

1724 (e) Is a member or employee of the commission.

1725 (f) Was licensed to own or operate gaming or pari-mutuel
1726 facilities in this state or another jurisdiction and that
1727 license was revoked.

1728 (g) Is an entity that has accepted any wager of money or
1729 other consideration on any online gambling activity, including
1730 poker, from any state resident since October 13, 2006. However,
1731 this prohibition does not disqualify an applicant or
1732 subcontractor who accepts online pari-mutuel wagers from a state
1733 resident through a legal online pari-mutuel wagering entity
1734 authorized in another state.

1735 (h) Fails to meet any other criteria for licensure set
1736 forth in this part.

1737
1738 As used in this subsection, the term "conviction" includes an
1739 adjudication of guilt on a plea of guilty or nolo contendere or
1740 the forfeiture of a bond when charged with a crime.

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1741 Section 22. Section 551.310, Florida Statutes, is created
1742 to read:

1743 551.310 Application for destination resort license.—

1744 (1) APPLICATION.—A reply submitted in response to an
1745 invitation to negotiate must include a sworn application in the
1746 format prescribed by the commission. The application must
1747 include the following information:

1748 (a)1. The name, business address, telephone number, social
1749 security number, and, where applicable, federal tax
1750 identification number of the applicant and each qualifier; and

1751 2. Information, documentation, and assurances concerning
1752 financial background and resources as may be required to
1753 establish the financial stability, integrity, and responsibility
1754 of the applicant. This includes business and personal income and
1755 disbursement schedules, tax returns and other reports filed with
1756 governmental agencies, and business and personal accounting and
1757 check records and ledgers. In addition, each applicant must
1758 provide written authorization for the examination of all bank
1759 accounts and records as may be deemed necessary by the
1760 commission.

1761 (b) The identity and, if applicable, the state of
1762 incorporation or registration of any business in which the
1763 applicant or a qualifier has an equity interest of more than 5
1764 percent. If the applicant or qualifier is a corporation,
1765 partnership, or other business entity, the applicant or
1766 qualifier must identify any other corporation, partnership, or
1767 other business entity in which it has an equity interest of more
1768 than 5 percent, including, if applicable, the state of
1769 incorporation or registration.

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1770 (c) Documentation, as required by the commission, that the
1771 applicant has received conceptual approval of the destination
1772 resort proposal from the municipality and county in which the
1773 resort will be located.

1774 (d) A statement as to whether the applicant or a qualifier
1775 has developed and operated a similar gaming facility within a
1776 highly regulated domestic jurisdiction that allows similar forms
1777 of development, including a description of the gaming facility,
1778 the gaming facility's gross revenue, and the amount of revenue
1779 the gaming facility has generated for state and local
1780 governments within that jurisdiction.

1781 (e) A statement as to whether the applicant or a qualifier
1782 has been indicted, convicted of, pled guilty or nolo contendere
1783 to, or forfeited bail for any felony or for a misdemeanor
1784 involving gambling, theft, or fraud. The statement must include
1785 the date, the name and location of the court, the arresting
1786 agency, the prosecuting agency, the case caption, the docket
1787 number, the nature of the offense, the disposition of the case,
1788 and, if applicable, the location and length of incarceration.

1789 (f) A statement as to whether the applicant or a qualifier
1790 has ever been granted any license or certificate in any
1791 jurisdiction which has been restricted, suspended, revoked, not
1792 renewed, or otherwise subjected to discipline. The statement
1793 must describe the facts and circumstances concerning that
1794 restriction, suspension, revocation, nonrenewal, or discipline,
1795 including the licensing authority, the date each action was
1796 taken, and an explanation of the circumstances for each
1797 disciplinary action.

1798 (g) A statement as to whether the applicant or qualifier

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has, as a principal or a controlling shareholder, within the last 10 years, 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 gross receipts 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 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 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 prior to the effective date

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1828 of this section or who is representing an applicant before the
1829 commission during the application process.

1830 (k) A description of the applicant's history of and
1831 proposed plan for community involvement or investment in the
1832 community where the resort having a limited gaming facility
1833 would be located.

1834 (l) A description of the applicant's proposed resort,
1835 including a map documenting the location of the facility within
1836 the specific county or counties; a statement regarding the
1837 compliance of the applicant with state, regional, and local
1838 planning and zoning requirements; a description of the economic
1839 benefit to the community in which the facility would be located;
1840 the anticipated number of jobs generated by construction of the
1841 facility; the anticipated number of employees; a statement
1842 regarding how the applicant would comply with federal and state
1843 affirmative action guidelines; a projection of admissions or
1844 attendance at the limited gaming facility; a projection of gross
1845 receipts; and scientific market research pertaining to the
1846 proposed facility, if any.

1847 (m) Proof that a countywide referendum has been approved by
1848 the electors of the county to authorize slot machine gaming as
1849 defined in s. 551.102 in the county prior to the application
1850 deadline or that proof of a countywide referendum has been
1851 approved prior to the application deadline by the electors of
1852 the county authorizing limited gaming as defined in this
1853 chapter.

1854 (n) A schedule or timeframe for completing the resort.

1855 (o) A plan for training residents of this state for jobs at
1856 the resort. The job-training plan must provide training to

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enable low-income persons to qualify for jobs at the resort.

(p) The identity of each person, association, trust, or corporation or partnership having a direct or indirect equity interest in the applicant of greater 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 resort and limited gaming facility development plan and projected investment of \$2 billion pursuant to s. 551.309.

(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 rule of the commission, 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 commission may deem appropriate or require during the application process as provided by rule.

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1886 (2) DISCRETION TO REQUIRE INFORMATION.—Notwithstanding any
1887 other provision of law, the commission is the sole authority for
1888 determining the information or documentation that must be
1889 included in an application for a resort license or in an
1890 application to renew a resort license. Such documentation and
1891 information may relate to: demographics, education, work
1892 history, personal background, criminal history, finances,
1893 business information, complaints, inspections, investigations,
1894 discipline, bonding, photographs, performance periods,
1895 reciprocity, local government approvals, supporting
1896 documentation, periodic reporting requirements, and fingerprint
1897 requirements.

1898 (3) DUTY TO SUPPLEMENT APPLICATION.—The application shall
1899 be supplemented as needed to reflect any material change in any
1900 circumstance or condition stated in the application which takes
1901 place between the initial filing of the application and the
1902 final grant or denial of the license. Any submission required to
1903 be in writing may otherwise be required by the commission to be
1904 made by electronic means.

1905 (4) APPLICATION FEES.—

1906 (a) The application for a resort license must be submitted
1907 along with a nonrefundable application fee of \$1 million to be
1908 used by the commission to defray costs associated with the
1909 review and investigation of the application and to conduct a
1910 background investigation of the applicant and each qualifier. If
1911 the cost of the review and investigation exceeds \$1 million, the
1912 applicant must pay the additional amount to the commission
1913 within 30 days after the receipt of a request for an additional
1914 payment.

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1915 (b) The application for a destination resort license must
1916 be submitted with a one-time licensing fee of \$50 million. If
1917 the commission denies the application, the commission must
1918 refund the licensing fee within 30 days after the denial of the
1919 application. If the applicant withdraws the application after
1920 the application deadline established by the commission, the
1921 commission must refund 80 percent of the licensing fee within 30
1922 days after the application is withdrawn.

1923 Section 23. Section 551.311, Florida Statutes, is created
1924 to read:

1925 551.311 Incomplete applications.-

1926 (1) An incomplete application for a resort license is
1927 grounds for the denial of the application.

1928 (2) (a) If the commission determines that an application for
1929 a resort license is incomplete, the executive director shall
1930 immediately provide written notice to the applicant of the
1931 incomplete items. The applicant may then request an informal
1932 conference with the executive director or his or her designee to
1933 discuss the application.

1934 (b) The executive director may provide the applicant an
1935 extension of 30 days to complete the application following the
1936 date of the informal conference. If the executive director finds
1937 that the application has not been completed within the
1938 extension, the applicant may appeal the finding to the
1939 commission. During an extension or the pendency of an appeal to
1940 the commission, the award of resort licenses in the applicable
1941 county is stayed.

1942 Section 24. Section 551.312, Florida Statutes, is created
1943 to read:

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551.312 Institutional investors as qualifiers.—

(1) (a) An application for a resort license that has an institutional investor as a qualifier need not contain information relating to the institutional investor, other than the identity of the investor, if the institutional investor holds less than 15 percent of the equity or debt securities and files a certified statement that the institutional investor does not intend to influence or affect the affairs of the applicant or an affiliate of the applicant and that its holdings of securities of the applicant or affiliate were purchased for investment purposes only.

(b) The commission may limit the application requirements as provided in this subsection for an institutional investor that is a qualifier and that holds 5 percent or more of the equity or debt securities of an applicant or affiliate of the applicant upon a showing of good cause and if the conditions specified in paragraph (a) are satisfied.

(2) An institutional investor that is exempt from the full application requirements under this section and that subsequently intends to influence or affect the affairs of the issuer must first notify the commission of its intent and file an application containing all of the information that would have been required of the institutional investor in the application for a resort license. The commission may deny the application if it determines that granting the application will impair the financial stability of the licensee or impair the ability of the licensee to comply with its development plans or other plans submitted to the commission by the applicant or licensee.

(3) An applicant for a license or a resort licensee or

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1973 affiliate shall immediately notify the commission of any
1974 information concerning an institutional investor holding its
1975 equity or debt securities which may disqualify an institutional
1976 investor from having a direct or indirect interest in the
1977 applicant or licensee, and the commission may require the
1978 institutional investor to file all information that would have
1979 been required of the institutional investor in the application
1980 for a license.

1981 (4) If the commission finds that an institutional investor
1982 that is a qualifier fails to comply with the requirements of
1983 subsection (1) or, if at any time the commission finds that by
1984 reason of the extent or nature of its holdings an institutional
1985 investor is in a position to exercise a substantial impact upon
1986 the controlling interests of a licensee, the commission may
1987 require the institutional investor to file an application
1988 containing all of information that would have been required of
1989 the institutional investor in the application for a license.

1990 (5) Notwithstanding paragraph (1)(b), an institutional
1991 investor may vote on all matters that are put to the vote of the
1992 outstanding security holders of the applicant or licensee.

1993 Section 25. Section 551.313, Florida Statutes, is created
1994 to read:

1995 551.313 Lenders and underwriters; exemption as qualifiers.—
1996 A bank, lending institution, or underwriter in connection with
1997 any bank or lending institution that, in the ordinary course of
1998 business, makes a loan to, or holds a security interest in, a
1999 licensee or applicant, a supplier licensee or applicant or its
2000 subsidiary, or direct or indirect parent company of any such
2001 bank, lending institution, or underwriter is not a qualifier and

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is not required to be licensed.

Section 26. Section 551.314, Florida Statutes, is created to read:

551.314 Conditions for a resort license.—As a condition to licensure and to maintain continuing authority, a resort licensee must:

(1) Comply with this part and the rules of the department.

(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 resort in accordance with the plans and timeframe proposed to the commission in its application, unless an extension is granted by the commission. The commission 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 facility is specifically structured to facilitate regulatory oversight. The facilities-based computer system shall be designed to provide the department 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 statutory provisions and rules adopted by the department for the regulation and control of gaming. The department and the Department of Law Enforcement shall have complete and continuous access to this system. Such access shall include the ability of either the department or the

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Department of Law Enforcement 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, neither the commission nor the Department of Law Enforcement shall have the ability to alter any data. The department may adopt rules to provide for the approval process.

(5) Ensure that each 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 the Department of Law Enforcement may suspend play upon reasonable suspicion of any manipulation or tampering. If play has been suspended on any game, slot machine, or other gaming device, the department or the Department of Law Enforcement may conduct an examination to determine whether the game, machine, or other gaming device has been tampered with or manipulated and whether the 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

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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 prior to implementation. The
department shall furnish copies of the security plan and changes
in the plan to the Department of Law Enforcement.

(7) Create and file with the commission 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 that includes, but is not limited to,
requiring such person to sign an agreement that he or she
understands that the resort is a drug-free workplace.

(g) Using the Internet-based job-listing system of the
Department of Economic Opportunity in advertising employment
opportunities.

(h) Ensuring that the payout percentage of each slot
machine is at least 85 percent.

(8) File with the department detailed documentation of the
applicant's, its affiliates', or any holding company's history
of using labor in any jurisdiction that would fall outside of

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ages defined in chapter 450.

(9) Keep and maintain permanent daily records of its limited 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, the Department of Law Enforcement, or other law enforcement agencies during the resort licensee's regular business hours.

Section 27. Section 551.315, Florida Statutes, is created to read:

551.315 Surety bond.—A destination resort licensee must, at its own cost and expense, before the license is delivered, give a bond in the penal sum to be determined by the department 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 department and the Chief Financial Officer and the bond must be conditioned on the licensee faithfully making the required payments to the Chief Financial Officer in his or her capacity as treasurer of the commission, keeping the licensee's books and records and make reports as provided, and conducting its limited gaming activities in conformity with this part. The department 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 department. 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

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2118 bank, savings bank, credit union, or savings and loan
2119 association situated in this state which meets the requirements
2120 set for that purpose by the Chief Financial Officer. If security
2121 is provided in the form of a savings certificate, a certificate
2122 of deposit, or an investment certificate, the certificate must
2123 state that the amount is unavailable for withdrawal except upon
2124 order of the department. The department may review the bond or
2125 other security for adequacy and require adjustments, including
2126 increasing the amount of the bond and other security. The
2127 department may adopt rules to administer this section and
2128 establish guidelines for such bonds or other securities.

2129 Section 28. Section 551.316, Florida Statutes, is created
2130 to read:

2131 551.316 Conduct of limited gaming.—

2132 (1) Limited gaming may be conducted by a resort licensee,
2133 subject to the following:

2134 (a) The site of the limited gaming facility is limited to
2135 the resort licensee's site location as approved by the
2136 commission.

2137 (b) The department's agents and employees may enter and
2138 inspect a limited gaming facility or other facilities relating
2139 to a resort licensee's gaming operations at any time for the
2140 purpose of determining whether the licensee is in compliance
2141 with this part.

2142 (c) A resort licensee may lease or purchase gaming devices,
2143 equipment, or supplies customarily used in conducting gaming
2144 only from a licensed supplier.

2145 (d) A resort licensee may not permit any form of wagering
2146 on games except as permitted by this part.

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2147 (e) A resort licensee may receive wagers only from a person
2148 present in the limited gaming facility.

2149 (f) A resort licensee may not permit wagering using money
2150 or other negotiable currency except for wagering on slot
2151 machines.

2152 (g) A resort licensee may not permit a person who has not
2153 attained 21 years of age to engage in gaming activity or remain
2154 in an area of a limited gaming facility where gaming is being
2155 conducted, except for a limited gaming employee of the resort
2156 licensee who is at least 18 years of age.

2157 (h) A resort licensee may not sell or distribute tokens,
2158 chips, or electronic cards used to make wagers outside the
2159 limited gaming facility. The tokens, chips, or electronic cards
2160 may be purchased by means of an agreement under which the
2161 licensee extends credit to a wagerer. The tokens, chips, or
2162 electronic cards may be used only for the purpose of making
2163 wagers on games within a limited gaming facility.

2164 (i) A resort licensee may not conduct business with a
2165 junket enterprise, except for a junket operator employed full
2166 time by that licensee.

2167 (j) All gaming activities must be conducted in accordance
2168 with department rules.

2169 (k) Limited gaming may not be conducted by a resort
2170 licensee until the resort is completed according to the proposal
2171 approved by the commission.

2172 (2) A limited gaming facility may operate 24 hours per day,
2173 every day of the year.

2174 (3) A resort licensee may set the minimum and maximum
2175 wagers on all games.

