

By Senator Bogdanoff

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

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

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

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

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

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146 discuss an incomplete application; authorizing the
147 executive director to grant an extension to complete
148 an application; providing for the stay of the award of
149 a resort license during an extension or an appeal to
150 the commission of a finding by the executive director
151 that an application is incomplete; creating s.
152 551.312, F.S.; exempting an institutional investor
153 that is a qualifier for a resort licensee from certain
154 application requirements under certain circumstances;
155 requiring notice to the commission of any changes that
156 may require a person to comply with the full
157 application requirements; creating s. 551.313, F.S.;
158 exempting lending institutions and underwriters from
159 licensing requirements as a qualifier under certain
160 circumstances; creating s. 551.314, F.S.; specifying
161 conditions for a resort licensee to maintain
162 licensure; authorizing the department to adopt rules
163 relating to approval of the licensee's computer
164 system; creating s. 551.315, F.S.; requiring that the
165 licensee post a bond; authorizing the department to
166 adopt rules relating to such bonds; creating s.
167 551.316, F.S.; specifying conditions for the conduct
168 of limited gaming by a resort licensee; providing
169 hours and days of operation and the setting of minimum
170 and maximum wagers; requiring the department to renew
171 the license of a resort licensee if the licensee
172 satisfies specified conditions; creating s. 551.318,
173 F.S.; specifying an annual fee for the renewal of a
174 resort license; imposing gross receipts tax; providing

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175 for the deposit of funds; providing for the proceeds
176 of the gross receipts tax to fund the operations of
177 the department; providing for annual distribution of
178 certain unappropriated funds in the department's
179 Destination Resort Trust Fund; creating s. 551.319,
180 F.S.; providing procedures for the submission and
181 processing of fingerprints; providing that the cost of
182 processing the fingerprints shall be borne by a
183 licensee or applicant; requiring a person to report to
184 the department certain pleas and convictions for
185 disqualifying offenses; creating s. 551.321, F.S.;

186 requiring a person to have a supplier license to
187 furnish certain goods and services to a resort
188 licensee; providing for application; providing for
189 license fees to be set by rule based on certain
190 criteria; requiring fingerprinting; specifying persons
191 who are ineligible for supplier licensure; specifying
192 circumstances under which the department may deny or
193 revoke a supplier license; authorizing the department
194 to adopt rules relating to the licensing of suppliers;
195 requiring a supplier licensee to furnish a list of
196 gaming devices and equipment to the department,
197 maintain records, file quarterly returns, and affix
198 its name to the gaming equipment and supplies that it
199 offers; requiring that the supplier licensee annually
200 report its inventory to the department; authorizing
201 the department to suspend, revoke, or restrict a
202 supplier license under certain circumstances;
203 providing that the equipment of a supplier licensee

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204 which is used in unauthorized gaming will be forfeited
205 to the county where the equipment is found; providing
206 criminal penalties for a person who knowingly makes a
207 false statement on an application for a supplier
208 license; creating s. 551.322, F.S.; requiring a person
209 to have an occupational license to serve as a limited
210 gaming employee of a resort licensee; requiring a
211 person to apply to the department for an occupational
212 license and pay an application fee; specifying
213 information that an applicant must include in an
214 application for an occupational license, including
215 fingerprints; providing eligibility requirements;
216 specifying grounds for the department to deny,
217 suspend, revoke, or restrict an occupational license;
218 authorizing training to be conducted at certain
219 facilities; providing criminal penalties for a person
220 who knowingly makes a false statement on an
221 application for an occupational license; creating s.
222 551.323, F.S.; authorizing the executive director of
223 the department to issue a temporary occupational or
224 temporary supplier license under certain
225 circumstances; creating s. 551.325, F.S.; requiring
226 the commission to file quarterly reports with the
227 Governor, the President of the Senate, and the Speaker
228 of the House of Representatives; creating s. 551.327,
229 F.S.; providing procedures for the resolution of
230 certain disputes between a resort licensee and a
231 patron; requiring a resort licensee to notify the
232 department of certain disputes; requiring a resort

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233 licensee to notify a patron of the right to file a
234 complaint with the department regarding certain
235 disputes; authorizing the department to investigate
236 disputes and to order a resort licensee to make a
237 payment to a patron; providing that gaming-related
238 disputes may be resolved only by the department and
239 are not under the jurisdiction of state courts;
240 creating s. 551.328, F.S.; providing for the
241 enforcement of credit instruments; authorizing a
242 resort licensee to accept an incomplete credit
243 instrument and to complete incomplete credit
244 instruments under certain circumstances; providing
245 that existence of a mental disorder is not a defense
246 or a valid counterclaim in an action to enforce a
247 credit instrument; authorizing the department to adopt
248 rules prescribing the conditions under which a credit
249 instrument may be presented to a bank; creating s.
250 551.330, F.S.; requiring a resort licensee to train
251 its employees about compulsive gambling; requiring a
252 resort licensee to work with a compulsive gambling
253 prevention program; requiring the commission to
254 contract for services relating to the prevention of
255 compulsive gambling; providing for the commission's
256 compulsive gambling prevention program to be funded
257 from a regulatory fee imposed on resort licensees;
258 creating s. 551.331, F.S.; authorizing a person to
259 request that the department exclude him or her from
260 limited gaming facilities; providing for a form and
261 contents of the form; providing that a self-excluded

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262 person who is found on a gaming floor may be arrested
263 and prosecuted for criminal trespass; providing that a
264 self-excluded person holds harmless the department and
265 licensees from claims for losses and damages under
266 certain circumstances; requiring the person to submit
267 identification issued by the government; requiring the
268 department to photograph the person requesting self-
269 exclusion; amending s. 561.20, F.S.; exempting
270 destination resorts from certain limitations on the
271 number of licenses to sell alcoholic beverages which
272 may be issued; providing restrictions on a resort
273 issued such license; requiring an annual state license
274 tax to be paid by a resort for such license; providing
275 for deposit of proceeds from the tax; preempting to
276 the state the regulation of alcoholic beverages at
277 destination resorts; providing hours and days
278 alcoholic beverages may be sold at a resort; directing
279 the commission to adopt rules; providing recordkeeping
280 requirements; amending s. 849.15, F.S.; authorizing
281 slot machine gaming in a resort licensee and the
282 transportation of slot machines pursuant to federal
283 law; exempting slot machine licensees from
284 prohibitions relating to coin-operated devices;
285 amending s. 849.231, F.S.; providing that a
286 prohibition on gambling devices does not apply to slot
287 machine licensees and resort licensees as authorized
288 under specified provisions; amending s. 849.25, F.S.;
289 providing that a prohibition on gaming does not apply
290 to slot machine licensees and resort licensees as

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291 authorized under specified provisions; creating s.
292 849.48, F.S.; requiring that a person or entity
293 seeking to operate a gambling business, to allow
294 gambling on the person's or entity's premises, or to
295 lease, manufacture, or distribute gambling devices
296 apply for licensure from the Department of Gaming
297 Control; transferring and reassigning certain
298 functions and responsibilities, including records,
299 personnel, property, and unexpended balances of
300 appropriations and other resources, from the Division
301 of Pari-mutuel Wagering of the Department of Business
302 and Professional Regulation to the Department of
303 Gaming Control; transferring certain trust funds from
304 the Department of Business and Professional Regulation
305 to the Department of Gaming Control; amending s.
306 551.102, F.S.; revising the definition of the term
307 "eligible facility" as used in provisions relating to
308 slot machines; conforming provisions to changes made
309 by the act; amending ss. 285.710, 550.002, 550.0251,
310 550.09514, 550.135, 550.24055, 550.2415, 550.2625,
311 550.2704, 550.902, 550.907, 551.101, 551.103, 551.104,
312 551.106, 551.107, 551.108, 551.109, 551.111, 551.112,
313 551.117, 551.119, 551.122, 551.123, 565.02, 817.37,
314 849.086, and 849.094, F.S.; correcting cross-
315 references and conforming provisions to changes made
316 by the act; providing for severability; providing
317 effective dates.

318

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

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

323 20.165 Department of Business and Professional Regulation.—
324 There is created a Department of Business and Professional
325 Regulation.

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

328 (a) Division of Administration.

329 (b) Division of Alcoholic Beverages and Tobacco.

330 (c) Division of Certified Public Accounting.

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

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

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

338 (e) Division of Hotels and Restaurants.

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

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

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

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

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

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

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

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

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

351 20.318 Department of Gaming Control.—There is created a
352 Department of Gaming Control.

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

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

359 (a) The Division of Enforcement.

360 (b) The Division of Licensure.

361 (c) The Division of Revenue and Audits.

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

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

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

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

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

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

371 (4) POWERS AND DUTIES.—

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

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

376 (c) The department shall adopt rules pursuant to ss.
377 120.536(1) and 120.54 to administer the provisions of law

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378 conferring duties upon it.

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

382 (e) The department shall adopt rules for the control,
383 supervision, and direction of all applicants, permittees, and
384 licensees and for the holding, conducting, and operating of any
385 gaming establishment under the jurisdiction of the department in
386 this state. The department shall have the authority to suspend a
387 permit or license under the jurisdiction of the department if
388 such permitholder or licensee has violated any provision of
389 chapter 550, chapter 551, or chapter 849 or rules adopted by the
390 department. Such rules must be uniform in their application and
391 effect, and the duty of exercising this control and power is
392 made mandatory upon the department.

393 (f) The department may take testimony concerning any matter
394 within its jurisdiction and issue summons and subpoenas for any
395 witness and subpoenas duces tecum in connection with any matter
396 within the jurisdiction of the department under its seal and
397 signed by the executive director.

398 (g) In addition to the power to exclude certain persons
399 from any pari-mutuel facility in this state, the department may
400 exclude any person from any and all gaming establishments under
401 the jurisdiction of the department in this state. The department
402 may exclude from any gaming establishment under its jurisdiction
403 within this state any person who has been ejected from a pari-
404 mutuel facility or other gaming establishment in this state or
405 who has been excluded from any pari-mutuel facility or other
406 gaming establishment in another state by the governmental

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407 department, agency, commission, or authority exercising
408 regulatory jurisdiction over such facilities in such other
409 state. The department may authorize any person who has been
410 ejected or excluded from establishments in this state or another
411 state to enter such facilities in this state upon a finding that
412 the attendance of such person would not be adverse to the public
413 interest or to the integrity of the industry; however, this
414 paragraph may not be construed to abrogate the common-law right
415 of a pari-mutuel permitholder or a proprietor of a gaming
416 establishment to exclude absolutely a patron in this state.

417 (h) The department may collect taxes and require compliance
418 with reporting requirements for financial information as
419 authorized by chapter 550, chapter 551, s. 849.086, or s.
420 849.094. In addition, the executive director of the department
421 may require gaming establishments within its jurisdiction within
422 the state to remit taxes, including fees, by electronic funds
423 transfer.

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

426 (j) The department may impose an administrative fine for a
427 violation under chapter 550, chapter 551, s. 849.086, or s.
428 849.094 of not more than \$10,000 for each count or separate
429 offense, except as otherwise provided in chapter 550, chapter
430 551, s. 849.086, or s. 849.094, and may suspend or revoke a
431 permit, an operating license, or an occupational license for a
432 violation under chapter 550, chapter 551, s. 849.086, or s.
433 849.094. All fines imposed and collected under this paragraph
434 must be deposited with the Chief Financial Officer to the credit
435 of the General Revenue Fund.

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

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

444 (m) The department shall contract with the Department of
445 Revenue, through an interagency agreement, to perform the tax
446 collection and financial audit services for the taxes required
447 to be collected by entities licensed or regulated by chapter
448 550, chapter 551, or chapter 849. The interagency agreement
449 shall also allow the Department of Revenue to assist in any
450 financial investigations of licensees or applications for
451 licenses by the Department of Gaming Control or law enforcement
452 agencies.

453 (5) FINANCIALLY DEPENDENT CHILDREN; SUPPORT.—The department
454 shall work cooperatively with the Department of Revenue to
455 implement an automated method for periodically disclosing
456 information relating to current licensees to the Department of
457 Revenue. The purpose of this subsection is to promote the public
458 policy of this state as established in s. 409.2551. The
459 department shall, when directed by the court or the Department
460 of Revenue pursuant to s. 409.2598, suspend or deny the license
461 of any licensee found not to be in compliance with a support
462 order, subpoena, order to show cause, or written agreement
463 entered into by the licensee with the Department of Revenue. The
464 department shall issue or reinstate the license without

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465 additional charge to the licensee when notified by the court or
466 the Department of Revenue that the licensee has complied with
467 the terms of the support order. The department is not liable for
468 any license denial or suspension resulting from the discharge of
469 its duties under this subsection.

470 (6) LICENSING.—The department may:

471 (a) Close and terminate deficient license application files
472 2 years after the department notifies the applicant of the
473 deficiency.

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

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

479 120.80 Exceptions and special requirements; agencies.—

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

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

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

493 ~~2. Application and usage of drugs and medication to horses,~~

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494 ~~greyhounds, and jai alai players in violation of chapter 550.~~

495 ~~3. Maintaining or possessing any device which could be used~~
 496 ~~for the injection or other infusion of a prohibited drug to~~
 497 ~~horses, greyhounds, and jai alai players in violation of chapter~~
 498 ~~550.~~

499 ~~4. Suspensions under reciprocity agreements between the~~
 500 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~
 501 ~~other states.~~

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

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

505 ~~(b) Professional regulation.~~ Notwithstanding s.
 506 120.57(1)(a), formal hearings may not be conducted by the
 507 Secretary of Business and Professional Regulation or a board or
 508 member of a board within the Department of Business and
 509 Professional Regulation for matters relating to the regulation
 510 of professions, as defined by chapter 455.

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

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

518 (b) The department shall adopt rules establishing
 519 alternative procedures, including a hearing upon reasonable
 520 notice, for the following:

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

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523 2. Application and administration of drugs and medication
524 to horses, greyhounds, and jai alai players in violation of
525 chapter 550.

526 3. Maintaining or possessing any device that could be used
527 for the injection or other infusion of a prohibited drug into a
528 horse, greyhound, or jai alai players in violation of chapter
529 550.

530 4. Suspensions under reciprocity agreements between the
531 department and regulatory agencies of other states.

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

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

535 (20) STATE GAMING COMMISSION.—

536 (a) The State Gaming Commission is exempt from the hearing
537 and notice requirements of ss. 120.569 and 120.57(1) (a) in
538 proceedings for the issuance or denial of a destination resort
539 license.

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

542 (c) Notwithstanding s. 120.542, the State Gaming Commission
543 may not accept a petition for waiver or variance and may not
544 grant any waiver or variance from the requirements of part III
545 of chapter 551.

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

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552 551.331, as created by this act, is entitled "Destination
553 Resorts."

554 Section 5. Section 551.002, Florida Statutes, is created to
555 read:

556 551.002 Definitions.—As used in this chapter, the term:

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

559 (a) Controls, is controlled by, or is under common control
560 of;

561 (b) Is in a partnership or joint venture relationship with;
562 or

563 (c) Is a shareholder of a corporation, a member of a
564 limited liability company, or a partner in a limited liability
565 partnership with,

566
567 an applicant for a resort license or a resort licensee.

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

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

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

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

579 (b) The acceptance of any form of compensation from a
580 source other than the commission for any services rendered as

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581 part of the official duties of the member, employee, or agent of
582 the commission.

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

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

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

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

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

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

603 (b) The individual is employed by or is an independent
604 contractor for a party to a matter under consideration by the
605 commission or the department.

606 Section 6. Section 551.003, Florida Statutes, is created to
607 read:

608 551.003 State Gaming Commission; creation and membership.-

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

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

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

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

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

637 2. When making appointments to the commission, the Governor
638 shall announce the classification by experience of the person

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639 appointed.

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

642 1. Is an elected state official;

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

647 3. Is related to any person within the second degree of
648 consanguinity of affinity who is an applicant for a license or
649 awarded a license by the commission or regulated by the
650 department; or

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

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

659 (3) CHAIR AND VICE CHAIR.—

660 (a) The chair shall be appointed by the Governor. The vice
661 chair of the commission shall be elected by the members of the
662 commission during the first meeting of the commission on or
663 after July 1 of each year. The chair shall be the administrative
664 head of the commission. The chair shall set the agenda for each
665 meeting. The chair shall approve all notices, vouchers,
666 subpoenas, and reports as required by law. The chair shall
667 preserve order and decorum and shall have general control of the

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668 commission meetings. The chair shall decide all questions of
669 order. The chair may name any member of the commission to
670 perform the duties of the chair for a meeting if such
671 substitution does not extend beyond that meeting.

672 (b) If for any reason the chair is absent and fails to name
673 a member, the vice chair shall assume the duties of the chair
674 during the chair's absence. On the death, incapacitation, or
675 resignation of the chair, the vice chair shall perform the
676 duties of the office until the Governor appoints a successor.

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

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

684 (5) HEADQUARTERS.—The headquarters of the commission shall
685 be located in the district as defined in s. 551.302.

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

691 (7) AGENCY HEAD.—The commission shall serve as the agency
692 head of the department for purposes of chapter 120. The
693 executive director of the commission may serve as the agency
694 head for purposes of final agency action under chapter 120 for
695 all areas within the regulatory authority delegated to the
696 executive director's office.

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697 Section 7. Effective upon this act becoming a law, section
698 551.004, Florida Statutes, is created to read:

699 551.004 State Gaming Commission Nominating Committee.-

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

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

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

724 (2) A member of the committee shall serve at the pleasure
725 of the presiding officer who appointed the member and may not

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726 create the appearance of impropriety.

727 (3) A majority of the membership of the committee may
728 conduct any business before the committee. All meetings and
729 proceedings of the committee shall be staffed by the Office of
730 Legislative Services and shall be subject to ss. 119.07 and
731 286.011. Members of the committee are entitled to receive per
732 diem and travel expenses as provided in s. 112.061. Applicants
733 invited for interviews before the committee may, at the
734 discretion of the committee, receive per diem and travel
735 expenses as provided in s. 112.061. The committee shall
736 establish policies and procedures to govern the process by which
737 applicants for appointment to the commission are nominated.

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

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

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

750 (6) It is the responsibility of the committee to nominate
751 to the Governor no fewer than three persons for each vacancy
752 occurring on the commission. The committee shall submit
753 recommendations for the initial appointments to the commission
754 to the Governor within 60 days after the effective date of this

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755 section. Thereafter, the committee shall submit the
756 recommendations to the Governor by March 15 of those years in
757 which the terms are to begin the following July, or within 60
758 days after a vacancy occurs for any reason other than the
759 expiration of the term.

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

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

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

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784 Governor by the committee. Such an appointment is subject to
785 confirmation by the Senate pursuant to subsection (8).

786 Section 8. Section 551.006, Florida Statutes, is created to
787 read:

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

793 (1) The executive director:

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

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

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

797 and

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

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

803 1. A resort licensee or supplier licensee;

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

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

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

810 5. A tribal gaming facility within this state.

811 (b) Notwithstanding paragraph (a), a person may be employed
812 by the commission if the commission finds that the person's

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813 former interest in any licensee will not interfere with the
814 objective discharge of the person's employment obligations.
815 However, a person may not be employed by the commission if:

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

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

822 Section 9. Section 551.007, Florida Statutes, is created to
823 read:

824 551.007 Law enforcement.—

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

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

838 (b) Each law enforcement officer has arrest authority as
839 provided for state law enforcement officers under s. 901.15, and
840 full law enforcement powers granted to other officers of this
841 state, including the authority to make arrests, carry firearms,

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842 serve court process, and seize contraband and proceeds from
843 illegal activities.

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

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

851 Section 10. Section 551.008, Florida Statutes, is created
852 to read:

853 551.008 Code of ethics.-

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

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

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

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

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

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

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

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

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

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

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

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

896 (7) A former member, employee, or agent of the commission
897 may appear before the commission as a witness testifying as to
898 factual matters or actions handled by the former member,
899 employee, or agent during his or her tenure with the commission.

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900 However, the former member, employee, or agent of the commission
901 may not receive compensation for the appearance other than a
902 standard witness fee and reimbursement for travel expenses as
903 established by statute or rules governing administrative
904 proceedings before the Division of Administrative Hearings.

