

By Senators Jones, Posey, Geller and Constantine

13-422G-06

See HB

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

1 caterer's license; specifying prohibited
2 activities and devices; prohibiting automated
3 teller machines within the facilities of a slot
4 machine licensee; providing for rulemaking;
5 providing for purse and awards licensure
6 requirements; amending s. 849.15, F.S.;
7 providing for transportation of certain gaming
8 devices in accordance with federal law;
9 amending s. 895.02, F.S.; providing that
10 specified violations related to slot machine
11 gaming constitute racketeering activity;
12 providing that certain debt incurred in
13 violation of specified provisions relating to
14 slot machine gaming constitutes unlawful debt;
15 providing for preemption; authorizing
16 additional positions and providing
17 appropriations; amending s. 215.22, F.S.;
18 providing an exemption from an appropriation
19 for certain slot machine trust fund revenues;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:
23

24 Section 1. Chapter 551, Florida Statutes, consisting
25 of sections 551.101, 551.102, 551.103, 551.104, 551.105,
26 551.106, 551.107, 551.108, 551.109, 551.111, 551.112, 551.113,
27 551.114, 551.116, 551.117, 551.118, 551.119, 551.121, 551.122,
28 and 551.123, is created to read:

29 CHAPTER 551
30 SLOT MACHINES

31

1 551.101 Slot machine gaming authorized.--Any licensed
2 pari-mutuel facility located in Miami-Dade County or Broward
3 County existing at the time of adoption of s. 23, Art. X of
4 the State Constitution that has conducted live racing or games
5 during calendar years 2002 and 2003 may possess slot machines
6 and conduct slot machine gaming at the location where the
7 pari-mutuel permitholder is authorized to conduct pari-mutuel
8 wagering activities pursuant to such permitholder's valid
9 pari-mutuel permit provided that a majority of voters in a
10 countywide referendum have approved the possession of slot
11 machines at such facility in the respective county.

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

17 551.102 Definitions.--As used in this chapter, the
18 term:

19 (1) "Distributor" means any person who sells, leases,
20 or offers, or otherwise provides, distributes, or services,
21 any slot machine or associated equipment for use or play of
22 slot machines in this state. A manufacturer may be a
23 distributor within the state.

24 (2) "Designated slot machine gaming area" means one
25 specific area of the facility of a slot machine licensee in
26 which slot machine gaming may be conducted in accordance with
27 the provisions of this chapter.

28 (3) "Division" means the Division of Pari-mutuel
29 Wagering of the Department of Business and Professional
30 Regulation.

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1 (4) "Eligible facility" means any licensed pari-mutuel
2 facility located in Miami-Dade County or Broward County
3 existing at the time of adoption of s. 23, Art. X of the State
4 Constitution that has conducted live racing or games during
5 calendar years 2002 and 2003 and has been approved by a
6 majority of voters in a countywide referendum to have slot
7 machines at such facility in the respective county.

8 (5) "Manufacturer" means any person who manufactures,
9 builds, rebuilds, fabricates, assembles, produces, programs,
10 designs, or otherwise makes modifications to any slot machine
11 or associated equipment for use or play of slot machines in
12 this state for gaming purposes. A manufacturer may be a
13 distributor within the state.

14 (6) "Progressive system" means a computerized system
15 linking slot machines in one or more licensed facilities
16 within this state and offering one or more common progressive
17 payouts based on the amounts wagered.

18 (7) "Slot machine" means any mechanical or electrical
19 contrivance, terminal that may or may not be capable of
20 downloading slot games from a central server system, machine,
21 or other device that, upon insertion of a coin, bill, ticket,
22 token, or similar object or upon payment of any consideration
23 whatsoever, including the use of any electronic payment system
24 except a credit card or debit card, is available to play or
25 operate, the play or operation of which, whether by reason of
26 skill or application of the element of chance or both, may
27 deliver or entitle the person or persons playing or operating
28 the contrivance, terminal, machine, or other device to receive
29 cash, billets, tickets, tokens, or electronic credits to be
30 exchanged for cash or to receive merchandise or anything of
31 value whatsoever, whether the payoff is made automatically

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

8 (8) "Slot machine license" means a license issued by
9 the division authorizing a pari-mutuel permitholder to place
10 and operate slot machines as provided by s. 23, Art. X of the
11 State Constitution, the provisions of this chapter, and
12 division rules.

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

19 (10) "Slot machine operator" means a person employed
20 or contracted by the owner of a licensed facility to conduct
21 slot machine gaming at that licensed facility.

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

27 551.103 Powers and duties of the division and law
28 enforcement.--

29 (1) The division shall adopt, pursuant to the
30 provisions of ss. 120.536 and 120.54, all rules necessary to
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1 implement, administer, and regulate slot machine gaming as
2 authorized in this chapter. Such rules must include:
3 (a) Procedures for applying for a license and renewal
4 of a license.
5 (b) Technical requirements and the qualifications
6 contained in this chapter that are necessary to receive a slot
7 machine license or slot machine occupational license.
8 (c) Procedures relating to slot machine revenues,
9 including verifying and accounting for such revenues,
10 auditing, and collecting taxes and fees consistent with this
11 chapter.
12 (d) Procedures for regulating, managing, and auditing
13 the operation, financial data, and program information
14 relating to slot machine gaming that allow the division and
15 the Department of Law Enforcement to audit the operation,
16 financial data, and program information of a slot machine
17 licensee, as required by the division or the Department of Law
18 Enforcement, and shall provide the division and the Department
19 of Law Enforcement with the ability to monitor on a real-time
20 basis, at any time, wagering patterns, payouts, tax
21 collection, and compliance with any rules adopted by the
22 division for the regulation and control of slot machines
23 operated under this chapter. Such continuous and complete
24 access on a real-time basis, at any time, shall include the
25 ability to immediately suspend play on particular slot
26 machines if monitoring of the facilities-based computer system
27 indicates possible tampering or manipulation of those slot
28 machines and the ability to immediately suspend play of the
29 entire operation if the tampering or manipulation is of the
30 computer system itself.
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1 (e) Procedures for requiring each licensee at his or
2 her own cost and expense to supply the division with a bond
3 having the penal sum of \$2 million payable to the Governor and
4 his or her successors in office for the licensee's first year
5 of slot machine operations. Annually thereafter, the licensee
6 shall file a bond having a penal sum that is determined each
7 year by the division pursuant to rules adopted by the division
8 and that approximates the anticipated state revenues from the
9 licensee's slot machine operation; however, the bond may not
10 in any case be less than \$2 million. Any bond shall be issued
11 by a surety or sureties approved by the division and the Chief
12 Financial Officer, conditioned to faithfully make the payments
13 to the Chief Financial Officer in his or her capacity as
14 treasurer of the division. The licensee shall be required to
15 keep its books and records and make reports as provided in
16 this chapter and to conduct its slot machine operations in
17 conformity with this chapter and all other provisions of law.
18 Such bond shall be separate and distinct from the bond
19 required in s. 550.125.