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(4) A resort 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 resort licensee, its affiliates, directors, and employees shall be 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) The department shall renew a resort license if:

(a) The licensee has demonstrated an effort to increase tourism, generate jobs, provide revenue to the local economy, and provide revenue to the state General Revenue Fund.

(b) The department has not suspended or revoked the license of the licensee.

(c) The licensee continues to satisfy all the requirements of the initial application for licensure.

Section 29. Section 551.318, Florida Statutes, is created to read:

551.318 License fee; tax rate; disposition.—

(1) LICENSE FEE.—On the anniversary date of the issuance of the initial resort license and annually thereafter, the licensee must pay to the department a nonrefundable annual license fee of \$2 million. The license shall be renewed annually, unless the department has revoked the license for a violation of this part or rule of the department. The license fee shall be deposited

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into the Destination Resort Trust Fund to be used by the department and the Department of Law Enforcement for investigations, regulation of limited gaming, and enforcement of this part.

(2) GROSS RECEIPTS TAX.—

(a) Each resort licensee shall pay a gross receipts tax on its gross receipts to the state. Upon completion of the resort and before limited gaming may be conducted, the resort licensee must submit proof, as required by the commission, of the total investment made in the construction of the resort. Upon submission of this information, the gross receipts tax rate shall be 10 percent of the gross receipts.

(b) The gross receipts tax is in lieu of any other state taxes on gross or adjusted gross receipts of a resort licensee.

(3) TAX PROCEEDS.—

(a) The gross receipts tax shall be deposited into the Destination Resort Trust Fund and shall be used to fund the operating costs of the department pursuant to appropriations by the Legislature.

(b) On June 30 of each year, all unappropriated funds in excess of \$5 million shall be deposited into the General Revenue Fund.

Section 30. Section 551.319, Florida Statutes, is created to read:

551.319 Fingerprint requirements.—Any fingerprints required to be taken under this part must be taken in a manner approved by, and shall be submitted electronically by the department to, the Department of Law Enforcement. The Department of Law Enforcement shall submit the results of the state and national

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2234 records check to the department. The department shall consider
2235 the results of the state and national records check in
2236 evaluating an application for any license.

2237 (1) The cost of processing fingerprints and conducting a
2238 criminal history record check shall be borne by the applicant.
2239 The Department of Law Enforcement may submit a monthly invoice
2240 to the department for the cost of processing the fingerprints
2241 submitted.

2242 (2) All fingerprints submitted to the Department of Law
2243 Enforcement pursuant to this part shall be retained by the
2244 Department of Law Enforcement and entered into the statewide
2245 automated fingerprint identification system as authorized by s.
2246 943.05(2)(b) and shall be available for all purposes and uses
2247 authorized for arrest fingerprint cards entered into the
2248 statewide automated fingerprint identification system pursuant
2249 to s. 943.051.

2250 (3) The Department of Law Enforcement shall search all
2251 arrest fingerprints received pursuant to s. 943.051, against the
2252 fingerprints retained in the statewide automated fingerprint
2253 identification system. Any arrest record that is identified with
2254 the retained fingerprints of a person subject to the criminal
2255 history screening under this part shall be reported to the
2256 department. Each licensee shall pay a fee to the department for
2257 the cost of retention of the fingerprints and the ongoing
2258 searches under this subsection. The department shall forward the
2259 payment to the Department of Law Enforcement. The amount of the
2260 fee to be imposed for performing these searches and the
2261 procedures for the retention of licensee fingerprints shall be
2262 as established by rule of the Department of Law Enforcement. The

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department shall inform the Department of Law Enforcement of any change in the license status of licensees whose fingerprints are retained under subsection (2).

(4) The department 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 another set of fingerprints. The department shall collect the fees for the cost of the national criminal history record check under this subsection 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 subsection shall be borne by the licensee or applicant. The Department of Law Enforcement may submit an invoice to the department 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 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.

Section 31. Section 551.321, Florida Statutes, is created to read:

551.321 Supplier licenses.—

(1) A person must have a supplier license in order to furnish on a regular or continuing basis to a resort licensee or an applicant for a resort license gaming equipment, devices, or supplies or other goods or services regarding the operation of

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2292 limited gaming at the facility.

2293 (2) An applicant for a supplier license must apply to the
2294 department on forms adopted by the department by rule. The
2295 licensing fee for the initial and annual renewal of the license
2296 shall be a scale of fees determined by rule of the commission
2297 based on the type of service provided by the supplier but may
2298 not exceed \$25,000.

2299 (3) An applicant for a supplier license must include in the
2300 application the fingerprints of the persons identified by
2301 department rule for the processing of state and national
2302 criminal history record checks.

2303 (4) (a) An applicant for a supplier license is not eligible
2304 for licensure if:

2305 1. A person for whom fingerprinting is required under
2306 subsection (3) has been convicted of a felony under the laws of
2307 this state, any other state, or the United States;

2308 2. The applicant knowingly submitted false information in
2309 the application for a supplier license;

2310 3. The applicant is a member of the commission or an
2311 employee of the department;

2312 4. The applicant is not a natural person and an officer,
2313 director, or managerial employee of that person is a person
2314 described in subparagraphs 1.-3.;

2315 5. The applicant is not a natural person and an employee of
2316 the applicant participates in the management or operation of
2317 limited gaming authorized under this part; or

2318 6. The applicant has had a license to own or operate a
2319 resort facility or pari-mutuel facility in this state, or a
2320 similar license in any other jurisdiction, revoked.

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2321 (b) The department may revoke a supplier license at any
2322 time it determines that the licensee no longer satisfies the
2323 eligibility requirements in this subsection.

2324 (5) The department may deny an application for a supplier
2325 license for any person who:

2326 (a) Is not qualified to perform the duties required of a
2327 licensee;

2328 (b) Fails to disclose information or knowingly submits
2329 false information in the application;

2330 (c) Has violated this part or rules of the department; or

2331 (d) Has had a gaming-related license or application
2332 suspended, restricted, revoked, or denied for misconduct in any
2333 other jurisdiction.

2334 (6) A supplier licensee shall:

2335 (a) Furnish to the department a list of all gaming
2336 equipment, devices, and supplies it offers for sale or lease in
2337 connection with limited gaming authorized in this part;

2338 (b) Keep books and records documenting the furnishing of
2339 gaming equipment, devices, and supplies to resort licensees
2340 separate and distinct from any other business that the supplier
2341 operates;

2342 (c) File quarterly returns with the department listing all
2343 sales or leases of gaming equipment, devices, or supplies to
2344 resort licensees;

2345 (d) Permanently affix its name to all gaming equipment,
2346 devices, or supplies sold or leased to licensees; and

2347 (e) File an annual report listing its inventories of gaming
2348 equipment, devices, and supplies, including the locations of
2349 such equipment.

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(7) All gaming devices, equipment, 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 the rules of the department; or
2. Defaults on the payment of any obligation or debt due to this state or a county.

(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 32. Section 551.322, Florida Statutes, is created to read:

551.322 Occupational licenses.—

(1) The Legislature finds that, due to the nature of their

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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 entity
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 the department by 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 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

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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 limited 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 rules.

(5) The department must 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 the rules of the department;

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.

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(7) Any training provided for an occupational licensee may be conducted in the facility of a resort licensee or at a school with which the resort licensee has entered into an agreement for that purpose.

(8) A licensed travel agent whose commission 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 33. Section 551.323, Florida Statutes, is created to read:

551.323 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 resort licensee or an applicant for a resort license 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

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2466 application;

2467 (c) A deficiency does not appear to exist in the
2468 application which may require denial of the application; and

2469 (d) The applicant has an offer of employment from, or an
2470 agreement to begin providing gaming devices, equipment, or
2471 supplies or other goods and services to, a resort licensee or an
2472 applicant for a resort license, or the applicant for a temporary
2473 license shows good cause for being granted a temporary license.

2474 (2) An initial temporary occupational license or supplier's
2475 license may not be valid for more than 90 days; however, a
2476 temporary occupational license may be renewed one time for an
2477 additional 90 days.

2478 (3) An applicant who receives a temporary license may
2479 undertake employment with or supply a resort licensee with
2480 gaming devices, equipment, or supplies or other goods or
2481 services until a license is issued or denied or until the
2482 temporary license expires or is suspended or revoked.

2483 Section 34. Section 551.325, Florida Statutes, is created
2484 to read:

2485 551.325 Quarterly report.—The commission shall file
2486 quarterly reports with the Governor, the President of the
2487 Senate, and the Speaker of the House of Representatives covering
2488 the previous fiscal quarter. Each report must include:

2489 (1) A statement of receipts and disbursements related to
2490 limited gaming.

2491 (2) A summary of disciplinary actions taken by the
2492 department.

2493 (3) Any additional information and recommendations that the
2494 department believes may improve the regulation of limited gaming

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or increase the economic benefits of limited gaming to this state.

Section 35. Section 551.327, Florida Statutes, is created to read:

551.327 Resolution of disputes between licensees and wagerers.—

(1)(a) The licensee must immediately notify the department of a dispute whenever a resort 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 or items 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 resort licensee or the wagerer 5 days

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after it is deposited with the United States Postal Service with
postage prepaid.

(3) The failure of a resort 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 only be resolved 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 36. Section 551.328, Florida Statutes, is created
to read:

551.328 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 resort 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 resort 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 resort 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

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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 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 resort licensee:

(a) Is not a defense in any action by a resort 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 resort licensee to comply with this section or department rules 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 for the commission.

Section 37. Section 551.330, Florida Statutes, is created to read:

551.330 Compulsive or addictive gambling prevention

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2582 program.

2583 (1) A resort licensee shall offer training to employees on
2584 responsible gaming and shall work with a compulsive or addictive
2585 gambling prevention program to recognize problem gaming
2586 situations and to implement responsible gaming programs and
2587 practices.

2588 (2) The department shall, subject to competitive bidding,
2589 contract for services relating to the prevention of compulsive
2590 and addictive gambling. The contract shall provide for an
2591 advertising program to encourage responsible gaming practices
2592 and to publicize a gambling telephone help line. Such
2593 advertisements must be made both publicly and inside the
2594 resort's limited gaming facility. The terms of any contract for
2595 such services shall include accountability standards that must
2596 be met by any private provider. The failure of a private
2597 provider to meet any material terms of the contract, including
2598 the accountability standards, constitutes a breach of contract
2599 or is grounds for nonrenewal. The department may consult with
2600 the Department of the Lottery or the Department of Business and
2601 Professional Regulation in the development of the program and
2602 the development and analysis of any procurement for contractual
2603 services for the compulsive or addictive gambling prevention
2604 program.

2605 (3) The compulsive or addictive gambling prevention program
2606 shall be funded from an annual nonrefundable regulatory fee of
2607 \$250,000 paid by each resort licensee to the department.

2608 Section 38. Section 551.331, Florida Statutes, is created
2609 to read:

2610 551.331 Voluntary self-exclusion from a limited gaming

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2611 facility.-

2612 (1) A person may request that he or she be excluded from
2613 limited gaming facilities in this state by personally submitting
2614 a Request for Voluntary Self-exclusion from Limited Gaming
2615 Facilities Form to the department. The form must require the
2616 person requesting exclusion to:

2617 (a) State his or her:

2618 1. Name, including any aliases or nicknames;

2619 2. Date of birth;

2620 3. Current residential address;

2621 4. Telephone number;

2622 5. Social security number; and

2623 6. Physical description, including height, weight, gender,
2624 hair color, eye color, and any other physical characteristic
2625 that may assist in the identification of the person.

2626
2627 A self-excluded person must update the information in this
2628 paragraph on forms supplied by the department within 30 days
2629 after any change.

2630 (b) Select one of the following as the duration of the
2631 self-exclusion:

2632 1. One year.

2633 2. Five years.

2634 3. Lifetime.

2635 (c) Execute a release in which the person:

2636 1. Acknowledges that the request for exclusion has been
2637 made voluntarily.

2638 2. Certifies that the information provided in the request
2639 for self-exclusion is true and correct.

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2640 3. Acknowledges that the individual requesting self-
2641 exclusion is a problem gambler.

2642 4. Acknowledges that a person requesting a lifetime
2643 exclusion will not be removed from the self-exclusion list and
2644 that a person requesting a 1-year or 5-year exclusion will
2645 remain on the self-exclusion list until a request for removal is
2646 approved by the department.

2647 5. Acknowledges that, if the individual is discovered on
2648 the gaming floor of a limited gaming facility, the individual
2649 may be removed and may be arrested and prosecuted for criminal
2650 trespass.

2651 6. Releases, indemnifies, holds harmless, and forever
2652 discharges the state, department, and all licensee from any
2653 claims, damages, losses, expenses, or liability arising out of,
2654 by reason of or relating to the self-excluded person or to any
2655 other party for any harm, monetary or otherwise, which may arise
2656 as a result of one or more of the following:

2657 a. The failure of a resort licensee to withhold gaming
2658 privileges from or restore gaming privileges to a self-excluded
2659 person.

2660 b. Permitting or prohibiting a self-excluded person from
2661 engaging in gaming activity in a limited gaming facility.

2662 (2) A person submitting a self-exclusion request must
2663 present to the department a government-issued form of
2664 identification containing the person's signature.

2665 (3) The department shall take a photograph of a person
2666 requesting self-exclusion at the time the person submits a
2667 request for self-exclusion.

2668 Section 39. Paragraph (a) of subsection (2) of section

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561.20, Florida Statutes, is amended to read:

561.20 Limitation upon number of licenses issued.—

(2) (a) No such limitation of the number of licenses as herein provided shall henceforth prohibit the issuance of a special license to:

1. Any bona fide hotel, motel, or motor court of not fewer than 80 guest rooms in any county having a population of less than 50,000 residents, and of not fewer than 100 guest rooms in any county having a population of 50,000 residents or greater; or any bona fide hotel or motel located in a historic structure, as defined in s. 561.01(21), with fewer than 100 guest rooms which derives at least 51 percent of its gross revenue from the rental of hotel or motel rooms, which is licensed as a public lodging establishment by the Division of Hotels and Restaurants; provided, however, that a bona fide hotel or motel with no fewer than 10 and no more than 25 guest rooms which is a historic structure, as defined in s. 561.01(21), in a municipality that on the effective date of this act has a population, according to the University of Florida's Bureau of Economic and Business Research Estimates of Population for 1998, of no fewer than 25,000 and no more than 35,000 residents and that is within a constitutionally chartered county may be issued a special license. This special license shall allow the sale and consumption of alcoholic beverages only on the licensed premises of the hotel or motel. In addition, the hotel or motel must derive at least 60 percent of its gross revenue from the rental of hotel or motel rooms and the sale of food and nonalcoholic beverages; provided that the provisions of this subparagraph shall supersede local laws requiring a greater number of hotel

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rooms;

2. Any condominium accommodation of which no fewer than 100 condominium units are wholly rentable to transients and which is licensed under the provisions of chapter 509, except that the license shall be issued only to the person or corporation which operates the hotel or motel operation and not to the association of condominium owners;

3. Any condominium accommodation of which no fewer than 50 condominium units are wholly rentable to transients, which is licensed under the provisions of chapter 509, and which is located in any county having home rule under s. 10 or s. 11, Art. VIII of the State Constitution of 1885, as amended, and incorporated by reference in s. 6(e), Art. VIII of the State Constitution, except that the license shall be issued only to the person or corporation which operates the hotel or motel operation and not to the association of condominium owners;

4. Any restaurant having 2,500 square feet of service area and equipped to serve 150 persons full course meals at tables at one time, and deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages; however, no restaurant granted a special license on or after January 1, 1958, pursuant to general or special law shall operate as a package store, nor shall intoxicating beverages be sold under such license after the hours of serving food have elapsed; or