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

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

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

914 1. Operating a proprietorship;

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

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

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

925 Section 11. Section 551.009, Florida Statutes, is created
926 to read:

927 551.009 Disclosures by commissioners, employees, and
928 agents.-

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929 (1) COMMISSIONERS.—

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

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

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

937 1. Affirming that neither the member, nor the member's
938 spouse, parent, child, or child's spouse, is a member of the
939 board of directors of, financially interested in, or employed by
940 an applicant or resort licensee.

941 2. Affirming that the member is in compliance with part III
942 and the rules of the commission.

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

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

948 (2) EMPLOYEES AND AGENTS.—

949 (a) The executive director and each managerial employee and
950 agent, as determined by the commission, must file a financial
951 disclosure statement pursuant to s. 112.3145. All employees and
952 agents must comply with the provisions of chapter 112.

953 (b) The executive director and each managerial employee and
954 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

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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,
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,

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987 dishonesty, theft, or fraud which substantially corresponds to a
988 misdemeanor in this state; or

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

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

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

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

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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
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

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1045 written account of the details of the incident to the chair and
1046 to a law enforcement agency having jurisdiction over the matter.

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

1049 551.011 Ex parte communications.-

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

1062 (2) Any commission member, licensee, applicant, or
1063 affiliate or representative of a commission member, licensee, or
1064 applicant who receives any ex parte communication in violation
1065 of subsection (1), or who is aware of an attempted communication
1066 in violation of subsection (1), must immediately report details
1067 of the communication or attempted communication in writing to
1068 the chair.

1069 (3) If a commissioner knowingly receives an ex parte
1070 communication relative to a proceeding to which he or she is
1071 assigned, he or she must place on the record copies of all
1072 written communications received, copies of all written responses
1073 to the communications, and a memorandum stating the substance of

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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 must
1089 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
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 place
1099 on the record any ex parte communications, in violation of this
1100 section, within 15 days after the date of the communication is
1101 subject to removal and may be assessed a civil penalty not to
1102 exceed \$25,000.

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

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

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

1115 (9) If, during the course of an investigation by the
1116 Commission on Ethics into an alleged violation of this section,
1117 allegations are made as to the identity of the person who
1118 participated in the ex parte communication, that person must be
1119 given notice and an opportunity to participate in the
1120 investigation and relevant proceedings to present a defense. If
1121 the Commission on Ethics determines that the person participated
1122 in the ex parte communication, the person may not appear before
1123 the commission or otherwise represent anyone before the
1124 commission for 2 years.

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

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

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

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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 of
1142 the commission who violates this chapter shall be terminated if
1143 a financial interest in a licensee, applicant, or affiliate or
1144 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.

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 a
1157 limited gaming facility, unless the context otherwise requires:

1158 (a) Major aisles, the maximum area of which may not exceed
1159 the limit within any part of the limited gaming facility as
1160 specified by the commission.

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- 1161 (b) Back-of-house facilities.
- 1162 (c) Any reception or information counter.
- 1163 (d) Any area designated for the serving or consumption of
1164 food and beverages.
- 1165 (e) Any retail outlet.
- 1166 (f) Any area designated for performances.
- 1167 (g) Any area designated for aesthetic or decorative
1168 displays.
- 1169 (h) Staircases, staircase landings, escalators, lifts, and
1170 lift lobbies.
- 1171 (i) Bathrooms.
- 1172 (j) Any other area that is not intended to be used for the
1173 conduct or playing of games or as a gaming pit as defined by
1174 rules of the commission or specified in the application for the
1175 destination resort license.
- 1176 (2) "Applicant," as the context requires, means a person
1177 who applies for a resort license, supplier license, or
1178 occupational license. A county, municipality, or other unit of
1179 government is prohibited from applying for a resort license.
- 1180 (3) "Credit" means the method by which a licensee issues
1181 chips or tokens to a wagerer of the licensee to play games or
1182 slot machines, in return for which the wagerer executes a credit
1183 instrument to evidence the debt owed. The issuance of credit to
1184 a wagerer may not be deemed a loan from the licensee to the
1185 wagerer.
- 1186 (4) "Destination resort" or "resort" means a freestanding,
1187 land-based structure in which limited gaming may be conducted. A
1188 destination resort is a mixed-use development consisting of a
1189 combination of various tourism amenities and facilities,

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1190 including, but not limited to, hotels, villas, restaurants,
1191 limited gaming facilities, convention facilities, attractions,
1192 entertainment facilities, service centers, and shopping centers.

1193 (5) "Destination resort license" or "resort license" means
1194 a license to operate and maintain a destination resort having a
1195 limited gaming facility.

1196 (6) "District" means a county in which a majority of the
1197 electors voting in a countywide referendum have approved the
1198 conduct of slot machine gaming as defined in s. 551.102 or a
1199 majority of the electors voting in a countywide referendum have
1200 passed a referendum allowing for limited gaming.

1201 (7) "Gaming pit" means an area commonly known as a gaming
1202 pit or any similar area from which limited gaming employees
1203 administer and supervise the games.

1204 (8) "Gross receipts" means the total of cash or cash
1205 equivalents received or retained as winnings by a resort
1206 licensee and the compensation received for conducting any game
1207 in which the resort licensee is not party to a wager, less cash
1208 taken in fraudulent acts perpetrated against the resort licensee
1209 for which the resort licensee is not reimbursed. The term does
1210 not include:

1211 (a) Counterfeit money or tokens;

1212 (b) Coins of other countries which are received in gaming
1213 devices and which cannot be converted into United States
1214 currency;

1215 (c) Promotional credits or free play as provided by the
1216 resort licensee as a means of marketing the limited gaming
1217 facility; or

1218 (d) The amount of any credit extended until collected.

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- 1219 (9) "Individual" means a natural person.
- 1220 (10) "Institutional investor" means, but is not limited to:
- 1221 (a) A retirement fund administered by a public agency for
1222 the exclusive benefit of federal, state, or county public
1223 employees.
- 1224 (b) An employee benefit plan or pension fund that is
1225 subject to the Employee Retirement Income Security Act of 1974.
- 1226 (c) An investment company registered under the Investment
1227 Company Act of 1940.
- 1228 (d) A collective investment trust organized by a bank under
1229 12 C.F.R. part 9, s. 9.18.
- 1230 (e) A closed-end investment trust.
- 1231 (f) A life insurance company or property and casualty
1232 insurance company.
- 1233 (g) A financial institution.
- 1234 (h) An investment advisor registered under the Investment
1235 Advisers Act of 1940.
- 1236 (i) Such other persons as the commission may determine for
1237 reasons consistent with the policies of this part.
- 1238 (11) "Junket enterprise" means any person who, for
1239 compensation, employs or otherwise engages in the procurement or
1240 referral of persons for a junket to a destination resort
1241 licensed under this part regardless of whether those activities
1242 occur within this state. The term does not include a resort
1243 licensee or applicant for a resort license or a person holding
1244 an occupational license.
- 1245 (12) "License," as the context requires, means a resort
1246 license, supplier license, or occupational license.
- 1247 (13) "Licensee," as the context requires, means a person

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1248 who is licensed as a resort licensee, supplier licensee, or
1249 occupational licensee.

1250 (14) "Limited gaming," "game," or "gaming," as the context
1251 requires, means the games authorized under this part in a
1252 limited gaming facility, including, but not limited to, those
1253 commonly known as baccarat, twenty-one, poker, craps, slot
1254 machines, video gaming of chance, roulette wheels, Klondike
1255 tables, punch-board, faro layout, numbers ticket, push car, jar
1256 ticket, pull tab, or their common variants, or any other game of
1257 chance or wagering device that is authorized by the commission.

1258 (15) "Limited gaming employee" or "gaming employee" means
1259 any employee of a resort licensee, including, but not limited
1260 to:

1261 (a) Cashiers.

1262 (b) Change personnel.

1263 (c) Count room personnel.

1264 (d) Slot machine attendants.

1265 (e) Hosts or other individuals authorized to extend
1266 complimentary services, including employees performing functions
1267 similar to those performed by a representative for a junket
1268 enterprise.

1269 (f) Machine mechanics and computer technicians performing
1270 duties on machines with gaming-related functions or table game
1271 device technicians.

1272 (g) Security personnel.

1273 (h) Surveillance personnel.

1274 (i) Promotional play supervisors, credit supervisors, pit
1275 supervisors, cashier supervisors, gaming shift supervisors,
1276 table game managers, assistant managers, and other supervisors

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1277 and managers.

1278 (j) Boxmen.

1279 (k) Dealers or croupiers.

1280 (l) Floormen.

1281 (m) Personnel authorized to issue promotional credits.

1282 (n) Personnel authorized to issue credit.

1283

1284 The term does not include bartenders, cocktail servers, or other
1285 persons engaged in preparing or serving food or beverages,
1286 clerical or secretarial personnel, parking attendants,
1287 janitorial staff, stage hands, sound and light technicians, and
1288 other nongaming personnel as determined by the commission. The
1289 term includes a person employed by a person or entity other than
1290 a resort licensee who performs the functions of a limited gaming
1291 employee.

1292 (16) "Limited gaming facility" means the limited gaming
1293 floor and any ancillary areas.

1294 (17) "Limited gaming floor" means the approved gaming area
1295 of a resort. Ancillary areas in or directly adjacent to the
1296 gaming area are not part of the limited gaming floor for
1297 purposes of calculating the size of the limited gaming floor.

1298 (18) "Managerial employee" has the same meaning as in s.
1299 447.203(4).

1300 (19) "Occupational licensee" means a person who is licensed
1301 to be a limited gaming employee.

1302 (20) "Qualifier" means an affiliate, affiliated company,
1303 officer, director, or managerial employee of an applicant for a
1304 resort license, or a person who holds a direct or indirect
1305 equity interest in the applicant. The term may include an

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1306 institutional investor. As used in this subsection, the terms
1307 "affiliate," "affiliated company," and "a person who holds a
1308 direct or indirect equity interest in the applicant" do not
1309 include a partnership, a joint venture relationship, a
1310 shareholder of a corporation, a member of a limited liability
1311 company, or a partner in a limited liability partnership that
1312 has a direct or indirect equity interest in the applicant for a
1313 resort license of 5 percent or less and is not involved in the
1314 gaming operations as defined by the rules of the commission.

1315 (21) "Supplier licensee" or "supplier" means a person who
1316 is licensed to furnish gaming equipment, devices, or supplies or
1317 other goods or services to a resort licensee.

1318 (22) "Wagerer" means a person who plays a game authorized
1319 under this part.

1320 Section 16. Section 551.304, Florida Statutes, is created
1321 to read:

1322 551.304 State Gaming Commission; powers and duties.-

1323 (1) The commission shall:

1324 (a) Authorize limited gaming at three destination resorts.

1325 (b) Conduct such investigations as necessary to fulfill its
1326 responsibilities.

1327 (c) Use an invitation to negotiate process for applicants
1328 based on minimum requirements established by this part and rules
1329 of the commission.

1330 (d) Investigate applicants for a resort license and
1331 determine the eligibility of applicants for a resort license and
1332 select from competing applicants the applicant that best serves
1333 the interests of the residents of Florida, based on the
1334 potential for economic development presented by the applicant's

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1335 proposed investment in infrastructure, such as hotels and other
1336 nongaming entertainment facilities, and the applicant's ability
1337 to maximize revenue for the state.

1338 (e) Grant a license to the applicant best suited to operate
1339 a destination resort that has limited gaming.

1340 (f) Establish and collect fees for performing background
1341 checks on all applicants for licenses and all persons with whom
1342 the commission may contract for the providing of goods or
1343 services and for performing, or having performed, tests on
1344 equipment and devices to be used in a limited gaming facility.

1345 (g) Issue subpoenas for the attendance of witnesses and
1346 subpoenas duces tecum for the production of books, records, and
1347 other pertinent documents as provided by law, and to administer
1348 oaths and affirmations to the witnesses, if, in the judgment of
1349 the commission, it is necessary to enforce this part or
1350 commission rules. If a person fails to comply with a subpoena,
1351 the commission may petition the circuit court of the county in
1352 which the person subpoenaed resides or has his or her principal
1353 place of business for an order requiring the subpoenaed person
1354 to appear and testify and to produce books, records, and
1355 documents as specified in the subpoena. The court may grant
1356 legal, equitable, or injunctive relief, which may include, but
1357 is not limited to, issuance of a writ of ne exeat or restraint
1358 by injunction or appointment of a receiver of any transfer,
1359 pledge, assignment, or other disposition of such person's assets
1360 or any concealment, alteration, destruction, or other
1361 disposition of subpoenaed books, records, or documents, as the
1362 court deems appropriate, until the person subpoenaed has fully
1363 complied with the subpoena and the commission has completed the

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1364 audit, examination, or investigation. The commission is entitled
1365 to the summary procedure provided in s. 51.011, and the court
1366 shall advance the cause on its calendar. Costs incurred by the
1367 commission to obtain an order granting, in whole or in part,
1368 such petition for enforcement of a subpoena shall be charged
1369 against the subpoenaed person, and failure to comply with such
1370 order is a contempt of court.

1371 (h) The commission shall require each applicant for a
1372 destination resort license to produce the information,
1373 documentation, and assurances as may be necessary to establish
1374 by clear and convincing evidence the integrity of all financial
1375 backers, investors, mortgagees, bondholders, and holders of
1376 indentures, notes or other evidences of indebtedness, either in
1377 effect or proposed. Any such banking or lending institution and
1378 institutional investors may be waived from qualification
1379 requirements. However, banking or lending institutions or
1380 institutional investors shall produce for the board upon request
1381 any document or information that bears any relation to the
1382 proposal submitted by the applicant or applicants. The integrity
1383 of the financial sources shall be judged upon the same standards
1384 as the applicant or applicants. Any such person or entity shall
1385 produce for the commission upon request any document or
1386 information that bears any relation to the application. In
1387 addition, the applicant shall produce whatever information,
1388 documentation, or assurances the commission requires to
1389 establish by clear and convincing evidence the adequacy of
1390 financial resources.

1391 (i) Require or permit a person to file a statement in
1392 writing, under oath or otherwise as the commission or its

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1393 designee requires, as to all the facts and circumstances
1394 concerning the matter to be audited, examined, or investigated.

1395 (j) Keep accurate and complete records of its proceedings
1396 and to certify the records as may be appropriate.

1397 (k) Take any other action as may be reasonable or
1398 appropriate to enforce this part and rules adopted by the
1399 commission.

1400 (l) Apply for injunctive or declaratory relief in a court
1401 of competent jurisdiction to enforce this part and any rules
1402 adopted by the commission.

1403 (m) Establish field offices, as deemed necessary by the
1404 commission.

1405 (2) The Department of Law Enforcement and local law
1406 enforcement agencies may investigate any criminal violation of
1407 law occurring at a destination resort. Such investigations may
1408 be conducted in conjunction with the appropriate state attorney.

1409 (3) (a) The commission, the Department of Law Enforcement,
1410 and local law enforcement agencies shall have unrestricted
1411 access to the limited gaming facility at all times and shall
1412 require of each resort licensee strict compliance with the laws
1413 of this state relating to the transaction of such business. The
1414 commission and the Department of Law Enforcement may:

1415 1. Inspect and examine premises where authorized limited
1416 gaming devices are offered for play.

1417 2. Inspect slot machines, other authorized gaming devices,
1418 and related equipment and supplies.

1419 (b) In addition, the commission may:

1420 1. Collect taxes, assessments, fees, and penalties.

1421 2. Deny, revoke, or suspend a license of, or place

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1422 conditions on, a licensee who violates any provision of this
1423 part, a rule adopted by the commission, or an order of the
1424 commission.

1425 (4) The commission must revoke or suspend the license of
1426 any person who is no longer qualified or who is found, after
1427 receiving a license, to have been unqualified at the time of
1428 application for the license.

1429 (5) This section does not:

1430 (a) Prohibit the Department of Law Enforcement or any law
1431 enforcement authority whose jurisdiction includes a resort
1432 licensee or a supplier licensee from conducting investigations
1433 of criminal activities occurring at the facilities of a resort
1434 licensee or supplier licensee;

1435 (b) Restrict access to the limited gaming facility by the
1436 Department of Law Enforcement or any local law enforcement
1437 authority whose jurisdiction includes a resort licensee's
1438 facility; or

1439 (c) Restrict access by the Department of Law Enforcement or
1440 a local law enforcement agency to information and records
1441 necessary for the investigation of criminal activity which are
1442 contained within the facilities of a resort licensee or supplier
1443 licensee.

1444 Section 17. Section 551.305, Florida Statutes, is created
1445 to read:

1446 551.305 Rulemaking.—

1447 (1) The commission shall adopt all rules necessary to
1448 implement, administer, and regulate limited gaming under this
1449 part. The rules must include:

1450 (a) The types of limited gaming activities to be conducted

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1451 and the rules for those games, including any restriction upon
1452 the time, place, and structures where limited gaming is
1453 authorized.

1454 (b) Requirements, procedures, qualifications, and grounds
1455 for the issuance, renewal, revocation, suspension, and summary
1456 suspension of a resort license, supplier license, or
1457 occupational license.

1458 (c) Requirements for the disclosure of the complete
1459 financial interests of licensees and applicants for licenses.

1460 (d) Technical requirements and the qualifications that are
1461 necessary to receive a license.

1462 (e) Procedures to scientifically test and technically
1463 evaluate slot machines and other authorized gaming devices for
1464 compliance with this part and the rules adopted by the
1465 commission. The commission may contract with an independent
1466 testing laboratory to conduct any necessary testing. The
1467 independent testing laboratory must have a national reputation
1468 for being demonstrably competent and qualified to scientifically
1469 test and evaluate slot machines and other authorized gaming
1470 devices. An independent testing laboratory may not be owned or
1471 controlled by a licensee. The use of an independent testing
1472 laboratory for any purpose related to the conduct of slot
1473 machine gaming and other authorized gaming by a resort licensee
1474 shall be made from a list of laboratories approved by the
1475 commission.

1476 (f) Procedures relating to limited gaming revenues,
1477 including verifying and accounting for such revenues, auditing,
1478 and collecting taxes and fees.

1479 (g) Requirements for limited gaming equipment, including

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1480 the types and specifications of all equipment and devices that
1481 may be used in limited gaming facilities.

1482 (h) Procedures for regulating, managing, and auditing the
1483 operation, financial data, and program information relating to
1484 limited gaming which allow the commission and the Department of
1485 Law Enforcement to audit the operation, financial data, and
1486 program information of a resort licensee, as required by the
1487 commission or the Department of Law Enforcement, and provide the
1488 commission and the Department of Law Enforcement with the
1489 ability to monitor, at any time on a real-time basis, wagering
1490 patterns, payouts, tax collection, and compliance with any rules
1491 adopted by the commission for the regulation and control of
1492 limited gaming. Such continuous and complete access, at any time
1493 on a real-time basis, shall include the ability of either the
1494 commission or the Department of Law Enforcement to suspend play
1495 immediately on particular slot machines or other gaming devices
1496 if monitoring of the facilities-based computer system indicates
1497 possible tampering or manipulation of those slot machines or
1498 gaming devices or the ability to suspend play immediately of the
1499 entire operation if the tampering or manipulation is of the
1500 computer system itself. The commission shall notify the
1501 Department of Law Enforcement and the Department of Law
1502 Enforcement shall notify the commission, as appropriate,
1503 whenever there is a suspension of play pursuant this paragraph.
1504 The commission and the Department of Law Enforcement shall
1505 exchange information that is necessary for, and cooperate in the
1506 investigation of, the circumstances requiring suspension of play
1507 pursuant to this paragraph.

1508 (i) Procedures for requiring each resort licensee at his or

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1509 her own cost and expense to supply the commission with a bond as
1510 required.

1511 (j) The requirements for an applicant to demonstrate that
1512 it has received conceptual approval for the destination resort
1513 proposal from the municipality and county in which the resort
1514 will be located.

1515 (k) Procedures for requiring licensees to maintain and to
1516 provide to the commission records, data, information, or
1517 reports, including financial and income records.

1518 (l) Procedures to calculate the payout percentages of slot
1519 machines.

1520 (m) Minimum standards for security of the facilities,
1521 including floor plans, security cameras, and other security
1522 equipment.

1523 (n) The scope and conditions for investigations and
1524 inspections into the conduct of limited gaming.

1525 (o) The standards and procedures for the seizure without
1526 notice or hearing of gaming equipment, supplies, or books and
1527 records for the purpose of examination and inspection.

