

By Senator Jones

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

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

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

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88 participated in an ex parte communication from
89 appearing or representing a person before the
90 commission for a certain time; specifying grounds for
91 removal or termination of employment of commissioners
92 and employees who violate the laws regulating limited
93 gaming; requiring a referendum in the county where a
94 destination resort is to be located as a prerequisite
95 to the conduct of limited gaming activities;
96 preempting the regulation of limited gaming at a
97 destination resort to the state; requiring the
98 commission to develop an invitation to negotiate
99 process to award a resort license; specifying the
100 minimum criteria that an applicant must meet to be
101 awarded a destination resort license; specifying
102 events that disqualify an applicant from eligibility
103 for a resort license; specifying the information that
104 must be on or included with an application for a
105 resort license; specifying the amount of a
106 nonrefundable application fee for a resort license to
107 be used to defray the costs of an investigation of the
108 applicant; authorizing the imposition of additional
109 fees if the amount of the application fee is
110 insufficient to cover the costs of the investigation;
111 requiring the payment of a one-time licensing fee to
112 be submitted along with an application for a resort
113 license; requiring the executive director to notify an
114 applicant for a resort license if the application is
115 incomplete; authorizing the applicant to have an
116 informal conference with the executive director to

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117 discuss an incomplete application; authorizing the
118 executive director to grant an extension to complete
119 an application; providing for the stay of the award of
120 a resort license during an extension or the appeal to
121 the commission of a finding by the executive director
122 that an application is incomplete; exempting an
123 institutional investor that is a qualifier for a
124 resort licensee from certain application requirements
125 under certain circumstances; requiring notice to the
126 commission of any changes that may require a person to
127 comply with the full application requirements;
128 exempting lending institutions and underwriters from
129 licensing requirements as a qualifier under certain
130 circumstances; specifying conditions for a resort
131 licensee to maintain licensure; requiring that the
132 licensee post a bond; specifying conditions for the
133 conduct of limited gaming by a resort licensee;
134 requiring the commission to renew the license of a
135 resort licensee if the licensee satisfies specified
136 conditions; specifying an annual fee for the renewal
137 of a resort license; imposing a tiered gross receipts
138 tax based on the amount of a resort licensee's
139 infrastructure costs; providing for the deposit of the
140 tax into the Destination Resort Trust Fund; providing
141 for certain unappropriated funds in the Destination
142 Resort Trust Fund to be deposited into the General
143 Revenue Fund, the Tourism Promotional Trust Fund, the
144 Employment Security Administration Trust Fund, and the
145 Transportation Disadvantaged Trust Fund; providing for

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146 the proceeds of the gross receipts tax to fund the
147 operations of the commission; providing procedures for
148 the submission and processing of fingerprints of
149 certain persons regulated by the commission; providing
150 that the cost of processing the fingerprints shall be
151 borne by a licensee or applicant; requiring a person
152 to report to the commission certain pleas and
153 convictions for disqualifying offenses; requiring a
154 resort licensee to train its employees about
155 compulsive gambling; requiring a resort licensee to
156 work with a compulsive gambling prevention program;
157 requiring the commission to contract for services
158 relating to the prevention of compulsive gambling;
159 providing for the commission's compulsive gambling
160 prevention program to be funded from a regulatory fee
161 imposed on resort licensees; requiring a person to
162 have a supplier's license to furnish certain goods and
163 services to a resort licensee; specifying the amount
164 of the application fee for a supplier's license;
165 specifying persons who are disqualified from receiving
166 a supplier's license; specifying circumstances under
167 which the commission may revoke a supplier's license;
168 authorizing the commission to adopt rules relating to
169 the licensing of suppliers; requiring a supplier
170 licensee to furnish a list of gaming devices and
171 equipment to the commission, maintain records, file
172 quarterly returns, and affix its name to the gaming
173 equipment and supplies that it offers; requiring that
174 the supplier licensee annually report its inventory to

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175 the commission; authorizing the commission to revoke a
176 supplier's license under certain circumstances;
177 providing that the equipment of a supplier's licensee
178 which is used in unauthorized gaming will be forfeited
179 to the county where the equipment is found; imposing a
180 criminal penalty on a person who knowingly makes a
181 false statement on an application for a supplier's
182 license; requiring a person to have an occupational
183 license to serve as a limited gaming employee of a
184 resort licensee; requiring a person to apply to the
185 commission for an occupational license and pay an
186 application fee; specifying information that an
187 applicant must include in an application for an
188 occupational license; specifying grounds for the
189 commission to deny an application for an occupational
190 license; imposing a criminal penalty on a person who
191 knowingly makes a false statement on an application
192 for an occupational license; authorizing the executive
193 director of the commission to issue a temporary
194 occupational or temporary supplier's license under
195 certain circumstances; requiring the commission to
196 file quarterly reports with the Governor, the
197 President of the Senate, and the Speaker of the House
198 of Representatives; specifying procedures for the
199 conduct of proceedings by the commission; authorizing
200 the chair of the commission to assign a proceeding to
201 less than the full commission; providing procedures
202 for the resolution of certain disputes between a
203 resort licensee and a patron; requiring a resort

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204 licensee to notify the commission of certain disputes
205 with a patron involving amounts of \$500 or more;
206 requiring a resort licensee to notify a patron of the
207 right to file a complaint with the commission
208 regarding certain disputes of an amount less than
209 \$500; authorizing the commission to investigate
210 disputes and to order a resort licensee to make a
211 payment to a patron; providing for the enforcement of
212 credit instruments; authorizing a resort licensee to
213 accept an incomplete credit instrument and to complete
214 incomplete credit instruments under certain
215 circumstances; providing that existence of a mental
216 disorder is not a defense or a valid counterclaim in
217 an action to enforce a credit instrument; authorizing
218 the commission to adopt rules prescribing the
219 conditions under which a credit instrument may be
220 presented to a bank; providing that a resort licensee
221 has the right to exclude a person from its limited
222 gaming facility; authorizing a person to request that
223 the commission exclude her or him from limited gaming
224 facilities; specifying the required contents of the
225 request; providing that a self-excluded person who is
226 found on a gaming floor may be arrested and prosecuted
227 for criminal trespass; providing that a self-excluded
228 person holds harmless the commission and licensees
229 from claims for losses and damages under certain
230 circumstances; amending s. 849.15, F.S.; authorizing
231 slot machine gaming in a resort licensee and the
232 transportation of slot machines pursuant to federal

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233 law; amending s. 849.231, F.S.; providing that a
234 prohibition on gambling devices does not apply to
235 limited gaming as authorized in the act; amending s.
236 849.25, F.S.; providing that a prohibition on gaming
237 does not apply to limited gaming as authorized in the
238 act; providing an effective date.

239

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

241

242 Section 1. Subsection (7) is added to section 20.21,
243 Florida Statutes, to read:

244 20.21 Department of Revenue.—There is created a Department
245 of Revenue.

246 (7) The Destination Resort Commission is created within the
247 Department of Revenue.

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

250 120.80 Exceptions and special requirements; agencies.—

251 (17) THE DESTINATION RESORT COMMISSION.—

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

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

258 (c) Notwithstanding the provisions of s. 120.542, the
259 Destination Resort Commission may not accept a petition for
260 waiver or variance and may not grant any waiver or variance from
261 the requirements of the Destination Resort Act, sections 3

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262 through 35 of this act.

263 Section 3. This section and sections 4 through 35 of this
264 act may be cited as the "Destination Resort Act" or the "Resort
265 Act."

266 Section 4. Definitions.—As used in the Resort Act, the
267 term:

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

270 (a) Controls, is controlled by, or is under common control
271 of;

272 (b) Is in a partnership or joint venture relationship with;
273 or

274 (c) Is a shareholder of a corporation, a member of a
275 limited liability company, or a partner in a limited liability
276 partnership with,

277
278 an applicant for a resort license or a resort licensee.

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

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

284 (b) Back-of-house facilities.

285 (c) Any reception or information counter.

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

288 (e) Any retail outlet.

289 (f) Any area designated for performances.

290 (g) Any area designated for aesthetic or decorative

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291 displays.

292 (h) Staircases, staircase landings, escalators, lifts, and
293 lift lobbies.

294 (i) Bathrooms.

295 (j) Any other area that is not intended to be used for the
296 conduct or playing of games or as a gaming pit as defined by
297 rules of the commission or specified in the application for the
298 destination resort license.

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

303 (4) "Chair" means the chair of the Destination Resort
304 Commission.

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

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

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

315 (b) The acceptance of any form of compensation from a
316 source other than the commission for any services rendered as
317 part of the official duties of the member, employee, or agent of
318 the commission.

319 (c) Participation in any business transaction with or

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320 before the commission in which the member, employee, or agent of
321 the commission, or the parent, spouse, or child of a member,
322 employee, or agent, has a financial interest.

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

324 (8) "Destination resort" or "resort" means a freestanding,
325 land-based structure in which limited gaming may be conducted. A
326 destination resort is a mixed-use development consisting of a
327 combination of various tourism amenities and facilities,
328 including, but not limited to, hotels, villas, restaurants,
329 limited gaming facilities, convention facilities, attractions,
330 entertainment facilities, service centers, and shopping centers.

331 (9) "Destination resort license" or "resort license" means
332 a license to operate and maintain a destination resort having a
333 limited gaming facility.

334 (10) "District" means any of the following five districts
335 of the state:

336 (a) District One: Escambia, Santa Rosa, Okaloosa, Walton,
337 Holmes, Jackson, Washington, Bay, Calhoun, Gulf, Franklin,
338 Liberty, Gadsden, Leon, Wakulla, Jefferson, Madison, Hamilton,
339 Taylor, Lafayette, Suwannee, Columbia, Baker, Union, Bradford,
340 Alachua, Gilchrist, Dixie, and Levy Counties.

341 (b) District Two: Nassau, Duval, Clay, Putnam, St. Johns,
342 Flagler, Marion, Volusia, Lake, Seminole, Orange, Hernando,
343 Polk, and Osceola Counties.

344 (c) District Three: Citrus, Sumter, Pasco, Pinellas,
345 Hillsborough, Manatee, Hardee, DeSoto, Sarasota, Charlotte, Lee,
346 Collier, Monroe, Highlands, Okeechobee, Glades, and Hendry
347 Counties.

348 (d) District Four: Brevard, Indian River, St. Lucie,

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349 Martin, and Palm Beach Counties.

350 (e) District Five: Broward and Miami-Dade Counties.

351 (11) "Executive director" means the executive director of
352 the commission.

353 (12) "Financial interest" or "financially interested" means
354 any interest in investments or awarding of contracts, grants,
355 loans, purchases, leases, sales, or similar matters under
356 consideration or consummated by the commission, or ownership in
357 an applicant or a licensee. A member, employee, or agent of the
358 commission is deemed to have a financial interest in a matter
359 if:

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

364 (b) The individual is employed by or is an independent
365 contractor for a party to a matter under consideration by the
366 commission.

367 (13) "Gaming pit" means an area commonly known as a gaming
368 pit or any similar area from which limited gaming employees
369 administer and supervise the games.

370 (14) "Gross receipts" means the total of cash or cash
371 equivalents received or retained as winnings by a resort
372 licensee and the compensation received for conducting any game
373 in which the resort licensee is not party to a wager, less cash
374 taken in fraudulent acts perpetrated against the resort licensee
375 for which the resort licensee is not reimbursed. The term does
376 not include:

377 (a) Counterfeit money or tokens;

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378 (b) Coins of other countries which are received in gaming
379 devices and which cannot be converted into United States
380 currency;

381 (c) Promotional credits or "free play" as provided by the
382 resort licensee as a means of marketing the limited gaming
383 facility; or

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

385 (15) "Individual" means a natural person.

386 (16) "Institutional investor" means, but is not limited to:

387 (a) A retirement fund administered by a public agency for
388 the exclusive benefit of federal, state, or county public
389 employees.

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

393 (c) An investment company registered under the Investment
394 Company Act of 1940.

395 (d) A collective investment trust organized by a bank under
396 12 C.F.R. part 9, s. 9.18.

397 (e) A closed-end investment trust.

398 (f) A life insurance company or property and casualty
399 insurance company.

400 (g) A financial institution.

401 (h) An investment advisor registered under the Investment
402 Advisers Act of 1940.

403 (17) "Junket enterprise" means any person who, for
404 compensation, employs or otherwise engages in the procurement or
405 referral of persons for a junket to a destination resort
406 licensed under the Resort Act regardless of whether those

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407 activities occur within this state. The term does not include a
408 resort licensee or applicant for a resort license or a person
409 holding an occupational license.