5. Any caterer, deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages, licensed by the Division of Hotels and Restaurants under chapter 509. Notwithstanding any other provision of law to the contrary, a licensee under this subparagraph shall sell or serve alcoholic

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2727 beverages only for consumption on the premises of a catered
2728 event at which the licensee is also providing prepared food, and
2729 shall prominently display its license at any catered event at
2730 which the caterer is selling or serving alcoholic beverages. A
2731 licensee under this subparagraph shall purchase all alcoholic
2732 beverages it sells or serves at a catered event from a vendor
2733 licensed under s. 563.02(1), s. 564.02(1), or licensed under s.
2734 565.02(1) subject to the limitation imposed in subsection (1),
2735 as appropriate. A licensee under this subparagraph may not store
2736 any alcoholic beverages to be sold or served at a catered event.
2737 Any alcoholic beverages purchased by a licensee under this
2738 subparagraph for a catered event that are not used at that event
2739 must remain with the customer; provided that if the vendor
2740 accepts unopened alcoholic beverages, the licensee may return
2741 such alcoholic beverages to the vendor for a credit or
2742 reimbursement. Regardless of the county or counties in which the
2743 licensee operates, a licensee under this subparagraph shall pay
2744 the annual state license tax set forth in s. 565.02(1)(b). A
2745 licensee under this subparagraph must maintain for a period of 3
2746 years all records required by the department by rule to
2747 demonstrate compliance with the requirements of this
2748 subparagraph, including licensed vendor receipts for the
2749 purchase of alcoholic beverages and records identifying each
2750 customer and the location and date of each catered event.
2751 Notwithstanding any provision of law to the contrary, any vendor
2752 licensed under s. 565.02(1) subject to the limitation imposed in
2753 subsection (1), may, without any additional licensure under this
2754 subparagraph, serve or sell alcoholic beverages for consumption
2755 on the premises of a catered event at which prepared food is

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provided by a caterer licensed under chapter 509. If a licensee under this subparagraph also possesses any other license under the Beverage Law, the license issued under this subparagraph shall not authorize the holder to conduct activities on the premises to which the other license or licenses apply that would otherwise be prohibited by the terms of that license or the Beverage Law. Nothing in this section shall permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law or local law. The Division of Alcoholic Beverages and Tobacco is hereby authorized to adopt rules to administer the license created in this subparagraph, to include rules governing licensure, recordkeeping, and enforcement. The first \$300,000 in fees collected by the division each fiscal year pursuant to this subparagraph shall be deposited in the Department of Children and Family Services' Operations and Maintenance Trust Fund to be used only for alcohol and drug abuse education, treatment, and prevention programs. The remainder of the fees collected shall be deposited into the Hotel and Restaurant Trust Fund created pursuant to s. 509.072.

6. Any destination resort licensed by the State Gaming Commission under chapter 551. Notwithstanding any other provision of law to the contrary, a licensee under this subparagraph may sell or serve alcoholic beverages only for consumption on the premises. A licensee under this subparagraph shall purchase all alcoholic beverages from a supplier licensed under s. 551.321 or s. 551.323. Regardless of the county or counties in which the licensee operates, a licensee under this subparagraph shall pay an annual state license tax of \$50,000, the proceeds of which shall be deposited into the Destination

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Resort Trust Fund of the Department of Gaming Control. This subparagraph expressly preempts the regulation of alcoholic beverages at destination resorts licensed by the State Gaming Commission to the state and supersedes any municipal or county ordinance on the subject. Notwithstanding any other law or local law or ordinance to the contrary, a licensee under this subparagraph may serve alcoholic beverages 24 hours per day, every day of the year. This subparagraph does not permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law. The State Gaming Commission shall adopt rules to implement this subparagraph, including, but not limited to, rules governing licensure, recordkeeping, and enforcement. A licensee under this subparagraph must maintain for a period of 3 years all records required by the State Gaming Commission by rule to demonstrate compliance with the requirements of this subparagraph, including licensed supplier receipts for the purchase of alcoholic beverages.

However, any license heretofore issued to any such hotel, motel, motor court, or restaurant or hereafter issued to any such hotel, motel, or motor court, including a condominium accommodation, under the general law shall not be moved to a new location, such license being valid only on the premises of such hotel, motel, motor court, or restaurant. Licenses issued to hotels, motels, motor courts, or restaurants under the general law and held by such hotels, motels, motor courts, or restaurants on May 24, 1947, shall be counted in the quota limitation contained in subsection (1). Any license issued for any hotel, motel, or motor court under the provisions of this

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law shall be issued only to the owner of the hotel, motel, or motor court or, in the event the hotel, motel, or motor court is leased, to the lessee of the hotel, motel, or motor court; and the license shall remain in the name of the owner or lessee so long as the license is in existence. Any special license now in existence heretofore issued under the provisions of this law cannot be renewed except in the name of the owner of the hotel, motel, motor court, or restaurant or, in the event the hotel, motel, motor court, or restaurant is leased, in the name of the lessee of the hotel, motel, motor court, or restaurant in which the license is located and must remain in the name of the owner or lessee so long as the license is in existence. Any license issued under this section shall be marked "Special," and nothing herein provided shall limit, restrict, or prevent the issuance of a special license for any restaurant or motel which shall hereafter meet the requirements of the law existing immediately prior to the effective date of this act, if construction of such restaurant has commenced prior to the effective date of this act and is completed within 30 days thereafter, or if an application is on file for such special license at the time this act takes effect; and any such licenses issued under this proviso may be annually renewed as now provided by law. Nothing herein prevents an application for transfer of a license to a bona fide purchaser of any hotel, motel, motor court, or restaurant by the purchaser of such facility or the transfer of such license pursuant to law.

Section 40. Section 849.15, Florida Statutes, is amended to read:

849.15 Manufacture, sale, possession, etc., of coin-

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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 permit the operation of, or for any person to 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, any slot machine or device or any part thereof; or

(b) To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or 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. ss. 1171-1177, 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

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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 any county of this state within which slot machine gaming is authorized pursuant to chapter 551 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. 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), or the facility of a resort licensee or supplier licensee under part III of chapter 551.

(3) This section does not apply to slot machine licensees authorized under part II of chapter 551 or resort licensees as authorized under part III of chapter 551.

Section 41. Section 849.231, Florida Statutes, is amended to read:

849.231 Gambling devices; manufacture, sale, purchase or possession unlawful.—

(1) Except in instances when the following described implements or apparatus are being held or transported by

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2901 authorized persons for the purpose of destruction, as
2902 hereinafter provided, and except in instances when the following
2903 described instruments or apparatus are being held, sold,
2904 transported, or manufactured by persons who have registered with
2905 the United States Government pursuant to the provisions of Title
2906 15 of the United States Code, ss. 1171 et seq., as amended, so
2907 long as the described implements or apparatus are not displayed
2908 to the general public, sold for use in Florida, or held or
2909 manufactured in contravention of the requirements of 15 U.S.C.
2910 ss. 1171 et seq., it shall be unlawful for any person to
2911 manufacture, sell, transport, offer for sale, purchase, own, or
2912 have in his or her possession any roulette wheel or table, faro
2913 layout, crap table or layout, chemin de fer table or layout,
2914 chuck-a-luck wheel, bird cage such as used for gambling, bolita
2915 balls, chips with house markings, or any other device,
2916 implement, apparatus, or paraphernalia ordinarily or commonly
2917 used or designed to be used in the operation of gambling houses
2918 or establishments, excepting ordinary dice and playing cards.

2919 (2) In addition to any other penalties provided for the
2920 violation of this section, any occupational license held by a
2921 person found guilty of violating this section shall be suspended
2922 for a period not to exceed 5 years.

2923 (3) This section and s. 849.05 do not apply to a vessel of
2924 foreign registry or a vessel operated under the authority of a
2925 country except the United States, while docked in this state or
2926 transiting in the territorial waters of this state.

2927 (4) This section does not apply to slot machine licensees
2928 authorized under part II of chapter 551 or resort licensees as
2929 authorized under part III of chapter 551.

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2930 Section 42. Section 849.25, Florida Statutes, is amended to
2931 read:

2932 849.25 "Bookmaking" defined; penalties; exceptions.—

2933 (1) (a) The term "bookmaking" means the act of taking or
2934 receiving, while engaged in the business or profession of
2935 gambling, any bet or wager upon the result of any trial or
2936 contest of skill, speed, power, or endurance of human, beast,
2937 fowl, motor vehicle, or mechanical apparatus or upon the result
2938 of any chance, casualty, unknown, or contingent event
2939 whatsoever.

2940 (b) The following factors shall be considered in making a
2941 determination that a person has engaged in the offense of
2942 bookmaking:

2943 1. Taking advantage of betting odds created to produce a
2944 profit for the bookmaker or charging a percentage on accepted
2945 wagers.

2946 2. Placing all or part of accepted wagers with other
2947 bookmakers to reduce the chance of financial loss.

2948 3. Taking or receiving more than five wagers in any single
2949 day.

2950 4. Taking or receiving wagers totaling more than \$500 in
2951 any single day, or more than \$1,500 in any single week.

2952 5. Engaging in a common scheme with two or more persons to
2953 take or receive wagers.

2954 6. Taking or receiving wagers on both sides on a contest at
2955 the identical point spread.

2956 7. Any other factor relevant to establishing that the
2957 operating procedures of such person are commercial in nature.

2958 (c) The existence of any two factors listed in paragraph

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(b) may constitute prima facie evidence of a commercial bookmaking operation.

(2) 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, any person convicted under the provisions of this subsection shall not have adjudication of guilt suspended, deferred, or withheld.

(3) Any person who 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, any person convicted under the provisions of this subsection shall not have adjudication of guilt suspended, deferred, or withheld.

(4) Notwithstanding the provisions of s. 777.04, any person who 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 chapter 550.

(6) This section does ~~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.

(7) This section does not apply to slot machine licensees authorized under part II of chapter 551 or resort licensees as authorized under part III of chapter 551.

Section 43. Section 849.48, Florida Statutes, is created to read:

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2988 849.48 Gambling operator, manufacturer, distributor
2989 licenses; application; qualifications; fees; renewal;
2990 duplicates.-

2991 (1) (a) Each person, firm, association, partnership, or
2992 corporate entity that seeks to operate a gambling business or to
2993 allow gambling to occur on its premises must obtain a license
2994 from the department. Any person, firm, association, partnership,
2995 or corporate entity owning, leasing, furnishing, manufacturing,
2996 distributing, or operating gambling devices must obtain a
2997 license from the Department of Gaming Control.

2998 (b) An application for a license must be made on a form
2999 adopted by rule of the department. The form must require the
3000 applicant to set forth the name under which the applicant
3001 transacts or intends to transact business, the address of the
3002 location of the applicant's place of business, and any other
3003 information the department requires. If the applicant has, or
3004 intends to have, more than one place of business where gambling
3005 will occur or gambling devices will be located, a separate
3006 application must be made for each place of business. If the
3007 applicant is a firm, association, partnership, or corporate
3008 entity, the application must set forth the names and addresses
3009 of the persons owning more than 5 percent of, or exercising any
3010 decisionmaking control over, the business. If the applicant is a
3011 corporate entity, the application must additionally set forth
3012 the names and addresses of the principal officers of the
3013 corporation. The application must also set forth any other
3014 information prescribed by the department for the purpose of
3015 identifying the applicant, its owners, or its decisionmaking
3016 principals. The application must be signed and verified by oath

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or affirmation by the owner. If the owner is a firm,
association, or partnership, the application must be signed by
the members or partners thereof, or, if the owner is a corporate
entity, by a decisionmaking principal authorized by the entity
to sign the application, together with the written evidence of
the principal's authority. The application must be accompanied
by the annual license fee prescribed by the department.

(c) Licenses shall be issued annually, upon payment of the
annual license fee prescribed by the department. The department
shall fix the fee in an amount sufficient to meet the costs of
carrying out its licensing, enforcement, and administrative
responsibilities under this chapter, but the fee may not exceed
\$5,000. The proceeds of the fee shall be deposited into the
Destination Resort Trust Fund of the Department of Gaming
Control.

(d) The holder of a license may renew the license each
year, on or before January 15, upon payment of the annual
license fee. A licensee that does not timely renew its license
must pay a delinquent renewal fee of \$500 for each month or
portion of a month occurring after expiration, and before
renewal, of the license.

(e) The department may not grant an exemption from the
license fees prescribed in this subsection to any applicant.

(f) The department shall establish a procedural rule that,
to the greatest extent possible, provides for the Department of
Law Enforcement to conduct background investigations for the
initial licensing and licensing renewals.

(2) (a) A license may be issued only to a person who is at
least 18 years of age or to a corporation having officers who

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are at least 18 years of age.

(b) The department may refuse to issue a license to:

1. Any person, firm, association, partnership, or corporate entity whose license has been revoked by the department;

2. Any corporation having an officer whose license has been revoked by the department; or

3. Any person who is or has been an officer of a corporation whose license has been revoked by the department or who is or has been an officer of a corporation whose license relating to gambling activities has been revoked in another jurisdiction.

(c) The department shall revoke any license issued to a firm, association, partnership, or corporate entity that is prohibited from licensure under this section.

(3) Upon approval of an application for a license, the Department of Gaming Control shall issue to the applicant a license for the place of business or premises specified in the application. A license is not assignable and is valid only for the person in whose name the license is issued and for the place designated in the license. The licensee must be in possession of the license at all times while working at the location for which the license was issued and must display the license upon demand to any person.

(4) If a license has been destroyed or lost, the licensee may apply to the Department of Gaming Control for the issuance of a duplicate license. The department shall issue a duplicate license upon payment of a \$150 fee, which the department shall deposit into the Destination Resort Trust Fund of the Department of Gaming Control.

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3075 Section 44. Transfers.—

3076 (1) All of the statutory powers, duties and functions,
3077 records, personnel, property, and unexpended balances of
3078 appropriations, allocations, or other funds for the
3079 administration of chapter 550, Florida Statutes, are transferred
3080 intact by a type two transfer, as defined in s. 20.06(2),
3081 Florida Statutes, from the Division of Pari-mutuel Wagering of
3082 the Department of Business and Professional Regulation to the
3083 Division of Licensure of the Department of Gaming Control.

3084 (2) All of the statutory powers, duties and functions,
3085 records, personnel, property, and unexpended balances of
3086 appropriations, allocations, or other funds for the
3087 administration of chapter 551, Florida Statutes, are transferred
3088 by a type two transfer, as defined in s. 20.06(2), Florida
3089 Statutes, from the Division of Pari-mutuel Wagering of the
3090 Department of Business and Professional Regulation to the
3091 Division of Licensure of Department of Gaming Control.

3092 (3) All of the statutory powers, duties and functions,
3093 records, personnel, property, and unexpended balances of
3094 appropriations, allocations, or other funds for the
3095 administration of s. 849.086, Florida Statutes, are transferred
3096 by a type two transfer, as defined in s. 20.06(2), Florida
3097 Statutes, from the Division of Pari-mutuel Wagering of the
3098 Department of Business and Professional Regulation to the
3099 Division of Licensure of Department of Gaming Control.

3100 (4) The following trust funds are transferred from the
3101 Division of Pari-mutuel Wagering of the Department of Business
3102 and Professional Regulation to the Division of Licensure of
3103 Department of Gaming Control:

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3104 (a) Pari-mutuel Wagering Trust Fund.

3105 (b) Racing Scholarship Trust Fund.

3106 Section 45. Paragraph (f) of subsection (1), subsection
3107 (7), and paragraph (a) of subsection (13) of section 285.710,
3108 Florida Statutes, are amended to read:

3109 285.710 Compact authorization.—

3110 (1) As used in this section, the term:

3111 (f) "State compliance agency" means the Division of
3112 Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming
3113 Control ~~Business and Professional Regulation~~ which is designated
3114 as the state agency having the authority to carry out the
3115 state's oversight responsibilities under the compact.