1528 (p) Procedures for requiring resort licensees and supplier
1529 licensees to implement and establish drug-testing programs for
1530 all occupational employees.

1531 (q) Procedures and guidelines for the continuous recording
1532 of all gaming activities at a limited gaming facility. The
1533 commission may require a resort licensee to timely provide all
1534 or part of the original recordings pursuant to a schedule.

1535 (r) The payment of costs incurred by the commission or any
1536 other agencies for investigations or background checks or costs
1537 associated with testing limited gaming related equipment, which

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1538 must be paid by an applicant for a license or a licensee.

1539 (s) The levying of fines for violations of this part or any
1540 rule adopted by the commission, which fines may not exceed
1541 \$250,000 per violation arising out of a single transaction.

1542 (t) The amount of the application fee for an initial
1543 issuance or renewal of an occupational license or a suppliers
1544 license, not to exceed \$5,000.

1545 (u) Any other rules the commission finds necessary for
1546 safe, honest, and highly regulated gaming in the state. For
1547 purposes of this paragraph, the commission shall consider rules
1548 from any other jurisdiction in which gaming is highly regulated,
1549 such as New Jersey or Nevada.

1550 (v) Any other rule necessary to accomplish the purposes of
1551 this part.

1552 (2) The commission may at any time adopt emergency rules
1553 pursuant to s. 120.54. The Legislature finds that such emergency
1554 rulemaking power is necessary for the preservation of the rights
1555 and welfare of the people in order to provide additional funds
1556 to benefit the public. The Legislature further finds that the
1557 unique nature of limited gaming operations requires, from time
1558 to time, that the commission respond as quickly as is
1559 practicable. Therefore, in adopting such emergency rules, the
1560 commission need not make the findings required by s.
1561 120.54(4)(a). Emergency rules adopted under this section are
1562 exempt from s. 120.54(4)(c). However, the emergency rules may
1563 not remain in effect for more than 180 days except that the
1564 commission may renew the emergency rules during the pendency of
1565 procedures to adopt permanent rules addressing the subject of
1566 the emergency rules.

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1567 Section 18. Section 551.306, Florida Statutes, is created
1568 to read:

1569 551.306 Legislative authority; administration of part.—The
1570 regulation of the conduct of limited gaming activity at a resort
1571 licensee is preempted to the state and a county, municipality,
1572 or other political subdivision of the state may not enact any
1573 ordinance relating to limited gaming. Only the department and
1574 other authorized state agencies may administer this part and
1575 regulate limited gaming, including limited gaming at resort
1576 licensees and the assessment of fees or taxes relating to the
1577 conduct of limited gaming.

1578 Section 19. Section 551.307, Florida Statutes, is created
1579 to read:

1580 551.307 Authorization of limited gaming at destination
1581 resorts.—Notwithstanding any other provision of law, the
1582 commission may award a resort license authorizing limited gaming
1583 in a county only if a majority of the electors voting in a
1584 countywide referendum have approved the conduct of slot machine
1585 gaming as defined in s. 551.102 or a majority of the electors
1586 voting in a countywide referendum have passed a referendum
1587 allowing for limited gaming. If limited gaming is authorized
1588 through the award of a resort license, the resort licensee may
1589 possess slot machines and other authorized gaming devices and
1590 conduct limited gaming at the licensed location. Notwithstanding
1591 any other provision of law, a person who is at least 21 years of
1592 age may lawfully participate in authorized games at a facility
1593 licensed to possess authorized limited gaming devices and
1594 conduct limited gaming or to participate in limited gaming as
1595 described in this part.

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1596 Section 20. Section 551.308, Florida Statutes, is created
1597 to read:

1598 551.308 Process for awarding destination resort licenses.-

1599 (1) The commission shall by rule use an invitation to
1600 negotiate process for determining the award of a resort license.
1601 The application, review, and issuance procedures for awarding a
1602 license shall be by a process in which applicants rely on forms
1603 provided by the commission in response to an invitation to
1604 negotiate issued by the commission. The commission shall issue
1605 the invitation to negotiate no later than 90 days after the date
1606 of the commission's first meeting.

1607 (2) Proposals in response to the invitation to negotiate
1608 must be received by the commission no later than 90 days after
1609 the issuance of the invitation to negotiate.

1610 (3) The commission may specify in its invitation to
1611 negotiate the county in which the facility would be located.
1612 When determining whether to authorize a destination resort
1613 located within a specific county or counties, the commission
1614 shall hold a public hearing in such county or counties to
1615 discuss the proposals and receive public comments on
1616 determination of the award of licenses.

1617 (4) The commission shall review all complete replies
1618 received pursuant to an invitation to negotiate. The commission
1619 may select one or more replies with which to commence
1620 negotiations after determining which replies are in the best
1621 interest of the state based on the selection criteria. The
1622 commission shall award or deny a destination resort license
1623 within 90 days after the deadline for the submission of a reply.

1624 Section 21. Section 551.309, Florida Statutes, is created

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1625 to read:

1626 551.309 Criteria for the award of a destination resort
1627 license.—The commission may award no more than three destination
1628 resort licenses.

1629 (1) The commission may award a resort license to the
1630 applicant of an invitation to negotiate which best serves the
1631 interests of the residents of this state. The reply to an
1632 invitation to negotiate for a resort license must include an
1633 application that demonstrates the applicant's ability to meet
1634 the following minimum criteria:

1635 (a) The applicant must demonstrate a capacity to increase
1636 tourism, generate jobs, provide revenue to the local economy,
1637 and provide revenue to the General Revenue Fund.

1638 (b) The limited gaming floor in a destination resort may
1639 constitute no more than 10 percent of the resort development's
1640 total square footage. The resort development's total square
1641 footage is the aggregate of the total square footage of the
1642 limited gaming facility, the hotel or hotels, convention space,
1643 retail facilities, nongaming entertainment facilities, service
1644 centers, and office space or administrative areas.

1645 (c) The applicant must demonstrate a history of, or a bona
1646 fide plan for, community involvement or investment in the
1647 community where the resort having a limited gaming facility will
1648 be located.

1649 (d) The applicant must demonstrate the financial ability to
1650 purchase and maintain an adequate surety bond.

1651 (e) The applicant must demonstrate that it has adequate
1652 capitalization to develop, construct, maintain, and operate the
1653 proposed resort having a limited gaming facility in accordance

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1654 with the requirements of this part and rules adopted by the
1655 commission and to responsibly meet its secured and unsecured
1656 debt obligations in accordance with its financial and other
1657 contractual agreements.

1658 (f) The applicant must demonstrate the ability to implement
1659 a program to train and employ residents of this state for jobs
1660 that will be available at the destination resort, including its
1661 ability to implement a program for the training of low-income
1662 persons.

1663 (g) The commission may, at its discretion, assess the
1664 quality of the proposed development's aesthetic appearance in
1665 the context of its potential to provide substantial economic
1666 benefits to the community and the people of this state,
1667 including, but not limited to, its potential to provide
1668 substantial employment opportunities.

1669 (h) The applicant must demonstrate that it will expend at
1670 least \$2 billion in new development and construction of the
1671 proposed destination resort following the award of a license,
1672 excluding any purchase price and costs associated with the
1673 acquisition of real property on which to develop the destination
1674 resort. Such expenditure must in aggregate be completed within 5
1675 years after the award of any such license.

1676 (i) The applicant must demonstrate the ability to generate
1677 substantial gross receipts.

1678 (2) (a) The commission shall evaluate applications based on
1679 the following weighted criteria:

- 1680 1. Design and location: 35 percent.
- 1681 2. Management expertise: 10 percent.
- 1682 3. Speed to market: 35 percent.

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1683 4. Financial plan and access to capital: 10 percent.

1684 5. Community plan: 10 percent.

1685 (b) The commission shall give preference to those
1686 applicants that demonstrate that they meet the following
1687 criteria:

1688 1. The roads, water, sanitation, utilities, and related
1689 services to the proposed location of the destination resort are
1690 adequate and the proposed destination resort will not unduly
1691 impact public services, existing transportation infrastructure,
1692 consumption of natural resources, and the quality of life
1693 enjoyed by residents of the surrounding neighborhoods.

1694 2. The applicant will be able to commence construction as
1695 soon after awarding of the resort license as possible, but, in
1696 any event, no later than 12 months after the award of the resort
1697 license.

1698 3. The destination resort may be located in an empowerment
1699 zone or enterprise zone, as those terms are defined by federal
1700 and state law.

1701 4. The destination resort will be located in an area in
1702 which the unemployment rate in the zip codes immediately
1703 surrounding the proposed location is among the highest in the
1704 state.

1705 5. The destination resort will include amenities and uses
1706 that will allow other state businesses to be included within the
1707 destination resort.

1708 (3) A resort license may be issued only to persons of good
1709 moral character who are at least 21 years of age. A resort
1710 license may issued to a corporation only if its officers are of
1711 good moral character and at least 21 years of age.

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1712 (4) A resort license may not be issued to an applicant if
1713 the applicant, qualifier, or institutional investor:

1714 (a) Has, within the last 5 years, been adjudicated by a
1715 court or tribunal for failure to pay income, sales, or gross
1716 receipts tax due and payable under any federal, state, or local
1717 law, after exhaustion of all appeals or administrative remedies.

1718 (b) Has been convicted of a felony under the laws of this
1719 state, any other state, or the United States.

1720 (c) Has been convicted of any violation under chapter 817
1721 or under a substantially similar law of another jurisdiction.

1722 (d) Knowingly submitted false information in the
1723 application for the license.

1724 (e) Is a member or employee of the commission.

1725 (f) Was licensed to own or operate gaming or pari-mutuel
1726 facilities in this state or another jurisdiction and that
1727 license was revoked.

1728 (g) Is an entity that has accepted any wager of money or
1729 other consideration on any online gambling activity, including
1730 poker, from any state resident since October 13, 2006. However,
1731 this prohibition does not disqualify an applicant or
1732 subcontractor who accepts online pari-mutuel wagers from a state
1733 resident through a legal online pari-mutuel wagering entity
1734 authorized in another state.

1735 (h) Fails to meet any other criteria for licensure set
1736 forth in this part.

1737
1738 As used in this subsection, the term "conviction" includes an
1739 adjudication of guilt on a plea of guilty or nolo contendere or
1740 the forfeiture of a bond when charged with a crime.

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1741 Section 22. Section 551.310, Florida Statutes, is created
1742 to read:

1743 551.310 Application for destination resort license.-

1744 (1) APPLICATION.-A reply submitted in response to an
1745 invitation to negotiate must include a sworn application in the
1746 format prescribed by the commission. The application must
1747 include the following information:

1748 (a)1. The name, business address, telephone number, social
1749 security number, and, where applicable, federal tax
1750 identification number of the applicant and each qualifier; and

1751 2. Information, documentation, and assurances concerning
1752 financial background and resources as may be required to
1753 establish the financial stability, integrity, and responsibility
1754 of the applicant. This includes business and personal income and
1755 disbursement schedules, tax returns and other reports filed with
1756 governmental agencies, and business and personal accounting and
1757 check records and ledgers. In addition, each applicant must
1758 provide written authorization for the examination of all bank
1759 accounts and records as may be deemed necessary by the
1760 commission.

1761 (b) The identity and, if applicable, the state of
1762 incorporation or registration of any business in which the
1763 applicant or a qualifier has an equity interest of more than 5
1764 percent. If the applicant or qualifier is a corporation,
1765 partnership, or other business entity, the applicant or
1766 qualifier must identify any other corporation, partnership, or
1767 other business entity in which it has an equity interest of more
1768 than 5 percent, including, if applicable, the state of
1769 incorporation or registration.

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1770 (c) Documentation, as required by the commission, that the
1771 applicant has received conceptual approval of the destination
1772 resort proposal from the municipality and county in which the
1773 resort will be located.

1774 (d) A statement as to whether the applicant or a qualifier
1775 has developed and operated a similar gaming facility within a
1776 highly regulated domestic jurisdiction that allows similar forms
1777 of development, including a description of the gaming facility,
1778 the gaming facility's gross revenue, and the amount of revenue
1779 the gaming facility has generated for state and local
1780 governments within that jurisdiction.

1781 (e) A statement as to whether the applicant or a qualifier
1782 has been indicted, convicted of, pled guilty or nolo contendere
1783 to, or forfeited bail for any felony or for a misdemeanor
1784 involving gambling, theft, or fraud. The statement must include
1785 the date, the name and location of the court, the arresting
1786 agency, the prosecuting agency, the case caption, the docket
1787 number, the nature of the offense, the disposition of the case,
1788 and, if applicable, the location and length of incarceration.

1789 (f) A statement as to whether the applicant or a qualifier
1790 has ever been granted any license or certificate in any
1791 jurisdiction which has been restricted, suspended, revoked, not
1792 renewed, or otherwise subjected to discipline. The statement
1793 must describe the facts and circumstances concerning that
1794 restriction, suspension, revocation, nonrenewal, or discipline,
1795 including the licensing authority, the date each action was
1796 taken, and an explanation of the circumstances for each
1797 disciplinary action.

1798 (g) A statement as to whether the applicant or qualifier

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1799 has, as a principal or a controlling shareholder, within the
1800 last 10 years, filed for protection under the Federal Bankruptcy
1801 Code or had an involuntary bankruptcy petition filed against it.

1802 (h) A statement as to whether the applicant or qualifier
1803 has, within the last 5 years, been adjudicated by a court or
1804 tribunal for failure to pay any income, sales, or gross receipts
1805 tax due and payable under federal, state, or local law, or under
1806 the laws of any applicable foreign jurisdiction, after
1807 exhaustion of all appeals or administrative remedies. This
1808 statement must identify the amount and type of the tax and the
1809 time periods involved and must describe the resolution of the
1810 nonpayment.

1811 (i) A list of the names and titles of any public officials
1812 or officers of any unit of state government or of the local
1813 government or governments in the county or municipality in which
1814 the proposed resort is to be located, and the spouses, parents,
1815 and children of those public officials or officers, who,
1816 directly or indirectly, own any financial interest in, have any
1817 beneficial interest in, are the creditors of, hold any debt
1818 instrument issued by the applicant or a qualifier, or hold or
1819 have an interest in any contractual or service relationship with
1820 the applicant or qualifier. As used in this paragraph, the terms
1821 "public official" and "officer" do not include a person who
1822 would be listed solely because the person is a member of the
1823 Florida National Guard.

1824 (j) The name and business telephone number of, and a
1825 disclosure of fees paid to any attorney, lobbyist, employee,
1826 consultant, or other person who has represented the applicant's
1827 interests in the state for 3 years prior to the effective date

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1828 of this section or who is representing an applicant before the
1829 commission during the application process.

1830 (k) A description of the applicant's history of and
1831 proposed plan for community involvement or investment in the
1832 community where the resort having a limited gaming facility
1833 would be located.

1834 (l) A description of the applicant's proposed resort,
1835 including a map documenting the location of the facility within
1836 the specific county or counties; a statement regarding the
1837 compliance of the applicant with state, regional, and local
1838 planning and zoning requirements; a description of the economic
1839 benefit to the community in which the facility would be located;
1840 the anticipated number of jobs generated by construction of the
1841 facility; the anticipated number of employees; a statement
1842 regarding how the applicant would comply with federal and state
1843 affirmative action guidelines; a projection of admissions or
1844 attendance at the limited gaming facility; a projection of gross
1845 receipts; and scientific market research pertaining to the
1846 proposed facility, if any.

1847 (m) Proof that a countywide referendum has been approved by
1848 the electors of the county to authorize slot machine gaming as
1849 defined in s. 551.102 in the county prior to the application
1850 deadline or that proof of a countywide referendum has been
1851 approved prior to the application deadline by the electors of
1852 the county authorizing limited gaming as defined in this
1853 chapter.

1854 (n) A schedule or timeframe for completing the resort.

1855 (o) A plan for training residents of this state for jobs at
1856 the resort. The job-training plan must provide training to

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1857 enable low-income persons to qualify for jobs at the resort.

1858 (p) The identity of each person, association, trust, or
1859 corporation or partnership having a direct or indirect equity
1860 interest in the applicant of greater than 5 percent. If
1861 disclosure of a trust is required under this paragraph, the
1862 names and addresses of the beneficiaries of the trust must also
1863 be disclosed. If the identity of a corporation must be
1864 disclosed, the names and addresses of all stockholders and
1865 directors must also be disclosed. If the identity of a
1866 partnership must be disclosed, the names and addresses of all
1867 partners, both general and limited, must also be disclosed.

1868 (q) A destination resort and limited gaming facility
1869 development plan and projected investment of \$2 billion pursuant
1870 to s. 551.309.

1871 (r) The fingerprints of all officers or directors of the
1872 applicant and qualifiers, and any persons exercising operational
1873 or managerial control of the applicant, as determined by rule of
1874 the commission, for a criminal history record check.

1875 (s) A statement outlining the organization's diversity
1876 plan.

1877 (t) A listing of all gaming licenses and permits the
1878 applicant or qualifier currently possesses.

1879 (u) A listing of former or inactive officers, directors,
1880 partners, and trustees.

1881 (v) A listing of all affiliated business entities or
1882 holding companies, including nongaming interests.

1883 (w) Any other information the commission may deem
1884 appropriate or require during the application process as
1885 provided by rule.

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1886 (2) DISCRETION TO REQUIRE INFORMATION.—Notwithstanding any
1887 other provision of law, the commission is the sole authority for
1888 determining the information or documentation that must be
1889 included in an application for a resort license or in an
1890 application to renew a resort license. Such documentation and
1891 information may relate to: demographics, education, work
1892 history, personal background, criminal history, finances,
1893 business information, complaints, inspections, investigations,
1894 discipline, bonding, photographs, performance periods,
1895 reciprocity, local government approvals, supporting
1896 documentation, periodic reporting requirements, and fingerprint
1897 requirements.

1898 (3) DUTY TO SUPPLEMENT APPLICATION.—The application shall
1899 be supplemented as needed to reflect any material change in any
1900 circumstance or condition stated in the application which takes
1901 place between the initial filing of the application and the
1902 final grant or denial of the license. Any submission required to
1903 be in writing may otherwise be required by the commission to be
1904 made by electronic means.

1905 (4) APPLICATION FEES.—

1906 (a) The application for a resort license must be submitted
1907 along with a nonrefundable application fee of \$1 million to be
1908 used by the commission to defray costs associated with the
1909 review and investigation of the application and to conduct a
1910 background investigation of the applicant and each qualifier. If
1911 the cost of the review and investigation exceeds \$1 million, the
1912 applicant must pay the additional amount to the commission
1913 within 30 days after the receipt of a request for an additional
1914 payment.

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1915 (b) The application for a destination resort license must
1916 be submitted with a one-time licensing fee of \$50 million. If
1917 the commission denies the application, the commission must
1918 refund the licensing fee within 30 days after the denial of the
1919 application. If the applicant withdraws the application after
1920 the application deadline established by the commission, the
1921 commission must refund 80 percent of the licensing fee within 30
1922 days after the application is withdrawn.

1923 Section 23. Section 551.311, Florida Statutes, is created
1924 to read:

1925 551.311 Incomplete applications.-

1926 (1) An incomplete application for a resort license is
1927 grounds for the denial of the application.

1928 (2) (a) If the commission determines that an application for
1929 a resort license is incomplete, the executive director shall
1930 immediately provide written notice to the applicant of the
1931 incomplete items. The applicant may then request an informal
1932 conference with the executive director or his or her designee to
1933 discuss the application.

1934 (b) The executive director may provide the applicant an
1935 extension of 30 days to complete the application following the
1936 date of the informal conference. If the executive director finds
1937 that the application has not been completed within the
1938 extension, the applicant may appeal the finding to the
1939 commission. During an extension or the pendency of an appeal to
1940 the commission, the award of resort licenses in the applicable
1941 county is stayed.

1942 Section 24. Section 551.312, Florida Statutes, is created
1943 to read:

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1944 551.312 Institutional investors as qualifiers.-

1945 (1) (a) An application for a resort license that has an
1946 institutional investor as a qualifier need not contain
1947 information relating to the institutional investor, other than
1948 the identity of the investor, if the institutional investor
1949 holds less than 15 percent of the equity or debt securities and
1950 files a certified statement that the institutional investor does
1951 not intend to influence or affect the affairs of the applicant
1952 or an affiliate of the applicant and that its holdings of
1953 securities of the applicant or affiliate were purchased for
1954 investment purposes only.