410 (18) "License," as the context requires, means a resort
411 license, supplier's license, or an occupational license.

412 (19) "Licensee," as the context requires, means a person
413 who is licensed as resort licensee, supplier licensee, or
414 occupational licensee.

415 (20) "Limited gaming," "game," or "gaming," as the context
416 requires, means the games authorized pursuant to the Resort Act
417 in a limited gaming facility, including, but not limited to,
418 those commonly known as baccarat, twenty-one, poker, craps, slot
419 machines, video gaming of chance, roulette wheels, Klondike
420 tables, punch-board, faro layout, numbers ticket, push car, jar
421 ticket, pull tab, or their common variants, or any other game of
422 chance or wagering device that is authorized by the commission.

423 (21) "Limited gaming employee" means any employee of a
424 resort licensee, including, but not limited to:

425 (a) Cashiers.

426 (b) Change personnel.

427 (c) Count room personnel.

428 (d) Slot machine attendants.

429 (e) Hosts or other individuals authorized to extend
430 complimentary services, including employees performing functions
431 similar to those performed by a representative for a junket
432 enterprise.

433 (f) Machine mechanics, computer machine technicians, or
434 table game device technicians.

435 (g) Security personnel.

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- 436 (h) Surveillance personnel.
437 (i) Promotional play supervisors, credit supervisors, pit
438 supervisors, cashier supervisors, shift supervisors, table game
439 managers, assistant managers, and other supervisors and
440 managers.
441 (j) Boxmen.
442 (k) Dealers or croupiers.
443 (l) Floormen.
444 (m) Personnel authorized to issue promotional credits.
445 (n) Personnel authorized to issue credit.

446
447 The term includes an employee of a person holding a supplier's
448 license whose duties are directly involved with the repair or
449 distribution of slot machines or table game devices or
450 associated equipment sold or provided to a resort licensee. The
451 term does not include bartenders, cocktail servers, or other
452 persons solely engaged in preparing or serving food or
453 beverages, clerical or secretarial personnel, parking
454 attendants, janitorial staff, stage hands, sound and light
455 technicians, and other nongaming personnel as determined by the
456 commission. The term includes a person employed by a person or
457 entity other than a resort licensee who performs the functions
458 of a limited gaming employee.

459 (22) "Limited gaming facility" means the limited gaming
460 floor and any ancillary areas.

461 (23) "Limited gaming floor" means the approved gaming area
462 of a resort. Ancillary areas in or directly adjacent to the
463 gaming area are not part of the limited gaming floor for
464 purposes of calculating the size of the limited gaming floor.

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465 (24) "Managerial employee" has the same meaning as in s.
466 447.203(4), Florida Statutes.

467 (25) "Occupational licensee" means a person who is licensed
468 to be a limited gaming employee.

469 (26) "Qualifier" means an affiliate, affiliated company,
470 officer, director, or managerial employee of an applicant for a
471 resort license, or a person who holds a direct or indirect
472 equity interest in the applicant. The term may include an
473 institutional investor. As used in this subsection, the terms
474 "affiliate," "affiliated company," and "a person who holds a
475 direct or indirect equity interest in the applicant" do not
476 include a partnership, a joint venture relationship, a
477 shareholder of a corporation, a member of a limited liability
478 company, or a partner in a limited liability partnership that
479 has a direct or indirect equity interest in the applicant for a
480 resort license of 5 percent or less and is not involved in the
481 gaming operations as defined by the rules of the commission.

482 (27) "Supplier licensee" or "supplier" means a person who
483 is licensed to furnish gaming equipment, devices, or supplies or
484 other goods or services to a resort licensee.

485 (28) "Wagerer" means a person who plays a game authorized
486 under the Resort Act.

487 Section 5. Destination Resort Commission; creation and
488 membership.-

489 (1) CREATION.-There is created the Destination Resort
490 Commission assigned to the Department of Revenue for
491 administrative purposes only. The commission is a separate
492 budget entity not subject to control, supervision, or direction
493 by the Department of Revenue in any manner, including, but not

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494 limited to, personnel, purchasing, transactions involving real
495 or personal property, and budgetary matters. The commission
496 shall be composed of seven members who are residents of the
497 state and who have experience in corporate finance, tourism,
498 convention and resort management, gaming, investigation or law
499 enforcement, business law, or related legal experience. The
500 members of the commission shall serve as the agency head of the
501 Destination Resort Commission. The commission is exempt from the
502 provisions of s. 20.052, Florida Statutes.

503 (2) MEMBERS.—The members shall be appointed by the Governor
504 and confirmed by the Senate in the legislative session following
505 appointment. Each member shall be appointed to a 4-year term.
506 However, for the purpose of providing staggered terms, of the
507 initial appointments, four members shall be appointed to 4-year
508 terms and three members shall be appointed to 2-year terms.
509 Terms expire on June 30. Upon the expiration of the term of a
510 commissioner, the Governor shall appoint a successor to serve
511 for a 4-year term. A commissioner whose term has expired shall
512 continue to serve on the commission until such time as a
513 replacement is appointed. If a vacancy on the commission occurs
514 before the expiration of the term, it shall be filled for the
515 unexpired portion of the term in the same manner as the original
516 appointment.

517 (a)1. One member of the commission must be a certified
518 public accountant licensed in this state who possesses at least
519 5 years of experience in general accounting. The member must
520 also possess a comprehensive knowledge of the principles and
521 practices of corporate finance or auditing, general finance,
522 gaming, or economics.

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

525 3. Each district must be represented by at least one member
526 of the commission who must reside in that district.

527 4. When making appointments to the commission, the Governor
528 shall announce the district and classification by experience of
529 the person appointed.

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

532 1. Is an elected state official;

533 2. Is licensed by the commission, or is an officer of, has
534 a financial interest in, or has a direct or indirect contractual
535 relationship with, any applicant for a resort license or resort
536 licensee;

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

539 4. Has, within the 10 years preceding his or her
540 appointment, been under indictment for, convicted of, pled
541 guilty or nolo contendere to, or forfeited bail for a felony or
542 a misdemeanor involving gambling or fraud under the laws of this
543 or any other state or the United States.

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

545 (3) CHAIR AND VICE CHAIR.—

546 (a) The chair shall be appointed by the Governor. The vice
547 chair of the commission shall be elected by the members of the
548 commission during the first meeting of the commission on or
549 after July 1 of each year. The chair shall be the administrative
550 head of the commission. The chair shall set the agenda for each
551 meeting. The chair shall approve all notices, vouchers,

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552 subpoenas, and reports as required by the Resort Act. The chair
553 shall preserve order and decorum and shall have general control
554 of the commission meetings. The chair shall decide all questions
555 of order. The chair may name any member of the commission to
556 perform the duties of the chair for a meeting if such
557 substitution does not extend beyond that meeting.

558 (b) If for any reason the chair is absent and fails to name
559 a member, the vice chair shall assume the duties of the chair
560 during the chair's absence. On the death, incapacitation, or
561 resignation of the chair, the vice chair shall perform the
562 duties of the office until the Governor appoints a successor.

563 (c) The administrative responsibilities of the chair are to
564 plan, organize, and control administrative support services for
565 the commission. Administrative functions include, but are not
566 limited to, finance and accounting, revenue accounting,
567 personnel, and office services.

568 (4) QUORUM.—Four members of the commission constitute a
569 quorum.

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

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

576 (7) AGENCY HEAD.—The commission shall serve as the agency
577 head for purposes of chapter 120, Florida Statutes. The
578 executive director of the commission may serve as the agency
579 head for purposes of final agency action under chapter 120,
580 Florida Statutes, for all areas within the regulatory authority

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581 delegated to the executive director's office.

582 Section 6. Destination Resort Commission; powers and
583 duties.-

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

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

588 (b) Conduct such investigations as necessary to fulfill its
589 responsibilities.

590 (c) Use an invitation to negotiate process for applicants
591 based on minimum requirements established by the Resort Act and
592 rules of the commission.

593 (d) Investigate applicants for a resort license and
594 determine the eligibility of applicants for a resort license and
595 to select from competing applicants the applicant that best
596 serves the interests of the residents of Florida, based on the
597 potential for economic development presented by the applicant's
598 proposed investment in infrastructure, such as hotels and other
599 nongaming entertainment facilities, and the applicant's ability
600 to maximize revenue for the state.

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

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

608 (g) Issue subpoenas for the attendance of witnesses and
609 subpoenas duces tecum for the production of books, records, and

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610 other pertinent documents as provided by law, and to administer
611 oaths and affirmations to the witnesses, if, in the judgment of
612 the commission, it is necessary to enforce the Resort Act or
613 commission rules. If a person fails to comply with a subpoena,
614 the commission may petition the circuit court of the county in
615 which the person subpoenaed resides or has his or her principal
616 place of business for an order requiring the subpoenaed person
617 to appear and testify and to produce books, records, and
618 documents as specified in the subpoena. The court may grant
619 legal, equitable, or injunctive relief, which may include, but
620 is not limited to, issuance of a writ of ne exeat or restraint
621 by injunction or appointment of a receiver of any transfer,
622 pledge, assignment, or other disposition of such person's assets
623 or any concealment, alteration, destruction, or other
624 disposition of subpoenaed books, records, or documents, as the
625 court deems appropriate, until the person subpoenaed has fully
626 complied with the subpoena and the commission has completed the
627 audit, examination, or investigation. The commission is entitled
628 to the summary procedure provided in s. 51.011, Florida
629 Statutes, and the court shall advance the cause on its calendar.
630 Costs incurred by the commission to obtain an order granting, in
631 whole or in part, such petition for enforcement of a subpoena
632 shall be charged against the subpoenaed person, and failure to
633 comply with such order is a contempt of court.

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

638 (i) Keep accurate and complete records of its proceedings

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639 and to certify the records as may be appropriate.

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

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

646 (l) Establish field offices, as deemed necessary by the
647 commission.

648 (2) The Department of Law Enforcement and local law
649 enforcement agencies have concurrent jurisdiction to investigate
650 criminal violations of the Resort Act and may investigate any
651 other criminal violation of law occurring at the limited gaming
652 facilities. Such investigations may be conducted in conjunction
653 with the appropriate state attorney.

654 (3) (a) The commission, the Department of Law Enforcement,
655 and local law enforcement agencies have unrestricted access to
656 the limited gaming facility at all times and shall require of
657 each resort licensee strict compliance with the laws of this
658 state relating to the transaction of such business. The
659 commission, the Department of Law Enforcement, and local law
660 enforcement agencies may:

661 1. Inspect and examine premises where authorized limited
662 gaming devices are offered for play.

663 2. Inspect slot machines, other authorized gaming devices,
664 and related equipment and supplies.

665 (b) In addition, the commission may:

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

667 2. Deny, revoke, suspend, or place conditions on a licensee

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668 who violates any provision of the Resort Act, a rule adopted by
669 the commission, or an order of the commission.

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

674 (5) This section does not:

675 (a) Prohibit the Department of Law Enforcement or any law
676 enforcement authority whose jurisdiction includes a resort
677 licensee or a supplier licensee from conducting investigations
678 of criminal activities occurring at the facilities of a resort
679 licensee or supplier licensee;

680 (b) Restrict access to the limited gaming facility by the
681 Department of Law Enforcement or any local law enforcement
682 authority whose jurisdiction includes a resort licensee's
683 facility; or

684 (c) Restrict access by the Department of Law Enforcement or
685 a local law enforcement agency to information and records
686 necessary for the investigation of criminal activity which are
687 contained within the facilities of a resort licensee or supplier
688 licensee.

689 Section 7. Rulemaking.-

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

693 (a) The types of limited gaming activities to be conducted
694 and the rules for those games, including any restriction upon
695 the time, place, and structures where limited gaming is
696 authorized.

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697 (b) Requirements, procedures, qualifications, and grounds
698 for the issuance, renewal, revocation, suspension, and summary
699 suspension of a resort license, supplier's license, or
700 occupational license.

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

703 (d) Technical requirements and the qualifications that are
704 necessary to receive a license.

705 (e) Procedures to scientifically test and technically
706 evaluate slot machines and other authorized gaming devices for
707 compliance with the Resort Act and the rules adopted by the
708 commission. The commission may contract with an independent
709 testing laboratory to conduct any necessary testing. The
710 independent testing laboratory must have a national reputation
711 for being demonstrably competent and qualified to scientifically
712 test and evaluate slot machines and other authorized gaming
713 devices. An independent testing laboratory may not be owned or
714 controlled by a licensee. The use of an independent testing
715 laboratory for any purpose related to the conduct of slot
716 machine gaming and other authorized gaming by a resort licensee
717 shall be made from a list of laboratories approved by the
718 commission.

