

Bill No. CS for CS for CS for SB 1174

Barcode 201942

CHAMBER ACTION

Senate

House

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Senators Jones, Geller, and Posey moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Effective July 1, 2005, subsection (6) of section 550.2415, Florida Statutes, is amended to read:

550.2415 Racing of animals under certain conditions prohibited; penalties; exceptions.--

(6)(a) It is the intent of the Legislature that animals that participate in races in this state on which pari-mutuel wagering is conducted and animals that are bred and trained in this state for racing be treated humanely, both on and off racetracks, throughout the lives of the animals.

(b) The division shall, by rule, establish the procedures for euthanizing greyhounds. However, a greyhound may not be put to death by any means other than by lethal injection of the drug sodium pentobarbital. A greyhound may not be removed from this state for the purpose of being

1 destroyed.

2 (c) It is a violation of this chapter for an
3 occupational licensee to train a greyhound using live or dead
4 animals. A greyhound may not be taken from this state for the
5 purpose of being trained through the use of live or dead
6 animals.

7 (d) A conviction of cruelty to animals pursuant to s.
8 828.12 involving a racing animal constitutes a violation of
9 this chapter.

10 (e) The division shall maintain accurate records and
11 statistics regarding injuries incurred by greyhounds that race
12 in this state. The division shall adopt rules requiring the
13 reporting of injuries incurred by greyhounds while racing in
14 this state, including schooling races. Such reports must
15 include:

16 1. The greyhound's registered name and right and left
17 ear tattoo numbers.

18 2. The name, business address, and telephone number of
19 the greyhound owner, trainer, and kennel operator.

20 3. The color, weight, and sex of the greyhound.

21 4. The specific type of injury, the cause of the
22 injury, the estimated recovery time, and the location of the
23 injury on the greyhound.

24 5. Where the injury occurred, whether on a racing
25 track or in another area.

26 6. If the injury occurred while the greyhound was
27 racing, the racetrack where the injury occurred; the distance,
28 grade, race, and post position when the injury occurred; and
29 the weather conditions, time, temperature, and track condition
30 at the time of the injury.

31 7. A certification by the racetrack veterinarian that

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1 the form is correct.

2 (f) The division shall maintain accurate records and
3 statistics regarding the disposition of greyhounds that
4 participate in racing in this state. The division shall adopt
5 rules requiring the reporting of the disposition of greyhounds
6 that race in this state, including schooling races. As used in
7 the reporting requirement, the term "disposition" means death,
8 transfer to another jurisdiction, retirement, adoption, sale,
9 or donation for medical research or another purpose. Such
10 reports must include:

11 1. The greyhound's registered name and right and left
12 ear tattoo numbers; the name, business address, and telephone
13 number of the greyhound owner, trainer, and kennel operator;
14 and the name and address of the race track where the greyhound
15 last raced prior to disposition.

16 2. If the greyhound was transferred to another track,
17 the name and address of the track that received the greyhound
18 and the name, business address, telephone number, and driver's
19 license number and state of issuance of the person who
20 received the greyhound on behalf of that track.

21 3. If the greyhound was retired for breeding, the name
22 and address of the facility that received the greyhound and
23 the name, business address, telephone number, and driver's
24 license number and state of issuance of the person who
25 received the greyhound on behalf of that facility.

26 4. If the greyhound was adopted or placed for
27 adoption, the name and address of the person that received the
28 greyhound and, if applicable, the name, business address,
29 telephone number, and driver's license number and state of
30 issuance of the person who received the greyhound on behalf of
31 the adoption facility.

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1 5. If the greyhound was euthanized, the name, address,
2 professional title, professional affiliation of the person
3 performing the euthanasia, method of euthanasia, and reason
4 the greyhound was euthanized rather than adopted.

5 6. If the greyhound was sold or donated, the name of
6 the person to whom the greyhound was sold or donated, and if
7 donated, the name, business address, telephone number, and
8 driver's license number and state of issuance of the person
9 who received the greyhound on behalf of the donee.

10 7. If the disposition of the greyhound does not fit
11 into any of the above categories, the name of the person to
12 whom the greyhound was transferred, and the name, business
13 address, telephone number, and driver's license number and
14 state of issuance of the person who received the greyhound.

15 8. Certification by the owner, trainer, and kennel
16 operator that the disposition forms are correct.

17 (g) The division shall maintain injury and disposition
18 records for 7 years.

19 (h) In addition to other penalties imposed by law, a
20 person who knowingly makes a false statement on an injury or
21 disposition form commits a misdemeanor of the first degree,
22 punishable as provided in s. 775.082 or s. 775.083. A person
23 who knowingly makes a false statement on an injury or
24 disposition form on a second or subsequent occasion commits a
25 felony of the third degree, punishable as provided in s.
26 775.082, s. 775.083, or s. 775.084.

27 Section 2. Chapter 551, Florida Statutes, consisting
28 of sections 551.101, 551.102, 551.103, 551.104, 551.105,
29 551.106, 551.107, 551.108, 551.109, 551.110, 551.111, 551.112,
30 551.113, 551.114, 551.116, 551.117, 551.118, 551.119, 551.120,
31 and 551.121, is created to read:

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CHAPTER 551

SLOT MACHINES

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

Notwithstanding any other provision of law, it is not a crime for a person to participate in slot machine gaming at a pari-mutuel facility licensed to possess and conduct slot machine gaming or to participate in slot machine gaming described in this chapter.

551.102 Definitions.--As used in this chapter, the term:

(1) "Central control computer" means a central site computer controlled and accessible by the division to which all slot machines at a gaming facility communicate for the purposes of auditing capacity; real-time information retrieval of the details of any financial event that occurs in the operation of a slot machine, including, but not limited to, coin in, coin out, ticket in, ticket out, jackpots, machine door openings and power failure; daily collection of taxes, and remote machine activation and disabling of slot machines.

(2) "Designated slot machine gaming area" means the areas of an eligible facility, which may include any addition,

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1 alteration, or new structure located on the premises described
2 in the pari-mutuel permit issued by the division for the
3 conduct of pari-mutuel wagering, in which slot machine gaming
4 may be conducted in accordance with the provisions of this
5 chapter.

6 (3) "Distributor" means any person that sells, leases,
7 or offers, or otherwise provides, distributes, or services,
8 any slot machine or associated equipment for use or play of
9 slot machines in this state. A manufacturer may be a
10 distributor within the state.

11 (4) "Division" means the Division of Pari-mutuel
12 Wagering of the Department of Business and Professional
13 Regulation.

14 (5) "Eligible facility" means any existing licensed
15 pari-mutuel facility located in Miami-Dade County or Broward
16 County at the time of adoption of s. 23, Art. X of the State
17 Constitution which has conducted live racing or games during
18 calendar years 2002 and 2003 and has been approved by a
19 majority of voters in a countywide referendum to have slot
20 machines at such facility in the respective county.

21 (6) "Independent testing laboratory" means a
22 laboratory of national reputation which is demonstrably
23 competent and qualified to scientifically test and evaluate
24 slot machines for compliance with this chapter and to
25 otherwise perform the functions assigned to it in this
26 chapter. An independent testing laboratory shall not be owned
27 or controlled by a licensee. The use of an independent testing
28 laboratory for any purpose related to the conduct of slot
29 machine gaming by a licensee under this chapter shall be made
30 from a list of one or more laboratories approved by the
31 division.

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1 (7) "Manufacturer" means any person who manufactures,
 2 builds, rebuilds, fabricates, assembles, produces, programs,
 3 designs, or otherwise makes modifications to any slot machine
 4 or associated equipment for use or play of slot machines in
 5 this state for gaming purposes. A manufacturer may be a
 6 distributor within the state.

7 (8) "Progressive system" means a computerized system
 8 linking slot machines in one or more licensed facilities
 9 within this state and offering one or more common progressive
 10 payouts based on the amounts wagered.

