

Bill No. PCS (594976) for CS for CS for SB 2434

Barcode 460112

CHAMBER ACTION

Senate

House

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The Committee on General Government Appropriations (Jones)
recommended the following amendment:

Senate Amendment (with title amendment)

On page 19, between lines 29 and 30,

insert:

Section 18. Present subsections (6) through (12) of
section 551.102, Florida Statutes, are redesignated as
subsections (7) through (13), respectively, a new subsection
(6) is added to that section, and present subsection (12) of
that section is amended, to read:

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

(6) "Nonredeemable credits" means slot machine
operating credits that cannot be redeemed for cash or any
other thing of value by a slot machine, kiosk, or the slot
machine licensee and that are provided free of charge to
patrons. Such credits do not constitute "nonredeemable
credits" until such time as they are metered as credit into a
slot machine and recorded in the facility-based monitoring

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1 system.

2 ~~(13)(12)~~ "Slot machine revenues" means the total of
3 all cash and property, except nonredeemable credits, received
4 by the slot machine licensee from the operation of slot
5 machines less the amount of cash, cash equivalents, credits,
6 and prizes paid to winners of slot machine gaming.

7 Section 19. Paragraph (f) of subsection (1) of section
8 551.103, Florida Statutes, is amended, and paragraph (j) is
9 added to that subsection, to read:

10 551.103 Powers and duties of the division and law
11 enforcement.--

12 (1) The division shall adopt, pursuant to the
13 provisions of ss. 120.536(1) and 120.54, all rules necessary
14 to implement, administer, and regulate slot machine gaming as
15 authorized in this chapter. Such rules must include:

16 (f) Procedures for requiring each licensee at his or
17 her own cost and expense to supply the division with a bond
18 having the penal sum of \$2 million payable to the Governor and
19 his or her successors in office for each year of the
20 licensee's ~~first year of~~ slot machine operations. ~~Annually~~
21 ~~thereafter, the licensee shall file a bond having a penal sum~~
22 ~~that is determined each year by the division pursuant to rules~~
23 ~~adopted by the division and that approximates the anticipated~~
24 ~~state revenues from the licensee's slot machine operation;~~
25 ~~however, the bond may not in any case be less than \$2 million.~~
26 Any bond shall be issued by a surety or sureties approved by
27 the division and the Chief Financial Officer, conditioned to
28 faithfully make the payments to the Chief Financial Officer in
29 his or her capacity as treasurer of the division. The licensee
30 shall be required to keep its books and records and make
31 reports as provided in this chapter and to conduct its slot

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1 machine operations in conformity with this chapter and all
2 other provisions of law. Such bond shall be separate and
3 distinct from the bond required in s. 550.125.

4 (j) Procedures for requiring slot machine licensees to
5 implement and establish drug-testing programs for all slot
6 machine occupational licensees.

7 Section 20. Paragraph (i) of subsection (4) of section
8 551.104, Florida Statutes, is amended to read:

9 551.104 License to conduct slot machine gaming.--

10 (4) As a condition of licensure and to maintain
11 continued authority for the conduct of slot machine gaming,
12 the slot machine licensee shall:

13 (i) Create and file with the division a written policy
14 for:

15 1. Creating opportunities to purchase from vendors in
16 this state, including minority vendors.

17 2. Creating opportunities for employment of residents
18 of this state, including minority residents.

19 3. Ensuring opportunities for construction services
20 from minority contractors.

21 4. Ensuring that opportunities for employment are
22 offered on an equal, nondiscriminatory basis.

23 5. Training for employees on responsible gaming and
24 working with a compulsive or addictive gambling prevention
25 program to further its purposes as provided for in s. 551.118.

26 6. The implementation of a drug-testing program that
27 includes, but is not limited to, requiring each employee to
28 sign an agreement that he or she understands that the slot
29 machine facility is a drug-free workplace.

30
31 The slot machine licensee shall use the Internet-based

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1 | job-listing system of the Agency for Workforce Innovation in
 2 | advertising employment opportunities. Beginning in June 2007,
 3 | each slot machine licensee shall provide an annual report to
 4 | the division containing information indicating compliance with
 5 | this paragraph in regard to minority persons.

6 | Section 21. Section 551.1045, Florida Statutes, is
 7 | amended to read:

8 | 551.1045 Temporary licenses.--

9 | (1) Notwithstanding any provision of s. 120.60 to the
 10 | contrary, the division may issue a temporary occupational
 11 | license upon the receipt of a complete application from the
 12 | applicant and a determination if the applicant has not been
 13 | convicted of or had adjudication withheld on any disqualifying
 14 | criminal offense. The temporary occupational license remains
 15 | valid until such time as the division grants an occupational
 16 | license or notifies the applicant of its intended decision to
 17 | deny the applicant a license pursuant to the provisions of s.
 18 | 120.60. The division shall adopt rules to administer this
 19 | subsection. However, not more than one temporary license may
 20 | be issued for any person in any year.

