

By Senator Braynon

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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 license 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; preempting the regulation of limited gaming at
94 a destination resort to the state; requiring the
95 commission to develop an invitation to negotiate
96 process to award a resort license; specifying the
97 minimum criteria that an applicant must meet to be
98 awarded a destination resort license; specifying
99 events that disqualify an applicant from eligibility
100 for a resort license; specifying the information that
101 must be on or included with an application for a
102 resort license; specifying the amount of a
103 nonrefundable application fee for a resort license to
104 be used to defray the costs of an investigation of the
105 applicant; authorizing the imposition of additional
106 fees if the amount of the application fee is
107 insufficient to cover the costs of the investigation;
108 requiring the payment of a one-time licensing fee to
109 be submitted along with an application for a resort
110 license; requiring the executive director to notify an
111 applicant for a resort license if the application is
112 incomplete; authorizing the applicant to have an
113 informal conference with the executive director to
114 discuss an incomplete application; authorizing the
115 executive director to grant an extension to complete
116 an application; providing for the stay of the award of

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

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

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175 to the county where the equipment is found; imposing a
176 criminal penalty on a person who knowingly makes a
177 false statement on an application for a supplier's
178 license; requiring a person to have an occupational
179 license to serve as a limited gaming employee of a
180 resort licensee; requiring a person to apply to the
181 commission for an occupational license and pay an
182 application fee; specifying information that an
183 applicant must include in an application for an
184 occupational license; specifying grounds for the
185 commission to deny an application for an occupational
186 license; imposing a criminal penalty on a person who
187 knowingly makes a false statement on an application
188 for an occupational license; authorizing the executive
189 director of the commission to issue a temporary
190 occupational or temporary supplier's license under
191 certain circumstances; requiring the commission to
192 file quarterly reports with the Governor, the
193 President of the Senate, and the Speaker of the House
194 of Representatives; specifying procedures for the
195 conduct of proceedings by the commission; authorizing
196 the chair of the commission to assign a proceeding to
197 less than the full commission; providing procedures
198 for the resolution of certain disputes between a
199 resort licensee and a patron; requiring a resort
200 licensee to notify the commission of certain disputes
201 with a patron involving amounts of \$500 or more;
202 requiring a resort licensee to notify a patron of the
203 right to file a complaint with the commission

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204 regarding certain disputes of an amount less than
205 \$500; authorizing the commission to investigate
206 disputes and to order a resort licensee to make a
207 payment to a patron; providing for the enforcement of
208 credit instruments; authorizing a resort licensee to
209 accept an incomplete credit instrument and to complete
210 incomplete credit instruments under certain
211 circumstances; providing that existence of a mental
212 disorder is not a defense or a valid counterclaim in
213 an action to enforce a credit instrument; authorizing
214 the commission to adopt rules prescribing the
215 conditions under which a credit instrument may be
216 presented to a bank; providing that a resort licensee
217 has the right to exclude a person from its limited
218 gaming facility; authorizing a person to request that
219 the commission exclude her or him from limited gaming
220 facilities; specifying the required contents of the
221 request; providing that a self-excluded person who is
222 found on a gaming floor may be arrested and prosecuted
223 for criminal trespass; providing that a self-excluded
224 person holds harmless the commission and licensees
225 from claims for losses and damages under certain
226 circumstances; amending s. 849.15, F.S.; authorizing
227 slot machine gaming in a resort licensee and the
228 transportation of slot machines pursuant to federal
229 law; amending s. 849.231, F.S.; providing that a
230 prohibition on gambling devices does not apply to
231 limited gaming as authorized in the act; amending s.
232 849.25, F.S.; providing that a prohibition on gaming

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233 does not apply to limited gaming as authorized in the
234 act; providing an effective date.

235

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

237

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

240 20.21 Department of Revenue.—There is created a Department
241 of Revenue.

242 (7) The Destination Resort Commission is created within the
243 Department of Revenue.

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

246 120.80 Exceptions and special requirements; agencies.—

247 (17) THE DESTINATION RESORT COMMISSION.—

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

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

254 (c) Notwithstanding the provisions of s. 120.542, the
255 Destination Resort Commission may not accept a petition for
256 waiver or variance and may not grant any waiver or variance from
257 the requirements of the Destination Resort Act, sections 3
258 through 35 of this act.

259 Section 3. This section and sections 4 through 35 of this
260 act may be cited as the "Destination Resort Act" or the "Resort
261 Act."

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262 Section 4. Definitions.—As used in the Resort Act, the
263 term:

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

266 (a) Controls, is controlled by, or is under common control
267 of;

268 (b) Is in a partnership or joint venture relationship with;
269 or

270 (c) Is a shareholder of a corporation, a member of a
271 limited liability company, or a partner in a limited liability
272 partnership with,

273
274 an applicant for a resort license or a resort licensee.

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

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

280 (b) Back-of-house facilities.

281 (c) Any reception or information counter.

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

284 (e) Any retail outlet.

285 (f) Any area designated for performances.

286 (g) Any area designated for aesthetic or decorative
287 displays.

288 (h) Staircases, staircase landings, escalators, lifts, and
289 lift lobbies.

290 (i) Bathrooms.

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

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

299 (4) "Chair" means the chair of the Destination Resort
300 Commission.

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

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

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

311 (b) The acceptance of any form of compensation from a
312 source other than the commission for any services rendered as
313 part of the official duties of the member, employee, or agent of
314 the commission.

315 (c) Participation in any business transaction with or
316 before the commission in which the member, employee, or agent of
317 the commission, or the parent, spouse, or child of a member,
318 employee, or the agent, has a financial interest.

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

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

327 (9) "Destination resort license" or "resort license" means
328 a license to operate and maintain a destination resort having a
329 limited gaming facility.

330 (10) "Executive director" means the executive director of
331 the commission.

332 (11) "Financial interest" or "financially interested" means
333 any interest in investments or awarding of contracts, grants,
334 loans, purchases, leases, sales, or similar matters under
335 consideration or consummated by the commission, or ownership in
336 an applicant or a licensee. A member, employee, or agent of the
337 commission is deemed to have a financial interest in a matter
338 if:

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

343 (b) The individual is employed by or is an independent
344 contractor for a party to a matter under consideration by the
345 commission.

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

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349 (13) "Gross receipts" means the total of cash or cash
350 equivalents received or retained as winnings by a resort
351 licensee and the compensation received for conducting any game
352 in which the resort licensee is not party to a wager, less cash
353 taken in fraudulent acts perpetrated against the resort licensee
354 for which the resort licensee is not reimbursed. The term does
355 not include:

356 (a) Counterfeit money or tokens;

357 (b) Coins of other countries which are received in gaming
358 devices and which cannot be converted into United States
359 currency;

360 (c) Promotional credits or "free play" as provided by the
361 resort licensee as a means of marketing the limited gaming
362 facility; or

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

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

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

366 (a) A retirement fund administered by a public agency for
367 the exclusive benefit of federal, state, or county public
368 employees.

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

372 (c) An investment company registered under the Investment
373 Company Act of 1940.

374 (d) A collective investment trust organized by a bank under
375 12 C.F.R. part 9, s. 9.18.

376 (e) A closed-end investment trust.

377 (f) A life insurance company or property and casualty

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378 insurance company.

379 (g) A financial institution.

380 (h) An investment advisor registered under the Investment
381 Advisers Act of 1940.

382 (16) "Junket enterprise" means any person who, for
383 compensation, employs or otherwise engages in the procurement or
384 referral of persons for a junket to a destination resort
385 licensed under the Resort Act regardless of whether those
386 activities occur within this state. The term does not include a
387 resort licensee or applicant for a resort license or a person
388 holding an occupational license.

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

391 (18) "Licensee," as the context requires, means a person
392 who is licensed as resort licensee, supplier licensee, or
393 occupational licensee.

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

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

404 (a) Cashiers.

405 (b) Change personnel.

406 (c) Count room personnel.

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- 407 (d) Slot machine attendants.
- 408 (e) Hosts or other individuals authorized to extend
409 complimentary services, including employees performing functions
410 similar to those performed by a representative for a junket
411 enterprise.
- 412 (f) Machine mechanics, computer machine technicians, or
413 table game device technicians.
- 414 (g) Security personnel.
- 415 (h) Surveillance personnel.
- 416 (i) Promotional play supervisors, credit supervisors, pit
417 supervisors, cashier supervisors, shift supervisors, table game
418 managers, assistant managers, and other supervisors and
419 managers.
- 420 (j) Boxmen.
- 421 (k) Dealers or croupiers.
- 422 (l) Floormen.
- 423 (m) Personnel authorized to issue promotional credits.
- 424 (n) Personnel authorized to issue credit.

425

426 The term includes an employee of a person holding a supplier's
427 license whose duties are directly involved with the repair or
428 distribution of slot machines or table game devices or
429 associated equipment sold or provided to a resort licensee. The
430 term does not include bartenders, cocktail servers, or other
431 persons solely engaged in preparing or serving food or
432 beverages, clerical or secretarial personnel, parking
433 attendants, janitorial staff, stage hands, sound and light
434 technicians, and other nongaming personnel as determined by the
435 commission. The term includes a person employed by a person or

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436 entity other than a resort licensee who performs the functions
437 of a limited gaming employee.

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

440 (22) "Limited gaming floor" means the approved gaming area
441 of a resort. Ancillary areas in or directly adjacent to the
442 gaming area are not part of the limited gaming floor for
443 purposes of calculating the size of the limited gaming floor.

444 (23) "Managerial employee" has the same meaning as in s.
445 447.203(4), Florida Statutes.

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

448 (25) "Qualifier" means an affiliate, affiliated company,
449 officer, director, or managerial employee of an applicant for a
450 resort license, or a person who holds a direct or indirect
451 equity interest in the applicant. The term may include an
452 institutional investor. As used in this subsection, the terms
453 "affiliate," "affiliated company," and "a person who holds a
454 direct or indirect equity interest in the applicant" do not
455 include a partnership, a joint venture relationship, a
456 shareholder of a corporation, a member of a limited liability
457 company, or a partner in a limited liability partnership that
458 has a direct or indirect equity interest in the applicant for a
459 resort license of 5 percent or less and is not involved in the
460 gaming operations as defined by the rules of the commission.

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

464 (27) "Wagerer" means a person who plays a game authorized

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465 under the Resort Act.

466 Section 5. Destination Resort Commission; creation and
467 membership.-

468 (1) CREATION.-There is created the Destination Resort
469 Commission assigned to the Department of Revenue for
470 administrative purposes only. The commission is a separate
471 budget entity not subject to control, supervision, or direction
472 by the Department of Revenue in any manner, including, but not
473 limited to, personnel, purchasing, transactions involving real
474 or personal property, and budgetary matters. The commission
475 shall be composed of seven members who are residents of the
476 state and who have experience in corporate finance, tourism,
477 convention and resort management, gaming, investigation or law
478 enforcement, business law, or related legal experience. The
479 members of the commission shall serve as the agency head of the
480 Destination Resort Commission. The commission is exempt from the
481 provisions of s. 20.052, Florida Statutes.

482 (2) MEMBERS.-Three of the members shall be appointed by the
483 Governor and confirmed by the Senate in the legislative session
484 following appointment. Two of the members shall be appointed by
485 the President of the Senate. Two of the members shall be
486 appointed by the Speaker of the House of Representatives. Each
487 member shall be appointed to a 4-year term. However, for the
488 purpose of providing staggered terms, of the initial
489 appointments, the three members appointed by the Governor shall
490 be appointed to 2-year terms and the remaining four members
491 shall be appointed to 4-year terms. Terms expire on June 30.
492 Upon the expiration of the term of a commissioner, a successor
493 shall be appointed in the same manner as the original

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494 appointment to serve for a 4-year term. A commissioner whose
495 term has expired shall continue to serve on the commission until
496 such time as a replacement is appointed. If a vacancy on the
497 commission occurs before the expiration of the term, it shall be
498 filled for the unexpired portion of the term in the same manner
499 as the original appointment.

