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LEGISLATIVE ACTION

Senate

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House

The Committee on Commerce and Tourism (Ring) recommended the following:

Senate Amendment (with title amendment)

Delete lines 262 - 263

and insert:

through 36 of this act.

Section 3. This section and sections 4 through 36 of this

Delete lines 2207 - 2352

and insert:

Section 36. Slot machine licensees.—Notwithstanding any law to the contrary, when a resort licensee receives final authorization to conduct limited gaming activities in Miami-Dade



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13 or Broward Counties, a pari-mutuel facility licensed to operate
14 slot machine gaming under s. 551.104, Florida Statutes, shall be
15 entitled to conduct all games, including such games identified
16 in the Resort Act as "limited games," during the same hours of
17 operation and limits of wagering authorized for a resort
18 licensee. Such facilities shall be subject to the same tax rate
19 on gross receipts as the resort licensee located within Miami-
20 Dade or Broward Counties.

21 Section 37. Section 849.15, Florida Statutes, is amended to
22 read:

23 849.15 Manufacture, sale, possession, etc., of coin-
24 operated devices prohibited.—

25 (1) It is unlawful:

26 (a) To manufacture, own, store, keep, possess, sell, rent,
27 lease, let on shares, lend or give away, transport, or expose
28 for sale or lease, or to offer to sell, rent, lease, let on
29 shares, lend or give away, or permit the operation of, or for
30 any person to permit to be placed, maintained, or used or kept
31 in any room, space, or building owned, leased or occupied by the
32 person or under the person's management or control, any slot
33 machine or device or any part thereof; or

34 (b) To make or to permit to be made with any person any
35 agreement with reference to any slot machine or device, pursuant
36 to which the user thereof, as a result of any element of chance
37 or other outcome unpredictable to him or her, may become
38 entitled to receive any money, credit, allowance, or thing of
39 value or additional chance or right to use such machine or
40 device, or to receive any check, slug, token or memorandum
41 entitling the holder to receive any money, credit, allowance or



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42 thing of value.

43 (2) Pursuant to section 2 of that chapter of the Congress
44 of the United States entitled "An act to prohibit transportation
45 of gaming devices in interstate and foreign commerce," approved
46 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
47 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
48 acting by and through the duly elected and qualified members of
49 its Legislature, does hereby in this section, and in accordance
50 with and in compliance with the provisions of section 2 of such
51 chapter of Congress, declare and proclaim that any county of the
52 State of Florida within which slot machine gaming is authorized
53 pursuant to the Destination Resort Act, sections 3 through 36 of
54 this act, or chapter 551 is exempt from the provisions of
55 section 2 of that chapter of the Congress of the United States
56 entitled "An act to prohibit transportation of gaming devices in
57 interstate and foreign commerce," designated as 15 U.S.C. ss.
58 1171-1177, approved January 2, 1951. All shipments of gaming
59 devices, including slot machines, into any county of this state
60 within which slot machine gaming is authorized pursuant to the
61 Destination Resort Act, sections 3 through 36 of this act, or
62 chapter 551 and the registering, recording, and labeling of
63 which have been duly performed by the manufacturer or
64 distributor thereof in accordance with sections 3 and 4 of that
65 chapter of the Congress of the United States entitled "An act to
66 prohibit transportation of gaming devices in interstate and
67 foreign commerce," approved January 2, 1951, being ch. 1194, 64
68 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,
69 shall be deemed legal shipments thereof into this state provided
70 the destination of such shipments is an eligible facility as



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71 defined in s. 551.102, ~~or~~ the facility of a slot machine
72 manufacturer or slot machine distributor as provided in s.
73 551.109(2) (a), or the facility of a resort licensee or supplier
74 licensee under the Destination Resort Act, sections 3 through 36
75 of this act.

