

HB 1415

2011

1                   A bill to be entitled  
2           An act relating to destination resorts; amending s. 20.21,  
3           F.S.; creating the Destination Resort Commission within  
4           the Department of Revenue; amending s. 120.80, F.S.;  
5           exempting the Destination Resort Commission from specified  
6           provisions of the Administrative Procedure Act; creating  
7           the Destination Resort Act; providing definitions;  
8           providing that the Destination Resort Commission is a  
9           separate budget entity from the Department of Revenue;  
10          providing for the appointment and qualifications of  
11          members of the commission; providing for the selection of  
12          the chair and vice chair of the commission; providing that  
13          the chair is the administrative head of the commission;  
14          specifying the responsibilities of the chair; providing  
15          that the commission serves as the agency head for purposes  
16          of the Administrative Procedure Act; providing that the  
17          executive director of the commission may serve as the  
18          agency head for purposes of final agency action within the  
19          authority delegated by the commission; specifying the  
20          powers of the commission, including the power to authorize  
21          limited gaming at up to five destination resorts, conduct  
22          investigations, issue subpoenas, take enforcement actions,  
23          and create an invitation to negotiate process to evaluate  
24          applications for a resort license; specifying the  
25          jurisdiction of the commission, the Department of Law  
26          Enforcement, and local law enforcement agencies to  
27          investigate criminal violations relating to limited  
28          gaming; requiring the commission to revoke or suspend the

29 licensee of a person who was unqualified at the time of  
30 licensure or who is no longer qualified to be licensed;  
31 authorizing the commission to adopt rules relating to the  
32 types of gaming authorized, requirements for the issuance,  
33 renewal, revocation, and suspension of licenses, the  
34 disclosure of financial interests, procedures to test  
35 gaming equipment, procedures to verify gaming revenues and  
36 the collection of taxes, requirements for gaming  
37 equipment, procedures relating to a facilities-based  
38 computer system, bond requirements of resort licensees,  
39 the maintenance of records, procedures to calculate the  
40 payout percentages of slot machines, security standards,  
41 the scope and conditions for investigations and  
42 inspections into the conduct of limited gaming, the  
43 seizure of gaming equipment and records without notice or  
44 a warrant, employee drug-testing programs, and the payment  
45 of costs, fines, and application fees; authorizing the  
46 commission to adopt emergency rules; exempting the rules  
47 from specified provisions of the Administrative Procedure  
48 Act; authorizing the commission to employ law enforcement  
49 officers; specifying the qualifications and powers of law  
50 enforcement officers employed by the commission; providing  
51 for the appointment, qualifications, and powers of the  
52 executive director of the commission; specifying persons  
53 who may not be employed by the commission; requiring the  
54 commission to adopt a code of ethics for its employees,  
55 members, and agents; specifying prohibited financial  
56 interests and relationships; imposing postemployment

57 | restrictions on members, employees, and agents of the  
58 | commission; restricting the political activities of  
59 | members, employees, and agents of the commission;  
60 | prohibiting commissioners, employees, and agents of the  
61 | commission from wagering under certain circumstances;  
62 | requiring members, employees, and agents of the commission  
63 | to annually disclose certain financial interests;  
64 | specifying conditions under which members, employees, and  
65 | agents of the commission must immediately disclose certain  
66 | financial matters, criminal matters, employment  
67 | negotiations, the offering or acceptance of gifts, and the  
68 | offering of a bribe; prohibiting ex parte communications  
69 | between applicants or licensees and members of the  
70 | commission; requiring parties to an ex parte communication  
71 | to disclose the substance of the communication;  
72 | authorizing the imposition of a fine on a member of the  
73 | commission who fails to disclose an ex parte  
74 | communication; authorizing the Commission on Ethics to  
75 | investigate complaints alleging an ex parte communication;  
76 | requiring the Commission on Ethics to provide a report of  
77 | its findings to the Governor if it finds that a  
78 | commissioner violated the prohibitions on ex parte  
79 | communications; authorizing the Commission on Ethics to  
80 | bring an action against a commissioner to collect any  
81 | penalties assessed; prohibiting a person who participated  
82 | in an ex parte communication from appearing or  
83 | representing a person before the commission for a certain  
84 | time; specifying grounds for removal or termination of

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85 | employment of commissioners and employees who violate the  
86 | laws regulating limited gaming; preempting the regulation  
87 | of limited gaming at a destination resort to the state;  
88 | requiring the commission to develop an invitation to  
89 | negotiate process to award a resort license; specifying  
90 | the minimum criteria that an applicant must meet to be  
91 | awarded a destination resort license; specifying events  
92 | that disqualify an applicant from eligibility for a resort  
93 | license; specifying the information that must be on or  
94 | included with an application for a resort license;  
95 | specifying the amount of a nonrefundable application fee  
96 | for a resort license to be used to defray the costs of an  
97 | investigation of the applicant; authorizing the imposition  
98 | of additional fees if the amount of the application fee is  
99 | insufficient to cover the costs of the investigation;  
100 | requiring the payment of a one-time licensing fee to be  
101 | submitted along with an application for a resort license;  
102 | requiring the executive director to notify an applicant  
103 | for a resort license if the application is incomplete;  
104 | authorizing the applicant to have an informal conference  
105 | with the executive director to discuss an incomplete  
106 | application; authorizing the executive director to grant  
107 | an extension to complete an application; providing for the  
108 | stay of the award of a resort license during an extension  
109 | or the appeal to the commission of a finding by the  
110 | executive director that an application is incomplete;  
111 | exempting an institutional investor that is a qualifier  
112 | for a resort licensee from certain application

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113 requirements under certain circumstances; requiring notice  
114 to the commission of any changes that may require a person  
115 to comply with the full application requirements;  
116 exempting lending institutions and underwriters from  
117 licensing requirements as a qualifier under certain  
118 circumstances; specifying conditions for a resort licensee  
119 to maintain licensure; requiring that the licensee post a  
120 bond; specifying conditions for the conduct of limited  
121 gaming by a resort licensee; specifying types of casino  
122 games that may be offered at a facility based on specified  
123 conditions; requiring the commission to renew the license  
124 of a resort licensee if the licensee satisfies specified  
125 conditions; specifying an annual fee for the renewal of a  
126 resort license; imposing a tiered gross receipts tax based  
127 on the amount of a resort licensee's infrastructure costs;  
128 providing for the deposit of the tax into the Destination  
129 Resort Trust Fund; providing for certain unappropriated  
130 funds in the Destination Resort Trust Fund to be deposited  
131 into the General Revenue Fund, the Tourism Promotional  
132 Trust Fund, the Employment Security Administration Trust  
133 Fund, and the Transportation Disadvantaged Trust Fund;  
134 providing for the proceeds of the gross receipts tax to  
135 fund the operations of the commission; providing  
136 procedures for the submission and processing of  
137 fingerprints of certain persons regulated by the  
138 commission; providing that the cost of processing the  
139 fingerprints shall be borne by a licensee or applicant;  
140 requiring a person to report to the commission certain

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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141 | pleas and convictions for disqualifying offenses;  
142 | requiring a resort licensee to train its employees about  
143 | compulsive gambling; requiring a resort licensee to work  
144 | with a compulsive gambling prevention program; requiring  
145 | the commission to contract for services relating to the  
146 | prevention of compulsive gambling; providing for the  
147 | commission's compulsive gambling prevention program to be  
148 | funded from a regulatory fee imposed on resort licensees;  
149 | requiring a person to have a supplier's license to furnish  
150 | certain goods and services to a resort licensee;  
151 | specifying the amount of the application fee for a  
152 | supplier's license; specifying persons who are  
153 | disqualified from receiving a supplier's license;  
154 | specifying circumstances under which the commission may  
155 | revoke a supplier's license; authorizing the commission to  
156 | adopt rules relating to the licensing of suppliers;  
157 | requiring a supplier licensee to furnish a list of gaming  
158 | devices and equipment to the commission, maintain records,  
159 | file quarterly returns, and affix its name to the gaming  
160 | equipment and supplies that it offers; requiring that the  
161 | supplier licensee annually report its inventory to the  
162 | commission; authorizing the commission to revoke a  
163 | supplier's license under certain circumstances; providing  
164 | that the equipment of a supplier's licensee which is used  
165 | in unauthorized gaming will be forfeited to the county  
166 | where the equipment is found; imposing a criminal penalty  
167 | on a person who knowingly makes a false statement on an  
168 | application for a supplier's license; requiring a person

169 | to have an occupational license to serve as a limited  
170 | gaming employee of a resort licensee; requiring a person  
171 | to apply to the commission for an occupational license and  
172 | pay an application fee; specifying information that an  
173 | applicant must include in an application for an  
174 | occupational license; specifying grounds for the  
175 | commission to deny an application for an occupational  
176 | license; imposing a criminal penalty on a person who  
177 | knowingly makes a false statement on an application for an  
178 | occupational license; authorizing the executive director  
179 | of the commission to issue a temporary occupational or  
180 | temporary supplier's license under certain circumstances;  
181 | requiring the commission to file quarterly reports with  
182 | the Governor, the President of the Senate, and the Speaker  
183 | of the House of Representatives; specifying procedures for  
184 | the conduct of proceedings by the commission; authorizing  
185 | the chair of the commission to assign a proceeding to less  
186 | than the full commission; providing procedures for the  
187 | resolution of certain disputes between a resort licensee  
188 | and a patron; requiring a resort licensee to notify the  
189 | commission of certain disputes with a patron involving  
190 | amounts of \$500 or more; requiring a resort licensee to  
191 | notify a patron of the right to file a complaint with the  
192 | commission regarding certain disputes of an amount less  
193 | than \$500; authorizing the commission to investigate  
194 | disputes and to order a resort licensee to make a payment  
195 | to a patron; providing for the enforcement of credit  
196 | instruments; authorizing a resort licensee to accept an

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197 incomplete credit instrument and to complete incomplete  
198 credit instruments under certain circumstances; providing  
199 that existence of a mental disorder is not a defense or a  
200 valid counterclaim in an action to enforce a credit  
201 instrument; authorizing the commission to adopt rules  
202 prescribing the conditions under which a credit instrument  
203 may be presented to a bank; providing that a resort  
204 licensee has the right to exclude a person from its  
205 limited gaming facility; authorizing a person to request  
206 that the commission exclude her or him from limited gaming  
207 facilities; specifying the required contents of the  
208 request; providing that a self-excluded person who is  
209 found on a gaming floor may be arrested and prosecuted for  
210 criminal trespass; providing that a self-excluded person  
211 holds harmless the commission and licensees from claims  
212 for losses and damages under certain circumstances;  
213 amending s. 849.15, F.S.; authorizing slot machine gaming  
214 in a resort licensee and the transportation of slot  
215 machines pursuant to federal law; amending s. 849.231,  
216 F.S.; providing that a prohibition on gambling devices  
217 does not apply to limited gaming as authorized in the act;  
218 amending s. 849.25, F.S.; providing that a prohibition on  
219 gaming does not apply to limited gaming as authorized in  
220 the act; providing an effective date.

221  
222 Be It Enacted by the Legislature of the State of Florida:

223  
224 Section 1. Subsection (7) is added to section 20.21,



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225 Florida Statutes, to read:

226 20.21 Department of Revenue.—There is created a Department  
227 of Revenue.

228 (7) The Destination Resort Commission is created within  
229 the Department of Revenue.

230 Section 2. Subsection (17) is added to section 120.80,  
231 Florida Statutes, to read:

232 120.80 Exceptions and special requirements; agencies.—

233 (17) THE DESTINATION RESORT COMMISSION.—

234 (a) The Destination Resort Commission is exempt from the  
235 hearing and notice requirements of ss. 120.569 and 120.57(1) (a)  
236 in proceedings for the issuance, denial, renewal, or amendment  
237 of a destination resort license.

238 (b) Section 120.60 does not apply to applications for a  
239 destination resort license.

240 (c) Notwithstanding the provisions of s. 120.542, the  
241 Destination Resort Commission may not accept a petition for  
242 waiver or variance and may not grant any waiver or variance from  
243 the requirements of the Destination Resort Act, sections 3  
244 through 35 of this act.

245 Section 3. This section and sections 4 through 35 of this  
246 act may be cited as the "Destination Resort Act" or the "Resort  
247 Act."

248 Section 4. Definitions.—As used in the Resort Act, the  
249 term:

250 (1) "Affiliate" means a person who, directly or  
251 indirectly, through one or more intermediaries:

252 (a) Controls, is controlled by, or is under common control

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253 of;

254 (b) Is in a partnership or joint venture relationship  
255 with; or

256 (c) Is a shareholder of a corporation, a member of a  
257 limited liability company, or a partner in a limited liability  
258 partnership with,

259  
260 an applicant for a resort license or a resort licensee.

261 (2) "Ancillary areas" includes the following areas within  
262 a limited gaming facility, unless the context otherwise  
263 requires:

264 (a) Major aisles, the maximum area of which may not exceed  
265 the limit within any part of the limited gaming facility as  
266 specified by the commission.

267 (b) Back-of-house facilities.

268 (c) Any reception or information counter.

269 (d) Any area designated for the serving or consumption of  
270 food and beverages.

271 (e) Any retail outlet.

272 (f) Any area designated for performances.

273 (g) Any area designated for aesthetic or decorative  
274 displays.

275 (h) Staircases, staircase landings, escalators, lifts, and  
276 lift lobbies.

277 (i) Bathrooms.

278 (j) Any other area that is not intended to be used for the  
279 conduct or playing of games or as a gaming pit as defined by  
280 rules of the commission or specified in the application for the

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281 destination resort license.

282 (3) "Applicant," as the context requires, means a person  
283 who applies for a resort license, supplier's license, or  
284 occupational license. A county, municipality, or other unit of  
285 government is prohibited from applying for a resort license.

286 (4) "Chair" means the chair of the Destination Resort  
287 Commission.

288 (5) "Commission" means the Destination Resort Commission.

289 (6) "Conflict of interest" means a situation in which the  
290 private interest of a member, employee, or agent of the  
291 commission may influence his or her judgment in the performance  
292 of his or her public duty under the Resort Act. A conflict of  
293 interest includes, but is not limited to:

294 (a) Any conduct that would lead a reasonable person having  
295 knowledge of all of the circumstances to conclude that the  
296 member, employee, or agent of the commission is biased against  
297 or in favor of an applicant.

298 (b) The acceptance of any form of compensation from a  
299 source other than the commission for any services rendered as  
300 part of the official duties of the member, employee, or agent of  
301 the commission.