21 | ~~(1)(a) After 180 days following the effective date of~~
 22 | ~~this act, if the division has not adopted rules to implement~~
 23 | ~~the provisions of this chapter that allow for the issuance of~~
 24 | ~~slot machine licenses within such 180 days, the division shall~~
 25 | ~~issue a temporary slot machine license to an applicant if the~~
 26 | ~~applicant holds a valid pari-mutuel permit in good standing~~
 27 | ~~under chapter 550, the applicant's ownership interests have~~
 28 | ~~been previously approved as provided in chapter 550, and the~~
 29 | ~~applicant has conducted live racing or games during the~~
 30 | ~~calendar years 2002 and 2003 and has paid the license fee~~
 31 | ~~provided in s. 551.106(1). The slot machine license will~~

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1 ~~permit the licensee to conduct slot machine gaming in the~~
2 ~~designated slot machine gaming areas of the eligible facility.~~

3 ~~(b) The temporary license is valid until the division~~
4 ~~has adopted rules implementing the provisions of this chapter~~
5 ~~and taken final action on the filed application under its~~
6 ~~final adopted rules. Once the division has adopted rules~~
7 ~~implementing the provisions of this chapter, it shall complete~~
8 ~~review of any filed application and shall issue a license~~
9 ~~under s. 551.104 if the licensee meets the requirements of~~
10 ~~this chapter and rules adopted by the division.~~

11 ~~(2)(a) A manufacturer or distributor of slot machines~~
12 ~~who has applied for a license under s. 551.107 shall be issued~~
13 ~~a temporary business occupational license if it holds a valid~~
14 ~~license to manufacture or distribute slot machines in a state~~
15 ~~where gaming is lawful.~~

16 ~~(b) The temporary license is valid until the division~~
17 ~~has adopted rules implementing the provisions of this chapter~~
18 ~~and taken final action on the filed application under its~~
19 ~~final adopted rules. Once the division has adopted rules~~
20 ~~implementing the provisions of this chapter, it shall complete~~
21 ~~review of any filed application and shall issue a license~~
22 ~~under s. 551.107 if the licensee meets the requirements of~~
23 ~~this chapter and rules adopted by the division.~~

24 ~~(2)(3) A temporary license issued under this section~~
25 ~~is nontransferable. Any temporary license issued under this~~
26 ~~section shall be valid during the pendency of any challenge to~~
27 ~~the rules.~~

28 Section 22. Paragraph (a) of subsection (1) of section
29 551.106, Florida Statutes, is amended to read:

30 551.106 License fee; tax rate; penalties.--

31 (1) LICENSE FEE.--

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

15 Section 23. Effective January 1, 2008, present
16 subsections (3), (4) and (5) are redesignated (4), (5), and (6)
17 respectively, and a new subsection (3) is added to section
18 551.106, Florida Statutes to read:

19 551.106 License fee; tax rate; penalties.--

20 (3) TAX CREDITS ON SLOT MACHINE REVENUES.--Each slot
21 machine licensee shall receive in the current state fiscal
22 year a tax credit equal to the amount paid by the licensee in
23 the previous state fiscal year to the local government
24 according to any slot revenue sharing agreements made with the
25 local government where the slot machine licensee is located.
26 This tax credit shall be applicable against the taxes
27 otherwise due and payable to the state under subsection (2).
28 The total amount of the tax credit may not exceed 3.7% of the
29 total taxes paid to the division under this section in the
30 previous state fiscal year.

31 Section 24. Subsection (2) and paragraph (b) of

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1 subsection (4) of section 551.107, Florida Statutes, are
2 amended, and subsections (9), (10), and (11) are added to that
3 section, to read:

4 551.107 Slot machine occupational license; findings;
5 application; fee.--

6 (2)(a) The following slot machine occupational
7 licenses shall be issued to persons or entities that, by
8 virtue of the positions they hold, might be granted access to
9 slot machine gaming areas or to any other person or entity in
10 one of the following categories:

11 1. General occupational licenses for general
12 employees, including food service, maintenance, and other
13 similar service and support employees having access to the
14 slot machine gaming area.

