

Final_01

ORIGINAL

YEAR

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 conduct investigations and impose
 13 certain fines; authorizing the department to adopt
 14 rules; authorizing the department to contract with the
 15 Department of Law Enforcement for certain purposes;
 16 directing the department to contract with the
 17 Department of Revenue for tax collection and financial
 18 audit services; authorizing the Department of Revenue
 19 to assist in financial investigations of licensees and
 20 applicants for licenses; requiring the department to
 21 assist the Department of Revenue for the benefit of
 22 financially dependent children; authorizing the
 23 department to terminate certain deficient license
 24 applications and approve licenses; amending s. 120.80,
 25 F.S.; deleting certain exceptions and special
 26 requirements regarding hearings applicable to the
 27 Department of Business and Professional Regulation;
 28 creating certain exceptions and special requirements

Final_01

ORIGINAL

YEAR

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

Final_01

ORIGINAL

YEAR

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

Final_01

ORIGINAL

YEAR

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

Final_01

ORIGINAL

YEAR

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

Final_01

ORIGINAL

YEAR

141 applicant for a resort license if the application is
 142 incomplete; authorizing the applicant to have an
 143 informal conference with the executive director to
 144 discuss an incomplete application; authorizing the
 145 executive director to grant an extension to complete
 146 an application; providing for the stay of the award of
 147 a resort license during an extension or an appeal to
 148 the commission of a finding by the executive director
 149 that an application is incomplete; creating s.
 150 551.312, F.S.; exempting an institutional investor
 151 that is a qualifier for a resort licensee from certain
 152 application requirements under certain circumstances;
 153 requiring notice to the commission of any changes that
 154 may require a person to comply with the full
 155 application requirements; creating s. 551.313, F.S.;
 156 exempting lending institutions and underwriters from
 157 licensing requirements as a qualifier under certain
 158 circumstances; creating s. 551.314, F.S.; specifying
 159 conditions for a resort licensee to maintain
 160 licensure; authorizing the department to adopt rules
 161 relating to approval of the licensee's computer
 162 system; creating s. 551.315, F.S.; requiring that the
 163 licensee post a bond; authorizing the department to
 164 adopt rules relating to such bonds; creating s.
 165 551.316, F.S.; specifying conditions for the conduct
 166 of limited gaming by a resort licensee; providing
 167 hours and days of operation and the setting of minimum
 168 and maximum wagers; requiring the department to renew

Final_01

ORIGINAL

YEAR

169 the license of a resort licensee if the licensee
 170 satisfies specified conditions; creating s. 551.318,
 171 F.S.; specifying an annual fee for the renewal of a
 172 resort license; imposing gross receipts tax; providing
 173 for the deposit of funds; providing for the proceeds
 174 of the gross receipts tax to fund the operations of
 175 the department; providing for annual distribution of
 176 certain unappropriated funds in the Destination Resort
 177 Trust Fund; creating s. 551.319, F.S.; providing
 178 procedures for the submission and processing of
 179 fingerprints; providing that the cost of processing
 180 the fingerprints shall be borne by a licensee or
 181 applicant; requiring a person to report to the
 182 department certain pleas and convictions for
 183 disqualifying offenses; creating s. 551.321, F.S.;
 184 requiring a person to have a supplier license to
 185 furnish certain goods and services to a resort
 186 licensee; providing for application; providing for
 187 license fees to be set by rule based on certain
 188 criteria; requiring fingerprinting; specifying persons
 189 who are ineligible for supplier licensure; specifying
 190 circumstances under which the department may deny or
 191 revoke a supplier license; authorizing the department
 192 to adopt rules relating to the licensing of suppliers;
 193 requiring a supplier licensee to furnish a list of
 194 gaming devices and equipment to the department,
 195 maintain records, file quarterly returns, and affix
 196 its name to the gaming equipment and supplies that it

Final_01

ORIGINAL

YEAR

197 offers; requiring that the supplier licensee annually
 198 report its inventory to the department; authorizing
 199 the department to suspend, revoke, or restrict a
 200 supplier license under certain circumstances;
 201 providing that the equipment of a supplier licensee
 202 which is used in unauthorized gaming will be forfeited
 203 to the county where the equipment is found; providing
 204 criminal penalties for a person who knowingly makes a
 205 false statement on an application for a supplier
 206 license; creating s. 551.322, F.S.; requiring a person
 207 to have an occupational license to serve as a limited
 208 gaming employee of a resort licensee; requiring a
 209 person to apply to the department for an occupational
 210 license and pay an application fee; specifying
 211 information that an applicant must include in an
 212 application for an occupational license, including
 213 fingerprints; providing eligibility requirements;
 214 specifying grounds for the department to deny,
 215 suspend, revoke, or restrict an occupational license;
 216 authorizing training to be conducted at certain
 217 facilities; providing criminal penalties for a person
 218 who knowingly makes a false statement on an
 219 application for an occupational license; creating s.
 220 551.323, F.S.; authorizing the executive director of
 221 the department to issue a temporary occupational or
 222 temporary supplier license under certain
 223 circumstances; creating s. 551.325, F.S.; requiring
 224 the commission to file quarterly reports with the

Final_01

ORIGINAL

YEAR

225 Governor, the President of the Senate, and the Speaker
 226 of the House of Representatives; creating s. 551.327,
 227 F.S.; providing procedures for the resolution of
 228 certain disputes between a resort licensee and a
 229 patron; requiring a resort licensee to notify the
 230 department of certain disputes; requiring a resort
 231 licensee to notify a patron of the right to file a
 232 complaint with the department regarding certain
 233 disputes; authorizing the department to investigate
 234 disputes and to order a resort licensee to make a
 235 payment to a patron; providing that gaming-related
 236 disputes may be resolved only by the department and
 237 are not under the jurisdiction of state courts;
 238 creating s. 551.328, F.S.; providing for the
 239 enforcement of credit instruments; authorizing a
 240 resort licensee to accept an incomplete credit
 241 instrument and to complete incomplete credit
 242 instruments under certain circumstances; providing
 243 that existence of a mental disorder is not a defense
 244 or a valid counterclaim in an action to enforce a
 245 credit instrument; authorizing the department to adopt
 246 rules prescribing the conditions under which a credit
 247 instrument may be presented to a bank; creating s.
 248 551.330, F.S.; requiring a resort licensee to train
 249 its employees about compulsive gambling; requiring a
 250 resort licensee to work with a compulsive gambling
 251 prevention program; requiring the commission to
 252 contract for services relating to the prevention of

Final_01

ORIGINAL

YEAR

253 compulsive gambling; providing for the commission's
 254 compulsive gambling prevention program to be funded
 255 from a regulatory fee imposed on resort licensees;
 256 creating s. 551.331, F.S.; authorizing a person to
 257 request that the department exclude him or her from
 258 limited gaming facilities; providing for a form and
 259 contents of the form; providing that a self-excluded
 260 person who is found on a gaming floor may be arrested
 261 and prosecuted for criminal trespass; providing that a
 262 self-excluded person holds harmless the department and
 263 licensees from claims for losses and damages under
 264 certain circumstances; requiring the person to submit
 265 identification issued by the government; requiring the
 266 department to photograph the person requesting self-
 267 exclusion; amending s. 561.20, F.S.; exempting
 268 destination resorts from certain limitations on the
 269 number of licenses to sell alcoholic beverages which
 270 may be issued; providing restrictions on a resort
 271 issued such license; requiring an annual state license
 272 tax to be paid by a resort for such license; providing
 273 for deposit of proceeds from the tax; preempting to
 274 the state the regulation of alcoholic beverages at
 275 destination resorts; providing hours and days
 276 alcoholic beverages may be sold at a resort; directing
 277 the commission to adopt rules; providing recordkeeping
 278 requirements; amending s. 849.15, F.S.; authorizing
 279 slot machine gaming in a resort licensee and the
 280 transportation of slot machines pursuant to federal

Final_01

ORIGINAL

YEAR

281 law; exempting slot machine licensees from
 282 prohibitions relating to coin-operated devices;
 283 amending s. 849.231, F.S.; providing that a
 284 prohibition on gambling devices does not apply to slot
 285 machine licensees and resort licensees as authorized
 286 under specified provisions; amending s. 849.25, F.S.;
 287 providing that a prohibition on gaming does not apply
 288 to slot machine licensees and resort licensees as
 289 authorized under specified provisions; creating s.
 290 849.48, F.S.; requiring that a person or entity
 291 seeking to operate a gambling business, to allow
 292 gambling on the person's or entity's premises, or to
 293 lease, manufacture, or distribute gambling devices
 294 apply for licensure from the Department of Gaming
 295 Control; transferring and reassigning certain
 296 functions and responsibilities, including records,
 297 personnel, property, and unexpended balances of
 298 appropriations and other resources, from the Division
 299 of Pari-mutuel Wagering of the Department of Business
 300 and Professional Regulation to the Department of
 301 Gaming Control; transferring certain trust funds from
 302 the Department of Business and Professional Regulation
 303 to the Department of Gaming Control; amending ss.
 304 285.710, 550.002, 550.0251, 550.09514, 550.135,
 305 550.24055, 550.2415, 550.2625, 550.2704, 550.902,
 306 550.907, 551.101, 551.102, 551.103, 551.104, 551.106,
 307 551.107, 551.108, 551.109, 551.111, 551.112, 551.117,
 308 551.119, 551.122, 551.123, 565.02, 817.37, 849.086,

Final_01

ORIGINAL

YEAR

309 and 849.094, F.S.; correcting cross-references and
 310 conforming provisions to changes made by the act;
 311 providing for severability; providing effective dates.
 312

313 Be It Enacted by the Legislature of the State of Florida:
 314

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

317 20.165 Department of Business and Professional
 318 Regulation.—There is created a Department of Business and
 319 Professional Regulation.

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

- 322 (a) Division of Administration.
- 323 (b) Division of Alcoholic Beverages and Tobacco.
- 324 (c) Division of Certified Public Accounting.

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

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

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

332 (e) Division of Hotels and Restaurants.

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

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

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

336 1. The director of the division shall be appointed by the

Final_01

ORIGINAL

YEAR

337 secretary of the department, subject to approval by a majority
 338 of the Florida Real Estate Commission.

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

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

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

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

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

346 20.318 Department of Gaming Control.—There is created a
 347 Department of Gaming Control.

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

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

354 (a) The Division of Enforcement.

355 (b) The Division of Licensure.

356 (c) The Division of Revenue and Audits.

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

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

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

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

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

364 (e) "Licensee" means any person issued a permit,

Final_01

ORIGINAL

YEAR

365 registration, certificate, or license by the department.
 366 (4) POWERS AND DUTIES.—
 367 (a) The department shall adopt rules establishing a
 368 procedure for the renewal of licenses.
 369 (b) The department shall submit an annual budget to the
 370 Legislature at a time and in the manner provided by law.
 371 (c) The department shall adopt rules pursuant to ss.
 372 120.536(1) and 120.54 to administer the provisions of law
 373 conferring duties upon it.
 374 (d) The department shall require an oath on application
 375 documents as required by rule, which oath must state that the
 376 information contained in the document is true and complete.
 377 (e) The department shall adopt rules for the control,
 378 supervision, and direction of all applicants, permittees, and
 379 licensees and for the holding, conducting, and operating of any
 380 gaming establishment under the jurisdiction of the department in
 381 this state. The department shall have the authority to suspend a
 382 permit or license under the jurisdiction of the department if
 383 such permitholder or licensee has violated any provision of
 384 chapter 550, chapter 551, or chapter 849 or rules adopted by the
 385 department. Such rules must be uniform in their application and
 386 effect, and the duty of exercising this control and power is
 387 made mandatory upon the department.
 388 (f) The department may take testimony concerning any
 389 matter within its jurisdiction and issue summons and subpoenas
 390 for any witness and subpoenas duces tecum in connection with any
 391 matter within the jurisdiction of the department under its seal
 392 and signed by the executive director.

Final_01

ORIGINAL

YEAR

393 (g) In addition to the power to exclude certain persons
 394 from any pari-mutuel facility in this state, the department may
 395 exclude any person from any and all gaming establishments under
 396 the jurisdiction of the department in this state. The department
 397 may exclude from any gaming establishment under its jurisdiction
 398 within this state any person who has been ejected from a pari-
 399 mutuel facility or other gaming establishment in this state or
 400 who has been excluded from any pari-mutuel facility or other
 401 gaming establishment in another state by the governmental
 402 department, agency, commission, or authority exercising
 403 regulatory jurisdiction over such facilities in such other
 404 state. The department may authorize any person who has been
 405 ejected or excluded from establishments in this state or another
 406 state to enter such facilities in this state upon a finding that
 407 the attendance of such person would not be adverse to the public
 408 interest or to the integrity of the industry; however, this
 409 paragraph may not be construed to abrogate the common-law right
 410 of a pari-mutuel permitholder or a proprietor of a gaming
 411 establishment to exclude absolutely a patron in this state.

412 (h) The department may collect taxes and require
 413 compliance with reporting requirements for financial information
 414 as authorized by chapter 550, chapter 551, s. 849.086, or s.
 415 849.094. In addition, the executive director of the department
 416 may require gaming establishments within its jurisdiction within
 417 the state to remit taxes, including fees, by electronic funds
 418 transfer.

419 (i) The department may conduct investigations necessary
 420 for enforcing chapters 550 and 551 and ss. 849.086 and 849.094.

Final_01

ORIGINAL

YEAR

421 (j) The department may impose an administrative fine for a
 422 violation under chapter 550, chapter 551, s. 849.086, or s.
 423 849.094 of not more than \$10,000 for each count or separate
 424 offense, except as otherwise provided in chapter 550, chapter
 425 551, s. 849.086, or s. 849.094, and may suspend or revoke a
 426 permit, an operating license, or an occupational license for a
 427 violation under chapter 550, chapter 551, s. 849.086, or s.
 428 849.094. All fines imposed and collected under this paragraph
 429 must be deposited with the Chief Financial Officer to the credit
 430 of the General Revenue Fund.

431 (k) The department shall have sole authority and power to
 432 make, adopt, amend, or repeal rules relating to gaming
 433 operations, to enforce and to carry out the provisions of
 434 chapters 550 and 551 and ss. 849.086 and 849.094, and to
 435 regulate authorized gaming activities in the state.

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

439 (m) The department shall contract with the Department of
 440 Revenue, through an interagency agreement, to perform the tax
 441 collection and financial audit services for the taxes required
 442 to be collected by entities licensed or regulated by chapter
 443 550, chapter 551, or chapter 849. The interagency agreement
 444 shall also allow the Department of Revenue to assist in any
 445 financial investigations of licensees or applications for
 446 licenses by the Department of Gaming Control or law enforcement
 447 agencies.

448 (5) FINANCIALLY DEPENDENT CHILDREN; SUPPORT.—The

Final_01

ORIGINAL

YEAR

449 department shall work cooperatively with the Department of
 450 Revenue to implement an automated method for periodically
 451 disclosing information relating to current licensees to the
 452 Department of Revenue. The purpose of this subsection is to
 453 promote the public policy of this state as established in s.
 454 409.2551. The department shall, when directed by the court or
 455 the Department of Revenue pursuant to s. 409.2598, suspend or
 456 deny the license of any licensee found not to be in compliance
 457 with a support order, subpoena, order to show cause, or written
 458 agreement entered into by the licensee with the Department of
 459 Revenue. The department shall issue or reinstate the license
 460 without additional charge to the licensee when notified by the
 461 court or the Department of Revenue that the licensee has
 462 complied with the terms of the support order. The department is
 463 not liable for any license denial or suspension resulting from
 464 the discharge of its duties under this subsection.

465 (6) LICENSING.—The department may:

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

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

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

474 120.80 Exceptions and special requirements; agencies.—

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

476 ~~(a) Business regulation. The Division of Pari mutuel~~

Final_01

ORIGINAL

YEAR

477 ~~Wagering is exempt from the hearing and notice requirements of~~
 478 ~~ss. 120.569 and 120.57(1)(a), but only for stewards, judges, and~~
 479 ~~boards of judges when the hearing is to be held for the purpose~~
 480 ~~of the imposition of fines or suspensions as provided by rules~~
 481 ~~of the Division of Pari-mutuel Wagering, but not for~~
 482 ~~revocations, and only upon violations of subparagraphs 1. 6. The~~
 483 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~
 484 ~~alternative procedures, including a hearing upon reasonable~~
 485 ~~notice, for the following violations:~~

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

488 ~~2. Application and usage of drugs and medication to~~
 489 ~~horses, greyhounds, and jai alai players in violation of chapter~~
 490 ~~550.~~

491 ~~3. Maintaining or possessing any device which could be~~
 492 ~~used for the injection or other infusion of a prohibited drug to~~
 493 ~~horses, greyhounds, and jai alai players in violation of chapter~~
 494 ~~550.~~

495 ~~4. Suspensions under reciprocity agreements between the~~
 496 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~
 497 ~~other states.~~

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

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

501 ~~(b) Professional regulation.~~ Notwithstanding s.
 502 120.57(1)(a), formal hearings may not be conducted by the
 503 Secretary of Business and Professional Regulation or a board or
 504 member of a board within the Department of Business and

Final_01

ORIGINAL

YEAR

505 Professional Regulation for matters relating to the regulation
 506 of professions, as defined by chapter 455.

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

508 (a) The department is exempt from the hearing and notice
 509 requirements of ss. 120.569 and 120.57(1)(a) as applied to
 510 stewards, judges, and boards of judges if the hearing is to be
 511 held for the purpose of the imposition of fines or suspension as
 512 provided by rules of the department, but not for revocations,
 513 and only to consider violations of subparagraphs (b)1.-6.

514 (b) The department shall adopt rules establishing
 515 alternative procedures, including a hearing upon reasonable
 516 notice, for the following:

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

519 2. Application and administration of drugs and medication
 520 to horses, greyhounds, and jai alai players in violation of
 521 chapter 550.

522 3. Maintaining or possessing any device that could be used
 523 for the injection or other infusion of a prohibited drug into a
 524 horse, greyhound, or jai alai players in violation of chapter
 525 550.

526 4. Suspensions under reciprocity agreements between the
 527 department and regulatory agencies of other states.

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

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

531 (20) STATE GAMING COMMISSION.-

532 (a) The State Gaming Commission is exempt from the hearing

Final_01

ORIGINAL

YEAR

533 and notice requirements of ss. 120.569 and 120.57(1)(a) in
 534 proceedings for the issuance or denial of a destination resort
 535 license.

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

538 (c) Notwithstanding s. 120.542, the State Gaming
 539 Commission may not accept a petition for waiver or variance and
 540 may not grant any waiver or variance from the requirements of
 541 part III of chapter 551.

542 Section 4. Chapter 551, Florida Statutes, consisting of
 543 sections 551.101 through 551.123, is designated as part II of
 544 that chapter and entitled "Slot Machines"; part I of that
 545 chapter, consisting of sections 551.002 through 551.012, as
 546 created by this act, is entitled "State Gaming Commission"; and
 547 part III of that chapter, consisting of sections 551.301 through
 548 551.331, as created by this act, is entitled "Destination
 549 Resorts."

550 Section 5. Section 551.002, Florida Statutes, is created
 551 to read:

552 551.002 Definitions.—As used in this chapter, the term:

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

555 (a) Controls, is controlled by, or is under common control
 556 of;

557 (b) Is in a partnership or joint venture relationship
 558 with; or

559 (c) Is a shareholder of a corporation, a member of a
 560 limited liability company, or a partner in a limited liability

Final_01

ORIGINAL

YEAR

561 partnership with,
 562
 563 an applicant for a resort license or a resort licensee.
 564 (2) "Chair" means the chair of the State Gaming
 565 Commission.
 566 (3) "Commission" means the State Gaming Commission.
 567 (4) "Conflict of interest" means a situation in which the
 568 private interest of a member, employee, or agent of the
 569 commission may influence his or her judgment in the performance
 570 of his or her public duty under this chapter. A conflict of
 571 interest includes, but is not limited to:
 572 (a) Any conduct that would lead a reasonable person having
 573 knowledge of all of the circumstances to conclude that the
 574 member, employee, or agent of the commission is biased against
 575 or in favor of an applicant.
 576 (b) The acceptance of any form of compensation from a
 577 source other than the commission for any services rendered as
 578 part of the official duties of the member, employee, or agent of
 579 the commission.
 580 (c) Participation in any business transaction with or
 581 before the commission in which the member, employee, or agent of
 582 the commission, or the parent, spouse, or child of a member,
 583 employee, or the agent, has a financial interest.
 584 (5) "Department" means the Department of Gaming Control.
 585 (6) "Division" means the Division of Licensure of the
 586 department.
 587 (7) "Executive director" means the executive director of
 588 the department.

Final_01

ORIGINAL

YEAR

589 (8) "Financial interest" or "financially interested" means
 590 any interest in investments or awarding of contracts, grants,
 591 loans, purchases, leases, sales, or similar matters under
 592 consideration or consummated by the commission or the
 593 department, or ownership in an applicant or a licensee. A
 594 member, employee, or agent of the commission is deemed to have a
 595 financial interest in a matter if:

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

600 (b) The individual is employed by or is an independent
 601 contractor for a party to a matter under consideration by the
 602 commission or the department.

603 Section 6. Section 551.003, Florida Statutes, is created
 604 to read:

605 551.003 State Gaming Commission; creation and membership.-

606 (1) CREATION.—There is created the State Gaming
 607 Commission. The commission shall be composed of seven members
 608 who are residents of the state and who have experience in
 609 corporate finance, tourism, convention and resort management,
 610 gaming, investigation or law enforcement, business law, or
 611 related legal experience. The members of the commission shall
 612 serve as the agency head of the commission. The commission is
 613 exempt from the provisions of s. 20.052.

614 (2) MEMBERS.—Each member shall be appointed to a 4-year
 615 term. However, for the purpose of providing staggered terms, of
 616 the initial appointments, three members shall be appointed to 2-

Final_01

ORIGINAL

YEAR

617 year terms and four members shall be appointed to 4-year terms.
 618 Terms expire on June 30. Upon the expiration of the term of a
 619 commissioner, a successor shall be appointed in the same manner
 620 as the original appointment to serve for a 4-year term. A
 621 commissioner whose term has expired shall continue to serve on
 622 the commission until such time as a replacement is appointed. If
 623 a vacancy on the commission occurs before the expiration of the
 624 term, it shall be filled for the unexpired portion of the term
 625 in the same manner as the original appointment.

626 (a)1.a. One member of the commission must be a certified
 627 public accountant licensed in this state who possesses at least
 628 5 years of experience in general accounting. The member must
 629 also possess a comprehensive knowledge of the principles and
 630 practices of corporate finance or auditing, general finance,
 631 gaming, or economics.

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

634 2. When making appointments to the commission, the
 635 Governor shall announce the classification by experience of the
 636 person appointed.

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

639 1. Is an elected state official;

640 2. Is licensed by the commission or is an officer of, has
 641 a financial interest in, or has a direct or indirect contractual
 642 relationship with any applicant for a resort license or resort
 643 licensee;

644 3. Is related to any person within the second degree of

Final_01

ORIGINAL

YEAR

645 consanguinity of affinity who is an applicant for a license or
 646 awarded a license by the commission or regulated by the
 647 Department of Gaming Control; or

648 4. Has, within the 10 years preceding his or her
 649 appointment, been under indictment for, convicted of, pled
 650 guilty or nolo contendere to, or forfeited bail for a felony or
 651 a misdemeanor involving gambling or fraud under the laws of this
 652 or any other state or the United States.

653 (c) Members of the commission shall serve full time and
 654 receive a yearly salary of \$125,000. The chair shall receive a
 655 yearly salary of \$135,000.

656 (3) CHAIR AND VICE CHAIR.-

657 (a) The chair shall be appointed by the Governor. The vice
 658 chair of the commission shall be elected by the members of the
 659 commission during the first meeting of the commission on or
 660 after July 1 of each year. The chair shall be the administrative
 661 head of the commission. The chair shall set the agenda for each
 662 meeting. The chair shall approve all notices, vouchers,
 663 subpoenas, and reports as required by law. The chair shall
 664 preserve order and decorum and shall have general control of the
 665 commission meetings. The chair shall decide all questions of
 666 order. The chair may name any member of the commission to
 667 perform the duties of the chair for a meeting if such
 668 substitution does not extend beyond that meeting.