500 (a)1. One member of the commission must be a certified
501 public accountant licensed in this state who possesses at least
502 5 years of experience in general accounting. The member must
503 also possess a comprehensive knowledge of the principles and
504 practices of corporate finance or auditing, general finance,
505 gaming, or economics.

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

508 3. When making appointments to the commission, the Governor
509 shall announce the classification by experience of the person
510 appointed.

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

513 1. Is an elected state official;

514 2. Is licensed by the commission, or is an officer of, has
515 a financial interest in, or has a direct or indirect contractual
516 relationship with, any applicant for a resort license or resort
517 licensee;

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

520 4. Has, within the 10 years preceding his or her
521 appointment, been under indictment for, convicted of, pled
522 guilty or nolo contendere to, or forfeited bail for a felony or

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523 a misdemeanor involving gambling or fraud under the laws of this
524 or any other state or the United States.

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

526 (3) CHAIR AND VICE CHAIR.—

527 (a) The chair shall be appointed by the Governor. The vice
528 chair of the commission shall be elected by the members of the
529 commission during the first meeting of the commission on or
530 after July 1 of each year. The chair shall be the administrative
531 head of the commission. The chair shall set the agenda for each
532 meeting. The chair shall approve all notices, vouchers,
533 subpoenas, and reports as required by the Resort Act. The chair
534 shall preserve order and decorum and shall have general control
535 of the commission meetings. The chair shall decide all questions
536 of order. The chair may name any member of the commission to
537 perform the duties of the chair for a meeting if such
538 substitution does not extend beyond that meeting.

539 (b) If for any reason the chair is absent and fails to name
540 a member, the vice chair shall assume the duties of the chair
541 during the chair's absence. On the death, incapacitation, or
542 resignation of the chair, the vice chair shall perform the
543 duties of the office until the Governor appoints a successor.

544 (c) The administrative responsibilities of the chair are to
545 plan, organize, and control administrative support services for
546 the commission. Administrative functions include, but are not
547 limited to, finance and accounting, revenue accounting,
548 personnel, and office services.

549 (4) QUORUM.—Four members of the commission constitute a
550 quorum.

551 (5) HEADQUARTERS.—The headquarters of the commission shall

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552 be located in Tallahassee.

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

557 (7) AGENCY HEAD.—The commission shall serve as the agency
558 head for purposes of chapter 120, Florida Statutes. The
559 executive director of the commission may serve as the agency
560 head for purposes of final agency action under chapter 120,
561 Florida Statutes, for all areas within the regulatory authority
562 delegated to the executive director's office.

563 Section 6. Destination Resort Commission; powers and
564 duties.—

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

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

569 (b) Conduct such investigations as necessary to fulfill its
570 responsibilities.

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

574 (d) Investigate applicants for a resort license and
575 determine the eligibility of applicants for a resort license and
576 to select from competing applicants the applicant that best
577 serves the interests of the residents of Florida, based on the
578 potential for economic development presented by the applicant's
579 proposed investment in infrastructure, such as hotels and other
580 nongaming entertainment facilities, and the applicant's ability

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581 to maximize revenue for the state.

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

584 (f) Establish and collect fees for performing background
585 checks on all applicants for licenses and all persons with whom
586 the commission may contract for the provision of goods or
587 services and for performing, or having performed, tests on
588 equipment and devices to be used in a limited gaming facility.

589 (g) Issue subpoenas for the attendance of witnesses and
590 subpoenas duces tecum for the production of books, records, and
591 other pertinent documents as provided by law, and to administer
592 oaths and affirmations to the witnesses, if, in the judgment of
593 the commission, it is necessary to enforce the Resort Act or
594 commission rules. If a person fails to comply with a subpoena,
595 the commission may petition the circuit court of the county in
596 which the person subpoenaed resides or has his or her principal
597 place of business for an order requiring the subpoenaed person
598 to appear and testify and to produce books, records, and
599 documents as specified in the subpoena. The court may grant
600 legal, equitable, or injunctive relief, which may include, but
601 is not limited to, issuance of a writ of ne exeat or restraint
602 by injunction or appointment of a receiver of any transfer,
603 pledge, assignment, or other disposition of such person's assets
604 or any concealment, alteration, destruction, or other
605 disposition of subpoenaed books, records, or documents, as the
606 court deems appropriate, until the person subpoenaed has fully
607 complied with the subpoena and the commission has completed the
608 audit, examination, or investigation. The commission is entitled
609 to the summary procedure provided in s. 51.011, Florida

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610 Statutes, and the court shall advance the cause on its calendar.
611 Costs incurred by the commission to obtain an order granting, in
612 whole or in part, such petition for enforcement of a subpoena
613 shall be charged against the subpoenaed person, and failure to
614 comply with such order is a contempt of court.

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

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

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

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

627 (l) Establish field offices, as deemed necessary by the
628 commission.

629 (2) The Department of Law Enforcement and local law
630 enforcement agencies have concurrent jurisdiction to investigate
631 criminal violations of the Resort Act and may investigate any
632 other criminal violation of law occurring at the limited gaming
633 facilities. Such investigations may be conducted in conjunction
634 with the appropriate state attorney.

635 (3) (a) The commission, the Department of Law Enforcement,
636 and local law enforcement agencies have unrestricted access to
637 the limited gaming facility at all times and shall require of
638 each resort licensee strict compliance with the laws of this

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639 state relating to the transaction of such business. The
640 commission, the Department of Law Enforcement, and local law
641 enforcement agencies may:

642 1. Inspect and examine premises where authorized limited
643 gaming devices are offered for play.

644 2. Inspect slot machines, other authorized gaming devices,
645 and related equipment and supplies.

646 (b) In addition, the commission may:

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

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

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

655 (5) This section does not:

656 (a) Prohibit the Department of Law Enforcement or any law
657 enforcement authority whose jurisdiction includes a resort
658 licensee or a supplier licensee from conducting investigations
659 of criminal activities occurring at the facilities of a resort
660 licensee or supplier licensee;

661 (b) Restrict access to the limited gaming facility by the
662 Department of Law Enforcement or any local law enforcement
663 authority whose jurisdiction includes a resort licensee's
664 facility; or

665 (c) Restrict access by the Department of Law Enforcement or
666 a local law enforcement agency to information and records
667 necessary for the investigation of criminal activity which are

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668 contained within the facilities of a resort licensee or supplier
669 licensee.

670 Section 7. Rulemaking.—

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

674 (a) The types of limited gaming activities to be conducted
675 and the rules for those games, including any restriction upon
676 the time, place, and structures where limited gaming is
677 authorized.

678 (b) Requirements, procedures, qualifications, and grounds
679 for the issuance, renewal, revocation, suspension, and summary
680 suspension of a resort license, supplier's license, or
681 occupational license.

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

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

686 (e) Procedures to scientifically test and technically
687 evaluate slot machines and other authorized gaming devices for
688 compliance with the Resort Act and the rules adopted by the
689 commission. The commission may contract with an independent
690 testing laboratory to conduct any necessary testing. The
691 independent testing laboratory must have a national reputation
692 for being demonstrably competent and qualified to scientifically
693 test and evaluate slot machines and other authorized gaming
694 devices. An independent testing laboratory may not be owned or
695 controlled by a licensee. The use of an independent testing
696 laboratory for any purpose related to the conduct of slot

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697 machine gaming and other authorized gaming by a resort licensee
698 shall be made from a list of laboratories approved by the
699 commission.

700 (f) Procedures relating to limited gaming revenues,
701 including verifying and accounting for such revenues, auditing,
702 and collecting taxes and fees.

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

706 (h) Procedures for regulating, managing, and auditing the
707 operation, financial data, and program information relating to
708 limited gaming which allow the commission and the Department of
709 Law Enforcement to audit the operation, financial data, and
710 program information of a resort licensee, as required by the
711 commission or the Department of Law Enforcement, and provide the
712 commission and the Department of Law Enforcement with the
713 ability to monitor, at any time on a real-time basis, wagering
714 patterns, payouts, tax collection, and compliance with any rules
715 adopted by the commission for the regulation and control of
716 limited gaming. Such continuous and complete access, at any time
717 on a real-time basis, shall include the ability of either the
718 commission or the Department of Law Enforcement to suspend play
719 immediately on particular slot machines or other gaming devices
720 if monitoring of the facilities-based computer system indicates
721 possible tampering or manipulation of those slot machines or
722 gaming devices or the ability to suspend play immediately of the
723 entire operation if the tampering or manipulation is of the
724 computer system itself. The commission shall notify the
725 Department of Law Enforcement or the Department of Law

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726 Enforcement shall notify the commission, as appropriate,
727 whenever there is a suspension of play pursuant to this
728 paragraph. The commission and the Department of Law Enforcement
729 shall exchange information that is necessary for, and cooperate
730 in the investigation of, the circumstances requiring suspension
731 of play pursuant to this paragraph.

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

735 (j) Procedures for requiring licensees to maintain and to
736 provide to the commission records, data, information, or
737 reports, including financial and income records.

738 (k) Procedures to calculate the payout percentages of slot
739 machines.

740 (l) Minimum standards for security of the facilities,
741 including floor plans, security cameras, and other security
742 equipment.

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

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

748 (o) Procedures for requiring resort licensees and supplier
749 licensees to implement and establish drug-testing programs for
750 all employees.

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

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

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

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

765 (t) Any other rule necessary to accomplish the purposes of
766 the Resort Act.

767 (2) The commission may at any time adopt emergency rules
768 pursuant to s. 120.54, Florida Statutes. The Legislature finds
769 that such emergency rulemaking power is necessary for the
770 preservation of the rights and welfare of the people in order to
771 provide additional funds to benefit the public. The Legislature
772 further finds that the unique nature of limited gaming
773 operations requires, from time to time, that the commission
774 respond as quickly as is practicable. Therefore, in adopting
775 such emergency rules, the commission need not make the findings
776 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
777 adopted under this section are exempt from s. 120.54(4)(c),
778 Florida Statutes. However, the emergency rules may not remain in
779 effect for more than 180 days except that the commission may
780 renew the emergency rules during the pendency of procedures to
781 adopt permanent rules addressing the subject of the emergency
782 rules.

783 Section 8. Law enforcement officers.-

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784 (1) The commission may employ sworn law enforcement
785 officers to enforce any criminal law, conduct any criminal
786 investigation, or enforce any statute within the jurisdiction of
787 the commission.

788 (2) Each law enforcement officer must meet the
789 qualifications for law enforcement officers under s. 943.13,
790 Florida Statutes, and must be certified as a law enforcement
791 officer by the Department of Law Enforcement. Upon
792 certification, each law enforcement officer is subject to and
793 has the authority provided to law enforcement officers generally
794 under chapter 901, Florida Statutes, and has statewide
795 jurisdiction.

796 (3) Each officer has arrest authority as provided for state
797 law enforcement officers under s. 901.15, Florida Statutes, and
798 full law enforcement powers granted to other officers of this
799 state, including the authority to make arrests, carry firearms,
800 serve court process, and seize contraband and proceeds from
801 illegal activities.

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

806 Section 9. Executive director.—The commission shall appoint
807 or remove the executive director of the commission by a majority
808 vote. An interim executive director shall be appointed within 10
809 days after the initial meeting of the commission.

810 (1) The executive director:

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

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

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813 (c) Shall perform all duties assigned by the commission;
814 and

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

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

821 1. A resort licensee or supplier licensee;

822 2. An applicant for a resort license or an applicant for a
823 similar license in another jurisdiction;

824 3. An entity licensed to operate a gaming facility in
825 another state;

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

828 5. A tribal gaming facility within this state.

