

By the Committee on Regulated Industries; and Senator Bogdanoff

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1 A bill to be entitled
2 An act relating to gaming; amending s. 20.165, F.S.;
3 deleting the Division of Pari-mutuel Wagering within
4 the Department of Business and Professional
5 Regulation; creating s. 20.318, F.S.; establishing the
6 Department of Gaming Control; designating the State
7 Gaming Commission as head of the department; defining
8 terms; specifying powers and duties of the department;
9 authorizing the department to take testimony;
10 authorizing the department to exclude persons from
11 certain gaming establishments; authorizing the
12 department to collect taxes and require compliance
13 with reporting requirements for financial information;
14 authorizing the department to conduct investigations
15 and impose certain fines; authorizing the department
16 to adopt rules; authorizing the department to contract
17 with the Department of Law Enforcement for certain
18 purposes; directing the department to contract with
19 the Department of Revenue for tax collection and
20 financial audit services; authorizing the Department
21 of Revenue to assist in financial investigations of
22 licensees and applicants for licenses; requiring the
23 department to assist the Department of Revenue for the
24 benefit of financially dependent children; authorizing
25 the department to terminate certain deficient license
26 applications and approve licenses; amending s. 120.80,
27 F.S.; deleting certain exceptions and special
28 requirements regarding hearings applicable to the
29 Department of Business and Professional Regulation;

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30 creating certain exceptions and special requirements
31 regarding hearings within the Department of Gaming
32 Control; exempting the Destination Resort Selection
33 Committee from specified provisions of the
34 Administrative Procedure Act; designating ss. 551.101-
35 551.123, F.S., as part II of ch. 551, F.S., entitled
36 "Slot Machines"; creating ss. 551.002-551.012, F.S.,
37 as part I of ch. 551, F.S., entitled "State Gaming
38 Commission"; creating s. 551.002, F.S.; providing
39 definitions; creating s. 551.003, F.S.; creating the
40 State Gaming Commission; providing for membership,
41 terms, service, and compensation; providing for a
42 chair and vice chair; providing that the chair is the
43 administrative head of the commission; providing for a
44 quorum, headquarters, and meetings; providing that the
45 commission serves as the agency head for the
46 department for purposes of the Administrative
47 Procedure Act; providing that the executive director
48 of the commission may serve as the agency head for the
49 department for certain related purposes; creating s.
50 551.004, F.S.; creating the State Gaming Commission
51 Nominating Committee; providing for membership,
52 organization, and responsibilities of the committee;
53 providing procedures for nomination and appointment of
54 members of the commission; creating s. 551.006, F.S.;
55 providing for an executive director of the department;
56 creating s. 551.007, F.S.; providing for the
57 department to employ law enforcement officers or, by
58 interagency agreement, the Department of Law

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59 Enforcement to enforce laws within its jurisdiction;
60 creating s. 551.008, F.S.; providing for a code of
61 ethics for the commission and its employees, including
62 restrictions following membership or employment;
63 defining the terms "business entity" and "outside
64 employment"; creating s. 551.009, F.S.; providing for
65 disclosure of certain information by commission
66 members, employees, and agents; prohibiting certain
67 negotiations for employment by commission members,
68 employees, and agents; prohibiting certain gifts;
69 requiring reporting of bribe offers; creating s.
70 551.011, F.S.; providing procedures relating to ex
71 parte communications; providing for the Commission on
72 Ethics to investigate complaints, report to the
73 Governor, and enforce assessed penalties; requiring
74 the Commission on Ethics to provide notice to a person
75 alleged to have participated in an ex parte
76 communication and allow that person to present a
77 defense; providing penalties; creating s. 551.012,
78 F.S.; providing penalties for violation of specified
79 provisions by a commission member, employee, or agent;
80 creating ss. 551.301-551.331, F.S., as part III of ch.
81 551, F.S., entitled "Destination Resorts"; creating s.
82 551.301, F.S.; providing a short title; creating s.
83 551.302, F.S.; providing definitions; creating s.
84 551.304, F.S.; specifying the powers of the
85 commission, including the power to authorize gaming at
86 a limited number of destination resorts, conduct
87 investigations, issue subpoenas, take enforcement

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88 actions, and create an invitation to negotiate process
89 to evaluate applications for a resort license;
90 authorizing the commission to collect taxes,
91 assessments, fees, and penalties; specifying the
92 jurisdiction and authority of the commission, the
93 Department of Law Enforcement, and local law
94 enforcement agencies to investigate criminal
95 violations and enforce compliance with law; requiring
96 the commission to revoke or suspend the license of a
97 person who was unqualified at the time of licensure or
98 who is no longer qualified to be licensed; creating s.
99 551.305, F.S.; authorizing the commission to adopt
100 rules relating to the types of gaming authorized,
101 requirements for the issuance, renewal, revocation,
102 and suspension of licenses, the disclosure of
103 financial interests, procedures to test gaming
104 equipment, procedures to verify gaming revenues and
105 the collection of taxes, requirements for gaming
106 equipment, procedures relating to a facilities-based
107 computer system, bond requirements of resort
108 licensees, the maintenance of records, procedures to
109 calculate the payout percentages of slot machines,
110 security standards, the scope and conditions for
111 investigations and inspections into the conduct of
112 limited gaming, the seizure of gaming equipment and
113 records without notice or a warrant, employee drug-
114 testing programs, and the payment of costs, fines, and
115 application fees; authorizing the commission to adopt
116 emergency rules; exempting the rules from specified

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117 provisions of the Administrative Procedure Act;
118 creating s. 551.306, F.S.; preempting the regulation
119 of limited gaming at a destination resort to the
120 state; creating s. 551.307, F.S.; restricting the
121 award of resort licenses by the commission;
122 authorizing participation in gaming at a licensed
123 resort; creating s. 551.308, F.S.; requiring the
124 commission to develop an invitation to negotiate
125 process to award a resort license; providing criteria
126 and procedures; creating s. 551.309, F.S.; specifying
127 the criteria for evaluation of applications and award
128 of a destination resort license; specifying events
129 that disqualify an applicant from eligibility for a
130 resort license; defining the term "conviction";
131 creating s. 551.310, F.S.; providing for applications
132 for a destination resort license; specifying the
133 information that must be on or included with an
134 application for a resort license; providing for
135 collection of fingerprints; providing for application
136 fees for a resort license to defray the costs of an
137 investigation of the applicant; requiring the payment
138 of application and licensing fees to be submitted with
139 the application for a resort license; creating s.
140 551.311, F.S.; providing that an incomplete
141 application may be grounds for denial of the
142 application; requiring the executive director to
143 notify an applicant for a resort license if the
144 application is incomplete; authorizing the applicant
145 to have an informal conference with the executive

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146 director to discuss an incomplete application;
147 authorizing the executive director to grant an
148 extension to complete an application; providing for
149 the stay of the award of a resort license during an
150 extension or an appeal to the commission of a finding
151 by the executive director that an application is
152 incomplete; creating s. 551.312, F.S.; exempting an
153 institutional investor that is a qualifier for a
154 resort licensee from certain application requirements
155 under certain circumstances; requiring notice to the
156 commission of any changes that may require a person to
157 comply with the full application requirements;
158 creating s. 551.313, F.S.; exempting lending
159 institutions and underwriters from licensing
160 requirements as a qualifier under certain
161 circumstances; creating s. 551.3135, F.S.; authorizing
162 limited gaming to be conducted at certain pari-mutuel
163 facilities; requiring pari-mutuel facilities to comply
164 with the application fees and background requirements
165 for destination resorts; providing that limited gaming
166 may not begin at a pari-mutuel facility until games
167 begin at a destination resort; establishing guidelines
168 for the gaming floor; creating s. 551.314, F.S.;
169 specifying conditions for a licensee to maintain
170 licensure; authorizing the department to adopt rules
171 relating to approval of the licensee's computer
172 system; requiring a segregated limited gaming floor;
173 creating s. 551.315, F.S.; requiring that the licensee
174 post a bond; authorizing the department to adopt rules

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175 relating to such bonds; creating s. 551.316, F.S.;

176 specifying conditions for the conduct of limited

177 gaming by a resort licensee; providing hours and days

178 of operation and the setting of minimum and maximum

179 wagers; requiring the department to renew the license

180 of a resort licensee or limited gaming licensee if the

181 licensee satisfies specified conditions; creating s.

182 551.317, F.S.; prohibiting certain acts; prohibiting

183 cheating, the use of counterfeit devices, and fraud at

184 a license facility; establishing criminal penalties

185 for violations; creating s. 551.318, F.S.; specifying

186 an annual fee for the renewal of a license; imposing a

187 gross receipts tax; providing for the deposit of

188 funds; providing for distribution of the proceeds of

189 the gross receipts tax; providing timelines for the

190 submission of gross receipts taxes; creating s.

191 551.3185, F.S.; providing that unappropriated funds in

192 a trust fund to be deposited in the General Revenue

193 Fund; creating s. 551.319, F.S.; providing procedures

194 for the submission and processing of fingerprints;

195 providing that the cost of processing the fingerprints

196 shall be borne by a licensee or applicant; requiring a

197 person to report to the department certain pleas and

198 convictions for disqualifying offenses; creating s.

199 551.321, F.S.; requiring a person to have a supplier

200 license in order to furnish certain goods and services

201 to a resort licensee; providing for application;

202 providing for license fees to be set by rule based on

203 certain criteria; requiring fingerprinting; specifying

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204 persons who are ineligible for supplier licensure;
205 specifying circumstances under which the department
206 may deny or revoke a supplier license; authorizing the
207 department to adopt rules relating to the licensing of
208 suppliers; requiring a supplier licensee to furnish a
209 list of gaming devices and equipment to the
210 department, maintain records, file quarterly returns,
211 and affix its name to the gaming equipment and
212 supplies that it offers; requiring that the supplier
213 licensee annually report its inventory to the
214 department; authorizing the department to suspend,
215 revoke, or restrict a supplier license under certain
216 circumstances; providing that the equipment of a
217 supplier licensee which is used in unauthorized gaming
218 will be forfeited to the county where the equipment is
219 found; providing criminal penalties for a person who
220 knowingly makes a false statement on an application
221 for a supplier license; creating s. 551.3215, F.S.;
222 requiring a person to have a manufacturer license in
223 order to manufacture certain devices; providing for an
224 application, license fees, and other requirements;
225 creating s. 551.322, F.S.; requiring a person to have
226 an occupational license to serve as a limited gaming
227 employee of a resort licensee; requiring a person to
228 apply to the department for an occupational license
229 and pay an application fee; specifying information
230 that an applicant must include in an application for
231 an occupational license, including fingerprints;
232 providing eligibility requirements; specifying grounds

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233 for the department to deny, suspend, revoke, or
234 restrict an occupational license; authorizing training
235 to be conducted at certain facilities; providing
236 criminal penalties for a person who knowingly makes a
237 false statement on an application for an occupational
238 license; creating s. 551.323, F.S.; authorizing the
239 executive director of the department to issue a
240 temporary occupational or temporary supplier license
241 under certain circumstances; creating s. 551.325,
242 F.S.; requiring the commission to file quarterly
243 reports with the Governor, the President of the
244 Senate, and the Speaker of the House of
245 Representatives; creating s. 551.327, F.S.; providing
246 procedures for the resolution of certain disputes
247 between a resort licensee and a patron; requiring a
248 resort licensee to notify the department of certain
249 disputes; requiring a resort licensee to notify a
250 patron of the right to file a complaint with the
251 department regarding certain disputes; authorizing the
252 department to investigate disputes and to order a
253 resort licensee to make a payment to a patron;
254 providing that gaming-related disputes may be resolved
255 only by the department and are not under the
256 jurisdiction of state courts; creating s. 551.328,
257 F.S.; providing for the enforcement of credit
258 instruments; authorizing a resort licensee to accept
259 an incomplete credit instrument and to complete
260 incomplete credit instruments under certain
261 circumstances; providing that existence of a mental

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262 disorder is not a defense or a valid counterclaim in
263 an action to enforce a credit instrument; authorizing
264 the department to adopt rules prescribing the
265 conditions under which a credit instrument may be
266 presented to a bank; creating s. 551.330, F.S.;
267 requiring a resort licensee to train its employees
268 about compulsive gambling; requiring the department to
269 contract for direct services relating to the treatment
270 of compulsive gambling; providing for the compulsive
271 gambling treatment program to be funded from a
272 regulatory fee imposed on licensees; creating s.
273 551.331, F.S.; authorizing a person to request that
274 the department exclude him or her from limited gaming
275 facilities; providing for a form and contents of the
276 form; providing that a self-excluded person who is
277 found on a gaming floor may be arrested and prosecuted
278 for criminal trespass; providing that a self-excluded
279 person holds harmless the department and licensees
280 from claims for losses and damages under certain
281 circumstances; requiring the person to submit
282 identification issued by the government; requiring the
283 department to photograph the person requesting self-
284 exclusion; amending s. 561.20, F.S.; exempting
285 destination resorts from certain limitations on the
286 number of licenses to sell alcoholic beverages which
287 may be issued; providing restrictions on a licensee
288 issued such license; requiring an annual state license
289 tax to be paid by a licensee for such license;
290 providing for deposit of proceeds from the tax;

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291 preempting to the state the regulation of alcoholic
292 beverages at destination resorts and limited gaming
293 licensees; providing hours and days alcoholic
294 beverages may be sold at a resort or limited gaming
295 licensee; directing the commission to adopt rules;
296 providing recordkeeping requirements; amending s.
297 817.32, F.S.; providing that the fraudulent operation
298 of a coin-operated device includes devices that
299 operate upon the insertion of bills, tickets, tokens,
300 or similar objects or upon any consideration; amending
301 s. 817.33, F.S.; providing that the prohibition from
302 manufacturing slugs or devices with the intent to
303 cheat coin-operated devices includes devices that
304 operate upon the insertion of bills, tickets, tokens,
305 or similar objects or upon any consideration; amending
306 s. 849.15, F.S.; authorizing slot machine gaming in a
307 resort licensee or limited gaming licensee and the
308 transportation of slot machines pursuant to federal
309 law; exempting slot machine licensees from
310 prohibitions relating to coin-operated devices;
311 amending s. 849.231, F.S.; providing that a
312 prohibition on gambling devices does not apply to slot
313 machine licensees and resort or limited gaming
314 licensees as authorized under specified provisions;
315 transferring and reassigning certain functions and
316 responsibilities, including records, personnel,
317 property, and unexpended balances of appropriations
318 and other resources, from the Division of Pari-mutuel
319 Wagering of the Department of Business and

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320 Professional Regulation to the Department of Gaming
321 Control; transferring certain trust funds from the
322 Department of Business and Professional Regulation to
323 the Department of Gaming Control; amending s. 550.054,
324 F.S.; deleting provisions requiring that a
325 permitholder complete 50 percent of the construction
326 of a pari-mutuel facility within 12 months after voter
327 approval of a permit; requiring that the Division of
328 Licensure revoke a pari-mutuel permit if the
329 permitholder has not conducted live races or games
330 before a specified date; providing that a pari-mutuel
331 permit may not be issued on or after a specified date;
332 repealing s. 550.0745, F.S., relating to conversion of
333 a pari-mutuel permit to a summer jai alai permit;
334 amending s. 550.09515, F.S.; deleting the ability for
335 an escheated pari-mutuel thoroughbred permit to be
336 reissued; amending s. 551.101, F.S.; authorizing slot
337 machine gaming at certain pari-mutuel facilities
338 following voter approval of a referendum; amending s.
339 551.102, F.S.; revising the definition of the term
340 "eligible facility" as used in provisions relating to
341 slot machines; conforming provisions to changes made
342 by the act; amending s. 551.104, F.S.; providing for
343 licensure of certain applicants; authorizing the
344 issuance of a slot machine license to an eligible
345 facility outside Miami-Dade County or Broward County;
346 providing that such license does not authorize slot
347 machine gaming or require payment of any license fees
348 or regulatory fees before a specified date; amending

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349 s. 551.106, F.S.; reducing the annual license fee for
350 a slot machine license; reducing the tax rate on slot
351 machine revenue; providing for calculating an annual
352 pro rata share of a surcharge paid by slot machine
353 licensees and resort licensees; amending s. 551.118,
354 F.S.; requiring the division to contract for direct
355 services related to compulsive and addictive gambling;
356 requiring slot machine licensees to fund the
357 compulsive and addictive gambling program through a
358 fee; amending ss. 285.710, 550.002, 550.0251, 550.135,
359 550.24055, 550.2415, 550.2625, 550.2704, 550.902,
360 550.907, 551.103, 551.107, 551.108, 551.109, 551.111,
361 551.112, 551.117, 551.119, 551.122, 551.123, 565.02,
362 817.37, and 849.086, F.S.; correcting cross-references
363 and conforming provisions to changes made by the act;
364 amending s. 849.094, F.S.; providing for the
365 registration of electronic devices and computer
366 terminals used to conduct electronic game promotions;
367 establishing requirements for electronic game
368 promotions; requiring certification of game promotion
369 software; prohibiting certain conduct; amending s.
370 849.16, F.S.; revising the definition of a slot
371 machine to include a system or network of computers or
372 devices; requiring that agencies claiming outstanding
373 debts or child support or alimony obligations identify
374 persons owning such debts or obligations to the
375 Department of Gaming Control; requiring that the
376 department withhold winnings of more than a specified
377 amount from such persons; requiring that the

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378 department forward winnings to agencies claiming
379 certain debts; requiring that the Department of Gaming
380 Control adopt rules for collecting outstanding
381 obligations; providing ballot language for
382 referendums; providing that certain slot machine
383 licensees may conduct limited gaming with a slot
384 machine license; providing terms; providing for
385 severability; providing effective dates.

386
387 Be It Enacted by the Legislature of the State of Florida:

388

389 Section 1. Subsection (2) of section 20.165, Florida
390 Statutes, is amended to read:

391 20.165 Department of Business and Professional Regulation.—
392 There is created a Department of Business and Professional
393 Regulation.

394 (2) The following divisions of the Department of Business
395 and Professional Regulation are established:

396 (a) Division of Administration.

397 (b) Division of Alcoholic Beverages and Tobacco.

398 (c) Division of Certified Public Accounting.

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

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

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

406 (e) Division of Hotels and Restaurants.

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

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

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

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

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

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

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

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

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

419 20.318 Department of Gaming Control.—There is created a
420 Department of Gaming Control.

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

425 (2) DIVISIONS.—The Department of Gaming Control shall
426 consist of the following divisions:

427 (a) The Division of Enforcement.

428 (b) The Division of Licensure.

429 (c) The Division of Revenue and Audits.

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

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

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

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

435 (d) "License" means any permit, registration, certificate,

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436 or license issued by the department.

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

439 (4) POWERS AND DUTIES.—

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

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

444 (c) The department shall adopt rules pursuant to ss.
445 120.536(1) and 120.54 to administer the provisions of law
446 conferring duties upon it.

447 (d) The department shall require an oath on application
448 documents as required by rule, which oath must state that the
449 information contained in the document is true and complete.

450 (e) The department shall adopt rules for the control,
451 supervision, and direction of all applicants, permittees, and
452 licensees and for the holding, conducting, and operating of any
453 gaming establishment under the jurisdiction of the department in
454 this state. The department shall have the authority to suspend a
455 permit or license under the jurisdiction of the department if
456 such permitholder or licensee has violated any provision of
457 chapter 550, chapter 551, or chapter 849 or rules adopted by the
458 department. Such rules must be uniform in their application and
459 effect, and the duty of exercising this control and power is
460 made mandatory upon the department.

461 (f) The department may take testimony concerning any matter
462 within its jurisdiction and issue summons and subpoenas for any
463 witness and subpoenas duces tecum in connection with any matter
464 within the jurisdiction of the department under its seal and

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465 signed by the executive director.

466 (g) In addition to the power to exclude certain persons
467 from any pari-mutuel facility in this state, the department may
468 exclude any person from any and all gaming establishments under
469 the jurisdiction of the department in this state. The department
470 may exclude from any gaming establishment under its jurisdiction
471 within this state any person who has been ejected from a pari-
472 mutuel facility or other gaming establishment in this state or
473 who has been excluded from any pari-mutuel facility or other
474 gaming establishment in another state by the governmental
475 department, agency, commission, or authority exercising
476 regulatory jurisdiction over such facilities in such other
477 state. The department may authorize any person who has been
478 ejected or excluded from establishments in this state or another
479 state to enter such facilities in this state upon a finding that
480 the attendance of such person would not be adverse to the public
481 interest or to the integrity of the industry; however, this
482 paragraph may not be construed to abrogate the common-law right
483 of a pari-mutuel permitholder or a proprietor of a gaming
484 establishment to exclude absolutely a patron in this state.

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

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

493 (j) The department may impose an administrative fine for a

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494 violation under chapter 550, chapter 551, or chapter 849 of not
495 more than \$10,000 for each count or separate offense, except as
496 otherwise provided in chapter 550, chapter 551, or chapter 849,
497 and may suspend or revoke a permit, an operating license, or an
498 occupational license for a violation under chapter 550, chapter
499 551, or chapter 849. All fines imposed and collected under this
500 paragraph must be deposited with the Chief Financial Officer to
501 the credit of the General Revenue Fund.

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

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

510 (m) The department shall contract with the Department of
511 Revenue, through an interagency agreement, to perform the tax
512 collection and financial audit services for the taxes required
513 to be collected by entities licensed or regulated by chapter
514 550, chapter 551, or chapter 849. The interagency agreement
515 shall also allow the Department of Revenue to assist in any
516 financial investigations of licensees or applications for
517 licenses by the Department of Gaming Control or law enforcement
518 agencies.

519 (5) FINANCIALLY DEPENDENT CHILDREN; SUPPORT.—The department
520 shall work cooperatively with the Department of Revenue to
521 implement an automated method for periodically disclosing
522 information relating to current licensees to the Department of

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523 Revenue. The purpose of this subsection is to promote the public
524 policy of this state as established in s. 409.2551. The
525 department shall, when directed by the court or the Department
526 of Revenue pursuant to s. 409.2598, suspend or deny the license
527 of any licensee found not to be in compliance with a support
528 order, subpoena, order to show cause, or written agreement
529 entered into by the licensee with the Department of Revenue. The
530 department shall issue or reinstate the license without
531 additional charge to the licensee when notified by the court or
532 the Department of Revenue that the licensee has complied with
533 the terms of the support order. The department is not liable for
534 any license denial or suspension resulting from the discharge of
535 its duties under this subsection.

536 (6) LICENSING.—The department may:

537 (a) Close and terminate deficient license application files
538 2 years after the department notifies the applicant of the
539 deficiency.

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

542 Section 3. Subsection (4) of section 120.80, Florida
543 Statutes, is amended, and subsections (19) and (20) are added to
544 that section, to read:

545 120.80 Exceptions and special requirements; agencies.—

546 (4) DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.—

547 ~~(a) Business regulation.—The Division of Pari-mutuel~~
548 ~~Wagering is exempt from the hearing and notice requirements of~~
549 ~~ss. 120.569 and 120.57(1)(a), but only for stewards, judges, and~~
550 ~~boards of judges when the hearing is to be held for the purpose~~
551 ~~of the imposition of fines or suspensions as provided by rules~~

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552 ~~of the Division of Pari-mutuel Wagering, but not for~~
553 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~
554 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~
555 ~~alternative procedures, including a hearing upon reasonable~~
556 ~~notice, for the following violations:~~

557 ~~1. Horse riding, harness riding, greyhound interference,~~
558 ~~and jai alai game actions in violation of chapter 550.~~

559 ~~2. Application and usage of drugs and medication to horses,~~
560 ~~greyhounds, and jai alai players in violation of chapter 550.~~

561 ~~3. Maintaining or possessing any device which could be used~~
562 ~~for the injection or other infusion of a prohibited drug to~~
563 ~~horses, greyhounds, and jai alai players in violation of chapter~~
564 ~~550.~~

565 ~~4. Suspensions under reciprocity agreements between the~~
566 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~
567 ~~other states.~~

568 ~~5. Assault or other crimes of violence on premises licensed~~
569 ~~for pari-mutuel wagering.~~

570 ~~6. Prearranging the outcome of any race or game.~~

571 ~~(b) Professional regulation.~~ Notwithstanding s.

572 120.57(1)(a), formal hearings may not be conducted by the
573 Secretary of Business and Professional Regulation or a board or
574 member of a board within the Department of Business and
575 Professional Regulation for matters relating to the regulation
576 of professions, as defined by chapter 455.

577 (19) DEPARTMENT OF GAMING CONTROL; PARI-MUTUEL WAGERING.-

578 (a) The department is exempt from the hearing and notice
579 requirements of ss. 120.569 and 120.57(1)(a) as applied to
580 stewards, judges, and boards of judges if the hearing is to be

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581 held for the purpose of the imposition of fines or suspension as
582 provided by rules of the department, but not for revocations,
583 and only to consider violations described in subparagraphs
584 (b)1.-6.

585 (b) The department shall adopt rules establishing
586 alternative procedures, including a hearing upon reasonable
587 notice, for the following:

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

590 2. Application and administration of drugs and medication
591 to a horse, greyhound, or jai alai player in violation of
592 chapter 550.

593 3. Maintaining or possessing any device that could be used
594 for the injection or other infusion of a prohibited drug into a
595 horse, greyhound, or jai alai player in violation of chapter
596 550.

597 4. Suspensions under reciprocity agreements between the
598 department and regulatory agencies of other states.

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

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

602 (20) STATE GAMING COMMISSION.—

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

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

607 (c) Notwithstanding s. 120.542, the State Gaming Commission
608 may not accept a petition for waiver or variance and may not
609 grant any waiver or variance from the requirements of part III

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610 of chapter 551.

611 Section 4. Chapter 551, Florida Statutes, consisting of
612 sections 551.101 through 551.123, is designated as part II of
613 that chapter and entitled "Slot Machines"; part I of that
614 chapter, consisting of sections 551.002 through 551.012, as
615 created by this act, is entitled "State Gaming Commission"; and
616 part III of that chapter, consisting of sections 551.301 through
617 551.331, as created by this act, is entitled "Destination
618 Resorts."

619 Section 5. Section 551.002, Florida Statutes, is created to
620 read:

621 551.002 Definitions.—As used in this chapter, the term:

622 (1) "Affiliate" means a person or applicant who, directly
623 or indirectly, through one or more intermediaries:

624 (a) Controls, is controlled by, or is under common control
625 of;

626 (b) Is in a partnership or joint venture relationship with;
627 or

628 (c) Is a shareholder of a corporation, a member of a
629 limited liability company, or a partner in a limited liability
630 partnership with, an applicant for a resort license or a resort
631 licensee.

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

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

634 (4) "Conflict of interest" means a situation in which the
635 private interest of a member, employee, or agent of the
636 commission may influence his or her judgment in the performance
637 of his or her public duty under this chapter. A conflict of
638 interest includes, but is not limited to:

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

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

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

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

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

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

656 (8) "Financial interest" or "financially interested" means
657 any interest in investments or awarding of contracts, grants,
658 loans, purchases, leases, sales, or similar matters under
659 consideration or consummated by the commission or the
660 department, or ownership in an applicant or a licensee. A
661 member, employee, or agent of the commission is deemed to have a
662 financial interest in a matter if:

663 (a) The individual owns any interest in any class of
664 outstanding securities that are issued by a party to the matter
665 under consideration by the commission or the department, except
666 indirect interests such as a mutual fund or stock portfolios; or

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

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668 contractor for a party to a matter under consideration by the
669 commission or the department.

670 Section 6. Section 551.003, Florida Statutes, is created to
671 read:

672 551.003 State Gaming Commission; creation and membership.-

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

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

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

693 (a)1.a. One member of the commission must be a certified
694 public accountant licensed in this state who possesses at least
695 5 years of experience in general accounting. The member must
696 also possess a comprehensive knowledge of the principles and

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697 practices of corporate finance or auditing, general finance,
698 gaming, or economics.

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

701 2. When making appointments to the commission, the Governor
702 shall announce the classification by experience of the person
703 appointed.

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

706 1. Is an elected state official;

707 2. Is licensed by the commission or is an officer of, has a
708 financial interest in, or has a direct or indirect contractual
709 relationship with any applicant for a resort license or resort
710 licensee;

711 3. Is related to any person within the second degree of
712 consanguinity of affinity who is an applicant for a license or
713 awarded a license by the commission or regulated by the
714 department; or

715 4. Has, within the 10 years preceding his or her
716 appointment, been under indictment for, convicted of, pled
717 guilty or nolo contendere to, or forfeited bail for a felony or
718 a misdemeanor involving gambling or fraud under the laws of this
719 or any other state or the United States.

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

723 (3) CHAIR AND VICE CHAIR.—

724 (a) The chair shall be appointed by the Governor. The vice
725 chair of the commission shall be elected by the members of the

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726 commission during the first meeting of the commission on or
727 after July 1 of each year. The chair shall be the administrative
728 head of the commission. The chair shall set the agenda for each
729 meeting. The chair shall approve all notices, vouchers,
730 subpoenas, and reports as required by law. The chair shall
731 preserve order and decorum and shall have general control of the
732 commission meetings. The chair shall decide all questions of
733 order. The chair may name any member of the commission to
734 perform the duties of the chair for a meeting if such
735 substitution does not extend beyond that meeting.

736 (b) If for any reason the chair is absent and fails to name
737 a member, the vice chair shall assume the duties of the chair
738 during the chair's absence. On the death, incapacitation, or
739 resignation of the chair, the vice chair shall perform the
740 duties of the office until the Governor appoints a successor.