669 (b) If for any reason the chair is absent and fails to
 670 name a member, the vice chair shall assume the duties of the
 671 chair during the chair's absence. On the death, incapacitation,
 672 or resignation of the chair, the vice chair shall perform the

Final_01

ORIGINAL

YEAR

673 duties of the office until the Governor appoints a successor.

674 (c) The administrative responsibilities of the chair are
 675 to plan, organize, and control administrative support services
 676 for the commission. Administrative functions include, but are
 677 not limited to, finance and accounting, revenue accounting,
 678 personnel, and office services.

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

681 (5) HEADQUARTERS.—The headquarters of the commission shall
 682 be located in the district.

683 (6) MEETINGS.—The commission shall meet at least monthly.
 684 Meetings may be called by the chair or by four members of the
 685 commission upon 72 hours' public notice. The initial meeting of
 686 the commission shall be held within 90 days after the effective
 687 date of this act.

688 (7) AGENCY HEAD.—The commission shall serve as the agency
 689 head of the Department of Gaming Control for purposes of chapter
 690 120. The executive director of the commission may serve as the
 691 agency head for purposes of final agency action under chapter
 692 120 for all areas within the regulatory authority delegated to
 693 the executive director's office.

694 Section 7. Effective upon this act becoming a law, section
 695 551.004, Florida Statutes, is created to read:

696 551.004 State Gaming Commission Nominating Committee.—

697 (1)(a) There is created a State Gaming Commission
 698 Nominating Committee consisting of six members. Three members of
 699 the committee shall be members of the House of Representatives,
 700 one of whom shall be a member of the minority party, who shall

Final_01

ORIGINAL

YEAR

701 be appointed by and serve at the pleasure of the Speaker of the
 702 House of Representatives. Three members of the committee shall
 703 be members of the Senate, one of whom shall be a member of the
 704 minority party, who shall be appointed by and serve at the
 705 pleasure of the President of the Senate. Initial appointments
 706 under this section shall be made within 10 days after the
 707 effective date of this section.

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

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

721 (2) A member of the committee shall serve at the pleasure
 722 of the presiding officer who appointed the member and may not
 723 create the appearance of impropriety.

724 (3) A majority of the membership of the committee may
 725 conduct any business before the committee. All meetings and
 726 proceedings of the committee shall be staffed by the Office of
 727 Legislative Services and shall be subject to ss. 119.07 and
 728 286.011. Members of the committee are entitled to receive per

Final_01

ORIGINAL

YEAR

729 diem and travel expenses as provided in s. 112.061. Applicants
 730 invited for interviews before the committee may, at the
 731 discretion of the committee, receive per diem and travel
 732 expenses as provided in s. 112.061. The committee shall
 733 establish policies and procedures to govern the process by which
 734 applicants for appointment to the State Gaming Commission are
 735 nominated.

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

738 (b) For initial selection of an executive director for the
 739 Department of Gaming Control, the committee may advertise and
 740 receive applications for employment as the executive director.
 741 The committee will provide the commission with all applications
 742 received.

743 (5) A person may not be nominated to the Governor for
 744 appointment to the commission until the committee has determined
 745 that the person is competent and knowledgeable in one or more
 746 fields as specified in s. 551.003 and the requirements for
 747 appointees under s. 551.003 are met.

748 (6) It is the responsibility of the committee to nominate
 749 to the Governor no fewer than three persons for each vacancy
 750 occurring on the commission. The committee shall submit
 751 recommendations for the initial appointments to the commission
 752 to the Governor within 60 days after the effective date of this
 753 section. Thereafter, the committee shall submit the
 754 recommendations to the Governor by March 15 of those years in
 755 which the terms are to begin the following July, or within 60
 756 days after a vacancy occurs for any reason other than the

Final_01

ORIGINAL

YEAR

757 expiration of the term.

758 (7) The Governor shall, pursuant to this section and s.
 759 551.003 make initial appointments to the State Gaming Commission
 760 within 60 days after the effective date of this section and fill
 761 any vacancy occurring on the commission by appointment of one of
 762 the applicants nominated by the committee. An appointment may be
 763 made only after a background investigation of such applicant has
 764 been conducted by the Department of Law Enforcement.

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

774 (9) When the Governor makes an appointment to fill a
 775 vacancy occurring due to expiration of the term, and that
 776 appointment has not been confirmed by the Senate before the
 777 appointing Governor's term ends, a successor Governor may,
 778 within 30 days after taking office, recall the appointment and,
 779 prior to the first day of the next regular session, make a
 780 replacement appointment from the list provided to the previous
 781 Governor by the committee. Such an appointment is subject to
 782 confirmation by the Senate pursuant to subsection (8).

783 Section 8. Section 551.006, Florida Statutes, is created
 784 to read:

Final_01

ORIGINAL

YEAR

785 551.006 Executive director.—The commission shall, pursuant
 786 to s. 20.05, appoint or remove the executive director of the
 787 department by a majority vote. An interim executive director
 788 shall be appointed within 10 days after the initial meeting of
 789 the commission.

790 (1) The executive director:

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

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

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

794 and

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

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

800 1. A resort licensee or supplier licensee;

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

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

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

807 5. A tribal gaming facility within this state.

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

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

Final_01

ORIGINAL

YEAR

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

815 2. The person or the person's spouse, parent, child,
 816 child's spouse, or sibling is a member of the commission, or a
 817 director of, or a person financially interested in, an applicant
 818 or a licensee.

819 Section 9. Section 551.007, Florida Statutes, is created
 820 to read:

821 551.007 Law enforcement.—

822 (1) The department may employ sworn law enforcement
 823 officers meeting the qualifications and certification
 824 requirements under paragraph (a), and the department may hire
 825 and train personnel to be employed as sworn law enforcement
 826 officers, to enforce any criminal law, conduct any criminal
 827 investigation, or enforce any statute within the jurisdiction of
 828 the department.

829 (a) Each law enforcement officer must meet the
 830 qualifications for law enforcement officers under s. 943.13 and
 831 must be certified as a law enforcement officer by the Department
 832 of Law Enforcement. Upon certification, each law enforcement
 833 officer is subject to and has the authority provided to law
 834 enforcement officers generally under chapter 901 and has
 835 statewide jurisdiction.

836 (b) Each law enforcement officer has arrest authority as
 837 provided for state law enforcement officers under s. 901.15, and
 838 full law enforcement powers granted to other officers of this
 839 state, including the authority to make arrests, carry firearms,
 840 serve court process, and seize contraband and proceeds from

Final_01

ORIGINAL

YEAR

841 illegal activities.

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

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

849 Section 10. Section 551.008, Florida Statutes, is created
 850 to read:

851 551.008 Code of ethics.-

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

854 (2) A member of the commission or the executive director
 855 may not hold a direct or indirect interest in, be employed by,
 856 or enter into a contract for services with an applicant or
 857 person licensed by the commission for a period of 3 years after
 858 the date of termination of the person's membership on or
 859 employment with the commission.

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

865 (4) A commission member or a person employed by the
 866 commission may not represent a person or party other than the
 867 state before or against the commission for a period of 3 years
 868 after the date of termination of the member's term of office or

Final_01

ORIGINAL

YEAR

869 the employee's period of employment with the commission.

870 (5) A business entity in which a former commission member,
 871 employee, or agent has an interest, or any partner, officer, or
 872 employee of that business entity, may not appear before or
 873 represent another person before the commission if the former
 874 commission member, employee, or agent would be prohibited from
 875 doing so. As used in this subsection, the term "business entity"
 876 means a corporation, limited liability company, partnership,
 877 limited liability partnership association, trust, or other form
 878 of legal entity.

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

882 (a) Use the person's official authority or influence for
 883 the purpose of interfering with or affecting the result of an
 884 election;

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

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

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

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

895 (7) A former member, employee, or agent of the commission
 896 may appear before the commission as a witness testifying as to

Final_01

ORIGINAL

YEAR

897 factual matters or actions handled by the former member,
 898 employee, or agent during his or her tenure with the commission.
 899 However, the former member, employee, or agent of the commission
 900 may not receive compensation for the appearance other than a
 901 standard witness fee and reimbursement for travel expenses as
 902 established by statute or rules governing administrative
 903 proceedings before the Division of Administrative Hearings.

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

906 (b) An employee or agent of the commission granted
 907 permission for outside employment may not conduct any business
 908 or perform any activities, including solicitation, related to
 909 outside employment on premises used by the commission or during
 910 the employee's working hours for the commission.

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

913 1. Operating a proprietorship;

914 2. Participating in a partnership or group business
 915 enterprise; or

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

918 (9) A member, employee, or agent of the commission may not
 919 participate in or wager on any game conducted by any resort
 920 licensee or applicant or any affiliate of a licensee or
 921 applicant regulated by the commission in this state or in any
 922 other jurisdiction, except as required as part of the person's
 923 surveillance, security, or other official duties.

924 Section 11. Section 551.009, Florida Statutes, is created

Final_01

ORIGINAL

YEAR

925 to read:

926 551.009 Disclosures by commissioners, employees, and

927 agents.-

928 (1) COMMISSIONERS.-

929 (a) Each member of the commission must file a financial

930 disclosure statement pursuant to s. 112.3145.

931 (b) Each member must disclose information required by

932 rules of the commission to ensure the integrity of the

933 commission and its work.

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

935 statement with the commission:

936 1. Affirming that neither the member, nor the member's

937 spouse, parent, child, or child's spouse, is a member of the

938 board of directors of, financially interested in, or employed by

939 an applicant or resort licensee.

940 2. Affirming that the member is in compliance with part

941 III and the rules of the commission.

942 3. Disclosing any legal or beneficial interest in real

943 property that is or may be directly or indirectly involved with

944 activities or persons regulated by the commission.

945 (d) Each member must disclose involvement with any gaming

946 interest in the 3 years preceding appointment as a member.

947 (2) EMPLOYEES AND AGENTS.-

948 (a) The executive director and each managerial employee

949 and agent, as determined by the commission, must file a

950 financial disclosure statement pursuant to s. 112.3145. All

951 employees and agents must comply with the provisions of chapter

952 112.

Final_01

ORIGINAL

YEAR

953 (b) The executive director and each managerial employee
 954 and agent identified by rule of the commission must disclose
 955 information required by rules of the commission to ensure the
 956 integrity of the commission and its work.

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

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

962 2. Affirming that the person does not have any financial
 963 interest prohibited by laws or rules administered by the
 964 commission.

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

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

971 (3) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

972 (a) A member, employee, or agent of the commission who
 973 becomes aware that the member, employee, or agent of the
 974 commission or his or her spouse, parent, or child is a member of
 975 the board of directors of, financially interested in, or
 976 employed by an applicant or licensee must immediately provide
 977 detailed written notice to the chair.

978 (b) A member, employee, or agent of the commission must
 979 immediately provide detailed written notice of the circumstances
 980 to the chair if the member, employee, or agent is indicted,

Final_01

ORIGINAL

YEAR

981 charged with, convicted of, pleads guilty or nolo contendere to,
 982 or forfeits bail for:

983 1. A misdemeanor involving gambling, dishonesty, theft, or
 984 fraud;

985 2. A violation of any law in any state, or a law of the
 986 United States or any other jurisdiction, involving gambling,
 987 dishonesty, theft, or fraud which substantially corresponds to a
 988 misdemeanor in this state; or

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

991 (c) A member, employee, or agent of the commission who is
 992 negotiating for an interest in a licensee or an applicant, or is
 993 affiliated with such a person, must immediately provide written
 994 notice of the details of the interest to the chair. The member,
 995 employee, or agent of the commission may not act on behalf of
 996 the commission with respect to that person.

997 (d) A member, employee, or agent of the commission may not
 998 enter into negotiations for employment with any person or
 999 affiliate of any person who is an applicant, licensee, or
 1000 affiliate. If a member, employee, or agent of the commission
 1001 enters into negotiations for employment in violation of this
 1002 paragraph or receives an invitation, written or oral, to
 1003 initiate a discussion concerning employment with any person who
 1004 is a licensee, applicant, or affiliate, he or she must
 1005 immediately provide written notice of the details of any such
 1006 negotiations or discussions to the chair. The member, employee,
 1007 or agent of the commission may not take any action on behalf of
 1008 the commission with respect to that licensee or applicant.

Final_01

ORIGINAL

YEAR

1009 (e) A licensee or applicant may not knowingly initiate a
 1010 negotiation for, or discussion of, employment with a member,
 1011 employee, or agent of the commission. A licensee or applicant
 1012 who initiates a negotiation or discussion about employment shall
 1013 immediately provide written notice of the details of the
 1014 negotiation or discussion to the chair as soon as that person
 1015 becomes aware that the negotiation or discussion has been
 1016 initiated with a member, employee, or agent of the commission.

1017 (f) A member, employee, or agent of the commission, or a
 1018 parent, spouse, sibling, or child of a member, employee, or
 1019 agent of the commission, may not accept any gift, gratuity,
 1020 compensation, travel, lodging, or anything of value, directly or
 1021 indirectly, from a licensee, applicant, or affiliate or
 1022 representative of a person regulated by the commission. A
 1023 member, employee, or agent of the commission who is offered or
 1024 receives any gift, gratuity, compensation, travel, lodging, or
 1025 anything of value, directly or indirectly, from any licensee,
 1026 applicant, or affiliate or representative of a person regulated
 1027 by the commission must immediately provide written notice of the
 1028 details to the chair.

1029 (g) A licensee, applicant, or affiliate or representative
 1030 of an applicant or licensee may not, directly or indirectly,
 1031 knowingly give or offer to give any gift, gratuity,
 1032 compensation, travel, lodging, or anything of value to any
 1033 member or employee, or to a parent, spouse, sibling, or child of
 1034 a member, employee, or agent, which the member or employee is
 1035 prohibited from accepting under paragraph (f).

1036 (h) A member, employee, or agent of the commission may not

Final_01

ORIGINAL

YEAR

1037 engage in any conduct that constitutes a conflict of interest
 1038 and must immediately advise the chair in writing of the details
 1039 of any incident or circumstance that would suggest the existence
 1040 of a conflict of interest with respect to the performance of
 1041 commission-related work or duty of the member, employee, or
 1042 agent of the commission.

1043 (i) A member, employee, or agent of the commission who is
 1044 approached and offered a bribe must immediately provide a
 1045 written account of the details of the incident to the chair and
 1046 to a law enforcement agency having jurisdiction over the matter.

1047 Section 12. Section 551.011, Florida Statutes, is created
 1048 to read:

1049 551.011 Ex parte communications.—

1050 (1) A licensee, applicant, or affiliate or representative
 1051 of an applicant or licensee may not engage directly or
 1052 indirectly in ex parte communications concerning a pending
 1053 application, license, or enforcement action with a member of the
 1054 commission or concerning a matter that likely will be pending
 1055 before the commission. A member of the commission may not engage
 1056 directly or indirectly in any ex parte communications concerning
 1057 a pending application, license, or enforcement action with
 1058 members of the commission, or with a licensee, applicant, or
 1059 affiliate or representative of an applicant or licensee, or
 1060 concerning a matter that likely will be pending before the
 1061 commission.

1062 (2) Any commission member, licensee, applicant, or
 1063 affiliate or representative of a commission member, licensee, or
 1064 applicant who receives any ex parte communication in violation

Final_01

ORIGINAL

YEAR

1065 of subsection (1), or who is aware of an attempted communication
 1066 in violation of subsection (1), must immediately report details
 1067 of the communication or attempted communication in writing to
 1068 the chair.

1069 (3) If a commissioner knowingly receives an ex parte
 1070 communication relative to a proceeding to which he or she is
 1071 assigned, he or she must place on the record copies of all
 1072 written communications received, copies of all written responses
 1073 to the communications, and a memorandum stating the substance of
 1074 all oral communications received and all oral responses made,
 1075 and shall give written notice to all parties to the
 1076 communication that such matters have been placed on the record.
 1077 Any party who desires to respond to an ex parte communication
 1078 may do so. The response must be received by the commission
 1079 within 10 days after receiving notice that the ex parte
 1080 communication has been placed on the record. The commissioner
 1081 may, if he or she deems it necessary to eliminate the effect of
 1082 an ex parte communication received by him or her, withdraw from
 1083 the proceeding potentially impacted by the ex parte
 1084 communication. After a commissioner withdraws from the
 1085 proceeding, the chair shall substitute another commissioner for
 1086 the proceeding if the proceeding was not assigned to the full
 1087 commission.

1088 (4) Any individual who makes an ex parte communication
 1089 must submit to the commission a written statement describing the
 1090 nature of the communication, including the name of the person
 1091 making the communication, the name of the commissioner or
 1092 commissioners receiving the communication, copies of all written

Final_01

ORIGINAL

YEAR

1093 communications made, all written responses to such
 1094 communications, and a memorandum stating the substance of all
 1095 oral communications received and all oral responses made. The
 1096 commission shall place on the record of a proceeding all such
 1097 communications.

1098 (5) A member of the commission who knowingly fails to
 1099 place on the record any ex parte communications, in violation of
 1100 this section, within 15 days after the date of the communication
 1101 is subject to removal and may be assessed a civil penalty not to
 1102 exceed \$25,000.

1103 (6) The Commission on Ethics shall receive and investigate
 1104 sworn complaints of violations of this section pursuant to ss.
 1105 112.322-112.3241.

1106 (7) If the Commission on Ethics finds that a member of the
 1107 commission has violated this section, it shall provide the
 1108 Governor with a report of its findings and recommendations. The
 1109 Governor may enforce the findings and recommendations of the
 1110 Commission on Ethics pursuant to part III of chapter 112.

1111 (8) If a commissioner fails or refuses to pay the
 1112 Commission on Ethics any civil penalties assessed pursuant to
 1113 this section, the Commission on Ethics may bring an action in
 1114 any circuit court to enforce such penalty.

1115 (9) If, during the course of an investigation by the
 1116 Commission on Ethics into an alleged violation of this section,
 1117 allegations are made as to the identity of the person who
 1118 participated in the ex parte communication, that person must be
 1119 given notice and an opportunity to participate in the
 1120 investigation and relevant proceedings to present a defense. If

Final_01

ORIGINAL

YEAR

1121 the Commission on Ethics determines that the person participated
 1122 in the ex parte communication, the person may not appear before
 1123 the commission or otherwise represent anyone before the
 1124 commission for 2 years.

1125 Section 13. Section 551.012, Florida Statutes, is created
 1126 to read:

1127 551.012 Penalties for misconduct by a commissioner,
 1128 employee, or agent.-

1129 (1) A violation of this chapter by a member of the
 1130 commission may result in disqualification or constitute cause
 1131 for removal by the Governor or other disciplinary action as
 1132 determined by the commission.

1133 (2) A violation of this chapter by an employee or agent of
 1134 the commission does not require termination of employment or
 1135 other disciplinary action if:

1136 (a) The commission determines that the conduct involved
 1137 does not violate the purposes this chapter; or

1138 (b) There was no intentional action on the part of the
 1139 employee or agent, contingent on divestment of any financial
 1140 interest within 30 days after the interest was acquired.

1141 (3) Notwithstanding subsection (2), an employee or agent
 1142 of the commission who violates this chapter shall be terminated
 1143 if a financial interest in a licensee, applicant, or affiliate
 1144 or representative of a licensee or applicant is acquired by:

1145 (a) An employee of the commission; or

1146 (b) The employee's or agent's spouse, parent, or child.

1147 (4) A violation of this chapter does not create a civil
 1148 cause of action.

Final_01

ORIGINAL

YEAR

1149 Section 14. Section 551.301, Florida Statutes, is created
 1150 to read:

1151 551.301 This part may be cited as the "Destination Resort
 1152 Act" or the "Resort Act."

1153 Section 15. Section 551.302, Florida Statutes, is created
 1154 to read:

1155 551.302 Definitions.—As used in this part, the term:

1156 (1) "Ancillary areas" includes the following areas within
 1157 a limited gaming facility, unless the context otherwise
 1158 requires:

1159 (a) Major aisles, the maximum area of which may not exceed
 1160 the limit within any part of the limited gaming facility as
 1161 specified by the commission.

1162 (b) Back-of-house facilities.

1163 (c) Any reception or information counter.

1164 (d) Any area designated for the serving or consumption of
 1165 food and beverages.

1166 (e) Any retail outlet.

1167 (f) Any area designated for performances.

1168 (g) Any area designated for aesthetic or decorative
 1169 displays.

1170 (h) Staircases, staircase landings, escalators, lifts, and
 1171 lift lobbies.

1172 (i) Bathrooms.

1173 (j) Any other area that is not intended to be used for the
 1174 conduct or playing of games or as a gaming pit as defined by
 1175 rules of the commission or specified in the application for the
 1176 destination resort license.

Final_01

ORIGINAL

YEAR

1177 (2) "Applicant," as the context requires, means a person
 1178 who applies for a resort license, supplier license, or
 1179 occupational license. A county, municipality, or other unit of
 1180 government is prohibited from applying for a resort license.

1181 (3) "Credit" means the method by which a licensee issues
 1182 chips or tokens to a wagerer of the licensee to play games or
 1183 slot machines, in return for which the wagerer executes a credit
 1184 instrument to evidence the debt owed. The issuance of credit to
 1185 a wagerer may not be deemed a loan from the licensee to the
 1186 wagerer.

1187 (4) "Destination resort" or "resort" means a freestanding,
 1188 land-based structure in which limited gaming may be conducted. A
 1189 destination resort is a mixed-use development consisting of a
 1190 combination of various tourism amenities and facilities,
 1191 including, but not limited to, hotels, villas, restaurants,
 1192 limited gaming facilities, convention facilities, attractions,
 1193 entertainment facilities, service centers, and shopping centers.

1194 (5) "Destination resort license" or "resort license" means
 1195 a license to operate and maintain a destination resort having a
 1196 limited gaming facility.

1197 (6) "District" means a county in which a majority of the
 1198 electors voting in a countywide referendum have approved the
 1199 conduct of slot machine gaming as defined in s. 551.102 or a
 1200 majority of the electors voting in a countywide referendum have
 1201 passed a referendum allowing for limited gaming.

1202 (7) "Gaming pit" means an area commonly known as a gaming
 1203 pit or any similar area from which limited gaming employees
 1204 administer and supervise the games.

Final_01

ORIGINAL

YEAR

1205 (8) "Gross receipts" means the total of cash or cash
 1206 equivalents received or retained as winnings by a resort
 1207 licensee and the compensation received for conducting any game
 1208 in which the resort licensee is not party to a wager, less cash
 1209 taken in fraudulent acts perpetrated against the resort licensee
 1210 for which the resort licensee is not reimbursed. The term does
 1211 not include:
 1212 (a) Counterfeit money or tokens;
 1213 (b) Coins of other countries which are received in gaming
 1214 devices and which cannot be converted into United States
 1215 currency;
 1216 (c) Promotional credits or free play as provided by the
 1217 resort licensee as a means of marketing the limited gaming
 1218 facility; or
 1219 (d) The amount of any credit extended until collected.
 1220 (9) "Individual" means a natural person.
 1221 (10) "Institutional investor" means, but is not limited
 1222 to:
 1223 (a) A retirement fund administered by a public agency for
 1224 the exclusive benefit of federal, state, or county public
 1225 employees.
 1226 (b) An employee benefit plan or pension fund that is
 1227 subject to the Employee Retirement Income Security Act of 1974.
 1228 (c) An investment company registered under the Investment
 1229 Company Act of 1940.
 1230 (d) A collective investment trust organized by a bank
 1231 under 12 C.F.R. part 9, s. 9.18.
 1232 (e) A closed-end investment trust.