719 (f) Procedures relating to limited gaming revenues,
720 including verifying and accounting for such revenues, auditing,
721 and collecting taxes and fees.

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

725 (h) Procedures for regulating, managing, and auditing the

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726 operation, financial data, and program information relating to
727 limited gaming which allow the commission and the Department of
728 Law Enforcement to audit the operation, financial data, and
729 program information of a resort licensee, as required by the
730 commission or the Department of Law Enforcement, and provide the
731 commission and the Department of Law Enforcement with the
732 ability to monitor, at any time on a real-time basis, wagering
733 patterns, payouts, tax collection, and compliance with any rules
734 adopted by the commission for the regulation and control of
735 limited gaming. Such continuous and complete access, at any time
736 on a real-time basis, shall include the ability of either the
737 commission or the Department of Law Enforcement to suspend play
738 immediately on particular slot machines or other gaming devices
739 if monitoring of the facilities-based computer system indicates
740 possible tampering or manipulation of those slot machines or
741 gaming devices or the ability to suspend play immediately of the
742 entire operation if the tampering or manipulation is of the
743 computer system itself. The commission shall notify the
744 Department of Law Enforcement or the Department of Law
745 Enforcement shall notify the commission, as appropriate,
746 whenever there is a suspension of play pursuant this paragraph.
747 The commission and the Department of Law Enforcement shall
748 exchange information that is necessary for, and cooperate in the
749 investigation of, the circumstances requiring suspension of play
750 pursuant to this paragraph.

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

754 (j) Procedures for requiring licensees to maintain and to

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755 provide to the commission records, data, information, or
756 reports, including financial and income records.

757 (k) Procedures to calculate the payout percentages of slot
758 machines.

759 (l) Minimum standards for security of the facilities,
760 including floor plans, security cameras, and other security
761 equipment.

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

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

767 (o) Procedures for requiring resort licensees and supplier
768 licensees to implement and establish drug-testing programs for
769 all employees.

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

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

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

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

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784 (t) Any other rule necessary to accomplish the purposes of
785 the Resort Act.

786 (2) The commission may at any time adopt emergency rules
787 pursuant to s. 120.54, Florida Statutes. The Legislature finds
788 that such emergency rulemaking power is necessary for the
789 preservation of the rights and welfare of the people in order to
790 provide additional funds to benefit the public. The Legislature
791 further finds that the unique nature of limited gaming
792 operations requires, from time to time, that the commission
793 respond as quickly as is practicable. Therefore, in adopting
794 such emergency rules, the commission need not make the findings
795 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
796 adopted under this section are exempt from s. 120.54(4)(c),
797 Florida Statutes. However, the emergency rules may not remain in
798 effect for more than 180 days except that the commission may
799 renew the emergency rules during the pendency of procedures to
800 adopt permanent rules addressing the subject of the emergency
801 rules.

802 Section 8. Law enforcement officers.-

803 (1) The commission may employ sworn law enforcement
804 officers to enforce any criminal law, conduct any criminal
805 investigation, or enforce any statute within the jurisdiction of
806 the commission.

807 (2) Each law enforcement officer must meet the
808 qualifications for law enforcement officers under s. 943.13,
809 Florida Statutes, and must be certified as a law enforcement
810 officer by the Department of Law Enforcement. Upon
811 certification, each law enforcement officer is subject to and
812 has the authority provided to law enforcement officers generally

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813 under chapter 901, Florida Statutes, and has statewide
814 jurisdiction.

815 (3) Each officer has arrest authority as provided for state
816 law enforcement officers under s. 901.15, Florida Statutes, and
817 full law enforcement powers granted to other officers of this
818 state, including the authority to make arrests, carry firearms,
819 serve court process, and seize contraband and proceeds from
820 illegal activities.

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

825 Section 9. Executive director.—The commission shall appoint
826 or remove the executive director of the commission by a majority
827 vote. An interim executive director shall be appointed within 10
828 days after the initial meeting of the commission.

829 (1) The executive director:

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

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

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

833 and

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

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

840 1. A resort licensee or supplier licensee;

841 2. An applicant for a resort license or an applicant for a

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842 similar license in another jurisdiction;

843 3. An entity licensed to operate a gaming facility in
844 another state;

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

847 5. A tribal gaming facility within this state.

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

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

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

855 2. The person, or the person's spouse, parent, child,
856 child's spouse, or sibling, is a member of the commission, or a
857 director of, or person financially interested in, an applicant
858 or a licensee.

859 Section 10. Code of ethics.-

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

862 (2) A member of the commission or the executive director
863 may not hold a direct or indirect interest in, be employed by,
864 or enter into a contract for service with an applicant or person
865 licensed by the commission for a period of 5 years after the
866 date of termination of the person's membership on or employment
867 with the commission.

868 (3) An employee of the commission may not acquire a direct
869 or indirect interest in, be employed by, or enter into a
870 contract for services with an applicant or person licensed by

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871 the commission for a period of 3 years after the date of
872 termination of the person's employment with the commission.

873 (4) A commission member or a person employed by the
874 commission may not represent a person or party other than the
875 state before or against the commission for a period of 3 years
876 after the date of termination of the member's term of office or
877 the employee's period of employment with the commission.

878 (5) A business entity in which a former commission member,
879 employee, or agent has an interest, or any partner, officer, or
880 employee of that business entity, may not appear before or
881 represent another person before the commission if the former
882 commission member, employee, or agent would be prohibited from
883 doing so. As used in this subsection, the term "business entity"
884 means a corporation, limited liability company, partnership,
885 limited liability partnership association, trust, or other form
886 of legal entity.

887 (6) A member, employee, or agent of the commission may not
888 engage in political activity or politically related activity
889 during the duration of the person's appointment or employment.
890 As used in this paragraph, the terms "political activity" or
891 "politically related activity" include:

892 (a) Using the person's official authority or influence for
893 the purpose of interfering with or affecting the result of an
894 election;

895 (b) Knowingly soliciting, accepting, or receiving political
896 contributions from any person;

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

899 (d) Knowingly soliciting or discouraging the participation

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900 in any political activity of any person who is:

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

903 or

904 2. The subject of or a participant in an ongoing audit,
905 investigation, or enforcement action being carried out by the
906 commission.

907 (7) A former member, employee, or agent of the commission
908 may appear before the commission as a witness testifying as to
909 factual matters or actions handled by the former member,
910 employee, or agent during his or her tenure with the commission.
911 However, the former member, employee, or agent of the commission
912 may not receive compensation for the appearance other than a
913 standard witness fee and reimbursement for travel expenses as
914 established by statute or rules governing administrative
915 proceedings before the Division of Administrative Hearings.

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

918 (b) An employee or agent of the commission granted
919 permission for outside employment may not conduct any business
920 or perform any activities, including solicitation, related to
921 outside employment on premises used by the commission or during
922 the employee's working hours for the commission.

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

925 1. Operating a proprietorship;

926 2. Participating in a partnership or group business
927 enterprise; or

928 3. Performing as a director or corporate officer of any

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929 for-profit corporation or banking or credit institution.

930 (9) A member, employee, or agent of the commission may not
931 participate in or wager on any game conducted by any resort
932 licensee or applicant or any affiliate of a licensee or
933 applicant regulated by the commission in this state or in any
934 other jurisdiction, except as required as part of the person's
935 surveillance, security, or other official duties.

936 Section 11. Disclosures by commissioners, employees, and
937 agents.-

938 (1) COMMISSIONERS.-

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

941 (b) Each member must disclose information required by rules
942 of the commission to ensure the integrity of the commission and
943 its work.

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

946 1. Affirming that the member, and the member's spouse,
947 parent, child, or child's spouse, is not a member of the board
948 of directors of, financially interested in, or employed by an
949 applicant or resort licensee.

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

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

955 (d) Each member must disclose involvement with any gaming
956 interest in the 5 years preceding appointment as a member.

957 (2) EMPLOYEES AND AGENTS.-

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958 (a) The executive director and each managerial employee and
959 agent, as determined by the commission, shall file a financial
960 disclosure statement pursuant to s. 112.3145, Florida Statutes.
961 All employees and agents must comply with the provisions of
962 chapter 112, Florida Statutes.

963 (b) The executive director and each managerial employee and
964 agent identified by rule of the commission must disclose
965 information required by rules of the commission to ensure the
966 integrity of the commission and its work.

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

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

972 2. Affirming that the person does not have any financial
973 interest prohibited by laws or rules administered by the
974 commission.

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

978 (d) Each employee or agent of the commission must disclose
979 involvement with any gaming interest during the 5 years before
980 employment.

981 (3) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

982 (a) A member, employee, or agent of the commission who
983 becomes aware that the member, employee, or agent of the
984 commission or his or her spouse, parent, or child is a member of
985 the board of directors of, financially interested in, or
986 employed by an applicant or licensee must immediately provide

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987 detailed written notice to the chair.

988 (b) A member, employee, or agent of the commission must
989 immediately provide detailed written notice of the circumstances
990 to the chair if the member, employee, or agent is indicted,
991 charged with, convicted of, pleads guilty or nolo contendere to,
992 or forfeits bail for:

993 1. A misdemeanor involving gambling, dishonesty, theft, or
994 fraud;

995 2. A violation of any law in any state, or a law of the
996 United States or any other jurisdiction, involving gambling,
997 dishonesty, theft, or fraud which substantially corresponds to a
998 misdemeanor in this state; or

999 3. A felony under the laws of this or any other state, or
1000 the laws of the United States, or any other jurisdiction.

1001 (c) A member, employee, or agent of the commission who is
1002 negotiating for an interest in a licensee or an applicant, or is
1003 affiliated with such a person, must immediately provide written
1004 notice of the details of the interest to the chair. The member,
1005 employee, or agent of the commission may not act on behalf of
1006 the commission with respect to that person.

1007 (d) A member, employee, or agent of the commission may not
1008 enter into negotiations for employment with any person or
1009 affiliate of any person who is an applicant, licensee, or an
1010 affiliate. If a member, employee, or agent of the commission
1011 enters into negotiations for employment in violation of this
1012 paragraph or receives an invitation, written or oral, to
1013 initiate a discussion concerning employment with any person who
1014 is a licensee, applicant, or an affiliate, he or she must
1015 immediately provide written notice of the details of any such

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1016 negotiations or discussions to the chair. The member, employee,
1017 or agent of the commission may not take any action on behalf of
1018 the commission with respect to that licensee or applicant.

1019 (e) A licensee or applicant may not knowingly initiate a
1020 negotiation for, or discussion of, employment with a member,
1021 employee, or agent of the commission. A licensee or applicant
1022 who initiates a negotiation or discussion about employment shall
1023 immediately provide written notice of the details of the
1024 negotiation or discussion to the chair as soon as that person
1025 becomes aware that the negotiation or discussion has been
1026 initiated with a member, employee, or agent of the commission.

1027 (f) A member, employee, or agent of the commission, or a
1028 parent, spouse, sibling, or child of a member, employee, or
1029 agent of the commission, may not accept any gift, gratuity,
1030 compensation, travel, lodging, or anything of value, directly or
1031 indirectly, from a licensee, applicant, or affiliate or
1032 representative of a person regulated by the commission unless
1033 the acceptance is permitted under the rules of the commission
1034 and conforms with chapter 112, Florida Statutes. A member,
1035 employee, or agent of the commission who is offered or receives
1036 any gift, gratuity, compensation, travel, lodging, or anything
1037 of value, directly or indirectly, from any licensee or an
1038 applicant or affiliate or representative of a person regulated
1039 by the commission must immediately provide written notice of the
1040 details to the chair.

1041 (g) A licensee, applicant, or affiliate or representative
1042 of an applicant or licensee may not, directly or indirectly,
1043 knowingly give or offer to give any gift, gratuity,
1044 compensation, travel, lodging, or anything of value to any

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1045 member, employee, or agent, or to a parent, spouse, sibling, or
1046 child of a member, employee, or agent, which the member,
1047 employee, or agent is prohibited from accepting under paragraph
1048 (f).

1049 (h) A member, employee, or agent of the commission may not
1050 engage in any conduct that constitutes a conflict of interest,
1051 and must immediately advise the chair in writing of the details
1052 of any incident or circumstances that would suggest the
1053 existence of a conflict of interest with respect to the
1054 performance of commission-related work or duty of the member,
1055 employee, or agent of the commission.

1056 (i) A member, employee, or agent of the commission who is
1057 approached and offered a bribe must immediately provide a
1058 written account of the details of the incident to the chair and
1059 to a law enforcement agency having jurisdiction over the matter.