20 (f) Procedures for requiring licensees to maintain
21 specified records and submit any data, information, record, or
22 report, including financial and income records, required by
23 this chapter or determined by the division to be necessary to
24 the proper implementation and enforcement of this chapter.

25 (g) A requirement that the payout percentage of a slot
26 machine be no less than 85 percent per facility per day.

27 (h) Minimum standards for security of the facilities,
28 including floor plans, security cameras, and other security
29 equipment.

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1 (2) The division shall conduct such investigations
2 necessary to fulfill its responsibilities under the provisions
3 of this chapter.

4 (3) The Department of Law Enforcement and local law
5 enforcement agencies shall have concurrent jurisdiction to
6 investigate criminal violations of this chapter and may
7 investigate any other criminal violation of law occurring at
8 the facilities of a slot machine licensee, and such
9 investigations may be conducted in conjunction with the
10 appropriate state attorney.

11 (4)(a) The division, the Department of Law
12 Enforcement, and local law enforcement agencies shall have
13 unrestricted access to the slot machine licensee facility at
14 all times and shall require of each slot machine licensee
15 strict compliance with the laws of this state relating to the
16 transaction of such business. The division, the Department of
17 Law Enforcement, and local law enforcement agencies may:

18 1. Inspect and examine premises where slot machines
19 are offered for play.

20 2. Inspect slot machines and related equipment and
21 supplies.

22 (b) In addition, the division may:

23 1. Collect taxes, assessments, fees, and penalties.

24 2. Deny, revoke, suspend, or place conditions on the
25 license of a person who violates any provision of this chapter
26 or rule adopted pursuant thereto.

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

31 (6) This section does not:

1 (a) Prohibit the Department of Law Enforcement or any
2 law enforcement authority whose jurisdiction includes a
3 licensed facility from conducting investigations of criminal
4 activities occurring at the facility of the slot machine
5 licensee;

6 (b) Restrict access to the slot machine licensee
7 facility by the Department of Law Enforcement or any local law
8 enforcement authority whose jurisdiction includes the slot
9 machine licensee facility; or

10 (c) Restrict access by the Department of Law
11 Enforcement or local law enforcement authorities to
12 information and records necessary to the investigation of
13 criminal activity that are contained within the slot machine
14 licensee facility.

15 (7) The division may, at any time after the issuance
16 of a license pursuant to s. 551.104, adopt emergency rules
17 pursuant to s. 120.54. The Legislature finds that such
18 emergency rulemaking power only after slot machine gaming is
19 actually being conducted in the state is necessary due to the
20 unique nature of legalized gambling which requires the
21 division to respond as quickly as is practicable to changes in
22 the marketplace and technology.

23 551.104 License to conduct slot machine gaming.--

24 (1) Upon application and a finding by the division
25 after investigation that the application is complete and the
26 applicant is qualified and payment of the initial license fee,
27 the division may issue a license to a pari-mutuel permitholder
28 to conduct slot machine gaming in the designated slot machine
29 gaming area of the eligible facility. Once the permitholder is
30 licensed, slot machine gaming may be conducted subject to the
31 requirements of this chapter and rules adopted pursuant

1 thereto. The division may not accept an application or issue a
2 license to operate slot machine gaming at a pari-mutuel
3 wagering facility until such time as all rules required by
4 this chapter for slot machine operations have been filed for
5 adoption with the Secretary of State.

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

11 (3) A slot machine license may be issued only to a
12 licensed pari-mutuel permitholder, and slot machine gaming may
13 be conducted only at the same facility at which the
14 permitholder is authorized under its valid pari-mutuel
15 wagering permit to conduct pari-mutuel wagering activities.

16 (4) As a condition of licensure and to maintain
17 continued authority for the conduct of slot machine gaming,
18 the slot machine licensee shall:

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

20 (b) Continue to be in compliance with chapter 550,
21 where applicable, and maintain the pari-mutuel permit and
22 license in good standing pursuant to the provisions of chapter
23 550. Notwithstanding any contrary provision of law and in
24 order to expedite the operation of slot machines at eligible
25 facilities, any eligible facility shall be entitled within 60
26 days after the effective date of this act to amend its
27 2006-2007 pari-mutuel wagering license issued by the division.
28 The division shall issue a new license to the eligible
29 facility to effectuate any approved change.

30 (c) Conduct no fewer than a full schedule of live
31 racing or games as defined in s. 550.002(11). However, a

1 permitholder's responsibility to conduct such number of live
2 races or games shall be reduced by the number of races or
3 games that could not be conducted due to the direct result of
4 fire, war, hurricane, or other disaster or event beyond the
5 control of the permitholder.

6 (d) Upon approval of any changes relating to the
7 pari-mutuel permit by the division, be responsible for
8 providing appropriate current and accurate documentation on a
9 timely basis to the division in order to continue the slot
10 machine license in good standing. Changes in ownership or
11 interest of a slot machine license of 5 percent or more of the
12 stock or other evidence of ownership or equity in the slot
13 machine license or any parent corporation or other business
14 entity that in any way owns or controls the slot machine
15 license shall be approved by the division prior to such
16 change, unless the owner is an existing holder of that license
17 who was previously approved by the division. Changes in
18 ownership or interest of a slot machine license of less than 5
19 percent, unless such change results in a cumulative total of 5
20 percent or more, shall be reported to the division within 20
21 days after the change. The division may then conduct an
22 investigation to ensure that the license is properly updated
23 to show the change in ownership or interest. No reporting is
24 required if the person is holding 5 percent or less equity or
25 securities of a corporate owner of the slot machine licensee
26 that has its securities registered pursuant to s. 12 of the
27 Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and
28 if such corporation or entity files with the United States
29 Securities and Exchange Commission the reports required by s.
30 13 of that act or if the securities of the corporation or
31 entity are regularly traded on an established securities

1 market in the United States. A change in ownership or interest
2 of less than 5 percent which results in a cumulative ownership
3 or interest of 5 percent or more shall be approved by the
4 division prior to such change unless the owner is an existing
5 holder of that license who was previously approved by the
6 division.

7 (e) Allow the division and the Department of Law
8 Enforcement unrestricted access to and right of inspection of
9 facilities of a slot machine licensee in which any activity
10 relative to the conduct of slot machine gaming is conducted.