741 (c) The administrative responsibilities of the chair are to
742 plan, organize, and control administrative support services for
743 the commission. Administrative functions include, but are not
744 limited to, finance and accounting, revenue accounting,
745 personnel, and office services.

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

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

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

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755 (7) AGENCY HEAD.—The commission shall serve as the agency
756 head of the department for purposes of chapter 120. The
757 executive director of the commission may serve as the agency
758 head for purposes of final agency action under chapter 120 for
759 all areas within the regulatory authority delegated to the
760 executive director's office.

761 Section 7. Effective upon this act becoming a law, section
762 551.004, Florida Statutes, is created to read:

763 551.004 State Gaming Commission Nominating Committee.—

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

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

782 (c) The President of the Senate shall appoint the chair of
783 the committee in even-numbered years and the vice chair in odd-

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784 numbered years, and the Speaker of the House of Representatives
785 shall appoint the chair of the committee in odd-numbered years
786 and the vice chair in even-numbered years, from among the
787 council membership.

788 (2) A member of the committee shall serve at the pleasure
789 of the presiding officer who appointed the member and may not
790 create the appearance of impropriety.

791 (3) A majority of the membership of the committee may
792 conduct any business before the committee. All meetings and
793 proceedings of the committee shall be staffed by the Office of
794 Legislative Services and shall be subject to ss. 119.07 and
795 286.011. Members of the committee are entitled to receive per
796 diem and travel expenses as provided in s. 112.061. Applicants
797 invited for interviews before the committee may, at the
798 discretion of the committee, receive per diem and travel
799 expenses as provided in s. 112.061. The committee shall
800 establish policies and procedures to govern the process by which
801 applicants for appointment to the commission are nominated.

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

804 (b) For initial selection of an executive director for the
805 Department of Gaming Control, the committee may advertise and
806 receive applications for employment as the executive director.
807 The committee shall provide the commission with all applications
808 received.

809 (5) A person may not be nominated to the Governor for
810 appointment to the commission until the committee has determined
811 that the person is competent and knowledgeable in one or more
812 fields as specified in s. 551.003 and the requirements for

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813 appointees under s. 551.003 are met.

814 (6) It is the responsibility of the committee to nominate
815 to the Governor no fewer than three persons for each vacancy
816 occurring on the commission. The committee shall submit
817 recommendations for the initial appointments to the commission
818 to the Governor within 60 days after the effective date of this
819 section. Thereafter, the committee shall submit the
820 recommendations to the Governor by March 15 of those years in
821 which the terms are to begin the following July, or within 60
822 days after a vacancy occurs for any reason other than the
823 expiration of the term.

824 (7) The Governor shall, pursuant to this section and s.
825 551.003, make initial appointments to the commission within 60
826 days after receiving the recommended nominees under this section
827 and fill any vacancy occurring on the commission by appointment
828 of one of the applicants nominated by the committee. An
829 appointment may be made only after a background investigation of
830 such applicant has been conducted by the Department of Law
831 Enforcement.

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

841 (9) When the Governor makes an appointment to fill a

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842 vacancy occurring due to expiration of the term, and that
843 appointment has not been confirmed by the Senate before the
844 appointing Governor's term ends, a successor Governor may,
845 within 30 days after taking office, recall the appointment and,
846 prior to the first day of the next regular session, make a
847 replacement appointment from the list provided to the previous
848 Governor by the committee. Such an appointment is subject to
849 confirmation by the Senate pursuant to subsection (8).

850 Section 8. Section 551.006, Florida Statutes, is created to
851 read:

852 551.006 Executive director.—The chair of the commission
853 shall, pursuant to s. 20.05, appoint the executive director of
854 the department. The commission shall, pursuant to s. 20.05,
855 remove the executive director of the department by a majority
856 vote. An interim executive director shall be appointed within 10
857 days after the initial meeting of the commission.

858 (1) The executive director:

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

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

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

862 and

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

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

868 1. A resort licensee or supplier licensee;

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

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- 871 3. An entity licensed to operate a gaming facility in
872 another state;
- 873 4. A pari-mutuel gaming facility licensed to operate in
874 this state; or
- 875 5. A tribal gaming facility within this state.

876 (b) Notwithstanding paragraph (a), a person may be employed
877 by the commission if the commission finds that the person's
878 former interest in any licensee will not interfere with the
879 objective discharge of the person's employment obligations.
880 However, a person may not be employed by the commission if:

- 881 1. The person's interest in an applicant, licensee, or
882 tribal facility constituted a controlling interest; or
- 883 2. The person or the person's spouse, parent, child,
884 child's spouse, or sibling is a member of the commission, or a
885 director of, or a person financially interested in, an applicant
886 or a licensee.

887 Section 9. Section 551.007, Florida Statutes, is created to
888 read:

889 551.007 Law enforcement.—

890 (1) The department may employ sworn law enforcement
891 officers meeting the qualifications and certification
892 requirements under paragraph (a), and hire and train personnel
893 to be employed as sworn law enforcement officers, to enforce any
894 criminal law, conduct any criminal investigation, or enforce any
895 statute within the jurisdiction of the department.

896 (a) Each law enforcement officer must meet the
897 qualifications for law enforcement officers under s. 943.13 and
898 must be certified as a law enforcement officer by the Department
899 of Law Enforcement. Upon certification, each law enforcement

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900 officer is subject to and has the authority provided to law
901 enforcement officers generally under chapter 901 and has
902 statewide jurisdiction.

903 (b) Each law enforcement officer has arrest authority as
904 provided for state law enforcement officers under s. 901.15, and
905 full law enforcement powers granted to other officers of this
906 state, including the authority to make arrests, carry firearms,
907 serve court process, and seize contraband and proceeds from
908 illegal activities.

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

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

916 Section 10. Section 551.008, Florida Statutes, is created
917 to read:

918 551.008 Code of ethics.-

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

921 (2) A member of the commission or the executive director
922 may not hold a direct or indirect interest in, be employed by,
923 or enter into a contract for services with an applicant or
924 person licensed by the commission for a period of 3 years after
925 the date of termination of the person's membership on or
926 employment with the commission.

927 (3) An employee of the commission may not acquire a direct
928 or indirect interest in, be employed by, or enter into a

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929 contract for services with an applicant or person licensed by
930 the commission for a period of 3 years after the date of
931 termination of the person's employment with the commission.

932 (4) A commission member or a person employed by the
933 commission may not represent a person or party other than the
934 state before or against the commission for a period of 3 years
935 after the date of termination of the member's term of office or
936 the employee's period of employment with the commission.

937 (5) A business entity in which a former commission member,
938 employee, or agent has an interest, or any partner, officer, or
939 employee of that business entity, may not appear before or
940 represent another person before the commission if the former
941 commission member, employee, or agent would be prohibited from
942 doing so. As used in this subsection, the term "business entity"
943 means a corporation, limited liability company, partnership,
944 limited liability partnership association, trust, or other form
945 of legal entity.

946 (6) A member, employee, or agent of the commission may not,
947 during the duration of the person's appointment or employment:

948 (a) Use the person's official authority or influence for
949 the purpose of interfering with or affecting the result of an
950 election;

951 (b) Run for nomination or as a candidate for election to
952 any partisan or nonpartisan political office; or

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

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

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

961 (7) A former member, employee, or agent of the commission
962 may appear before the commission as a witness testifying as to
963 factual matters or actions handled by the former member,
964 employee, or agent during his or her tenure with the commission.
965 However, the former member, employee, or agent of the commission
966 may not receive compensation for the appearance other than a
967 standard witness fee and reimbursement for travel expenses as
968 established by statute or rules governing administrative
969 proceedings before the Division of Administrative Hearings.

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

972 (b) An employee or agent of the commission granted
973 permission for outside employment may not conduct any business
974 or perform any activities, including solicitation, related to
975 outside employment on premises used by the commission or during
976 the employee's working hours for the commission.

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

979 1. Operating a proprietorship;

980 2. Participating in a partnership or group business
981 enterprise; or

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

984 (9) A member, employee, or agent of the commission may not
985 participate in or wager on any game conducted by any resort
986 licensee or applicant or any affiliate of a licensee or

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987 applicant regulated by the commission in this state or in any
988 other jurisdiction, except as required as part of the person's
989 surveillance, security, or other official duties.

990 Section 11. Section 551.009, Florida Statutes, is created
991 to read:

992 551.009 Disclosures by commissioners, employees, and
993 agents.—

994 (1) COMMISSIONERS.—

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

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

1000 (c) By January 1 of each year, each member must file a
1001 statement with the commission:

1002 1. Affirming that neither the member, nor the member's
1003 spouse, parent, child, or child's spouse, is a member of the
1004 board of directors of, financially interested in, or employed by
1005 an applicant or resort licensee.

1006 2. Affirming that the member is in compliance with part III
1007 and the rules of the department.

1008 3. Disclosing any legal or beneficial interest in real
1009 property that is or may be directly or indirectly involved with
1010 activities or persons regulated by the commission.

1011 (d) Each member must disclose involvement with any gaming
1012 interest in the 3 years preceding appointment as a member.

1013 (2) EMPLOYEES AND AGENTS.—

1014 (a) The executive director and each managerial employee and
1015 agent, as determined by the commission, must file a financial

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1016 disclosure statement pursuant to s. 112.3145. All employees and
1017 agents must comply with the provisions of chapter 112.

1018 (b) The executive director and each managerial employee and
1019 agent identified by rule of the department must disclose
1020 information required by rules of the department to ensure the
1021 integrity of the commission and its work.

1022 (c) By January 31 of each year, each employee and agent of
1023 the commission must file a statement with the commission:

1024 1. Affirming that neither the employee, nor the employee's
1025 spouse, parent, child, or child's spouse, is financially
1026 interested in or employed by an applicant or licensee.

1027 2. Affirming that the person does not have any financial
1028 interest prohibited by laws or rules administered by the
1029 department.

1030 3. Disclosing any legal or beneficial interest in real
1031 property that is or may be directly or indirectly involved with
1032 activities or persons regulated by the commission.

1033 (d) Each employee or agent of the commission must disclose
1034 involvement with any gaming interest during the 3 years before
1035 employment.

1036 (3) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

1037 (a) A member, employee, or agent of the commission who
1038 becomes aware that the member, employee, or agent of the
1039 commission or his or her spouse, parent, or child is a member of
1040 the board of directors of, financially interested in, or
1041 employed by an applicant or licensee must immediately provide
1042 detailed written notice to the chair.

1043 (b) A member, employee, or agent of the commission must
1044 immediately provide detailed written notice of the circumstances

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1045 to the chair if the member, employee, or agent is indicted,
1046 charged with, convicted of, pleads guilty or nolo contendere to,
1047 or forfeits bail for:

1048 1. A misdemeanor involving gambling, dishonesty, theft, or
1049 fraud;

1050 2. A violation of any law in any state, or a law of the
1051 United States or any other jurisdiction, involving gambling,
1052 dishonesty, theft, or fraud which substantially corresponds to a
1053 misdemeanor in this state; or

1054 3. A felony under the laws of this or any other state, the
1055 United States, or any other jurisdiction.

1056 (c) A member, employee, or agent of the commission who is
1057 negotiating for an interest in a licensee or an applicant, or is
1058 affiliated with such a person, must immediately provide written
1059 notice of the details of the interest to the chair. The member,
1060 employee, or agent of the commission may not act on behalf of
1061 the commission with respect to that person.

1062 (d) A member, employee, or agent of the commission may not
1063 enter into negotiations for employment with any person or
1064 affiliate of any person who is an applicant, licensee, or
1065 affiliate. If a member, employee, or agent of the commission
1066 enters into negotiations for employment in violation of this
1067 paragraph or receives an invitation, written or oral, to
1068 initiate a discussion concerning employment with any person who
1069 is a licensee, applicant, or affiliate, he or she must
1070 immediately provide written notice of the details of any such
1071 negotiations or discussions to the chair. The member, employee,
1072 or agent of the commission may not take any action on behalf of
1073 the commission with respect to that licensee or applicant.

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1074 (e) A licensee or applicant may not knowingly initiate a
1075 negotiation for, or discussion of, employment with a member,
1076 employee, or agent of the commission. A licensee or applicant
1077 who initiates a negotiation or discussion about employment shall
1078 immediately provide written notice of the details of the
1079 negotiation or discussion to the chair as soon as that person
1080 becomes aware that the negotiation or discussion has been
1081 initiated with a member, employee, or agent of the commission.

1082 (f) A member, employee, or agent of the commission, or a
1083 parent, spouse, sibling, or child of a member, employee, or
1084 agent of the commission, may not accept any gift, gratuity,
1085 compensation, travel, lodging, or anything of value, directly or
1086 indirectly, from a licensee, applicant, or affiliate or
1087 representative of a person regulated by the commission. A
1088 member, employee, or agent of the commission who is offered or
1089 receives any gift, gratuity, compensation, travel, lodging, or
1090 anything of value, directly or indirectly, from any licensee,
1091 applicant, or affiliate or representative of a person regulated
1092 by the commission must immediately provide written notice of the
1093 details to the chair.

1094 (g) A licensee, applicant, or affiliate or representative
1095 of an applicant or licensee may not, directly or indirectly,
1096 knowingly give or offer to give any gift, gratuity,
1097 compensation, travel, lodging, or anything of value to any
1098 member or employee, or to a parent, spouse, sibling, or child of
1099 a member, employee, or agent, which the member or employee is
1100 prohibited from accepting under paragraph (f).

1101 (h) A member, employee, or agent of the commission may not
1102 engage in any conduct that constitutes a conflict of interest

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1103 and must immediately advise the chair in writing of the details
1104 of any incident or circumstance that would suggest the existence
1105 of a conflict of interest with respect to the performance of
1106 commission-related work or duty of the member, employee, or
1107 agent of the commission.

1108 (i) A member, employee, or agent of the commission who is
1109 approached and offered a bribe must immediately provide a
1110 written account of the details of the incident to the chair and
1111 to a law enforcement agency having jurisdiction over the matter.

1112 Section 12. Section 551.011, Florida Statutes, is created
1113 to read:

1114 551.011 Ex parte communications.-

1115 (1) A licensee, applicant, or affiliate or representative
1116 of an applicant or licensee may not engage directly or
1117 indirectly in ex parte communications concerning a pending
1118 application, license, or enforcement action with a member of the
1119 commission or concerning a matter that likely will be pending
1120 before the commission. A member of the commission may not engage
1121 directly or indirectly in any ex parte communications concerning
1122 a pending application, license, or enforcement action with
1123 members of the commission, or with a licensee, applicant, or
1124 affiliate or representative of an applicant or licensee, or
1125 concerning a matter that likely will be pending before the
1126 commission.

1127 (2) Any commission member, licensee, applicant, or
1128 affiliate or representative of a commission member, licensee, or
1129 applicant who receives any ex parte communication in violation
1130 of subsection (1), or who is aware of an attempted communication
1131 in violation of subsection (1), must immediately report details

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1132 of the communication or attempted communication in writing to
1133 the chair.

1134 (3) If a commissioner knowingly receives an ex parte
1135 communication relative to a proceeding to which he or she is
1136 assigned, he or she must place on the record copies of all
1137 written communications received, copies of all written responses
1138 to the communications, and a memorandum stating the substance of
1139 all oral communications received and all oral responses made,
1140 and shall give written notice to all parties to the
1141 communication that such matters have been placed on the record.
1142 Any party who desires to respond to an ex parte communication
1143 may do so. The response must be received by the commission
1144 within 10 days after receiving notice that the ex parte
1145 communication has been placed on the record. The commissioner
1146 may, if he or she deems it necessary to eliminate the effect of
1147 an ex parte communication received by him or her, withdraw from
1148 the proceeding potentially impacted by the ex parte
1149 communication. After a commissioner withdraws from the
1150 proceeding, the chair shall substitute another commissioner for
1151 the proceeding if the proceeding was not assigned to the full
1152 commission.

1153 (4) Any individual who makes an ex parte communication must
1154 submit to the commission a written statement describing the
1155 nature of the communication, including the name of the person
1156 making the communication, the name of the commissioner or
1157 commissioners receiving the communication, copies of all written
1158 communications made, all written responses to such
1159 communications, and a memorandum stating the substance of all
1160 oral communications received and all oral responses made. The

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1161 commission shall place on the record of a proceeding all such
1162 communications.

1163 (5) A member of the commission who knowingly fails to place
1164 on the record any ex parte communications, in violation of this
1165 section, within 15 days after the date of the communication is
1166 subject to removal and may be assessed a civil penalty not to
1167 exceed \$25,000.

1168 (6) The Commission on Ethics shall receive and investigate
1169 sworn complaints of violations of this section pursuant to ss.
1170 112.322-112.3241.

1171 (7) If the Commission on Ethics finds that a member of the
1172 commission has violated this section, it shall provide the
1173 Governor with a report of its findings and recommendations. The
1174 Governor may enforce the findings and recommendations of the
1175 Commission on Ethics pursuant to part III of chapter 112.

1176 (8) If a commissioner fails or refuses to pay the
1177 Commission on Ethics any civil penalties assessed pursuant to
1178 this section, the Commission on Ethics may bring an action in
1179 any circuit court to enforce such penalty.

1180 (9) If, during the course of an investigation by the
1181 Commission on Ethics into an alleged violation of this section,
1182 allegations are made as to the identity of the person who
1183 participated in the ex parte communication, that person must be
1184 given notice and an opportunity to participate in the
1185 investigation and relevant proceedings to present a defense. If
1186 the Commission on Ethics determines that the person participated
1187 in the ex parte communication, the person may not appear before
1188 the commission or otherwise represent anyone before the
1189 commission for 2 years.

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1190 Section 13. Section 551.012, Florida Statutes, is created
1191 to read:

1192 551.012 Penalties for misconduct by a commissioner,
1193 employee, or agent.—

1194 (1) A violation of this chapter by a member of the
1195 commission may result in disqualification or constitute cause
1196 for removal by the Governor or other disciplinary action as
1197 determined by the commission.

1198 (2) A violation of this chapter by an employee or agent of
1199 the commission does not require termination of employment or
1200 other disciplinary action if:

1201 (a) The commission determines that the conduct involved
1202 does not violate the purposes this chapter; or

1203 (b) There was no intentional action on the part of the
1204 employee or agent, contingent on divestment of any financial
1205 interest within 30 days after the interest was acquired.

1206 (3) Notwithstanding subsection (2), an employee or agent of
1207 the commission who violates this chapter shall be terminated if
1208 a financial interest in a licensee, applicant, or affiliate or
1209 representative of a licensee or applicant is acquired by:

1210 (a) An employee of the commission; or

1211 (b) The employee's or agent's spouse, parent, or child.

1212 (4) A violation of this chapter does not create a civil
1213 cause of action.

1214 Section 14. Section 551.301, Florida Statutes, is created
1215 to read:

1216 551.301 This part may be cited as the "Destination Resort
1217 Act" or the "Resort Act."

1218 Section 15. Section 551.302, Florida Statutes, is created

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1219 to read:

1220 551.302 Definitions.—As used in this part, the term:1221 (1) "Ancillary areas" includes the following areas within a
1222 limited gaming facility, unless the context otherwise requires:1223 (a) Major aisles, the maximum area of which may not exceed
1224 the limit within any part of the limited gaming facility as
1225 specified by the commission.1226 (b) Back-of-house facilities.1227 (c) Any reception or information counter.1228 (d) Any area designated for the serving or consumption of
1229 food and beverages.1230 (e) Any retail outlet.1231 (f) Any area designated for performances.1232 (g) Any area designated for aesthetic or decorative
1233 displays.1234 (h) Staircases, staircase landings, escalators, lifts, and
1235 lift lobbies.1236 (i) Bathrooms.1237 (j) Any other area that is not intended to be used for the
1238 conduct or playing of games or as a gaming pit as defined by
1239 rules of the department or specified in the application for the
1240 destination resort license.1241 (2) "Applicant," as the context requires, means a person
1242 who applies for a resort license, supplier license, or
1243 occupational license. A county, municipality, or other unit of
1244 government is prohibited from applying for a resort license.1245 (3) "Credit" means the method by which a licensee issues
1246 chips or tokens to a wagerer of the licensee to play games or
1247 slot machines, in return for which the wagerer executes a credit

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1248 instrument to evidence the debt owed. The issuance of credit to
1249 a wagerer may not be deemed a loan from the licensee to the
1250 wagerer.

1251 (4) "Destination resort" or "resort" means a freestanding,
1252 land-based structure in which limited gaming may be conducted. A
1253 destination resort is a mixed-use development consisting of a
1254 combination of various tourism amenities and facilities,
1255 including, but not limited to, hotels, villas, restaurants,
1256 limited gaming facilities, convention facilities, attractions,
1257 entertainment facilities, service centers, and shopping centers.

1258 (5) "Destination resort license" or "resort license" means
1259 a license to operate and maintain a destination resort having a
1260 limited gaming facility.

1261 (6) "District" means a county in which a majority of the
1262 electors voting in a countywide referendum have passed a
1263 referendum allowing for limited gaming to be conducted in that
1264 county.

1265 (7) "Gaming pit" means an area commonly known as a gaming
1266 pit or any similar area from which limited gaming employees
1267 administer and supervise the games.

1268 (8) "Gross receipts" means the total of cash or cash
1269 equivalents received or retained as winnings by a resort
1270 licensee and the compensation received for conducting any game
1271 in which the resort licensee is not party to a wager, less cash
1272 taken in fraudulent acts perpetrated against the resort licensee
1273 for which the resort licensee is not reimbursed. The term does
1274 not include:

1275 (a) Counterfeit money or tokens;

1276 (b) Coins of other countries which are received in gaming

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1277 devices and which cannot be converted into United States
1278 currency;

1279 (c) Promotional credits or free play as provided by the
1280 licensee as a means of marketing the limited gaming facility; or

1281 (d) The amount of any credit extended until collected.

1282 (9) "Individual" means a natural person.

1283 (10) "Institutional investor" means, but is not limited to:

1284 (a) A retirement fund administered by a public agency for
1285 the exclusive benefit of federal, state, or county public
1286 employees.

1287 (b) An employee benefit plan or pension fund that is
1288 subject to the Employee Retirement Income Security Act of 1974.

1289 (c) An investment company registered under the Investment
1290 Company Act of 1940.

1291 (d) A collective investment trust organized by a bank under
1292 12 C.F.R. part 9, s. 9.18.

1293 (e) A closed-end investment trust.

1294 (f) A life insurance company or property and casualty
1295 insurance company.

1296 (g) A financial institution.

1297 (h) An investment advisor registered under the Investment
1298 Advisers Act of 1940.

1299 (i) Such other persons as the commission may determine for
1300 reasons consistent with the policies of this part.

1301 (11) "Junket enterprise" means any person who, for
1302 compensation, employs or otherwise engages in the procurement or
1303 referral of persons for a junket to a destination resort
1304 licensed under this part regardless of whether those activities
1305 occur within this state. The term does not include a resort

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1306 licensee or applicant for a resort license or a person holding
1307 an occupational license.

1308 (12) "License," as the context requires, means a resort
1309 license, limited gaming license, supplier license, manufacturer
1310 license, or occupational license.

1311 (13) "Licensee," as the context requires, means a person
1312 who is licensed as a resort licensee, limited gaming licensee,
1313 supplier licensee, manufacturer licensee, or occupational
1314 licensee.

1315 (14) "Limited gaming," "game," or "gaming," as the context
1316 requires, means the games authorized under this part in a
1317 limited gaming facility, including, but not limited to, those
1318 commonly known as baccarat, twenty-one, poker, craps, slot
1319 machines, video gaming of chance, roulette wheels, Klondike
1320 tables, punch-board, faro layout, numbers ticket, push car, jar
1321 ticket, pull tab, or their common variants, or any other game of
1322 chance or wagering device that is authorized by the commission.

1323 (15) "Limited gaming employee" or "gaming employee" means
1324 any employee of a resort licensee, including, but not limited
1325 to:

1326 (a) Cashiers.

1327 (b) Change personnel.

1328 (c) Count room personnel.

1329 (d) Slot machine attendants.

1330 (e) Hosts or other individuals authorized to extend
1331 complimentary services, including employees performing functions
1332 similar to those performed by a representative for a junket
1333 enterprise.

1334 (f) Machine mechanics and computer technicians performing

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1335 duties on machines with gaming-related functions or table game
1336 device technicians.

1337 (g) Security personnel.

1338 (h) Surveillance personnel.

1339 (i) Promotional play supervisors, credit supervisors, pit
1340 supervisors, cashier supervisors, gaming shift supervisors,
1341 table game managers, assistant managers, and other supervisors
1342 and managers.

1343 (j) Boxmen.

1344 (k) Dealers or croupiers.

1345 (l) Floormen.

1346 (m) Personnel authorized to issue promotional credits.

1347 (n) Personnel authorized to issue credit.

1348
1349 The term does not include bartenders, cocktail servers, or other
1350 persons engaged in preparing or serving food or beverages,
1351 clerical or secretarial personnel, parking attendants,
1352 janitorial staff, stage hands, sound and light technicians, and
1353 other nongaming personnel as determined by the commission. The
1354 term includes a person employed by a person or entity other than
1355 a resort licensee who performs the functions of a limited gaming
1356 employee.

1357 (16) "Limited gaming facility" means the limited gaming
1358 floor and any ancillary areas.

1359 (17) "Limited gaming floor" means the approved gaming area
1360 of a resort or a pari-mutuel facility in which limited gaming
1361 may be conducted. Ancillary areas in or directly adjacent to the
1362 gaming area are not part of the limited gaming floor for
1363 purposes of calculating the size of the limited gaming floor.

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1364 (18) "Limited gaming license" means a license to conduct
1365 limited gaming as provided in s. 551.3135 at authorized pari-
1366 mutuel facilities.

1367 (19) "Managerial employee" has the same meaning as provided
1368 in s. 447.203(4).

1369 (20) "Occupational licensee" means a person who is licensed
1370 to be a limited gaming employee.

1371 (21) "Qualifier" means an affiliate, affiliated company,
1372 officer, director, or managerial employee of an applicant for a
1373 resort license, or a person who holds a direct or indirect
1374 equity interest in the applicant. The term may include an
1375 institutional investor. As used in this subsection, the terms
1376 "affiliate," "affiliated company," and "a person who holds a
1377 direct or indirect equity interest in the applicant" do not
1378 include a partnership, a joint venture relationship, a
1379 shareholder of a corporation, a member of a limited liability
1380 company, or a partner in a limited liability partnership that
1381 has a direct or indirect equity interest in the applicant for a
1382 resort license of 5 percent or less and is not involved in the
1383 gaming operations as defined by the rules of the department.

1384 (22) "Supplier licensee" or "supplier" means a person who
1385 is licensed to furnish gaming equipment, devices, or supplies or
1386 other goods or services to a resort licensee.

1387 (23) "Tournament" means an organized series of contests
1388 approved by the commission in which an overall winner is
1389 ultimately determined.

1390 (24) "Wagerer" means a person who plays a game authorized
1391 under this part.

1392 Section 16. Section 551.304, Florida Statutes, is created

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1393 to read:

1394 551.304 State Gaming Commission; powers and duties.-1395 (1) The commission shall:1396 (a) Authorize limited gaming at up to three destination
1397 resorts.1398 (b) Conduct such investigations as necessary to fulfill its
1399 responsibilities.1400 (c) Use an invitation to negotiate process for applicants
1401 based on minimum requirements established by this part and rules
1402 of the department.1403 (d) Investigate applicants for a resort license and
1404 determine the eligibility of applicants for a resort license and
1405 select from competing applicants the applicant that best serves
1406 the interests of the residents of Florida, based on the
1407 potential for economic development presented by the applicant's
1408 proposed investment in infrastructure, such as hotels and other
1409 nongaming entertainment facilities, and the applicant's ability
1410 to maximize revenue for the state.1411 (e) Grant a license to the applicant best suited to operate
1412 a destination resort that has limited gaming.1413 (f) Grant a license to authorized pari-mutuel facilities
1414 for limited gaming.1415 (g) Establish and collect fees for performing background
1416 checks on all applicants for licenses and all persons with whom
1417 the commission may contract for the providing of goods or
1418 services and for performing, or having performed, tests on
1419 equipment and devices to be used in a limited gaming facility.1420 (h) Issue subpoenas for the attendance of witnesses and
1421 subpoenas duces tecum for the production of books, records, and

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1422 other pertinent documents as provided by law, and to administer
1423 oaths and affirmations to the witnesses, if, in the judgment of
1424 the commission, it is necessary to enforce this part or
1425 department rules. If a person fails to comply with a subpoena,
1426 the commission may petition the circuit court of the county in
1427 which the person subpoenaed resides or has his or her principal
1428 place of business for an order requiring the subpoenaed person
1429 to appear and testify and to produce books, records, and
1430 documents as specified in the subpoena. The court may grant
1431 legal, equitable, or injunctive relief, which may include, but
1432 is not limited to, issuance of a writ of ne exeat or restraint
1433 by injunction or appointment of a receiver of any transfer,
1434 pledge, assignment, or other disposition of such person's assets
1435 or any concealment, alteration, destruction, or other
1436 disposition of subpoenaed books, records, or documents, as the
1437 court deems appropriate, until the person subpoenaed has fully
1438 complied with the subpoena and the commission has completed the
1439 audit, examination, or investigation. The commission is entitled
1440 to the summary procedure provided in s. 51.011, and the court
1441 shall advance the cause on its calendar. Costs incurred by the
1442 commission to obtain an order granting, in whole or in part,
1443 such petition for enforcement of a subpoena shall be charged
1444 against the subpoenaed person, and failure to comply with such
1445 order is a contempt of court.

