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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/05/2011	.	
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The Committee on Commerce and Tourism (Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (7) is added to section 20.21,  
Florida Statutes, to read:

20.21 Department of Revenue.—There is created a Department  
of Revenue.

(7) The Destination Resort Commission is created within the  
Department of Revenue.

Section 2. Subsection (17) is added to section 120.80,



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13 Florida Statutes, to read:

14 120.80 Exceptions and special requirements; agencies.—

15 (17) THE DESTINATION RESORT COMMISSION.—

16 (a) The Destination Resort Commission is exempt from the  
17 hearing and notice requirements of ss. 120.569 and 120.57(1) (a)  
18 in proceedings for the issuance, denial, renewal, or amendment  
19 of a destination resort license.

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

22 (c) Notwithstanding the provisions of s. 120.542, the  
23 Destination Resort Commission may not accept a petition for  
24 waiver or variance and may not grant any waiver or variance from  
25 the requirements of the Destination Resort Act, sections 3  
26 through 35 of this act.

27 Section 3. This section and sections 4 through 35 of this  
28 act may be cited as the "Destination Resort Act" or the "Resort  
29 Act."

30 Section 4. Definitions.—As used in the Resort Act, the  
31 term:

32 (1) "Affiliate" means a person who, directly or indirectly,  
33 through one or more intermediaries:

34 (a) Controls, is controlled by, or is under common control  
35 of;

36 (b) Is in a partnership or joint venture relationship with;  
37 or

38 (c) Is a shareholder of a corporation, a member of a  
39 limited liability company, or a partner in a limited liability  
40 partnership with,

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42 an applicant for a resort license or a resort licensee.

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

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

48 (b) Back-of-house facilities.

49 (c) Any reception or information counter.

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

52 (e) Any retail outlet.

53 (f) Any area designated for performances.

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

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

58 (i) Bathrooms.

59 (j) Any other area that is not intended to be used for the  
60 conduct or playing of games or as a gaming pit as defined by  
61 rules of the commission or specified in the application for the  
62 destination resort license.

63 (3) "Applicant," as the context requires, means a person  
64 who applies for a resort license, supplier's license, or  
65 occupational license. A county, municipality, or other unit of  
66 government is prohibited from applying for a resort license.

67 (4) "Chair" means the chair of the Destination Resort  
68 Commission.

69 (5) "Commission" means the Destination Resort Commission.

70 (6) "Conflict of interest" means a situation in which the



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71 private interest of a member, employee, or agent of the  
72 commission may influence his or her judgment in the performance  
73 of his or her public duty under the Resort Act. A conflict of  
74 interest includes, but is not limited to:

75 (a) Any conduct that would lead a reasonable person having  
76 knowledge of all of the circumstances to conclude that the  
77 member, employee, or agent of the commission is biased against  
78 or in favor of an applicant.

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

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

87 (7) "Department" means the Department of Revenue.

88 (8) "Destination resort" or "resort" means a freestanding,  
89 land-based structure in which limited gaming may be conducted. A  
90 destination resort is a mixed-use development consisting of a  
91 combination of various tourism amenities and facilities,  
92 including, but not limited to, hotels, villas, restaurants,  
93 limited gaming facilities, convention facilities, attractions,  
94 entertainment facilities, service centers, and shopping centers.

95 (9) "Destination resort license" or "resort license" means  
96 a license to operate and maintain a destination resort having a  
97 limited gaming facility.

98 (10) "District" means any of the following five districts  
99 of the state:



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100           (a) District One: Escambia, Santa Rosa, Okaloosa, Walton,  
101 Holmes, Jackson, Washington, Bay, Calhoun, Gulf, Franklin,  
102 Liberty, Gadsden, Leon, Wakulla, Jefferson, Madison, Hamilton,  
103 Taylor, Lafayette, Suwannee, Columbia, Baker, Union, Bradford,  
104 Alachua, Gilchrist, Dixie, and Levy Counties.

105           (b) District Two: Nassau, Duval, Clay, Putnam, St. Johns,  
106 Flagler, Marion, Volusia, Lake, Seminole, Orange, Hernando,  
107 Polk, and Osceola Counties.

108           (c) District Three: Citrus, Sumter, Pasco, Pinellas,  
109 Hillsborough, Manatee, Hardee, DeSoto, Sarasota, Charlotte, Lee,  
110 Collier, Monroe, Highlands, Okeechobee, Glades, and Hendry  
111 Counties.

112           (d) District Four: Brevard, Indian River, St. Lucie,  
113 Martin, and Palm Beach Counties.

114           (e) District Five: Broward and Miami-Dade Counties.

115           (11) "Executive director" means the executive director of  
116 the commission.

117           (12) "Financial interest" or "financially interested" means  
118 any interest in investments or awarding of contracts, grants,  
119 loans, purchases, leases, sales, or similar matters under  
120 consideration or consummated by the commission, or ownership in  
121 an applicant or a licensee. A member, employee, or agent of the  
122 commission is deemed to have a financial interest in a matter  
123 if:

124           (a) The individual owns any interest in any class of  
125 outstanding securities that are issued by a party to the matter  
126 under consideration by the commission, except indirect interests  
127 such as a mutual fund; or

128           (b) The individual is employed by or is an independent



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129 contractor for a party to a matter under consideration by the  
130 commission.

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

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

141 (a) Counterfeit money or tokens;

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

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

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

149 (15) "Individual" means a natural person.

150 (16) "Institutional investor" means, but is not limited to:

151 (a) A retirement fund administered by a public agency for  
152 the exclusive benefit of federal, state, or county public  
153 employees.

154 (b) An employee benefit plan or pension fund that is  
155 subject to the Employee Retirement Income Security Act of 1974  
156 (ERISA).

157 (c) An investment company registered under the Investment



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158 Company Act of 1940.  
159 (d) A collective investment trust organized by a bank under  
160 12 C.F.R. part 9, s. 9.18.  
161 (e) A closed-end investment trust.  
162 (f) A life insurance company or property and casualty  
163 insurance company.  
164 (g) A financial institution.  
165 (h) An investment advisor registered under the Investment  
166 Advisers Act of 1940.  
167 (17) "Junket enterprise" means any person who, for  
168 compensation, employs or otherwise engages in the procurement or  
169 referral of persons for a junket to a destination resort  
170 licensed under the Resort Act regardless of whether those  
171 activities occur within this state. The term does not include a  
172 resort licensee or applicant for a resort license or a person  
173 holding an occupational license.  
174 (18) "License," as the context requires, means a resort  
175 license, supplier's license, or an occupational license.  
176 (19) "Licensee," as the context requires, means a person  
177 who is licensed as resort licensee, supplier licensee, or  
178 occupational licensee.  
179 (20) "Limited gaming," "game," or "gaming," as the context  
180 requires, means the games authorized pursuant to the Resort Act  
181 in a limited gaming facility, including, but not limited to,  
182 those commonly known as baccarat, twenty-one, poker, craps, slot  
183 machines, video gaming of chance, roulette wheels, Klondike  
184 tables, punch-board, faro layout, numbers ticket, push car, jar  
185 ticket, pull tab, or their common variants, or any other game of  
186 chance or wagering device that is authorized by the commission.



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187       (21) "Limited gaming employee" means any employee of a  
188 resort licensee, including, but not limited to:

189       (a) Cashiers.

190       (b) Change personnel.

191       (c) Count room personnel.

192       (d) Slot machine attendants.

193       (e) Hosts or other individuals authorized to extend  
194 complimentary services, including employees performing functions  
195 similar to those performed by a representative for a junket  
196 enterprise.

197       (f) Machine mechanics, computer machine technicians, or  
198 table game device technicians.

199       (g) Security personnel.

200       (h) Surveillance personnel.

201       (i) Promotional play supervisors, credit supervisors, pit  
202 supervisors, cashier supervisors, shift supervisors, table game  
203 managers, assistant managers, and other supervisors and  
204 managers.

205       (j) Boxmen.

206       (k) Dealers or croupiers.

207       (l) Floormen.

208       (m) Personnel authorized to issue promotional credits.

209       (n) Personnel authorized to issue credit.

210  
211 The term includes an employee of a person holding a supplier's  
212 license whose duties are directly involved with the repair or  
213 distribution of slot machines or table game devices or  
214 associated equipment sold or provided to a resort licensee. The  
215 term does not include bartenders, cocktail servers, or other



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216 persons solely engaged in preparing or serving food or  
217 beverages, clerical or secretarial personnel, parking  
218 attendants, janitorial staff, stage hands, sound and light  
219 technicians, and other nongaming personnel as determined by the  
220 commission. The term includes a person employed by a person or  
221 entity other than a resort licensee who performs the functions  
222 of a limited gaming employee.

223 (22) "Limited gaming facility" means the limited gaming  
224 floor and any ancillary areas.

225 (23) "Limited gaming floor" means the approved gaming area  
226 of a resort. Ancillary areas in or directly adjacent to the  
227 gaming area are not part of the limited gaming floor for  
228 purposes of calculating the size of the limited gaming floor.

229 (24) "Managerial employee" has the same meaning as in s.  
230 447.203(4), Florida Statutes.

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

233 (26) "Qualifier" means an affiliate, affiliated company,  
234 officer, director, or managerial employee of an applicant for a  
235 resort license, or a person who holds a direct or indirect  
236 equity interest in the applicant. The term may include an  
237 institutional investor. As used in this subsection, the terms  
238 "affiliate," "affiliated company," and "a person who holds a  
239 direct or indirect equity interest in the applicant" do not  
240 include a partnership, a joint venture relationship, a  
241 shareholder of a corporation, a member of a limited liability  
242 company, or a partner in a limited liability partnership that  
243 has a direct or indirect equity interest in the applicant for a  
244 resort license of 5 percent or less and is not involved in the



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245 gaming operations as defined by the rules of the commission.

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

249 (28) "Wagerer" means a person who plays a game authorized  
250 under the Resort Act.

251 Section 5. Destination Resort Commission; creation and  
252 membership.-

253 (1) CREATION.-There is created the Destination Resort  
254 Commission assigned to the Department of Revenue for  
255 administrative purposes only. The commission is a separate  
256 budget entity not subject to control, supervision, or direction  
257 by the Department of Revenue in any manner, including, but not  
258 limited to, personnel, purchasing, transactions involving real  
259 or personal property, and budgetary matters. The commission  
260 shall be composed of seven members who are residents of the  
261 state and who have experience in corporate finance, tourism,  
262 convention and resort management, gaming, investigation or law  
263 enforcement, business law, or related legal experience. The  
264 members of the commission shall serve as the agency head of the  
265 Destination Resort Commission. The commission is exempt from the  
266 provisions of s. 20.052, Florida Statutes.

267 (2) MEMBERS.-The members shall be appointed by the Governor  
268 and confirmed by the Senate in the legislative session following  
269 appointment. Each member shall be appointed to a 4-year term.  
270 However, for the purpose of providing staggered terms, of the  
271 initial appointments, four members shall be appointed to 4-year  
272 terms and three members shall be appointed to 2-year terms.  
273 Terms expire on June 30. Upon the expiration of the term of a



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274 commissioner, the Governor shall appoint a successor to serve  
275 for a 4-year term. A commissioner whose term has expired shall  
276 continue to serve on the commission until such time as a  
277 replacement is appointed. If a vacancy on the commission occurs  
278 before the expiration of the term, it shall be filled for the  
279 unexpired portion of the term in the same manner as the original  
280 appointment.

281 (a)1. One member of the commission must be a certified  
282 public accountant licensed in this state who possesses at least  
283 5 years of experience in general accounting. The member must  
284 also possess a comprehensive knowledge of the principles and  
285 practices of corporate finance or auditing, general finance,  
286 gaming, or economics.

287 2. One member of the commission must have experience in the  
288 fields of investigation or law enforcement.

289 3. Each district must be represented by at least one member  
290 of the commission who must reside in that district.

291 4. When making appointments to the commission, the Governor  
292 shall announce the district and classification by experience of  
293 the person appointed.

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

296 1. Is an elected state official;

297 2. Is licensed by the commission, or is an officer of, has  
298 a financial interest in, or has a direct or indirect contractual  
299 relationship with, any applicant for a resort license or resort  
300 licensee;

301 3. Is related to any person within the second degree of  
302 consanguinity or affinity who is licensed by the commission; or



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303           4. Has, within the 10 years preceding his or her  
304 appointment, been under indictment for, convicted of, pled  
305 guilty or nolo contendere to, or forfeited bail for a felony or  
306 a misdemeanor involving gambling or fraud under the laws of this  
307 or any other state or the United States.

308           (c) Members of the commission shall serve full time.

309           (3) CHAIR AND VICE CHAIR.-

310           (a) The chair shall be appointed by the Governor. The vice  
311 chair of the commission shall be elected by the members of the  
312 commission during the first meeting of the commission on or  
313 after July 1 of each year. The chair shall be the administrative  
314 head of the commission. The chair shall set the agenda for each  
315 meeting. The chair shall approve all notices, vouchers,  
316 subpoenas, and reports as required by the Resort Act. The chair  
317 shall preserve order and decorum and shall have general control  
318 of the commission meetings. The chair shall decide all questions  
319 of order. The chair may name any member of the commission to  
320 perform the duties of the chair for a meeting if such  
321 substitution does not extend beyond that meeting.

322           (b) If for any reason the chair is absent and fails to name  
323 a member, the vice chair shall assume the duties of the chair  
324 during the chair's absence. On the death, incapacitation, or  
325 resignation of the chair, the vice chair shall perform the  
326 duties of the office until the Governor appoints a successor.

327           (c) The administrative responsibilities of the chair are to  
328 plan, organize, and control administrative support services for  
329 the commission. Administrative functions include, but are not  
330 limited to, finance and accounting, revenue accounting,  
331 personnel, and office services.



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

334       (5) HEADQUARTERS.—The headquarters of the commission shall  
335 be located in Tallahassee.