302 (c) Participation in any business transaction with or  
303 before the commission in which the member, employee, or agent of  
304 the commission, or the parent, spouse, or child of a member,  
305 employee, or the agent, has a financial interest.

306 (7) "Department" means the Department of Revenue.

307 (8) "Destination resort" or "resort" means a freestanding,  
308 land-based structure in which limited gaming may be conducted. A

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309 destination resort is a mixed-use development consisting of a  
310 combination of various tourism amenities and facilities,  
311 including, but not limited to, hotels, villas, restaurants,  
312 limited gaming facilities, convention facilities, attractions,  
313 entertainment facilities, service centers, and shopping centers.

314 (9) "Destination resort license" or "resort license" means  
315 a license to operate and maintain a destination resort having a  
316 limited gaming facility.

317 (10) "Executive director" means the executive director of  
318 the commission.

319 (11) "Financial interest" or "financially interested"  
320 means any interest in investments or awarding of contracts,  
321 grants, loans, purchases, leases, sales, or similar matters  
322 under consideration or consummated by the commission, or  
323 ownership in an applicant or a licensee. A member, employee, or  
324 agent of the commission is deemed to have a financial interest  
325 in a matter if:

326 (a) The individual owns any interest in any class of  
327 outstanding securities that are issued by a party to the matter  
328 under consideration by the commission, except indirect interests  
329 such as a mutual fund; or

330 (b) The individual is employed by or is an independent  
331 contractor for a party to a matter under consideration by the  
332 commission.

333 (12) "Gaming pit" means an area commonly known as a gaming  
334 pit or any similar area from which limited gaming employees  
335 administer and supervise the games.

336 (13) "Gross receipts" means the total of cash or cash

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337 equivalents received or retained as winnings by a resort  
338 licensee and the compensation received for conducting any game  
339 in which the resort licensee is not party to a wager, less cash  
340 taken in fraudulent acts perpetrated against the resort licensee  
341 for which the resort licensee is not reimbursed. The term does  
342 not include:

343 (a) Counterfeit money or tokens;

344 (b) Coins of other countries which are received in gaming  
345 devices and which cannot be converted into United States  
346 currency;

347 (c) Promotional credits or "free play" as provided by the  
348 resort licensee as a means of marketing the limited gaming  
349 facility; or

350 (d) The amount of any credit extended until collected.

351 (14) "Individual" means a natural person.

352 (15) "Institutional investor" means, but is not limited  
353 to:

354 (a) A retirement fund administered by a public agency for  
355 the exclusive benefit of federal, state, or county public  
356 employees.

357 (b) An employee benefit plan or pension fund that is  
358 subject to the Employee Retirement Income Security Act of 1974  
359 (ERISA).

360 (c) An investment company registered under the Investment  
361 Company Act of 1940.

362 (d) A collective investment trust organized by a bank  
363 under 12 C.F.R. part 9, s. 9.18.

364 (e) A closed-end investment trust.

365 (f) A life insurance company or property and casualty  
 366 insurance company.

367 (g) A financial institution.

368 (h) An investment advisor registered under the Investment  
 369 Advisers Act of 1940.

370 (16) "Junket enterprise" means any person who, for  
 371 compensation, employs or otherwise engages in the procurement or  
 372 referral of persons for a junket to a destination resort  
 373 licensed under the Resort Act regardless of whether those  
 374 activities occur within this state. The term does not include a  
 375 resort licensee or applicant for a resort license or a person  
 376 holding an occupational license.

377 (17) "License," as the context requires, means a resort  
 378 license, supplier's license, or an occupational license.

379 (18) "Licensee," as the context requires, means a person  
 380 who is licensed as resort licensee, supplier licensee, or  
 381 occupational licensee.

382 (19) "Limited gaming," "game," or "gaming," as the context  
 383 requires, means the games authorized pursuant to the Resort Act  
 384 in a limited gaming facility, including, but not limited to,  
 385 those commonly known as baccarat, twenty-one, poker, craps, slot  
 386 machines, video gaming of chance, roulette wheels, Klondike  
 387 tables, punch-board, faro layout, numbers ticket, push car, jar  
 388 ticket, pull tab, or their common variants, or any other game of  
 389 chance or wagering device that is authorized by the commission.

390 (20) "Limited gaming employee" means any employee of a  
 391 resort licensee, including, but not limited to:

392 (a) Cashiers.

- 393        (b) Change personnel.
- 394        (c) Count room personnel.
- 395        (d) Slot machine attendants.
- 396        (e) Hosts or other individuals authorized to extend
- 397 complimentary services, including employees performing functions
- 398 similar to those performed by a representative for a junket
- 399 enterprise.
- 400        (f) Machine mechanics, computer machine technicians, or
- 401 table game device technicians.
- 402        (g) Security personnel.
- 403        (h) Surveillance personnel.
- 404        (i) Promotional play supervisors, credit supervisors, pit
- 405 supervisors, cashier supervisors, shift supervisors, table game
- 406 managers, assistant managers, and other supervisors and
- 407 managers.
- 408        (j) Boxmen.
- 409        (k) Dealers or croupiers.
- 410        (l) Floormen.
- 411        (m) Personnel authorized to issue promotional credits.
- 412        (n) Personnel authorized to issue credit.

414 The term includes an employee of a person holding a supplier's  
 415 license whose duties are directly involved with the repair or  
 416 distribution of slot machines or table game devices or  
 417 associated equipment sold or provided to a resort licensee. The  
 418 term does not include bartenders, cocktail servers, or other  
 419 persons solely engaged in preparing or serving food or  
 420 beverages, clerical or secretarial personnel, parking

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421 attendants, janitorial staff, stage hands, sound and light  
422 technicians, and other nongaming personnel as determined by the  
423 commission. The term includes a person employed by a person or  
424 entity other than a resort licensee who performs the functions  
425 of a limited gaming employee.

426 (21) "Limited gaming facility" means the limited gaming  
427 floor and any ancillary areas.

428 (22) "Limited gaming floor" means the approved gaming area  
429 of a resort. Ancillary areas in or directly adjacent to the  
430 gaming area are not part of the limited gaming floor for  
431 purposes of calculating the size of the limited gaming floor.

432 (23) "Managerial employee" has the same meaning as in s.  
433 447.203(4), Florida Statutes.

434 (24) "Occupational licensee" means a person who is  
435 licensed to be a limited gaming employee.

436 (25) "Qualifier" means an affiliate, affiliated company,  
437 officer, director, or managerial employee of an applicant for a  
438 resort license, or a person who holds a direct or indirect  
439 equity interest in the applicant. The term may include an  
440 institutional investor. As used in this subsection, the terms  
441 "affiliate," "affiliated company," and "a person who holds a  
442 direct or indirect equity interest in the applicant" do not  
443 include a partnership, a joint venture relationship, a  
444 shareholder of a corporation, a member of a limited liability  
445 company, or a partner in a limited liability partnership that  
446 has a direct or indirect equity interest in the applicant for a  
447 resort license of 5 percent or less and is not involved in the  
448 gaming operations as defined by the rules of the commission.



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449       (26) "Supplier licensee" or "supplier" means a person who  
450 is licensed to furnish gaming equipment, devices, or supplies or  
451 other goods or services to a resort licensee.

452       (27) "Wagerer" means a person who plays a game authorized  
453 under the Resort Act.

454       Section 5. Destination Resort Commission; creation and  
455 membership.-

456       (1) CREATION.-There is created the Destination Resort  
457 Commission assigned to the Department of Revenue for  
458 administrative purposes only. The commission is a separate  
459 budget entity not subject to control, supervision, or direction  
460 by the Department of Revenue in any manner, including, but not  
461 limited to, personnel, purchasing, transactions involving real  
462 or personal property, and budgetary matters. The commission  
463 shall be composed of seven members who are residents of the  
464 state and who have experience in corporate finance, tourism,  
465 convention and resort management, gaming, investigation or law  
466 enforcement, business law, or related legal experience. The  
467 members of the commission shall serve as the agency head of the  
468 Destination Resort Commission. The commission is exempt from the  
469 provisions of s. 20.052, Florida Statutes.

470       (2) MEMBERS.-Three of the members shall be appointed by  
471 the Governor and confirmed by the Senate in the legislative  
472 session following appointment. Two of the members shall be  
473 appointed by the President of the Senate. Two of the members  
474 shall be appointed by the Speaker of the House of  
475 Representatives. Each member shall be appointed to a 4-year  
476 term. However, for the purpose of providing staggered terms, of

477 the initial appointments, the three members appointed by the  
 478 Governor shall be appointed to 2-year terms and the remaining  
 479 four members shall be appointed to 4-year terms. Terms expire on  
 480 June 30. Upon the expiration of the term of a commissioner, a  
 481 successor shall be appointed in the same manner as the original  
 482 appointment to serve for a 4-year term. A commissioner whose  
 483 term has expired shall continue to serve on the commission until  
 484 such time as a replacement is appointed. If a vacancy on the  
 485 commission occurs before the expiration of the term, it shall be  
 486 filled for the unexpired portion of the term in the same manner  
 487 as the original appointment.

488 (a)1. One member of the commission must be a certified  
 489 public accountant licensed in this state who possesses at least  
 490 5 years of experience in general accounting. The member must  
 491 also possess a comprehensive knowledge of the principles and  
 492 practices of corporate finance or auditing, general finance,  
 493 gaming, or economics.

494 2. One member of the commission must have experience in  
 495 the fields of investigation or law enforcement.

496 3. When making appointments to the commission, the  
 497 Governor shall announce the classification by experience of the  
 498 person appointed.

499 (b) A person may not be appointed to or serve as a member  
 500 of the commission if the person:

501 1. Is an elected state official;

502 2. Is licensed by the commission, or is an officer of, has  
 503 a financial interest in, or has a direct or indirect contractual  
 504 relationship with, any applicant for a resort license or resort

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505 licensee;

506 3. Is related to any person within the second degree of  
507 consanguinity of affinity who is licensed by the commission; or

508 4. Has, within the 10 years preceding his or her  
509 appointment, been under indictment for, convicted of, pled  
510 guilty or nolo contendere to, or forfeited bail for a felony or  
511 a misdemeanor involving gambling or fraud under the laws of this  
512 or any other state or the United States.

513 (c) Members of the commission shall serve full time.

514 (3) CHAIR AND VICE CHAIR.—

515 (a) The chair shall be appointed by the Governor. The vice  
516 chair of the commission shall be elected by the members of the  
517 commission during the first meeting of the commission on or  
518 after July 1 of each year. The chair shall be the administrative  
519 head of the commission. The chair shall set the agenda for each  
520 meeting. The chair shall approve all notices, vouchers,  
521 subpoenas, and reports as required by the Resort Act. The chair  
522 shall preserve order and decorum and shall have general control  
523 of the commission meetings. The chair shall decide all questions  
524 of order. The chair may name any member of the commission to  
525 perform the duties of the chair for a meeting if such  
526 substitution does not extend beyond that meeting.

527 (b) If for any reason the chair is absent and fails to  
528 name a member, the vice chair shall assume the duties of the  
529 chair during the chair's absence. On the death, incapacitation,  
530 or resignation of the chair, the vice chair shall perform the  
531 duties of the office until the Governor appoints a successor.

532 (c) The administrative responsibilities of the chair are

533 to plan, organize, and control administrative support services  
 534 for the commission. Administrative functions include, but are  
 535 not limited to, finance and accounting, revenue accounting,  
 536 personnel, and office services.

537 (4) QUORUM.—Four members of the commission constitute a  
 538 quorum.

539 (5) HEADQUARTERS.—The headquarters of the commission shall  
 540 be located in Tallahassee.

541 (6) MEETINGS.—The commission must meet at least monthly.  
 542 Meetings may be called by the chair or by four members of the  
 543 commission upon 72 hours' public notice. The initial meeting of  
 544 the commission must be held by October 1, 2011.

545 (7) AGENCY HEAD.—The commission shall serve as the agency  
 546 head for purposes of chapter 120, Florida Statutes. The  
 547 executive director of the commission may serve as the agency  
 548 head for purposes of final agency action under chapter 120,  
 549 Florida Statutes, for all areas within the regulatory authority  
 550 delegated to the executive director's office.

551 Section 6. Destination Resort Commission; powers and  
 552 duties.—

553 (1) The commission has jurisdiction over and shall  
 554 supervise all destination resort limited gaming activity  
 555 governed by the Resort Act, including the power to:

556 (a) Authorize limited gaming at five destination resorts.

557 (b) Conduct such investigations as necessary to fulfill  
 558 its responsibilities.

559 (c) Use an invitation to negotiate process for applicants  
 560 based on minimum requirements established by the Resort Act and

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561 rules of the commission.

562 (d) Investigate applicants for a resort license and  
563 determine the eligibility of applicants for a resort license and  
564 to select from competing applicants the applicant that best  
565 serves the interests of the residents of Florida, based on the  
566 potential for economic development presented by the applicant's  
567 proposed investment in infrastructure, such as hotels and other  
568 nongaming entertainment facilities, and the applicant's ability  
569 to maximize revenue for the state.

570 (e) Grant a license to the applicant best suited to  
571 operate a destination resort that has limited gaming.

572 (f) Establish and collect fees for performing background  
573 checks on all applicants for licenses and all persons with whom  
574 the commission may contract for the providing of goods or  
575 services and for performing, or having performed, tests on  
576 equipment and devices to be used in a limited gaming facility.

577 (g) Issue subpoenas for the attendance of witnesses and  
578 subpoenas duces tecum for the production of books, records, and  
579 other pertinent documents as provided by law, and to administer  
580 oaths and affirmations to the witnesses, if, in the judgment of  
581 the commission, it is necessary to enforce the Resort Act or  
582 commission rules. If a person fails to comply with a subpoena,  
583 the commission may petition the circuit court of the county in  
584 which the person subpoenaed resides or has his or her principal  
585 place of business for an order requiring the subpoenaed person  
586 to appear and testify and to produce books, records, and  
587 documents as specified in the subpoena. The court may grant  
588 legal, equitable, or injunctive relief, which may include, but

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589 is not limited to, issuance of a writ of ne exeat or restraint  
590 by injunction or appointment of a receiver of any transfer,  
591 pledge, assignment, or other disposition of such person's assets  
592 or any concealment, alteration, destruction, or other  
593 disposition of subpoenaed books, records, or documents, as the  
594 court deems appropriate, until the person subpoenaed has fully  
595 complied with the subpoena and the commission has completed the  
596 audit, examination, or investigation. The commission is entitled  
597 to the summary procedure provided in s. 51.011, Florida  
598 Statutes, and the court shall advance the cause on its calendar.  
599 Costs incurred by the commission to obtain an order granting, in  
600 whole or in part, such petition for enforcement of a subpoena  
601 shall be charged against the subpoenaed person, and failure to  
602 comply with such order is a contempt of court.