1446 (i) Require each applicant for a license to produce the
1447 information, documentation, and assurances as may be necessary
1448 to establish by clear and convincing evidence the integrity of
1449 all financial backers, investors, mortgagees, bondholders, and
1450 holders of indentures, notes, or other evidences of

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1451 indebtedness, either in effect or proposed. Any such banking or
1452 lending institution and institutional investors may be waived
1453 from qualification requirements. However, banking or lending
1454 institutions or institutional investors shall produce for the
1455 board upon request any document or information that bears any
1456 relation to the proposal submitted by the applicant or
1457 applicants. The integrity of the financial sources shall be
1458 judged upon the same standards as the applicant or applicants.
1459 Any such person or entity shall produce for the commission upon
1460 request any document or information that bears any relation to
1461 the application. In addition, the applicant shall produce
1462 whatever information, documentation, or assurances the
1463 commission requires to establish by clear and convincing
1464 evidence the adequacy of financial resources.

1465 (j) Require or permit a person to file a statement in
1466 writing, under oath or otherwise as the commission or its
1467 designee requires, as to all the facts and circumstances
1468 concerning the matter to be audited, examined, or investigated.

1469 (k) Keep accurate and complete records of its proceedings
1470 and to certify the records as may be appropriate.

1471 (l) Take any other action as may be reasonable or
1472 appropriate to enforce this part and rules adopted by the
1473 department.

1474 (m) Apply for injunctive or declaratory relief in a court
1475 of competent jurisdiction to enforce this part and any rules
1476 adopted by the department.

1477 (n) Establish field offices, as deemed necessary by the
1478 commission.

1479 (2) The Department of Law Enforcement and local law

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1480 enforcement agencies may investigate any criminal violation of
1481 law occurring at a licensee. Such investigations may be
1482 conducted in conjunction with the appropriate state attorney.

1483 (3) (a) The commission, the Department of Law Enforcement,
1484 and local law enforcement agencies shall have unrestricted
1485 access to the limited gaming facility at all times and shall
1486 require of each licensee strict compliance with the laws of this
1487 state relating to the transaction of such business. The
1488 commission and the Department of Law Enforcement may:

1489 1. Inspect and examine premises where authorized limited
1490 gaming devices are offered for play.

1491 2. Inspect slot machines, other authorized gaming devices,
1492 and related equipment and supplies.

1493 (b) In addition, the commission may:

1494 1. Collect taxes, assessments, fees, and penalties.

1495 2. Deny, revoke, or suspend a license of, or place
1496 conditions on, a licensee who violates any provision of this
1497 part, a rule adopted by the department, or an order of the
1498 commission.

1499 (4) The commission must revoke or suspend the license of
1500 any person who is no longer qualified or who is found, after
1501 receiving a license, to have been unqualified at the time of
1502 application for the license.

1503 (5) This section does not:

1504 (a) Prohibit the Department of Law Enforcement or any law
1505 enforcement authority whose jurisdiction includes a licensee
1506 from conducting investigations of criminal activities occurring
1507 at the facilities of a licensee;

1508 (b) Restrict access to the limited gaming facility by the

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1509 Department of Law Enforcement or any local law enforcement
1510 authority whose jurisdiction includes a licensee's facility; or

1511 (c) Restrict access by the Department of Law Enforcement or
1512 a local law enforcement agency to information and records
1513 necessary for the investigation of criminal activity which are
1514 contained within the facilities of a licensee.

1515 Section 17. Section 551.305, Florida Statutes, is created
1516 to read:

1517 551.305 Rulemaking.—

1518 (1) The department shall adopt all rules necessary to
1519 implement, administer, and regulate limited gaming under this
1520 part. The rules must include:

1521 (a) The types of limited gaming activities to be conducted
1522 and the rules for those games, including any restriction upon
1523 the time, place, and structures where limited gaming is
1524 authorized.

1525 (b) Requirements, procedures, qualifications, and grounds
1526 for the issuance, renewal, revocation, suspension, and summary
1527 suspension of a license.

1528 (c) Requirements for the disclosure of the complete
1529 financial interests of licensees and applicants for licenses.

1530 (d) Technical requirements and the qualifications that are
1531 necessary to receive a license.

1532 (e) Procedures to scientifically test and technically
1533 evaluate slot machines, including all components, hardware, and
1534 software for slot machines, and other authorized gaming devices
1535 for compliance with this part and the rules adopted by the
1536 department. The commission may contract with an independent
1537 testing laboratory to conduct any necessary testing. The

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1538 independent testing laboratory must have a national reputation
1539 for being demonstrably competent and qualified to scientifically
1540 test and evaluate slot machines and other authorized gaming
1541 devices. An independent testing laboratory may not be owned or
1542 controlled by a licensee. The use of an independent testing
1543 laboratory for any purpose related to the conduct of slot
1544 machine gaming and other authorized gaming by a licensee shall
1545 be made from a list of laboratories approved by the commission.

1546 (f) Procedures relating to limited gaming revenues,
1547 including verifying and accounting for such revenues, auditing,
1548 and collecting taxes and fees.

1549 (g) Requirements for limited gaming equipment, including
1550 the types and specifications of all equipment and devices that
1551 may be used in limited gaming facilities.

1552 (h) Standards and procedures for table games and table game
1553 devices or associated equipment.

1554 (i) Standards and rules to govern the conduct of limited
1555 gaming and the system of wagering associated with limited
1556 gaming.

1557 (j) Security standards and procedures for the conduct of
1558 limited gaming, including the standards and procedures relating
1559 to inspections, maintenance of the count room, and drop boxes.

1560 (k) The size and uniform color by denomination of all chips
1561 used in the conduct of table games.

1562 (l) Internal control systems and audit protocols for the
1563 licensee's limited gaming operations, including collection and
1564 recordkeeping requirements.

1565 (m) The method for calculating gross gaming revenue and
1566 standards for the daily counting and recording of cash and cash

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1567 equivalents received in the conduct of limited gaming.

1568 (n) Notice requirements pertaining to minimum and maximum
1569 wagers on games, and other information as the commission may
1570 require.

1571 (o) Minimum standards relating to the acceptance of tips or
1572 gratuities by dealers and croupiers at a table game.

1573 (p) Minimum standards for the training of employees and
1574 potential employees of a license in the operation of slot
1575 machines and table game training, including minimal proficiency
1576 requirements for individuals, and standards and practices for
1577 the use of training equipment.

1578 (q) Practices and procedures governing the conduct of
1579 tournaments.

1580 (r) Minimum standards relating to the extension of credit
1581 to a player by a licensee.

1582 (s) Standards for the testing, certification, and
1583 inspection of slot machines, table games, and other authorized
1584 gaming devices.

1585 (t) Procedures for regulating, managing, and auditing the
1586 operation, financial data, and program information relating to
1587 limited gaming which allow the commission and the Department of
1588 Law Enforcement to audit the operation, financial data, and
1589 program information of a licensee, as required by the commission
1590 or the Department of Law Enforcement, and provide the commission
1591 and the Department of Law Enforcement with the ability to
1592 monitor, at any time on a real-time basis, wagering patterns,
1593 payouts, tax collection, and compliance with any rules adopted
1594 by the department for the regulation and control of limited
1595 gaming. Such continuous and complete access, at any time on a

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1596 real-time basis, shall include the ability of either the
1597 commission or the Department of Law Enforcement to suspend play
1598 immediately on particular slot machines or other gaming devices
1599 if monitoring of the facilities-based computer system indicates
1600 possible tampering or manipulation of those slot machines or
1601 gaming devices or the ability to suspend play immediately of the
1602 entire operation if the tampering or manipulation is of the
1603 computer system itself. The commission shall notify the
1604 Department of Law Enforcement and the Department of Law
1605 Enforcement shall notify the commission, as appropriate,
1606 whenever there is a suspension of play pursuant this paragraph.
1607 The commission and the Department of Law Enforcement shall
1608 exchange information that is necessary for, and cooperate in the
1609 investigation of, the circumstances requiring suspension of play
1610 pursuant to this paragraph.

1611 (u) Procedures for requiring each licensee at his or her
1612 own cost and expense to supply the commission with a bond as
1613 required.

1614 (v) The requirements for a destination resort applicant to
1615 demonstrate that it has received conceptual approval for the
1616 destination resort proposal from the municipality and county in
1617 which the resort will be located.

1618 (w) Procedures for requiring licensees to maintain and to
1619 provide to the commission records, data, information, or
1620 reports, including financial and income records.

1621 (x) Procedures to calculate the payout percentages of slot
1622 machines.

1623 (y) Minimum standards for security of the facilities,
1624 including floor plans, security cameras, and other security

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1625 equipment.

1626 (z) The scope and conditions for investigations and
1627 inspections into the conduct of limited gaming.

1628 (aa) The standards and procedures for the seizure without
1629 notice or hearing of gaming equipment, supplies, or books and
1630 records for the purpose of examination and inspection.

1631 (bb) Procedures for requiring resort licensees, limited
1632 gaming licensees, and supplier licensees to implement and
1633 establish drug-testing programs for employees.

1634 (cc) Procedures and guidelines for the continuous recording
1635 of all gaming activities at a limited gaming facility. The
1636 commission may require a licensee to timely provide all or part
1637 of the original recordings pursuant to a schedule.

1638 (dd) The payment of costs incurred by the commission or any
1639 other agencies for investigations or background checks or costs
1640 associated with testing limited gaming-related equipment, which
1641 must be paid by an applicant for a license or by a licensee.

1642 (ee) Procedures for the levying of fines for violations of
1643 this part or any rule adopted by the department, which fines may
1644 not exceed \$250,000 per violation arising out of a single
1645 transaction.

1646 (ff) Any other rules the department finds necessary for
1647 safe, honest, and highly regulated gaming in the state. For
1648 purposes of this paragraph, the department shall consider rules
1649 from any other jurisdiction in which gaming is highly regulated,
1650 such as New Jersey or Nevada.

1651 (gg) Any other rule necessary to accomplish the purposes of
1652 this part.

1653 (2) The department may at any time adopt emergency rules

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1654 pursuant to s. 120.54. The Legislature finds that such emergency
1655 rulemaking power is necessary for the preservation of the rights
1656 and welfare of the people in order to provide additional funds
1657 to benefit the public. The Legislature further finds that the
1658 unique nature of limited gaming operations requires, from time
1659 to time, that the commission respond as quickly as is
1660 practicable. Therefore, in adopting such emergency rules, the
1661 department need not make the findings required by s.
1662 120.54(4)(a). Emergency rules adopted under this section are
1663 exempt from s. 120.54(4)(c). However, the emergency rules may
1664 not remain in effect for more than 180 days except that the
1665 department may renew the emergency rules during the pendency of
1666 procedures to adopt permanent rules addressing the subject of
1667 the emergency rules.

1668 Section 18. Section 551.306, Florida Statutes, is created
1669 to read:

1670 551.306 Legislative authority; administration of part.—The
1671 regulation of the conduct of limited gaming activity at a
1672 licensee is preempted to the state and a county, municipality,
1673 or other political subdivision of the state may not enact any
1674 ordinance relating to limited gaming. Only the department and
1675 other authorized state agencies may administer this part and
1676 regulate limited gaming, including limited gaming at licensees
1677 and the assessment of fees or taxes relating to the conduct of
1678 limited gaming.

1679 Section 19. Section 551.307, Florida Statutes, is created
1680 to read:

1681 551.307 Authorization of limited gaming at destination
1682 resorts.—Notwithstanding any other provision of law, the

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1683 commission may award a resort license authorizing limited gaming
1684 in a county only if a majority of the electors voting in a
1685 countywide referendum have passed a referendum allowing for
1686 limited gaming in that county. If limited gaming is authorized
1687 through the award of a resort license, the resort licensee and
1688 any pari-mutuel facility licensed to conduct slot machines as of
1689 July 1, 2012, may possess slot machines and other authorized
1690 gaming devices and conduct limited gaming at the licensed
1691 location. Notwithstanding any other provision of law, a person
1692 who is at least 21 years of age may lawfully participate in
1693 authorized games at a facility licensed to possess authorized
1694 limited gaming devices and conduct limited gaming or to
1695 participate in limited gaming as described in this part. All
1696 limited gaming shall be conducted in a designated limited gaming
1697 floor that is segregated from the rest of the resort or pari-
1698 mutuel facility so that patrons may have ingress and egress to
1699 the facility without entering the designated limited gaming
1700 floor.

1701 Section 20. Section 551.308, Florida Statutes, is created
1702 to read:

1703 551.308 Process for awarding destination resort licenses.-

1704 (1) The commission shall by rule use an invitation to
1705 negotiate process for determining the award of a resort license.
1706 The application, review, and issuance procedures for awarding a
1707 license shall be by a process in which applicants rely on forms
1708 provided by the commission in response to an invitation to
1709 negotiate issued by the commission. The commission shall issue
1710 the invitation to negotiate no later than 90 days after the date
1711 of the commission's first meeting.

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1712 (2) Proposals in response to the invitation to negotiate
1713 must be received by the commission no later than 90 days after
1714 the issuance of the invitation to negotiate.

1715 (3) The commission may specify in its invitation to
1716 negotiate the county in which the facility would be located.
1717 When determining whether to authorize a destination resort
1718 located within a specific county or counties, the commission
1719 shall hold a public hearing in such county or counties to
1720 discuss the proposals and receive public comments on
1721 determination of the award of licenses.

1722 (4) The commission shall review all complete replies
1723 received pursuant to an invitation to negotiate. The commission
1724 may select one or more replies with which to commence
1725 negotiations after determining which replies are in the best
1726 interest of the state based on the selection criteria. The
1727 commission shall award or deny a destination resort license
1728 within 90 days after the deadline for the submission of a reply.

1729 (5) The commission may expand the deadlines required under
1730 this section by rule of the department if the commission makes
1731 specific findings that the deadlines are not able to be met and
1732 the reasons that the deadlines are not able to be met.

1733 (6) If the commission does not award all three resort
1734 licenses at the conclusion of the process described in
1735 subsections (1)-(4), the commission may issue one or more
1736 additional invitations to negotiate, pursuant to deadlines
1737 established by rule of the department, to award any authorized
1738 destination resort licenses that were not awarded during the
1739 initial award process.

1740 Section 21. Section 551.309, Florida Statutes, is created

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1741 to read:

1742 551.309 Criteria for the award of a destination resort
1743 license.—The commission may award no more than three destination
1744 resort licenses.

1745 (1) The commission may award a resort license to the
1746 applicant of an invitation to negotiate which best serves the
1747 interests of the residents of this state. The reply to an
1748 invitation to negotiate for a resort license must include an
1749 application that demonstrates the applicant's ability to meet
1750 the following minimum criteria:

1751 (a) The applicant must demonstrate a capacity to increase
1752 tourism, generate jobs, provide revenue to the local economy,
1753 and provide revenue to the General Revenue Fund.

1754 (b) The limited gaming floor in a destination resort may
1755 constitute no more than 10 percent of the resort development's
1756 total square footage. The resort development's total square
1757 footage is the aggregate of the total square footage of the
1758 limited gaming facility, the hotel or hotels, convention space,
1759 retail facilities, nongaming entertainment facilities, service
1760 centers, and office space or administrative areas.

1761 (c) The applicant must demonstrate a history of, or a bona
1762 fide plan for, community involvement or investment in the
1763 community where the resort having a limited gaming facility will
1764 be located.

1765 (d) The applicant must demonstrate a history of investment
1766 in the communities which its previous developments have been
1767 located.

1768 (e) The applicant must demonstrate the financial ability to
1769 purchase and maintain an adequate surety bond.

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1770 (f) The applicant must demonstrate that it has adequate
1771 capitalization to develop, construct, maintain, and operate the
1772 proposed resort having a limited gaming facility in accordance
1773 with the requirements of this part and rules adopted by the
1774 department and to responsibly meet its secured and unsecured
1775 debt obligations in accordance with its financial and other
1776 contractual agreements.

1777 (g) The applicant must demonstrate the ability to implement
1778 a program to train and employ residents of this state for jobs
1779 that will be available at the destination resort, including its
1780 ability to implement a program for the training of low-income
1781 persons.

1782 (h) The commission may, at its discretion, assess the
1783 quality of the proposed development's aesthetic appearance in
1784 the context of its potential to provide substantial economic
1785 benefits to the community and the people of this state,
1786 including, but not limited to, its potential to provide
1787 substantial employment opportunities.

1788 (i) The applicant must show how it will integrate with
1789 local businesses in host and surrounding communities, including
1790 local restaurants, hotels, retail outlets, and impacted live
1791 entertainment venues.

1792 (j) The applicant must demonstrate its ability to build a
1793 destination resort of a high caliber with a variety of high-
1794 quality amenities to be included as part of the establishment
1795 that will enhance the state's tourism industry.

1796 (k) The applicant must demonstrate how it will contract
1797 with local business owners for the provision of goods and
1798 services, including developing plans designed to assist

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1799 businesses in the state and local economy.

1800 (l) The applicant must demonstrate that it will expend at
1801 least \$2 billion in new development and construction of the
1802 proposed destination resort following the award of a license,
1803 which may include improvements to the property, furnishings, and
1804 other equipment, as determined by the commission, excluding any
1805 purchase price and costs associated with the acquisition of real
1806 property on which to develop the destination resort and
1807 excluding any impact fees. Such expenditure must in the
1808 aggregate be completed within 5 years after the award of any
1809 such license.

1810 (m) The applicant must demonstrate the ability to generate
1811 substantial gross receipts.

1812 (n) Any other criteria the applicant deems necessary to
1813 assist the commission in its scoring as outlined in the act.

1814 (2) (a) The commission shall evaluate applications based on
1815 the following weighted criteria:

1816 1. Design and location: 20 percent.

1817 a. The location shall be evaluated based on the ability of
1818 the community to sustain such a development, the support of the
1819 local community in bringing the development to the community,
1820 and an analysis of the revenue that will be generated by the
1821 facility.

1822 b. Design shall be evaluated based on the potential
1823 operator's ability to integrate the facilities design into the
1824 local community and whether the size and scope of the project
1825 will integrate properly into the community.

1826 2. Management expertise and speed to market: 40 percent.

1827 The criteria for evaluation shall be:

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- 1828 a. The applicant's experience building and managing a
1829 resort the scope and size of the proposed resort.
- 1830 b. The applicant's plan to build and manage the resort and
1831 the operator's timeline for completion of the resort.
- 1832 c. The applicant's experience and plan to generate
1833 nongaming revenue from other amenities with the facility.
- 1834 d. The applicant's access to capital and financial ability
1835 to construct the proposed project.
- 1836 e. The evaluation of the criteria specified in paragraphs
1837 (1) (a) - (k).
- 1838 3. Generating out-of-state visitation: 30 percent. The
1839 criteria for evaluation shall be:
- 1840 a. The applicant's demonstrated history of generating
1841 tourism and visitation from out of state and international
1842 tourists.
- 1843 b. The applicant's history of driving visitation to other
1844 properties in an area.
- 1845 c. The applicant's plan for generating out-of-state and
1846 international tourism.
- 1847 d. The applicant's plan for maximizing visitation to a
1848 region that will also drive visitation to other properties in
1849 that region.
- 1850 4. Community enhancement plan: 10 percent. The criteria for
1851 evaluation shall be:
- 1852 a. The applicant's demonstrated history of community
1853 partnerships in local communities where they are located.
- 1854 b. The applicant's demonstrated plan to enhance the local
1855 community where the proposed resort will be located.
- 1856 c. The applicant's demonstrated plan for local hiring.

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1857 d. The applicant's demonstrated history of working with
1858 community education facilities, including local schools and
1859 colleges to train prospective job applicants for careers in the
1860 hospitality field.

1861 e. The applicant's demonstrated history in diversity in
1862 hiring and minority purchasing.

1863 f. The applicant's plan for diversity in hiring and
1864 minority purchasing.

1865 (b) The commission shall give preference to those
1866 applicants that demonstrate that they meet the following
1867 criteria:

1868 1. The roads, water, sanitation, utilities, and related
1869 services to the proposed location of the destination resort are
1870 adequate and the proposed destination resort will not unduly
1871 impact public services, existing transportation infrastructure,
1872 consumption of natural resources, and the quality of life
1873 enjoyed by residents of the surrounding neighborhoods.

1874 2. The applicant will be able to commence construction as
1875 soon after awarding of the resort license as possible, but, in
1876 any event, no later than 12 months after the award of the resort
1877 license.

1878 3. The destination resort will include amenities and uses
1879 that will allow other state businesses to be included within the
1880 destination resort.

1881 4. The destination resort will promote local businesses in
1882 host and surrounding communities, including developing cross-
1883 marketing strategies with local restaurants, small businesses,
1884 hotels, retail outlets, and impacted live entertainment venues.

1885 5. The destination resort will implement a workforce

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1886 development plan that utilizes the existing labor force,
1887 including the estimated number of construction jobs the
1888 destination resort will generate, the development of workforce
1889 training programs that serve the unemployed and methods for
1890 accessing employment at the destination resort development.

1891 6. The destination resort will take additional measures to
1892 address problem gambling, including, but not limited to,
1893 training of gaming employees to identify patrons exhibiting
1894 problems with gambling and providing prevention programs
1895 targeted toward vulnerable populations.

1896 7. The destination resort will provide a market analysis
1897 detailing the benefits of the site location and the estimated
1898 recapture rate of gaming-related spending by residents traveling
1899 to out-of-state gaming establishments.

1900 8. The destination resort will utilize sustainable
1901 development principles.

1902 9. The destination resort will contract with local business
1903 owners for the provision of goods and services, including
1904 developing plans designed to assist businesses in the state in
1905 identifying the needs for goods and services to the
1906 establishment.

1907 10. The destination resort will mitigate potential impacts
1908 on host and surrounding communities which might result from the
1909 development or operation of the destination resort.

1910 11. The destination resort will purchase, whenever
1911 possible, domestically manufactured equipment for installation
1912 in the resort.

1913 12. The destination resort will implement a marketing
1914 program that identifies specific goals, expressed as an overall

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1915 program goal applicable to the total dollar amount of contracts,
1916 for the utilization of:

1917 a. Minority business enterprises, women business
1918 enterprises, and veteran business enterprises to participate as
1919 contractors in the design of the development;

1920 b. Minority business enterprises, women business
1921 enterprises, and veteran business enterprises to participate as
1922 contractors in the construction of the development; and

1923 c. Minority business enterprises, women business
1924 enterprises, and veteran business enterprises to participate as
1925 vendors in the provision of goods and services procured by the
1926 development and any businesses operated as part of the
1927 development.

1928 13. The destination resort will have public support in the
1929 host and surrounding communities which may be demonstrated
1930 through public comment received by the commission or gaming
1931 applicant.

1932 (3) A resort license may be issued only to persons of good
1933 moral character who are at least 21 years of age. A resort
1934 license may issued to a corporation only if its officers are of
1935 good moral character and at least 21 years of age.

1936 (4) A resort license may not be issued to an applicant if
1937 the applicant, qualifier, or institutional investor:

1938 (a) Has, within the last 5 years, been adjudicated by a
1939 court or tribunal for failure to pay income, sales, or gross
1940 receipts tax due and payable under any federal, state, or local
1941 law, after exhaustion of all appeals or administrative remedies.

1942 (b) Has been convicted of a felony under the laws of this
1943 state, any other state, or the United States.

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1944 (c) Has been convicted of any violation under chapter 817
1945 or under a substantially similar law of another jurisdiction.

1946 (d) Knowingly submitted false information in the
1947 application for the license.

1948 (e) Is a member or employee of the commission.

1949 (f) Was licensed to own or operate gaming or pari-mutuel
1950 facilities in this state or another jurisdiction and that
1951 license was revoked.

1952 (g) Is an entity that has accepted any wager of money or
1953 other consideration on any online gambling activity, including
1954 poker, from any state resident since October 13, 2006. However,
1955 this prohibition does not disqualify an applicant or
1956 subcontractor who accepts online pari-mutuel wagers from a state
1957 resident through a legal online pari-mutuel wagering entity
1958 authorized in another state.

1959 (h) Fails to meet any other criteria for licensure set
1960 forth in this part.

1961
1962 As used in this subsection, the term "conviction" includes an
1963 adjudication of guilt on a plea of guilty or nolo contendere or
1964 the forfeiture of a bond when charged with a crime.

1965 Section 22. Section 551.310, Florida Statutes, is created
1966 to read:

1967 551.310 Application for destination resort license.-

1968 (1) APPLICATION.-A reply submitted in response to an
1969 invitation to negotiate must include a sworn application in the
1970 format prescribed by the commission. The application must
1971 include the following information:

1972 (a)1. The name, business address, telephone number, social

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1973 security number, and, where applicable, federal tax
1974 identification number of the applicant and each qualifier; and

1975 2. Information, documentation, and assurances concerning
1976 financial background and resources as may be required to
1977 establish the financial stability, integrity, and responsibility
1978 of the applicant. This includes business and personal income and
1979 disbursement schedules, tax returns and other reports filed with
1980 governmental agencies, and business and personal accounting and
1981 check records and ledgers. In addition, each applicant must
1982 provide written authorization for the examination of all bank
1983 accounts and records as may be deemed necessary by the
1984 commission.

1985 (b) The identity and, if applicable, the state of
1986 incorporation or registration of any business in which the
1987 applicant or a qualifier has an equity interest of more than 5
1988 percent. If the applicant or qualifier is a corporation,
1989 partnership, or other business entity, the applicant or
1990 qualifier must identify any other corporation, partnership, or
1991 other business entity in which it has an equity interest of more
1992 than 5 percent, including, if applicable, the state of
1993 incorporation or registration.

1994 (c) Documentation, as required by the commission, that the
1995 applicant has received conceptual approval of the destination
1996 resort proposal from the municipality and county in which the
1997 resort will be located.

1998 (d) A statement as to whether the applicant or a qualifier
1999 has developed and operated a similar gaming facility within a
2000 highly regulated domestic jurisdiction that allows similar forms
2001 of development, including a description of the gaming facility,

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2002 the gaming facility's gross revenue, and the amount of revenue
2003 the gaming facility has generated for state and local
2004 governments within that jurisdiction.

2005 (e) A statement as to whether the applicant or a qualifier
2006 has been indicted, convicted of, pled guilty or nolo contendere
2007 to, or forfeited bail for any felony or for a misdemeanor
2008 involving gambling, theft, or fraud. The statement must include
2009 the date, the name and location of the court, the arresting
2010 agency, the prosecuting agency, the case caption, the docket
2011 number, the nature of the offense, the disposition of the case,
2012 and, if applicable, the location and length of incarceration.

2013 (f) A statement as to whether the applicant or a qualifier
2014 has ever been granted any license or certificate in any
2015 jurisdiction which has been restricted, suspended, revoked, not
2016 renewed, or otherwise subjected to discipline. The statement
2017 must describe the facts and circumstances concerning that
2018 restriction, suspension, revocation, nonrenewal, or discipline,
2019 including the licensing authority, the date each action was
2020 taken, and an explanation of the circumstances for each
2021 disciplinary action.

2022 (g) A statement as to whether the applicant or qualifier
2023 has, as a principal or a controlling shareholder, within the
2024 last 10 years, filed for protection under the Federal Bankruptcy
2025 Code or had an involuntary bankruptcy petition filed against it.

2026 (h) A statement as to whether the applicant or qualifier
2027 has, within the last 5 years, been adjudicated by a court or
2028 tribunal for failure to pay any income, sales, or gross receipts
2029 tax due and payable under federal, state, or local law, or under
2030 the laws of any applicable foreign jurisdiction, after

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2031 exhaustion of all appeals or administrative remedies. This
2032 statement must identify the amount and type of the tax and the
2033 time periods involved and must describe the resolution of the
2034 nonpayment.

2035 (i) A list of the names and titles of any public officials
2036 or officers of any unit of state government or of the local
2037 government or governments in the county or municipality in which
2038 the proposed resort is to be located, and the spouses, parents,
2039 and children of those public officials or officers, who,
2040 directly or indirectly, own any financial interest in, have any
2041 beneficial interest in, are the creditors of, hold any debt
2042 instrument issued by the applicant or a qualifier, or hold or
2043 have an interest in any contractual or service relationship with
2044 the applicant or qualifier. As used in this paragraph, the terms
2045 "public official" and "officer" do not include a person who
2046 would be listed solely because the person is a member of the
2047 Florida National Guard.

2048 (j) The name and business telephone number of, and a
2049 disclosure of fees paid to any attorney, lobbyist, employee,
2050 consultant, or other person who has represented the applicant's
2051 interests in the state for 3 years prior to the effective date
2052 of this section or who is representing an applicant before the
2053 commission during the application process.

2054 (k) A description of the applicant's history of and
2055 proposed plan for community involvement or investment in the
2056 community where the resort having a limited gaming facility
2057 would be located.

2058 (l) A description of the applicant's proposed resort,
2059 including a map documenting the location of the facility within

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2060 the specific county or counties; a statement regarding the
2061 compliance of the applicant with state, regional, and local
2062 planning and zoning requirements; a description of the economic
2063 benefit to the community in which the facility would be located;
2064 the anticipated number of jobs generated by construction of the
2065 facility; the anticipated number of employees; a statement
2066 regarding how the applicant would comply with federal and state
2067 affirmative action guidelines; a projection of admissions or
2068 attendance at the limited gaming facility; a projection of gross
2069 receipts; and scientific market research pertaining to the
2070 proposed facility, if any.

2071 (m) Proof of a countywide referendum has been approved
2072 prior to the application deadline by the electors of the county
2073 authorizing limited gaming as defined in this chapter in that
2074 county.

2075 (n) A schedule or timeframe for completing the resort.