11 (f) Ensure that the facilities-based computer system
12 that the licensee will use for operational and accounting
13 functions of the slot machine facility is specifically
14 structured to facilitate regulatory oversight. The
15 facilities-based computer system shall be designed to provide
16 the division and the Department of Law Enforcement with the
17 ability to monitor, at any time, on a real-time basis, the
18 wagering patterns, payouts, tax collection, and such other
19 operations as necessary to determine whether the facility is
20 in compliance with statutory provisions and rules adopted by
21 the division for the regulation and control of slot machine
22 gaming. The division and the Department of Law Enforcement
23 shall have complete and continuous access to this system. Such
24 access shall include the ability to immediately suspend play
25 on particular slot machines if monitoring of the system
26 indicates possible tampering or manipulation of those slot
27 machines and the ability to immediately suspend play of the
28 entire operation if the tampering or manipulation is of the
29 computer system itself. The computer system shall be reviewed
30 and approved by the division to ensure the necessary access,
31 security, and functionality. The division may adopt rules to

1 address the functionality requirement and provide for the
2 approval process.

3 (g) Ensure that each slot machine is protected against
4 manipulation or tampering to affect the random probabilities
5 of winning plays. The division or the Department of Law
6 Enforcement shall have the authority to suspend play upon
7 suspicion of any manipulation or tampering. The division shall
8 notify the Department of Law Enforcement or the Department of
9 Law Enforcement shall notify the division, as appropriate,
10 whenever there is a suspension of play under this paragraph.
11 The division and the Department of Law Enforcement shall
12 exchange such information necessary for and cooperate in the
13 investigation of the circumstances requiring suspension of
14 play under this paragraph. When play has been suspended on a
15 slot machine, the division or the Department of Law
16 Enforcement may examine that slot machine to determine whether
17 the machine has been tampered with or manipulated and whether
18 the machine should be returned to operation.

19 (h) Submit a security plan, including the facilities'
20 floor plan, the locations of security cameras, and a listing
21 of all security equipment that is capable of observing and
22 electronically recording activities being conducted in the
23 facilities of the slot machine licensee. The security plan
24 must meet the minimum security requirements as determined by
25 the division and the Department of Law Enforcement under s.
26 551.103(1)(h) and be implemented prior to operation of slot
27 machine gaming. The slot machine licensee facilities must
28 adhere to the security plan at all times. Any changes to the
29 security plan must be submitted by the licensee to the
30 division prior to implementation.

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1 (i) Create and file with the division a written policy
2 for:

3 1. Creating opportunities to purchase from vendors in
4 this state, including minority vendors.

5 2. Creating opportunities for employment of residents
6 of this state, including minority residents.

7 3. Ensuring that opportunities for employment are
8 offered on an equal, nondiscriminatory basis.

9 4. Training for employees on responsible gaming and
10 working with a compulsive or addictive gambling prevention
11 program to further its purposes as provided for in s. 551.118.

12
13 The slot machine licensee shall use the Internet-based
14 job-listing system of the Agency for Workforce Innovation in
15 advertising employment opportunities.

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

17 (6) A slot machine licensee shall keep and maintain
18 permanent daily records of its slot machine operation and
19 shall maintain such records for a period of not less than 5
20 years. These records must include all financial transactions
21 and contain sufficient detail to determine compliance with the
22 requirements of this chapter. All records shall be available
23 for audit and inspection by the division, the Department of
24 Law Enforcement, or other law enforcement agencies during the
25 licensee's regular business hours.

26 (7) A slot machine licensee shall file with the
27 division a monthly report containing the required records of
28 such slot machine operation. The required reports shall be
29 submitted on forms prescribed by the division and shall be due
30 at the same time as the monthly pari-mutuel reports are due to

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1 the division, and the reports shall be deemed public records
2 once filed.

3 (8) A slot machine licensee shall file with the
4 division an audit, in accordance with generally accepted
5 accounting principles, of the receipt and distribution of all
6 slot machine revenues provided by an independent certified
7 public accountant verifying compliance with all financial and
8 auditing provisions of this chapter and the associated rules
9 adopted under this chapter. The audit must include
10 verification of compliance with all statutes and rules
11 regarding all required records of slot machine operations.
12 Such audit shall be filed within 60 days after the completion
13 of the permitholder's pari-mutuel meet.

14 (9) The division may share any information with the
15 Department of Law Enforcement, any other law enforcement
16 agency having jurisdiction over slot machine gaming or
17 pari-mutuel activities, or any other state or federal law
18 enforcement agency the division determines appropriate. Any
19 law enforcement agency may share any information obtained or
20 developed by it with the division.

21 551.105 Slot machine license renewal.--

22 (1) Slot machine licenses shall be renewed annually.
23 The application for renewal must contain all revisions to the
24 information submitted in the prior year's application that are
25 necessary to maintain such information as both accurate and
26 current.

27 (2) The applicant for renewal shall attest that any
28 information changes do not affect the applicant's
29 qualifications for license renewal.

30 (3) Upon determination by the division that the
31 application for renewal is complete and qualifications have

1 been met, including payment of the renewal fee, the slot
2 machine license shall be renewed annually.

3 551.106 License fee; tax rate; penalties.--

4 (1) LICENSE FEE.--

5 (a) Upon submission of the initial application for a
6 slot machine license and annually thereafter upon submission
7 of an application for renewal of the slot machine license, the
8 licensee must pay to the division a nonrefundable license fee
9 of \$3 million. The license fee shall be deposited annually
10 into the Pari-mutuel Wagering Trust Fund of the Department of
11 Business and Professional Regulation for the regulation of
12 slot machine gaming by the division and investigative and
13 enforcement functions of the Department of Law Enforcement
14 pursuant to this chapter. These payments shall be accounted
15 for separately from taxes or fees paid pursuant to the
16 provisions of chapter 550.

17 (b) Prior to January 1, 2008, the division shall
18 evaluate the license fee and shall make recommendations to the
19 President of the Senate and the Speaker of the House of
20 Representatives regarding the optimum level of slot machine
21 license fees in order to properly support the slot machine
22 regulatory program.

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

24 (a) Within each state fiscal year, the tax rate on
25 slot machine revenues at each facility shall be 45 percent.

26 (b) The slot machine revenue tax imposed by this
27 section shall be paid to the division for deposit into the
28 Pari-mutuel Wagering Trust Fund for immediate transfer by the
29 Chief Financial Officer for deposit into the Educational
30 Enhancement Trust Fund in the Department of Education for the
31 purpose of supplementing public education funding statewide.