11 (9) "Slot machine" means any mechanical or electrical
 12 contrivance, terminal, machine, or other device that, upon
 13 insertion of a coin, bill, ticket, token, or similar object or
 14 upon payment of any consideration whatsoever, including the
 15 use of any electronic payment system except a credit card or
 16 debit card, is available to play or operate, the play or
 17 operation of which, whether by reason of skill or application
 18 of the element of chance or both, may deliver or entitle the
 19 person or persons playing or operating the contrivance,
 20 terminal, machine, or other device to receive cash, billets,
 21 tickets, tokens, or electronic credits to be exchanged for
 22 cash or to receive merchandise or anything of value
 23 whatsoever, whether the payoff is made automatically from the
 24 machine or manually. A slot machine:

25 (a) May use spinning reels or video displays or both.

26 (b) May or may not dispense coins, tickets, or tokens
 27 to winning patrons.

28 (c) May use an electronic credit system for receiving
 29 wagers and making payouts.

30 (d) May use a progressive system.

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1 The term includes associated equipment necessary to conduct
2 the operation of the contrivance, terminal, machine, or other
3 device. A slot machine is not a "coin-operated amusement
4 machine" as defined in s. 212.02(24), and slot machines are
5 not subject to the tax imposed by s. 212.05(1)(h).

6 (10) "Slot machine license" means a license issued by
7 the division authorizing an slot machine licensee to place and
8 operate slot machines as required by the provisions of this
9 chapter and the rules.

10 (11) "Slot machine licensee" means a pari-mutuel
11 permitholder who holds a license issued by the division
12 pursuant to this chapter which authorizes such person to
13 possess a slot machine within facilities specified in s. 23,
14 Art. X of the State Constitution and allows slot machine
15 gaming.

16 (12) "Slot machine operator" means a person employed
17 or contracted by the owner of an eligible facility to conduct
18 slot machine gaming at that eligible facility.

19 (13) "Slot machine owner" means a person who holds a
20 material interest in the slot machines.

21 (14) "Slot machine revenues" means the total of all
22 cash and property received by the slot machine licensee from
23 slot machine gaming operations less the amount of cash, cash
24 equivalents, credits, and prizes paid to winners of slot
25 machine gaming.

26 551.103 Powers and duties.--

27 (1) The division shall adopt, pursuant to the
28 provisions of ss. 120.536(1) and 120.54, all rules necessary
29 to implement, administer, and regulate slot machine gaming as
30 authorized in this chapter. Such rules shall include:

31 (a) Procedures for applying for a license and renewal

1 of a license.

2 (b) Procedures for establishing technical requirements
3 in addition to the qualifications that are necessary to
4 receive a slot machine license or slot machine occupational
5 license.

6 (c) Procedures relating to slot machine revenues,
7 including verifying and accounting for such revenues,
8 auditing, and collecting taxes and fees consistent with this
9 chapter.

10 (d) Procedures for regulating, managing, and auditing
11 the operation, financial data, and program information
12 relating to slot machines through the central control computer
13 that shall allow the division and the Florida Department of
14 Law Enforcement to audit the operation, financial data, and
15 program information of a slot machine licensee, as required by
16 the division or the Florida Department of Law Enforcement and
17 shall provide the division and the Florida Department of Law
18 Enforcement with the ability to monitor on a real-time basis
19 at any time wagering patterns, payouts, tax collection, and
20 compliance with any rules adopted by the division for the
21 regulation and control of slot machines operated under this
22 section. Such continuous and complete access on a real-time
23 basis at any time shall include the ability to immediately
24 suspend play on particular slot machines if monitoring of the
25 computer operating system indicates possible tampering or
26 manipulation of those slot machines or the entire operation if
27 the tampering or manipulation is of the computer operating
28 system itself.

29 (e) Procedures for requiring each licensee at his or
30 her own cost and expense to supply the division with a bond
31 having the penal sum not to exceed \$2 million payable to the

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1 Governor and his or her successors in office for the
 2 licensee's first year of slot machine operations to cover
 3 incidental tax collections. Any bond shall be issued by a
 4 surety or sureties to be approved by the division and the
 5 Chief Financial Officer, conditioned to faithfully make the
 6 payments to the Chief Financial Officer in his or her capacity
 7 as treasurer of the division. The licensee shall be required
 8 to keep its books and records and make reports as provided in
 9 this chapter and to conduct its slot machine operations in
 10 conformity with this chapter and all other provisions of law.
 11 The division may review the bond for adequacy and require
 12 adjustments each fiscal year. Such bond shall be separate and
 13 distinct from the bond required in s. 550.125.

14 (f) Procedures for requiring licensees to maintain
 15 specified records and submit any data, information, record, or
 16 report, including financial and income records, required by
 17 this chapter or determined by the division to be necessary to
 18 the proper implementation and enforcement of this chapter.

19 (g) Procedures for requiring that the payout
 20 percentage of a slot machine shall be no less than 85 percent
 21 per facility.

22 (2) The division shall conduct such investigations as
 23 the division determines necessary to fulfill its
 24 responsibilities under the provisions of this chapter.

25 (3) The division, the Department of Law Enforcement,
 26 and local law enforcement agencies shall have concurrent
 27 jurisdiction to investigate criminal violations of this
 28 chapter and may investigate any other criminal violation of
 29 law occurring on the facilities of a slot machine licensee,
 30 and such investigations may be conducted in conjunction with
 31 the appropriate state attorney. The division and its employees

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1 and agents shall have such other law enforcement powers as
2 specified in ss. 943.04 and 943.10.

3 (4)(a) The division, the Department of Law
4 Enforcement, and local law enforcement agencies shall have
5 unrestricted access to the slot machine licensee facility at
6 all times and shall require of each slot machine licensee
7 strict compliance with the laws of this state relating to the
8 transaction of such business. The division, the Department of
9 Law Enforcement, and local law enforcement agencies:

10 1. May inspect and examine premises where slot
11 machines are offered for play.

12 2. May inspect slot machines and related equipment and
13 supplies.

14 (b) In addition, the division:

15 1. May collect taxes, assessments, fees, and
16 penalties.

17 2. May deny, revoke, suspend, or place conditions on
18 the license of a person who violates any provision of this
19 chapter or rule adopted pursuant thereto.

20 (5) The division shall revoke or suspend the license
21 of any person who is no longer qualified or who is found,
22 after receiving a license, to have been unqualified at the
23 time of application for the license.

24 (6) Nothing in this section shall be construed to:

25 (a) Prohibit the Department of Law Enforcement or any
26 law enforcement authority whose jurisdiction includes a slot
27 machine licensee facility from conducting criminal
28 investigations occurring on the facilities of the slot machine
29 licensee;

30 (b) Restrict access to the slot machine licensee
31 facility by the Department of Law Enforcement or any local law

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1 enforcement authority whose jurisdiction includes the slot
2 machine licensee facility; or

3 (c) Restrict access to information and records
4 necessary to the investigation of criminal activity that is
5 contained within the slot machine licensee facility by the
6 Department of Law Enforcement or local law enforcement
7 authorities.

8 551.104 License to conduct slot machine gaming.--

9 (1) Upon application and a finding by the division
10 after investigation that the application is complete and the
11 applicant is qualified and payment of the initial license fee,
12 the division shall issue a license to conduct slot machine
13 gaming in the designated slot machine gaming area of the slot
14 machine licensee's facility. Once licensed, slot machine
15 gaming may be conducted subject to the requirements of this
16 chapter and rules adopted pursuant thereto.

17 (2) An application may be approved by the division
18 only after the voters of the county where the applicant's
19 facility is located have authorized by referendum slot
20 machines within pari-mutuel facilities in that county as
21 specified in s. 23, Art. X of the State Constitution.

22 (3) A slot machine license may be issued only to a
23 licensed pari-mutuel permitholder, and slot machine gaming may
24 be conducted only at the same facility at which the
25 permitholder is authorized under its valid pari-mutuel
26 wagering permit to conduct pari-mutuel wagering activities.

27 (4) As a condition of licensure and to maintain
28 continued authority for the conduct of slot machine gaming,
29 the slot machine licensee shall:

30 (a) Continue to be in compliance with this chapter.

31 (b) Continue to be in compliance with chapter 550,

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1 where applicable, and maintain the pari-mutuel permit and
 2 license in good standing pursuant to the provisions of chapter
 3 550. Notwithstanding any contrary provision of law and in
 4 order to expedite the operation of slot machines at eligible
 5 facilities, any eligible facility shall be entitled within 60
 6 days after the effective date of this act to amend its
 7 2005-2006 license issued by the Division of Pari-mutuel
 8 Wagering and shall be granted the requested changes in its
 9 authorized performances pursuant to such amendment. The
 10 Division of Pari-mutuel Wagering shall issue a new license to
 11 the eligible facility to effectuate an amendment.

