

CHAMBER ACTION

1 The Fiscal Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to pari-mutuel wagering; creating the Keep
7 the Promise Act of 2005 to implement s. 23, Art. X of the
8 State Constitution; providing for administration and
9 regulation by the Division of Slot Machines of the
10 Department of Business and Professional Regulation;
11 amending s. 20.165, F.S.; establishing a Division of Slot
12 Machines in the Department of Business and Professional
13 Regulation; amending s. 550.2415, F.S.; requiring the
14 Division of Pari-mutuel Wagering in the Department of
15 Business and Professional Regulation to maintain certain
16 records regarding injuries and the disposition of
17 greyhounds; providing guidelines and requirements for
18 injury and disposition report forms; providing for the
19 adoption of rules; providing penalties; amending s.
20 550.5251, F.S.; revising licensing and permit requirements
21 relating to required operating days for certain
22 thoroughbred racing permitholders; revising timeframe for
23 application of certain requirements; deleting requirement

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24 | that certain thoroughbred permitholders operate the full
25 | number of days; providing for validity of certain permits;
26 | creating chapter 551, F.S.; implementing s. 23, Art. X of
27 | the State Constitution; authorizing slot machines and slot
28 | machine gaming within certain pari-mutuel facilities
29 | located in Miami-Dade and Broward Counties upon approval
30 | by local referendum; providing for administration and
31 | regulation by the Division of Slot Machines of the
32 | Department of Business and Professional Regulation;
33 | providing definitions; providing legislative intent;
34 | providing powers and duties of the division; providing for
35 | construction of such provisions; directing the division to
36 | adopt rules necessary to implement, administer, and
37 | regulate slot machine gaming; requiring such rules to
38 | include application procedures, certain technical
39 | requirements, procedures relating to revenue, certain
40 | regulation and management and auditing procedures, certain
41 | bond requirements, and requirements for record
42 | maintenance, and payouts; providing for investigations by
43 | the division, the Department of Law Enforcement, and local
44 | law enforcement; providing for the investigation of
45 | violations in conjunction with other agencies; providing
46 | specified law enforcement powers to the division;
47 | providing for access to slot machine licensee facilities
48 | by the division, the Department of Law Enforcement, or
49 | local law enforcement; authorizing the division, the
50 | Department of Law Enforcement, or local law enforcement to
51 | make certain inspections and examinations; authorizing the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 | division to collect certain monies and deny, revoke,
 53 | suspend, or place conditions on the license under certain
 54 | circumstances; providing for suspension or revocation of
 55 | the license of an unqualified applicant or licensee;
 56 | authorizing the division to adopt emergency rules for the
 57 | regulation of slot machine gaming; providing for licensure
 58 | to conduct slot machine gaming; prohibiting the division
 59 | from accepting applications or issuing slot machine
 60 | licenses prior to adoption of rules; providing for
 61 | application for licensure; providing conditions for
 62 | conducting slot machine gaming; providing requirements for
 63 | receiving and maintaining a license which include
 64 | compliance with slot machine regulations and regulations
 65 | relating to pari-mutuel wagering, maintaining the pari-
 66 | mutuel permit and license, conducting a certain number of
 67 | live races or games, allowing access by the division, and
 68 | submission of security plans; requiring prior approval by
 69 | the division of certain changes in ownership of slot
 70 | machine licenses; requiring notice to the division of
 71 | certain changes in ownership; requiring permitholders to
 72 | submit certain information and certification relating to
 73 | games to the division and the Department of Law
 74 | Enforcement; requiring review and approval of games by
 75 | division; requiring a slot machine licensee to submit
 76 | internal control procedures to the division for review and
 77 | approval; authorizing the amendment of a pari-mutuel
 78 | license within a specified time; providing for a reduction
 79 | in the required number of live races or games under

80 | certain circumstances; prohibiting transfer of a license;
 81 | providing a limit on the number of slot machines at a
 82 | facility; requiring slot machine licensees to maintain
 83 | certain reports for submission to the division; providing
 84 | for an audit by an independent certified public accountant
 85 | of the receipt and distribution of slot machine revenues;
 86 | providing for annual renewal of the license; providing for
 87 | a renewal application and procedures for approval;
 88 | requiring corporate slot machine licensees to apply for
 89 | and be issued a certificate of status; specifying the
 90 | payment of state and local taxes as a condition for a slot
 91 | machine license; requiring certification by the Department
 92 | of Revenue of the payment of certain state and local taxes
 93 | by a slot machine licensee; directing the division to
 94 | revoke, suspend, or refuse to renew the license for
 95 | failure to pay such taxes; requiring the slot machine
 96 | licensee pay to the division an initial and annual license
 97 | fee; providing for deposit of the fee into the Slot
 98 | Machine Administrative Trust Fund for certain purposes;
 99 | requiring the division to evaluate the license fee and
 100 | make recommendations to the Legislature; providing for a
 101 | tax on slot machine revenues to be deposited into the
 102 | Educational Enhancement Trust Fund; requiring that slot
 103 | machine taxes shall be used to supplement and not supplant
 104 | public education dollars; providing payment procedures;
 105 | providing penalties for failure to make payments;
 106 | providing for submission of funds by electronic funds
 107 | transfer; providing for general, professional, and

108 business occupational licenses; prohibiting transfer of
 109 such licenses; prohibiting a slot machine licensee from
 110 employing or doing business with persons or businesses
 111 unless such person or business is properly licensed;
 112 requiring occupational licensees to display identification
 113 cards under certain circumstances; providing for
 114 application forms, fees, and procedures; authorizing the
 115 division to adopt rules relating to applications,
 116 licensure, and renewal of licensure and fees therefor;
 117 requiring slot machine licensee to pay licensure fees of
 118 general occupational licensees; providing for reciprocal
 119 disciplinary actions with other jurisdictions; providing
 120 for disciplinary actions against a licensee for certain
 121 violations of regulations or laws; requiring fingerprints
 122 and criminal records checks of applicants or licensees;
 123 requiring certain costs of the records check be borne by
 124 the applicant or licensee; requiring licensees to provide
 125 equipment for electronic submission of fingerprints;
 126 authorizing the retention of fingerprints for the purposes
 127 of entering fingerprints into the statewide automated
 128 fingerprint identification system by a certain date;
 129 requiring licensees to inform the division of conviction
 130 of disqualifying criminal offenses; requiring certain
 131 racetracks and frontons to pay an annual fee; authorizing
 132 the Department of Law Enforcement to adopt rules relating
 133 to fingerprinting costs and procedures; requiring periodic
 134 additional criminal history checks for purposes of
 135 screening following issuance of a license; providing for

136 | distribution of funds into the Slot Machine Administrative
 137 | Trust Fund; prohibiting certain relationships between
 138 | employees of the division or board and licensees of the
 139 | division; prohibiting division employees and occupational
 140 | licensees and certain of their relatives from wagering on
 141 | slot machines at certain facilities; prohibiting contracts
 142 | that provide for revenue sharing between a manufacturer or
 143 | distributor and slot machine licensees; prohibiting
 144 | ownership or financial interests in slot machine licensees
 145 | by certain manufacturers or distributors; prohibiting
 146 | certain false statements, exclusion of revenue for certain
 147 | purposes, cheating, and theft of proceeds; providing
 148 | penalties; providing for arrest and recovery; limiting
 149 | liability for arrest and detention; providing penalties
 150 | for resisting recovery efforts; authorizing manufacture,
 151 | sale, distribution, possession, and operation of slot
 152 | machines under certain circumstances; authorizing the
 153 | division to exclude any person from licensed facilities
 154 | under certain circumstances; directing the division to
 155 | require certain signage in designated gaming areas and
 156 | require certain equipment or facilities relating to races
 157 | or games within the gaming area; requiring permitholder to
 158 | provide office space; prohibiting a licensee and employees
 159 | and agents of the licensee from allowing a person under a
 160 | certain age to operate slot machines or to have access to
 161 | the gaming area; prohibiting complimentary alcoholic
 162 | beverages, loans or credit, acceptance or cashing of
 163 | third-party checks, and automatic teller machines;

164 | authorizing the suspension of play of slot machines by the
 165 | division or the Department of Law Enforcement for
 166 | suspicion of tampering or manipulation; limiting linkage
 167 | of operating systems; prohibiting certain player
 168 | enticements; providing for the hours of operation of slot
 169 | machines; providing that the slot machine licensee is
 170 | eligible for a caterer license under specified provisions;
 171 | requiring the slot machine licensee maintain certain
 172 | purchasing and hiring policies, use a certain job listing
 173 | service provided by the Agency for Workforce Innovation,
 174 | and implement certain equal employment opportunities;
 175 | providing penalties for certain violations by a licensee;
 176 | providing for deposit of fines collected; creating the
 177 | State Slot Machine Gaming Board within the division;
 178 | providing that the board is not a state entity; providing
 179 | for public meetings and records of the board; providing
 180 | for offices and personnel of the board; requiring the
 181 | board comply with specified ethics provisions; providing
 182 | for expenditures of state funds derived from regulatory
 183 | fees; requiring the division provide administrative
 184 | support for the board; providing purpose of the board;
 185 | providing for membership of the board; providing for
 186 | appointment and confirmation and terms of members;
 187 | requiring financial disclosure; prohibiting interests in
 188 | any slot machine licensee or the gambling industry;
 189 | providing that members are state officers for specified
 190 | purposes; authorizing per diem and travel expenses;
 191 | providing for removal of members; providing for

192 organization and meetings of the board; providing powers
 193 and duties of the board; authorizing the board to receive
 194 certain information and testimony; providing for
 195 evaluations, recommendations, and reports; directing the
 196 division to provide the board with certain proposed rules
 197 for review and response; requiring the board to prepare an
 198 annual report to be submitted to the Governor and
 199 Legislature; providing for content of the report;
 200 directing the Office of Program Policy Analysis and
 201 Government Accountability to conduct an annual performance
 202 audit of the board, the division, and slot machine
 203 licensees; providing for content of the audit; directing
 204 that office to submit the audit's findings and
 205 recommendations to the Governor and the Legislature;
 206 requiring the chief law enforcement officer of certain
 207 counties and municipalities to annually execute and
 208 transmit to the board an affidavit relating to certain
 209 funding; requiring the governing body of certain counties
 210 and municipalities and tourist development councils to
 211 annually adopt and transmit to the board a resolution
 212 relating to the operations of slot machine gaming;
 213 authorizing other governing bodies to transmit such a
 214 resolution to the board; authorizing the division to
 215 contract for a compulsive gambling treatment and
 216 prevention program; amending s. 849.15, F.S.; providing
 217 for transportation of certain gaming devices in accordance
 218 with federal law; amending s. 895.02, F.S.; providing that
 219 specified violations related to slot machine gaming

220 constitute racketeering activity; providing that certain
 221 debt incurred in violation of specified provisions
 222 relating to slot machine gaming constitutes unlawful debt;
 223 preempting slot machine regulation to the state; providing
 224 for referenda deauthorizing slot machine operations as an
 225 undue burden; authorizing referenda declaring slot machine
 226 operations an undue burden; requiring a petition for a
 227 referendum; providing for ratification of tribal-state
 228 compacts by the Legislature; directing the Department of
 229 Transportation to conduct a study on the access roads to
 230 pari-mutuel facilities and Indian reservation lands where
 231 gaming activities occur; providing for content of the
 232 study; requiring a report to the Governor and the
 233 Legislature; providing for nonseverability of the act;
 234 providing appropriations for the Department of Business
 235 and Professional Regulation, the Department of Law
 236 Enforcement, and the Office of the State Attorney to carry
 237 out the provisions of the act; providing an effective
 238 date.

