

By the Committee on Regulated Industries; and Senators Jones and King

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1 A bill to be entitled

2 An act relating to electronic gaming machines; authorizing  
3 electronic gaming machines in certain pari-mutuel  
4 facilities; providing definitions; providing powers and  
5 duties of the Division of Pari-mutuel Wagering of the  
6 Department of Business and Professional Regulation and the  
7 Department of Law Enforcement; providing for rules;  
8 providing for licenses to conduct electronic gaming;  
9 providing for temporary licenses; providing for renewal of  
10 electronic gaming machine licenses; providing for license  
11 fees; providing for taxes; providing penalties; providing  
12 for occupational licenses; providing findings; providing  
13 for applications; providing for a fee; prohibiting certain  
14 relationships; prohibiting certain acts; providing  
15 penalties; providing for legality of electronic gaming  
16 machines; providing for exclusion of certain persons from  
17 the facilities; prohibiting persons under 21 years of age  
18 from operating electronic gaming machines; providing for  
19 electronic gaming machine areas within licensed gaming  
20 locations; providing for days and hours of operation of  
21 eligible facilities; providing for a compulsive-gambling-  
22 prevention program; providing penalties; providing for a  
23 caterer's license for food service at gambling  
24 establishments; prohibiting certain activities and  
25 devices; providing exceptions; providing for rules;  
26 providing for regulatory preemption to the state;  
27 providing exceptions to ss. 849.0931 and 849.094, F.S.;  
28 amending s. 215.22, F.S.; exempting taxes imposed on  
29 electronic gaming and electronic gaming machine revenue

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30 from specified service charges; amending s. 550.002, F.S.;

31 providing for 100 live games at eligible jai alai

32 facilities; amending s. 849.15, F.S.; providing for

33 transportation of electronic gaming devices in accordance

34 with federal law; amending s. 895.02, F.S.; providing that

35 specified violations related to electronic gaming and

36 electronic gaming machines constitute racketeering

37 activity; providing that certain debt incurred in

38 violation of specified provisions relating to electronic

39 gaming and electronic gaming machines constitutes unlawful

40 debt; authorizing additional positions and providing

41 appropriations; providing for the use of certain

42 unreserved funds in the Pari-mutuel Wagering Trust Fund;

43 providing for repayment of such funds; providing an

44 effective date.

45

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

47

48 Section 1. Electronic gaming machines authorized.--An

49 electronic gaming machine licensee may possess electronic gaming

50 machines and operate electronic gaming machines at an eligible

51 facility, as defined by this act, where the licensee is

52 authorized to conduct pari-mutuel wagering activities pursuant to

53 chapter 550, Florida Statutes. Notwithstanding any other

54 provision of law, it is not a crime for a person to participate

55 in electronic gaming at a facility licensed to possess electronic

56 gaming machines or to operate electronic gaming machines as

57 described in this act.

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

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59       (1) "Bingo or game of bingo" means bingo as defined in s.  
60 849.0931(1), Florida Statutes, whether or not electronic,  
61 computer, or other technological aids are used in connection with  
62 the game of bingo. Such aids may include the use of entertainment  
63 displays, including spinning reels, video displays, associated  
64 bonus displays, and video poker. In order for a game of bingo to  
65 take place, at least two live players must be competing for a  
66 common prize. As such, player gaming machines that contain the  
67 game of bingo may not be house-banked games and may not be  
68 electronic or electromechanical facsimiles of any game of chance.  
69 Bingo consists of players competing against other players for  
70 prizes resulting from a random draw or electronic determination  
71 and release or announcement of numbers or other designations  
72 necessary to form the pre-designated game-winning pattern on an  
73 electronic bingo card. A game ends when a participating player  
74 receives a pre-designated game-winning pattern and consolation  
75 prizes, if any, are awarded.

76       (2) "Bonus prize" means a prize awarded in a bingo game in  
77 addition to the game-winning prize. The bonus prize may be based  
78 on different pre-designated and pre-announced patterns from the  
79 game-winning pattern, on achieving a winning pattern in a  
80 specified quantity of numbers or designations drawn or  
81 electronically determined and released, or on any combination of  
82 these conditions. A bonus prize may be awarded as an interim  
83 prize while players are competing for the game-winning prize or  
84 as a consolation prize after a player has won the game-winning  
85 prize.

86       (3) "Designated electronic gaming machine area" means any  
87 area of a facility of an electronic gaming machine licensee in

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88 which electronic gaming may be conducted in accordance with this  
89 act.

90 (4) "Distributor" means any person who sells, leases,  
91 offers, or otherwise provides, distributes, or services any  
92 electronic gaming machine or associated equipment, software, or  
93 other functions required for use or play of electronic gaming  
94 machines in this state. A manufacturer may be a distributor  
95 within the state.

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

98 (6) "Electronic game" means an electronically simulated  
99 bingo game played on an electronic gaming machine that, upon  
100 insertion of a ticket, or an electronic or account-based card, is  
101 available to play or simulate a game of bingo played on a network  
102 of electronic gaming machines. An electronic game may not be  
103 brought into this state until it has been tested and certified by  
104 a licensed testing laboratory and certified for play in this  
105 state. Electronic games simulating the game of bingo may not be  
106 house-banked. Bonus prizes and progressive prizes may be awarded  
107 to players at any licensed facility, and a player may receive a  
108 payoff in the form of tickets or electronic or account-based  
109 credits that may be exchanged for cash, merchandise, or other  
110 items of value.

111 (7) "Electronic gaming machine" means a player station,  
112 machine, or device, including associated equipment that is  
113 required to operate the player station, machine, or device, upon  
114 which an electronic game is played or operated. An electronic  
115 gaming machine may use spinning reels, video displays, video  
116 poker, or other similar technologies available now or in the

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117 future to convey outcomes to a player if the results displayed at  
118 the gaming machine are based upon simulated bingo game play, as  
119 approved by the department. No electronic game shall enter the  
120 state until it has been tested and certified by a licensed  
121 testing laboratory, and certified for play in the state. An  
122 electronic gaming machine must display one or more bingo cards to  
123 be used in the game before numbers or other designations for the  
124 game are randomly drawn. Any card in use by a player must be  
125 visible to the player during game play. All electronic gaming  
126 machines must be directly linked to a central computer for  
127 purposes of security, monitoring, and auditing. The central  
128 computer may not limit a facility's ability to deploy its  
129 electronic player tracking or electronic gaming accounting  
130 system. However, such systems must use a widely accepted open  
131 communications protocol to ensure interoperability among all  
132 manufacturers and to provide a player with the ability to  
133 seamlessly alternate play between the electronic gaming machines  
134 and electronic gaming machines of different licensed  
135 manufacturers. An electronic gaming machine is not a coin-  
136 operated amusement machine as defined in s. 212.02, Florida  
137 Statutes, or an amusement game or machine as described in s.  
138 849.161, Florida Statutes, and electronic gaming machines are not  
139 subject to the tax imposed by s. 212.05(1)(h), Florida Statutes.

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

143 (9) "Electronic gaming machine license" means a license  
144 issued by the division authorizing a licensee under chapter 550,  
145 Florida Statutes, to place and operate electronic gaming machines

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146 in an eligible facility.

147 (10) "Electronic gaming machine revenues" means all cash  
148 and property, except nonredeemable credits, received by the  
149 electronic gaming machine licensee from the operation of  
150 electronic gaming machines, less the amount of cash, cash  
151 equivalents, credits, and prizes paid to winners of electronic  
152 games.

153 (11) "Eligible facility" means any facility at which a  
154 licensee under chapter 550, Florida Statutes, conducted, during  
155 calendar year 2007, a full schedule of live racing or games, as  
156 defined in s. 550.002(11), Florida Statutes, including races or  
157 games under s. 550.475, Florida Statutes, or was authorized to  
158 conduct limited intertrack wagering under s. 550.6308, Florida  
159 Statutes, and which is not a slot machine facility licensed under  
160 chapter 551, Florida Statutes. A pari-mutuel facility may become  
161 an eligible facility if it meets the requirements of this  
162 subsection for the preceding 3 consecutive calendar years prior  
163 to submitting an application for a license to conduct electronic  
164 gaming.

165 (12) "Game-winning pattern" means a predetermined pattern  
166 on an electronic bingo card. Each game must have one game-winning  
167 pattern or arrangement that must be common to all players and may  
168 be won by multiple players simultaneously. A game-winning prize  
169 must be awarded in every game. The pattern designated as the  
170 game-winning pattern need not pay the highest prize available in  
171 the game. Other patterns may be designated for the award of bonus  
172 prizes in addition to the prize to be awarded based on the game-  
173 winning pattern.

174 (13) "Manufacturer" means any person who manufactures,

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175 builds, rebuilds, fabricates, assembles, produces, programs,  
176 designs, or modifies any electronic gaming machine or associated  
177 equipment for use or play in this state for gaming purposes. A  
178 manufacturer may be a distributor within the state.

179 (14) "Nonredeemable credits" means electronic gaming  
180 machine operating credits that cannot be redeemed for cash or any  
181 other thing of value by an electronic gaming machine, kiosk, or  
182 the electronic gaming machine licensee and that are provided free  
183 to patrons. Such credits are not nonredeemable credits until they  
184 are metered as credit into an electronic gaming machine and  
185 recorded in the facility-based monitoring system.