3116 (7) The Division of Licensure ~~Pari-mutuel Wagering~~ of the
3117 Department of Gaming Control ~~Business and Professional~~
3118 ~~Regulation~~ is designated as the state compliance agency having
3119 the authority to carry out the state's oversight
3120 responsibilities under the compact authorized by this section.

3121 (13) For the purpose of satisfying the requirement in 25
3122 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized
3123 under an Indian gaming compact must be permitted in the state
3124 for any purpose by any person, organization, or entity, the
3125 following class III games or other games specified in this
3126 section are hereby authorized to be conducted by the Tribe
3127 pursuant to the compact:

3128 (a) Slot machines, as defined in s. 551.102 ~~551.102(8)~~.

3129 Section 46. Subsections (6) and (7) of section 550.002,
3130 Florida Statutes, are amended to read:

3131 550.002 Definitions.—As used in this chapter, the term:

3132 (6) "Department" means the Department of Gaming Control

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~~Business and Professional Regulation.~~

(7) "Division" means the Division of Licensure ~~Pari-mutuel Wagering~~ within the Department of Gaming Control ~~Business and Professional Regulation.~~

Section 47. Section 550.0251, Florida Statutes, is amended to read:

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

(1) The division shall make an annual report to the Governor showing its own actions, receipts derived under the provisions of this chapter, the practical effects of the application of this chapter, and any suggestions it may approve for the more effectual accomplishments of the purposes of this chapter.

(2) The division 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.

(3) The division shall adopt reasonable rules for the control, supervision, and direction of all applicants, permittees, and licensees and for the holding, conducting, and operating of all racetracks, race meets, and races held in this state. Such rules must be uniform in their application and effect, and the duty of exercising this control and power is made mandatory upon the division.

(4) The division may take testimony concerning any matter within its jurisdiction and issue summons and subpoenas for any

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witness and subpoenas duces tecum in connection with any matter within the jurisdiction of the division under its seal and signed by the director.

(5) The 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 division for a controlled substance or alcohol and may prescribe procedural matters not in conflict with s. 120.80(19) ~~120.80(4)(a)~~.

(6) In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the division may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the division. The division 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 division 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; however, this subsection shall not be construed to abrogate the common-law right of a pari-mutuel permitholder to exclude absolutely a patron in this state.

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(7) The division may oversee the making of, and distribution from, all pari-mutuel pools.

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

(9) The division may conduct investigations in enforcing this chapter, except that all information obtained pursuant to an investigation by the division for an alleged violation of this chapter or rules of the division is exempt from s. 119.07(1) and from 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 subsection does not prohibit the division from providing such information to any law enforcement agency or to any other regulatory agency. For the purposes of this subsection, 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 division 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.

(10) The division may impose an administrative fine for a

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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. All fines imposed and collected under this subsection must be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

(11) The division shall supervise and regulate the welfare of racing animals at pari-mutuel facilities.

(12) The division shall have full authority and power to make, adopt, amend, or repeal rules relating to cardroom operations, to enforce and to carry out the provisions of s. 849.086, and to regulate the authorized cardroom activities in the state.

(13) The division shall have the authority to 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. 849.086.

Section 48. Paragraph (f) of subsection (2) of section 550.09514, Florida Statutes, is amended to read:

550.09514 Greyhound dogracing taxes; purse requirements.—

(2)

(f) Each greyhound permitholder shall, during the permitholder's race meet, supply kennel operators and the Division of Licensure ~~Pari-Mutuel Wagering~~ 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

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3249 sending the simulcast or intertrack broadcasts, so that the
3250 kennel operators may determine statutory and contractual
3251 compliance.

3252 Section 49. Subsection (1) of section 550.135, Florida
3253 Statutes, is amended to read:

3254 550.135 Division of moneys derived under this law.—All
3255 moneys that are deposited with the Chief Financial Officer to
3256 the credit of the Pari-mutuel Wagering Trust Fund shall be
3257 distributed as follows:

3258 (1) The daily license fee revenues collected pursuant to s.
3259 550.0951(1) shall be used to fund the operating cost of the
3260 division and to provide a proportionate share of the operation
3261 of the office of the secretary and the Division of
3262 Administration of the department ~~of Business and Professional~~
3263 ~~Regulation~~; however, other collections in the Pari-mutuel
3264 Wagering Trust Fund may also be used to fund the operation of
3265 the division in accordance with authorized appropriations.

3266 Section 50. Subsection (4) of section 550.24055, Florida
3267 Statutes, is amended to read:

3268 550.24055 Use of controlled substances or alcohol
3269 prohibited; testing of certain occupational licensees; penalty;
3270 evidence of test or action taken and admissibility for criminal
3271 prosecution limited.—

3272 (4) The provisions of s. 120.80(19) ~~120.80(4)(a)~~ apply to
3273 all actions taken by the stewards, judges, or board of judges
3274 pursuant to this section without regard to the limitation
3275 contained therein.

3276 Section 51. Subsection (15) of section 550.2415, Florida
3277 Statutes, is amended to read:

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550.2415 Racing of animals under certain conditions prohibited; penalties; exceptions.—

(15) The division may implement by rule medication levels recommended by the University of Florida College of Veterinary Medicine developed pursuant to an agreement between the division ~~of Pari-mutuel Wagering~~ and the University of Florida College of Veterinary Medicine. The University of Florida College of Veterinary Medicine may provide written notification to the division 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 division.

Section 52. Paragraph (j) of subsection (3) of section 550.2625, Florida Statutes, is amended to read:

550.2625 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(3) Each horseracing permitholder conducting any thoroughbred race under this chapter, including any intertrack race taken pursuant to ss. 550.615-550.6305 or any interstate simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal to 0.955 percent on all pari-mutuel pools conducted during any such race for the payment of breeders', 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. 550.3551(3). On any race originating live in this state which is broadcast out-of-state to any location at which wagers are accepted pursuant to s. 550.3551(2), the host track is required to pay 3.475 percent of the gross revenue derived from such out-of-state broadcasts as

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breeders', stallion, or special racing awards. The Florida Thoroughbred Breeders' Association is authorized to receive these payments from the permitholders and make payments of awards earned. The Florida Thoroughbred Breeders' Association has the right to 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' 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 division as prescribed by the division. 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 breeders', stallion, or special racing awards in accordance with the following provisions:

(j) If the division finds that the Florida Thoroughbred Breeders' Association has not complied with any provision of this section, the division may order the association to cease and desist from receiving funds and administering funds received under this section. If the division enters such an order, the permitholder shall make the payments authorized in this section to the division for deposit into the Pari-mutuel Wagering Trust Fund; and any funds in the Florida Thoroughbred Breeders' Association account shall be immediately paid to the division ~~of~~ ~~Pari-mutuel Wagering~~ for deposit to the Pari-mutuel Wagering Trust Fund. The division shall authorize payment from these funds to any breeder or stallion owner entitled to an award that

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has not been previously paid by the Florida Thoroughbred Breeders' Association in accordance with the applicable rate.

Section 53. Subsection (1) of section 550.2704, Florida Statutes, is amended to read:

550.2704 Jai Alai Tournament of Champions Meet.—

(1) Notwithstanding any provision of this chapter, there is hereby created a special jai alai meet which shall be designated as the "Jai Alai Tournament of Champions Meet" and which shall be hosted by the 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 to be conducted on different days. Upon the selection of the Florida permitholders for the meet, and upon application by the selected permitholders, the division of ~~Pari-mutuel Wagering~~ 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 herein to the contrary, any Florida permitholder who is to conduct a performance which is a part of the Jai Alai Tournament of Champions Meet shall not be required to apply for the license for said meet if it is to be run during the regular season for which such permitholder has a license.

Section 54. Subsection (3) of section 550.902, Florida Statutes, is amended to read:

550.902 Purposes.—The purposes of this compact are to:

(3) Authorize the department of ~~Business and Professional Regulation~~ to participate in this compact.

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Section 55. Subsection (1) of section 550.907, Florida Statutes, is amended to read:

550.907 Compact committee.—

(1) There is created an interstate governmental entity to be known as the "compact committee," which shall be composed of one official from the racing commission, or the equivalent thereof, in each party state who shall be appointed, serve, and be subject to removal in accordance with the laws of the party state that she or he represents. The official from Florida shall be appointed by the State Gaming Commission ~~Secretary of Business and Professional Regulation~~. Pursuant to the laws of her or his party state, each official shall have the assistance of her or his state's racing commission, or the equivalent thereof, in considering issues related to licensing of participants in pari-mutuel wagering and in fulfilling her or his responsibilities as the representative from her or his state to the compact committee.

Section 56. Section 551.101, Florida Statutes, is amended to read:

551.101 Slot machine gaming authorized.—Any licensed pari-mutuel facility 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 may possess slot machines and conduct slot machine gaming at 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

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3394 respective county. Notwithstanding any other provision of law,
3395 it is not a crime for a person to participate in slot machine
3396 gaming at a pari-mutuel facility licensed to possess slot
3397 machines and conduct slot machine gaming or to participate in
3398 slot machine gaming described in this part ~~chapter~~.

3399 Section 57. Section 551.102, Florida Statutes, is amended
3400 to read:

3401 551.102 Definitions.—As used in this part ~~chapter~~, the
3402 term:

3403 (1) "Distributor" means any person who sells, leases, or
3404 offers or otherwise provides, distributes, or services any slot
3405 machine or associated equipment for use or play of slot machines
3406 in this state. A manufacturer may be a distributor within the
3407 state.

3408 (2) "Designated slot machine gaming area" means the area or
3409 areas of a facility of a slot machine licensee in which slot
3410 machine gaming may be conducted in accordance with the
3411 provisions of this part ~~chapter~~.

3412 ~~(3) "Division" means the Division of Pari-mutuel Wagering~~
3413 ~~of the Department of Business and Professional Regulation.~~

3414 (3) ~~(4)~~ "Eligible facility" means any licensed pari-mutuel
3415 facility located in Miami-Dade County or Broward County existing
3416 at the time of adoption of s. 23, Art. X of the State
3417 Constitution that has conducted live racing or games during
3418 calendar years 2002 and 2003 and has been approved by a majority
3419 of voters in a countywide referendum to have slot machines at
3420 such facility in the respective county; any licensed pari-mutuel
3421 facility located within a county as defined in s. 125.011,
3422 provided such facility has conducted live racing or games for 2

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consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of this part ~~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 licensed fee, and meets the other requirements of this part ~~chapter~~.

(4)~~(5)~~ "Manufacturer" means any person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, or otherwise makes modifications to 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, kiosk, or the slot machine licensee and that are provided free of charge to patrons. Such credits do not constitute "nonredeemable credits" 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.

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3452 (7)~~(8)~~ "Slot machine" means any mechanical or electrical
3453 contrivance, terminal that may or may not be capable of
3454 downloading slot games from a central server system, machine, or
3455 other device that, upon insertion of a coin, bill, ticket,
3456 token, or similar object or upon payment of any consideration
3457 whatsoever, including the use of any electronic payment system
3458 except a credit card or debit card, is available to play or
3459 operate, the play or operation of which, whether by reason of
3460 skill or application of the element of chance or both, may
3461 deliver or entitle the person or persons playing or operating
3462 the contrivance, terminal, machine, or other device to receive
3463 cash, billets, tickets, tokens, or electronic credits to be
3464 exchanged for cash or to receive merchandise or anything of
3465 value whatsoever, whether the payoff is made automatically from
3466 the machine or manually. The term includes associated equipment
3467 necessary to conduct the operation of the contrivance, terminal,
3468 machine, or other device. Slot machines may use spinning reels,
3469 video displays, or both. A slot machine is not a "coin-operated
3470 amusement machine" as defined in s. 212.02(24) or an amusement
3471 game or machine as described in s. 849.161, and slot machines
3472 are not subject to the tax imposed by s. 212.05(1)(h).

3473 (8)~~(9)~~ "Slot machine facility" means a facility at which
3474 slot machines as defined in this part ~~chapter~~ are lawfully
3475 offered for play.

3476 (9)~~(10)~~ "Slot machine license" means a license issued by
3477 the division authorizing a pari-mutuel permitholder to place and
3478 operate slot machines as provided by s. 23, Art. X of the State
3479 Constitution, the provisions of this part ~~chapter~~, and division
3480 rules.

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3481 (10)~~(11)~~ "Slot machine licensee" means a pari-mutuel
3482 permitholder who holds a license issued by the division pursuant
3483 to this part ~~chapter~~ that authorizes such person to possess a
3484 slot machine within facilities specified in s. 23, Art. X of the
3485 State Constitution and allows slot machine gaming.

3486 (11)~~(12)~~ "Slot machine operator" means a person employed or
3487 contracted by the owner of a licensed facility to conduct slot
3488 machine gaming at that licensed facility.

3489 (12)~~(13)~~ "Slot machine revenues" means the total of all
3490 cash and property, except nonredeemable credits, received by the
3491 slot machine licensee from the operation of slot machines less
3492 the amount of cash, cash equivalents, credits, and prizes paid
3493 to winners of slot machine gaming.

3494 Section 58. Subsections (1), (2), and (3) and paragraph (b)
3495 of subsection (4) of section 551.103, Florida Statutes, are
3496 amended to read:

3497 551.103 Powers and duties of the division and law
3498 enforcement.—

3499 (1) The division shall adopt, pursuant to the provisions of
3500 ss. 120.536(1) and 120.54, all rules necessary to implement,
3501 administer, and regulate slot machine gaming as authorized in
3502 this part ~~chapter~~. Such rules must include:

3503 (a) Procedures for applying for a slot machine license and
3504 renewal of a slot machine license.

3505 (b) Technical requirements and the qualifications contained
3506 in this part ~~chapter~~ that are necessary to receive a slot
3507 machine license or slot machine occupational license.

3508 (c) Procedures to scientifically test and technically
3509 evaluate slot machines for compliance with this part ~~chapter~~.

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3510 The division may contract with an independent testing laboratory
3511 to conduct any necessary testing under this section. The
3512 independent testing laboratory must have a national reputation
3513 which is demonstrably competent and qualified to scientifically
3514 test and evaluate slot machines for compliance with this part
3515 ~~chapter~~ and to otherwise perform the functions assigned to it in
3516 this part ~~chapter~~. An independent testing laboratory shall not
3517 be owned or controlled by a licensee. The use of an independent
3518 testing laboratory for any purpose related to the conduct of
3519 slot machine gaming by a licensee under this part ~~chapter~~ shall
3520 be made from a list of one or more laboratories approved by the
3521 division.

3522 (d) Procedures relating to slot machine revenues, including
3523 verifying and accounting for such revenues, auditing, and
3524 collecting taxes and fees consistent with this part ~~chapter~~.

3525 (e) Procedures for regulating, managing, and auditing the
3526 operation, financial data, and program information relating to
3527 slot machine gaming that allow the division and the Department
3528 of Law Enforcement to audit the operation, financial data, and
3529 program information of a slot machine licensee, as required by
3530 the division or the Department of Law Enforcement, and provide
3531 the division and the Department of Law Enforcement with the
3532 ability to monitor, at any time on a real-time basis, wagering
3533 patterns, payouts, tax collection, and compliance with any rules
3534 adopted by the division for the regulation and control of slot
3535 machines operated under this part ~~chapter~~. Such continuous and
3536 complete access, at any time on a real-time basis, shall include
3537 the ability of either the division or the Department of Law
3538 Enforcement to suspend play immediately on particular slot

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3539 machines if monitoring of the facilities-based computer system
3540 indicates possible tampering or manipulation of those slot
3541 machines or the ability to suspend play immediately of the
3542 entire operation if the tampering or manipulation is of the
3543 computer system itself. The division shall notify the Department
3544 of Law Enforcement or the Department of Law Enforcement shall
3545 notify the division, as appropriate, whenever there is a
3546 suspension of play under this paragraph. The division and the
3547 Department of Law Enforcement shall exchange such information
3548 necessary for and cooperate in the investigation of the
3549 circumstances requiring suspension of play under this paragraph.

