

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

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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 licensees or
140 any entity conducting business on or within a licensed

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

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

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

225 compacts by the Legislature; directing the Department of
 226 Transportation to conduct a study on the access roads to
 227 pari-mutuel facilities and Indian reservation lands where
 228 gaming activities occur; providing for content of the
 229 study; requiring a report to the Governor and the
 230 Legislature; providing appropriations for the Department
 231 of Business and Professional Regulation, the Department of
 232 Law Enforcement, and the Office of the State Attorney to
 233 carry out the provisions of the act; providing an
 234 effective date.

235

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

237

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

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

242 20.165 Department of Business and Professional
 243 Regulation.--There is created a Department of Business and
 244 Professional Regulation.

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

- 247 (a) Division of Administration.
- 248 (b) Division of Alcoholic Beverages and Tobacco.
- 249 (c) Division of Certified Public Accounting.

250 1. The director of the division shall be appointed by the
 251 secretary of the department, subject to approval by a majority
 252 of the Board of Accountancy.

253 2. The offices of the division shall be located in
254 Gainesville.

255 (d) Division of Florida Land Sales, Condominiums, and
256 Mobile Homes.

257 (e) Division of Hotels and Restaurants.

258 (f) Division of Pari-mutuel Wagering.

259 (g) Division of Professions.

260 (h) Division of Real Estate.

261 1. The director of the division shall be appointed by the
262 secretary of the department, subject to approval by a majority
263 of the Florida Real Estate Commission.

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

266 (i) Division of Regulation.

267 (j) Division of Slot Machines.

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

269 Section 3. Subsections (1), (2), and (3) of section
270 550.5251, Florida Statutes, are amended to read:

271 550.5251 Florida thoroughbred racing; certain permits;
272 operating days.--

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

280 following year and shall be known as the "Florida Thoroughbred
281 Racing Season."

282 (2) Each permitholder referred to in subsection (1) shall
283 annually, during the period commencing December 15 of each year
284 and ending January 4 of the following year, file in writing with
285 the division its application to conduct one or more thoroughbred
286 racing meetings during the thoroughbred racing season commencing
287 on the following June 1. Each application shall specify the
288 number and dates of all performances that the permitholder
289 intends to conduct during that thoroughbred racing season. On or
290 before February 15 of each year, the division shall issue a
291 license authorizing each permitholder to conduct performances on
292 the dates specified in its application. Up to March 31 of each
293 year, each permitholder may request and shall be granted changes
294 in its authorized performances; ~~but thereafter, as a condition~~
295 ~~precedent to the validity of its license and its right to retain~~
296 ~~its permit, each permitholder must operate the full number of~~
297 ~~days authorized on each of the dates set forth in its license.~~

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

304 Section 4. Chapter 551, Florida Statutes, consisting of
305 sections 551.101, 551.103, 551.105, 551.107, 551.1073, 551.1075
306 551.108, 551.1091, 551.1111, 551.1113, 551.1115, 551.1119,

307 551.121, 551.125, 551.20, 551.202, 551.204, 551.25, 551.30,
308 551.33, 551.34, 551.341, and 551.40, is created to read:

309 CHAPTER 551

310 SLOT MACHINES

311 551.101 Slot machine gaming authorized.--Any existing,
312 licensed pari-mutuel facility located in Miami-Dade County or
313 Broward County at the time of adoption of s. 23, Art. X of the
314 State Constitution that has conducted live racing or games
315 during calendar years 2002 and 2003 may possess slot machines
316 and conduct slot machine gaming at the location where the pari-
317 mutuel permitholder is authorized to conduct pari-mutuel
318 wagering activities pursuant to such permitholder's valid pari-
319 mutuel permit or as otherwise authorized by law provided a
320 majority of voters in a countywide referendum have approved the
321 possession of slot machines at such facility in the respective
322 county. Notwithstanding any other provision of law, it is not a
323 crime for a person to participate in slot machine gaming at a
324 pari-mutuel facility licensed to possess slot machines and
325 conduct slot machine gaming.

326 551.103 Definitions.--As used in this chapter, unless the
327 context clearly requires otherwise, the term:

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

329 (2) "Department" means the Department of Business and
330 Professional Regulation.

331 (3) "Designated slot machine gaming area" means the area
332 of a facility of a slot machine licensee in which slot machine
333 gaming may be conducted in accordance with the provisions of
334 this chapter.

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

337 (5) "Electronic or electromechanical facsimile" means a
 338 game played in an electronic or electromechanical format that
 339 replicates a game of chance by incorporating all of the
 340 characteristics of the game, except when, for bingo, the
 341 electronic or electromechanical format broadens participation by
 342 allowing multiple players to play with or against each other
 343 rather than with or against a machine.

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

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

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

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

362 (7) "Slot machine" means a mechanical, electronic,
363 computerized gaming device that is a technological aid to the
364 playing of the game of bingo and that offers wagering on the
365 game of bingo as defined in s. 849.0931, is owned by the slot
366 machine licensee, and is capable of being linked to a
367 centralized computer management system for regulating, managing,
368 and auditing the operation, financial data, and program
369 information, as required by the division. A slot machine may be
370 activated by insertion of a coin, bill, ticket, token, or
371 similar object or upon payment of any consideration whatsoever,
372 including the use of any electronic payment system except a
373 credit card or debit card and may entitle the person playing or
374 operating the machine to receive or may deliver to the person
375 cash, billets, tickets, tokens, or electronic credits to be
376 exchanged for cash. A slot machine is not a "coin-operated
377 amusement machine" as defined in s. 212.02(24), and slot
378 machines are not subject to the tax imposed by s. 212.05(1)(h).
379 It is the intent of the Legislature to authorize only those
380 mechanical, computerized, electronic or other technological aids
381 that a federal agency or a court in a final, nonappealable order
382 has concluded expressly meet the definition of a mechanical,
383 computerized, electronic, or other technological aid to Class II
384 gaming pursuant to 25 U.S.C. 2703, the Indian Gaming Regulatory
385 Act. The Legislature does not intend to authorize any other
386 gaming device.

387 (8) "Slot machine licensee" means a pari-mutuel
388 permitholder who holds a license issued by the division pursuant
389 to this chapter which authorizes such person to possess a slot

390 machine within facilities specified in s. 23, Art. X of the
391 State Constitution and allows slot machine gaming.

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

397 551.105 Division of Slot Machines; powers and duties.--

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

402 (a) Procedures for applying for a license and renewal of a
403 license.

404 (b) Establishing technical requirements in addition to the
405 qualifications which shall be necessary to receive a slot
406 machine license or slot machine occupational license.

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

410 (d) Procedures for regulating, managing, and auditing the
411 operation, financial data, and program information relating to
412 slot machines through a centralized computer system that shall
413 allow the division and the Florida Department of Law Enforcement
414 to audit the operation, financial data, and program information
415 of a slot machine licensee, as required by the division or the
416 Florida Department of Law Enforcement and shall provide the
417 division and the Florida Department of Law Enforcement with the

418 ability to monitor on a real-time basis at any time wagering
419 patterns, payouts, tax collection, and compliance with any rules
420 adopted by the division for the regulation and control of slot
421 machines operated under this section. Such continuous and
422 complete access on a real-time basis at any time shall include
423 the ability to immediately suspend slot machine operations if
424 monitoring of the computer operating system indicates possible
425 tampering or manipulation of slot machines or of the computer
426 operating system itself.

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

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

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

454 (2) The division shall conduct such investigations that
455 the division determines necessary to fulfill its
456 responsibilities under the provisions of this chapter.

