



854032

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
2/6/2008	.	
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	.	

1 The Committee on Regulated Industries (Jones) recommended the
 2 following **amendment**:

3
 4 **Senate Amendment (with directory and title amendments)**

5 Delete everything after the enacting clause
 6 and insert:

7 Section 1. Electronic gaming machines authorized.—An
 8 electronic gaming machine licensee may possess electronic gaming
 9 machines and operate electronic gaming machines at an eligible
 10 facility, as defined by this act, where the licensee is
 11 authorized to conduct pari-mutuel wagering activities pursuant
 12 to chapter 550, Florida Statutes. Notwithstanding any other
 13 provision of law, it is not a crime for a person to participate
 14 in electronic gaming at a facility licensed to possess

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15 electronic gaming machines or to operate electronic gaming
16 machines as described in this act.

17 Section 2. Definitions.--As used in this act, the term:

18 (1) "Bingo or game of bingo" means bingo as defined in s.
19 849.0931(1), Florida Statutes, whether or not electronic,
20 computer, or other technological aids are used in connection the
21 game of bingo. Such aids may include the use of entertainment
22 displays, including spinning reels, video displays of reels,
23 associated bonus displays, and video poker. In order for a game
24 of bingo to take place, at least two live players must be
25 competing for a common prize. As such, player gaming machines
26 that contain the game of bingo may not be house-banked games and
27 may not be electronic or electromechanical facsimiles of any
28 game of chance. Bingo consists of players competing against
29 other players for prizes resulting from a random draw or
30 electronic determination and release or announcement of numbers
31 or other designations necessary to form the pre-designated game-
32 winning pattern on an electronic bingo card. A game ends when a
33 participating player receives a pre-designated game-winning
34 pattern and consolation prizes, if any, are awarded.

35 (2) "Bonus prize" means a prize awarded in a bingo game in
36 addition to the game-winning prize. The bonus prize may be based
37 on different pre-designated and pre-announced patterns from the
38 game-winning pattern, on achieving a winning pattern in a
39 specified quantity of numbers or designations drawn or
40 electronically determined and released, or on any combination of
41 these conditions. A bonus prize may be awarded as an interim
42 prize while players are competing for the game-winning prize or



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43 as a consolation prize after a player has won the game-winning
44 prize.

45 (3) "Designated electronic gaming machine area" means any
46 area of a facility of an electronic gaming machine licensee in
47 which electronic gaming may be conducted in accordance with this
48 act.

49 (4) "Distributor" means any person who sells, leases,
50 offers, or otherwise provides, distributes, or services any
51 electronic gaming machine or associated equipment, software, or
52 other functions required for use or play of electronic gaming
53 machines in this state. A manufacturer may be a distributor
54 within the state.

55 (5) "Division" means the Division of Pari-mutuel Wagering
56 of the Department of Business and Professional Regulation.

57 (6) "Electronic game" means an electronically simulated
58 bingo game played on an electronic gaming machine that, upon
59 insertion of a ticket or electronic card, is available to play
60 or simulate a game of bingo played on a network of electronic
61 gaming machines. No electronic game shall enter the state until
62 it has been tested and certified by a licensed testing
63 laboratory, and certified for play in the state. Electronic
64 games simulating the game of bingo may not be house-banked.
65 Bonus prizes and progressive prizes may be awarded to players at
66 any licensed facility, and a player may receive a payoff in the
67 form of tickets that may be exchanged for cash, merchandise, or
68 other items of value.

69 (7) "Electronic gaming machine" means a player station,
70 machine, or device, including associated equipment that is

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71 required to operate the player station, machine, or device, upon
72 which an electronic game is played or operated. An electronic
73 gaming machine may use spinning reels, video displays, video
74 poker, or other similar technologies available now or in the
75 future to convey outcomes to a player if the results displayed
76 at the gaming machine are based upon simulated bingo game play,
77 as approved by the department. No electronic game shall enter
78 the state until it has been tested and certified by a licensed
79 testing laboratory, and certified for play in the state. An
80 electronic gaming machine must display one or more bingo cards
81 to be used in the game before numbers or other designations for
82 the game are randomly drawn. Any card in use by a player must be
83 visible to the player during game play. All electronic gaming
84 machines must be directly linked to a central computer for
85 purposes of security, monitoring, and auditing. The central
86 computer may not limit a facility's ability to deploy its
87 electronic player tracking or electronic gaming accounting
88 system. However, such systems must use a widely accepted open
89 communications protocol to ensure interoperability among all
90 manufacturers and to provide a player with the ability to
91 seamlessly alternate play between the electronic gaming machines
92 and electronic gaming machines of different licensed
93 manufacturers. An electronic gaming machine is not a coin-
94 operated amusement machine as defined in s. 212.02, Florida
95 Statutes, and does not include an amusement game or machine as
96 described in s. 849.161, Florida Statutes.

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97 (8) "Electronic gaming machine facility" means an eligible
98 facility at which electronic gaming machines as defined in this
99 act are lawfully offered for play.

100 (9) "Electronic gaming machine license" means a license
101 issued by the division authorizing a licensee under chapter 550,
102 Florida Statutes, to place and operate electronic gaming
103 machines in an eligible facility.

104 (10) "Electronic gaming machine revenues" means all cash
105 and property, except nonredeemable credits, received by the
106 electronic gaming machine licensee from the operation of
107 electronic gaming machines, less the amount of cash, cash
108 equivalents, credits, and prizes paid to winners of electronic
109 games.

110 (11) "Eligible facility" means any facility at which a
111 licensee under chapter 550, Florida Statutes, conducted, during
112 calendar year 2007, a full schedule of live racing or games, as
113 defined in s. 550.002(11), Florida Statutes, including races or
114 games under s. 550.475, Florida Statutes, or was authorized to
115 conduct limited intertrack wagering under s. 550.6308, Florida
116 Statutes, and which is not a slot machine facility licensed
117 under chapter 551, Florida Statutes. A pari-mutuel facility may
118 become an eligible facility if it meets the requirements of this
119 subsection for the preceding 3 consecutive calendar years prior
120 to submitting an application for a license to conduct electronic
121 gaming.

122 (12) "Game-winning pattern" means a predetermined pattern
123 on an electronic bingo card. Each game must have one game-
124 winning pattern or arrangement that must be common to all



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125 players and may be won by multiple players simultaneously. A
126 game-winning prize must be awarded in every game. The pattern
127 designated as the game-winning pattern need not pay the highest
128 prize available in the game. Other patterns may be designated
129 for the award of bonus prizes in addition to the prize to be
130 awarded based on the game-winning pattern.

131 (13) "Manufacturer" means any person who manufactures,
132 builds, rebuilds, fabricates, assembles, produces, programs,
133 designs, or modifies any electronic gaming machine or associated
134 equipment for use or play in this state for gaming purposes. A
135 manufacturer may be a distributor within the state.

136 (14) "Nonredeemable credits" means electronic gaming
137 machine operating credits that cannot be redeemed for cash or
138 any other thing of value by an electronic gaming machine, kiosk,
139 or the electronic gaming machine licensee and that are provided
140 free to patrons. Such credits are not nonredeemable credits
141 until they are metered as credit into an electronic gaming
142 machine and recorded in the facility-based monitoring system.

143 (15) "Progressive prize" means an established prize for a
144 bingo game, funded by a percentage of each player's purchase or
145 wager within one or more licensed facilities for a specific
146 progressive bingo game, which is awarded to a player for
147 obtaining a specific pre-designated and pre-announced pattern
148 having a specified quantity of numbers or designations randomly
149 drawn and released or electronically determined or randomly
150 drawn and released or electronically determined in a specified
151 sequence. The progressive prize must be rolled over to each
152 subsequent specific progressive bingo game until it is won.



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153 Section 3. Powers and duties of the division and the
154 Department of Law Enforcement.--

155 (1) The division shall adopt, pursuant to ss. 120.536(1)
156 and 120.54, Florida Statutes, rules necessary to implement,
157 administer, and regulate the operation of electronic gaming
158 machines in this state. The rules must include:

159 (a) Procedures for applying for and renewing electronic
160 gaming machine licenses.

161 (b) Technical requirements and qualifications to receive
162 an electronic gaming machine license or electronic gaming
163 machine occupational license.

164 (c) Procedures to ensure that no electronic game or
165 electronic gaming machine shall enter the state and be offered
166 for play until it has been tested and certified by a licensed
167 testing laboratory for play in the state. The procedures shall
168 address measures to scientifically test and technically evaluate
169 electronic gaming machines for compliance with this act. The
170 division may contract with an independent testing laboratory to
171 conduct any necessary testing. The independent testing
172 laboratory must have a national reputation indicating that it is
173 demonstrably competent and qualified to scientifically test and
174 evaluate electronic games and electronic gaming machines and to
175 perform the functions required by this act. An independent
176 testing laboratory may not be owned or controlled by a licensee.
177 The selection of an independent testing laboratory for any
178 purpose related to the conduct of electronic gaming machines by
179 a licensee shall be made from a list of laboratories approved by
180 the division. The division shall adopt rules regarding the



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181 testing, certification, control, and approval of electronic
182 games and electronic gaming machines.

183 (d) Procedures relating to electronic gaming machine
184 revenues, including verifying and accounting for such revenues,
185 auditing, and collecting taxes and fees.