3550 (f) Procedures for requiring each licensee at his or her
3551 own cost and expense to supply the division with a bond having
3552 the penal sum of \$2 million payable to the Governor and his or
3553 her successors in office for each year of the licensee's slot
3554 machine operations. Any bond shall be issued by a surety or
3555 sureties approved by the division and the Chief Financial
3556 Officer, conditioned to faithfully make the payments to the
3557 Chief Financial Officer in his or her capacity as treasurer of
3558 the division. The licensee shall be required to keep its books
3559 and records and make reports as provided in this part ~~chapter~~
3560 and to conduct its slot machine operations in conformity with
3561 this part ~~chapter~~ and all other provisions of law. Such bond
3562 shall be separate and distinct from the bond required in s.
3563 550.125.

3564 (g) Procedures for requiring licensees to maintain
3565 specified records and submit any data, information, record, or
3566 report, including financial and income records, required by this
3567 part ~~chapter~~ or determined by the division to be necessary to

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the proper implementation and enforcement of this part ~~chapter~~.

(h) A requirement that the payout percentage of a slot machine be 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 division shall conduct such investigations necessary to fulfill its responsibilities under the provisions of this part ~~chapter~~.

(3) The Department of Law Enforcement and local law enforcement agencies shall have concurrent jurisdiction to investigate criminal violations of this part ~~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)

(b) In addition, the 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 part ~~chapter~~ or rule adopted pursuant thereto.

Section 59. Subsection (1), paragraph (a) of subsection (4), subsections (6) and (8), and paragraph (d) of subsection (10) of section 551.104, Florida Statutes, are amended to read:
551.104 License to conduct slot machine gaming.—

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(1) Upon application and a finding by the division after investigation that the application is complete and the applicant is qualified and payment of the initial license fee, the 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 part ~~chapter~~ and rules adopted pursuant thereto.

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

(a) Continue to be in compliance with this part ~~chapter~~.

(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 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 ~~chapter~~. All records shall be available for audit and inspection by the division, the Department of Law Enforcement, or other law enforcement agencies during the licensee's regular business hours.

(8) A slot machine licensee shall file with the 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 part ~~chapter~~ and the associated rules adopted under this part ~~chapter~~. The audit must include verification of compliance with all statutes and rules regarding all required records of slot machine operations. Such audit shall be filed within 60

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3626 days after the completion of the permitholder's pari-mutuel
3627 meet.

3628 (10)

3629 (d) If any provision of this subsection or its application
3630 to any person or circumstance is held invalid, the invalidity
3631 does not affect other provisions or applications of this
3632 subsection or part ~~chapter~~ which can be given effect without the
3633 invalid provision or application, and to this end the provisions
3634 of this subsection are severable.

3635 Section 60. Paragraph (a) of subsection (1) and subsection
3636 (4) of section 551.106, Florida Statutes, are amended to read:

3637 551.106 License fee; tax rate; penalties.—

3638 (1) LICENSE FEE.—

3639 (a) Upon submission of the initial application for a slot
3640 machine license and annually thereafter, on the anniversary date
3641 of the issuance of the initial license, the licensee must pay to
3642 the division a nonrefundable license fee of \$3 million for the
3643 succeeding 12 months of licensure. In the 2010-2011 fiscal year,
3644 the licensee must pay the division a nonrefundable license fee
3645 of \$2.5 million for the succeeding 12 months of licensure. In
3646 the 2011-2012 fiscal year and for every fiscal year thereafter,
3647 the licensee must pay the division a nonrefundable license fee
3648 of \$2 million for the succeeding 12 months of licensure. The
3649 license fee shall be deposited into the Pari-mutuel Wagering
3650 Trust Fund ~~of the Department of Business and Professional~~
3651 ~~Regulation~~ to be used by the division and the Department of Law
3652 Enforcement for investigations, regulation of slot machine
3653 gaming, and enforcement of slot machine gaming provisions under
3654 this part ~~chapter~~. These payments shall be accounted for

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separately from taxes or fees paid pursuant to the provisions of chapter 550.

(4) 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 Pari-mutuel Wagering Trust Fund ~~of the Department of Business and Professional Regulation~~. If any slot machine licensee fails to pay penalties imposed by order of the division under this subsection, the division may suspend, revoke, or refuse to renew the license of the slot machine licensee.

Section 61. Subsection (1), paragraph (d) of subsection (4), paragraph (a) of subsection (6), and subsection (11) of section 551.107, Florida Statutes, are amended to read:

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 part ~~chapter~~ of fingerprints for a criminal history record check.

(4)

(d) The slot machine occupational license fee for initial application and annual renewal shall be determined by rule of the 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

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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 division against the slot machine licensee, but it is not a violation of this part ~~chapter~~ or rules of the division by the general occupational licensee and does not prohibit the initial issuance or the renewal of the general occupational license.

(6) (a) The division may deny, suspend, revoke, or refuse to renew any slot machine occupational license if the applicant for such license or the licensee has violated the provisions of this part ~~chapter~~ or the rules of the 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 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 has had a gaming license revoked by this state or any other jurisdiction for any gaming-related offense.

(11) The division may impose a civil fine of up to \$5,000 for each violation of this part ~~chapter~~ or the rules of the division in addition to or in lieu of any other penalty provided for in this section. The division may adopt a penalty schedule for violations of this part ~~chapter~~ or any rule adopted pursuant

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to this part ~~chapter~~ for which it would impose a fine in lieu of a suspension and 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 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, any person whose occupational license application has been declared ineligible to hold an occupational license or whose occupational license has been suspended or revoked by the division.

Section 62. Subsection (2) of section 551.108, Florida Statutes, is amended to read:

551.108 Prohibited relationships.—

(2) A manufacturer or distributor of slot machines may not enter into any contract with a slot machine licensee 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. Any maneuver, shift, or device whereby this subsection is violated is a violation of this part ~~chapter~~ and renders any such agreement void.

Section 63. Subsections (1), (2), and (7) of section 551.109, Florida Statutes, are amended to read:

551.109 Prohibited acts; penalties.—

(1) Except as otherwise provided by law and in addition to any other penalty, any person who knowingly makes or causes to be made, or aids, assists, or procures another to make, a false statement in any report, disclosure, application, or any other document required under this part ~~chapter~~ or any rule adopted under this part ~~chapter~~ is subject to an administrative fine or

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civil penalty of up to \$10,000.

(2) Except as otherwise provided by law and in addition to any other penalty, any person who possesses a slot machine without the license required by this part ~~chapter~~ or who possesses a slot machine at 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 division who are authorized to maintain a slot machine storage and maintenance facility at any location in a county in which slot machine gaming is authorized by this part ~~chapter~~. The division may adopt rules regarding security and access to the storage facility and inspections by the 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 division and the Department of Law Enforcement may possess slot machines for training and testing purposes. The division may adopt rules regarding the regulation of any such slot machines used for educational, training, or testing purposes.

(7) All penalties imposed and collected under this section must be deposited into the Pari-mutuel Wagering Trust Fund ~~of the Department of Business and Professional Regulation~~.

Section 64. Section 551.111, Florida Statutes, is amended to read:

551.111 Legal devices.—Notwithstanding any provision of law

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to the contrary, a slot machine manufactured, sold, distributed, possessed, or operated according to the provisions of this part ~~chapter~~ is not unlawful.

Section 65. 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 any facility of a slot machine licensee in this state, the division may exclude any person from 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 part ~~chapter~~ or the rules of the division. The division may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from 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 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 66. Section 551.117, Florida Statutes, is amended to read:

551.117 Penalties.—The division may revoke or suspend any slot machine license issued under this part ~~chapter~~ upon the willful violation by the slot machine licensee of any provision of this part ~~chapter~~ or of any rule adopted under this part ~~chapter~~. In lieu of suspending or revoking a slot machine license, the division may impose a civil penalty against the slot machine licensee for a violation of this part ~~chapter~~ or

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any rule adopted by the division. Except as otherwise provided in this part ~~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 Pari-mutuel Wagering Trust Fund ~~of the Department of Business and Professional Regulation.~~

Section 67. 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 part ~~chapter~~.

Section 68. Section 551.122, Florida Statutes, is amended to read:

551.122 Rulemaking.—The division may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of this part ~~chapter~~.

Section 69. 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 division ~~of Pari-mutuel Wagering~~ and other authorized state agencies 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 division.

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Section 70. Subsection (5) of section 565.02, Florida Statutes, is amended to read:

565.02 License fees; vendors; clubs; caterers; and others.—

(5) A caterer at a horse or dog racetrack or jai alai fronton may obtain a license upon the payment of an annual state license tax of \$675. Such caterer's license shall permit sales only within the enclosure in which such races or jai alai games are conducted, and such licensee shall be permitted to sell only during the period beginning 10 days before and ending 10 days after racing or jai alai under the authority of the Division of Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming Control ~~Business and Professional Regulation~~ is conducted at such racetrack or jai alai fronton. Except as in this subsection otherwise provided, caterers licensed hereunder shall be treated as vendors licensed to sell by the drink the beverages mentioned herein and shall be subject to all the provisions hereof relating to such vendors.

Section 71. Section 817.37, Florida Statutes, is amended to read:

817.37 Touting; defining; providing punishment; ejection from racetracks.—

(1) Any person who knowingly and designedly by false representation attempts to, or does persuade, procure or cause another person to wager on a horse in a race to be run in this state or elsewhere, and upon which money is wagered in this state, and who asks or demands compensation as a reward for information or purported information given in such case is a tout, and is guilty of touting.

(2) Any person who is a tout, or who attempts or conspires

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to commit touting, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person who in the commission of touting falsely uses the name of any official of the ~~Florida~~ Division of Licensure of the Department of Gaming Control ~~Pari-mutuel Wagering~~, its inspectors or attaches, or of any official of any racetrack association, or the names of any owner, trainer, jockey, or other person licensed by the ~~Florida~~ Division of Licensure of the Department of Gaming Control ~~Pari-mutuel Wagering~~, as the source of any information or purported information shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any person who has been convicted of touting by any court, and the record of whose conviction on such charge is on file in the office of the ~~Florida~~ Division of Licensure of the Department of Gaming Control ~~Pari-mutuel Wagering~~, any court of this state, or of the Federal Bureau of Investigation, or any person who has been ejected from any racetrack of this or any other state for touting or practices inimical to the public interest shall be excluded from all racetracks in this state and if such person returns to a racetrack he or she shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any such person who refuses to leave such track when ordered to do so by inspectors of the ~~Florida~~ Division of Licensure of the Department of Gaming Control ~~Pari-mutuel Wagering~~ or by any peace officer, or by an accredited attaché ~~attache~~ of a racetrack or association shall be guilty of a separate offense which shall be a misdemeanor of the second

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degree, punishable as provided in s. 775.083.

Section 72. Paragraph (g) of subsection (2) and subsections (4) and (16) of section 849.086, Florida Statutes, are amended to read:

849.086 Cardrooms authorized.—

(2) DEFINITIONS.—As used in this section:

(g) "Division" means the Division of Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming Control ~~Business and Professional Regulation~~.

(4) AUTHORITY OF DIVISION.—The division ~~of Pari-mutuel Wagering of the Department of Business and Professional Regulation~~ shall administer this section and 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: the issuance of cardroom and employee licenses for cardroom operations; the operation of a cardroom; recordkeeping and reporting requirements; and the collection of all fees and taxes imposed by this section.

(b) Conduct investigations and monitor the operation of cardrooms and the playing of authorized games therein.

(c) Review the books, accounts, and records of any current or former cardroom operator.

(d) Suspend or revoke any license or permit, after hearing, for any violation of the provisions of this section or the administrative rules adopted pursuant thereto.

(e) Take testimony, issue summons and subpoenas for any witness, and issue subpoenas duces tecum in connection with any matter within its jurisdiction.

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(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. To that end, a roaming division auditor will monitor and verify the cash flow and accounting of cardroom revenue for any given operating day.

(16) LOCAL GOVERNMENT APPROVAL.—The division ~~may of Pari-mutuel Wagering shall~~ not issue any initial license under this section except upon proof in such form as the division may prescribe 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.

Section 73. 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 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 made pursuant thereto do not apply to television or radio broadcasting companies licensed by the Federal Communications Commission.

Section 74. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act

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3945 which can be given effect without the invalid provision or
3946 application, and to this end the provisions of this act are
3947 severable.

3948 Section 75. Except as otherwise expressly provided in this
3949 act, this act shall take effect July 1, 2012.

The Florida Senate **COMMITTEE VOTE RECORD**

COMMITTEE: Regulated Industries
ITEM: SB 710
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, January 9, 2012
TIME: 3:15 —5:15 p.m.
PLACE: 110 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order

The Florida Senate **COMMITTEE VOTE RECORD**

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	1/09/2012 3:15PM	12	1/09/2012 3:15PM	13	1/09/2012 3:15PM	14	1/09/2012 3:15PM	15
	Amendment 335876		Amendment 443524		Amendment 252452		Amendment 257912	
	Dean		Dean		Dean		Dean	
SENATORS	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
Altman								
Bogdanoff								
Braynon								
Dean								
Diaz de la Portilla								
Rich								
Siplin								
Thrasher								
Sachs, VICE CHAIR								
Jones, CHAIR								
TOTALS	RCS Yea	- Nay	RCS Yea	- Nay	RCS Yea	- Nay	RCS Yea	- Nay

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S0710

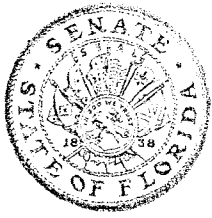
GENERAL BILL by Bogdanoff; (Link S 0712, S 0714, Identical H 0487, Compare H 0489, H 0491)

Gaming. EFFECTIVE DATE: July 1, 2012, except as otherwise provided.

12/21/11 S On Committee agenda-- Regulated Industries, 01/09/12, 3:15 pm, 110 Senate Office Building

01/09/12 S CS by Regulated Industries; YEAS 7 NAYS 3

01/10/12 S Introduced



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Budget - Subcommittee on Finance and Tax,
Chair
Budget
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Communications, Energy, and Public Utilities
Education Pre-K - 12
Governmental Oversight and Accountability
Regulated Industries

JOINT COMMITTEE:

Administrative Procedures, *Alternating Chair*

SENATOR ELLYN SETNOR BOGDANOFF

25th District

October 19, 2011

Senator Dennis Jones, Chair
Senate Regulated Industries Committee
330 Knott Building
Tallahassee, FL 32399

Re: SB 386, Relating to Mobile Home Park Tenancies
SB 680, Relating to Residential Properties
SB 710, Relating to Gaming
SB 712, Relating to Destination Resort Trust Fund
SB 714, Relating to Public Records/State Gaming Commission

Chair Jones:

I am writing to request that you place the following bills on the agenda of your Regulated Industries Committee at your earliest convenience:

SB 386, Relating to Mobile Home Park Tenancies
SB 680, Relating to Residential Properties
SB 710, Relating to Gaming
SB 712, Relating to Destination Resort Trust Fund
SB 714, Relating to Public Records/State Gaming Commission

Feel free to contact me with any questions or concerns about this legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ellyn".