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

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

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

836 2. The person or the person's spouse, parent, child,
837 child's spouse, or sibling is a member of the commission, or a
838 director of, or a person financially interested in, an applicant
839 or a licensee.

840 Section 10. Code of ethics.-

841 (1) The commission shall adopt a code of ethics by rule for

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842 its members, employees, and agents.

843 (2) A member of the commission or the executive director
844 may not hold a direct or indirect interest in, be employed by,
845 or enter into a contract for service with an applicant or person
846 licensed by the commission for a period of 5 years after the
847 date of termination of the person's membership on or employment
848 with the commission.

849 (3) An employee of the commission may not acquire a direct
850 or indirect interest in, be employed by, or enter into a
851 contract for services with an applicant or person licensed by
852 the commission for a period of 3 years after the date of
853 termination of the person's employment with the commission.

854 (4) A commission member or a person employed by the
855 commission may not represent a person or party other than the
856 state before or against the commission for a period of 3 years
857 after the date of termination of the member's term of office or
858 the employee's period of employment with the commission.

859 (5) A business entity in which a former commission member,
860 employee, or agent has an interest, or any partner, officer, or
861 employee of that business entity, may not appear before or
862 represent another person before the commission if the former
863 commission member, employee, or agent would be prohibited from
864 doing so. As used in this subsection, the term "business entity"
865 means a corporation, limited liability company, partnership,
866 limited liability partnership association, trust, or other form
867 of legal entity.

868 (6) A member, employee, or agent of the commission may not
869 engage in political activity or politically related activity
870 during the duration of the person's appointment or employment.

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871 As used in this paragraph, the terms "political activity" or
872 "politically related activity" include:

873 (a) Using the person's official authority or influence for
874 the purpose of interfering with or affecting the result of an
875 election;

876 (b) Knowingly soliciting, accepting, or receiving political
877 contributions from any person;

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

880 (d) Knowingly soliciting or discouraging the participation
881 in any political activity of any person who is:

882 1. Applying for any compensation, grant, contract, ruling,
883 license, permit, or certificate pending before the commission;
884 or

885 2. The subject of or a participant in an ongoing audit,
886 investigation, or enforcement action being carried out by the
887 commission.

888 (7) A former member, employee, or agent of the commission
889 may appear before the commission as a witness testifying as to
890 factual matters or actions handled by the former member,
891 employee, or agent during his or her tenure with the commission.
892 However, the former member, employee, or agent of the commission
893 may not receive compensation for the appearance other than a
894 standard witness fee and reimbursement for travel expenses as
895 established by statute or rules governing administrative
896 proceedings before the Division of Administrative Hearings.

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

899 (b) An employee or agent of the commission granted

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900 permission for outside employment may not conduct any business
901 or perform any activities, including solicitation, related to
902 outside employment on premises used by the commission or during
903 the employee's working hours for the commission.

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

906 1. Operating a proprietorship;

907 2. Participating in a partnership or group business
908 enterprise; or

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

911 (9) A member, employee, or agent of the commission may not
912 participate in or wager on any game conducted by any resort
913 licensee or applicant or any affiliate of a licensee or
914 applicant regulated by the commission in this state or in any
915 other jurisdiction, except as required as part of the person's
916 surveillance, security, or other official duties.

917 Section 11. Disclosures by commissioners, employees, and
918 agents.-

919 (1) COMMISSIONERS.-

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

922 (b) Each member must disclose information required by rules
923 of the commission to ensure the integrity of the commission and
924 its work.

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

927 1. Affirming that the member, and the member's spouse,
928 parent, child, or child's spouse, is not a member of the board

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929 of directors of, financially interested in, or employed by an
930 applicant or resort licensee.

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

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

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

938 (2) EMPLOYEES AND AGENTS.—

939 (a) The executive director and each managerial employee and
940 agent, as determined by the commission, shall file a financial
941 disclosure statement pursuant to s. 112.3145, Florida Statutes.
942 All employees and agents must comply with the provisions of
943 chapter 112, Florida Statutes.

944 (b) The executive director and each managerial employee and
945 agent identified by rule of the commission must disclose
946 information required by rules of the commission to ensure the
947 integrity of the commission and its work.

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

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

953 2. Affirming that the person does not have any financial
954 interest prohibited by laws or rules administered by the
955 commission.

956 3. Disclosing any legal or beneficial interest in real
957 property that is or may be directly or indirectly involved with

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958 activities or persons regulated by the commission.

959 (d) Each employee or agent of the commission must disclose
960 involvement with any gaming interest during the 5 years before
961 employment.

962 (3) CIRCUMSTANCES REQUIRING IMMEDIATE DISCLOSURE.—

963 (a) A member, employee, or agent of the commission who
964 becomes aware that the member, employee, or agent of the
965 commission or his or her spouse, parent, or child is a member of
966 the board of directors of, financially interested in, or
967 employed by an applicant or licensee must immediately provide
968 detailed written notice to the chair.

969 (b) A member, employee, or agent of the commission must
970 immediately provide detailed written notice of the circumstances
971 to the chair if the member, employee, or agent is indicted,
972 charged with, convicted of, pleads guilty or nolo contendere to,
973 or forfeits bail for:

974 1. A misdemeanor involving gambling, dishonesty, theft, or
975 fraud;

976 2. A violation of any law in any state, or a law of the
977 United States or any other jurisdiction, involving gambling,
978 dishonesty, theft, or fraud which substantially corresponds to a
979 misdemeanor in this state; or

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

982 (c) A member, employee, or agent of the commission who is
983 negotiating for an interest in a licensee or an applicant, or is
984 affiliated with such a person, must immediately provide written
985 notice of the details of the interest to the chair. The member,
986 employee, or agent of the commission may not act on behalf of

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987 the commission with respect to that person.

988 (d) A member, employee, or agent of the commission may not
989 enter into negotiations for employment with any person or
990 affiliate of any person who is an applicant, licensee, or an
991 affiliate. If a member, employee, or agent of the commission
992 enters into negotiations for employment in violation of this
993 paragraph or receives an invitation, written or oral, to
994 initiate a discussion concerning employment with any person who
995 is a licensee, applicant, or an affiliate, he or she must
996 immediately provide written notice of the details of any such
997 negotiations or discussions to the chair. The member, employee,
998 or agent of the commission may not take any action on behalf of
999 the commission with respect to that licensee or applicant.

1000 (e) A licensee or applicant may not knowingly initiate a
1001 negotiation for, or discussion of, employment with a member,
1002 employee, or agent of the commission. A licensee or applicant
1003 who initiates a negotiation or discussion about employment shall
1004 immediately provide written notice of the details of the
1005 negotiation or discussion to the chair as soon as that person
1006 becomes aware that the negotiation or discussion has been
1007 initiated with a member, employee, or agent of the commission.

1008 (f) A member, employee, or agent of the commission, or a
1009 parent, spouse, sibling, or child of a member, employee, or
1010 agent of the commission, may not accept any gift, gratuity,
1011 compensation, travel, lodging, or anything of value, directly or
1012 indirectly, from a licensee, applicant, or affiliate or
1013 representative of a person regulated by the commission unless
1014 the acceptance is permitted under the rules of the commission
1015 and conforms with chapter 112, Florida Statutes. A member,

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1016 employee, or agent of the commission who is offered or receives
1017 any gift, gratuity, compensation, travel, lodging, or anything
1018 of value, directly or indirectly, from any licensee or an
1019 applicant or affiliate or representative of a person regulated
1020 by the commission must immediately provide written notice of the
1021 details to the chair.

1022 (g) A licensee, applicant, or affiliate or representative
1023 of an applicant or licensee may not, directly or indirectly,
1024 knowingly give or offer to give any gift, gratuity,
1025 compensation, travel, lodging, or anything of value to any
1026 member or employee, or to a parent, spouse, sibling, or child of
1027 a member, employee, or agent, which the member or employee is
1028 prohibited from accepting under paragraph (f).

1029 (h) A member, employee, or agent of the commission may not
1030 engage in any conduct that constitutes a conflict of interest,
1031 and must immediately advise the chair in writing of the details
1032 of any incident or circumstances that would suggest the
1033 existence of a conflict of interest with respect to the
1034 performance of commission-related work or duty of the member,
1035 employee, or agent of the commission.

1036 (i) A member, employee, or agent of the commission who is
1037 approached and offered a bribe must immediately provide a
1038 written account of the details of the incident to the chair and
1039 to a law enforcement agency having jurisdiction over the matter.

1040 Section 12. Ex parte communications.-

1041 (1) A licensee, applicant, or any affiliate or
1042 representative of an applicant or licensee may not engage
1043 directly or indirectly in ex parte communications concerning a
1044 pending application, license, or enforcement action with a

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1045 member of the commission or concerning a matter that likely will
1046 be pending before the commission. A member of the commission may
1047 not engage directly or indirectly in any ex parte communications
1048 concerning a pending application, license, or enforcement action
1049 with members of the commission, or with a licensee, applicant,
1050 or any affiliate or representative of an applicant or licensee,
1051 or concerning a matter that likely will be pending before the
1052 commission.

1053 (2) Any commission member, licensee, applicant, or
1054 affiliate or representative of a commission member, licensee, or
1055 applicant who receives any ex parte communication in violation
1056 of subsection (1), or who is aware of an attempted communication
1057 in violation of subsection (1), must immediately report details
1058 of the communication or attempted communication in writing to
1059 the chair.

1060 (3) If a commissioner knowingly receives an ex parte
1061 communication relative to a proceeding to which he or she is
1062 assigned, he or she must place on the record copies of all
1063 written communications received, copies of all written responses
1064 to the communications, and a memorandum stating the substance of
1065 all oral communications received and all oral responses made,
1066 and shall give written notice to all parties to the
1067 communication that such matters have been placed on the record.
1068 Any party who desires to respond to an ex parte communication
1069 may do so. The response must be received by the commission
1070 within 10 days after receiving notice that the ex parte
1071 communication has been placed on the record. The commissioner
1072 may, if he or she deems it necessary to eliminate the effect of
1073 an ex parte communication received by him or her, withdraw from

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1074 the proceeding potentially impacted by the ex parte
1075 communication. After a commissioner withdraws from the
1076 proceeding, the chair shall substitute another commissioner for
1077 the proceeding if the proceeding was not assigned to the full
1078 commission.

1079 (4) Any individual who makes an ex parte communication must
1080 submit to the commission a written statement describing the
1081 nature of such communication, including the name of the person
1082 making the communication, the name of the commissioner or
1083 commissioners receiving the communication, copies of all written
1084 communications made, all written responses to such
1085 communications, and a memorandum stating the substance of all
1086 oral communications received and all oral responses made. The
1087 commission shall place on the record of a proceeding all such
1088 communications.

1089 (5) A member of the commission who knowingly fails to place
1090 on the record any ex parte communications, in violation of this
1091 section, within 15 days after the date of the communication is
1092 subject to removal and may be assessed a civil penalty not to
1093 exceed \$5,000.

1094 (6) The Commission on Ethics shall receive and investigate
1095 sworn complaints of violations of this section pursuant to ss.
1096 112.322-112.3241, Florida Statutes.

1097 (7) If the Commission on Ethics finds that a member of the
1098 commission has violated this section, it shall provide the
1099 Governor with a report of its findings and recommendations. The
1100 Governor may enforce the findings and recommendations of the
1101 Commission on Ethics pursuant to part III of chapter 112,
1102 Florida Statutes.

