

By the Committee on Commerce and Tourism; and Senator Braynon

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1 A bill to be entitled
2 An act relating to destination resorts; amending s.
3 20.21, F.S.; creating the Destination Resort
4 Commission within the Department of Revenue; amending
5 s. 120.80, F.S.; exempting the Destination Resort
6 Commission from specified provisions of the
7 Administrative Procedure Act; creating the Destination
8 Resort Act; providing definitions; providing that the
9 Destination Resort Commission is a separate budget
10 entity from the Department of Revenue; providing for
11 the appointment and qualifications of members of the
12 commission; providing for the selection of the chair
13 and vice chair of the commission; providing that the
14 chair is the administrative head of the commission;
15 specifying the responsibilities of the chair;
16 providing that the commission serves as the agency
17 head for purposes of the Administrative Procedure Act;
18 providing that the executive director of the
19 commission may serve as the agency head for purposes
20 of final agency action within the authority delegated
21 by the commission; specifying the powers of the
22 commission, including the power to authorize limited
23 gaming at up to five destination resorts, conduct
24 investigations, issue subpoenas, take enforcement
25 actions, and create an invitation to negotiate process
26 to evaluate applications for a resort license;
27 specifying the jurisdiction of the commission, the
28 Department of Law Enforcement, and local law
29 enforcement agencies to investigate criminal

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30 violations relating to limited gaming; requiring the
31 commission to revoke or suspend the licensee of a
32 person who was unqualified at the time of licensure or
33 who is no longer qualified to be licensed; authorizing
34 the commission to adopt rules relating to the types of
35 gaming authorized, requirements for the issuance,
36 renewal, revocation, and suspension of licenses, the
37 disclosure of financial interests, procedures to test
38 gaming equipment, procedures to verify gaming revenues
39 and the collection of taxes, requirements for gaming
40 equipment, procedures relating to a facilities-based
41 computer system, bond requirements of resort
42 licensees, the maintenance of records, procedures to
43 calculate the payout percentages of slot machines,
44 security standards, the scope and conditions for
45 investigations and inspections into the conduct of
46 limited gaming, the seizure of gaming equipment and
47 records without notice or a warrant, employee drug-
48 testing programs, and the payment of costs, fines, and
49 application fees; authorizing the commission to adopt
50 emergency rules; exempting the rules from specified
51 provisions of the Administrative Procedure Act;
52 authorizing the commission to employ law enforcement
53 officers; specifying the qualifications and powers of
54 law enforcement officers employed by the commission;
55 providing for the appointment, qualifications, and
56 powers of the executive director of the commission;
57 specifying persons who may not be employed by the
58 commission; requiring the commission to adopt a code

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59 of ethics for its employees, members, and agents;
60 specifying prohibited financial interests and
61 relationships; imposing postemployment restrictions on
62 members, employees, and agents of the commission;
63 restricting the political activities of members,
64 employees, and agents of the commission; prohibiting
65 commissioners, employees, and agents of the commission
66 from wagering under certain circumstances; requiring
67 members, employees, and agents of the commission to
68 annually disclose certain financial interests;
69 specifying conditions under which members, employees,
70 and agents of the commission must immediately disclose
71 certain financial matters, criminal matters,
72 employment negotiations, the offering or acceptance of
73 gifts, and the offering of a bribe; prohibiting ex
74 parte communications between applicants or licensees
75 and members of the commission; requiring parties to an
76 ex parte communication to disclose the substance of
77 the communication; authorizing the imposition of a
78 fine on a member of the commission who fails to
79 disclose an ex parte communication; authorizing the
80 Commission on Ethics to investigate complaints
81 alleging an ex parte communication; requiring the
82 Commission on Ethics to provide a report of its
83 findings to the Governor if it finds that a
84 commissioner violated the prohibitions on ex parte
85 communications; authorizing the Commission on Ethics
86 to bring an action against a commissioner to collect
87 any penalties assessed; prohibiting a person who

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88 participated in an ex parte communication from
89 appearing or representing a person before the
90 commission for a certain time; specifying grounds for
91 removal or termination of employment of commissioners
92 and employees who violate the laws regulating limited
93 gaming; requiring a referendum in the county where a
94 destination resort is to be located as a prerequisite
95 to the conduct of limited gaming activities;
96 preempting the regulation of limited gaming at a
97 destination resort to the state; requiring the
98 commission to develop an invitation to negotiate
99 process to award a resort license; specifying the
100 minimum criteria that an applicant must meet to be
101 awarded a destination resort license; specifying
102 events that disqualify an applicant from eligibility
103 for a resort license; specifying the information that
104 must be on or included with an application for a
105 resort license; specifying the amount of a
106 nonrefundable application fee for a resort license to
107 be used to defray the costs of an investigation of the
108 applicant; authorizing the imposition of additional
109 fees if the amount of the application fee is
110 insufficient to cover the costs of the investigation;
111 requiring the payment of a one-time licensing fee to
112 be submitted along with an application for a resort
113 license; requiring the executive director to notify an
114 applicant for a resort license if the application is
115 incomplete; authorizing the applicant to have an
116 informal conference with the executive director to

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117 discuss an incomplete application; authorizing the
118 executive director to grant an extension to complete
119 an application; providing for the stay of the award of
120 a resort license during an extension or the appeal to
121 the commission of a finding by the executive director
122 that an application is incomplete; exempting an
123 institutional investor that is a qualifier for a
124 resort licensee from certain application requirements
125 under certain circumstances; requiring notice to the
126 commission of any changes that may require a person to
127 comply with the full application requirements;
128 exempting lending institutions and underwriters from
129 licensing requirements as a qualifier under certain
130 circumstances; specifying conditions for a resort
131 licensee to maintain licensure; requiring that the
132 licensee post a bond; specifying conditions for the
133 conduct of limited gaming by a resort licensee;
134 requiring the commission to renew the license of a
135 resort licensee if the licensee satisfies specified
136 conditions; specifying an annual fee for the renewal
137 of a resort license; imposing a tiered gross receipts
138 tax based on the amount of a resort licensee's
139 infrastructure costs; providing for the deposit of the
140 tax into the Destination Resort Trust Fund; providing
141 for certain unappropriated funds in the Destination
142 Resort Trust Fund to be deposited into the General
143 Revenue Fund, the Tourism Promotional Trust Fund, the
144 Employment Security Administration Trust Fund, the
145 Transportation Disadvantaged Trust Fund, thoroughbred

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146 permitholders, the Florida Thoroughbred Breeders and
147 Owners Association, and the permitholders licensed to
148 conduct live greyhound races, harness races, or jai
149 alai licensees; providing for the proceeds of the
150 gross receipts tax to fund the operations of the
151 commission; providing procedures for the submission
152 and processing of fingerprints of certain persons
153 regulated by the commission; providing that the cost
154 of processing the fingerprints shall be borne by a
155 licensee or applicant; requiring a person to report to
156 the commission certain pleas and convictions for
157 disqualifying offenses; requiring a resort licensee to
158 train its employees about compulsive gambling;
159 requiring a resort licensee to work with a compulsive
160 gambling prevention program; requiring the commission
161 to contract for services relating to the prevention of
162 compulsive gambling; providing for the commission's
163 compulsive gambling prevention program to be funded
164 from a regulatory fee imposed on resort licensees;
165 requiring a person to have a supplier's license to
166 furnish certain goods and services to a resort
167 licensee; specifying the amount of the application fee
168 for a supplier's license; specifying persons who are
169 disqualified from receiving a supplier's license;
170 specifying circumstances under which the commission
171 may revoke a supplier's license; authorizing the
172 commission to adopt rules relating to the licensing of
173 suppliers; requiring a supplier licensee to furnish a
174 list of gaming devices and equipment to the

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175 commission, maintain records, file quarterly returns,
176 and affix its name to the gaming equipment and
177 supplies that it offers; requiring that the supplier
178 licensee annually report its inventory to the
179 commission; authorizing the commission to revoke a
180 supplier's license under certain circumstances;
181 providing that the equipment of a supplier's licensee
182 which is used in unauthorized gaming will be forfeited
183 to the county where the equipment is found; imposing a
184 criminal penalty on a person who knowingly makes a
185 false statement on an application for a supplier's
186 license; requiring a person to have an occupational
187 license to serve as a limited gaming employee of a
188 resort licensee; requiring a person to apply to the
189 commission for an occupational license and pay an
190 application fee; specifying information that an
191 applicant must include in an application for an
192 occupational license; specifying grounds for the
193 commission to deny an application for an occupational
194 license; imposing a criminal penalty on a person who
195 knowingly makes a false statement on an application
196 for an occupational license; authorizing the executive
197 director of the commission to issue a temporary
198 occupational or temporary supplier's license under
199 certain circumstances; requiring the commission to
200 file quarterly reports with the Governor, the
201 President of the Senate, and the Speaker of the House
202 of Representatives; specifying procedures for the
203 conduct of proceedings by the commission; authorizing

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204 the chair of the commission to assign a proceeding to
205 less than the full commission; providing procedures
206 for the resolution of certain disputes between a
207 resort licensee and a patron; requiring a resort
208 licensee to notify the commission of certain disputes
209 with a patron involving amounts of \$500 or more;
210 requiring a resort licensee to notify a patron of the
211 right to file a complaint with the commission
212 regarding certain disputes of an amount less than
213 \$500; authorizing the commission to investigate
214 disputes and to order a resort licensee to make a
215 payment to a patron; providing for the enforcement of
216 credit instruments; authorizing a resort licensee to
217 accept an incomplete credit instrument and to complete
218 incomplete credit instruments under certain
219 circumstances; providing that existence of a mental
220 disorder is not a defense or a valid counterclaim in
221 an action to enforce a credit instrument; authorizing
222 the commission to adopt rules prescribing the
223 conditions under which a credit instrument may be
224 presented to a bank; providing that a resort licensee
225 has the right to exclude a person from its limited
226 gaming facility; authorizing a person to request that
227 the commission exclude her or him from limited gaming
228 facilities; specifying the required contents of the
229 request; providing that a self-excluded person who is
230 found on a gaming floor may be arrested and prosecuted
231 for criminal trespass; providing that a self-excluded
232 person holds harmless the commission and licensees

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233 from claims for losses and damages under certain
234 circumstances; allowing pari-mutuel facilities to
235 conduct all games under certain conditions when a
236 resort license to conduct limited gaming activities is
237 authorized in Miami-Dade County or Broward County;
238 amending s. 849.15, F.S.; authorizing slot machine
239 gaming in a resort licensee and the transportation of
240 slot machines pursuant to federal law; amending s.
241 849.231, F.S.; providing that a prohibition on
242 gambling devices does not apply to slot machine
243 licenses authorized under state law or limited gaming
244 as authorized in the act; amending s. 849.25, F.S.;
245 providing that a prohibition on gaming does not apply
246 to limited gaming as authorized in the act;
247 transferring all powers, duties, functions, records,
248 personnel, property, and unexpended balances of
249 appropriations, allocations, or other funds for the
250 administration of ch. 551, F.S., intact by a type two
251 transfer from the Division of Pari-mutuel Wagering of
252 the Department of Business and Professional Regulation
253 to the Destination Resort Commission; providing for
254 severability; providing an effective date.

255

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

257

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

260 20.21 Department of Revenue.—There is created a Department
261 of Revenue.

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

264 Section 2. Subsection (17) is added to section 120.80,
265 Florida Statutes, to read:

266 120.80 Exceptions and special requirements; agencies.—

267 (17) THE DESTINATION RESORT COMMISSION.—

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

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

274 (c) Notwithstanding the provisions of s. 120.542, the
275 Destination Resort Commission may not accept a petition for
276 waiver or variance and may not grant any waiver or variance from
277 the requirements of the Destination Resort Act, sections 3
278 through 36 of this act.

279 Section 3. This section and sections 4 through 36 of this
280 act may be cited as the "Destination Resort Act" or the "Resort
281 Act."

282 Section 4. Definitions.—As used in the Resort Act, the
283 term:

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

286 (a) Controls, is controlled by, or is under common control
287 of;

288 (b) Is in a partnership or joint venture relationship with;
289 or

290 (c) Is a shareholder of a corporation, a member of a

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291 limited liability company, or a partner in a limited liability
292 partnership with,

293

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

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

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

300 (b) Back-of-house facilities.

301 (c) Any reception or information counter.

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

304 (e) Any retail outlet.

305 (f) Any area designated for performances.

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

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

310 (i) Bathrooms.

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

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

319 (4) "Chair" means the chair of the Destination Resort

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320 Commission.

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

322 (6) "Conflict of interest" means a situation in which the
323 private interest of a member, employee, or agent of the
324 commission may influence his or her judgment in the performance
325 of his or her public duty under the Resort Act. A conflict of
326 interest includes, but is not limited to:

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

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

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

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

340 (8) "Destination resort" or "resort" means a freestanding,
341 land-based structure in which limited gaming may be conducted. A
342 destination resort is a mixed-use development consisting of a
343 combination of various tourism amenities and facilities,
344 including, but not limited to, hotels, villas, restaurants,
345 limited gaming facilities, convention facilities, attractions,
346 entertainment facilities, service centers, and shopping centers.

347 (9) "Destination resort license" or "resort license" means
348 a license to operate and maintain a destination resort having a

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349 limited gaming facility.