76 Section 38. Section 849.231, Florida Statutes, is amended
77 to read:

78 849.231 Gambling devices; manufacture, sale, purchase or
79 possession unlawful.—

80 (1) Except in instances when the following described
81 implements or apparatus are being held or transported by
82 authorized persons for the purpose of destruction, as
83 hereinafter provided, and except in instances when the following
84 described instruments or apparatus are being held, sold,
85 transported, or manufactured by persons who have registered with
86 the United States Government pursuant to the provisions of Title
87 15 of the United States Code, ss. 1171 et seq., as amended, so
88 long as the described implements or apparatus are not displayed
89 to the general public, sold for use in Florida, or held or
90 manufactured in contravention of the requirements of 15 U.S.C.
91 ss. 1171 et seq., it shall be unlawful for any person to
92 manufacture, sell, transport, offer for sale, purchase, own, or
93 have in his or her possession any roulette wheel or table, faro
94 layout, crap table or layout, chemin de fer table or layout,
95 chuck-a-luck wheel, bird cage such as used for gambling, bolita
96 balls, chips with house markings, or any other device,
97 implement, apparatus, or paraphernalia ordinarily or commonly
98 used or designed to be used in the operation of gambling houses
99 or establishments, excepting ordinary dice and playing cards.



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100 (2) In addition to any other penalties provided for the
101 violation of this section, any occupational license held by a
102 person found guilty of violating this section shall be suspended
103 for a period not to exceed 5 years.

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

108 (4) This section does not apply to limited gaming as
109 authorized by the Destination Resort Act, sections 3 through 36
110 of this act.

111 Section 39. Section 849.25, Florida Statutes, is amended to
112 read:

113 849.25 "Bookmaking" defined; penalties; exceptions.—

114 (1) (a) The term "bookmaking" means the act of taking or
115 receiving, while engaged in the business or profession of
116 gambling, any bet or wager upon the result of any trial or
117 contest of skill, speed, power, or endurance of human, beast,
118 fowl, motor vehicle, or mechanical apparatus or upon the result
119 of any chance, casualty, unknown, or contingent event
120 whatsoever.

121 (b) The following factors shall be considered in making a
122 determination that a person has engaged in the offense of
123 bookmaking:

124 1. Taking advantage of betting odds created to produce a
125 profit for the bookmaker or charging a percentage on accepted
126 wagers.

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



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129 3. Taking or receiving more than five wagers in any single
130 day.

131 4. Taking or receiving wagers totaling more than \$500 in
132 any single day, or more than \$1,500 in any single week.

133 5. Engaging in a common scheme with two or more persons to
134 take or receive wagers.

135 6. Taking or receiving wagers on both sides on a contest at
136 the identical point spread.

137 7. Any other factor relevant to establishing that the
138 operating procedures of such person are commercial in nature.

139 (c) The existence of any two factors listed in paragraph
140 (b) may constitute prima facie evidence of a commercial
141 bookmaking operation.

142 (2) Any person who engages in bookmaking commits ~~shall be~~
143 ~~guilty of~~ a felony of the third degree, punishable as provided
144 in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding the
145 provisions of s. 948.01, any person convicted under the
146 provisions of this subsection shall not have adjudication of
147 guilt suspended, deferred, or withheld.

148 (3) Any person who has been convicted of bookmaking and
149 thereafter violates the provisions of this section commits ~~shall~~
150 ~~be guilty of~~ a felony of the second degree, punishable as
151 provided in s. 775.082, s. 775.083, or s. 775.084.
152 Notwithstanding the provisions of s. 948.01, any person
153 convicted under the provisions of this subsection shall not have
154 adjudication of guilt suspended, deferred, or withheld.

155 (4) Notwithstanding the provisions of s. 777.04, any person
156 who is guilty of conspiracy to commit bookmaking is ~~shall be~~
157 subject to the penalties imposed by subsections (2) and (3).



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

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

164 (7) This section does not apply to limited gaming as
165 authorized in the Destination Resort Act, sections 3 through 36
166 of this act.

167
168 ===== T I T L E A M E N D M E N T =====

169 And the title is amended as follows:

170 Delete line 230

171 and insert:

172 circumstances; authorizing a slot machine licensee to
173 conduct the same limited gaming activities as a resort
174 licensee under certain circumstances; subjecting a
175 slot machine licensee to the same tax on gross
176 receipts as a resort licensee in Miami-Dade or Broward
177 Counties; amending s. 849.15, F.S.; authorizing