186 (e)1. Procedures for regulating, managing, and auditing
187 the operation, financial data, and program information relating
188 to electronic gaming machines that enable the division and the
189 Department of Law Enforcement to audit the operation, financial
190 data, and program information of an electronic gaming machine
191 licensee required by the division or the Department of Law
192 Enforcement.

193 2. Procedures to allow the division and the Department of
194 Law Enforcement to monitor, at any time on a real-time basis,
195 wagering patterns, payouts, tax collection, and compliance with
196 division rules, including the ability of the division or the
197 Department of Law Enforcement to suspend play immediately on
198 particular electronic gaming machines if such monitoring of the
199 facilities-based computer system indicates possible tampering
200 with or manipulation of the electronic gaming machines or the
201 ability to immediately suspend play of the entire operation if
202 the tampering or manipulation is of the computer system. The
203 division shall notify the Department of Law Enforcement or the
204 Department of Law Enforcement shall notify the division, as
205 appropriate, when there is a suspension of play under this
206 paragraph. The division and the Department of Law Enforcement
207 shall exchange information that is necessary for and cooperate



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208 in the investigation of the circumstances requiring suspension
209 of play.

210 (f) Procedures to require each licensee, at the licensee's
211 expense, to supply the division a bond having the penal sum of
212 \$2 million payable to the Governor for each year of the
213 licensee's electronic gaming machine operations. Any bond shall
214 be issued by a surety approved by the division and the Chief
215 Financial Officer, conditioned to pay the Chief Financial
216 Officer as treasurer of the division. The licensee must keep its
217 books and records and make reports as provided in this act and
218 conduct electronic gaming machine operations in conformity with
219 this act and other provisions of law. Such bond shall be
220 separate from the bond required in s. 550.125, Florida Statutes.

221 (g) Procedures to require licensees to maintain specified
222 records and submit any data, information, record, or report,
223 including financial and income records, required by this act or
224 rules of the division.

225 (h) A requirement that the payout percentage of an
226 electronic gaming machine be no less than 85 percent. The
227 theoretical payout percentage will be determined using standard
228 methods of probability theory.

229 (i) Minimum standards for security of the facilities,
230 including floor plans, security cameras, and other security
231 equipment.

232 (j) Procedures to require electronic gaming machine
233 licensees to implement and establish drug-testing programs for
234 all electronic gaming machine occupational licensees.



235 (2) The division shall conduct investigations necessary to
236 fulfill its responsibilities under this act.

237 (3) The Department of Law Enforcement and local law
238 enforcement agencies have concurrent jurisdiction to investigate
239 criminal violations of this act and may investigate any other
240 criminal violation of law occurring at the facilities of an
241 electronic gaming machine licensee. Such investigations may be
242 conducted in conjunction with the appropriate state attorney.

243 (4) (a) The division, the Department of Law Enforcement,
244 and local law enforcement agencies have unrestricted access to
245 an electronic gaming machine licensee's facility at all times
246 and shall require each electronic gaming machine licensee to
247 strictly comply with the laws of this state relating to the
248 transaction of such business. The division, the Department of
249 Law Enforcement, and local law enforcement agencies may:

250 1. Inspect and examine premises where electronic gaming
251 machines are offered for play.

252 2. Inspect electronic gaming machines and related
253 equipment and supplies.

254 (b) In addition, the division may:

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

256 2. Deny, revoke, suspend, or place conditions on the
257 license of a person who violates this act or rules adopted
258 pursuant thereto.

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



263 (6) This section does not:

264 (a) Prohibit the Department of Law Enforcement or any law
265 enforcement authority whose jurisdiction includes a licensed
266 facility from conducting investigations of criminal activities
267 occurring at the facility;

268 (b) Restrict access to an electronic gaming machine
269 licensee's facility by the Department of Law Enforcement or any
270 local law enforcement authority whose jurisdiction includes the
271 electronic gaming machine licensee's facility; or

272 (c) Restrict access by the Department of Law Enforcement
273 or local law enforcement authorities to information and records
274 necessary to the investigation of criminal activity which are
275 contained within the electronic gaming machine licensee's
276 facility.

277 Section 4. License to conduct electronic gaming.--

278 (1) Upon application and a finding by the division after
279 investigation that the application is complete and the applicant
280 is qualified and payment of the initial license fee, the
281 division may issue a license to conduct electronic gaming in any
282 designated electronic gaming machine area of an eligible
283 facility.

284 (2) An electronic gaming machine license may be issued
285 only to a person or entity licensed to conduct pari-mutuel
286 wagering under chapter 550, Florida Statutes, and electronic
287 gaming may be operated only at the eligible facility at which
288 the licensee is authorized to conduct pari-mutuel wagering
289 activities.



290 (3) As a condition of licensure and to maintain continued
291 authority for the conduct of electronic gaming, an electronic
292 gaming machine licensee shall:

293 (a) Continue to comply with this act.

294 (b) Continue to comply with chapter 550, Florida Statutes,
295 where applicable, and maintain the pari-mutuel permit and
296 license in good standing pursuant to chapter 550, Florida
297 Statutes. Notwithstanding any contrary provision of law, a pari-
298 mutuel permitholder may, within 60 days after the effective date
299 of this act, amend its pari-mutuel wagering operating license.
300 The division shall issue a new license to the permitholder to
301 effectuate any approved change.

302 (c) Conduct no fewer than a full schedule of live racing
303 or games as defined in s. 550.002(11), Florida Statutes,
304 including conducting races or games under s. 550.475, Florida
305 Statutes, or be authorized to conduct limited intertrack
306 wagering under s. 550.6308, Florida Statutes, at the eligible
307 facility. A permitholder's responsibility to conduct such number
308 of live races or games shall be reduced by the number of races
309 or games that could not be conducted due to the direct result of
310 fire, war, hurricane, or other disaster or event beyond the
311 control of the permitholder.

312 (d) Upon approval of any changes relating to the pari-
313 mutuel permit by the division, provide appropriate current and
314 accurate documentation, on a timely basis, to the division to
315 maintain the electronic gaming machine license. Changes in
316 ownership or interest in an electronic gaming machine license of
317 5 percent or more of the stock or other evidence of ownership or

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318 equity in the electronic gaming machine license or of any parent
319 corporation or other business entity that owns or controls the
320 electronic gaming machine license must be approved by the
321 division prior to such change, unless the owner is an existing
322 holder of the license who was previously approved by the
323 division. Any changes in ownership or interest in an electronic
324 gaming machine license of less than 5 percent, unless such
325 change results in a cumulative total of 5 percent or more, shall
326 be reported to the division within 20 days after the change. The
327 division may conduct an investigation to ensure that the license
328 is properly updated to show the change in ownership or interest.
329 Reporting is not required if the person is holding 5 percent or
330 less equity or securities of a corporate owner of the electronic
331 gaming machine licensee that has its securities registered
332 pursuant to section 12 of the Securities Exchange Act of 1934,
333 15 U.S.C. ss. 78a-78kk, and if such corporation or entity files
334 with the United States Securities and Exchange Commission the
335 reports required by section 13 of that act or if the securities
336 of the corporation or entity are regularly traded on an
337 established securities market in the United States. A change in
338 ownership or interest of less than 5 percent which results in a
339 cumulative ownership or interest of 5 percent or more must be
340 approved by the division prior to such change unless the owner
341 is an existing holder of the license who was previously approved
342 by the division.

343 (e) Allow the division and the Department of Law
344 Enforcement unrestricted access to and right of inspection of
345 facilities of an electronic gaming machine licensee in which any



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346 activity relative to the operation of electronic gaming machines
347 is conducted.

348 (f) Ensure that the facilities-based computer system that
349 the licensee will use for operational and accounting functions
350 of the electronic gaming machine facility is specifically
351 structured to facilitate regulatory oversight. The facilities-
352 based computer system shall be designed to give the division and
353 the Department of Law Enforcement the ability to monitor, at any
354 time on a real-time basis, the wagering patterns, payouts, tax
355 collection, and such other operations as are necessary to
356 determine whether the facility is in compliance with statutory
357 provisions and rules adopted by the division for the regulation
358 and control of electronic gaming machines. The division and the
359 Department of Law Enforcement shall have continuous access to
360 this system, including the ability of the division or the
361 Department of Law Enforcement to suspend play immediately on
362 particular electronic gaming machines if monitoring of the
363 system indicates possible tampering with or manipulation of
364 those electronic gaming machines or the ability to immediately
365 suspend play of the entire operation if the tampering or
366 manipulation is of the computer system. The computer system
367 shall be reviewed and approved by the division to ensure
368 necessary access, security, and functionality. The division may
369 adopt rules to provide for the approval process.

370 (g) Ensure that each electronic gaming machine and
371 electronic game is protected from manipulation or tampering to
372 affect the random probabilities of winning plays. The division
373 or the Department of Law Enforcement may suspend play upon

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374 reasonable suspicion of any manipulation or tampering. When play
375 has been suspended on any electronic gaming machine, the
376 division or the Department of Law Enforcement may examine any
377 electronic gaming machine to determine whether the machine has
378 been tampered with or manipulated and whether the machine should
379 be returned to operation.