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1103 (8) If a commissioner fails or refuses to pay the
1104 Commission on Ethics any civil penalties assessed pursuant to
1105 this section, the Commission on Ethics may bring an action in
1106 any circuit court to enforce such penalty.

1107 (9) If, during the course of an investigation by the
1108 Commission on Ethics into an alleged violation of this section,
1109 allegations are made as to the identity of the person who
1110 participated in the ex parte communication, that person must be
1111 given notice and an opportunity to participate in the
1112 investigation and relevant proceedings to present a defense. If
1113 the Commission on Ethics determines that the person participated
1114 in the ex parte communication, the person may not appear before
1115 the commission or otherwise represent anyone before the
1116 commission for 2 years.

1117 Section 13. Penalties for misconduct by a commissioner,
1118 employee, or agent.-

1119 (1) A violation of the Resort Act by a member of the
1120 commission may result in disqualification or constitute cause
1121 for removal by the Governor or other disciplinary action as
1122 determined by the commission.

1123 (2) A violation of the Resort Act by an employee or agent
1124 of the commission does not require termination of employment or
1125 other disciplinary action if:

1126 (a) The commission determines that the conduct involved
1127 does not violate the purposes the Resort Act; or

1128 (b) There was no intentional action on the part of the
1129 employee or agent, contingent on divestment of the financial
1130 interest within 30 days after the interest was acquired.

1131 (3) Notwithstanding subsection (2), an employee or agent of

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1132 the commission who violates the Resort Act shall be terminated
1133 if a financial interest in a licensee, applicant, or affiliate,
1134 or representative of a licensee or applicant, is acquired by:

1135 (a) An employee of the commission; or

1136 (b) The employee's or agent's spouse, parent, or child.

1137 (4) A violation the Resort Act does not create a civil
1138 cause of action.

1139 Section 14. Legislative authority; administration of act.-

1140 The regulation of the conduct of limited gaming activity at a
1141 resort licensee is preempted to the state and a county,
1142 municipality, or other political subdivision of the state may
1143 not enact any ordinance relating to limited gaming. Only the
1144 commission and other authorized state agencies shall administer
1145 the Resort Act and regulate limited gaming, including limited
1146 gaming at resort licensees and the assessment of fees or taxes
1147 relating to the conduct of limited gaming.

1148 Section 15. Process for awarding destination resort
1149 licenses.-

1150 (1) The commission shall by rule use an invitation to
1151 negotiate process for determining the award of a resort license.
1152 The application, review, and issuance procedures for awarding a
1153 license shall be by a process in which applicants rely on forms
1154 provided by the commission in response to an invitation to
1155 negotiate issued by the commission.

1156 (2) The commission may, at its discretion, stagger the
1157 issuance of invitations to negotiate, the period for review of
1158 replies, and the awarding of one or more licenses to conduct
1159 limited gaming, provided that the number of licenses does not
1160 exceed five destination resort licensees. Invitations to

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1161 negotiate shall require a response within no less than 6 months
1162 of the date after the issuance of the invitation.

1163 (3) The commission shall review all complete replies
1164 received pursuant to an invitation to negotiate. The commission
1165 may select one or more replies with which to commence
1166 negotiations after determining which replies are in the best
1167 interest of the state based on the selection criteria. The
1168 commission shall award or deny a destination resort license
1169 within 12 months after the deadline for the submission of a
1170 reply.

1171 Section 16. Criteria for the award of a destination resort
1172 license.-

1173 (1) The commission may award a resort license to the
1174 applicant of an invitation to negotiate which best serves the
1175 interests of the residents of Florida. The reply to an
1176 invitation to negotiate for a resort license must include an
1177 application that demonstrates the applicant's ability to meet
1178 the following minimum criteria:

1179 (a) The applicant must demonstrate a capacity to increase
1180 tourism, generate jobs, provide revenue to the local economy,
1181 and provide revenue to the General Revenue Fund.

1182 (b) The applicant must demonstrate a history of, or a bona
1183 fide plan for, community involvement or investment in the
1184 community where the resort having a limited gaming facility will
1185 be located.

1186 (c) The applicant must demonstrate the financial ability to
1187 purchase and maintain an adequate surety bond.

1188 (d) The applicant must demonstrate that it has adequate
1189 capitalization to develop, construct, maintain, and operate the

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1190 proposed resort and convention center having a limited gaming
1191 facility in accordance with the requirements of the Resort Act
1192 and rules adopted by the commission and to responsibly meet its
1193 secured and unsecured debt obligations in accordance with its
1194 financial and other contractual agreements.

1195 (e) The applicant shall demonstrate the ability to
1196 implement a program to train and employ residents of this state
1197 for jobs that will be available at the destination resort,
1198 including its ability to implement a program for the training of
1199 low-income persons.

1200 (f) The commission may, at its discretion, assess the
1201 quality of the proposed development's aesthetic appearance in
1202 the context of its potential to provide substantial economic
1203 benefits to the community and the people of Florida, including,
1204 but not limited to, its potential to provide substantial
1205 employment opportunities.

1206 (g) The applicant shall demonstrate how it will comply with
1207 state and federal affirmative action guidelines.

1208 (h) The applicant shall demonstrate the ability to generate
1209 substantial gross receipts.

1210 (2) A resort license may be issued only to persons of good
1211 moral character who are at least 21 years of age. A resort
1212 license may issued to a corporation only if its officers are of
1213 good moral character and at least 21 years of age.

1214 (3) A resort license may not be issued to an applicant if
1215 the applicant, qualifier, or institutional investor:

1216 (a) Has, within the last 10 years, filed for protection
1217 under the Federal Bankruptcy Code or had an involuntary
1218 bankruptcy petition filed against them.

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1219 (b) Has, within the last 5 years, been adjudicated by a
1220 court or tribunal for failure to pay income, sales, or gross
1221 receipts tax due and payable under any federal, state, or local
1222 law, after exhaustion of all appeals or administrative remedies.

1223 (c) Has been convicted of a felony under the laws of this
1224 or any other state, or the United States.

1225 (d) Has been convicted of any violation under chapter 817,
1226 Florida Statutes, or under a substantially similar law of
1227 another jurisdiction.

1228 (e) Knowingly submitted false information in the
1229 application for the license.

1230 (f) Is a member or employee of the commission.

1231 (g) Was licensed to own or operate gaming or pari-mutuel
1232 facilities in this state or another jurisdiction and that
1233 license was revoked.

1234 (h) Fails to meet any other criteria for licensure set
1235 forth in the Resort Act.

1236
1237 The term "conviction" includes an adjudication of guilt on a
1238 plea of guilty or nolo contendere or the forfeiture of a bond
1239 when charged with a crime.

1240 Section 17. Application for destination resort license.-

1241 (1) APPLICATION.-A reply submitted in response to an
1242 invitation to negotiate must include a sworn application in the
1243 format prescribed by the commission. The application must
1244 include the following information:

1245 (a)1. The name, business address, telephone number, social
1246 security number, and, where applicable, the federal tax
1247 identification number of the applicant and each qualifier; and

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1248 2. Information, documentation, and assurances concerning
1249 financial background and resources as may be required to
1250 establish the financial stability, integrity, and responsibility
1251 of the applicant. This includes business and personal income and
1252 disbursement schedules, tax returns and other reports filed with
1253 governmental agencies, and business and personal accounting and
1254 check records and ledgers. In addition, each applicant must
1255 provide written authorization for the examination of all bank
1256 accounts and records as may be deemed necessary by the
1257 commission.

1258 (b) The identity and, if applicable, the state of
1259 incorporation or registration of any business in which the
1260 applicant or a qualifier has an equity interest of more than 5
1261 percent. If the applicant or qualifier is a corporation,
1262 partnership, or other business entity, the applicant or
1263 qualifier must identify any other corporation, partnership, or
1264 other business entity in which it has an equity interest of more
1265 than 5 percent, including, if applicable, the state of
1266 incorporation or registration.

1267 (c) A statement as to whether the applicant or a qualifier
1268 has developed and operated a gaming facility within a
1269 jurisdiction in the United States, including a description of
1270 the gaming facility, the gaming facility's gross revenue, and
1271 the amount of revenue the gaming facility has generated for
1272 state and local governments within that jurisdiction.

1273 (d) A statement as to whether the applicant or a qualifier
1274 has been indicted, convicted of, pled guilty or nolo contendere
1275 to, or forfeited bail for any felony or for a misdemeanor
1276 involving gambling, theft, or fraud. The statement must include

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1277 the date, the name and location of the court, the arresting
1278 agency, the prosecuting agency, the case caption, the docket
1279 number, the nature of the offense, the disposition of the case,
1280 and, if applicable, the location and length of incarceration.

1281 (e) A statement as to whether the applicant or a qualifier
1282 has ever been granted any license or certificate in any
1283 jurisdiction which has been restricted, suspended, revoked, not
1284 renewed, or otherwise subjected to discipline. The statement
1285 must describe the facts and circumstances concerning that
1286 restriction, suspension, revocation, nonrenewal, or discipline,
1287 including the licensing authority, the date each action was
1288 taken, and an explanation of the circumstances for each
1289 disciplinary action.

1290 (f) A statement as to whether the applicant or qualifier
1291 has, as a principal or a controlling shareholder, within the
1292 last 10 years, filed for protection under the Federal Bankruptcy
1293 Code or had an involuntary bankruptcy petition filed against it.

1294 (g) A statement as to whether the applicant or qualifier
1295 has, within the last 5 years, been adjudicated by a court or
1296 tribunal for failure to pay any income, sales, or gross receipts
1297 tax due and payable under federal, state, or local law, after
1298 exhaustion of all appeals or administrative remedies. This
1299 statement must identify the amount and type of the tax and the
1300 time periods involved and must describe the resolution of the
1301 nonpayment.

1302 (h) A list of the names and titles of any public officials
1303 or officers of any unit of state government or of the local
1304 government or governments in the county or municipality in which
1305 the proposed resort is to be located, and the spouses, parents,

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1306 and children of those public officials or officers, who,
1307 directly or indirectly, own any financial interest in, have any
1308 beneficial interest in, are the creditors of, hold any debt
1309 instrument issued by the applicant or a qualifier, or hold or
1310 have an interest in any contractual or service relationship with
1311 the applicant or qualifier. As used in this paragraph, the terms
1312 "public official" and "officer" do not include a person who
1313 would be listed solely because the person is a member of the
1314 Florida National Guard.

1315 (i) The name and business telephone number of any attorney,
1316 lobbyist, or other person who is representing an applicant
1317 before the commission during the application process.

1318 (j) A description of the applicant's history of and
1319 proposed plan for community involvement or investment in the
1320 community where the resort having a limited gaming facility
1321 would be located.

1322 (k) A description of the applicant's proposed resort,
1323 including a description of the economic benefit to the community
1324 in which the facility would be located, the anticipated number
1325 of employees, a statement regarding how the applicant would
1326 comply with federal and state affirmative action guidelines, a
1327 projection of admissions or attendance at the limited gaming
1328 facility, a projection of gross receipts, and scientific market
1329 research pertaining to the proposed facility, if any.

1330 (l) A schedule or timeframe for completing the resort.

1331 (m) A plan for training residents of this state for jobs at
1332 the resort. The job-training plan must provide training to
1333 enable low-income persons to qualify for jobs at the resort.

1334 (n) The identity of each person, association, trust, or

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1335 corporation or partnership having a direct or indirect equity
1336 interest in the applicant of greater than 5 percent. If
1337 disclosure of a trust is required under this paragraph, the
1338 names and addresses of the beneficiaries of the trust must also
1339 be disclosed. If the identity of a corporation must be
1340 disclosed, the names and addresses of all stockholders and
1341 directors must also be disclosed. If the identity of a
1342 partnership must be disclosed, the names and addresses of all
1343 partners, both general and limited, must also be disclosed.