603 (h) Require or permit a person to file a statement in  
604 writing, under oath or otherwise as the commission or its  
605 designee requires, as to all the facts and circumstances  
606 concerning the matter to be audited, examined, or investigated.

607 (i) Keep accurate and complete records of its proceedings  
608 and to certify the records as may be appropriate.

609 (j) Take any other action as may be reasonable or  
610 appropriate to enforce the Resort Act and rules adopted by the  
611 commission.

612 (k) Apply for injunctive or declaratory relief in a court  
613 of competent jurisdiction to enforce the Resort Act and any  
614 rules adopted by the commission.

615 (l) Establish field offices, as deemed necessary by the  
616 commission.

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617       (2) The Department of Law Enforcement and local law  
618 enforcement agencies have concurrent jurisdiction to investigate  
619 criminal violations of the Resort Act and may investigate any  
620 other criminal violation of law occurring at the limited gaming  
621 facilities. Such investigations may be conducted in conjunction  
622 with the appropriate state attorney.

623       (3) (a) The commission, the Department of Law Enforcement,  
624 and local law enforcement agencies have unrestricted access to  
625 the limited gaming facility at all times and shall require of  
626 each resort licensee strict compliance with the laws of this  
627 state relating to the transaction of such business. The  
628 commission, the Department of Law Enforcement, and local law  
629 enforcement agencies may:

630           1. Inspect and examine premises where authorized limited  
631 gaming devices are offered for play.

632           2. Inspect slot machines, other authorized gaming devices,  
633 and related equipment and supplies.

634       (b) In addition, the commission may:

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

636           2. Deny, revoke, suspend, or place conditions on a  
637 licensee who violates any provision of the Resort Act, a rule  
638 adopted by the commission, or an order of the commission.

639       (4) The commission must revoke or suspend the license of  
640 any person who is no longer qualified or who is found, after  
641 receiving a license, to have been unqualified at the time of  
642 application for the license.

643       (5) This section does not:

644           (a) Prohibit the Department of Law Enforcement or any law

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645 enforcement authority whose jurisdiction includes a resort  
646 licensee or a supplier licensee from conducting investigations  
647 of criminal activities occurring at the facilities of a resort  
648 licensee or supplier licensee;

649 (b) Restrict access to the limited gaming facility by the  
650 Department of Law Enforcement or any local law enforcement  
651 authority whose jurisdiction includes a resort licensee's  
652 facility; or

653 (c) Restrict access by the Department of Law Enforcement  
654 or a local law enforcement agency to information and records  
655 necessary for the investigation of criminal activity which are  
656 contained within the facilities of a resort licensee or supplier  
657 licensee.

658 Section 7. Rulemaking.—

659 (1) The commission shall adopt all rules necessary to  
660 implement, administer, and regulate limited gaming under the  
661 Destination Resort Act. The rules must include:

662 (a) The types of limited gaming activities to be conducted  
663 and the rules for those games, including any restriction upon  
664 the time, place, and structures where limited gaming is  
665 authorized.

666 (b) Requirements, procedures, qualifications, and grounds  
667 for the issuance, renewal, revocation, suspension, and summary  
668 suspension of a resort license, supplier's license, or  
669 occupational license.

670 (c) Requirements for the disclosure of the complete  
671 financial interests of licensees and applicants for licenses.

672 (d) Technical requirements and the qualifications that are



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673 necessary to receive a license.

674 (e) Procedures to scientifically test and technically  
675 evaluate slot machines and other authorized gaming devices for  
676 compliance with the Resort Act and the rules adopted by the  
677 commission. The commission may contract with an independent  
678 testing laboratory to conduct any necessary testing. The  
679 independent testing laboratory must have a national reputation  
680 for being demonstrably competent and qualified to scientifically  
681 test and evaluate slot machines and other authorized gaming  
682 devices. An independent testing laboratory may not be owned or  
683 controlled by a licensee. The use of an independent testing  
684 laboratory for any purpose related to the conduct of slot  
685 machine gaming and other authorized gaming by a resort licensee  
686 shall be made from a list of laboratories approved by the  
687 commission.

688 (f) Procedures relating to limited gaming revenues,  
689 including verifying and accounting for such revenues, auditing,  
690 and collecting taxes and fees.

691 (g) Requirements for limited gaming equipment, including  
692 the types and specifications of all equipment and devices that  
693 may be used in limited gaming facilities.

694 (h) Procedures for regulating, managing, and auditing the  
695 operation, financial data, and program information relating to  
696 limited gaming which allow the commission and the Department of  
697 Law Enforcement to audit the operation, financial data, and  
698 program information of a resort licensee, as required by the  
699 commission or the Department of Law Enforcement, and provide the  
700 commission and the Department of Law Enforcement with the

701 ability to monitor, at any time on a real-time basis, wagering  
 702 patterns, payouts, tax collection, and compliance with any rules  
 703 adopted by the commission for the regulation and control of  
 704 limited gaming. Such continuous and complete access, at any time  
 705 on a real-time basis, shall include the ability of either the  
 706 commission or the Department of Law Enforcement to suspend play  
 707 immediately on particular slot machines or other gaming devices  
 708 if monitoring of the facilities-based computer system indicates  
 709 possible tampering or manipulation of those slot machines or  
 710 gaming devices or the ability to suspend play immediately of the  
 711 entire operation if the tampering or manipulation is of the  
 712 computer system itself. The commission shall notify the  
 713 Department of Law Enforcement or the Department of Law  
 714 Enforcement shall notify the commission, as appropriate,  
 715 whenever there is a suspension of play pursuant this paragraph.  
 716 The commission and the Department of Law Enforcement shall  
 717 exchange information that is necessary for, and cooperate in the  
 718 investigation of, the circumstances requiring suspension of play  
 719 pursuant to this paragraph.

720 (i) Procedures for requiring each resort licensee at his  
 721 or her own cost and expense to supply the commission with a bond  
 722 as required.

723 (j) Procedures for requiring licensees to maintain and to  
 724 provide to the commission records, data, information, or  
 725 reports, including financial and income records.

726 (k) Procedures to calculate the payout percentages of slot  
 727 machines.

728 (l) Minimum standards for security of the facilities,

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729 including floor plans, security cameras, and other security  
730 equipment.

731 (m) The scope and conditions for investigations and  
732 inspections into the conduct of limited gaming.

733 (n) The standards and procedures for the seizure without  
734 notice or hearing of gaming equipment, supplies, or books and  
735 records for the purpose of examination and inspection.

736 (o) Procedures for requiring resort licensees and supplier  
737 licensees to implement and establish drug-testing programs for  
738 all employees.

739 (p) Procedures and guidelines for the continuous recording  
740 of all gaming activities at a limited gaming facility. The  
741 commission may require a resort licensee to timely provide all  
742 or part of the original recordings pursuant to a schedule.

743 (q) The payment of costs incurred by the commission or any  
744 other agencies for investigations or background checks or costs  
745 associated with testing limited gaming related equipment, which  
746 must be paid by an applicant for a license or a licensee.

747 (r) The levying of fines for violations of the Resort Act  
748 or any rule adopted by the commission, which fines may not  
749 exceed \$250,000 per violation arising out of a single  
750 transaction.

751 (s) The amount of any application fee or fee to renew an  
752 occupational license or a suppliers license.

753 (t) Any other rule necessary to accomplish the purposes of  
754 the Resort Act.

755 (2) The commission may at any time adopt emergency rules  
756 pursuant to s. 120.54, Florida Statutes. The Legislature finds

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757 that such emergency rulemaking power is necessary for the  
758 preservation of the rights and welfare of the people in order to  
759 provide additional funds to benefit the public. The Legislature  
760 further finds that the unique nature of limited gaming  
761 operations requires, from time to time, that the commission  
762 respond as quickly as is practicable. Therefore, in adopting  
763 such emergency rules, the commission need not make the findings  
764 required by s. 120.54(4) (a), Florida Statutes. Emergency rules  
765 adopted under this section are exempt from s. 120.54(4) (c),  
766 Florida Statutes. However, the emergency rules may not remain in  
767 effect for more than 180 days except that the commission may  
768 renew the emergency rules during the pendency of procedures to  
769 adopt permanent rules addressing the subject of the emergency  
770 rules.

771 Section 8. Law enforcement officers.-

772 (1) The commission may employ sworn law enforcement  
773 officers to enforce any criminal law, conduct any criminal  
774 investigation, or enforce any statute within the jurisdiction of  
775 the commission.

776 (2) Each law enforcement officer must meet the  
777 qualifications for law enforcement officers under s. 943.13,  
778 Florida Statutes, and must be certified as a law enforcement  
779 officer by the Department of Law Enforcement. Upon  
780 certification, each law enforcement officer is subject to and  
781 has the authority provided to law enforcement officers generally  
782 under chapter 901, Florida Statutes, and has statewide  
783 jurisdiction.

784 (3) Each officer has arrest authority as provided for

785 state law enforcement officers under s. 901.15, Florida  
 786 Statutes, and full law enforcement powers granted to other  
 787 officers of this state, including the authority to make arrests,  
 788 carry firearms, serve court process, and seize contraband and  
 789 proceeds from illegal activities.

790 (4) Each law enforcement officer of the commission, upon  
 791 certification under s. 943.1395, Florida Statutes, has the same  
 792 right and authority to carry arms as do the sheriffs of this  
 793 state.

794 Section 9. Executive director.—The commission shall  
 795 appoint or remove the executive director of the commission by a  
 796 majority vote. An interim executive director shall be appointed  
 797 within 10 days after the initial meeting of the commission.

798 (1) The executive director:

799 (a) Shall devote full time to the duties of the office;

800 (b) May not hold any other office or employment;

801 (c) Shall perform all duties assigned by the commission;

802 and

803 (d) May hire assistants and employees as necessary to  
 804 conduct the business of the commission, and consultants  
 805 necessary for the efficient operation of destination resorts.

806 (2) (a) The executive director may not employ a person who,  
 807 during the 3 years immediately preceding employment, held a  
 808 direct or indirect interest in, or was employed by:

809 1. A resort licensee or supplier licensee;

810 2. An applicant for a resort license or an applicant for a  
 811 similar license in another jurisdiction;

812 3. An entity licensed to operate a gaming facility in

813 another state;

814 4. A pari-mutuel gaming facility licensed to operate in  
 815 this state; or

816 5. A tribal gaming facility within this state.

817 (b) Notwithstanding paragraph (a), a person may be  
 818 employed by the commission if the commission finds that the  
 819 person's former interest in any licensee will not interfere with  
 820 the objective discharge of the person's employment obligations.

821 However, a person may not be employed by the commission if:

822 1. The person's interest in an applicant, licensee, or  
 823 tribal facility constituted a controlling interest; or

824 2. The person or the person's spouse, parent, child,  
 825 child's spouse, or sibling is a member of the commission, or a  
 826 director of, or a person financially interested in, an applicant  
 827 or a licensee.

828 Section 10. Code of ethics.—

829 (1) The commission shall adopt a code of ethics by rule  
 830 for its members, employees, and agents.

831 (2) A member of the commission or the executive director  
 832 may not hold a direct or indirect interest in, be employed by,  
 833 or enter into a contract for service with an applicant or person  
 834 licensed by the commission for a period of 5 years after the  
 835 date of termination of the person's membership on or employment  
 836 with the commission.

837 (3) An employee of the commission may not acquire a direct  
 838 or indirect interest in, be employed by, or enter into a  
 839 contract for services with an applicant or person licensed by  
 840 the commission for a period of 3 years after the date of

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841 termination of the person's employment with the commission.

842 (4) A commission member or a person employed by the  
843 commission may not represent a person or party other than the  
844 state before or against the commission for a period of 3 years  
845 after the date of termination of the member's term of office or  
846 the employee's period of employment with the commission.

847 (5) A business entity in which a former commission member,  
848 employee, or agent has an interest, or any partner, officer, or  
849 employee of that business entity, may not appear before or  
850 represent another person before the commission if the former  
851 commission member, employee, or agent would be prohibited from  
852 doing so. As used in this subsection, the term "business entity"  
853 means a corporation, limited liability company, partnership,  
854 limited liability partnership association, trust, or other form  
855 of legal entity.

856 (6) A member, employee, or agent of the commission may not  
857 engage in political activity or politically related activity  
858 during the duration of the person's appointment or employment.  
859 As used in this paragraph, the terms "political activity" or  
860 "politically related activity" include:

861 (a) Using the person's official authority or influence for  
862 the purpose of interfering with or affecting the result of an  
863 election;

864 (b) Knowingly soliciting, accepting, or receiving  
865 political contributions from any person;

866 (c) Running for nomination or as a candidate for election  
867 to a partisan political office; or

868 (d) Knowingly soliciting or discouraging the participation

869 in any political activity of any person who is:

870 1. Applying for any compensation, grant, contract, ruling,  
 871 license, permit, or certificate pending before the commission;

872 or

873 2. The subject of or a participant in an ongoing audit,  
 874 investigation, or enforcement action being carried out by the  
 875 commission.

876 (7) A former member, employee, or agent of the commission  
 877 may appear before the commission as a witness testifying as to  
 878 factual matters or actions handled by the former member,  
 879 employee, or agent during his or her tenure with the commission.  
 880 However, the former member, employee, or agent of the commission  
 881 may not receive compensation for the appearance other than a  
 882 standard witness fee and reimbursement for travel expenses as  
 883 established by statute or rules governing administrative  
 884 proceedings before the Division of Administrative Hearings.

885 (8) (a) The executive director must approve outside  
 886 employment for an employee or agent of the commission.

887 (b) An employee or agent of the commission granted  
 888 permission for outside employment may not conduct any business  
 889 or perform any activities, including solicitation, related to  
 890 outside employment on premises used by the commission or during  
 891 the employee's working hours for the commission.

892 (c) As used in this subsection, the term "outside  
 893 employment" includes, but is not limited to:

894 1. Operating a proprietorship;

895 2. Participating in a partnership or group business  
 896 enterprise; or



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897 3. Performing as a director or corporate officer of any  
898 for-profit corporation or banking or credit institution.

899 (9) A member, employee, or agent of the commission may not  
900 participate in or wager on any game conducted by any resort  
901 licensee or applicant or any affiliate of a licensee or  
902 applicant regulated by the commission in this state or in any  
903 other jurisdiction, except as required as part of the person's  
904 surveillance, security, or other official duties.