Final_01

ORIGINAL

YEAR

- 1233 (f) A life insurance company or property and casualty
 1234 insurance company.
- 1235 (g) A financial institution.
- 1236 (h) An investment advisor registered under the Investment
 1237 Advisers Act of 1940.
- 1238 (i) Such other persons as the commission may determine for
 1239 reasons consistent with the policies of this part.
- 1240 (11) "Junket enterprise" means any person who, for
 1241 compensation, employs or otherwise engages in the procurement or
 1242 referral of persons for a junket to a destination resort
 1243 licensed under this part regardless of whether those activities
 1244 occur within this state. The term does not include a resort
 1245 licensee or applicant for a resort license or a person holding
 1246 an occupational license.
- 1247 (12) "License," as the context requires, means a resort
 1248 license, supplier license, or occupational license.
- 1249 (13) "Licensee," as the context requires, means a person
 1250 who is licensed as a resort licensee, supplier licensee, or
 1251 occupational licensee.
- 1252 (14) "Limited gaming," "game," or "gaming," as the context
 1253 requires, means the games authorized under this part in a
 1254 limited gaming facility, including, but not limited to, those
 1255 commonly known as baccarat, twenty-one, poker, craps, slot
 1256 machines, video gaming of chance, roulette wheels, Klondike
 1257 tables, punch-board, faro layout, numbers ticket, push car, jar
 1258 ticket, pull tab, or their common variants, or any other game of
 1259 chance or wagering device that is authorized by the commission.
- 1260 (15) "Limited gaming employee" or "gaming employee" means

Final_01

ORIGINAL

YEAR

1261 any employee of a resort licensee, including, but not limited
 1262 to:
 1263 (a) Cashiers.
 1264 (b) Change personnel.
 1265 (c) Count room personnel.
 1266 (d) Slot machine attendants.
 1267 (e) Hosts or other individuals authorized to extend
 1268 complimentary services, including employees performing functions
 1269 similar to those performed by a representative for a junket
 1270 enterprise.
 1271 (f) Machine mechanics and computer technicians performing
 1272 duties on machines with gaming-related functions or table game
 1273 device technicians.
 1274 (g) Security personnel.
 1275 (h) Surveillance personnel.
 1276 (i) Promotional play supervisors, credit supervisors, pit
 1277 supervisors, cashier supervisors, gaming shift supervisors,
 1278 table game managers, assistant managers, and other supervisors
 1279 and managers.
 1280 (j) Boxmen.
 1281 (k) Dealers or croupiers.
 1282 (l) Floormen.
 1283 (m) Personnel authorized to issue promotional credits.
 1284 (n) Personnel authorized to issue credit.
 1285
 1286 The term does not include bartenders, cocktail servers, or other
 1287 persons engaged in preparing or serving food or beverages,
 1288 clerical or secretarial personnel, parking attendants,

Final_01

ORIGINAL

YEAR

1289 janitorial staff, stage hands, sound and light technicians, and
 1290 other nongaming personnel as determined by the commission. The
 1291 term includes a person employed by a person or entity other than
 1292 a resort licensee who performs the functions of a limited gaming
 1293 employee.

1294 (16) "Limited gaming facility" means the limited gaming
 1295 floor and any ancillary areas.

1296 (17) "Limited gaming floor" means the approved gaming area
 1297 of a resort. Ancillary areas in or directly adjacent to the
 1298 gaming area are not part of the limited gaming floor for
 1299 purposes of calculating the size of the limited gaming floor.

1300 (18) "Managerial employee" has the same meaning as in s.
 1301 447.203(4).

1302 (19) "Occupational licensee" means a person who is
 1303 licensed to be a limited gaming employee.

1304 (20) "Qualifier" means an affiliate, affiliated company,
 1305 officer, director, or managerial employee of an applicant for a
 1306 resort license, or a person who holds a direct or indirect
 1307 equity interest in the applicant. The term may include an
 1308 institutional investor. As used in this subsection, the terms
 1309 "affiliate," "affiliated company," and "a person who holds a
 1310 direct or indirect equity interest in the applicant" do not
 1311 include a partnership, a joint venture relationship, a
 1312 shareholder of a corporation, a member of a limited liability
 1313 company, or a partner in a limited liability partnership that
 1314 has a direct or indirect equity interest in the applicant for a
 1315 resort license of 5 percent or less and is not involved in the
 1316 gaming operations as defined by the rules of the commission.

Final_01

ORIGINAL

YEAR

1317 (21) "Supplier licensee" or "supplier" means a person who
 1318 is licensed to furnish gaming equipment, devices, or supplies or
 1319 other goods or services to a resort licensee.

1320 (22) "Wagerer" means a person who plays a game authorized
 1321 under this part.

1322 Section 16. Section 551.304, Florida Statutes, is created
 1323 to read:

1324 551.304 State Gaming Commission; powers and duties.-

1325 (1) The commission shall:

1326 (a) Authorize limited gaming at three destination resorts.

1327 (b) Conduct such investigations as necessary to fulfill
 1328 its responsibilities.

1329 (c) Use an invitation to negotiate process for applicants
 1330 based on minimum requirements established by this part and rules
 1331 of the commission.

1332 (d) Investigate applicants for a resort license and
 1333 determine the eligibility of applicants for a resort license and
 1334 select from competing applicants the applicant that best serves
 1335 the interests of the residents of Florida, based on the
 1336 potential for economic development presented by the applicant's
 1337 proposed investment in infrastructure, such as hotels and other
 1338 nongaming entertainment facilities, and the applicant's ability
 1339 to maximize revenue for the state.

1340 (e) Grant a license to the applicant best suited to
 1341 operate a destination resort that has limited gaming.

1342 (f) Establish and collect fees for performing background
 1343 checks on all applicants for licenses and all persons with whom
 1344 the commission may contract for the providing of goods or

Final_01

ORIGINAL

YEAR

1345 services and for performing, or having performed, tests on
 1346 equipment and devices to be used in a limited gaming facility.
 1347 (g) Issue subpoenas for the attendance of witnesses and
 1348 subpoenas duces tecum for the production of books, records, and
 1349 other pertinent documents as provided by law, and to administer
 1350 oaths and affirmations to the witnesses, if, in the judgment of
 1351 the commission, it is necessary to enforce this part or
 1352 commission rules. If a person fails to comply with a subpoena,
 1353 the commission may petition the circuit court of the county in
 1354 which the person subpoenaed resides or has his or her principal
 1355 place of business for an order requiring the subpoenaed person
 1356 to appear and testify and to produce books, records, and
 1357 documents as specified in the subpoena. The court may grant
 1358 legal, equitable, or injunctive relief, which may include, but
 1359 is not limited to, issuance of a writ of ne exeat or restraint
 1360 by injunction or appointment of a receiver of any transfer,
 1361 pledge, assignment, or other disposition of such person's assets
 1362 or any concealment, alteration, destruction, or other
 1363 disposition of subpoenaed books, records, or documents, as the
 1364 court deems appropriate, until the person subpoenaed has fully
 1365 complied with the subpoena and the commission has completed the
 1366 audit, examination, or investigation. The commission is entitled
 1367 to the summary procedure provided in s. 51.011, and the court
 1368 shall advance the cause on its calendar. Costs incurred by the
 1369 commission to obtain an order granting, in whole or in part,
 1370 such petition for enforcement of a subpoena shall be charged
 1371 against the subpoenaed person, and failure to comply with such
 1372 order is a contempt of court.

Final_01

ORIGINAL

YEAR

1373 (h) The commission shall require each applicant for a
 1374 destination resort license to produce the information,
 1375 documentation, and assurances as may be necessary to establish
 1376 by clear and convincing evidence the integrity of all financial
 1377 backers, investors, mortgagees, bondholders, and holders of
 1378 indentures, notes or other evidences of indebtedness, either in
 1379 effect or proposed. Any such banking or lending institution and
 1380 institutional investors may be waived from qualification
 1381 requirements. However, banking or lending institutions or
 1382 institutional investors shall produce for the board upon request
 1383 any document or information that bears any relation to the
 1384 proposal submitted by the applicant or applicants. The integrity
 1385 of the financial sources shall be judged upon the same standards
 1386 as the applicant or applicants. Any such person or entity shall
 1387 produce for the commission upon request any document or
 1388 information that bears any relation to the application. In
 1389 addition, the applicant shall produce whatever information,
 1390 documentation, or assurances the commission requires to
 1391 establish by clear and convincing evidence the adequacy of
 1392 financial resources.

1393 (i) Require or permit a person to file a statement in
 1394 writing, under oath or otherwise as the commission or its
 1395 designee requires, as to all the facts and circumstances
 1396 concerning the matter to be audited, examined, or investigated.

1397 (j) Keep accurate and complete records of its proceedings
 1398 and to certify the records as may be appropriate.

1399 (k) Take any other action as may be reasonable or
 1400 appropriate to enforce this part and rules adopted by the

Final_01

ORIGINAL

YEAR

1401 commission.

1402 (1) Apply for injunctive or declaratory relief in a court

1403 of competent jurisdiction to enforce this part and any rules

1404 adopted by the commission.

1405 (m) Establish field offices, as deemed necessary by the

1406 commission.

1407 (2) The Department of Law Enforcement and local law

1408 enforcement agencies may investigate any criminal violation of

1409 law occurring at destination resorts. Such investigations may be

1410 conducted in conjunction with the appropriate state attorney.

1411 (3)(a) The commission, the Department of Law Enforcement,

1412 and local law enforcement agencies shall have unrestricted

1413 access to the limited gaming facility at all times and shall

1414 require of each resort licensee strict compliance with the laws

1415 of this state relating to the transaction of such business. The

1416 commission and the Department of Law Enforcement may:

1417 1. Inspect and examine premises where authorized limited

1418 gaming devices are offered for play.

1419 2. Inspect slot machines, other authorized gaming devices,

1420 and related equipment and supplies.

1421 (b) In addition, the commission may:

1422 1. Collect taxes, assessments, fees, and penalties.

1423 2. Deny, revoke, or suspend a license, or place conditions

1424 on a licensee who violates any provision of this part, a rule

1425 adopted by the commission, or an order of the commission.

1426 (4) The commission must revoke or suspend the license of

1427 any person who is no longer qualified or who is found, after

1428 receiving a license, to have been unqualified at the time of

Final_01

ORIGINAL

YEAR

1429 application for the license.
 1430 (5) This section does not:
 1431 (a) Prohibit the Department of Law Enforcement or any law
 1432 enforcement authority whose jurisdiction includes a resort
 1433 licensee or a supplier licensee from conducting investigations
 1434 of criminal activities occurring at the facilities of a resort
 1435 licensee or supplier licensee;
 1436 (b) Restrict access to the limited gaming facility by the
 1437 Department of Law Enforcement or any local law enforcement
 1438 authority whose jurisdiction includes a resort licensee's
 1439 facility; or
 1440 (c) Restrict access by the Department of Law Enforcement
 1441 or a local law enforcement agency to information and records
 1442 necessary for the investigation of criminal activity which are
 1443 contained within the facilities of a resort licensee or supplier
 1444 licensee.
 1445 Section 17. Section 551.305, Florida Statutes, is created
 1446 to read:
 1447 551.305 Rulemaking.—
 1448 (1) The commission shall adopt all rules necessary to
 1449 implement, administer, and regulate limited gaming under this
 1450 part. The rules must include:
 1451 (a) The types of limited gaming activities to be conducted
 1452 and the rules for those games, including any restriction upon
 1453 the time, place, and structures where limited gaming is
 1454 authorized.
 1455 (b) Requirements, procedures, qualifications, and grounds
 1456 for the issuance, renewal, revocation, suspension, and summary

Final_01

ORIGINAL

YEAR

1457 suspension of a resort license, supplier license, or
 1458 occupational license.
 1459 (c) Requirements for the disclosure of the complete
 1460 financial interests of licensees and applicants for licenses.
 1461 (d) Technical requirements and the qualifications that are
 1462 necessary to receive a license.
 1463 (e) Procedures to scientifically test and technically
 1464 evaluate slot machines and other authorized gaming devices for
 1465 compliance with this part and the rules adopted by the
 1466 commission. The commission may contract with an independent
 1467 testing laboratory to conduct any necessary testing. The
 1468 independent testing laboratory must have a national reputation
 1469 for being demonstrably competent and qualified to scientifically
 1470 test and evaluate slot machines and other authorized gaming
 1471 devices. An independent testing laboratory may not be owned or
 1472 controlled by a licensee. The use of an independent testing
 1473 laboratory for any purpose related to the conduct of slot
 1474 machine gaming and other authorized gaming by a resort licensee
 1475 shall be made from a list of laboratories approved by the
 1476 commission.
 1477 (f) Procedures relating to limited gaming revenues,
 1478 including verifying and accounting for such revenues, auditing,
 1479 and collecting taxes and fees.
 1480 (g) Requirements for limited gaming equipment, including
 1481 the types and specifications of all equipment and devices that
 1482 may be used in limited gaming facilities.
 1483 (h) Procedures for regulating, managing, and auditing the
 1484 operation, financial data, and program information relating to

Final_01

ORIGINAL

YEAR

1485 limited gaming which allow the commission and the Department of
 1486 Law Enforcement to audit the operation, financial data, and
 1487 program information of a resort licensee, as required by the
 1488 commission or the Department of Law Enforcement, and provide the
 1489 commission and the Department of Law Enforcement with the
 1490 ability to monitor, at any time on a real-time basis, wagering
 1491 patterns, payouts, tax collection, and compliance with any rules
 1492 adopted by the commission for the regulation and control of
 1493 limited gaming. Such continuous and complete access, at any time
 1494 on a real-time basis, shall include the ability of either the
 1495 commission or the Department of Law Enforcement to suspend play
 1496 immediately on particular slot machines or other gaming devices
 1497 if monitoring of the facilities-based computer system indicates
 1498 possible tampering or manipulation of those slot machines or
 1499 gaming devices or the ability to suspend play immediately of the
 1500 entire operation if the tampering or manipulation is of the
 1501 computer system itself. The commission shall notify the
 1502 Department of Law Enforcement and the Department of Law
 1503 Enforcement shall notify the commission, as appropriate,
 1504 whenever there is a suspension of play pursuant this paragraph.
 1505 The commission and the Department of Law Enforcement shall
 1506 exchange information that is necessary for, and cooperate in the
 1507 investigation of, the circumstances requiring suspension of play
 1508 pursuant to this paragraph.

1509 (i) Procedures for requiring each resort licensee at his
 1510 or her own cost and expense to supply the commission with a bond
 1511 as required.

1512 (j) The requirements for an applicant to demonstrate that

Final_01

ORIGINAL

YEAR

1513 it has received conceptual approval for the destination resort
 1514 proposal from the municipality and county in which the resort
 1515 will be located.

1516 (k) Procedures for requiring licensees to maintain and to
 1517 provide to the commission records, data, information, or
 1518 reports, including financial and income records.

1519 (l) Procedures to calculate the payout percentages of slot
 1520 machines.

1521 (m) Minimum standards for security of the facilities,
 1522 including floor plans, security cameras, and other security
 1523 equipment.

1524 (n) The scope and conditions for investigations and
 1525 inspections into the conduct of limited gaming.

1526 (o) The standards and procedures for the seizure without
 1527 notice or hearing of gaming equipment, supplies, or books and
 1528 records for the purpose of examination and inspection.

1529 (p) Procedures for requiring resort licensees and supplier
 1530 licensees to implement and establish drug-testing programs for
 1531 all occupational employees.

1532 (q) Procedures and guidelines for the continuous recording
 1533 of all gaming activities at a limited gaming facility. The
 1534 commission may require a resort licensee to timely provide all
 1535 or part of the original recordings pursuant to a schedule.

1536 (r) The payment of costs incurred by the commission or any
 1537 other agencies for investigations or background checks or costs
 1538 associated with testing limited gaming related equipment, which
 1539 must be paid by an applicant for a license or a licensee.

1540 (s) The levying of fines for violations of this part or

Final_01

ORIGINAL

YEAR

1541 any rule adopted by the commission, which fines may not exceed
 1542 \$250,000 per violation arising out of a single transaction.

1543 (t) The amount of the application fee for an initial
 1544 issuance or renewal of an occupational license or a suppliers
 1545 license, not to exceed \$5,000.

1546 (u) Any other rules the commission finds necessary for
 1547 safe, honest, and highly regulated gaming in the state. For
 1548 purposes of this paragraph, the commission shall consider rules
 1549 from any other jurisdiction in which gaming is highly regulated,
 1550 such as New Jersey or Nevada.

1551 (v) Any other rule necessary to accomplish the purposes of
 1552 this part.

1553 (2) The commission may at any time adopt emergency rules
 1554 pursuant to s. 120.54. The Legislature finds that such emergency
 1555 rulemaking power is necessary for the preservation of the rights
 1556 and welfare of the people in order to provide additional funds
 1557 to benefit the public. The Legislature further finds that the
 1558 unique nature of limited gaming operations requires, from time
 1559 to time, that the commission respond as quickly as is
 1560 practicable. Therefore, in adopting such emergency rules, the
 1561 commission need not make the findings required by s.
 1562 120.54(4)(a). Emergency rules adopted under this section are
 1563 exempt from s. 120.54(4)(c). However, the emergency rules may
 1564 not remain in effect for more than 180 days except that the
 1565 commission may renew the emergency rules during the pendency of
 1566 procedures to adopt permanent rules addressing the subject of
 1567 the emergency rules.

1568 Section 18. Section 551.306, Florida Statutes, is created

Final_01

ORIGINAL

YEAR

1569 to read:

1570 551.306 Legislative authority; administration of part.—The
 1571 regulation of the conduct of limited gaming activity at a resort
 1572 licensee is preempted to the state and a county, municipality,
 1573 or other political subdivision of the state may not enact any
 1574 ordinance relating to limited gaming. Only the department and
 1575 other authorized state agencies may administer this part and
 1576 regulate limited gaming, including limited gaming at resort
 1577 licensees and the assessment of fees or taxes relating to the
 1578 conduct of limited gaming.

1579 Section 19. Section 551.307, Florida Statutes, is created
 1580 to read:

1581 551.307 Authorization of limited gaming at destination
 1582 resorts.—Notwithstanding any other provision of law, the
 1583 commission may award a resort license authorizing limited gaming
 1584 in a county only if a majority of the electors voting in a
 1585 countywide referendum have approved the conduct of slot machine
 1586 gaming as defined in s. 551.102 or a majority of the electors
 1587 voting in a countywide referendum have passed a referendum
 1588 allowing for limited gaming. If limited gaming is authorized
 1589 through the award of a resort license, the resort licensee may
 1590 possess slot machines and other authorized gaming devices and
 1591 conduct limited gaming at the licensed location. Notwithstanding
 1592 any other provision of law, a person who is at least 21 years of
 1593 age may lawfully participate in authorized games at a facility
 1594 licensed to possess authorized limited gaming devices and
 1595 conduct limited gaming or to participate in limited gaming as
 1596 described in this part.

Final_01

ORIGINAL

YEAR

1597 Section 20. Section 551.308, Florida Statutes, is created
 1598 to read:
 1599 551.308 Process for awarding destination resort licenses.—
 1600 (1) The commission shall by rule use an invitation to
 1601 negotiate process for determining the award of a resort license.
 1602 The application, review, and issuance procedures for awarding a
 1603 license shall be by a process in which applicants rely on forms
 1604 provided by the commission in response to an invitation to
 1605 negotiate issued by the commission. The commission shall issue
 1606 the invitation to negotiate no later than 90 days after the date
 1607 of the commission's first meeting.
 1608 (2) Proposals in response to the invitation to negotiate
 1609 must be received by the commission no later than 90 days after
 1610 the issuance of the invitation to negotiate.
 1611 (3) The commission may specify in its invitation to
 1612 negotiate the county in which the facility would be located.
 1613 When determining whether to authorize a destination resort
 1614 located within a specific county or counties, the commission
 1615 shall hold a public hearing in such county or counties to
 1616 discuss the proposals and receive public comments on
 1617 determination of the award of licenses.
 1618 (4) The commission shall review all complete replies
 1619 received pursuant to an invitation to negotiate. The commission
 1620 may select one or more replies with which to commence
 1621 negotiations after determining which replies are in the best
 1622 interest of the state based on the selection criteria. The
 1623 commission shall award or deny a destination resort license
 1624 within 90 days after the deadline for the submission of a reply.

Final_01

ORIGINAL

YEAR

1625 Section 21. Section 551.309, Florida Statutes, is created
 1626 to read:

1627 551.309 Criteria for the award of a destination resort
 1628 license.-The commission may award no more than three destination
 1629 resort licenses.

1630 (1) The commission may award a resort license to the
 1631 applicant of an invitation to negotiate which best serves the
 1632 interests of the residents of this state. The reply to an
 1633 invitation to negotiate for a resort license must include an
 1634 application that demonstrates the applicant's ability to meet
 1635 the following minimum criteria:

1636 (a) The applicant must demonstrate a capacity to increase
 1637 tourism, generate jobs, provide revenue to the local economy,
 1638 and provide revenue to the General Revenue Fund.

1639 (b) The limited gaming floor in a destination resort may
 1640 constitute no more than 10 percent of the resort development's
 1641 total square footage. The resort development's total square
 1642 footage is the aggregate of the total square footage of the
 1643 limited gaming facility, the hotel or hotels, convention space,
 1644 retail facilities, nongaming entertainment facilities, service
 1645 centers, and office space or administrative areas.

1646 (c) The applicant must demonstrate a history of, or a bona
 1647 fide plan for, community involvement or investment in the
 1648 community where the resort having a limited gaming facility will
 1649 be located.

1650 (d) The applicant must demonstrate the financial ability
 1651 to purchase and maintain an adequate surety bond.

1652 (e) The applicant must demonstrate that it has adequate

Final_01

ORIGINAL

YEAR

1653 capitalization to develop, construct, maintain, and operate the
 1654 proposed resort having a limited gaming facility in accordance
 1655 with the requirements of this part and rules adopted by the
 1656 commission and to responsibly meet its secured and unsecured
 1657 debt obligations in accordance with its financial and other
 1658 contractual agreements.

1659 (f) The applicant must demonstrate the ability to
 1660 implement a program to train and employ residents of this state
 1661 for jobs that will be available at the destination resort,
 1662 including its ability to implement a program for the training of
 1663 low-income persons.

1664 (g) The commission may, at its discretion, assess the
 1665 quality of the proposed development's aesthetic appearance in
 1666 the context of its potential to provide substantial economic
 1667 benefits to the community and the people of this state,
 1668 including, but not limited to, its potential to provide
 1669 substantial employment opportunities.

1670 (h) The applicant must demonstrate that it will expend at
 1671 least \$2 billion in new development and construction of the
 1672 proposed destination resort following the award of a license,
 1673 excluding any purchase price and costs associated with the
 1674 acquisition of real property on which to develop the destination
 1675 resort. Such expenditure must in aggregate be completed within 5
 1676 years after the award of any such license.

1677 (i) The applicant must demonstrate the ability to generate
 1678 substantial gross receipts.

1679 (2)(a) The commission shall evaluate applications based on
 1680 the following weighted criteria.

Final_01

ORIGINAL

YEAR

- 1681 1. Design and location: 35 percent.
- 1682 2. Management expertise: 10 percent.
- 1683 3. Speed to market: 35 percent.
- 1684 4. Financial plan; access to capital: 10 percent.
- 1685 5. Community plan: 10 percent.
- 1686 (b) The commission shall give preference to those
- 1687 applicants that demonstrate that they meet the following
- 1688 criteria:
- 1689 1. The roads, water, sanitation, utilities, and related
- 1690 services to the proposed location of the destination resort are
- 1691 adequate and that the proposed destination resort will not
- 1692 unduly impact public services, existing transportation
- 1693 infrastructure, consumption of natural resources, and the
- 1694 quality of life enjoyed by residents of the surrounding
- 1695 neighborhoods.
- 1696 2. The ability to commence construction as soon after
- 1697 awarding of the resort license as possible, but, in any event,
- 1698 no later than 12 months after the award of the resort license.
- 1699 3. The destination resort will be located in an
- 1700 empowerment zone or enterprise zone, as those terms are defined
- 1701 by federal and state law.
- 1702 4. The destination resort will be located in an area in
- 1703 which the unemployment rate in the zip codes immediately
- 1704 surrounding the proposed location is among the highest in the
- 1705 state.
- 1706 5. The destination resort will include amenities and uses
- 1707 that will allow other state businesses to be included within the
- 1708 destination resort.

Final_01

ORIGINAL

YEAR

1709 (3) A resort license may be issued only to persons of good
 1710 moral character who are at least 21 years of age. A resort
 1711 license may issued to a corporation only if its officers are of
 1712 good moral character and at least 21 years of age.