239

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

241

242 Section 1. This act may be cited as the "Keep The Promise
 243 Act of 2005."

244 Section 2. Subsection (2) of section 20.165, Florida
 245 Statutes, is amended to read:

246 20.165 Department of Business and Professional
247 Regulation.--There is created a Department of Business and
248 Professional Regulation.

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

251 (a) Division of Administration.

252 (b) Division of Alcoholic Beverages and Tobacco.

253 (c) Division of Certified Public Accounting.

254 1. The director of the division shall be appointed by the
255 secretary of the department, subject to approval by a majority
256 of the Board of Accountancy.

257 2. The offices of the division shall be located in
258 Gainesville.

259 (d) Division of Florida Land Sales, Condominiums, and
260 Mobile Homes.

261 (e) Division of Hotels and Restaurants.

262 (f) Division of Pari-mutuel Wagering.

263 (g) Division of Professions.

264 (h) Division of Real Estate.

265 1. The director of the division shall be appointed by the
266 secretary of the department, subject to approval by a majority
267 of the Florida Real Estate Commission.

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

270 (i) Division of Regulation.

271 (j) Division of Slot Machines.

272 (k) Division of Technology, Licensure, and Testing.

273 Section 3. Paragraphs (e), (f), (g), and (h) are added to
274 subsection (6) of section 550.2415, Florida Statutes, to read:

275 550.2415 Racing of animals under certain conditions
276 prohibited; penalties; exceptions.--

277 (6)

278 (e) The division shall maintain accurate records and
279 statistics regarding injuries incurred by greyhounds that race
280 in this state. The division shall adopt rules requiring the
281 reporting of injuries incurred by greyhounds while racing in
282 this state, including schooling races. Such reports must
283 include:

284 1. The greyhound's registered name and right and left ear
285 tattoo numbers.

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

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

289 4. The specific type of injury, the cause of the injury,
290 the estimated recovery time, and the location of the injury on
291 the greyhound.

292 5. Where the injury occurred, whether on a racetrack or in
293 another area.

294 6. If the injury occurred while the greyhound was racing,
295 the racetrack where the injury occurred; the distance, grade,
296 race, and post position when the injury occurred; and the
297 weather conditions, time, temperature, and track condition at
298 the time of the injury.

299 7. A certification by the racetrack veterinarian that the
300 form is correct.

301 (f) The division shall maintain accurate records and
 302 statistics regarding the disposition of greyhounds that
 303 participate in racing in this state. The division shall adopt
 304 rules requiring the reporting of the disposition of greyhounds
 305 that race in this state, including schooling races. As used in
 306 the reporting requirement, the term "disposition" means death,
 307 transfer to another jurisdiction, retirement, adoption, sale, or
 308 donation for medical research or another purpose. Such reports
 309 must include:

310 1. The greyhound's registered name and right and left ear
 311 tattoo numbers; the name, business address, and telephone number
 312 of the greyhound owner, trainer, and kennel operator; and the
 313 name and address of the racetrack where the greyhound last raced
 314 prior to disposition.

315 2. If the greyhound was transferred to another track, the
 316 name and address of the track that received the greyhound and
 317 the name, business address, telephone number, and driver license
 318 number, including the state where it was issued, of the person
 319 who received the greyhound on behalf of that track.

320 3. If the greyhound was retired for breeding, the name and
 321 address of the facility that received the greyhound and the
 322 name, business address, telephone number, and driver license
 323 number, including the state where it was issued, of the person
 324 who received the greyhound on behalf of that facility.

325 4. If the greyhound was adopted or placed for adoption,
 326 the name and address of the person that received the greyhound
 327 and, if applicable, the name, business address, telephone
 328 number, and driver license number, including the state where it

329 was issued, of the person who received the greyhound on behalf
 330 of the adoption facility.

331 5. If the greyhound was euthanized, the name, address,
 332 professional title, professional affiliation of the person
 333 performing the euthanasia, method of euthanasia, and reason the
 334 greyhound was euthanized rather than adopted.

335 6. If the greyhound was sold or donated, the name of the
 336 person to whom the greyhound was sold or donated and, if
 337 donated, the name, business address, telephone number, and
 338 driver license number, including the state where it was issued,
 339 of the person who received the greyhound on behalf of the donee.

340 7. If the disposition of the greyhound does not fit into
 341 any of the above categories, the name of the person to whom the
 342 greyhound was transferred and the name, business address,
 343 telephone number, and driver license number, including the state
 344 where it was issued, of the person who received the greyhound.

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

347 (g) The division shall maintain injury and disposition
 348 records for 7 years.

349 (h) In addition to other penalties imposed by law, a
 350 person who knowingly makes a false statement on an injury or
 351 disposition form commits a misdemeanor of the first degree,
 352 punishable as provided in s. 775.082 or s. 775.083. A person who
 353 knowingly makes a false statement on an injury or disposition
 354 form on a second or subsequent occasion commits a felony of the
 355 third degree, punishable as provided in s. 775.082, s. 775.083,
 356 or s. 775.084.

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357 Section 4. Subsections (1), (2), and (3) of section
358 550.5251, Florida Statutes, are amended to read:

359 550.5251 Florida thoroughbred racing; certain permits;
360 operating days.--

361 (1) Each thoroughbred permitholder under whose permit
362 thoroughbred racing was conducted in this state at any time
363 between January 1, 1987, and January 1, 2005 ~~1988~~, shall
364 annually be entitled to apply for and annually receive
365 thoroughbred racing days and dates as set forth in this section.
366 As regards such permitholders, the annual thoroughbred racing
367 season shall be from June 1 of any year through May 31 of the
368 following year and shall be known as the "Florida Thoroughbred
369 Racing Season."

370 (2) Each permitholder referred to in subsection (1) shall
371 annually, during the period commencing December 15 of each year
372 and ending January 4 of the following year, file in writing with
373 the division its application to conduct one or more thoroughbred
374 racing meetings during the thoroughbred racing season commencing
375 on the following June 1. Each application shall specify the
376 number and dates of all performances that the permitholder
377 intends to conduct during that thoroughbred racing season. On or
378 before February 15 of each year, the division shall issue a
379 license authorizing each permitholder to conduct performances on
380 the dates specified in its application. Up to March 31 of each
381 year, each permitholder may request and shall be granted changes
382 in its authorized performances; ~~but thereafter, as a condition~~
383 ~~precedent to the validity of its license and its right to retain~~

384 ~~its permit, each permit holder must operate the full number of~~
 385 ~~days authorized on each of the dates set forth in its license.~~

386 (3) Each thoroughbred permit referred to in subsection
 387 (1), including, but not limited to, any permit originally issued
 388 as a summer thoroughbred horse racing permit, is hereby
 389 validated and shall continue in full force and effect,
 390 irrespective of any action that the division may take or may
 391 have heretofore taken against the permit.

392 Section 5. Chapter 551, Florida Statutes, consisting of
 393 sections 551.101, 551.103, 551.105, 551.107, 551.1073, 551.1075
 394 551.108, 551.1091, 551.1111, 551.1113, 551.1115, 551.1119,
 395 551.121, 551.125, 551.20, 551.202, 551.204, 551.25, 551.30,
 396 551.33, 551.34, 551.341, and 551.40, is created to read:

397 CHAPTER 551

398 SLOT MACHINES

399 551.101 Slot machine gaming authorized.--Any existing,
 400 licensed pari-mutuel facility located in Miami-Dade County or
 401 Broward County at the time of adoption of s. 23, Art. X of the
 402 State Constitution that has conducted live racing or games
 403 during calendar years 2002 and 2003 may possess slot machines
 404 and conduct slot machine gaming at the location where the pari-
 405 mutuel permit holder is authorized to conduct pari-mutuel
 406 wagering activities pursuant to such permit holder's valid pari-
 407 mutuel permit or as otherwise authorized by law provided a
 408 majority of voters in a countywide referendum have approved the
 409 possession of slot machines at such facility in the respective
 410 county. Notwithstanding any other provision of law, it is not a
 411 crime for a person to participate in slot machine gaming at a

412 pari-mutuel facility licensed to possess slot machines and
 413 conduct slot machine gaming.

414 551.103 Definitions.--As used in this chapter, unless the
 415 context clearly requires otherwise, the term:

416 (1) "Board" means the State Slot Machine Gaming Board.

417 (2) "Department" means the Department of Business and
 418 Professional Regulation.

419 (3) "Designated slot machine gaming area" means the area
 420 of a facility of a slot machine licensee in which slot machine
 421 gaming may be conducted in accordance with the provisions of
 422 this chapter.

423 (4) "Division" means the Division of Slot Machines of the
 424 Department of Business and Professional Regulation.

425 (5) "Electronic or electromechanical facsimile" means a
 426 game played in an electronic or electromechanical format that
 427 replicates a game of chance by incorporating all of the
 428 characteristics of the game, except when, for bingo, the
 429 electronic or electromechanical format broadens participation by
 430 allowing multiple players to play with or against each other
 431 rather than with or against a machine.

432 (6) "Mechanical, electronic, computerized, or other
 433 technological aids" means any machine or device that assists a
 434 player or the playing of a bingo game as defined in s. 849.0931
 435 and broadens participation by allowing multiple players at one
 436 slot machine facility to play with or against each other in a
 437 bingo game for a common prize or prizes. Such aids may use
 438 alternative displays, including, but not limited to, a
 439 simulation of spinning reels, to illustrate aspects of the game

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440 of bingo such as when a player joins the game or when prizes
 441 have been awarded, as long as such aid continuously and
 442 prominently displays the electronic bingo card so that it is
 443 apparent that the player is actually engaged in the play of
 444 bingo. Such aids shall not:

445 (a) Determine or change the outcome of any game of bingo;

446 (b) Be an electronic or electromechanical facsimile that
 447 replicates a game of bingo; or

448 (c) Allow players to play with or against the machine or
 449 house for a prize.

450 (7) "Slot machine" means a mechanical, electronic,
 451 computerized gaming device that is a technological aid to the
 452 playing of the game of bingo and that offers wagering on the
 453 game of bingo as defined in s. 849.0931, is owned by the slot
 454 machine licensee, and is capable of being linked to a
 455 centralized computer management system for regulating, managing,
 456 and auditing the operation, financial data, and program
 457 information, as required by the division. A slot machine may be
 458 activated by insertion of a coin, bill, ticket, token, or
 459 similar object or upon payment of any consideration whatsoever,
 460 including the use of any electronic payment system except a
 461 credit card or debit card and may entitle the person playing or
 462 operating the machine to receive or may deliver to the person
 463 cash, billets, tickets, tokens, or electronic credits to be
 464 exchanged for cash. A slot machine is not a "coin-operated
 465 amusement machine" as defined in s. 212.02(24), and slot
 466 machines are not subject to the tax imposed by s. 212.05(1)(h).
 467 It is the intent of the Legislature to authorize only those

468 mechanical, computerized, electronic or other technological aids
 469 that a federal agency or a court in a final, nonappealable order
 470 has concluded expressly meet the definition of a mechanical,
 471 computerized, electronic, or other technological aid to Class II
 472 gaming pursuant to 25 U.S.C. 2703, the Indian Gaming Regulatory
 473 Act. The Legislature does not intend to authorize any other
 474 gaming device.

475 (8) "Slot machine licensee" means a pari-mutuel
 476 permitholder who holds a license issued by the division pursuant
 477 to this chapter which authorizes such person to possess a slot
 478 machine within facilities specified in s. 23, Art. X of the
 479 State Constitution and allows slot machine gaming.

480 (9) "Slot machine revenues" means the total of all cash
 481 and property received by the slot machine licensee from slot
 482 machine gaming operations less the amount of cash, cash
 483 equivalents, credits, and prizes paid to winners of slot machine
 484 gaming.

485 551.105 Division of Slot Machines; powers and duties.--

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

490 (a) Procedures for applying for a license and renewal of a
 491 license.