12 (c) Conduct no less than the greater number of live
 13 races or games which were conducted at that pari-mutuel
 14 facility in calendar year 2002 or calendar year 2003.
 15 However, a permitholder's failure to conduct such number of
 16 live races or games in any year shall be reduced by the number
 17 of such races or games which cannot be conducted due to the
 18 direct result of fire, war, or other disaster or event beyond
 19 the ability of the permitholder to control.

20 (d)1. Upon approval of any changes relating to the
 21 pari-mutuel permit by the division, be responsible for
 22 providing appropriate current and accurate documentation on a
 23 timely basis to the division in order to continue the slot
 24 machine license in good standing.

25 2. Changes in ownership or interest of a slot machine
 26 gaming license of 5 percent or more of the stock or other
 27 evidence of ownership or equity in the slot machine license or
 28 any parent corporation or other business entity that in any
 29 way owns or controls the slot machine license shall be
 30 approved by the division prior to such change, unless the
 31 owner is an existing holder of that license who was previously

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1 approved by the division. Changes in ownership or interest of
 2 a slot machine license of less than 5 percent shall be
 3 reported to the division within 20 days after the change. The
 4 division may then conduct an investigation to ensure that the
 5 license is properly updated to show the change in ownership or
 6 interest. No reporting is required if the person is holding
 7 five percent or less equity or securities of a corporate owner
 8 of the slot machine licensee which has its securities
 9 registered pursuant to s. 12 of the security exchange act of
 10 1934, 15. U.S.C. ss. 78a-78kk, and if such corporation or
 11 entity files with the United States Securities and Exchange
 12 Commission the reports required by s. 13 of that act or if the
 13 securities of the corporation or entity are regularly traded
 14 on an established securities market in the United States.

15 (e) Allow unrestricted access and right of inspection
 16 by the division to facilities of a slot machine licensee in
 17 which any activity relative to the conduct of slot machine
 18 gaming is conducted.

19 (f) Submit a security plan, including a slot machine
 20 floor plan, location of security cameras, and the listing of
 21 security equipment that is capable of observing and
 22 electronically recording activities being conducted in the
 23 designated slot machine gaming area.

24 (g) The slot machine licensee shall create and file
 25 with the division a written policy for:

26 1. Creating opportunities to purchase from vendors in
 27 this state;

28 2. Creating opportunities to purchase from minority
 29 vendors;

30 3. Creating opportunities for employment of residents
 31 of this state;

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1 4. Creating opportunities for employment of
2 minorities; and

3 5. Ensuring that opportunities for employment are
4 offered on an equal non-discriminatory basis.

5
6 The slot machine licensee shall use the internet-based job
7 listing system of the Agency for Workforce Innovation in
8 advertising employment opportunities.

9 (5) A slot machine license is not transferable.

10 (6) A slot machine licensee shall keep and maintain
11 permanent daily records of its slot machine operation and
12 shall maintain such records for a period of not less than 5
13 years. These records shall include all financial transactions
14 and contain sufficient detail to determine compliance with the
15 requirements of this section. All records shall be available
16 for audit and inspection by the division, the Department of
17 Law Enforcement, or other law enforcement agencies during the
18 licensee's regular business hours. The information required in
19 such records shall be determined by division rule.

20 (7) A slot machine licensee shall file with the
21 division a report containing the required records of such slot
22 machine operation. A slot machine licensee shall file such
23 report monthly. The required reports shall be submitted on
24 forms prescribed by the division and shall be due at the same
25 time as the monthly pari-mutuel reports are due to the
26 Division of Pari-mutuel Wagering, and the reports shall be
27 deemed public records once filed.

28 (8) A slot machine licensee shall file with the
29 division an audit of the receipt and distribution of all slot
30 machine revenues provided by an independent certified public
31 accountant verifying compliance with all statutes and

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1 regulations imposed by this chapter and the rules promulgated
 2 hereunder. The audit shall include verification of compliance
 3 with all statutes and regulations regarding all required
 4 records of slot machine operations. Such audit shall be filed
 5 within 60 days after the completion of the permit holder's
 6 pari-mutuel meet.

7 (9) The division may share any information with the
 8 Department of Law Enforcement or any other law enforcement
 9 agency having jurisdiction over slot machine gaming or
 10 pari-mutuel activities. Any law enforcement agency having
 11 jurisdiction over slot machine gaming or pari-mutuel
 12 activities may share any information obtained or developed by
 13 it with the division.

14 551.105 Slot machine license renewal.--

15 (1) Slot machine licenses shall be renewed annually.
 16 The application for renewal shall contain all revisions to the
 17 information submitted in the prior year's application which is
 18 necessary to maintain such information as both accurate and
 19 current.

20 (2) The applicant for renewal shall attest that any
 21 information changes do not affect the applicant's
 22 qualifications for license renewal.

23 (3) Upon determination by the division that the
 24 application for renewal is complete and qualifications have
 25 been met, including payment of the renewal fee, the slot
 26 machine license shall be renewed annually.

27 551.106 License fee; tax rate.--

28 (1) Upon approval of the application for a slot
 29 machine license, the licensee must pay to the division a
 30 license fee of \$4 million. The license fee shall be paid
 31 annually upon renewal of the slot machine license and shall be

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1 deposited into the Pari-mutuel Wagering Trust Fund in the
2 Department of Business and Professional Regulation for the
3 regulation of slot machine gaming under this chapter. These
4 payments shall be accounted for separately for taxes or fees
5 paid pursuant to the provisions of ch. 550.

6 (b) Prior to January 1, 2006, the division shall
7 evaluate the license fee and shall make recommendations to the
8 President of the Senate and the Speaker of the House of
9 Representatives. The recommendations shall focus on the
10 optimum level of slot machine license fees or a combination of
11 fees in order to properly support the slot machine regulatory
12 program.

13 (2) TAX ON SLOT MACHINE REVENUES.

14 (a) Within each fiscal year the tax rate on slot
15 machine revenues on each facility shall be:

16 1. Thirty percent on revenue of \$150 million or less;

17 2. Thirty-five percent on revenue greater than \$150
18 million, but less than or equal to \$300 million; and

19 3. Forty percent on all revenue greater than \$300
20 million.

21 (b) The tax shall be collected on a daily basis and
22 deposited into the Pari-Mutuel Wagering Trust Fund in the
23 Department of Business and Professional Regulation for
24 immediate transfer to the Educational Enhancement Trust Fund
25 in the Department of Education. Any interest earnings on the
26 tax revenues shall also be transferred to the Educational
27 Enhancement Trust Fund.

28 (c) The division shall notify the eligible facility
29 concerning the appropriate tax rate to apply to the slot
30 machine revenues.

31 (3) PAYMENT PROCEDURES.--Tax payments shall be

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1 remitted daily, as determined by rule of the division. The
 2 slot machine licensee shall file a report under oath by the
 3 5th day of each calendar month for all taxes remitted during
 4 the preceding calendar month which shall show all slot machine
 5 activities for the preceding calendar month and such other
 6 information as may be required by the division.

7 (4) FAILURE TO PAY TAX; PENALTIES.--A slot machine
 8 licensee who fails to make tax payments as required under this
 9 section is subject to an administrative penalty of up to
 10 \$1,000 for each day the tax payment is not remitted. All
 11 administrative penalties imposed and collected shall be
 12 deposited into the Pari Mutuel Wagering Trust Fund in the
 13 Department of Business and Professional Regulation. If any
 14 slot machine licensee fails to pay penalties imposed by order
 15 of the division under this subsection, the division may
 16 suspend, revoke, or fail to renew the license of the slot
 17 machine licensee.

18 (5) FAILURE TO PAY TAX; GROUNDS TO SUSPEND, REVOKE, OR
 19 FAIL TO RENEW THE LICENSE.--In addition to the penalties
 20 imposed under subsection (4), any willful or wanton failure by
 21 a slot machine licensee to make payments of the tax
 22 constitutes sufficient grounds for the division to suspend,
 23 revoke, or fail to renew the license of the slot machine
 24 licensee.