186 (15) "Progressive prize" means an established prize for a  
187 bingo game, funded by a percentage of each player's purchase or  
188 wager within one or more licensed facilities for a specific  
189 progressive bingo game, which is awarded to a player for  
190 obtaining a specific pre-designated and pre-announced pattern  
191 having a specified quantity of numbers or designations randomly  
192 drawn and released or electronically determined or randomly drawn  
193 and released or electronically determined in a specified  
194 sequence. The progressive prize must be rolled over to each  
195 subsequent specific progressive bingo game until it is won.

196 Section 3. Powers and duties of the division and the  
197 Department of Law Enforcement.--

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

202 (a) Procedures for applying for and renewing electronic  
203 gaming machine licenses.

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204       (b) Technical requirements and qualifications to receive an  
205 electronic gaming machine license or electronic gaming machine  
206 occupational license.

207       (c) Procedures to ensure that no electronic game or  
208 electronic gaming machine shall enter the state and be offered  
209 for play until it has been tested and certified by a licensed  
210 testing laboratory for play in the state. The procedures shall  
211 address measures to scientifically test and technically evaluate  
212 electronic gaming machines for compliance with this act. The  
213 division may contract with an independent testing laboratory to  
214 conduct any necessary testing. The independent testing laboratory  
215 must have a national reputation indicating that it is  
216 demonstrably competent and qualified to scientifically test and  
217 evaluate electronic games and electronic gaming machines and to  
218 perform the functions required by this act. An independent  
219 testing laboratory may not be owned or controlled by a licensee.  
220 The selection of an independent testing laboratory for any  
221 purpose related to the conduct of electronic gaming machines by a  
222 licensee shall be made from a list of laboratories approved by  
223 the division. The division shall adopt rules regarding the  
224 testing, certification, control, and approval of electronic games  
225 and electronic gaming machines.

226       (d) Procedures relating to electronic gaming machine  
227 revenues, including verifying and accounting for such revenues,  
228 auditing, and collecting taxes and fees.

229       (e)1. Procedures for regulating, managing, and auditing the  
230 operation, financial data, and program information relating to  
231 electronic gaming machines that enable the division and the  
232 Department of Law Enforcement to audit the operation, financial



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233 data, and program information of an electronic gaming machine  
234 licensee required by the division or the Department of Law  
235 Enforcement.

236 2. Procedures to allow the division and the Department of  
237 Law Enforcement to monitor, at any time on a real-time basis,  
238 wagering patterns, payouts, tax collection, and compliance with  
239 division rules, including the ability of the division or the  
240 Department of Law Enforcement to suspend play immediately on  
241 particular electronic gaming machines if such monitoring of the  
242 facilities-based computer system indicates possible tampering  
243 with or manipulation of the electronic gaming machines or the  
244 ability to immediately suspend play of the entire operation if  
245 the tampering or manipulation is of the computer system. The  
246 division shall notify the Department of Law Enforcement or the  
247 Department of Law Enforcement shall notify the division, as  
248 appropriate, when there is a suspension of play under this  
249 paragraph. The division and the Department of Law Enforcement  
250 shall exchange information that is necessary for and cooperate in  
251 the investigation of the circumstances requiring suspension of  
252 play.

253 (f) Procedures to require each licensee, at the licensee's  
254 expense, to supply the division a bond having the penal sum of \$2  
255 million payable to the Governor for each year of the licensee's  
256 electronic gaming machine operations. Any bond shall be issued by  
257 a surety approved by the division and the Chief Financial  
258 Officer, conditioned to pay the Chief Financial Officer as  
259 treasurer of the division. The licensee must keep its books and  
260 records and make reports as provided in this act and conduct  
261 electronic gaming machine operations in conformity with this act

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262 and other provisions of law. Such bond shall be separate from the  
263 bond required in s. 550.125, Florida Statutes.

264 (g) Procedures to require licensees to maintain specified  
265 records and submit any data, information, record, or report,  
266 including financial and income records, required by this act or  
267 rules of the division.

268 (h) A requirement that the payout percentage of an  
269 electronic gaming machine be no less than 85 percent. The  
270 theoretical payout percentage will be determined using standard  
271 methods of probability theory.

272 (i) Minimum standards for security of the facilities,  
273 including floor plans, security cameras, and other security  
274 equipment.

275 (j) Procedures to require electronic gaming machine  
276 licensees to implement and establish drug-testing programs for  
277 all electronic gaming machine occupational licensees.

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

280 (3) The Department of Law Enforcement and local law  
281 enforcement agencies have concurrent jurisdiction to investigate  
282 criminal violations of this act and may investigate any other  
283 criminal violation of law occurring at the facilities of an  
284 electronic gaming machine licensee. Such investigations may be  
285 conducted in conjunction with the appropriate state attorney.

286 (4) (a) The division, the Department of Law Enforcement, and  
287 local law enforcement agencies have unrestricted access to an  
288 electronic gaming machine licensee's facility at all times and  
289 shall require each electronic gaming machine licensee to strictly  
290 comply with the laws of this state relating to the transaction of

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291 such business. The division, the Department of Law Enforcement,  
292 and local law enforcement agencies may:

293 1. Inspect and examine premises where electronic gaming  
294 machines are offered for play.

295 2. Inspect electronic gaming machines and related equipment  
296 and supplies.

297 (b) In addition, the division may:

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

299 2. Deny, revoke, suspend, or place conditions on the  
300 license of a person who violates this act or rules adopted  
301 pursuant thereto.

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

306 (6) This section does not:

307 (a) Prohibit the Department of Law Enforcement or any law  
308 enforcement authority whose jurisdiction includes a licensed  
309 facility from conducting investigations of criminal activities  
310 occurring at the facility;

311 (b) Restrict access to an electronic gaming machine  
312 licensee's facility by the Department of Law Enforcement or any  
313 local law enforcement authority whose jurisdiction includes the  
314 electronic gaming machine licensee's facility; or

315 (c) Restrict access by the Department of Law Enforcement or  
316 local law enforcement authorities to information and records  
317 necessary to the investigation of criminal activity which are  
318 contained within the electronic gaming machine licensee's  
319 facility.

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

321 (1) Upon application and a finding by the division after  
322 investigation that the application is complete and the applicant  
323 is qualified and payment of the initial license fee, the division  
324 may issue a license to conduct electronic gaming in any  
325 designated electronic gaming machine area of an eligible  
326 facility.

327 (2) An electronic gaming machine license may be issued only  
328 to a person or entity licensed to conduct pari-mutuel wagering  
329 under chapter 550, Florida Statutes, and electronic gaming may be  
330 operated only at the eligible facility at which the licensee is  
331 authorized to conduct pari-mutuel wagering activities.

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

335 (a) Continue to comply with this act.

336 (b) Continue to comply with chapter 550, Florida Statutes,  
337 where applicable, and maintain the pari-mutuel permit and license  
338 in good standing pursuant to chapter 550, Florida Statutes.  
339 Notwithstanding any contrary provision of law, a pari-mutuel  
340 permitholder may, within 60 days after the effective date of this  
341 act, amend its pari-mutuel wagering operating license. The  
342 division shall issue a new license to the permitholder to  
343 effectuate any approved change.

344 (c) Conduct no fewer than a full schedule of live racing or  
345 games as defined in s. 550.002(11), Florida Statutes, including  
346 conducting races or games under s. 550.475, Florida Statutes, or  
347 be authorized to conduct limited intertrack wagering under s.  
348 550.6308, Florida Statutes, at the eligible facility. A

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349 permitholder's responsibility to conduct such number of live  
350 races or games shall be reduced by the number of races or games  
351 that could not be conducted due to the direct result of fire,  
352 war, hurricane, or other disaster or event beyond the control of  
353 the permitholder.

354 (d) Upon approval of any changes relating to the pari-  
355 mutuel permit by the division, provide appropriate current and  
356 accurate documentation, on a timely basis, to the division to  
357 maintain the electronic gaming machine license. Changes in  
358 ownership or interest in an electronic gaming machine license of  
359 5 percent or more of the stock or other evidence of ownership or  
360 equity in the electronic gaming machine license or of any parent  
361 corporation or other business entity that owns or controls the  
362 electronic gaming machine license must be approved by the  
363 division prior to such change, unless the owner is an existing  
364 holder of the license who was previously approved by the  
365 division. Any changes in ownership or interest in an electronic  
366 gaming machine license of less than 5 percent, unless such change  
367 results in a cumulative total of 5 percent or more, shall be  
368 reported to the division within 20 days after the change. The  
369 division may conduct an investigation to ensure that the license  
370 is properly updated to show the change in ownership or interest.  
371 Reporting is not required if the person is holding 5 percent or  
372 less equity or securities of a corporate owner of the electronic  
373 gaming machine licensee that has its securities registered  
374 pursuant to section 12 of the Securities Exchange Act of 1934, 15  
375 U.S.C. ss. 78a-78kk, and if such corporation or entity files with  
376 the United States Securities and Exchange Commission the reports  
377 required by section 13 of that act or if the securities of the

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378 corporation or entity are regularly traded on an established  
379 securities market in the United States. A change in ownership or  
380 interest of less than 5 percent which results in a cumulative  
381 ownership or interest of 5 percent or more must be approved by  
382 the division prior to such change unless the owner is an existing  
383 holder of the license who was previously approved by the  
384 division.

385 (e) Allow the division and the Department of Law  
386 Enforcement unrestricted access to and right of inspection of  
387 facilities of an electronic gaming machine licensee in which any  
388 activity relative to the operation of electronic gaming machines  
389 is conducted.