Senator Ellyn Setnor Bogdanoff
Florida Senate - District 25

cc: Patrick L. "Booter" Imhof, Staff Director

REPLY TO:

- ☐ 312 Clematis Street, Suite 403, West Palm Beach, FL 33401 (561) 650-6833
- ☐ 1845 Cordova Road, Suite 202, Fort Lauderdale, Florida 33316 (954) 467-4205
- ☐ 212 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5100

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/9/11

Meeting Date

Topic Gaming

Bill Number 710
(if applicable)

Name Nick Tarossi

Amendment Barcode _____
(if applicable)

Job Title _____

Address 101 E. College Avenue ste 303
Street
Tallahassee FL 32311
City State Zip

Phone 850 445-7255

E-mail _____

Speaking: ☒ For ☐ Against ☐ Information

Representing Las Vegas Sands

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/9/2012

Meeting Date

Topic SB 710 (specific to electronic game promotions/sweepstakes)

Bill Number SB 710 ~~DELETE EVERYTHING AMENDMENT~~
(if applicable)

Name LAURIE LEE

Amendment Barcode _____
(if applicable)

Job Title ATTORNEY

Address 1200 RIVERPLACE BLVD #902
Street

Phone 904-396-5500

JACKSONVILLE, FL 32207
City State Zip

E-mail LLee@mathislaw.net

Speaking: ☒ For ☐ Against ☐ Information

Representing INTERNATIONAL INTERNET TECHNOLOGIES (IIT)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/9/12
Meeting Date

Topic DESTINATION RESORTS

Bill Number 710
(if applicable)

Name PETER M. DYGA

Amendment Barcode _____
(if applicable)

Job Title PRESIDENT & CEO

Address #200, 3730 Coconut Creek Phone 954 520 3764
Street

Coconut Creek 33066 E-mail pdyga@abceastflorid
City State Zip com

Speaking: ☒ For ☐ Against ☐ Information

Representing ASSOCIATED BUILDERS & CONTRACTORS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/9/12

Meeting Date

Topic Gaming

Name WILBUR BREWSTER

Job Title _____

Address 225 S. ADAMS #250

TALLAHASSEE FL 32302
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

Representing CALDER RACE COURSE

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

Bill Number 710
(if applicable)

Amendment Barcode ~~566762~~
914 244
335876
(if applicable)

Phone 850-222-7718

E-mail Wbrewster@bpbentfun.net

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/9/2012

Meeting Date

Topic _____

Bill Number 710
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727/897-9291

Street

SAINT PETERSBURG

FLORIDA

33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☒ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/9/12

Meeting Date

Topic Gaming Control

Bill Number SB 910
(if applicable)

Name Ben F. Johnson

Amendment Barcode 566168
(if applicable)

Job Title Sheriff - Volusia County

Address P.O. Box 569

Phone 386-254-4697

Street

Deland, Fla. 32720

City

State

Zip

E-mail bjohnson@VCSO.US

Speaking: ☐ For ☒ Against ☐ Information

Representing Fla. Sheriffs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/09/12

Meeting Date

Topic Gaming Control

Bill Number 710
(if applicable)

Name Randy Brown

Amendment Barcode 566168
(if applicable)

Job Title Captain

Address 1293 Jackson Ave.
Street

Phone 850-638-6069

Chipley, FL 32428
City State Zip

E-mail Randall.brown@wcsn.us

Speaking: ☐ For ☒ Against ☐ Information

Representing Washington County Sheriff's Office

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-9-12

Meeting Date

Topic _____

Bill Number 710
(if applicable)

Name Lance Lozano

Amendment Barcode _____
(if applicable)

Job Title Chief Operating Officer

Address 116 South Monroe Street
Street
Tallahassee FL 32301
City State Zip

Phone 850-681-6265

E-mail llozano@fuba.org

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida United Businesses Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-9-2012
Meeting Date

Topic "Destination Casinos"

Bill Number 710
(if applicable)

Name John Sawinski

Amendment Barcode _____
(if applicable)

Job Title President

Address 201 S. Orange Ave #150
Street
Orlando FL 32801
City State Zip

Phone 407-608-5930

E-mail info@nocasinos.org

Speaking: ☐ For ☒ Against ☒ Information

Representing No Casinos

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-9-12
Meeting Date

Topic DESTINATION CASINOS

Bill Number SB 710
(if applicable)

Name MARK ANDREWS

Amendment Barcode _____
(if applicable)

Job Title _____

Address 3869 W. GOLF
Street
SANIBEL, FL
City State Zip

Phone 636 399 4421

E-mail MARK@MPANDREWS.US

Speaking: ☐ For ☒ Against ☐ Information

Representing CASINO WATCH

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/9/12

Meeting Date

Topic Gaming

Bill Number 710
(if applicable)

Name Bill Herrle

Amendment Barcode _____
(if applicable)

Job Title Exec. Director

Address 110 E Jeff.

Phone 681 0416

Street

Tallah

E-mail bill.herrle@fsb.org

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

Representing National Federation of Independent Business

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/9/12

Meeting Date

Topic Destination Resorts

Bill Number S.710
(if applicable)

Name Brewster Bevis

Amendment Barcode _____
(if applicable)

Job Title VP - External Relations

Address 516 W. Adams St.
Street
Tallahassee FL 32301
City State Zip

Phone 224-7173

E-mail bbevis@aif.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/4/12
Meeting Date

Topic Veterans

Bill Number 710
(if applicable)

Name DANIEL P. DUFFY

Amendment Barcode _____
(if applicable)

Job Title NEW STATE COMMANDER

Address 9140C SW 23RD ST.
Street

Phone _____

DAVIE FL 33324
City State Zip

E-mail _____

Speaking: ☒ For ☐ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic SB Destination Casinos Bill Number 710
Name Pam Olsen Amendment Barcode _____
Job Title Director (if applicable)
Address 2820 Sharer Rd. Phone 850-339-6190
Street Tully FL 32310 E-mail pamolsen33@gmail.com
City Tully FL 32310
Speaking: ☐ For ☒ Against ☐ Information
Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

1-9-12

Date

710

Bill Number

Name BILL BUNKLEY

Phone 813-264-2977

Address PO BOX 340288

E-mail

Street

TAMPA FL 33694

Job Title

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

Appearing at request of Chair ☐

Subject SB 710 DESTINATION RESORTS INC.

Representing FLORIDA ETHICS AND RELIGIOUS LIBERTY COMMISSION, ~~ETC.~~

Lobbyist registered with Legislature: ☒ Yes ☐ No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/9/12
Meeting Date

Topic LUPFER

Bill Number 710
(if applicable)

Name BILL LUPFER

Amendment Barcode _____
(if applicable)

Job Title _____

Address 1114 N. GARDEN ST.
Street
TALLAHASSEE FL 32303
City State Zip

Phone 850 222-2885

E-mail LUPFER@FLORIDA
ATTRACTIONS.
ORG

Speaking: ☐ For ☒ Against ☐ Information

Representing FLORIDA ATTRACTIONS ASSOCIATION

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/09/12

Meeting Date

Topic Gaming-Resorts

Bill Number SB 710
(if applicable)

Name Richard Skeen

Amendment Barcode _____
(if applicable)

Job Title Unemployed

Address 6465 US HWY 1 (Po Box 394)

Phone 321-⁷⁴⁵~~754~~-7534

Street

Grant

City

FL

State

32949

Zip

E-mail rick.skeen@aol.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Regulated Industries Committee

BILL: SB 712

INTRODUCER: Senator Bogdanoff

SUBJECT: Destination Resort Trust Fund/Department of Gaming Control

DATE: January 9, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harrington	Imhof	RI	Favorable
2.			BC	
3.			RC	
4.				
5.				
6.				

I. Summary:

A trust fund consists of moneys received by the state, which under law or under trust agreement, are segregated for a purpose authorized by law.¹

This bill creates the Destination Resort Trust Fund within the Department of Gaming Control to hold the deposits of licensing fees and the proceeds of gross receipts taxes imposed on destination resorts, which are authorized in the linked bill, SB 710.

The deposited funds may be expended only pursuant to legislative appropriation or an approved amendment to the State Gaming Commission's operating budget, pursuant to ch. 216, F.S.

In accordance with the state constitution, the trust fund will be terminated on July 1, 2016, unless terminated sooner by the Legislature. The trust fund must be reviewed prior to its scheduled termination according to statutory requirements.

Passage of SB 712 requires a three-fifths vote of each chamber, pursuant to s. 19(f)(1), Art. III of the Florida Constitution.

This bill creates section 551.317, Florida Statutes.

¹ Section 215.32(2)(b)1., F.S.

II. Present Situation:

Constitutional and statutory requirements for trust funds

A trust fund consists of moneys received by the state, which under law or under trust agreement, are segregated for a purpose authorized by law. Section 19(f), Art. III, of the Florida Constitution governs the creation of trust funds. This constitutional provision prohibits the creation by law of a trust fund of the state or other public body without a three-fifths vote of the membership of each house of the Legislature. This provision further specifies that a trust fund must be created in a separate bill for that purpose only.

In addition, the Legislature has established criteria governing the establishment of trust funds. Under these criteria, a law creating a trust fund must, at a minimum, specify:

- The name of the trust fund;
- The agency or branch of state government responsible for administering the trust fund;
- The requirements or purposes that the trust fund is established to meet; and
- The sources of moneys to be credited to the trust fund or specific sources of receipts to be deposited in the trust fund.²

The Chief Financial Officer is directed to invest all trust funds and all agency funds of each state agency.³ Under current law, any balance of an appropriation for any given fiscal year that is remaining after lawful expenditures have been charged against it reverts to the fund from which the Legislature appropriated it and shall be available for re-appropriation by the Legislature.⁴ Any reversion of appropriations provided from the General Revenue Fund must be transferred to the General Revenue Fund within 15 days after the reversion, unless otherwise provided by federal or state law, including the General Appropriations Act.⁵

State trust funds terminate no more than 4 years after the effective date of the act that created them, unless they are re-created by the Legislature with a three-fifths vote of the Senate and the House of Representatives.

State Gaming Commission

SB 710, the linked companion to SB 712, creates the Department of Gaming Control (department). The head of the department is the State Gaming Commission (commission). The commission is authorized to license up to three “destination resorts” and to regulate those facilities, along with other gaming activities that occur throughout the state, including pari-mutuel wagering activities. Among its powers and duties, the commission will have the authority to accept and review applications for destination resorts; license a total of three destination resorts; inspect the resorts’ premises and gaming machines; and conduct investigations and issue subpoenas, as necessary, to gather information essential to licensing and regulating the destination resorts.

² Section 215.3207, F.S.

³ Section 17.61(1), F.S.

⁴ Section 216.301(1)(b), F.S.

⁵ Section 216.301(1)(d), F.S.

A destination resort is defined in the companion bill as a multi-use, free-standing, land-based structure in which limited gaming may be conducted, and may include a combination of tourism amenities, such as hotels, restaurants, attractions, shopping centers, and convention centers. The types of gaming that may be offered at destination resorts include baccarat, roulette, poker and other card games, craps, slot machines, and video gaming.

The initial application fee is \$50 million, and licensed destination resorts must pay an annual \$2 million renewal fee. Destination resorts must invest a minimum \$2 billion in new development and construction for the resort, excluding the purchase price and costs associated with the acquisition of any real property. In addition, destination resorts must pay a 10 percent tax on its gross receipts from all gaming activities.

III. Effect of Proposed Changes:

Section 1 creates s. 551.317, F.S., and establishes the Destination Resort Trust Fund. Deposited in the trust fund will be the license fees for the resorts and gross receipts taxes collected from the licensed resorts.

The deposited funds may be expended only pursuant to legislative appropriation or an approved amendment to the Destination Resort Commission's operating budget, pursuant to ch. 216, F.S.

In accordance with the state constitution, the trust fund will be terminated on July 1, 2016, unless terminated sooner by the Legislature. The trust fund must be reviewed prior to its scheduled termination according to statutory requirements in ss. 215.3206(1) and (2), F.S.

Section 2 provides that the act shall take effect on the same date that SB 710 or similar legislation takes effect, if such legislation is enacted in the same legislative session, or an extension thereof, and becomes law, and only if this act is enacted by a three-fifths vote of the membership of each house of the Legislature.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

In accordance with s. 19(f)(2), Art. III of the Florida Constitution, the Destination Resort Trust Fund shall be terminated on July 1, 2016. Before its scheduled termination, the fund shall be reviewed in accordance with ss. 215.3206(1) and (2), F.S.

In addition, s. 19(f)(1), Art. III of the Florida Constitution provides that "[n]o trust fund of the State of Florida or other public body may be created or re-created by law without a

three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.”

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Bogdanoff

25-00490A-12

2012712__

A bill to be entitled
An act relating to trust funds; creating s. 551.317,
F.S.; creating the Destination Resort Trust Fund
within the Department of Gaming Control; providing for
the purpose of the trust fund; providing for future
review and termination or re-creation of the trust
fund; providing a contingent effective date.

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

Section 1. Section 551.317, Florida Statutes, is created to
read:

551.317 Destination Resort Trust Fund.—

(1) The Destination Resort Trust Fund is created within the
Department of Gaming Control.

(2) The trust fund is established for the deposit of
licensing fees of destination resorts and the proceeds of gross
receipts taxes imposed on destination resorts. Funds may be
expended only pursuant to legislative appropriation or an
approved amendment to the Department of Gaming Control's
operating budget pursuant to chapter 216, Florida Statutes.

(3) In accordance with s. 19(f)(2), Art. III of the State
Constitution, the trust fund shall, unless terminated sooner, be
terminated on July 1, 2016. Before its scheduled termination,
the trust fund shall be reviewed as provided in s. 215.3206(1)
and (2).

Section 2. This act shall take effect on the same date that
SB 710 or similar legislation takes effect, if such legislation
is enacted in the same legislative session, or an extension

25-00490A-12

2012712__

30 thereof, and becomes law, and only if this act is enacted by a
31 three-fifths vote of the membership of each house of the
32 Legislature.

The Florida Senate **COMMITTEE VOTE RECORD**

COMMITTEE: Regulated Industries
ITEM: SB 712
FINAL ACTION: Favorable
MEETING DATE: Monday, January 9, 2012
TIME: 3:15 —5:15 p.m.
PLACE: 110 Senate Office Building

FINAL VOTE								
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
	X	Altman						
X		Bogdanoff						
X		Braynon						
X		Dean						
X		Diaz de la Portilla						
X		Rich						
		Siplin						
	X	Thrasher						
X		Sachs, VICE CHAIR						
X		Jones, CHAIR						
7 Yea	2 Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order

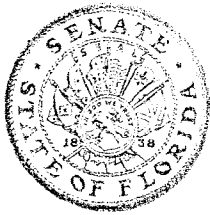
S0712

TRUST FUND/GENERAL BILL by Bogdanoff; (Link S 0710, Identical H 0489, Compare H 0487)

Destination Resort Trust Fund/Department of Gaming Control. EFFECTIVE DATE: on the same date that SB 710 or similar legislation takes effect, if such legislation is enacted in the same legislative session, or extension thereof, and becomes law. Three-fifths vote of the membership of each house of the Legislature required..

01/09/12 S Favorable by Regulated Industries; YEAS 7 NAYS 2

01/10/12 S Now in Budget; Introduced



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Budget - Subcommittee on Finance and Tax,
Chair
Budget
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Communications, Energy, and Public Utilities
Education Pre-K - 12
Governmental Oversight and Accountability
Regulated Industries

JOINT COMMITTEE:

Administrative Procedures, *Alternating Chair*

SENATOR ELLYN SETNOR BOGDANOFF

25th District

October 19, 2011

Senator Dennis Jones, Chair
Senate Regulated Industries Committee
330 Knott Building
Tallahassee, FL 32399

Re: SB 386, Relating to Mobile Home Park Tenancies
SB 680, Relating to Residential Properties
SB 710, Relating to Gaming
SB 712, Relating to Destination Resort Trust Fund
SB 714, Relating to Public Records/State Gaming Commission

Chair Jones:

I am writing to request that you place the following bills on the agenda of your Regulated Industries Committee at your earliest convenience:

SB 386, Relating to Mobile Home Park Tenancies
SB 680, Relating to Residential Properties
SB 710, Relating to Gaming
SB 712, Relating to Destination Resort Trust Fund
SB 714, Relating to Public Records/State Gaming Commission

Feel free to contact me with any questions or concerns about this legislation.