905 Section 11. Disclosures by commissioners, employees, and  
906 agents.—

907 (1) COMMISSIONERS.—

908 (a) Each member of the commission shall file a financial  
909 disclosure statement pursuant to s. 112.3145, Florida Statutes.

910 (b) Each member must disclose information required by  
911 rules of the commission to ensure the integrity of the  
912 commission and its work.

913 (c) By January 1 of each year, each member must file a  
914 statement with the commission:

915 1. Affirming that the member, and the member's spouse,  
916 parent, child, or child's spouse, is not a member of the board  
917 of directors of, financially interested in, or employed by an  
918 applicant or resort licensee.

919 2. Affirming that the member is in compliance with the  
920 Resort Act and the rules of the commission.

921 3. Disclosing any legal or beneficial interest in real  
922 property that is or may be directly or indirectly involved with  
923 activities or persons regulated by the commission.

924 (d) Each member must disclose involvement with any gaming

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925 interest in the 5 years preceding appointment as a member.

926 (2) EMPLOYEES AND AGENTS.—

927 (a) The executive director and each managerial employee  
928 and agent, as determined by the commission, shall file a  
929 financial disclosure statement pursuant to s. 112.3145, Florida  
930 Statutes. All employees and agents must comply with the  
931 provisions of chapter 112, Florida Statutes.

932 (b) The executive director and each managerial employee  
933 and agent identified by rule of the commission must disclose  
934 information required by rules of the commission to ensure the  
935 integrity of the commission and its work.

936 (c) By January 31 of each year, each employee and agent of  
937 the commission must file a statement with the commission:

938 1. Affirming that the employee, and the employee's spouse,  
939 parent, child, or child's spouse, is not financially interested  
940 in or employed by an applicant or licensee.

941 2. Affirming that the person does not have any financial  
942 interest prohibited by laws or rules administered by the  
943 commission.

944 3. Disclosing any legal or beneficial interest in real  
945 property that is or may be directly or indirectly involved with  
946 activities or persons regulated by the commission.

947 (d) Each employee or agent of the commission must disclose  
948 involvement with any gaming interest during the 5 years before  
949 employment.

950 (3) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

951 (a) A member, employee, or agent of the commission who  
952 becomes aware that the member, employee, or agent of the

953 commission or his or her spouse, parent, or child is a member of  
 954 the board of directors of, financially interested in, or  
 955 employed by an applicant or licensee must immediately provide  
 956 detailed written notice to the chair.

957 (b) A member, employee, or agent of the commission must  
 958 immediately provide detailed written notice of the circumstances  
 959 to the chair if the member, employee, or agent is indicted,  
 960 charged with, convicted of, pleads guilty or nolo contendere to,  
 961 or forfeits bail for:

962 1. A misdemeanor involving gambling, dishonesty, theft, or  
 963 fraud;

964 2. A violation of any law in any state, or a law of the  
 965 United States or any other jurisdiction, involving gambling,  
 966 dishonesty, theft, or fraud which substantially corresponds to a  
 967 misdemeanor in this state; or

968 3. A felony under the laws of this or any other state, or  
 969 the laws of the United States, or any other jurisdiction.

970 (c) A member, employee, or agent of the commission who is  
 971 negotiating for an interest in a licensee or an applicant, or is  
 972 affiliated with such a person, must immediately provide written  
 973 notice of the details of the interest to the chair. The member,  
 974 employee, or agent of the commission may not act on behalf of  
 975 the commission with respect to that person.

976 (d) A member, employee, or agent of the commission may not  
 977 enter into negotiations for employment with any person or  
 978 affiliate of any person who is an applicant, licensee, or an  
 979 affiliate. If a member, employee, or agent of the commission  
 980 enters into negotiations for employment in violation of this

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981 paragraph or receives an invitation, written or oral, to  
982 initiate a discussion concerning employment with any person who  
983 is a licensee, applicant, or an affiliate, he or she must  
984 immediately provide written notice of the details of any such  
985 negotiations or discussions to the chair. The member, employee,  
986 or agent of the commission may not take any action on behalf of  
987 the commission with respect to that licensee or applicant.

988 (e) A licensee or applicant may not knowingly initiate a  
989 negotiation for, or discussion of, employment with a member,  
990 employee, or agent of the commission. A licensee or applicant  
991 who initiates a negotiation or discussion about employment shall  
992 immediately provide written notice of the details of the  
993 negotiation or discussion to the chair as soon as that person  
994 becomes aware that the negotiation or discussion has been  
995 initiated with a member, employee, or agent of the commission.

996 (f) A member, employee, or agent of the commission, or a  
997 parent, spouse, sibling, or child of a member, employee, or  
998 agent of the commission, may not accept any gift, gratuity,  
999 compensation, travel, lodging, or anything of value, directly or  
1000 indirectly, from a licensee, applicant, or affiliate or  
1001 representative of a person regulated by the commission unless  
1002 the acceptance is permitted under the rules of the commission  
1003 and conforms with chapter 112, Florida Statutes. A member,  
1004 employee, or agent of the commission who is offered or receives  
1005 any gift, gratuity, compensation, travel, lodging, or anything  
1006 of value, directly or indirectly, from any licensee or an  
1007 applicant or affiliate or representative of a person regulated  
1008 by the commission must immediately provide written notice of the

1009 details to the chair.

1010 (g) A licensee, applicant, or affiliate or representative  
 1011 of an applicant or licensee may not, directly or indirectly,  
 1012 knowingly give or offer to give any gift, gratuity,  
 1013 compensation, travel, lodging, or anything of value to any  
 1014 member or employee, or to a parent, spouse, sibling, or child of  
 1015 a member, employee, or agent, which the member or employee is  
 1016 prohibited from accepting under paragraph (f).

1017 (h) A member, employee, or agent of the commission may not  
 1018 engage in any conduct that constitutes a conflict of interest,  
 1019 and must immediately advise the chair in writing of the details  
 1020 of any incident or circumstances that would suggest the  
 1021 existence of a conflict of interest with respect to the  
 1022 performance of commission-related work or duty of the member,  
 1023 employee, or agent of the commission.

1024 (i) A member, employee, or agent of the commission who is  
 1025 approached and offered a bribe must immediately provide a  
 1026 written account of the details of the incident to the chair and  
 1027 to a law enforcement agency having jurisdiction over the matter.

1028 Section 12. Ex parte communications.-

1029 (1) A licensee, applicant, or any affiliate or  
 1030 representative of an applicant or licensee may not engage  
 1031 directly or indirectly in ex parte communications concerning a  
 1032 pending application, license, or enforcement action with a  
 1033 member of the commission or concerning a matter that likely will  
 1034 be pending before the commission. A member of the commission may  
 1035 not engage directly or indirectly in any ex parte communications  
 1036 concerning a pending application, license, or enforcement action

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1037 with members of the commission, or with a licensee, applicant,  
 1038 or any affiliate or representative of an applicant or licensee,  
 1039 or concerning a matter that likely will be pending before the  
 1040 commission.

1041 (2) Any commission member, licensee, applicant, or  
 1042 affiliate or representative of a commission member, licensee, or  
 1043 applicant who receives any ex parte communication in violation  
 1044 of subsection (1), or who is aware of an attempted communication  
 1045 in violation of subsection (1), must immediately report details  
 1046 of the communication or attempted communication in writing to  
 1047 the chair.

1048 (3) If a commissioner knowingly receives an ex parte  
 1049 communication relative to a proceeding to which he or she is  
 1050 assigned, he or she must place on the record copies of all  
 1051 written communications received, copies of all written responses  
 1052 to the communications, and a memorandum stating the substance of  
 1053 all oral communications received and all oral responses made,  
 1054 and shall give written notice to all parties to the  
 1055 communication that such matters have been placed on the record.  
 1056 Any party who desires to respond to an ex parte communication  
 1057 may do so. The response must be received by the commission  
 1058 within 10 days after receiving notice that the ex parte  
 1059 communication has been placed on the record. The commissioner  
 1060 may, if he or she deems it necessary to eliminate the effect of  
 1061 an ex parte communication received by him or her, withdraw from  
 1062 the proceeding potentially impacted by the ex parte  
 1063 communication. After a commissioner withdraws from the  
 1064 proceeding, the chair shall substitute another commissioner for

1065 the proceeding if the proceeding was not assigned to the full  
 1066 commission.

1067 (4) Any individual who makes an ex parte communication  
 1068 must submit to the commission a written statement describing the  
 1069 nature of such communication, including the name of the person  
 1070 making the communication, the name of the commissioner or  
 1071 commissioners receiving the communication, copies of all written  
 1072 communications made, all written responses to such  
 1073 communications, and a memorandum stating the substance of all  
 1074 oral communications received and all oral responses made. The  
 1075 commission shall place on the record of a proceeding all such  
 1076 communications.

1077 (5) A member of the commission who knowingly fails to  
 1078 place on the record any ex parte communications, in violation of  
 1079 this section, within 15 days after the date of the communication  
 1080 is subject to removal and may be assessed a civil penalty not to  
 1081 exceed \$5,000.

1082 (6) The Commission on Ethics shall receive and investigate  
 1083 sworn complaints of violations of this section pursuant to ss.  
 1084 112.322-112.3241, Florida Statutes.

1085 (7) If the Commission on Ethics finds that a member of the  
 1086 commission has violated this section, it shall provide the  
 1087 Governor with a report of its findings and recommendations. The  
 1088 Governor may enforce the findings and recommendations of the  
 1089 Commission on Ethics pursuant to part III of chapter 112,  
 1090 Florida Statutes.

1091 (8) If a commissioner fails or refuses to pay the  
 1092 Commission on Ethics any civil penalties assessed pursuant to

1093 this section, the Commission on Ethics may bring an action in  
 1094 any circuit court to enforce such penalty.

1095 (9) If, during the course of an investigation by the  
 1096 Commission on Ethics into an alleged violation of this section,  
 1097 allegations are made as to the identity of the person who  
 1098 participated in the ex parte communication, that person must be  
 1099 given notice and an opportunity to participate in the  
 1100 investigation and relevant proceedings to present a defense. If  
 1101 the Commission on Ethics determines that the person participated  
 1102 in the ex parte communication, the person may not appear before  
 1103 the commission or otherwise represent anyone before the  
 1104 commission for 2 years.

1105 Section 13. Penalties for misconduct by a commissioner,  
 1106 employee, or agent.—

1107 (1) A violation of the Resort Act by a member of the  
 1108 commission may result in disqualification or constitute cause  
 1109 for removal by the Governor or other disciplinary action as  
 1110 determined by the commission.

1111 (2) A violation of the Resort Act by an employee or agent  
 1112 of the commission does not require termination of employment or  
 1113 other disciplinary action if:

1114 (a) The commission determines that the conduct involved  
 1115 does not violate the purposes the Resort Act; or

1116 (b) There was no intentional action on the part of the  
 1117 employee or agent, contingent on divestment of the financial  
 1118 interest within 30 days after the interest was acquired.

1119 (3) Notwithstanding subsection (2), an employee or agent  
 1120 of the commission who violates the Resort Act shall be



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1121 terminated if a financial interest in a licensee, applicant, or  
 1122 affiliate, or representative of a licensee or applicant, is  
 1123 acquired by:

- 1124 (a) An employee of the commission; or
- 1125 (b) The employee's or agent's spouse, parent, or child.
- 1126 (4) A violation the Resort Act does not create a civil  
 1127 cause of action.

1128 Section 14. Legislative authority; administration of act.-  
 1129 The regulation of the conduct of limited gaming activity at a  
 1130 resort licensee is preempted to the state and a county,  
 1131 municipality, or other political subdivision of the state may  
 1132 not enact any ordinance relating to limited gaming. Only the  
 1133 commission and other authorized state agencies shall administer  
 1134 the Resort Act and regulate limited gaming, including limited  
 1135 gaming at resort licensees and the assessment of fees or taxes  
 1136 relating to the conduct of limited gaming.

1137 Section 15. Process for awarding destination resort  
 1138 licenses.-

1139 (1) The commission shall by rule use an invitation to  
 1140 negotiate process for determining the award of a resort license.  
 1141 The application, review, and issuance procedures for awarding a  
 1142 license shall be by a process in which applicants rely on forms  
 1143 provided by the commission in response to an invitation to  
 1144 negotiate issued by the commission.

1145 (2) The commission may, at its discretion, stagger the  
 1146 issuance of invitations to negotiate, the period for review of  
 1147 replies, and the awarding of one or more licenses to conduct  
 1148 limited gaming, provided that the number of licenses does not

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1149 exceed five destination resort licensees. Invitations to  
1150 negotiate shall require a response within no less than 6 months  
1151 of the date after the issuance of the invitation.

1152 (3) The commission shall review all complete replies  
1153 received pursuant to an invitation to negotiate. The commission  
1154 may select one or more replies with which to commence  
1155 negotiations after determining which replies are in the best  
1156 interest of the state based on the selection criteria. The  
1157 commission shall award or deny a destination resort license  
1158 within 12 months after the deadline for the submission of a  
1159 reply.

1160 Section 16. Criteria for the award of a destination resort  
1161 license.-

1162 (1) The commission may award a resort license to the  
1163 applicant of an invitation to negotiate which best serves the  
1164 interests of the residents of Florida. The reply to an  
1165 invitation to negotiate for a resort license must include an  
1166 application that demonstrates the applicant's ability to meet  
1167 the following minimum criteria:

1168 (a) The applicant must demonstrate a capacity to increase  
1169 tourism, generate jobs, provide revenue to the local economy,  
1170 and provide revenue to the General Revenue Fund.

1171 (b) The area in which the conduct of limited gaming is  
1172 authorized may constitute no more than 10 percent of the resort  
1173 development's total square footage. The resort development's  
1174 total square footage is the aggregate of the total square  
1175 footage of the limited gaming facility, the hotel or hotels,  
1176 convention space, retail facilities, nongaming entertainment

1177 facilities, service centers, and office space or administrative  
 1178 areas.

1179 (c) The applicant must demonstrate a history of, or a bona  
 1180 fide plan for, community involvement or investment in the  
 1181 community where the resort having a limited gaming facility will  
 1182 be located.

1183 (d) The applicant must demonstrate the financial ability  
 1184 to purchase and maintain an adequate surety bond.