1344 (o) A destination resort and limited gaming facility
1345 development plan.

1346 (p) The fingerprints of the all officers or directors of
1347 the applicant and qualifiers, and any persons exercising
1348 operational or managerial control of the applicant, as
1349 determined by rule of the commission, for a criminal history
1350 record check.

1351 (2) DISCRETION TO REQUIRE INFORMATION.—Notwithstanding any
1352 other provision of law, the commission is the sole authority for
1353 determining the information or documentation that must be
1354 included in an application for a resort license or in an
1355 application to renew a resort license. Such documentation and
1356 information may relate to: demographics, education, work
1357 history, personal background, criminal history, finances,
1358 business information, complaints, inspections, investigations,
1359 discipline, bonding, photographs, performance periods,
1360 reciprocity, local government approvals, supporting
1361 documentation, periodic reporting requirements, and fingerprint
1362 requirements.

1363 (3) DUTY TO SUPPLEMENT APPLICATION.—The application shall

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1364 be supplemented as needed to reflect any material change in any
1365 circumstance or condition stated in the application which takes
1366 place between the initial filing of the application and the
1367 final grant or denial of the license. Any submission required to
1368 be in writing may otherwise be required by the commission to be
1369 made by electronic means.

1370 (4) CRIMINAL HISTORY CHECKS.—The commission may contract
1371 with private vendors, or enter into interagency agreements, to
1372 collect electronic fingerprints where fingerprints are required
1373 for licensure or where criminal history record checks are
1374 required.

1375 (5) APPLICATION FEES.—

1376 (a) The application for a resort license must be submitted
1377 along with a nonrefundable application fee of \$1 million to be
1378 used by the commission to defray costs associated with the
1379 review and investigation of the application and to conduct a
1380 background investigation of the applicant and each qualifier. If
1381 the cost of the review and investigation exceeds \$1 million, the
1382 applicant must pay the additional amount to the commission
1383 within 30 days after the receipt of a request for an additional
1384 payment.

1385 (b) The application for a destination resort license must
1386 be submitted with a one-time licensing fee of \$50 million. If
1387 the commission denies the application, the commission must
1388 refund the licensing fee within 30 days after the denial of the
1389 application. If the applicant withdraws the application after
1390 the application deadline established by the commission, the
1391 commission must refund 80 percent of the licensing fee within 30
1392 days after the application is withdrawn.

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1393 Section 18. Incomplete applications.—

1394 (1) An incomplete application for a resort license is
1395 grounds for the denial of the application.

1396 (2) (a) If the commission determines that an application for
1397 a resort license is incomplete, the executive director shall
1398 immediately provide written notice to the applicant of the
1399 incomplete items. The applicant may then request a confidential
1400 informal conference with the executive director or his designee
1401 to discuss the application.

1402 (b) The executive director shall provide the applicant an
1403 extension of 30 days to complete the application following the
1404 date of the informal conference. If the executive director finds
1405 that the application has not been completed within the
1406 extension, the applicant may appeal the finding to the
1407 commission. During an extension or the pendency of an appeal to
1408 the commission, the award of resort licenses is stayed.

1409 Section 19. Institutional investors as qualifiers.—

1410 (1) An application for a resort license that has an
1411 institutional investor as a qualifier need not contain
1412 information relating to the institutional investor other than
1413 the identity of the investor and information relating to
1414 qualifications under the Resort Act if the institutional
1415 investor:

1416 (a) Holds less than 5 percent of the equity securities or 5
1417 percent of the debt securities of an applicant or affiliate of
1418 the applicant;

1419 (b) Is a publicly traded corporation; and

1420 (c) Files a certified statement that the institutional
1421 investor does not intend to influence or affect the affairs of

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1422 the applicant or an affiliate of the applicant and further
1423 states that its holdings of securities of the applicant or
1424 affiliate were purchased for investment purposes only.

1425
1426 The commission may limit the application requirements as
1427 provided in this subsection for an institutional investor that
1428 is a qualifier and that holds 5 percent or more of the equity or
1429 debt securities of an applicant or affiliate of the applicant
1430 upon a showing of good cause and if the conditions specified in
1431 paragraphs (b) and (c) are satisfied.

1432 (2) An institutional investor that is exempt from the full
1433 application requirements under this section and that
1434 subsequently intends to influence or affect the affairs of the
1435 issuer must first notify the commission of its intent and file
1436 an application containing all of the information that would have
1437 been required of the institutional investor in the application
1438 for a resort license. The commission may deny the application if
1439 it determines that granting the application will impair the
1440 financial stability of the licensee or impair the ability of the
1441 licensee to comply with its development plans or other plans
1442 submitted to the commission by the applicant or licensee.

1443 (3) An applicant for a license or a resort licensee or
1444 affiliate shall immediately notify the commission of any
1445 information concerning an institutional investor holding its
1446 equity or debt securities which may disqualify an institutional
1447 investor from having a direct or indirect interest in the
1448 applicant or licensee, and the commission may require the
1449 institutional investor to file all information that would have
1450 been required of the institutional investor in the application

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1451 for a license.

1452 (4) If the commission finds that an institutional investor
1453 that is a qualifier fails to comply with the requirements of
1454 subsection (1) or, if at any time the commission finds that by
1455 reason of the extent or nature of its holdings an institutional
1456 investor is in a position to exercise a substantial impact upon
1457 the controlling interests of a licensee, the commission may
1458 require the institutional investor to file an application
1459 containing all of information that would have been required of
1460 the institutional investor in the application for a license.

1461 (5) Notwithstanding paragraph (1)(c), an institutional
1462 investor may vote on all matters that are put to the vote of the
1463 outstanding security holders of the applicant or licensee.

1464 Section 20. Lenders and underwriters; exemption as
1465 qualifiers.—A bank, lending institution, or any underwriter in
1466 connection with any bank or lending institution that, in the
1467 ordinary course of business, makes a loan to, or holds a
1468 security interest in, a licensee or applicant, a supplier
1469 licensee or applicant or its subsidiary, or direct or indirect
1470 parent company of any of the foregoing is not a qualifier and is
1471 not required to be licensed.

1472 Section 21. Conditions for a resort license.—As a condition
1473 to licensure and to maintain continuing authority, a resort
1474 licensee must:

1475 (1) Comply with the Resort Act and the rules of the
1476 commission.

1477 (2) Allow the commission and the Department of Law
1478 Enforcement unrestricted access to and right of inspection of
1479 facilities of a licensee in which any activity relative to the

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1480 conduct of gaming is conducted.

1481 (3) Complete the resort in accordance with the plans and
1482 timeframe proposed to the commission in its application, unless
1483 a waiver is granted by the commission.

1484 (4) Ensure that the facilities-based computer system that
1485 the licensee will use for operational and accounting functions
1486 of the facility is specifically structured to facilitate
1487 regulatory oversight. The facilities-based computer system shall
1488 be designed to provide the commission and the Department of Law
1489 Enforcement with the ability to monitor, at any time on a real-
1490 time basis, the wagering patterns, payouts, tax collection, and
1491 such other operations as necessary to determine whether the
1492 facility is in compliance with statutory provisions and rules
1493 adopted by the commission for the regulation and control of
1494 gaming. The commission and the Department of Law Enforcement
1495 shall have complete and continuous access to this system. Such
1496 access shall include the ability of either the commission or the
1497 Department of Law Enforcement to suspend play immediately on
1498 particular slot machines or gaming devices if monitoring of the
1499 system indicates possible tampering or manipulation of those
1500 slot machines or gaming devices or the ability to suspend play
1501 immediately of the entire operation if the tampering or
1502 manipulation is of the computer system itself. The computer
1503 system shall be reviewed and approved by the commission to
1504 ensure necessary access, security, and functionality. The
1505 commission may adopt rules to provide for the approval process.

1506 (5) Ensure that each game, slot machine, or other gaming
1507 device is protected from manipulation or tampering that may
1508 affect the random probabilities of winning plays. The commission

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1509 or the Department of Law Enforcement may suspend play upon
1510 reasonable suspicion of any manipulation or tampering. If play
1511 has been suspended on any game, slot machine, or other gaming
1512 device, the commission or the Department of Law Enforcement may
1513 conduct an examination to determine whether the game, machine,
1514 or other gaming device has been tampered with or manipulated and
1515 whether the game, machine, or other gaming device should be
1516 returned to operation.

1517 (6) Submit a security plan, including the facilities' floor
1518 plans, the locations of security cameras, and a listing of all
1519 security equipment that is capable of observing and
1520 electronically recording activities being conducted in the
1521 facilities of the licensee. The security plan must meet the
1522 minimum security requirements as determined by the commission
1523 and be implemented before the operation of gaming. The
1524 licensee's facilities must adhere to the security plan at all
1525 times. Any changes to the security plan must be submitted by the
1526 licensee to the commission prior to implementation. The
1527 commission shall furnish copies of the security plan and changes
1528 in the plan to the Department of Law Enforcement.

1529 (7) Create and file with the commission a written policy
1530 for:

1531 (a) Creating opportunities to purchase from vendors in this
1532 state, including minority vendors.

1533 (b) Creating opportunities for the employment of residents
1534 of this state, including minority residents.

1535 (c) Ensuring opportunities for obtaining construction
1536 services from minority contractors.

1537 (d) Ensuring that opportunities for employment are offered

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1538 on an equal, nondiscriminatory basis.

1539 (e) Training employees on responsible gaming and working
1540 with a compulsive or addictive gambling prevention program.

1541 (f) Implementing a drug-testing program that includes, but
1542 is not limited to, requiring each employee to sign an agreement
1543 that he or she understands that the resort is a drug-free
1544 workplace.

1545 (g) Using the Internet-based job-listing system of the
1546 Agency for Workforce Innovation in advertising employment
1547 opportunities.

1548 (h) Ensuring that the payout percentage of each slot
1549 machine is at least 85 percent.

1550 (8) A resort licensee shall keep and maintain permanent
1551 daily records of its limited gaming operations and shall
1552 maintain such records for a period of not less than 5 years.
1553 These records must include all financial transactions and
1554 contain sufficient detail to determine compliance with the
1555 requirements of the Resort Act. All records shall be available
1556 for audit and inspection by the commission, the Department of
1557 Law Enforcement, or other law enforcement agencies during the
1558 resort licensee's regular business hours.

1559 Section 22. Surety bond.—A destination resort licensee
1560 must, at its own cost and expense, before the license is
1561 delivered, give a bond in the penal sum to be determined by the
1562 commission payable to the Governor of the state and her or his
1563 successors in office. The bond must be issued by a surety or
1564 sureties approved by the commission and the Chief Financial
1565 Officer and the bond must be conditioned on the licensee
1566 faithfully making the required payments to the Chief Financial

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1567 Officer in her or his capacity as treasurer of the commission,
1568 keeping the licensee's books and records and make reports as
1569 provided, and conducting its limited gaming activities in
1570 conformity with the Resort Act. The commission shall fix the
1571 amount of the bond at the total amount of annual license fees
1572 and the taxes estimated to become due as determined by the
1573 commission. In lieu of a bond, an applicant or licensee may
1574 deposit with the commission a like amount of funds, a savings
1575 certificate, a certificate of deposit, an investment
1576 certificate, or a letter of credit from a bank, savings bank,
1577 credit union, or savings and loan association situated in this
1578 state which meets the requirements set for that purpose by the
1579 Chief Financial Officer. If security is provided in the form of
1580 a savings certificate, a certificate of deposit, or an
1581 investment certificate, the certificate must state that the
1582 amount is unavailable for withdrawal except upon order of the
1583 commission. The commission may review the bond or other security
1584 for adequacy and require adjustments, including increasing the
1585 amount of the bond and other security. The commission may adopt
1586 rules to administer this section and establish guidelines for
1587 such bonds or other securities.