336       (6) MEETINGS.—The commission must meet at least monthly.  
337 Meetings may be called by the chair or by four members of the  
338 commission upon 72 hours' public notice. The initial meeting of  
339 the commission must be held by October 1, 2011.

340       (7) AGENCY HEAD.—The commission shall serve as the agency  
341 head for purposes of chapter 120, Florida Statutes. The  
342 executive director of the commission may serve as the agency  
343 head for purposes of final agency action under chapter 120,  
344 Florida Statutes, for all areas within the regulatory authority  
345 delegated to the executive director's office.

346       Section 6. Destination Resort Commission; powers and  
347 duties.—

348       (1) The commission has jurisdiction over and shall  
349 supervise all destination resort limited gaming activity  
350 governed by the Resort Act, including the power to:

351       (a) Authorize limited gaming at five destination resorts.

352       (b) Conduct such investigations as necessary to fulfill its  
353 responsibilities.

354       (c) Use an invitation to negotiate process for applicants  
355 based on minimum requirements established by the Resort Act and  
356 rules of the commission.

357       (d) Investigate applicants for a resort license and  
358 determine the eligibility of applicants for a resort license and  
359 to select from competing applicants the applicant that best  
360 serves the interests of the residents of Florida, based on the



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361 potential for economic development presented by the applicant's  
362 proposed investment in infrastructure, such as hotels and other  
363 nongaming entertainment facilities, and the applicant's ability  
364 to maximize revenue for the state.

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

367 (f) Establish and collect fees for performing background  
368 checks on all applicants for licenses and all persons with whom  
369 the commission may contract for the providing of goods or  
370 services and for performing, or having performed, tests on  
371 equipment and devices to be used in a limited gaming facility.

372 (g) Issue subpoenas for the attendance of witnesses and  
373 subpoenas duces tecum for the production of books, records, and  
374 other pertinent documents as provided by law, and to administer  
375 oaths and affirmations to the witnesses, if, in the judgment of  
376 the commission, it is necessary to enforce the Resort Act or  
377 commission rules. If a person fails to comply with a subpoena,  
378 the commission may petition the circuit court of the county in  
379 which the person subpoenaed resides or has his or her principal  
380 place of business for an order requiring the subpoenaed person  
381 to appear and testify and to produce books, records, and  
382 documents as specified in the subpoena. The court may grant  
383 legal, equitable, or injunctive relief, which may include, but  
384 is not limited to, issuance of a writ of ne exeat or restraint  
385 by injunction or appointment of a receiver of any transfer,  
386 pledge, assignment, or other disposition of such person's assets  
387 or any concealment, alteration, destruction, or other  
388 disposition of subpoenaed books, records, or documents, as the  
389 court deems appropriate, until the person subpoenaed has fully



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390 complied with the subpoena and the commission has completed the  
391 audit, examination, or investigation. The commission is entitled  
392 to the summary procedure provided in s. 51.011, Florida  
393 Statutes, and the court shall advance the cause on its calendar.  
394 Costs incurred by the commission to obtain an order granting, in  
395 whole or in part, such petition for enforcement of a subpoena  
396 shall be charged against the subpoenaed person, and failure to  
397 comply with such order is a contempt of court.

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

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

404 (j) Take any other action as may be reasonable or  
405 appropriate to enforce the Resort Act and rules adopted by the  
406 commission.

407 (k) Apply for injunctive or declaratory relief in a court  
408 of competent jurisdiction to enforce the Resort Act and any  
409 rules adopted by the commission.

410 (l) Establish field offices, as deemed necessary by the  
411 commission.

412 (2) The Department of Law Enforcement and local law  
413 enforcement agencies have concurrent jurisdiction to investigate  
414 criminal violations of the Resort Act and may investigate any  
415 other criminal violation of law occurring at the limited gaming  
416 facilities. Such investigations may be conducted in conjunction  
417 with the appropriate state attorney.

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



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419 and local law enforcement agencies have unrestricted access to  
420 the limited gaming facility at all times and shall require of  
421 each resort licensee strict compliance with the laws of this  
422 state relating to the transaction of such business. The  
423 commission, the Department of Law Enforcement, and local law  
424 enforcement agencies may:

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

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

429 (b) In addition, the commission may:

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

431 2. Deny, revoke, suspend, or place conditions on a licensee  
432 who violates any provision of the Resort Act, a rule adopted by  
433 the commission, or an order of the commission.

434 (4) The commission must revoke or suspend the license of  
435 any person who is no longer qualified or who is found, after  
436 receiving a license, to have been unqualified at the time of  
437 application for the license.

438 (5) This section does not:

439 (a) Prohibit the Department of Law Enforcement or any law  
440 enforcement authority whose jurisdiction includes a resort  
441 licensee or a supplier licensee from conducting investigations  
442 of criminal activities occurring at the facilities of a resort  
443 licensee or supplier licensee;

444 (b) Restrict access to the limited gaming facility by the  
445 Department of Law Enforcement or any local law enforcement  
446 authority whose jurisdiction includes a resort licensee's  
447 facility; or



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448           (c) Restrict access by the Department of Law Enforcement or  
449 a local law enforcement agency to information and records  
450 necessary for the investigation of criminal activity which are  
451 contained within the facilities of a resort licensee or supplier  
452 licensee.

453           Section 7. Rulemaking.—

454           (1) The commission shall adopt all rules necessary to  
455 implement, administer, and regulate limited gaming under the  
456 Destination Resort Act. The rules must include:

457           (a) The types of limited gaming activities to be conducted  
458 and the rules for those games, including any restriction upon  
459 the time, place, and structures where limited gaming is  
460 authorized.

461           (b) Requirements, procedures, qualifications, and grounds  
462 for the issuance, renewal, revocation, suspension, and summary  
463 suspension of a resort license, supplier's license, or  
464 occupational license.

465           (c) Requirements for the disclosure of the complete  
466 financial interests of licensees and applicants for licenses.

467           (d) Technical requirements and the qualifications that are  
468 necessary to receive a license.

469           (e) Procedures to scientifically test and technically  
470 evaluate slot machines and other authorized gaming devices for  
471 compliance with the Resort Act and the rules adopted by the  
472 commission. The commission may contract with an independent  
473 testing laboratory to conduct any necessary testing. The  
474 independent testing laboratory must have a national reputation  
475 for being demonstrably competent and qualified to scientifically  
476 test and evaluate slot machines and other authorized gaming



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477 devices. An independent testing laboratory may not be owned or  
478 controlled by a licensee. The use of an independent testing  
479 laboratory for any purpose related to the conduct of slot  
480 machine gaming and other authorized gaming by a resort licensee  
481 shall be made from a list of laboratories approved by the  
482 commission.

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

486 (g) Requirements for limited gaming equipment, including  
487 the types and specifications of all equipment and devices that  
488 may be used in limited gaming facilities.

489 (h) Procedures for regulating, managing, and auditing the  
490 operation, financial data, and program information relating to  
491 limited gaming which allow the commission and the Department of  
492 Law Enforcement to audit the operation, financial data, and  
493 program information of a resort licensee, as required by the  
494 commission or the Department of Law Enforcement, and provide the  
495 commission and the Department of Law Enforcement with the  
496 ability to monitor, at any time on a real-time basis, wagering  
497 patterns, payouts, tax collection, and compliance with any rules  
498 adopted by the commission for the regulation and control of  
499 limited gaming. Such continuous and complete access, at any time  
500 on a real-time basis, shall include the ability of either the  
501 commission or the Department of Law Enforcement to suspend play  
502 immediately on particular slot machines or other gaming devices  
503 if monitoring of the facilities-based computer system indicates  
504 possible tampering or manipulation of those slot machines or  
505 gaming devices or the ability to suspend play immediately of the



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506 entire operation if the tampering or manipulation is of the  
507 computer system itself. The commission shall notify the  
508 Department of Law Enforcement or the Department of Law  
509 Enforcement shall notify the commission, as appropriate,  
510 whenever there is a suspension of play pursuant this paragraph.  
511 The commission and the Department of Law Enforcement shall  
512 exchange information that is necessary for, and cooperate in the  
513 investigation of, the circumstances requiring suspension of play  
514 pursuant to this paragraph.

515 (i) Procedures for requiring each resort licensee at his or  
516 her own cost and expense to supply the commission with a bond as  
517 required.

518 (j) Procedures for requiring licensees to maintain and to  
519 provide to the commission records, data, information, or  
520 reports, including financial and income records.

521 (k) Procedures to calculate the payout percentages of slot  
522 machines.

523 (l) Minimum standards for security of the facilities,  
524 including floor plans, security cameras, and other security  
525 equipment.

526 (m) The scope and conditions for investigations and  
527 inspections into the conduct of limited gaming.

528 (n) The standards and procedures for the seizure without  
529 notice or hearing of gaming equipment, supplies, or books and  
530 records for the purpose of examination and inspection.

531 (o) Procedures for requiring resort licensees and supplier  
532 licensees to implement and establish drug-testing programs for  
533 all employees.

534 (p) Procedures and guidelines for the continuous recording



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535 of all gaming activities at a limited gaming facility. The  
536 commission may require a resort licensee to timely provide all  
537 or part of the original recordings pursuant to a schedule.

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

542 (r) The levying of fines for violations of the Resort Act  
543 or any rule adopted by the commission, which fines may not  
544 exceed \$250,000 per violation arising out of a single  
545 transaction.

546 (s) The amount of any application fee or fee to renew an  
547 occupational license or a suppliers license.

548 (t) Any other rule necessary to accomplish the purposes of  
549 the Resort Act.

550 (2) The commission may at any time adopt emergency rules  
551 pursuant to s. 120.54, Florida Statutes. The Legislature finds  
552 that such emergency rulemaking power is necessary for the  
553 preservation of the rights and welfare of the people in order to  
554 provide additional funds to benefit the public. The Legislature  
555 further finds that the unique nature of limited gaming  
556 operations requires, from time to time, that the commission  
557 respond as quickly as is practicable. Therefore, in adopting  
558 such emergency rules, the commission need not make the findings  
559 required by s. 120.54(4)(a), Florida Statutes. Emergency rules  
560 adopted under this section are exempt from s. 120.54(4)(c),  
561 Florida Statutes. However, the emergency rules may not remain in  
562 effect for more than 180 days except that the commission may  
563 renew the emergency rules during the pendency of procedures to



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564 adopt permanent rules addressing the subject of the emergency  
565 rules.

566 Section 8. Law enforcement officers.-

567 (1) The commission may employ sworn law enforcement  
568 officers to enforce any criminal law, conduct any criminal  
569 investigation, or enforce any statute within the jurisdiction of  
570 the commission.

571 (2) Each law enforcement officer must meet the  
572 qualifications for law enforcement officers under s. 943.13,  
573 Florida Statutes, and must be certified as a law enforcement  
574 officer by the Department of Law Enforcement. Upon  
575 certification, each law enforcement officer is subject to and  
576 has the authority provided to law enforcement officers generally  
577 under chapter 901, Florida Statutes, and has statewide  
578 jurisdiction.

579 (3) Each officer has arrest authority as provided for state  
580 law enforcement officers under s. 901.15, Florida Statutes, and  
581 full law enforcement powers granted to other officers of this  
582 state, including the authority to make arrests, carry firearms,  
583 serve court process, and seize contraband and proceeds from  
584 illegal activities.

585 (4) Each law enforcement officer of the commission, upon  
586 certification under s. 943.1395, Florida Statutes, has the same  
587 right and authority to carry arms as do the sheriffs of this  
588 state.

589 Section 9. Executive director.-The commission shall appoint  
590 or remove the executive director of the commission by a majority  
591 vote. An interim executive director shall be appointed within 10  
592 days after the initial meeting of the commission.



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593       (1) The executive director:  
594       (a) Shall devote full time to the duties of the office;  
595       (b) May not hold any other office or employment;  
596       (c) Shall perform all duties assigned by the commission;  
597       and  
598       (d) May hire assistants and employees as necessary to  
599       conduct the business of the commission, and consultants  
600       necessary for the efficient operation of destination resorts.  
601       (2) (a) The executive director may not employ a person who,  
602       during the 3 years immediately preceding employment, held a  
603       direct or indirect interest in, or was employed by:  
604               1. A resort licensee or supplier licensee;  
605               2. An applicant for a resort license or an applicant for a  
606       similar license in another jurisdiction;  
607               3. An entity licensed to operate a gaming facility in  
608       another state;  
609               4. A pari-mutuel gaming facility licensed to operate in  
610       this state; or  
611               5. A tribal gaming facility within this state.  
612       (b) Notwithstanding paragraph (a), a person may be employed  
613       by the commission if the commission finds that the person's  
614       former interest in any licensee will not interfere with the  
615       objective discharge of the person's employment obligations.  
616       However, a person may not be employed by the commission if:  
617               1. The person's interest in an applicant, licensee, or  
618       tribal facility constituted a controlling interest; or  
619               2. The person, or the person's spouse, parent, child,  
620       child's spouse, or sibling, is a member of the commission, or a  
621       director of, or person financially interested in, an applicant



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622 or a licensee.

623 Section 10. Code of ethics.—

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

626 (2) A member of the commission or the executive director  
627 may not hold a direct or indirect interest in, be employed by,  
628 or enter into a contract for service with an applicant or person  
629 licensed by the commission for a period of 5 years after the  
630 date of termination of the person's membership on or employment  
631 with the commission.

632 (3) An employee of the commission may not acquire a direct  
633 or indirect interest in, be employed by, or enter into a  
634 contract for services with an applicant or person licensed by  
635 the commission for a period of 3 years after the date of  
636 termination of the person's employment with the commission.

637 (4) A commission member or a person employed by the  
638 commission may not represent a person or party other than the  
639 state before or against the commission for a period of 3 years  
640 after the date of termination of the member's term of office or  
641 the employee's period of employment with the commission.