1955 (b) The commission may limit the application requirements
1956 as provided in this subsection for an institutional investor
1957 that is a qualifier and that holds 5 percent or more of the
1958 equity or debt securities of an applicant or affiliate of the
1959 applicant upon a showing of good cause and if the conditions
1960 specified in paragraph (a) are satisfied.

1961 (2) An institutional investor that is exempt from the full
1962 application requirements under this section and that
1963 subsequently intends to influence or affect the affairs of the
1964 issuer must first notify the commission of its intent and file
1965 an application containing all of the information that would have
1966 been required of the institutional investor in the application
1967 for a resort license. The commission may deny the application if
1968 it determines that granting the application will impair the
1969 financial stability of the licensee or impair the ability of the
1970 licensee to comply with its development plans or other plans
1971 submitted to the commission by the applicant or licensee.

1972 (3) An applicant for a license or a resort licensee or

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

1981 (4) If the commission finds that an institutional investor
1982 that is a qualifier fails to comply with the requirements of
1983 subsection (1) or, if at any time the commission finds that by
1984 reason of the extent or nature of its holdings an institutional
1985 investor is in a position to exercise a substantial impact upon
1986 the controlling interests of a licensee, the commission may
1987 require the institutional investor to file an application
1988 containing all of information that would have been required of
1989 the institutional investor in the application for a license.

1990 (5) Notwithstanding paragraph (1)(b), an institutional
1991 investor may vote on all matters that are put to the vote of the
1992 outstanding security holders of the applicant or licensee.

1993 Section 25. Section 551.313, Florida Statutes, is created
1994 to read:

1995 551.313 Lenders and underwriters; exemption as qualifiers.—
1996 A bank, lending institution, or underwriter in connection with
1997 any bank or lending institution that, in the ordinary course of
1998 business, makes a loan to, or holds a security interest in, a
1999 licensee or applicant, a supplier licensee or applicant or its
2000 subsidiary, or direct or indirect parent company of any such
2001 bank, lending institution, or underwriter is not a qualifier and

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2002 is not required to be licensed.

2003 Section 26. Section 551.314, Florida Statutes, is created
2004 to read:

2005 551.314 Conditions for a resort license.—As a condition to
2006 licensure and to maintain continuing authority, a resort
2007 licensee must:

2008 (1) Comply with this part and the rules of the department.

2009 (2) Allow the department and the Department of Law
2010 Enforcement unrestricted access to and right of inspection of
2011 facilities of the licensee in which any activity relative to the
2012 conduct of gaming is conducted.

2013 (3) Complete the resort in accordance with the plans and
2014 timeframe proposed to the commission in its application, unless
2015 an extension is granted by the commission. The commission may
2016 grant such an extension, not to exceed 1 year after the original
2017 planned completion date, upon good cause shown by the licensee.

2018 (4) Ensure that the facilities-based computer system that
2019 the licensee will use for operational and accounting functions
2020 of the facility is specifically structured to facilitate
2021 regulatory oversight. The facilities-based computer system shall
2022 be designed to provide the department and the Department of Law
2023 Enforcement with the ability to monitor, at any time on a real-
2024 time basis, the wagering patterns, payouts, tax collection, and
2025 such other operations as necessary to determine whether the
2026 facility is in compliance with statutory provisions and rules
2027 adopted by the department for the regulation and control of
2028 gaming. The department and the Department of Law Enforcement
2029 shall have complete and continuous access to this system. Such
2030 access shall include the ability of either the department or the

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2031 Department of Law Enforcement to suspend play immediately on
2032 particular slot machines or gaming devices if monitoring of the
2033 system indicates possible tampering or manipulation of those
2034 slot machines or gaming devices or the ability to suspend play
2035 immediately of the entire operation if the tampering or
2036 manipulation is of the computer system itself. The computer
2037 system shall be reviewed and approved by the department to
2038 ensure necessary access, security, and functionality. However,
2039 neither the commission nor the Department of Law Enforcement
2040 shall have the ability to alter any data. The department may
2041 adopt rules to provide for the approval process.

2042 (5) Ensure that each game, slot machine, or other gaming
2043 device is protected from manipulation or tampering that may
2044 affect the random probabilities of winning plays. The department
2045 or the Department of Law Enforcement may suspend play upon
2046 reasonable suspicion of any manipulation or tampering. If play
2047 has been suspended on any game, slot machine, or other gaming
2048 device, the department or the Department of Law Enforcement may
2049 conduct an examination to determine whether the game, machine,
2050 or other gaming device has been tampered with or manipulated and
2051 whether the game, machine, or other gaming device should be
2052 returned to operation.

2053 (6) Submit a security plan, including the facilities' floor
2054 plans, the locations of security cameras, and a listing of all
2055 security equipment that is capable of observing and
2056 electronically recording activities being conducted in the
2057 facilities of the licensee. The security plan must meet the
2058 minimum security requirements as determined by the department
2059 and be implemented before the operation of gaming. The

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2060 licensee's facilities must adhere to the security plan at all
2061 times. Any changes to the security plan must be submitted by the
2062 licensee to the department prior to implementation. The
2063 department shall furnish copies of the security plan and changes
2064 in the plan to the Department of Law Enforcement.

2065 (7) Create and file with the commission a written policy
2066 for:

2067 (a) Creating opportunities to purchase from vendors in this
2068 state.

2069 (b) Creating opportunities for the employment of residents
2070 of this state.

2071 (c) Ensuring opportunities for obtaining construction
2072 services from residents and vendors in this state.

2073 (d) Ensuring that opportunities for employment are offered
2074 on an equal, nondiscriminatory basis.

2075 (e) Training employees on responsible gaming and working
2076 with a compulsive or addictive gambling prevention program.

2077 (f) Implementing a drug-testing program for each
2078 occupational licensee that includes, but is not limited to,
2079 requiring such person to sign an agreement that he or she
2080 understands that the resort is a drug-free workplace.

2081 (g) Using the Internet-based job-listing system of the
2082 Department of Economic Opportunity in advertising employment
2083 opportunities.

2084 (h) Ensuring that the payout percentage of each slot
2085 machine is at least 85 percent.

2086 (8) File with the department detailed documentation of the
2087 applicant's, its affiliates', or any holding company's history
2088 of using labor in any jurisdiction that would fall outside of

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2089 ages defined in chapter 450.

2090 (9) Keep and maintain permanent daily records of its
2091 limited gaming operations and maintain such records for a period
2092 of not less than 5 years. These records must include all
2093 financial transactions and contain sufficient detail to
2094 determine compliance with the requirements of this part. All
2095 records shall be available for audit and inspection by the
2096 department, the Department of Law Enforcement, or other law
2097 enforcement agencies during the resort licensee's regular
2098 business hours.

2099 Section 27. Section 551.315, Florida Statutes, is created
2100 to read:

2101 551.315 Surety bond.—A destination resort licensee must, at
2102 its own cost and expense, before the license is delivered, give
2103 a bond in the penal sum to be determined by the department
2104 payable to the Governor of the state and his or her successors
2105 in office. The bond must be issued by a surety or sureties
2106 approved by the department and the Chief Financial Officer and
2107 the bond must be conditioned on the licensee faithfully making
2108 the required payments to the Chief Financial Officer in his or
2109 her capacity as treasurer of the commission, keeping the
2110 licensee's books and records and make reports as provided, and
2111 conducting its limited gaming activities in conformity with this
2112 part. The department shall fix the amount of the bond at the
2113 total amount of annual license fees and the taxes estimated to
2114 become due as determined by the department. In lieu of a bond,
2115 an applicant or licensee may deposit with the department a like
2116 amount of funds, a savings certificate, a certificate of
2117 deposit, an investment certificate, or a letter of credit from a

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2118 bank, savings bank, credit union, or savings and loan
2119 association situated in this state which meets the requirements
2120 set for that purpose by the Chief Financial Officer. If security
2121 is provided in the form of a savings certificate, a certificate
2122 of deposit, or an investment certificate, the certificate must
2123 state that the amount is unavailable for withdrawal except upon
2124 order of the department. The department may review the bond or
2125 other security for adequacy and require adjustments, including
2126 increasing the amount of the bond and other security. The
2127 department may adopt rules to administer this section and
2128 establish guidelines for such bonds or other securities.

2129 Section 28. Section 551.316, Florida Statutes, is created
2130 to read:

2131 551.316 Conduct of limited gaming.—

2132 (1) Limited gaming may be conducted by a resort licensee,
2133 subject to the following:

2134 (a) The site of the limited gaming facility is limited to
2135 the resort licensee's site location as approved by the
2136 commission.

2137 (b) The department's agents and employees may enter and
2138 inspect a limited gaming facility or other facilities relating
2139 to a resort licensee's gaming operations at any time for the
2140 purpose of determining whether the licensee is in compliance
2141 with this part.

2142 (c) A resort licensee may lease or purchase gaming devices,
2143 equipment, or supplies customarily used in conducting gaming
2144 only from a licensed supplier.

2145 (d) A resort licensee may not permit any form of wagering
2146 on games except as permitted by this part.

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2147 (e) A resort licensee may receive wagers only from a person
2148 present in the limited gaming facility.

2149 (f) A resort licensee may not permit wagering using money
2150 or other negotiable currency except for wagering on slot
2151 machines.

2152 (g) A resort licensee may not permit a person who has not
2153 attained 21 years of age to engage in gaming activity or remain
2154 in an area of a limited gaming facility where gaming is being
2155 conducted, except for a limited gaming employee of the resort
2156 licensee who is at least 18 years of age.

2157 (h) A resort licensee may not sell or distribute tokens,
2158 chips, or electronic cards used to make wagers outside the
2159 limited gaming facility. The tokens, chips, or electronic cards
2160 may be purchased by means of an agreement under which the
2161 licensee extends credit to a wagerer. The tokens, chips, or
2162 electronic cards may be used only for the purpose of making
2163 wagers on games within a limited gaming facility.

2164 (i) A resort licensee may not conduct business with a
2165 junket enterprise, except for a junket operator employed full
2166 time by that licensee.

2167 (j) All gaming activities must be conducted in accordance
2168 with department rules.

2169 (k) Limited gaming may not be conducted by a resort
2170 licensee until the resort is completed according to the proposal
2171 approved by the commission.

2172 (2) A limited gaming facility may operate 24 hours per day,
2173 every day of the year.

2174 (3) A resort licensee may set the minimum and maximum
2175 wagers on all games.

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2176 (4) A resort licensee shall give preference in employment,
2177 reemployment, promotion, and retention to veterans and to the
2178 persons included under s. 295.07(1) who possess the minimum
2179 qualifications necessary to perform the duties of the positions
2180 involved.

2181 (5) A resort licensee, its affiliates, directors, and
2182 employees shall be subject to all applicable federal, state, and
2183 local laws. Such licensees, affiliates, directors, and employees
2184 shall subject themselves to jurisdiction of the Federal
2185 Government and the government of this state and acceptance of a
2186 license shall be considered an affirmative waiver of extradition
2187 to the United States from a foreign country.

2188 (6) The department shall renew a resort license if:

2189 (a) The licensee has demonstrated an effort to increase
2190 tourism, generate jobs, provide revenue to the local economy,
2191 and provide revenue to the state General Revenue Fund.

2192 (b) The department has not suspended or revoked the license
2193 of the licensee.

2194 (c) The licensee continues to satisfy all the requirements
2195 of the initial application for licensure.

2196 Section 29. Section 551.318, Florida Statutes, is created
2197 to read:

2198 551.318 License fee; tax rate; disposition.—

2199 (1) LICENSE FEE.—On the anniversary date of the issuance of
2200 the initial resort license and annually thereafter, the licensee
2201 must pay to the department a nonrefundable annual license fee of
2202 \$2 million. The license shall be renewed annually, unless the
2203 department has revoked the license for a violation of this part
2204 or rule of the department. The license fee shall be deposited

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2205 into the Destination Resort Trust Fund to be used by the
2206 department and the Department of Law Enforcement for
2207 investigations, regulation of limited gaming, and enforcement of
2208 this part.

2209 (2) GROSS RECEIPTS TAX.—

2210 (a) Each resort licensee shall pay a gross receipts tax on
2211 its gross receipts to the state. Upon completion of the resort
2212 and before limited gaming may be conducted, the resort licensee
2213 must submit proof, as required by the commission, of the total
2214 investment made in the construction of the resort. Upon
2215 submission of this information, the gross receipts tax rate
2216 shall be 10 percent of the gross receipts.

2217 (b) The gross receipts tax is in lieu of any other state
2218 taxes on gross or adjusted gross receipts of a resort licensee.

2219 (3) TAX PROCEEDS.—

2220 (a) The gross receipts tax shall be deposited into the
2221 Destination Resort Trust Fund and shall be used to fund the
2222 operating costs of the department pursuant to appropriations by
2223 the Legislature.

2224 (b) On June 30 of each year, all unappropriated funds in
2225 excess of \$5 million shall be deposited into the General Revenue
2226 Fund.

2227 Section 30. Section 551.319, Florida Statutes, is created
2228 to read:

2229 551.319 Fingerprint requirements.—Any fingerprints required
2230 to be taken under this part must be taken in a manner approved
2231 by, and shall be submitted electronically by the department to,
2232 the Department of Law Enforcement. The Department of Law
2233 Enforcement shall submit the results of the state and national

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2234 records check to the department. The department shall consider
2235 the results of the state and national records check in
2236 evaluating an application for any license.

2237 (1) The cost of processing fingerprints and conducting a
2238 criminal history record check shall be borne by the applicant.
2239 The Department of Law Enforcement may submit a monthly invoice
2240 to the department for the cost of processing the fingerprints
2241 submitted.

2242 (2) All fingerprints submitted to the Department of Law
2243 Enforcement pursuant to this part shall be retained by the
2244 Department of Law Enforcement and entered into the statewide
2245 automated fingerprint identification system as authorized by s.
2246 943.05(2)(b) and shall be available for all purposes and uses
2247 authorized for arrest fingerprint cards entered into the
2248 statewide automated fingerprint identification system pursuant
2249 to s. 943.051.

2250 (3) The Department of Law Enforcement shall search all
2251 arrest fingerprints received pursuant to s. 943.051, against the
2252 fingerprints retained in the statewide automated fingerprint
2253 identification system. Any arrest record that is identified with
2254 the retained fingerprints of a person subject to the criminal
2255 history screening under this part shall be reported to the
2256 department. Each licensee shall pay a fee to the department for
2257 the cost of retention of the fingerprints and the ongoing
2258 searches under this subsection. The department shall forward the
2259 payment to the Department of Law Enforcement. The amount of the
2260 fee to be imposed for performing these searches and the
2261 procedures for the retention of licensee fingerprints shall be
2262 as established by rule of the Department of Law Enforcement. The

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2263 department shall inform the Department of Law Enforcement of any
2264 change in the license status of licensees whose fingerprints are
2265 retained under subsection (2).

2266 (4) The department shall request the Department of Law
2267 Enforcement to forward the fingerprints to the Federal Bureau of
2268 Investigation for a national criminal history records check
2269 every 3 years following issuance of a license. If the
2270 fingerprints of a person who is licensed have not been retained
2271 by the Department of Law Enforcement, the person must file
2272 another set of fingerprints. The department shall collect the
2273 fees for the cost of the national criminal history record check
2274 under this subsection and shall forward the payment to the
2275 Department of Law Enforcement. The cost of processing
2276 fingerprints and conducting a criminal history record check
2277 under this subsection shall be borne by the licensee or
2278 applicant. The Department of Law Enforcement may submit an
2279 invoice to the department for the fingerprints submitted each
2280 month. Under penalty of perjury, each person who is licensed or
2281 who is fingerprinted as required by this section must agree to
2282 inform the department within 48 hours if he or she is convicted
2283 of or has entered a plea of guilty or nolo contendere to any
2284 disqualifying offense, regardless of adjudication.

2285 Section 31. Section 551.321, Florida Statutes, is created
2286 to read:

2287 551.321 Supplier licenses.—

2288 (1) A person must have a supplier license in order to
2289 furnish on a regular or continuing basis to a resort licensee or
2290 an applicant for a resort license gaming equipment, devices, or
2291 supplies or other goods or services regarding the operation of

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2292 limited gaming at the facility.

2293 (2) An applicant for a supplier license must apply to the
2294 department on forms adopted by the department by rule. The
2295 licensing fee for the initial and annual renewal of the license
2296 shall be a scale of fees determined by rule of the commission
2297 based on the type of service provided by the supplier but may
2298 not exceed \$25,000.

2299 (3) An applicant for a supplier license must include in the
2300 application the fingerprints of the persons identified by
2301 department rule for the processing of state and national
2302 criminal history record checks.

2303 (4) (a) An applicant for a supplier license is not eligible
2304 for licensure if:

2305 1. A person for whom fingerprinting is required under
2306 subsection (3) has been convicted of a felony under the laws of
2307 this state, any other state, or the United States;

2308 2. The applicant knowingly submitted false information in
2309 the application for a supplier license;

2310 3. The applicant is a member of the commission or an
2311 employee of the department;

2312 4. The applicant is not a natural person and an officer,
2313 director, or managerial employee of that person is a person
2314 described in subparagraphs 1.-3.;

2315 5. The applicant is not a natural person and an employee of
2316 the applicant participates in the management or operation of
2317 limited gaming authorized under this part; or

2318 6. The applicant has had a license to own or operate a
2319 resort facility or pari-mutuel facility in this state, or a
2320 similar license in any other jurisdiction, revoked.

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2321 (b) The department may revoke a supplier license at any
2322 time it determines that the licensee no longer satisfies the
2323 eligibility requirements in this subsection.

2324 (5) The department may deny an application for a supplier
2325 license for any person who:

2326 (a) Is not qualified to perform the duties required of a
2327 licensee;

2328 (b) Fails to disclose information or knowingly submits
2329 false information in the application;

2330 (c) Has violated this part or rules of the department; or

2331 (d) Has had a gaming-related license or application
2332 suspended, restricted, revoked, or denied for misconduct in any
2333 other jurisdiction.

2334 (6) A supplier licensee shall:

2335 (a) Furnish to the department a list of all gaming
2336 equipment, devices, and supplies it offers for sale or lease in
2337 connection with limited gaming authorized in this part;

2338 (b) Keep books and records documenting the furnishing of
2339 gaming equipment, devices, and supplies to resort licensees
2340 separate and distinct from any other business that the supplier
2341 operates;

2342 (c) File quarterly returns with the department listing all
2343 sales or leases of gaming equipment, devices, or supplies to
2344 resort licensees;

2345 (d) Permanently affix its name to all gaming equipment,
2346 devices, or supplies sold or leased to licensees; and

2347 (e) File an annual report listing its inventories of gaming
2348 equipment, devices, and supplies, including the locations of
2349 such equipment.

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2350 (7) All gaming devices, equipment, or supplies furnished by
2351 a licensed supplier must conform to standards adopted by
2352 department rule.

2353 (8) (a) The department may suspend, revoke, or restrict the
2354 supplier license of a licensee who:

2355 1. Violates this part or the rules of the department; or
2356 2. Defaults on the payment of any obligation or debt due to
2357 this state or a county.

2358 (b) The department must revoke the supplier license of a
2359 licensee for any cause that, if known to the department, would
2360 have disqualified the applicant from receiving a license.

2361 (9) A supplier licensee may repair gaming equipment,
2362 devices, or supplies in a facility owned or leased by the
2363 licensee.

2364 (10) Gaming devices, equipment, or supplies owned by a
2365 supplier licensee which are used in an unauthorized gaming
2366 operation shall be forfeited to the county where the equipment
2367 is found.

2368 (11) The department may revoke the license or deny the
2369 application for a supplier license of a person who fails to
2370 comply with this section.

2371 (12) A person who knowingly makes a false statement on an
2372 application for a supplier license commits a misdemeanor of the
2373 first degree, punishable as provided in s. 775.082 or s.
2374 775.083.

2375 Section 32. Section 551.322, Florida Statutes, is created
2376 to read:

2377 551.322 Occupational licenses.—

2378 (1) The Legislature finds that, due to the nature of their

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2379 employment, some gaming employees require heightened state
2380 scrutiny, including licensing and criminal history record
2381 checks.