390 (f) Ensure that the facilities-based computer system that  
391 the licensee will use for operational and accounting functions of  
392 the electronic gaming machine facility is specifically structured  
393 to facilitate regulatory oversight. The facilities-based computer  
394 system shall be designed to give the division and the Department  
395 of Law Enforcement the ability to monitor, at any time on a real-  
396 time basis, the wagering patterns, payouts, tax collection, and  
397 such other operations as are necessary to determine whether the  
398 facility is in compliance with statutory provisions and rules  
399 adopted by the division for the regulation and control of  
400 electronic gaming machines. The division and the Department of  
401 Law Enforcement shall have continuous access to this system,  
402 including the ability of the division or the Department of Law  
403 Enforcement to suspend play immediately on particular electronic  
404 gaming machines if monitoring of the system indicates possible  
405 tampering with or manipulation of those electronic gaming  
406 machines or the ability to immediately suspend play of the entire

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407 operation if the tampering or manipulation is of the computer  
408 system. The computer system shall be reviewed and approved by the  
409 division to ensure necessary access, security, and functionality.  
410 The division may adopt rules to provide for the approval process.

411 (g) Ensure that each electronic gaming machine and  
412 electronic game is protected from manipulation or tampering to  
413 affect the random probabilities of winning plays. The division or  
414 the Department of Law Enforcement may suspend play upon  
415 reasonable suspicion of any manipulation or tampering. When play  
416 has been suspended on any electronic gaming machine, the division  
417 or the Department of Law Enforcement may examine any electronic  
418 gaming machine to determine whether the machine has been tampered  
419 with or manipulated and whether the machine should be returned to  
420 operation.

421 (h) Submit a security plan, including the facilities' floor  
422 plans, the locations of security cameras, and a listing of all  
423 security equipment that is capable of observing and  
424 electronically recording activities being conducted in the  
425 facilities of the electronic gaming machine licensee. The  
426 security plan must meet the minimum security requirements as  
427 determined by the division under this act, and be implemented  
428 prior to operation of electronic gaming machine games. The  
429 electronic gaming machine licensee's facilities must adhere to  
430 the security plan at all times. Any changes to the security plan  
431 must be submitted by the licensee to the division before they are  
432 implemented. The division shall furnish copies of the security  
433 plan and changes in the plan to the Department of Law  
434 Enforcement.

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

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436       1. Creating opportunities to purchase from vendors in this  
437 state, including minority vendors.

438       2. Creating opportunities for employment of residents of  
439 this state, including minority residents.

440       3. Ensuring opportunities for construction services from  
441 minority contractors.

442       4. Ensuring that opportunities for employment are offered  
443 on an equal, nondiscriminatory basis.

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

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

451  
452 The electronic gaming machine licensee shall use the Internet-  
453 based job-listing system of the Agency for Workforce Innovation  
454 in advertising employment opportunities. Beginning in June 2009,  
455 each electronic gaming machine licensee shall submit an annual  
456 report to the division containing information indicating  
457 compliance with this paragraph in regard to minority persons.

458       (j) Ensure that the payout percentage of an electronic  
459 gaming machine is no less than 85 percent. The theoretical payout  
460 percentage will be determined using standard methods of  
461 probability theory.

462       (5) An electronic gaming machine license is not  
463 transferable.

464       (6) An electronic gaming machine licensee shall keep and



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465 maintain permanent daily records of its electronic gaming machine  
466 operation and shall maintain such records for a period of not  
467 less than 5 years. These records must include all financial  
468 transactions and contain sufficient detail to determine  
469 compliance with this act. All records shall be available for  
470 audit and inspection by the division, the Department of Law  
471 Enforcement, or other law enforcement agencies during the  
472 licensee's regular business hours.

473 (7) An electronic gaming machine licensee shall file with  
474 the division a monthly report containing the required records of  
475 such electronic gaming machine operation. The required reports  
476 shall be submitted on forms prescribed by the division and shall  
477 be due at the same time as the monthly pari-mutuel reports are  
478 due. Such reports are public records once filed.

479 (8) An electronic gaming machine licensee shall file with  
480 the division an audit of the receipt and distribution of all  
481 electronic gaming machine revenues provided by an independent  
482 certified public accountant verifying compliance with all  
483 financial and auditing provisions of this act and rules adopted  
484 under this act. The audit must include verification of compliance  
485 with all statutes and rules regarding all required records of  
486 electronic gaming machine operations. Such audit shall be filed  
487 within 120 days after completion of the permitholder's fiscal  
488 year.

489 (9) The division may share any information with the  
490 Department of Law Enforcement, any other law enforcement agency  
491 with jurisdiction over electronic gaming machines or pari-mutuel  
492 activities, or any other state or federal law enforcement agency  
493 the division or the Department of Law Enforcement deems

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494 appropriate. Any law enforcement agency having jurisdiction over  
495 electronic gaming machines or pari-mutuel activities may share  
496 with the division information obtained or developed by it.

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

502 1. The applicant and the Florida Horsemen's Benevolent and  
503 Protective Association, Inc., or the association representing a  
504 majority of the thoroughbred owners and trainers at the  
505 applicant's eligible facility; or

506 2. The applicant and the Florida Standardbred Breeders and  
507 Owners Association, Inc., or the association representing a  
508 majority of the standardbred owners and trainers at the  
509 applicant's eligible facility; or

510 3. The applicant and the Florida Greyhound Association,  
511 Inc., or the association representing a majority of the greyhound  
512 owners and trainers at the applicant's eligible facility; or

513 4. The applicant and the Florida Quarter Horse Racing  
514 Association, Inc., or the association representing a majority of  
515 the quarter horse owners and trainers at the applicant's eligible  
516 facility; or

517 5. The applicant and the International Jai Alai Players  
518 Association or a binding written agreement approved by a majority  
519 of the jai alai players at the applicant's eligible facility.

520  
521 The agreement shall govern the payment of awards and purses on  
522 live thoroughbred, harness, quarter horse, and dog races or

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523 player awards on Jai Alai games conducted at the licensee's pari-  
524 mutuel facility.

525 (b) An electronic gaming machine license or renewal thereof  
526 may not be issued to such an applicant unless the applicant has  
527 on file with the division a binding written agreement between the  
528 applicant and the Florida Thoroughbred Breeders' Association,  
529 Inc., the Florida Standardbred Breeders and Owners Association,  
530 Inc., the Florida Quarter Horse Racing Association, Inc., or the  
531 association representing a majority of the racehorse owners and  
532 breeders at the applicant's eligible facility governing the  
533 payment of breeders', stallion, and special racing awards on live  
534 thoroughbred races conducted at the licensee's pari-mutuel  
535 facility. The agreement governing purses and the agreement  
536 governing awards may direct the payment of such purses and awards  
537 from revenues generated by any wagering or games the applicant is  
538 authorized to conduct under state law. All purses and awards are  
539 subject to the terms of chapter 550, Florida Statutes. All sums  
540 for breeders', stallion, and special racing awards shall be  
541 remitted monthly to the Florida Thoroughbred Breeders'  
542 Association, Inc., for the payment of awards subject to the  
543 administrative fee authorized in s. 550.2625(3), Florida  
544 Statutes.

545 (c) An electronic gaming machine license or renewal thereof  
546 may not be issued to an applicant licensed to conduct intertrack  
547 wagering under s. 550.6308, Florida Statutes, unless the  
548 applicant has on file with the division a binding written  
549 agreement between the applicant and the Florida Thoroughbred  
550 Breeders' Association, Inc., dedicating to the payment of  
551 breeders', stallion, and special racing awards on live

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552 thoroughbred races conducted in this state at least the same  
553 percentage of electronic gaming machine revenues as the highest  
554 percentage of electronic gaming machine revenues dedicated to  
555 purses and awards in a current agreement under this subsection by  
556 an applicant licensed under chapter 550, Florida Statutes, to  
557 conduct live thoroughbred races, with at least half of such funds  
558 distributed as special racing awards.

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

565 (e)1. If an agreement required under paragraph (a) cannot  
566 be reached prior to the initial issuance of the electronic gaming  
567 machine license, either party may request arbitration or, in the  
568 case of a renewal, if such agreement is not in place 120 days  
569 prior to the scheduled expiration date of the electronic gaming  
570 machine license, the applicant shall immediately ask the American  
571 Arbitration Association to furnish a list of 11 arbitrators, each  
572 of whom shall have at least 5 years of commercial arbitration  
573 experience and no financial interest in or prior relationship  
574 with any party or with an affiliated or related entity or  
575 principal. Each required party to the agreement shall select a  
576 single arbitrator from the list within 10 days after receipt, and  
577 the persons selected shall choose one additional arbitrator from  
578 the list within 10 days.

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

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581 case of an initial electronic gaming machine license or, in the  
582 case of a renewal, 60 days prior to the scheduled expiration date  
583 of the license, the matter shall be immediately submitted to  
584 mandatory binding arbitration. The three arbitrators selected  
585 pursuant to subparagraph 1. shall conduct the arbitration  
586 pursuant to the American Arbitration Association Commercial  
587 Arbitration Rules and chapter 682, Florida Statutes.