350 (10) "District" means any of the following five districts
351 of the state:

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

357 (b) District Two: Nassau, Duval, Clay, Putnam, St. Johns,
358 Flagler, Marion, Volusia, and Hernando Counties.

359 (c) District Three: Citrus, Sumter, Pasco, Pinellas,
360 Hillsborough, Manatee, Hardee, DeSoto, Sarasota, Charlotte, Lee,
361 Collier, Monroe, Highlands, Okeechobee, Glades, and Hendry
362 Counties.

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

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

366 (11) "Executive director" means the executive director of
367 the commission.

368 (12) "Financial interest" or "financially interested" means
369 any interest in investments or awarding of contracts, grants,
370 loans, purchases, leases, sales, or similar matters under
371 consideration or consummated by the commission, or ownership in
372 an applicant or a licensee. A member, employee, or agent of the
373 commission is deemed to have a financial interest in a matter
374 if:

375 (a) The individual owns any interest in any class of
376 outstanding securities that are issued by a party to the matter
377 under consideration by the commission, except indirect interests

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378 such as a mutual fund; or

379 (b) The individual is employed by or is an independent
380 contractor for a party to a matter under consideration by the
381 commission.

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

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

392 (a) Counterfeit money or tokens;

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

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

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

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

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

402 (a) A retirement fund administered by a public agency for
403 the exclusive benefit of federal, state, or county public
404 employees.

405 (b) An employee benefit plan or pension fund that is
406 subject to the Employee Retirement Income Security Act of 1974

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407 (ERISA).

408 (c) An investment company registered under the Investment
409 Company Act of 1940.

410 (d) A collective investment trust organized by a bank under
411 12 C.F.R. part 9, s. 9.18.

412 (e) A closed-end investment trust.

413 (f) A life insurance company or property and casualty
414 insurance company.

415 (g) A financial institution.

416 (h) An investment advisor registered under the Investment
417 Advisers Act of 1940.

418 (17) "Junket enterprise" means any person who, for
419 compensation, employs or otherwise engages in the procurement or
420 referral of persons for a junket to a destination resort
421 licensed under the Resort Act regardless of whether those
422 activities occur within this state. The term does not include a
423 resort licensee or applicant for a resort license or a person
424 holding an occupational license.

425 (18) "License," as the context requires, means a resort
426 license, supplier's license, or an occupational license.

427 (19) "Licensee," as the context requires, means a person
428 who is licensed as resort licensee, supplier licensee, or
429 occupational licensee.

430 (20) "Limited gaming," "game," or "gaming," as the context
431 requires, means the games authorized pursuant to the Resort Act
432 in a limited gaming facility, including, but not limited to,
433 those commonly known as baccarat, twenty-one, poker, craps, slot
434 machines, video gaming of chance, roulette wheels, Klondike
435 tables, punch-board, faro layout, numbers ticket, push car, jar

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436 ticket, pull tab, or their common variants, or any other game of
437 chance or wagering device that is authorized by the commission.

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

440 (a) Cashiers.

441 (b) Change personnel.

442 (c) Count room personnel.

443 (d) Slot machine attendants.

444 (e) Hosts or other individuals authorized to extend
445 complimentary services, including employees performing functions
446 similar to those performed by a representative for a junket
447 enterprise.

448 (f) Machine mechanics, computer machine technicians, or
449 table game device technicians.

450 (g) Security personnel.

451 (h) Surveillance personnel.

452 (i) Promotional play supervisors, credit supervisors, pit
453 supervisors, cashier supervisors, shift supervisors, table game
454 managers, assistant managers, and other supervisors and
455 managers.

456 (j) Boxmen.

457 (k) Dealers or croupiers.

458 (l) Floormen.

459 (m) Personnel authorized to issue promotional credits.

460 (n) Personnel authorized to issue credit.

461
462 The term includes an employee of a person holding a supplier's
463 license whose duties are directly involved with the repair or
464 distribution of slot machines or table game devices or

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465 associated equipment sold or provided to a resort licensee. The
466 term does not include bartenders, cocktail servers, or other
467 persons solely engaged in preparing or serving food or
468 beverages, clerical or secretarial personnel, parking
469 attendants, janitorial staff, stage hands, sound and light
470 technicians, and other nongaming personnel as determined by the
471 commission. The term includes a person employed by a person or
472 entity other than a resort licensee who performs the functions
473 of a limited gaming employee.

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

476 (23) "Limited gaming floor" means the approved gaming area
477 of a resort. Ancillary areas in or directly adjacent to the
478 gaming area are not part of the limited gaming floor for
479 purposes of calculating the size of the limited gaming floor.

480 (24) "Managerial employee" has the same meaning as in s.
481 447.203(4), Florida Statutes.

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

484 (26) "Qualifier" means an affiliate, affiliated company,
485 officer, director, or managerial employee of an applicant for a
486 resort license, or a person who holds a direct or indirect
487 equity interest in the applicant. The term may include an
488 institutional investor. As used in this subsection, the terms
489 "affiliate," "affiliated company," and "a person who holds a
490 direct or indirect equity interest in the applicant" do not
491 include a partnership, a joint venture relationship, a
492 shareholder of a corporation, a member of a limited liability
493 company, or a partner in a limited liability partnership that

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494 has a direct or indirect equity interest in the applicant for a
495 resort license of 5 percent or less and is not involved in the
496 gaming operations as defined by the rules of the commission.

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

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

502 Section 5. Destination Resort Commission; creation and
503 membership.-

504 (1) CREATION.-There is created the Destination Resort
505 Commission assigned to the Department of Revenue for
506 administrative purposes only. The commission is a separate
507 budget entity not subject to control, supervision, or direction
508 by the Department of Revenue in any manner, including, but not
509 limited to, personnel, purchasing, transactions involving real
510 or personal property, and budgetary matters. The commission
511 shall be composed of seven members who are residents of the
512 state and who have experience in corporate finance, tourism,
513 convention and resort management, gaming, investigation or law
514 enforcement, business law, or related legal experience. The
515 members of the commission shall serve as the agency head of the
516 Destination Resort Commission. The commission is exempt from the
517 provisions of s. 20.052, Florida Statutes.

518 (2) MEMBERS.-The members shall be appointed by the Governor
519 and confirmed by the Senate in the legislative session following
520 appointment. Each member shall be appointed to a 4-year term.
521 However, for the purpose of providing staggered terms, of the
522 initial appointments, four members shall be appointed to 4-year

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523 terms and three members shall be appointed to 2-year terms.
524 Terms expire on June 30. Upon the expiration of the term of a
525 commissioner, the Governor shall appoint a successor to serve
526 for a 4-year term. A commissioner whose term has expired shall
527 continue to serve on the commission until such time as a
528 replacement is appointed. If a vacancy on the commission occurs
529 before the expiration of the term, it shall be filled for the
530 unexpired portion of the term in the same manner as the original
531 appointment.

532 (a)1. One member of the commission must be a certified
533 public accountant licensed in this state who possesses at least
534 5 years of experience in general accounting. The member must
535 also possess a comprehensive knowledge of the principles and
536 practices of corporate finance or auditing, general finance,
537 gaming, or economics.

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

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

542 4. When making appointments to the commission, the Governor
543 shall announce the district and classification by experience of
544 the person appointed.

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

547 1. Is an elected state official;

548 2. Is licensed by the commission, or is an officer of, has
549 a financial interest in, or has a direct or indirect contractual
550 relationship with, any applicant for a resort license or resort
551 licensee;

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

554 4. Has, within the 10 years preceding his or her
555 appointment, been under indictment for, convicted of, pled
556 guilty or nolo contendere to, or forfeited bail for a felony or
557 a misdemeanor involving gambling or fraud under the laws of this
558 or any other state or the United States.

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

560 (3) CHAIR AND VICE CHAIR.—

561 (a) The chair shall be appointed by the Governor. The vice
562 chair of the commission shall be elected by the members of the
563 commission during the first meeting of the commission on or
564 after July 1 of each year. The chair shall be the administrative
565 head of the commission. The chair shall set the agenda for each
566 meeting. The chair shall approve all notices, vouchers,
567 subpoenas, and reports as required by the Resort Act. The chair
568 shall preserve order and decorum and shall have general control
569 of the commission meetings. The chair shall decide all questions
570 of order. The chair may name any member of the commission to
571 perform the duties of the chair for a meeting if such
572 substitution does not extend beyond that meeting.

573 (b) If for any reason the chair is absent and fails to name
574 a member, the vice chair shall assume the duties of the chair
575 during the chair's absence. On the death, incapacitation, or
576 resignation of the chair, the vice chair shall perform the
577 duties of the office until the Governor appoints a successor.

578 (c) The administrative responsibilities of the chair are to
579 plan, organize, and control administrative support services for
580 the commission. Administrative functions include, but are not

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581 limited to, finance and accounting, revenue accounting,
582 personnel, and office services.

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

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

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

591 (7) AGENCY HEAD.—The commission shall serve as the agency
592 head for purposes of chapter 120, Florida Statutes. The
593 executive director of the commission may serve as the agency
594 head for purposes of final agency action under chapter 120,
595 Florida Statutes, for all areas within the regulatory authority
596 delegated to the executive director's office.

597 Section 6. Destination Resort Commission; powers and
598 duties.—

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

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

603 (b) Conduct such investigations as necessary to fulfill its
604 responsibilities.

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

608 (d) Investigate applicants for a resort license and
609 determine the eligibility of applicants for a resort license and

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610 to select from competing applicants the applicant that best
611 serves the interests of the residents of Florida, based on the
612 potential for economic development presented by the applicant's
613 proposed investment in infrastructure, such as hotels and other
614 nongaming entertainment facilities, and the applicant's ability
615 to maximize revenue for the state.

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

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

623 (g) Issue subpoenas for the attendance of witnesses and
624 subpoenas duces tecum for the production of books, records, and
625 other pertinent documents as provided by law, and to administer
626 oaths and affirmations to the witnesses, if, in the judgment of
627 the commission, it is necessary to enforce the Resort Act or
628 commission rules. If a person fails to comply with a subpoena,
629 the commission may petition the circuit court of the county in
630 which the person subpoenaed resides or has his or her principal
631 place of business for an order requiring the subpoenaed person
632 to appear and testify and to produce books, records, and
633 documents as specified in the subpoena. The court may grant
634 legal, equitable, or injunctive relief, which may include, but
635 is not limited to, issuance of a writ of ne exeat or restraint
636 by injunction or appointment of a receiver of any transfer,
637 pledge, assignment, or other disposition of such person's assets
638 or any concealment, alteration, destruction, or other

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639 disposition of subpoenaed books, records, or documents, as the
640 court deems appropriate, until the person subpoenaed has fully
641 complied with the subpoena and the commission has completed the
642 audit, examination, or investigation. The commission is entitled
643 to the summary procedure provided in s. 51.011, Florida
644 Statutes, and the court shall advance the cause on its calendar.
645 Costs incurred by the commission to obtain an order granting, in
646 whole or in part, such petition for enforcement of a subpoena
647 shall be charged against the subpoenaed person, and failure to
648 comply with such order is a contempt of court.

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

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

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

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

661 (l) Establish field offices, as deemed necessary by the
662 commission.

663 (2) The Department of Law Enforcement and local law
664 enforcement agencies have concurrent jurisdiction to investigate
665 criminal violations of the Resort Act and may investigate any
666 other criminal violation of law occurring at the limited gaming
667 facilities. Such investigations may be conducted in conjunction

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668 with the appropriate state attorney.

669 (3) (a) The commission, the Department of Law Enforcement,
670 and local law enforcement agencies have unrestricted access to
671 the limited gaming facility at all times and shall require of
672 each resort licensee strict compliance with the laws of this
673 state relating to the transaction of such business. The
674 commission, the Department of Law Enforcement, and local law
675 enforcement agencies may:

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

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

680 (b) In addition, the commission may:

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

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

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

689 (5) This section does not:

690 (a) Prohibit the Department of Law Enforcement or any law
691 enforcement authority whose jurisdiction includes a resort
692 licensee or a supplier licensee from conducting investigations
693 of criminal activities occurring at the facilities of a resort
694 licensee or supplier licensee;

695 (b) Restrict access to the limited gaming facility by the
696 Department of Law Enforcement or any local law enforcement

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697 authority whose jurisdiction includes a resort licensee's
698 facility; or

699 (c) Restrict access by the Department of Law Enforcement or
700 a local law enforcement agency to information and records
701 necessary for the investigation of criminal activity which are
702 contained within the facilities of a resort licensee or supplier
703 licensee.

704 Section 7. Rulemaking.—

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

708 (a) The types of limited gaming activities to be conducted
709 and the rules for those games, including any restriction upon
710 the time, place, and structures where limited gaming is
711 authorized.

712 (b) Requirements, procedures, qualifications, and grounds
713 for the issuance, renewal, revocation, suspension, and summary
714 suspension of a resort license, supplier's license, or
715 occupational license.