1 These moneys shall not be used for recurring appropriations.

2 Any interest earnings on the tax revenues shall also be
3 transferred to the Educational Enhancement Trust Fund.

4 (3) PAYMENT AND DISPOSITION OF TAXES.--Payment for the
5 tax on slot machines revenues imposed by this section shall be
6 paid to the division. The division shall deposit these sums
7 with the Chief Financial Officer, to the credit of the
8 Pari-mutuel Wagering Trust Fund. The slot machine licensee
9 shall remit to the division payment for the tax on slot
10 machine revenues. Such payments shall be remitted by 3 p.m.
11 Wednesday of each week for taxes imposed and collected for the
12 preceding week ending on Sunday. The slot machine licensee
13 shall file a report under oath by the 5th day of each calendar
14 month for all taxes remitted during the preceding calendar
15 month. Such payments shall be accompanied by a report under
16 oath showing all slot machine gaming activities for the
17 preceding calendar month and such other information as may be
18 prescribed by the division.

19 (4) FAILURE TO PAY TAX; PENALTIES.--A slot machine
20 licensee who fails to make tax payments as required under this
21 section is subject to an administrative penalty of up to
22 \$10,000 for each day the tax payment is not remitted. All
23 administrative penalties imposed and collected plus interest
24 on the late tax shall be deposited into the Pari-mutuel
25 Wagering Trust Fund of the Department of Business and
26 Professional Regulation. If any slot machine licensee fails to
27 pay penalties imposed by order of the division under this
28 subsection, the division may suspend, revoke, or refuse to
29 renew the license of the slot machine licensee.

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1 (5) SUBMISSION OF FUNDS.--The division may require
2 slot machine licensees to remit taxes, fees, fines, and
3 assessments by electronic funds transfer.

4 551.107 Occupational license required; application;
5 fee.--

6 (1) The individuals and entities that are licensed
7 under this section require heightened state scrutiny,
8 including the submission by the individual licensees or
9 persons associated with the entities described in this chapter
10 of fingerprints for a criminal history record check.

11 (2)(a) The following licenses shall be issued to
12 persons or entities that, by virtue of the position they hold,
13 might be granted access to slot machine gaming areas or to any
14 other person or entity in one of the following categories:

15 1. General occupational licenses for general
16 employees, including food service, maintenance, and other
17 similar service and support employees having access to the
18 slot machine gaming area.

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

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

1 the slot machine licensee who provides maintenance, repair, or
2 upgrades or otherwise services a slot machine or other slot
3 machine equipment.

4 (b) Slot machine occupational licenses are not
5 transferable.

6 (3) A slot machine licensee may not employ or
7 otherwise allow a person to work at a licensed facility unless
8 such person holds the appropriate valid occupational license.
9 A slot machine licensee may not contract or otherwise do
10 business with a business required to hold a slot machine
11 occupational license unless the business holds such a license.

12 A slot machine licensee may not employ or otherwise allow a
13 person to work in a supervisory or management professional
14 level at a licensed facility unless such person holds a valid
15 occupational license. All slot machine occupational licensees,
16 while present in slot machine gaming areas, shall display on
17 their persons their occupational license identification cards.

18 (4)(a) A person seeking a slot machine occupational
19 license or renewal thereof shall make application on forms
20 prescribed by the division and include payment of the
21 appropriate application fee. Initial and renewal applications
22 for slot machine occupational licenses must contain all
23 information that the division, by rule, determines is required
24 to ensure eligibility.

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

27 (c) Pursuant to rules adopted by the division, any
28 person may apply for and, if qualified, be issued an
29 occupational license valid for a period of 3 years upon
30 payment of the full occupational license fee for each of the 3
31 years for which the license is issued. The occupational

1 license is valid during its specified term at any licensed
2 facility where slot machine gaming is authorized to be
3 conducted.

4 (d) The slot machine occupational license fee for
5 initial application and annual renewal shall be determined by
6 rule of the division but may not exceed \$50 for a general or
7 professional occupational license for an employee of the slot
8 machine licensee or \$1,000 for a business occupational license
9 for nonemployees of the licensee providing goods or services
10 to the slot machine licensee. License fees for general
11 occupational licensees shall be paid by the slot machine
12 licensee. Failure to pay the required fee constitutes grounds
13 for disciplinary action by the division against the slot
14 machine licensee, but it is not a violation of this chapter or
15 rules of the division by the general occupational licensee and
16 does not prohibit the initial issuance or the renewal of the
17 general occupational license.

18 (5) The division may:

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

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

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

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

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

19 (7) Fingerprints for all slot machine occupational
20 license applicants shall be taken in a manner approved by the
21 division and shall be submitted electronically to the
22 Department of Law Enforcement for state processing and the
23 Federal Bureau of Investigation for national processing for a
24 criminal history record check. All persons as specified in s.
25 550.1815(1)(a) employed by or working within a licensed
26 premises shall submit fingerprints for a criminal history
27 record check and may not have been convicted of any
28 disqualifying criminal offenses as established by division
29 rule pursuant to paragraph (6)(a). Division employees and law
30 enforcement officers assigned by their employing agencies to
31 work within the premises as part of their official duties are

1 excluded from the criminal history record check requirements
2 under this subsection.

3 (a) Fingerprints shall be taken in a manner approved
4 by the division and the Department of Law Enforcement upon
5 initial application, or as required thereafter by rule of the
6 division, and shall be submitted electronically to the
7 Department of Law Enforcement for state processing. The
8 Department of Law Enforcement shall forward the fingerprints
9 to the Federal Bureau of Investigation for national
10 processing. The results of the criminal history record check
11 shall be returned to the division for purposes of screening.
12 Licensees shall provide necessary equipment approved by the
13 Department of Law Enforcement to facilitate such electronic
14 submission. The division requirements under this subsection
15 shall be instituted in consultation with the Department of Law
16 Enforcement.

17 (b) The cost of processing fingerprints and conducting
18 a criminal history record check for a general occupational
19 license shall be borne by the slot machine licensee. The cost
20 of processing fingerprints and conducting a criminal history
21 record check for a business or professional occupational
22 license shall be borne by the person being checked. The
23 Department of Law Enforcement may invoice the division for the
24 fingerprints submitted each month.

25 (c) All fingerprints submitted to the Department of
26 Law Enforcement and required by this section shall be retained
27 by the Department of Law Enforcement and entered into the
28 statewide automated fingerprint identification system as
29 authorized by s. 943.05(2)(b) and shall be available for all
30 purposes and uses authorized for arrest fingerprint cards
31

1 entered into the statewide automated fingerprint
2 identification system pursuant to s. 943.051.