1060 Section 12. Ex parte communications.—

1061 (1) A licensee, applicant, or any affiliate or
1062 representative of an applicant or licensee may not engage
1063 directly or indirectly in ex parte communications concerning a
1064 pending application, license, or enforcement action with a
1065 member of the commission or concerning a matter that likely will
1066 be pending before the commission. A member of the commission may
1067 not engage directly or indirectly in any ex parte communications
1068 concerning a pending application, license, or enforcement action
1069 with members of the commission, or with a licensee, applicant,
1070 or any affiliate or representative of an applicant or licensee,
1071 or concerning a matter that likely will be pending before the
1072 commission.

1073 (2) Any commission member, licensee, applicant, or

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1074 affiliate or representative of a commission member, licensee, or
1075 applicant who receives any ex parte communication in violation
1076 of subsection (1), or who is aware of an attempted communication
1077 in violation of subsection (1), must immediately report details
1078 of the communication or attempted communication in writing to
1079 the chair.

1080 (3) If a commissioner knowingly receives an ex parte
1081 communication relative to a proceeding to which he or she is
1082 assigned, he or she must place on the record copies of all
1083 written communications received, copies of all written responses
1084 to the communications, and a memorandum stating the substance of
1085 all oral communications received and all oral responses made,
1086 and shall give written notice to all parties to the
1087 communication that such matters have been placed on the record.
1088 Any party who desires to respond to an ex parte communication
1089 may do so. The response must be received by the commission
1090 within 10 days after receiving notice that the ex parte
1091 communication has been placed on the record. The commissioner
1092 may, if he or she deems it necessary to eliminate the effect of
1093 an ex parte communication received by him or her, withdraw from
1094 the proceeding potentially impacted by the ex parte
1095 communication. After a commissioner withdraws from the
1096 proceeding, the chair shall substitute another commissioner for
1097 the proceeding if the proceeding was not assigned to the full
1098 commission.

1099 (4) Any individual who makes an ex parte communication must
1100 submit to the commission a written statement describing the
1101 nature of such communication, including the name of the person
1102 making the communication, the name of the commissioner or

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1103 commissioners receiving the communication, copies of all written
1104 communications made, all written responses to such
1105 communications, and a memorandum stating the substance of all
1106 oral communications received and all oral responses made. The
1107 commission shall place on the record of a proceeding all such
1108 communications.

1109 (5) A member of the commission who knowingly fails to place
1110 on the record any ex parte communications, in violation of this
1111 section, within 15 days after the date of the communication is
1112 subject to removal and may be assessed a civil penalty not to
1113 exceed \$5,000.

1114 (6) The Commission on Ethics shall receive and investigate
1115 sworn complaints of violations of this section pursuant to ss.
1116 112.322-112.3241, Florida Statutes.

1117 (7) If the Commission on Ethics finds that a member of the
1118 commission has violated this section, it shall provide the
1119 Governor with a report of its findings and recommendations. The
1120 Governor may enforce the findings and recommendations of the
1121 Commission on Ethics pursuant to part III of chapter 112,
1122 Florida Statutes.

1123 (8) If a commissioner fails or refuses to pay the
1124 Commission on Ethics any civil penalties assessed pursuant to
1125 this section, the Commission on Ethics may bring an action in
1126 any circuit court to enforce such penalty.

1127 (9) If, during the course of an investigation by the
1128 Commission on Ethics into an alleged violation of this section,
1129 allegations are made as to the identity of the person who
1130 participated in the ex parte communication, that person must be
1131 given notice and an opportunity to participate in the

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1132 investigation and relevant proceedings to present a defense. If
1133 the Commission on Ethics determines that the person participated
1134 in the ex parte communication, the person may not appear before
1135 the commission or otherwise represent anyone before the
1136 commission for 2 years.

1137 Section 13. Penalties for misconduct by a commissioner,
1138 employee, or agent.-

1139 (1) A violation of the Resort Act by a member of the
1140 commission may result in disqualification or constitute cause
1141 for removal by the Governor or other disciplinary action as
1142 determined by the commission.

1143 (2) A violation of the Resort Act by an employee or agent
1144 of the commission does not require termination of employment or
1145 other disciplinary action if:

1146 (a) The commission determines that the conduct involved
1147 does not violate the purposes the Resort Act; or

1148 (b) There was no intentional action on the part of the
1149 employee or agent, contingent on divestment of the financial
1150 interest within 30 days after the interest was acquired.

1151 (3) Notwithstanding subsection (2), an employee or agent of
1152 the commission who violates the Resort Act shall be terminated
1153 if a financial interest in a licensee, applicant, or affiliate,
1154 or representative of a licensee or applicant, is acquired by:

1155 (a) An employee of the commission; or

1156 (b) The employee's or agent's spouse, parent, or child.

1157 (4) A violation the Resort Act does not create a civil
1158 cause of action.

1159 Section 14. Authorization of limited gaming at destination
1160 resorts.-Notwithstanding any other provisions of law, the

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1161 commission may not award a resort license authorizing limited
1162 gaming unless a majority of the electors in a countywide
1163 referendum have approved the conduct of limited gaming in the
1164 respective county. If limited gaming is authorized through the
1165 award of a resort license, the resort licensee may possess slot
1166 machines and other authorized gaming devices and conduct limited
1167 gaming at the licensed location. Notwithstanding any other
1168 provision of law, a person may lawfully participate in
1169 authorized games at a facility licensed to possess authorized
1170 limited gaming devices and conduct limited gaming or to
1171 participate in limited gaming as described in the Resort Act.

1172 Section 15. Legislative authority; administration of act.-
1173 The regulation of the conduct of limited gaming activity at a
1174 resort licensee is preempted to the state and a county,
1175 municipality, or other political subdivision of the state may
1176 not enact any ordinance relating to limited gaming. Only the
1177 commission and other authorized state agencies shall administer
1178 the Resort Act and regulate limited gaming, including limited
1179 gaming at resort licensees and the assessment of fees or taxes
1180 relating to the conduct of limited gaming.

1181 Section 16. Process for awarding destination resort
1182 licenses.-

1183 (1) The commission shall by rule use an invitation to
1184 negotiate process for determining the award of a resort license.
1185 The application, review, and issuance procedures for awarding a
1186 license shall be by a process in which applicants rely on forms
1187 provided by the commission in response to an invitation to
1188 negotiate issued by the commission.

1189 (2) The commission may, at its discretion, stagger the

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1190 issuance of invitations to negotiate, the period for review of
1191 replies, and the awarding of one or more licenses to conduct
1192 limited gaming, provided that the number of licenses does not
1193 exceed five destination resort licensees. Invitations to
1194 negotiate shall require a response within no less than 6 months
1195 of the date after the issuance of the invitation.

1196 (3) The commission may specify in its invitation to
1197 negotiate the district in which the facility would be located.
1198 When determining whether to authorize the destination resort
1199 located within a specific county or counties, the commission
1200 shall, if practicable, hold a public hearing in such county or
1201 counties.

1202 (4) The commission shall review all complete replies
1203 received pursuant to an invitation to negotiate. The commission
1204 may select one or more replies with which to commence
1205 negotiations after determining which replies are in the best
1206 interest of the state based on the selection criteria. The
1207 commission shall award or deny a destination resort license
1208 within 12 months after the deadline for the submission of a
1209 reply.

1210 Section 17. Criteria for the award of a destination resort
1211 license.-

1212 (1) The commission may award a resort license to the
1213 applicant of an invitation to negotiate which best serves the
1214 interests of the residents of Florida. The reply to an
1215 invitation to negotiate for a resort license must include an
1216 application that demonstrates the applicant's ability to meet
1217 the following minimum criteria:

1218 (a) Only one destination resort license may be awarded per

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1219 district.

1220 (b) The applicant must demonstrate a capacity to increase
1221 tourism, generate jobs, provide revenue to the local economy,
1222 and provide revenue to the General Revenue Fund.

1223 (c) The resort must provide a minimum of 1,000 hotel rooms.

1224 (d) The resort must contain convention and meeting floor
1225 space of at least 500,000 square feet.

1226 (e) The area in which the conduct of limited gaming is
1227 authorized may constitute no more than 10 percent of the resort
1228 development's total square footage. The resort development's
1229 total square footage is the aggregate of the total square
1230 footage of the limited gaming facility, the hotel or hotels,
1231 convention space, retail facilities, nongaming entertainment
1232 facilities, service centers, and office space or administrative
1233 areas.

1234 (f) The applicant must demonstrate a history of, or a bona
1235 fide plan for, community involvement or investment in the
1236 community where the resort having a limited gaming facility will
1237 be located.

1238 (g) The applicant must demonstrate the financial ability to
1239 purchase and maintain an adequate surety bond.

1240 (h) The applicant must demonstrate that it has adequate
1241 capitalization to develop, construct, maintain, and operate the
1242 proposed resort and convention center having a limited gaming
1243 facility in accordance with the requirements of the Resort Act
1244 and rules adopted by the commission and to responsibly meet its
1245 secured and unsecured debt obligations in accordance with its
1246 financial and other contractual agreements.

1247 (i) The applicant shall demonstrate the ability to

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1248 implement a program to train and employ residents of this state
1249 for jobs that will be available at the destination resort,
1250 including its ability to implement a program for the training of
1251 low-income persons.

1252 (j) The commission may, at its discretion, assess the
1253 quality of the proposed development's aesthetic appearance in
1254 the context of its potential to provide substantial economic
1255 benefits to the community and the people of Florida, including,
1256 but not limited to its potential to provide substantial
1257 employment opportunities.

1258 (k) The applicant shall demonstrate how it will comply with
1259 state and federal affirmative action guidelines.

1260 (l) The applicant shall demonstrate the ability to generate
1261 substantial gross receipts.

1262 (2) A resort license may be issued only to persons of good
1263 moral character who are at least 21 years of age. A resort
1264 license may issued to a corporation only if its officers are of
1265 good moral character and at least 21 years of age.

1266 (3) A resort license may not be issued to an applicant if
1267 the applicant, qualifier, or institutional investor:

1268 (a) Has, within the last 10 years, filed for protection
1269 under the Federal Bankruptcy Code or had an involuntary
1270 bankruptcy petition filed against them.

1271 (b) Has, within the last 5 years, been adjudicated by a
1272 court or tribunal for failure to pay income, sales, or gross
1273 receipts tax due and payable under any federal, state, or local
1274 law, after exhaustion of all appeals or administrative remedies.

1275 (c) Has been convicted of a felony under the laws of this
1276 or any other state, or the United States.

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1277 (d) Has been convicted of any violation under chapter 817,
1278 Florida Statutes, or under a substantially similar law of
1279 another jurisdiction.

1280 (e) Knowingly submitted false information in the
1281 application for the license.

1282 (f) Is a member or employee of the commission.

1283 (g) Was licensed to own or operate gaming or pari-mutuel
1284 facilities in this state or another jurisdiction and that
1285 license was revoked.

1286 (h) Fails to meet any other criteria for licensure set
1287 forth in the Resort Act.

1288
1289 The term "conviction" includes an adjudication of guilt on a
1290 plea of guilty or nolo contendere or the forfeiture of a bond
1291 when charged with a crime.

1292 Section 18. Application for destination resort license.-

1293 (1) APPLICATION.-A reply submitted in response to an
1294 invitation to negotiate must include a sworn application in the
1295 format prescribed by the commission. The application must
1296 include the following information:

1297 (a)1. The name, business address, telephone number, social
1298 security number, and, where applicable, the federal tax
1299 identification number of the applicant and each qualifier; and

1300 2. Information, documentation, and assurances concerning
1301 financial background and resources as may be required to
1302 establish the financial stability, integrity, and responsibility
1303 of the applicant. This includes business and personal income and
1304 disbursement schedules, tax returns and other reports filed with
1305 governmental agencies, and business and personal accounting and

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1306 check records and ledgers. In addition, each applicant must
1307 provide written authorization for the examination of all bank
1308 accounts and records as may be deemed necessary by the
1309 commission.

1310 (b) The identity and, if applicable, the state of
1311 incorporation or registration of any business in which the
1312 applicant or a qualifier has an equity interest of more than 5
1313 percent. If the applicant or qualifier is a corporation,
1314 partnership, or other business entity, the applicant or
1315 qualifier must identify any other corporation, partnership, or
1316 other business entity in which it has an equity interest of more
1317 5 percent, including, if applicable, the state of incorporation
1318 or registration.

1319 (c) A statement as to whether the applicant or a qualifier
1320 has developed and operated a gaming facility within a
1321 jurisdiction in the United States, including a description of
1322 the gaming facility, the gaming facility's gross revenue, and
1323 the amount of revenue the gaming facility has generated for
1324 state and local governments within that jurisdiction.