642 (5) A business entity in which a former commission member,  
643 employee, or agent has an interest, or any partner, officer, or  
644 employee of that business entity, may not appear before or  
645 represent another person before the commission if the former  
646 commission member, employee, or agent would be prohibited from  
647 doing so. As used in this subsection, the term "business entity"  
648 means a corporation, limited liability company, partnership,  
649 limited liability partnership association, trust, or other form  
650 of legal entity.



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651           (6) A member, employee, or agent of the commission may not  
652 engage in political activity or politically related activity  
653 during the duration of the person's appointment or employment.  
654 As used in this paragraph, the terms "political activity" or  
655 "politically related activity" include:

656           (a) Using the person's official authority or influence for  
657 the purpose of interfering with or affecting the result of an  
658 election;

659           (b) Knowingly soliciting, accepting, or receiving political  
660 contributions from any person;

661           (c) Running for nomination or as a candidate for election  
662 to a partisan political office; or

663           (d) Knowingly soliciting or discouraging the participation  
664 in any political activity of any person who is:

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

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

671           (7) A former member, employee, or agent of the commission  
672 may appear before the commission as a witness testifying as to  
673 factual matters or actions handled by the former member,  
674 employee, or agent during his or her tenure with the commission.  
675 However, the former member, employee, or agent of the commission  
676 may not receive compensation for the appearance other than a  
677 standard witness fee and reimbursement for travel expenses as  
678 established by statute or rules governing administrative  
679 proceedings before the Division of Administrative Hearings.



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

682           (b) An employee or agent of the commission granted  
683 permission for outside employment may not conduct any business  
684 or perform any activities, including solicitation, related to  
685 outside employment on premises used by the commission or during  
686 the employee's working hours for the commission.

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

689           1. Operating a proprietorship;

690           2. Participating in a partnership or group business  
691 enterprise; or

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

694           (9) A member, employee, or agent of the commission may not  
695 participate in or wager on any game conducted by any resort  
696 licensee or applicant or any affiliate of a licensee or  
697 applicant regulated by the commission in this state or in any  
698 other jurisdiction, except as required as part of the person's  
699 surveillance, security, or other official duties.

700           Section 11. Disclosures by commissioners, employees, and  
701 agents.-

702           (1) COMMISSIONERS.-

703           (a) Each member of the commission shall file a financial  
704 disclosure statement pursuant to s. 112.3145, Florida Statutes.

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

708           (c) By January 1 of each year, each member must file a



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709 statement with the commission:

710 1. Affirming that the member, and the member's spouse,  
711 parent, child, or child's spouse, is not a member of the board  
712 of directors of, financially interested in, or employed by an  
713 applicant or resort licensee.

714 2. Affirming that the member is in compliance with the  
715 Resort Act and the rules of the commission.

716 3. Disclosing any legal or beneficial interest in real  
717 property that is or may be directly or indirectly involved with  
718 activities or persons regulated by the commission.

719 (d) Each member must disclose involvement with any gaming  
720 interest in the 5 years preceding appointment as a member.

721 (2) EMPLOYEES AND AGENTS.—

722 (a) The executive director and each managerial employee and  
723 agent, as determined by the commission, shall file a financial  
724 disclosure statement pursuant to s. 112.3145, Florida Statutes.  
725 All employees and agents must comply with the provisions of  
726 chapter 112, Florida Statutes.

727 (b) The executive director and each managerial employee and  
728 agent identified by rule of the commission must disclose  
729 information required by rules of the commission to ensure the  
730 integrity of the commission and its work.

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

733 1. Affirming that the employee, and the employee's spouse,  
734 parent, child, or child's spouse, is not financially interested  
735 in or employed by an applicant or licensee.

736 2. Affirming that the person does not have any financial  
737 interest prohibited by laws or rules administered by the



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738 commission.

739 3. Disclosing any legal or beneficial interest in real  
740 property that is or may be directly or indirectly involved with  
741 activities or persons regulated by the commission.

742 (d) Each employee or agent of the commission must disclose  
743 involvement with any gaming interest during the 5 years before  
744 employment.

745 (3) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

746 (a) A member, employee, or agent of the commission who  
747 becomes aware that the member, employee, or agent of the  
748 commission or his or her spouse, parent, or child is a member of  
749 the board of directors of, financially interested in, or  
750 employed by an applicant or licensee must immediately provide  
751 detailed written notice to the chair.

752 (b) A member, employee, or agent of the commission must  
753 immediately provide detailed written notice of the circumstances  
754 to the chair if the member, employee, or agent is indicted,  
755 charged with, convicted of, pleads guilty or nolo contendere to,  
756 or forfeits bail for:

757 1. A misdemeanor involving gambling, dishonesty, theft, or  
758 fraud;

759 2. A violation of any law in any state, or a law of the  
760 United States or any other jurisdiction, involving gambling,  
761 dishonesty, theft, or fraud which substantially corresponds to a  
762 misdemeanor in this state; or

763 3. A felony under the laws of this or any other state, or  
764 the laws of the United States, or any other jurisdiction.

765 (c) A member, employee, or agent of the commission who is  
766 negotiating for an interest in a licensee or an applicant, or is



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767 affiliated with such a person, must immediately provide written  
768 notice of the details of the interest to the chair. The member,  
769 employee, or agent of the commission may not act on behalf of  
770 the commission with respect to that person.

771 (d) A member, employee, or agent of the commission may not  
772 enter into negotiations for employment with any person or  
773 affiliate of any person who is an applicant, licensee, or an  
774 affiliate. If a member, employee, or agent of the commission  
775 enters into negotiations for employment in violation of this  
776 paragraph or receives an invitation, written or oral, to  
777 initiate a discussion concerning employment with any person who  
778 is a licensee, applicant, or an affiliate, he or she must  
779 immediately provide written notice of the details of any such  
780 negotiations or discussions to the chair. The member, employee,  
781 or agent of the commission may not take any action on behalf of  
782 the commission with respect to that licensee or applicant.

783 (e) A licensee or applicant may not knowingly initiate a  
784 negotiation for, or discussion of, employment with a member,  
785 employee, or agent of the commission. A licensee or applicant  
786 who initiates a negotiation or discussion about employment shall  
787 immediately provide written notice of the details of the  
788 negotiation or discussion to the chair as soon as that person  
789 becomes aware that the negotiation or discussion has been  
790 initiated with a member, employee, or agent of the commission.

791 (f) A member, employee, or agent of the commission, or a  
792 parent, spouse, sibling, or child of a member, employee, or  
793 agent of the commission, may not accept any gift, gratuity,  
794 compensation, travel, lodging, or anything of value, directly or  
795 indirectly, from a licensee, applicant, or affiliate or



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796 representative of a person regulated by the commission unless  
797 the acceptance is permitted under the rules of the commission  
798 and conforms with chapter 112, Florida Statutes. A member,  
799 employee, or agent of the commission who is offered or receives  
800 any gift, gratuity, compensation, travel, lodging, or anything  
801 of value, directly or indirectly, from any licensee or an  
802 applicant or affiliate or representative of a person regulated  
803 by the commission must immediately provide written notice of the  
804 details to the chair.

805 (g) A licensee, applicant, or affiliate or representative  
806 of an applicant or licensee may not, directly or indirectly,  
807 knowingly give or offer to give any gift, gratuity,  
808 compensation, travel, lodging, or anything of value to any  
809 member, employee, or agent, or to a parent, spouse, sibling, or  
810 child of a member, employee, or agent, which the member,  
811 employee, or agent is prohibited from accepting under paragraph  
812 (f).

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

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

824 Section 12. Ex parte communications.-



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825           (1) A licensee, applicant, or any affiliate or  
826 representative of an applicant or licensee may not engage  
827 directly or indirectly in ex parte communications concerning a  
828 pending application, license, or enforcement action with a  
829 member of the commission or concerning a matter that likely will  
830 be pending before the commission. A member of the commission may  
831 not engage directly or indirectly in any ex parte communications  
832 concerning a pending application, license, or enforcement action  
833 with members of the commission, or with a licensee, applicant,  
834 or any affiliate or representative of an applicant or licensee,  
835 or concerning a matter that likely will be pending before the  
836 commission.

837           (2) Any commission member, licensee, applicant, or  
838 affiliate or representative of a commission member, licensee, or  
839 applicant who receives any ex parte communication in violation  
840 of subsection (1), or who is aware of an attempted communication  
841 in violation of subsection (1), must immediately report details  
842 of the communication or attempted communication in writing to  
843 the chair.

844           (3) If a commissioner knowingly receives an ex parte  
845 communication relative to a proceeding to which he or she is  
846 assigned, he or she must place on the record copies of all  
847 written communications received, copies of all written responses  
848 to the communications, and a memorandum stating the substance of  
849 all oral communications received and all oral responses made,  
850 and shall give written notice to all parties to the  
851 communication that such matters have been placed on the record.  
852 Any party who desires to respond to an ex parte communication  
853 may do so. The response must be received by the commission



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854 within 10 days after receiving notice that the ex parte  
855 communication has been placed on the record. The commissioner  
856 may, if he or she deems it necessary to eliminate the effect of  
857 an ex parte communication received by him or her, withdraw from  
858 the proceeding potentially impacted by the ex parte  
859 communication. After a commissioner withdraws from the  
860 proceeding, the chair shall substitute another commissioner for  
861 the proceeding if the proceeding was not assigned to the full  
862 commission.

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

873 (5) A member of the commission who knowingly fails to place  
874 on the record any ex parte communications, in violation of this  
875 section, within 15 days after the date of the communication is  
876 subject to removal and may be assessed a civil penalty not to  
877 exceed \$5,000.

878 (6) The Commission on Ethics shall receive and investigate  
879 sworn complaints of violations of this section pursuant to ss.  
880 112.322-112.3241, Florida Statutes.

881 (7) If the Commission on Ethics finds that a member of the  
882 commission has violated this section, it shall provide the



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883 Governor with a report of its findings and recommendations. The  
884 Governor may enforce the findings and recommendations of the  
885 Commission on Ethics pursuant to part III of chapter 112,  
886 Florida Statutes.

887 (8) If a commissioner fails or refuses to pay the  
888 Commission on Ethics any civil penalties assessed pursuant to  
889 this section, the Commission on Ethics may bring an action in  
890 any circuit court to enforce such penalty.

891 (9) If, during the course of an investigation by the  
892 Commission on Ethics into an alleged violation of this section,  
893 allegations are made as to the identity of the person who  
894 participated in the ex parte communication, that person must be  
895 given notice and an opportunity to participate in the  
896 investigation and relevant proceedings to present a defense. If  
897 the Commission on Ethics determines that the person participated  
898 in the ex parte communication, the person may not appear before  
899 the commission or otherwise represent anyone before the  
900 commission for 2 years.

901 Section 13. Penalties for misconduct by a commissioner,  
902 employee, or agent.—

903 (1) A violation of the Resort Act by a member of the  
904 commission may result in disqualification or constitute cause  
905 for removal by the Governor or other disciplinary action as  
906 determined by the commission.

907 (2) A violation of the Resort Act by an employee or agent  
908 of the commission does not require termination of employment or  
909 other disciplinary action if:

910 (a) The commission determines that the conduct involved  
911 does not violate the purposes the Resort Act; or



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912 (b) There was no intentional action on the part of the  
913 employee or agent, contingent on divestment of the financial  
914 interest within 30 days after the interest was acquired.

915 (3) Notwithstanding subsection (2), an employee or agent of  
916 the commission who violates the Resort Act shall be terminated  
917 if a financial interest in a licensee, applicant, or affiliate,  
918 or representative of a licensee or applicant, is acquired by:

919 (a) An employee of the commission; or

920 (b) The employee's or agent's spouse, parent, or child.

921 (4) A violation the Resort Act does not create a civil  
922 cause of action.

923 Section 14. Authorization of limited gaming at destination  
924 resorts.—Notwithstanding any other provisions of law, the  
925 commission may not award a resort license authorizing limited  
926 gaming unless a majority of the electors in a countywide  
927 referendum have approved the conduct of limited gaming in the  
928 respective county. If limited gaming is authorized through the  
929 award of a resort license, the resort licensee may possess slot  
930 machines and other authorized gaming devices and conduct limited  
931 gaming at the licensed location. Notwithstanding any other  
932 provision of law, a person may lawfully participate in  
933 authorized games at a facility licensed to possess authorized  
934 limited gaming devices and conduct limited gaming or to  
935 participate in limited gaming as described in the Resort Act.

936 Section 15. Legislative authority; administration of act.—  
937 The regulation of the conduct of limited gaming activity at a  
938 resort licensee is preempted to the state and a county,  
939 municipality, or other political subdivision of the state may  
940 not enact any ordinance relating to limited gaming. Only the



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941 commission and other authorized state agencies shall administer  
942 the Resort Act and regulate limited gaming, including limited  
943 gaming at resort licensees and the assessment of fees or taxes  
944 relating to the conduct of limited gaming.

945 Section 16. Process for awarding destination resort  
946 licenses.-

947 (1) The commission shall by rule use an invitation to  
948 negotiate process for determining the award of a resort license.  
949 The application, review, and issuance procedures for awarding a  
950 license shall be by a process in which applicants rely on forms  
951 provided by the commission in response to an invitation to  
952 negotiate issued by the commission.

953 (2) The commission may, at its discretion, stagger the  
954 issuance of invitations to negotiate, the period for review of  
955 replies, and the awarding of one or more licenses to conduct  
956 limited gaming, provided that the number of licenses does not  
957 exceed five destination resort licensees. Invitations to  
958 negotiate shall require a response within no less than 6 months  
959 of the date after the issuance of the invitation.

960 (3) The commission may specify in its invitation to  
961 negotiate the district in which the facility would be located.  
962 When determining whether to authorize the destination resort  
963 located within a specific county or counties, the commission  
964 shall, if practicable, hold a public hearing in such county or  
965 counties.