588 3. At the conclusion of the proceedings, which may be no  
589 later than 90 days after the request under subparagraph 1. in the  
590 case of an initial electronic gaming machine license or, in the  
591 case of a renewal, 30 days prior to the scheduled expiration date  
592 of the electronic gaming machine license, the arbitration panel  
593 shall present to the parties a proposed agreement that the  
594 majority of the panel believes equitably balances the rights,  
595 interests, obligations, and reasonable expectations of the  
596 parties. The parties shall immediately enter into such agreement,  
597 which shall satisfy the requirements of paragraph (a) and permit  
598 issuance of the pending annual electronic gaming machine license  
599 or renewal. The agreement shall be effective until the last day  
600 of the license or renewal period or until the parties enter into  
601 a different agreement. Each party shall pay its respective costs  
602 of arbitration and shall pay one-half of the costs of the  
603 arbitration panel, unless the parties otherwise agree. If the  
604 agreement remains in place 120 days prior to the scheduled  
605 issuance of the next annual license renewal, the arbitration  
606 process established in this paragraph shall begin again.

607 4. If neither agreement required under paragraph (a) is in  
608 place by the deadlines established in this paragraph, arbitration  
609 regarding each agreement will proceed independently, with

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610 separate lists of arbitrators, arbitration panels, arbitration  
611 proceedings, and resulting agreements.

612 5. With respect to the agreement required under paragraph  
613 (a) governing the payment of purses, the arbitration and  
614 resulting agreement is limited to the payment of purses from  
615 electronic gaming machine revenues only.

616 (f) If any provision of this subsection or its application  
617 to any person or circumstance is held invalid, the invalidity  
618 does not affect other provisions or applications of this  
619 subsection or act which can be given effect without the invalid  
620 provision or application, and to this end the provisions of this  
621 subsection are severable.

622 Section 5. Temporary licenses.--

623 (1) Notwithstanding any provision of s. 120.60, Florida  
624 Statutes, to the contrary, the division may issue a temporary  
625 occupational license upon receipt of a complete application and a  
626 determination that the applicant has not been convicted of or had  
627 adjudication withheld on any disqualifying criminal offense. The  
628 temporary occupational license remains valid until the division  
629 grants an occupational license or notifies the applicant of its  
630 intended decision to deny the license pursuant to the provisions  
631 of s. 120.60, Florida Statutes. The division shall adopt rules to  
632 administer this subsection. However, not more than one temporary  
633 license may be issued for any person in any year.

634 (2) A temporary license issued under this section is  
635 nontransferable.

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

637 (1) An electronic gaming machine license is effective for 1  
638 year after issuance and shall be renewed annually. The

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639 application for renewal must contain all revisions to the  
640 information submitted in the prior year's application which are  
641 necessary to maintain such information as accurate and current.

642 (2) The applicant for renewal shall attest that any  
643 information changes do not affect such applicant's qualifications  
644 for license renewal.

645 (3) Upon determination by the division that the application  
646 for renewal is complete and qualifications have been met,  
647 including payment of the renewal fee, the license shall be  
648 renewed.

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

650 (1) LICENSE FEE.--

651 (a) Upon submission of the initial application for an  
652 electronic gaming machine license and annually thereafter, on the  
653 anniversary date of the issuance of the initial license, the  
654 licensee must pay to the division a nonrefundable license fee of  
655 \$3 million for the succeeding 12 months of licensure. The fee  
656 shall be deposited into the Pari-mutuel Wagering Trust Fund of  
657 the Department of Business and Professional Regulation to be used  
658 by the division and the Department of Law Enforcement for  
659 investigations, regulation of electronic gaming, and enforcement  
660 of electronic gaming provisions. These payments shall be  
661 accounted for separately from taxes or fees paid pursuant to the  
662 provisions of chapters 550 or 551, Florida Statutes.

663 (b) The division shall evaluate the license fee and submit  
664 recommendations in the legislative budget request regarding the  
665 optimum level of electronic gaming machine license fees required  
666 to adequately support the electronic gaming machine regulatory  
667 program.

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

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

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

675        (b) The electronic gaming machine revenue tax imposed by  
676 this section shall be paid to the division for deposit into the  
677 Pari-mutuel Wagering Trust Fund for immediate transfer by the  
678 Chief Financial Officer for deposit into the Educational  
679 Enhancement Trust Fund of the Department of Education. Any  
680 interest earnings on the tax revenues shall also be transferred  
681 to the Educational Enhancement Trust Fund.

682        (c)1. Funds transferred to the Educational Enhancement  
683 Trust Fund shall be used to supplement public education funding  
684 statewide.

685        2. If necessary to comply with any covenant established  
686 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),  
687 Florida Statutes, funds transferred to the Educational  
688 Enhancement Trust Fund shall first be available to pay debt  
689 service on lottery bonds issued to fund school construction in  
690 the event lottery revenues are insufficient for such purpose or  
691 to satisfy debt service reserve requirements established in  
692 connection with lottery bonds. Moneys available pursuant to this  
693 subparagraph are subject to annual appropriation by the  
694 Legislature.

695        (3) PAYMENT AND DISPOSITION OF TAXES.--Payment for the tax  
696 on electronic gaming machine revenues imposed by this section



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697 shall be paid to the division. The division shall deposit such  
698 funds with the Chief Financial Officer, to the credit of the  
699 Pari-mutuel Wagering Trust Fund. The electronic gaming machine  
700 licensee shall remit to the division payment for the tax on  
701 electronic gaming machine revenues by 3 p.m. Wednesday of each  
702 week for taxes imposed and collected for the preceding week  
703 ending on Sunday. The electronic gaming machine licensee shall  
704 file a report under oath by the 5th day of each calendar month  
705 for all taxes remitted during the preceding calendar month. Such  
706 payments shall be accompanied by a report under oath showing all  
707 electronic gaming machine activities for the preceding calendar  
708 month and such other information as may be prescribed by the  
709 division.

710 (4) FAILURE TO PAY TAX; PENALTIES.--An electronic gaming  
711 machine licensee who does not make tax payments required under  
712 this section is subject to an administrative penalty of up to  
713 \$10,000 for each day the tax payment is not remitted. All  
714 administrative penalties imposed and collected shall be deposited  
715 into the Pari-mutuel Wagering Trust Fund of the Department of  
716 Business and Professional Regulation. If an electronic gaming  
717 machine licensee does not pay penalties imposed by the division,  
718 the division may suspend, revoke, or refuse to renew the license  
719 of the electronic gaming machine licensee.

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

723 Section 8. Electronic gaming machine occupational license;  
724 findings; application; fee.--

725 (1) The Legislature finds that licensees under this section

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726 require heightened state scrutiny, including the submission by  
727 individual licensees or persons associated with those entities  
728 described in this act of fingerprints for a criminal history  
729 record check.

730 (2) (a) The following electronic gaming machine occupational  
731 licenses shall be issued to applicants that, by virtue of the  
732 positions they hold, might be granted access to electronic gaming  
733 machine areas or to any other person or entity in one of the  
734 following categories:

735 1. General occupational licenses for general employees,  
736 including food service, maintenance, and other similar service  
737 and support employees having access to the electronic gaming  
738 machine area.

739 2. Professional occupational licenses for any person,  
740 proprietorship, partnership, corporation, or other entity that is  
741 authorized by an electronic gaming machine licensee to manage,  
742 oversee, or otherwise control daily operations as an electronic  
743 gaming machine manager, floor supervisor, security personnel, or  
744 other similar position of oversight of gaming operations, or any  
745 person who is not an employee of the electronic gaming machine  
746 licensee and who provides maintenance, repair, or upgrades or  
747 otherwise services an electronic gaming machine or other  
748 electronic gaming machine equipment.

749 3. Business occupational licenses for any electronic gaming  
750 machine management company or company associated with electronic  
751 gaming, any person who manufactures, distributes, or sells  
752 electronic gaming machines, electronic gaming machine  
753 paraphernalia, or other associated equipment to electronic gaming  
754 machine licensees, or any company that sells or provides goods or

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755 services associated with electronic gaming to electronic gaming  
756 machine licensees.

757 (b) The division may issue one license in order to combine  
758 licenses under this section with pari-mutuel occupational  
759 licenses and cardroom licenses pursuant to s. 550.105(2)(b),  
760 Florida Statutes. The division shall adopt rules pertaining to  
761 occupational licenses under this subsection. Such rules may  
762 specify requirements and restrictions for licensed occupations  
763 and categories, procedures to apply for a license or combination  
764 of licenses, disqualifying criminal offenses for a licensed  
765 occupation or categories of occupations, and which types of  
766 occupational licenses may be combined into a single license under  
767 this section. The fingerprinting requirements of subsection (7)  
768 apply to any combination license that includes electronic gaming  
769 machine license privileges. The division may not adopt a rule  
770 allowing the issuance of an occupational license to any person  
771 who does not meet the minimum background qualifications of this  
772 section.

773 (c) Electronic gaming machine occupational licenses are not  
774 transferable.

775 (3) An electronic gaming machine licensee may not employ or  
776 otherwise allow a person to work at a licensed facility unless  
777 such person holds the appropriate valid occupational license. An  
778 electronic gaming machine licensee may not contract or otherwise  
779 conduct business with a business required to hold an electronic  
780 gaming machine occupational license unless the business holds  
781 such a license. An electronic gaming machine licensee may not  
782 employ or otherwise allow a person to work in a supervisory or  
783 management professional level at a licensed facility unless such

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784 person holds a valid electronic gaming machine occupational  
785 license. All electronic gaming machine occupational licensees,  
786 while present in electronic gaming machine areas, shall display  
787 on their persons their occupational license identification cards.