25 (6) SUBMISSION OF FUNDS.--The division may require
 26 slot machine licensees to remit taxes, fees, fines, and
 27 assessments by electronic funds transfer.

28 551.107 Occupational license required; application;
 29 fee.--

30 (1) The individuals and entities that are licensed
 31 under this section require heightened state scrutiny,

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1 including the submission by the individual licensees or
2 persons associated with the entities described in this chapter
3 of fingerprints for a criminal records check.

4 (2)(a) The following licenses shall be issued to
5 persons or entities having access to the designated slot
6 machine gaming area or to persons who, by virtue of the
7 position they hold, might be granted access to these areas or
8 to any other person or entity in one of the following
9 categories:

10 1. General occupational licenses for general
11 employees, food service, maintenance, and other similar
12 service and support employees having access to the designated
13 slot machine gaming area. Service and support employees with a
14 current pari-mutuel occupational license issued pursuant to
15 chapter 550 and a current background check are not required to
16 submit to an additional background check for a slot machine
17 occupational license as long as the pari-mutuel occupational
18 license remains in good standing.

19 2. Professional occupational licenses for any person,
20 proprietorship, partnership, corporation, or other entity that
21 is authorized by a slot machine licensee to manage, oversee,
22 or otherwise control daily operations as a slot machine
23 manager, floor supervisor, security personnel, or any other
24 similar position of oversight of gaming operations.

25 3. Business occupational licenses for any slot machine
26 management company or slot machine business associated with
27 slot machine gaming or a person who manufactures, distributes,
28 or sells slot machines, slot machine paraphernalia, or other
29 associated equipment to slot machine licensees or any person
30 not an employee of the slot machine licensee who provides
31 maintenance, repair, or upgrades or otherwise services a slot

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1 machine or other slot machine equipment.

2 (b) Slot machine occupational licenses are not
3 transferable.

4 (3) A slot machine licensee shall not employ or
5 otherwise allow a person to work at a slot machine facility
6 unless such person holds a valid occupational license. A slot
7 machine licensee shall not contract or otherwise do business
8 with a business required to hold a slot machine occupational
9 license unless the business holds such a license. A slot
10 machine licensee shall not employ or otherwise allow a person
11 to work in a supervisory or management professional level at a
12 slot machine facility unless such person holds a valid
13 occupational license.

14 (4)(a) A person seeking a slot machine occupational
15 license, or renewal thereof, shall make application on forms
16 prescribed by the division and include payment of the
17 appropriate application fee. Initial and renewal applications
18 for slot machine occupational licenses shall contain all the
19 information the division, by rule, may determine is required
20 to ensure eligibility.

21 (b) The division shall establish, by rule, a schedule
22 for the annual renewal of slot machine occupational licenses.

23 (c) Pursuant to rules adopted by the division, any
24 person may apply for and, if qualified, be issued an
25 occupational license valid for a period of 3 years upon
26 payment of the full occupational license fee for each of the 3
27 years for which the license is issued. The occupational
28 license shall be valid during its specified term at any slot
29 machine facility where slot machine gaming is authorized to be
30 conducted.

31 (d) The slot machine occupational license fee for

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1 initial application and annual renewal shall be determined by
 2 rule of the division but shall not exceed \$50 for a general or
 3 professional occupational license for an employee of the slot
 4 machine licensee or \$1,000 for a business occupational license
 5 for nonemployees of the licensee providing goods or services
 6 to the slot machine licensee. License fees for general
 7 occupational licensees shall be paid for by the slot machine
 8 licensee. Failure to pay the required fee shall be grounds for
 9 disciplinary action by the division against the slot machine
 10 licensee but shall not be considered a violation of this
 11 chapter or rules of the division by the general occupational
 12 licensee or a prohibition against the initial issuance or the
 13 renewal of the general occupational license.

14 (5) If the state gaming commission or other similar
 15 regulatory authority of another state or jurisdiction extends
 16 to the division reciprocal courtesy to maintain disciplinary
 17 control, the division may:

18 (a) Deny an application for or revoke, suspend, or
 19 place conditions or restrictions on a license of a person or
 20 entity who has been refused a license by any other state
 21 gaming commission or similar authority; or

22 (b) Deny an application for or suspend or place
 23 conditions on a license of any person or entity who is under
 24 suspension or has unpaid fines in another jurisdiction.

25 (6)(a) The division may deny, suspend, revoke, or
 26 declare ineligible any occupational license if the applicant
 27 for or holder thereof has violated the provisions of this
 28 chapter or the rules of the division governing the conduct of
 29 persons connected with slot machine gaming. In addition, the
 30 division may deny, suspend, revoke, or declare ineligible any
 31 occupational license if the applicant for such license has

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1 been convicted in this state, in any other state, or under the
2 laws of the United States of a capital felony, a felony, or an
3 offense in any other state which would be a felony under the
4 laws of this state involving arson; trafficking in, conspiracy
5 to traffic in, smuggling, importing, conspiracy to smuggle or
6 import, or delivery, sale, or distribution of a controlled
7 substance; or a crime involving a lack of good moral
8 character, or has had a slot machine gaming license revoked by
9 this state or any other jurisdiction for an offense related to
10 slot machine gaming.

11 (b) The division may deny, declare ineligible, or
12 revoke any occupational license if the applicant for such
13 license or the licensee has been convicted of a felony or
14 misdemeanor in this state, in any other state, or under the
15 laws of the United States, if such felony or misdemeanor is
16 related to gambling or bookmaking as contemplated in s.
17 849.25.

18 (7) Fingerprints for all slot machine occupational
19 license applications shall be taken in a manner approved by
20 the division and shall be submitted to the Department of Law
21 Enforcement and the Federal Bureau of Investigation for a
22 level II criminal records check upon initial application and
23 every 5 years thereafter. All persons as specified in s.
24 550.1815(1)(a), or employed by or working within a licensed
25 premise, excluding division employees and law enforcement
26 officers assigned by their employing agencies to work within
27 the premises as part of their official duties, are required to
28 not be convicted of any disqualifying criminal offenses as
29 established by division rule. To facilitate the required
30 review of criminal history information, each person listed in
31 this subsection is required to submit fingerprints to the

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1 division. The division shall forward the fingerprints to the
2 Department of Law Enforcement for state processing. The
3 Department of Law Enforcement shall forward the fingerprints
4 to the Federal Bureau of Investigation for national
5 processing.

6 (a) Fingerprints shall be taken in a manner approved
7 by the division and shall be submitted electronically to the
8 Department of Law Enforcement and the Federal Bureau of
9 Investigation for a criminal records check upon initial
10 taking, or as required thereafter by rule of the division, and
11 every 5 years thereafter. Licensees are required to provide
12 necessary equipment approved by the Department of Law
13 Enforcement to facilitate such electronic submission. The
14 division may by rule require annual criminal history record
15 checks of all persons required to submit to the
16 fingerprint-based criminal records check. The division
17 requirements under this subsection shall be instituted in
18 consultation with the Department of Law Enforcement.

19 (b) The cost of processing fingerprints and conducting
20 a records check shall be borne by the licensee or the person
21 being checked. The Department of Law Enforcement may invoice
22 the division for the fingerprints submitted each month.

23 (c) Beginning February 1, 2006, all fingerprints
24 submitted to the Department of Law Enforcement and required by
25 this section shall be retained by the Department of Law
26 Enforcement in a manner provided by rule of the Department of
27 Law Enforcement and entered into the statewide automated
28 fingerprint identification system as authorized by s.
29 943.05(2)(b). Such fingerprints shall thereafter be available
30 for all purposes and uses authorized for arrest fingerprint
31 cards entered into the statewide automated fingerprint

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1 identification system pursuant to s. 943.051.

2 (d) Beginning February 1, 2006, the Department of Law
3 Enforcement shall search all arrest fingerprints received
4 under s. 943.051 against the fingerprints retained in the
5 statewide automated fingerprint identification system under
6 paragraph (c). Any arrest record that is identified with the
7 retained fingerprints of a person subject to the criminal
8 history screening requirements of this section shall be
9 reported to the division. Each racetrack or fronton is
10 required to participate in this search process by payment of
11 an annual fee to the division which shall forward the payment
12 to the Department of Law Enforcement. The division shall
13 inform the Department of Law Enforcement of any change in the
14 license status of licensees whose fingerprints are retained
15 under subparagraph (c). The amount of the annual fee to be
16 imposed upon each racetrack or fronton for performing these
17 searches and the procedures for the retention of licensee
18 fingerprints and the dissemination of search results shall be
19 established by rule of the Department of Law Enforcement. The
20 fee shall be borne by the person fingerprinted or the
21 licensee.