492 (b) Establishing technical requirements in addition to the
 493 qualifications which shall be necessary to receive a slot
 494 machine license or slot machine occupational license.

495 (c) Procedures relating to slot machine revenues,
 496 including verifying and accounting for such revenues, auditing,
 497 and collecting taxes and fees consistent with this chapter.

498 (d) Procedures for regulating, managing, and auditing the
 499 operation, financial data, and program information relating to
 500 slot machines through a centralized computer management system.

501 (e) Requiring each licensee at his or her own cost and
 502 expense to supply the division with a bond with the penal sum of
 503 \$2 million payable to the Governor and his or her successors in
 504 office for the licensee's first year of slot machine operations;
 505 and, thereafter, the licensee shall file a bond with the penal
 506 sum as determined by the division pursuant to rules promulgated
 507 to approximate anticipated state revenues from the licensee's
 508 slot machine operations, but in no case shall the bond be less
 509 than \$2 million. Any bond shall be issued by a surety or
 510 sureties to be approved by the division and the Chief Financial
 511 Officer, conditioned to faithfully make the payments to the
 512 Chief Financial Officer in his or her capacity as treasurer of
 513 the division. The licensee shall be required to keep its books
 514 and records and make reports as provided in this chapter and to
 515 conduct its slot machine operations in conformity with this
 516 chapter and all other provisions of law. The division may review
 517 the bond for adequacy and require adjustments each fiscal year.
 518 Such bond shall be separate and distinct from the bond required
 519 in s. 550.125.

520 (f) Requiring licensees to maintain specified records and
 521 submit any data, information, record, or report, including
 522 financial and income records, required by this chapter or

523 determined by the division to be necessary to the proper
 524 implementation and enforcement of this chapter.

525 (g) Requiring that the payout percentage of a slot machine
 526 shall be no less than 93 percent per facility.

527 (2) The division shall conduct such investigations that
 528 the division determines necessary to fulfill its
 529 responsibilities under the provisions of this chapter.

530 (3) The division, the Department of Law Enforcement, and
 531 local law enforcement agencies shall have concurrent
 532 jurisdiction to investigate criminal violations of this chapter
 533 and may investigate any other criminal violation of law
 534 occurring on the facilities of a slot machine licensee, and such
 535 investigations may be conducted in conjunction with the
 536 appropriate state attorney. The division and its employees and
 537 agents shall have such other law enforcement powers as specified
 538 in ss. 943.04 and 943.10.

539 (4)(a) The division, the Department of Law Enforcement,
 540 and local law enforcement agencies shall have unrestricted
 541 access to the slot machine licensee facility at all times and
 542 shall require of each slot machine licensee strict compliance
 543 with the laws of this state relating to the transaction of such
 544 business. The division, the Department of Law Enforcement, and
 545 local law enforcement agencies:

546 1. May inspect and examine premises where slot machines
 547 are offered for play.

548 2. May inspect slot machines and related equipment and
 549 supplies.

550 (b) In addition, the division:

551 | 1. May collect taxes, assessments, fees, and penalties.

552 | 2. May deny, revoke, suspend, or place conditions on the
 553 | license of a person who violates any provision of this chapter
 554 | or rule adopted pursuant thereto.

555 | (5) The division shall revoke or suspend the license of
 556 | any person who is no longer qualified or who is found, after
 557 | receiving a license, to have been unqualified at the time of
 558 | application for the license.

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

560 | (a) Prohibit the Department of Law Enforcement or any law
 561 | enforcement authority whose jurisdiction includes a slot machine
 562 | licensee facility from conducting criminal investigations
 563 | occurring on the facilities of the slot machine licensee;

564 | (b) Restrict access to the slot machine licensee facility
 565 | by the Department of Law Enforcement or any local law
 566 | enforcement authority whose jurisdiction includes the slot
 567 | machine licensee facility; or

568 | (c) Restrict access to information and records necessary
 569 | to the investigation of criminal activity that is contained
 570 | within the slot machine licensee facility by the Department of
 571 | Law Enforcement or local law enforcement authorities.

572 | (7) The division may, at any time after the issuance of a
 573 | license pursuant to s. 551.107, adopt emergency rules pursuant
 574 | to s. 120.54. The Legislature finds that such emergency
 575 | rulemaking power is necessary for the preservation of the rights
 576 | and welfare of the people in order to provide additional funds
 577 | to benefit the public. The Legislature further finds that the
 578 | unique nature of legalized gambling requires, from time to time,

579 that the division respond as quickly as is practicable to
 580 changes in the marketplace and changes in technology that may
 581 affect legalized gambling conducted at pari-mutuel facilities in
 582 this state. Therefore, in adopting such emergency rules, the
 583 division need not make the findings required by s. 120.54(4)(a).
 584 Emergency rules adopted to implement the provisions of this
 585 chapter are exempt from s. 120.54(4)(c) and shall remain in
 586 effect until replaced by other emergency rules or by rules
 587 adopted under nonemergency rulemaking procedures of chapter 120.

588 551.107 License to conduct slot machine gaming.--

589 (1) Upon application and a finding by the division after
 590 investigation that the application is complete and the applicant
 591 is qualified, and payment of the initial license fee the
 592 division shall issue a license to conduct slot machine gaming in
 593 the designated slot machine gaming area of the slot machine
 594 licensee's facility. Once licensed, slot machine gaming may be
 595 conducted subject to the requirements of this chapter and rules
 596 adopted pursuant thereto. The division shall not be authorized
 597 to accept an application or issue a license to operate slot
 598 machine gaming at a pari-mutuel wagering facility until such
 599 time as all rules mandated by this chapter for slot machine
 600 operations have been filed for adoption with the Secretary of
 601 State.

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

607 (3) A slot machine license may only be issued to a
 608 licensed pari-mutuel permitholder and slot machine gaming may
 609 only be conducted at the same facility at which the permitholder
 610 is authorized under its valid pari-mutuel wagering permit to
 611 conduct pari-mutuel wagering activities.

612 (4) As a condition of licensure and to maintain continued
 613 authority for the conduct of slot machine gaming the slot
 614 machine licensee shall:

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

616 (b) Continue to be in compliance with chapter 550, where
 617 applicable, and maintain the pari-mutuel permit and license in
 618 good standing pursuant to the provisions of chapter 550.
 619 Notwithstanding any contrary provision of law and in order to
 620 expedite the operation of slot machines at eligible facilities,
 621 any eligible facility shall be entitled within 60 days after the
 622 effective date of this act to amend its 2005-2006 license issued
 623 by the Division of Pari-mutuel Wagering and shall be granted the
 624 requested changes in its authorized performances pursuant to
 625 such amendment. The Division of Pari-mutuel Wagering shall issue
 626 a new license to the eligible facility to effectuate an
 627 amendment.

628 (c) Conduct not less than a full schedule of live races or
 629 games as defined in s. 550.002(11). However, when a permitholder
 630 fails to conduct such number of live races or games, that number
 631 of live races or games shall be reduced by the number of races
 632 or games which could not be conducted due to the direct result
 633 of fire, war, or other disaster or event beyond the ability of
 634 the permitholder to control.

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635 (d) Upon approval of any changes relating to the pari-
636 mutuel permit by the Division of Pari-mutuel Wagering in the
637 Department of Business and Professional Regulation, be
638 responsible for providing appropriate current and accurate
639 documentation on a timely basis to the division in order to
640 continue the slot machine license in good standing. Changes in
641 ownership or interest of a slot machine gaming license of 5
642 percent or more of the stock or other evidence of ownership or
643 equity in the slot machine license or any parent corporation or
644 other business entity that in any way owns or controls the slot
645 machine license shall be approved by the division prior to such
646 change, unless the owner is an existing holder of that license
647 who was previously approved by the division. Changes in
648 ownership or interest of a slot machine license of less than 5
649 percent shall be reported to the division within 20 days after
650 the change. The division may then conduct an investigation to
651 ensure that the license is properly updated to show the change
652 in ownership or interest.

653 (e) Allow unrestricted access and right of inspection by
654 the division to facilities of a slot machine licensee in which
655 any activity relative to the conduct of slot machine gaming is
656 conducted.

657 (f) Submit a security plan, including a slot machine floor
658 plan, location of security cameras, and the listing of security
659 equipment which shall be capable of observing and electronically
660 recording activities being conducted in the designated slot
661 machine gaming area.

662 (g) Provide the division with a detailed operating system
663 description, including, but not limited to, any operating
664 software, access to the source codes for each game and slot
665 machine it will offer for play at its slot machine facility, and
666 certification by an independent testing laboratory that the
667 games, slot machines, and computer operating system conform to
668 the requirements of this chapter. Such descriptions shall also
669 be made available to the Department of Law Enforcement. The
670 division shall review and approve each game and machine for
671 compliance with this chapter and rules regulating games and slot
672 machines prior to approval of the game and machine. A slot
673 machine licensee shall not operate any game or machine prior to
674 its approval for use in its facility by the division.

675 (h) Provide the division with a complete copy of internal
676 control procedures adopted by the licensee for its slot machine
677 operations. The division shall review and approve such internal
678 control procedures for compliance with rules adopted to ensure
679 patron safety, payout procedures, and security of tax revenues
680 to be paid to the state. Rules regarding requirements for the
681 internal control procedures shall include, but not be limited
682 to, audit and tax collection procedures, security procedures for
683 the collection of money for vouchers issued for slot machines,
684 and security and public safety procedures.

685 (5) A slot machine license shall not be transferable.

686 (6) A slot machine licensee may make available for play up
687 to 3,000 slot machines within its designated slot machine gaming
688 areas.

689 (7) A slot machine licensee shall keep and maintain
 690 permanent daily records of its slot machine operation and shall
 691 maintain such records for a period of not less than 5 years.
 692 These records shall include all financial transactions and
 693 contain sufficient detail to determine compliance with the
 694 requirements of this section. All records shall be available for
 695 audit and inspection by the division, the Department of Law
 696 Enforcement, or other law enforcement agencies during the
 697 licensee's regular business hours. The information required in
 698 such records shall be determined by division rule.

699 (8) A slot machine licensee shall file with the division a
 700 report containing the required records of such slot machine
 701 operation. A slot machine licensee shall file such report
 702 monthly. The required reports shall be submitted on forms
 703 prescribed by the division and shall be due at the same time as
 704 the monthly pari-mutuel reports are due to the Division of Pari-
 705 mutuel Wagering, and the reports shall be deemed public records
 706 once filed.

707 (9) A slot machine licensee shall file with the division
 708 an audit of the receipt and distribution of all slot machine
 709 revenues provided by an independent certified public accountant
 710 verifying compliance with all statutes and regulations imposed
 711 by this chapter and the rules promulgated hereunder. The audit
 712 shall include verification of compliance with all statutes and
 713 regulations regarding all required records of slot machine
 714 operations. Such audit shall be filed within 60 days after the
 715 completion of the permitholder's pari-mutuel meet.

716 (10) The division may share any information with the
 717 Department of Law Enforcement or any other law enforcement
 718 agency having jurisdiction over slot machine gaming or pari-
 719 mutuel activities. Any law enforcement agency having
 720 jurisdiction over slot machine gaming or pari-mutuel activities
 721 may share any information obtained or developed by it with the
 722 division.

723 551.1073 Slot machine license renewal.--

724 (1) Slot machine licenses shall be renewed annually. The
 725 application for renewal shall contain all revisions to the
 726 information submitted in the prior year's application that are
 727 necessary to maintain such information as both accurate and
 728 current.

729 (2) The applicant for renewal shall attest that any
 730 information changes do not affect the applicant's qualifications
 731 for license renewal.

732 (3) The applicant shall submit information required by ss.
 733 551.30 and be in compliance with rules adopted by the division.