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

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

473 1. May inspect and examine premises where slot machines
 474 are offered for play.

475 2. May inspect slot machines and related equipment and
 476 supplies.

477 (b) In addition, the division:

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

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

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

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

487 (a) Prohibit the Department of Law Enforcement or any law
 488 enforcement authority whose jurisdiction includes a slot machine
 489 licensee facility from conducting criminal investigations
 490 occurring on the facilities of the slot machine licensee;

491 (b) Restrict access to the slot machine licensee facility
 492 by the Department of Law Enforcement or any local law
 493 enforcement authority whose jurisdiction includes the slot
 494 machine licensee facility; or

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

499 (7) The division may, at any time after the issuance of a
 500 license pursuant to s. 551.107, adopt emergency rules pursuant

501 to s. 120.54. The Legislature finds that such emergency
502 rulemaking power is necessary for the preservation of the rights
503 and welfare of the people in order to provide additional funds
504 to benefit the public. The Legislature further finds that the
505 unique nature of legalized gambling requires, from time to time,
506 that the division respond as quickly as is practicable to
507 changes in the marketplace and changes in technology that may
508 affect legalized gambling conducted at pari-mutuel facilities in
509 this state. Therefore, in adopting such emergency rules, the
510 division need not make the findings required by s. 120.54(4)(a).
511 Emergency rules adopted to implement the provisions of this
512 chapter are exempt from s. 120.54(4)(c) and shall remain in
513 effect until replaced by other emergency rules or by rules
514 adopted under nonemergency rulemaking procedures of chapter 120.

515 551.107 License to conduct slot machine gaming.--

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

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

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

539 (4) As a condition of licensure and to maintain continued
540 authority for the conduct of slot machine gaming the slot
541 machine licensee shall:

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

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

555 (c) Conduct not less than a full schedule of live races or
556 games as defined in s. 550.002(11). However, when a permitholder

557 fails to conduct such number of live races or games, that number
558 of live races or games shall be reduced by the number of races
559 or games which could not be conducted due to the direct result
560 of fire, war, or other disaster or event beyond the ability of
561 the permitholder to control.

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

580 (e) Allow unrestricted access and right of inspection by
581 the division to facilities of a slot machine licensee in which
582 any activity relative to the conduct of slot machine gaming is
583 conducted.

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

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

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

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

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

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

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

634 (9) A slot machine licensee shall file with the division
635 an audit of the receipt and distribution of all slot machine
636 revenues provided by an independent certified public accountant
637 verifying compliance with all statutes and regulations imposed
638 by this chapter and the rules promulgated hereunder. The audit
639 shall include verification of compliance with all statutes and

640 regulations regarding all required records of slot machine
641 operations. Such audit shall be filed within 60 days after the
642 completion of the permitholder's pari-mutuel meet.

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

650 551.1073 Slot machine license renewal.--

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

656 (2) The applicant for renewal shall attest that any
657 information changes do not affect the applicant's qualifications
658 for license renewal.

659 (3) The applicant shall submit information required by ss.
660 551.30 and be in compliance with rules adopted by the division.

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

665 551.1075 Payment of taxes; determination and certification
666 of payment of state and local taxes.--

667 (1) Any domestic or foreign corporation holding a slot
668 machine license must have applied for and been issued a
669 certificate of status by the Department of State evidencing
670 conclusively that the corporation is in existence and authorized
671 to do business in this state.

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

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

690 551.108 License fee; tax rate.--

691 (1) LICENSE FEE.--

692 (a) Upon approval of the application for a slot machine
693 license, the licensee must pay to the division a license fee of
694 \$4 million. The license fee shall be paid annually upon renewal

695 of the slot machine license and shall be deposited into the Slot
 696 Machine Administrative Trust Fund in the Department of Business
 697 and Professional Regulation for the regulation of slot machine
 698 gaming under this chapter.

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

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

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

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

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

723 shall provide for the laptops to be made available to every
724 public school seventh grade student, including charter school
725 students, and shall require:

726 1. Integrated use of the laptops with curriculum design,
727 instructional planning, training, and delivery, and
728 communication with parents;

729 2. School site wiring and appropriate technology
730 infrastructure needs;

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

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

738
739 The State Board of Education shall adopt rules to implement the
740 Laptops for Achievers program.

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

748 (4) FAILURE TO PAY TAX; PENALTIES.--A slot machine
749 licensee who fails to make tax payments as required under this
750 section shall be subject to an administrative penalty of up to

751 \$1,000 for each day the tax payment is not remitted. All
 752 administrative penalties imposed and collected shall be
 753 deposited into the Slot Machine Administrative Trust Fund in the
 754 Department of Business and Professional Regulation. If any slot
 755 machine licensee fails to pay penalties imposed by order of the
 756 division under this subsection, the division may suspend,
 757 revoke, or refuse to renew the license of the slot machine
 758 licensee.

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

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

768 551.1091 Occupational license required; application;
 769 fee.--

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

775 (2) (a) The following licenses shall be issued to persons
 776 or entities with access to the designated slot machine gaming
 777 area or to persons who, by virtue of the position they hold,

778 might be granted access to these areas or to any other person or
779 entity in one of the following categories.

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

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

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

803 (b) Slot machine occupational licenses are not
804 transferable.

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

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

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

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

833 (d) The slot machine occupational license fee for initial
834 application and annual renewal shall be determined by rule of
835 the division but shall not exceed \$50 for a general or
836 professional occupational license for an employee of the slot
837 machine licensee or \$1,000 for a business occupational license
838 for nonemployees of the licensee providing goods or services to
839 the slot machine licensee. License fees for general occupational
840 licensees shall be paid for by the slot machine licensee.
841 Failure to pay the required fee shall be grounds for
842 disciplinary action by the division against the slot machine
843 license but shall not be considered a violation of this chapter
844 or rules of the division by the general occupational licensee or
845 a prohibition against the issuance of the initial or the renewal
846 of the general occupational license.

847 (5) If the state gaming commission or other similar
848 regulatory authority of another state or jurisdiction extends to
849 the division reciprocal courtesy to maintain disciplinary
850 control, the division may:

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

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

858 (6) (a) The division may deny, suspend, revoke, or declare
859 ineligible any occupational license if the applicant for or
860 holder thereof has violated the provisions of this chapter or

861 the rules of the division governing the conduct of persons
862 connected with slot machine gaming. In addition, the division
863 may deny, suspend, revoke, or declare ineligible any
864 occupational license if the applicant for such license has been
865 convicted in this state, in any other state, or under the laws
866 of the United States of a capital felony, a felony, or an
867 offense in any other state which would be a felony under the
868 laws of this state involving arson; trafficking in, conspiracy
869 to traffic in, smuggling, importing, conspiracy to smuggle or
870 import, or delivery, sale, or distribution of a controlled
871 substance; or a crime involving a lack of good moral character,
872 or has had a slot machine gaming license revoked by this state
873 or any other jurisdiction for an offense related to slot machine
874 gaming.

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

881 (7) Fingerprints for all slot machine occupational license
882 applications shall be taken in a manner approved by the division
883 and shall be submitted to the Department of Law Enforcement and
884 the Federal Bureau of Investigation for a level II criminal
885 records check upon initial application and every 5 years
886 thereafter. All persons associated with, having a direct or
887 indirect ownership interest in, or employed by or working within
888 a licensed premise, excluding division employees and law

889 enforcement officers assigned by their employing agencies to
890 work within the premises as part of their official duties, are
891 required to not be convicted of any disqualifying criminal
892 offenses as established by division rule. To facilitate the
893 required review of criminal history information, each person
894 listed here is required to submit fingerprints to the division.
895 The division shall forward the fingerprints to the Department of
896 Law Enforcement for state processing. The Department of Law
897 Enforcement shall forward the fingerprints to the Federal Bureau
898 of Investigation for national processing.