22 (e) Every 5 years following issuance of a license or
23 upon conducting a criminal history check as required herein,
24 each person who is so licensed or who was so checked must meet
25 the screening requirements as established by the division
26 rule, at which time the division shall request the Department
27 of Law Enforcement to forward the fingerprints to the Federal
28 Bureau of Investigation for a criminal records check. If, for
29 any reason following initial licensure or criminal history
30 check, the fingerprints of a person who is licensed or who was
31 checked are not retained by the Department of Law Enforcement

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1 as provided in this section, the person must file a complete
2 set of fingerprints with the division. Upon submission of
3 fingerprints for this purpose, the division shall request the
4 Department of Law Enforcement to forward the fingerprints to
5 the Federal Bureau of Investigation for a criminal records
6 check, and the fingerprints shall be retained by the
7 Department of Law Enforcement as authorized herein. The cost
8 of the state and national criminal history check required
9 herein shall be borne by the licensee or the person
10 fingerprinted. Under penalty of perjury, each person who is
11 licensed or who is checked as required by this section must
12 agree to inform the division within 48 hours if he or she is
13 convicted of any disqualifying offense while he or she is so
14 licensed.

15 (8) All moneys collected pursuant to this section
16 shall be deposited into the Pari-mutuel Wagering Trust Fund.

17 551.108 Prohibited relationships.--

18 (1) A person employed by or performing any function on
19 behalf of the division shall not:

20 (a) Be an officer, director, owner, or employee of any
21 person or entity licensed by the division.

22 (b) Have or hold any interest, direct or indirect, in
23 or engage in any commerce or business relationship with any
24 person licensed by the division.

25 (2) A manufacturer or distributor of slot machines
26 shall not enter into any contract with a slot machine licensee
27 which provides for any revenue sharing of any kind or nature
28 which is, directly or indirectly, calculated on the basis of a
29 percentage of slot machine revenues. Any maneuver, shift, or
30 device whereby this provision is violated shall be a violation
31 of this chapter and shall render any such agreement void.

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1 (3) A manufacturer or distributor of slot machines or
 2 any equipment necessary for the operation of slot machines or
 3 an officer, director, or employee of any such manufacturer or
 4 distributor shall not have any ownership or financial interest
 5 in a slot machine license or in any business owned by the slot
 6 machine licensee.

7 (4) No licensee or any entity conducting business on
 8 or within a licensed slot operation shall employ any employee
 9 of a law enforcement or regulatory agency that has
 10 jurisdiction over the licensed premises in an off-duty or
 11 secondary employment capacity for work within any enclosure or
 12 area containing a slot machine or in any restricted area that
 13 supports slot machine operations that requires an occupational
 14 license to enter. If approved by the employee's primary
 15 employing agency, off-duty or secondary employment not
 16 prohibited by this section may be permitted.

17 551.109 Prohibited acts.--

18 (1) Except as otherwise provided by law and in
 19 addition to any other penalty, any person who intentionally
 20 makes or causes to be made or aids, assists, or procures
 21 another to make a false statement in any report, disclosure,
 22 application, or any other document required under this chapter
 23 or any rule adopted under this chapter is subject to an
 24 administrative fine or civil penalty of up to \$10,000.

25 (2) Except as otherwise provided by law and in
 26 addition to any other penalty, any person who possesses a slot
 27 machine without the license required by this chapter or who
 28 possesses a slot machine at any location other than at the
 29 slot machine licensee facility is subject to an administrative
 30 fine or civil penalty of up to \$10,000.

31 (3) Any person who intentionally excludes, or takes

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1 any action in an attempt to exclude, anything or its value
 2 from the deposit, counting, collection, or computation of
 3 revenues from slot machine activity or any person who by trick
 4 or sleight of hand performance, or by a fraud or fraudulent
 5 scheme, or device, for himself or herself or for another, wins
 6 or attempts to win money or property or a combination thereof
 7 or reduces a losing wager or attempts to reduce a losing wager
 8 in connection with slot machine gaming commits a felony of the
 9 third degree, punishable as provided in s. 775.082, s.
 10 775.083, or. 775.084.

11 (4) Any person who, with intent to manipulate the
 12 outcome, payoff, or operation of a slot machine by physical
 13 tampering, or by use of any object, instrument, or device,
 14 whether mechanical, electrical, magnetic, or involving other
 15 means, manipulates the outcome, payoff, or operation of a slot
 16 machine commits a felony of the third degree, punishable as
 17 provided in s. 775.082, s. 775.083, or s. 775.084.

18 (5) Theft of any slot machine proceeds or of property
 19 belonging to the slot machine operator or eligible facility by
 20 an employee of the operator or facility or by an employee of a
 21 person, firm, or entity that has contracted to provide
 22 services to the establishment constitutes a felony of the
 23 third degree, punishable as provided in s. 775.082 or s.
 24 775.083.

25 (6)(a) Any law enforcement officer or slot machine
 26 operator who has probable cause to believe that a violation of
 27 subsections (3),(4), or (5) has been committed by a person and
 28 that the officer or operator can recover the lost proceeds
 29 from such activity by taking the person into custody may, for
 30 the purpose of attempting to effect such recovery or for
 31 prosecution, take the person into custody on the premises and

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1 detain the person in a reasonable manner and for a reasonable
 2 period of time. If the operator takes the person into custody,
 3 a law enforcement officer shall be called to the scene
 4 immediately. The taking into custody and detention by a law
 5 enforcement officer or slot machine operator, if done in
 6 compliance with this subsection, does not render such law
 7 enforcement officer or slot machine operator criminally or
 8 civilly liable for false arrest, false imprisonment, or
 9 unlawful detention.

10 (b) Any law enforcement officer may arrest, either on
 11 or off the premises and without warrant, any person if there
 12 is probable cause to believe that person has violated
 13 subsections (3),(4), or (5).

14 (c) Any person who resists the reasonable effort of a
 15 law enforcement officer or slot machine operator to recover
 16 the lost slot machine proceeds that the law enforcement
 17 officer or slot machine operator had probable cause to believe
 18 had been stolen from the eligibile facility, and who is
 19 subsequently found to be guilty of violating subsections
 20 (3),(4), or (5), commits a misdemeanor of the first degree,
 21 punishable as provided in s. 775.082 or s. 775.083, unless
 22 such person did not know or did not have reason to know that
 23 the person seeking to recover the lost proceeds was a law
 24 enforcement officer or slot machine operator. For purposes of
 25 this section, the charge of theft and the charge of resisting
 26 apprehension may be tried concurrently.

27 (7) All penalties imposed and collected must be
 28 deposited into the Pari-mutuel Wagering Trust Fund in the
 29 department.

30 551.110 Legal devices.--Notwithstanding any provision
 31 of law to the contrary, no slot machine manufactured, sold,

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1 distributed, possessed, or operated according to the
2 provisions of this chapter shall be considered unlawful.

3 551.111 Exclusions of certain persons.--

4 (1) In addition to the power to exclude certain
5 persons from any facility of a slot machine licensee in this
6 state, the division may exclude any person from any facility
7 of a slot machine licensee in this state for conduct that
8 would constitute, if the person were a licensee, a violation
9 of this chapter or the rules of the division. The division may
10 exclude from any facility of a slot machine licensee any
11 person who has been ejected from a facility of a slot machine
12 licensee in this state or who has been excluded from any
13 facility of a slot machine licensee or gaming facility in
14 another state by the governmental department, agency,
15 commission, or authority exercising regulatory jurisdiction
16 over the gaming in such other state.

17 (2) This section shall not be construed to abrogate
18 the common law right of a slot machine licensee to exclude a
19 patron absolutely in this state.

20 (3) The division may authorize any person who has been
21 ejected or excluded from a facility of a slot machine licensee
22 in this state or another state to attend a facility of a slot
23 machine licensee in this state upon a finding that the
24 attendance of such person at a facility of a slot machine
25 licensee would not be adverse to the public interest or to the
26 integrity of the industry; however, this section shall not be
27 construed to abrogate the common law right of a slot machine
28 licensee to exclude a patron absolutely in this state.