2076 (o) A plan for training residents of this state for jobs at
2077 the resort. The job-training plan must provide training to
2078 enable low-income persons to qualify for jobs at the resort.

2079 (p) The identity of each person, association, trust, or
2080 corporation or partnership having a direct or indirect equity
2081 interest in the applicant of greater than 5 percent. If
2082 disclosure of a trust is required under this paragraph, the
2083 names and addresses of the beneficiaries of the trust must also
2084 be disclosed. If the identity of a corporation must be
2085 disclosed, the names and addresses of all stockholders and
2086 directors must also be disclosed. If the identity of a
2087 partnership must be disclosed, the names and addresses of all
2088 partners, both general and limited, must also be disclosed.

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2089 (q) A destination resort and limited gaming facility
2090 development plan and projected investment of \$2 billion pursuant
2091 to s. 551.309 for a destination resort and a limited gaming
2092 facility development plan for a pari-mutuel facility.

2093 (r) The fingerprints of all officers or directors of the
2094 applicant and qualifiers, and any persons exercising operational
2095 or managerial control of the applicant, as determined by rule of
2096 the department, for a criminal history record check.

2097 (s) A statement outlining the organization's diversity
2098 plan.

2099 (t) A listing of all gaming licenses and permits the
2100 applicant or qualifier currently possesses.

2101 (u) A listing of former or inactive officers, directors,
2102 partners, and trustees.

2103 (v) A listing of all affiliated business entities or
2104 holding companies, including nongaming interests.

2105 (w) Any other information the commission may deem
2106 appropriate or require during the application process as
2107 provided by rule.

2108 (2) DISCRETION TO REQUIRE INFORMATION.—Notwithstanding any
2109 other provision of law, the commission is the sole authority for
2110 determining the information or documentation that must be
2111 included in an application for a resort license or in an
2112 application to renew a resort license. Such documentation and
2113 information may relate to: demographics, education, work
2114 history, personal background, criminal history, finances,
2115 business information, complaints, inspections, investigations,
2116 discipline, bonding, photographs, performance periods,
2117 reciprocity, local government approvals, supporting

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2118 documentation, periodic reporting requirements, and fingerprint
2119 requirements.

2120 (3) DUTY TO SUPPLEMENT APPLICATION.—The application shall
2121 be supplemented as needed to reflect any material change in any
2122 circumstance or condition stated in the application which takes
2123 place between the initial filing of the application and the
2124 final grant or denial of the license. Any submission required to
2125 be in writing may otherwise be required by the commission to be
2126 made by electronic means.

2127 (4) APPLICATION FEES.—

2128 (a) The application for a resort license or limited gaming
2129 license must be submitted along with a nonrefundable application
2130 fee of \$1 million to be used by the commission to defray costs
2131 associated with the review and investigation of the application
2132 and to conduct a background investigation of the applicant and
2133 each qualifier. If the cost of the review and investigation
2134 exceeds \$1 million, the applicant must pay the additional amount
2135 to the commission within 30 days after the receipt of a request
2136 for an additional payment.

2137 (b) The application for a destination resort license or
2138 limited gaming license must be submitted with a one-time fee of
2139 \$125 million. If the commission denies the application, the
2140 commission must refund the fee within 30 days after the denial
2141 of the application. If the applicant withdraws the application
2142 after the application deadline established by the commission,
2143 the commission must refund 80 percent of the fee within 30 days
2144 after the application is withdrawn.

2145 (c) All fees collected under this subsection shall be
2146 deposited into the Destination Resort Trust Fund.

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2147 Section 23. Section 551.311, Florida Statutes, is created
2148 to read:

2149 551.311 Incomplete applications.-

2150 (1) An incomplete application for a resort license may be
2151 grounds for the denial of the application.

2152 (2) (a) If the commission determines that an application for
2153 a resort license is incomplete, the executive director shall
2154 immediately provide written notice to the applicant of the
2155 incomplete items. The applicant may then request an informal
2156 conference with the executive director or his or her designee to
2157 discuss the application.

2158 (b) The executive director may provide the applicant an
2159 extension of 30 days to complete the application following the
2160 date of the informal conference. If the executive director finds
2161 that the application has not been completed within the
2162 extension, the applicant may appeal the finding to the
2163 commission. During an extension or the pendency of an appeal to
2164 the commission, the award of resort licenses in the applicable
2165 county is stayed.

2166 Section 24. Section 551.312, Florida Statutes, is created
2167 to read:

2168 551.312 Institutional investors as qualifiers.-

2169 (1) (a) An application for a resort license that has an
2170 institutional investor as a qualifier need not contain
2171 information relating to the institutional investor, other than
2172 the identity of the investor, if the institutional investor
2173 holds less than 15 percent of the equity or debt securities and
2174 files a certified statement that the institutional investor does
2175 not intend to influence or affect the affairs of the applicant

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2176 or an affiliate of the applicant and that its holdings of
2177 securities of the applicant or affiliate were purchased for
2178 investment purposes only.

2179 (b) The commission may limit the application requirements
2180 as provided in this subsection for an institutional investor
2181 that is a qualifier and that holds 5 percent or more of the
2182 equity or debt securities of an applicant or affiliate of the
2183 applicant upon a showing of good cause and if the conditions
2184 specified in paragraph (a) are satisfied.

2185 (2) An institutional investor that is exempt from the full
2186 application requirements under this section and that
2187 subsequently intends to influence or affect the affairs of the
2188 issuer must first notify the commission of its intent and file
2189 an application containing all of the information that would have
2190 been required of the institutional investor in the application
2191 for a resort license. The commission may deny the application if
2192 it determines that granting the application will impair the
2193 financial stability of the licensee or impair the ability of the
2194 licensee to comply with its development plans or other plans
2195 submitted to the commission by the applicant or licensee.

2196 (3) An applicant for a license or a resort licensee or
2197 affiliate shall immediately notify the commission of any
2198 information concerning an institutional investor holding its
2199 equity or debt securities which may disqualify an institutional
2200 investor from having a direct or indirect interest in the
2201 applicant or licensee, and the commission may require the
2202 institutional investor to file all information that would have
2203 been required of the institutional investor in the application
2204 for a license.

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2205 (4) If the commission finds that an institutional investor
2206 that is a qualifier fails to comply with the requirements of
2207 subsection (1) or, if at any time the commission finds that by
2208 reason of the extent or nature of its holdings an institutional
2209 investor is in a position to exercise a substantial impact upon
2210 the controlling interests of a licensee, the commission may
2211 require the institutional investor to file an application
2212 containing all of information that would have been required of
2213 the institutional investor in the application for a license.

2214 (5) Notwithstanding paragraph (1)(b), an institutional
2215 investor may vote on all matters that are put to the vote of the
2216 outstanding security holders of the applicant or licensee.

2217 Section 25. Section 551.313, Florida Statutes, is created
2218 to read:

2219 551.313 Lenders and underwriters; exemption as qualifiers.—
2220 A bank, lending institution, or underwriter in connection with
2221 any bank or lending institution that, in the ordinary course of
2222 business, makes a loan to, or holds a security interest in, a
2223 licensee or applicant, a supplier licensee or applicant or its
2224 subsidiary, or direct or indirect parent company of any such
2225 bank, lending institution, or underwriter is not a qualifier and
2226 is not required to be licensed.

2227 Section 26. Section 551.3135, Florida Statutes, is created
2228 to read:

2229 551.3135 Authorization of limited gaming at licensed pari-
2230 mutuel facilities.—

2231 (1) Notwithstanding any other provision of law, the
2232 commission may award a limited gaming license authorizing
2233 limited gaming in a licensed pari-mutuel facility only if a

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2234 majority of the electors voting in a countywide referendum have
2235 passed a referendum allowing for limited gaming before December
2236 31, 2014. If limited gaming is authorized through the award of a
2237 limited gaming license, the pari-mutuel facility may possess
2238 slot machines and other authorized gaming devices and conduct
2239 limited gaming at the licensed location. Notwithstanding any
2240 other provision of law, a person who is at least 21 years of age
2241 may lawfully participate in authorized games at a facility
2242 licensed to possess authorized limited gaming devices and
2243 conduct limited gaming or to participate in limited gaming as
2244 described in this part.

2245 (2) A limited gaming license may be issued only to a
2246 licensed pari-mutuel permitholder located in a county where a
2247 resort license has been issued, and limited gaming may be
2248 conducted only at the pari-mutuel facility at which the
2249 permitholder conducted a full schedule of live pari-mutuel
2250 racing or games prior to January 15, 2012.

2251 (3) As a condition of licensure and to maintain continued
2252 authority for the conduct of limited gaming, the pari-mutuel
2253 permitholder shall:

2254 (a) Continue to be in compliance with this chapter, where
2255 applicable.

2256 (b) Continue to be in compliance with chapter 550, where
2257 applicable, and maintain the pari-mutuel permit and license in
2258 good standing pursuant to the provisions of chapter 550.

2259 (c) Conduct no fewer than a full schedule of live racing or
2260 games as defined in s. 550.002(11). A permitholder's
2261 responsibility to conduct such number of live races or games
2262 shall be reduced by the number of races or games that could not

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2263 be conducted due to the direct result of fire, war, hurricane,
2264 or other disaster or event beyond the control of the
2265 permitholder.

2266 (4) An application for a limited gaming license shall be on
2267 the form required by the commission, accompanied by the
2268 application fee required for destination resort licensees under
2269 s. 551.310(4). Applicants must also submit fingerprints, as
2270 required by this part, for a criminal history record check.
2271 Initial and renewal applications for limited gaming licenses
2272 must contain all information that the department by rule
2273 determines is required to ensure eligibility, including
2274 requirements under s. 551.309(3) and (4).

2275 (5) If limited gaming is authorized at the pari-mutuel
2276 facility by referendum, the pari-mutuel may not offer limited
2277 gaming until authorized by the commission. The commission may
2278 not authorize any pari-mutuel facility to begin limited gaming
2279 until a destination resort has begun to offer the play of
2280 limited gaming to the public as authorized by the commission.
2281 For purposes of this section, "authorization" to begin limited
2282 gaming for a pari-mutuel resort is the announced opening date of
2283 the destination resort, or the actual opening date, whichever
2284 occurs first.

2285 (6) If limited gaming is authorized, the pari-mutuel
2286 facility must apply for a license under s. 551.310 and meet the
2287 requirements of that section. Licensed pari-mutuel facilities
2288 that are authorized to conduct limited gaming shall be subject
2289 to the jurisdiction of the department and this part, except that
2290 ss. 551.307, 551.308, 551.309, 551.311, 551.312, and 551.313
2291 shall not apply to the extent that those sections relate to the

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2292 awarding of destination resort licenses.

2293 (7) (a) All limited gaming shall be conducted in a limited
2294 gaming floor that is segregated from the rest of the pari-mutuel
2295 facility so that patrons may have ingress and egress to the
2296 pari-mutuel facility without entering the designated limited
2297 gaming floor.

2298 (b) The licensee shall display pari-mutuel races or games
2299 within the designated limited gaming floor and offer patrons
2300 within the designated limited gaming floor the ability to engage
2301 in pari-mutuel wagering on live, intertrack, and simulcast races
2302 conducted or offered to patrons of the licensed facility.

2303 (c) The designated limited gaming floor may be located
2304 within the current pari-mutuel facility or in an existing
2305 building that must be contiguous and connected to the pari-
2306 mutuel facility. If a designated limited gaming floor is to be
2307 located in a building that is to be constructed, that new
2308 building must be contiguous and connected to the pari-mutuel
2309 facility. The limited gaming floor may not exceed 10 percent of
2310 the total property of the pari-mutuel facility.

2311 Section 27. Section 551.314, Florida Statutes, is created
2312 to read:

2313 551.314 Conditions for a resort and limited gaming
2314 license.—As a condition to licensure and to maintain continuing
2315 authority, a licensee must:

2316 (1) Comply with this part and the rules of the department.

2317 (2) Allow the department and the Department of Law
2318 Enforcement unrestricted access to and right of inspection of
2319 facilities of the licensee in which any activity relative to the
2320 conduct of gaming is conducted.

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2321 (3) Complete the resort in accordance with the plans and
2322 timeframe proposed to the commission in its application, unless
2323 an extension is granted by the commission. The commission may
2324 grant such an extension, not to exceed 1 year after the original
2325 planned completion date, upon good cause shown by the licensee.

2326 (4) Ensure that the facilities-based computer system that
2327 the licensee will use for operational and accounting functions
2328 of the facility is specifically structured to facilitate
2329 regulatory oversight. The facilities-based computer system shall
2330 be designed to provide the department and the Department of Law
2331 Enforcement with the ability to monitor, at any time on a real-
2332 time basis, the wagering patterns, payouts, tax collection, and
2333 such other operations as necessary to determine whether the
2334 facility is in compliance with statutory provisions and rules
2335 adopted by the department for the regulation and control of
2336 gaming. The department and the Department of Law Enforcement
2337 shall have complete and continuous access to this system. Such
2338 access shall include the ability of either the department or the
2339 Department of Law Enforcement to suspend play immediately on
2340 particular slot machines or gaming devices if monitoring of the
2341 system indicates possible tampering or manipulation of those
2342 slot machines or gaming devices or the ability to suspend play
2343 immediately of the entire operation if the tampering or
2344 manipulation is of the computer system itself. The computer
2345 system shall be reviewed and approved by the department to
2346 ensure necessary access, security, and functionality. However,
2347 neither the commission nor the Department of Law Enforcement
2348 shall have the ability to alter any data. The department may
2349 adopt rules to provide for the approval process.

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2350 (5) Ensure that each table game, slot machine, or other
2351 gaming device is protected from manipulation or tampering that
2352 may affect the random probabilities of winning plays. The
2353 department or the Department of Law Enforcement may suspend play
2354 upon reasonable suspicion of any manipulation or tampering. If
2355 play has been suspended on any table game, slot machine, or
2356 other gaming device, the department or the Department of Law
2357 Enforcement may conduct an examination to determine whether the
2358 table game, machine, or other gaming device has been tampered
2359 with or manipulated and whether the table game, machine, or
2360 other gaming device should be returned to operation.

2361 (6) Submit a security plan, including the facilities' floor
2362 plans, the locations of security cameras, and a listing of all
2363 security equipment that is capable of observing and
2364 electronically recording activities being conducted in the
2365 facilities of the licensee. The security plan must meet the
2366 minimum security requirements as determined by the department
2367 and be implemented before the operation of gaming. The
2368 licensee's facilities must adhere to the security plan at all
2369 times. Any changes to the security plan must be submitted by the
2370 licensee to the department prior to implementation. The
2371 department shall furnish copies of the security plan and changes
2372 in the plan to the Department of Law Enforcement.

2373 (7) Create and file with the commission a written policy
2374 for:

2375 (a) Creating opportunities to purchase from vendors in this
2376 state.

2377 (b) Creating opportunities for the employment of residents
2378 of this state.

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2379 (c) Ensuring opportunities for obtaining construction
2380 services from residents and vendors in this state.

2381 (d) Ensuring that opportunities for employment are offered
2382 on an equal, nondiscriminatory basis.

2383 (e) Training employees on responsible gaming and working
2384 with a compulsive or addictive gambling prevention program.

2385 (f) Implementing a drug-testing program for each
2386 occupational licensee which includes, but is not limited to,
2387 requiring such person to sign an agreement that he or she
2388 understands that the limited gaming facility is a drug-free
2389 workplace.

2390 (g) Using the Internet-based job-listing system of the
2391 Department of Economic Opportunity in advertising employment
2392 opportunities.

2393 (h) Ensuring that the payout percentage of each slot
2394 machine is at least 85 percent.

2395 (8) File with the department detailed documentation of the
2396 applicant's, its affiliates', or any holding company's history
2397 of using labor in any jurisdiction that would fall outside the
2398 ages defined in chapter 450.

2399 (9) Keep and maintain permanent daily records of its
2400 limited gaming operations and maintain such records for a period
2401 of not less than 5 years. These records must include all
2402 financial transactions and contain sufficient detail to
2403 determine compliance with the requirements of this part. All
2404 records shall be available for audit and inspection by the
2405 department, the Department of Law Enforcement, or other law
2406 enforcement agencies during the licensee's regular business
2407 hours.

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2408 (10) Maintain a designated limited gaming floor that is
2409 segregated from the rest of the resort facility so that patrons
2410 may have ingress and egress to the resort facility without
2411 entering the designated limited gaming floor.

2412 Section 28. Section 551.315, Florida Statutes, is created
2413 to read:

2414 551.315 Surety bond.—A destination resort licensee and a
2415 limited gaming licensee must, at its own cost and expense,
2416 before the license is delivered, give a bond in the penal sum to
2417 be determined by the department payable to the Governor of the
2418 state and his or her successors in office. The bond must be
2419 issued by a surety or sureties approved by the department and
2420 the Chief Financial Officer and the bond must be conditioned on
2421 the licensee faithfully making the required payments to the
2422 Chief Financial Officer in his or her capacity as treasurer of
2423 the commission, keeping the licensee's books and records and
2424 make reports as provided, and conducting its limited gaming
2425 activities in conformity with this part. The department shall
2426 fix the amount of the bond at the total amount of annual license
2427 fees and the taxes estimated to become due as determined by the
2428 department. In lieu of a bond, an applicant or licensee may
2429 deposit with the department a like amount of funds, a savings
2430 certificate, a certificate of deposit, an investment
2431 certificate, or a letter of credit from a bank, savings bank,
2432 credit union, or savings and loan association situated in this
2433 state which meets the requirements set for that purpose by the
2434 Chief Financial Officer. If security is provided in the form of
2435 a savings certificate, a certificate of deposit, or an
2436 investment certificate, the certificate must state that the

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2437 amount is unavailable for withdrawal except upon order of the
2438 department. The department may review the bond or other security
2439 for adequacy and require adjustments, including increasing the
2440 amount of the bond and other security. The department may adopt
2441 rules to administer this section and establish guidelines for
2442 such bonds or other securities.

2443 Section 29. Section 551.316, Florida Statutes, is created
2444 to read:

2445 551.316 Conduct of limited gaming.—

2446 (1) Limited gaming may be conducted by a licensee, subject
2447 to the following:

2448 (a) The site of the limited gaming facility is limited to
2449 the licensee's site location as approved by the commission.

2450 (b) The department's agents and employees may enter and
2451 inspect a limited gaming facility or other facilities relating
2452 to a licensee's gaming operations at any time for the purpose of
2453 determining whether the licensee is in compliance with this
2454 part.

2455 (c) A licensee may lease or purchase gaming devices,
2456 equipment, or supplies customarily used in conducting gaming
2457 only from a licensed supplier.

2458 (d) A licensee may not permit any form of wagering on games
2459 except as permitted by this part.

2460 (e) A licensee may receive wagers only from a person
2461 present in the limited gaming facility.

2462 (f) A licensee may not permit wagering using money or other
2463 negotiable currency except for wagering on slot machines.

2464 (g) A licensee may not permit a person who has not attained
2465 21 years of age to engage in gaming activity or remain in an

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2466 area of a limited gaming facility where gaming is being
2467 conducted, except for a limited gaming employee of the resort
2468 licensee who is at least 18 years of age.

2469 (h) A licensee may not sell or distribute tokens, chips, or
2470 electronic cards used to make wagers outside the limited gaming
2471 facility. The tokens, chips, or electronic cards may be
2472 purchased by means of an agreement under which the licensee
2473 extends credit to a wagerer. The tokens, chips, or electronic
2474 cards may be used only for the purpose of making wagers on games
2475 within a limited gaming facility.

2476 (i) A licensee may not conduct business with a junket
2477 enterprise, except for a junket operator employed full time by
2478 that licensee.

2479 (j) All gaming activities must be conducted in accordance
2480 with department rules.

2481 (k) Limited gaming may not be conducted by a destination
2482 resort licensee until the destination resort is completed
2483 according to the proposal approved by the commission.

2484 (2) A limited gaming facility may operate 24 hours per day,
2485 every day of the year.

2486 (3) A licensee may set the minimum and maximum wagers on
2487 all games.

2488 (4) A licensee shall give preference in employment,
2489 reemployment, promotion, and retention to veterans and to the
2490 persons included under s. 295.07(1) who possess the minimum
2491 qualifications necessary to perform the duties of the positions
2492 involved.

2493 (5) A licensee and its affiliates, directors, and employees
2494 shall be subject to all applicable federal, state, and local

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2495 laws. Such licensees, affiliates, directors, and employees shall
2496 subject themselves to jurisdiction of the Federal Government and
2497 the government of this state and acceptance of a license shall
2498 be considered an affirmative waiver of extradition to the United
2499 States from a foreign country.

2500 (6) The licensee shall report any suspicious transaction or
2501 activity to the department and other law enforcement agency, as
2502 appropriate.

2503 (7) A licensee may not install, own, or operate, or allow
2504 another person to install, own, or operate on the premises of
2505 the licensed facility a slot machine or table game that is
2506 played with a device that allows a player to operate the slot
2507 machine or table game by transferring funds electronically from
2508 a debit card or credit card or by means of an electronic funds
2509 transfer terminal. As used in this subsection, the term
2510 "electronic funds transfer terminal" means an information-
2511 processing device or an automatic teller machine used for
2512 executing deposit account transactions between financial
2513 institutions and their account holders by either the direct
2514 transmission of electronic impulses or the recording of
2515 electronic impulses for delayed processing. The fact that a
2516 device is used for other purposes shall not prevent it from
2517 being considered an electronic funds transfer terminal under
2518 this definition.

2519 (8) The department may renew a destination resort if the
2520 destination resort licensee has demonstrated an effort to
2521 increase tourism, generate jobs, provide revenue to the local
2522 economy, and provide revenue to the state General Revenue Fund.

2523 (9) The department shall renew a destination resort and

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2524 limited gaming license if:

2525 (a) The department has not suspended or revoked the license
2526 of the licensee.

2527 (b) The licensee continues to satisfy all the requirements
2528 for licensure.

2529 Section 30. Section 551.317, Florida Statutes, is created
2530 to read:

2531 551.317 Prohibited acts; penalties.—

2532 (1) It is unlawful for a person to willfully:

2533 (a) Fail to report, pay, or truthfully account for and
2534 remit any license fee, authorization fee, tax, or assessment
2535 imposed under this part; or

2536 (b) Attempt in any manner to evade any license fee,
2537 authorization fee, tax, or assessment imposed under this part.

2538 (2) It is unlawful for any licensed entity, gaming
2539 employee, key employee, or any other person to permit a slot
2540 machine, table game, or table game device to be operated,
2541 transported, repaired, or opened on the premises of a licensed
2542 facility by a person other than a person licensed or permitted
2543 by the commission under this part.

2544 (3) It is unlawful for any licensed entity or other person
2545 to manufacture, supply, or place slot machines, table games,
2546 table game devices, or associated equipment into play or display
2547 slot machines, table games, table game devices, or associated
2548 equipment on the premises of a licensed facility without the
2549 authority of the commission.

2550 (4) It is unlawful for a licensed entity or other person to
2551 manufacture, supply, operate, carry on, or expose for play any
2552 slot machine, table game, table game device, or associated

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2553 equipment after the person's license has expired and prior to
2554 the actual renewal of the license.

2555 (5) Except as set forth in this subsection, it is unlawful
2556 for an individual while on the premises of a licensed facility
2557 to knowingly use currency other than lawful coin or legal tender
2558 of the United States or a coin not of the same denomination as
2559 the coin intended to be used in the slot machine with the intent
2560 to cheat or defraud a licensed gaming entity or the commission
2561 or damage the slot machine. In the playing of a slot machine, it
2562 is lawful for an individual to use gaming billets, tokens, or
2563 similar objects issued by the licensed gaming entity which are
2564 approved by the commission.

2565 (6) Except as set forth in this subsection, it is unlawful
2566 for an individual to use or possess a cheating or thieving
2567 device, counterfeit or altered billet, ticket, token, or similar
2568 objects accepted by a slot machine, or counterfeit or altered
2569 slot machine-issued tickets or vouchers at a licensed facility.
2570 An authorized employee of a licensee or an employee of the
2571 department may possess and use a cheating or thieving device,
2572 counterfeit or altered billet, ticket, token, or similar objects
2573 accepted by a slot machine, or counterfeit or altered slot
2574 machine-issued tickets or vouchers in performance of the duties
2575 of employment.

2576 (7) It is unlawful for an individual to use or possess
2577 counterfeit, marked, loaded, or tampered with table game devices
2578 or associated equipment, chips, or other cheating devices in the
2579 conduct of gaming under this part, except that an authorized
2580 employee of a licensee or an authorized employee of the
2581 commission or department may possess and use counterfeit chips

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2582 or table game devices or associated equipment that have been
2583 marked, loaded, or tampered with, or other cheating devices in
2584 performance of the duties of employment for training,
2585 investigative, or testing purposes only.

2586 (8) It is unlawful for an individual to knowingly, by a
2587 trick or sleight of hand performance or by fraud or fraudulent
2588 scheme, table game device, or other device, for himself or
2589 herself or for another, win or attempt to win any cash,
2590 property, or prize at a licensed facility or to reduce or
2591 attempt to reduce a losing wager.

2592 (9) Except as set forth in this subsection, it is unlawful
2593 for an individual to knowingly possess or use while on the
2594 premises of a licensed facility a key or device designed for the
2595 purpose of and suitable for opening or entering any slot
2596 machine, drop box, or coin box that is located on the premises
2597 of the licensed facility. An authorized employee of a licensee,
2598 commission, or department may possess and use a device referred
2599 to in this subsection in the performance of the duties of
2600 employment.

2601 (10) It is unlawful for a person or licensed entity to
2602 possess any device, equipment, or material that the person or
2603 licensed entity knows has been manufactured, distributed, sold,
2604 tampered with, or serviced in violation of the provisions of
2605 this part with the intent to use the device, equipment, or
2606 material as though it had been manufactured, distributed, sold,
2607 tampered with, or serviced pursuant to this part.

2608 (11) It is unlawful for a person to sell, offer for sale,
2609 represent, or pass off as lawful any device, equipment, or
2610 material that the person or licensed entity knows has been

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2611 manufactured, distributed, sold, tampered with, or serviced in
2612 violation of this part.

2613 (12) It is unlawful for an individual to work or be
2614 employed in a position the duties of which would require
2615 licensing or permitting under the provisions of this part
2616 without first obtaining the requisite license or permit issued
2617 under the provisions of this part.

2618 (13) It is unlawful for a licensed entity to employ or
2619 continue to employ an individual in a position the duties of
2620 which require a license or permit under the provisions of this
2621 part if the individual:

2622 (a) Is not licensed or permitted under the provisions of
2623 this part; or

2624 (b) Is prohibited from accepting employment from a
2625 licensee.

2626 (14) It is unlawful for an individual to claim, collect, or
2627 take, or attempt to claim, collect, or take, money or anything
2628 of value in or from a slot machine, gaming table, or other table
2629 game device, with the intent to defraud, or to claim, collect,
2630 or take an amount greater than the amount won, or to manipulate
2631 with the intent to cheat, any component of any slot machine,
2632 table game, or table game device in a manner contrary to the
2633 designed and normal operational purpose.

2634 (15) A person who violates this section commits a
2635 misdemeanor of the first degree, punishable as provided in s.
2636 775.082 or s. 775.083. A person who is convicted of a second or
2637 subsequent violation of this section commits a felony of the
2638 third degree, punishable as provided in s. 775.082, s. 775.083,
2639 or s. 775.084.

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2640 Section 31. Section 551.318, Florida Statutes, is created
2641 to read:

2642 551.318 License fee; tax rate; disposition.—

2643 (1) LICENSE FEE.—On the anniversary date of the issuance of
2644 the initial license and annually thereafter, the licensee must
2645 pay to the department a nonrefundable annual license fee of \$5
2646 million. The license shall be renewed annually, unless the
2647 department has revoked the license for a violation of this part
2648 or rule of the department. The license fee shall be deposited
2649 into the Destination Resort Trust Fund to be used by the
2650 department and the Department of Law Enforcement for
2651 investigations, regulation of limited gaming, and enforcement of
2652 this part.

2653 (2) GROSS RECEIPTS TAX.—

2654 (a) Each licensee shall pay a gross receipts tax on its
2655 gross receipts to the state. Upon completion of the destination
2656 resort and before limited gaming may be conducted, the
2657 destination resort licensee must submit proof, as required by
2658 the commission, of the total investment made in the construction
2659 of the resort. The gross receipts tax rate shall be 10 percent
2660 of the gross receipts. Payment for the gross receipts tax
2661 imposed by this section shall be paid to the department.

2662 (b) The gross receipts tax shall be distributed as follows:

2663 1. Ninety-seven and 1/2 percent shall be deposited into the
2664 General Revenue Fund.

2665 2. Two percent shall be paid to the Florida Thoroughbred
2666 Breeders' Association, Inc., for the payment of breeders',
2667 stallion, and special racing awards, including the
2668 administrative fee authorized in s. 550.2625(3), on live

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2669 thoroughbred races conducted at licensed thoroughbred pari-
2670 mutuel facilities. These funds, to be governed by the board of
2671 directors of the Florida Thoroughbred Breeders' Association,
2672 Inc., may provide for, but not be limited to, capital
2673 expenditures that will drive economic growth and continue to
2674 provide jobs for the Ocala and Marion County area and for
2675 Florida's thoroughbred industry, including the rehabilitation or
2676 retirement of thoroughbred racehorses, equine research and
2677 education, and civic and industry-related service organizations
2678 and charities, while continuing the preservation of more than
2679 100,000 acres in production for thoroughbred breeding, training,
2680 and other equine activities. The amounts provided shall be
2681 remitted monthly.