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

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

916 (c) Beginning February 1, 2006, all fingerprints submitted
917 to the Department of Law Enforcement and required by this
918 section shall be retained by the Department of Law Enforcement
919 in a manner provided by rule of the Department of Law
920 Enforcement and entered into the statewide automated fingerprint
921 identification system as authorized by s. 943.05(2)(b). Such
922 fingerprints shall thereafter be available for all purposes and
923 uses authorized for arrest fingerprint cards entered into the
924 statewide automated fingerprint identification system pursuant
925 to s. 943.051.

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

943 Law Enforcement. The fee shall be borne by the person
 944 fingerprinted or the licensee.

945 (e) Every 5 years following issuance of a license or upon
 946 conducting a criminal history check as required herein, each
 947 person who is so licensed or who was so checked must meet the
 948 screening requirements as established by the division rule, at
 949 which time the division shall request the Department of Law
 950 Enforcement to forward the fingerprints to the Federal Bureau of
 951 Investigation for a criminal records check. If, for any reason
 952 following initial licensure or criminal history check, the
 953 fingerprints of a person who is licensed or who was checked are
 954 not retained by the Department of Law Enforcement as provided in
 955 this section, the person must file a complete set of
 956 fingerprints with the division. Upon submission of fingerprints
 957 for this purpose, the division shall request the Department of
 958 Law Enforcement to forward the fingerprints to the Federal
 959 Bureau of Investigation for a criminal records check, and the
 960 fingerprints shall be retained by the Department of Law
 961 Enforcement as authorized herein. The cost of the state and
 962 national criminal history check required herein shall be borne
 963 by the licensee or the person fingerprinted. Under penalty of
 964 perjury, each person who is licensed or who is checked as
 965 required by this section must agree to inform the division
 966 within 48 hours if he or she is convicted of any disqualifying
 967 offense while he or she is so licensed.

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

970 551.1111 Prohibited relationships.--

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

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

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

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

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

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

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

999 (6) No licensee or any entity conducting business on or
 1000 within a licensed slot operation shall employ any employee of a
 1001 law enforcement or regulatory agency that has jurisdiction over
 1002 the licensed premises in an off-duty or secondary employment
 1003 capacity for work within any enclosure or area containing a slot
 1004 machine or in any restricted area that supports slot machine
 1005 operations that requires an occupational license to enter. If
 1006 approved by the employee's primary employing agency, off-duty or
 1007 secondary employment not prohibited by this section may be
 1008 permitted.

1009 551.1113 False statements; skimming of slot machine
 1010 proceeds; cheating; theft; arrest and recovery; penalties.--

1011 (1) Any person who intentionally makes or causes to be
 1012 made or aids, assists, or procures another to make a false
 1013 statement in any report, disclosure, application, or any other
 1014 document required under this chapter or any rule adopted under
 1015 this chapter commits a misdemeanor of the first degree,
 1016 punishable as provided in s. 775.082 or s. 775.083.

1017 (2) Any person who intentionally excludes, or takes any
 1018 action in an attempt to exclude, anything or its value from the
 1019 deposit, counting, collection, or computation of revenues from
 1020 slot machine activity or any person who by trick or sleight of
 1021 hand performance, or by a fraud or fraudulent scheme, or device,
 1022 for himself or herself or for another, wins or attempts to win
 1023 money or property or a combination thereof or reduces a losing
 1024 wager or attempts to reduce a losing wager in connection with
 1025 slot machine gaming commits a felony of the third degree,
 1026 punishable as provided in s. 775.082, s. 775.083, or. 775.084.

1027 (a) Any law enforcement officer or slot machine operator
1028 who has probable cause to believe that a violation of this
1029 subsection has been committed by a person and that the officer
1030 or operator can recover the lost proceeds from such activity by
1031 taking the person into custody may, for the purpose of
1032 attempting to effect such recovery or for prosecution, take the
1033 person into custody on the premises and detain the person in a
1034 reasonable manner and for a reasonable period of time. If the
1035 operator takes the person into custody, a law enforcement
1036 officer shall be called to the scene immediately. The taking
1037 into custody and detention by a law enforcement officer or slot
1038 machine operator, if done in compliance with this subsection,
1039 does not render such law enforcement officer or slot machine
1040 operator criminally or civilly liable for false arrest, false
1041 imprisonment, or unlawful detention.

1042 (b) Any law enforcement officer may arrest, either on or
1043 off the premises and without warrant, any person if there is
1044 probable cause to believe that person has violated this
1045 subsection.

1046 (c) Any person who resists the reasonable effort of a law
1047 enforcement officer or slot machine operator to recover the lost
1048 slot machine proceeds that the law enforcement officer or slot
1049 machine operator had probable cause to believe had been stolen
1050 from the eligible facility, and who is subsequently found to be
1051 guilty of violating this subsection, commits a misdemeanor of
1052 the first degree, punishable as provided in s. 775.082 or s.
1053 775.083, unless such person did not know or did not have reason
1054 to know that the person seeking to recover the lost proceeds was

1055 a law enforcement officer or slot machine operator. For purposes
 1056 of this section, the charge of theft and the charge of resisting
 1057 apprehension may be tried concurrently.

1058 (d) Theft of any slot machine proceeds or of property
 1059 belonging to the slot machine operator or eligible facility by
 1060 an employee of the operator or facility or by an employee of a
 1061 person, firm, or entity that has contracted to provide services
 1062 to the establishment constitutes a felony of the third degree,
 1063 punishable as provided in s. 775.082 or s. 775.083.

1064 551.1115 Slot machines; authorization.--Notwithstanding
 1065 any provision of law to the contrary, no slot machine
 1066 manufactured, sold, distributed, possessed, or operated
 1067 according to the provisions of this chapter shall be considered
 1068 unlawful.

1069 551.1119 Facilities of slot machine licensees.--

1070 (1) In addition to the power to exclude certain persons
 1071 from any facility of a slot machine licensee in this state, the
 1072 division may exclude any person from any facility of a slot
 1073 machine licensee in this state for conduct that would
 1074 constitute, if the person were a licensee, a violation of this
 1075 chapter or the rules of the division. The division may exclude
 1076 from any facility of a slot machine licensee any person who has
 1077 been ejected from a facility of a slot machine licensee in this
 1078 state or who has been excluded from any facility of a slot
 1079 machine licensee or gaming facility in another state by the
 1080 governmental department, agency, commission, or authority
 1081 exercising regulatory jurisdiction over the gaming in such other
 1082 state.

1083 (2) This section shall not be construed to abrogate the
 1084 common law right of a slot machine licensee to exclude a patron
 1085 absolutely in this state.

1086 (3) The division shall require the posting of signs in the
 1087 designated slot machine gaming areas warning of the risks and
 1088 dangers of gambling, showing the odds of winning, and informing
 1089 patrons of the toll-free telephone number available to provide
 1090 information and referral services regarding compulsive or
 1091 problem gambling.

1092 (4) The division shall require slot machine licensees to
 1093 provide in the designated slot machine gaming area facilities
 1094 and equipment sufficient to allow the observation of and
 1095 wagering on live, intertrack, and simulcast races and games.

1096 (5) The permitholder shall provide adequate office space
 1097 at no cost to the division and the Department of Law Enforcement
 1098 for the oversight of slot machines operations. The division
 1099 shall promulgate rules setting the criteria for adequate space,
 1100 configuration, and location and needed electronic and
 1101 technological requirements for office space required by this
 1102 subsection.