966 (4) The commission shall review all complete replies  
967 received pursuant to an invitation to negotiate. The commission  
968 may select one or more replies with which to commence  
969 negotiations after determining which replies are in the best



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970 interest of the state based on the selection criteria. The  
971 commission shall award or deny a destination resort license  
972 within 12 months after the deadline for the submission of a  
973 reply.

974 Section 17. Criteria for the award of a destination resort  
975 license.-

976 (1) The commission may award a resort license to the  
977 applicant of an invitation to negotiate which best serves the  
978 interests of the residents of Florida. The reply to an  
979 invitation to negotiate for a resort license must include an  
980 application that demonstrates the applicant's ability to meet  
981 the following minimum criteria:

982 (a) Only one destination resort license may be awarded per  
983 district.

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

987 (c) The resort must provide a minimum of 1,000 hotel rooms.

988 (d) The resort must contain convention and meeting floor  
989 space of at least 500,000 square feet.

990 (e) The area in which the conduct of limited gaming is  
991 authorized may constitute no more than 10 percent of the resort  
992 development's total square footage. The resort development's  
993 total square footage is the aggregate of the total square  
994 footage of the limited gaming facility, the hotel or hotels,  
995 convention space, retail facilities, nongaming entertainment  
996 facilities, service centers, and office space or administrative  
997 areas.

998 (f) The applicant must demonstrate a history of, or a bona



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999 fide plan for, community involvement or investment in the  
1000 community where the resort having a limited gaming facility will  
1001 be located.

1002 (g) The applicant must demonstrate the financial ability to  
1003 purchase and maintain an adequate surety bond.

1004 (h) The applicant must demonstrate that it has adequate  
1005 capitalization to develop, construct, maintain, and operate the  
1006 proposed resort and convention center having a limited gaming  
1007 facility in accordance with the requirements of the Resort Act  
1008 and rules adopted by the commission and to responsibly meet its  
1009 secured and unsecured debt obligations in accordance with its  
1010 financial and other contractual agreements.

1011 (i) The applicant shall demonstrate the ability to  
1012 implement a program to train and employ residents of this state  
1013 for jobs that will be available at the destination resort,  
1014 including its ability to implement a program for the training of  
1015 low-income persons.

1016 (j) The commission may, at its discretion, assess the  
1017 quality of the proposed development's aesthetic appearance in  
1018 the context of its potential to provide substantial economic  
1019 benefits to the community and the people of Florida, including,  
1020 but not limited to its potential to provide substantial  
1021 employment opportunities.

1022 (k) The applicant shall demonstrate how it will comply with  
1023 state and federal affirmative action guidelines.

1024 (l) The applicant shall demonstrate the ability to generate  
1025 substantial gross receipts.

1026 (2) A resort license may be issued only to persons of good  
1027 moral character who are at least 21 years of age. A resort



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1028 license may issued to a corporation only if its officers are of  
1029 good moral character and at least 21 years of age.

1030 (3) A resort license may not be issued to an applicant if  
1031 the applicant, qualifier, or institutional investor:

1032 (a) Has, within the last 10 years, filed for protection  
1033 under the Federal Bankruptcy Code or had an involuntary  
1034 bankruptcy petition filed against them.

1035 (b) Has, within the last 5 years, been adjudicated by a  
1036 court or tribunal for failure to pay income, sales, or gross  
1037 receipts tax due and payable under any federal, state, or local  
1038 law, after exhaustion of all appeals or administrative remedies.

1039 (c) Has been convicted of a felony under the laws of this  
1040 or any other state, or the United States.

1041 (d) Has been convicted of any violation under chapter 817,  
1042 Florida Statutes, or under a substantially similar law of  
1043 another jurisdiction.

1044 (e) Knowingly submitted false information in the  
1045 application for the license.

1046 (f) Is a member or employee of the commission.

1047 (g) Was licensed to own or operate gaming or pari-mutuel  
1048 facilities in this state or another jurisdiction and that  
1049 license was revoked.

1050 (h) Fails to meet any other criteria for licensure set  
1051 forth in the Resort Act.

1052  
1053 The term "conviction" includes an adjudication of guilt on a  
1054 plea of guilty or nolo contendere or the forfeiture of a bond  
1055 when charged with a crime.

1056 Section 18. Application for destination resort license.-



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1057           (1) APPLICATION.—A reply submitted in response to an  
1058 invitation to negotiate must include a sworn application in the  
1059 format prescribed by the commission. The application must  
1060 include the following information:

1061           (a)1. The name, business address, telephone number, social  
1062 security number, and, where applicable, the federal tax  
1063 identification number of the applicant and each qualifier; and

1064           2. Information, documentation, and assurances concerning  
1065 financial background and resources as may be required to  
1066 establish the financial stability, integrity, and responsibility  
1067 of the applicant. This includes business and personal income and  
1068 disbursement schedules, tax returns and other reports filed with  
1069 governmental agencies, and business and personal accounting and  
1070 check records and ledgers. In addition, each applicant must  
1071 provide written authorization for the examination of all bank  
1072 accounts and records as may be deemed necessary by the  
1073 commission.

1074           (b) The identity and, if applicable, the state of  
1075 incorporation or registration of any business in which the  
1076 applicant or a qualifier has an equity interest of more than 5  
1077 percent. If the applicant or qualifier is a corporation,  
1078 partnership, or other business entity, the applicant or  
1079 qualifier must identify any other corporation, partnership, or  
1080 other business entity in which it has an equity interest of more  
1081 5 percent, including, if applicable, the state of incorporation  
1082 or registration.

1083           (c) A statement as to whether the applicant or a qualifier  
1084 has developed and operated a gaming facility within a  
1085 jurisdiction in the United States, including a description of



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1086 the gaming facility, the gaming facility's gross revenue, and  
1087 the amount of revenue the gaming facility has generated for  
1088 state and local governments within that jurisdiction.

1089 (d) A statement as to whether the applicant or a qualifier  
1090 has been indicted, convicted of, pled guilty or nolo contendere  
1091 to, or forfeited bail for any felony or for a misdemeanor  
1092 involving gambling, theft, or fraud. The statement must include  
1093 the date, the name and location of the court, the arresting  
1094 agency, the prosecuting agency, the case caption, the docket  
1095 number, the nature of the offense, the disposition of the case,  
1096 and, if applicable, the location and length of incarceration.

1097 (e) A statement as to whether the applicant or a qualifier  
1098 has ever been granted any license or certificate in any  
1099 jurisdiction which has been restricted, suspended, revoked, not  
1100 renewed, or otherwise subjected to discipline. The statement  
1101 must describe the facts and circumstances concerning that  
1102 restriction, suspension, revocation, nonrenewal, or discipline,  
1103 including the licensing authority, the date each action was  
1104 taken, and an explanation of the circumstances for each  
1105 disciplinary action.

1106 (f) A statement as to whether the applicant or qualifier  
1107 has, as a principal or a controlling shareholder, within the  
1108 last 10 years, filed for protection under the Federal Bankruptcy  
1109 Code or had an involuntary bankruptcy petition filed against it.

1110 (g) A statement as to whether the applicant or qualifier  
1111 has, within the last 5 years, been adjudicated by a court or  
1112 tribunal for failure to pay any income, sales, or gross receipts  
1113 tax due and payable under federal, state, or local law, after  
1114 exhaustion of all appeals or administrative remedies. This



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1115 statement must identify the amount and type of the tax and the  
1116 time periods involved and must describe the resolution of the  
1117 nonpayment.

1118 (h) A list of the names and titles of any public officials  
1119 or officers of any unit of state government or of the local  
1120 government or governments in the county or municipality in which  
1121 the proposed resort is to be located, and the spouses, parents,  
1122 and children of those public officials or officers, who,  
1123 directly or indirectly, own any financial interest in, have any  
1124 beneficial interest in, are the creditors of, hold any debt  
1125 instrument issued by the applicant or a qualifier, or hold or  
1126 have an interest in any contractual or service relationship with  
1127 the applicant or qualifier. As used in this paragraph, the terms  
1128 "public official" and "officer" do not include a person who  
1129 would be listed solely because the person is a member of the  
1130 Florida National Guard.

1131 (i) The name and business telephone number of any attorney,  
1132 lobbyist, or other person who is representing an applicant  
1133 before the commission during the application process.

1134 (j) A description of the applicant's history of and  
1135 proposed plan for community involvement or investment in the  
1136 community where the resort having a limited gaming facility  
1137 would be located.

1138 (k) A description of the applicant's proposed resort,  
1139 including a description of the economic benefit to the community  
1140 in which the facility would be located, the anticipated number  
1141 of employees, a statement regarding how the applicant would  
1142 comply with federal and state affirmative action guidelines, a  
1143 projection of admissions or attendance at the limited gaming



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1144 facility, a projection of gross receipts, and scientific market  
1145 research pertaining to the proposed facility, if any.

1146 (l) Proof of a countywide referendum authorizing limited  
1147 gaming at a resort in the county. The referendum must be  
1148 approved by the electors of the county before the application  
1149 deadline established by the commission.

1150 (m) A schedule or timeframe for completing the resort.

1151 (n) A plan for training residents of this state for jobs at  
1152 the resort. The job-training plan must provide training to  
1153 enable low-income persons to qualify for jobs at the resort.

1154 (o) The identity of each person, association, trust, or  
1155 corporation or partnership having a direct or indirect equity  
1156 interest in the applicant of greater than 5 percent. If  
1157 disclosure of a trust is required under this paragraph, the  
1158 names and addresses of the beneficiaries of the trust must also  
1159 be disclosed. If the identity of a corporation must be  
1160 disclosed, the names and addresses of all stockholders and  
1161 directors must also be disclosed. If the identity of a  
1162 partnership must be disclosed, the names and addresses of all  
1163 partners, both general and limited, must also be disclosed.

1164 (p) A destination resort and limited gaming facility  
1165 development plan.

1166 (q) The fingerprints of the all officers or directors of  
1167 the applicant and qualifiers, and any persons exercising  
1168 operational or managerial control of the applicant, as  
1169 determined by rule of the commission, for a criminal history  
1170 record check.

1171 (2) DISCRETION TO REQUIRE INFORMATION.—Notwithstanding any  
1172 other provision of law, the commission is the sole authority for



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1173 determining the information or documentation that must be  
1174 included in an application for a resort license or in an  
1175 application to renew a resort license. Such documentation and  
1176 information may relate to: demographics, education, work  
1177 history, personal background, criminal history, finances,  
1178 business information, complaints, inspections, investigations,  
1179 discipline, bonding, photographs, performance periods,  
1180 reciprocity, local government approvals, supporting  
1181 documentation, periodic reporting requirements, and fingerprint  
1182 requirements.

1183 (3) DUTY TO SUPPLEMENT APPLICATION.—The application shall  
1184 be supplemented as needed to reflect any material change in any  
1185 circumstance or condition stated in the application which takes  
1186 place between the initial filing of the application and the  
1187 final grant or denial of the license. Any submission required to  
1188 be in writing may otherwise be required by the commission to be  
1189 made by electronic means.

1190 (4) CRIMINAL HISTORY CHECKS.—The commission may contract  
1191 with private vendors, or enter into interagency agreements, to  
1192 collect electronic fingerprints where fingerprints are required  
1193 for licensure or where criminal history record checks are  
1194 required.

1195 (5) APPLICATION FEES.—

1196 (a) The application for a resort license must be submitted  
1197 along with a nonrefundable application fee of \$1 million to be  
1198 used by the commission to defray costs associated with the  
1199 review and investigation of the application and to conduct a  
1200 background investigation of the applicant and each qualifier. If  
1201 the cost of the review and investigation exceeds \$1 million, the



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1202 applicant must pay the additional amount to the commission  
1203 within 30 days after the receipt of a request for an additional  
1204 payment.

1205 (b) The application for a destination resort license must  
1206 be submitted with a one-time licensing fee of \$50 million. If  
1207 the commission denies the application, the commission must  
1208 refund the licensing fee within 30 days after the denial of the  
1209 application. If the applicant withdraws the application after  
1210 the application deadline established by the commission, the  
1211 commission must refund 80 percent of the licensing fee within 30  
1212 days after the application is withdrawn.

1213 Section 19. Incomplete applications.-

1214 (1) An incomplete application for a resort license is  
1215 grounds for the denial of the application.

1216 (2) (a) If the commission determines that an application for  
1217 a resort license is incomplete, the executive director shall  
1218 immediately provide written notice to the applicant of the  
1219 incomplete items. The applicant may then request a confidential  
1220 informal conference with the executive director or his designee  
1221 to discuss the application.

1222 (b) The executive director shall provide the applicant an  
1223 extension of 30 days to complete the application following the  
1224 date of the informal conference. If the executive director finds  
1225 that the application has not been completed within the  
1226 extension, the applicant may appeal the finding to the  
1227 commission. During an extension or the pendency of an appeal to  
1228 the commission, the award of resort licenses in the applicable  
1229 district is stayed.

1230 Section 20. Institutional investors as qualifiers.-



1231           (1) An application for a resort license that has an  
1232 institutional investor as a qualifier need not contain  
1233 information relating to the institutional investor other than  
1234 the identity of the investor and information relating to  
1235 qualifications under the Resort Act if the institutional  
1236 investor:

1237           (a) Holds less than 5 percent of the equity securities or 5  
1238 percent of the debt securities of an applicant or affiliate of  
1239 the applicant;

1240           (b) Is a publicly traded corporation; and

1241           (c) Files a certified statement that the institutional  
1242 investor does not intend to influence or affect the affairs of  
1243 the applicant or an affiliate of the applicant and further  
1244 states that its holdings of securities of the applicant or  
1245 affiliate were purchased for investment purposes only.

1246  
1247 The commission may limit the application requirements as  
1248 provided in this subsection for an institutional investor that  
1249 is a qualifier and that holds 5 percent or more of the equity or  
1250 debt securities of an applicant or affiliate of the applicant  
1251 upon a showing of good cause and if the conditions specified in  
1252 paragraphs (b) and (c) are satisfied.