1713 (4) A resort license may not be issued to an applicant if
 1714 the applicant, qualifier, or institutional investor:

1715 (a) Has, within the last 5 years, been adjudicated by a
 1716 court or tribunal for failure to pay income, sales, or gross
 1717 receipts tax due and payable under any federal, state, or local
 1718 law, after exhaustion of all appeals or administrative remedies.

1719 (b) Has been convicted of a felony under the laws of this
 1720 state, any other state, or the United States.

1721 (c) Has been convicted of any violation under chapter 817
 1722 or under a substantially similar law of another jurisdiction.

1723 (d) Knowingly submitted false information in the
 1724 application for the license.

1725 (e) Is a member or employee of the commission.

1726 (f) Was licensed to own or operate gaming or pari-mutuel
 1727 facilities in this state or another jurisdiction and that
 1728 license was revoked.

1729 (g) Is an entity that has accepted any wager of money or
 1730 other consideration on any online gambling activity, including
 1731 poker, from any state resident since October 13, 2006. However,
 1732 this prohibition does not disqualify an applicant or
 1733 subcontractor who accepts online pari-mutuel wagers from a state
 1734 resident through a legal online pari-mutuel wagering entity
 1735 authorized in another state.

1736 (h) Fails to meet any other criteria for licensure set

Final_01

ORIGINAL

YEAR

1737 forth in this part.

1738

1739 As used in this subsection, the term "conviction" includes an
 1740 adjudication of guilt on a plea of guilty or nolo contendere or
 1741 the forfeiture of a bond when charged with a crime.

1742 Section 22. Section 551.310, Florida Statutes, is created
 1743 to read:

1744 551.310 Application for destination resort license.-

1745 (1) APPLICATION.-A reply submitted in response to an
 1746 invitation to negotiate must include a sworn application in the
 1747 format prescribed by the commission. The application must
 1748 include the following information:

1749 (a)1. The name, business address, telephone number, social
 1750 security number, and, where applicable, federal tax
 1751 identification number of the applicant and each qualifier; and

1752 2. Information, documentation, and assurances concerning
 1753 financial background and resources as may be required to
 1754 establish the financial stability, integrity, and responsibility
 1755 of the applicant. This includes business and personal income and
 1756 disbursement schedules, tax returns and other reports filed with
 1757 governmental agencies, and business and personal accounting and
 1758 check records and ledgers. In addition, each applicant must
 1759 provide written authorization for the examination of all bank
 1760 accounts and records as may be deemed necessary by the
 1761 commission.

1762 (b) The identity and, if applicable, the state of
 1763 incorporation or registration of any business in which the
 1764 applicant or a qualifier has an equity interest of more than 5

Final_01

ORIGINAL

YEAR

1765 percent. If the applicant or qualifier is a corporation,
 1766 partnership, or other business entity, the applicant or
 1767 qualifier must identify any other corporation, partnership, or
 1768 other business entity in which it has an equity interest of more
 1769 than 5 percent, including, if applicable, the state of
 1770 incorporation or registration.

1771 (c) Documentation, as required by the commission, that the
 1772 applicant has received conceptual approval of the destination
 1773 resort proposal from the municipality and county in which the
 1774 resort will be located.

1775 (d) A statement as to whether the applicant or a qualifier
 1776 has developed and operated a similar gaming facility within a
 1777 highly regulated domestic jurisdiction that allows similar forms
 1778 of development, including a description of the gaming facility,
 1779 the gaming facility's gross revenue, and the amount of revenue
 1780 the gaming facility has generated for state and local
 1781 governments within that jurisdiction.

1782 (e) A statement as to whether the applicant or a qualifier
 1783 has been indicted, convicted of, pled guilty or nolo contendere
 1784 to, or forfeited bail for any felony or for a misdemeanor
 1785 involving gambling, theft, or fraud. The statement must include
 1786 the date, the name and location of the court, the arresting
 1787 agency, the prosecuting agency, the case caption, the docket
 1788 number, the nature of the offense, the disposition of the case,
 1789 and, if applicable, the location and length of incarceration.

1790 (f) A statement as to whether the applicant or a qualifier
 1791 has ever been granted any license or certificate in any
 1792 jurisdiction which has been restricted, suspended, revoked, not

Final_01

ORIGINAL

YEAR

1793 renewed, or otherwise subjected to discipline. The statement
 1794 must describe the facts and circumstances concerning that
 1795 restriction, suspension, revocation, nonrenewal, or discipline,
 1796 including the licensing authority, the date each action was
 1797 taken, and an explanation of the circumstances for each
 1798 disciplinary action.

1799 (g) A statement as to whether the applicant or qualifier
 1800 has, as a principal or a controlling shareholder, within the
 1801 last 10 years, filed for protection under the Federal Bankruptcy
 1802 Code or had an involuntary bankruptcy petition filed against it.

1803 (h) A statement as to whether the applicant or qualifier
 1804 has, within the last 5 years, been adjudicated by a court or
 1805 tribunal for failure to pay any income, sales, or gross receipts
 1806 tax due and payable under federal, state, or local law, or under
 1807 the laws of any applicable foreign jurisdiction, after
 1808 exhaustion of all appeals or administrative remedies. This
 1809 statement must identify the amount and type of the tax and the
 1810 time periods involved and must describe the resolution of the
 1811 nonpayment.

1812 (i) A list of the names and titles of any public officials
 1813 or officers of any unit of state government or of the local
 1814 government or governments in the county or municipality in which
 1815 the proposed resort is to be located, and the spouses, parents,
 1816 and children of those public officials or officers, who,
 1817 directly or indirectly, own any financial interest in, have any
 1818 beneficial interest in, are the creditors of, hold any debt
 1819 instrument issued by the applicant or a qualifier, or hold or
 1820 have an interest in any contractual or service relationship with

Final_01

ORIGINAL

YEAR

1821 the applicant or qualifier. As used in this paragraph, the terms
 1822 "public official" and "officer" do not include a person who
 1823 would be listed solely because the person is a member of the
 1824 Florida National Guard.

1825 (j) The name and business telephone number of, and a
 1826 disclosure of fees paid to any attorney, lobbyist, employee,
 1827 consultant, or other person who has represented the applicant's
 1828 interests in the state for 3 years prior to the effective date
 1829 of this part or who is representing an applicant before the
 1830 commission during the application process.

1831 (k) A description of the applicant's history of and
 1832 proposed plan for community involvement or investment in the
 1833 community where the resort having a limited gaming facility
 1834 would be located.

1835 (l) A description of the applicant's proposed resort,
 1836 including a map documenting the location of the facility within
 1837 the specific county or counties; a statement regarding the
 1838 compliance of the applicant with state, regional, and local
 1839 planning and zoning requirements; a description of the economic
 1840 benefit to the community in which the facility would be located;
 1841 the anticipated number of jobs generated by construction of the
 1842 facility; the anticipated number of employees; a statement
 1843 regarding how the applicant would comply with federal and state
 1844 affirmative action guidelines; a projection of admissions or
 1845 attendance at the limited gaming facility; a projection of gross
 1846 receipts; and scientific market research pertaining to the
 1847 proposed facility, if any.

1848 (m) Proof that a countywide referendum has been approved

Final_01

ORIGINAL

YEAR

1849 by the electors of the county to authorize slot machine gaming
 1850 as defined in s. 551.102 in the county prior to the application
 1851 deadline or that proof of a countywide referendum has been
 1852 approved prior to the application deadline by the electors of
 1853 the county authorizing limited gaming as defined in this
 1854 chapter.

1855 (n) A schedule or timeframe for completing the resort.

1856 (o) A plan for training residents of this state for jobs
 1857 at the resort. The job-training plan must provide training to
 1858 enable low-income persons to qualify for jobs at the resort.

1859 (p) The identity of each person, association, trust, or
 1860 corporation or partnership having a direct or indirect equity
 1861 interest in the applicant of greater than 5 percent. If
 1862 disclosure of a trust is required under this paragraph, the
 1863 names and addresses of the beneficiaries of the trust must also
 1864 be disclosed. If the identity of a corporation must be
 1865 disclosed, the names and addresses of all stockholders and
 1866 directors must also be disclosed. If the identity of a
 1867 partnership must be disclosed, the names and addresses of all
 1868 partners, both general and limited, must also be disclosed.

1869 (q) A destination resort and limited gaming facility
 1870 development plan and projected investment of \$2 billion pursuant
 1871 to s. 551.309.

1872 (r) The fingerprints of all officers or directors of the
 1873 applicant and qualifiers, and any persons exercising operational
 1874 or managerial control of the applicant, as determined by rule of
 1875 the commission, for a criminal history record check.

1876 (s) A statement outlining the organization's diversity

Final_01

ORIGINAL

YEAR

1877 | plan.
 1878 | (t) A listing of all gaming licenses and permits the
 1879 | applicant or qualifier currently possesses.
 1880 | (u) A listing of former or inactive officers, directors,
 1881 | partners, and trustees.
 1882 | (v) A listing of all affiliated business entities or
 1883 | holding companies, including nongaming interests.
 1884 | (w) Any other information the commission may deem
 1885 | appropriate or require during the application process as
 1886 | provided by rule.
 1887 | (2) DISCRETION TO REQUIRE INFORMATION.—Notwithstanding any
 1888 | other provision of law, the commission is the sole authority for
 1889 | determining the information or documentation that must be
 1890 | included in an application for a resort license or in an
 1891 | application to renew a resort license. Such documentation and
 1892 | information may relate to: demographics, education, work
 1893 | history, personal background, criminal history, finances,
 1894 | business information, complaints, inspections, investigations,
 1895 | discipline, bonding, photographs, performance periods,
 1896 | reciprocity, local government approvals, supporting
 1897 | documentation, periodic reporting requirements, and fingerprint
 1898 | requirements.
 1899 | (3) DUTY TO SUPPLEMENT APPLICATION.—The application shall
 1900 | be supplemented as needed to reflect any material change in any
 1901 | circumstance or condition stated in the application which takes
 1902 | place between the initial filing of the application and the
 1903 | final grant or denial of the license. Any submission required to
 1904 | be in writing may otherwise be required by the commission to be

Final_01

ORIGINAL

YEAR

1905 made by electronic means.
 1906 (4) APPLICATION FEES.-
 1907 (a) The application for a resort license must be submitted
 1908 along with a nonrefundable application fee of \$1 million to be
 1909 used by the commission to defray costs associated with the
 1910 review and investigation of the application and to conduct a
 1911 background investigation of the applicant and each qualifier. If
 1912 the cost of the review and investigation exceeds \$1 million, the
 1913 applicant must pay the additional amount to the commission
 1914 within 30 days after the receipt of a request for an additional
 1915 payment.
 1916 (b) The application for a destination resort license must
 1917 be submitted with a one-time licensing fee of \$50 million. If
 1918 the commission denies the application, the commission must
 1919 refund the licensing fee within 30 days after the denial of the
 1920 application. If the applicant withdraws the application after
 1921 the application deadline established by the commission, the
 1922 commission must refund 80 percent of the licensing fee within 30
 1923 days after the application is withdrawn.
 1924 Section 23. Section 551.311, Florida Statutes, is created
 1925 to read:
 1926 551.311 Incomplete applications.-
 1927 (1) An incomplete application for a resort license is
 1928 grounds for the denial of the application.
 1929 (2)(a) If the commission determines that an application
 1930 for a resort license is incomplete, the executive director shall
 1931 immediately provide written notice to the applicant of the
 1932 incomplete items. The applicant may then request a informal

Final_01

ORIGINAL

YEAR

1933 conference with the executive director or his or her designee to
 1934 discuss the application.

1935 (b) The executive director may provide the applicant an
 1936 extension of 30 days to complete the application following the
 1937 date of the informal conference. If the executive director finds
 1938 that the application has not been completed within the
 1939 extension, the applicant may appeal the finding to the
 1940 commission. During an extension or the pendency of an appeal to
 1941 the commission, the award of resort licenses in the applicable
 1942 county is stayed.

1943 Section 24. Section 551.312, Florida Statutes, is created
 1944 to read:

1945 551.312 Institutional investors as qualifiers.-

1946 (1)(a) An application for a resort license that has an
 1947 institutional investor as a qualifier need not contain
 1948 information relating to the institutional investor, other than
 1949 the identity of the investor, if the institutional investor
 1950 holds less than 15 percent of the equity or debt securities; and
 1951 files a certified statement that the institutional investor does
 1952 not intend to influence or affect the affairs of the applicant
 1953 or an affiliate of the applicant and further states that its
 1954 holdings of securities of the applicant or affiliate were
 1955 purchased for investment purposes only.

1956 (b) The commission may limit the application requirements
 1957 as provided in this subsection for an institutional investor
 1958 that is a qualifier and that holds 5 percent or more of the
 1959 equity or debt securities of an applicant or affiliate of the
 1960 applicant upon a showing of good cause and if the conditions

Final_01

ORIGINAL

YEAR

1961 specified in paragraph (a) are satisfied.

1962 (2) An institutional investor that is exempt from the full
 1963 application requirements under this section and that
 1964 subsequently intends to influence or affect the affairs of the
 1965 issuer must first notify the commission of its intent and file
 1966 an application containing all of the information that would have
 1967 been required of the institutional investor in the application
 1968 for a resort license. The commission may deny the application if
 1969 it determines that granting the application will impair the
 1970 financial stability of the licensee or impair the ability of the
 1971 licensee to comply with its development plans or other plans
 1972 submitted to the commission by the applicant or licensee.

1973 (3) An applicant for a license or a resort licensee or
 1974 affiliate shall immediately notify the commission of any
 1975 information concerning an institutional investor holding its
 1976 equity or debt securities which may disqualify an institutional
 1977 investor from having a direct or indirect interest in the
 1978 applicant or licensee, and the commission may require the
 1979 institutional investor to file all information that would have
 1980 been required of the institutional investor in the application
 1981 for a license.

1982 (4) If the commission finds that an institutional investor
 1983 that is a qualifier fails to comply with the requirements of
 1984 subsection (1) or, if at any time the commission finds that by
 1985 reason of the extent or nature of its holdings an institutional
 1986 investor is in a position to exercise a substantial impact upon
 1987 the controlling interests of a licensee, the commission may
 1988 require the institutional investor to file an application

Final_01

ORIGINAL

YEAR

1989 containing all of information that would have been required of
 1990 the institutional investor in the application for a license.

1991 (5) Notwithstanding paragraph (1)(b), an institutional
 1992 investor may vote on all matters that are put to the vote of the
 1993 outstanding security holders of the applicant or licensee.

1994 Section 25. Section 551.313, Florida Statutes, is created
 1995 to read:

1996 551.313 Lenders and underwriters; exemption as
 1997 qualifiers.—A bank, lending institution, or underwriter in
 1998 connection with any bank or lending institution that, in the
 1999 ordinary course of business, makes a loan to, or holds a
 2000 security interest in, a licensee or applicant, a supplier
 2001 licensee or applicant or its subsidiary, or direct or indirect
 2002 parent company of any such bank, lending institution, or
 2003 underwriter is not a qualifier and is not required to be
 2004 licensed.

2005 Section 26. Section 551.314, Florida Statutes, is created
 2006 to read:

2007 551.314 Conditions for a resort license.—As a condition to
 2008 licensure and to maintain continuing authority, a resort
 2009 licensee must:

2010 (1) Comply with this part and the rules of the department.

2011 (2) Allow the department and the Department of Law
 2012 Enforcement unrestricted access to and right of inspection of
 2013 facilities of the licensee in which any activity relative to the
 2014 conduct of gaming is conducted.

2015 (3) Complete the resort in accordance with the plans and
 2016 timeframe proposed to the commission in its application, unless

Final_01

ORIGINAL

YEAR

2017 an extension is granted by the commission. The commission may
 2018 grant such an extension, not to exceed 1 year after the original
 2019 planned completion date, upon good cause shown by the licensee.

2020 (4) Ensure that the facilities-based computer system that
 2021 the licensee will use for operational and accounting functions
 2022 of the facility is specifically structured to facilitate
 2023 regulatory oversight. The facilities-based computer system shall
 2024 be designed to provide the department and the Department of Law
 2025 Enforcement with the ability to monitor, at any time on a real-
 2026 time basis, the wagering patterns, payouts, tax collection, and
 2027 such other operations as necessary to determine whether the
 2028 facility is in compliance with statutory provisions and rules
 2029 adopted by the department for the regulation and control of
 2030 gaming. The department and the Department of Law Enforcement
 2031 shall have complete and continuous access to this system. Such
 2032 access shall include the ability of either the department or the
 2033 Department of Law Enforcement to suspend play immediately on
 2034 particular slot machines or gaming devices if monitoring of the
 2035 system indicates possible tampering or manipulation of those
 2036 slot machines or gaming devices or the ability to suspend play
 2037 immediately of the entire operation if the tampering or
 2038 manipulation is of the computer system itself. The computer
 2039 system shall be reviewed and approved by the department to
 2040 ensure necessary access, security, and functionality. However,
 2041 neither the commission nor the Department of Law Enforcement
 2042 shall have the ability to alter any data. The department may
 2043 adopt rules to provide for the approval process.

2044 (5) Ensure that each game, slot machine, or other gaming

Final_01

ORIGINAL

YEAR

2045 device is protected from manipulation or tampering that may
 2046 affect the random probabilities of winning plays. The department
 2047 or the Department of Law Enforcement may suspend play upon
 2048 reasonable suspicion of any manipulation or tampering. If play
 2049 has been suspended on any game, slot machine, or other gaming
 2050 device, the department or the Department of Law Enforcement may
 2051 conduct an examination to determine whether the game, machine,
 2052 or other gaming device has been tampered with or manipulated and
 2053 whether the game, machine, or other gaming device should be
 2054 returned to operation.

2055 (6) Submit a security plan, including the facilities'
 2056 floor plans, the locations of security cameras, and a listing of
 2057 all security equipment that is capable of observing and
 2058 electronically recording activities being conducted in the
 2059 facilities of the licensee. The security plan must meet the
 2060 minimum security requirements as determined by the department
 2061 and be implemented before the operation of gaming. The
 2062 licensee's facilities must adhere to the security plan at all
 2063 times. Any changes to the security plan must be submitted by the
 2064 licensee to the department prior to implementation. The
 2065 department shall furnish copies of the security plan and changes
 2066 in the plan to the Department of Law Enforcement.

2067 (7) Create and file with the commission a written policy
 2068 for:

2069 (a) Creating opportunities to purchase from vendors in
 2070 this state.

2071 (b) Creating opportunities for the employment of residents
 2072 of this state.

Final_01

ORIGINAL

YEAR

2073 (c) Ensuring opportunities for obtaining construction
 2074 services from residents and vendors in this state.

2075 (d) Ensuring that opportunities for employment are offered
 2076 on an equal, nondiscriminatory basis.

2077 (e) Training employees on responsible gaming and working
 2078 with a compulsive or addictive gambling prevention program.

2079 (f) Implementing a drug-testing program for each
 2080 occupational licensee that includes, but is not limited to,
 2081 requiring such person to sign an agreement that he or she
 2082 understands that the resort is a drug-free workplace.

2083 (g) Using the Internet-based job-listing system of the
 2084 Department of Economic Opportunity in advertising employment
 2085 opportunities.

2086 (h) Ensuring that the payout percentage of each slot
 2087 machine is at least 85 percent.

2088 (8) File with the department detailed documentation of the
 2089 applicant's, its affiliates', or any holding company's history
 2090 of using labor in any jurisdiction that would fall outside of
 2091 ages defined in chapter 450.

2092 (9) Keep and maintain permanent daily records of its
 2093 limited gaming operations and maintain such records for a period
 2094 of not less than 5 years. These records must include all
 2095 financial transactions and contain sufficient detail to
 2096 determine compliance with the requirements of this part. All
 2097 records shall be available for audit and inspection by the
 2098 department, the Department of Law Enforcement, or other law
 2099 enforcement agencies during the resort licensee's regular
 2100 business hours.

Final_01

ORIGINAL

YEAR

2101 Section 27. Section 551.315, Florida Statutes, is created
 2102 to read:
 2103 551.315 Surety bond.—A destination resort licensee must,
 2104 at its own cost and expense, before the license is delivered,
 2105 give a bond in the penal sum to be determined by the department
 2106 payable to the Governor of the state and his or her successors
 2107 in office. The bond must be issued by a surety or sureties
 2108 approved by the department and the Chief Financial Officer and
 2109 the bond must be conditioned on the licensee faithfully making
 2110 the required payments to the Chief Financial Officer in his or
 2111 her capacity as treasurer of the commission, keeping the
 2112 licensee's books and records and make reports as provided, and
 2113 conducting its limited gaming activities in conformity with this
 2114 part. The department shall fix the amount of the bond at the
 2115 total amount of annual license fees and the taxes estimated to
 2116 become due as determined by the department. In lieu of a bond,
 2117 an applicant or licensee may deposit with the department a like
 2118 amount of funds, a savings certificate, a certificate of
 2119 deposit, an investment certificate, or a letter of credit from a
 2120 bank, savings bank, credit union, or savings and loan
 2121 association situated in this state which meets the requirements
 2122 set for that purpose by the Chief Financial Officer. If security
 2123 is provided in the form of a savings certificate, a certificate
 2124 of deposit, or an investment certificate, the certificate must
 2125 state that the amount is unavailable for withdrawal except upon
 2126 order of the department. The department may review the bond or
 2127 other security for adequacy and require adjustments, including
 2128 increasing the amount of the bond and other security. The

Final_01

ORIGINAL

YEAR

2129 department may adopt rules to administer this section and
 2130 establish guidelines for such bonds or other securities.

2131 Section 28. Section 551.316, Florida Statutes, is created
 2132 to read:

2133 551.316 Conduct of limited gaming.-

2134 (1) Limited gaming may be conducted by a resort licensee,
 2135 subject to the following:

2136 (a) The site of the limited gaming facility is limited to
 2137 the resort licensee's site location as approved by the
 2138 commission.

2139 (b) The department's agents and employees may enter and
 2140 inspect a limited gaming facility or other facilities relating
 2141 to a resort licensee's gaming operations at any time for the
 2142 purpose of determining whether the licensee is in compliance
 2143 with this part.

2144 (c) A resort licensee may lease or purchase gaming
 2145 devices, equipment, or supplies customarily used in conducting
 2146 gaming only from a licensed supplier.

2147 (d) A resort licensee may not permit any form of wagering
 2148 on games except as permitted by this part.

2149 (e) A resort licensee may receive wagers only from a
 2150 person present in the limited gaming facility.

2151 (f) A resort licensee may not permit wagering using money
 2152 or other negotiable currency except for wagering on slot
 2153 machines.

2154 (g) A resort licensee may not permit a person who has not
 2155 attained 21 years of age to engage in gaming activity or remain
 2156 in an area of a limited gaming facility where gaming is being

Final_01

ORIGINAL

YEAR

2157 conducted, except for a limited gaming employee of the resort
 2158 licensee who is at least 18 years of age.

2159 (h) A resort licensee may not sell or distribute tokens,
 2160 chips, or electronic cards used to make wagers outside the
 2161 limited gaming facility. The tokens, chips, or electronic cards
 2162 may be purchased by means of an agreement under which the
 2163 licensee extends credit to a wagerer. The tokens, chips, or
 2164 electronic cards may be used only for the purpose of making
 2165 wagers on games within a limited gaming facility.

2166 (i) A resort licensee may not conduct business with a
 2167 junket enterprise, except for a junket operator employed full
 2168 time by that licensee.

2169 (j) All gaming activities must be conducted in accordance
 2170 with department rules.

2171 (k) Limited gaming may not be conducted by a resort
 2172 licensee until the resort is completed according to the proposal
 2173 approved by the commission.

2174 (2) A limited gaming facility may operate 24 hours per
 2175 day, every day of the year.

2176 (3) A resort licensee may set the minimum and maximum
 2177 wagers on all games.

2178 (4) A resort licensee shall give preference in employment,
 2179 reemployment, promotion, and retention to veterans and to the
 2180 persons included under s. 295.07(1) who possess the minimum
 2181 qualifications necessary to perform the duties of the positions
 2182 involved.