1325 (d) A statement as to whether the applicant or a qualifier
1326 has been indicted, convicted of, pled guilty or nolo contendere
1327 to, or forfeited bail for any felony or for a misdemeanor
1328 involving gambling, theft, or fraud. The statement must include
1329 the date, the name and location of the court, the arresting
1330 agency, the prosecuting agency, the case caption, the docket
1331 number, the nature of the offense, the disposition of the case,
1332 and, if applicable, the location and length of incarceration.

1333 (e) A statement as to whether the applicant or a qualifier
1334 has ever been granted any license or certificate in any

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1335 jurisdiction which has been restricted, suspended, revoked, not
1336 renewed, or otherwise subjected to discipline. The statement
1337 must describe the facts and circumstances concerning that
1338 restriction, suspension, revocation, nonrenewal, or discipline,
1339 including the licensing authority, the date each action was
1340 taken, and an explanation of the circumstances for each
1341 disciplinary action.

1342 (f) A statement as to whether the applicant or qualifier
1343 has, as a principal or a controlling shareholder, within the
1344 last 10 years, filed for protection under the Federal Bankruptcy
1345 Code or had an involuntary bankruptcy petition filed against it.

1346 (g) A statement as to whether the applicant or qualifier
1347 has, within the last 5 years, been adjudicated by a court or
1348 tribunal for failure to pay any income, sales, or gross receipts
1349 tax due and payable under federal, state, or local law, after
1350 exhaustion of all appeals or administrative remedies. This
1351 statement must identify the amount and type of the tax and the
1352 time periods involved and must describe the resolution of the
1353 nonpayment.

1354 (h) A list of the names and titles of any public officials
1355 or officers of any unit of state government or of the local
1356 government or governments in the county or municipality in which
1357 the proposed resort is to be located, and the spouses, parents,
1358 and children of those public officials or officers, who,
1359 directly or indirectly, own any financial interest in, have any
1360 beneficial interest in, are the creditors of, hold any debt
1361 instrument issued by the applicant or a qualifier, or hold or
1362 have an interest in any contractual or service relationship with
1363 the applicant or qualifier. As used in this paragraph, the terms

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1364 "public official" and "officer" do not include a person who
1365 would be listed solely because the person is a member of the
1366 Florida National Guard.

1367 (i) The name and business telephone number of any attorney,
1368 lobbyist, or other person who is representing an applicant
1369 before the commission during the application process.

1370 (j) A description of the applicant's history of and
1371 proposed plan for community involvement or investment in the
1372 community where the resort having a limited gaming facility
1373 would be located.

1374 (k) A description of the applicant's proposed resort,
1375 including a description of the economic benefit to the community
1376 in which the facility would be located, the anticipated number
1377 of employees, a statement regarding how the applicant would
1378 comply with federal and state affirmative action guidelines, a
1379 projection of admissions or attendance at the limited gaming
1380 facility, a projection of gross receipts, and scientific market
1381 research pertaining to the proposed facility, if any.

1382 (l) Proof of a countywide referendum authorizing limited
1383 gaming at a resort in the county. The referendum must be
1384 approved by the electors of the county before the application
1385 deadline established by the commission.

1386 (m) A schedule or timeframe for completing the resort.

1387 (n) A plan for training residents of this state for jobs at
1388 the resort. The job-training plan must provide training to
1389 enable low-income persons to qualify for jobs at the resort.

1390 (o) The identity of each person, association, trust, or
1391 corporation or partnership having a direct or indirect equity
1392 interest in the applicant of greater than 5 percent. If

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1393 disclosure of a trust is required under this paragraph, the
1394 names and addresses of the beneficiaries of the trust must also
1395 be disclosed. If the identity of a corporation must be
1396 disclosed, the names and addresses of all stockholders and
1397 directors must also be disclosed. If the identity of a
1398 partnership must be disclosed, the names and addresses of all
1399 partners, both general and limited, must also be disclosed.

1400 (p) A destination resort and limited gaming facility
1401 development plan.

1402 (q) The fingerprints of the all officers or directors of
1403 the applicant and qualifiers, and any persons exercising
1404 operational or managerial control of the applicant, as
1405 determined by rule of the commission, for a criminal history
1406 record check.

1407 (2) DISCRETION TO REQUIRE INFORMATION.—Notwithstanding any
1408 other provision of law, the commission is the sole authority for
1409 determining the information or documentation that must be
1410 included in an application for a resort license or in an
1411 application to renew a resort license. Such documentation and
1412 information may relate to: demographics, education, work
1413 history, personal background, criminal history, finances,
1414 business information, complaints, inspections, investigations,
1415 discipline, bonding, photographs, performance periods,
1416 reciprocity, local government approvals, supporting
1417 documentation, periodic reporting requirements, and fingerprint
1418 requirements.

1419 (3) DUTY TO SUPPLEMENT APPLICATION.—The application shall
1420 be supplemented as needed to reflect any material change in any
1421 circumstance or condition stated in the application which takes

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1422 place between the initial filing of the application and the
1423 final grant or denial of the license. Any submission required to
1424 be in writing may otherwise be required by the commission to be
1425 made by electronic means.

1426 (4) CRIMINAL HISTORY CHECKS.—The commission may contract
1427 with private vendors, or enter into interagency agreements, to
1428 collect electronic fingerprints where fingerprints are required
1429 for licensure or where criminal history record checks are
1430 required.

1431 (5) APPLICATION FEES.—

1432 (a) The application for a resort license must be submitted
1433 along with a nonrefundable application fee of \$1 million to be
1434 used by the commission to defray costs associated with the
1435 review and investigation of the application and to conduct a
1436 background investigation of the applicant and each qualifier. If
1437 the cost of the review and investigation exceeds \$1 million, the
1438 applicant must pay the additional amount to the commission
1439 within 30 days after the receipt of a request for an additional
1440 payment.

1441 (b) The application for a destination resort license must
1442 be submitted with a one-time licensing fee of \$50 million. If
1443 the commission denies the application, the commission must
1444 refund the licensing fee within 30 days after the denial of the
1445 application. If the applicant withdraws the application after
1446 the application deadline established by the commission, the
1447 commission must refund 80 percent of the licensing fee within 30
1448 days after the application is withdrawn.

1449 Section 19. Incomplete applications.—

1450 (1) An incomplete application for a resort license is

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1451 grounds for the denial of the application.

1452 (2) (a) If the commission determines that an application for
1453 a resort license is incomplete, the executive director shall
1454 immediately provide written notice to the applicant of the
1455 incomplete items. The applicant may then request a confidential
1456 informal conference with the executive director or his designee
1457 to discuss the application.

1458 (b) The executive director shall provide the applicant an
1459 extension of 30 days to complete the application following the
1460 date of the informal conference. If the executive director finds
1461 that the application has not been completed within the
1462 extension, the applicant may appeal the finding to the
1463 commission. During an extension or the pendency of an appeal to
1464 the commission, the award of resort licenses in the applicable
1465 district is stayed.

1466 Section 20. Institutional investors as qualifiers.—

1467 (1) An application for a resort license that has an
1468 institutional investor as a qualifier need not contain
1469 information relating to the institutional investor other than
1470 the identity of the investor and information relating to
1471 qualifications under the Resort Act if the institutional
1472 investor:

1473 (a) Holds less than 5 percent of the equity securities or 5
1474 percent of the debt securities of an applicant or affiliate of
1475 the applicant;

1476 (b) Is a publicly traded corporation; and

1477 (c) Files a certified statement that the institutional
1478 investor does not intend to influence or affect the affairs of
1479 the applicant or an affiliate of the applicant and further

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1480 states that its holdings of securities of the applicant or
1481 affiliate were purchased for investment purposes only.

1482
1483 The commission may limit the application requirements as
1484 provided in this subsection for an institutional investor that
1485 is a qualifier and that holds 5 percent or more of the equity or
1486 debt securities of an applicant or affiliate of the applicant
1487 upon a showing of good cause and if the conditions specified in
1488 paragraphs (b) and (c) are satisfied.

1489 (2) An institutional investor that is exempt from the full
1490 application requirements under this section and that
1491 subsequently intends to influence or affect the affairs of the
1492 issuer must first notify the commission of its intent and file
1493 an application containing all of the information that would have
1494 been required of the institutional investor in the application
1495 for a resort license. The commission may deny the application if
1496 it determines that granting the application will impair the
1497 financial stability of the licensee or impair the ability of the
1498 licensee to comply with its development plans or other plans
1499 submitted to the commission by the applicant or licensee.

1500 (3) An applicant for a license or a resort licensee or
1501 affiliate shall immediately notify the commission of any
1502 information concerning an institutional investor holding its
1503 equity or debt securities which may disqualify an institutional
1504 investor from having a direct or indirect interest in the
1505 applicant or licensee, and the commission may require the
1506 institutional investor to file all information that would have
1507 been required of the institutional investor in the application
1508 for a license.

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1509 (4) If the commission finds that an institutional investor
1510 that is a qualifier fails to comply with the requirements of
1511 subsection (1) or, if at any time the commission finds that by
1512 reason of the extent or nature of its holdings an institutional
1513 investor is in a position to exercise a substantial impact upon
1514 the controlling interests of a licensee, the commission may
1515 require the institutional investor to file an application
1516 containing all of information that would have been required of
1517 the institutional investor in the application for a license.

1518 (5) Notwithstanding paragraph (1) (c), an institutional
1519 investor may vote on all matters that are put to the vote of the
1520 outstanding security holders of the applicant or licensee.

1521 Section 21. Lenders and underwriters; exemption as
1522 qualifiers.—A bank, lending institution, or any underwriter in
1523 connection with any bank or lending institution that, in the
1524 ordinary course of business, makes a loan to, or holds a
1525 security interest in, a licensee or applicant, a supplier
1526 licensee or applicant or its subsidiary, or direct or indirect
1527 parent company of any of the foregoing is not a qualifier and is
1528 not required to be licensed.

1529 Section 22. Conditions for a resort license.—As a condition
1530 to licensure and to maintain continuing authority, a resort
1531 licensee must:

1532 (1) Comply with the Resort Act and the rules of the
1533 commission.

1534 (2) Allow the commission and the Department of Law
1535 Enforcement unrestricted access to and right of inspection of
1536 facilities of a licensee in which any activity relative to the
1537 conduct of gaming is conducted.

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1538 (3) Complete the resort in accordance with the plans and
1539 timeframe proposed to the commission in its application, unless
1540 a waiver is granted by the commission.

1541 (4) Ensure that the facilities-based computer system that
1542 the licensee will use for operational and accounting functions
1543 of the facility is specifically structured to facilitate
1544 regulatory oversight. The facilities-based computer system shall
1545 be designed to provide the commission and the Department of Law
1546 Enforcement with the ability to monitor, at any time on a real-
1547 time basis, the wagering patterns, payouts, tax collection, and
1548 such other operations as necessary to determine whether the
1549 facility is in compliance with statutory provisions and rules
1550 adopted by the commission for the regulation and control of
1551 gaming. The commission and the Department of Law Enforcement
1552 shall have complete and continuous access to this system. Such
1553 access shall include the ability of either the commission or the
1554 Department of Law Enforcement to suspend play immediately on
1555 particular slot machines or gaming devices if monitoring of the
1556 system indicates possible tampering or manipulation of those
1557 slot machines or gaming devices or the ability to suspend play
1558 immediately of the entire operation if the tampering or
1559 manipulation is of the computer system itself. The computer
1560 system shall be reviewed and approved by the commission to
1561 ensure necessary access, security, and functionality. The
1562 commission may adopt rules to provide for the approval process.

1563 (5) Ensure that each game, slot machine, or other gaming
1564 device is protected from manipulation or tampering that may
1565 affect the random probabilities of winning plays. The commission
1566 or the Department of Law Enforcement may suspend play upon

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1567 reasonable suspicion of any manipulation or tampering. If play
1568 has been suspended on any game, slot machine, or other gaming
1569 device, the commission or the Department of Law Enforcement may
1570 conduct an examination to determine whether the game, machine,
1571 or other gaming device has been tampered with or manipulated and
1572 whether the game, machine, or other gaming device should be
1573 returned to operation.

1574 (6) Submit a security plan, including the facilities' floor
1575 plans, the locations of security cameras, and a listing of all
1576 security equipment that is capable of observing and
1577 electronically recording activities being conducted in the
1578 facilities of the licensee. The security plan must meet the
1579 minimum security requirements as determined by the commission
1580 and be implemented before the operation of gaming. The
1581 licensee's facilities must adhere to the security plan at all
1582 times. Any changes to the security plan must be submitted by the
1583 licensee to the commission prior to implementation. The
1584 commission shall furnish copies of the security plan and changes
1585 in the plan to the Department of Law Enforcement.