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

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

720 (e) Procedures to scientifically test and technically
721 evaluate slot machines and other authorized gaming devices for
722 compliance with the Resort Act and the rules adopted by the
723 commission. The commission may contract with an independent
724 testing laboratory to conduct any necessary testing. The
725 independent testing laboratory must have a national reputation

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726 for being demonstrably competent and qualified to scientifically
727 test and evaluate slot machines and other authorized gaming
728 devices. An independent testing laboratory may not be owned or
729 controlled by a licensee. The use of an independent testing
730 laboratory for any purpose related to the conduct of slot
731 machine gaming and other authorized gaming by a resort licensee
732 shall be made from a list of laboratories approved by the
733 commission.

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

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

740 (h) Procedures for regulating, managing, and auditing the
741 operation, financial data, and program information relating to
742 limited gaming which allow the commission and the Department of
743 Law Enforcement to audit the operation, financial data, and
744 program information of a resort licensee, as required by the
745 commission or the Department of Law Enforcement, and provide the
746 commission and the Department of Law Enforcement with the
747 ability to monitor, at any time on a real-time basis, wagering
748 patterns, payouts, tax collection, and compliance with any rules
749 adopted by the commission for the regulation and control of
750 limited gaming. Such continuous and complete access, at any time
751 on a real-time basis, shall include the ability of either the
752 commission or the Department of Law Enforcement to suspend play
753 immediately on particular slot machines or other gaming devices
754 if monitoring of the facilities-based computer system indicates

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755 possible tampering or manipulation of those slot machines or
756 gaming devices or the ability to suspend play immediately of the
757 entire operation if the tampering or manipulation is of the
758 computer system itself. The commission shall notify the
759 Department of Law Enforcement or the Department of Law
760 Enforcement shall notify the commission, as appropriate,
761 whenever there is a suspension of play pursuant this paragraph.
762 The commission and the Department of Law Enforcement shall
763 exchange information that is necessary for, and cooperate in the
764 investigation of, the circumstances requiring suspension of play
765 pursuant to this paragraph.

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

769 (j) Procedures for requiring licensees to maintain and to
770 provide to the commission records, data, information, or
771 reports, including financial and income records.

772 (k) Procedures to calculate the payout percentages of slot
773 machines.

774 (l) Minimum standards for security of the facilities,
775 including floor plans, security cameras, and other security
776 equipment.

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

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

782 (o) Procedures for requiring resort licensees and supplier
783 licensees to implement and establish drug-testing programs for

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784 all employees.

785 (p) Procedures and guidelines for the continuous recording
786 of all gaming activities at a limited gaming facility. The
787 commission may require a resort licensee to timely provide all
788 or part of the original recordings pursuant to a schedule.

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

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

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

799 (t) Any other rule necessary to accomplish the purposes of
800 the Resort Act.

801 (2) The commission may at any time adopt emergency rules
802 pursuant to s. 120.54, Florida Statutes. The Legislature finds
803 that such emergency rulemaking power is necessary for the
804 preservation of the rights and welfare of the people in order to
805 provide additional funds to benefit the public. The Legislature
806 further finds that the unique nature of limited gaming
807 operations requires, from time to time, that the commission
808 respond as quickly as is practicable. Therefore, in adopting
809 such emergency rules, the commission need not make the findings
810 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
811 adopted under this section are exempt from s. 120.54(4)(c),
812 Florida Statutes. However, the emergency rules may not remain in

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813 effect for more than 180 days except that the commission may
814 renew the emergency rules during the pendency of procedures to
815 adopt permanent rules addressing the subject of the emergency
816 rules.

817 Section 8. Law enforcement officers.-

818 (1) The commission may employ sworn law enforcement
819 officers to enforce any criminal law, conduct any criminal
820 investigation, or enforce any statute within the jurisdiction of
821 the commission.

822 (2) Each law enforcement officer must meet the
823 qualifications for law enforcement officers under s. 943.13,
824 Florida Statutes, and must be certified as a law enforcement
825 officer by the Department of Law Enforcement. Upon
826 certification, each law enforcement officer is subject to and
827 has the authority provided to law enforcement officers generally
828 under chapter 901, Florida Statutes, and has statewide
829 jurisdiction.

830 (3) Each officer has arrest authority as provided for state
831 law enforcement officers under s. 901.15, Florida Statutes, and
832 full law enforcement powers granted to other officers of this
833 state, including the authority to make arrests, carry firearms,
834 serve court process, and seize contraband and proceeds from
835 illegal activities.

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

840 Section 9. Executive director.-The commission shall appoint
841 or remove the executive director of the commission by a majority

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842 vote. An interim executive director shall be appointed within 10
843 days after the initial meeting of the commission.

844 (1) The executive director:

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

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

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

848 and

849 (d) May hire assistants and employees as necessary to
850 conduct the business of the commission, and consultants
851 necessary for the efficient operation of destination resorts.

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

855 1. A resort licensee or supplier licensee;

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

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

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

862 5. A tribal gaming facility within this state.

863 (b) Notwithstanding paragraph (a), a person may be employed
864 by the commission if the commission finds that the person's
865 former interest in any licensee will not interfere with the
866 objective discharge of the person's employment obligations.

867 However, a person may not be employed by the commission if:

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

870 2. The person, or the person's spouse, parent, child,

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871 child's spouse, or sibling, is a member of the commission, or a
872 director of, or person financially interested in, an applicant
873 or a licensee.

874 Section 10. Code of ethics.-

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

877 (2) A member of the commission or the executive director
878 may not hold a direct or indirect interest in, be employed by,
879 or enter into a contract for service with an applicant or person
880 licensed by the commission for a period of 5 years after the
881 date of termination of the person's membership on or employment
882 with the commission.

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

888 (4) A commission member or a person employed by the
889 commission may not represent a person or party other than the
890 state before or against the commission for a period of 3 years
891 after the date of termination of the member's term of office or
892 the employee's period of employment with the commission.

893 (5) A business entity in which a former commission member,
894 employee, or agent has an interest, or any partner, officer, or
895 employee of that business entity, may not appear before or
896 represent another person before the commission if the former
897 commission member, employee, or agent would be prohibited from
898 doing so. As used in this subsection, the term "business entity"
899 means a corporation, limited liability company, partnership,

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900 limited liability partnership association, trust, or other form
901 of legal entity.

902 (6) A member, employee, or agent of the commission may not
903 engage in political activity or politically related activity
904 during the duration of the person's appointment or employment.
905 As used in this paragraph, the terms "political activity" or
906 "politically related activity" include:

907 (a) Using the person's official authority or influence for
908 the purpose of interfering with or affecting the result of an
909 election;

910 (b) Knowingly soliciting, accepting, or receiving political
911 contributions from any person;

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

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

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

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

922 (7) A former member, employee, or agent of the commission
923 may appear before the commission as a witness testifying as to
924 factual matters or actions handled by the former member,
925 employee, or agent during his or her tenure with the commission.
926 However, the former member, employee, or agent of the commission
927 may not receive compensation for the appearance other than a
928 standard witness fee and reimbursement for travel expenses as

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929 established by statute or rules governing administrative
930 proceedings before the Division of Administrative Hearings.

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

933 (b) An employee or agent of the commission granted
934 permission for outside employment may not conduct any business
935 or perform any activities, including solicitation, related to
936 outside employment on premises used by the commission or during
937 the employee's working hours for the commission.

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

940 1. Operating a proprietorship;

941 2. Participating in a partnership or group business
942 enterprise; or

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

945 (9) A member, employee, or agent of the commission may not
946 participate in or wager on any game conducted by any resort
947 licensee or applicant or any affiliate of a licensee or
948 applicant regulated by the commission in this state or in any
949 other jurisdiction, except as required as part of the person's
950 surveillance, security, or other official duties.

951 Section 11. Disclosures by commissioners, employees, and
952 agents.-

953 (1) COMMISSIONERS.-

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

956 (b) Each member must disclose information required by rules
957 of the commission to ensure the integrity of the commission and

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958 its work.

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

961 1. Affirming that the member, and the member's spouse,
962 parent, child, or child's spouse, is not a member of the board
963 of directors of, financially interested in, or employed by an
964 applicant or resort licensee.

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

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

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

972 (2) EMPLOYEES AND AGENTS.—

973 (a) The executive director and each managerial employee and
974 agent, as determined by the commission, shall file a financial
975 disclosure statement pursuant to s. 112.3145, Florida Statutes.
976 All employees and agents must comply with the provisions of
977 chapter 112, Florida Statutes.

978 (b) The executive director and each managerial employee and
979 agent identified by rule of the commission must disclose
980 information required by rules of the commission to ensure the
981 integrity of the commission and its work.

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

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

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987 2. Affirming that the person does not have any financial
988 interest prohibited by laws or rules administered by the
989 commission.

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

993 (d) Each employee or agent of the commission must disclose
994 involvement with any gaming interest during the 5 years before
995 employment.

996 (3) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

997 (a) A member, employee, or agent of the commission who
998 becomes aware that the member, employee, or agent of the
999 commission or his or her spouse, parent, or child is a member of
1000 the board of directors of, financially interested in, or
1001 employed by an applicant or licensee must immediately provide
1002 detailed written notice to the chair.

1003 (b) A member, employee, or agent of the commission must
1004 immediately provide detailed written notice of the circumstances
1005 to the chair if the member, employee, or agent is indicted,
1006 charged with, convicted of, pleads guilty or nolo contendere to,
1007 or forfeits bail for:

1008 1. A misdemeanor involving gambling, dishonesty, theft, or
1009 fraud;

1010 2. A violation of any law in any state, or a law of the
1011 United States or any other jurisdiction, involving gambling,
1012 dishonesty, theft, or fraud which substantially corresponds to a
1013 misdemeanor in this state; or

1014 3. A felony under the laws of this or any other state, or
1015 the laws of the United States, or any other jurisdiction.

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1016 (c) A member, employee, or agent of the commission who is
1017 negotiating for an interest in a licensee or an applicant, or is
1018 affiliated with such a person, must immediately provide written
1019 notice of the details of the interest to the chair. The member,
1020 employee, or agent of the commission may not act on behalf of
1021 the commission with respect to that person.

1022 (d) A member, employee, or agent of the commission may not
1023 enter into negotiations for employment with any person or
1024 affiliate of any person who is an applicant, licensee, or an
1025 affiliate. If a member, employee, or agent of the commission
1026 enters into negotiations for employment in violation of this
1027 paragraph or receives an invitation, written or oral, to
1028 initiate a discussion concerning employment with any person who
1029 is a licensee, applicant, or an affiliate, he or she must
1030 immediately provide written notice of the details of any such
1031 negotiations or discussions to the chair. The member, employee,
1032 or agent of the commission may not take any action on behalf of
1033 the commission with respect to that licensee or applicant.

1034 (e) A licensee or applicant may not knowingly initiate a
1035 negotiation for, or discussion of, employment with a member,
1036 employee, or agent of the commission. A licensee or applicant
1037 who initiates a negotiation or discussion about employment shall
1038 immediately provide written notice of the details of the
1039 negotiation or discussion to the chair as soon as that person
1040 becomes aware that the negotiation or discussion has been
1041 initiated with a member, employee, or agent of the commission.

1042 (f) A member, employee, or agent of the commission, or a
1043 parent, spouse, sibling, or child of a member, employee, or
1044 agent of the commission, may not accept any gift, gratuity,

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1045 compensation, travel, lodging, or anything of value, directly or
1046 indirectly, from a licensee, applicant, or affiliate or
1047 representative of a person regulated by the commission unless
1048 the acceptance is permitted under the rules of the commission
1049 and conforms with chapter 112, Florida Statutes. A member,
1050 employee, or agent of the commission who is offered or receives
1051 any gift, gratuity, compensation, travel, lodging, or anything
1052 of value, directly or indirectly, from any licensee or an
1053 applicant or affiliate or representative of a person regulated
1054 by the commission must immediately provide written notice of the
1055 details to the chair.

1056 (g) A licensee, applicant, or affiliate or representative
1057 of an applicant or licensee may not, directly or indirectly,
1058 knowingly give or offer to give any gift, gratuity,
1059 compensation, travel, lodging, or anything of value to any
1060 member, employee, or agent, or to a parent, spouse, sibling, or
1061 child of a member, employee, or agent, which the member,
1062 employee, or agent is prohibited from accepting under paragraph
1063 (f).

1064 (h) A member, employee, or agent of the commission may not
1065 engage in any conduct that constitutes a conflict of interest,
1066 and must immediately advise the chair in writing of the details
1067 of any incident or circumstances that would suggest the
1068 existence of a conflict of interest with respect to the
1069 performance of commission-related work or duty of the member,
1070 employee, or agent of the commission.

1071 (i) A member, employee, or agent of the commission who is
1072 approached and offered a bribe must immediately provide a
1073 written account of the details of the incident to the chair and

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1074 to a law enforcement agency having jurisdiction over the matter.

1075 Section 12. Ex parte communications.-

1076 (1) A licensee, applicant, or any affiliate or
1077 representative of an applicant or licensee may not engage
1078 directly or indirectly in ex parte communications concerning a
1079 pending application, license, or enforcement action with a
1080 member of the commission or concerning a matter that likely will
1081 be pending before the commission. A member of the commission may
1082 not engage directly or indirectly in any ex parte communications
1083 concerning a pending application, license, or enforcement action
1084 with members of the commission, or with a licensee, applicant,
1085 or any affiliate or representative of an applicant or licensee,
1086 or concerning a matter that likely will be pending before the
1087 commission.