2183 (5) A resort licensee, its affiliates, directors, and
 2184 employees shall be subject to all applicable federal, state, and

Final_01

ORIGINAL

YEAR

2185 local laws. Such licensees, affiliates, directors, and employees
 2186 shall subject themselves to jurisdiction of the Federal
 2187 Government and the government of this state and acceptance of a
 2188 license shall be considered an affirmative waiver of extradition
 2189 to the United States from a foreign country.

2190 (6) The department shall renew a resort license if:

2191 (a) The licensee has demonstrated an effort to increase
 2192 tourism, generate jobs, provide revenue to the local economy,
 2193 and provide revenue to the state General Revenue Fund.

2194 (b) The department has not suspended or revoked the
 2195 license of the licensee.

2196 (c) The licensee continues to satisfy all the requirements
 2197 of the initial application for licensure.

2198 Section 29. Section 551.318, Florida Statutes, is created
 2199 to read:

2200 551.318 License fee; tax rate; disposition.—

2201 (1) LICENSE FEE.—On the anniversary date of the issuance
 2202 of the initial resort license and annually thereafter, the
 2203 licensee must pay to the department a nonrefundable annual
 2204 license fee of \$2 million. The license shall be renewed
 2205 annually, unless the department has revoked the license for a
 2206 violation of this part or rule of the department. The license
 2207 fee shall be deposited into the Destination Resort Trust Fund to
 2208 be used by the department and the Department of Law Enforcement
 2209 for investigations, regulation of limited gaming, and
 2210 enforcement of this part.

2211 (2) GROSS RECEIPTS TAX.—

2212 (a) Each resort licensee shall pay a gross receipts tax on

Final_01

ORIGINAL

YEAR

2213 its gross receipts to the state. Upon completion of the resort
 2214 and before limited gaming may be conducted, the resort licensee
 2215 must submit proof, as required by the commission, of the total
 2216 investment made in the construction of the resort. Upon
 2217 submission of this information, the gross receipts tax rate
 2218 shall be 10 percent of the gross receipts.

2219 (b) The gross receipts tax is in lieu of any other state
 2220 taxes on gross or adjusted gross receipts of a resort licensee.

2221 (3) TAX PROCEEDS.—

2222 (a) The gross receipts tax shall be deposited into the
 2223 Destination Resort Trust Fund and shall be used to fund the
 2224 operating costs of the department pursuant to appropriations by
 2225 the Legislature.

2226 (b) On June 30 of each year, all unappropriated funds in
 2227 excess of \$5 million shall be deposited into the General Revenue
 2228 Fund.

2229 Section 30. Section 551.319, Florida Statutes, is created
 2230 to read:

2231 551.319 Fingerprint requirements.—Any fingerprints
 2232 required to be taken under this part must be taken in a manner
 2233 approved by, and shall be submitted electronically by the
 2234 department to, the Department of Law Enforcement. The Department
 2235 of Law Enforcement shall submit the results of the state and
 2236 national records check to the department. The department shall
 2237 consider the results of the state and national records check in
 2238 evaluating an application for any license.

2239 (1) The cost of processing fingerprints and conducting a
 2240 criminal history record check shall be borne by the applicant.

Final_01

ORIGINAL

YEAR

2241 The Department of Law Enforcement may submit a monthly invoice
 2242 to the department for the cost of processing the fingerprints
 2243 submitted.

2244 (2) All fingerprints submitted to the Department of Law
 2245 Enforcement pursuant to this part shall be retained by the
 2246 Department of Law Enforcement and entered into the statewide
 2247 automated fingerprint identification system as authorized by s.
 2248 943.05(2)(b) and shall be available for all purposes and uses
 2249 authorized for arrest fingerprint cards entered into the
 2250 statewide automated fingerprint identification system pursuant
 2251 to s. 943.051.

2252 (3) The Department of Law Enforcement shall search all
 2253 arrest fingerprints received pursuant to s. 943.051, against the
 2254 fingerprints retained in the statewide automated fingerprint
 2255 identification system. Any arrest record that is identified with
 2256 the retained fingerprints of a person subject to the criminal
 2257 history screening under this part shall be reported to the
 2258 department. Each licensee shall pay a fee to the department for
 2259 the cost of retention of the fingerprints and the ongoing
 2260 searches under this subsection. The department shall forward the
 2261 payment to the Department of Law Enforcement. The amount of the
 2262 fee to be imposed for performing these searches and the
 2263 procedures for the retention of licensee fingerprints shall be
 2264 as established by rule of the Department of Law Enforcement. The
 2265 department shall inform the Department of Law Enforcement of any
 2266 change in the license status of licensees whose fingerprints are
 2267 retained under subsection (2).

2268 (4) The department shall request the Department of Law

Final_01

ORIGINAL

YEAR

2269 Enforcement to forward the fingerprints to the Federal Bureau of
 2270 Investigation for a national criminal history records check
 2271 every 3 years following issuance of a license. If the
 2272 fingerprints of a person who is licensed have not been retained
 2273 by the Department of Law Enforcement, the person must file
 2274 another set of fingerprints. The department shall collect the
 2275 fees for the cost of the national criminal history record check
 2276 under this subsection and shall forward the payment to the
 2277 Department of Law Enforcement. The cost of processing
 2278 fingerprints and conducting a criminal history record check
 2279 under this subsection shall be borne by the licensee or
 2280 applicant. The Department of Law Enforcement may submit an
 2281 invoice to the department for the fingerprints submitted each
 2282 month. Under penalty of perjury, each person who is licensed or
 2283 who is fingerprinted as required by this section must agree to
 2284 inform the department within 48 hours if he or she is convicted
 2285 of or has entered a plea of guilty or nolo contendere to any
 2286 disqualifying offense, regardless of adjudication.

2287 Section 31. Section 551.321, Florida Statutes, is created
 2288 to read:

2289 551.321 Supplier licenses.-

2290 (1) A person must have a supplier license in order to
 2291 furnish on a regular or continuing basis to a resort licensee or
 2292 an applicant for a resort license gaming equipment, devices, or
 2293 supplies or other goods or services regarding the operation of
 2294 limited gaming at the facility.

2295 (2) An applicant for a supplier license must apply to the
 2296 department on forms adopted by the department by rule. The

Final_01

ORIGINAL

YEAR

2297 licensing fee for the initial and annual renewal of the license
 2298 shall be a scale of fees determined by rule of the commission
 2299 based on the type of service provided by the supplier but shall
 2300 not exceed \$25,000.

2301 (3) An applicant for a supplier license must include in
 2302 the application the fingerprints of the persons identified by
 2303 department rule for the processing of state and national
 2304 criminal history record checks.

2305 (4)(a) An applicant for a supplier license is not eligible
 2306 for licensure if:

2307 1. A person for whom fingerprinting is required under
 2308 subsection (3) has been convicted of a felony under the laws of
 2309 this state, any other state, or the United States;

2310 2. The applicant knowingly submitted false information in
 2311 the application for a supplier license;

2312 3. The applicant is a member of the commission or an
 2313 employee of the department;

2314 4. The applicant is not a natural person and an officer,
 2315 director, or managerial employee of that person is a person
 2316 described in subparagraphs 1.-3.;

2317 5. The applicant is not a natural person and an employee
 2318 of the applicant participates in the management or operation of
 2319 limited gaming authorized under this part; or

2320 6. The applicant has had a license to own or operate a
 2321 resort facility or pari-mutuel facility in this state, or a
 2322 similar license in any other jurisdiction, revoked.

2323 (b) The department may revoke a supplier license at any
 2324 time it determines that the licensee no longer satisfies the

Final_01

ORIGINAL

YEAR

2325 eligibility requirements in this subsection.

2326 (5) The department may deny an application for a supplier

2327 license for any person who:

2328 (a) Is not qualified to perform the duties required of a

2329 licensee;

2330 (b) Fails to disclose information or knowingly submits

2331 false information in the application;

2332 (c) Has violated this part or rules of the department; or

2333 (d) Has had a gaming-related license or application

2334 suspended, restricted, revoked, or denied for misconduct in any

2335 other jurisdiction.

2336 (6) A supplier licensee shall:

2337 (a) Furnish to the department a list of all gaming

2338 equipment, devices, and supplies it offers for sale or lease in

2339 connection with limited gaming authorized in this part;

2340 (b) Keep books and records documenting the furnishing of

2341 gaming equipment, devices, and supplies to resort licensees

2342 separate and distinct from any other business that the supplier

2343 operates;

2344 (c) File quarterly returns with the department listing all

2345 sales or leases of gaming equipment, devices, or supplies to

2346 resort licensees;

2347 (d) Permanently affix its name to all gaming equipment,

2348 devices, or supplies sold or leased to licensees; and

2349 (e) File an annual report listing its inventories of

2350 gaming equipment, devices, and supplies, including location of

2351 such equipment.

2352 (7) All gaming devices, equipment, or supplies furnished

Final_01

ORIGINAL

YEAR

2353 by a licensed supplier must conform to standards adopted by
 2354 department rule.

2355 (8)(a) The department may suspend, revoke, or restrict the
 2356 supplier license of a licensee who:

2357 1. Violates this part or the rules of the department; or

2358 2. Defaults on the payment of any obligation or debt due
 2359 to this state or a county.

2360 (b) The department must revoke the supplier license of a
 2361 licensee for any cause that, if known to the department, would
 2362 have disqualified the applicant from receiving a license.

2363 (9) A supplier licensee may repair gaming equipment,
 2364 devices, or supplies in a facility owned or leased by the
 2365 licensee.

2366 (10) Gaming devices, equipment, or supplies owned by a
 2367 supplier licensee which are used in an unauthorized gaming
 2368 operation shall be forfeited to the county where the equipment
 2369 is found.

2370 (11) The department may revoke the license or deny the
 2371 application for a supplier license of a person who fails to
 2372 comply with this section.

2373 (12) A person who knowingly makes a false statement on an
 2374 application for a supplier license commits a misdemeanor of the
 2375 first degree, punishable as provided in s. 775.082 or s.
 2376 775.083.

2377 Section 32. Section 551.322, Florida Statutes, is created
 2378 to read:

2379 551.322 Occupational licenses.—

2380 (1) The Legislature finds that, due to the nature of their

Final_01

ORIGINAL

YEAR

2381 employment, some gaming employees require heightened state
 2382 scrutiny, including licensing and criminal history record
 2383 checks.

2384 (2) Any person who desires to be a gaming employee and has
 2385 a bona fide offer of employment from a licensed gaming entity
 2386 shall apply to the department for an occupational license. A
 2387 person may not be employed as a gaming employee unless that
 2388 person holds an appropriate occupational license issued under
 2389 this section. The department may adopt rules to reclassify a
 2390 category of nongaming employees or gaming employees upon a
 2391 finding that the reclassification is in the public interest and
 2392 consistent with the objectives of this part.

2393 (3) An applicant for an occupational license must apply to
 2394 the department on forms adopted by the department by rule. An
 2395 occupational license is valid for 4 years following issuance.
 2396 The application must be accompanied by the licensing fee set by
 2397 the department. The licensing fee may not exceed \$250 for an
 2398 employee of a resort licensee.

2399 (a) The applicant shall set forth in the application
 2400 whether the applicant:

2401 1. Has been issued a gaming-related license in any
 2402 jurisdiction.

2403 2. Has been issued a gaming-related license in any other
 2404 jurisdiction under any other name and, if so, the name and the
 2405 applicant's age at the time of licensure.

2406 3. Has had a permit or license issued by another
 2407 jurisdiction suspended, restricted, or revoked and, if so, for
 2408 what period of time.

Final_01

ORIGINAL

YEAR

2409 (b) An applicant for an occupational license must include
 2410 his or her fingerprints in the application.

2411 (4) To be eligible for an occupational license, an
 2412 applicant must:

2413 (a) Be at least 21 years of age to perform any function
 2414 directly relating to limited gaming by patrons;

2415 (b) Be at least 18 years of age to perform nongaming
 2416 functions;

2417 (c) Not have been convicted of a felony or a crime
 2418 involving dishonesty or moral turpitude in any jurisdiction; and

2419 (d) Meet the standards for the occupational license as
 2420 provided in department rules.

2421 (5) The department must deny an application for an
 2422 occupational license for any person who:

2423 (a) Is not qualified to perform the duties required of a
 2424 licensee;

2425 (b) Fails to disclose or knowingly submits false
 2426 information in the application;

2427 (c) Has violated this part; or

2428 (d) Has had a gaming-related license or application
 2429 suspended, revoked, or denied in any other jurisdiction.

2430 (6)(a) The department may suspend, revoke, or restrict the
 2431 occupational license of a licensee:

2432 1. Who violates this part or the rules of the department;
 2433 2. Who defaults on the payment of any obligation or debt
 2434 due to this state or a county; or

2435 3. For any just cause.

2436 (b) The department shall revoke the occupational license

Final_01

ORIGINAL

YEAR

2437 of a licensee for any cause that, if known to the department,
 2438 would have disqualified the applicant from receiving a license.

2439 (7) Any training provided for an occupational licensee may
 2440 be conducted in the facility of a resort licensee or at a school
 2441 with which the resort licensee has entered into an agreement for
 2442 that purpose.

2443 (8) A licensed travel agent whose commission or
 2444 compensation from a licensee is derived solely from the price of
 2445 the transportation or lodging arranged for by the travel agent
 2446 is not required to have an occupational license.

2447 (9) A person who knowingly makes a false statement on an
 2448 application for an occupational license commits a misdemeanor of
 2449 the first degree, punishable as provided in s. 775.082 or s.
 2450 775.083.

2451 Section 33. Section 551.323, Florida Statutes, is created
 2452 to read:

2453 551.323 Temporary supplier license; temporary occupational
 2454 license.—

2455 (1) Upon the written request of an applicant for a
 2456 supplier license or an occupational license, the executive
 2457 director shall issue a temporary license to the applicant and
 2458 permit the applicant to undertake employment with or provide
 2459 gaming equipment, devices, or supplies or other goods or
 2460 services to a resort licensee or an applicant for a resort
 2461 license if:

2462 (a) The applicant has submitted a completed application,
 2463 an application fee, all required disclosure forms, and other
 2464 required written documentation and materials;

Final_01

ORIGINAL

YEAR

2465 (b) A preliminary review of the application and the
 2466 criminal history record check does not reveal that the applicant
 2467 or a person subject to a criminal history record check has been
 2468 convicted of a crime that would require denial of the
 2469 application;

2470 (c) A deficiency does not appear to exist in the
 2471 application which may require denial of the application; and

2472 (d) The applicant has an offer of employment from, or an
 2473 agreement to begin providing gaming devices, equipment, or
 2474 supplies or other goods and services to, a resort licensee or an
 2475 applicant for a resort license, or the applicant for a temporary
 2476 license shows good cause for being granted a temporary license.

2477 (2) An initial temporary occupational license or
 2478 supplier's license may not be valid for more than 90 days;
 2479 however, a temporary occupational license may be renewed one
 2480 time for an additional 90 days.

2481 (3) An applicant who receives a temporary license may
 2482 undertake employment with or supply a resort licensee with
 2483 gaming devices, equipment, or supplies or other goods or
 2484 services until a license is issued or denied or until the
 2485 temporary license expires or is suspended or revoked.

2486 Section 34. Section 551.325, Florida Statutes, is created
 2487 to read:

2488 551.325 Quarterly report.—The commission shall file
 2489 quarterly reports with the Governor, the President of the
 2490 Senate, and the Speaker of the House of Representatives covering
 2491 the previous fiscal quarter. Each report must include:

2492 (1) A statement of receipts and disbursements related to

Final_01

ORIGINAL

YEAR

2493 limited gaming.
 2494 (2) A summary of disciplinary actions taken by the
 2495 department.
 2496 (3) Any additional information and recommendations that
 2497 the department believes may improve the regulation of limited
 2498 gaming or increase the economic benefits of limited gaming to
 2499 this state.
 2500 Section 35. Section 551.327, Florida Statutes, is created
 2501 to read:
 2502 551.327 Resolution of disputes between licensees and
 2503 wagerers.—
 2504 (1)(a) The licensee must immediately notify the department
 2505 of a dispute whenever a resort licensee has a dispute with a
 2506 wagerer which is not resolved to the satisfaction of the patron
 2507 if the amount disputed is \$500 or more and involves:
 2508 1. Alleged winnings, alleged losses, or the award or
 2509 distribution of cash, prizes, benefits, tickets, or any other
 2510 item or items in a game, tournament, contest, drawing,
 2511 promotion, race, or similar activity or event; or
 2512 2. The manner in which a game, tournament, contest,
 2513 drawing, promotion, race, or similar activity or event was
 2514 conducted.
 2515 (b) If the dispute involves an amount less than \$500, the
 2516 licensee must immediately notify the wagerer of his or her right
 2517 to file a complaint with the department.
 2518 (2) Upon notice of a dispute or receipt of a complaint,
 2519 the department shall conduct any investigation it deems
 2520 necessary and may order the licensee to make a payment to the

Final_01

ORIGINAL

YEAR

2521 wagerer upon a finding that the licensee is liable for the
 2522 disputed amount. The decision of the department is effective on
 2523 the date the aggrieved party receives notice of the decision.
 2524 Notice of the decision is deemed sufficient if it is mailed to
 2525 the last known address of the licensee and the wagerer. The
 2526 notice is deemed to have been received by the resort licensee or
 2527 the wagerer 5 days after it is deposited with the United States
 2528 Postal Service with postage prepaid.

2529 (3) The failure of a resort licensee to notify the
 2530 department of the dispute or the wagerer of the right to file a
 2531 complaint is grounds for disciplinary action.

2532 (4) Gaming-related disputes may only be resolved by the
 2533 department and are not under the jurisdiction of state courts.

2534 (5) This section may not be construed to deny a wagerer an
 2535 opportunity to make a claim in state court for nongaming-related
 2536 issues.

2537 Section 36. Section 551.328, Florida Statutes, is created
 2538 to read:

2539 551.328 Enforcement of credit instruments.-

2540 (1) A credit instrument and the debt that instrument
 2541 represents are valid and may be enforced by legal process.

2542 (2) A resort licensee may accept an incomplete credit
 2543 instrument that is signed by the patron and states the amount of
 2544 the debt in numbers and may complete the instrument as is
 2545 necessary for the instrument to be presented for payment.

2546 (3) A resort licensee may accept a credit instrument that
 2547 is payable to an affiliate or may complete a credit instrument
 2548 payable to an affiliate if the credit instrument otherwise

Final_01

ORIGINAL

YEAR

2549 complies with this section and the records of the affiliate
 2550 pertaining to the credit instrument are made available to the
 2551 department upon request.

2552 (4) A resort licensee may accept a credit instrument
 2553 before, during, or after the patron incurs the debt. The credit
 2554 instrument and the debt that the instrument represents are
 2555 enforceable without regard to whether the credit instrument was
 2556 accepted before, during, or after the incurring of the debt.

2557 (5) This section does not prohibit the establishment of an
 2558 account by a deposit of cash, recognized traveler's check, or
 2559 any other instrument that is equivalent to cash.

2560 (6) If a credit instrument is lost or destroyed, the debt
 2561 represented by the credit instrument may be enforced if the
 2562 resort licensee or person acting on behalf of the licensee can
 2563 prove the existence of the credit instrument.

2564 (7) The existence of a mental disorder in a patron who
 2565 provides a credit instrument to a resort licensee:

2566 (a) Is not a defense in any action by a resort licensee to
 2567 enforce a credit instrument or the debt that the credit
 2568 instrument represents.

2569 (b) Is not a valid counterclaim in an action to enforce
 2570 the credit instrument or the debt that the credit instrument
 2571 represents.

2572 (8) The failure of a resort licensee to comply with this
 2573 section or department rules does not invalidate a credit
 2574 instrument or affect its ability to enforce the credit
 2575 instrument or the debt that the credit instrument represents.

2576 (9) The department may adopt rules prescribing the

Final_01

ORIGINAL

YEAR

2577 conditions under which a credit instrument may be redeemed or
 2578 presented to a bank, credit union, or other financial
 2579 institution for collection or payment.

2580 (10) A violation of these regulatory requirements only
 2581 states a basis for disciplinary action for the commission.

2582 Section 37. Section 551.330, Florida Statutes, is created
 2583 to read:

2584 551.330 Compulsive or addictive gambling prevention
 2585 program.—

2586 (1) A resort licensee shall offer training to employees on
 2587 responsible gaming and shall work with a compulsive or addictive
 2588 gambling prevention program to recognize problem gaming
 2589 situations and to implement responsible gaming programs and
 2590 practices.

2591 (2) The department shall, subject to competitive bidding,
 2592 contract for services relating to the prevention of compulsive
 2593 and addictive gambling. The contract shall provide for an
 2594 advertising program to encourage responsible gaming practices
 2595 and to publicize a gambling telephone help line. Such
 2596 advertisements must be made both publicly and inside the
 2597 resort's limited gaming facility. The terms of any contract for
 2598 such services shall include accountability standards that must
 2599 be met by any private provider. The failure of a private
 2600 provider to meet any material terms of the contract, including
 2601 the accountability standards, constitutes a breach of contract
 2602 or is grounds for nonrenewal. The department may consult with
 2603 the Department of the Lottery or the Department of Business and
 2604 Professional Regulation in the development of the program and

Final_01

ORIGINAL

YEAR

2605 the development and analysis of any procurement for contractual
 2606 services for the compulsive or addictive gambling prevention
 2607 program.

2608 (3) The compulsive or addictive gambling prevention
 2609 program shall be funded from an annual nonrefundable regulatory
 2610 fee of \$250,000 paid by each resort licensee to the department.

2611 Section 38. Section 551.331, Florida Statutes, is created
 2612 to read:

2613 551.331 Voluntary self-exclusion from a limited gaming
 2614 facility.-

2615 (1) A person may request that he or she be excluded from
 2616 limited gaming facilities in this state by personally submitting
 2617 a Request for Voluntary Self-exclusion from Limited Gaming
 2618 Facilities Form to the department. The form must require the
 2619 person requesting exclusion to:

2620 (a) State his or her:

2621 1. Name, including any aliases or nicknames;

2622 2. Date of birth;

2623 3. Current residential address;

2624 4. Telephone number;

2625 5. Social security number; and

2626 6. Physical description, including height, weight, gender,
 2627 hair color, eye color, and any other physical characteristic
 2628 that may assist in the identification of the person.

2630 A self-excluded person must update the information in this
 2631 paragraph on forms supplied by the department within 30 days
 2632 after any change.

Final_01

ORIGINAL

YEAR

- 2633 (b) Select one of the following as the duration of the
 2634 self-exclusion:
- 2635 1. One year.
 - 2636 2. Five years.
 - 2637 3. Lifetime.
- 2638 (c) Execute a release in which the person:
- 2639 1. Acknowledges that the request for exclusion has been
 2640 made voluntarily.
 - 2641 2. Certifies that the information provided in the request
 2642 for self-exclusion is true and correct.
 - 2643 3. Acknowledges that the individual requesting self-
 2644 exclusion is a problem gambler.
 - 2645 4. Acknowledges that a person requesting a lifetime
 2646 exclusion will not be removed from the self-exclusion list and
 2647 that a person requesting a 1-year or 5-year exclusion will
 2648 remain on the self-exclusion list until a request for removal is
 2649 approved by the department.
 - 2650 5. Acknowledges that, if the individual is discovered on
 2651 the gaming floor of a limited gaming facility, the individual
 2652 may be removed and may be arrested and prosecuted for criminal
 2653 trespass.
 - 2654 6. Releases, indemnifies, holds harmless, and forever
 2655 discharges the state, department, and all licensee from any
 2656 claims, damages, losses, expenses, or liability arising out of,
 2657 by reason of or relating to the self-excluded person or to any
 2658 other party for any harm, monetary or otherwise, which may arise
 2659 as a result of one or more of the following:
 - 2660 a. The failure of a resort licensee to withhold gaming

Final_01

ORIGINAL

YEAR

2661 privileges from or restore gaming privileges to a self-excluded
 2662 person.

2663 b. Permitting or prohibiting a self-excluded person from
 2664 engaging in gaming activity in a limited gaming facility.

2665 (2) A person submitting a self-exclusion request must
 2666 present to the department a government-issued form of
 2667 identification containing the person's signature.

2668 (3) The department shall take a photograph of a person
 2669 requesting self-exclusion at the time the person submits a
 2670 request for self-exclusion.

