

1 A bill to be entitled

2 An act relating to pari-mutuel wagering; creating the Keep
3 the Promise Act of 2005 to implement s. 23, Art. X of the
4 State Constitution; providing for administration and
5 regulation by the Division of Slot Machines of the
6 Department of Business and Professional Regulation;
7 amending s. 20.165, F.S.; establishing a Division of Slot
8 Machines in the Department of Business and Professional
9 Regulation; amending s. 550.5251, F.S.; revising licensing
10 and permit requirements relating to required operating
11 days for certain thoroughbred racing permitholders;
12 revising timeframe for application of certain
13 requirements; deleting requirement that certain
14 thoroughbred permitholders operate the full number of
15 days; providing for validity of certain permits; creating
16 chapter 551, F.S.; implementing s. 23, Art. X of the State
17 Constitution; authorizing slot machines and slot machine
18 gaming within certain pari-mutuel facilities located in
19 Miami-Dade and Broward Counties upon approval by local
20 referendum; providing for administration and regulation by
21 the Division of Slot Machines of the Department of
22 Business and Professional Regulation; providing
23 definitions; providing legislative intent; providing
24 powers and duties of the division; providing for
25 construction of such provisions; directing the division to
26 adopt rules necessary to implement, administer, and
27 regulate slot machine gaming; requiring such rules to
28 include application procedures, certain technical

Page 1 of 65

29 requirements, procedures relating to revenue, certain
30 regulation and management and auditing procedures, certain
31 bond requirements, and requirements for record
32 maintenance, and payouts; providing for investigations by
33 the division, the Department of Law Enforcement, and local
34 law enforcement; providing for the investigation of
35 violations in conjunction with other agencies; providing
36 specified law enforcement powers to the division;
37 providing for access to slot machine licensee facilities
38 by the division, the Department of Law Enforcement, or
39 local law enforcement; authorizing the division, the
40 Department of Law Enforcement, or local law enforcement to
41 make certain inspections and examinations; authorizing the
42 division to collect certain monies and deny, revoke,
43 suspend, or place conditions on the license under certain
44 circumstances; providing for suspension or revocation of
45 the license of an unqualified applicant or licensee;
46 authorizing the division to adopt emergency rules for the
47 regulation of slot machine gaming; providing for licensure
48 to conduct slot machine gaming; prohibiting the division
49 from accepting applications or issuing slot machine
50 licenses prior to adoption of rules; providing for
51 application for licensure; providing conditions for
52 conducting slot machine gaming; providing requirements for
53 receiving and maintaining a license which include
54 compliance with slot machine regulations and regulations
55 relating to pari-mutuel wagering, maintaining the pari-
56 mutuel permit and license, conducting a certain number of

57 | live races or games, allowing access by the division, and
58 | submission of security plans; requiring prior approval by
59 | the division of certain changes in ownership of slot
60 | machine licenses; requiring notice to the division of
61 | certain changes in ownership; requiring permitholders to
62 | submit certain information and certification relating to
63 | games to the division and the Department of Law
64 | Enforcement; requiring review and approval of games by
65 | division; requiring a slot machine licensee to submit
66 | internal control procedures to the division for review and
67 | approval; authorizing the amendment of a pari-mutuel
68 | license within a specified time; providing for a reduction
69 | in the required number of live races or games under
70 | certain circumstances; prohibiting transfer of a license;
71 | providing a limit on the number of slot machines at a
72 | facility; requiring slot machine licensees to maintain
73 | certain reports for submission to the division; providing
74 | for an audit by an independent certified public accountant
75 | of the receipt and distribution of slot machine revenues;
76 | providing for annual renewal of the license; providing for
77 | a renewal application and procedures for approval;
78 | requiring corporate slot machine licensees to apply for
79 | and be issued a certificate of status; specifying the
80 | payment of state and local taxes as a condition for a slot
81 | machine license; requiring certification by the Department
82 | of Revenue of the payment of certain state and local taxes
83 | by a slot machine licensee; directing the division to
84 | revoke, suspend, or refuse to renew the license for

85 failure to pay such taxes; requiring the slot machine
86 licensee pay to the division an initial and annual license
87 fee; providing for deposit of the fee into the Slot
88 Machine Administrative Trust Fund for certain purposes;
89 requiring the division to evaluate the license fee and
90 make recommendations to the Legislature; providing for a
91 tax on slot machine revenues to be deposited into the
92 Educational Enhancement Trust Fund; requiring that slot
93 machine taxes shall be used to supplement and not supplant
94 public education dollars; requiring tax proceeds be first
95 used to fund a grant program for laptop computers for
96 certain students; directing the State Board of Education
97 to adopt rules to implement such program; providing
98 payment procedures; providing penalties for failure to
99 make payments; providing for submission of funds by
100 electronic funds transfer; providing for general,
101 professional, and business occupational licenses;
102 prohibiting transfer of such licenses; prohibiting a slot
103 machine licensee from employing or doing business with
104 persons or businesses unless such person or business is
105 properly licensed; requiring occupational licensees to
106 display identification cards under certain circumstances;
107 providing for application forms, fees, and procedures;
108 authorizing the division to adopt rules relating to
109 applications, licensure, and renewal of licensure and fees
110 therefor; requiring slot machine licensee to pay licensure
111 fees of general occupational licensees; providing for
112 reciprocal disciplinary actions with other jurisdictions;

113 providing for disciplinary actions against a licensee for
114 certain violations of regulations or laws; requiring
115 fingerprints and criminal records checks of applicants or
116 licensees; requiring certain costs of the records check be
117 borne by the applicant or licensee; requiring licensees to
118 provide equipment for electronic submission of
119 fingerprints; authorizing the retention of fingerprints
120 for the purposes of entering fingerprints into the
121 statewide automated fingerprint identification system by a
122 certain date; requiring licensees to inform the division
123 of conviction of disqualifying criminal offenses;
124 requiring certain racetracks and frontons to pay an annual
125 fee; authorizing the Department of Law Enforcement to
126 adopt rules relating to fingerprinting costs and
127 procedures; requiring periodic additional criminal history
128 checks for purposes of screening following issuance of a
129 license; providing for distribution of funds into the Slot
130 Machine Administrative Trust Fund; prohibiting certain
131 relationships between employees of the division or board
132 and licensees of the division; prohibiting division
133 employees and occupational licensees and certain of their
134 relatives from wagering on slot machines at certain
135 facilities; prohibiting contracts that provide for revenue
136 sharing between a manufacturer or distributor and slot
137 machine licensees; prohibiting ownership or financial
138 interests in slot machine licensees by certain
139 manufacturers or distributors; prohibiting certain false
140 statements, exclusion of revenue for certain purposes,

141 cheating, and theft of proceeds; providing penalties;
142 providing for arrest and recovery; limiting liability for
143 arrest and detention; providing penalties for resisting
144 recovery efforts; authorizing manufacture, sale,
145 distribution, possession, and operation of slot machines
146 under certain circumstances; authorizing the division to
147 exclude any person from licensed facilities under certain
148 circumstances; directing the division to require certain
149 signage in designated gaming areas and require certain
150 equipment or facilities relating to races or games within
151 the gaming area; requiring permitholder to provide office
152 space; prohibiting a licensee and employees and agents of
153 the licensee from allowing a person under a certain age to
154 operate slot machines or to have access to the gaming
155 area; prohibiting complimentary alcoholic beverages, loans
156 or credit, acceptance or cashing of third-party checks,
157 and automatic teller machines; authorizing the suspension
158 of play of slot machines by the division or the Department
159 of Law Enforcement for suspicion of tampering or
160 manipulation; limiting linkage of operating systems;
161 prohibiting certain player enticements; providing for the
162 hours of operation of slot machines; providing that the
163 slot machine licensee is eligible for a caterer license
164 under specified provisions; requiring the slot machine
165 licensee maintain certain purchasing and hiring policies,
166 use a certain job listing service provided by the Agency
167 for Workforce Innovation, and implement certain equal
168 employment opportunities; providing penalties for certain

169 | violations by a licensee; providing for deposit of fines
170 | collected; creating the State Slot Machine Gaming Board
171 | within the division; providing that the board is not a
172 | state entity; providing for public meetings and records of
173 | the board; providing for offices and personnel of the
174 | board; requiring the board comply with specified ethics
175 | provisions; providing for expenditures of state funds
176 | derived from regulatory fees; requiring the division
177 | provide administrative support for the board; providing
178 | purpose of the board; providing for membership of the
179 | board; providing for appointment and confirmation and
180 | terms of members; requiring financial disclosure;
181 | prohibiting interests in any slot machine licensee or the
182 | gambling industry; providing that members are state
183 | officers for specified purposes; authorizing per diem and
184 | travel expenses; providing for removal of members;
185 | providing for organization and meetings of the board;
186 | providing powers and duties of the board; authorizing the
187 | board to receive certain information and testimony;
188 | providing for evaluations, recommendations, and reports;
189 | directing the division to provide the board with certain
190 | proposed rules for review and response; requiring the
191 | board to prepare an annual report to be submitted to the
192 | Governor and Legislature; providing for content of the
193 | report; directing the Office of Program Policy Analysis
194 | and Government Accountability to conduct an annual
195 | performance audit of the board, the division, and slot
196 | machine licensees; providing for content of the audit;

197 | directing that office to submit the audit's findings and
198 | recommendations to the Governor and the Legislature;
199 | requiring the chief law enforcement officer of certain
200 | counties and municipalities to annually execute and
201 | transmit to the board an affidavit relating to certain
202 | funding; requiring the governing body of certain counties
203 | and municipalities and tourist development councils to
204 | annually adopt and transmit to the board a resolution
205 | relating to the operations of slot machine gaming;
206 | authorizing other governing bodies to transmit such a
207 | resolution to the board; authorizing the division to
208 | contract for a compulsive gambling treatment and
209 | prevention program; amending s. 849.15, F.S.; providing
210 | for transportation of certain gaming devices in accordance
211 | with federal law; amending s. 895.02, F.S.; providing that
212 | specified violations related to slot machine gaming
213 | constitute racketeering activity; providing that certain
214 | debt incurred in violation of specified provisions
215 | relating to slot machine gaming constitutes unlawful debt;
216 | preempting slot machine regulation to the state; providing
217 | for referenda deauthorizing slot machine operations as an
218 | undue burden; authorizing referenda declaring slot machine
219 | operations an undue burden; requiring a petition for a
220 | referendum; providing for ratification of tribal-state
221 | compacts by the Legislature; directing the Department of
222 | Transportation to conduct a study on the access roads to
223 | pari-mutuel facilities and Indian reservation lands where
224 | gaming activities occur; providing for content of the

225 study; requiring a report to the Governor and the
 226 Legislature; providing appropriations for the Department
 227 of Business and Professional Regulation, the Department of
 228 Law Enforcement, and the Office of the State Attorney to
 229 carry out the provisions of the act; providing an
 230 effective date.

