

By the Committees on Finance and Tax; 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. 550.135, F.S.; providing for the

33 reservation of electronic gaming machine fees in a trust

34 fund; amending s. 849.15, F.S.; providing for

35 transportation of electronic gaming devices in accordance

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

37 specified violations related to electronic gaming and

38 electronic gaming machines constitute racketeering

39 activity; providing that certain debt incurred in

40 violation of specified provisions relating to electronic

41 gaming and electronic gaming machines constitutes unlawful

42 debt; authorizing additional positions and providing

43 appropriations; providing for the use of certain

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

45 providing for repayment of such funds; providing an

46 effective date.

47

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

49

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

51 electronic gaming machine licensee may possess electronic gaming

52 machines and operate electronic gaming machines at an eligible

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

54 authorized to conduct pari-mutuel wagering activities pursuant to

55 chapter 550, Florida Statutes. Notwithstanding any other

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

57 in electronic gaming at a facility licensed to possess electronic

58 gaming machines or to operate electronic gaming machines as

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59 described in this act.

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

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

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

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88       (3) "Designated electronic gaming machine area" means any  
89 area of a facility of an electronic gaming machine licensee in  
90 which electronic gaming may be conducted in accordance with this  
91 act.

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

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

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

113       (7) "Electronic gaming machine" means a player station,  
114 machine, or device, including associated equipment that is  
115 required to operate the player station, machine, or device, upon  
116 which an electronic game is played or operated. An electronic

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117 gaming machine may use spinning reels, video displays, video  
118 poker, or other similar technologies available now or in the  
119 future to convey outcomes to a player if the results displayed at  
120 the gaming machine are based upon simulated bingo game play, as  
121 approved by the department. No electronic game shall enter the  
122 state until it has been tested and certified by a licensed  
123 testing laboratory, and certified for play in the state. An  
124 electronic gaming machine must display one or more bingo cards to  
125 be used in the game before numbers or other designations for the  
126 game are randomly drawn. Any card in use by a player must be  
127 visible to the player during game play. All electronic gaming  
128 machines must be directly linked to a central computer for  
129 purposes of security, monitoring, and auditing. The central  
130 computer may not limit a facility's ability to deploy its  
131 electronic player tracking or electronic gaming accounting  
132 system. However, such systems must use a widely accepted open  
133 communications protocol to ensure interoperability among all  
134 manufacturers and to provide a player with the ability to  
135 seamlessly alternate play between the electronic gaming machines  
136 and electronic gaming machines of different licensed  
137 manufacturers. An electronic gaming machine is not a coin-  
138 operated amusement machine as defined in s. 212.02, Florida  
139 Statutes, or an amusement game or machine as described in s.  
140 849.161, Florida Statutes, and electronic gaming machines are not  
141 subject to the tax imposed by s. 212.05(1)(h), Florida Statutes.

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

145 (9) "Electronic gaming machine license" means a license

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146 issued by the division authorizing a licensee under chapter 550,  
147 Florida Statutes, to place and operate electronic gaming machines  
148 in an eligible facility.

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

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

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

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175 winning pattern.

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

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

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

198 Section 3. Powers and duties of the division and the  
199 Department of Law Enforcement.--

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

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204       (a) Procedures for applying for and renewing electronic  
205 gaming machine licenses.

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

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

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

231       (e)1. Procedures for regulating, managing, and auditing the  
232 operation, financial data, and program information relating to



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233 electronic gaming machines that enable the division and the  
234 Department of Law Enforcement to audit the operation, financial  
235 data, and program information of an electronic gaming machine  
236 licensee required by the division or the Department of Law  
237 Enforcement.

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

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

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262 records and make reports as provided in this act and conduct  
263 electronic gaming machine operations in conformity with this act  
264 and other provisions of law. Such bond shall be separate from the  
265 bond required in s. 550.125, Florida Statutes.

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

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

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

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

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

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

288 (4) (a) The division, the Department of Law Enforcement, and  
289 local law enforcement agencies have unrestricted access to an  
290 electronic gaming machine licensee's facility at all times and

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291 shall require each electronic gaming machine licensee to strictly  
292 comply with the laws of this state relating to the transaction of  
293 such business. The division, the Department of Law Enforcement,  
294 and local law enforcement agencies may:

295 1. Inspect and examine premises where electronic gaming  
296 machines are offered for play.

297 2. Inspect electronic gaming machines and related equipment  
298 and supplies.

299 (b) In addition, the division may:

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

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

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

308 (6) This section does not:

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

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

317 (c) Restrict access by the Department of Law Enforcement or  
318 local law enforcement authorities to information and records  
319 necessary to the investigation of criminal activity which are

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320 contained within the electronic gaming machine licensee's  
321 facility.

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

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

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

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

337 (a) Continue to comply with this act.

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

346 (c) Conduct no fewer than a full schedule of live racing or  
347 games as defined in s. 550.002(11), Florida Statutes, including  
348 conducting races or games under s. 550.475, Florida Statutes, or

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349 be authorized to conduct limited intertrack wagering under s.  
350 550.6308, Florida Statutes, at the eligible facility. A  
351 permitholder's responsibility to conduct such number of live  
352 races or games shall be reduced by the number of races or games  
353 that could not be conducted due to the direct result of fire,  
354 war, hurricane, or other disaster or event beyond the control of  
355 the permitholder.

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

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378 the United States Securities and Exchange Commission the reports  
379 required by section 13 of that act or if the securities of the  
380 corporation or entity are regularly traded on an established  
381 securities market in the United States. A change in ownership or  
382 interest of less than 5 percent which results in a cumulative  
383 ownership or interest of 5 percent or more must be approved by  
384 the division prior to such change unless the owner is an existing  
385 holder of the license who was previously approved by the  
386 division.

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

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

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407 tampering with or manipulation of those electronic gaming  
408 machines or the ability to immediately suspend play of the entire  
409 operation if the tampering or manipulation is of the computer  
410 system. The computer system shall be reviewed and approved by the  
411 division to ensure necessary access, security, and functionality.  
412 The division may adopt rules to provide for the approval process.

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

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

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436 Enforcement.

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

438 1. Creating opportunities to purchase from vendors in this  
439 state, including minority vendors.

440 2. Creating opportunities for employment of residents of  
441 this state, including minority residents.

442 3. Ensuring opportunities for construction services from  
443 minority contractors.

444 4. Ensuring that opportunities for employment are offered  
445 on an equal, nondiscriminatory basis.

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

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

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

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

464 (5) An electronic gaming machine license is not



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465 transferable.