1185 (e) The applicant must demonstrate that it has adequate  
 1186 capitalization to develop, construct, maintain, and operate the  
 1187 proposed resort and convention center having a limited gaming  
 1188 facility in accordance with the requirements of the Resort Act  
 1189 and rules adopted by the commission and to responsibly meet its  
 1190 secured and unsecured debt obligations in accordance with its  
 1191 financial and other contractual agreements.

1192 (f) The applicant shall demonstrate the ability to  
 1193 implement a program to train and employ residents of this state  
 1194 for jobs that will be available at the destination resort,  
 1195 including its ability to implement a program for the training of  
 1196 low-income persons.

1197 (g) The commission may, at its discretion, assess the  
 1198 quality of the proposed development's aesthetic appearance in  
 1199 the context of it potential to provide substantial economic  
 1200 benefits to the community and the people of Florida, including,  
 1201 but not limited to its potential to provide substantial  
 1202 employment opportunities.

1203 (h) The applicant shall demonstrate how it will comply  
 1204 with state and federal affirmative action guidelines.

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- 1205        (i) The applicant shall demonstrate the ability to  
 1206 generate substantial gross receipts.
- 1207        (2) A resort license may be issued only to persons of good  
 1208 moral character who are at least 21 years of age. A resort  
 1209 license may issued to a corporation only if its officers are of  
 1210 good moral character and at least 21 years of age.
- 1211        (3) A resort license may not be issued to an applicant if  
 1212 the applicant, qualifier, or institutional investor:
- 1213            (a) Has, within the last 10 years, filed for protection  
 1214 under the Federal Bankruptcy Code or had an involuntary  
 1215 bankruptcy petition filed against them.
- 1216            (b) Has, within the last 5 years, been adjudicated by a  
 1217 court or tribunal for failure to pay income, sales, or gross  
 1218 receipts tax due and payable under any federal, state, or local  
 1219 law, after exhaustion of all appeals or administrative remedies.
- 1220            (c) Has been convicted of a felony under the laws of this  
 1221 or any other state, or the United States.
- 1222            (d) Has been convicted of any violation under chapter 817,  
 1223 Florida Statutes, or under a substantially similar law of  
 1224 another jurisdiction.
- 1225            (e) Knowingly submitted false information in the  
 1226 application for the license.
- 1227            (f) Is a member or employee of the commission.
- 1228            (g) Was licensed to own or operate gaming or pari-mutuel  
 1229 facilities in this state or another jurisdiction and that  
 1230 license was revoked.
- 1231            (h) Fails to meet any other criteria for licensure set  
 1232 forth in the Resort Act.

1233  
 1234 The term "conviction" includes an adjudication of guilt on a  
 1235 plea of guilty or nolo contendere or the forfeiture of a bond  
 1236 when charged with a crime.

1237 Section 17. Application for destination resort license.-

1238 (1) APPLICATION.-A reply submitted in response to an  
 1239 invitation to negotiate must include a sworn application in the  
 1240 format prescribed by the commission. The application must  
 1241 include the following information:

1242 (a)1. The name, business address, telephone number, social  
 1243 security number, and, where applicable, the federal tax  
 1244 identification number of the applicant and each qualifier; and

1245 2. Information, documentation, and assurances concerning  
 1246 financial background and resources as may be required to  
 1247 establish the financial stability, integrity, and responsibility  
 1248 of the applicant. This includes business and personal income and  
 1249 disbursement schedules, tax returns and other reports filed with  
 1250 governmental agencies, and business and personal accounting and  
 1251 check records and ledgers. In addition, each applicant must  
 1252 provide written authorization for the examination of all bank  
 1253 accounts and records as may be deemed necessary by the  
 1254 commission.

1255 (b) The identity and, if applicable, the state of  
 1256 incorporation or registration of any business in which the  
 1257 applicant or a qualifier has an equity interest of more than 5  
 1258 percent. If the applicant or qualifier is a corporation,  
 1259 partnership, or other business entity, the applicant or  
 1260 qualifier must identify any other corporation, partnership, or

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1261 other business entity in which it has an equity interest of more  
 1262 5 percent, including, if applicable, the state of incorporation  
 1263 or registration.

1264 (c) A statement as to whether the applicant or a qualifier  
 1265 has developed and operated a gaming facility within a  
 1266 jurisdiction in the United States, including a description of  
 1267 the gaming facility, the gaming facility's gross revenue, and  
 1268 the amount of revenue the gaming facility has generated for  
 1269 state and local governments within that jurisdiction.

1270 (d) A statement as to whether the applicant or a qualifier  
 1271 has been indicted, convicted of, pled guilty or nolo contendere  
 1272 to, or forfeited bail for any felony or for a misdemeanor  
 1273 involving gambling, theft, or fraud. The statement must include  
 1274 the date, the name and location of the court, the arresting  
 1275 agency, the prosecuting agency, the case caption, the docket  
 1276 number, the nature of the offense, the disposition of the case,  
 1277 and, if applicable, the location and length of incarceration.

1278 (e) A statement as to whether the applicant or a qualifier  
 1279 has ever been granted any license or certificate in any  
 1280 jurisdiction which has been restricted, suspended, revoked, not  
 1281 renewed, or otherwise subjected to discipline. The statement  
 1282 must describe the facts and circumstances concerning that  
 1283 restriction, suspension, revocation, nonrenewal, or discipline,  
 1284 including the licensing authority, the date each action was  
 1285 taken, and an explanation of the circumstances for each  
 1286 disciplinary action.

1287 (f) A statement as to whether the applicant or qualifier  
 1288 has, as a principal or a controlling shareholder, within the

1289 last 10 years, filed for protection under the Federal Bankruptcy  
 1290 Code or had an involuntary bankruptcy petition filed against it.

1291 (g) A statement as to whether the applicant or qualifier  
 1292 has, within the last 5 years, been adjudicated by a court or  
 1293 tribunal for failure to pay any income, sales, or gross receipts  
 1294 tax due and payable under federal, state, or local law, after  
 1295 exhaustion of all appeals or administrative remedies. This  
 1296 statement must identify the amount and type of the tax and the  
 1297 time periods involved and must describe the resolution of the  
 1298 nonpayment.

1299 (h) A list of the names and titles of any public officials  
 1300 or officers of any unit of state government or of the local  
 1301 government or governments in the county or municipality in which  
 1302 the proposed resort is to be located, and the spouses, parents,  
 1303 and children of those public officials or officers, who,  
 1304 directly or indirectly, own any financial interest in, have any  
 1305 beneficial interest in, are the creditors of, hold any debt  
 1306 instrument issued by the applicant or a qualifier, or hold or  
 1307 have an interest in any contractual or service relationship with  
 1308 the applicant or qualifier. As used in this paragraph, the terms  
 1309 "public official" and "officer" do not include a person who  
 1310 would be listed solely because the person is a member of the  
 1311 Florida National Guard.

1312 (i) The name and business telephone number of any  
 1313 attorney, lobbyist, or other person who is representing an  
 1314 applicant before the commission during the application process.

1315 (j) A description of the applicant's history of and  
 1316 proposed plan for community involvement or investment in the

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1317 community where the resort having a limited gaming facility  
1318 would be located.

1319 (k) A description of the applicant's proposed resort,  
1320 including a description of the economic benefit to the community  
1321 in which the facility would be located, the anticipated number  
1322 of employees, a statement regarding how the applicant would  
1323 comply with federal and state affirmative action guidelines, a  
1324 projection of admissions or attendance at the limited gaming  
1325 facility, a projection of gross receipts, and scientific market  
1326 research pertaining to the proposed facility, if any.

1327 (l) A schedule or timeframe for completing the resort.

1328 (m) A plan for training residents of this state for jobs  
1329 at the resort. The job-training plan must provide training to  
1330 enable low-income persons to qualify for jobs at the resort.

1331 (n) The identity of each person, association, trust, or  
1332 corporation or partnership having a direct or indirect equity  
1333 interest in the applicant of greater than 5 percent. If  
1334 disclosure of a trust is required under this paragraph, the  
1335 names and addresses of the beneficiaries of the trust must also  
1336 be disclosed. If the identity of a corporation must be  
1337 disclosed, the names and addresses of all stockholders and  
1338 directors must also be disclosed. If the identity of a  
1339 partnership must be disclosed, the names and addresses of all  
1340 partners, both general and limited, must also be disclosed.

1341 (o) A destination resort and limited gaming facility  
1342 development plan.

1343 (p) The fingerprints of the all officers or directors of  
1344 the applicant and qualifiers, and any persons exercising



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1345 operational or managerial control of the applicant, as  
1346 determined by rule of the commission, for a criminal history  
1347 record check.

1348 (2) DISCRETION TO REQUIRE INFORMATION.—Notwithstanding any  
1349 other provision of law, the commission is the sole authority for  
1350 determining the information or documentation that must be  
1351 included in an application for a resort license or in an  
1352 application to renew a resort license. Such documentation and  
1353 information may relate to: demographics, education, work  
1354 history, personal background, criminal history, finances,  
1355 business information, complaints, inspections, investigations,  
1356 discipline, bonding, photographs, performance periods,  
1357 reciprocity, local government approvals, supporting  
1358 documentation, periodic reporting requirements, and fingerprint  
1359 requirements.

1360 (3) DUTY TO SUPPLEMENT APPLICATION.—The application shall  
1361 be supplemented as needed to reflect any material change in any  
1362 circumstance or condition stated in the application which takes  
1363 place between the initial filing of the application and the  
1364 final grant or denial of the license. Any submission required to  
1365 be in writing may otherwise be required by the commission to be  
1366 made by electronic means.

1367 (4) CRIMINAL HISTORY CHECKS.—The commission may contract  
1368 with private vendors, or enter into interagency agreements, to  
1369 collect electronic fingerprints where fingerprints are required  
1370 for licensure or where criminal history record checks are  
1371 required.

1372 (5) APPLICATION FEES.—

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1373        (a) The application for a resort license must be submitted  
1374 along with a nonrefundable application fee of \$1 million to be  
1375 used by the commission to defray costs associated with the  
1376 review and investigation of the application and to conduct a  
1377 background investigation of the applicant and each qualifier. If  
1378 the cost of the review and investigation exceeds \$1 million, the  
1379 applicant must pay the additional amount to the commission  
1380 within 30 days after the receipt of a request for an additional  
1381 payment.

1382        (b) The application for a destination resort license must  
1383 be submitted with a one-time licensing fee of \$50 million. If  
1384 the commission denies the application, the commission must  
1385 refund the licensing fee within 30 days after the denial of the  
1386 application. If the applicant withdraws the application after  
1387 the application deadline established by the commission, the  
1388 commission must refund 80 percent of the licensing fee within 30  
1389 days after the application is withdrawn.

1390        Section 18. Incomplete applications.-

1391        (1) An incomplete application for a resort license is  
1392 grounds for the denial of the application.

1393        (2) (a) If the commission determines that an application  
1394 for a resort license is incomplete, the executive director shall  
1395 immediately provide written notice to the applicant of the  
1396 incomplete items. The applicant may then request a confidential  
1397 informal conference with the executive director or his designee  
1398 to discuss the application.

1399        (b) The executive director shall provide the applicant an  
1400 extension of 30 days to complete the application following the

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1401 date of the informal conference. If the executive director finds  
 1402 that the application has not been completed within the  
 1403 extension, the applicant may appeal the finding to the  
 1404 commission. During an extension or the pendency of an appeal to  
 1405 the commission, the award of resort licenses is stayed.

1406 Section 19. Institutional investors as qualifiers.-

1407 (1) An application for a resort license that has an  
 1408 institutional investor as a qualifier need not contain  
 1409 information relating to the institutional investor other than  
 1410 the identity of the investor and information relating to  
 1411 qualifications under the Resort Act if the institutional  
 1412 investor:

1413 (a) Holds less than 5 percent of the equity securities or  
 1414 5 percent of the debt securities of an applicant or affiliate of  
 1415 the applicant;

1416 (b) Is a publicly traded corporation; and

1417 (c) Files a certified statement that the institutional  
 1418 investor does not intend to influence or affect the affairs of  
 1419 the applicant or an affiliate of the applicant and further  
 1420 states that its holdings of securities of the applicant or  
 1421 affiliate were purchased for investment purposes only.

1422  
 1423 The commission may limit the application requirements as  
 1424 provided in this subsection for an institutional investor that  
 1425 is a qualifier and that holds 5 percent or more of the equity or  
 1426 debt securities of an applicant or affiliate of the applicant  
 1427 upon a showing of good cause and if the conditions specified in  
 1428 paragraphs (b) and (c) are satisfied.

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1429        (2) An institutional investor that is exempt from the full  
1430 application requirements under this section and that  
1431 subsequently intends to influence or affect the affairs of the  
1432 issuer must first notify the commission of its intent and file  
1433 an application containing all of the information that would have  
1434 been required of the institutional investor in the application  
1435 for a resort license. The commission may deny the application if  
1436 it determines that granting the application will impair the  
1437 financial stability of the licensee or impair the ability of the  
1438 licensee to comply with its development plans or other plans  
1439 submitted to the commission by the applicant or licensee.

1440        (3) An applicant for a license or a resort licensee or  
1441 affiliate shall immediately notify the commission of any  
1442 information concerning an institutional investor holding its  
1443 equity or debt securities which may disqualify an institutional  
1444 investor from having a direct or indirect interest in the  
1445 applicant or licensee, and the commission may require the  
1446 institutional investor to file all information that would have  
1447 been required of the institutional investor in the application  
1448 for a license.

1449        (4) If the commission finds that an institutional investor  
1450 that is a qualifier fails to comply with the requirements of  
1451 subsection (1) or, if at any time the commission finds that by  
1452 reason of the extent or nature of its holdings an institutional  
1453 investor is in a position to exercise a substantial impact upon  
1454 the controlling interests of a licensee, the commission may  
1455 require the institutional investor to file an application  
1456 containing all of information that would have been required of

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1457 the institutional investor in the application for a license.

1458 (5) Notwithstanding paragraph (1)(c), an institutional  
1459 investor may vote on all matters that are put to the vote of the  
1460 outstanding security holders of the applicant or licensee.

1461 Section 20. Lenders and underwriters; exemption as  
1462 qualifiers.—A bank, lending institution, or any underwriter in  
1463 connection with any bank or lending institution that, in the  
1464 ordinary course of business, makes a loan to, or holds a  
1465 security interest in, a licensee or applicant, a supplier  
1466 licensee or applicant or its subsidiary, or direct or indirect  
1467 parent company of any of the foregoing is not a qualifier and is  
1468 not required to be licensed.

1469 Section 21. Conditions for a resort license.—As a  
1470 condition to licensure and to maintain continuing authority, a  
1471 resort licensee must:

1472 (1) Comply with the Resort Act and the rules of the  
1473 commission.