1088 (2) Any commission member, licensee, applicant, or
1089 affiliate or representative of a commission member, licensee, or
1090 applicant who receives any ex parte communication in violation
1091 of subsection (1), or who is aware of an attempted communication
1092 in violation of subsection (1), must immediately report details
1093 of the communication or attempted communication in writing to
1094 the chair.

1095 (3) If a commissioner knowingly receives an ex parte
1096 communication relative to a proceeding to which he or she is
1097 assigned, he or she must place on the record copies of all
1098 written communications received, copies of all written responses
1099 to the communications, and a memorandum stating the substance of
1100 all oral communications received and all oral responses made,
1101 and shall give written notice to all parties to the
1102 communication that such matters have been placed on the record.

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1103 Any party who desires to respond to an ex parte communication
1104 may do so. The response must be received by the commission
1105 within 10 days after receiving notice that the ex parte
1106 communication has been placed on the record. The commissioner
1107 may, if he or she deems it necessary to eliminate the effect of
1108 an ex parte communication received by him or her, withdraw from
1109 the proceeding potentially impacted by the ex parte
1110 communication. After a commissioner withdraws from the
1111 proceeding, the chair shall substitute another commissioner for
1112 the proceeding if the proceeding was not assigned to the full
1113 commission.

1114 (4) Any individual who makes an ex parte communication must
1115 submit to the commission a written statement describing the
1116 nature of such communication, including the name of the person
1117 making the communication, the name of the commissioner or
1118 commissioners receiving the communication, copies of all written
1119 communications made, all written responses to such
1120 communications, and a memorandum stating the substance of all
1121 oral communications received and all oral responses made. The
1122 commission shall place on the record of a proceeding all such
1123 communications.

1124 (5) A member of the commission who knowingly fails to place
1125 on the record any ex parte communications, in violation of this
1126 section, within 15 days after the date of the communication is
1127 subject to removal and may be assessed a civil penalty not to
1128 exceed \$5,000.

1129 (6) The Commission on Ethics shall receive and investigate
1130 sworn complaints of violations of this section pursuant to ss.
1131 112.322-112.3241, Florida Statutes.

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1132 (7) If the Commission on Ethics finds that a member of the
1133 commission has violated this section, it shall provide the
1134 Governor with a report of its findings and recommendations. The
1135 Governor may enforce the findings and recommendations of the
1136 Commission on Ethics pursuant to part III of chapter 112,
1137 Florida Statutes.

1138 (8) If a commissioner fails or refuses to pay the
1139 Commission on Ethics any civil penalties assessed pursuant to
1140 this section, the Commission on Ethics may bring an action in
1141 any circuit court to enforce such penalty.

1142 (9) If, during the course of an investigation by the
1143 Commission on Ethics into an alleged violation of this section,
1144 allegations are made as to the identity of the person who
1145 participated in the ex parte communication, that person must be
1146 given notice and an opportunity to participate in the
1147 investigation and relevant proceedings to present a defense. If
1148 the Commission on Ethics determines that the person participated
1149 in the ex parte communication, the person may not appear before
1150 the commission or otherwise represent anyone before the
1151 commission for 2 years.

1152 Section 13. Penalties for misconduct by a commissioner,
1153 employee, or agent.-

1154 (1) A violation of the Resort Act by a member of the
1155 commission may result in disqualification or constitute cause
1156 for removal by the Governor or other disciplinary action as
1157 determined by the commission.

1158 (2) A violation of the Resort Act by an employee or agent
1159 of the commission does not require termination of employment or
1160 other disciplinary action if:

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1161 (a) The commission determines that the conduct involved
1162 does not violate the purposes the Resort Act; or

1163 (b) There was no intentional action on the part of the
1164 employee or agent, contingent on divestment of the financial
1165 interest within 30 days after the interest was acquired.

1166 (3) Notwithstanding subsection (2), an employee or agent of
1167 the commission who violates the Resort Act shall be terminated
1168 if a financial interest in a licensee, applicant, or affiliate,
1169 or representative of a licensee or applicant, is acquired by:

1170 (a) An employee of the commission; or

1171 (b) The employee's or agent's spouse, parent, or child.

1172 (4) A violation the Resort Act does not create a civil
1173 cause of action.

1174 Section 14. Authorization of limited gaming at destination
1175 resorts.—Notwithstanding any other provisions of law, the
1176 commission may not award a resort license authorizing limited
1177 gaming unless a majority of the electors in a countywide
1178 referendum have approved the conduct of limited gaming in the
1179 respective county. If limited gaming is authorized through the
1180 award of a resort license, the resort licensee may possess slot
1181 machines and other authorized gaming devices and conduct limited
1182 gaming at the licensed location. Notwithstanding any other
1183 provision of law, a person may lawfully participate in
1184 authorized games at a facility licensed to possess authorized
1185 limited gaming devices and conduct limited gaming or to
1186 participate in limited gaming as described in the Resort Act.

1187 Section 15. Legislative authority; administration of act.—
1188 The regulation of the conduct of limited gaming activity at a
1189 resort licensee is preempted to the state and a county,

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1190 municipality, or other political subdivision of the state may
1191 not enact any ordinance relating to limited gaming. Only the
1192 commission and other authorized state agencies shall administer
1193 the Resort Act and regulate limited gaming, including limited
1194 gaming at resort licensees and the assessment of fees or taxes
1195 relating to the conduct of limited gaming.

1196 Section 16. Process for awarding destination resort
1197 licenses.-

1198 (1) The commission shall by rule use an invitation to
1199 negotiate process for determining the award of a resort license.
1200 The application, review, and issuance procedures for awarding a
1201 license shall be by a process in which applicants rely on forms
1202 provided by the commission in response to an invitation to
1203 negotiate issued by the commission.

1204 (2) The commission may, at its discretion, stagger the
1205 issuance of invitations to negotiate, the period for review of
1206 replies, and the awarding of one or more licenses to conduct
1207 limited gaming, provided that the number of licenses does not
1208 exceed five destination resort licensees. Invitations to
1209 negotiate shall require a response within no less than 6 months
1210 of the date after the issuance of the invitation.

1211 (3) The commission may specify in its invitation to
1212 negotiate the district in which the facility would be located.
1213 When determining whether to authorize the destination resort
1214 located within a specific county or counties, the commission
1215 shall, if practicable, hold a public hearing in such county or
1216 counties.

1217 (4) The commission shall review all complete replies
1218 received pursuant to an invitation to negotiate. The commission

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1219 may select one or more replies with which to commence
1220 negotiations after determining which replies are in the best
1221 interest of the state based on the selection criteria. The
1222 commission shall award or deny a destination resort license
1223 within 12 months after the deadline for the submission of a
1224 reply.

1225 Section 17. Criteria for the award of a destination resort
1226 license.-

1227 (1) The commission may award a resort license to the
1228 applicant of an invitation to negotiate which best serves the
1229 interests of the residents of Florida. The reply to an
1230 invitation to negotiate for a resort license must include an
1231 application that demonstrates the applicant's ability to meet
1232 the following minimum criteria:

1233 (a) Only one destination resort license may be awarded per
1234 district.

1235 (b) The applicant must demonstrate a capacity to increase
1236 tourism, generate jobs, provide revenue to the local economy,
1237 and provide revenue to the General Revenue Fund.

1238 (c) The area in which the conduct of limited gaming is
1239 authorized may constitute no more than 10 percent of the resort
1240 development's total square footage. The resort development's
1241 total square footage is the aggregate of the total square
1242 footage of the limited gaming facility, the hotel or hotels,
1243 convention space, retail facilities, nongaming entertainment
1244 facilities, service centers, and office space or administrative
1245 areas.

1246 (d) The applicant must demonstrate a history of, or a bona
1247 fide plan for, community involvement or investment in the

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1248 community where the resort having a limited gaming facility will
1249 be located.

1250 (e) The applicant must demonstrate the financial ability to
1251 purchase and maintain an adequate surety bond.

1252 (f) The applicant must demonstrate that it has adequate
1253 capitalization to develop, construct, maintain, and operate the
1254 proposed resort and convention center having a limited gaming
1255 facility in accordance with the requirements of the Resort Act
1256 and rules adopted by the commission and to responsibly meet its
1257 secured and unsecured debt obligations in accordance with its
1258 financial and other contractual agreements.

1259 (g) The applicant shall demonstrate the ability to
1260 implement a program to train and employ residents of this state
1261 for jobs that will be available at the destination resort,
1262 including its ability to implement a program for the training of
1263 low-income persons.

1264 (h) The commission may, at its discretion, assess the
1265 quality of the proposed development's aesthetic appearance in
1266 the context of its potential to provide substantial economic
1267 benefits to the community and the people of Florida, including,
1268 but not limited to its potential to provide substantial
1269 employment opportunities.

1270 (i) The applicant shall demonstrate how it will comply with
1271 state and federal affirmative action guidelines.

1272 (j) The applicant shall demonstrate the ability to generate
1273 substantial gross receipts.

1274 (2) A resort license may be issued only to persons of good
1275 moral character who are at least 21 years of age. A resort
1276 license may issued to a corporation only if its officers are of

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1277 good moral character and at least 21 years of age.

1278 (3) A resort license may not be issued to an applicant if
1279 the applicant, qualifier, or institutional investor:

1280 (a) Has, within the last 10 years, filed for protection
1281 under the Federal Bankruptcy Code or had an involuntary
1282 bankruptcy petition filed against them.

1283 (b) Has, within the last 5 years, been adjudicated by a
1284 court or tribunal for failure to pay income, sales, or gross
1285 receipts tax due and payable under any federal, state, or local
1286 law, after exhaustion of all appeals or administrative remedies.

1287 (c) Has been convicted of a felony under the laws of this
1288 or any other state, or the United States.

1289 (d) Has been convicted of any violation under chapter 817,
1290 Florida Statutes, or under a substantially similar law of
1291 another jurisdiction.

1292 (e) Knowingly submitted false information in the
1293 application for the license.

1294 (f) Is a member or employee of the commission.

1295 (g) Was licensed to own or operate gaming or pari-mutuel
1296 facilities in this state or another jurisdiction and that
1297 license was revoked.

1298 (h) Fails to meet any other criteria for licensure set
1299 forth in the Resort Act.

1300
1301 The term "conviction" includes an adjudication of guilt on a
1302 plea of guilty or nolo contendere or the forfeiture of a bond
1303 when charged with a crime.

1304 Section 18. Application for destination resort license.—

1305 (1) APPLICATION.—A reply submitted in response to an

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1306 invitation to negotiate must include a sworn application in the
1307 format prescribed by the commission. The application must
1308 include the following information:

1309 (a)1. The name, business address, telephone number, social
1310 security number, and, where applicable, the federal tax
1311 identification number of the applicant and each qualifier; and

1312 2. Information, documentation, and assurances concerning
1313 financial background and resources as may be required to
1314 establish the financial stability, integrity, and responsibility
1315 of the applicant. This includes business and personal income and
1316 disbursement schedules, tax returns and other reports filed with
1317 governmental agencies, and business and personal accounting and
1318 check records and ledgers. In addition, each applicant must
1319 provide written authorization for the examination of all bank
1320 accounts and records as may be deemed necessary by the
1321 commission.

1322 (b) The identity and, if applicable, the state of
1323 incorporation or registration of any business in which the
1324 applicant or a qualifier has an equity interest of more than 5
1325 percent. If the applicant or qualifier is a corporation,
1326 partnership, or other business entity, the applicant or
1327 qualifier must identify any other corporation, partnership, or
1328 other business entity in which it has an equity interest of more
1329 5 percent, including, if applicable, the state of incorporation
1330 or registration.

1331 (c) A statement as to whether the applicant or a qualifier
1332 has developed and operated a gaming facility within a
1333 jurisdiction in the United States, including a description of
1334 the gaming facility, the gaming facility's gross revenue, and

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1335 the amount of revenue the gaming facility has generated for
1336 state and local governments within that jurisdiction.

1337 (d) A statement as to whether the applicant or a qualifier
1338 has been indicted, convicted of, pled guilty or nolo contendere
1339 to, or forfeited bail for any felony or for a misdemeanor
1340 involving gambling, theft, or fraud. The statement must include
1341 the date, the name and location of the court, the arresting
1342 agency, the prosecuting agency, the case caption, the docket
1343 number, the nature of the offense, the disposition of the case,
1344 and, if applicable, the location and length of incarceration.

1345 (e) A statement as to whether the applicant or a qualifier
1346 has ever been granted any license or certificate in any
1347 jurisdiction which has been restricted, suspended, revoked, not
1348 renewed, or otherwise subjected to discipline. The statement
1349 must describe the facts and circumstances concerning that
1350 restriction, suspension, revocation, nonrenewal, or discipline,
1351 including the licensing authority, the date each action was
1352 taken, and an explanation of the circumstances for each
1353 disciplinary action.

1354 (f) A statement as to whether the applicant or qualifier
1355 has, as a principal or a controlling shareholder, within the
1356 last 10 years, filed for protection under the Federal Bankruptcy
1357 Code or had an involuntary bankruptcy petition filed against it.