788 (4) (a) A person seeking an electronic gaming machine  
789 occupational license or renewal thereof shall apply on forms  
790 prescribed by the division and include payment of the appropriate  
791 application fee. Initial and renewal applications for electronic  
792 gaming machine occupational licenses must contain all information  
793 that the division, by rule, requires.

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

797 (c) Pursuant to rules adopted by the division, any person  
798 may apply for and, if qualified, be issued an electronic gaming  
799 machine occupational license valid for a period of 3 years upon  
800 payment of the full occupational license fee for each of the 3  
801 years for which the license is issued. The electronic gaming  
802 machine occupational license is valid during its specified term  
803 at any licensed facility where electronic gaming machine gaming  
804 is authorized to be conducted.

805 (d) The electronic gaming machine occupational license fee  
806 for initial application and annual renewal shall be determined by  
807 rule of the division but may not exceed \$50 for a general or  
808 professional occupational license for an employee of the  
809 electronic gaming machine licensee or \$1,000 for a business  
810 occupational license for nonemployees of the licensee who provide  
811 goods or services to the electronic gaming machine licensee.  
812 License fees for general occupational licenses shall be paid by

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813 the electronic gaming machine licensee. Failure to pay the  
814 required fee constitutes grounds for disciplinary action by the  
815 division against the electronic gaming machine licensee, but it  
816 is not a violation of this act or rules of the division by the  
817 general occupational licensee and does not prohibit the initial  
818 issuance or the renewal of the general occupational license.

819 (5) The division may:

820 (a) Deny an application for, or revoke, suspend, or place  
821 conditions or restrictions on, a license of an applicant or  
822 licensee that has been refused a license by another state gaming  
823 commission, governmental department, agency, or other authority  
824 exercising regulatory jurisdiction over the gaming of another  
825 state or jurisdiction; or

826 (b) Deny an application for, or suspend, or place  
827 conditions on a license of any applicant or licensee that is  
828 under suspension or has unpaid fines in another state or  
829 jurisdiction.

830 (6) (a) The division may deny, suspend, revoke, or refuse to  
831 renew any electronic gaming machine occupational license if the  
832 applicant or licensee has violated this act or the rules  
833 governing the conduct of persons connected with electronic games  
834 or electronic gaming. In addition, the division may deny,  
835 suspend, revoke, or refuse to renew any electronic gaming machine  
836 occupational license if the applicant or licensee has been  
837 convicted under the laws of this state or of another state, or  
838 under the laws of the United States, of a capital felony, a  
839 felony, or an offense in another state which would be a felony  
840 under the laws of this state involving arson; trafficking in,  
841 conspiracy to traffic in, smuggling, importing, conspiracy to

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842 smuggle or import, or delivery, sale, or distribution of a  
843 controlled substance; racketeering; or a crime showing a lack of  
844 good moral character, or has had a gaming license revoked by this  
845 state or another jurisdiction for any gaming-related offense.

846 (b) The division may deny, revoke, or refuse to renew any  
847 electronic gaming machine occupational license if the applicant  
848 or licensee has been convicted of a felony or misdemeanor in this  
849 state, in another state, or under the laws of the United States  
850 if such felony or misdemeanor is related to gambling or  
851 bookmaking as described in s. 849.25, Florida Statutes.

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

856 (7) Fingerprints for electronic gaming machine occupational  
857 license applications shall be taken in a manner approved by the  
858 division and shall be submitted electronically to the Department  
859 of Law Enforcement for state processing and to the Federal Bureau  
860 of Investigation for national processing for a criminal history  
861 record check. All persons as specified in s. 550.1815(1)(a),  
862 Florida Statutes, employed by or working within licensed premises  
863 shall submit fingerprints for a criminal history record check and  
864 may not have been convicted of any disqualifying criminal  
865 offenses specified in subsection (6). Division employees and law  
866 enforcement officers assigned to work within such premises as  
867 part of their official duties are excluded from the criminal  
868 history record check requirements. As used in this subsection,  
869 the term "convicted" means having been found guilty, with or  
870 without adjudication of guilt, as a result of a jury verdict,

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871 nonjury trial, or entry of a plea of guilty or nolo contendere.

872 (a) Fingerprints shall be taken in a manner approved by the  
873 division upon initial application, or as required thereafter by  
874 rule of the division, and shall be submitted electronically to  
875 the Department of Law Enforcement for state processing. The  
876 Department of Law Enforcement shall forward the fingerprints to  
877 the Federal Bureau of Investigation for national processing. The  
878 results of the criminal history record check shall be returned to  
879 the division for screening. Licensees shall provide necessary  
880 equipment, approved by the Department of Law Enforcement, to  
881 facilitate such electronic submission. The division requirements  
882 shall be instituted in consultation with the Department of Law  
883 Enforcement.

884 (b) The cost of processing fingerprints and conducting a  
885 criminal history record check for a general occupational license  
886 shall be paid by the electronic gaming machine licensee. The cost  
887 of processing fingerprints and conducting a criminal history  
888 record check for a business or professional occupational license  
889 shall be paid by the person being checked. The Department of Law  
890 Enforcement may invoice the division for the fingerprints  
891 submitted each month.

892 (c) All fingerprints submitted to the Department of Law  
893 Enforcement shall be retained by the Department of Law  
894 Enforcement and entered into the statewide automated fingerprint  
895 identification system as authorized by s. 943.05(2)(b), Florida  
896 Statutes, and shall be available for all purposes and uses  
897 authorized for arrest fingerprint cards in the statewide  
898 automated fingerprint identification system pursuant to s.  
899 943.051, Florida Statutes.

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900        (d) The Department of Law Enforcement shall search all  
901 arrest fingerprints received pursuant to s. 943.051, Florida  
902 Statutes, against the fingerprints retained in the statewide  
903 automated fingerprint identification system. Any arrest record  
904 that is identified with the retained fingerprints of a person  
905 subject to the criminal history screening requirements shall be  
906 reported to the division. Each licensed facility shall pay a fee  
907 for the cost of retention of the fingerprints and the ongoing  
908 searches under this paragraph. The division shall forward the fee  
909 to the Department of Law Enforcement. The amount of the fee to be  
910 imposed for such searches and the procedures for the retention of  
911 licensee fingerprints shall be as established by rule of the  
912 Department of Law Enforcement. The division shall inform the  
913 Department of Law Enforcement of any change in the license status  
914 of licensees whose fingerprints are retained.

915        (e) The division shall request the Department of Law  
916 Enforcement to forward the fingerprints to the Federal Bureau of  
917 Investigation for a national criminal history records check every  
918 3 years following issuance of a license. If the fingerprints of a  
919 person who is licensed have not been retained by the Department  
920 of Law Enforcement, the person must file a complete set of  
921 fingerprints as provided in paragraph (a). The division shall  
922 collect the fees for the cost of the national criminal history  
923 record check and shall forward the payment to the Department of  
924 Law Enforcement. The cost of processing fingerprints and  
925 conducting a criminal history record check for a general  
926 occupational license shall be paid by the electronic gaming  
927 machine licensee. The cost of processing fingerprints and  
928 conducting a criminal history record check for a business or



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929 professional occupational license shall be paid by the person  
930 being checked. The Department of Law Enforcement may invoice the  
931 division for the fingerprints submitted each month. Under penalty  
932 of perjury, each person who is licensed or fingerprinted must  
933 agree to inform the division within 48 hours if he or she is  
934 convicted of or enters a plea of guilty or nolo contendere to any  
935 disqualifying offense, regardless of adjudication.

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

938 (9) The division may deny, revoke, or suspend any  
939 occupational license if the applicant or licensee accumulates  
940 unpaid obligations, defaults in obligations, or issues drafts or  
941 checks that are dishonored or for which payment is refused  
942 without reasonable cause.

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

947 (11) The division may impose a civil fine of up to \$5,000  
948 for each violation of this act or the rules of the division in  
949 addition to or in lieu of any other penalty. The division may  
950 adopt a penalty schedule for violations for which it would impose  
951 a fine in lieu of a suspension and adopt rules allowing for the  
952 issuance of citations, including procedures to address such  
953 citations, to persons who violate such rules. In addition to any  
954 other penalty provided by law, the division may exclude from all  
955 licensed electronic gaming machine facilities in this state, for  
956 a period not to exceed the period of suspension, revocation, or  
957 ineligibility, any person whose occupational license application

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958 has been refused or who has been declared ineligible to hold an  
959 occupational license or whose occupational license has been  
960 suspended or revoked by the division.

961 Section 9. Prohibited relationships.--

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

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

966 (b) Have or hold any interest, direct or indirect, in or  
967 engage in any commerce or business relationship with any person  
968 licensed by the division.

969 (2) A manufacturer or distributor of electronic gaming  
970 machines may not enter into any contract with an electronic  
971 gaming machine licensee which provides for any revenue sharing  
972 that is directly or indirectly calculated on the basis of a  
973 percentage of electronic gaming machine revenues. Any maneuver,  
974 shift, or device whereby this subsection is violated is a  
975 violation of this act and renders any such agreement void.

976 (3) A manufacturer or distributor of electronic gaming  
977 machines or equipment necessary for the operation of electronic  
978 gaming machines or an officer, director, or employee of any such  
979 manufacturer or distributor may not have any ownership or  
980 financial interest in an electronic gaming machine license or any  
981 business owned by an electronic gaming machine licensee.

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

985 (5) An occupational licensee or relative living in the same  
986 household as the licensee may not wager on an electronic gaming

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987 machine located at a facility operated by such licensee.