2671 Section 39. Paragraph (a) of subsection (2) of section
 2672 561.20, Florida Statutes, is amended to read:

2673 561.20 Limitation upon number of licenses issued.—

2674 (2)(a) No such limitation of the number of licenses as
 2675 herein provided shall henceforth prohibit the issuance of a
 2676 special license to:

2677 1. Any bona fide hotel, motel, or motor court of not fewer
 2678 than 80 guest rooms in any county having a population of less
 2679 than 50,000 residents, and of not fewer than 100 guest rooms in
 2680 any county having a population of 50,000 residents or greater;
 2681 or any bona fide hotel or motel located in a historic structure,
 2682 as defined in s. 561.01(21), with fewer than 100 guest rooms
 2683 which derives at least 51 percent of its gross revenue from the
 2684 rental of hotel or motel rooms, which is licensed as a public
 2685 lodging establishment by the Division of Hotels and Restaurants;
 2686 provided, however, that a bona fide hotel or motel with no fewer
 2687 than 10 and no more than 25 guest rooms which is a historic
 2688 structure, as defined in s. 561.01(21), in a municipality that

Final_01

ORIGINAL

YEAR

2689 on the effective date of this act has a population, according to
 2690 the University of Florida's Bureau of Economic and Business
 2691 Research Estimates of Population for 1998, of no fewer than
 2692 25,000 and no more than 35,000 residents and that is within a
 2693 constitutionally chartered county may be issued a special
 2694 license. This special license shall allow the sale and
 2695 consumption of alcoholic beverages only on the licensed premises
 2696 of the hotel or motel. In addition, the hotel or motel must
 2697 derive at least 60 percent of its gross revenue from the rental
 2698 of hotel or motel rooms and the sale of food and nonalcoholic
 2699 beverages; provided that the provisions of this subparagraph
 2700 shall supersede local laws requiring a greater number of hotel
 2701 rooms;

2702 2. Any condominium accommodation of which no fewer than
 2703 100 condominium units are wholly rentable to transients and
 2704 which is licensed under the provisions of chapter 509, except
 2705 that the license shall be issued only to the person or
 2706 corporation which operates the hotel or motel operation and not
 2707 to the association of condominium owners;

2708 3. Any condominium accommodation of which no fewer than 50
 2709 condominium units are wholly rentable to transients, which is
 2710 licensed under the provisions of chapter 509, and which is
 2711 located in any county having home rule under s. 10 or s. 11,
 2712 Art. VIII of the State Constitution of 1885, as amended, and
 2713 incorporated by reference in s. 6(e), Art. VIII of the State
 2714 Constitution, except that the license shall be issued only to
 2715 the person or corporation which operates the hotel or motel
 2716 operation and not to the association of condominium owners;

Final_01

ORIGINAL

YEAR

2717 4. Any restaurant having 2,500 square feet of service area
 2718 and equipped to serve 150 persons full course meals at tables at
 2719 one time, and deriving at least 51 percent of its gross revenue
 2720 from the sale of food and nonalcoholic beverages; however, no
 2721 restaurant granted a special license on or after January 1,
 2722 1958, pursuant to general or special law shall operate as a
 2723 package store, nor shall intoxicating beverages be sold under
 2724 such license after the hours of serving food have elapsed; or

2725 5. Any caterer, deriving at least 51 percent of its gross
 2726 revenue from the sale of food and nonalcoholic beverages,
 2727 licensed by the Division of Hotels and Restaurants under chapter
 2728 509. Notwithstanding any other provision of law to the contrary,
 2729 a licensee under this subparagraph shall sell or serve alcoholic
 2730 beverages only for consumption on the premises of a catered
 2731 event at which the licensee is also providing prepared food, and
 2732 shall prominently display its license at any catered event at
 2733 which the caterer is selling or serving alcoholic beverages. A
 2734 licensee under this subparagraph shall purchase all alcoholic
 2735 beverages it sells or serves at a catered event from a vendor
 2736 licensed under s. 563.02(1), s. 564.02(1), or licensed under s.
 2737 565.02(1) subject to the limitation imposed in subsection (1),
 2738 as appropriate. A licensee under this subparagraph may not store
 2739 any alcoholic beverages to be sold or served at a catered event.
 2740 Any alcoholic beverages purchased by a licensee under this
 2741 subparagraph for a catered event that are not used at that event
 2742 must remain with the customer; provided that if the vendor
 2743 accepts unopened alcoholic beverages, the licensee may return
 2744 such alcoholic beverages to the vendor for a credit or

Final_01

ORIGINAL

YEAR

2745 reimbursement. Regardless of the county or counties in which the
 2746 licensee operates, a licensee under this subparagraph shall pay
 2747 the annual state license tax set forth in s. 565.02(1)(b). A
 2748 licensee under this subparagraph must maintain for a period of 3
 2749 years all records required by the department by rule to
 2750 demonstrate compliance with the requirements of this
 2751 subparagraph, including licensed vendor receipts for the
 2752 purchase of alcoholic beverages and records identifying each
 2753 customer and the location and date of each catered event.
 2754 Notwithstanding any provision of law to the contrary, any vendor
 2755 licensed under s. 565.02(1) subject to the limitation imposed in
 2756 subsection (1), may, without any additional licensure under this
 2757 subparagraph, serve or sell alcoholic beverages for consumption
 2758 on the premises of a catered event at which prepared food is
 2759 provided by a caterer licensed under chapter 509. If a licensee
 2760 under this subparagraph also possesses any other license under
 2761 the Beverage Law, the license issued under this subparagraph
 2762 shall not authorize the holder to conduct activities on the
 2763 premises to which the other license or licenses apply that would
 2764 otherwise be prohibited by the terms of that license or the
 2765 Beverage Law. Nothing in this section shall permit the licensee
 2766 to conduct activities that are otherwise prohibited by the
 2767 Beverage Law or local law. The Division of Alcoholic Beverages
 2768 and Tobacco is hereby authorized to adopt rules to administer
 2769 the license created in this subparagraph, to include rules
 2770 governing licensure, recordkeeping, and enforcement. The first
 2771 \$300,000 in fees collected by the division each fiscal year
 2772 pursuant to this subparagraph shall be deposited in the

Final_01

ORIGINAL

YEAR

2773 Department of Children and Family Services' Operations and
 2774 Maintenance Trust Fund to be used only for alcohol and drug
 2775 abuse education, treatment, and prevention programs. The
 2776 remainder of the fees collected shall be deposited into the
 2777 Hotel and Restaurant Trust Fund created pursuant to s. 509.072.
 2778 6. Any destination resort licensed by the State Gaming
 2779 Commission under chapter 551. Notwithstanding any other
 2780 provision of law to the contrary, a licensee under this
 2781 subparagraph shall sell or serve alcoholic beverages only for
 2782 consumption on the premises. A licensee under this subparagraph
 2783 shall purchase all alcoholic beverages from a vendor licensed
 2784 under s. 551.321 or s. 551.323. Regardless of the county or
 2785 counties in which the licensee operates, a licensee under this
 2786 subparagraph shall pay an annual state license tax of \$50,000,
 2787 the proceeds of which shall be deposited into the Department of
 2788 Gaming Control Destination Resort Trust Fund. This subparagraph
 2789 expressly preempts the regulation of alcoholic beverages at
 2790 destination resorts licensed by the State Gaming Commission to
 2791 the state and supersedes any municipal or county ordinance on
 2792 the subject. Notwithstanding any other law or local law or
 2793 ordinance to the contrary, a licensee under this subparagraph
 2794 shall be allowed to serve alcoholic beverages 24 hours per day,
 2795 every day of the year. Nothing in this subparagraph shall permit
 2796 the licensee to conduct activities that are otherwise prohibited
 2797 by the Beverage Law. The State Gaming Commission shall adopt
 2798 rules to implement this subparagraph, including, but not limited
 2799 to, rules governing licensure, recordkeeping, and enforcement. A
 2800 licensee under this subparagraph must maintain for a period of 3

Final_01

ORIGINAL

YEAR

2801 years all records required by the State Gaming Commission by
 2802 rule to demonstrate compliance with the requirements of this
 2803 subparagraph, including licensed vendor receipts for the
 2804 purchase of alcoholic beverages.

2805
 2806 However, any license heretofore issued to any such hotel, motel,
 2807 motor court, or restaurant or hereafter issued to any such
 2808 hotel, motel, or motor court, including a condominium
 2809 accommodation, under the general law shall not be moved to a new
 2810 location, such license being valid only on the premises of such
 2811 hotel, motel, motor court, or restaurant. Licenses issued to
 2812 hotels, motels, motor courts, or restaurants under the general
 2813 law and held by such hotels, motels, motor courts, or
 2814 restaurants on May 24, 1947, shall be counted in the quota
 2815 limitation contained in subsection (1). Any license issued for
 2816 any hotel, motel, or motor court under the provisions of this
 2817 law shall be issued only to the owner of the hotel, motel, or
 2818 motor court or, in the event the hotel, motel, or motor court is
 2819 leased, to the lessee of the hotel, motel, or motor court; and
 2820 the license shall remain in the name of the owner or lessee so
 2821 long as the license is in existence. Any special license now in
 2822 existence heretofore issued under the provisions of this law
 2823 cannot be renewed except in the name of the owner of the hotel,
 2824 motel, motor court, or restaurant or, in the event the hotel,
 2825 motel, motor court, or restaurant is leased, in the name of the
 2826 lessee of the hotel, motel, motor court, or restaurant in which
 2827 the license is located and must remain in the name of the owner
 2828 or lessee so long as the license is in existence. Any license

Final_01

ORIGINAL

YEAR

2829 issued under this section shall be marked "Special," and nothing
 2830 herein provided shall limit, restrict, or prevent the issuance
 2831 of a special license for any restaurant or motel which shall
 2832 hereafter meet the requirements of the law existing immediately
 2833 prior to the effective date of this act, if construction of such
 2834 restaurant has commenced prior to the effective date of this act
 2835 and is completed within 30 days thereafter, or if an application
 2836 is on file for such special license at the time this act takes
 2837 effect; and any such licenses issued under this proviso may be
 2838 annually renewed as now provided by law. Nothing herein prevents
 2839 an application for transfer of a license to a bona fide
 2840 purchaser of any hotel, motel, motor court, or restaurant by the
 2841 purchaser of such facility or the transfer of such license
 2842 pursuant to law.

2843 Section 40. Section 849.15, Florida Statutes, is amended
 2844 to read:

2845 849.15 Manufacture, sale, possession, etc., of coin-
 2846 operated devices prohibited.—

2847 (1) It is unlawful:

2848 (a) To manufacture, own, store, keep, possess, sell, rent,
 2849 lease, let on shares, lend or give away, transport, or expose
 2850 for sale or lease, or to offer to sell, rent, lease, let on
 2851 shares, lend or give away, or permit the operation of, or for
 2852 any person to permit to be placed, maintained, or used or kept
 2853 in any room, space, or building owned, leased or occupied by the
 2854 person or under the person's management or control, any slot
 2855 machine or device or any part thereof; or

2856 (b) To make or to permit to be made with any person any

Final_01

ORIGINAL

YEAR

2857 agreement with reference to any slot machine or device, pursuant
 2858 to which the user thereof, as a result of any element of chance
 2859 or other outcome unpredictable to him or her, may become
 2860 entitled to receive any money, credit, allowance, or thing of
 2861 value or additional chance or right to use such machine or
 2862 device, or to receive any check, slug, token or memorandum
 2863 entitling the holder to receive any money, credit, allowance or
 2864 thing of value.

2865 (2) Pursuant to section 2 of that chapter of the Congress
 2866 of the United States entitled "An act to prohibit transportation
 2867 of gaming devices in interstate and foreign commerce," approved
 2868 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
 2869 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
 2870 acting by and through the duly elected and qualified members of
 2871 its Legislature, does hereby in this section, and in accordance
 2872 with and in compliance with the provisions of section 2 of such
 2873 chapter of Congress, declare and proclaim that any county of the
 2874 State of Florida within which slot machine gaming is authorized
 2875 pursuant to chapter 551 is exempt from the provisions of section
 2876 2 of that chapter of the Congress of the United States entitled
 2877 "An act to prohibit transportation of gaming devices in
 2878 interstate and foreign commerce," designated as 15 U.S.C. ss.
 2879 1171-1177, approved January 2, 1951. All shipments of gaming
 2880 devices, including slot machines, into any county of this state
 2881 within which slot machine gaming is authorized pursuant to
 2882 chapter 551 and the registering, recording, and labeling of
 2883 which have been duly performed by the manufacturer or
 2884 distributor thereof in accordance with sections 3 and 4 of that

Final_01

ORIGINAL

YEAR

2885 chapter of the Congress of the United States entitled "An act to
 2886 prohibit transportation of gaming devices in interstate and
 2887 foreign commerce," approved January 2, 1951, being ch. 1194, 64
 2888 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,
 2889 shall be deemed legal shipments thereof into this state provided
 2890 the destination of such shipments is an eligible facility as
 2891 defined in s. 551.102, ~~or~~ the facility of a slot machine
 2892 manufacturer or slot machine distributor as provided in s.
 2893 551.109(2)(a), or the facility of a resort licensee or supplier
 2894 licensee under part III of chapter 551.

2895 (3) This section does not apply to slot machine licensees
 2896 authorized under part II of chapter 551 or resort licensees as
 2897 authorized under part III of chapter 551.

2898 Section 41. Section 849.231, Florida Statutes, is amended
 2899 to read:

2900 849.231 Gambling devices; manufacture, sale, purchase or
 2901 possession unlawful.—

2902 (1) Except in instances when the following described
 2903 implements or apparatus are being held or transported by
 2904 authorized persons for the purpose of destruction, as
 2905 hereinafter provided, and except in instances when the following
 2906 described instruments or apparatus are being held, sold,
 2907 transported, or manufactured by persons who have registered with
 2908 the United States Government pursuant to the provisions of Title
 2909 15 of the United States Code, ss. 1171 et seq., as amended, so
 2910 long as the described implements or apparatus are not displayed
 2911 to the general public, sold for use in Florida, or held or
 2912 manufactured in contravention of the requirements of 15 U.S.C.

Final_01

ORIGINAL

YEAR

2913 ss. 1171 et seq., it shall be unlawful for any person to
 2914 manufacture, sell, transport, offer for sale, purchase, own, or
 2915 have in his or her possession any roulette wheel or table, faro
 2916 layout, crap table or layout, chemin de fer table or layout,
 2917 chuck-a-luck wheel, bird cage such as used for gambling, bolita
 2918 balls, chips with house markings, or any other device,
 2919 implement, apparatus, or paraphernalia ordinarily or commonly
 2920 used or designed to be used in the operation of gambling houses
 2921 or establishments, excepting ordinary dice and playing cards.

2922 (2) In addition to any other penalties provided for the
 2923 violation of this section, any occupational license held by a
 2924 person found guilty of violating this section shall be suspended
 2925 for a period not to exceed 5 years.

2926 (3) This section and s. 849.05 do not apply to a vessel of
 2927 foreign registry or a vessel operated under the authority of a
 2928 country except the United States, while docked in this state or
 2929 transiting in the territorial waters of this state.

2930 (4) This section does not apply to slot machine licensees
 2931 authorized under part II of chapter 551 or resort licensees as
 2932 authorized under part III of chapter 551.

2933 Section 42. Section 849.25, Florida Statutes, is amended
 2934 to read:

2935 849.25 "Bookmaking" defined; penalties; exceptions.—

2936 (1)(a) The term "bookmaking" means the act of taking or
 2937 receiving, while engaged in the business or profession of
 2938 gambling, any bet or wager upon the result of any trial or
 2939 contest of skill, speed, power, or endurance of human, beast,
 2940 fowl, motor vehicle, or mechanical apparatus or upon the result

Final_01

ORIGINAL

YEAR

2941 of any chance, casualty, unknown, or contingent event
 2942 whatsoever.

2943 (b) The following factors shall be considered in making a
 2944 determination that a person has engaged in the offense of
 2945 bookmaking:

2946 1. Taking advantage of betting odds created to produce a
 2947 profit for the bookmaker or charging a percentage on accepted
 2948 wagers.

2949 2. Placing all or part of accepted wagers with other
 2950 bookmakers to reduce the chance of financial loss.

2951 3. Taking or receiving more than five wagers in any single
 2952 day.

2953 4. Taking or receiving wagers totaling more than \$500 in
 2954 any single day, or more than \$1,500 in any single week.

2955 5. Engaging in a common scheme with two or more persons to
 2956 take or receive wagers.

2957 6. Taking or receiving wagers on both sides on a contest
 2958 at the identical point spread.

2959 7. Any other factor relevant to establishing that the
 2960 operating procedures of such person are commercial in nature.

2961 (c) The existence of any two factors listed in paragraph
 2962 (b) may constitute prima facie evidence of a commercial
 2963 bookmaking operation.

2964 (2) Any person who engages in bookmaking commits ~~shall be~~
 2965 ~~guilty of~~ a felony of the third degree, punishable as provided
 2966 in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding the
 2967 provisions of s. 948.01, any person convicted under the
 2968 provisions of this subsection shall not have adjudication of

Final_01

ORIGINAL

YEAR

2969 | guilt suspended, deferred, or withheld.

2970 | (3) Any person who has been convicted of bookmaking and
2971 | thereafter violates the provisions of this section commits ~~shall~~
2972 | ~~be guilty of~~ a felony of the second degree, punishable as
2973 | provided in s. 775.082, s. 775.083, or s. 775.084.

2974 | Notwithstanding the provisions of s. 948.01, any person
2975 | convicted under the provisions of this subsection shall not have
2976 | adjudication of guilt suspended, deferred, or withheld.

2977 | (4) Notwithstanding the provisions of s. 777.04, any
2978 | person who is guilty of conspiracy to commit bookmaking is ~~shall~~
2979 | ~~be~~ subject to the penalties imposed by subsections (2) and (3).

2980 | (5) This section does ~~shall~~ not apply to pari-mutuel
2981 | wagering in Florida as authorized under chapter 550.

2982 | (6) This section does ~~shall~~ not apply to any prosecutions
2983 | filed and pending at the time of the passage hereof, but all
2984 | such cases shall be disposed of under existing laws at the time
2985 | of the institution of such prosecutions.

2986 | (7) This section does not apply to slot machine licensees
2987 | authorized under part II of chapter 551 or resort licensees as
2988 | authorized under part III of chapter 551.

2989 | Section 43. Section 849.48, Florida Statutes, is created
2990 | to read:

2991 | 849.48 Gambling operator, manufacturer, distributor
2992 | licenses; application; qualifications; fees; renewal;
2993 | duplicates.-

2994 | (1)(a) Each person, firm, association, partnership, or
2995 | corporate entity that seeks to operate a gambling business or to
2996 | allow gambling to occur on its premises must obtain a license

Final_01

ORIGINAL

YEAR

2997 from the department. Any person, firm, association, partnership,
 2998 or corporate entity owning, leasing, furnishing, manufacturing,
 2999 distributing, or operating gambling devices must obtain a
 3000 license from the Department of Gaming Control.

3001 (b) An application for a license must be made on a form
 3002 adopted by rule of the department. The form must require the
 3003 applicant to set forth the name under which the applicant
 3004 transacts or intends to transact business, the address of the
 3005 location of the applicant's place of business, and any other
 3006 information the department requires. If the applicant has, or
 3007 intends to have, more than one place of business where gambling
 3008 will occur or gambling devices will be located, a separate
 3009 application must be made for each place of business. If the
 3010 applicant is a firm, association, partnership, or corporate
 3011 entity, the application must set forth the names and addresses
 3012 of the persons owning more than 5 percent of, or exercising any
 3013 decisionmaking control over, the business. If the applicant is a
 3014 corporate entity, the application must additionally set forth
 3015 the names and addresses of the principal officers of the
 3016 corporation. The application must also set forth any other
 3017 information prescribed by the department for the purpose of
 3018 identifying the applicant, its owners, or its decisionmaking
 3019 principals. The application must be signed and verified by oath
 3020 or affirmation by the owner. If the owner is a firm,
 3021 association, or partnership, the application must be signed by
 3022 the members or partners thereof, or, if the owner is a corporate
 3023 entity, by a decisionmaking principal authorized by the entity
 3024 to sign the application, together with the written evidence of

Final_01

ORIGINAL

YEAR

3025 the principal's authority. The application must be accompanied
 3026 by the annual license fee prescribed by the department.

3027 (c) Licenses shall be issued annually, upon payment of the
 3028 annual license fee prescribed by the department. The department
 3029 shall fix the fee in an amount sufficient to meet the costs of
 3030 carrying out its licensing, enforcement, and administrative
 3031 responsibilities under this chapter, but the fee may not exceed
 3032 \$5,000. The proceeds of the fee shall be deposited into the
 3033 Department of Gaming Control Trust Fund.

3034 (d) The holder of a license may renew the license each
 3035 year, on or before January 15, upon payment of the annual
 3036 license fee. A licensee that does not timely renew its license
 3037 must pay a delinquent renewal fee of \$500 for each month or
 3038 portion of a month occurring after expiration, and before
 3039 renewal, of the license.

3040 (e) The department may not grant an exemption from the
 3041 license fees prescribed in this subsection to any applicant.

3042 (f) The department shall establish a procedural rule that,
 3043 to the greatest extent possible, provides for the Department of
 3044 Law Enforcement to conduct background investigations for the
 3045 initial licensing and licensing renewals.

3046 (2)(a) A license may be issued only to a person who is at
 3047 least 18 years of age or to a corporation having officers who
 3048 are at least 18 years of age.

3049 (b) The department may refuse to issue a license to:

3050 1. Any person, firm, association, partnership, or
 3051 corporate entity whose license has been revoked by the
 3052 department;

Final_01

ORIGINAL

YEAR

3053 2. Any corporation having an officer whose license has
 3054 been revoked by the department; or

3055 3. Any person who is or has been an officer of a
 3056 corporation whose license has been revoked by the department or
 3057 who is or has been an officer of a corporation whose license
 3058 relating to gambling activities has been revoked in another
 3059 jurisdiction.

3060 (c) The department shall revoke any license issued to a
 3061 firm, association, partnership, or corporate entity that is
 3062 prohibited from licensure under this section.

3063 (3) Upon approval of an application for a license, the
 3064 Department of Gaming Control shall issue to the applicant a
 3065 license for the place of business or premises specified in the
 3066 application. A license is not assignable and is valid only for
 3067 the person in whose name the license is issued and for the place
 3068 designated in the license. The licensee must be in possession of
 3069 the license at all times while working at the location for which
 3070 the license was issued and must display the license upon demand
 3071 to any person.

3072 (4) If a license has been destroyed or lost, the licensee
 3073 may apply to the Department of Gaming Control for the issuance
 3074 of a duplicate license. The department shall issue a duplicate
 3075 license upon payment of a \$150 fee, which the department shall
 3076 deposit into the Department of Gaming Control Trust Fund.

3077 Section 44. Transfers.—

3078 (1) All of the statutory powers, duties and functions,
 3079 records, personnel, property, and unexpended balances of
 3080 appropriations, allocations, or other funds for the

Final_01

ORIGINAL

YEAR

3081 administration of chapter 550, Florida Statutes, are transferred
 3082 intact by a type two transfer, as defined in s. 20.06(2),
 3083 Florida Statutes, from the Division of Pari-mutuel Wagering of
 3084 the Department of Business and Professional Regulation to the
 3085 Division of Licensure of the Department of Gaming Control.

3086 (2) All of the statutory powers, duties and functions,
 3087 records, personnel, property, and unexpended balances of
 3088 appropriations, allocations, or other funds for the
 3089 administration of chapter 551, Florida Statutes, are transferred
 3090 by a type two transfer, as defined in s. 20.06(2), Florida
 3091 Statutes, from the Division of Pari-mutuel Wagering of the
 3092 Department of Business and Professional Regulation to the
 3093 Division of Licensure of Department of Gaming Control.

3094 (3) All of the statutory powers, duties and functions,
 3095 records, personnel, property, and unexpended balances of
 3096 appropriations, allocations, or other funds for the
 3097 administration of s. 849.086, Florida Statutes, are transferred
 3098 by a type two transfer, as defined in s. 20.06(2), Florida
 3099 Statutes, from the Division of Pari-mutuel Wagering of the
 3100 Department of Business and Professional Regulation to the
 3101 Division of Licensure of Department of Gaming Control.