1358 (g) A statement as to whether the applicant or qualifier
1359 has, within the last 5 years, been adjudicated by a court or
1360 tribunal for failure to pay any income, sales, or gross receipts
1361 tax due and payable under federal, state, or local law, after
1362 exhaustion of all appeals or administrative remedies. This
1363 statement must identify the amount and type of the tax and the

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1364 time periods involved and must describe the resolution of the
1365 nonpayment.

1366 (h) A list of the names and titles of any public officials
1367 or officers of any unit of state government or of the local
1368 government or governments in the county or municipality in which
1369 the proposed resort is to be located, and the spouses, parents,
1370 and children of those public officials or officers, who,
1371 directly or indirectly, own any financial interest in, have any
1372 beneficial interest in, are the creditors of, hold any debt
1373 instrument issued by the applicant or a qualifier, or hold or
1374 have an interest in any contractual or service relationship with
1375 the applicant or qualifier. As used in this paragraph, the terms
1376 "public official" and "officer" do not include a person who
1377 would be listed solely because the person is a member of the
1378 Florida National Guard.

1379 (i) The name and business telephone number of any attorney,
1380 lobbyist, or other person who is representing an applicant
1381 before the commission during the application process.

1382 (j) A description of the applicant's history of and
1383 proposed plan for community involvement or investment in the
1384 community where the resort having a limited gaming facility
1385 would be located.

1386 (k) A description of the applicant's proposed resort,
1387 including a description of the economic benefit to the community
1388 in which the facility would be located, the anticipated number
1389 of employees, a statement regarding how the applicant would
1390 comply with federal and state affirmative action guidelines, a
1391 projection of admissions or attendance at the limited gaming
1392 facility, a projection of gross receipts, and scientific market

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1393 research pertaining to the proposed facility, if any.

1394 (l) Proof that the electors of the county in a countywide
1395 referendum have approved limited gaming at a resort in the
1396 county before the application deadline has been established by
1397 the commission for any district. However, a referendum is not
1398 required in any county where slot machine gaming as defined in
1399 s. 551.102(8), Florida Statutes, is currently conducted within a
1400 county.

1401 (m) A schedule or timeframe for completing the resort.

1402 (n) A plan for training residents of this state for jobs at
1403 the resort. The job-training plan must provide training to
1404 enable low-income persons to qualify for jobs at the resort.

1405 (o) The identity of each person, association, trust, or
1406 corporation or partnership having a direct or indirect equity
1407 interest in the applicant of greater than 5 percent. If
1408 disclosure of a trust is required under this paragraph, the
1409 names and addresses of the beneficiaries of the trust must also
1410 be disclosed. If the identity of a corporation must be
1411 disclosed, the names and addresses of all stockholders and
1412 directors must also be disclosed. If the identity of a
1413 partnership must be disclosed, the names and addresses of all
1414 partners, both general and limited, must also be disclosed.

1415 (p) A destination resort and limited gaming facility
1416 development plan.

1417 (q) The fingerprints of the all officers or directors of
1418 the applicant and qualifiers, and any persons exercising
1419 operational or managerial control of the applicant, as
1420 determined by rule of the commission, for a criminal history
1421 record check.

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1422 (2) DISCRETION TO REQUIRE INFORMATION.—Notwithstanding any
1423 other provision of law, the commission is the sole authority for
1424 determining the information or documentation that must be
1425 included in an application for a resort license or in an
1426 application to renew a resort license. Such documentation and
1427 information may relate to: demographics, education, work
1428 history, personal background, criminal history, finances,
1429 business information, complaints, inspections, investigations,
1430 discipline, bonding, photographs, performance periods,
1431 reciprocity, local government approvals, supporting
1432 documentation, periodic reporting requirements, and fingerprint
1433 requirements.

1434 (3) DUTY TO SUPPLEMENT APPLICATION.—The application shall
1435 be supplemented as needed to reflect any material change in any
1436 circumstance or condition stated in the application which takes
1437 place between the initial filing of the application and the
1438 final grant or denial of the license. Any submission required to
1439 be in writing may otherwise be required by the commission to be
1440 made by electronic means.

1441 (4) CRIMINAL HISTORY CHECKS.—The commission may contract
1442 with private vendors, or enter into interagency agreements, to
1443 collect electronic fingerprints where fingerprints are required
1444 for licensure or where criminal history record checks are
1445 required.

1446 (5) APPLICATION FEES.—

1447 (a) The application for a resort license must be submitted
1448 along with a nonrefundable application fee of \$1 million to be
1449 used by the commission to defray costs associated with the
1450 review and investigation of the application and to conduct a

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1451 background investigation of the applicant and each qualifier. If
1452 the cost of the review and investigation exceeds \$1 million, the
1453 applicant must pay the additional amount to the commission
1454 within 30 days after the receipt of a request for an additional
1455 payment.

1456 (b) The application for a destination resort license must
1457 be submitted with a one-time licensing fee of \$50 million. If
1458 the commission denies the application, the commission must
1459 refund the licensing fee within 30 days after the denial of the
1460 application. If the applicant withdraws the application after
1461 the application deadline established by the commission, the
1462 commission must refund 80 percent of the licensing fee within 30
1463 days after the application is withdrawn.

1464 Section 19. Incomplete applications.-

1465 (1) An incomplete application for a resort license is
1466 grounds for the denial of the application.

1467 (2) (a) If the commission determines that an application for
1468 a resort license is incomplete, the executive director shall
1469 immediately provide written notice to the applicant of the
1470 incomplete items. The applicant may then request a confidential
1471 informal conference with the executive director or his designee
1472 to discuss the application.

1473 (b) The executive director shall provide the applicant an
1474 extension of 30 days to complete the application following the
1475 date of the informal conference. If the executive director finds
1476 that the application has not been completed within the
1477 extension, the applicant may appeal the finding to the
1478 commission. During an extension or the pendency of an appeal to
1479 the commission, the award of resort licenses in the applicable

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1480 district is stayed.

1481 Section 20. Institutional investors as qualifiers.—

1482 (1) An application for a resort license that has an
1483 institutional investor as a qualifier need not contain
1484 information relating to the institutional investor other than
1485 the identity of the investor and information relating to
1486 qualifications under the Resort Act if the institutional
1487 investor:

1488 (a) Holds less than 5 percent of the equity securities or 5
1489 percent of the debt securities of an applicant or affiliate of
1490 the applicant;

1491 (b) Is a publicly traded corporation; and

1492 (c) Files a certified statement that the institutional
1493 investor does not intend to influence or affect the affairs of
1494 the applicant or an affiliate of the applicant and further
1495 states that its holdings of securities of the applicant or
1496 affiliate were purchased for investment purposes only.

1497

1498 The commission may limit the application requirements as
1499 provided in this subsection for an institutional investor that
1500 is a qualifier and that holds 5 percent or more of the equity or
1501 debt securities of an applicant or affiliate of the applicant
1502 upon a showing of good cause and if the conditions specified in
1503 paragraphs (b) and (c) are satisfied.

1504 (2) An institutional investor that is exempt from the full
1505 application requirements under this section and that
1506 subsequently intends to influence or affect the affairs of the
1507 issuer must first notify the commission of its intent and file
1508 an application containing all of the information that would have

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1509 been required of the institutional investor in the application
1510 for a resort license. The commission may deny the application if
1511 it determines that granting the application will impair the
1512 financial stability of the licensee or impair the ability of the
1513 licensee to comply with its development plans or other plans
1514 submitted to the commission by the applicant or licensee.

1515 (3) An applicant for a license or a resort licensee or
1516 affiliate shall immediately notify the commission of any
1517 information concerning an institutional investor holding its
1518 equity or debt securities which may disqualify an institutional
1519 investor from having a direct or indirect interest in the
1520 applicant or licensee, and the commission may require the
1521 institutional investor to file all information that would have
1522 been required of the institutional investor in the application
1523 for a license.

1524 (4) If the commission finds that an institutional investor
1525 that is a qualifier fails to comply with the requirements of
1526 subsection (1) or, if at any time the commission finds that by
1527 reason of the extent or nature of its holdings an institutional
1528 investor is in a position to exercise a substantial impact upon
1529 the controlling interests of a licensee, the commission may
1530 require the institutional investor to file an application
1531 containing all of information that would have been required of
1532 the institutional investor in the application for a license.

1533 (5) Notwithstanding paragraph (1) (c), an institutional
1534 investor may vote on all matters that are put to the vote of the
1535 outstanding security holders of the applicant or licensee.

1536 Section 21. Lenders and underwriters; exemption as
1537 qualifiers.—A bank, lending institution, or any underwriter in

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1538 connection with any bank or lending institution that, in the
1539 ordinary course of business, makes a loan to, or holds a
1540 security interest in, a licensee or applicant, a supplier
1541 licensee or applicant or its subsidiary, or direct or indirect
1542 parent company of any of the foregoing is not a qualifier and is
1543 not required to be licensed.

1544 Section 22. Conditions for a resort license.—As a condition
1545 to licensure and to maintain continuing authority, a resort
1546 licensee must:

1547 (1) Comply with the Resort Act and the rules of the
1548 commission.

1549 (2) Allow the commission and the Department of Law
1550 Enforcement unrestricted access to and right of inspection of
1551 facilities of a licensee in which any activity relative to the
1552 conduct of gaming is conducted.

1553 (3) Complete the resort in accordance with the plans and
1554 timeframe proposed to the commission in its application, unless
1555 a waiver is granted by the commission.

1556 (4) Ensure that the facilities-based computer system that
1557 the licensee will use for operational and accounting functions
1558 of the facility is specifically structured to facilitate
1559 regulatory oversight. The facilities-based computer system shall
1560 be designed to provide the commission and the Department of Law
1561 Enforcement with the ability to monitor, at any time on a real-
1562 time basis, the wagering patterns, payouts, tax collection, and
1563 such other operations as necessary to determine whether the
1564 facility is in compliance with statutory provisions and rules
1565 adopted by the commission for the regulation and control of
1566 gaming. The commission and the Department of Law Enforcement

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1567 shall have complete and continuous access to this system. Such
1568 access shall include the ability of either the commission or the
1569 Department of Law Enforcement to suspend play immediately on
1570 particular slot machines or gaming devices if monitoring of the
1571 system indicates possible tampering or manipulation of those
1572 slot machines or gaming devices or the ability to suspend play
1573 immediately of the entire operation if the tampering or
1574 manipulation is of the computer system itself. The computer
1575 system shall be reviewed and approved by the commission to
1576 ensure necessary access, security, and functionality. The
1577 commission may adopt rules to provide for the approval process.

1578 (5) Ensure that each game, slot machine, or other gaming
1579 device is protected from manipulation or tampering that may
1580 affect the random probabilities of winning plays. The commission
1581 or the Department of Law Enforcement may suspend play upon
1582 reasonable suspicion of any manipulation or tampering. If play
1583 has been suspended on any game, slot machine, or other gaming
1584 device, the commission or the Department of Law Enforcement may
1585 conduct an examination to determine whether the game, machine,
1586 or other gaming device has been tampered with or manipulated and
1587 whether the game, machine, or other gaming device should be
1588 returned to operation.

1589 (6) Submit a security plan, including the facilities' floor
1590 plans, the locations of security cameras, and a listing of all
1591 security equipment that is capable of observing and
1592 electronically recording activities being conducted in the
1593 facilities of the licensee. The security plan must meet the
1594 minimum security requirements as determined by the commission
1595 and be implemented before the operation of gaming. The

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1596 licensee's facilities must adhere to the security plan at all
1597 times. Any changes to the security plan must be submitted by the
1598 licensee to the commission prior to implementation. The
1599 commission shall furnish copies of the security plan and changes
1600 in the plan to the Department of Law Enforcement.

1601 (7) Create and file with the commission a written policy
1602 for:

1603 (a) Creating opportunities to purchase from vendors in this
1604 state, including minority vendors.

1605 (b) Creating opportunities for the employment of residents
1606 of this state, including minority residents.

1607 (c) Ensuring opportunities for obtaining construction
1608 services from minority contractors.

1609 (d) Ensuring that opportunities for employment are offered
1610 on an equal, nondiscriminatory basis.

1611 (e) Training employees on responsible gaming and working
1612 with a compulsive or addictive gambling prevention program.

1613 (f) Implementing a drug-testing program that includes, but
1614 is not limited to, requiring each employee to sign an agreement
1615 that he or she understands that the resort is a drug-free
1616 workplace.

1617 (g) Using the Internet-based job-listing system of the
1618 Agency for Workforce Innovation in advertising employment
1619 opportunities.

1620 (h) Ensuring that the payout percentage of each slot
1621 machine is at least 85 percent.

1622 (8) A resort licensee shall keep and maintain permanent
1623 daily records of its limited gaming operations and shall
1624 maintain such records for a period of not less than 5 years.

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1625 These records must include all financial transactions and
1626 contain sufficient detail to determine compliance with the
1627 requirements of the Resort Act. All records shall be available
1628 for audit and inspection by the commission, the Department of
1629 Law Enforcement, or other law enforcement agencies during the
1630 resort licensee's regular business hours.