988 Section 10. Prohibited acts; penalties.--

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

996 (2) Except as otherwise provided by law and in addition to  
997 any other penalty, a person who possesses an electronic gaming  
998 machine without a license required by this act or who possesses  
999 an electronic gaming machine at a location other than at the  
1000 electronic gaming machine licensee's facility is subject to an  
1001 administrative fine or civil penalty of up to \$10,000 per  
1002 machine. This prohibition does not apply to:

1003 (a) Electronic gaming machine manufacturers or distributors  
1004 that hold appropriate licenses who are authorized to maintain an  
1005 electronic gaming machine storage and maintenance facility in  
1006 this state. The division may adopt rules regarding security,  
1007 inspection, and access to the storage facility.

1008 (b) Certified educational facilities that are authorized by  
1009 the division to maintain electronic gaming machines for the sole  
1010 purpose of education and licensure of electronic gaming machine  
1011 technicians, inspectors, or investigators. The division and the  
1012 Department of Law Enforcement may possess electronic gaming  
1013 machines for training and testing purposes. The division may  
1014 adopt rules regarding the regulation of such electronic gaming  
1015 machines used for the sole purpose of education and licensure of

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1016 electronic gaming machine technicians, inspectors, or  
1017 investigators.

1018 (3) A person who knowingly excludes or attempts to exclude,  
1019 anything of value from the deposit, counting, collection, or  
1020 computation of revenues from electronic gaming machine activity,  
1021 or a person who by trick, sleight-of-hand performance, fraud or  
1022 fraudulent scheme, or device wins or attempts to win, for himself  
1023 or herself or for another, money or property or a combination  
1024 thereof, or reduces or attempts to reduce a losing wager in  
1025 connection with electronic gaming commits a felony of the third  
1026 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1027 775.084, Florida Statutes.

1028 (4) Any person who manipulates or attempts to manipulate  
1029 the outcome, payoff, or operation of an electronic gaming machine  
1030 by physical tampering or the use of an object, instrument, or  
1031 device, whether mechanical, electrical, or magnetic, or by other  
1032 means, commits a felony of the third degree, punishable as  
1033 provided in s. 775.082, s. 775.083, or s. 775.084, Florida  
1034 Statutes.

1035 (5) Theft of electronic gaming machine proceeds or property  
1036 belonging to an electronic gaming machine operator, licensee, or  
1037 licensed facility by an employee of the operator or facility or  
1038 by an officer, partner, owner, or employee of a person contracted  
1039 to provide services to the operator or facility constitutes a  
1040 felony of the third degree, punishable as provided in s. 775.082  
1041 or s. 775.083, Florida Statutes.

1042 (6) (a) A law enforcement officer or electronic gaming  
1043 machine operator who has probable cause to believe that a person  
1044 has committed a violation of subsection (3), subsection (4), or

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1045 subsection (5) and that officer or operator can recover the lost  
1046 proceeds from the activity by taking the person into custody may,  
1047 for the purpose of attempting to effect the recovery of the  
1048 proceeds, take into custody on the premises and detain the person  
1049 in a reasonable manner for a reasonable time. If the operator  
1050 takes the person into custody, a law enforcement officer shall be  
1051 called to the scene immediately. The taking into custody and  
1052 detention by a law enforcement officer or electronic gaming  
1053 machine operator, if done in compliance with this subsection,  
1054 does not render such law enforcement officer, or the officer's  
1055 agency, or the electronic gaming machine operator criminally or  
1056 civilly liable for false arrest, false imprisonment, or unlawful  
1057 detention.

1058 (b) A law enforcement officer may arrest, on or off the  
1059 premises and without warrant, any person if the officer has  
1060 probable cause to believe that person has violated subsection  
1061 (3), subsection (4), or subsection (5).

1062 (c) A person who resists the reasonable effort of a law  
1063 enforcement officer or electronic gaming machine operator to take  
1064 into custody a person who is violating subsection (3), subsection  
1065 (4), or subsection (5) commits a misdemeanor of the first degree,  
1066 punishable as provided in s. 775.082 or s. 775.083, Florida  
1067 Statutes, unless the person did not know or have reason to know  
1068 that the person seeking to take him or her into custody was a law  
1069 enforcement officer or electronic gaming machine operator.

1070 (7) Penalties imposed and collected under this section must  
1071 be deposited into the Pari-mutuel Wagering Trust Fund of the  
1072 Department of Business and Professional Regulation.

1073 Section 11. Legal devices.--Notwithstanding any provision

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1074 of law to the contrary, electronic gaming machines manufactured,  
1075 sold, distributed, possessed, or operated pursuant to this act  
1076 are lawful in this state. No electronic game or electronic gaming  
1077 machine shall enter the state until it has been tested and  
1078 certified by a licensed testing laboratory, and certified for  
1079 play in the state. The division shall adopt rules regarding the  
1080 testing, certification, control, and approval of electronic games  
1081 and electronic gaming machines entering, departing, or moving  
1082 within the state.

1083       Section 12. Exclusions of certain persons.--In addition to  
1084 the power to exclude certain persons, the division may exclude  
1085 any person from a facility of an electronic gaming machine  
1086 licensee in this state for conduct that would constitute, if the  
1087 person were a licensee, a violation of this act or the rules of  
1088 the division. The division may exclude a person who has been  
1089 ejected from a gaming facility or who has been excluded from a  
1090 gaming facility in another state by the governmental authority  
1091 exercising regulatory jurisdiction over the gaming in such other  
1092 state. This section does not abrogate the common law right of an  
1093 electronic gaming machine licensee to exclude a patron.

1094       Section 13. Persons prohibited from operating electronic  
1095 gaming machines.--

1096       (1) A person who has not attained 21 years of age may not  
1097 operate or play an electronic gaming machine or have access to  
1098 the designated electronic gaming machine area of a facility of an  
1099 electronic gaming machine licensee.

1100       (2) An electronic gaming machine licensee or agent or  
1101 employee of an electronic gaming machine licensee may not  
1102 knowingly allow a person who has not attained 21 years of age:

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1103 (a) To play or operate an electronic gaming machine.

1104 (b) To be employed in any position allowing or requiring  
1105 access to the designated gaming area of a facility of an  
1106 electronic gaming machine licensee.

1107 (c) To have access to the designated electronic gaming  
1108 machine area of a facility of an electronic gaming machine  
1109 licensee.

1110 (3) A licensed facility shall post clear and conspicuous  
1111 signage within the designated electronic gaming machine areas  
1112 which states:

1113  
1114 THE PLAYING OF ELECTRONIC GAMING MACHINES BY PERSONS UNDER  
1115 THE AGE OF 21 IS AGAINST FLORIDA LAW (CITE TO FLORIDA  
1116 STATUTES SECTION). PROOF OF AGE MAY BE REQUIRED AT ANY TIME.

1117  
1118 Section 14. Electronic gaming machine areas.--

1119 (1) An electronic gaming machine licensee may make  
1120 available for play up to 2,000 electronic gaming machines within  
1121 the eligible facility of the electronic gaming machine licensee  
1122 in a designated electronic gaming machine area. No more than  
1123 2,000 electronic gaming machines shall be authorized at a  
1124 facility regardless of the number of permit holders conducting  
1125 operations at that facility.

1126 (2) The electronic gaming machine licensee shall display  
1127 pari-mutuel races or games within the designated electronic  
1128 gaming machine areas and offer patrons within such areas the  
1129 opportunity to wager on live, intertrack, and simulcast races  
1130 offered to the patrons.

1131 (3) The division shall require the posting of signs warning

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1132 of the risks and dangers of gambling, showing the odds of  
1133 winning, and informing patrons of the toll-free telephone number  
1134 available to provide information and referral services regarding  
1135 compulsive or problem gambling.

1136 (4) Designated electronic gaming machine areas may be  
1137 located within the current live gaming facility or an existing  
1138 building that is contiguous and connected to the live gaming  
1139 facility. If such gaming area is to be located in a building that  
1140 is not yet constructed, the new building must be contiguous and  
1141 connected to the live gaming facility.

1142 (5) An electronic gaming machine licensee shall provide  
1143 adequate office space at no cost to the division and the  
1144 Department of Law Enforcement for the oversight of electronic  
1145 gaming machine operations. The division shall adopt rules  
1146 establishing criteria for adequate space, configuration, and  
1147 location and needed electronic and technological requirements.

1148 Section 15. Days and hours of operation.--Electronic gaming  
1149 machine areas may be open daily throughout the year. They may be  
1150 open a cumulative total of 18 hours per day on Monday through  
1151 Friday and 24 hours per day on Saturday and Sunday and on  
1152 holidays specified in s. 110.117(1), Florida Statutes.

1153 Section 16. Penalties.--The division may revoke or suspend  
1154 an electronic gaming machine license issued under this act upon  
1155 the willful violation by the licensee of any provision of this  
1156 act or rule adopted under this act. In lieu of suspending or  
1157 revoking an electronic gaming machine license, the division may  
1158 impose a civil penalty against the licensee for such violation.  
1159 Except as otherwise provided in this act, the division may not  
1160 impose a penalty that exceeds \$100,000 for each count or separate



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1161 offense. All fines collected must be deposited into the Pari-  
1162 mutuel Wagering Trust Fund of the Department of Business and  
1163 Professional Regulation.