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

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

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

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

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494 activities, or any other state or federal law enforcement agency  
495 the division or the Department of Law Enforcement deems  
496 appropriate. Any law enforcement agency having jurisdiction over  
497 electronic gaming machines or pari-mutuel activities may share  
498 with the division information obtained or developed by it.

499 (10) (a) An electronic gaming machine license or renewal may  
500 not be issued to an applicant licensed under chapter 550, Florida  
501 Statutes, to conduct live pari-mutuel wagering races or games  
502 unless the applicant has on file with the division the following  
503 binding written agreements governing the payment of awards and  
504 purses on live races or games conducted at the licensee's pari-  
505 mutuel facility:

506 1. For a thoroughbred licensee, an agreement governing the  
507 payment of purses between the applicant and the Florida  
508 Horsemen's Benevolent and Protective Association, Inc., or the  
509 association representing a majority of the thoroughbred owners  
510 and trainers at the applicant's eligible facility located as  
511 described in s. 550.615(9), Florida Statutes, and an agreement  
512 governing the payment of awards between the applicant and the  
513 Florida Thoroughbred Breeders' Association;

514 2. For a harness licensee, an agreement governing the  
515 payment of purses and awards between the applicant and the  
516 Florida Standardbred Breeders and Owners Association;

517 3. For a greyhound licensee, an agreement governing the  
518 payment of purses between the applicant and the Florida Greyhound  
519 Association, Inc.;

520 4. For a quarter horse licensee, an agreement governing the  
521 payment of purses between the applicant and the Florida Quarter  
522 Horse Racing Association, and an agreement governing the payment

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523 of awards between the applicant and the Florida Quarter Horse  
524 Breeders and Owners Association; or

525 5. For a jai alai licensee, an agreement governing the  
526 payment of player awards between the applicant and the  
527 International Jai Alai Players Association or a binding written  
528 agreement approved by a majority of the jai alai players at the  
529 applicant's eligible facility at which the applicant has a permit  
530 issued after January 1, 2000, to conduct jai alai.

531 (b) The agreements may direct the payment of purses and  
532 awards from revenues generated by any wagering or games the  
533 applicant is authorized to conduct under state law. All purses  
534 and awards are subject to the terms of chapter 550, Florida  
535 Statutes. All sums for breeders', stallion, and special racing  
536 awards shall be remitted monthly to the respective breeders  
537 association for the payment of awards, subject to the  
538 administrative fees authorized under chapter 550, Florida  
539 Statutes.

540 (c) An electronic gaming machine license or renewal thereof  
541 may not be issued to an applicant licensed to conduct intertrack  
542 wagering under s. 550.6308, Florida Statutes, unless the  
543 applicant has on file with the division a binding written  
544 agreement between the applicant and the Florida Thoroughbred  
545 Breeders' Association, Inc., dedicating to the payment of  
546 breeders', stallion, and special racing awards on live  
547 thoroughbred races conducted in this state at least the same  
548 percentage of electronic gaming machine revenues as the highest  
549 percentage of electronic gaming machine revenues dedicated to  
550 purses and awards in a current agreement under this subsection by  
551 an applicant licensed under chapter 550, Florida Statutes, to

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552 conduct live thoroughbred races, with at least half of such funds  
553 distributed as special racing awards.

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

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

574 2. If an agreement required under paragraph (a) is not in  
575 place 60 days after the request under subparagraph 1., in the  
576 case of an initial electronic gaming machine license or, in the  
577 case of a renewal, 60 days prior to the scheduled expiration date  
578 of the license, the matter shall be immediately submitted to  
579 mandatory binding arbitration. The three arbitrators selected  
580 pursuant to subparagraph 1. shall conduct the arbitration

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581 pursuant to the American Arbitration Association Commercial  
582 Arbitration Rules and chapter 682, Florida Statutes.

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

602 4. If neither agreement required under paragraph (a) is in  
603 place by the deadlines established in this paragraph, arbitration  
604 regarding each agreement will proceed independently, with  
605 separate lists of arbitrators, arbitration panels, arbitration  
606 proceedings, and resulting agreements.

607 5. With respect to the agreement required under paragraph  
608 (a) governing the payment of purses, the arbitration and  
609 resulting agreement is limited to the payment of purses from

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610 electronic gaming machine revenues only.

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

617 Section 5. Temporary licenses.--

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

629 (2) A temporary license issued under this section is  
630 nontransferable.

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

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

637 (2) The applicant for renewal shall attest that any  
638 information changes do not affect such applicant's qualifications

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639 for license renewal.

640 (3) Upon determination by the division that the application  
641 for renewal is complete and qualifications have been met,  
642 including payment of the renewal fee, the license shall be  
643 renewed.

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

645 (1) LICENSE FEE.--

646 (a) Upon submission of the initial application for an  
647 electronic gaming machine license and annually thereafter, on the  
648 anniversary date of the issuance of the initial license, the  
649 licensee must pay to the division a nonrefundable license fee of  
650 \$3 million for the succeeding 12 months of licensure. The fee  
651 shall be deposited into the Pari-mutuel Wagering Trust Fund of  
652 the Department of Business and Professional Regulation to be used  
653 by the division and the Department of Law Enforcement for  
654 investigations, regulation of electronic gaming, and enforcement  
655 of electronic gaming provisions. These payments shall be  
656 accounted for separately from taxes or fees paid pursuant to the  
657 provisions of chapter 550 or chapter 551, Florida Statutes.

658 (b) The division shall evaluate the license fee and submit  
659 recommendations in the legislative budget request regarding the  
660 optimum level of electronic gaming machine license fees required  
661 to adequately support the electronic gaming machine regulatory  
662 program.

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

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

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

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

677        (c)1. Funds transferred to the Educational Enhancement  
678 Trust Fund shall be used to supplement public education funding  
679 statewide.

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

690        (3) PAYMENT AND DISPOSITION OF TAXES.--Payment for the tax  
691 on electronic gaming machine revenues imposed by this section  
692 shall be paid to the division. The division shall deposit such  
693 funds with the Chief Financial Officer, to the credit of the  
694 Pari-mutuel Wagering Trust Fund. The electronic gaming machine  
695 licensee shall remit to the division payment for the tax on  
696 electronic gaming machine revenues by 3 p.m. Wednesday of each



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697 week for taxes imposed and collected for the preceding week  
698 ending on Sunday. The electronic gaming machine licensee shall  
699 file a report under oath by the 5th day of each calendar month  
700 for all taxes remitted during the preceding calendar month. Such  
701 payments shall be accompanied by a report under oath showing all  
702 electronic gaming machine activities for the preceding calendar  
703 month and such other information as may be prescribed by the  
704 division.