734 (4) Upon determination by the division that the
 735 application for renewal is complete and qualifications have been
 736 met, including payment of the renewal fee, the slot machine
 737 license shall be renewed annually.

738 551.1075 Payment of taxes; determination and certification
 739 of payment of state and local taxes.--

740 (1) Any domestic or foreign corporation holding a slot
 741 machine license must have applied for and been issued a
 742 certificate of status by the Department of State evidencing

743 conclusively that the corporation is in existence and authorized
 744 to do business in this state.

745 (2) As a condition for license renewal and for
 746 continuation of a license in good standing, the division may
 747 determine whether the slot machine licensee has failed to pay
 748 all taxes due to the division as a result of the licensee's
 749 pari-mutuel and slot machine gaming operations. If the division
 750 determines that the slot machine licensee is delinquent in the
 751 payment of any such tax, it shall revoke, suspend, or refuse to
 752 renew the license of the slot machine licensee.

753 (3) On or before July 31 of each fiscal year, the
 754 Department of Revenue shall certify to the Governor that a
 755 corporation or other business entity or an individual holding a
 756 slot machine license is current and in good standing in regard
 757 to the payment of all state or local taxes due and payable to
 758 the Department of Revenue or to an applicable local jurisdiction
 759 for the prior fiscal year. If the Department of Revenue does not
 760 certify that a licensee is current and in good standing, the
 761 division shall revoke, suspend, or refuse to renew the license
 762 of a slot machine licensee.

763 551.108 License fee; tax rate.--

764 (1) LICENSE FEE.--

765 (a) Upon approval of the application for a slot machine
 766 license, the licensee must pay to the division a license fee of
 767 \$4 million. The license fee shall be paid annually upon renewal
 768 of the slot machine license and shall be deposited into the Slot
 769 Machine Administrative Trust Fund in the Department of Business

770 and Professional Regulation for the regulation of slot machine
 771 gaming under this chapter.

772 (b) Prior to January 1, 2006, the division shall evaluate
 773 the license fee and, in consultation with the board, shall make
 774 recommendations to the President of the Senate and the Speaker
 775 of the House of Representatives. The recommendations shall focus
 776 on the optimum level of slot machine license fees or a
 777 combination of fees in order to properly support the slot
 778 machine regulatory program.

779 (2) TAX ON SLOT MACHINE REVENUES.--

780 (a) The tax rate on slot machine revenues at each facility
 781 shall be 55 percent.

782 (b) The facility shall collect and transmit the tax to the
 783 department on a daily basis for deposit into the Slot Machine
 784 Administrative Trust Fund in the Department of Business and
 785 Professional Regulation for immediate transfer to the
 786 Educational Enhancement Trust Fund in the Department of
 787 Education. Any interest earnings on the tax revenues shall also
 788 be transferred to the Educational Enhancement Trust Fund.

789 (c) Any expenditures of slot machine taxes shall be used
 790 to supplement and not supplant public education dollars.

791 (3) PAYMENT PROCEDURES.--Tax payments shall be remitted
 792 daily, as determined by rule of the division. The slot machine
 793 licensee shall file a report under oath by the 5th day of each
 794 calendar month for all taxes remitted during the preceding
 795 calendar month that shall show all slot machine activities for
 796 the preceding calendar month and such other information as may
 797 be required by the division.

798 (4) FAILURE TO PAY TAX; PENALTIES.--A slot machine
 799 licensee who fails to make tax payments as required under this
 800 section shall be subject to an administrative penalty of up to
 801 \$1,000 for each day the tax payment is not remitted. All
 802 administrative penalties imposed and collected shall be
 803 deposited into the Slot Machine Administrative Trust Fund in the
 804 Department of Business and Professional Regulation. If any slot
 805 machine licensee fails to pay penalties imposed by order of the
 806 division under this subsection, the division may suspend,
 807 revoke, or refuse to renew the license of the slot machine
 808 licensee.

809 (5) FAILURE TO PAY TAX; GROUNDS TO SUSPEND, REVOKE, OR
 810 REFUSE TO RENEW THE LICENSE.--In addition to the penalties
 811 imposed under subsection (4), any willful or wanton failure by a
 812 slot machine licensee to make payments of the tax constitutes
 813 sufficient grounds for the division to suspend, revoke, or
 814 refuse to renew the license of the slot machine licensee.

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

818 551.1091 Occupational license required; application;
 819 fee.--

820 (1) The individuals and entities that are licensed under
 821 this section require heightened state scrutiny, including the
 822 submission by the individual licensees or persons associated
 823 with the entities described in this chapter of fingerprints for
 824 a criminal records check.

825 (2)(a) The following licenses shall be issued to persons
 826 or entities with access to the designated slot machine gaming
 827 area or to persons who, by virtue of the position they hold,
 828 might be granted access to these areas or to any other person or
 829 entity in one of the following categories.

830 1. General occupational licenses for general employees,
 831 food service, maintenance, and other similar service and support
 832 employees with access to the designated slot machine gaming
 833 area. Service and support employees with a current pari-mutuel
 834 occupational license issued pursuant to chapter 550 and a
 835 current background check are not required to submit to an
 836 additional background check for a slot machine occupational
 837 license as long as the pari-mutuel occupational license remains
 838 in good standing.

839 2. Professional occupational licenses for any person,
 840 proprietorship, partnership, corporation, or other entity that
 841 is authorized by a slot machine licensee to manage, oversee, or
 842 otherwise control daily operations as a slot machine manager,
 843 floor supervisor, security personnel, or any other similar
 844 position of oversight of gaming operations.

845 3. Business occupational licenses for any slot machine
 846 management company or slot machine business associated with slot
 847 machine gaming or a person who manufactures, distributes, or
 848 sells slot machines, slot machine paraphernalia, or other
 849 associated equipment to slot machine licensees or any person not
 850 an employee of the slot machine licensee who provides
 851 maintenance, repair, or upgrades or otherwise services a slot
 852 machine or other slot machine equipment.

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853 (b) Slot machine occupational licenses are not
854 transferable.

855 (3) A slot machine licensee shall not employ or otherwise
856 allow a person to work at a slot machine facility unless such
857 person holds a valid occupational license. A slot machine
858 licensee shall not contract or otherwise do business with a
859 business required to hold a slot machine occupational license
860 unless the business holds such a license. A slot machine
861 licensee shall not employ or otherwise allow a person to work in
862 a supervisory or management professional level at a slot machine
863 facility unless such person holds a valid occupational license.
864 All slot machine occupational licensees, while present in the
865 slot machine gaming area, shall be required to display on their
866 persons their occupational license identification cards.

867 (4)(a) A person seeking a slot machine occupational
868 license, or renewal thereof, shall make application on forms
869 prescribed by the division and include payment of the
870 appropriate application fee. Initial and renewal applications
871 for slot machine occupational licenses shall contain all the
872 information the division, by rule, may determine is required to
873 ensure eligibility.

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

876 (c) Pursuant to rules adopted by the division, any person
877 may apply for and, if qualified, be issued an occupational
878 license valid for a period of 3 years upon payment of the full
879 occupational license fee for each of the 3 years for which the
880 license is issued. The occupational license shall be valid

881 during its specified term at any slot machine facility where
 882 slot machine gaming is authorized to be conducted.

883 (d) The slot machine occupational license fee for initial
 884 application and annual renewal shall be determined by rule of
 885 the division but shall not exceed \$50 for a general or
 886 professional occupational license for an employee of the slot
 887 machine licensee or \$1,000 for a business occupational license
 888 for nonemployees of the licensee providing goods or services to
 889 the slot machine licensee. License fees for general occupational
 890 licensees shall be paid for by the slot machine licensee.
 891 Failure to pay the required fee shall be grounds for
 892 disciplinary action by the division against the slot machine
 893 license but shall not be considered a violation of this chapter
 894 or rules of the division by the general occupational licensee or
 895 a prohibition against the issuance of the initial or the renewal
 896 of the general occupational license.

897 (5) If the state gaming commission or other similar
 898 regulatory authority of another state or jurisdiction extends to
 899 the division reciprocal courtesy to maintain disciplinary
 900 control, the division may:

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

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

908 (6)(a) The division may deny, suspend, revoke, or declare
 909 ineligible any occupational license if the applicant for or
 910 holder thereof has violated the provisions of this chapter or
 911 the rules of the division governing the conduct of persons
 912 connected with slot machine gaming. In addition, the division
 913 may deny, suspend, revoke, or declare ineligible any
 914 occupational license if the applicant for such license has been
 915 convicted in this state, in any other state, or under the laws
 916 of the United States of a capital felony, a felony, or an
 917 offense in any other state which would be a felony under the
 918 laws of this state involving arson; trafficking in, conspiracy
 919 to traffic in, smuggling, importing, conspiracy to smuggle or
 920 import, or delivery, sale, or distribution of a controlled
 921 substance; or a crime involving a lack of good moral character,
 922 or has had a slot machine gaming license revoked by this state
 923 or any other jurisdiction for an offense related to slot machine
 924 gaming.

925 (b) The division may deny, declare ineligible, or revoke
 926 any occupational license if the applicant for such license or
 927 the licensee has been convicted of a felony or misdemeanor in
 928 this state, in any other state, or under the laws of the United
 929 States, if such felony or misdemeanor is related to gambling or
 930 bookmaking as contemplated in s. 849.25.

931 (7) Fingerprints for all slot machine occupational license
 932 applications shall be taken in a manner approved by the division
 933 and shall be submitted to the Department of Law Enforcement and
 934 the Federal Bureau of Investigation for a level II criminal
 935 records check upon initial application and every 5 years

936 thereafter. All persons associated with, having a direct or
 937 indirect ownership interest in, or employed by or working within
 938 a licensed premise, excluding division employees and law
 939 enforcement officers assigned by their employing agencies to
 940 work within the premises as part of their official duties, are
 941 required to not be convicted of any disqualifying criminal
 942 offenses as established by division rule. To facilitate the
 943 required review of criminal history information, each person
 944 listed here is required to submit fingerprints to the division.
 945 The division shall forward the fingerprints to the Department of
 946 Law Enforcement for state processing. The Department of Law
 947 Enforcement shall forward the fingerprints to the Federal Bureau
 948 of Investigation for national processing.

949 (a) Fingerprints shall be taken in a manner approved by
 950 the division and shall be submitted electronically to the
 951 Department of Law Enforcement and the Federal Bureau of
 952 Investigation for a criminal records check upon initial taking,
 953 or as required thereafter by rule of the division, and every 5
 954 years thereafter. Licensees are required to provide necessary
 955 equipment approved by the Department of Law Enforcement to
 956 facilitate such electronic submission. The division may by rule
 957 require annual criminal history record checks of all persons
 958 required to submit to the fingerprint-based criminal records
 959 check. The division requirements under this subsection shall be
 960 instituted in consultation with the Department of Law
 961 Enforcement.

962 (b) The cost of processing fingerprints and conducting a
 963 records check shall be borne by the licensee or the person being

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964 checked. The Department of Law Enforcement may invoice the
 965 division for the fingerprints submitted each month.

966 (c) Beginning February 1, 2006, all fingerprints submitted
 967 to the Department of Law Enforcement and required by this
 968 section shall be retained by the Department of Law Enforcement
 969 in a manner provided by rule of the Department of Law
 970 Enforcement and entered into the statewide automated fingerprint
 971 identification system as authorized by s. 943.05(2)(b). Such
 972 fingerprints shall thereafter be available for all purposes and
 973 uses authorized for arrest fingerprint cards entered into the
 974 statewide automated fingerprint identification system pursuant
 975 to s. 943.051.