231

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

233

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

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

238 20.165 Department of Business and Professional
 239 Regulation.--There is created a Department of Business and
 240 Professional Regulation.

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

- 243 (a) Division of Administration.
- 244 (b) Division of Alcoholic Beverages and Tobacco.
- 245 (c) Division of Certified Public Accounting.

246 1. The director of the division shall be appointed by the
 247 secretary of the department, subject to approval by a majority
 248 of the Board of Accountancy.

249 2. The offices of the division shall be located in
 250 Gainesville.

251 (d) Division of Florida Land Sales, Condominiums, and
 252 Mobile Homes.

253 (e) Division of Hotels and Restaurants.

254 (f) Division of Pari-mutuel Wagering.

255 (g) Division of Professions.

256 (h) Division of Real Estate.

257 1. The director of the division shall be appointed by the
 258 secretary of the department, subject to approval by a majority
 259 of the Florida Real Estate Commission.

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

262 (i) Division of Regulation.

263 (j) Division of Slot Machines.

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

265 Section 3. Subsections (1), (2), and (3) of section
 266 550.5251, Florida Statutes, are amended to read:

267 550.5251 Florida thoroughbred racing; certain permits;
 268 operating days.--

269 (1) Each thoroughbred permitholder under whose permit
 270 thoroughbred racing was conducted in this state at any time
 271 between January 1, 1987, and January 1, 2005 ~~1988~~, shall
 272 annually be entitled to apply for and annually receive
 273 thoroughbred racing days and dates as set forth in this section.
 274 As regards such permitholders, the annual thoroughbred racing
 275 season shall be from June 1 of any year through May 31 of the
 276 following year and shall be known as the "Florida Thoroughbred
 277 Racing Season."

278 (2) Each permitholder referred to in subsection (1) shall
 279 annually, during the period commencing December 15 of each year
 280 and ending January 4 of the following year, file in writing with

281 the division its application to conduct one or more thoroughbred
 282 racing meetings during the thoroughbred racing season commencing
 283 on the following June 1. Each application shall specify the
 284 number and dates of all performances that the permitholder
 285 intends to conduct during that thoroughbred racing season. On or
 286 before February 15 of each year, the division shall issue a
 287 license authorizing each permitholder to conduct performances on
 288 the dates specified in its application. Up to March 31 of each
 289 year, each permitholder may request and shall be granted changes
 290 in its authorized performances; ~~but thereafter, as a condition~~
 291 ~~precedent to the validity of its license and its right to retain~~
 292 ~~its permit, each permitholder must operate the full number of~~
 293 ~~days authorized on each of the dates set forth in its license.~~

294 (3) Each thoroughbred permit referred to in subsection
 295 (1), including, but not limited to, any permit originally issued
 296 as a summer thoroughbred horse racing permit, is hereby
 297 validated and shall continue in full force and effect,
 298 irrespective of any action that the division may take or may
 299 have heretofore taken against the permit.

300 Section 4. Chapter 551, Florida Statutes, consisting of
 301 sections 551.101, 551.103, 551.105, 551.107, 551.1073, 551.1075
 302 551.108, 551.1091, 551.1111, 551.1113, 551.1115, 551.1119,
 303 551.121, 551.125, 551.20, 551.202, 551.204, 551.25, 551.30,
 304 551.33, 551.34, 551.341, and 551.40, is created to read:

305 CHAPTER 551

306 SLOT MACHINES

307 551.101 Slot machine gaming authorized.--Any existing,
 308 licensed pari-mutuel facility located in Miami-Dade County or

309 Broward County at the time of adoption of s. 23, Art. X of the
310 State Constitution that has conducted live racing or games
311 during calendar years 2002 and 2003 may possess slot machines
312 and conduct slot machine gaming at the location where the pari-
313 mutuel permitholder is authorized to conduct pari-mutuel
314 wagering activities pursuant to such permitholder's valid pari-
315 mutuel permit or as otherwise authorized by law provided a
316 majority of voters in a countywide referendum have approved the
317 possession of slot machines at such facility in the respective
318 county. Notwithstanding any other provision of law, it is not a
319 crime for a person to participate in slot machine gaming at a
320 pari-mutuel facility licensed to possess slot machines and
321 conduct slot machine gaming.

322 551.103 Definitions.--As used in this chapter, unless the
323 context clearly requires otherwise, the term:

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

325 (2) "Department" means the Department of Business and
326 Professional Regulation.

327 (3) "Designated slot machine gaming area" means the area
328 of a facility of a slot machine licensee in which slot machine
329 gaming may be conducted in accordance with the provisions of
330 this chapter.

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

333 (5) "Electronic or electromechanical facsimile" means a
334 game played in an electronic or electromechanical format that
335 replicates a game of chance by incorporating all of the
336 characteristics of the game, except when, for bingo, the

337 electronic or electromechanical format broadens participation by
338 allowing multiple players to play with or against each other
339 rather than with or against a machine.

340 (6) "Mechanical, electronic, computerized, or other
341 technological aids" means any machine or device that assists a
342 player or the playing of a bingo game as defined in s. 849.0931
343 and broadens participation by allowing multiple players at one
344 slot machine facility to play with or against each other in a
345 bingo game for a common prize or prizes. Such aids may use
346 alternative displays, including, but not limited to, a
347 simulation of spinning reels, to illustrate aspects of the game
348 of bingo such as when a player joins the game or when prizes
349 have been awarded, as long as such aid continuously and
350 prominently displays the electronic bingo card so that it is
351 apparent that the player is actually engaged in the play of
352 bingo. Such aids shall not:

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

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

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

358 (7) "Slot machine" means a mechanical, electronic,
359 computerized gaming device that is a technological aid to the
360 playing of the game of bingo and that offers wagering on the
361 game of bingo as defined in s. 849.0931, is owned by the slot
362 machine licensee, and is capable of being linked to a
363 centralized computer management system for regulating, managing,
364 and auditing the operation, financial data, and program

365 information, as required by the division. A slot machine may be
366 activated by insertion of a coin, bill, ticket, token, or
367 similar object or upon payment of any consideration whatsoever,
368 including the use of any electronic payment system except a
369 credit card or debit card and may entitle the person playing or
370 operating the machine to receive or may deliver to the person
371 cash, billets, tickets, tokens, or electronic credits to be
372 exchanged for cash. A slot machine is not a "coin-operated
373 amusement machine" as defined in s. 212.02(24), and slot
374 machines are not subject to the tax imposed by s. 212.05(1)(h).
375 It is the intent of the Legislature to authorize only those
376 mechanical, computerized, electronic or other technological aids
377 that a federal agency or a court in a final, nonappealable order
378 has concluded expressly meet the definition of a mechanical,
379 computerized, electronic, or other technological aid to Class II
380 gaming pursuant to 25 U.S.C. 2703, the Indian Gaming Regulatory
381 Act. The Legislature does not intend to authorize any other
382 gaming device.

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

388 (9) "Slot machine revenues" means the total of all cash
389 and property received by the slot machine licensee from slot
390 machine gaming operations less the amount of cash, cash
391 equivalents, credits, and prizes paid to winners of slot machine
392 gaming.

393 551.105 Division of Slot Machines; powers and duties.--
 394 (1) The division shall adopt, pursuant to the provisions
 395 of ss. 120.536 and 120.54, all rules necessary to implement,
 396 administer, and regulate slot machine gaming as authorized in
 397 this chapter. Such rules shall include:
 398 (a) Procedures for applying for a license and renewal of a
 399 license.
 400 (b) Establishing technical requirements in addition to the
 401 qualifications which shall be necessary to receive a slot
 402 machine license or slot machine occupational license.
 403 (c) Procedures relating to slot machine revenues,
 404 including verifying and accounting for such revenues, auditing,
 405 and collecting taxes and fees consistent with this chapter.
 406 (d) Procedures for regulating, managing, and auditing the
 407 operation, financial data, and program information relating to
 408 slot machines through a centralized computer system that shall
 409 allow the division and the Florida Department of Law Enforcement
 410 to audit the operation, financial data, and program information
 411 of a slot machine licensee, as required by the division or the
 412 Florida Department of Law Enforcement and shall provide the
 413 division and the Florida Department of Law Enforcement with the
 414 ability to monitor on a real-time basis at any time wagering
 415 patterns, payouts, tax collection, and compliance with any rules
 416 adopted by the division for the regulation and control of slot
 417 machines operated under this section. Such continuous and
 418 complete access on a real-time basis at any time shall include
 419 the ability to immediately suspend slot machine operations if
 420 monitoring of the computer operating system indicates possible

421 tampering or manipulation of slot machines or of the computer
422 operating system itself.

423 (e) Requiring each licensee at his or her own cost and
424 expense to supply the division with a bond with the penal sum of
425 \$2 million payable to the Governor and his or her successors in
426 office for the licensee's first year of slot machine operations;
427 and, thereafter, the licensee shall file a bond with the penal
428 sum as determined by the division pursuant to rules promulgated
429 to approximate anticipated state revenues from the licensee's
430 slot machine operations, but in no case shall the bond be less
431 than \$2 million. Any bond shall be issued by a surety or
432 sureties to be approved by the division and the Chief Financial
433 Officer, conditioned to faithfully make the payments to the
434 Chief Financial Officer in his or her capacity as treasurer of
435 the division. The licensee shall be required to keep its books
436 and records and make reports as provided in this chapter and to
437 conduct its slot machine operations in conformity with this
438 chapter and all other provisions of law. The division may review
439 the bond for adequacy and require adjustments each fiscal year.
440 Such bond shall be separate and distinct from the bond required
441 in s. 550.125.

442 (f) Requiring licensees to maintain specified records and
443 submit any data, information, record, or report, including
444 financial and income records, required by this chapter or
445 determined by the division to be necessary to the proper
446 implementation and enforcement of this chapter.

447 (g) Requiring that the payout percentage of a slot machine
448 shall be no less than 85 percent or more than 93 percent per
449 facility.

450 (2) The division shall conduct such investigations that
451 the division determines necessary to fulfill its
452 responsibilities under the provisions of this chapter.

453 (3) The division, the Department of Law Enforcement, and
454 local law enforcement agencies shall have concurrent
455 jurisdiction to investigate criminal violations of this chapter
456 and may investigate any other criminal violation of law
457 occurring on the facilities of a slot machine licensee, and such
458 investigations may be conducted in conjunction with the
459 appropriate state attorney. The division and its employees and
460 agents shall have such other law enforcement powers as specified
461 in ss. 943.04 and 943.10.

462 (4) (a) The division, the Department of Law Enforcement,
463 and local law enforcement agencies shall have unrestricted
464 access to the slot machine licensee facility at all times and
465 shall require of each slot machine licensee strict compliance
466 with the laws of this state relating to the transaction of such
467 business. The division, the Department of Law Enforcement, and
468 local law enforcement agencies:

469 1. May inspect and examine premises where slot machines
470 are offered for play.