1253           (2) An institutional investor that is exempt from the full  
1254 application requirements under this section and that  
1255 subsequently intends to influence or affect the affairs of the  
1256 issuer must first notify the commission of its intent and file  
1257 an application containing all of the information that would have  
1258 been required of the institutional investor in the application  
1259 for a resort license. The commission may deny the application if



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1260 it determines that granting the application will impair the  
1261 financial stability of the licensee or impair the ability of the  
1262 licensee to comply with its development plans or other plans  
1263 submitted to the commission by the applicant or licensee.

1264 (3) An applicant for a license or a resort licensee or  
1265 affiliate shall immediately notify the commission of any  
1266 information concerning an institutional investor holding its  
1267 equity or debt securities which may disqualify an institutional  
1268 investor from having a direct or indirect interest in the  
1269 applicant or licensee, and the commission may require the  
1270 institutional investor to file all information that would have  
1271 been required of the institutional investor in the application  
1272 for a license.

1273 (4) If the commission finds that an institutional investor  
1274 that is a qualifier fails to comply with the requirements of  
1275 subsection (1) or, if at any time the commission finds that by  
1276 reason of the extent or nature of its holdings an institutional  
1277 investor is in a position to exercise a substantial impact upon  
1278 the controlling interests of a licensee, the commission may  
1279 require the institutional investor to file an application  
1280 containing all of information that would have been required of  
1281 the institutional investor in the application for a license.

1282 (5) Notwithstanding paragraph (1)(c), an institutional  
1283 investor may vote on all matters that are put to the vote of the  
1284 outstanding security holders of the applicant or licensee.

1285 Section 21. Lenders and underwriters; exemption as  
1286 qualifiers.—A bank, lending institution, or any underwriter in  
1287 connection with any bank or lending institution that, in the  
1288 ordinary course of business, makes a loan to, or holds a



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1289 security interest in, a licensee or applicant, a supplier  
1290 licensee or applicant or its subsidiary, or direct or indirect  
1291 parent company of any of the foregoing is not a qualifier and is  
1292 not required to be licensed.

1293 Section 22. Conditions for a resort license.—As a condition  
1294 to licensure and to maintain continuing authority, a resort  
1295 licensee must:

1296 (1) Comply with the Resort Act and the rules of the  
1297 commission.

1298 (2) Allow the commission and the Department of Law  
1299 Enforcement unrestricted access to and right of inspection of  
1300 facilities of a licensee in which any activity relative to the  
1301 conduct of gaming is conducted.

1302 (3) Complete the resort in accordance with the plans and  
1303 timeframe proposed to the commission in its application, unless  
1304 a waiver is granted by the commission.

1305 (4) Ensure that the facilities-based computer system that  
1306 the licensee will use for operational and accounting functions  
1307 of the facility is specifically structured to facilitate  
1308 regulatory oversight. The facilities-based computer system shall  
1309 be designed to provide the commission and the Department of Law  
1310 Enforcement with the ability to monitor, at any time on a real-  
1311 time basis, the wagering patterns, payouts, tax collection, and  
1312 such other operations as necessary to determine whether the  
1313 facility is in compliance with statutory provisions and rules  
1314 adopted by the commission for the regulation and control of  
1315 gaming. The commission and the Department of Law Enforcement  
1316 shall have complete and continuous access to this system. Such  
1317 access shall include the ability of either the commission or the



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1318 Department of Law Enforcement to suspend play immediately on  
1319 particular slot machines or gaming devices if monitoring of the  
1320 system indicates possible tampering or manipulation of those  
1321 slot machines or gaming devices or the ability to suspend play  
1322 immediately of the entire operation if the tampering or  
1323 manipulation is of the computer system itself. The computer  
1324 system shall be reviewed and approved by the commission to  
1325 ensure necessary access, security, and functionality. The  
1326 commission may adopt rules to provide for the approval process.

1327 (5) Ensure that each game, slot machine, or other gaming  
1328 device is protected from manipulation or tampering that may  
1329 affect the random probabilities of winning plays. The commission  
1330 or the Department of Law Enforcement may suspend play upon  
1331 reasonable suspicion of any manipulation or tampering. If play  
1332 has been suspended on any game, slot machine, or other gaming  
1333 device, the commission or the Department of Law Enforcement may  
1334 conduct an examination to determine whether the game, machine,  
1335 or other gaming device has been tampered with or manipulated and  
1336 whether the game, machine, or other gaming device should be  
1337 returned to operation.

1338 (6) Submit a security plan, including the facilities' floor  
1339 plans, the locations of security cameras, and a listing of all  
1340 security equipment that is capable of observing and  
1341 electronically recording activities being conducted in the  
1342 facilities of the licensee. The security plan must meet the  
1343 minimum security requirements as determined by the commission  
1344 and be implemented before the operation of gaming. The  
1345 licensee's facilities must adhere to the security plan at all  
1346 times. Any changes to the security plan must be submitted by the



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1347 licensee to the commission prior to implementation. The  
1348 commission shall furnish copies of the security plan and changes  
1349 in the plan to the Department of Law Enforcement.

1350 (7) Create and file with the commission a written policy  
1351 for:

1352 (a) Creating opportunities to purchase from vendors in this  
1353 state, including minority vendors.

1354 (b) Creating opportunities for the employment of residents  
1355 of this state, including minority residents.

1356 (c) Ensuring opportunities for obtaining construction  
1357 services from minority contractors.

1358 (d) Ensuring that opportunities for employment are offered  
1359 on an equal, nondiscriminatory basis.

1360 (e) Training employees on responsible gaming and working  
1361 with a compulsive or addictive gambling prevention program.

1362 (f) Implementing a drug-testing program that includes, but  
1363 is not limited to, requiring each employee to sign an agreement  
1364 that he or she understands that the resort is a drug-free  
1365 workplace.

1366 (g) Using the Internet-based job-listing system of the  
1367 Agency for Workforce Innovation in advertising employment  
1368 opportunities.

1369 (h) Ensuring that the payout percentage of each slot  
1370 machine is at least 85 percent.

1371 (8) A resort licensee shall keep and maintain permanent  
1372 daily records of its limited gaming operations and shall  
1373 maintain such records for a period of not less than 5 years.  
1374 These records must include all financial transactions and  
1375 contain sufficient detail to determine compliance with the



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1376 requirements of the Resort Act. All records shall be available  
1377 for audit and inspection by the commission, the Department of  
1378 Law Enforcement, or other law enforcement agencies during the  
1379 resort licensee's regular business hours.

1380       Section 23. Surety bond.—A destination resort licensee  
1381 must, at its own cost and expense, before the license is  
1382 delivered, give a bond in the penal sum to be determined by the  
1383 commission payable to the Governor of the state and her or his  
1384 successors in office. The bond must be issued by a surety or  
1385 sureties approved by the commission and the Chief Financial  
1386 Officer and the bond must be conditioned on the licensee  
1387 faithfully making the required payments to the Chief Financial  
1388 Officer in her or his capacity as treasurer of the commission,  
1389 keeping the licensee's books and records and make reports as  
1390 provided, and conducting its limited gaming activities in  
1391 conformity with the Resort Act. The commission shall fix the  
1392 amount of the bond at the total amount of annual license fees  
1393 and the taxes estimated to become due as determined by the  
1394 commission. In lieu of a bond, an applicant or licensee may  
1395 deposit with the commission a like amount of funds, a savings  
1396 certificate, a certificate of deposit, an investment  
1397 certificate, or a letter of credit from a bank, savings bank,  
1398 credit union, or savings and loan association situated in this  
1399 state which meets the requirements set for that purpose by the  
1400 Chief Financial Officer. If security is provided in the form of  
1401 a savings certificate, a certificate of deposit, or an  
1402 investment certificate, the certificate must state that the  
1403 amount is unavailable for withdrawal except upon order of the  
1404 commission. The commission may review the bond or other security



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1405 for adequacy and require adjustments, including increasing the  
1406 amount of the bond and other security. The commission may adopt  
1407 rules to administer this section and establish guidelines for  
1408 such bonds or other securities.

1409 Section 24. Conduct of limited gaming.-

1410 (1) Limited gaming may be conducted by a resort licensee,  
1411 subject to the following:

1412 (a) The site of the limited gaming facility is limited to  
1413 the resort licensee's site location as approved by the  
1414 commission.

1415 (b) Limited gaming may not be conducted by a resort  
1416 licensee until the resort is completed according to the proposal  
1417 approved by the commission.

1418 (c) The commission's agents and employees may enter and  
1419 inspect a limited gaming facility or other facilities relating  
1420 to a resort licensee's gaming operations at any time for the  
1421 purpose of determining whether the licensee is in compliance  
1422 with the Resort Act.

1423 (d) A resort licensee may lease or purchase gaming devices,  
1424 equipment, or supplies customarily used in conducting gaming  
1425 only from a licensed supplier.

1426 (e) A resort licensee may not permit any form of wagering  
1427 on games except as permitted by the Resort Act.

1428 (f) A resort licensee may receive wagers only from a person  
1429 present in the limited gaming facility.

1430 (g) A resort licensee may not permit wagering using money  
1431 or other negotiable currency except for wagering on slot  
1432 machines.

1433 (h) A resort licensee may not permit a person who is less



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1434 than 21 years of age to engage in gaming activity or remain in  
1435 an area of a limited gaming facility where gaming is being  
1436 conducted, except for a limited gaming employee of the resort  
1437 licensee who is at least 18 years of age.

1438 (i) A resort licensee may not sell or distribute tokens,  
1439 chips, or electronic cards used to make wagers outside the  
1440 limited gaming facility. The tokens, chips, or electronic cards  
1441 may be purchased by means of an agreement under which the  
1442 licensee extends credit to a wagerer. The tokens, chips, or  
1443 electronic cards may be used only for the purpose of making  
1444 wagers on games within a limited gaming facility.

1445 (j) All gaming activities must be conducted in accordance  
1446 with commission rules.

1447 (2) A limited gaming facility may operate 24 hours per day,  
1448 every day of the year.

1449 (3) A resort licensee may set the minimum and maximum  
1450 wagers on all games.

1451 (4) A resort licensee shall give preference in employment,  
1452 reemployment, promotion, and retention to veterans and to the  
1453 persons included under s. 295.07(1), Florida Statutes, who  
1454 possess the minimum qualifications necessary to perform the  
1455 duties of the positions involved.

1456 (5) A resort licensee shall use the E-Verify program, or a  
1457 similar program developed under the Immigration Reform and  
1458 Control Act of 1986 or the Illegal Immigration Reform and  
1459 Immigrant Responsibility Act of 1996, to verify the employment  
1460 eligibility of all prospective employees. Applicants for a  
1461 resort license must require that all contractors use such a  
1462 program to verify the employment eligibility of their



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1463 prospective employees.

1464 (6) The commission shall renew a resort license if:

1465 (a) The licensee has demonstrated an effort to increase  
1466 tourism, generate jobs, provide revenue to the local economy,  
1467 and provide revenue to the state General Revenue Fund.

1468 (b) The commission has not suspended or revoked the license  
1469 of the licensee.

1470 (c) The licensee continues to satisfy all the requirements  
1471 of the initial application for licensure.

1472 Section 25. License fee; tax rate; disposition.-

1473 (1) LICENSE FEE.-On the anniversary date of the issuance of  
1474 the initial resort license and annually thereafter, the licensee  
1475 must pay to the commission a nonrefundable annual license fee of  
1476 \$5 million. The license shall be renewed annually, unless the  
1477 commission has revoked the license for a violation of the Resort  
1478 Act or rule of the commission. The license fee shall be  
1479 deposited into the Destination Resort Trust Fund to be used by  
1480 the commission and the Department of Law Enforcement for  
1481 investigations, regulation of limited gaming, and enforcement of  
1482 the Resort Act.

1483 (2) GROSS RECEIPTS TAX.-

1484 (a) Each resort licensee shall pay a gross receipts tax on  
1485 its gross receipts to the state. Upon completion of the resort  
1486 and before limited gaming may be conducted, the resort licensee  
1487 must submit proof, as required by the commission, of the total  
1488 investment made in the construction of the resort. Upon  
1489 submission of this information, the gross receipts tax rate  
1490 shall be set as follows:

1491 1. If the total infrastructure investment is \$2 billion or



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1492 more, the tax rate shall be 10 percent of the gross receipts.  
1493 2. If the total infrastructure investment is at least \$1  
1494 billion but less than \$2 billion, the tax rate shall be 15  
1495 percent of the gross receipts.  
1496 3. If the total infrastructure investment is less than \$1  
1497 billion, the tax rate shall be 20 percent of the gross receipts.  
1498 (b) The gross receipts tax is in lieu of any other state  
1499 taxes on gross or adjusted gross receipts of a resort licensee.  
1500 (3) TAX PROCEEDS.—  
1501 (a) The gross receipts tax shall be deposited into the  
1502 Destination Resort Trust Fund and shall be used to fund the  
1503 operating costs of the commission pursuant to appropriations by  
1504 the Legislature.  
1505 (b) On June 30 of each year, all unappropriated funds in  
1506 excess of \$5 million shall be deposited as follows:  
1507 1. Ninety-five percent shall be deposited into the General  
1508 Revenue Fund.  
1509 2. Two and 1/2 percent shall be deposited into the Tourism  
1510 Promotional Trust Fund for use by the Florida Commission on  
1511 Tourism.  
1512 3. One and 1/4 percent shall be deposited into the  
1513 Employment Security Administration Trust Fund for the benefit of  
1514 the school readiness program.  
1515 4. One and 1/4 percent shall be deposited into the  
1516 Transportation Disadvantaged Trust Fund for use by the  
1517 Commission for the Transportation Disadvantaged.  
1518 Section 26. Fingerprint requirements.—Any fingerprints  
1519 required to be taken under the Resort Act must be taken in a  
1520 manner approved by, and shall be submitted electronically by the



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1521 commission to, the Department of Law Enforcement. The Department  
1522 of Law Enforcement shall submit the results of the state and  
1523 national records check to the commission. The commission shall  
1524 consider the results of the state and national records check in  
1525 evaluating an application for any license.