705 (4) FAILURE TO PAY TAX; PENALTIES.--An electronic gaming  
706 machine licensee who does not make tax payments required under  
707 this section is subject to an administrative penalty of up to  
708 \$10,000 for each day the tax payment is not remitted. All  
709 administrative penalties imposed and collected shall be deposited  
710 into the Pari-mutuel Wagering Trust Fund of the Department of  
711 Business and Professional Regulation. If an electronic gaming  
712 machine licensee does not pay penalties imposed by the division,  
713 the division may suspend, revoke, or refuse to renew the license  
714 of the electronic gaming machine licensee.

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

718 Section 8. Electronic gaming machine occupational license;  
719 findings; application; fee.--

720 (1) The Legislature finds that licensees under this section  
721 require heightened state scrutiny, including the submission by  
722 individual licensees or persons associated with those entities  
723 described in this act of fingerprints for a criminal history  
724 record check.

725 (2) (a) The following electronic gaming machine occupational

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726 licenses shall be issued to applicants that, by virtue of the  
727 positions they hold, might be granted access to electronic gaming  
728 machine areas or to any other person or entity in one of the  
729 following categories:

730 1. General occupational licenses for general employees,  
731 including food service, maintenance, and other similar service  
732 and support employees having access to the electronic gaming  
733 machine area.

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

744 3. Business occupational licenses for any electronic gaming  
745 machine management company or company associated with electronic  
746 gaming, any person who manufactures, distributes, or sells  
747 electronic gaming machines, electronic gaming machine  
748 paraphernalia, or other associated equipment to electronic gaming  
749 machine licensees, or any company that sells or provides goods or  
750 services associated with electronic gaming to electronic gaming  
751 machine licensees.

752 (b) The division may issue one license in order to combine  
753 licenses under this section with pari-mutuel occupational  
754 licenses and cardroom licenses pursuant to s. 550.105(2)(b),

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755 Florida Statutes. The division shall adopt rules pertaining to  
756 occupational licenses under this subsection. Such rules may  
757 specify requirements and restrictions for licensed occupations  
758 and categories, procedures to apply for a license or combination  
759 of licenses, disqualifying criminal offenses for a licensed  
760 occupation or categories of occupations, and which types of  
761 occupational licenses may be combined into a single license under  
762 this section. The fingerprinting requirements of subsection (7)  
763 apply to any combination license that includes electronic gaming  
764 machine license privileges. The division may not adopt a rule  
765 allowing the issuance of an occupational license to any person  
766 who does not meet the minimum background qualifications of this  
767 section.

768 (c) Electronic gaming machine occupational licenses are not  
769 transferable.

770 (3) An electronic gaming machine licensee may not employ or  
771 otherwise allow a person to work at a licensed facility unless  
772 such person holds the appropriate valid occupational license. An  
773 electronic gaming machine licensee may not contract or otherwise  
774 conduct business with a business required to hold an electronic  
775 gaming machine occupational license unless the business holds  
776 such a license. An electronic gaming machine licensee may not  
777 employ or otherwise allow a person to work in a supervisory or  
778 management professional level at a licensed facility unless such  
779 person holds a valid electronic gaming machine occupational  
780 license. All electronic gaming machine occupational licensees,  
781 while present in electronic gaming machine areas, shall display  
782 on their persons their occupational license identification cards.

783 (4) (a) A person seeking an electronic gaming machine

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784 occupational license or renewal thereof shall apply on forms  
785 prescribed by the division and include payment of the appropriate  
786 application fee. Initial and renewal applications for electronic  
787 gaming machine occupational licenses must contain all information  
788 that the division, by rule, requires.

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

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

800 (d) The electronic gaming machine occupational license fee  
801 for initial application and annual renewal shall be determined by  
802 rule of the division but may not exceed \$50 for a general or  
803 professional occupational license for an employee of the  
804 electronic gaming machine licensee or \$1,000 for a business  
805 occupational license for nonemployees of the licensee who provide  
806 goods or services to the electronic gaming machine licensee.  
807 License fees for general occupational licenses shall be paid by  
808 the electronic gaming machine licensee. Failure to pay the  
809 required fee constitutes grounds for disciplinary action by the  
810 division against the electronic gaming machine licensee, but it  
811 is not a violation of this act or rules of the division by the  
812 general occupational licensee and does not prohibit the initial

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813 issuance or the renewal of the general occupational license.

814 (5) The division may:

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

821 (b) Deny an application for, or suspend, or place  
822 conditions on a license of any applicant or licensee that is  
823 under suspension or has unpaid fines in another state or  
824 jurisdiction.

825 (6) (a) The division may deny, suspend, revoke, or refuse to  
826 renew any electronic gaming machine occupational license if the  
827 applicant or licensee has violated this act or the rules  
828 governing the conduct of persons connected with electronic games  
829 or electronic gaming. In addition, the division may deny,  
830 suspend, revoke, or refuse to renew any electronic gaming machine  
831 occupational license if the applicant or licensee has been  
832 convicted under the laws of this state or of another state, or  
833 under the laws of the United States, of a capital felony, a  
834 felony, or an offense in another state which would be a felony  
835 under the laws of this state involving arson; trafficking in,  
836 conspiracy to traffic in, smuggling, importing, conspiracy to  
837 smuggle or import, or delivery, sale, or distribution of a  
838 controlled substance; racketeering; or a crime showing a lack of  
839 good moral character, or has had a gaming license revoked by this  
840 state or another jurisdiction for any gaming-related offense.

841 (b) The division may deny, revoke, or refuse to renew any

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842 electronic gaming machine occupational license if the applicant  
843 or licensee has been convicted of a felony or misdemeanor in this  
844 state, in another state, or under the laws of the United States  
845 if such felony or misdemeanor is related to gambling or  
846 bookmaking as described in s. 849.25, Florida Statutes.

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

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

867 (a) Fingerprints shall be taken in a manner approved by the  
868 division upon initial application, or as required thereafter by  
869 rule of the division, and shall be submitted electronically to  
870 the Department of Law Enforcement for state processing. The

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871 Department of Law Enforcement shall forward the fingerprints to  
872 the Federal Bureau of Investigation for national processing. The  
873 results of the criminal history record check shall be returned to  
874 the division for screening. Licensees shall provide necessary  
875 equipment, approved by the Department of Law Enforcement, to  
876 facilitate such electronic submission. The division requirements  
877 shall be instituted in consultation with the Department of Law  
878 Enforcement.