1631 Section 23. Surety bond.—A destination resort licensee
1632 must, at its own cost and expense, before the license is
1633 delivered, give a bond in the penal sum to be determined by the
1634 commission payable to the Governor of the state and her or his
1635 successors in office. The bond must be issued by a surety or
1636 sureties approved by the commission and the Chief Financial
1637 Officer and the bond must be conditioned on the licensee
1638 faithfully making the required payments to the Chief Financial
1639 Officer in her or his capacity as treasurer of the commission,
1640 keeping the licensee's books and records and make reports as
1641 provided, and conducting its limited gaming activities in
1642 conformity with the Resort Act. The commission shall fix the
1643 amount of the bond at the total amount of annual license fees
1644 and the taxes estimated to become due as determined by the
1645 commission. In lieu of a bond, an applicant or licensee may
1646 deposit with the commission a like amount of funds, a savings
1647 certificate, a certificate of deposit, an investment
1648 certificate, or a letter of credit from a bank, savings bank,
1649 credit union, or savings and loan association situated in this
1650 state which meets the requirements set for that purpose by the
1651 Chief Financial Officer. If security is provided in the form of
1652 a savings certificate, a certificate of deposit, or an
1653 investment certificate, the certificate must state that the

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1654 amount is unavailable for withdrawal except upon order of the
1655 commission. The commission may review the bond or other security
1656 for adequacy and require adjustments, including increasing the
1657 amount of the bond and other security. The commission may adopt
1658 rules to administer this section and establish guidelines for
1659 such bonds or other securities.

1660 Section 24. Conduct of limited gaming.-

1661 (1) Limited gaming may be conducted by a resort licensee,
1662 subject to the following:

1663 (a) The site of the limited gaming facility is limited to
1664 the resort licensee's site location as approved by the
1665 commission.

1666 (b) Limited gaming may not be conducted by a resort
1667 licensee until the resort is completed according to the proposal
1668 approved by the commission.

1669 (c) The commission's agents and employees may enter and
1670 inspect a limited gaming facility or other facilities relating
1671 to a resort licensee's gaming operations at any time for the
1672 purpose of determining whether the licensee is in compliance
1673 with the Resort Act.

1674 (d) A resort licensee may lease or purchase gaming devices,
1675 equipment, or supplies customarily used in conducting gaming
1676 only from a licensed supplier.

1677 (e) A resort licensee may not permit any form of wagering
1678 on games except as permitted by the Resort Act.

1679 (f) A resort licensee may receive wagers only from a person
1680 present in the limited gaming facility.

1681 (g) A resort licensee may not permit wagering using money
1682 or other negotiable currency except for wagering on slot

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1683 machines.

1684 (h) A resort licensee may not permit a person who is less
1685 than 21 years of age to engage in gaming activity or remain in
1686 an area of a limited gaming facility where gaming is being
1687 conducted, except for a limited gaming employee of the resort
1688 licensee who is at least 18 years of age.

1689 (i) A resort licensee may not sell or distribute tokens,
1690 chips, or electronic cards used to make wagers outside the
1691 limited gaming facility. The tokens, chips, or electronic cards
1692 may be purchased by means of an agreement under which the
1693 licensee extends credit to a wagerer. The tokens, chips, or
1694 electronic cards may be used only for the purpose of making
1695 wagers on games within a limited gaming facility.

1696 (j) All gaming activities must be conducted in accordance
1697 with commission rules.

1698 (2) A limited gaming facility may operate 24 hours per day,
1699 every day of the year.

1700 (3) A resort licensee may set the minimum and maximum
1701 wagers on all games.

1702 (4) A resort licensee shall give preference in employment,
1703 reemployment, promotion, and retention to veterans and to the
1704 persons included under s. 295.07(1), Florida Statutes, who
1705 possess the minimum qualifications necessary to perform the
1706 duties of the positions involved.

1707 (5) A resort licensee shall use the E-Verify program, or a
1708 similar program developed under the Immigration Reform and
1709 Control Act of 1986 or the Illegal Immigration Reform and
1710 Immigrant Responsibility Act of 1996, to verify the employment
1711 eligibility of all prospective employees. Applicants for a

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1712 resort license must require that all contractors use such a
1713 program to verify the employment eligibility of their
1714 prospective employees.

1715 (6) The commission shall renew a resort license if:

1716 (a) The licensee has demonstrated an effort to increase
1717 tourism, generate jobs, provide revenue to the local economy,
1718 and provide revenue to the state General Revenue Fund.

1719 (b) The commission has not suspended or revoked the license
1720 of the licensee.

1721 (c) The licensee continues to satisfy all the requirements
1722 of the initial application for licensure.

1723 Section 25. License fee; tax rate; disposition.-

1724 (1) LICENSE FEE.-On the anniversary date of the issuance of
1725 the initial resort license and annually thereafter, the licensee
1726 must pay to the commission a nonrefundable annual license fee of
1727 \$5 million. The license shall be renewed annually, unless the
1728 commission has revoked the license for a violation of the Resort
1729 Act or rule of the commission. The license fee shall be
1730 deposited into the Destination Resort Trust Fund to be used by
1731 the commission and the Department of Law Enforcement for
1732 investigations, regulation of limited gaming, and enforcement of
1733 the Resort Act.

1734 (2) GROSS RECEIPTS TAX.-

1735 (a) Each resort licensee shall pay a gross receipts tax on
1736 its gross receipts to the state. Upon completion of the resort
1737 and before limited gaming may be conducted, the resort licensee
1738 must submit proof, as required by the commission, of the total
1739 investment made in the construction of the resort. Upon
1740 submission of this information, the gross receipts tax rate

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1741 shall be set as follows:

1742 1. If the total infrastructure investment is \$2 billion or
1743 more, the tax rate shall be 10 percent of the gross receipts.

1744 2. If the total infrastructure investment is at least \$1
1745 billion but less than \$2 billion, the tax rate shall be 15
1746 percent of the gross receipts.

1747 3. If the total infrastructure investment is less than \$1
1748 billion, the tax rate shall be 20 percent of the gross receipts.

1749 (b) The gross receipts tax is in lieu of any other state
1750 taxes on gross or adjusted gross receipts of a resort licensee.

1751 (3) TAX PROCEEDS.—

1752 (a) The gross receipts tax shall be deposited into the
1753 Destination Resort Trust Fund and shall be used to fund the
1754 operating costs of the commission pursuant to appropriations by
1755 the Legislature.

1756 (b) On June 30 of each year, all unappropriated funds in
1757 excess of \$5 million shall be deposited as follows:

1758 1. Eighty-seven and 1/2 percent shall be deposited into the
1759 General Revenue Fund.

1760 2. Two and 1/2 percent shall be deposited into the Tourism
1761 Promotional Trust Fund for use by the Florida Commission on
1762 Tourism.

1763 3. One and 1/4 percent shall be deposited into the
1764 Employment Security Administration Trust Fund for the benefit of
1765 the school readiness program.

1766 4. One and 1/4 percent shall be deposited into the
1767 Transportation Disadvantaged Trust Fund for use by the
1768 Commission for the Transportation Disadvantaged.

1769 5. Two and 1/2 percent of the gross receipts tax collected

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1770 shall be paid to the thoroughbred permitholders who are licensed
1771 to conduct slot machines pursuant to s. 551.104, Florida
1772 Statutes, in amounts equal to each permitholder's racing dates
1773 operated in 2011 divided by the total number of racing dates
1774 operated by all thoroughbred permitholders. These funds shall be
1775 utilized to offset the statutory mandated purses under s.
1776 551.104(10), Florida Statutes.

1777 6. Two and 1/2 percent of the gross receipts tax collected
1778 shall be paid to the Florida Thoroughbred Breeders and Owners
1779 Association, Inc., for the payment of breeders, stallion, and
1780 special racing awards, including the administrative fee
1781 authorized in s. 550.2625(3), Florida Statutes, on live
1782 thoroughbred races conducted at licensed thoroughbred pari-
1783 mutuel facilities. These funds, to be governed by the board of
1784 directors of the Florida Thoroughbred Breeders and Owners
1785 Association, Inc., may provide for, but not be limited to, use
1786 for capital expenditures that will drive economic growth and
1787 continue to provide jobs for the Ocala/Marion County area and
1788 for Florida's thoroughbred industry, including the
1789 rehabilitation or retirement of thoroughbred racehorses, equine
1790 research, education, and civic and industry-related service
1791 organizations and charities, while continuing the preservation
1792 of over 100,000 acres in production for thoroughbred breeding,
1793 training, and other equine activities. The amounts provided
1794 therein shall be remitted monthly.

1795 7. Two and 1/2 percent of the gross receipts tax collected
1796 shall be provided to the permitholders conducting live greyhound
1797 or harness racing or jai alai games to offset purse requirements
1798 pursuant to a contractual arrangement between each permitholder

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1799 and the greyhound owners, the standardbred owners, and the jai
1800 alai players and shall be paid to such permitholders who are
1801 licensed to conduct slot machines pursuant to s. 551.104,
1802 Florida Statutes, in amounts equal to each such permitholder's
1803 total purses paid on live racing or games divided by the total
1804 amount of purses paid by all such permitholders.

1805 Section 26. Fingerprint requirements.-Any fingerprints
1806 required to be taken under the Resort Act must be taken in a
1807 manner approved by, and shall be submitted electronically by the
1808 commission to, the Department of Law Enforcement. The Department
1809 of Law Enforcement shall submit the results of the state and
1810 national records check to the commission. The commission shall
1811 consider the results of the state and national records check in
1812 evaluating an application for any license.

1813 (1) The cost of processing fingerprints and conducting a
1814 criminal history record check shall be borne by the applicant.
1815 The Department of Law Enforcement may submit a monthly invoice
1816 to the commission for the cost of processing the fingerprints
1817 submitted.

1818 (2) All fingerprints submitted to the Department of Law
1819 Enforcement pursuant to the Resort Act shall be retained by the
1820 Department of Law Enforcement and entered into the statewide
1821 automated fingerprint identification system as authorized by s.
1822 943.05(2)(b), Florida Statutes, and shall be available for all
1823 purposes and uses authorized for arrest fingerprint cards
1824 entered into the statewide automated fingerprint identification
1825 system pursuant to s. 943.051, Florida Statutes.

1826 (3) The Department of Law Enforcement shall search all
1827 arrest fingerprints received pursuant to s. 943.051, Florida

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1828 Statutes, against the fingerprints retained in the statewide
1829 automated fingerprint identification system. Any arrest record
1830 that is identified with the retained fingerprints of a person
1831 subject to the criminal history screening under the Resort Act
1832 shall be reported to the commission. Each licensee shall pay a
1833 fee to the commission for the cost of retention of the
1834 fingerprints and the ongoing searches under this subsection. The
1835 commission shall forward the payment to the Department of Law
1836 Enforcement. The amount of the fee to be imposed for performing
1837 these searches and the procedures for the retention of licensee
1838 fingerprints shall be as established by rule of the Department
1839 of Law Enforcement. The commission shall inform the Department
1840 of Law Enforcement of any change in the license status of
1841 licensees whose fingerprints are retained under subsection (2).

1842 (4) The commission shall request the Department of Law
1843 Enforcement to forward the fingerprints to the Federal Bureau of
1844 Investigation for a national criminal history records check
1845 every 3 years following issuance of a license. If the
1846 fingerprints of a person who is licensed have not been retained
1847 by the Department of Law Enforcement, the person must file
1848 another set of fingerprints. The commission shall collect the
1849 fees for the cost of the national criminal history record check
1850 under this subsection and shall forward the payment to the
1851 Department of Law Enforcement. The cost of processing
1852 fingerprints and conducting a criminal history record check
1853 under this paragraph shall be borne by the licensee or
1854 applicant. The Department of Law Enforcement may submit an
1855 invoice to the commission for the fingerprints submitted each
1856 month. Under penalty of perjury, each person who is licensed or

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1857 who is fingerprinted as required by this section must agree to
1858 inform the commission within 48 hours if he or she is convicted
1859 of or has entered a plea of guilty or nolo contendere to any
1860 disqualifying offense, regardless of adjudication.

1861 Section 27. Compulsive or addictive gambling prevention
1862 program.—

1863 (1) A resort licensee shall offer training to employees on
1864 responsible gaming and shall work with a compulsive or addictive
1865 gambling prevention program to recognize problem gaming
1866 situations and to implement responsible gaming programs and
1867 practices.

1868 (2) The commission shall, subject to competitive bidding,
1869 contract for services relating to the prevention of compulsive
1870 and addictive gambling. The contract shall provide for an
1871 advertising program to encourage responsible gaming practices
1872 and to publicize a gambling telephone help line. Such
1873 advertisements must be made both publicly and inside the
1874 resort's limited gaming facility. The terms of any contract for
1875 such services shall include accountability standards that must
1876 be met by any private provider. The failure of any private
1877 provider to meet any material terms of the contract, including
1878 the accountability standards, constitutes a breach of contract
1879 or is grounds for nonrenewal. The commission may consult with
1880 the Department of the Lottery or the Department of Business and
1881 Professional Regulation in the development of the program and
1882 the development and analysis of any procurement for contractual
1883 services for the compulsive or addictive gambling prevention
1884 program.

1885 (3) The compulsive or addictive gambling prevention program

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1886 shall be funded from an annual nonrefundable regulatory fee of
1887 \$250,000 paid by each resort licensee to the commission.