976 (d) Beginning February 1, 2006, the Department of Law
 977 Enforcement shall search all arrest fingerprints received under
 978 s. 943.051 against the fingerprints retained in the statewide
 979 automated fingerprint identification system under paragraph (c).
 980 Any arrest record that is identified with the retained
 981 fingerprints of a person subject to the criminal history
 982 screening requirements of this section shall be reported to the
 983 division. Each racetrack or fronton is required to participate
 984 in this search process by payment of an annual fee to the
 985 division which shall forward the payment to the Department of
 986 Law Enforcement. The division shall inform the Department of Law
 987 Enforcement of any change in the license status of licensees
 988 whose fingerprints are retained under subparagraph (c). The
 989 amount of the annual fee to be imposed upon each racetrack or
 990 fronton for performing these searches and the procedures for the
 991 retention of licensee fingerprints and the dissemination of

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992 search results shall be established by rule of the Department of
 993 Law Enforcement. The fee shall be borne by the person
 994 fingerprinted or the licensee.

995 (e) Every 5 years following issuance of a license or upon
 996 conducting a criminal history check as required herein, each
 997 person who is so licensed or who was so checked must meet the
 998 screening requirements as established by the division rule, at
 999 which time the division shall request the Department of Law
 1000 Enforcement to forward the fingerprints to the Federal Bureau of
 1001 Investigation for a criminal records check. If, for any reason
 1002 following initial licensure or criminal history check, the
 1003 fingerprints of a person who is licensed or who was checked are
 1004 not retained by the Department of Law Enforcement as provided in
 1005 this section, the person must file a complete set of
 1006 fingerprints with the division. Upon submission of fingerprints
 1007 for this purpose, the division shall request the Department of
 1008 Law Enforcement to forward the fingerprints to the Federal
 1009 Bureau of Investigation for a criminal records check, and the
 1010 fingerprints shall be retained by the Department of Law
 1011 Enforcement as authorized herein. The cost of the state and
 1012 national criminal history check required herein shall be borne
 1013 by the licensee or the person fingerprinted. Under penalty of
 1014 perjury, each person who is licensed or who is checked as
 1015 required by this section must agree to inform the division
 1016 within 48 hours if he or she is convicted of any disqualifying
 1017 offense while he or she is so licensed.

1018 (8) All moneys collected pursuant to this section shall be
 1019 deposited into the Slot Machine Administrative Trust Fund.

1020 551.1111 Prohibited relationships.--

1021 (1) A person employed by or performing any function on

1022 behalf of the division or the board shall not:

1023 (a) Be an officer, director, owner, or employee of any

1024 person or entity licensed by the division.

1025 (b) Have or hold any interest, direct or indirect, in or

1026 engage in any commerce or business relationship with any person

1027 licensed by the division.

1028 (2) No employee of the division or relative living in the

1029 same household of such employee of the division shall be allowed

1030 to wager at any time on a slot machine located at a facility

1031 licensed by the division.

1032 (3) No occupational licensee or relative living in the

1033 same household of such occupational licensee shall be allowed to

1034 wager at any time on a slot machine located at a facility where

1035 that person is employed.

1036 (4) A manufacturer or distributor of slot machines shall

1037 not enter into any contract with a slot machine licensee that

1038 provides for any revenue sharing of any kind or nature that is,

1039 directly or indirectly, calculated on the basis of a percentage

1040 of slot machine revenues. Any maneuver, shift, or device whereby

1041 this provision is violated shall be a violation of this chapter

1042 and shall render any such agreement void.

1043 (5) A manufacturer or distributor of slot machines or any

1044 equipment necessary for the operation of slot machines or an

1045 officer, director, or employee of any such manufacturer or

1046 distributor shall not have any ownership or financial interest

1047 in a slot machine license or in any business owned by the slot
 1048 machine licensee.

1049 551.1113 False statements; skimming of slot machine
 1050 proceeds; cheating; theft; arrest and recovery; penalties.--

1051 (1) Any person who intentionally makes or causes to be
 1052 made or aids, assists, or procures another to make a false
 1053 statement in any report, disclosure, application, or any other
 1054 document required under this chapter or any rule adopted under
 1055 this chapter commits a misdemeanor of the first degree,
 1056 punishable as provided in s. 775.082 or s. 775.083.

1057 (2) Any person who intentionally excludes, or takes any
 1058 action in an attempt to exclude, anything or its value from the
 1059 deposit, counting, collection, or computation of revenues from
 1060 slot machine activity or any person who by trick or sleight of
 1061 hand performance, or by a fraud or fraudulent scheme, or device,
 1062 for himself or herself or for another, wins or attempts to win
 1063 money or property or a combination thereof or reduces a losing
 1064 wager or attempts to reduce a losing wager in connection with
 1065 slot machine gaming commits a felony of the third degree,
 1066 punishable as provided in s. 775.082, s. 775.083, or. 775.084.

1067 (a) Any law enforcement officer or slot machine operator
 1068 who has probable cause to believe that a violation of this
 1069 subsection has been committed by a person and that the officer
 1070 or operator can recover the lost proceeds from such activity by
 1071 taking the person into custody may, for the purpose of
 1072 attempting to effect such recovery or for prosecution, take the
 1073 person into custody on the premises and detain the person in a
 1074 reasonable manner and for a reasonable period of time. If the

1075 operator takes the person into custody, a law enforcement
 1076 officer shall be called to the scene immediately. The taking
 1077 into custody and detention by a law enforcement officer or slot
 1078 machine operator, if done in compliance with this subsection,
 1079 does not render such law enforcement officer or slot machine
 1080 operator criminally or civilly liable for false arrest, false
 1081 imprisonment, or unlawful detention.

1082 (b) Any law enforcement officer may arrest, either on or
 1083 off the premises and without warrant, any person if there is
 1084 probable cause to believe that person has violated this
 1085 subsection.

1086 (c) Any person who resists the reasonable effort of a law
 1087 enforcement officer or slot machine operator to recover the lost
 1088 slot machine proceeds that the law enforcement officer or slot
 1089 machine operator had probable cause to believe had been stolen
 1090 from the eligible facility, and who is subsequently found to be
 1091 guilty of violating this subsection, commits a misdemeanor of
 1092 the first degree, punishable as provided in s. 775.082 or s.
 1093 775.083, unless such person did not know or did not have reason
 1094 to know that the person seeking to recover the lost proceeds was
 1095 a law enforcement officer or slot machine operator. For purposes
 1096 of this section, the charge of theft and the charge of resisting
 1097 apprehension may be tried concurrently.

1098 (d) Theft of any slot machine proceeds or of property
 1099 belonging to the slot machine operator or eligible facility by
 1100 an employee of the operator or facility or by an employee of a
 1101 person, firm, or entity that has contracted to provide services

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1102 to the establishment constitutes a felony of the third degree,
 1103 punishable as provided in s. 775.082 or s. 775.083.

1104 551.1115 Slot machines; authorization.--Notwithstanding
 1105 any provision of law to the contrary, no slot machine
 1106 manufactured, sold, distributed, possessed, or operated
 1107 according to the provisions of this chapter shall be considered
 1108 unlawful.

1109 551.1119 Facilities of slot machine licensees.--

1110 (1) In addition to the power to exclude certain persons
 1111 from any facility of a slot machine licensee in this state, the
 1112 division may exclude any person from any facility of a slot
 1113 machine licensee in this state for conduct that would
 1114 constitute, if the person were a licensee, a violation of this
 1115 chapter or the rules of the division. The division may exclude
 1116 from any facility of a slot machine licensee any person who has
 1117 been ejected from a facility of a slot machine licensee in this
 1118 state or who has been excluded from any facility of a slot
 1119 machine licensee or gaming facility in another state by the
 1120 governmental department, agency, commission, or authority
 1121 exercising regulatory jurisdiction over the gaming in such other
 1122 state.

1123 (2) This section shall not be construed to abrogate the
 1124 common law right of a slot machine licensee to exclude a patron
 1125 absolutely in this state.

1126 (3) The division shall require the posting of signs in the
 1127 designated slot machine gaming areas warning of the risks and
 1128 dangers of gambling, showing the odds of winning, and informing
 1129 patrons of the toll-free telephone number available to provide

1130 information and referral services regarding compulsive or
 1131 problem gambling.

1132 (4) The division shall require slot machine licensees to
 1133 provide in the designated slot machine gaming area facilities
 1134 and equipment sufficient to allow the observation of and
 1135 wagering on live, intertrack, and simulcast races and games.

1136 (5) The permitholder shall provide adequate office space
 1137 at no cost to the division and the Department of Law Enforcement
 1138 for the oversight of slot machines operations. The division
 1139 shall promulgate rules setting the criteria for adequate space,
 1140 configuration, and location and needed electronic and
 1141 technological requirements for office space required by this
 1142 subsection.

1143 551.121 Minors prohibited from playing slot machines.--

1144 (1) A slot machine licensee or agent or employee of a slot
 1145 machine licensee shall not:

1146 (a) Allow a person who has not attained 21 years of age to
 1147 play any slot machine.

1148 (b) Allow a person who has not attained 21 years of age
 1149 access to the designated slot machine gaming area of a facility
 1150 of a slot machine licensee.

1151 (c) Allow a person who has not attained 21 years of age to
 1152 be employed in any position allowing or requiring access to the
 1153 designated slot machine gaming area of a facility of a slot
 1154 machine licensee.

1155 (2) No person licensed under this chapter, or any agent or
 1156 employee of a licensee under this chapter, shall intentionally
 1157 allow a person who has not attained 21 years of age to play or

1158 operate a slot machine or have access to the designated slot
 1159 machine area of a facility of a slot machine licensee.

1160 551.125 Prohibited activities and devices.--

1161 (1) No complimentary alcoholic beverages shall be served
 1162 to patrons within the designated slot machine gaming areas.

1163 (2) A slot machine licensee shall not make any loan or
 1164 provide credit or advance cash to enable a person to play a slot
 1165 machine.

1166 (3) A slot machine licensee shall not allow any automated
 1167 teller machine or similar device designed to provide credit or
 1168 dispense cash to be located within 50 feet of a designated slot
 1169 machine gaming area within the facilities of the slot machine
 1170 licensee.

1171 (4) A slot machine licensee shall not accept or cash any
 1172 third party, corporate, business, or government-issued check
 1173 from any person.

1174 (5) Each slot machine approved for use in this state shall
 1175 be protected against manipulation or tampering to affect the
 1176 random probabilities of winning plays, and the centralized
 1177 computer management system shall enable the division or the
 1178 Department of Law Enforcement to suspend play upon suspicion of
 1179 any manipulation or tampering. When play has been suspended on
 1180 any slot machine, the division or the Department of Law
 1181 Enforcement may examine any slot machine to determine whether
 1182 the machine has been tampered with or manipulated and whether
 1183 the machine should be returned to operation.

1184 (6) No slot machine or the computer operating system
 1185 linking the slot machine shall be linked by any means to any

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1186 other slot machine or computer operating system of another slot
1187 machine licensee.

1188 (7) No outcome of play or continuation of play may be
1189 manipulated, through programming or otherwise, to display a
1190 result that appears to be a near win, gives the impression that
1191 the player is getting close to a win, or in any way gives a
1192 false impression that the chance to win is improved by another
1193 play; however, this subsection does not apply to general
1194 promotional enticements such as graphic displays and sound
1195 effects that do not falsely imply that the chance of winning
1196 improves by continued play.

1197 551.20 Days and hours of operation.--Slot machine gaming
1198 areas may be open 365 days a year. The slot machine gaming areas
1199 may be open only from 10:00 a.m. until 2:00 a.m. Sunday through
1200 Saturday.

1201 551.202 Catering license.--A slot machine licensee is
1202 entitled to a caterer's license pursuant to s. 565.02 on days in
1203 which the pari-mutuel facility is open to the public for slot
1204 machine game play as authorized by this chapter.