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

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

895 (d) The Department of Law Enforcement shall search all  
896 arrest fingerprints received pursuant to s. 943.051, Florida  
897 Statutes, against the fingerprints retained in the statewide  
898 automated fingerprint identification system. Any arrest record  
899 that is identified with the retained fingerprints of a person

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900 subject to the criminal history screening requirements shall be  
901 reported to the division. Each licensed facility shall pay a fee  
902 for the cost of retention of the fingerprints and the ongoing  
903 searches under this paragraph. The division shall forward the fee  
904 to the Department of Law Enforcement. The amount of the fee to be  
905 imposed for such searches and the procedures for the retention of  
906 licensee fingerprints shall be as established by rule of the  
907 Department of Law Enforcement. The division shall inform the  
908 Department of Law Enforcement of any change in the license status  
909 of licensees whose fingerprints are retained.

910 (e) The division shall request the Department of Law  
911 Enforcement to forward the fingerprints to the Federal Bureau of  
912 Investigation for a national criminal history records check every  
913 3 years following issuance of a license. If the fingerprints of a  
914 person who is licensed have not been retained by the Department  
915 of Law Enforcement, the person must file a complete set of  
916 fingerprints as provided in paragraph (a). The division shall  
917 collect the fees for the cost of the national criminal history  
918 record check and shall forward the payment to the Department of  
919 Law Enforcement. The cost of processing fingerprints and  
920 conducting a criminal history record check for a general  
921 occupational license shall be paid by the electronic gaming  
922 machine licensee. The cost of processing fingerprints and  
923 conducting a criminal history record check for a business or  
924 professional occupational license shall be paid by the person  
925 being checked. The Department of Law Enforcement may invoice the  
926 division for the fingerprints submitted each month. Under penalty  
927 of perjury, each person who is licensed or fingerprinted must  
928 agree to inform the division within 48 hours if he or she is



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929 convicted of or enters a plea of guilty or nolo contendere to any  
930 disqualifying offense, regardless of adjudication.

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

933 (9) The division may deny, revoke, or suspend any  
934 occupational license if the applicant or licensee accumulates  
935 unpaid obligations, defaults in obligations, or issues drafts or  
936 checks that are dishonored or for which payment is refused  
937 without reasonable cause.

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

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

956 Section 9. Prohibited relationships.--

957 (1) A person employed by or performing any function on

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958 behalf of the division may not:

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

961 (b) Have or hold any interest, direct or indirect, in or  
962 engage in any commerce or business relationship with any person  
963 licensed by the division.

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

971 (3) A manufacturer or distributor of electronic gaming  
972 machines or equipment necessary for the operation of electronic  
973 gaming machines or an officer, director, or employee of any such  
974 manufacturer or distributor may not have any ownership or  
975 financial interest in an electronic gaming machine license or any  
976 business owned by an electronic gaming machine licensee.

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

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

983 Section 10. Prohibited acts; penalties.--

984 (1) Except as otherwise provided by law and in addition to  
985 any other penalty, a person who knowingly makes or causes to be  
986 made, or aids, assists, or procures another to make, a false

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987 statement in any report, disclosure, application, or other  
988 document required under this act or under any rule adopted under  
989 this act is subject to an administrative fine or civil penalty of  
990 up to \$10,000.

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

998 (a) Electronic gaming machine manufacturers or distributors  
999 that hold appropriate licenses who are authorized to maintain an  
1000 electronic gaming machine storage and maintenance facility in  
1001 this state. The division may adopt rules regarding security,  
1002 inspection, and access to the storage facility.

1003 (b) Certified educational facilities that are authorized by  
1004 the division to maintain electronic gaming machines for the sole  
1005 purpose of education and licensure of electronic gaming machine  
1006 technicians, inspectors, or investigators. The division and the  
1007 Department of Law Enforcement may possess electronic gaming  
1008 machines for training and testing purposes. The division may  
1009 adopt rules regarding the regulation of such electronic gaming  
1010 machines used for the sole purpose of education and licensure of  
1011 electronic gaming machine technicians, inspectors, or  
1012 investigators.

1013 (3) A person who knowingly excludes or attempts to exclude,  
1014 anything of value from the deposit, counting, collection, or  
1015 computation of revenues from electronic gaming machine activity,

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1016 or a person who by trick, sleight-of-hand performance, fraud or  
1017 fraudulent scheme, or device wins or attempts to win, for himself  
1018 or herself or for another, money or property or a combination  
1019 thereof, or reduces or attempts to reduce a losing wager in  
1020 connection with electronic gaming commits a felony of the third  
1021 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1022 775.084, Florida Statutes.

1023 (4) Any person who manipulates or attempts to manipulate  
1024 the outcome, payoff, or operation of an electronic gaming machine  
1025 by physical tampering or the use of an object, instrument, or  
1026 device, whether mechanical, electrical, or magnetic, or by other  
1027 means, commits a felony of the third degree, punishable as  
1028 provided in s. 775.082, s. 775.083, or s. 775.084, Florida  
1029 Statutes.

1030 (5) Theft of electronic gaming machine proceeds or property  
1031 belonging to an electronic gaming machine operator, licensee, or  
1032 licensed facility by an employee of the operator or facility or  
1033 by an officer, partner, owner, or employee of a person contracted  
1034 to provide services to the operator or facility constitutes a  
1035 felony of the third degree, punishable as provided in s. 775.082  
1036 or s. 775.083, Florida Statutes.

1037 (6) (a) A law enforcement officer or electronic gaming  
1038 machine operator who has probable cause to believe that a person  
1039 has committed a violation of subsection (3), subsection (4), or  
1040 subsection (5) and that officer or operator can recover the lost  
1041 proceeds from the activity by taking the person into custody may,  
1042 for the purpose of attempting to effect the recovery of the  
1043 proceeds, take into custody on the premises and detain the person  
1044 in a reasonable manner for a reasonable time. If the operator

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1045 takes the person into custody, a law enforcement officer shall be  
1046 called to the scene immediately. The taking into custody and  
1047 detention by a law enforcement officer or electronic gaming  
1048 machine operator, if done in compliance with this subsection,  
1049 does not render such law enforcement officer, or the officer's  
1050 agency, or the electronic gaming machine operator criminally or  
1051 civilly liable for false arrest, false imprisonment, or unlawful  
1052 detention.

1053 (b) A law enforcement officer may arrest, on or off the  
1054 premises and without warrant, any person if the officer has  
1055 probable cause to believe that person has violated subsection  
1056 (3), subsection (4), or subsection (5).