1164 Section 17. Compulsive or addictive gambling prevention  
1165 program.--

1166 (1) Each electronic gaming machine licensee shall offer  
1167 training to employees on responsible gaming and shall work with a  
1168 compulsive or addictive gambling prevention program to recognize  
1169 problem gaming situations and implement responsible gaming  
1170 programs and practices.

1171 (2) The division shall, subject to competitive bidding,  
1172 contract for services related to the prevention of compulsive and  
1173 addictive gambling. The contract shall require an advertising  
1174 program to encourage responsible gaming practices and publicize a  
1175 gambling telephone help line. Such advertisements must be made  
1176 both publicly and inside the designated electronic gaming machine  
1177 areas of the licensee's facilities. The terms of any contract for  
1178 such services shall include accountability standards for any  
1179 private provider. The failure of a private provider to meet any  
1180 material term of the contract, including the accountability  
1181 standards, constitutes a breach of contract or grounds for  
1182 nonrenewal.

1183 (3) The compulsive or addictive gambling prevention program  
1184 shall be funded from an annual nonrefundable regulatory fee of  
1185 \$250,000 paid by each licensee.

1186 Section 18. Caterer's license.--An electronic gaming  
1187 machine licensee is entitled to a caterer's license pursuant to  
1188 s. 565.02, Florida Statutes, on days on which the pari-mutuel  
1189 facility is open to the public for electronic gaming machine

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1190 play.

1191 Section 19. Prohibited activities and devices;  
1192 exceptions.--

1193 (1) Complimentary or reduced-cost alcoholic beverages may  
1194 not be served to persons in the designated electronic gaming  
1195 machine area. Alcoholic beverages served to persons in the  
1196 designated electronic gaming machine area shall cost at least the  
1197 same amount as alcoholic beverages served to the general public  
1198 at any bar within the facility.

1199 (2) An electronic gaming machine licensee may not make  
1200 loans, provide credit, or advance cash to enable a person to play  
1201 an electronic gaming machine. This subsection does not prohibit  
1202 automated ticket redemption machines that dispense cash from the  
1203 redemption of tickets from being located in the designated  
1204 electronic gaming machine area.

1205 (3) An automated teller machine or similar device designed  
1206 to provide credit or dispense cash may not be located within the  
1207 designated electronic gaming machine area of a facility of an  
1208 electronic gaming machine licensee.

1209 (4) (a) An electronic gaming machine licensee may not accept  
1210 or cash a check from any person within the designated electronic  
1211 gaming machine area of a facility.

1212 (b) Except as provided in paragraph (c) for employees of  
1213 the facility, an electronic gaming machine licensee may not  
1214 accept or cash for any person within the facility a government-  
1215 issued check, third-party check, or payroll check made payable to  
1216 an individual.

1217 (c) Outside the designated electronic gaming machine area,  
1218 an electronic gaming machine licensee or operator may accept or

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1219 cash a check for an employee of the facility who is prohibited  
1220 from wagering on an electronic gaming machine under s.  
1221 551.108(5), Florida Statutes, a check made directly payable to a  
1222 person licensed by the division, or a check made directly payable  
1223 to the licensee or operator from:

- 1224 1. A pari-mutuel patron; or  
1225 2. A pari-mutuel facility in any state.

1226 (d) Unless accepting or cashing a check is prohibited by  
1227 this subsection, an electronic gaming machine licensee or  
1228 operator may accept and deposit in its accounts checks received  
1229 in the normal course of business.

1230 (5) An electronic gaming machine, or the computer operating  
1231 system linking the electronic gaming machine, may be linked to  
1232 any other electronic gaming machine or computer operating system  
1233 within this state.

1234 (6) An electronic gaming machine located within a licensed  
1235 facility may accept tickets or electronic or account-based cards  
1236 for wagering and return or may deliver payouts to the players in  
1237 the form of tickets or electronic or account-based credits that  
1238 may be exchanged for cash, merchandise, or other items of value.  
1239 The use of coins, currency, credit or debit cards, tokens, or  
1240 similar objects is prohibited.

1241 Section 20. Rulemaking.--The division may adopt rules  
1242 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to  
1243 administer this act.

1244 Section 21. The Legislature finds and declares that it has  
1245 exclusive authority over the conduct of all wagering occurring at  
1246 electronic gaming machine facilities in this state. Only the  
1247 Division of Pari-mutuel Wagering and other authorized state

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1248 agencies may administer this act and regulate the electronic  
1249 gaming machine industry, including operation of electronic gaming  
1250 machine facilities, games, electronic gaming machines, and  
1251 facilities-based computer systems authorized in this act and the  
1252 rules adopted by the division.

1253 Section 22. This act does not apply to the use of player-  
1254 operated bingo aides used in bingo games conducted by charitable,  
1255 nonprofit, or veterans' organizations authorized to conduct bingo  
1256 under s. 849.0931, Florida Statutes, and this act does not apply  
1257 to game promotions or operators regulated under s. 849.094,  
1258 Florida Statutes.

1259 Section 23. Paragraph (w) is added to subsection (1) of  
1260 section 215.22, Florida Statutes, to read:

1261 215.22 Certain income and certain trust funds exempt.--

1262 (1) The following income of a revenue nature or the  
1263 following trust funds shall be exempt from the appropriation  
1264 required by s. 215.20(1):

1265 (w) Taxes imposed on electronic gaming and electronic  
1266 gaming machines at eligible pari-mutuel facilities.

1267 Section 24. Subsection (11) of section 550.002, Florida  
1268 Statutes, is amended to read:

1269 550.002 Definitions.--As used in this chapter, the term:

1270 (11) "Full schedule of live racing or games" means, for a  
1271 greyhound or jai alai permitholder, the conduct of a combination  
1272 of at least 100 live evening or matinee performances during the  
1273 preceding year; for a permitholder who has a converted permit or  
1274 filed an application on or before June 1, 1990, for a converted  
1275 permit, the conduct of a combination of at least 100 live evening  
1276 and matinee wagering performances during either of the 2

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1277 preceding years; for a jai alai permitholder who does not operate  
1278 slot machines or an electronic gaming machine in its pari-mutuel  
1279 facility, who has conducted at least 100 live performances per  
1280 year for at least 10 years after December 31, 1992, and whose  
1281 handle on live jai alai games conducted at its pari-mutuel  
1282 facility has been less than \$4 million per state fiscal year for  
1283 at least 2 consecutive years after June 30, 1992, the conduct of  
1284 a combination of at least 40 live evening or matinee performances  
1285 during the preceding year; for a jai alai permitholder who  
1286 operates slot machines in its pari-mutuel facility, the conduct  
1287 of a combination of at least 150 performances during the  
1288 preceding year; for a harness permitholder, the conduct of at  
1289 least 100 live regular wagering performances during the preceding  
1290 year; for a quarter horse permitholder, the conduct of at least  
1291 40 live regular wagering performances during the preceding year;  
1292 and for a thoroughbred permitholder, the conduct of at least 40  
1293 live regular wagering performances during the preceding year. For  
1294 a permitholder which is restricted by statute to certain  
1295 operating periods within the year when other members of its same  
1296 class of permit are authorized to operate throughout the year,  
1297 the specified number of live performances which constitute a full  
1298 schedule of live racing or games shall be adjusted pro rata in  
1299 accordance with the relationship between its authorized operating  
1300 period and the full calendar year and the resulting specified  
1301 number of live performances shall constitute the full schedule of  
1302 live games for such permitholder and all other permitholders of  
1303 the same class within 100 air miles of such permitholder. A live  
1304 performance must consist of no fewer than eight races or games  
1305 conducted live for each of a minimum of three performances each

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1306 week at the permitholder's licensed facility under a single  
1307 admission charge.

1308 Section 25. Subsection (2) of section 849.15, Florida  
1309 Statutes, is amended to read:

1310 849.15 Manufacture, sale, possession, etc., of coin-  
1311 operated devices prohibited.--

1312 (2) Pursuant to section 2 of that chapter of the Congress  
1313 of the United States entitled "An act to prohibit transportation  
1314 of gaming devices in interstate and foreign commerce," approved  
1315 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also  
1316 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,  
1317 acting by and through the duly elected and qualified members of  
1318 its Legislature, does hereby in this section, and in accordance  
1319 with and in compliance with the provisions of section 2 of such  
1320 chapter of Congress, declare and proclaim that any county of the  
1321 State of Florida within which slot machine gaming is authorized  
1322 pursuant to chapter 551 or electronic gaming is authorized is  
1323 exempt from the provisions of section 2 of that chapter of the  
1324 Congress of the United States entitled "An act to prohibit  
1325 transportation of gaming devices in interstate and foreign  
1326 commerce," designated as 15 U.S.C. ss. 1171-1177, approved  
1327 January 2, 1951. All shipments of gaming devices, including slot  
1328 machines and electronic gaming machines, into any county of this  
1329 state within which slot machine gaming is authorized pursuant to  
1330 chapter 551 or electronic gaming is authorized at eligible pari-  
1331 mutuel facilities and the registering, recording, and labeling of  
1332 which have been duly performed by the manufacturer or distributor  
1333 thereof in accordance with sections 3 and 4 of that chapter of  
1334 the Congress of the United States entitled "An act to prohibit

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1335 transportation of gaming devices in interstate and foreign  
1336 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.  
1337 1134, and also designated as 15 U.S.C. ss. 1171-1177, shall be  
1338 deemed legal shipments thereof into this state provided the  
1339 destination of such shipments is an eligible slot machine  
1340 facility as defined in s. 551.102, an eligible electronic gaming  
1341 machine facility, a certified educational facility, ~~or~~ the  
1342 facility of a slot machine manufacturer or slot machine  
1343 distributor as provided in s. 551.109(2)(a), a certified  
1344 educational facility, or the facility of an electronic gaming  
1345 machine manufacturer or electronic gaming machine distributor  
1346 authorized to possess electronic gaming machines as provided in  
1347 the act authorizing electronic gaming machines at eligible pari-  
1348 mutuel facilities.