2682 3. One-half percent shall be deposited to the credit of the
2683 Grants and Donations Trust Fund in the Department of Veterans'
2684 Affairs for use by the Department of Veterans' Affairs in
2685 accordance with s. 292.05.

2686 (c) The licensee shall remit to the department payment for
2687 the gross receipts tax by 3 p.m. on the 5th day of each calendar
2688 month. If the 5th day of the calendar month falls on a weekend,
2689 payments shall be remitted by 3 p.m. the first Monday following
2690 the weekend. The licensee shall file a report under oath by the
2691 5th day of each calendar month for all taxes remitted during the
2692 preceding calendar month. Such report shall be made under oath
2693 showing all gaming activities for the preceding calendar month
2694 and such other information as may be prescribed by the
2695 department.

2696 (d) The department may require licensees to remit taxes,
2697 fees, fines, and assessments by electronic funds transfer.

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2698 (e) The gross receipts tax is in lieu of any other state
2699 taxes on gross or adjusted gross receipts of a licensee.

2700 Section 32. Section 551.3185, Florida Statutes, is created
2701 to read:

2702 551.3185 Disposition of trust fund moneys.—On June 30, any
2703 unappropriated funds in excess of \$10 million in the Destination
2704 Resort Trust Fund collected pursuant to this part shall be
2705 deposited with the Chief Financial Officer to the credit of the
2706 General Revenue Fund.

2707 Section 33. Section 551.319, Florida Statutes, is created
2708 to read:

2709 551.319 Fingerprint requirements.—Any fingerprints required
2710 to be taken under this part must be taken in a manner approved
2711 by, and shall be submitted electronically by the department to,
2712 the Department of Law Enforcement. The Department of Law
2713 Enforcement shall submit the results of the state and national
2714 records check to the department. The department shall consider
2715 the results of the state and national records check in
2716 evaluating an application for any license.

2717 (1) The cost of processing fingerprints and conducting a
2718 criminal history record check shall be borne by the applicant.
2719 The Department of Law Enforcement may submit a monthly invoice
2720 to the department for the cost of processing the fingerprints
2721 submitted.

2722 (2) All fingerprints submitted to the Department of Law
2723 Enforcement pursuant to this part shall be retained by the
2724 Department of Law Enforcement and entered into the statewide
2725 automated fingerprint identification system as authorized by s.
2726 943.05(2) (b) and shall be available for all purposes and uses

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2727 authorized for arrest fingerprint cards entered into the
2728 statewide automated fingerprint identification system pursuant
2729 to s. 943.051.

2730 (3) The Department of Law Enforcement shall search all
2731 arrest fingerprints received pursuant to s. 943.051 against the
2732 fingerprints retained in the statewide automated fingerprint
2733 identification system. Any arrest record that is identified with
2734 the retained fingerprints of a person subject to the criminal
2735 history screening under this part shall be reported to the
2736 department. Each licensee shall pay a fee to the department for
2737 the cost of retention of the fingerprints and the ongoing
2738 searches under this subsection. The department shall forward the
2739 payment to the Department of Law Enforcement. The amount of the
2740 fee to be imposed for performing these searches and the
2741 procedures for the retention of licensee fingerprints shall be
2742 as established by rule of the Department of Law Enforcement. The
2743 department shall inform the Department of Law Enforcement of any
2744 change in the license status of licensees whose fingerprints are
2745 retained under subsection (2).

2746 (4) The department shall request the Department of Law
2747 Enforcement to forward the fingerprints to the Federal Bureau of
2748 Investigation for a national criminal history records check
2749 every 3 years following issuance of a license. If the
2750 fingerprints of a person who is licensed have not been retained
2751 by the Department of Law Enforcement, the person must file
2752 another set of fingerprints. The department shall collect the
2753 fees for the cost of the national criminal history record check
2754 under this subsection and shall forward the payment to the
2755 Department of Law Enforcement. The cost of processing

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2756 fingerprints and conducting a criminal history record check
2757 under this subsection shall be borne by the licensee or
2758 applicant. The Department of Law Enforcement may submit an
2759 invoice to the department for the fingerprints submitted each
2760 month. Under penalty of perjury, each person who is licensed or
2761 who is fingerprinted as required by this section must agree to
2762 inform the department within 48 hours if he or she is convicted
2763 of or has entered a plea of guilty or nolo contendere to any
2764 disqualifying offense, regardless of adjudication.

2765 Section 34. Section 551.321, Florida Statutes, is created
2766 to read:

2767 551.321 Supplier licenses.-

2768 (1) A person must have a supplier license in order to
2769 furnish on a regular or continuing basis to a limited gaming
2770 facility or an applicant for a resort or limited gaming license
2771 gaming equipment, devices, or supplies or other goods or
2772 services regarding the operation of limited gaming at the
2773 facility.

2774 (2) An applicant for a supplier license must apply to the
2775 department on forms adopted by the department by rule. The
2776 licensing fee for the initial and annual renewal of the license
2777 shall be a scale of fees determined by rule of the department
2778 based on the type of service provided by the supplier but may
2779 not exceed \$25,000.

2780 (3) An applicant for a supplier license must include in the
2781 application the fingerprints of the persons identified by
2782 department rule for the processing of state and national
2783 criminal history record checks.

2784 (4) (a) An applicant for a supplier license is not eligible

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2785 for licensure if:

2786 1. A person for whom fingerprinting is required under
2787 subsection (3) has been convicted of a felony under the laws of
2788 this state, any other state, or the United States;

2789 2. The applicant knowingly submitted false information in
2790 the application for a supplier license;

2791 3. The applicant is a member of the commission or an
2792 employee of the department;

2793 4. The applicant is not a natural person and an officer,
2794 director, or managerial employee of that person is a person
2795 described in subparagraphs 1.-3.;

2796 5. The applicant is not a natural person and an employee of
2797 the applicant participates in the management or operation of
2798 limited gaming authorized under this part; or

2799 6. The applicant has had a license to own or operate a
2800 resort facility or pari-mutuel facility in this state, or a
2801 similar license in any other jurisdiction, revoked.

2802 (b) The department may revoke a supplier license at any
2803 time it determines that the licensee no longer satisfies the
2804 eligibility requirements in this subsection.

2805 (5) The department may deny an application for a supplier
2806 license for any person who:

2807 (a) Is not qualified to perform the duties required of a
2808 licensee;

2809 (b) Fails to disclose information or knowingly submits
2810 false information in the application;

2811 (c) Has violated this part or rules of the department; or

2812 (d) Has had a gaming-related license or application
2813 suspended, restricted, revoked, or denied for misconduct in any

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2814 other jurisdiction.

2815 (6) A supplier licensee shall:

2816 (a) Furnish to the department a list of all gaming
2817 equipment, devices, and supplies it offers for sale or lease in
2818 connection with limited gaming authorized in this part;

2819 (b) Keep books and records documenting the furnishing of
2820 gaming equipment, devices, and supplies to resort licensees
2821 separate and distinct from any other business that the supplier
2822 operates;

2823 (c) File quarterly returns with the department listing all
2824 sales or leases of gaming equipment, devices, or supplies to
2825 resort licensees;

2826 (d) Permanently affix its name to all gaming equipment,
2827 devices, or supplies sold or leased to licensees; and

2828 (e) File an annual report listing its inventories of gaming
2829 equipment, devices, and supplies, including the locations of
2830 such equipment.

2831 (7) All gaming devices, equipment, or supplies furnished by
2832 a licensed supplier must conform to standards adopted by
2833 department rule.

2834 (8) (a) The department may suspend, revoke, or restrict the
2835 supplier license of a licensee who:

2836 1. Violates this part or the rules of the department; or

2837 2. Defaults on the payment of any obligation or debt due to
2838 this state or a county.

2839 (b) The department must revoke the supplier license of a
2840 licensee for any cause that, if known to the department, would
2841 have disqualified the applicant from receiving a license.

2842 (9) A supplier licensee may repair gaming equipment,

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2843 devices, or supplies in a facility owned or leased by the
2844 licensee.

2845 (10) Gaming devices, equipment, or supplies owned by a
2846 supplier licensee which are used in an unauthorized gaming
2847 operation shall be forfeited to the county where the equipment
2848 is found.

2849 (11) The department may revoke the license or deny the
2850 application for a supplier license of a person who fails to
2851 comply with this section.

2852 (12) A person who knowingly makes a false statement on an
2853 application for a supplier license commits a misdemeanor of the
2854 first degree, punishable as provided in s. 775.082 or s.
2855 775.083.

2856 Section 35. Section 551.3215, Florida Statutes, is created
2857 to read:

2858 551.3215 Manufacturer licenses.—

2859 (1) A person seeking to manufacture slot machines, table
2860 game devices, and associated equipment for use in this state
2861 shall apply to the commission for a manufacturer license.

2862 (2) The licensing fee for the initial and annual renewal of
2863 the license may not exceed \$25,000.

2864 (3) An application for a manufacturer license shall be on
2865 the form required by the commission, accompanied by the
2866 application fee, and shall include all of the following:

2867 (a) The name and business address of the applicant and the
2868 applicant's affiliates, intermediaries, subsidiaries, and
2869 holding companies; the principals and key employees of each
2870 business; and a list of employees and their positions within
2871 each business, as well as any financial information required by

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2872 the commission.

2873 (b) A statement that the applicant and each affiliate,
2874 intermediary, subsidiary, or holding company of the applicant
2875 are not slot machine or resort licensees.

2876 (c) The consent to a background investigation of the
2877 applicant, its principals, and key employees or other persons
2878 required by the commission and a release to obtain any and all
2879 information necessary for the completion of the background
2880 investigation.

2881 (d) The details of any equivalent license granted or denied
2882 by other jurisdictions where gaming activities as authorized by
2883 this part are permitted and consent for the commission to
2884 acquire copies of applications submitted or licenses issued in
2885 connection therewith.

2886 (e) The type of slot machines, table game devices, or
2887 associated equipment to be manufactured or repaired.

2888 (f) Any other information determined by the commission to
2889 be appropriate.

2890 (4) Upon being satisfied that the requirements of
2891 subsection (3) have been met, the commission may approve the
2892 application and grant the applicant a manufacturer license
2893 consistent with all of the following:

2894 (a) The initial license shall be for a period of 1 year,
2895 and, if renewed under subsection (6), the license shall be for a
2896 period of 1 year. Nothing in this paragraph shall relieve the
2897 licensee of the affirmative duty to notify the commission of any
2898 changes relating to the status of its license or to any other
2899 information contained in application materials on file with the
2900 commission.

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2901 (b) The license shall be nontransferable.

2902 (c) The applicant must comply with any other condition
2903 established by the commission.

2904 (5) In the event an applicant for a manufacturer license to
2905 manufacture table game devices or associated equipment used in
2906 connection with table games is licensed by the commission under
2907 this section to manufacture slot machines or associated
2908 equipment used in connection with slot machines, the commission
2909 may determine to use an abbreviated process requiring only that
2910 information determined by the commission to be necessary to
2911 consider the issuance of a license to manufacture table game
2912 devices or associated equipment used in connection with table
2913 games, including financial viability of the applicant. Nothing
2914 in this section shall be construed to waive any fees associated
2915 with obtaining a license through the normal application process.
2916 The commission may use the abbreviated process only if all of
2917 the following apply:

2918 (a) The manufacturer license was issued by the commission
2919 within a 24-month period immediately preceding the date the
2920 manufacturer licensee files an application to manufacture table
2921 game devices or associated equipment.

2922 (b) The person to whom the manufacturer license was issued
2923 affirms there has been no material change in circumstances
2924 relating to the license.

2925 (c) The commission determines, in its sole discretion, that
2926 there has been no material change in circumstances relating to
2927 the licensee which necessitates that the abbreviated process not
2928 be used.

2929 (6) Two months prior to expiration of a manufacturer

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2930 license, the manufacturer licensee seeking renewal of its
2931 license shall submit a renewal application accompanied by the
2932 renewal fee to the commission. If the renewal application
2933 satisfies the requirements of this section and rules of the
2934 commission, the commission may renew the licensee's manufacturer
2935 license. If the commission receives a complete renewal
2936 application but fails to act upon the renewal application prior
2937 to the expiration of the manufacturer license, the manufacturer
2938 license shall continue in effect for an additional 6-month
2939 period or until acted upon by the commission, whichever occurs
2940 first.

2941 (7) The following shall apply to a licensed manufacturer:

2942 (a) A manufacturer or its designee, as licensed by the
2943 commission, may supply or repair any slot machine, table game
2944 device, or associated equipment manufactured by the
2945 manufacturer, provided the manufacturer holds the appropriate
2946 manufacturer license.

2947 (b) A manufacturer of slot machines may contract with a
2948 supplier to provide slot machines or associated equipment to a
2949 slot machine licensee within this state, provided the supplier
2950 is licensed to supply slot machines or associated equipment used
2951 in connection with slot machines.

2952 (c) A manufacturer may contract with a supplier to provide
2953 table game devices or associated equipment to a certificate
2954 holder, provided the supplier is licensed to supply table game
2955 devices or associated equipment used in connection with table
2956 games.

2957 (8) A person may not manufacture slot machines, table game
2958 devices, or associated equipment for use within this state by a

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2959 licensee unless the person has been issued the appropriate
2960 manufacturer license under this section. Except as permitted by
2961 the commission in relation to training equipment, a licensee may
2962 not use slot machines, table game devices, or associated
2963 equipment unless the slot machines, table game devices, or
2964 associated equipment were manufactured by a person that has been
2965 issued the appropriate manufacturer license under this section.

2966 (9) The department may revoke the license or deny the
2967 application for a manufacturer license of a person who fails to
2968 comply with this section.

2969 (10) A person who knowingly makes a false statement on an
2970 application for a manufacturer license commits a misdemeanor of
2971 the first degree, punishable as provided in s. 775.082 or s.
2972 775.083.

2973 Section 36. Section 551.322, Florida Statutes, is created
2974 to read:

2975 551.322 Occupational licenses.—

2976 (1) The Legislature finds that, due to the nature of their
2977 employment, some gaming employees require heightened state
2978 scrutiny, including licensing and criminal history record
2979 checks.

2980 (2) Any person who desires to be a gaming employee and has
2981 a bona fide offer of employment from a licensed gaming entity
2982 shall apply to the department for an occupational license. A
2983 person may not be employed as a gaming employee unless that
2984 person holds an appropriate occupational license issued under
2985 this section. The department may adopt rules to reclassify a
2986 category of nongaming employees or gaming employees upon a
2987 finding that the reclassification is in the public interest and

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2988 consistent with the objectives of this part.

2989 (3) An applicant for an occupational license must apply to
2990 the department on forms adopted by the department by rule. An
2991 occupational license is valid for 4 years following issuance.
2992 The application must be accompanied by the licensing fee set by
2993 the department. The licensing fee may not exceed \$250 for an
2994 employee of a resort licensee.

2995 (a) The applicant shall set forth in the application
2996 whether the applicant:

2997 1. Has been issued a gaming-related license in any
2998 jurisdiction.

2999 2. Has been issued a gaming-related license in any other
3000 jurisdiction under any other name and, if so, the name and the
3001 applicant's age at the time of licensure.

3002 3. Has had a permit or license issued by another
3003 jurisdiction suspended, restricted, or revoked and, if so, for
3004 what period of time.

3005 (b) An applicant for an occupational license must include
3006 his or her fingerprints in the application.

3007 (4) To be eligible for an occupational license, an
3008 applicant must:

3009 (a) Be at least 21 years of age to perform any function
3010 directly relating to limited gaming by patrons;

3011 (b) Be at least 18 years of age to perform nongaming
3012 functions;

3013 (c) Not have been convicted of a felony or a crime
3014 involving dishonesty or moral turpitude in any jurisdiction; and

3015 (d) Meet the standards for the occupational license as
3016 provided in department rules.

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- 3017 (5) The department must deny an application for an
3018 occupational license for any person who:
- 3019 (a) Is not qualified to perform the duties required of a
3020 licensee;
- 3021 (b) Fails to disclose or knowingly submits false
3022 information in the application;
- 3023 (c) Has violated this part; or
- 3024 (d) Has had a gaming-related license or application
3025 suspended, revoked, or denied in any other jurisdiction.
- 3026 (6) (a) The department may suspend, revoke, or restrict the
3027 occupational license of a licensee:
- 3028 1. Who violates this part or the rules of the department;
3029 2. Who defaults on the payment of any obligation or debt
3030 due to this state or a county; or
- 3031 3. For any just cause.
- 3032 (b) The department shall revoke the occupational license of
3033 a licensee for any cause that, if known to the department, would
3034 have disqualified the applicant from receiving a license.
- 3035 (7) Any training provided for an occupational licensee may
3036 be conducted in the facility of a resort licensee, limited
3037 gaming licensee, or at a school with which the licensee has
3038 entered into an agreement for that purpose.
- 3039 (8) A licensed travel agent whose commission or
3040 compensation from a licensee is derived solely from the price of
3041 the transportation or lodging arranged for by the travel agent
3042 is not required to have an occupational license.
- 3043 (9) A person who knowingly makes a false statement on an
3044 application for an occupational license commits a misdemeanor of
3045 the first degree, punishable as provided in s. 775.082 or s.

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3046 775.083.

3047 Section 37. Section 551.323, Florida Statutes, is created
3048 to read:

3049 551.323 Temporary supplier license; temporary occupational
3050 license.-

3051 (1) Upon the written request of an applicant for a supplier
3052 license or an occupational license, the executive director shall
3053 issue a temporary license to the applicant and permit the
3054 applicant to undertake employment with or provide gaming
3055 equipment, devices, or supplies or other goods or services to a
3056 limited gaming facility or an applicant for a resort or limited
3057 gaming license if:

3058 (a) The applicant has submitted a completed application, an
3059 application fee, all required disclosure forms, and other
3060 required written documentation and materials;

3061 (b) A preliminary review of the application and the
3062 criminal history record check does not reveal that the applicant
3063 or a person subject to a criminal history record check has been
3064 convicted of a crime that would require denial of the
3065 application;

3066 (c) A deficiency does not appear to exist in the
3067 application which may require denial of the application; and

3068 (d) The applicant has an offer of employment from, or an
3069 agreement to begin providing gaming devices, equipment, or
3070 supplies or other goods and services to, a resort licensee,
3071 limited gaming licensee, or an applicant for a resort or limited
3072 gaming license, or the applicant for a temporary license shows
3073 good cause for being granted a temporary license.

3074 (2) An initial temporary occupational license or supplier's

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3075 license may not be valid for more than 90 days; however, a
3076 temporary occupational license may be renewed one time for an
3077 additional 90 days.

3078 (3) An applicant who receives a temporary license may
3079 undertake employment with or supply a resort or limited gaming
3080 licensee with gaming devices, equipment, or supplies or other
3081 goods or services until a license is issued or denied or until
3082 the temporary license expires or is suspended or revoked.

3083 Section 38. Section 551.325, Florida Statutes, is created
3084 to read:

3085 551.325 Quarterly report.—The commission shall file
3086 quarterly reports with the Governor, the President of the
3087 Senate, and the Speaker of the House of Representatives covering
3088 the previous fiscal quarter. Each report must include:

3089 (1) A statement of receipts and disbursements related to
3090 limited gaming.

3091 (2) A summary of disciplinary actions taken by the
3092 department.

3093 (3) Any additional information and recommendations that the
3094 department believes may improve the regulation of limited gaming
3095 or increase the economic benefits of limited gaming to this
3096 state.

3097 Section 39. Section 551.327, Florida Statutes, is created
3098 to read:

3099 551.327 Resolution of disputes between licensees and
3100 wagerers.—

3101 (1) (a) The licensee must immediately notify the department
3102 of a dispute whenever a licensee has a dispute with a wagerer
3103 which is not resolved to the satisfaction of the patron if the

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3104 amount disputed is \$500 or more and involves:

3105 1. Alleged winnings, alleged losses, or the award or
3106 distribution of cash, prizes, benefits, tickets, or any other
3107 item or items in a game, tournament, contest, drawing,
3108 promotion, race, or similar activity or event; or

3109 2. The manner in which a game, tournament, contest,
3110 drawing, promotion, race, or similar activity or event was
3111 conducted.

3112 (b) If the dispute involves an amount less than \$500, the
3113 licensee must immediately notify the wagerer of his or her right
3114 to file a complaint with the department.

3115 (2) Upon notice of a dispute or receipt of a complaint, the
3116 department shall conduct any investigation it deems necessary
3117 and may order the licensee to make a payment to the wagerer upon
3118 a finding that the licensee is liable for the disputed amount.
3119 The decision of the department is effective on the date the
3120 aggrieved party receives notice of the decision. Notice of the
3121 decision is deemed sufficient if it is mailed to the last known
3122 address of the licensee and the wagerer. The notice is deemed to
3123 have been received by the licensee or the wagerer 5 days after
3124 it is deposited with the United States Postal Service with
3125 postage prepaid.

3126 (3) The failure of a licensee to notify the department of
3127 the dispute or the wagerer of the right to file a complaint is
3128 grounds for disciplinary action.

3129 (4) Gaming-related disputes may be resolved only by the
3130 department and are not under the jurisdiction of state courts.

3131 (5) This section may not be construed to deny a wagerer an
3132 opportunity to make a claim in state court for nongaming-related

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3133 issues.

3134 Section 40. Section 551.328, Florida Statutes, is created
3135 to read:

3136 551.328 Enforcement of credit instruments.-

3137 (1) A credit instrument and the debt that instrument
3138 represents are valid and may be enforced by legal process.

3139 (2) A licensee may accept an incomplete credit instrument
3140 that is signed by the patron and states the amount of the debt
3141 in numbers and may complete the instrument as is necessary for
3142 the instrument to be presented for payment.

3143 (3) A licensee may accept a credit instrument that is
3144 payable to an affiliate or may complete a credit instrument
3145 payable to an affiliate if the credit instrument otherwise
3146 complies with this section and the records of the affiliate
3147 pertaining to the credit instrument are made available to the
3148 department upon request.

3149 (4) A licensee may accept a credit instrument before,
3150 during, or after the patron incurs the debt. The credit
3151 instrument and the debt that the instrument represents are
3152 enforceable without regard to whether the credit instrument was
3153 accepted before, during, or after the incurring of the debt.

3154 (5) This section does not prohibit the establishment of an
3155 account by a deposit of cash, recognized traveler's check, or
3156 any other instrument that is equivalent to cash.

3157 (6) If a credit instrument is lost or destroyed, the debt
3158 represented by the credit instrument may be enforced if the
3159 resort licensee or person acting on behalf of the licensee can
3160 prove the existence of the credit instrument.

3161 (7) The existence of a mental disorder in a patron who

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3162 provides a credit instrument to a licensee:

3163 (a) Is not a defense in any action by a licensee to enforce
3164 a credit instrument or the debt that the credit instrument
3165 represents.

3166 (b) Is not a valid counterclaim in an action to enforce the
3167 credit instrument or the debt that the credit instrument
3168 represents.

3169 (8) The failure of a licensee to comply with this section
3170 or department rules does not invalidate a credit instrument or
3171 affect its ability to enforce the credit instrument or the debt
3172 that the credit instrument represents.

3173 (9) The department may adopt rules prescribing the
3174 conditions under which a credit instrument may be redeemed or
3175 presented to a bank, credit union, or other financial
3176 institution for collection or payment.

3177 (10) A violation of these regulatory requirements only
3178 states a basis for disciplinary action for the commission.

3179 Section 41. Section 551.330, Florida Statutes, is created
3180 to read:

3181 551.330 Compulsive or addictive gambling prevention
3182 program.—

3183 (1) A resort and limited gaming licensee shall offer
3184 training to employees on responsible gaming and shall work with
3185 a compulsive or addictive gambling prevention program to
3186 recognize problem gaming situations and to implement responsible
3187 gaming programs and practices.

3188 (2) The department shall, subject to competitive bidding,
3189 contract for direct services for the treatment of compulsive and
3190 addictive gambling.

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3191 (3) Each licensee is responsible for contributing to the
3192 compulsive or addictive gambling fund treatment program. Within
3193 60 days after the end of each state fiscal year, the department
3194 must calculate the amount due from each licensee based upon the
3195 amount of gross revenues of each licensee received during the
3196 prior state fiscal year. Each licensee must pay 0.25 percent of
3197 the total of the gross revenues generated at the licensed resort
3198 or limited gaming facility within 90 days after the end of each
3199 state fiscal year.

3200 Section 42. Section 551.331, Florida Statutes, is created
3201 to read:

3202 551.331 Voluntary self-exclusion from a limited gaming
3203 facility.-

3204 (1) A person may request that he or she be excluded from
3205 limited gaming facilities in this state by personally submitting
3206 a Request for Voluntary Self-exclusion from Limited Gaming
3207 Facilities Form to the department. The form must require the
3208 person requesting exclusion to:

3209 (a) State his or her:

3210 1. Name, including any aliases or nicknames;

3211 2. Date of birth;

3212 3. Current residential address;

3213 4. Telephone number;

3214 5. Social security number; and

3215 6. Physical description, including height, weight, gender,
3216 hair color, eye color, and any other physical characteristic
3217 that may assist in the identification of the person.

3218
3219 A self-excluded person must update the information in this

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3220 paragraph on forms supplied by the department within 30 days
3221 after any change.

3222 (b) Select one of the following as the duration of the
3223 self-exclusion:

3224 1. One year.

3225 2. Five years.

3226 3. Lifetime.

3227 (c) Execute a release in which the person:

3228 1. Acknowledges that the request for exclusion has been
3229 made voluntarily.

3230 2. Certifies that the information provided in the request
3231 for self-exclusion is true and correct.

3232 3. Acknowledges that the individual requesting self-
3233 exclusion is a problem gambler.

3234 4. Acknowledges that a person requesting a lifetime
3235 exclusion will not be removed from the self-exclusion list and
3236 that a person requesting a 1-year or 5-year exclusion will
3237 remain on the self-exclusion list until a request for removal is
3238 approved by the department.

3239 5. Acknowledges that, if the individual is discovered on
3240 the gaming floor of a limited gaming facility, the individual
3241 may be removed and may be arrested and prosecuted for criminal
3242 trespass.

3243 6. Releases, indemnifies, holds harmless, and forever
3244 discharges the state, department, and all licensee from any
3245 claims, damages, losses, expenses, or liability arising out of,
3246 by reason of or relating to the self-excluded person or to any
3247 other party for any harm, monetary or otherwise, which may arise
3248 as a result of one or more of the following:

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3249 a. The failure of a licensee to withhold gaming privileges
3250 from or restore gaming privileges to a self-excluded person.

3251 b. Permitting or prohibiting a self-excluded person from
3252 engaging in gaming activity in a limited gaming facility.

3253 (2) A person submitting a self-exclusion request must
3254 present to the department a government-issued form of
3255 identification containing the person's signature.

3256 (3) The department shall take a photograph of a person
3257 requesting self-exclusion at the time the person submits a
3258 request for self-exclusion.