1057 (c) A person who resists the reasonable effort of a law  
1058 enforcement officer or electronic gaming machine operator to take  
1059 into custody a person who is violating subsection (3), subsection  
1060 (4), or subsection (5) commits a misdemeanor of the first degree,  
1061 punishable as provided in s. 775.082 or s. 775.083, Florida  
1062 Statutes, unless the person did not know or have reason to know  
1063 that the person seeking to take him or her into custody was a law  
1064 enforcement officer or electronic gaming machine operator.

1065 (7) Penalties imposed and collected under this section must  
1066 be deposited into the Pari-mutuel Wagering Trust Fund of the  
1067 Department of Business and Professional Regulation.

1068 Section 11. Legal devices.--Notwithstanding any provision  
1069 of law to the contrary, electronic gaming machines manufactured,  
1070 sold, distributed, possessed, or operated pursuant to this act  
1071 are lawful in this state. No electronic game or electronic gaming  
1072 machine shall enter the state until it has been tested and  
1073 certified by a licensed testing laboratory, and certified for

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1074 play in the state. The division shall adopt rules regarding the  
1075 testing, certification, control, and approval of electronic games  
1076 and electronic gaming machines entering, departing, or moving  
1077 within the state.

1078 Section 12. Exclusions of certain persons.--In addition to  
1079 the power to exclude certain persons, the division may exclude  
1080 any person from a facility of an electronic gaming machine  
1081 licensee in this state for conduct that would constitute, if the  
1082 person were a licensee, a violation of this act or the rules of  
1083 the division. The division may exclude a person who has been  
1084 ejected from a gaming facility or who has been excluded from a  
1085 gaming facility in another state by the governmental authority  
1086 exercising regulatory jurisdiction over the gaming in such other  
1087 state. This section does not abrogate the common law right of an  
1088 electronic gaming machine licensee to exclude a patron.

1089 Section 13. Persons prohibited from operating electronic  
1090 gaming machines.--

1091 (1) A person who has not attained 21 years of age may not  
1092 operate or play an electronic gaming machine or have access to  
1093 the designated electronic gaming machine area of a facility of an  
1094 electronic gaming machine licensee.

1095 (2) An electronic gaming machine licensee or agent or  
1096 employee of an electronic gaming machine licensee may not  
1097 knowingly allow a person who has not attained 21 years of age:

1098 (a) To play or operate an electronic gaming machine.

1099 (b) To be employed in any position allowing or requiring  
1100 access to the designated gaming area of a facility of an  
1101 electronic gaming machine licensee.

1102 (c) To have access to the designated electronic gaming

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1103 machine area of a facility of an electronic gaming machine  
1104 licensee.

1105 (3) A licensed facility shall post clear and conspicuous  
1106 signage within the designated electronic gaming machine areas  
1107 which states:

1108  
1109 THE PLAYING OF ELECTRONIC GAMING MACHINES BY PERSONS UNDER  
1110 THE AGE OF 21 IS AGAINST FLORIDA LAW (CITE TO FLORIDA  
1111 STATUTES SECTION). PROOF OF AGE MAY BE REQUIRED AT ANY TIME.

1112

1113 Section 14. Electronic gaming machine areas.--

1114 (1) An electronic gaming machine licensee may make  
1115 available for play up to 2,000 electronic gaming machines within  
1116 the eligible facility of the electronic gaming machine licensee  
1117 in a designated electronic gaming machine area. No more than  
1118 2,000 electronic gaming machines shall be authorized at a  
1119 facility regardless of the number of permitholders conducting  
1120 operations at that facility.

1121 (2) The electronic gaming machine licensee shall display  
1122 pari-mutuel races or games within the designated electronic  
1123 gaming machine areas and offer patrons within such areas the  
1124 opportunity to wager on live, intertrack, and simulcast races  
1125 offered to the patrons.

1126 (3) The division shall require the posting of signs warning  
1127 of the risks and dangers of gambling, showing the odds of  
1128 winning, and informing patrons of the toll-free telephone number  
1129 available to provide information and referral services regarding  
1130 compulsive or problem gambling.

1131 (4) Designated electronic gaming machine areas may be

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1132 located within the current live gaming facility or an existing  
1133 building that is contiguous and connected to the live gaming  
1134 facility. If such gaming area is to be located in a building that  
1135 is not yet constructed, the new building must be contiguous and  
1136 connected to the live gaming facility.

1137 (5) An electronic gaming machine licensee shall provide  
1138 adequate office space at no cost to the division and the  
1139 Department of Law Enforcement for the oversight of electronic  
1140 gaming machine operations. The division shall adopt rules  
1141 establishing criteria for adequate space, configuration, and  
1142 location and needed electronic and technological requirements.

1143 Section 15. Days and hours of operation.--Electronic gaming  
1144 machine areas may be open daily throughout the year. They may be  
1145 open a cumulative total of 18 hours per day on Monday through  
1146 Friday and 24 hours per day on Saturday and Sunday and on  
1147 holidays specified in s. 110.117(1), Florida Statutes.

1148 Section 16. Penalties.--The division may revoke or suspend  
1149 an electronic gaming machine license issued under this act upon  
1150 the willful violation by the licensee of any provision of this  
1151 act or rule adopted under this act. In lieu of suspending or  
1152 revoking an electronic gaming machine license, the division may  
1153 impose a civil penalty against the licensee for such violation.  
1154 Except as otherwise provided in this act, the division may not  
1155 impose a penalty that exceeds \$100,000 for each count or separate  
1156 offense. All fines collected must be deposited into the Pari-  
1157 mutuel Wagering Trust Fund of the Department of Business and  
1158 Professional Regulation.

1159 Section 17. Compulsive or addictive gambling prevention  
1160 program.--



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1161       (1) Each electronic gaming machine licensee shall offer  
1162 training to employees on responsible gaming and shall work with a  
1163 compulsive or addictive gambling prevention program to recognize  
1164 problem gaming situations and implement responsible gaming  
1165 programs and practices.

1166       (2) The division shall, subject to competitive bidding,  
1167 contract for services related to the prevention of compulsive and  
1168 addictive gambling. The contract shall require an advertising  
1169 program to encourage responsible gaming practices and publicize a  
1170 gambling telephone help line. Such advertisements must be made  
1171 both publicly and inside the designated electronic gaming machine  
1172 areas of the licensee's facilities. The terms of any contract for  
1173 such services shall include accountability standards for any  
1174 private provider. The failure of a private provider to meet any  
1175 material term of the contract, including the accountability  
1176 standards, constitutes a breach of contract or grounds for  
1177 nonrenewal.

1178       (3) The compulsive or addictive gambling prevention program  
1179 shall be funded from an annual nonrefundable regulatory fee of  
1180 \$250,000 paid by each licensee.