380 (h) Submit a security plan, including the facilities'
381 floor plans, the locations of security cameras, and a listing of
382 all security equipment that is capable of observing and
383 electronically recording activities being conducted in the
384 facilities of the electronic gaming machine licensee. The
385 security plan must meet the minimum security requirements as
386 determined by the division under this act, and be implemented
387 prior to operation of electronic gaming machine games. The
388 electronic gaming machine licensee's facilities must adhere to
389 the security plan at all times. Any changes to the security plan
390 must be submitted by the licensee to the division before they
391 are implemented. The division shall furnish copies of the
392 security plan and changes in the plan to the Department of Law
393 Enforcement.

394 (i) Create and file with the division a written policy
395 for:

396 1. Creating opportunities to purchase from vendors in this
397 state, including minority vendors.

398 2. Creating opportunities for employment of residents of
399 this state, including minority residents.

400 3. Ensuring opportunities for construction services from
401 minority contractors.



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402 4. Ensuring that opportunities for employment are offered
403 on an equal, nondiscriminatory basis.

404 5. Training for employees on responsible gaming and
405 working with a compulsive or addictive gambling prevention
406 program to further its purposes as provided for in this act.

407 6. The implementation of a drug-testing program that
408 includes, but is not limited to requiring each employee to sign
409 an agreement that he or she understands that the electronic
410 gaming machine facility is a drug-free workplace.

411
412 The electronic gaming machine licensee shall use the Internet-
413 based job-listing system of the Agency for Workforce Innovation
414 in advertising employment opportunities. Beginning in June 2009,
415 each electronic gaming machine licensee shall submit an annual
416 report to the division containing information indicating
417 compliance with this paragraph in regard to minority persons.

418 (j) Ensure that the payout percentage of an electronic
419 gaming machine is no less than 85 percent. The theoretical
420 payout percentage will be determined using standard methods of
421 probability theory.

422 (5) An electronic gaming machine license is not
423 transferable.

424 (6) An electronic gaming machine licensee shall keep and
425 maintain permanent daily records of its electronic gaming
426 machine operation and shall maintain such records for a period
427 of not less than 5 years. These records must include all
428 financial transactions and contain sufficient detail to
429 determine compliance with this act. All records shall be



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430 available for audit and inspection by the division, the
431 Department of Law Enforcement, or other law enforcement agencies
432 during the licensee's regular business hours.

433 (7) An electronic gaming machine licensee shall file with
434 the division a monthly report containing the required records of
435 such electronic gaming machine operation. The required reports
436 shall be submitted on forms prescribed by the division and shall
437 be due at the same time as the monthly pari-mutuel reports are
438 due. Such reports are public records once filed.

439 (8) An electronic gaming machine licensee shall file with
440 the division an audit of the receipt and distribution of all
441 electronic gaming machine revenues provided by an independent
442 certified public accountant verifying compliance with all
443 financial and auditing provisions of this act and rules adopted
444 under this act. The audit must include verification of
445 compliance with all statutes and rules regarding all required
446 records of electronic gaming machine operations. Such audit
447 shall be filed within 120 days after completion of the
448 permitholder's fiscal year.

449 (9) The division may share any information with the
450 Department of Law Enforcement, any other law enforcement agency
451 with jurisdiction over electronic gaming machines or pari-mutuel
452 activities, or any other state or federal law enforcement agency
453 the division or the Department of Law Enforcement deems
454 appropriate. Any law enforcement agency having jurisdiction over
455 electronic gaming machines or pari-mutuel activities may share
456 with the division information obtained or developed by it.



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457 (10) (a) An electronic gaming machine license or renewal
458 may not be issued to an applicant licensed under chapter 550,
459 Florida Statutes, to conduct live pari-mutuel wagering races or
460 games unless the applicant has on file with the division a
461 binding written agreement between:

462 1. The applicant and the Florida Horsemen's Benevolent and
463 Protective Association, Inc., or the association representing a
464 majority of the thoroughbred owners and trainers at the
465 applicant's eligible facility; or

466 2. The applicant and the Florida Standardbred Breeders and
467 Owners Association, Inc., or the association representing a
468 majority of the standardbred owners and trainers at the
469 applicant's eligible facility; or

470 3. The applicant and the Florida Greyhound Association,
471 Inc., or the association representing a majority of the
472 greyhound owners and trainers at the applicant's eligible
473 facility; or

474 4. The applicant and the Florida Quarter Horse Racing
475 Association, Inc., or the association representing a majority of
476 the quarter horse owners and trainers at the applicant's
477 eligible facility; or

478 5. The applicant and the International Jai Alai Players
479 Association or a binding written agreement approved by a
480 majority of the jai alai players at the applicant's eligible
481 facility governing the payment of awards and purses on live
482 thoroughbred, harness, quarter horse, and dog races or Jai Alai
483 games conducted at the licensee's pari-mutuel facility.

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484 (b) An electronic gaming machine license or renewal thereof
485 may not be issued to such an applicant unless the applicant has
486 on file with the division a binding written agreement between
487 the applicant and the Florida Thoroughbred Breeders'
488 Association, Inc., the Florida Standardbred Breeders and Owners
489 Association, Inc., the Florida Quarter Horse Racing Association,
490 Inc., or the association representing a majority of the
491 racehorse owners and breeders at the applicant's eligible
492 facility governing the payment of breeders', stallion, and
493 special racing awards on live thoroughbred races conducted at
494 the licensee's pari-mutuel facility. The agreement governing
495 purses and the agreement governing awards may direct the payment
496 of such purses and awards from revenues generated by any
497 wagering or games the applicant is authorized to conduct under
498 state law. All purses and awards are subject to the terms of
499 chapter 550, Florida Statutes. All sums for breeders', stallion,
500 and special racing awards shall be remitted monthly to the
501 Florida Thoroughbred Breeders' Association, Inc., for the
502 payment of awards subject to the administrative fee authorized
503 in s. 550.2625(3), Florida Statutes.

504 (c) An electronic gaming machine license or renewal thereof
505 may not be issued to an applicant licensed to conduct intertrack
506 wagering under s. 550.6308, Florida Statutes, unless the
507 applicant has on file with the division a binding written
508 agreement between the applicant and the Florida Thoroughbred
509 Breeders' Association, Inc., dedicating to the payment of
510 breeders', stallion, and special racing awards on live
511 thoroughbred races conducted in this state at least the same



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512 percentage of electronic gaming machine revenues as the highest
513 percentage of electronic gaming machine revenues dedicated to
514 purses and awards in a current agreement under this subsection
515 by an applicant licensed under chapter 550, Florida Statutes, to
516 conduct live thoroughbred races, with at least half of such
517 funds distributed as special racing awards.

518 (d) The division shall suspend an electronic gaming
519 machine license if any agreement required under paragraph (a) is
520 terminated or otherwise ceases to operate or if the division
521 determines that the licensee is materially failing to comply
522 with the terms of such agreement. Any suspension shall take
523 place in accordance with chapter 120, Florida Statutes.

524 (e)1. If an agreement required under paragraph (a) cannot
525 be reached prior to the initial issuance of the electronic
526 gaming machine license, either party may request arbitration or,
527 in the case of a renewal, if such agreement is not in place 120
528 days prior to the scheduled expiration date of the electronic
529 gaming machine license, the applicant shall immediately ask the
530 American Arbitration Association to furnish a list of 11
531 arbitrators, each of whom shall have at least 5 years of
532 commercial arbitration experience and no financial interest in
533 or prior relationship with any party or with an affiliated or
534 related entity or principal. Each required party to the
535 agreement shall select a single arbitrator from the list within
536 10 days after receipt, and the persons selected shall choose one
537 additional arbitrator from the list within 10 days.

538 2. If an agreement required under paragraph (a) is not in
539 place 60 days after the request under subparagraph 1., in the



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540 case of an initial electronic gaming machine license or, in the
541 case of a renewal, 60 days prior to the scheduled expiration
542 date of the license, the matter shall be immediately submitted
543 to mandatory binding arbitration. The three arbitrators selected
544 pursuant to subparagraph 1. shall conduct the arbitration
545 pursuant to the American Arbitration Association Commercial
546 Arbitration Rules and chapter 682, Florida Statutes.

547 3. At the conclusion of the proceedings, which may be no
548 later than 90 days after the request under subparagraph 1. in
549 the case of an initial electronic gaming machine license or, in
550 the case of a renewal, 30 days prior to the scheduled expiration
551 date of the electronic gaming machine license, the arbitration
552 panel shall present to the parties a proposed agreement that the
553 majority of the panel believes equitably balances the rights,
554 interests, obligations, and reasonable expectations of the
555 parties. The parties shall immediately enter into such
556 agreement, which shall satisfy the requirements of paragraph (a)
557 and permit issuance of the pending annual electronic gaming
558 machine license or renewal. The agreement shall be effective
559 until the last day of the license or renewal period or until the
560 parties enter into a different agreement. Each party shall pay
561 its respective costs of arbitration and shall pay one-half of
562 the costs of the arbitration panel, unless the parties otherwise
563 agree. If the agreement remains in place 120 days prior to the
564 scheduled issuance of the next annual license renewal, the
565 arbitration process established in this paragraph shall begin
566 again.