3259 Section 43. Paragraph (a) of subsection (2) of section
3260 561.20, Florida Statutes, is amended to read:

3261 561.20 Limitation upon number of licenses issued.—

3262 (2) (a) No such limitation of the number of licenses as
3263 herein provided shall henceforth prohibit the issuance of a
3264 special license to:

3265 1. Any bona fide hotel, motel, or motor court of not fewer
3266 than 80 guest rooms in any county having a population of less
3267 than 50,000 residents, and of not fewer than 100 guest rooms in
3268 any county having a population of 50,000 residents or greater;
3269 or any bona fide hotel or motel located in a historic structure,
3270 as defined in s. 561.01(21), with fewer than 100 guest rooms
3271 which derives at least 51 percent of its gross revenue from the
3272 rental of hotel or motel rooms, which is licensed as a public
3273 lodging establishment by the Division of Hotels and Restaurants;
3274 provided, however, that a bona fide hotel or motel with no fewer
3275 than 10 and no more than 25 guest rooms which is a historic
3276 structure, as defined in s. 561.01(21), in a municipality that
3277 on the effective date of this act has a population, according to

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3278 the University of Florida's Bureau of Economic and Business
3279 Research Estimates of Population for 1998, of no fewer than
3280 25,000 and no more than 35,000 residents and that is within a
3281 constitutionally chartered county may be issued a special
3282 license. This special license shall allow the sale and
3283 consumption of alcoholic beverages only on the licensed premises
3284 of the hotel or motel. In addition, the hotel or motel must
3285 derive at least 60 percent of its gross revenue from the rental
3286 of hotel or motel rooms and the sale of food and nonalcoholic
3287 beverages; provided that the provisions of this subparagraph
3288 shall supersede local laws requiring a greater number of hotel
3289 rooms;

3290 2. Any condominium accommodation of which no fewer than 100
3291 condominium units are wholly rentable to transients and which is
3292 licensed under the provisions of chapter 509, except that the
3293 license shall be issued only to the person or corporation which
3294 operates the hotel or motel operation and not to the association
3295 of condominium owners;

3296 3. Any condominium accommodation of which no fewer than 50
3297 condominium units are wholly rentable to transients, which is
3298 licensed under the provisions of chapter 509, and which is
3299 located in any county having home rule under s. 10 or s. 11,
3300 Art. VIII of the State Constitution of 1885, as amended, and
3301 incorporated by reference in s. 6(e), Art. VIII of the State
3302 Constitution, except that the license shall be issued only to
3303 the person or corporation which operates the hotel or motel
3304 operation and not to the association of condominium owners;

3305 4. Any restaurant having 2,500 square feet of service area
3306 and equipped to serve 150 persons full course meals at tables at

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3307 one time, and deriving at least 51 percent of its gross revenue
3308 from the sale of food and nonalcoholic beverages; however, no
3309 restaurant granted a special license on or after January 1,
3310 1958, pursuant to general or special law shall operate as a
3311 package store, nor shall intoxicating beverages be sold under
3312 such license after the hours of serving food have elapsed; ~~or~~

3313 5. Any caterer, deriving at least 51 percent of its gross
3314 revenue from the sale of food and nonalcoholic beverages,
3315 licensed by the Division of Hotels and Restaurants under chapter
3316 509. Notwithstanding any other provision of law to the contrary,
3317 a licensee under this subparagraph shall sell or serve alcoholic
3318 beverages only for consumption on the premises of a catered
3319 event at which the licensee is also providing prepared food, and
3320 shall prominently display its license at any catered event at
3321 which the caterer is selling or serving alcoholic beverages. A
3322 licensee under this subparagraph shall purchase all alcoholic
3323 beverages it sells or serves at a catered event from a vendor
3324 licensed under s. 563.02(1), s. 564.02(1), or licensed under s.
3325 565.02(1) subject to the limitation imposed in subsection (1),
3326 as appropriate. A licensee under this subparagraph may not store
3327 any alcoholic beverages to be sold or served at a catered event.
3328 Any alcoholic beverages purchased by a licensee under this
3329 subparagraph for a catered event that are not used at that event
3330 must remain with the customer; provided that if the vendor
3331 accepts unopened alcoholic beverages, the licensee may return
3332 such alcoholic beverages to the vendor for a credit or
3333 reimbursement. Regardless of the county or counties in which the
3334 licensee operates, a licensee under this subparagraph shall pay
3335 the annual state license tax set forth in s. 565.02(1)(b). A

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3336 licensee under this subparagraph must maintain for a period of 3
3337 years all records required by the department by rule to
3338 demonstrate compliance with the requirements of this
3339 subparagraph, including licensed vendor receipts for the
3340 purchase of alcoholic beverages and records identifying each
3341 customer and the location and date of each catered event.
3342 Notwithstanding any provision of law to the contrary, any vendor
3343 licensed under s. 565.02(1) subject to the limitation imposed in
3344 subsection (1), may, without any additional licensure under this
3345 subparagraph, serve or sell alcoholic beverages for consumption
3346 on the premises of a catered event at which prepared food is
3347 provided by a caterer licensed under chapter 509. If a licensee
3348 under this subparagraph also possesses any other license under
3349 the Beverage Law, the license issued under this subparagraph
3350 shall not authorize the holder to conduct activities on the
3351 premises to which the other license or licenses apply that would
3352 otherwise be prohibited by the terms of that license or the
3353 Beverage Law. Nothing in this section shall permit the licensee
3354 to conduct activities that are otherwise prohibited by the
3355 Beverage Law or local law. The Division of Alcoholic Beverages
3356 and Tobacco is hereby authorized to adopt rules to administer
3357 the license created in this subparagraph, to include rules
3358 governing licensure, recordkeeping, and enforcement. The first
3359 \$300,000 in fees collected by the division each fiscal year
3360 pursuant to this subparagraph shall be deposited in the
3361 Department of Children and Family Services' Operations and
3362 Maintenance Trust Fund to be used only for alcohol and drug
3363 abuse education, treatment, and prevention programs. The
3364 remainder of the fees collected shall be deposited into the

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3365 Hotel and Restaurant Trust Fund created pursuant to s. 509.072;

3366 ~~or-~~

3367 6. Any destination resort licensed by the State Gaming
3368 Commission under chapter 551. Notwithstanding any other
3369 provision of law to the contrary, a licensee under this
3370 subparagraph may sell or serve alcoholic beverages only for
3371 consumption on the premises. A licensee under this subparagraph
3372 shall purchase all alcoholic beverages from a distributor
3373 licensed under ss. 561.14, 561.15, and 561.17. Regardless of the
3374 county or counties in which the licensee operates, a licensee
3375 under this subparagraph shall pay an annual state license tax of
3376 \$250,000, the proceeds of which shall be deposited into the
3377 Destination Resort Trust Fund of the Department of Gaming
3378 Control. This subparagraph expressly preempts the regulation of
3379 alcoholic beverages at destination resorts licensed by the State
3380 Gaming Commission to the state and supersedes any municipal or
3381 county ordinance on the subject. Notwithstanding any other law
3382 or local law or ordinance to the contrary, a licensee under this
3383 subparagraph may serve alcoholic beverages 24 hours per day,
3384 every day of the year. This subparagraph does not permit the
3385 licensee to conduct activities that are otherwise prohibited by
3386 the Beverage Law. The Department of Gaming Control shall adopt
3387 rules to implement this subparagraph, including, but not limited
3388 to, rules governing licensure, recordkeeping, and enforcement. A
3389 licensee under this subparagraph must maintain for a period of 3
3390 years all records required by the State Gaming Commission by
3391 rule to demonstrate compliance with the requirements of this
3392 subparagraph, including licensed distributor receipts for the
3393 purchase of alcoholic beverages.

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3394
3395 However, any license heretofore issued to any such hotel, motel,
3396 motor court, or restaurant or hereafter issued to any such
3397 hotel, motel, or motor court, including a condominium
3398 accommodation, under the general law shall not be moved to a new
3399 location, such license being valid only on the premises of such
3400 hotel, motel, motor court, or restaurant. Licenses issued to
3401 hotels, motels, motor courts, or restaurants under the general
3402 law and held by such hotels, motels, motor courts, or
3403 restaurants on May 24, 1947, shall be counted in the quota
3404 limitation contained in subsection (1). Any license issued for
3405 any hotel, motel, or motor court under the provisions of this
3406 law shall be issued only to the owner of the hotel, motel, or
3407 motor court or, in the event the hotel, motel, or motor court is
3408 leased, to the lessee of the hotel, motel, or motor court; and
3409 the license shall remain in the name of the owner or lessee so
3410 long as the license is in existence. Any special license now in
3411 existence heretofore issued under the provisions of this law
3412 cannot be renewed except in the name of the owner of the hotel,
3413 motel, motor court, or restaurant or, in the event the hotel,
3414 motel, motor court, or restaurant is leased, in the name of the
3415 lessee of the hotel, motel, motor court, or restaurant in which
3416 the license is located and must remain in the name of the owner
3417 or lessee so long as the license is in existence. Any license
3418 issued under this section shall be marked "Special," and nothing
3419 herein provided shall limit, restrict, or prevent the issuance
3420 of a special license for any restaurant or motel which shall
3421 hereafter meet the requirements of the law existing immediately
3422 prior to the effective date of this act, if construction of such

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3423 restaurant has commenced prior to the effective date of this act
3424 and is completed within 30 days thereafter, or if an application
3425 is on file for such special license at the time this act takes
3426 effect; and any such licenses issued under this proviso may be
3427 annually renewed as now provided by law. Nothing herein prevents
3428 an application for transfer of a license to a bona fide
3429 purchaser of any hotel, motel, motor court, or restaurant by the
3430 purchaser of such facility or the transfer of such license
3431 pursuant to law.

3432 Section 44. Section 817.32, Florida Statutes, is amended to
3433 read:

3434 817.32 Fraudulent operation of coin-operated or similar
3435 devices.—Any person who shall operate or cause to be operated,
3436 or who shall attempt to operate, or attempt to cause to be
3437 operated, any automatic vending machine, slot machine, coinbox
3438 telephone, or other receptacle designed to operate upon the
3439 insertion of a coin, bill, ticket, token, or similar object or
3440 upon payment of any consideration whatsoever, including the use
3441 of any electronic payment system ~~receive lawful coin of the~~
3442 ~~United States~~ in connection with the sale, use or enjoyment of
3443 property or service, by means of a slug or any false,
3444 counterfeited, mutilated, sweated, or foreign coin, or by any
3445 means, method, trick, or device whatsoever not lawfully
3446 authorized by the owner, lessee, or licensee of such machine,
3447 coinbox telephone or receptacle, or who shall take, obtain or
3448 receive from or in connection with any automatic vending
3449 machine, slot machine, coinbox telephone or other receptacle
3450 designed to operate upon the insertion of a coin, bill, ticket,
3451 token, or similar object or upon payment of any consideration

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3452 whatsoever, including the use of any electronic payment system
3453 ~~receive lawful coin of the United States~~ in connection with the
3454 sale, use, or enjoyment of property or service, any goods,
3455 wares, merchandise, gas, electric current, article of value, or
3456 the use or enjoyment of any telephone or telegraph facilities or
3457 service, or of any musical instrument, phonograph, or other
3458 property, without depositing in and surrendering to such
3459 machine, coinbox telephone or receptacle a coin, bill, ticket,
3460 token, or similar object or payment of any consideration
3461 whatsoever ~~lawful coin of the United States~~ to the amount
3462 required therefor by the owner, lessee, or licensee of such
3463 machine, coinbox telephone or receptacle, shall be guilty of a
3464 misdemeanor of the second degree, punishable as provided in s.
3465 775.082 or s. 775.083.

3466 Section 45. Section 817.33, Florida Statutes, is amended to
3467 read:

3468 817.33 Manufacture, etc., of slugs to be used in coin-
3469 operated or similar devices prohibited.—Any person who, with
3470 intent to cheat or defraud the owner, lessee, licensee, or other
3471 person entitled to the contents of any automatic vending
3472 machine, slot machine, coinbox telephone or other receptacle,
3473 depository, or contrivance designed to operate upon the
3474 insertion of a coin, bill, ticket, token, or similar object or
3475 upon payment of any consideration whatsoever, including the use
3476 of any electronic payment system ~~receive lawful coin of the~~
3477 ~~United States~~ in connection with the sale, use, or enjoyment of
3478 property or service, or who, knowing that the same is intended
3479 for unlawful use, shall manufacture for sale, or sell or give
3480 away any slug, device or substance whatsoever intended or

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3481 calculated to be placed or deposited in any such automatic
3482 vending machine, slot machine, coinbox telephone or other such
3483 receptacle, depository or contrivance, shall be guilty of a
3484 misdemeanor of the second degree, punishable as provided in s.
3485 775.082 or s. 775.083.

3486 Section 46. Section 849.15, Florida Statutes, is amended to
3487 read:

3488 849.15 Manufacture, sale, possession, etc., of coin-
3489 operated devices prohibited.—

3490 (1) It is unlawful:

3491 (a) To manufacture, own, store, keep, possess, sell, rent,
3492 lease, let on shares, lend or give away, transport, or expose
3493 for sale or lease, or to offer to sell, rent, lease, let on
3494 shares, lend or give away, or permit the operation of, or for
3495 any person to permit to be placed, maintained, or used or kept
3496 in any room, space, or building owned, leased, or occupied by
3497 the person or under the person's management or control, any slot
3498 machine or device or any part thereof, or other gambling
3499 apparatus or any part thereof that is otherwise prohibited from
3500 operation or possession in the state; or

3501 (b) To make or to permit to be made with any person any
3502 agreement with reference to any slot machine or device, pursuant
3503 to which the user thereof, as a result of any element of chance
3504 or other outcome unpredictable to him or her, may become
3505 entitled to receive any money, credit, allowance, or thing of
3506 value or additional chance or right to use such machine or
3507 device, or to receive any check, slug, token, or memorandum
3508 entitling the holder to receive any money, credit, allowance, or
3509 thing of value.

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3510 (2) Pursuant to section 2 of that chapter of the Congress
3511 of the United States entitled "An act to prohibit transportation
3512 of gaming devices in interstate and foreign commerce," approved
3513 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
3514 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
3515 acting by and through the duly elected and qualified members of
3516 its Legislature, does hereby in this section, and in accordance
3517 with and in compliance with the provisions of section 2 of such
3518 chapter of Congress, declare and proclaim that any county of the
3519 State of Florida within which slot machine gaming is authorized
3520 pursuant to chapter 551 is exempt from the provisions of section
3521 2 of that chapter of the Congress of the United States entitled
3522 "An act to prohibit transportation of gaming devices in
3523 interstate and foreign commerce," designated as 15 U.S.C. ss.
3524 1171-1177, approved January 2, 1951. All shipments of gaming
3525 devices, including slot machines, into any county of this state
3526 within which slot machine gaming is authorized pursuant to
3527 chapter 551 and the registering, recording, and labeling of
3528 which have been duly performed by the manufacturer or
3529 distributor thereof in accordance with sections 3 and 4 of that
3530 chapter of the Congress of the United States entitled "An act to
3531 prohibit transportation of gaming devices in interstate and
3532 foreign commerce," approved January 2, 1951, being ch. 1194, 64
3533 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,
3534 shall be deemed legal shipments thereof into this state provided
3535 the destination of such shipments is an eligible facility as
3536 defined in s. 551.102, ~~or~~ the facility of a slot machine
3537 manufacturer or slot machine distributor as provided in s.
3538 551.109(2)(a), or the facility of a resort licensee or supplier

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3539 licensee under part III of chapter 551.

3540 (3) This section does not apply to slot machine licensees
3541 authorized under part II of chapter 551 or resort or limited
3542 gaming licensees as authorized under part III of chapter 551.

3543 Section 47. Section 849.231, Florida Statutes, is amended
3544 to read:

3545 849.231 Gambling devices; manufacture, sale, purchase or
3546 possession unlawful.—

3547 (1) Except in instances when the following described
3548 implements or apparatus are being held or transported by
3549 authorized persons for the purpose of destruction, as
3550 hereinafter provided, and except in instances when the following
3551 described instruments or apparatus are being held, sold,
3552 transported, or manufactured by persons who have registered with
3553 the United States Government pursuant to the provisions of Title
3554 15 of the United States Code, ss. 1171 et seq., as amended, so
3555 long as the described implements or apparatus are not displayed
3556 to the general public, sold for use in Florida, or held or
3557 manufactured in contravention of the requirements of 15 U.S.C.
3558 ss. 1171 et seq., it shall be unlawful for any person to
3559 manufacture, sell, transport, offer for sale, purchase, own, or
3560 have in his or her possession any roulette wheel or table, faro
3561 layout, crap table or layout, chemin de fer table or layout,
3562 chuck-a-luck wheel, bird cage such as used for gambling, bolita
3563 balls, chips with house markings, or any other device,
3564 implement, apparatus, or paraphernalia ordinarily or commonly
3565 used or designed to be used in the operation of gambling houses
3566 or establishments, excepting ordinary dice and playing cards.

3567 (2) In addition to any other penalties provided for the

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3568 violation of this section, any occupational license held by a
3569 person found guilty of violating this section shall be suspended
3570 for a period not to exceed 5 years.

3571 (3) This section and s. 849.05 do not apply to a vessel of
3572 foreign registry or a vessel operated under the authority of a
3573 country except the United States, while docked in this state or
3574 transiting in the territorial waters of this state.

3575 (4) This section does not apply to slot machine licensees
3576 authorized under part II of chapter 551 or resort or limited
3577 gaming licensees as authorized under part III of chapter 551.

3578 Section 48. Transfers.-

3579 (1) All of the statutory powers, duties and functions,
3580 records, personnel, property, and unexpended balances of
3581 appropriations, allocations, or other funds for the
3582 administration of chapter 550, Florida Statutes, are transferred
3583 intact by a type two transfer, as defined in s. 20.06(2),
3584 Florida Statutes, from the Division of Pari-mutuel Wagering of
3585 the Department of Business and Professional Regulation to the
3586 Division of Licensure of the Department of Gaming Control.

3587 (2) All of the statutory powers, duties and functions,
3588 records, personnel, property, and unexpended balances of
3589 appropriations, allocations, or other funds for the
3590 administration of chapter 551, Florida Statutes, are transferred
3591 by a type two transfer, as defined in s. 20.06(2), Florida
3592 Statutes, from the Division of Pari-mutuel Wagering of the
3593 Department of Business and Professional Regulation to the
3594 Division of Licensure of Department of Gaming Control.

3595 (3) All of the statutory powers, duties and functions,
3596 records, personnel, property, and unexpended balances of

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3597 appropriations, allocations, or other funds for the
3598 administration of s. 849.086, Florida Statutes, are transferred
3599 by a type two transfer, as defined in s. 20.06(2), Florida
3600 Statutes, from the Division of Pari-mutuel Wagering of the
3601 Department of Business and Professional Regulation to the
3602 Division of Licensure of Department of Gaming Control.

3603 (4) The following trust funds are transferred from the
3604 Division of Pari-mutuel Wagering of the Department of Business
3605 and Professional Regulation to the Division of Licensure of
3606 Department of Gaming Control:

3607 (a) Pari-mutuel Wagering Trust Fund.

3608 (b) Racing Scholarship Trust Fund.

3609 Section 49. Paragraph (f) of subsection (1), subsection
3610 (7), and paragraph (a) of subsection (13) of section 285.710,
3611 Florida Statutes, are amended to read:

3612 285.710 Compact authorization.—

3613 (1) As used in this section, the term:

3614 (f) "State compliance agency" means the Division of
3615 Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming
3616 Control ~~Business and Professional Regulation~~ which is designated
3617 as the state agency having the authority to carry out the
3618 state's oversight responsibilities under the compact.

3619 (7) The Division of Licensure ~~Pari-mutuel Wagering~~ of the
3620 Department of Gaming Control ~~Business and Professional~~
3621 ~~Regulation~~ is designated as the state compliance agency having
3622 the authority to carry out the state's oversight
3623 responsibilities under the compact authorized by this section.

3624 (13) For the purpose of satisfying the requirement in 25
3625 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized

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3626 under an Indian gaming compact must be permitted in the state
3627 for any purpose by any person, organization, or entity, the
3628 following class III games or other games specified in this
3629 section are hereby authorized to be conducted by the Tribe
3630 pursuant to the compact:

3631 (a) Slot machines, as defined in s. 551.102 ~~551.102(8)~~.

3632 Section 50. Subsections (6) and (7) of section 550.002,
3633 Florida Statutes, are amended to read:

3634 550.002 Definitions.—As used in this chapter, the term:

3635 (6) "Department" means the Department of Gaming Control
3636 ~~Business and Professional Regulation~~.

3637 (7) "Division" means the Division of Licensure ~~Pari-mutuel~~
3638 ~~Wagering~~ within the Department of Gaming Control ~~Business and~~
3639 ~~Professional Regulation~~.

3640 Section 51. Section 550.0251, Florida Statutes, is amended
3641 to read:

3642 550.0251 The powers and duties of the division ~~of Pari-~~
3643 ~~mutuel Wagering of the Department of Business and Professional~~
3644 ~~Regulation~~.—The division shall administer this chapter and
3645 regulate the pari-mutuel industry under this chapter and the
3646 rules adopted pursuant thereto, and:

3647 (1) The division shall make an annual report to the
3648 Governor showing its own actions, receipts derived under the
3649 provisions of this chapter, the practical effects of the
3650 application of this chapter, and any suggestions it may approve
3651 for the more effectual accomplishments of the purposes of this
3652 chapter.

3653 (2) The division shall require an oath on application
3654 documents as required by rule, which oath must state that the

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3655 information contained in the document is true and complete.

3656 (3) The department ~~division~~ shall adopt reasonable rules
3657 for the control, supervision, and direction of all applicants,
3658 permittees, and licensees and for the holding, conducting, and
3659 operating of all racetracks, race meets, and races held in this
3660 state. Such rules must be uniform in their application and
3661 effect, and the duty of exercising this control and power is
3662 made mandatory upon the division.

3663 (4) The division may take testimony concerning any matter
3664 within its jurisdiction and issue summons and subpoenas for any
3665 witness and subpoenas duces tecum in connection with any matter
3666 within the jurisdiction of the division under its seal and
3667 signed by the director.

3668 (5) The department ~~division~~ may adopt rules establishing
3669 procedures for testing occupational licenseholders officiating
3670 at or participating in any race or game at any pari-mutuel
3671 facility under the jurisdiction of the division for a controlled
3672 substance or alcohol and may prescribe procedural matters not in
3673 conflict with s. 120.80(19) ~~120.80(4)(a)~~.

3674 (6) In addition to the power to exclude certain persons
3675 from any pari-mutuel facility in this state, the division may
3676 exclude any person from any and all pari-mutuel facilities in
3677 this state for conduct that would constitute, if the person were
3678 a licensee, a violation of this chapter or the rules of the
3679 department ~~division~~. The division may exclude from any pari-
3680 mutuel facility within this state any person who has been
3681 ejected from a pari-mutuel facility in this state or who has
3682 been excluded from any pari-mutuel facility in another state by
3683 the governmental department, agency, commission, or authority

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3684 exercising regulatory jurisdiction over pari-mutuel facilities
3685 in such other state. The division may authorize any person who
3686 has been ejected or excluded from pari-mutuel facilities in this
3687 state or another state to attend the pari-mutuel facilities in
3688 this state upon a finding that the attendance of such person at
3689 pari-mutuel facilities would not be adverse to the public
3690 interest or to the integrity of the sport or industry; however,
3691 this subsection shall not be construed to abrogate the common-
3692 law right of a pari-mutuel permitholder to exclude absolutely a
3693 patron in this state.

3694 (7) The division may oversee the making of, and
3695 distribution from, all pari-mutuel pools.

3696 (8) The department may collect taxes and require compliance
3697 with reporting requirements for financial information as
3698 authorized by this chapter. In addition, the secretary of the
3699 department may require permitholders conducting pari-mutuel
3700 operations within the state to remit taxes, including fees, by
3701 electronic funds transfer if the taxes and fees amounted to
3702 \$50,000 or more in the prior reporting year.

3703 (9) The division may conduct investigations in enforcing
3704 this chapter, except that all information obtained pursuant to
3705 an investigation by the division for an alleged violation of
3706 this chapter or rules of the department ~~division~~ is exempt from
3707 s. 119.07(1) and from s. 24(a), Art. I of the State Constitution
3708 until an administrative complaint is issued or the investigation
3709 is closed or ceases to be active. This subsection does not
3710 prohibit the division from providing such information to any law
3711 enforcement agency or to any other regulatory agency. For the
3712 purposes of this subsection, an investigation is considered to

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3713 be active while it is being conducted with reasonable dispatch
3714 and with a reasonable, good faith belief that it could lead to
3715 an administrative, civil, or criminal action by the division or
3716 another administrative or law enforcement agency. Except for
3717 active criminal intelligence or criminal investigative
3718 information, as defined in s. 119.011, and any other information
3719 that, if disclosed, would jeopardize the safety of an
3720 individual, all information, records, and transcriptions become
3721 public when the investigation is closed or ceases to be active.

3722 (10) The division may impose an administrative fine for a
3723 violation under this chapter of not more than \$1,000 for each
3724 count or separate offense, except as otherwise provided in this
3725 chapter, and may suspend or revoke a permit, a pari-mutuel
3726 license, or an occupational license for a violation under this
3727 chapter. All fines imposed and collected under this subsection
3728 must be deposited with the Chief Financial Officer to the credit
3729 of the General Revenue Fund.

3730 (11) The division shall supervise and regulate the welfare
3731 of racing animals at pari-mutuel facilities.

3732 (12) The department ~~division~~ shall have full authority and
3733 power to make, adopt, amend, or repeal rules relating to
3734 cardroom operations, to enforce and to carry out the provisions
3735 of s. 849.086, and to regulate the authorized cardroom
3736 activities in the state.

3737 (13) The division shall have the authority to suspend a
3738 permitholder's permit or license, if such permitholder is
3739 operating a cardroom facility and such permitholder's cardroom
3740 license has been suspended or revoked pursuant to s. 849.086.

3741 Section 52. Present subsections (11) through (14) of

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3742 section 550.054, Florida Statutes, are redesignated as
3743 subsections (10) through (13), respectively, present subsection
3744 (10) of that section is amended, and new subsections (14) and
3745 (15) are added to that section, to read:

3746 550.054 Application for permit to conduct pari-mutuel
3747 wagering.—

3748 ~~(10) If a permitholder has failed to complete construction~~
3749 ~~of at least 50 percent of the facilities necessary to conduct~~
3750 ~~pari-mutuel operations within 12 months after approval by the~~
3751 ~~voters of the permit, the division shall revoke the permit upon~~
3752 ~~adequate notice to the permitholder. However, the division, upon~~
3753 ~~good cause shown by the permitholder, may grant one extension of~~
3754 ~~up to 12 months.~~

3755 (14) The division shall revoke the permit upon adequate
3756 notice to the permitholder if the permitholder has not conducted
3757 a full schedule of live racing or games prior to January 15,
3758 2012.

3759 (15) Notwithstanding any other provision of this chapter,
3760 no pari-mutuel permit may be issued on or after July 1, 2012.

3761 Section 53. Section 550.0745, Florida Statutes, is
3762 repealed.

3763 Section 54. Subsection (3) of section 550.09515, Florida
3764 Statutes, is amended to read:

3765 550.09515 Thoroughbred horse taxes; abandoned interest in a
3766 permit for nonpayment of taxes.—

3767 (3)~~(a)~~ The permit of a thoroughbred horse permitholder who
3768 does not pay tax on handle for live thoroughbred horse
3769 performances for a full schedule of live races during any 2
3770 consecutive state fiscal years shall be void and shall escheat

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3771 to and become the property of the state unless such failure to
3772 operate and pay tax on handle was the direct result of fire,
3773 strike, war, or other disaster or event beyond the ability of
3774 the permitholder to control. Financial hardship to the
3775 permitholder shall not, ~~in and of itself,~~ constitute just cause
3776 for failure to operate and pay tax on handle.

3777 ~~(b) In order to maximize the tax revenues to the state, the~~
3778 ~~division shall reissue an escheated thoroughbred horse permit to~~
3779 ~~a qualified applicant pursuant to the provisions of this chapter~~
3780 ~~as for the issuance of an initial permit. However, the~~
3781 ~~provisions of this chapter relating to referendum requirements~~
3782 ~~for a pari-mutuel permit shall not apply to the reissuance of an~~
3783 ~~escheated thoroughbred horse permit. As specified in the~~
3784 ~~application and upon approval by the division of an application~~
3785 ~~for the permit, the new permitholder shall be authorized to~~
3786 ~~operate a thoroughbred horse facility anywhere in the same~~
3787 ~~county in which the escheated permit was authorized to be~~
3788 ~~operated, notwithstanding the provisions of s. 550.054(2)~~
3789 ~~relating to mileage limitations.~~

3790 Section 55. Subsection (1) of section 550.135, Florida
3791 Statutes, is amended to read:

3792 550.135 Division of moneys derived under this law.—All
3793 moneys that are deposited with the Chief Financial Officer to
3794 the credit of the Pari-mutuel Wagering Trust Fund shall be
3795 distributed as follows:

3796 (1) The daily license fee revenues collected pursuant to s.
3797 550.0951(1) shall be used to fund the operating cost of the
3798 division and to provide a proportionate share of the operation
3799 of the office of the secretary and the Division of

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3800 Administration of the department ~~of Business and Professional~~
3801 ~~Regulation~~; however, other collections in the Pari-mutuel
3802 Wagering Trust Fund may also be used to fund the operation of
3803 the division in accordance with authorized appropriations.

3804 Section 56. Subsection (4) of section 550.24055, Florida
3805 Statutes, is amended to read:

3806 550.24055 Use of controlled substances or alcohol
3807 prohibited; testing of certain occupational licensees; penalty;
3808 evidence of test or action taken and admissibility for criminal
3809 prosecution limited.—

3810 (4) The provisions of s. 120.80(19) ~~120.80(4)(a)~~ apply to
3811 all actions taken by the stewards, judges, or board of judges
3812 pursuant to this section without regard to the limitation
3813 contained therein.

3814 Section 57. Subsection (15) of section 550.2415, Florida
3815 Statutes, is amended to read:

3816 550.2415 Racing of animals under certain conditions
3817 prohibited; penalties; exceptions.—

3818 (15) The department ~~division~~ may implement by rule
3819 medication levels recommended by the University of Florida
3820 College of Veterinary Medicine developed pursuant to an
3821 agreement between the division ~~of Pari-mutuel Wagering~~ and the
3822 University of Florida College of Veterinary Medicine. The
3823 University of Florida College of Veterinary Medicine may provide
3824 written notification to the division that it has completed
3825 research or review on a particular drug pursuant to the
3826 agreement and when the College of Veterinary Medicine has
3827 completed a final report of its findings, conclusions, and
3828 recommendations to the division.

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3829 Section 58. Paragraph (j) of subsection (3) of section
3830 550.2625, Florida Statutes, is amended to read:

3831 550.2625 Horseracing; minimum purse requirement, Florida
3832 breeders' and owners' awards.—

3833 (3) Each horseracing permitholder conducting any
3834 thoroughbred race under this chapter, including any intertrack
3835 race taken pursuant to ss. 550.615-550.6305 or any interstate
3836 simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal
3837 to 0.955 percent on all pari-mutuel pools conducted during any
3838 such race for the payment of breeders', stallion, or special
3839 racing awards as authorized in this chapter. This subsection
3840 also applies to all Breeder's Cup races conducted outside this
3841 state taken pursuant to s. 550.3551(3). On any race originating
3842 live in this state which is broadcast out-of-state to any
3843 location at which wagers are accepted pursuant to s.