2382 (2) Any person who desires to be a gaming employee and has
2383 a bona fide offer of employment from a licensed gaming entity
2384 shall apply to the department for an occupational license. A
2385 person may not be employed as a gaming employee unless that
2386 person holds an appropriate occupational license issued under
2387 this section. The department may adopt rules to reclassify a
2388 category of nongaming employees or gaming employees upon a
2389 finding that the reclassification is in the public interest and
2390 consistent with the objectives of this part.

2391 (3) An applicant for an occupational license must apply to
2392 the department on forms adopted by the department by rule. An
2393 occupational license is valid for 4 years following issuance.
2394 The application must be accompanied by the licensing fee set by
2395 the department. The licensing fee may not exceed \$250 for an
2396 employee of a resort licensee.

2397 (a) The applicant shall set forth in the application
2398 whether the applicant:

2399 1. Has been issued a gaming-related license in any
2400 jurisdiction.

2401 2. Has been issued a gaming-related license in any other
2402 jurisdiction under any other name and, if so, the name and the
2403 applicant's age at the time of licensure.

2404 3. Has had a permit or license issued by another
2405 jurisdiction suspended, restricted, or revoked and, if so, for
2406 what period of time.

2407 (b) An applicant for an occupational license must include

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2408 his or her fingerprints in the application.

2409 (4) To be eligible for an occupational license, an
2410 applicant must:

2411 (a) Be at least 21 years of age to perform any function
2412 directly relating to limited gaming by patrons;

2413 (b) Be at least 18 years of age to perform nongaming
2414 functions;

2415 (c) Not have been convicted of a felony or a crime
2416 involving dishonesty or moral turpitude in any jurisdiction; and

2417 (d) Meet the standards for the occupational license as
2418 provided in department rules.

2419 (5) The department must deny an application for an
2420 occupational license for any person who:

2421 (a) Is not qualified to perform the duties required of a
2422 licensee;

2423 (b) Fails to disclose or knowingly submits false
2424 information in the application;

2425 (c) Has violated this part; or

2426 (d) Has had a gaming-related license or application
2427 suspended, revoked, or denied in any other jurisdiction.

2428 (6) (a) The department may suspend, revoke, or restrict the
2429 occupational license of a licensee:

2430 1. Who violates this part or the rules of the department;

2431 2. Who defaults on the payment of any obligation or debt
2432 due to this state or a county; or

2433 3. For any just cause.

2434 (b) The department shall revoke the occupational license of
2435 a licensee for any cause that, if known to the department, would
2436 have disqualified the applicant from receiving a license.

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2437 (7) Any training provided for an occupational licensee may
2438 be conducted in the facility of a resort licensee or at a school
2439 with which the resort licensee has entered into an agreement for
2440 that purpose.

2441 (8) A licensed travel agent whose commission or
2442 compensation from a licensee is derived solely from the price of
2443 the transportation or lodging arranged for by the travel agent
2444 is not required to have an occupational license.

2445 (9) A person who knowingly makes a false statement on an
2446 application for an occupational license commits a misdemeanor of
2447 the first degree, punishable as provided in s. 775.082 or s.
2448 775.083.

2449 Section 33. Section 551.323, Florida Statutes, is created
2450 to read:

2451 551.323 Temporary supplier license; temporary occupational
2452 license.—

2453 (1) Upon the written request of an applicant for a supplier
2454 license or an occupational license, the executive director shall
2455 issue a temporary license to the applicant and permit the
2456 applicant to undertake employment with or provide gaming
2457 equipment, devices, or supplies or other goods or services to a
2458 resort licensee or an applicant for a resort license if:

2459 (a) The applicant has submitted a completed application, an
2460 application fee, all required disclosure forms, and other
2461 required written documentation and materials;

2462 (b) A preliminary review of the application and the
2463 criminal history record check does not reveal that the applicant
2464 or a person subject to a criminal history record check has been
2465 convicted of a crime that would require denial of the

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2466 application;

2467 (c) A deficiency does not appear to exist in the
2468 application which may require denial of the application; and

2469 (d) The applicant has an offer of employment from, or an
2470 agreement to begin providing gaming devices, equipment, or
2471 supplies or other goods and services to, a resort licensee or an
2472 applicant for a resort license, or the applicant for a temporary
2473 license shows good cause for being granted a temporary license.

2474 (2) An initial temporary occupational license or supplier's
2475 license may not be valid for more than 90 days; however, a
2476 temporary occupational license may be renewed one time for an
2477 additional 90 days.

2478 (3) An applicant who receives a temporary license may
2479 undertake employment with or supply a resort licensee with
2480 gaming devices, equipment, or supplies or other goods or
2481 services until a license is issued or denied or until the
2482 temporary license expires or is suspended or revoked.

2483 Section 34. Section 551.325, Florida Statutes, is created
2484 to read:

2485 551.325 Quarterly report.—The commission shall file
2486 quarterly reports with the Governor, the President of the
2487 Senate, and the Speaker of the House of Representatives covering
2488 the previous fiscal quarter. Each report must include:

2489 (1) A statement of receipts and disbursements related to
2490 limited gaming.

2491 (2) A summary of disciplinary actions taken by the
2492 department.

2493 (3) Any additional information and recommendations that the
2494 department believes may improve the regulation of limited gaming

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2495 or increase the economic benefits of limited gaming to this
2496 state.

2497 Section 35. Section 551.327, Florida Statutes, is created
2498 to read:

2499 551.327 Resolution of disputes between licensees and
2500 wagerers.—

2501 (1) (a) The licensee must immediately notify the department
2502 of a dispute whenever a resort licensee has a dispute with a
2503 wagerer which is not resolved to the satisfaction of the patron
2504 if the amount disputed is \$500 or more and involves:

2505 1. Alleged winnings, alleged losses, or the award or
2506 distribution of cash, prizes, benefits, tickets, or any other
2507 item or items in a game, tournament, contest, drawing,
2508 promotion, race, or similar activity or event; or

2509 2. The manner in which a game, tournament, contest,
2510 drawing, promotion, race, or similar activity or event was
2511 conducted.

2512 (b) If the dispute involves an amount less than \$500, the
2513 licensee must immediately notify the wagerer of his or her right
2514 to file a complaint with the department.

2515 (2) Upon notice of a dispute or receipt of a complaint, the
2516 department shall conduct any investigation it deems necessary
2517 and may order the licensee to make a payment to the wagerer upon
2518 a finding that the licensee is liable for the disputed amount.

2519 The decision of the department is effective on the date the
2520 aggrieved party receives notice of the decision. Notice of the
2521 decision is deemed sufficient if it is mailed to the last known
2522 address of the licensee and the wagerer. The notice is deemed to
2523 have been received by the resort licensee or the wagerer 5 days

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2524 after it is deposited with the United States Postal Service with
2525 postage prepaid.

2526 (3) The failure of a resort licensee to notify the
2527 department of the dispute or the wagerer of the right to file a
2528 complaint is grounds for disciplinary action.

2529 (4) Gaming-related disputes may only be resolved by the
2530 department and are not under the jurisdiction of state courts.

2531 (5) This section may not be construed to deny a wagerer an
2532 opportunity to make a claim in state court for nongaming-related
2533 issues.

2534 Section 36. Section 551.328, Florida Statutes, is created
2535 to read:

2536 551.328 Enforcement of credit instruments.-

2537 (1) A credit instrument and the debt that instrument
2538 represents are valid and may be enforced by legal process.

2539 (2) A resort licensee may accept an incomplete credit
2540 instrument that is signed by the patron and states the amount of
2541 the debt in numbers and may complete the instrument as is
2542 necessary for the instrument to be presented for payment.

2543 (3) A resort licensee may accept a credit instrument that
2544 is payable to an affiliate or may complete a credit instrument
2545 payable to an affiliate if the credit instrument otherwise
2546 complies with this section and the records of the affiliate
2547 pertaining to the credit instrument are made available to the
2548 department upon request.

2549 (4) A resort licensee may accept a credit instrument
2550 before, during, or after the patron incurs the debt. The credit
2551 instrument and the debt that the instrument represents are
2552 enforceable without regard to whether the credit instrument was

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2553 accepted before, during, or after the incurring of the debt.

2554 (5) This section does not prohibit the establishment of an
2555 account by a deposit of cash, recognized traveler's check, or
2556 any other instrument that is equivalent to cash.

2557 (6) If a credit instrument is lost or destroyed, the debt
2558 represented by the credit instrument may be enforced if the
2559 resort licensee or person acting on behalf of the licensee can
2560 prove the existence of the credit instrument.

2561 (7) The existence of a mental disorder in a patron who
2562 provides a credit instrument to a resort licensee:

2563 (a) Is not a defense in any action by a resort licensee to
2564 enforce a credit instrument or the debt that the credit
2565 instrument represents.

2566 (b) Is not a valid counterclaim in an action to enforce the
2567 credit instrument or the debt that the credit instrument
2568 represents.

2569 (8) The failure of a resort licensee to comply with this
2570 section or department rules does not invalidate a credit
2571 instrument or affect its ability to enforce the credit
2572 instrument or the debt that the credit instrument represents.

2573 (9) The department may adopt rules prescribing the
2574 conditions under which a credit instrument may be redeemed or
2575 presented to a bank, credit union, or other financial
2576 institution for collection or payment.

2577 (10) A violation of these regulatory requirements only
2578 states a basis for disciplinary action for the commission.

2579 Section 37. Section 551.330, Florida Statutes, is created
2580 to read:

2581 551.330 Compulsive or addictive gambling prevention

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2582 program.

2583 (1) A resort licensee shall offer training to employees on
2584 responsible gaming and shall work with a compulsive or addictive
2585 gambling prevention program to recognize problem gaming
2586 situations and to implement responsible gaming programs and
2587 practices.

2588 (2) The department shall, subject to competitive bidding,
2589 contract for services relating to the prevention of compulsive
2590 and addictive gambling. The contract shall provide for an
2591 advertising program to encourage responsible gaming practices
2592 and to publicize a gambling telephone help line. Such
2593 advertisements must be made both publicly and inside the
2594 resort's limited gaming facility. The terms of any contract for
2595 such services shall include accountability standards that must
2596 be met by any private provider. The failure of a private
2597 provider to meet any material terms of the contract, including
2598 the accountability standards, constitutes a breach of contract
2599 or is grounds for nonrenewal. The department may consult with
2600 the Department of the Lottery or the Department of Business and
2601 Professional Regulation in the development of the program and
2602 the development and analysis of any procurement for contractual
2603 services for the compulsive or addictive gambling prevention
2604 program.

2605 (3) The compulsive or addictive gambling prevention program
2606 shall be funded from an annual nonrefundable regulatory fee of
2607 \$250,000 paid by each resort licensee to the department.

2608 Section 38. Section 551.331, Florida Statutes, is created
2609 to read:

2610 551.331 Voluntary self-exclusion from a limited gaming

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2611 facility.-

2612 (1) A person may request that he or she be excluded from
2613 limited gaming facilities in this state by personally submitting
2614 a Request for Voluntary Self-exclusion from Limited Gaming
2615 Facilities Form to the department. The form must require the
2616 person requesting exclusion to:

2617 (a) State his or her:2618 1. Name, including any aliases or nicknames;2619 2. Date of birth;2620 3. Current residential address;2621 4. Telephone number;2622 5. Social security number; and

2623 6. Physical description, including height, weight, gender,
2624 hair color, eye color, and any other physical characteristic
2625 that may assist in the identification of the person.

2626

2627 A self-excluded person must update the information in this
2628 paragraph on forms supplied by the department within 30 days
2629 after any change.

2630 (b) Select one of the following as the duration of the
2631 self-exclusion:

2632 1. One year.2633 2. Five years.2634 3. Lifetime.2635 (c) Execute a release in which the person:

2636 1. Acknowledges that the request for exclusion has been
2637 made voluntarily.

2638 2. Certifies that the information provided in the request
2639 for self-exclusion is true and correct.

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2640 3. Acknowledges that the individual requesting self-
2641 exclusion is a problem gambler.

2642 4. Acknowledges that a person requesting a lifetime
2643 exclusion will not be removed from the self-exclusion list and
2644 that a person requesting a 1-year or 5-year exclusion will
2645 remain on the self-exclusion list until a request for removal is
2646 approved by the department.

2647 5. Acknowledges that, if the individual is discovered on
2648 the gaming floor of a limited gaming facility, the individual
2649 may be removed and may be arrested and prosecuted for criminal
2650 trespass.

2651 6. Releases, indemnifies, holds harmless, and forever
2652 discharges the state, department, and all licensee from any
2653 claims, damages, losses, expenses, or liability arising out of,
2654 by reason of or relating to the self-excluded person or to any
2655 other party for any harm, monetary or otherwise, which may arise
2656 as a result of one or more of the following:

2657 a. The failure of a resort licensee to withhold gaming
2658 privileges from or restore gaming privileges to a self-excluded
2659 person.

2660 b. Permitting or prohibiting a self-excluded person from
2661 engaging in gaming activity in a limited gaming facility.

2662 (2) A person submitting a self-exclusion request must
2663 present to the department a government-issued form of
2664 identification containing the person's signature.

2665 (3) The department shall take a photograph of a person
2666 requesting self-exclusion at the time the person submits a
2667 request for self-exclusion.

2668 Section 39. Paragraph (a) of subsection (2) of section

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2669 561.20, Florida Statutes, is amended to read:

2670 561.20 Limitation upon number of licenses issued.—

2671 (2) (a) No such limitation of the number of licenses as
2672 herein provided shall henceforth prohibit the issuance of a
2673 special license to:

2674 1. Any bona fide hotel, motel, or motor court of not fewer
2675 than 80 guest rooms in any county having a population of less
2676 than 50,000 residents, and of not fewer than 100 guest rooms in
2677 any county having a population of 50,000 residents or greater;
2678 or any bona fide hotel or motel located in a historic structure,
2679 as defined in s. 561.01(21), with fewer than 100 guest rooms
2680 which derives at least 51 percent of its gross revenue from the
2681 rental of hotel or motel rooms, which is licensed as a public
2682 lodging establishment by the Division of Hotels and Restaurants;
2683 provided, however, that a bona fide hotel or motel with no fewer
2684 than 10 and no more than 25 guest rooms which is a historic
2685 structure, as defined in s. 561.01(21), in a municipality that
2686 on the effective date of this act has a population, according to
2687 the University of Florida's Bureau of Economic and Business
2688 Research Estimates of Population for 1998, of no fewer than
2689 25,000 and no more than 35,000 residents and that is within a
2690 constitutionally chartered county may be issued a special
2691 license. This special license shall allow the sale and
2692 consumption of alcoholic beverages only on the licensed premises
2693 of the hotel or motel. In addition, the hotel or motel must
2694 derive at least 60 percent of its gross revenue from the rental
2695 of hotel or motel rooms and the sale of food and nonalcoholic
2696 beverages; provided that the provisions of this subparagraph
2697 shall supersede local laws requiring a greater number of hotel

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2698 rooms;

2699 2. Any condominium accommodation of which no fewer than 100
2700 condominium units are wholly rentable to transients and which is
2701 licensed under the provisions of chapter 509, except that the
2702 license shall be issued only to the person or corporation which
2703 operates the hotel or motel operation and not to the association
2704 of condominium owners;

2705 3. Any condominium accommodation of which no fewer than 50
2706 condominium units are wholly rentable to transients, which is
2707 licensed under the provisions of chapter 509, and which is
2708 located in any county having home rule under s. 10 or s. 11,
2709 Art. VIII of the State Constitution of 1885, as amended, and
2710 incorporated by reference in s. 6(e), Art. VIII of the State
2711 Constitution, except that the license shall be issued only to
2712 the person or corporation which operates the hotel or motel
2713 operation and not to the association of condominium owners;

2714 4. Any restaurant having 2,500 square feet of service area
2715 and equipped to serve 150 persons full course meals at tables at
2716 one time, and deriving at least 51 percent of its gross revenue
2717 from the sale of food and nonalcoholic beverages; however, no
2718 restaurant granted a special license on or after January 1,
2719 1958, pursuant to general or special law shall operate as a
2720 package store, nor shall intoxicating beverages be sold under
2721 such license after the hours of serving food have elapsed; or

2722 5. Any caterer, deriving at least 51 percent of its gross
2723 revenue from the sale of food and nonalcoholic beverages,
2724 licensed by the Division of Hotels and Restaurants under chapter
2725 509. Notwithstanding any other provision of law to the contrary,
2726 a licensee under this subparagraph shall sell or serve alcoholic

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2727 beverages only for consumption on the premises of a catered
2728 event at which the licensee is also providing prepared food, and
2729 shall prominently display its license at any catered event at
2730 which the caterer is selling or serving alcoholic beverages. A
2731 licensee under this subparagraph shall purchase all alcoholic
2732 beverages it sells or serves at a catered event from a vendor
2733 licensed under s. 563.02(1), s. 564.02(1), or licensed under s.
2734 565.02(1) subject to the limitation imposed in subsection (1),
2735 as appropriate. A licensee under this subparagraph may not store
2736 any alcoholic beverages to be sold or served at a catered event.
2737 Any alcoholic beverages purchased by a licensee under this
2738 subparagraph for a catered event that are not used at that event
2739 must remain with the customer; provided that if the vendor
2740 accepts unopened alcoholic beverages, the licensee may return
2741 such alcoholic beverages to the vendor for a credit or
2742 reimbursement. Regardless of the county or counties in which the
2743 licensee operates, a licensee under this subparagraph shall pay
2744 the annual state license tax set forth in s. 565.02(1)(b). A
2745 licensee under this subparagraph must maintain for a period of 3
2746 years all records required by the department by rule to
2747 demonstrate compliance with the requirements of this
2748 subparagraph, including licensed vendor receipts for the
2749 purchase of alcoholic beverages and records identifying each
2750 customer and the location and date of each catered event.
2751 Notwithstanding any provision of law to the contrary, any vendor
2752 licensed under s. 565.02(1) subject to the limitation imposed in
2753 subsection (1), may, without any additional licensure under this
2754 subparagraph, serve or sell alcoholic beverages for consumption
2755 on the premises of a catered event at which prepared food is

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2756 provided by a caterer licensed under chapter 509. If a licensee
2757 under this subparagraph also possesses any other license under
2758 the Beverage Law, the license issued under this subparagraph
2759 shall not authorize the holder to conduct activities on the
2760 premises to which the other license or licenses apply that would
2761 otherwise be prohibited by the terms of that license or the
2762 Beverage Law. Nothing in this section shall permit the licensee
2763 to conduct activities that are otherwise prohibited by the
2764 Beverage Law or local law. The Division of Alcoholic Beverages
2765 and Tobacco is hereby authorized to adopt rules to administer
2766 the license created in this subparagraph, to include rules
2767 governing licensure, recordkeeping, and enforcement. The first
2768 \$300,000 in fees collected by the division each fiscal year
2769 pursuant to this subparagraph shall be deposited in the
2770 Department of Children and Family Services' Operations and
2771 Maintenance Trust Fund to be used only for alcohol and drug
2772 abuse education, treatment, and prevention programs. The
2773 remainder of the fees collected shall be deposited into the
2774 Hotel and Restaurant Trust Fund created pursuant to s. 509.072.

2775 6. Any destination resort licensed by the State Gaming
2776 Commission under chapter 551. Notwithstanding any other
2777 provision of law to the contrary, a licensee under this
2778 subparagraph may sell or serve alcoholic beverages only for
2779 consumption on the premises. A licensee under this subparagraph
2780 shall purchase all alcoholic beverages from a supplier licensed
2781 under s. 551.321 or s. 551.323. Regardless of the county or
2782 counties in which the licensee operates, a licensee under this
2783 subparagraph shall pay an annual state license tax of \$50,000,
2784 the proceeds of which shall be deposited into the Destination

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2785 Resort Trust Fund of the Department of Gaming Control. This
2786 subparagraph expressly preempts the regulation of alcoholic
2787 beverages at destination resorts licensed by the State Gaming
2788 Commission to the state and supersedes any municipal or county
2789 ordinance on the subject. Notwithstanding any other law or local
2790 law or ordinance to the contrary, a licensee under this
2791 subparagraph may serve alcoholic beverages 24 hours per day,
2792 every day of the year. This subparagraph does not permit the
2793 licensee to conduct activities that are otherwise prohibited by
2794 the Beverage Law. The State Gaming Commission shall adopt rules
2795 to implement this subparagraph, including, but not limited to,
2796 rules governing licensure, recordkeeping, and enforcement. A
2797 licensee under this subparagraph must maintain for a period of 3
2798 years all records required by the State Gaming Commission by
2799 rule to demonstrate compliance with the requirements of this
2800 subparagraph, including licensed supplier receipts for the
2801 purchase of alcoholic beverages.