1888 Section 28. Suppliers' licenses.-

1889 (1) A person must have a supplier's license in order to
1890 furnish on a regular or continuing basis to a resort licensee or
1891 an applicant for a resort license gaming equipment, devices, or
1892 supplies or other goods or services regarding the realty,
1893 construction, maintenance, or business of a proposed or existing
1894 resort facility. This requirement includes, but is not limited
1895 to, junket enterprises, security businesses, manufacturers,
1896 distributors, persons who service gaming devices or equipment,
1897 garbage haulers, maintenance companies, food purveyors, and
1898 construction companies.

1899 (2) An applicant for a supplier's license must apply to the
1900 commission on forms adopted by the commission by rule. The
1901 licensing fee for the initial and annual renewal of the license
1902 is \$5,000.

1903 (3) An applicant for a supplier's license must include in
1904 the application the fingerprints of the persons identified by
1905 commission rule for the processing of state and national
1906 criminal history record checks.

1907 (4) (a) An applicant for a supplier's license is not
1908 eligible for licensure if:

1909 1. A person for whom fingerprinting is required under
1910 subsection (3) has been convicted of a felony under the laws of
1911 this or any other state or the United States;

1912 2. The applicant knowingly submitted false information in
1913 the application for a supplier's license;

1914 3. The applicant is a member of the commission;

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1915 4. The applicant is not a natural person and an officer,
1916 director, or managerial employee of that person is a person
1917 defined in subparagraphs 1.-3.;

1918 5. The applicant is not a natural person and an employee of
1919 the applicant participates in the management or operation of
1920 limited gaming authorized under the Resort Act; or

1921 6. The applicant has had a license to own or operate a
1922 resort facility or pari-mutuel facility in this or a similar
1923 license in any other jurisdiction revoked.

1924 (b) The commission may revoke a supplier's license at any
1925 time it determines that the licensee no longer satisfies the
1926 eligibility requirements in this subsection.

1927 (5) The commission may deny an application for a supplier's
1928 license for any person:

1929 (a) Who is not qualified to perform the duties required of
1930 the licensee;

1931 (b) Who fails to disclose information or knowingly submits
1932 false information in the application;

1933 (c) Who has violated the Resort Act or rules of the
1934 commission; or

1935 (d) Who has had a gaming-related license or application
1936 suspended, restricted, revoked, or denied for misconduct in any
1937 other jurisdiction.

1938 (6) A supplier licensee shall:

1939 (a) Furnish to the commission a list of all gaming
1940 equipment, devices, and supplies it offers for sale or lease in
1941 connection with limited gaming authorized in the Resort Act;

1942 (b) Keep books and records documenting the furnishing of
1943 gaming equipment, devices, and supplies to resort licensees

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1944 separate and distinct from any other business that the supplier
1945 operates;

1946 (c) File quarterly returns with the commission listing all
1947 sales or leases of gaming equipment, devices, or supplies to
1948 resort licensees;

1949 (d) Permanently affix its name to all gaming equipment,
1950 devices, or supplies sold or leased to licensees; and

1951 (e) File an annual report listing its inventories of gaming
1952 equipment, devices, and supplies.

1953 (7) All gaming devices, equipment, or supplies furnished by
1954 a licensed supplier must conform to standards adopted by
1955 commission rule.

1956 (8) (a) The commission may suspend, revoke, or restrict the
1957 supplier's license of a licensee:

1958 1. Who violates the Resort Act or the rules of the
1959 commission; or

1960 2. Who defaults on the payment of any obligation or debt
1961 due to this state or a county.

1962 (b) The commission must revoke the supplier's license of a
1963 licensee for any cause that, if known to the commission, would
1964 have disqualified the applicant from receiving a license.

1965 (9) A supplier's licensee may repair gaming equipment,
1966 devices, or supplies in a facility owned or leased by the
1967 licensee.

1968 (10) Gaming devices, equipment, or supplies owned by a
1969 supplier's licensee which are used in an unauthorized gaming
1970 operation shall be forfeited to the county where the equipment
1971 is found.

1972 (11) The commission may revoke the license or deny the

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1973 application for a supplier's license of a person who fails to
1974 comply with this section.

1975 (12) A person who knowingly makes a false statement on an
1976 application for a supplier's license commits a misdemeanor of
1977 the first degree, punishable as provided in s. 775.082 or s.
1978 775.083, Florida Statutes.

1979 Section 29. Occupational licenses.-

1980 (1) The Legislature finds that, due to the nature of their
1981 employment, some gaming employees require heightened state
1982 scrutiny, including licensing and criminal history record
1983 checks.

1984 (2) Any person who desires to be a gaming employee and has
1985 a bona fide offer of employment from a licensed gaming entity
1986 shall apply to the commission for an occupational license. A
1987 person may not be employed as a gaming employee unless that
1988 person holds an appropriate occupational license issued under
1989 this section. The commission may adopt rules to reclassify a
1990 category of nongaming employees or gaming employees upon a
1991 finding that the reclassification is in the public interest and
1992 consistent with the objectives of the Resort Act.

1993 (3) An applicant for an occupational license must apply to
1994 the commission on forms adopted by the commission by rule. An
1995 occupational license is valid for 1 year following issuance. The
1996 application must be accompanied by the licensing fee set by the
1997 commission. The licensing fee may not exceed \$50 for an employee
1998 of a resort licensee.

1999 (a) The applicant shall set forth in the application
2000 whether the applicant:

2001 1. Has been issued a gaming-related license in any

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2002 jurisdiction.

2003 2. Has been issued a gaming-related license in any other
2004 jurisdiction under any other name and, if so, the name and the
2005 applicant's age at the time of licensure.

2006 3. Has had a permit or license issued by another
2007 jurisdiction suspended, restricted, or revoked and, if so, for
2008 what period of time.

2009 (b) An applicant for an occupational license must include
2010 his or her fingerprints in the application.

2011 (4) To be eligible for an occupational license, an
2012 applicant must:

2013 (a) Be at least 21 years of age to perform any function
2014 directly relating to limited gaming by patrons;

2015 (b) Be at least 18 years of age to perform nongaming
2016 functions;

2017 (c) Not have been convicted of a felony or a crime
2018 involving dishonesty or moral turpitude in any jurisdiction; and

2019 (d) Meet the standards for the occupational license as
2020 provided in commission rules.

2021 (5) The commission must deny an application for an
2022 occupational license for any person:

2023 (a) Who is not qualified to perform the duties required of
2024 the licensee;

2025 (b) Who fails to disclose or knowingly submits false
2026 information in the application;

2027 (c) Who has violated the Resort Act; or

2028 (d) Who has had a gaming-related license or application
2029 suspended, restricted, revoked, or denied in any other
2030 jurisdiction.

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2031 (6) (a) The commission may suspend, revoke, or restrict the
2032 occupational license of a licensee:

2033 1. Who violates the Resort Act or the rules of the
2034 commission;

2035 2. Who defaults on the payment of any obligation or debt
2036 due to this state or a county; or

2037 3. For any just cause.

2038 (b) The commission shall revoke the occupational license of
2039 a licensee for any cause that, if known to the commission, would
2040 have disqualified the applicant from receiving a license.

2041 (7) Any training provided for an occupational licensee may
2042 be conducted in the facility of a resort licensee or at a school
2043 with which the resort licensee has entered into an agreement for
2044 that purpose.

2045 (8) A person who knowingly makes a false statement on an
2046 application for an occupational license commits a misdemeanor of
2047 the first degree, punishable as provided in s. 775.082 or s.
2048 775.083, Florida Statutes.

2049 Section 30. Temporary supplier's license; temporary
2050 occupational license.-

2051 (1) Upon the written request of an applicant for a
2052 supplier's license or an occupational license, the executive
2053 director shall issue a temporary license to the applicant and
2054 permit the applicant to undertake employment with or provide
2055 gaming equipment, devices, or supplies or other goods or
2056 services to a resort licensee or an applicant for a resort
2057 license if:

2058 (a) The applicant has submitted a completed application, an
2059 application fee, all required disclosure forms, and other

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2060 required written documentation and materials;

2061 (b) A preliminary review of the application and the
2062 criminal history record check does not reveal that the applicant
2063 or a person subject to a criminal history record check has been
2064 convicted of a crime that would require denial of the
2065 application;

2066 (c) A deficiency does not appear to exist in the
2067 application which may require denial of the application; and

2068 (d) The applicant has an offer of employment from, or an
2069 agreement to begin providing gaming devices, equipment, or
2070 supplies or other goods and services to, a resort licensee or an
2071 applicant for a resort license, or the applicant for a temporary
2072 license shows good cause for being granted a temporary license.

2073 (2) A temporary occupational license or supplier's license
2074 may not be valid for more than 90 days.

2075 (3) An applicant who receives a temporary license may
2076 undertake employment with or supply a resort licensee with
2077 gaming devices, equipment, or supplies or other goods or
2078 services until a license is issued or denied or until the
2079 temporary license expires or is suspended or revoked.

2080 Section 31. Quarterly report.—The commission shall file
2081 quarterly reports with the Governor, the President of the
2082 Senate, and the Speaker of the House of Representatives covering
2083 the previous fiscal quarter. The report must include:

2084 (1) A statement of receipts and disbursements related to
2085 limited gaming;

2086 (2) A summary of disciplinary actions taken by the
2087 commission; and

2088 (3) Any additional information and recommendations that the

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2089 commission believes may improve the regulation of limited gaming
2090 or increase the economic benefits of limited gaming to this
2091 state.

2092 Section 32. Hearings by the commission.-

2093 (1) The chair of the commission may participate in any
2094 proceeding pending before the commission when administrative
2095 duties and time permit. In order to distribute the workload and
2096 expedite the commission's calendar, the chair, in addition to
2097 other administrative duties, may assign the various proceedings
2098 pending before the commission requiring hearings to two or more
2099 commissioners. Only those commissioners assigned to a proceeding
2100 requiring hearings may participate in the final decision of the
2101 commission as to that proceeding. However, if only two
2102 commissioners are assigned to a proceeding requiring a hearing
2103 and they cannot agree on a final decision, the chair shall cast
2104 the deciding vote for final disposition of the proceeding. If
2105 more than two commissioners are assigned to any proceeding, a
2106 majority of the members assigned shall constitute a quorum and a
2107 majority vote of the members assigned shall be essential to
2108 final commission disposition of those proceedings. If a
2109 commissioner becomes unavailable after assignment to a
2110 particular proceeding, the chair must assign a substitute
2111 commissioner. A petition for reconsideration must be voted upon
2112 by those commissioners participating in the final disposition of
2113 the proceeding.

2114 (2) A majority of the commissioners may determine that the
2115 full commission will sit in any proceeding. Any party to a
2116 proceeding may file a petition requesting that the proceeding be
2117 assigned to the full commission. Within 15 days after receipt by

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2118 the commission of any petition, the full commission must dispose
2119 of such petition by majority vote and render a written decision
2120 before the matter may be heard by less than the full commission.

2121 (3) This section does not prohibit a commissioner
2122 designated by the chair from conducting a hearing as provided
2123 under ss. 120.569 and 120.57(1), Florida Statutes, and the rules
2124 of the commission.

2125 Section 33. Resolution of disputes between licensees and
2126 patrons.-

2127 (1) Whenever a resort licensee has a dispute with a patron
2128 which is not resolved to the satisfaction of the patron and
2129 involves:

2130 (a) Alleged winnings, alleged losses, or the award or
2131 distribution of cash, prizes, benefits, tickets, or any other
2132 item or items in a game, tournament, contest, drawing,
2133 promotion, race, or similar activity or event; or

2134 (b) The manner in which a game, tournament, contest,
2135 drawing, promotion, race, or similar activity or event was
2136 conducted,

2137
2138 the licensee must immediately notify the commission of the
2139 dispute if the amount disputed is \$500 or more. If the dispute
2140 involves an amount less than \$500, the licensee must immediately
2141 notify the patron of his or her right to file a complaint with
2142 the commission.

2143 (2) Upon notice of a dispute or receipt of a complaint, the
2144 commission shall conduct any investigation it deems necessary
2145 and may order the licensee to make a payment to the patron upon
2146 a finding that the licensee is liable for the disputed amount.

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2147 The decision of the commission is effective on the date the
2148 aggrieved party receives notice of the decision. Notice of the
2149 decision is deemed sufficient if it is mailed to the last known
2150 address of the licensee and the patron. The notice is deemed to
2151 have been received by the resort licensee or the patron 5 days
2152 after it is deposited with the United States Postal Service with
2153 postage prepaid.

2154 (3) The failure of a resort licensee to notify the
2155 commission of the dispute or the patron of the right to file a
2156 complaint is grounds for disciplinary action.

2157 Section 34. Enforcement of credit instruments.-

2158 (1) A credit instrument and the debt that instrument
2159 represents are valid and may be enforced by legal process.

2160 (2) A resort licensee may accept an incomplete credit
2161 instrument that:

2162 (a) Is signed by the patron; and

2163 (b) States the amount of the debt in numbers, and may
2164 complete the instrument as is necessary for the instrument to be
2165 presented for payment.

2166 (3) A resort licensee may accept a credit instrument that
2167 is payable to an affiliate or may complete a credit instrument
2168 payable to an affiliate if the credit instrument otherwise
2169 complies with this section and the records of the affiliate
2170 pertaining to the credit instrument are made available to the
2171 commission upon request.