3844 550.3551(2), the host track is required to pay 3.475 percent of
3845 the gross revenue derived from such out-of-state broadcasts as
3846 breeders', stallion, or special racing awards. The Florida
3847 Thoroughbred Breeders' Association is authorized to receive
3848 these payments from the permitholders and make payments of
3849 awards earned. The Florida Thoroughbred Breeders' Association
3850 has the right to withhold up to 10 percent of the permitholder's
3851 payments under this section as a fee for administering the
3852 payments of awards and for general promotion of the industry.
3853 The permitholder shall remit these payments to the Florida
3854 Thoroughbred Breeders' Association by the 5th day of each
3855 calendar month for such sums accruing during the preceding
3856 calendar month and shall report such payments to the division as
3857 prescribed by the division. With the exception of the 10-percent

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3858 fee, the moneys paid by the permitholders shall be maintained in
3859 a separate, interest-bearing account, and such payments together
3860 with any interest earned shall be used exclusively for the
3861 payment of breeders', stallion, or special racing awards in
3862 accordance with the following provisions:

3863 (j) If the division finds that the Florida Thoroughbred
3864 Breeders' Association has not complied with any provision of
3865 this section, the division may order the association to cease
3866 and desist from receiving funds and administering funds received
3867 under this section. If the division enters such an order, the
3868 permitholder shall make the payments authorized in this section
3869 to the division for deposit into the Pari-mutuel Wagering Trust
3870 Fund; and any funds in the Florida Thoroughbred Breeders'
3871 Association account shall be immediately paid to the division ~~of~~
3872 ~~Pari-mutuel Wagering~~ for deposit to the Pari-mutuel Wagering
3873 Trust Fund. The division shall authorize payment from these
3874 funds to any breeder or stallion owner entitled to an award that
3875 has not been previously paid by the Florida Thoroughbred
3876 Breeders' Association in accordance with the applicable rate.

3877 Section 59. Subsection (1) of section 550.2704, Florida
3878 Statutes, is amended to read:

3879 550.2704 Jai Alai Tournament of Champions Meet.-

3880 (1) Notwithstanding any provision of this chapter, there is
3881 hereby created a special jai alai meet which shall be designated
3882 as the "Jai Alai Tournament of Champions Meet" and which shall
3883 be hosted by the Florida jai alai permitholders selected by the
3884 National Association of Jai Alai Frontons, Inc., to conduct such
3885 meet. The meet shall consist of three qualifying performances
3886 and a final performance, each of which is to be conducted on

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3887 different days. Upon the selection of the Florida permitholders
3888 for the meet, and upon application by the selected
3889 permitholders, the division of ~~Pari-mutuel Wagering~~ shall issue
3890 a license to each of the selected permitholders to operate the
3891 meet. The meet may be conducted during a season in which the
3892 permitholders selected to conduct the meet are not otherwise
3893 authorized to conduct a meet. Notwithstanding anything herein to
3894 the contrary, any Florida permitholder who is to conduct a
3895 performance which is a part of the Jai Alai Tournament of
3896 Champions Meet shall not be required to apply for the license
3897 for said meet if it is to be run during the regular season for
3898 which such permitholder has a license.

3899 Section 60. Subsection (3) of section 550.902, Florida
3900 Statutes, is amended to read:

3901 550.902 Purposes.—The purposes of this compact are to:

3902 (3) Authorize the department of ~~Business and Professional~~
3903 ~~Regulation~~ to participate in this compact.

3904 Section 61. Subsection (1) of section 550.907, Florida
3905 Statutes, is amended to read:

3906 550.907 Compact committee.—

3907 (1) There is created an interstate governmental entity to
3908 be known as the "compact committee," which shall be composed of
3909 one official from the racing commission, or the equivalent
3910 thereof, in each party state who shall be appointed, serve, and
3911 be subject to removal in accordance with the laws of the party
3912 state that she or he represents. The official from Florida shall
3913 be appointed by the State Gaming Commission ~~Secretary of~~
3914 ~~Business and Professional Regulation~~. Pursuant to the laws of
3915 her or his party state, each official shall have the assistance

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3916 of her or his state's racing commission, or the equivalent
3917 thereof, in considering issues related to licensing of
3918 participants in pari-mutuel wagering and in fulfilling her or
3919 his responsibilities as the representative from her or his state
3920 to the compact committee.

3921 Section 62. Section 551.101, Florida Statutes, is amended
3922 to read:

3923 551.101 Slot machine gaming authorized.—Any licensed pari-
3924 mutuel facility located in Miami-Dade County or Broward County
3925 existing at the time of adoption of s. 23, Art. X of the State
3926 Constitution that has conducted live racing or games during
3927 calendar years 2002 and 2003 may possess slot machines and
3928 conduct slot machine gaming at the location where the pari-
3929 mutuel permitholder is authorized to conduct pari-mutuel
3930 wagering activities pursuant to such permitholder's valid pari-
3931 mutuel permit provided that a majority of voters in a countywide
3932 referendum have approved slot machines at such facility in the
3933 respective county. Slot machine gaming may also be conducted at
3934 any licensed pari-mutuel facility at the location where the
3935 pari-mutuel permitholder is authorized to conduct pari-mutuel
3936 wagering activities located in any other county provided the
3937 county where the facility is located has authorized the pari-
3938 mutuel facility to conduct slot machine gaming pursuant to a
3939 countywide referendum that must be approved by the majority of
3940 voters in the county prior to December 31, 2014. Notwithstanding
3941 any other provision of law, it is not a crime for a person to
3942 participate in slot machine gaming at a pari-mutuel facility
3943 licensed to possess slot machines and conduct slot machine
3944 gaming or to participate in slot machine gaming described in

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3945 this part ~~chapter~~.

3946 Section 63. Section 551.102, Florida Statutes, is amended
3947 to read:

3948 551.102 Definitions.—As used in this part ~~chapter~~, the
3949 term:

3950 (1) "Distributor" means any person who sells, leases, or
3951 offers or otherwise provides, distributes, or services any slot
3952 machine or associated equipment for use or play of slot machines
3953 in this state. A manufacturer may be a distributor within the
3954 state.

3955 (2) "Designated slot machine gaming area" means the area or
3956 areas of a facility of a slot machine licensee in which slot
3957 machine gaming may be conducted in accordance with the
3958 provisions of this part ~~chapter~~.

3959 ~~(3) "Division" means the Division of Pari-mutuel Wagering
3960 of the Department of Business and Professional Regulation.~~

3961 (3)~~(4)~~ "Eligible facility" means any licensed pari-mutuel
3962 facility located in Miami-Dade County or Broward County existing
3963 at the time of adoption of s. 23, Art. X of the State
3964 Constitution that has conducted live racing or games during
3965 calendar years 2002 and 2003 and has been approved by a majority
3966 of voters in a countywide referendum to have slot machines at
3967 such facility in the respective county; any licensed pari-mutuel
3968 facility located within a county as defined in s. 125.011,
3969 provided such facility has conducted live racing or games for 2
3970 consecutive calendar years immediately preceding its application
3971 for a slot machine license, pays the required license fee, and
3972 meets the other requirements of this part ~~chapter~~; or any
3973 licensed pari-mutuel facility in any other county in which a

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3974 majority of voters have approved slot machines at such
3975 facilities in a countywide referendum held before December 31,
3976 2014 pursuant to a statutory or constitutional authorization
3977 after the effective date of this section in the respective
3978 county, provided such facility has conducted a full schedule of
3979 live racing for 2 consecutive calendar years immediately
3980 preceding its application for a slot machine license, pays the
3981 required licensed fee, and meets the other requirements of this
3982 part chapter. Notwithstanding any other provision of law, slot
3983 machine gaming may be conducted only at the location of a pari-
3984 mutuel facility where the permitholder has conducted a full
3985 schedule of live racing or games at the facility prior to
3986 January 15, 2012.

3987 (4)-(5) "Manufacturer" means any person who manufactures,
3988 builds, rebuilds, fabricates, assembles, produces, programs,
3989 designs, or otherwise makes modifications to any slot machine or
3990 associated equipment for use or play of slot machines in this
3991 state for gaming purposes. A manufacturer may be a distributor
3992 within the state.

3993 (5)-(6) "Nonredeemable credits" means slot machine operating
3994 credits that cannot be redeemed for cash or any other thing of
3995 value by a slot machine, kiosk, or the slot machine licensee and
3996 that are provided free of charge to patrons. Such credits do not
3997 constitute "nonredeemable credits" until such time as they are
3998 metered as credit into a slot machine and recorded in the
3999 facility-based monitoring system.

4000 (6)-(7) "Progressive system" means a computerized system
4001 linking slot machines in one or more licensed facilities within
4002 this state or other jurisdictions and offering one or more

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4003 common progressive payouts based on the amounts wagered.

4004 (7)~~(8)~~ "Slot machine" means any mechanical or electrical
4005 contrivance, terminal that may or may not be capable of
4006 downloading slot games from a central server system, machine, or
4007 other device that, upon insertion of a coin, bill, ticket,
4008 token, or similar object or upon payment of any consideration
4009 whatsoever, including the use of any electronic payment system
4010 except a credit card or debit card, is available to play or
4011 operate, the play or operation of which, whether by reason of
4012 skill or application of the element of chance or both, may
4013 deliver or entitle the person or persons playing or operating
4014 the contrivance, terminal, machine, or other device to receive
4015 cash, billets, tickets, tokens, or electronic credits to be
4016 exchanged for cash or to receive merchandise or anything of
4017 value whatsoever, whether the payoff is made automatically from
4018 the machine or manually. The term includes associated equipment
4019 necessary to conduct the operation of the contrivance, terminal,
4020 machine, or other device. Slot machines may use spinning reels,
4021 video displays, or both. A slot machine is not a "coin-operated
4022 amusement machine" as defined in s. 212.02(24) or an amusement
4023 game or machine as described in s. 849.161, and slot machines
4024 are not subject to the tax imposed by s. 212.05(1)(h).

4025 (8)~~(9)~~ "Slot machine facility" means a facility at which
4026 slot machines as defined in this part ~~chapter~~ are lawfully
4027 offered for play.

4028 (9)~~(10)~~ "Slot machine license" means a license issued by
4029 the division authorizing a pari-mutuel permitholder to place and
4030 operate slot machines as provided by ~~s. 23, Art. X of the State~~
4031 ~~Constitution~~, the provisions of this part ~~chapter~~, and

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4032 department ~~division~~ rules.

4033 (10)~~(11)~~ "Slot machine licensee" means a pari-mutuel
4034 permitholder who holds a license issued by the division pursuant
4035 to this part ~~chapter~~ that authorizes such person to possess a
4036 slot machine within an eligible pari-mutuel facility ~~facilities~~
4037 ~~specified in s. 23, Art. X of the State Constitution~~ and allows
4038 slot machine gaming.

4039 (11)~~(12)~~ "Slot machine operator" means a person employed or
4040 contracted by the owner of a licensed facility to conduct slot
4041 machine gaming at that licensed facility.

4042 (12)~~(13)~~ "Slot machine revenues" means the total of all
4043 cash and property, except nonredeemable credits, received by the
4044 slot machine licensee from the operation of slot machines less
4045 the amount of cash, cash equivalents, credits, and prizes paid
4046 to winners of slot machine gaming.

4047 Section 64. Subsections (1), (2), and (3) and paragraph (b)
4048 of subsection (4) of section 551.103, Florida Statutes, are
4049 amended to read:

4050 551.103 Powers and duties of the division and law
4051 enforcement.—

4052 (1) The department ~~division~~ shall adopt, pursuant to the
4053 provisions of ss. 120.536(1) and 120.54, all rules necessary to
4054 implement, administer, and regulate slot machine gaming as
4055 authorized in this part ~~chapter~~. Such rules must include:

4056 (a) Procedures for applying for a slot machine license and
4057 renewal of a slot machine license.

4058 (b) Technical requirements and the qualifications contained
4059 in this part ~~chapter~~ that are necessary to receive a slot
4060 machine license or slot machine occupational license.

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4061 (c) Procedures to scientifically test and technically
4062 evaluate slot machines for compliance with this part ~~chapter~~.
4063 The division may contract with an independent testing laboratory
4064 to conduct any necessary testing under this section. The
4065 independent testing laboratory must have a national reputation
4066 which is demonstrably competent and qualified to scientifically
4067 test and evaluate slot machines for compliance with this part
4068 ~~chapter~~ and to otherwise perform the functions assigned to it in
4069 this part ~~chapter~~. An independent testing laboratory shall not
4070 be owned or controlled by a licensee. The use of an independent
4071 testing laboratory for any purpose related to the conduct of
4072 slot machine gaming by a licensee under this part ~~chapter~~ shall
4073 be made from a list of one or more laboratories approved by the
4074 division.

4075 (d) Procedures relating to slot machine revenues, including
4076 verifying and accounting for such revenues, auditing, and
4077 collecting taxes and fees consistent with this part ~~chapter~~.

4078 (e) Procedures for regulating, managing, and auditing the
4079 operation, financial data, and program information relating to
4080 slot machine gaming that allow the division and the Department
4081 of Law Enforcement to audit the operation, financial data, and
4082 program information of a slot machine licensee, as required by
4083 the division or the Department of Law Enforcement, and provide
4084 the division and the Department of Law Enforcement with the
4085 ability to monitor, at any time on a real-time basis, wagering
4086 patterns, payouts, tax collection, and compliance with any rules
4087 adopted by the department ~~division~~ for the regulation and
4088 control of slot machines operated under this part ~~chapter~~. Such
4089 continuous and complete access, at any time on a real-time

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4090 basis, shall include the ability of either the division or the
4091 Department of Law Enforcement to suspend play immediately on
4092 particular slot machines if monitoring of the facilities-based
4093 computer system indicates possible tampering or manipulation of
4094 those slot machines or the ability to suspend play immediately
4095 of the entire operation if the tampering or manipulation is of
4096 the computer system itself. The division shall notify the
4097 Department of Law Enforcement or the Department of Law
4098 Enforcement shall notify the division, as appropriate, whenever
4099 there is a suspension of play under this paragraph. The division
4100 and the Department of Law Enforcement shall exchange such
4101 information necessary for and cooperate in the investigation of
4102 the circumstances requiring suspension of play under this
4103 paragraph.

4104 (f) Procedures for requiring each licensee at his or her
4105 own cost and expense to supply the division with a bond having
4106 the penal sum of \$2 million payable to the Governor and his or
4107 her successors in office for each year of the licensee's slot
4108 machine operations. Any bond shall be issued by a surety or
4109 sureties approved by the division and the Chief Financial
4110 Officer, conditioned to faithfully make the payments to the
4111 Chief Financial Officer in his or her capacity as treasurer of
4112 the division. The licensee shall be required to keep its books
4113 and records and make reports as provided in this part ~~chapter~~
4114 and to conduct its slot machine operations in conformity with
4115 this part ~~chapter~~ and all other provisions of law. Such bond
4116 shall be separate and distinct from the bond required in s.
4117 550.125.

4118 (g) Procedures for requiring licensees to maintain

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4119 specified records and submit any data, information, record, or
4120 report, including financial and income records, required by this
4121 part ~~chapter~~ or determined by the division to be necessary to
4122 the proper implementation and enforcement of this part ~~chapter~~.

4123 (h) A requirement that the payout percentage of a slot
4124 machine be no less than 85 percent.

4125 (i) Minimum standards for security of the facilities,
4126 including floor plans, security cameras, and other security
4127 equipment.

4128 (j) Procedures for requiring slot machine licensees to
4129 implement and establish drug-testing programs for all slot
4130 machine occupational licensees.

4131 (2) The division shall conduct such investigations
4132 necessary to fulfill its responsibilities under the provisions
4133 of this part ~~chapter~~.

4134 (3) The Department of Law Enforcement and local law
4135 enforcement agencies shall have concurrent jurisdiction to
4136 investigate criminal violations of this part ~~chapter~~ and may
4137 investigate any other criminal violation of law occurring at the
4138 facilities of a slot machine licensee, and such investigations
4139 may be conducted in conjunction with the appropriate state
4140 attorney.

4141 (4)

4142 (b) In addition, the division may:

4143 1. Collect taxes, assessments, fees, and penalties.

4144 2. Deny, revoke, suspend, or place conditions on the
4145 license of a person who violates any provision of this part
4146 ~~chapter~~ or rule adopted pursuant thereto.

4147 Section 65. Subsections (1) and (2), paragraph (a) of

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4148 subsection (4), subsections (6) and (8), and paragraph (d) of
4149 subsection (10) of section 551.104, Florida Statutes, are
4150 amended to read:

4151 551.104 License to conduct slot machine gaming.—

4152 (1) Upon application and a finding by the division after
4153 investigation that the application is complete and the applicant
4154 is qualified and payment of the initial license fee, the
4155 division may issue a license to conduct slot machine gaming in
4156 the designated slot machine gaming area of the eligible
4157 facility. Once licensed, slot machine gaming may be conducted
4158 subject to the requirements of this part ~~chapter~~ and rules
4159 adopted pursuant thereto.

4160 (2) An application may be approved by the division only
4161 after the voters of the county where the applicant's facility is
4162 located have authorized by referendum slot machines within pari-
4163 mutuel facilities in that county by a countywide referendum
4164 where the majority of voters have approved slot machine gaming
4165 in that county prior to December 31, 2014 as specified in s. 23,
4166 Art. X of the State Constitution. Notwithstanding any other
4167 provision of law, unless authorized by s. 23, Art. X of the
4168 State Constitution, the division may not issue any new slot
4169 machine licenses until a destination resort licensee has begun
4170 to offer the play of limited gaming to the public, as defined in
4171 s. 551.302. Notwithstanding any other provision of law or a
4172 decision from a court of competent jurisdiction, a slot machine
4173 license may be issued to an eligible facility outside Miami-Dade
4174 County or Broward County; however, such license does not
4175 authorize slot machine gaming or require payment of any license
4176 fees or regulatory fees before July 7, 2015.

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4177 (4) As a condition of licensure and to maintain continued
4178 authority for the conduct of slot machine gaming, the slot
4179 machine licensee shall:

4180 (a) Continue to be in compliance with this part ~~chapter~~.

4181 (6) A slot machine licensee shall keep and maintain
4182 permanent daily records of its slot machine operation and shall
4183 maintain such records for a period of not less than 5 years.
4184 These records must include all financial transactions and
4185 contain sufficient detail to determine compliance with the
4186 requirements of this part ~~chapter~~. All records shall be
4187 available for audit and inspection by the division, the
4188 Department of Law Enforcement, or other law enforcement agencies
4189 during the licensee's regular business hours.

4190 (8) A slot machine licensee shall file with the division an
4191 audit of the receipt and distribution of all slot machine
4192 revenues provided by an independent certified public accountant
4193 verifying compliance with all financial and auditing provisions
4194 of this part ~~chapter~~ and the associated rules adopted under this
4195 part ~~chapter~~. The audit must include verification of compliance
4196 with all statutes and rules regarding all required records of
4197 slot machine operations. Such audit shall be filed within 60
4198 days after the completion of the permitholder's pari-mutuel
4199 meet.

4200 (10)

4201 (d) If any provision of this subsection or its application
4202 to any person or circumstance is held invalid, the invalidity
4203 does not affect other provisions or applications of this
4204 subsection or part ~~chapter~~ which can be given effect without the
4205 invalid provision or application, and to this end the provisions

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4206 of this subsection are severable.

4207 Section 66. Subsection (1), paragraph (a) of subsection
4208 (2), and subsection (4) of section 551.106, Florida Statutes,
4209 are amended to read:

4210 551.106 License fee; tax rate; penalties.—

4211 (1) LICENSE FEE.—

4212 ~~(a)~~ Upon submission of the initial application for a slot
4213 machine license and annually thereafter, on the anniversary date
4214 of the issuance of the initial license, the licensee must pay to
4215 the division a nonrefundable license fee of \$2 ~~\$3~~ million for
4216 the succeeding 12 months of licensure. ~~In the 2010-2011 fiscal~~
4217 ~~year, the licensee must pay the division a nonrefundable license~~
4218 ~~fee of \$2.5 million for the succeeding 12 months of licensure.~~
4219 ~~In the 2011-2012 fiscal year and for every fiscal year~~
4220 ~~thereafter, the licensee must pay the division a nonrefundable~~
4221 ~~license fee of \$2 million for the succeeding 12 months of~~
4222 ~~licensure.~~ The license fee shall be deposited into the Pari-
4223 mutuel Wagering Trust Fund ~~of the Department of Business and~~
4224 ~~Professional Regulation~~ to be used by the division and the
4225 Department of Law Enforcement for investigations, regulation of
4226 slot machine gaming, and enforcement of slot machine gaming
4227 provisions under this part ~~chapter~~. These payments shall be
4228 accounted for separately from taxes or fees paid pursuant to the
4229 provisions of chapter 550.

4230 ~~(b) Prior to January 1, 2007, the division shall evaluate~~
4231 ~~the license fee and shall make recommendations to the President~~
4232 ~~of the Senate and the Speaker of the House of Representatives~~
4233 ~~regarding the optimum level of slot machine license fees in~~
4234 ~~order to adequately support the slot machine regulatory program.~~

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4235 (2) TAX ON SLOT MACHINE REVENUES.—

4236 (a) The tax rate on slot machine revenues at each facility
4237 shall be 10 ~~35~~ percent. If, during any state fiscal year, the
4238 aggregate amount of tax paid to the state by all slot machine
4239 licensees ~~in Broward and Miami-Dade Counties~~ is less than the
4240 aggregate amount of tax paid to the state by all slot machine
4241 licensees in the 2008-2009 fiscal year, each slot machine
4242 licensee and resort licensee shall pay to the state within 45
4243 days after the end of the state fiscal year a surcharge equal to
4244 its pro rata share of an amount equal to the difference between
4245 the aggregate amount of tax paid to the state by all slot
4246 machine licensees in the 2008-2009 fiscal year and the amount of
4247 tax paid during the fiscal year. Each licensee's pro rata share
4248 shall be an amount determined by dividing the amount paid on
4249 slot machines by each slot and resort licensee authorized to
4250 operate slot machines by the total taxes paid by all slot
4251 machine and resort licensees authorized to operate slot machines
4252 ~~the number 1 by the number of facilities licensed to operate~~
4253 ~~slot machines during the applicable fiscal year, regardless of~~
4254 ~~whether the facility is operating such machines.~~

4255 (4) TO PAY TAX; PENALTIES.—A slot machine licensee who
4256 fails to make tax payments as required under this section is
4257 subject to an administrative penalty of up to \$10,000 for each
4258 day the tax payment is not remitted. All administrative
4259 penalties imposed and collected shall be deposited into the
4260 Pari-mutuel Wagering Trust Fund ~~of the Department of Business~~
4261 ~~and Professional Regulation~~. If any slot machine licensee fails
4262 to pay penalties imposed by order of the division under this
4263 subsection, the division may suspend, revoke, or refuse to renew

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4264 the license of the slot machine licensee.

4265 Section 67. Subsection (1), paragraph (d) of subsection
4266 (4), paragraph (a) of subsection (6), and subsection (11) of
4267 section 551.107, Florida Statutes, are amended to read:

4268 551.107 Slot machine occupational license; findings;
4269 application; fee.—

4270 (1) The Legislature finds that individuals and entities
4271 that are licensed under this section require heightened state
4272 scrutiny, including the submission by the individual licensees
4273 or persons associated with the entities described in this part
4274 ~~chapter~~ of fingerprints for a criminal history record check.

4275 (4)

4276 (d) The slot machine occupational license fee for initial
4277 application and annual renewal shall be determined by rule of
4278 the department ~~division~~ but may not exceed \$50 for a general or
4279 professional occupational license for an employee of the slot
4280 machine licensee or \$1,000 for a business occupational license
4281 for nonemployees of the licensee providing goods or services to
4282 the slot machine licensee. License fees for general occupational
4283 licensees shall be paid by the slot machine licensee. Failure to
4284 pay the required fee constitutes grounds for disciplinary action
4285 by the division against the slot machine licensee, but it is not
4286 a violation of this part ~~chapter~~ or rules of the department
4287 ~~division~~ by the general occupational licensee and does not
4288 prohibit the initial issuance or the renewal of the general
4289 occupational license.

4290 (6) (a) The division may deny, suspend, revoke, or refuse to
4291 renew any slot machine occupational license if the applicant for
4292 such license or the licensee has violated the provisions of this

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4293 ~~part chapter~~ or the rules of the department ~~division~~ governing
4294 the conduct of persons connected with slot machine gaming. In
4295 addition, the division may deny, suspend, revoke, or refuse to
4296 renew any slot machine occupational license if the applicant for
4297 such license or the licensee has been convicted in this state,
4298 in any other state, or under the laws of the United States of a
4299 capital felony, a felony, or an offense in any other state that
4300 would be a felony under the laws of this state involving arson;
4301 trafficking in, conspiracy to traffic in, smuggling, importing,
4302 conspiracy to smuggle or import, or delivery, sale, or
4303 distribution of a controlled substance; racketeering; or a crime
4304 involving a lack of good moral character, or has had a gaming
4305 license revoked by this state or any other jurisdiction for any
4306 gaming-related offense.

4307 (11) The division may impose a civil fine of up to \$5,000
4308 for each violation of this part ~~chapter~~ or the rules of the
4309 department ~~division~~ in addition to or in lieu of any other
4310 penalty provided for in this section. The department ~~division~~
4311 may adopt a penalty schedule for violations of this part ~~chapter~~
4312 or any rule adopted pursuant to this part ~~chapter~~ for which it
4313 would impose a fine in lieu of a suspension and adopt rules
4314 allowing for the issuance of citations, including procedures to
4315 address such citations, to persons who violate such rules. In
4316 addition to any other penalty provided by law, the division may
4317 exclude from all licensed slot machine facilities in this state,
4318 for a period not to exceed the period of suspension, revocation,
4319 or ineligibility, any person whose occupational license
4320 application has been declared ineligible to hold an occupational
4321 license or whose occupational license has been suspended or

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4322 revoked by the division.

4323 Section 68. Subsection (2) of section 551.108, Florida
4324 Statutes, is amended to read:

4325 551.108 Prohibited relationships.—

4326 (2) A manufacturer or distributor of slot machines may not
4327 enter into any contract with a slot machine licensee that
4328 provides for any revenue sharing of any kind or nature that is
4329 directly or indirectly calculated on the basis of a percentage
4330 of slot machine revenues. Any maneuver, shift, or device whereby
4331 this subsection is violated is a violation of this part ~~chapter~~
4332 and renders any such agreement void.

4333 Section 69. Subsections (1), (2), and (7) of section
4334 551.109, Florida Statutes, are amended to read:

4335 551.109 Prohibited acts; penalties.—

4336 (1) Except as otherwise provided by law and in addition to
4337 any other penalty, any person who knowingly makes or causes to
4338 be made, or aids, assists, or procures another to make, a false
4339 statement in any report, disclosure, application, or any other
4340 document required under this part ~~chapter~~ or any rule adopted
4341 under this part ~~chapter~~ is subject to an administrative fine or
4342 civil penalty of up to \$10,000.

4343 (2) Except as otherwise provided by law and in addition to
4344 any other penalty, any person who possesses a slot machine
4345 without the license required by this part ~~chapter~~ or who
4346 possesses a slot machine at any location other than at the slot
4347 machine licensee's facility is subject to an administrative fine
4348 or civil penalty of up to \$10,000 per machine. The prohibition
4349 in this subsection does not apply to:

4350 (a) Slot machine manufacturers or slot machine distributors

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4351 that hold appropriate licenses issued by the division who are
4352 authorized to maintain a slot machine storage and maintenance
4353 facility at any location in a county in which slot machine
4354 gaming is authorized by this part ~~chapter~~. The department
4355 ~~division~~ may adopt rules regarding security and access to the
4356 storage facility and inspections by the division.

4357 (b) Certified educational facilities that are authorized to
4358 maintain slot machines for the sole purpose of education and
4359 licensure, if any, of slot machine technicians, inspectors, or
4360 investigators. The division and the Department of Law
4361 Enforcement may possess slot machines for training and testing
4362 purposes. The department ~~division~~ may adopt rules regarding the
4363 regulation of any such slot machines used for educational,
4364 training, or testing purposes.

4365 (7) All penalties imposed and collected under this section
4366 must be deposited into the Pari-mutuel Wagering Trust Fund ~~of~~
4367 ~~the Department of Business and Professional Regulation~~.

4368 Section 70. Section 551.111, Florida Statutes, is amended
4369 to read:

4370 551.111 Legal devices.—Notwithstanding any provision of law
4371 to the contrary, a slot machine manufactured, sold, distributed,
4372 possessed, or operated according to the provisions of this part
4373 ~~chapter~~ is not unlawful.

4374 Section 71. Section 551.112, Florida Statutes, is amended
4375 to read:

4376 551.112 Exclusions of certain persons.—In addition to the
4377 power to exclude certain persons from any facility of a slot
4378 machine licensee in this state, the division may exclude any
4379 person from any facility of a slot machine licensee in this

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4380 state for conduct that would constitute, if the person were a
4381 licensee, a violation of this part ~~chapter~~ or the rules of the
4382 division. The division may exclude from any facility of a slot
4383 machine licensee any person who has been ejected from a facility
4384 of a slot machine licensee in this state or who has been
4385 excluded from any facility of a slot machine licensee or gaming
4386 facility in another state by the governmental department,
4387 agency, commission, or authority exercising regulatory
4388 jurisdiction over the gaming in such other state. This section
4389 does not abrogate the common law right of a slot machine
4390 licensee to exclude a patron absolutely in this state.

4391 Section 72. Section 551.117, Florida Statutes, is amended
4392 to read:

4393 551.117 Penalties.—The division may revoke or suspend any
4394 slot machine license issued under this part ~~chapter~~ upon the
4395 willful violation by the slot machine licensee of any provision
4396 of this part ~~chapter~~ or of any rule adopted under this part
4397 ~~chapter~~. In lieu of suspending or revoking a slot machine
4398 license, the division may impose a civil penalty against the
4399 slot machine licensee for a violation of this part ~~chapter~~ or
4400 any rule adopted by the department ~~division~~. Except as otherwise
4401 provided in this part ~~chapter~~, the penalty so imposed may not
4402 exceed \$100,000 for each count or separate offense. All
4403 penalties imposed and collected must be deposited into the Pari-
4404 mutuel Wagering Trust Fund ~~of the Department of Business and~~
4405 ~~Professional Regulation~~.