Sincerely,

Senator Ellyn Setnor Bogdanoff
Florida Senate - District 25

cc: Patrick L. "Booter" Imhof, Staff Director

REPLY TO:

- ☐ 312 Clematis Street, Suite 403, West Palm Beach, FL 33401 (561) 650-6833
- ☐ 1845 Cordova Road, Suite 202, Fort Lauderdale, Florida 33316 (954) 467-4205
- ☐ 212 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5100

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1 / 9 / 2012

Meeting Date

Topic _____

Bill Number 712
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH
Street

Phone 727/897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☒ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Regulated Industries Committee

BILL: SB 714

INTRODUCER: Senator Bogdanoff

SUBJECT: Public Records/State Gaming Commission

DATE: January 5, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harrington	Imhof	RI	Pre-meeting
2.			GO	
3.			RC	
4.				
5.				
6.				

I. Summary:

The Florida Constitution and the Florida Statutes ensure public access to documents received and maintained by government agencies as part of their official duties. However, the Legislature may exempt agency documents from public access. An exemption must be created by a general law specifically stating the public necessity justifying the exemption. Further, an exemption must be no broader than necessary to accomplish the stated purpose of the law.

This bill creates a public-records exemption for the State Gaming Commission (commission). The commission is created in SB 710, a linked companion bill. Proprietary confidential business information and trade secrets that might be part of the applications submitted to the commission by prospective destination resorts, or other documents submitted by licensed destination resorts in the future, would be confidential and exempt from public disclosure.

Additionally, the investigative techniques and procedures to be used by the commission when evaluating the applications, reviewing a destination resort's regulatory compliance, or collecting data, records, and testimony for the purpose of documenting violations at a destination resort would be confidential and exempt from public disclosure.

The bill also specifies that there is a public necessity for the exemptions in order to ensure that the best qualified applicants for a destination resort are not deterred from applying because of confidentiality concerns, and to aid the commission in conducting investigations.

This bill requires a two-thirds vote of the membership of each house of the Legislature for passage.

The bill creates section 551.303, Florida Statutes.

II. Present Situation:

Florida's Public Records Law

Florida has a long history of providing public access to the records of governmental and other public entities. The first law affording access to public records was enacted by the Florida Legislature in 1909. In 1992, Floridians voted to adopt an amendment to the Florida Constitution that raised the statutory right of public access to public records to a constitutional level. Article I, s. 24(a), of the State Constitution provides:

Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

In addition to the Florida Constitution, the Public Records Law,¹ which predates the constitutional provisions, specifies conditions under which public access must be provided to governmental records of the executive branch and other governmental agencies. Section 119.07(1) (a), F.S., states:

Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.

Unless specifically exempted, all agency² records are available for public inspection. The term “public records” is defined in s. 119.011(12), F.S., to include:

[A]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of the official business by any agency.

¹Chapter 119, F.S.

²The term “agency” is defined in s. 119.011(2), F.S., to mean “...any state, county, district, authority, or municipal officer, department, division, board, bureau, commission or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

This definition of “public records” has been interpreted by the Florida Supreme Court to include all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge.³ Unless these materials have been made exempt by the Legislature, they are open for public inspection.

There is a difference between records that the Legislature has made exempt from public inspection and those that are *confidential* and exempt. If the Legislature makes a record confidential and exempt, such information may not be released by an agency to anyone other than to the persons or entities designated in the statute.⁴ If a record is simply made exempt from disclosure requirements, an agency is not prohibited from disclosing the record in all circumstances.⁵

Only the Legislature is authorized to create exemptions to open government requirements.⁶ Exemptions must be created by general law and such law must specifically state the public necessity justifying the exemption. Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law.⁷ A bill enacting an exemption⁸ may not contain other substantive provisions, although it may contain multiple exemptions that relate to one subject.⁹

Trade Secrets

At least two subsections in different chapters of the Florida Statutes define the term “trade secret.” The first definition is part of the Uniform Trade Secrets Act¹⁰ and is found in s. 688.002(4), F.S. That section defines “trade secret” to mean:

[I]nformation, including a formula, pattern, compilation, program, device, method, technique, or process that:

- (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The second definition for “trade secrets” is found in s. 812.081(1)(c), F.S., which is part of a chapter of law that deals with theft, robbery and related crimes. Section 812.081(1)(c), F.S., defines “trade secret” to mean:

[T]he whole or any portion or phase of any formula, pattern, device, combination of devices, or compilation of information which is for use, or is used, in the operation of a business and which provides the business an advantage, or an opportunity to obtain an

³ *Shevin v. Byron, Harless, Schaffer, Reid, and Associates, Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁴ Fla. AGO 85-62 (August 1, 1985).

⁵ *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA), review denied, 589 So.2d 289 (Fla. 1991).

⁶ Article I, s. 24(c), Florida Constitution.

⁷ *Memorial Hospital-West Volusia v. News-Journal Corporation*, 729 So. 2d 373, 380 (Fla. 1999); *Halifax Hospital Medical Center v. News-Journal Corporation*, 724 So.2d 567 (Fla. 1999).

⁸ Under s. 119.15(4), F.S., an existing exemption may be considered a new exemption if the exemption is expanded to cover additional records.

⁹ Art. I, s. 24(c), Florida Constitution.

¹⁰ Section 688.001, F.S.

advantage, over those who do not know or use it. “Trade secret” includes any scientific, technical, or commercial information, including any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof. Irrespective of novelty, invention, patentability, the state of the prior art, and the level of skill in the business, art, or field to which the subject matter pertains, a trade secret is considered to be:

1. Secret;
2. Of value;
3. For use or in use by the business; and
4. Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it

when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.

Business entities often provide agencies with information meeting the definition of “trade secrets” under one of the foregoing sections. For example, a corporation which is negotiating with an economic development agency to relocate to Florida may provide that agency with trade secret information as part of the negotiation process.¹¹ Another example is the receipt of trade secret information by the State Board of Administration during its consideration of an alternative investment under s. 215.44, F.S. In both of these examples, trade secret information is protected by exemptions that are either specific to the agency or to a program.

Open Government Sunset Review Act

The Open Government Sunset Review Act (act) in s. 119.15, F.S., provides a process for the review, and repeal or reenactment of, public records exemptions.¹² Under Florida law, a new exemption or substantial amendment to an existing exemption shall be repealed on October 2nd of the 5th year after enactment, unless the Legislature acts to reenact the exemption.¹³ By June 1 of each year, the Division of Statutory Revision of the Office of Legislative Services is required to certify to the President of the Senate and the Speaker of the House of Representatives, the language and statutory citation of each exemption scheduled for repeal the following year.¹⁴

State Gaming Commission

SB 710, the linked companion to SB 714, creates the Department of Gaming Control (department). The head of the department is the State Gaming Commission (commission). The commission is authorized to license up to three “destination resorts” and to regulate those facilities, along with other gaming activities that occur throughout the state, including pari-mutuel wagering activities. Among its powers and duties, the commission will have the authority to accept and review applications for destination resorts; license a total of three destination resorts; inspect the resorts’ premises and gaming machines; and conduct investigations and issue subpoenas, as necessary, to gather information essential to licensing and regulating the destination resorts.

¹¹ Section 288.075, F.S.

¹² This act applies to exemptions from s. 24, Art. I, of the State Constitution and s. 119.07(1), F.S., or s. 286.011, F.S.

¹³ Section 119.15(3), F.S.

¹⁴ Section 119.15(5)(a), F.S.

A destination resort is defined in the companion bill as a multi-use, free-standing, land-based structure in which limited gaming may be conducted, and may include a combination of tourism amenities, such as hotels, restaurants, attractions, shopping centers, and convention centers. The types of gaming that may be offered at destination resorts include baccarat, roulette, poker and other card games, craps, slot machines, and video gaming.

The initial application fee is \$50 million, and licensed destination resorts must pay an annual \$2 million renewal fee. Destination resorts must invest a minimum of \$2 billion in new development and construction for the resort, excluding the purchase price and costs associated with the acquisition of any real property. In addition, destination resorts must pay a 10 percent tax on its gross receipts from all gaming activities.

III. Effect of Proposed Changes:

This bill creates a public records exemption for certain information received, and investigative techniques and procedures used, by the State Gaming Commission. The proposed statute is modeled after exemption language in s. 288.075, F.S., for economic development agencies.

Section 1 creates s. 551.303, F.S., to provide a public records exemption for the commission for specific categories of information, defines terms, creates penalties, and establishes its review date per statutory requirement.

Defined are the following terms:

- “Proprietary confidential business information” means:
 - Information that is owned or controlled by an applicant for a license or licensee under the Destination Resort Act who requests confidentiality under this section;
 - That is intended to be and is treated by the applicant or licensee as private in that the disclosure of the information would cause harm to the business operations of the applicant or licensee;
 - That has not been disclosed unless disclosed pursuant to a statute or rule, an order of a court or administrative body, or a private agreement providing that the information may be released to the public; and
 - That is information concerning:
 - Business plans;
 - Internal auditing controls and reports of internal auditors; or
 - Reports of external auditors for privately held companies.
- “Trade secrets” as defined in s. 688.002, F.S.; and
- “Investigation techniques and procedures” means the methods, processes, and guidelines used to evaluate regulatory compliance and to collect and analyze data, records, and testimony for the purpose of documenting violations of the Destination Resort Act and any promulgated rules to implement it.

This bill specifies that proprietary confidential business information, trade secrets, and the commission’s investigative techniques and procedures, as defined in the bill, are confidential and exempt, as are information shared by other regulatory agencies, the federal employer identification number, unemployment compensation account number, or Florida sales tax

registration number held by the commission in the course of receiving and reviewing applications, or conducting investigations.

Any employee of the commission who violates the public records exemptions created in the bill has committed a misdemeanor of the second degree, punishable by a maximum 60 days in jail¹⁵ and a \$500 fine.¹⁶

These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and are repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 expresses the required Statement of Public Necessity for the public records exemptions sought for the proposed State Gaming Commission.

A number of findings are expressed in this section about the public necessity of keeping certain information, investigative techniques, and procedures confidential and exempt. Briefly, the Legislature finds that the exemptions are necessary to:

- Ensure that the best-qualified applicants are not deterred from applying for destination resort licenses by the prospect of the disclosure of proprietary confidential business information and trade secrets.
- Protect the competitive process the commission will use to select the licensees. Selection of the best-qualified applicants for licenses is critical to ensure that the state receives the most economic benefits and greatest amount of tax revenues in granting these licenses.
- Ensure the commission's ability to effectively and efficiently enforce compliance with the Destination Resort Act, which would be significantly impaired without the exemption.
- Prevent the commission's investigations from being compromised by the release of sensitive information relating to investigations from other regulators.

Section 3 provides that this act becomes effective on the same date as SB 710 or similar legislation takes effect, if such legislation is enacted in the same legislative session, or an extension thereof, and becomes law, and only if this act is enacted by a two-thirds vote of the membership of each house of the Legislature.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Section 24(c), Art. I, of the State Constitution requires a two-thirds vote of each chamber of the Legislature for passage of a newly created or expanded public-records or public-

¹⁵ Section 775.082(4)(b), F.S.

¹⁶ Section 775.083(1)(e), F.S.

meetings exemption. Since SB 714 creates a new public-records exemption, it will require a two-thirds vote of each chamber of the Legislature for passage.

Statement of Public Necessity

Section 24(c), Art. I, of the State Constitution requires a statement of public necessity for a newly-created or expanded public-records or public-meetings exemption. Section 3 of this bill provides a statement of public necessity for the new public record exemptions proposed therein.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

The bill provides public records exemptions for the State Gaming Commission when the exemption is necessary for the Department of Gaming Control. Senate staff have been informed that this will be corrected through an amendment.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



718738

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/09/2012	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Bogdanoff) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 551.303, Florida Statutes, is created to
read:

551.303 Confidentiality of records.—

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

(a) "Proprietary confidential business information" means
information that is owned or controlled by an applicant for a
license or a licensee under this part who requests
confidentiality under this section; that is intended to be and



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is treated by the applicant or licensee as private in that the disclosure of the information would cause harm to the business operations of the applicant or licensee; that has not been disclosed unless disclosed pursuant to a statute or rule, an order of a court or administrative body, or a private agreement providing that the information may be released to the public; and that is information concerning:

1. Business plans;
2. Internal auditing controls and reports of internal auditors; or
3. Reports of external auditors for privately held companies.

(b) "Trade secret" has the same meaning as in s. 688.002.

(2) TRADE SECRETS.—Trade secrets held by the Department of Gaming Control are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) PROPRIETARY CONFIDENTIAL BUSINESS INFORMATION.—Proprietary confidential business information held by the Department of Gaming Control is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such information is otherwise publicly available or is no longer treated by an applicant for a license or a licensee under this part as proprietary confidential business information.

(4) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A federal employer identification number, unemployment compensation account number, or Florida sales tax registration number held by the Department of Gaming Control is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.



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42 (5) INVESTIGATION TECHNIQUES AND PROCEDURES.—

43 (a) As used in this subsection, the term “investigation
44 techniques and procedures” means the methods, processes, and
45 guidelines used to evaluate regulatory compliance and to collect
46 and analyze data, records, and testimony for the purpose of
47 documenting violations of this part and the rules adopted
48 thereunder.

49 (b) Information that would reveal examination techniques or
50 procedures used by the Department of Gaming Control pursuant to
51 this part is confidential and exempt from s. 119.07(1) and s.
52 24(a), Art. I of the State Constitution.

53 (c) Confidential and exempt information that would reveal
54 examination techniques or procedures may be provided by the
55 Department of Gaming Control to another governmental entity
56 having oversight or regulatory or law enforcement authority.

57 (6) PENALTIES.—Any person who is an employee of the
58 Department of Gaming Control who violates this section commits a
59 misdemeanor of the second degree, punishable as provided in s.
60 775.082 or s. 775.083.

61 (7) LEGISLATIVE REVIEW OF EXEMPTIONS.—This section is
62 subject to the Open Government Sunset Review Act in accordance
63 with s. 119.15 and shall stand repealed on October 2, 2017,
64 unless reviewed and saved from repeal through reenactment by the
65 Legislature.

66 Section 2. (1) It is the finding of the Legislature that it
67 is a public necessity that information relating to proprietary
68 confidential business information and trade secrets under part
69 III of chapter 551, Florida Statutes, be made confidential and
70 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),



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71 Article I of the State Constitution. This exemption is necessary
72 to ensure that the best qualified applicants are not deterred
73 from applying for licenses by the prospect of the disclosure of
74 proprietary confidential business information and trade secrets.

75 (2) Part III of chapter 551, Florida Statutes, provides for
76 a competitive process for the award of a destination resort
77 license. The selection of the best qualified applicant for a
78 license is critical for the state to ensure that the state
79 receives the most economic benefits and greatest amount of tax
80 revenues in granting a resort license.

81 (3)(a) It is the finding of the Legislature that it is a
82 public necessity that information that would reveal
83 investigation techniques or procedures used by the Department of
84 Gaming Control pursuant to part III of chapter 551, Florida
85 Statutes, be made confidential and exempt from s. 119.07(1),
86 Florida Statutes, and s. 24(a), Article I of the State
87 Constitution. This exemption is necessary to ensure the
88 Department of Gaming Control's ability to effectively and
89 efficiently enforce compliance with part III of chapter 551,
90 Florida Statutes, which would be significantly impaired without
91 the exemption.