1103 551.121 Minors prohibited from playing slot machines.--

1104 (1) A slot machine licensee or agent or employee of a slot
 1105 machine licensee shall not:

1106 (a) Allow a person who has not attained 21 years of age to
 1107 play any slot machine.

1108 (b) Allow a person who has not attained 21 years of age
 1109 access to the designated slot machine gaming area of a facility
 1110 of a slot machine licensee.

1111 (c) Allow a person who has not attained 21 years of age to
 1112 be employed in any position allowing or requiring access to the
 1113 designated slot machine gaming area of a facility of a slot
 1114 machine licensee.

1115 (2) No person licensed under this chapter, or any agent or
 1116 employee of a licensee under this chapter, shall intentionally
 1117 allow a person who has not attained 21 years of age to play or
 1118 operate a slot machine or have access to the designated slot
 1119 machine area of a facility of a slot machine licensee.

1120 551.125 Prohibited activities and devices.--

1121 (1) No complimentary alcoholic beverages shall be served
 1122 to patrons within the designated slot machine gaming areas.

1123 (2) A slot machine licensee shall not make any loan or
 1124 provide credit or advance cash to enable a person to play a slot
 1125 machine.

1126 (3) A slot machine licensee shall not allow any automated
 1127 teller machine or similar device designed to provide credit or
 1128 dispense cash to be located within 50 feet of a designated slot
 1129 machine gaming area within the facilities of the slot machine
 1130 licensee.

1131 (4) A slot machine licensee shall not accept or cash any
 1132 third party, corporate, business, or government-issued check
 1133 from any person.

1134 (5) Each slot machine approved for use in this state shall
 1135 be protected against manipulation or tampering to affect the
 1136 random probabilities of winning plays, and the centralized
 1137 computer management system shall enable the division or the
 1138 Department of Law Enforcement to suspend play upon suspicion of

1139 any manipulation or tampering. When play has been suspended on
1140 any slot machine, the division or the Department of Law
1141 Enforcement may examine any slot machine to determine whether
1142 the machine has been tampered with or manipulated and whether
1143 the machine should be returned to operation.

1144 (6) No slot machine or the computer operating system
1145 linking the slot machine shall be linked by any means to any
1146 other slot machine or computer operating system of another slot
1147 machine licensee.

1148 (7) No outcome of play or continuation of play may be
1149 manipulated, through programming or otherwise, to display a
1150 result that appears to be a near win, gives the impression that
1151 the player is getting close to a win, or in any way gives a
1152 false impression that the chance to win is improved by another
1153 play; however, this subsection does not apply to general
1154 promotional enticements such as graphic displays and sound
1155 effects that do not falsely imply that the chance of winning
1156 improves by continued play.

1157 551.20 Days and hours of operation.--Slot machine gaming
1158 areas may be open 365 days a year. The slot machine gaming areas
1159 may be open only from 10:00 a.m. until 2:00 a.m. Sunday through
1160 Saturday.

1161 551.202 Catering license.--A slot machine licensee is
1162 entitled to a caterer's license pursuant to s. 565.02 on days in
1163 which the pari-mutuel facility is open to the public for slot
1164 machine game play as authorized by this chapter.

1165 551.204 Purchasing and employment by slot machine
1166 licensee.--

1167 (1) The slot machine licensee shall maintain a policy of
1168 making purchases from vendors in this state. Furthermore, the
1169 slot machine licensee shall create opportunities to purchase
1170 from minority vendors and shall implement the policy and
1171 purchasing opportunities in a nondiscriminatory manner.

1172 (2) The slot machine licensee shall maintain a policy of
1173 awarding preference in employment to residents of this state, as
1174 defined by law.

1175 (3) The slot machine licensee shall use the Internet-based
1176 job listing system of the Agency for Workforce Innovation in
1177 advertising employment opportunities. Further, each slot machine
1178 licensee in its gaming operations shall create equal employment
1179 opportunities which shall be implemented in a nondiscriminatory
1180 manner in hiring and promoting employees to achieve the full and
1181 fair participation of women, Asians, blacks, Hispanics, Native
1182 Americans, persons with disabilities, and other protected groups
1183 within the city where the pari-mutuel facility is located, and
1184 an action plan and programs shall be implemented by each slot
1185 machine licensee designed to ensure that the percentage of the
1186 minority population in which the pari-mutuel facility is located
1187 is considered to the extent minority applications are submitted
1188 in equal proportion to the number of jobs open for hiring at
1189 entry level, managerial, supervisory, and any other positions,
1190 unless there is a bona fide occupational qualification requiring
1191 a distinct and unique employment expertise which a minority
1192 applicant does not possess.

1193 551.25 Penalties for violations by licensee.--The division
1194 may revoke or suspend any license issued under this chapter upon

1195 the willful violation by the licensee of any provision of this
 1196 chapter or of any rule adopted under this chapter. In lieu of
 1197 suspending or revoking a license, the division may impose a
 1198 civil penalty against the licensee for a violation of this
 1199 chapter or any rule adopted by the division. Except as otherwise
 1200 provided in this chapter, the penalty so imposed may not exceed
 1201 \$1,000 for each count or separate offense. All penalties imposed
 1202 and collected must be deposited into the Slot Machine
 1203 Administrative Trust Fund in the department.

1204 551.30 State Slot Machine Gaming Board.--

1205 (1) CREATION.--

1206 (a) There is created a board known as the State Slot
 1207 Machine Gaming Board which shall be housed within the division.

1208 (b) The board is not a unit or entity of state government.
 1209 However, the board is subject to the provisions of s. 24, Art. I
 1210 of the State Constitution and chapter 119, relating to public
 1211 meetings and records and the provisions of chapter 286 relating
 1212 to public meetings and records.

1213 (c) The principal office of the board shall be in
 1214 Tallahassee; however, the board may conduct meetings in any
 1215 county where slot machine gaming is authorized to be conducted.

1216 (d) The board shall hire or contract for all staff
 1217 necessary for the proper execution of its powers and duties
 1218 within the funds appropriated to implement this section and
 1219 shall comply with the code of ethics for public officers and
 1220 employees under part III of chapter 112. In no case may the
 1221 board expend more than its annual appropriation for staffing and
 1222 necessary administrative expenditures, including, but not

1223 limited to, travel and per diem and audit expenditures, using
 1224 funds appropriated to implement this section. The funds
 1225 appropriated shall be derived from a portion of the imposition
 1226 of regulatory fees to offset the costs of regulation.

1227 (e) The division shall provide administrative support to
 1228 the board as requested by the board. In the event of the
 1229 dissolution of the board, the division shall be the board's
 1230 successor in interest and shall assume all rights, duties, and
 1231 obligations of the board.

1232 (2) PURPOSE.--The board's purpose shall be to provide
 1233 administrative advisory oversight to the division's regulation
 1234 of slot machine gaming, monitor the impacts of slot machine
 1235 gaming in the affected communities and the state as a whole, and
 1236 ensure that the intent of s. 23, Art. X of the State
 1237 Constitution is met as it relates to the expenditures of taxes
 1238 on slot machines to supplement public education.

1239 (3) MEMBERSHIP.--

1240 (a) The board shall consist of nine voting members of high
 1241 moral character, impeccable reputation, and demonstrable
 1242 business expertise. No more than two members shall be residents
 1243 of a county where slot machine gaming is authorized to be
 1244 conducted. The Governor shall appoint the members of the board.
 1245 The director of the division shall serve as an ex officio,
 1246 nonvoting member of the board. Appointment of members of the
 1247 board shall be confirmed by the Senate.