1474 (2) Allow the commission and the Department of Law  
1475 Enforcement unrestricted access to and right of inspection of  
1476 facilities of a licensee in which any activity relative to the  
1477 conduct of gaming is conducted.

1478 (3) Complete the resort in accordance with the plans and  
1479 timeframe proposed to the commission in its application, unless  
1480 a waiver is granted by the commission.

1481 (4) Ensure that the facilities-based computer system that  
1482 the licensee will use for operational and accounting functions  
1483 of the facility is specifically structured to facilitate  
1484 regulatory oversight. The facilities-based computer system shall

1485 be designed to provide the commission and the Department of Law  
 1486 Enforcement with the ability to monitor, at any time on a real-  
 1487 time basis, the wagering patterns, payouts, tax collection, and  
 1488 such other operations as necessary to determine whether the  
 1489 facility is in compliance with statutory provisions and rules  
 1490 adopted by the commission for the regulation and control of  
 1491 gaming. The commission and the Department of Law Enforcement  
 1492 shall have complete and continuous access to this system. Such  
 1493 access shall include the ability of either the commission or the  
 1494 Department of Law Enforcement to suspend play immediately on  
 1495 particular slot machines or gaming devices if monitoring of the  
 1496 system indicates possible tampering or manipulation of those  
 1497 slot machines or gaming devices or the ability to suspend play  
 1498 immediately of the entire operation if the tampering or  
 1499 manipulation is of the computer system itself. The computer  
 1500 system shall be reviewed and approved by the commission to  
 1501 ensure necessary access, security, and functionality. The  
 1502 commission may adopt rules to provide for the approval process.

1503 (5) Ensure that each game, slot machine, or other gaming  
 1504 device is protected from manipulation or tampering that may  
 1505 affect the random probabilities of winning plays. The commission  
 1506 or the Department of Law Enforcement may suspend play upon  
 1507 reasonable suspicion of any manipulation or tampering. If play  
 1508 has been suspended on any game, slot machine, or other gaming  
 1509 device, the commission or the Department of Law Enforcement may  
 1510 conduct an examination to determine whether the game, machine,  
 1511 or other gaming device has been tampered with or manipulated and  
 1512 whether the game, machine, or other gaming device should be

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1513 returned to operation.

1514 (6) Submit a security plan, including the facilities'  
1515 floor plans, the locations of security cameras, and a listing of  
1516 all security equipment that is capable of observing and  
1517 electronically recording activities being conducted in the  
1518 facilities of the licensee. The security plan must meet the  
1519 minimum security requirements as determined by the commission  
1520 and be implemented before the operation of gaming. The  
1521 licensee's facilities must adhere to the security plan at all  
1522 times. Any changes to the security plan must be submitted by the  
1523 licensee to the commission prior to implementation. The  
1524 commission shall furnish copies of the security plan and changes  
1525 in the plan to the Department of Law Enforcement.

1526 (7) Create and file with the commission a written policy  
1527 for:

1528 (a) Creating opportunities to purchase from vendors in  
1529 this state, including minority vendors.

1530 (b) Creating opportunities for the employment of residents  
1531 of this state, including minority residents.

1532 (c) Ensuring opportunities for obtaining construction  
1533 services from minority contractors.

1534 (d) Ensuring that opportunities for employment are offered  
1535 on an equal, nondiscriminatory basis.

1536 (e) Training employees on responsible gaming and working  
1537 with a compulsive or addictive gambling prevention program.

1538 (f) Implementing a drug-testing program that includes, but  
1539 is not limited to, requiring each employee to sign an agreement  
1540 that he or she understands that the resort is a drug-free

1541 workplace.

1542 (g) Using the Internet-based job-listing system of the  
 1543 Agency for Workforce Innovation in advertising employment  
 1544 opportunities.

1545 (h) Ensuring that the payout percentage of each slot  
 1546 machine is at least 85 percent.

1547 (8) A resort licensee shall keep and maintain permanent  
 1548 daily records of its limited gaming operations and shall  
 1549 maintain such records for a period of not less than 5 years.  
 1550 These records must include all financial transactions and  
 1551 contain sufficient detail to determine compliance with the  
 1552 requirements of the Resort Act. All records shall be available  
 1553 for audit and inspection by the commission, the Department of  
 1554 Law Enforcement, or other law enforcement agencies during the  
 1555 resort licensee's regular business hours.

1556 Section 22. Surety bond.—A destination resort licensee  
 1557 must, at its own cost and expense, before the license is  
 1558 delivered, give a bond in the penal sum to be determined by the  
 1559 commission payable to the Governor of the state and her or his  
 1560 successors in office. The bond must be issued by a surety or  
 1561 sureties approved by the commission and the Chief Financial  
 1562 Officer and the bond must be conditioned on the licensee  
 1563 faithfully making the required payments to the Chief Financial  
 1564 Officer in her or his capacity as treasurer of the commission,  
 1565 keeping the licensee's books and records and make reports as  
 1566 provided, and conducting its limited gaming activities in  
 1567 conformity with the Resort Act. The commission shall fix the  
 1568 amount of the bond at the total amount of annual license fees



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1569 and the taxes estimated to become due as determined by the  
 1570 commission. In lieu of a bond, an applicant or licensee may  
 1571 deposit with the commission a like amount of funds, a savings  
 1572 certificate, a certificate of deposit, an investment  
 1573 certificate, or a letter of credit from a bank, savings bank,  
 1574 credit union, or savings and loan association situated in this  
 1575 state which meets the requirements set for that purpose by the  
 1576 Chief Financial Officer. If security is provided in the form of  
 1577 a savings certificate, a certificate of deposit, or an  
 1578 investment certificate, the certificate must state that the  
 1579 amount is unavailable for withdrawal except upon order of the  
 1580 commission. The commission may review the bond or other security  
 1581 for adequacy and require adjustments, including increasing the  
 1582 amount of the bond and other security. The commission may adopt  
 1583 rules to administer this section and establish guidelines for  
 1584 such bonds or other securities.

1585 Section 23. Conduct of limited gaming.—

1586 (1) Limited gaming may be conducted by a resort licensee,  
 1587 subject to the following:

1588 (a) The site of the limited gaming facility is limited to  
 1589 the resort licensee's site location as approved by the  
 1590 commission.

1591 (b) Limited gaming may not be conducted by a resort  
 1592 licensee until the resort is completed according to the proposal  
 1593 approved by the commission.

1594 (c) Notwithstanding any other provision of this chapter, a  
 1595 facility's authorization to provide casino games as defined in  
 1596 this chapter shall be based on infrastructure investment as

1597 follows:

1598 1. If the total infrastructure investment is \$2 billion or  
 1599 more, the licensee shall be eligible to provide any game allowed  
 1600 in this chapter.

1601 2. If the total infrastructure investment is at least \$1  
 1602 billion but less than \$2 billion, the licensee shall be eligible  
 1603 to provide slot machines, baccarat, twenty-one, video games of  
 1604 chance, and poker.

1605 3. If the total infrastructure investment is less than \$1  
 1606 billion, the licensee shall be eligible to provide slot machines  
 1607 and poker.

1608 (d) The commission's agents and employees may enter and  
 1609 inspect a limited gaming facility or other facilities relating  
 1610 to a resort licensee's gaming operations at any time for the  
 1611 purpose of determining whether the licensee is in compliance  
 1612 with the Resort Act.

1613 (e) A resort licensee may lease or purchase gaming  
 1614 devices, equipment, or supplies customarily used in conducting  
 1615 gaming only from a licensed supplier.

1616 (f) A resort licensee may not permit any form of wagering  
 1617 on games except as permitted by the Resort Act.

1618 (g) A resort licensee may receive wagers only from a  
 1619 person present in the limited gaming facility.

1620 (h) A resort licensee may not permit wagering using money  
 1621 or other negotiable currency except for wagering on slot  
 1622 machines.

1623 (i) A resort licensee may not permit a person who is less  
 1624 than 21 years of age to engage in gaming activity or remain in

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1625 an area of a limited gaming facility where gaming is being  
1626 conducted, except for a limited gaming employee of the resort  
1627 licensee who is at least 18 years of age.

1628 (j) A resort licensee may not sell or distribute tokens,  
1629 chips, or electronic cards used to make wagers outside the  
1630 limited gaming facility. The tokens, chips, or electronic cards  
1631 may be purchased by means of an agreement under which the  
1632 licensee extends credit to a wagerer. The tokens, chips, or  
1633 electronic cards may be used only for the purpose of making  
1634 wagers on games within a limited gaming facility.

1635 (k) All gaming activities must be conducted in accordance  
1636 with commission rules.

1637 (2) A limited gaming facility may operate 24 hours per  
1638 day, every day of the year.

1639 (3) A resort licensee may set the minimum and maximum  
1640 wagers on all games.

1641 (4) A resort licensee shall give preference in employment,  
1642 reemployment, promotion, and retention to veterans and to the  
1643 persons included under s. 295.07(1), Florida Statutes, who  
1644 possess the minimum qualifications necessary to perform the  
1645 duties of the positions involved.

1646 (5) A resort licensee shall use the E-Verify program, or a  
1647 similar program developed under the Immigration Reform and  
1648 Control Act of 1986 or the Illegal Immigration Reform and  
1649 Immigrant Responsibility Act of 1996, to verify the employment  
1650 eligibility of all prospective employees. Applicants for a  
1651 resort license must require that all contractors use such a  
1652 program to verify the employment eligibility of their

1653 prospective employees.

1654 (6) The commission shall renew a resort license if:

1655 (a) The licensee has demonstrated an effort to increase  
 1656 tourism, generate jobs, provide revenue to the local economy,  
 1657 and provide revenue to the state General Revenue Fund.

1658 (b) The commission has not suspended or revoked the  
 1659 license of the licensee.

1660 (c) The licensee continues to satisfy all the requirements  
 1661 of the initial application for licensure.

1662 Section 24. License fee; tax rate; disposition.—

1663 (1) LICENSE FEE.—On the anniversary date of the issuance  
 1664 of the initial resort license and annually thereafter, the  
 1665 licensee must pay to the commission a nonrefundable annual  
 1666 license fee of \$2 million. The license shall be renewed  
 1667 annually, unless the commission has revoked the license for a  
 1668 violation of the Resort Act or rule of the commission. The  
 1669 license fee shall be deposited into the Destination Resort Trust  
 1670 Fund to be used by the commission and the Department of Law  
 1671 Enforcement for investigations, regulation of limited gaming,  
 1672 and enforcement of the Resort Act.

1673 (2) GROSS RECEIPTS TAX.—

1674 (a) Each resort licensee shall pay a gross receipts tax on  
 1675 its gross receipts to the state. Upon completion of the resort  
 1676 and before limited gaming may be conducted, the resort licensee  
 1677 must submit proof, as required by the commission, of the total  
 1678 investment made in the construction of the resort. Upon  
 1679 submission of this information, the gross receipts tax rate  
 1680 shall be set as follows:

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1681 1. If the total infrastructure investment is \$2.5 billion  
1682 or more, the tax rate shall be 10 percent of the gross receipts.

1683 2. If the total infrastructure investment is at least \$1  
1684 billion but less than \$2.5 billion, the tax rate shall be 15  
1685 percent of the gross receipts.

1686 3. If the total infrastructure investment is less than \$1  
1687 billion, the tax rate shall be 20 percent of the gross receipts.

1688 (b) The gross receipts tax is in lieu of any other state  
1689 taxes on gross or adjusted gross receipts of a resort licensee.

1690 (3) TAX PROCEEDS.—

1691 (a) The gross receipts tax shall be deposited into the  
1692 Destination Resort Trust Fund and shall be used to fund the  
1693 operating costs of the commission pursuant to appropriations by  
1694 the Legislature.

1695 (b) On June 30 of each year, all unappropriated funds in  
1696 excess of \$5 million shall be deposited as follows:

1697 1. Ninety-five percent shall be deposited into the General  
1698 Revenue Fund.

1699 2. Two and 1/2 percent shall be deposited into the Tourism  
1700 Promotional Trust Fund for use by the Florida Commission on  
1701 Tourism.

1702 3. One and 1/4 percent shall be deposited into the  
1703 Employment Security Administration Trust Fund for the benefit of  
1704 the school readiness program.

1705 4. One and 1/4 percent shall be deposited into the  
1706 Transportation Disadvantaged Trust Fund for use by the  
1707 Commission for the Transportation Disadvantaged.

1708 Section 25. Fingerprint requirements.—Any fingerprints

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1709 required to be taken under the Resort Act must be taken in a  
1710 manner approved by, and shall be submitted electronically by the  
1711 commission to, the Department of Law Enforcement. The Department  
1712 of Law Enforcement shall submit the results of the state and  
1713 national records check to the commission. The commission shall  
1714 consider the results of the state and national records check in  
1715 evaluating an application for any license.

1716 (1) The cost of processing fingerprints and conducting a  
1717 criminal history record check shall be borne by the applicant.  
1718 The Department of Law Enforcement may submit a monthly invoice  
1719 to the commission for the cost of processing the fingerprints  
1720 submitted.

1721 (2) All fingerprints submitted to the Department of Law  
1722 Enforcement pursuant to the Resort Act shall be retained by the  
1723 Department of Law Enforcement and entered into the statewide  
1724 automated fingerprint identification system as authorized by s.  
1725 943.05(2)(b), Florida Statutes, and shall be available for all  
1726 purposes and uses authorized for arrest fingerprint cards  
1727 entered into the statewide automated fingerprint identification  
1728 system pursuant to s. 943.051, Florida Statutes.

1729 (3) The Department of Law Enforcement shall search all  
1730 arrest fingerprints received pursuant to s. 943.051, Florida  
1731 Statutes, against the fingerprints retained in the statewide  
1732 automated fingerprint identification system. Any arrest record  
1733 that is identified with the retained fingerprints of a person  
1734 subject to the criminal history screening under the Resort Act  
1735 shall be reported to the commission. Each licensee shall pay a  
1736 fee to the commission for the cost of retention of the

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1737 fingerprints and the ongoing searches under this subsection. The  
1738 commission shall forward the payment to the Department of Law  
1739 Enforcement. The amount of the fee to be imposed for performing  
1740 these searches and the procedures for the retention of licensee  
1741 fingerprints shall be as established by rule of the Department  
1742 of Law Enforcement. The commission shall inform the Department  
1743 of Law Enforcement of any change in the license status of  
1744 licensees whose fingerprints are retained under subsection (2).