92 (b) Investigations are an essential component of gaming
93 regulation. The mere existence of an investigation program
94 fosters regulatory compliance and deters fraud and abuse by
95 industry participants. Investigations often detect violations in
96 their early stages. Early detection allows corrective action to
97 be taken before significant harm can be done to the state. Due
98 to the importance of such investigations, state regulators
99 devote extensive resources to devising effective investigation



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techniques and procedures.

(c) Allowing access to information revealing investigation techniques or procedures would undermine the investigation process and facilitate evasion of the law. Any advance notice of the areas of inquiry to be explored during an examination might prompt a person to conceal evidence of deficiencies or fabricate evidence of compliance. Without the exemption, the Department of Gaming Control's ability to uncover misconduct and evaluate policies and procedures through the investigation process would be significantly impaired.

(d) Additionally, without such an exemption, the Department of Gaming Control's ability to participate in joint investigations with other regulators would be impaired as release of this information relating to investigations by other regulators would compromise the integrity of such joint investigations. The Department of Gaming Control also would not be able to accept or use confidential examination techniques and procedures developed by other regulators. Thus, the absence of an exemption would create a situation that reduces the Department of Gaming Control's ability to leverage its limited resources.

Section 3. This act shall take effect on the same date that SB 710 or similar legislation takes effect, if such legislation is enacted in the same legislative session, or an extension thereof, and becomes law, and only if this act is enacted by a two-thirds vote of the membership of each house of the Legislature.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to public records; creating s.
551.303, F.S.; providing definitions; providing an
exemption from public records requirements for
confidential and proprietary business information and
trade secrets received by the Department of Gaming
Control; providing an exemption from public records
requirements for information held that would reveal
investigation techniques and procedures used by the
Department of Gaming Control; providing a definition;
providing an exception to the exemption for other
governmental entities having oversight or regulatory
or law enforcement authority; providing penalties for
an employee of the department who violates the
provisions of the act; providing for future review and
repeal of the exemption under the Open Government
Sunset Review Act; providing a statement of public
necessity; providing a contingent effective date.

By Senator Bogdanoff

25-00491A-12

2012714__

1 A bill to be entitled
2 An act relating to public records; creating s.
3 551.303, F.S.; providing definitions; providing an
4 exemption from public records requirements for
5 confidential and proprietary business information and
6 trade secrets received by the State Gaming Commission;
7 providing an exemption from public records
8 requirements for information held that would reveal
9 investigation techniques and procedures used by the
10 State Gaming Commission; providing a definition;
11 providing an exception to the exemption for other
12 governmental entities having oversight or regulatory
13 or law enforcement authority; providing penalties for
14 an employee of the commission who violates the
15 provisions of the act; providing for future review and
16 repeal of the exemption under the Open Government
17 Sunset Review Act; providing a statement of public
18 necessity; providing a contingent effective date.
19

20 Be It Enacted by the Legislature of the State of Florida:
21

22 Section 1. Section 551.303, Florida Statutes, is created to
23 read:

24 551.303 Confidentiality of records.—

25 (1) DEFINITIONS.—As used in this section, the term:

26 (a) "Proprietary confidential business information" means
27 information that is owned or controlled by an applicant for a
28 license or a licensee under this part who requests
29 confidentiality under this section; that is intended to be and

25-00491A-12

2012714

is treated by the applicant or licensee as private in that the disclosure of the information would cause harm to the business operations of the applicant or licensee; that has not been disclosed unless disclosed pursuant to a statute or rule, an order of a court or administrative body, or a private agreement providing that the information may be released to the public; and that is information concerning:

1. Business plans;

2. Internal auditing controls and reports of internal auditors; or

3. Reports of external auditors for privately held companies.

(b) "Trade secret" has the same meaning as in s. 688.002.

(2) TRADE SECRETS.—Trade secrets held by the State Gaming Commission are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) PROPRIETARY CONFIDENTIAL BUSINESS INFORMATION.—Proprietary confidential business information held by the State Gaming Commission is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such information is otherwise publicly available or is no longer treated by an applicant for a license or a licensee under this part as proprietary confidential business information.

(4) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A federal employer identification number, unemployment compensation account number, or Florida sales tax registration number held by the State Gaming Commission is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

25-00491A-12

2012714__

59 (5) INVESTIGATION TECHNIQUES AND PROCEDURES.—

60 (a) As used in this subsection, the term "investigation
61 techniques and procedures" means the methods, processes, and
62 guidelines used to evaluate regulatory compliance and to collect
63 and analyze data, records, and testimony for the purpose of
64 documenting violations of this part and the rules adopted
65 thereunder.

66 (b) Information that would reveal examination techniques or
67 procedures used by the State Gaming Commission pursuant to this
68 part is confidential and exempt from s. 119.07(1) and s. 24(a),
69 Art. I of the State Constitution.

70 (c) Confidential and exempt information that would reveal
71 examination techniques or procedures may be provided by the
72 commission to another governmental entity having oversight or
73 regulatory or law enforcement authority.

74 (6) PENALTIES.—Any person who is an employee of the State
75 Gaming Commission who violates this section commits a
76 misdemeanor of the second degree, punishable as provided in s.
77 775.082 or s. 775.083.

78 (7) LEGISLATIVE REVIEW OF EXEMPTIONS.—This section is
79 subject to the Open Government Sunset Review Act in accordance
80 with s. 119.15 and shall stand repealed on October 2, 2017,
81 unless reviewed and saved from repeal through reenactment by the
82 Legislature.

83 Section 2. (1) It is the finding of the Legislature that it
84 is a public necessity that information relating to proprietary
85 confidential business information and trade secrets under part
86 III of chapter 551, Florida Statutes, be made confidential and
87 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),

25-00491A-12

2012714__

Article I of the State Constitution. This exemption is necessary to ensure that the best qualified applicants are not deterred from applying for licenses by the prospect of the disclosure of proprietary confidential business information and trade secrets.

(2) Part III of chapter 551, Florida Statutes, provides for a competitive process for the award of a destination resort license. The selection of the best qualified applicant for a license is critical for the state to ensure that the state receives the most economic benefits and greatest amount of tax revenues in granting a resort license.

(3) (a) It is the finding of the Legislature that it is a public necessity that information that would reveal investigation techniques or procedures used by the State Gaming Commission pursuant to part III of chapter 551, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. This exemption is necessary to ensure the commission's ability to effectively and efficiently enforce compliance with part III of chapter 551, Florida Statutes, which would be significantly impaired without the exemption.

(b) Investigations are an essential component of gaming regulation. The mere existence of an investigation program fosters regulatory compliance and deters fraud and abuse by industry participants. Investigations often detect violations in their early stages. Early detection allows corrective action to be taken before significant harm can be done to the state. Due to the importance of such investigations, state regulators devote extensive resources to devising effective investigation techniques and procedures.

25-00491A-12

2012714

117 (c) Allowing access to information revealing investigation
118 techniques or procedures would undermine the investigation
119 process and facilitate evasion of the law. Any advance notice of
120 the areas of inquiry to be explored during an examination might
121 prompt a person to conceal evidence of deficiencies or fabricate
122 evidence of compliance. Without the exemption, the State Gaming
123 Commission's ability to uncover misconduct and evaluate policies
124 and procedures through the investigation process would be
125 significantly impaired.

126 (d) Additionally, without such an exemption, the State
127 Gaming Commission's ability to participate in joint
128 investigations with other regulators would be impaired as
129 release of this information relating to investigations by other
130 regulators would compromise the integrity of such joint
131 investigations. The commission also would not be able to accept
132 or use confidential examination techniques and procedures
133 developed by other regulators. Thus, the absence of an exemption
134 would create a situation that reduces the commission's ability
135 to leverage its limited resources.

136 Section 3. This act shall take effect on the same date that
137 SB 710 or similar legislation takes effect, if such legislation
138 is enacted in the same legislative session, or an extension
139 thereof, and becomes law, and only if this act is enacted by a
140 two-thirds vote of the membership of each house of the
141 Legislature.

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Regulated Industries
ITEM: SB 714
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, January 9, 2012
TIME: 3:15 —5:15 p.m.
PLACE: 110 Senate Office Building

FINAL VOTE			1 1/09/2012 3:15PM Amendment 718738		2 1/09/2012 3:15PM Motion to report as Committee Substitute			
Yea	Nay	SENATORS	Bogdanoff Yea	Nay	Sachs Yea	Nay	Yea	Nay
	X	Altman						
X		Bogdanoff						
X		Braynon						
X		Dean						
X		Diaz de la Portilla						
X		Rich						
		Siplin						
	X	Thrasher						
X		Sachs, VICE CHAIR						
X		Jones, CHAIR						
7	2	TOTALS	RCS	-	FAV	-		
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order

S0714

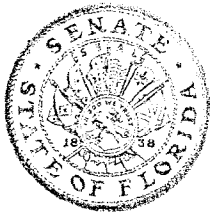
PUBLIC RECORDS/GENERAL BILL by Bogdanoff; (Link S 0710, Identical H 0491, Compare H 0487)

Public Records/State Gaming Commission. EFFECTIVE DATE: contingent.

12/21/11 S On Committee agenda-- Regulated Industries, 01/09/12, 3:15 pm, 110 Senate Office Building

01/09/12 S CS by Regulated Industries; YEAS 7 NAYS 2

01/10/12 S Introduced



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Budget - Subcommittee on Finance and Tax,
Chair
Budget
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Communications, Energy, and Public Utilities
Education Pre-K - 12
Governmental Oversight and Accountability
Regulated Industries

JOINT COMMITTEE:

Administrative Procedures, *Alternating Chair*

SENATOR ELLYN SETNOR BOGDANOFF

25th District

October 19, 2011

Senator Dennis Jones, Chair
Senate Regulated Industries Committee
330 Knott Building
Tallahassee, FL 32399

Re: SB 386, Relating to Mobile Home Park Tenancies
SB 680, Relating to Residential Properties
SB 710, Relating to Gaming
SB 712, Relating to Destination Resort Trust Fund
SB 714, Relating to Public Records/State Gaming Commission

Chair Jones:

I am writing to request that you place the following bills on the agenda of your Regulated Industries Committee at your earliest convenience:

SB 386, Relating to Mobile Home Park Tenancies
SB 680, Relating to Residential Properties
SB 710, Relating to Gaming
SB 712, Relating to Destination Resort Trust Fund
SB 714, Relating to Public Records/State Gaming Commission

Feel free to contact me with any questions or concerns about this legislation.

Sincerely,

Senator Ellyn Setnor Bogdanoff
Florida Senate - District 25

cc: Patrick L. "Booter" Imhof, Staff Director

REPLY TO:

- ☐ 312 Clematis Street, Suite 403, West Palm Beach, FL 33401 (561) 650-6833
- ☐ 1845 Cordova Road, Suite 202, Fort Lauderdale, Florida 33316 (954) 467-4205
- ☐ 212 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5100

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/9/2012

Meeting Date

Topic _____

Bill Number 714
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH
Street

Phone 727/897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☒ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

CourtSmart Tag Report

Room: EL 110

Case:

Caption: Senate Regulated Industries Committee

Type:

Judge:

Started: 1/9/2012 3:16:00 PM

Ends: 1/9/2012 5:08:33 PM Length: 01:52:34

3:16:13 PM Meeting called to order
3:16:21 PM Roll call
3:16:52 PM SB 710 - Senator Bogdanoff
3:17:12 PM Late-Filed Amendment
3:19:24 PM Senator Bogdanoff to explain the amendments
3:30:42 PM Senator Jones commenting
3:31:01 PM Senator Dean with questions
3:32:30 PM Senator Rich with questions
3:33:23 PM Senator Thrasher with questions and comments
3:38:13 PM Senator Dean with questions
3:43:00 PM Senator Rich with questions
3:43:53 PM Monitor has changed View
3:46:27 PM #1 Amendment to the amendment adopted
3:46:52 PM #2 Amendment to Amendment adopted
3:47:09 PM #3 Amendment to Amendment adopted
3:47:27 PM Senator Dean commenting
3:48:14 PM #4 Amendment to the amendment
3:48:37 PM Adopted
3:48:42 PM #5 Amendment to the amendment
3:49:02 PM Adopted
3:49:08 PM #6 Amendment to the amendment
3:50:04 PM Adopted
3:50:11 PM #7 Amendment to the amendment
3:50:29 PM Adopted
3:50:35 PM #8 Amendment to the amendment
3:50:51 PM Adopted
3:50:58 PM #9 Amendment to the amendment
3:51:20 PM Senator Dean to explain
3:51:52 PM Senator Bogdanoff with questions
3:54:11 PM Senator Diaz de la Portilla commenting
3:54:57 PM Senator Rich commenting
3:55:34 PM Senator Sachs commenting
3:56:00 PM Senator Bogdanoff commenting
3:56:56 PM Amendment adopted
3:57:20 PM #10 Amendment to the amendment
3:57:51 PM Adopted
3:57:57 PM #11 Amendment to the amendment
3:58:07 PM Senator Dean to explain
3:58:22 PM Adopted
3:58:28 PM #12 Amendment to the amendment
3:58:51 PM Adopted
3:58:59 PM #13 Amendment to the amendment
3:59:21 PM Adopted
3:59:31 PM #14 Amendment - withdrawn
3:59:48 PM #15 Amendment - withdrawn
4:00:07 PM #16 Amendment to the amendment
4:00:20 PM Senator Jones to explain
4:00:34 PM Adopted
4:00:48 PM Late-filed Amendment - Senator Sachs
4:01:53 PM Adopted
4:02:20 PM Laura Lee, International Internet Technologies
4:03:21 PM Peter Dyga, Associated Builders and Contractors

4:04:03 PM	Brian Pitts, Justice2Jesus
4:07:34 PM	Senator Thrasher with question
4:08:08 PM	Ben Johnson, FL Sheriffs Association
4:10:28 PM	John Sowinski, No Casinos
4:12:11 PM	Mark Andrews, Casino Watch
4:13:12 PM	Bill Herele, National Federation of Independent Business
4:17:02 PM	Daniel Duffy, VFW
4:17:43 PM	Pam Olsen, Director of the Internation Help Prayer
4:20:42 PM	Bill Bunkley, FL Ethics and Religious Liberty Commission
4:22:50 PM	Bill Lupfer, FL Attractions Association
4:23:58 PM	Richard Skeen, Grant, Florida
4:27:37 PM	Senator Siplin with question and comments
4:28:44 PM	Senator Bogdanoff responding
4:29:34 PM	Senator Jones - Debate
4:30:34 PM	Senator Dean commenting
4:32:48 PM	Senator Thrasher commenting
4:37:24 PM	Senator Sachs commenting
4:39:58 PM	Senator Rich commenting
4:42:53 PM	Senator Altman commenting
4:45:26 PM	Senator Diaz de la Portilla commenting
4:53:29 PM	Senator Braynon commenting
4:54:52 PM	Senator Sachs moves Committee Substitute of SB 710
4:55:14 PM	Senator Bogdanoff to close on bill
5:01:37 PM	Roll call of passage of CS/SB 710
5:01:59 PM	Passes
5:02:17 PM	SB 712 - Senator Bogdanoff
5:02:50 PM	Brian Pitts, Justice2Jesus
5:03:57 PM	Roll call of passage of SB 712
5:04:16 PM	Passes
5:04:20 PM	SB 714 - Senator Bogdanoff
5:04:47 PM	Delete Everything Amendment
5:05:38 PM	Senator Rich with a question
5:06:18 PM	Adopted
5:06:31 PM	Brian Pitts, Justice2Jesus
5:07:41 PM	Senator Sachs moves SB 714 as CS
5:07:58 PM	ROLL call on CS/SB 714
5:08:15 PM	Passes
5:08:20 PM	Adjourned