1205 551.204 Purchasing and employment by slot machine
1206 licensee.--

1207 (1) The slot machine licensee shall maintain a policy of
1208 making purchases from vendors in this state. Furthermore, the
1209 slot machine licensee shall create opportunities to purchase
1210 from minority vendors and shall implement the policy and
1211 purchasing opportunities in a nondiscriminatory manner.

1212 (2) The slot machine licensee shall maintain a policy of
 1213 awarding preference in employment to residents of this state, as
 1214 defined by law.

1215 (3) The slot machine licensee shall use the Internet-based
 1216 job listing system of the Agency for Workforce Innovation in
 1217 advertising employment opportunities. Further, each slot machine
 1218 licensee in its gaming operations shall create equal employment
 1219 opportunities which shall be implemented in a nondiscriminatory
 1220 manner in hiring and promoting employees to achieve the full and
 1221 fair participation of women, Asians, blacks, Hispanics, Native
 1222 Americans, persons with disabilities, and other protected groups
 1223 within the city where the pari-mutuel facility is located, and
 1224 an action plan and programs shall be implemented by each slot
 1225 machine licensee designed to ensure that the percentage of the
 1226 minority population in which the pari-mutuel facility is located
 1227 is considered to the extent minority applications are submitted
 1228 in equal proportion to the number of jobs open for hiring at
 1229 entry level, managerial, supervisory, and any other positions,
 1230 unless there is a bona fide occupational qualification requiring
 1231 a distinct and unique employment expertise which a minority
 1232 applicant does not possess.

1233 551.25 Penalties for violations by licensee.--The division
 1234 may revoke or suspend any license issued under this chapter upon
 1235 the willful violation by the licensee of any provision of this
 1236 chapter or of any rule adopted under this chapter. In lieu of
 1237 suspending or revoking a license, the division may impose a
 1238 civil penalty against the licensee for a violation of this
 1239 chapter or any rule adopted by the division. Except as otherwise

1240 provided in this chapter, the penalty so imposed may not exceed
 1241 \$1,000 for each count or separate offense. All penalties imposed
 1242 and collected must be deposited into the Slot Machine
 1243 Administrative Trust Fund in the department.

1244 551.30 State Slot Machine Gaming Board.--

1245 (1) CREATION.--

1246 (a) There is created a board known as the State Slot
 1247 Machine Gaming Board which shall be housed within the division.

1248 (b) The board is not a unit or entity of state government.
 1249 However, the board is subject to the provisions of s. 24, Art. I
 1250 of the State Constitution and chapter 119, relating to public
 1251 meetings and records and the provisions of chapter 286 relating
 1252 to public meetings and records.

1253 (c) The principal office of the board shall be in
 1254 Tallahassee; however, the board may conduct meetings in any
 1255 county where slot machine gaming is authorized to be conducted.

1256 (d) The board shall hire or contract for all staff
 1257 necessary for the proper execution of its powers and duties
 1258 within the funds appropriated to implement this section and
 1259 shall comply with the code of ethics for public officers and
 1260 employees under part III of chapter 112. In no case may the
 1261 board expend more than its annual appropriation for staffing and
 1262 necessary administrative expenditures, including, but not
 1263 limited to, travel and per diem and audit expenditures, using
 1264 funds appropriated to implement this section. The funds
 1265 appropriated shall be derived from a portion of the imposition
 1266 of regulatory fees to offset the costs of regulation.

1267 (e) The division shall provide administrative support to
 1268 the board as requested by the board. In the event of the
 1269 dissolution of the board, the division shall be the board's
 1270 successor in interest and shall assume all rights, duties, and
 1271 obligations of the board.

1272 (2) PURPOSE.--The board's purpose shall be to provide
 1273 administrative advisory oversight to the division's regulation
 1274 of slot machine gaming, monitor the impacts of slot machine
 1275 gaming in the affected communities and the state as a whole, and
 1276 ensure that the intent of s. 23, Art. X of the State
 1277 Constitution is met as it relates to the expenditures of taxes
 1278 on slot machines to supplement public education.

1279 (3) MEMBERSHIP.--

1280 (a) The board shall consist of nine voting members of high
 1281 moral character, impeccable reputation, and demonstrable
 1282 business expertise. No more than two members shall be residents
 1283 of a county where slot machine gaming is authorized to be
 1284 conducted. The Governor shall appoint the members of the board.
 1285 The director of the division shall serve as an ex officio,
 1286 nonvoting member of the board. Appointment of members of the
 1287 board shall be confirmed by the Senate.

1288 (b) Each member of the board shall serve for a term of 4
 1289 years, except that initially the Governor shall appoint three
 1290 members for a term of 1 year, three members for a term of 2
 1291 years, and three members for a term of 4 years to achieve
 1292 staggered terms among the members of the board. A member is not
 1293 eligible for reappointment to the board, except that a member
 1294 appointed to an initial term of 1 year or 2 years may be

1295 reappointed for an additional term of 4 years and a person
 1296 appointed to fill a vacancy with 2 years or less remaining on
 1297 the term may be reappointed for an additional term of 4 years.

1298 (c) The Governor shall fill a vacancy on the board. A
 1299 vacancy that occurs before the scheduled expiration of the term
 1300 of the member shall be filled for the remainder of the unexpired
 1301 term.

1302 (d) Each member of the board who is not otherwise required
 1303 to file financial disclosure under s. 8, Art. II of the State
 1304 Constitution or s. 112.3144 shall file disclosure of financial
 1305 interests under s. 112.3145.

1306 (e) A person may not be appointed to the board if he or
 1307 she has any direct or indirect interest in any slot machine
 1308 licensee or any aspect of the gambling industry or any
 1309 affiliated activities. A person appointed to the board shall be
 1310 deemed an appointed state officer for the purposes of s.
 1311 112.313.

1312 (f) Each member of the board shall serve without
 1313 compensation, but shall receive travel and per diem expenses as
 1314 provided in s. 112.061 while in the performance of his or her
 1315 duties.

1316 (g) Each member of the board is accountable for the proper
 1317 performance of the duties of office, and each member owes a
 1318 fiduciary duty to the people of the state to ensure that all
 1319 activities are conducted in furtherance of this section. The
 1320 Governor may remove a member for malfeasance, misfeasance,
 1321 neglect of duty, incompetence, permanent inability to perform
 1322 official duties, unexcused absence from three consecutive

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1323 meetings of the board, arrest or indictment for a crime that is
 1324 a felony or a misdemeanor involving theft or moral turpitude, a
 1325 crime of dishonesty, or pleading nolo contendere to, or being
 1326 found guilty of, any crime.

1327 (4) ORGANIZATION; MEETINGS.--

1328 (a)1. The board shall annually elect a chairperson and a
 1329 vice chairperson from among the board's members. The members
 1330 may, by a vote of five of the nine board members, remove a
 1331 member from the position of chairperson or vice chairperson
 1332 prior to the expiration of his or her term as chairperson or
 1333 vice chairperson. His or her successor shall be elected to serve
 1334 for the balance of the removed chairperson's or vice
 1335 chairperson's term.

1336 2. The chairperson is responsible to ensure that records
 1337 are kept of the proceedings of the board and is the custodian of
 1338 all books, documents, and papers filed with the board, the
 1339 minutes of meetings of the board, and the official seal of the
 1340 board.

1341 (b)1. The board shall meet upon the call of the
 1342 chairperson or at the request of a majority of the members, but
 1343 no less than quarterly per calendar year.

1344 2. A majority of the voting members of the board
 1345 constitutes a quorum. Except as otherwise provided in this
 1346 section, the board may take official action by a majority vote
 1347 of the members present at any meeting at which a quorum is
 1348 present. Members may not vote by proxy.

1349 3. A member of the board may participate in a meeting of
 1350 the board by telephone or video conference through which each
 1351 member may hear every other member.

1352 (5) POWERS AND DUTIES.--The board:

1353 (a) May perform all acts and things necessary or
 1354 convenient to carry out the powers expressly granted in this
 1355 section.

1356 (b) May recommend to the division and the Legislature
 1357 expenditures from regulatory funds provided by this chapter,
 1358 including any necessary administrative expenditures consistent
 1359 with its powers, and ways to supplement public education from
 1360 taxes collected from slot machine gaming.

1361 (c) May receive and review reports and financial
 1362 documentation provided by the slot machine licensee pursuant to
 1363 this chapter to monitor compliance with the provisions of this
 1364 chapter.

1365 (d) May receive testimony and information from law
 1366 enforcement officials regarding the impact of slot machine
 1367 gaming on criminal activity in and around slot machine
 1368 facilities.

1369 (e) May receive testimony and information from local
 1370 governments and tourist development councils regarding the
 1371 impact of slot machine gaming on their communities and the
 1372 tourism of their respective areas.

1373 (f) May make recommendations to the division and to the
 1374 Office of Program Policy Analysis and Government Accountability
 1375 on the performance measures for the regulatory responsibilities
 1376 set forth in this chapter.

1377 (g) May monitor criminal activity in and around the slot
 1378 machine facilities in this state and recommend to the
 1379 Legislature ways to curb such activity.

1380 (h) May receive testimony from education officials,
 1381 education groups, and the public regarding the expenditures of
 1382 taxes received from slot machine gaming and make recommendations
 1383 to the Legislature on ways to spend these funds to supplement
 1384 public education.

1385 (i) Shall prepare an annual report as prescribed herein.

1386 (j) Shall make recommendations to the division on
 1387 reporting requirements on slot machine gaming facilities. The
 1388 board shall recommend to the division the means, method, and
 1389 timing of reporting, at a minimum, in the following areas:

1390 1. The net number and dollar value of all jobs created,
 1391 including the number of jobs held by Florida residents.

1392 2. The total net amount of revenues generated for state
 1393 government from all tax and fee sources related to the slot
 1394 machine operation.

1395 3. The measures taken by the slot machine licensee to
 1396 prevent, control, and treat problem gambling.

1397 4. The operational status and quality of operation of the
 1398 slot machine licensee's preslot machine pari-mutuel enterprise.

1399 5. Documentation of continuing capital reinvestment by the
 1400 slot machine licensee for the economic benefit of the community.

1401 6. Information relating to all complaints and charges of
 1402 violations by a slot machine facility constituting a nuisance
 1403 and the outcome of such charges.

1404 7. A detailed summary of all lobbying activities conducted
 1405 by or on behalf of the slot machine licensee, including the
 1406 amount and source of funds expended.

1407 (6) REVIEW OF RULES.--The division shall provide a copy of
 1408 any proposed rules to the board and allow sufficient time for
 1409 review and response by the board. Emergency rules shall not be
 1410 subject to this requirement.

1411 (7) ANNUAL REPORT.--By December 1 of each year, the board
 1412 shall prepare a report of the activities and outcomes under this
 1413 section for the preceding fiscal year. The report, at a minimum,
 1414 must include:

1415 (a) A description of the activities of the board and slot
 1416 machine licensees and a description of the substance of reports
 1417 required for submission by the licensee to the board.

1418 (b) A description of the public testimony received by the
 1419 board.

1420 (c) A description of any resolutions from county or
 1421 municipal governments or tourist development councils or
 1422 affidavits from law enforcement officials received by the board.

1423 (d) Information on the number and salary level of jobs
 1424 created by each of the slot machine licensees, including the
 1425 number and salary level of jobs created for residents of this
 1426 state.

1427 (e) Information collected, if any, on the amount and
 1428 nature of economic activity generated through the slot machine
 1429 operations-related activities of each of the slot machine
 1430 licensees.

1431 (f) A compliance and financial audit of the accounts and
 1432 records of the board at the end of the preceding fiscal year
 1433 conducted by the division.

1434 (g) A description of any recommendations made to the
 1435 division or the Legislature by the board consistent with its
 1436 grant of authority herein.