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567 4. If neither agreement required under paragraph (a) is in
568 place by the deadlines established in this paragraph,
569 arbitration regarding each agreement will proceed independently,
570 with separate lists of arbitrators, arbitration panels,
571 arbitration proceedings, and resulting agreements.

572 5. With respect to the agreement required under paragraph
573 (a) governing the payment of purses, the arbitration and
574 resulting agreement is limited to the payment of purses from
575 electronic gaming machine revenues only.

576 (f) If any provision of this subsection or its application
577 to any person or circumstance is held invalid, the invalidity
578 does not affect other provisions or applications of this
579 subsection or act which can be given effect without the invalid
580 provision or application, and to this end the provisions of this
581 subsection are severable.

582 Section 5. Temporary licenses.--

583 (1) Notwithstanding any provision of s. 120.60, Florida
584 Statutes, to the contrary, the division may issue a temporary
585 occupational license upon receipt of a complete application and
586 a determination that the applicant has not been convicted of or
587 had adjudication withheld on any disqualifying criminal offense.
588 The temporary occupational license remains valid until the
589 division grants an occupational license or notifies the
590 applicant of its intended decision to deny the license pursuant
591 to the provisions of s. 120.60, Florida Statutes. The division
592 shall adopt rules to administer this subsection. However, not
593 more than one temporary license may be issued for any person in
594 any year.



595 (2) A temporary license issued under this section is
596 nontransferable.

597 Section 6. Electronic gaming machine license renewal.--

598 (1) An electronic gaming machine license is effective for
599 1 year after issuance and shall be renewed annually. The
600 application for renewal must contain all revisions to the
601 information submitted in the prior year's application which are
602 necessary to maintain such information as accurate and current.

603 (2) The applicant for renewal shall attest that any
604 information changes do not affect such applicant's
605 qualifications for license renewal.

606 (3) Upon determination by the division that the
607 application for renewal is complete and qualifications have been
608 met, including payment of the renewal fee, the license shall be
609 renewed.

610 Section 7. License fee; tax rate; penalties.--

611 (1) LICENSE FEE.--

612 (a) Upon submission of the initial application for an
613 electronic gaming machine license and annually thereafter, on
614 the anniversary date of the issuance of the initial license, the
615 licensee must pay to the division a nonrefundable license fee of
616 \$3 million for the succeeding 12 months of licensure. The fee
617 shall be deposited into the Pari-mutuel Wagering Trust Fund of
618 the Department of Business and Professional Regulation to be
619 used by the division and the Department of Law Enforcement for
620 investigations, regulation of electronic gaming, and enforcement
621 of electronic gaming provisions. These payments shall be



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622 accounted for separately from taxes or fees paid pursuant to the
623 provisions of chapters 550 or 551, Florida Statutes.

624 (b) The division shall evaluate the license fee and submit
625 recommendations in the legislative budget request regarding the
626 optimum level of electronic gaming machine license fees required
627 to adequately support the electronic gaming machine regulatory
628 program.

629 (c) Notwithstanding s. 550.135(2), Florida Statutes, all
630 fees and fines collected pursuant to this chapter shall remain
631 in the Pari-Mutuel Wagering Trust Fund for use by the Division
632 for regulation of electronic gaming machines and electronic
633 games.

634 (2) TAX ON ELECTRONIC GAMING MACHINE REVENUES.--

635 (a) The tax rate on electronic gaming machine revenues at
636 each facility shall be 35 percent.

637 (b) The electronic gaming machine revenue tax imposed by
638 this section shall be paid to the division for deposit into the
639 Pari-mutuel Wagering Trust Fund for immediate transfer by the
640 Chief Financial Officer for deposit into the Educational
641 Enhancement Trust Fund of the Department of Education. Any
642 interest earnings on the tax revenues shall also be transferred
643 to the Educational Enhancement Trust Fund.

644 (c)1. Funds transferred to the Educational Enhancement
645 Trust Fund shall be used to supplement public education funding
646 statewide.

647 2. If necessary to comply with any covenant established
648 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),
649 Florida Statutes, funds transferred to the Educational

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650 Enhancement Trust Fund shall first be available to pay debt
651 service on lottery bonds issued to fund school construction in
652 the event lottery revenues are insufficient for such purpose or
653 to satisfy debt service reserve requirements established in
654 connection with lottery bonds. Moneys available pursuant to this
655 subparagraph are subject to annual appropriation by the
656 Legislature.

657 (3) PAYMENT AND DISPOSITION OF TAXES.--Payment for the tax
658 on electronic gaming machine revenues imposed by this section
659 shall be paid to the division. The division shall deposit such
660 funds with the Chief Financial Officer, to the credit of the
661 Pari-mutuel Wagering Trust Fund. The electronic gaming machine
662 licensee shall remit to the division payment for the tax on
663 electronic gaming machine revenues by 3 p.m. Wednesday of each
664 week for taxes imposed and collected for the preceding week
665 ending on Sunday. The electronic gaming machine licensee shall
666 file a report under oath by the 5th day of each calendar month
667 for all taxes remitted during the preceding calendar month. Such
668 payments shall be accompanied by a report under oath showing all
669 electronic gaming machine activities for the preceding calendar
670 month and such other information as may be prescribed by the
671 division.

672 (4) FAILURE TO PAY TAX; PENALTIES.--An electronic gaming
673 machine licensee who does not make tax payments required under
674 this section is subject to an administrative penalty of up to
675 \$10,000 for each day the tax payment is not remitted. All
676 administrative penalties imposed and collected shall be
677 deposited into the Pari-mutuel Wagering Trust Fund of the

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678 Department of Business and Professional Regulation. If an
679 electronic gaming machine licensee does not pay penalties
680 imposed by the division, the division may suspend, revoke, or
681 refuse to renew the license of the electronic gaming machine
682 licensee.

683 (5) SUBMISSION OF FUNDS.--The division may require
684 electronic gaming machine licensees to remit taxes, fees, fines,
685 and assessments by electronic funds transfer.

686 Section 8. Electronic gaming machine occupational license;
687 findings; application; fee.--

688 (1) The Legislature finds that licensees under this
689 section require heightened state scrutiny, including the
690 submission by individual licensees or persons associated with
691 those entities described in this act of fingerprints for a
692 criminal history record check.

693 (2) (a) The following electronic gaming machine
694 occupational licenses shall be issued to applicants that, by
695 virtue of the positions they hold, might be granted access to
696 electronic gaming machine areas or to any other person or entity
697 in one of the following categories:

698 1. General occupational licenses for general employees,
699 including food service, maintenance, and other similar service
700 and support employees having access to the electronic gaming
701 machine area.

702 2. Professional occupational licenses for any person,
703 proprietorship, partnership, corporation, or other entity that
704 is authorized by an electronic gaming machine licensee to
705 manage, oversee, or otherwise control daily operations as an

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706 electronic gaming machine manager, floor supervisor, security
707 personnel, or other similar position of oversight of gaming
708 operations, or any person who is not an employee of the
709 electronic gaming machine licensee and who provides maintenance,
710 repair, or upgrades or otherwise services an electronic gaming
711 machine or other electronic gaming machine equipment.

712 3. Business occupational licenses for any electronic
713 gaming machine management company or company associated with
714 electronic gaming, any person who manufactures, distributes, or
715 sells electronic gaming machines, electronic gaming machine
716 paraphernalia, or other associated equipment to electronic
717 gaming machine licensees, or any company that sells or provides
718 goods or services associated with electronic gaming to
719 electronic gaming machine licensees.

720 (b) The division may issue one license in order to combine
721 licenses under this section with pari-mutuel occupational
722 licenses and cardroom licenses pursuant to s. 550.105(2)(b),
723 Florida Statutes. The division shall adopt rules pertaining to
724 occupational licenses under this subsection. Such rules may
725 specify requirements and restrictions for licensed occupations
726 and categories, procedures to apply for a license or combination
727 of licenses, disqualifying criminal offenses for a licensed
728 occupation or categories of occupations, and which types of
729 occupational licenses may be combined into a single license
730 under this section. The fingerprinting requirements of
731 subsection (7) apply to any combination license that includes
732 electronic gaming machine license privileges. The division may
733 not adopt a rule allowing the issuance of an occupational

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734 license to any person who does not meet the minimum background
735 qualifications of this section.

736 (c) Electronic gaming machine occupational licenses are
737 not transferable.

738 (3) An electronic gaming machine licensee may not employ
739 or otherwise allow a person to work at a licensed facility
740 unless such person holds the appropriate valid occupational
741 license. An electronic gaming machine licensee may not contract
742 or otherwise conduct business with a business required to hold
743 an electronic gaming machine occupational license unless the
744 business holds such a license. An electronic gaming machine
745 licensee may not employ or otherwise allow a person to work in a
746 supervisory or management professional level at a licensed
747 facility unless such person holds a valid electronic gaming
748 machine occupational license. All electronic gaming machine
749 occupational licensees, while present in electronic gaming
750 machine areas, shall display on their persons their occupational
751 license identification cards.

752 (4) (a) A person seeking an electronic gaming machine
753 occupational license or renewal thereof shall apply on forms
754 prescribed by the division and include payment of the
755 appropriate application fee. Initial and renewal applications
756 for electronic gaming machine occupational licenses must contain
757 all information that the division, by rule, requires.