15 2. Professional occupational licenses for any person,
16 proprietorship, partnership, corporation, or other entity that
17 is authorized by a slot machine licensee to manage, oversee,
18 or otherwise control daily operations as a slot machine
19 manager, a floor supervisor, security personnel, or any other
20 similar position of oversight of gaming operations, or any
21 person who is not an employee of the slot machine licensee and
22 who provides maintenance, repair, or upgrades or otherwise
23 services a slot machine or other slot machine equipment.

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

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1 ~~upgrades or otherwise services a slot machine or other slot~~
2 ~~machine equipment.~~

3 (b) The division may issue one license to combine
4 licenses under this section with pari-mutuel occupational
5 licenses and cardroom licenses pursuant to s. 550.105 and
6 849.086(6). The division shall adopt rules pertaining to
7 occupational licenses under this subsection. Such rules may
8 specify, but need not be limited to, requirements and
9 restrictions for licensed occupations and categories,
10 procedures to apply for any license or combination of
11 licenses, disqualifying criminal offenses for a licensed
12 occupation or categories of occupations, and which types of
13 occupational licenses may be combined into single license
14 under this section. The fingerprinting requirements of
15 subsection (7) apply to any combination license that includes
16 slot machine license privileges under this section. The
17 division may not adopt a rule allowing the issuance of an
18 occupational license to any person who does not meet the
19 minimum background qualifications under this section.

20 ~~(b) Notwithstanding any provision of law to the~~
21 ~~contrary, a pari-mutuel occupational licensee holding a~~
22 ~~currently valid pari-mutuel occupational license is eligible~~
23 ~~to act as a slot machine occupational licensee upon the~~
24 ~~effective date of this act until such time as rules have been~~
25 ~~adopted and such pari-mutuel occupational licensee has been~~
26 ~~provided a reasonable opportunity to comply with the rules.~~

27 (c) Slot machine occupational licenses are not
28 transferable.

29 (4)

30 (b) A slot machine license or combination license is
31 valid for the same term as a pari-mutuel occupational license

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1 issued pursuant to s. 550.105(1). ~~The division shall~~
2 ~~establish, by rule, a schedule for the annual renewal of slot~~
3 ~~machine occupational licenses.~~

4 (9) The division may deny, revoke, or suspend any
5 occupational license if the applicant or holder of the license
6 accumulates unpaid obligations, defaults in obligations, or
7 issues drafts or checks that are dishonored or for which
8 payment is refused without reasonable cause.

9 (10) The division may fine or suspend, revoke, or
10 place conditions upon the license of any licensee who provides
11 false information under oath regarding an application for a
12 license or an investigation by the division.

13 (11) The division may impose a civil fine of up to
14 \$5,000 for each violation of this chapter or the rules of the
15 division in addition to or in lieu of any other penalty
16 provided for in this section. The division may adopt a penalty
17 schedule for violations of this chapter or any rule adopted
18 pursuant to this chapter for which it would impose a fine in
19 lieu of a suspension and adopt rules allowing for the issuance
20 of citations, including procedures to address such citations,
21 to persons who violate such rules. In addition to any other
22 penalty provided by law, the division may exclude from all
23 licensed slot machine facilities in this state, for a period
24 not to exceed the period of suspension, revocation, or
25 ineligibility, any person whose occupational license
26 application has been declared ineligible to hold an
27 occupational license, or whose occupational license has been
28 suspended or revoked by the division.

29 Section 25. Subsection (2) of section 551.109, Florida
30 Statutes, is amended to read:

31 551.109 Prohibited acts; penalties.--

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1 (2) Except as otherwise provided by law and in
 2 addition to any other penalty, any person who possesses a slot
 3 machine without the license required by this chapter or who
 4 possesses a slot machine at any location other than at the
 5 slot machine licensee's facility is subject to an
 6 administrative fine or civil penalty of up to \$10,000 per
 7 machine. The prohibition in this subsection does not apply to:

8 (a) Slot machine manufacturers or slot machine
 9 distributors that hold appropriate licenses issued by the
 10 division who are authorized to maintain a slot machine storage
 11 and maintenance facility at any location in a county in which
 12 slot machine gaming is authorized by this chapter. The
 13 division may adopt rules regarding security and access to the
 14 storage facility and inspections by the division.

15 (b) Certified educational facilities that are
 16 authorized to maintain slot machines for the sole purpose of
 17 education and licensure, if any, of slot machine technicians,
 18 inspectors or investigators. The division and the Department
 19 of Law Enforcement may possess slot machines for training and
 20 testing purposes. The division may adopt rules regarding the
 21 regulation of any such slot machines used for educational,
 22 training, or testing purposes.