1248 (b) Each member of the board shall serve for a term of 4
 1249 years, except that initially the Governor shall appoint three
 1250 members for a term of 1 year, three members for a term of 2

1251 years, and three members for a term of 4 years to achieve
1252 staggered terms among the members of the board. A member is not
1253 eligible for reappointment to the board, except that a member
1254 appointed to an initial term of 1 year or 2 years may be
1255 reappointed for an additional term of 4 years and a person
1256 appointed to fill a vacancy with 2 years or less remaining on
1257 the term may be reappointed for an additional term of 4 years.

1258 (c) The Governor shall fill a vacancy on the board. A
1259 vacancy that occurs before the scheduled expiration of the term
1260 of the member shall be filled for the remainder of the unexpired
1261 term.

1262 (d) Each member of the board who is not otherwise required
1263 to file financial disclosure under s. 8, Art. II of the State
1264 Constitution or s. 112.3144 shall file disclosure of financial
1265 interests under s. 112.3145.

1266 (e) A person may not be appointed to the board if he or
1267 she has any direct or indirect interest in any slot machine
1268 licensee or any aspect of the gambling industry or any
1269 affiliated activities. A person appointed to the board shall be
1270 deemed an appointed state officer for the purposes of s.
1271 112.313.

1272 (f) Each member of the board shall serve without
1273 compensation, but shall receive travel and per diem expenses as
1274 provided in s. 112.061 while in the performance of his or her
1275 duties.

1276 (g) Each member of the board is accountable for the proper
1277 performance of the duties of office, and each member owes a
1278 fiduciary duty to the people of the state to ensure that all

1279 activities are conducted in furtherance of this section. The
1280 Governor may remove a member for malfeasance, misfeasance,
1281 neglect of duty, incompetence, permanent inability to perform
1282 official duties, unexcused absence from three consecutive
1283 meetings of the board, arrest or indictment for a crime that is
1284 a felony or a misdemeanor involving theft or moral turpitude, a
1285 crime of dishonesty, or pleading nolo contendere to, or being
1286 found guilty of, any crime.

1287 (4) ORGANIZATION; MEETINGS.--

1288 (a)1. The board shall annually elect a chairperson and a
1289 vice chairperson from among the board's members. The members
1290 may, by a vote of five of the nine board members, remove a
1291 member from the position of chairperson or vice chairperson
1292 prior to the expiration of his or her term as chairperson or
1293 vice chairperson. His or her successor shall be elected to serve
1294 for the balance of the removed chairperson's or vice
1295 chairperson's term.

1296 2. The chairperson is responsible to ensure that records
1297 are kept of the proceedings of the board and is the custodian of
1298 all books, documents, and papers filed with the board, the
1299 minutes of meetings of the board, and the official seal of the
1300 board.

1301 (b)1. The board shall meet upon the call of the
1302 chairperson or at the request of a majority of the members, but
1303 no less than quarterly per calendar year.

1304 2. A majority of the voting members of the board
1305 constitutes a quorum. Except as otherwise provided in this
1306 section, the board may take official action by a majority vote

1307 of the members present at any meeting at which a quorum is
 1308 present. Members may not vote by proxy.

1309 3. A member of the board may participate in a meeting of
 1310 the board by telephone or video conference through which each
 1311 member may hear every other member.

1312 (5) POWERS AND DUTIES.--The board:

1313 (a) May perform all acts and things necessary or
 1314 convenient to carry out the powers expressly granted in this
 1315 section.

1316 (b) May recommend to the division and the Legislature
 1317 expenditures from regulatory funds provided by this chapter,
 1318 including any necessary administrative expenditures consistent
 1319 with its powers, and ways to supplement public education from
 1320 taxes collected from slot machine gaming.

1321 (c) May receive and review reports and financial
 1322 documentation provided by the slot machine licensee pursuant to
 1323 this chapter to monitor compliance with the provisions of this
 1324 chapter.

1325 (d) May receive testimony and information from law
 1326 enforcement officials regarding the impact of slot machine
 1327 gaming on criminal activity in and around slot machine
 1328 facilities.

1329 (e) May receive testimony and information from local
 1330 governments and tourist development councils regarding the
 1331 impact of slot machine gaming on their communities and the
 1332 tourism of their respective areas.

1333 (f) May make recommendations to the division and to the
 1334 Office of Program Policy Analysis and Government Accountability

1335 on the performance measures for the regulatory responsibilities
1336 set forth in this chapter.

1337 (g) May monitor criminal activity in and around the slot
1338 machine facilities in this state and recommend to the
1339 Legislature ways to curb such activity.

1340 (h) May receive testimony from education officials,
1341 education groups, and the public regarding the expenditures of
1342 taxes received from slot machine gaming and make recommendations
1343 to the Legislature on ways to spend these funds to supplement
1344 public education.

1345 (i) Shall prepare an annual report as prescribed herein.

1346 (j) Shall make recommendations to the division on
1347 reporting requirements on slot machine gaming facilities. The
1348 board shall recommend to the division the means, method, and
1349 timing of reporting, at a minimum, in the following areas:

1350 1. The net number and dollar value of all jobs created,
1351 including the number of jobs held by Florida residents.

1352 2. The total net amount of revenues generated for state
1353 government from all tax and fee sources related to the slot
1354 machine operation.

1355 3. The measures taken by the slot machine licensee to
1356 prevent, control, and treat problem gambling.

1357 4. The operational status and quality of operation of the
1358 slot machine licensee's preslot machine pari-mutuel enterprise.

1359 5. Documentation of continuing capital reinvestment by the
1360 slot machine licensee for the economic benefit of the community.

1361 6. Information relating to all complaints and charges of
1362 violations by a slot machine facility constituting a nuisance
1363 and the outcome of such charges.

1364 7. A detailed summary of all lobbying activities conducted
1365 by or on behalf of the slot machine licensee, including the
1366 amount and source of funds expended.

1367 (6) REVIEW OF RULES.--The division shall provide a copy of
1368 any proposed rules to the board and allow sufficient time for
1369 review and response by the board. Emergency rules shall not be
1370 subject to this requirement.

1371 (7) ANNUAL REPORT.--By December 1 of each year, the board
1372 shall prepare a report of the activities and outcomes under this
1373 section for the preceding fiscal year. The report, at a minimum,
1374 must include:

1375 (a) A description of the activities of the board and slot
1376 machine licensees and a description of the substance of reports
1377 required for submission by the licensee to the board.

1378 (b) A description of the public testimony received by the
1379 board.

1380 (c) A description of any resolutions from county or
1381 municipal governments or tourist development councils or
1382 affidavits from law enforcement officials received by the board.

1383 (d) Information on the number and salary level of jobs
1384 created by each of the slot machine licensees, including the
1385 number and salary level of jobs created for residents of this
1386 state.

1387 (e) Information collected, if any, on the amount and
1388 nature of economic activity generated through the slot machine

1389 operations-related activities of each of the slot machine
 1390 licensees.

1391 (f) A compliance and financial audit of the accounts and
 1392 records of the board at the end of the preceding fiscal year
 1393 conducted by the division.

1394 (g) A description of any recommendations made to the
 1395 division or the Legislature by the board consistent with its
 1396 grant of authority herein.

1397
 1398 The board shall submit the report to the Governor, the President
 1399 of the Senate, and the Speaker of the House of Representatives.