758 (b) An electronic gaming machine license or combination
759 license is valid for the same term as a pari-mutuel occupational
760 license issued pursuant to s. 550.105(1), Florida Statutes.



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761 (c) Pursuant to rules adopted by the division, any person
762 may apply for and, if qualified, be issued an electronic gaming
763 machine occupational license valid for a period of 3 years upon
764 payment of the full occupational license fee for each of the 3
765 years for which the license is issued. The electronic gaming
766 machine occupational license is valid during its specified term
767 at any licensed facility where electronic gaming machine gaming
768 is authorized to be conducted.

769 (d) The electronic gaming machine occupational license fee
770 for initial application and annual renewal shall be determined
771 by rule of the division but may not exceed \$50 for a general or
772 professional occupational license for an employee of the
773 electronic gaming machine licensee or \$1,000 for a business
774 occupational license for nonemployees of the licensee who
775 provide goods or services to the electronic gaming machine
776 licensee. License fees for general occupational licenses shall
777 be paid by the electronic gaming machine licensee. Failure to
778 pay the required fee constitutes grounds for disciplinary action
779 by the division against the electronic gaming machine licensee,
780 but it is not a violation of this act or rules of the division
781 by the general occupational licensee and does not prohibit the
782 initial issuance or the renewal of the general occupational
783 license.

784 (5) The division may:

785 (a) Deny an application for, or revoke, suspend, or place
786 conditions or restrictions on, a license of an applicant or
787 licensee that has been refused a license by another state gaming
788 commission, governmental department, agency, or other authority



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789 exercising regulatory jurisdiction over the gaming of another
790 state or jurisdiction; or

791 (b) Deny an application for, or suspend, or place
792 conditions on a license of any applicant or licensee that is
793 under suspension or has unpaid fines in another state or
794 jurisdiction.

795 (6) (a) The division may deny, suspend, revoke, or refuse
796 to renew any electronic gaming machine occupational license if
797 the applicant or licensee has violated this act or the rules
798 governing the conduct of persons connected with electronic games
799 or electronic gaming. In addition, the division may deny,
800 suspend, revoke, or refuse to renew any electronic gaming
801 machine occupational license if the applicant or licensee has
802 been convicted under the laws of this state or of another state,
803 or under the laws of the United States, of a capital felony, a
804 felony, or an offense in another state which would be a felony
805 under the laws of this state involving arson; trafficking in,
806 conspiracy to traffic in, smuggling, importing, conspiracy to
807 smuggle or import, or delivery, sale, or distribution of a
808 controlled substance; racketeering; or a crime showing a lack of
809 good moral character, or has had a gaming license revoked by
810 this state or another jurisdiction for any gaming-related
811 offense.

812 (b) The division may deny, revoke, or refuse to renew any
813 electronic gaming machine occupational license if the applicant
814 or licensee has been convicted of a felony or misdemeanor in
815 this state, in another state, or under the laws of the United

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816 States if such felony or misdemeanor is related to gambling or
817 bookmaking as described in s. 849.25, Florida Statutes.

818 (c) As used in this subsection, the term "convicted" means
819 having been found guilty, with or without adjudication of guilt,
820 as a result of a jury verdict, nonjury trial, or entry of a plea
821 of guilty or nolo contendere.

822 (7) Fingerprints for electronic gaming machine
823 occupational license applications shall be taken in a manner
824 approved by the division and shall be submitted electronically
825 to the Department of Law Enforcement for state processing and to
826 the Federal Bureau of Investigation for national processing for
827 a criminal history record check. All persons as specified in s.
828 550.1815(1) (a), Florida Statutes, employed by or working within
829 licensed premises shall submit fingerprints for a criminal
830 history record check and may not have been convicted of any
831 disqualifying criminal offenses specified in subsection (6).
832 Division employees and law enforcement officers assigned to work
833 within such premises as part of their official duties are
834 excluded from the criminal history record check requirements. As
835 used in this subsection, the term "convicted" means having been
836 found guilty, with or without adjudication of guilt, as a result
837 of a jury verdict, nonjury trial, or entry of a plea of guilty
838 or nolo contendere.

839 (a) Fingerprints shall be taken in a manner approved by
840 the division upon initial application, or as required thereafter
841 by rule of the division, and shall be submitted electronically
842 to the Department of Law Enforcement for state processing. The
843 Department of Law Enforcement shall forward the fingerprints to



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844 the Federal Bureau of Investigation for national processing. The
845 results of the criminal history record check shall be returned
846 to the division for screening. Licensees shall provide necessary
847 equipment, approved by the Department of Law Enforcement, to
848 facilitate such electronic submission. The division requirements
849 shall be instituted in consultation with the Department of Law
850 Enforcement.

851 (b) The cost of processing fingerprints and conducting a
852 criminal history record check for a general occupational license
853 shall be paid by the electronic gaming machine licensee. The
854 cost of processing fingerprints and conducting a criminal
855 history record check for a business or professional occupational
856 license shall be paid by the person being checked. The
857 Department of Law Enforcement may invoice the division for the
858 fingerprints submitted each month.

859 (c) All fingerprints submitted to the Department of Law
860 Enforcement shall be retained by the Department of Law
861 Enforcement and entered into the statewide automated fingerprint
862 identification system as authorized by s. 943.05(2)(b), Florida
863 Statutes, and shall be available for all purposes and uses
864 authorized for arrest fingerprint cards in the statewide
865 automated fingerprint identification system pursuant to s.
866 943.051, Florida Statutes.

867 (d) The Department of Law Enforcement shall search all
868 arrest fingerprints received pursuant to s. 943.051, Florida
869 Statutes, against the fingerprints retained in the statewide
870 automated fingerprint identification system. Any arrest record
871 that is identified with the retained fingerprints of a person



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872 subject to the criminal history screening requirements shall be
873 reported to the division. Each licensed facility shall pay a fee
874 for the cost of retention of the fingerprints and the ongoing
875 searches under this paragraph. The division shall forward the
876 fee to the Department of Law Enforcement. The amount of the fee
877 to be imposed for such searches and the procedures for the
878 retention of licensee fingerprints shall be as established by
879 rule of the Department of Law Enforcement. The division shall
880 inform the Department of Law Enforcement of any change in the
881 license status of licensees whose fingerprints are retained.

882 (e) The division shall request the Department of Law
883 Enforcement to forward the fingerprints to the Federal Bureau of
884 Investigation for a national criminal history records check
885 every 3 years following issuance of a license. If the
886 fingerprints of a person who is licensed have not been retained
887 by the Department of Law Enforcement, the person must file a
888 complete set of fingerprints as provided in paragraph (a). The
889 division shall collect the fees for the cost of the national
890 criminal history record check and shall forward the payment to
891 the Department of Law Enforcement. The cost of processing
892 fingerprints and conducting a criminal history record check for
893 a general occupational license shall be paid by the electronic
894 gaming machine licensee. The cost of processing fingerprints and
895 conducting a criminal history record check for a business or
896 professional occupational license shall be paid by the person
897 being checked. The Department of Law Enforcement may invoice the
898 division for the fingerprints submitted each month. Under
899 penalty of perjury, each person who is licensed or fingerprinted



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900 must agree to inform the division within 48 hours if he or she
901 is convicted of or enters a plea of guilty or nolo contendere to
902 any disqualifying offense, regardless of adjudication.

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

905 (9) The division may deny, revoke, or suspend any
906 occupational license if the applicant or licensee accumulates
907 unpaid obligations, defaults in obligations, or issues drafts or
908 checks that are dishonored or for which payment is refused
909 without reasonable cause.

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

914 (11) The division may impose a civil fine of up to \$5,000
915 for each violation of this act or the rules of the division in
916 addition to or in lieu of any other penalty. The division may
917 adopt a penalty schedule for violations for which it would
918 impose a fine in lieu of a suspension and adopt rules allowing
919 for the issuance of citations, including procedures to address
920 such citations, to persons who violate such rules. In addition
921 to any other penalty provided by law, the division may exclude
922 from all licensed electronic gaming machine facilities in this
923 state, for a period not to exceed the period of suspension,
924 revocation, or ineligibility, any person whose occupational
925 license application has been refused or who has been declared
926 ineligible to hold an occupational license or whose occupational
927 license has been suspended or revoked by the division.



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928 Section 9. Prohibited relationships.--

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

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

933 (b) Have or hold any interest, direct or indirect, in or
934 engage in any commerce or business relationship with any person
935 licensed by the division.

936 (2) A manufacturer or distributor of electronic gaming
937 machines may not enter into any contract with an electronic
938 gaming machine licensee which provides for any revenue sharing
939 that is directly or indirectly calculated on the basis of a
940 percentage of electronic gaming machine revenues. Any maneuver,
941 shift, or device whereby this subsection is violated is a
942 violation of this act and renders any such agreement void.

943 (3) A manufacturer or distributor of electronic gaming
944 machines or equipment necessary for the operation of electronic
945 gaming machines or an officer, director, or employee of any such
946 manufacturer or distributor may not have any ownership or
947 financial interest in an electronic gaming machine license or
948 any business owned by an electronic gaming machine licensee.

949 (4) An employee of the division or relative living in the
950 same household as the employee may not wager on an electronic
951 gaming machine located at a facility licensed by the division.