1586 (7) Create and file with the commission a written policy
1587 for:

1588 (a) Creating opportunities to purchase from vendors in this
1589 state, including minority vendors.

1590 (b) Creating opportunities for the employment of residents
1591 of this state, including minority residents.

1592 (c) Ensuring opportunities for obtaining construction
1593 services from minority contractors.

1594 (d) Ensuring that opportunities for employment are offered
1595 on an equal, nondiscriminatory basis.

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1596 (e) Training employees on responsible gaming and working
1597 with a compulsive or addictive gambling prevention program.

1598 (f) Implementing a drug-testing program that includes, but
1599 is not limited to, requiring each employee to sign an agreement
1600 that he or she understands that the resort is a drug-free
1601 workplace.

1602 (g) Using the Internet-based job-listing system of the
1603 Agency for Workforce Innovation in advertising employment
1604 opportunities.

1605 (h) Ensuring that the payout percentage of each slot
1606 machine is at least 85 percent.

1607 (8) A resort licensee shall keep and maintain permanent
1608 daily records of its limited gaming operations and shall
1609 maintain such records for a period of not less than 5 years.
1610 These records must include all financial transactions and
1611 contain sufficient detail to determine compliance with the
1612 requirements of the Resort Act. All records shall be available
1613 for audit and inspection by the commission, the Department of
1614 Law Enforcement, or other law enforcement agencies during the
1615 resort licensee's regular business hours.

1616 Section 23. Surety bond.—A destination resort licensee
1617 must, at its own cost and expense, before the license is
1618 delivered, give a bond in the penal sum to be determined by the
1619 commission payable to the Governor of the state and her or his
1620 successors in office. The bond must be issued by a surety or
1621 sureties approved by the commission and the Chief Financial
1622 Officer and the bond must be conditioned on the licensee
1623 faithfully making the required payments to the Chief Financial
1624 Officer in her or his capacity as treasurer of the commission,

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1625 keeping the licensee's books and records and make reports as
1626 provided, and conducting its limited gaming activities in
1627 conformity with the Resort Act. The commission shall fix the
1628 amount of the bond at the total amount of annual license fees
1629 and the taxes estimated to become due as determined by the
1630 commission. In lieu of a bond, an applicant or licensee may
1631 deposit with the commission a like amount of funds, a savings
1632 certificate, a certificate of deposit, an investment
1633 certificate, or a letter of credit from a bank, savings bank,
1634 credit union, or savings and loan association situated in this
1635 state which meets the requirements set for that purpose by the
1636 Chief Financial Officer. If security is provided in the form of
1637 a savings certificate, a certificate of deposit, or an
1638 investment certificate, the certificate must state that the
1639 amount is unavailable for withdrawal except upon order of the
1640 commission. The commission may review the bond or other security
1641 for adequacy and require adjustments, including increasing the
1642 amount of the bond and other security. The commission may adopt
1643 rules to administer this section and establish guidelines for
1644 such bonds or other securities.

1645 Section 24. Conduct of limited gaming.-

1646 (1) Limited gaming may be conducted by a resort licensee,
1647 subject to the following:

1648 (a) The site of the limited gaming facility is limited to
1649 the resort licensee's site location as approved by the
1650 commission.

1651 (b) Limited gaming may not be conducted by a resort
1652 licensee until the resort is completed according to the proposal
1653 approved by the commission.

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1654 (c) The commission's agents and employees may enter and
1655 inspect a limited gaming facility or other facilities relating
1656 to a resort licensee's gaming operations at any time for the
1657 purpose of determining whether the licensee is in compliance
1658 with the Resort Act.

1659 (d) A resort licensee may lease or purchase gaming devices,
1660 equipment, or supplies customarily used in conducting gaming
1661 only from a licensed supplier.

1662 (e) A resort licensee may not permit any form of wagering
1663 on games except as permitted by the Resort Act.

1664 (f) A resort licensee may receive wagers only from a person
1665 present in the limited gaming facility.

1666 (g) A resort licensee may not permit wagering using money
1667 or other negotiable currency except for wagering on slot
1668 machines.

1669 (h) A resort licensee may not permit a person who is less
1670 than 21 years of age to engage in gaming activity or remain in
1671 an area of a limited gaming facility where gaming is being
1672 conducted, except for a limited gaming employee of the resort
1673 licensee who is at least 18 years of age.

1674 (i) A resort licensee may not sell or distribute tokens,
1675 chips, or electronic cards used to make wagers outside the
1676 limited gaming facility. The tokens, chips, or electronic cards
1677 may be purchased by means of an agreement under which the
1678 licensee extends credit to a wagerer. The tokens, chips, or
1679 electronic cards may be used only for the purpose of making
1680 wagers on games within a limited gaming facility.

1681 (j) All gaming activities must be conducted in accordance
1682 with commission rules.

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1683 (2) A limited gaming facility may operate 24 hours per day,
1684 every day of the year.

1685 (3) A resort licensee may set the minimum and maximum
1686 wagers on all games.

1687 (4) A resort licensee shall give preference in employment,
1688 reemployment, promotion, and retention to veterans and to the
1689 persons included under s. 295.07(1), Florida Statutes, who
1690 possess the minimum qualifications necessary to perform the
1691 duties of the positions involved.

1692 (5) A resort licensee shall use the E-Verify program, or a
1693 similar program developed under the Immigration Reform and
1694 Control Act of 1986 or the Illegal Immigration Reform and
1695 Immigrant Responsibility Act of 1996, to verify the employment
1696 eligibility of all prospective employees. Applicants for a
1697 resort license must require that all contractors use such a
1698 program to verify the employment eligibility of their
1699 prospective employees.

1700 (6) The commission shall renew a resort license if:

1701 (a) The licensee has demonstrated an effort to increase
1702 tourism, generate jobs, provide revenue to the local economy,
1703 and provide revenue to the state General Revenue Fund.

1704 (b) The commission has not suspended or revoked the license
1705 of the licensee.

1706 (c) The licensee continues to satisfy all the requirements
1707 of the initial application for licensure.

1708 Section 25. License fee; tax rate; disposition.-

1709 (1) LICENSE FEE.-On the anniversary date of the issuance of
1710 the initial resort license and annually thereafter, the licensee
1711 must pay to the commission a nonrefundable annual license fee of

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1712 \$5 million. The license shall be renewed annually, unless the
1713 commission has revoked the license for a violation of the Resort
1714 Act or rule of the commission. The license fee shall be
1715 deposited into the Destination Resort Trust Fund to be used by
1716 the commission and the Department of Law Enforcement for
1717 investigations, regulation of limited gaming, and enforcement of
1718 the Resort Act.

1719 (2) GROSS RECEIPTS TAX.—

1720 (a) Each resort licensee shall pay a gross receipts tax on
1721 its gross receipts to the state. Upon completion of the resort
1722 and before limited gaming may be conducted, the resort licensee
1723 must submit proof, as required by the commission, of the total
1724 investment made in the construction of the resort. Upon
1725 submission of this information, the gross receipts tax rate
1726 shall be set as follows:

1727 1. If the total infrastructure investment is \$2 billion or
1728 more, the tax rate shall be 10 percent of the gross receipts.

1729 2. If the total infrastructure investment is at least \$1
1730 billion but less than \$2 billion, the tax rate shall be 15
1731 percent of the gross receipts.

1732 3. If the total infrastructure investment is less than \$1
1733 billion, the tax rate shall be 20 percent of the gross receipts.

1734 (b) The gross receipts tax is in lieu of any other state
1735 taxes on gross or adjusted gross receipts of a resort licensee.

1736 (3) TAX PROCEEDS.—

1737 (a) The gross receipts tax shall be deposited into the
1738 Destination Resort Trust Fund and shall be used to fund the
1739 operating costs of the commission pursuant to appropriations by
1740 the Legislature.

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1741 (b) On June 30 of each year, all unappropriated funds in
1742 excess of \$5 million shall be deposited as follows:

1743 1. Ninety-five percent shall be deposited into the General
1744 Revenue Fund.

1745 2. Two and 1/2 percent shall be deposited into the Tourism
1746 Promotional Trust Fund for use by the Florida Commission on
1747 Tourism.

1748 3. One and 1/4 percent shall be deposited into the
1749 Employment Security Administration Trust Fund for the benefit of
1750 the school readiness program.

1751 4. One and 1/4 percent shall be deposited into the
1752 Transportation Disadvantaged Trust Fund for use by the
1753 Commission for the Transportation Disadvantaged.

1754 Section 26. Fingerprint requirements.—Any fingerprints
1755 required to be taken under the Resort Act must be taken in a
1756 manner approved by, and shall be submitted electronically by the
1757 commission to, the Department of Law Enforcement. The Department
1758 of Law Enforcement shall submit the results of the state and
1759 national records check to the commission. The commission shall
1760 consider the results of the state and national records check in
1761 evaluating an application for any license.

1762 (1) The cost of processing fingerprints and conducting a
1763 criminal history record check shall be borne by the applicant.
1764 The Department of Law Enforcement may submit a monthly invoice
1765 to the commission for the cost of processing the fingerprints
1766 submitted.

1767 (2) All fingerprints submitted to the Department of Law
1768 Enforcement pursuant to the Resort Act shall be retained by the
1769 Department of Law Enforcement and entered into the statewide

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1770 automated fingerprint identification system as authorized by s.
1771 943.05(2)(b), Florida Statutes, and shall be available for all
1772 purposes and uses authorized for arrest fingerprint cards
1773 entered into the statewide automated fingerprint identification
1774 system pursuant to s. 943.051, Florida Statutes.

1775 (3) The Department of Law Enforcement shall search all
1776 arrest fingerprints received pursuant to s. 943.051, Florida
1777 Statutes, against the fingerprints retained in the statewide
1778 automated fingerprint identification system. Any arrest record
1779 that is identified with the retained fingerprints of a person
1780 subject to the criminal history screening under the Resort Act
1781 shall be reported to the commission. Each licensee shall pay a
1782 fee to the commission for the cost of retention of the
1783 fingerprints and the ongoing searches under this subsection. The
1784 commission shall forward the payment to the Department of Law
1785 Enforcement. The amount of the fee to be imposed for performing
1786 these searches and the procedures for the retention of licensee
1787 fingerprints shall be as established by rule of the Department
1788 of Law Enforcement. The commission shall inform the Department
1789 of Law Enforcement of any change in the license status of
1790 licensees whose fingerprints are retained under subsection (2).

1791 (4) The commission shall request the Department of Law
1792 Enforcement to forward the fingerprints to the Federal Bureau of
1793 Investigation for a national criminal history records check
1794 every 3 years following issuance of a license. If the
1795 fingerprints of a person who is licensed have not been retained
1796 by the Department of Law Enforcement, the person must file
1797 another set of fingerprints. The commission shall collect the
1798 fees for the cost of the national criminal history record check

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1799 under this subsection and shall forward the payment to the
1800 Department of Law Enforcement. The cost of processing
1801 fingerprints and conducting a criminal history record check
1802 under this paragraph shall be borne by the licensee or
1803 applicant. The Department of Law Enforcement may submit an
1804 invoice to the commission for the fingerprints submitted each
1805 month. Under penalty of perjury, each person who is licensed or
1806 who is fingerprinted as required by this section must agree to
1807 inform the commission within 48 hours if he or she is convicted
1808 of or has entered a plea of guilty or nolo contendere to any
1809 disqualifying offense, regardless of adjudication.

1810 Section 27. Compulsive or addictive gambling prevention
1811 program.—

1812 (1) A resort licensee shall offer training to employees on
1813 responsible gaming and shall work with a compulsive or addictive
1814 gambling prevention program to recognize problem gaming
1815 situations and to implement responsible gaming programs and
1816 practices.

1817 (2) The commission shall, subject to competitive bidding,
1818 contract for services relating to the prevention of compulsive
1819 and addictive gambling. The contract shall provide for an
1820 advertising program to encourage responsible gaming practices
1821 and to publicize a gambling telephone help line. Such
1822 advertisements must be made both publicly and inside the
1823 resort's limited gaming facility. The terms of any contract for
1824 such services shall include accountability standards that must
1825 be met by any private provider. The failure of any private
1826 provider to meet any material terms of the contract, including
1827 the accountability standards, constitutes a breach of contract

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1828 or is grounds for nonrenewal. The commission may consult with
1829 the Department of the Lottery or the Department of Business and
1830 Professional Regulation in the development of the program and
1831 the development and analysis of any procurement for contractual
1832 services for the compulsive or addictive gambling prevention
1833 program.