471 2. May inspect slot machines and related equipment and
472 supplies.

473 (b) In addition, the division:

474 1. May collect taxes, assessments, fees, and penalties.

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

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

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

483 (a) Prohibit the Department of Law Enforcement or any law
 484 enforcement authority whose jurisdiction includes a slot machine
 485 licensee facility from conducting criminal investigations
 486 occurring on the facilities of the slot machine licensee;

487 (b) Restrict access to the slot machine licensee facility
 488 by the Department of Law Enforcement or any local law
 489 enforcement authority whose jurisdiction includes the slot
 490 machine licensee facility; or

491 (c) Restrict access to information and records necessary
 492 to the investigation of criminal activity that is contained
 493 within the slot machine licensee facility by the Department of
 494 Law Enforcement or local law enforcement authorities.

495 (7) The division may, at any time after the issuance of a
 496 license pursuant to s. 551.107, adopt emergency rules pursuant
 497 to s. 120.54. The Legislature finds that such emergency
 498 rulemaking power is necessary for the preservation of the rights
 499 and welfare of the people in order to provide additional funds
 500 to benefit the public. The Legislature further finds that the
 501 unique nature of legalized gambling requires, from time to time,
 502 that the division respond as quickly as is practicable to

503 changes in the marketplace and changes in technology that may
504 affect legalized gambling conducted at pari-mutuel facilities in
505 this state. Therefore, in adopting such emergency rules, the
506 division need not make the findings required by s. 120.54(4)(a).
507 Emergency rules adopted to implement the provisions of this
508 chapter are exempt from s. 120.54(4)(c) and shall remain in
509 effect until replaced by other emergency rules or by rules
510 adopted under nonemergency rulemaking procedures of chapter 120.

511 551.107 License to conduct slot machine gaming.--

512 (1) Upon application and a finding by the division after
513 investigation that the application is complete and the applicant
514 is qualified, and payment of the initial license fee the
515 division shall issue a license to conduct slot machine gaming in
516 the designated slot machine gaming area of the slot machine
517 licensee's facility. Once licensed, slot machine gaming may be
518 conducted subject to the requirements of this chapter and rules
519 adopted pursuant thereto. The division shall not be authorized
520 to accept an application or issue a license to operate slot
521 machine gaming at a pari-mutuel wagering facility until such
522 time as all rules mandated by this chapter for slot machine
523 operations have been filed for adoption with the Secretary of
524 State.

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

530 (3) A slot machine license may only be issued to a
531 licensed pari-mutuel permitholder and slot machine gaming may
532 only be conducted at the same facility at which the permitholder
533 is authorized under its valid pari-mutuel wagering permit to
534 conduct pari-mutuel wagering activities.

535 (4) As a condition of licensure and to maintain continued
536 authority for the conduct of slot machine gaming the slot
537 machine licensee shall:

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

539 (b) Continue to be in compliance with chapter 550, where
540 applicable, and maintain the pari-mutuel permit and license in
541 good standing pursuant to the provisions of chapter 550.
542 Notwithstanding any contrary provision of law and in order to
543 expedite the operation of slot machines at eligible facilities,
544 any eligible facility shall be entitled within 60 days after the
545 effective date of this act to amend its 2005-2006 license issued
546 by the Division of Pari-mutuel Wagering and shall be granted the
547 requested changes in its authorized performances pursuant to
548 such amendment. The Division of Pari-mutuel Wagering shall issue
549 a new license to the eligible facility to effectuate an
550 amendment.

551 (c) Conduct not less than a full schedule of live races or
552 games as defined in s. 550.002(11). However, when a permitholder
553 fails to conduct such number of live races or games, that number
554 of live races or games shall be reduced by the number of races
555 or games which could not be conducted due to the direct result
556 of fire, war, or other disaster or event beyond the ability of
557 the permitholder to control.

558 (d) Upon approval of any changes relating to the pari-
559 mutuel permit by the Division of Pari-mutuel Wagering in the
560 Department of Business and Professional Regulation, be
561 responsible for providing appropriate current and accurate
562 documentation on a timely basis to the division in order to
563 continue the slot machine license in good standing. Changes in
564 ownership or interest of a slot machine gaming license of 5
565 percent or more of the stock or other evidence of ownership or
566 equity in the slot machine license or any parent corporation or
567 other business entity that in any way owns or controls the slot
568 machine license shall be approved by the division prior to such
569 change, unless the owner is an existing holder of that license
570 who was previously approved by the division. Changes in
571 ownership or interest of a slot machine license of less than 5
572 percent shall be reported to the division within 20 days after
573 the change. The division may then conduct an investigation to
574 ensure that the license is properly updated to show the change
575 in ownership or interest.

576 (e) Allow unrestricted access and right of inspection by
577 the division to facilities of a slot machine licensee in which
578 any activity relative to the conduct of slot machine gaming is
579 conducted.

580 (f) Submit a security plan, including a slot machine floor
581 plan, location of security cameras, and the listing of security
582 equipment which shall be capable of observing and electronically
583 recording activities being conducted in the designated slot
584 machine gaming area.

585 (g) Provide the division with a detailed operating system
586 description, including, but not limited to, any operating
587 software, access to the source codes for each game and slot
588 machine it will offer for play at its slot machine facility, and
589 certification by an independent testing laboratory that the
590 games, slot machines, and computer operating system conform to
591 the requirements of this chapter. Such descriptions shall also
592 be made available to the Department of Law Enforcement. The
593 division shall review and approve each game and machine for
594 compliance with this chapter and rules regulating games and slot
595 machines prior to approval of the game and machine. A slot
596 machine licensee shall not operate any game or machine prior to
597 its approval for use in its facility by the division.

598 (h) Provide the division with a complete copy of internal
599 control procedures adopted by the licensee for its slot machine
600 operations. The division shall review and approve such internal
601 control procedures for compliance with rules adopted to ensure
602 patron safety, payout procedures, and security of tax revenues
603 to be paid to the state. Rules regarding requirements for the
604 internal control procedures shall include, but not be limited
605 to, audit and tax collection procedures, security procedures for
606 the collection of money for vouchers issued for slot machines,
607 and security and public safety procedures.

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

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

612 (7) A slot machine licensee shall keep and maintain
613 permanent daily records of its slot machine operation and shall
614 maintain such records for a period of not less than 5 years.
615 These records shall include all financial transactions and
616 contain sufficient detail to determine compliance with the
617 requirements of this section. All records shall be available for
618 audit and inspection by the division, the Department of Law
619 Enforcement, or other law enforcement agencies during the
620 licensee's regular business hours. The information required in
621 such records shall be determined by division rule.

622 (8) A slot machine licensee shall file with the division a
623 report containing the required records of such slot machine
624 operation. A slot machine licensee shall file such report
625 monthly. The required reports shall be submitted on forms
626 prescribed by the division and shall be due at the same time as
627 the monthly pari-mutuel reports are due to the Division of Pari-
628 mutuel Wagering, and the reports shall be deemed public records
629 once filed.

630 (9) A slot machine licensee shall file with the division
631 an audit of the receipt and distribution of all slot machine
632 revenues provided by an independent certified public accountant
633 verifying compliance with all statutes and regulations imposed
634 by this chapter and the rules promulgated hereunder. The audit
635 shall include verification of compliance with all statutes and
636 regulations regarding all required records of slot machine
637 operations. Such audit shall be filed within 60 days after the
638 completion of the permit holder's pari-mutuel meet.

639 (10) The division may share any information with the
640 Department of Law Enforcement or any other law enforcement
641 agency having jurisdiction over slot machine gaming or pari-
642 mutuel activities. Any law enforcement agency having
643 jurisdiction over slot machine gaming or pari-mutuel activities
644 may share any information obtained or developed by it with the
645 division.

646 551.1073 Slot machine license renewal.--

647 (1) Slot machine licenses shall be renewed annually. The
648 application for renewal shall contain all revisions to the
649 information submitted in the prior year's application that are
650 necessary to maintain such information as both accurate and
651 current.

652 (2) The applicant for renewal shall attest that any
653 information changes do not affect the applicant's qualifications
654 for license renewal.

655 (3) The applicant shall submit information required by ss.
656 551.30 and be in compliance with rules adopted by the division.

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

661 551.1075 Payment of taxes; determination and certification
662 of payment of state and local taxes.--

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

666 conclusively that the corporation is in existence and authorized
 667 to do business in this state.

668 (2) As a condition for license renewal and for
 669 continuation of a license in good standing, the division may
 670 determine whether the slot machine licensee has failed to pay
 671 all taxes due to the division as a result of the licensee's
 672 pari-mutuel and slot machine gaming operations. If the division
 673 determines that the slot machine licensee is delinquent in the
 674 payment of any such tax, it shall revoke, suspend, or refuse to
 675 renew the license of the slot machine licensee.

676 (3) On or before July 31 of each fiscal year, the
 677 Department of Revenue shall certify to the Governor that a
 678 corporation or other business entity or an individual holding a
 679 slot machine license is current and in good standing in regard
 680 to the payment of all state or local taxes due and payable to
 681 the Department of Revenue or to an applicable local jurisdiction
 682 for the prior fiscal year. If the Department of Revenue does not
 683 certify that a licensee is current and in good standing, the
 684 division shall revoke, suspend, or refuse to renew the license
 685 of a slot machine licensee.

686 551.108 License fee; tax rate.--

687 (1) LICENSE FEE.--

688 (a) Upon approval of the application for a slot machine
 689 license, the licensee must pay to the division a license fee of
 690 \$4 million. The license fee shall be paid annually upon renewal
 691 of the slot machine license and shall be deposited into the Slot
 692 Machine Administrative Trust Fund in the Department of Business

693 and Professional Regulation for the regulation of slot machine
 694 gaming under this chapter.

695 (b) Prior to January 1, 2006, the division shall evaluate
 696 the license fee and, in consultation with the board, shall make
 697 recommendations to the President of the Senate and the Speaker
 698 of the House of Representatives. The recommendations shall focus
 699 on the optimum level of slot machine license fees or a
 700 combination of fees in order to properly support the slot
 701 machine regulatory program.

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

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

705 (b) The facility shall collect and transmit the tax to the
 706 department on a daily basis for deposit into the Slot Machine
 707 Administrative Trust Fund in the Department of Business and
 708 Professional Regulation for immediate transfer to the
 709 Educational Enhancement Trust Fund in the Department of
 710 Education. Any interest earnings on the tax revenues shall also
 711 be transferred to the Educational Enhancement Trust Fund.