29 551.112 Minors prohibited from playing slot
30 machines.--

31 (1) A slot machine licensee or agent or employee of a

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1 slot machine licensee shall not:

2 (a) Allow a person who has not attained 21 years of
3 age to play any slot machine.

4 (b) Allow a person who has not attained 21 years of
5 age access to the designated slot machine gaming area of a
6 facility of a slot machine licensee.

7 (c) Allow a person who has not attained 21 years of
8 age to be employed in any position allowing or requiring
9 access to the designated slot machine gaming area of a
10 facility of a slot machine licensee.

11 (2) No person licensed under this chapter, or any
12 agent or employee of a licensee under this chapter, shall
13 intentionally allow a person who has not attained 21 years of
14 age to play or operate a slot machine or have access to the
15 designated slot machine area of a facility of a slot machine
16 licensee.

17 (3) The eligible facility shall post clear and
18 conspicuous signage within the designated slot machine gaming
19 areas that states the following:

20 THE PLAYING OF SLOT MACHINES BY PERSONS
21 UNDER THE AGE OF 21 IS AGAINST FLORIDA LAW
22 (SECTION 551.112, FLORIDA STATUTES).
23 PROOF OF AGE MAY BE REQUIRED AT ANYTIME
24 A PERSON IS WITHIN THIS AREA.

25 551.113 Designated slot machine gaming areas.--

26 (1) A slot machine licensee may make available for
27 play slot machines within its designated slot machine gaming
28 areas.

29 (2) A slot machine licensee shall not allow any
30 automated teller machine or similar device designed to provide
31 credit or dispense cash to be located on the property of the

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1 facilities of the slot machine licensee.

2 (3) A slot machine licensee shall not make any loan or
3 provide credit or advance cash to enable a person to play a
4 slot machine.

5 (4) The slot machine licensee shall display
6 pari-mutuel races or games within the designated slot machine
7 gaming areas and offer within the designated slot machine
8 gaming areas the ability for patrons to engage in pari-mutuel
9 wagering on live, intertrack, and simulcast races conducted or
10 offered to patrons of the eligible facility.

11 (5) No complimentary alcoholic beverages shall be
12 served to patrons within the designated slot machine gaming
13 areas.

14 (6) The slot machine licensee shall offer training to
15 employees on responsible gaming and shall work with the
16 compulsive or addictive gambling prevention program to
17 recognize problem gaming situations and to implement
18 responsible gaming programs and practices.

19 (7) Each slot machine approved for use in this state
20 shall be protected against manipulation or tampering to affect
21 the random probabilities of winning plays, and the centralized
22 computer management system shall enable the division or the
23 Department of Law Enforcement to suspend play upon suspicion
24 of any manipulation or tampering. When play has been suspended
25 on any slot machine, the division or the Department of Law
26 Enforcement may examine any slot machine to determine whether
27 the machine has been tampered with or manipulated and whether
28 the machine should be returned to operation.

29 (8) No outcome of play or continuation of play may be
30 manipulated, through programming or otherwise, to display a
31 result that appears to be a near win, gives the impression

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1 that the player is getting close to a win, or in any way gives
 2 a false impression that the chance to win is improved by
 3 another play; however, this subsection does not apply to
 4 general promotional enticements such as graphic displays and
 5 sound effects that do not falsely imply that the chance of
 6 winning improves by continued play.

7 (9) The division shall require the posting of signs in
 8 the designated slot machine gaming areas warning of the risks
 9 and dangers of gambling, showing the odds of winning, and
 10 informing patrons of the toll-free telephone number available
 11 to provide information and referral services regarding
 12 compulsive or problem gambling.

13 (10) The division shall establish standards of
 14 approval for the physical layout and construction of any
 15 facility or building devoted to slot machine operations. The
 16 standards shall require that the slot machine gaming area be
 17 connected to and contiguous within the operation of the live
 18 gaming facility. It is the intent of the Legislature that
 19 each facility:

20 (a) Possess superior consumer amenities and
 21 conveniences to encourage and attract the patronage of
 22 tourists and other visitors from across the region, state, and
 23 nation.

24 (b) Have adequate motor vehicle parking facilities to
 25 satisfy patron requirements.

26 (c) Have a physical layout and location that
 27 facilitates access to the pari-mutuel portion of the facility.

28 (11) The permitholder shall provide adequate office
 29 space at no cost to the division and the Department of Law
 30 Enforcement for the oversight of slot machines operations. The
 31 division shall adopt rules setting the criteria for adequate

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1 space, configuration, and location and needed electronic and
2 technological requirements for office space required by this
3 subsection.

4 551.114 Days and hours of operation.--Slot machine
5 gaming areas may be open 365 days a year. The slot machine
6 gaming areas may be open for a maximum of 16 hours per day.

7 551.116 Penalties.--The division may revoke or suspend
8 any license issued under this chapter upon the willful
9 violation by the licensee of any provision of this chapter or
10 of any rule adopted under this chapter. In lieu of suspending
11 or revoking a license, the division may impose a civil penalty
12 against the licensee for a violation of this chapter or any
13 rule adopted by the division. Except as otherwise provided in
14 this chapter, the penalty so imposed may not exceed \$1,000 for
15 each count or separate offense. All penalties imposed and
16 collected must be deposited into the Pari-mutuel Wagering
17 Trust Fund in the department.

18 551.117 Compulsive or addictive gambling prevention
19 program.--The division may, subject to competitive bidding,
20 contract for provision of services related to the prevention
21 of compulsive and addictive gambling. The terms of any
22 contract for the provision of such services shall include
23 accountability standards that must be met by any private
24 provider. The failure of any private provider to meet any
25 material terms of the contract, including the accountability
26 standards, shall constitute a breach of contract or grounds
27 for nonrenewal. The division may consult with the Department
28 of the Lottery in the development of the program and the
29 development and analysis of any procurement for contractual
30 services for the compulsive or addictive gambling prevention
31 program. The compulsive or addictive gambling prevention

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1 program shall be funded from the annual nonrefundable
2 regulatory fee provided for in s. 551.106.

3 551.118 Catering license.--A slot machine licensee is
4 entitled to a caterer's license pursuant to s. 565.02 on days
5 in which the pari-mutuel facility is open to the public for
6 slot machine game play as authorized by this chapter.

7 551.119 Rulemaking.--

8 (1) The division may adopt rules pursuant to ss.
9 120.536(1) and 120.54 to implement the provisions of this
10 chapter.

11 (2) In order to expedite the licensing requirements of
12 this chapter, the division may adopt emergency rules pursuant
13 to s. 120.54. The Legislature finds that such emergency
14 rulemaking power is necessary for the preservation of the
15 rights and welfare of the people in order to provide
16 additional funds to benefit the public. The Legislature
17 further finds that the unique nature of legalized gambling
18 requires, from time to time, that the division respond as
19 quickly as is practicable to changes in the marketplace and
20 changes in technology that may affect legalized gambling
21 conducted at pari-mutuel facilities in this state. Therefore,
22 in adopting such emergency rules, the division need not make
23 the findings required by s. 120.54(4)(a).

24 551.120 Conduct of referendum election for slot
25 machines.--

26 (1) Any person who possesses the qualifications
27 prescribed by s. 23, Art. X, State Constitution may, apply to
28 the division for a license to conduct slot machine operations
29 under this chapter. Applications for a license to conduct slot
30 machine operations shall be subject to the provisions of this
31 chapter. Such license does not authorize any operation of slot

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1 machines until approved by the majority of electors
2 participating in a referendum election in the county approving
3 the conduct of slot machine activities.

4 (2) Each referendum held under the provisions of this
5 section shall be held in accordance with the provisions of
6 chapter 97-106, except as otherwise provided in this chapter.
7 The expense of such referendum shall be borne equally by all
8 eligible facilities. For purposes of this section, the
9 expense of conducting a referendum is the incremental expense
10 in excess of routine operating expenses that are incurred by
11 the governing body, the supervisor of elections, and other
12 essential governmental entities in conducting the election.