1181       Section 18. Caterer's license.--An electronic gaming  
1182 machine licensee is entitled to a caterer's license pursuant to  
1183 s. 565.02, Florida Statutes, on days on which the pari-mutuel  
1184 facility is open to the public for electronic gaming machine  
1185 play.

1186       Section 19. Prohibited activities and devices;  
1187 exceptions.--

1188       (1) Complimentary or reduced-cost alcoholic beverages may  
1189 not be served to persons in the designated electronic gaming

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1190 machine area. Alcoholic beverages served to persons in the  
1191 designated electronic gaming machine area shall cost at least the  
1192 same amount as alcoholic beverages served to the general public  
1193 at any bar within the facility.

1194 (2) An electronic gaming machine licensee may not make  
1195 loans, provide credit, or advance cash to enable a person to play  
1196 an electronic gaming machine. This subsection does not prohibit  
1197 automated ticket redemption machines that dispense cash from the  
1198 redemption of tickets from being located in the designated  
1199 electronic gaming machine area.

1200 (3) An automated teller machine or similar device designed  
1201 to provide credit or dispense cash may not be located within the  
1202 designated electronic gaming machine area of a facility of an  
1203 electronic gaming machine licensee.

1204 (4) (a) An electronic gaming machine licensee may not accept  
1205 or cash a check from any person within the designated electronic  
1206 gaming machine area of a facility.

1207 (b) Except as provided in paragraph (c) for employees of  
1208 the facility, an electronic gaming machine licensee may not  
1209 accept or cash for any person within the facility a government-  
1210 issued check, third-party check, or payroll check made payable to  
1211 an individual.

1212 (c) Outside the designated electronic gaming machine area,  
1213 an electronic gaming machine licensee or operator may accept or  
1214 cash a check for an employee of the facility who is prohibited  
1215 from wagering on an electronic gaming machine under s.  
1216 551.108(5), Florida Statutes, a check made directly payable to a  
1217 person licensed by the division, or a check made directly payable  
1218 to the licensee or operator from:

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1219        1. A pari-mutuel patron; or  
1220        2. A pari-mutuel facility in any state.

1221        (d) Unless accepting or cashing a check is prohibited by  
1222 this subsection, an electronic gaming machine licensee or  
1223 operator may accept and deposit in its accounts checks received  
1224 in the normal course of business.

1225        (5) An electronic gaming machine, or the computer operating  
1226 system linking the electronic gaming machine, may be linked to  
1227 any other electronic gaming machine or computer operating system  
1228 within this state.

1229        (6) An electronic gaming machine located within a licensed  
1230 facility may accept tickets or electronic or account-based cards  
1231 for wagering and return or may deliver payouts to the players in  
1232 the form of tickets or electronic or account-based credits that  
1233 may be exchanged for cash, merchandise, or other items of value.  
1234 The use of coins, currency, credit or debit cards, tokens, or  
1235 similar objects is prohibited.

1236        Section 20. Rulemaking.--The division may adopt rules  
1237 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to  
1238 administer this act.

1239        Section 21. The Legislature finds and declares that it has  
1240 exclusive authority over the conduct of all wagering occurring at  
1241 electronic gaming machine facilities in this state. Only the  
1242 Division of Pari-mutuel Wagering and other authorized state  
1243 agencies may administer this act and regulate the electronic  
1244 gaming machine industry, including operation of electronic gaming  
1245 machine facilities, games, electronic gaming machines, and  
1246 facilities-based computer systems authorized in this act and the  
1247 rules adopted by the division.

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1248           Section 22. This act does not apply to the use of player-  
1249 operated bingo aides used in bingo games conducted by charitable,  
1250 nonprofit, or veterans' organizations authorized to conduct bingo  
1251 under s. 849.0931, Florida Statutes, and this act does not apply  
1252 to game promotions or operators regulated under s. 849.094,  
1253 Florida Statutes.

1254           Section 23. Paragraph (w) is added to subsection (1) of  
1255 section 215.22, Florida Statutes, to read:

1256           215.22 Certain income and certain trust funds exempt.--

1257           (1) The following income of a revenue nature or the  
1258 following trust funds shall be exempt from the appropriation  
1259 required by s. 215.20(1):

1260           (w) Taxes imposed on electronic gaming and electronic  
1261 gaming machines at eligible pari-mutuel facilities.

1262           Section 24. Subsection (11) of section 550.002, Florida  
1263 Statutes, is amended to read:

1264           550.002 Definitions.--As used in this chapter, the term:

1265           (11) "Full schedule of live racing or games" means, for a  
1266 greyhound or jai alai permitholder, the conduct of a combination  
1267 of at least 100 live evening or matinee performances during the  
1268 preceding year; for a permitholder who has a converted permit or  
1269 filed an application on or before June 1, 1990, for a converted  
1270 permit, the conduct of a combination of at least 100 live evening  
1271 and matinee wagering performances during either of the 2  
1272 preceding years; for a jai alai permitholder who does not operate  
1273 slot machines or an electronic gaming machine in its pari-mutuel  
1274 facility, who has conducted at least 100 live performances per  
1275 year for at least 10 years after December 31, 1992, and whose  
1276 handle on live jai alai games conducted at its pari-mutuel

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1277 facility has been less than \$4 million per state fiscal year for  
1278 at least 2 consecutive years after June 30, 1992, the conduct of  
1279 a combination of at least 40 live evening or matinee performances  
1280 during the preceding year; for a jai alai permitholder who  
1281 operates slot machines or electronic gaming machines in its pari-  
1282 mutuel facility, the conduct of a combination of at least 150  
1283 performances during the preceding year; for a harness  
1284 permitholder, the conduct of at least 100 live regular wagering  
1285 performances during the preceding year; for a quarter horse  
1286 permitholder, the conduct of at least 40 live regular wagering  
1287 performances during the preceding year; and for a thoroughbred  
1288 permitholder, the conduct of at least 40 live regular wagering  
1289 performances during the preceding year. For a permitholder which  
1290 is restricted by statute to certain operating periods within the  
1291 year when other members of its same class of permit are  
1292 authorized to operate throughout the year, the specified number  
1293 of live performances which constitute a full schedule of live  
1294 racing or games shall be adjusted pro rata in accordance with the  
1295 relationship between its authorized operating period and the full  
1296 calendar year and the resulting specified number of live  
1297 performances shall constitute the full schedule of live games for  
1298 such permitholder and all other permitholders of the same class  
1299 within 100 air miles of such permitholder. A live performance  
1300 must consist of no fewer than eight races or games conducted live  
1301 for each of a minimum of three performances each week at the  
1302 permitholder's licensed facility under a single admission charge.