3102 (4) The following trust funds are transferred from the
 3103 Division of Pari-mutuel Wagering of the Department of Business
 3104 and Professional Regulation to the Division of Licensure of
 3105 Department of Gaming Control:

3106 (a) Pari-mutuel Wagering Trust Fund.

3107 (b) Racing Scholarship Trust Fund.

Final_01

ORIGINAL

YEAR

3108 Section 45. Paragraph (f) of subsection (1), subsection
 3109 (7), and paragraph (a) of subsection (13) of section 285.710,
 3110 Florida Statutes, are amended to read:

3111 285.710 Compact authorization.—

3112 (1) As used in this section, the term:

3113 (f) "State compliance agency" means the Division of
 3114 Licensure Pari-mutuel Wagering of the Department of Gaming
 3115 Control Business and Professional Regulation which is designated
 3116 as the state agency having the authority to carry out the
 3117 state's oversight responsibilities under the compact.

3118 (7) The Division of Licensure Pari-mutuel Wagering of the
 3119 Department of Gaming Control Business and Professional
 3120 Regulation is designated as the state compliance agency having
 3121 the authority to carry out the state's oversight
 3122 responsibilities under the compact authorized by this section.

3123 (13) For the purpose of satisfying the requirement in 25
 3124 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized
 3125 under an Indian gaming compact must be permitted in the state
 3126 for any purpose by any person, organization, or entity, the
 3127 following class III games or other games specified in this
 3128 section are hereby authorized to be conducted by the Tribe
 3129 pursuant to the compact:

3130 (a) Slot machines, as defined in s. 551.102 ~~551.102(8)~~.

3131 Section 46. Subsections (6) and (7) of section 550.002,
 3132 Florida Statutes, are amended to read:

3133 550.002 Definitions.—As used in this chapter, the term:

3134 (6) "Department" means the Department of Gaming Control
 3135 Business and Professional Regulation.

Final_01

ORIGINAL

YEAR

3136 (7) "Division" means the Division of Licensure ~~Pari-mutuel~~
 3137 ~~Wagering~~ within the Department of Gaming Control ~~Business and~~
 3138 ~~Professional Regulation~~.

3139 Section 47. Section 550.0251, Florida Statutes, is amended
 3140 to read:

3141 550.0251 The powers and duties of the division of ~~Pari-~~
 3142 ~~mutuel Wagering of the Department of Business and Professional~~
 3143 ~~Regulation.~~—The division shall administer this chapter and
 3144 regulate the pari-mutuel industry under this chapter and the
 3145 rules adopted pursuant thereto, and:

3146 (1) The division shall make an annual report to the
 3147 Governor showing its own actions, receipts derived under the
 3148 provisions of this chapter, the practical effects of the
 3149 application of this chapter, and any suggestions it may approve
 3150 for the more effectual accomplishments of the purposes of this
 3151 chapter.

3152 (2) The division shall require an oath on application
 3153 documents as required by rule, which oath must state that the
 3154 information contained in the document is true and complete.

3155 (3) The division shall adopt reasonable rules for the
 3156 control, supervision, and direction of all applicants,
 3157 permittees, and licensees and for the holding, conducting, and
 3158 operating of all racetracks, race meets, and races held in this
 3159 state. Such rules must be uniform in their application and
 3160 effect, and the duty of exercising this control and power is
 3161 made mandatory upon the division.

3162 (4) The division may take testimony concerning any matter
 3163 within its jurisdiction and issue summons and subpoenas for any

Final_01

ORIGINAL

YEAR

3164 witness and subpoenas duces tecum in connection with any matter
 3165 within the jurisdiction of the division under its seal and
 3166 signed by the director.

3167 (5) The division may adopt rules establishing procedures
 3168 for testing occupational licenseholders officiating at or
 3169 participating in any race or game at any pari-mutuel facility
 3170 under the jurisdiction of the division for a controlled
 3171 substance or alcohol and may prescribe procedural matters not in
 3172 conflict with s. 120.80(19) ~~120.80(4)(a)~~.

3173 (6) In addition to the power to exclude certain persons
 3174 from any pari-mutuel facility in this state, the division may
 3175 exclude any person from any and all pari-mutuel facilities in
 3176 this state for conduct that would constitute, if the person were
 3177 a licensee, a violation of this chapter or the rules of the
 3178 division. The division may exclude from any pari-mutuel facility
 3179 within this state any person who has been ejected from a pari-
 3180 mutuel facility in this state or who has been excluded from any
 3181 pari-mutuel facility in another state by the governmental
 3182 department, agency, commission, or authority exercising
 3183 regulatory jurisdiction over pari-mutuel facilities in such
 3184 other state. The division may authorize any person who has been
 3185 ejected or excluded from pari-mutuel facilities in this state or
 3186 another state to attend the pari-mutuel facilities in this state
 3187 upon a finding that the attendance of such person at pari-mutuel
 3188 facilities would not be adverse to the public interest or to the
 3189 integrity of the sport or industry; however, this subsection
 3190 shall not be construed to abrogate the common-law right of a
 3191 pari-mutuel permitholder to exclude absolutely a patron in this

Final_01

ORIGINAL

YEAR

3192 state.

3193 (7) The division may oversee the making of, and

3194 distribution from, all pari-mutuel pools.

3195 (8) The department may collect taxes and require

3196 compliance with reporting requirements for financial information

3197 as authorized by this chapter. In addition, the secretary of the

3198 department may require permitholders conducting pari-mutuel

3199 operations within the state to remit taxes, including fees, by

3200 electronic funds transfer if the taxes and fees amounted to

3201 \$50,000 or more in the prior reporting year.

3202 (9) The division may conduct investigations in enforcing

3203 this chapter, except that all information obtained pursuant to

3204 an investigation by the division for an alleged violation of

3205 this chapter or rules of the division is exempt from s.

3206 119.07(1) and from s. 24(a), Art. I of the State Constitution

3207 until an administrative complaint is issued or the investigation

3208 is closed or ceases to be active. This subsection does not

3209 prohibit the division from providing such information to any law

3210 enforcement agency or to any other regulatory agency. For the

3211 purposes of this subsection, an investigation is considered to

3212 be active while it is being conducted with reasonable dispatch

3213 and with a reasonable, good faith belief that it could lead to

3214 an administrative, civil, or criminal action by the division or

3215 another administrative or law enforcement agency. Except for

3216 active criminal intelligence or criminal investigative

3217 information, as defined in s. 119.011, and any other information

3218 that, if disclosed, would jeopardize the safety of an

3219 individual, all information, records, and transcriptions become

Final_01

ORIGINAL

YEAR

3220 public when the investigation is closed or ceases to be active.
 3221 (10) The division may impose an administrative fine for a
 3222 violation under this chapter of not more than \$1,000 for each
 3223 count or separate offense, except as otherwise provided in this
 3224 chapter, and may suspend or revoke a permit, a pari-mutuel
 3225 license, or an occupational license for a violation under this
 3226 chapter. All fines imposed and collected under this subsection
 3227 must be deposited with the Chief Financial Officer to the credit
 3228 of the General Revenue Fund.
 3229 (11) The division shall supervise and regulate the welfare
 3230 of racing animals at pari-mutuel facilities.
 3231 (12) The division shall have full authority and power to
 3232 make, adopt, amend, or repeal rules relating to cardroom
 3233 operations, to enforce and to carry out the provisions of s.
 3234 849.086, and to regulate the authorized cardroom activities in
 3235 the state.
 3236 (13) The division shall have the authority to suspend a
 3237 permitholder's permit or license, if such permitholder is
 3238 operating a cardroom facility and such permitholder's cardroom
 3239 license has been suspended or revoked pursuant to s. 849.086.
 3240 Section 48. Paragraph (f) of subsection (2) of section
 3241 550.09514, Florida Statutes, is amended to read:
 3242 550.09514 Greyhound dogracing taxes; purse requirements.-
 3243 (2)
 3244 (f) Each greyhound permitholder shall, during the
 3245 permitholder's race meet, supply kennel operators and the
 3246 Division of Licensure ~~Pari-Mutuel Wagering~~ with a weekly report
 3247 showing purses paid on live greyhound races and all greyhound

Final_01

ORIGINAL

YEAR

3248 intertrack and simulcast broadcasts, including both as a guest
 3249 and a host together with the handle or commission calculations
 3250 on which such purses were paid and the transmission costs of
 3251 sending the simulcast or intertrack broadcasts, so that the
 3252 kennel operators may determine statutory and contractual
 3253 compliance.

3254 Section 49. Subsection (1) of section 550.135, Florida
 3255 Statutes, is amended to read:

3256 550.135 Division of moneys derived under this law.—All
 3257 moneys that are deposited with the Chief Financial Officer to
 3258 the credit of the Pari-mutuel Wagering Trust Fund shall be
 3259 distributed as follows:

3260 (1) The daily license fee revenues collected pursuant to
 3261 s. 550.0951(1) shall be used to fund the operating cost of the
 3262 division and to provide a proportionate share of the operation
 3263 of the office of the secretary and the Division of
 3264 Administration of the department ~~of Business and Professional~~
 3265 ~~Regulation~~; however, other collections in the Pari-mutuel
 3266 Wagering Trust Fund may also be used to fund the operation of
 3267 the division in accordance with authorized appropriations.

3268 Section 50. Subsection (4) of section 550.24055, Florida
 3269 Statutes, is amended to read:

3270 550.24055 Use of controlled substances or alcohol
 3271 prohibited; testing of certain occupational licensees; penalty;
 3272 evidence of test or action taken and admissibility for criminal
 3273 prosecution limited.—

3274 (4) The provisions of s. 120.80(19) ~~120.80(4)(a)~~ apply to
 3275 all actions taken by the stewards, judges, or board of judges

Final_01

ORIGINAL

YEAR

3276 pursuant to this section without regard to the limitation
 3277 contained therein.

3278 Section 51. Subsection (15) of section 550.2415, Florida
 3279 Statutes, is amended to read:

3280 550.2415 Racing of animals under certain conditions
 3281 prohibited; penalties; exceptions.—

3282 (15) The division may implement by rule medication levels
 3283 recommended by the University of Florida College of Veterinary
 3284 Medicine developed pursuant to an agreement between the division
 3285 ~~of Pari-mutuel Wagering~~ and the University of Florida College of
 3286 Veterinary Medicine. The University of Florida College of
 3287 Veterinary Medicine may provide written notification to the
 3288 division that it has completed research or review on a
 3289 particular drug pursuant to the agreement and when the College
 3290 of Veterinary Medicine has completed a final report of its
 3291 findings, conclusions, and recommendations to the division.

3292 Section 52. Paragraph (j) of subsection (3) of section
 3293 550.2625, Florida Statutes, is amended to read:

3294 550.2625 Horseracing; minimum purse requirement, Florida
 3295 breeders' and owners' awards.—

3296 (3) Each horseracing permitholder conducting any
 3297 thoroughbred race under this chapter, including any intertrack
 3298 race taken pursuant to ss. 550.615-550.6305 or any interstate
 3299 simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal
 3300 to 0.955 percent on all pari-mutuel pools conducted during any
 3301 such race for the payment of breeders', stallion, or special
 3302 racing awards as authorized in this chapter. This subsection
 3303 also applies to all Breeder's Cup races conducted outside this

Final_01

ORIGINAL

YEAR

3304 state taken pursuant to s. 550.3551(3). On any race originating
 3305 live in this state which is broadcast out-of-state to any
 3306 location at which wagers are accepted pursuant to s.
 3307 550.3551(2), the host track is required to pay 3.475 percent of
 3308 the gross revenue derived from such out-of-state broadcasts as
 3309 breeders', stallion, or special racing awards. The Florida
 3310 Thoroughbred Breeders' Association is authorized to receive
 3311 these payments from the permitholders and make payments of
 3312 awards earned. The Florida Thoroughbred Breeders' Association
 3313 has the right to withhold up to 10 percent of the permitholder's
 3314 payments under this section as a fee for administering the
 3315 payments of awards and for general promotion of the industry.
 3316 The permitholder shall remit these payments to the Florida
 3317 Thoroughbred Breeders' Association by the 5th day of each
 3318 calendar month for such sums accruing during the preceding
 3319 calendar month and shall report such payments to the division as
 3320 prescribed by the division. With the exception of the 10-percent
 3321 fee, the moneys paid by the permitholders shall be maintained in
 3322 a separate, interest-bearing account, and such payments together
 3323 with any interest earned shall be used exclusively for the
 3324 payment of breeders', stallion, or special racing awards in
 3325 accordance with the following provisions:

3326 (j) If the division finds that the Florida Thoroughbred
 3327 Breeders' Association has not complied with any provision of
 3328 this section, the division may order the association to cease
 3329 and desist from receiving funds and administering funds received
 3330 under this section. If the division enters such an order, the
 3331 permitholder shall make the payments authorized in this section

Final_01

ORIGINAL

YEAR

3332 to the division for deposit into the Pari-mutuel Wagering Trust
 3333 Fund; and any funds in the Florida Thoroughbred Breeders'
 3334 Association account shall be immediately paid to the division of
 3335 ~~Pari-mutuel Wagering~~ for deposit to the Pari-mutuel Wagering
 3336 Trust Fund. The division shall authorize payment from these
 3337 funds to any breeder or stallion owner entitled to an award that
 3338 has not been previously paid by the Florida Thoroughbred
 3339 Breeders' Association in accordance with the applicable rate.

3340 Section 53. Subsection (1) of section 550.2704, Florida
 3341 Statutes, is amended to read:

3342 550.2704 Jai Alai Tournament of Champions Meet.—

3343 (1) Notwithstanding any provision of this chapter, there
 3344 is hereby created a special jai alai meet which shall be
 3345 designated as the "Jai Alai Tournament of Champions Meet" and
 3346 which shall be hosted by the Florida jai alai permitholders
 3347 selected by the National Association of Jai Alai Frontons, Inc.,
 3348 to conduct such meet. The meet shall consist of three qualifying
 3349 performances and a final performance, each of which is to be
 3350 conducted on different days. Upon the selection of the Florida
 3351 permitholders for the meet, and upon application by the selected
 3352 permitholders, the division of ~~Pari-mutuel Wagering~~ shall issue
 3353 a license to each of the selected permitholders to operate the
 3354 meet. The meet may be conducted during a season in which the
 3355 permitholders selected to conduct the meet are not otherwise
 3356 authorized to conduct a meet. Notwithstanding anything herein to
 3357 the contrary, any Florida permitholder who is to conduct a
 3358 performance which is a part of the Jai Alai Tournament of
 3359 Champions Meet shall not be required to apply for the license

Final_01

ORIGINAL

YEAR

3360 for said meet if it is to be run during the regular season for
 3361 which such permitholder has a license.

3362 Section 54. Subsection (3) of section 550.902, Florida
 3363 Statutes, is amended to read:

3364 550.902 Purposes.—The purposes of this compact are to:

3365 (3) Authorize the department of ~~Business and Professional~~
 3366 ~~Regulation~~ to participate in this compact.

3367 Section 55. Subsection (1) of section 550.907, Florida
 3368 Statutes, is amended to read:

3369 550.907 Compact committee.—

3370 (1) There is created an interstate governmental entity to
 3371 be known as the "compact committee," which shall be composed of
 3372 one official from the racing commission, or the equivalent
 3373 thereof, in each party state who shall be appointed, serve, and
 3374 be subject to removal in accordance with the laws of the party
 3375 state that she or he represents. The official from Florida shall
 3376 be appointed by the State Gaming Commission ~~Secretary of~~
 3377 ~~Business and Professional Regulation~~. Pursuant to the laws of
 3378 her or his party state, each official shall have the assistance
 3379 of her or his state's racing commission, or the equivalent
 3380 thereof, in considering issues related to licensing of
 3381 participants in pari-mutuel wagering and in fulfilling her or
 3382 his responsibilities as the representative from her or his state
 3383 to the compact committee.

3384 Section 56. Section 551.101, Florida Statutes, is amended
 3385 to read:

3386 551.101 Slot machine gaming authorized.—Any licensed pari-
 3387 mutuel facility located in Miami-Dade County or Broward County

Final_01

ORIGINAL

YEAR

3388 existing at the time of adoption of s. 23, Art. X of the State
 3389 Constitution that has conducted live racing or games during
 3390 calendar years 2002 and 2003 may possess slot machines and
 3391 conduct slot machine gaming at the location where the pari-
 3392 mutuel permitholder is authorized to conduct pari-mutuel
 3393 wagering activities pursuant to such permitholder's valid pari-
 3394 mutuel permit provided that a majority of voters in a countywide
 3395 referendum have approved slot machines at such facility in the
 3396 respective county. Notwithstanding any other provision of law,
 3397 it is not a crime for a person to participate in slot machine
 3398 gaming at a pari-mutuel facility licensed to possess slot
 3399 machines and conduct slot machine gaming or to participate in
 3400 slot machine gaming described in this part ~~chapter~~.

3401 Section 57. Section 551.102, Florida Statutes, is amended
 3402 to read:

3403 551.102 Definitions.—As used in this part ~~chapter~~, the
 3404 term:

3405 (1) "Distributor" means any person who sells, leases, or
 3406 offers or otherwise provides, distributes, or services any slot
 3407 machine or associated equipment for use or play of slot machines
 3408 in this state. A manufacturer may be a distributor within the
 3409 state.

3410 (2) "Designated slot machine gaming area" means the area
 3411 or areas of a facility of a slot machine licensee in which slot
 3412 machine gaming may be conducted in accordance with the
 3413 provisions of this part ~~chapter~~.

3414 ~~(3) "Division" means the Division of Pari-mutuel Wagering~~
 3415 ~~of the Department of Business and Professional Regulation.~~

Final_01

ORIGINAL

YEAR

3416 (3)~~(4)~~ "Eligible facility" means any licensed pari-mutuel
 3417 facility located in Miami-Dade County or Broward County existing
 3418 at the time of adoption of s. 23, Art. X of the State
 3419 Constitution that has conducted live racing or games during
 3420 calendar years 2002 and 2003 and has been approved by a majority
 3421 of voters in a countywide referendum to have slot machines at
 3422 such facility in the respective county; any licensed pari-mutuel
 3423 facility located within a county as defined in s. 125.011,
 3424 provided such facility has conducted live racing for 2
 3425 consecutive calendar years immediately preceding its application
 3426 for a slot machine license, pays the required license fee, and
 3427 meets the other requirements of this part ~~chapter~~; or any
 3428 licensed pari-mutuel facility in any other county in which a
 3429 majority of voters have approved slot machines at such
 3430 facilities in a countywide referendum held pursuant to a
 3431 statutory or constitutional authorization after the effective
 3432 date of this section in the respective county, provided such
 3433 facility has conducted a full schedule of live racing for 2
 3434 consecutive calendar years immediately preceding its application
 3435 for a slot machine license, pays the required licensed fee, and
 3436 meets the other requirements of this part ~~chapter~~.

3437 (4)~~(5)~~ "Manufacturer" means any person who manufactures,
 3438 builds, rebuilds, fabricates, assembles, produces, programs,
 3439 designs, or otherwise makes modifications to any slot machine or
 3440 associated equipment for use or play of slot machines in this
 3441 state for gaming purposes. A manufacturer may be a distributor
 3442 within the state.

3443 (5)~~(6)~~ "Nonredeemable credits" means slot machine

Final_01

ORIGINAL

YEAR

3444 | operating credits that cannot be redeemed for cash or any other
 3445 | thing of value by a slot machine, kiosk, or the slot machine
 3446 | licensee and that are provided free of charge to patrons. Such
 3447 | credits do not constitute "nonredeemable credits" until such
 3448 | time as they are metered as credit into a slot machine and
 3449 | recorded in the facility-based monitoring system.

3450 | (6)~~(7)~~ "Progressive system" means a computerized system
 3451 | linking slot machines in one or more licensed facilities within
 3452 | this state or other jurisdictions and offering one or more
 3453 | common progressive payouts based on the amounts wagered.

3454 | (7)~~(8)~~ "Slot machine" means any mechanical or electrical
 3455 | contrivance, terminal that may or may not be capable of
 3456 | downloading slot games from a central server system, machine, or
 3457 | other device that, upon insertion of a coin, bill, ticket,
 3458 | token, or similar object or upon payment of any consideration
 3459 | whatsoever, including the use of any electronic payment system
 3460 | except a credit card or debit card, is available to play or
 3461 | operate, the play or operation of which, whether by reason of
 3462 | skill or application of the element of chance or both, may
 3463 | deliver or entitle the person or persons playing or operating
 3464 | the contrivance, terminal, machine, or other device to receive
 3465 | cash, billets, tickets, tokens, or electronic credits to be
 3466 | exchanged for cash or to receive merchandise or anything of
 3467 | value whatsoever, whether the payoff is made automatically from
 3468 | the machine or manually. The term includes associated equipment
 3469 | necessary to conduct the operation of the contrivance, terminal,
 3470 | machine, or other device. Slot machines may use spinning reels,
 3471 | video displays, or both. A slot machine is not a "coin-operated

Final_01

ORIGINAL

YEAR

3472 amusement machine" as defined in s. 212.02(24) or an amusement
 3473 game or machine as described in s. 849.161, and slot machines
 3474 are not subject to the tax imposed by s. 212.05(1)(h).

3475 (8)~~(9)~~ "Slot machine facility" means a facility at which
 3476 slot machines as defined in this part ~~chapter~~ are lawfully
 3477 offered for play.

3478 (9)~~(10)~~ "Slot machine license" means a license issued by
 3479 the division authorizing a pari-mutuel permitholder to place and
 3480 operate slot machines as provided by s. 23, Art. X of the State
 3481 Constitution, the provisions of this part ~~chapter~~, and division
 3482 rules.

3483 (10)~~(11)~~ "Slot machine licensee" means a pari-mutuel
 3484 permitholder who holds a license issued by the division pursuant
 3485 to this part ~~chapter~~ that authorizes such person to possess a
 3486 slot machine within facilities specified in s. 23, Art. X of the
 3487 State Constitution and allows slot machine gaming.

3488 (11)~~(12)~~ "Slot machine operator" means a person employed
 3489 or contracted by the owner of a licensed facility to conduct
 3490 slot machine gaming at that licensed facility.

3491 (12)~~(13)~~ "Slot machine revenues" means the total of all
 3492 cash and property, except nonredeemable credits, received by the
 3493 slot machine licensee from the operation of slot machines less
 3494 the amount of cash, cash equivalents, credits, and prizes paid
 3495 to winners of slot machine gaming.

3496 Section 58. Subsections (1), (2), and (3) and paragraph
 3497 (b) of subsection (4) of section 551.103, Florida Statutes, are
 3498 amended to read:

3499 551.103 Powers and duties of the division and law

Final_01

ORIGINAL

YEAR

3500 enforcement.—

3501 (1) The division shall adopt, pursuant to the provisions

3502 of ss. 120.536(1) and 120.54, all rules necessary to implement,

3503 administer, and regulate slot machine gaming as authorized in

3504 this part ~~chapter~~. Such rules must include:

3505 (a) Procedures for applying for a slot machine license and

3506 renewal of a slot machine license.

3507 (b) Technical requirements and the qualifications

3508 contained in this part ~~chapter~~ that are necessary to receive a

3509 slot machine license or slot machine occupational license.

3510 (c) Procedures to scientifically test and technically

3511 evaluate slot machines for compliance with this part ~~chapter~~.

3512 The division may contract with an independent testing laboratory

3513 to conduct any necessary testing under this section. The

3514 independent testing laboratory must have a national reputation

3515 which is demonstrably competent and qualified to scientifically

3516 test and evaluate slot machines for compliance with this part

3517 ~~chapter~~ and to otherwise perform the functions assigned to it in

3518 this part ~~chapter~~. An independent testing laboratory shall not

3519 be owned or controlled by a licensee. The use of an independent

3520 testing laboratory for any purpose related to the conduct of

3521 slot machine gaming by a licensee under this part ~~chapter~~ shall

3522 be made from a list of one or more laboratories approved by the

3523 division.

3524 (d) Procedures relating to slot machine revenues,

3525 including verifying and accounting for such revenues, auditing,

3526 and collecting taxes and fees consistent with this part ~~chapter~~.