1526 (1) The cost of processing fingerprints and conducting a  
1527 criminal history record check shall be borne by the applicant.  
1528 The Department of Law Enforcement may submit a monthly invoice  
1529 to the commission for the cost of processing the fingerprints  
1530 submitted.

1531 (2) All fingerprints submitted to the Department of Law  
1532 Enforcement pursuant to the Resort Act shall be retained by the  
1533 Department of Law Enforcement and entered into the statewide  
1534 automated fingerprint identification system as authorized by s.  
1535 943.05(2)(b), Florida Statutes, and shall be available for all  
1536 purposes and uses authorized for arrest fingerprint cards  
1537 entered into the statewide automated fingerprint identification  
1538 system pursuant to s. 943.051, Florida Statutes.

1539 (3) The Department of Law Enforcement shall search all  
1540 arrest fingerprints received pursuant to s. 943.051, Florida  
1541 Statutes, against the fingerprints retained in the statewide  
1542 automated fingerprint identification system. Any arrest record  
1543 that is identified with the retained fingerprints of a person  
1544 subject to the criminal history screening under the Resort Act  
1545 shall be reported to the commission. Each licensee shall pay a  
1546 fee to the commission for the cost of retention of the  
1547 fingerprints and the ongoing searches under this subsection. The  
1548 commission shall forward the payment to the Department of Law  
1549 Enforcement. The amount of the fee to be imposed for performing



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1550 these searches and the procedures for the retention of licensee  
1551 fingerprints shall be as established by rule of the Department  
1552 of Law Enforcement. The commission shall inform the Department  
1553 of Law Enforcement of any change in the license status of  
1554 licensees whose fingerprints are retained under subsection (2).

1555 (4) The commission shall request the Department of Law  
1556 Enforcement to forward the fingerprints to the Federal Bureau of  
1557 Investigation for a national criminal history records check  
1558 every 3 years following issuance of a license. If the  
1559 fingerprints of a person who is licensed have not been retained  
1560 by the Department of Law Enforcement, the person must file  
1561 another set of fingerprints. The commission shall collect the  
1562 fees for the cost of the national criminal history record check  
1563 under this subsection and shall forward the payment to the  
1564 Department of Law Enforcement. The cost of processing  
1565 fingerprints and conducting a criminal history record check  
1566 under this paragraph shall be borne by the licensee or  
1567 applicant. The Department of Law Enforcement may submit an  
1568 invoice to the commission for the fingerprints submitted each  
1569 month. Under penalty of perjury, each person who is licensed or  
1570 who is fingerprinted as required by this section must agree to  
1571 inform the commission within 48 hours if he or she is convicted  
1572 of or has entered a plea of guilty or nolo contendere to any  
1573 disqualifying offense, regardless of adjudication.

1574 Section 27. Compulsive or addictive gambling prevention  
1575 program.—

1576 (1) A resort licensee shall offer training to employees on  
1577 responsible gaming and shall work with a compulsive or addictive  
1578 gambling prevention program to recognize problem gaming



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1579 situations and to implement responsible gaming programs and  
1580 practices.

1581 (2) The commission shall, subject to competitive bidding,  
1582 contract for services relating to the prevention of compulsive  
1583 and addictive gambling. The contract shall provide for an  
1584 advertising program to encourage responsible gaming practices  
1585 and to publicize a gambling telephone help line. Such  
1586 advertisements must be made both publicly and inside the  
1587 resort's limited gaming facility. The terms of any contract for  
1588 such services shall include accountability standards that must  
1589 be met by any private provider. The failure of any private  
1590 provider to meet any material terms of the contract, including  
1591 the accountability standards, constitutes a breach of contract  
1592 or is grounds for nonrenewal. The commission may consult with  
1593 the Department of the Lottery or the Department of Business and  
1594 Professional Regulation in the development of the program and  
1595 the development and analysis of any procurement for contractual  
1596 services for the compulsive or addictive gambling prevention  
1597 program.

1598 (3) The compulsive or addictive gambling prevention program  
1599 shall be funded from an annual nonrefundable regulatory fee of  
1600 \$250,000 paid by each resort licensee to the commission.

1601 Section 28. Suppliers' licenses.-

1602 (1) A person must have a supplier's license in order to  
1603 furnish on a regular or continuing basis to a resort licensee or  
1604 an applicant for a resort license gaming equipment, devices, or  
1605 supplies or other goods or services regarding the realty,  
1606 construction, maintenance, or business of a proposed or existing  
1607 resort facility. This requirement includes, but is not limited



1608 to, junket enterprises, security businesses, manufacturers,  
1609 distributors, persons who service gaming devices or equipment,  
1610 garbage haulers, maintenance companies, food purveyors, and  
1611 construction companies.

1612 (2) An applicant for a supplier's license must apply to the  
1613 commission on forms adopted by the commission by rule. The  
1614 licensing fee for the initial and annual renewal of the license  
1615 is \$5,000.

1616 (3) An applicant for a supplier's license must include in  
1617 the application the fingerprints of the persons identified by  
1618 commission rule for the processing of state and national  
1619 criminal history record checks.

1620 (4) (a) An applicant for a supplier's license is not  
1621 eligible for licensure if:

1622 1. A person for whom fingerprinting is required under  
1623 subsection (3) has been convicted of a felony under the laws of  
1624 this or any other state or the United States;

1625 2. The applicant knowingly submitted false information in  
1626 the application for a supplier's license;

1627 3. The applicant is a member of the commission;

1628 4. The applicant is not a natural person and an officer,  
1629 director, or managerial employee of that person is a person  
1630 defined in subparagraphs 1.-3.;

1631 5. The applicant is not a natural person and an employee of  
1632 the applicant participates in the management or operation of  
1633 limited gaming authorized under the Resort Act; or

1634 6. The applicant has had a license to own or operate a  
1635 resort facility or pari-mutuel facility in this or a similar  
1636 license in any other jurisdiction revoked.



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1637           (b) The commission may revoke a supplier's license at any  
1638 time it determines that the licensee no longer satisfies the  
1639 eligibility requirements in this subsection.

1640           (5) The commission may deny an application for a supplier's  
1641 license for any person:

1642           (a) Who is not qualified to perform the duties required of  
1643 the licensee;

1644           (b) Who fails to disclose information or knowingly submits  
1645 false information in the application;

1646           (c) Who has violated the Resort Act or rules of the  
1647 commission; or

1648           (d) Who has had a gaming-related license or application  
1649 suspended, restricted, revoked, or denied for misconduct in any  
1650 other jurisdiction.

1651           (6) A supplier licensee shall:

1652           (a) Furnish to the commission a list of all gaming  
1653 equipment, devices, and supplies it offers for sale or lease in  
1654 connection with limited gaming authorized in the Resort Act;

1655           (b) Keep books and records documenting the furnishing of  
1656 gaming equipment, devices, and supplies to resort licensees  
1657 separate and distinct from any other business that the supplier  
1658 operates;

1659           (c) File quarterly returns with the commission listing all  
1660 sales or leases of gaming equipment, devices, or supplies to  
1661 resort licensees;

1662           (d) Permanently affix its name to all gaming equipment,  
1663 devices, or supplies sold or leased to licensees; and

1664           (e) File an annual report listing its inventories of gaming  
1665 equipment, devices, and supplies.



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1666           (7) All gaming devices, equipment, or supplies furnished by  
1667 a licensed supplier must conform to standards adopted by  
1668 commission rule.

1669           (8)(a) The commission may suspend, revoke, or restrict the  
1670 supplier's license of a licensee:

1671           1. Who violates the Resort Act or the rules of the  
1672 commission; or

1673           2. Who defaults on the payment of any obligation or debt  
1674 due to this state or a county.

1675           (b) The commission must revoke the supplier's license of a  
1676 licensee for any cause that, if known to the commission, would  
1677 have disqualified the applicant from receiving a license.

1678           (9) A supplier's licensee may repair gaming equipment,  
1679 devices, or supplies in a facility owned or leased by the  
1680 licensee.

1681           (10) Gaming devices, equipment, or supplies owned by a  
1682 supplier's licensee which are used in an unauthorized gaming  
1683 operation shall be forfeited to the county where the equipment  
1684 is found.

1685           (11) The commission may revoke the license or deny the  
1686 application for a supplier's license of a person who fails to  
1687 comply with this section.

1688           (12) A person who knowingly makes a false statement on an  
1689 application for a supplier's license commits a misdemeanor of  
1690 the first degree, punishable as provided in s. 775.082 or s.  
1691 775.083, Florida Statutes.

1692           Section 29. Occupational licenses.—

1693           (1) The Legislature finds that, due to the nature of their  
1694 employment, some gaming employees require heightened state



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1695 scrutiny, including licensing and criminal history record  
1696 checks.

1697 (2) Any person who desires to be a gaming employee and has  
1698 a bona fide offer of employment from a licensed gaming entity  
1699 shall apply to the commission for an occupational license. A  
1700 person may not be employed as a gaming employee unless that  
1701 person holds an appropriate occupational license issued under  
1702 this section. The commission may adopt rules to reclassify a  
1703 category of nongaming employees or gaming employees upon a  
1704 finding that the reclassification is in the public interest and  
1705 consistent with the objectives of the Resort Act.

1706 (3) An applicant for an occupational license must apply to  
1707 the commission on forms adopted by the commission by rule. An  
1708 occupational license is valid for 1 year following issuance. The  
1709 application must be accompanied by the licensing fee set by the  
1710 commission. The licensing fee may not exceed \$50 for an employee  
1711 of a resort licensee.

1712 (a) The applicant shall set forth in the application  
1713 whether the applicant:

1714 1. Has been issued a gaming-related license in any  
1715 jurisdiction.

1716 2. Has been issued a gaming-related license in any other  
1717 jurisdiction under any other name and, if so, the name and the  
1718 applicant's age at the time of licensure.

1719 3. Has had a permit or license issued by another  
1720 jurisdiction suspended, restricted, or revoked and, if so, for  
1721 what period of time.

1722 (b) An applicant for an occupational license must include  
1723 his or her fingerprints in the application.



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1724           (4) To be eligible for an occupational license, an  
1725 applicant must:  
1726           (a) Be at least 21 years of age to perform any function  
1727 directly relating to limited gaming by patrons;  
1728           (b) Be at least 18 years of age to perform nongaming  
1729 functions;  
1730           (c) Not have been convicted of a felony or a crime  
1731 involving dishonesty or moral turpitude in any jurisdiction; and  
1732           (d) Meet the standards for the occupational license as  
1733 provided in commission rules.  
1734           (5) The commission must deny an application for an  
1735 occupational license for any person:  
1736           (a) Who is not qualified to perform the duties required of  
1737 the licensee;  
1738           (b) Who fails to disclose or knowingly submits false  
1739 information in the application;  
1740           (c) Who has violated the Resort Act; or  
1741           (d) Who has had a gaming-related license or application  
1742 suspended, restricted, revoked, or denied in any other  
1743 jurisdiction.  
1744           (6) (a) The commission may suspend, revoke, or restrict the  
1745 occupational license of a licensee:  
1746           1. Who violates the Resort Act or the rules of the  
1747 commission;  
1748           2. Who defaults on the payment of any obligation or debt  
1749 due to this state or a county; or  
1750           3. For any just cause.  
1751           (b) The commission shall revoke the occupational license of  
1752 a licensee for any cause that, if known to the commission, would



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1753 have disqualified the applicant from receiving a license.

1754 (7) Any training provided for an occupational licensee may  
1755 be conducted in the facility of a resort licensee or at a school  
1756 with which the resort licensee has entered into an agreement for  
1757 that purpose.

1758 (8) A person who knowingly makes a false statement on an  
1759 application for an occupational license commits a misdemeanor of  
1760 the first degree, punishable as provided in s. 775.082 or s.  
1761 775.083, Florida Statutes.

1762 Section 30. Temporary supplier's license; temporary  
1763 occupational license.-

1764 (1) Upon the written request of an applicant for a  
1765 supplier's license or an occupational license, the executive  
1766 director shall issue a temporary license to the applicant and  
1767 permit the applicant to undertake employment with or provide  
1768 gaming equipment, devices, or supplies or other goods or  
1769 services to a resort licensee or an applicant for a resort  
1770 license if:

1771 (a) The applicant has submitted a completed application, an  
1772 application fee, all required disclosure forms, and other  
1773 required written documentation and materials;

1774 (b) A preliminary review of the application and the  
1775 criminal history record check does not reveal that the applicant  
1776 or a person subject to a criminal history record check has been  
1777 convicted of a crime that would require denial of the  
1778 application;

1779 (c) A deficiency does not appear to exist in the  
1780 application which may require denial of the application; and

1781 (d) The applicant has an offer of employment from, or an



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1782 agreement to begin providing gaming devices, equipment, or  
1783 supplies or other goods and services to, a resort licensee or an  
1784 applicant for a resort license, or the applicant for a temporary  
1785 license shows good cause for being granted a temporary license.

1786 (2) A temporary occupational license or supplier's license  
1787 may not be valid for more than 90 days.

1788 (3) An applicant who receives a temporary license may  
1789 undertake employment with or supply a resort licensee with  
1790 gaming devices, equipment, or supplies or other goods or  
1791 services until a license is issued or denied or until the  
1792 temporary license expires or is suspended or revoked.

1793 Section 31. Quarterly report.—The commission shall file  
1794 quarterly reports with the Governor, the President of the  
1795 Senate, and the Speaker of the House of Representatives covering  
1796 the previous fiscal quarter. The report must include:

1797 (1) A statement of receipts and disbursements related to  
1798 limited gaming;

1799 (2) A summary of disciplinary actions taken by the  
1800 commission; and

1801 (3) Any additional information and recommendations that the  
1802 commission believes may improve the regulation of limited gaming  
1803 or increase the economic benefits of limited gaming to this  
1804 state.