1303 Section 25. Subsection (4) is added to section 550.135,  
1304 Florida Statutes, to read:

1305 550.135 Division of moneys derived under this law.--All

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1306 moneys that are deposited with the Chief Financial Officer to the  
1307 credit of the Pari-mutuel Wagering Trust Fund shall be  
1308 distributed as follows:

1309 (4) The electronic gaming machine license fee, the  
1310 electronic gaming machine occupational license fee, and the  
1311 compulsive or addictive gambling prevention program fee collected  
1312 pursuant to subsection (1) of section 7 of this act and  
1313 subsection (3) of section 17 of this act shall be used to fund  
1314 the direct and indirect operating expenses of the division's  
1315 electronic gaming machine regulation operations and to provide  
1316 funding for relevant enforcement activities in accordance with  
1317 authorized appropriations. Funds deposited into the Pari-mutuel  
1318 Wagering Trust Fund pursuant to subsection (1) of section 7 of  
1319 this act and subsection (3) of section 17 of this act shall be  
1320 reserved in the trust fund for electronic gaming machine  
1321 regulation and enforcement operations. On June 30, any  
1322 unappropriated funds in excess of those necessary for incurred  
1323 obligations and subsequent year cash flow for electronic gaming  
1324 machine regulation and enforcement operations shall be deposited  
1325 with the Chief Financial Officer to the credit of the General  
1326 Revenue Fund.

1327 Section 26. Subsection (2) of section 849.15, Florida  
1328 Statutes, is amended to read:

1329 849.15 Manufacture, sale, possession, etc., of coin-  
1330 operated devices prohibited.--

1331 (2) Pursuant to section 2 of that chapter of the Congress  
1332 of the United States entitled "An act to prohibit transportation  
1333 of gaming devices in interstate and foreign commerce," approved  
1334 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also

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1335 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,  
1336 acting by and through the duly elected and qualified members of  
1337 its Legislature, does hereby in this section, and in accordance  
1338 with and in compliance with the provisions of section 2 of such  
1339 chapter of Congress, declare and proclaim that any county of the  
1340 State of Florida within which slot machine gaming is authorized  
1341 pursuant to chapter 551 or electronic gaming is authorized at  
1342 eligible pari-mutuel facilities is exempt from the provisions of  
1343 section 2 of that chapter of the Congress of the United States  
1344 entitled "An act to prohibit transportation of gaming devices in  
1345 interstate and foreign commerce," designated as 15 U.S.C. ss.  
1346 1171-1177, approved January 2, 1951. All shipments of gaming  
1347 devices, including slot machines and electronic gaming machines,  
1348 into any county of this state within which slot machine gaming is  
1349 authorized pursuant to chapter 551 or electronic gaming is  
1350 authorized at eligible pari-mutuel facilities and the  
1351 registering, recording, and labeling of which have been duly  
1352 performed by the manufacturer or distributor thereof in  
1353 accordance with sections 3 and 4 of that chapter of the Congress  
1354 of the United States entitled "An act to prohibit transportation  
1355 of gaming devices in interstate and foreign commerce," approved  
1356 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also  
1357 designated as 15 U.S.C. ss. 1171-1177, shall be deemed legal  
1358 shipments thereof into this state provided the destination of  
1359 such shipments is an eligible slot machine facility as defined in  
1360 s. 551.102, an eligible electronic gaming machine facility, a  
1361 certified educational facility, ~~or~~ the facility of a slot machine  
1362 manufacturer or slot machine distributor as provided in s.  
1363 551.109(2) ~~(a)~~, a certified educational facility, or the facility

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1364 of an electronic gaming machine manufacturer or electronic gaming  
1365 machine distributor authorized to possess electronic gaming  
1366 machines as provided in the act authorizing electronic gaming  
1367 machines at eligible pari-mutuel facilities.

1368 Section 27. Subsections (1) and (2) of section 895.02,  
1369 Florida Statutes, are amended to read:

1370 895.02 Definitions.--As used in ss. 895.01-895.08, the  
1371 term:

1372 (1) "Racketeering activity" means to commit, to attempt to  
1373 commit, to conspire to commit, or to solicit, coerce, or  
1374 intimidate another person to commit:

1375 (a) Any crime that is chargeable by indictment or  
1376 information under the following provisions of the Florida  
1377 Statutes:

1378 1. Section 210.18, relating to evasion of payment of  
1379 cigarette taxes.

1380 2. Section 403.727(3)(b), relating to environmental  
1381 control.

1382 3. Section 409.920 or s. 409.9201, relating to Medicaid  
1383 fraud.

1384 4. Section 414.39, relating to public assistance fraud.

1385 5. Section 440.105 or s. 440.106, relating to workers'  
1386 compensation.

1387 6. Section 443.071(4), relating to creation of a fictitious  
1388 employer scheme to commit unemployment compensation fraud.

1389 7. Section 465.0161, relating to distribution of medicinal  
1390 drugs without a permit as an Internet pharmacy.

1391 8. Sections 499.0051, 499.0052, 499.00535, 499.00545, and  
1392 499.0691, relating to crimes involving contraband and adulterated



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- 1393 | drugs.
- 1394 |       9. Part IV of chapter 501, relating to telemarketing.
- 1395 |       10. Chapter 517, relating to sale of securities and
- 1396 | investor protection.
- 1397 |       11. Section 550.235, s. 550.3551, or s. 550.3605, relating
- 1398 | to dogracing and horseracing.
- 1399 |       12. Chapter 550, relating to jai alai frontons.
- 1400 |       13. Section 551.109, relating to slot machine gaming.
- 1401 |       14. Chapter 552, relating to the manufacture, distribution,
- 1402 | and use of explosives.
- 1403 |       15. Chapter 560, relating to money transmitters, if the
- 1404 | violation is punishable as a felony.
- 1405 |       16. Chapter 562, relating to beverage law enforcement.
- 1406 |       17. Section 624.401, relating to transacting insurance
- 1407 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 1408 | to operating an unauthorized multiple-employer welfare
- 1409 | arrangement, or s. 626.902(1)(b), relating to representing or
- 1410 | aiding an unauthorized insurer.
- 1411 |       18. Section 655.50, relating to reports of currency
- 1412 | transactions, when such violation is punishable as a felony.
- 1413 |       19. Chapter 687, relating to interest and usurious
- 1414 | practices.
- 1415 |       20. Section 721.08, s. 721.09, or s. 721.13, relating to
- 1416 | real estate timeshare plans.
- 1417 |       21. Chapter 782, relating to homicide.
- 1418 |       22. Chapter 784, relating to assault and battery.
- 1419 |       23. Chapter 787, relating to kidnapping or human
- 1420 | trafficking.
- 1421 |       24. Chapter 790, relating to weapons and firearms.