2802
2803 However, any license heretofore issued to any such hotel, motel,
2804 motor court, or restaurant or hereafter issued to any such
2805 hotel, motel, or motor court, including a condominium
2806 accommodation, under the general law shall not be moved to a new
2807 location, such license being valid only on the premises of such
2808 hotel, motel, motor court, or restaurant. Licenses issued to
2809 hotels, motels, motor courts, or restaurants under the general
2810 law and held by such hotels, motels, motor courts, or
2811 restaurants on May 24, 1947, shall be counted in the quota
2812 limitation contained in subsection (1). Any license issued for
2813 any hotel, motel, or motor court under the provisions of this

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2814 law shall be issued only to the owner of the hotel, motel, or
2815 motor court or, in the event the hotel, motel, or motor court is
2816 leased, to the lessee of the hotel, motel, or motor court; and
2817 the license shall remain in the name of the owner or lessee so
2818 long as the license is in existence. Any special license now in
2819 existence heretofore issued under the provisions of this law
2820 cannot be renewed except in the name of the owner of the hotel,
2821 motel, motor court, or restaurant or, in the event the hotel,
2822 motel, motor court, or restaurant is leased, in the name of the
2823 lessee of the hotel, motel, motor court, or restaurant in which
2824 the license is located and must remain in the name of the owner
2825 or lessee so long as the license is in existence. Any license
2826 issued under this section shall be marked "Special," and nothing
2827 herein provided shall limit, restrict, or prevent the issuance
2828 of a special license for any restaurant or motel which shall
2829 hereafter meet the requirements of the law existing immediately
2830 prior to the effective date of this act, if construction of such
2831 restaurant has commenced prior to the effective date of this act
2832 and is completed within 30 days thereafter, or if an application
2833 is on file for such special license at the time this act takes
2834 effect; and any such licenses issued under this proviso may be
2835 annually renewed as now provided by law. Nothing herein prevents
2836 an application for transfer of a license to a bona fide
2837 purchaser of any hotel, motel, motor court, or restaurant by the
2838 purchaser of such facility or the transfer of such license
2839 pursuant to law.

2840 Section 40. Section 849.15, Florida Statutes, is amended to
2841 read:

2842 849.15 Manufacture, sale, possession, etc., of coin-

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2843 operated devices prohibited.-

2844 (1) It is unlawful:

2845 (a) To manufacture, own, store, keep, possess, sell, rent,
2846 lease, let on shares, lend or give away, transport, or expose
2847 for sale or lease, or to offer to sell, rent, lease, let on
2848 shares, lend or give away, or permit the operation of, or for
2849 any person to permit to be placed, maintained, or used or kept
2850 in any room, space, or building owned, leased or occupied by the
2851 person or under the person's management or control, any slot
2852 machine or device or any part thereof; or

2853 (b) To make or to permit to be made with any person any
2854 agreement with reference to any slot machine or device, pursuant
2855 to which the user thereof, as a result of any element of chance
2856 or other outcome unpredictable to him or her, may become
2857 entitled to receive any money, credit, allowance, or thing of
2858 value or additional chance or right to use such machine or
2859 device, or to receive any check, slug, token or memorandum
2860 entitling the holder to receive any money, credit, allowance or
2861 thing of value.

2862 (2) Pursuant to section 2 of that chapter of the Congress
2863 of the United States entitled "An act to prohibit transportation
2864 of gaming devices in interstate and foreign commerce," approved
2865 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
2866 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
2867 acting by and through the duly elected and qualified members of
2868 its Legislature, does hereby in this section, and in accordance
2869 with and in compliance with the provisions of section 2 of such
2870 chapter of Congress, declare and proclaim that any county of the
2871 State of Florida within which slot machine gaming is authorized

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2872 pursuant to chapter 551 is exempt from the provisions of section
2873 2 of that chapter of the Congress of the United States entitled
2874 "An act to prohibit transportation of gaming devices in
2875 interstate and foreign commerce," designated as 15 U.S.C. ss.
2876 1171-1177, approved January 2, 1951. All shipments of gaming
2877 devices, including slot machines, into any county of this state
2878 within which slot machine gaming is authorized pursuant to
2879 chapter 551 and the registering, recording, and labeling of
2880 which have been duly performed by the manufacturer or
2881 distributor thereof in accordance with sections 3 and 4 of that
2882 chapter of the Congress of the United States entitled "An act to
2883 prohibit transportation of gaming devices in interstate and
2884 foreign commerce," approved January 2, 1951, being ch. 1194, 64
2885 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,
2886 shall be deemed legal shipments thereof into this state provided
2887 the destination of such shipments is an eligible facility as
2888 defined in s. 551.102, ~~or~~ the facility of a slot machine
2889 manufacturer or slot machine distributor as provided in s.
2890 551.109(2) (a), or the facility of a resort licensee or supplier
2891 licensee under part III of chapter 551.

2892 (3) This section does not apply to slot machine licensees
2893 authorized under part II of chapter 551 or resort licensees as
2894 authorized under part III of chapter 551.

2895 Section 41. Section 849.231, Florida Statutes, is amended
2896 to read:

2897 849.231 Gambling devices; manufacture, sale, purchase or
2898 possession unlawful.—

2899 (1) Except in instances when the following described
2900 implements or apparatus are being held or transported by

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2901 authorized persons for the purpose of destruction, as
2902 hereinafter provided, and except in instances when the following
2903 described instruments or apparatus are being held, sold,
2904 transported, or manufactured by persons who have registered with
2905 the United States Government pursuant to the provisions of Title
2906 15 of the United States Code, ss. 1171 et seq., as amended, so
2907 long as the described implements or apparatus are not displayed
2908 to the general public, sold for use in Florida, or held or
2909 manufactured in contravention of the requirements of 15 U.S.C.
2910 ss. 1171 et seq., it shall be unlawful for any person to
2911 manufacture, sell, transport, offer for sale, purchase, own, or
2912 have in his or her possession any roulette wheel or table, faro
2913 layout, crap table or layout, chemin de fer table or layout,
2914 chuck-a-luck wheel, bird cage such as used for gambling, bolita
2915 balls, chips with house markings, or any other device,
2916 implement, apparatus, or paraphernalia ordinarily or commonly
2917 used or designed to be used in the operation of gambling houses
2918 or establishments, excepting ordinary dice and playing cards.

2919 (2) In addition to any other penalties provided for the
2920 violation of this section, any occupational license held by a
2921 person found guilty of violating this section shall be suspended
2922 for a period not to exceed 5 years.

2923 (3) This section and s. 849.05 do not apply to a vessel of
2924 foreign registry or a vessel operated under the authority of a
2925 country except the United States, while docked in this state or
2926 transiting in the territorial waters of this state.

2927 (4) This section does not apply to slot machine licensees
2928 authorized under part II of chapter 551 or resort licensees as
2929 authorized under part III of chapter 551.

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2930 Section 42. Section 849.25, Florida Statutes, is amended to
2931 read:

2932 849.25 "Bookmaking" defined; penalties; exceptions.—

2933 (1) (a) The term "bookmaking" means the act of taking or
2934 receiving, while engaged in the business or profession of
2935 gambling, any bet or wager upon the result of any trial or
2936 contest of skill, speed, power, or endurance of human, beast,
2937 fowl, motor vehicle, or mechanical apparatus or upon the result
2938 of any chance, casualty, unknown, or contingent event
2939 whatsoever.

2940 (b) The following factors shall be considered in making a
2941 determination that a person has engaged in the offense of
2942 bookmaking:

2943 1. Taking advantage of betting odds created to produce a
2944 profit for the bookmaker or charging a percentage on accepted
2945 wagers.

2946 2. Placing all or part of accepted wagers with other
2947 bookmakers to reduce the chance of financial loss.

2948 3. Taking or receiving more than five wagers in any single
2949 day.

2950 4. Taking or receiving wagers totaling more than \$500 in
2951 any single day, or more than \$1,500 in any single week.

2952 5. Engaging in a common scheme with two or more persons to
2953 take or receive wagers.

2954 6. Taking or receiving wagers on both sides on a contest at
2955 the identical point spread.

2956 7. Any other factor relevant to establishing that the
2957 operating procedures of such person are commercial in nature.

2958 (c) The existence of any two factors listed in paragraph

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2959 (b) may constitute prima facie evidence of a commercial
2960 bookmaking operation.

2961 (2) Any person who engages in bookmaking commits ~~shall be~~
2962 ~~guilty of~~ a felony of the third degree, punishable as provided
2963 in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding the
2964 provisions of s. 948.01, any person convicted under the
2965 provisions of this subsection shall not have adjudication of
2966 guilt suspended, deferred, or withheld.

2967 (3) Any person who has been convicted of bookmaking and
2968 thereafter violates the provisions of this section commits ~~shall~~
2969 ~~be guilty of~~ a felony of the second degree, punishable as
2970 provided in s. 775.082, s. 775.083, or s. 775.084.
2971 Notwithstanding the provisions of s. 948.01, any person
2972 convicted under the provisions of this subsection shall not have
2973 adjudication of guilt suspended, deferred, or withheld.

2974 (4) Notwithstanding the provisions of s. 777.04, any person
2975 who is guilty of conspiracy to commit bookmaking is ~~shall be~~
2976 subject to the penalties imposed by subsections (2) and (3).

2977 (5) This section does ~~shall~~ not apply to pari-mutuel
2978 wagering in Florida as authorized under chapter 550.

2979 (6) This section does ~~shall~~ not apply to any prosecutions
2980 filed and pending at the time of the passage hereof, but all
2981 such cases shall be disposed of under existing laws at the time
2982 of the institution of such prosecutions.

2983 (7) This section does not apply to slot machine licensees
2984 authorized under part II of chapter 551 or resort licensees as
2985 authorized under part III of chapter 551.

2986 Section 43. Section 849.48, Florida Statutes, is created to
2987 read:

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2988 849.48 Gambling operator, manufacturer, distributor
2989 licenses; application; qualifications; fees; renewal;
2990 duplicates.-

2991 (1) (a) Each person, firm, association, partnership, or
2992 corporate entity that seeks to operate a gambling business or to
2993 allow gambling to occur on its premises must obtain a license
2994 from the department. Any person, firm, association, partnership,
2995 or corporate entity owning, leasing, furnishing, manufacturing,
2996 distributing, or operating gambling devices must obtain a
2997 license from the Department of Gaming Control.

2998 (b) An application for a license must be made on a form
2999 adopted by rule of the department. The form must require the
3000 applicant to set forth the name under which the applicant
3001 transacts or intends to transact business, the address of the
3002 location of the applicant's place of business, and any other
3003 information the department requires. If the applicant has, or
3004 intends to have, more than one place of business where gambling
3005 will occur or gambling devices will be located, a separate
3006 application must be made for each place of business. If the
3007 applicant is a firm, association, partnership, or corporate
3008 entity, the application must set forth the names and addresses
3009 of the persons owning more than 5 percent of, or exercising any
3010 decisionmaking control over, the business. If the applicant is a
3011 corporate entity, the application must additionally set forth
3012 the names and addresses of the principal officers of the
3013 corporation. The application must also set forth any other
3014 information prescribed by the department for the purpose of
3015 identifying the applicant, its owners, or its decisionmaking
3016 principals. The application must be signed and verified by oath

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3017 or affirmation by the owner. If the owner is a firm,
3018 association, or partnership, the application must be signed by
3019 the members or partners thereof, or, if the owner is a corporate
3020 entity, by a decisionmaking principal authorized by the entity
3021 to sign the application, together with the written evidence of
3022 the principal's authority. The application must be accompanied
3023 by the annual license fee prescribed by the department.

3024 (c) Licenses shall be issued annually, upon payment of the
3025 annual license fee prescribed by the department. The department
3026 shall fix the fee in an amount sufficient to meet the costs of
3027 carrying out its licensing, enforcement, and administrative
3028 responsibilities under this chapter, but the fee may not exceed
3029 \$5,000. The proceeds of the fee shall be deposited into the
3030 Destination Resort Trust Fund of the Department of Gaming
3031 Control.

3032 (d) The holder of a license may renew the license each
3033 year, on or before January 15, upon payment of the annual
3034 license fee. A licensee that does not timely renew its license
3035 must pay a delinquent renewal fee of \$500 for each month or
3036 portion of a month occurring after expiration, and before
3037 renewal, of the license.

3038 (e) The department may not grant an exemption from the
3039 license fees prescribed in this subsection to any applicant.

3040 (f) The department shall establish a procedural rule that,
3041 to the greatest extent possible, provides for the Department of
3042 Law Enforcement to conduct background investigations for the
3043 initial licensing and licensing renewals.

3044 (2) (a) A license may be issued only to a person who is at
3045 least 18 years of age or to a corporation having officers who

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3046 are at least 18 years of age.

3047 (b) The department may refuse to issue a license to:

3048 1. Any person, firm, association, partnership, or corporate
3049 entity whose license has been revoked by the department;

3050 2. Any corporation having an officer whose license has been
3051 revoked by the department; or

3052 3. Any person who is or has been an officer of a
3053 corporation whose license has been revoked by the department or
3054 who is or has been an officer of a corporation whose license
3055 relating to gambling activities has been revoked in another
3056 jurisdiction.

3057 (c) The department shall revoke any license issued to a
3058 firm, association, partnership, or corporate entity that is
3059 prohibited from licensure under this section.

3060 (3) Upon approval of an application for a license, the
3061 Department of Gaming Control shall issue to the applicant a
3062 license for the place of business or premises specified in the
3063 application. A license is not assignable and is valid only for
3064 the person in whose name the license is issued and for the place
3065 designated in the license. The licensee must be in possession of
3066 the license at all times while working at the location for which
3067 the license was issued and must display the license upon demand
3068 to any person.

3069 (4) If a license has been destroyed or lost, the licensee
3070 may apply to the Department of Gaming Control for the issuance
3071 of a duplicate license. The department shall issue a duplicate
3072 license upon payment of a \$150 fee, which the department shall
3073 deposit into the Destination Resort Trust Fund of the Department
3074 of Gaming Control.

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3075 Section 44. Transfers.—

3076 (1) All of the statutory powers, duties and functions,
3077 records, personnel, property, and unexpended balances of
3078 appropriations, allocations, or other funds for the
3079 administration of chapter 550, Florida Statutes, are transferred
3080 intact by a type two transfer, as defined in s. 20.06(2),
3081 Florida Statutes, from the Division of Pari-mutuel Wagering of
3082 the Department of Business and Professional Regulation to the
3083 Division of Licensure of the Department of Gaming Control.

3084 (2) All of the statutory powers, duties and functions,
3085 records, personnel, property, and unexpended balances of
3086 appropriations, allocations, or other funds for the
3087 administration of chapter 551, Florida Statutes, are transferred
3088 by a type two transfer, as defined in s. 20.06(2), Florida
3089 Statutes, from the Division of Pari-mutuel Wagering of the
3090 Department of Business and Professional Regulation to the
3091 Division of Licensure of Department of Gaming Control.

3092 (3) All of the statutory powers, duties and functions,
3093 records, personnel, property, and unexpended balances of
3094 appropriations, allocations, or other funds for the
3095 administration of s. 849.086, Florida Statutes, are transferred
3096 by a type two transfer, as defined in s. 20.06(2), Florida
3097 Statutes, from the Division of Pari-mutuel Wagering of the
3098 Department of Business and Professional Regulation to the
3099 Division of Licensure of Department of Gaming Control.

3100 (4) The following trust funds are transferred from the
3101 Division of Pari-mutuel Wagering of the Department of Business
3102 and Professional Regulation to the Division of Licensure of
3103 Department of Gaming Control:

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3104 (a) Pari-mutuel Wagering Trust Fund.

3105 (b) Racing Scholarship Trust Fund.

3106 Section 45. Paragraph (f) of subsection (1), subsection
3107 (7), and paragraph (a) of subsection (13) of section 285.710,
3108 Florida Statutes, are amended to read:

3109 285.710 Compact authorization.—

3110 (1) As used in this section, the term:

3111 (f) "State compliance agency" means the Division of
3112 Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming
3113 Control ~~Business and Professional Regulation~~ which is designated
3114 as the state agency having the authority to carry out the
3115 state's oversight responsibilities under the compact.

3116 (7) The Division of Licensure ~~Pari-mutuel Wagering~~ of the
3117 Department of Gaming Control ~~Business and Professional~~
3118 ~~Regulation~~ is designated as the state compliance agency having
3119 the authority to carry out the state's oversight
3120 responsibilities under the compact authorized by this section.

3121 (13) For the purpose of satisfying the requirement in 25
3122 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized
3123 under an Indian gaming compact must be permitted in the state
3124 for any purpose by any person, organization, or entity, the
3125 following class III games or other games specified in this
3126 section are hereby authorized to be conducted by the Tribe
3127 pursuant to the compact:

3128 (a) Slot machines, as defined in s. 551.102 ~~551.102(8)~~.

3129 Section 46. Subsections (6) and (7) of section 550.002,
3130 Florida Statutes, are amended to read:

3131 550.002 Definitions.—As used in this chapter, the term:

3132 (6) "Department" means the Department of Gaming Control

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3133 ~~Business and Professional Regulation.~~

3134 (7) "Division" means the Division of Licensure Pari-mutuel
3135 ~~Wagering~~ within the Department of Gaming Control ~~Business and~~
3136 ~~Professional Regulation.~~

3137 Section 47. Section 550.0251, Florida Statutes, is amended
3138 to read:

3139 550.0251 The powers and duties of the division ~~of Pari-~~
3140 ~~mutuel Wagering of the Department of Business and Professional~~
3141 ~~Regulation.~~—The division shall administer this chapter and
3142 regulate the pari-mutuel industry under this chapter and the
3143 rules adopted pursuant thereto, and:

3144 (1) The division shall make an annual report to the
3145 Governor showing its own actions, receipts derived under the
3146 provisions of this chapter, the practical effects of the
3147 application of this chapter, and any suggestions it may approve
3148 for the more effectual accomplishments of the purposes of this
3149 chapter.

3150 (2) The division shall require an oath on application
3151 documents as required by rule, which oath must state that the
3152 information contained in the document is true and complete.

3153 (3) The division shall adopt reasonable rules for the
3154 control, supervision, and direction of all applicants,
3155 permittees, and licensees and for the holding, conducting, and
3156 operating of all racetracks, race meets, and races held in this
3157 state. Such rules must be uniform in their application and
3158 effect, and the duty of exercising this control and power is
3159 made mandatory upon the division.

3160 (4) The division may take testimony concerning any matter
3161 within its jurisdiction and issue summons and subpoenas for any

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3162 witness and subpoenas duces tecum in connection with any matter
3163 within the jurisdiction of the division under its seal and
3164 signed by the director.

3165 (5) The division may adopt rules establishing procedures
3166 for testing occupational licenseholders officiating at or
3167 participating in any race or game at any pari-mutuel facility
3168 under the jurisdiction of the division for a controlled
3169 substance or alcohol and may prescribe procedural matters not in
3170 conflict with s. 120.80(19) ~~120.80(4)(a)~~.

3171 (6) In addition to the power to exclude certain persons
3172 from any pari-mutuel facility in this state, the division may
3173 exclude any person from any and all pari-mutuel facilities in
3174 this state for conduct that would constitute, if the person were
3175 a licensee, a violation of this chapter or the rules of the
3176 division. The division may exclude from any pari-mutuel facility
3177 within this state any person who has been ejected from a pari-
3178 mutuel facility in this state or who has been excluded from any
3179 pari-mutuel facility in another state by the governmental
3180 department, agency, commission, or authority exercising
3181 regulatory jurisdiction over pari-mutuel facilities in such
3182 other state. The division may authorize any person who has been
3183 ejected or excluded from pari-mutuel facilities in this state or
3184 another state to attend the pari-mutuel facilities in this state
3185 upon a finding that the attendance of such person at pari-mutuel
3186 facilities would not be adverse to the public interest or to the
3187 integrity of the sport or industry; however, this subsection
3188 shall not be construed to abrogate the common-law right of a
3189 pari-mutuel permit holder to exclude absolutely a patron in this
3190 state.

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3191 (7) The division may oversee the making of, and
3192 distribution from, all pari-mutuel pools.