712 (c) Any expenditures of slot machine taxes shall be used
 713 to supplement and not supplant public education dollars. Tax
 714 proceeds shall be used first to fund the Laptops for Achievers
 715 grant program, which shall be administered by the Department of
 716 Education. All school districts are eligible to submit grant
 717 applications to participate in the program, in a format to be
 718 determined by the department. Each district's grant program
 719 shall provide for the laptops to be made available to every

720 public school seventh grade student, including charter school
721 students, and shall require:

722 1. Integrated use of the laptops with curriculum design,
723 instructional planning, training, and delivery, and
724 communication with parents;

725 2. School site wiring and appropriate technology
726 infrastructure needs;

727 3. Assignment of a laptop computer on loan to each student
728 entering seventh grade for use through grade 12;

729 4. A contract with each student stipulating that if the
730 student earns a passing score on the grade 10 FCAT, as required
731 by ss. 1003.43(5) and 1003.429, the loaned laptop will be
732 upgraded and given to the student to keep as a reward for the
733 student's achievement.

734
735 The State Board of Education shall adopt rules to implement the
736 Laptops for Achievers program.

737 (3) PAYMENT PROCEDURES.--Tax payments shall be remitted
738 daily, as determined by rule of the division. The slot machine
739 licensee shall file a report under oath by the 5th day of each
740 calendar month for all taxes remitted during the preceding
741 calendar month that shall show all slot machine activities for
742 the preceding calendar month and such other information as may
743 be required by the division.

744 (4) FAILURE TO PAY TAX; PENALTIES.--A slot machine
745 licensee who fails to make tax payments as required under this
746 section shall be subject to an administrative penalty of up to
747 \$1,000 for each day the tax payment is not remitted. All

748 administrative penalties imposed and collected shall be
749 deposited into the Slot Machine Administrative Trust Fund in the
750 Department of Business and Professional Regulation. If any slot
751 machine licensee fails to pay penalties imposed by order of the
752 division under this subsection, the division may suspend,
753 revoke, or refuse to renew the license of the slot machine
754 licensee.

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

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

764 551.1091 Occupational license required; application;
765 fee.--

766 (1) The individuals and entities that are licensed under
767 this section require heightened state scrutiny, including the
768 submission by the individual licensees or persons associated
769 with the entities described in this chapter of fingerprints for
770 a criminal records check.

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

776 1. General occupational licenses for general employees,
777 food service, maintenance, and other similar service and support
778 employees with access to the designated slot machine gaming
779 area. Service and support employees with a current pari-mutuel
780 occupational license issued pursuant to chapter 550 and a
781 current background check are not required to submit to an
782 additional background check for a slot machine occupational
783 license as long as the pari-mutuel occupational license remains
784 in good standing.

785 2. Professional occupational licenses for any person,
786 proprietorship, partnership, corporation, or other entity that
787 is authorized by a slot machine licensee to manage, oversee, or
788 otherwise control daily operations as a slot machine manager,
789 floor supervisor, security personnel, or any other similar
790 position of oversight of gaming operations.

791 3. Business occupational licenses for any slot machine
792 management company or slot machine business associated with slot
793 machine gaming or a person who manufactures, distributes, or
794 sells slot machines, slot machine paraphernalia, or other
795 associated equipment to slot machine licensees or any person not
796 an employee of the slot machine licensee who provides
797 maintenance, repair, or upgrades or otherwise services a slot
798 machine or other slot machine equipment.

799 (b) Slot machine occupational licenses are not
800 transferable.

801 (3) A slot machine licensee shall not employ or otherwise
802 allow a person to work at a slot machine facility unless such
803 person holds a valid occupational license. A slot machine

804 licensee shall not contract or otherwise do business with a
805 business required to hold a slot machine occupational license
806 unless the business holds such a license. A slot machine
807 licensee shall not employ or otherwise allow a person to work in
808 a supervisory or management professional level at a slot machine
809 facility unless such person holds a valid occupational license.
810 All slot machine occupational licensees, while present in the
811 slot machine gaming area, shall be required to display on their
812 persons their occupational license identification cards.

813 (4) (a) A person seeking a slot machine occupational
814 license, or renewal thereof, shall make application on forms
815 prescribed by the division and include payment of the
816 appropriate application fee. Initial and renewal applications
817 for slot machine occupational licenses shall contain all the
818 information the division, by rule, may determine is required to
819 ensure eligibility.

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

822 (c) Pursuant to rules adopted by the division, any person
823 may apply for and, if qualified, be issued an occupational
824 license valid for a period of 3 years upon payment of the full
825 occupational license fee for each of the 3 years for which the
826 license is issued. The occupational license shall be valid
827 during its specified term at any slot machine facility where
828 slot machine gaming is authorized to be conducted.

829 (d) The slot machine occupational license fee for initial
830 application and annual renewal shall be determined by rule of
831 the division but shall not exceed \$50 for a general or

832 professional occupational license for an employee of the slot
833 machine licensee or \$1,000 for a business occupational license
834 for nonemployees of the licensee providing goods or services to
835 the slot machine licensee. License fees for general occupational
836 licensees shall be paid for by the slot machine licensee.
837 Failure to pay the required fee shall be grounds for
838 disciplinary action by the division against the slot machine
839 license but shall not be considered a violation of this chapter
840 or rules of the division by the general occupational licensee or
841 a prohibition against the issuance of the initial or the renewal
842 of the general occupational license.

843 (5) If the state gaming commission or other similar
844 regulatory authority of another state or jurisdiction extends to
845 the division reciprocal courtesy to maintain disciplinary
846 control, the division may:

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

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

854 (6)(a) The division may deny, suspend, revoke, or declare
855 ineligible any occupational license if the applicant for or
856 holder thereof has violated the provisions of this chapter or
857 the rules of the division governing the conduct of persons
858 connected with slot machine gaming. In addition, the division
859 may deny, suspend, revoke, or declare ineligible any

860 occupational license if the applicant for such license has been
861 convicted in this state, in any other state, or under the laws
862 of the United States of a capital felony, a felony, or an
863 offense in any other state which would be a felony under the
864 laws of this state involving arson; trafficking in, conspiracy
865 to traffic in, smuggling, importing, conspiracy to smuggle or
866 import, or delivery, sale, or distribution of a controlled
867 substance; or a crime involving a lack of good moral character,
868 or has had a slot machine gaming license revoked by this state
869 or any other jurisdiction for an offense related to slot machine
870 gaming.

871 (b) The division may deny, declare ineligible, or revoke
872 any occupational license if the applicant for such license or
873 the licensee has been convicted of a felony or misdemeanor in
874 this state, in any other state, or under the laws of the United
875 States, if such felony or misdemeanor is related to gambling or
876 bookmaking as contemplated in s. 849.25.

877 (7) Fingerprints for all slot machine occupational license
878 applications shall be taken in a manner approved by the division
879 and shall be submitted to the Department of Law Enforcement and
880 the Federal Bureau of Investigation for a level II criminal
881 records check upon initial application and every 5 years
882 thereafter. All persons associated with, having a direct or
883 indirect ownership interest in, or employed by or working within
884 a licensed premise, excluding division employees and law
885 enforcement officers assigned by their employing agencies to
886 work within the premises as part of their official duties, are
887 required to not be convicted of any disqualifying criminal

888 offenses as established by division rule. To facilitate the
889 required review of criminal history information, each person
890 listed here is required to submit fingerprints to the division.
891 The division shall forward the fingerprints to the Department of
892 Law Enforcement for state processing. The Department of Law
893 Enforcement shall forward the fingerprints to the Federal Bureau
894 of Investigation for national processing.

895 (a) Fingerprints shall be taken in a manner approved by
896 the division and shall be submitted electronically to the
897 Department of Law Enforcement and the Federal Bureau of
898 Investigation for a criminal records check upon initial taking,
899 or as required thereafter by rule of the division, and every 5
900 years thereafter. Licensees are required to provide necessary
901 equipment approved by the Department of Law Enforcement to
902 facilitate such electronic submission. The division may by rule
903 require annual criminal history record checks of all persons
904 required to submit to the fingerprint-based criminal records
905 check. The division requirements under this subsection shall be
906 instituted in consultation with the Department of Law
907 Enforcement.

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

912 (c) Beginning February 1, 2006, all fingerprints submitted
913 to the Department of Law Enforcement and required by this
914 section shall be retained by the Department of Law Enforcement
915 in a manner provided by rule of the Department of Law

916 Enforcement and entered into the statewide automated fingerprint
917 identification system as authorized by s. 943.05(2)(b). Such
918 fingerprints shall thereafter be available for all purposes and
919 uses authorized for arrest fingerprint cards entered into the
920 statewide automated fingerprint identification system pursuant
921 to s. 943.051.

922 (d) Beginning February 1, 2006, the Department of Law
923 Enforcement shall search all arrest fingerprints received under
924 s. 943.051 against the fingerprints retained in the statewide
925 automated fingerprint identification system under paragraph (c).
926 Any arrest record that is identified with the retained
927 fingerprints of a person subject to the criminal history
928 screening requirements of this section shall be reported to the
929 division. Each racetrack or fronton is required to participate
930 in this search process by payment of an annual fee to the
931 division which shall forward the payment to the Department of
932 Law Enforcement. The division shall inform the Department of Law
933 Enforcement of any change in the license status of licensees
934 whose fingerprints are retained under subparagraph (c). The
935 amount of the annual fee to be imposed upon each racetrack or
936 fronton for performing these searches and the procedures for the
937 retention of licensee fingerprints and the dissemination of
938 search results shall be established by rule of the Department of
939 Law Enforcement. The fee shall be borne by the person
940 fingerprinted or the licensee.

941 (e) Every 5 years following issuance of a license or upon
942 conducting a criminal history check as required herein, each
943 person who is so licensed or who was so checked must meet the

944 screening requirements as established by the division rule, at
 945 which time the division shall request the Department of Law
 946 Enforcement to forward the fingerprints to the Federal Bureau of
 947 Investigation for a criminal records check. If, for any reason
 948 following initial licensure or criminal history check, the
 949 fingerprints of a person who is licensed or who was checked are
 950 not retained by the Department of Law Enforcement as provided in
 951 this section, the person must file a complete set of
 952 fingerprints with the division. Upon submission of fingerprints
 953 for this purpose, the division shall request the Department of
 954 Law Enforcement to forward the fingerprints to the Federal
 955 Bureau of Investigation for a criminal records check, and the
 956 fingerprints shall be retained by the Department of Law
 957 Enforcement as authorized herein. The cost of the state and
 958 national criminal history check required herein shall be borne
 959 by the licensee or the person fingerprinted. Under penalty of
 960 perjury, each person who is licensed or who is checked as
 961 required by this section must agree to inform the division
 962 within 48 hours if he or she is convicted of any disqualifying
 963 offense while he or she is so licensed.

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

966 551.1111 Prohibited relationships.--

967 (1) A person employed by or performing any function on
 968 behalf of the division or the board shall not:

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

971 | (b) Have or hold any interest, direct or indirect, in or
 972 | engage in any commerce or business relationship with any person
 973 | licensed by the division.

974 | (2) No employee of the division or relative living in the
 975 | same household of such employee of the division shall be allowed
 976 | to wager at any time on a slot machine located at a facility
 977 | licensed by the division.