1745 (4) The commission shall request the Department of Law  
1746 Enforcement to forward the fingerprints to the Federal Bureau of  
1747 Investigation for a national criminal history records check  
1748 every 3 years following issuance of a license. If the  
1749 fingerprints of a person who is licensed have not been retained  
1750 by the Department of Law Enforcement, the person must file  
1751 another set of fingerprints. The commission shall collect the  
1752 fees for the cost of the national criminal history record check  
1753 under this subsection and shall forward the payment to the  
1754 Department of Law Enforcement. The cost of processing  
1755 fingerprints and conducting a criminal history record check  
1756 under this paragraph shall be borne by the licensee or  
1757 applicant. The Department of Law Enforcement may submit an  
1758 invoice to the commission for the fingerprints submitted each  
1759 month. Under penalty of perjury, each person who is licensed or  
1760 who is fingerprinted as required by this section must agree to  
1761 inform the commission within 48 hours if he or she is convicted  
1762 of or has entered a plea of guilty or nolo contendere to any  
1763 disqualifying offense, regardless of adjudication.

1764 Section 26. Compulsive or addictive gambling prevention

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1765 program.—

1766 (1) A resort licensee shall offer training to employees on  
 1767 responsible gaming and shall work with a compulsive or addictive  
 1768 gambling prevention program to recognize problem gaming  
 1769 situations and to implement responsible gaming programs and  
 1770 practices.

1771 (2) The commission shall, subject to competitive bidding,  
 1772 contract for services relating to the prevention of compulsive  
 1773 and addictive gambling. The contract shall provide for an  
 1774 advertising program to encourage responsible gaming practices  
 1775 and to publicize a gambling telephone help line. Such  
 1776 advertisements must be made both publicly and inside the  
 1777 resort's limited gaming facility. The terms of any contract for  
 1778 such services shall include accountability standards that must  
 1779 be met by any private provider. The failure of any private  
 1780 provider to meet any material terms of the contract, including  
 1781 the accountability standards, constitutes a breach of contract  
 1782 or is grounds for nonrenewal. The commission may consult with  
 1783 the Department of the Lottery or the Department of Business and  
 1784 Professional Regulation in the development of the program and  
 1785 the development and analysis of any procurement for contractual  
 1786 services for the compulsive or addictive gambling prevention  
 1787 program.

1788 (3) The compulsive or addictive gambling prevention  
 1789 program shall be funded from an annual nonrefundable regulatory  
 1790 fee of \$250,000 paid by each resort licensee to the commission.

1791 Section 27. Suppliers' licenses.—

1792 (1) A person must have a supplier's license in order to



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1793 furnish on a regular or continuing basis to a resort licensee or  
 1794 an applicant for a resort license gaming equipment, devices, or  
 1795 supplies or other goods or services regarding the realty,  
 1796 construction, maintenance, or business of a proposed or existing  
 1797 resort facility. This requirement includes, but is not limited  
 1798 to, junket enterprises, security businesses, manufacturers,  
 1799 distributors, persons who service gaming devices or equipment,  
 1800 garbage haulers, maintenance companies, food purveyors, and  
 1801 construction companies.

1802 (2) An applicant for a supplier's license must apply to  
 1803 the commission on forms adopted by the commission by rule. The  
 1804 licensing fee for the initial and annual renewal of the license  
 1805 is \$5,000.

1806 (3) An applicant for a supplier's license must include in  
 1807 the application the fingerprints of the persons identified by  
 1808 commission rule for the processing of state and national  
 1809 criminal history record checks.

1810 (4) (a) An applicant for a supplier's license is not  
 1811 eligible for licensure if:

1812 1. A person for whom fingerprinting is required under  
 1813 subsection (3) has been convicted of a felony under the laws of  
 1814 this or any other state or the United States;

1815 2. The applicant knowingly submitted false information in  
 1816 the application for a supplier's license;

1817 3. The applicant is a member of the commission;

1818 4. The applicant is not a natural person and an officer,  
 1819 director, or managerial employee of that person is a person  
 1820 defined in subparagraphs 1.-3.;

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1821 5. The applicant is not a natural person and an employee  
1822 of the applicant participates in the management or operation of  
1823 limited gaming authorized under the Resort Act; or

1824 6. The applicant has had a license to own or operate a  
1825 resort facility or pari-mutuel facility in this or a similar  
1826 license in any other jurisdiction revoked.

1827 (b) The commission may revoke a supplier's license at any  
1828 time it determines that the licensee no longer satisfies the  
1829 eligibility requirements in this subsection.

1830 (5) The commission may deny an application for a  
1831 supplier's license for any person:

1832 (a) Who is not qualified to perform the duties required of  
1833 the applicant;

1834 (b) Who fails to disclose information or knowingly submits  
1835 false information in the application;

1836 (c) Who has violated the Resort Act or rules of the  
1837 commission; or

1838 (d) Who has had a gaming-related license or application  
1839 suspended, restricted, revoked, or denied for misconduct in any  
1840 other jurisdiction.

1841 (6) A supplier licensee shall:

1842 (a) Furnish to the commission a list of all gaming  
1843 equipment, devices, and supplies it offers for sale or lease in  
1844 connection with limited gaming authorized in the Resort Act;

1845 (b) Keep books and records documenting the furnishing of  
1846 gaming equipment, devices, and supplies to resort licensees  
1847 separate and distinct from any other business that the supplier  
1848 operates;

1849 (c) File quarterly returns with the commission listing all  
 1850 sales or leases of gaming equipment, devices, or supplies to  
 1851 resort licensees;

1852 (d) Permanently affix its name to all gaming equipment,  
 1853 devices, or supplies sold or leased to licensees; and

1854 (e) File an annual report listing its inventories of  
 1855 gaming equipment, devices, and supplies.

1856 (7) All gaming devices, equipment, or supplies furnished  
 1857 by a licensed supplier must conform to standards adopted by  
 1858 commission rule.

1859 (8) (a) The commission may suspend, revoke, or restrict the  
 1860 supplier's license of a licensee:

1861 1. Who violates the Resort Act or the rules of the  
 1862 commission; or

1863 2. Who defaults on the payment of any obligation or debt  
 1864 due to this state or a county.

1865 (b) The commission must revoke the supplier's license of a  
 1866 licensee for any cause that, if known to the commission, would  
 1867 have disqualified the applicant from receiving a license.

1868 (9) A supplier's licensee may repair gaming equipment,  
 1869 devices, or supplies in a facility owned or leased by the  
 1870 licensee.

1871 (10) Gaming devices, equipment, or supplies owned by a  
 1872 supplier's licensee which are used in an unauthorized gaming  
 1873 operation shall be forfeited to the county where the equipment  
 1874 is found.

1875 (11) The commission may revoke the license or deny the  
 1876 application for a supplier's license of a person who fails to

1877 comply with this section.

1878 (12) A person who knowingly makes a false statement on an  
 1879 application for a supplier's license commits a misdemeanor of  
 1880 the first degree, punishable as provided in s. 775.082 or s.  
 1881 775.083, Florida Statutes.

1882 Section 28. Occupational licenses.-

1883 (1) The Legislature finds that, due to the nature of their  
 1884 employment, some gaming employees require heightened state  
 1885 scrutiny, including licensing and criminal history record  
 1886 checks.

1887 (2) Any person who desires to be a gaming employee and has  
 1888 a bona fide offer of employment from a licensed gaming entity  
 1889 shall apply to the commission for an occupational license. A  
 1890 person may not be employed as a gaming employee unless that  
 1891 person holds an appropriate occupational license issued under  
 1892 this section. The commission may adopt rules to reclassify a  
 1893 category of nongaming employees or gaming employees upon a  
 1894 finding that the reclassification is in the public interest and  
 1895 consistent with the objectives of the Resort Act.

1896 (3) An applicant for a occupational license must apply to  
 1897 the commission on forms adopted by the commission by rule. An  
 1898 occupational license is valid for 1 year following issuance. The  
 1899 application must be accompanied by the licensing fee set by the  
 1900 commission. The licensing fee may not exceed \$50 for an employee  
 1901 of a resort licensee.

1902 (a) The applicant shall set forth in the application  
 1903 whether the applicant:

1904 1. Has been issued a gaming-related license in any

1905 jurisdiction.  
 1906 2. Has been issued a gaming-related license in any other  
 1907 jurisdiction under any other name and, if so, the name and the  
 1908 applicant's age at the time of licensure.  
 1909 3. Has had a permit or license issued by another  
 1910 jurisdiction suspended, restricted, or revoked and, if so, for  
 1911 what period of time.  
 1912 (b) An applicant for an occupational license must include  
 1913 his or her fingerprints in the application.  
 1914 (4) To be eligible for an occupational license, an  
 1915 applicant must:  
 1916 (a) Be at least 21 years of age to perform any function  
 1917 directly relating to limited gaming by patrons;  
 1918 (b) Be at least 18 years of age to perform nongaming  
 1919 functions;  
 1920 (c) Not have been convicted of a felony or a crime  
 1921 involving dishonesty or moral turpitude in any jurisdiction; and  
 1922 (d) Meet the standards for the occupational license as  
 1923 provided in commission rules.  
 1924 (5) The commission must deny an application for an  
 1925 occupational license for any person:  
 1926 (a) Who is not qualified to perform the duties required of  
 1927 the applicant;  
 1928 (b) Who fails to disclose or knowingly submits false  
 1929 information in the application;  
 1930 (c) Who has violated the Resort Act; or  
 1931 (d) Who has had a gaming-related license or application  
 1932 suspended, restricted, revoked, or denied in any other

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1933 | jurisdiction.  
 1934 |       (6) (a) The commission may suspend, revoke, or restrict the  
 1935 | occupational license of a licensee:  
 1936 |       1. Who violates the Resort Act or the rules of the  
 1937 | commission;  
 1938 |       2. Who defaults on the payment of any obligation or debt  
 1939 | due to this state or a county; or  
 1940 |       3. For any just cause.  
 1941 |       (b) The commission shall revoke the occupational license  
 1942 | of a licensee for any cause that, if known to the commission,  
 1943 | would have disqualified the applicant from receiving a license.  
 1944 |       (7) Any training provided for an occupational licensee may  
 1945 | be conducted in the facility of a resort licensee or at a school  
 1946 | with which the resort licensee has entered into an agreement for  
 1947 | that purpose.  
 1948 |       (8) A person who knowingly makes a false statement on an  
 1949 | application for an occupational license commits a misdemeanor of  
 1950 | the first degree, punishable as provided in s. 775.082 or s.  
 1951 | 775.083, Florida Statutes.  
 1952 |       Section 29. Temporary supplier's license; temporary  
 1953 | occupational license.-  
 1954 |       (1) Upon the written request of an applicant for a  
 1955 | supplier's license or an occupational license, the executive  
 1956 | director shall issue a temporary license to the applicant and  
 1957 | permit the applicant to undertake employment with or provide  
 1958 | gaming equipment, devices, or supplies or other goods or  
 1959 | services to a resort licensee or an applicant for a resort  
 1960 | license if:

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1961           (a) The applicant has submitted a completed application,  
 1962 an application fee, all required disclosure forms, and other  
 1963 required written documentation and materials;

1964           (b) A preliminary review of the application and the  
 1965 criminal history record check does not reveal that the applicant  
 1966 or a person subject to a criminal history record check has been  
 1967 convicted of a crime that would require denial of the  
 1968 application;

1969           (c) A deficiency does not appear to exist in the  
 1970 application which may require denial of the application; and

1971           (d) The applicant has an offer of employment from, or an  
 1972 agreement to begin providing gaming devices, equipment, or  
 1973 supplies or other goods and services to, a resort licensee or an  
 1974 applicant for a resort license, or the applicant for a temporary  
 1975 license shows good cause for being granted a temporary license.

1976           (2) A temporary occupational license or supplier's license  
 1977 may not be valid for more than 90 days.

1978           (3) An applicant who receives a temporary license may  
 1979 undertake employment with or supply a resort licensee with  
 1980 gaming devices, equipment, or supplies or other goods or  
 1981 services until a license is issued or denied or until the  
 1982 temporary license expires or is suspended or revoked.

1983           Section 30. Quarterly report.—The commission shall file  
 1984 quarterly reports with the Governor, the President of the  
 1985 Senate, and the Speaker of the House of Representatives covering  
 1986 the previous fiscal quarter. The report must include:

1987           (1) A statement of receipts and disbursements related to  
 1988 limited gaming;

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(2) A summary of disciplinary actions taken by the commission; and

(3) Any additional information and recommendations that the commission believes may improve the regulation of limited gaming or increase the economic benefits of limited gaming to this state.

Section 31. Hearings by the commission.—

(1) The chair of the commission may participate in any proceeding pending before the commission when administrative duties and time permit. In order to distribute the workload and expedite the commission's calendar, the chair, in addition to other administrative duties, may assign the various proceedings pending before the commission requiring hearings to two or more commissioners. Only those commissioners assigned to a proceeding requiring hearings may participate in the final decision of the commission as to that proceeding. However, if only two commissioners are assigned to a proceeding requiring a hearing and they cannot agree on a final decision, the chair shall cast the deciding vote for final disposition of the proceeding. If more than two commissioners are assigned to any proceeding, a majority of the members assigned shall constitute a quorum and a majority vote of the members assigned shall be essential to final commission disposition of those proceedings. If a commissioner becomes unavailable after assignment to a particular proceeding, the chair must assign a substitute commissioner. A petition for reconsideration must be voted upon by those commissioners participating in the final disposition of the proceeding.



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2017 (2) A majority of the commissioners may determine that the  
 2018 full commission will sit in any proceeding. Any party to a  
 2019 proceeding may file a petition requesting that the proceeding be  
 2020 assigned to the full commission. Within 15 days after receipt by  
 2021 the commission of any petition, the full commission must dispose  
 2022 of such petition by majority vote and render a written decision  
 2023 before the matter may be heard by less than the full commission.

2024 (3) This section does not prohibit a commissioner  
 2025 designated by the chair from conducting a hearing as provided  
 2026 under ss. 120.569 and 120.57(1), Florida Statutes, and the rules  
 2027 of the commission.