1349 Section 26. Subsections (1) and (2) of section 895.02,  
1350 Florida Statutes, are amended to read:

1351 895.02 Definitions.--As used in ss. 895.01-895.08, the  
1352 term:

1353 (1) "Racketeering activity" means to commit, to attempt to  
1354 commit, to conspire to commit, or to solicit, coerce, or  
1355 intimidate another person to commit:

1356 (a) Any crime that is chargeable by indictment or  
1357 information under the following provisions of the Florida  
1358 Statutes:

1359 1. Section 210.18, relating to evasion of payment of  
1360 cigarette taxes.

1361 2. Section 403.727(3)(b), relating to environmental  
1362 control.

1363 3. Section 409.920 or s. 409.9201, relating to Medicaid

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- 1364 fraud.
- 1365 4. Section 414.39, relating to public assistance fraud.
- 1366 5. Section 440.105 or s. 440.106, relating to workers'
- 1367 compensation.
- 1368 6. Section 443.071(4), relating to creation of a fictitious
- 1369 employer scheme to commit unemployment compensation fraud.
- 1370 7. Section 465.0161, relating to distribution of medicinal
- 1371 drugs without a permit as an Internet pharmacy.
- 1372 8. Sections 499.0051, 499.0052, 499.00535, 499.00545, and
- 1373 499.0691, relating to crimes involving contraband and adulterated
- 1374 drugs.
- 1375 9. Part IV of chapter 501, relating to telemarketing.
- 1376 10. Chapter 517, relating to sale of securities and
- 1377 investor protection.
- 1378 11. Section 550.235, s. 550.3551, or s. 550.3605, relating
- 1379 to dogracing and horseracing.
- 1380 12. Chapter 550, relating to jai alai frontons.
- 1381 13. Section 551.109, relating to slot machine gaming.
- 1382 14. Chapter 552, relating to the manufacture, distribution,
- 1383 and use of explosives.
- 1384 15. Chapter 560, relating to money transmitters, if the
- 1385 violation is punishable as a felony.
- 1386 16. Chapter 562, relating to beverage law enforcement.
- 1387 17. Section 624.401, relating to transacting insurance
- 1388 without a certificate of authority, s. 624.437(4)(c)1., relating
- 1389 to operating an unauthorized multiple-employer welfare
- 1390 arrangement, or s. 626.902(1)(b), relating to representing or
- 1391 aiding an unauthorized insurer.
- 1392 18. Section 655.50, relating to reports of currency



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- 1393 transactions, when such violation is punishable as a felony.
- 1394 19. Chapter 687, relating to interest and usurious
- 1395 practices.
- 1396 20. Section 721.08, s. 721.09, or s. 721.13, relating to
- 1397 real estate timeshare plans.
- 1398 21. Chapter 782, relating to homicide.
- 1399 22. Chapter 784, relating to assault and battery.
- 1400 23. Chapter 787, relating to kidnapping or human
- 1401 trafficking.
- 1402 24. Chapter 790, relating to weapons and firearms.
- 1403 25. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
- 1404 796.05, or s. 796.07, relating to prostitution and sex
- 1405 trafficking.
- 1406 26. Chapter 806, relating to arson.
- 1407 27. Section 810.02(2)(c), relating to specified burglary of
- 1408 a dwelling or structure.
- 1409 28. Chapter 812, relating to theft, robbery, and related
- 1410 crimes.
- 1411 29. Chapter 815, relating to computer-related crimes.
- 1412 30. Chapter 817, relating to fraudulent practices, false
- 1413 pretenses, fraud generally, and credit card crimes.
- 1414 31. Chapter 825, relating to abuse, neglect, or
- 1415 exploitation of an elderly person or disabled adult.
- 1416 32. Section 827.071, relating to commercial sexual
- 1417 exploitation of children.
- 1418 33. Chapter 831, relating to forgery and counterfeiting.
- 1419 34. Chapter 832, relating to issuance of worthless checks
- 1420 and drafts.
- 1421 35. Section 836.05, relating to extortion.

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- 1422 36. Chapter 837, relating to perjury.
- 1423 37. Chapter 838, relating to bribery and misuse of public  
1424 office.
- 1425 38. Chapter 843, relating to obstruction of justice.
- 1426 39. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
1427 s. 847.07, relating to obscene literature and profanity.
- 1428 40. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
1429 849.25, relating to gambling.
- 1430 41. Chapter 874, relating to criminal street gangs.
- 1431 42. Chapter 893, relating to drug abuse prevention and  
1432 control.
- 1433 43. Chapter 896, relating to offenses related to financial  
1434 transactions.
- 1435 44. Sections 914.22 and 914.23, relating to tampering with  
1436 a witness, victim, or informant, and retaliation against a  
1437 witness, victim, or informant.
- 1438 45. Sections 918.12 and 918.13, relating to tampering with  
1439 jurors and evidence.
- 1440 46. Provisions of law relating to electronic gaming and  
1441 electronic gaming machines at eligible pari-mutuel facilities.
- 1442 (b) Any conduct defined as "racketeering activity" under 18  
1443 U.S.C. s. 1961(1).
- 1444 (2) "Unlawful debt" means any money or other thing of value  
1445 constituting principal or interest of a debt that is legally  
1446 unenforceable in this state in whole or in part because the debt  
1447 was incurred or contracted:
- 1448 (a) In violation of any one of the following provisions of  
1449 law:
- 1450 1. Section 550.235, s. 550.3551, or s. 550.3605, relating

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1451 to dogracing and horseracing.

1452 2. Chapter 550, relating to jai alai frontons.

1453 3. Section 551.109, relating to slot machine gaming.

1454 4. Chapter 687, relating to interest and usury.

1455 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
1456 849.25, relating to gambling.

1457 6. Provisions of law relating to electronic gaming and  
1458 electronic gaming machines at eligible pari-mutuel facilities.

1459 (b) In gambling activity in violation of federal law or in  
1460 the business of lending money at a rate usurious under state or  
1461 federal law.

1462 Section 27. (1) full-time equivalent positions are  
1463 authorized, and the sums of \$ in recurring funds and  
1464 \$ in nonrecurring funds for the 2008-2009 fiscal year are  
1465 appropriated from the Pari-mutuel Wagering Trust Fund of the  
1466 Department of Business and Professional Regulation for the  
1467 purpose of carrying out all regulatory activities provided in  
1468 this act. The Executive Office of the Governor shall place these  
1469 funds and positions in reserve until the Department of Business  
1470 and Professional Regulation submits an expenditure plan for  
1471 approval to the Executive Office of the Governor and the chair  
1472 and vice chair of the Legislative Budget Commission in accordance  
1473 with the provisions of s. 216.177, Florida Statutes.

1474 (2) The sums of \$ in recurring funds and \$ in  
1475 nonrecurring funds for the 2008-2009 fiscal year are appropriated  
1476 from the Pari-mutuel Wagering Trust Fund of the Department of  
1477 Business and Professional Regulation for transfer to the  
1478 Department of Law Enforcement for the purpose of investigations,  
1479 intelligence gathering, background investigations, and any other

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1480 responsibilities as provided in this act. full-time  
1481 equivalent positions are authorized, and the sums of \$ in  
1482 recurring funds and \$ in nonrecurring funds for the 2008-  
1483 2009 fiscal year are appropriated from the Operating Trust Fund  
1484 of the Department of Law Enforcement for the purpose of  
1485 investigations, intelligence gathering, background  
1486 investigations, and any other responsibilities as provided in  
1487 this act. The Executive Office of the Governor shall place such  
1488 funds and positions in reserve until the Department of Law  
1489 Enforcement submits an expenditure plan for approval to the  
1490 Executive Office of the Governor and the chair and vice chair of  
1491 the Legislative Budget Commission in accordance with the  
1492 provisions of s. 216.177, Florida Statutes.

1493 (3) The sum of \$1 million is appropriated annually from the  
1494 Pari-mutuel Wagering Trust Fund of the Department of Business and  
1495 Professional Regulation from revenues received pursuant to s.  
1496 551.118, Florida Statutes, for contract services related to the  
1497 prevention of compulsive and addictive gambling.

1498 Section 28. The Department of Business and Professional  
1499 Regulation may expend the unreserved cash balance in the Pari-  
1500 mutuel Wagering Trust Fund received from other revenue sources to  
1501 implement electronic gaming regulation and investigations during  
1502 fiscal year 2008-2009. Beginning as soon as is practicable, but  
1503 no later than the 2009-2010 fiscal year, the department shall  
1504 initiate repayment of such funds with electronic gaming machine  
1505 license revenue sources until the full amount is reimbursed. The  
1506 department shall submit a repayment plan for approval to the  
1507 Executive Office of the Governor and the chair and vice chair of  
1508 the Legislative Budget Commission in accordance with the

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1509 provisions of s. 216.177, Florida Statutes. The repaid funds  
1510 shall be subject to the requirements of s. 550.135(2), Florida  
1511 Statutes.

1512 Section 29. This act shall take effect upon becoming a law.