978 | (3) No occupational licensee or relative living in the
 979 | same household of such occupational licensee shall be allowed to
 980 | wager at any time on a slot machine located at a facility where
 981 | that person is employed.

982 | (4) A manufacturer or distributor of slot machines shall
 983 | not enter into any contract with a slot machine licensee that
 984 | provides for any revenue sharing of any kind or nature that is,
 985 | directly or indirectly, calculated on the basis of a percentage
 986 | of slot machine revenues. Any maneuver, shift, or device whereby
 987 | this provision is violated shall be a violation of this chapter
 988 | and shall render any such agreement void.

989 | (5) A manufacturer or distributor of slot machines or any
 990 | equipment necessary for the operation of slot machines or an
 991 | officer, director, or employee of any such manufacturer or
 992 | distributor shall not have any ownership or financial interest
 993 | in a slot machine license or in any business owned by the slot
 994 | machine licensee.

995 | 551.1113 False statements; skimming of slot machine
 996 | proceeds; cheating; theft; arrest and recovery; penalties.--

997 | (1) Any person who intentionally makes or causes to be
 998 | made or aids, assists, or procures another to make a false

999 statement in any report, disclosure, application, or any other
 1000 document required under this chapter or any rule adopted under
 1001 this chapter commits a misdemeanor of the first degree,
 1002 punishable as provided in s. 775.082 or s. 775.083.

1003 (2) Any person who intentionally excludes, or takes any
 1004 action in an attempt to exclude, anything or its value from the
 1005 deposit, counting, collection, or computation of revenues from
 1006 slot machine activity or any person who by trick or sleight of
 1007 hand performance, or by a fraud or fraudulent scheme, or device,
 1008 for himself or herself or for another, wins or attempts to win
 1009 money or property or a combination thereof or reduces a losing
 1010 wager or attempts to reduce a losing wager in connection with
 1011 slot machine gaming commits a felony of the third degree,
 1012 punishable as provided in s. 775.082, s. 775.083, or. 775.084.

1013 (a) Any law enforcement officer or slot machine operator
 1014 who has probable cause to believe that a violation of this
 1015 subsection has been committed by a person and that the officer
 1016 or operator can recover the lost proceeds from such activity by
 1017 taking the person into custody may, for the purpose of
 1018 attempting to effect such recovery or for prosecution, take the
 1019 person into custody on the premises and detain the person in a
 1020 reasonable manner and for a reasonable period of time. If the
 1021 operator takes the person into custody, a law enforcement
 1022 officer shall be called to the scene immediately. The taking
 1023 into custody and detention by a law enforcement officer or slot
 1024 machine operator, if done in compliance with this subsection,
 1025 does not render such law enforcement officer or slot machine

1026 operator criminally or civilly liable for false arrest, false
 1027 imprisonment, or unlawful detention.

1028 (b) Any law enforcement officer may arrest, either on or
 1029 off the premises and without warrant, any person if there is
 1030 probable cause to believe that person has violated this
 1031 subsection.

1032 (c) Any person who resists the reasonable effort of a law
 1033 enforcement officer or slot machine operator to recover the lost
 1034 slot machine proceeds that the law enforcement officer or slot
 1035 machine operator had probable cause to believe had been stolen
 1036 from the eligible facility, and who is subsequently found to be
 1037 guilty of violating this subsection, commits a misdemeanor of
 1038 the first degree, punishable as provided in s. 775.082 or s.
 1039 775.083, unless such person did not know or did not have reason
 1040 to know that the person seeking to recover the lost proceeds was
 1041 a law enforcement officer or slot machine operator. For purposes
 1042 of this section, the charge of theft and the charge of resisting
 1043 apprehension may be tried concurrently.

1044 (d) Theft of any slot machine proceeds or of property
 1045 belonging to the slot machine operator or eligible facility by
 1046 an employee of the operator or facility or by an employee of a
 1047 person, firm, or entity that has contracted to provide services
 1048 to the establishment constitutes a felony of the third degree,
 1049 punishable as provided in s. 775.082 or s. 775.083.

1050 551.1115 Slot machines; authorization.--Notwithstanding
 1051 any provision of law to the contrary, no slot machine
 1052 manufactured, sold, distributed, possessed, or operated

1053 according to the provisions of this chapter shall be considered
 1054 unlawful.

1055 551.1119 Facilities of slot machine licensees.--

1056 (1) In addition to the power to exclude certain persons
 1057 from any facility of a slot machine licensee in this state, the
 1058 division may exclude any person from any facility of a slot
 1059 machine licensee in this state for conduct that would
 1060 constitute, if the person were a licensee, a violation of this
 1061 chapter or the rules of the division. The division may exclude
 1062 from any facility of a slot machine licensee any person who has
 1063 been ejected from a facility of a slot machine licensee in this
 1064 state or who has been excluded from any facility of a slot
 1065 machine licensee or gaming facility in another state by the
 1066 governmental department, agency, commission, or authority
 1067 exercising regulatory jurisdiction over the gaming in such other
 1068 state.

1069 (2) This section shall not be construed to abrogate the
 1070 common law right of a slot machine licensee to exclude a patron
 1071 absolutely in this state.

1072 (3) The division shall require the posting of signs in the
 1073 designated slot machine gaming areas warning of the risks and
 1074 dangers of gambling, showing the odds of winning, and informing
 1075 patrons of the toll-free telephone number available to provide
 1076 information and referral services regarding compulsive or
 1077 problem gambling.

1078 (4) The division shall require slot machine licensees to
 1079 provide in the designated slot machine gaming area facilities

1080 and equipment sufficient to allow the observation of and
 1081 wagering on live, intertrack, and simulcast races and games.

1082 (5) The permitholder shall provide adequate office space
 1083 at no cost to the division and the Department of Law Enforcement
 1084 for the oversight of slot machines operations. The division
 1085 shall promulgate rules setting the criteria for adequate space,
 1086 configuration, and location and needed electronic and
 1087 technological requirements for office space required by this
 1088 subsection.

1089 551.121 Minors prohibited from playing slot machines.--

1090 (1) A slot machine licensee or agent or employee of a slot
 1091 machine licensee shall not:

1092 (a) Allow a person who has not attained 21 years of age to
 1093 play any slot machine.

1094 (b) Allow a person who has not attained 21 years of age
 1095 access to the designated slot machine gaming area of a facility
 1096 of a slot machine licensee.

1097 (c) Allow a person who has not attained 21 years of age to
 1098 be employed in any position allowing or requiring access to the
 1099 designated slot machine gaming area of a facility of a slot
 1100 machine licensee.

1101 (2) No person licensed under this chapter, or any agent or
 1102 employee of a licensee under this chapter, shall intentionally
 1103 allow a person who has not attained 21 years of age to play or
 1104 operate a slot machine or have access to the designated slot
 1105 machine area of a facility of a slot machine licensee.

1106 551.125 Prohibited activities and devices.--

1107 (1) No complimentary alcoholic beverages shall be served
1108 to patrons within the designated slot machine gaming areas.

1109 (2) A slot machine licensee shall not make any loan or
1110 provide credit or advance cash to enable a person to play a slot
1111 machine.

1112 (3) A slot machine licensee shall not allow any automated
1113 teller machine or similar device designed to provide credit or
1114 dispense cash to be located within 50 feet of a designated slot
1115 machine gaming area within the facilities of the slot machine
1116 licensee.

1117 (4) A slot machine licensee shall not accept or cash any
1118 third party, corporate, business, or government-issued check
1119 from any person.

1120 (5) Each slot machine approved for use in this state shall
1121 be protected against manipulation or tampering to affect the
1122 random probabilities of winning plays, and the centralized
1123 computer management system shall enable the division or the
1124 Department of Law Enforcement to suspend play upon suspicion of
1125 any manipulation or tampering. When play has been suspended on
1126 any slot machine, the division or the Department of Law
1127 Enforcement may examine any slot machine to determine whether
1128 the machine has been tampered with or manipulated and whether
1129 the machine should be returned to operation.

1130 (6) No slot machine or the computer operating system
1131 linking the slot machine shall be linked by any means to any
1132 other slot machine or computer operating system of another slot
1133 machine licensee.

1134 (7) No outcome of play or continuation of play may be
1135 manipulated, through programming or otherwise, to display a
1136 result that appears to be a near win, gives the impression that
1137 the player is getting close to a win, or in any way gives a
1138 false impression that the chance to win is improved by another
1139 play; however, this subsection does not apply to general
1140 promotional enticements such as graphic displays and sound
1141 effects that do not falsely imply that the chance of winning
1142 improves by continued play.

1143 551.20 Days and hours of operation.--Slot machine gaming
1144 areas may be open 365 days a year. The slot machine gaming areas
1145 may be open only from 10:00 a.m. until 2:00 a.m. Sunday through
1146 Saturday.

1147 551.202 Catering license.--A slot machine licensee is
1148 entitled to a caterer's license pursuant to s. 565.02 on days in
1149 which the pari-mutuel facility is open to the public for slot
1150 machine game play as authorized by this chapter.

1151 551.204 Purchasing and employment by slot machine
1152 licensee.--

1153 (1) The slot machine licensee shall maintain a policy of
1154 making purchases from vendors in this state. Furthermore, the
1155 slot machine licensee shall create opportunities to purchase
1156 from minority vendors and shall implement the policy and
1157 purchasing opportunities in a nondiscriminatory manner.

1158 (2) The slot machine licensee shall maintain a policy of
1159 awarding preference in employment to residents of this state, as
1160 defined by law.

1161 (3) The slot machine licensee shall use the Internet-based
1162 job listing system of the Agency for Workforce Innovation in
1163 advertising employment opportunities. Further, each slot machine
1164 licensee in its gaming operations shall create equal employment
1165 opportunities which shall be implemented in a nondiscriminatory
1166 manner in hiring and promoting employees to achieve the full and
1167 fair participation of women, Asians, blacks, Hispanics, Native
1168 Americans, persons with disabilities, and other protected groups
1169 within the city where the pari-mutuel facility is located, and
1170 an action plan and programs shall be implemented by each slot
1171 machine licensee designed to ensure that the percentage of the
1172 minority population in which the pari-mutuel facility is located
1173 is considered to the extent minority applications are submitted
1174 in equal proportion to the number of jobs open for hiring at
1175 entry level, managerial, supervisory, and any other positions,
1176 unless there is a bona fide occupational qualification requiring
1177 a distinct and unique employment expertise which a minority
1178 applicant does not possess.