1437
 1438 The board shall submit the report to the Governor, the President
 1439 of the Senate, and the Speaker of the House of Representatives.

1440 (8) OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT
 1441 ACCOUNTABILITY; PROGRAM EVALUATION.--

1442 (a) Before January 1, 2008, and annually thereafter, the
 1443 Office of Program Policy Analysis and Government Accountability
 1444 shall conduct a performance audit of the board, the division,
 1445 and slot machine licensees relating to the provisions of this
 1446 chapter. The audit shall assess the implementation and outcomes
 1447 of activities under this chapter. The audit shall include an
 1448 evaluation of reports and financial documentation provided to
 1449 the board under paragraphs (5)(c)-(e) by the slot machine
 1450 licensee, law enforcement officials, local governments, and
 1451 tourist development councils, and reports provided to the board
 1452 under paragraph (5)(j) including documentation of continuing
 1453 capital reinvestment by the slot machine licensee and
 1454 information relating to violations by a slot machine facility
 1455 constituting a nuisance. At a minimum, the audit shall address:

1456 1. Performance of the slot machine licensees in operating
 1457 slot machine gaming and complying with the rules under this
 1458 chapter.

1459 2. Performance of the board under this chapter.
 1460 3. Compliance by the board with the provisions of this
 1461 section and the provisions of the rules.
 1462 4. Economic activity generated through slot machine
 1463 operations by the slot machine licensees.
 1464 5. The expenditure of slot machine taxes and whether these
 1465 expenditures supplemented or supplanted public education
 1466 dollars.
 1467 (b) A report of each audit's findings and recommendations
 1468 shall be submitted to the Governor, the President of the Senate,
 1469 and the Speaker of the House of Representatives.
 1470 551.33 Law enforcement affidavits.--The chief law
 1471 enforcement officer of any county or municipality where a slot
 1472 machine licensee is authorized to conduct slot machine gaming at
 1473 a pari-mutuel facility and the chief law enforcement officer of
 1474 any municipality contiguous to a municipality where such slot
 1475 machine licensee is authorized to conduct slot machine gaming
 1476 shall execute at least once annually an affidavit verifying,
 1477 based upon information or belief, whether the applicable local
 1478 budgeting authority has provided sufficient funding to
 1479 adequately address additional law enforcement responsibilities
 1480 directly or indirectly resulting from the slot machine gaming
 1481 operations. The affidavit shall be transmitted to the board.
 1482 551.34 Local government resolutions.--
 1483 (1) The board of county commissioners and the governing
 1484 body of a municipality where a slot machine licensee is
 1485 authorized to conduct slot machine gaming and any municipality
 1486 contiguous to the municipality where such slot machine licensee

1487 is authorized to conduct slot machine gaming must adopt a
 1488 resolution at least once annually that expresses, at a minimum,
 1489 whether slot machine gaming is being operated in a manner that
 1490 demonstrates a commitment to ameliorate detriment to the public
 1491 economic and social health, safety, and welfare of the community
 1492 governed by the applicable body.

1493 (2) The governing body of any municipality that is not
 1494 required to adopt a resolution pursuant to subsection (1) may
 1495 adopt a resolution addressing slot machine gaming impacts on the
 1496 local community. The resolution should contain a recitation of
 1497 those factual circumstances which support a conclusion that the
 1498 operations of the slot machine licensee have a substantial
 1499 effect on the public economic and social health, safety, and
 1500 welfare of the municipality.

1501 (3) The resolution shall be transmitted to the board.

1502 551.341 Tourist development council resolutions.--

1503 (1) Any tourist development council, organized under the
 1504 provisions of part I of chapter 125, or the board of county
 1505 commissioners if there is no tourist development council in that
 1506 county, must adopt a resolution at least once annually that
 1507 expresses, at a minimum, whether slot machine gaming is being
 1508 operated in a manner that demonstrates a commitment to the
 1509 growth and expansion of tourism in this state and a commitment
 1510 to ameliorate detriment to communities that are current tourist
 1511 destinations but do not have slot machine gaming being conducted
 1512 at pari-mutuel facilities within their jurisdiction.

1513 (2) The resolution should contain a recitation of those
 1514 factual circumstances which support a conclusion that the

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1515 operations of slot machine licensees have a substantial positive
 1516 or negative effect on the expansion and growth of tourism within
 1517 their jurisdiction. Tourism impacts shall be supported, as a
 1518 part of the resolution, by statistical data and other practical
 1519 collateral impacts and evidence on local tourism activity.

1520 (3) The resolution shall be transmitted to the board.

1521 551.40 Compulsive gambling program.--The division may
 1522 contract for provision of services related to the prevention and
 1523 treatment of compulsive and addictive gambling. The terms of any
 1524 contract for the provision of such services shall include
 1525 accountability standards that must be met by any private
 1526 provider. The failure of any private provider to meet any
 1527 material terms of the contract, including the accountability
 1528 standards, shall constitute a breach of contract or grounds for
 1529 nonrenewal. The division may consult with the Department of the
 1530 Lottery in the development of the program and the development
 1531 and analysis of any procurement for contractual services for its
 1532 compulsive or addictive gambling treatment program. The
 1533 compulsive or addictive gambling treatment program shall be
 1534 funded from the annual nonrefundable regulatory fee provided for
 1535 in s. 551.108(1)(a).

1536 Section 6. Section 849.15, Florida Statutes, is amended to
 1537 read:

1538 849.15 Manufacture, sale, possession, etc., of coin-
 1539 operated devices prohibited.--

1540 (1) It is unlawful:

1541 (a)~~(1)~~ To manufacture, own, store, keep, possess, sell,
 1542 rent, lease, let on shares, lend or give away, transport, or

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1543 expose for sale or lease, or to offer to sell, rent, lease, let
 1544 on shares, lend or give away, or permit the operation of, or for
 1545 any person to permit to be placed, maintained, or used or kept
 1546 in any room, space, or building owned, leased or occupied by the
 1547 person or under the person's management or control, any slot
 1548 machine or device or any part thereof; or

1549 ~~(b)(2)~~ To make or to permit to be made with any person any
 1550 agreement with reference to any slot machine or device, pursuant
 1551 to which the user thereof, as a result of any element of chance
 1552 or other outcome unpredictable to him or her, may become
 1553 entitled to receive any money, credit, allowance, or thing of
 1554 value or additional chance or right to use such machine or
 1555 device, or to receive any check, slug, token or memorandum
 1556 entitling the holder to receive any money, credit, allowance or
 1557 thing of value.

1558 (2) Pursuant to section 2 of that certain chapter of the
 1559 Congress of the United States entitled "An act to prohibit
 1560 transportation of gaming devices in interstate and foreign
 1561 commerce", approved January 2, 1951, being c. 1194, 64 Stat.
 1562 1134, and also designated as 15 U.S.C. 1171-1177, the State of
 1563 Florida, acting by and through its duly elected and qualified
 1564 members of its Legislature, does hereby in this section, and in
 1565 accordance with and in compliance with the provisions of section
 1566 2 of such chapter of Congress, declare and proclaim that any
 1567 county of the State of Florida, within which slot machine gaming
 1568 is authorized pursuant to chapter 551 is exempt from the
 1569 provisions of section 2 of that certain chapter of the Congress
 1570 of the United States entitled "An act to prohibit transportation

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1571 of gaming devices in interstate and foreign commerce",
 1572 designated U.S.C. 1171-1177, approved January 2, 1951. All
 1573 shipments of gaming devices, including slot machines, into any
 1574 county of this state within which slot machine gaming is
 1575 authorized pursuant to chapter 551, the registering, recording,
 1576 and labeling of which have been duly done by the manufacturer or
 1577 distributor thereof in accordance with sections 3 and 4 of that
 1578 certain chapter of the Congress of the United States entitled,
 1579 "An act to prohibit transportation of gaming devices in
 1580 interstate and foreign commerce", approved January 2, 1951,
 1581 being c. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
 1582 1171-1177, shall be deemed legal shipments thereof into any such
 1583 county provided the destination of such shipments is to a
 1584 licensed eligible facility as defined s. 551.103.

1585 Section 7. Subsections (1) and (2) of section 895.02,
 1586 Florida Statutes, are amended to read:

1587 895.02 Definitions.--As used in ss. 895.01-895.08, the
 1588 term:

1589 (1) "Racketeering activity" means to commit, to attempt to
 1590 commit, to conspire to commit, or to solicit, coerce, or
 1591 intimidate another person to commit:

1592 (a) Any crime which is chargeable by indictment or
 1593 information under the following provisions of the Florida
 1594 Statutes:

1595 1. Section 210.18, relating to evasion of payment of
 1596 cigarette taxes.

1597 2. Section 403.727(3)(b), relating to environmental
 1598 control.

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- 1599 3. Section 409.920 or s. 409.9201, relating to Medicaid
1600 fraud.
- 1601 4. Section 414.39, relating to public assistance fraud.
- 1602 5. Section 440.105 or s. 440.106, relating to workers'
1603 compensation.
- 1604 6. Section 465.0161, relating to distribution of medicinal
1605 drugs without a permit as an Internet pharmacy.
- 1606 7. Sections 499.0051, 499.0052, 499.00535, 499.00545, and
1607 499.0691, relating to crimes involving contraband and
1608 adulterated drugs.
- 1609 8. Part IV of chapter 501, relating to telemarketing.
- 1610 9. Chapter 517, relating to sale of securities and
1611 investor protection.
- 1612 10. Section 550.235, s. 550.3551, or s. 550.3605, relating
1613 to dogracing and horseracing.
- 1614 11. Chapter 550, relating to jai alai frontons.
- 1615 12. Section 551.1113, relating to slot machine gaming.
- 1616 ~~13.12.~~ Chapter 552, relating to the manufacture,
1617 distribution, and use of explosives.
- 1618 ~~14.13.~~ Chapter 560, relating to money transmitters, if the
1619 violation is punishable as a felony.
- 1620 ~~15.14.~~ Chapter 562, relating to beverage law enforcement.
- 1621 ~~16.15.~~ Section 624.401, relating to transacting insurance
1622 without a certificate of authority, s. 624.437(4)(c)1., relating
1623 to operating an unauthorized multiple-employer welfare
1624 arrangement, or s. 626.902(1)(b), relating to representing or
1625 aiding an unauthorized insurer.

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1626 ~~17.16.~~ Section 655.50, relating to reports of currency
 1627 transactions, when such violation is punishable as a felony.
 1628 ~~18.17.~~ Chapter 687, relating to interest and usurious
 1629 practices.
 1630 ~~19.18.~~ Section 721.08, s. 721.09, or s. 721.13, relating
 1631 to real estate timeshare plans.
 1632 ~~20.19.~~ Chapter 782, relating to homicide.
 1633 ~~21.20.~~ Chapter 784, relating to assault and battery.
 1634 ~~22.21.~~ Chapter 787, relating to kidnapping.
 1635 ~~23.22.~~ Chapter 790, relating to weapons and firearms.
 1636 ~~24.23.~~ Section 796.03, s. 796.035, s. 796.04, s. 796.045,
 1637 s. 796.05, or s. 796.07, relating to prostitution and sex
 1638 trafficking.
 1639 ~~25.24.~~ Chapter 806, relating to arson.
 1640 ~~26.25.~~ Section 810.02(2)(c), relating to specified
 1641 burglary of a dwelling or structure.
 1642 ~~27.26.~~ Chapter 812, relating to theft, robbery, and
 1643 related crimes.
 1644 ~~28.27.~~ Chapter 815, relating to computer-related crimes.
 1645 ~~29.28.~~ Chapter 817, relating to fraudulent practices,
 1646 false pretenses, fraud generally, and credit card crimes.
 1647 ~~30.29.~~ Chapter 825, relating to abuse, neglect, or
 1648 exploitation of an elderly person or disabled adult.
 1649 ~~31.30.~~ Section 827.071, relating to commercial sexual
 1650 exploitation of children.
 1651 ~~32.31.~~ Chapter 831, relating to forgery and
 1652 counterfeiting.