1588 Section 23. Conduct of limited gaming.-

1589 (1) Limited gaming may be conducted by a resort licensee,
1590 subject to the following:

1591 (a) The site of the limited gaming facility is limited to
1592 the resort licensee's site location as approved by the
1593 commission.

1594 (b) Limited gaming may not be conducted by a resort
1595 licensee until the resort is completed according to the proposal

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1596 approved by the commission.

1597 (c) The commission's agents and employees may enter and
1598 inspect a limited gaming facility or other facilities relating
1599 to a resort licensee's gaming operations at any time for the
1600 purpose of determining whether the licensee is in compliance
1601 with the Resort Act.

1602 (d) A resort licensee may lease or purchase gaming devices,
1603 equipment, or supplies customarily used in conducting gaming
1604 only from a licensed supplier.

1605 (e) A resort licensee may not permit any form of wagering
1606 on games except as permitted by the Resort Act.

1607 (f) A resort licensee may receive wagers only from a person
1608 present in the limited gaming facility.

1609 (g) A resort licensee may not permit wagering using money
1610 or other negotiable currency except for wagering on slot
1611 machines.

1612 (h) A resort licensee may not permit a person who is less
1613 than 21 years of age to engage in gaming activity or remain in
1614 an area of a limited gaming facility where gaming is being
1615 conducted, except for a limited gaming employee of the resort
1616 licensee who is at least 18 years of age.

1617 (i) A resort licensee may not sell or distribute tokens,
1618 chips, or electronic cards used to make wagers outside the
1619 limited gaming facility. The tokens, chips, or electronic cards
1620 may be purchased by means of an agreement under which the
1621 licensee extends credit to a wagerer. The tokens, chips, or
1622 electronic cards may be used only for the purpose of making
1623 wagers on games within a limited gaming facility.

1624 (j) All gaming activities must be conducted in accordance

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1625 with commission rules.

1626 (2) A limited gaming facility may operate 24 hours per day,
1627 every day of the year.

1628 (3) A resort licensee may set the minimum and maximum
1629 wagers on all games.

1630 (4) A resort licensee shall give preference in employment,
1631 reemployment, promotion, and retention to veterans and to the
1632 persons included under s. 295.07(1), Florida Statutes, who
1633 possess the minimum qualifications necessary to perform the
1634 duties of the positions involved.

1635 (5) A resort licensee shall use the E-Verify program, or a
1636 similar program developed under the Immigration Reform and
1637 Control Act of 1986 or the Illegal Immigration Reform and
1638 Immigrant Responsibility Act of 1996, to verify the employment
1639 eligibility of all prospective employees. Applicants for a
1640 resort license must require that all contractors use such a
1641 program to verify the employment eligibility of their
1642 prospective employees.

1643 (6) The commission shall renew a resort license if:

1644 (a) The licensee has demonstrated an effort to increase
1645 tourism, generate jobs, provide revenue to the local economy,
1646 and provide revenue to the state General Revenue Fund.

1647 (b) The commission has not suspended or revoked the license
1648 of the licensee.

1649 (c) The licensee continues to satisfy all the requirements
1650 of the initial application for licensure.

1651 Section 24. License fee; tax rate; disposition.-

1652 (1) LICENSE FEE.-On the anniversary date of the issuance of
1653 the initial resort license and annually thereafter, the licensee

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1654 must pay to the commission a nonrefundable annual license fee of
1655 \$2 million. The license shall be renewed annually, unless the
1656 commission has revoked the license for a violation of the Resort
1657 Act or rule of the commission. The license fee shall be
1658 deposited into the Destination Resort Trust Fund to be used by
1659 the commission and the Department of Law Enforcement for
1660 investigations, regulation of limited gaming, and enforcement of
1661 the Resort Act.

1662 (2) GROSS RECEIPTS TAX.—

1663 (a) Each resort licensee shall pay a gross receipts tax on
1664 its gross receipts to the state. Upon completion of the resort
1665 and before limited gaming may be conducted, the resort licensee
1666 must submit proof, as required by the commission, of the total
1667 investment made in the construction of the resort. Upon
1668 submission of this information, the gross receipts tax rate
1669 shall be set as follows:

1670 1. If the total infrastructure investment is \$2.5 billion
1671 or more, the tax rate shall be 10 percent of the gross receipts.

1672 2. If the total infrastructure investment is at least \$1
1673 billion but less than \$2.5 billion, the tax rate shall be 15
1674 percent of the gross receipts.

1675 3. If the total infrastructure investment is less than \$1
1676 billion, the tax rate shall be 20 percent of the gross receipts.

1677 (b) The gross receipts tax is in lieu of any other state
1678 taxes on gross or adjusted gross receipts of a resort licensee.

1679 (3) TAX PROCEEDS.—

1680 (a) The gross receipts tax shall be deposited into the
1681 Destination Resort Trust Fund and shall be used to fund the
1682 operating costs of the commission pursuant to appropriations by

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1683 the Legislature.

1684 (b) On June 30 of each year, all unappropriated funds in
1685 excess of \$5 million shall be deposited as follows:

1686 1. Ninety-five percent shall be deposited into the General
1687 Revenue Fund.

1688 2. Two and 1/2 percent shall be deposited into the Tourism
1689 Promotional Trust Fund for use by the Florida Commission on
1690 Tourism.

1691 3. One and 1/4 percent shall be deposited into the
1692 Employment Security Administration Trust Fund for the benefit of
1693 the school readiness program.

1694 4. One and 1/4 percent shall be deposited into the
1695 Transportation Disadvantaged Trust Fund for use by the
1696 Commission for the Transportation Disadvantaged.

1697 Section 25. Fingerprint requirements.—Any fingerprints
1698 required to be taken under the Resort Act must be taken in a
1699 manner approved by, and shall be submitted electronically by the
1700 commission to, the Department of Law Enforcement. The Department
1701 of Law Enforcement shall submit the results of the state and
1702 national records check to the commission. The commission shall
1703 consider the results of the state and national records check in
1704 evaluating an application for any license.

1705 (1) The cost of processing fingerprints and conducting a
1706 criminal history record check shall be borne by the applicant.
1707 The Department of Law Enforcement may submit a monthly invoice
1708 to the commission for the cost of processing the fingerprints
1709 submitted.

1710 (2) All fingerprints submitted to the Department of Law
1711 Enforcement pursuant to the Resort Act shall be retained by the

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1712 Department of Law Enforcement and entered into the statewide
1713 automated fingerprint identification system as authorized by s.
1714 943.05(2)(b), Florida Statutes, and shall be available for all
1715 purposes and uses authorized for arrest fingerprint cards
1716 entered into the statewide automated fingerprint identification
1717 system pursuant to s. 943.051, Florida Statutes.

1718 (3) The Department of Law Enforcement shall search all
1719 arrest fingerprints received pursuant to s. 943.051, Florida
1720 Statutes, against the fingerprints retained in the statewide
1721 automated fingerprint identification system. Any arrest record
1722 that is identified with the retained fingerprints of a person
1723 subject to the criminal history screening under the Resort Act
1724 shall be reported to the commission. Each licensee shall pay a
1725 fee to the commission for the cost of retention of the
1726 fingerprints and the ongoing searches under this subsection. The
1727 commission shall forward the payment to the Department of Law
1728 Enforcement. The amount of the fee to be imposed for performing
1729 these searches and the procedures for the retention of licensee
1730 fingerprints shall be as established by rule of the Department
1731 of Law Enforcement. The commission shall inform the Department
1732 of Law Enforcement of any change in the license status of
1733 licensees whose fingerprints are retained under subsection (2).

1734 (4) The commission shall request the Department of Law
1735 Enforcement to forward the fingerprints to the Federal Bureau of
1736 Investigation for a national criminal history records check
1737 every 3 years following issuance of a license. If the
1738 fingerprints of a person who is licensed have not been retained
1739 by the Department of Law Enforcement, the person must file
1740 another set of fingerprints. The commission shall collect the

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1741 fees for the cost of the national criminal history record check
1742 under this subsection and shall forward the payment to the
1743 Department of Law Enforcement. The cost of processing
1744 fingerprints and conducting a criminal history record check
1745 under this paragraph shall be borne by the licensee or
1746 applicant. The Department of Law Enforcement may submit an
1747 invoice to the commission for the fingerprints submitted each
1748 month. Under penalty of perjury, each person who is licensed or
1749 who is fingerprinted as required by this section must agree to
1750 inform the commission within 48 hours if he or she is convicted
1751 of or has entered a plea of guilty or nolo contendere to any
1752 disqualifying offense, regardless of adjudication.

1753 Section 26. Compulsive or addictive gambling prevention
1754 program.—

1755 (1) A resort licensee shall offer training to employees on
1756 responsible gaming and shall work with a compulsive or addictive
1757 gambling prevention program to recognize problem gaming
1758 situations and to implement responsible gaming programs and
1759 practices.

1760 (2) The commission shall, subject to competitive bidding,
1761 contract for services relating to the prevention of compulsive
1762 and addictive gambling. The contract shall provide for an
1763 advertising program to encourage responsible gaming practices
1764 and to publicize a gambling telephone help line. Such
1765 advertisements must be made both publicly and inside the
1766 resort's limited gaming facility. The terms of any contract for
1767 such services shall include accountability standards that must
1768 be met by any private provider. The failure of any private
1769 provider to meet any material terms of the contract, including

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1770 the accountability standards, constitutes a breach of contract
1771 or is grounds for nonrenewal. The commission may consult with
1772 the Department of the Lottery or the Department of Business and
1773 Professional Regulation in the development of the program and
1774 the development and analysis of any procurement for contractual
1775 services for the compulsive or addictive gambling prevention
1776 program.

1777 (3) The compulsive or addictive gambling prevention program
1778 shall be funded from an annual nonrefundable regulatory fee of
1779 \$250,000 paid by each resort licensee to the commission.

1780 Section 27. Suppliers' licenses.-

1781 (1) A person must have a supplier's license in order to
1782 furnish on a regular or continuing basis to a resort licensee or
1783 an applicant for a resort license gaming equipment, devices, or
1784 supplies or other goods or services regarding the realty,
1785 construction, maintenance, or business of a proposed or existing
1786 resort facility. This requirement includes, but is not limited
1787 to, junket enterprises, security businesses, manufacturers,
1788 distributors, persons who service gaming devices or equipment,
1789 garbage haulers, maintenance companies, food purveyors, and
1790 construction companies.

1791 (2) An applicant for a supplier's license must apply to the
1792 commission on forms adopted by the commission by rule. The
1793 licensing fee for the initial and annual renewal of the license
1794 is \$5,000.

1795 (3) An applicant for a supplier's license must include in
1796 the application the fingerprints of the persons identified by
1797 commission rule for the processing of state and national
1798 criminal history record checks.

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- 1799 (4) (a) An applicant for a supplier's license is not
1800 eligible for licensure if:
- 1801 1. A person for whom fingerprinting is required under
1802 subsection (3) has been convicted of a felony under the laws of
1803 this or any other state or the United States;
- 1804 2. The applicant knowingly submitted false information in
1805 the application for a supplier's license;
- 1806 3. The applicant is a member of the commission;
- 1807 4. The applicant is not a natural person and an officer,
1808 director, or managerial employee of that person is a person
1809 defined in subparagraphs 1.-3.;
- 1810 5. The applicant is not a natural person and an employee of
1811 the applicant participates in the management or operation of
1812 limited gaming authorized under the Resort Act; or
- 1813 6. The applicant has had a license to own or operate a
1814 resort facility or pari-mutuel facility in this or a similar
1815 license in any other jurisdiction revoked.
- 1816 (b) The commission may revoke a supplier's license at any
1817 time it determines that the licensee no longer satisfies the
1818 eligibility requirements in this subsection.
- 1819 (5) The commission may deny an application for a supplier's
1820 license for any person:
- 1821 (a) Who is not qualified to perform the duties required of
1822 the applicant;
- 1823 (b) Who fails to disclose information or knowingly submits
1824 false information in the application;
- 1825 (c) Who has violated the Resort Act or rules of the
1826 commission; or
- 1827 (d) Who has had a gaming-related license or application

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1828 suspended, restricted, revoked, or denied for misconduct in any
1829 other jurisdiction.