1805 Section 32. Hearings by the commission.—

1806 (1) The chair of the commission may participate in any  
1807 proceeding pending before the commission when administrative  
1808 duties and time permit. In order to distribute the workload and  
1809 expedite the commission's calendar, the chair, in addition to  
1810 other administrative duties, may assign the various proceedings



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1811 pending before the commission requiring hearings to two or more  
1812 commissioners. Only those commissioners assigned to a proceeding  
1813 requiring hearings may participate in the final decision of the  
1814 commission as to that proceeding. However, if only two  
1815 commissioners are assigned to a proceeding requiring a hearing  
1816 and they cannot agree on a final decision, the chair shall cast  
1817 the deciding vote for final disposition of the proceeding. If  
1818 more than two commissioners are assigned to any proceeding, a  
1819 majority of the members assigned shall constitute a quorum and a  
1820 majority vote of the members assigned shall be essential to  
1821 final commission disposition of those proceedings. If a  
1822 commissioner becomes unavailable after assignment to a  
1823 particular proceeding, the chair must assign a substitute  
1824 commissioner. A petition for reconsideration must be voted upon  
1825 by those commissioners participating in the final disposition of  
1826 the proceeding.

1827 (2) A majority of the commissioners may determine that the  
1828 full commission will sit in any proceeding. Any party to a  
1829 proceeding may file a petition requesting that the proceeding be  
1830 assigned to the full commission. Within 15 days after receipt by  
1831 the commission of any petition, the full commission must dispose  
1832 of such petition by majority vote and render a written decision  
1833 before the matter may be heard by less than the full commission.

1834 (3) This section does not prohibit a commissioner  
1835 designated by the chair from conducting a hearing as provided  
1836 under ss. 120.569 and 120.57(1), Florida Statutes, and the rules  
1837 of the commission.

1838 Section 33. Resolution of disputes between licensees and  
1839 patrons.-



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1840           (1) Whenever a resort licensee has a dispute with a patron  
1841 which is not resolved to the satisfaction of the patron and  
1842 involves:

1843           (a) Alleged winnings, alleged losses, or the award or  
1844 distribution of cash, prizes, benefits, tickets, or any other  
1845 item or items in a game, tournament, contest, drawing,  
1846 promotion, race, or similar activity or event; or

1847           (b) The manner in which a game, tournament, contest,  
1848 drawing, promotion, race, or similar activity or event was  
1849 conducted,

1850  
1851 the licensee must immediately notify the commission of the  
1852 dispute if the amount disputed is \$500 or more. If the dispute  
1853 involves an amount less than \$500, the licensee must immediately  
1854 notify the patron of his or her right to file a complaint with  
1855 the commission.

1856           (2) Upon notice of a dispute or receipt of a complaint, the  
1857 commission shall conduct any investigation it deems necessary  
1858 and may order the licensee to make a payment to the patron upon  
1859 a finding that the licensee is liable for the disputed amount.  
1860 The decision of the commission is effective on the date the  
1861 aggrieved party receives notice of the decision. Notice of the  
1862 decision is deemed sufficient if it is mailed to the last known  
1863 address of the licensee and the patron. The notice is deemed to  
1864 have been received by the resort licensee or the patron 5 days  
1865 after it is deposited with the United States Postal Service with  
1866 postage prepaid.

1867           (3) The failure of a resort licensee to notify the  
1868 commission of the dispute or the patron of the right to file a



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1869 complaint is grounds for disciplinary action.  
1870       Section 34. Enforcement of credit instruments.-  
1871       (1) A credit instrument and the debt that instrument  
1872 represents are valid and may be enforced by legal process.  
1873       (2) A resort licensee may accept an incomplete credit  
1874 instrument that:  
1875       (a) Is signed by the patron; and  
1876       (b) States the amount of the debt in numbers, and may  
1877 complete the instrument as is necessary for the instrument to be  
1878 presented for payment.  
1879       (3) A resort licensee may accept a credit instrument that  
1880 is payable to an affiliate or may complete a credit instrument  
1881 payable to an affiliate if the credit instrument otherwise  
1882 complies with this section and the records of the affiliate  
1883 pertaining to the credit instrument are made available to the  
1884 commission upon request.  
1885       (4) A resort licensee may accept a credit instrument  
1886 before, during, or after the patron incurs the debt. The credit  
1887 instrument and the debt that the instrument represents are  
1888 enforceable without regard to whether the credit instrument was  
1889 accepted before, during, or after the incurring of the debt.  
1890       (5) This section does not prohibit the establishment of an  
1891 account by a deposit of cash, recognized traveler's check, or  
1892 any other instrument that is equivalent to cash.  
1893       (6) If a credit instrument is lost or destroyed, the debt  
1894 represented by the credit instrument may be enforced if the  
1895 resort licensee or person acting on behalf of the licensee can  
1896 prove the existence of the credit instrument.  
1897       (7) The existence of a mental disorder in a patron who



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1898 provides a credit instrument to a resort licensee:

1899 (a) Is not a defense in any action by a resort licensee to  
1900 enforce a credit instrument or the debt that the credit  
1901 instrument represents.

1902 (b) Is not a valid counterclaim in an action to enforce the  
1903 credit instrument or the debt that the credit instrument  
1904 represents.

1905 (8) The failure of a resort licensee to comply with the  
1906 provisions of this section or commission rules does not  
1907 invalidate a credit instrument or affect its ability to enforce  
1908 the credit instrument or the debt that the credit instrument  
1909 represents.

1910 (9) The commission may adopt rules prescribing the  
1911 conditions under which a credit instrument may be redeemed or  
1912 presented to a bank or credit union for collection or payment.

1913 Section 35. Voluntary self-exclusion from a limited gaming  
1914 facility.-

1915 (1) A person may request that he or she be excluded from  
1916 limited gaming facilities in this state by personally submitting  
1917 a Request for Voluntary Self-exclusion from Limited Gaming  
1918 Facilities Form to the commission. The form must require the  
1919 person requesting exclusion to:

1920 (a) State his or her:

1921 1. Name, including any aliases or nicknames;

1922 2. Date of birth;

1923 3. Current residential address;

1924 4. Telephone number;

1925 5. Social security number; and

1926 6. Physical description, including height, weight, gender,



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1927 hair color, eye color, and any other physical characteristic  
1928 that may assist in the identification of the person.

1929  
1930 A self-excluded person must update the information in this  
1931 paragraph on forms supplied by the commission within 30 days  
1932 after any change.

1933 (b) Select one of the following as the duration of the  
1934 self-exclusion:

1935 1. One year.

1936 2. Five years.

1937 3. Lifetime.

1938 (c) Execute a release in which the person:

1939 1. Acknowledges that the request for exclusion has been  
1940 made voluntarily.

1941 2. Certifies that the information provided in the request  
1942 for self-exclusion is true and correct.

1943 3. Acknowledges that the individual requesting self-  
1944 exclusion is a problem gambler.

1945 4. Acknowledges that a person requesting a lifetime  
1946 exclusion will not be removed from the self-exclusion list and  
1947 that a person requesting a 1-year or 5-year exclusion will  
1948 remain on the self-exclusion list until a request for removal is  
1949 approved by the commission.

1950 5. Acknowledges that, if the individual is discovered on  
1951 the gaming floor of a limited gaming facility, the individual  
1952 may be removed and may be arrested and prosecuted for criminal  
1953 trespass.

1954 6. Releases, indemnifies, holds harmless, and forever  
1955 discharges the state, commission, and all licensee from any



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1956 claims, damages, losses, expenses, or liability arising out of,  
1957 by reason of or relating to the self-excluded person or to any  
1958 other party for any harm, monetary or otherwise, which may arise  
1959 as a result of one or more of the following:

1960 a. The failure of a resort licensee to withhold gaming  
1961 privileges from or restore gaming privileges to a self-excluded  
1962 person.

1963 b. Permitting or prohibiting a self-excluded person from  
1964 engaging in gaming activity in a limited gaming facility.

1965 (2) A person submitting a self-exclusion request must  
1966 present to the commission a government-issued form of  
1967 identification containing the person's signature.

1968 (3) The commission shall take a photograph of a person  
1969 requesting self-exclusion at the time the person submits a  
1970 request for self-exclusion.

1971 Section 36. Section 849.15, Florida Statutes, is amended to  
1972 read:

1973 849.15 Manufacture, sale, possession, etc., of coin-  
1974 operated devices prohibited.-

1975 (1) It is unlawful:

1976 (a) To manufacture, own, store, keep, possess, sell, rent,  
1977 lease, let on shares, lend or give away, transport, or expose  
1978 for sale or lease, or to offer to sell, rent, lease, let on  
1979 shares, lend or give away, or permit the operation of, or for  
1980 any person to permit to be placed, maintained, or used or kept  
1981 in any room, space, or building owned, leased or occupied by the  
1982 person or under the person's management or control, any slot  
1983 machine or device or any part thereof; or

1984 (b) To make or to permit to be made with any person any



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1985 agreement with reference to any slot machine or device, pursuant  
1986 to which the user thereof, as a result of any element of chance  
1987 or other outcome unpredictable to him or her, may become  
1988 entitled to receive any money, credit, allowance, or thing of  
1989 value or additional chance or right to use such machine or  
1990 device, or to receive any check, slug, token or memorandum  
1991 entitling the holder to receive any money, credit, allowance or  
1992 thing of value.

1993 (2) Pursuant to section 2 of that chapter of the Congress  
1994 of the United States entitled "An act to prohibit transportation  
1995 of gaming devices in interstate and foreign commerce," approved  
1996 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also  
1997 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,  
1998 acting by and through the duly elected and qualified members of  
1999 its Legislature, does hereby in this section, and in accordance  
2000 with and in compliance with the provisions of section 2 of such  
2001 chapter of Congress, declare and proclaim that any county of the  
2002 State of Florida within which slot machine gaming is authorized  
2003 pursuant to the Destination Resort Act, sections 3 through 35 of  
2004 this act, or chapter 551 is exempt from the provisions of  
2005 section 2 of that chapter of the Congress of the United States  
2006 entitled "An act to prohibit transportation of gaming devices in  
2007 interstate and foreign commerce," designated as 15 U.S.C. ss.  
2008 1171-1177, approved January 2, 1951. All shipments of gaming  
2009 devices, including slot machines, into any county of this state  
2010 within which slot machine gaming is authorized pursuant to the  
2011 Destination Resort Act, sections 3 through 35 of this act, or  
2012 chapter 551 and the registering, recording, and labeling of  
2013 which have been duly performed by the manufacturer or



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2014 distributor thereof in accordance with sections 3 and 4 of that  
2015 chapter of the Congress of the United States entitled "An act to  
2016 prohibit transportation of gaming devices in interstate and  
2017 foreign commerce," approved January 2, 1951, being ch. 1194, 64  
2018 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,  
2019 shall be deemed legal shipments thereof into this state provided  
2020 the destination of such shipments is an eligible facility as  
2021 defined in s. 551.102, ~~or~~ the facility of a slot machine  
2022 manufacturer or slot machine distributor as provided in s.  
2023 551.109(2) (a), or the facility of a resort licensee or supplier  
2024 licensee under the Destination Resort Act, sections 3 through 35  
2025 of this act.

2026 Section 37. Section 849.231, Florida Statutes, is amended  
2027 to read:

2028 849.231 Gambling devices; manufacture, sale, purchase or  
2029 possession unlawful.—

2030 (1) Except in instances when the following described  
2031 implements or apparatus are being held or transported by  
2032 authorized persons for the purpose of destruction, as  
2033 hereinafter provided, and except in instances when the following  
2034 described instruments or apparatus are being held, sold,  
2035 transported, or manufactured by persons who have registered with  
2036 the United States Government pursuant to the provisions of Title  
2037 15 of the United States Code, ss. 1171 et seq., as amended, so  
2038 long as the described implements or apparatus are not displayed  
2039 to the general public, sold for use in Florida, or held or  
2040 manufactured in contravention of the requirements of 15 U.S.C.  
2041 ss. 1171 et seq., it shall be unlawful for any person to  
2042 manufacture, sell, transport, offer for sale, purchase, own, or



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2043 have in his or her possession any roulette wheel or table, faro  
2044 layout, crap table or layout, chemin de fer table or layout,  
2045 chuck-a-luck wheel, bird cage such as used for gambling, bolita  
2046 balls, chips with house markings, or any other device,  
2047 implement, apparatus, or paraphernalia ordinarily or commonly  
2048 used or designed to be used in the operation of gambling houses  
2049 or establishments, excepting ordinary dice and playing cards.

2050 (2) In addition to any other penalties provided for the  
2051 violation of this section, any occupational license held by a  
2052 person found guilty of violating this section shall be suspended  
2053 for a period not to exceed 5 years.

2054 (3) This section and s. 849.05 do not apply to a vessel of  
2055 foreign registry or a vessel operated under the authority of a  
2056 country except the United States, while docked in this state or  
2057 transiting in the territorial waters of this state.

2058 (4) This section does not apply to limited gaming as  
2059 authorized by the Destination Resort Act, sections 3 through 35  
2060 of this act.

2061 Section 38. Section 849.25, Florida Statutes, is amended to  
2062 read:

2063 849.25 "Bookmaking" defined; penalties; exceptions.—

2064 (1) (a) The term "bookmaking" means the act of taking or  
2065 receiving, while engaged in the business or profession of  
2066 gambling, any bet or wager upon the result of any trial or  
2067 contest of skill, speed, power, or endurance of human, beast,  
2068 fowl, motor vehicle, or mechanical apparatus or upon the result  
2069 of any chance, casualty, unknown, or contingent event  
2070 whatsoever.

2071 (b) The following factors shall be considered in making a



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2072 determination that a person has engaged in the offense of  
2073 bookmaking:

2074 1. Taking advantage of betting odds created to produce a  
2075 profit for the bookmaker or charging a percentage on accepted  
2076 wagers.