1179 551.25 Penalties for violations by licensee.--The division
1180 may revoke or suspend any license issued under this chapter upon
1181 the willful violation by the licensee of any provision of this
1182 chapter or of any rule adopted under this chapter. In lieu of
1183 suspending or revoking a license, the division may impose a
1184 civil penalty against the licensee for a violation of this
1185 chapter or any rule adopted by the division. Except as otherwise
1186 provided in this chapter, the penalty so imposed may not exceed
1187 \$1,000 for each count or separate offense. All penalties imposed

1188 and collected must be deposited into the Slot Machine
 1189 Administrative Trust Fund in the department.
 1190 551.30 State Slot Machine Gaming Board.--
 1191 (1) CREATION.--
 1192 (a) There is created a board known as the State Slot
 1193 Machine Gaming Board which shall be housed within the division.
 1194 (b) The board is not a unit or entity of state government.
 1195 However, the board is subject to the provisions of s. 24, Art. I
 1196 of the State Constitution and chapter 119, relating to public
 1197 meetings and records and the provisions of chapter 286 relating
 1198 to public meetings and records.
 1199 (c) The principal office of the board shall be in
 1200 Tallahassee; however, the board may conduct meetings in any
 1201 county where slot machine gaming is authorized to be conducted.
 1202 (d) The board shall hire or contract for all staff
 1203 necessary for the proper execution of its powers and duties
 1204 within the funds appropriated to implement this section and
 1205 shall comply with the code of ethics for public officers and
 1206 employees under part III of chapter 112. In no case may the
 1207 board expend more than its annual appropriation for staffing and
 1208 necessary administrative expenditures, including, but not
 1209 limited to, travel and per diem and audit expenditures, using
 1210 funds appropriated to implement this section. The funds
 1211 appropriated shall be derived from a portion of the imposition
 1212 of regulatory fees to offset the costs of regulation.
 1213 (e) The division shall provide administrative support to
 1214 the board as requested by the board. In the event of the
 1215 dissolution of the board, the division shall be the board's

1216 successor in interest and shall assume all rights, duties, and
1217 obligations of the board.

1218 (2) PURPOSE.--The board's purpose shall be to provide
1219 administrative advisory oversight to the division's regulation
1220 of slot machine gaming, monitor the impacts of slot machine
1221 gaming in the affected communities and the state as a whole, and
1222 ensure that the intent of s. 23, Art. X of the State
1223 Constitution is met as it relates to the expenditures of taxes
1224 on slot machines to supplement public education.

1225 (3) MEMBERSHIP.--

1226 (a) The board shall consist of nine voting members of high
1227 moral character, impeccable reputation, and demonstrable
1228 business expertise. No more than two members shall be residents
1229 of a county where slot machine gaming is authorized to be
1230 conducted. The Governor shall appoint the members of the board.
1231 The director of the division shall serve as an ex officio,
1232 nonvoting member of the board. Appointment of members of the
1233 board shall be confirmed by the Senate.

1234 (b) Each member of the board shall serve for a term of 4
1235 years, except that initially the Governor shall appoint three
1236 members for a term of 1 year, three members for a term of 2
1237 years, and three members for a term of 4 years to achieve
1238 staggered terms among the members of the board. A member is not
1239 eligible for reappointment to the board, except that a member
1240 appointed to an initial term of 1 year or 2 years may be
1241 reappointed for an additional term of 4 years and a person
1242 appointed to fill a vacancy with 2 years or less remaining on
1243 the term may be reappointed for an additional term of 4 years.

1244 (c) The Governor shall fill a vacancy on the board. A
 1245 vacancy that occurs before the scheduled expiration of the term
 1246 of the member shall be filled for the remainder of the unexpired
 1247 term.

1248 (d) Each member of the board who is not otherwise required
 1249 to file financial disclosure under s. 8, Art. II of the State
 1250 Constitution or s. 112.3144 shall file disclosure of financial
 1251 interests under s. 112.3145.

1252 (e) A person may not be appointed to the board if he or
 1253 she has any direct or indirect interest in any slot machine
 1254 licensee or any aspect of the gambling industry or any
 1255 affiliated activities. A person appointed to the board shall be
 1256 deemed an appointed state officer for the purposes of s.
 1257 112.313.

1258 (f) Each member of the board shall serve without
 1259 compensation, but shall receive travel and per diem expenses as
 1260 provided in s. 112.061 while in the performance of his or her
 1261 duties.

1262 (g) Each member of the board is accountable for the proper
 1263 performance of the duties of office, and each member owes a
 1264 fiduciary duty to the people of the state to ensure that all
 1265 activities are conducted in furtherance of this section. The
 1266 Governor may remove a member for malfeasance, misfeasance,
 1267 neglect of duty, incompetence, permanent inability to perform
 1268 official duties, unexcused absence from three consecutive
 1269 meetings of the board, arrest or indictment for a crime that is
 1270 a felony or a misdemeanor involving theft or moral turpitude, a

1271 crime of dishonesty, or pleading nolo contendere to, or being
 1272 found guilty of, any crime.

1273 (4) ORGANIZATION; MEETINGS.--

1274 (a)1. The board shall annually elect a chairperson and a
 1275 vice chairperson from among the board's members. The members
 1276 may, by a vote of five of the nine board members, remove a
 1277 member from the position of chairperson or vice chairperson
 1278 prior to the expiration of his or her term as chairperson or
 1279 vice chairperson. His or her successor shall be elected to serve
 1280 for the balance of the removed chairperson's or vice
 1281 chairperson's term.

1282 2. The chairperson is responsible to ensure that records
 1283 are kept of the proceedings of the board and is the custodian of
 1284 all books, documents, and papers filed with the board, the
 1285 minutes of meetings of the board, and the official seal of the
 1286 board.

1287 (b)1. The board shall meet upon the call of the
 1288 chairperson or at the request of a majority of the members, but
 1289 no less than quarterly per calendar year.

1290 2. A majority of the voting members of the board
 1291 constitutes a quorum. Except as otherwise provided in this
 1292 section, the board may take official action by a majority vote
 1293 of the members present at any meeting at which a quorum is
 1294 present. Members may not vote by proxy.

1295 3. A member of the board may participate in a meeting of
 1296 the board by telephone or video conference through which each
 1297 member may hear every other member.

1298 (5) POWERS AND DUTIES.--The board:

1299 (a) May perform all acts and things necessary or
 1300 convenient to carry out the powers expressly granted in this
 1301 section.

1302 (b) May recommend to the division and the Legislature
 1303 expenditures from regulatory funds provided by this chapter,
 1304 including any necessary administrative expenditures consistent
 1305 with its powers, and ways to supplement public education from
 1306 taxes collected from slot machine gaming.

1307 (c) May receive and review reports and financial
 1308 documentation provided by the slot machine licensee pursuant to
 1309 this chapter to monitor compliance with the provisions of this
 1310 chapter.

1311 (d) May receive testimony and information from law
 1312 enforcement officials regarding the impact of slot machine
 1313 gaming on criminal activity in and around slot machine
 1314 facilities.

1315 (e) May receive testimony and information from local
 1316 governments and tourist development councils regarding the
 1317 impact of slot machine gaming on their communities and the
 1318 tourism of their respective areas.

1319 (f) May make recommendations to the division and to the
 1320 Office of Program Policy Analysis and Government Accountability
 1321 on the performance measures for the regulatory responsibilities
 1322 set forth in this chapter.

1323 (g) May monitor criminal activity in and around the slot
 1324 machine facilities in this state and recommend to the
 1325 Legislature ways to curb such activity.

1326 (h) May receive testimony from education officials,
 1327 education groups, and the public regarding the expenditures of
 1328 taxes received from slot machine gaming and make recommendations
 1329 to the Legislature on ways to spend these funds to supplement
 1330 public education.

1331 (i) Shall prepare an annual report as prescribed herein.

1332 (j) Shall make recommendations to the division on
 1333 reporting requirements on slot machine gaming facilities. The
 1334 board shall recommend to the division the means, method, and
 1335 timing of reporting, at a minimum, in the following areas:

1336 1. The net number and dollar value of all jobs created,
 1337 including the number of jobs held by Florida residents.

1338 2. The total net amount of revenues generated for state
 1339 government from all tax and fee sources related to the slot
 1340 machine operation.

1341 3. The measures taken by the slot machine licensee to
 1342 prevent, control, and treat problem gambling.

1343 4. The operational status and quality of operation of the
 1344 slot machine licensee's preslot machine pari-mutuel enterprise.

1345 5. Documentation of continuing capital reinvestment by the
 1346 slot machine licensee for the economic benefit of the community.

1347 6. Information relating to all complaints and charges of
 1348 violations by a slot machine facility constituting a nuisance
 1349 and the outcome of such charges.

1350 7. A detailed summary of all lobbying activities conducted
 1351 by or on behalf of the slot machine licensee, including the
 1352 amount and source of funds expended.

1353 (6) REVIEW OF RULES.--The division shall provide a copy of
 1354 any proposed rules to the board and allow sufficient time for
 1355 review and response by the board. Emergency rules shall not be
 1356 subject to this requirement.

1357 (7) ANNUAL REPORT.--By December 1 of each year, the board
 1358 shall prepare a report of the activities and outcomes under this
 1359 section for the preceding fiscal year. The report, at a minimum,
 1360 must include:

1361 (a) A description of the activities of the board and slot
 1362 machine licensees and a description of the substance of reports
 1363 required for submission by the licensee to the board.

1364 (b) A description of the public testimony received by the
 1365 board.

1366 (c) A description of any resolutions from county or
 1367 municipal governments or tourist development councils or
 1368 affidavits from law enforcement officials received by the board.

1369 (d) Information on the number and salary level of jobs
 1370 created by each of the slot machine licensees, including the
 1371 number and salary level of jobs created for residents of this
 1372 state.

1373 (e) Information collected, if any, on the amount and
 1374 nature of economic activity generated through the slot machine
 1375 operations-related activities of each of the slot machine
 1376 licensees.

1377 (f) A compliance and financial audit of the accounts and
 1378 records of the board at the end of the preceding fiscal year
 1379 conducted by the division.

1380 (g) A description of any recommendations made to the
 1381 division or the Legislature by the board consistent with its
 1382 grant of authority herein.

1383
 1384 The board shall submit the report to the Governor, the President
 1385 of the Senate, and the Speaker of the House of Representatives.

1386 (8) OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT
 1387 ACCOUNTABILITY; PROGRAM EVALUATION.--

1388 (a) Before January 1, 2008, and annually thereafter, the
 1389 Office of Program Policy Analysis and Government Accountability
 1390 shall conduct a performance audit of the board, the division,
 1391 and slot machine licensees relating to the provisions of this
 1392 chapter. The audit shall assess the implementation and outcomes
 1393 of activities under this chapter. The audit shall include an
 1394 evaluation of reports and financial documentation provided to
 1395 the board under paragraphs (5)(c)-(e) by the slot machine
 1396 licensee, law enforcement officials, local governments, and
 1397 tourist development councils, and reports provided to the board
 1398 under paragraph (5)(j) including documentation of continuing
 1399 capital reinvestment by the slot machine licensee and
 1400 information relating to violations by a slot machine facility
 1401 constituting a nuisance. At a minimum, the audit shall address:

1402 1. Performance of the slot machine licensees in operating
 1403 slot machine gaming and complying with the rules under this
 1404 chapter.