1830 (6) A supplier licensee shall:

1831 (a) Furnish to the commission a list of all gaming
1832 equipment, devices, and supplies it offers for sale or lease in
1833 connection with limited gaming authorized in the Resort Act;

1834 (b) Keep books and records documenting the furnishing of
1835 gaming equipment, devices, and supplies to resort licensees
1836 separate and distinct from any other business that the supplier
1837 operates;

1838 (c) File quarterly returns with the commission listing all
1839 sales or leases of gaming equipment, devices, or supplies to
1840 resort licensees;

1841 (d) Permanently affix its name to all gaming equipment,
1842 devices, or supplies sold or leased to licensees; and

1843 (e) File an annual report listing its inventories of gaming
1844 equipment, devices, and supplies.

1845 (7) All gaming devices, equipment, or supplies furnished by
1846 a licensed supplier must conform to standards adopted by
1847 commission rule.

1848 (8) (a) The commission may suspend, revoke, or restrict the
1849 supplier's license of a licensee:

1850 1. Who violates the Resort Act or the rules of the
1851 commission; or

1852 2. Who defaults on the payment of any obligation or debt
1853 due to this state or a county.

1854 (b) The commission must revoke the supplier's license of a
1855 licensee for any cause that, if known to the commission, would
1856 have disqualified the applicant from receiving a license.

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1857 (9) A supplier's licensee may repair gaming equipment,
1858 devices, or supplies in a facility owned or leased by the
1859 licensee.

1860 (10) Gaming devices, equipment, or supplies owned by a
1861 supplier's licensee which are used in an unauthorized gaming
1862 operation shall be forfeited to the county where the equipment
1863 is found.

1864 (11) The commission may revoke the license or deny the
1865 application for a supplier's license of a person who fails to
1866 comply with this section.

1867 (12) A person who knowingly makes a false statement on an
1868 application for a supplier's license commits a misdemeanor of
1869 the first degree, punishable as provided in s. 775.082 or s.
1870 775.083, Florida Statutes.

1871 Section 28. Occupational licenses.-

1872 (1) The Legislature finds that, due to the nature of their
1873 employment, some gaming employees require heightened state
1874 scrutiny, including licensing and criminal history record
1875 checks.

1876 (2) Any person who desires to be a gaming employee and has
1877 a bona fide offer of employment from a licensed gaming entity
1878 shall apply to the commission for an occupational license. A
1879 person may not be employed as a gaming employee unless that
1880 person holds an appropriate occupational license issued under
1881 this section. The commission may adopt rules to reclassify a
1882 category of nongaming employees or gaming employees upon a
1883 finding that the reclassification is in the public interest and
1884 consistent with the objectives of the Resort Act.

1885 (3) An applicant for an occupational license must apply to

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1886 the commission on forms adopted by the commission by rule. An
1887 occupational license is valid for 1 year following issuance. The
1888 application must be accompanied by the licensing fee set by the
1889 commission. The licensing fee may not exceed \$50 for an employee
1890 of a resort licensee.

1891 (a) The applicant shall set forth in the application
1892 whether the applicant:

1893 1. Has been issued a gaming-related license in any
1894 jurisdiction.

1895 2. Has been issued a gaming-related license in any other
1896 jurisdiction under any other name and, if so, the name and the
1897 applicant's age at the time of licensure.

1898 3. Has had a permit or license issued by another
1899 jurisdiction suspended, restricted, or revoked and, if so, for
1900 what period of time.

1901 (b) An applicant for an occupational license must include
1902 his or her fingerprints in the application.

1903 (4) To be eligible for an occupational license, an
1904 applicant must:

1905 (a) Be at least 21 years of age to perform any function
1906 directly relating to limited gaming by patrons;

1907 (b) Be at least 18 years of age to perform nongaming
1908 functions;

1909 (c) Not have been convicted of a felony or a crime
1910 involving dishonesty or moral turpitude in any jurisdiction; and

1911 (d) Meet the standards for the occupational license as
1912 provided in commission rules.

1913 (5) The commission must deny an application for an
1914 occupational license for any person:

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1915 (a) Who is not qualified to perform the duties required of
 1916 the applicant;

1917 (b) Who fails to disclose or knowingly submits false
 1918 information in the application;

1919 (c) Who has violated the Resort Act; or

1920 (d) Who has had a gaming-related license or application
 1921 suspended, restricted, revoked, or denied in any other
 1922 jurisdiction.

1923 (6) (a) The commission may suspend, revoke, or restrict the
 1924 occupational license of a licensee:

1925 1. Who violates the Resort Act or the rules of the
 1926 commission;

1927 2. Who defaults on the payment of any obligation or debt
 1928 due to this state or a county; or

1929 3. For any just cause.

1930 (b) The commission shall revoke the occupational license of
 1931 a licensee for any cause that, if known to the commission, would
 1932 have disqualified the applicant from receiving a license.

1933 (7) Any training provided for an occupational licensee may
 1934 be conducted in the facility of a resort licensee or at a school
 1935 with which the resort licensee has entered into an agreement for
 1936 that purpose.

1937 (8) A person who knowingly makes a false statement on an
 1938 application for an occupational license commits a misdemeanor of
 1939 the first degree, punishable as provided in s. 775.082 or s.
 1940 775.083, Florida Statutes.

1941 Section 29. Temporary supplier's license; temporary
 1942 occupational license.-

1943 (1) Upon the written request of an applicant for a

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1944 supplier's license or an occupational license, the executive
1945 director shall issue a temporary license to the applicant and
1946 permit the applicant to undertake employment with or provide
1947 gaming equipment, devices, or supplies or other goods or
1948 services to a resort licensee or an applicant for a resort
1949 license if:

1950 (a) The applicant has submitted a completed application, an
1951 application fee, all required disclosure forms, and other
1952 required written documentation and materials;

1953 (b) A preliminary review of the application and the
1954 criminal history record check does not reveal that the applicant
1955 or a person subject to a criminal history record check has been
1956 convicted of a crime that would require denial of the
1957 application;

1958 (c) A deficiency does not appear to exist in the
1959 application which may require denial of the application; and

1960 (d) The applicant has an offer of employment from, or an
1961 agreement to begin providing gaming devices, equipment, or
1962 supplies or other goods and services to, a resort licensee or an
1963 applicant for a resort license, or the applicant for a temporary
1964 license shows good cause for being granted a temporary license.

1965 (2) A temporary occupational license or supplier's license
1966 may not be valid for more than 90 days.

1967 (3) An applicant who receives a temporary license may
1968 undertake employment with or supply a resort licensee with
1969 gaming devices, equipment, or supplies or other goods or
1970 services until a license is issued or denied or until the
1971 temporary license expires or is suspended or revoked.

1972 Section 30. Quarterly report.—The commission shall file

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1973 quarterly reports with the Governor, the President of the
1974 Senate, and the Speaker of the House of Representatives covering
1975 the previous fiscal quarter. The report must include:

1976 (1) A statement of receipts and disbursements related to
1977 limited gaming;

1978 (2) A summary of disciplinary actions taken by the
1979 commission; and

1980 (3) Any additional information and recommendations that the
1981 commission believes may improve the regulation of limited gaming
1982 or increase the economic benefits of limited gaming to this
1983 state.

1984 Section 31. Hearings by the commission.-

1985 (1) The chair of the commission may participate in any
1986 proceeding pending before the commission when administrative
1987 duties and time permit. In order to distribute the workload and
1988 expedite the commission's calendar, the chair, in addition to
1989 other administrative duties, may assign the various proceedings
1990 pending before the commission requiring hearings to two or more
1991 commissioners. Only those commissioners assigned to a proceeding
1992 requiring hearings may participate in the final decision of the
1993 commission as to that proceeding. However, if only two
1994 commissioners are assigned to a proceeding requiring a hearing
1995 and they cannot agree on a final decision, the chair shall cast
1996 the deciding vote for final disposition of the proceeding. If
1997 more than two commissioners are assigned to any proceeding, a
1998 majority of the members assigned shall constitute a quorum and a
1999 majority vote of the members assigned shall be essential to
2000 final commission disposition of those proceedings. If a
2001 commissioner becomes unavailable after assignment to a

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2002 particular proceeding, the chair must assign a substitute
2003 commissioner. A petition for reconsideration must be voted upon
2004 by those commissioners participating in the final disposition of
2005 the proceeding.

2006 (2) A majority of the commissioners may determine that the
2007 full commission will sit in any proceeding. Any party to a
2008 proceeding may file a petition requesting that the proceeding be
2009 assigned to the full commission. Within 15 days after receipt by
2010 the commission of any petition, the full commission must dispose
2011 of such petition by majority vote and render a written decision
2012 before the matter may be heard by less than the full commission.

2013 (3) This section does not prohibit a commissioner
2014 designated by the chair from conducting a hearing as provided
2015 under ss. 120.569 and 120.57(1), Florida Statutes, and the rules
2016 of the commission.

2017 Section 32. Resolution of disputes between licensees and
2018 patrons.-

2019 (1) Whenever a resort licensee has a dispute with a patron
2020 which is not resolved to the satisfaction of the patron and
2021 involves:

2022 (a) Alleged winnings, alleged losses, or the award or
2023 distribution of cash, prizes, benefits, tickets, or any other
2024 item or items in a game, tournament, contest, drawing,
2025 promotion, race, or similar activity or event; or

2026 (b) The manner in which a game, tournament, contest,
2027 drawing, promotion, race, or similar activity or event was
2028 conducted,

2029
2030 the licensee must immediately notify the commission of the

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2031 dispute if the amount disputed is \$500 or more. If the dispute
2032 involves an amount less than \$500, the licensee must immediately
2033 notify the patron of his or her right to file a complaint with
2034 the commission.

2035 (2) Upon notice of a dispute or receipt of a complaint, the
2036 commission shall conduct any investigation it deems necessary
2037 and may order the licensee to make a payment to the patron upon
2038 a finding that the licensee is liable for the disputed amount.
2039 The decision of the commission is effective on the date the
2040 aggrieved party receives notice of the decision. Notice of the
2041 decision is deemed sufficient if it is mailed to the last known
2042 address of the licensee and the patron. The notice is deemed to
2043 have been received by the resort licensee or the patron 5 days
2044 after it is deposited with the United States Postal Service with
2045 postage prepaid.

2046 (3) The failure of a resort licensee to notify the
2047 commission of the dispute or the patron of the right to file a
2048 complaint is grounds for disciplinary action.

2049 Section 33. Enforcement of credit instruments.—

2050 (1) A credit instrument and the debt that instrument
2051 represents are valid and may be enforced by legal process.

2052 (2) A resort licensee may accept an incomplete credit
2053 instrument that:

2054 (a) Is signed by the patron; and

2055 (b) States the amount of the debt in numbers, and may
2056 complete the instrument as is necessary for the instrument to be
2057 presented for payment.

2058 (3) A resort licensee may accept a credit instrument that
2059 is payable to an affiliate or may complete a credit instrument

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2060 payable to an affiliate if the credit instrument otherwise
2061 complies with this section and the records of the affiliate
2062 pertaining to the credit instrument are made available to the
2063 commission upon request.

