

Bill No. HB 1901, 2nd Eng.

Barcode 873066

CHAMBER ACTION

Senate

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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

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;

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

22       An act relating to pari-mutuel wagering;  
 23       amending s. 550.2415, F.S.; requiring the  
 24       Division of Pari-mutuel Wagering in the  
 25       Department of Business and Professional  
 26       Regulation to maintain certain records  
 27       regarding injuries and the disposition of  
 28       greyhounds that race in this state; providing  
 29       guidelines and requirements for injury and  
 30       disposition report forms; providing for the  
 31       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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