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- 1422           25. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.  
1423 796.05, or s. 796.07, relating to prostitution and sex  
1424 trafficking.
- 1425           26. Chapter 806, relating to arson.
- 1426           27. Section 810.02(2)(c), relating to specified burglary of  
1427 a dwelling or structure.
- 1428           28. Chapter 812, relating to theft, robbery, and related  
1429 crimes.
- 1430           29. Chapter 815, relating to computer-related crimes.
- 1431           30. Chapter 817, relating to fraudulent practices, false  
1432 pretenses, fraud generally, and credit card crimes.
- 1433           31. Chapter 825, relating to abuse, neglect, or  
1434 exploitation of an elderly person or disabled adult.
- 1435           32. Section 827.071, relating to commercial sexual  
1436 exploitation of children.
- 1437           33. Chapter 831, relating to forgery and counterfeiting.
- 1438           34. Chapter 832, relating to issuance of worthless checks  
1439 and drafts.
- 1440           35. Section 836.05, relating to extortion.
- 1441           36. Chapter 837, relating to perjury.
- 1442           37. Chapter 838, relating to bribery and misuse of public  
1443 office.
- 1444           38. Chapter 843, relating to obstruction of justice.
- 1445           39. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
1446 s. 847.07, relating to obscene literature and profanity.
- 1447           40. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
1448 849.25, relating to gambling.
- 1449           41. Chapter 874, relating to criminal street gangs.
- 1450           42. Chapter 893, relating to drug abuse prevention and

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1451 control.

1452 43. Chapter 896, relating to offenses related to financial  
1453 transactions.

1454 44. Sections 914.22 and 914.23, relating to tampering with  
1455 a witness, victim, or informant, and retaliation against a  
1456 witness, victim, or informant.

1457 45. Sections 918.12 and 918.13, relating to tampering with  
1458 jurors and evidence.

1459 46. Provisions of law relating to electronic gaming and  
1460 electronic gaming machines at eligible pari-mutuel facilities.

1461 (b) Any conduct defined as "racketeering activity" under 18  
1462 U.S.C. s. 1961(1).

1463 (2) "Unlawful debt" means any money or other thing of value  
1464 constituting principal or interest of a debt that is legally  
1465 unenforceable in this state in whole or in part because the debt  
1466 was incurred or contracted:

1467 (a) In violation of any one of the following provisions of  
1468 law:

1469 1. Section 550.235, s. 550.3551, or s. 550.3605, relating  
1470 to dogracing and horseracing.

1471 2. Chapter 550, relating to jai alai frontons.

1472 3. Section 551.109, relating to slot machine gaming.

1473 4. Chapter 687, relating to interest and usury.

1474 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
1475 849.25, relating to gambling.

1476 6. Provisions of law relating to electronic gaming and  
1477 electronic gaming machines at eligible pari-mutuel facilities.

1478 (b) In gambling activity in violation of federal law or in  
1479 the business of lending money at a rate usurious under state or

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1480 federal law.

1481 Section 28. (1) (a) For the 2008-2009 fiscal year, 110  
1482 full-time equivalent positions and 3,551,808 in associated salary  
1483 rate are authorized, and the sums of \$9,281,870 in recurring  
1484 funds and \$4,514,405 in nonrecurring funds are appropriated from  
1485 the Pari-mutuel Wagering Trust Fund of the Department of Business  
1486 and Professional Regulation for the purpose of carrying out all  
1487 regulatory activities provided in this act. The Executive Office  
1488 of the Governor shall place these positions, associated rate, and  
1489 funds in reserve until the Executive Office of the Governor has  
1490 approved an expenditure plan and a budget amendment submitted by  
1491 the Department of Business and Professional Regulation  
1492 recommending the transfer of such funds to traditional  
1493 appropriation categories. Any action proposed pursuant to this  
1494 paragraph is subject to the procedures set forth in s. 216.177,  
1495 Florida Statutes.

1496 (b) For the 2008-2009 fiscal year, the sums of \$4,849,500  
1497 in recurring funds and \$1,176,308 in nonrecurring funds are  
1498 appropriated from the Pari-mutuel Wagering Trust Fund of the  
1499 Department of Business and Professional Regulation for transfer  
1500 to the Operating Trust Fund of the Department of Law Enforcement  
1501 for the purpose of investigations, intelligence gathering,  
1502 background investigations, and any other responsibilities as  
1503 provided in this act.

1504 (2) For the 2008-2009 fiscal year, 61 full-time equivalent  
1505 positions and 2,604,216 in associated salary rate are authorized,  
1506 and the sums of \$4,849,500 in recurring funds and \$1,176,308 in  
1507 nonrecurring funds are appropriated from the Operating Trust Fund  
1508 of the Department of Law Enforcement for the purpose of

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1509 investigations, intelligence gathering, background  
1510 investigations, and any other responsibilities as provided by  
1511 this act. The Executive Office of the Governor shall place these  
1512 positions, associated rate, and funds in reserve until the  
1513 Executive Office of the Governor has approved an expenditure plan  
1514 and a budget amendment submitted by the Department of Law  
1515 Enforcement recommending the transfer of such funds to  
1516 traditional appropriation categories. Any action proposed  
1517 pursuant to this subsection is subject to the procedures set  
1518 forth in s. 216.177, Florida Statutes.

1519 (3) For the 2008-2009 fiscal year, the sum of \$1 million in  
1520 recurring funds is appropriated from the Pari-mutuel Wagering  
1521 Trust Fund of the Department of Business and Professional  
1522 Regulation from revenues received pursuant to s. 551.118, Florida  
1523 Statutes, for contract services related to the prevention of  
1524 compulsive and addictive gambling.

1525 Section 29. The Department of Business and Professional  
1526 Regulation may expend the unreserved cash balance in the Pari-  
1527 mutuel Wagering Trust Fund received from other revenue sources to  
1528 implement electronic gaming regulation and investigations during  
1529 the 2008-2009 fiscal year. Prior to the use of such other  
1530 revenues, the department shall submit a repayment plan for  
1531 approval by the Executive Office of the Governor in consultation  
1532 with the chair and vice chair of the Legislative Budget  
1533 Commission. The Department shall repay such funds with electronic  
1534 gaming machine license revenue sources by April 1, 2009. The  
1535 repaid funds shall be subject to the requirements of s.  
1536 550.135(2), Florida Statutes.

1537 Section 30. This act shall take effect upon becoming a law.