3 (d) The Department of Law Enforcement shall search all
4 arrest fingerprints received pursuant to s. 943.051 against
5 the fingerprints retained in the statewide automated
6 fingerprint identification system under paragraph (c). Any
7 arrest record that is identified with the retained
8 fingerprints of a person subject to the criminal history
9 screening requirements of this section shall be reported to
10 the division. Each licensed facility shall pay a fee to the
11 division for the cost of retention of the fingerprints and the
12 ongoing searches under this paragraph. The division shall
13 forward the payment to the Department of Law Enforcement. The
14 amount of the fee to be imposed for performing these searches
15 and the procedures for the retention of licensee fingerprints
16 shall be as established by rule of the Department of Law
17 Enforcement. The division shall inform the Department of Law
18 Enforcement of any change in the license status of licensees
19 whose fingerprints are retained under paragraph (c).

20 (e) The division shall request the Department of Law
21 Enforcement to forward the fingerprints to the Federal Bureau
22 of Investigation for a national criminal history records check
23 every 3 years following issuance of a license. If the
24 fingerprints of a person who is licensed have not been
25 retained by the Department of Law Enforcement, the person must
26 file a complete set of fingerprints as provided for in
27 paragraph (a). The division shall collect the fees for the
28 cost of the national criminal history record check under this
29 paragraph and shall forward the payment to the Department of
30 Law Enforcement. The cost of processing fingerprints and
31 conducting a criminal history record check under this

1 paragraph for a general occupational license shall be borne by
2 the slot machine licensee. The cost of processing fingerprints
3 and conducting a criminal history record check under this
4 paragraph for a business or professional occupational license
5 shall be borne by the person being checked. The Department of
6 Law Enforcement may invoice the division for the fingerprints
7 submitted each month. Under penalty of perjury, each person
8 who is licensed or who is fingerprinted as required by this
9 section must agree to inform the division within 48 hours if
10 he or she is convicted of any disqualifying offense identified
11 in paragraph (6)(a).

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

14 551.108 Prohibited relationships.--

15 (1) A person employed by or performing any function on
16 behalf of the division may not:

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

19 (b) Have or hold any interest, direct or indirect, in
20 or engage in any commerce or business relationship with any
21 person licensed by the division.

22 (2) A manufacturer or distributor of slot machines may
23 not enter into any contract with a slot machine licensee that
24 provides for any revenue sharing of any kind or nature that is
25 directly or indirectly calculated on the basis of a percentage
26 of slot machine revenues. Any maneuver, shift, or device
27 whereby this subsection is violated is a violation of this
28 chapter and renders any such agreement void.

29 (3) A manufacturer or distributor of slot machines or
30 any equipment necessary for the operation of slot machines or
31 an officer, director, or employee of any such manufacturer or

1 distributor may not have any ownership or financial interest
2 in a slot machine license or in any business owned by the slot
3 machine licensee.

4 (4) A licensee or any entity conducting business on or
5 within a licensed slot machine operation may not employ any
6 employee of a law enforcement agency or regulatory agency that
7 has jurisdiction over the licensed premises in an off-duty or
8 secondary employment capacity for work within any designated
9 slot machine gaming area or in any restricted area that
10 supports slot machine operations that requires an occupational
11 license to enter. If approved by the employee's primary
12 employing agency, off-duty or secondary employment that is not
13 prohibited by this section may be permitted.

14 551.109 Prohibited acts.--

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

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

30 (3) Any person who knowingly excludes, or takes any
31 action in an attempt to exclude, anything of value from the

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

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

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

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

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

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

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

26 (7) All penalties imposed and collected under this
27 section must be deposited into the Pari-mutuel Wagering Trust
28 Fund of the Department of Business and Professional
29 Regulation.

30 551.111 Legal devices.--Notwithstanding any provision
31 of law to the contrary, a slot machine manufactured, sold,

1 distributed, possessed, or operated according to the
2 provisions of this chapter is not unlawful.

3 551.112 Exclusions of certain persons.--

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

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

20 551.113 Minors prohibited from playing slot
21 machines.--

22 (1) A person who has not attained 21 years of age may
23 not play or operate a slot machine or have access to the
24 designated slot machine gaming area of a facility of a slot
25 machine licensee.

26 (2) A slot machine licensee or agent or employee of a
27 slot machine licensee may not knowingly allow a person who has
28 not attained 21 years of age:

29 (a) To play or operate any slot machine.
30
31

1 (b) To be employed in any position allowing or
2 requiring access to the designated slot machine gaming area of
3 a facility of a slot machine licensee.

4 (c) To have access to the designated slot machine
5 gaming area of a facility of a slot machine licensee.

6 (3) The licensed facility shall post clear and
7 conspicuous signage within the designated slot machine gaming
8 area which states the following:

9 THE PLAYING OF SLOT MACHINES BY PERSONS UNDER
10 THE AGE OF 21 IS AGAINST FLORIDA LAW (SECTION
11 551.113, FLORIDA STATUTES). PROOF OF AGE MAY BE
12 REQUIRED AT ANY TIME.

13 551.114 Designated slot machine gaming area.--

14 (1) A slot machine licensee may make available for
15 play up to 2,000 slot machines within the designated slot
16 machine gaming area of the facilities of the slot machine
17 licensee.

18 (2) The slot machine licensee shall display
19 pari-mutuel races or games within the designated slot machine
20 gaming area and offer patrons within the designated slot
21 machine gaming area the ability to engage in pari-mutuel
22 wagering on live, intertrack, and simulcast races conducted or
23 offered to patrons of the licensed facility.

24 (3) The division shall require the posting of signs
25 warning of the risks and dangers of gambling, showing the odds
26 of winning and payout percentages, and informing patrons of
27 the toll-free telephone number available to provide
28 information and referral services regarding compulsive or
29 problem gambling.

30 (4) The designated slot machine gaming area may be
31 located within the current live gaming facility or in an

1 existing building that must be contiguous and connected to the
2 live gaming facility. If the designated slot machine gaming
3 area is to be located in a building that is to be constructed,
4 that new building must be contiguous and connected to the live
5 gaming facility.

6 (5) The permitholder shall provide adequate office
7 space at no cost to the division and the Department of Law
8 Enforcement for the oversight of slot machine operations. The
9 division shall adopt rules establishing the criteria for
10 adequate space, configuration, and location and needed
11 electronic and technological requirements for office space
12 required by this subsection.

13 551.116 Days and hours of operation.--Slot machine
14 gaming areas may be open 365 days a year. The slot machine
15 gaming areas may be open for a maximum of 16 hours per day.