1834 (3) The compulsive or addictive gambling prevention program
1835 shall be funded from an annual nonrefundable regulatory fee of
1836 \$250,000 paid by each resort licensee to the commission.

1837 Section 28. Suppliers' licenses.-

1838 (1) A person must have a supplier's license in order to
1839 furnish on a regular or continuing basis to a resort licensee or
1840 an applicant for a resort license gaming equipment, devices, or
1841 supplies or other goods or services regarding the realty,
1842 construction, maintenance, or business of a proposed or existing
1843 resort facility. This requirement includes, but is not limited
1844 to, junket enterprises, security businesses, manufacturers,
1845 distributors, persons who service gaming devices or equipment,
1846 garbage haulers, maintenance companies, food purveyors, and
1847 construction companies.

1848 (2) An applicant for a supplier's license must apply to the
1849 commission on forms adopted by the commission by rule. The
1850 licensing fee for the initial and annual renewal of the license
1851 is \$5,000.

1852 (3) An applicant for a supplier's license must include in
1853 the application the fingerprints of the persons identified by
1854 commission rule for the processing of state and national
1855 criminal history record checks.

1856 (4) (a) An applicant for a supplier's license is not

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1857 eligible for licensure if:

1858 1. A person for whom fingerprinting is required under
1859 subsection (3) has been convicted of a felony under the laws of
1860 this or any other state or the United States;

1861 2. The applicant knowingly submitted false information in
1862 the application for a supplier's license;

1863 3. The applicant is a member of the commission;

1864 4. The applicant is not a natural person and an officer,
1865 director, or managerial employee of that person is a person
1866 defined in subparagraphs 1.-3.;

1867 5. The applicant is not a natural person and an employee of
1868 the applicant participates in the management or operation of
1869 limited gaming authorized under the Resort Act; or

1870 6. The applicant has had a license to own or operate a
1871 resort facility or pari-mutuel facility in this or a similar
1872 license in any other jurisdiction revoked.

1873 (b) The commission may revoke a supplier's license at any
1874 time it determines that the licensee no longer satisfies the
1875 eligibility requirements in this subsection.

1876 (5) The commission may deny an application for a supplier's
1877 license for any person:

1878 (a) Who is not qualified to perform the duties required of
1879 the licensee;

1880 (b) Who fails to disclose information or knowingly submits
1881 false information in the application;

1882 (c) Who has violated the Resort Act or rules of the
1883 commission; or

1884 (d) Who has had a gaming-related license or application
1885 suspended, restricted, revoked, or denied for misconduct in any

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1886 other jurisdiction.

1887 (6) A supplier licensee shall:

1888 (a) Furnish to the commission a list of all gaming
1889 equipment, devices, and supplies it offers for sale or lease in
1890 connection with limited gaming authorized in the Resort Act;

1891 (b) Keep books and records documenting the furnishing of
1892 gaming equipment, devices, and supplies to resort licensees
1893 separate and distinct from any other business that the supplier
1894 operates;

1895 (c) File quarterly returns with the commission listing all
1896 sales or leases of gaming equipment, devices, or supplies to
1897 resort licensees;

1898 (d) Permanently affix its name to all gaming equipment,
1899 devices, or supplies sold or leased to licensees; and

1900 (e) File an annual report listing its inventories of gaming
1901 equipment, devices, and supplies.

1902 (7) All gaming devices, equipment, or supplies furnished by
1903 a licensed supplier must conform to standards adopted by
1904 commission rule.

1905 (8) (a) The commission may suspend, revoke, or restrict the
1906 supplier's license of a licensee:

1907 1. Who violates the Resort Act or the rules of the
1908 commission; or

1909 2. Who defaults on the payment of any obligation or debt
1910 due to this state or a county.

1911 (b) The commission must revoke the supplier's license of a
1912 licensee for any cause that, if known to the commission, would
1913 have disqualified the applicant from receiving a license.

1914 (9) A supplier's licensee may repair gaming equipment,

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1915 devices, or supplies in a facility owned or leased by the
1916 licensee.

1917 (10) Gaming devices, equipment, or supplies owned by a
1918 supplier's licensee which are used in an unauthorized gaming
1919 operation shall be forfeited to the county where the equipment
1920 is found.

1921 (11) The commission may revoke the license or deny the
1922 application for a supplier's license of a person who fails to
1923 comply with this section.

1924 (12) A person who knowingly makes a false statement on an
1925 application for a supplier's license commits a misdemeanor of
1926 the first degree, punishable as provided in s. 775.082 or s.
1927 775.083, Florida Statutes.

1928 Section 29. Occupational licenses.-

1929 (1) The Legislature finds that, due to the nature of their
1930 employment, some gaming employees require heightened state
1931 scrutiny, including licensing and criminal history record
1932 checks.

1933 (2) Any person who desires to be a gaming employee and has
1934 a bona fide offer of employment from a licensed gaming entity
1935 shall apply to the commission for an occupational license. A
1936 person may not be employed as a gaming employee unless that
1937 person holds an appropriate occupational license issued under
1938 this section. The commission may adopt rules to reclassify a
1939 category of nongaming employees or gaming employees upon a
1940 finding that the reclassification is in the public interest and
1941 consistent with the objectives of the Resort Act.

1942 (3) An applicant for an occupational license must apply to
1943 the commission on forms adopted by the commission by rule. An

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1944 occupational license is valid for 1 year following issuance. The
1945 application must be accompanied by the licensing fee set by the
1946 commission. The licensing fee may not exceed \$50 for an employee
1947 of a resort licensee.

1948 (a) The applicant shall set forth in the application
1949 whether the applicant:

1950 1. Has been issued a gaming-related license in any
1951 jurisdiction.

1952 2. Has been issued a gaming-related license in any other
1953 jurisdiction under any other name and, if so, the name and the
1954 applicant's age at the time of licensure.

1955 3. Has had a permit or license issued by another
1956 jurisdiction suspended, restricted, or revoked and, if so, for
1957 what period of time.

1958 (b) An applicant for an occupational license must include
1959 his or her fingerprints in the application.

1960 (4) To be eligible for an occupational license, an
1961 applicant must:

1962 (a) Be at least 21 years of age to perform any function
1963 directly relating to limited gaming by patrons;

1964 (b) Be at least 18 years of age to perform nongaming
1965 functions;

1966 (c) Not have been convicted of a felony or a crime
1967 involving dishonesty or moral turpitude in any jurisdiction; and

1968 (d) Meet the standards for the occupational license as
1969 provided in commission rules.

1970 (5) The commission must deny an application for an
1971 occupational license for any person:

1972 (a) Who is not qualified to perform the duties required of

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1973 the licensee;
 1974 (b) Who fails to disclose or knowingly submits false
 1975 information in the application;
 1976 (c) Who has violated the Resort Act; or
 1977 (d) Who has had a gaming-related license or application
 1978 suspended, restricted, revoked, or denied in any other
 1979 jurisdiction.
 1980 (6) (a) The commission may suspend, revoke, or restrict the
 1981 occupational license of a licensee:
 1982 1. Who violates the Resort Act or the rules of the
 1983 commission;
 1984 2. Who defaults on the payment of any obligation or debt
 1985 due to this state or a county; or
 1986 3. For any just cause.
 1987 (b) The commission shall revoke the occupational license of
 1988 a licensee for any cause that, if known to the commission, would
 1989 have disqualified the applicant from receiving a license.
 1990 (7) Any training provided for an occupational licensee may
 1991 be conducted in the facility of a resort licensee or at a school
 1992 with which the resort licensee has entered into an agreement for
 1993 that purpose.
 1994 (8) A person who knowingly makes a false statement on an
 1995 application for an occupational license commits a misdemeanor of
 1996 the first degree, punishable as provided in s. 775.082 or s.
 1997 775.083, Florida Statutes.
 1998 Section 30. Temporary supplier's license; temporary
 1999 occupational license.-
 2000 (1) Upon the written request of an applicant for a
 2001 supplier's license or an occupational license, the executive

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2002 director shall issue a temporary license to the applicant and
2003 permit the applicant to undertake employment with or provide
2004 gaming equipment, devices, or supplies or other goods or
2005 services to a resort licensee or an applicant for a resort
2006 license if:

2007 (a) The applicant has submitted a completed application, an
2008 application fee, all required disclosure forms, and other
2009 required written documentation and materials;

2010 (b) A preliminary review of the application and the
2011 criminal history record check does not reveal that the applicant
2012 or a person subject to a criminal history record check has been
2013 convicted of a crime that would require denial of the
2014 application;

2015 (c) A deficiency does not appear to exist in the
2016 application which may require denial of the application; and

2017 (d) The applicant has an offer of employment from, or an
2018 agreement to begin providing gaming devices, equipment, or
2019 supplies or other goods and services to, a resort licensee or an
2020 applicant for a resort license, or the applicant for a temporary
2021 license shows good cause for being granted a temporary license.

2022 (2) A temporary occupational license or supplier's license
2023 may not be valid for more than 90 days.

2024 (3) An applicant who receives a temporary license may
2025 undertake employment with or supply a resort licensee with
2026 gaming devices, equipment, or supplies or other goods or
2027 services until a license is issued or denied or until the
2028 temporary license expires or is suspended or revoked.

2029 Section 31. Quarterly report.—The commission shall file
2030 quarterly reports with the Governor, the President of the

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2031 Senate, and the Speaker of the House of Representatives covering
2032 the previous fiscal quarter. The report must include:

2033 (1) A statement of receipts and disbursements related to
2034 limited gaming;

2035 (2) A summary of disciplinary actions taken by the
2036 commission; and

2037 (3) Any additional information and recommendations that the
2038 commission believes may improve the regulation of limited gaming
2039 or increase the economic benefits of limited gaming to this
2040 state.

2041 Section 32. Hearings by the commission.-

2042 (1) The chair of the commission may participate in any
2043 proceeding pending before the commission when administrative
2044 duties and time permit. In order to distribute the workload and
2045 expedite the commission's calendar, the chair, in addition to
2046 other administrative duties, may assign the various proceedings
2047 pending before the commission requiring hearings to two or more
2048 commissioners. Only those commissioners assigned to a proceeding
2049 requiring hearings may participate in the final decision of the
2050 commission as to that proceeding. However, if only two
2051 commissioners are assigned to a proceeding requiring a hearing
2052 and they cannot agree on a final decision, the chair shall cast
2053 the deciding vote for final disposition of the proceeding. If
2054 more than two commissioners are assigned to any proceeding, a
2055 majority of the members assigned shall constitute a quorum and a
2056 majority vote of the members assigned shall be essential to
2057 final commission disposition of those proceedings. If a
2058 commissioner becomes unavailable after assignment to a
2059 particular proceeding, the chair must assign a substitute

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2060 commissioner. A petition for reconsideration must be voted upon
2061 by those commissioners participating in the final disposition of
2062 the proceeding.

2063 (2) A majority of the commissioners may determine that the
2064 full commission will sit in any proceeding. Any party to a
2065 proceeding may file a petition requesting that the proceeding be
2066 assigned to the full commission. Within 15 days after receipt by
2067 the commission of any petition, the full commission must dispose
2068 of such petition by majority vote and render a written decision
2069 before the matter may be heard by less than the full commission.

2070 (3) This section does not prohibit a commissioner
2071 designated by the chair from conducting a hearing as provided
2072 under ss. 120.569 and 120.57(1), Florida Statutes, and the rules
2073 of the commission.

2074 Section 33. Resolution of disputes between licensees and
2075 patrons.—

2076 (1) Whenever a resort licensee has a dispute with a patron
2077 which is not resolved to the satisfaction of the patron and
2078 involves:

2079 (a) Alleged winnings, alleged losses, or the award or
2080 distribution of cash, prizes, benefits, tickets, or any other
2081 item or items in a game, tournament, contest, drawing,
2082 promotion, race, or similar activity or event; or

2083 (b) The manner in which a game, tournament, contest,
2084 drawing, promotion, race, or similar activity or event was
2085 conducted,

2086
2087 the licensee must immediately notify the commission of the
2088 dispute if the amount disputed is \$500 or more. If the dispute

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2089 involves an amount less than \$500, the licensee must immediately
2090 notify the patron of his or her right to file a complaint with
2091 the commission.

2092 (2) Upon notice of a dispute or receipt of a complaint, the
2093 commission shall conduct any investigation it deems necessary
2094 and may order the licensee to make a payment to the patron upon
2095 a finding that the licensee is liable for the disputed amount.
2096 The decision of the commission is effective on the date the
2097 aggrieved party receives notice of the decision. Notice of the
2098 decision is deemed sufficient if it is mailed to the last known
2099 address of the licensee and the patron. The notice is deemed to
2100 have been received by the resort licensee or the patron 5 days
2101 after it is deposited with the United States Postal Service with
2102 postage prepaid.