13 551.121 Elections for ratification of slot machine
14 licenses.--

15 (1) The question as to whether slot machine operations
16 shall be approved or rejected pursuant to s. 23, Art. X, State
17 Constitution shall be submitted to the electors for approval
18 or rejection at a special, primary, or general election. Any
19 eligible facility may present a written application to the
20 governing body of the county that requests a referendum
21 election in that county pursuant to s. 551.120 and this
22 section. Within 30 days of receipt of the application the
23 governing body shall order a special referendum election. Set
24 election shall be scheduled for no sooner than 21 days nor
25 more than 90 days from the date on which it is ordered.
26 Provided, the referendum election will be held in conjunction
27 with the primary election if the application is received
28 within not more than 90 nor less than 60 days of such election
29 or in conjunction with the general election if the application
30 is received not more than 90 nor less than 60 days prior to
31 that election. The governing body shall give notice of the

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1 referendum election by publishing notice once each week for 2
2 consecutive weeks in one or more newspapers of general
3 circulation in the county.

4 (2)(a) If the majority of the electors voting on the
5 questions of ratification or rejection of the slot machine
6 operations vote for such ratification, slot machine operations
7 shall become effective immediately, and the eligible facility
8 thereof may conduct slot machine operations upon complying
9 with the other provisions of this chapter. If the majority of
10 electors voting on the question of ratification or rejection
11 of any slot machine operations ratify the slot machine
12 operations, such eligible facility shall be eligible for
13 licensing, and the licensee shall pay to the division within
14 10 days the license fee set out in this chapter.

15 (b) If the majority of electors voting on the question
16 of ratification or rejection of any slot machine operations
17 reject the ratification of the slot machine operations, such
18 eligible facility shall not be entitled to conduct slot
19 machine operations. The governing board of the county shall
20 immediately certify the results of the election to the
21 division.

22 Section 3. Office of Program Policy Analysis and
23 Government Accountability; Program Evaluation.--

24 (a) Before January 1, 2008, and annually thereafter,
25 the Office of Program Policy Analysis and Government
26 Accountability shall conduct a performance audit of the
27 division, and slot machine licensees relating to the
28 provisions of this chapter. The audit shall assess the
29 implementation and outcomes of activities under this chapter.

30 At a minimum, the audit shall address:

- 31 1. Performance of the slot machine licensees in

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1 operating slot machine gaming and complying with the rules
2 under this chapter.

3 2. Economic activity generated through slot machine
4 operations by the slot machine licensees.

5 3. The expenditure of slot machine taxes and whether
6 these expenditures supplemented or supplanted public education
7 dollars.

8 (b) A report of each audit's findings and
9 recommendations shall be submitted to the Governor, the
10 President of the Senate, and the Speaker of the House of
11 Representatives.

12
13 Section 4. Section 849.15, Florida Statutes, is
14 amended to read:

15 849.15 Manufacture, sale, possession, etc., of
16 coin-operated devices prohibited.--

17 (1) It is unlawful:

18 (a)(1) To manufacture, own, store, keep, possess,
19 sell, rent, lease, let on shares, lend or give away,
20 transport, or expose for sale or lease, or to offer to sell,
21 rent, lease, let on shares, lend or give away, or permit the
22 operation of, or for any person to permit to be placed,
23 maintained, or used or kept in any room, space, or building
24 owned, leased or occupied by the person or under the person's
25 management or control, any slot machine or device or any part
26 thereof; or

27 (b)(2) To make or to permit to be made with any person
28 any agreement with reference to any slot machine or device,
29 pursuant to which the user thereof, as a result of any element
30 of chance or other outcome unpredictable to him or her, may
31 become entitled to receive any money, credit, allowance, or

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1 thing of value or additional chance or right to use such
2 machine or device, or to receive any check, slug, token or
3 memorandum entitling the holder to receive any money, credit,
4 allowance or thing of value.

5 (2) Pursuant to section 2 of that certain chapter of
6 the Congress of the United States entitled "An act to prohibit
7 transportation of gaming devices in interstate and foreign
8 commerce", approved January 2, 1951, being c. 1194, 64 Stat.
9 1134, and also designated as 15 U.S.C. 1171-1177, the State of
10 Florida, acting by and through its duly elected and qualified
11 members of its Legislature, does hereby in this section, and
12 in accordance with and in compliance with the provisions of
13 section 2 of such chapter of Congress, declare and proclaim
14 that any county of the State of Florida, within which slot
15 machine gaming is authorized pursuant to chapter 551 is exempt
16 from the provisions of section 2 of that certain chapter of
17 the Congress of the United States entitled "An act to prohibit
18 transportation of gaming devices in interstate and foreign
19 commerce", designated U.S.C. 1171-1177, approved January 2,
20 1951. All shipments of gaming devices, including slot
21 machines, into any county of this state within which slot
22 machine gaming is authorized pursuant to chapter 551, the
23 registering, recording, and labeling of which have been duly
24 done by the manufacturer or distributor thereof in accordance
25 with sections 3 and 4 of that certain chapter of the Congress
26 of the United States entitled, "An act to prohibit
27 transportation of gaming devices in interstate and foreign
28 commerce", approved January 2, 1951, being c. 1194, 64 Stat.
29 1134, and also designated as 15 U.S.C. 1171-1177, shall be
30 deemed legal shipments thereof into any such county provided
31 the destination of such shipments is to a eligible facility as

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1 defined s. 551.102.

2 Section 5. Subsections (1) and (2) of section 895.02,
3 Florida Statutes, are amended to read:

4 895.02 Definitions.--As used in ss. 895.01-895.08, the
5 term:

6 (1) "Racketeering activity" means to commit, to
7 attempt to commit, to conspire to commit, or to solicit,
8 coerce, or intimidate another person to commit:

9 (a) Any crime which is chargeable by indictment or
10 information under the following provisions of the Florida
11 Statutes:

12 1. Section 210.18, relating to evasion of payment of
13 cigarette taxes.

14 2. Section 403.727(3)(b), relating to environmental
15 control.

16 3. Section 409.920 or s. 409.9201, relating to
17 Medicaid fraud.

18 4. Section 414.39, relating to public assistance
19 fraud.

20 5. Section 440.105 or s. 440.106, relating to workers'
21 compensation.

22 6. Section 465.0161, relating to distribution of
23 medicinal drugs without a permit as an Internet pharmacy.

24 7. Sections 499.0051, 499.0052, 499.00535, 499.00545,
25 and 499.0691, relating to crimes involving contraband and
26 adulterated drugs.

27 8. Part IV of chapter 501, relating to telemarketing.

28 9. Chapter 517, relating to sale of securities and
29 investor protection.

30 10. Section 550.235, s. 550.3551, or s. 550.3605,
31 relating to dogracing and horseracing.

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1 11. Chapter 550, relating to jai alai frontons.

2 12. Section 551.109, relating to slot machine gaming.

3 ~~13.12.~~ Chapter 552, relating to the manufacture,
4 distribution, and use of explosives.

5 ~~14.13.~~ Chapter 560, relating to money transmitters, if
6 the violation is punishable as a felony.

7 ~~15.14.~~ Chapter 562, relating to beverage law
8 enforcement.

9 ~~16.15.~~ Section 624.401, relating to transacting
10 insurance without a certificate of authority, s.

11 624.437(4)(c)1., relating to operating an unauthorized
12 multiple-employer welfare arrangement, or s. 626.902(1)(b),
13 relating to representing or aiding an unauthorized insurer.

14 ~~17.16.~~ Section 655.50, relating to reports of currency
15 transactions, when such violation is punishable as a felony.

16 ~~18.17.~~ Chapter 687, relating to interest and usurious
17 practices.

18 ~~19.18.~~ Section 721.08, s. 721.09, or s. 721.13,
19 relating to real estate timeshare plans.

20 ~~20.19.~~ Chapter 782, relating to homicide.

21 ~~21.20.~~ Chapter 784, relating to assault and battery.

22 ~~22.21.~~ Chapter 787, relating to kidnapping.

23 ~~23.22.~~ Chapter 790, relating to weapons and firearms.

24 ~~24.23.~~ Section 796.03, s. 796.035, s. 796.04, s.
25 796.045, s. 796.05, or s. 796.07, relating to prostitution and
26 sex trafficking.