2077 2. Placing all or part of accepted wagers with other  
2078 bookmakers to reduce the chance of financial loss.

2079 3. Taking or receiving more than five wagers in any single  
2080 day.

2081 4. Taking or receiving wagers totaling more than \$500 in  
2082 any single day, or more than \$1,500 in any single week.

2083 5. Engaging in a common scheme with two or more persons to  
2084 take or receive wagers.

2085 6. Taking or receiving wagers on both sides on a contest at  
2086 the identical point spread.

2087 7. Any other factor relevant to establishing that the  
2088 operating procedures of such person are commercial in nature.

2089 (c) The existence of any two factors listed in paragraph  
2090 (b) may constitute prima facie evidence of a commercial  
2091 bookmaking operation.

2092 (2) Any person who engages in bookmaking commits ~~shall be~~  
2093 ~~guilty of~~ a felony of the third degree, punishable as provided  
2094 in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding the  
2095 provisions of s. 948.01, any person convicted under the  
2096 provisions of this subsection shall not have adjudication of  
2097 guilt suspended, deferred, or withheld.

2098 (3) Any person who has been convicted of bookmaking and  
2099 thereafter violates the provisions of this section commits ~~shall~~  
2100 ~~be guilty of~~ a felony of the second degree, punishable as



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2101 provided in s. 775.082, s. 775.083, or s. 775.084.  
2102 Notwithstanding the provisions of s. 948.01, any person  
2103 convicted under the provisions of this subsection shall not have  
2104 adjudication of guilt suspended, deferred, or withheld.

2105 (4) Notwithstanding the provisions of s. 777.04, any person  
2106 who is guilty of conspiracy to commit bookmaking is ~~shall be~~  
2107 subject to the penalties imposed by subsections (2) and (3).

2108 (5) This section does ~~shall~~ not apply to pari-mutuel  
2109 wagering in Florida as authorized under chapter 550.

2110 (6) This section does ~~shall~~ not apply to any prosecutions  
2111 filed and pending at the time of the passage hereof, but all  
2112 such cases shall be disposed of under existing laws at the time  
2113 of the institution of such prosecutions.

2114 (7) This section does not apply to limited gaming as  
2115 authorized in the Destination Resort Act, sections 3 through 35  
2116 of this act.

2117 Section 39. This act shall take effect July 1, 2011.

2118  
2119 ===== T I T L E A M E N D M E N T =====

2120 And the title is amended as follows:

2121 Delete everything before the enacting clause  
2122 and insert:

2123 A bill to be entitled  
2124 An act relating to destination resorts; amending s.  
2125 20.21, F.S.; creating the Destination Resort  
2126 Commission within the Department of Revenue; amending  
2127 s. 120.80, F.S.; exempting the Destination Resort  
2128 Commission from specified provisions of the  
2129 Administrative Procedure Act; creating the Destination



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2130 Resort Act; providing definitions; providing that the  
2131 Destination Resort Commission is a separate budget  
2132 entity from the Department of Revenue; providing for  
2133 the appointment and qualifications of members of the  
2134 commission; providing for the selection of the chair  
2135 and vice chair of the commission; providing that the  
2136 chair is the administrative head of the commission;  
2137 specifying the responsibilities of the chair;  
2138 providing that the commission serves as the agency  
2139 head for purposes of the Administrative Procedure Act;  
2140 providing that the executive director of the  
2141 commission may serve as the agency head for purposes  
2142 of final agency action within the authority delegated  
2143 by the commission; specifying the powers of the  
2144 commission, including the power to authorize limited  
2145 gaming at up to five destination resorts, conduct  
2146 investigations, issue subpoenas, take enforcement  
2147 actions, and create an invitation to negotiate process  
2148 to evaluate applications for a resort license;  
2149 specifying the jurisdiction of the commission, the  
2150 Department of Law Enforcement, and local law  
2151 enforcement agencies to investigate criminal  
2152 violations relating to limited gaming; requiring the  
2153 commission to revoke or suspend the licensee of a  
2154 person who was unqualified at the time of licensure or  
2155 who is no longer qualified to be licensed; authorizing  
2156 the commission to adopt rules relating to the types of  
2157 gaming authorized, requirements for the issuance,  
2158 renewal, revocation, and suspension of licenses, the



2159 disclosure of financial interests, procedures to test  
2160 gaming equipment, procedures to verify gaming revenues  
2161 and the collection of taxes, requirements for gaming  
2162 equipment, procedures relating to a facilities-based  
2163 computer system, bond requirements of resort  
2164 licensees, the maintenance of records, procedures to  
2165 calculate the payout percentages of slot machines,  
2166 security standards, the scope and conditions for  
2167 investigations and inspections into the conduct of  
2168 limited gaming, the seizure of gaming equipment and  
2169 records without notice or a warrant, employee drug-  
2170 testing programs, and the payment of costs, fines, and  
2171 application fees; authorizing the commission to adopt  
2172 emergency rules; exempting the rules from specified  
2173 provisions of the Administrative Procedure Act;  
2174 authorizing the commission to employ law enforcement  
2175 officers; specifying the qualifications and powers of  
2176 law enforcement officers employed by the commission;  
2177 providing for the appointment, qualifications, and  
2178 powers of the executive director of the commission;  
2179 specifying persons who may not be employed by the  
2180 commission; requiring the commission to adopt a code  
2181 of ethics for its employees, members, and agents;  
2182 specifying prohibited financial interests and  
2183 relationships; imposing postemployment restrictions on  
2184 members, employees, and agents of the commission;  
2185 restricting the political activities of members,  
2186 employees, and agents of the commission; prohibiting  
2187 commissioners, employees, and agents of the commission



2188 from wagering under certain circumstances; requiring  
2189 members, employees, and agents of the commission to  
2190 annually disclose certain financial interests;  
2191 specifying conditions under which members, employees,  
2192 and agents of the commission must immediately disclose  
2193 certain financial matters, criminal matters,  
2194 employment negotiations, the offering or acceptance of  
2195 gifts, and the offering of a bribe; prohibiting ex  
2196 parte communications between applicants or licensees  
2197 and members of the commission; requiring parties to an  
2198 ex parte communication to disclose the substance of  
2199 the communication; authorizing the imposition of a  
2200 fine on a member of the commission who fails to  
2201 disclose an ex parte communication; authorizing the  
2202 Commission on Ethics to investigate complaints  
2203 alleging an ex parte communication; requiring the  
2204 Commission on Ethics to provide a report of its  
2205 findings to the Governor if it finds that a  
2206 commissioner violated the prohibitions on ex parte  
2207 communications; authorizing the Commission on Ethics  
2208 to bring an action against a commissioner to collect  
2209 any penalties assessed; prohibiting a person who  
2210 participated in an ex parte communication from  
2211 appearing or representing a person before the  
2212 commission for a certain time; specifying grounds for  
2213 removal or termination of employment of commissioners  
2214 and employees who violate the laws regulating limited  
2215 gaming; requiring a referendum in the county where a  
2216 destination resort is to be located as a prerequisite



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2217 to the conduct of limited gaming activities;  
2218 preempting the regulation of limited gaming at a  
2219 destination resort to the state; requiring the  
2220 commission to develop an invitation to negotiate  
2221 process to award a resort license; specifying the  
2222 minimum criteria that an applicant must meet to be  
2223 awarded a destination resort license; specifying  
2224 events that disqualify an applicant from eligibility  
2225 for a resort license; specifying the information that  
2226 must be on or included with an application for a  
2227 resort license; specifying the amount of a  
2228 nonrefundable application fee for a resort license to  
2229 be used to defray the costs of an investigation of the  
2230 applicant; authorizing the imposition of additional  
2231 fees if the amount of the application fee is  
2232 insufficient to cover the costs of the investigation;  
2233 requiring the payment of a one-time licensing fee to  
2234 be submitted along with an application for a resort  
2235 license; requiring the executive director to notify an  
2236 applicant for a resort license if the application is  
2237 incomplete; authorizing the applicant to have an  
2238 informal conference with the executive director to  
2239 discuss an incomplete application; authorizing the  
2240 executive director to grant an extension to complete  
2241 an application; providing for the stay of the award of  
2242 a resort license during an extension or the appeal to  
2243 the commission of a finding by the executive director  
2244 that an application is incomplete; exempting an  
2245 institutional investor that is a qualifier for a



2246 resort licensee from certain application requirements  
2247 under certain circumstances; requiring notice to the  
2248 commission of any changes that may require a person to  
2249 comply with the full application requirements;  
2250 exempting lending institutions and underwriters from  
2251 licensing requirements as a qualifier under certain  
2252 circumstances; specifying conditions for a resort  
2253 licensee to maintain licensure; requiring that the  
2254 licensee post a bond; specifying conditions for the  
2255 conduct of limited gaming by a resort licensee;  
2256 requiring the commission to renew the license of a  
2257 resort licensee if the licensee satisfies specified  
2258 conditions; specifying an annual fee for the renewal  
2259 of a resort license; imposing a tiered gross receipts  
2260 tax based on the amount of a resort licensee's  
2261 infrastructure costs; providing for the deposit of the  
2262 tax into the Destination Resort Trust Fund; providing  
2263 for certain unappropriated funds in the Destination  
2264 Resort Trust Fund to be deposited into the General  
2265 Revenue Fund, the Tourism Promotional Trust Fund, the  
2266 Employment Security Administration Trust Fund, and the  
2267 Transportation Disadvantaged Trust Fund; providing for  
2268 the proceeds of the gross receipts tax to fund the  
2269 operations of the commission; providing procedures for  
2270 the submission and processing of fingerprints of  
2271 certain persons regulated by the commission; providing  
2272 that the cost of processing the fingerprints shall be  
2273 borne by a licensee or applicant; requiring a person  
2274 to report to the commission certain pleas and



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2275 convictions for disqualifying offenses; requiring a  
2276 resort licensee to train its employees about  
2277 compulsive gambling; requiring a resort licensee to  
2278 work with a compulsive gambling prevention program;  
2279 requiring the commission to contract for services  
2280 relating to the prevention of compulsive gambling;  
2281 providing for the commission's compulsive gambling  
2282 prevention program to be funded from a regulatory fee  
2283 imposed on resort licensees; requiring a person to  
2284 have a supplier's license to furnish certain goods and  
2285 services to a resort licensee; specifying the amount  
2286 of the application fee for a supplier's license;  
2287 specifying persons who are disqualified from receiving  
2288 a supplier's license; specifying circumstances under  
2289 which the commission may revoke a supplier's license;  
2290 authorizing the commission to adopt rules relating to  
2291 the licensing of suppliers; requiring a supplier  
2292 licensee to furnish a list of gaming devices and  
2293 equipment to the commission, maintain records, file  
2294 quarterly returns, and affix its name to the gaming  
2295 equipment and supplies that it offers; requiring that  
2296 the supplier licensee annually report its inventory to  
2297 the commission; authorizing the commission to revoke a  
2298 supplier's license under certain circumstances;  
2299 providing that the equipment of a supplier's licensee  
2300 which is used in unauthorized gaming will be forfeited  
2301 to the county where the equipment is found; imposing a  
2302 criminal penalty on a person who knowingly makes a  
2303 false statement on an application for a supplier's



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2304 license; requiring a person to have an occupational  
2305 license to serve as a limited gaming employee of a  
2306 resort licensee; requiring a person to apply to the  
2307 commission for an occupational license and pay an  
2308 application fee; specifying information that an  
2309 applicant must include in an application for an  
2310 occupational license; specifying grounds for the  
2311 commission to deny an application for an occupational  
2312 license; imposing a criminal penalty on a person who  
2313 knowingly makes a false statement on an application  
2314 for an occupational license; authorizing the executive  
2315 director of the commission to issue a temporary  
2316 occupational or temporary supplier's license under  
2317 certain circumstances; requiring the commission to  
2318 file quarterly reports with the Governor, the  
2319 President of the Senate, and the Speaker of the House  
2320 of Representatives; specifying procedures for the  
2321 conduct of proceedings by the commission; authorizing  
2322 the chair of the commission to assign a proceeding to  
2323 less than the full commission; providing procedures  
2324 for the resolution of certain disputes between a  
2325 resort licensee and a patron; requiring a resort  
2326 licensee to notify the commission of certain disputes  
2327 with a patron involving amounts of \$500 or more;  
2328 requiring a resort licensee to notify a patron of the  
2329 right to file a complaint with the commission  
2330 regarding certain disputes of an amount less than  
2331 \$500; authorizing the commission to investigate  
2332 disputes and to order a resort licensee to make a



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2333 payment to a patron; providing for the enforcement of  
2334 credit instruments; authorizing a resort licensee to  
2335 accept an incomplete credit instrument and to complete  
2336 incomplete credit instruments under certain  
2337 circumstances; providing that existence of a mental  
2338 disorder is not a defense or a valid counterclaim in  
2339 an action to enforce a credit instrument; authorizing  
2340 the commission to adopt rules prescribing the  
2341 conditions under which a credit instrument may be  
2342 presented to a bank; providing that a resort licensee  
2343 has the right to exclude a person from its limited  
2344 gaming facility; authorizing a person to request that  
2345 the commission exclude her or him from limited gaming  
2346 facilities; specifying the required contents of the  
2347 request; providing that a self-excluded person who is  
2348 found on a gaming floor may be arrested and prosecuted  
2349 for criminal trespass; providing that a self-excluded  
2350 person holds harmless the commission and licensees  
2351 from claims for losses and damages under certain  
2352 circumstances; amending s. 849.15, F.S.; authorizing  
2353 slot machine gaming in a resort licensee and the  
2354 transportation of slot machines pursuant to federal  
2355 law; amending s. 849.231, F.S.; providing that a  
2356 prohibition on gambling devices does not apply to  
2357 limited gaming as authorized in the act; amending s.  
2358 849.25, F.S.; providing that a prohibition on gaming  
2359 does not apply to limited gaming as authorized in the  
2360 act; providing an effective date.