1400 (8) OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT
 1401 ACCOUNTABILITY; PROGRAM EVALUATION.--

1402 (a) Before January 1, 2008, and annually thereafter, the
 1403 Office of Program Policy Analysis and Government Accountability
 1404 shall conduct a performance audit of the board, the division,
 1405 and slot machine licensees relating to the provisions of this
 1406 chapter. The audit shall assess the implementation and outcomes
 1407 of activities under this chapter. The audit shall include an
 1408 evaluation of reports and financial documentation provided to
 1409 the board under paragraphs (5)(c)-(e) by the slot machine
 1410 licensee, law enforcement officials, local governments, and
 1411 tourist development councils, and reports provided to the board
 1412 under paragraph (5)(j) including documentation of continuing
 1413 capital reinvestment by the slot machine licensee and
 1414 information relating to violations by a slot machine facility
 1415 constituting a nuisance. At a minimum, the audit shall address:

1416 1. Performance of the slot machine licensees in operating
 1417 slot machine gaming and complying with the rules under this
 1418 chapter.

1419 2. Performance of the board under this chapter.

1420 3. Compliance by the board with the provisions of this
 1421 section and the provisions of the rules.

1422 4. Economic activity generated through slot machine
 1423 operations by the slot machine licensees.

1424 5. The expenditure of slot machine taxes and whether these
 1425 expenditures supplemented or supplanted public education
 1426 dollars.

1427 (b) A report of each audit's findings and recommendations
 1428 shall be submitted to the Governor, the President of the Senate,
 1429 and the Speaker of the House of Representatives.

1430 551.33 Law enforcement affidavits.--The chief law
 1431 enforcement officer of any county or municipality where a slot
 1432 machine licensee is authorized to conduct slot machine gaming at
 1433 a pari-mutuel facility and the chief law enforcement officer of
 1434 any municipality contiguous to a municipality where such slot
 1435 machine licensee is authorized to conduct slot machine gaming
 1436 shall execute at least once annually an affidavit verifying,
 1437 based upon information or belief, whether the applicable local
 1438 budgeting authority has provided sufficient funding to
 1439 adequately address additional law enforcement responsibilities
 1440 directly or indirectly resulting from the slot machine gaming
 1441 operations. The affidavit shall be transmitted to the board.

1442 551.34 Local government resolutions.--

1443 (1) The board of county commissioners and the governing
1444 body of a municipality where a slot machine licensee is
1445 authorized to conduct slot machine gaming and any municipality
1446 contiguous to the municipality where such slot machine licensee
1447 is authorized to conduct slot machine gaming must adopt a
1448 resolution at least once annually that expresses, at a minimum,
1449 whether slot machine gaming is being operated in a manner that
1450 demonstrates a commitment to ameliorate detriment to the public
1451 economic and social health, safety, and welfare of the community
1452 governed by the applicable body.

1453 (2) The governing body of any municipality that is not
1454 required to adopt a resolution pursuant to subsection (1) may
1455 adopt a resolution addressing slot machine gaming impacts on the
1456 local community. The resolution should contain a recitation of
1457 those factual circumstances which support a conclusion that the
1458 operations of the slot machine licensee have a substantial
1459 effect on the public economic and social health, safety, and
1460 welfare of the municipality.

1461 (3) The resolution shall be transmitted to the board.
1462 551.341 Tourist development council resolutions.--

1463 (1) Any tourist development council, organized under the
1464 provisions of part I of chapter 125, or the board of county
1465 commissioners if there is no tourist development council in that
1466 county, must adopt a resolution at least once annually that
1467 expresses, at a minimum, whether slot machine gaming is being
1468 operated in a manner that demonstrates a commitment to the
1469 growth and expansion of tourism in this state and a commitment
1470 to ameliorate detriment to communities that are current tourist

1471 destinations but do not have slot machine gaming being conducted
1472 at pari-mutuel facilities within their jurisdiction.

1473 (2) The resolution should contain a recitation of those
1474 factual circumstances which support a conclusion that the
1475 operations of slot machine licensees have a substantial positive
1476 or negative effect on the expansion and growth of tourism within
1477 their jurisdiction. Tourism impacts shall be supported, as a
1478 part of the resolution, by statistical data and other practical
1479 collateral impacts and evidence on local tourism activity.

1480 (3) The resolution shall be transmitted to the board.

1481 551.40 Compulsive gambling program.--The division may
1482 contract for provision of services related to the prevention and
1483 treatment of compulsive and addictive gambling. The terms of any
1484 contract for the provision of such services shall include
1485 accountability standards that must be met by any private
1486 provider. The failure of any private provider to meet any
1487 material terms of the contract, including the accountability
1488 standards, shall constitute a breach of contract or grounds for
1489 nonrenewal. The division may consult with the Department of the
1490 Lottery in the development of the program and the development
1491 and analysis of any procurement for contractual services for its
1492 compulsive or addictive gambling treatment program. The
1493 compulsive or addictive gambling treatment program shall be
1494 funded from the annual nonrefundable regulatory fee provided for
1495 in s. 551.108(1)(a).

1496 Section 5. Section 849.15, Florida Statutes, is amended to
1497 read:

1498 849.15 Manufacture, sale, possession, etc., of coin-
 1499 operated devices prohibited.--

1500 (1) It is unlawful:

1501 (a)~~(1)~~ To manufacture, own, store, keep, possess, sell,
 1502 rent, lease, let on shares, lend or give away, transport, or
 1503 expose for sale or lease, or to offer to sell, rent, lease, let
 1504 on shares, lend or give away, or permit the operation of, or for
 1505 any person to permit to be placed, maintained, or used or kept
 1506 in any room, space, or building owned, leased or occupied by the
 1507 person or under the person's management or control, any slot
 1508 machine or device or any part thereof; or

1509 (b)~~(2)~~ To make or to permit to be made with any person any
 1510 agreement with reference to any slot machine or device, pursuant
 1511 to which the user thereof, as a result of any element of chance
 1512 or other outcome unpredictable to him or her, may become
 1513 entitled to receive any money, credit, allowance, or thing of
 1514 value or additional chance or right to use such machine or
 1515 device, or to receive any check, slug, token or memorandum
 1516 entitling the holder to receive any money, credit, allowance or
 1517 thing of value.

1518 (2) Pursuant to section 2 of that certain chapter of the
 1519 Congress of the United States entitled "An act to prohibit
 1520 transportation of gaming devices in interstate and foreign
 1521 commerce", approved January 2, 1951, being c. 1194, 64 Stat.
 1522 1134, and also designated as 15 U.S.C. 1171-1177, the State of
 1523 Florida, acting by and through its duly elected and qualified
 1524 members of its Legislature, does hereby in this section, and in
 1525 accordance with and in compliance with the provisions of section

1526 2 of such chapter of Congress, declare and proclaim that any
 1527 county of the State of Florida, within which slot machine gaming
 1528 is authorized pursuant to chapter 551 is exempt from the
 1529 provisions of section 2 of that certain chapter of the Congress
 1530 of the United States entitled "An act to prohibit transportation
 1531 of gaming devices in interstate and foreign commerce",
 1532 designated U.S.C. 1171-1177, approved January 2, 1951. All
 1533 shipments of gaming devices, including slot machines, into any
 1534 county of this state within which slot machine gaming is
 1535 authorized pursuant to chapter 551, the registering, recording,
 1536 and labeling of which have been duly done by the manufacturer or
 1537 distributor thereof in accordance with sections 3 and 4 of that
 1538 certain chapter of the Congress of the United States entitled,
 1539 "An act to prohibit transportation of gaming devices in
 1540 interstate and foreign commerce", approved January 2, 1951,
 1541 being c. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
 1542 1171-1177, shall be deemed legal shipments thereof into any such
 1543 county provided the destination of such shipments is to a
 1544 licensed eligible facility as defined s. 551.103.