2103 (3) The failure of a resort licensee to notify the
2104 commission of the dispute or the patron of the right to file a
2105 complaint is grounds for disciplinary action.

2106 Section 34. Enforcement of credit instruments.—

2107 (1) A credit instrument and the debt that instrument
2108 represents are valid and may be enforced by legal process.

2109 (2) A resort licensee may accept an incomplete credit
2110 instrument that:

2111 (a) Is signed by the patron; and

2112 (b) States the amount of the debt in numbers, and may
2113 complete the instrument as is necessary for the instrument to be
2114 presented for payment.

2115 (3) A resort licensee may accept a credit instrument that
2116 is payable to an affiliate or may complete a credit instrument
2117 payable to an affiliate if the credit instrument otherwise

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2118 complies with this section and the records of the affiliate
2119 pertaining to the credit instrument are made available to the
2120 commission upon request.

2121 (4) A resort licensee may accept a credit instrument
2122 before, during, or after the patron incurs the debt. The credit
2123 instrument and the debt that the instrument represents are
2124 enforceable without regard to whether the credit instrument was
2125 accepted before, during, or after the incurring of the debt.

2126 (5) This section does not prohibit the establishment of an
2127 account by a deposit of cash, recognized traveler's check, or
2128 any other instrument that is equivalent to cash.

2129 (6) If a credit instrument is lost or destroyed, the debt
2130 represented by the credit instrument may be enforced if the
2131 resort licensee or person acting on behalf of the licensee can
2132 prove the existence of the credit instrument.

2133 (7) The existence of a mental disorder in a patron who
2134 provides a credit instrument to a resort licensee:

2135 (a) Is not a defense in any action by a resort licensee to
2136 enforce a credit instrument or the debt that the credit
2137 instrument represents.

2138 (b) Is not a valid counterclaim in an action to enforce the
2139 credit instrument or the debt that the credit instrument
2140 represents.

2141 (8) The failure of a resort licensee to comply with the
2142 provisions of this section or commission rules does not
2143 invalidate a credit instrument or affect its ability to enforce
2144 the credit instrument or the debt that the credit instrument
2145 represents.

2146 (9) The commission may adopt rules prescribing the

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2147 conditions under which a credit instrument may be redeemed or
2148 presented to a bank or credit union for collection or payment.

2149 Section 35. Voluntary self-exclusion from a limited gaming
2150 facility.-

2151 (1) A person may request that he or she be excluded from
2152 limited gaming facilities in this state by personally submitting
2153 a Request for Voluntary Self-exclusion from Limited Gaming
2154 Facilities Form to the commission. The form must require the
2155 person requesting exclusion to:

2156 (a) State his or her:

2157 1. Name, including any aliases or nicknames;

2158 2. Date of birth;

2159 3. Current residential address;

2160 4. Telephone number;

2161 5. Social security number; and

2162 6. Physical description, including height, weight, gender,
2163 hair color, eye color, and any other physical characteristic
2164 that may assist in the identification of the person.

2165
2166 A self-excluded person must update the information in this
2167 paragraph on forms supplied by the commission within 30 days
2168 after any change.

2169 (b) Select one of the following as the duration of the
2170 self-exclusion:

2171 1. One year.

2172 2. Five years.

2173 3. Lifetime.

2174 (c) Execute a release in which the person:

2175 1. Acknowledges that the request for exclusion has been

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2176 made voluntarily.

2177 2. Certifies that the information provided in the request
2178 for self-exclusion is true and correct.

2179 3. Acknowledges that the individual requesting self-
2180 exclusion is a problem gambler.

2181 4. Acknowledges that a person requesting a lifetime
2182 exclusion will not be removed from the self-exclusion list and
2183 that a person requesting a 1-year or 5-year exclusion will
2184 remain on the self-exclusion list until a request for removal is
2185 approved by the commission.

2186 5. Acknowledges that, if the individual is discovered on
2187 the gaming floor of a limited gaming facility, the individual
2188 may be removed and may be arrested and prosecuted for criminal
2189 trespass.

2190 6. Releases, indemnifies, holds harmless, and forever
2191 discharges the state, commission, and all licensee from any
2192 claims, damages, losses, expenses, or liability arising out of,
2193 by reason of or relating to the self-excluded person or to any
2194 other party for any harm, monetary or otherwise, which may arise
2195 as a result of one or more of the following:

2196 a. The failure of a resort licensee to withhold gaming
2197 privileges from or restore gaming privileges to a self-excluded
2198 person.

2199 b. Permitting or prohibiting a self-excluded person from
2200 engaging in gaming activity in a limited gaming facility.

2201 (2) A person submitting a self-exclusion request must
2202 present to the commission a government-issued form of
2203 identification containing the person's signature.

2204 (3) The commission shall take a photograph of a person

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2205 requesting self-exclusion at the time the person submits a
2206 request for self-exclusion.

2207 Section 36. Section 849.15, Florida Statutes, is amended to
2208 read:

2209 849.15 Manufacture, sale, possession, etc., of coin-
2210 operated devices prohibited.—

2211 (1) It is unlawful:

2212 (a) To manufacture, own, store, keep, possess, sell, rent,
2213 lease, let on shares, lend or give away, transport, or expose
2214 for sale or lease, or to offer to sell, rent, lease, let on
2215 shares, lend or give away, or permit the operation of, or for
2216 any person to permit to be placed, maintained, or used or kept
2217 in any room, space, or building owned, leased or occupied by the
2218 person or under the person's management or control, any slot
2219 machine or device or any part thereof; or

2220 (b) To make or to permit to be made with any person any
2221 agreement with reference to any slot machine or device, pursuant
2222 to which the user thereof, as a result of any element of chance
2223 or other outcome unpredictable to him or her, may become
2224 entitled to receive any money, credit, allowance, or thing of
2225 value or additional chance or right to use such machine or
2226 device, or to receive any check, slug, token or memorandum
2227 entitling the holder to receive any money, credit, allowance or
2228 thing of value.

2229 (2) Pursuant to section 2 of that chapter of the Congress
2230 of the United States entitled "An act to prohibit transportation
2231 of gaming devices in interstate and foreign commerce," approved
2232 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
2233 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,

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2234 acting by and through the duly elected and qualified members of
2235 its Legislature, does hereby in this section, and in accordance
2236 with and in compliance with the provisions of section 2 of such
2237 chapter of Congress, declare and proclaim that any county of the
2238 State of Florida within which slot machine gaming is authorized
2239 pursuant to the Destination Resort Act, sections 3 through 35 of
2240 this act, or chapter 551 is exempt from the provisions of
2241 section 2 of that chapter of the Congress of the United States
2242 entitled "An act to prohibit transportation of gaming devices in
2243 interstate and foreign commerce," designated as 15 U.S.C. ss.
2244 1171-1177, approved January 2, 1951. All shipments of gaming
2245 devices, including slot machines, into any county of this state
2246 within which slot machine gaming is authorized pursuant to the
2247 Destination Resort Act, sections 3 through 35 of this act, or
2248 chapter 551 and the registering, recording, and labeling of
2249 which have been duly performed by the manufacturer or
2250 distributor thereof in accordance with sections 3 and 4 of that
2251 chapter of the Congress of the United States entitled "An act to
2252 prohibit transportation of gaming devices in interstate and
2253 foreign commerce," approved January 2, 1951, being ch. 1194, 64
2254 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,
2255 shall be deemed legal shipments thereof into this state provided
2256 the destination of such shipments is an eligible facility as
2257 defined in s. 551.102, ~~or~~ the facility of a slot machine
2258 manufacturer or slot machine distributor as provided in s.
2259 551.109(2)(a), or the facility of a resort licensee or supplier
2260 licensee under the Destination Resort Act, sections 3 through 35
2261 of this act.

2262 Section 37. Section 849.231, Florida Statutes, is amended

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2263 to read:

2264 849.231 Gambling devices; manufacture, sale, purchase or
2265 possession unlawful.—

2266 (1) Except in instances when the following described
2267 implements or apparatus are being held or transported by
2268 authorized persons for the purpose of destruction, as
2269 hereinafter provided, and except in instances when the following
2270 described instruments or apparatus are being held, sold,
2271 transported, or manufactured by persons who have registered with
2272 the United States Government pursuant to the provisions of Title
2273 15 of the United States Code, ss. 1171 et seq., as amended, so
2274 long as the described implements or apparatus are not displayed
2275 to the general public, sold for use in Florida, or held or
2276 manufactured in contravention of the requirements of 15 U.S.C.
2277 ss. 1171 et seq., it shall be unlawful for any person to
2278 manufacture, sell, transport, offer for sale, purchase, own, or
2279 have in his or her possession any roulette wheel or table, faro
2280 layout, crap table or layout, chemin de fer table or layout,
2281 chuck-a-luck wheel, bird cage such as used for gambling, bolita
2282 balls, chips with house markings, or any other device,
2283 implement, apparatus, or paraphernalia ordinarily or commonly
2284 used or designed to be used in the operation of gambling houses
2285 or establishments, excepting ordinary dice and playing cards.

2286 (2) In addition to any other penalties provided for the
2287 violation of this section, any occupational license held by a
2288 person found guilty of violating this section shall be suspended
2289 for a period not to exceed 5 years.

2290 (3) This section and s. 849.05 do not apply to a vessel of
2291 foreign registry or a vessel operated under the authority of a

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2292 country except the United States, while docked in this state or
2293 transiting in the territorial waters of this state.

2294 (4) This section does not apply to limited gaming as
2295 authorized by the Destination Resort Act, sections 3 through 35
2296 of this act.

2297 Section 38. Section 849.25, Florida Statutes, is amended to
2298 read:

2299 849.25 "Bookmaking" defined; penalties; exceptions.—

2300 (1) (a) The term "bookmaking" means the act of taking or
2301 receiving, while engaged in the business or profession of
2302 gambling, any bet or wager upon the result of any trial or
2303 contest of skill, speed, power, or endurance of human, beast,
2304 fowl, motor vehicle, or mechanical apparatus or upon the result
2305 of any chance, casualty, unknown, or contingent event
2306 whatsoever.

2307 (b) The following factors shall be considered in making a
2308 determination that a person has engaged in the offense of
2309 bookmaking:

2310 1. Taking advantage of betting odds created to produce a
2311 profit for the bookmaker or charging a percentage on accepted
2312 wagers.

2313 2. Placing all or part of accepted wagers with other
2314 bookmakers to reduce the chance of financial loss.

2315 3. Taking or receiving more than five wagers in any single
2316 day.

2317 4. Taking or receiving wagers totaling more than \$500 in
2318 any single day, or more than \$1,500 in any single week.

2319 5. Engaging in a common scheme with two or more persons to
2320 take or receive wagers.

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2321 6. Taking or receiving wagers on both sides on a contest at
2322 the identical point spread.

2323 7. Any other factor relevant to establishing that the
2324 operating procedures of such person are commercial in nature.

2325 (c) The existence of any two factors listed in paragraph
2326 (b) may constitute prima facie evidence of a commercial
2327 bookmaking operation.

2328 (2) Any person who engages in bookmaking commits ~~shall be~~
2329 ~~guilty of~~ a felony of the third degree, punishable as provided
2330 in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding the
2331 provisions of s. 948.01, any person convicted under the
2332 provisions of this subsection shall not have adjudication of
2333 guilt suspended, deferred, or withheld.

2334 (3) Any person who has been convicted of bookmaking and
2335 thereafter violates the provisions of this section commits ~~shall~~
2336 ~~be guilty of~~ a felony of the second degree, punishable as
2337 provided in s. 775.082, s. 775.083, or s. 775.084.
2338 Notwithstanding the provisions of s. 948.01, any person
2339 convicted under the provisions of this subsection shall not have
2340 adjudication of guilt suspended, deferred, or withheld.

2341 (4) Notwithstanding the provisions of s. 777.04, any person
2342 who is guilty of conspiracy to commit bookmaking is ~~shall be~~
2343 subject to the penalties imposed by subsections (2) and (3).

2344 (5) This section does ~~shall~~ not apply to pari-mutuel
2345 wagering in Florida as authorized under chapter 550.

2346 (6) This section does ~~shall~~ not apply to any prosecutions
2347 filed and pending at the time of the passage hereof, but all
2348 such cases shall be disposed of under existing laws at the time
2349 of the institution of such prosecutions.

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2350 (7) This section does not apply to limited gaming as
2351 authorized in the Destination Resort Act, sections 3 through 35
2352 of this act.

2353 Section 39. This act shall take effect July 1, 2011.