1405 2. Performance of the board under this chapter.

1406 3. Compliance by the board with the provisions of this
 1407 section and the provisions of the rules.

1408 4. Economic activity generated through slot machine
1409 operations by the slot machine licensees.

1410 5. The expenditure of slot machine taxes and whether these
1411 expenditures supplemented or supplanted public education
1412 dollars.

1413 (b) A report of each audit's findings and recommendations
1414 shall be submitted to the Governor, the President of the Senate,
1415 and the Speaker of the House of Representatives.

1416 551.33 Law enforcement affidavits.--The chief law
1417 enforcement officer of any county or municipality where a slot
1418 machine licensee is authorized to conduct slot machine gaming at
1419 a pari-mutuel facility and the chief law enforcement officer of
1420 any municipality contiguous to a municipality where such slot
1421 machine licensee is authorized to conduct slot machine gaming
1422 shall execute at least once annually an affidavit verifying,
1423 based upon information or belief, whether the applicable local
1424 budgeting authority has provided sufficient funding to
1425 adequately address additional law enforcement responsibilities
1426 directly or indirectly resulting from the slot machine gaming
1427 operations. The affidavit shall be transmitted to the board.

1428 551.34 Local government resolutions.--

1429 (1) The board of county commissioners and the governing
1430 body of a municipality where a slot machine licensee is
1431 authorized to conduct slot machine gaming and any municipality
1432 contiguous to the municipality where such slot machine licensee
1433 is authorized to conduct slot machine gaming must adopt a
1434 resolution at least once annually that expresses, at a minimum,
1435 whether slot machine gaming is being operated in a manner that

1436 demonstrates a commitment to ameliorate detriment to the public
1437 economic and social health, safety, and welfare of the community
1438 governed by the applicable body.

1439 (2) The governing body of any municipality that is not
1440 required to adopt a resolution pursuant to subsection (1) may
1441 adopt a resolution addressing slot machine gaming impacts on the
1442 local community. The resolution should contain a recitation of
1443 those factual circumstances which support a conclusion that the
1444 operations of the slot machine licensee have a substantial
1445 effect on the public economic and social health, safety, and
1446 welfare of the municipality.

1447 (3) The resolution shall be transmitted to the board.

1448 551.341 Tourist development council resolutions.--

1449 (1) Any tourist development council, organized under the
1450 provisions of part I of chapter 125, or the board of county
1451 commissioners if there is no tourist development council in that
1452 county, must adopt a resolution at least once annually that
1453 expresses, at a minimum, whether slot machine gaming is being
1454 operated in a manner that demonstrates a commitment to the
1455 growth and expansion of tourism in this state and a commitment
1456 to ameliorate detriment to communities that are current tourist
1457 destinations but do not have slot machine gaming being conducted
1458 at pari-mutuel facilities within their jurisdiction.

1459 (2) The resolution should contain a recitation of those
1460 factual circumstances which support a conclusion that the
1461 operations of slot machine licensees have a substantial positive
1462 or negative effect on the expansion and growth of tourism within
1463 their jurisdiction. Tourism impacts shall be supported, as a

1464 part of the resolution, by statistical data and other practical
 1465 collateral impacts and evidence on local tourism activity.
 1466 (3) The resolution shall be transmitted to the board.
 1467 551.40 Compulsive gambling program.--The division may
 1468 contract for provision of services related to the prevention and
 1469 treatment of compulsive and addictive gambling. The terms of any
 1470 contract for the provision of such services shall include
 1471 accountability standards that must be met by any private
 1472 provider. The failure of any private provider to meet any
 1473 material terms of the contract, including the accountability
 1474 standards, shall constitute a breach of contract or grounds for
 1475 nonrenewal. The division may consult with the Department of the
 1476 Lottery in the development of the program and the development
 1477 and analysis of any procurement for contractual services for its
 1478 compulsive or addictive gambling treatment program. The
 1479 compulsive or addictive gambling treatment program shall be
 1480 funded from the annual nonrefundable regulatory fee provided for
 1481 in s. 551.108(1)(a).
 1482 Section 5. Section 849.15, Florida Statutes, is amended to
 1483 read:
 1484 849.15 Manufacture, sale, possession, etc., of coin-
 1485 operated devices prohibited.--
 1486 (1) It is unlawful:
 1487 (a)~~(1)~~ To manufacture, own, store, keep, possess, sell,
 1488 rent, lease, let on shares, lend or give away, transport, or
 1489 expose for sale or lease, or to offer to sell, rent, lease, let
 1490 on shares, lend or give away, or permit the operation of, or for
 1491 any person to permit to be placed, maintained, or used or kept

1492 | in any room, space, or building owned, leased or occupied by the
 1493 | person or under the person's management or control, any slot
 1494 | machine or device or any part thereof; or

1495 | ~~(b)(2)~~ To make or to permit to be made with any person any
 1496 | agreement with reference to any slot machine or device, pursuant
 1497 | to which the user thereof, as a result of any element of chance
 1498 | or other outcome unpredictable to him or her, may become
 1499 | entitled to receive any money, credit, allowance, or thing of
 1500 | value or additional chance or right to use such machine or
 1501 | device, or to receive any check, slug, token or memorandum
 1502 | entitling the holder to receive any money, credit, allowance or
 1503 | thing of value.

1504 | (2) Pursuant to section 2 of that certain chapter of the
 1505 | Congress of the United States entitled "An act to prohibit
 1506 | transportation of gaming devices in interstate and foreign
 1507 | commerce", approved January 2, 1951, being c. 1194, 64 Stat.
 1508 | 1134, and also designated as 15 U.S.C. 1171-1177, the State of
 1509 | Florida, acting by and through its duly elected and qualified
 1510 | members of its Legislature, does hereby in this section, and in
 1511 | accordance with and in compliance with the provisions of section
 1512 | 2 of such chapter of Congress, declare and proclaim that any
 1513 | county of the State of Florida, within which slot machine gaming
 1514 | is authorized pursuant to chapter 551 is exempt from the
 1515 | provisions of section 2 of that certain chapter of the Congress
 1516 | of the United States entitled "An act to prohibit transportation
 1517 | of gaming devices in interstate and foreign commerce",
 1518 | designated U.S.C. 1171-1177, approved January 2, 1951. All
 1519 | shipments of gaming devices, including slot machines, into any

1520 county of this state within which slot machine gaming is
 1521 authorized pursuant to chapter 551, the registering, recording,
 1522 and labeling of which have been duly done by the manufacturer or
 1523 distributor thereof in accordance with sections 3 and 4 of that
 1524 certain chapter of the Congress of the United States entitled,
 1525 "An act to prohibit transportation of gaming devices in
 1526 interstate and foreign commerce", approved January 2, 1951,
 1527 being c. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
 1528 1171-1177, shall be deemed legal shipments thereof into any such
 1529 county provided the destination of such shipments is to a
 1530 licensed eligible facility as defined s. 551.103.

1531 Section 6. Subsections (1) and (2) of section 895.02,
 1532 Florida Statutes, are amended to read:

1533 895.02 Definitions.--As used in ss. 895.01-895.08, the
 1534 term:

1535 (1) "Racketeering activity" means to commit, to attempt to
 1536 commit, to conspire to commit, or to solicit, coerce, or
 1537 intimidate another person to commit:

1538 (a) Any crime which is chargeable by indictment or
 1539 information under the following provisions of the Florida
 1540 Statutes:

1541 1. Section 210.18, relating to evasion of payment of
 1542 cigarette taxes.

1543 2. Section 403.727(3)(b), relating to environmental
 1544 control.

1545 3. Section 409.920 or s. 409.9201, relating to Medicaid
 1546 fraud.

1547 4. Section 414.39, relating to public assistance fraud.

- 1548 5. Section 440.105 or s. 440.106, relating to workers'
 1549 compensation.
- 1550 6. Section 465.0161, relating to distribution of medicinal
 1551 drugs without a permit as an Internet pharmacy.
- 1552 7. Sections 499.0051, 499.0052, 499.00535, 499.00545, and
 1553 499.0691, relating to crimes involving contraband and
 1554 adulterated drugs.
- 1555 8. Part IV of chapter 501, relating to telemarketing.
- 1556 9. Chapter 517, relating to sale of securities and
 1557 investor protection.
- 1558 10. Section 550.235, s. 550.3551, or s. 550.3605, relating
 1559 to dogracing and horseracing.
- 1560 11. Chapter 550, relating to jai alai frontons.
- 1561 12. Section 551.1113, relating to slot machine gaming.
- 1562 ~~13.12.~~ Chapter 552, relating to the manufacture,
 1563 distribution, and use of explosives.
- 1564 ~~14.13.~~ Chapter 560, relating to money transmitters, if the
 1565 violation is punishable as a felony.
- 1566 ~~15.14.~~ Chapter 562, relating to beverage law enforcement.
- 1567 ~~16.15.~~ Section 624.401, relating to transacting insurance
 1568 without a certificate of authority, s. 624.437(4)(c)1., relating
 1569 to operating an unauthorized multiple-employer welfare
 1570 arrangement, or s. 626.902(1)(b), relating to representing or
 1571 aiding an unauthorized insurer.
- 1572 ~~17.16.~~ Section 655.50, relating to reports of currency
 1573 transactions, when such violation is punishable as a felony.
- 1574 ~~18.17.~~ Chapter 687, relating to interest and usurious
 1575 practices.

1576 ~~19.18.~~ Section 721.08, s. 721.09, or s. 721.13, relating
 1577 to real estate timeshare plans.

1578 ~~20.19.~~ Chapter 782, relating to homicide.

1579 ~~21.20.~~ Chapter 784, relating to assault and battery.

1580 ~~22.21.~~ Chapter 787, relating to kidnapping.

1581 ~~23.22.~~ Chapter 790, relating to weapons and firearms.

1582 ~~24.23.~~ Section 796.03, s. 796.035, s. 796.04, s. 796.045,
 1583 s. 796.05, or s. 796.07, relating to prostitution and sex
 1584 trafficking.

1585 ~~25.24.~~ Chapter 806, relating to arson.

1586 ~~26.25.~~ Section 810.02(2)(c), relating to specified
 1587 burglary of a dwelling or structure.

1588 ~~27.26.~~ Chapter 812, relating to theft, robbery, and
 1589 related crimes.

1590 ~~28.27.~~ Chapter 815, relating to computer-related crimes.

1591 ~~29.28.~~ Chapter 817, relating to fraudulent practices,
 1592 false pretenses, fraud generally, and credit card crimes.

1593 ~~30.29.~~ Chapter 825, relating to abuse, neglect, or
 1594 exploitation of an elderly person or disabled adult.

1595 ~~31.30.~~ Section 827.071, relating to commercial sexual
 1596 exploitation of children.