1545 Section 6. Subsections (1) and (2) of section 895.02,
 1546 Florida Statutes, are amended to read:

1547 895.02 Definitions.--As used in ss. 895.01-895.08, the
 1548 term:

1549 (1) "Racketeering activity" means to commit, to attempt to
 1550 commit, to conspire to commit, or to solicit, coerce, or
 1551 intimidate another person to commit:

- 1552 (a) Any crime which is chargeable by indictment or
 1553 information under the following provisions of the Florida
 1554 Statutes:
- 1555 1. Section 210.18, relating to evasion of payment of
 1556 cigarette taxes.
 - 1557 2. Section 403.727(3)(b), relating to environmental
 1558 control.
 - 1559 3. Section 409.920 or s. 409.9201, relating to Medicaid
 1560 fraud.
 - 1561 4. Section 414.39, relating to public assistance fraud.
 - 1562 5. Section 440.105 or s. 440.106, relating to workers'
 1563 compensation.
 - 1564 6. Section 465.0161, relating to distribution of medicinal
 1565 drugs without a permit as an Internet pharmacy.
 - 1566 7. Sections 499.0051, 499.0052, 499.00535, 499.00545, and
 1567 499.0691, relating to crimes involving contraband and
 1568 adulterated drugs.
 - 1569 8. Part IV of chapter 501, relating to telemarketing.
 - 1570 9. Chapter 517, relating to sale of securities and
 1571 investor protection.
 - 1572 10. Section 550.235, s. 550.3551, or s. 550.3605, relating
 1573 to dogracing and horseracing.
 - 1574 11. Chapter 550, relating to jai alai frontons.
 - 1575 12. Section 551.1113, relating to slot machine gaming.
 - 1576 ~~13.12.~~ Chapter 552, relating to the manufacture,
 1577 distribution, and use of explosives.
 - 1578 ~~14.13.~~ Chapter 560, relating to money transmitters, if the
 1579 violation is punishable as a felony.

1580 ~~15.14.~~ Chapter 562, relating to beverage law enforcement.
 1581 ~~16.15.~~ Section 624.401, relating to transacting insurance
 1582 without a certificate of authority, s. 624.437(4)(c)1., relating
 1583 to operating an unauthorized multiple-employer welfare
 1584 arrangement, or s. 626.902(1)(b), relating to representing or
 1585 aiding an unauthorized insurer.
 1586 ~~17.16.~~ Section 655.50, relating to reports of currency
 1587 transactions, when such violation is punishable as a felony.
 1588 ~~18.17.~~ Chapter 687, relating to interest and usurious
 1589 practices.
 1590 ~~19.18.~~ Section 721.08, s. 721.09, or s. 721.13, relating
 1591 to real estate timeshare plans.
 1592 ~~20.19.~~ Chapter 782, relating to homicide.
 1593 ~~21.20.~~ Chapter 784, relating to assault and battery.
 1594 ~~22.21.~~ Chapter 787, relating to kidnapping.
 1595 ~~23.22.~~ Chapter 790, relating to weapons and firearms.
 1596 ~~24.23.~~ Section 796.03, s. 796.035, s. 796.04, s. 796.045,
 1597 s. 796.05, or s. 796.07, relating to prostitution and sex
 1598 trafficking.
 1599 ~~25.24.~~ Chapter 806, relating to arson.
 1600 ~~26.25.~~ Section 810.02(2)(c), relating to specified
 1601 burglary of a dwelling or structure.
 1602 ~~27.26.~~ Chapter 812, relating to theft, robbery, and
 1603 related crimes.
 1604 ~~28.27.~~ Chapter 815, relating to computer-related crimes.
 1605 ~~29.28.~~ Chapter 817, relating to fraudulent practices,
 1606 false pretenses, fraud generally, and credit card crimes.

1607 ~~30.29.~~ Chapter 825, relating to abuse, neglect, or
 1608 exploitation of an elderly person or disabled adult.
 1609 ~~31.30.~~ Section 827.071, relating to commercial sexual
 1610 exploitation of children.
 1611 ~~32.31.~~ Chapter 831, relating to forgery and
 1612 counterfeiting.
 1613 ~~33.32.~~ Chapter 832, relating to issuance of worthless
 1614 checks and drafts.
 1615 ~~34.33.~~ Section 836.05, relating to extortion.
 1616 ~~35.34.~~ Chapter 837, relating to perjury.
 1617 ~~36.35.~~ Chapter 838, relating to bribery and misuse of
 1618 public office.
 1619 ~~37.36.~~ Chapter 843, relating to obstruction of justice.
 1620 ~~38.37.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
 1621 or s. 847.07, relating to obscene literature and profanity.
 1622 ~~39.38.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
 1623 s. 849.25, relating to gambling.
 1624 ~~40.39.~~ Chapter 874, relating to criminal street gangs.
 1625 ~~41.40.~~ Chapter 893, relating to drug abuse prevention and
 1626 control.
 1627 ~~42.41.~~ Chapter 896, relating to offenses related to
 1628 financial transactions.
 1629 ~~43.42.~~ Sections 914.22 and 914.23, relating to tampering
 1630 with a witness, victim, or informant, and retaliation against a
 1631 witness, victim, or informant.
 1632 ~~44.43.~~ Sections 918.12 and 918.13, relating to tampering
 1633 with jurors and evidence.

1634 (b) Any conduct defined as "racketeering activity" under
 1635 18 U.S.C. s. 1961(1).

1636 (2) "Unlawful debt" means any money or other thing of
 1637 value constituting principal or interest of a debt that is
 1638 legally unenforceable in this state in whole or in part because
 1639 the debt was incurred or contracted:

1640 (a) In violation of any one of the following provisions of
 1641 law:

1642 1. Section 550.235, s. 550.3551, or s. 550.3605, relating
 1643 to dogracing and horseracing.

1644 2. Chapter 550, relating to jai alai frontons.

1645 3. Section 551.1113, relating to slot machine gaming.

1646 ~~4.3-~~ Chapter 687, relating to interest and usury.

1647 ~~5.4-~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
 1648 s. 849.25, relating to gambling.

1649 (b) In gambling activity in violation of federal law or in
 1650 the business of lending money at a rate usurious under state or
 1651 federal law.

1652 Section 7. The Legislature has exclusive authority over
 1653 the conduct of all wagering occurring at a slot machine facility
 1654 in this state. Only the division and other authorized state
 1655 agencies shall administer chapter 551, Florida Statutes, and
 1656 regulate the slot machine gaming industry, including operation
 1657 of slot machine facilities, games, slot machines, and
 1658 centralized computer management systems authorized in chapter
 1659 551 and the rules adopted by the division.

1660 Section 8. Referenda.--

1661 (1) Notwithstanding any other provision of law, a county
 1662 in which a slot machine facility is located may call a
 1663 referendum to give the voters an opportunity to deauthorize slot
 1664 machine operations as an undue burden on the county, and shall
 1665 call such referendum upon a petition signed by the lesser of
 1666 10,000 electors or 1 percent of the electors residing within the
 1667 county.

1668 (2) When a referendum is called as a result of a petition
 1669 having been signed by a sufficient number of the electors of a
 1670 county, the county supervisor of elections shall conduct such
 1671 referendum on the day of any state or county primary or general
 1672 election that is being held for any purpose other than for the
 1673 purpose of deauthorizing slot machine operations as an undue
 1674 burden. The question on the ballot shall be:

1675 SHOULD THE OPERATION OF SLOT MACHINES IN [COUNTY NAME] BE
 1676 DEAUTHORIZED AS AN UNDUE BURDEN UPON THE COUNTY?

1677 (3) The results shall be certified to the Division of
 1678 Elections of the Department of State.