3527 (e) Procedures for regulating, managing, and auditing the

Final_01

ORIGINAL

YEAR

3528 operation, financial data, and program information relating to
 3529 slot machine gaming that allow the division and the Department
 3530 of Law Enforcement to audit the operation, financial data, and
 3531 program information of a slot machine licensee, as required by
 3532 the division or the Department of Law Enforcement, and provide
 3533 the division and the Department of Law Enforcement with the
 3534 ability to monitor, at any time on a real-time basis, wagering
 3535 patterns, payouts, tax collection, and compliance with any rules
 3536 adopted by the division for the regulation and control of slot
 3537 machines operated under this part ~~chapter~~. Such continuous and
 3538 complete access, at any time on a real-time basis, shall include
 3539 the ability of either the division or the Department of Law
 3540 Enforcement to suspend play immediately on particular slot
 3541 machines if monitoring of the facilities-based computer system
 3542 indicates possible tampering or manipulation of those slot
 3543 machines or the ability to suspend play immediately of the
 3544 entire operation if the tampering or manipulation is of the
 3545 computer system itself. The division shall notify the Department
 3546 of Law Enforcement or the Department of Law Enforcement shall
 3547 notify the division, as appropriate, whenever there is a
 3548 suspension of play under this paragraph. The division and the
 3549 Department of Law Enforcement shall exchange such information
 3550 necessary for and cooperate in the investigation of the
 3551 circumstances requiring suspension of play under this paragraph.

3552 (f) Procedures for requiring each licensee at his or her
 3553 own cost and expense to supply the division with a bond having
 3554 the penal sum of \$2 million payable to the Governor and his or
 3555 her successors in office for each year of the licensee's slot

Final_01

ORIGINAL

YEAR

3556 machine operations. Any bond shall be issued by a surety or
 3557 sureties approved by the division and the Chief Financial
 3558 Officer, conditioned to faithfully make the payments to the
 3559 Chief Financial Officer in his or her capacity as treasurer of
 3560 the division. The licensee shall be required to keep its books
 3561 and records and make reports as provided in this part ~~chapter~~
 3562 and to conduct its slot machine operations in conformity with
 3563 this part ~~chapter~~ and all other provisions of law. Such bond
 3564 shall be separate and distinct from the bond required in s.
 3565 550.125.

3566 (g) Procedures for requiring licensees to maintain
 3567 specified records and submit any data, information, record, or
 3568 report, including financial and income records, required by this
 3569 part ~~chapter~~ or determined by the division to be necessary to
 3570 the proper implementation and enforcement of this part ~~chapter~~.

3571 (h) A requirement that the payout percentage of a slot
 3572 machine be no less than 85 percent.

3573 (i) Minimum standards for security of the facilities,
 3574 including floor plans, security cameras, and other security
 3575 equipment.

3576 (j) Procedures for requiring slot machine licensees to
 3577 implement and establish drug-testing programs for all slot
 3578 machine occupational licensees.

3579 (2) The division shall conduct such investigations
 3580 necessary to fulfill its responsibilities under the provisions
 3581 of this part ~~chapter~~.

3582 (3) The Department of Law Enforcement and local law
 3583 enforcement agencies shall have concurrent jurisdiction to

Final_01

ORIGINAL

YEAR

3584 investigate criminal violations of this part ~~chapter~~ and may
 3585 investigate any other criminal violation of law occurring at the
 3586 facilities of a slot machine licensee, and such investigations
 3587 may be conducted in conjunction with the appropriate state
 3588 attorney.

3589 (4)

3590 (b) In addition, the division may:

3591 1. Collect taxes, assessments, fees, and penalties.

3592 2. Deny, revoke, suspend, or place conditions on the
 3593 license of a person who violates any provision of this part
 3594 ~~chapter~~ or rule adopted pursuant thereto.

3595 Section 59. Subsection (1), paragraph (a) of subsection
 3596 (4), subsections (6) and (8), and paragraph (d) of subsection
 3597 (10) of section 551.104, Florida Statutes, are amended to read:
 3598 551.104 License to conduct slot machine gaming.—

3599 (1) Upon application and a finding by the division after
 3600 investigation that the application is complete and the applicant
 3601 is qualified and payment of the initial license fee, the
 3602 division may issue a license to conduct slot machine gaming in
 3603 the designated slot machine gaming area of the eligible
 3604 facility. Once licensed, slot machine gaming may be conducted
 3605 subject to the requirements of this part ~~chapter~~ and rules
 3606 adopted pursuant thereto.

3607 (4) As a condition of licensure and to maintain continued
 3608 authority for the conduct of slot machine gaming, the slot
 3609 machine licensee shall:

3610 (a) Continue to be in compliance with this part ~~chapter~~.

3611 (6) A slot machine licensee shall keep and maintain

Final_01

ORIGINAL

YEAR

3612 permanent daily records of its slot machine operation and shall
 3613 maintain such records for a period of not less than 5 years.
 3614 These records must include all financial transactions and
 3615 contain sufficient detail to determine compliance with the
 3616 requirements of this part ~~chapter~~. All records shall be
 3617 available for audit and inspection by the division, the
 3618 Department of Law Enforcement, or other law enforcement agencies
 3619 during the licensee's regular business hours.

3620 (8) A slot machine licensee shall file with the division
 3621 an audit of the receipt and distribution of all slot machine
 3622 revenues provided by an independent certified public accountant
 3623 verifying compliance with all financial and auditing provisions
 3624 of this part ~~chapter~~ and the associated rules adopted under this
 3625 part ~~chapter~~. The audit must include verification of compliance
 3626 with all statutes and rules regarding all required records of
 3627 slot machine operations. Such audit shall be filed within 60
 3628 days after the completion of the permit holder's pari-mutuel
 3629 meet.

3630 (10)

3631 (d) If any provision of this subsection or its application
 3632 to any person or circumstance is held invalid, the invalidity
 3633 does not affect other provisions or applications of this
 3634 subsection or part ~~chapter~~ which can be given effect without the
 3635 invalid provision or application, and to this end the provisions
 3636 of this subsection are severable.

3637 Section 60. Paragraph (a) of subsection (1) and subsection
 3638 (4) of section 551.106, Florida Statutes, are amended to read:

3639 551.106 License fee; tax rate; penalties.-

Final_01

ORIGINAL

YEAR

3640 (1) LICENSE FEE.—
 3641 (a) Upon submission of the initial application for a slot
 3642 machine license and annually thereafter, on the anniversary date
 3643 of the issuance of the initial license, the licensee must pay to
 3644 the division a nonrefundable license fee of \$3 million for the
 3645 succeeding 12 months of licensure. In the 2010-2011 fiscal year,
 3646 the licensee must pay the division a nonrefundable license fee
 3647 of \$2.5 million for the succeeding 12 months of licensure. In
 3648 the 2011-2012 fiscal year and for every fiscal year thereafter,
 3649 the licensee must pay the division a nonrefundable license fee
 3650 of \$2 million for the succeeding 12 months of licensure. The
 3651 license fee shall be deposited into the Pari-mutuel Wagering
 3652 Trust Fund ~~of the Department of Business and Professional~~
 3653 ~~Regulation~~ to be used by the division and the Department of Law
 3654 Enforcement for investigations, regulation of slot machine
 3655 gaming, and enforcement of slot machine gaming provisions under
 3656 this part ~~chapter~~. These payments shall be accounted for
 3657 separately from taxes or fees paid pursuant to the provisions of
 3658 chapter 550.
 3659 (4) TO PAY TAX; PENALTIES.—A slot machine licensee who
 3660 fails to make tax payments as required under this section is
 3661 subject to an administrative penalty of up to \$10,000 for each
 3662 day the tax payment is not remitted. All administrative
 3663 penalties imposed and collected shall be deposited into the
 3664 Pari-mutuel Wagering Trust Fund ~~of the Department of Business~~
 3665 ~~and Professional Regulation~~. If any slot machine licensee fails
 3666 to pay penalties imposed by order of the division under this
 3667 subsection, the division may suspend, revoke, or refuse to renew

Final_01

ORIGINAL

YEAR

3668 the license of the slot machine licensee.
 3669 Section 61. Subsection (1), paragraph (d) of subsection
 3670 (4), paragraph (a) of subsection (6), and subsection (11) of
 3671 section 551.107, Florida Statutes, are amended to read:
 3672 551.107 Slot machine occupational license; findings;
 3673 application; fee.—
 3674 (1) The Legislature finds that individuals and entities
 3675 that are licensed under this section require heightened state
 3676 scrutiny, including the submission by the individual licensees
 3677 or persons associated with the entities described in this part
 3678 ~~chapter~~ of fingerprints for a criminal history record check.
 3679 (4)
 3680 (d) The slot machine occupational license fee for initial
 3681 application and annual renewal shall be determined by rule of
 3682 the division but may not exceed \$50 for a general or
 3683 professional occupational license for an employee of the slot
 3684 machine licensee or \$1,000 for a business occupational license
 3685 for nonemployees of the licensee providing goods or services to
 3686 the slot machine licensee. License fees for general occupational
 3687 licensees shall be paid by the slot machine licensee. Failure to
 3688 pay the required fee constitutes grounds for disciplinary action
 3689 by the division against the slot machine licensee, but it is not
 3690 a violation of this part ~~chapter~~ or rules of the division by the
 3691 general occupational licensee and does not prohibit the initial
 3692 issuance or the renewal of the general occupational license.
 3693 (6)(a) The division may deny, suspend, revoke, or refuse
 3694 to renew any slot machine occupational license if the applicant
 3695 for such license or the licensee has violated the provisions of

Final_01

ORIGINAL

YEAR

3696 this part ~~chapter~~ or the rules of the division governing the
 3697 conduct of persons connected with slot machine gaming. In
 3698 addition, the division may deny, suspend, revoke, or refuse to
 3699 renew any slot machine occupational license if the applicant for
 3700 such license or the licensee has been convicted in this state,
 3701 in any other state, or under the laws of the United States of a
 3702 capital felony, a felony, or an offense in any other state that
 3703 would be a felony under the laws of this state involving arson;
 3704 trafficking in, conspiracy to traffic in, smuggling, importing,
 3705 conspiracy to smuggle or import, or delivery, sale, or
 3706 distribution of a controlled substance; racketeering; or a crime
 3707 involving a lack of good moral character, or has had a gaming
 3708 license revoked by this state or any other jurisdiction for any
 3709 gaming-related offense.

3710 (11) The division may impose a civil fine of up to \$5,000
 3711 for each violation of this part ~~chapter~~ or the rules of the
 3712 division in addition to or in lieu of any other penalty provided
 3713 for in this section. The division may adopt a penalty schedule
 3714 for violations of this part ~~chapter~~ or any rule adopted pursuant
 3715 to this part ~~chapter~~ for which it would impose a fine in lieu of
 3716 a suspension and adopt rules allowing for the issuance of
 3717 citations, including procedures to address such citations, to
 3718 persons who violate such rules. In addition to any other penalty
 3719 provided by law, the division may exclude from all licensed slot
 3720 machine facilities in this state, for a period not to exceed the
 3721 period of suspension, revocation, or ineligibility, any person
 3722 whose occupational license application has been declared
 3723 ineligible to hold an occupational license or whose occupational

Final_01

ORIGINAL

YEAR

3724 license has been suspended or revoked by the division.
 3725 Section 62. Subsection (2) of section 551.108, Florida
 3726 Statutes, is amended to read:
 3727 551.108 Prohibited relationships.—
 3728 (2) A manufacturer or distributor of slot machines may not
 3729 enter into any contract with a slot machine licensee that
 3730 provides for any revenue sharing of any kind or nature that is
 3731 directly or indirectly calculated on the basis of a percentage
 3732 of slot machine revenues. Any maneuver, shift, or device whereby
 3733 this subsection is violated is a violation of this part ~~chapter~~
 3734 and renders any such agreement void.
 3735 Section 63. Subsections (1), (2), and (7) of section
 3736 551.109, Florida Statutes, are amended to read:
 3737 551.109 Prohibited acts; penalties.—
 3738 (1) Except as otherwise provided by law and in addition to
 3739 any other penalty, any person who knowingly makes or causes to
 3740 be made, or aids, assists, or procures another to make, a false
 3741 statement in any report, disclosure, application, or any other
 3742 document required under this part ~~chapter~~ or any rule adopted
 3743 under this part ~~chapter~~ is subject to an administrative fine or
 3744 civil penalty of up to \$10,000.
 3745 (2) Except as otherwise provided by law and in addition to
 3746 any other penalty, any person who possesses a slot machine
 3747 without the license required by this part ~~chapter~~ or who
 3748 possesses a slot machine at any location other than at the slot
 3749 machine licensee's facility is subject to an administrative fine
 3750 or civil penalty of up to \$10,000 per machine. The prohibition
 3751 in this subsection does not apply to:

Final_01

ORIGINAL

YEAR

3752 (a) Slot machine manufacturers or slot machine
 3753 distributors that hold appropriate licenses issued by the
 3754 division who are authorized to maintain a slot machine storage
 3755 and maintenance facility at any location in a county in which
 3756 slot machine gaming is authorized by this part ~~chapter~~. The
 3757 division may adopt rules regarding security and access to the
 3758 storage facility and inspections by the division.

3759 (b) Certified educational facilities that are authorized
 3760 to maintain slot machines for the sole purpose of education and
 3761 licensure, if any, of slot machine technicians, inspectors, or
 3762 investigators. The division and the Department of Law
 3763 Enforcement may possess slot machines for training and testing
 3764 purposes. The division may adopt rules regarding the regulation
 3765 of any such slot machines used for educational, training, or
 3766 testing purposes.

3767 (7) All penalties imposed and collected under this section
 3768 must be deposited into the Pari-mutuel Wagering Trust Fund ~~of~~
 3769 ~~the Department of Business and Professional Regulation.~~

3770 Section 64. Section 551.111, Florida Statutes, is amended
 3771 to read:

3772 551.111 Legal devices.—Notwithstanding any provision of
 3773 law to the contrary, a slot machine manufactured, sold,
 3774 distributed, possessed, or operated according to the provisions
 3775 of this part ~~chapter~~ is not unlawful.

3776 Section 65. Section 551.112, Florida Statutes, is amended
 3777 to read:

3778 551.112 Exclusions of certain persons.—In addition to the
 3779 power to exclude certain persons from any facility of a slot

Final_01

ORIGINAL

YEAR

3780 machine licensee in this state, the division may exclude any
 3781 person from any facility of a slot machine licensee in this
 3782 state for conduct that would constitute, if the person were a
 3783 licensee, a violation of this part ~~chapter~~ or the rules of the
 3784 division. The division may exclude from any facility of a slot
 3785 machine licensee any person who has been ejected from a facility
 3786 of a slot machine licensee in this state or who has been
 3787 excluded from any facility of a slot machine licensee or gaming
 3788 facility in another state by the governmental department,
 3789 agency, commission, or authority exercising regulatory
 3790 jurisdiction over the gaming in such other state. This section
 3791 does not abrogate the common law right of a slot machine
 3792 licensee to exclude a patron absolutely in this state.

3793 Section 66. Section 551.117, Florida Statutes, is amended
 3794 to read:

3795 551.117 Penalties.—The division may revoke or suspend any
 3796 slot machine license issued under this part ~~chapter~~ upon the
 3797 willful violation by the slot machine licensee of any provision
 3798 of this part ~~chapter~~ or of any rule adopted under this part
 3799 ~~chapter~~. In lieu of suspending or revoking a slot machine
 3800 license, the division may impose a civil penalty against the
 3801 slot machine licensee for a violation of this part ~~chapter~~ or
 3802 any rule adopted by the division. Except as otherwise provided
 3803 in this part ~~chapter~~, the penalty so imposed may not exceed
 3804 \$100,000 for each count or separate offense. All penalties
 3805 imposed and collected must be deposited into the Pari-mutuel
 3806 Wagering Trust Fund ~~of the Department of Business and~~
 3807 ~~Professional Regulation.~~

Final_01

ORIGINAL

YEAR

3808 Section 67. Section 551.119, Florida Statutes, is amended
 3809 to read:

3810 551.119 Caterer's license.—A slot machine licensee is
 3811 entitled to a caterer's license pursuant to s. 565.02 on days on
 3812 which the pari-mutuel facility is open to the public for slot
 3813 machine game play as authorized by this part ~~chapter~~.

3814 Section 68. Section 551.122, Florida Statutes, is amended
 3815 to read:

3816 551.122 Rulemaking.—The division may adopt rules pursuant
 3817 to ss. 120.536(1) and 120.54 to administer the provisions of
 3818 this part ~~chapter~~.

3819 Section 69. Section 551.123, Florida Statutes, is amended
 3820 to read:

3821 551.123 Legislative authority; administration of part
 3822 ~~chapter~~.—The Legislature finds and declares that it has
 3823 exclusive authority over the conduct of all wagering occurring
 3824 at a slot machine facility in this state. As provided by law,
 3825 only the division of ~~Pari-mutuel Wagering~~ and other authorized
 3826 state agencies shall administer this part ~~chapter~~ and regulate
 3827 the slot machine gaming industry, including operation of slot
 3828 machine facilities, games, slot machines, and facilities-based
 3829 computer systems authorized in this part ~~chapter~~ and the rules
 3830 adopted by the division.

3831 Section 70. Subsection (5) of section 565.02, Florida
 3832 Statutes, is amended to read:

3833 565.02 License fees; vendors; clubs; caterers; and
 3834 others.—

3835 (5) A caterer at a horse or dog racetrack or jai alai

Final_01

ORIGINAL

YEAR

3836 fronton may obtain a license upon the payment of an annual state
 3837 license tax of \$675. Such caterer's license shall permit sales
 3838 only within the enclosure in which such races or jai alai games
 3839 are conducted, and such licensee shall be permitted to sell only
 3840 during the period beginning 10 days before and ending 10 days
 3841 after racing or jai alai under the authority of the Division of
 3842 Licensure Pari-mutuel Wagering of the Department of Gaming
 3843 Control Business and Professional Regulation is conducted at
 3844 such racetrack or jai alai fronton. Except as in this subsection
 3845 otherwise provided, caterers licensed hereunder shall be treated
 3846 as vendors licensed to sell by the drink the beverages mentioned
 3847 herein and shall be subject to all the provisions hereof
 3848 relating to such vendors.

3849 Section 71. Section 817.37, Florida Statutes, is amended
 3850 to read:

3851 817.37 Touting; defining; providing punishment; ejection
 3852 from racetracks.—

3853 (1) Any person who knowingly and designedly by false
 3854 representation attempts to, or does persuade, procure or cause
 3855 another person to wager on a horse in a race to be run in this
 3856 state or elsewhere, and upon which money is wagered in this
 3857 state, and who asks or demands compensation as a reward for
 3858 information or purported information given in such case is a
 3859 tout, and is guilty of touting.

3860 (2) Any person who is a tout, or who attempts or conspires
 3861 to commit touting, shall be guilty of a misdemeanor of the
 3862 second degree, punishable as provided in s. 775.082 or s.
 3863 775.083.

Final_01

ORIGINAL

YEAR

3864 (3) Any person who in the commission of touting falsely
 3865 uses the name of any official of the ~~Florida~~ Division of
 3866 Licensure of the Department of Gaming Control ~~Pari-mutuel~~
 3867 ~~Wagering~~, its inspectors or attaches, or of any official of any
 3868 racetrack association, or the names of any owner, trainer,
 3869 jockey, or other person licensed by the ~~Florida~~ Division of
 3870 Licensure of the Department of Gaming Control ~~Pari-mutuel~~
 3871 ~~Wagering~~, as the source of any information or purported
 3872 information shall be guilty of a felony of the third degree,
 3873 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3874 (4) Any person who has been convicted of touting by any
 3875 court, and the record of whose conviction on such charge is on
 3876 file in the office of the ~~Florida~~ Division of Licensure of the
 3877 Department of Gaming Control ~~Pari-mutuel Wagering~~, any court of
 3878 this state, or of the Federal Bureau of Investigation, or any
 3879 person who has been ejected from any racetrack of this or any
 3880 other state for touting or practices inimical to the public
 3881 interest shall be excluded from all racetracks in this state and
 3882 if such person returns to a racetrack he or she shall be guilty
 3883 of a misdemeanor of the second degree, punishable as provided in
 3884 s. 775.082 or s. 775.083. Any such person who refuses to leave
 3885 such track when ordered to do so by inspectors of the ~~Florida~~
 3886 Division of Licensure of the Department of Gaming Control ~~Pari-~~
 3887 ~~mutuel Wagering~~ or by any peace officer, or by an accredited
 3888 attache of a racetrack or association shall be guilty of a
 3889 separate offense which shall be a misdemeanor of the second
 3890 degree, punishable as provided in s. 775.083.

3891 Section 72. Paragraph (g) of subsection (2) and

Final_01

ORIGINAL

YEAR

3892 subsections (4) and (16) of section 849.086, Florida Statutes,
 3893 are amended to read:

3894 849.086 Cardrooms authorized.—

3895 (2) DEFINITIONS.—As used in this section:

3896 (g) "Division" means the Division of Licensure ~~Pari-mutuel~~
 3897 ~~Wagering~~ of the Department of Gaming Control ~~Business and~~
 3898 ~~Professional Regulation~~.

3899 (4) AUTHORITY OF DIVISION.—The division ~~of Pari-mutuel~~
 3900 ~~Wagering of the Department of Business and Professional~~
 3901 ~~Regulation~~ shall administer this section and regulate the
 3902 operation of cardrooms under this section and the rules adopted
 3903 pursuant thereto, and is hereby authorized to:

3904 (a) Adopt rules, including, but not limited to: the
 3905 issuance of cardroom and employee licenses for cardroom
 3906 operations; the operation of a cardroom; recordkeeping and
 3907 reporting requirements; and the collection of all fees and taxes
 3908 imposed by this section.

3909 (b) Conduct investigations and monitor the operation of
 3910 cardrooms and the playing of authorized games therein.

3911 (c) Review the books, accounts, and records of any current
 3912 or former cardroom operator.

3913 (d) Suspend or revoke any license or permit, after
 3914 hearing, for any violation of the provisions of this section or
 3915 the administrative rules adopted pursuant thereto.

3916 (e) Take testimony, issue summons and subpoenas for any
 3917 witness, and issue subpoenas duces tecum in connection with any
 3918 matter within its jurisdiction.

3919 (f) Monitor and ensure the proper collection of taxes and

Final_01

ORIGINAL

YEAR

3920 fees imposed by this section. Permitholder internal controls are
 3921 mandated to ensure no compromise of state funds. To that end, a
 3922 roaming division auditor will monitor and verify the cash flow
 3923 and accounting of cardroom revenue for any given operating day.

3924 (16) LOCAL GOVERNMENT APPROVAL.—The division may ~~of Pari-~~
 3925 ~~mutuel Wagering shall~~ not issue any initial license under this
 3926 section except upon proof in such form as the division may
 3927 prescribe that the local government where the applicant for such
 3928 license desires to conduct cardroom gaming has voted to approve
 3929 such activity by a majority vote of the governing body of the
 3930 municipality or the governing body of the county if the facility
 3931 is not located in a municipality.

3932 Section 73. Subsection (10) of section 849.094, Florida
 3933 Statutes, is amended to read:

3934 849.094 Game promotion in connection with sale of consumer
 3935 products or services.—

3936 (10) This section does not apply to actions or
 3937 transactions regulated by the Department of Gaming Control
 3938 ~~Business and Professional Regulation~~ or to the activities of
 3939 nonprofit organizations or to any other organization engaged in
 3940 any enterprise other than the sale of consumer products or
 3941 services. Subsections (3), (4), (5), (6), and (7) and paragraph
 3942 (8)(a) and any of the rules made pursuant thereto do not apply
 3943 to television or radio broadcasting companies licensed by the
 3944 Federal Communications Commission.

3945 Section 74. If any provision of this act or its
 3946 application to any person or circumstance is held invalid, the
 3947 invalidity does not affect other provisions or applications of

Final_01

ORIGINAL

YEAR

3948 this act which can be given effect without the invalid provision
3949 or application, and to this end the provisions of this act are
3950 severable.

3951 Section 75. Except as otherwise expressly provided in this
3952 act, this act shall take effect July 1, 2012.