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1653 ~~33.32.~~ Chapter 832, relating to issuance of worthless
 1654 checks and drafts.
 1655 ~~34.33.~~ Section 836.05, relating to extortion.
 1656 ~~35.34.~~ Chapter 837, relating to perjury.
 1657 ~~36.35.~~ Chapter 838, relating to bribery and misuse of
 1658 public office.
 1659 ~~37.36.~~ Chapter 843, relating to obstruction of justice.
 1660 ~~38.37.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
 1661 or s. 847.07, relating to obscene literature and profanity.
 1662 ~~39.38.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
 1663 s. 849.25, relating to gambling.
 1664 ~~40.39.~~ Chapter 874, relating to criminal street gangs.
 1665 ~~41.40.~~ Chapter 893, relating to drug abuse prevention and
 1666 control.
 1667 ~~42.41.~~ Chapter 896, relating to offenses related to
 1668 financial transactions.
 1669 ~~43.42.~~ Sections 914.22 and 914.23, relating to tampering
 1670 with a witness, victim, or informant, and retaliation against a
 1671 witness, victim, or informant.
 1672 ~~44.43.~~ Sections 918.12 and 918.13, relating to tampering
 1673 with jurors and evidence.
 1674 (b) Any conduct defined as "racketeering activity" under
 1675 18 U.S.C. s. 1961(1).
 1676 (2) "Unlawful debt" means any money or other thing of
 1677 value constituting principal or interest of a debt that is
 1678 legally unenforceable in this state in whole or in part because
 1679 the debt was incurred or contracted:

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1680 (a) In violation of any one of the following provisions of
1681 law:

1682 1. Section 550.235, s. 550.3551, or s. 550.3605, relating
1683 to dogracing and horseracing.

1684 2. Chapter 550, relating to jai alai frontons.

1685 3. Section 551.1113, relating to slot machine gaming.

1686 ~~4.3-~~ Chapter 687, relating to interest and usury.

1687 ~~5.4-~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
1688 s. 849.25, relating to gambling.

1689 (b) In gambling activity in violation of federal law or in
1690 the business of lending money at a rate usurious under state or
1691 federal law.

1692 Section 8. The Legislature has exclusive authority over
1693 the conduct of all wagering occurring at a slot machine facility
1694 in this state. Only the division and other authorized state
1695 agencies shall administer chapter 551, Florida Statutes, and
1696 regulate the slot machine gaming industry, including operation
1697 of slot machine facilities, games, slot machines, and
1698 centralized computer management systems authorized in chapter
1699 551 and the rules adopted by the division.

1700 Section 9. Referenda.--

1701 (1) Notwithstanding any other provision of law, a county
1702 in which a slot machine facility is located may call a
1703 referendum to give the voters an opportunity to deauthorize slot
1704 machine operations as an undue burden on the county, and shall
1705 call such referendum upon a petition signed by the lesser of
1706 10,000 electors or 1 percent of the electors residing within the
1707 county.

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1708 (2) When a referendum is called as a result of a petition
 1709 having been signed by a sufficient number of the electors of a
 1710 county, the county supervisor of elections shall conduct such
 1711 referendum on the day of any state or county primary or general
 1712 election that is being held for any purpose other than for the
 1713 purpose of deauthorizing slot machine operations as an undue
 1714 burden. The question on the ballot shall be:

1715 SHOULD THE OPERATION OF SLOT MACHINES IN [COUNTY NAME] BE
 1716 DEAUTHORIZED AS AN UNDUE BURDEN UPON THE COUNTY?

1717 (3) The results shall be certified to the Division of
 1718 Elections of the Department of State.

1719 (4) Notwithstanding any other provision of law, each
 1720 municipality and county in which a slot machine facility is
 1721 located and each municipality that is contiguous to a
 1722 municipality where a slot machine facility is located may call a
 1723 referendum to give the voters an opportunity to declare the slot
 1724 machine operation an undue burden on the community, and shall
 1725 call such referendum upon:

1726 (a) Petition signed by the lesser of 1,000 electors or 5
 1727 percent of the electors residing within the municipality; or

1728 (b) Petition signed by the lesser of 10,000 electors or 1
 1729 percent of the electors residing within the county.

1730 (5) When a referendum is called as a result of a
 1731 sufficient number of petitions having been signed by the
 1732 electors of a county or municipality, the county supervisor of
 1733 elections shall conduct such referendum on the day of any state,
 1734 county, or municipal primary or general election or on the day
 1735 of any election of such county or municipality that is being

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1736 held for any purpose other than for the purpose of declaring
 1737 whether the operation of slot machines is an undue burden. The
 1738 question on the ballot shall be:

1739 SHOULD THE OPERATION OF SLOT MACHINES IN [NAME OF
 1740 COUNTY][NAME OF MUNICIPALITY] OR IN A MUNICIPALITY
 1741 CONTIGUOUS TO [NAME OF MUNICIPALITY] BE DECLARED AN UNDUE
 1742 BURDEN?

1743 (6) The results shall be transmitted to the board for its
 1744 consideration and inclusion in its annual report and to the
 1745 Office of Program Policy Analysis and Government Accountability
 1746 for its use in conducting performance audits and evaluations.

1747 (7) Once the question on the ballot has been placed before
 1748 the electors of a county or municipality, the question shall not
 1749 be presented in another referendum in that county or that
 1750 municipality for at least 2 years.

1751 Section 10. Any tribal-state compact relating to gaming
 1752 activities which is entered into by an Indian tribe in this
 1753 state and the Governor pursuant to the Indian Gaming Regulatory
 1754 Act, 25 U.S.C. ss. 2701 et seq., must be conditioned upon
 1755 ratification by the Legislature.

1756 Section 11. Department of Transportation study of
 1757 transportation facilities providing access to pari-mutuel
 1758 facilities and Indian reservations; report and recommendations
 1759 authorized.--

1760 (1) The Department of Transportation is directed to
 1761 conduct a study of the impacts that slot machine gaming at pari-
 1762 mutuel facilities and on Indian reservation lands are having on
 1763 public roads and other transportation facilities, regarding

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1764 traffic congestion and other mobility issues, facility
 1765 maintenance and repair costs, emergency evacuation readiness,
 1766 costs of potential future widening or other improvements, and
 1767 other impacts on the motoring, nongaming public.

1768 (2) The study shall include, but is not limited to, the
 1769 following information:

1770 (a) A listing, description, and functional classification
 1771 of the access roads to and from pari-mutuel facilities and
 1772 Indian reservations that conduct slot machine gaming in the
 1773 state.

1774 (b) An identification of the access roads identified under
 1775 paragraph (a) that are either scheduled for improvements within
 1776 the Department of Transportation's 5-year work program or are
 1777 listed on the 20-year, long-range transportation plan of the
 1778 department or a metropolitan planning organization.

1779 (c) The most recent traffic counts on the access roads and
 1780 projected future usage, as well as any projections of impacts on
 1781 secondary, feeder, or connector roads, interstate highway exit
 1782 and entrance ramps, or other area transportation facilities.

1783 (d) The safety and maintenance ratings of each access road
 1784 and a detailed review of impacts on local and state emergency
 1785 management agencies to provide emergency or evacuation services.

1786 (e) The estimated infrastructure costs to maintain,
 1787 improve, or widen these access roads based on future projected
 1788 needs.

1789 (f) The feasibility of implementing tolls on these access
 1790 roads or, if already tolled, raising the toll to offset and
 1791 mitigate the impacts of traffic generated by pari-mutuel and by

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1792 Indian reservation slot machine gaming activities on nontribal
 1793 communities in the state and to finance projected future
 1794 improvements to the access roads.

1795 (3) The department shall present its findings and
 1796 recommendations in a report to be submitted to the Governor, the
 1797 President of the Senate, and the Speaker of the House of
 1798 Representatives by January 15, 2006. The report may include any
 1799 department recommendations for proposed legislation.

1800 Section 12. Nonseverability.--The Legislature hereby finds
 1801 that each provision of this act is an integral part of the
 1802 strict supervision and regulation of slot machines authorized
 1803 for play at pari-mutuel facilities meeting the geographic and
 1804 operating requirements of section 23, Article X of the State
 1805 Constitution. If any provision of this act is declared
 1806 inoperative or ineffective for any reason whatsoever, the
 1807 remaining provisions of this act shall be deemed to be void and
 1808 of no effect, it being the legislative intent that this act
 1809 would not have been adopted had any provision of the act
 1810 creating it not been included.

1811 Section 13. (1) Sixty-four full-time equivalent positions
 1812 are authorized and the sum of \$4,792,259 in recurring and
 1813 \$4,036,486 in nonrecurring funds is hereby appropriated from the
 1814 Slot Machine Administrative Trust Fund in the Department of
 1815 Business and Professional Regulation for the purpose of carrying
 1816 out all regulatory activities provided herein. The Executive
 1817 Office of the Governor shall place these funds and positions in
 1818 reserve until such time as the Department of Business and
 1819 Professional Regulation submits an expenditure plan for approval

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1820 to the Executive Office of the Governor, and the chair and vice
 1821 chair of the Legislative Budget Commission in accordance with
 1822 the provisions of section 216.177, Florida Statutes.

1823 (2) The sum of \$2,634,349 in recurring and \$1,814,916 in
 1824 nonrecurring funds is hereby appropriated from the Slot Machine
 1825 Administrative Trust Fund in the Department of Business and
 1826 Professional Regulation for transfer to the Department of Law
 1827 Enforcement for the purpose of investigations, intelligence
 1828 gathering, background investigations, and any other
 1829 responsibilities as provided for herein. Fifty-seven full-time
 1830 equivalent positions are authorized and the sum of \$2,634,349 in
 1831 recurring and \$1,814,916 in nonrecurring funds is hereby
 1832 appropriated from the Operating Trust Fund in the Department of
 1833 Law Enforcement for the purpose of investigations, intelligence
 1834 gathering, background investigations, and any other
 1835 responsibilities as provided for herein. The Executive Office of
 1836 the Governor shall place these funds and positions in reserve
 1837 until such time as the Department of Law Enforcement submits an
 1838 expenditure plan for approval to the Executive Office of the
 1839 Governor and the chair and vice chair of the Legislative Budget
 1840 Commission in accordance with the provisions of section 216.177,
 1841 Florida Statutes.

1842 (3) The sum of \$158,154 in recurring and \$24,498 in
 1843 nonrecurring funds is hereby appropriated from the Slot Machine
 1844 Administrative Trust Fund in the Department of Business and
 1845 Professional Regulation for transfer to the Office of the State
 1846 Attorney, 17th Judicial Circuit, for the purpose of prosecution
 1847 of offenses associated with gaming operations. Ten full-time

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1848 equivalent positions are authorized and the sum of \$158,154 in
1849 recurring and \$24,498 in nonrecurring funds is hereby
1850 appropriated from the Grants and Donations Trust Fund in the
1851 Office of the State Attorney, 17th Judicial Circuit, for the
1852 purpose of prosecution of offenses associated with gaming
1853 operations. The Executive Office of the Governor shall place
1854 these funds and positions in reserve until such time as the
1855 Office of the State Attorney, 17th Judicial Circuit, submits an
1856 expenditure plan for approval to the Executive Office of the
1857 Governor and the chair and vice chair of the Legislative Budget
1858 Commission in accordance with the provisions of section 216.177,
1859 Florida Statutes.

1860 Section 14. This act shall take effect July 1, 2005.