2064 (4) A resort licensee may accept a credit instrument
2065 before, during, or after the patron incurs the debt. The credit
2066 instrument and the debt that the instrument represents are
2067 enforceable without regard to whether the credit instrument was
2068 accepted before, during, or after the incurring of the debt.

2069 (5) This section does not prohibit the establishment of an
2070 account by a deposit of cash, recognized traveler's check, or
2071 any other instrument that is equivalent to cash.

2072 (6) If a credit instrument is lost or destroyed, the debt
2073 represented by the credit instrument may be enforced if the
2074 resort licensee or person acting on behalf of the licensee can
2075 prove the existence of the credit instrument.

2076 (7) The existence of a mental disorder in a patron who
2077 provides a credit instrument to a resort licensee:

2078 (a) Is not a defense in any action by a resort licensee to
2079 enforce a credit instrument or the debt that the credit
2080 instrument represents.

2081 (b) Is not a valid counterclaim in an action to enforce the
2082 credit instrument or the debt that the credit instrument
2083 represents.

2084 (8) The failure of a resort licensee to comply with the
2085 provisions of this section or commission rules does not
2086 invalidate a credit instrument or affect its ability to enforce
2087 the credit instrument or the debt that the credit instrument
2088 represents.

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2089 (9) The commission may adopt rules prescribing the
2090 conditions under which a credit instrument may be redeemed or
2091 presented to a bank or credit union for collection or payment.

2092 Section 34. Voluntary self-exclusion from a limited gaming
2093 facility.-

2094 (1) A person may request that he or she be excluded from
2095 limited gaming facilities in this state by personally submitting
2096 a Request for Voluntary Self-exclusion from Limited Gaming
2097 Facilities Form to the commission. The form must require the
2098 person requesting exclusion to:

2099 (a) State his or her:

2100 1. Name, including any aliases or nicknames;

2101 2. Date of birth;

2102 3. Current residential address;

2103 4. Telephone number;

2104 5. Social security number; and

2105 6. Physical description, including height, weight, gender,
2106 hair color, eye color, and any other physical characteristic
2107 that may assist in the identification of the person.

2108
2109 A self-excluded person must update the information in this
2110 paragraph on forms supplied by the commission within 30 days
2111 after any change.

2112 (b) Select one of the following as the duration of the
2113 self-exclusion:

2114 1. One year.

2115 2. Five years.

2116 3. Lifetime.

2117 (c) Execute a release in which the person:

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- 2118 1. Acknowledges that the request for exclusion has been
2119 made voluntarily.
- 2120 2. Certifies that the information provided in the request
2121 for self-exclusion is true and correct.
- 2122 3. Acknowledges that the individual requesting self-
2123 exclusion is a problem gambler.
- 2124 4. Acknowledges that a person requesting a lifetime
2125 exclusion will not be removed from the self-exclusion list and
2126 that a person requesting a 1-year or 5-year exclusion will
2127 remain on the self-exclusion list until a request for removal is
2128 approved by the commission.
- 2129 5. Acknowledges that, if the individual is discovered on
2130 the gaming floor of a limited gaming facility, the individual
2131 may be removed and may be arrested and prosecuted for criminal
2132 trespass.
- 2133 6. Releases, indemnifies, holds harmless, and forever
2134 discharges the state, commission, and all licensees from any
2135 claims, damages, losses, expenses, or liability arising out of,
2136 by reason of, or relating to the self-excluded person or to any
2137 other party for any harm, monetary or otherwise, which may arise
2138 as a result of one or more of the following:
- 2139 a. The failure of a resort licensee to withhold gaming
2140 privileges or restore gaming privileges to a self-excluded
2141 person.
- 2142 b. Permitting or prohibiting a self-excluded person from
2143 engaging in gaming activity in a limited gaming facility.
- 2144 (2) A person submitting a self-exclusion request must
2145 present to the commission a government-issued form of
2146 identification containing the person's signature.

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2147 (3) The commission shall take a photograph of a person
2148 requesting self-exclusion at the time the person submits a
2149 request for self-exclusion.

2150 Section 35. Section 849.15, Florida Statutes, is amended to
2151 read:

2152 849.15 Manufacture, sale, possession, etc., of coin-
2153 operated devices prohibited.—

2154 (1) It is unlawful:

2155 (a) To manufacture, own, store, keep, possess, sell, rent,
2156 lease, let on shares, lend or give away, transport, or expose
2157 for sale or lease, or to offer to sell, rent, lease, let on
2158 shares, lend or give away, or permit the operation of, or for
2159 any person to permit to be placed, maintained, or used or kept
2160 in any room, space, or building owned, leased or occupied by the
2161 person or under the person's management or control, any slot
2162 machine or device or any part thereof; or

2163 (b) To make or to permit to be made with any person any
2164 agreement with reference to any slot machine or device, pursuant
2165 to which the user thereof, as a result of any element of chance
2166 or other outcome unpredictable to him or her, may become
2167 entitled to receive any money, credit, allowance, or thing of
2168 value or additional chance or right to use such machine or
2169 device, or to receive any check, slug, token or memorandum
2170 entitling the holder to receive any money, credit, allowance or
2171 thing of value.

2172 (2) Pursuant to section 2 of that chapter of the Congress
2173 of the United States entitled "An act to prohibit transportation
2174 of gaming devices in interstate and foreign commerce," approved
2175 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also

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2176 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
2177 acting by and through the duly elected and qualified members of
2178 its Legislature, does hereby in this section, and in accordance
2179 with and in compliance with the provisions of section 2 of such
2180 chapter of Congress, declare and proclaim that any county of the
2181 State of Florida within which slot machine gaming is authorized
2182 pursuant to the Destination Resort Act, sections 3 through 35 of
2183 this act or chapter 551 is exempt from the provisions of section
2184 2 of that chapter of the Congress of the United States entitled
2185 "An act to prohibit transportation of gaming devices in
2186 interstate and foreign commerce," designated as 15 U.S.C. ss.
2187 1171-1177, approved January 2, 1951. All shipments of gaming
2188 devices, including slot machines, into any county of this state
2189 within which slot machine gaming is authorized pursuant to the
2190 Destination Resort Act, sections 3 through 35 of this act or
2191 chapter 551 and the registering, recording, and labeling of
2192 which have been duly performed by the manufacturer or
2193 distributor thereof in accordance with sections 3 and 4 of that
2194 chapter of the Congress of the United States entitled "An act to
2195 prohibit transportation of gaming devices in interstate and
2196 foreign commerce," approved January 2, 1951, being ch. 1194, 64
2197 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,
2198 shall be deemed legal shipments thereof into this state provided
2199 the destination of such shipments is an eligible facility as
2200 defined in s. 551.102, ~~or~~ the facility of a slot machine
2201 manufacturer or slot machine distributor as provided in s.
2202 551.109(2)(a), or the facility of a resort licensee or supplier
2203 licensee under the Destination Resort Act, sections 3 through 35
2204 of this act.

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2205 Section 36. Section 849.231, Florida Statutes, is amended
2206 to read:

2207 849.231 Gambling devices; manufacture, sale, purchase or
2208 possession unlawful.—

2209 (1) Except in instances when the following described
2210 implements or apparatus are being held or transported by
2211 authorized persons for the purpose of destruction, as
2212 hereinafter provided, and except in instances when the following
2213 described instruments or apparatus are being held, sold,
2214 transported, or manufactured by persons who have registered with
2215 the United States Government pursuant to the provisions of Title
2216 15 of the United States Code, ss. 1171 et seq., as amended, so
2217 long as the described implements or apparatus are not displayed
2218 to the general public, sold for use in Florida, or held or
2219 manufactured in contravention of the requirements of 15 U.S.C.
2220 ss. 1171 et seq., it shall be unlawful for any person to
2221 manufacture, sell, transport, offer for sale, purchase, own, or
2222 have in his or her possession any roulette wheel or table, faro
2223 layout, crap table or layout, chemin de fer table or layout,
2224 chuck-a-luck wheel, bird cage such as used for gambling, bolita
2225 balls, chips with house markings, or any other device,
2226 implement, apparatus, or paraphernalia ordinarily or commonly
2227 used or designed to be used in the operation of gambling houses
2228 or establishments, excepting ordinary dice and playing cards.

2229 (2) In addition to any other penalties provided for the
2230 violation of this section, any occupational license held by a
2231 person found guilty of violating this section shall be suspended
2232 for a period not to exceed 5 years.

2233 (3) This section and s. 849.05 do not apply to a vessel of

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2234 foreign registry or a vessel operated under the authority of a
2235 country except the United States, while docked in this state or
2236 transiting in the territorial waters of this state.

2237 (4) This section does not apply to limited gaming as
2238 authorized by the Destination Resort Act, sections 3 through 35
2239 of this act.

2240 Section 37. Section 849.25, Florida Statutes, is amended to
2241 read:

2242 849.25 "Bookmaking" defined; penalties; exceptions.—

2243 (1) (a) The term "bookmaking" means the act of taking or
2244 receiving, while engaged in the business or profession of
2245 gambling, any bet or wager upon the result of any trial or
2246 contest of skill, speed, power, or endurance of human, beast,
2247 fowl, motor vehicle, or mechanical apparatus or upon the result
2248 of any chance, casualty, unknown, or contingent event
2249 whatsoever.

2250 (b) The following factors shall be considered in making a
2251 determination that a person has engaged in the offense of
2252 bookmaking:

2253 1. Taking advantage of betting odds created to produce a
2254 profit for the bookmaker or charging a percentage on accepted
2255 wagers.

2256 2. Placing all or part of accepted wagers with other
2257 bookmakers to reduce the chance of financial loss.

2258 3. Taking or receiving more than five wagers in any single
2259 day.

2260 4. Taking or receiving wagers totaling more than \$500 in
2261 any single day, or more than \$1,500 in any single week.

2262 5. Engaging in a common scheme with two or more persons to

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2263 take or receive wagers.

2264 6. Taking or receiving wagers on both sides on a contest at
2265 the identical point spread.

2266 7. Any other factor relevant to establishing that the
2267 operating procedures of such person are commercial in nature.

2268 (c) The existence of any two factors listed in paragraph
2269 (b) may constitute prima facie evidence of a commercial
2270 bookmaking operation.

2271 (2) Any person who engages in bookmaking commits ~~shall be~~
2272 ~~guilty of~~ a felony of the third degree, punishable as provided
2273 in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding the
2274 provisions of s. 948.01, any person convicted under the
2275 provisions of this subsection shall not have adjudication of
2276 guilt suspended, deferred, or withheld.

2277 (3) Any person who has been convicted of bookmaking and
2278 thereafter violates the provisions of this section commits ~~shall~~
2279 ~~be guilty of~~ a felony of the second degree, punishable as
2280 provided in s. 775.082, s. 775.083, or s. 775.084.

2281 Notwithstanding the provisions of s. 948.01, any person
2282 convicted under the provisions of this subsection shall not have
2283 adjudication of guilt suspended, deferred, or withheld.

2284 (4) Notwithstanding the provisions of s. 777.04, any person
2285 who is guilty of conspiracy to commit bookmaking is ~~shall be~~
2286 subject to the penalties imposed by subsections (2) and (3).

2287 (5) This section does ~~shall~~ not apply to pari-mutuel
2288 wagering in Florida as authorized under chapter 550.

2289 (6) This section does ~~shall~~ not apply to any prosecutions
2290 filed and pending at the time of the passage hereof, but all
2291 such cases shall be disposed of under existing laws at the time

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2292 of the institution of such prosecutions.

2293 (7) This section does not apply to limited gaming as
2294 authorized in the Destination Resort Act, sections 3 through 35
2295 of this act.

2296 Section 38. This act shall take effect July 1, 2011.