23 Section 26. Subsection (1) of section 551.114, Florida
 24 Statutes, is amended to read:

25 551.114 Slot machine gaming areas.--

26 (1) A slot machine licensee may make available for
 27 play up to 2,500 ~~1,500~~ slot machines within the property of
 28 the facilities of the slot machine licensee.

29 Section 27. Section 551.116, Florida Statutes, is
 30 amended to read:

31 551.116 Days and hours of operation.--Slot machine

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1 gaming areas may be open daily throughout the year. The slot
 2 machine gaming areas may be open for a maximum of 16 hours per
 3 day, except that the hours of operation may be extended by
 4 majority vote of the governing body of the municipality where
 5 the slot machine facility is located or the governing body of
 6 the county if the slot machine facility is not located in a
 7 municipality.

8 Section 28. Section 551.121, Florida Statutes, is
 9 amended to read:

10 551.121 Prohibited activities and devices;
 11 exceptions.--

12 (1) Complimentary or reduced-cost alcoholic beverages
 13 may not be served to persons playing a slot machine. Alcoholic
 14 beverages served to persons playing a slot machine shall cost
 15 at least the same amount as alcoholic beverages served to the
 16 general public at a bar within the facility.

17 (2) A slot machine licensee may not make any loan,
 18 provide credit, or advance cash in order to enable a person to
 19 play a slot machine. This subsection shall not prohibit
 20 automated ticket redemption machines that dispense cash
 21 resulting from the redemption of tickets from being located in
 22 the designated slot machine gaming area of the slot machine
 23 licensee.

24 (3) A slot machine licensee may not allow any
 25 automated teller machine or similar device designed to provide
 26 credit or dispense cash to be located within the designated
 27 slot machine gaming areas of a facility of a ~~facilities of the~~
 28 slot machine licensee.

29 (4) A slot machine licensee may not accept or cash any
 30 personal, third-party, corporate, business, or
 31 government-issued check from any person within the designated

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1 slot machine gaming areas of a facility of a slot machine
2 licensee.

3 (5) A slot machine, or the computer operating system
4 linking the slot machine, may ~~not~~ be linked by any means to
5 any other slot machine or computer operating system of another
6 slot machine licensee. A progressive system may ~~not~~ be used in
7 conjunction with slot machines within or between licensed
8 facilities.

9 (6) A slot machine located within a licensed facility
10 shall accept only tickets or paper currency or an electronic
11 payment system for wagering and return or deliver payouts to
12 the player in the form of tickets that may be exchanged for
13 cash, merchandise, or other items of value. The use of coins,
14 credit or debit cards, tokens, or similar objects is
15 specifically prohibited. However, an electronic credit system
16 may be used for receiving wagers and making payouts.

17 Section 29. Subsection (2) of section 849.15, Florida
18 Statutes, is amended to read:

19 849.15 Manufacture, sale, possession, etc., of
20 coin-operated devices prohibited.--

21 (2) Pursuant to section 2 of that chapter of the
22 Congress of the United States entitled "An act to prohibit
23 transportation of gaming devices in interstate and foreign
24 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.
25 1134, and also designated as 15 U.S.C. ss. 1171-1177, the
26 State of Florida, acting by and through the duly elected and
27 qualified members of its Legislature, does hereby in this
28 section, and in accordance with and in compliance with the
29 provisions of section 2 of such chapter of Congress, declare
30 and proclaim that any county of the State of Florida within
31 which slot machine gaming is authorized pursuant to chapter

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1 551 is exempt from the provisions of section 2 of that chapter
2 of the Congress of the United States entitled "An act to
3 prohibit transportation of gaming devices in interstate and
4 foreign commerce," designated as 15 U.S.C. ss. 1171-1177,
5 approved January 2, 1951. All shipments of gaming devices,
6 including slot machines, into any county of this state within
7 which slot machine gaming is authorized pursuant to chapter
8 551 and the registering, recording, and labeling of which have
9 been duly performed by the manufacturer or distributor thereof
10 in accordance with sections 3 and 4 of that chapter of the
11 Congress of the United States entitled "An act to prohibit
12 transportation of gaming devices in interstate and foreign
13 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.
14 1134, and also designated as 15 U.S.C. ss. 1171-1177, shall be
15 deemed legal shipments thereof into this state ~~any such county~~
16 provided the destination of such shipments is an eligible
17 facility as defined in s. 551.102 or the facility of a slot
18 machine manufacturer or slot machine distributor as provided
19 in s. 551.109(2)(a).