3193 (8) The department may collect taxes and require compliance
3194 with reporting requirements for financial information as
3195 authorized by this chapter. In addition, the secretary of the
3196 department may require permitholders conducting pari-mutuel
3197 operations within the state to remit taxes, including fees, by
3198 electronic funds transfer if the taxes and fees amounted to
3199 \$50,000 or more in the prior reporting year.

3200 (9) The division may conduct investigations in enforcing
3201 this chapter, except that all information obtained pursuant to
3202 an investigation by the division for an alleged violation of
3203 this chapter or rules of the division is exempt from s.
3204 119.07(1) and from s. 24(a), Art. I of the State Constitution
3205 until an administrative complaint is issued or the investigation
3206 is closed or ceases to be active. This subsection does not
3207 prohibit the division from providing such information to any law
3208 enforcement agency or to any other regulatory agency. For the
3209 purposes of this subsection, an investigation is considered to
3210 be active while it is being conducted with reasonable dispatch
3211 and with a reasonable, good faith belief that it could lead to
3212 an administrative, civil, or criminal action by the division or
3213 another administrative or law enforcement agency. Except for
3214 active criminal intelligence or criminal investigative
3215 information, as defined in s. 119.011, and any other information
3216 that, if disclosed, would jeopardize the safety of an
3217 individual, all information, records, and transcriptions become
3218 public when the investigation is closed or ceases to be active.

3219 (10) The division may impose an administrative fine for a

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3220 violation under this chapter of not more than \$1,000 for each
3221 count or separate offense, except as otherwise provided in this
3222 chapter, and may suspend or revoke a permit, a pari-mutuel
3223 license, or an occupational license for a violation under this
3224 chapter. All fines imposed and collected under this subsection
3225 must be deposited with the Chief Financial Officer to the credit
3226 of the General Revenue Fund.

3227 (11) The division shall supervise and regulate the welfare
3228 of racing animals at pari-mutuel facilities.

3229 (12) The division shall have full authority and power to
3230 make, adopt, amend, or repeal rules relating to cardroom
3231 operations, to enforce and to carry out the provisions of s.
3232 849.086, and to regulate the authorized cardroom activities in
3233 the state.

3234 (13) The division shall have the authority to suspend a
3235 permitholder's permit or license, if such permitholder is
3236 operating a cardroom facility and such permitholder's cardroom
3237 license has been suspended or revoked pursuant to s. 849.086.

3238 Section 48. Paragraph (f) of subsection (2) of section
3239 550.09514, Florida Statutes, is amended to read:

3240 550.09514 Greyhound dogracing taxes; purse requirements.-

3241 (2)

3242 (f) Each greyhound permitholder shall, during the
3243 permitholder's race meet, supply kennel operators and the
3244 Division of Licensure ~~Pari-Mutuel Wagering~~ with a weekly report
3245 showing purses paid on live greyhound races and all greyhound
3246 intertrack and simulcast broadcasts, including both as a guest
3247 and a host together with the handle or commission calculations
3248 on which such purses were paid and the transmission costs of

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3249 sending the simulcast or intertrack broadcasts, so that the
3250 kennel operators may determine statutory and contractual
3251 compliance.

3252 Section 49. Subsection (1) of section 550.135, Florida
3253 Statutes, is amended to read:

3254 550.135 Division of moneys derived under this law.—All
3255 moneys that are deposited with the Chief Financial Officer to
3256 the credit of the Pari-mutuel Wagering Trust Fund shall be
3257 distributed as follows:

3258 (1) The daily license fee revenues collected pursuant to s.
3259 550.0951(1) shall be used to fund the operating cost of the
3260 division and to provide a proportionate share of the operation
3261 of the office of the secretary and the Division of
3262 Administration of the department ~~of Business and Professional~~
3263 ~~Regulation~~; however, other collections in the Pari-mutuel
3264 Wagering Trust Fund may also be used to fund the operation of
3265 the division in accordance with authorized appropriations.

3266 Section 50. Subsection (4) of section 550.24055, Florida
3267 Statutes, is amended to read:

3268 550.24055 Use of controlled substances or alcohol
3269 prohibited; testing of certain occupational licensees; penalty;
3270 evidence of test or action taken and admissibility for criminal
3271 prosecution limited.—

3272 (4) The provisions of s. 120.80(19) ~~120.80(4)(a)~~ apply to
3273 all actions taken by the stewards, judges, or board of judges
3274 pursuant to this section without regard to the limitation
3275 contained therein.

3276 Section 51. Subsection (15) of section 550.2415, Florida
3277 Statutes, is amended to read:

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3278 550.2415 Racing of animals under certain conditions
3279 prohibited; penalties; exceptions.—

3280 (15) The division may implement by rule medication levels
3281 recommended by the University of Florida College of Veterinary
3282 Medicine developed pursuant to an agreement between the division
3283 ~~of Pari-mutuel Wagering~~ and the University of Florida College of
3284 Veterinary Medicine. The University of Florida College of
3285 Veterinary Medicine may provide written notification to the
3286 division that it has completed research or review on a
3287 particular drug pursuant to the agreement and when the College
3288 of Veterinary Medicine has completed a final report of its
3289 findings, conclusions, and recommendations to the division.

3290 Section 52. Paragraph (j) of subsection (3) of section
3291 550.2625, Florida Statutes, is amended to read:

3292 550.2625 Horseracing; minimum purse requirement, Florida
3293 breeders' and owners' awards.—

3294 (3) Each horseracing permitholder conducting any
3295 thoroughbred race under this chapter, including any intertrack
3296 race taken pursuant to ss. 550.615-550.6305 or any interstate
3297 simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal
3298 to 0.955 percent on all pari-mutuel pools conducted during any
3299 such race for the payment of breeders', stallion, or special
3300 racing awards as authorized in this chapter. This subsection
3301 also applies to all Breeder's Cup races conducted outside this
3302 state taken pursuant to s. 550.3551(3). On any race originating
3303 live in this state which is broadcast out-of-state to any
3304 location at which wagers are accepted pursuant to s.
3305 550.3551(2), the host track is required to pay 3.475 percent of
3306 the gross revenue derived from such out-of-state broadcasts as

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3307 breeders', stallion, or special racing awards. The Florida
3308 Thoroughbred Breeders' Association is authorized to receive
3309 these payments from the permitholders and make payments of
3310 awards earned. The Florida Thoroughbred Breeders' Association
3311 has the right to withhold up to 10 percent of the permitholder's
3312 payments under this section as a fee for administering the
3313 payments of awards and for general promotion of the industry.
3314 The permitholder shall remit these payments to the Florida
3315 Thoroughbred Breeders' Association by the 5th day of each
3316 calendar month for such sums accruing during the preceding
3317 calendar month and shall report such payments to the division as
3318 prescribed by the division. With the exception of the 10-percent
3319 fee, the moneys paid by the permitholders shall be maintained in
3320 a separate, interest-bearing account, and such payments together
3321 with any interest earned shall be used exclusively for the
3322 payment of breeders', stallion, or special racing awards in
3323 accordance with the following provisions:

3324 (j) If the division finds that the Florida Thoroughbred
3325 Breeders' Association has not complied with any provision of
3326 this section, the division may order the association to cease
3327 and desist from receiving funds and administering funds received
3328 under this section. If the division enters such an order, the
3329 permitholder shall make the payments authorized in this section
3330 to the division for deposit into the Pari-mutuel Wagering Trust
3331 Fund; and any funds in the Florida Thoroughbred Breeders'
3332 Association account shall be immediately paid to the division ~~of~~
3333 ~~Pari-mutuel Wagering~~ for deposit to the Pari-mutuel Wagering
3334 Trust Fund. The division shall authorize payment from these
3335 funds to any breeder or stallion owner entitled to an award that

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3336 has not been previously paid by the Florida Thoroughbred
3337 Breeders' Association in accordance with the applicable rate.

3338 Section 53. Subsection (1) of section 550.2704, Florida
3339 Statutes, is amended to read:

3340 550.2704 Jai Alai Tournament of Champions Meet.—

3341 (1) Notwithstanding any provision of this chapter, there is
3342 hereby created a special jai alai meet which shall be designated
3343 as the "Jai Alai Tournament of Champions Meet" and which shall
3344 be hosted by the Florida jai alai permitholders selected by the
3345 National Association of Jai Alai Frontons, Inc., to conduct such
3346 meet. The meet shall consist of three qualifying performances
3347 and a final performance, each of which is to be conducted on
3348 different days. Upon the selection of the Florida permitholders
3349 for the meet, and upon application by the selected
3350 permitholders, the division of ~~Pari-mutuel Wagering~~ shall issue
3351 a license to each of the selected permitholders to operate the
3352 meet. The meet may be conducted during a season in which the
3353 permitholders selected to conduct the meet are not otherwise
3354 authorized to conduct a meet. Notwithstanding anything herein to
3355 the contrary, any Florida permitholder who is to conduct a
3356 performance which is a part of the Jai Alai Tournament of
3357 Champions Meet shall not be required to apply for the license
3358 for said meet if it is to be run during the regular season for
3359 which such permitholder has a license.

3360 Section 54. Subsection (3) of section 550.902, Florida
3361 Statutes, is amended to read:

3362 550.902 Purposes.—The purposes of this compact are to:

3363 (3) Authorize the department of ~~Business and Professional~~
3364 ~~Regulation~~ to participate in this compact.

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3365 Section 55. Subsection (1) of section 550.907, Florida
3366 Statutes, is amended to read:

3367 550.907 Compact committee.—

3368 (1) There is created an interstate governmental entity to
3369 be known as the "compact committee," which shall be composed of
3370 one official from the racing commission, or the equivalent
3371 thereof, in each party state who shall be appointed, serve, and
3372 be subject to removal in accordance with the laws of the party
3373 state that she or he represents. The official from Florida shall
3374 be appointed by the State Gaming Commission ~~Secretary of~~
3375 ~~Business and Professional Regulation~~. Pursuant to the laws of
3376 her or his party state, each official shall have the assistance
3377 of her or his state's racing commission, or the equivalent
3378 thereof, in considering issues related to licensing of
3379 participants in pari-mutuel wagering and in fulfilling her or
3380 his responsibilities as the representative from her or his state
3381 to the compact committee.

3382 Section 56. Section 551.101, Florida Statutes, is amended
3383 to read:

3384 551.101 Slot machine gaming authorized.—Any licensed pari-
3385 mutuel facility located in Miami-Dade County or Broward County
3386 existing at the time of adoption of s. 23, Art. X of the State
3387 Constitution that has conducted live racing or games during
3388 calendar years 2002 and 2003 may possess slot machines and
3389 conduct slot machine gaming at the location where the pari-
3390 mutuel permitholder is authorized to conduct pari-mutuel
3391 wagering activities pursuant to such permitholder's valid pari-
3392 mutuel permit provided that a majority of voters in a countywide
3393 referendum have approved slot machines at such facility in the

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3394 respective county. Notwithstanding any other provision of law,
3395 it is not a crime for a person to participate in slot machine
3396 gaming at a pari-mutuel facility licensed to possess slot
3397 machines and conduct slot machine gaming or to participate in
3398 slot machine gaming described in this part ~~chapter~~.

3399 Section 57. Section 551.102, Florida Statutes, is amended
3400 to read:

3401 551.102 Definitions.—As used in this part ~~chapter~~, the
3402 term:

3403 (1) "Distributor" means any person who sells, leases, or
3404 offers or otherwise provides, distributes, or services any slot
3405 machine or associated equipment for use or play of slot machines
3406 in this state. A manufacturer may be a distributor within the
3407 state.

3408 (2) "Designated slot machine gaming area" means the area or
3409 areas of a facility of a slot machine licensee in which slot
3410 machine gaming may be conducted in accordance with the
3411 provisions of this part ~~chapter~~.

3412 ~~(3) "Division" means the Division of Pari-mutuel Wagering~~
3413 ~~of the Department of Business and Professional Regulation.~~

3414 (3)~~(4)~~ "Eligible facility" means any licensed pari-mutuel
3415 facility located in Miami-Dade County or Broward County existing
3416 at the time of adoption of s. 23, Art. X of the State
3417 Constitution that has conducted live racing or games during
3418 calendar years 2002 and 2003 and has been approved by a majority
3419 of voters in a countywide referendum to have slot machines at
3420 such facility in the respective county; any licensed pari-mutuel
3421 facility located within a county as defined in s. 125.011,
3422 provided such facility has conducted live racing or games for 2

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3423 consecutive calendar years immediately preceding its application
3424 for a slot machine license, pays the required license fee, and
3425 meets the other requirements of this part ~~chapter~~; or any
3426 licensed pari-mutuel facility in any other county in which a
3427 majority of voters have approved slot machines at such
3428 facilities in a countywide referendum held pursuant to a
3429 statutory or constitutional authorization after the effective
3430 date of this section in the respective county, provided such
3431 facility has conducted a full schedule of live racing for 2
3432 consecutive calendar years immediately preceding its application
3433 for a slot machine license, pays the required licensed fee, and
3434 meets the other requirements of this part ~~chapter~~.

3435 (4)~~(5)~~ "Manufacturer" means any person who manufactures,
3436 builds, rebuilds, fabricates, assembles, produces, programs,
3437 designs, or otherwise makes modifications to any slot machine or
3438 associated equipment for use or play of slot machines in this
3439 state for gaming purposes. A manufacturer may be a distributor
3440 within the state.

3441 (5)~~(6)~~ "Nonredeemable credits" means slot machine operating
3442 credits that cannot be redeemed for cash or any other thing of
3443 value by a slot machine, kiosk, or the slot machine licensee and
3444 that are provided free of charge to patrons. Such credits do not
3445 constitute "nonredeemable credits" until such time as they are
3446 metered as credit into a slot machine and recorded in the
3447 facility-based monitoring system.

3448 (6)~~(7)~~ "Progressive system" means a computerized system
3449 linking slot machines in one or more licensed facilities within
3450 this state or other jurisdictions and offering one or more
3451 common progressive payouts based on the amounts wagered.

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3452 (7)~~(8)~~ "Slot machine" means any mechanical or electrical
3453 contrivance, terminal that may or may not be capable of
3454 downloading slot games from a central server system, machine, or
3455 other device that, upon insertion of a coin, bill, ticket,
3456 token, or similar object or upon payment of any consideration
3457 whatsoever, including the use of any electronic payment system
3458 except a credit card or debit card, is available to play or
3459 operate, the play or operation of which, whether by reason of
3460 skill or application of the element of chance or both, may
3461 deliver or entitle the person or persons playing or operating
3462 the contrivance, terminal, machine, or other device to receive
3463 cash, billets, tickets, tokens, or electronic credits to be
3464 exchanged for cash or to receive merchandise or anything of
3465 value whatsoever, whether the payoff is made automatically from
3466 the machine or manually. The term includes associated equipment
3467 necessary to conduct the operation of the contrivance, terminal,
3468 machine, or other device. Slot machines may use spinning reels,
3469 video displays, or both. A slot machine is not a "coin-operated
3470 amusement machine" as defined in s. 212.02(24) or an amusement
3471 game or machine as described in s. 849.161, and slot machines
3472 are not subject to the tax imposed by s. 212.05(1)(h).

3473 (8)~~(9)~~ "Slot machine facility" means a facility at which
3474 slot machines as defined in this part ~~chapter~~ are lawfully
3475 offered for play.

3476 (9)~~(10)~~ "Slot machine license" means a license issued by
3477 the division authorizing a pari-mutuel permitholder to place and
3478 operate slot machines as provided by s. 23, Art. X of the State
3479 Constitution, the provisions of this part ~~chapter~~, and division
3480 rules.

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3481 (10)~~(11)~~ "Slot machine licensee" means a pari-mutuel
3482 permitholder who holds a license issued by the division pursuant
3483 to this part ~~chapter~~ that authorizes such person to possess a
3484 slot machine within facilities specified in s. 23, Art. X of the
3485 State Constitution and allows slot machine gaming.

3486 (11)~~(12)~~ "Slot machine operator" means a person employed or
3487 contracted by the owner of a licensed facility to conduct slot
3488 machine gaming at that licensed facility.

3489 (12)~~(13)~~ "Slot machine revenues" means the total of all
3490 cash and property, except nonredeemable credits, received by the
3491 slot machine licensee from the operation of slot machines less
3492 the amount of cash, cash equivalents, credits, and prizes paid
3493 to winners of slot machine gaming.

3494 Section 58. Subsections (1), (2), and (3) and paragraph (b)
3495 of subsection (4) of section 551.103, Florida Statutes, are
3496 amended to read:

3497 551.103 Powers and duties of the division and law
3498 enforcement.—

3499 (1) The division shall adopt, pursuant to the provisions of
3500 ss. 120.536(1) and 120.54, all rules necessary to implement,
3501 administer, and regulate slot machine gaming as authorized in
3502 this part ~~chapter~~. Such rules must include:

3503 (a) Procedures for applying for a slot machine license and
3504 renewal of a slot machine license.

3505 (b) Technical requirements and the qualifications contained
3506 in this part ~~chapter~~ that are necessary to receive a slot
3507 machine license or slot machine occupational license.

3508 (c) Procedures to scientifically test and technically
3509 evaluate slot machines for compliance with this part ~~chapter~~.

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3510 The division may contract with an independent testing laboratory
3511 to conduct any necessary testing under this section. The
3512 independent testing laboratory must have a national reputation
3513 which is demonstrably competent and qualified to scientifically
3514 test and evaluate slot machines for compliance with this part
3515 ~~chapter~~ and to otherwise perform the functions assigned to it in
3516 this part ~~chapter~~. An independent testing laboratory shall not
3517 be owned or controlled by a licensee. The use of an independent
3518 testing laboratory for any purpose related to the conduct of
3519 slot machine gaming by a licensee under this part ~~chapter~~ shall
3520 be made from a list of one or more laboratories approved by the
3521 division.

3522 (d) Procedures relating to slot machine revenues, including
3523 verifying and accounting for such revenues, auditing, and
3524 collecting taxes and fees consistent with this part ~~chapter~~.

3525 (e) Procedures for regulating, managing, and auditing the
3526 operation, financial data, and program information relating to
3527 slot machine gaming that allow the division and the Department
3528 of Law Enforcement to audit the operation, financial data, and
3529 program information of a slot machine licensee, as required by
3530 the division or the Department of Law Enforcement, and provide
3531 the division and the Department of Law Enforcement with the
3532 ability to monitor, at any time on a real-time basis, wagering
3533 patterns, payouts, tax collection, and compliance with any rules
3534 adopted by the division for the regulation and control of slot
3535 machines operated under this part ~~chapter~~. Such continuous and
3536 complete access, at any time on a real-time basis, shall include
3537 the ability of either the division or the Department of Law
3538 Enforcement to suspend play immediately on particular slot

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3539 machines if monitoring of the facilities-based computer system
3540 indicates possible tampering or manipulation of those slot
3541 machines or the ability to suspend play immediately of the
3542 entire operation if the tampering or manipulation is of the
3543 computer system itself. The division shall notify the Department
3544 of Law Enforcement or the Department of Law Enforcement shall
3545 notify the division, as appropriate, whenever there is a
3546 suspension of play under this paragraph. The division and the
3547 Department of Law Enforcement shall exchange such information
3548 necessary for and cooperate in the investigation of the
3549 circumstances requiring suspension of play under this paragraph.

3550 (f) Procedures for requiring each licensee at his or her
3551 own cost and expense to supply the division with a bond having
3552 the penal sum of \$2 million payable to the Governor and his or
3553 her successors in office for each year of the licensee's slot
3554 machine operations. Any bond shall be issued by a surety or
3555 sureties approved by the division and the Chief Financial
3556 Officer, conditioned to faithfully make the payments to the
3557 Chief Financial Officer in his or her capacity as treasurer of
3558 the division. The licensee shall be required to keep its books
3559 and records and make reports as provided in this part ~~chapter~~
3560 and to conduct its slot machine operations in conformity with
3561 this part ~~chapter~~ and all other provisions of law. Such bond
3562 shall be separate and distinct from the bond required in s.
3563 550.125.

3564 (g) Procedures for requiring licensees to maintain
3565 specified records and submit any data, information, record, or
3566 report, including financial and income records, required by this
3567 part ~~chapter~~ or determined by the division to be necessary to

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3568 the proper implementation and enforcement of this part ~~chapter~~.

3569 (h) A requirement that the payout percentage of a slot
3570 machine be no less than 85 percent.