16 551.117 Penalties.--The division may revoke or suspend
17 a slot machine license issued under this chapter when the
18 licensee knowingly violates any provision of this chapter or
19 of any rule adopted under this chapter. In lieu of suspending
20 or revoking a license, the division may impose a civil penalty
21 against the licensee for a violation of this chapter or any
22 rule adopted by the division. Except as otherwise provided in
23 this chapter, the penalty so imposed may not exceed \$100,000
24 for each count or separate offense. All penalties imposed and
25 collected must be deposited into the Pari-mutuel Wagering
26 Trust Fund of the Department of Business and Professional
27 Regulation.

28 551.118 Compulsive or addictive gambling prevention
29 program.--

30 (1) The slot machine licensee shall offer training to
31 employees on responsible gaming and shall work with a

1 compulsive or addictive gambling prevention program to
2 recognize problem gaming situations and to implement
3 responsible gaming programs and practices.

4 (2) The division shall, subject to competitive
5 bidding, contract for provision of services related to the
6 prevention of compulsive and addictive gambling. The contract
7 shall also provide for an advertising program to encourage
8 responsible gaming practices and to publicize a gambling
9 telephone help line. In addition to public advertisements,
10 such advertisements must be made inside the designated slot
11 machine gaming area of the licensee's facilities. The terms of
12 any contract for the provision of such services shall include
13 accountability standards that must be met by any private
14 provider. The failure of any private provider to meet any
15 material terms of the contract, including the accountability
16 standards, shall constitute a breach of contract or grounds
17 for nonrenewal. The division may consult with the Department
18 of the Lottery in the development of the program and the
19 development and analysis of any procurement for contractual
20 services for the compulsive or addictive gambling prevention
21 program.

22 (3) The compulsive or addictive gambling prevention
23 program shall be funded from an annual nonrefundable
24 regulatory fee of \$250,000 to be paid by the licensee to the
25 division.

26 551.119 Caterer's license.--A slot machine licensee is
27 entitled to a caterer's license pursuant to s. 565.02 on days
28 on which the pari-mutuel facility is open to the public for
29 slot machine game play as authorized by this chapter.

30 551.121 Prohibited activities and devices.--
31

1 (1) Complimentary or reduced-cost alcoholic beverages
2 may not be served to persons playing a slot machine. Alcoholic
3 beverages served to persons playing a slot machine shall cost
4 at least the same amount as alcoholic beverages served to the
5 general public at a bar within the facility.

6 (2) A slot machine licensee may not make any loan,
7 provide credit, or advance cash in order to enable a person to
8 play a slot machine. This subsection shall not prohibit
9 automated ticket redemption machines that dispense cash
10 resulting from the redemption of tickets from being located in
11 the designated slot machine gaming area of the slot machine
12 licensee.

13 (3) A slot machine licensee may not allow any
14 automated teller machine or similar device designed to provide
15 credit or dispense cash from a person's personal account to be
16 located within the facilities of the slot machine licensee.

17 (4) A slot machine licensee may not accept or cash any
18 personal, third-party, corporate, business, or
19 government-issued check from any person.

20 (5) Each slot machine shall be protected by the slot
21 machine licensee against manipulation or tampering to affect
22 the random probabilities of winning plays. The Department of
23 Law Enforcement or the division has the authority to suspend
24 play upon suspicion of any manipulation or tampering. When
25 play has been suspended on any slot machine, the division or
26 the Department of Law Enforcement may examine any slot machine
27 to determine whether the machine has been tampered with or
28 manipulated and whether the machine should be returned to
29 operation.

30 (6) A slot machine, or the computer operating system
31 linking the slot machine, may not be linked by any means to

1 any other slot machine or computer operating system of another
2 slot machine licensee. A progressive system may not be used in
3 conjunction with slot machines within or between licensed
4 facilities.

5 (7) A slot machine located within a licensee's
6 facility shall accept only paper currency or tickets or may
7 employ an electronic payment system for wagering and the
8 return or delivery of payouts to the player in the form of
9 tickets that may be exchanged for cash, merchandise, or other
10 items of value. The use of cash, coins, credit or debit cards,
11 tokens, or similar objects is specifically prohibited.

12 551.122 Rulemaking.--The division may adopt rules
13 pursuant to ss. 120.536(1) and 120.54 to administer the
14 provisions of this chapter.

15 551.123 Licensure requirements regarding purses and
16 awards.

17 (1) No slot machine license or renewal thereof shall
18 be issued to an applicant holding a permit under chapter 550
19 to conduct pari-mutuel wagering meets of thoroughbred racing
20 unless the applicant has on file with the division a binding
21 written agreement between the applicant and the Florida
22 Horsemen's Benevolent and Protective Association, Inc.,
23 governing the payment of purses on live thoroughbred races
24 conducted at the licensee's pari-mutuel facility. In addition,
25 no slot machine license or renewal thereof shall be issued to
26 such an applicant unless the applicant has on file with the
27 division a binding written agreement between the applicant and
28 the Florida Thoroughbred Breeders' Association governing the
29 payment of breeders', stallion, and special racing awards on
30 live thoroughbred races conducted at the licensee's
31 pari-mutuel facility. All purses and awards shall be subject

1 to the terms of chapter 550. All sums for breeders', stallion,
2 and special racing awards shall be remitted monthly to the
3 Florida Thoroughbred Breeders' Association for the payment of
4 awards, subject to the administrative fee authorized in s.
5 550.2625(3).

6 (2) The division shall suspend a slot machine license
7 if an agreement required under subsection (1) is terminated or
8 otherwise ceases to operate, or if the division determines
9 that the licensee is materially failing to comply with the
10 terms of such an agreement. Any such suspension shall take
11 place in accordance with chapter 120.

12 (3)(a) If an agreement required under subsection (1)
13 has not been filed 120 days prior to the scheduled issuance of
14 a slot machine license or renewal, the applicant shall
15 immediately ask the American Arbitration Association to
16 furnish a list of 11 arbitrators, each of whom shall have at
17 least 5 years of commercial arbitration experience and no
18 financial interest in, or prior relationship with, any of the
19 parties or their affiliated or related entities or principals.
20 Each required party to the agreement shall select a single
21 arbitrator from the list provided by the American Arbitration
22 Association within 10 days after receipt, and the individuals
23 so selected shall choose one additional arbitrator from the
24 list within the next 10 days.