952 (5) An occupational licensee or relative living in the
953 same household as the licensee may not wager on an electronic
954 gaming machine located at a facility operated by such licensee.

955 Section 10. Prohibited acts; penalties.--



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956 (1) Except as otherwise provided by law and in addition to
957 any other penalty, a person who knowingly makes or causes to be
958 made, or aids, assists, or procures another to make, a false
959 statement in any report, disclosure, application, or other
960 document required under this act or under any rule adopted under
961 this act is subject to an administrative fine or civil penalty
962 of up to \$10,000.

963 (2) Except as otherwise provided by law and in addition to
964 any other penalty, a person who possesses an electronic gaming
965 machine without a license required by this act or who possesses
966 an electronic gaming machine at a location other than at the
967 electronic gaming machine licensee's facility is subject to an
968 administrative fine or civil penalty of up to \$10,000 per
969 machine. This prohibition does not apply to:

970 (a) Electronic gaming machine manufacturers or
971 distributors that hold appropriate licenses who are authorized
972 to maintain an electronic gaming machine storage and maintenance
973 facility in this state. The division may adopt rules regarding
974 security, inspection, and access to the storage facility.

975 (b) Certified educational facilities that are authorized
976 by the division to maintain electronic gaming machines for the
977 sole purpose of education and licensure of electronic gaming
978 machine technicians, inspectors, or investigators. The division
979 and the Department of Law Enforcement may possess electronic
980 gaming machines for training and testing purposes. The division
981 may adopt rules regarding the regulation of such electronic
982 gaming machines used for the sole purpose of education and

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983 licensure of electronic gaming machine technicians, inspectors,
984 or investigators.

985 (3) A person who knowingly excludes or attempts to
986 exclude, anything of value from the deposit, counting,
987 collection, or computation of revenues from electronic gaming
988 machine activity, or a person who by trick, sleight-of-hand
989 performance, fraud or fraudulent scheme, or device wins or
990 attempts to win, for himself or herself or for another, money or
991 property or a combination thereof, or reduces or attempts to
992 reduce a losing wager in connection with electronic gaming
993 commits a felony of the third degree, punishable as provided in
994 s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

995 (4) Any person who manipulates or attempts to manipulate
996 the outcome, payoff, or operation of an electronic gaming
997 machine by physical tampering or the use of an object,
998 instrument, or device, whether mechanical, electrical, or
999 magnetic, or by other means, commits a felony of the third
1000 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1001 775.084, Florida Statutes.

1002 (5) Theft of electronic gaming machine proceeds or
1003 property belonging to an electronic gaming machine operator,
1004 licensee, or licensed facility by an employee of the operator or
1005 facility or by an officer, partner, owner, or employee of a
1006 person contracted to provide services to the operator or
1007 facility constitutes a felony of the third degree, punishable as
1008 provided in s. 775.082 or s. 775.083, Florida Statutes.

1009 (6) (a) A law enforcement officer or electronic gaming
1010 machine operator who has probable cause to believe that a person



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1011 has committed a violation of subsection (3), subsection (4), or
1012 subsection (5) and that officer or operator can recover the lost
1013 proceeds from the activity by taking the person into custody
1014 may, for the purpose of attempting to effect the recovery of the
1015 proceeds, take into custody on the premises and detain the
1016 person in a reasonable manner for a reasonable time. If the
1017 operator takes the person into custody, a law enforcement
1018 officer shall be called to the scene immediately. The taking
1019 into custody and detention by a law enforcement officer or
1020 electronic gaming machine operator, if done in compliance with
1021 this subsection, does not render such law enforcement officer,
1022 or the officer's agency, or the electronic gaming machine
1023 operator criminally or civilly liable for false arrest, false
1024 imprisonment, or unlawful detention.

1025 (b) A law enforcement officer may arrest, on or off the
1026 premises and without warrant, any person if the officer has
1027 probable cause to believe that person has violated subsection
1028 (3), subsection (4), or subsection (5).

1029 (c) A person who resists the reasonable effort of a law
1030 enforcement officer or electronic gaming machine operator to
1031 take into custody a person who is violating subsection (3),
1032 subsection (4), or subsection (5) commits a misdemeanor of the
1033 first degree, punishable as provided in s. 775.082 or s.
1034 775.083, Florida Statutes, unless the person did not know or
1035 have reason to know that the person seeking to take him or her
1036 into custody was a law enforcement officer or electronic gaming
1037 machine operator.

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1038 (7) Penalties imposed and collected under this section
1039 must be deposited into the Pari-mutuel Wagering Trust Fund of
1040 the Department of Business and Professional Regulation.

1041 Section 11. Legal devices.--Notwithstanding any provision
1042 of law to the contrary, electronic gaming machines manufactured,
1043 sold, distributed, possessed, or operated pursuant to this act
1044 are lawful in this state. No electronic game or electronic
1045 gaming machine shall enter the state until it has been tested
1046 and certified by a licensed testing laboratory, and certified
1047 for play in the state. The division shall adopt rules regarding
1048 the testing, certification, control, and approval of electronic
1049 games and electronic gaming machines entering, departing, or
1050 moving within the state.

1051 Section 12. Exclusions of certain persons.--In addition to
1052 the power to exclude certain persons, the division may exclude
1053 any person from a facility of an electronic gaming machine
1054 licensee in this state for conduct that would constitute, if the
1055 person were a licensee, a violation of this act or the rules of
1056 the division. The division may exclude a person who has been
1057 ejected from a gaming facility or who has been excluded from a
1058 gaming facility in another state by the governmental authority
1059 exercising regulatory jurisdiction over the gaming in such other
1060 state. This section does not abrogate the common law right of an
1061 electronic gaming machine licensee to exclude a patron.

1062 Section 13. Persons prohibited from operating electronic
1063 gaming machines.--

1064 (1) A person who has not attained 21 years of age may not
1065 operate or play an electronic gaming machine or have access to



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1066 the designated electronic gaming machine area of a facility of
1067 an electronic gaming machine licensee.

1068 (2) An electronic gaming machine licensee or agent or
1069 employee of an electronic gaming machine licensee may not
1070 knowingly allow a person who has not attained 21 years of age:

1071 (a) To play or operate an electronic gaming machine.

1072 (b) To be employed in any position allowing or requiring
1073 access to the designated gaming area of a facility of an
1074 electronic gaming machine licensee.

1075 (c) To have access to the designated electronic gaming
1076 machine area of a facility of an electronic gaming machine
1077 licensee.

1078 (3) A licensed facility shall post clear and conspicuous
1079 signage within the designated electronic gaming machine areas
1080 which states:

1081
1082 THE PLAYING OF ELECTRONIC GAMING MACHINES BY PERSONS UNDER
1083 THE AGE OF 21 IS AGAINST FLORIDA LAW (CITE TO FLORIDA
1084 STATUTES SECTION). PROOF OF AGE MAY BE REQUIRED AT ANY
1085 TIME.

1086
1087 Section 14. Electronic gaming machine areas.--

1088 (1) An electronic gaming machine licensee may make
1089 available for play up to 2,000 electronic gaming machines within
1090 the eligible facility of the electronic gaming machine licensee
1091 in a designated electronic gaming machine area. No more than
1092 2,000 electronic gaming machines shall be authorized at a

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1093 facility regardless of the number of permit holders conducting
1094 operations at that facility.

1095 (2) The electronic gaming machine licensee shall display
1096 pari-mutuel races or games within the designated electronic
1097 gaming machine areas and offer patrons within such areas the
1098 opportunity to wager on live, intertrack, and simulcast races
1099 offered to the patrons.

1100 (3) The division shall require the posting of signs
1101 warning of the risks and dangers of gambling, showing the odds
1102 of winning, and informing patrons of the toll-free telephone
1103 number available to provide information and referral services
1104 regarding compulsive or problem gambling.

1105 (4) Designated electronic gaming machine areas may be
1106 located within the current live gaming facility or an existing
1107 building that is contiguous and connected to the live gaming
1108 facility. If such gaming area is to be located in a building
1109 that is not yet constructed, the new building must be contiguous
1110 and connected to the live gaming facility.

1111 (5) An electronic gaming machine licensee shall provide
1112 adequate office space at no cost to the division and the
1113 Department of Law Enforcement for the oversight of electronic
1114 gaming machine operations. The division shall adopt rules
1115 establishing criteria for adequate space, configuration, and
1116 location and needed electronic and technological requirements.

1117 Section 15. Days and hours of operation.--Electronic
1118 gaming machine areas may be open daily throughout the year. They
1119 may be open a cumulative total of 18 hours per day on Monday

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1120 through Friday and 24 hours per day on Saturday and Sunday and
1121 on holidays specified in s. 110.117(1), Florida Statutes.

1122 Section 16. Penalties.--The division may revoke or suspend
1123 an electronic gaming machine license issued under this act upon
1124 the willful violation by the licensee of any provision of this
1125 act or rule adopted under this act. In lieu of suspending or
1126 revoking an electronic gaming machine license, the division may
1127 impose a civil penalty against the licensee for such violation.
1128 Except as otherwise provided in this act, the division may not
1129 impose a penalty that exceeds \$100,000 for each count or
1130 separate offense. All fines collected must be deposited into the
1131 Pari-mutuel Wagering Trust Fund of the Department of Business
1132 and Professional Regulation.