2028 Section 32. Resolution of disputes between licensees and  
 2029 patrons.-

2030 (1) Whenever a resort licensee has a dispute with a patron  
 2031 which is not resolved to the satisfaction of the patron and  
 2032 involves:

2033 (a) Alleged winnings, alleged losses, or the award or  
 2034 distribution of cash, prizes, benefits, tickets, or any other  
 2035 item or items in a game, tournament, contest, drawing,  
 2036 promotion, race, or similar activity or event; or

2037 (b) The manner in which a game, tournament, contest,  
 2038 drawing, promotion, race, or similar activity or event was  
 2039 conducted,

2040  
 2041 the licensee must immediately notify the commission of the  
 2042 dispute if the amount disputed is \$500 or more. If the dispute  
 2043 involves an amount less than \$500, the licensee must immediately  
 2044 notify the patron of his or her right to file a complaint with

2045 the commission.  
 2046 (2) Upon notice of a dispute or receipt of a complaint,  
 2047 the commission shall conduct any investigation it deems  
 2048 necessary and may order the licensee to make a payment to the  
 2049 patron upon a finding that the licensee is liable for the  
 2050 disputed amount. The decision of the commission is effective on  
 2051 the date the aggrieved party receives notice of the decision.  
 2052 Notice of the decision is deemed sufficient if it is mailed to  
 2053 the last known address of the licensee and the patron. The  
 2054 notice is deemed to have been received by the resort licensee or  
 2055 the patron 5 days after it is deposited with the United States  
 2056 Postal Service with postage prepaid.

2057 (3) The failure of a resort licensee to notify the  
 2058 commission of the dispute or the patron of the right to file a  
 2059 complaint is grounds for disciplinary action.

2060 Section 33. Enforcement of credit instruments.-

2061 (1) A credit instrument and the debt that instrument  
 2062 represents are valid and may be enforced by legal process.

2063 (2) A resort licensee may accept an incomplete credit  
 2064 instrument that:

2065 (a) Is signed by the patron; and

2066 (b) States the amount of the debt in numbers, and may  
 2067 complete the instrument as is necessary for the instrument to be  
 2068 presented for payment.

2069 (3) A resort licensee may accept a credit instrument that  
 2070 is payable to an affiliate or may complete a credit instrument  
 2071 payable to an affiliate if the credit instrument otherwise  
 2072 complies with this section and the records of the affiliate

2073 pertaining to the credit instrument are made available to the  
 2074 commission upon request.

2075 (4) A resort licensee may accept a credit instrument  
 2076 before, during, or after the patron incurs the debt. The credit  
 2077 instrument and the debt that the instrument represents are  
 2078 enforceable without regard to whether the credit instrument was  
 2079 accepted before, during, or after the incurring of the debt.

2080 (5) This section does not prohibit the establishment of an  
 2081 account by a deposit of cash, recognized traveler's check, or  
 2082 any other instrument that is equivalent to cash.

2083 (6) If a credit instrument is lost or destroyed, the debt  
 2084 represented by the credit instrument may be enforced if the  
 2085 resort licensee or person acting on behalf of the licensee can  
 2086 prove the existence of the credit instrument.

2087 (7) The existence of a mental disorder in a patron who  
 2088 provides a credit instrument to a resort licensee:

2089 (a) Is not a defense in any action by a resort licensee to  
 2090 enforce a credit instrument or the debt that the credit  
 2091 instrument represents.

2092 (b) Is not a valid counterclaim in an action to enforce  
 2093 the credit instrument or the debt that the credit instrument  
 2094 represents.

2095 (8) The failure of a resort licensee to comply with the  
 2096 provisions of this section or commission rules does not  
 2097 invalidate a credit instrument or affect its ability to enforce  
 2098 the credit instrument or the debt that the credit instrument  
 2099 represents.

2100 (9) The commission may adopt rules prescribing the

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2101 conditions under which a credit instrument may be redeemed or  
 2102 presented to a bank or credit union for collection or payment.

2103 Section 34. Voluntary self-exclusion from a limited gaming  
 2104 facility.-

2105 (1) A person may request that he or she be excluded from  
 2106 limited gaming facilities in this state by personally submitting  
 2107 a Request for Voluntary Self-exclusion from Limited Gaming  
 2108 Facilities Form to the commission. The form must require the  
 2109 person requesting exclusion to:

2110 (a) State his or her:

2111 1. Name, including any aliases or nicknames;

2112 2. Date of birth;

2113 3. Current residential address;

2114 4. Telephone number;

2115 5. Social security number; and

2116 6. Physical description, including height, weight, gender,  
 2117 hair color, eye color, and any other physical characteristic  
 2118 that may assist in the identification of the person.

2120 A self-excluded person must update the information in this  
 2121 paragraph on forms supplied by the commission within 30 days  
 2122 after any change.

2123 (b) Select one of the following as the duration of the  
 2124 self-exclusion:

2125 1. One year.

2126 2. Five years.

2127 3. Lifetime.

2128 (c) Execute a release in which the person:

- 2129        1. Acknowledges that the request for exclusion has been  
 2130 made voluntarily.
- 2131        2. Certifies that the information provided in the request  
 2132 for self-exclusion is true and correct.
- 2133        3. Acknowledges that the individual requesting self-  
 2134 exclusion is a problem gambler.
- 2135        4. Acknowledges that a person requesting a lifetime  
 2136 exclusion will not be removed from the self-exclusion list and  
 2137 that a person requesting a 1-year or 5-year exclusion will  
 2138 remain on the self-exclusion list until a request for removal is  
 2139 approved by the commission.
- 2140        5. Acknowledges that, if the individual is discovered on  
 2141 the gaming floor of a limited gaming facility, the individual  
 2142 may be removed and may be arrested and prosecuted for criminal  
 2143 trespass.
- 2144        6. Releases, indemnifies, holds harmless, and forever  
 2145 discharges the state, commission, and all licensee from any  
 2146 claims, damages, losses, expenses, or liability arising out of,  
 2147 by reason of or relating to the self-excluded person or to any  
 2148 other party for any harm, monetary or otherwise, which may arise  
 2149 as a result of one or more of the following:
- 2150            a. The failure of a resort licensee to withhold gaming  
 2151 privileges or restore gaming privileges to a self-excluded  
 2152 person.
- 2153            b. Permitting or prohibiting a self-excluded person from  
 2154 engaging in gaming activity in a limited gaming facility.
- 2155        (2) A person submitting a self-exclusion request must  
 2156 present to the commission a government-issued form of

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2157 identification containing the person's signature.

2158 (3) The commission shall take a photograph of a person  
 2159 requesting self-exclusion at the time the person submits a  
 2160 request for self-exclusion.

2161 Section 35. Section 849.15, Florida Statutes, is amended  
 2162 to read:

2163 849.15 Manufacture, sale, possession, etc., of coin-  
 2164 operated devices prohibited.—

2165 (1) It is unlawful:

2166 (a) To manufacture, own, store, keep, possess, sell, rent,  
 2167 lease, let on shares, lend or give away, transport, or expose  
 2168 for sale or lease, or to offer to sell, rent, lease, let on  
 2169 shares, lend or give away, or permit the operation of, or for  
 2170 any person to permit to be placed, maintained, or used or kept  
 2171 in any room, space, or building owned, leased or occupied by the  
 2172 person or under the person's management or control, any slot  
 2173 machine or device or any part thereof; or

2174 (b) To make or to permit to be made with any person any  
 2175 agreement with reference to any slot machine or device, pursuant  
 2176 to which the user thereof, as a result of any element of chance  
 2177 or other outcome unpredictable to him or her, may become  
 2178 entitled to receive any money, credit, allowance, or thing of  
 2179 value or additional chance or right to use such machine or  
 2180 device, or to receive any check, slug, token or memorandum  
 2181 entitling the holder to receive any money, credit, allowance or  
 2182 thing of value.

2183 (2) Pursuant to section 2 of that chapter of the Congress  
 2184 of the United States entitled "An act to prohibit transportation

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2185 of gaming devices in interstate and foreign commerce," approved  
 2186 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also  
 2187 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,  
 2188 acting by and through the duly elected and qualified members of  
 2189 its Legislature, does hereby in this section, and in accordance  
 2190 with and in compliance with the provisions of section 2 of such  
 2191 chapter of Congress, declare and proclaim that any county of the  
 2192 State of Florida within which slot machine gaming is authorized  
 2193 pursuant to the Destination Resort Act, sections 3 through 35 of  
 2194 this act or chapter 551 is exempt from the provisions of section  
 2195 2 of that chapter of the Congress of the United States entitled  
 2196 "An act to prohibit transportation of gaming devices in  
 2197 interstate and foreign commerce," designated as 15 U.S.C. ss.  
 2198 1171-1177, approved January 2, 1951. All shipments of gaming  
 2199 devices, including slot machines, into any county of this state  
 2200 within which slot machine gaming is authorized pursuant to the  
 2201 Destination Resort Act, sections 3 through 35 of this act or  
 2202 chapter 551 and the registering, recording, and labeling of  
 2203 which have been duly performed by the manufacturer or  
 2204 distributor thereof in accordance with sections 3 and 4 of that  
 2205 chapter of the Congress of the United States entitled "An act to  
 2206 prohibit transportation of gaming devices in interstate and  
 2207 foreign commerce," approved January 2, 1951, being ch. 1194, 64  
 2208 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,  
 2209 shall be deemed legal shipments thereof into this state provided  
 2210 the destination of such shipments is an eligible facility as  
 2211 defined in s. 551.102, ~~or~~ the facility of a slot machine  
 2212 manufacturer or slot machine distributor as provided in s.

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2213 | 551.109(2)(a), or the facility of a resort licensee or supplier  
 2214 | licensee under the Destination Resort Act, sections 3 through 35  
 2215 | of this act.

2216 | Section 36. Section 849.231, Florida Statutes, is amended  
 2217 | to read:

2218 | 849.231 Gambling devices; manufacture, sale, purchase or  
 2219 | possession unlawful.—

2220 | (1) Except in instances when the following described  
 2221 | implements or apparatus are being held or transported by  
 2222 | authorized persons for the purpose of destruction, as  
 2223 | hereinafter provided, and except in instances when the following  
 2224 | described instruments or apparatus are being held, sold,  
 2225 | transported, or manufactured by persons who have registered with  
 2226 | the United States Government pursuant to the provisions of Title  
 2227 | 15 of the United States Code, ss. 1171 et seq., as amended, so  
 2228 | long as the described implements or apparatus are not displayed  
 2229 | to the general public, sold for use in Florida, or held or  
 2230 | manufactured in contravention of the requirements of 15 U.S.C.  
 2231 | ss. 1171 et seq., it shall be unlawful for any person to  
 2232 | manufacture, sell, transport, offer for sale, purchase, own, or  
 2233 | have in his or her possession any roulette wheel or table, faro  
 2234 | layout, crap table or layout, chemin de fer table or layout,  
 2235 | chuck-a-luck wheel, bird cage such as used for gambling, bolita  
 2236 | balls, chips with house markings, or any other device,  
 2237 | implement, apparatus, or paraphernalia ordinarily or commonly  
 2238 | used or designed to be used in the operation of gambling houses  
 2239 | or establishments, excepting ordinary dice and playing cards.

2240 | (2) In addition to any other penalties provided for the



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2241 violation of this section, any occupational license held by a  
 2242 person found guilty of violating this section shall be suspended  
 2243 for a period not to exceed 5 years.

2244 (3) This section and s. 849.05 do not apply to a vessel of  
 2245 foreign registry or a vessel operated under the authority of a  
 2246 country except the United States, while docked in this state or  
 2247 transiting in the territorial waters of this state.

2248 (4) This section does not apply to limited gaming as  
 2249 authorized by the Destination Resort Act, sections 3 through 35  
 2250 of this act.

2251 Section 37. Section 849.25, Florida Statutes, is amended  
 2252 to read:

2253 849.25 "Bookmaking" defined; penalties; exceptions.-

2254 (1) (a) The term "bookmaking" means the act of taking or  
 2255 receiving, while engaged in the business or profession of  
 2256 gambling, any bet or wager upon the result of any trial or  
 2257 contest of skill, speed, power, or endurance of human, beast,  
 2258 fowl, motor vehicle, or mechanical apparatus or upon the result  
 2259 of any chance, casualty, unknown, or contingent event  
 2260 whatsoever.

2261 (b) The following factors shall be considered in making a  
 2262 determination that a person has engaged in the offense of  
 2263 bookmaking:

2264 1. Taking advantage of betting odds created to produce a  
 2265 profit for the bookmaker or charging a percentage on accepted  
 2266 wagers.

2267 2. Placing all or part of accepted wagers with other  
 2268 bookmakers to reduce the chance of financial loss.

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2269 | 3. Taking or receiving more than five wagers in any single  
2270 | day.

2271 | 4. Taking or receiving wagers totaling more than \$500 in  
2272 | any single day, or more than \$1,500 in any single week.

2273 | 5. Engaging in a common scheme with two or more persons to  
2274 | take or receive wagers.

2275 | 6. Taking or receiving wagers on both sides on a contest  
2276 | at the identical point spread.

2277 | 7. Any other factor relevant to establishing that the  
2278 | operating procedures of such person are commercial in nature.

2279 | (c) The existence of any two factors listed in paragraph  
2280 | (b) may constitute prima facie evidence of a commercial  
2281 | bookmaking operation.

2282 | (2) Any person who engages in bookmaking commits ~~shall be~~  
2283 | ~~guilty of~~ a felony of the third degree, punishable as provided  
2284 | in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding the  
2285 | provisions of s. 948.01, any person convicted under the  
2286 | provisions of this subsection shall not have adjudication of  
2287 | guilt suspended, deferred, or withheld.

2288 | (3) Any person who has been convicted of bookmaking and  
2289 | thereafter violates the provisions of this section commits ~~shall~~  
2290 | ~~be guilty of~~ a felony of the second degree, punishable as  
2291 | provided in s. 775.082, s. 775.083, or s. 775.084.  
2292 | Notwithstanding the provisions of s. 948.01, any person  
2293 | convicted under the provisions of this subsection shall not have  
2294 | adjudication of guilt suspended, deferred, or withheld.

2295 | (4) Notwithstanding the provisions of s. 777.04, any  
2296 | person who is guilty of conspiracy to commit bookmaking is ~~shall~~

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2297 ~~be~~ subject to the penalties imposed by subsections (2) and (3).

2298 (5) This section does ~~shall~~ not apply to pari-mutuel  
2299 wagering in Florida as authorized under chapter 550.

2300 (6) This section does ~~shall~~ not apply to any prosecutions  
2301 filed and pending at the time of the passage hereof, but all  
2302 such cases shall be disposed of under existing laws at the time  
2303 of the institution of such prosecutions.

2304 (7) This section does not apply to limited gaming as  
2305 authorized in the Destination Resort Act, sections 3 through 35  
2306 of this act.

2307 Section 38. This act shall take effect July 1, 2011.