25 (b) If an agreement required under subsection (1) has
26 not been filed 60 days prior to the scheduled issuance of a
27 slot machine license or renewal, the matter shall be
28 immediately submitted to mandatory binding arbitration to
29 resolve the disagreement between the parties. The three
30 arbitrators selected pursuant to paragraph (a) shall
31 constitute the panel that shall arbitrate the dispute between

1 the parties pursuant to the American Arbitration Association
2 Commercial Arbitration Rules and chapter 682.

3 (c) At the conclusion of the proceedings, which shall
4 be no later than 30 days prior to the scheduled issuance of
5 the slot machine license or renewal, the arbitration panel
6 shall present to the parties a proposed agreement that the
7 majority of the panel believes equitably balances the rights,
8 interests, obligations, and reasonable expectations of the
9 parties. The parties shall immediately enter into such
10 agreement, which shall satisfy the requirements of subsection
11 (1) and permit issuance of the pending annual slot machine
12 license or renewal. The agreement produced by the arbitration
13 panel under this paragraph shall be effective until the last
14 day of the license or renewal or until the parties enter into
15 a different agreement. Each party shall pay its respective
16 costs of arbitration and shall pay one-half of the costs of
17 the arbitration panel, unless the parties otherwise agree. If
18 the agreement produced by the arbitration panel under this
19 paragraph remains in place 120 days prior to the scheduled
20 issuance of the next annual license renewal, then the
21 arbitration process established in this subsection shall begin
22 again.

23 (d) If neither of the agreements required under
24 subsection (1) are filed by the deadlines established in this
25 subsection, arbitration regarding each agreement shall proceed
26 independently, with separate lists of arbitrators, arbitration
27 panels, arbitration proceedings, and resulting agreements.

28 (e) With respect to the agreement required under
29 subsection (1) governing the payment of purses, the
30 arbitration and resulting agreement called for under
31

1 subsection (3) shall be limited to the payment of purses based
2 on the amount of slot machine revenues only.

3 Section 2. Section 849.15, Florida Statutes, is
4 amended to read:

5 849.15 Manufacture, sale, possession, etc., of
6 coin-operated devices prohibited.--

7 (1) It is unlawful:

8 (a)(1) To manufacture, own, store, keep, possess,
9 sell, rent, lease, let on shares, lend or give away,
10 transport, or expose for sale or lease, or to offer to sell,
11 rent, lease, let on shares, lend or give away, or permit the
12 operation of, or for any person to permit to be placed,
13 maintained, or used or kept in any room, space, or building
14 owned, leased or occupied by the person or under the person's
15 management or control, any slot machine or device or any part
16 thereof; or

17 (b)(2) To make or to permit to be made with any person
18 any agreement with reference to any slot machine or device,
19 pursuant to which the user thereof, as a result of any element
20 of chance or other outcome unpredictable to him or her, may
21 become entitled to receive any money, credit, allowance, or
22 thing of value or additional chance or right to use such
23 machine or device, or to receive any check, slug, token or
24 memorandum entitling the holder to receive any money, credit,
25 allowance or thing of value.

26 (2) Pursuant to section 2 of that chapter of the
27 Congress of the United States entitled "An act to prohibit
28 transportation of gaming devices in interstate and foreign
29 commerce," approved January 2, 1951, being c. 1194, 64 Stat.
30 1134, and also designated as 15 U.S.C. ss. 1171-1177, the
31 State of Florida, acting by and through the duly elected and

1 qualified members of its Legislature, does hereby in this
2 section, and in accordance with and in compliance with the
3 provisions of section 2 of such chapter of Congress, declare
4 and proclaim that any county of the State of Florida within
5 which slot machine gaming is authorized pursuant to s. 23,
6 Art. X of the State Constitution and chapter 551 is exempt
7 from the provisions of section 2 of that chapter of the
8 Congress of the United States entitled "An act to prohibit
9 transportation of gaming devices in interstate and foreign
10 commerce," designated as 15 U.S.C. ss. 1171-1177, approved
11 January 2, 1951. All shipments of gaming devices, including
12 slot machines, into any county of this state within which slot
13 machine gaming is authorized pursuant to chapter 551 and the
14 registering, recording, and labeling of which have been duly
15 performed by the manufacturer or distributor thereof in
16 accordance with sections 3 and 4 of that chapter of the
17 Congress of the United States entitled "An act to prohibit
18 transportation of gaming devices in interstate and foreign
19 commerce," approved January 2, 1951, being c. 1194, 64 Stat.
20 1134, and also designated as 15 U.S.C. ss. 1171-1177, shall be
21 deemed legal shipments thereof into any such county provided
22 the destination of such shipments is an eligible facility as
23 defined s. 551.102.

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

26 895.02 Definitions.--As used in ss. 895.01-895.08, the
27 term:

28 (1) "Racketeering activity" means to commit, to
29 attempt to commit, to conspire to commit, or to solicit,
30 coerce, or intimidate another person to commit:
31

- 1 (a) Any crime which is chargeable by indictment or
2 information under the following provisions of the Florida
3 Statutes:
- 4 1. Section 210.18, relating to evasion of payment of
5 cigarette taxes.
- 6 2. Section 403.727(3)(b), relating to environmental
7 control.
- 8 3. Section 409.920 or s. 409.9201, relating to
9 Medicaid fraud.
- 10 4. Section 414.39, relating to public assistance
11 fraud.
- 12 5. Section 440.105 or s. 440.106, relating to workers'
13 compensation.
- 14 6. Section 443.071(4), relating to creation of a
15 fictitious employer scheme to commit unemployment compensation
16 fraud.
- 17 7. Section 465.0161, relating to distribution of
18 medicinal drugs without a permit as an Internet pharmacy.
- 19 8. Sections 499.0051, 499.0052, 499.00535, 499.00545,
20 and 499.0691, relating to crimes involving contraband and
21 adulterated drugs.
- 22 9. Part IV of chapter 501, relating to telemarketing.
- 23 10. Chapter 517, relating to sale of securities and
24 investor protection.
- 25 11. Section 550.235, s. 550.3551, or s. 550.3605,
26 relating to dogracing and horseracing.
- 27 12. Chapter 550, relating to jai alai frontons.
- 28 13. Section 551.109, relating to slot machine gaming.
- 29 ~~14.13-~~ Chapter 552, relating to the manufacture,
30 distribution, and use of explosives.
- 31