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22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete everything before the enacting clause

25

26 and insert:

27 A bill to be entitled
28 An act relating to electronic gaming machines;
29 amending s. 24.103, F.S.; providing
30 definitions; amending s. 24.105, F.S.;

31 providing powers and duties of the Department

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1 of the Lottery pertaining to video lottery
 2 games; creating s. 24.125, F.S.; providing for
 3 the adoption of rules; creating s. 24.126,
 4 F.S.; prohibiting certain persons from playing
 5 video lottery games; creating s. 24.127, F.S.;
 6 providing requirements for the operation of
 7 video lottery games; providing for fines and
 8 orders of suspension; providing a payout
 9 percentage; providing for the distribution of
 10 income; providing for a license fee; providing
 11 for the distribution of income; providing for
 12 weekly allocations; providing penalties;
 13 creating s. 24.128, F.S.; providing for the
 14 licensure of video lottery terminal vendors;
 15 providing for emergency rules; creating s.
 16 24.129, F.S.; prohibiting certain local zoning
 17 ordinances; creating s. 24.130, F.S.; providing
 18 requirements for video lottery terminals;
 19 creating s. 24.131, F.S.; requiring video
 20 lottery terminal vendors to establish training
 21 programs for employees who service such
 22 terminals; requiring departmental approval of
 23 such programs; providing certification
 24 requirements for such employees; providing for
 25 the adoption of rules; creating s. 24.132,
 26 F.S.; requiring video lottery retailers to
 27 execute certain agreements governing the
 28 payment of purses and special thoroughbred
 29 racing awards; requiring the remittance of
 30 funds pursuant to such agreements; authorizing
 31 the department to sanction certain breeders;

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1 prohibiting the operation of video lottery
 2 games in the absence of agreements; requiring
 3 arbitration if agreements are not in place;
 4 requiring the video lottery retailer to make
 5 certain payments for the promotion of the
 6 racing industry; creating s. 24.133, F.S.;
 7 requiring operators of facilities where video
 8 lottery games are conducted to post certain
 9 signs regarding compulsive gambling; creating
 10 s. 24.134, F.S.; providing for compulsive
 11 gambling programs; creating s. 24.136, F.S.;
 12 authorizing a caterer's license for video
 13 lottery retailers; creating s. 24.137, F.S.;
 14 prohibiting video lottery retailers from
 15 engaging in certain activities; creating s.
 16 24.138, F.S.; providing for the exclusion of
 17 certain persons from a retailer's premises;
 18 creating s. 24.139, F.S.; requiring retailers
 19 to provide office space for department
 20 employees; amending s. 212.02, F.S.; excluding
 21 video lottery terminals from the definition of
 22 the term "coin-operated amusement machine" for
 23 purposes of the sales and use tax; amending s.
 24 551.102, F.S.; defining the term "nonredeemable
 25 credits"; redefining the term "slot machine
 26 revenues"; amending s. 551.103, F.S.; deleting
 27 a requirement that the Division of Pari-mutuel
 28 Wagering annually adjust the amount of the bond
 29 supplied by a slot machine licensee;
 30 establishing the annual amount of bond
 31 required; providing for procedures for drug

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1 testing; amending s. 551.104, F.S.; providing
2 for implementation of a drug-testing program;
3 amending s. 551.1045, F.S.; providing
4 procedures for temporary occupational licenses;
5 deleting provisions for temporary licensees to
6 be adopted within 180 days; amending s.
7 551.106, F.S.; establishing when payment of the
8 annual slot machine license fee must be made by
9 a licensee; providing for tax credits on slot
10 machine revenues; amending s. 551.107, F.S.;
11 authorizing the division to adopt rules to
12 create a single occupational license; providing
13 for validity; providing for additional
14 disciplinary actions; amending s. 551.109,
15 F.S.; exempting slot machine manufacturers and
16 distributors, certain educational facilities,
17 the division, and the Department of Law
18 Enforcement from certain prohibitions against
19 possessing slot machines at a place other than
20 the licensee's facility under certain
21 circumstances; authorizing agency rulemaking;
22 amending s. 551.114, F.S.; increasing the
23 number of slot machines a licensee may make
24 available for play; amending s. 551.116, F.S.;
25 increasing the hours that slot machine gaming
26 areas may be open upon local government
27 approval; amending s. 551.121, F.S.;
28 authorizing automatic teller machines in
29 certain areas of a pari-mutuel facility;
30 excluding check cashing in the designated slot
31 machine gaming areas; amending s. 849.15, F.S.;

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1 clarifying the authority to legally ship slot
2 machines into the state under certain
3 circumstances; providing an effective date.
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