27 ~~25.24.~~ Chapter 806, relating to arson.

28 ~~26.25.~~ Section 810.02(2)(c), relating to specified
29 burglary of a dwelling or structure.

30 ~~27.26.~~ Chapter 812, relating to theft, robbery, and
31 related crimes.

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1 ~~28.27.~~ Chapter 815, relating to computer-related
2 crimes.

3 ~~29.28.~~ Chapter 817, relating to fraudulent practices,
4 false pretenses, fraud generally, and credit card crimes.

5 ~~30.29.~~ Chapter 825, relating to abuse, neglect, or
6 exploitation of an elderly person or disabled adult.

7 ~~31.30.~~ Section 827.071, relating to commercial sexual
8 exploitation of children.

9 ~~32.31.~~ Chapter 831, relating to forgery and
10 counterfeiting.

11 ~~33.32.~~ Chapter 832, relating to issuance of worthless
12 checks and drafts.

13 ~~34.33.~~ Section 836.05, relating to extortion.

14 ~~35.34.~~ Chapter 837, relating to perjury.

15 ~~36.35.~~ Chapter 838, relating to bribery and misuse of
16 public office.

17 ~~37.36.~~ Chapter 843, relating to obstruction of
18 justice.

19 ~~38.37.~~ Section 847.011, s. 847.012, s. 847.013, s.
20 847.06, or s. 847.07, relating to obscene literature and
21 profanity.

22 ~~39.38.~~ Section 849.09, s. 849.14, s. 849.15, s.
23 849.23, or s. 849.25, relating to gambling.

24 ~~40.39.~~ Chapter 874, relating to criminal street gangs.

25 ~~41.40.~~ Chapter 893, relating to drug abuse prevention
26 and control.

27 ~~42.41.~~ Chapter 896, relating to offenses related to
28 financial transactions.

29 ~~43.42.~~ Sections 914.22 and 914.23, relating to
30 tampering with a witness, victim, or informant, and
31 retaliation against a witness, victim, or informant.

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1 ~~44.43.~~ Sections 918.12 and 918.13, relating to
2 tampering with jurors and evidence.

3 (b) Any conduct defined as "racketeering activity"
4 under 18 U.S.C.. s. 1961(1).

5 (2) "Unlawful debt" means any money or other thing of
6 value constituting principal or interest of a debt that is
7 legally unenforceable in this state in whole or in part
8 because the debt was incurred or contracted:

9 (a) In violation of any one of the following
10 provisions of law:

11 1. Section 550.235, s. 550.3551, or s. 550.3605,
12 relating to dogracing and horseracing.

13 2. Chapter 550, relating to jai alai frontons.

14 3. Section 551.109, relating to slot machine gaming.

15 ~~4.3.~~ Chapter 687, relating to interest and usury.

16 ~~5.4.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23,
17 or s. 849.25, relating to gambling.

18 (b) In gambling activity in violation of federal law
19 or in the business of lending money at a rate usurious under
20 state or federal law.

21 Section 6. The Legislature has exclusive authority
22 over the conduct of all wagering occurring at a slot machine
23 facility in this state. Only the division and other authorized
24 state agencies shall administer chapter 551, Florida Statutes,
25 and regulate the slot machine gaming industry, including
26 operation of slot machine facilities, games, slot machines,
27 and centralized computer management systems authorized in
28 chapter 551 and the rules adopted by the division.

29 Section 7. Any tribal-state compact relating to slot
30 machine or other class III gaming activities which is entered
31 into by an Indian tribe in this state and the Governor

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1 pursuant to the Indian Gaming Regulatory Act, 25 U.S.C.. ss.
2 2701 et seq., must be conditioned upon ratification by the
3 Legislature.

4 Section 8. (1) Fifty-four full-time equivalent
5 positions are authorized and the sums of \$3,798,199 in
6 recurring and \$3,951,431 in nonrecurring funds are hereby
7 appropriated from the Pari-mutuel Wagering Trust Fund in the
8 Department of Business and Professional Regulation for the
9 purpose of carrying out all regulatory activities provided
10 herein. The Executive Office of the Governor shall place
11 these funds and positions in reserve until such time as the
12 Department of Business and Professional Regulation submits an
13 expenditure plan for approval to the Executive Office of the
14 Governor, and the chair and vice chair of the Legislative
15 Budget Commission in accordance with the provisions of section
16 216.177, Florida Statutes.

17 (2) The sums of \$2,634,349 in recurring and \$1,814,916
18 in nonrecurring funds are hereby appropriated from the
19 Pari-mutuel Wagering Trust Fund in the Department of Business
20 and Professional Regulation for transfer to the Department of
21 Law Enforcement for the purpose of investigations,
22 intelligence gathering, background investigations, and any
23 other responsibilities as provided for herein. Fifty-seven
24 full-time equivalent positions are authorized and the sums of
25 \$2,634,349 in recurring and \$1,814,916 in nonrecurring funds
26 are hereby appropriated from the Operating Trust Fund in the
27 Department of Law Enforcement for the purpose of
28 investigations, intelligence gathering, background
29 investigations, an any other responsibilities as provided for
30 herein. The Executive Office of the Governor shall place
31 these funds and positions in reserve until such time as the

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1 Department of Law Enforcement submits an expenditure plan for
 2 approval to the Executive Office of the Governor and the chair
 3 and vice chair of the Legislative Budget Commission in
 4 accordance with the provisions of section 216.177, Florida
 5 Statutes.

6 (4) The sum of \$1 million is hereby appropriated from
 7 the Pari-mutuel Wagering Trust Fund from revenues received
 8 pursuant to section 551.117, Florida Statutes, in the
 9 Department of Business and Professional Regulation for
 10 contract services related to the prevention of compulsive and
 11 addictive gambling.

12 Section 9. Except as otherwise expressly provided in
 13 this act, this act shall take effect upon becoming a law.

14
15

16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 Delete everything before the enacting clause

19
20

and insert:

21

A bill to be entitled

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An act relating to pari-mutuel wagering;
 amending s. 550.2415, F.S.; requiring the
 Division of Pari-mutuel Wagering in the
 Department of Business and Professional
 Regulation to maintain certain records
 regarding injuries and the disposition of
 greyhounds that race in this state; providing
 guidelines and requirements for injury and
 disposition report forms; providing for the
 adoption of rules; providing penalties;

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1 creating ch. 551, F.S.; implementing s. 23,
2 Art. X of the State Constitution; authorizing
3 slot machines and slot machine gaming within
4 certain pari-mutuel facilities located in
5 Miami-Dade and Broward Counties upon approval
6 by a local referendum; providing definitions;
7 providing powers and duties of the Division of
8 Pari-mutuel Wagering in the Department of
9 Business and Professional Regulation;
10 clarifying the authority of the Department of
11 Law Enforcement and local law enforcement
12 agencies; providing for licensure to conduct
13 slot machine gaming; providing for slot machine
14 licensure renewal; providing for a license fee,
15 and tax rate; providing for payment procedures;
16 providing penalties; requiring occupational
17 licenses and application fees; providing
18 penalties; prohibiting certain business
19 relationships; prohibiting certain acts and
20 providing penalties; providing an exception to
21 prohibitions relating to slot machines;
22 providing for the exclusion of certain persons
23 from facilities; prohibiting minors under 21
24 years of age from playing slot machines;
25 designating slot machine gaming areas;
26 prohibiting automated teller machines on the
27 property of a slot machine licensee; providing
28 for days and hours of operation; providing
29 penalties; providing a compulsive or addictive
30 gambling prevention program; providing for a
31 fee; providing for a caterer's license;

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1 providing for rulemaking; providing for the
2 conduct of a referendum election for slot
3 machines; providing for elections for
4 ratification of slot machine licensing;
5 providing for program evaluations; amending s.
6 849.15, F.S.; providing for transportation of
7 certain gaming devices in accordance with
8 federal law; amending s. 895.02, F.S.;
9 providing that specified violations related to
10 slot machine gaming constitute racketeering
11 activity; providing that certain debt incurred
12 in violation of specified provisions relating
13 to slot machine gaming constitutes unlawful
14 debt; providing for preemption; providing
15 ratification of tribal-state compacts by the
16 Legislature; authorizing additional positions
17 and providing appropriations; providing
18 effective dates.

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