2172 (4) A resort licensee may accept a credit instrument
2173 before, during, or after the patron incurs the debt. The credit
2174 instrument and the debt that the instrument represents are
2175 enforceable without regard to whether the credit instrument was

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2176 accepted before, during, or after the incurring of the debt.

2177 (5) This section does not prohibit the establishment of an
2178 account by a deposit of cash, recognized traveler's check, or
2179 any other instrument that is equivalent to cash.

2180 (6) If a credit instrument is lost or destroyed, the debt
2181 represented by the credit instrument may be enforced if the
2182 resort licensee or person acting on behalf of the licensee can
2183 prove the existence of the credit instrument.

2184 (7) The existence of a mental disorder in a patron who
2185 provides a credit instrument to a resort licensee:

2186 (a) Is not a defense in any action by a resort licensee to
2187 enforce a credit instrument or the debt that the credit
2188 instrument represents.

2189 (b) Is not a valid counterclaim in an action to enforce the
2190 credit instrument or the debt that the credit instrument
2191 represents.

2192 (8) The failure of a resort licensee to comply with the
2193 provisions of this section or commission rules does not
2194 invalidate a credit instrument or affect its ability to enforce
2195 the credit instrument or the debt that the credit instrument
2196 represents.

2197 (9) The commission may adopt rules prescribing the
2198 conditions under which a credit instrument may be redeemed or
2199 presented to a bank or credit union for collection or payment.

2200 Section 35. Voluntary self-exclusion from a limited gaming
2201 facility.—

2202 (1) A person may request that he or she be excluded from
2203 limited gaming facilities in this state by personally submitting
2204 a Request for Voluntary Self-exclusion from Limited Gaming

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2205 Facilities Form to the commission. The form must require the
2206 person requesting exclusion to:

2207 (a) State his or her:

2208 1. Name, including any aliases or nicknames;

2209 2. Date of birth;

2210 3. Current residential address;

2211 4. Telephone number;

2212 5. Social security number; and

2213 6. Physical description, including height, weight, gender,
2214 hair color, eye color, and any other physical characteristic
2215 that may assist in the identification of the person.

2216

2217 A self-excluded person must update the information in this
2218 paragraph on forms supplied by the commission within 30 days
2219 after any change.

2220 (b) Select one of the following as the duration of the
2221 self-exclusion:

2222 1. One year.

2223 2. Five years.

2224 3. Lifetime.

2225 (c) Execute a release in which the person:

2226 1. Acknowledges that the request for exclusion has been
2227 made voluntarily.

2228 2. Certifies that the information provided in the request
2229 for self-exclusion is true and correct.

2230 3. Acknowledges that the individual requesting self-
2231 exclusion is a problem gambler.

2232 4. Acknowledges that a person requesting a lifetime
2233 exclusion will not be removed from the self-exclusion list and

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2234 that a person requesting a 1-year or 5-year exclusion will
2235 remain on the self-exclusion list until a request for removal is
2236 approved by the commission.

2237 5. Acknowledges that, if the individual is discovered on
2238 the gaming floor of a limited gaming facility, the individual
2239 may be removed and may be arrested and prosecuted for criminal
2240 trespass.

2241 6. Releases, indemnifies, holds harmless, and forever
2242 discharges the state, commission, and all licensee from any
2243 claims, damages, losses, expenses, or liability arising out of,
2244 by reason of or relating to the self-excluded person or to any
2245 other party for any harm, monetary or otherwise, which may arise
2246 as a result of one or more of the following:

2247 a. The failure of a resort licensee to withhold gaming
2248 privileges from or restore gaming privileges to a self-excluded
2249 person.

2250 b. Permitting or prohibiting a self-excluded person from
2251 engaging in gaming activity in a limited gaming facility.

2252 (2) A person submitting a self-exclusion request must
2253 present to the commission a government-issued form of
2254 identification containing the person's signature.

2255 (3) The commission shall take a photograph of a person
2256 requesting self-exclusion at the time the person submits a
2257 request for self-exclusion.

2258 Section 36. Slot machine licensees.—Notwithstanding any law
2259 to the contrary, if a resort licensee receives final
2260 authorization to conduct limited gaming activities in Miami-Dade
2261 County or Broward County, a pari-mutuel facility licensed to
2262 operate slot machine gaming under s. 551.104, Florida Statutes,

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2263 may conduct all games, including such games identified in the
2264 Destination Resort Act as limited gaming, during the same hours
2265 of operation and limits of wagering authorized for a resort
2266 licensee. However, before conducting limited gaming, such
2267 licensee is subject to the provisions of subsection (3) of
2268 section 17. The facility shall pay the same tax on gross
2269 receipts as the resort licensee located within Miami-Dade County
2270 or Broward County. For purposes of this section, the term "final
2271 authorization" means the anticipated opening date of the resort
2272 casino, or the actual opening date, whichever occurs first.

2273 Section 37. Section 849.15, Florida Statutes, is amended to
2274 read:

2275 849.15 Manufacture, sale, possession, etc., of coin-
2276 operated devices prohibited.—

2277 (1) It is unlawful:

2278 (a) To manufacture, own, store, keep, possess, sell, rent,
2279 lease, let on shares, lend or give away, transport, or expose
2280 for sale or lease, or to offer to sell, rent, lease, let on
2281 shares, lend or give away, or permit the operation of, or for
2282 any person to permit to be placed, maintained, or used or kept
2283 in any room, space, or building owned, leased or occupied by the
2284 person or under the person's management or control, any slot
2285 machine or device or any part thereof; or

2286 (b) To make or to permit to be made with any person any
2287 agreement with reference to any slot machine or device, pursuant
2288 to which the user thereof, as a result of any element of chance
2289 or other outcome unpredictable to him or her, may become
2290 entitled to receive any money, credit, allowance, or thing of
2291 value or additional chance or right to use such machine or

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2292 device, or to receive any check, slug, token or memorandum
2293 entitling the holder to receive any money, credit, allowance or
2294 thing of value.

2295 (2) Pursuant to section 2 of that chapter of the Congress
2296 of the United States entitled "An act to prohibit transportation
2297 of gaming devices in interstate and foreign commerce," approved
2298 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
2299 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
2300 acting by and through the duly elected and qualified members of
2301 its Legislature, does hereby in this section, and in accordance
2302 with and in compliance with the provisions of section 2 of such
2303 chapter of Congress, declare and proclaim that any county of the
2304 State of Florida within which slot machine gaming is authorized
2305 pursuant to the Destination Resort Act, sections 3 through 36 of
2306 this act, or chapter 551 is exempt from the provisions of
2307 section 2 of that chapter of the Congress of the United States
2308 entitled "An act to prohibit transportation of gaming devices in
2309 interstate and foreign commerce," designated as 15 U.S.C. ss.
2310 1171-1177, approved January 2, 1951. All shipments of gaming
2311 devices, including slot machines, into any county of this state
2312 within which slot machine gaming is authorized pursuant to the
2313 Destination Resort Act, sections 3 through 36 of this act, or
2314 chapter 551 and the registering, recording, and labeling of
2315 which have been duly performed by the manufacturer or
2316 distributor thereof in accordance with sections 3 and 4 of that
2317 chapter of the Congress of the United States entitled "An act to
2318 prohibit transportation of gaming devices in interstate and
2319 foreign commerce," approved January 2, 1951, being ch. 1194, 64
2320 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,

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2321 shall be deemed legal shipments thereof into this state provided
2322 the destination of such shipments is an eligible facility as
2323 defined in s. 551.102, ~~or~~ the facility of a slot machine
2324 manufacturer or slot machine distributor as provided in s.
2325 551.109(2) (a), or the facility of a resort licensee or supplier
2326 licensee under the Destination Resort Act, sections 3 through 36
2327 of this act.

2328 Section 38. Section 849.231, Florida Statutes, is amended
2329 to read:

2330 849.231 Gambling devices; manufacture, sale, purchase or
2331 possession unlawful.—

2332 (1) Except in instances when the following described
2333 implements or apparatus are being held or transported by
2334 authorized persons for the purpose of destruction, as
2335 hereinafter provided, and except in instances when the following
2336 described instruments or apparatus are being held, sold,
2337 transported, or manufactured by persons who have registered with
2338 the United States Government pursuant to the provisions of Title
2339 15 of the United States Code, ss. 1171 et seq., as amended, so
2340 long as the described implements or apparatus are not displayed
2341 to the general public, sold for use in Florida, or held or
2342 manufactured in contravention of the requirements of 15 U.S.C.
2343 ss. 1171 et seq., it shall be unlawful for any person to
2344 manufacture, sell, transport, offer for sale, purchase, own, or
2345 have in his or her possession any roulette wheel or table, faro
2346 layout, crap table or layout, chemin de fer table or layout,
2347 chuck-a-luck wheel, bird cage such as used for gambling, bolita
2348 balls, chips with house markings, or any other device,
2349 implement, apparatus, or paraphernalia ordinarily or commonly

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2350 used or designed to be used in the operation of gambling houses
2351 or establishments, excepting ordinary dice and playing cards.

2352 (2) In addition to any other penalties provided for the
2353 violation of this section, any occupational license held by a
2354 person found guilty of violating this section shall be suspended
2355 for a period not to exceed 5 years.

2356 (3) This section and s. 849.05 do not apply to a vessel of
2357 foreign registry or a vessel operated under the authority of a
2358 country except the United States, while docked in this state or
2359 transiting in the territorial waters of this state.

2360 (4) This section does not apply to slot machine licensees
2361 authorized under chapter 551 or limited gaming authorized by
2362 sections 3 through 36 of this act.

2363 Section 39. Section 849.25, Florida Statutes, is amended to
2364 read:

2365 849.25 "Bookmaking" defined; penalties; exceptions.—

2366 (1) (a) The term "bookmaking" means the act of taking or
2367 receiving, while engaged in the business or profession of
2368 gambling, any bet or wager upon the result of any trial or
2369 contest of skill, speed, power, or endurance of human, beast,
2370 fowl, motor vehicle, or mechanical apparatus or upon the result
2371 of any chance, casualty, unknown, or contingent event
2372 whatsoever.

2373 (b) The following factors shall be considered in making a
2374 determination that a person has engaged in the offense of
2375 bookmaking:

2376 1. Taking advantage of betting odds created to produce a
2377 profit for the bookmaker or charging a percentage on accepted
2378 wagers.

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- 2379 2. Placing all or part of accepted wagers with other
2380 bookmakers to reduce the chance of financial loss.
- 2381 3. Taking or receiving more than five wagers in any single
2382 day.
- 2383 4. Taking or receiving wagers totaling more than \$500 in
2384 any single day, or more than \$1,500 in any single week.
- 2385 5. Engaging in a common scheme with two or more persons to
2386 take or receive wagers.
- 2387 6. Taking or receiving wagers on both sides on a contest at
2388 the identical point spread.
- 2389 7. Any other factor relevant to establishing that the
2390 operating procedures of such person are commercial in nature.
- 2391 (c) The existence of any two factors listed in paragraph
2392 (b) may constitute prima facie evidence of a commercial
2393 bookmaking operation.
- 2394 (2) Any person who engages in bookmaking commits ~~shall be~~
2395 ~~guilty of~~ a felony of the third degree, punishable as provided
2396 in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding the
2397 provisions of s. 948.01, any person convicted under the
2398 provisions of this subsection shall not have adjudication of
2399 guilt suspended, deferred, or withheld.
- 2400 (3) Any person who has been convicted of bookmaking and
2401 thereafter violates the provisions of this section commits ~~shall~~
2402 ~~be guilty of~~ a felony of the second degree, punishable as
2403 provided in s. 775.082, s. 775.083, or s. 775.084.
2404 Notwithstanding the provisions of s. 948.01, any person
2405 convicted under the provisions of this subsection shall not have
2406 adjudication of guilt suspended, deferred, or withheld.
- 2407 (4) Notwithstanding the provisions of s. 777.04, any person

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2408 who is guilty of conspiracy to commit bookmaking is ~~shall be~~
2409 subject to the penalties imposed by subsections (2) and (3).

2410 (5) This section does ~~shall~~ not apply to pari-mutuel
2411 wagering in Florida as authorized under chapter 550.

2412 (6) This section does ~~shall~~ not apply to any prosecutions
2413 filed and pending at the time of the passage hereof, but all
2414 such cases shall be disposed of under existing laws at the time
2415 of the institution of such prosecutions.

2416 (7) This section does not apply to limited gaming as
2417 authorized in the Destination Resort Act, sections 3 through 36
2418 of this act.

2419 Section 40. Effective July 1, 2013, all powers, duties,
2420 functions, records, personnel, property, and unexpended balances
2421 of appropriations, allocations, or other funds for the
2422 administration of chapter 551, Florida Statutes, are transferred
2423 intact by a type two transfer, as defined in s. 20.06(2),
2424 Florida Statutes, from the Division of Pari-mutuel Wagering of
2425 the Department of Business and Professional Regulation to the
2426 Destination Resort Commission.

2427 Section 41. If any provision of this act or its application
2428 to any person or circumstance is held invalid, the invalidity
2429 does not affect other provisions or applications of the act
2430 which can be given effect without the invalid provision or
2431 application, and to this end the provisions of this act are
2432 severable.

2433 Section 42. This act shall take effect July 1, 2011.