1133 Section 17. Compulsive or addictive gambling prevention
1134 program.--

1135 (1) Each electronic gaming machine licensee shall offer
1136 training to employees on responsible gaming and shall work with
1137 a compulsive or addictive gambling prevention program to
1138 recognize problem gaming situations and implement responsible
1139 gaming programs and practices.

1140 (2) The division shall, subject to competitive bidding,
1141 contract for services related to the prevention of compulsive
1142 and addictive gambling. The contract shall require an
1143 advertising program to encourage responsible gaming practices
1144 and publicize a gambling telephone help line. Such
1145 advertisements must be made both publicly and inside the
1146 designated electronic gaming machine areas of the licensee's
1147 facilities. The terms of any contract for such services shall



1148 include accountability standards for any private provider. The
1149 failure of a private provider to meet any material term of the
1150 contract, including the accountability standards, constitutes a
1151 breach of contract or grounds for nonrenewal.

1152 (3) The compulsive or addictive gambling prevention
1153 program shall be funded from an annual nonrefundable regulatory
1154 fee of \$250,000 paid by each licensee.

1155 Section 18. Caterer's license.--An electronic gaming
1156 machine licensee is entitled to a caterer's license pursuant to
1157 s. 565.02, Florida Statutes, on days on which the pari-mutuel
1158 facility is open to the public for electronic gaming machine
1159 play.

1160 Section 19. Prohibited activities and devices;
1161 exceptions.--

1162 (1) Complimentary or reduced-cost alcoholic beverages may
1163 not be served to persons in the designated electronic gaming
1164 machine area. Alcoholic beverages served to persons in the
1165 designated electronic gaming machine area shall cost at least
1166 the same amount as alcoholic beverages served to the general
1167 public at any bar within the facility.

1168 (2) An electronic gaming machine licensee may not make
1169 loans, provide credit, or advance cash to enable a person to
1170 play an electronic gaming machine. This subsection does not
1171 prohibit automated ticket redemption machines that dispense cash
1172 from the redemption of tickets from being located in the
1173 designated electronic gaming machine area.

1174 (3) An automated teller machine or similar device designed
1175 to provide credit or dispense cash may not be located within the



1176 designated electronic gaming machine area of a facility of an
1177 electronic gaming machine licensee.

1178 (4) (a) An electronic gaming machine licensee may not
1179 accept or cash a check from any person within the designated
1180 electronic gaming machine area of a facility.

1181 (b) Except as provided in paragraph (c) for employees of
1182 the facility, an electronic gaming machine licensee may not
1183 accept or cash for any person within the facility a government-
1184 issued check, third-party check, or payroll check made payable
1185 to an individual.

1186 (c) Outside the designated electronic gaming machine area,
1187 an electronic gaming machine licensee or operator may accept or
1188 cash a check for an employee of the facility who is prohibited
1189 from wagering on an electronic gaming machine under s.
1190 551.108(5), Florida Statutes, a check made directly payable to a
1191 person licensed by the division, or a check made directly
1192 payable to the licensee or operator from:

- 1193 1. A pari-mutuel patron; or
1194 2. A pari-mutuel facility in any state.

1195 (d) Unless accepting or cashing a check is prohibited by
1196 this subsection, an electronic gaming machine licensee or
1197 operator may accept and deposit in its accounts checks received
1198 in the normal course of business.

1199 (5) An electronic gaming machine, or the computer
1200 operating system linking the electronic gaming machine, may be
1201 linked to any other electronic gaming machine or computer
1202 operating system within this state.

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1203 (6) An electronic gaming machine located within a licensed
1204 facility may accept only tickets or an electronic payment system
1205 for wagering and return or deliver payouts to the players in the
1206 form of tickets that may be exchanged for cash, merchandise, or
1207 other items of value. The use of coins, currency, credit or
1208 debit cards, tokens, or similar objects is prohibited. However,
1209 an electronic credit system may be used for receiving wagers and
1210 making payouts.

1211 Section 20. Rulemaking.--The division may adopt rules
1212 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to
1213 administer this act.

1214 Section 21. The Legislature finds and declares that it has
1215 exclusive authority over the conduct of all wagering occurring
1216 at electronic gaming machine facilities in this state. Only the
1217 Division of Pari-mutuel Wagering and other authorized state
1218 agencies may administer this act and regulate the electronic
1219 gaming machine industry, including operation of electronic
1220 gaming machine facilities, games, electronic gaming machines,
1221 and facilities-based computer systems authorized in this act and
1222 the rules adopted by the division.

1223 Section 22. Exception to s. 849.0931, Florida Statutes.--
1224 This act shall not apply to the use of player operated bingo
1225 aides used in bingo games conducted by charitable, nonprofit, or
1226 veterans' organizations authorized to conduct bingo under s.
1227 849.0931, Florida Statutes.

1228 Section 23. Paragraph (w) is added to subsection (1) of
1229 section 215.22, Florida Statutes, to read:

1230 215.22 Certain income and certain trust funds exempt.--

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1231 (1) The following income of a revenue nature or the
1232 following trust funds shall be exempt from the appropriation
1233 required by s. 215.20(1):

1234 (w) Taxes imposed on electronic gaming and electronic
1235 gaming machines at eligible pari-mutuel facilities.

1236 Section 24. Subsection (2) of section 849.15, Florida
1237 Statutes, is amended to read:

1238 849.15 Manufacture, sale, possession, etc., of coin-
1239 operated devices prohibited.--

1240 (2) Pursuant to section 2 of that chapter of the Congress
1241 of the United States entitled "An act to prohibit transportation
1242 of gaming devices in interstate and foreign commerce," approved
1243 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
1244 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
1245 acting by and through the duly elected and qualified members of
1246 its Legislature, does hereby in this section, and in accordance
1247 with and in compliance with the provisions of section 2 of such
1248 chapter of Congress, declare and proclaim that any county of the
1249 State of Florida within which slot machine gaming is authorized
1250 pursuant to chapter 551 or electronic gaming is authorized is
1251 exempt from the provisions of section 2 of that chapter of the
1252 Congress of the United States entitled "An act to prohibit
1253 transportation of gaming devices in interstate and foreign
1254 commerce," designated as 15 U.S.C. ss. 1171-1177, approved
1255 January 2, 1951. All shipments of gaming devices, including slot
1256 machines and electronic gaming machines, into any county of this
1257 state within which slot machine gaming is authorized pursuant to
1258 chapter 551 or electronic gaming is authorized at eligible pari-

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1259 mutuel facilities and the registering, recording, and labeling
1260 of which have been duly performed by the manufacturer or
1261 distributor thereof in accordance with sections 3 and 4 of that
1262 chapter of the Congress of the United States entitled "An act to
1263 prohibit transportation of gaming devices in interstate and
1264 foreign commerce," approved January 2, 1951, being ch. 1194, 64
1265 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,
1266 shall be deemed legal shipments thereof into this state provided
1267 the destination of such shipments is an eligible slot machine
1268 facility as defined in s. 551.102, an eligible electronic gaming
1269 machine facility, a certified educational facility, ~~or~~ the
1270 facility of a slot machine manufacturer or slot machine
1271 distributor as provided in s. 551.109(2)(a), a certified
1272 educational facility, or the facility of an electronic gaming
1273 machine manufacturer or electronic gaming machine distributor
1274 authorized to possess electronic gaming machines as provided in
1275 the act authorizing electronic gaming machines at eligible pari-
1276 mutuel facilities.

1277 Section 25. Subsections (1) and (2) of section 895.02,
1278 Florida Statutes, are amended to read:

1279 895.02 Definitions.--As used in ss. 895.01-895.08, the
1280 term:

1281 (1) "Racketeering activity" means to commit, to attempt to
1282 commit, to conspire to commit, or to solicit, coerce, or
1283 intimidate another person to commit:

1284 (a) Any crime that is chargeable by indictment or
1285 information under the following provisions of the Florida
1286 Statutes:

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- 1287 1. Section 210.18, relating to evasion of payment of
1288 cigarette taxes.
- 1289 2. Section 403.727(3)(b), relating to environmental
1290 control.
- 1291 3. Section 409.920 or s. 409.9201, relating to Medicaid
1292 fraud.
- 1293 4. Section 414.39, relating to public assistance fraud.
- 1294 5. Section 440.105 or s. 440.106, relating to workers'
1295 compensation.
- 1296 6. Section 443.071(4), relating to creation of a
1297 fictitious employer scheme to commit unemployment compensation
1298 fraud.
- 1299 7. Section 465.0161, relating to distribution of medicinal
1300 drugs without a permit as an Internet pharmacy.
- 1301 8. Sections 499.0051, 499.0052, 499.00535, 499.00545, and
1302 499.0691, relating to crimes involving contraband and
1303 adulterated drugs.
- 1304 9. Part IV of chapter 501, relating to telemarketing.
- 1305 10. Chapter 517, relating to sale of securities and
1306 investor protection.
- 1307 11. Section 550.235, s. 550.3551, or s. 550.3605, relating
1308 to dogracing and horseracing.
- 1309 12. Chapter 550, relating to jai alai frontons.
- 1310 13. Section 551.109, relating to slot machine gaming.
- 1311 14. Chapter 552, relating to the manufacture,
1312 distribution, and use of explosives.
- 1313 15. Chapter 560, relating to money transmitters, if the
1314 violation is punishable as a felony.