1679 (4) Notwithstanding any other provision of law, each
 1680 municipality and county in which a slot machine facility is
 1681 located and each municipality that is contiguous to a
 1682 municipality where a slot machine facility is located may call a
 1683 referendum to give the voters an opportunity to declare the slot
 1684 machine operation an undue burden on the community, and shall
 1685 call such referendum upon:

1686 (a) Petition signed by the lesser of 1,000 electors or 5
 1687 percent of the electors residing within the municipality; or

1688 (b) Petition signed by the lesser of 10,000 electors or 1
 1689 percent of the electors residing within the county.

1690 (5) When a referendum is called as a result of a
 1691 sufficient number of petitions having been signed by the
 1692 electors of a county or municipality, the county supervisor of
 1693 elections shall conduct such referendum on the day of any state,
 1694 county, or municipal primary or general election or on the day
 1695 of any election of such county or municipality that is being
 1696 held for any purpose other than for the purpose of declaring
 1697 whether the operation of slot machines is an undue burden. The
 1698 question on the ballot shall be:

1699 SHOULD THE OPERATION OF SLOT MACHINES IN [NAME OF
 1700 COUNTY] [NAME OF MUNICIPALITY] OR IN A MUNICIPALITY
 1701 CONTIGUOUS TO [NAME OF MUNICIPALITY] BE DECLARED AN UNDUE
 1702 BURDEN?

1703 (6) The results shall be transmitted to the board for its
 1704 consideration and inclusion in its annual report and to the
 1705 Office of Program Policy Analysis and Government Accountability
 1706 for its use in conducting performance audits and evaluations.

1707 (7) Once the question on the ballot has been placed before
 1708 the electors of a county or municipality, the question shall not
 1709 be presented in another referendum in that county or that
 1710 municipality for at least 2 years.

1711 Section 9. Any tribal-state compact relating to gaming
 1712 activities which is entered into by an Indian tribe in this
 1713 state and the Governor pursuant to the Indian Gaming Regulatory
 1714 Act, 25 U.S.C. ss. 2701 et seq., must be conditioned upon
 1715 ratification by the Legislature.

1716 Section 10. Department of Transportation study of
 1717 transportation facilities providing access to pari-mutuel
 1718 facilities and Indian reservations; report and recommendations
 1719 authorized.--

1720 (1) The Department of Transportation is directed to
 1721 conduct a study of the impacts that slot machine gaming at pari-
 1722 mutuel facilities and on Indian reservation lands are having on
 1723 public roads and other transportation facilities, regarding
 1724 traffic congestion and other mobility issues, facility
 1725 maintenance and repair costs, emergency evacuation readiness,
 1726 costs of potential future widening or other improvements, and
 1727 other impacts on the motoring, nongaming public.

1728 (2) The study shall include, but is not limited to, the
 1729 following information:

1730 (a) A listing, description, and functional classification
 1731 of the access roads to and from pari-mutuel facilities and
 1732 Indian reservations that conduct slot machine gaming in the
 1733 state.

1734 (b) An identification of the access roads identified under
 1735 paragraph (a) that are either scheduled for improvements within
 1736 the Department of Transportation's 5-year work program or are
 1737 listed on the 20-year, long-range transportation plan of the
 1738 department or a metropolitan planning organization.

1739 (c) The most recent traffic counts on the access roads and
 1740 projected future usage, as well as any projections of impacts on
 1741 secondary, feeder, or connector roads, interstate highway exit
 1742 and entrance ramps, or other area transportation facilities.

1743 (d) The safety and maintenance ratings of each access road
1744 and a detailed review of impacts on local and state emergency
1745 management agencies to provide emergency or evacuation services.

1746 (e) The estimated infrastructure costs to maintain,
1747 improve, or widen these access roads based on future projected
1748 needs.

1749 (f) The feasibility of implementing tolls on these access
1750 roads or, if already tolled, raising the toll to offset and
1751 mitigate the impacts of traffic generated by pari-mutuel and by
1752 Indian reservation slot machine gaming activities on nontribal
1753 communities in the state and to finance projected future
1754 improvements to the access roads.

1755 (3) The department shall present its findings and
1756 recommendations in a report to be submitted to the Governor, the
1757 President of the Senate, and the Speaker of the House of
1758 Representatives by January 15, 2006. The report may include any
1759 department recommendations for proposed legislation.

1760 Section 11. (1) Sixty-four full-time equivalent positions
1761 are authorized and the sum of \$4,792,259 in recurring and
1762 \$4,036,486 in nonrecurring funds is hereby appropriated from the
1763 Slot Machine Administrative Trust Fund in the Department of
1764 Business and Professional Regulation for the purpose of carrying
1765 out all regulatory activities provided herein. The Executive
1766 Office of the Governor shall place these funds and positions in
1767 reserve until such time as the Department of Business and
1768 Professional Regulation submits an expenditure plan for approval
1769 to the Executive Office of the Governor, and the chair and vice

1770 chair of the Legislative Budget Commission in accordance with
 1771 the provisions of section 216.177, Florida Statutes.

1772 (2) The sum of \$2,634,349 in recurring and \$1,814,916 in
 1773 nonrecurring funds is hereby appropriated from the Slot Machine
 1774 Administrative Trust Fund in the Department of Business and
 1775 Professional Regulation for transfer to the Department of Law
 1776 Enforcement for the purpose of investigations, intelligence
 1777 gathering, background investigations, and any other
 1778 responsibilities as provided for herein. Fifty-seven full-time
 1779 equivalent positions are authorized and the sum of \$2,634,349 in
 1780 recurring and \$1,814,916 in nonrecurring funds is hereby
 1781 appropriated from the Operating Trust Fund in the Department of
 1782 Law Enforcement for the purpose of investigations, intelligence
 1783 gathering, background investigations, and any other
 1784 responsibilities as provided for herein. The Executive Office of
 1785 the Governor shall place these funds and positions in reserve
 1786 until such time as the Department of Law Enforcement submits an
 1787 expenditure plan for approval to the Executive Office of the
 1788 Governor and the chair and vice chair of the Legislative Budget
 1789 Commission in accordance with the provisions of section 216.177,
 1790 Florida Statutes.

1791 (3) The sum of \$158,154 in recurring and \$24,498 in
 1792 nonrecurring funds is hereby appropriated from the Slot Machine
 1793 Administrative Trust Fund in the Department of Business and
 1794 Professional Regulation for transfer to the Office of the State
 1795 Attorney, 17th Judicial Circuit, for the purpose of prosecution
 1796 of offenses associated with gaming operations. Ten full-time
 1797 equivalent positions are authorized and the sum of \$158,154 in

1798 recurring and \$24,498 in nonrecurring funds is hereby
1799 appropriated from the Grants and Donations Trust Fund in the
1800 Office of the State Attorney, 17th Judicial Circuit, for the
1801 purpose of prosecution of offenses associated with gaming
1802 operations. The Executive Office of the Governor shall place
1803 these funds and positions in reserve until such time as the
1804 Office of the State Attorney, 17th Judicial Circuit, submits an
1805 expenditure plan for approval to the Executive Office of the
1806 Governor and the chair and vice chair of the Legislative Budget
1807 Commission in accordance with the provisions of section 216.177,
1808 Florida Statutes.

1809 Section 12. This act shall take effect July 1, 2005.