1 ~~15.14.~~ Chapter 560, relating to money transmitters, if
2 the violation is punishable as a felony.
3 ~~16.15.~~ Chapter 562, relating to beverage law
4 enforcement.
5 ~~17.16.~~ Section 624.401, relating to transacting
6 insurance without a certificate of authority, s.
7 624.437(4)(c)1., relating to operating an unauthorized
8 multiple-employer welfare arrangement, or s. 626.902(1)(b),
9 relating to representing or aiding an unauthorized insurer.
10 ~~18.17.~~ Section 655.50, relating to reports of currency
11 transactions, when such violation is punishable as a felony.
12 ~~19.18.~~ Chapter 687, relating to interest and usurious
13 practices.
14 ~~20.19.~~ Section 721.08, s. 721.09, or s. 721.13,
15 relating to real estate timeshare plans.
16 ~~21.20.~~ Chapter 782, relating to homicide.
17 ~~22.21.~~ Chapter 784, relating to assault and battery.
18 ~~23.22.~~ Chapter 787, relating to kidnapping.
19 ~~24.23.~~ Chapter 790, relating to weapons and firearms.
20 ~~25.24.~~ Section 796.03, s. 796.035, s. 796.04, s.
21 796.045, s. 796.05, or s. 796.07, relating to prostitution and
22 sex trafficking.
23 ~~26.25.~~ Chapter 806, relating to arson.
24 ~~27.26.~~ Section 810.02(2)(c), relating to specified
25 burglary of a dwelling or structure.
26 ~~28.27.~~ Chapter 812, relating to theft, robbery, and
27 related crimes.
28 ~~29.28.~~ Chapter 815, relating to computer-related
29 crimes.
30 ~~30.29.~~ Chapter 817, relating to fraudulent practices,
31 false pretenses, fraud generally, and credit card crimes.

1 ~~31.30.~~ Chapter 825, relating to abuse, neglect, or
2 exploitation of an elderly person or disabled adult.
3 ~~32.31.~~ Section 827.071, relating to commercial sexual
4 exploitation of children.
5 ~~33.32.~~ Chapter 831, relating to forgery and
6 counterfeiting.
7 ~~34.33.~~ Chapter 832, relating to issuance of worthless
8 checks and drafts.
9 ~~35.34.~~ Section 836.05, relating to extortion.
10 ~~36.35.~~ Chapter 837, relating to perjury.
11 ~~37.36.~~ Chapter 838, relating to bribery and misuse of
12 public office.
13 ~~38.37.~~ Chapter 843, relating to obstruction of
14 justice.
15 ~~39.38.~~ Section 847.011, s. 847.012, s. 847.013, s.
16 847.06, or s. 847.07, relating to obscene literature and
17 profanity.
18 ~~40.39.~~ Section 849.09, s. 849.14, s. 849.15, s.
19 849.23, or s. 849.25, relating to gambling.
20 ~~41.40.~~ Chapter 874, relating to criminal street gangs.
21 ~~42.41.~~ Chapter 893, relating to drug abuse prevention
22 and control.
23 ~~43.42.~~ Chapter 896, relating to offenses related to
24 financial transactions.
25 ~~44.43.~~ Sections 914.22 and 914.23, relating to
26 tampering with a witness, victim, or informant, and
27 retaliation against a witness, victim, or informant.
28 ~~45.44.~~ Sections 918.12 and 918.13, relating to
29 tampering with jurors and evidence.
30 (b) Any conduct defined as "racketeering activity"
31 under 18 U.S.C. s. 1961(1).

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

5 (a) In violation of any one of the following
6 provisions of law:

7 1. Section 550.235, s. 550.3551, or s. 550.3605,
8 relating to dogracing and horseracing.

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

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

11 ~~4.3-~~ Chapter 687, relating to interest and usury.

12 ~~5.4-~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23,
13 or s. 849.25, relating to gambling.

14 (b) In gambling activity in violation of federal law
15 or in the business of lending money at a rate usurious under
16 state or federal law.

17 Section 4. The Legislature has exclusive authority
18 over the conduct of all slot machine wagering occurring at the
19 licensee's facility in this state. Only the Division of
20 Pari-mutuel Wagering and other authorized state agencies shall
21 administer chapter 551, Florida Statutes, and regulate the
22 slot machine gaming industry, including operation of slot
23 machine facilities, games, slot machines, and facilities-based
24 computer systems authorized in chapter 551, Florida Statutes,
25 and the rules adopted by the division.

26 Section 5. (1) full-time equivalent positions
27 are authorized, and the sums of \$ in recurring funds
28 and \$ in nonrecurring funds for fiscal year 2005-2006
29 are appropriated from the Pari-mutuel Wagering Trust Fund of
30 the Department of Business and Professional Regulation, for
31 the purpose of carrying out all regulatory activities provided

1 in this act. The Executive Office of the Governor shall place
2 these funds and positions in reserve until such time as the
3 Department of Business and Professional Regulation submits an
4 expenditure plan for approval to the Executive Office of the
5 Governor and the chair and vice chair of the Legislative
6 Budget Commission in accordance with the provisions of s.
7 216.177, Florida Statutes.

8 (2) The sums of \$ _____ in recurring funds and
9 \$ _____ in nonrecurring funds for fiscal year 2005-2006 are
10 appropriated from the Pari-mutuel Wagering Trust Fund of the
11 Department of Business and Professional Regulation for
12 transfer to the Department of Law Enforcement for the purpose
13 of investigations, intelligence gathering, background
14 investigations, and any other responsibilities as provided for
15 in this act. _____ full-time equivalent positions are
16 authorized, and the sums of \$ _____ in recurring funds and \$
17 _____ in nonrecurring funds for fiscal year 2005-2006 are
18 appropriated from the Operating Trust Fund of the Department
19 of Law Enforcement, for the purpose of investigations,
20 intelligence gathering, background investigations, and any
21 other responsibilities as provided for in this act. The
22 Executive Office of the Governor shall place these funds and
23 positions in reserve until such time as the Department of Law
24 Enforcement submits an expenditure plan for approval to the
25 Executive Office of the Governor and the chair and vice chair
26 of the Legislative Budget Commission in accordance with the
27 provisions of s. 216.177, Florida Statutes.

28 (3) The sum of \$1 million is appropriated annually
29 from the Pari-mutuel Wagering Trust Fund of the Department of
30 Business and Professional Regulation from revenues received
31 pursuant to s. 551.118, Florida Statutes, for contract

1 services related to the prevention of compulsive and addictive
2 gambling.

3 Section 6. Paragraph (v) is added to subsection (1) of
4 section 215.22, Florida Statutes, to read:

5 215.22 Certain income and certain trust funds
6 exempt.--

7 (1) The following income of a revenue nature or the
8 following trust funds shall be exempt from the appropriation
9 required by s. 215.20(1):

10 (v) Taxes imposed on slot machine revenues pursuant to
11 s. 551.106(2) and any interest accruing thereto.

12 Section 7. This act shall take effect upon becoming a
13 law.

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