3571 (i) Minimum standards for security of the facilities,
3572 including floor plans, security cameras, and other security
3573 equipment.

3574 (j) Procedures for requiring slot machine licensees to
3575 implement and establish drug-testing programs for all slot
3576 machine occupational licensees.

3577 (2) The division shall conduct such investigations
3578 necessary to fulfill its responsibilities under the provisions
3579 of this part ~~chapter~~.

3580 (3) The Department of Law Enforcement and local law
3581 enforcement agencies shall have concurrent jurisdiction to
3582 investigate criminal violations of this part ~~chapter~~ and may
3583 investigate any other criminal violation of law occurring at the
3584 facilities of a slot machine licensee, and such investigations
3585 may be conducted in conjunction with the appropriate state
3586 attorney.

3587 (4)

3588 (b) In addition, the division may:

3589 1. Collect taxes, assessments, fees, and penalties.

3590 2. Deny, revoke, suspend, or place conditions on the
3591 license of a person who violates any provision of this part
3592 ~~chapter~~ or rule adopted pursuant thereto.

3593 Section 59. Subsection (1), paragraph (a) of subsection
3594 (4), subsections (6) and (8), and paragraph (d) of subsection
3595 (10) of section 551.104, Florida Statutes, are amended to read:
3596 551.104 License to conduct slot machine gaming.-

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3597 (1) Upon application and a finding by the division after
3598 investigation that the application is complete and the applicant
3599 is qualified and payment of the initial license fee, the
3600 division may issue a license to conduct slot machine gaming in
3601 the designated slot machine gaming area of the eligible
3602 facility. Once licensed, slot machine gaming may be conducted
3603 subject to the requirements of this part ~~chapter~~ and rules
3604 adopted pursuant thereto.

3605 (4) As a condition of licensure and to maintain continued
3606 authority for the conduct of slot machine gaming, the slot
3607 machine licensee shall:

3608 (a) Continue to be in compliance with this part ~~chapter~~.

3609 (6) A slot machine licensee shall keep and maintain
3610 permanent daily records of its slot machine operation and shall
3611 maintain such records for a period of not less than 5 years.
3612 These records must include all financial transactions and
3613 contain sufficient detail to determine compliance with the
3614 requirements of this part ~~chapter~~. All records shall be
3615 available for audit and inspection by the division, the
3616 Department of Law Enforcement, or other law enforcement agencies
3617 during the licensee's regular business hours.

3618 (8) A slot machine licensee shall file with the division an
3619 audit of the receipt and distribution of all slot machine
3620 revenues provided by an independent certified public accountant
3621 verifying compliance with all financial and auditing provisions
3622 of this part ~~chapter~~ and the associated rules adopted under this
3623 part ~~chapter~~. The audit must include verification of compliance
3624 with all statutes and rules regarding all required records of
3625 slot machine operations. Such audit shall be filed within 60

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3626 days after the completion of the permitholder's pari-mutuel
3627 meet.

3628 (10)

3629 (d) If any provision of this subsection or its application
3630 to any person or circumstance is held invalid, the invalidity
3631 does not affect other provisions or applications of this
3632 subsection or part ~~chapter~~ which can be given effect without the
3633 invalid provision or application, and to this end the provisions
3634 of this subsection are severable.

3635 Section 60. Paragraph (a) of subsection (1) and subsection
3636 (4) of section 551.106, Florida Statutes, are amended to read:

3637 551.106 License fee; tax rate; penalties.—

3638 (1) LICENSE FEE.—

3639 (a) Upon submission of the initial application for a slot
3640 machine license and annually thereafter, on the anniversary date
3641 of the issuance of the initial license, the licensee must pay to
3642 the division a nonrefundable license fee of \$3 million for the
3643 succeeding 12 months of licensure. In the 2010-2011 fiscal year,
3644 the licensee must pay the division a nonrefundable license fee
3645 of \$2.5 million for the succeeding 12 months of licensure. In
3646 the 2011-2012 fiscal year and for every fiscal year thereafter,
3647 the licensee must pay the division a nonrefundable license fee
3648 of \$2 million for the succeeding 12 months of licensure. The
3649 license fee shall be deposited into the Pari-mutuel Wagering
3650 Trust Fund ~~of the Department of Business and Professional~~
3651 ~~Regulation~~ to be used by the division and the Department of Law
3652 Enforcement for investigations, regulation of slot machine
3653 gaming, and enforcement of slot machine gaming provisions under
3654 this part ~~chapter~~. These payments shall be accounted for

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3655 separately from taxes or fees paid pursuant to the provisions of
3656 chapter 550.

3657 (4) TO PAY TAX; PENALTIES.—A slot machine licensee who
3658 fails to make tax payments as required under this section is
3659 subject to an administrative penalty of up to \$10,000 for each
3660 day the tax payment is not remitted. All administrative
3661 penalties imposed and collected shall be deposited into the
3662 Pari-mutuel Wagering Trust Fund ~~of the Department of Business~~
3663 ~~and Professional Regulation~~. If any slot machine licensee fails
3664 to pay penalties imposed by order of the division under this
3665 subsection, the division may suspend, revoke, or refuse to renew
3666 the license of the slot machine licensee.

3667 Section 61. Subsection (1), paragraph (d) of subsection
3668 (4), paragraph (a) of subsection (6), and subsection (11) of
3669 section 551.107, Florida Statutes, are amended to read:

3670 551.107 Slot machine occupational license; findings;
3671 application; fee.—

3672 (1) The Legislature finds that individuals and entities
3673 that are licensed under this section require heightened state
3674 scrutiny, including the submission by the individual licensees
3675 or persons associated with the entities described in this part
3676 ~~chapter~~ of fingerprints for a criminal history record check.

3677 (4)

3678 (d) The slot machine occupational license fee for initial
3679 application and annual renewal shall be determined by rule of
3680 the division but may not exceed \$50 for a general or
3681 professional occupational license for an employee of the slot
3682 machine licensee or \$1,000 for a business occupational license
3683 for nonemployees of the licensee providing goods or services to

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3684 the slot machine licensee. License fees for general occupational
3685 licensees shall be paid by the slot machine licensee. Failure to
3686 pay the required fee constitutes grounds for disciplinary action
3687 by the division against the slot machine licensee, but it is not
3688 a violation of this part ~~chapter~~ or rules of the division by the
3689 general occupational licensee and does not prohibit the initial
3690 issuance or the renewal of the general occupational license.

3691 (6) (a) The division may deny, suspend, revoke, or refuse to
3692 renew any slot machine occupational license if the applicant for
3693 such license or the licensee has violated the provisions of this
3694 part ~~chapter~~ or the rules of the division governing the conduct
3695 of persons connected with slot machine gaming. In addition, the
3696 division may deny, suspend, revoke, or refuse to renew any slot
3697 machine occupational license if the applicant for such license
3698 or the licensee has been convicted in this state, in any other
3699 state, or under the laws of the United States of a capital
3700 felony, a felony, or an offense in any other state that would be
3701 a felony under the laws of this state involving arson;
3702 trafficking in, conspiracy to traffic in, smuggling, importing,
3703 conspiracy to smuggle or import, or delivery, sale, or
3704 distribution of a controlled substance; racketeering; or a crime
3705 involving a lack of good moral character, or has had a gaming
3706 license revoked by this state or any other jurisdiction for any
3707 gaming-related offense.

3708 (11) The division may impose a civil fine of up to \$5,000
3709 for each violation of this part ~~chapter~~ or the rules of the
3710 division in addition to or in lieu of any other penalty provided
3711 for in this section. The division may adopt a penalty schedule
3712 for violations of this part ~~chapter~~ or any rule adopted pursuant

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3713 to this part ~~chapter~~ for which it would impose a fine in lieu of
3714 a suspension and adopt rules allowing for the issuance of
3715 citations, including procedures to address such citations, to
3716 persons who violate such rules. In addition to any other penalty
3717 provided by law, the division may exclude from all licensed slot
3718 machine facilities in this state, for a period not to exceed the
3719 period of suspension, revocation, or ineligibility, any person
3720 whose occupational license application has been declared
3721 ineligible to hold an occupational license or whose occupational
3722 license has been suspended or revoked by the division.

3723 Section 62. Subsection (2) of section 551.108, Florida
3724 Statutes, is amended to read:

3725 551.108 Prohibited relationships.—

3726 (2) A manufacturer or distributor of slot machines may not
3727 enter into any contract with a slot machine licensee that
3728 provides for any revenue sharing of any kind or nature that is
3729 directly or indirectly calculated on the basis of a percentage
3730 of slot machine revenues. Any maneuver, shift, or device whereby
3731 this subsection is violated is a violation of this part ~~chapter~~
3732 and renders any such agreement void.

3733 Section 63. Subsections (1), (2), and (7) of section
3734 551.109, Florida Statutes, are amended to read:

3735 551.109 Prohibited acts; penalties.—

3736 (1) Except as otherwise provided by law and in addition to
3737 any other penalty, any person who knowingly makes or causes to
3738 be made, or aids, assists, or procures another to make, a false
3739 statement in any report, disclosure, application, or any other
3740 document required under this part ~~chapter~~ or any rule adopted
3741 under this part ~~chapter~~ is subject to an administrative fine or

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3742 civil penalty of up to \$10,000.

3743 (2) Except as otherwise provided by law and in addition to
3744 any other penalty, any person who possesses a slot machine
3745 without the license required by this part ~~chapter~~ or who
3746 possesses a slot machine at any location other than at the slot
3747 machine licensee's facility is subject to an administrative fine
3748 or civil penalty of up to \$10,000 per machine. The prohibition
3749 in this subsection does not apply to:

3750 (a) Slot machine manufacturers or slot machine distributors
3751 that hold appropriate licenses issued by the division who are
3752 authorized to maintain a slot machine storage and maintenance
3753 facility at any location in a county in which slot machine
3754 gaming is authorized by this part ~~chapter~~. The division may
3755 adopt rules regarding security and access to the storage
3756 facility and inspections by the division.

3757 (b) Certified educational facilities that are authorized to
3758 maintain slot machines for the sole purpose of education and
3759 licensure, if any, of slot machine technicians, inspectors, or
3760 investigators. The division and the Department of Law
3761 Enforcement may possess slot machines for training and testing
3762 purposes. The division may adopt rules regarding the regulation
3763 of any such slot machines used for educational, training, or
3764 testing purposes.

3765 (7) All penalties imposed and collected under this section
3766 must be deposited into the Pari-mutuel Wagering Trust Fund ~~of~~
3767 ~~the Department of Business and Professional Regulation.~~

3768 Section 64. Section 551.111, Florida Statutes, is amended
3769 to read:

3770 551.111 Legal devices.—Notwithstanding any provision of law

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3771 to the contrary, a slot machine manufactured, sold, distributed,
3772 possessed, or operated according to the provisions of this part
3773 ~~chapter~~ is not unlawful.

3774 Section 65. Section 551.112, Florida Statutes, is amended
3775 to read:

3776 551.112 Exclusions of certain persons.—In addition to the
3777 power to exclude certain persons from any facility of a slot
3778 machine licensee in this state, the division may exclude any
3779 person from any facility of a slot machine licensee in this
3780 state for conduct that would constitute, if the person were a
3781 licensee, a violation of this part ~~chapter~~ or the rules of the
3782 division. The division may exclude from any facility of a slot
3783 machine licensee any person who has been ejected from a facility
3784 of a slot machine licensee in this state or who has been
3785 excluded from any facility of a slot machine licensee or gaming
3786 facility in another state by the governmental department,
3787 agency, commission, or authority exercising regulatory
3788 jurisdiction over the gaming in such other state. This section
3789 does not abrogate the common law right of a slot machine
3790 licensee to exclude a patron absolutely in this state.

3791 Section 66. Section 551.117, Florida Statutes, is amended
3792 to read:

3793 551.117 Penalties.—The division may revoke or suspend any
3794 slot machine license issued under this part ~~chapter~~ upon the
3795 willful violation by the slot machine licensee of any provision
3796 of this part ~~chapter~~ or of any rule adopted under this part
3797 ~~chapter~~. In lieu of suspending or revoking a slot machine
3798 license, the division may impose a civil penalty against the
3799 slot machine licensee for a violation of this part ~~chapter~~ or

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3800 any rule adopted by the division. Except as otherwise provided
3801 in this part ~~chapter~~, the penalty so imposed may not exceed
3802 \$100,000 for each count or separate offense. All penalties
3803 imposed and collected must be deposited into the Pari-mutuel
3804 Wagering Trust Fund ~~of the Department of Business and~~
3805 ~~Professional Regulation.~~

3806 Section 67. Section 551.119, Florida Statutes, is amended
3807 to read:

3808 551.119 Caterer's license.—A slot machine licensee is
3809 entitled to a caterer's license pursuant to s. 565.02 on days on
3810 which the pari-mutuel facility is open to the public for slot
3811 machine game play as authorized by this part ~~chapter~~.

3812 Section 68. Section 551.122, Florida Statutes, is amended
3813 to read:

3814 551.122 Rulemaking.—The division may adopt rules pursuant
3815 to ss. 120.536(1) and 120.54 to administer the provisions of
3816 this part ~~chapter~~.

3817 Section 69. Section 551.123, Florida Statutes, is amended
3818 to read:

3819 551.123 Legislative authority; administration of part
3820 ~~chapter~~.—The Legislature finds and declares that it has
3821 exclusive authority over the conduct of all wagering occurring
3822 at a slot machine facility in this state. As provided by law,
3823 only the division ~~of Pari-mutuel Wagering~~ and other authorized
3824 state agencies shall administer this part ~~chapter~~ and regulate
3825 the slot machine gaming industry, including operation of slot
3826 machine facilities, games, slot machines, and facilities-based
3827 computer systems authorized in this part ~~chapter~~ and the rules
3828 adopted by the division.

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3829 Section 70. Subsection (5) of section 565.02, Florida
3830 Statutes, is amended to read:

3831 565.02 License fees; vendors; clubs; caterers; and others.—

3832 (5) A caterer at a horse or dog racetrack or jai alai
3833 fronton may obtain a license upon the payment of an annual state
3834 license tax of \$675. Such caterer's license shall permit sales
3835 only within the enclosure in which such races or jai alai games
3836 are conducted, and such licensee shall be permitted to sell only
3837 during the period beginning 10 days before and ending 10 days
3838 after racing or jai alai under the authority of the Division of
3839 Licensure ~~Pari-mutuel Wagering~~ of the Department of Gaming
3840 Control ~~Business and Professional Regulation~~ is conducted at
3841 such racetrack or jai alai fronton. Except as in this subsection
3842 otherwise provided, caterers licensed hereunder shall be treated
3843 as vendors licensed to sell by the drink the beverages mentioned
3844 herein and shall be subject to all the provisions hereof
3845 relating to such vendors.

3846 Section 71. Section 817.37, Florida Statutes, is amended to
3847 read:

3848 817.37 Touting; defining; providing punishment; ejection
3849 from racetracks.—

3850 (1) Any person who knowingly and designedly by false
3851 representation attempts to, or does persuade, procure or cause
3852 another person to wager on a horse in a race to be run in this
3853 state or elsewhere, and upon which money is wagered in this
3854 state, and who asks or demands compensation as a reward for
3855 information or purported information given in such case is a
3856 tout, and is guilty of touting.

3857 (2) Any person who is a tout, or who attempts or conspires

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3858 to commit touting, shall be guilty of a misdemeanor of the
3859 second degree, punishable as provided in s. 775.082 or s.
3860 775.083.

3861 (3) Any person who in the commission of touting falsely
3862 uses the name of any official of the ~~Florida~~ Division of
3863 Licensure of the Department of Gaming Control ~~Pari-mutuel~~
3864 ~~Wagering~~, its inspectors or attaches, or of any official of any
3865 racetrack association, or the names of any owner, trainer,
3866 jockey, or other person licensed by the ~~Florida~~ Division of
3867 Licensure of the Department of Gaming Control ~~Pari-mutuel~~
3868 ~~Wagering~~, as the source of any information or purported
3869 information shall be guilty of a felony of the third degree,
3870 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3871 (4) Any person who has been convicted of touting by any
3872 court, and the record of whose conviction on such charge is on
3873 file in the office of the ~~Florida~~ Division of Licensure of the
3874 Department of Gaming Control ~~Pari-mutuel Wagering~~, any court of
3875 this state, or of the Federal Bureau of Investigation, or any
3876 person who has been ejected from any racetrack of this or any
3877 other state for touting or practices inimical to the public
3878 interest shall be excluded from all racetracks in this state and
3879 if such person returns to a racetrack he or she shall be guilty
3880 of a misdemeanor of the second degree, punishable as provided in
3881 s. 775.082 or s. 775.083. Any such person who refuses to leave
3882 such track when ordered to do so by inspectors of the ~~Florida~~
3883 Division of Licensure of the Department of Gaming Control ~~Pari-~~
3884 ~~mutuel Wagering~~ or by any peace officer, or by an accredited
3885 attaché ~~attache~~ of a racetrack or association shall be guilty of
3886 a separate offense which shall be a misdemeanor of the second

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3887 degree, punishable as provided in s. 775.083.

3888 Section 72. Paragraph (g) of subsection (2) and subsections
3889 (4) and (16) of section 849.086, Florida Statutes, are amended
3890 to read:

3891 849.086 Cardrooms authorized.—

3892 (2) DEFINITIONS.—As used in this section:

3893 (g) "Division" means the Division of Licensure ~~Pari-mutuel~~
3894 ~~Wagering~~ of the Department of Gaming Control ~~Business and~~
3895 ~~Professional Regulation~~.

3896 (4) AUTHORITY OF DIVISION.—The division ~~of Pari-mutuel~~
3897 ~~Wagering of the Department of Business and Professional~~
3898 ~~Regulation~~ shall administer this section and regulate the
3899 operation of cardrooms under this section and the rules adopted
3900 pursuant thereto, and is hereby authorized to:

3901 (a) Adopt rules, including, but not limited to: the
3902 issuance of cardroom and employee licenses for cardroom
3903 operations; the operation of a cardroom; recordkeeping and
3904 reporting requirements; and the collection of all fees and taxes
3905 imposed by this section.

3906 (b) Conduct investigations and monitor the operation of
3907 cardrooms and the playing of authorized games therein.

3908 (c) Review the books, accounts, and records of any current
3909 or former cardroom operator.

3910 (d) Suspend or revoke any license or permit, after hearing,
3911 for any violation of the provisions of this section or the
3912 administrative rules adopted pursuant thereto.

3913 (e) Take testimony, issue summons and subpoenas for any
3914 witness, and issue subpoenas duces tecum in connection with any
3915 matter within its jurisdiction.

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3916 (f) Monitor and ensure the proper collection of taxes and
3917 fees imposed by this section. Permitholder internal controls are
3918 mandated to ensure no compromise of state funds. To that end, a
3919 roaming division auditor will monitor and verify the cash flow
3920 and accounting of cardroom revenue for any given operating day.

3921 (16) LOCAL GOVERNMENT APPROVAL.—The division may ~~of Pari-~~
3922 ~~mutuel Wagering shall~~ not issue any initial license under this
3923 section except upon proof in such form as the division may
3924 prescribe that the local government where the applicant for such
3925 license desires to conduct cardroom gaming has voted to approve
3926 such activity by a majority vote of the governing body of the
3927 municipality or the governing body of the county if the facility
3928 is not located in a municipality.

3929 Section 73. Subsection (10) of section 849.094, Florida
3930 Statutes, is amended to read:

3931 849.094 Game promotion in connection with sale of consumer
3932 products or services.—

3933 (10) This section does not apply to actions or transactions
3934 regulated by the Department of Gaming Control ~~Business and~~
3935 ~~Professional Regulation~~ or to the activities of nonprofit
3936 organizations or to any other organization engaged in any
3937 enterprise other than the sale of consumer products or services.
3938 Subsections (3), (4), (5), (6), and (7) and paragraph (8)(a) and
3939 any of the rules made pursuant thereto do not apply to
3940 television or radio broadcasting companies licensed by the
3941 Federal Communications Commission.

3942 Section 74. If any provision of this act or its application
3943 to any person or circumstance is held invalid, the invalidity
3944 does not affect other provisions or applications of this act

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3945 which can be given effect without the invalid provision or
3946 application, and to this end the provisions of this act are
3947 severable.

3948 Section 75. Except as otherwise expressly provided in this
3949 act, this act shall take effect July 1, 2012.