4406 Section 73. Subsections (2) and (3) of section 551.118,
4407 Florida Statutes, are amended to read:

4408 551.118 Compulsive or addictive gambling prevention

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4409 program.-

4410 (2) The division shall, subject to competitive bidding,
4411 contract for direct ~~provision of~~ services related to the
4412 prevention of compulsive and addictive gambling. ~~The contract~~
4413 ~~shall provide for an advertising program to encourage~~
4414 ~~responsible gaming practices and to publicize a gambling~~
4415 ~~telephone help line. Such advertisements must be made both~~
4416 ~~publicly and inside the designated slot machine gaming areas of~~
4417 ~~the licensee's facilities. The terms of any contract for the~~
4418 ~~provision of such services shall include accountability~~
4419 ~~standards that must be met by any private provider. The failure~~
4420 ~~of any private provider to meet any material terms of the~~
4421 ~~contract, including the accountability standards, shall~~
4422 ~~constitute a breach of contract or grounds for nonrenewal. The~~
4423 ~~division may consult with the Department of the Lottery in the~~
4424 ~~development of the program and the development and analysis of~~
4425 ~~any procurement for contractual services for the compulsive or~~
4426 ~~addictive gambling prevention program.~~

4427 (3) Each licensee is responsible for contributing to the
4428 compulsive or addictive gambling fund treatment program. Within
4429 60 days after the end of each state fiscal year, the department
4430 must calculate the amount due from each licensee based upon the
4431 amount of gross revenues of each licensee received during the
4432 prior state fiscal year. Each licensee must pay 0.25 percent of
4433 the total of the gross revenues generated at the licensed slot
4434 machine facility within 90 days after the end of each state
4435 fiscal year. ~~The compulsive or addictive gambling prevention~~
4436 program shall be funded from an annual nonrefundable regulatory
4437 fee of \$250,000 paid by the licensee to the division.

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4438 Section 74. Section 551.119, Florida Statutes, is amended
4439 to read:

4440 551.119 Caterer's license.—A slot machine licensee is
4441 entitled to a caterer's license pursuant to s. 565.02 on days on
4442 which the pari-mutuel facility is open to the public for slot
4443 machine game play as authorized by this part ~~chapter~~.

4444 Section 75. Section 551.122, Florida Statutes, is amended
4445 to read:

4446 551.122 Rulemaking.—The department ~~division~~ may adopt rules
4447 pursuant to ss. 120.536(1) and 120.54 to administer the
4448 provisions of this part ~~chapter~~.

4449 Section 76. Section 551.123, Florida Statutes, is amended
4450 to read:

4451 551.123 Legislative authority; administration of part
4452 ~~chapter~~.—The Legislature finds and declares that it has
4453 exclusive authority over the conduct of all wagering occurring
4454 at a slot machine facility in this state. As provided by law,
4455 only the division of ~~Pari-mutuel Wagering~~ and other authorized
4456 state agencies shall administer this part ~~chapter~~ and regulate
4457 the slot machine gaming industry, including operation of slot
4458 machine facilities, games, slot machines, and facilities-based
4459 computer systems authorized in this part ~~chapter~~ and the rules
4460 adopted by the department ~~division~~.

4461 Section 77. Subsection (5) of section 565.02, Florida
4462 Statutes, is amended to read:

4463 565.02 License fees; vendors; clubs; caterers; and others.—

4464 (5) A caterer at a horse or dog racetrack or jai alai
4465 fronton may obtain a license upon the payment of an annual state
4466 license tax of \$675. Such caterer's license shall permit sales

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4467 only within the enclosure in which such races or jai alai games
4468 are conducted, and such licensee shall be permitted to sell only
4469 during the period beginning 10 days before and ending 10 days
4470 after racing or jai alai under the authority of the Division of
4471 Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming
4472 Control ~~Business and Professional Regulation~~ is conducted at
4473 such racetrack or jai alai fronton. Except as in this subsection
4474 otherwise provided, caterers licensed hereunder shall be treated
4475 as vendors licensed to sell by the drink the beverages mentioned
4476 herein and shall be subject to all the provisions hereof
4477 relating to such vendors.

4478 Section 78. Section 817.37, Florida Statutes, is amended to
4479 read:

4480 817.37 Touting; defining; providing punishment; ejection
4481 from racetracks.—

4482 (1) Any person who knowingly and designedly by false
4483 representation attempts to, or does persuade, procure or cause
4484 another person to wager on a horse in a race to be run in this
4485 state or elsewhere, and upon which money is wagered in this
4486 state, and who asks or demands compensation as a reward for
4487 information or purported information given in such case is a
4488 tout, and is guilty of touting.

4489 (2) Any person who is a tout, or who attempts or conspires
4490 to commit touting, shall be guilty of a misdemeanor of the
4491 second degree, punishable as provided in s. 775.082 or s.
4492 775.083.

4493 (3) Any person who in the commission of touting falsely
4494 uses the name of any official of the ~~Florida~~ Division of
4495 Licensure of the Department of Gaming Control ~~Pari-mutuel~~

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4496 ~~Wagering~~, its inspectors or attaches, or of any official of any
 4497 racetrack association, or the names of any owner, trainer,
 4498 jockey, or other person licensed by the ~~Florida~~ Division of
 4499 Licensure of the Department of Gaming Control ~~Pari-mutuel~~
 4500 ~~Wagering~~, as the source of any information or purported
 4501 information shall be guilty of a felony of the third degree,
 4502 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4503 (4) Any person who has been convicted of touting by any
 4504 court, and the record of whose conviction on such charge is on
 4505 file in the office of the ~~Florida~~ Division of Licensure of the
 4506 Department of Gaming Control ~~Pari-mutuel Wagering~~, any court of
 4507 this state, or of the Federal Bureau of Investigation, or any
 4508 person who has been ejected from any racetrack of this or any
 4509 other state for touting or practices inimical to the public
 4510 interest shall be excluded from all racetracks in this state and
 4511 if such person returns to a racetrack he or she shall be guilty
 4512 of a misdemeanor of the second degree, punishable as provided in
 4513 s. 775.082 or s. 775.083. Any such person who refuses to leave
 4514 such track when ordered to do so by inspectors of the ~~Florida~~
 4515 Division of Licensure of the Department of Gaming Control ~~Pari-~~
 4516 ~~mutuel Wagering~~ or by any peace officer, or by an accredited
 4517 attache of a racetrack or association shall be guilty of a
 4518 separate offense which shall be a misdemeanor of the second
 4519 degree, punishable as provided in s. 775.083.

4520 Section 79. Paragraph (g) of subsection (2) and subsections
 4521 (4) and (16) of section 849.086, Florida Statutes, are amended
 4522 to read:

4523 849.086 Cardrooms authorized.—

4524 (2) DEFINITIONS.—As used in this section:

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4525 (g) "Division" means the Division of Licensure ~~Pari-mutuel~~
4526 ~~Wagering~~ of the Department of Gaming Control ~~Business and~~
4527 ~~Professional Regulation~~.

4528 (4) AUTHORITY OF DIVISION.—The division ~~of Pari-mutuel~~
4529 ~~Wagering of the Department of Business and Professional~~
4530 ~~Regulation~~ shall administer this section and regulate the
4531 operation of cardrooms under this section and the rules adopted
4532 pursuant thereto, and is hereby authorized to:

4533 (a) Adopt rules, including, but not limited to: the
4534 issuance of cardroom and employee licenses for cardroom
4535 operations; the operation of a cardroom; recordkeeping and
4536 reporting requirements; and the collection of all fees and taxes
4537 imposed by this section.

4538 (b) Conduct investigations and monitor the operation of
4539 cardrooms and the playing of authorized games therein.

4540 (c) Review the books, accounts, and records of any current
4541 or former cardroom operator.

4542 (d) Suspend or revoke any license or permit, after hearing,
4543 for any violation of the provisions of this section or the
4544 administrative rules adopted pursuant thereto.

4545 (e) Take testimony, issue summons and subpoenas for any
4546 witness, and issue subpoenas duces tecum in connection with any
4547 matter within its jurisdiction.

4548 (f) Monitor and ensure the proper collection of taxes and
4549 fees imposed by this section. Permitholder internal controls are
4550 mandated to ensure no compromise of state funds. To that end, a
4551 roaming division auditor will monitor and verify the cash flow
4552 and accounting of cardroom revenue for any given operating day.

4553 (16) LOCAL GOVERNMENT APPROVAL.—The division may ~~of Pari-~~

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4554 ~~mutuel Wagering shall~~ not issue any initial license under this
4555 section except upon proof in such form as the division may
4556 prescribe that the local government where the applicant for such
4557 license desires to conduct cardroom gaming has voted to approve
4558 such activity by a majority vote of the governing body of the
4559 municipality or the governing body of the county if the facility
4560 is not located in a municipality.

4561 Section 80. Section 849.094, Florida Statutes, is amended
4562 to read:

4563 849.094 Game promotion in connection with sale of consumer
4564 products or services.—

4565 (1) As used in this section, the term:

4566 (a) "Department" means the Department of Gaming Control.

4567 (b)~~(a)~~ "Game promotion" means, but is not limited to, a
4568 contest, game of chance, or gift enterprise, conducted within or
4569 throughout the state and other states in connection with the
4570 sale of consumer products or services, and in which the elements
4571 of chance and prize are present. However, the term does "game
4572 promotion" ~~shall not be construed to~~ apply to bingo games
4573 conducted pursuant to s. 849.0931.

4574 (c)~~(b)~~ "Operator" means any person, firm, corporation, or
4575 association or agent or employee thereof who ~~promotes,~~ operates,
4576 or conducts a game promotion to promote the sale of its consumer
4577 products or services, ~~except any charitable nonprofit~~
4578 ~~organization.~~

4579 (2) It is unlawful for any operator:

4580 (a) To design, engage in, promote, or conduct such a game
4581 promotion, in connection with the promotion or sale of consumer
4582 products or services, wherein the winner may be predetermined or

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4583 the game may be manipulated or rigged so as to:

4584 1. Allocate a winning game or any portion thereof to
4585 certain lessees, agents, or franchises; or

4586 2. Allocate a winning game or part thereof to a particular
4587 period of the game promotion or to a particular geographic area;

4588 (b) Arbitrarily to remove, disqualify, disallow, or reject
4589 any entry;

4590 (c) To fail to award any prizes offered;

4591 (d) To print, publish, or circulate literature or
4592 advertising material used in connection with such game
4593 promotions which is false, deceptive, or misleading; or

4594 (e) To require an entry fee, payment, or proof of purchase
4595 as a condition of entering a game promotion.

4596 (3) (a) The operator of a game promotion in which the total
4597 announced value of the prizes offered is greater than \$5,000
4598 shall file with the department ~~Department of Agriculture and~~
4599 ~~Consumer Services~~ a copy of the rules and regulations of the
4600 game promotion and a list of all prizes and prize categories
4601 offered at least 7 days before the commencement of the game
4602 promotion.

4603 (b) Each operator of a game promotion who provides
4604 electronic devices or computer terminals with video display
4605 monitors that reveal or display the results of a game promotion
4606 shall file with the department at least 7 days before
4607 commencement of the game promotion a copy of the rules and
4608 regulations of the game promotion and a list of all prizes and
4609 prize categories offered. The filing shall include the physical
4610 location of each electronic device or computer terminal and a
4611 separate terminal fee pursuant to paragraph (11) (d) for each

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4612 electronic device or computer terminal that is a component of
4613 the game promotion.

4614 (c) Once filed, the ~~Such~~ rules and regulations may not
4615 ~~thereafter~~ be changed, modified, or altered. The operator of a
4616 game promotion shall conspicuously post the rules and
4617 regulations of such game promotion in each ~~and every~~ retail
4618 outlet or place where such game promotion is ~~may be~~ played or
4619 participated in by the public and shall also publish the rules
4620 and regulations in all advertising copy used in connection with
4621 the game promotion ~~therewith~~. However, the ~~such~~ advertising copy
4622 need ~~only~~ include only the material terms of the rules and
4623 regulations if the advertising copy includes a website address,
4624 a toll-free telephone number, or a mailing address where the
4625 full rules and regulations may be viewed, heard, or obtained for
4626 the full duration of the game promotion. The ~~Such~~ disclosures
4627 must be legible. Radio and television announcements may indicate
4628 that the rules and regulations are available at retail outlets
4629 or from the operator of the promotion.

4630 (d) A nonrefundable filing fee of \$100 shall accompany each
4631 filing and shall be used to pay the costs incurred in
4632 administering and enforcing the provisions of this section.

4633 (e) The department may not accept a filing from any
4634 operator, person, firm, corporation, association, agent, or
4635 employee who has been found guilty of or entered a plea of nolo
4636 contendere to, regardless of adjudication, or who fails to
4637 satisfy a judgment, for a violation of this section.

4638 (4) (a) Each ~~Every~~ operator of ~~such~~ a game promotion in
4639 which the total announced value of the prizes offered is greater
4640 than \$5,000 shall establish a trust account, in a national or

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4641 state-chartered financial institution, with a balance equal to
4642 ~~sufficient to pay or purchase~~ the total value of all prizes
4643 offered. On a form supplied by the department ~~Department of~~
4644 ~~Agriculture and Consumer Services~~, an official of the financial
4645 institution holding the trust account shall provide ~~set forth~~
4646 the account number and dollar amount of the trust account, the
4647 identity of the entity or individual establishing the trust
4648 account, and the name of the game promotion for which the trust
4649 account has been established. The ~~Such~~ form shall be filed with
4650 the department ~~Department of Agriculture and Consumer Services~~
4651 at least 7 days before ~~in advance of~~ the commencement of the
4652 game promotion. In lieu of establishing a such trust account,
4653 the operator may obtain a surety bond from a surety authorized
4654 to do business in this state in an amount equal ~~equivalent~~ to
4655 the total value of all prizes offered in the promotion. The; and
4656 ~~such~~ bond shall be filed with the department ~~Department of~~
4657 ~~Agriculture and Consumer Services~~ at least 7 days before ~~in~~
4658 ~~advance of~~ the commencement of the game promotion. Each operator
4659 of a game promotion who provides electronic devices or computer
4660 terminals with video display monitors that reveal or display the
4661 results of a game promotion shall obtain a surety bond in an
4662 amount equal to the total value of all prizes offered, and the
4663 bond shall be filed with the department at least 7 days before
4664 the commencement of the game promotion.

4665 1. The moneys held in the trust account may be withdrawn in
4666 order to pay the prizes offered only upon certification to the
4667 department ~~Department of Agriculture and Consumer Services~~ of
4668 the name of the winner ~~or winners~~ and the amount and value of
4669 the prize ~~or prizes~~ and the value thereof.

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4670 2. If the operator of a game promotion obtains ~~has obtained~~
4671 a surety bond in lieu of establishing a trust account, the
4672 amount of the surety bond shall equal at all times the total
4673 amount of the prizes offered. The bond shall be in favor of the
4674 department for the use and benefit of any consumer who qualifies
4675 for the award of a prize under the rules and regulations of the
4676 game promotion but who does not receive the prize awarded, and
4677 shall be in effect until 30 days after filing the list of
4678 winners pursuant to subsection (5). The bond shall be applicable
4679 and liable only for the payment of the claims duly adjudicated
4680 by order of the department. The proceedings to adjudicate the
4681 claim shall be conducted in accordance with ss. 120.569 and
4682 120.57.

4683 (b) The department ~~Department of Agriculture and Consumer~~
4684 ~~Services~~ may waive the provisions of this subsection for any
4685 operator who has conducted game promotions in the state for ~~not~~
4686 ~~less than~~ 5 or more consecutive years and who has not had any
4687 civil, criminal, or administrative action instituted against him
4688 or her by the state or an agency of the state for violation of
4689 this section within that 5-year period. The department may
4690 revoke a waiver if it finds that an operator committed a
4691 violation of this section. Such waiver may be revoked upon the
4692 ~~commission of a violation of this section by such operator, as~~
4693 ~~determined by the Department of Agriculture and Consumer~~
4694 ~~Services.~~

4695 (5) Each ~~Every~~ operator of a game promotion in which the
4696 total announced value of the prizes offered is greater than
4697 \$5,000 shall provide the department ~~Department of Agriculture~~
4698 ~~and Consumer Services~~ with a certified list of the names and

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4699 addresses of all persons, whether from this state or from
4700 another state, who have won prizes that ~~which~~ have a value of
4701 more than \$25, the value of the ~~such~~ prizes, and the dates when
4702 the prizes were won within 60 days after the ~~such~~ winners are
4703 ~~have been finally~~ determined. The date for the final
4704 determination of winners shall be 60 days after the ending date
4705 of the game promotion stated in the original filing required in
4706 subsection (3). The operator shall provide a copy of the list of
4707 winners, without charge, to any person who requests it or shall.
4708 ~~In lieu of the foregoing, the operator of a game promotion may,~~
4709 ~~at his or her option,~~ publish the same information about the
4710 winners in a ~~Florida~~ newspaper of general circulation in this
4711 state within 60 days after the ~~such~~ winners are ~~have been~~
4712 determined. If the operator publishes the list of winners in a
4713 newspaper, the operator ~~and~~ shall provide to the department
4714 ~~Department of Agriculture and Consumer Services~~ a certified copy
4715 of the publication containing the information about the winners.
4716 The operator of a game promotion is not required to notify a
4717 winner by mail or by telephone when the winner is already in
4718 possession of a game card from which the winner can determine
4719 that he or she has won a designated prize. All winning entries
4720 shall be held by the operator for ~~a period of~~ 90 days after the
4721 close or completion of the game.

4722 (6) The department ~~Department of Agriculture and Consumer~~
4723 ~~Services~~ shall keep the certified list of winners for a period
4724 of ~~at least~~ 6 months after receipt of the certified list. The
4725 department thereafter may dispose of all records and lists.

4726 (7) An ~~No~~ operator may not ~~shall~~ force, directly or
4727 indirectly, a lessee, agent, or franchise dealer to purchase or

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4728 participate in any game promotion. For the purpose of this
4729 section, coercion or force is ~~shall be~~ presumed in these
4730 circumstances in which a course of business extending over a
4731 period of 1 year or longer is materially changed coincident with
4732 a failure or refusal of a lessee, agent, or franchise dealer to
4733 participate in such game promotions. Such force or coercion is
4734 ~~shall further be~~ presumed when an operator advertises generally
4735 that game promotions are available at its lessee dealers or
4736 agent dealers.

4737 (8) (a) The department may adopt ~~Department of Agriculture~~
4738 ~~and Consumer Services shall have the power to promulgate such~~
4739 rules regulating and regulations respecting the operation of
4740 game promotions which are necessary to administer this section
4741 ~~as it may deem advisable.~~

4742 (b) If ~~Whenever~~ the department ~~Department of Agriculture~~
4743 ~~and Consumer Services~~ or the Department of Legal Affairs has
4744 reason to believe that a game promotion is being operated in
4745 violation of this section, it may bring an action in the circuit
4746 court of any judicial circuit in which the game promotion is
4747 being operated in the name and on behalf of the people of the
4748 state against any operator thereof to enjoin the continued
4749 operation of such game promotion anywhere within the state.

4750 (9) (a) Any person, firm, or corporation, or association or
4751 agent or employee thereof, who engages in any acts or practices
4752 stated in this section to be unlawful, or who violates any of
4753 the rules adopted ~~and regulations made~~ pursuant to this section,
4754 commits is guilty of a misdemeanor of the second degree,
4755 punishable as provided in s. 775.082 or s. 775.083.

4756 (b) Any person, firm, corporation, association, agent, or

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4757 employee who violates any provision of this section or any of
4758 the rules adopted ~~and regulations made~~ pursuant to this section
4759 ~~is shall be~~ liable for a civil penalty of not more than \$1,000
4760 for each such violation, which shall accrue to the state and may
4761 be recovered in a civil action brought by the department
4762 ~~Department of Agriculture and Consumer Services~~ or the
4763 Department of Legal Affairs.

4764 (10) ~~This section does not apply to actions or transactions~~
4765 ~~regulated by the Department of Business and Professional~~
4766 ~~Regulation or to the activities of nonprofit organizations or to~~
4767 ~~any other organization engaged in any enterprise other than the~~
4768 ~~sale of consumer products or services.~~ Subsections (3), (4),
4769 (5), (6), and (7) and paragraph (8) (a) and ~~any of the rules~~
4770 adopted ~~made~~ pursuant thereto do not apply to television or
4771 radio broadcasting companies licensed by the Federal
4772 Communications Commission.

4773 (11) Each operator of a game promotion who provides
4774 electronic devices or computer terminals with video display
4775 monitors that reveal or display the results of a game promotion
4776 shall:

4777 (a) File with the department, at least 7 days before the
4778 commencement of the game promotion, a certification from an
4779 independent testing laboratory that the electronic game
4780 promotion software:

4781 1. Operates only games having a preconfigured finite pool
4782 or pools of entries;

4783 2. Provides an entrant with the ability to participate in
4784 the absence of a purchase;

4785 3. Does not distinguish an entrant who has made a purchase

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4786 from one who has not, with respect to all advertised prizes;
4787 4. Uses video displays that do not determine the result;
4788 and

4789 5. Complies with the requirements of subsection (2).

4790 (b) Post a sign inside the premise which shall include the
4791 following language in at least 26-point type: "The video
4792 displays are for amusement and entertainment only. The video
4793 displays do not determine the result of your game promotion
4794 entries."

4795 (c) Affix signage that shall include the following language
4796 in at least 10-point type on each piece of electronic equipment:
4797 "The video displays are for amusement and entertainment only.
4798 The video displays do not determine the result of your game
4799 promotion entries."

4800 (d) Pay to the department annually a nonrefundable terminal
4801 fee of \$100 per electronic device or computer terminal which
4802 shall be remitted by the department to the Department of Revenue
4803 for deposit into the General Revenue Fund.

4804 (12) Operators that provide electronic devices or computer
4805 terminals with video display monitors that reveal or display the
4806 results of a game promotion or electronic game promotion must
4807 limit the advertisement on the exterior of the premise to the
4808 consumer product or service sold on the premise, and that game
4809 promotions are offered in connection with the sale of the
4810 consumer product or service. No signs shall be posted on the
4811 exterior of the premises which suggest gambling takes place on
4812 the premise or which display any image commonly associated with
4813 slot machines.

4814 (13) Electronic devices or computer terminals with video

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4815 display monitors that reveal or display the results of a game
4816 promotion may not dispense coins or currency.

4817 (14) This section does not allow the use of mechanical or
4818 electromechanical reels in connection with a game promotion.

4819 (15) Electronic devices or computer terminals with video
4820 display monitors that reveal or display the results of a game
4821 promotion that are in compliance with this section shall not be
4822 construed as a device as defined in s. 551.102(8), s. 849.15, or
4823 s. 849.16.

4824 (16) A county or municipality may adopt an ordinance, code,
4825 plan, rule, resolution, or other measure that further regulates
4826 an existing or future operator who provides electronic devices
4827 or computer terminals with video display monitors that reveal or
4828 display the results of a game promotion or electronic game
4829 promotion. A county or municipality may prohibit a future
4830 operator from providing electronic devices or computer terminals
4831 with video display monitors that reveal or display the results
4832 of a game promotion or electronic game promotion.

4833 Section 81. Subsection (1) of section 849.16, Florida
4834 Statutes, is amended to read:

4835 849.16 Machines or devices which come within provisions of
4836 law defined.—

4837 (1) Any machine or device or system or network of computers
4838 or other devices is a slot machine or device within the
4839 provisions of this chapter if it is one that is adapted for use
4840 in such a way that, as a result of the insertion of any piece of
4841 money, coin, code, account number, credit, or other object or
4842 method of activation, such machine, ~~or~~ device, or system or
4843 network of computers or other devices is caused to operate or

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4844 may be operated, whether directly or as the result of indirect
4845 remote activation, and if the user, by reason of any element of
4846 chance or of any other outcome of such operation unpredictable
4847 by him or her, may:

4848 (a) Receive or become entitled to receive any piece of
4849 money, credit, allowance, or thing of value, or any check, slug,
4850 token, or memorandum, whether of value or otherwise, which may
4851 be exchanged for any money, credit, allowance, or thing of value
4852 or which may be given in trade; or

4853 (b) Secure additional chances or rights to use such
4854 machine, apparatus, or device, even though it may, in addition
4855 to any element of chance or unpredictable outcome of such
4856 operation, also sell, deliver, or present some merchandise,
4857 indication of weight, entertainment, or other thing of value.

4858 Section 82. (1) It is the responsibility of the appropriate
4859 state agency and of the judicial branch to identify to the
4860 Department of Gaming Control, in the form and format prescribed
4861 by the department, persons owing an outstanding debt to any
4862 state agency, including, but not limited to, child support
4863 collected through a court, including spousal support or alimony
4864 for the spouse or former spouse of the obligor if the child
4865 support obligation is being enforced by the Department of
4866 Revenue, overpayments of unemployment compensation benefits,
4867 overpayment for food stamps or other entitlements, taxes, liens,
4868 judgments, or other payments. The Department of Gaming Control
4869 shall forward this information to the destination resort and
4870 limited gaming licensees.

4871 (2) Any winnings of \$600 or more to any person having such
4872 an outstanding obligation shall be withheld by the licensee and

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4873 forwarded by the licensee to the Department of Gaming Control
4874 for distribution to the agency claiming the debt. The department
4875 is authorized to issue payment of the winnings balance to the
4876 winner after deduction of the debt. If a winner owes multiple
4877 debts that are subject to offset under this section and the
4878 winnings are insufficient to cover all such debts, the amount of
4879 the winnings shall be transmitted first to the agency claiming
4880 that past due child support is owed. If a balance of the
4881 winnings remains after payment of past due child support, the
4882 balance shall be transmitted to other agencies claiming debts
4883 owed to the state, pro rata, based upon the ratio of the
4884 individual debt to the remaining debt owed to the state.

4885 (3) It is the responsibility of the licensee to ensure that
4886 the facilities-based computer system that the licensee uses for
4887 operational and accounting functions is specifically configured
4888 to ensure that the requirements of this section are met.

4889 (4) It is the responsibility of the Department of Gaming
4890 Control to identify those persons specified under subsection (1)
4891 as having such outstanding obligations and make any transmittals
4892 or payments as necessary.

4893 (5) A licensee is responsible for the total amount of the
4894 debt owed under subsection (1) which was not withheld in
4895 accordance with subsection (2).

4896 (6) The Department of Gaming Control may adopt rules
4897 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to
4898 implement the provisions of this section, including the
4899 technical requirements of the facilities-based computer system.

4900 Section 83. (1) Any referendum required in this act shall
4901 include the following language:

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4902 (a) Destination Resorts: SHOULD THE OPERATION OF
4903 DESTINATION RESORTS, AS DEFINED IN S. 551.302, FLORIDA STATUTES,
4904 BE AUTHORIZED IN [NAME OF COUNTY], SUBJECT TO A \$2 BILLION
4905 MINIMUM INVESTMENT?

4906 (b) Slot machine gaming at pari-mutuel facilities: SHOULD
4907 THE OPERATION OF SLOT MACHINES AT [NAME OF FACILITY IN COUNTY],
4908 BE AUTHORIZED IN [NAME OF COUNTY]?

4909 (c) Limited gaming at pari-mutuel facilities: SHOULD THE
4910 OPERATION OF LIMITED GAMING, AS DEFINED IN S. 551.302, FLORIDA
4911 STATUTES, AT [NAME OF FACILITY IN COUNTY], BE AUTHORIZED IN
4912 [NAME OF COUNTY]?

4913 (2) If the question in paragraph (1)(a) is placed on the
4914 ballot for a referendum vote, the question in paragraph (1)(c)
4915 must also be placed on the same ballot if pari-mutuel facilities
4916 are located in the county.

4917 Section 84. Slot machine licensees.—Notwithstanding any
4918 other law to the contrary, when a resort licensee receives final
4919 authorization to conduct limited gaming activities in Miami-Dade
4920 County or Broward County, a pari-mutuel facility licensed to
4921 operate slot machine gaming under s. 551.104, Florida Statutes,
4922 shall be entitled to conduct all games identified in s.
4923 551.301(14), Florida Statutes, pursuant to the provisions of s.
4924 551.316, Florida Statutes, and the rules of the Department of
4925 Gaming Control. Such facilities shall pay the same tax on gross
4926 receipts of such limited gaming as the resort licensee located
4927 within Miami-Dade County or Broward County, and shall be
4928 entitled to operate slot machines and limited gaming in the same
4929 manner as permitted by a resort licensee, including, but not
4930 limited to, days and hours of operation, complimentary food and

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4931 beverages, and credit instruments pursuant to the rules adopted
4932 by the Department of Gaming Control. For purposes of this
4933 section, the term "final authorization" means the announced
4934 opening date of the resort casino, or the actual opening date,
4935 whichever occurs first. The provisions of s. 551.3135, Florida
4936 Statutes, do not apply to any slot machine licensee licensed as
4937 of July 1, 2012.

4938 Section 85. If any provision of this act or its application
4939 to any person or circumstance is held invalid, the invalidity
4940 does not affect other provisions or applications of this act
4941 which can be given effect without the invalid provision or
4942 application, and to this end the provisions of this act are
4943 severable.

4944 Section 86. Except as otherwise expressly provided in this
4945 act and except for this section, which shall take effect upon
4946 this act becoming a law, this act shall take effect July 1,
4947 2012.