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- 1315 16. Chapter 562, relating to beverage law enforcement.
- 1316 17. Section 624.401, relating to transacting insurance
1317 without a certificate of authority, s. 624.437(4)(c)1., relating
1318 to operating an unauthorized multiple-employer welfare
1319 arrangement, or s. 626.902(1)(b), relating to representing or
1320 aiding an unauthorized insurer.
- 1321 18. Section 655.50, relating to reports of currency
1322 transactions, when such violation is punishable as a felony.
- 1323 19. Chapter 687, relating to interest and usurious
1324 practices.
- 1325 20. Section 721.08, s. 721.09, or s. 721.13, relating to
1326 real estate timeshare plans.
- 1327 21. Chapter 782, relating to homicide.
- 1328 22. Chapter 784, relating to assault and battery.
- 1329 23. Chapter 787, relating to kidnapping or human
1330 trafficking.
- 1331 24. Chapter 790, relating to weapons and firearms.
- 1332 25. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
1333 796.05, or s. 796.07, relating to prostitution and sex
1334 trafficking.
- 1335 26. Chapter 806, relating to arson.
- 1336 27. Section 810.02(2)(c), relating to specified burglary
1337 of a dwelling or structure.
- 1338 28. Chapter 812, relating to theft, robbery, and related
1339 crimes.
- 1340 29. Chapter 815, relating to computer-related crimes.
- 1341 30. Chapter 817, relating to fraudulent practices, false
1342 pretenses, fraud generally, and credit card crimes.

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- 1343 31. Chapter 825, relating to abuse, neglect, or
1344 exploitation of an elderly person or disabled adult.
- 1345 32. Section 827.071, relating to commercial sexual
1346 exploitation of children.
- 1347 33. Chapter 831, relating to forgery and counterfeiting.
- 1348 34. Chapter 832, relating to issuance of worthless checks
1349 and drafts.
- 1350 35. Section 836.05, relating to extortion.
- 1351 36. Chapter 837, relating to perjury.
- 1352 37. Chapter 838, relating to bribery and misuse of public
1353 office.
- 1354 38. Chapter 843, relating to obstruction of justice.
- 1355 39. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
1356 s. 847.07, relating to obscene literature and profanity.
- 1357 40. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
1358 849.25, relating to gambling.
- 1359 41. Chapter 874, relating to criminal street gangs.
- 1360 42. Chapter 893, relating to drug abuse prevention and
1361 control.
- 1362 43. Chapter 896, relating to offenses related to financial
1363 transactions.
- 1364 44. Sections 914.22 and 914.23, relating to tampering with
1365 a witness, victim, or informant, and retaliation against a
1366 witness, victim, or informant.
- 1367 45. Sections 918.12 and 918.13, relating to tampering with
1368 jurors and evidence.
- 1369 46. Provisions of law relating to electronic gaming and
1370 electronic gaming machines at eligible pari-mutuel facilities.

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1371 (b) Any conduct defined as "racketeering activity" under
1372 18 U.S.C. s. 1961(1).

1373 (2) "Unlawful debt" means any money or other thing of
1374 value constituting principal or interest of a debt that is
1375 legally unenforceable in this state in whole or in part because
1376 the debt was incurred or contracted:

1377 (a) In violation of any one of the following provisions of
1378 law:

1379 1. Section 550.235, s. 550.3551, or s. 550.3605, relating
1380 to dogracing and horseracing.

1381 2. Chapter 550, relating to jai alai frontons.

1382 3. Section 551.109, relating to slot machine gaming.

1383 4. Chapter 687, relating to interest and usury.

1384 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
1385 849.25, relating to gambling.

1386 6. Provisions of law relating to electronic gaming and
1387 electronic gaming machines at eligible pari-mutuel facilities.

1388 (b) In gambling activity in violation of federal law or in
1389 the business of lending money at a rate usurious under state or
1390 federal law.

1391 Section 26. (1) full-time equivalent positions are
1392 authorized, and the sums of \$ in recurring funds and
1393 \$ in nonrecurring funds for the 2008-2009 fiscal year are
1394 appropriated from the Pari-mutuel Wagering Trust Fund of the
1395 Department of Business and Professional Regulation for the
1396 purpose of carrying out all regulatory activities provided in
1397 this act. The Executive Office of the Governor shall place these
1398 funds and positions in reserve until the Department of Business

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1399 and Professional Regulation submits an expenditure plan for
1400 approval to the Executive Office of the Governor and the chair
1401 and vice chair of the Legislative Budget Commission in
1402 accordance with the provisions of s. 216.177, Florida Statutes.

1403 (2) The sums of \$ _____ in recurring funds and \$ _____
1404 in nonrecurring funds for the 2008-2009 fiscal year are
1405 appropriated from the Pari-mutuel Wagering Trust Fund of the
1406 Department of Business and Professional Regulation for transfer
1407 to the Department of Law Enforcement for the purpose of
1408 investigations, intelligence gathering, background
1409 investigations, and any other responsibilities as provided in
1410 this act. _____ full-time equivalent positions are authorized,
1411 and the sums of \$ _____ in recurring funds and \$ _____ in
1412 nonrecurring funds for the 2008-2009 fiscal year are
1413 appropriated from the Operating Trust Fund of the Department of
1414 Law Enforcement for the purpose of investigations, intelligence
1415 gathering, background investigations, and any other
1416 responsibilities as provided in this act. The Executive Office
1417 of the Governor shall place such funds and positions in reserve
1418 until the Department of Law Enforcement submits an expenditure
1419 plan for approval to the Executive Office of the Governor and
1420 the chair and vice chair of the Legislative Budget Commission in
1421 accordance with the provisions of s. 216.177, Florida Statutes.

1422 (3) The sum of \$1 million is appropriated annually from
1423 the Pari-mutuel Wagering Trust Fund of the Department of
1424 Business and Professional Regulation from revenues received
1425 pursuant to s. 551.118, Florida Statutes, for contract services
1426 related to the prevention of compulsive and addictive gambling.



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1427 Section 27. The Department of Business and Professional
1428 Regulation may expend the unreserved cash balance in the Pari-
1429 mutuel Wagering Trust Fund received from other revenue sources
1430 to implement electronic gaming regulation and investigations
1431 during fiscal year 2008-2009. Beginning as soon as is
1432 practicable, but no later than the 2009-2010 fiscal year, the
1433 department shall initiate repayment of such funds with
1434 electronic gaming machine license revenue sources until the full
1435 amount is reimbursed. The department shall submit a repayment
1436 plan for approval to the Executive Office of the Governor and
1437 the chair and vice chair of the Legislative Budget Commission in
1438 accordance with the provisions of s. 216.177, Florida Statutes.
1439 The repaid funds shall be subject to the requirements of s.
1440 550.135(2), Florida Statutes.

1441 Section 28. This act shall take effect upon becoming a
1442 law.

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1444
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1447 ===== T I T L E A M E N D M E N T =====

1448 And the title is amended as follows:

1449 Delete everything before the enacting clause
1450 and insert:

1451 A bill to be entitled
1452 An act relating to electronic gaming machines; authorizing
1453 electronic gaming machines in certain pari-mutuel
1454 facilities; providing definitions; providing powers and

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1455 duties of the Division of Pari-mutuel Wagering of the
1456 Department of Business and Professional Regulation and the
1457 Department of Law Enforcement; providing for rules;
1458 providing for licenses to conduct electronic gaming;
1459 providing for temporary licenses; providing for renewal of
1460 electronic gaming machine licenses; providing for license
1461 fees; providing for taxes; providing penalties; providing
1462 for occupational licenses; providing findings; providing
1463 for applications; providing for a fee; prohibiting certain
1464 relationships; prohibiting certain acts; providing
1465 penalties; providing for legality of electronic gaming
1466 machines; providing for exclusion of certain persons from
1467 the facilities; prohibiting persons under 21 years of age
1468 from operating electronic gaming machines; providing for
1469 electronic gaming machine areas within licensed gaming
1470 locations; providing for days and hours of operation of
1471 eligible facilities; providing for a compulsive-gambling-
1472 prevention program; providing penalties; providing for a
1473 caterer's license for food service at gambling
1474 establishments; prohibiting certain activities and
1475 devices; providing exceptions; providing for rules;
1476 providing for regulatory preemption to the state;
1477 providing exceptions to s. 849.0931, F.S.; amending s.
1478 215.22, F.S.; exempting taxes imposed on electronic gaming
1479 and electronic gaming machine revenue from specified
1480 service charges; amending s. 849.15, F.S.; providing for
1481 transportation of electronic gaming devices in accordance
1482 with federal law; amending s. 895.02, F.S.; providing that

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1483 specified violations related to electronic gaming and
1484 electronic gaming machines constitute racketeering
1485 activity; providing that certain debt incurred in
1486 violation of specified provisions relating to electronic
1487 gaming and electronic gaming machines constitutes unlawful
1488 debt; authorizing additional positions and providing
1489 appropriations; providing for the use of certain
1490 unreserved funds in the Pari-mutuel Wagering Trust Fund;
1491 providing for repayment of such funds; providing an
1492 effective date.