1597 ~~32.31.~~ Chapter 831, relating to forgery and
 1598 counterfeiting.

1599 ~~33.32.~~ Chapter 832, relating to issuance of worthless
 1600 checks and drafts.

1601 ~~34.33.~~ Section 836.05, relating to extortion.

1602 ~~35.34.~~ Chapter 837, relating to perjury.

1603 ~~36.35~~. Chapter 838, relating to bribery and misuse of
 1604 public office.

1605 ~~37.36~~. Chapter 843, relating to obstruction of justice.

1606 ~~38.37~~. Section 847.011, s. 847.012, s. 847.013, s. 847.06,
 1607 or s. 847.07, relating to obscene literature and profanity.

1608 ~~39.38~~. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
 1609 s. 849.25, relating to gambling.

1610 ~~40.39~~. Chapter 874, relating to criminal street gangs.

1611 ~~41.40~~. Chapter 893, relating to drug abuse prevention and
 1612 control.

1613 ~~42.41~~. Chapter 896, relating to offenses related to
 1614 financial transactions.

1615 ~~43.42~~. Sections 914.22 and 914.23, relating to tampering
 1616 with a witness, victim, or informant, and retaliation against a
 1617 witness, victim, or informant.

1618 ~~44.43~~. Sections 918.12 and 918.13, relating to tampering
 1619 with jurors and evidence.

1620 (b) Any conduct defined as "racketeering activity" under
 1621 18 U.S.C. s. 1961(1).

1622 (2) "Unlawful debt" means any money or other thing of
 1623 value constituting principal or interest of a debt that is
 1624 legally unenforceable in this state in whole or in part because
 1625 the debt was incurred or contracted:

1626 (a) In violation of any one of the following provisions of
 1627 law:

1628 1. Section 550.235, s. 550.3551, or s. 550.3605, relating
 1629 to dogracing and horseracing.

1630 2. Chapter 550, relating to jai alai frontons.

1631 | 3. Section 551.1113, relating to slot machine gaming.

1632 | ~~4.3-~~ Chapter 687, relating to interest and usury.

1633 | ~~5.4-~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
 1634 | s. 849.25, relating to gambling.

1635 | (b) In gambling activity in violation of federal law or in
 1636 | the business of lending money at a rate usurious under state or
 1637 | federal law.

1638 | Section 7. The Legislature has exclusive authority over
 1639 | the conduct of all wagering occurring at a slot machine facility
 1640 | in this state. Only the division and other authorized state
 1641 | agencies shall administer chapter 551, Florida Statutes, and
 1642 | regulate the slot machine gaming industry, including operation
 1643 | of slot machine facilities, games, slot machines, and
 1644 | centralized computer management systems authorized in chapter
 1645 | 551 and the rules adopted by the division.

1646 | Section 8. Referenda.--

1647 | (1) Notwithstanding any other provision of law, a county
 1648 | in which a slot machine facility is located may call a
 1649 | referendum to give the voters an opportunity to deauthorize slot
 1650 | machine operations as an undue burden on the county, and shall
 1651 | call such referendum upon a petition signed by the lesser of
 1652 | 10,000 electors or 1 percent of the electors residing within the
 1653 | county.

1654 | (2) When a referendum is called as a result of a petition
 1655 | having been signed by a sufficient number of the electors of a
 1656 | county, the county supervisor of elections shall conduct such
 1657 | referendum on the day of any state or county primary or general
 1658 | election that is being held for any purpose other than for the

1659 purpose of deauthorizing slot machine operations as an undue
 1660 burden. The question on the ballot shall be:

1661 SHOULD THE OPERATION OF SLOT MACHINES IN [COUNTY NAME] BE
 1662 DEAUTHORIZED AS AN UNDUE BURDEN UPON THE COUNTY?

1663 (3) The results shall be certified to the Division of
 1664 Elections of the Department of State.

1665 (4) Notwithstanding any other provision of law, each
 1666 municipality and county in which a slot machine facility is
 1667 located and each municipality that is contiguous to a
 1668 municipality where a slot machine facility is located may call a
 1669 referendum to give the voters an opportunity to declare the slot
 1670 machine operation an undue burden on the community, and shall
 1671 call such referendum upon:

1672 (a) Petition signed by the lesser of 1,000 electors or 5
 1673 percent of the electors residing within the municipality; or

1674 (b) Petition signed by the lesser of 10,000 electors or 1
 1675 percent of the electors residing within the county.

1676 (5) When a referendum is called as a result of a
 1677 sufficient number of petitions having been signed by the
 1678 electors of a county or municipality, the county supervisor of
 1679 elections shall conduct such referendum on the day of any state,
 1680 county, or municipal primary or general election or on the day
 1681 of any election of such county or municipality that is being
 1682 held for any purpose other than for the purpose of declaring
 1683 whether the operation of slot machines is an undue burden. The
 1684 question on the ballot shall be:

1685 SHOULD THE OPERATION OF SLOT MACHINES IN [NAME OF
 1686 COUNTY] [NAME OF MUNICIPALITY] OR IN A MUNICIPALITY

1687 CONTIGUOUS TO [NAME OF MUNICIPALITY] BE DECLARED AN UNDUE
 1688 BURDEN?

1689 (6) The results shall be transmitted to the board for its
 1690 consideration and inclusion in its annual report and to the
 1691 Office of Program Policy Analysis and Government Accountability
 1692 for its use in conducting performance audits and evaluations.

1693 (7) Once the question on the ballot has been placed before
 1694 the electors of a county or municipality, the question shall not
 1695 be presented in another referendum in that county or that
 1696 municipality for at least 2 years.

1697 Section 9. Any tribal-state compact relating to gaming
 1698 activities which is entered into by an Indian tribe in this
 1699 state and the Governor pursuant to the Indian Gaming Regulatory
 1700 Act, 25 U.S.C. ss. 2701 et seq., must be conditioned upon
 1701 ratification by the Legislature.

1702 Section 10. Department of Transportation study of
 1703 transportation facilities providing access to pari-mutuel
 1704 facilities and Indian reservations; report and recommendations
 1705 authorized.--

1706 (1) The Department of Transportation is directed to
 1707 conduct a study of the impacts that slot machine gaming at pari-
 1708 mutuel facilities and on Indian reservation lands are having on
 1709 public roads and other transportation facilities, regarding
 1710 traffic congestion and other mobility issues, facility
 1711 maintenance and repair costs, emergency evacuation readiness,
 1712 costs of potential future widening or other improvements, and
 1713 other impacts on the motoring, nongaming public.

1714 (2) The study shall include, but is not limited to, the
1715 following information:

1716 (a) A listing, description, and functional classification
1717 of the access roads to and from pari-mutuel facilities and
1718 Indian reservations that conduct slot machine gaming in the
1719 state.

1720 (b) An identification of the access roads identified under
1721 paragraph (a) that are either scheduled for improvements within
1722 the Department of Transportation's 5-year work program or are
1723 listed on the 20-year, long-range transportation plan of the
1724 department or a metropolitan planning organization.

1725 (c) The most recent traffic counts on the access roads and
1726 projected future usage, as well as any projections of impacts on
1727 secondary, feeder, or connector roads, interstate highway exit
1728 and entrance ramps, or other area transportation facilities.

1729 (d) The safety and maintenance ratings of each access road
1730 and a detailed review of impacts on local and state emergency
1731 management agencies to provide emergency or evacuation services.

1732 (e) The estimated infrastructure costs to maintain,
1733 improve, or widen these access roads based on future projected
1734 needs.

1735 (f) The feasibility of implementing tolls on these access
1736 roads or, if already tolled, raising the toll to offset and
1737 mitigate the impacts of traffic generated by pari-mutuel and by
1738 Indian reservation slot machine gaming activities on nontribal
1739 communities in the state and to finance projected future
1740 improvements to the access roads.

1741 (3) The department shall present its findings and
1742 recommendations in a report to be submitted to the Governor, the
1743 President of the Senate, and the Speaker of the House of
1744 Representatives by January 15, 2006. The report may include any
1745 department recommendations for proposed legislation.

1746 Section 11. (1) Sixty-four full-time equivalent positions
1747 are authorized and the sum of \$4,792,259 in recurring and
1748 \$4,036,486 in nonrecurring funds is hereby appropriated from the
1749 Slot Machine Administrative Trust Fund in the Department of
1750 Business and Professional Regulation for the purpose of carrying
1751 out all regulatory activities provided herein. The Executive
1752 Office of the Governor shall place these funds and positions in
1753 reserve until such time as the Department of Business and
1754 Professional Regulation submits an expenditure plan for approval
1755 to the Executive Office of the Governor, and the chair and vice
1756 chair of the Legislative Budget Commission in accordance with
1757 the provisions of section 216.177, Florida Statutes.

1758 (2) The sum of \$2,634,349 in recurring and \$1,814,916 in
1759 nonrecurring funds is hereby appropriated from the Slot Machine
1760 Administrative Trust Fund in the Department of Business and
1761 Professional Regulation for transfer to the Department of Law
1762 Enforcement for the purpose of investigations, intelligence
1763 gathering, background investigations, and any other
1764 responsibilities as provided for herein. Fifty-seven full-time
1765 equivalent positions are authorized and the sum of \$2,634,349 in
1766 recurring and \$1,814,916 in nonrecurring funds is hereby
1767 appropriated from the Operating Trust Fund in the Department of
1768 Law Enforcement for the purpose of investigations, intelligence

1769 gathering, background investigations, and any other
1770 responsibilities as provided for herein. The Executive Office of
1771 the Governor shall place these funds and positions in reserve
1772 until such time as the Department of Law Enforcement submits an
1773 expenditure plan for approval to the Executive Office of the
1774 Governor and the chair and vice chair of the Legislative Budget
1775 Commission in accordance with the provisions of section 216.177,
1776 Florida Statutes.

1777 (3) The sum of \$158,154 in recurring and \$24,498 in
1778 nonrecurring funds is hereby appropriated from the Slot Machine
1779 Administrative Trust Fund in the Department of Business and
1780 Professional Regulation for transfer to the Office of the State
1781 Attorney, 17th Judicial Circuit, for the purpose of prosecution
1782 of offenses associated with gaming operations. Ten full-time
1783 equivalent positions are authorized and the sum of \$158,154 in
1784 recurring and \$24,498 in nonrecurring funds is hereby
1785 appropriated from the Grants and Donations Trust Fund in the
1786 Office of the State Attorney, 17th Judicial Circuit, for the
1787 purpose of prosecution of offenses associated with gaming
1788 operations. The Executive Office of the Governor shall place
1789 these funds and positions in reserve until such time as the
1790 Office of the State Attorney, 17th Judicial Circuit, submits an
1791 expenditure plan for approval to the Executive Office of the
1792 Governor and the chair and vice chair of the Legislative Budget
1793 Commission in accordance with the provisions of section 216.177,
1794 Florida Statutes.

1795 Section 12. This act shall take effect July 1, 2005.